

BOOK PRESENTATION: STRAFPROZESSUALE SCHRANKEN UND HÜRDEN IN DER KRIMINALITÄTSBEKÄMPFUNG UND -PRÄVENTION

– UNTERSUCHT AM BEISPIEL DER BEKÄMPFUNG DER TERRORISMUSFINANZIERUNG IN DEUTSCHLAND, LIECHTENSTEIN, ÖSTERREICH UND DER SCHWEIZ –

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Marie-Christin Falker and Prof. Bruno S. Sergi

AUTHORS

Marie-Christin Falker is a graduate research associate at Teichmann International (Schweiz) AG. She obtained an undergraduate degree in English and American Culture and Business Studies, focusing particularly on international management and marketing (Kassel University, Germany). She also studied at University of Maryland at College Park (USA) during her undergraduate studies.

Bruno S. Sergi is an instructor on the Economics of Emerging Markets and the Political Economy of Russia and China at Harvard University and an Associate of the Harvard's Davis Center for Russian and Eurasian Studies and the Harvard Ukrainian Research Institute. He teaches Political Economy and International Finance at the University of Messina, is the Series Editor of Cambridge Elements in the Economics of Emerging Markets, is the Editor of the Emerald Publishing book series Entrepreneurship and Global Economic Growth and is an Associate Editor of The American Economist. Sergi's extensive academic career and advisory roles with the leading international institutions have set him up as a frequent guest and commentator on the matters of contemporary developments in the political economy of emerging markets in a wide range of media.

PRESENTED BOOK

The book critically assesses criminal procedural obstacles to the effective combat and prevention of crime, particularly in the area of terrorist financing. For this purpose, a comparison between Germany, Liechtenstein, Austria, and Switzerland is drawn. Whereas previous works have mainly focused on measures and organizations against terrorist financing, the book closes a literature gap by analyzing concrete methods that terrorist financiers use to fly under the radar of law enforcement and intelligence agencies. Based on a qualitative study involving 15 alleged providers of illegal financial services and 15 compliance experts, the book makes suggestions for legislative changes aimed at improving the current counter the financing of terrorism regime.

Although the Islamic State has lost most of its strongholds in Syria and the surrounding areas, terrorism continues to threaten public safety. Not only has the Islamic State's struggle for power caused death and destruction, it has also led to the displacement of millions of people. On top of that, central Europe has notoriously been a popular target of terrorist attacks in recent years, which have caused significant damage and compromised the daily lives of many. Of course, the Islamic State is only one of many terrorist organizations threatening society. Therefore, the combat of terrorism continues to be a major priority for law enforcement and intelligence agencies in the European Union and elsewhere. Apart from measures such as traditional warfare, one popular approach to the combat of terrorism consists of counter the financing of terrorism (CFT) measures; the underlying assumption being that terrorists require significant financial means to carry out attacks and uphold their structures.¹ Considering these aspects, the reviewed work explores and analyzes groundbreaking themes which have a potential to significantly improve current CFT regimes.

Attorney-at-law Dr. Dr. Fabian Teichmann, LL.M. is one of the leading European compliance experts when it comes to matters of corruption, money laundering, and terrorist financing who regularly teaches at various universities. Like his previous works, his novel research on CFT measures does not disappoint.

The composition of the work complements its inductive approach. The chapters of the book are allocated in a reasonable and clear order, which induces a natural flow. Initially, the author provides a comprehensive literature review that expertly discusses the state of research regarding all relevant topics, namely terrorism itself, terrorist financing as well as criminal procedural measures Germany, Liechtenstein, Austria, and Switzerland currently employ in the fight against terrorist financing. Comparing these German-speaking countries seems reasonable due to several factors. First, they are connected through their common language and proximity to one another. The countries maintain close trading relationships. In addition, Liechtenstein and Switzerland, and Germany and Austria share the same currency, respectively, which facilitates the transfer of funds between them. Interestingly, the Austrian criminal code served as a blueprint for the Liechtenstein legislation. Moreover, the literature review provides an overview of the relevant literature on sources of income and transfer methods terrorist financiers employ as well as organizations and measures focusing on the combat of terrorist financing.

¹ Fabian Teichmann: *Strafprozessuale Schranken und Hürden in der Kriminalitätsbekämpfung und -Prävention – Untersucht am Beispiel der Bekämpfung der Terrorismusfinanzierung in Deutschland, Liechtenstein, Österreich und der Schweiz* – (1st ed. 2020).

The author skillfully identifies a literature gap in terms of sources of income and transfer methods terrorist financiers employ. In particular, he finds that the existing literature does not explain in sufficient depth how perpetrators must proceed to finance terrorism at low risk and the implications for German, Liechtenstein, Austrian, and Swiss criminal procedural law. Based on said literature gap, the author defines several important research questions—including potential for improved CFT mechanisms to facilitate the work of investigators in Germany, Liechtenstein, Austria and Switzerland—and aims of the research, namely, to anticipate concrete actions intelligent perpetrators of terrorist financing undertake and makes suggestions for Swiss legislators. Moreover, criminal procedural obstacles investigators face, and potential remedies are analyzed.

The work utilizes a sound qualitative approach to assessing the effectiveness of current CFT measures. In particular, the author conducted a qualitative study involving both potential perpetrators of terrorist financing and compliance experts tasked with combatting the issue. Hence, a comprehensive overview of both perspectives is provided. The approach is remarkable—after all, it should be difficult to convince alleged criminals to participate in such studies. The author competently mitigates any limitations arising from the approach (interviews with alleged perpetrators could not be recorded) by dividing the research process into a pre- and main study. The findings are comprehensively illustrated to the extent possible. Interview partners' statements in the main study are provided and the executive summary gives detailed insight into the research process and deduced findings. In addition, exhaustive protocols of all empirical findings and methods used can be found in the appendix of the book.

The empirical findings of the pre-study illustrate that virtually any source of income can be used to finance terrorism. Popular legal sources of income include real estate and stock exchange transactions. According to the interview partners in the pre-study, illegal sources of income may include trading with various goods such as resources, narcotics, CO2 emission certificates or even humans and organs. Other popular illegal sources of income include procuring, extortion, online fraud, and more. For the transfer of funds, interview partners in the pre-study identified parallel banking systems such as Hawala, cryptocurrencies, personal transfer and wire transfers to Turkey as popular methods. These empirical findings are presented in a comprehensible and reasonable manner, which first provides an overview for the reader and then dives deeper into each individual method. Each method is discussed in considerable depth and outlined coherently while offering tremendously compelling insights. Thus, the reader has the opportunity to first read about an issue in depth and later return to the section to take a second look whenever required.

The author details that naturally, intelligent perpetrators will refrain from using incriminated funds to avoid the attention of compliance officers. Because with terrorist financing, the criminal act lies in the future, substantiating willful misconduct can be extremely difficult.² However, the objective is to actively prevent terrorist attacks from happening rather than tracing who was responsible after the fact. Hence, preventative efforts should focus on methods of transfer terrorist financiers employ to remain undetected. Teichmann elaborately outlines the functioning of prominent transfer methods such as using the banking system, parallel banking or cryptocurrencies, which lays the foundation for the subsequent discussion of potential remedies.

² Fabian Teichmann: *Strafprozessuale Schranken und Hürden in der Kriminalitätsbekämpfung und -Prävention – Untersucht am Beispiel der Bekämpfung der Terrorismusfinanzierung in Deutschland, Liechtenstein, Österreich und der Schweiz* – (1st ed. 2020).

For the main study, the executive summary flawlessly details all relevant statements made by the interview partners. Hence, for both sources of income and the transfer of funds, interview partners' statements can be traced and reproduced. The subsequent discussion puts these statements into writing and connects them to a framework that gives an astonishing overview of manifold techniques terrorist financiers employ. The empirical findings are presented from the perpetrator's point of view, which makes it both an interesting and unique read. Via this approach, the book caters perfectly to its target audience of practitioners —law enforcement officers, intelligence agencies, attorneys, prosecutors, judges, and compliance experts— because in cases of money laundering or terrorist financing, it is essential they put themselves in the criminal's position. To be able to not only retrace but even predict perpetrators' actions, these experts must be well-acquainted with how intelligent criminals usually proceed. Teichmann's book accomplishes this objective skillfully.

Within the scope of the empirical findings, five novel CFT measures in the form of increased information exchange between private actors and the authorities, undercover investigations, electronic searches, mutual assistance, and partial suspension of professional secrecy are suggested based on the interview partners' statements. The subsequent chapter discusses criminal procedural implications of the empirical findings. Here, the author focuses particularly on electronic searches and undercover surveillance because both measures can be implemented in reasonable time. For both suggested measures, the legal status quo in all four countries —Germany, Liechtenstein, Austria, and Switzerland— is discussed and potential obstacles to their implementation are analyzed within the scope of a legal comparison. In this, the author pays attention to assessing the entire situation in great detail and from various perspectives, which makes the chapter highly comprehensive. Teichmann competently discusses the intricacies of each country's legislation in relation to the relevant issues. He concludes the chapter with an overall assessment that summarizes important aspects for practitioners to consult at any time.

Teichmann's analysis of online searches and undercover surveillance is somewhat revolutionary because the two measures have thus far been legalized only in selected countries. Upon reading the analysis, however, one cannot help but wonder why these promising measures have thus far been so poorly received. Within an adequate legal framework that considers privacy and data security, both electronic searches and undercover surveillance could have the potential to significantly improve the existing international CFT regime.

Overall, the reviewed book combines informative and practice-oriented content with suspenseful and absorbent writing. The author succeeds in presenting the contents in a manner that maintains the reader's interest throughout. The book is unique in that it makes empirical findings accessible to practitioners rather than focusing on a purely academic audience. The author expertly breaks down complex processes and presents them in a captivating and informative manner. The same is true for the explanations relating to the respective national legislations, which are discussed in a manner that is comprehensible for individuals with and without a background in law. Therefore, the work is of utmost importance to both practitioners and academics in the field of counterterrorism.