

**Programmatic Cooperation Framework for
Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus**



PCF-Belarus “Fight against Corruption”

CRIMINAL LIABILITY OF LEGAL ENTITIES

Agenda

Hotel Crowne Plaza

TIME	TOPIC
Tuesday, 17 May 2016	
9:30 – 10:00	Introductory remarks <i>Vitali Iskritskiy, General Prosecutor's Office of Belarus</i> <i>Natia Jgenti, Council of Europe</i>
10:00 – 11:00	The bases of legal person liability (criminal, quasi-criminal, administrative & civil) and their development Overview of the challenges faced in investigating & prosecuting legal persons
11:00 – 11:20	Coffee break
11:20 – 12:45	Criminal liability of legal entities: <ul style="list-style-type: none"> ○ Differences in approach to criminalization (reflecting both civil law and common law states) ○ The quasi-criminal approach ○ The natural person as a 'trigger' for legal person liability ○ The principle of autonomous liability
12:45 – 13:45	LUNCH
13:45 – 15:00	Good practices in investigating & prosecuting corporate criminal activity: <ul style="list-style-type: none"> ○ How to start a case (sources of initial intelligence/information; proactive v. reactive investigations); ○ Difference/similarities between investigating individuals v. corporations ○ Sources of information and evidence during investigation; ○ Use of financial investigators/analysts; ○ Intel/evidence 'interface' and use of special investigative

	means (SIMs) in the context of corporate crime
15:00 – 15:20	Coffee break
15:20 – 16:15	Good practices in investigating & prosecuting corporate criminal activity: <ul style="list-style-type: none"> ○ Financial investigations ○ Offshore and ‘shell’ companies ○ Cross-border evidence gathering and international cooperation
16:15 – 17:00	Practical case exercise (Part I)
Wednesday, 18 May 2016	
09:00 – 10:00	Corporate corruption & fraud: <ul style="list-style-type: none"> ○ Typologies ○ Agents & intermediaries ○ Parent companies & subsidiaries
10:00 – 11:00	Corporate corruption & fraud: <ul style="list-style-type: none"> ○ International standards ○ Approach in national law ○ Using the law of Belarus to investigate & prosecute corporate economic crime
11:00 – 11:20	Coffee break
11:20 – 12:45	Meeting the challenges of investigating & prosecuting corporate economic crime: <ul style="list-style-type: none"> ○ Formulating the investigative strategy and ensuring ongoing review ○ Internal corporate investigations ○ Disciplinary proceedings against staff where criminal investigation follows/is likely to follow; ○ Confidential/privileged relationships (including position re corporate’s in-house/external lawyers)
12:45 – 13:45	LUNCH
13:45 – 15:00	Pre-trial & trial issues: <ul style="list-style-type: none"> ○ Case & document management ○ Presenting financial evidence ○ Human rights challenges ○ Confidential or sensitive material (including intelligence relied upon as basis for investigative actions) ○ Penalties/sanctions for corporates
15:15 – 15:35	Coffee break
15:35 – 17:00	Practical case exercise (Part II) – Group work and plenary
17:00 – 17:15	Concluding remarks