

INTERNATIONAL MONEY LAUNDERING, CORRUPTION AND TERRORISM

Course # 6521-LL (Thursday night in Lerner 201)

Spring 2024

3 Credit Hours

Lecturers: Jack D. Smith, Thomas Lasich and Z. Scott Birdwell

Class Policies and Syllabus

I. Introduction

Welcome to *International Money Laundering, Corruption and Terrorism*. In our increasingly globalized world, an increasing number of attorneys are needed to advise business, government and NGO clients regarding compliance with international and domestic laws enacted to thwart money laundering, corruption and terrorism. These laws are widely recognized as essential to the stability and security of modern civilized societies, and client violations carry severe penalties.

Despite several trillion dollars in foreign development aid over the past 70 years, 1.2 billion people in 111 developing countries still live in acute multidimensional poverty. Climate change and one-offs like the Covid-19 Pandemic and war in Ukraine exacerbate the situation. Corruption is a central driver of poverty as well as multiple other afflictions from joblessness and growing inequalities of income to environmental calamities and violent conflicts around the globe. An estimated \$2.6 trillion is lost through corruption – over 3 per cent of the global GDP.

Corrupt officials conceal their illicit gains by laundering money through financial centers around the world. Proliferators of weapons of mass destruction, terrorist and criminal organizations all use the same techniques to hide funding sources and the nature of their activities from authorities. Accordingly, the crime prevention strategies against these threats have been converging. The aim is to attack wrongdoers through their financial activities and use financial trails to identify the various components of their networks.

Anti-money laundering techniques and asset tracing are therefore critical not just to undermine international criminal enterprises such as the drug trade and human trafficking, but also to undercut global corruption and terrorism. This course examines both the criminal and civil mechanisms available to counter these crimes.

II. Course Learning Outcomes

Students will learn to work with foundational international and US laws and regulations used to combat money laundering, corruption, and terrorism on the global stage. They will acquire a basic proficiency in uncovering and organizing evidence using tools of financial investigation, international collaboration and assistance, and asset recovery by unraveling 70 pieces of evidence in a complex corruption/money laundering case laid out in an exciting five-week computerized gaming exercise.

III. Logistics

We meet on Thursdays from 6:00 p.m. to 9:05 p.m. in Lerner 201 from January 11, 2024 to April 11, 2024. There will be no class on March 14 (Spring break). Lectures will be conducted live or online in accordance with Law School announced procedures, and students are expected to attend all sessions.

IV. Materials

As much as possible, course materials will be available online. There is no single book that adequately addresses the three course areas. Students will become familiar with the same tools used by practitioners by accessing online documents posted by government and international organizations. Assigned readings can be accessed through legal resources such as Westlaw or the internet links provided in the syllabus. A few readings are not accessible online, and those are provided to students in a downloadable folder. **Please have your laptops available during each class to access materials online and participate in the *Simulated Case Exercise*.**

Nine hours of class time will be devoted to an interactive *Simulated Case Exercise* that guides students through the basics of money laundering, corruption violations and Mutual Legal Assistance (MLA) by working through the steps of a hypothetical financial investigation. **Students will use their laptops** to follow a money trail involving 70 pieces of documentary evidence and hundreds of banking transactions. This will involve the analysis of voluminous financial data, assembling numerous pieces of testimonial and documentary information and organizing the evidence into a basic Investigative File Inventory useful in preparation for trial.

V. Evaluation

Collaborative skills are essential for international corruption hunters, and all students will be required to work together in 4-5 person teams to solve the simulated case. After completion of the exercise, the teams will disband and each student will prepare a Midterm paper in a format useful for attorneys in preparation for trial that organizes the evidence to prove-up money laundering violations and enable forfeitures of criminal proceeds. The papers will be due on **March 6, 2024**, 13 days after the conclusion of the *Simulated Case Exercise*. Each paper must be based on individual effort without further collaboration, and the grades will count for 35% of the final course grade. The remaining 65% of the course grade will be based upon an essay-type, open-source, take-home final examination for which you will be allowed 12 days to complete (**April 19 – April 30**).

VI. Office Hours

As we do not maintain physical offices at the University, students can meet with the professors in person only by appointment or online. The professors can be reached as follows:

- Prof. Lasich by phone at 912-266-3144 and by email at tlasich@law.gwu.edu.
- Prof. Smith by phone at 610-566-3815 and by email at jdsmith9@law.gwu.edu.
- Prof. Birdwell by phone at 703-896-0558 and by email at zsbirdwell@gmail.com

VII. Course Policies:

- **Academic Integrity Policy:** Students must strictly adhere to the GW Law School's Academic Integrity Code, Law School publication Citing Responsibly, and the University's Code of Student Conduct. At the time the examination is completed, each student must provide a signed Pledge of Honesty.
- **Class Attendance:** As reflected in the GW Law School Bulletin, "[r]egular class attendance is required and is necessary for successful work. A student who is deficient in class attendance or participation will, after the instructor or Dean of Students attempts to communicate with the student, have a grade of No Credit (NC) entered on the record absent an excuse. (Here, as elsewhere in the Bulletin, email correspondence to a student's official Law School email address is one fully acceptable means for student notification.) No excuse for deficient attendance or participation will be granted except by the Dean of Students Office and then only upon proof of unexpected serious illness, injury, or other emergency. A student whose excuse is accepted by the Dean of Students Office will be withdrawn administratively from the course." (GW Law School Bulletin).
- **Class Participation:** Students will be expected to collaborate fully with their team members during the *Simulated Case Exercise*, and they may be assigned to make short presentations on issues or cases. Participation in class discussions is expected and encouraged, but will not receive extra credit of any sort.
- **Disability Support Services:** Any student who may need an accommodation based on the potential impact of a disability should contact the University's Disability Support Services Office (DSS) at: 202-994-8250 located in Rome Hall, Suite 102, to establish eligibility. Once a student is registered and deemed eligible for accommodation, they should then contact the Dean of Students Office at dss_support@law.gwu.edu to arrange for a meeting to review the Law School's Policies and Procedures regarding the implementation of academic accommodations (e.g., audio note-taking assistance, assistive technologies, etc.). For additional information please refer to the Law School's Disability Support Services information page, <https://www.law.gwu.edu/disability-support-services>. Law School examination protocol calls for anonymous grading. Students should not disclose eligibility for or receipt of exam accommodations to their instructor. Students enrolled in interdisciplinary programs should be aware that protocols implementing accommodations for a given course will differ based upon which GW Division is offering the course. Should you have a question about a law course, please contact the Dean of Students Office: deanofstudents@law.gwu.edu.
- **Recording of Classes:** The Law School's "Class Recording Policy," is available at <https://www.law.gwu.edu/class-recording-policy>. Sessions of this class are not automatically recorded. Students may email in advance for a class to be recorded if they have one of the "Pre-Approved Reasons" listed in Para II(B) such as religious observances, family emergencies, and other authorized absences. Requests for recording and questions about the policy may be directed to the class professors or Dean of Students Office (deanofstudents@law.gwu.edu). Please remember that "recordings made for student use are intended to allow for review of classroom presentations and discussions by students who were absent from the relevant class or receive recordings as part of an

accommodation. Any other use, whether by students or others, is strictly prohibited without the prior, express permission of the relevant instructor. Only the student on whose behalf a request for recording for a pre-approved reason was made (pre-approved reasons for recording are set forth at III(A)), will be granted access to that recording, except that the Office of the Dean of Students or the class professor has authority to authorize others to view an existing recording for any pre-approved reason listed in the Class Recording Policy, subject to individual instructors' restrictions upon recording."

Syllabus

CLASS I. THURSDAY, JANUARY 11, 2024

OVERVIEW OF CORRUPTION, MONEY LAUNDERING AND TERRORIST FINANCING, GLOBAL IMPACT AND INTERNATIONAL DETERRENCE EFFORTS – Jack D. Smith (Hours 1-2)

Objectives:

Review what will be covered in the course and the areas you can expect to be addressed in the final exam. We will discuss how the suppression of money laundering has become key to combatting the greatest threats to international prosperity and stability of the modern world: corruption, crime, terrorism and the proliferation of weapons of mass destruction (WMDs). Containing corruption is critical to reducing bloodshed, poverty, disease, and environmental degradation in developing countries. Corruption enables and relies upon money laundering to hide ill-gotten gains and shelters criminals, terrorists and WMD proliferators. The key international instruments addressing these areas will be introduced, as well as the main players setting standards, the United States, United Nations, Organization for Economic Co-operation and Development (OECD), and the Financial Action Task Force (FATF).

Materials:

- Money Laundering and Terrorist Financing Awareness Handbook for Tax Examiners and Tax Auditors (OECD 2019), read pp. 13-26,
<https://www.oecd.org/tax/crime/money-laundering-and-terrorist-financing-awareness-handbook-for-tax-examiners-and-tax-auditors.pdf>
- National Strategy for Combating Terrorist and Other Illicit Financing (2018), pp. 3-6 (stop at end of "Goals, Objectives and Priorities" section),
<https://home.treasury.gov/system/files/136/nationalstrategyforcombatingterroristandotherillicitfinancing.pdf>
- United States Strategy on Countering Corruption (December 2021), pp. 4-8,
<https://www.whitehouse.gov/wp-content/uploads/2021/12/United-States-Strategy-on-Countering-Corruption.pdf>
- UNODC Fact Sheet on Corruption and Development,
http://www.anticorruptionday.org/documents/actagainstcorruption/print/materials2016/corr16_fs_DEVELOPMENT_en_PRINT.pdf

- UNODC Fact Sheet on Corruption and the Environment, http://www.anticorruptionday.org/documents/actagainstcorruption/print/materials2015/corr15_fs_ENVIRONMENT_en_PRINT.pdf
- Statement on Corruption by UN Secretary General Guterres before the UN Security Council (9/10/18), <https://www.un.org/sg/en/content/sg/speeches/2018-09-10/corruption-conflict-remarks-security-council>

MONEY-LAUNDERING TYPOLOGIES, CORRESPONDENT BANKING, AND U.S. NATIONAL MONEY LAUNDERING RISK ASSESSMENT – Kara Brockmeyer (Debevoise & Plimpton) and Marty Woelfle (former DOJ Organized Crime & Gang Section) (Hour 3)

Objectives:

We will review: 1) Portions of the United States Money-Laundering Risk Assessments and the roles of the United States law enforcement, regulatory agencies and financial institutions in combatting money-laundering. 2) Money-laundering schemes using banks and non-bank facilities (and the mechanisms utilized to detect them), such as money services businesses, mispricing and Black Market Peso. 3) Importance of Correspondent Banking as described in the US government Anti-Money Laundering Examination Manual. This session will be continued into the next week.

Materials:

- US Treasury Dept. Press Release (2/6/20) re publication of National Illicit Finance Strategy, <https://home.treasury.gov/news/press-releases/sm902>.
- Anti-Money Laundering and Countering the Financing of Terrorism National Priorities (FinCEN 2021), [https://www.fincen.gov/sites/default/files/shared/AML_CFT%20Priorities%20\(June%2030%2C%202021\).pdf](https://www.fincen.gov/sites/default/files/shared/AML_CFT%20Priorities%20(June%2030%2C%202021).pdf)
- 2022 National Money Laundering Risk Assessment, pp 3-62, <https://home.treasury.gov/system/files/136/2022-National-Money-Laundering-Risk-Assessment.pdf>
- Examples of BSA and Anti-Money Laundering cases conducted by the US IRS Criminal Investigations, FY 2023 IRS Criminal Investigation Annual Report, pp. 6-8, 10, 14 and 18, <https://www.irs.gov/pub/irs-pdf/p3583.pdf>
- Bank Secrecy Act/Anti-Money Laundering Examination Manual (2014), Correspondent Banking, (hardcopy in Participant's folder, pp. 177-182); Online: <https://bsaaml.ffiec.gov/manual> (We will walk through how to use the online manual in class – a bit tricky).

CLASS II. THURSDAY, JANUARY 18, 2024

MONEY-LAUNDERING TYPOLOGIES (CONTINUED) -- Kara Brockmeyer (Debevoise & Plimpton) and Marty Woelfle (former DOJ Organized Crime & Gang Section) (30 Minutes)

THE UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC) -- Marty Woelfle (former DOJ Organized Crime & Gang Section) (30 Minutes)

Objectives: The UNCAC has been signed by 190 countries and regional organizations. It has 71 articles containing numerous innovative and aggressive tools to combat corruption. We will examine how the UNCAC provisions and other “top-down” measures are being used in the fight against corruption.

Materials:

- United Nations Convention against Corruption, http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf (preamble, articles 1, 6 (1), 8 (1) & (2), 13, 14 (1) (a), 20, 23 (1), 31 (1), 40, 43 (1), 46 (1), (3) and (8), 52, 54 (1), 55 (1) and (6))

TAX HAVENS/SHELLS AND TRUSTS/FATCA/FALSE CLAIMS ACT AND WHISTLEBLOWERS – Kara Brockmeyer (Debevoise & Plimpton) (Hour 2)

Objectives: We will examine efforts to curb the use of tax havens by criminals, corrupt officials, multinational corporations and private citizens to launder ill-gotten gains, evade taxation and avoid government scrutiny. Also, we will review the role of whistleblowers and their legal protections against retaliation, as well as the DOJ’s implementation of the False Claims Act - DOJ has \$48.1B in FCA recoveries since 2010. It recovered \$2.2 billion in FY 2022, the lowest total since 2008 and a steep decline from the \$5.6 billion recovered in FY 2021 when recoveries exceeded \$5.6 billion.

Materials:

- Tax Justice Network State of Tax Justice 2023, pp. 13, 16-19, 40-41, 56-57, <https://taxjustice.net/wp-content/uploads/SOTJ/SOTJ23/English/State%20of%20Tax%20Justice%202023%20-%20Tax%20Justice%20Network%20-%20English.pdf>
 - Internal Revenue Service Summary of Key FACTA Provisions, <https://www.irs.gov/businesses/corporations/summary-of-key-fatca-provisions>
 - Two-Pillar Solution to Address the Tax Challenges Arising from the Digitalisation of the Economy (OECD 2021), pp 12-16, <https://www.oecd.org/tax/beps/brochure-two-pillar-solution-to-address-the-tax-challenges-arising-from-the-digitalisation-of-the-economy-october-2021.pdf>
 - FinCEN: Fact Sheet: Beneficial Ownership Information Reporting Rule Rulemaking (9/29/22), <https://www.fincen.gov/beneficial-ownership-information-reporting-rule-fact-sheet>
 - Justice Department’s False Claims Act Settlements and Judgments Exceed \$2 billion in Fiscal Year 2022 <https://www.justice.gov/opa/pr/false-claims-act-settlements-and-judgments-exceed-2-billion-fiscal-year-2022>
 - US Whistleblower Protection Programs, OSHA, <https://www.osha.gov/sites/default/files/publications/OSHA3638.pdf>
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- Prohibited Personnel Practices (Whistleblowers), 5 USC 2302(b)(8)

BANK SECRECY ACT – ZSB (Hour 3)

Objectives

The Bank Secrecy Act (BSA) will be examined to learn how it deters money laundering. The evolution of anti-money laundering requirements through a series of subsequent legislative acts, including the Patriot Act, will also be addressed. Currency Transaction Reports (CTR), Report of International Transportation of Currency or Monetary Instruments (CMIR), Foreign Bank Account Reports (FBAR) and Suspicious Activity Reports (SAR) are the foundation for the government's attempts to trace the movements of illegally obtained funds. The filing of false reports and attempts to avoid the filing requirements are criminal violations.

Materials (All readings for this class are available in the Participant's Folder (PF) under "Readings" – "Class 2")

- Bank Secrecy Act, 31 USC §§5311-5342 – read only consolidated 12-page summary of key provisions in Participants Folder
- FINCEN Overview, <https://www.fincen.gov/what-we-do>
- Currency Transaction Reporting requirements for Banks (6-page excerpt from FFIEC BSA/AML Examination Manual, February 2021)
- Designated Provisions of the Bank Secrecy Act regulations
 - 31 CFR 1010.100 (t) – (definition of financial institution)
 - 31 CFR 1010.100 (dd) – (definition of monetary instrument)
 - 31 CFR 1010.100 (xx) – (definition of structuring)
 - 31 CFR 1010.310 to 315 – (reports of transactions in currency (CTRs))
 - 31 CFR 1010.330(a)-(c) (reports by trade or business)
 - 31 CFR 1010.350 – (reports of foreign financial accounts)
- FinCEN forms – just scan for context, close review is not necessary
 - SAR (Suspicious Activity Report) for Banks
 - FinCEN form 8300
 - FBAR form - TD F 90-22.1

CLASS III. THURSDAY, JANUARY 25, 2024

INTERNATIONAL STANDARDS RELATING TO MONEY LAUNDERING; LONG ARM OF MONEY LAUNDERING STATUTES; FOREIGN MONEY LAUNDERING STATUTES; PROVING THE PREDICATE OFFENSE TL and ZSB (First 75 minutes)

Objectives: A sampling of money laundering statutes from various countries will be examined and compared to international standards. Despite efforts to standardize these statutes, the elements of proof for a criminal money laundering case vary from country to country. International mutual evaluation reports from organizations like the Council of Europe and the FATF disclose how well individual countries are performing in this area and the key issues. The level of proof required to establish the predicate offense varies by country and is an unsettled issue in many. The statutory language, case law and theories relating to this issue will be discussed.

Materials

- UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, article 3, paragraphs 1 and 3 only, http://www.unodc.org/pdf/convention_1988_en.pdf
- United Nations Convention Against Transnational Organized Crime, articles 6 and 7, <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>
- UN Convention Against Corruption.
https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

Cases

- US v Lazarenko, 564 F. 3d 1026 (9th Cir. 2009) (US prosecution of former Prime Minister of Ukraine for money laundering)
- Robert Antoine Indictment (former Haitian official indicted for conspiracy to commit money laundering) (*PF / resource material / readings / class 3*)

EXPLANATION OF INVESTIGATIVE TOOLS AND COMMENCEMENT OF SIMULATED CASE EXERCISE – TL (Final 110 minutes)

A simulated investigation will be initiated during this session and will continue through February 23rd. This exercise is an interactive program designed to guide students through the basics of money laundering, corruption violations and Mutual Legal Assistance (MLA) by working through a hypothetical financial investigation. The participants will be divided into 4 or 5 person teams and will investigate a simulated case with approximately 70 pieces of documentary evidence and hundreds of summarized bank records. This will involve the analysis of voluminous financial data, gathering numerous pieces of testimonial and documentary information and assembling the evidence in a manner suitable for presentation to legal decision-makers.

The use of investigative tools and a basic Investigative File Inventory (Evidence Log) for organizing evidence will be explained. The exercise will be conducted in an automated environment using computer applications to perform much of the financial analysis. Each student will be provided all training materials in an electronic folder to be used on their notebook computer.

CLASS IV. THURSDAY, FEBRUARY1, 2024

CRIMINAL USE OF CRYPTOCURRENCIES – Chris Brown (DC AUSA) (First 30 minutes)

Objectives: Overview of cryptocurrencies, their misuse for criminal activities and money laundering, and applicable government regulations.

Materials:

- Remarks of FinCen Director Kenneth A Blanco (8/9/18), <https://www.fincen.gov/news/speeches/prepared-remarks-fincen-director-kenneth-blanco-delivered-2018-chicago-kent-block>
- 2018 National Money Laundering Risk Assessment, (Section on Virtual Currencies), pp. 26-28, https://home.treasury.gov/system/files/136/2018NMLRA_12-18.pdf
- Ciphertrace Cryptocurrency Anti-Money Laundering Report (2018 Q3), pp. 2-8, <https://ciphertrace.com/crypto-aml-report-2018q3.pdf>.
- DOJ Press Release (7/26/17): Russian National and BitCoin Exchange Charged in 21-Count Indictment for Operating Alleged International Money Laundering Scheme and Allegedly Laundering Funds from Hack of Mt. Gox, <https://www.justice.gov/usao-ndca/pr/russian-national-and-bitcoin-exchange-charged-21-count-indictment-operating-alleged>
- FATF Report: Virtual Currencies – Key Definitions and Potential AML/CFT Risks (2014), pp. 10-12, <http://www.fatf-gafi.org/media/fatf/documents/reports/Virtual-currency-key-definitions-and-potential-aml-cft-risks.pdf>

SIMULATED CASE EXERCISE CONTINUES (Next 70 minutes)

Each team will independently follow leads to gather evidence of criminal violations and to trace corruptly acquired assets.

ELEMENTS OF U.S. MONEY LAUNDERING STATUTES - TL (FINAL 80 MINUTES)

Objectives: We will examine the elements and level of proof required for the primary money laundering statutes. The U.S. statutes, enacted prior to the international guidelines, will be reviewed in detail since the case law is rich for each element. Issues include: evidence required to prove each element and how and where can such evidence be obtained (illustrated via the investigation of the simulated case); the benefits of using money laundering statutes; and when one money-laundering statute should be used over another.

Materials:

Participant's Folder

- 18 USC 1956 – Under *Laws* - sections highlighted in yellow only
- 18 USC 1957 – Under *Laws*
- 18 USC 641 – Under *Laws*
- 18 USC 666 – Under *Laws*
- USA Bulletin - Sept 2007–Vol. 55, No. 5 – The Money Laundering Statute-pgs 21-33

CLASS V. THURSDAY, FEBRUARY 8, 2024**ASSET RECOVERY – INTERNATIONAL STANDARDS - TL (First 65 minutes)**

Objectives: The main avenues available for international asset recovery will be examined – conviction based, non-conviction based, civil lawsuits, unexplained wealth orders, extended

confiscation and civil law process (generally available in civil law jurisdictions). US law on civil and criminal asset forfeiture will be discussed. These concepts will be reviewed in the context of international instruments that address asset recovery. Processes used in Civil Law countries will also be examined and compared to Common Law jurisdictions. Examination of prominent cases will occur in the last hour of this class and in Class VI.

Materials:

- StAR Asset Recovery Handbook (2021), pp. 7 to 27, <http://hdl.handle.net/10986/34843>
- USA Bulletin - Nov 2007 - Vol 55, No. 6 – Developments in International Forfeiture and Money Laundering Cooperation - pages 51 to 59, [See Participant Folder / Resource Material / Readings / Class 5.](http://www.justice.gov/usao/eousa/foia_reading_room/usab5506.pdf)
http://www.justice.gov/usao/eousa/foia_reading_room/usab5506.pdf
- Civil Forfeitures 18 USC 981; Criminal Forfeiture 18 USC 982; (under *Laws* - read yellow highlighted sections only for both 981 and 982 in Participant's Folder only)

SIMULATED CASE EXERCISE CONTINUES (Final 2 Hours)

Each team will independently follow leads to gather evidence of criminal violations and to trace corruptly acquired assets.

CLASS VI. THURSDAY, FEBRUARY 15, 2024

ENFORCEMENT ACTIONS AGAINST FINANCIAL INSTITUTIONS – ZSB (Hour 1)

Objectives

We will also discuss the statutory and regulatory responsibilities of financial institutions under the BSA to develop robust compliance programs to detect and report suspected money laundering, and the civil and criminal penalties brought against banks and their management for witting and unwitting failures to halt money laundering in their institutions.

Statutes and Regulations

- 31 USC §§ 5318(a), 5318(g), 5318(h), 5318(i), 5318(l), 5318 (k)(2), 5321 and 5322
- 15 USC 78o(b)(4)(E), Securities Exchange Act of 1934 (failure to supervise)

Cases and Materials

- List of FINCEN Enforcement Actions (scan), <https://www.fincen.gov/newsroom/enforcement-actions>
- In the matter of USAA Federal Savings Bank, No. 2022-01. (pages 1-20) Available at https://www.fincen.gov/sites/default/files/enforcement_action/2022-03-17/USAA%20Consent%20Order_Final_508%20Compliant.pdf
- USA Bulletin - September 2007 – Vol. 55, No. 5, Criminal Prosecution of Banks under the Bank Secrecy Act, pp. 54-71,
http://www.justice.gov/usao/eousa/foia_reading_room/usab5505.pdf

- Wall Street Journal Article re Danske Bank: How One Stubborn Banker Exposed a \$200 Billion Russian Money Laundering Scandal, (*available in Participants Folder*)
- U.S. Vulnerabilities to Money Laundering, Drugs, and Terrorist Financing: HSBC Case History (United States Senate, Permanent Subcommittee on Investigations, July 17, 2012), pp. 1-12, [https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/PSI%20REPORT-HSBC%20CASE%20HISTORY%20\(9.6\).pdf](https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/PSI%20REPORT-HSBC%20CASE%20HISTORY%20(9.6).pdf)

SIMULATED CASE EXERCISE CONTINUES (Hours 2-3)

Each team will independently follow leads to gather evidence of criminal violations and to trace corruptly acquired assets.

CLASS VII. THURSDAY, FEBRUARY 22, 2024

U.S. STRATEGIES TO PROSECUTE DOMESTIC CORRUPTION

Clayton Solomon (Fraud Section, USDOJ) (Hour 1)

Objectives: In addition to the FCPA and the anti-money laundering laws, prosecutors use numerous other laws to combat public corruption. We will examine the primary ones such as prohibitions against bribery, extortion, embezzlement, illegal kickbacks and tax evasion involving both elected and appointed officials from all levels of government including, local, county, state, federal, and foreign officials.

Cases and Materials:

- Report to Congress on the Activities and Operations of the Public Integrity Section for 2021, pp. 10-21, <https://www.justice.gov/media/1256431/dl?inline>.
- Sample Corruption Indictment: U.S. v. Menendez (USDC S. Dist. of NY, 2024), (*Participants Folder / Resource Material / Readings / class 7*)
- U.S. v. Jack Abramoff – Plea Agreement, <http://online.wsj.com/public/resources/documents/Abramoff-plea-deal01032005.pdf>
- US v. Silver, 948 F. 3d 538 (2d Cir. 2020), cert. denied, 141 S. Ct. 656 (2021).

SIMULATED CASE EXERCISE CONCLUDES - TL (Hours 2 – 3)

Objectives: The investigation of the simulated case will be concluded and the trial preparation will begin. The specific requirements for the graded paper will be discussed. This paper will constitute 35% of the final grade and must be submitted by **THURSDAY, March 6, 2024**. Each student (not each group) will independently prepare this paper organizing the evidence from the Simulated Case Exercise in a format useful for attorneys in preparation for trial. There are three required elements for this paper:

- narrative overview of the money laundering and corruption scheme;
- selection of the evidence that proves each element of the most significant offense;
- tracing the fruits of the crime to the underlying violation of law (the predicate offense).

CLASS VIII. THURSDAY, FEBRUARY 29, 2024

OVERVIEW OF INTERNATIONAL ASSET RECOVERY ACTIONS AND POLITICAL WILL/VICTIM'S RIGHTS --ZSB (Hours 1-2)

Objectives: Asset recovery is a “fundamental principle” of the UNCAC. Most observers agree that if the international community cannot succeed in restoring assets stolen from developing countries, corruption will continue to destabilize developing countries unabated. We will also address the role of political will, victim's rights and restitution. **Three students will be assigned** to present short summaries of the Abacha, Alamieyeseigha and Anglo Leasing cases from the “Illicit Flows” assigned reading.

Cases and Materials:

- UNCAC, Articles 51, 53, 54, 55, 57, http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf
- Illicit Flows, Kleptocrats' Portfolio Decisions, or Realities in State Asset Recovery Cases (Abacha, Alamieyeseigha, Anglo Leasing), Participant's Folder, Readings: pp. 1-22, 30-38
- Complaint: USA v. 'The Wolf of Wall Street' (USDC C. D. Calif 2016), read para. 1-33, 499-512, <https://www.justice.gov/opa/file/877166/download>
- US v. ONE GULFSTREAM G-V JET AIRCRAFT, 941 F. Supp. 2d 1 (D.D.C. 2013)
- Justice News (2014), Second Vice President of Equatorial Guinea Agrees to Relinquish More Than \$30 Million of Assets Purchased with Corruption Proceeds, <http://www.justice.gov/opa/pr/second-vice-president-equatorial-guinea-agrees-relinquish-more-30-million-assets-purchased>
- Victim's Rights and Restitution: USAO Middle District of Pennsylvania, <http://www.justice.gov/usao/pam/vwa.html>; <http://www.justice.gov/usao/pam/corruption.html>
- U.S. v. Gayton, 342 F. 3d 1010 (9th Cir. 2003) (mayor pleads guilty to accepting bribes to influence votes and pays restitution).

INTERNATIONAL MUTUAL LEGAL ASSISTANCE (MLA)

Clayton Solomon (Fraud Section, USDOJ) (Hour 3)

Objectives: Mutual legal assistance in criminal investigations relating to corruption investigations is specifically covered in Chapter IV of the UNCAC and is also referenced in Chapters V and VI. MLA can be accomplished through a variety of informal and formal mechanisms depending on the type of information or evidence that is required. Domestic legislation generally controls the rules relating to MLA. However bilateral, regional and multi-lateral treaties and conventions often have the power of law and provide guidance in some jurisdictions. Issues involving dual criminality, specialty, admissibility of foreign obtained evidence and central authorities will be discussed.

Materials:

- United Nations Convention against Corruption (UNCAC), Articles 38, 39, 46, 54, 55 and 56 and 57,
http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf
- 28 USC 2467
- 18 USC 3512
- International Convention for the Suppression of the Financing of Terrorism, Articles: 12, 13, 14, 15 and paragraph 5 of art 7 and paragraph 3 of Article 8,
<http://treaties.un.org/doc/db/Terrorism/english-18-11.pdf>.

CLASS IX. THURSDAY, MARCH 7, 2024**STATE BUILDING AND THE FIGHT AGAINST CORRUPTION (JDS Hour 1:)**

Objectives: Examine the four tasks essential to stabilizing fragile states (provide security, governance, economic stabilization and development), and strategies for overcoming the corruption and entrenched interests aligned against good governance reforms.

Materials:

- UN Sustainable Development Goals, Goal #16, Click on and read Targets and Indicators, <https://sdgs.un.org/goals/goal16>
- A Beginner's Guide to Nation Building (2007), Download full report, read pp. xxiii to xxxviii, https://www.rand.org/pubs/research_briefs/RB9241.html
- What We Need to Learn: Lessons from 20 Years of Afghanistan Reconstruction (SIGAR 2021), pp. 1-7, <https://www.sigar.mil/pdf/lessonslearned/SIGAR-21-46-LL.pdf>.

THE FATF RECOMMENDATIONS – ZSB (Hour 2)

Objectives: The main players in setting standards to address terrorist financing are the United States, the OECD, the Financial Action Task Force (FATF) and the European Union. They have addressed the issue from different perspectives (the types of financing, the possibility of freezing and confiscating assets, etc.) while generally linking the issue to measures taken to combat money laundering. Intelligence sharing is a driving force in combating terrorist financing. The FATF Recommendations set the international standards for anti-money laundering measures and combating the financing of terrorism. The recommendations are intended to be implemented at the national level through legislation and other legally binding measures.

Materials:

- The FATF Recommendations, International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation (2012, updated March 2022), pages 10-30, <https://www.fatf-gafi.org/en/publications/Fatfrecommendations/Fatf-recommendations.html>

- Methodology for Assessing Technical Compliance with the FATF Recommendations and the Effectiveness of AML/CFT Systems (updated June 2023), pp. 5- 7 and 12-22, <https://www.fatf-gafi.org/en/publications/Mutualevaluations/Fatf-methodology.html>

BASIC PROCEDURAL OPTIONS FOR FORFEITURE IN THE UNITED STATES – Stefan Cassella (Former Chief, Asset Forfeiture and Money Laundering Section, U.S. Attorney’s Office, District of Maryland) (Hour 3)

Objectives: Review of the U.S. civil and criminal forfeiture laws and procedures will continue with emphasis on their relationship to money laundering and terrorist financing. Civil or non-conviction based forfeiture is a concept that is not widely embraced by many foreign jurisdictions. This In Rem process is used extensively in the U.S. and international initiatives are currently underway to encourage other nations to utilize this tool in corruption and other illegal activity cases.

Materials:

- Civil Forfeitures 18 USC 981; Criminal Forfeiture 18 USC 982
- USA Bulletin - Nov 2007 – Vol. 55, No. 6 – Overview of Asset Forfeiture Law in the United States – pp. 8 to 21, http://www.justice.gov/usao/eousa/foia_reading_room/usab5506.pdf
- UNCAC, Article 31, http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

WEDNESDAY, MARCH 6, 2024: DUE DATE FOR SIMULATED CASE PAPER

THURSDAY, MARCH 14, 2024 – NO CLASS – SPRING BREAK

CLASS X. THURSDAY, MARCH 21, 2024

**POLITICALLY EXPOSED PERSONS (PEPS) AND THEIR ENABLERS
Kara Brockmeyer (Debevoise & Plimpton) (Hour 1)**

Objectives: We will focus upon the nature and effectiveness of regulatory requirements with regard to politically exposed persons. **Four students will be assigned** to present 3-minute summaries of cases illustrating problems with politically exposed persons and how they use U.S. professionals and financial institutions to conceal, protect, and utilize their ill-gotten gains: Obiang, Bongo, Abubaker and Angola.

Materials:

- Politically Exposed Persons (World Bank, 2010), pp. xiii-xv and 3-8, <http://issuu.com/world.bank.publications/docs/9780821382493?mode=embed&layout=http://skin.issuu.com/v/light/layout.xml&showFlipBtn=true>
- Keeping Foreign Corruption Out of the United States: Four Case Histories, pages 1-7, <https://www.hsgac.senate.gov/imo/media/doc/FOREIGNCORRUPTIONREPORTFINAL710.pdf>

FOREIGN CORRUPT PRACTICES ACT OF 1977 (FCPA); 1997 OECD CONVENTION ON COMBATING BRIBERY OF FOREIGN PUBLIC OFFICIALS IN INTERNATIONAL BUSINESS TRANSACTIONS – ZSB (Scott Birdwell, Former SEC); Kara Brockmeyer (Debevoise & Plimpton); and Clayton Solomon (DOJ) (Hours 2 and 3)

Objectives: The session will include a focus on the American FCPA, the grandfather of foreign bribery statutes. The FCPA is being used more aggressively today than ever before. Bribing a foreign public official is also a crime in the countries that have ratified the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. The effectiveness and interplay of these provisions is summarized in the TI OECD report listed as an optional reading. This session will also discuss how securities fraud, including accounting fraud, insider trading, market manipulation and pyramid schemes, destroy confidence in capital markets and impair their ability to finance economic growth and development. This session will discuss how the perpetrators attempt to conceal their activity and highlight civil and criminal investigative techniques for gathering evidence and recovering proceeds and deterring conduct.

Cases and Materials:

- Foreign Corrupt Practices Act of 1977 (FCPA), 15 U.S.C. §§ 78dd-1, *et seq* (only sections 78dd-1, 78m, and 78ff), <http://www.sec.gov/spotlight/fcpa/fcpa-resourceguide.pdf>, pages 92-94 and 100-102;
- FCPA Resource Guide (2012), <https://www.justice.gov/criminal-fraud/file/1292051/download>, pages 9-33, 38-46, and 69-71;
- US v. Odebrecht (USDC, E.D.N.Y. 2016), DOJ Press Release, <https://www.justice.gov/opa/pr/odebrecht-and-braskem-plead-guilty-and-agree-pay-least-35-billion-global-penalties-resolve>;
- TSKJ Bribery Cases Involving Bonny Island, Nigeria (five actions between 2009 and 2012), read DOJ Press Release on last action against Marubeni, which summarizes all the prior actions, <https://www.justice.gov/opa/pr/marubeni-corporation-resolves-foreign-corrupt-practices-act-investigation-and-agrees-pay-546>;
- OECD Working Group on Bribery, 20 Years of Fighting the Crime of Foreign Bribery (Dec. 2018), <https://www.oecd.org/daf/anti-bribery/Fighting-the-crime-of-foreign-bribery.pdf>
- OECD Working Group on Bribery Statement on Adoption of 2021 Recommendations, <https://www.oecd.org/daf/anti-bribery/high-level-statement-on-the-2021-anti-bribery-recommendation.htm>

Optional:

- Transparency International: Exporting Corruption - Progress Report 2020: Assessing Enforcement of the OECD Anti-Bribery Convention, https://images.transparencycdn.org/images/2020_Report_ExportingCorruptionFull_English.pdf. Read Executive Summary, pp. 6-10, then read and compare the reports on Turkey and the United Kingdom, pp. 116-120. (*Find document in PF / Resource Material / Readings / Class 10*)

CLASS XI. THURSDAY, MARCH 28, 2024

FUNDING TERRORIST & WMD OPERATIONS; CORRUPTION & NATIONAL SECURITY -- Kara Brockmeyer (Debevoise & Plimpton) (60 minutes)

Objectives: Understand why corruption is a national security problem, especially as it relates to conflict, popular protest and the emergence of militant political movements. Review financing fundamentals of terrorist organizations and WMD proliferation. WMD proliferation and proliferation financing are both global phenomena that occur across international borders, utilize multiple entities and individuals from different countries, and seek to exploit gaps in international and national frameworks designed to prevent such activity.

As for terrorism, the direct costs of each attack are relatively low (the 2002 Bali bombings cost \$50,000). However, maintaining a terrorist network is a multimillion-dollar undertaking. To maintain a veil of legitimacy, large terrorist organizations need millions of dollars for propaganda and public works such as schools and hospitals. The money comes from numerous sources, including witting and unwitting contributions from mosques, nongovernmental organizations, wealthy donors and charitable foundations; kidnapping for ransom; drug running and other criminal enterprises; and exploitation of natural resources. Attacking funding networks in the chain of terrorist financing is an international priority in the fight against terrorism.

Materials:

- Corruption, Protest, and Militancy (2015), Sarah Chayes, <http://carnegieendowment.org/2015/06/25/corruption-protest-and-militancy/if6y>
- FATF Report on Financing of the Terrorist Organization Islamic State in Iraq and the Levant (ISIL) (2015), pp. 5-7, 12-26, <http://www.fatf-gafi.org/media/fatf/documents/reports/Financing-of-the-terrorist-organisation-ISIL.pdf>
- FATF Report on Emerging Terrorist Financing Risks (2015), pp. 9-44, <http://www.fatf-gafi.org/media/fatf/documents/reports/Emerging-Terrorist-Financing-Risks.pdf>
- FATF Guidance on Counter Proliferation Financing, pp. 3-5, <http://www.fatf-gafi.org/media/fatf/documents/reports/Guidance-Countering-Proliferation-Financing.pdf>
- US Treasury Report: National Proliferation Financing Risk Assessment (2018), pp. 9-24, 32-35, https://home.treasury.gov/system/files/136/2018npfra_12_18.pdf

SANCTIONS/TERRORISTS LISTS -- ZSB (45 minutes)

Objectives: Managing the United States, United Nations and European Union “terrorist lists” in a way that observes fundamental rights and which is subject to judicial review is essential for the impartial and realistic implementation of targeted asset-freezing actions. The U.S. Government is also increasingly relying on sanctions programs to deprive terrorists and corrupt actors, whether states, entities or individuals, of the resources to finance their operations. We will explore the use and effectiveness of sanctions, particularly the Magnitsky sanctions, in the fight against terrorism and corruption. The primary terrorist lists kept in the United States are:

- Foreign Terrorist Organizations (FTO) (Dept of State)

- State Sponsors of Terrorism (Dept of State under Export Admin. Act, Sec 6(j))
- Terrorist Exclusion List (TEL) (Dept of State under 8 USC 1182)
- Specially Designated Nationals and Blocked Persons (SDN) (OFAC, Treasury)
 - Specially Designated Terrorists (SDTs)
 - Specially Designated Global Terrorists (SDGTs)

Materials:

- European Terrorist Lists - Overview of European and International Legislation on Terrorist Financing, pp. 29-44 (Chap 5.2-5.2.3), <http://www.statewatch.org/news/2009/apr/ep-study-eu-int-legis-terrorist-financing.pdf>
- Designated Foreign Terrorist Organizations, <http://www.state.gov/j/ct/rls/other/des/123085.htm>
- Office of Foreign Assets Control, <http://www.treasury.gov/resource-center/sanctions/Pages/default.aspx>
- The Guidelines on Human Rights and the Fight against Terrorism, adopted by the Committee of Ministers (Council of Europe) on 11 July 2002, pp. 7-12, <https://www.icj.org/wp-content/uploads/2014/10/CoE-Human-rights-and-fight-against-terrorism.pdf>
- Global Magnitsky Human Rights Accountability Act (2016), 22 USC 2656, read section 1263
- Department of Treasury Enforcement Release, OFAC Settles with Bittrex (October 11, 2022), <https://home.treasury.gov/news/press-releases/jy1006#:~:text=WASHINGTON%20%E2%80%93%20The%20U.S.%20Department%20of,exchange%20based%20in%20Bellevue%2C%20Washington.>

PEOPLE POWER

Shaazka Beyerle (Senior Fellow, Terrorism, Transnational Crime and Corruption Center, Schar School of Government and Policy, George Mason University) (75 minutes)

Objectives: Review the power of civil resistance and how bottom-up campaigns and civic initiatives impact corruption, improve accountability and support integrity champions.

Materials:

- [What's Next](https://summit4democracy.org/whats-next-for-the-s4d-translating-high-level-talk-to-grassroots-action/) for the Summit for Democracy: Translating High-Level Talk to Grassroots Action, Summit for Democracy, Lewanika, Beyerle (23 December 2021), <https://summit4democracy.org/whats-next-for-the-s4d-translating-high-level-talk-to-grassroots-action/>
- Overcoming Hurdles to Citizen Activism for Fiscal Governance, Beyerle, O'Regan(2019), <https://internationalbudget.org/fiscal-futures-citizen-activism-for-fiscal-governance/>
- How Romanian People Power Took on Mining and Corruption, Beyerle and Olteanu (17 November 2016), <https://foreignpolicy.com/2016/11/17/how-romanian-people-power-took-on-mining-and-corruption-rosia-montana/>.

CLASS XII. THURSDAY, APRIL 4, 2024

CIVIL ACTIONS AGAINST TERRORIST FINANCING: ALIEN TORT STATUTE; ANTI-TERRORISM ACT -- JDS (90 minutes)

Objectives: Review civil causes of action against terrorism brought through the Alien Tort Claims Act and Anti-Terrorism Act. The advantages of civil procedures over criminal procedures (especially the lower burden of proof) together with triple damages provisions may make civil actions against donors under 18 USC 2333(a) a greater threat to terrorist financing than criminal actions. If banks fail to implement sufficient controls on high risk accounts to safeguard against money laundering, corruption and terrorist financing, they may be exposed to liability from private lawsuits under 18 USC 2333.

Cases and Materials:

- 18 U.S.C. 2331, 2333-2338, 2339A, 2339B and 2339C
- JASTA Congressional Findings, <https://www.congress.gov/114/plaws/publ222/PLAW-114publ222.pdf>
- Boim v. Holy Land Foundation, 549 F. 3d 685 (7th Cir. 2008), cert denied, Boim v. Salah, 558 U.S. 981 (2009)
- Linde v. Arab Bank, 882 F. 3d 314 (2d Cir. 2018), read all except Part I of the Discussion (Jurisdiction).
- Nestle USA, Inc. v. Doe, 141 S. Ct. 1931 (2021), https://www.supremecourt.gov/opinions/20pdf/19-416_i4dj.pdf
- Twitter v. Taamneh, 143 S.Ct 1206 (2023)

Optional:

- Arab Bank Case, description of verdict by victorious plaintiffs (2014), <http://www.osenlaw.com/case/arab-bank-case>
- Linde Plaintiffs' Statement Regarding Court of Appeals Technical Remand of Landmark Civil Victory in Linde v. Arab Bank, PLC Terror Financing Case, https://www.osenlaw.com/sites/default/files/uploaded/Counter-Terrorism/Arab_Bank/2-9-18_Arab_Bank_Judgment.PDF.
- Cardona v. Chiquita Brands International, Inc. 760 F. 3d 1185 (11th Cir. 2014), cert. denied, 135 S. Ct. 1842 (2015)
- National Security Archive, "Chiquita Papers Are Key Evidence in International Criminal Court Filing" (read first three paragraphs), <https://nsarchive.gwu.edu/briefing-book/colombia/2017-05-18/chiquita-papers-are-key-evidence-international-criminal-court>
- Settlement reached in Chiquita case involving US deaths (2018), <http://www.foxnews.com/us/2018/02/05/settlement-reached-in-chiquita-case-involving-us-deaths.html>

CRIMINAL PROSECUTION OF TERRORIST FINANCING CASES; PRESERVATION OF HUMAN RIGHTS IN THE COMBAT AGAINST TERRORIST FINANCING

Mike Taxay (General Counsel, America's Frontier Fund) (90 minutes)

Objectives: Review the primary criminal strategies used to protect citizens against those who would finance terrorism without improperly compromising individual rights to protection of personal liberty, information, freedom of speech, privacy and property. Arguments and evidence resulting in the largest terrorism financing conviction in the United States (Holy Land Foundation) will be examined.

Materials:

- What to Charge in a Terrorist Financing or Facilitation Case, United States Attorneys Bulletin, volume 62, number 5 (September 2014), pp. 9-15, <http://www.justice.gov/sites/default/files/usao/legacy/2014/09/23/usab6205.pdf>
- Holy Land Foundation: FBI summary (2009), <https://archives.fbi.gov/archives/dallas/press-releases/2009/dl052709.htm>
- Holy Land Foundation: United States v. El-Mezain, 664 F. 3d 467 (5th Cir. 2011), cert. denied, 133 S. Ct. 525 (2012), pp. 543-545 (4th Amendment and blocking orders)

CLASS XIII. THURSDAY, APRIL 11, 2024

CLASS EVALUATIONS (15 min.)

VICTIMS OF TORTURE AND SUING ENABLERS (AIDERS AND ABETTORS) - Marty Woelfle (former DOJ Organized Crime & Gang Section) (Hour 1)

Objectives: The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) became effective in 1987 and established requirements for each State Party to criminalize acts of torture and to ensure that their legal system also provides redress through civil procedures. The Torture Victim Protection Act (TVPA), which amended existing US law, was passed to be in compliance with these international requirements. Courts have analyzed the theories of secondary liability that may apply under TVPA, but the issue of suing aiders and abettors became clearer in 2016 with the passage of the Justice Against Sponsors of Terrorism Act (JASTA).

Materials:

- Justice Against Sponsors of Terrorism Act (JASTA) PUBLIC LAW 114-222—SEPT. 28, 2016, <https://www.congress.gov/114/plaws/publ222/PLAW-114publ222.pdf>
- Torture Victim Protection Act of 1991 (“TVPA”), Pub.L. 102-256, 106 Stat. 73 (1992)
- July 24, 2014 - ATS- Cardona v. Chiquita Brands International, Inc., 760 F. 3d 1185 (11th Cir. 2014), cert. denied, 135 S. Ct. 1842 (2015)
- June 2016 - In re Chiquita Brands International, Inc. Alien Tort Statute And Shareholder Derivative Litigation, 190 F.Supp.3d 1100 (USDC, S.D. Fla., 2016)
- January 2018 - In re Chiquita Brands International, Inc. Alien Tort Statute And Shareholder Derivative Litigation, 284 F. Supp. 3d 1284, (USDC, S.D. Fla., 2018)

- National Security Archive, “Chiquita Papers Are Key Evidence in International Criminal Court Filing” (read first three paragraphs), <https://nsarchive.gwu.edu/briefing-book/colombia/2017-05-18/chiquita-papers-are-key-evidence-international-criminal-court>

FOREIGN SOVEREIGN IMMUNITIES ACT; ACTIONS AGAINST STATE ACTORS AND ORGANIZATIONS SUPPORTING TERRORISM – ZSB (Hour 2)

Objectives: Civil actions against state actors and sponsors of terrorism are possible only if there is an applicable exception to the doctrine of sovereign immunity. Such exceptions can be found in “jus cogens” norms of international law and a patchwork of statutory exceptions, most importantly the Foreign Sovereign Immunities Act. Resolution of these cases often requires deft judicial interpretations, including by the Supreme Court. The mechanisms for recovery will be explored, including prospects for recovery of judgments.

Materials:

- Foreign Sovereign Immunities Act (FSIA), 28 USC 1602-1607
- Donald v. United Klans of America, No. 84-0725 (S.D. Ala. Feb.12, 1987), Participant’s Folder Only
- Omagh Bombing Judgment: Relatives Win Landmark Case (The Telegraph, 6/8/2009), Participant’s Folder only
- Filártiga v. Peña-Irala, 630 F.2d 876 (2d Cir. 1980)
- Yousuf v. Samantar, 699 F. 3d 763 (4th Cir. 2012), cert denied, 134 S. Ct. 897 (2014)
- In re Terrorist Attacks on September 11, 2001, Civil Action No. 03-CV-9848 GBD, Findings of Fact and Concl. of Law (S.D.N.Y., 12/ 22/11), Iran/FSIA, pages 2-3 and 46-53, Participant’s Folder Only
- In re Terrorist Attacks on September 11, 2001, 298 F. Supp. 3d, (S.D.N.Y. 3/28/18), Saudi Arabia/FSIA, Read Section on Motions to Dismiss, pp. 641- end.

FINAL REVIEW - JDS (45 minutes)

Objectives: General summary, review of major themes and preparation for Final Exam.

Materials: No reading assignments.

APRIL 19 – APRIL 30, 2024: 10-DAY PERIOD FOR WRITING TAKE-HOME FINAL EXAMINATION.