



**Commerce, Crime and Human Rights:
Retreat with Select Legal Experts on the
Investigation and Prosecution of Corporate Crime**

May 18 – 19, 2016 | Greentree Estate

Proposed Agenda

Wednesday, May 18, 2016	
9:00 – 10:00	Arrival at Greentree Estate and registration
10:00 – 11:30	<p>Welcome and Opening Remarks Justice Ian Binnie, Co-Chair of CCHR Independent Commission of Experts (Counsel, Lenczner Slaght and former Justice of the Supreme Court of Canada)</p> <p>Professor Anita Ramasastry, Co-Chair of CCHR Independent Commission of Experts (UW Law Foundation Professor, University of Washington School of Law)</p> <p>Introduction of Participants and the Project Seema Joshi, Head of Business and Human Rights, Amnesty International Amol Mehra, Director, International Corporate Accountability Roundtable (ICAR)</p> <p>Introduction to the Corporate Crimes Principles Mark Taylor, CCHR Expert (Senior Researcher, Fafo Institute for Applied International Studies)</p>
11:30 – 13:00	<p>Identifying and tackling key challenges to holding corporate actors criminally accountable for corporate crimes</p> <p>Overall objective:</p> <ol style="list-style-type: none"> 1. Discuss the challenges to holding corporate actors to account for corporate crimes. 2. Identify how the Principles could be used as a platform to address these challenges as well as add value in the national and cross-border context. <p>Facilitator: Professor Anita Ramasastry, Co-Chair of CCHR Independent Commission of Experts (UW Law Foundation Professor, University of Washington School of Law).</p> <p>Format: Facilitated panel discussion for 30 minutes followed by open discussion with participants.</p>

13:00 – 14:15	Lunch
14:15 – 15:30	<p>Building a Legal Case: Exploring Legal Standards and Prosecutorial Strategy</p> <p>Overall objective:</p> <ol style="list-style-type: none"> 1. Through comparing legal standards and practices across jurisdictions, examine the varying tests of corporate criminal liability within and across jurisdictions, and discuss the impact that this has on pursuing investigations and on prosecutorial strategy. 2. Recognising the legal constraints that may exist, explore ways in which arguments and strategies can be devised to meet the required standards and build a case against the relevant corporate actors involved. <p>Facilitator: Associate Professor James Stewart, CCHR Expert (Allard School of Law, University of British Columbia)</p> <p>Format: The moderator will introduce the session and set the scene for discussion. Following this brief introduction, the moderator will ask a number of pre-identified respondents to deliver a short intervention on a particular experience or example (interventions should be 3-5 minutes). The floor will be then opened to all participants to reflect on the examples and/or share their own insights and experiences.</p>
15:30 – 15:45	Coffee break
15:45 – 17:00	<p>Building a Legal Case at the National Level: Evidence Collection and Prosecutorial Strategy</p> <p>Overall objective:</p> <ol style="list-style-type: none"> 1. Discuss how investigators collect evidence and devise strategies to build a case at the national level. 2. Discuss the role prosecutors and specialists can and should play in assisting this process, especially in complex corporate crimes cases. <p>Facilitator: Professor Alex Whiting, CCHR Expert (Professor of Practice, Harvard Law School)</p> <p>Format: The moderator will introduce the session and set the scene for discussion. Following this brief introduction, the moderator will ask a number of pre-identified respondents to deliver a short intervention on a particular experience or example (interventions should be 3-5 minutes). The floor will be then opened to all participants to reflect on the examples and/or share their own insights and experiences.</p>
19:00	<p>Dinner</p> <p>KEY NOTE: Justice Ian Binnie, Co-Chair of CCHR Independent Commission of Experts (Counsel, Lenczner Slaght and former Justice of the Supreme Court of Canada)</p>

Thursday, May 19, 2016

9:00 – 10:30	<p>Building a Legal Case Across Borders: Addressing the Unique Challenges to bringing these Cases</p> <p>Overall objective:</p> <ol style="list-style-type: none">1. Discuss how investigators and prosecutors can work and build on existing networks, as well as engage in new ones, to build connections with law enforcement agencies and prosecutors in other jurisdictions or internationally to assist in the investigation and prosecution of cross-border cases.2. Discuss how to leverage relationships with international and non-governmental organisations to add value to this process. <p>Facilitator: Martin Witteveen, CCHR Expert (Appeals Prosecutor, International Crimes and Human Trafficking, National Prosecution Service in the Netherlands)</p> <p>Format: The moderator will introduce the session and set the scene for discussion. Following this brief introduction, the moderator will ask a number of pre-identified respondents to deliver a short intervention on a particular experience or example (interventions should be 3-5 minutes). The floor will be then opened to all participants to reflect on the examples and/or share their own insights and experiences.</p>
10.30 – 10.45	Coffee break
10:45 – 12:15	<p>Enhance Rights and Protections in the Criminal Justice Process: Victims, Whistleblowers, Witnesses and Experts</p> <p>Overall objective:</p> <p>Through comparing rules and practices across jurisdictions, explore:</p> <ol style="list-style-type: none">1. Victims’ role in the criminal justice process;2. Incentive mechanisms to encourage exposure of corporate wrongdoings; and3. Effective protection for individuals who do so or may be otherwise vulnerable to abuse, intimidation or retaliation (e.g., experts). <p>Facilitator: Siri Frigaard, CCHR Expert (Former Chief Public Prosecutor, Norwegian National Authority for Prosecution of Organised and Other Serious Crime)</p> <p>Format: The moderator will introduce the session and set the scene for discussion. Following this brief introduction, the moderator will ask a number of pre-identified respondents to deliver a short intervention on a particular experience or example (interventions should be 3-5 minutes). The floor will be then opened to all participants to reflect on the examples and/or share their own insights and experiences.</p>
12:15 – 13:15	Lunch
13:15 – 15:00	<p>Next Steps: Using the Principles to Achieve Institutional Change and Tackle Corporate Crimes</p>

	<p>Overall objective:</p> <ol style="list-style-type: none"> 1. To discuss the issue of corporate liability laws and political will 2. To canvass ideas on how to garner political support to tackle corporate crime cases, including ensuring it is an institutional priority; putting resources into corporate crime cases and capacity building; and developing networks between prosecutors, investigators, and civil society groups both nationally and internationally to tackle corporate crimes. <p>Facilitator: Amol Mehra and Seema Joshi</p> <p>Format: The moderator will introduce the session and set the scene for discussion. Following this brief introduction, the moderator will ask a number of pre-identified respondents to deliver a short intervention on a particular experience or example (interventions should be 3-5 minutes). The floor will be then opened to all participants to reflect on the examples and/or share their own insights and experiences.</p>
15:00 – 15:30	<p>Closing Justice Ian Binnie and Professor Anita Ramasastry</p>
15.30 – 16:00	<p>Participants depart</p>