



# **ANNUAL REPORT**

## **2013 - 2014**

**INTERNATIONAL ASSOCIATION OF PROSECUTORS**

**ANNUAL REPORT 2013 -2014**

## Introduction

This is the IAP's fifteenth formal Annual Report. As well being available to participants at the General Meeting on Wednesday, 26 November 2014 in Dubai and to other members of the IAP on request from the Secretary-General; it may be found also on the IAP website: [www.iap-association.org](http://www.iap-association.org)

This Annual Report is about the period from September 2013 until November 2014.

On Thursday 5 December 2013, at the age of 95, Nelson Mandela, first President of a non-apartheid South Africa, passed away at his home surrounded by his family.

On 31 August 2000, a year and a bit after he relinquished the post of President of South Africa, the IAP presented to him in Johannesburg its highest award, the Medal of Honour.

He was the second recipient of that honour.

Nicholas Cowdery, former President of the IAP, Chair of the IAP Senate and also a Medal of Honour recipient wrote for Newsletter 60, December 2013, an obituary for this great man.

In this article he wrote: "I was President of the IAP at the time and had the pleasure, privilege and single honour of making the presentation. I said, in part: the award goes to Nelson Mandela for his contribution to the pursuit of justice under the rule of law and to the role of the prosecutor in that objective.

In particular, we honour his role in the creation of the Constitution for the new South Africa, with its guarantees of human rights under a just rule of law, and the establishment of The National Prosecuting Authority of South Africa and the improvement it brings to the conduct of prosecution services throughout the country."

At the end of the obituary Nicholas Cowdery wrote: “President Obama in his tribute described Mandela as “a man who took history in his hands and bent the arc of the moral universe toward justice.”

Nicholas Cowdery: “In but a small part of his life, but a significant part for South Africa, he set up the NPA and enabled it to do justice for the people. Prosecutors worldwide will remember him, thank him, follow his example and pursue his goals.”

## **Membership situation**

**On 28 August 2013, the IAP had 165 organisational members and 1843 individual members.**

**On 1 November 2014, the IAP had 168 organisational members and 2285 individual members.**

As you will know next year it will be the 20<sup>th</sup> anniversary of the IAP and it is very motivating to conclude that the organisation is still growing. At this moment we are negotiating with 6 organisations that showed interest in joining the IAP as organisational member and nearly every day we get requests for individual membership.

In my report of last year I informed you also about two important questions:

1. is the organisation supported by sufficient personnel for the (near) future and
2. do we have a solid financial basis for our activities?

We are still very busy with these issues and seen the fact that our General Counsel will leave in 2015 after 8 years of hard work, supported, also financially by the CPS, these issues are relevant more than ever.

And just like I did in 2013, I would like to ask you to provide us with ideas and initiatives to ensure the future of the IAP.

## **The IAP Year**

(the following are extract of the full range of activities taken by members and officials of the IAP. For futher information, you can acces the Newsletters that were issued in this period to our members, which are available on the website together with the Annual Business Plan)

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

#### **Executive Committee Meeting, 7 September 2013 in Moscow, the Russian Federation**

The President opened the meeting and offered his thanks on behalf of the Committee to the Prosecutor General's Office of the Russian Federation for providing such an impressive venue. Alexander Zvyagintsev welcomed the Executive Committee to Moscow.

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

- It was agreed that the Secretariat and incoming President should put forward a proposal regarding the split of the world into IAP regions for next Executive Committee Meeting in Quebec;
- It was agreed that the Secretariat and incoming President should draw up a proposal based on the recommendations from Sal Vasta's paper and draft an amendment to the Constitution defining the future role and functions of the IAP Vice Presidents.
  
- The General Counsel clarified the position concerning Regional Conferences so as to avoid any confusion with the Conference and the Regional Fora - these would continue according to present practice. She expressed the view that if the IAP membership was divided into eight regions it would not in her opinion be practicable to hold 8 regional conferences. This was agreed.
- The final draft of the proposed amendment to the IAP Award Protocol, drafted by the members of the Award Committee had been circulated in advance of the meeting. Siri S. Frigaard clarified that the main changes related to the Prosecutor of the Year Award, and the discontinuance of

certificates of appreciation which were now unnecessary as the amendments also allowed certificates of merit to be given to those who are not members of the IAP. The President thanked Siri S. Frigaard for her work on this and thanked Cheol-Kyu Hwang for the Korean support for the Prosecutor of the Year award and hoped that the revised protocol would address the difficulties encountered in relation to nominations for this award. The revised protocol was agreed and would be circulated and uploaded onto the website.

- The President thanked the following retiring members for their valuable input and support during their years of membership:  
François Falletti, France,  
Oleksandr Shynalskyi, Ukraine,  
Michael Kennedy, England and Wales,  
Richard Buteera, Uganda,  
Carlos Donoso Castex, Argentina,  
Martin Herschorn, Canada.
- The President reminded members that the following executive committee memberships would expire at the General Meeting in 2014: [1 Vice President] Wendy Stephen [7 Ordinary Memberships] Vinette Graham Allen, Siri S. Frigaard, Serge Brammertz, Lennart Lindblom, Cheol-Kyu Hwang, Chulasingh Vasantasingh and Satyajit Boolell.
- The President further reminded the members that the General Counsel's extended term will come to an end in 2015. Expressions of interest in the position have been sought through an announcement drafted by the current GC in the latest newsletter. The Secretary-General's term expires in 2016.
- Oleksandr Shynalskyi presented the Committee with an IAP flag inscribed with the names of the past conference venues to replace an earlier flag which was no longer available. He hoped the tradition of recording the conference venues on the flag would continue.
- The Secretary-General presented his report with the following remarks: since the last meeting in Paris the number of Organisational Members had increased from 160 to 165 and individual membership from 1600 to over 1800. He is in negotiation with 4 organisations regarding the terms for future organisational memberships.

He noted in particular his attendance at the IAACA Seminar in China; a seminar to celebrate the centenary of the Peace Palace in The Hague and the presentation of the IAP's Medal of Honor to Robert Morgenthau in New York. He explained that Mr. Morgenthau, who is 93 years old, will not attend the conference, but a recording of the presentation of the award will be shown at the awards ceremony. Thomas Burrows read an extract of Mr.

Morgenthau's acceptance speech. The President said Mr. Morgenthau was a worthy recipient and he was obliged to Tom Burrows for his recommendation.

The Secretary-General agreed with the recommendation from members to set up a sub-committee of the Executive Committee to examine the recommendations for fundraising and in particular the proposal for a different way of dealing with membership dues when the final report is available.

- The Secretary General had agreed to draw up a protocol for attendance at events by members of the Secretariat and Executive Committee - to include criteria to be applied in order to assess whether the IAP should be represented and if so by whom and for what purpose etc.
- The General Counsel had circulated a report well in advance of the meeting. She also reminded members that she provided regular reports in the newsletters. The three specialist IAP websites – GPEN, the Forum on International Criminal Justice and the Human Trafficking Website were progressing– and there was the possibility for the future of a piracy and anti-corruption websites - depending on support. She said the websites need more content in particular the trafficking website.
- The General Counsel reported there are 9 friends of the IAP who each pay a fee of €30. She clarified that those applying for this type of membership must demonstrate what value they can add to the IAP. She sees this type of membership as a potential growth area for the IAP and noted the IAP has been reluctant to admit law enforcement officers in this category.
- Nicholas Cowdery (NC) updated the Executive Committee on the activities of the Senate and noted for the records that seven senators are expected to attend this year's Senate meeting. Nicholas Cowdery informed members about the letter and form sent to leaving Executive Committee members, requesting them to state their intentions about becoming active or non-active Senators.
- The GPEN Committee will meet during the Moscow conference and NC will step down as Chair. Nicholas Cowdery thanked the Executive Committee for their support of GPEN. It was agreed the minutes should record the Executive Committee's thanks to Nicholas Cowdery for his contribution to GPEN and to the General Counsel for her achievement in securing the FCO funding for the development of GPEN.
  
- The President supported the proposals in relation to the future of GPEN and said it was important that the Executive Committee indicate that it too supported the proposals. Rory confirmed that the GPEN Committee had not decided on its future and that there were differing views among members about how to proceed but all were agreed that a change was required to the

current make up of the committee. The President noted this and the Executive Committee will await the outcome of the meeting.

- Sabin Ouellet reported on the latest AIPPF activities and brought the following matters to members particular attention; much work has been done between colleagues in Canada and France to finalise the link between the AIPPF and the IAP. A major part of the work involved full translation of the e-letters generated from the IAP Administration system into French. He reported that his office had invested \$10,000 on a compatible and safe system that would guarantee complete security when information is transferred between the AIPPF and IAP systems. This was \$4,000 more than had been budgeted.
- The President thanked the Office of the Prosecutor General of the Russian Federation for their organization of the conference. Alexander Zvyagintsev thanked the Secretariat for their assistance and reported on some practical and statistical issues of special interest to include the following; 800 participants had registered for the conference. Seventy per cent of the 115 registered delegations are led by the head of their prosecution service. 188 members of the media have been accredited to the conference and will be provided with information about the conference throughout its duration. He gave an updated and thorough introduction to the social programme of the conference.
- Mohammed Hassan Abdul Rahim proposed to host the conference between 23<sup>rd</sup> and 27<sup>th</sup> November 2014. No objections were received. Further information will be provided at a presentation during the conference.
- Michael Lauber, Attorney-General of Switzerland, presented Switzerland's bid to host the 20<sup>th</sup> Annual Conference. A bidding document was circulated in advance of the meeting. Mr. Lauber proposed a technical conference focusing on corruption and money laundering in Zurich between 11<sup>th</sup> and 17<sup>th</sup> September.
- The number of participants would be limited to 500 plus accompanying persons. The proposed registration fee is approximately €70 and a little more expensive than equivalent conferences hosted in Western Europe. The Communication Manager noted it was important that the registration fee reflect the actual cost of the conference so that in the future we will be able to attract bids from organisations that are not financial supported by their Government. The Executive Committee agreed to accept the bid and thanked Michael Lauber for offering to host the conference.

The President thanked the members for their cooperation at the meeting and expressed his gratitude to our Russian hosts for making the venue available and for their hospitality toward the Executive Committee and accompanying persons. (see also Newsletter 60)

## **18<sup>th</sup> Annual Conference, Moscow, Russian Federation, 8 – 13 September 2013**

Mr. Yury Chayka, Prosecutor-General of the Russian Federation opened the Conference with the theme: “The Prosecutor and the Rule of Law”.

The opening ceremony was followed by the presentation of the IAP-Awards.

The **Medal of Honour** was awarded to Mr. Robert Morgenthau, former District Attorney for Manhattan.

As a Chief prosecutor for nearly 45 years, he exemplified the highest ideals of the prosecutorial service, including the qualities of integrity, fairness and professional ethics set out in the IAP Standards. His conduct as a prosecutor has been a model for the world to follow.

Morgenthau has dedicated his life to public service. He was born in 1919, the son of Henry Morgenthau, the Secretary of Treasury for President Franklin D. Roosevelt. President Kennedy appointed him United States Attorney for the Southern District of New York, one of the most prestigious federal prosecutor’s offices in the United States. He served until 1970. His most lasting contribution to that office may well have been establishing the first specialized unit of prosecutors for securities fraud and related violations.

In 1974 he was elected District Attorney of New York County (Manhattan). He served 9 terms, retiring in 2009 after 35 years as District attorney. He ran an office that grew to more than 500 prosecutors and built a record of high profile prosecutions.

Mr. Morgenthau could not attend the Conference in Moscow, but the Medal of Honour was presented to him in New York on 16 July 2013 by the President of the IAP, James Hamilton and the Secretary-General, Derk Kuipers. Also present Tom Burrows, member of the Executive Committee, who had nominated Mr. Morgenthau.



In his “words of thanks” Mr. Morgenthau stated: “I am grateful for the public credit bestowed on me, but I must insist that proper recognition be given to the men and women who have done the heavy lifting. Thank you again for this signal honor. It means a great deal to me to receive it from my fellow prosecutors.”

During the awards ceremony a video of this presentation has been shown.

**The Special Achievement Award** was awarded to three organisations:

- **The Russian West Baikal Interregional Environmental Prosecutors Office.**

Baikal is the oldest and deepest of the world’s lakes containing roughly 20% of the Earth’s unfrozen freshwater reserve. In 1996 Baikal Lake was declared an UNESCO World Heritage Site.

The West Baikal Interregional Environmental Prosecutor’s Office was created in 1986. Its staff consists of 6 prosecutors headed by the interregional environmental prosecutor Mr. A. Kalinin.

This small prosecutor’s office supervises over observance of the Russian legislation aimed at the protection of Baikal Lake and the Baikal Nature Territory.

Over the last 5 years this prosecutor’s office initiated over 20 administrative cases against this enterprise and its executives for excess discharge of contaminants; 15 million rubles (some 500.000 US\$) were exacted by court decisions as compensation for the damage caused, 20 criminal cases were initiated on the basis of the prosecutor’s inquiries.

This office achieved considerable results of day-to-day work of the West Baikal Interregional Environmental Prosecutor’s Office aimed at the protection of Baikal Lake, the water pearl of the Earth and its surrounding area.

This recognition is the first one devoted to the prosecutorial activities outside the criminal law field.

- **The Office of the Prosecutor of the International Criminal Tribunal for Rwanda.**

Established in the shadow of the ICTY, the ICTR has in no small measure made significant contribution to the evolving international criminal regime in five key aspects.

First , by clearly defining genocide, its scope as a crime was extended to cover the intended destruction of a particular stable and permanent group, and acknowledged that rape and sexual violence could constitute genocide.

Second, by recognizing the role of the print and electronic media in inciting genocide the ICTR sounded a warning to the abuse of freedom of expression in the incitement of international crimes.

Third, by clarifying on the applicability of the Geneva Conventions to civilian perpetrators in armed conflict, such civilians can no longer evade the long arm of the law.

Fourth, by shattering the myth of sovereign impunity the ICTR lent added impetus to the assertion of universal jurisdiction by states seeking to prosecute former leaders for atrocities committed while still in office.

Finally, the ICTR, alongside other ad hoc tribunals, provided the building blocks upon which the permanent International Court was founded, and will bequeath both the ICC and national courts of a substantial corpus of law-substantive and procedural- with which to confront perpetrators of international crimes.

The Office of the Prosecutor was awarded for the great and important work that has been done in the fight against impunity for the most serious crimes and also for their effort in improving the collaboration between international and national players, including the initiative to establish a manual of best practice.

- **The Office of the Attorney-General of the Republic of Brazil.**

During the second semester of 2012 all the attentions of Brazilian society were concentrated on the trial of the “Mensalao”-case, the most important trial in the history of the Brazilian Supreme Court, when 25 politicians and businessmen were sentenced to prison for corruption and other serious crimes, including a powerful ex-Minister of Civil House, an ex-President of the Chamber of Deputies, some federal congressmen as well as ex-presidents and top officials of six political parties, ex high directors of the “Banco do Brasil” and private bank owners.

The performance of the Office of the Attorney-General of the Republic was absolutely efficient, fair and impartial, either during the 10 months of investigation, which was carried out by prosecutors, police investigators, auditors and other public officials that worked in task force, or during the 6 years and 4 months of lawsuit instruction, when were heard nothing less than 600 witnesses and were collected nothing less than 50.389 pages (734 volumes) of documents and other kind of evidence, or during the 4 months of trial sessions, when the firmness, balance and serenity of the Attorney-General were praised by the judges of the Supreme Court, by the legal community and for all citizens who followed the trial live on television.

This trial had a transcendent importance to the Public Prosecution and to Brazilian society because it symbolizes the beginning of the end of a long-term culture of impunity for political and economical influent people in Brazil. The outcome of this trial helped the Brazilian citizens to finally recover the belief that all are equal before the law.

**The Prosecutor of the Year Award** was presented to **Ms. Ching-Wen KUO**, Public Prosecutor, Taichung District Prosecutors Office in Chinese Taipei.

Since August 2008, she serves in Taichung District Prosecutor Office as a Public Prosecutor.

Throughout her serving as a prosecutor, she focus not only on civil crimes but also financial and economic crime, and homeland security crimes. Several impressive cases shall be mentioned:

(1). During May 2011, a food safety scandal was erupted in Chinese Taipei: suspect use done of plasticizer-DEHP to replace palm oil in food and drinks as a clouding agent. Prosecutor Kuo and her team inspected over 100 food related companies in Taichung district and found out that the source of the plasticizer came from Quan Xin food Co. Ltd. According to that discovery, an overwhelming product callback, related to concentrated juice produced by Quan Xin food Co. Ltd., was held by Department of Health and successfully protected the health of Taiwanese.

(2). Since last year, Prosecutor KUO had cracked down a hazardous waste related homeland security case in Taichung district. A gang illegally occupied national property for gathering toxic waste, it's not just an organized crime but also caused pollution severely, which was potentially harmful for human bodies. After a 10-month investigation, the head and related members of the gang were successfully detained by the court via prosecutor's application. This case also accelerates the environmental protection action in Taichung district.

(3) In August 2012, the biggest international online fraud case has triggered the diplomatic tension of Chinese Taipei, Mainland China and Philippine: a cross-border international online fraud over Taiwan, Philippine and Mainland China. In this case, the cross-border syndicate had been cracked down under Prosecutor Kuo's instructions and the Taiwan police in cooperation with the Philippine police. In early 2012, Prosecutor Kuo was aware of the online fraud and launched a monitor over the head, whose nickname is "Carrefour", and other main members of the fraud syndicate in Taiwan.

(4). On July 2012, based on the monitor information, Prosecutor Kuo organized an international cooperation between Taiwan and Philippine via Ministry of Justice and Department of National Defense-Philippines. Prosecutor Kuo instructed Taiwan Police liaison in Philippine to cooperate with Philippine Police for locating the position of the call center of the online fraud syndicate and offer monitor evidence for applying warrant in Manila Court.

(5). A cross-border surveillance and investigation continued, Prosecutor Kuo and Philippine Naval Intelligence Security Department exchanged intelligence via Investigation Bureau of the Ministry of Justice of Taiwan and specified 20 call houses and suspects. On August 23 2012, the largest single-day operation against organized crime in Philippine acted in metropolitan Manila and nearby Antipolo city. More than 300 Taiwanese and Chinese suspected members of the cybercrime syndicate were arrested in simultaneous raids in Quezon City, Marikina City, and Cainta and Antipolo City in Rizal province. All the computers, communication equipments and documents using for the online fraud were confiscated as well.

(6). On September 19 2012, 279 Taiwanese were deported following their arrest for alleged online fraud back to Taiwan and 243 defendants among them were sent to Taichung District Prosecutors Office.

After a preliminary examination of accused by Prosecutor Kuo and her colleagues, 223 defendants' detention application were granted by Taichung District Court only one defendant granted for bail, which is the highest approval rating in the cross-border cooperation in combating crimes. In addition, Prosecutor Kuo had frozen 162 bank accounts, confiscated around NTD 4,860,000 illegal income, 24 vehicles and 8 real estates, which were owned by the syndicate members in Chinese Taipei.

(7) Through this successful case, not only a cross-border online fraud syndicate had been broken down, but also an international cooperative model of combatting cross-border online fraud between Chinese Taipei and Philippine was established.

The 18<sup>th</sup> IAP Annual Conference was a great success. More than 800 participants from 115 jurisdictions attended this event. The professional program was really challenging and the debate was unfettered and wide ranging; particular emphasis was laid upon the increasing security risk that prosecutors in many countries operated under.

The social program that was provided was of the highest level and presented the participants a good overview over the history and rich culture of Russia.

Our Russian hosts, led by Prosecutor-General, Yuri Chayka, IAP Senator, did everything possible to make the participants feel at home.

More about the 18<sup>th</sup> Annual Conference and General Meeting in Moscow, also the outcomes and recommendations you can find in Newsletter 60.

### **The General Meeting, Moscow, Russian Federation, 11 September 2013**

The President opened the meeting and welcomed members present.

The President noted that the IAP has a granting programme which enables the IAP to support prosecutors from developing countries to attend IAP conferences and other important IAP professional events, who would otherwise be unable to attend due to financial difficulties. The programme has been sponsored by Governments and institutions in the past. He noted that for many years Gordon Lerve, who is an individual member from Australia, personally sponsored the attendance of a prosecutor at the Annual Conference and that he intends to sponsor a prosecutor (preferably from a Pacific Island country) to attend the next regional Asia Pacific Conference. The President acknowledged this very generous gesture and appealed to other individuals or groups of individuals to sponsor a participant at conferences.

The President reminded those present that only members with up-to-date membership were allowed to attend the meeting. No apologies had been received.

The Secretary-General briefly outlined the rules of procedure. They were circulated in the conference packs.

The minutes from the previous meeting were published via the IAP website and IAP newsletter. No objections were raised and the minutes were adopted as an accurate record. There were no matters arising from the minutes.

The Secretary-general introduced the Annual Report which has been published on the IAP website. He reported that the Association's membership was increasing.

Last year there were 158 Organisational Members and 1303 Individual memberships and now there are 165 Organisational Members and 1843 individual members. In the last month a number of new Organisational Members had joined. He noted in particular the Supreme People's Procuracy of Vietnam who had a large delegation present at the meeting. Discussions are ongoing with several other organisations regarding membership. The Secretary-general encouraged the promotion of membership of the IAP by members.

Reports in relation to conferences and meetings attended and held throughout the year were included in the Newsletters which have already been circulated to members.

The Secretary-General reported that the current financial situation is healthy. However, he noted that the IAP is benefiting from significant contributions from individual governments. The Dutch Government, as well as paying membership dues of €10,000, provides for the salary of the Secretary General, half of the rent of the IAP offices and makes a twice yearly contribution of €10,000 towards GPEN. The Crown Prosecution Service of England and Wales pays the majority of the salary of the General Counsel and the Danish Government pays most of the salary of the Communication Manager. He noted that given the financial situation in most countries there was no certainty that these arrangements would continue and if they ceased would represent a significant loss to the IAP. He is working with consultants to look at fundraising options and ideas for the granting programme.

The Secretary-General invited any questions or comments from the membership at the meeting. Nothing arose.

The Executive Committees' nominations of candidates for the Executive Committee had been published through the IAP website and IAP Newsletter 59 in accordance with the rules of the IAP Constitution (Article 8).

James Hamilton retired as President at the end of his three year term (elected during the General Meeting in The Hague 2010). The Executive Committee had nominated Gerhard Jarosch, President of the Austrian Association of Prosecutors. He was duly elected by the General Meeting there being no other candidates.

James Hamilton said it had been a great privilege to serve as President. He thanked the Secretary General, Derk Kuipers, General Counsel, Elizabeth Howe Communication Manager, Janne Holst Hübner and Office Manager, Evie Sardeman, for their assistance to him and for their hard work on behalf of the IAP. He also thanked the Executive Committee, the revived Senate, which he noted was a very useful body, and the members of the IAP who he said it was a pleasure to work with and without whom the Association would not exist. He thanked Claire Loftus, Director of Public Prosecutions for Ireland, for lending a member of her staff, Claire Callaghan, to assist the Secretariat at the conference. He also thanked his wife Noreen for her support. He congratulated Gerhard Jarosch on his election and invited him to the platform to take over as the President.

Gerhard Jarosch thanked the outgoing President. He further thanked the membership and the Executive Committee for electing him and briefly explained what the IAP means to him and how being a member of the IAP had helped make him a better prosecutor. He said he would do his best to do this for others.

The Executive Committee had re-nominated Basile Elombat, Cameroon as Vice President of Africa, Dr. Ye Feng, People's Republic of China as Vice President of Asia, Pacific and Middle East; and Raija Toiviainen, Finland as Vice President of Europe. The Committee had further nominated; Salvatore Vasta, Australia as Vice President of Asia, Pacific and Middle East and Manuel Pinheiro de Freitas, Brazil as Vice President of Latin America. Each candidate stood and was duly elected by the meeting by acclamation.

The Executive Committee had nominated the following persons as Ordinary Members: (re-election) Mohammed Hassan AbdulRahim, United Arab Emirates; Dr. Ali Albuainain, Bahrain; Kamran Aliyev, Azerbaijan; Agnes Diofasi, Hungary; William Downer, South Africa; Rory Field, Bermuda and Alexander Zvyagintsev, Russian Federation; (new nominations) Josip Cule, Croatia; Ho Chio Meng, Macao; Mutembo Nchito, Zambia; Brian Saunders, Canada; Patrick Stevens, England and Wales; and Jean Francois Thony, France. Each candidate stood and was duly elected by the meeting by acclamation.

The President noted the range of countries represented showing that the IAP is a global organisation. He invited those willing to do more work on the IAP's behalf to make themselves known to the IAP Secretariat.

The General Counsel welcomed Gerhard Jarosch as the new President and thanked James Hamilton for his contribution.

She clarified her role as General Counsel which is – amongst other – to oversee the professional programme of the Association and she reported briefly on some highlights. She drew special attention to the change of format of the Business Plan, which is now covering two years and encouraged members to access the document through the members' part of the website. She advised members having difficulties in logging in to contact the Secretariat. The Business Plan for 2012 is also available and now records what has been achieved for that year. She welcomed observations at any time.

Work is ongoing in relation to the publication and distribution of a manual on the Role and Status of Prosecutors which is being drawn up in conjunction with the UNODC. It had been hoped to launch it at this conference but that will not be possible. The manual will draw on the IAP Standards which all organisational members sign up to, and also the earlier UN Havana Standards which were referred to by the UNHR Commissioner in her presentation to the conference. The General Counsel will inform her of the existence of the IAP standards. She asked the membership to look forward to the publication of this document.

The IAP is shortly to publish Guidelines for dealing with cases with concurrent jurisdiction. This is an increasing growth area with cases potentially triable in several jurisdictions simultaneously representing a challenge for law enforcement officers and prosecutors. The General Counsel asked the membership to look forward to these Guidelines also.

The IAP publishes a quarterly newsletter both electronically and in hard copy. It contains information on the General Counsel's activities. The newsletter is the main way of communicating with the membership and members not receiving it should contact the Secretariat.

There are several Special Interest Group meetings being held during the conference. These include meetings focusing on the specialist fora on the IAP website – The Global E-Crime Prosecutors Network (GPEN),



Trafficking in Persons Platform (TIPP) and the Forum for International Criminal Justice (FICJ).

She introduced Han Moraal, former Procurator-General of the Netherlands and currently Chief Public Prosecutor for the Courts of Appeal in The Netherlands, to the meeting. He will be taking responsibility for managing and developing the GPEN website. The IAP has won short term funding from the United Kingdom Foreign and Commonwealth Office's Cyber Capacity Building Fund to enhance the GPEN website, but as the GPEN website is embedded into the main IAP website the whole website will need to be updated. This will lead to changes and hopefully improvements of the whole website.

The General Counsel also introduced Nicola Mahaffy who chaired the special interest group meeting in relation to the Prosecutor Exchange Programme and noted that the Heads of Prosecution Agencies special interest group had also discussed the possibility of short term exchanges between offices.

The General Counsel urged those at the General Meeting to attend the session reviewing the aims and outcomes of the conference on Thursday 12<sup>th</sup> September. These outcomes impact on the membership and the Secretariat. She also encouraged membership involvement in the Association. (See Appendix) She mentioned requests for prosecutorial expertise from, for example, the EU and UN and encouraged people to be added to the expert database which she maintains. She anticipates more requests for experts in the future.

The General Counsel invited members to speak to her if there was anything they wished to raise.

Members were reminded of the requirement for organisational members to commit to the IAP Standards. It was noted a workshop the previous day had dealt with the Standards and members were encourage to read, promote and maintain them.

At the last General Meeting the Communication Manager launched the new design of the IAP websites. However, as result of the successful bid for funding from the UK Foreign and Commonwealth Office Cyber Capacity Building Fund yet another re-design of the IAP websites is underway which it is hoped will be launched in March 2014.

The Communication Manager noted that a number of developments have been delayed, pending the new website, including a system upgrade that will enable individual members to be connected to the specialist expert websites and to choose a preferred language for electronic communication.

Since the last General Meeting the Secretary-General and the Communication Manager travelled to Dubai to meet with Mr. Yousuf Hassan Al-Mutawa and

Mr. Khalifa Bin Demas to discuss the possibility of the authorities there running an Arabic version of the website. The project framework and terms were agreed and an Arabic IAP sister website is expected to be launched during next year's Annual Conference in Dubai. The Communication Manager mentioned that the Prosecutors Association of Chinese Taipei very generously offered to develop and administer a Chinese version of the IAP website and that it is expected to commence work on this before the end of the year.

She updated members on the status of the merger of the AIPPF and IAP websites and administration system, and pointed out that members considered Francophone will from December of this year receive invoices with logos of both organisations.

The President thanked all the countries who undertook to host conferences and acknowledged the immense amount of work that went into organising them. It was noted that the regional conferences are more for front line prosecutors whereas the annual conference is more high level. The Russian Federation was thanked for hosting this conference. The next annual conference will take place in Dubai from 23<sup>rd</sup> - 27<sup>th</sup> November and more information in relation to it will be presented at the closing session for this conference. The Executive Committee has accepted a bid from Zurich in Switzerland to host the Annual Conference in 2015. Bids for future conferences were encouraged.

A short overview of future regional conferences was given by the General Counsel:

- 3rd African and Indian Ocean Regional Conference in Zambia 2<sup>nd</sup> -5<sup>th</sup> March 2014;
- 14th European Regional Conference in Zagreb, Croatia 26<sup>th</sup> – 28<sup>th</sup> March 2014;
- 9th Asia/Pacific and Middle East Regional Conference in Sydney, Australia 2014.

The General Counsel thanked the members of the Executive Committee, Mutembo Nchito, Josip Cule and Sal Vasta for their involvement in organising these events. She advised that there has been expression of interest to host the next North America and Caribbean conference in the Bahamas in early 2015 and that whilst there are plans for other regional conferences, there is nothing to announce at this stage.

The Secretary General referred to the criteria for election of Honorary Members and indicated that the following candidates were proposed by the Executive Committee: James Hamilton, outgoing President and former Director of Public Prosecutions Ireland, and Oleksandr Shynalskyi, outgoing member of the Executive Committee and President of the Ukrainian Association of Prosecutors. The candidates were duly elected.

In addition to the awards presented at the opening day of the conference the following Certificates of Merit were presented to:

- Office of the Attorney General of Thailand for hosting the 17th Annual Conference and General Meeting of the IAP in Bangkok, Thailand, October 2012;
- City of The Hague for hosting the 13th European Conference, March 2013 in The Hague, The Netherlands;
- Office of the Attorney General of Rhode Island and the National Association of Attorney Generals US for hosting the 3rd North American and Caribbean Regional Conference, August 2013, Rhode Island, US;
- French Ministry of Justice for hosting the Northern Spring Meeting of the IAP Executive Committee in Paris, France, April 2013;
- Retiring members of the Executive Committee; Richard Buteera (Uganda), Carlos Donoso Castex (Argentina), Michael Kennedy (England and Wales), Martin Herschorn (Canada), Stephen Pallaras (Australia) and Oleksandr Shynalskyi (Ukraine).

The Secretary-General presented the immediate Past President James Hamilton with a gift from the IAP to acknowledge the gratitude of the IAP for his term as President.

The next General Meeting will take place in Dubai within the dates of the 19<sup>th</sup> Annual Conference in 2014 (see also Newsletter 60)

### **Executive Committee Meeting, Quebec, Canada, 9 and 10 May 2014**

The Office of the “Directeur des Poursuites Criminelles et Penales du Quebec” played host to the IAP Executive Committee in the beautiful city of Quebec in May this year.

The IAP offers grateful thanks to the hosts, and in particular to Sabin Ouellet for their hospitality and for generously sparing time to show the Executive Committee members around and entertaining them.

The Executive Committee Meeting, held on the 9<sup>th</sup> and 10<sup>th</sup> May, was chaired by IAP President Gerhard Jarosch, who opened the meeting by thanking Sabin Ouellet and his office for organising this meeting in the beautiful city of Quebec.

He gave a special welcome to the 6 new members of the Committee; Josip Cule (Croatia), HO Chio Meng (Macau), Mutembo NCHITO (Zambia), Brian Saunders (Canada), Patrick Stevens (England and Wales) and Jean Francois THONY (France) who were all present at the meeting.

The President drew attention to the passing of Nelson Mandela, former President of South Africa. The President reminded the Committee that Mandela in August 2000 were presented with an IAP Medal of Honour for his role in the creation of the Constitution for the new South Africa, with its guarantees of human rights under a just rule of law, and in the establishment of The National Prosecuting Authority of South Africa and the improvement it brings to the conduct of prosecution services throughout

the country. The Executive Committee observed a minute's silence in remembrance of Mandela.

The amended minutes of the previous meeting of the Executive Committee (Moscow 7 September 2013) - which had been published and made available for amendment through the Executive Committee Forum in November 2013 - were agreed as an accurate record.

After a proposal of Sal Vasta about the IAP Regions and the number of IAP Vice-Presidents, it was agreed that the Secretariat should, in cases where there were doubts as to what region a country should belong, contact the local IAP Contact Persons to ask for their preferences. It was further agreed to put the proposal for regional divisions to the General Meeting in Dubai with a suggested amendment to the Constitution: Article 11.1 shall now read: "There will be up to 9 Vice-Presidents of the Association at the discretion of the Executive Committee."

(the amendments to the Constitution will be published before 26 September on the IAP-website)

Regarding the proposed reform of the administrative structure of the IAP and update of roles of the IAP officials, it was agreed that the Reform Group (Sal Vasta, Gerhard Jarosch, Thomas Burrows and Wendy Stephen) will draft a proposal to present to the Executive Committee in Dubai

The Secretary General drew attention to the Report of the Bureau of the Secretary General stating that the total number of Organisational Members to be 163. He highlighted that 5 Organisational Members have been deleted from the database due to a persistent lack of payment or due to an expressed wish to end the membership. Those are:

- Prosecutor General's Office of Buenos Aires, PG German Garavano
- Director of Public Prosecutions of South Australia
- Prosecutor General's Office, Lithuania
- Ministry of Justice, Morocco
- Ministerio Publico, Chile

He further reminded members that the following new Organisational Members that has been approved since the last meeting:

- Office of the Public Prosecutor of **Papua New Guinea**
- Chief Prosecution Office at the Court of Cassation of the Republic of **Turkey**
- Associação do Ministério Público do Estado do Maranhão (AMPEM), **Brazil**
- Associação do Ministério Público do Estado do Rio Grande do Norte (AMPERN), **Brazil**
- Associação Piauiense do Ministério Público (APMP), **Brazil**
- Associação Nacional do Ministério Público de Contas (AMPCON), **Brazil**
- Associação do Ministério Público do Estado do Amapá (AMPAP), **Brazil**
- Associação Paulista do Ministério Público (APMP), **Brazil**
- War Crime Prosecutors Association of Serbia

The President informed members that the terms of office of the Vice Presidency of North America and 7 ordinary members were due to expire in 2014 (8 terms in total). He further clarified that the Vice President of North America (Wendy Stephen) and 2 ordinary members (Siri Frigaard and Vinette Graham Allen) are obliged to leave the Executive Committee in accordance with the Kampala rules (limit of 2 terms)., he added that 2 ordinary members (Chulasingh Vasantasingh and Lennart Lindblom) have expressed a wish to step down and that 3 ordinary members (Serge Brammertz, Satyajit Boolell and Cheol-Kyu Hwang) have expressed a wish to stay on for another term. The President reminded members about the terms of the Kampala agreement.

The President pointed out that IAP Constitution allows for the election of ex-officio members and he proposed an ex officio seat for Sabin Ouellet as a representative of the AIPPF which would also demonstrate the close and strong relationship between the two associations.

Nobody voted against the proposal which was agreed on the basis that the ex-officio seat was exclusively available for an AIPPF representative.

It was decided that the Secretary General will draft a proposal for amendment of the Constitution in accordance with Article 14 and 16 to be presented to the General Meeting in November in Dubai. (the amendments to the Constitution will be published on the IAP-website before 26 September)

It was agreed to support the nomination of Rory Field as Vice President of North America [his 1<sup>st</sup> term] and Cheol-Kyu Hwang as Vice President of Asia Pacific [his 1<sup>st</sup> term].

The President thanked Wendy Stephen on behalf of the Executive Committee for her long standing support and excellent work as VP North America.

It was agreed to support the nomination of following candidates:

- Satyajit Boolell, Director of Public Prosecution, Mauritius
- Serge Brammertz, Prosecutor, ICTY, Belgium
- Mohammed Ahsan, Deputy Director of Public Prosecutions, Denmark
- Nicola Mahaffy, Crown Counsel, British Columbia, Canada
- Runar Torgersen, Senior Public Prosecutor, DPPs Office, Norway
- Christopher Toth, Deputy Executive Director, National Association of Attorney Generals (NAAG) and Director, National Attorneys General Training and Research Institute (NAGTRI) USA
- Athapol YAISAWANG, Attorney General, Thailand
- Mrs HU Zazun, Deputy Prosecutor General, China

The Secretary General updated the Committee on the current status of applications for position of General Counsel.

The Secretary-General will contact the 3 new candidates for the Conflict Committee to ask for their willingness to serve on the Committee and he will announce the final nominations to the Membership.

The Executive Committee decided on the nominations for the Honorary Membership and for other IAP Awards. These nominations are published in this Newsletter.

During the Executive Committee Meeting hosted in Moscow, September 2013, the Secretary-General agreed to introduce a new reporting format that included more detail about impact, or added value, of events attended and speeches made on behalf of the Association, a breakdown of the geographical concentration of membership and the efforts made to increase IAP profile where it was weaker, and also information in relation to ideas for alternative sources of funding etc.

The Secretary-General briefly introduced members to the new reporting format that was published as part of the meeting material and highlighted the fact that this new report format also includes the report of the Communication Manager. The report was received with enthusiasm by the Members of the Executive Committee and was considered to fulfill expectations expressed during the Moscow meeting. The new format was approved.

The Secretary-General and the Communication Manager presented the Report of the Bureau of the Secretary General.

Talking about the Granting Program the Secretary-general reported that he received 4 standard donations (50 USD each) since the opening of the electronic system (mid April 2014); accordingly expectations for income from that initiative are rising.

The Secretary General presented his financial report and made it clear, that the financial situation is healthy. Because of the “forced” bankchange that the IAP had to make the final accounts 2012 and 2013 were not available yet.



The Secretary-General made his apologies for this situation and stated that these documents will be available in time before the Annual Conference and General Meeting in Dubai in November this year.

It was agreed to accept the position provided that full accounts for 2012 and 2013, verified by Deloitte, were submitted to the Committee well in advance of next meeting of the Committee (22 November 2014, Dubai) or otherwise present a statement from Deloitte explaining why accounts are still not available.

The Secretary General presented the proposed Travel Expense Protocol and clarified that the protocol is a written illustration of the procedures followed by the Secretary General when dealing with travel expenses.

The IAP Travel Expense Protocol was approved, in its present form, by the Executive Committee as an administrative practice, provided that travel expenses of IAP officials are included in half-yearly report.

The President briefly summed up the thoughts behind the proposed Financial Overview Committee. He stressed that setting-up a Financial Overview Committee, in his mind, would meet the many demands for more transparency and recommended the Executive Committee approve the proposal.

The following signed up for the Committee: Wendy Stephen, Thomas Burrows and then it was suggested the President contact Michael Kennedy to ask for his willingness to serve on the Committee.

The Secretary General updated the Committee on the report prepared by Van Dooren Advies that produced some recommendations on how fundraising could be embedded within the IAP structures. He proposed to form a small committee that should look into the recommendations and discuss how to proceed. He suggested involving the Communication

Manager and two Ex. Com. Members who either work in or regularly visit The Hague which was supported. Proposal was approved. Following people signed up for Committee: Serge Brammertz, Josip Cule, the Communication Manager, Janne Holst Hubner and Secretary-General.

It was agreed that the Secretary-General will draft some recommendations on how to move forward for next Northern Spring Meeting, April 2015 in Bahrain.

The General Counsel referred to her extensive report and annexes which she had distributed well in advance.

She clarified that she is passing on the governance of GPEN to Han Moraal who was heading the GPEN Committee that the Executive Committee had insisted on retaining. He would carry the responsibility of leading any further financed development project.

Sabin Ouellet, AIPPF Representative, reported that the IAP Newsletters has been translated into French and made available to the shared Francophone IAP/AIPPF members through the AIPPF website. Sabin thanked Brian Saunders, Anne Constantin and Camille Rochette for their support and assistance.

Han Moraal spoke about his GPEN report and stated that with the assistance from several members of the Executive Committee he succeeded in finding Board Members and editors from all regions in the world.

Han Moraal informed members that the GPEN/IAP and EUROPOL have made a special agreement that allows IAP Members to access all EUROPOL material on Cybercrime. To get access to the EUROPOL material the IAP members must contact the IAP Secretariat, who will send them a link and password.

Mohammed Hassan Abdul Rahim gave a full presentation of the programme for the Annual Conference in Dubai in November this year.

Claire Loftus, the Director of Public Prosecutions, Ireland was invited to submit an oral bid to host the 21<sup>st</sup> Annual Conference in Dublin in 2016.

Claire Loftus proposed the following theme: “The Prosecutor and the Investigator” with a special focus on best practice in managing the relationship between the two. The suggested theme was approved.

The Executive Committee agreed to accept the bid for the 21st Annual Conference and General Meeting in Dublin, Ireland, September 2016 from 11 – 15 September 2016 and thanked Claire Loftus for the bid.

Mutembo NCHITO, reported on the 3<sup>rd</sup> IAP African and Indian Ocean Conference, which was held from 2 – 6 March 2014 in Livingstone, Zambia. (see report in Newsletter 61)

Josip Cule reported on the 14<sup>th</sup> IAP European Regional Conference in Zagreb, from 26 – 28 March 2014. (see report in this Newsletter)

The next meeting of the IAP Executive Committee will take place Saturday 22 November 2014, in Burj Arab, Dubai, United Arab Emirates.

It was agreed to accept Dr. Ali Albuainain’s kind invitation to host the next Northern Spring Meeting of the IAP Executive Committee in 2015.

### **Other IAP Conferences**

- **The 3<sup>rd</sup> IAP African and Indian Ocean Regional Conference** in Livingstone, Zambia; A report of this successful conference with the theme: “Getting a fair bargain for Africa and the developing world: the role of the Prosecutor in combating financial crime including tax evasion and environmental degradation in the extractive and other significant industries” was written by Teresa Berrigan in Newsletter 61. This “exotic” conference was hosted by Mutembo Nchito SC, Director of Public Prosecutions in Zambia from 2 to 6 March 2014.
- **The 14<sup>th</sup> IAP European Regional Conference** was held in Zagreb, Croatia from 26 – 28 March 2014. The State Attorney’s Office of the Republic of Croatia had the honor of hosting this conference. A report of this conference was written by Lara Barberic, Senior Advisor at the General State Attorney’s Office of the Republic of Croatia, which report was published in Newsletter 62.

The theme of the conference: “Modern Instruments of Judicial Cooperation in EU Member States- Reality and Myth.”

- **The 9<sup>th</sup> IAP Asia, Pacific and Middle East Regional Conference** was held jointly with the annual conference of the Australian Association of Crown Prosecutors from 2 – 4 July 2014 in Sydney, Australia. In Newsletter 62 you can read the report that was written by Louise O’Connor, Senior State Prosecutor at the Office of the DPP for Western Australia and you can also find some pictures that were taken during this interesting and fruitful conference.

### **Some other meetings/events**

The President attended together with the Communication manager the 7<sup>th</sup> Annual Conference of the International Association of anti-Corruption Authorities in Panama in autumn 2013.

The Secretary-General attended together with the Communication Manager the XX Congresso Nacional Do Ministerio Publico in Natal, Brazil from 30 October until 2 November. Under the 1500 participants we could, with the great help of Manuel Pinheiro de Freitas, member of the Executive Committee, recruit many new members for the IAP.

During this conference Manuel and the IAP were awarded by the Associacao Nacional dos Membros do Ministerio Publico for their successful efforts to combat new legislation in Brazil, which would change the position of the Prosecution.

From 26 until 29 November 2013 the Secretary-General, the General Counsel and the Communication Manager visited Dubai for the preparations of the 19<sup>th</sup> IAP Annual Conference and General Meeting in November 2014.

From 30 September until the 2<sup>nd</sup> of October 2013 the General Counsel attended as a speaker a conference held in Budapest with the theme: “Rubik’s Cube of Terrorism”- or complex approach to threats. You can find her report in Newsletter 60.

In January 2014 the General Counsel went to Entebbe in Uganda to participate in a workshop organised by the Office of the Prosecutor of the ICTR on “Sexual Violence in Conflict”. The event marked the launch of a manual produced by the ICTR, which can be found on our website.

The IAP’s General Counsel and FICJ Coordinator, Danya Chaikel, contributed to a new Protocol on the Documentation and Investigation of Sexual Violence in Conflict, which was launched at the Global Summit to End Sexual Violence in Conflict, held in London from 10 to 13 June 2014, which they also attended. See report in Newsletter 62.

From 12 to 14 February 2014 the Secretary-General and Communication Manager visited Chinese Taipei to contribute to a conference with the theme: “Practice and Theories of International Judicial Assistance in Criminal Matters”, organised by the Ministry of justice. We also visited Chinese Taipei to discuss with our colleagues, especially Ms. Wen-Chi CHEN, Director General at the Ministry of Justice, the development of a Chinese website. In the meantime they offered their cooperation by building the Chinese website, for which we are very grateful.

In June 2014 the IAP officials visited Zurich, Switzerland, to discuss with the Prosecutor-General, Michael Lauber and his staff the preparations for the 20th IAP Annual Conference and General Meeting in September 2015. We were impressed by the way that they are working on this big event and we are convinced of the success of this conference in the year that the IAP celebrates its 20<sup>th</sup> anniversary!

Mr. Derk J.A. Kuipers,  
Secretary-General of  
The International Association  
of Prosecutors

The Hague, 15 November 2014

