

出國報告（出國類別：參加會議、考察）

劍橋大學第 34 屆國際經濟犯罪研討 會及參訪英法司法機關考察報告

服務機關：法務部

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派赴國家：英國、法國

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摘要

劍橋大學國際經濟犯罪研討會係國際間各執法機關、實務工作者之一大盛事，每年均吸引各國之政府官員、法律實務工作者、學者一同與會，本年度已是第 34 屆。法務部陳政務次長明堂並獲邀在開幕式中發表主題演講，劉檢察官怡婷亦在本次大會中發表報告，介紹我國之法制與最新實務予各國之與會嘉賓。此外，本團亦利用此次機會拜會法國、英國之司法機關，就同性婚姻、監獄改革、檢察體制、犯罪偵查等議題，作了比較法與實務面的考察與分析。從而，更加印證司法改革應同時兼顧被害人及弱勢證人之保護，並以全方位的為民服務理念為中心。此外，本次的高層出訪實助益拓展外交與找出問題之真正癥結，並透過參訪、參加會議促進雙方了解，為我國累積珍貴的人脈資源。

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壹、前言

本年 5 月份時，法務部接獲劍橋大學寄發第 34 屆國際經濟犯罪研討會之邀請函，並透過工作人員表達希望能邀請部長或次長發表主題。該研討會乃國際間各執法機關、實務工作者之一大盛事，每年均吸引各國之政府官員、法律實務工作者、學者一同與會。除了地主國英國一向都會有執法機關之高層(如檢察總長、重大詐欺署署長、國家打擊犯罪調查局等等)前來與會外，涵括歐盟、歐洲國家、美國、紐澳、東亞、非洲各國均派員參加。且該研討會之一大特色在於提供各與會人員頻繁的互動機會，在每場報告間之休息時間、中午用餐及晚宴時，均會鼓勵讓每位與會者走出自己的舒適圈而多與不同國家的人員互相交流。緣於國際政治現實所致之外交困境，我國有時要與其他國家之執法機關高層交流未必容易，不過在此研討會中可輕易的與來自世界各國之資深執法人員交流，可謂為難得之機會。綜此，部長遂指派本部陳政務次長明堂擔任本次訪團之團長，並在該研討會之開幕式中發表主題演講，向來自世界各國之學者專家介紹臺灣之洗錢防制法制與沒收新制。另為儲備我國參與國際司法事務之人才，增進檢察官參與大型國際法學研討會之經驗，選派檢察官在此研討會發表文章，實能增進我國檢察官之能力。為此，本部公告徵選檢察官一名在國際經濟犯罪研討會發表論文，最後遴選臺灣臺北地方法院檢察署劉檢察官怡婷擔任發言人(時任臺灣新北地方法院檢察署)。

考量到一次出訪所花費之時間、費用均高，倘能就本部目前關切之議題前往拜會相關機關，並維持與本部已有相當熟悉程度機關之情誼，將能使本次出訪之效益達到最高，爰一併拜會英國、法國之司法機關，茲述如下：因臺英間甫於 105 年 5 月完成簽署移交受刑人協議，且為廣泛蒐集我國監獄改革之資訊，爰拜訪英國國家罪犯管理服務署署長 Michael Spurrs 與 ISIS 中度管理監獄；為保持與英國重大詐欺署之聯繫並期深化雙方發展，亦造訪英國重大詐欺署 David Green 署長；而近年國內倡議司法改革與組織改造之聲亦起，為瞭解不同法系之運作模式與組織架構及利弊，也拜訪副檢察總長兼國會議員 Robert Buckland；又英國皇家檢察署前檢察長 Keir Starmer 議員(亦為工黨影子內閣之脫歐事務大臣)擬於 105 年 10 月拜訪臺灣，本團即事先前往拜會並討論渠等訪臺事宜；而倫敦政經學院之施芳瓏教授為該學院臺灣計劃主任，本團亦前往拜會以協談相關合作事項。此外，因同志伴侶議題在臺灣受到高度重視，而法國的立法例、立法背景與策略為我國參考之主要國家之一，因此此行亦前往拜會法國司法部民事及掌璽事務司 Carole Champalaune 司長，同時討論法國之匿名分娩制度與民法近期之修正。另駐英國、法國代表處為我國在該 2 國之使館，本訪團亦均前往拜訪，以增進雙方瞭解以促進日後業務往來。基於前揭參訪業務之考量，本部指派檢察司劉檢察官仕國與國際及兩岸法律司林檢察官明誼隨團，並與劉檢察官怡婷相互分工，以期順利完成本次出訪而能滿載而歸。

貳、過程

本次訪團由陳政務次長明堂率團參訪，惟因劉怡婷檢察官於 9 月 6 日始於劍橋大學國際犯罪研討會發表報告，且為讓渠能增加參與國際大型會議之經驗，因此陳政務次長率劉仕國、林明誼檢察官前往拜會法國、英國司法機關時，劉怡婷檢察官仍留在劍橋大學與會，直至 9 月 8 日上午始返回倫敦與主團會合。本團之詳細行程如下：

日期	行程	住宿地點	備註
9 月 3 日 (週六)	9:00 自桃園搭機出發前往倫敦(中停曼谷) 1925 抵達倫敦	夜宿倫敦	團長：陳政務次長明堂 團員：劉仕國檢察官(本部檢察司調部檢察官) 林明誼檢察官(本部國際及兩岸法律司調部檢察官) 劉怡婷檢察官(臺灣臺北地方法院檢察署檢察官)
9 月 4 日 (週日)	與調查局蔡局長清祥等訪團於倫敦國王十字火車站會合同搭乘火車前往劍橋 下午：與 Barry Rider 教授及各國與會佳賓晤談 晚上：參加大會迎賓晚宴與演說	夜宿劍橋	
9 月 5 日 (週一)	全天參加劍橋研討會 上午 陳次長在大會中發表主題演講 下午參加本研討	夜宿劍橋	

	<p>會為臺灣代表團特別舉行之迎賓酒會</p> <p>晚上：大會晚宴暨臺灣之夜</p>		
9月6日（週二）	<p>上午離開劍橋返回倫敦</p> <p>從倫敦搭 Eurostar（歐洲之星）高鐵到巴黎</p> <p>至駐法國代表處拜會張大使舉行工作會談</p>	夜宿巴黎	劉怡婷檢察官仍留在劍橋與會，並在大會發表報告
9月7日（週三）	<p>中午與駐法國代表處胡公使工作會餐</p> <p>14:00 拜會法國司法部民事及掌璽事務司司長</p> <p>自巴黎搭 Eurostar（歐洲之星）高鐵返回倫敦</p>	夜宿倫敦	劉怡婷檢察官仍留在劍橋與會
9月8日（週四）	<p>上午 9:15 NOMS(拜會署長 Michael Spurrs</p> <p>10:30 次長與林大使進行晤談後會商</p> <p>11:30 Solicitor General (拜會副</p>	夜宿倫敦	劉怡婷檢察官自劍橋返回倫敦，與本團會合共同前往拜會副檢察總長

	<p>檢察總長兼國會議員 Robert Buckland QC MP)</p> <p>15:00 ISIS 監獄參訪</p> <p>18:00 在代表處聽取駐英國代表處工作簡報</p> <p>晚餐：林大使邀宴代表團與駐處工作會餐</p>		
9月9日（週五）	<p>10:00 SFO (拜會該署署長 David Green)</p> <p>12:00 拜會 Keir Starmer 議員</p> <p>晚上次長回宴林大使並就此次參訪交換心得及就此次幾場會談所涉議題交流因應措施</p>	夜宿倫敦	
9月10日（週六）	<p>拜會倫敦政經學院亞洲研究中心臺灣研究計畫主任施芳瓏教授並參訪該校</p> <p>宴請施芳瓏教授</p>	夜宿倫敦	
9月11日（週日）	自倫敦搭機返臺（中停曼谷）	夜宿飛機	
9月12日	抵達臺灣		

日(週一)			
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一、9月4日

(一)劍橋大學經濟犯罪研討會

1、簡介與本屆主題：本(34)屆劍橋大學國際經濟犯罪研討會之主題是「誰應該就不正行為負責」(where should the 'buck' stop in attributing responsibility for misconduct)，也就是「誰應對其他人的不正行為負責」？最近幾年有很多的金融機構因為欠缺適當之監督或管理機制遭受鉅額罰款，但是除非這是為了保護我們社會所賦予的責任，並具有增進廉潔、合理與合乎比例的實益外，只不過是造成這些受牽連金融機構的巨大損失，更損及該等金融機構的股東與全體大眾。所以本屆會議主題即聚焦於此項及相關議題。本研討會一向為國際盛事，近幾年來共吸引了來自 90 個國家、1500 位貴賓參與，本年度估計有將近 600 位貴賓參與討論。本研討會之特色在於世界各國之官員、學者、律師齊聚一堂，我政府高層可利用此一機會突破我國外交上之困境而見到各國重要與會來賓，並可藉參加本研討會時在開幕當天發表 10 分鐘左右之主題致辭(keynote address)，使各國法律工作者得以認識臺灣之法制現狀。此次陳政務次長明堂獲邀在大會開幕時之第一場次發表主題演講(內容詳如後述)，在同場次發表演講者尚有世界銀行廉政副總裁 Leonard McCarthy、奈及利亞內閣官房長官 Rotimi Amaechi、美國司法部稅務部門 Caroline D. Ciraolo 助理檢察總長等人。

2、第 34 屆劍橋大學經濟犯罪研討會開幕式於 2016 年 9 月 5 日上午舉行，首先是由檢察總長 Jeremy Wright 針對現今英國檢察系統處理金融機構犯罪之現況及手段，並指出近來嘗試與金融機構達成緩起訴協議之方式等各種考量，接著是由英國重大詐欺署署長 David Green、國家犯罪調查局局長 Ian Dyson、研討會發起人 Barry Rider 教授分別進行演說揭起演說的序幕，而本部陳政務次長亦應邀在第一場次之主題演講中發表演說，詳如下述。



(左起) 陳次長明堂、顏前部長慶章、Barry Rider 教授及夫人、施董事長俊吉、蔡局長清祥在耶穌學院會場外合影

(二)次長於劍橋大學第 34 屆經濟犯罪研討會發表主題

演講

1、陳次長首先感謝大會歷年來與臺灣素有堅實深厚的友誼，及對研討會發起人 Barry Rider 教授為臺灣有關與英國司法互助事項上長時間的關注及投入表達誠摯謝意，並談論目前臺灣研擬洗錢防制法修正、打擊資助恐怖主義之立法草案、新修正之犯罪不法所得沒收機制等議題現況，表達法務部對於打擊犯罪的決心。

2、陳政務次長英文演講內容：

Mr. Chairman, Professor Rider, distinguished panelists, ladies and gentlemen, good morning.

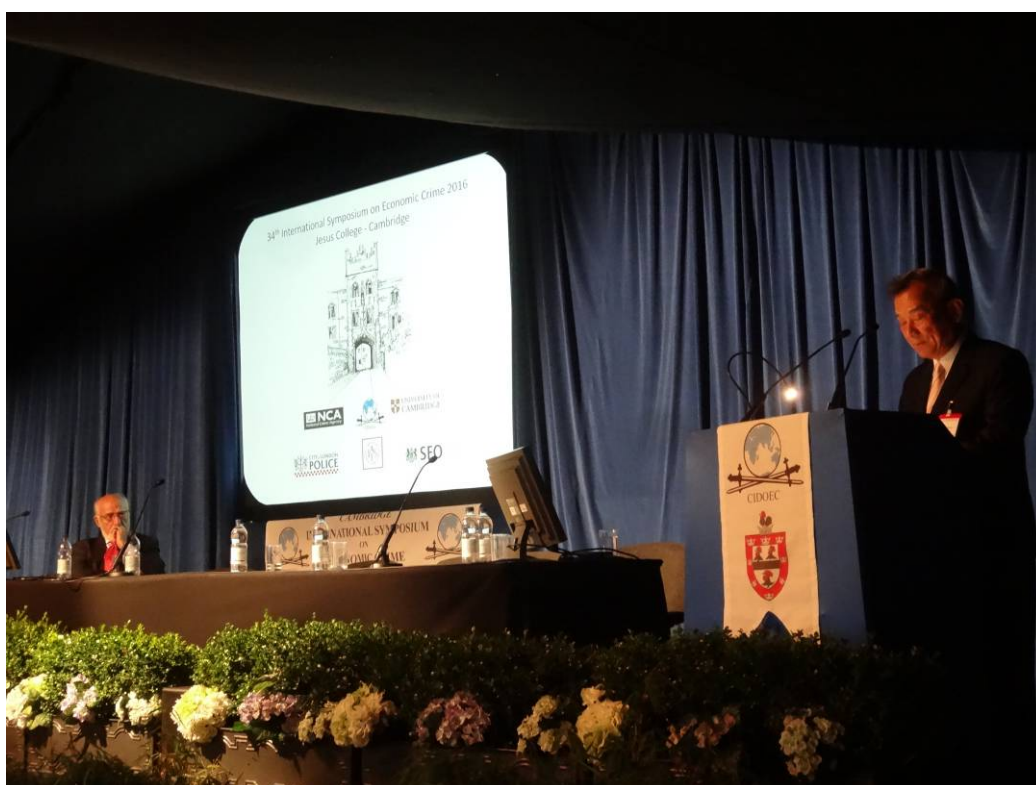
First of all, I would like to express my appreciation for Professor Rider's kind invitation and courteous reception. During his visit in Taiwan last year, Professor Rider had a wonderful time sharing ideas with the Ministry of Justice and elites from academia as well as practitioners. The Ministry had the honor to confer the professional gold medal upon Professor Rider, in recognition with his long-time

commitment and remarkable contributions in promoting mutual legal assistance in actual cases for Taiwan. During our previous participations in this symposium, we have earned friendship and founded mutual trust with representatives from many countries. Jesus College of Cambridge University has always been a great host for this wonderful event. For that I would like to show my respect as well.

So, “where does the buck stop?” To answer this question, I would like to start with Taiwan’s recent law amendments on money laundering and confiscation. As one of the founding members of the Asia-Pacific Group on Money Laundering, Taiwan is proud to be the first country in Asia that brings the Money Laundering Control Act into legislature and implements the financial intelligence center. In addition, Taiwan has been recognizing the importance to combat terrorism and money laundering activities in an international scope. On that note, last month, the legislative branch in Taiwan has approved a bill to amend our Money Laundering Control Act in a bid to curtail money laundering and against the funding of terrorism. What I want to point out here is that the persistent progress of Taiwan’s anti money laundering framework has once again proved our resolution to fight economic crimes.

I would also like to share Taiwan’s experiences in an effort to anti money laundering and to combat the funding of terrorism. The Ministry’s previous policy primarily focused on investigations and prosecutions against crimes including drug offenses and fraudulent misconducts, as we all know that. Gradually we see that simply honing our investigative and prosecutorial skills cannot stop the crime once and for all, but eliminating the criminals’ incentive by cutting off their illicit financial flows can. However, the legislative branch’s approval of the related bills hugely relies on Taiwanese people’s awareness on public affairs. For the last few years, Taiwanese people have suffered from massive fraudulent, illegal fund-raising, and drug-related crimes. By means of pre-indictment seizure and temporary restraining order, Taiwan has achieved great success. In the year 2014, the total amount of illicit money we seized during crime investigations is about \$4 million. As Taiwan’s criminal policy maker, the Ministry’s target has shifted from bringing down individual criminals to retrieving their illicit proceeds of crimes. I am proud to say that we have achieved several milestones bridging with policy and law making sectors in this respect, including the enactment to the revised confiscation structure in Criminal Code of Taiwan in 2015, the enactment to regulations against funding terrorism in 2016, and the approval of the amendment to Money Laundering Control Act in the same year.

I am honored to share our experience through this symposium with you all, and I hope to receive comments and learn from experiences of your country too. Taiwan is famous for our beautiful landscapes and people’s hospitality. I sincerely welcome you to Taiwan. And I wish the symposium a great success. Thank you.



陳政務次長明堂發表主題演講；右側為大會共同主席 Saul Froomkin 律師（曾任加拿大司法部刑法司司長、百慕達檢察總長）

3、陳政務次長演講內容中譯：

Barry Rider 主席、與會嘉賓，早安，

首先感謝 Barry Rider 主席之邀請，去年 Barry Rider 主席來訪法務部，在臺灣與各界菁英代表交流，本部也頒贈榮譽獎章，肯定 Barry Rider 教授長期交流，促成實質司法互助貢獻。在過去參與此研討會期間，我們已與與會眾多國家的參與者建立堅實的友誼及互信。劍橋大學耶穌學院多年以來承辦如此成功的活動，為此我也致上敬意。

本屆論壇主題「誰應對其他人的不正行為負責？」我想從近來臺灣立法及修法進程開始談起。臺灣是亞太防制洗錢組織之創始會員國，也是亞洲有第一部洗錢防制專法和金融情報中心的國家。近年隨著國際上對於洗錢防制與打擊資恐之重視，臺灣陸續通過了資恐防制法之立法，行政院也在上個月通過了洗錢防制法全案的修正草案，資恐防制法與洗錢防制法在臺灣都是由法務部擔任主管機關，如觀察台灣的整體洗錢防制狀況，可以說隨著國際對於洗錢防制與打擊資恐之重視，整體的法制和實務上的遵循是，持續在進步中。我要強調的是，持續進步的洗錢防制法制表示我們對於洗錢防制理念的認同，表示我們在以資本主義為主的發展環境，更重視資本市場的純淨，阻絕非法金流竄流之價值。

我也希望藉此機會和各位分享臺灣這幾年在洗錢防制及打擊資恐工作的努

力，法務部以往的政策方向都是以打擊各面向的犯罪為重點，包括司法實務上最常見的毒品犯罪和詐欺犯罪，但這幾年我們逐漸發現，犯罪的遏止僅透過偵查技巧的強化已不足以達成，只有消除犯罪誘因，也就是不法金流，才可能遏止犯罪發生。但相關法律在立法階段能否順利通過，則往往與民眾意識以及民眾對於公共事務之關心度有關。臺灣社會這幾年因受詐欺案件和吸金、毒品所苦，法務部對於所屬檢察機關之案件偵辦，採取強化偵查中查扣機制的政策，獲致成效驚人，在 2014 年間查扣之犯罪所得高達新台幣 120 億餘元；另外在刑事政策上，法務部作為主管機關，也在政策上轉向，從以往重視人流的政策，朝向並重以追討不法所得，因此在相關的法制建置，從 2014 年大幅修正刑法沒收法制，新修法制在 2015 年施行、其後在 2016 年間陸續通過資恐防制法，並正式提出洗錢防制法之修法由立法院審查，均係法制與政策上具有里程碑意義的變革，也和國際接軌並呼應民意要求。

我很榮幸能藉此會議說明臺灣的進展，讓各位能對於臺灣的法制進程亦有認識，也期待收到各位的意見，並從各位國家的經驗中學習。在此，預祝大會成功，誠摯歡迎各位能到台灣來，臺灣以熱情友善、風光明媚聞名，希望有機會能接待各位。

二、9 月 5 日

(一) 會議札記

劍橋經濟犯罪研討會召開時間是在劍橋大學開學前夕，在開幕式前短時間內湧進來自英國本地及世界各國代表，盛況空前，大部分與會代表均選擇入住耶穌學院宿舍，進出會場尚堪便利。議程方面，研討會安排相當緊湊且多元。9 月 5 日上午開幕式完畢後，下午議程除在主帳篷內召開的大型研討會外，大會同時也在耶穌學院的其他教室內安排舉行各種小型工作坊形式的研討會（parallel plenary workshop 及 workshop），也因受限於場地空間，除了在主帳篷內舉辦之大型研討會對人數不設管制上限外，其他工作坊均須事先向大會報名登記始能參加。

在議程以外，大會安排與會人員可以選擇在耶穌學院所設餐廳用餐，晚宴從約晚間 6 時開始舉行雞尾酒會，與會人員前往主帳篷旁休息區及草坪上彼此聯誼交談，日落後再前往餐廳用餐。舉辦方每日公布桌次座位表，盡量安排每一場晚宴每人座位安排不重複，以便不同與會人員多方交流互動，餐間沿襲傳統禮儀，規定不得使用手機，且定時有祝詞，敬酒詞及 3 場演說，每場晚宴幾乎舉行超過晚間 10 點，非常充實且有收穫，有些晚宴談論的話題恰好是隨後數日進行議程所談論的主題，更能體會大會做此安排的用心。根據大會估計，與會人員共來自

將近 100 個不同國家，參與人員超過 1600 名，其中約有 600 位人士在研討會上發表文章，發表人根據其專業領域及工作經驗，向與會人員發表約 10 分鐘演講，分別從專業人員倫理規範、國際準則、管理階層責任、金融犯罪偵查、刑罰及制裁手段、緩起訴及認罪協商、網路犯罪、所得查扣沒收、洗錢防制、風險控制、稅務詐欺等面向，向參與研討會超過 1600 名代表分享針對各議題的心得與建議。

本次研討會定此大會主題，係因近年來金融機構欠缺適當監督或管理機制遭受巨額罰款，但若未找出真正應負責之人，只是損及該等金融機構股東及全體大眾利益，未必能真正遏止不法行為的發生。事實上，真正應負責之人未必是金融機構法人本身，而是背後實際進行決策之人。然而在目前各國法令制度框架下，是否能夠透過適切的規範架構及管制措施達成前揭目標，似乎猶待各國持續努力。尤其在現今跨境犯罪已成常態，金融交易模式日新月異的趨勢下，各國現有無論是法律或遵循規範，是否已足遏止該等人員從事不法行為的誘因，進而達到更公平更透明的金融機構運作模式，確實有召開本次研討會針對上開問題討論並聽取各國經驗交流的必要。

今年臺灣與會代表共有法務部、調查局、證券交易所、集保公司率團，此外，我國首任駐 WTO 大使，財政部顏前部長慶章、臺灣證券同業公會簡理事長鴻文亦受邀與會出席。我國受大會邀請，共有 6 名代表在研討會上發表演說，分別是法務部陳明堂次長、調查局蔡清祥局長、顏前大使慶章、臺灣證券交易所施俊吉董事長、臺北地檢署檢察官劉怡婷、調查局臺北市調處調查專員高志豪。大會並特別在本日為臺灣代表團舉行獨立的招待雞尾酒會，並將議程第二天的晚宴命名為「臺灣之夜」。特別值得一提的是，我國新赴任的駐英國代表處林大使永樂亦於本日與會，並以代表的身分在「臺灣之夜」發表祝酒詞。此外，林大使在晚宴中亦備受尊隆的被安排在主桌用餐，使林大使得與來自英國及其他國家之高層人士交談，藉此增進我國外交上之實質交流。

(二)劍橋大學研討會午宴與日本小川新二檢事晤談

1、日本最高檢察廳監察指導部長小川新二檢事

2、交流議題：

(1)問：日本裁判員制度的施行成效為何？請問日本當時不採取德國式的參審或英美式陪審的理由？

答：個人覺得日本裁判員制度的實施成效良好，透過這種國民參與審判的模式，提高司法的透明度與人民對司法的信賴。而引進新的法律制度時，一定要考量當地的文化習俗，以日本為例，日本的國民對於完全由其自己決定被告是否有罪之事感到疑慮，所以不適合採用英美制的陪審團制；而德國的參審制任期長達

5年，這對日本國民的負擔太重。綜合這些考量後，日本所採的裁判員制度是最適合日本的制度。

(2)問：日本特搜部承辦重大案件，是否會造成其他地檢署檢察官的反彈？

答：不會，因為日本的法律明文規定特搜部承辦的案件類型與種類（貪污受賄、不正當交易、偷稅漏稅等重大案件），而且每個檢察官都有機會進入特搜部歷練，所以沒有這種情形。但要補充的是，前幾年大阪特搜部發生涉嫌製造偽證、包庇等醜聞，導致日本社會對特搜部產生信任危機，也造成檢察官進入特搜部的意願降低。還有，日本社會近年來批評特搜部未能起訴犯罪組織首腦或政府高層人士貪瀆，因此特搜部的改造已是無可迴避之事，而英國 SFO（重大詐欺署）的組織也是日本可以考慮的方向之一。

(3)問：日本的檢察官是否享有與法官相同的保障？是否引起批評？

答：日本的檢察官享有法官的身分保障，且法官、檢察官常常互相調動，所以未引致外界的批評。



劍橋大學與會人員合照

三、9月6日

(一)劉怡婷檢察官發表報告

1、英文原稿－Taiwan's Experience with Corporate Crimes: Approaches and Challenges

A. Legal Framework on Corporate Crimes

A company is an inanimate entity, a legal fiction. It needs the input of human beings to function and to set its goals and priorities. The question of whether such

legal entities – as opposed to natural persons – should be held responsible for illegal acts has been a contentious issue in the legal history. In terms of corporate entities, their misconduct has been widely addressed by civil, administrative and criminal laws. Currently most countries agree that corporate entities can be sanctioned under civil and administrative law regimes. However, the criminal liability of corporate entities is rather controversial.

As a civil law country, Taiwan embraces the tradition that corporations cannot commit crimes. The most prominent reason for this refusal is the corporate entities lack capacity of acting. In other words, a corporation cannot have mens rea and therefore cannot be blameworthy or guilty of a criminal offense. Because the will of corporate entities is made by its representatives such as directors, the acts attributed to the corporate entities are merely those of individuals acting on behalf of them. To a certain extent, it is the individuals who “exploit” the corporate opportunities to commit crimes because the offenses are linked with corporate activities. In this regard, the corporations – separated from individuals and with no mens rea – are considered “victims,” instead of principals, instigators or accomplices of the criminal conducts.

It follows that under Criminal Code of Taiwan, corporations are not criminally liable for offenses which by their very nature can be committed only by individuals. For example, corporations cannot commit crimes such as fraud, forgery, theft, or manslaughter, but individuals within the corporations can. Investigative prosecutors – in collaboration with law enforcement agents – would essentially target on individuals instead of the corporate entities, and decide whether to press the charge. The rationale is that corporate executives and managers receive the credit and the bonuses when their policies/decisions succeed. By the same token, they must accept responsibility when they fail, at least when the policies/decisions have not been fully analyzed and considered. Under these circumstances, corporations are exploited and thus are legitimately entitled to civil compensation from the individuals because their misuse corporate opportunities to benefit themselves.

On the other hand, for regulatory offenses that are relatively lack the moral offensiveness and blameworthiness, legal persons can be held criminally liable when the accessory laws expressly provide for such liability. The rationale is that when the organs or representatives have the required mens rea and actus reus of that crime, the corporation is automatically liable. If that is the case, both individuals and corporations are regarded criminal actors. For example, Article 29(1), 125(1) and 127-4(1) of the Banking Act prohibits any organization other than a bank from accepting deposits, managing trust funds or public property under mandate, or handling domestic or foreign remittances unless otherwise provided by law. In the event that the responsible natural person of a legal entity committed, that legal entity

shall also be punished by criminal fines up to NT\$50 million. Another illustration is Article 92 of the Government Procurement Act, which states, “Where a representative, agent, employee, or any other staff of a supplier who, in performing his/her duty, commits an offense specified in this Act, the wrongdoer shall be subject to the punishment prescribed in the relevant Article; in addition thereto, the supplier shall also be subject to the fine prescribed therein.”

B. Applicable Sanctions on Corporate Crimes in Accessory Laws Regime

The issue of what sanctions are appropriate for corporate criminal activities has been the constant subject of debates. Criminal fines are certainly one of the punishment options that most jurisdictions adopt in this area. Among all the arguments, the strongest one is the pecuniary punishment’s indirect effect on not only the corporate entities but innocent individuals too. Specifically, all members – in corporations, shareholders and employees – are indirectly sanctioned because paying a criminal fine not only diminishes the value of stock price but also reduces the income of employees who are innocent for most of the time. Therefore, it is crucial to carefully consider whether the sentencing’s quantum is properly individualized and whether its deterrent effects are just.

In Taiwan, the only available sentencing option for corporations’ criminal liability is fines. Dissolution, privation of rights or licenses and the imposition of mandatory management oversights are primarily of civil and administrative mechanisms which are not adopted and accepted in the criminal law regime. Because pecuniary sanctions generate great strikes on a corporation’s profitability, a criminal fine holds the potential to be an effective deterrent option. However, Taiwan’s accessory criminal law provisions for sanctioning corporate crimes are limited and exhaustive. Cases have demonstrated that by far such application is rare and hardly adopted in practice. As a matter of fact, in cases where criminal fines are imposed on corporate entities via accessory criminal laws, the amount of fines are rather modest and is not salient enough to discourage criminal conducts. To the very least, in a corporation with high capitalization, the impact on individual shareholders can be insignificant. This phenomenon therefore undermines one of the original purposes for criminal fines: to balance the monetary gains from the offense.

C. The Confiscation Structure under Criminal Code of Taiwan

Criminal fines is not the only method of recovering ill-gotten gains and/or imposing financial penalties against corporate crimes among different legal systems in the world. Some jurisdictions include restitution, reimbursement for the cost of investigating and prosecuting the matter, and/or treble damages under False Claims Act in the States, for instance. Another sanction often used is confiscation of the proceeds of the crime. Deprivation of the fruits of crimes is certainly a powerful

deterrence method. In addition to its obvious deterrent effect, confiscation has direct advantages because it generates the capital necessary for compensation and recovery to victims, and thus making the society whole.

As noted above, arguments about the indirect effects of imposing financial burdens on corporate entities still exists. Nevertheless, corporate property is separated from the property of its members who already assumed the risk of losing their contribution to the corporate patrimony once incorporation. The above-mentioned side effects of pecuniary punishments on corporate entities are the risks that shareholders have taken from the very beginning. Besides, the infamous effect of criminal conviction of a corporation or individuals within the entity generally does not pass on to shareholders. Therefore, confiscation on corporate entities' illicit gains should be an applicable mechanism once the scope is properly determined.

However, under the former Criminal Code of Taiwan, confiscation was originally regarded as an accessory punishment option, which means that if one cannot be defendants in a criminal matter, one cannot be punished by confiscation either. To a certain degree, this previous confiscation structure under Criminal Code implied that illicit proceeds are subject to confiscation only when the proceeds are still held by the defendants for that particular criminal matter. Further, because corporations are not criminally liable under the Criminal Code regime and because confiscation was previously regarded accessory, the proceeds of crimes, once transferred to third parties, are not subject to confiscation. What is worse, Confiscation is deemed an attachment to the principal penalties imposed on the defendant in the preceding case. In the absence of specific accessory criminal law's provision, there is no mechanism either to impose financial burdens via criminal fines or to retrieve monetary gains through confiscation. This loophole has been greatly criticized.

In 2015, prosecutors from Changhwa District Prosecutors Office indicted the chairperson of Tatong Oil Ltd. for violation of the Act Governing Food Safety and Sanitation ("AGFSS"). During the court proceedings, prosecutors petitioned the court to confiscate proceeds of crime amounting to NT\$1.85 billion received by Tatong Oil Ltd. The court, however, ruled that Tatong was not the offender in this case, and therefore its property could not be confiscated. This ruling was much criticized because of its implication that offenders were encouraged to launder their illegal gains, in particular to third parties such as corporate entities. This judgment provoked great controversy which directly led to the amendment of AGFSS. The confiscation of crime proceeds, for the first time, extended its force to cover third party's property. In addition, the amendment authorized the Executive Yuan to formulate rules for evaluating the crime proceeds by estimation. The amendment assembled both substantive and procedural aspects of confiscation of crime proceeds, which

ultimately led to a comprehensive review of the forfeiture-related provisions under Criminal Code.

The amendment of the Criminal Code was promulgated on December 30th, 2015 and later came into effect on July 1st, 2016. Among all the amended provisions, the one that received the most attention is the expansion of the scope eligible for forfeiture. Under Article 38 (3) and Article 38-1(2) of the amended Criminal Code, the proceeds of crime acquired by a natural person, legal person or non-corporate association other than the offender may be confiscated under the following conditions: (1) The recipient knows that the illicit proceeds are obtained as a result of another person's illegal conducts. (2) The proceeds are obtained from another person's illegal conducts without consideration or with a clearly disproportionate consideration. (3) The proceeds are obtained by a third party from the illegal conducts committed by the offender for that third party. Plus, in order to deprive the offender of any proceeds of crime and to prevent the offender from selling all the proceeds, the newly-added Article 38-2 of Criminal Code states that if it is clearly difficult to decide the amount of the illicit proceeds eligible for confiscation, such amount may be determined by estimation.

In addition, where legal or factual issues – such as the offender has died, absconded, unable to appear in court on the grounds of mental incapacity or sickness – prevent the recovery of criminal proceeds from the offender, the court may still render a unilateral confiscation order against proceeds of crime in the possession of third parties. This new approach thus resolves the judicial system's inability to recover the proceeds of crime once the offender flees. Comparatively, the old provision barred the confiscation under such scenario because no principal punishment can be pronounced.

In sum, the new amendment brings about significant changes for confiscating corporate entities' illicit gains, even if corporate entities are essentially not regarded as defendants in criminal matters. It does not matter who holds the proceeds of crimes. After expanding the scope of confiscation to include offence-related properties held by third parties, the earnings of a corporate entity may now be subject to confiscation. Therefore, Taiwan's current criminal confiscation structure not only ensures that a criminal does not benefit from his or her criminal acts, but also prevents criminal property from being further laundered or reinvested either to facilitate other forms of crime or to conceal illicit proceeds.

D. Targeting Individuals within Corporate Entities: Taiwan's Approaches & Challenges

In Taiwan, prosecutors who hold investigative powers primarily focus on prosecuting individuals within the corporate entities. Evidently, the fundamental and

primary concerns for individuals in a corporation lie not in the fines or confiscation on the corporate entity as a whole, but the issues of personal sanctions and liabilities. Monetary penalties on corporate entities can become a cost of doing business and passed on to customers, shareholders, or employees. Comparatively, imprisonment – or the risk of imprisonment – is a powerful deterrent option which weigh heavily on the minds of corporate officers. By the very nature, imprisonment cannot be externalized and passed on to the corporations through indemnities. Once the conviction for individuals is secured, the illicit gains would be further determined and confiscated, however the amount is transferred and whoever holds such proceeds.

In practice, prosecutors have at least two choices when an individual within a business organization was the subject of legal scrutiny. The traditional binary option is either charge the individual with a legal violation or not charge. In addition, prosecutors hold the discretion power to evaluate the adequacy for pretrial diversions such as deferred prosecution or non-prosecution. These alternative vehicles are rulings made by the prosecutors in accordance with the Code of Criminal Procedure, and are not subject to judicial scrutiny.

Article 253-1 of the Code of Criminal Procedure outlines the prerequisites on cases eligible for a deferred prosecution ruling. First, the crime committed shall be other than those punishable with a minimum punishment of imprisonment for no less than three years. Second, the period of deferred prosecution shall be one to three years starting from the date the ruling of deferred prosecution is finalized. Under deferred prosecution, prosecutors may require the defendant to comply with or perform specific obligations detailed in Article 253-2, including but not limited to apology to the victims by written statement or offering compensation, community services, and compliance with any necessary orders for the crime prevention. A ruling for non-prosecution is comparatively simple. The only prerequisite for such ruling is limited to misdemeanors under Article 253 of Code of Criminal Procedure.

Instead of contractual elements among prosecutors and defendants, deferred prosecution and non-prosecution in Taiwan are rulings made by prosecutors. Compared to the deferred prosecution and non-prosecution agreements in the United States, Taiwan's requirements for such rulings are strictly regulated by law, and thus prosecutorial discretion is comparatively restrained. Pretrial deviation mechanisms as they are, prosecutorial rulings of deferred prosecution and non-prosecution are by no means considered a bargain, compromise, or tool to secure a high conviction rate at trial.

In reality, however, successful prosecution on culpable individuals within a corporate entity constantly faces significant obstacles. On the one hand, the lack of inside information diminishes the possibility to correctly identify the real decision

maker within a complicated corporate structure. Evidently, the market information, which serves as traditional main sources of investigations, has little guidance to the decision making process within the corporation. Such is the case when the decision process is fragmented among multiple departments or when a decision is made by secret vote of board members or not in writing. Thus, these types of crimes are often found in the details, making forensic evidence difficult to identify, investigate, and present. In this respect, corporate crimes are often deemed complex affairs involving multiple interconnected actors over a long period of time. Direct effects of these misconducts are not obvious from time to time, making it difficult to prove and to detect. As a result, significant time has elapsed before the criminal acts were ever brought to light, and the evidence is either missing or destroyed.

On the other hand, proving the criminal intent on the part of the high-level management within corporations is also difficult. As these offenders tend to be among the most knowledgeable and influential persons in the corporate entities, thereby effectively preventing others from insights to the criminal conducts. As noted above, corporations are highly intricate entities within which directors, managers and other employees interact, define goals and subunit goals, compete in between for resources and powers, and make business decisions. Further, given the complexity within corporate and market structure, multiple nodes of law enforcement agencies and supervisory authorities in Taiwan have been striking to combat crimes by means of regulatory sanctions as well as criminal prosecution. For instance, Financial Supervisory Committee of Taiwan, and Investigation Bureau under the Ministry of Justice, both have been prosecutors' loyal allies in this regime. However, prosecuting cases against high-level individuals would take many years, many investigators, and a great deal of expertise to investigate. Limited resources in terms of budget and staff personnel would undoubtedly exacerbate the problem and undermine such goal.

E. Conclusion

Corporate liability should be structured to encourage effective corporate compliance, reporting, cooperation and whistleblowing. This requires a sophisticated blend of criminal, civil and administrative liability that punishes wrongdoing while rewarding good behavior. In the criminal law regime in Taiwan, corporate entities are generally not criminally liable because of the lack of mens rea under the crimes regulated by Criminal Code. In cases where individuals are responsible for their criminal conducts within the corporation, the current confiscation structure has provided a comprehensive scope of eligible items as well as a detailed procedure for confiscation. Thus, corporate entities who holds illicit proceeds are potentially subject to confiscation even if they are not the defendants of the criminal matter.

Crime evolves. Criminals tend to work diligently to acquire sophisticated

techniques not only to foster their criminal activities but also to circumvent from their liabilities. In terms of corporate misconducts, the more intricate the corporate structure is, the more difficult to detect and investigate. To ensure crime does not pay, prosecutors not only take great effort on the investigations but also pay special attention on whether to press the charge or to utilize alternative resolution vehicles. Throughout the entire investigative phase, prosecutors work proactively in collaboration with various law enforcement agencies. Challenges for prosecuting individuals within complicated corporate entities shall never hinder investigative prosecutors' pursuit for justice in Taiwan.



劉檢察官怡婷在大會中發表報告

2、中文節譯

2009 年金融海嘯以來，美國無論執法機關對革弊與案件偵辦上向來不遺餘力，身為英美法系國家，美國承襲法人刑事責任的歷史傳統至今，反映在金融機構犯罪偵辦上，卻因此迭遭詬病。申言之，根據紐約南區聯邦地方法院法官 **Jed S. Rakoff** 在 2014 年發表於紐約書評雜誌的文章「為什麼沒有高階執行長在金融海嘯中被提起公訴？」評論美國檢察官近年來傾向偵辦法人犯罪而忽視實際決策的自然人責任。文章中提到，在大多數偵辦金融機構犯罪的案件中，美國檢察官大部分在起訴前便與金融機構達成緩起訴協議，使金融機構僅須繳納鉅額罰款，即可免除遭刑事訴追的風險，直接以股東權益繳納罰款。對大部分坐擁龐大資產的美國金融機構而言，繳付罰款顯得無關痛癢。以美國檢察官的立場來看，一方面能維持其定罪率，增加罰款收入，另一方面，由於對法人蒐證遠較偵辦特定自然

人犯罪容易，因此在緩起訴協議後，美國檢察官之訴追目的已達，往往不再對金融機構之內部實際亦應負責之人續為偵查作為，導致迄該文章發表時止，仍無金融機構之高階主管遭到刑事訴追處罰的弔詭現象（從現任美國司法部長 Lynch 上任後已宣示將在追訴權時效完成前全力偵辦造成金融海嘯之相關自然人刑事責任，日後猶待觀察）。

反觀臺灣則延續大陸法系傳統，向來以偵辦自然人犯罪為主軸，理由在於法人並無「主觀犯意」，無法以之作為刑事犯罪主體。現行我國法人刑事責任的立法模式係承襲日本刑法，在刑法典並無法人刑事責任之明文，而是在附屬刑法中，透過轉嫁罰或兩罰制的立法模式建構我國法人刑事責任。因此，本次研討會既以「經濟犯罪：誰應對其他人的不正行為負責？」為主題，在文章主題擇定上，便以我國立法模式（含沒收法制修正）、偵辦現況及挑戰為主軸，提供與會人員討論的平台。

我國針對法人刑事責任的立法，絕大多數均採取罰金刑，惟對法人訴追科刑，不可避免將使無辜受僱人、股東受有直接或間接損害。股東固然可提民事訴訟請求賠償或回復原狀，然以刑事責任的角度觀察，更實際且有效率的作法，應是偵辦自然人犯罪，並搭配以洗錢防制法及新修正施行刑法有關沒收之規定，當可有效沒收、追徵法人犯罪所得。因此，現行法制下，在訴追自然人之刑事責任以外，若犯罪所得經證明由法人取得，且合於刑法第 38 條之 1 第 2 項所列各款情形者，同時亦可對法人（作為犯罪行為人以外之第三人）持有之犯罪不法所得予以沒收。雙軌並行下，當可完全落實無人可從犯罪中獲得利益的概念。

然而，目前臺灣針對此類型犯罪的偵辦上，仍有相當大難題需要克服。首先，由於偵查階段對於法人內部資訊的不對稱，使蒐證難度大幅提高，無法有效辨識實際進行決策及實施犯罪行為之自然人。其次，在偵查階段須為搜索、羈押、通訊監察等作為，令狀原則審核標準及證明度要求仍係執法人員必須克服的義務，在審判階段，經常面臨境外取證之證據能力、證明力要求的考驗。最後，對法人之行政管制與刑事制裁未能完全遏止自然人犯罪誘因，目前金融監理之檢查密度及執行效率，以及在提供偵查機關犯罪調查協助上，均尚有待進一步協調及配合的空間。

結論部分，提及公司犯罪的偵辦與預防，需要透過控制追蹤可疑金流（含有效預警系統）、增加執法機關偵辦資源（含支援人力與教育訓練）、提高法規遵循部門內部調查權能、建構法人內部吹哨者制度及其法制、落實獨立董事與監察人制度、追究幫助遂行法人犯罪之金融機構責任等諸多刑事、民事、行政甚至法人內部自治等面向，才能合力達成。基於罪刑法定，即使臺灣目前法人在刑法法典中不成立刑事責任，僅在少部分附屬刑法存有刑事責任之規範體制，然若該等法人持有自然人之犯罪不法所得，依照新修正施行之刑法沒收規定，第三人持有不法所得仍得為沒收之客體。在犯罪型態日新月異情況下，案件偵辦確實難度也大幅提高，偵查機關經常透過跨部門跨領域的合作，以確保無人能從犯罪中獲得利益，也期許在與各國交流過程中，能從中獲取寶貴經驗。

(二)拜會駐法國代表處

1、拜會對象：張大使銘忠



張大使銘忠與陳政務次長明堂討論與法務部相關之業務

2、拜會情形：針對與本部有關之業務，張大使銘忠提及與本部有關的兩項業務：
(1)曾有我國籍女子在法國與法籍男子結婚生子，嗣因個性不合離婚，我國籍女子即逕將其子帶回臺灣。法籍男子雖在法國提起交還子女訴訟而得勝訴，惟不被我國法院承認；嗣法籍男子雖在臺灣另行提出訴訟，但是其子離開法國時年僅3、4歲，所以法官開庭時認為其子已不會說法語，亦與該法籍男子不熟識，而判決該法籍男子敗訴。該法籍男子自此即透過法國國內的議員，向駐法國代表處表示抗議，而對駐處造成困擾。

(2)國際刑警組織的總部在里昂，張大使希望能推動我國加入國際刑警組織，不過這些需要國內相關部會的支援，希望本部能多加支持。

3、次長回應：

(1)第一個問題其實是很常見的，例如很多臺灣有些越南籍新移民嫁到臺灣，後來發生活並不如意而將子女帶回越南，而越南戶籍制度並不完整，所以臺籍先生甚難訴請交付子女之訴。如果駐法國代表處需要相關的法律意見，因本部法律事務司主管民法，可提供相關的意見供代表處參考。

(2)至於張大使所提第二個問題，其實是警政署主政而非本部，惟本部會協助代

表處與警政署聯繫，盡力協助張大使推動此事。

四、9月7日

一、法國司法部民事及掌璽事務司

(一)拜會對象：司長 Carole Champalaune、民法科幫辦 Guillaume Menier（本場次由巴黎律師郭麗秋擔任翻譯）

(二)機關職掌：該司處理與個人身分有關之事務，亦包含部分經濟性案件，惟亦有其他部分負責處理此部分。而此單位亦處理與司法有關職務之人，例如律師、公證人，但法官則是由其他部門處理，同時也處理國際商業合作（如海牙公約相關事項）、子女在非法的情形下被帶離法國、個人基本自由等公、私法事項。

(三)法方簡報：

(1)同性結婚議題：法國民法的基礎是 1804 年（19 世紀）的民法法典，惟就離婚、血緣、監護權等規定已陸續改革，且隨著社會風氣的改變與歐洲人權法院所作的判決，也都影響了法國民法中關於個人身分相關規定的改革。現任總統在競選時的政見之一，就是同性與異性婚姻的平等可能性，所以將之付諸為法律條文。

(2)契約方面修改：法國民法法典經過法國司法部與大學教授的反復討論，為因應時代改變所需，因此就契約法的部分作了相關的條正，預計於今（2016）年開始施行。

(四)意見交流與議題：

次長首先介紹，我國法務部的職掌包含檢察、反貪腐、調查、公法行政執行、監獄、人權、行政院法律總顧問、司法保護等項目，民法也是本部的職掌範圍，今日想要請教的就是民法身分法部分。而我國民法制定時也曾參考法國民法，原本婚姻制度是一男一女所組成，但現在對於同性婚姻的保障議題，想藉此了解法國的制度。

(1)問：法國先於 1999 年制定伴侶法(PACS，尚未涉及婚姻)，是否即面臨衝擊？

答：伴侶和婚姻是同時併行的情形，不過只有在子女的部分其實是婚姻制度中較特別的。在討論法國同性婚姻之前，必須指出相關立法只花了 1 年的時間，並在 2013 年通過。而當時的情形如下：過去 20 多年來，法國本來即已有很多同性伴侶的議案，並將同性伴侶定性為一種契約，因為伴侶是一種經濟活動的考量，法院判例指出雙方不可突然斷絕關係，否則必須負賠償責任，不過法律上無明文規定。

在此必須指出，同性伴侶指出法國婚姻制度層面包含法律及宗教上兩面，而婚姻本身是契約制度，例如夫妻財產制度就是一種契約，並交由婚姻制度來解決。

另一個很難處理的部分，就是父母子女的關係與血緣制度，而同性伴侶制度就是針對契約中的財產關係來作規範，所以同性伴侶是在法院書記處登記，而婚姻則是在市政府舉行典禮。而這個制度在法國政治上引起很大的爭議，一直到後來才取得共識。這個議題源於 1998 年，但隨著美國的發展與法國社會的逐漸接受，所以現任總統在競選時才會說他會作同性婚姻的改革，而這也成為司法部當時的重要任務。在整個制定過程中，兩方的對立與社會衝擊很大，這也讓司法部的主管在國會時受到很大的壓力甚至威脅。但 2013 年通過後，雖然偶有示威群眾，但整體社會已經接受。不過目前產生的問題已不再是經濟上的問題，而是身分上的問題，例如要不要開放同性伴侶要不要去領養子女的問題，而這也讓當時贊成的人可能轉而反對。如果同性婚姻與親屬關係領養同時進行，可能會讓事情變的過於複雜並引起太大反彈，所以決定將二者脫勾處理，沒想到之後產生二個問題：其中之一是國際私法的問題，也就是同性婚姻者其中一位是外國人，而其本國法不承認同性婚姻；其二是有些市長拒絕為同性婚姻舉行典禮。當然整體社會是接受的，目前要處理的就是領養子女的問題。

(2)問：請問通過同性婚姻法律後，現狀如何？

答：雖然制定的過程只花了 1 年，但在國會中是花了很長的時間來討論，甚至多達 5000 個對案，所以討論非常充分。以法國為例，最好的提出時間就是總統剛上任的時候，因為法國現任總統在競選時即提出此點，而當選後即代表人民選擇此制度；其次，國會也是人民選出，所以這是重大改革最後的時機。還有，當時司法部部長已在相關宗教團體中進行討論與調查，以明白社會的動向，因此雖然明知會有反彈，但已作好相關的因應。

(3)問：請問法國官方是如何和反對的團體溝通呢？

答：在法國是政教分離的共和國，所以只有在市政府前結婚才有效，此為民法的制度，是以宗教無法影響到法律的規定。而目前似乎也沒有同性婚姻在市政府舉行典禮後，另外到教堂舉行宗教儀式。至於市長拒絕為同性婚姻舉行典禮的行為並不合法，因為此已違反市長的法定職務。當然不能說宗教對於法律沒有影響，可是國會在討論時不能明言提到是某個宗教的規範；且當時政府強調同性婚姻對於反對者的權益並不會改變，只是讓少數人得到與反對者相同的權益而已。這點以法國來講，近 3 年來情形已稱穩定也未影響結婚的制度，目前法國也面臨過多嚴重的事情（例如恐攻），所以此議題並非國民優先考量者。況且目前雖然只有 22 個國家承諾同性婚姻，但世界潮流是朝此方向前進，所以目前並無太大的疑義。

(4)問：依法國的經驗而言，請問臺灣應一步到位較好，或是像法國一樣分階段進行較好？

答：PACS 是開放給同性、異性伴侶，所以不能譯成同性伴侶法，應譯成伴侶法，即有點類似結婚前的特殊型態，並只注意在經濟上關係。所以在同性婚姻法通過後，很多同性伴侶仍未選擇婚姻，因為婚姻的約束仍然比較高。

(5)問：若子女出生在明知生母為何人的情況下，可否記載為母不詳？

答：法國的匿名分娩制度允許生母欄空白，但不能記載為母不詳，且事後在領養時仍會揭露生母資訊。又法律也規定在生母同意下可留下詳細資料，供該子女日後要求尋找生母之用，但只有該子女可以檢視該等資料。這是規定在法國民法與家庭法的相關條文。如果該生母不願意留下其資料，也未改變其心意，則其子女的確無法得知其生母的資料，這當然會影響該子女權益，而歐洲人權法院就此曾作出判決：如果不讓母親匿名分娩則可能會選擇墮胎或遺棄，所以經衡量母親與子女權益下，認為法國的制度不違背歐洲人權公約。而因為生母可在事後透露其資料給其子女，此時該子女很快就會被領養，通常是完全領養，也就是和其生父母完全斷絕關係，此時生母提供的身分資料是保存在特定機構，以便該子女了解其身分與有無遺傳問題。但是在子女在完全領養的狀況下，生母不得反悔而主動與其子女聯繫。而這些保存生母資料的特定機構，是總理府下的國家委員會。



在法國司法部民事及掌璽司討論前述議題

(6)問：法國將於 2016 年 10 月 1 日施行修正後的契約法，這些是否將國際公約（如聯合國國際商品買賣契約等）等規範涵括其中？

答：法國民法典於 1804 年制定後，法國是以法院判例方式來因應時代變遷，近來年因為以前繼受自法國民法的國家都已修法，也為了讓法律更有效率，因此參考了相關的國際公約與外國立法例，不過也維持原本法國民法典的優點而兼容並蓄。但要特別說明，這些修正民法典不是國會通過，而是由國會授權司法部所

訂立，且這些修正條文很多是將法院這 200 多年的判例見解放在新法中。這些是 10 年來作品，源自學者專家的報告，所以國際條約對之有很多影響，所以這次在修法時刻意不將條文訂的太詳細，好讓法院能有解釋的空間。又之前如果因為情勢變更致一方無法履約，一定要由法官介入，在此次修法後參考國際公約，使其中一方得對不履行的一造解除契約。

五、9 月 8 日上午

(一)英國國家罪犯管理服務署(NOMS，即 **National Offender Management Service**)

1、拜會對象：署長 Chief Executive Officer Michael Spurr、外籍罪犯政策科科長 Graham Wilkinson

2、機關簡介：英國國家罪犯管理服務署於 2004 年成立，整併原本各自獨立的「國家假釋署」(National Probation Service)與「皇家監獄署」(Her Majesty's Prison Service)，以求監獄與假釋業務能順利轉銜，並鼓勵民間資源參與該等業務，提升矯正效能。該署負責英格蘭與威爾斯地區之矯正業務，包括監獄的運作、監督假釋與社區處遇、避免受刑人再犯、與私人監獄及服務（監獄的保全服務、電子腳環）之契約管理等等，其工作之目的在於支援司法系統，並藉由預防犯罪及減少再犯來避免有人受害。又國家罪犯管理服務署雖由英國司法部所支持，惟其屬獨立行政法人(executive agency)，而非司法部之下轄機關。此外，該署與其他行政機關或民間組織等均有廣泛合作，例如渠會與私部分合作來營運監獄、提供監獄戒護保全與電子監控；也會與其他政府部門合作，以提供受刑人相關的醫療服務、教育與訓練課程；亦與慈善機構、社會企業組織合作，來發展與施行減少再犯的相關計畫；另亦與獨立的檢查人員(independent inspectors)、地方政府(local council)、青少年犯罪預防團體、法院、警察與其他執法機關合作，使該署能克盡其責並達到支援司法系統之目標。



陳政務次長明堂在英國國家罪犯管理服務署致贈紀念品給 Michael Spurr 署長，林大使永樂（最右者）在旁陪同

3、意見交流：

(1)問：如果林克穎引渡回臺後，是否有可能適用移交受刑人協定？

答：林克穎若引渡回臺服刑後，的確有可能適用移交受刑人協定，不過臺灣主管機關有權斟酌各種情況來決定是否同意。而我們了解在林員引渡回臺服刑前，尚無適用移交受刑人協定的空間。不過要指出在此案件中，決定接受與否的權限在蘇格蘭政府，而非中央政府。此外，在移交受刑人議題上，目前尚無臺籍在英受刑人想要申請移交回臺灣，不過在臺服刑英籍受刑人或許想要移交回英國，所以縱然目前實際上尚無移交之實例，但有這樣的雙方協定總是好的。目前英國與多國簽有雙邊的受刑人移交協定，亦加入歐盟執委會的移交受刑人多邊公約。

(2)問：英國監獄有無超收的問題？

答：監獄超收的確是歐洲人權公約第 3 條的重大問題，英國確也面臨此問題，在有些監獄已接近其關押人數上限，但情況比起很多國家算是還好。而英國也打算興建更多的監獄，並打算用來取代舊監獄。因為要如何全面關閉維多利亞時代的舊監獄，而用有新穎設備的監獄來代替，例如在倫敦市中心就還有著監獄，我們打算將這些監獄遷到其他的區域。原本監獄系統或假釋系統、社區處遇系統在英國是分立的，但後來整合到 NOMS 下。英國有著 85 監獄，其中會依受刑人的性質而作區分，例如有些是關押重刑犯的監獄，有些則是關押年輕而輕罪的監獄。我們希望藉著將不同類型的受刑人分流到不同類型的監獄，例如有著專門為女性、

短期刑、準備驅逐出境者而設置的監獄，並提供不同的處遇措施。此外，NOMS 也整合社會上的志願機構，來提供更生人工作機會與出監後的再社會化措施。而超收率的問題在於監獄容量無法提供適合的空間給受刑人，但每個監獄是否超收的框架不同，例如目前關押重刑犯的監獄並無此問題，可是有些監獄確有此問題，所以我們想要關閉擁擠的監獄（大約超收 20%），並以在倫敦近郊蓋新的監獄解決。

(3)問：遷建監獄的過程是否會遇到困難？

答：會的，所以我們會以原有的土地來興建，並提供當地社區就業機會，且採用當地人士作為僱員，儘量來減少衝突。

(4)問：遷建預算來此何處？

答：如果是新建監獄必須要得到政府的支持，不過監獄原址可作更好的利用，所以能說說服政府支持。如果是民營監獄則只要支付營運費用。

(5)問：受刑人出獄後，相關的社區處遇機構如何運行？

答：監獄對於毒癮者在獄中即已進行矯治，出獄後也會由社區處遇機構來繼續矯治，但這的確是個不容易處理的問題，甚至有無人機將毒品送至監獄內，所以也發射特殊信號來避免受刑人使用行動電話。

(6)問：獄中有無志工？有無經費上的問題？

答：獄中的醫療服務是由NHS（National Health Service，國民健保署）所提供，並非由監獄自行提供。而獄中都是由公務員或合作廠商提供專業服務，並無志工。而這些經費是由NOMS預先撥款給NHS。

(7)問：對短期受刑人是否允許其外出工作？

答：英國有著類似的制度，在受刑人回歸社會前，會鼓勵其從事社區工作，並在晚上再回到監獄。而在開放監獄中，有明確規定何人可外出工作，以此鼓勵受刑人的再社會化。而監獄也會同時進行評估作業，來確保該人確實是適合外出工作。當然不是每個受刑人都會遵循此機制，但出狀況的人非常少，大約只有 5%而已。

(8)問：就英國終身監禁受刑人而言，其管理措施為何？

答：全英國只有約 50 人受此終身監禁，不過大約平均關押 14 年至 17 年仍會獲得假釋。不過英國也有犯行嚴重的受刑人，在關押至精神病院時甚至殺害該院病人，所以這種人就會受到高度嚴密的保護。

(9)問：假釋係由哪個機關負責？

答：是由假釋委員會來負責，而此係獨立的機關。例如受 10 年有期徒刑之受刑人係在監獄服刑 5 年、社區處遇 5 年，最後由假釋委員會來決定是否准與假釋。

(二)副檢察總長辦公室

1、拜會對象：副檢察總長 Solicitor General Robert James Buckland QC MP、法律顧問 Legal Advisor Tom Emerson

2、機關簡介：副檢察總長之職責在於協助檢察總長，包括作為檢察總長之代表、協助檢察總長監督政府法律部門(the Government Legal Department)、皇家檢察署、軍事檢察署(the Service Prosecuting Authority)、皇家監督檢察署¹(HM Crown Prosecution Service Inspectorate)、重大詐欺署(Serious Fraud Office)，並提供檢察總長在民事訴訟之協助、民事法律事務之建議、關於公益職責之建議。現任副檢察總長 Robert James Buckland 係保守黨籍議員，並有皇家大律師資格(Queen's Counsel)。

3、意見交流：

(1)問：因為英國檢察總長與副檢察總長都具有國會議員的身分，請問這樣是否會有身分衝突的問題？

答：實際負責檢察業務的是皇家檢察署的檢察長，而檢察總長與副檢察總長不會介入個案，也不會干涉皇家檢察署。換言之，皇家檢察署是具有獨立性的，所以檢察體系在責任政治與檢察獨立間具有平衡地位，而在普通法系統中，檢察總長與副檢察總長則是向國會負責。是以，這樣不會有角色衝突。

(2)問：司法部長與檢察總長的關係？有無隸屬關係？

答：檢察總長辦公室與司法部是不同的，二者不具有隸屬關係。英國司法部迄今只有 10 年的時間，成立當時只是很小的部門，很多的政策擬定是交由 Home Office 決定。

(3)問：英國的檢察官有無配屬於各級法院？組織如何？

答：皇家檢察署一開始成立時的確是直接對應到不同的法院，因為主要是作公訴業務，並找私人律師充任此角色，並在個案中具有獨立性。在英國的檢察體系只有分地點，並未分審級。

(4)問：英國檢察官是否具有偵查權或只負責公訴？

答：英國檢察官只在特定的案件具有偵查權，例如在重大詐欺案件中，檢察官會與其他調查人員合作，不過在其他案件並不具有調查權，且實際上調查權的實施是交由警察。而這是因為英國採取對抗主義，所以這和大陸法系不同。

¹ 該署之功能在監督皇家檢察署及其他檢察機關執行職務，其目的在加強司法的品質及評定檢察署之起訴品質，以求增進其效率與公平。請參見 <http://www.justiceinspectors.gov.uk/hmcpai/about-hmcpai/> (105 年 11 月 5 日造訪)。



左起第三位即英國副檢察總長 Solicitor General Robert James Buckland，正與陳政務次長明堂討論雙方交流事宜

(5)問：檢察總長、法院是否具有提出法案的權利？

答：在英國的法案提案權是由司法部法律委員會所提出，檢察總長或法院不能提出相關的法案，這是基於權力分立原則的考量。又依法案的性質，法院可向司法部提出法案的建議，比較重要的法律則必須透過國會。而國會通過的法案，上訴法院可指出其中哪些法案有問題，但不具有拘束力。此外，法院會在個案中表示對於法律的意見，但是實際上如果要修改法律仍需透過國會。詳言之，一定要透過法律委員會提案，如果政府採用的話就會提出為法案。

(6)問：國際司法合作日益重要，我國是否有機會與英國檢察署合作交流？

答：英國與臺灣就司法合作一向重視，也希望有機會能促進雙方的交流合作，當然有些細節還要雙方詳談。

(7)問：臺灣與英國已簽訂移交受刑人協定，可否在司法合作上進一步促進雙方的合作？

答：這部分已在討論，但是很多細節都還待討論，也希望能有進一步的開展。此外，如果雙方在實務上有更多的交流來互相學習，像英國近 50 年來在刑事訴訟程序有著很大的改變，且隨著跨國犯罪等興起，很多原本證據法則的想法也都隨之更新，我樂見能彼此交流。還有，經濟犯罪的卷帙浩繁，要怎麼樣有效利用資源，這也是英國檢察界的挑戰，也歡迎大家交換意見。

(8)問：臺灣即將於本年 11 月召開全國司改會議，我們希望藉此機會多了解英

國制度，特別是英國的審判制度與證據法則都是我們學習的對象。

答：英國在這部分的規定與實務見解都可以查的到，網路上也都有，像我這邊這本書就蒐集的詳細(提示書籍)，這些可以提供貴團參考。

(9)問：希望英國檢察官能到臺灣交流實習，也希望臺灣檢察官能有機會到英國學習，不知是否有機會？

答：這是非常好的想法，我們樂觀其成，之後也可繼續討論此議題。還有，在私部門部分雙方法律服務業也可以進一步洽談。

(三)ISIS 監獄

1、拜會對象：Deputy Governor Ms. Judith Feline、Manager of Offender management Unit Mr. Charlie Abbott

2、機關簡介：該監獄係 2010 年成立的第三級監獄 (Category C) 目前關押的受刑人人數是 622 人，年齡介於 18 至 30 歲間，且刑度在 4 年以下者。目前監獄分為 2 個舍房區，其中 16 人因涉及違紀所以另關押在隔離區。受刑人的作息是半天在舍房內，另外半天則是上課或作業。

3、意見交流：

(1)問：英國的監獄分流是以年齡或犯行區分？區分為幾種？

答：英國的監獄分為四級，即 Category A 至 D，分別是高度戒備、中度戒備、輕度戒備與開放監獄，而受刑人會被分配到哪一種等級的監獄，是依其所刑度、年齡及對社會的風險而定。有些監獄專門關押性侵犯，有些則專門關押外國籍受刑人。一般而言，英國的監獄一定會區分為男監與女監，惟也有一間監獄同時關押男性、女性受刑人，惟在不同棟的房舍，但這間監獄算是例外的情形。以 ISIS 監獄而言，原本關押之受刑人係 18 至 25 歲，所以主要都是暴力犯罪為主，後來年齡向上延伸到 30 歲，受刑人的犯罪類型也才有著多樣的種類。

(2)問：英國已經廢除死刑，那犯行極度重大的受刑人會被分配到哪一種監獄？

答：一開始會被分配到第一級的監獄，不過從矯正過程中觀察受刑人的情緒管理與社會危險，該重刑犯可能由第一級監獄轉至其他級數較輕的監獄。

(3)問：英國監獄是否有超收的問題？

答：是的，以 ISIS 監獄而言，標準的額定關押員額應是 450 人，不過已達到最大收容員額 622 人，所以該監獄已不再接收其他的受刑人。因為分配受刑人至哪個監獄服刑是全國監獄管理機構 (即 NOMS) 之職責，而不是由法院指定，所以在 ISIS 監獄已達最大定額時，NOMS 會將受刑人分配至其他監獄。

(4)問：在英國考量假釋的因素是什麼？

答：即該受刑人回歸社會的風險性。

(5)問：如果受刑人涉犯經濟犯罪，其在獄中表現良好，但是未賠償應負之損害

賠償責任予被害人，這樣是否能獲得假釋？

答：其非假釋委員會成員，但依其經驗，在這種情況尚難認為該受刑人回歸社會並無風險，所以甚難得到假釋的機會。



因監獄內部禁止拍照，因此本訪團與罪犯管理部門的 Charlie Abbott 在 ISIS 監獄外合影

4、實地參觀：

(1)圖書館與教室：該監獄提供各種學制的教育課程，包含了大學課程與基礎課程，有些課程是以遠距教學的方式為之，有些則是小班工作坊式的教學。因為很多受刑人在入監服刑前的基礎學力均不佳，若未趁此機會重拾書本，將來回歸社會仍有困難。

(2)牢舍：該監獄的牢舍分為單人房與上下舖的雙人房，該監獄一開始均是單人房，但隨著關押人數逐漸增加，因此將部分牢舍改為雙人牢舍。至於何人可分配到單人房，則是由獄方綜合受刑人的年齡、犯行與人格特質來作安排。

(3)戒備人力：白天的人力是 12 人、晚上的人力是 5 人，倘若晚上監獄發生緊急狀況，則會呼叫獄中的其他管理幹部前來支援。惟監獄主管亦坦承如果沒有發生，這種的人力當然足夠，不過如果真的發生狀況，人力是否足夠應付實在未定之天，所以一開始受刑人應至哪一級監獄的分流就很重要。

(4) 隔離室：目前共有 16 人受到隔離，隔離室都是獨居房，部分是在房舍內發生暴力行為，部分則是發生在會客中有夾帶禁藥進入牢舍之情形。

(5) 申訴管道：受刑人可對監獄的管理措施提出申訴，視情形可向監獄本身、NOMS 或獨立監督委員會提出，獄方並提供相關表格供本團參考。以向監獄本身申訴為例，獄方必須於 42 天內回復，否則就必須送往更高層級（即 NOMS）決定。

六、9 月 9 日

(一) 重大詐欺署(SFO)

1、拜訪對象：Director David Green CB QC(署長)、Joint Head of Strategic Relations John Carroll(策略關係科科長)

2、簡介：本機構不同其他的機構，SFO 兼顧了調查與公訴的工作。SFO 針對重大案件進行偵辦，並藉重此辦公室的長才來進行偵辦，例如萊斯萊斯、巴克萊銀行、TESCO 等案件，所以常需要從其他國家取得證據，但目前從中國大陸取證常遇到案件。SFO 共有 500 位員工，並在本大樓有 4 層樓。SFO 有兩個主要部分，其一是情資單位，分析所蒐集的情資來決定是否偵辦。另一個則是如何破解搜索扣押所取得之行動電話等，因為在現代電磁紀錄是非常重要的證據。



陳政務次長明堂致贈紀念品予 David Green 署長

3、議題交流：

(1)Green 署長問：臺灣有無專門的機構來偵辦重大經濟犯罪、貪污案件？

次長說明：臺灣各地的地檢署均能偵辦經濟犯罪及貪污案件，惟重大的經濟案件另由特偵組處理，而廉政署亦負責貪污案件的偵查。舉例而言，像兆豐金控與一銀盜領案件，就是由臺北地檢署所負責。

(2)Green 署長問：有時遭調查的公司會拒絕調查，但 SFO 不會因此而放棄偵查，不知臺灣的處理方式為何？

次長說明：臺灣的情形類似，我們也不會因此放棄偵查，像群聯電子的案件也是調查 2 年多才發動搜索。

(3)Green 署長：SFO 在進行案件調查時，有些需要其他國家的配合，但像瑞士就常常不配合，當然這也可能是個別合作檢察官的問題；另外，我知道有些國家也抱怨英國的司法互助速度過慢，但這是因為 SFO 實在負擔太多業務的關係。

次長說明：國際司法合作的確非常重要，從兆豐金控的案件來看，我們也深知此重要性，我們也很願意與 SFO 合作。

(4)Green 署長：SFO 希望與臺灣進一步合作，惟英國外交部表示臺英間仍有引渡、可能的移交受刑人案件尚在進行中，在獲致結論前尚不宜進一步洽談。

次長說明：洽談中的合作與引渡、移交受刑人案無關，仍希望臺英雙方能進一步合作。我們深切理解國際合作在偵辦案件的重要性，希望雙方能進一步的合作，也希望您能到臺灣訪問。

4、次長與 John Carroll 科長在會後繼續會談

(1)問：臺英雙方洽談的國際合作與引渡、移交受刑人無關，何以無法進一步合作？

答：SFO 非常樂意與臺灣合作，但英國外交部認為此時機尚不適宜，因為受刑人移交的案件還在進行中，希望能待這個案子確定後再一步洽談。SFO 也認為這二者無關，但英國外交部對此深感顧慮，所以才不希望此時簽訂。

(2)問：但以前揭可能移交受刑人的案子而言，日後能否移交受刑人是行政措施，實與雙邊的國際合作無關？

答：該案確與 SFO 無關，但這是英國外交部的考量。

次長回應：我們可以提供該案供您參考，但本部不能干涉個案，英國是法治國家對此亦應能了解。且臺英雙邊的國際合作政治因素不高，仍希望 SFO 基於共同打擊犯罪的考量儘速簽訂。在簽署前如果有需要臺灣協助的案件，我們會儘速處理，不過也希望在臺灣有案件需求時，SFO 也能協助我們。

(3)問：如果 SFO 有任何活動，臺灣均希望能派員參與，也希望 SFO 能到臺灣參訪？

答：是的，我們也希望如此。另想特別說明，英國近期通過反貪腐法，希望讓真正應負責的自然人也能負責，不知臺灣的情形如何。

次長回應：臺灣最近在草擬反企業賄賂與吹哨者條款，也希望防堵此部分的漏洞。此外，刑法的沒收制度也重新翻新，來追索犯罪者的不法利得。另外，揭密者的保密草案也是臺灣正在草擬當中，不過因為臺灣是個小島，所以如何保證揭密者，其實對我們而言是個重大的挑戰。

(4)問：在臺灣何謂賄賂、何謂禮節，中間分界如何的討論很多，不知英國的作法為何？

答：英國在航運界部分其實也曾有您說的問題，但目前是採取零容忍政策。

(5)問：如果英國有反企業賄賂的相關資料，也希望您能提供給我國參考？

答：好的。英國的反貪污法不僅包括公部門也包含私部門，我們會提供相關的資料。



John Carroll 科長（最左側者）與陳政務次長明堂繼續晤談，程公使祥雲（右一）全程陪同

(二)國會議員 Keir Starmer QC, MP

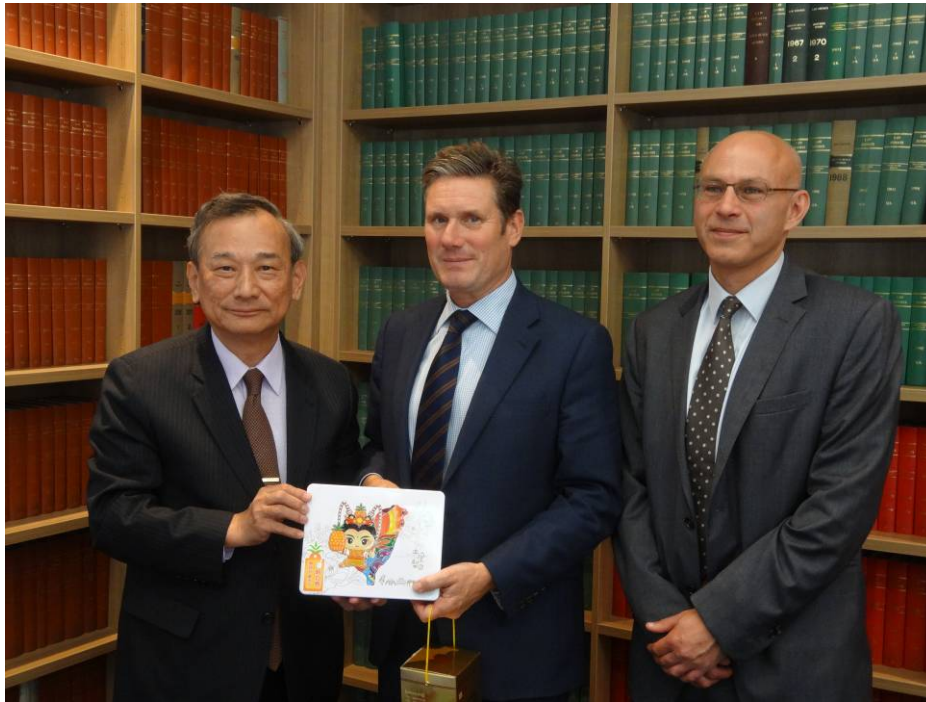
1、拜會對象：國會議員暨皇家檢察署前檢察長 Keir Starmer QC, MP、死刑專案共同執行長 The Death Penalty Project Co-Executive Director Saul Lehrfreund MBE

2、議題交流：

(1)次長首先表達對議員將於 10 月初訪臺表示歡迎。

(2)問：臺灣政府即將召開司法改革會議，對於國民參審也表示興趣，您曾擔任皇家檢察署檢察長，希望能多提供相關意見？

答：我很樂意，且這將很有意義。我們訪臺的目的在了解臺灣的死刑狀況、司法改革並加深雙邊關係。



陳政務次長明堂與前皇家檢察署（CPS）檢察長 Keir Starmer 議員、死刑計畫執行長 Saul Lehrfreund 律師，在 Starmer 議員之律師事務所暨服務處合影

(3)問：臺灣即將在明年 1 月舉行兩公約第二次國家人權報告，若有機會的話，也希望您能一起參與。

答：我很希望有機會能藉此機會到臺灣觀察相關的情形，因為這是一個透明的程序，而我們也就死刑部分也提供資料，不知道貴部是否收到相關資料？

次長回應：這部分可能還在法制司，我們回去會了解。

S 議員回應：若臺灣有英文版的國家人權報告，可否先提供給其參考？

次長回應：沒有問題，我們會提供給您。

(4)問：CPS（皇家檢察署）是否與 SFO（重大詐欺署）一樣具有獨立的偵查權？

答：CPS 僅負責公訴，而調查則是交給警察處理，這和 SFO 不同。且 CPS 的案件不限經濟犯罪，且收案量更大。如果臺灣將來想拜訪 CPS 的現任檢察長，其可幫忙安排。

(5)問：英國檢察總長的角色為何？

答：其係政府的法律顧問，另一方面其地位高於檢察署，但並無直接指揮監督權。

(6)問：英國司法部長的角色？

答：其未提供法律建議，而是偏向監獄管理等事項。10 年前英國曾討論是否應合併司法部長與檢察總長，但考量到政府法律顧問應具有獨立性，所以二者仍然分開。

(7)問：在一些爭議性的法案，例如廢死或同性婚姻，要如何說服國會通過？

答：因為這些事情是對的，所以政治領袖應引領民意，在當下或許會遇到很多阻礙，但過了幾年就會得到大家的支持，且也不會又往原路（即死刑、限定異性婚姻）的方向回去。

七、9月10日

英國倫敦政經學院

1、拜會對象：亞洲研究中心台灣研究計畫主任施芳瓏教授

2、簡介：倫敦政經學院亞洲研究中心台灣研究計畫創立於 2003 年，並從 2006 年開始以各種比較的角度來研究臺灣問題。該計畫透過研究、教學、舉辦研討會、座談會、工作坊、會議與出版的方式，在現代化與全球化的脈絡下討論臺灣所面對的問題，並以不同學科與領域的視野，重塑對全球化世界的理解與對話。該研究計畫主任施芳瓏教授畢業於國立臺灣大學中文學系，其後進入中央研究院民族學研究所擔任助理並因而對人類學產生興趣，嗣後獲英國倫敦政經學院並取得宗教人類學博士學位，並自 2003 年開始擔任亞洲研究中心研究員。其於 2007 年創立「比較觀點看臺灣」(Taiwan in Comparative Perspective)期刊並擔任編輯。

3、交流議題：

(1)問：施老師出身自臺灣，嗣歸化英國，作為一為人類學者，是否曾擔任英國的陪審員？感想為何？

答：其曾在歸化英國不久被選任為陪審員，一開始覺得耗費那麼多的時間在一件刑事案件上，恐怕會耽誤其研究工作，但偶然間聽聞被選任為陪審員的英國人自詡可藉此實踐正義，其深受感動而慨然允之。該案是甫滿 18 歲少年拿刀刺死其他少年的案件，在陪審的過程中，其深深感到決定被告究係謀殺或過失致死的困難與掙扎。但在陪審團內部討論中，透過彼此的反復辯難，研析該案被告的成長歷程、動機與本案對社會可能造成的影響等節，最後陪審團一致認為該被告成立謀殺罪。其認為透過陪審的過程可加深人民對司法的瞭解與信任，也會加深人民對社會的公眾參與及凝聚力。其知道有些華人移民會想辦法避開擔任陪審團的義務，但這樣等同放棄自己形塑公共意見的機會，實為不智。

(2)問：有無可能增進倫敦政經學院與本部的交流？

答：這部分要更仔細的檢視雙方可能的合作項目才能討論，不過倫敦政經學院亞洲研究中心臺灣研究計畫有自己的網頁，如果法務部有些最近訊息想要發布，臺灣研究計畫的網頁

<http://www.lse.ac.uk/researchAndExpertise/units/TaiwanProgramme/Home.aspx>樂於刊登這些訊息。



本團與施芳瓏教授（左二）在倫敦政經學院合影

參、心得

此次，我們在實際走訪了英國、法國司法、檢察、知名學府及相關刑事司法機關後，不但深刻地感受到英國政府致力於司法改革的決心與努力，僅提出如下粗淺之建議：

一、司法改革應同時兼顧被害人及弱勢證人之保護

英國的刑事司法傳統上係將保障犯罪嫌疑人及被告的合法權益置於中心地位，但由於刑事司法體系逐漸流失了人民的信任感，他們不再單方面著重於被告及犯罪嫌疑人之人權，而將司法改革的目標重新定調為「將被害人和證人置於刑事司法系統的中心」，這個轉變，似乎值得我國予以借鏡。

二、司法改革應以全方位的為民服務理念為中心：

也許是自古以來「包青天」集行政權、司法權於一身的觀念已深植人心，華人在傳統上都將政府機關視為「衙門」，時至今日，縱使司法院、法務部都不斷努力以「司法為民」等口號推行諸多服務措施，似仍無法徹底破除民眾將檢察署、法院視為「衙門」的觀感。在本次考察期間，我們觀察到英國無論是皇家檢察署、法院抑或警察機關之全稱最後一字都是「service」這個字，例如皇家檢察署是「the Crown Prosecution Service」、皇家法院是「Her Majesty's Courts Service」，警察機關統稱為「the Police Service」，因為英國政府將所有政策之施行，均視為政府對人民之公共服務（Public Service）。同理，英國刑事司法系統內的各機關，都是把被害人、證人、犯罪嫌疑人、被告、罪犯及其代理人、親屬等當做「顧客」（customer）來看待，而非將渠視為「當事人」（client），司法機關要為人民提供良好的服務，司法政策的制定、司法工作的運行，一切都以「顧客」為導向，而不是以司法機關自身之立場為出發點，當所有司法服務都圍繞著以「服務顧客」為中心來進行時，全面的人權保障自然就在司法工作中得到落實。因此，我們認為在檢討我國司法改革成效時，英國人全方位的為民服務理念也值得我們學習、參考。

三、高層的參訪助益拓展外交與找出問題之真正癥結

因為我國受限於國際政治現實所致之外交困境，我國駐外代表處有時要與駐地高層交流未必容易。然而駐處藉著本次陳政務次長明堂出訪，安排駐地國司法機關高層的拜會，不但讓我國與英國、法國間的司法高層有著良好的互動與認識，更讓駐處得藉此機會拓展與駐地國的外交及實質關係。舉例而言，本訪團拜會英國國家罪犯管理服務署 Michael Spurr 署長與副檢察總長兼國會議員 Robert Buckland 時，我駐英國林大使永樂均全程陪同，並藉此機會深化臺英兩國之關係。又例如本訪團拜會法國司法部民事及掌璽事務司 Carole Champalaune 司長時，我駐法胡公使正浩亦全程陪同，並於會後盛讚該次會談雙方相談甚歡，議題掌握精準深入，令法方就該議題之討論欲罷不能實屬難得，並為臺法未來的司法交流增加很多的可能性。

又英國重大詐欺署(SFO)於前年主動希望與我國進一步合作，然今年年初開始即無積極回應。直至此次陳政務次長利用拜會 David Green 署長的機會，才知道重大詐欺署非常希望與我方合作，但因為臺英間尚有引渡與可能的移交受刑人案件仍在進行，致英國外交部遂希望重大詐欺署暫停與我方的合作案。在此必須指出，本部不能干涉任何的個案，若英籍受刑人欲聲請受刑人移交，則需符合我國跨國移交受刑人法與臺英移交受刑人協議之規定。但在明白真正問題所在後，

我方也才能進而透過駐處向英國外交部說明，希冀繼續推動與重大詐欺署之合作。

四、透過參訪、參加會議促進雙方了解

我國僅與少數國家訂有司法互助協定，而需仰賴個案司法互助的合作才能順利向外國調查取證，而其中最關鍵的部分莫過於雙方的信賴。透過出訪，除了能讓我國藉機汲取國外的法制及經驗外，也能讓拜會的機關了解臺灣法制及實務，這對促進雙方了解實大有助益。尤其本次訪團由政務次長率團，方能以次長的制高點精準詢問我國所需的國外資訊，並以宏觀視野了解外國法制而不致見樹不見林，亦能有足夠的權威性讓國外機關明白我國的現況。

此外，藉由劍橋大學國際犯罪研討會中報告人所提出的議題、觀點，除可提供我國法制參考外，在報告會藉著休息與用餐時間繼續深入討論相關問題，更能增進彼此情誼。依循過往的實際案例，我國在國外急需協助時，常常就是在這些場合所認識的國外友人扮演著「貴人」的角色。所以參訪、參加會議所建立的情誼，都對我國彌足珍貴。

28/17 1

THIRTY-FOURTH INTERNATIONAL SYMPOSIUM ON ECONOMIC CRIME

SUNDAY 4th SEPTEMBER - SUNDAY 11th SEPTEMBER 2016

JESUS COLLEGE, UNIVERSITY OF CAMBRIDGE

Economic Crime – where does the buck stop? Who is responsible - facilitators, controllers and or their advisers?



17

The 34th Cambridge International Symposium on Economic Crime

Economic Crime – where does the buck stop? Who is responsible - facilitators, controllers and or their advisers?

The thirty-fourth international symposium on economic crime has the most ambitious programme both in terms of objective and content that we have so far attempted. This year we seek, as our overarching objective, to address perhaps the most significant question in any system – simply put, where should the ‘buck stop’ - for committing or facilitating misconduct, that undermines stability, security and development? Who should society, through its various systems whether of law, compliance or public criticism, blame for crimes perpetrated against, through or with our financial and business structures? This is not just an issue of confidence or doing the right thing, but reinforcing integrity without which our systems and markets will suffer. There is also the issue of whether we, in seeking to impose fines and other forms of condemnation on those who have simply ‘permitted’ misconduct to occur, disproportionately penalise and indirectly harm those who we should be protecting. The recent financial crisis, compounded by the increased use of financial sanctions, together with our near obsession with attempting to inhibit money laundering and create financial intelligence, have arguably created unsustainable risks for those who in the ordinary course of their business mind other people’s wealth and for those who advise them.

As in previous symposia we do not, however, focus on a single – no matter how important, issue. This year over 600 specialists, most with topical and practical experience, will address in plenary sessions, workshops and think tanks as many issues pertaining to the real concerns of those at the ‘coal face’ and their managers, that have been brought to our attention. Just spend a few minutes to look through the 34th Symposium programme, I am confident that you will be impressed by its depth, breadth and relevance. The symposium is not a mere talking shop - it was conceived to fulfil a very practical purpose. To promote understanding of the real issues in controlling economically motivated crime and facilitate co-operation and effective action – ideally preventive. The symposium is supported by a number of governments and their agencies, with some of the world’s leading universities, research organisations, the professions and, of course, those in the financial and business sectors, from around the world. As in previous years we expect well over 1,600 participants from nearly 100 different countries. The opportunities for networking and developing meaningful co-operation are unique.

The annual symposium over the last thirty-four years has brought together in one of the oldest medieval Colleges of the University of Cambridge, ministers, legislators, senior officials, diplomats, judges, regulators, law enforcement, intelligence and security officers, financial intermediaries, bankers, professional advisers, compliance and risk officers and researchers from around the world.

This programme is structured to provide a depth and breadth of opportunity - second to none, for those participating in the symposium to become aware not only of existing, but also new threats, and how best to address them. Through the numerous plenary and other workshops and in particular the considerable opportunities to meet colleagues socially, there is a degree of interaction and collaboration that could only be encountered in an institution that has the highest world reputation for learning and research. The University of Cambridge, collaborating with a host of distinguished institutions throughout the world, offers a wholly different experience than any other forum in addressing these fundamentally important issues. It is for this reason that the symposium can attract the support and participation that it does – over so many years.

The Cambridge Symposium is not and has never been just a conference. It is organised on a non-profit making basis by some of the world’s most respected academic and research institutions with the active involvement and support of numerous governmental and inter-governmental organisations. It was established to promote meaningful international co-operation – in the fight against financial crime. Its record is its best testimonial. Successive symposia have made a real contribution – at all levels, to promoting stability, good governance and the disruption and control of serious crime and terror. Those who are concerned to protect and promote the integrity and wellbeing of their national economy, institution or enterprise – or who are concerned to better understand the risks facing business today, cannot afford to miss this very special event.

Professor Barry A.K. Rider OBE
Founding Director and Co-Chairman,
Jesus College,
Cambridge

- 13:00** Registration in the Marquee, Jesus College, Cambridge
- 18:30** Cocktails in the Marquee hosted by the **Organising Committee of the 34th Symposium and the Centre for International Documentation on Organised and Economic Crime (CIDOEC)**

Dinner in Hall and Upper Hall, Jesus College generously sponsored by **Hengchang Litong Investment Management (Beijing) Co. Ltd, Beijing, People's Republic of China** and the **Hubei Institute for Strategic Studies of Legal Development, Centre of Rule of Law, Development and Judicial Reform, Zhongnan University of Economics and Law, People's Republic of China**

The Civic welcome will be extended by **Councillor Jeremy Benstead**, Worshipful Mayor of Cambridge and **Mr Daniel Zeichner MP**, Member of Parliament for Cambridge and Shadow Minister of Transport, UK. After-dinner addresses will be given by **Alderman Sir Paul Judge**, Alderman and former Sheriff of the City of London, Director of the UK Accreditation Service and Benefactor of the Judge Business School, University of Cambridge, **Mr Saul Froomkin QC**, Chairman of the Symposium and the Committee of the Organising Institutions, Chairman of the Centre for International Documentation on Organised Crime, former Attorney General and Solicitor General of Bermuda and Director of Criminal Law, Federal Government of Canada and currently Director and Head of Litigation, BeesMont Law Limited, Bermuda and **Professor Barry A.K. Rider**, founder, Director and Co-Chairman of the Symposium, Professorial Fellow, Centre of Development Studies, University of Cambridge, Professor of Comparative Law, Renmin University, PRC, Professor of Law, University of the Free State, South Africa and BPP University, Master of the Bench of the Inner Temple and former Director of the Institute of Advanced Legal Studies, University of London and sometime Fellow, Dean and Tutor of Jesus College, Cambridge, introduced by **Colonel Robert Murfin DL**, President of the Fellowship of Clerks of the City of London and Clerk to the Worshipful Company of Pattenmakers of the City of London, UK with a vote of thanks by **Dr Marcelo Ruiz**, Senior Partner, Canguero Ruiz Abogados and former Minister Counsellor, Argentine Embassy, UK

Monday, 5th September 2016

08:00 **Keynote Speeches**

Chair: **Mr Saul M Froomkin QC**, Symposium Chairman

Opening Address

The Rt Hon Mr Jeremy Wright, PC, QC, MP, HM Attorney General for England and Wales and Advocate General of Northern Ireland, UK

Addresses by the Principal Sponsors

- **Mr David Green QC**, Director, Serious Fraud Office of England, Wales and Northern Ireland, UK
- **Mr Donald Toon**, Director, Economic Crime Command, National Crime Agency, UK
- **Mr Ian Dyson**, Commissioner, City of London Police, UK
- **Professor Barry Rider**, Professorial Fellow, Centre of Development Studies, University of Cambridge

Keynote Addresses

- **Professor Dame Sandra Dawson**, KPMG Professor Emeritus of Management Studies, Director of TSB, Winton Capital Management, Institute for Government and the Social Science Research Council, former Master of Sidney Sussex College, Cambridge; former Director of the Judge Business School and Deputy Vice Chancellor of the University of Cambridge and formerly member of the Prime Minister's Council on Science and Technology and member of the boards of the Financial Services Authority, Barclays plc and Centre for Management and Policy Studies, Cabinet Office, Government of the UK
- **Alderman Sir Paul Judge**, Alderman and former Sheriff of the City of London, Director of the UK Accreditation Service and Benefactor of the Judge Business School, University of Cambridge, UK
- **Mr Leonard McCarthy**, Integrity Vice-President, The World Bank, Washington DC, USA
- **The Hon Professor Ye Feng**, Wenlan Scholar and Professor of Law, Zhongnan University of Economics and Law, former Secretary General, International Association of Anti-Corruption Authorities, Qatar and International Association of Prosecutors and Director General, Supreme People's Procuratorate of the People's Republic of China
- **The Rt Hon Rotimi Chibuike Amaechi**, Cabinet Minister, Government of the Republic of Nigeria
- **The Hon Mr Ming-Tang Chen**, Deputy Minister (Political), Ministry of Justice, Taiwan
- **Ms Julie Read**, Director, Serious Fraud Office, New Zealand
- **Ms Jennie Granger**, Director General of Enforcement and Compliance, HM Revenue and Customs, UK
- **Ms Caroline D. Ciraolo**, Assistant Attorney General, Tax Division, United States Department of Justice, Washington, D.C., USA
- **Mr Giovanni Kessler**, Director General, European Commission Anti-Fraud Office, Brussels, Belgium

- **Professor Xu Hanming**, Distinguished Professor and Dean of Hubei Strategic Academy for the Rule of Law, Zhongnan University of Economics and Law, People's Republic of China
- **Mr Martin Kreutner**, Dean and Executive Secretary, The International Anti-Corruption Academy, formerly Special Adviser, Ministry of the Interior and Director of the Federal Bureau for International Affairs, Government of Austria

10:45

Coffee

Keynote Addresses (continued)

Chair: **Mr Saul M Froomkin QC**, Symposium Chairman

- **Mr Mark Cheeseman**, Head of Fraud and Error Policy, Deputy Director, Fraud, Error and Debt Team, Cabinet Office, Government of the UK and former Head of the Counter-Fraud and Investigations Department, The Legal Aid Agency, UK
- **Mr William J. Fox**, Managing Director of Financial Crimes, Corruption and Sanctions at Bank of America, and former Director of FinCEN, US Department of the Treasury, USA
- **The Hon Dr Ching-Chang Yen**, Professor of Trade Law, Soochow University and Chief Advisor, Taiwan Financial Services Roundtable and former Minister of Finance, Taiwan and Ambassador to the World Trade Organisation
- **The Hon Judge Antonio Balsamo**, Judge of the Court of Cassation, Italy and Member of the Scientific Committee of the Consiglio Superiore della Magistratura, Italy and former Judge of the Court of Assizes, Palermo, Sicily, Italy
- **Mr Shinji Ogawa**, Director-General, Inspection Guidance Division, Supreme Public Prosecutors Office, Ministry of Justice, Japan
- **Mr Ching-Hsiang Tsai**, Director-General, Investigation Bureau, Ministry of Justice, Taiwan
- **The Hon Lic. Eugenio Burzaco**, Secretary for Security, Ministry of Interior of the Republic of Argentina
- **Mr David Johnston**, former Head, The National Technical Assistance Centre (NTAC), GCHQ UK and former Commander, Special Operations, Metropolitan Police, UK
- **The Hon Professor Mads Andenas**, Visiting Fellow of All Souls' College, University of Oxford, UN Human Rights Mandate Holder, Chairman of UN Working Group against Arbitrary Detention, Professor of Law at the Universities of Oslo and Leicester, Senior Research Fellow at the University of Oxford and the IALS, and Master of the Bench of the Inner Temple and former Director of the Norwegian Centre for Human Rights and Director of the British Institute of International and Comparative Law
- **Professor Zhang Qihuai**, Senior Partner, Lanpeng Law Firm, Beijing, Professor of Law at among other universities, the University of South China, Beijing Institute of Technology and China University of Political Science and Law; member of the Executive Committees of the Chinese Society of Criminology and the China Academy of Arbitration Law and former Chief of Staff, China Air Force, People's Republic of China
- **Professor Nikos Passas**, Professor of Criminology, School of Criminology and Criminal Justice and Co-Director of the Institute for Security, North Eastern University, Distinguished Professor, International Anti-Corruption Academy, Vienna and Case Western Reserve School of Law and Head of UN Sanctions Implementation Legal Review Services, Compliance Capacity International, USA
- **Professor Mike Levi**, Professor of Criminology, Cardiff University, President of the US National White Collar Crime Research Consortium and member of the Group of Experts on Corruption, European Commission, UK

13:00 Lunch in Hall and Upper Hall, Jesus College

14:00 Group Photograph, Jesus College

14:30 **Session Ia: In the fight against economically motivated crime what are we seeking to achieve and how successful have we been?**

Chair: **Ms Rosalind Wright**, Independent Director, Department of Business, Innovation and Skills, UK Government, Master of the Bench of the Middle Temple, Member of the Supervisory Committee, European Anti-Fraud Office and former Chair, Fraud Advisory Panel and Director of the Serious Fraud Office of England, Wales and Northern Ireland, UK

- **Mr Donald Toon**, Director, Economic Crime Command, National Crime Agency, UK
- **Professor Hans Geiger**, Emeritus Professor of Banking, Swiss Banking Institute, University of Zurich, Switzerland
- **The Hon Dr Santiago Otamendi**, Secretary for Justice, Government of Argentina
- **Professor Margaret Beare**, Professor of Law and Sociology and former Director, Nathanson Centre on Transnational Human Rights, Crime and Security, Faculty of Law, York University, Toronto, Canada
- **The Hon Dr Jun-Ji Shih**, Chairman, Taiwan Stock Exchange and Professor, Department of Economics, National Taiwan University, Taiwan
- **Professor Ernesto Savona**, Professor of Criminology, Catholic University of Milan and Director of Transcrime, Italy
- **Ms Alison Levitt QC**, Partner, Mishcon de Reya, London, Master of the Bench of the Inner Temple, London, UK

- **Dr Shailaja Fennell**, Senior Lecturer and Assistant Director, Centre of Development Studies, University of Cambridge and Fellow and Graduate Tutor of Jesus College, Cambridge, UK
- **The Hon Justice Abdulai Sheikh Fofanah**, Justice of Appeal, Sierra Leone
- **Mr Roger McCormick**, Managing Director, CCP Research Foundation CIC, Visiting Professor, London School of Economics, former Partner, Freshfield Bruckhaus Deringer and King & Spalding and Chairman of the Company Law Sub-Committee of the City of London Law Society, UK
- **Mr Tom Keatinge**, Director, Centre for Financial Crime and Security Studies, Royal United Services Institute (RUSI), UK and formerly Managing Director, Financial Institutions Group and Head of European Public Sector, J.P. Morgan, UK
- **Mr Rob Beckley**, Chief Operating Officer, College of Policing, former Assistant Chief Constable (Crime and Operations), Hertfordshire Constabulary and Commander, Metropolitan Police Service, UK
- **Mr Thusantha Wijemanna**, Director General, SAARC Arbitration Council (SARCO), Islamabad, Pakistan
- **Mr Rory Field QC**, Chief Executive Officer, ViennEast Ltd and Vice President of the International Association of Prosecutors for North America and the Caribbean, former Director of Public Prosecutions of Bermuda and Legal Advisor (Organised Crime), OECD and OSCE (Serbia)
- **Mr Howard Brown**, US Attorney and UK Solicitor Advocate, Chairman, H.S Brown Ltd, London UK

PARALLEL PLENARY WORKSHOP I – 14:30 to 16:00 – Coleridge Room

The risk of personal liability for those working in compliance

Chair: Mr Arthur Middlemiss, Partner, Lewis, Baach, Kaufmann, and Middlemiss and former District Attorney, New York County District Attorney's Office, USA

Mr William Langford, Chief Compliance Officer, GE Capital and former Associate Director for the Regulatory Policy and Programs Division of the Financial Crimes Enforcement Network (FinCEN), US Department of the Treasury, USA

Mr William J. Fox, Managing Director of Financial Crimes, Corruption and Sanctions at Bank of America, and former Director of FinCEN, US Department of the Treasury, USA

Mr Michael Ashe QC SC, 9 Stone Buildings, London, Co-Chairman of the Symposium, Recorder of the Crown Court, England and Wales and Master of the Bench of the Middle Temple, UK

Mr Hal Crawford, Managing Director, K2 Intelligence, USA

Ms Sue Shelley, Compliance Consultant and former Chief Compliance Officer, HSBC (Luxembourg)

PARALLEL PLENARY WORKSHOP II – 14:30 to 16:00 – EDS Room

Legal Professional Privilege – a blessing or risk!

Chair: Mr John Gibson, Case Controller, Serious Fraud Office of England, Wales and Northern Ireland, UK

Ms Debbie Churaman, Senior Lawyer, Serious Fraud Office of England, Wales and Northern Ireland, UK

16:00 Tea

16:15 **Session Ib: Continued**

Chair: Lord Hacking of Chorley, Barrister and Arbitrator, Littleton Chambers, London, UK

- **Professor Johan Henning**, Senior Professor of Mercantile Law, Distinguished Emeritus Professor and sometime Dean of Law, University of the Free State and former State Prosecutor, Republic of South Africa and Visiting Professor in Corporate Law, BPP University, UK
- **Ms Anne Sheedy**, Head of Financial Crime and Strategic Intelligence, CIFAS – The UK's Fraud Prevention Service, UK
- **Professor Fletcher Baldwin**, Chesterfield Smith Professor of Law and Director, Centre for International Financial Crimes Studies, University of Florida, USA
- **Lic Zenón Biagosch**, President, Fides Net, Director, Business School, Pontifical Catholic University, Argentina and former Vice President, Central Bank of Argentina, Argentina
- **Mr Chris Blackhurst**, Columnist and Business Commentator for the Independent and Evening Standard and former Editor, The Independent, UK
- **Mr David Stevens**, Integrity and Law Manager, Institute of Chartered Accountants in England and Wales, UK
- **Professor Russell Smith**, Principal Criminologist and Manager, Transnational, Organised and Cyber Crime Program, Australian Institute of Criminology, Government of Australia
- **Dr Shoushuang Li**, Senior Partner, Dentons, People's Republic of China
- **Professor Dan Magnusson**, Professor of Law and Society, Jönköping International Business School, Sweden and former Deputy Director of the Swedish Economic Crime Bureau, Sweden
- **Professor Bo Rothstein**, Professor of Government and Public Policy, Blavatnik School of Government and Professorial Fellow, Nuffield College, University of Oxford, UK
- **Mr Tom Lloyd**, Chairman, Whistleblowers, UK and former Chief Constable of Cambridgeshire Constabulary, UK

- **The Rev. Dr Hugh Thomas**, Barrister and Consultant, Artington LLP and MPAC LLP; Compliance Officer, UK Conservative Party and formerly Global Compliance Director, Deutsche Bank Private Wealth Management, UK

PARALLEL PLENARY WORKSHOP III – 16:15 to 18:00- Coleridge Room

Cartography of compliance: a review of standards implementation and practice in the UK under the auspices of the Royal United Services Institute (RUSI) UK

Chair: Mr Tom Keatinge, Director, Centre for Financial Crime and Security Studies, Royal United Services Institute (RUSI), UK and formerly Managing Director, Financial Institutions Group and Head of European Public Sector, J.P. Morgan, UK

Dr Inês Sofia de Oliveira, Research Fellow, Centre for Financial Crime & Security Studies, Royal United Services Institute for Defence and Security Studies (RUSI), UK

Mr David Artingstall, Consultant and Associate Fellow, Centre for Financial Crime and Security Studies, RUSI, UK

Mr Matthew Russell, Partner, PwC, London, UK

Mr Ben Luddington, Director, PwC, London, UK

18:45 Cocktails in the Marquee generously sponsored by **Lewis, Baach, Kaufmann & Middlemiss**

Dinner in Hall and Upper Hall, Jesus College generously sponsored by the **Taiwan Legal Education Foundation**, the **Taiwan Stock Exchange Corporation (TWSE)**, the **Taiwan Securities Association (TSA)** and **The Ministry of Justice Investigation Bureau of Taiwan**

After-dinner Addresses by **Sir David Wootton PC**, Alderman of the City of London, former Lord Mayor and Sheriff of the City of London, Partner, Allen and Overy and Honorary Fellow, Jesus College, Cambridge, UK, **The Hon Professor GL Peiris**, former Minister of Justice and Constitutional Affairs, International Trade and Deputy Minister of Finance, Sri Lanka, introduced by **Mr Nicholas Walmsley**, Director, Head of Compliance and Risk Culture Training, Deutsche Bank AG, London, UK with a vote of thanks proposed by **Mr Dominic Gibbs**, Chief Operating Officer, The Cayzer Trust Company Limited and Researcher, the Institute of Advanced Legal Studies, University of London, UK

Tuesday, 6th September 2016

08:00 **Session II: In an ideal world who should carry the ‘can’ for wrongdoing within a business?**

Chair: The Lord Davidson of Glen Clova QC, HM Loyal Opposition’s Spokesperson for the Law Officers of Scotland and former Advocate General and Solicitor General of Scotland, UK

- **Mr Stefan Gannon**, General Counsel, Hong Kong Monetary Authority, Hong Kong SAR, People’s Republic of China
- **The Hon Mr Masayuki Yoshida**, Commissioner, Securities and Exchange Surveillance Commission, Japan
- **Mr Jan Willem van der Kaaij**, Inspector General, European Investment Bank, Luxembourg
- **Mr Reginald Rhoda QC**, Master of the Bench of the Inner Temple, former HM Attorney General for Gibraltar, currently Senior Counsel to the Government of Gibraltar
- **Mr Tom Newkirk**, Partner, Jenner & Block LLP and former Associate Director, Division of Enforcement, Securities and Exchange Commission, USA
- **Mr Paul Hauser**, Partner, Bryan Cave LLP, UK
- **Mr Emmanuel Mathias**, Senior Financial Sector Expert, International Monetary Fund, Washington DC, USA
- **Ms Elisabeth Pelsez**, Magistrat de Liaison, Embassy of the Republic of France to the United Kingdom
- **Mr Kenneth Murray**, Head of Forensic Accountancy, Police Scotland, Scotland, UK
- **Ms Susan Galli**, Managing Director, Advisory Services Risk and Regulatory, PwC, USA
- **Mr P Mukundan**, Director, Commercial Crimes Services, International Chamber of Commerce, UK
- **Colonel Grant Newsham**, former Executive Director, Corporate Security, Morgan Stanley (Japan) Securities Ltd, Japan
- **Ms Jenny L. Johnson**, Partner, Johnson Moore, Chicago, USA
- **Dr Domitilla Vanni di San Vincenzo**, Lecturer in Comparative Law, University of Palermo, Italy
- **Mr William Langford**, Chief Compliance Officer, GE Capital and former Associate Director for the Regulatory Policy and Programs Division of the Financial Crimes Enforcement Network (FinCEN), US Department of the Treasury, USA
- **Mr Martin Hui, SC**, Acting Deputy Director of Public Prosecutions, Department of Justice, Hong Kong SAR, People’s Republic of China

Parallel Session IIa: The media and public accountability – getting the balance right!

Chair: Rt Hon Dame Margaret Hodge PC MP, former Chair of the Public Accounts Select Committee and Public Accounts Commission of the House of Commons and former Shadow Minister of State for Culture, Media and Sport; Work and Pensions; Industry and Education, Parliament of the UK

- **Mr Andy Verity**, BBC Economics Editor, UK
- **Mr Michael Ricks**, Managing Director, Enquire International Ltd, UK

- Mr Richard Brooks, Investigative Journalist and author, UK
- Mr John Sweeney, Investigative Journalist, Broadcaster and author, BBC TV Newsnight and Panorama, UK
- Ms Anita Raghavan, Journalist and author, former News Editor, Wall Street Journal and European Bureau Chief, Forbes, USA
- Mr Stephen Grey, Special Correspondent, Reuters Enterprise Team, UK
- Mr Chris Blackhurst, Executive Director, Crosby Textor and former Editor, The Independent, UK
- Mr Hugo Alconada Mon, Journalist, La Nacion, Argentina
- Mr Nigel Dudley, Journalist and Editor of Quantum, UK and Qatar
- Ms Margarita Woyciechowsky de Tablante, Journalist and Editor of CuentasClarasDigital.org, Venezuela
- Mr Andrew Bousfield, Barrister, 3PC and Journalist, Private Eye, UK
- Mr Eddie Townsend, Media Manager, Economic Crime Division, City of London Police, UK

PARALLEL PLENARY WORKSHOP IV - 08:00 to 10:45

Building a culture of accountability, compliance and trust

Embedding values, behaviours and practices which lead to positive conduct and proactive engagement with principles-led business practices

Presented by the Centre for Compliance and Trust, Judge Business School, Cambridge University

10:45 Coffee

11:00 **Session III: Control Liability – is it a good idea and does it work in practice?**

Chair: Ms Susan Galli, Managing Director, Advisory Services Risk and Regulatory, PwC, USA

- Mr Alun Milford, General Counsel, Serious Fraud Office of England, Wales and Northern Ireland
- Ms Christina Forsberg, Director, Economic Crime Agency, Sweden
- Professor Philip Rutledge, Partner, Bybel and Rutledge LLP, Visiting Professor of Securities Law, BPP University and former Chief Counsel, Pennsylvania Securities Commission, USA
- Professor Eisuke Nagatomo, Waseda Graduate University, Japan, President and CEO, EN Associates Co. Ltd and former Managing Director and Chief Regulatory Officer, Tokyo Stock Exchange, Japan
- Mr Ian M. Comisky, Partner, Blank Rome LLP, Philadelphia and former Assistant US Attorney, Southern District of Florida, USA
- Ms Joanne Rutkowski, Senior Special Counsel, Office of Chief Counsel US Securities and Exchange Commission, USA
- Dr Robert Vella Baldacchino, Deputy General Manager, Malta Stock Exchange, Malta
- Mr Dorian Drew, Partner, Clifford Chance LLP, UK
- Mr Daniel Tannebaum, Partner and Global Financial Services Sanctions Leader, PricewaterhouseCoopers, USA
- Professor David Chaikin, Associate Professor of Law, University of Sydney Business School, Barrister, and formerly of the Australian Federal Attorney-General's Department and the Commonwealth Secretariat
- Ms Jill Wong, Partner, Howse Williams Bowers, Hong Kong SAR, People's Republic of China
- Ms Yi-Ting Liu, Prosecutor, District Prosecutors Office, Taipei, Taiwan
- Mr Patrick Rappo, Partner, International Regulation and Compliance Department, Steptoe & Johnson London, and former Joint Head of the Bribery and Corruption Divisions, Serious Fraud Office of England, Wales and Northern Ireland, UK
- Professor Kiyemet Tunca Caliyurt, Faculty of Business Administration and Economics, Department of Accounting and Finance and Manager of Social Graduate School, Trakya University, Turkey
- Dr Marcelo Canguero, Senior Partner Canguero Ruiz Abogados, Argentina

PARALLEL PLENARY WORKSHOP V – 11:00 to 12:45 – Coleridge Room

Economic sanctions: continuing and expanded risks for corporates, financial institutions and their advisors

Chair: Ms Raminta Dereskeviciute, Senior Associate, K&L Gates, LLP, UK

Mr Daniel Gerkin, Counsel, Vinson & Elkins LLP, Washington DC, USA

Mr Peter Maydon, Head of OFSI and Head of Compliance and Operations, HM Treasury, UK

Mr Dan Squires QC, Matrix Chambers, London, UK

Mr Greg Gatjanis, Associate Director, Office of Global Targeting, Office of Foreign Assets Control, US Department of Treasury, USA

Mr Neil Dawson, Director, UK Head of AML and Sanctions, KPMG LLP, UK

PARALLEL PLENARY WORKSHOP VI – 11:00 to 12:45 – EDS Room

Inter-sector collaboration in the prevention and control of financial crime

Chair: Ms Ingrida Kerusauskaite, International Development Assistance Services, KPMG LLP, London and researcher, Centre of Development Studies, University of Cambridge, UK

Mr Gary Balch, Deputy Chief Crown Prosecutor, Proceeds of Crime, Crown Prosecution Service for England and Wales

Professor Paul M Heywood, Sir Francis Hill Professor of European Politics, School of Politics and International Relations, University of Nottingham and Programme Lead, BA/DfID Anti-Corruption Evidence Partnership, UK

Ms Eleanor Nichol, Campaign Leader - Governments and Corruption, Global Witness, UK

12:45 Lunch in Hall and Upper Hall, Jesus College

13:45 **Session IV: What are the proper responsibilities of management for the wrongs of those they supervise?**

Chair: **Mr Saul M Froomkin QC**, Symposium Chairman

- **Mr David Kirk**, Partner, McGuireWoods LLP and former Chief Criminal Counsel, Enforcement and Financial Crime, Financial Services Authority, UK
- **Mr John Moscow**, Partner, Baker & Hostetler, USA and former Assistant District Attorney, Office of the District Attorney of New York, USA
- **Dr Marcelo Ruiz**, Senior Partner, Canguero Ruiz Abogados and former Minister Counsellor, Argentine Embassy, UK
- **The Hon Justice Olayinka Faji**, Judge of the Federal High Court, Nigeria
- **Mr Paul Gully-Hart**, Partner, Schellenberg Wittmer, Switzerland
- **Dr Ana Rita Duarte Campos**, Lawyer, Morais Leitão, Galvão Teles, Soares Da Silva, Soc. Advogados R.L, Portugal
- **Professor Caroline Bradley**, Professor of Law, School of Law, University of Miami, Florida, USA
- **Mr Mark Wei**, Chairman, KGI Bank, Taiwan
- **Mr Stefan Cassella**, Asset Forfeiture Law LLC and former Chief, Asset Forfeiture and Money Laundering Section, Office of the US Attorney, Baltimore, USA
- **Professor Hans Tjio**, Professor of Law, National University of Singapore
- **Mr Michael Weis**, Partner, Forensic Services and Financial Crime Leader, PwC Luxembourg
- **Ms Niamh Mulholland**, Associate Director, KPMG Regulatory Advisory Services and former EU and International Unit, Markets Policy Division, Central Bank of Ireland
- **Mr Mathew Leighton-Daly**, Course Co-ordinator, Australian Graduate School of Policing and Security, Charles Sturt University, Australia
- **Mr John Mair**, Office of the Chief Compliance Officer, The European Bank for Reconstruction and Development, UK
- **Dr Mariano Cuneo Libarona**, Senior Partner, Cuneo Libarona Abogados, Argentina
- **Professor Peter Reuter**, Professor of Criminology, Maryland University, USA

PARALLEL PLENARY WORKSHOP VII – 13:45 to 16:00 – EDS Room

The role of the investigator and prosecutor in prosecuting and disrupting fraud and financial crime

Chair: Ms Clare Whitaker, Head of Fraud Division C, Serious Fraud Office of England, Wales and Northern Ireland, UK

Mr Simon Daniel, Case Controller, Serious Fraud Office of England, Wales and Northern Ireland, UK

Mr Matthew Ball, Principal Divisional Investigator, Serious Fraud Office of England, Wales and Northern Ireland, UK

PARALLEL PLENARY WORKSHOP VIIa – 13:45 to 16:00 – Coleridge Room

Regulatory/financial crime/governance issues related to China

Chair: Mr Clark Abrams, Assistant District Attorney and Chief, Money Laundering and Financial Investigations Unit, Office of the Special Narcotics Prosecutor, City of New York, USA

Mr Matthew Blower, Special Counsel, Dorsey & Whitney, London, UK

Ms Shenshen Lin, Senior Associate, Trade and Customs, PwC LLP, London, UK

Mr Lanier Saperstein, Partner, Dorsey & Whitney, Adjunct Professor, Fordham Law School, New York, USA

Mr Zheng Yu, Partner, Jun He, Beijing, People's Republic of China

16:00 Tea

PLENARY WORKSHOP VIII– 16:15 to 17:15 - Marquee

Liability US style – how the US decides whether to prosecute organizations and individuals in criminal tax and money laundering cases

Chair: Mr Ian M. Comisky, Partner, Blank Rome LLP, Philadelphia and former Assistant US Attorney, Southern District of Florida, USA

Ms Caroline D. Ciruolo, Acting Assistant Attorney General, Tax Division, US Department of Justice, Washington, D.C., USA

Mr Larry A. Campagna, Chamberlain, Hrdlicka, White, Williams & Aughtry, Houston, USA

Ms Jenny L. Johnson, Partner, Johnson Moore, Chicago, USA

Mr Steven Toscher, Partner, Hochman, Salkin, Rettig, Toscher & Perez, P.C., USA

PLENARY WORKSHOP IX – 16:15 to 17:15 – Coleridge Room

The proportionality of penalties applied to financial institutions accused of wrongdoing- Getting the balance right!

Chair: Mr David Kirk, Partner, McGuireWoods LLP and former Chief Criminal Counsel, Enforcement and Financial Crime, Financial Service Authority, UK

Mr Fabio Cagnola, Partner, Studio Legale Bana, Italy

Ms Emily Cole, Partner, Miller Thomson, Toronto, Canada

Mr Stephen Pollard, Partner, Wilmer Hale, London, UK

Mr Rob Patton, Associate Director, Securities and Finance Practice, NERA Consulting, London, UK

Mr Paul Laffan, Head of Anti-Money Laundering(UK), State Street Bank, London, UK

Dr Manuel Izura, Special Adviser, Ministry of Justice, Argentina

PLENARY WORKSHOP X – 16:15 to 17:15 – EDS Room

Grey areas and cross-industry standards in connection with conduct and reputational risk and the restoration of public trust

Under the auspices of the CCP Research Foundation C.I.C

Professor Roger McCormick, Managing Director, CCP Research Foundation CIC, Visiting Professor, London School of Economics and formerly Partner at Freshfield Bruckhaus Deringer, UK

Mr Chris Stears, Solicitor, Research Director, CCP Research Foundation CIC, Lecturer in Financial Law and Compliance, BPP University and researcher, Institute of Advanced Legal Studies, University of London, UK

Dr Roger Miles, Managing Director, Behavioural Economics, Berkeley Research Group and Visiting Professor, Conduct Compliance Academy, Cambridge Judge Business School, University of Cambridge, UK

Mr Paul Watchman, Director of Sustainable Finance, CCP Research Foundation CIC, Honorary Professor (Law), University of Glasgow, Special Legal Advisor at UNEP FI and former Partner, Freshfields Bruckhaus Deringer

PLENARY WORKSHOP XI – 16:15 to 18:30 – Creswick Room

Bitcoin and Beyond: Never ending challenges of the block-chain, ledger technologies and alternative currencies for law enforcement and prosecutor

Chair: Ms Carol van Cleef, Partner, Manatt Phelps & Phillips, USA

Ms Ruth Wandhofer, Global Head of Regulatory and Market Strategy, Citi Treasury and Trade Solutions, Citigroup, London, UK

Ms Lisa Dawson, Chief Compliance Officer, BitStamp, USA

Dr Michael Gronager, CEO and Co-founder Chainalysis Inc. USA

Mr Garrick Hileman, Senior Research Associate, Cambridge Centre for Alternative Finance, Judge Business School, University of Cambridge, UK

Ms May Hen, Researcher, Jesus College and Department of Sociology, University of Cambridge; chair, Cambridge Tax Discussion Forum and formerly Canada Revenue Agency, Canada

WORKSHOP 1 – 17:30-18:30

Money laundering evaluation issues

Professor Mike Levi, Professor of Criminology, Cardiff University, President of the US National White Collar Crime Research Consortium and member of the Group of Experts on Corruption, European Commission, UK

Professor Peter Reuter, Professor of Criminology, Maryland University, USA

WORKSHOP 2 – 17:30-18:30

Migration and corruption: an empirical study in search of a meaning

Professor Anona Armstrong, Professor of Corporate Governance, Centre for International Corporate Governance Research, Faculty of Business and Law, Victoria University, Australia

Professor Ronald D. Francis, Professorial Fellow in Governance and Ethics, Centre for International Corporate Governance Research, Faculty of Business and Law, Victoria University, Australia

WORKSHOP 3 – 17:
30-18:30

Is Corporate Law fit for purpose in the modern world?

Professor Johan Henning, Senior Professor of Mercantile Law, Distinguished Emeritus Professor and sometime Dean of Law, University of the Free State and former State Prosecutor, Republic of South Africa and Visiting Professor in Corporate Law, BPP University, UK

Professor David Chaikin, Associate Professor of Law, University of Sydney Business School, Barrister, and formerly of the Australian Federal Attorney-General's Department and the Commonwealth Secretariat

Professor Hans Tjio, Professor of Law, National University of Singapore

Dr WangWei Lin, Senior Lecturer in Law, Westminster Business School, University of Westminster, UK

Mr John Moscow, Partner, Baker & Hostetler, USA and former Assistant District Attorney, Office of the District Attorney of New York, USA

WORKSHOP 4 – 17:30-18:30

The effectiveness of the UK's Financial Conduct Authority in placing responsibility on persons in positions of control and influence

Mr Michael Ashe QC SC, 9 Stone Buildings, London, Co-Chairman of the Symposium, Recorder of the Crown Court, England and Wales and Master of the Bench of the Middle Temple, UK

Mr Alex Jay, Partner, Gowling WLG (UK) LLP, London, UK

Dr Peter German, Regional Deputy Commissioner, Correctional Service and former Deputy Commissioner and Director General, Financial Crime, Royal Canadian Mounted Police, Canada

Dr Richard Alexander, Barrister, Lecturer in Financial Law, School of Oriental and African Studies, University of London and Lecturer in International Business Law, BPP University, UK

Professor Stuart Bazley, Barrister, Professor in Financial Regulation and Compliance, BPP University and Director Medius Consulting, UK

WORKSHOP 5 – 17:30-18:30

The re-emergence of Tokyo as an international financial centre?

Under the auspices of the **British Japanese Law Association**, London

Professor Chizu Nakajima, Co-Chair of the British Japanese Law Association, Deputy Director of the Symposium, Professor of International and Comparative Law, BPP University, and Affiliated Lecturer, University of Cambridge, and Emeritus Professor of Corporate Law and Governance, London Metropolitan University, UK

Mr Scott Hopkins, Co-Chairman of the British Japanese Law Association and Partner, Skadden, Arps, Slate, Meagher & Flom (UK) LLP, UK

Mr Kenichi Kinukawa, Partner, TMI Associates, Solicitor (England & Wales), Attorney-at-law (Japan) and former Attorney for the Government of Japan and First Secretary (Legal), Embassy of Japan, UK

WORKSHOP 6 – 17:30-18:30

. International anti-trust enforcement

Ms Pamela J. Parizek, Partner, Advisory Service, KPMG LLP, Washington, USA

Ms Wendy Huang Waszmer, Litigation Partner, King and Spalding, Washington and former Federal Prosecutor, US Department of Justice, USA

Mr Omar Shah, Partner, Morgan, Lewis and Bochiuss LLP, London UK

Ms Lisa Phelan, Chief, Washington Criminal I Section, Antitrust Division US Department of Justice, USA

Mr Stephen Blake, Head of the Cartel Section, Competition and Markets Authority, UK

Mr Michael O'Kane, Partner, Peters & Peters Solicitors LLP, London, UK

WORKSHOP 7 – 17:30-18:30

The cyber threat - to us all!

Mr Richard Parlour, Principal, Financial Markets Law International and Chairman of the Federation of Small Businesses Home Affairs Committee UK

Ms Orla MacRae, Department of Culture, Media and Skills Department of Business, Innovation and Skills, Government of the UK

Mr Dave Porter, Associate Partner, Cognitive Solutions, IBM, UK

Mr Talal Rajab, Programme Manager, Cyber and National Security, TechUK, London, UK

WORKSHOP 8 – 17:30-18:30

A cross-case analysis of National Action Plans on Business and Human Rights

Dr Azadeh Chalabu, Lecturer in Law, Ulster Law School and Transitional Justice Institute, Northern Ireland

19:00

Cocktails in the Marquee generously sponsored by **The Company Lawyer**

Dinner in Hall and Upper Hall, Jesus College generously sponsored by **The British Institute of Securities Laws**

After-dinner Addresses by **The Lord Davidson of Glen Cova QC**, HM Loyal Opposition's Spokesperson for the Law Officers of Scotland and former Advocate General and Solicitor General of Scotland and **The Rt Hon Lord Justice Rupert Jackson PC**, Lord Justice of Appeal, England and Wales and Honorary Fellow of Jesus College, Cambridge, introduced by **Dr Findlay Stark**, Fellow and Director of Studies in Law, Jesus College, Cambridge and Lecturer in Law, University of Cambridge, with a vote of thanks proposed **Dr Michael Waibel**, Fellow, Jesus College, Cambridge, Senior Lecturer in Law, University of Cambridge, Harvard Link Coordinator and Deputy Director Lauterpacht Centre for International Law, University of Cambridge, UK

07:15

Breakfast meeting – Think Tank precursor

**Cyber Risk - what can governments and corporations do?
Are they likely to be overwhelmed in the next five years?**

The Combination Room, Jesus College

Mr Dave Porter, Associate Partner, Cognitive Solutions, IBM, UK
Ms Sophia Qureshi, Head of Fraud Pre-Sales, Featurespace, UK
Mr Trevor Bedeman, Partner, London Risk, UK

08:00

Session V: The responsibilities and potential liabilities of those in compliance

Chair: **Mr John Mair**, Office of the Chief Compliance Officer, The European Bank for Reconstruction and Development, UK

- **Mr Roger Best**, Partner, Clifford Chance LLP, London, UK
- **Ms Joanne Rutkowski**, Senior Special Counsel, Office of Chief Counsel US Securities and Exchange Commission, USA
- **Dr Justine Walker**, Director, Financial Crime, (Sanctions and Bribery), British Bankers Association, UK
- **Dr Thomas Spies**, Counsel and Senior Manager, Regulatory Service Group, KPMG, Germany
- **Mr Rune Grundekjon**, Special Advisor and Controller, Finanstilsynet (Financial Services Authority), Norway
- **Mr Marc Frazier Scholl**, Counsel to the Investigation Division, Senior Investigative Counsel, New York County District Attorney's Office, USA
- **Ms Helen Hatton**, Managing Director, Sator Regulatory Consulting Ltd and former Deputy Director, Jersey Financial Services Commission, States of Jersey
- **Mr Arthur Middlemiss**, Partner, Lewis, Baach, Kaufmann, and Middlemiss, former District Attorney, New York County District Attorney's Office, USA
- **Ms Sunita Masigani**, Compliance Officer, Danske Bank, London, UK
- **Professor Dayanath Jayasuriya**, President's Counsel and former Chairman, Securities and Exchange Commission of Sri Lanka and Consultant to the International Compliance Association, Singapore
- **Mr Tony Wicks**, Director, Compliance Services, SWIFT, UK
- **Dr Michael Meissner**, Chief Compliance Officer, Landeskreditbank Baden-Wuerttemberg (L-Bank), Germany
- **Mr Neil Getnick**, Managing Partner, Getnick & Getnick, New York, USA
- **Mr Martin Woods**, MLRO, Thomson Reuters, UK

Parallel Session VI: Managing the consequences of suspicion

Chair: **Dr Silvina Rivarola**, Director, International Affairs Division, Financial Intelligence Unit, Government of Argentina

- **Ms Bridget Brennan**, The Special Prosecutor for Narcotics, Office of the Special Narcotics Prosecutor, City of New York, USA
- **Mr Eugene Corcoran**, Detective Chief Superintendent, Chief Bureau Officer, Criminal Assets Bureau, An Garda Siochana, Ireland
- **The Hon Dr Guiseppe Lumia**, Member of Italian Senate and former President of Italian Parliamentary Anti-Mafia Commission, Italy
- **Dr Alain Sham**, Deputy Director of Public Prosecutions and Head of Corruption and Commercial Crime, Department of Justice, Hong Kong SAR, People's Republic of China
- **Dr Fabio Becharra**, Public Prosecutor and Head of the Special Anti-Organised Crime Group, Ministry of Justice for the State of Sao Paulo, Brazil
- **Professor Leonid Fituni**, Director of Strategic and Global Studies, Russian Academy of Sciences, Moscow, Russia
- **Dr Mariano Federici**, Director of the Financial Intelligence Unit, Government of Argentina
- **Dr Frank Madsen**, Affiliated Lecturer, Centre of Development Studies, University of Cambridge, Von Hugel Institute, St. Edmund's College, Cambridge, Adjunct Professor at Henley-Putnam University at Santa Clara, California, USA and former Head of Intelligence, General Secretariat, ICPO-Interpol
- **Colonel Grant Newsham**, former Executive Director, Corporate Security, Morgan Stanley (Japan) Securities Ltd, Japan
- **Mr Robert Axelrod**, Director, Forensic Practice, Deloitte Financial Advisory Services LLP, USA
- **Mr Andrew Hayman**, former Chief Constable, Norfolk Constabulary and Assistant Commissioner for Specialist Operations, Metropolitan Police, UK
- **Mr Jyoti Trehan**, Inspector General of Police (retired), Indian Police Service and former senior official of the General Secretariat, ICPO-Interpol and Central Bureau of Investigation (India)
- **Dr Li Xuebin**, Probation Service, Ministry of Justice, UK, Lecturer in Chinese Criminal Law, BPP University and former senior officer, Public Security Bureau, People's Republic of China

- **Dr Kadir Ozkan**, Director International Affairs Division, Forensic Department, Turkish National Police of Turkey
- **Professor William Tupman**, Visiting Professor of Criminal Justice, BPP University and Research Fellow, University of Exeter, UK
- **Lic Gaston Schulmeister**, National Director, Regional and International Legal Co-operation, Ministry of National Security, Government of Argentina

PARALLEL PLENARY WORKSHOP XII – 08:00 to 10:30 – EDS Room

The role and responsibilities of monitors

Chair: Ms Pamela J. Parizek, Partner, Advisory Service, KPMG LLP, Washington, USA
Ms Elizabeth Radigan, Vice President, Chief Ethics and Compliance Officer, Diebold, USA
Mr Kevin Abikoff, Partner, Hughes Hubbard & Reed LLP, Washington, USA
Ms Amanda Raad, Partner, Ropes and Gray LLP, London, UK
Professor Philip Rutledge, Partner, Bybel and Rutledge LLP, Visiting Professor of Securities Law, BPP University and former Chief Counsel, Pennsylvania Securities Commission, USA
Mr Richard Parlour, Principal, Financial Markets Law International, UK
Mr David Kirk, Partner, McGuireWoods LLP and former Chief Criminal Counsel, Enforcement and Financial Crime, Financial Service Authority, UK

10:30 Coffee

10:45 **Session VII: Facilitator Liability**

Chair: Professor Barry A.K Rider, Co-Chairman of the Symposium, Professorial Fellow, Centre of Development Studies, University of Cambridge

- **Mr Steven Toscher**, Partner, Hochman, Salkin, Rettig, Toscher & Perez, P.C., USA
- **Mr Mark Turkington**, UK Head of Sanctions, HSBC and former Senior Manager Australian AML, Bribery and Sanctions Compliance, National Australia Bank, Australia
- **Professor Alastair Hudson**, Professor of Equity and Finance Law, University of Exeter, UK
- **Mr Frederic Raffray**, Crown Advocate, Guernsey
- **Mr Garrett Lynch**, Deputy Chief, Major Crime Bureau, New York County District Attorney's Office, USA
- **Mr Ayotunde Ogunsakin**, Commissioner of Police, Special Fraud Unit, Nigeria
- **Mr Richard Parlour**, Principal, Financial Markets Law International, UK
- **Mr Chi-hao Kao**, Director, International Operations Division, Investigation Bureau, Ministry of Justice, Taiwan
- **Mr Andrew Boye-Doe**, Secretary and Director, Bank of Ghana, Ghana
- **Mr David Little**, Senior Manager, Intelligence Hub, National Crime Agency, UK
- **Dr Cécile Ringgenberg**, founder, Law Office of C Ringgenberg, Geneva, Switzerland
- **Ms Iliana Duderstadt**, Legal Counsel, Hengst Automotive Group, Germany
- **The Hon Dr Julián Ercolini**, Federal Criminal Judge, Argentina
- **Mr Ian Mason**, Legal Director, DLA Piper UK LLP, London, UK
- **Professor Wei Yee Wan**, Associate Professor, Singapore Management University, Singapore

PARALLEL PLENARY WORKSHOP XIII – 10:45 to 12:30 – Coleridge Room

Towards a new model of money laundering: the death of placement, layering, and integration

Chair: Mr Stephen Sterling, Assistant Crown Attorney, Guns and Gangs Taskforce, Ministry of the Attorney General, Canada
Mr Stefan Cassella, Asset Forfeiture Law LLC and former Chief, Asset Forfeiture and Money Laundering Section, Office of the US Attorney, Baltimore, USA
Professor Mike Levi, Professor of Criminology, Cardiff University, President of the US National White Collar Crime Research Consortium and member of the Group of Experts on Corruption, European Commission, UK
Mr Jeff Simser, Legal Director-Agencies, LHIN Legal Services Branch, Local Health Integration Network and former Legal Director, Ministry of the Attorney General, Canada
Ms Jennifer Fiddian-Green, Partner, Grant Thornton, Canada

PARALLEL PLENARY WORKSHOP XIV – 10:45 to 12:30 – EDS Room

Deferred Prosecution Agreements – where we are and where we would like to be!

Chair: Mr Sasi-Kanth Mallela, Special Counsel, K&L Gates LLP, UK
Ms Kristin Jones, Head of Specialist Fraud Division, Crown Prosecution Service for England and Wales, UK and former Head of Strategic Relations & International Assistance Division, Serious Fraud Office of England, Wales and Northern Ireland, UK
Mr Matthew Wagstaff, Head of Bribery and Corruption, Division A, Serious Fraud Office of England, Wales and Northern Ireland, UK

**Ms Bridget Brennan, The Special Prosecutor for Narcotics, Office of the Special Narcotics Prosecutor,
City of New York, USA**

Ms Polly Sprenger, Of Counsel, Eversheds LLP, London, UK

PARALLEL PLENARY WORKSHOP XV – 10:45 to 12:30 – Creswick Room

Organised under the auspices of the **SME Alliance**

Fraud in and by banks - the ugly truth!

Chair: Mrs Nikki Turner, Director SME Alliance Ltd, UK

Mr Nick Gould, Senior Advisor, Gunnercooke LLP and Director, SME Alliance, UK

Mr Andy Keats, formerly of the Metropolitan Police and Director of the Serious Banking Complaints Bureau, UK

Mr Stephen Harvey QC, Shensmiths Barristers, UK

Mr Clive May, Businessman, UK

Mrs Heather Buchanan, Director of Policy, All Party Parliamentary Group for Fair Business Banking, UK

Mr Nigel Henderson, former Chairman of Angus Tourist Board, UK

Mr Mark Wright, formerly of the Royal Bank of Scotland

Mr James Hurley, Journalist and Enterprise Editor, The Times, UK

13:00 Lunch in Hall and Upper Hall, Jesus College

14:00 Session VIII: Protection of other people's information and data

Chair: Sir Kenneth Warren, Consultant and former Chairman, Select Committee on Trade and Industry, House of Commons, UK

- **Ms Marty Rolle, Partner, Bryan Cave LLP, London, UK**
- **Mr Dave Porter, Associate Partner, Cognitive Solutions, IBM, UK**
- **Mr John Harris, Director General, Jersey Financial Services Commission, States of Jersey**
- **The Hon Dr Mariano Scotto, Criminal Judge, Court of Appeal, Argentina**
- **Mr Stephen Grey, Special Correspondent, Reuters Enterprise Team, UK**
- **Professor Shi Yanan, Professor and Vice Dean, Law School, Renmin University, Beijing, People's Republic of China**
- **Mr Karim Rajwani, Global Head of Anti Financial Crime IT Strategy, Deutsche Bank, former Vice President and Chief AML Officer, Global AML Compliance, Royal Bank of Canada, Canada**
- **Mr David Gray, Manager and Chief Counsel, Proceeds of Crime Litigation, Australian Federal Police, Australia**
- **Mr Jeff Simser, Legal Director-Agencies, LHIN Legal Services Branch, Local Health Integration Network and former Legal Director, Ministry of the Attorney General Canada**
- **Dr Alice Hutchings, Senior Research Associate, Computer Laboratory, University of Cambridge, UK**
- **Mr Albert Tellechea, Partner, Holland and Knight LLP, USA**

PARALLEL PLENARY WORKSHOP XVI – 14:00 to 16:00 – EDS Room

How has the burden of proof shifted in asset recovery cases? Can this be a model in laundering cases where there has been dishonest concealment?

Chair: Mr Kenneth Murray, Head of Forensic Accountancy, Police Scotland, Scotland, UK

Dr Ana Rita Duarte Campos, Lawyer, Morais Leitão, Galvão Teles, Soares Da Silva, Soc. Advogados R.L, Portugal

Mr Jeff Simser, Legal Director-Agencies, LHIN Legal Services Branch, Local Health Integration Network and former Legal Director, Ministry of the Attorney General Canada

Dr Peter German, Regional Deputy Commissioner, Correctional Service and former Deputy Commissioner and Director General, Financial Crime, Royal Canadian Mounted Police, Canada

Mr Stefan Cassella, Asset Forfeiture Law LLC and former Chief, Asset Forfeiture and Money Laundering Section, Office of the US Attorney, Baltimore, USA

Mr Jeffrey Bryant, Crown Advocate, Proceeds of Crime Unit, Crown Prosecution Service for England and Wales, UK

PARALLEL PLENARY WORKSHOP XVII – 14:00 to 16:00 – Coleridge Room

Whose fault is it anyway: the approaches of the US and UK to corporate criminal liability – a defence perspective!

Chair: Ms Kathryn Arnot Drummond, Barrister, 25 Bedford Row, London, UK

Mr Paul Hynes QC, Barrister, 25 Bedford Row, London, UK

Mr Simon Pentol, Barrister, 25 Bedford Row, London, UK

Mr Nathaniel Rudolf, Barrister, 25 Bedford Row, London, UK

Ms Samantha Riggs, Barrister, 25 Bedford Row, London, UK

PARALLEL PLENARY WORKSHOP XVIII – 14:00 to 16:00 – Creswick Room

Organised under the auspices of the SME Alliance

Accountability of banks – private prosecutions

Chair: Mr Stephen Harvey QC, Shensmiths Barristers, UK
Mr Steve Middleton, Director, Modus Mediation and Chartered Insurance Institute, UK
Mr Paul Turner, Managing Director, Zenith Publishing, UK
Mr Jonathan Maskew, Co-Founder Shensmiths Barristers, UK
Mr Abhishek Sachdev, Managing Director, Vedanta Hedging Ltd, UK
Mr Mel Loades, Managing Director, Innate Wisdom, UK
Mr Andy Keats, formerly of the Metropolitan Police and Director of SME Alliance and Serious Banking Complaints Bureau, UK
Mr Joel Benjamin, Researcher, Goldsmiths, University of London and Campaigner at Move your Money, UK

16:00 Tea

PLENARY WORKSHOP XIX – 16:15 to 18:30 - Marquee

Cyber resilience in the UK

Under the auspices of the Federation of Small Businesses in the UK

Chair: Mr Richard Parlour, Chairman of the Federation of Small Businesses Home Affairs Committee and Managing Director of Financial Markets Law International, UK
Mr Dave Porter, Associate Partner, Cognitive Solutions, IBM, UK
Mr Giles Herdale, Digital Intelligence and Investigation Strategy Lead, College of Policing, UK
Ms Orla MacRae, Head of Private Sector Engagement, Cyber Security & Resilience, Department of Culture, Media and Skills Department of Business, Innovation and Skills, Government of the UK
Mr Iain Wood, Head of Public Affairs, TalkTalk Group, UK
Dr Emma Philpott, CEO, The IASME Consortium Ltd, UK

PLENARY WORKSHOP XX – 16:15-17:15 – EDS Room

Shifting spheres of responsibility

The post-recession quest for accountability in US Society

Chair: Professor Jim Fisher, Shaughnessy Fellow, Emerson Ethics Center and Chair, Department of Marketing, John Cook School of Business, Saint Louis University, USA
Professor Muhammad Islam, Department of Economics, John Cook School of Business, Saint Louis University, USA
Professor Jim Gilsinan, Des Lee Endowed Collaborative Vision Professor and formerly Dean of the College of Professional Studies, Saint Louis University, USA

PLENARY WORKSHOP XXI – 16:15-17:15 – Coleridge Room

The threat to world trade caused by the tightening of Financial Crime controls in correspondent banking and how to address it, including using effective technology

Chair: Mr Andrew Clark, Financial Crime Leader and Partner, PwC, London, UK
Mr Scott Samme, Director, Financial Services Advanced Risk and Compliance Analytics (ARCA) Practice, PwC, London, UK
Mr Mark Batts, Senior Advisor, PwC, London, UK

PLENARY WORKSHOP XXII – 16:15-17:15 – Creswick Room

Innovative technology and economic crime – a two edged sword!

Chair: Mr Martin Woods, MLRO, Thomson Reuters, UK
Mr Tim Baker, Global Head of Content Strategy and Innovation, Thomson Reuters, UK
Mr David Sutton, Chief Executive Officer, Viewpoint, UK
Mr Andrew Fletcher, Head of Mobile Application Development, Thomson Reuters, UK

WORKSHOP 9 – 17:30-18:30

The Revenue Authorities, the man in the street and the big and powerful – a tale of two worlds?

Mr Tarrant Green, Fellow of the Institute of Chartered

WORKSHOP 10 – 17:30-18:30

The investigation of internal frauds

Mr Andrew Hayman, former Chief Constable, Norfolk

<p>Accountants in England and Wales and Tax Consultant and Honorary Treasurer of the British Institute of Securities Laws, UK</p> <p>Professor Julian Hickey, Fellow of the Chartered Institute of Taxation, Solicitor, Barrister and Professor of Tax Law, BPP University, UK</p> <p>Mrs Julie Zhuge Wilson, Partner, UHY Hacker Young LLP, UK and China, Fellow of the Institute of Chartered Accountants in England and Wales, UK and People's Republic of China</p>	<p>Constabulary and Assistant Commissioner for Specialist Operations, Metropolitan Police, UK</p> <p>Professor William Tupman, Professor of Criminal Justice, BPP University and Research Fellow, University of Exeter, UK</p>
<p><u>WORKSHOP 11 – 17:30-18:30</u></p> <p>Wealth management and corporate and trust structures and the prevention of abuse and crime</p> <p>Professor David Chaikin, Associate Professor of Law, University of Sydney Business School, Barrister, and formerly of the Australian Federal Attorney-General's Department and the Commonwealth Secretariat</p> <p>Mr Nicholas McTaggart, Founder, The Murinbin Group and former Co-ordinator, Criminal Asset Taskforce, Australian Federal Police, Australia</p>	<p><u>WORKSHOP 12 – 17:30-18:30</u></p> <p>Nigeria - A nation in need of deliverance: finding a right balance between fighting corruption and the rule of law</p> <p>Dr Obi Peter Okonkwo, Associate Professor and Head, Department of International Law and Jurisprudence, Anambra State University, Nigeria</p> <p>Mr Hassan Muhammad SAN, Principal Partner, Liman, Liman & Co, Abuja, Nigeria</p> <p>Mr Ikani Agabi, Principal Counsel, Ikani Agabi & Co, Nigeria</p> <p>Mr Sirajo Yakubu, Researcher, Institute of Advanced Legal Studies School of Advanced Study, University of London, UK</p>
<p><u>WORKSHOP 13 – 17:30-18:30</u></p> <p>Managing critical regulatory and reputational risk to minimise enforcement and penalties</p> <p>Ms Hema Lehocky, Special Investigations, Telia Company, Sweden</p> <p>Mr Nicholas Walmsley, Director, Head of Compliance and Risk Culture Training, Deutsche Bank AG, London</p>	<p><u>WORKSHOP 14 – 17:30-18:30</u></p> <p>Organised Crime as a business</p> <p>Mr Dave Copley, Organised crime and money laundering investigator, UK and formerly of the Serious Organised Crime Agency, UK</p>
<p><u>WORKSHOP 15 – 17:30-18:30</u></p> <p>Beyond the fraud triangle: Swiss and Austrian fraudsters – a case study</p> <p>Dr Alexander Schuchter, Lecturer in Criminology, University of St Gallen, Switzerland</p>	<p><u>WORKSHOP 16 – 17:30-18:30</u></p> <p>Prosecution-like actions by multi-lateral development banks</p> <p>Mr Kevin Abikoff, Partner, Hughes Hubbard & Reed LLP, USA</p>

Alternative Programme 14:00 to 17:00 – Wednesday 7th September 2016

Sidney Sussex, College

Human trafficking, smuggling, exploitation and slavery

Where does the buck stop?

Chair: Mr Graham Ritchie, Judge of the First Tier Tribunal, Solicitor, former Consultant to the Commonwealth Secretariat and Head of IPTU, Institute of Advanced Legal Studies, University of London, UK

- **Mr Mark Burns-Williamson**, Police and Crime Commissioner, West Yorkshire Constabulary
- **Professor Yasunobu Sato**, Professor of Law and Director of the Human Security Programme, University of Tokyo, Japan
- **Professor William H. Byrnes**, Professor of Law and Associate Dean (Special Projects), Faculty of Law, Texas A & M University, USA
- **Dr Elif Cetin**, Research Fellow, Wolfson College, University of Cambridge, UK, Postdoctoral Researcher (Migration Project), Von Hugel Institute, St. Edmund's College, Cambridge, UK
- **Mr Richard Kotter**, Programme Leader and Senior Lecturer in Economic and Political Geography, Northumbria University and country co-ordinator for Amnesty International UK
- **Professor Kadriye Bakirci**, Professor of Labour Law, Hacettepe Universitesi, Turkey and Visiting Scholar, Wolfson College, Cambridge, UK
- **Dr Frank Laczko**, Head, Data Analysis Centre, International Organization for Migration, Berlin, Germany
- **Professor Mario Vinković**, Jean Monnet Chair in EU Labour, Law and Vice-Rector, University of Osijek, Croatia
- **Dr Thanos Maroukis**, Research Fellow, Department of Social and Policy Sciences, University of Bath, UK
- **Dr Shima Keene**, Senior Analyst and Consultant, Thames Valley Police and Director, Security Economics Programme, Institute of Statecraft, UK
- **Dr Nancy Baldwin**, Attorney at Law, Florida, USA

- **Mr Gilbert Rosales**, Consultant, Manila, Philippines
- **Mr Glynn Rankin**, Director of Rankin and Kinsella Associates, Independent Human Trafficking Experts and former Director, Legal Services, UK Human Trafficking Centre, UK Government
- **Dr Silvina Rivarola**, Director, International Affair Division, Financial Intelligence Unit, Argentina
- **Professor Johan Henning**, Senior Professor of Mercantile Law, Distinguished Emeritus Professor and sometime Dean of Law, University of the Free State, Republic of South Africa
- **Dr Peter German**, Regional Deputy Commissioner, Correctional Service and former Deputy Commissioner and Director General, Financial Crime, Royal Canadian Mounted Police, Canada
- **Dr Richard Alexander**, Lecturer in Financial Law, School of Oriental and African Studies, University of London and former consultant to the Inter-Governmental Action Group against Money Laundering and Terrorism Financing in West Africa (GIABA)
- **Dr Inês Sofia de Oliveira**, Research Fellow, Centre for Financial Crime & Security Studies, Royal United Services Institute for Defence & Security Studies (RUSI), UK
- **Dr Li Xuebin**, Probation Service, Ministry of Justice, UK, Lecturer in Chinese Criminal Law, BPP University and former Senior Officer, Public Security Bureau, People's Republic of China

18:45 Cocktails in the Marquee generously sponsored by **Mayer Brown LLP**

19:15 **Emerald Awards** for contributions to the **Journal of Financial Crime** and the **Journal of Money Laundering Control**

19:30 **Dinner** in Hall and Upper Hall, Jesus College generously sponsored by **The Journal of Financial Crime** and **The Journal of Money Laundering Control**

After-dinner Addresses **The Rt Hon Dominic Grieve PC, QC MP**, Chairman of the Joint Committee of the House of Commons and House of Lords on National Security Strategy, former Attorney General of England and Wales and Advocate General for Northern Ireland and former Shadow Secretary of State for the Home Department and Justice, and **Alderman Dr Andrew Parmley**, Alderman and former Sheriff of the City of London introduced by **Mr Philip Rutledge**, Partner, Bybel and Rutledge LLP and former Chief Counsel, Pennsylvania Securities Commission, USA with a vote of thanks proposed by **Professor Peter Crisp**, Barrister (England and Wales), Dean of Law and Chief Executive, BPP University, London, UK

Thursday, 8th September 2016

08:00 **Session IX: Anti-Money Laundering obligations – facilitator liability par excellence!**

Chair: **Mr Oliver Sells QC**, 5 Paper Buildings, Master of the Bench of the Inner Temple and Recorder of the Crown Court, England and Wales, UK

- **Mr Yehuda Shaffer**, Deputy State Attorney (Financial Crime), Israel
- **Mr Stefan Cassella**, Asset Forfeiture Law LLC and former Chief, Asset Forfeiture and Money Laundering Section, Office of the US Attorney, Baltimore, USA
- **Ms Paula Reid**, Partner, A&L Goodbody, Dublin, Ireland
- **Mr Jeffrey Bryant**, Crown Advocate, Proceeds of Crime Unit, Crown Prosecution Service for England and Wales, UK
- **Professor Irina Abramova**, Director, Institute of African and Arab Studies, Russian Academy of Sciences, Moscow, Russia
- **Mr Simon York**, Director of Risk and Intelligence Service, HM Revenue and Customs, UK
- **Mr Adam Mansour**, Group Chief Compliance Officer, First National Bank Sal, Lebanon
- **Mr Mark Compton**, Partner, Mayer Brown LLP, London, UK
- **Dr Massimo Nardo**, Co-ordinator, Organised and Economic Crime, National Financial Intelligence Unit, Banca d'Italia, Italy
- **Mr Zheng Yu**, Partner, Jun He, Beijing, People's Republic of China
- **Mr Muralidharan Pillai**, Head, Commercial Litigation, Rajah & Tann Singapore LLP, Singapore
- **Ms Angela Foyle**, Partner, MLRO and Head of Financial Services and Tax, BDO LLP and chairman of the ICAEW Money Laundering Committee, UK
- **Ms Wei Xiaona**, Associate Professor, Law School, Renmin University, Beijing, People's Republic of China
- **Mr Brian Sapati**, Deputy Director General, of the Inter-Governmental Action Group against Money Laundering and Terrorism Financing in West Africa (GIABA) and former Director, The Serious Fraud Office, Ghana
- **Mr Rupert Jones**, 3PB Chambers and former Attorney General and Director of Public Prosecutions, Anguilla, BWI
- **Dr Samah Aga**, Assistant Professor, Dar Al Hekma University, Kingdom of Saudi Arabia

PARALLEL PLENARY WORKSHOP XXIII – 08:00 - 10:45 – Coleridge Room

The implementation of good governance procedures – aspiration over experience?

Chair: Professor Chizu Nakajima, Chair of the British Japanese Law Association, Professor of Comparative Law, BPP University and Affiliated Lecturer, University of Cambridge and Emeritus Professor of Corporate Law and Governance, London Metropolitan University, UK

The Hon John Maher III, Member and Speaker *pro tempore*, House of Representatives, Commonwealth of Pennsylvania and Vice Chairman, Centric Bank, USA

Professor Maria Aluchna, Associate Professor, Warsaw School of Economics, Poland

Professor Jim Fisher, Shaughnessy Fellow, Emerson Ethics Center, and Chair, Department of Marketing, John Cook School of Business, Saint Louis University, USA

Dr Shirley Quo, Senior Lecturer, Law School, Murdoch University, Australia

Professor Dayanath Jayasuriya, President's Counsel and former Chairman, Securities and Exchange Commission of Sri Lanka and Consultant to the International Compliance Association

Professor Terry Dworkin, Jack R. Wentworth Professor, Business Law, Kelly School of Business, Dean, Office for Women's Affairs, Indiana University, USA

Dr Jacob Schumacher, Senior Tutor, School of Oriental and African Studies, University of London and Lecturer in Financial Law, BPP University, UK

Professor Yarik Kryvoi, Director, CIS Arbitration Forum, Professor of Law, University of West London

Dr WangWei Lin, Senior Lecturer, Westminster Business School, University of Westminster, UK

Dr Sara Ashrafkashani, Attorney at Law and Legal Consultant, Iran

Dr Iris Chiu, Reader in Law, University College London, UK

PARALLEL PLENARY WORKSHOP XXIV – 08:00 - 10:45 – EDS Room

Financial crime and governance issues related to the FIFA and other scandals

Mr Clark Abrams, Assistant District Attorney and Chief, Money Laundering and Financial Investigations Unit, Office of the Special Narcotics Prosecutor, City of New York, USA

Mr Robert Targ, Partner, Diaz Reus & Targ LLP, Miami, USA

Mr Adam Kaufmann, Partner, Lewis, Baach, Kaufmann and Middlemiss, and former Executive Assistant District Attorney and Chief of the Investigation Divisions, New York County District Attorney's Office, USA

Mr Daniel Kinzer, Attorney at the Geneva Bar, Law firm CMS Von Erlach Poncet, Genève, Switzerland

Mr Vladimir Aras, Federal Circuit Prosecutor and Head of the International Cooperation Unit in the Office of the Brazilian Prosecutor General, Brazil

10:45

Coffee

11:00

Session X: Where does the buck stop in preventing and controlling bribery and corruption?

Chair: **Mr Yehuda Shaffer**, Deputy State Attorney (Financial Crime), Israel

- **Mr Vivian Robinson QC**, Partner, McGuireWoods LLP, London, former General Counsel, Serious Fraud Office of England, Wales and Northern Ireland and former Master Treasurer of the Inner Temple, UK
- **Mr Mosese Korovou**, Deputy Director of Public Prosecutions, Fiji
- **Mr Robert Barrington**, Executive Director, Transparency International UK
- **Professor George Millard**, Partner, Performance Global Risk Management and Security Consultants, Professor, Sao Paulo Police Academy, President, International Police Association (Brazil) and former Chief of Police and Director of Security, Sao Paulo, Brazil
- **Ms Susan Galli**, Managing Director, Advisory Services Risk and Regulatory, PwC, USA
- **Ms Polly Greenberg**, Managing Director, Financial Crime & Regulatory Consulting, Duff & Phelps, LLC and former Chief, Major Crimes Bureau, New York County District Attorney's Office, USA
- **Dr Alessandro Napolitano**, Legal Director, SACE S.P.A, Italy
- **Mr Jonathan Benton**, Detective Superintendent, Joint Head of Corruption Unit, National Crime Agency, UK
- **Mr Beney Wong**, Senior Public Prosecutor, Prosecutions Division, Department of Justice, Hong Kong SAR, People's Republic of China
- **Mr James Russell Mitra**, Senior Manager, International Corruption Unit, Economic Crime Commajd, National Crime Agency, UK
- **Mr Nicholas Walmsley**, Director, Head of Compliance and Risk Culture Training, Deutsche Bank AG, London, UK
- **Ms Mary Greenhow**, Senior Lawyer, Asian Development Bank, Philippines
- **Dr Joachim Kaetzler**, Partner, CMS Hasche Sigle, Germany
- **Mr Barry Faudemer**, Director of Enforcement, Jersey Financial Services Commission, Jersey
- **Mr Patrick Moulette**, Directorate for Financial and Enterprise Affairs, OECD, France
- **The Hon Judge Dr Abed Elrehim Alkashif**, Judge of the Court of Appeal, Cairo, Egypt

PARALLEL PLENARY WORKSHOP XXV – 11:00 - 13:00 – Coleridge Room

Minimizing opportunities for economic crime through effective governance

- Chair: Professor Dayanath Jayasuriya**, President's Counsel, Consultant to the International Compliance Association and former Chairman, Securities and Exchange Commission of Sri Lanka
- Ms Jane Diplock**, Former Chairperson New Zealand Securities Exchange Commission and Director, Singapore Stock Exchange
- Mr Mano Tittawella**, former, Director General, Office of the President of Sri Lanka
- Mr Philip Rutledge**, Partner, Bybel and Rutledge LLP and former Chief Counsel, Pennsylvania Securities Commission, USA
- Mr Romesh Bhattacharji**, former Chief Commissioner of Customs and Commissioner of Narcotics, Government of India
- Professor David Chaikin**, Associate Professor of Law, University of Sydney Business School, Barrister, and formerly of the Australian Federal Attorney-General's Department and the Commonwealth Secretariat
- Ms Pavithri Vithanage**, Senior Assistant Controller, Central Bank of Sri Lanka
- Professor Chizu Nakajima**, Chair of the British Japanese Law Association, Professor of Comparative Law, BPP University and Affiliated Lecturer, University of Cambridge and Emeritus Professor of Corporate Law and Governance, London Metropolitan University, UK
- Mrs Nishadi Tennekoon**, Senior Assistant Director of the Department of Supervision of Non-Bank Financial Institutions, Sri Lanka
- Mr Richard Parlour**, Chairman of the Federation of Small Businesses Home Affairs Committee and Managing Director of Financial Markets Law International, UK
- Professor George Millard**, Partner, Performance Global Risk Management and Security Consultants, Professor, Sao Paulo Police Academy, President, International Police Association (Brazil) and former Chief of Police and Director of Security, Sao Paulo, Brazil

PARALLEL PLENARY WORKSHOP XXVI – 11:00 - 13:00 – Creswick Room

Fighting Economic Crime in Central and Eastern Europe – the role of compliance

- Chair: Mr Istvan Lengyel**, Secretary General, Banking Association for Central and Eastern Europe, Hungary
- Mr Levente Kovacs**, Chairman, Hungarian Banking Association, Hungary
- Mr Milan Radovic**, CEO of Nova Banka, Banja Luka, Bosnia and Herzegovina
- Dr Emese Racz**, Legal Advisor, Hungarian Banking Association, Hungary

PARALLEL PLENARY WORKSHOP XXVIa – 11:00 - 13:00 – EDS Room

The viability of Private Prosecutions in cases of economic crime – the practical and legal issues

- Chair: Ms Polly Sprenger**, Of Counsel, Eversheds LLP, London, UK
- Ms Hannah Laming**, Partner, Peters and Peters, London, UK
- Mr Adrian Darbishire QC**, QEB Hollis Whiteman, London, UK

13:00 Lunch in Hall and Upper Hall

14:00 **Session XI: The risks (and responsibilities) of lawyers and other professional advisers in inhibiting financial and economic crime**

Chair: Mr Michael Ashe QC SC, 9 Stone Buildings, London, Co- Chairman of the Symposium, Recorder of the Crown Court, England and Wales and Master of the Bench of the Middle Temple

- **The Hon John Maher III**, Member and Speaker *pro tempore*, House of Representatives, Commonwealth of Pennsylvania and Vice Chairman, Centric Bank, USA
- **The Hon Mr John Jeremie SC**, University of the West Indies St Augustine, Trinidad and Tobago and former Attorney General and High Commissioner for Trinidad and Tobago to the United Kingdom, Jamaica
- **Professor Maria Angeles Perez Cebadera**, Professor of Law, Jaume University, Spain
- **Mr John Moscow**, Partner, Baker & Hostetler, USA and former Assistant District Attorney, Office of the District Attorney of New York, USA
- **Mr Saul M Fromkin QC**, Director, Head of Litigation, BeesMont Law Limited and former Attorney General of Bermuda
- **Mr Stephen Bullow**, Barrister and Solicitor, Brisbane, Australia
- **Mr Frank Hong**, Partner, Dorsey & Whitney, Shanghai, People's Republic of China
- **Ms Carol van Cleef**, Partner, Manatt Phelps & Phillips, USA
- **Professor Mario Serio**, Professor of Comparative Law, University of Palermo, Italy and former Consigliere, Consiglio Nazionale della Magistratura and Consiglio Superiore della Magistratura, Italy
- **Mr Jason Woodland**, Special Counsel, Commercial Litigation, Civil Fraud and Asset recovery, Peters and Peters, London, UK
- **Datuk Simon Shim**, Senior Partner, M/S Sim Pang & Co, Malaysia
- **Dr Anastasia Suhartati**, Lecturer, Criminal Law Department, Faculty of Law, University of Surabaya, Indonesia

- **Dr Maryam Alsuwaidi**, Deputy CEO for Licensing Supervision and Enforcement, UAE Securities and Commodities Authority, United Arab Emirates
- **Professor Dayanath Jayasuriya**, President's Counsel and former Chairman, Securities and Exchange Commission of Sri Lanka and Consultant to the International Compliance Association, Sri Lanka
- **Ms Jane Ellis**, Director, Legal Policy & Research Unit, International Bar Association

PARALLEL PLENARY WORKSHOP XXVII - 14:00 - 16:00 – Creswick Room

Organised under the auspices of the **Cabinet Office Government of the UK**

Convenor: Mr Mark Cheeseman, Head of Fraud and Error Policy, Deputy Director, Fraud, Error and Debt Team, Cabinet Office, Government of the UK and former Head of the Counter-Fraud and Investigations Department, The Legal Aid Agency, UK

Ms Laura Eshelby, Head of Counter Fraud Standards, Fraud, Error and Debt Team, Cabinet Office, Government of the UK

Ms Kiersty Griffiths, Head of Management and Strategy Standards, Fraud, Error and Debt Team, Cabinet Office, Government of the UK

PARALLEL PLENARY WORKSHOP XXVIII - 14:00 - 16:00 – Coleridge Room

Dirty water, unclean hands? Case study of fraud at a multilateral development bank

Chair: Ms Jelena Madir, Senior Counsel and Secretary to the Enforcement Committee of the European Bank for Reconstruction and Development, London, UK

Ms Lisa Rosen, Chief Compliance Officer, the European Bank for Reconstruction and Development, London, U

Ms Mary Greenhow, Senior Lawyer, Asian Development Bank, Philippines

Ms Elizabeth Lin Forder, Secretary to the World Bank Group Sanctions Board, Washington, DC, USA

Ms Mariam Diawara, Secretary to the Sanctions Appeals Board at the African Development Bank, Abidjan, Ivory Coast

Mr Jamieson Smith, Senior Counsel (Sanctions), Office of Suspension and Debarment (OSD), World Bank, Washington, DC, USA

Mr Bernardo Weaver, Partner, Mayer Brown LLP, Sao Paulo, Brazil

Professor Tina Søreide, Norwegian School of Economics, Bergen, Norway

PARALLEL PLENARY WORKSHOP XXIX - 14:00 - 16:00 – EDS Room

Unclaimed assets and dormant bank accounts – the future

Chair: Mr James Mews, Director, Finance Industry Development, Chief Minister's Department, States of Jersey

Mr Nick O'Donohoe, UK Dormant Assets Commission

Mr Paul Willis, Head of Insight and Peer Analysis, Grant Thornton LLP, UK

Mr Adrian Smith, Managing Director, UK Reclaim Fund, UK

16:00

Tea

PLENARY WORKSHOP XXX - 16:15 - 17:15 – Coleridge Room

Control liability – making it stick!

Chair: Mr Barry Faudemer, Director of Enforcement, Jersey Financial Services Commission, States of Jersey

Ms Amina Maknoon, Senior Director, Investigation and Enforcement, Jamaica Financial Services Commission, Jamaica

Mr Andrew le Brun, Moneval Secretariat, Council of Europe, France

Mr John Harris, Director General, Jersey Financial Services Commission, States of Jersey

Mr John London, Fin-Net Co-ordinator, Financial Conduct Authority, UK

PLENARY WORKSHOP XXXI - 16:15 – 17:15 - Marquee

Art theft and related issues

Mr Charles Hill, Artrisk UK and formerly of the Arts and Antiques Squad, Metropolitan Police, UK

Mr William Veres, Antiquarian, London, UK

Dr Saskia Hufnagel, Lecturer in Criminal Law, School of Law, Queen Mary University of London, UK

PLENARY WORKSHOP XXXII – 16:15 – 17:15 – EDS Room

Tracing stolen assets

Mr Alexander Carter-Silk, Partner and Head of European Intellectual Property, Brown Rudnick LLP, London, UK

Mr Howard Sharp QC, former HM Solicitor General of the States of Jersey

Ms Tamlyn Edmonds, Partner, Edmonds Marshall McMahan, London, UK

Mr Ben Oguntala, CEO, Security in Africa, London, UK

PLENARY WORKSHOP XXXIII – 16:15-17:15 – Creswick Room

Corporate criminal liability – the case for reform

Ms Jane de Lozey, Joint Head, Fraud Division, Serious Fraud Office of England, Wales and Northern Ireland, UK

Ms Jennie Haslett, Corporate Crime and International Engagement, The Centre for Offshore Evasion Strategy, HM Revenue and Customs, UK

Mr Ronan Duff, Case Controller, Serious Fraud Office of England, Wales and Northern Ireland, UK

Ms Hannah Von Dadelsen, Case Controller, Serious Fraud Office of England, Wales and Northern Ireland, UK

WORKSHOP 17 – 17:30-18:30

International illegal wildlife trade and animal protection: case studies and the implications for the financial sector

Mr Nicholas Bruschi, Intelligence Manager, World Animal Protection, UK

Mr Tom Keatinge, Director, Centre for Financial Crime and Security Studies, Royal United Services Institute (RUSI), UK

Mr Euan Grant, Grant and Gutsell Customs, Tax & Border Control Consultant, formerly of HM Customs and Excise UK

WORKSHOP 18 – 17:30-18:30

Control responsibility in the financial services industry – the practical issues
Under the auspices of the Bar Association for Commerce, Finance and Industry

Ms Christiane Valansot, Barrister, former General Counsel, Investment Management Association and chair of the Bar Association for Commerce, Finance and Industry, UK

Professor Stuart Bazley, Barrister, Professor in Financial Regulation and Compliance, BPP University and Director Medius Consulting, UK

WORKSHOP 19 – 17:30-18:30

Counterfeit fertilizers - how to poison our children!

Dr Frank Madsen, Affiliated Lecturer, Centre for Development Studies, University of Cambridge and former senior official, General Secretariat, ICPO-Interpol

Mr D'Arcy Quinn, Director, Anti-Counterfeiting, CropLife International

WORKSHOP 20 – 17:30-18:30

Human Rights and business in Myanmar – a case study

Professor Yasunobu Sato, Professor of Law and Director of the Human Security Programme, University of Tokyo, Japan

Mr Takeshi Hayakawa, Associate, Nagashima, Ohno and Tsunematsu, Japan

WORKSHOP 21 – 17:30-18:30

Slavery and organised crime

Mr Graham Ritchie, Judge of the First Tier Tribunal, Solicitor, former Consultant to the Commonwealth Secretariat and former Head of IPTU, Institute of Advanced Legal Studies, University of London, UK

Professor William Tupman, Professor of Criminal Justice, BPP University and Research Fellow, University of Exeter, UK

Dr Li Xuebin, Probation Service, Ministry of Justice, UK, Lecturer in Chinese Criminal Law, BPP University and former senior officer, Public Security Bureau, People's Republic of China

Mr Dominic Thomas-James, Barrister and Researcher, Centre of Development Studies, University of Cambridge, UK

WORKSHOP 22 – 17:30-18:30

Initiatives against economic crime in Africa

Dr Richard Alexander, Lecturer in Financial Law, School of Oriental and African Studies, University of London and former consultant to the Inter-Governmental Action Group against Money Laundering and Terrorism Financing in West Africa (GIABA)

Mr Brian Sapati, Deputy Director General, of the Inter-Governmental Action Group against Money Laundering and Terrorism Financing in West Africa (GIABA) and former Director, The Serious Fraud Office, Ghana

Professor Johan Henning, Senior Professor of Mercantile Law, Distinguished Emeritus Professor and sometime Dean of Law, University of the Free State, Republic of South Africa

The Hon Justice Olayinka Faji, Judge of the Federal High Court, Nigeria

WORKSHOP 23 – 17:30-18:30

Enforcing director's duties and corporate responsibility from the Chinese perspective

Dr Ye Zhen, Centre of Development Studies, University of Cambridge

Dr WangWei Lin, Senior Lecturer in Law, Westminster Business School, University of Westminster, UK

Dr Huan Joy Zou, Senior Lecturer in International Management, DeFiMs, School of Oriental and African Studies, University of London, UK

WORKSHOP 24 – 17:30-18:30

Practitioners and academics – promoting serious discussion!

Professor Chizu Nakajima, Chair of the British Japanese Law Association, Professor of Comparative Law, BPP University and Affiliated Lecturer, University of Cambridge and Emeritus Professor of Corporate Law and Governance, London Metropolitan University, UK

Mr Nicholas Walmsley, Director, Head of Compliance and Risk Culture Training, Deutsche Bank AG, London, UK

WORKSHOP 25 – 17:30-18:30

The impact of extra-territorial legislation upon offshore tax and financial centres

WORKSHOP 26 – 17:30-18:30

Economic efficiency of tax evasion

18:45 Cocktails in the Marquee generously sponsored by **The British Japanese Law Association**

Dinner in Hall and Upper Hall generously sponsored by **Mrs Yoko Kawaji** and **Ms Hiromi Kawaji** of Anglia Ruskin University, UK

Recital by **Ms Lisa Ueda**, international recitalist and solo violinist

Addresses by **HE Mr Koji Tsuruoka**, Ambassador Extraordinary and Plenipotentiary of Japan to the Court of St James, **Alderman Sir Alan Yarrow**, Chairman, Chartered Institute for Securities and Investment and former Lord Mayor and Sheriff of the City of London, UK and **Dr Kwasi Alfred Addo Kwarteng MP**, author and formerly of JP Morgan, introduced by **Professor Chizu Nakajima**, Deputy Director of the Symposium, Professor of Comparative Law, BPP University and Affiliated Lecturer, University of Cambridge and Emeritus Professor of Corporate Law and Governance, London Metropolitan University and Chair, Britain Japan Law Society, UK with a vote of thanks proposed **Professor Louis de Koker**, Professor of Law, School of Law, Faculty of Business and Law, Deakin University, Australia

Friday, 9th September 2016

08:00 **Session XII: Extending the reach of the criminal law – attribution of knowledge and corporate criminal responsibility**

Chair: **Sir Gavin Lightman QC**, Consultant, Asserson & Co, former Judge of the Chancery Division, High Court of Justice of England and Wales and former Master Treasurer of Lincoln's Inn, UK

- **Mr Roger Stewart QC**, 4 New Square, Recorder of the Crown Court of England and Wales and Master of the Bench of the Inner Temple, UK
- **Mr John Reading SC**, Head of Pacific Chambers and former Deputy Director of Public Prosecutions, Hong Kong SAR, People's Republic of China
- **The Hon Mrs Judith Jones-Morgan**, Attorney General, St Vincent and the Grenadines
- **Mr Jaideep Gupta**, Senior Advocate, India
- **Professor Thomas Hurst**, S.T. Dell Professor of Law, University of Florida, Levin College of Law, USA
- **Dr Cheong-Ann Png**, Principal Counsel, Asian Development Bank, Manila, Philippines
- **Professor Janusz Bojarski**, Professor of Criminal Law and Criminal Policy, Nicolas Copernicus University, Poland
- **Professor Cindy Schipani**, Professor of Business Law and Chair, Law, History and Communication, Stephen M. Ross School of Business, University of Michigan, USA
- **Professor Rita Cheung**, Barrister and Consultant, MCA Lai and Co, Hong Kong SAR, People's Republic of China
- **Ms Shaistah Akhtar**, Litigation Partner, King and Wood Mallisons SJ Berwin, London, UK
- **Mr Peter Koy**, Senior State Counsel and Director, Financial Securities Offences Directorate, Financial & Technology Crime Division, Attorney General's Chambers, Singapore
- **Professor David Chaikin**, Associate Professor of Law, University of Sydney Business School, Barrister, and formerly of the Australian Federal Attorney-General's Department and the Commonwealth Secretariat
- **Mr Bernardo Weaver**, Partner, Mayer Brown LLP, Sao Paulo, Brazil
- **Ms Tessa Lorimer**, Special Counsel, Withers LLP and formerly of the Crown Prosecution Service for England and Wales and the HM Revenue and Customs Prosecution Office, UK

PARALLEL PLENARY WORKSHOP XXXIV – 08:00 to 10:45 – Creswick Room

De-risking in the financial sector

Chair: **Professor Louis de Koker**, Professor of Law, School of Law, Faculty of Business and Law, Deakin University, Australia

Mr Mark Turkington, UK Head of Sanctions, HSBC and former Senior Manager Australian AML, Bribery and Sanctions Compliance, National Australia Bank, Australia

Mr Robert Axelrod, Director, Forensic Practice, Deloitte Financial Advisory Services LLP, USA

Mr Clark Abrams, Assistant District Attorney and Chief, Money Laundering and Financial Investigations Unit, Office of the Special Narcotics Prosecutor, City of New York, USA

Mr David Artingstall, Consultant and Associate Fellow, Centre for Financial Crime and Security Studies at RUSI, UK

PARALLEL PLENARY WORKSHOP XXXV – 08:00 to 10:45

How we can better use technology to protect us from economic crime?

Chair: **Mr Dave Porter**, Associate Partner, Cognitive Solutions, IBM, UK
Mr Martin Sutherland, CEO, De La Rue, UK

PARALLEL PLENARY WORKSHOP XXXVI – 09:00 to 10:45 – EDS Room

**International Core Principles of Deposit Insurers
An interactive session considering the application of the International Association of
Deposit Insurers Core Principles**

**Convened by Mr James Mews, Director, Finance Industry Development,
Chief Minister's Department, States of Jersey
Ms Gail Verley, Secretary-General, International Association of Deposit Insurers
Mr Jan Nolte, Senior Financial Sector Specialist, World Bank, USA
Mr Thierry Dissaux, Chairman, French Deposit Guarantee Scheme, France
Mr Riccardo de Lisa, Interbank Deposit Protection Fund, Italy**

10:45 Coffee

11:00 **Session XIII: Integrity and governance in Islamic Financial Institutions**

Chair: **Mr Khawar Qureshi QC**, Serle Court, London and McNair Chambers, Qatar

- **Professor Datuk Rifaat Ahmed Abdel Karim**, former Secretary-General, Islamic Financial Services Board, currently Chief Executive Officer, International Islamic Liquidity Management Corporation and Research Professor, International Centre for Education in Islamic Finance (INCEIF), Malaysia
- **Professor Wassim Shahin**, Dean and Professor of Business Economics, Lebanese American University, Lebanon
- **Mr Madzlan bin Mohamed Hussain**, Partner and Head, Islamic Financial Services Practice, Zaid Ibrahim & Co and former General Counsel, Islamic Financial Services Board, Malaysia
- **Professor Simon Archer**, Visiting Professor, ICMA Centre, Henley Business School, University of Reading, and Consultant to the Islamic Financial Services Board, UK
- **Ms Farmida Bi**, Head of Islamic Finance-Europe, Norton Rose Fulbright LLP, London, UK
- **Dr Hatim El-Tahir**, Director, Islamic Finance Group Leader Deloitte ME Islamic Finance Knowledge Centre (IFKC), Deloitte & Touche, Bahrain
- **Dr Sara Ashrafkashani**, Attorney at Law and Legal Consultant, Iran
- **Dr Salim Al-Ali**, Lecturer in Law, College of Law, University of the United Arab Emirates, Abu Dhabi
- **Professor Siti Faridah**, Associate Professor of Law, National University of Malaysia and Advocate and Solicitor, Malaysia
- **Sheikh Faizal Ahmad Manjoo**, Head, Islamic Finance Department, Markfield Institute and Visiting Lecturer in Islamic Finance, BPP University, UK
- **Dr Afroza Begum**, Senior Lecturer in Law, Wollongong University, Australia
- **Mr Serhan Göktürk**, Advisor to the Chief Risk Officer, Saudi Stock Exchange (Tadawul), Kingdom of Saudi Arabia and former Chief Auditor, Borsa Istanbul, Turkey
- **Ms Claire O'Connor**, Non-Executive Director and adviser, former partner RSM, UK

Parallel Session XIV: The reach of the civil law – making them pay and getting back what is not theirs!

Chair: **Professor Barry A.K Rider**, Co-Chairman of the Symposium, Professorial Fellow, Centre of Development Studies, University of Cambridge

- **Ms Wendy Tien**, Deputy Assistant Director, Office of Review and Oversight, former Trial Attorney, Civil Division, US Department of Justice, Executive Office for the United States Trustees, USA
- **Professor Johan Henning**, Senior Professor of Mercantile Law, Distinguished Emeritus Professor and former Dean of Law, University of the Free State, South Africa
- **Professor Louis de Koker**, Professor of Law, School of Law, Faculty of Business and Law, Deakin University, Australia
- **Mr Saul M Froomkin QC**, Director, Head of Litigation, BeesMont Law Limited and former Attorney General of Bermuda
- **Ms Stephanie Jeavons**, Deputy Director, Operations, Economic Crime Command, National Crime Agency, UK
- **Professor Jonathan Fisher QC**, Devereux Chambers, London, UK and Professor of Law, London School of Economics, University of London, UK
- **Professor Rose-Marie Antoine**, Dean, Faculty of Law, University of the West Indies, St Augustine, Trinidad and Tobago
- **Mr Adam Kaufmann**, Partner, Lewis, Baach, Kaufmann and Middlemiss, and former Executive Assistant District Attorney and Chief of the Investigation Divisions, New York County District Attorney's Office, USA
- **Avv Rosario Di Legami**, Advocate and Judicial Conservator, Studio Legale Di Legami, Italy
- **Mr Howard Sharp QC**, former HM Solicitor General of the States of Jersey
- **Professor Michelle Gallant**, Professor of Law, Associate Dean (Research and Graduate Studies) and Executive Director, Legal Research Institute, Faculty of Law, University of Manitoba, Canada
- **Professor Janet Ulph**, Professor of Law, University of Leicester, UK

- **Mr Guy Wilkes**, Partner, Mayer Brown LLP London, UK
- **Professor Dora Neo**, Associate Professor of Law and Director, Centre for Banking and Financial Law, National University of Singapore
- **Mr Michael Ashe QC SC**, 9 Stone Buildings, London, Co-Chairman of the Symposium, Recorder of the Crown Court, England and Wales and Master of the Bench of the Middle Temple

PARALLEL PLENARY WORKSHOP XXXVII – 11:00 to 12:30 – Crewsick Room

International Standards protecting bank deposits

Chair: **Mr James Mews**, Director, Finance Industry Development, Chief Minister's Department, States of Jersey
Mr Alex Kuczynski, Director of Corporate Affairs, Financial Services Compensation Scheme, UK
Mr Sven Stevenson, Deposit Insurance Expert, Resolution Department, DNB, Amsterdam, Netherlands
Mr Patrick Loeb, Director, Esisuisse, Switzerland

13:00 Lunch in Hall and Upper Hall

14:00 **Session XV: Due diligence and access to information – the ways and means!**

Chair: **The Hon Justice Olayinka Faji**, Judge of the Federal High Court, Nigeria

- **Mr Mike Roemer**, Global Head of Compliance, Barclays Bank PLC, London, UK
- **Mr Wilmer Parker III**, Partner, Maloy Jenkins Parker, USA and formerly of the Justice Department, USA
- **Mr James Springer**, AML/CTF Advisor, JPS Consulting, former Resident Financial Enforcement Advisor, Morocco, Namibia and Bulgaria, Office of Technical Assistance, US Department of Treasury, USA
- **Mrs Svetla Konstantinova**, Attorney-at-Law, Sofia, Bulgaria and former Minister Counsellor, Bulgarian Embassy, London
- **Ms Helen Hatton**, Managing Director, Sator Regulatory Consulting Ltd and former Deputy Director, Jersey Financial Services Commission
- **Dr Stephen Strickland**, Head of ABC, Barclaycard, UK
- **Mr David Bacon**, Editor, Business Crime and Investigations, Thomson Reuters Practical Law and formerly of the Serious Fraud Office for England, Wales and Northern Ireland and the Solicitors Regulatory Authority, UK
- **Mr Barnaby Pace**, Senior Campaigner, Governments and Corruption, Global Witness, UK
- **Mr Olivier Dorgans**, Counsel, DLA Piper LLP, France
- **Mr Pierre Antheaume**, Corporate Compliance Officer, European Investment Bank (EIB)
- **Mr Philippe de Koster**, Deputy Director, Belgium Financial Intelligence Processing Unit CTIF-CFI, Belgium
- **Dr Dmitry Gololobov**, Senior Partner, Gololobov & Co, London, UK
- **Mr Fabio Cagnola**, Partner, Studio Legale Bana, Italy
- **Mr Satnam Tumani**, Partner, Kirkland & Ellis International LLP, UK
- **Ms Tanya Gibbs**, Researcher, the Institute of Advanced Legal Studies, University of London, UK and former Lecturer, School of Business Administration, Department of Finance, American University of Sharjah, United Arab Emirates
- **Ms Line Brummerstedt Stougaard**, Manager, Global Regulatory Experts, Nordea Bank, Denmark
- **Dr George Demetriades**, Lecturer in Law, Neapolis University, Cyprus and Advocate Partner Andreas Chr. Demetriades LLC, Cyprus

PARALLEL PLENARY WORKSHOP XXXVIII – 14:00 to 16:00 - Creswick Room

Resolution of banks – Current issues

Chair: **Mr James Mews**, Director, Finance Industry Development, Chief Minister's Department, States of Jersey
Mr Guiseppe Boccuzzi, Director-General, Interbank Deposit Protection Fund, Italy
Mr Geoff Davies, Head of Resolution Policy Division, Bank of England, UK
Mr Mike Jervis, Partner, PwC, UK
Mr Charles Canonne, European Banking Authority, London, UK
Ms Anna Cox, Director, PwC, UK

PARALLEL PLENARY WORKSHOP XXXIX – 14:00 to 16:00 – EDS Room

Islamic Finance – the potential and the pitfalls!

Chair: **Professor Datuk Rifaat Ahmed Abdel Karim**, former Secretary-General, Islamic Financial Services Board, currently Chief Executive Officer, International Islamic Liquidity Management Corporation and Research Professor, International Centre for Education in Islamic Finance (INCEIF), Malaysia
Dr Hatim El-Tahir, Director, Islamic Finance Group Leader Deloitte ME Islamic Finance Knowledge Centre (IFKC), Deloitte & Touche, Bahrain
Mr Madzlan bin Mohamed Hussain, Partner and Head, Islamic Financial Services Practice, Zaid Ibrahim & Co and former General Counsel, Islamic Financial Services Board, Malaysia
Ms Farmida Bi, Head of Islamic Finance-Europe, Norton Rose Fulbright LLP, London, UK
Ms Claire O'Connor, Non-Executive Director and adviser, former partner RSM, UK

PLENARY WORKSHOP XL – 16:15 - 17:15 – Creswick Room**Exploring different applied risk models for AML/CFT**

Chair: Dr Dionysios S. Demetis, Lecturer, Hull University Business School, UK
Dr Nathalie Rébé, Assistant Professor, School of International Public Law, University of Burgundy, France
Professor Stavros Katsios, Vice-Rector of Economic Affairs, Ionian University, Greece
Mrs Noemi Tambe, Researcher, Hull University Business School, UK
Mr Alexei Poulin, Managing Director, Clingstone Ltd, UK

PLENARY WORKSHOP XLI – 16:15 - 18:30 - Marquee**The initiatives that have been taken against mafia penetration of business and in particular financial institutions – an Italian perspective**

Chair: Professor Antonello Miranda, Professor of Comparative Law and Dean of the School of Social Sciences, University of Palermo, Italy
Avv Rosario Di Legami, Advocate and Judicial Conservator, Studio Legale Di Legami, Italy
The Hon Dr Geri Ferrara, Counsel General of the Procuratore Nazionale Antimafia presso la Direzione Nazionale Antimafia (National Anti-Mafia Commission), Italy
Professor Salvatore Casabona, Department of Political Sciences, University of Palermo, Italy
Professor Giorgio Giannone Codiglione, Adjunct Professor of Comparative Law, Department of Political Sciences and International Relations, University of Palermo, Italy
Professor Paola Monaco, Adjunct Professor of Human Rights Law, Department of Law, University of Trieste, Italy
Avv. Maria Bruccoleri, Financial Crimes and Compliance Lawyer, Milan, Italy
Dr Federico Tosi, Researcher, University of Palermo
Dr Stefano Insinga, Researcher, University of Palermo

PLENARY WORKSHOP XLII – 16:15 - 17:30 – EDS Room**Solving bank failure!**

Chair: Mr James Mews, Director, Finance Industry Development, Chief Minister's Department, States of Jersey, UK
Professor Sarah Paterson, Associate Professor, London School of Economics and Senior Consultant to Slaughter and May, UK
Mr Timothy Buenker, Policy Advisor, Banking Supervision, European Banking Federation, Belgium

PLENARY WORKSHOP XLIII – 16:15 - 17:30**Investigating the misuse of public funds: legal and operational impediments**

Chair: Professor Dayanath Jayasuriya, President's Counsel and former Chairman, Securities and Exchange Commission of Sri Lanka and Consultant to the International Compliance Association
Mr Richard Parlour, Chairman of the Federation of Small Businesses Home Affairs Committee and Managing Director of Financial Markets Law International, UK
Professor Yarik Kryvoi, Director, CIS Arbitration Forum, Professor of Law, University of West London
Dr Peter German, former Deputy Commissioner and Director General, Financial Crime, Royal Canadian Mounted Police and currently Regional Deputy Commissioner, Correctional Service, Canada

WORKSHOP 27 – 17:30-18:30**Current issues related to trade based money laundering and enforcement of sanctions**

Mr Clark Abrams, Assistant District Attorney and Chief, Money Laundering and Financial Investigations Unit, Office of the Special Narcotics Prosecutor, City of New York, USA
Mr Robert Targ, Partner, Diaz Reus & Targ LLP, Miami, USA
Professor Dora Neo, Associate Professor of Law and Director, Centre for Banking and Financial Law, National University of Singapore

WORKSHOP 28 – 17:30-18:30**Measuring and achieving operational effectiveness for AML and/or FC policies?**

Mr Matthew Russell, Partner, Forensic Services, PwC, London, UK
Mr Graham O'Connell, Partner, Financial Services Performance Improvement Consulting, PwC, London, UK
Ms Fiona Raistrick, Partner, Financial Services Advisory, BDO (UK) LLP, UK
Mr Stephen Evans, Chartered Financial Planner and Director, Evans Hart, UK
Ms Angela Foyle, Partner and MLRO, BDO (UK) LLP, UK

WORKSHOP 29 – 17:30-18:30**Policing the regulated – do ex-law enforcement professionals have a role to play in financial services?**

Dr Stephen Strickland, Head of ABC, Barclaycard and former Detective Inspector, Office of National Police Co-ordinator for Economic Crime, City of London Police, UK
Mr Stephen Head, Chief Security Officer, Virgin Money former Commander, City of London Police, UK
Mr Mark Sullivan, Head, Fraud Risk Programs, Interac Association, Canada
Mr Tony Crampton, Consultant and former Detective Superintendent, City of London Police, UK

WORKSHOP 30 – 17:30-18:30**Insider dealing, manipulation and fraud on the Chinese financial markets – the pursuit of stability!**

Dr Ye Zhen, Centre of Development Studies, University of Cambridge
Professor Barry Rider, Professorial Fellow, Centre of Development Studies, University of Cambridge
Mr Enze Liu, Researcher, Institute of Advanced Legal Studies, University of London, UK

WORKSHOP 31 – 17:30-18:30**Protection of Whistle-Blowers, Witnesses and Police Informers in the Investigation of Transnational Crime**

Mr Mike Dixon, Researcher and former Detective Inspector Metropolitan Police London, UK
Mr Simon Natas, Partner, ITN Solicitors, UK

WORKSHOP 32 – 17:30-18:30**Challenges for an effective corporate rescue regime in transitional states**

Professor Johan Henning, Senior Professor of Mercantile Law, Emeritus Distinguished Professor and previous Dean of the Faculty of Law of the University of the Free State, South Africa; Professor Extraordinarius, College of Law, University of South Africa; Visiting Professor of Corporate Law, School of Law, BPP University, London; Attorney of the High Court of South Africa
Dr Lézelle Jacobs, Lecturer in the Department of Mercantile Law, University of the Free State; Attorney of the High Court of South Africa

WORKSHOP 33 – 17:30-18:30**Insurance fraud in China**

Dr Zhen Jing, Senior Lecturer in Law, Law School, Bangor University, Wales, UK
Dr WangWei Lin, Senior Lecturer in Law, Westminster Business School, University of Westminster, UK

WORKSHOP 34 – 17:30-18:30**Fourth AML Directive - implications and practicalities for those in the financial and business sectors**

Mr Nick Andrews, Managing Director Mpac Group London, UK
Mr Philip Buckingham, Director, Mpac Group, UK

Alternative Programme – Friday 9th September 2016 – Coleridge RoomUnder the auspices of the **Chartered Institute for Securities and Investment (CISI)****08:00****Welcome Address**

- **Alderman Sir Alan Yarrow**, Chairman, Chartered Institute for Securities and Investment, UK

Session 1: The new accountability regime and responsibility for ensuring effective complianceChair: **Mr George Littlejohn**, Senior Adviser, Chartered Institute for Securities and Investment, UK

- **Mr Brandon Davies**, Independent Director, Lintel Bank and Trustee, Global Ethical Finance Forum, UK
- **Mr Richard Parlour**, Principal, Financial Markets Law International, UK
- **Mr Howard Shaw**, Head of Anti-Corruption and Whistleblowing Services, Mazars, UK
- **Ms Farmida Bi**, Head of Islamic Finance-Europe, Norton Rose Fulbright LLP, London, UK
- **Dr Hatim El-Tahir**, Director, Islamic Finance Group Leader Deloitte ME Islamic Finance Knowledge Centre (IFKC), Deloitte & Touche, Bahrain

10:45**Coffee****Session 2: What concerns compliance officers now – or should do!**Chair: **Mr Nicholas Walmsley**, Director, Head of Compliance and risk Culture Training, Deutsche Bank, UK

- **Mr Peter Bibby**, Partner, Brown Rudnick, UK
- **Mr Francis Kean**, Executive Director, Willis Towers Watson, UK
- **Mr Kenneth Murray**, Head of Forensic Accountancy, Police Scotland, UK
- **Ms Jamilia Parry**, Senior Director, Governance, Risk and Regulation, EMEA Financial Services, FTI Consulting, UK

13:00**Lunch**

14:00

Session 3: Data, intelligence and technology – the internet, innovation and cyber crime

Chair: **Ms Lydia Romero**, Global Director of Learning, Chartered Institute for Securities and Investment, UK

- **Mr Daniel Corrigan**, Chairman, City Advisory Group on Russia and the Commonwealth of Independent States, UK
- **Mr Ali Kazimi**, Managing Director, Hansuke Consulting, UK
- **Alderman Professor Michael Mainelli**, Alderman of the City of London and Executive Chairman of Z/Yen Group, Emeritus Mercers' School Memorial Professor of Commerce, Gresham College and former Director of the Defence Evaluation and Research Agency, Ministry of Defence, UK
- **Mr Robert Smith**, Senior Consultant, Hansuke Consulting, UK

Session 4: The new accountability – panel discussion

Chair: **Mr George Littlejohn**, Senior Advisor, Chartered Institute for Securities and Investment, UK

Panellists drawn from participants in the previous three sessions.

18:45

Cocktails in the Marquee

Dinner in Hall and Upper Hall, Jesus College generously sponsored by **Chartered Institute for Securities and Investments (CISI)** represented **Mr George Littlejohn**, Senior Adviser, Chartered Institute for Securities and Investments (CISI)

Addresses by **Sheriff and Alderman Peter Estlin**, Sheriff and Alderman of the City of London, Senior Adviser, Barclays plc and Middle Warden of the Worshipful Company of International Bankers; former partner in Coopers and Lybrand and former CFO of Salmon Brothers (Asia) and Citigroup Investment Banking Division (New York and London) and Group Financial Controller, Barclays plc; **Sir Kenneth Warren**, Consultant, Chairman, Advisory Council, UK Sichuan Business Association, former Member of Parliament and Chairman of Chairman of the House of Commons Select Committee on Trade and Industry, UK and **Professor Sir Ivan Lawrence QC**, former Member of Parliament and Chairman of the Home Affairs Committee, Master of the Bench of the Inner Temple, Professor of Law, University of Buckingham and BPP University and formerly one of Her Majesty's Recorders introduced by **Mr Clark Abrams**, Assistant District Attorney and Chief, Money Laundering and Financial Investigations Unit, Office of the Special Narcotics Prosecutor, City of New York, USA with a vote of thanks proposed by **Dr Peter German**, Regional Deputy Commissioner, Correctional Service and former Deputy Commissioner and Director General, Financial Crime, Royal Canadian Mounted Police, Canada

Saturday, 10th September 2016

8:00

Session XVI: The impact of alternative enforcement strategies on financial institutions and the risks presented by intervention and disruption

Chair: **His Honour Judge Michael Hopmeier**, Circuit Judge Kingston upon Thames Crown Court, Visiting Professor at City University, London and the University of the West Indies (Jamaica) and Master of the Bench of the Middle Temple, UK

- **Mr David Fitzpatrick**, Barrister, England and Wales and Hong Kong and former Senior Crown Counsel, Hong Kong SAR, People's Republic of China
- **Dr Peter German**, Regional Deputy Commissioner, Correctional Service and former Deputy Commissioner and Director General, Financial Crime, Royal Canadian Mounted Police, Canada
- **Mr Thomas Sawyer**, Senior Litigation Counsel and Counsel for International Tax Matters, Tax Division, Department of Justice, USA
- **Professor Michelle Gallant**, Professor of Law, Associate Dean (Research and Graduate Studies) and Executive Director, Legal Research Institute, Faculty of Law, University of Manitoba, Canada
- **Mr Mark Turkington**, UK Head of Sanctions, HSBC and former Senior Manager Australian AML, Bribery and Sanctions Compliance, National Australia Bank, Australia
- **Mr Jeff Simser**, Legal Director-Agencies, LHIN Legal Services, Local Health Integration Network and former Legal Director, Ministry of the Attorney General Canada
- **Mr Lampros Tsogkas**, Public Prosecutor, Thessaloniki, Greece
- **Mr Kenneth Murray**, Head of Forensic Accountancy, Police Scotland, Scotland, UK
- **Dr Nusret Cetin**, Partner, LBF Partners and former Attorney at Law, Deputy of Legal Affairs and Head of Institutional Relations Group, Capital Markets Board of Turkey
- **Dr Shima Keene**, Senior Analyst and Consultant, Thames Valley Police and Director, Security Economics Programme, Institute of Statecraft, UK
- **Professor Richard Gordon**, Director, Financial Integrity Programs, Brown University and former Senior Counsel, International Monetary Fund, USA
- **Dr Nick Ridley**, Senior Lecturer, John Grieve Centre, London Metropolitan University and former Senior Analyst, Europol

PARALLEL PLENARY WORKSHOP XLIV – 08:00 - 10:45 – EDS Room

International co-operation in the Investigation, prosecution and fraud – a perspective from Ghana

Mrs Yvonne A. Obuobisa, Deputy Director of Public Prosecution, Ghana

The Hon Mr Justice Adegbe Yao Tsar, Executive Director, Economic and Organised Crime Office, Ghana

10:45 Coffee

11:00 **Session XVII: Robust governance, effective risk management and good luck!**

Chair: **Dame Heather Steel**, Master of the Bench of Gray's Inn, former Judge of the High Court of Justice, Queen's Bench Division and Judge of the Courts of Appeal of Jersey and Guernsey and Prosecuting Counsel to DHSS, UK

- **Mr Philip Yates**, founding Partner, Perella Weinberg Partners, former Global Head of Mergers and Acquisitions and European Head of Investment Banking, Merrill Lynch and Head of UK Corporate Finance at SG Warburg, UK
- **Professor Chizu Nakajima**, Deputy Director of the Symposium, Professor of Comparative Law, BPP University and Affiliated Lecturer, University of Cambridge and Emeritus Professor of Corporate Law and Governance, London Metropolitan University, UK
- **Professor Louis de Koker**, Professor of Law, School of Law, Faculty of Business and Law, Deakin University, Australia
- **Professor Antonello Miranda**, Professor of Comparative Law and Dean of the School of Social Sciences, University of Palermo, Italy
- **Professor Cindy Schipani**, Professor of Business Law and Chair, Law, History and Communication, Stephen M. Ross School of Business, University of Michigan, USA
- **Professor Andrew Haynes**, Director, Institute of Financial Law, University of Wolverhampton and Visiting Professor of Banking Law, BPP University, UK
- **Professor Virginia Maurer**, Professor of Business Law and Darden Restaurants Professor of Management and founding Director, Poe Center for Business Ethics, Warrington College of Business Administration, University of Florida, USA
- **Professor Dalvinder Singh**, Professor of Banking Law, School of Law, Warwick University, UK
- **Professor Andreas Kapardis**, Chairman and Professor of Criminology, Law Department, University of Cyprus
- **Professor Maria Krambia-Kapardis**, Associate Professor of Accounting, Cyprus University of Technology
- **Ms Catherine Pedamon**, Senior Lecturer, School of Law, University of Westminster, London, UK, Director of the Franco British Lawyers Association and a member of the Paris and New York Bars
- **Professor Rob McCusker**, Senior Vice President (Asia-Pacific), Vigilance Australia and Director of the Transnational Crime Academy, Gulf Vigilance, Abu Dhabi
- **Dr Shirley Quo**, Senior Lecturer, Law School, Murdoch University, Australia
- **Mr Nick Andrews**, Managing Director Mpac Group, London, UK
- **Professor Maria Aluchna**, Associate Professor, Warsaw School of Economics, Poland
- **Dr Zhen Jing**, Senior Lecturer in Law, Law School, Bangor, Wales, University, UK

PARALLEL PLENARY WORKSHOP XLIVa – 11:00 to 13:00 – Webb Library

The criminalization of tax avoidance

Chair: **Dr Dominic de Cogan**, Lecturer, Faculty of Law and Fellow, Christ's College, University of Cambridge, UK

Mr Andrew Morriss, Dean and Anthony G. Buzbee Endowed Dean's Chair, Texas A&M School of Law, USA

Mr Thomas Sawyer, Senior Litigation Counsel and Counsel for International Tax Matters, Tax Division, Department of Justice, USA

Mr John Christensen, Director of Tax Justice Network, UK

Professor William Byrnes, Executive Professor of Law, Associate Dean, Special Projects, Texas A&M University, USA

Mr Paul Hondius, Advisor, Exchange of Information, International Co-operation and Tax Administration, Centre for Tax Policy and Administration, OECD, France

Ms May Hen, Researcher, Department of Sociology, University of Cambridge; chair, Cambridge Tax Discussion Forum and formerly Canada Revenue Agency, Canada

Ms Jennie Haslett, Corporate Crime and International Engagement, The Centre for Offshore Evasion Strategy, HM Revenue and Customs, UK

Mr Chris Jenkins, Researcher, Faculty of Law, University of Cambridge, UK

Mr Alfred Duncan, Lecturer in Economics, University of Cambridge and Fellow of Christ's College, Cambridge, UK

Dr Nikodem Szumilo, Post-doctoral Researcher, Department of Land Economy, University of Cambridge, UK

PARALLEL PLENARY WORKSHOP XLV – 11:00 to 13:00 – EDS Room

ISIS Inc - A Case Study in Terrorist Financing

Organised by the **Atlantic Council of the United Kingdom**

Chair: Mr Jack Davies, Senior Research Fellow, Atlantic Council of the United Kingdom
Mr Jamie Shea, Deputy Assistant Secretary General for Emerging Security Challenges, NATO
Professor Alan Lee Williams, President of the Atlantic Council of the United Kingdom
and former Member of Parliament, UK
Mr Andreas Stradis, Senior Research Fellow, Atlantic Council of the United Kingdom
Dr Jacob Schumacher, School of Oriental and African Sciences, University of London and Lecturer in
Financial Law, BPP University, UK
Mr Dominic Thomas-James, Barrister and Researcher, Centre of Development Studies,
University of Cambridge, UK

13:00 Lunch in Hall and Upper Hall

14:00 **Session XVIII: Gazing into the “Crystal Ball” what we can expect of our banks and those who advise them in the future?**

Chair: **Sir Kenneth Warren**, Consultant and former Chairman, Select Committee on Trade and Industry, House of Commons, UK

- **Dr Patrick Hardouin**, Consultant, International Security and Business, Paris and former Assistant Secretary General, NATO, France
- **Mr David Bickford**, Consultant and former Legal Advisor to the Secret Intelligence Service (MI6) and Secret Service (MI5), UK
- **Mr Dave Porter**, Associate Partner, Cognitive Solutions, IBM, UK
- **Professor Dayanath Jayasuriya**, President's Counsel and former Chairman, Securities and Exchange Commission of Sri Lanka and Consultant to the International Compliance Association
- **Mr Sarabjit Singh**, former Director General, Bureau of Police Research and Intelligence, Indian Police Service, New Delhi, India
- **Mr James Mews**, Director, Finance Industry Development, Chief Minister's Department, States of Jersey
- **Professor Kadriye Bakirci**, Professor of Labour Law, Hacettepe Universitesi, Turkey
- **Mr Peter Gray**, Kingsgrove Partners, In Association with Al Bawardi Advocates and Legal Consultants, Dubai, United Arab Emirates
- **Mr George Lee**, Researcher, Centre for Development Studies, University of Cambridge, UK, former Managing Partner, Oliver Wyman Management Consulting, Senior Vice-President, T-mobile International and Chief Inspector Metropolitan Police Service, UK
- **Dr Dionysios Demetis**, Lecturer in Management Systems, Business School, University of Hull, UK
- **Mr Sven Kihlgren**, Director of Enforcement, Kronofogdemyndigheten (Enforcement Authority), Sweden
- **Mr Trevor Bedeman**, Partner, London Risk, UK
- **Mr Robert Targ**, Partner, Diaz Reus & Targ LLP, Miami, USA
- **Dr Richard Alexander**, Lecturer in Financial Law, School of Oriental and African Studies, University of London and former consultant to the Inter-Governmental Action Group against Money Laundering and Terrorism Financing in West Africa (GIABA)
- **Ms Unsun Park**, Compliance Analyst, Royal Bank of Scotland, UK
- **Dr Inês Sofia de Oliveira**, Research Fellow, Centre for Financial Crime & Security Studies, Royal United Services Institute for Defence & Security Studies (RUSI), UK

Closing Addresses

Chair: **Mr Michael Ashe QC SC**, 9 Stone Buildings, London, Co-Chairman of the Symposium, Recorder of the Crown Court, England and Wales and Master of the Bench of the Middle Temple, UK

- **The Hon Mr Ravi Karunanayake**, Minister of Finance, Ministry of Finance, Government of Sri Lanka
- **The Hon Mr Mukul Rohatgi**, Attorney-General of India
- **The Hon Dr Dominic Ayine**, Deputy Attorney-General of Ghana
- **Mr Chris Greany**, Commander, Economic Crime, City of London Police, UK
- **Mr James Bergeron**, Chief Political Advisor, Allied Maritime Command, North Atlantic Treaty Association and former Political Adviser to the Commander, Striking and Support Forces, NATO
- **Professor Peter Nolan**, The Chong Hua Professor in Chinese Development, Director of the Centre of Development Studies, Director of the Chinese Executive Leadership Programme, University of Cambridge and Professorial Fellow, Jesus College, Cambridge, UK
- **Dr Oonagh McDonald**, International Regulatory Consultant, former Member of Parliament and Principal Private Secretary to the Chief Secretary to the Treasury and Opposition Spokesman on Treasury and Economic Affairs,

former Director, Financial Services Authority, FSA Ombudsman Scheme and Investors Compensation Scheme and former General Editor of the Journal of Financial Regulation and Compliance, UK

- **Professor Theodore Huckle QC**, Doughty Street Chambers, Visiting Professor of Law, King's College, London, Master of the Bench of Lincoln's Inn and former HM Counsel General for Wales, UK
- **Mr Michael Tuckett**, Director - Bank Secrecy Act / Anti-Money Laundering Compliance, New York State Department of Financial Services
- **Mr Frank Cihlar**, former Senior Counsel for International Tax Matters, Criminal and Appeals Tax Enforcement Policy Section, Tax Division, United States Department of Justice, USA

Closing Remarks

- **Professor Barry A.K Rider**, Founder and Executive Director and Co-Chairman of the Symposium, and Professorial Fellow, Centre of Development Studies, University of Cambridge, UK
- **Mr Saul M Froomkin QC**, Chairman of the Symposium, Director and Head of Litigation, BeesMont Law Limited and former Attorney General of Bermuda

Alternative Programme – Saturday 10th September – Coleridge Room

WHISTLE-BLOWING – THE PRACTICAL ISSUES

An alternative programme under the auspices of **Whistle-blowers UK**

08:00 Keynote Address

- **Mr Tom Lloyd**, Chairman, Whistle-blowers, UK and former Chief Constable of Cambridgeshire Constabulary, UK

08:15 **Session I: Who is a whistle-blower? – the critical issue when establishing a case to answer**

Chair: **Ms Georgina Halford-Hall**, CEO, Whistle-blowers UK

- **Mr Lawrence Davies**, Solicitor, Equal Justice Solicitors, UK
- **Mr Simon Natas**, Partner, ITN Solicitors, UK
- **Ms Kate Kenny**, Reader, Queens Management School, Queens University, Belfast, UK
- **Dr Edwin Jeusudason**, Chairman, Patients First, UK
- **Mr Andrew Bousfield**, Barrister, 3PC and Journalist, Private Eye, UK
- **Mr Ian Puddick**, Management Consultant, UK
- **Ms Margaret Finerty**, Partner, Getnick & Getnick, New York, USA

10:45 Coffee

11:00 **Session 2: Protecting the evidence and the Whistle-blower – to whom does the whistle-blower speak out to?**

Chair: **Mr John Hendy QC**, Old Square Chambers, London, UK

- **Mr Ian Able**, Solicitor and Head of Employment Law, Michael Lewin Solicitors UK
- **Dr Raj Mattu**, Whistle-blower, researcher and consultant cardiologist, National Health Service, UK
- **Mr Julian Panayiotou**, former Detective Sergeant, Metropolitan Police and founding Director of the Independent Police Support Group, UK
- **Mr Neil Getnick**, Managing Partner, Getnick & Getnick, New York, USA
- **Dr Mike Pierce**, Chairman, the Southmead Project, UK
- **Mr Andrew Bousfield**, Barrister, 3PC and Journalist, Private Eye, UK

13:00 Lunch in Hall and Upper Hall

14:00 **Session 3: The buck stops with the boss! Examining the dilemmas associated with managing disclosures and those who speak truth to power from a Senior leadership perspective and setting the tone from the top**

Chair: **Mr Michael Ashe QC SC**, 9 Stone Buildings, London, Co-Chairman of the Symposium, Recorder of the Crown Court, England and Wales and Master of the Bench of the Middle Temple, UK

- **Mr Nadeem Thanvi**, Managing Partner, ITN Solicitors, UK
- **Mr Andrew Rowson**, Operations Director, Whistleblowers, UK
- **Mr Neil Getnick**, Managing Partner, Getnick & Getnick, New York, USA
- **Ms Maggie Civiter**, former Safe-guarding Officer, North Somerset County Council, UK
- **Mr Ben Harris-Quinney**, former Chairman of the Bow Group, Conservative Party, UK
- **Mr Liam Docherty**, Advisor, Public Concern at Work, UK

16:15 Session 4: Protection v. compensation, a compelling argument for both, discussing the role of the state, organisations and individuals – with practical case studies

Chair: Ms Georgina Halford-Hall, CEO, Whistle-blowers UK

- Mr Neil Getnick, Managing Partner, Getnick & Getnick, New York, USA
- Dr Raj Mattu, Whistle-blower, researcher and consultant cardiologist, National Health Service, UK
- Mr Andrew Bousfield, Barrister, 3PC and Journalist, Private Eye, UK
- Mr Lawrence Davies, Solicitor, Equal Justice Solicitors, UK
- Dr Edwin Jeusudason, Chairman, Patients First, UK

17:45 Summary and action planning

Chair: Mr Tom Lloyd, Chairman, Whistle-blowers, UK and former Chief Constable of Cambridgeshire Constabulary, UK

18:30 Cocktails in the Marquee generously hosted by Whistle-blowers UK

19:45 Dinner in Hall and Upper Hall, Jesus College generously hosted by Mrs Wenli Song, President of the UK Sichuan Business Association

After-dinner Addresses by Professor Ian White, The Master of Jesus College and Deputy Vice Chancellor of the University of Cambridge, Van Eck Professor of Engineering and Head of the Photonic Research Group, University of Cambridge, The Rt Hon Sir John Mummery PC, QC, former Lord Justice of Appeal, England and Wales, President of the Intelligence Services Tribunal and the Investigating Powers Tribunal and Honorary Fellow of Pembroke College, University of Oxford, UK, The Hon John Maher III, Member and Speaker *pro tempore*, House of Representatives, Commonwealth of Pennsylvania and Vice Chairman, Centric Bank, USA and Mr Saul Froomkin QC, Chairman of the Symposium, introduced by Mr Nicholas Walmsley, Director, Head of Compliance and Risk Culture Training, Deutsche Bank AG, London, UK with a votes of thanks proposed by Ms Wendy Mead, Member of the Common Council of the City of London and former Sheriff of the City of London, UK and Professor Michael Waring, Emeritus Professorial Fellow, Jesus College and Emeritus Professor of Chemotherapy, Department of Pharmacology University of Cambridge, UK

Sunday, 11th September 2016

9:00 After breakfast participants in the 34th Cambridge International Symposium on Economic Crime may participate in one or more of the following think tanks held under 'Chatham House Rules'

Think Tank I: Cyber Crime

Co-Convenors: Mr Dave Porter, Associate Partner, Cognitive Solutions, IBM, UK; Mr Trevor Bedeman, Partner, London Risk, UK; Ms Sophia Qureshi, Head of Fraud Pre-Sales, Featurespace, UK; Ms Anne Green, Head of Development, 41st Parameter, Experian, UK; Mr David Johnston, Former Head, The National Technical Assistance Centre (NTAC), GCHQ, UK and former Commander, Special Operations, Metropolitan Police, UK and Dr Lez Rayman- Bacchus, Research Fellow, Winchester Business School, University of Winchester, UK

Think Tank II: Organised Crime in Post -Communist Societies

Co-Convenors: Professor William Tupman, Professor of Criminal Justice, BPP University and Research Fellow, University of Exeter, UK; Dr Mary Young, Lecturer in Law, University of the West of England, UK; Dr Anna Markovska, Lecturer in Criminology, Anglia Ruskin University, Cambridge, UK; Dr Ilona Karpanos, Lecturer in Criminology, City University, UK; Dr Li Xuebin, Ministry of Justice, UK and former People's Security Bureau, People's Republic of China; Ms Agnieszka Strykier, Intelligence Officer, Cambridgeshire Constabulary, UK; Mr Tom Martlew, Intelligence Officer, Cambridgeshire Constabulary, UK and Ms Martina Bedetti, Researcher, CROSS, Università degli Studi di Milano, Italy

Think Tank III: Governance - Where does the buck stop?

Co-Convenors: Professor Chizu Nakajima, Chair of Corporate Governance Special Interest Group, British Academy of Management, Professor of International and Comparative Law, BPP University, Affiliated Lecturer, University of Cambridge, and Emeritus Professor of Corporate Law and Governance, London Metropolitan University, UK; Mr Rod Dowler, Chairman, Industry Forum, Senior Research Fellow, Global Policy Institute, and former Partner, KPMG, London UK and Professor Wes Harry, consultant and Visiting Professor, Chester Business School, UK

Think Tank IV: Compliance

Co-Convenors: **Mr Nicholas Walmsley**, Director, Head of Compliance and Risk Culture Training, Deutsche Bank AG, London, UK; **Mr Richard Parlour**, Principal, Financial Markets Law International, UK; **Professor Philip Rutledge**, Partner, Bybel and Rutledge LLP and Visiting Professor in Law, BPP University and former Chief Counsel, Pennsylvania Securities Commission, USA and **Professor Andrew Haynes**, Director, Institute of Financial Law, University of Wolverhampton and Visiting Professor of Banking Law, BPP University UK

Think Tank V: Security, Intelligence and Policing

Co-Convenors: **Dr Shima D Keene**, Senior Fellow, Institute for Statecraft, London, UK; **Air Commodore Mark Ashwell**, UK RAF (Retired), Director, MLA Consultancy 42 and former Director of Intelligence Capability Strategy and Policy, Ministry of Defence, UK; **Mr Kenneth Murray**, Head of Forensic Accountancy, Police Scotland, UK; **Mr Richard Lowe**, Senior Manager, Risk Consulting, KPMG and formerly of Serious Organised Crime Agency/National Crime Agency, UK; **Mr David Chave**, Financial Investigator, SEROCU (South East Regional Organised Crime Unit) UK; **Mr Mark Turkington**, UK Head of Sanctions, HSBC and former Senior Manager Australian AML, Bribery and Sanctions Compliance, National Australia Bank, Australia; **Mr Clark Abrams**, Assistant District Attorney and Chief, Money Laundering and Financial Investigations Unit, Office of the Special Narcotics Prosecutor, City of New York, USA and **Mr Andrew Borene**, Senior Executive at IBM i2, Fellow, Georgetown University Center for Security Studies, and former Associate Deputy General Counsel at US Department of Defence, USA

Think Tank VII: The buck stops here – organised under the auspices of Whistle-blowers UK

Co-Convenors: **Mr Tom Lloyd**, Chairman, Whistle-blowers, UK and former Chief Constable of Cambridgeshire Constabulary, UK; **Ms Georgina Halford-Hall**, CEO, Whistle-blowers UK; **Mr Andrew Bousfield**, Barrister, 3PC and Journalist, Private Eye, UK and **Mr Simon Natas**, Partner, ITN Solicitors

The above programme is confirmed subject to where the contrary is indicated by an asterisk. Inevitably given the number of speakers and panellists there will be changes and a fully updated programme will be available on the website, www.crimesymposium.org

Workshops

Participation in the **non-plenary** workshops will be restricted so as to facilitate informal discussion. Registration for workshops will be on a first come basis. The convenors for each workshop are indicated in the programme, but discussion will be open to all those participating



UNIVERSITY OF CAMBRIDGE

Jesus College, Cambridge and the University of Cambridge

Jesus College was founded as a college, within the University of Cambridge, in 1496 by Bishop Alcock of Ely. The history of the College is, however, rather more ancient. An order of nuns occupied the site and buildings for at least two hundred and fifty years before this. Since the inception of the annual Cambridge Symposium, thirty-four years ago by Professor Barry Rider, the Master and Fellows of the College have been pleased to host the event and the College administers all financial matters pertaining to the programme.

The earliest record of the University of Cambridge is in 1209 so the University has recently celebrated its 800th anniversary. The University, consisting of over 100 departments, faculties and schools, is rated as the world's foremost research university. A number of the University's centres and programmes are involved in supporting the annual Cambridge Symposium on Economic Crime.



CIDOEC

The Centre for International Documentation on Economic and Organised Crime (CIDOEC)

CIDOEC was established as a non-profit making organisation and network in 1988 to promote collaborative and comparative research in the prevention and control of organised and economic crime. It is based in Cambridge, although it has branches in southern Africa, North America, Latin America and the Far East. The Chairman of CIDOEC's Advisory Board is Mr Saul M Froomkin QC, OBE, a former Attorney General of Bermuda. The Journal of Financial Crime and the Journal of Money Laundering Control are published by Emerald Group Publishing Limited under the auspices of CIDOEC.



The Institute of Advanced Legal Studies and the Society for Advanced Legal Studies

The IALS was established in 1947 and is a constituent member of the School for Advanced Study of the University of London. Although part of the University of London, the Institute's role is national, and is funded by government on this basis. Its library is the national law library and the Institute's research staff are concerned with promoting and conducting research across a broad spectrum of legal and related issues.



National Crime Agency

The NCA leads, supports and co-ordinates the response against serious and organised crime affecting the UK with a national and international reach and the mandate and powers to work in partnership with other law enforcement organisations. It incorporates a number of commands including the Economic Crime Command and the National Cyber Crime Unit. The commands are supported by a central Intelligence Hub. The Economic Crime Command is tasked with leading and co-ordinating the response to economic crime affecting the U.K., including amongst others: fraud; cyber-enabled fraud; bribery and corruption; intellectual property crime and market abuse.



City of London Police

The City of London's Police are entrusted as the National Lead Force for fraud on behalf of the UK Police Service. They lead the police service fight against fraud and economic crime.



The Serious Fraud Office of England, Wales and Northern Ireland

The Serious Fraud Office is an independent government department, operating under the superintendence of the Attorney General. Its purpose is to protect society by investigating and, if appropriate, prosecuting those who commit serious or complex fraud, bribery and corruption and pursuing them and others for the proceeds of their crime. Its Director is David Green CB QC.

The Organising Institutions of the Thirty-Fourth Cambridge International Symposium on Economic Crime and Jesus College, Cambridge wish to acknowledge the generous support of the following sponsors:

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CIDOEC

**For information on other CIDOEC programmes and
The Journal of Financial Crime and *The Journal of Money Laundering Control*,
Please contact**

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The Cambridge International Symposium on Economic Crime

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Fax: +44 (0) 1223 872160

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2018/1/2

PROTECT

CO P 1A FORM

Establishment:

PRISONER'S APPEAL AGAINST
THE RESPONSE TO A FORMAL COMPLAINT

Serial N°:

Read these notes first

1. This form is for you to appeal against the response to the written complaint which you have made.
2. Say why you are not satisfied with the response to your complaint. Be brief and to the point.
3. When you have completed the form, sign it and post it in the box provided.
4. If you are still not satisfied, you have the right to refer your complaint to the Prisons and Probation Ombudsman.

Your details (use BLOCK CAPITALS)

Surname:	First name(s):
Prison number:	Location:
Original Complaint Log Number:	

Your appeal: say why you are not satisfied with the response to your complaint

Signed :

PROTECT

Date:

Manager's response

[A large rectangular area with a black border, intended for the manager's response. The area is mostly blank, with some faint horizontal lines visible, suggesting it was part of a lined document.]

Name in block capitals:

Position:

Signed:

Date:

COMP 1 FORM

Establishment:

PRISONER'S FORMAL COMPLAINT

Serial N°:

THIS FORM IS FOR COMPLAINTS.

IF YOU ARE ASKING A QUESTION OR MAKING A REQUEST PLEASE USE THE APPLICATION SYSTEM.

Read these notes first

1. A written complaint should be made within 3 months of the incident, or of the relevant facts coming to your notice.
2. When you have completed the form, sign it and post it in the box provided.
3. If you are unhappy with the response, you can appeal on a separate form (COMP 1A FORM).
4. If you are unhappy with the response to your appeal, you can complain to the Prisons and Probation Ombudsman (PPO).
5. There is a separate pink form (COMP 2) for confidential access complaints.

Your Details (Use BLOCK CAPITALS)

Surname:	First name(s):
Prison number:	Location:

Who did you speak to?

--

Your complaint:

--

Is your complaint about violent or threatening behaviour? Yes No

Is your complaint about discrimination, harassment, or victimisation related to one of the legally protected characteristics (these are: age; disability; race; sex; religion; transgender; sexual orientation) Yes No

(If Yes, please explain why within your complaint).

What would you like to see done about your complaint?

Signed

Date

Response to the complaint *(including any action taken)*

Name in block capitals

Position

Signed

Date

COMP 2 FORM

Establishment:

PRISONER'S FORMAL COMPLAINT UNDER CONFIDENTIAL ACCESS

Serial N°:

Read these notes first

1. This form is for you to make a formal written complaint under confidential access to the Governor, the Deputy Director of Custody, or the Chairman of the Independent Monitoring Board.
2. Confidential access is appropriate when your complaint is about a particularly serious or sensitive matter which you are reluctant to discuss with wing staff.
3. Keep your complaint brief and to the point.
4. Seal the form in an envelope, addressed to the person you wish to consider the complaint, and post it in the box provided.
5. You have the right to refer your complaint to the Prisons and Probation Ombudsman (PPO) if you are not satisfied with the response.

Your details (use BLOCK CAPITALS)

Surname	First name(s)
Prison number	Location

Who do you want to consider your complaint? (Tick one box)

- The Governor
The Deputy Director of Custody
The Chairman of the Independent Monitoring Board

Is your complaint about violent or threatening behaviour? Yes No

Is your complaint about discrimination, harassment or victimisation related to one of the legally protected characteristics (these are: age; disability; race; sex; religion; transgender; sexual orientation)? Yes No
(If Yes, please explain why within your complaint).

Why are you using the confidential access procedure?

Your complaint

[Large empty box for writing the complaint]

What would you like to see done about your complaint?

[Large empty box for writing suggestions for action]

Signed:

Date:

Response by the Governor, the Deputy Director of Custody, or the Independent Monitoring Board.

[Large empty box for the official response]

Name in block capitals

Position

Signed

Date



Application
to see the IMB

IMB LOG DATE

Name

Number

Location

Have you already spoken
to PRISON STAFF?

Yes No

Have you used the PRISON COMPLAINTS
PROCEDURE for this matter?

Yes No

Have you had a reply?

Yes No

What are your concerns?

I consent to the IMB investigating my concern and understand that this investigation may include the IMB discussing the concern raised with prison staff and others on a confidential basis

Signature.....Date.....

**For IMB
use only**

IMB notes

Action taken

Member name (please print)

Member's signature

Date