

INTERNATIONAL ASSOCIATION



OF PROSECUTORS

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**ANNUAL REPORT
2008 – 2009**

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Introduction

This is the IAP's tenth 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 can be found on the IAP website (www.iap-association.org)

Part 1

The IAP Year

(the following reports are extracts of the full range of activities taken by members and officials of the IAP. For further information, you can access the newsletters that are issued quarterly to members which are available on the website together with the Annual Business plan)

13th Annual Conference, Singapore

The theme for the conference in 2008 was “New Technologies in Crime and Prosecution: Challenges and Opportunities”. This interesting and topical theme offered the International Association of Prosecutors the opportunity to invite external speakers to address the delegates, particularly from industry, which lent a different and broader perspective to the debate.

Contributions were received from Microsoft, CISCO, eBay and Pay Pal, as well as a facilitated international expert panel led by Scott Warren of Kroll, which examined how some tough cybercrime cases had been resolved.

It was clear that the Information Technology (IT) industry were keen to lock in to the IAP and prosecutors everywhere for everyone’s mutual benefit and in order to better combat the rising tide of criminality in this area, and this led neatly to the conference outcome (see below).

The 13th IAP Annual Conference was opened in the purpose-built and commodious Raffles Conference Centre, to the accompaniment of a drumming fanfare, by the Attorney-General for Singapore and conference host, Professor Walter Woon. It was no surprise, that as a renowned academic, Professor Woon had a command of the subject and in his opening speech and his later address on “Emerging Trends in Cybercrime”, he was able to give participants a glimpse into the future and a virtual world of crime.

Delegates were also honoured to welcome the Deputy Prime Minister and former Minister for Law for Singapore, Professor S. Jayakumar, who, in his keynote speech, demonstrated a clear grasp of the challenges technology has created. In the absence of IAP President François Falletti, who was unavoidably unable to attend, James Hamilton, DPP for Ireland and an Association Vice-President, delivered the opening remarks and gave delegates a taste of what had been achieved in the past year and what was hoped would emerge from the conference.

After the awards presentation, Nicholas Cowdery, DPP for NSW Australia, and Chris Painter, who is a high-tech/cyber-crime specialist in the US Department of Justice, set the scene and explored the diversity of cyber criminality and some solutions.

After lunch Baroness Scotland QC, the Attorney General of England, Wales and Northern Ireland, introduced us to The Global Prosecutors E-Crime Network (GPEN). This initiative prompted intense interest and support from delegates and will be the vehicle by which the IAP can advance many of the suggestions and ideas gleaned from the conference. Some of these ideas were debated further within the various workshops, regional fora and special interest groups (an innovation which gained much support). The reports, which are on the website, were fed into the conference outcomes.

Conference organisers were very lucky to secure some prestigious speakers, including Ron Noble, Director of Interpol, who offered the view of the law enforcer and spoke about the recently convicted Canadian national who became the most sought after paedophile in the world following a global appeal by Interpol.

Harm Brouwer, Chairman of the Dutch Board of Procurators General, spoke about GPS, the Dutch integrated system for case management, which complemented the presentation from John Lord of the Crown Prosecution Service [CPS] of England and Wales, who gave a comprehensive demonstration of how the CPS Case Management system operates.

Much interest was generated amongst delegates about exporting these advanced systems.

It was also refreshing to have examples of where IT had been harnessed to assist the prosecution process: Gavin Ruxton, Chief of the Trial Division in the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia, spoke about how IT was used in the court room in The Hague; and Morten Bergsmo of Norway told of how an electronic legal tools capability was developed for the International Criminal Court, also in The Hague. Tan Sri Abdul Gani Patail, the Attorney-General for Malaysia, paid a lightening visit in order to express his view of the importance of education for prosecutors and the vital role that the IAP could play.

The importance and the means of protecting property rights was explored from a French perspective by Jean Claude-Marin, Procureur de la Republique de Paris, and from a Singaporean perspective by Dr Stanley Lai, head of the Intellectual Property and Technology Department in a leading law firm in Singapore. Joanna Chi-Jen Ching of Chinese Taipei who, as prosecutor of a high-profile fraud was relentlessly pursued by her hometown press, and Byung Doo Jung, a Korean Deputy Chief Prosecutor, both spoke about countermeasures for dealing with online fraud.

The conference was wrapped up on the final day with a Question and Answer session presided over by Elish Angiolini, Lord Advocate of Scotland, and a panel which included Ken Macdonald, DPP England and Wales; Chris Painter; Vicky Argitis, Office of the Commonwealth DPP, Melbourne, Australia; Carla de Carli from Brazil; and Christopher Ong from Singapore.

In total, 416 delegates and over 30 accompanying persons attended the event, which was organised with impeccable efficiency and unfailing charm and good humour by members of the office of the Attorney-General of Singapore.

It was a conference to remember, whether it be the fireworks on Sentosa Island, the grandeur of Raffles, the friendships forged or the broadened knowledge of an important subject gained.

Most importantly, as a result of the conference, the IAP has set in train an important program of work, the progress of which will be reviewed at the 14th Annual Conference in Kiev, Ukraine.

Conference Outcomes

The aims of the 13th IAP Annual Conference were:

To identify new challenges for prosecutors in combating the rise of criminality which is either facilitated by technology or where technology is the target;

To identify new ways of harnessing technology to assist in the detection, investigation and prosecution process; and

To identify three practical steps that the IAP can take, either through its membership or in collaboration with affiliated organisations, to address A and B above.

The three practical steps identified were:

1. Capacity building

The IAP will facilitate training, education and sharing good practice via the exchange of contact details, training materials, legislative tools, details of training programs, etc;

Accumulative training covering both general practitioners and high-tech crime specialists;

Training to include judiciary and law enforcers, with the benefit of industry input where appropriate;

Address the needs of developing countries and specific regions, for example, Africa; and

GPEN to be the primary vehicle under leadership of the Development Board.

2. Convergence

The IAP will promote the Council of Europe Convention on Cybercrime amongst members via the *Newsletter* and website, including a hyperlink to the Council of Europe website with the aim of encouraging ratification.

For further information, contact the Council of Europe at www.coe.int/cybercrime

3. Cross-Fertilisation

The IAP will act as a conduit between prosecutors and industry by participating in industry networks and producing a list of regional external contact persons;

Industry to contribute to horizon-scanning exercises to assess future challenges and opportunities; and

Cross-training with industry.

Executive Committee meeting in Singapore

The Executive Committee met in Singapore on the 26th August, the day before the opening of the 13th IAP Annual Conference.

Retha Meintjes chaired the meeting in the absence of IAP President François Falletti, who had been unavoidably delayed in France and was unable to attend.

Farewell was bid to a number of Executive Committee members who had reached full term and the nomination of new members was confirmed.

Minoru Shikita had accepted his appointment as Honorary Vice-President and the Executive Committee agreed to nominate as members of the Conflict Committee; Eamonn Barnes, Werner Roth, Paul Ngarua, Minoru Shikita and Guillermo Piedrabuena.

The British Virgin Islands, Dubai and British Columbia Crown Counsel Association had all been approved as Organisational Members. There were at that point 130 Organisational Members worldwide but of the approximately 1400 existing members, only about a third had re-registered online. In his report, the Secretary-General thanked the Danish Director of Public Prosecutions for his support in the development of the new website, in the person of Janne Holst Hübner, the Communication Manager.

He also thanked Joon-Gyu Kim and the Korean Prosecution Service for organising the 5th IAP Asia-Pacific Regional Conference, and Oleksandr Shynalskyi for hosting the 4th IAP Central and Eastern European and Central Asian Regional Conference, which will be held in Lviv in November.

The Secretary-General presented the draft budget for 2009, together with the financial statements

for 2007 and balance sheet for the 31st December 2007, drawn up by Ernst & Young Accountants.

It was agreed to raise the individual membership dues to US\$40 for 2009/10.

It was confirmed that the 15th IAP Annual Conference will be at The Hague at the Kurhaus in Scheveningen, from the 5th to the 9th September 2010.

Thanks were offered to Ireland, Microsoft, eBay, CISCO Systems and the Organisation Internationale de la Francophonie (OIF) for their support, which allowed 30-40 beneficiaries to attend the Annual Conference, from a budget of €50-60k, and to CPS England and Wales, DPP Denmark and the Netherlands for their continued financial support.

Following the report from the General Counsel, it was agreed that the GPEN initiative would be endorsed and would be regarded as a specific benefit of membership; that the essay competition should continue with some modest changes; and that the Prosecutors Exchange Program should also be endorsed.

The draft business plan drawn by the General Counsel was generally approved and it was agreed that final determinations for any changes to the IAP Secretariat structure should be made at the next Executive Committee meeting in Cameroon in February 2009.

It was also agreed that the succession of the Secretary-General was an urgent matter which needed to be resolved swiftly and expressions of interest would be sought by the 31st December 2008.

The Executive Committee concluded that it would be preferable if the Secretariat remained within The Hague.

It was also agreed that Spanish translation would be available at the 14th Annual Conference and so Spanish-speaking members should be encouraged to attend.

The invitation from Prague to host an Executive Committee meeting in 2010 was accepted with gratitude.

Condolences were offered to IAP Past President Eamonn Barnes on the loss of his wife.

The Secretary-General and General Counsel were thanked.

The General Meeting, 29 August 2008

The General Meeting was held on the 29th August, during the Singapore conference, and was chaired by Past President Nicholas Cowdery AM QC in the absence of IAP President François Falletti, who offered his apologies.

The minutes of the 2007 General Meeting in Hong Kong were agreed.

The Secretary-General made reference to Article 4 of the Constitution concerning Honorary Membership and stated as follows:

“This year the Executive Committee has recommended for election to Honorary Membership of the Association, Sir Ken Macdonald QC, DPP England and Wales.

“There can be no doubt that this nominee fulfils the criteria for Honorary Membership set out in the Constitution.

“The CPS has always been a strong supporter of the IAP and the last five years under Ken Macdonald’s leadership have been no exception; in particular through the secondment of the General Counsel and the partnership between the IAP and the CPS international section which has led, amongst other things, to the GPEN initiative.

“Sir Ken leaves the post of DPP later this year.”

Sir Ken was elected by acclamation and offered a speech of thanks indicating his pleasure and confirming his support for the Association and his confidence that it would continue when his successor Keir Starmer QC takes over.

The nominees for membership of the committee proposed by the Executive Committee were elected.

The Executive Committee had nominated the following for election and re-election as Vice-Presidents and as members of the Executive Committee for the next three years: Wendy Stephen QC, James Hamilton and Joon-Gyu Kim as Vice-Presidents and Basile Elombat, Vinette Graham Allen, Martin Herschorn QC, Josaia Naigulevu, Stephen Pallaras QC, Siri Frigaard, Gerhard Jarosch, Jorgen Steen Sorensen, Sabas Chahuan Sarras, Chaikasem Nitisiri and Richard Rogers as members.

No other nominations having been notified, these nominees were deemed to be elected and were duly acknowledged.

As a mark of respect for Minoru Shikita, who has served the Association since its inception and having been the Senior Vice-President since the first General Meeting in 1996, the Executive Committee has nominated him to become an Honorary Vice-President.

The General Meeting approved this appointment by acclamation.

It was also agreed by acclamation that Nicholas Cowdery be co-opted as a member of the Executive Committee from the end of the meeting until the next General Meeting in the absence of Henning Fode, who had relinquished his Immediate Past President position on the Committee.

The Committee had nominated Henk Marquart Scholtz for re-election. No other nominations having been notified, he was deemed to be elected and was duly acknowledged.

Nicholas Cowdery on behalf of the President welcomed all new colleagues to their positions.

Eamonn Barnes, Werner Roth, Paul Ngarua, Minoru Shikita and Guillermo Piedrabuena were elected to the Conflict Committee.

The Secretary-General delivered his financial report as published in the Annual Report 2007-08, which had been placed in each conference bag.

The proposal to raise individual membership to US\$40 for 2009/10 was agreed.

A special acknowledgement was recorded for the support given to the IAP Granting Program by Irish Aid, Ireland, Microsoft, CISCO, eBay, OIF and Gordon Lerve.

The General Counsel spoke to the planned work program and Nicholas Cowdery reminded those present of the requirement that Organisational Members commit to the IAP *Standards for Prosecutors*.

The next General Meeting would be held in Kiev on the 9th September 2009.

IAP Awards

The IAP Awards for 2008 were presented after the formal opening ceremony of the Annual Conference, on Thursday the 28th August 2008. The awards were:

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”

Paul Louw and his team, Directorate of Special

Operations of the National Prosecuting Authority of South Africa

IAP Vice-President Retha Meintjes read the citation: “In recognition of the successes of the team in combating organised crime not only in South Africa but also at the international level.

“Also taking into account the difficult level of both the investigation and the prosecution of cybercrime in general and of the crimes investigated and prosecuted specifically by the team, the first authority in South Africa to expose a ring-leader of an online international banking syndicate.”

Paul Louw thanked the IAP for this recognition.

Guillermo Piedrabuena (former National Prosecutor of Chile)

In recognition of his work in support of the Objects of the Association. In particular, through reform of the Prosecution Service of Chile and for hosting the 1st Latin American Regional Conference.

Vusumzi Pikoli (National Director of Public Prosecutions of South Africa)

In recognition of his consistent defence of the principles of independence, integrity and impartiality of the prosecution.

IAP Vice-President Retha Meintjes read the citation:

“Vusumzi Pikoli demonstrated special dedication in the pursuit of his professional responsibilities by taking a firm stand on the principle of prosecutorial independence in circumstances worthy of recognition by the IAP.”

In accepting the award, Vusumzi Pikoli expressed his gratitude for the IAP’s support and emphasised the fact that prosecutors are not politicians and that prosecutorial integrity is of the essence.

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.”

Office of the DPP of Hong Kong, China

For hosting the 12th Annual Conference in September 2007.

Office of the Prosecutor-General of Ukraine and the Ukrainian Association of Prosecutors

For hosting the 3rd Central and Eastern European and Central Asian Regional Conference for prosecutors in Odessa in October 2007.

Office of the Prosecutor General of Finland

For hosting the Executive Committee meeting in Helsinki in February 2008.

Supreme Prosecutor’s Office of Korea

For hosting the 5th Asia and Pacific Regional Conference in June 2008.

Retiring Executive Committee members

Wendy Abraham QC, Ilie Botos, Alice Fisher, Knut Kallerud, Guillermo Piedrabuena and Pachara Yutidhammadamrong.

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.”

Marianne Carey (Australia)

For her work on editing the IAP Newsletter.

Janne Holst Hübner and Svend-Erik Hellner (Denmark)

For their work on the construction of the new IAP website.

The IAP Executive Committee 2008-2009

President

François Falletti, Procureur Général près la Cour d'Appel d'Aix-en-Provence, France

Vice-Presidents

Retha Meintjes SC, Deputy Director of Public Prosecutions, South Africa

Ye Feng, Director General International Judicial Co-operation Department, PRC China

Carlos Mariano Donoso Castex, Vice-President of the Association of Prosecutors of Argentina, Argentina

James Hamilton, Director of Public Prosecutions, Ireland

Wendy Stephen QC, Crown Counsel, Canada

Joon-Gyu Kim, Senior Chief Prosecutor, Korea

Secretary-General

Henk Marquart Scholtz, Senior Advocate General, The Netherlands

General Counsel

Elizabeth Howe OBE, Former Chief Crown Prosecutor, England and Wales

Members

Richard Buteera, Director of Public Prosecutions, Uganda

Sabas Chahuán Sarras, General Prosecutor, Chile

Nicholas Cowdery AM QC, Director of Public Prosecutions, NSW, Australia

Basile Elombat, Magistrat, Cameroon

James P. Fox, President, National District Attorneys Association, United States

Alasdair Fraser QC, Director of Public Prosecutions, Northern Ireland

Siri S. Frigaard, Chief Public Prosecutor, Norway

Vinette Graham Allen, Former Director of Public Prosecutions, Jamaica

Grenville Cross SC, Director of Public Prosecutions, Hong Kong, China

Martin Herschorn QC, Director of Public Prosecutions, Nova Scotia, Canada

Gerhard Jarosch, Senior Prosecutor, Austria

Mike Kennedy, Chief Operating Officer, Crown Prosecution Service, England and Wales

Fikrat F. Mammadov, Minister of Justice, Republic of Azerbaijan

Josaia K. Naigulevu, Director of Public Prosecutions, Fiji

Chaikasem Nitisiri, Attorney General, Thailand

Stephen Pallaras QC, Director of Public Prosecutions, SA, Australia

Javier Popolo Filgueira, Public Prosecutor, Venezuela

Richard Rogers, Senior Counsel Department of Justice, United States

Oleksandr Shynalskyi, President of the Ukrainian Association of Prosecutors / Deputy General Prosecutor, Ukraine

Jorgen Steen Sørensen, Director of Public Prosecutions, Denmark

Raija Toiviainen, State Prosecutor, Finland

László Venczl, Vice-President, Hungarian Association of Prosecutors, Hungary

Prosecutor Exchange Program

At the Annual Conference in Singapore, the Association announced an exciting new initiative: the Prosecutor Exchange Program (PEP).

It is hoped that many of our members will be able to participate in this program.

Under the PEP, the IAP will encourage and assist with the coordination and administration of bilateral prosecutor exchanges between prosecution offices of different but compatible countries

as to language and legal tradition (and maybe one-way placements for limited times for specific purposes).

As crime becomes increasingly international, prosecution agencies around the world must work more closely together.

PEP will facilitate the exchange and dissemination among prosecution agencies of information, expertise and experience, and contribute to the professional development of both the exchange prosecutors and the agencies they serve.

There may be many forms of prosecutor exchanges, including direct simultaneous exchange of prosecutors, study or training visits, or secondments in which only one office sends a prosecutor.

The duration of the exchanges will vary depending on the form of the exchange and the needs of the parties involved.

To facilitate the program, the IAP is producing a best practice guide which participating agencies will be able to use to assist them with exchanges.

This program is being co-ordinated by Nicholas Cowdery AM QC, DPP for NSW, Australia and Past President of the IAP, and Nicola Mahaffy, Crown Counsel in Vancouver, Canada.

IAP annual essay competition

The winner of the IAP Essay Competition, which was held for the first time this year, was Sophie Goodrick from the International Section of the Crown Prosecution Service of England and Wales. Sophie was presented with her award at the Annual Conference in Singapore, after the opening ceremony. She also received free registration for the conference.

The theme of the essay was required to follow the conference theme and to address the following topic: “New threats in the use of technology in crime: can prosecutors rise to the challenge?”

The judges were Professor Egbert Myjer, Senator of the IAP and a Judge of the European Court of Human Rights, Vinette Graham Allen, an Executive Committee member from Jamaica, and Elizabeth Howe, General Counsel of the IAP.

The winning essay, entitled, “Addressing the challenge of high-tech crime: the value of networks as a capacity building tool”, was found by the judges to have fully satisfied the criteria set and offered a valuable response to a number of key challenges within a global context. It is available on the website. Congratulations Sophie.

Special mention also should be made of the submission from Gabriel Bourgeois QC, a Crown Prosecutor with the Office of the Attorney General of New Brunswick, Canada.

Association projects

At its Singapore meeting, the Executive Committee was updated on the status of the IAP’s projects; a summary of which appears below:

Standards [Retha Meintjes] and Management Practice [Bob Johnson]

It was agreed that this project remains shelved until it is clear how UNODC are to progress following the adoption of IAP *Standards* by the UN Crime Commission, given the expectation that they will develop some tools/technical assistance.

UNDP Modernisation in Arab States [Elizabeth Howe]

Elizabeth remains in close contact with this program and is asked for assistance from time to time and is building a database of willing participants.

Communication Strategy, website and fact sheets [Janne Holst Hübner, Communication Manager]

The fact sheets will be uploaded and the new membership application text should allow country

contact points to update information. The communication Strategy as such is not yet created.

Hyperlinks [Martin Herschorn]

Martin reported that he had approached 12 Organisational Members so far, seeking their co-operation with this project.

Standards for Protection and Security of Prosecutors [James Hamilton]

This guide was printed as a manual and was launched in Singapore and distributed at the conference.

Human Rights Manual and Training Manual [Nicholas Cowdery, Barry Hancock, Egbert Myjer, Knut Kallerud]

To be printed imminently.*[now available]*

Prosecutors Exchange Program [Nicola Mahaffy and Nicholas Cowdery]

Program was endorsed.*[now operational]*

Judicial Rapid Response Initiative and Prosecutors Assistance Panel [Mark Tedeschi]

Awaiting sight of JRR report.*[watching brief]*

Hate Crime Best Practice Manual [Elizabeth Howe]

Awaiting result of collaboration with OSCE on legislative tools.*[see report below]*

Update on the GPEN initiative

There has been unprecedented growth in the use of the Internet. In addition to personal computers, people are now accessing the Internet via WAP mobile phones and TV set-top boxes. More people are using technology routinely in their daily lives and the range of technological products available to them is increasing exponentially.

All of these developments have implications for law enforcement and prosecution agencies, as criminals exploit the opportunities that information and communications technology provides.

This use of computers to facilitate crime is referred to as e-crime.

For the purposes of the Global Prosecutors E-Crime Network (GPEN), e-crime means any crime where information or communications technology is used. This includes cases where computers or other devices are used as a crime tool, for example, distribution of child pornography, where computers are the targets of crimes such as hacking and where computers or other devices are used as storage and communication tools to facilitate the commission of, for example, drug offences.

Since 1999, the Crown Prosecution Service (CPS) of England and Wales has prosecuted a wide range of e-crime, from cyber stalkers to hackers to paedophile groups. However, general awareness of e-crime issues amongst prosecutors was limited.

The CPS raised its profile in the area of e-crime by recognising the need to develop its own e-crime strategy to ensure there were sufficient specialist prosecutors across the country capable of advising their colleagues locally, whilst also developing links with their counterparts in the police force.

Part of the strategy was also to raise the profile of e-crime amongst all CPS staff by developing a general awareness raising strategy.

The aim of the strategy was to ensure that the CPS had the necessary levels of specialist expertise and general awareness to effectively prosecute cases involving high-tech crime issues.

A large number of crimes in the UK nowadays have a computer-enabled element to them. The UK has taken a proactive stance on the Internet, as it has become a significant tool in the distribution of child pornography. Adults are using the Internet to establish contact with children with a view to "grooming" them for inappropriate/abusive relationships.

The UK's proactive stance on the removal of Internet content which is illegal under UK law has led to the majority of illegal Internet content being hosted abroad rather than in the UK.

How GPEN developed

As a result of the work on the e-crime strategy, the CPS became aware of a number of common problems with e-crime cases, ranging from the admissibility of digital evidence to court presentation.

Some challenges that e-crime poses for prosecutors, are:

The anonymity of the technology which makes it harder to trace people;

The borderless nature of the Internet makes it harder to track defendants or obtain evidence quickly from other jurisdictions;

The veracity of evidence and how it is obtained can lead to lengthy arguments at court between experts;

The volume of evidence collected and stored has implications for search and seizure procedures and consequent disclosure duties; and

Often legislation used to prosecute crimes lags behind technological developments. The CPS is aware that a global problem requires a global solution, namely, a global framework for combating e-crime.

The Council of Europe Convention on Cybercrime potentially fulfils that purpose.

Whilst law enforcement authorities respect national borders, unlike the criminals they pursue, they need to learn to co-operate and work effectively with each other. The CPS initiated a GPEN prototype as a virtual network which can be accessed via the GPEN website.

This will not only encourage enhanced international co-operation in the e-crime arena; but will also enable all jurisdictions to develop a co-ordinated approach for dealing with e-crime that supports effective prosecutions and promotes the principles of the Council of Europe Convention on Cybercrime.

The GPEN initiative was launched at the 13th IAP Annual Conference in Singapore on the 28th August 2008 by the Attorney General of England and Wales and Northern Ireland, Baroness Scotland, who spoke enthusiastically in its favour.

The launch generated a great deal of interest, evidenced by the numerous references to GPEN throughout the conference as a key instrument in the fight against e-crime.

GPEN has been designed to achieve the following:

Enhance international co-operation in the e-crime arena of member countries;

Reduce duplication of training and realise significant cost savings, as countries will no longer need to devise their own training material from scratch;

Develop appropriate training courses to train prosecutors who will be able to train their colleagues;

Encourage the sharing of best practice and dissemination of lessons learnt;

Improve the exchange of crucial information and data quickly and efficiently; and

Encourage all States to adopt a co-ordinated approach to dealing with e-crime that supports effective prosecutions and promotes the Council of Europe Convention on Cybercrime principles.

The IAP Conference Outcome describes GPEN as “the primary vehicle” for training, education and sharing good practice among the international community of prosecutors.

GPEN – the website

GPEN will be a network of specialist e-crime prosecutors managed by a Development Board composed of IAP members. There will be security restrictions to the network to ensure that the available material is not open to misuse.

All material listed on GPEN will only be free for use by law enforcement bodies/prosecutors.

GPEN is a web-based platform which can be accessed by specialist e-crime prosecutors from around the world.

It has its own logo and strap line: “Joining together to fight e-crime.”

GPEN will provide IAP members with access to:

A **contacts database** of fellow nominated e-crime prosecutors from around the world. Each IAP member country will be invited to nominate at least one prosecutor (preferably with a e-crime knowledge) to be registered with GPEN as the contact point for that country for queries, advice requests, etc;

A **discussion forum** (message/chat board) for the exchange of queries and advice. The forum will be moderated but members are encouraged to share their expertise by answering questions posted by others;

A **library** collection of e-crime material, for example, national legislation and legal guidance. The GPEN library is designed to enable prosecutors from around the world to share best practice and expertise with one another. E-crime is a global issue and to fight it effectively we need to work together and pool our resources. The CPS will be placing e-crime material that they have and that they receive from other UK government agencies, such as the police, in the library; and

A **virtual Global E-Crime Prosecutors’ College**, containing a database of e-crime training courses and presentations.

One aim of the GPEN project is to facilitate the education and training of e-crime prosecutors worldwide. There is a global need for training and standardisation of legal and procedural standards in dealing with e-crime. Training of prosecutors to prosecute e-crime cases is a priority for international efforts against cybercrime. Training materials can be downloaded and adapted or improved for use by prosecutors. The revised training program can then be uploaded to the website to enable prosecutors in other countries to take

advantage of the improvements or changes made. E-crime training will need to be developed on a continuous basis in order to take account of changing technology. Assuming that the present trend of criminal involvement in high-tech crime continues, and it seems more than likely that it will, all prosecutors will need to have an understanding of e-crime issues.

We can no longer be content playing catch-up with online organised or disorganised criminals.

We need to predict future challenges and prepare for them.

Furthermore, as technology develops, so the training and guidance on such issues will need to develop. It is, therefore, crucial that existing partnerships with specialists and experts in industry, both nationally and internationally, are nurtured to help us predict what lies over the technology horizon. The GPEN website was imported to the IAP website in April 2009 and can be accessed by IAP members who have been allocated a password by registering as an IAP member online.

Managing GPEN

As noted, GPEN will be managed by a Development Board, responsible for overall governance and ensuring delivery of an effective and purposeful response to the e-crime challenge.

The Board will be tasked with ensuring that GPEN continues to thrive and receive the necessary financial and practical support.

It will respond to participating nations’ demands as to how GPEN should innovate and change.

Finally, it will be responsible for directing outreach to external stakeholders, including potential new partner organisations.

Congratulations

John Reading SC, DDPP of Hong Kong, China, has been awarded the Bronze Bauhinia Star in the Hong Kong Special Administrative Region 2008 Honours List, which was published on the 1st July 2008.

The citation commends John's "dedicated and meritorious" service during his 23 years as a prosecutor in Hong Kong.

John, an expert in victims' rights, has done much to ensure that victims and witnesses receive the best possible deal from the criminal justice system.

Since 2000 John has been Chief of Staff of the Prosecutions Division of the Department of Justice, and has done much to assist the IAP, chairing conference organising committees in 2004 and 2007 and the success of each event owes much to him. Congratulations

World first for Dubai prosecutors

Our congratulations to the Dubai Public Prosecution service, which was recently awarded 9001:2000 certification by the International Organisation for Standardisation (ISO).

The ISO is a global network that identifies what international standards are required by business, government and society, develops them in partnership with the sectors that will put them to use, and delivers them to be implemented worldwide.

ISO standards are internationally recognised, widely respected and valued, and accepted by both public and private sectors.

It is believed that the Dubai Public Prosecution service is the first public prosecution service in the world that managed to achieve a certificate in the field of quality assurance and continual improvement.

This is a wonderful achievement and a great inspiration for other prosecution services.

4th IAP Regional Conference for Prosecutors from Central and Eastern Europe and Central Asia

The beautiful city of Lviv played host to the fourth regional conference for Central and Eastern Europe and Central Asia, 9-11 November 2008.

It was seasonally chilly, particularly for some of our colleagues from warmer climes. However the warmth of the reception we experienced from our Ukrainian colleagues soon dispelled any chill.

The theme was 'The Prosecutor and Human Rights', and the presentations were diverse and thought provoking. They can all be found on the IAP website along with a selection of conference photos.

There were 89 delegates from 22 countries as well as 6 participants from 5 international organisations such as UNCHR, the American Embassy in Kyiv, the Council of Europe and Eurojust..

The conclusion of the conference (see IAP website) confirms the central role that prosecutors play in asserting and protecting human rights.

Participants also had the opportunity, to appreciate and observe the architecture and traditions of Lviv which owes much to its Austro-Hungarian heritage.

We extend our grateful thanks to the office of the Prosecutor General of Ukraine and to the Ukrainian Association of Prosecutors and all those who contributed to the impeccable organisation and generous hospitality

New role for IAP President.

François Falletti, President of the IAP, officially assumed his new position as Procureur General of the Court of Appeal of Aix-en-Provence during a grand ceremony held in the City's Justice Palace on 12 September 2008 involving some 400 attendees comprising high ranking

representatives from political bodies, local governments and administrations, judges, lawyers, police chiefs, etc This event offered him the opportunity to deliver a speech outlining his main goals and objectives as the new Procureur General.

The Prosecution Office of Aix-en-Provence is one of the most important in France, having jurisdiction over significant cities such as Marseilles and Nice. The office deals with investigations and prosecutions concerning organised crime and pollution over the whole French Mediterranean coast between Spain and Italy including the French Riviera (“La Côte d’Azur”)and Corsica, demanding extensive involvement in international cooperation and mutual legal assistance; these responsibilities fit well with Francois Falletti’s position as President of the IAP.

CHINA-ASEAN Prosecutors General Conference

The 5th China-ASEAN Prosecutors General Conference was held at the Hyatt Hotel in Manila, Philippines, from 11th to 13th November 2008.

The conference was convened at the invitation of Cao Jianming, Prosecutor General of China, and Jovencito R Zuno, Chief State Prosecutor of the Philippines.

The China delegation was led by Prosecutor General Cao Jianming and among others included Grenville Cross, SC, Director of Public Prosecutions of Hong Kong.

The conference theme was *‘Effective Co-operation in Combating Transnational Crimes’*. During the three-day event, delegates agreed that the global financial crisis must not deflect countries from their objective to suppress transnational crime. The conference discussed in detail the need to strengthen and reinforce the levels of mutual co-operation and communication among prosecution offices. In his opening address, host Jovencito R Zuno said that *‘International problems that have been brought about by transnational crimes require common and unified efforts on the part of governments of various jurisdictions and to see to it that there will be no safe havens for criminal cohorts’*.

In his opening address, Mr Cao Jianming said that China and ASEAN had similar goals. He stressed the need to *‘actively improve such mechanisms as extradition, judicial assistance and retrieving assets, and further deepen international co-operation in anti-corruption and anti-money laundering’*.

When he addressed the conference, Hong Kong DPP Grenville Cross told the delegates of the importance the IAP attaches to prosecutors assisting their counterparts in other jurisdictions, and explained the benefits Hong Kong has derived from its organisational membership of the IAP. He said that the Prosecutor Exchange Programme was adopted by the IAP in Singapore in August 2008, and was designed to facilitate the exchange and dissemination among prosecution agencies of information, expertise and experience, and contribute to the professional development of both prosecutors and the agencies they serve.

In their joint declaration at the conclusion of the conference, the participants agreed :

- to establish comprehensive mechanisms for mutual legal assistance in criminal matters;
- to harmonize national legal frameworks with international standards;
- to establish direct co-operation between prosecutorial and law enforcement agencies in different countries;
- to implement prosecutor exchange programmes among member countries;
- to enhance the capacity of law enforcers through consolidated training and technical assistance;

- to develop multilateral or bilateral agreements to facilitate investigation, apprehension, prosecution and extradition of criminals, exchange of witnesses, sharing of evidence, seizure and forfeiture of the proceeds of crime.

The 6th China-ASEAN Prosecutors General Conference will be held in Hanoi, Vietnam, in 2009.

IAACA 3rd Annual Conference and General Meeting

After its launch in Beijing in 2006 followed by its second Annual Conference and General Meeting in Bali (Indonesia), the International Association of Anticorruption Authorities (IAACA) held its Third Annual Conference and General Meeting in Kyiv, Ukraine, 3-6 October 2008. Many senior representatives from Anticorruption Agencies and General Prosecutors from all over the world attended in order to share their experiences in the fight against Corruption and of effective preventative measures. The event was opened with a strong message delivered by the President of Ukraine and by the President of IAACA, and was followed by in-depth discussions in plenary and workshop sessions. Representatives from the United Nations as well as several IAP members participated in the work of conference which was organised most professionally by Ye Feng, Secretary-General of the IAACA. and Vice-President of the IAP together with the Office of the Prosecutor General of Ukraine. Henk Marquart Scholtz, Secretary-General of the IAP, was also in attendance and chaired one of the workshops.

The Balkans tackle cross-border crime

A two day conference with the title “The cross-border crime in the Balkans” organised by the Greek Association of Prosecutors in cooperation with the International Organization of Immigration was held successfully on the weekend of the 15th and 16th November 2008, in the city of Volos in Magnesia.

Colleagues from the Balkans officially represented their national associations and presented the situation in their home countries suggesting solutions.

Special guest was the General Counsel of the International Association of Prosecutors, Elizabeth Howe. The conference also hosted 108 national prosecutors from almost all the Greek Prosecution Offices.

The main conclusions of the conference can be summed up as following:

- Organized crime has increased enormously in the region of the Balkans and in Southern Europe, especially in reference to human and narcotics trafficking and money-laundering.
- The prosecutors of the Balkan countries are the main pillar in combating organized crime in the region.
- It is of great necessity to establish close co-operation among all prosecutorial authorities of the Balkan States and the competent organs of the EU (Europol, OLAF, Eurojust). It is, therefore, important to organize a continuous “forum” and to institute permanent contact points in all Balkan countries.
- The national criminal legislation of the Balkan countries (both the substantial and procedural law) should be harmonized.
- Organized crime is sometimes related to the State-members of the concerned countries.
- The main weapon for the suppression of organized crime is to locate and to confiscate the income that deprives from criminal activities, to severely control the income resources especially for people who are members of the State authorities.

- The legislative and law-enforcement measures that are needed to be taken against organized crime should not contradict in any aspect the internationally recognized rules for the protection of personal human rights and freedoms.

High-level conference for Beirut

The IAP was invited by the United Nations Development Program, in the frame of the Rule of Law Pillar of the Program on Governance in the Arab Region, to participate in a high-level regional conference in Beirut, Lebanon on the 29th and 30th November 2008.

The event was organised in cooperation with the Lebanese Ministry of Justice and in co-ordination with the UN Office in Lebanon, with the theme “Strengthening Justice systems in the Arab countries”.

The conference brought together high-level Arab representatives, Ministers of Justice, heads of Judicial Councils, Attorneys General, judges and international and regional experts.

IAP President François Falletti, gave a presentation on “International and regional frameworks for strengthening Justice Systems”.

In the course of the discussions he stressed the role of IAP and focussed on its network, its initiatives towards good governance of justice systems and the impact of the IAP *Standards* in conjunction with other UN and regional instruments.

The conference provided a good opportunity to check the state of play as regards co-operation and contributions from international bodies, such as the UN and the European Union, in the field of governance as well as by non-governmental organisations such as the IAP and international associations for the judiciary.

It was also possible to gauge the extent to which many Arabic countries had evolved in modernising their justice systems, balancing the need to take into account in domestic law principles established by the international community and the need to keep the traditions within which their institutions have developed..

Several case studies focused on the efforts in this area made by a group of countries led by the Jordanian Ministry of Justice, the Minister of which made an instructive presentation at the beginning of the conference. Senior representatives from Jordan, Egypt, Morocco, Lebanon and Yemen explained how, through application of certain criteria, they have launched an analysis of the changes in their domestic systems in order to detect improvements in the evolution of their domestic laws and practices by reference to international standards.

During the last session, chaired by the Ministry of Justice of Lebanon and UN representatives, conclusions were drawn, stressing in particular the need to continue developing regional contacts and to extend the above initiative to more countries.

Edinburgh hosts Eurojustice – Vienna takes on transnational crime

Edinburgh

The Eurojustice Conference for 2008 was held in the magnificent city of Edinburgh, hosted by the Crown Office and Procurator Fiscal Service for Scotland. The themes were “The Development of Information Communications Technology (ICT) by Prosecutors and Lessons Learned from Experience; The Prosecutor’s Role in Securing Public Confidence in the Criminal Justice System.”

Eurojustice was established in order to foster and improve co-operation between law-enforcement authorities across Europe and to encourage mutual understanding of the different legal systems in

existence in member States of the European Union. The work of Eurojustice is co-ordinated by the Governing Board for Eurojustice, which comprises four Prosecutors General - from the country hosting the permanent secretariat (the Netherlands); from the present organising country (Scotland UK); the country that organised the previous conference (Slovenia) and the country that will organise the next conference (Estonia). Important discussions centred upon its future with the conclusion of creating a forum for EU Member States' Prosecutors General and Directors of Prosecuting Authorities, in order to offer EU policymakers a wider basis to define political priorities and common trends in the field of criminal justice, to be facilitated by Eurojust.

IAP General Counsel Elizabeth Howe attended on behalf of the IAP and given the confluence of one of the themes with that of our own Annual Conference in Singapore, she was asked to present the IAP Conference outcomes which were complemented by a presentation on the Global Prosecutors E Crime Network which had been launched in Singapore only the previous month. She was also greatly honoured to be asked by Elish Angiolini the Lord Advocate of Scotland to speak to the Justice Committee of the Scottish Parliament about the IAP, its objects, achievements and work programme.

The Lord Advocate also hosted 2 fine receptions, firstly at Edinburgh Castle with its spectacular view of the city and secondly at the impressive College of Physicians.

Over 50 senior representatives from Prosecution offices around Europe participated together with representatives of interested bodies such as the Council of Europe.

Vienna

The 8th to 10th October the IAP General Counsel was in Vienna for the Conference of the Parties to the United Nations Convention against Transnational Organised Crime which continued until 17th October. Gerhard Jarosch, who is based in Vienna and a member of the Executive Committee agreed to attend the second week on behalf of the IAP

As predicted much discussion centred upon the extent of implementation and the extent to which the convention had been invoked. NGO representatives operate under certain restrictions as to access and cannot participate in the working groups. Nevertheless the General Counsel was able to progress some collaborative initiatives with UNODC including development of guidance for adoption of the IAP standards. It was also agreed that formalisation the relationship between UNODC and the IAP would be sought.

The Executive Committee meets in Cameroon

The Executive Committee met in Yaounde, the capital of Cameroon, from the 26th to the 28th February 2009. The meeting opened on an unusual note: the Committee met with Cameroon Prime Minister Ephraim Inoni, the Chief of Government of Cameroon. From his conference room, the Committee moved to the Supreme Court of Cameroon and was honored by being invited to attend the Court's solemn inauguration of the Court's judicial year. In addition, the Committee enjoyed a reception hosted by the Vice-Prime Minister, the Minister of Justice and the Keeper of the Seals; another by the Prosecutor General of the Supreme Court; and a dinner hosted by the Prefect of city of Kribi.

All of these delightful displays of hospitality were arranged by Executive Committee member Basile Elombat, Magistrat, Vice-President Cour d'Appel du Nord, Garoua, Cameroon. The Committee was most appreciative for his efforts before and throughout the days of the meeting.

After formally starting its meeting, the Committee adopted the minutes of the Executive Committee meeting in Singapore, and discussed the admission of additional potential organizational members and vacancies on the Committee. Lazlo Venczl, Vice-President of the Hungarian Association of Prosecutors, announced that he was not going to seek an additional term on the Committee. (He was sadly wished a fond farewell).

Raija Toiviainen, Head of the International Unit of the Office of the Prosecutor General of Finland, and **Barbara Brezigar**, Prosecutor General of Slovenia, were decided upon as those who would be put forward to the General Meeting in Kiev on 8th September 2009 as re-nominee and nominee respectively for membership on the Executive Committee. It was also agreed by acclamation that Nicholas Cowdery be co-opted as a member of the Executive Committee from the end of the Kiev General Meeting until the General Meeting in 2010 in the absence of Henning Fode who had relinquished his seat on the Committee as immediate past President

It was also acknowledged that in 2010, the term of a number of Executive Committee members would expire. Therefore, it was agreed that the membership should be reminded of the nomination procedure for membership of the Executive Committee and their ability to put forward potential nominees to the Executive Committee.

The Committee then considered the matter of the Secretary General's intended departure from the organization after the General Meeting in 2010. The applications of those who want to assume the position in response to the invitations for expressions of interest published in the *Newsletter* and on the website. were discussed and considered. It was decided to interview one of the candidates, with a final decision to be made in September of this year to provide sufficient time to ensure an orderly transition before the anticipated 2010 change, which would need the approval of the General Meeting.

The future structure of the organization was discussed with a look toward making it and the IAP's financial arrangements more formal. The Committee decided to appoint an Audit Committee to oversee future financial expenditures.

IAP awards [see below] and future conferences were discussed, with Annual Conferences set for Kiev in 2009, The Hague in 2010, and Santiago, Chile in 2011. Upcoming Regional Conferences in Dubai in November 2009 and possibly one in Armenia were discussed, as were possible conferences in Argentina and Bermuda. It was announced that a revision of the IAP Human Rights Manual has been completed and is about ready to leave the printers and be disseminated.

The IAP Business Plan was reviewed. It was noted that a technical problem that was expected to be solved in the near future had prevented GPEN from getting on the IAP website. Various other proposals including the development of a rapid response team were debated, but ultimately rejected. It was concluded that the problem of the handling of cases that will be unaddressed after various ad hoc tribunals cease to exist should be a matter for the United Nations., but agreed that consideration should be given to accommodating a specialist forum on 'war crimes' within the framework of the IAP.

The Secretary-General presented a report on the organization's financial situation. All was in order.

Finally, it was noted the next Executive Committee meetings would be in Kiev on 5 September 2009 and an invitation to meet in Prague on 18 -20 March 2010 was accepted.

The following awards were agreed by the Executive Committee in Yaoundé, Cameroon

Medal of Honour

Justice Richard Goldstone (South Africa)

(The award will be in recognition of his international achievements both as prosecutor and in promoting international criminal justice and human rights)

Certificate of Merit

- Office of the Attorney General of Singapore (hosting Annual Conference 2008)
- Ukrainian Association of Prosecutors and Office of the Prosecutor-General of Ukraine (hosting 4th Eastern European and Central Asian Regional conference)
- Office of the Ministry of Justice of Cameroon (hosting Executive Committee meeting)
- Resigning Executive Committee member Laszlo Venczl

Thank you certificate

IAP Office Manager Evie Sardeman

Since the meeting, the Executive Committee has received further nominations **for special achievement awards** which have been agreed;

- Mr Josaia Naigulevu former DPP of Fiji for upholding the principles of integrity and independence in the face of unwarranted pressure from an unlawful ruling regime [see the IAP public statement about Fiji in newsletter 45]
- Mr Ronald Bei Talasasa, Director of Public Prosecutions for the Solomon Islands (in the western Pacific Ocean), in recognition of the exceptional hardships he has faced, especially during the time of the Tension (actually a civil war), and his dogged determination to continue to act in accordance with principle even in the face of great personal danger.
- Mr. Chun-Hui Chang, head prosecutor of Nantou District Prosecutors Office, Chinese Taipei. Prosecutor Chang has brought about the downfall of several Human Trafficking organisations and through his endeavours, more than one hundred foreigners who had lived under the shadow of sex or labour exploitation have been rescued and the entrance and transportation routes used by the Human Trafficking organizations closed down. His contribution to the war against Human Trafficking was formally recognised by the Governments of Thailand and the USA. In 2006, Prosecutor Chang was awarded Model Civil Servant of the year.

9th European Regional Conference, The Hague, 11-13 March 2009

Over 60 delegates from 19 separate jurisdictions gathered together in the ‘legal capital of the World’ to explore the challenges and opportunities involved in cross jurisdictional asset tracing and recovery. Albeit, a Conference for European front line prosecutors, we were pleased to welcome colleagues from as far away as USA, Israel, Bermuda and Chinese Taipei.

As at so many of these regional events, it was the first time that many prosecutors had had a chance to discuss and debate their areas of mutual interest with fellow prosecutors from other countries. The volume of noise during the interactive discussion sessions reveals that delegates have plenty to say.

There is no doubt that asset deprivation is the popular choice when it comes to deterrence and impactful punishment, hitting the criminals where it hurts because their objective has been defeated; prison sometimes being seen as an occupational hazard that may have to be endured.

There is no doubt that we need more effective enforcement of foreign orders within domestic jurisdictions to achieve greater impact and this was one of the main messages together with a the need for an enhanced and rationalised network of prosecutorial expert contact points for asset recovery within each jurisdiction, to facilitate cross jurisdictional cooperation.

What was also clear from the many interesting presentations and discussions that there already exists a wide range of tools and processes available, particularly in Europe, to effect recovery whether through the civil courts or the criminal courts, and we heard some fine examples of successes. However, as ever, there is a lack of consistency between jurisdictions and all that is needed sometimes is an understanding of what can and cannot be done; a clear single source of information in each jurisdiction. The need to build capacity and expertise within less developed countries was also recognised.

The IAP will seek to advance some of the recommendations which emerged from this event and would welcome any expressions of interest from members who wish to get involved. However, what was clear from the feedback was that this event had itself made a modest contribution towards some of those aims.

Han Moraal, Member of the Board of Procurators General from the Netherlands opened the event, and was followed by Stephen Almanseau from the Ministry of Justice, France who spoke about the availability of criminal conviction based recovery orders in France and the absence of civil recovery capability. By contrast Keith Oliver, a senior partner from Peters and Peters, a private practice firm in London, gave a convincing presentation on the advantages of civil recovery procedures available there. Regrettably the planned visit to Eurojust was cancelled due to the sudden and tragic death of one of the Portuguese members, although delegates received the benefit of a short impromptu resume from Sheila Robertson, a Principal Prosecutor Fiscal Depute from Scotland.

Alan Bacarese from the International Centre for Asset Recovery in Basel and Mark Vlastic from the World Bank offered accounts of how their respective institutions could assist in the recovery of significant assets, particularly those deprived from developing countries through corruption. Gary Balch, Head of Confiscation in the Crown Prosecution Service, Serious Organised Crime Division, Hessel Schuth Head of BOOM, The Criminal Assets Deprivation Bureau in the Netherlands, Cindy Clarke Crown Counsel [Specialist] and Larissa Burgess, Crown Counsel, both from Bermuda and Maria Schnebli from Switzerland offered their jurisdictions' perspectives. Thanks go to them all as well as the Chairs and Rapporteurs for the discussion groups and David Trovato and his team from the CPS for assisting with the case study.

Finally thanks to the City Hall of the Hague, particularly Bob Lagerwaard, for their most generous hospitality and to the ICTY [International Criminal Tribunal for former Yugoslavia] and particularly Gavin Ruxton for hosting an excellent visit there on the last day.

Romania hosts 3rd World Summit

The Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors was held in Bucharest, Romania, from 24 to 25 March 2009

The Summit was attended by representatives of 102 UN Member States. Also attending were observers for UN Secretariat units, and other entities and specialized agencies of the UN system and intergovernmental and non-governmental organizations.

The Summit was opened by Mrs. Laura Codruta Kövesi, Prosecutor General of Romania. In her address, Mrs. Kövesi emphasized the importance of the Summit and proposed that in the future a technical secretariat be established and located in Romania.

After the Prosecutor General's welcome, the audience heard from the President of Romania, Traian Băsescu, the Prime Minister of Romania Emil Boc, The Prosecutor

General of Qatar Ali Bin Fetais Al Marri, and the Deputy-Director of the Division for Treaty Affairs of UNODC, John Sandage.

Francois Falletti, President of the International Association of Prosecutors (IAP), thanked the Government of Romania for hosting, organizing and supporting the Summit. He provided an overview of the work of the International Association in promoting international standards and principles necessary for the proper and independent prosecution of offences.

On 25 March 2009, Plenary session III was chaired by IAP General Counsel Elizabeth Howe. The Plenary examined the status and perspective of the World Summit. For that purpose, a questionnaire was distributed to the participants during the event on “chartering the direction of the Summit”. In their responses, the participants noted that there was a place in the international criminal justice agenda for the Summit and therefore expressed their support for its continuation in the future, on a biennial basis. It was further underlined that both the Summit and the meetings of the International Association of Prosecutors fulfilled a productive role by bringing together prosecutors representing different legal systems and traditions, and by offering them the opportunity to share experiences and explore international best practices on the most challenging crime problems.

In an effort to add more momentum and value to the Summit for the benefit of prosecutors and prosecution services, the Plenary further considered the feasibility of establishing a technical secretariat to service the Summit, building upon the achievements and the recommendations of the previous Summits. The Summit stressed the need to give careful consideration to the establishment of a technical secretariat to carry out intersessional work and to facilitate the implementation of the Summits’ recommendations in the interest of continuity and consistency. The Plenary also approved and welcomed the offer of the Government of Romania to retain the secretariat function until the organization of the Fourth Summit.

The Plenary approved and welcomed the offer of the Government of Chile to host the fourth World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice in 2011, immediately after the Annual Conference of the International Association of Prosecutors.

Plenary session IV, the Open floor session, was chaired by IAP Past President Nicholas Cowdery AM QC, DPP for New South Wales, Australia.

At the closing session the Prosecutor General of Romania presented a summary of the discussions held at the Third Summit. She extended her support to Chile, host of the Fourth Summit, and wished the Prosecutor General of Chile every success in its conduct. IAP Secretary-General Henk Marquart Scholtz, renewed his gratitude to Romania as the host of the Third Summit and expressed his wish that the Fourth Summit, to be held in Chile in 2011, would build successfully upon the results and work of the previous .

States get a new tool to combat hate crime

On 19 March 2009 in Vienna the OSCE Office for Democratic Institutions and Human Rights (ODIHR) launched a new tool to help states combat hate crimes.

The 67-page book, entitled *Hate Crime Laws: A Practical Guide*, is the first publication providing practical and easily accessible advice for lawmakers, civil society and law enforcement personnel involved in developing or implementing hate crime legislation.

The guide was developed by ODIHR in consultation with experts including judges, prosecutors (IAP General Counsel Elizabeth Howe participated in a round table conference), government officials, academics and civil society. These experts were drawn from across the OSCE region, resulting in a document which is relevant to a variety of legal systems and traditions. The Guide also drew on the content of the IAP European Regional Conference on Hate Crime which took place in the Hague in March 2008. The guide has already been used by ODIHR as the basis for legislative reviews and training. It has been translated into several languages, including French, Russian and German.

The launch was preceded by an expert workshop in Vienna and was part of a series of OSCE events marking the International Day for the Elimination of Racial Discrimination on 21 March, which also included a roundtable discussion on racism and discrimination on 20 March. IAP Secretary-General Henk Marquart Scholtz represented the IAP in both meetings. Also on 4 and 5 May he acted as moderator at the OSCE Supplementary Human Dimension Meeting on Hate Crimes – Effective Implementation of Legislation, in Vienna.

Secretary-General visits Armenia.

At the invitation of the General Prosecutor of Armenia, Aghvan Hovsepyan, Henk Marquart Scholtz paid a visit to Armenia on 22-26 April 2009. The Office of the General Prosecutor is a long serving organisational member of the Association, having joined in April 1999, and Armenian colleagues have attended IAP conferences for the past 10 years.

During the visit Henk Marquart Scholtz discussed matters of common interest with Mr Hovsepyan and gave a press conference for the Armenian media; he also visited the Armenian Genocide Memorial and met with a number of Armenian colleagues in different parts of the country. One of the topics of discussion was the most favourable time for the next Eastern European and Central Asian Regional Conference, which Armenia has offered to host. It is likely that this conference will be held in Armenia in October 2010.

The Armenian colleagues demonstrated their warm friendship and generous hospitality towards the IAP, strengthening the existing bonds of friendship.

New post for IAP Senator

On the 20th March 2009 Wolfgang Swoboda, an IAP Senator, was appointed Chief Prosecutor for Eisenstadt, Austria. Eisenstadt is located some 50km south-east from Vienna and is the capital of the beautiful province of Burgenland.

Wolfgang, who is chairman of the Austrian Association of Prosecutors, served as an IAP Executive Committee member from 2004 to 2007.

The inauguration was attended by many Austrian colleagues, including IAP Executive Committee member Gerhard Jarosch and his wife Alexandra, also an Austrian prosecutor and member of the Association, who took along their new-born son Viktor, and Secretary-General Henk Marquart Scholtz, who was in Vienna for the OSCE hate crime workshop. Henk presented Wolfgang with a gift on behalf of the Association, and our congratulations go to him with his appointment.

Prosecutors meet on Tito's Island in Croatia

The 3rd Regional Conference of State Attorneys and Prosecutors was held on Brijuni - Republic of Croatia, from 25th - 27th May 2009. This Regional Conference was generally attended in the past by State Attorneys General from the Republic of Croatia, the Republic of Serbia, the Republic of Montenegro and from Bosnia and Herzegovina. In addition, representatives from the Former Yugoslav Republic of Macedonia and members of the Office of the Prosecutor (OTP) of The International Criminal Tribunal for Former Yugoslavia (ICTY) attended, including Prosecutor. Serge Brammertz. Also present were the Ambassador of the United States of America, Clint Williamson, and the General Counsel of the International Association of Prosecutors, Elizabeth Howe, both of whom contributed to the work of the Conference. Furthermore, Vincent Degert, Head of Delegation of the European Commission to the Republic of Croatia and Catharina Maria Trooster, Ambassador of the Kingdom of the Netherlands attended the Conference..

During the Conference issues regarding the analysis and tracking of war crime cases were discussed, as well as the improvement of mutual cooperation in the exchange of information in these cases. One of the most significant questions in relation to the afore mentioned matter is the development of data bases that would be mutually compatible and allow state attorneys in the region mutual access as permitted by the procedure and laws of each country. One such example is a data base developed by the Office of the State Attorney General of the Republic of Croatia.

Topics such as the role of a state attorney in providing support for the witnesses in criminal proceedings conducted in foreign countries, the possibility of using video links were explored and there was a discussion on the assignment of members from State Attorneys Offices from the region to the OTP at the ICTY, for training purposes in cooperation with the OTP transition team so that the Archives of the ICTY could be accessed.

Solomon Islands DPP's Prosecution Policy – report by Nicholas Cowdery AM QC

The nation of the Solomon Islands comprises an archipelago of over 1,000 islands (some big, some very small) in the Pacific Ocean, just south of the equator and abutting the island of Bougainville in Papua New Guinea. The population is about 520,000. The capital is Honiara and nearby in "The Slot" and Iron Bottom Sound there are the sunken wrecks of many US and Japanese warships from the battle of Guadalcanal (the name of the main island on which Honiara is located) in 1942-3. (Wreck diving is a popular pursuit for tourists - by day and by night.) Both the USA and Japan maintain war memorials in Honiara and the airfield is named after an American Marine who gave his life - Henderson.

Fast forward to 2009. The country is stable for now, following serious "ethnic tension" in recent years between the Gwales (of Guadalcanal) and the Malaitans (from the neighbouring island) and the intervention of RAMSI - the Regional Assistance Mission to the Solomon Islands, driven by Australia and New Zealand and involving 15 neighbouring countries.

The criminal justice system is stable, thanks to a strong Chief Justice, Sir Albert ("Rocky") Palmer, a strong Director of Public Prosecutions, Ronald Bei Talasasa Jnr and a cohort of able and committed prosecutors, public defenders, judges and magistrates assisted by some international consultants in the performance of their tasks.

On 13 and 14 May 2009 I was in Honiara. On the first day I conducted a lengthy workshop with the prosecutors, joined later by some Public Solicitor's lawyers. The main purpose of the visit, however, was to officially launch on 14 May the Office of the DPP's first ever Prosecution Policy in comprehensive, written form. The astonishing thing about it is that the Office (and the criminal justice system) have survived for almost 30 years, since the Office was created, without one!

It is a tribute to the leadership of Ronald Talasasa over many years (and through the hardship of the "tension") that this event came to pass. At a grand event held on the shore of Iron Bottom Sound, at the RAMSI headquarters, eminent speakers acknowledged the hard work and determination that had brought this document into existence. They emphasised the value of a Policy of this kind to the prosecutors (to guide them in their work), the other agencies in the criminal justice system (to inform them of how matters would be treated and what they could expect) and the people of the Solomon Islands (who could thereby be assured that appropriate standards were being enforced and decisions made by taking into account only those matters that should properly be considered). This document also reinforces the standing of the country in the eyes of the law-abiding world.

The Standards of the IAP, along with prosecution guidelines and policies from other agencies, guided the formation of this Policy and provided a firm foundation for their drafting and operation. It was a privilege (and a pleasure) to be involved as the official launcher!

Financial Statements

ERNST & YOUNG – Prepared by Ernst & Young Accountants

Balance sheet at 31 December 2008

(after proposed profit appropriation)

A s s e t s

	2008	2007
	€	€
Current assets		
Securities (1) 50,367	63,684	
Debtors (2) 13,430	3,198	
Total liabilities	<u>308,842</u>	<u>299,065</u>
Pre-paid expenses	6,314	649
Cash (3)	<u>238,731</u>	<u>231,534</u>
Total assets	<u>308,842</u>	<u>299,065</u>

L i a b i l i t i e s

	2008	2007
	€	€
Accumulated fund (4)	191,475	180,629
Creditors (5) 115,930	118,436	
Payments received in advance	1,437	—

Profit and loss account for the year ended 2008

	2008	2007	Budget 2008
	€	€	€
Profit			
Membership fees (6)	216,703	209,251	206,000
Conferences (7)	34,912	41,589	35,000
Subsidies court (8)	19,453	18,306	6,600
Other subsidies	13,951	—	—
Other income 252	4	—	—
Total profit	285,271	269,150	247,600
Loss			
Salaries and wages (8)	166,572	181,779	133,200
Rent (8)	23,148	18,984	23,000
Travel costs (9)35,815	21,140	28,000	
Other business expenses (10)	52,354	60,724	68,800
Total loss	277,889	282,627	253,000
Financial gains/(losses)			
Financial gains (11)	11,927	6,992	10,000
Financial losses (12)	(8,463)	(4,152)	—
Total financial gains/(losses)	3,464	2,840	10,000
Surplus/(deficit)	10,846	(10,637)	4,600