When arbitration meets crime

31 January–2 February 2024, Renaissance Hotel, São Paulo

Topics include:

- Discovery of criminal offences by the arbitral tribunal
- Challenges in sport arbitration (match fixing)
- Due diligence and red flags to prevent and handle frauds
- Fake arbitrations
- Parallel arbitration / criminal proceedings and the use of evidence
- Annulment, revision, enforcement of an arbitral award tainted with fraud
Programme

Conference Co-Chairs
Andre Abbud  BMA Advogados, São Paulo; Newsletter Editor, IBA Arbitration Committee
Saverio Lembo  Bär & Karrer, Geneva; Committee Liaison Officer, IBA Criminal Law Committee

Wednesday  31 January
1900 – 2100  Opening cocktail

Thursday  1 February
0800 – 1600  Registration
0900 – 0915  Opening remarks by Conference Co-Chairs
0915 – 1045  Discovery of criminal offenses by the arbitral tribunal
In the course of the arbitration, the tribunal may discover that criminal offences such as bribery, corruption and money laundering might have been committed. What should the tribunal do in that situation? What are the applicable laws at play? Does the tribunal have a duty to investigate in order to ascertain whether these criminal offences have been committed, and, if so, what is the applicable standard of proof? Does the tribunal have a duty to report these criminal offences to the authorities, and if so, which authorities? What happens if the tribunal fails to report these offences to the authorities? Does the approach differ depending on the parties, as well as whether this is a commercial or investment arbitration? The panel will discuss these perplexing issues at the session.

1045 – 1115  Coffee/tea break
1115 – 1245  Match fixing: the ultimate criminal game
How is it that the ultra-favourite basketball team of the tournament lost over the least favourite one? What happened to this promising young tennis player that suddenly surrendered one entire set, then the match, to a second-rate player almost no one bet on? The reason might well lie in the ultimate manipulation of the sport business: match fixing and its string of related criminal offences. But how can the sport institutions evidence this? Do the arbitral tribunals have the capability to find out the truth? Will the prosecutors and police help by sharing their own findings? Can modern technology be of any assistance? How can match fixing be prevented? Are the sanctions adapted to the seriousness of a worldwide threat over the sport, its business, its image and its spirit? With trained experts from all over the world, the panel will discuss the path to a more ethical competition.

1245 – 1415  Lunch

IBA Harassment Policy
IBA conferences provide unrivalled professional development and network-building opportunities for international legal practitioners and their professional associates. The IBA values the participation of every delegate and member of the IBA and wants all attendees to have an enjoyable and fulfilling experience. Accordingly, all conference attendees are expected to show respect and courtesy to other attendees, IBA staff and those involved with hosting the events throughout the conference and at all conference events, receptions, and parties, whether officially organised by the IBA or others. All delegates, guests, attendees, speakers, exhibitors, staff and volunteers at any IBA event are required to conform to the IBA Harassment Policy.

See  www.ibanet.org/conferences/harassment-policy.aspx
1415 – 1545  
**To prevent or to prosecute? That is the question – arbitration proceedings in relation to due diligence and fraud red flags**

Arbitration cases and due diligence can have different connections, with criminal law implications on the background. Sometimes arbitral tribunals determine whether an investor has exercised due diligence in light of certain circumstances, that may have criminal relevance. Sometimes it is the other way round: before performing a transaction, the companies involved carry out a due diligence, which leads to the discovery of warning signs from a criminal law perspective and, consequently, to a claim to be managed through an arbitration. Time is often a key factor: red flags in terms of prevention or prosecution of potential frauds shall be taken into account within proper timeframes for both criminal and arbitration cases. How all these tricky situations can be properly faced from both an arbitration and a criminal law perspective?

1545 – 1600  **Coffee/tea break**

1600 – 1730  
**From fake arbitrations to awards based on fraudulent evidence**

The panel will discuss matters related to sham arbitration organisations, fraudulent arbitrations and arbitral awards based on fraudulent evidence (eg, deepfake and other types).

1930 – 2200  
**Welcome reception offered by the local Host Committee**

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**Friday 2 February**

0900 – 1130  **Registration**

0930 – 1100  
**Parallel proceedings – arbitrators between a rock and a hard place**

The panel will discuss different issues arising from the intersection between criminal proceedings (investigation, prosecution, trial) and commercial or investments arbitrations. Should arbitrators stay arbitrations pending the outcome of criminal proceedings? How should they treat for purposes of the arbitration the evidence given and the result that may issue in criminal proceedings? How should they deal with a request to share outside of the arbitration the information gathered in the arbitration? Do criminal investigations deserve a different treatment in investment arbitrations when the state is relying upon an investigation as a defence?

1100 – 1130  **Coffee/tea break**

1130 – 1300  
**Is crime the solution? Criminal issues as artillery against arbitral awards**

This panel will discuss issues such as: (1) the use of criminal law as a tactic to disrupt arbitral proceedings and to vacate awards; (2) attacks to arbitrators, to the proceedings and other issues raised as grounds to challenge unfavourable awards; (3) criminal behaviour that may jeopardise the arbitration; and (4) the consequences of the annulment of awards by fraud.
Language
All conference working sessions and conference materials will be in English.

How to register
Register online by 19 January 2024 at www.ibanet.org/conferencedetails/CONF2440 and make payment by credit card to avail of the ten per cent online registration discount or complete the attached registration form and return it to Gustavo Coelho at gustavo.coelho@int-bar.org. You should receive emailed confirmation of your registration within five days; if you do not please contact Gustavo Coelho.

Fees

Online registrations received:

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After 19 January 2024 registrations must be received in hard copy at the IBA office.

Hard copy registration forms and fees received:

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* The IBA Corporate Group Member is a reduced rate offered to the in-house legal department of international corporations. This rate is only applicable if your company has a corporate group membership with the IBA.

** By paying the non-member fee, we welcome you as a delegate member of the IBA for the year in which this conference is held, which entitles you to the following benefits:
(1) Password access to certain parts of the IBA website.
(2) Receipt of IBA E-news and access online versions of IBA Global Insight.
(3) Pay the member rate for any subsequent IBA conference registrations for this calendar year.
(4) Take advantage of IBA Special Offers.

If you would like to become a full or general member of the IBA, which includes membership of one committee or more – and inclusion in and access to our membership directory – we encourage you to do so now in order to register for this conference at the member rate. Full details of how to join can be found at www.ibanet.org

A reduced rate is offered to lawyers who are over the age of 65, have been an IBA member for more than 20 years and are no longer practising law.

Full payment must be received in order to process your registration.

Fees include:
- Attendance at all working sessions on 1 and 2 February
- Conference materials, including any available speaker’s papers presented at the conference
- Access to the above conference working materials from the IBA website (www.int-bar.org) approximately seven days after the conference
- Lunch on Thursday
- Coffee/tea during breaks
- Invitation to Opening Cocktail on 31 January
- Invitation to the Welcome reception offered by the local Host Committee on 1 February

Guest fee includes:
- Invitation to Opening Cocktail on 31 January
- Invitation to the Welcome reception offered by the local Host Committee on 1 February

A guest must not be a member of the legal profession or seek to use the Conference as a business networking opportunity. Access to working sessions is not permitted for guests. Checks are made to ensure members of the legal profession are not registered as guests, if this is the case, registration will be refused unless the guest registers as a full delegate for the conference. Only registered guests (ie, those paying the guest fee) are eligible to participate in the social programme.

List of participants
In order for your name to appear in the list of participants, which will be made available seven days prior to the conference, your registration form must be received by 19 January 2024 at the latest.

Live delegate search
Delegates are able to use the live delegate search via the IBA website, in order to use this function delegates will need to be logged into their MyIBA. This will allow search access to up-to-date attendance lists.

Registration confirmation
All documentation regarding your attendance at the conference can now be obtained from the IBA website. Upon receipt of your payment for the conference a confirmation email will be sent containing instructions on how to download the documents. Registration confirmation will not be distributed by post.
Payment of registration fees by bank transfer or BACS payment
Registration forms received without proof of payment will NOT be processed until proof of payment has been received. US dollars: by bank transfer to the IBA account at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom. SWIFT address NWBKGBLI, IBAN GB55NWBG60730101286498

Please ensure that a copy of the bank transfer details is attached to your registration form.

Online credit card payments: by Visa, MasterCard or American Express. No other cards are accepted.

PLEASE ENSURE THAT YOUR NAME AND ‘CONF2440ARB&CRIME’ APPEAR ON ANY TRANSFER OR DRAFT.

Conference sell-outs
The IBA places its conference in venues of a suitable size for the event; however there are times when our conferences may sell out. Should this happen, prospective delegates will be informed and a waitlist will operate. The waitlist will function on a ‘first come, first served’ basis, subject to receiving registered delegate cancellations. The IBA will not be liable for any travel or accommodation expenses incurred by an individual who travels to the conference without a confirmed place at the event.

Cancellation of registration
If cancellation is received in writing at the IBA office by 15 December 2023, fees will be refunded less a 25 per cent administration charge. Refunds will be made minus any monies owed to the IBA. We regret that no refunds can be made after this date. Registrations received after 15 December will not be eligible for any refund of registration fees.

Provided you have cancelled your registration to attend an IBA conference in accordance with the terms of the ‘cancellation of registration’ clause included in the ‘Information’ section of the relevant conference programme, you must then confirm to us in writing at the IBA office as soon as possible but in no event later than one year (12 calendar months) from the date of any such conference all necessary details to enable an reimbursement owed to you to be paid. We regret that no refunds will be made after the date that is one year (12 calendar months) after the date of the relevant conference.

Hotel accommodation
A limited number of rooms have been reserved at the Unique Hotel for the nights of 31 January, 1 and 2 February.

Renaissance Hotel
Alameda Santos 2233
Cerqueira Cesar, São Paulo, Brazil
Tel: +55 (11) 3069 2821
reservas.brasil@marriott.com

The following rates are per room, per night and inclusive of breakfast. Service charges and local taxes are not included.

Deluxe single room R$835,00 (approx. US$165)

Reservations are subject to availability.

Please access https://www.marriott.com/events/start.mi?id=1696606429798&key=GRP or contact the reservations department at reservas.brasil@marriott.com or call +55 (11) 3069 2821 and mention you are attending the IBA conference to make your reservation under the discounted fee. The hotel requires the guarantee through a credit card to secure your reservation, in case of no show and late cancellations.

Any cancellation or modification will incur a penalty charge of 1-night stay. The same applies for no-shows. Delegates are responsible for making accommodation reservations and entering into an agreement with the hotel regarding credit card guarantees, cancellation terms and conditions, and room rates (should these differ from the special IBA rate). The IBA cannot accept responsibility for hotel accommodation disputes between a delegate and the hotel.

Unauthorised accommodation agents
The IBA is not using any travel or accommodation agents for this conference. To make your reservation please contact the hotel directly. This is the only official accommodation booking system.

Disabled access
The Renaissance Hotel is wheelchair accessible. Please notify us if you require special assistance.
Dates to remember

- **15 December 2023** is the date by which your registration form and payment must be received at the IBA office if you are taking advantage of the early registration fee and is the date by which any cancellation must be received at the IBA office in order for fees to be refunded, less a 25 percent administration charge. No refunds can be made after this date.

- **19 January 2024** is the date by which your registration form and payment must be received at the IBA office in order for your name and company to be included in the list of participants, which will be made available seven days prior to the conference. After this date no registration forms can be accepted at the IBA office – please therefore register at the conference.

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**Social programme**

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The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).
Registration form

When arbitration meets crime
31 January – 2 February 2024  Renaissance Hotel, São Paulo, Brazil

Please read the ‘Information’ section before completing this form and return it together with your bank transfer to Gustavo Coelho at the address overleaf.

REGISTER ONLINE AT WWW.IBANET.ORG/CONFERENCE-DETAILS/CONF2440 TO MAKE IMMEDIATE AND SECURE PAYMENT BY CREDIT CARD AND OBTAIN A 10 PER CENT DISCOUNT ON THE FEES BELOW

PERSONAL DETAILS (Please attach your business card or write in block capitals)

Title________________ Given name ____________________________________________ Family name _____________________________________________

Name and country to be shown on badge (if different from above) __________________________________________________________________________ Date of birth ______________________

Firm/company/organisation ______________________________________________________________________________________________________________

Address ____________________________________________________________________________________________________________________________ Country ____________________________________________

Tel _____________________________________________________________ Fax ________________________________________________________________

Email ______________________________________________________________________________________________________________________________

Guest ______________________________________________________________________________________________________________________________

SPECIAL DIETARY REQUIREMENTS

If you have special dietary requirements, due to allergen intolerances, medical, religious reasons or a life choice, please specify the requirement below. The IBA is unable to cater for dietary requirements other than for the above reasons.

☐ Please tick box if you have allergen intolerances and specify __________________________________________________________________________

☐ Please tick box if your guest has allergen intolerances and specify _______________________________________________________________________

Please state all other dietary requirements clearly, i.e. I am a vegetarian; I do not eat red meat.

Disclosure of dietary information denotes you have agreed to the IBA sharing this information with relevant third parties who are providing catering on our behalf.

TO OBTAIN A TEN PER CENT DISCOUNT ON THE FEES BELOW, PLEASE REGISTER BY 19 JANUARY 2024 ONLINE AT WWW.IBANET.ORG/CONFERENCE-DETAILS/CONF2440 IBA MEMBERS CAN REGISTER ONLINE BY 15 DECEMBER 2023 FOR US$850 PLEASE SEE ‘INFORMATION’ FOR FURTHER ONLINE REGISTRATION DETAILS.

HARD COPY REGISTRATION FORMS AND FEES RECEIVED:

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Guests are not entitled to attend the working sessions. No member of the legal profession may be registered as a guest.
**THE IBA CORPORATE GROUP MEMBER IS A REDUCED RATE OFFERED TO THE IN-HOUSE LEGAL DEPARTMENT OF INTERNATIONAL CORPORATIONS. THIS RATE IS ONLY APPLICABLE IF YOUR COMPANY HAS A CORPORATE GROUP MEMBERSHIP WITH THE IBA.**

**JOIN THE IBA TODAY AND REGISTER FOR THIS CONFERENCE AT THE IBA MEMBER RATE. PLEASE FIND THE MEMBERSHIP APPLICATION FORM AT WWW.IBANET.ORG.**

A REDUCED RATE IS OFFERED TO LAWYERS WHO ARE OVER THE AGE OF 65, HAVE BEEN AN IBA MEMBER FOR MORE THAN 20 YEARS AND ARE NO LONGER PRACTISING LAW. PLEASE CONTACT THE IBA OFFICE FOR FURTHER INFORMATION.

FULL PAYMENT MUST BE RECEIVED IN ORDER TO PROCESS YOUR REGISTRATION. PLEASE NOTE THAT REGISTRATIONS ARE NOT TRANSFERABLE.

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**METHODS OF PAYMENT**

**By credit card**
Register online at www.ibanet.org/conference-details/conf2440 and make immediate and secure payment by credit card.

**Note:** please do not send your credit card details on the registration form or within an email or fax.

**By bank transfer and BACS payment**
Registration forms received without proof of payment will NOT be processed until proof of payment has been received.

**US dollars:** by bank transfer to the IBA account at the National Westminster Bank, St James’s & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.

SWIFT address NWBKGB2L, IBAN GB55NWBK60730101286498

Please ensure that a copy of the bank transfer details is attached to your registration form.

Use the exchange rate prevailing at the time of registration.

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**WHERE DID YOU FIRST HEAR ABOUT THIS CONFERENCE?**

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The International Bar Association would like to keep in touch with you about relevant news, events, publications and membership. You can opt out of receiving information at any time by emailing member@int-bar.org or by logging into My IBA and updating your preferences. Your details will be included in the list of participants. If you do not want your details to be included in the list, please email confs@int-bar.org.

For further details on how your data is used and stored: www.ibanet.org/web_privacy_policy.aspx

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**PLEASE SEND THE COMPLETED FORM TO INTERNATIONAL BAR ASSOCIATION LATIN AMERICA OFFICE:**

**Gustavo Coelho**
RUA HELENA 170, 14º andar, São Paulo, SP 04552-050, Brasil
Tel: +55 (11) 3046 3320 Fax: +55 (11) 3046 3324
email: gustavo.coelho@int-bar.org www.ibanet.org
The International Bar Association (IBA), established in 1947, is the world’s leading organisation of international legal practitioners, bar associations, law firms and law societies.

The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 individual lawyers and more than 190 bar associations and law societies spanning over 170 countries.

Inspired by the vision of the United Nations, the IBA was founded in the same spirit, just before the Universal Declaration of Human Rights was proclaimed in 1948.

The IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to-date information, enabling them to better represent their clients’ interests.

Through its various committees, fora and task forces, the IBA facilitates the exchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of law around the globe.

**IBA Arbitration Committee overview**

The IBA Arbitration Committee focuses on laws, practice and procedures relating to the arbitration of transnational disputes. Through its conferences, publications and projects, the Committee seeks to share information about international arbitration, promote its use and improve its effectiveness.

Become a member of the Committee to benefit from networking opportunities, the opportunity to read and write IBA publications and discounts on conferences and webinars.

**IBA Business Crime Committee overview**

The Business Crime Committee’s primary objective is to provide a forum for members to meet and discuss, address and advocate on core and recently developing white collar issues. The Committee’s goal is also to promote awareness within the business community and among transactional lawyers of the growing significance of novel criminal defence tactics. The Committee has recently been focusing on the new trends of international cooperation in criminal matters. Other topics covered in recent seminars and conferences include discussions on money laundering issues, cyber crime, internal investigation challenges and strategies, and on the new legal framework designed to combat bribery and corrupt practices in international business transactions.

**IBA Criminal Law Committee overview**

The Criminal Law Committee provides a forum for members from many countries and criminal justice systems to meet regularly, communicate, exchange views, and monitor developments in substantive and procedural criminal law. The committee focuses on developments of transnational and international significance. The interaction and cooperation within the committee keeps members informed of developments in criminal law and criminal procedures through newsletters and appointed rapporteurs.

**Contact information**

**International Bar Association**

**Latin America Office**
Rua Helena 170, 14º andar, São Paulo, SP 04552-050, Brasil
Tel: +55 (11) 3046 3321
Fax: +55 (11) 3046 3324
Email: sao.paulo@int-bar.org
www.ibanet.org

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