



Bulletin for NMP contacts

Special Interest Group Meetings

23rd IAP Annual Conference in Johannesburg, South Africa

9 – 13 September 2018

Dear Colleagues,

We are very pleased to present the following sessions of special interest for those fellow prosecutors dealing with military criminal cases participating in the 23rd Annual Conference of the International Association of Prosecutors.

Please consult the final programme for location and timings of the various venues.

1. NMP sessions

1.1 The Special Interest Group Meeting (SIGM) of the Network of Military Prosecutors (NMP)

The SIGM will take place on Monday 10 September from 14:30 – 16:30 and the overarching theme will be “*The independence of military prosecutors*” with reference to this year’s Conference theme “Prosecutorial Independence – the Cornerstone of Justice to Society”.

The purpose of the Special Interest Group Meeting of the NMP is to facilitate the exchange and sharing of ideas on mutual challenges with regard to prosecution of military criminal cases with a view to further developing the discussions on the independence of military prosecutors we touched upon in our initial meeting in Dublin 2016.

This session will be facilitated by the Danish Military Prosecutor General, Mr. Lars Stevnsborg, and Colonel Bruce MacGregor, the Canadian Director of Military Prosecutions and there will be a number of speakers at this SIGM including the Co-chairs, Ms. Liane Grooters (the Netherlands) and Major General Magistrate Gheorghe Cosneanu (Romania). Deputy Director of Military Prosecutions Jerry Lane (Ireland) will join us as rapporteur for the session.

Military Prosecutor General (Judge Advocate General) Lars Stevnsborg was appointed to his present position in 2007 from a position as Deputy Director of Public Prosecutions and State Prosecutor at the Supreme Court of Denmark in which capacity he conducted numerous cases including a number of landmark cases. He was appointed to the Committee on the Military Criminal Justice Reform by the Minister of Justice in 1999.

Military Prosecutor General Lars Stevnsborg will present the theme of the Special Interest Group Meeting.

Colonel Bruce MacGregor joined the Office of the Judge Advocate General (JAG) in 1997 and has since been attached to various departments of the JAG Corps. He was appointed to his present position of the



Director of Military Prosecutions by the Minister of National Defence in 2014. He has a vast experience as a military prosecutor and has conducted numerous cases at courts martial including several landmark cases.

Colonel MacGregor will discuss the evolution of prosecutorial independence within the Canadian Military Justice System and how recent military court martial jurisprudence had a significant impact on the broader question of prosecutorial independence in the Canadian Criminal Justice System following the 2016 Supreme Court of Canada decision in *R. v. Cawthorne*.

Ms. Liane Grooters – Public prosecutor with the Military Affairs Section of the Office of the Public Prosecutor at the East-Netherlands Regional Court since 2014. She is charged with the investigation and prosecution of criminal offences perpetrated by Netherlands military personnel in the Netherlands and abroad. She has since lead investigations into incidents that occurred during military operations in Afghanistan, Iraq and Mali.

Ms. Grooters will provide a presentation on the recently promulgated Dutch Investigation Manual that has been drafted following the well known Judgment from the European Court of Human Rights (*Jaloud vs. the Netherlands*) with a view to mitigate a series of practical issues encountered in when investigating in international theatres of operations.

Major General Magistrate Gheorghe Cosneanu, Chief Prosecutor of the Military Prosecutor's Section at the Prosecutor's Office, High Court of Cassation and Justice in Romania. He has been working as a civilian and military prosecutor since 1981 and is currently the chief of the Military Prosecutor's Section within the Prosecutor's Office attached to the High Court of Cassation and Justice of Romania and has graduated as well from the National Defense College. In addition he has been an associate professor of Penal Law.

Major General Magistrate Cosneanu will discuss the legal status of military prosecutors and the organization of military prosecutor's offices in the Romanian judiciary system with an emphasis on offenses committed by military personnel within the international mission's theater of operations.

1.2. Network of Military Prosecutors (NMP) Roundtable Discussion

In addition to the SIGM (NMP) there will be a Roundtable for Military Prosecutors and Prosecutors dealing with military cases ('for specially designated NMP contacts') which will be held on Wednesday 12 September 2018 from 16:30-18:00.

The theme of the session is "*Recent developments in Military Criminal Justice – best practices, jurisprudence and legislation*". This session will be facilitated by the NMP Co-chairs as well.

The purpose of the Roundtable is to discuss recent developments in Military Criminal Justice and landmark case law as well as issues pertaining to the development of our Network in an atmosphere of cooperation between prosecutors in this highly specialized area.

We suggest that the participants prepare some notes with a view to discuss the major issues and current challenges that you face in your jurisdiction whether of a general nature or relating to the prosecution of military members and the goal of this session is to encourage open and frank dialogue amongst colleagues without prejudice and without attribution to the speakers.



Please note that Fact Sheets on the Military Justice Systems of the majority of the jurisdictions present are already available on the NMP website which is mentioned below.

At present some 11 jurisdictions have registered for the Conference and it is expected that each jurisdiction will speak about their system for approximately five minutes then the floor will be open for discussion amongst all participants.

2. Additional sessions

2.1 Forum for International Criminal Justice (FICJ) and Conflict related Sexual Violence (PSV)

As last year we take part in the Forum for International Criminal Justice (FICJ) and Conflict related Sexual Violence (PSV) Special Interest Group Meeting as well. The overarching title of this event will be *“Practical organization of international prosecution offices with the principle of independence in mind”*.

This session will take place on *Tuesday 11 September 2018 from 11:15 – 12:45* and will be facilitated by **Serge Brammertz** - Chief Prosecutor for the UN Mechanism for International Criminal Tribunals (MICT) and the speakers include:

Shamila Batohi, Head of the Legal Advisory Section, Office of the Prosecutor, International Criminal Court,

Colonel Bruce McGregor, Director of Military Prosecutions, Office of the Judge Advocate General, Canada,

Mike Chibita, Director of Public Prosecutions, Uganda.

2.2 UN Guidelines on Military Evidence

The UN Draft Guidelines which were drafted following an expert meeting in New York in April 2018 in which our Co-chair Colonel Bruce MacGregor participated.

The draft Guidelines is scheduled to be presented by Director **David Scharia**, Chief of Branch, UN Counter Terrorism Executive Directorate, in a plenary session *Wednesday 12 September 2018 from 9:30-09:45*. We assume that the Draft Guidelines will be available on the Conference website.

3. The NMP website

The NMP website was launched officially at the 22nd IAP Annual Conference in Beijing last year and is available here: <http://www.iap-association.org/NMP/Home.aspx>.

Our website contains inter alia Fact Sheets on Military Justice Systems aiming at examining the respective States' criminal justice system in relation to criminal cases involving military personnel, i.e. 'military criminal cases' covering information on the 'Military' Jurisdiction, the Investigative Authority, the Prosecuting Authority and the Judiciary. At present we have updated Fact Sheets covering 18 countries in Europe, the Americas and Asia. Since the 2017 Conference Fact Sheets on five countries have been added and more are in the pipeline.



Further on the website contains presentations and reports from the previous SIGM's in Dublin 2016 and Beijing 2017 as well as some information published by Network contributors that include annual reports etc. Leaflets on IAP/NMP and the International Society for Military Law and the Law of War (ISMILLW) are available here as well. A Discussion Board is available too.

Recently a new application has been added as well. A library with international instruments such as Military Manuals, International Humanitarian Law, military jurisdictions etc. This part of the site is currently being developed by a team of moderators.

We look forward to seeing you in Johannesburg.

Bruce MacGregor

Colonel Bruce MacGregor
Director of Military Prosecutions (Canada)

Lars Stevnsborg

Military Prosecutor General Lars Stevnsborg (Denmark)