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Fraudulent Evidence Before Public International Tribunals The Dirty Stories of International Law

Considers egregious cases of ethically dubious behaviour before public international tribunals.

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Fraudulent Evidence Before Public International Tribunals The Dirty Stories of International Law

Cambridge University Press Domestic lawyers are, above all, officers of the court. By contrast, the public international lawyer representing states before international tribunals is torn between loyalties to the state and loyalties to international law. As the stakes increase for the state concerned, the tension between these loyalties can become acute and lead to practices that would be condemned in developed national legal systems but have hitherto been ignored by international tribunals in international legal scholarship. They are the 'dirty stories' of international law. This detailed and contextually sensitive presentation of eight important cases before a variety of public international tribunals dissects some of the reasons for the resort to fraudulent evidence in international litigation and the profession's baffling reaction. Fraudulent evidence is resorted to out of greed, moral mediocrity or inherent dishonesty. In public international litigation, by contrast, the reasons are often more complex, with roots in the dynamics of international politics.

The Iran-United States Claims Tribunal

Martinus Nijhoff Publishers The Iran-United States Claims Tribunal is arguably the most significant arbitral institution of the twentieth century. Although the completion of its last few cases could take a long time, the Tribunal's impressive work must be made available now as a guide to the resolution of ongoing disputes and for future tribunals. The Tribunal has, by this point, disposed of well over 98 percent of its caseload. Little more remains for its participants to learn, but the Tribunal shows no signs of fading away. Both of the two States Parties, for different reasons, see greater advantage in the Tribunal's prolongation than in its elimination. The authors have succeeded in dealing with all of the most deserving Tribunal subjects. Moreover, their intimate involvement in and knowledge of the Tribunal ensure that their book is a fascinating, important, and indispensable contribution to the literature of International Law. This is a definitive book on a monumental event in the law and in history at the close of a century. "The Iran-United States Claims Tribunal" was awarded the ASIL Certificate of Merit.

Fact-Finding before the International Court of Justice

Cambridge University Press Fact-Finding before the International Court of Justice examines a number of significant recent criticisms of the way in which the ICJ deals with facts. The book takes the position that such criticisms are warranted and that the ICJ's current approach to fact-finding falls short of adequacy, both in cases involving abundant, particularly complex or technical facts, and in those involving a scarcity of facts. The author skilfully examines how other courts such as the WTO and inter-State arbitrations conduct fact-finding and makes a number of select proposals for reform, enabling the ICJ to address some of the current weaknesses in its approach. The proposals include, but are not limited to, the development of a power to compel the disclosure of information, greater use of provisional measures, and a clear strategy for the use of expert evidence.

Model Rules of Professional Conduct

American Bar Association The Model Rules of Professional Conduct provides an up-to-date resource for information on legal ethics. Federal, state and local courts in all jurisdictions look to the Rules for guidance in solving lawyer malpractice cases, disciplinary actions, disqualification issues, sanctions questions and much more. In this volume, black-letter Rules of Professional Conduct are followed by numbered Comments that explain each Rule's purpose and provide suggestions for its practical application. The Rules will help you identify proper conduct in a variety of given situations, review those instances where discretionary action is possible, and define the nature of the relationship between you and your clients, colleagues and the courts.

A Critical Introduction to International Criminal Law

Cambridge University Press Presents theories, practices and critiques alongside each other to engage students, scholars and professionals from multiple fields. This title is also available as Open Access on Cambridge Core.

International Interplay

The Future of Expropriation Across International Dispute Settlement

Cambridge Scholars Publishing Are international tribunals heading towards greater sovereignty or towards greater liberalisation of property rights? Can we glean specific deductions from prevailing cases outside the expropriation arena? How can we justifiably extrapolate principles from international investment arbitration before modifying and applying these lessons to international human rights, the World Trade Organization regime and other dispute settlement systems? What, if any, degree of deference attends the assessment of various claims undertaken by international tribunals? Does this depend on high commerce, force majeure, military or paramilitary control, urgent nuclear and environmental considerations, transboundary harms, political instability, fraud and deception or other special circumstances? Where do textually strict treaty interpretations end and the general principles of international law take over? Can autonomous treaty interpretation by international tribunals be reconciled with the host State's prerogative of defining its own protected public interests? Where is the tipping point, too frequently fraught with the potential to deprive States of the incentive to stay within the applicable international compact? These issues must be comparatively addressed. Contemporary international law developments and dislocations are occurring at a break-neck pace. We pause and contemplate the implications. Riddhi Dasgupta analyses the standards of Expropriation, Exhaustion of Local Remedies, Continuous Nationality, Non-Discrimination (National Treatment, Most Favoured Nation and Domestic Discrimination), Fair and Equitable Treatment, Minimum Standard of Treatment, and Compensation across international dispute

settlement. The foundational and evolving concept of consent is required to justify all public international law, from genesis onwards. The potency of expropriation-based claims will continue to expand, and the comparative lessons drawn from various international law regimes will interplay to stirring effect. Writing accessibly, Dasgupta proposes various legal strategies going forward and makes analytical prognostications about this area of international law. Dasgupta presents influential interview and anecdotal results as well as statistics concerning the growing flow of investments in targeted jurisdictions and sectors. For the international lawyer's benefit, the final chapter condenses the book's tactical scenario-planning and advice. Institutional dialogues among tribunals as well as tribunal dialogues with politicians, investors, NGOs, and of course citizens (the ultimate boson) will assume absolutely indispensable significance. This will be the true tipping-point in the eye of the storm. Legitimacy, transparency, justice, efficiency and economy, candour, party autonomy, coherence, incentives, and the tense clash of interests reappear as the constant motifs in this important but relatively unknown saga. Studiedly neutral in its orientation, this book strives to promote constructive solutions as well as public awareness.

Corruption and Fraud in Investment Arbitration

Procedural and Substantive Challenges

Springer Nature This book offers an exciting overview of how the investor-state dispute settlement mechanism currently deals with allegations and/or evidence of fraud and corruption. It provides a detailed analysis of the legal framework under which arbitral tribunals usually operate in investment disputes involving allegations of illegality. Readers will find step-by-step examinations of the corruption and fraud arguments employed by arbitral tribunals in ten landmark ISDS cases, followed by a chapter summarizing the status quo on the topic. The final part of the book discusses the identified challenges of addressing illegality issues in investment arbitration and potential solutions, including the creation of a multilateral investment court.

Proving Bribery, Fraud and Money Laundering in International Arbitration

On Applicable Criminal Law and Evidence

Cambridge University Press Over the past few decades, arbitration has become the number one mechanism to settle international investment and commercial disputes. As a parallel development, the international legal framework to combat economic crime became much stronger within the fields of foreign public bribery, private bribery, fraud and money laundering. With frequent allegations of criminal conduct arising in international arbitration proceedings, it is crucially important to consider how such claims can be proven. This book analyses relevant case law involving alleged criminal conduct within international arbitration and addresses the most pressing issues regarding applicable criminal law and evidence. It is an essential resource for practising lawyers and academics active in the field of international investment and commercial arbitration.

Evidence Before International Tribunals

Strengthening Forensic Science in the United States

A Path Forward

National Academies Press Scores of talented and dedicated people serve the forensic science community, performing vitally important work. However, they are often constrained by lack of adequate resources, sound policies, and national support. It is clear that change and advancements, both systematic and scientific, are needed in a number of forensic science disciplines to ensure the reliability of work, establish enforceable standards, and promote best practices with consistent application. *Strengthening Forensic Science in the United States: A Path Forward* provides a detailed plan for addressing these needs and suggests the creation of a new government entity, the National Institute of Forensic Science, to establish and enforce standards within the forensic science community. The benefits of improving and regulating the forensic science disciplines are clear: assisting law enforcement officials, enhancing homeland security, and reducing the risk of wrongful conviction and exoneration. *Strengthening Forensic Science in the United States* gives a full account of what is needed to advance the forensic science disciplines, including upgrading of systems and organizational structures, better training, widespread adoption of uniform and enforceable best practices, and mandatory certification and accreditation programs. While this book provides an essential call-to-action for congress and policy makers, it also serves as a vital tool for law enforcement agencies, criminal prosecutors and attorneys, and forensic science educators.

Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations

United States Attorneys' Manual

The Phantom Capitalists

The Organization and Control of Long-Firm Fraud

Routledge This book analyzes in detail how and why people become involved in long-firm (planned bankruptcy) fraud, the similarities and differences between long-firm fraud and other crimes, the links between bankruptcy fraudsters and other professional and organized criminals, the techniques that fraudsters use, and the social and commercial relationships that exist within the operational world of the long-firm fraudster. Extensively researched, the study uses interviews with and documentation from businesspeople, credit controllers, lawyers, judges, police, fraud investigators as well as fraudsters themselves. It also makes use of extensive documentary material from contemporary and historical police and court records. Originally published in the 1980s, the revised edition of this seminal work provides a substantial new introduction written by the author to highlight the changing and unchanging relevance of the findings for a contemporary audience, and the ways in which fraud opportunities and the organization of frauds have modified in the intervening years.

The Legal Practice in International Law And European Community Law

A Spanish Perspective

Martinus Nijhoff Publishers This work offers a Spanish perspective on contemporary practice in international law and European Community law by genuine practitioners such as registrars, judges and magistrates serving on national and international courts, as well as advocates practicing in these courts, senior international officials, government advisers and academics. In five parts this book deals with the practice in international courts; practice in international organizations; the European Community practice and; Spanish practice in matters of public and private international law. The last part contains an article on evidence in international practice and a general overview for further research. The book offers a very useful insight in matters otherwise available in Spanish, such as the applications against Spain lodged with the European Court of Human Rights, a comparison between the Spanish Constitutional Court and the Court of Justice of the European Communities, public international law before Spanish domestic courts and the Spanish practice on investment treaties.

Civil Fraud

Law, Practice & Procedure

Lightman & Moss, as it is commonly known, is an authority on the law of receivers and administrators of companies and explains the principles clearly, legislation and case law that shapes receivership and administration practice and highlights recent developments in this area, giving guidance to help clarify areas of uncertainty and ensures that technical issues are more readily understood. It goes through procedure for appointment of receivers and administrators, sets out duties and liabilities of receivers and administrators, deals with continuation of trading, disposals and reorganisations, liquidation and receivership, considers issues relating to taxation, leases, set-off and liens, pensions and employees, covers the position of bankers and creditors, addresses the removal, resignation, termination and discharge of directors and examines the case law generated under the new insolvency regime

General Principles of Law and International Due Process Principles and Norms Applicable in Transnational Disputes

Oxford University Press Article 38 of the Statute of the International Court of Justice defines "international law" to include not only "custom" and "convention" between States but also "the general principles of law recognized by civilized nations" within their municipal legal systems. In 1953, Bin Cheng wrote his seminal book on general principles, identifying core legal principles common to various domestic legal systems across the globe. This monograph summarizes and analyzes the general principles of law and norms of international due process, with a particular focus on developments since Cheng's writing. The aim is to collect and distill these principles and norms in a single volume as a practical resource for international law jurists, advocates, and scholars. The information contained in this book holds considerable importance given the growth of inter-state intercourse resulting in the increased use of general principles over the past 60 years. General principles can serve as rules of decision, whether in interpreting a treaty or contract, determining causation, or ascertaining unjust enrichment. They also include a core set of procedural requirements that should be followed in any adjudicative system, such as the right to impartiality and the prohibition on fraud. Although the general principles are, by definition, basic and even rudimentary, they hold vital importance for the rule of law in international relations. They are meant not to define a rule of law, but rather the rule of law.

The Fundamental Concept of Crime in International Criminal Law A Comparative Law Analysis

Springer Science & Business Media This book examines the rapid development of the fundamental concept of a crime in international criminal law from a comparative law perspective. In this context, particular thought has been given to the catalyzing impact of the criminal law theory that has developed in major world legal systems upon the crystallization of the substantive part of international criminal law. This study offers a critical overview of international and domestic jurisprudence with regard to the construal of the concept of a crime (actus reus, mens rea, defences, modes of liability) and exposes roots of confusion in international criminal law through a comprehensive comparative analysis of substantive criminal laws in selected legal jurisdictions.

International Courts and Tribunals

Edward Elgar Pub Beginning about a century ago, but with a dramatic acceleration of the process in the final decades of the 1900s, international courts and tribunals have taken a prominent place in the enforcement of international law, the maintenance of international peace and security and the protection and promotion of human rights. This book addresses the great diversity of these institutions, their structures and legal frameworks and their contribution to the international rule of law.

Human rights and criminal procedure

The case law of the European Court of Human Rights

Council of Europe A practical tool for legal professionals who wish to strengthen their skills in applying the European Convention on Human Rights and the case law of the European Court of Human Rights in their daily work This is the second and expanded edition of a handbook intended to assist judges, lawyers and prosecutors in taking account of the requirements of the European Convention on Human Rights and its Protocols ("the European Convention") - and more particularly of the case law of the European Court of Human Rights - when interpreting and applying codes of criminal procedure and comparable or related legislation. It does so by providing extracts from key rulings of the European Court and the former European Commission of Human Rights that have determined applications complaining about one or more violations of the European Convention in the course of the investigation, prosecution and trial of alleged offences, as well as in the course of appellate and various other proceedings linked to the criminal process.

United States Code

Principles of Evidence in Public International Law as Applied by Investor-State Tribunals

Burden and Standards of Proof

BRILL In *Principles of Evidence in Public International Law as Applied by Investor-State Tribunals*, Kabir Duggal and Wendy Cai examine evidentiary principles of burden of proof and standard of proof by delving into applications by the International Court of Justice and investor-state tribunals.

Commentary on the Law of the International Criminal Court

Torkel Opsahl Academic EPublisher

International Civil Fraud

A Multi-jurisdictional Practitioners' Guide

There is an increasing demand for advice regarding the legal framework applicable to frauds in foreign jurisdictions. This book provides a single starting point of reference for clients and advisers relating to international civil fraud.

The International Arbitral Process

Public and Private

The Asset Tracing and Recovery Review

International Arbitration

Three Salient Problems

Cambridge University Press Considers the vitality of the international arbitral process through an updated examination of three salient problems.

The Legitimacy of International Trade Courts and Tribunals

Studies on International Court A comprehensive discussion of international trade courts and tribunals with specific emphasis on their performance and legitimacy.

At the Margins of Globalization

Indigenous Peoples and International Economic Law

Cambridge University Press This book explores how Indigenous Peoples are impacted by globalization and the cult of the individual that often accompanies the phenomenon.

Investigating White-collar Crime

Embezzlement and Financial Fraud

Charles C Thomas Publisher The 11 chapters of this book are intended to assist police investigators in obtaining the evidence required to prove the distinctive criminal elements of embezzlement and fraud. The first chapter defines "white-collar crime" and describes types of white-collar crime under the categories of crimes by individuals, crimes in the furtherance of legitimate business, and criminal activity disguised as legitimate business. The international scope of white-collar crime and the enforcement of white-collar crime are then discussed. The second chapter focuses on the white-collar crime of embezzlement, which occurs when a person fraudulently appropriates to his/her own benefit money or property entrusted to him/her by another without the effective consent of the owner. Fraud is the subject of the third chapter. Fraud occurs when a person obtains the property of another by deception. The deception involves making representations that are knowingly false by the design of the offender, and these representations are made with the intent to defraud a targeted victim. Relying on these false representations, the victim is induced to voluntarily give his/her property to the offender. The fourth chapter, a new chapter in this second edition, addresses identity theft, its incidence and costs, and the laws that it violates. The remaining chapters focus on the practical aspects of investigating embezzlement, fraud, and identity theft. Separate chapters cover accounting theory for investigators; auditing theory for investigators; financial interviewing and interrogation; public information, subpoenas, and search warrants; evidence and documentation; proving illicit transactions; and case preparation and the investigative report. Seven appendixes pertain to the numerical system of the American Bankers Association, the affidavit of financial information, area assignments of Social Security numbers, a guide to sources for financial information, consent to search, customer consent and authorization for access to financial records, and statement of rights.

The International Court of Justice and Decolonisation

New Directions from the Chagos Advisory Opinion

Cambridge University Press Reflections on the ICJ's Chagos Advisory Opinion and its broader context: British colonialism, US military interests, and human rights violations.

Sovereignty, the WTO, and Changing Fundamentals of International Law

Cambridge University Press The last decade of the twentieth century and the first decade of the twenty-first century has been one of the most challenging periods for the generally accepted assumptions of international law. This book, first published in 2006, grapples with these long-held assumptions (such as the consent basis of international law norms, equality of nations, restrictive or text-based treaty interpretations and applications, the monopoly of internal national power, and non-interference), and how they are being fundamentally altered by the forces of globalization. It also examines the challenges facing the WTO as a component of international economic law, and how that field is inextricably linked to general international law.

Ministry of Justice - Code of Practice for Victims of Crime

The Stationery Office This Code of Practice for Victims of Crime forms a key part of the wider Government strategy to transform the criminal justice system by putting victims first, making the system more responsive and easier to navigate. Victims of crime should be treated in a respectful, sensitive and professional manner without discrimination of any kind. They should receive appropriate support to help them, as far as possible, to cope and recover and be protected from re-victimisation. It is important that victims of crime know what information and support is available to them from reporting a crime onwards and who to request help from if they are not getting it. This Code sets out the services to be provided to victims of criminal conduct by criminal justice organisations in England and Wales. Criminal conduct is behaviour constituting a criminal offence under the National Crime Recording Standard. Service providers may provide support and services in line with this Code on a discretionary basis if the offence does not fall under the National Crime Recording Standard (NCRS) (see the glossary of key terms found at the end of this Code). Non-NCRS offences include drink driving and careless driving. This Code also sets a minimum standard for these services. Criminal justice organisations can choose to offer additional services and victims can choose to receive services tailored to their individual needs that fall below the minimum stand

Protecting the right to freedom of expression under the European Convention on Human Rights

A handbook for legal practitioners

Council of Europe European Convention on Human Rights - Article 10 - Freedom of expression 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. In the context of an effective democracy and respect for human rights mentioned in the Preamble to the European Convention on Human Rights, freedom of expression is not only important in its own right, but it also plays a central part in the protection of other rights under the Convention. Without a broad guarantee of the right to freedom of expression protected by independent and impartial courts, there is no free country, there is no democracy. This general proposition is undeniable. This handbook is a practical tool for legal professionals from Council of Europe member states who wish to strengthen their skills in applying the European Convention on Human Rights and the case law of the European Court of Human Rights in their daily work.

The Mueller Report

The Final Report of the Special Counsel on Russian Interference in the 2016 Presidential Election

Courier Dover Publications This is the full Mueller Report, as released on April 18, 2019, by the U.S. Department of Justice. A reprint of the report exactly as it was issued by the government, it is without analysis or commentary from any other source and with nothing subtracted except for the material redacted by the Department of Justice. The mission of the Mueller investigation was to examine Russian interference in the 2016 Presidential election, consisting of possible links, or "collusion," between the Donald Trump campaign and the Russian government of Vladimir Putin as well as any allegations of obstruction of justice in this regard. It was also intended to detect and prosecute, where warranted, any other crimes that surfaced during the course of the investigation. The report consists of a detailed summary of the various investigations and inquiries that the Special Counsel and colleagues carried out in these areas. The investigation was initiated in the aftermath of the firing of FBI Director James Comey by Donald Trump on May 9, 2017. The FBI, under Director Comey, had already been investigating links between Russia and the Trump campaign. Mueller submitted his report to Attorney General William Barr on March 22, 2019, and the Department of Justice released the redacted report one month later.

Criminality Exposed Colombo Hilton Hotel Construction Perversely `Covered-Up'

Fraud on Sri Lanka Government

Author House In this voluminous Book in a series by the Author on corruption, fraud and economic crime, with indepth analysis, transcending forensic accounting, he brilliantly reveals, with incisive diametrics, irrefutable evidence of criminality, in the construction of Colombo Hilton Hotel by Mitsui & Taisei, Japan, with Architects, Kanko Kikaku Sekkeisha Yozo Shibata & Associates successful civil prosecution by Author led to Japanese writing-off US \$ 207 Mn. He establishes beyond reasonable doubt, that original Architectural Plans had been suppressed / destroyed by a staged fire, with amended Architectural Plans surreptitiously substituted being cannibalized Sheets, with incongruous elevations, whereby such Plans could not be approved. Meticulously probing into elevations on Floor Sheets and Cross-Sectional Sheets, which crucial aspect had been overlooked by professional

architectural investigations, he proves the shortfall of floors, with the elevations on tampered Sheets bearing tell tale evidence of being identical, with elevations in the cross-sections of the Project Plan, upon which Hilton International formulated Profitability Forecasts, to obtain State Guarantees from Sri Lanka Government, to finance this construction, which was a major fraud perpetrated on the people, rendering such guarantees null and void. Shockingly revealed are perverse endeavours, including by Auditors, KPMG Ford, Rhodes, Thornton & Co., to cover-up this massive fraud, involving upper echelons, with socio-political / international ramifications. Appallingly, criminal investigations were significantly abandoned, on advice of Attorney General. Securities Exchange Commission colluded to cover-up, whilst Chartered Accountants Institute endeavoured to whitewash miscreants. This is a revealingly absorbing Book of real experiences of the Author, in exposing and combating, a despicable fraud on the people, which to him was a crime against humanity, and would be invaluable to investigators and prosecutors of commercial frauds and crimes, and civil society urging equal enforcement of the rule of law.

Archbold: Criminal Pleading, Evidence and Practice

The Financial Crisis Inquiry Report

The Final Report of the National Commission on the Causes of the Financial and Economic Crisis in the United States Including Dissenting Views

Cosimo, Inc. The Financial Crisis Inquiry Report, published by the U.S. Government and the Financial Crisis Inquiry Commission in early 2011, is the official government report on the United States financial collapse and the review of major financial institutions that bankrupted and failed, or would have without help from the government. The commission and the report were implemented after Congress passed an act in 2009 to review and prevent fraudulent activity. The report details, among other things, the periods before, during, and after the crisis, what led up to it, and analyses of subprime mortgage lending, credit expansion and banking policies, the collapse of companies like Fannie Mae and Freddie Mac, and the federal bailouts of Lehman and AIG. It also discusses the aftermath of the fallout and our current state. This report should be of interest to anyone concerned about the financial situation in the U.S. and around the world. THE FINANCIAL CRISIS INQUIRY COMMISSION is an independent, bi-partisan, government-appointed panel of 10 people that was created to "examine the causes, domestic and global, of the current financial and economic crisis in the United States." It was established as part of the Fraud Enforcement and Recovery Act of 2009. The commission consisted of private citizens with expertise in economics and finance, banking, housing, market regulation, and consumer protection. They examined and reported on "the collapse of major financial institutions that failed or would have failed if not for exceptional assistance from the government." News Dissector DANNY SCHECHTER is a journalist, blogger and filmmaker. He has been reporting on economic crises since the 1980's when he was with ABC News. His film In Debt We Trust warned of the economic meltdown in 2006. He has since written three books on the subject including Plunder: Investigating Our Economic Calamity (Cosimo Books, 2008), and The Crime Of Our Time: Why Wall Street Is Not Too Big to Jail (Disinfo Books, 2011), a companion to his latest film Plunder The Crime Of Our Time. He can be reached online at www.newsdissector.com.