



# ANNUAL REPORT

2014 – 2015

## INTRODUCTION

This is the IAP sixteenth formal Annual Report. As well being available to participants at the General Meeting on Wednesday, 16 September 2015 in Zurich, Switzerland, and to other members of the IAP on request. The report is also available from the IAP website: [www.iap-association.org](http://www.iap-association.org)

This Annual Report is about the period from November 2014 until the 1st of September 2015.

On the 18th of January 2015 the Argentine prosecutor Alberto Nisman was found dead in his apartment in Buenos Aires. For more than 10 years Mr. Nisman was the leader of a special team (40 persons) appointed by ex-President Nestor Kirchner to investigate the bombing of the Argentine-Israeli Mutual Association (AMIA) in Buenos Aires in 1994, which killed 85 people and injured more than 200 persons.

In the week before his death, Mr. Nisman formally accused President Cristina Kirchner and other senior Argentine officials of agreeing not to punish at least two former Iranian officials in the case of the terrorist attack against AMIA in order to facilitate a very profitable commercial agreement to both countries.

In the week after the death of Mr. Nisman, the IAP sent letters of condolences to the 2 Associations of Prosecutors that we know in Buenos Aires and to the Office of the Argentinian Prosecutor-General. In these letters not only the condolences were presented, but we also mentioned the important work of Mr. Nisman. We also emphasised the importance of the protection of prosecutors and the IAP Standards as well as the importance of a thorough and fair investigation.

Our Vice-President for Latin America, Manuel Pinheiro de Freitas attended in the last week of February a meeting in Buenos Aires, where representatives from the Courts and Prosecution Service discussed the issue of security of prosecutors.

We all were shocked by the news that on 29 June 2015 the Attorney-General of Egypt, Mr. Hesham Barakat, member of our Association was assassinated by terrorists. Mr. Barakat was expected to give a presentation during the 20th Annual Conference in Zurich. On 30 June the President of the International Association of Prosecutors (IAP), Mr. Gerhard Jarosch sent letters of condolences to the Acting Prosecutor-General of Egypt, HE Chancellor Ahmed Zakariya AbdulAziz and to the President of Egypt's Supreme Judicial Council, HE Chancellor Ahmed Jamaluddin AbdulLatif.

We realise that also in other countries prosecutors were killed or injured during their work as prosecutor. We will emphasise the importance of protection and security of

our colleagues and their families again and again, especially in the direction of the governments. This item is also on the agenda of the 20th Annual Conference of the IAP in Zurich.

## MEMBERSHIP SITUATION

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

On **1 September 2015**, the IAP had **176 organisational members** and **2000 individual members**.

Following 3 organisational members decided to leave the IAP during the last year: Manitoba Department of Justice, Alberta Crown Attorney's Association and the Attorney General's Office, United Kingdom.

**New organisational members** since November 2014:

- **Brazil**, Ministerio Publico do Estado do Rio Grande Sul;
- **Brazil**, Conselho Nacional Procuradores-Gerais;
- **Brazil**, Office of the Federal Prosecutor-General;
- **Brazil**, Associacao Nacional do Ministerio Publico Militar;
- **Bosnia and Herzegovina**, Prosecutor General's Office;
- **Ras Al Khamai**, UAE, Attorney-General's Office;
- **Egypt**, Office of the Prosecutor-General;
- **Turkey**, High Counsel of Judges and Prosecutors;
- **Madagascar**, Ministere de la Justice, Tribunal de Premiere Instance d' Antananarivo;
- **Kuwait**, The Attorney General's Office;
- **Mali**, Association Malienne des Procureurs et Poursuivants.

We are negotiating organisational membership with the following 9 organisations:

- **Benin**, Ministry of justice;
- **Singapore**, Attorney General's Chambers;
- **Chad**, Ministry of Justice;
- **Austria**, Prosecutor-General's Office;
- **Abu Dhabi**, Attorney-General's Office;
- **Myanmar**, Union Attorney-General's Office;
- **Republic of Tajikistan**, The Prosecutor-General's Office;

In the meantime we also put a lot of energy in getting back "sleeping members". Until now 11 organisational members awoke and are active again.

During the General Meeting in November last year we also announced that we should approach our organisational members with a request for a raise of their annual dues. We are very grateful that until now many members reacted positively and raised their financial contribution to the IAP.

We "lost" individual members because approximately 240 Ukrainian members were deactivated in agreement with the Office of the Prosecutor-General in Ukraine, as their affiliation was a product of a campaign by the previous Prosecutor-General. Approximately 112 individual memberships have been automatically terminated and deleted from database due to lack of renewal of membership. This group will receive a special invitation to re-apply for membership, when the new system is up running and members can start accessing the updated benefits of individual membership.

The new system of the payment of 50 euro for individual membership is running very well and we are grateful with that decision made during the General Meeting in Dubai in November last year.

The Secretariat and the Executive Committee will continue their efforts in strengthening the financial base of the Association to make the achievement of our objectives possible. And of course we hope that our members will assist us as much as possible.

## SITUATION OF THE SECRETARIAT

We informed you earlier about the ending of the term of office of our General Counsel, Elizabeth Howe in September this year. She served the IAP as General Counsel for 8 years and the IAP owes her a lot. She did her work with great dedication and passion. We really hope that we will see her again in the future as a Senator during our conferences.

There will be the opportunity to say goodbye to her on Wednesday, 16 September during a farewell reception early in the evening in the Renaissance Tower Hotel in Zurich.

After the announcement of the vacancy we received more than 10 applications. After a selection procedure the Executive Committee elected Rasmus Wandall from Denmark as our new General Counsel. He has been prosecutor for many years, he has worked in the field of international cooperation and legal reforms and he has much academic experience from the time he worked for the University of Bergen, Norway. He will introduce himself during the Annual Conference and General Meeting in Zurich.

He already started his work for the IAP from the 1 of September.

Since 1 July 2015 Janne Holst Hubner from Denmark, our Communication Manager until then, is working full time for the IAP as Executive Director.

We welcome both officials and congratulate them with these positions and we are convinced of a good and fruitful cooperation for the benefit of the IAP. Both IAP Officials are fully paid by the IAP, so it is very important that our members pay their dues, because that is our main income.

## MEETINGS OF THE EXECUTIVE COMMITTEE, THE GENERAL MEETING AND THE ANNUAL CONFERENCE

### EXECUTIVE COMMITTEE MEETING, 22 NOVEMBER 2014, DUBAI, UAE

The President opened the meeting by thanking Dubai Public Prosecution and in particular Mohammed Hassan Abdul Rahim for organizing the conference. Mohammed Hassan Abdul Rahim welcomed the Executive Committee and said he was pleased to see so many present. The President welcomed the observer from AIAMP (Acociacion Ibero Americano Ministerios Publico) Vladimir Aras and reminded members that during Quebec meeting approval had been given to allow AIAMP to attend the meetings as observers until the opportunity arises to fill a future vacancy. He further noted that 5 members leave the Committee after the General Meeting to include Wendy Stephen and Siri Frigaard who attend the meeting for the last time. A "tour de table" then followed.

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

Serge Brammertz, Prosecutor, ICTY did a proposal for an IAP Network of practitioners on conflict related sexual crimes. **It was agreed** in principle that the project should proceed and that Serge with assistance from the IAP Secretariat would prepare a more detailed project proposal for discussion at the next meeting of the Executive Committee;

**It was agreed** to propose to the General Meeting an amendment to Article 11.1 as follows:

*"The number of Vice-Presidents shall be determined by the Executive Committee and shall be no fewer than 5 and no more than 9. Where there is an increase in number it shall take effect at the General Meeting next following the Executive*

*Committee's decision subject to the applicable provisions regarding notice being met. Where there is a decrease in number the serving Vice-Presidents shall remain in office until the end of their mandates"*

**It was agreed** to recommend to the General Meeting to accept an insertion of an article 8.12 in the Constitution as follows:

*"The Executive Committee may enter into arrangements with organisations of prosecutors which are based on regional, cultural, linguistic or other links between their members. Such arrangements may include providing for a representative nominated by such an organisation to be a supernumerary member of the Executive Committee, subject to the approval of the General Meeting of the Association. The Executive Committee may make any rules necessary for the purpose of this paragraph and may terminate any arrangement made pursuant to this paragraph."*

In order to explain the reasoning behind the amendment the following proposed Annex 5 to the Constitution **was agreed**:

***"Appointments of members of organisations of prosecutors to the Executive Committee***

*Article 8.12 was drafted primarily in order to facilitate the admission of a representative nominated by the Association Internationale des Procureurs et Poursuivants Francophone to the Executive Committee which the Executive Committee agreed to do at its meeting in Quebec City on 8-9 May 2014. The amendment is, however, drafted in general terms so as to allow for the possible conclusion of other similar arrangements.*

*If the General Meeting agrees the amendment, in order to effect the decision of the Quebec meeting for the immediate appointment of Sabin Ouellet to the Executive Committee, **it was agreed** to make the following proposal to the General Meeting:*

**"Proposed statement to, and request for the approval of, the General Meeting.**

The Executive Committee has decided that in the event of the General Meeting accepting the proposed amendment to Article 8 of the Constitution, it would agree to the appointment of a nominee of the Association Internationale des Procureurs et Poursuivants Francophone to be a supernumerary member of the Executive Committee, pursuant to Article 8.12 of the IAP Constitution, and seeks the agreement of the General Meeting to such an appointment."

The SG advised that Jørgen Steen Sørensen was unable to accept nomination to the Conflict Committee. The following members have accepted:; Joon Gyu Kim, Francois Falletti; Henk Marquart Scholtz; Siri Frigaard; and Oleksandr Shynalsky.

The SG circulated a written report in advance which included information on the increases in individual and organisational members since 2010. He noted that the Association was still growing and approaching 2.500 members. He identified regions where he anticipates growth in the next few years. He thanked everyone who recruited new members and in particular the President and SG thanked Manuel Pinheiro Freitas who had been very active in getting new individual and organizational members from Brazil. The President welcomed growth in South America.

The SG reminded members that the following new organisational members have been approved since the Moscow meeting:

- Director of Public Prosecution Service, Western Australia;
- Asociacion de Agentes Fiscales del Ministerio Publico Paraguay;
- Associação do Ministério Público do Estado de Rondônia (AMPRO), Brazil;
- The International Criminal Tribunal for the former Yugoslavia (ICTY),

Negotiations regarding organisational membership are underway with:

- Office of the Prosecutor General, Egypt
- Ministério Público do Estado do Rio Grande do Sul, Brazil;
- The General Prosecutor's Office of the Republic of Tajikistan;
- Union Attorney General's Office, Myanmar;
- Asociacion de Fiscales de Puerto Rico;
- Prosecutor General's Office of Serbia;
- Prosecutor General's Office, Bosnia and Herzegovina and
- Associação do Ministério Público do Estado da Paraíba, Brazil

As agreed in Quebec, the Executive Committees' nominations for candidates for election by the General Meeting had been published through the IAP website and the new IAP Newsletter (62) in accordance with the rules of the IAP Constitution (Article 8).

The President reported that the nominated Thai candidate Mr. Athapol Yaisawang recently was replaced as Attorney General of Thailand and that our Thai colleagues

in that connection enquired whether it would be possible to replace the previous nominated candidate with Attorney General Mr. Trakul Winitnaiyapak, as the membership of the IAP Executive Committee by tradition is connected with the position as Attorney General. The President explained the long lasting relationship between the IAP Executive Committee and the Thai Attorney Generals and proposed to simply change the nominations and make the General Meeting fully aware of the change of candidates before the election **which was agreed**.

### **Result of election taking place during the Quebec Meeting of candidates for Vice-Presidents and ordinary memberships:**

#### **Vice-Presidents:**

- Rory Field, Director of Public Prosecutions, Bermuda, as Vice-President for North America and the Caribbean; and
- Cheol-Kyu Hwang, Deputy Minister for Crime Prevention Policy and Chief Prosecutor, South Korea, as Vice-President for Asia & Pacific.

#### **Re-Election as Ordinary Members:**

- Satyajit Boolell, Director of Public Prosecutions, Mauritius; and
- Serge Brammertz, Prosecutor ICTY, Belgium.

#### **Election as new Ordinary Members:**

- Mohammed Ahsan, Deputy Director of Public Prosecutions, Denmark;
- Nicola Mahaffy, Crown Counsel British Columbia, Canada;
- Runar Torgersen, Senior Public Prosecutor, DPP's Office, Norway;
- Christopher Toth, Deputy Executive Director, National Association of Attorneys General and Director, National Attorneys General Training Research Institute, United States;
- Trakul Winitnaiyapak, Attorney General, Thailand;
- Zejun HU, Deputy Prosecutor General, People's Republic of China.

The President thanked the following retiring members for their valuable input and support during their years of membership;

- Dr. Ye Feng, Former Member of the Prosecuting Committee of the Supreme People's Procuratorate of the Peoples Republic of China
- Wendy Stephen, Crown Counsel, British Columbia, Canada
- Siri Frigaard, Former Chief Public Prosecutor, National Authority for Prosecution of Organized and other Serious Crime, Norway

- Vinette Graham Allen, Former Director of Public Prosecutions, Office of the Attorney General & Ministry of Legal Affairs, The Bahamas
- Lennart Lindblom, Deputy Director of Public Prosecutions, Denmarkand
- Chulasingh Vasantasingh, Former Attorney General, Thailand

The Secretary General reminded members that during the Northern Spring Meeting in Quebec, 2014 the members agreed to recommend the following people for election as Honorary Members at the General Meeting to be held in Dubai.

According to the IAP Constitution (Article 4.1) the General Meeting, on recommendation of the Executive Committee, may elect as an honorary member of the Association any person who has made an outstanding contribution to the Association's work and who in the opinion of the General Meeting is deserving of such distinction.

- Dr. YE Feng , IAP Vice President of Asia & Pacific, Former Member of the Prosecuting Committee of the Supreme People's Procuratorate of the Peoples Republic of China;
- Wendy Stephen QC, IAP Vice President of North America and the Caribbean, Crown Counsel, British Columbia, Canada.

Following the Quebec Meeting the IAP Secretariat proposed to nominate the following member for Honorary Membership which was agreed electronically:

- Siri Frigaard, IAP Executive Committee Member, Chief Public Prosecutor and Director of the Norwegian National Authority for Prosecution of Organised and Other Serious Crime, Norway.

#### **Prosecutor of the Year Award:**

Siri Frigaard apologised for the delay in circulating the nominees for the Prosecutor of the Year Award to the Executive Committee. This was due to time taken to translate the Awards documentation into more languages, but this had been very useful.

Four candidates met the criteria established in the IAP Awards Protocol and the Executive Committee recommended the following as recipients for the Prosecutor of the Year Award 2014 with these citations:

■ **Mr. Tarjei Istad, Senior Public Prosecutor and Mr. Hans Tore Hoeviskeland, Senior Public Prosecutor (Norway)**

“Mr. Hans Tore Hoeviskeland and Mr. Tarjei Istad, both senior public prosecutors in the Norwegian prosecution office handling cases of economic and environmental crimes, successfully handled the legal proceedings in a case concerning environmental crimes in Norway that also had international influence. Tanks of a company in Norway containing waste from the oil production exploded and, in addition to the immediate danger the company’s employees were exposed to, the explosion spread dangerous chemicals across a large area. A number of citizens suffered serious health issues. A similar case in the Ivory Coast in West Africa led to one hundred thousand people becoming ill and at least 12 died.”

■ **Mr Pierre Lapointe, Directeur des poursuites criminelles et penales (Quebec, Canada)**

“Mr. Pierre Lapointe, Chief Prosecutor of Criminal and Penal Prosecutions and the DCCP Special Advisor, Quebec, Canada. Among his achievements will be mentioned the legal proceedings against Dany Kane, former member of the Hells Angels who became agent source, for murder in Nova Scotia. Furthermore, he was specifically appointed as a prosecutor to study cases related to fatalities such as the collapse of the Concorde and the Souvenir overpasses.

He also drafted the Act respecting the Director of Criminal and Penal Prosecution, which legally establishes the public prosecutor’s independence and preserve the function from political interference”

■ **Mr. Daniel Azeredo, Federal Public Prosecutor (Brazil)**

“Mr. Daniel Cesar Azeredo Avelino, Federal Public Prosecutor of Brazil’s state of Para, has led the fullest and most complete action against illegal deforestation in the Brazilian Amazon rainforest. His work has achieved a reduction of about fifty percent in deforestation rates throughout the region. As a response, he received threats, lawsuits, and even had to deal with the lobby of the productive sector within the Senate and the House of Representatives. However, none of them prevented him from achieving his goals.”

Siri Frigaard reminded members that the Executive Committee during the Quebec meeting recommended the following candidates for the Special Achievement Award and Certificates of Merit;

### **Special Achievement Award**

- **The Prosecution Team of the Boeremag Case, composed by the advocates Mr. Paul Fick SC, Mr. Dries van Rensburg, Mr. Dr Pieter Luyt and Ms. Phyllis Vorster-from South Africa:**

“The Boeremag Prosecution Team investigated and prosecuted 24 accused standing trial on multiple charges including High Treason, sabotage, murders, terrorism and other serious crimes which were perpetrated aiming to undermine the Democracy and the Rule of Law”

The Executive Committee had already approved this award during the Executive Committee Meeting in Quebec, May 2014.

- **The Transitional Justice Working Group (TJ/WG) and the Senior Federal Prosecutor, Raquel Dodge:**

“The TJ/WG was created by the Office of the Federal Prosecutors in the State of Rio de Janeiro in order to investigate and prosecute violations of human rights that were perpetrated during the military dictatorship in Brazil (1964/1985). The TJ/WG is composed by federal prosecutors Mr. Antonio do Passo Cabral (coordinator) , Mr.Sergio Gardengui Suiama, Ms. Ana Claudia de Sales Alencar, Ms.Tatiana Polio Flores, Mr. Eduardo El-Hage, Mr. Eduardo Santos de Oliveira, Luiz Fernando Voss Chagas Lessa and Ms. Vanessa Seguezzi. The work carried out by these prosecutors has complemented the efforts developed by Senior Federal Prosecutor Raquel Dodge.”

### **Certificates of Merit**

The IAP Certificate of Merit is awarded as an expression of the Association’s gratitude to members of the IAP (individual or organisational) for their pursuit of the Objects of the Association. Certificates of Merit can also be awarded to non IAP members as an expression of the Association’s gratitude for supporting the association.

The Executive Committee recommended the following receive Certificates of Merit:

- **The Office of the Prosecutor General of the Russian Federation** for hosting the 18th IAP Annual Conference and General Meeting in Moscow, Russia 8 – 12 September 2013;
- **The Office of the Director of Public Prosecutions in Zambia** for hosting the 3rd IAP African and Indian Ocean Conference in Livingstone, Zambia 2 – 4 March 2014;
- **The State Attorneys Office of the Republic of Croatia** for hosting the 14th IAP European Regional Conference in Zagreb, Croatia 26 – 28 March 2014;
- **The Australian Association of Crown Prosecutors (AACP)** for co-hosting the 9th IAP Asia, Pacific and the Middle East Regional Conference jointly with the Annual Meeting of the AACP;
- **Directeur des poursuites criminelles et pénales du Québec** for hosting the 37th Meeting of the IAP Executive Committee in Quebec, Canada 9 – 10 May 2014;
- **Retiring Members of the Executive Committee**; Vinette Graham Allen, Lennart Lindblom and Chulasingh Vasantasingh and Siri Frigaard;
- **Rusland Hacıyev**, Head of the International Division of the General Prosecutor's Office of the Republic Azerbaijan in recognition of his long standing and strong support to the IAP.

**It was agreed** to amend the template for the Executive Committee Activity Report to ask if the member has any nominations for the awards.

**it was agreed** to propose to the General Meeting that the individual membership fee be increased to €50 and to change the IAP currency from USD to EUR to comply with local banking issues in The Netherlands, where the IAP Secretariat and Treasury Foundation is located.

**It was also agreed** to incorporate a currency converter into the website so that members paying their dues on line can easily see the cost in their own currency

At the end of the meeting The President again thanked the Dubai Prosecution Service and Mohammed Hassan Abdul Rahim as their representative for making the

arrangements for the Executive Committee meeting. He also thanked the outgoing members of the Executive Committee for their longstanding hard work on behalf of the IAP.

#### **19TH ANNUAL CONFERENCE, DUBAI, UAE, NOVEMBER 2014**

The IAP held its 19th Annual Conference and General Meeting in Dubai, UAE. This was the first time that a Middle Eastern country hosted this prestigious event. Participant in the conference were welcomed by our hosts in splendid fashion and we were treated with the best that Dubai had to offer, against the magnificent backdrop of this extraordinary city.

The theme of this year's conference was: "Best Prosecution Practice, Learning from each other. In line with the objectives of the IAP to, inter alia, "promote good relations between individual prosecutors and prosecution agencies; to facilitate the exchange and dissemination among them of information, expertise and experience", the scene was set for a successful and rewarding experience to be had by all.

To lend grandeur to the opening ceremony, we were graced with the presence of His Highness Sheikh Mohammed Bin Rashid Al Maktoum, UAE Vice President, Prime Minister and Ruler of Dubai as the conference were opened by His Excellency Counsellor Essam Essa Al Humaidan, Attorney General of Dubai and Gerhard Jarosh, IAP President.

One of the highlights of the conference was the awards and recognition given to prosecutors by the IAP. To be recognised by your peers on an international level is surely one of the best accolades any prosecutor can get. Prosecutors are exposed daily to high levels of stress and criticism, more often than not the dedication, passion and hard work go unnoticed. The well deserving recipients of awards, see the minutes of the Executive Committee above in this report.

Down to the business of the conference, the first plenary: "The use of technology to improve prosecutions service" was addressed. The speakers put forward several innovative models and ideas as to how technology can enhance the level of service by prosecutors. During the conference, the Dubai Public Prosecutions introduced the 'e-prosecutor' or 'virtual prosecutor', a portable robot like device that can be placed in in remote areas.

It gives the user direct access to prosecutors and prosecution services and alleviates the challenges of travelling distances and lack of resources in remote areas. The futuristic robot device is just one example of how technology can improve service delivery.

Special interest groups are one of the pillars of the success of the IAP. The participants in the meetings of the special interest groups enthusiastically embraced this exceptional opportunity to engage with international colleagues. This resulted in recommendations to the IAP members and secretariat to inter alia:

- Explore the creation and development of specialist virtual networks as need, demand and available resources allow, for example: network for counter terrorism prosecutors and network of practitioners on conflict related sexual violence crimes;
- Organisational members to ensure IAP contact points are authoritative and effective to facilitate and enhance the relationship between the membership of the IAP and to advance the engagement of their members and specialists within the IAP's specialist websites;
- Promote the recognition and prosecution of hate crime/discriminatory crime through promulgation of OSCE/IAP guide on prosecution of hate crime and associated training;
- Promote the contribution of Prosecutor Associations organisational members towards advancing the objectives of the IAP and support a conference for Associations to be held under the auspices of the IAP.

The second and third plenaries :“ Achieving excellence in prosecution service delivery’ and “Training, development and performance appraisal of public prosecutors and related workshops gave participants inspirational insights into programs and models successfully implemented without breaking the bank.

From the inputs and presentations of the speakers, the underlying theme or golden thread was that we as prosecutors need to broaden our horizons and think outside the box. Excellence and success often needs an innovative idea, dedication and a holistic approach. Our partners in civil society are an untapped resource that can be used in achieving success. In evaluating performance, our failures can result in an opportunity to improve performance. The world that we live in creates heightened expectations from prosecutors. The ideas, models and programmes (available of the IAP website) presented are valuable resources available to prosecutors to meet these expectations.

"Dealing with youth offenders" was the last plenary of the conference. The unfortunate reality we are faced with is that the number of youth offenders escalates at an alarming rate. From the presentations during this plenary, it is crucial that prosecutors have to 'put on a different cap' in dealing with youth offenders.

A holistic approach is needed to include preventative education, family and social intervention as well as innovative programmes to reform. As quoted during the session: "If an adult is judged with regard to his past, a minor should be judged with consideration to his future."

During the conference, the IAP website in Arabic was launched. This is truly remarkable milestone and illustrates the growth and importance of the IAP within the international community. Furthermore, due to the platform created by the IAP, several bilateral meetings were held and agreements/ memoranda of understanding reached.

Another important achievement of this conference was the launch of the: The Status and Role of Prosecutors - United Nations Office on drugs and crime – International Association of Prosecutors Guide.

The conference presented several opportunities to liaise and network. The first of which was President's reception at one of Dubai's iconic landmarks, The Armani Hotel which is located at the foot of the world's tallest building, The Burj Khalifa, provided a perfect view over the world's largest dancing fountains. The spirit of rekindling old friendships and connections within the IAP family and creating new ones added to the excitement and buzz of the evening.

Exploring the Global Village, the leading outdoor amusement park of the region and considered one of Dubai's most exciting and unique tourist destinations, was a perfect setting to interact with our hosts and other participants.

A highlight of the conference was the networking evening: "On desert safari". Four wheel drive vehicles took participant to a campsite within the desert where an exclusive Arabic dinner was served within rows of special "Shamiyanahs" (Arabic tents) whilst guests were sitting on cushions surrounded by torches, date palm trees, camels and Arabic artefacts. Within this exotic ambiance, participant could meet, greet and network with each other.

At the closing session of the conference, I had the opportunity to reflect on not only the week's experiences, but also on the value of the IAP conferences to prosecutors. The spirit of co-operation, sharing of expertise, solidarity and strive for excellence within our profession enriches the lives of all who participants. Within the IAP and during this week, you are part of a global family who all have the same goals and

objectives: to provide the best prosecution service possible within our different communities and countries. I believe that every prosecutor should experience attending such a conference at least once in their lifetime: it is rewarding, enriching and life changing.

(Written by Elivera du Plooy: Chairperson of the Society of State Advocates of South Africa and a Senior State Advocate at the Office of the Director of Public Prosecutions, Gauteng Local Division, Johannesburg, South Africa)

## **THE GENERAL MEETING, 26 NOVEMBER 2014, DUBAI, UAE**

### **Opening by the President**

The President opened the meeting. He noted 560 people from 102 countries had attended the conference in Dubai.

He asked those present to observe a silence to mark the death of Nelson Mandela, the former President of South Africa and recipient of the IAP's Medal of Honour. He also asked colleagues to remember two prosecutors who had recently been killed in the course of their work in South America.

The SG briefly outlined the rules of procedure. They were circulated in the conference packs and are on the IAP website. The President reminded those attending that the meeting was for individual and organisational members only.

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

Annual report 2013 - 2014 and present membership situation.

The Annual Report has been published on the IAP website. It began with a tribute to Nelson Mandela. The SG said prosecutors around the world would remember him.

On 28 August 2013 the IAP had 165 organisational members and 1843 individual members. This had grown to 168 organisational members and 2285 individual members by 1 November 2014.

New organisational members include: Director of Public Prosecution Service, Western Australia; Asociación de Agentes Fiscales del Ministerio Público, Paraguay; Associação do Ministério Público do Estado de Rondônia (AMPRO) Brazil; and the International Criminal Tribunal for the former Yugoslavia (ICTY).

Applications for organisational membership are underway from: Ministério Público do Estado do Rio Grande do Sul, Brazil; the General Prosecutor's Office of the Republic

of Tajikistan; Union Attorney General's Office, Myanmar; Asociacion de Fiscales de Puerto Rico; Prosecutor General's Office of Serbia; and Prosecutor General's Office, Bosnia and Herzegovina.

During the conference discussions regarding membership have also taken place with organisations from Kuwait, Palestine, Egypt and the United Arab Emirates.

The SG welcomed the continued growth of the IAP, but said there were two questions for the future of the IAP which would be focused on as part of the Financial Report and that was whether the IAP had sufficient staff and a solid financial basis for its activities. He noted in particular that both he and the GC were due to retire in the next two years.

The Annual Report contains information on conferences and meetings attended and upcoming events. It also contains reports on the Executive Committee meetings in Moscow and Quebec. The Committee met most recently in Dubai on Saturday 22nd November.

As referred to above the GC, whose salary has been primarily funded by the Crown Prosecution Service of England and Wales, is due to retire in 2015, and the SG, whose salary has been funded by the Dutch Prosecution Service, is to retire in 2016. This financial support will cease after the SG and GC retire.

The CM's position has been funded by the Danish Prosecution Service, while they will continue to provide support to the IAP, they will decrease their contribution to the CM's salary over the next number of years. The President said the IAP was very grateful for all of the support received from these organisations. He said that as the IAP was approaching its 20th anniversary it was good that it had to start thinking of new ways to support itself and that it should be self-reliant. He said it was important to discuss ways of finding new sources of income. He noted that this was also being discussed by the Executive Committee.

The President reported that individual member's fees had been fixed at US\$40 or €40 for a long time. The Euro is the currency in which the IAP transacts its business. He noted that the currencies were not equivalent and that the IAP was incurring costs converting the US Dollar fee into Euro. The Executive Committee had agreed to propose to the General Meeting that the individual membership fee be increased to €50 per year. A currency converter would be incorporated into the website so that those paying their membership dues online could see the cost in their local currency. He invited comments from the members. None were forthcoming.

He invited the membership to indicate whether they agreed to the proposal to increase the fee to €50. There were no objections or abstentions. The proposal was unanimously agreed by the meeting.

The IAP will continue to try to recruit new organisational members. It will also talk to existing members to see if they can afford to pay more. At the moment associations pay a fee of €2 per member and some may be in a position to increase this.

The President said he was optimistic that the IAP will be in position to pay the salaries of the SG, GC and CM while continuing to do more work for members in new areas such as the proposed terrorism network discussed during the conference. The Executive Committee has also been reviewing the structure of organisation and is considering proposals for change. No conclusions have been reached, but it is hoped to make decisions at the next Executive Committee meeting and to bring proposals for change to the next General Meeting in Zurich.

The SG noted that the yearly income from membership dues is approximately €300,000. He said it was important to show what the IAP offers members. He said the development of different language versions of the website was important in doing this. He also said that it was important, when discussing increasing membership fees, to show that the IAP was also reducing expenses. For example, he said the newsletter would now only be available electronically and that this would save approximately €20,000 per year in printing and postage costs. Once a year however they would publish a hard copy newsletter, perhaps in the format of a short annual report, which would be posted to members.

The Executive Committee has agreed a Travel Protocol for IAP Officials. The SG said it formalised existing practice whereby travel is only undertaken where necessary and by the most appropriate personnel. For example, rather than a member of the Secretariat travelling, there may be local members who could represent the IAP at certain events.

The SG reminded members that when they paid their membership subscription online they could opt to make a donation to the granting programme. The granting programme sponsors the attendance of prosecutors from developing countries at conferences. The SG noted that several delegates were attending this conference through the granting programme. He thanked Dubai Public Prosecution for waiving the registration fee of those attending through the granting programme. He also thanked John Cauchi, an individual member from Australia, who had donated AUS\$300 to the granting programme during the conference.

The President invited any questions or comments from the membership at the meeting. Nothing arose.

The Executive Committee's nominations for election had been published through the IAP website and IAP Newsletter (62) in accordance with the rules of the IAP Constitution (Article 8).

The Executive Committee had nominated Rory Field, Director of Public Prosecutions, Bermuda, as Vice-President for North America and the Caribbean, and Cheol-Kyu Hwang, South Korea, as Vice-President for Asia & Pacific. Both candidates stood and were duly elected by the meeting by acclamation.

The Executive Committee had nominated Satyajit Boolell, Director of Public Prosecutions, Mauritius, and Serge Brammertz, Prosecutor ICTY, Belgium for re-election. Both candidates stood and were duly elected by the meeting by acclamation.

The Executive Committee had nominated the following for election: Mohammed Ahsan, Deputy Director of Public Prosecutions, Denmark; Nicola Mahaffy, Crown Counsel British Columbia, Canada; Runar Torgersen, Senior Public Prosecutor, DPP's Office Norway; Christopher Toth, Deputy Executive Director, National Association of Attorneys General and Director, National Attorneys General Training Research Institute, United States; Trakul Winitnaiyapak, Attorney General, Thailand; and Hu Zajun, Deputy Prosecutor General, People's Republic of China.

Each candidate present at the meeting stood and all were duly elected by the meeting by acclamation. Hu Zajun was unable to attend the meeting but was also elected by the meeting by acclamation.

The Conflict Committee is established by Article 17 of the Constitution of the IAP. Articles 17(1) and 17(5) setting out the role and membership of the Committee were recited at the meeting. The Executive Committee had nominated the following persons as members of the Conflict Committee: Cheol-Kyu Hwang; Francois Falletti; Henk Marquart Scholtz; Siri Frigaard; and Oleksandr Shynalsky. They were duly elected by the General Meeting there being no other nominations.

In accordance with Article 16 of the IAP Constitution members had been informed in advance of the intention to propose two amendments to the Constitution for approval by the meeting.

The first amendment was to Article 11.1 of the Constitution. As members were already aware there are proposals to review and redraw the regions within the IAP. While the number of regions is not specifically referred to in the Constitution the number of Vice-Presidents is. In the past each region has had its own Vice-President.

The proposed amendment would allow for the election of a greater number of Vice-Presidents and give the IAP the possibility of creating new regions. For example, as

the IAP is now very active in the Middle East, it is likely there will be a new region for the Middle East and North Africa. Due to the requirement to give advance notice to the membership regarding the election of a Vice-President there was no proposal at this meeting to elect new Vice-Presidents, however, it is hoped to do so for the next meeting.

The proposed amendment was as follows:

*The number of Vice-Presidents shall be determined by the Executive Committee and shall be no fewer than 5 and no more than 9. Where there is an increase in number it shall take effect at the General Meeting next following the Executive Committee's decision subject to the applicable provisions regarding notice being met. Where there is a decrease in number the serving Vice-Presidents shall remain in office until the end of their mandates.*

There were no objections or abstentions and the amendment was unanimously agreed by the meeting.

The President said members would be aware of the very close relationship between the IAP and L'Association Internationale des Procureurs et Poursuivants Francophones (AIPPF). To bring this cooperation even closer both bodies had agreed to send a member onto each other's Executive Committee. This required an amendment to the IAP's Constitution and it was proposed to insert an additional Article 8.12.

The proposed amendment did not make specific reference to the AIPPF to allow for the possibility of the IAP entering into similar arrangement with another organisation in the future without the requirement to amend the Constitution. However, if agreed, it was proposed to add an Annex to the Constitution to explain the rationale for its adoption.

The proposed amendment and Annex 5 were as follows:

*The Executive Committee may enter into arrangements with organisations of prosecutors which are based on regional, cultural, linguistic or other links between their members. Such arrangements may include providing for a representative nominated by such organisation to be a supernumerary member of the Executive Committee, subject to the approval of the General Meeting of the Association. The Executive Committee may make any rules necessary for the purpose of this paragraph and may terminate any arrangement made pursuant to this paragraph.*

*Article 8.12 was drafted primarily in order to facilitate the admission of a representative nominated by the Association Internationale des Procureurs et Poursuivants Francophone to the Executive Committee which the Executive*

*Committee agreed to do at its meeting in Quebec City on 8-9 May 2014. The amendment is, however, drafted in general terms so as to allow for the possible conclusion of other similar arrangements*

The following statement from the Executive Committee was then read to the general meeting:

*"The Executive Committee has decided that in the event of the General Meeting accepting the proposed amendment to Article 8 of the Constitution it would agree to the appointment of a nominee of the Association Internationale des Procureurs et Poursuivants Francophone to be a supernumerary member of the Executive Committee, pursuant to Article 8.12 of the IAP Constitution, and seeks the agreement of the General Meeting to such an appointment."*

The President invited any comments or observations from the members. It was clarified that the proposed Article 8.12 was a new insertion to the Constitution and did not replace any existing part of the Constitution.

There were no objections or abstentions and the amendment was unanimously agreed by the meeting.

On foot of this decision, Sabin Ouellet, who the President noted had already done a great deal of work for the IAP, was appointed to the Executive Committee.

The GC is responsible for the work programme of the Association. She updates members regularly on the work programme and plans in the newsletter and said she would provide a brief overview of some of her responsibilities to the meeting.

The business plan is published on the website. The GC noted that the 2013-2014 business plan was coming to an end.

A review of the plan as well as the proposed plan for 2015 – 2016 will be published on the website shortly. Before the closing session of the conference she will present a review of the recommendations from the last Annual Conference and progress on implementation. The recommendations have been incorporated into the IAP's business plan. She will also report on the draft recommendations emerging from this conference.

She reminded members about the UNODC/IAP Guide on the Status and Role of Prosecutors which had been launched just before the General Meeting. She noted other significant publications including the OSCE/IAP Practical Guide to Prosecuting Hate Crime and the IAP Prosecutorial Guidance for Cases of Concurrent Jurisdiction which is available on the website.

She noted that there were now three specialist websites - GPEN, TIPP and FICJ. She encouraged members who wanted to get involved in these networks to log onto the websites. She said that the development of further new specialist websites was under consideration.

She invited members who wanted more information to talk to her. If members were interested in contributing she asked them to let her know so she could add them to her database.

The SG reminded the members that the IAP Standards are the key document of the IAP and that every member committed to the Standards when they joined. He encouraged members to promote them among colleagues and in training programmes. He quoted the extracts from the Standards to the meeting.

The CM mentioned the new IAP website and the launch of the Arabic website at the conference. She noted also the link between the AIPPF and IAP website and that IAP members who have indicated that they are Francophone are also automatically members of the AIPPF.

She asked members to pay special attention to emails which will issue shortly in relation to new user menus. In particular she highlighted there will be new duties for contact persons which will be outlined in these communications, in particular, they will be responsible for identifying expert contacts in their organisation.

She encouraged members to visit the website and to take active part in the discussion forums.

It is intended to host the next conference in The Hague on 4th and 5th June to coincide with the 20th anniversary of the foundation of the IAP. The anniversary will be on 6th June and it is hoped to organise an event to mark the occasion on Friday 5th June.

The Russian Federation will host this conference in Sochi. The dates are to be confirmed but it will be held between the end of March and May.

This conference will take place in Rio De Janeiro, Brazil, from 5th to 7th October 2015. The event has been published at this conference and there will shortly be an announcement about it on the website.

The President noted that several longstanding members of the Executive Committee, including two Vice-Presidents, were retiring from the Committee. He noted that among them was Dr. YE Feng who held the record as the longest serving member of the Executive Committee.

According to the IAP Constitution (Article 4.1) the General Meeting, on recommendation of the Executive Committee, may elect as an honorary member of the Association any person who has made an outstanding contribution to the Association's work and who in the opinion of the General Meeting is deserving of such distinction. The following were elected as Honorary Members:

- Dr. YE Feng , IAP Vice President of Asia & Pacific, Former Member of the Prosecuting Committee of the Supreme People's Procuratorate of the People's Republic of China;
- Wendy Stephen QC, IAP Vice President of North America and the Caribbean, Crown Counsel, British Columbia, Canada.
- Siri Frigaard, IAP Executive Committee Member, Chair of the IAP Awards Committee, Chief Public Prosecutor and Director of the Norwegian National Authority for Prosecution of Organised and Other Serious Crime, Norway.

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

#### **Certificates of Merit:**

The IAP Certificate of Merit is awarded as an expression of the Association's gratitude to members of the IAP (individual or organisational) for their pursuit of the Objects of the Association. Certificates of Merit can also be awarded to non IAP members as an expression of the Association's gratitude for supporting the association.

The Executive Committee recommended the following to receive Certificates of Merit:

- The Office of the Prosecutor General of the Russian Federation for hosting the 18th IAP Annual Conference and General Meeting in Moscow, Russia, 8 – 12 September 2013. This award was presented at the Opening Ceremony of the Annual Conference on 24th November;
- The Office of the Director of Public Prosecutions in Zambia for hosting the 3rd IAP African and Indian Ocean Conference in Livingstone, Zambia, 2 – 4 March 2014;
- The State Attorneys Office of the Republic of Croatia for hosting the 14th IAP European Regional Conference in Zagreb, Croatia, 26 – 28 March 2014;
- The Australian Association of Crown Prosecutors (AACP) for co-hosting the 9th IAP Asia, Pacific and the Middle East Regional Conference jointly with the Annual Meeting of the AACP;

- Directeur des poursuites criminelles et pénales du Québec for hosting the 37th Meeting of the IAP Executive Committee in Quebec, Canada, 9 – 10 May 2014;
- Ruslan Hajiyev of the General Prosecutor's Office of the Republic Azerbaijan. He expressed his appreciation to the IAP for this award.

The GC updated the meeting on the work of the Senate which is composed of retired members of the Executive Committee. She said the Senate has become much more active in recent years under the chairmanship of Nicholas Cowdery.

She noted the valuable work done by them in relation to the Prosecutors in Difficulty Protocol. She said that they are also available to do consultative work and are often involved in training and capacity building projects.

Nick Cowdery reported that there are currently 40 senators with over half being active members and that the numbers were growing. He said the Senate was a rich resource available to the IAP. He noted that while the Senate can act on matters on referral from the Executive Committee, it could also do so on its own merit. He invited members who had anything they wished the Senate to investigate to let them know through the secretariat. He asked that, given the resurgence of the Senate, it be added as a standing item for future general meetings.

The next General Meeting will take place on Wednesday 16th September in Zurich, Switzerland.

The President highlighted the importance of attending the Annual General Meeting as it is the members' association. He thanked all those present for coming.

## **EXECUTIVE COMMITTEE MEETING, BAHRAIN, 8 - 9 APRIL 2015**

The President opened the meeting by thanking our host Dr. Ali Albuainain.

He gave a special welcome to the 7 new members of the Committee: Mohammad Ahsan (Denmark), Nicola Mahaffy (BC Canada), Sabin Ouellet (Quebec Canada), Runar Torgersen (Norway), Christopher Toth (DC, USA), Trakul Winitnaiyapak (Thailand) and Mrs. Zejin HU (China) who were all present at the meeting (except for Mrs. HU).

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

To stimulate a permanent cooperation between institutions dedicated to the training of prosecutors around the world, which are willing to share their training materials as well as to allow the participation of foreign prosecutors in some of their web-based

trainings, seminars, courses, conferences and congresses it was agreed to move forward with the IAP Prosecutorial Training Center Network.

Also the proposals for the establishment of an IAP Network for Anti-Corruption Prosecutors (NACP), an IAP Network for Heads of Prosecution Services, and an IAP Counter Terrorism Prosecutor's Network (CTPN) were supported and project plans will be presented during Annual Conference in Zurich.

A proposal to set up a joint specialization course on International Criminal Law and practice for young prosecutors annually in Siracusa in Italy was approved.

The set up of a network of practitioners working on conflict related sexual violence crimes was approved and a presentation is planned during the Annual Conference in Zurich in September this year. (PSV)

Regarding the vacancy of the position of General Counsel it was agreed to set up an interview group for advising the Executive Committee about the applicants.

Regarding the role and position of the SG and GC it was agreed to propose an amendment of the articles 8.3, 12.3 and 13.3 of the Constitution.

Regarding the composition of the Executive Committee it was agreed to support the nominations of following candidates for Vice-President:

- MENA Region: **Dr. Ali Albuainian**, Attorney-General, Bahrain;
- European Region: **Alexander Zvyagintzev**, Deputy Prosecutor-General, The Russian Federation.

It was agreed to support the nomination of the following candidates for Ordinary Membership:

- **Thomas Burrows**, Senior Counsel for Multilateral Matters, USA (re-election);
- **Bruno Fiannaca**, Deputy DPP, Western Australia;
- **Martin Ocampo**, Prosecutor-General of Buenos Aires, Argentina;
- **Vitaliy Kasko**, Deputy Prosecutor-General, Ukraine.

As the new Chair of the Award Committee Sabin Ouellet was elected.

The financial report was presented and it was agreed that Jean Francois Thony and Runnar Torgersen will be the new members of the Foundation Treasury IAP replacing Mike Kennedy and Wendy Stephen.

The SG will present the definitive Reports on the financial accounts 2012, 2013 and 2014 before May 2015.

There was a need to elect a new member of the Standing Committee of Prosecutors in Difficulties because of the the fact that Sal Vasta, Australia, who has been

appointed judge, left the Executive Committee. Billy Downer, South Africa, was elected as new member of this Committee.

A proposal for organising an IAP Regional Conference in Sochi, Russia, was presented and supported by the Executive Committee.

A bid from the Prosecutor-General of Finland, Matti Nissinen, to host the 41<sup>st</sup> meeting of the Executive Committee in Helsinki was accepted.

## THE 20TH ANNIVERSARY OF THE INTERNATIONAL ASSOCIATION OF PROSECUTORS

With a reception in Museum Panorama Mesdag in The Hague we have celebrated the 20<sup>th</sup> anniversary of the IAP (6 June 1995, Vienna).

It was great to meet Senators like Barry Hancock, Eamon Barnes, Werner Roth, Lazlo Venci, Virgil Ivan-Cucu and Oleksandr Shynalski again and members of our Association and many representatives from other legal institutions like Eurojust, ICC and ICTY.

We are most grateful for the financial support of the Dutch Prosecution Service that covered all the expenses.

## ANNUAL CONFERENCE IN DUBLIN, IRELAND, IN SEPTEMBER 2016

In June 2015 IAP officials visited Dublin, Ireland, to discuss with the DPP of Ireland, Claire Loftus and her staff the preparations for the 21<sup>st</sup> IAP Annual Conference and General Meeting in September 2016 and we visited the venues of the events. We were impressed (again) by the way they are working on this big event and we are convinced of the success of this conference.



Mr. Derk Kuipers,

Secretary-General IAP

The Hague, 5 September 2015