Arbitration and Crime
Dealing with Allegations of Economic Crime in Arbitration

Conference
Thu 11 – Fri 12 January 2018
Basel, Switzerland

Both in investment and in commercial arbitration, it has become more and more frequent that a party raises the objection of corruption, money laundering, fraud or bid rigging. The challenges this presents for arbitrators and parties are considerable: What are the limits of the objection, how do you prove it, how can you fight unfounded allegations? If proven, the problems really only begin: What are the consequences? Is jurisdiction denied or is the issue dealt with on merits? How does one balance a huge claim denied against a doubtful victory, in particular where both parties carry part of the blame?
### Thursday, 11 January 2018

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<tr>
<td>19.00</td>
<td>Pre-conference apéro and dinner in Hotel Krafft (Rheingasse 12, 4058 Basel)</td>
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### Friday, 12 January 2018

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<tr>
<td>08.30</td>
<td>Welcome coffee</td>
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| 09.00-09.15   | Welcome / Introduction                                                      | Mark Pieth, Basel University
                |                                                                              | Elliott Geisinger, Schellenberg Wittmer Ltd, President ASA
| 09.15-10.15   | Panel & plenary discussion                                                  | Chair: Gemma Aiolfi, Basel Institute on Governance
                | Corruption, money laundering, fraud and bid rigging as public order issues   | Panel:
                | in investment and commercial arbitration                                    | - Nicola Bonucci, Legal Director OECD
                | Addressing the impact of international anti-corruption and anti-money      | - Stanimir Alexandrov, Stanimir A. Alexandrov PLLC
                | laundering conventions                                                      | - Marin Mrčela, President of the Group of States against Corruption (GRECO), Council of Europe
| 10.15-10.45   | Coffee break                                                                |
| 10.45-11.45   | Case studies: e.g.                                                          | Chair: Carolyn Lamm, White & Case LLP
                | - Metal-Tech v. Uzbekistan (ICSID Case No. ARB/10/3)                        | - Claus von Wobeser, Von Wobeser y Sierra, S.C.
                | - Spentex v. Uzbekistan (ICSID Case No. ARB/13/26)                         | - Lucinda A. Low, Steptoe & Johnson LLP
                | - Fraport v. Philippines (ICSID Cases No. ARB/03/25 and ARB/11/12)        | - Balz Gross, Homburger
                | - Siemens v. Argentina (ICSID Case No. ARB/02/8)                          | - David A. Lawson, Bonnard Lawson
                | - IPOC International Growth Fund Ltd v. LV Finance Group Ltd              | - Richard Kreindler, Cleary Gottlieb Steen & Hamilton LLP
                | - Bangkok Metropolitan Administration v. Steyr-Daimler-Puch AG             |                                                                                       |
| 11.45-12.30   | Panel & plenary discussion                                                  | Chair: Cecily Rose, Leiden University
                | How to prove criminal conduct? Evidence issues:                            | Panel:
                | - Difficulties in the marshalling of evidence: the role of forensic        | - Gianfranco Mautone, PwC AG
                |    service providers                                                       | - Juan Fernández-Armedo, Armesto & Asociados
                | - Admissibility of evidence                                                | - Yves Klein, Monfrini Bitton Klein
                | - Significance of red flags                                                | - Kathrin Betz, Basel University
<pre><code>            | - Adverse inferences                                                       |
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<th>Time</th>
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<td>12.30-13.30</td>
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| 13.30-14.30  | Panel & plenary discussion                  | Legal challenges  
- Protection against unsubstantiated allegations of crime  
- Manipulation to obtain an investment vs. manipulation during performance of an investment  
- The relationship between arbitration and domestic criminal law: impact of domestic criminal proceedings | Chair: Lord Peter Goldsmith QC, Debevoise & Plimpton LLP  
Panel:  
- Joachim Knoll, LALIVE SA  
- David Huw Williams QC, Fulcrum Chambers Ltd  
- Vladimir Khvalei, Baker McKenzie  
- Nadia Darwazeh, Curtis, Mallet-Prevost, Colt & Mosle LLP |
| 14.30-15.30  | Panel & plenary discussion                  | Consequences of proven crime in arbitration  
- Jurisdiction, admissibility, and the clean hands doctrine in investment arbitration  
- Voidability of the underlying contract  
- Public policy and enforcement of arbitral awards | Chair: Yves Fortier QC, Cabinet Yves Fortier  
Panel:  
- Bruno Cova, Paul Hastings LLP  
- Craig Orr QC, One Essex Court  
- Stéphane Bonifassi, BONIFASSI Avocats  
- Nathalie Voser, Schellenberg Wittmer Ltd |
| 15.30-15.45  | Short coffee break                          |                                                                                                                                            |                                                                                                                |
| 15.45-16.30  | Concluding panel & plenary discussion       | ‘Perverse effects’: How to balance the fact that both parties carry responsibility?  
- An easy option out of one’s obligations?  
- A duty of host states to prosecute corrupt officials? | Chair: Mark Pieth, Basel University  
Panel:  
- Stephan Wilske, Gleiss Lutz  
- Carolyn Lamm, White & Case LLP  
- Nicola Bonucci, Legal Director OECD  
- Monty Raphael QC, Peters & Peters Solicitors LLP |
| 16.30-16.40  | Conclusion                                  |                                                                                                                                            | Krista Nadakavukaren Schefer, Swiss Institute of Comparative Law                                           |
Practical Information

Conference Venue
The conference takes place at the main building (Kollegienhaus, marked in red on the map below) of the University of Basel, Petersplatz 1, 4001 Basel, Switzerland, in the Aula (large auditorium on the ground floor). Wardrobe facilities and event WiFi are available.

Conference Fee
The conference fee is CHF 300.00 per person (CHF 200.00 for students). Payment details will be communicated upon registration.

Accommodation
Conveniently located hotels in Basel include:
- Hotel Krafft (www.krafftbasel.ch)
- Hotel Bildungszentrum 21 (www.bz21.ch)

Pre-Conference Dinner
You are invited to join us for an (informal) pre-conference dinner on Thursday, 11 January, at 19.00 in Restaurant Krafft (www.krafftbasel.ch).

Registration
Please register until 30 November 2017 by writing an e-mail to kathrin.betz@unibas.ch.

Website
For conference updates, please visit https://arbcrime.org/conference.