The Role of Corporations in Criminal Proceedings

Fifth AIDP Symposium for Young Penalists

Freiburg, Germany
22-23 June 2018
–Version 2018/04/14–

Venue:
Max Planck Institute for Foreign and International Criminal Law
Freiburg
Friday, 22 June 2018

9:00

Welcome addresses
Prof. Dr. Dr. h.c. mult. Ulrich Sieber, Director MPI Freiburg
Prof. Dr. John Vervaele, President AIDP

9:30

Introduction
Dominik Brodowski
Manuel Espinoza de los Monteros de la Parra
Eduardo Saad-Diniz

Broadening the Scope: The Multifaceted Role of Corporation in Criminal Justice

10:30 – 12.30

a) Corporations and Politics of Criminal Justice
Corporate Interest Groups in Criminal Copyright Policy
Esther Tabitha Earbin

b) Corporations as Victims of Crime:
Victimized Institutions and Organizations before the International Criminal Court. Critical Analysis of Theoretical Underpinnings
Patryk Gacka

c) Corporations as Third Parties and Witnesses in Criminal Proceedings:
Criminal Justice Access to Evidence in the Cloud: the Microsoft Ireland Case and Other Recent Developments
Isabel Haider

d) Corporations as Targets of the Criminal Justice System:
The Collaboration of Corporations in Criminal Proceedings
Susana Aires de Sousa

Moderator: Dominik Brodowski

*** Lunch ***
PROSECUTING CORPORATIONS – AS CULPRITS, AS SCAPEGOATS, AS VICTIMS?

Amalia Orsina

Some Biases in Judgement of White-Collar Crimes
Lorena Varela

Restorative Justice for Victims of Corporate Crime and Corporate Violence: Existing Practices and Approaches for the Future
Victor Yurkov

Corporations as Rights Holders in Criminal Proceedings. Special Reference to the Right against Self-Incrimination
Ana Neira Pena

Moderator: Charlotte Schmitt-Leonardy

TO PROSECUTE OR NOT TO PROSECUTE, THAT IS THE QUESTION

16:00 – 18:00  Is Criminal Procedure Suitable to Promote Self Regulation? A Perspective from Spanish Legal System
Jordi Gimeno Bevia

Corporate Liability and Diversion: Towards a New Criminal Law for Collective Entities?
Federico Mazzacuva

Corporate Criminal Liability and Negotiated Justice in Italy: Something New under the Sun?
Marco Colacurci

The Effects-Oriented Approach in Criminal Proceedings against Corporations
Martina Galli

Moderator: Stefan Schumann
INVITED LECTURE

18:15 – 19:15  Corporate Criminal Law in an Era of Convergence and Disruption
Prof. Dr. William S. Laufer, The Wharton School, University of Pennsylvania

Moderator: N.N.
Saturday, 23 June 2018

DOUBLE JEOPARDY PROTECTION IN CRIMINAL PROCEEDINGS AGAINST CORPORATIONS

9:00 – 10.30  Ne bis in idem and Corporate Liability: are Corporation and its Agent really two Different Persons?
Annarita De Rubeis

Double Jeopardy ("ne bis in idem") in Transnational Criminal Proceedings against Corporations
Kilian Wegner

Human Rights of Corporations: What the Application of ne bis in idem Principle to Corporations can Imply on the Nature of Human Rights in the Modern Criminal Justice System
W.M.A. Mahmoud

Moderator: Manuel Espinoza de los Monteros de la Parra

INTERNAL INVESTIGATIONS, SELF-INCRIMINATION, AND HUMAN RIGHTS

11:00 – 12.30  Search and Seizure of Documents generated in Internal Investigations – Lessons to learn from European Law
Anne Schneider

Compliance Programs and Legal Entity’s Guarantees in Criminal Proceedings
Anna S. Valenzano & Silvia Massi

Corporations in Criminal Proceedings: How do Internal Investigations affect Employees’ Human Rights?
Ana E. Carrillo del Teso

Moderator: NN

*** Lunch ***
COMPLIANCE AND ITS EFFECTS ON CORPORATE CRIMINAL JUSTICE

Sergio Herra R.
Criminal Compliance and Corruption: a cost-effectiveness analysis – Compliance in Corporations and the Rule of Law
Matheus L. Puppe Magalhães
The Impact of Compliance Measures on the Criminal Liability and Sentencing of Corporations
Melena Krause
Carrot and Stick: Liability Regime and Compliance Program
Yuning RuIHeng
Moderator: Eduardo Saad-Diniz

15:30 – 16.00 Concluding Remarks
Dominik Brodowski
Manuel Espinoza de los Monteros de la Parra
Eduardo Saad-Diniz
LIST OF SPEAKERS AND MODERATORS

Prof. Dr. Susana Aires de Sousa, University of Coimbra

Dr. Dominik Brodowski, LL.M. (UPenn), Saarland University

Dr. Ana E. Carrillo del Teso, University of Salamanca

Dr. Marco Colacurci, University of Campania

Dr. Annarita De Rubeis, Sapienza University

Manuel Espinoza de los Monteros de la Parra, President, AIDP Young Penalist Committee

Patryk Gacka, University of Warsaw

Martina Galli, Tuscia University

Prof. Dr. Jordi Gimeno Bevia, University of Castilla-La Mancha

Isabel Haider, LL.M. (London), University of Vienna

Sergio Herra R., Msc., University of Barcelona

Melena Krause, University of Cologne

W.M.A. Mahmoud, Utrecht University

Dr. Silvia Massi, Roma Tre University

Dr. Federico Mazzacuva, University of Bologna

Prof. Dr. Ana Neira Pena, University of A Coruña

Dr. Amalia Orsina, University of Catania

Matheus L. Puppe Magalhães, University of Frankfurt

Yuning Ruiheng, Max Planck Institute for Foreign and International Criminal Law, Freiburg

Prof. Dr. Eduardo Saad-Diniz, University of São Paulo, Campus Ribeirão Preto

Dr. Charlotte Schmitt-Leonardy, University of Frankfurt

Dr. Anne Schneider, LL.M., University of Bonn

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Prof. Dr. Dr. h.c. mult. Ulrich Sieber, Director Max Planck Institute for Foreign and International Criminal Law, Freiburg, Vice-President of the AIDP

Esther Tabitha Earbin, Max Planck Institute for Foreign and International Criminal Law, Freiburg

Dr. Anna S. Valenzano, Sapienza University of Rome

Dr. Lorena Varela, Saarland University

Prof. Dr. John Vervaele, Utrecht University, President of the AIDP

Kilian Wegner, Bucerius Law School, Hamburg

Dr. Victor Yurkov, LL.M., Max Planck Foundation for International Peace and the Rule of Law, Heidelberg
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