

INTERNATIONAL ASSOCIATION



OF PROSECUTORS

***INTERNATIONAL  
ASSOCIATION OF  
PROSECUTORS***

**ANNUAL REPORT  
2010 – 2011**

# INTERNATIONAL ASSOCIATION OF PROSECUTORS

## ANNUAL REPORT 2010 - 2011

### Introduction

This is the IAP's twelfth formal Annual Report. As well as being available to participants at the General Meeting and to other members on request from the Secretary-General, it may be found on the IAP website: [www.iap-association.org](http://www.iap-association.org)

This Annual Report is about the period from September 2010 until June 2011. As you will mostly be aware, it had been intended this year to host the Annual Conference in Santiago de Chile, but the tragic earthquake which occurred there last year made it impossible for the Chilean Authorities to continue with this commitment. Fortunately, the Prosecutor General of Korea, Mr. Joon Gyu Kim, stepped in at short notice and offered to host the conference in Seoul in June 2011.

Therefore this report is about a shorter period than usual.

### 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)*

#### Meetings of the Executive Committee, the General Meeting and the Annual Conference

##### Executive Committee Meeting, 5 September 2010

The President, Francois Falletti, welcomed everyone to the meeting in the Kurhaus Hotel in Scheveningen, The Hague, and thanked the Dutch Board of Procurators General for the hosting of the Executive Committee meeting and the 15th IAP Annual Conference.

The following represents a summary of the main points and actions agreed:

- The proposal from Joon Gyu Kim from Korea to introduce a Prosecutor of the Year Award was agreed and an initial grant of 30.000 USD from Korea towards this award was gratefully accepted.
- The proposal from Joon Gyu Kim from Korea for an Asia/Pacific Convention to promote prosecutorial cooperation in that region was discussed and it was agreed that in principle this should be supported by the IAP, but that further consideration should be given by

members to the substance of the draft that had been formulated.

- A Constitution Committee had been electronically discussing and drafting a proposal for a constitutional change to facilitate nomination and election as members of the Executive Committee. It was clarified that the draft still need some refinement. There had also been exchanges about a voting protocol for the Executive Committee. It was agreed that the Constitution Committee prepare an agreed draft of the required changes to the Constitution and also a draft voting protocol for the next Executive Committee meeting in Vienna in March 2011.
- An amended sponsorship protocol was also agreed and would be added to the formal documentation available for members. A Sponsorship Panel would be established the main responsibility of which would be to consider and make recommendations in respect of external offers of sponsorship.
- An agreement between the IAP and Henk Marquart Scholtz for the provision of services as required for the benefit of continuity and a revised financial protocol had been agreed electronically. The protocol would be added to the official documentation available to members.
- There was extended discussion concerning the admission of an individual member from a disputed region in Eastern Europe who had allegedly sought to make political capital out of his admission to membership of the IAP. The Executive Committee members agreed that such an act was totally abhorrent to the ethos and constitution of the IAP as a non-political organization .A course of action was agreed upon to address the matter. Thereafter further extended discussion took place concerning the admission of the Attorney General's Office of the Falkland Islands/Islas Malvinas as an organisational member at the previous Executive Committee meeting. This had provoked an adverse reaction from a number of Argentinian organisational members which has caused the Executive Committee to issue the public statement set out at the end of this report.
- The composition of the Executive Committee was confirmed.

François Falletti, France  
Retha Meintjes, South Africa  
Henk Marquart Scholtz, The Netherlands  
Nicholas Cowdery, Australia  
Alasdair Fraser, Northern Ireland  
Grenville Cross, Hong Kong, China  
Fikrat Mammadov, Azerbaijan  
James Fox, USA  
Javier Popolo Filgueira, Venezuela

were thanked where relevant for their valuable input over the years and were reminded that they would now become IAP Senators and would be receiving awards of the Certificate of Merit at the General meeting in recognition of their support.

- The Secretary General reported that the number of organisational members had increased to 138, including some sleeping members. Resignations had been received from Procuración General de la Nación, Argentina and Asia Crime Prevention Foundation. The number of individual active members registered on the new electronic database was now 958.

- The Secretary-General further referred to the Annual Report which offers a full resume of the activities of the previous year together with the financial accounts and which is available on the IAP website.
- The Communication Manager Janne Holst Hubner briefly informed members about initial discussions with the Prosecution Service in Dubai regarding the administration of an Arabic IAP Sister website. She further briefly updated the Committee on the status of the Russian Sister Website which would soon benefit from a renewed project with the Azeri website host. She also agreed to include a section about engagement with the media in the draft IAP Branding and Communication Strategy for the next meeting.
- The Secretary-General presented the financial statements and and balance sheet for 2009 dawn up by Ernst & Young Accountants and stressed that finances are in good shape taking the present global financial situation into consideration. SG further presented the draft budget for 2011 and focused on the significant decrease in “Staff Costs”.
- The General Counsel presented her report and additionally advised that she had received a request for assistance from the USA Department of Justice regarding a Survey of Public Prosecutors Training Centers, with a view to establishing a network. A questionnaire would be placed in the Conference Bag and would also be sent out electronically to all organisational members for completion in order to assess the appetite for such an initiative.
- The General Counsel also presented the Business plan for 2010 as reviewed which was agreed and would be presented to the General Meeting and uploaded on the website.
- A proposed outline business plan for 2011 was also introduced by the General Counsel and subject to comment from Executive Committee members would also be uploaded on the website and an expanded version would be drawn for the next meeting.
- The President presented a report from the Francophone Group which sought to clarify the relationship with the IAP. More information was requested and this would be further considered at the next meeting.
- Chaikasem Nitisiri from Thailand announced that the Attorney General of Thailand had confirmed that they would host the 17<sup>th</sup> Annual Conference of the IAP and suggested that the conference take place in the beginning of October. He further advised that a working Committee has been established and that practical preparations had started. This was agreed and The Thailand Prosecution Service was warmly thanked.
- Joon Gyu Kim offered the members a presentation on the World Summit to be held in Korea in late June/early July immediately following a shorter IAP Annual Conference.
- The next Executive Committee was fixed for Vienna, Austria, 4 – 5 March 2011. A number of the departing members expressed their gratitude for great experiences, fruitful discussions and good relations during their time serving as Executive Committee members.
- Retha Meintjes from South Africa and the retiring Vice President Africa thanked the Committee for the support she had received from the Committee during a very hard time and expressed gratitude for the very hard work done by Secretary-General and the President.

- Fikrat Mammadov, Minister of Justice of Azerbaijan, presented an Azeri honorary award "Token of Honour" to the Secretary-General Henk Marquart Scholtz and to the President Francois Faleitti.

**STATEMENT BY IAP REGARDING  
ORGANISATIONAL MEMBERSHIP OF  
THE INTERNATIONAL ASSOCIATION OF PROSECUTORS  
BY THE ATTORNEY GENERAL'S OFFICE OF  
THE FALKLAND ISLANDS (ISLAS MALVINAS)**

1. The IAP will make a formal statement saying that admission to IAP membership does not signify anything diplomatically or politically as the IAP is a non-political organisation. Such membership does not indicate support for sovereignty claims, and nor should it be seen to support or further any sovereignty claims of either the UK or Argentina over the Falkland Islands (Islas Malvinas).
2. The Falkland Islands Attorney General's Office and its representatives accept that they will not use IAP membership to further sovereignty claims over the territory.
3. The IAP will follow the United Nations practice and use the expression "The Falkland Islands (Islas Malvinas)" when referring to the disputed territory.

IAP members should note that the International Association of Prosecutors is a non-political association and any actions or statements by individual members or representatives of organisational members which seek to make political capital out of their membership of the IAP may be regarded as either dishonourable conduct or activities detrimental to the association within the terms of article 6 of the IAP Constitution

Similarly the granting of IAP membership whether individual or organisational should not be interpreted as any sort of recognition of sovereignty in disputed territories and the IAP will be guided by the approach adopted by the United Nations to such territories.

## **15th Annual Conference, The Hague, 5 – 9 September 2010**

Expectations were running high for this year's IAP Annual Conference: it was being held during the 15<sup>th</sup> Anniversary year of the founding of the association, in the legal capital of the world where the office of the IAP is appropriately located and above all it was being held in the homeland of the retiring Secretary General, Henk Marquart Scholtz for whom this conference was to be his 'swan song'. And what a swan song it was! Nobody expected that on the last day of the conference, Henk would be rushed off to hospital for emergency heart surgery which undoubtedly saved his life. It was the presence of mind of Henk's devoted wife Atie, formerly a nurse who recognised the signs and called the emergency services, thus avoiding a rather more permanent departure from the IAP than Henk had planned.

And so it was fitting that whilst Henk was unable to hear in person the fulsome tributes that were paid to him during the conference closing ceremony for all he had done for the IAP during his tenure as Secretary General, both Atie and their son David were present and were invited to the platform to receive a traditional farewell gift-an antique map of Amsterdam. It can be reported that Henk is recovering well and you will see elsewhere in this newsletter, his farewell message as well as a greeting from his successor, Derk Kuipers.

And so to the conference itself. We counted more than 355 participants including 30 accompanying persons from 84 jurisdictions and organisations: an excellent turnout in these times of austerity. The programme included fewer plenary sessions which meant that we were able to concentrate on quality and substance. As last year there were dedicated panel discussion sessions and these seemed to work well and enabled significant audience participation. Similarly the workshops were confined to two speakers thus allowing contributions from the floor to be received. The Special Interest Meetings which had been introduced so successfully as optional sessions two years ago were mainstreamed and another innovation was added-two dedicated networking sessions.

These sessions were introduced in acknowledgement of the generally held view that one of the main advantages of such conferences is the opportunity to further the IAP object of promoting cooperation between prosecutors. The networking events were designed to facilitate meetings between individuals and whilst there was some sense of 'organised chaos', the generally held view was that they were a success-if for no other reason than as an 'ice breaker'. A refined version will undoubtedly feature in next year's conference in Korea.

The theme for the conference was 'Crossing Borders' and we did just that-welcoming contributors from every corner of the world as well as from many international organisations, with topics ranging from piracy and the rise of gangs to extradition and cooperative initiatives. We also used the event as an opportunity to consult on some guidance which the World Bank is preparing on 'asset stripping' and on the prosecution of Hate Crime which the IAP is working on in conjunction with the OSCE and which we hope to launch in Korea next year [if you wish to know more contact the General Counsel].

One of the highlights of the conference was the opening and awards ceremony at the 'Hall of Knights' in the centre of The Hague, where the Queen of the Netherlands gives her annual address to Parliament. The ceremony was conducted in the presence of HRH, The Prince of Orange and we received excellent addresses from Ernst Hirsch Ballin the then Minister of Justice of the Netherlands, Harm Brouwer, the Chair of the Dutch Board of Procurators and our esteemed and hospitable host and François Falletti our former President who stepped down during the Conference. We were also pleased to welcome the Prosecutor from the International Criminal Court in The Hague-Luis Moreno Ocampo who delivered a closing speech on the last day.

If it is true that the sun shines on the righteous, we were clearly a well deserving assembly since the first few days of the conference were marked by glorious sunshine which perfectly complemented the wonderful historical setting in the Kurhaus on the beach at Scheveningen.

If it did rain a little during the course of the conference-it was hardly noticed as most delegates were absorbed by the content of the professional programme, and then as if by royal command, (or more likely the authoritative influence of Harm Brouwer), the sun re-emerged for the farewell party on the beach. The domestic day visits to the iconic ICTY and Peace Palace produced the customary spine tingling reactions and it was heard that the social programme for the accompanying persons was a great success with plenty of Dutch old masters and many suitcases overpacked with blue Delft ware for the return journey.

The president thanked the Dutch hosts for an interesting, informative, enjoyable and unforgettable conference. We also thank those who contributed to the granting programme: IAP Member Gordon Lerve from Australia for his individual assistance, Norway, the World Bank, Organisation Internationale de la Francophonie [OIF] and the Organisation for Security and Cooperation in Europe (OSCE)

### **Conference Outcomes**

#### **15<sup>th</sup> IAP Annual Conference, The Hague (September 2010)**

The aim of this year's conference was to commend 2-3 aspects of good practice which can be developed by the IAP and its membership and partners which are fit for adoption by Prosecutors worldwide and which will advance cross jurisdiction cooperation in dealing with criminality of an international dimension

- Develop multi-institutional and global response to asset recovery
  - As criminal organisations think more broadly and creatively, the investigative and prosecution methods need to follow suit.
  - Develop a comprehensive approach to financially strangle criminality.
  - Go beyond traditional criminal law (such as criminal confiscation orders) and use civil law (such as civil forfeiture) and administrative law to deprive criminals of the proceeds of crime.
  - Use mutual legal assistance to trace, freeze and recover proceeds of crimes – with the aim of getting to the root of the issues instead of only prosecuting the crimes

- Consider the Dutch ‘Integrated Approach’, which focuses on prevention and partners with police, internal regulators, financial bodies and private parties who share information. Municipal bodies are further able to do background checks of those applying for government tenders and investigate suspect real estate deals.
- Encourage a prosecutorial perspective in contributing to national, regional and international policy and law making
  - Fighting crime through an effective system of criminal justice requires a ‘whole of government approach’ in which consultation with national prosecuting authorities must be an essential part of formulating just and effective criminal justice related laws
  - Whilst not a traditional role of prosecution services, and duly noting the varying roles of prosecutors in different national systems and without compromising prosecutorial independence, prosecutorial services can be proactive in providing guidance for law makers where permitted by national law
  - IAP members should take any steps possible to create and enhance channels of communication so the voices of prosecutors are heard
  - For countries that do not have prosecutorial associations, the IAP urges member countries to observe and promote the IAP standards for prosecutors. Furthermore IAP encourages and will offer advice to countries that wish to establish associations of prosecutors.
- Assemble various standards on Concurrent Jurisdiction
  - First, the IAP will compile various regional guidelines into one comprehensive volume
  - Second, the IAP will draw similarities from these guidelines and will consider the feasibility of developing comprehensive guidelines on resolving conflicts of jurisdiction and primacy issues
- Asia-Pacific Convention for Cooperation in Criminal Justice
  - The IAP will contribute to the development of the “Asia-Pacific Convention on Cooperation in Criminal Justice” initiated by a Vice-President of the IAP, Joon Gyu Kim, and Korean Prosecution Service

These matters and others can be developed further at the Fourth World Summit of Prosecutors General, Attorneys General and Chief Prosecutors, which will be hosted by the Republic of Korea in 30 June – 1 July 2011, in Seoul, and wide participation is encouraged.

### **The General Meeting, 7 September 2010**

The IAP’s 2010 General meeting was held in the Kurhaus Hotel in The Hague on 7 September 2010.

The meeting was chaired by the President, Francois Falletti and the Secretary General, Henk Marquart Scholtz and General Counsel, Elizabeth Howe were also present. The Communication Manager, Janne Holst Hübner assisted.

### **1. Opening.**



The President opened the meeting and welcomed the members present. He reminded those present that the Meeting was only open to paid up members of the IAP

## **2. Rules of Procedure.**

The Secretary-General explained the rules of procedures to the meeting.

## **3. Minutes of the previous meeting.**

The minutes of the previous General Meeting - held 8 September 2009 in Kiev - which have been published via the IAP Website and the IAP Newsletter and were contained within the Annual Report included in the conference pack, were agreed and accepted as an accurate record [James Hamilton proposer, John Cauchi seconder].

## **4. Matters arising from the minutes.**

None.

## **5. Annual Report 2009-2010 and present membership situation.**

The Secretary-General introduced the Annual Report which had also been made available through the association website. He gave details of the present membership situation; approx 800 individual members [registered on the new electronic database] and 138 organisational members.

Notable events held since the last Annual Meeting were recorded; The 6<sup>th</sup> Middle East and Asia Pacific (MEAP) Regional Conference hosted in Dubai, United Arab Emirates [200 delegates from 46 different jurisdictions], The 10<sup>th</sup> European Regional Conference in The Hague, The 3<sup>rd</sup> Latin American Regional Conference hosted in Buenos Aires, Argentina [300 delegates from 24 countries], and the Second GPEN Cybercrime Workshop in the Maldives.

The President briefly referred to the conclusions of the fourteenth IAP Annual Conference Conclusion which mandated the development of GPEN (Global Prosecutor E crime Network) including associated training and the creation of the Specialist Forum for International Criminal Justice [FICJ] under the auspices of the IAP, which focused upon War Crimes and Crimes against Humanity with the view of promoting cooperation, trust and exchange of specialist knowledge between prosecutors dealing with such cases.

## **6. Finances**

The Secretary-General reported on the financial statements for 2009 [as shown in Annual Report]

A special acknowledgement was recorded for the Crown Prosecution Service of England and Wales and the Director of Public Prosecutions of Denmark for their support in seconding the General Counsel and the Communication Manager respectively. Thanks were offered to the Dutch Prosecution Service and the Ministry of Justice for their support particularly in respect of the Conference shortly to start and to Azerbaijan and the PPCS [Canada] for their assistance with the French and Russian websites.

The Secretary General expressed his gratitude for the financial support received from Irish Aid, the Commonwealth Secretariat and IAP Member Gordon Lerve from Australia for his individual assistance, Norway, the World Bank, Organisation Internationale de la Francophonie [OIF] and the OSCE for their financial support to the IAP Granting Programme.

## **7. Election and re-election of IAP Officers:**

The nominations of the Executive Committee had been published through the IAP Website and IAP Newsletter 49 in accordance with the rules of the IAP Constitution (Article 8).

Francois Falletti has served three years as IAP President [elected during the General Meeting in Hong Kong 2008]. He thanked the General Meeting for three great years as President during a period of growth for the IAP and continuing improvements in the administrative operation of the IAP.

Francois Falletti spoke briefly about the preparation required for the change of IAP top-management – referring to the fact that the nominated candidate for the position as Secretary General, Mr. Derk Kuipers had been familiarising himself with the operation of the IAP during the last year – and increasingly during the last few months. He used the opportunity to thank the General Counsel, Ms. Elizabeth Howe for her hard work for the IAP and said that he considered the IAP was very safe in her hands. He further thanked the Communication Manager, Ms. Janne Holst Hübner for her work on the development of the IAP website and administrative systems.

### Election of President:

The Executive Committee had nominated James Hamilton, DPP Ireland as candidate. He was duly elected by the General Meeting, there being no other candidates. James Hamilton thanked the membership and the Executive Committee for electing him and indicated that he was proud to follow in the footsteps of many fine Presidents.

### Election and Re-Election of Vice Presidents:

The Executive Committee had re-nominated Dr. Ye Feng, People's Republic of China as Vice President of Asia and Carlos Donoso Castex, Argentina as Vice President of South America. The Committee had further nominated Raija Toiviainen, Finland as Vice President of Europe and Basile Elombat, Cameroon as Vice President of Africa. Each candidate stood – except for Mr. Ye Feng who was unable to attend – and were deemed to be duly elected by the General Meeting.

### Election of Secretary General:

The Executive Committee had nominated Derk Kuipers, Senior Advocate General, The Netherlands as candidate for Secretary General. The General Meeting had signified their approval of the candidate by acclamation during the General Meeting in Kiev 2009. There being no other candidates, Derk Kuipers was elected to the post of Secretary General.

### Election and Re-Election of Members of the Executive Committee:

The Executive Committee had nominated the following persons as members [re-elections]; Sir Alasdair Fraser QC, DPP Northern Ireland; Richard Buteera, DPP Uganda; Michael Kennedy, Chief Operating Officer, CPS England and Wales; Oleksandr Shinalskiy, President, Ukrainian Association of Prosecutors, Ukraine and [new nominations]: Mohammed Hassan Abdul Rahim Abdulla, Assistant Chief Prosecutor, Dubai Public Prosecution, UAE; Dr. Ali Al Buainain, Attorney General of Bahrain; Agnes Diofasi, Vice-President, Hungarian Association of Prosecutors; William Downer SC, Deputy DPP, Cape Town, South Africa; Rory Field QC, DPP, Bermuda; Alexander Zvyagintsev, Deputy Prosecutor General of the Russian Federation; Kamran Aliyev, Director of the Anti Corruption Department, Azerbaijan. At his own request the nomination of Sir Alasdair Fraser QC was withdrawn. Each other candidate stood and were deemed as duly elected by the General Meeting, there being no other candidates.

#### Election of Honorary Members;

The President referred to the criteria for the election of Honorary Members [IAP Constitution Article 4) and indicated that the following candidates were proposed:

Francois Falletti, France, IAP Past President  
Retha Meintjes, South Africa, IAP Past Vice-President (founding member)  
Henk Marquart Scholtz, IAP Past Secretary-General (founding member)

The candidates were duly elected and were invited to say a few words.

#### Awards Ceremony:

A Certificate of Appreciation was presented to Ms. Marie-Pierre Falletti, the wife of the Immediate Past President Francois Falletti for her loyal support during his term of office.

Certificates of Merit were presented to retiring members of the Executive Committee; Sir Alasdair Fraser QC, DPP, Northern Ireland; Nicholas Cowdery AM QC, DPP, New South Wales, Australia; I Grenville Cross QC, SC, Former DPP, Hong Kong, China; Fikrat Mammadov, Minister of Justice, Azerbaijan and Javier Popolo Filgueira, Public Prosecutor, Venezuela (not Present).

The Attorney General of the City of Buenos Aires, Mr. German C. Garavano presented a gift to the IAP for the honour of having hosted the 3rd Regional Latin American Conference in April, 2010.

## **8. Constitutional Matters**

- a) Establishment of a Sub Committee of the Association [Article 8(2) (m) of the Constitution].

The General Counsel indicated that at the Executive Committee Meeting in March that year it had been agreed to propose to the General Meeting, the establishment of another Committee - The GPEN Development Board. Governance arrangements had been agreed by the Executive Committee and could be seen on the GPEN site. Richard Buteera proposer, Sal Vasta seconder, The General Meeting agreed

- b) Proposed amendment to Article 8 of the constitution regarding nominations to join the Executive Committee.

The President very briefly referred to a commitment that had been undertaken by The Executive Committee to review the Constitution with a view to making the nomination requirements to join the Executive Committee more transparent and less difficult. A Constitution Sub-Committee had been considering the matter but this was still work in progress as the proposed amendment had impacted upon other provisions within the Constitution. It is hoped that a clear proposal would be put forward to the General Meeting.

## **9. Work Programme of the Association**

The General Counsel spoke briefly on what has been achieved in 2009/2010 and on the outline work programme for 2011, which had been endorsed by the Executive Committee and will be published when completed on the IAP Website together with the full review of the 2010 work programme.

She encouraged members to offer contributions, support and feedback. She further spoke about the introduction of a Prosecutor of the Year Award in Korea next year, the development of Universal Guidance on the prosecution of Hate Crime in conjunction with OSCE, translations of IAP publications into other languages, A proposal for an Asia Pacific Convention on cooperation and a proposal to establish a Prosecutors Training Centre Network.

## **10. Commitment to the IAP Standards**

Members were reminded of the requirement for organisational members to commit to the IAP Standards.

## **11. Future IAP Conferences**

A short overview was given by the Secretary-General;

- 5<sup>th</sup> IAP Eastern European Regional Conference, 27 - 30 October 2010, Belgrade, Serbia with the Theme “Cooperating against Corruption”
- 1<sup>st</sup> IAP North American Regional Conference, 17 – 19 November 2010, Bermuda with the theme “Prosecution: International Challenges Co-ordinated Solutions“.
- 11<sup>th</sup> European Regional Conference, 16 – 18 February 2011, The Hague, The Netherlands-theme to be announced
- 4th Latin American Regional Conference, 23 – 25 March 2011, Fortaleza, Brazil the theme being-’The Role of the Prosecutor in combating Corruption’
- The 16<sup>th</sup> Annual Conference and General Meeting of the IAP and the 4<sup>th</sup> World Summit of Prosecutors General, Attorneys General and Chief Prosecutors, 25 June – 2 July, 2011, Seoul Korea

## **12. Any other business**

On behalf of the General Meeting Nick Cowdery offered the appreciation of the Association to Francois Falletti and Henk Marquart Scholtz for all the work they had done for the IAP during many years.

## **13. Date and venue next General Meeting.**

Next General Meeting would be held in Seoul, Korea during the Annual Conference between 26 and 30 June 2011

### **IAP Executive Committee Meeting Vienna, Austria, 4 – 5 March 2011**

The President opened the meeting and gave a special welcome to the 7 new members of the Committee; Dr. Ali Fadul Albuainain (not attending), Mohammed Hassan Abdul Rahim Abdulla, Agnes Diofasi, Rory Field, Alexander Zvyagintsev, William Downer and Kamran Aliyev.

The President briefly explained the presence of Sabin Ouellet, Canada, who was invited to give a report to the Committee on behalf of the Francophone Group on the proposals concerning the shared IAP/AIPPF website and membership administration system for both associations.

### **The following issues were discussed as matters arising;**

#### The Asia/Pacific Convention:

Joon Gyu Kim briefly updated members on the project history and the next steps which can be summarized as follows;

- Adoption of Asia Convention in IAP Strategic Business Plan, under item 5
- Discussion of the Model Treaty at a high level meeting before 7th IAP Asia Pacific Middle East Regional Conference
- 7<sup>th</sup> IAP Asia Pacific Middle East Regional Conference in Jakarta, Indonesia, March 2011
- Submission of a final draft to the Executive Committee during Seoul meeting in June
- Discussion of the final (agreed) document at the Asia Pacific Forum during IAP Annual Conference and submission to the World Summit-June/July 2010
- Recommendation from the World Summit that this Treaty should be adopted
- Submission of the Treaty to the 2012 UN Crime Commission
- In the expectation that UN embrace Treaty as a UN Regional Convention

The Committee indicated broad support for the plan but reiterated that formal support and adoption was a political decision, but that Ex Co members could commend the treaty to the political authorities within their jurisdictions

#### Amendment of Constitution concerning nominations for membership of IAP Executive Committee

**It was agreed** to put the following suggestion for amendment to the General Meeting in Seoul in order to facilitate direct nominations for membership of the Executive Committee:

*“Nominations for election as an ordinary member of the Executive Committee may also be made by not less than 5 of the organisational members or by no fewer than 10 individual members coming from not less than 4 different countries”.*

The membership to be notified of the suggested amendment to the Constitution a minimum 3 months before the General Meeting through the IAP website.

#### Sponsorship Protocol:

The new agreed version of the protocol has been distributed and is now on the website and added to compendium of protocols.

#### Prosecutors in difficulties.

There was general support for finding a mechanism to assist colleagues in this situation and since it was in line with the IAP objectives, this is something the IAP should progress, but concern about how such an initiative should be resourced and operated

**It was agreed** that a working group should be set up to consider this issue further and to notify the membership through the website that this working group was to be set up and to invite members to volunteer to participate on the group.

#### **The following matters were included on the agenda**

##### **1. Admission of organisational members**

The Secretary General(SG) reported that since last meeting of the Executive Committee the following 3 new organisational members had been approved: 1) Inspectorate of Government, Uganda; 2) Association of Prosecuting Attorneys Washington, USA; and 3) The Office of the Anoka County Attorneys, Anoka, USA. The Committee also approved a recent application from the Director of Public Prosecutions of Mauritius Sayajit Boolell which was agreed.

##### **2. Composition of Executive Committee**

#### Vice Presidents [2 vacancies]:

**It was agreed** to support the nominations of Wendy Stephen as Vice-President of North America [her 2<sup>nd</sup> term] and Steven Pallaras as Vice-President of Asia Pacific [his 1<sup>st</sup> term].

#### Ordinary Members

The following nominees were agreed by the Executive Committee

Vinette Graham Allan, The Bahamas  
Siri Frigaard, Norway  
Martin Herschorn, Canada  
Gerhard Jarosch, Austria  
Lennart Lindblom, Denmark  
Cheol-Kyu Hwang, Korea  
Chulasing Vasantasingh, Thailand  
Satyajit Boolell, Mauritius

Salvatore Vasta, Australia  
Serge Brammertz, Belgium

### 3. Awards

The Executive Committee agreed to award Nicholas Cowdery AM QC Director of Public Prosecutions New South Wales, Australia with the Medal of Honour during the opening Ceremony at the 16<sup>th</sup> Annual Conference and General Meeting, Seoul, Korea for his exceptional contribution to the assertion of human rights and the independent role of the prosecutor as well as his strong and continuing support of the IAP for many years.

#### Honorary Membership

**It was agreed** to recommend the following for IAP Honorary membership for election by General Meeting in Seoul in June

- Harm Brouwer, Chairman of the Dutch Board of Procurators-General
- Sir Alasdair Fraser, Director of Public Prosecutions, Northern Ireland
- Jørgen Steen Sørensen, Director of Public Prosecutions, Denmark
- Joon Gyu Kim, Prosecutor General and Vice-President of the IAP, Korea

#### Special Achievement Award

It was **agreed** to present a Special Achievement Award to:

- Dame Elish Angiolini QC for the ground breaking achievements realised during her tenure as Solicitor General and Lord Advocate in Scotland

#### Certificate of Merit

The following recipients of Certificates of Merit **were agreed**:

- Resigning members of the Executive Committee: Joon Gyu Kim; Chaikasem Nitisiri; Jørgen Steen Sørensen; JosaiaK. Naigulevu and Richard Rogers.
- The Dutch Board of Procurators Generals for hosting the 15th Annual Conference and General Meeting of the IAP, The Hague, The Netherlands, 2010.
- The Association of Public Prosecutors and Deputy Public Prosecutors of Serbia for hosting the 6th IAP Central and Eastern European and Central Asia Regional Conference, Belgrade, Serbia, 2010.
- The Attorney General of Lagos for hosting the 1st IAP African Regional Conference,, Lagos, Nigeria, 2010.
- The Office of the Director of Public Prosecutions of Bermuda for hosting the 1st North American and Caribbean Regional Conference, 2010.
- The City of The Hague for hosting the 11th European Regional Conference, The Netherlands, 2011.
- The Office of the Attorney General of the Republic of Indonesia and the Indonesian Prosecutors Association for hosting the 7th IAP Asia Pacific and Middle East Regional Conference, Jakarta, March 2011.

- Manuel de Freitas Associacao Cearense do Ministerio Publico and Maria Do Perpetuo Socorro Franca Pinto Attorney General of The State of Ceara , Brazil for hosting the 4th IAP Latin American Regional Conference, Fortaleza, Brazil, 2011.
- Ministry of Justice, General Prosecutor’s Office and the Anti-Corruption Department of Azerbaijan for their work on the new Russian website.
- The Austrian Association of Prosecutors for hosting the Northern Spring Meeting of the Executive Committee, Vienna, Austria, March 2011.

### Prosecutor of the Year

Nominations were being received and Joon Gyu Kim was warmly thanked for suggesting the award and for his donation of 30,000 USD for 2011, 30,000 USD in advance for 2012 towards the award.

### Certificates of Appreciation

The following recipients of Certificates of Appreciation **were agreed:**

For translating IAP Benefit leaflets into UN Languages:

- Carlos Vinicius Alves Ribeira, Brazil (Portuguese)
- German Garavano, Argentina (Spanish)
- Anne Constantin, France (French)
- Adil Abilov and the Local IAP Support Team, Azerbaijan (Russian)
- Ali Fadhul Albuainain, Bahrain and Mohammad Hassan AbdulRahim Abdulla, Dubai (Arabic)

For translating GPEN Leaflet into UN Languages and others:

- Adil Abilov, Azerbaijan (Russian)
- Robert Doyle, Canada (French)
- Carla de Carli, Brazil (Portuguese)
- Luis Cervasco and his daughter, Argentina (Spanish)
- Ali Fadhul Albuainain, Bahrain (Arabic)
- Cheol Kyu Hwang, Korea (Korean)

**4 The Communication Manager (CM)** presented her report and pointed out that a generic PowerPoint Presentation Template was now available for members to download from the Executive Committee Forum. She also spoke of the developments regarding the new Russian Sister website and the increased focus on the IAP Contact Persons and the intention to introduce a new “Special Interest Group Meeting” for IAP contact persons during future conferences – designed to train the contact persons in the right use of the administration system.

**SG presented his report** and made it clear that the IAP Treasury was in good shape. He expressed concern about the reduction in the provision of granting money to assist members from underdeveloped countries to attend IAP Conferences.

**It was agreed** to upgrade our system to include a voluntary online donation system and to request future annual conference hosts to include a similar system in their conference fee payment systems. It was further agreed to provide for Granting Money movements in the



budget. **It was further agreed that** each of the Executive Committee members should, as a good example, give a personal donation to the Granting Programme

SG thanked the Koreans for their generous offer to pay the registration fee of 40 grant recipients at the IAP Conference in Seoul this year.

## **5 The General Counsel (GC) presented her report**

There was no agreement that membership of the IAP would be extended to non-prosecutors as 'associate members', as there was concern that this would 'dilute' the IAP brand, notwithstanding the fact that there were a number of professionals and academics who wished to access the 'members only' site of the IAP website-especially GPEN and FICJ. It was however agreed that those with a legitimate interest in such access and whose association with the IAP could confer some benefit-could be given the status of 'Friend of the IAP' and be given special access to the website.

Conference Coordinator Function and Conference Support Function: **It was agreed** to appoint CM as the new IAP Conference Coordinator, who should assist GC with all practical aspects of the IAP Conference Coordination.

Conference Expert Group: GC suggested the formation of such a group to consist of handpicked prosecutors or advisers with good global insight and who are able to offer intelligent input. GC suggested the use of members as conference rapporteurs to assist with the final report and come up with suggestions for future conference themes years in advance. **It was agreed** to set up such a group which the GC would coordinate.

Evaluation Reports: The amendments to the conference evaluation forms had not led to any increase in the number of completed forms. There were only 28 completed forms received at the 15<sup>th</sup> Annual Conference in The Hague (9%) however the responses were very positive with some suggestions for improvement.

GC introduced the draft 2011 IAP Business Plan (the agreed final version is now on the website)

GC advised Executive Committee members that the UN Crime Committee Resolution which had adopted the IAP Prosecution Standards was due to be reviewed at the 20<sup>th</sup> UN Crime Commission in Vienna in April. GC will attend on behalf IAP.

GC also spoke about the Prosecutors Exchange Programme which is available but is not used extensively and still needs to be encouraged. **It was agreed** to upload further information on PEP on IAP website and publish successful examples of the exchange programme in the newsletter.

## **6. Report from Francophone Group [shared AIPPF/IAP websites/admin system]**

The framework was agreed as set out in a document which had been drawn by Sabin Ouellet President of AIPPF in conjunction with GC and it was also agreed that the Secretariat progress with the negotiation of financial terms.

## **7. IAP Senators initiative**

Nick Cowdery and Grenville Cross were given the go ahead to seek to arrange a meeting of Senators in the margins of the IAP Annual Conference in Seoul with a view to carving out a role for those Senators who wanted to play an active role.

## **8. 16<sup>th</sup> Annual Conference/General Meeting and World Summit, Seoul, Korea 26 June – 2 July 2011.**

The Korean delegation, Chang-Soo Lee, gave a presentation /dvd presentation of the content of the Annual Conference and World Summit websites.

## **9. 17<sup>th</sup> Annual Conference/General Meeting, Thailand 2012 and bids for future Annual Conferences.**

It was confirmed that it is likely the 17<sup>th</sup> Annual Conference will be held in or around Bangkok in the first or second week of November 2012. Further information will be available in Seoul. Provisional bids were under consideration for 2013.

## **10. Regional Conferences and other future events**

- 7<sup>th</sup> Asia, Pacific & Middle East Regional Conference, Djakarta, Indonesia 14 – 18 March, 2011
- 4<sup>th</sup> IAP Latin American Regional Conference, Fortaleza Brazil 23 – 25 March 2011
- 6<sup>th</sup> Regional Conference of Central and Eastern Europe and Central Asia, Astana, Kazakhstan, 4 – 7 October 2011
- 2<sup>nd</sup> North American and Caribbean Regional Conference, Quebec, Canada, May 2012.

## **11. The date and venue for next meeting of the Executive Committee and proposal for 2012 Northern Spring Meeting**

The next Executive Committee Meeting will take place 25 June 2011 in Seoul, Korea

It was agreed to accept the kind offer from the Prosecutor General of Croatia, Mr. Mladen Bajic, to host the Northern Spring Meeting of the Executive Committee, 3 – 6 May 2012, in the Brijuni Islands.

The President offered his thanks on behalf of the Committee to Gerhard Jarosch and the Austrian Association of Prosecutors for hosting the Vienna meeting.

## **Other IAP Conferences**

From 27 until 30 October 2010 we had the **5th IAP Regional Conference for Eastern and Central Europe in Belgrade, Serbia.**

The theme of the conference: “Cooperation against Corruption”.

More than 200 participants from thirty different countries visited this conference opened by Gortan Ilic, President of the Management Board of the Prosecutors Association of Serbia.

The importance of the conference was for Serbia reflected both in drawing attention to the problems of corruption, as well as by establishing a platform for public and expert discussion

at all levels of government. The conference gave the opportunity to exchange experiences with colleagues from abroad and to establish contacts with the aim of future cooperation.

From 2 until 5 November 2010 we had the **1th IAP African Regional Conference in Lagos, Nigeria.**

The conference was about vision, mission and values. It was a forum to define the path of a new vision, deploying application of knowledge and experience drawn from multifarious disciplines as tools. It was the platform to launch the new order that is shaped by right thinking, right values, right ideas and palpable commitment.

This first African Regional Conference had eminent speakers like Mary Robinson, Jesse Jackson and Lord Boateng. Also the Vice-president of the IAP, Basile Elombat and the Secretary-General of the IAP, Derk Kuipers, spoke during this conference that was hosted by the Office of the Attorney-General, Mr. Oasupo Shasore.

From 17 until 20 November 2010 we had **the 1th IAP North American and Caribbean Regional Conference in Bermuda.**

The theme of this conference: “International Challenges & Coordinated Solutions”.

There were 60 international attendees at the conference, together with a dozen counsel from the Bermuda Department of public Prosecutions. The international guests were drawn from Canada, the USA and 10 Caribbean jurisdictions.

The conference dealt with very serious topics for the region, concentrating on the first day on gangs, the way drugs trafficking supports them and on international efforts to fight these twin problems. On day two the focus changed to domestic violence and sexual assault, encompassing issues such as testimony of vulnerable witnesses, sex tourism and new threats created by digital technology and the advent of cybercrime.

The conference was hosted by Rory Field, Director of Public Prosecutions, Bermuda, member of the Executive Committee, member of the GPEN Development Board.

From 16 until 19 February 2011 we had **the 11th IAP European Conference in The Hague, The Netherlands.**

The theme of the conference: “The Prosecutor in Europe, tackling cross border issues”.

More than 50 delegates from 17 jurisdictions attended this conference during which they also visited Eurojust and the Special Tribunal for Lebanon, where they met IAP Senator, Daniel Bellemare MSM, QC, who is the Prosecutor of the Tribunal.

The participants discussed together with the speakers about innovative and progressive ideas as the European Arrest Warrant and European Investigation Order.

The results were optimistic and inspired the participants to support further unification and integration.

From 14 until 18 March 2011 we had **the 7th IAP Asia, Pacific & Middle East Regional Conference in Jakarta, Indonesia.**

This conference that was hosted by the Attorney-General, Mr. Basrief Arief was opened by the President of the Republic of Indonesia, Mr. Susilo Bambang Yudhoyono in the Presidential Palace.

The 3-day conference became a melting pot of many ideas, especially on how to combat transnational crimes, ranging from cybercrime, drugs- and human trafficking to money laundering, amongst others. Judging by the range of presentations, it appears that mutual trust and cooperation can not always easily be obtained. This touches upon the IAP's mandate to find ways to achieve its goal of promoting such cooperation and to implement the most practical idea culled from the conference to assist prosecutors in their respective countries and help them operate more safely.

During the conference a High Level Prosecutors Meeting was held, which resulted in the "Jakarta Declaration". (see Newsletter 53)

From 23 until 25 March we had the **4th IAP Latin American Regional Conference in Fortaleza, Brazil.**

The theme of this conference: "The role of the Prosecutor in Combating Corruption".

The conference attracted 360 participants, including prosecutors and academics that came from the different countries of Latin America as well as North America, Europe, Africa and Asia.

The high level contributions were highly informative for all the prosecutors and academics present and encouraged entering into cooperation agreements between Prosecution Service Offices and the organs of control and repression of corruption in the 18 countries represented at the Conference.

During the conference, the Prosecutors of Latin America certainly had the chance to consider the development of investigative tools to repress corruption, since they were given the opportunity to learn about successful experiences within many other countries and continents that can be adapted to their own reality and used in their jurisdiction.

### **GPEN Development Board**

In this report period there have been two meetings of the GPEN Development Board, on the 5th of september 2010 in The Hague and on the 3rd of March 2011 in Vienna.

The next meeting will be in Seoul, Korea on the 26th of June this year.

Variously called E-crime, cybercrime, computercrime, electronic crime, IT-crime, criminal conduct involving the use of computers comes in many forms and is increasing. Any new technology challenges law enforcement to respond effectively and the huge and continuing growth and diversity in information technology constantly produces new challenges.

Criminal investigators and prosecutors need assistance in meeting these challenges and GPEN is a tool that can assist.

GPEN is hosted on the website of the IAP and is available only to IAP members. It is a benefit of membership that you are strongly encouraged to explore and enjoy.

## **Some other Conferences or meetings that were visited by IAP officers**

The General Counsel of the IAP, Elizabeth Howe, attended in early October 2010 the Annual Conference of the International Bar Association in Vancouver, Canada. (Newsletter 52)

Agnes Diofasi, IAP Executive Committee member participated in the 13th Eurojustice Conference in Budapest, 28 – 29 October 2010. (Newsletter 52)

Grenville Cross, IAP Senator attended the 4th Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA) in Macao, China, from the 2nd to the 5th November 2010. (Newsletter 52)

The Secretary-General of the IAP, Derk Kuipers, attended a seminar that was held in Budapest, Hungary, on the 23rd and 24th of November 2010 on occasion of the 20th anniversary of the Hungarian Association of Prosecutors. Judges and prosecutors discussed about the protection of prosecutors and judges. (Newsletter 52)

The General Counsel and the Secretary-General attended the Public Prosecutor Training Centers Conference in Jakarta, Indonesia, from 16 – 18 March 2011. (Newsletter 52)

The General Counsel attended in April 2011 the 20th UN Commission on Crime Prevention and Criminal Justice (CCPCJ) (Newsletter 53)

The President of the IAP, James Hamilton and the Communication Manager of the IAP, Janne Holst Hubner were in Azerbaijan from 17 until 20 May to work on and launch the Russian website together with the local support team. (Newsletter 53)

## **IAP Standards**

Members will be aware of the significance attached to the IAP Prosecution Standards

‘The Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors’ was approved by the IAP Executive Committee in April 1999.

The standards were drawn up by practicing prosecutors from every continent for practicing prosecutors everywhere; they are short, uncomplicated and realistic. The standards deal with the professional conduct, independence and impartiality of Prosecutors as well as their duty to cooperate with colleagues around the world and their rights to fair and proper terms of employment. There are provisions that deal with the proper conduct of criminal proceedings, including measures which ensure that offences are prosecuted firmly whilst protecting the right to a fair trial.

The standards serve as a working document for use by prosecution services to develop and reinforce their own standards. The IAP has made significant efforts since 1999 to promote the standards and their use by working prosecutors throughout the world. All IAP organisational members are required to commit to the IAP Standards for Prosecutors upon joining.

Many countries and organizations have drawn from the standards in developing their own code for prosecutors including South Africa, Afghanistan, Northern Ireland, ICTY

(International Criminal Tribunal for former Yugoslavia) and the ICC (International Criminal Court).

The UN Guidelines on the Role of Prosecutors 1990 (the Havana Guidelines) were the first international attempt to define the role of the public Prosecutor. These guidelines are however addressed to States and concerned with State action and do not address the relationship between the prosecutor and the executive or legislature.

‘The Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors’ complement but expand the Havana Guidelines and it became apparent that there was an emerging body of support world wide to seek a UN Resolution promoting the IAP standards to all member states, calling for “Strengthening the rule of law through improved integrity and capacity of prosecution services”.

At the 17th annual Commission on Crime Prevention and Criminal Justice in Vienna, Austria, in April 2008, South Africa tabled such a resolution which was approved by the full Commission.

The Resolution (E/CN.15/2008/L.10/Rev.2) is available in the six official languages of the UN at the Commission website:

[:http://www.unodc.org/unodc/en/commissions/CCPCJ/session/17-resolutions.html](http://www.unodc.org/unodc/en/commissions/CCPCJ/session/17-resolutions.html).

The full text of the IAP Prosecution Standards was annexed to the Resolution and state parties were requested to take them into consideration when reviewing or developing their own Prosecution standards and calls on the UNODC Secretariat to circulate them to all member states for comment.

This Resolution reverted to 20<sup>th</sup> UN Commission on Crime Prevention and Criminal Justice held in Vienna in April this year for an assessment of member state responses. It was reported by Yury Fedotov the new Executive Director of the United Nations Office of Drugs and Crime (UNODC) that the standards had been favourably received and that much progress had been made in securing observance. This endorsement has now led to a commitment from UNODC to develop, in conjunction with the IAP, some practical guidance upon how the standards should operate. Any influence IAP members can bring to bear in this regard would be most helpful, particularly in terms of securing donor financial support which is essential. Further information upon this initiative can be obtained from The General Counsel.

## **Miscellaneous**

During the 15th IAP Annual Conference and General Meeting at The Hague in September 2010, Henk Marquart Scholtz resigned as Secretary-General. He served as the Association’s first Secretary-General from 1996. He was one of the “founding fathers” of the Association and managed its day-to-day affairs from the very beginning. He was elected during the General Meeting as IAP Honorary member.

During the 11th IAP European Conference at The Hague, Henk was awarded on behalf of the Prosecutor General of the Russian Federation, IAP Senator Yuri Chayka with the Russian Medal “for Co-operation”.

Francois Falletti, resigning IAP President and Retha Meintjes, founding member and resigning IAP Vice-president also were elected as Honorary members.

On the 28th of April 2011 Francois Falletti received at the Dutch Embassy in Paris a Royal Dutch decoration: Officer in the Order of Orange-Nassau. This was in recognition of all the work he has done for good and fruitful cooperation between The Netherlands and France.

At the occasion of the birthday of HM Queen Elizabeth II, former Lord Advocate of Scotland, Elish Angiolini QC, became a Dame of the British Empire.

As mentioned before Elish Angiolini will receive the Special Achievement Award of the IAP at the Annual conference in Seoul.

Looking back at the period of this report some spectacular developments can be noticed:

- in two regions of the world Regional Conferences were held for the first time:  
The IAP North American and Caribbean Regional Conference at Bermuda and  
The IAP African Regional Conference in Lagos, Nigeria;
- Four more conferences were held in other regions of the world;
- More than 150 new individual members were registered and 6 new organisational members.