

A conference presented by the IBA Anti-Corruption Committee, supported by the Organisation for Economic Co-operation and Development (OECD)



the global voice of the legal profession®

14th Annual IBA Anti-Corruption Conference

15–16 June 2016, OECD Conference Centre, Paris, France

Topics will include:

- Building best practice: corporate strategies for dealing with commercial corruption
- Prosecution update from OECD Working Group on Bribery
- Civil asset recovery: techniques for corporate victims to recover losses
- Double jeopardy in investigations and prosecutions: risks and best practices for companies and individuals
- Petrobras and Operation Carwash: prosecuting challenges for politics, business and corruption in Brazil
- Update on new IOS Anti-Bribery Management Systems
- The effects of corruption: impacts on business and society
- Asset recovery case study: how to catch your corrupt assets
- Prosecutions in Europe: the role of whistleblowers and the new corruption sheriff in town!



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Programme

Conference Co-Chairs

Pascale Dubois *The World Bank, Washington DC; Co-Chair, IBA Anti-Corruption Committee*

Robert Wyld *Johnson Winter & Slattery, Sydney; Co-Chair, IBA Anti-Corruption Committee*

Wednesday 15 June

0800 – 1715 **Registration**

0900 – 0915 **Introduction and welcome remarks**

Robert Wyld

0915 – 0945 **Keynote speaker**

Laura Kövesi *Chief Prosecutor of the National Anticorruption Directorate, Bucharest*

0945 – 1100 **SESSION ONE**

Building best practice: corporate strategies for dealing with commercial corruption

This session will explore the best and worst of corporate responses to corruption. Drawing on research and experience it will discuss different strategies for dealing with commercial corruption including incentivising compliance, reporting and the negotiation of settlements. The session will provide the first report from the Drivers of Corruption Subcommittee on its work since January 2016.

Moderator

Prof Kath Hall *Australian National University, Canberra; Chair, Drivers of Corruption Subcommittee, IBA Anti-Corruption Committee*

Panellists

Gemma Aiolfi *Head of Corporate Governance, Compliance & Collective Action, Basel Institute on Governance, Basel*

Thad Coakley *Lockheed Martin International, Washington DC*

Ibtissem Lassoued *Al Tamimi & Co, Dubai*

Prof Abiola Makinwa *The Hague University, The Hague*

Prof Tina Søreide *Norwegian School of Economics, Bergen; Senior Vice-Chair, Drivers of Corruption Subcommittee, IBA Anti-Corruption Committee*

Anesta Weekes QC *33 Bedford Row Chambers, London; Vice-Chair, Drivers of Corruption Subcommittee, IBA Anti-Corruption Committee*

1100 – 1130 **Coffee/tea break**

1130 – 1245 **SESSION TWO**

Prosecution update from OECD Working Group on Bribery

This session will discuss the latest enforcement trends and policy developments from the OECD Working Group on Bribery members.

Moderator

Nicola Bonucci *Director for Legal Affairs, OECD, Paris; Chair, International Organisations Subcommittee, IBA Anti-Corruption Committee*

1245 – 1400 **Lunch**

Keynote speaker

E Oya Özarslan *Chair, Transparency International Turkey, Istanbul*

1400 – 1430

Judicial Integrity Initiative update

This update will cover the work of the Judicial Integrity Initiative and the Basel Institute of Governance in looking at the critical features of judicial corruption and its impact on the legal profession and society.

Moderator

Robert Wyld

Panellists

Prof Mark Pieth *Basel University, Basel*

David W Rivkin *Debevoise & Plimpton, New York/London; IBA President*

Exhibitors



Wednesday continued

1430 – 1545 **SESSION THREE**

Civil asset recovery: techniques for corporate victims to recover losses

This session will cover:

- The state owned enterprise as a victim – standing all on its own
- Losing corporate bidders as victims and the claims they might bring
- Actions by corporations against officers and directors and their insurers for corruption damages suffered by corporations
- Class actions as a basis for corporations to seek damages from other alleged wrongdoers or co-conspirators – is it possible to lay off some of your loss?

Moderator

Ed Davis *Astigarraga Davis, Miami; North America Regional Officer, IBA Anti-Corruption Committee*

Panellists

Rodrigo Callejas *Carillo Asociados, Guatemala City*

Marco Reggiani *SNAM, Milan*

Tomislav Sunjka *Advokatska Kancelarija, Novi Sad, Serbia*

1545 – 1615 **Coffee/tea break**

1615 – 1730 **SESSION FOUR**

Double jeopardy in investigations and prosecutions: risks and best practices for companies and individuals

This session will focus on:

- The double jeopardy/ne bis in idem dilemma – an individual's right not to be prosecuted twice for the same offence v the right of each country to prosecute offences
- Trends in international regulations on judicial cooperation and jurisdictional issues
- The position of international organisations, public financial and development institutions
- Reviewing recent cases
- How companies address the topic in their company's policies and best practices

Moderator

Bruno Cova *Paul Hastings, Milan; Vice-Chair, IBA Anti-Corruption Committee*

Panellists

Maximiliano D'Auro *Estudio Beccar Varela, Buenos Aires; Vice-Chair, Double Jeopardy Subcommittee, IBA Anti-Corruption Committee*

Gary DiBianco *Skadden Arps Slate Meagher & Flom, Washington DC*

Marc Henzelin *Lalive, Geneva; Officer, Double Jeopardy Subcommittee, IBA Anti-Corruption Committee*

Alison Levitt QC *Mishcon De Reya, London*

Sophie Scemla *Eversheds, Paris; Senior Vice-Chair, Double Jeopardy Subcommittee, IBA Anti-Corruption Committee*

Marnix Somsen *De Brauw Blackstone Westbroek, Amsterdam*

1800 – 1900 **Cocktail reception**

OECD Conference Centre

The reception is open to all delegates and registered guests

1900 **Conference dinner**

OECD Conference Centre

Keynote address

Drago Kos *Chair, OECD Working Group on Bribery, Paris*

Ticket price: €105



Continuing Professional Development/Continuing Legal Education

*The number of CPD/CLE hours available may vary depending on the rules applied by the members' bar association/law society on time recording criteria.

For conference delegates from jurisdictions where CPD/CLE is mandatory, the IBA will provide a Certificate of Attendance for the conference. Subject to CPD/CLE requirements, this can be used by conference delegates to obtain the relevant number of hours' accreditation.

A CPD/CLE Certificate of Attendance is available to conference delegates on request. Please ask at the IBA conference registration desk for information on how to obtain the certificate.

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0830 – 1400 **Registration**

0900 – 0930 **Keynote address**

Petrobras and Operation Carwash: prosecuting challenges for politics, business and corruption in Brazil

Deltan M Dallagnol *Procurador da República em Curitiba, Chief Prosecutor, Petrobras Operation Carwash, Curitiba, Brazil*

0930 – 0950

Update on new ISO Anti-Bribery Management Systems

This update briefing will cover the latest developments in the new ISO Anti-Bribery Management Systems being published in 2016.

Moderator

Pascale Dubois

Panellists

Leslie Benton *Create.org, Washington DC*

Judd Hesselroth *Microsoft, Redmond, Washington*

0950 – 1105 **SESSION FIVE**

The effects of corruption: impacts on business and society

Corruption has long been referred to as a victimless crime. Not so. Society as a whole is being corroded when corruption is present. A government's credibility and authority is undermined, tax dollars are wasted, illicit money leaves the country and sits unproductively in foreign bank accounts, citizens receive substandard services, foreign direct investment is diverted to other countries – everybody suffers the consequences of corruption. This session will explore the social and economic consequences of corruption.

Moderator

Pascale Dubois

Panellists

Lisa Bhansali *Governance and Anticorruption Advisor, Governance Global Practice, The World Bank, Washington DC*

Stéphane Brabant *Herbert Smith Freehills, Paris; Committee Liaison Officer, Drivers of Corruption Subcommittee, IBA Anti-Corruption Committee*

Akere Muna *Chairman, International Anti-Corruption Conference Council, Berlin*

Martina Vandenberg *President, Human Trafficking Pro Bono Legal Center, Washington DC*

Glenn Ware *Principal, International Anti-Corruption, Corporate Intelligence and Strategic Threat Management, PWC, McLean, Virginia*

1105 – 1130 **Coffee/tea break**

1130 – 1245 **SESSION SIX**

Asset recovery case study: how to catch your corrupt assets

The case discussed will be based on a combination of civil law and common law proceedings and will address the following issues:

- How to deal with multijurisdictional statutes of limitations
- Consequences of plea bargains and double jeopardy on civil asset recovery
- Circulation of evidence between different types of proceedings
- Common law remedies in support of criminal proceedings in civil law jurisdictions

Moderator

Yves Klein *Monfrini Crettol & Associates, Geneva; Chair, Asset Recovery Subcommittee, IBA Anti-Corruption Committee*

Panellists

John Bechelet *Bivonas, London*

Martin Kenney *Martin Kenney & Co, Tortola, British Virgin Islands*

Francesca Petronio *Paul Hastings Janofsky & Walker, Milan; Chair, Double Jeopardy Subcommittee, IBA Anti-Corruption Committee*

Kees van de Meent *Höcker Lawyers, Amsterdam*

1245 – 1400 **SESSION SEVEN**

Prosecutions in Europe: the role of whistleblowers and the new corruption sheriff in town!

Corruption investigations have come about very slowly in Europe and in many countries law enforcement authorities are finding it still difficult to prosecute foreign bribery cases. The experience of the US is that whistleblowers are a game-changer. The ability to remunerate whistleblowers may still seem culturally foreign in Europe, but protecting whistleblowers is definitely on the agenda. This session, moderated by Prof Pieth, will include as speakers the GPT/Airbus whistleblower, a US whistleblower lawyer, a former German judge (from the Siemens case) now the FIFA ethics judge as well as a former Swiss federal attorney to explore the rise and role of whistleblowers in Europe.

Moderator

Prof Mark Pieth

Panellists

Dr Claire Daams *Swiss Federal Prosecutor and Chair, OECD Prosecutors Subgroup, Bern*

Hans-Joachim Eckert *Former Prosecutor and Judge, Chair, FIFA Ethics Committee, Munich*

Ian Foxley *Former Chairman, Whistleblowers UK and GPT/Airbus whistleblower, York*

Neil Getnick *Getnick & Getnick, New York*

1400 – 1410 **Concluding remarks**

Pascale Dubois

1410 **Lunch**

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