



COMPLAINTS POLICY

1. Purpose

- 1.1. This policy sets out the principles and procedures that the International Association of Prosecutors (the IAP) will follow when responding to complaints that are received from IAP members or non-members about an individual, organisation, association, governmental body or the IAP itself.

2. Complaints Committee

- 2.1. There will be a Complaints Committee (the Committee). Members of the Committee shall be appointed by the Executive Committee and shall report any recommendations to it.
- 2.2. The Committee shall act in accordance with this Policy and with the Complaints Committee Terms of Reference.

3. Initial assessment and rejection of complaint

- 3.1. The Secretary-General may reject any complaint that:
 - i. Does not relate to a serious breach of the IAP Objects pursuant to Article 1 of the IAP Constitution; or
 - ii. Does not relate to a serious breach of the IAP Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors; or
 - iii. Does not relate to an IAP member or the IAP; or
 - iv. Is clearly without merit, minor in nature, or vexatious.
- 3.2. The Secretary-General must inform the Executive Committee of any such complaint and the rejection of it at the next Executive Committee meeting.
- 3.3. In any circumstance as outlined in subsection 3.1., the Secretary-General must notify the complainant in writing that the complaint has been rejected, and provide brief reasons for that conclusion.

4. Procedure for responding to a complaint

- 4.1. Where a complaint is not rejected following an initial assessment by the Secretary-General, the Secretary-General must confirm receipt of the complaint to the complainant and provide information about the process that will be followed, including the option for the complainant to request that their identifying details are not disclosed to the person or organisation who is the subject of the complaint. The Secretary-General must also refer the complaint to the Committee.

- 4.2. If the Committee requires further information, the Secretary-General will write to the complainant, in the terms proposed by the Committee, to request such further information.
- 4.3. The Secretary-General will write to the person or organisation who is the subject of the complaint, enclosing:
 - i. A copy of the complaint if consent to do so has been given by the complainant; or
 - ii. A summary of the complaint, excluding identifying details of the complainant, if the complainant has requested confidentiality, and requesting that a response to the complaint is received within six weeks of the date of the request. The deadline for a response may be extended by written agreement.
- 4.4. The Secretary-General will keep the Committee informed on any actions taken and responses received pursuant to subsections 4.2. and 4.3. above.
- 4.5. The Committee shall consider their response in line with the procedure set down in section 3 of the Complaints Committee Terms of Reference, and shall provide its response to the Executive Committee, via the Secretary-General.
- 4.6. On receipt of a response from the Committee, the Secretary-General will provide the following information to the Executive Committee:
 - i. A copy of the complaint;
 - ii. Any additional information supplied by the complainant;
 - iii. Any response to the complaint from the person / organisation who was the subject of the complaint
 - iv. The response, including any advice and recommendations, from the Sub-Committee; and
 - v. Any other relevant material.
- 4.7. Members of the Executive Committee must notify the Secretary-General as to whether they agree with the response of the Committee, including whether they support any recommendations, within such timeframe as requested. Executive Committee members are not bound to accept the response from the Sub-Committee.
- 4.8. Having considered all of the material, including the response and any advice / recommendations from the Committee, the Executive Committee may:
 - i. Uphold all or any part of the complaint;
 - ii. Dismiss all or any part of the complaint;
 - iii. Decide to make no formal response to the complaint.
- 4.9. Decisions of the Executive Committee shall be made by a simple majority of its membership.
- 4.10. The Executive Committee may:
 - i. Decide to take no further action;
 - ii. Determine to take such action as is deemed appropriate but which does not include a recommendation for suspension or expulsion of an IAP member; or
 - iii. Recommend to the General Meeting that a member be expelled or their membership suspended if it is considered that they have been guilty of dishonourable conduct or

that the continuation of their active participation in the activities of the IAP or of their membership is detrimental to the IAP.

- 4.11. Where there is a decision to take no further action or no recommendation for suspension or expulsion, the Secretary-General will notify the complainant and the person/organisation against whom the complaint was made of the decision of the Executive Committee in writing.
- 4.12. Where there is a recommendation for suspension or expulsion, the Secretary-General will notify the person/organisation to whom the recommendation relates of the decision of the Executive Committee and of their right to appeal the decision to the Conflict Committee within one month of the notification of the decision.
- 4.13. If the matter is referred to the Conflict Committee, the Conflict Committee will consider and come to a decision on the matter within six weeks of the referral. It will explain the reasons for its decision in writing to the Executive Committee and the member. The Conflict Committee can decide:
 - i. To leave intact the decision of the Executive Committee to recommend the suspension or expulsion of the member; or
 - ii. To reject the decision of the Executive Committee to suspend or expel the member. If so, the matter will be concluded and the Secretary-General will notify the complainant and the member of the decision.
- 4.14. If the matter is not referred to the Conflict Committee, or if the Conflict Committee supports the decision of the Executive Committee to recommend suspension or expulsion of the member, the Secretary-General will circulate the following details to all members of the IAP:
 - i. The complaint;
 - ii. The decision of the Executive Committee;
 - iii. The decision of the Conflict Committee (if applicable).
- 4.15. The Secretary-General shall notify the complainant of the actions taken pursuant to subsections 4.12.-4.14. above.
- 4.16. The recommendation for suspension or expulsion will be put on the agenda of the next General Meeting by the Secretary-General. The member and the President shall be entitled to address the meeting and all those attending shall be entitled to speak. The General Meeting will decide whether to suspend or expel a member by a simple majority vote.
- 4.17. The Secretary-General shall notify the complainant and the member of the decision of the General Meeting in writing.

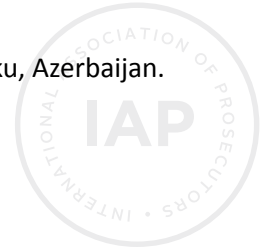
5. Records

- 5.1. The Secretary-General shall keep an official record of all complaints that are received and are subject to this Policy and the outcome of all such complaints.

6. Amendment

The terms of this Policy may be amended by agreement by the Executive Committee.

Approved by the IAP Executive Committee on 28 September 2024 in Baku, Azerbaijan.
In force with immediate effect.



COMPLAINTS COMMITTEE

TERMS OF REFERENCE

1. Purpose

- 1.1. These Terms of Reference (the Terms) regulate the work of the Complaints Committee (the Committee).
- 1.2. The purpose of the Committee is to consider complaints that are received from IAP members or non-members about an individual, organisation, association, governmental body or the IAP itself and to provide a response, including advice and recommendations if appropriate, to the Executive Committee.

2. Membership

- 2.1. The Committee shall consist of at least three members.
- 2.2. Members of the Committee shall be appointed by the Executive Committee.
- 2.3. Members of the Committee may be members of the Executive Committee, the Senate, or other members within the meaning of Article 19 of the Constitution.
- 2.4. The Committee shall appoint one of its members as Chair. The term of office for the Chair is three years and may be renewed without restriction.
- 2.5. A member shall serve for a term of three years. Members shall be eligible for reappointment without restriction.
- 2.6. A member may resign from the Committee by providing notice in writing to the Secretary-General.
- 2.7. A member of the Committee may be dismissed by the Executive Committee if, after due enquiry, the Executive Committee decides by a majority that the member is unwilling to perform their duties as required by the Complaints Policy or these Terms, or has acted in such a way that is inconsistent with their continued membership of the Committee.
- 2.8. No member may remain on the Committee if he/she ceases to be a member of the IAP.
- 2.9. Committee members shall disclose any conflict of interest relating to the work of the Committee to the Chair of the Sub-Committee. If requested to do so by the Chair, the member shall withdraw from the Committee or from any part of the Committee process as is deemed appropriate by the Chair.
- 2.10. If any member of the Committee is not available to consider a particular case, then the President may invite another member of the Executive Committee to join the Committee for the purposes of determining that particular case.

3. Procedure

- 3.1. On receipt of a referral of a complaint by the Secretary-General, the Committee will consider whether further information is required from the complainant and, if so, will invite the Secretary-General to take steps to obtain that information.

- 3.2. At all stages when considering the complaint and what action to take, the Committee shall:
- i. Assess the seriousness of the complaint;
 - ii. Assess whether the complaint constitutes a serious breach of the IAP Objects as set out in Article 1 of the IAP Constitution;
 - iii. Assess whether the complaint constitutes a serious breach of the IAP Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors (the IAP Standards);
 - iv. Consider the range of available responses by the IAP;
 - v. Consider whether assistance may be sought from a third-party IAP member in addressing the complaint; and
 - vi. Consider any other factor that appears to it to be relevant.
- 3.3. Having considered all relevant and available material, the Committee shall provide a response, including advice and recommendations if appropriate, to the Executive Committee, via the Secretary-General. In doing so, they must be cognisant of the IAP Objects and the IAP Standards but must be cautious not to interfere, or be perceived to interfere, improperly in the internal affairs of any jurisdiction.
- 3.4. The Committee will adopt the same procedure for all complaints, including those made against the IAP itself.
- 3.5. The quorum for any Committee meeting or any recommendation that is made by the Committee shall be a simple majority of the Sub-Committee's membership.
- 3.6. The Committee should aim for consensus on the response and any advice and/or recommendations. If consensus cannot be reached, majority and minority positions shall be noted in summary form in the response that is provided to the Executive Committee.
- 3.7. The Committee may meet, either in person, online or in a hybrid format, to fulfil their responsibilities, or alternatively may do so electronically without the need for a meeting.

4. Rules of procedure

- 4.1. The Committee may make and vary its own rules of procedure, including these Terms.

5. Record keeping

- 5.1. A record should be kept of each Committee response. The response should be sent to the IAP Secretariat for storage in the IAP archives.

Approved by the IAP Executive Committee on 28 September 2024 in Baku, Azerbaijan.
In force with immediate effect.

