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In A Global Context

22nd Forum

Fraud, Asset Tracing & Recovery

NETWORK WITH AND
HEAR FROM SPEAKERS FROM
OVER 13 JURISDICTIONS

Up to
15.5 CPD

Europe's Leading Legal Conference on Civil Fraud Investigation,
Litigation and Asset Recovery

19-20 April, 2012 • Grand Hotel Kempinski, Geneva, Switzerland

HEAR FROM THE EXPERTS:

XXIV Old Buildings
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CHAired BY:

Robert Hunter
Joint Head of Fraud Litigation
and Head of Trust Litigation
Herbert Smith LLP

Keith Oliver
Head of Commercial Fraud Litigation
Peters and Peters

NEW TOPICS, INSIGHTS AND STRATEGIES FOR 2012:

- Discover how the European Account Preservation Order will affect recovery professionals and how to prepare for its impact
- How to overcome the challenges of tracing into complex estates
- How to approach recovery actions arising from the Arab Spring
- The essential guide to investigating fraud and recovering assets in the Baltic and the Balkan states
- Whistleblowers' protection - Opportunities, tactics and strategies emerging from the latest developments in Switzerland and Germany
- Insiders Guide: Discover how you can benefit from understanding a prosecutors' insight into expediting asset tracing and recovery procedures
- How civil contempt proceedings are being utilised in fraud cases and why it matters

**JOIN LEADING MINDS IN THE WORLD OF FRAUD ASSET TRACING AND
RECOVERY FOR TWO DAYS OF INTERACTIVE DEBATES, EXPERT ADVICE
AND UNPARALLELED NETWORKING OPPORTUNITIES.**

Networking Drinks Reception Co-hosted by:

ASTIGARRAGA DAVIS
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Networking Luncheon Day One

Networking Luncheon Day Two

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It has proven to be an immensely useful event – very informative, interesting and a marvellous way to get to know a wide range of those engaged in the business..”

Wayne Harber, CEO, Blackhawk Investigations LLP, C5 Fraud Geneva 2011

Dear colleague,

As you are aware the current scale of fraudulent activity in Europe shows little sign of abating. Whilst companies have stepped up their efforts to combat fraud, the perpetrators are becoming increasingly sophisticated and innovative in their methods. In order to effectively assist your clients in retrieving hidden property in highly complex structures, it is vital that you get an in-depth understanding of current tactics, strategies and best practices which will facilitate successfully recovery actions.

There has never been a better time to join your fellow fraud professionals in Geneva at C5's European Fraud, Asset Tracing and Recovery forum. This is the most comprehensive, innovative and practical forum dedicated to the tracing and recovery of fraudulently obtained or hidden assets. An international panel of experts will share their insights and experiences, and will guide you through the maze of cutting edge techniques needed to trace and recover assets in a multitude of jurisdictions. In addition, by attending you will gain exclusive opportunities to extend your network of contacts amongst lawyers, forensic accountants and recovery experts from around the world.

Top Reasons to Attend this Industry Leading Event:

- Hear from leading experts from Serbia, Spain, Estonia, Cyprus, BVI, Austria, Switzerland, France, Germany, Luxembourg, Hong Kong, USA and the UK
- Take part in interactive panel discussions on critical issues including the **European Account Preservation Order** and **recovery actions arising from the Arab Spring**
- Gain insight from highly topical case studies – including the latest on the Hong Kong fraud cases of Moulin and Akai, ongoing **Stanford litigation** and a **\$15.5 billion Madoff asset recovery**
- Unparalleled networking opportunities: Join your peers at the annual **Fraud and Asset Tracing Drinks Reception** on 19th April 2012 and on the **Ski slopes** after the event

No other conference is so detailed in its analysis of the complex issues involved in fraud cases and no other conference has the experience of the speakers taking part in this event.

We look forward to welcoming you to Geneva in April.

Yours faithfully,

Simon Yeowart
Divisional Manager
C5 Fraud Conferences

Networking Drinks Reception Co-hosted by:

ASTIGARRAGA DAVIS
The Power of Focus

Astigarraga Davis is a specialized commercial law firm with a practice focused on asset recovery and financial fraud (representing victims of fraud and corruption), bankruptcy and creditors' rights litigation (representing banks and other creditors), and international litigation and arbitration. Our firm has located and pursued fraudsters who have victimized governments, financial institutions, private entities and individuals. www.astidavis.com



Martin Kenney & Co.
Solicitors

Martin Kenney & Co., Solicitors based in the British Virgin Islands is recognised as a preeminent law firm in the highly specialised field of fraud investigation, asset-tracing and recovery. Our team of lawyers, investigators and forensic accountants is happy to support C-5's annual forum on fraud and asset recovery which brings together the very best specialists in the field.



NEOCLEOUS

Andreas Neocleous & Co LLC is the largest law firm in the South-East Mediterranean region, and is regarded by all the major independent legal research organisations as Cyprus's leading firm in terms of quality and market presence. Headquartered in Limassol, Cyprus's main commercial and shipping centre, the firm also has offices in Nicosia and Paphos, and a network of offices in mainland Europe. The firm is the Cyprus member of Fraudnet, a network of law firms with particular expertise in asset recovery.

Associate Sponsors:

GALL | LITIGATION

Gall is one of Hong Kong's leading independent firms and is entirely focused on litigation. Gall has extensive experience in handling highly complex litigation and is frequently engaged in multi-jurisdictional disputes. Gall has a broad portfolio of institutional, corporate and private clients, both domestic and foreign.

As one of Hong Kong's most active litigation practices, Gall is frequently engaged by foreign law firms on major cases and has established strong working relationships throughout the global legal market.

ADDLESHAW GODDARD

Addleshaw Goddard provides advice for clients on multi-jurisdiction matters through our close relationships with high quality, independent firms around the world. We take a different approach in different regions with a common element of integrated, seamless service for our clients. We have special expertise in the major jurisdictions of Europe, in North America (inbound and outbound), and in some of the emerging markets. We build our relationships with other firms on our shared values and vision, and a mutual commitment to client service. We direct significant resources to ensuring that our relationships work both on a personal and a professional level.

Networking Luncheon Day One

SHELLENBERG WITTMER

Schellenberg Wittmer is one of the leading business law firms in Switzerland. Over 130 lawyers in Geneva and Zurich advise clients from around the world on all aspects of business law. The firm has a worldwide network of foreign correspondents and has considerable experience in managing international projects with law firms in other countries. www.swlegal.ch

Session Sponsor:

COTTY VIVANT MARCHISIO & LAUZERAL

Cotty Vivant Marchisio & Lauzeral is a French law firm comprising more than 40 lawyers and offices in Paris, Tokyo, Singapore and Dubai. The firm is a recognised leader on the French market in Asset Tracing & Recovery. www.cvml.com

WHO SHOULD ATTEND?

- Solicitors and barristers specialising in fraud, banking litigation and insolvency litigation
- Forensic accountants and litigation support accountants
- In-house lawyers, risk analysts and heads of financial crime from:
 - banks and other financial institutions
 - public enforcement bodies
 - insurers
 - corporates
- Private investigators and other recovery specialists

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C5, along with our affiliate organisations in New York, American Conference Institute (ACI) and in Toronto, The Canadian Institute (CI), works closely with sponsors to create the perfect business development solution catered exclusively to the needs of any practice group, business line or corporation. With over 500 conferences held in Europe, Russia and the CIS, China, India, the US and Canada, C5, ACI and CI provide a diverse portfolio of first-class events tailored to the senior level executive.

For more information about this program or our global portfolio, please contact: Dan Capel on +44 (0)20 7878 6870 or email d.capel@C5-Online.com.

To register call +44 (0) 20 7878 6888 or register online at www.C5-Online.com/FraudGeneva

MASTER CLASS

1.30pm – 5.00pm • 18 April 2012

A Practical Workshop On Everything You Need to Know To Conduct a Successful Investigation

Facilitated by Navigant Consulting

Internal investigations are increasingly a part of any fraud practitioner's daily work. Yet the skills that can determine the success or failure of the investigation are largely left to experience. This master class will be led by leading experts in international investigations, who will share their extensive experience in this field.

The content of the master class will be relevant to all practitioners whatever their discipline or jurisdiction.

The masterclass will explore all aspects of fraud investigations including:

- Conducting major investigations
- Legal implications of the investigation
- Dealing with witnesses
- Conducting interviews
- Dealing with electronic evidence
- Document management techniques

- The status of the legislation, timeframes and likely content
- Making use of EAPO's – scope, process, other national remedies, pitfalls
 - Applying for an EAPO – How will the courts in different countries react?
 - Impact on banks and debtors
 - Inadequate protection of debtors and banks?
- Which claims do qualify to obtain an EAPO?
- Is EAPO opening an avenue for information fishing?
- How will the cooperation work out between a court seized with an EAPO and the courts seized with substantive proceedings?
- Can an EAPO overcome bank secrecy?

10.35 **Morning Refreshments**

11.00 **Practical Strategies for Approaching Recovery Actions Arising from the Arab Spring**

Fabrice Marchisio

Partner, Cotty Vivant Marchisio & Lauzeral (France)

Paul McGrath QC

Essex Court Chambers (UK)

Benjamin Borsodi

Partner, Schellenberg Wittmer (Switzerland)

The Cases of Tunisia, Egypt and Libya

- Could it be a tipping point?
- Concretely, what did it change?
- The poison of judicial inertia
- How are Libyan assets being recovered in France?
- What new tools are being used to recover those assets?
- The role of the Swiss authorities in facilitating requests for mutual assistance
- Assessing the powers of governments to freeze assets where a dictator loses power regardless of whether a foreign request has been submitted
- The relationship and collaboration between the Treasury/Asset Freezing Unit and the new regime in the search for and handling of assets
- The relative merits of, and relationship between, state-backed methods of recovery and the ordinary civil process
- Freezing actions against persons associated with former ruling elites
- How to provide legal protection to people who have been added to the list of targeted individuals or entities

Trade Sanctions Regime Across Some Jurisdictions

- Legal framework: UN, EU and Swiss sanctions
- Various types of measures: freezing of assets, embargo, restrictions in trading etc
- Prohibitions, authorisations and reporting obligations
- Who should comply and what are the consequences of non-compliance
- Legal protection and remedies available

12.15 **Implementing the Latest Strategies for Managing Internal Investigations in Switzerland and Germany**

Paul Gully-Hart

Partner, Schellenberg Wittmer (Switzerland)

Kai Hart-Hoenig

Partner, Hart-Hoenig Rechtsanwälte (Germany)

- Whistle-blowers' protection: new trends and developments in Switzerland & Germany
- How to conduct an internal investigation without breaching statutory or regulatory requirements
- Retrieval of documents (including electronic documents) and data protection laws

Main Conference Day One: 19 April 2012

8.30 **Coffee and Registration**

8.55 **Chair's Opening Remarks**

Robert Hunter

Joint Head of Fraud Litigation and Head of Trust Litigation, Herbert Smith LLP (UK)

9.00 **Can't Play – Won't Play: How and When to Use Contempt and Committal Proceedings as a Tactic in Civil Fraud Litigation**

Robert Hunter

Joint Head of Fraud Litigation and Head of Trust Litigation, Herbert Smith LLP (UK)

Yacine Francis

Consultant, International Litigation & Arbitration, Chrysses Demetriades & Co LLC (Cyprus)

- 'People lie and nothing ever happens to them' – is it true?
- Setting it up in correspondence and elsewhere
- 'Endgame tactics' – Some issues relating to timing and strategy relating to allegations of contempt
- Understanding the practical difference between allegations of contempt and allegations of criminal offences
- The practical consequences of allegations of contempt and perjury
- International issues and extradition

9.50 **Discover How the European Account Preservation Order Will Affect You: Freezing Injunctions and More**

Dr Stefan Rützel

Partner, Gleiss Lutz (Germany)

François Kremer

Partner, Arendt & Medernach (Luxembourg)

- Interaction between an internal investigation and law enforcement action taken in Switzerland and/or abroad
- Defining the appropriate scope of an internal investigation as to legal duties and pragmatic reasons
- Dealing with disclosure obligations under corporate law, tax law and regulatory law
- Safeguards against the unintended use of findings by law enforcement agencies both domestic and foreign

13.00 Lunch Hosted by:

**SCHELLENBERG
WITTMER**

14.15 **Battle of the Billionaires: Lifting the Lid on Oligarch Litigation**

Mark Hastings

Partner, Addleshaw Goddard LLP (UK)

Ian Hargreaves

Partner, Addleshaw Goddard LLP (UK)

- Uniquely Russian stories: jurisdiction issues
- Historical context: secrets of the Wild East
- Sex, lies and videotape: evidence gathering and disclosure
- Practical tips and pitfalls
- The Abyazov case and how committal proceedings can be used as a tactic and to effect political control

15.30 **Afternoon Refreshments**

15.50 **Case Study – Stanford: The World Wide Battle Between an Antiguan Insolvency Estate, an SEC Equity Receivership, and the DoJ for Assets – are the Victims Losing Twice?**

Edward Davis

Founding Shareholder, Astigarraga Davis (USA)

Martin Kenney

Founding Partner, Martin Kenney & Co (British Virgin Islands)

- Stanford International Bank Ltd of Antigua (SIB) collapsed in February 2009 owing after restating the Ponzi accounts, approximately \$4.4 billion to over 21,000 depositors from over 140 countries
- A war erupted between two estates (US and Antigua) in Canada, the UK and Switzerland over control of assets of SIB assets. The Antiguan estate is recognised in Switzerland and the UK as the Foreign Main proceeding or its equivalent. The SEC Receiver is recognised in Canada. Does cooperation make sense?
- The US Department of Justice issued MLAT requests to Canada, UK and Switzerland – resulting in the freezing of \$360 million of assets held by SIB
- The Antiguan liquidators are locked in a struggle with the DOJ over control of these funds
- Under the DoJ's model of asset recovery, the victims will get 5 cents on the dollar of losses back. Under the Antiguan Liquidator's model, 2 cents per dollar is proposed to be spent to try and recover the balance of the approximately \$4.4 billion in net losses sustained. What is the preferred model?

16.35 **Examining the Relationship Between International Insolvency and Fraud and Asset Recovery Actions**

Noel Campbell

Partner and Licensed Insolvency Practitioner
Holman Fenwick Willan LLP (UK)

- The interplay of cross-border insolvency and fraud and asset recovery cases
- Approaches and best practices for insolvency related asset recovery
- Offshore jurisdictions - a magnet for fraud and the proceeds of fraud
- Working effectively with insolvency practitioners and forensic accountants in recovery actions
- The clash between civil insolvency and criminal confiscation
- The latest developments on the MF Global case including the return of client assets and client monies under the Special Administration Regime

17.25 **Chair's Closing Remarks and End of Day One**



Networking Drinks Reception

Main Conference Day Two: 20 April 2012

9.00 **Chair's Opening Remarks**

Keith Oliver

Senior Partner and Head of Commercial Fraud Litigation
Peters and Peters (UK)

9.10 **How to Chase Fraudsters throughout New Europe: An Advanced Guide to Investigating Fraud and Recovering Assets in the Baltic and the Balkan States**

Moderator

Keith Oliver

Senior Partner and Head of Commercial Fraud Litigation
Peters and Peters (UK)

Panellists

Florian Kremselehner

Partner, Dorda Brugger Jordis (Austria)

Tomislav Šunjka

Owner, Law Office of Tomislav Šunjka (Serbia)

Carri Ginter

Partner, Sorainen (Estonia)

- Recent experiences from Estonia and Serbia
- Austria's cross-border approach combining criminal prosecution, asset forfeiture and civil litigation
- The UK as primary and ancillary jurisdiction

10.20 **Morning Refreshments**

10.50 **Case Study: Complex Frauds in Hong Kong – Moulin and Akai**

Nick Gall

Partner, Gall Litigation (Hong Kong)

Lewis Man

Partner, Gall Litigation (Hong Kong)

- Hong Kong as a common law jurisdiction.
- Akai Case Study: The Liquidators' pursuit against the controllers of the company, Thai's Farmers Bank and the auditors, Ernst & Young
- Moulin Case Study: The events leading to the conviction of the former Chairman of Moulin

- Global Eyecare Holdings and the CEO, his son, Cary Ma on multiple fraud charges that resulted in losses of HK\$4.5 billion
- The provisional liquidators’ pursuit against auditors and their attempts to recover taxes paid in respect of fraudulently inflated revenues

11.50 **Enhancing Asset Tracing and Recovery Actions in Switzerland**

Pierre-Yves Mauron

Prosecutor Section of Complex Financial Cases – Geneva (Switzerland)

Pierre Schifferli

Partner, Schifferli Vafadar Sivilotti (Switzerland)

- The protracted process between the injunction and the allocation to victims
- How to get a seizure order in international matters
- Selected issues with asset allocations to victims
- Expediting proceedings: experiences and issues after one year in practice
- International mutual assistance for cases of corruption linked to proceedings and requests issued by countries in central and eastern Europe

12.30 **Case Study – How the Madoff Asset Recovery Team Built a Network to Conquer Cross Border Challenges and Why it Matters**

Javier Cremades

Chairman and Founding Partner
Cremades & Calvo-Sotelo (Spain)

This session will outline how a cross border alliance of law firms led to \$15.5 billion being recovered for affected investors in the Madoff case.

- International overview of the affected investors by the Madoff fraud
- Banco Santander case: negotiation; judicial showdown and multiple strategy
- Key to success: the possible loss of reputation of banks and financial institutions
- Madoff Case Global Alliance of Law Firms
- Is there a need for an International Financial Court?

13.00 **Lunch Hosted by:**

holman fenwick willan 

14.15 **Tips and Traps for Asset Tracing and Recovery Specialists When Dealing With the BVI & Cyprus**

Martin Kenney, Founding Partner,
Martin Kenney & Co (British Virgin Islands)

BVI

- Recent changes to legislation relating to disclosure for BVI registered companies
- Norwich Pharmacal/Bankers Trust disclosure relief
- BTA Bank v Fidelity
- Strategies for unravelling complex BVI trust structures
- The latest on Madoff and Stanford - what recoveries have been made in offshore jurisdictions?

Cyprus

Panayiotis Neocleous

Partner, Andreas Neocleous & Co LLC (Cyprus)

- The volume and types of fraud cases in the region
- Recent fraud cases in the region involving Russian companies
- Why Cyprus is a favoured jurisdiction for placing assets of Russian companies
- Interim remedies including “super injunctions”
- Discovery and Norwich Pharmacal Orders, recent trends by the Cypriot Courts
- The impact of the EAPO in Cyprus

15.00 **Grave Doubts: Cheating, Death and Other Skulduggery**

Sophie Eyre

Partner, Bird & Bird LLP (UK)

Stephen Moverley Smith QC, XXIV

Old Buildings (UK)

- Tracing and recovery of assets of an Estate where the deceased/Estate has been defrauded
- Overcoming the challenges of tracing into complex estates
- Challenging and setting aside apparent fraudulent “gifts” where the donor is dead
- Bearer shares on succession
- Equitable fraud – undue influence and duress.
- Equitable defences to proprietary claims

15.45 **Trial By Media: Do’s and Don’ts and Proven Strategies for Using the Media When Chasing Fraudsters**

David Rigg

Founder and Managing Director, Project Associates

- Media Issues: How and when the media can be an ally – or an adversary
- The internet and the dramatic growth of social sites: A problem or an opportunity?
- Messaging and audiences: Why getting it right is so important
- Co-ordination with legal teams: The risks of getting it wrong
- Crisis response: The first few hours set the tone

16.30 **Chair’s Closing Remarks and End of the Conference**

“Those of us who have been involved in C5’s Fraud and Asset Tracing Conference for many years regard it as the key event for fraud practitioners – and essential for key players in this hugely vibrant and challenging discipline, both domestically and internationally.”

Keith Oliver, Head of Commercial Fraud Litigation Peters and Peters

“The atmosphere at the Geneva C5 conference is always relaxed and informal. Not only is it an informative two days, it is a excellent way of renewing friendships and keeping in touch with fraud specialists from all over the world”

Robert Hunter, Joint Head of Fraud Litigation and Head of Trust, Litigation, Herbert Smith

Media Partners:



Fraud, Asset Tracing & Recovery

19-20 April, 2012 • Grand Hotel Kempinski, Geneva, Switzerland



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ADMINISTRATIVE DETAILS

Date: April 19 – April 20, 2012

Time: 8:30am – 17:15pm

Venue: Grand Hotel Kempinski, Geneva

Address: 19 Quai du Mont-Blanc, 1201, Geneva, Switzerland

Telephone: +41 (0) 22 908 9081

An allocation of bedrooms is being held for delegates at a negotiated rate until 16 March 2012. To book your accommodation please call Venue Search on tel: +44 (0) 20 8541 5656 or e-mail beds@venuesearch.co.uk. Please note, lower rates may be available when booking via the internet or direct with the hotel, but different cancellation policies will apply.

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Up to 15.5 hours towards Continuing Professional Developments hours (Solicitors Regulation Authority). Please contact C5 for further information on claiming your CPD points.

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Payment is due in full upon your registration. Full payment must be received prior to the event otherwise entry will be denied. All discounts will be applied to the Main Conference Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to individuals employed by the same organisation.

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