



Max-Planck-Institut
für ausländisches und
internationales Strafrecht



AIDP International Association
of Penal Law

Young Penalists

Meeting 3:

The Role of Corporations in Criminal Proceedings

Fifth AIDP Symposium for Young Penalists

Freiburg, Germany

22–23 June 2018

Venue:

Max Planck Institute for Foreign
and International Criminal Law
Guenterstalstraße 73
79100 Freiburg

Friday, 22 June 2018

- 09:00 Welcome
Ulrich Sieber, Director MPI Freiburg
John Vervaele, President AIDP
- 09:30 Introduction
Dominik Brodowski
Manuel Espinoza de los Monteros de la Parra
Eduardo Saad-Diniz

I. **BROADENING THE SCOPE: THE MULTIFACETED ROLE OF CORPORATIONS IN CRIMINAL JUSTICE**

- 10:30 – 12.30 MODERATOR: *Dominik Brodowski*
1. Corporations and Politics of Criminal Justice:
Corporate Interest Groups in Criminal Copyright Policy
Esther Tabitha Earbin
 2. Corporations as Victims of Crime:
Victimized Institutions and Organizations before the International Criminal
Court. Critical Analysis of Theoretical Underpinnings
Patryk Gacka
 3. 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
 4. Corporations as Targets of the Criminal Justice System:
The Collaboration of Corporations in Criminal Proceedings
Susana Aires de Sousa

*** **Lunch** ***

II. PROSECUTING CORPORATIONS – AS CULPRITS, AS SCAPEGOATS, AS VICTIMS?

13:30 – 15:00 MODERATOR: *Charlotte Schmitt-Leonardy*

1. Reactive Fault: the “New” Frontier of Corporate Criminal Liability
Amalia Orsina

2. Some Biases in Judgement of White-Collar Crimes
Lorena Varela

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

III. TO PROSECUTE OR NOT TO PROSECUTE, THAT IS THE QUESTION

15:30 – 17:30 MODERATOR: *Stefan Schumann*

1. Is Criminal Procedure Suitable to Promote Self-Regulation?
A Perspective from the Spanish Legal System
Jordi Gimeno Bevia

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

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

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

IV. GUEST LECTURE

17:45 – 18:45 MODERATOR: N.N.

1. Corporate Criminal Law in an Era of Convergence and Disruption
William S. Laufer

V. DOUBLE JEOPARDY PROTECTION IN CRIMINAL PROCEEDINGS AGAINST CORPORATIONS

9:00 – 10:30 MODERATOR: *Manuel Espinoza de los Monteros de la Parra*

1. Ne bis in idem and Corporate Liability: are a Corporation and its Agent really two Different Persons?

Annarita De Rubeis

2. Double Jeopardy (“ne bis in idem”) in Transnational Criminal Proceedings against Corporations

Kilian Wegner

3. Human Rights of Corporations: What the Application of the ne bis in idem Principle to Corporations can Imply for the Nature of Human Rights in the Modern Criminal Justice System

Mahmoud Waleed, M.A.

VI. INTERNAL INVESTIGATIONS, SELF-INCRIMINATION, AND HUMAN RIGHTS

11:00 – 13:00 MODERATOR: *N.N.*

1. Search and Seizure of Documents Generated in Internal Investigations – Lessons to Learn from European Law

Anne Schneider

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

Ana Neira Pena

3. Compliance Programs and Legal Entity’s Guarantees in Criminal Proceedings

Anna S. Valenzano & Silvia Massi

4. Corporations in Criminal Proceedings: How do Internal Investigations Affect Employees’ Human Rights?

Ana E. Carrillo del Teso

*** **Lunch** ***

VII. COMPLIANCE AND ITS EFFECTS ON CORPORATE CRIMINAL JUSTICE

- 14:00 – 16:00 MODERATOR: *Eduardo Saad-Diniz*
1. (The American Way of) Conducting Internal Investigations in Corporations
Sergio Herra R.
 2. Criminal Compliance and Corruption: a cost-effectiveness analysis – Compliance in Corporations and the Rule of Law
Matheus L. Puppe Magalhães
 3. The Impact of Compliance Measures on the Criminal Liability and Sentencing of Corporations
Melena Krause
 4. Carrot and Stick: Liability Regime and Compliance Program
Yuning Ruiheng
- 16:00 – 16:30 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 Mazzacova*, 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 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

Asst. Prof. Dr. *Stefan Schumann*, Johannes Kepler University Linz

Prof. Dr. Dr. h.c. mult. *Ulrich Sieber*, Director Max Planck Institute Freiburg,
Vice-President of the AIDP

Esther Tabitha Earbin, Max Planck Institute 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 Heidelberg

RESPONSIBLE ORGANISERS

Max Planck Institute for Foreign
and International Criminal Law
Guenterstalstraße 73
79100 Freiburg/Germany
Phone: +49-761-7081-0
Fax: +49-761-7081-294
email: info@mpicc.de

AIDP Young Penalists
email: yp2018@youngpenalists.org

Scientific Concept:

Dr. Dominik Brodowski, LL.M. (UPenn)
Manuel Espinoza de los Monteros de la Parra
Prof. Dr. Eduardo Saad-Diniz
email: yp2018@youngpenalists.org

Practical Organisation:

Thomas Herrmann
Phone: +49-761-7081-206
email: aidp-freiburg-2018@mpicc.de

ADDITIONAL INFORMATION AND REGISTRATION

www.mpicc.de/aidp

