

# INTERNATIONAL ASSOCIATION OF PROSECUTORS

## ANNUAL REPORT 2009 - 2010

### Introduction

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

### *Part 1*

#### **The IAP Year**

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

#### **14<sup>th</sup> Annual Conference and General Meeting, 6-10 September 2009**

A warm and sunny Kiev greeted the 400 plus delegates who arrived in Kiev in early September for the 14<sup>th</sup> IAP Annual Conference, and winter coats were swiftly discarded.

Our Ukrainian hosts, the Prosecution Service of Ukraine and the Ukrainian Association of Prosecutors certainly made all participants feel welcome, whether it was the VIP treatment at the airport as we were ushered through the immigration formalities or the fabulous entertainment and hospitality complete with top class traditional dancing and fireworks, which continued throughout the week, or the army of volunteers [Ukrainian students] whose job it was to look after all the guests. The local organising committee, chaired by Oleksandr Shynalskyi, Deputy Prosecutor General of Ukraine and President of the Ukrainian Association of Prosecutors had done a magnificent job in terms of preparation and richly deserved the praise and thanks that were showered upon them throughout the week.

The work programme around the conference theme 'successful prosecutions; achieving just outcomes' was varied and informative and on occasions very lively, particularly the workshop on 'measuring success' which predictably did not achieve a consensus view. The special interest sessions introduced last year were very popular, if for no other reason than that the number increased to 7 this year and attracted many participants.

The President and all the Executive Committee are of course enormously grateful to all those who did contribute to the event whether as presenters, rapporteurs, chairs etc. This year we introduced facilitated panel discussions in response to feedback last year [an analysis of which can be found on the website] that the conference should be more discursive, and it is hoped this was achieved. Indeed the conference outcome was formulated through a panel discussion facilitated by Jorgen Sorenson, DPP for Denmark, on the last day, and is reproduced below. We also reviewed the outcome from the 13<sup>th</sup> Annual Conference in Singapore.

The conference was opened by Volodymyr Lytvyn, Chairman of the Parliament of Ukraine and Oleksandr Medvedko, Prosecutor General of Ukraine who also delivered the first presentation of the conference and also gave a closing presentation on the final day. François Falletti, President of the IAP and Petro Shatkoovsky representing Viktor Yushenko the President of Ukraine also spoke during the Opening Ceremony. All key note speakers stressed the importance of ensuring that prosecution services measured their success by their ability to serve the public.

The presentations, workshops and discussions were designed to explore the sub themes as set out clearly in the conference programme. Accordingly we heard about the diverse ways that prosecution

services could secure a 'successful outcome', be it resorting to civil remedies, asset recovery or regulatory orders as in the Netherlands and Chinese Taipei, or community justice disposals as developed in Singapore, USA and UK, especially for those with mental health problems, which as we know count for a significant number passing through the criminal justice system.

The presentations about the Yukon in Northern Canada and Uganda in Africa on the use of customary justice and how it could be integrated into rule of law systems were especially interesting and thought provoking. The Ugandan experience of conflict introduced another sub theme, that of how to secure success in respect of crimes against humanity and war crimes. We heard the perspective of the International Criminal Court and how its jurisprudence had developed. This was a topic that was explored further during the special interest meeting on war crimes which was very well attended.

The importance of training and development for prosecutors and prosecution staff, to realise their potential was another area of focus, particularly at the special session at the Ukrainian Prosecution Academy hosted by its President, Grigoryi Sereda and much interest was generated by the presentation from Korea about E learning for prosecutors. Ensuring fairness in the pursuit of success was another theme which featured and many delegates were interested to hear the USA vision for the future in that regard under the new administration, from the recently appointed Assistant Attorney General responsible for criminal justice, Lanny Breuer, particularly since it was juxtaposed to a presentation from the Attorney General for Afghanistan, Aloko Mohannad Eshak. A new code of ethics for prosecutors has recently been launched in Afghanistan, drawing on the IAP standards which those attending the Asia, Pacific and Middle East regional forum heard about. They also received a comprehensive explanation of the 'Towards Asia Just' initiative, an exciting proposition from UNODC which the IAP supports, given its confluence with the IAP objects, and which you will find is incorporated into the Conference Outcome [see below].

Presentations about how the prosecution process could be safeguarded from abuse and initiatives to improve service delivery and make provision for victims came from New Zealand, Belgium, Korea, Chile, Argentina and elsewhere. We were also interested to hear from our French colleagues about the changes which have already occurred and those within the legislative reform agenda in France, aimed at engineering more flexibility within the criminal justice system. The Attorney General of Lagos State in Nigeria described how his jurisdictions were actively introducing new legislation in order to keep pace with the rapid growth of crime, particularly in the corporate world. The Deputy Prosecutor General of the Russian Federation reminded us of the importance of cross jurisdictional cooperation in order to achieve success, which, after all, is the IAP '*raison d'etre*'

There was a special session on juvenile justice to mark the 20<sup>th</sup> Anniversary of the Convention on the Rights of the Child.

The Special Interest meetings included one on the 4<sup>th</sup> World Summit for Prosecutors General, Attorneys General and Chief Prosecutors which will take place in Santiago, immediately following the 16<sup>th</sup> Annual IAP Conference [more details to come].

There was also meeting of the Prosecutors Exchange Programme [PEP] contact points arranged by Nicola Mahaffy, who has been the main driver of this initiative. It was noted that there is widespread support for the programme and there seems to be a great need for it, particularly for training and development purposes, but funding as always remained an issue. Nicola was able to report that earlier this year, thanks to the generous support of the Commonwealth Secretariat, the first exchange under the PEP took place; two prosecutors from the Maldives spent three weeks in the Office of the DPP in New South Wales where they received training from experienced Australian prosecutors.

Another special interest group was arranged by Wendy Stephen and James Chaffe being the inaugural meeting of representatives of Associations; it was attended by people from Serbia, Brazil, Argentina, several Canadian provinces, the US. The current standing of the various Associations with their respective governments and the role Associations play in legislative and policy matters were discussed and everyone left enthusiastic to meet at next year's conference.

## **Conference outcome**

Three examples of good practice which could be applied to other jurisdictions which have significantly contributed to a successful outcome in the prosecution arena – identifying how success was evaluated/confirmed.

### *1) Maximising potential of prosecutors and prosecution staff.*

Promulgation of examples of effective training methods, tools and templates for training, and development of prosecutors and prosecution staff including in particular E learning techniques and innovative and alternative ways of delivering justice including the concept of community justice and restorative justice models, particularly for juveniles [in recognition of the anniversary of the 1989 Convention on the Rights of the Child] and other non judicial outcomes. Availability of ‘prosecutors exchange programme’ as means of delivery as well as IAP website and other electronic means. Development of GPEN and associated training to continue. - Workshop on International Criminal Justice Training on Rule of law at Brazil Crime Congress 2010 to present opportunity for showcasing and promulgating UN relevant training methods and programmes supported by IAP.

### *2) Cooperative Working between Prosecutors.*

Collaboration between IAP, UNODC - Asia and Pacific to promote “Towards Asia Just” as a pilot site with a view to future adaptation of model in other regions of the world. Continue support for Eurojust and its wider reach. Thereby contributing to objects of IAP to promote cooperation and mutual assistance between prosecutors in order to secure successful and just prosecution outcomes

### *3) Closing Impunity Gap for War Criminals.*

Creation of Specialist War Crimes Forum under auspices of IAP to promote cooperation, trust and exchange of specialist knowledge between prosecutors dealing with war crimes and crimes against humanity and genocide with the object of securing successful and just prosecution outcomes.

## **Executive Committee meeting in Kiev, 5 September 2009**

The meeting was chaired by the President Francois Falletti.

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

- The essay competition should continue for at least one more year despite the disappointing response to date and more would be done to market it.
- The SG reported that the following organisational members had been admitted; Director of Public Prosecutions Office, South Australia, Office of the Attorney General of UK, Office of the Attorney General of the Maldives, Directeur des poursuites criminelles et pénales du Québec, Canada, and the Department of Work and Pension from UK (30 prosecutors dealing with benefit fraud). Subsequently it was also agreed to admit the Chinese Taipei Prosecutors Association as an organisational member
- It was confirmed that the nomination of Raija Toiviainen and Barbara Brezigar, Prosecutor General, Slovenia should be placed before the General Meeting on Tuesday 8 September 2009.
- The SG advised that there will be 13 terms of executive committee members expiring in 2010. It was agreed that those members whose terms end in 2010 and who had not signified their views, should let the SG know about their decision before the end of January .

- It was further agreed that advance notice of forthcoming vacancies should be posted on the website and in the IAP Newsletter so any aspiring committee members had time to commend themselves, or others to the Executive Committee as Ex. Com. Nominees.
- Succession of the SG. Derk Kuipers had been interviewed following selection as a suitable candidate and was invited to join the meeting. He gave a short presentation, following which members were offered the opportunity to question Mr. Kuipers. Thereafter the Committee agreed to present Derk Kuipers to the General Meeting as the prospective new Secretary General
- The Secretary-General presented the draft budget for 2010, and financial statements and balance sheet for 2008, drawn up by Ernst & Young Accounts. 2010 Budget was agreed
- Granting Programme: the SG thanked Irish Aid, OIF, the Commonwealth Secretariat and Gordon Lerve for their support to the Granting Programme.
- There was discussion about an appropriate contribution for the services of the Communication officer provided by Denmark. A sum was agreed and it was also agreed that a document confirming the financial agreement should be produced and submitted to the Executive Committee.
- John Balcombe's Report; The President offered his thanks on behalf of the Committee to the Crown Prosecution Service and Mike Kennedy, for allowing one of their accountants, Mr. John Balcombe, to come to The Hague to review the financial condition of the IAP, which he found to be in good shape and congratulated Henk as 'an accountant's dream'. All the recommendations made by John Balcombe were accepted and would be incorporated into a new protocol to be produced for the meeting in Prague, with the exception of the final recommendation [appointment of an assistant as second cheque signatory] in respect of which, it was agreed to seek further clarification and bring back to the meeting in Prague
- The General Counsel presented her report, Business Plan, vision statement and future work plan. The current Business Plan included a review of progress to date. The proposed outlined business plan for 2009/2010 was agreed
- Report from Benefits Committee. Jørgen Sørensen informed that his office had investigated the matter of offering assistance to prosecutors in difficulty further and that it appears that the International Bar Association already has some kind of system. He offered to assist by drafting a suggestion to be provided to the Ex. Co. for the Prague meeting. This was agreed.
- A Proposal for Constitutional Amendment to change the voting arrangements for election of Executive Committee members was discussed. It was agreed that a response should be sent to the proposer referring to the current access arrangements under the Constitution. It was also agreed to set up a Constitution Committee to take a close look at the matter. The following members were appointed; Alasdair Fraser, Wendy Stephen, Jim Hamilton, Carlos Donoso Castex, who should report back to the Prague meeting
- The Information Package for Executive Committee Members was now available for all members, old and new and is a comprehensive collection of all relevant material about the IAP.
- Annual Regional Conferences and other future events. SG reported briefly on both those which had taken place and those due to take place.

### **The General Meeting, 9 September 2009**

The meeting was officiated by the President, François Falletti, the Secretary-General, Henk Marquart Scholtz and the General Counsel, Elizabeth Howe. The Communication Manager, Janne Holst Hubner also assisted.

The Minutes of the previous meeting held in Singapore, 29 August 2009 and contained within the Annual Report which had been included in the Conference pack, were agreed as an accurate record. Election of members of the Executive Committee.

The Executive Committee had nominated the following persons for election as members of the Executive Committee for the next three years, Barbara Brezigar, Supreme State Prosecutor of Slovenia and Raija Toiviainen, State prosecutor, Finland. Each candidate stood and were deemed as duly elected by the General Meeting, there being no other candidates.

Laszlo Venczl, Vice President of the Hungarian Association of Prosecutors was presented with a 'thank-you' certificate upon retiring from the Committee after 10 years loyal service and this was accepted on his behalf by Agnes Diófási.

Succession of Secretary-General in 2010.

The Executive Committee had nominated for election as Secretary-General in 2010: Derk Kuipers, Senior Advocate-General, The Hague, The Netherlands. The present Secretary-General Henk Marquart Scholtz will serve until the General Meeting in The Hague in September 2010. The President asked the assembly to signify their approval of the prospective Secretary-General so that he had time to ensure a smooth transition. This was done by acclamation.

Annual Report and present membership situation.

The President's spoke of the growth of the IAP, covering all parts of the world; The World Summit of Prosecutors General, Attorneys General and Chief Prosecutors in Santiago Chile in November 2011 following the 16<sup>th</sup> IAP Annual Conference; the work in progress with UNODC to implement the IAP Standards for Prosecutors and continual improvements to the internal operation of the IAP.

The Secretary-General introduced the Annual Report which is on the website and had been distributed in hard copy to each delegate. He gave details of membership situation; 600 individual members [those who had registered online] and 136 organisational members].

Finances

The Secretary-General referred to the financial statements for 2008 and the present financial situation as dealt with in the Annual Report.

He advised the membership of the review of the financial governance and husbandry within the IAP by an Accountant supplied by CPS, England and Wales who had found all in order and had made a number of recommendations which the Executive Committee had agreed to follow.

He thanked the CPS of England and Wales and the DPP of Denmark for their support by seconding the General Counsel and the Communication Officer respectively. Thanks were also offered to the Dutch Prosecution Service and Ministry of Justice for their support, to Azerbaijan and Ukraine for their translation of various texts and the PPSC [Canada] for assistance with the French website and to the Organisation Internationale de la Francophonie, Irish Aid and the Commonwealth Secretariat for assistance in the granting programme. Also Gordon Lerve from Australia was thanked for his individual assistance

Work programme of the Association

The General Counsel spoke briefly on the work programme for 2010 as agreed by the Executive Committee and on what has been achieved in 2008/9, and indicated that a copy of the current business plan and a review of progress to date would be posted on the website.

The Communication officer spoke briefly and indicated that work would start in earnest soon to update the Russian and French website.

Future Conferences. A list of forward dates was given by the Secretary-General.

- November 14-16 2009, 6<sup>th</sup> M.E. Asia-Pacific Regional Conference Dubai
- March 3-5 2010, 10<sup>th</sup> European Regional Conference The Hague
- April 12-19 2010, United Nations Crime Congress Brazil
- April 21-23 2010, 3<sup>rd</sup> Regional Conference Buenos Aires
- September 5-9 2010, 5th Annual Conference The Hague
- November 7-11 2011, 16<sup>th</sup> Annual Conference Santiago, Chile

## **IAP Awards**

The IAP Awards for 2009 were presented after the formal opening ceremony of the Annual Conference, on Monday the 7th September 2009. The awards were:

### ***Medal of Honour:***

*“The IAP Medal of Honour is the highest decoration awarded by the Association. The IAP Medal of Honour is awarded to a prosecutor who has exemplified, in the domestic or international context, the key attributes of the prosecutor and, more particularly, the qualities of integrity, fairness and professional ethics set out in the IAP Standards and which are expected from a holder of this important office.*

### ***Justice Richard Goldstone (South Africa)***

The Medal was presented during a ceremony in The Hague, a recording of which was shown during the opening session. The **citation** was given by IAP Vice-President Retha Meintjes SC, Deputy DPP, South Africa.

“The IAP Medal of Honour is not made automatically each year. Past recipients have been Louise Arbour, Canada (1999), Nelson Mandela, South Africa (2000) the late Simon Wiesenthal, Austria (2002), Pierre Truche, France (2004) and Minoru Shikita, Japan (2006).

Justice Richard J. Goldstone graduated from the University of the Witwatersrand with a BA LLB cum laude in 1962. He then practised as an Advocate at the Johannesburg Bar in South Africa, was appointed Senior Counsel in 1976 and in 1980 became a Judge of the Transvaal Supreme Court.

Before taking a seat on the Constitutional Court of South Africa, Justice Goldstone served as chairperson of the Standing Commission of Inquiry Regarding Public Violence and Intimidation—later known as the Goldstone Commission in South Africa. This Commission played a critical role in defusing the political violence that erupted when apartheid in South Africa began eroding in the late 1980s (and as the country moved toward its first democratic elections, concluding that political violence was fuelled by a 'third force'.)

Richard J. Goldstone served nine years as a justice of the Constitutional Court of South Africa, which was entrusted with the task of interpreting the new South African Constitution and supervising the country's transition into democracy

From 1994 to 1996, Goldstone served as the chief prosecutor of the United Nations International Criminal Tribunals for the former Yugoslavia and for Rwanda. Goldstone helped shepherd these courts, the first of their kind since Nazi war criminals were tried at Nuremberg following World War II. In 1995, Goldstone filed charges of genocide and crimes against humanity against Bosnian Serb leaders Radovan Karadzic and Ratko Mladic for their roles in the "ethnic cleansing" of Bosnian Muslims, as well as torture, rape, the shelling of Sarajevo, and the sacking of mosques and Catholic churches.

Goldstone is the author of numerous articles on international humanitarian law and he serves on the Board of Directors of several nonprofit organizations that promote justice. He holds honorary degrees from a number of universities worldwide (Hebrew University, the University of Notre Dame, Maryland University College, and the Universities of Cape Town, British Columbia, Glasgow, and Calgary among others) and is an honorary fellow or member of a number of institutions ( St Johns College, Cambridge, an honorary member of the Association of the Bar of New York, a foreign member of the American Academy of Arts and Sciences, and a fellow of the Center for International Affairs of Harvard University.)

Justice Goldstone has received many prominent awards (in 1994, the International Human Rights Award of the American Bar Association and in 2005 the Thomas J. Dodd Prize in International Justice and Human Rights) including recently the MacArthur Award for International Justice for his exceptional contribution to the prosecution of individuals committing crimes against humanity (bestowed by the John D. and Catherine T. MacArthur Foundation in October 2008). MacArthur Foundation President Jonathan Fanton remarked 'Goldstone has played an instrumental role in building the emerging international system of justice'

At the meeting of the Executive Committee in Yaounde, Cameroon, it was agreed that also the International Association of Prosecutors should recognize Justice Goldstone's outstanding international achievements in promoting international criminal justice and human rights, also, and especially so, as a prosecutor.

Regrettably Justice Goldstone is unable to attend today's event. A ceremony had therefore to be held earlier this year in the Hague where he was presented with the IAP Medal of Honour. His acceptance speech was video-taped and will now be played".

### **Richard Goldstone's acceptance speech**

President Falletti, ladies and gentlemen thank you very much indeed for giving me this most deeply felt honour, this Medal of the International Association of Prosecutors.

I am particularly proud having regard to the previous people who have been given this award and the fact that it is not awarded very often. I must say that it is especially meaningful to me to be the second South African, and wonderful to be associated in this way with Nelson Mandela. I had never thought I would have anything in common with him but one thing we now have in common and that is twenty years ago he would not have believed that he would ever get an honour as a prosecutor as he was always on the receiving end of prosecutors.

And little more would I have been surprised in 1988 when I was a commercial lawyer having had very little experience with prosecuting.

In South Africa during the Apartheid years, really corrupt racist laws corrupted the judicial system and the prosecuting system because people were forced to be involved in the prosecution, upholding laws that were absolutely immoral by decent standards. But nonetheless some judges and some prosecutors maintained the ethics of the profession. There were not too many of them but they were sufficient to keep the flag flying into the post Apartheid period. I had, as I said no experience as a prosecutor in South Africa I did investigations but that was a very different thing.

When I arrived in The Hague, I was immediately the beneficiary of having to work with wonderful experienced prosecutors from around the world. I was especially fortunate in having an extremely experienced prosecutor with previous experience in war crimes prosecutions, Graham Blewitt from Australia, and I am delighted that Gavin Ruxton who is now Chief of Prosecutions of the Yugoslavia Tribunal is with us here this morning, because he was there before I arrived, as was Graham Blewitt. It was really their leadership and their teaching about prosecuting that made it all possible. And so I am very conscious of the fact that I really receive this award not only for myself, but for the outstanding prosecutors from many countries who taught me and who enabled the higher standards to be applied at the Yugoslavia and the Rwanda Tribunals. I think we all agreed very soon after I arrived that the really important goal for us, was fair trials, we recognised that we would rather lose as prosecutors and would prefer to have acquittals than to have convictions that were obtained through any standards that were not of the highest. It is for that reason that this award is so meaningful to me.

The International Association of Prosecutors is an important international organisation that has always stood for the highest principles of justice, of fairness and of upholding the Rule of Law and Human Rights.

So, President Falletti, thank you very much for coming a long way to The Hague for this award. I deeply regret that I will not be able to be with you in Kyiv in September but I have obligations in New York at that time that really make it impossible.

So, thank you very much and I would be grateful if I could convey my thanks also to your Committee and to all the members of the International Association of Prosecutors. Thank you very much.

***Special Achievement Award:***

*“The IAP Special Achievement Award is given to a prosecutor, whether a member of the IAP or not, who has demonstrated special dedication in the pursuit of his/her professional responsibilities, or who has discharged his/her professional responsibilities in the face of special hardship or adversity or under other circumstances which deserve special recognition”*

***Josaia Naigulevu, Fiji***

The citation given by Nicholas Cowdery AM QC, Australia, at the conference was:

For upholding the principles of integrity and independence in the face of unwarranted pressure from an unlawful ruling regime

***Ronald Bei Talasasa Jnr, Solomon Islands***

The citation given by Nicholas Cowdery AM QC, Australia, at the conference was:

In recognition of the exceptional hardships he has faced and his dogged determination to continue to act in accordance with principle, even in the face of great personal danger

***Certificate of Merit:***

*“The award of the IAP Certificate of Merit seeks to express the gratitude of the Association to members of the IAP (individual or organisational) for their pursuit of the Objects of the Association.”*

***Office of the Attorney General of Singapore***

For hosting the 13<sup>th</sup> Annual Conference in 2008.

***Leksyi Baganets, Chief Prosecutor of Lviv, Ukraine***

For hosting the 4<sup>th</sup> IAP Central and Eastern European and Central Asian Regional Conference for prosecutors in Lviv in November 2008.

***Ministry of Justice of Cameroon***

For hosting the Executive Committee meeting in Yaounde in February 2009.

***Knut Kallerud***

For his work as Chair of the Human Rights Training Package working group.

***Alasdair Fraser and James Hamilton***

For their work as Chairs of the *Standards for Protection of Prosecutors* working group.

***Resigning Executive Committee member***

Laszlo Venczl

***Thank you certificates:***

*“The award of an IAP Thank you Certificate seeks to express the gratitude of the Association to non-members for their work in support of the IAP or in pursuit of the Objects of the Association.”*

### ***IAP Office Manager Evie Sardeman***

For her work for the Association.

### **The IAP Executive Committee 2009-2010**

#### **President**

François Falletti, Prosecutor General at the Court of Appeal of Paris, France

#### **Vice-Presidents**

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

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

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

James Hamilton, Director of Public Prosecutions, Ireland

Wendy Stephen QC, Crown Counsel, Canada

Joon-Gyu Kim, Prosecutor General, Korea

#### **Secretary-General**

Henk Marquart Scholtz, Senior Advocate General, The Netherlands

#### **General Counsel**

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

#### **Members**

Barbara Brezigar, State Prosecutor General, Slovenia

Richard Buteera, Director of Public Prosecutions, Uganda

Sabas Chahuán Sarras, General Prosecutor, Chile

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

Basile Elombat, Magistrat, Cameroon

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

Alasdair Fraser QC, Director of Public Prosecutions, Northern Ireland

Siri S. Frigaard, Chief Public Prosecutor, Norway

Vinette Graham Allen, Former Director of Public Prosecutions, Jamaica

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

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

Gerhard Jarosch, Senior Prosecutor, Austria

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

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

Josaia K. Naigulevu, Director of Public Prosecutions, Fiji

Chaikasem Nitisiri, Attorney General, Thailand

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

Javier Popolo Filgueira, Public Prosecutor, Venezuela

Richard Rogers, Senior Counsel Department of Justice, United States

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

Jorgen Steen Sørensen, Director of Public Prosecutions, Denmark

Raija Toiviainen, State Prosecutor, Finland

### **Update on GPEN**

The origins of the GPEN initiative lie in the UK's developing strategy to combat high-tech crime and in activities within the Crown Prosecution Service

All prosecutors now have to face growing numbers of cases where computers or other electronic devices are used as a crime tool: for example, the distribution of child pornography, cases where computers are the target (by hacking) of crime, identity theft, online fraud, credit card manipulation

and where computers or other devices have been used as storage and communication tools to facilitate the commission of offences, such as drug dealing.

GPEN was designed to be a solution to some of the high-tech crime prosecution problems that Esther George from the CPS England and Wales noticed UK prosecutors were experiencing in practice. Those issues are not confined to the UK, however, and being anxious to share and also to learn from others, the CPS (an IAP organisational member) approached the IAP with a view to establishing a global network of E-crime specialists. The IAP has enthusiastically embraced the prospect. GPEN is managed by a ten member Development Board being a selection of appropriately experienced prosecutors from all parts of the globe.

The 13<sup>th</sup> Annual Conference of the IAP was held in Singapore in September 2008, the theme of which was 'New Technologies in Crime and Prosecution: Challenges and Opportunities'. Much of the emphasis was upon 'cybercrime.' The conference aims were:

1. To identify new challenges for prosecutors in combating the rise of criminality which is either facilitated by technology or where technology is the target.
2. To identify new ways of harnessing technology to assist in the detection, investigation and prosecution process.
3. To identify three practical steps that the IAP can take either through its membership or in collaboration with affiliated organisations to address 1 and 2 above.

One of the three practical steps identified in the outcomes of the Singapore conference was:

#### Capacity-Building

- IAP will facilitate training, education and sharing good practice via exchange of contact details, training materials, legislative tools, details of existing training programmes, etc;
- Accumulative training covering both general practitioners and high-tech crime specialists;
- Training to include judiciary and law enforcers, with the benefit of industry input where appropriate;
- Address needs of developing countries and specific regions e.g. Africa;
- GPEN to be the primary vehicle under leadership of the Development Board.

GPEN was seen as the main vehicle to promote training, heighten awareness, disseminate information, facilitate communication, spread good practice and link prosecutors with industry in the area of E-crime. It was also recognised that there was a need to promote the Council of Europe Convention on Cyber Crime, being the only international instrument on such forms of criminality.

Briefly, the idea is for GPEN to provide password access on the IAP website for all IAP members (individual members and authorised officers of organisational members) to a secure system through which they can:

- enhance international cooperation in the e-crime arena of member countries (by identifying contacts and exchanging information);
- reduce duplication of training and realise significant cost savings as countries will no longer need to devise their own training material from scratch;
- develop appropriate training courses to train prosecutors who will be able to train their colleagues;
- encourage the sharing of best practice and dissemination of lessons learnt;
- improve the exchange of crucial information and data quickly and efficiently, especially in relation to crimes with an inter-jurisdictional dimension; and
- encourage all jurisdictions to develop a co-ordinated approach for dealing with e-crime that supports effective prosecutions and promotes the principles of the Council of Europe's Cybercrime Convention.

It is now over a year since GPEN was launched in Singapore by the UK Attorney General, Baroness Scotland. A number of things have happened to GPEN in that time.

1. The first GPEN training program was held in Bermuda in August 2009. Rory Field, DPP for Bermuda and a member of the GPEN Development Board, hosted it. The "Prosecutions: Technological Challenges and Practical Solutions" two day training workshop was attended by prosecutors from fifteen Caribbean nations. It was divided into two parts and the initial morning training session was an open forum for the Bermuda Judiciary, Ministry of Justice, Ministry of Telecommunications, Police, Customs and other stakeholders in the Bermudan criminal justice system.

Over the course of the next day and a half the basics of high-tech crime and digital technology were explained. The participants were all encouraged at the conclusion of the training to become members of the IAP and obtain access to GPEN. The training was funded by the DDP of Bermuda, the Commonwealth Secretariat and GPEN/IAP. The training was extremely successful and was an example of how different jurisdictions can collaborate through the auspices of GPEN in this field.

2. The GPEN website has been active and in operation since April 2009, new material is being posted online, the "dummy" files on the GPEN prototype are being removed and replaced by actual documents. All material listed can be used by members free of copyright.

There are security restrictions to the network to ensure that the material available to members is not open to misuse by criminals. There are four web areas that can only be accessed by members using a password:

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

3. Each IAP member country has been invited to nominate at least one prosecutor (preferably with a knowledge of E-crime) to be registered with GPEN as a contact point for that country for queries, enquiries and requests for E-crime advice. 45 jurisdictions have responded out of 136 organisational members so far (so there is a way to go).

4. GPEN has a new "Industry Page". During the launch of GPEN in Singapore last year members of industry who were present wanted to know how they could be involved. Cisco made a donation to GPEN which enabled the GPEN secretariat to not only activate GPEN but to also design an industry page, so that the IAP will act as a conduit between prosecutors and industry by participating in industry networks, inviting industry to contribute to IAP/GPEN horizon-scanning exercises to assess future challenges and opportunities and encouraging cross-training involving Industry.

5. Members of the GPEN Development Board and the GPEN secretariat have spoken about GPEN at numerous events around the world in the last twelve months. The most memorial and prestigious were:

- a meeting of three G8 subgroups in Japan in November 2008
- a virtual Global E in February 2009
- a speech on GPEN and cybercrime at the Council of Europe Octopus Interface Conference for cybercrime experts in March 2009.

6. The Council of Europe Convention on Cybercrime was a topic that was covered during the first GPEN training programme held in Bermuda. It was impressed on delegates how important the Convention is.

GPEN is working with the Council of Europe looking at addressing the concept of cybercrime training for judges and prosecutors. This is still at an early stage, but GPEN has been involved in three meetings on this matter to date and will assess any developments in respect of this and keep our members fully informed and engaged.

7. We are presently examining the possibility of holding a “webinar” – an online training session where prosecutors from around the globe can watch training by experts (via the internet) at their desks. Negotiations are presently ongoing as the technology has some teething problems. Once these initial problems are resolved the date for the webinar will be announced on GPEN’s forum. We are hoping that the cyber industry will support us in this endeavour.

8. Members of the Development Board held most productive meetings during the 14th Annual Conference of the IAP in Kyiv (Kiev) in September 2009. The Conference Outcomes in Kyiv included: "Development of GPEN and associated training to continue". The next Board meeting will be held in Bahrain in January 2010 - but there is much work to be done before then.

9. We are also engaging the United Nations, in particular in anticipation of the 12<sup>th</sup> UN Crime Congress in Salvador, Bahia in Brazil in April 2010. Our general Counsel has been involved in preparatory meetings for a workshop to be held during the Congress upon International criminal justice education on the rule of law, and hopes to demonstrate the value of GPEN as a means of delivering training and information about cyber crime and how to combat it, to prosecutors all over the world. This is of particular relevance to the Congress as one of the substantive themes is ‘Recent developments in the use of science and technology by offenders and by competent authorities in

fighting crime **including the case of cybercrime**’ [my emphasis]. Further Esther George is attending an informal expert group meeting arranged by UNODC in Vienna this October, on behalf of GPEN, to discuss and assess UNODC’s role in the fight against cybercrime. The group will consider the initiatives and programmes already in place by other organisations and institutions to explore how best UNODC can collaborate with existing activities in order to promote a more coordinated and sustainable approach to combating cybercrime in developing countries. Obviously GPEN must be a potential world leader in this context. We shall wait to see how this develops.

We have begun to fulfil GPEN’s potential but to take it further we need each one of you, members of the IAP, to get involved. GPEN exists for you and through you. You, together with the Development Board, will determine what the next twelve months hold for GPEN.

You can post questions on the forum and apply to be a forum moderator. You can submit information and training and working materials. You can ensure that your agency has a GPEN contact registered with the IAP Secretariat. Success will only be maintained by keeping up to date and using the facility. GPEN will speed up safe communication between specialists, enabling prosecutors to share best practice, knowledge and training, thereby raising standards and the chances of success across continents - if you let it. The decision is yours!

### **Estonia hosts 12th Eurojustice Conference**

Henk Marquart Scholtz, IAP Secretary-General represented the Association in the 12th Eurojustice Conference held in Tallinn, Estonia, from the 24<sup>th</sup> to the 25<sup>th</sup> September 2009,

The conference brought together Prosecutors General from the Member States of the European Union and representatives from other invited States and international organisations, with the result that there were representatives from 25 European countries, as well as from Eurojust and the IAP.

The Conference addressed various aspects of new challenges to successful prosecution, which were of particular interest to prosecution services.

The host of the Conference was the Prosecutor General of Estonia, Norman Aas, who with his staff organised a very pleasant and interesting event, with warm Nordic hospitality. After their working days participants enjoyed a reception in the medieval Tallinn City Hall and a dinner in the ancient House of the Brotherhood of the Blackheads.

The following conference conclusions were adopted:

1. The Conference recognises that the global financial crisis and the subsequent economic downturn have reduced revenues and the ability of some countries to finance adequately all public services, including the administration of justice. However, the Conference is of the opinion that sufficient funding of the legal system is essential for the rule of law and to ensure compliance with fundamental rights. The Conference, drawing attention to Article 5 of Recommendation of No. 19 (2000) of the Council of Europe, considers it necessary to emphasize that reasonable conditions of service, such as salary, secure employment and a pension in keeping with their role, must be ensured by law or policy to all prosecutors.
2. The Conference emphasises the need for countries to increase the efficiency of the criminal justice system and, if allowed by law, set priorities in the fight against crime. Law enforcement and the administration of justice must, even when resources are limited, be kept at a level which maintains public confidence in the rule of law.
3. The Conference deems it important that criminal proceedings follow the principle of the presumption of innocence and do not impair the integrity of the administration of law. The leaking of confidential data relating to proceedings is not acceptable, even as part of defence tactics. States should take measures to protect sensitive investigation data from being disclosed prior to court proceedings. States should, in co-operation with Bar Associations and the media, introduce the concept that any publication in the media shall be in compliance with the principles of the presumption of innocence, the integrity of the administration of justice and the protection of personal data, at the same time providing for the openness of court proceedings and freedom of the media.
4. Terrorism, organised crime and other serious crimes force countries to seek more effective ways to gather evidence against criminals. One way of being successful in detecting high conspiracy crime is to break the trust between criminals, by encouraging one or more of the offenders to collaborate with the law enforcement authorities and, in return, reducing the person's punishment or even granting full immunity against prosecution. The Conference recommends that such procedures should be provided for by law and their application be in line with the principles of a fair trial. States must ensure the security of persons who have agreed to collaborate.
5. The 12<sup>th</sup> Eurojustice Conference convened in Tallinn welcomes the prospect offered by the idea of setting up a Consultative Group made up of EU Member States' Prosecutors General and Directors of Prosecuting Authorities, in order to offer EU policymakers a wider basis for defining political priorities and common trends in the field of criminal justice, in line with the Statements made at the 2007 and 2008 Eurojustice Conferences held in Portoroz and Edinburgh. The Conference also acknowledges the part played by Eurojust in this initiative.

### **6<sup>th</sup> IAP Middle East and Asia-Pacific (MEAP) Regional Conference, Dubai, United Arab Emirates, 14-16 November 2009.**

The 6<sup>th</sup> IAP Middle East and Asia-Pacific Regional Conference was held in Dubai, United Arab Emirates. The theme for the conference, "Public Prosecution in the 21<sup>st</sup> Century", was divided into two sub-themes, namely the use of information technology in public prosecution, and risk management, specifically addressing how prosecution services worldwide should evolve to remain relevant in this rapidly changing landscape. Close to 200 delegates from 46 different entities attended the conference, providing ample opportunities to learn from the best practices of different jurisdictions, as well as make valuable contacts through interacting with fellow delegates.

The conference commenced on 14 November 2009 with the opening ceremony at the Atlantis Resort. Graced by HH Sheikh Hamadan Bin Rashid Al Maktoum, Crown Prince of Dubai and Chairman of

the Dubai Executive Council. Delegates gained an insight into the work of Dubai Public Prosecution via a multimedia presentation and François Falletti, President of the IAP, looked forward to the coming 2 days in his welcome address. The formal ceremony was followed by an al fresco buffet dinner, providing a taster to the multifaceted experience which was to come.

### Conference Sessions

After the conference opening on 15<sup>th</sup> November, with opening speeches from Counselor Yousuf Hassan Al- Mutawa, Senior Advocate General of Dubai and Chief of the conference organising committee, Joon Gyu Kim, Prosecutor General of Korea and Vice President of the IAP and Henk Marquart Scholtz, Secretary-General of the IAP, the first of 5 conference sessions commenced. In total, there were 23 papers presented, running the gamut from protection of witnesses and anti-corruption measures, to the use of IT making for a more effective prosecution service.

#### *Use of IT in Public Prosecution Work*

The hosts Dubai Public Prosecution (DPP) have proved to be frontrunners in harnessing information technology for their work processes. With the use of electronic files in conjunction with paper files, and the institution of an electronic database, more efficient investigations of a higher quality are generated. The novel use of Radio Frequency Identification (RFID) to prevent files from going missing has resulted in other beneficial functions, such as the control of file access, and tracking of file movement. There is also transparency in their investigation process provided via search services available either online or on the “Ask Me Machines” located in convenient locations throughout Dubai. The DPP has truly made extensive use of information technology in all aspects of their work, making for a prosecution service which is fully equipped to deal with the challenges of the digital era. Speakers from Chinese Taipei and Palestine also presented how E-management of cases was done in their respective jurisdictions. Like Dubai, Palestine currently pairs paper and electronic files, such that there are backups available. Chinese Taipei has created an inter-institutional online inquiry system, to allow for the integration of processes involved in investigations and eventual prosecution. Chinese Taipei has also made provisions for the recording of statements via video-link, hence reducing the amount of time and resources expended in travel.

Apart from local case management, papers were also presented on how information technology could be used in combating crime generally. Nicholas Cowdery, past president of the IAP, encouraged delegates to join the IAP’s Global Prosecutors E-Crime Network (GPEN), which would allow access to a useful database, as well as provide training via the Global Virtual E-Crime Prosecution College. Best practices on how electronic evidence should be preserved and admitted in court proceedings were presented. It was also brought across that international cooperation is critical in dealing with cybercrime, which is faceless and borderless in nature, since the sharing of intelligence is crucial in ensuring that criminals who may be residing in other jurisdictions can be brought to justice.

#### *Risk Management*

The papers presented on risk management can be divided into two broad areas: the protection of parties to a case, as well as anti-corruption measures. Regarding the protection of parties to the case, speakers from India and Jordan shared how accused persons and witnesses are protected in their jurisdictions. Patricia Gatling from the New York City Commission on Human Rights highlighted how it is important to balance the rights of the accused and the victim, especially when current laws generally favour the protection of the accused, often to the detriment of the victim. A formalised system to deal with repentant witnesses was also shared by Quebec, where only a select control board can negotiate with the repentant witness for benefits, consequent to them testifying against their accomplices and parent criminal organisations in court.

Another aspect of protection of parties was explored, that of protection of prosecutors. A Human Safety Plan has been instituted in British Columbia to deal with imminent threats directed towards prosecutors and their families, with relocation and round-the-clock protection if necessary. An introduction was also given by James Hamilton Director of Public Prosecution in Ireland and an IAP Vice President, to the Guidance on the Security and Protection of Prosecutors, which was issued by the IAP in 2008, showing that the protection of prosecutors is a universal concern, with the hope that there would be consistency in adopting appropriate security measures worldwide.

Addressing the area of corruption, speakers from Indonesia and South Korea dealt with combating corruption in general, through international cooperation, as well as education and a broad inter-agency approach. It was stressed that the cooperation of commercial entities such as banks and accounting firms is critical in ensuring that suspicious transactions could be picked up and investigated. On the other hand, anti-corruption measures specifically for the prosecution service were addressed by David Khoo of Singapore, due to the integral importance of upholding the prosecution service as an impartial body with integrity, free from political and monetary influence.

The Conference outcomes delivered by IAP General Counsel Elizabeth Howe at the conclusion of the event, built on some of the main threads of the conference content and should provide a platform for continued exchanges and professional development within the region and beyond.

François Falletti the IAP President thanked our host the Attorney General of Dubai, The Counselor Essam Esa Al Humaidan, and the local organising committee most warmly for their generous hospitality and the excellent conference arrangements.

#### *Social programmes and hospitality*

Apart from the conference itself, there were social programmes organised, such that delegates would see another side of Dubai. A desert safari was organized on 15 November 2009. Starting off in a sport utility vehicle riding the sand dunes, which felt like an extended roller coaster ride, we also had the opportunity to ride on camels, and try smoking *shisha* (Arab water pipes). Our gracious hosts performed a traditional dance under the stars during the tented barbeque dinner, which made for a memorable evening.

Other social programmes, such as the informal farewell dinner, allowed us opportunities to mingle with other delegates and make contacts, and marvel at the development of this emirate. What was most memorable, however, was the graciousness of the hosts. They went to great lengths to make us feel at home with their Arab hospitality, from their personal welcome at the Dubai airport to their impeccable assistance throughout. I am truly honoured to have been their guest for the duration of the conference.

In conclusion, this conference was definitely a valuable one. Through learning and interacting with fellow counterparts from other countries, one gained an insight as to how the standards of prosecution can continue to improve. The purpose of such conferences was aptly summed up by IAP Secretary-General Henk Marquart Scholtz in his speech at the conference opening: prosecution in itself is important, but so are the ways and means by which it is done, and whilst there are different systems of law in different countries, there is a common goal - the fair and impartial prosecution of offenders. One hopes that the spirit of cooperation and learning will continue to manifest itself through future IAP conferences, with prosecutors worldwide striving towards this common goal.

#### **Conference Conclusions**

These Conclusions have drawn upon the Busan Declaration which emerged from the meeting of High Level prosecutors following the 5<sup>th</sup> Asia and Pacific IAP Regional Conference in Korea in 2008 as well as the outcomes of the 13<sup>th</sup> [Singapore 2008] and 14<sup>th</sup> [Kiev 2009] Annual IAP Conferences. They are intended to promote cooperative activities between prosecutors to defeat the exploitation of jurisdictional differences by those engaged in criminal activities in order to defeat the interests of justice and so that prosecutorial success is achieved whilst assuring fairness and regard for human rights. Such cooperative activities to include the exchange of good prosecution and management practice and engagement in specific cooperative agreements for the region as supported by the

International Association of Prosecutors. The application of Risk Management strategies to the delivery of prosecution business is commended, an exemplar of which is Dubai Public Prosecution who are willing to offer guidance and support to other prosecution services who may wish to use this methodology.

This approach to be applied particularly to the following areas:

1) *Information and Electronic Technology*. Commitment to the expansion and development of the application of IT and ET to the prosecution process in order to improve efficiency and service delivery. It is also required that prosecutors worldwide actively cooperate to combat the rising tide of cybercrime through mutual legal assistance, sharing good practice and promoting hi-tech training for prosecutors. The Global Prosecutors E Crime Network , an IAP facility to be a vehicle for this.

2) *Security and Safety* Prosecutors to take measures to assure the safety and security of personnel, data and property within the prosecution domain, to include all those involved in the criminal justice process [the accused, witnesses and victims] and to bring to the attention of the relevant authorities the “ IAP Guidelines on the Protection of Prosecutors”

3) *Anti-Corruption* To prioritise the prevention and prosecution of corruption, embezzlement, bribery and money laundering, in support of the UN Convention against Corruption to include the incidence and risk of corruption within public prosecution services by inter alia applying the ‘ IAP Prosecution Standards of professional responsibility and statement of the essential duties and rights of prosecutors’ and to rigorously pursue and support cross jurisdictional asset recovery activities to restore looted assets.

## **Farewell**

We say farewell to Matti Kuusimäki, Prosecutor General of Finland, who retired on the 1<sup>st</sup> March 2010. Matti has been in office since 1997, when the Office of the Prosecutor General was established after a major re-organisation of the Finnish justice system. He attended a number of IAP Annual Conferences, hosted the Executive Committee in February 2008 in Helsinki and was and is a great supporter of the IAP. We wish him and his dear wife Raija all the best.

## **Prosecutors General meet in Hanoi**

The 6th ASEAN-China Prosecutors General Conference was held in Hanoi, Vietnam, at the National Convention Centre, from 24th to the 26th November 2009. The theme of the Conference was ‘*Strengthening co-operation in mutual legal assistance in criminal matters for effectively combating transnational crime*’.

The Conference was convened at the invitation of Cao Jianming, Prosecutor General of China, and Tran Quoc Vuong, Prosecutor General of Vietnam. The China delegation, led by Cao Jianming, included chief prosecutors and their representatives from Hong Kong, Macao, Fujian, Guangxi and Tibet.

The IAP was represented by Executive Committee Member Grenville Cross SC, a member of China’s delegation.

The Opening Ceremony of the Conference was attended by the President of Vietnam, Nguyen Minh Triet, and chaired by Prosecutor General Tran Quoc Vuong. In his welcoming remarks, President Nguyen applauded China’s initiative in convening the 1st China-ASEAN Prosecutors General Conference in 2004, and said the annual conferences since then had promoted ‘*comprehensive, substantive and effective co-operation among the prosecuting agencies of these countries*’. He pledged that Vietnam would continue to accelerate judicial reform to increase the operational effectiveness of the law enforcement agencies in general, and of the prosecution service in particular.

In his opening address, host Tran Quoc Vuong welcomed the delegates to Vietnam, and stressed the importance of the Conference for regional prosecutors. He described the combat of transnational organized crime as a priority, and emphasised the commitment of the prosecutors of Vietnam to the speedy and effective processing of requests for legal assistance. Mr. Tran said that concerted action against crime was important not only at the regional level, but for *'the international community as a whole'*.

In his opening remarks, Prosecutor General Cao Jianming said that since the 5th Prosecutors General Conference in Manila in 2008, solid progress had been made in enhancing co-operation between prosecutors in China and the ASEAN countries. This was evidenced by discussions between senior prosecutors, by the implementation of deeper collaborative measures, and by the strengthening of resources and manpower. Mr Cao described the Conference as a means for China and the ASEAN countries *'to carry out all-round co-operation on the basis of a strategic fellowship aiming at peace and prosperity'*.

During the three-day event, the delegates agreed that transnational crime was a serious threat to the international community, and that at a time of economic difficulty it was necessary for prosecutors to remain focused. Practical steps were required to strengthen the mechanisms by which jurisdictions could assist one another to counter all forms of crime. Arrangements were necessary to streamline mutual legal assistance, and to take the profit out of crime.

In the course of the Conference, measures to further enhance co-operation in criminal matters to effectively combat transnational crime in the region and to safeguard peace, stability and sustainable development were reviewed. The importance of promoting best practice in prosecutorial activities was also recognised, as was the need to eliminate any form of corruption within the law enforcement agencies. In their joint declaration at the conclusion of the Conference, the Prosecutors General and Attorneys General acknowledged and were of the view that :

- where applicable, criminal laws should be further developed to facilitate mutual legal assistance in criminal matters amongst countries in the region;
- the effective implementation of existing mechanisms of mutual legal assistance in criminal matters should be continually improved and embraced with full commitment;
- the exchange of visits amongst senior prosecutors should be further expanded through bilateral and multilateral channels;
- the levels of co-operation in the training of experts and prosecutors should continue to be strengthened through bilateral and multilateral programmes;
- the exchange of information on crime, best practice and experience should continue to be facilitated in accordance with local laws and procedures.

The possibility of establishing a regional ASEAN-China Prosecutors' Association to assist the study and exchange of information amongst experts and prosecutors from Conference members, to support the host country's organising committee in developing the Conference agenda, and to facilitate the publication of Conference papers in a bilingual format (English and the language of the host country), was also considered.

Prosecutor General Tran Quoc Vuong hosted the Conference dinner at the National Convention Centre. Guests were treated to the culinary delights of Vietnam, and serenaded with traditional music. The cultural dancing performances were as lively as they were colourful.

#### **4th ICAC Symposium, Hong Kong, China, 15-17 December 2009**

The 4th Symposium of the Independent Commission Against Corruption (ICAC) of Hong Kong, China was held at Hong Kong's Convention and Exhibition Centre from 15 to 17 December 2009. The co-host was the European Anti-Fraud Office of the European Commission (OLAF). The theme of the Symposium was *'Deals under the table – the doing or undoing of business?'*.

The Symposium attracted wide interest amongst those concerned about corruption in the business sector, and was attended by 400 delegates from 38 jurisdictions. Participants included investigators, regulators, business executives and prosecutors. Delegates were addressed by a host of experts from the anti-corruption agencies, the world of business, the non-governmental organisations and the regulatory bodies.

The IAP was represented at the Symposium by Vice President Ye Feng, who delivered a keynote address on *'China's anti-commercial bribery'*, Secretary-General Henk Marquart Scholtz, who chaired the plenary session on *'International partnerships : Transforming words into action'*, and by Executive Committee Member Grenville Cross SC, who spoke on *'Best practice in the effective prosecution of private sector corruption'*.

The Symposium examined the impact of corruption in business on the global community. The importance of forming strategic partnerships in the international arena to more effectively combat corruption was emphasised by ICAC Commissioner Timothy Tong, and developed during the discussions. In his message to the Symposium, OLAF's Director General Franz-Hermann Bruener noted that while success was born of integrity, commitment and good legal instruments, it also depended on the building of international partnerships.

In his keynote address, Ye Feng explained that after the reform and opening up process in China started in 1978, stability had been maintained and the economy had developed rapidly. This had been possible due to China's vigorous campaign against bribery in the private sector. He explained that corruption was combated by both criminal and administrative sanctions, and that transparency in the business sector was *'conducive to creating a fair competition environment for market entities'*. Channels of international co-operation had been established between prosecutors in China and their counterparts elsewhere, and great importance was attached to pragmatic judicial co-operation with the international community against commercial bribery.

When he addressed the plenary session on *'Sustaining efforts to combat corruption'*, Grenville Cross said the IAP took a keen interest in the Symposium, not least because the success of the ICAC in the combat of all forms of corruption had been an inspiration to anti-corruption agencies throughout the world. He said the IAP was committed to the effective prosecution of serious transnational crime, in whatever guise it might assume. He told delegates that the IAP's Prosecutor Exchange Programme (PEP) sought to facilitate enhanced exchanges between the prosecutors of the world and that such assistance could be of particular value in the prosecution of a crime which was so private and difficult to prove as corruption in the world of commerce. The common challenge faced by jurisdictions was to build *'strong, responsible and accountable institutions, capable of dealing comprehensively with corruption in the business and other sectors'*.

At the conclusion of the Symposium, ICAC Commissioner Timothy Tong told delegates that networks for cross-boundary communication, information exchange and assistance in tracking offenders and the fruits of crime had to be improved. Differences in legal, regulatory and business systems all too easily left loopholes for the corrupt to exploit. Although absolute uniformity of approach between jurisdictions was neither practicable nor realistic, the time had come *'to take a closer look at some of these loopholes with a view to closing them'*.

### **The IAP puts War Crimes and Crimes against Humanity centre stage**

The 10<sup>th</sup> European Regional Conference 'War Crimes, whose crime is it?' took place in The Hague in early March 2010; 57 participants from 18 jurisdictions attended. We had the added benefit of visiting the ICTY and hearing from Judge Kimberly Prost, Gavin Ruxton the head of the Trials Unit of the Office of the Prosecutor and some of his colleagues, and Dr Guenaël Mettraux a Swiss defence advocate. All spoke about the unique jurisprudence developed within the Tribunal and some of the challenges as well as the successes, their current main area of preoccupation being the winding down of the tribunal and the preservation of their accumulated knowledge. We also saw some of the trial of Momčilo Perišić who was Chief of the General Staff of the former Yugoslav Army, a fascinating and memorable experience. For the rest we had presentations from Canada, Netherlands, Finland[a fascinating account of their first prosecution in exercise of their universal jurisdiction of an alleged

Rwandan war criminal],Serbia, Croatia, the ICTR and Norway[the ICC training matrix].The reports and recommendations from the workshops are on the website together with copies of the presentations and photos.

**The Forum on International Justice** was also launched at this event. The IAP set up this network following a request from a round table meeting of prosecutors involved in dealing with such criminality in Arusha in November 2009. The aim of this forum, which is a web based facility located within the IAP website, is to support the process of global cooperation in this quickly changing & challenging field, and help preserve the legacy of knowledge from the UN-backed ad hoc tribunals. The Forum will be an online resource of research tools, daily news, topical papers/reports and most importantly a place to network. Those accessing the forum will be able to share their experiences and ask questions of their peers. The Forum will also benefit those from jurisdictions that might not have wide experience of such crimes. It is likely that many future indictments will originate from national jurisdictions through the principle of Universal Jurisdiction.

The feedback from attendees was prolific and generally excellent; one delegate [from the United States] told me that it wasn't just 'good' it was 'stunning'. As ever we are grateful to the City of The Hague for providing the facilities to stage this conference and hosting a reception. Next year's conference will be a little earlier on 17/18 February 2011. The theme is yet to be confirmed but may be around 'streamlining justice' which will have more general application for prosecutors than recent themes.

### **The Executive Committee meets in Prague, 19 – 20 March 2010**

The Association of Prosecutors of the Czech Republic played host to the IAP Executive Committee in the beautiful city of Prague. The IAP offers grateful thanks to the hosts, and in particular to Jaroslava Novotna, for their hospitality and for generously sparing time to show the members of the Executive Committee around and also for entertaining them.

The Executive Committee Meeting was chaired by The President, François Falletti who opened the meeting by expressing his concern about the tragic and difficult situation in Chile with which all members concurred.

Francois Falletti [Procureur General, Cour d'Appel, Paris] and Joon Gyu Kim [Prosecutor General of The Republic of Korea] were both congratulated upon their recent promotions.

A proposal by Joon Gyu Kim for 'The "Prosecutor of the Year" Award was considered and it was agreed to convene a small ad hoc committee to draw up a report for the September meeting

It was agreed that a proposal by Joon Gyu Kim for an Asia-Pacific Convention for Cooperation in Criminal Justice should await for the outcome of a meeting between Joon Guy Kim and Mr. Antonio Costa, Executive Director of UNODC, after which the General Counsel will liaise with the Executive Committee members. The Executive Committee will need to approve the substance of any document relating to this matter before its distribution.

The minutes of the previous meeting in Kiev were approved.

As agreed in Kiev a substantial announcement about forthcoming vacancies in the Executive Committee was published in the IAP Newsletter and on the IAP website.

A proposal for Constitutional Amendment to facilitate access to the Executive Committee had been considered by the ad hoc Constitution Committee. It was agreed that the current Constitution and Executive Committee protocol was fairly comprehensive and it was agreed that the Constitution Committee, should draft a proposal for a constitutional change, which should be submitted to the Executive Committee 6 weeks previous to the next meeting in The Hague.

The translation of the IAP Benefits Leaflet into French, Spanish and Portuguese is in progress. Printed versions of the Spanish version are expected to be available for the UN Congress in Brazil and the 3<sup>rd</sup> IAP Latin American Regional Conference in Buenos Aires. Translations into Russian and Arabic are to be pursued.

The Secretary-General reported that applications for organisational membership had been received from the Department of Public Prosecutions of Bermuda, the Attorney General's Office of the Kingdom of Bahrain, the DPP's Office of the Falkland Islands, the Association of Prosecutors of the Argentine Republic (AFFUN) and the Service Prosecution Authority, UK. These were approved.

Sabas Chahuan Sarras indicated that owing to the disaster in Chile and the need to devote all resources towards restructuring he would retire from the Executive Committee and felt unable to sustain Chile's organisational membership. This was reluctantly accepted by the members.

The Secretary-General presented his financial report and it was clear that the IAP Treasury was in a good shape. He thanked the CPS, England and Wales, Denmark, The Netherlands for their continuing financial support, the Attorney General of Buenos Aires for hosting the 3<sup>rd</sup> Latin American Regional Conference and for the translation of the Human Rights Manual and benefits leaflet, into Spanish and Azerbaijan for providing Russian translations and the OIF [Organisation Internationale de la Francophonie] for its commitments to the Annual Conference.

The SG advised that no sponsorship or grants had been offered for the Annual Conference to date. Francois Falletti informed the Committee that the OIF – true to tradition – will grant support for francophone participants to attend the conference.

Members agreed to consider whether their respective governments can assist.

An amended report and recommendations from an accountant from the CPS who had reviewed the financial governance arrangements of the IAP were approved.

The Financial Protocol was to be redrawn to reflect the new arrangements and to accord with the Constitution.

The General Counsel provided an analysis of the evaluation sheets handed in after the Annual Conference in Kiev. Only 7 % of the delegates had returned completed forms [compared to 11% the previous year], however comments were generally positive.

It was agreed that the Communication Manager would investigate the feasibility of an electronic evaluation sheet to be available on the website and the General Counsel would consider further amendment of the form to accommodate some suggested improvements.

The IBA Annual Conference in Vancouver October 2010 and the level of support the IAP would offer was discussed. It was agreed that Prosecutors in the region would be encouraged to attend to keep travel expenses low albeit the registration fee was very high. Arrangements would be made to suggest that the IAP President be invited to speak at the IAP Criminal Law Committee Conference in Paris in June 2010.

The budgeted business plan for 2010 as submitted by the General Counsel was agreed.

A report on the Forum for International Criminal Justice [FICJ] was given by the General Counsel Nicholas Cowdery, Chair of the GPEN Development Board gave a progress report on GPEN. The Executive Committee approved 1) GPEN Governance document 2) Proposal to establish GPEN Development Board as a separate committee for the General Meeting to decide in September and 3) The allocation of €12,000 from the IAP budget for 2010 to support website administration, training programmes and sponsoring members attendance at meetings.

A report was given by the General Counsel on the IAP's involvement in the UN Crime Congress, April 2010, Salvador, Brazil.

A report was given by the President on the Francophone group.

He explained the background for establishing the AIPPF [International Association of Francophone Prosecutors] and further clarified the intention for close links to the IAP and that there was no intention to set up a rival organisation for Francophones. It was agreed that the President and the Communication Manager prepare a proposal for the Hague meeting on how to keep members within both organisations.

The Secretary-General advised that the second edition of the Human Rights Manual is being translated into Spanish by the Attorney General's Office of the Autonomous City of Buenos Aires and that Germán Garavano the Attorney General will print and distribute the Spanish version to all delegates at the 3<sup>rd</sup> IAP Latin American Regional Conference for free. The President added that the office of the Directeur des poursuites criminelles et pénales du Québec, Canada, is translating the IAP Human Rights Manual into French.

It was agreed that this was excellent news for which the members were most grateful

It was agreed to accept the generous Korean offer to host the 16<sup>th</sup> Annual conference and 4<sup>th</sup> World Summit in 2011, since it was regrettably no longer possible to hold these events in Chile. The preferred period was agreed to be last week of June or first week of July (between the 27<sup>th</sup> June and no later than 8<sup>th</sup> of July).

It was confirmed that the Attorney General of Thailand is willing to host the 2012 conference – the suggested period: being September – October. This was accepted with gratitude.

Buenos Aires Attorney General Germán Garavano gave a short presentation about the 3<sup>rd</sup> Latin American Regional Conference in Buenos Aires, April 2010. He informed the members that the conference is supported by the UN and highlighted his aim to raise awareness of the IAP within the region.

Rory Field, DPP Bermuda had presented an official bid to host the 1<sup>st</sup> North American Conference on the 17<sup>th</sup> – 19<sup>th</sup> November 2010 in Bermuda which had been accepted.

A Brazilian offer to host a conference in the 5<sup>th</sup> largest city of Brazil, Fortaleza, 23-25 March 2011 had been received and would be pursued.

It was agreed that in the absence of clear rules regarding a voting procedure a Voting Protocol to include consideration of an electronic voting system should be prepared and this was agreed for consideration by the Constitution Committee.

The date and venue of the next meeting of the Executive Committee to be The Hague, 4<sup>th</sup> September 2010

Finally it was agreed to accept an offer on behalf of the Austrian Association of Prosecutors to host the next Northern Spring meeting in 2011 around the 5<sup>th</sup> of March.

## **Awards agreed by the Executive Committee in Prague**

### Honorary Membership

IAP President Francois Falletti

IAP Vice-President Retha Meintjes

IAP Secretary-General Henk Marquart Scholtz

### Special Achievement Award

The Crown Prosecution Service [England and Wales] – Counter Terrorism Division, being an exemplar for the type of complex and sensitive work which it handles endeavouring to bring those who engage in terrorist activities to justice through trials of the highest standard, while constantly striving to improve its work without forgetting its duty to share its successes with the public it aims to protect.

### Certificate of Merit

- The Ukraine Prosecutor General's Office and the Ukrainian Association of Prosecutors for hosting the 14<sup>th</sup> Annual Conference and General Meeting of the IAP.

- The Dubai Attorney General's Office for hosting the 6<sup>th</sup> Middle East Asia and Pacific Regional Conference 2009.

- The Czech Union of Prosecutors for hosting the 2010 Spring Executive Committee Meeting in Prague.

- The Office of the Prosecutor General of Buenos Aires for hosting the 3<sup>rd</sup> Latin American Regional Conference 2010.

- The City of The Hague for hosting 10 European Regional Conferences.

- Esther George, for her vision in identifying the need for the Global Prosecutors E-Crime Network [GPEN], for being its main architect, for inspiring the support of the CPS to initiate the product and thereafter the IAP to launch it, host it and develop it and for her continuing involvement in GPEN
- Nicola Mahaffy for her initiative and continuing work on the Prosecutors Exchange Programme
- Resigning Executive Committee members

#### Certificate of Appreciation

Gavin Ruxton (ICTY) for his long service as an active and supportive member of the IAP whilst working in the ICTY.

#### **Nominations for membership of the IAP Executive Committee for 2010-2013**

Nominations agreed by the Executive Committee for election to the Executive Committee during the 15th Annual Conference and General Meeting of the International Association of Prosecutors on 7 September 2010.

##### **President**

James Hamilton, Director of Public Prosecutions, Ireland

##### **Vice-President** (Latin America)

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

##### **Vice-President** (Asia)

Ye Feng, Director of the International Exchange Centre for Prosecutors of the Supreme People's Procuratorate of the People's Republic of China.

##### **Vice-President**(Africa)

Basile Elombat, Magistrat, Cameroon

##### **Vice-President** (Europe)

Raija Toiviainen, State Prosecutor, Head of the International Unit of the Office of the Prosecutor General, Finland

#### **Executive Committee Members**

[re-nominations]

- Richard Buteera, Director of Public Prosecutions, Uganda
- Alasdair Fraser QC, Director of Public Prosecutions, Northern Ireland
- Michael Kennedy, CPS Chief Operating Officer, England
- Oleksandr Shynalskyi, President, Ukrainian Association of Prosecutors, Ukraine

[new nominations]

- Mohammed Hassan AbdulRahim Abdulla, Assistant Chief Prosecutor, Dubai Public Prosecution, United Arab Emirates.
- Ali Al Buainain, Attorney General of Bahrain
- Agnes Diofasi, Vice-President, Hungarian Association of Prosecutors.
- William Downer SC, Deputy Director Public Prosecutions, Cape Town, South Africa
- Rory Field QC, Director of Public Prosecutions, Bermuda
- Alexander Zvyagintsev, Deputy Prosecutor General of the Russian Federation
- Kamran Aliyev, Director of the Anti-Corruption Department, Azerbaijan

### **New role for IAP President.**

François Falletti, President of the IAP, officially assumed his new position as Procureur General of the Court of Appeal of Paris during a grand ceremony on 23 March 2010 involving many attendees comprising high ranking representatives from political bodies, local governments and administrations, judges, lawyers, police chiefs, etc This event offered him the opportunity to deliver a speech outlining his main goals and objectives as the new Procureur General.

The Prosecution Office of Paris is the most important in France. In the Office of the Prosecutor General there are a Prosecutor General and 75 Advocates General.

### **Crimes against Humanity Initiative**

On November 16, 2009, in Kigali, Rwanda, the Fifth Colloquium of international prosecutors unanimously called upon States to seriously consider the adoption of a convention on the suppression and punishment of crimes against humanity.

IAP Secretary-General Henk Marquart Scholtz was invited to participate in a conference on March 11-12, 2010, at The Brookings Institution in Washington, D.C., where a draft International Convention on the Prevention and Punishment of Crimes Against Humanity was publicly introduced and discussed.

The conference followed nearly two years of preparation involving more than two hundred experts as part of the Whitney R. Harris World Law Institute's Crimes against Humanity Initiative. The conference brought together experts, prominent personalities, and policy makers to consider the draft Convention and the need for an international instrument to prevent and punish crimes against humanity.

During the closing session of the conference a Declaration on the 'Need for a Comprehensive Convention on Crimes against Humanity' was adopted.

#### **Note**

Mr. Whitney R. Harris, who in 2001 endowed the (now called) "Whitney R. Harris World Law Institute," at the Washington University School of Law, died on April 21, 2010, at the age of 97, at his home in St. Louis, Missouri, USA..

Whitney R. Harris served as trial counsel at the trial of the major German war criminals before the International Military Tribunal at Nuremberg from August 1945, until the conclusion of the trial on October 1, 1946. He prosecuted Ernst Kaltenbrunner, chief of the Reich Main Security Office (RSHA) and two organizational defendants, the SD and the Gestapo. He obtained convictions against all three defendants, and was awarded the Legion of Merit for his efforts.

He was the last surviving prosecutor on the team of Robert H. Jackson, the Chief Prosecutor for the United States. He wrote extensively about his role at Nuremberg, and in 1954, published the first definitive book on the trial titled *Tyranny on Trial, the Evidence at Nuremberg*, which *The New York Times Book Review* described as a "masterly and meticulous condensation" of the documentary evidence and "a book of enduring importance."

Whitney had a deep understanding of the need for a permanent International Criminal Court. He was an NGO delegate to the 1998 Rome Conference for establishing the Treaty. He represented the committee of Former Nuremberg Prosecutors at the Rome Conference and championed the view that the rule of law must displace the rule of force, and that establishing a permanent International Criminal Court would confirm the principles laid down by the Nuremberg Tribunal half a century earlier.

### **Third IAP Latin American Regional Conference in Buenos Aires, Argentina**

'A very successful Conference' So said Wendy Stephen QC from British Columbia in Canada and one of our Vice Presidents about the Third IAP Latin American Regional Conference in Buenos Aires, Argentina from 21<sup>st</sup> to 23<sup>rd</sup> April 2010.

She continued 'The topics were varied and interesting -- and, of course, the legendary Argentine hospitality was very much in evidence. I thoroughly enjoyed the conference and was honoured to be invited to speak.'

There were over 300 delegates from 24 countries mainly from Latin America with strong representation from all over Argentina. Those of us who were visiting Buenos Aires for the first time soon recognised that it richly deserved its reputation as a City of culture and architectural splendour. We were also impressed by the public facing characteristics of its prosecution services, which even has a bus which takes prosecutors to hard to reach parts of the City. We were also brought up to date about what was happening elsewhere in this vast and diverse region.

Our hosts could not have been more generous and hospitable and besides the important professional part of the programme, we were treated to a taste of those Argentinean classics; tantalising tango, pulsating polo, galloping gauchos, mouth-watering meat and winning wine.

German Garavano, the Attorney General of Buenos Aires, his deputy Luis Cevasco and their hard working team, as well as IAP Vice-President Carlos Donoso Castex did the IAP proud.

### **UN Crime Commission**

The nineteenth session of the United Nations/ECOSOC Commission on Crime Prevention and Criminal Justice was held at the UN Offices at Vienna, 17-21 May 2010.

IAP Secretary-General Henk Marquart Scholtz represented the Association during this session as observer. He used the opportunity for extensive networking and informing diplomats, ministry officials and colleague prosecutors on the Association and on its upcoming 15<sup>th</sup> Annual Conference in September 2010 in The Hague, and he distributed a great number of conference programmes among delegates present at the Commission meeting.

During the session of the Commission ECOSOC Resolution E/CN.15/2010/L.7 was adopted,

- welcoming the initiative of the Government of the Republic of Korea to act as host to the Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors, in 2011;
- requesting the United Nations Office on Drugs and Crime to assist the Government of the Republic of Korea in the preparations for the Fourth World Summit in collaboration with the technical secretariat of the Third World Summit and the International Association of Prosecutors;
- inviting Member States and other donors to provide extra budgetary contributions, in accordance with the rules and procedures of the United Nations, for assisting in the hosting of the Fourth World Summit.

### **Prosecutors meet on Brijuni, Croatia**

The 4<sup>th</sup> Regional Conference of State Attorneys and Prosecutors was held on Brijuni - Republic of Croatia, from 26<sup>th</sup> - 28<sup>th</sup> May 2010. This Regional Conference was generally attended in the past by State Attorneys General from the Republic of Croatia, the Republic of Serbia, the Republic of Montenegro and from Bosnia and Herzegovina. In addition, representatives from the Former Yugoslav Republic of Macedonia and members of The International Criminal Tribunal for Former Yugoslavia (ICTY) attended, including Prosecutor Serge Brammertz.

Also present were the Ambassador at large of the United States of America, Stephen Rapp, and the Secretary-General of the International Association of Prosecutors, Henk Marquart Scholtz and Communication Manager Janne Holst Hubner, who contributed to the work of the Conference. Furthermore, Paul Vandoren, Head of Delegation of the European Commission to the Republic of Croatia and Catharina Maria Trooster, Ambassador of the Kingdom of the Netherlands attended the Conference.

The conference was opened by H.E. Ivo Josipovic, President of the Republic of Croatia and by Mladen Bajic, State Attorney General of Croatia.

During the Conference issues regarding the analysis and tracking of war crime cases were discussed, as well as the improvement of mutual cooperation in the exchange of information in these cases and in the identification of suspects and defendants. One of the most significant questions in relation to the afore mentioned matter is the development of data bases that would be mutually compatible and allow state attorneys in the region mutual access as permitted by the procedure and laws of each country.

One such example is a data base developed by the Office of the State Attorney General of the Republic of Croatia.

The role of the International Association of Prosecutors in the support to regional cooperation in prosecuting war crime cases was elucidated by the IAP Secretary-General.

The conference was very well organised and our thanks go to the State Attorney General and his tireless and cheerful Deputy, Josip Cule.

### **IAP Essay Competition 2010**

The winner of the IAP Essay Competition 2010 was Steven William Kayuni, Senior State Advocate, Directorate of Public Prosecutions, Ministry of Justice, Malawi for his essay 'Some thoughts on jurisdictional primacy and the fight against cross jurisdictional criminality'

The runner up was Olga Lytvynchuk, Head of International Cooperation Unit, Prosecutor General's Office of Ukraine.

Congratulations to both!

### **GPEN in Maldives**

The Republic of Maldives promotes itself as "The Sunny Side of Life" - and so it is. Well, not in the rainy season of June/July; but that is when hotel rooms are cheaper and meetings of prosecutors are good ways to fill them. So it was this June.

The Office of the Prosecutor General (PG) of the Maldives, Ahmed Muizzu, is a member of the IAP. It was the first to have a Prosecutors Exchange Program (PEP) placement - of the Deputy PG and a Senior Assistant PG for a period last year at my Office in Sydney, which was highly successful. It is also a strong supporter of GPEN, since no jurisdiction is immune from cybercrime.

Just for the record - most people know the Maldives as an idyllic year-round holiday destination for tropical water activities (diving, snorkelling, sailing, windsurfing, swimming, etc) in the Laccadive Sea just southwest of Sri Lanka and the tip of India. Its 1900 islands, only 200 of which are populated, are perfect for that. There are 90 resort islands of all kinds. The highest point of land in the country is 2.3m above sea level, the average being 1.5m. The main town of Male is on its own island (with the airport on another nearby island) of 1.5km x 1km - it takes about an hour to walk around it. It has one third of the country's population on it - about 110,000 - so "up close and personal" holds true there. It probably has the greatest concentration of 125cc motor bikes in the world and the streets are narrow and busy. The highest buildings are only 10 storeys (although the Holiday Inn managed to go to 14). There are no dogs and no alcohol (which is, however, available at the resorts). And everything is moderately expensive. With so many islands available it is not surprising to note that even close to Male there are separate islands for the airport, for fuel, for the remand prison, for the prison itself, for godowns (warehouses) and for rubbish.

So GPEN participated in its second cybercrime workshop there on 12-14 June 2010 (the first having been in Bermuda in August 2009) on "Investigation and Prosecution of Hi Tech Crime - Technological Challenges and Practical Solutions". The workshop was run and funded by the Commonwealth Secretariat with whom GPEN collaborated. We have developed an excellent working relationship with ComSec that looks set to continue. The Maldives Prosecutor General and his staff also assisted cheerfully with the practical arrangements. The venue was Bandos Island Resort, about 20 minutes from Male (although on one memorable trip it took only 12 minutes under 2 x 200HP outboard motors in a "speedboat"). In 1974 it was the second resort to open in the Maldives.

The workshop brought together, for 3 full days, prosecutors from 7 countries in the region - Maldives (8 prosecutors with 2 judges and 3 police and a few representatives of other agencies), Sri Lanka (4), Bangladesh (3), Seychelles (2), Mauritius (2), Tanzania (3) and Uganda (3). Presenters came from UK (2), Singapore (2) and yours truly and an assistant (Australia). The Maldives Chief Justice and PG spoke at the official opening. There were two officers from ComSec. So all in all 25 prosecutor participants and about 16 others were involved in various ways in a full and absorbing program. The opportunity was fully taken to promote the IAP and GPEN.

The presenters from the UK were Russell Tyner of the CPS (who spoke at the IAP Singapore conference) and Geoff Donson (former police officer and now in IT in a private capacity with Telecity). From Singapore came Christopher Ong (Deputy Senior State Counsel in the AG's Chambers, who also spoke in Singapore) and Superintendent Edwin Lim (Head of the Singapore Police Technology Crime Division).

The working program was relentless and packed with information. The scene was set with discussion of the basics of computers and networks, case studies were introduced, demonstrations were made, the Council of Europe Cybercrime Convention and mutual legal assistance were explored, as were the investigation of cybercrime, the use of digital evidence, money laundering and counter financing of terrorism, child abuse material, search and seizure, extradition, disclosure and much more. The last afternoon saw a vigorous discussion period involving all participants.

GPEN will go on, so stay tuned. And the Maldives is not in danger of sinking any time soon, so make a visit.

### **New position**

IAP Executive Committee member Vinette Graham Allen has been appointed as Director of Public Prosecutions [DPP] of the Bahamas and will take up her post in August 2010. During the last two years she was the Director/Principal of the Ministry of Justice Training Institute in Jamaica for and earlier she was the DPP in Bermuda.

We wish her well in her new position!

### **Congratulations**

IAP Executive Committee member Ian Grenville Cross QC has been awarded the Silver Bauhinia Star (SBS), Order of the Bauhinia Star, in the Hong Kong Special Administrative Region Establishment Day Honours List 2010, which was gazetted on 1 July 2010.

The citation reads: "Mr Cross is awarded the SBS for his loyal and dedicated service to the Government and the Hong Kong community, particularly his valuable contribution to the development of prosecution services in Hong Kong and in raising the profile of the Hong Kong prosecution services in the international arena."

He will be invested with the honour by the Chief Executive at a ceremony to be held at Hong Kong Government House later in the year.

We also congratulate to Executive Committee member Gerhard Jarosch, Erster Staatsanwalt (deputy Chief Prosecutor) of Vienna, who was elected Chairman of the Austrian Association of Prosecutors, as a successor of IAP Senator Wolfgang Swoboda.

We send our warm congratulations to Grenville and Gerhard!

### **Madrid Conferences**

In the framework of the Spanish presidency of the European Union (EU) the Prosecutor General of Spain hosted a meeting of EU Prosecutors General and Directors of Public Action at Madrid on 20 May 2010. At this meeting was discussed a future mandate of a Consultative Forum of General Prosecutors and Directors of Public Action in order to contribute to the EU internal security, with the support of Eurojust.

This meeting was followed on 21 May by the Conference of Presidents of the Supreme Courts and General Prosecutors of the European Union. During this conference issues relating to the importance of the practical application of the EU Charter of Fundamental Rights were discussed. This marked the start of a concerted joint effort to protect the fundamental rights of European citizens through collaboration and reconciliation of positions regarding the practical application of European Union law.

His Royal Highness the Prince of Asturias honoured the closing dinner of the conference with his presence. The International Association of Prosecutors, represented by its Secretary-General Henk Marquart Scholtz, was invited as an observer to both conferences.

### **IAP Granting Program 2009**

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, the Commonwealth Secretariat and the Organisation Internationale de la Francophonie, have supported the Program.

In 2009 the Granting Program financed by Ireland and the Commonwealth Secretariat assisted 11 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.

### ***Part 2***

### **Balance sheet and profit and loss account 2009**