

INTERNATIONAL ASSOCIATION OF PROSECUTORS

ANNUAL REPORT 2006- 2007

Introduction

This is the IAP's eighth formal Annual Report. As well as being available to participants at the General Meeting and to other members on request from the Secretary-General, it may be found on the IAP website (www.iap.nl.com).

Part 1

The IAP Year

104!

104 – the number of countries represented at the IAP's 11th Annual Conference in Paris. Ten years ago in Budapest the 1st conference took place, attended by 134 participants from 49 countries. That the Association has grown to a gathering of over 500 from over 100 countries is, we hope, a tribute to the activities of the IAP over the intervening decade but it is also symbolic of the need felt by prosecutors around the world to meet together and develop ties which will enhance their abilities to carry on their vital work for their societies.

The city of Paris provided a magnificent background for our gathering and the Palais Brongniart, the former French Bourse, was an excellent conference venue, combining traditional grandeur with state of the art conference facilities. The weather also favoured us towards the end of the week, although rainy days early on resulted in the rapid sale of IAP umbrellas!

Our hosts were the French Ministry of Justice and their commitment was evident from the top to the bottom of the organisation. We were honoured that the Minister, the Garde de Sceaux (Guardian of the Seals of the French Republics), M Pascal Clément, joined us at the opening reception on Sunday 27 August and, together with our President, Henning Fode, welcomed participants to our landmark event.

On the following morning, once we had completed the IAP Awards (see below), the Minister made a keynote speech which set the tone for the week's deliberations. He was followed by Jean-Louis Nadal (Procureur Général près la Cour de Cassation, France) who introduced Professor Peter Tak of Radboud University, Nijmegen, The Netherlands and IAP Vice-President, François Falletti. They outlined the issues which were to be discussed in our various sessions during the week in an analysis of the contrasts between discretionary and legality systems. A busy morning finished with plenary presentations on the context of the prosecutor, chaired by the Rt Hon the Lord Boyd of Duncansby, (Lord Advocate, Scotland, UK), in which the speakers were Ilie Botos (Counselor of the Prosecutor General, Romania), Sang-Myoung Choung (Prosecutor General, Korea), Daniel Bellemare, MSM QC (Assistant Deputy Attorney General, Canada) and Professor John Jackson (Professor of Public Law, Queen's University, Belfast, Northern Ireland, UK).

Before the afternoon was given over to discussions in workshops, former IAP President, Nicolas Cowdery AM, QC, introduced Claude Marin (Procureur de la République de Paris, France) and William Downer SC (Deputy Director of Public Prosecutions, South Africa) who

gave contrasting presentations on the civil and commercial roles of the prosecutor. That evening participants were entertained at a splendid dinner in the historic setting of the Palais de Justice on the Isle de la Cité.

Tuesday began with a keynote address from the Rt Hon the Lord Goldsmith (Attorney General, UK) and presentations on the aims of the prosecution from Daniel Bernard (Prosecutor General, Belgium), Joon-Gyu Kim (Deputy Minister of Justice, Korea) and Richard Rogers (Senior Counsel, Criminal Division, Department of Justice, U.S.A.). The session was chaired by Josaia Naigulevu (Director of Public Prosecutions, Fiji) who was only one of many participants whose baggage had gone astray en route to the conference. The traditional regional fora completed the morning and the afternoon was taken up with a session chaired by Carla Verissimo de Carli (Brazil) on the prosecutor beyond prosecution with presentations from Jean-Marie Huet (Directeur des Affaires Criminelles et des Grâces, Ministère de la Justice, France), David Green QC (Director, Revenue and Customs Prosecutions Office, United Kingdom), Ewa Nyhult (Deputy Director, Sweden), Gerhard Jarosch (Austrian Association of Prosecutors, Austria) and Vusi Pikoli (National Director of Public Prosecutions, South Africa). The presentations in this and many other sessions were followed by a stream of interesting questions and stimulating debate between participants and the speakers.

Our Wednesday programme began with an analysis of the issues connected with accelerated process with presentations from Kara Shead (Crown Prosecutor, Office of the Director of Public Prosecutions, New South Wales, Australia), Jean-Amédée Lathoud (Procureur Général, France), Robert Johnson (County Prosecutor, Anoka County, Minnesota, U.S.A.) and André Morin (Regional Director, Federal Prosecution Service, Montreal, Canada). The session was chaired by Annabel Phoya (State Advocate, Malawi). In a development of our previous practice the afternoon was given over to a wide-ranging discussion of relations with the media, facilitated by Daniel Bellemare with an intervention from James Hamilton (Director of Public Prosecutions, Ireland). That evening was memorable from two points of view - the reception in the delightful setting of the Ministry on the Place Vendôme and a ceremony involving one of our Vice-Presidents (see Congratulations below).

Our last morning began with feedback from the regional fora, chaired by Fredrik Wersäll, (Prosecutor General, Sweden) and from the workshops, chaired by the Secretary-General. Discussions moved to international issues as Nicolas Cowdery chaired a presentation by Luis Moreno Ocampo (Prosecutor at the International Criminal Court) and a session provided by Eurojust in which Eurojust members, Michael Kennedy, François Falletti, Knut Kallerud and Rosa Moran took part. The final working session was a question and answer session chaired by the President in which the panellists were Yves Bot (Procureur Général près la Cour d'Appel de Paris, France), Michael Bryant (Attorney General, Ontario, Canada), Ken Macdonald QC (Director of Public Prosecutions, England and Wales, UK), Mohamed Abdelmounim El Mejboud (Prosecutor General, Morocco), Candido Conde Pumpido Touron (Prosecutor General, Spain), and Keisuke Senta, (Deputy Director of the United Nations Asia and Far East Institute, Japan).

In our closing session Oleksandr Shynalsky invited members to attend the forthcoming Eastern European and Central Asian Regional Conference in Kiev. Grenville Cross then spoke of the attractions of Hong Kong and tempted us all to attend the next Annual Conference. The President thanked everyone who had helped to make the conference a success and Eric Bedos called all his team, headed by Isabelle Opsahl, onto the stage so that participants could show their appreciation. The conference closed with an excellent lunch in the Nef, the main (and very grand) hall of the Bourse.

Those members who were unable to be with us will be interested to read the papers which were presented on the IAP website - www.iap.nl.com.

We appreciate that the cost of attending a major conference such as this is not within reach of all our members. The conferences are always run to a strict budget but inevitably the facilities needed to provide for the large numbers now wanting to attend mean that fees have to be maintained at an appropriate level. Despite this the Annual Conference remains very good value compared with commercial rates for training. However, for those unable to attend, we are now running regional conferences in Europe, Asia and Pacific, Eastern Europe and Central Asia, and Latin America – and we hope to run more. Part of the intention of these regional conferences is that, being more local, shorter and with consequentially lower fees, they can cater for members who are not ordinarily able to attend IAP Annual Conferences.

Meeting of Prosecutors at the French Supreme Court

To conclude the work carried out during the week of the 11th Annual Conference of Prosecutors on decisions to prosecute, the morning programme for Friday 1st September, known as “domestic day”, took place in the splendid surroundings of the Great Hall of the Supreme Court, which is normally used for the general assemblies and solemn entrance of the highest court in France.

The Attorney General of this prestigious institution, Jean-Louis Nadal, received almost 80 public prosecutors from all over the world. He chaired the meeting, surrounded for the occasion by eminent specialists, Yves Charpenel and Didier Boccon-Gibod, counsel for the prosecution at the Supreme Court, François Falletti, also prosecuting counsel and French representative at Eurojust and European Vice-President of the IAP and Peimane Ghaleh Marziban, general secretary of the Supreme Court.

The public prosecutors, members of the IAP, who took part in this meeting, were all impressed, over and above the splendour of the premises, by the charismatic appeal and intelligence demonstrated by their host in his discourse in outlining the French judiciary structure and the role of the Supreme Court within it. Jean-Louis Nadal then invited the public prosecutors to speak, giving them a free rein to ask questions.

The questions concerned a wide variety of subjects, such as the exact location of judges, prosecutors and clerks during hearings, and the role of the Attorney General and the “magistrature debout” (prosecutors) at the Supreme Court. He also mentioned the decisive role within the Supreme Court of the general secretary, a role that also exists within the Appeal Courts, and, in addition, Ghaleh Marziban was able to supply information to certain public prosecutors wishing to create or improve this sort of institution in their own countries.

Naturally, the impact of the European Union and, through it, that of the European Court of Justice, and on a broader scale, the contribution of the European Human Rights Court, were underlined, and M Nadal explained how the delay in treating cases had been considerably reduced in spite of an ever-increasing number of appeals to the Supreme Court. François Falletti underlined, moreover, that the Supreme Court is able to adapt to the urgent need to treat certain cases quickly, through the application of European warrants, for example, or in cases where a person is imprisoned. M Charpenel and M Boccon-Gibod shed light on recent and forthcoming developments in French criminal procedure.

“Terrific!” was the expression used by Elaine Krivel, Counsellor, International Criminal Operations at the Canadian Mission to the European Union in Brussels, who was the first to come out of the Great Hall, followed by the other participants, who were all delighted to have spent two hours in such constructive discussion and collaboration between prosecutors, an absolute necessity in these times when organised crime knows no boundaries.

The participants went back to their coaches in blazing sunshine. Some of them were to set off on a voyage of discovery of the hidden treasures of Paris...

The Executive Committee in Paris

The Executive Committee met at the Ministry of Justice in Paris on Saturday 26 August 2006; 24 members of the Committee attended the meeting.

The President opened the meeting and welcomed colleagues to Paris. He thanked François Falletti and our hosts from the French Ministry of Justice for organising the Annual Conference and the Executive Committee meeting. François Falletti added his words of welcome and the President thanked Richard Buteera for his excellent hosting of the Executive Committee in Kampala. The minutes of the previous meeting were approved. There were now 118 organisational members. Members of the Committee were still keen to improve the geographical and gender balance.

The President introduced his draft policy statement of what he intended to focus on during the next two years of his term of office. This would be followed by a message in the Newsletter. It had to be made clear that this is a personal statement within the overall policy of the Association. A questionnaire on the IAP as a brand would be circulated at the conference to take opinions of members as to what they expect from the IAP.

The Secretary-General presented his report, the financial report and the budget for 2007. The financial statement and the budget were approved. Fikrat Mammadov had published a Russian translation of the *Human Rights Manual* and the *Best Practice Series IV – Mutual Legal Assistance*. The Arabic translation of the *Human Rights Manual* would be available during the conference. This had been prepared by UNDP/POGAR. The General Counsel presented his report and focused on the production of a book, *Standards for Prosecutors*, written by him and Professor John Jackson analysing the three UK national prosecution services in relation to the international standards and norms and work in preparation for the Annual Conference. There was discussion of the Secretary General's salary and future appraisal of his post and that of the General Counsel.

Retha Meintjes reported on preparatory work in relation to a review of the IAP *Standards*. Daniel Bellemare and others were concerned that more prosecution services should subscribe to the existing *Standards*. It was agreed that there should be an expectation that new members should accept the *Standards* and that every effort should be made to reach the same position with existing members.

The General Counsel reported on the work which Dr Heike Gramckow had done and that a Best Practice Series document could be published before the end of the year. Michael Kennedy had circulated a request for European Executive Committee members to provide lists of experts. There were problems and some issues which needed to be addressed and he agreed to prepare a paper addressing the issues. Robert Johnson had taken over as chair of the group on management training.

Alasdair Fraser, with a group of eight, was hoping to complete work on standards for the protection of prosecutors and their families by the end of 2007. Lim Nae-hyun reported on progress on the development of IAP fact sheets. Responses from 30 countries had been collected. There was a proposal that the fact sheets should be put onto the IAP website in a limited site with a facility for members to amend and update.

Knut Kallerud had put together a group to develop training based on the IAP *Human Rights Manual*. Preliminary work was underway. Daniel Bellemare spoke on the communications strategy. There were two pillars – the IAP being the voice of prosecutors world-wide and also being a one stop shop for prosecutorial expertise.

The General Counsel outlined minor changes to the Executive Committee protocol relating to

attendance at meetings and mailing procedures which were accepted. Nicholas Cowdery reported on the recent UNODP expert meeting. UNODP has adopted as a priority the strengthening of the rule of law in, amongst other areas, criminal justice prosecution systems. The outcomes will be important for the IAP amongst others.

The President introduced a discussion on the possible signing of Memoranda of Understanding (MOUs) with other international bodies, countries, prosecution services or regional bodies. Daniel Bellemare offered to develop a list of guiding principles for discussion and agreement. The General Counsel would work with him and Nicholas Cowdery on the preparation of a substantive paper for the next meeting.

The meeting agreed to put forward a proposed constitutional amendment relating to the possible admission of regional bodies of prosecutors.

A paper on proposed developments to the IAP website had been circulated and the President suggested a range of improvements which would facilitate its use by members of the IAP and the wider community. There were proposals for a new set of graphics, sales, information about the Executive Committee and the membership. It should be possible to apply online and to run the whole administration through the website. There should be a secluded area for members.

Lim Nae-hyun thanked his colleagues for their friendship and professional support during his term on the Executive Committee, during which time he had been the main organiser of the Seoul conference. The President thanked him for his hard work and kind words.

There was an offer from Guillermo Piedrabuena, the Prosecutor General of Chile, to hold the next meeting in Santiago, Chile in March 2007. There was unanimous support for this proposal.

IAP Awards 2006

The IAP Awards for 2006 were presented at the start of the first morning of the Annual Conference on Monday 28 August 2006. The awards were :

Medal of Honour

“The IAP Medal of Honour is awarded to a prosecutor who has exemplified, in the domestic or international context, the key attributes of the prosecutor and, more particularly, the qualities of integrity, fairness and professional ethics set out in the IAP Standards and which are expected from a holder of this important office.”

Minoru Shikita

(for his work over 40 years as a prosecutor and as Chairman of the Asia Crime Prevention Foundation and especially for his international work, both at the United Nations and in Asia, and his efforts in the development of the United Nations Guidelines for Prosecutors and in planning for and working for the IAP)

Minoru Shikita was appointed a public prosecutor in Japan in 1956. He continued to work as a prosecutor for 39 years. However, Mr Shikita's reputation reaches far beyond Japan and it is on the international stage that his achievements should be recognised. He has served regionally as Director of Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI). As Director of UNAFEI he was responsible for making this institution the prime centre for the high level development of prosecutors and other

criminal justice professionals in Asia and made it a UN regional training centre for senior criminal justice personnel. As Chairman of the Board of Directors of the Asia Crime Prevention Foundation, he spared no effort to make the organization to become a top level UN NGO with 29 branches in 8 areas in Japan and 17 international chapters throughout Asia.

On an international level, he worked in such positions as Head of the United Nations Crime Prevention and Criminal Justice Branch in Vienna; crucially as Executive Secretary of 7th UN Crime Congress (Milan, 1985); Chairman of the UN Committee on Crime Prevention and Control (87-88) and Vice-President of the International Penal and Penitentiary Foundation (90-98). From the record of UN Crime Congresses and other related meetings two things become clear. Minoru Shikita was a prime mover in the development and adoption of the UN *Guidelines for Prosecutors* in Havana in 1990. He also, particularly at the 1995 Crime Congress in Cairo, ensured that prosecutors from UN member countries were aware of and would support the pre-embryonic IAP. Once the IAP was in being he worked with and through the Prosecution Service of Japan to achieve the development and publication of the *IAP Directory of Prosecution Services*.

In 1992 Mr Shikita was awarded the UN Secretary-General's Testimonial for his dedicated contribution to the UN Crime Prevention and Criminal Justice Programme (1992). In 2002 he was awarded the Order of the Rising Sun, Gold and Silver Star, by His Majesty the Emperor of Japan.

Special achievement award

“The IAP Special Achievement Award is given to a prosecutor, whether a member of the IAP or not, who has demonstrated special dedication in the pursuit of his/her professional responsibilities, or who has discharged his/her professional responsibilities in the face of special hardship or adversity or under other circumstances which deserve special recognition”

Alasdair Fraser

(for his dedication to the ideals of prosecution in Northern Ireland throughout over 30 years of civil unrest)

Alasdair Fraser has been Director of Public Prosecutions (DPP) in Northern Ireland for 16 years - very troubled years during which he had to bear the brunt not only of a strong diet of terrorist offences but also great suspicion from both sides of the community. He had to cope with a legal profession which was resistant and reluctant to take on prosecution work and to deal with the recruitment and retention of his own staff at a time when very few would be prepared to let their friends and neighbours know what they did for a living. His staff have always been at risk - one was killed - and he has had to live with personal protection for the entire period of his office. The strain of this intrusion into the personal life of the Fraser family should not be under-estimated. His commitment to his role has been absolute, his integrity beyond question.

While many countries have had to undergo severe civil disturbance, terrorism and sectarianism, few in the civilised world have had the situation last as long as in Northern Ireland. What makes Alasdair unique is that he has fulfilled this function so long that his old office was really a reflection of him and his standards and qualities. He has also taken a close

interest in international matters and has made a real contribution to the IAP, to HOPAC and to the Council of Europe. What Alasdair has achieved has required not only ability, honesty and integrity but also great personal courage.

The Tokyo Public Prosecutors Special Team

The Prosecutors' Team organized by Tokyo High Public Prosecutors Office

(For successfully investigating and prosecuting large-scale bid-Rigging cases)

The prosecutors, having received the information about bid-rigging for bridge projects financed by Regional Development Offices of the Ministry of Land, Infrastructure and Transport (RDOs), initiated the investigation and revealed the full picture of the case including a bid-rigging scheme for the public projects financed by Japan Highway Public Corporation (JHPC) which had been conspired to by members of the top management of JHPC and bridge builders.

From June to August 2005, the Tokyo High Public Prosecutor's Office indicted 26 companies, including the largest steel companies in Japan, 10 of their employees and two members of the top management of JHPC, the ordering party. The indictments allege that the defendants rigged the bids for bridge construction projects ordered by RDOs and JHPC in 2003 and 2004, the total amount of which were approximately 200 billion yen, by predetermining winners and bidding prices, in violation of the Antimonopoly Act. The two JHPC defendants were also charged with breach of trust, in which they inflated the cost of a bridge construction project by arbitrarily splitting it into several orders, thereby causing JHPC unnecessary payment in the amount of at least 47 million yen.

For many years, the bids for bridge construction projects ordered by RDOs and JHPC had been rigged by construction companies that formed bid-rigging organizations in which they predetermine the winner and bidding prices to be placed by each company for each project. By eliminating competition in this manner, they had been continuously awarded contracts at higher prices.

The investigation was directed by Tokyo High Public Prosecutors Office and conducted by a team consisted mostly of the prosecutors of the Special Investigation Division of Tokyo District Public Prosecutors Office, the nation's most prominent investigators of corruption and economic crimes. Prosecutors from a number of districts nationwide also joined the team. More than 60 prosecutors participated in the investigation – an unprecedented large number in this kind of investigation.

As a result of this case, the issue of public sector guided bid-rigging has once again become the subject of strong criticisms from the media and the public. Drawing on the lessons of the case, legislative responses are expected to be made in the 2006 regular session of the Japanese Parliament, the National Diet so as to enhance the relevant regulations and criminal penalties.

Jan Henning

(For his dedication to the ideals of prosecuting in South Africa both before and since the establishment of majority rule)

Jan Henning SC, Deputy National Director of Public Prosecutions, retired early this year as head of the National Prosecuting Service, a position he has held since 2003. His illustrious prosecuting career started in a small town in 1974. He advanced very quickly through the ranks to become a Deputy Director in 1986. His forensic skills were admired by all and he was appointed Senior Counsel in 1992

As the Deputy Director in charge of undercover operations, he guided many investigations

aimed at combating international drug and diamond trafficking via the Johannesburg international airport. With South Africa to a large degree isolated during the previous dispensation, international mutual relations had to be established. He played a major role in that regard and personally supervised the speedy finalization of requests for assistance by other countries. Special anti-corruption investigating teams were set up in the nineties, in particular to look at corruption in the public sector. It was also part of Jan Henning's portfolio to guide sensitive operations dealing with corrupt activities in the police force and in the criminal justice system.

Jan Henning was one of the last to prosecute security matters during the apartheid years and the first to propagate for radical change of the prosecution service, from separate and independent provincial and homelands directorates to a single united national service. Having also addressed Parliament, he succeeded and in 1998 the National Prosecuting Authority was established. Bulelani Ngcuka was appointed National Director of Public Prosecutions and he asked Jan Henning to head a committee to prepare a blue-print for a future and better prosecution service. Many of the recommendations made by his committee have since been implemented. Jan was then appointed a Special DPP, leading and later, as Deputy National DPP, heading this new prosecution service at the national level. The trust placed in him was due to a number of factors not the least of which his strong apolitical stance, an integrity beyond reproach and his unfaltering loyalty to the prosecution service.

Since 1994 many black prosecutors were appointed to improve representation in the prosecution service. There was simultaneously an outflow of experienced white prosecutors who decided to pursue a career in the private sector. This created a need for training to replace the lost skills. It also created a need to develop career opportunities in order to retain experience. With the plight of the ordinary line prosecutor in any event always close to his heart, much of Jan Henning's efforts focused on training and skills development and on establishing more posts and career opportunities for prosecutors, as well as improved service conditions

Certificate of merit

“The award of the IAP Certificate of Merit seeks to express the gratitude of the Association to members of the IAP (individual or organisational) for their pursuit of the Objects of the Association.”

Rosen Dimov (Bulgaria) for hosting the 1st Eastern European Regional Conference

Dr. Ho Chio Meng (Macao) for hosting the 3rd Asia and Pacific Regional Conference

Office Rigsadvokaten (Denmark) for hosting the 10th Annual Conference

Richard Buteera (Uganda) for hosting the Executive Committee meeting in Kampala.

Guillermo Piedrabuena (Chile) for hosting the 1st Latin American regional conference

Lim Nae-hyun (Korea) for services to the Executive Committee.

Thank you certificates

“The award of an IAP Thank you Certificate seeks to express the gratitude of the Association to non-members for their work in support of the IAP or in pursuit of the Objects of the Association”

Guylain Racine (Canada) for developing a new layout for the Newsletter.

John Jackson (Northern Ireland, UK) for his work with the General Counsel in pursuit of the objects of the Association having co-written - *Standards for Prosecutors : An Analysis of the United Kingdom National Prosecuting Agencies*.

The General Meeting 2006

The IAP General Meeting was held in the Auditorium at the Palais Brongniart (the Bourse conference centre) in Paris on Wednesday 30 August 2006.

1. The President welcomed members to the meeting and acknowledged those Honorary Members who were there, Eamonn Barnes, Minoru Shikita and Nicolas Cowdery. He welcomed over 500 participants from 104 countries to the conference and in particular new participants.
3. The minutes of the previous meeting were adopted on the proposal of Daniel Bellemare and Nicolas Cowdery as being correct and there were no matters arising.
4. The President repeated the appeal made by Michael Kennedy in Copenhagen for volunteers to serve on the Executive Committee, especially from regions which were not well represented. In the absence of other candidates Richard Buteera, James Hamilton, Raija Toiviainen and Laszlo Venczl were re-elected and Alice Fisher, Joon Gyu Kim and Pachara Yutidhammadamrong were elected as members of the Executive Committee.
5. The Secretary-General presented the IAP's Annual Report and thanked French colleagues for copying and distributing it. He also presented the accounts for 2005-06. The finances were sound and a small profit had been made. The accounts were approved.

There were 118 organisational members and 1,400 individual members. The individual dues were fixed at US\$30 for the eleventh time.

The President and the Secretary-General thanked the governments of Finland and Ireland, as well as the Organisation Internationale de la Francophonie, for their support to the granting programme. They also thanked Gordon Lerve (Australia) for his individual assistance. They thanked the governments of Ireland and The Netherlands for structural support.

9. The General Counsel outlined co-operative work with the United Nations and in particular the UNDP/POGAR programme in the Arab countries.
10. The General Counsel outlined the various projects which formed the basis of the IAP's work programme for the coming year.
 - a) Review of the IAP Standards and relaunching in 2009 – Retha Meintjes.
 - b) Best Practice Series booklet based on the work by Dr Heike Gramckow on victims and witnesses
 - c) Assist services in developing countries and developing, with the United Nations, a mentoring program (2005 – Nick Cowdery). IAP to co-chair with UNODC

the international advisory group set up by the UNDP/POGAR to assist their project – Barry Hancock.

- d) Develop a communications strategy for the IAP (by 2008) - Daniel Bellemare.
- e) Consider what areas of prosecutorial activity would benefit from the compilation of lists of national experts – Michael Kennedy.
- f) Support the activities of Eurojust and other such organisations with further communication and collaboration between prosecutors and Promote further and better relationships with other international bodies concerned with the criminal justice system. - Michael Kennedy.
- g) Develop a training package on good management practice for prosecution services – Robert Johnson.
- h) Develop standards for the security of prosecutors and their families. (Timescale 2007 – Alasdair Fraser.
- i) Fact sheets – Korean colleagues
- j) Human Rights training package – Knut Kallerud

Work was also proceeding on improving the IAP website and the development of a new conference manual. Presentations on these would be made to the General Meeting in Hong Kong.

- 11. 52 organisational members had made commitments to working within the spirit of the *IAP Standards*. The President invited all organisational members to make such commitments and new applicants for organisational membership would normally be required to do so.
- 12. The next General Meeting would take place within the 12th Annual Conference in Hong Kong on 16 – 20 September 2007.
- 13. Carlos Donoso Castex informed the meeting that the prosecution service in Venezuela was applying for organisational membership and would be prepared to host a regional conference. Michael Hartmann informed the meeting that applications were also being made from Afghanistan. Nicholas Cowdery proposed a vote of thanks to the Secretary-General and the General Counsel.

Congratulations

The Annual Conference in Paris was memorable for many reasons. However, for IAP Vice-President, Daniel Bellemare (Canada), one event must have stood out even among the others. While the rest of the participants were enjoying the local hospitality in the garden of the Ministry of Justice, Daniel was being honoured by the Minister by being made a Chevalier of the Légion d'Honneur. We are delighted for him and he joins a number of distinguished French colleagues who already hold honours within the Order.

Congratulations also went to Ken Macdonald, QC, Director of Public Prosecutions for England and Wales who received a knighthood in the Queen's New Year's Honours List.

Honours have been accorded to IAP honorary member, Dr Dato Steenhuis, retired member of the Board of Prosecutors General of the Netherlands. He was appointed an Officer of the Order of Orange Nassau. Anna (Dien) Korvinus, recently retired Dutch National Rapporteur on Trafficking in Human Beings, whom many members will have met at a number of IAP Annual Conferences, was also appointed an Officer in the Order of Orange Nassau. We sent our warmest congratulations to them.

Second Regional Conference for Eastern Europe and Middle Asia

The IAP's second Regional Conference for Eastern Europe and Middle Asia was held in Kyiv, Ukraine on 20 – 22 September 2006. It was hosted jointly by the office of the General Prosecutor of the Ukraine and the Ukrainian Association of Prosecutors. Both are organisational members of the IAP and the Association deserves special mention, having already some 6,000 members after only two years of existence. 120 prosecutors from 25 countries attended and representatives of seven international organisations.

The conference began with a delightful reception at which participants were welcomed by President of the Ukrainian Association of Prosecutors, Oleksandr Shynalsky, and IAP President, Henning Fode. The next morning work began in earnest and over two days participants heard detailed reports from 28 speakers on their perceptions of the best way forward in mutual co-operation in criminal matters. There was much to think about and we trust that colleagues left the conference better informed and with a host of new contacts who will help them in their search for improved communication between jurisdictions.

The whole event was splendidly organised by Oleksandr Shynalsky and his team. We are very grateful to him and them for their expert and diligent administration, their generous hospitality and for allowing us the opportunity to see some of the magnificent sights of the beautiful city of Kyiv. A full report of the conference will be available through the IAP website.

Publications

One of the IAP Awards this year was presented to Professor John Jackson of Queen's University, Belfast, UK for his collaboration with IAP General Counsel, Barry Hancock, in the production of a new book – *Standards for Prosecutors : An analysis of the three UK national prosecution services*. The purpose of the book is to draw together the three international standards and norms for prosecutors – *the United Nations Guidelines for Prosecutors, the Council of Europe Recommendation 19 (2000)* and the *IAP Standards* – and to see how the three main prosecuting agencies in the United Kingdom (the Crown Prosecution Service of England and Wales, the Crown Office in Scotland and the Public Prosecution Service for Northern Ireland) work in relation to them.

We believe that this is the first time that such an analysis has been undertaken in this particular way and we hope that members of the IAP will find the book interesting and as a basis for looking at their own organisations. A further volume will follow and this will include some civil law jurisdictions.

Copies of the book are available from the Secretary-General (e-mail the secretariat: sg@iap.nl.com)

Best Practice Series

This year saw the publication of the fifth volume in the IAP *Best Practice Series*, "*Victims*". This is the result of a survey carried out on behalf of the IAP by Dr Heike Gramckow of the

National Center for States Courts in the U.S.A.. It looks at good practice in the field of handling victims within the prosecutorial process and will, we hope, provide a useful series of benchmarks for our members who are considering their own activities in this area. Copies are available from the Secretary-General.

Human Rights Manual for Prosecutors

Since its launch in 2003 the IAP's *Human Rights Manual for Prosecutors* has become a standard reference work in this area for all prosecutors. Indeed translations are now available in Arabic, French, Russian, Turkish and Ukrainian and a Chinese version is now being prepared. Members who wish to purchase a copy of the *Manual* should contact the Secretary-General. Former Executive Committee member, Egbert Myjer, who was the moving force behind the *Manual*, is currently undertaking an updating of the text which should be ready in 2008.

New organisational members

We were pleased to announce that the following organisations had joined the IAP and we welcomed them as members :

The Office of the Prosecutor General of the Russian Federation;
The Public Ministry of Venezuela;
Office of the State Attorney of Israel.
The Afghanistan Prosecutors Association
The Afghanistan Attorney General's Office
The Attorney General's Chambers of Malaysia
The Prosecution Service of Georgia
The Department of Public Prosecutions of Kenya
The Office of the Prosecutor General of Hungary; and
The Belarusian Association of Prosecutors.

There were now 126 organisational members.

New Executive Committee member

The minutes of the General Meeting show those members who were appointed as members of the Executive Committee. Another vacancy arose and Guillermo Piedrabuena, the National Prosecutor of Chile was co-opted to fill that vacancy until the next General Meeting.

A new association is born

The International Association of Anti-Corruption Authorities (IAACA) announced its establishment on Wednesday 25 October 2006 at Beijing, China. Jia Chunwang, head of China's Supreme People's Procuratorate, was elected president of the IAACA. The establishment of IAACA came on the closing day of a five-day conference, attended by more than 900 delegates from anti-corruption authorities in 137 countries and regions and 12 international organizations. "The successful conclusion of the meeting marks a new era of international cooperation in fighting graft," Jia said. "I feel great responsibility as the president of the IAACA and sincerely hope members will try their best to assist the work of IAACA."

The IAACA grew out of the United Nations Convention Against Corruption (UNCAC), which came into effect on 14 December 2006, said IAP Vice-President, Ye Feng. The association will "promote international cooperation in gathering and providing evidence, in tracking, seizing and forfeiting the proceeds of corrupt activities and in the prosecution of fugitive criminals," he said. "The IAACA is aimed at strengthening international cooperation between national anti-corruption authorities," said Ye Feng, noting that the IAACA is a non-profit organization which is independent, professional and non-political.

According to the IAACA constitution, it offers professional training programs on anti-corruption and aims to facilitate the dissemination of expertise and experience. Bulelani Ngcuka, former National Director of Public Prosecutions of the Republic of South Africa added, "The association will help global anti-corruption authorities establish direct contact with one another."

Farewell

It was with great regret that we said farewell to Daniel Bellemare, MSM, QC who has recently resigned from the Executive Committee on his departure from the Canadian Federal Prosecution Service (FPS). Daniel attended the first IAP Annual Conference and General Meeting in 1996, became a member of the Executive Committee and in 1998 was elected a Vice-President of the Association. His contribution of the years has been immense and includes the inauguration of the IAP Awards and the development of the French language website as well as on-going work on the IAP communications strategy. Daniel was the host of the second IAP Annual Conference in Ottawa and has over the years invited many IAP members to address conferences organised by the FPS in Canada. He will be sorely missed and we wish him every success and happiness in the future.

Obituaries

It is with great sadness that we report the death of Klas Bergenstrand, former Prosecutor General of Sweden and member of the IAP Executive Committee. As Prosecutor General, Klas, who was 61, led a comprehensive re-organisation to modernise and centralise Sweden's entire prosecution authority. He started a similar re-organisation at SAPO, the Swedish Intelligence Service, putting more focus on anti-terrorism efforts.

"His passing is a great loss to the entire judicial system," said the Justice Minister Beatrice Ask. "Klas combined skill with enthusiasm, modesty and unlimited energy. The inspiration he gave people in his surroundings will live on for a long time."

Klas Bergenstrand was a long-standing supporter of the Association and, indeed, was present when it was founded in Vienna in 1995.

In 1990, the Board of Directors of the National District Attorneys Association (NDAA) welcomed a new member from South Carolina, Solicitor John R. Justice (1943-2006). Over the next 16 years, John's stature within the NDAA grew, due to the keen insight he demonstrated at various committee meetings, his parliamentary experience as a former South Carolina State legislator, and his ever-present and unique sense of humour. John rose quickly in the leadership of NDAA, becoming a member of numerous committees and chairman of several. He served as president 1998-99 and presided over one of the most successful years in NDAA history. The true measure of John Justice, however, was his loyalty to the criminal justice system. As an elected official who continued to try cases, John's compassion for victims of crime and his devotion to the rule of law made him highly sought after as an expert on professional ethics and criminal justice issues. He spoke frequently and eloquently as a passionate advocate for law and order. In 1999

John and his wife Gracy attended the IAP Executive Committee meeting in Amsterdam; he also participated in a number of IAP Annual Conferences.

Executive Committee meets in Chile

The Executive Committee met on 30 – 31 March 2007 in Santiago, Chile. The President, in opening the meeting, welcomed this first meeting in Latin America. He also acknowledged the hospitality of our host, the Prosecutor General, Guillermo Piedrabuena, who in turn extended a warm welcome to his city and country. He was happy to be welcoming the IAP back to Chile after hosting the first IAP Latin American conference in July 2006. He also looked forward to developing relations between Ibero-American prosecutors and the IAP. The challenges were the same for us all and he looked forward to the fruits of further co-operation. The meeting also marked another first in that Pachara Yutidhammadamrong, the Attorney General of Thailand, was represented by Her Royal Highness Princess Bajrakitiyabha Mahidol, who is a prosecutor and grand-daughter of the King of Thailand.

Two applications for organisational membership had been received - the office of the Attorney General of Israel and the Quebec Association of Prosecutors - Association des substituts en chef et des substituts en chefs adjointes et adjoints du Procureur Général du Québec - and had been approved.

The President explained that he would be leaving his post as Prosecutor General of Denmark to become personal secretary to HM Queen of Denmark. It would not be possible for him to continue as President of the IAP and he would step down before the Hong Kong conference. This was an opportunity which had suddenly arisen. He announced that members of the Executive Committee would now be given an opportunity to express their preferences for nomination for his replacement. Carlos Donoso Castex proposed that honorary membership should be conferred on the President, the General Counsel, who was stepping down after the Hong Kong conference, and Daniel Bellemare, who had resigned as Vice-President. This was agreed.

A vote was taken to decide which names would be put forward to the General Meeting as nominations and renominations for membership of the Executive Committee. Those put forward to the General Meeting were Carlos Donoso Castex (Argentina), Ye Feng (China), Retha Meintjes (South Africa), Alasdair Fraser (Northern Ireland, U.K.), Michael Kennedy (Eurojust), Fikrat Mammadov (Azerbaijan), Guillermo Piedrabuena (Chile), Ian Grenville Cross (Hong Kong S.A.R., China), Javier Popolo Filgueira (Venezuela), and Oleksandr Shynalsky (Ukraine). Carlos Donoso Castex, Ye Feng and Retha Meintjes were then renominated as Vice-Presidents.

The Secretary-General presented his report. There were 1225 individual members and some 120 organisational members. There was a need for organisational members to pass information about the IAP to their members of staff and to encourage them to join as individual members. He also reported on the forthcoming regional conferences in Venezuela, Malaysia and Ukraine. He reported on the 7th European Regional conference which had just taken place in The Hague. Joon-Gyu Kim indicated that the Korean Prosecution Service was willing to host the Asia and Pacific Regional Conference in 2008. It was also hoped that there might be an African regional conference in 2008.

The General Counsel presented his report and also informed the meeting of the current draft work programme for the Hong Kong conference. The meeting discussed the revision of the administrative management of the IAP and the President outlined proposals for a new structure of posts for the Secretariat.

The Attorney General's Chambers of Singapore had presented a bid to host the 13th Annual Conference in August 2008 and this was accepted.

The conference meeting of the Executive Committee would take place in Hong Kong on 15 September. On 29 February and 1 March 2008 the Executive Committee would meet in the last week of February in Helsinki, Finland.

7th European Regional Conference

On 14 -16 March 59 prosecutors from 21 jurisdictions and two international organisations, Eurojust and the Office of the Prosecutor at the ICC, met in The Hague for the 7th IAP European Regional Conference. They were joined by a delegation of Afghan prosecutors headed by their Attorney General, Dr Abdaul Sabit.

The focus of the conference was Mutual Legal Assistance but also included comparison of various criminal justice systems and the role of prosecution services within them. It was clear that an understanding of these differences can prove extremely helpful when framing requests for MLA.

In addition to hearing a series of excellent presentations from colleagues from common law, civil law and Scandinavian traditions, participants also visited the premises of Eurojust. There they were greeted by its President, IAP Executive Committee member Michael Kennedy, who made a detailed presentation about the role of Eurojust in mutual legal assistance in Europe and beyond. There was also an opportunity for participants to meet over a pleasant lunch their country representatives at Eurojust, including a number of IAP members.

Building on the foundations of the formal presentations, the participants broke into groups first to identify the problems experienced when seeking mutual legal assistance and then to provide suggestions for solving them. Some of the positive proposals included :

- The establishment of specialised units for mutual legal assistance
- Improved communication between prosecutors
- The establishment of a world site for MLA contact points with the IAP as a contact point.
- Each country to develop template document for requests.
- The use of the European Judicial Network
www.ejn-crimjust.eu.int
Password – rje
Userword – dgsi
- Carrying out research into the cultural values of requested states.
- Gaining knowledge of internal time criteria.
- Ensuring the use of plain language and not jargon.
- Avoiding telling the requested country that you are better than them!
- Searching for pragmatic solutions.
- Saying “Thank you” and giving feedback.
- Monitoring results in order to develop and improve.

In response to these proposals the IAP has established a project to link all the websites of its organisational members to the IAP website and to encourage these members to post an MLA section on their websites. The intention is that members wishing to obtain MLA from another state which is an IAP member can log on to the IAP website and through that to the website of the prosecution service in the requested state in order to find the MLA contact there.

2nd Latin American Regional Conference

Following the successful initiative of our Chilean colleagues in holding a first IAP conference in Latin America last year, the Ministerio Publico of Venezuela agreed to host a second such conference on 11 – 13 July 2007. The venue for the conference was the beautiful offshore Isla Margarita.

The theme, “Innovative Experiences at the Public Ministry” was chosen so that colleagues could share their experiences of developments in public prosecution both within the region and beyond. The conference was opened by our host Dr Isaias Rodriguez Diaz, the Prosecutor General of Venezuela, and the conference also heard from IAP President Henning Fode, IAP Vice-President Carlos Donoso Castex, Executive Committee member Guillermo Piedrabuena, the Prosecutor General of Chile and Dr Juan Enrique Vargas.

The next day was taken up with plenary sessions and discussions and the speakers included, in addition to the IAP President and General Counsel, the Prosecutors General of the Dominican Republic, Honduras, Paraguay, Spain and Columbia. On the last day the meeting broke into workshops in which the high standard of presentations continued and the feedback session was carried out in expert fashion by members of the Venezuelan Ministerio Publico.

The President, during the closing ceremony, thanked our host for the hard work and efficiency which had been provided by his office in organising what had been an extremely successful event. He presented Dr Rodriguez Diaz with an IAP Certificate of Merit and an IAP shield.

Facilitating international contacts through the IAP website

As part of an initiative by the International Association of Prosecutors to improve its web site, the IAP Executive Committee is undertaking a project aimed at increasing the number of links to websites of organizational members. Only a few such links currently appear on the IAP website’s list of organizational members. Once more links are in place, the IAP website can better serve as a portal for contacting colleagues in other countries when dealing with requests for mutual legal assistance (MLA), extradition and in combating international organized crime.

Organizational members will be requested to do two things. First, members will be asked to submit a link to their respective websites to the IAP. Each organizational member will also be asked to include on its website, a reference to a contact person or office for international matters such as MLA requests. Thus, with a few mouse clicks, members will be able to more easily contact a foreign jurisdiction for assistance.

The IAP will shortly be initiating contact with organizational members, commencing with national organizations. This project is being led by Martin E. Herschorn, Q.C., Director of Public Prosecutions in Nova Scotia, Canada. You can anticipate contact from Mr. Herschorn as the IAP works to enhance its website and to facilitate international contact between its member organizations.

Future regional conferences

We are delighted that the initiative which began in The Hague seven years ago with the holding of our first regional conference has now moved on to the point at which we are holding four regional conferences a year. We have already reported on our 7th European

Regional Conference and the 2nd Latin American Regional Conference. There follow details of the other two to be held this year.

4th Asia and Pacific Regional Conference

The 4th IAP Asia and Pacific Regional Conference will be held at the Le Meridien Hotel in Kuala Lumpur, Malaysia on 6 – 9 August 2007. This will be a new venture for the Association as it is being held in co-operation with and through the help and financial support of the Microsoft Corporation. The reason for this is our wish to provide specialised training on computer crime for the region and, of course, who knows more about computers than Microsoft?

Our hosts for this conference will be the Attorney General's Chambers in Malaysia and we are delighted that an IAP event will be held in a new country for us. We are most grateful and look forward to an exciting event. For more information and registration contact the IAP secretariat:sg@iap.nl.com

3rd East European and Central Asian Conference

We are also extremely grateful that the Ukrainian Association of Prosecutors together with the Prosecutor General's Office of the Ukraine has offered to host the 3rd IAP East European and Central Asian Conference. This will be held in Odessa on the Black Sea coast of the Ukraine on 17 – 19 October 2007. Last year the 2nd conference in this region was held in Kiev and was a great success.

This year's theme will be "Independence of the prosecutor" and participants will be able to exchange the experience in new circumstances in the reformed systems in their countries. They will discuss the advantages and disadvantages of their newly-developed legal systems. Within the framework of the main topic of the conference the following issues will be addressed :

- political independence of prosecutors (from the influence of public organs, legal persons, political parties and public organizations);
- independence of the prosecutor within his organisation and his independence in taking procedural decisions;
- relations with courts; and
- public control of the prosecutor's activities.

United Nations Crime Commission

The sixteenth session of the United Nations/ECOSOC Commission on Crime Prevention and Criminal Justice was held at the U.N. Offices at Vienna, 23-27 April 2007. IAP Secretary-General, Henk Marquart Scholtz, represented the Association as an observer. He also used the opportunity for extensive networking and informing diplomats, ministry officials and colleague prosecutors about the Association and its forthcoming conferences. A great number of preliminary programmes for the 12th Annual Conference at Hong Kong were distributed among delegates present at the Commission meeting.

On 25 April the UNODC Criminal Justice Assessment Toolkit, a tool for effective criminal justice systems, was presented. A demonstration was given of the new interactive software version of the Toolkit. It was launched late last year and is now available for general use.

This has been a lengthy project and Immediate Past President, Nicholas Cowdery, played an important role on behalf of the Association, attending sessions of the drafting process in Brussels in July 2006 and contributing significantly to the final text.

At the beginning of the chapter on The Prosecution Service there are the IAP logo and a reference to the Association. The Criminal Justice Assessment Toolkit is available on the following website address:

http://www.unodc.org/unodc/criminal_justice_assessment_toolkit.html.

IAP Constitution

Under Article 4 the IAP Constitution currently admits as organizational members associations of prosecutors, prosecution services and :

“An organisation, agency or foundation established for the promotion of crime prevention measures and the functions of which are closely connected with the prosecution of crime may be eligible for organisational membership. “

It had become clear to the Executive Committee that there is a further number of organisations which should not be excluded from membership of our Association. These are regional and other groupings of prosecutors. They are growing in number and they, almost without exception, exist perfectly in accordance with the ideals of the IAP. The Executive Committee will therefore ask the General Meeting in Hong Kong to approve an amendment to Article 4.1(c) of the Constitution to read :

“An organisation, agency or foundation established for the promotion of crime prevention measures and the functions of which are closely connected with the prosecution of crime or an international unit, body, organisation or forum established by a state(s) or by a prosecution service to stimulate and improve coordination and cooperation between competent national prosecuting authorities may be eligible for organisational membership.”

IAP Presidency

On the announcement by Henning Fode that he would be resigning on 31 July 2007 as President of the IAP in order to take up an appointment as Private Secretary to the Queen of Denmark, the Executive Committee nominated François Falletti, the French National Member at Eurojust, to fill the presidential vacancy. Under the provisions of Article 10.6 of the IAP Constitution the Executive Committee also appointed M Falletti to serve as President until the General Meeting on 19 September 2007.

IAP Granting Program 2006

The Secretary-General has since 1996 been responsible for the running of what is now known as the IAP Granting Program. The IAP has a Protocol which governs the operation of the Program. Since the first Annual Conference in 1996 ten countries, Australia, Canada, Denmark, Finland, Ireland, Korea, Norway, Sweden, the Netherlands, the United Kingdom and the Organisation Internationale de la Francophonie, have supported the Program.

In 2006 the Granting Program financed by Finland, Ireland and the Organisation Internationale de la Francophonie assisted 53 prosecutors from 40 countries. IAP member Gordon Lerve from Australia donated to one participant the registration fee for the conference.