

## **The Accountability and Remedy Project and the Commerce, Crime and Human Rights Project – call for input from prosecutors**

In November 2014, OHCHR launched the [Accountability and Remedy Project](#), which seeks to contribute to a fairer and more effective system of domestic law remedies in cases of business involvement in severe human rights abuses, through reliable and practical recommendations and 'good practices' for States. One of the components of this project relates to the legal and practical challenges faced by domestic prosecution authorities in relation to cases of allegations of business involvement in gross human rights abuses. The project has a mandate from the Human Rights Council, and OHCHR will be reporting recommendations and findings to the Council in June 2016.

On 26 February 2014, ICAR and Amnesty International launched a joint project entitled "[Commerce, Crime and Human Rights: Closing the Prosecution Gaps](#)" which seeks to "develop recommendations for State practice in addressing ... prosecution gaps for corporate crimes". This project will result in of a set of Principles for State Action, endorsed by leading jurists and prosecutors.

To avoid unnecessary duplication of efforts, OHCHR, ICAR, and Amnesty International are [collaborating](#) in the information-gathering phases of their respective projects.

### **Request for interviews / written input**

In order to understand the practical challenges prosecutors face in bringing cases against corporations for involvement in human rights abuses, OHCHR, ICAR and Amnesty are interested in speaking *confidentially* with prosecutors from around the world through telephone or Skype interviews. Interested prosecutors are invited to contact Ms. Ragnhild Handagard at OHCHR at [bhrconsultant-rrdd@ohchr.org](mailto:bhrconsultant-rrdd@ohchr.org) or +1 202 280 3842. Prosecutors may also submit input in relation to the below questions via email.

### **Questionnaire**

1. Consider cases you have been involved with that have concerned prosecutions of *companies* (as opposed to individual managers and/or employees) for serious crimes (e.g. bribery, money laundering, securities fraud, violations of import and export regulations, serious offences under environmental or labour laws, etc.). In relation to each of these cases, what were the biggest challenges you faced? Did you consider the outcome(s) successful, and if yes, what made them so?
2. If you have been involved in any investigations or prosecutions of corporate defendants for serious crimes that had *a cross-border element*, what arrangements did you have with law enforcement bodies and prosecutors in other jurisdictions? What changes would you suggest to improve the functioning of such arrangements in the future?
3. What, in your view, are the biggest challenges that face investigations or prosecutions of corporate defendants?
4. When your office is handed a file with an allegation that a company has been involved in serious human rights abuses, what considerations do you take into account prior to making a decision about whether to proceed? Who do you need to consult and what inquiries would you make? Do you have access to the necessary resources at present?
5. If you could suggest three things that would help support you better in the undertaking of human rights related investigations or prosecutions of corporate defendants in cases of allegations of business involvement in serious human rights abuses, what would these be?
6. How can non-governmental organizations help authorities pursue such enforcement actions (e.g., by bringing cases to the attention of prosecutors, by providing comprehensive legal briefs and supporting evidence etc.)? How can engagement between NGOs and prosecutors be made more productive and effective?