

The Role of Corporations in Criminal Proceedings



Fifth AIDP Symposium for Young Penalists

Freiburg i.Br., Germany, June 22–23, 2018

Corporations increasingly play several distinct but significant roles in criminal proceedings, both in a purely business context and beyond: They may be suspected or accused of criminal wrongdoing; they may be required to produce information and evidence in furtherance of a criminal proceeding, or be compelled to send a witness to trial; they may be the victim of crimes; and they may even perform or assist with criminal investigations.

To provide for a multi-faceted analysis of these distinct roles of corporation in modern criminal justice, an international review of their effects, their human rights implications and their boundaries is required. In this light, this symposium will cover aspects such as:

- **Corporations as suspects or accused**, raising questions of human rights protections for the corporations themselves, for their agents, and for their employees (including but not limited to *ne bis in idem*, *nemo tenetur se ipsum accusare*, data protection, and the standard and burden of proof), and calling for an analysis of deviations of the classic criminal process (including but not limited to internal investigations, compliance programs, plea bargaining and DPAs/NPAs) as well as of aspects of jurisdiction and international cooperation in criminal proceedings against corporations;
- **Corporations as third parties in criminal proceedings**, with issues such as data retention and data production (including the issue of foreign state compulsion), data protection, the applicability of immunities and privileges to legal persons, jurisdiction, and the admissibility of evidence obtained in internal investigations conducted by corporations in proceedings against third parties;
- **Corporations as victims in criminal proceedings**, including their standing in court, remedies, reparation and restoration, as well as the (mis-)use of criminal investigations as a precursor for tort or other civil claims;
- **Corporations as investigatory agencies**, such as corporations conducting internal investigations, corporations collaborating with authorities to investigate or shut down cybercrime, or being compelled to provide investigatory tools to authorities (such as to unlock smartphones), including a transnational and jurisdictional perspective; and the
- **Psychology, Sociology, and Economics of Corporate Involvement in Criminal Proceedings**, taking into account the psychological dynamics, sociological implication and economical impact of corporate involvement in criminal proceedings in these distinct roles.

Call for Paper

PhD students, post-docs, young academics and other young penalists are invited to submit an *abstract* (length: 150–250 words) in English on these and comparable aspects on »The Role of Corporations in Criminal Proceedings« via e-mail (yp2018@youngpenalists.org) by March 9th, 2018, along with contact and affiliation information. Decisions on individual submissions and interventions are expected by the end of March 2018.

Authors of accepted abstracts are invited to present their work in one of the panel sessions; after the *presentations* of 10–15 minutes each, a short discussion will follow. The use of presentation technology (e.g. powerpoint) is optional.

Authors of accepted abstracts are furthermore invited to submit a *written version* of their presentation (length: 2.000–5.000 words including references), which – if finalized and submitted to the organizing committee by July 31st, 2018 – we intend to publish in *conference proceedings*.

On the Fifth AIDP Symposium for Young Penalists

The Fifth International AIDP Symposium for Young Penalists is hosted jointly by the German National Group of the International Association of Penal Law (AIDP Deutschland e.V.) and the Max Planck Institute for Foreign and International Criminal Law (MPICC). It is organized by Dr. Dominik Brodowski, Manuel Espinoza de los Monteros de la Parra and Prof. Dr. Eduardo Saad-Diniz in collaboration with the *Young Penalist's Committee* of the *International Association of Penal Law* (AIDP).

Participation in the symposium is free of charge. Travel and accommodation expenses cannot be covered by the hosts and organizers.

Website – Contact information

For more information, please visit our website at <http://www.youngpenalists.org/yp2018> or contact us at yp2018@youngpenalists.org.

AIDP International Conference on »Prevention, Investigation, and Sanctioning of Economic Crime« (Freiburg i. Br., June 18–21, 2018)

Right before the AIDP YP symposium, an AIDP International Conference will analyze and compare the development of the main alternative sanctioning and investigation systems in the field of economic activities with a special focus on economic and corporate crime and other delinquent or irregular behavior; evaluate these systems, concentrating on their practicability and their human rights safeguards; [and] develop recommendations for a better legal policy regarding the control of economic crime, delinquent behavior and other irregularities.