## Contents

*List of contributors* ix  
*Foreword: some reflections on the evolution of economic and financial crimes* by Michael Levi xxviii  
*Introduction* by Barry Rider xxxvii  
*Table of cases* xlii  

### PART I THE NATURE AND CHARACTERISTICS OF ECONOMIC AND FINANCIAL CRIME

1. The characteristics of economic crime and criminals  
   *William Tupman* 3  
2. The concept of fraud: a comparative analysis  
   *Gilbert Crentsil* 15  
3. Financial crime: a historical perspective  
   *George Gilligan* 32  
4. Internationalization of crime and technology  
   *Peter M. German* 42  
5. Crimes of the powerful and legitimization  
   *Leonid Fituni and Irina Abramova* 51  

### PART II THE ENTERPRISE OF CRIME

6. Organized economic crime  
   *Shima D. Keene* 65  
7. Trafficking crimes  
   *Frank G. Madsen* 75  
8. Economic crime and terror: spinning a web of greed and fear  
   *Shazeeda A. Ali* 86  

### PART III BUSINESS CRIME

9. The misuse and abuse of the corporate form  
   *Hans Tjio* 103  
10. Anti-money laundering regime in Hong Kong  
    *Mark R.C. Sutherland* 113  
11. Unfair competition and crime  
    *Shirley Quo* 125  
12. Transparency and responsibility: recent developments in the regulation of hedge funds in the US and the EU  
    *Thomas R. Hurst* 144
vi Research handbook on international financial crime

13 Corporate governance and responsibility
   Chizu Nakajima

14 Good corporate governance and corporate social responsibility in
   Indonesian banking institutions: a pathway to preventing financial crime
   A. Suhartati Lukito

15 Fiduciary duty of loyalty
   Cindy A. Schipani

16 Corporate criminal responsibility: a South African perspective
   Johan Henning and Mignon Hauman

17 Insolvency-related crime
   Laura Atherton and Nadia Saleh

PART IV THE FINANCIAL SECTOR AT RISK

18 Engendering confidence in the financial system – challenges and
   observations
   Jackie Harvey

19 The financial crisis, economic crime and development
   John Jeremie

20 Responsibility and accountability in the financial sector
   Graeme Baber

21 A new era of sentencing insider crimes
   Rita Cheung

22 Regulation of insider dealing in China from the perspective of protecting
   the integrity of the capital markets
   Zhen Ye

23 Compliance issues in the financial sector
   Dayanath Jayasuriya

24 Compliance – the risks and obligations
   Stuart Bazley

25 Practicalities of financial crime deterrence
   Richard Parlour

PART V FRAUD

26 Fraud in civil and criminal law
   Jonathan Fisher

27 Fraud and restitution
   David Hayton

28 Theory of fraud in French law: fraus omnia corrumpit – old law, new
   opportunities?
   Catherine Pédamon

29 The concept of fraud in Islamic law
   Siti Faridah Abdul Jabbar and Asma Hakimah Ab Halim

30 Computer related fraud
   Jonathan Clough
PART VI CORRUPTION

31 The legal mechanisms to control bribery and corruption
Nicholas Ryder

32 Corruption – new strategies
Jesper Johnsen

33 Corruption and international development assistance
Ingrida Kerasaikaite

34 Corruption in China
Li Hong Xing, Xuebin Li and Enze Liu

35 Corruption and public policy in post-conflict states
Matthew Glanville

PART VII THE PROCEEDS OF FINANCIAL AND ECONOMIC CRIME

36 The pursuit of criminal property
Richard Alexander

37 Confiscation and forfeiture
Kenneth Murray

38 Money laundering offences
Jeffrey Bryant

39 Money laundering and the consent regime in the United Kingdom – time for change?
Andrew Campbell and Elise Campbell

40 Civil asset recovery: the American experience
Stefan D. Cassella

41 The management of information in the context of suspected money laundering cases
Alan Bacaresse, Kenneth Levy and Hari Mulukutla

42 Anti-money laundering measures and the effectiveness question
Louis de Koker and Mark Turkington

43 AML: maintaining the balance between controlling serious crime and human rights
M. Michelle Gallant

44 The regulation of the financing of terrorism
Fletcher N. Baldwin

PART VIII ENFORCEMENT AND CONTROL

45 The traditional criminal justice system: its efficacy in dealing with financial and economically motivated crime
David Fitzpatrick

46 The management of complex fraud cases
David Kirk
Defending individuals charged with white collar crimes – challenges and strategies
Kathryn Arnott Drummond

Protecting the whistleblower
Anona Armstrong and Ronald D. Francis

Rewards for whistleblowing
Caroline Bradley

Auditors and fraud detection: an elusive role?
Maria Krambia-Kapardis

Control liability and compliance: tools for controlling financial crime
Christopher Stears

Disruption of crime and the use of intelligence
David Johnston

Extradition
Colin Wells and Emma Stuart-Smith

International co-operation in fighting financial crime
John Reading

The International Criminal Court and financial crime
Jessie Ingle

Offshore issues in policing financial crime
John L. Masters

Civil enforcement in the United States securities and banking industries
Arthur Middlemiss, Hillary Rosenberg and Chiara Spector-Naranjo

The practical issues in tracing and freezing in the context of civil recovery proceedings
Peter Gray and Nooree Moola

Disqualification of those engaged in the management of companies and financial institutions
Adrian Walters

Strategic tools – for now and perhaps the future?
Barry Rider

Name index

Subject index