



## ANNUAL REPORT

**2007-2008**

### Introduction

This is the IAP's ninth Annual Report.

It will be distributed to all participants in the General Meeting to be held on 29th August 2008 in Singapore and is available on the IAP website <http://www.iap.nl.com/>

#### **Part 1**

#### **The IAP Year**

#### **12<sup>th</sup> Annual Conference and General Meeting**

The IAP's 12<sup>th</sup> Annual Conference was held in Hong Kong SAR, China on 16 – 20 September 2007. It was a most successful conference attended by 455 prosecutors and 56 accompanying persons from 84 countries and 6 international organisations.

The home for the conference was the magnificent Hong Kong Convention and Exhibition Centre situated on the city's famous harbour and it was there that on Sunday 16 September our President's reception was held. Our host was Wong Yan Lung SC, the Secretary of Justice for Hong Kong SAR, and he and IAP President, François Falletti, welcomed participants before we were entertained by a traditional dragon dance.

Work began on the following morning when we were honoured to hear from the Chief Executive of the Hong Kong SAR, The Honourable Donald Tsang, GBM. This was followed by keynote addresses from Grenville Cross SC, the local Director of Public Prosecutions and François Falletti. Before our distinguished guest departed the eyes of three splendid lions were dotted in traditional fashion and they then danced for us. The opening ceremony was followed by the presentation of the IAP Awards (see below).

The first plenary session, which gave an overview of the issues to be discussed during the conference, was chaired by Grenville Cross and addressed by Professor Mike McConville (Hong Kong SAR), Kyung Sik Hong (Korea), Cliff Buddle (Hong Kong SAR) and Andre Vandoren (Belgium). In the afternoon an plenary session on accountability mechanisms, chaired by Raija Toiviainen (Finland), featured contrasting presentations from Harm Brouwer (The Netherlands) and Stephen Pallaras (Australia) and the day finished with four workshops. The conference dinner was

held in the spectacular Jumbo Floating Restaurant to which participants were ferried in small boats.

Tuesday morning opened with a plenary session, chaired by the President, looking at transparency in the role of the prosecutor. This was addressed by Barbara Brezigar (Slovenia) and Heidi Hautala, a Finnish member of parliament. This was followed by consideration of prosecutors' relationships with the police, chaired by Peter Tak (The Netherlands), in which the speakers were Wendy Stephen (Canada) and Jean-Marie Huet (France). The regional fora completed the morning. The afternoon's plenary sessions, on relationships with victims and witnesses and defendants and their representatives, chaired by Vinette Graham-Allen (Jamaica) and Elish Angiolini QC (Scotland, U.K.), heard stimulating speeches from Barbara Carlin (U.S.A.), Heike Gramckow (U.S.A.), Chin Y Wong QC (Hong Kong SAR), Johan Smit (South Africa) and Pachara Yutidhamdamrong (Thailand). That evening Hong Kong's Commissioner of Police, Tang King-Shing, hosted a splendid cocktail reception at his Headquarters and participants enjoyed entertainment from the Police Quintet and the memorable Hong Kong Police Band.

Wednesday began with a plenary session on relationships with the court, chaired by Benton Campbell (U.S.A.). Our speakers were the Honourable Mr Justice Ma (Hong Kong SAR), Jean-Claude Marin (France), Richard Buteera (Uganda) and Ho Chio Meng (Macau SAR). The morning concluded with further workshops and the afternoon was taken up with an interactive session on the publication of reasons for decisions facilitated by Nicholas Cowdery QC (Australia) and a presentation on the new IAP website by Jesper Hjortenbergt and Svend-Erik Hellner (Denmark). The General Meeting (see below) brought the day to an end.

Our last day opened as is now traditional with feedback from the regional fora chaired by new General Counsel, Elizabeth Howe, and also from the workshops, chaired by Henk Marquart Scholtz. The final presentations in a plenary session on outreach were given by John Lee Ka-Chiu (Hong Kong SAR), Priscilla Lui (Hong Kong SAR), Carlos Donoso Castex (Argentina), Ken Macdonald QC (England and Wales, U.K.) and Solveig Wollstad (Sweden). The President then chaired the final question and answer session with panellists Grenville Cross, Mokotedi Mpshe (South Africa), Guillermo Piedrabuena (Chile), Baroness Scotland (U.K.) and Takeshi Seto (Japan).

All too soon it was time for goodbyes and the President and the Secretary –General thanked all those who had worked so hard to make the conference a success. John Redding, who had chaired the Local Organising Committee, introduced his excellent team so that they could take the applause of participants. We then repaired to The Peak to say our final farewells while looking down on the amazing skyline of Hong Kong.

Before the closing session was concluded, a fond farewell was bid to Barry Hancock who was retiring after being our General Counsel since 1998. Henk Marquart Scholtz spoke in tribute of his colleague and friend noting that Barry had been one of those present at the first meeting which was convened in Budapest in 1993 to discuss the possible formation of an international association of prosecutors. In 1998 Barry was

appointed General Counsel and since then he has worked tirelessly for the benefit of the Association

Henk listed many of his achievements and indicated that Barry was now an Honorary Member of the Association. He then presented Barry with an old map of England and Wales.

In reply Barry Hancock thanked many of his current and former colleagues. Thanks also went to the Crown Prosecution Service of England and Wales for supporting him as General Counsel.

He concluded with the immortal words of Nelson Mandela.

“To all the prosecutors : may you all benefit from the collective vision, experience and expertise of the international community. You are the standard bearers of your criminal justice system - the last line of defence. Be steadfast, enforce the law with determination, diligence and fairness.

They who enforce the law must not merely obey it. They have an obligation to set an example which those whom they protect can follow. Treasure the sacred trust and great authority conferred on you by the will of the people. Care for victims of crime and guard against your own attitudes and values. Recognise and resist racism, sexism and cultural and other forms of discrimination which deny equal access to justice.

Above all, claim your victories and promote the interests of your profession. It is a noble one.”

## **IAP Awards**

The IAP Awards were presented after the formal opening ceremony on Monday 17 September 2007.

The Special Achievement Award went to prosecutors from Lesotho for prosecuting both bribers and recipients from all over the world on charges of corruption involving the Lesotho Highlands Water Project, Africa's largest water transfer and hydropower project. The Director Of Public Prosecutions of Lesotho, Leaba Thetsane, made a short speech thanking the IAP for this recognition.

*Certificates of Merit* went to :

the Office of the National Prosecutor of Chile for hosting the Executive Committee meeting in Santiago in March 2007.

the Attorney-General's Chambers of Malaysia for hosting the 4<sup>th</sup> Asia and Pacific Regional conference in August 2007

Oleksandr Shynalskiy for hosting the 2nd East-European and Central Asian Regional Conference in Kiev in October 2006

the Ministère de la Justice, France for hosting the 11th Annual Conference, 2006

the Ministerio Publico, Venezuela for hosting the 2nd Latin American Regional Conference in July 2007  
Charles Leacock and Wolfgang Swoboda, retiring Executive Committee members.

*Thank you certificates* were presented to :

Heike Gramckow for producing Best Practice Series 5 – Victims.  
Anthony Fung and Microsoft for sponsorship of the 4<sup>th</sup> Asia and Pacific Regional Conference.

### **Executive Committee meeting, Hong Kong**

The Executive Committee met at the Hong Kong Convention and Exhibition Centre on Saturday 15 September 2007. The President welcomed the members of the Executive Committee to Hong Kong. He pointed out that matters had moved rapidly in the last year and this was a time of change. He thanked members for their confidence in him and he promised to do his best in following the previous Presidents of the Association. Henning Fode had left a significant legacy and we now looked at what was expected of the Association in the future. He thanked our hosts from Hong Kong for the splendid arrangements which had been made for the meeting.

Apologies had been received from Alice Fisher, Knut Kallerud, Charles Leacock, Laszlo Venczl and Paul Walsh. The minutes of the Executive Committee meeting in Santiago were adopted. Aruba's membership had been approved by the Committee. There were now 127 organisational members.

Elizabeth Howe was to be appointed as General Counsel from the end of the General Meeting. She was delighted to be taking over the role and looked forward to working with the Committee and for the IAP. The President thanked Barry Hancock the outgoing General Counsel for his work for the Association and wished him well for the future. The job descriptions of the General Counsel and the Secretary-General were approved subject to any comments which might be sent in writing to the Secretariat. James Hamilton and Wendy Stephen would be appointed to fill the vacant Vice-Presidents' positions until full elections could be held in 2008.

The Secretary-General presented his report. The details of the organisational members were on the website. Ireland and China had made significant donations to the Granting Program and the Committee recorded its thanks to them. The Secretary-General thanked the Dutch government for its continuing support. He also thanked the Crown Prosecution Service of England and Wales for its support in releasing the General Counsel over the last 9 years and for their willingness to second Elizabeth Howe for the coming years. The President also thanked the Agence Intergouvernementale de la Francophonie and its successor, and especially the support of Pasteur Nzinahora. The Secretary-General was thanked for his management of the accounts which were approved. The budget for 2007 – 08 was agreed. The Secretary-General presented a paper on the IAP reserve and the anticipated sale of investments.

The General Counsel presented his Report. A Scientific Committee was set up, involving initially the President, the General Counsel, James Hamilton, Joon-Gyu Kim and Richard Buteera. They would involve others as necessary and advise on subjects for conferences and also potential projects. Nicholas Cowdery spoke to a paper on Memoranda of Understanding. This was the outcome of the work of a small committee. The draft set out proposals for the circumstances in which the IAP should enter into an MOU. The way forward recommended in the paper was accepted.

The General Counsel presented a paper on relations with Prosecutors General and the possibility of arranging a meeting for them during the Annual Conference. It was agreed that the need should be assessed and two meetings held in 2008, for prosecutors general and heads of associations.

IAP Projects –[ Elizabeth Howe will be taking these over]

- Standards - Retha Meintjes
- Mentoring – Nicholas Cowdery
- UNDP Modernisation in Arab states – Barry Hancock
- Communications strategy
- Lists of experts – Mike Kennedy
- Supporting outside bodies – Mike Kennedy
- Management practice – Bob Johnson
- Standards for protection of prosecutors - James Hamilton made a presentation on a draft document.
- Fact sheets – Joon-Gyu Kim
- Human Rights training – Knut Kallerud
- Review of the Human Rights Manual – Egbert Myjer
- Linking websites - Martin Herschorn.

Henning Fode had sent a message to colleagues [*which was published in newsletter 39*]

The next meeting of the Executive Committee would be held in Helsinki, Finland on 29 February 2008 and 1 March. Raija Toivainen looked forward to meeting everyone in Helsinki.

There was a presentation by Janne Holst Hubner, Jesper Hjortenbergs and Svend-Erik Hellner on the new IAP website. The new administrative system would be up and running at the conference and would be used in future for the applying for and renewal of membership subscriptions.

Carlos Donoso Castex congratulated the President on taking up his post and wished him well for his term of office. The General Counsel thanked the members of the Executive Committee for their support and friendship over many years.

The meeting reconvened briefly on 19 September 2007 to settle the theme of the 2008 conference. The following was agreed :

*New Technologies in Crime and Prosecution*

The sub-themes, which would be refined by the IAP Scientific Committee in consultation with the local hosts, could be

- Cyber crime
- the use of new technology by criminals.
- the understanding of new technology by prosecutors
- the application of new technology for the investigation and prosecution of crime.
- the use of technology in evidence.

It was intended that presentations should be practically based with casework examples.

Following the resignation of Paul Walsh a nomination had been received from the National District Attorney's Association for James Fox, their President who was at the conference, to replace him. It was too late for him to be elected at the General Meeting but it was possible for him to be co-opted on the following day for one year at which time he would have to stand for formal election. This was agreed.

It was agreed that the IAP would hold the 14<sup>th</sup> Annual Conference in 2009 in Kiev, the capital of the Ukraine.

### **General Meeting, Hong Kong**

IAP Senior Vice-President, Minoru Shikita, took the chair initially and invited the 105 members present to applaud the election of François Falletti as President of the Association. The new President took the chair and thanked members for their support and looked forward to an exciting three years in his post. The minutes of the previous meeting in Paris in August 2006 were approved and there were no matters arising.

A constitutional amendment had been notified to the membership in the Newsletter and the General Meeting was asked to approve it. Article 4 the IAP Constitution admitted 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. “

This was amended 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.”

The following were elected Honorary Members of the Association.

*Henning Fode*, IAP President 2005 - 2007.

*Daniel Bellemare*, IAP Vice-President 1998 - 2006.

*Barry Hancock*, IAP General Counsel 1998 - 2007.

*Wim Deetman*, the Mayor of The Hague.

Bob Lagerwaard spoke briefly on behalf of Wim Deetman. Jesper Hjortenbergh accepted the award on behalf of Henning Fode and Martin Herschorn on behalf of Daniel Bellemare. Barry Hancock thanked the Meeting on behalf of all three.

Carlos Donoso Castex (Argentina), Ye Feng (China), Retha Meintjes (South Africa), Alasdair Fraser (Northern Ireland, U.K.), Michael Kennedy (Eurojust), Fikrat Mammadov (Azerbaijan) and Guillermo Piedrabuena (Chile) were re-elected as members of the Executive Committee. Grenville Cross (Hong Kong SAR, China), Javier Popolo Filgueira (Venezuela), and Oleksandr Shynalskiy (Ukraine) were elected as members of the Executive Committee. Retha Meintjes, Ye Feng and Carlos Donoso Castex were re-elected as Vice-Presidents.

The Secretary-General presented the Annual Report and gave details of the present membership situation. There were 127 organisational members and 1273 individual members.

The Secretary-General also reported on the financial statements 2006 and the IAP Granting Program. Individual dues were again fixed at 30 US Dollars. The General Counsel gave details of the projects on which the IAP was engaged and invited members to contact the Secretariat if they wished to participate.

The President indicated that the General Counsel was standing down and that Elizabeth Howe would be taking his place.

The Secretary-General invited organisational members to send in further commitments to the IAP Standards.

Future IAP Annual Conferences would be held in Singapore in 2008 and Kiev, Ukraine in 2009. The 3<sup>rd</sup> East European and Central Asian Conference would be held in Odessa, Ukraine in October 2007; the 8<sup>th</sup> European Regional Conference would be held in The Hague in March 2008 and the 5<sup>th</sup> Asian Regional Conference in Korea in June 2008.

The next General Meeting would take place in Singapore within the dates of the 2008 Annual Conference.

#### **4th Asia and Pacific Regional Conference**

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

The Attorney General's Chambers in Malaysia hosted this conference in a most generous way. There were 70 participants from 14 countries and jurisdictions. After a splendid welcome reception and dinner on Monday 7 August the conference was opened by the Hon. Tan Sri Abdul Gani Patail, Attorney General of Malaysia. He was followed by IAP Secretary-General Henk Marquart Scholtz and Katherine Bostick, Senior Director of Internet Safety, Microsoft Asia Pacific. Keynote addresses were given by IAP Immediate Past President Nicholas Cowdery, and by Azmi Arrifin of the Attorney General's Chambers of Malaysia. The next day and a half were filled with lectures given by Cybercrime specialists who gave the participants a clear picture of this new phenomenon and discussed with them how to fight it. The conference was closed by the Attorney General at the end of Wednesday afternoon..

#### **3<sup>rd</sup> Regional Conference for Prosecutors from Central and Eastern Europe and Central Asia**

The IAP's third Regional Conference for Prosecutors from Central and Eastern Europe and Central Asia was held in Odessa, Ukraine on the 17<sup>th</sup> – 19<sup>th</sup> October 2007. It was hosted jointly by the Office of the General Prosecutor of the Ukraine and the Ukrainian Association of Prosecutors, both organisational members of the IAP.

The conference was attended by 116 prosecutors from 24 countries and representatives from two international organisations. The administrative arrangements and hospitality were excellent

Participants were welcomed at a splendid reception by UAP President and IAP Executive Committee member Oleksandr Shynalskiy. The next morning work began and over two days participants heard addresses from 15 speakers on the subject 'Independence of the Prosecutor'. The addresses were often followed by lively discussions. Colleagues left the conference after two days with a treasury of information and a host of new contacts which will enable them in the future to exchange ideas and experience on the conference theme and will help them in the search for improved communication between jurisdictions.

#### **Executive Committee Meeting Helsinki, Finland**

The Executive Committee met in a snowy Helsinki from 29<sup>th</sup> February to 1<sup>st</sup> March under the chairmanship of the President François Falletti.

Thanks were offered to our host the Public Prosecution Service of Finland headed by Prosecutor General Matti Kuusimäki who was represented at the meeting by Raija Toiviainen Head of the International Unit of the Office of the Prosecutor General..

The Chairman initiated a discussion about the future direction of the Association and some governance issues. After a healthy debate it was decided to set up 3 sub-committees comprising members of the Executive Committee who would report to the Chairman by 1<sup>st</sup> May 2008 (extended to 1<sup>st</sup> July).



.The Secretary-General asked the Committee to acknowledge with thanks the hard work of Marianne Carey from New South Wales DPP's Office who has been responsible for editing the Newsletters since 2006.

The Committee agreed that the General Counsel should continue to support the UNDP (United Nations Development Programme)- POGAR (Programme on Governance in the Arab Region) activities which included involvement in conferences to strengthen prosecution services and that efforts should be made to build up a data base of suitable IAP expert speakers. The continued efforts of the General Counsel to develop a partnership with the Judicial Rapid Response Initiative was approved in order to give experienced Prosecutors the opportunity to offer their expert services in countries where there is a need. Knut Kallerud of Norway agreed to draw up a proposal as to how the IAP could provide more effective support for member prosecutors who found themselves in difficulty.

Discussion followed about arrangements for the 13th Annual Conference in Singapore. The registration fee was agreed. In regard to the special interest group meetings scheduled for the Saturday afternoon, James Hamilton's offer to be the contact point for the Heads of Prosecutors Meeting was agreed.

The draft work programme for the conference was approved..

Plans for future IAP conferences were discussed and agreed as set out below and grateful thanks were offered to those who had offered to host and organise these events.

The following (re-) nominations for office were made for submission to the General Meeting in Singapore on 29 August 2008:

Vice-Presidents : nominations: Wendy Stephen QC (Canada), James Hamilton (Ireland) and Joon Gyu Kim (Korea).

#### **Executive Committee Members :**

nominations:

Josiah Naigulevu (Fiji), Stephen Pallaras (Australia), Siri Frigaard (Norway), Gerhard Jarosch (Austria), Jorgen Steen Sorensen (Denmark), Sabas Chahuan Sarras (Chile), Chaikasem Nitisiri (Thailand) and Richard Rogers (USA). These latter three nominees were also co-opted as members of the Committee by agreement of the Committee owing to the recent resignation of Alice Fisher (USA), and the earlier resignation of Pachara Yutidhammadamrong (Thailand) and Guillermo Piedrabuena (Chile)

renominations: Basile Elombat (Cameroon), Vinette Graham Allen (Jamaica), Martin Herschorn (Canada)

It was agreed unanimously by the Executive Committee that as a mark of the respect and regard in which Minoru Shikita was held that he should be nominated to the post of 'Honorary Vice-President'.

#### **Conflict Committee**

Eamonn Barnes (Ireland), Werner Roth (Germany) and Paul Ngarua (Swaziland) were renominated as president and members respectively of the Conflict Committee.

## **IAP Project Update**

- **Standards for Protection of Prosecutors**

This Project led by James Hamilton has succeeded in producing a set of standards which should be seen as a bench mark for all prosecuting authorities to observe and should be seen as a significant step forward in the assertion of prosecutorial rights. It was agreed that these standards would be printed and distributed and launched at the 13<sup>th</sup> Annual Conference with attendant publicity. Thanks must go to all those involved in the development of these standards;

Sir Alasdair Fraser [Chair]

James Hamilton [Chair]

Nicholas Cowdery

Carlos Donoso Castex

Gary McCuaig

Laurell Ola

Geoffrey Henderson

Terrance F. Williams

Adam Roberts

- **Review of IAP Human Rights Manual**

This was near completion and should be ready to be launched at the 13<sup>th</sup> Annual Conference with attendant publicity. The efforts of Nicholas Cowdery, Egbert Myjer and Barry Hancock are acknowledged with thanks.

- **Human Rights Training Manual**

This project led by Knut Kallerud is progressing well and a draft is available for comment and awaits refinement. This will be a separate companion manual to the Human Rights Manual. Thanks are offered to Knut for this valuable work.

- **Fact Sheets**

These can now be transferred to the website but responsibility for updates will reside with the contact point for each member country. The Prosecution Service of Korea through Joon Gyu Kim will continue to offer continuity support for which the Association is most grateful..

- **Website Links**

Martin Herschorn from Canada continues to lead this work which complements the provision of fact sheets

- **Protocols**

A compendium of protocols and reconciliation with the Constitution is work in progress building upon preliminary work by Raija Toiviainen and to be taken forward by the General Counsel assisted by special adviser Barry Hancock.

- **Prosecutors Exchange Scheme**

[new project]

This emanated from a proposal by Nicola Mahaffy of Canada. The Executive Committee agreed in principle to consider such a scheme. A detailed proposition and a project plan to be submitted to the Executive Committee for August meeting.

- **Good Practice Publication on Hate Crime**

[new project]

The Executive Committee approved a proposal by the General Counsel to explore the possibility of producing such a publication, potentially in conjunction with OSCE.

- **IAP Standards booklet of worked examples and Management Practice Manual**

The Executive Committee agreed to suspend work on this until the outcome of the proposed Resolution upon the IAP Standards before the Commission on Crime Prevention and Criminal Justice in Vienna in April.

- **Mentoring Project**

Led by Nicholas Cowdery. Progress and timeline to be reviewed by Executive Committee at August meeting.

- **List of Experts and Supporting Outside Bodies**

To be abandoned as specific projects except insofar as to be taken forward by the General Counsel

The next Executive Committee meeting to be held in Singapore on 26<sup>th</sup> August 2008

## **8<sup>th</sup> European Regional Conference**

On 12 -14 March 52 prosecutors from 20 jurisdictions and 2 international organisations, the Office of the Prosecutor at the ICTY and the OSCE, met in The Hague for the 8<sup>th</sup> IAP European Regional Conference. After a reception at the IAP offices and dinner at a local restaurant on Wednesday evening, work began the following morning with a welcome address from Han Moraal, member of the Dutch Board of Procurators General, which set the scene for our discussions on the theme of the conference: Hate Crime.

On the first day our speakers were IAP General Counsel Elizabeth Howe (England & Wales), Michael Whine (Community Security Trust/European Jewish Congress, UK), Frits van Straelen (The Netherlands), Ales Butala (Slovenia), and Nasrin Khan (OSCE). In addition to hearing a series of excellent presentations from these colleagues, participants also visited the premises of Eurojust. There they were greeted by its Vice-President, Mrs. Michelle Coninx, who made a detailed presentation about the role of Eurojust *on* mutual legal assistance in Europe and beyond. There was also an opportunity for participants to meet IAP President Francois Falletti, Eurojust representative for France, over a pleasant lunch with other country representatives at Eurojust.

The day finished with consideration and discussion of a number of case studies within workshops followed by a reception in The City Hall addressed by Bob Lagerwaard who, on behalf of the Mayor of The Hague, welcomed participants to the city which is now without doubt “the legal capital of The World”.

On the final day, participants heard presentations from Debbie Carroll (Scotland) and Andriy Ivanov (Ukraine). The workshops then reconvened to consider general principles and recommendations for good practice. It is intended that these will be

developed for the purpose of a Good Practice Guide possibly in collaboration with the OSCE. A full report upon the outcome of the Conference is available from The General Counsel of The IAP and on the IAP website.

After a feedback session and a final discussion forum the conference ended with lunch.

### **5<sup>th</sup> Asia-Pacific Regional Conference**

Korea with customary efficiency and warm hospitality hosted the 5<sup>th</sup> Asia-Pacific Regional Conference in Seoul on 8-10 June 2008.

About 150 participants from 40 countries assembled at the Renaissance Seoul Hotel . They came from jurisdictions in Asia, Southeast Asia, the Pacific and, for the first time and at the special initiative of our hosts, from several Arab countries.

The theme for the conference was Economic Growth and Corporate Crime. A lavishly catered Welcoming Reception on the Sunday evening was followed on Monday by sessions on “Corporate Transparency and Control over Corporate Crime” and “Expertise in Regulation of Corporate Crimes”. Participants were addressed by speakers from Korea, the IAP (Secretary-General, Henk Marquart Scholtz), Malaysia, Bahrain, Hong Kong China, Australia, Thailand, India, Fiji, The Netherlands, Singapore and Japan.

The Korean Prosecutor General, Chai Jin Lim, that evening hosted one of a series of banquets in the ceremonial hall of the Prosecutor General’s building near the Supreme Court. It was a memorable occasion with both traditional and unusual entertainment.

On Tuesday in sessions on “Effective Law Enforcement in Corporate Crime” and “International Cooperation against Corporate Crime” speakers were heard from (in addition to others from some of the countries represented on Monday) Iran, Macao China, Taiwan, Indonesia and Dubai. Elizabeth Howe, IAP General Counsel, presented a paper. IAP President, Francois Falletti, also addressed the conference.

That evening the Korean Minister of Justice, Kim Kyung Han, hosted a superb banquet on the lawn of the Walkerhill Hotel Aston House, along the Han River and with views in all directions. Again with spectacular performances from Korean entertainers.

### **High Level Prosecutors’ Meeting**

It was a Korean initiative to host, in conjunction with the Regional Conference, a High Level Prosecutors’ Meeting of senior prosecutors from the Asia-Pacific and Arab regions.

On Wednesday 11 June 2008 around 40 senior prosecutors travelled to Busan, Korea’s second-largest city on the southeast coast. That evening the Mayor of Busan hosted a reception and dinner.

On Thursday all gathered at the Nurimaru APEC House. The meeting began with an address from the Korean Prosecutor General, Mr Lim, who outlined his motivation and vision for the proceedings. He was followed by IAP President, Francois Falletti and then by each participant in turn around the table. Valuable contributions were made by participants from (in alphabetical order) Australia, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Fiji, India, Indonesia, Japan, Lao People's Democratic Republic, Mongolia, Myanmar, Republic of Korea, Russian Federation, Saudi Arabia, Singapore, Solomon Islands, Thailand, the United Arab Emirates (Dubai and Abu Dhabi) and then the IAP. The meeting concluded with the unanimous adoption of the Busan Declaration on Cooperation among High Level Prosecutors. It provides for the way forward.

The Declaration will be on the agenda for the IAP Executive Committee meeting in Singapore on 26 August 2008 (just ahead of the 13<sup>th</sup> Annual Conference and General Meeting – 27-31 August) and the IAP will have an important role to play in the advancement of its objectives.

## **Council of Europe**

### **2<sup>nd</sup> Plenary Meeting of the Consultative Council of European Prosecutors (CCPE) of the Council of Europe**

The Consultative Council of European Prosecutors (CCPE) of the Council of Europe met in Strasbourg from 28 to 30 November 2007. The IAP, represented by our President and Secretary-General, has a long standing status as observer with the CCPE and maintains excellent relations with all members of the Council and with the COE secretariat.

For a full meeting report and the text of Opinion No.(2007) 1, go to: [www.coe.int/t/dg1/legalcooperation/ccpe](http://www.coe.int/t/dg1/legalcooperation/ccpe)

### **8<sup>th</sup> Conference of Prosecutors General of Europe, St. Petersburg, July 2008**

At the invitation of Mr Yuri Chayka, Prosecutor General of the Russian Federation, the 8<sup>th</sup> Conference of Prosecutors General of Europe on the theme "The role of the public prosecution in the protection of human rights and public interests outside the criminal law field" took place in the Konstantinovsky Palace, St. Petersburg, organised by the Council of Europe and the Prosecutor General's Office of the Russian Federation.

James Hamilton, at the request of the International Association of Prosecutors, addressed the Conference to express the viewpoint of the Association that provided functions of the prosecutor outside the area of enforcement of criminal law support and enhance the role of the prosecutor and the principles of independence and integrity are not compromised, their validity is evident.. However the prosecutorial function of prosecutors should not be dwarfed by other duties.

Details of the final recommendations can be found at [www.coe.int/ccpe](http://www.coe.int/ccpe)

## **Anti Corruption**

Much of the work of the IAP centres around the rising tide of bribery and corruption and how to effectively combat it. Prosecutors are themselves not immune from attacks

upon their integrity and it would be naive to suggest that Prosecutors and those with whom they work are incorruptible. The IAP Standards are a strong statement of values in this context

Further, Prosecutors are key players in developing effective sanctions particularly in the realm of cross jurisdictional cooperation and asset recovery.

Accordingly the IAP has taken an active role with those organisations which carry a specific focus on these issues.

- **IAACA (The international Association of Anti-Corruption Authorities)** was launched in Beijing in 2006 and held its 2<sup>nd</sup> Annual Conference and General Meeting in Bali, Indonesia from 21<sup>st</sup> to 24<sup>th</sup> November 2007. Francois Falletti the IAP President attended and indeed many IAP members attended including most significantly Ye Feng IAACA General Secretary and IAP Vice President who was responsible for organising the event.

The next IAACA conference will be in Kiev, Ukraine from 3 to 6 October 2008. Henk Marquart Scholtz the Secretary General of the IAP will be attending.

- **Conference of State Parties (second session) (COSP) to the UN Convention against Corruption in Bali, Indonesia January 2008**

Pursuant to the IAP consultative status with the Economic and Social Council of the United Nations, Elizabeth Howe General Counsel represented the IAP at this event.. The Resolution setting out the final conclusions of the COSP can be found on the United Nations Office of Drugs and Crime (UNODC) website In brief they emphasised the importance of implementation by state parties through adapting their legislation and regulations accordingly and also through the introduction of an effective review process. The provision of technical assistance according to need was highlighted as an essential component particularly in the area of asset recovery. Prosecution Services are also open to corruption and the United Nations Convention against Convention recognises this possibility in Article 11 which specifically refers to measures relating to the judiciary and prosecution services and requires state parties to take measures to strengthen integrity and prevent opportunities for corruption within their prosecution service.

- **Organisation for Economic Co-operation and Development (OECD)** held a meeting on 16<sup>th</sup> August 200 with the members of the OECD working group on Bribery in International Business Transaction which Elizabeth Howe General Counsel attended following a response she had submitted on behalf of the IAP to their consultation paper on the review of OECD Anti-Bribery Instruments. Discussion inevitably centred upon the crucial issue of enforcement, but there was also an interesting exchange about the challenges around third party bribery and the use of intermediaries.

### **United Nations**

The IAP continues to work with the UN, and are looking to strengthen our relationship with the UNODC (the United Nations Office of Drugs and Crime) and Elizabeth Howe, General Counsel is a regular visitor to Vienna where they are based. One notable success was 17<sup>th</sup> United Nations Commission on Crime Prevention and Criminal Justice in Vienna in April which passed a resolution recommending that State Parties take into consideration the 'International Association of Prosecutors Standards of professional responsibility and statement of the essential duties and rights of prosecutors' when developing or reviewing

their own prosecution standards. This resolution which annexes the standards has been circulated to all state parties for comment by 31<sup>st</sup> August 2008.

The General Counsel has also contributed to the UNDP (United Nations Development Programme) POGAR (Programme on Governance in the Arab Region) initiative in Jordan and Morocco in particular.

### **Other meetings and conferences attended by representatives of IAP during 2007/2008**

include the following;

#### **10<sup>th</sup> Jubilee Eurojustice Conference of European Union Prosecutors-General 25 to 26 October 2007**

This took place in Portoroz, Slovenia and was hosted by Barbara Brezigar, Supreme State Prosecutor, Slovenia. The principal themes were the prosecution of environmental offences and simplified procedures to deal with high volumes of cases. Both our President and Secretary-General participated. The next Conference will be in Edinburgh 29 September to 1<sup>st</sup> October 2008.

#### **2<sup>nd</sup> Conference on Justice of Doha 26-28<sup>th</sup> April 2008**

François Falletti our President attended this event as did Joon Gyu Kim (now Senior Chief Prosecutor of Busan, Korea) at the invitation of the Prosecutor General of Qatar in association with the French Minister of Justice. 20 Arab countries were represented as well as representatives from Eurojust and the UN. Our President delivered an opening address.

### **ILAC Council and Annual General Meetings**

The International Legal Assistance Consortium (ILAC) held its Council and Annual General meetings in Rome on 8<sup>th</sup> and 9<sup>th</sup> May 2008. The event was hosted by Giuseppe Bisconti, Chair of the International Foundation for the Rule of Law and the Independence of Lawyers and Judges, and the IAP was represented by former General Counsel, Barry Hancock. Most of ILAC's work is carried out in post-conflict situations or in countries in which the legal system has collapsed. Those wishing to find out more about ILAC can visit its web page [www.ilac.se](http://www.ilac.se)

### **The 16th General Assembly of the Latino-Iberico Association of Prosecutors General**

This gathering was held in PuntO Cana (Dominican Republic) on the 9<sup>th</sup> and 10<sup>th</sup> July 2008. It was assembled at the invitation of its President, Candido Conde Pumpido Tournon, Prosecutor General of Spain, and Radhames Jimenez Paña, Prosecutor General of the Dominican Republic. Prosecutors General or their representatives from more than 20 countries from Latin America, Spain and Portugal attended together with observers from international organisations such as Ibered and the Latino-Ibero network of prosecutors for mutual assistance. The conclusions of the General Assembly stressed the need for strong links between the

Latino-Iberico Association and the IAP and the search for relevant practical approaches within that aim.

### **The 22<sup>nd</sup> International Conference of the International Society for the Reform of Criminal Law (ISCRL)**

This was held in Dublin from 11<sup>th</sup> to 15<sup>th</sup> July 2008. The theme was 'Codifying the Criminal Law; Modern Initiatives. Henk Marquart Scholtz Secretary-General attended and spoke as did James Hamilton DPP Ireland who hosted the conference and is a member of the Executive Committee as well as being a Vice-President of the IAP.

### **INPROL**

The IAP have executed a Memorandum of Understanding with INPROL (International Network to promote the Rule of Law) see it on the IAP website. INPROL is a consortium of practitioners joined together to develop capacity to promote the Rule of Law in countries transitioning from war to peace. It is an internet-based network providing those serving within the field with the ability to exchange information with other experienced practitioners as well as access to relevant documents, best practices and related materials. Cooperation would include the opportunity for IAP members to offer advice and expertise through INPROL discussion fora and links to each others' web sites. Robert P. Doyle Special Advisor to the Director of Public Prosecutions of Canada attended the first Annual Meeting of INPROL on behalf of the IAP in Washington DC USA on 20<sup>th</sup> May 2008. You can also view the INPROL web site at [www.inprol.org](http://www.inprol.org)

### **GPEN**

The Global Prosecutors E-Crime Network (GPEN) is sponsored by the CPS but is to be hosted by the IAP, it will provide IAP members with access to:

- a database of fellow nominated e-crime prosecutors from around the world;
- a message/chat board for the exchange of queries and advice;
- a collection of e-crime material e.g. national legislation and legal guidance;
- a virtual Global E-Crime Prosecutors' College, a database of e-crime training courses and presentations.

The global e-crime prosecutor's network will not only encourage enhanced international cooperation in the e-crime arena; but it will also enable all jurisdictions to develop a co-ordinated approach for dealing with e-crime that supports effective prosecutions. It will also present an opportunity to purvey the principles of the Council of Europe Cybercrime Convention which is the only transnational instrument on this issue.



## **Inaugural IAP Annual Essay Competition 2008**

This was won by Sophie Goodrick of The Crown Prosecution Service England and Wales for her essay entitled 'Addressing the Challenge of High-Tech Crime: the Value of Networks as a Capacity Building Tools' which the judges found fully satisfied the criteria set and offered a valuable response to a number of key challenges within a global context. It is hoped that the exercise will be repeated next year

## **New Organisational Members**

The IAP has welcomed as organisational members since last year, DPP's office of the British Virgin Islands, the Dubai Public Prosecution Service and British Columbia Crown Counsel Association.

## **IAP website**

The new style website was launched at the beginning of 2008. It is still under development but represents a more dynamic and relevant interface than its predecessor.

It is vital that all existing members re-register on line in order to receive their membership number so that they can log onto the restricted site and access all the material contained there, including access to the discussion forum which is underused at present.

Janne Holst Hubner is the website administrator, contact; [jhh@ankl.dk](mailto:jhh@ankl.dk)

## **Forthcoming IAP Events**

The 4<sup>th</sup> IAP Regional Conference for Prosecutors from Central and Eastern Europe and Central Asia - Lviv, Ukraine 9-11 November 2008. Theme; 'The Prosecutor and Human Rights'

The 9<sup>th</sup> IAP Regional Conference for Prosecutors from Europe – The Hague 11-13 March 2009. Theme; 'Following the money'

The 14<sup>th</sup> IAP Annual Conference and General Meeting – Kiev, Ukraine 6-10 September 2009. Theme 'Successful Prosecutions; achieving just outcomes'

The 15<sup>th</sup> IAP Annual Conference and General Meeting – The Hague 5-9 September 2010

## **IAP Granting Program 2007**

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 eleven countries, Australia, Canada, China, Denmark, Finland, Ireland, Korea, Norway, Sweden, the Netherlands, the United Kingdom and the Organisation Internationale de la Francophonie, have supported the Program.

In 2007 the Granting Program financed by China and Ireland assisted 36 prosecutors from 18 countries and the Organisation Internationale de la Francophonie assisted a number of Francophone participants.

IAP member Gordon Lerve from Australia donated to one participant the registration fee for the conference.