

**CASE NOTE:
THE NETHERLANDS**

CASE CITATION:
LJN: BX0155

NAME AND LEVEL OF THE COURT:
Assen District Court

DATE OF DECISION:
3 July 2012

Money laundering; phishing; participation in a criminal organization which had the object of money laundering

The accused was on trial on suspicion of – summarily put – involvement in laundering sums of money obtained by phishing fraud within an organized crime context. In brief, phishing can be defined as obtaining someone's personal and bank details via the internet. Criminals try and obtain (usually via an e-mail message) someone's personal details, such as bank account numbers, credit card numbers, pass words, pin codes et cetera, in order to withdraw money from someone's account. As these sums can only be transferred to other bank accounts, criminals also need account numbers to which they can transfer the sums stolen by means of phishing. Individuals who surrender their bank account number, bank card and sometimes also their PIN code for this purpose are called 'money mules' (known as 'volunteer' in this report). Criminals pay the stolen money (obtained by phishing) into the bank account of a 'volunteer', and then forward it to other accounts or it is withdrawn in cash.

Consideration in determining the punishment was that the accused committed these offences purely in pursuit of gain. In sentencing, the court also considered that the accused must have played a leading role within the criminal organization. The court considers this likely because it was always the accused who withdrew money from automated teller machines, and in view of the way in which he presented himself (expensive clothing, jewellery and cars) he appeared to have at his disposal large sums of money whereas he had no regular source of income. In view of the defendant's role, the large number of 'phishing' transactions, the long period during which the accused participated in the activities, as well as the circumstance that he involved young, often even still underage 'volunteers' in his activities, the court believes that the sentence demanded by the Public Prosecutor does justice to the nature and seriousness of the offences, so that the court will adopt it.

The accused is convicted and sentenced to 24 months'

imprisonment, of which 6 months suspended, with an operational period of 3 years and less the period spent in pre-trial detention.

This case report is by courtesy of the **Expertise Centre on Cybercrime**, and was first published in *Vertaalde Nieuwsbrief*, 2012, nr 3 (translated version)