

IAP History September 2002 –March 2009

Annual Conference 2002

The IAP 7th Annual Conference was held at the Queen Elizabeth II Conference Centre in London, England on 8-12 September 2002. It was the largest conference to date with total registrations of 570 from 75 countries.

Sunday 8 September

The opening of the conference took place in the Great Hall of Lincoln's Inn, an impressive and historical venue. The President welcomed participants and invited the Right Honourable Harriett Harman, QC, MP, the U.K. Solicitor General, to open the conference. Our host, Sir David Calvert-Smith, QC was appointed conference President and also welcomed colleagues to London.

Monday 9 September

On Monday 9 September the working sessions of the conference began with the now customary presentation of the IAP Awards.

The opening address of the conference was given by the Rt. Hon. The Lord Goldsmith, QC, the U.K. Attorney General, who told the conference of the importance of the conference's theme, "The Threat of Global Crime: Trafficking in Humans, Drugs and Money" and of his hopes for positive outcomes from our discussions and deliberations. The President acknowledged the Conference Vice-Presidents – Daniel Bellemare, QC (Canada), Richard Buteera (Uganda), Carlos Donoso Castex (Argentina), Boowhan Han (Korea), Raija Toiviainen (Finland) and Laszlo Venczl (Hungary).

Sir David Calvert-Smith, QC took the chair for the morning's keynote speeches from Lee Myung Jae (Korea), Professor Jorg Albrecht (Director of the Max Planck Institute) and Dr Penuell Maduna (Minister of Justice of South Africa). The morning concluded with presentations on the theme of trafficking in humans from Sirisak Tiyapan (Thailand), Ingela Klinteberg (Sweden) and Thomas Burrows (U.S.A.) and the afternoon's workshops were introduced by Anna Korvinus (The Netherlands) and Eunice Shang-Simpson (England and Wales). The session was chaired by Knut Kallerud (Norway).

The evening saw the Conference Dinner held in the Benjamin Britten Lounge of the conference centre with a splendid view of the floodlit Westminster Abbey. The guest speaker was Elish Angiolini, a former front-line prosecutor and now the Solicitor

General for Scotland, who was introduced by Colin Boyd, QC, the Lord Advocate of Scotland.

Tuesday 10 September

Our second full day began, in a session chaired by Chris Newell (England and Wales), with feedback from the workshops on human trafficking. There were lively reports from Kristina Tollbaeck (Sweden), Lloyd Babb (Australia), Kamudoni Nyasulu (UNMIK), Eithne Casey (Ireland), Ogheneruona Igoyovwe (England and Wales) and John Foulsham (Australia).

Boowhan Han (Korea) then took the chair to introduce three keynote addresses on the day's theme of trafficking in drugs. Three varied views came from Mary Lee Warren (U.S.A.), Zhao Hong (China) and Bob Ainsworth, M.P. (U.K.). The theme was further developed by Commander Alan Brown (U.K.), Bill Hughes (England and Wales), Rafael Macero de la Concha (Mexico) and Andrew Wells (UNDCP) before Cheryl Hughill (U.K.) introduced the afternoon's related workshops.

In the evening participants were entertained at a reception by the Vice-President and Chief Executive of the Law Society of England and Wales at the Law Society's Hall. The occasion was a delightful one and the Association was honoured to be hosted by the professional body of solicitors in England and Wales.

Wednesday 11 September

Our Wednesday programme coincided with the first anniversary of the tragic events of 11 September 2001 and the day began with a commemorative session, chaired by Sir Alasdair Fraser, QC (Northern Ireland), which focused on the impact on us all of terrorism and its links with international crime. The President asked those present to mark the occasion with a minute's silence. Presentations which keyed on the local, regional and international perspectives were delivered by Michael Chertoff (U.S.A.), Hans Nilsson (Council of the European Union) and Jean-Paul Laborde (UNCICP).

The conference were then addressed by Raj Joshi (England and Wales) on the work for the rest of the morning and participants divided into four regional fora to discuss the way forward on the conference's main themes.

At 13.46 (08.46 New York time) participants observed the national minute's silence.

In the afternoon Egbert Myjer (The Netherlands) chaired the feedback session from the workshops on drug trafficking. Once again the quality of the feedback was high and presentations from Lise Tamm (Sweden), Ahn Sang Don (Korea), Tormod Bakke (Norway), Gordon Lerve (Australia) and Sally Cullen (U.K.) represented the detailed discussion which had gone on the previous day.

The day concluded with the Association's 7th General Meeting.

Thursday 12 September

Richard Buteera chaired the feedback session from the regional fora during which the speakers were Jules Nabben (The Netherlands), Dan Alsobrooks (U.S.A.), Josaia Naigulevu (Fiji) and Billy Downer (South Africa).

Carlos Donoso Castex then took the chair to introduce Rosalind Wright (U.K.) who took the conference on a tour of the problems posed by money laundering and some of the solutions which are being used to combat them.

The plenary session on money laundering saw a first for an IAP conference. The first speaker, Tan Siong Tye (Singapore) appeared on a live video link from Singapore. The chair, Laszlo Venczl, then introduced Lynette Davids (South Africa), Carol Sergeant (United Kingdom), Jean-Baptiste Carpentier (France) and Perry Quak (The Netherlands). The issues which had been highlighted were then discussed in an animated question and answer session involving Kim Prost (Commonwealth Secretariat), Mark Prentice (Ernst and Young), Robert Wallner (Liechtenstein) and Lorna Harris (U.K. Central Authority) and chaired by John Ringguth (England and Wales).

To round off the consideration of the main theme of the conference Peter Lewis (England and Wales) chaired a general question and answer session in which Nicholas Cowdery, Q.C., Bulelani Ngcuka (South Africa), Sir David Calvert-Smith, Q.C., Thomas Burrows and Darryl Saw, Q.C. (Hong Kong, China) took a wide range of questions. Finally, Nigel Sweeney, QC gave a taste of next year's conference by detailing the problems of prosecuting terrorism cases and Matthew Martens (U.S.A.), invited participants to visit Washington, D.C., U.S.A. in August 2003 for the 8th Annual Conference.

The President closed the conference and thanked all those who had been concerned with its organisation, in particular Sir David Calvert-Smith and his colleagues, our hosts. The conference finished with an informal party at which participants were able to say their last goodbyes to colleagues after a busy week.

IAP Awards 2002

The Medal of Honour had already been presented to Dr Simon Wiesenthal and a video recording of the ceremony was shown to the audience.

The Special Achievement Award was presented to a joint team of Canadian Federal and Provincial prosecutors for their efforts in prosecuting a major drug gang known as the Manitoba Warriors. Bob Morrison, QC, Chris Mainella and Michael Foote accepted the Award on behalf of their colleagues and spoke of the pressures from all sides experienced by prosecutors in high profile cases. Bob Morrison said :

“First ... our reach in the cases we take on is becoming wider and with that the challenges we face are becoming more varied. I'm sure those challenges will take many forms but we all have to be ready for them. We will all have to learn new skills. Secondly, and perhaps more importantly, you should know that this organization has a very broad reach. At home when word of this honour became known there were suddenly accolades in the media about the work we did in this case. One could almost see rose petals falling from the sky. We do hard work - this organization can help greatly in many ways.”

Chris Mainella added,

“I believe that all of you here today understand that people choose to be prosecutors not for great riches or fame, but because they have a commitment to the rule of law, the pursuit of justice and to serving their communities. There is no greater reward for a prosecutor than the long walk back to the office after a case is concluded with a feeling of quiet satisfaction that the right thing has been done whatever the ultimate result.”

The IAP’s Certificate of Merit was awarded to the Office of the Director of Public Prosecutions of New South Wales for hosting the 2001 Annual Conference. Gordon Lerve accepted the Certificate on behalf of his office. The Certificate of Merit was also presented to retired members of the Executive Committee – Endre Bocz (Hungary), Alfred Nasaba (Uganda), Kim Zin-Hwan (Korea), Yuri Chaika (Russian Federation), Virgil-Constantin Ivan (Romania), Severino Gaña (Philippines), Akio Harada (Japan), Carl Joseph (St Vincent and the Grenadines), Jose Madrazo Cuellar (Mexico), Friedrich Matousek (Austria), Kunihiro Matsuo (Japan), Kanit Nanakorn (Thailand), Nicola Crutchley (New Zealand), Jim Robinson (U.S.A.), Werner Roth (Germany), Suchart Traiprasit (Thailand). Werner Roth, speaking on their behalf, spoke of his satisfaction in the development of the Association over such a short period of years.

Finally, John Kaye (U.S.A.) accepted a special Thank You Certificate on behalf of Susan Schroeder from his office who had so effectively represented the IAP at the United Nations on its application for special consultative status.

Executive Committee meets in London

The President welcomed 21 members of the Executive Committee and 2 representatives of members to the conference meeting 2002 at the Headquarters of the Crown Prosecution Service in London on 7 September.

Applications for organisational membership had been received from the prosecution services of Brunei Darussalam, Liechtenstein, Lithuania and Manitoba and they were admitted. This brought the number of organisational members to 88. Members of the Committee were each given target countries/jurisdictions for future recruitment.

The terms of Yuki Furuta (Japan), Boowhan Han (Korea), Wichian Wiriyaprasit (Thailand) and Laszlo Venczl (Hungary) were due to expire in 2003.

Barry Hancock was reappointed as General Counsel for six years.

The report of the Secretary-General was received. The Treasury was in good order. Ireland had agreed structural support which went with that received from Denmark. These contributions were gratefully acknowledged. Henk Marquart Scholtz thanked Canadian government for the further development of the French website and the IAP website in general. Thanks also went to the Agence Intergouvernementale de la Francophonie for financial support for interpretation at the conference, helping with the website and assisting the attendance of francophone prosecutors. The General Counsel presented his report and outlined plans for European and Asia/Pacific regional meetings in February and March 2003.

There was a letter of apology from Yuri Chaika who had not been able to come to London. He had invited the IAP to attend on 4th October the celebration of the 200th anniversary of the Russian Ministry of Justice. There was discussion about the cost of attending conferences and whether they should last four or five days.

General Meeting 2002

1. The President in opening the meeting welcomed those honorary members who were present, Eamonn Barnes (Ireland), Minoru Shikita (Japan) and Dato Steenhuis (The Netherlands).
2. The rules of procedure were adopted.
3. The minutes of the previous meeting in Sydney were adopted.
4. Minoru Shikita and Henning Fode (Denmark) were re-elected as Vice-Presidents of the Association.

The President then handed over the chair to the senior Vice-President, Minoru Shikita, and acknowledged the honour done to him by the Emperor of Japan in awarding him the Order of the Rising Sun, with Gold and Silver Stars.

Nicholas Cowdery, QC was re-elected President of the Association.

Henk Marquart Scholtz was re-elected Secretary-General of the Association.

6. Klas Bergenstrand (Sweden) and Wichian Wiriyaprasit (Thailand) had been co-opted as members of the Executive Committee. David Calvert-Smith, QC (England and Wales), Basile Elombat (Cameroon) and John Kaye (U.S.A.) were re-elected to the Executive Committee.

Wendy Abraham, QC (Australia) and Carlos Donoso Castex (Argentina) were elected to the Executive Committee. The President emphasised that Carlos Donoso Castex was the first to be elected on the recommendation of ordinary members and he encouraged further such nominations. There was a protocol for nominations on the website. Carlos Donoso Castex expressed his thanks to Wendy Stephen (Canada) and Michael Horowitz (U.S.A.) for their help, encouragement and support.

7. Jiang Qiong (China) was re-elected to membership of the Conflict Committee, Eamonn Barnes was elected as Chairman and Betty Montgomery (U.S.A.), Paul Ngarua (Swaziland) and Werner Roth (Germany) were elected as members.
8. The Secretary-General presented the Annual Report and emphasised that the IAP was now represented in 117 countries; new members included prosecution services from Brunei Darussalam, Liechtenstein, Lithuania and Manitoba.

The website was 5 years old and regularly received 1,000 hits a month. It contained a great deal of information and useful speeches. There was a hyperlink to the French website and this had been made possible by the Government of Canada and the Agence Intergouvernementale de la Francophonie.

9. The Secretary-General reported that the IAP's finances were relatively healthy and presented the report of Ernst and Young accountants. The accumulated fund had increased by about Euros 45,000 because of the growth of the IAP and the strength of the US Dollar against the Euro – most of the income was in Dollars and most of the expenditure was in Euros. The Governments of Denmark and Ireland were thanked for their structural support. The Government of The Netherlands also made significant contributions as did the Government of France through the Agence Intergouvernementale de la Francophonie. The Government of Canada gave support for specific projects.

It was agreed that individual membership dues should stay at \$US30.

There were gaps acknowledged in the spread of the membership. The Secretariat was active and the President asked all participants to use their contacts to bring in more members.

The Sponsorship protocol had been displayed on the website for 11 months and reproduced in the latest volume of the Newsletter. No adverse comments had been received and its adoption was proposed by Annabelle Bolt and seconded by David Calvert-Smith QC. The protocol was then adopted by the General Meeting.

10. The General Counsel detailed some of the projects in which the IAP would be involved in the coming year. He acknowledged the contribution of Carlos Donoso Castex in translating the IAP Standards into Spanish and hoped that in the coming year a Spanish website could be created. Tim O'Sullivan (England and Wales) welcomed the re-adoption of the \$US30 fee for individual members.
11. The President thanked Daniel Bellemare for the assistance to the Secretariat now being provided by Elaine Krivel QC who spoke of the results to date of her work on the IAP/UN questionnaire on the ratification of the UN Convention on Transnational Organised Crime. Barbara Dixon of the UN Reform Program spoke of her department's work and Colin Boyd QC made a proposal for an international justice agency.
12. The President asked more organisational members to make commitments to working in accordance with the IAP Standards. The London Action Plan, a list of activities for the IAP which had arisen out of the conference, was adopted.
13. The next conference would be held in Washington D.C., U.S.A. on 10-14 August 2003. In 2004 the conference would be held in Seoul, Korea on 5-10 September. Regional conferences would be held in 2003 in Bangkok, for prosecutors from Asia and the Pacific, on 16-18 February and for Europe in The Hague on 19-21 March.

Zelia Luiz Pierdona talked about the need for diversification at the conferences, the need to involve more junior prosecutors and for further languages. The President was keen to emphasise the need for inclusivity and asked for the assistance of members in achieving this. As ever, finance was often a key to this.
14. The President again thanked the governments of Canada, Denmark, Ireland and The Netherlands for their financial support and also the Government of France for

its support through the Agence Intergouvernementale de la Francophonie. He thanked the governments of Finland and the United Kingdom for their contributions to the Granting Program which enabled 27 prosecutors from 23 developing countries to come to the conference.

15. The next General Meeting would be held in Washington D.C., U.S.A. on 13 August 2003, subject to the conference programme.

As a result of the elections and appointments at this year's general meeting, the composition of the Executive Committee was :

Nicholas Cowdery, QC (Australia) – President
Minoru Shikita (Japan) – Vice-President
Geraldo Brindeiro (Brazil) – Vice-President
Daniel Bellemare, QC (Canada) – Vice-President
Henning Fode (Denmark) – Vice-President
Retha Meintjes, SC (South Africa) – Vice-President
Ye Feng (China) – Vice-President
Henk Marquart Scholtz (The Netherlands) – Secretary General
Barry Hancock (England and Wales) – General Counsel
Wendy Abraham, QC (Australia)
Klas Bergenstrand (Sweden)
Brigitte Bierlein (Austria)
Richard Buteera (Uganda)
David Calvert-Smith, QC (England and Wales)
Michael Chertoff (U.S.A.)
Carlos Donoso Castex (Argentina)
Basile Elombat (Cameroon)
François Falletti (France)
Yuki Furuta (Japan)
Boowhan Han (Korea)
John Kaye (U.S.A.)
Fikrat Mammadov (Azerbaijan)
Egbert Myjer (The Netherlands)
László Venczl (Hungary)
Wichian Wiriyaprasit (Thailand)

New organisational members

In addition to the four new organisational members admitted at the meeting of the Executive Committee of 7 September, five more organisations applied for membership during the week of the Conference. They were:

The Parquet General of Togo

The Ministère Public of Rwanda

The Parquet General of Congo Democratique

The Parquet General of Senegal

The Granting Programme

The year's Granting Program was supported by the governments of Finland and the U.K.. Their financial support enabled 27 colleagues from 23 developing countries to attend the conference. In addition the Agence Intergouvernementale de la Francophonie gave financial support to a number of participants from francophone countries. The IAP was extremely grateful for this support and invited other countries to share the burden of the granting program for the 2003 conference.

The Executive Committee meets in Lyon

The Executive Committee's Northern Spring Meeting was held on 6-8 April 2003 in Lyon, France and was generously hosted by Executive Committee member François Falletti. Indeed François and Madame Falletti set the tone for the whole meeting with a delightful gathering at their apartment.

The meeting was held in the Palais de Justice in Lyon. Those present were the President, the Secretary-General and the General Counsel; Vice-Presidents Daniel Bellemare, Henning Fode, Retha Meintjes and Ye Feng; and members Klas Bergenstrand, Brigitte Bierlein, David Calvert-Smith, Basile Elombat, François Falletti, Boowhan Han, John Kaye, Fikrat Mammadov, Egbert Myjer and Laszlo Venczl. Michael Chertoff was represented by Carl Alexandre and Dick Rogers, and Wichian Wiriyaprasit by Sirisak Tiyanpan.

The minutes of the previous meeting were adopted and the Secretary-General reported on the admission of new organisational members, the Ministerio Publico of Chile and the French Ministry of Justice.

The meeting considered nominations for membership of the Executive Committee. Yuki Furuta and Boowhan Han were not seeking renomination. Laszlo Venczl, Wichian Wiriyaprasit, Richard Buteera and Klas Bergenstrand were renominated. Ali Nassir al Bualy (Oman), James Hamilton (Ireland), Lim Mae Hyung (Korea) and Raija Toiviainen (Finland) were nominated for election.

The financial report for 2002 and the budget for 2004 were approved. The members of the Executive Committee presented their annual activity reports.

A policy on the use of IAP shields was agreed. The Secretary-General will keep a list of shields presented as gifts.

The President updated the meeting on progress with the Human Rights Manual. He was looking to launch the Manual in August. The Committee approved the final draft of the amended Constitution which will be displayed on the website and put to the General Meeting in August for approval.

Arrangements for the 2003 Annual Conference were discussed (see above). The theme for the 2004 Conference in Seoul, Korea would be "*Different systems - common goals*". The main purpose was to see how we all seek through our own criminal justice systems seek the same ends.

There would again be two regional conferences in the next year. A Pacific Prosecutors' Forum had been established under the aegis of the IAP. There was encouraging, increasing support from Francophone countries.

The Executive Committee was delighted to meet with French Minister of Justice, M Dominique Perben, who, in an address to the Committee, endorsed his Ministry's new membership of the Association. This was a fitting climax to the meeting. In addressing the future rôle of the IAP the Minister said :

"We should compare different national systems and the IAP is a valuable framework for exchange. It will also play an important part in helping nations which are now building their judicial systems to pick the best from existing systems."

Members were also fortunate to spend a morning at Interpol Headquarters and had informative discussions with Director Ron Noble and his staff. We thanked both the Minister and the Director for their time and interest in the IAP.

In between these heavy working commitments we were able to see something of modern, Roman and medieval Lyon, the beautiful second city of France and to sample its culinary delights. Once again we thank François Falletti and his staff for enabling us to have such an enjoyable and extremely productive visit in such a short time.

3rd European Regional Conference

On the evening of 19 March 2003 49 prosecutors from 17 jurisdictions met at the IAP offices in The Hague for the start of the 3rd IAP European Regional Conference where they were welcomed by IAP Secretary-General, Henk Marquart Scholtz. At dinner in a local restaurant participants were forced, albeit willingly, to mix with colleagues from other jurisdictions and begin their learning in an informal way.

Next morning the work of the conference began in earnest with Johanna Hervonen, Roisin Moloney (Northern Ireland) and Alain Putz (France) taking the participants through a comparison of the Scandinavian, common law and civil law systems. Interest was developed in juries, examining judges, disclosure and legality. For many this was a first real analysis of other countries' systems and the interest generated was carried over into the first workshop session. Here participants quizzed each other about the relative strengths and weaknesses of their criminal justice systems. A group of common lawyers from the Crown Prosecution Service of England and Wales, Paul Brookwell, Brinley Hurford, Azra Khan and Charlotte Triggs, reported on the Scandinavian and civil law systems. Similarly, Hans Jørgen Bender (Norway), Ronny Jonsson (Sweden), Roland Schwyter (Switzerland) and Anne Brigitte Stürup (Denmark) shared what they had discovered about the common law.

During the second plenary session, the conference began consideration of the central subject of the conference, "Prosecuting sexual offences". Three speakers, Andre

Vandoren (Belgium), Lisa Eriksson (Sweden) and Sheri Warren (England and Wales) looked at the ways in which domestic legislation has developed in recent years to take into account changing social mores and the needs of society to protect the vulnerable. They also examined the difficulties experienced in prosecuting sexual offences and the steps taken by governments to provide extra-territorial jurisdiction in dealing with sex tourists. The final speaker in the session, Patti Sellers from the International Criminal Tribunal for the former Yugoslavia, gave a harrowing account of how the warring parties in the Balkans had used rape and other serious sexual assaults as a weapon of war.

The second series of workshops was introduced by Katey Rushmore of the Crown Prosecution Service Inspectorate explained the findings of an inspection, carried out jointly with the police inspectorate in England and Wales, of the apparent lack of success of rape investigations and prosecutions. The participants then divided into groups to discuss issues relating to the appropriate questioning of rape victims, access to medical records and a series of issues which they suggested would reduce the failure to report rape in many countries. Feedback was given by Gerhardt Jarosch from Austria and Shona Barrie and Susan Williams, both from Scotland.

The very busy day came to a close with a pleasant reception generously provided by the Mayor of The Hague. We were very pleased to welcome IAP members Michael Kennedy, the President of Eurojust, and his Dutch colleague, Roelofs Jan Manschot.

On Friday morning the conference's attention turned to the issue of child sexual abuse and Joost Hulsenbek (The Netherlands), Julianna Kökényes (Hungary), Bente Roshauw (Norway) and Noreen Landers (Ireland) told the participants of the difficulties experienced in their countries with mounting effective prosecutions. It was, however, heartening to hear of the progress which has been made in recent years. During the session Joost Hulsenbek, who is one of the Prosecutors General of The Netherlands, was presented with an IAP Shield to mark his special contribution to the work of the IAP, and in particular his proposal for and support for our regional conferences.

The workshop activity centred on suggestions for improvement in dealing with the effective prosecution of sexual offences. Feedback was given by Britt-Louise Vicklund (Sweden), Roland Schwyter (Switzerland), Azra Khan and Harry Hadfield (both England and Wales). Proposals included :

- A Europe-wide consistent definition of rape;
- A Europe-wide consistent age of consent;
- The ability to prosecute sex crimes committed abroad;
- Protection of the privacy of victims;
- Pre-investigation counselling for victims;
- Legal representation for victims;
- Children's (victims') evidence to be given on video;
- Better education and training for all within the criminal justice system, including forensic medical examiners;
-

Asia and Pacific Regional Conference

On the evening of 16 February 2003 fifty-one prosecutors from fifteen jurisdictions across Asia and the Pacific met at the Chaophya Park Hotel in Bangkok, Thailand for the first IAP Asia and Pacific Regional Conference. Secretary-General, Henk Marquart Scholtz, welcomed the participants on behalf of the IAP and acquaintances were made as participants enjoyed an excellent Thai dinner while not sitting next to colleagues from their own countries.

Work began in earnest on the following morning when participants were formally greeted by our host, Thai Attorney General and IAP Executive Committee member, Mr Wichian Wiriyaprasit. He was followed by our two Asian Vice-Presidents, Mr Minoru Shikita and Dr Ye Feng. Mr Shikita, the Chairman of the Asian Crime Prevention Foundation, set the scene for the conference with its theme - "Dealing with young offenders". He told of the key rôle which he had played in the development of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing rules) which were to form an important focus in our deliberations. Dr Ye hoped that colleagues would learn from each other in a spirit of co-operation and learning.

The first plenary session consisted of three presentations outlining the key characteristics of different criminal justice systems. On behalf of our hosts the Deputy Attorney General of Thailand, Mr Prapun Naigowit, introduced the conference to his country's system with its mix of historical influences. Although the Thai system is based on the civil law tradition, it has also been influenced by the common law and in the South of Thailand some provinces use Muslim law. By contrast Mr Yuichiro Tachi, a Japanese prosecutor currently working as a Professor at UNAFEI in Tokyo, spoke of his country's classically civil law system with its extremely efficient throughput of cases. Finally, Diane Crebbin from Hong Kong, China explained the workings of a common law jurisdiction which, since 1997, has operated under the principle of "one country, two systems".

The conference then moved to concentrate on the main subject and heard papers on the juvenile justice systems of four totally different countries - China, the world's most populous country; Australia, a common law stronghold; Fijian Islands, an island state with a population of 775,000; and Malaysia, an Asian Muslim country with a common law tradition. Dr Ye Feng, Ms Michelle Fernando, Ms Sophia Shah and Ms Rozi Bainon held the conference rapt while recurring issues of the age of criminal responsibility, diversion and restorative justice, child friendly courts, specialisation and training and sentencing were approached in detail.

The afternoon session was taken up with workshop activity during which the participants considered how their jurisdictions would have dealt with a particularly difficult case which had received intense media and judicial attention for a decade. The case involved two ten-year-old boys who had murdered a young child. There were animated discussions in the workshops and concise but detailed feedback was provided by Mr Sung-Wok Lee from Korea, Mr Eddy Tham from Singapore and Ms Vinci Lam from Hong Kong, China. The issues which provoked most comment were the age of criminal responsibility (which among our groups ranged from 7 to 16), the type of courts used to try young offenders for serious crimes, anonymity for the child defendant and sentencing. There emerged in the plenary discussions which followed an extremely constructive view that in juvenile cases the criminal justice system had a duty to educate and rehabilitate as well as to punish. Another talking point was

whether prosecutors needed to become specialised in dealing with juvenile cases or whether it was better for them to deal with such cases as part of a wider portfolio.

That evening the Attorney General of Thailand hosted a splendid dinner for all participants and the evening continued with an unique exhibition of karaoke and unaccompanied singing. The contributions included folk songs from Japan and Mongolia, a splendid rendition of “I can’t help falling in love with you” and a Beatles medley. Henk Marquart Scholtz amazed all those present with a student song from Amsterdam.

The second working day of the conference began with three presentations on the outcomes from juvenile cases. These covered in particular matters of sentencing, diversion and community involvement. Mr Hak-Eui Kim from Korea told us of the development of the role of voluntary supervisors for young offenders in his system and the dramatic reduction which had been achieved in recidivism. Mr Paolo Martins Chan explained that because of the relatively high age of criminal responsibility in Macao, China, there was no real concept of a young offender and that flexibility in avoiding the stigma of imprisonment enabled intensive education programmes to be put in place which ran to the age of 21. Finally, Henk Marquart Scholtz informed the conference of The Netherlands’ initiative “Justice in the Community” which sought to confront young offenders with the problems raised by their criminality.

The participants again divided into workshop groups in order to design a perfect juvenile justice system. Feedback was given by Ms Lin Lianron, who prosecutes in Taipei, Ms Rosianayati Ahmad from Malaysia and Ms Shufei Huang from China who eloquently drew together the learning of the two days. The age of criminal responsibility proved a difficulty and in the end it was decided that this depended on history, culture and society’s approach to young offending. It was agreed that, although it might not be necessary for prosecutors to specialise in juvenile work, they, and indeed all other professionals in the juvenile justice system required specialised training. Courts should be less formal than for adults and proceedings should be conducted in simple language which the child could easily understand. Speed was desirable, anonymity was essential but reporting was necessary in order to educate the public. Where appropriate and possible young offenders should be diverted from the formal criminal justice process and where court proceedings were unavoidable, sentencing should concentrate on re-education and rehabilitation.

At the end of the conference our Thai colleagues arranged a splendid visit to the breath-taking Royal Palace in Bangkok, including a tour of the State Reception Apartments which are not normally open to members of the public. The IAP thanks them for this and all their hard work and kindness which made the conference possible. In particular we thank Mr Wiriyaprasit for his support, without which we could not have held a successful first regional conference in this part of the world. We also thank our colleague, Sirisak Tiyapan for taking on the key co-ordinating rôle in Thailand. Finally, we thanked the participants, speakers and those who co-ordinated the workshops, along with their heads of office who supported their attendance.

The Secretary-General and General Counsel were very pleased to accompany the Attorney-General on a visit to Chiang Mai, Thailand’s second city, where, amongst the many local delights, they had the opportunity to meet many of the local prosecutors from the city and from neighbouring provinces.

The Prosecutor at the International Criminal Court

On 21 April 2003, the Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC) unanimously elected Mr Luis Moreno-Ocampo of Argentina as the first Prosecutor of the Court. IAP President, Nicholas Cowdery, AM, QC, wrote to Mr Moreno-Ocampo in the following terms :

“Dear Sr Moreno

On behalf of the International Association of Prosecutors (IAP) I congratulate you on your election as Prosecutor of the International Criminal Court (ICC) and look forward to maintaining contact with you and your officers in the future.

The IAP, the only worldwide professional association of prosecutors, is a strong supporter of the ICC and stands ready to assist its smooth and effective operations where possible, by virtue of our global membership and contacts with professional prosecutors in all parts of the world.

The IAP has already had some input into the formulation of a Code of Conduct for Prosecutors at the ICC. We have drawn on our experience of the work of the international tribunals that pre-date the ICC and on the experience of our individual and organisational members generally.

The IAP has its Secretariat in The Hague and all contact details may be obtained from our website at www.iap.nl.com I encourage your Office to consider organisational membership of the IAP and I invite you and your staff to become familiar with our programs and to participate in conferences and other activities where possible. Please contact the Secretary-General for any information required.

If we may assist in any respect, please feel free to contact me, the Secretary-General (Mr Henk Marquart Scholtz, in The Hague) or the General Counsel (Mr Barry Hancock, in London).

We wish you every success in this challenging and important initiative.

Yours sincerely

N R Cowdery QC
President”

On Monday 16 June 2003 the Secretary-General and the General Counsel were honoured to be among the audience at the Peace Palace in The Hague, home of the International Court of Justice, at the ceremony for the solemn undertaking of the Prosecutor of the International Criminal Court (ICC). The ceremony, which took the form of a session of the Court was held in the presence of Her Royal Highness the Crown Princess Maxima of the Netherlands. It was chaired by the President of the

ICC, His Excellency Judge Philippe Kirsch from Canada in front of the entire Bench of the Court :

After Mr Moreno-Ocampo had made his solemn undertaking to the Court, statements were made on behalf of the defence and by Benjamin Ferencz on behalf of prosecutors, William Pace on behalf of the Coalition for the International Criminal Court (CICC) and Mme Billon Ung Boun-Hor on behalf of victims. The Prosecutor then spoke of his hopes for the success of his office in contributing to justice and global peace. After the ceremony a reception was hosted by the Dutch Minister of Justice, H.E. J.P.H. Donner.

Benjamin Ferencz, who spoke on behalf of prosecutors, provided a link with the first war crimes tribunal having been a prosecutor at the Nuremburg trials in the aftermath of the Second World War. Also present was Whitney Harris, now in his nineties, who had similarly prosecuted at Nuremburg.

On the two days following the ceremony the Prosecutor held public hearings to encourage discussion of the policy and regulation documents which the Office of the Prosecutor (OTP) had published. The Chief Legal Adviser to the OTP singled out the IAP for thanks for its work with the CICC in developing a draft Code of Conduct for the OTP. The General Counsel spoke on both days.

Events in Swaziland

There were disturbing reports of the treatment of the former Director of Public Prosecutions for Swaziland, IAP member Paul Ngarua. Accordingly the President of the IAP wrote the following letter to the Prime Minister of Swaziland :

"His Excellency the Prime Minister of Swaziland
Dr Barnabas Sibusiso Dlamini
Prime Minister's Office
PO Box 395
Mbabane
Swaziland

Your Excellency

The International Association of Prosecutors (IAP) is the only worldwide professional association for prosecutors, represented in over 117 countries including Swaziland. As noted above, it is in Special Consultative Status with the Economic and Social Council of the United Nations.

In 1999 the IAP adopted its Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors. They are generally recognised by the United Nations and the international community and are consistent with and reflected in other instruments of universal application. Foremost among those Standards are the independence and impartiality of the prosecutor. Further, it is provided that s/he is to be free to perform his or her professional duties without intimidation, hindrance, harassment or improper interference.

The IAP is extremely concerned at reports that, in the wake of the institution of proceedings against the Attorney General, Mr Phesheya Dlamini, for sedition and contempt of court, the Director of Public Prosecutions (DPP), Mr Paul Lincoln Ngarua (a respected member of the IAP), has been taken by police from his home, once at night, to meetings where he has been told to withdraw the charges or resign, failing which he would be deported.

We also understand that Mr Ngarua's office has been broken into twice by an official of the Ministry of Justice and others and that property has been tampered with and stolen. He and his staff reportedly were locked out of their offices, their telephone line was disconnected and the position of DPP was advertised.

There are reports of wider, but connected, problems also that impact adversely upon the operation of the rule of law in Swaziland. If there are legitimate concerns in which the IAP may be able to be of assistance, we would be pleased to arrange for suitably qualified practitioners to examine the situation and make appropriate recommendations.

We call upon the Government of Swaziland to ensure that there be no politically or otherwise improperly motivated action taken against the DPP or his staff and that he be assured of the security necessary to enable him to exercise his independent function in a proper manner.

The IAP is required to make its position on events such as these known more publicly. Therefore, we would appreciate urgent advice of your Government's response.

Yours faithfully

N R Cowdery QC
President"

Executive Committee meets in Washington

Eighteen members of the Executive Committee met at the offices of the U.S. Department of Justice in Washington, D.C. on Saturday 9 September 2003. The President welcomed everyone to the meeting and our host, Christopher Wray, welcomed everyone to Washington and to the discussions in the forthcoming conference. The President thanked Carl Alexandre, Julie Wellman and Joanne Maio of the Department of Justice for their work in preparation for the Executive Committee meeting and the conference.

Apologies had been received from Wendy Abraham, Yuki Furuta and Fikrat Mammadov and, especially, from Minoru Shikita who had been unwell. The minutes of the previous meeting were adopted and there were no matters arising. There were no formal applications for organisational membership.

The Secretary-General presented his report. He thanked Korean colleagues for hosting the planning meeting for the 2004 Annual Conference. Thanks went to the

Government of Denmark for structural support; to the Governments of Norway and the Agence Intergouvernementale de la Francophonie for support to the Granting Program; and to the Government of the U.S.A. for encouraging and supporting the conference both directly and through its embassies. The meeting recorded formal thanks to the Secretary-General.

The General Counsel presented his report and drew particular attention to the need for future support for the Granting Program; the need for further work in support of the London Action Plan; work with the Institute for Advanced Legal Studies in London; and work with the International Criminal Court. He also spoke about current and future co-operation with the United Nations.

The President drew the meeting's attention to future potential projects :

- Training for police and prosecutors in Sri Lanka in co-operation with Australian Legal Resources International and ILAC for early 2004.
- Co-operation with the Open Society on a justice reform project on the prosecution process.
- Cities which hosted the Olympics, G8 summits and the like were looking to provide advice for prosecutors in cities which would host such major events in the future.

Daniel Bellemare, Egbert Myjer, François Falletti and Carlos Donoso Castex promoted the need for a forward vision and it was agreed that the General Counsel should produce a draft strategic plan for the Northern Spring Meeting in 2004.

Richard Buteera and others spoke of possibilities for expansion of the IAP into unrepresented countries and this would be included in the strategic plan. There was a need to look at different systems of law, the economics of the involvement of developing countries and translation issues. Individual members also needed to be encouraged to play a wider rôle. It was also agreed that IAP training initiatives needed to avoid duplication with existing projects being run by others.

The General Counsel presented a report on the future development of the website. The Secretariat would look for a website manager who could be spared by an organisational member for a limited amount of time each month. After discussion it was agreed that there would be no members section of the website and that all sections would remain open. The moving logo had just been removed from the home page. The French translation of the Human Rights Manual would soon be available and the costs of publication would be obtained before deciding whether it should be prepared in hard copy or posted on the website. The Standards had been translated into Spanish by Carlos Donoso Castex and would be posted on to the website after the conference.

Egbert Myjer introduced the IAP Human Rights Manual which was to be launched on the first day of the conference. He thanked all those who gave their critical input. François Falletti thanked Egbert Myjer and indicated that the French translation would be available soon.

The theme for the 2004 conference was confirmed as "Different Systems – Common Goals". Lim Nae Hyun, who would lead the team for 2004, assured colleagues of good arrangements for the Seoul conference.

Henning Fode made a formal offer to host the Annual Conference in 2005. This would take place in Copenhagen on 4 – 8 September. The offer was accepted and the President thanked Henning Fode. Members of the Executive Committee were asked to consider ideas for the theme for 2005 and to inform the General Counsel as soon as possible. An Asia and Pacific regional conference would be held in Bangkok at the end of February 2004 and the European event would take place about a month later.

Daniel Bellemare reported on the success of the meeting held in Lyon of colleagues from Francophone countries. There would not be a French section of the IAP but rather French would be used as a facilitating tool. François Falletti reinforced the view and said that the idea was to draw in prosecutors from civil law countries and to fill gaps in the membership. The President thanked both colleagues and the Canadian Department of Justice and the Agence Intergouvernementale de la Francophonie for their support for the activities of the Association.

The proposed event for Attorneys-General in Guatemala was discussed. The President stressed that the IAP was not in competition with this event and that Henning Fode might represent the Association. The next meeting was fixed for Chiangmai, Thailand in late February, early March 2004.

Annual Conference 2003

The 8th IAP Annual Conference was held at the Renaissance Hotel, Washington, D.C. on 10-14 August 2003. The event was hosted by IAP organisational members, the U.S. Department of Justice, the National District Attorneys' Association and the National Association of Attorneys General, and the U.S. Department of State.

The opening event took place in the beautiful surroundings of the National Museum for Women in the Arts. 387 participants and accompanying persons from 75 countries were welcomed by IAP President, Nicholas Cowdery, AM, Q.C., who introduced our conference President and host Christopher A Wray. He in turn welcomed everyone to the American capital and to the conference and our 8th annual gathering was under way. The President also introduced our conference Vice-Presidents, Brigitte Bierlein (Austria), Ali Nassir al Bualy (Oman), Basile Elombat (Cameroon), John Kaye (U.S.A.), Sirisak Tiyanpan (Thailand) and Wang Zhenchan (China).

On the following morning proceedings began with the presentation of the IAP Awards. This was followed by the launch of the IAP *Human Rights Manual for Prosecutors*.

We then moved to consideration of our theme “The Fight against Terrorism : A Global Effort” and our first keynote speaker was Gordon England, Deputy Secretary at the U.S. Department of Homeland Security, who set the context for our discussions. A United Nations perspective was provided in a message from Antonio Maria Costa, Under Secretary-General and Executive Director of the U.N. Offices on Drugs and Crime.

In a session entitled “Overview and trends in international terrorism”, chaired by John Kaye (U.S.A.), John Pistole (U.S.A.), George Dolhai (Canada), Gilles DeKerchove (European Union) and Nobuo Inada (Japan) gave expert insights into the issues involved in investigating and prosecuting terrorist offences.

A major plenary session, chaired by Henning Fode (Denmark), concentrated on the use of the rule of law to counter terrorism. This was first addressed by our President and then Roscoe Howard, Jnr (U.S.A.), Bulelani Ngcuka (South Africa), David Calvert-Smith, Q.C. (England and Wales) and Richard Mosley, Q.C. (Canada). Jean-Paul Laborde (United Nations) took us through the international and national instruments on the prevention, investigation and prosecution of terrorism.

The first day’s work programme finished with participants breaking into their regions to analyse their own regional perspectives on the use of the rule of law to thwart terrorism. That evening at an excellent conference dinner our distinguished speakers were Deborah Daniels, Assistant Attorney General at the U.S. Office of Justice Programs, and Cofer Black, Ambassador at Large for Counterterrorism at the U.S. Department of State.

On Tuesday 12 August Raija Toiviainen (Finland) chaired a session in which Tae Sup Keum (Korea), Norman McFadyen (Scotland), Wendy Stephen (Canada) and Basile Elombat (Cameroon) fed back details of the discussions in the regional fora. Daniel Bellemare, Q.C. (Canada) then led an active question and answer session with panellists who had spoken the previous day.

Central to our consideration of the conference theme was an awareness of the fact that the threat of terrorism can affect us all and in a session introduced by Brigitte Bierlein (Austria), Josaia Naigulevu spoke of how his country, Fiji, had legislated to deal with this. Barry Hancock, IAP General Counsel, spoke of efforts being made by the IAP.

Linda Samuel (U.S.A.) introduced the afternoon’s workshops which she, Gareth Julian (U.K.), Suzanne Hayden (U.S.A.) and Andre Vandoren (Belgium) chaired. Excellent feedback was provided by Minshik Park (Korea), Gordon Lerve (Australia) and Kristina Tollback (Sweden).

Our work on Wednesday 13 August began with a keynote address from John Malcolm (U.S.A.) introduced by Klas Bergenstrand (Sweden). Basile Elombat then took the chair to introduce Bong-Jo Han (Korea) and Francois Molins (France) who spoke of the investigation and prosecution of terrorist-related offences involving use of the Internet. This theme was continued in workshops, prepared by Joel Schwartz and Betty-Ellen Shave of the U.S. Department of Justice and co-chaired by Mike Fisher (U.S.A.). Feedback was provided by Eun Jae Park (Korea), Raj Joshi (England and Wales), Denise Chan (Hong Kong, China) and Rasigie Bhika (South Africa). Ali Nassir al Bualy (Oman) then introduced Andrew Wells (United Nations) and Mary Lee Warren (U.S.A.) who took participants through the worrying links between terrorism and drugs.

The final day of the conference began with a keynote address by Mary Incontro of the FBI on matters relating to biological and chemical acts of terrorism. Henk Marquart Scholtz then passed the chair to Sirisak Tiyanpan for a plenary session on transnational criminal networks. The speakers were Olivier de Baynast (Eurojust), Ian Grenville

Cross (Hong Kong, China) and Andrew Wells who deputised for Eduardo Vetere (United Nations).

Carl Alexandre (U.S.A.) introduced the last workshops. These were chaired by Ronnie Edelman, Theresa McHenry, Mark Shurtleff and John Kaye of the U.S.A. and feedback was provided by Knut Kallerud (Norway), Robert Marchi (Canada) and the Dutch duo, Jules Nabben and Egbert Myjer. The feedback session was chaired by Carlos Donoso Castex (Argentina) and followed a lunchtime presentation by Guy Lewis (U.S.A.).

The President chaired a final question and answer session which brought together the work of the week. Ye Feng (China) introduced Annabelle Bolt (U.K.) and Serge Brammertz (Belgium) who spoke on mutual assistance treaties.

As was by now customary, our last working session looked forward to next year's conference with its theme "Different systems – Common Goals" and participants' appetites were whetted by François Falletti (France) and Bruce Swartz (U.S.A.). We were then invited by the Deputy Prosecutor General of Korea, Jong Bin Kim, to visit his capital city, Seoul, in September 2004 for the 9th IAP Annual Conference and to enjoy the delights of Korea, particularly kimchi.

The President thanked all those who had contributed to the work of the conference, especially our hosts and in particular Carl Alexandre, Julie Wellman and Joanne Maio. We are also grateful to Michael Horowitz and other American colleagues who did so much to make this event possible.

One of the main purposes of the conference is to bring prosecutors together and it was with some sadness that we all said our goodbyes at the delightful final reception. The North American power blackout did not extend to Washington but we hoped that our colleagues were not too much inconvenienced on their journeys home.

General Meeting 2003

The IAP's 2003 General Meeting was held at the Renaissance Hotel, Washington, D.C., U.S.A. on Wednesday 13 August 2003 at 4.45pm. The minutes follow :

1. The President opened the meeting and welcomed those present.
2. The rules of procedure which had been used at previous General Meetings were again adopted.
3. Daniel Bellemare proposed the adoption of the minutes of the previous General Meeting and this was seconded by Laszlo Venczl.
4. There were no matters arising from the minutes.
5. Klas Bergenstrand (Sweden), Richard Buteera (Uganda), Laszlo Venczl (Hungary) and Wichian Wiriyaprasit (Thailand) were re-appointed to the Executive Committee and Ali Nassir al Bualy (Oman), James Hamilton (Ireland), Raija

Toiviainen (Finland) and Lim Nae Hyun (Korea) were appointed for the first time. The President acknowledged Mr Al Bualy as the first Executive Committee member from the Arab world. He thanked Boowhan Han and Yuki Furuta who had resigned from the Committee.

6. The Secretary-General introduced the Annual Report.
7. The Secretary-General presented the financial statement and accounts which had again been prepared by Messrs Ernst & Young at a substantially reduced fee. The thanks of the IAP were passed to them.

The Granting Program was in place this year thanks to the generosity of the Government of Norway and the Agence Intergouvernementale de la Francophonie. Thanks were also due to the governments of Denmark and Ireland for structural support.

There were now 1372 individual members and 96 organisational members. It was hoped that there would be 100 before the next General Meeting.

The President thanked the Secretary-General.

The individual membership fee was fixed at \$US30 for the eighth time.

8. The amended Constitution, which had been published on the website and advertised in the last two Newsletters, was adopted unanimously.
9. The General Counsel presented his report. He drew attention to the French website and to the hopes for a Spanish link before long. He also invited members to provide him with information which would enable links to be made between their websites and that of the IAP.

Details were given of co-operation with the United Nations and the International Criminal Court which would be ongoing.

Finally, the General Counsel asked for the assistance of members on a number of matters :

- Nominations for IAP Awards;
- Nominations for membership of the Executive Committee;
- Articles for the Newsletter and for the website;
- Conference speakers for 2004 – these were needed as soon as possible;
- Offers of support for the Granting Program; and
- Answers to requests for assistance.

The President thanked the General Counsel.

There were 385 persons at the conference, including 57 accompanying persons.

10. Members were asked to inform the Secretary-General of their services' commitment to working within the spirit of the IAP Standards.

11. The Annual Conference would be held in Seoul, Korea in 2004 and in Copenhagen, Denmark in 2005. Next year regional conferences would be held in Bangkok, Thailand and in The Hague, The Netherlands. Full details would appear in the post-conference edition of the Newsletter. Members were asked to consider ideas for the theme for 2005 and to inform the General Counsel as soon as possible. Carlos Donoso Castex suggested that a future conference might consider relations between prosecutors and the press.
12. The Secretary-General asked members to ensure that he had their up-to-date contact details.
13. The next General Meeting would be held in Seoul, Korea during the 2004 Annual Conference between 5 and 10 September.

IAP Awards 2003

The first event of the opening morning of the Annual Conference was the presentation of the IAP Awards. This year no award was made of the IAP Medal of Honour. However, there were two recipients of the IAP Special Achievement Award. Both were American and representatives of the National District Attorneys Association (NDAA). The first was J. Tom Morgan. In his introduction to Mr Morgan, the President said :

“J. Tom Morgan is a veteran career prosecutor serving as the District Attorney of DeKalb County, Georgia, in the United States of America. He was Georgia's first prosecutor to specialize in crimes against children. He has been a teacher of law enforcement officials in more than 30 states of the United States and elsewhere on how to investigate and prosecute cases involving physical and sexual abuse of children.

On December 15, 2000 the newly elected Sheriff of DeKalb County was murdered in the driveway of his home by gunman who had hidden in nearby shrubbery. The murdered public official had promised to expose and end corruption and graft in the Sheriff's office. As a result, the incumbent Sheriff Sidney Dorsey was soundly defeated at the polls and the new sheriff awaited his confirming oath. Instead, he was cut down by 11 bullets fired from ambush. Prosecutor J. Tom Morgan was already investigating the current Sheriff Sidney Dorsey for corruption. Now Dorsey was the prime suspect in the assassination of the new Sheriff Derwin Brown. Morgan risked his reputation and his career by investigating the influential and ruthless Sheriff. As the investigation went on it was discovered that Prosecutor Morgan was also risking his life since he was placed on Dorsey's assassination list. Accordingly, was compelled to wear a bullet proof vest and carry a firearm thereafter.

During the investigation Prosecutor Morgan determined that the Sheriff's Office had been converted into a corrupt organization. It rivalled organized crime gangs and allowed law enforcement officials to enrich themselves and to operate beyond the law, intimidating law abiding citizens and ultimately murdering their adversaries.

Through Morgan's persistent efforts Sheriff Dorsey was indicted for murder. Because of heavy pre-trial publicity, the trial was moved to Albany, Georgia, 200 miles southwest of DeKalb. Morgan led a team of experienced prosecutors during the five-week trial. After three days of deliberation the jury reached a verdict and convicted the Sheriff of murder, as well as eleven counts of corruption, including racketeering, violation of the oath by a public officer and multiple thefts. Afterwards, Sheriff Dorsey was sentenced to life imprisonment, almost two years to the day after Derwin Brown defeated him in a run-off election in his campaign to route out corruption in the Sheriff's Department.

The citation read :

“In recognition of his energy, strength and determination in the pursuit of the truth and of justice in the prosecution of a law enforcement official for the murder of Sheriff-elect Derwin Brown. All accomplished in spite of the knowledge that his efforts made him the target of assassination and exposed him and others to physical jeopardy.”

The second Special Achievement Award went to Newman Flanagan of whom the President said :

“Newman A. Flanagan was appointed executive director of the National District Attorneys Association (NDAA) in August 1992 after serving as a prosecutor in Boston for 32 years. Mr. Flanagan also serves as president of NDAA's affiliate, the American Prosecutors Research Institute (APRI).

A native of Boston, he is a graduate of Boston College and the New England School of Law. Flanagan joined the Suffolk County District Attorney's Office as an assistant DA in 1961 after three years in private practice with his father. He was elected district attorney in 1978 and was re-elected to four consecutive four-year terms until his retirement.

During his long prosecutorial career he represented the commonwealth of Massachusetts in more than 2,500 criminal prosecutions, including 75 murder cases. Scott Harshbarger, former attorney general of Massachusetts, has described him as "Mister District Attorney of the United States."

A frequent speaker at civic, fraternal, church and political affairs, Flanagan has been active in a wide variety of professional, civic and fraternal organizations including the Executive Working Group for Federal-State-Local Prosecutorial Relations, the Advisory Board of the Department of Justice's National Institute of Corrections, the Board of Regents of the National College of District Attorneys. He currently serves as president of the National College of District Attorneys located on the campus of the University of South Carolina.

In a career that stressed continuing education of prosecutors, Mr. Flanagan was a motivating force and pioneer member on the creation of the National Advocacy Center which annually trains 3,500 live prosecutors in the latest trial techniques in modern courtroom facilities.

He has been a professor at Harvard University and is a guest lecturer at the New England School of Law, which awarded him an honorary doctor of law degree in 1987.

The citation read :

“In recognition of his lifetime in the service of American prosecutors and of law enforcement in general. For his leadership skills and the repeated demonstration of his devotion to serving his fellow citizens which has earned him national respect and admiration. And for the creation of organizations which serve the safety interests of all people and the well being of the community.”

Certificates of Merit went to :

The Crown Prosecution Service of England and Wales – for hosting the 7th Annual Conference;
Daniel Bellemare, Q.C. and François Falletti – for their work on the French website;
Elaine Krivel (Canada) – for her work on the project in support of the United Nations Convention on Transnational Organised Crime; and
Wichian Wiriyaprasit (Thailand) – for hosting the first Asia and Pacific Regional Conference.

Thank you certificates went to :

Jennifer Schense (ICC NGO Coalition) – for her work with the IAP on a draft code of conduct for the Office of the Prosecutor at the International Criminal Court;
The Governments of Canada, Denmark, Finland and Ireland for their financial support;
François Falletti for hosting the Northern Spring Meeting of the Executive Committee 2003;
The Agence Intergouvernementale de la Francophonie – for its support to Francophone colleagues and for providing French translation at conferences.

The President hoped that all members of the IAP would consider prosecutors and others who were worthy of receiving awards and invited them to submit nominations to the Secretary-General.

IAP Human Rights Manual for Prosecutors

At the 5th IAP Annual Conference in Cape Town in 2000 the Association established a Human Rights Forum to be chaired by Egbert Myjer (The Netherlands). The first work was the development of a *Human Rights Manual for Prosecutors (the Manual)*. This work was pursued with the help of a Dutch law student, Marnix Alink, and in consultation with Knut Kallerud (Norway), Gordon Lerve (Australia), the President and the General Counsel.

By the time the IAP met in London in 2002 *The Manual* was in essence ready but issues of detail remained. These had now been settled in consultation with colleagues and the President was able in Washington to launch *The Manual* and present the first official copy to our host Christopher A Wray.

The Manual takes the reader through the prosecution process and details the relevant sections from international conventions and also international soft law documents. Readers can then put their own local relevant law, treaty commitments and jurisprudence alongside it and have a ready-made guide to human rights for themselves and their colleagues in a domestic context. The IAP does not seek to dictate on these matters but rather seeks to enable colleagues to see, in the context of their own jurisdiction's commitments, what international human rights instruments apply to their work.

The next stage would be to develop a set of training materials based on *The Manual*. Our thanks go to all those involved in the production of and consultation for *The Manual* and especially to Egbert Myjer for all his untiring work.

IAP History

We also published in Washington, D.C. *A History*, a fully illustrated record of the early years of the IAP from the first preparatory meetings to the 7th Annual Conference in London in 2002. We believe it is important that such a record is kept for the future and we intend to publish further volumes every five years.

New Deputy Prosecutor for the International Criminal Court

Many members knew Serge Brammertz who was formerly the Chief Federal Prosecutor of Belgium. We were delighted to learn in the Autumn that Serge had been appointed as Deputy Prosecutor (Investigations) at the International Criminal Court. We were also grateful that the Prosecutor invited our President to attend and speak at the formal swearing-in ceremony in The Hague on 3 November 2003.

Nicholas Cowdery said,

“Mr President and Judges, Mr Registrar, Mr Prosecutor, Mr Deputy Prosecutor, Representatives of States Parties, Distinguished Guests, Ladies and Gentlemen -

It is a pleasure and a great honour for me, as President of the International Association of Prosecutors, to speak here today. I do so on behalf of our member prosecutors around the world and indeed on behalf of all prosecutors. I know that they wish this gathering well and send their sincere good wishes to the new Deputy Prosecutor of the International Criminal Court. Prosecutors, as much as any group of professionals, recognise the need for appropriate international criminal law responses to the crimes that come within your jurisdiction and the risks inherent in unilateral responses if that action is not taken.

We are delighted that the new Deputy Prosecutor (Investigations) is Serge Brammertz, one of our Association's members and a prosecutor with an international dimension. Serge is a Belgian and we know that Belgium is a country of three major communities and languages: French, Flemish and German. Serge speaks all, of course (and when he speaks to me he very graciously speaks in English), and as originally a German-speaking Belgian he brings a wider perspective to all his dealings. In the time that I

have known him, he has worked within our Association for the expansion of our French language capacity and, significantly, to improve mechanisms for international mutual legal assistance, a subject which I know is dear to him. He has found time to do this in a full and varied professional life of which some hint has already been given today.

Serge has achieved much in his national context but he now faces wider challenges in an international arena. What are those challenges? On an occasion such as this, I find that it is always best to seek help from someone wiser than I am in finding the right overview of the tasks ahead.

In 2000 I presented the IAP's Medal of Honour to the former President of South Africa, Nelson Mandela. After observing that he had not always had a comfortable relationship with prosecutors, he stated :

"The challenge for the modern prosecutor is to become a lawyer for the people."

This is clearly especially so for prosecutors at the International Criminal Court. In so many ways you are prosecutors for the people in whichever troubled land your investigations take place.

I return to Nelson Mandela because he continued in his remarks with an astute critique of the duties and responsibilities of our profession which I commend to you.

"To all the prosecutors: may you all benefit from the collective vision, experience and expertise of the international community. You are the standard bearers of your criminal justice system - the last line of defence. Be steadfast, enforce the law with determination, diligence and fairness."

"They who enforce the law must not merely obey it. They have an obligation to set an example which those whom they protect can follow. Treasure the sacred trust and great authority conferred on you by the will of the people. Care for victims of crime and guard against your own attitudes and values. Recognise and resist racism, sexism and cultural and other forms of discrimination which deny equal access to justice."

"Above all, claim your victories and promote the interests of your profession. It is a noble one."

I am sure, Mr Prosecutor, that you and your new Deputy take on your tasks armed with these precepts, and that you will indeed be able to claim your victories. However, we all know that the real victory in the work which we undertake is not just to achieve a particular outcome in any one case, but to do justice to all. The prosecutor, particularly in the context in which you work, has unique responsibilities and confronts novel challenges in the search for the truth. There is an easy path on which you look simply for one side of the story, the one to which others may point you. But the more difficult task is to explore all available paths and to look for and deal with all sides of the story which may be uncomfortable and even unpalatable. Then you have to do right and to do justice to all – defendants, victims, witnesses, society and the international community.

I welcome the Deputy Prosecutor. I wish you well and every success in your endeavours. You and the ICC have the support of colleagues around the world and the support of the International Association of Prosecutors.”

Congratulations to Executive Committee members

This year H.E. the Rt. Hon Adrienne Clarkson, Governor General of Canada, conferred the Meritorious Service Award on IAP Vice-President, Daniel Bellemare, Q.C.. The award related to Daniel’s notable work in the international field and in particular his work and support for the IAP.

The citation reads, “In his capacity as Assistant Deputy Attorney General, Daniel Bellemare has played a leading role, on behalf of Canada, in the creation in 1995 of the International Association of Prosecutors. Thanks to his efforts, his dedication and his involvement in the Association's activities, Mr. Bellemare has contributed to increasing the understanding of the prosecutors' rôle while promoting international cooperation on criminal justice and human rights issues. Through his accomplishments, Mr. Bellemare has enhanced the international reputation of Canada and the high standards of its justice system.”

Executive Committee member Egbert Myjer had been appointed as a Judge at the European Court of Human Rights in Strasbourg. Professor Myjer, who was Chief Advocate General at the Court of Appeal in Amsterdam and Professor of Human Rights Law at Amsterdam Free University, was the driving force behind the development of the IAP *Human Rights Manual*. We sent him our congratulations and wished him well in his new rôle.

2nd Asia and Pacific Regional Conference

This year’s 2nd Asia and Pacific Regional Conference was scheduled for the end of February 2004 in Bangkok. However, it became clear that difficulties arising from the outbreak of so-called “bird ‘flu” were going to make it impossible for us to run it in Thailand at that time and we gave notice to those who had registered that the event would have to be postponed.

There was, however, good news. The Director of Public Prosecutions for Hong Kong, longstanding IAP member Grenville Cross, QC, SC, kindly agreed to host the postponed conference in Kowloon, Hong Kong, on 25 – 27 November 2004. The theme will be the same, “Dealing with Drugs Offenders”.

Executive Committee meets in Chiang Mai

The Executive Committee met in the beautiful city of Chiang Mai, Thailand on 29 February and 1 March 2004. Wendy Abraham (Australia), Ali Nassir al Bualy (Oman), James Hamilton (Ireland), Alasdair Fraser (Northern Ireland) and Raija Toiviainen (Finland) were attending their first meeting.

The meeting was hosted by Executive Committee member, Rawat Chamchalerm, Attorney General of Thailand, who welcomed the Executive Committee on behalf of his office and Thai prosecutors generally. The Executive Committee was also welcomed by HE Wissanu Krea-ngam, Deputy Prime Minister of Thailand.

The minutes of the previous meeting in Washington, D.C. were adopted after being amended to include acknowledgements of contributions by Daniel Bellemare, QC and Carlos Donoso Castex.

Egbert Myjer and Francois Falletti said that the Human Rights Manual had been translated into French and was now ready for publication. This would be published on the website. The Committee recorded its thanks for the work done by Francophone colleagues on the translation.

The Secretary-General recorded the admissions of Eurojust and the Serbian Association of Prosecutors. Applications had recently been received from the office of the DPP of Barbados and the Estonian prosecution service. These applications were accepted. There were now 99 organisational members.

The meeting approved a protocol for the Executive Committee which brought together a number of existing documents. The President emphasised the imperative on the meeting to reach a consensus when discussing issues. It was agreed that if the Committee was divided and could not reach a consensus, the matter under discussion should be deferred.

The Secretary-General reported on his activities. He emphasised the growth of the IAP – 1400 individual members, including 40 new ones from Northern Ireland. There were 99 organisational members. The IAP was now represented in about 130 countries. The finances of the Association were sound but the fall in the US Dollar against the Euro had hindered financial stability. The Secretary-General was urging members to pay dues in Euros wherever possible. The costs of publication of the *Human Rights Manual* and the *History* had not yet been recovered from sales. The budget for 2004 was agreed. The President thanked the governments of Denmark and Ireland for their continuing structural support for the IAP and the Committee recorded its appreciation for the work of the Secretary-General.

The General Counsel introduced a process for developing a strategic plan for the IAP. This will enable the IAP to look at what it wishes to be doing in support of the objects and where it wants to be in five years time. The General Counsel was also thanked for his continuing service to the association.

Lim Nae-hyun presented a detailed progress report on the 9th Annual Conference. The Executive Committee would meet on Saturday 4 September. The Prosecution Service of Korea would contribute US\$25,000 to the Granting Program. Henning Fode reported on progress for the 2005 conference. The local organising committee has already been established. The date of the conference is now confirmed for 28 August – 1 September 2005.

The Executive Committee was deeply indebted to Rawat Chamchalerm and his colleagues for their generous hospitality and for furnishing a highly agreeable environment for their deliberations.

4th European Regional Conference

The 4th IAP European Regional Conference was held in The Hague on 24 – 26 March 2004. 46 prosecutors from 18 jurisdictions attended. After a reception at the IAP office, the participants moved to a nearby restaurant where all observed the one rule for the evening - that participants should not sit next to someone from their own country. Judging from the level of noise, international co-operation was already very much in evidence.

The working sessions began with a comparison of three very different prosecution services – Azerbaijan, with its recent history of change from a Soviet style prosecution service; Iceland, one of the smallest jurisdictions in Europe; and Northern Ireland, U.K., which is in the process of reorganising its Public Prosecution Service. Our speakers were Elnur Musayev, Kolbrun Saevarsdottir and Ken Preston and Gordon Buckley and they set a high standard for all to follow.

Johan Oydegard (Norway) and Eric Bedos (France) then explored the nature of the problems caused to society by drug offenders and the issues for prosecutors arising out of them. We moved into smaller groups to consider the basic legislation in each country for dealing with possession, supplying, producing and importing drugs. We were already seeing a wide disparity of approach and these themes were further explored by David Woodings (England and Wales, U.K.), Sirpa Vaatainen (Finland) and Peter Blanken (The Netherlands).

Our second day ended with a reception hosted by Mr Bob Lagerwaard of The Hague City Council. We are extremely grateful to him and to the Mayor of The Hague for their continued support of the European Regional Conference, both through the generous reception and the availability of the excellent conference suite. We were very pleased to welcome to this reception Michael Kennedy, President of Eurojust.

On the final day David Harvie (Scotland, U.K.), Lars Stevnsborg (Denmark) and Petra Staribacher (Austria) dealt with the links between drug trafficking, money laundering and organised crime. This led us into group discussions about sentencing and diversionary solutions to the problems posed by drug offending and to a series of alternative solutions presented by Michael van den Honert (The Netherlands), Magnus Berggren (Sweden) and Peter Geraghty (Ireland).

We were sorry to say goodbye to those colleagues who attended the conference and who worked so hard over the two days. They were to be congratulated for their efforts and for making the conference once again an undoubted success.

Two milestones for the IAP

With the acceptance by the Executive Committee of applications from Estonia, Barbados and Bulgaria the IAP now has 100 members.

The 25th edition of the IAP Newsletter was published in May 2004. Edition No 1 was a four page edition published in 1998. We look forward to the half-century!

IAP's contribution to the Interpol working group on Article 3 of the Interpol Constitution

IAP Executive Committee Member Francois Falletti and Member Elaine Krivel Q.C. participated as the IAP representatives at the Interpol (International Criminal Police Organization) Working Group on Article 3 of the Interpol Constitution, which meetings commenced in March, continued in June and are expected to conclude in November 2004. Article 3 of the Interpol Constitution provides that it is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character.

The mandate of the Working Group is to examine the current application of the Article and to develop a coherent set of application guidelines based on currently applied principles and new developments in international law and practice. The Working Group's examination of Article 3 will be in the context of the political offence exception and the issuance of Interpol Red Notices pertaining to persons charged regarding involvement as members of terrorist organizations. (Interpol Red Notices allow arrest warrants to be circulated worldwide with the request that the wanted person be arrested with a view to extradition.)

The Working Group, including the IAP representation, consists of approximately 15 experts in the legal and law enforcement areas from South Africa, Saudi Arabia, Chile, China, Finland, Switzerland, Tunisia and Turkey, as well as representatives from the UN-ODC (Office of Drug and Crime), the Interpol General Secretariat and a law professor experienced in human rights issues.

The importance of IAP's contribution to this Working Group is underscored by the significance of Interpol's principal function, as outlined in Article 2 of its Constitution of ensuring and promoting the widest possible mutual legal assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights and to establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes.

IAP participation in this Working Group is just another example of the contribution which our organization makes to advancing the administration of justice in a global sense, similar to the recent IAP projects of assisting the UN in having countries sign and ratify the TOC (Transnational Organized Crime) Convention; providing recommendations for the prosecution of crime against children; the fight against pornography on the internet; and combating corruption in the public administration.

Congratulations

We congratulated former IAP Executive Committee member Yuri Chayka, on his appointment as Prosecutor General of the Russian Federation. Yuri Chayka served as a member of the Committee from early 1997 until August 1999, when he was appointed Minister of Justice of the Russian Federation. During his almost seven

years as a Minister he carried out many reforms in the criminal justice system of the Russian Federation, always in co-operation with the Council of Europe.

Participants in a number of IAP events were familiar with Professor Moto Noguchi from UNAFEI in Japan. When the Cambodian Government officially announced the final selection of judicial officers for the Khmer Rouge Trials, he was appointed as one of the three international judges in the Supreme Court Chamber. We wished him well in this challenging assignment.

IAP website (www.iap.nl.com)

Over our nine years of existence we constantly updated and renewed the contents of the Association's website. There were also French and Russian versions.

New organisational members

There had been three more applications for organisational membership

- the Association of Prosecutors of Poland
- the Hellenic Association of Prosecutors (from Greece)
- the Office of the Prosecutor at the International Criminal Court.

This brought the total number of organisational members to 118.

Farewell to Dato Steenhuis

Dato Steenhuis, a member of the Dutch Board of Procurators General and IAP Honorary Member, retired on 31 May 2006. He had been a Procurator General since 1992. During his years in office he developed a number of pioneering institutions, of which the most important is the Central Fine Collection Agency (CJIB), an implementing organization of the Netherlands Ministry of Justice, which tasks include the collection of all fines for traffic violations, fines imposed by the Court and proposals for out-of-court settlement of fixed penalties from the police and the prosecution service (as a means to avoid further criminal proceedings).

He also played a crucial role in the automation of the work of the Dutch Prosecution Service, and he was the founding father of Eurojustice (see: www.eurojustice.org). During the first years of the existence of the IAP he was instrumental in ensuring considerable financial support for the Association by The Netherlands.

We wished Dato well in his *otium cum dignitate*.

Madrid attack

NO AL TERRORISMO!

That was the defiant statement on the placard of a Spanish protester following the Madrid bombings on 11 March 2004. It is the message that we all endorse.

The IAP sends its sympathy and support to the people of Spain and to all those afflicted by the scourge of terrorism. Whatever the political agendas of individuals or groups, resort to lethal violence against citizen populations can never be condoned. It is crime at its worst. The IAP and its members stand ready to provide whatever assistance can be given to the victims of terrorism and those who must address it, professionally and personally.

Terrorism has been with us throughout history. It has enjoyed a resurgence since 11 September 2001 and while much has been done to combat it, we must constantly ask if enough of the right action has been taken. Should greater attention be paid to its causes, as well as to its effects? This should not be a party political debate in any country – we don't have the time or resources to waste on empty political posturing. It is too serious and urgent a problem for that and effective measures must be found and implemented as soon as possible.

In a message to the IAP Executive Committee after the Madrid attacks I referred to over 20 specific atrocities worldwide since what is known as 9/11, plus a host more committed in ongoing campaigns of violence. They are continuing – and no part of the globe is immune.

So what can we do about it? As an association and as individual prosecutors we can offer the assistance of our members and their resources to our colleagues dealing with the aftermath of these criminal acts. International solidarity against this scourge can help. National borders mean nothing to bombers and they should not get in the way of prosecutors. Our criminal justice process is one of the tools legitimately available to be used against terrorism.

In the Los Angeles Times in late April it was written of the Madrid bombings and the terrorists' exploitation of conditions in Europe:

“Investigative cooperation depends largely on political dynamics and personal chemistry among Europe's counter-terrorism magistrates, prosecutors, police and spies...it has been largely up to investigators to develop informal cross-border alliances and friendships.”

Those personal connections have become vital in this ongoing battle and the IAP is well positioned to develop and foster them between prosecutors of all nations, not just in Europe.

Please join us in saying, by our actions: NO AL TERRORISMO!

Nicholas Cowdery AM QC
President

CITES seminar – a first for prosecutors

International seminar on illegal trade of endangered species

To a high degree the trade of endangered species of flora and fauna is a matter of international concern. Within the UN an international convention has been elaborated - Convention on international trade of endangered species of flora and fauna (Cites). According to the convention Member States are obliged to criminalize illegal wildlife trade. Within the EU even stricter rules have been adopted. However, despite the international efforts to control the wildlife trade, illegal trade obviously is a problem of increasing scope.

In co-operation with the International Association of Prosecutors, the Prosecutor General of Sweden arranged an international seminar for European prosecutors on illegal trade of wildlife. The seminar took place in Falsterbo, Sweden, on June 22 – 24 2004. Prosecutors from England, Scotland, Ireland, Italy, Romania and Spain and the Nordic countries Denmark, Finland, Iceland, Norway and Sweden participated as well as representatives from international organisations - Traffic International/Europe, The World Conservation Union - and the Cites secretariat and the EU Commission.

The illegal trade may involve many actors – the police and the customs, wildlife agencies and lawyers. When it comes to proceedings against illegal traders, however, prosecutors play a key part. In the light of the scope of the illegal wildlife trade, it is a matter of urgent concern to focus on the problems that meet prosecutors in proceedings and to enhance co-operation and exchange of experience between prosecutors.

The discussions were animated. A frequent theme was that combating the illegal wildlife trade is not always a prioritised area and that resources for efficient prevention often are lacking. Other concerns were the need of appropriate scientific knowledge and the difficulties in obtaining tenable evidence.

The IAP was delighted at the suggestion from the Swedish Prosecution Service that this groundbreaking seminar should be held. We were delighted to lend our support to this event which was the first time that one of our organisational members has proposed and run such an event for us.

The success of the event is a tribute to the work of Nils Rekke and his Swedish colleagues who put together a stimulating programme in a beautiful setting. We were also grateful to colleagues from other branches of government and the NGOs for their expert input to the various sessions. Of course, as ever, the stars of such events were the prosecutors themselves. Discussions were animated and well-informed and the feedback to the plenary sessions was articulate and positive.

On an extremely positive note the participants worked towards two very practical outcomes. It was agreed that because of the scarcity of such cases, it would be useful to draw on the experiences of colleagues in other countries as well as the NGOs. Therefore, in order to increase the exchange of experience, it was decided that an informal network involving prosecutors dealing with matters concerning illegal wildlife trade should be instituted and that short reports cases should be collected and be available to the network. The network already has 28 members. It is currently limited to European members because of the scope of the seminar. However, we should like to expand it to other regions of the world.

The seminar also established a small working group to produce some simple guidelines for prosecutors who may face dealing with such a case for the first time. A

draft of the guidelines will be posted on the IAP website in due course for comment. It is hoped that the final version will be published later in the year.

To a high degree the trade of endangered species of flora and fauna is a matter of international concern. Within the UN, an international convention has been elaborated - Convention on International Trade in Endangered Species of Flora and Fauna (CITES). According to the convention Member States are obliged to criminalize illegal wildlife trade. Within the EU even stricter rules have been adopted. However, despite the international efforts to control the wildlife trade, illegal trade obviously is a problem of increasing scope.

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The discussions were animated. A frequent theme was that combating the illegal wildlife trade is not always a prioritised area and that resources for efficient prevention often are lacking. Other concerns were the need of appropriate scientific knowledge and the difficulties in obtaining tenable evidence.

Annual Conference 2004

The IAP held its 9th Annual Conference in Seoul, Republic of Korea on 5-10 September 2004. This was the second time that the Annual Conference had been held in Asia and it will again be one which lingers in the memories of those who were fortunate to attend. The venue was the impressive COEX Conference Centre and our hosts, the Supreme Public Prosecutor's Office, worked tirelessly to ensure a successful and enjoyable conference. Overall there were more than 500 participants from 91 countries.

The Opening Ceremony and President's Reception was held in the Vision Hall of the Walkerhill Hotel in Seoul and we were honoured that Mr Lee, Hae Chan, the Prime Minister of Korea, attended and addressed the participants. The Ceremony was also attended by Mr Kim, Seung Kew, the Korean Minister of Justice, and participants heard messages of welcome from our host, Mr Song, Kwang Soo, the Prosecutor General of Korea, and IAP President, Nicholas Cowdery AM QC, who also acknowledged the conference President, Mr Song Kwang Soo, and Vice-Presidents, Mauricio Fernandez (Chile), Knut Kallerud (Norway), Wendy Stephen (Canada) and

Fasil Tadese (Ethiopia). Entertainment was provided by a troupe of Korean drummers whose dramatic performance energised us for the week ahead.

The work programme of the Conference began, as is now our custom, with the presentation of IAP Awards (see below). This was followed by keynote addresses from Prosecutor General Song, Kwang Soo and the President. The Prosecutor General gave an interesting insight into the conference's theme "Different systems : Common Goals" and the President encouraged participants to play a full part in the week's work programme.

The first plenary session was initially addressed by Zhang Deng (China) who was followed by two founding fathers of the IAP, honorary members Dato Steenhuis (The Netherlands) and Eamonn Barnes (Ireland). They set a perspective for the conference looking from the point of view of their own jurisdiction at the position and function of the prosecutor in the criminal justice system. Next, in a session chaired by Mauricio Fernandez (Chile), the focus turned to investigation issues in presentations by Heo, Sun Kim (Korea), Tim Macintosh (Australia) and Jean-Claude Marin (France).

The regional fora compared two contrasting prosecution systems in the light of their regional experience. The feedback session later heard from Seoungjin Choi (Korea), Rafik Hamuth (Mauritius), Raj Joshi (England and Wales) and Richard Rogers (U.S.A.). The conference dinner was held al fresco in the grounds of the beautiful Gyeongbokgung Palace and will be remembered by all who attended.

On Tuesday 7 September Fikrat Mammadov (Azerbaijan), Young Ho Moon (Korea) and Daniel Bellemare, MSM, QC (Canada) provided contrasting views of the impact of democracy on the prosecution process and Christian Coquoz (Switzerland), Sir Alasdair Fraser, QC (Northern Ireland, U.K.) and Sang Dae Han (Korea) looked at the relationship between the prosecutor and the police. In another session of contrasts entitled "New models for prosecutors", participants heard a video address from Luis Moreno Ocampo, the Prosecutor at the International Criminal Court, who concentrated on issues of complementarity and outreach. He was followed by Patricio Cooper (Chile) who, first in an intriguing presentation and then by answering questions, gave the conference a vivid picture of dramatic reforms to the prosecution service and criminal justice system in his own jurisdiction.

Tuesday's workshops focused on three issues – sentencing, including sentencing guidelines, pre-trial issues and diversion. The lively discussions were reflected in the feedback which was provided by Eung-jun Choi (Korea), Elizabeth Howe (England and Wales), Gordon Lerve (Australia) and Polly Wan (Hong Kong, China). Written details will appear in the Newsletter and on the website.

Wednesday was set aside for experiencing Korea. Some participants visited local criminal justice institutions. Others joined the temple experience and learned over a day what life as a Buddhist means. Yet others, including Daniel Bellemare (see below), visited the demilitarised zone.

Back at work on Thursday James Hamilton showed admirable chairing skills in a session on the citizen's participation in the criminal justice process. The speakers - Christopher Wray (U.S.A. – by video), Ingunn Fossgard (Norway), Ken Macdonald, QC (England and Wales, U.K.), Britta Bjelle (Sweden), Andre Vandoren (Belgium),

Carla Verissimo de Carli (Brazil) and Sang Gil Park (Korea) – ranged widely across the jury system, lay judges and magistrates, community and victims’ issues and systems for challenging a refusal to prosecute.

Francois Falletti (France) and Darryl Saw, SC (Hong Kong, China) compared the common law and civil law systems of appeals and Daniel Bellemare, MSM, QC (Canada) led a discussion on the future course of the IAP in an interactive session which could clearly have run much longer.

The Thursday workshops concentrated on keeping politics out of prosecuting, resources and lay participation in the criminal justice system. Oral feedback was given by Roger Coe-Salazar (England and Wales), Sal Vasta (Australia) and Brigitte Vestberg (Denmark).

The day concluded with a networking evening at which our host was the Korean Minister of Justice, Mr Kim Seung Kew.

Friday began with plenary presentations on education and training from Egbert Myjer (The Netherlands), Jan Henning (South Africa) and Minoru Shikita (Japan). The focus then changed to co-operation and the conference heard from Annabelle Bolt (H.M. Customs and Excise, U.K.), Bernadette Codjovi (Benin), Mike Kennedy (Eurojust), Sung Kyu Lee (Korea), and Tsai, Ching Hsiang (Chinese Taipei).

Kampree Kaocharem (Thailand) and Raija Toiviainen (Finland) spoke to the participants on the efficient use of resources before the President chaired a final question and answer session which involved Richard Buteera (Uganda), Carlos Donoso Castex (Argentina), Mike Kennedy (Eurojust) and Motoo Noguchi (Japan).

As this year’s conference drew to a close, Kristina Tollbäck (Sweden) and Barry Hancock (IAP General Counsel) looked forward to next year’s work programme when the conference theme will be “Witnesses, experts and victims”. Henning Fode invited the participants and all members of the IAP to come to Denmark next year when the Annual Conference will be held in his capital city, Copenhagen.

Finally, the President thanked everyone who had contributed to the success of the conference and in particular our host, Prosecutor General Song Kwang Soo and his colleagues.

Executive Committee meets in Seoul

The Prosecutor-General of Korea, Mr Song Kwang Soo, welcomed the members of the Executive Committee on 4 September and wished the IAP well for the meeting, the conference and the future. Korea had been a member of the IAP from the earliest days. The President thanked the Prosecutor-General for his hospitality and for the arrangements which had been made. The theme of this year’s conference had been suggested by Korean colleagues. He presented the Prosecutor-General with a copy of the IAP Human Rights Manual.

There were apologies for absence from Wendy Abraham, Klas Bergenstrand, Brigitte Bierlein, Geraldo Brindeiro, Ali Nassir Al Bualy, John Kaye, Laszlo Venczl,

Christopher Wray and Ye Feng,. The President asked Gerhard Jarosch to convey the meeting's best wishes for a speedy recovery to Brigitte Bierlein who had been attacked near her home.

The minutes of the meeting in Chiang Mai were accepted as correct and there were no matters arising.

There were applications for organisational membership from the Military Prosecutors' Office of Australia and from the DPP's Office in Nigeria. Carlos Donoso Castex was concerned that his objections to the former and similar organisations had not been passed to other members of the Executive Committee. He was also concerned about membership of military prosecutors as there were different rules for them. There were already two such services which were organisational members. The Secretary-General explained the existing position and the President opened the matter for discussion. The Constitution provided for membership by military prosecution services. The General Counsel would work with colleagues to prepare a series of options in respect of screening of applications for organisational membership. The Australian application was accepted with the dissenting voice of Carlos Donoso Castex. The Nigerian application required further information and would be dealt with electronically in due course.

Nominations for Vice-Presidents and membership of the Executive Committee were noted. Zdenka Cerar (Slovenia) had withdrawn on her appointment as Minister of Justice. Brigitte Bierlein had nominated Wolfgang Swoboda. This was agreed. The Executive Committee agreed this nomination. Kampree Koacharem (Thailand) was substituted for Rawat Chamchalerm.

The President raised the question of his successor and hoped that the Executive Committee would be in a position soon to be able to notify the membership, through the Newsletter, of its nomination to be made in Copenhagen. A process was agreed upon to enable that to be done.

The Secretary General presented his report. The membership continued to grow. The financial situation was sound but was impaired by the continuing poor exchange rate between the US Dollar and the Euro. He thanked the governments of Denmark and Ireland for continuing structural report. The draft budget was approved. The meeting thanked the Secretary General for his work.

The General Counsel presented his report. The idea of a roll of honour would be raised at the General Meeting and detailed in the Newsletter. The President thanked the General Counsel for his work.

Francois Falletti reported on his and Elaine Krivel's involvement in the Interpol committee which is reviewing key elements of its constitution. He saw this as an important collaboration for the Association.

Retha Meintjes reported on the development of an African prosecutors' association. The President reported that there had also been developments towards the formation of a similar grouping for the Pacific and the IAP might be asked to become involved. Josiah Naigulevu was heavily involved in this work.

There was discussion of the IAP Strategy document.

Fikrat Mammadov was organising the development of a Russian link to the website with the translation of key IAP documents. Thai colleagues wished to link their website to the main IAP site.

The French version of the Human Rights Manual was already available on the website and negotiations were going on to ensure the printing of hard copies.

Lim Nae Hyun reported on arrangements for the conference. The Prime Minister would be the guest of honour at the opening. The President thanked him and his staff for the arrangements they had made.

Henning Fode reported on advance progress for the Annual Conference in Copenhagen in 2005. A website will be open in November 2004. The conference will run for four consecutive days with a "national" day on the Friday. It is expected that the conference fee will be at around the same level as this year. The President indicated that there was not as yet a firm bid for hosting the Annual Conference in 2006.

The 2nd Asia and Pacific Conference would take place in Hong Kong in November 2004 (there is a website www.iaphk.org) and the 5th European Conference in The Hague in March 2005.

There was an offer from Togo to hold an IAP event in Lome in early 2006. It was agreed that this could be a meeting of the Executive Committee, perhaps combined with an African regional meeting. It was agreed that Francois Falletti and Daniel Bellemare should continue discussions with colleagues from Togo with a view to bringing this about and members of the Executive Committee committed themselves to attending.

The next meeting of the Executive Committee would be held in Ljubljana, Slovenia in the Northern Spring of 2005, perhaps on 7-9 April.

IAP Awards 2004

The IAP Medal of Honour

In August 2004 IAP Secretary-General, Henk Marquart Scholtz, travelled to Lyon where he and Francois Falletti presented the Medal of Honour to M Truche. Francois Falletti spoke, saying that this was a very important occasion and a moment of great pride to be able to present M Truche with the Medal of Honour of the IAP in the same office where until some years ago he had worked. He now joined a prestigious line of predecessors as this Medal had previously been presented to three people, Louise Arbour, Nelson Mandela and Simon Wiesenthal. During his long career he had shown great professionalism: he was a great professional of the public prosecution. M Truche had demonstrated this in the many responsible positions in which he had served in the largest cities of France in the public prosecution service, in Lyon, Marseille, Grenoble, Bordeaux and Paris. He had finished his career in the highest position as Procureur Général at the Cour de Cassation and thereafter as President of that same Cour de Cassation. Also at the present time he was continuing

his work in strengthening the values of the public prosecution by different actions taken by him in particular on an international level.

This professionalism showed care about creativity. First practical creativity: in this building, he was the originator of what today is still called 'the Truche method', which consists of carrying out effective prosecutions in white collar crime cases. He also made efforts to communicate his ideas to public institutions and the world of politics in order that they consider the promotion of modifications in penal procedures or make new rules for the public prosecution.

M Truche's career was also marked by an exceptional event. In 1987 he was the prosecutor in the case of Klaus Barbie. Klaus Barbie was from 1942 to 1944 the chief of the Gestapo in Lyon. He committed terrible acts against numerous people. More than 7000 people died in prisons for which he was responsible, and more than 2000 people were deported. Fortunately it became possible to hold his trial 40 years later. M Truche did not retreat and he behaved as a prosecutor should behave in such a case. Everyone agrees that he carried out this prosecution with all necessary energy, but also without hatred and with deep concern for humanity. In this way he took part in implementing the wise words of a French philosopher, Blaise Pascal, who wrote three centuries ago, "Power without justice is tyranny. Justice without power is powerless. They should be combined, thus that what is powerful is just and what is just is powerful."

The citation reads: "For his outstanding dedication to the work of the prosecutor."

M Truche replied :

"I have worked 40 years in public prosecution. I had all positions, in the lowest jurisdictions up to the Cour de Cassation; in minor cases like corruption, drugs, financial crimes, in civil cases and in huge criminal cases. However, when I began my career, one could not imagine that one day there would be a meeting place for prosecutors from - today - 150 countries. This was unthinkable.

You have mentioned the period of the occupation, when the judicial powers in numerous countries did not fulfil their task, which is protecting the citizens. In that time and in relation to what had happened, the U.N. ruled that there were obligations which were imposed in all countries, by all magistrates. Thus on 10 December 1948 the Universal Declaration of Human Rights came into being. But, paradoxically, what was considered to be universal in each country ran up against the fact that justice is a matter depending on the states. It is a public service which has its source only inside the borders of a state and when I began my career we were not interested at all in international questions in spite of the positions taken by the U.N..

I am really very touched today that there are regular meetings of prosecutors from the entire world and I am most honoured that they thought of me. This gives me the occasion to return to myself, for this distinction in reality sees through my person - and I feel this very deeply - a certain concept of justice. I can say that during my professional life I adhered to a line of conduct during many long years, which line of conduct came to be in 1958 when the new French Code of Criminal Proceedings entered into force. There is in this Code an article which states that the prosecutor should demand a penalty in a case; this article is a fine ethical provision also where it continues: the prosecutor may only demand in court what he believes to be for the

good of justice. I must say that I tried to follow this line of conduct during my entire long career. What I, in my capacity of magistrate of the public prosecution, believed to be in conformity with the good of justice - of course mistakes can be made and fortunately there are judges to evaluate this - this was not my personal belief or my political, religious or different convictions; there is an essential obligation for the magistrate of the public prosecution, which is to act in conformity with the good of justice. It is always the question one should ask oneself, keeping in mind what is found in the Universal Declaration of Human Rights: the idea that the foundation of justice and of peace in the world is respect for the fundamental freedoms. To respect fundamental freedoms in society is what is in conformity with the good of justice for public prosecution.

Clearly, this is true for all the activities of the public prosecutor and not in the court session only. Always the contradictory principle, the respect for the rights of the defence and the principle of proportionality should be upheld. This is evident for the public prosecutor and, of course, these requirements are valid for judges too: they work with a very solid ethic so that there can be independent and impartial justice. But the other guarantee for this independent and impartial justice depends on the public prosecutor.

Indeed justice is done in a country in the context of the political and social fight, of the interventions in the press by public opinion: judges should be kept out of this pressure and these interventions, and this interface between judges and public opinion, between judges and all other powers stands public prosecution. That is its greatness. It can only exercise this power of interface when it itself has very demanding ethics. There you have a fundamental guarantee for the judge and for justice in a country.

After the Second World War one has seen an internationalisation in the field of principles, and internationalisation in the relations between states, in particular in common spheres as the European Union, the Council of Europe and also in other continents. There had to be a third dimension after the principles, after the rapprochement of states, and this was the meeting of the magistrates. This important work should be accomplished in the perspective of the respect of the liberties for the good of justice.

I am very happy that this Association was established, that it is effective and alive; much work still has to be done but I am sure that the road prepared for the magistrates is an important one: without them nothing will be done. Therefore my best wishes accompany your Association.

.The IAP Special Achievement Award

This award is given particularly for carrying out prosecution duties to a high standard in the face of special hardship or adversity or in circumstances deserving of special recognition.

Paul Ngarua

Paul Lincoln Kamuya Ngarua, originally from Kenya and now a senior prosecutor at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, until

recently was Director of Public Prosecutions for the Kingdom of Swaziland. Before taking that appointment in 1998 he had been Crown Counsel and Senior Crown Counsel there for about 6 years.

In the course of his duties he instituted proceedings against a government minister and Prince. He did so in an attempt to prevent improper interference with judges and the judicial process. As a result of this prosecution (and his refusal to drop contempt of court charges against the Attorney General and other national and Royal figures) he was put under unjustified pressure by his government to withdraw charges and was otherwise subjected to improper and at times illegal oppressive treatment. Indeed, on one occasion he was abducted at night and taken 60kms from his home to a place where he was confronted by government ministers and senior police officers and faced with demands that he should withdraw the charges or resign. He was harassed and hounded daily in his professional and private life. His office was bugged and broken into on two occasions. He was himself visited with criminal charges.

Paul Ngarua stood firm in the face of this pressure and behaved in a manner which we would expect of a member of the IAP. He staunchly defended the rule of law and adhered to principle in the face of adversity with great personal courage. Eventually he was obliged to leave office and the country. We salute his fortitude and presented him with the IAP Special Achievement Award.

The citation reads : “For carrying out his duties professionally in the face of severe political pressure.”

Gintaras Sereika

When the Republic of Lithuania regained its independence in 1990, its society faced historic changes. Radical social reforms, instituted while creating a democratic state, had an influence on the law enforcement system of the country. Prosecutors had to deal with especially brutal crimes and investigation and prosecution had to be placed upon the basis of the principles of the rule of law. One of the prosecutors Gintaras Sereika did a great job and achieved high results in protecting civic rights and freedoms and fighting organized crime.

As the prosecutor in the Regional Prosecutor's Office of Panevezys, Gintaras Sereika gained a deservedly high reputation not only among law enforcement officers. As the Chief Prosecutor at the Organized Crime and Corruption Investigation Division of Panevezys Region he never left criminals alone. Many criminals who were accused in cases investigated by Mr Sereika wanted to influence the procedure of investigation and prosecution and constantly threatened to use physical violence. Eventually they made their threats come true – on 25 January 1999 they murdered this highly-principled prosecutor. Lithuanian society and the community of lawyers were shocked by this act of violence.

This year Lithuanian prosecutors commemorated the 5th year anniversary of the death of their colleague by unveiling a memorial plaque on the wall of the building of the Regional Prosecutor’s Office in Panevezys. The Chairman of the Parliament, law enforcement officers, representatives of society and relatives of the deceased participated in the ceremony.

The IAP joined our Lithuanian colleagues by presenting, albeit posthumously, its Special Achievement Award to Gintaras Sereika.

The citation reads : “Posthumously, for continuing his work as a prosecutor whilst under threats to his life and who was later murdered.”

Kestutis Vagneris accepted the award.

The Prosecutors’ Team of the Central Investigation Department at the Supreme Public Prosecutors’ Office of Korea.

The Central Investigation Department of the Supreme Public Prosecutors’ Office in Korea is the department which, under the leadership of the Prosecutor General, investigates the most difficult and complicated cases, including corruption of politicians and high ranking public officials and major corporate scandals.

In December 2002 a team of prosecutors within this Department was formed to investigate the alleged slush fund financed by businesses during the presidential campaign. In revealing the unprecedented scope and level of corruption involved in the presidential campaign, the team has been dedicated to promoting transparency not only in Korean politics but in the Korean society as a whole.

The Prosecution Service of Korea designated Dai Hee Ahn, Chief of the Central Investigating Department, to spearhead a special prosecutors’ team comprised of 19 prosecutors and 80 investigators. The team discovered that a number of leading Korean businesses had financed 70 million dollars of illegal political funds to the parties of presidential hopefuls and consequently prosecuted about 74 politicians, including 27 lawmakers, implicated in the case.

During the investigation, the business community protested that the investigation was hampering their business activities and the political establishment tried to use its influence to have the investigation stopped. Despite such adversity, however, the team continued its work, resolved to eradicate the shabby dealings between politicians and businesses.

Whenever large amounts of illegal funds were revealed, political parties tried to stop the investigation by claiming that the investigation was lopsided and politically motivated. However, the public, who look for a clean and transparent society, strongly supported the investigation. As the investigation team produced tangible results, ordinary Korean citizens showed their support by forming a fan club for Prosecutor General Kwang-soo Song and Dai Hee Ahn. The media also backed the investigation. One of the leading local newspapers even selected Prosecutor Ahn as its man of the year in 2003.

The citation reads : “For outstanding courage in pursuing a prosecution”.

Certificates of Merit

This is the way in which the Association expresses its gratitude to members, individual and organisational, for their support of the Objects of the Association.

- Klas Bergenstrand* – For chairing the Conflict Committee 1996-2002
- Michael Chertoff, Sir David Calvert-Smith, QC Suchart Traiprasit, Boowhan Han, Yuki Furuta, Brigitte Bierlein and Wichian Wiriyaprasit*
- In recognition of his/her distinguished service to the Executive Committee of the Association
- Egbert Myjer* – For work in preparing and editing the IAP *Human Rights Manual* and for service to the Executive Committee
- Barry Hancock* – For work in preparing and editing the IAP *Human Rights Manual*
- Nicholas Cowdery AM QC* – For work in preparing and editing the IAP *Human Rights Manual*
- U.S Department of Justice* – For hosting the 2003 Annual Conference and the attendant meeting of the Executive Committee

Thank You Certificates

- Rawat Chamchalerm* – For hosting the 2004 Northern Spring Meeting of the Executive Committee.
- Office of the Prosecutor General of Sweden*
- For organising and hosting in Sweden the 2004 CITES Seminar (on prosecuting trafficking in endangered species).

General Meeting 2004

1. The President opened the meeting and acknowledged Honorary Members of the Association, Minoru Shikita and Dato Steenhuis.
 2. The rules of procedure were adopted.
 3. The minutes of the General Meeting 2003 were approved.
 4. Egbert Myjer referred to the minutes and declared that the preparation of a training manual relating to the *Human Rights Manual* was still outstanding. There was need for someone to succeed him as chair of the Human Rights Forum. He suggested Knut Kallerud who in turn indicated his willingness to take responsibility for this work.
- 5a). Daniel Bellemare, Retha Meintjes and Ye Feng were re-elected as Vice-Presidents by acclamation.
 - b) Carlos Donoso Castex was elected as Vice-President. He spoke, thanking the General Meeting, acknowledging the presence of the Argentinian Ambassador and asking the Meeting to stand for a minute in silence in respect for the victims of the recent hostage crisis in Russia. He was pleased to be speaking in his own language and indicated that he would work for transparency within the Association and committed himself to working on behalf of the membership,

particularly those in Spanish and Portuguese-speaking countries. The President looked forward to increased membership from these countries and to a source of funding being found to cover the costs of Spanish and Portuguese translation at future conferences.

- c) Alasdair Fraser, Kampree Kaocharem, Michael Kennedy, Charles Leacock, Wolfgang Swoboda and Christopher Wray were appointed as members of the Executive Committee, and Francois Falletti and Fikrat Mammadov were re-appointed as members.

The President thanked Geraldo Brindeiro, who resigned after six years Vice-Presidency and former members Brigitte Bierlein, David Calvert-Smith, Rawat Chamchalerm, Michael Chertoff, Yuki Furuta, Egbert Myjer and Wichian Wiriyaprasit.

- 6 The Secretary-General presented the Annual Report 2003-2004. The membership continued to grow. The financial situation was sound but was impaired by the continuing poor exchange rate between the US Dollar and the Euro. He thanked the governments of Denmark and Ireland for their continuing structural support.
- 7 The individual membership fee was fixed at \$US30 for the ninth time.
8. The Seoul Declaration (see below) was adopted unanimously by the General Meeting, after the inclusion of an amendment proposed by Rufus Godwins..
9. The President gave brief details of training initiatives in Sri Lanka and Pakistan and also of a possible mentoring programme in conjunction with UNODC. He also stressed the importance of communication between prosecutors and therefore asked the meeting to complete and return the questionnaires for the fact sheets. There would be sought cooperation with Eurojustice, which would held its next meeting in October 2004 at Dublin.
10. The President informed the meeting on the progress of the French version of the Human Rights Manual and asked members to promote translation of the Manual in other languages.
11. The President stressed the importance of the commitment – through the Secretariat - to the IAP Standards by organisational members.
12. There would be a second Asia and Pacific Regional Conference at Hong Kong, China, 25-27 November 2004, and a fifth European Regional Conference at The Hague, 16-18 March 2005. The 10th Annual Conference would take place in Copenhagen, 28 August – 1 September 2005.
13. It was agreed that the IAP should institute an honour roll for prosecutors who are killed in the pursuance of their duties. The President gave details of a new book on computer crime. He also indicated that a member of the IAP had generously volunteered to contribute the conference fee of a colleague from a developing country to attend the 2005 Annual Conference. He asked if there were any others who could give such support. The Secretary-General indicated that this year the granting program had received support from Korea, Norway, Finland, Sweden and the Agence Intergouvernemental de la Francophonie. He was now seeking support for next year.

14. The next General Meeting would be held on 31 August 2005 at Copenhagen.

Seoul Declaration

**Adopted by the General Meeting of the 9th Annual Conference of the International Association of Prosecutors
Seoul, Republic of Korea
9 September 2004**

The IAP 9th Annual Conference :

Whereas both domestic and transnational criminality have become more complex and sophisticated, including terrorist acts;

Whereas new strategies and approaches are required to address these new challenges;

Whereas to address these new challenges, prosecutors of the world pursue common goals through different systems;

Whereas the IAP recognized this reality through the choice of the theme of its 9th Annual Conference – Different systems : Common goals;

Whereas the IAP recognizes the existence of ongoing legal reforms in various systems that pursue these common goals; and

Whereas the IAP recognizes the need for prosecutors to share and exchange information, experiences and knowledge.

1. Proclaims the following principles :

- (1) Every country of the world has adopted a legal system that has its own national specificity;
- (2) Co-operation between legal systems is built on common features that could serve as a basis for co-operation;
- (3) In order to anticipate and resolve issues that may hamper effective co-operation, IAP members must engage in early consultations;

2. Decides, in order to implement these principles, to create an international working group to analyse different legal systems in order to :

- (1) Create an information booklet to facilitate knowledge of the measures which each member has in domestic law to assist in transnational criminal co-operation;
- (2) Consider training and communication strategies to implement better co-operation.

3. Requests the Executive Committee, at the recommendation of the Korean Prosecution Service, to establish this working group.

4. *Requests the working group to put initial progress on the IAP website at such time prior to the 10th Annual Conference as will permit reasoned comment.*
5. *Requests the working group to report on progress made to the 10th IAP Annual Conference.*

IAP Roll of Honour

As may be seen from the minutes of the meeting of the Executive Committee and the General Meeting, the Association resolved to institute an IAP Roll of Honour. While we sincerely hope that instances of prosecutors losing their lives as a result of carrying out their duties, we feel that it is right to acknowledge that such tragedies occur and that we should record them. Accordingly a Roll of Honour will be maintained by the Secretary-General and the President will read names recorded during the IAP Awards Ceremony each year.

2nd IAP Asia and Pacific Regional Conference

The 2nd IAP Asia and Pacific Regional Conference was held at the Miramar Hotel in Hong Kong, China on 25-27 November 2004. We are extremely grateful to Ian Grenville Cross, SC, the Director of Public Prosecutions for Hong Kong, China and his dedicated local organizing committee, headed by John Reading, SC, for the warmth of their hospitality and the excellent arrangements which led to the overall success of the conference.

Participants from 14 jurisdictions across Asia and the Pacific gathered on the evening of Thursday 25 February and got to know each other during a pleasant reception. The working sessions of the conference began early on the next day when the participants were welcomed by our host, Ian Grenville Cross, SC and IAP Secretary-General, Henk Marquart Scholtz before the conference was formally opened by Mrs Elsie Leung, the Secretary for Justice of the Hong Kong Special Administrative Region. We were also honoured that the Attorney General of Thailand, Kampree Kaocharem, and the Prosecutor-General of Macao S.A.R., Ho Chio Meng, were present for the first day of the conference and that our Asian Vice-Presidents, Minoru Shikita and Ye Feng were with us throughout and that they played an active part in our discussions.

The conference began with a comparison of the workings of three prosecutions services – New South Wales, Australia (represented by Frank Veltro), Macao, S.A.R. (represented by Kuok Un Man) and the local service (represented by Arthur Luk, S.C.). The main theme of the conference was “Dealing with drug offenders” and it was explored in a variety of ways. The first plenary session focused on the problems caused to society by drug offenders and the issues for prosecutors. Our expert speakers were Glen Rice of the Australian Commonwealth DPP’s Office and IAP Vice-President, Ye Feng from China. The legislation used in various countries to tackle drug crime was discussed in working groups and outlined in plenary presentations by Darryl Saw and Kenny IP (Hong Kong), Dong-Eon Cha (Korea) and Lianron Li, a prosecutor from Taipei who is currently studying in the U.S.A..

Our first full day ended with a memorable conference dinner at the Royal Hong Kong Yacht club. We were piped in to dinner by pipers of the Hong Kong Police and the band of the Hong Kong Police entertained us throughout the meal.

Drug trafficking, organised crime and money laundering were addressed on our final morning in plenary presentations by Sunisa Sathapornsermsuk, (Thailand), and Laleshni Chandra (Fiji). We also heard a highly skilled and touching address from Paul Coghlan, the DPP of Victoria, Australia, whose final anecdote will be long remembered by all who were present.

Working groups considered different ways of addressing the problems in a series of sentencing exercises and the various approaches were set out in plenary presentations by Motoo Noguchi (Japan), Brian Knox (Australia) and Eugene Lee Yee Leng (Singapore). An alternative vision was given by Henk Marquart Scholtz and Annabelle Bolt (United Kingdom) outlined the work which she had done to bring the IAP Mutual Legal Assistance project to fruition (see below).

A final discussion revealed the wide range of sentences likely to be imposed depending on jurisdiction. It was a sad moment when we had to call a close to the conference. IAP senior Vice-President Minoru Shikita joined Ian Grenville Cross in making closing remarks and we wished everyone a safe journey home.

Executive Committee meets in Ljubljana

The Executive Committee met in Ljubljana, Slovenia on 8-9 April 2005. The President, the Secretary-General, the General Counsel, Daniel Bellemare, Retha Meintjes, Henning Fode, Ye Feng, Carlos Donoso Castex, Wendy Abraham, Basile Elombat, Francois Falletti, Alasdair Fraser, James Hamilton, Kampree Kaocharern, John Kaye, Michael Kennedy, Lim Nae-hyun, Fikrat Mammadov, Wolfgang Swoboda, Raija Toiviainen, Laszlo Venczl were present and they were joined by Richard Rogers, Ruslan Hadjiev, Sirisak Tiyanpan, Niruj Maneepun, Kyu Taek Kwak. Apologies had been received from Minoru Shikita, Richard Buteera, Charles Leacock, Ali Nassir al Bualy, and Christopher Wray.

The President opened the meeting and acknowledged the support of Slovenia for the IAP. He also acknowledged the support and hospitality of the Society of State Prosecutors of Slovenia. Members of the Executive Committee were formally welcomed by Mrs Barbara Brezigar, Eurojust National Member for Slovenia, and Mrs Mojca Kucler Dolinar, Chair of the National Assembly Committee on Domestic Policy, Public Administration and Justice.

The minutes of the meeting of the Executive Committee in Seoul were adopted. The French version of the Human Rights Manual had now been printed in hard copy by the Agence Intergouvernementale de la Francophonie and distributed by them to Francophone prosecutors in Africa. The President thanked the Agence for its work in the translating, publication and dissemination of this version of the Manual.

There were now 109 organisational members. The up to date list is available on the website. John Kaye would be stepping down from the Executive Committee as he was retiring from prosecuting in July. He expressed his good wishes to the Executive Committee and wished the IAP well. The President thanked John Kaye for his

contribution to the IAP over many years and wished him well in his retirement. The General Counsel would convene a drafting group to discuss numbers, regional and gender representation and limiting the length of time members could serve on the Executive Committee.

The Secretary General presented his report and the accounts for 2004. There were 1,290 individual members. The exchange rate of the Euro and the US Dollar continued to cause some difficulties. The accounts were approved and Messrs Ernst and Young were thanked for their continued support. The Ministry of Justice of Denmark and the Office of the Director of Public Prosecutions of Ireland were thanked for their continuing structural support. The President thanked the Secretary General.

The General Counsel presented his report. He also presented papers on mechanisms for the admission of organisational members and the presidential succession. He outlined progress on the victims and witnesses and mentoring projects and the President spoke of existing programs for assistance to Sri Lanka. Lim Nae-hyun reported on responses to the fact sheet questionnaire. There was discussion of a paper on the future strategy for the IAP which was adopted and would be circulated to members (see below). The General Counsel asked members of the Committee to consider involving their organisations by agreeing to take on responsibility for individual projects. Daniel Bellemare immediately offered to take on the development of a communications strategy. The President thanked the General Counsel.

Reports had been received from Retha Meintjes, Raija Toiviainen, Daniel Bellemare, Fikrat Mammadov, Lim Nae-hyun, Laszlo Venczl, Alasdair Fraser, Henning Fode, and James Hamilton. Kampree Kaocharem and Sirisak Tiyapan reported on work in advance of the UN Congress in Bangkok later in the month. Carlos Donoso Castex reported on the assassination of a Venezuelan prosecutor, Danilo Anderson. The President had written to the Prosecutor General of Venezuela and this was much appreciated. This would be the first entry in the IAP Roll of Honour.

Gordon Lerve (Australia) had generously arranged for the conference fee of a participant at the Annual Conference from a developing country to be paid each year. The President asked members of the Executive Committee whether other such donations could be encouraged. The meeting sent its thanks to Gordon Lerve.

The Preliminary Program for the Annual Conference had been circulated. Registrations had begun to come in and there was a running count on the website. There were links to prosecution service websites on the conference website. Members were encouraged to link their sites to this. The conference would be opened by the Minister of Justice. There would be a full day and half day tour for accompanying persons. The conference centre was within walking distance of the city centre. The General Counsel outlined the work programme for the Annual Conference and asked for volunteers to assist. The Irish Government and the Agence Intergouvernementale de la Francophonie had already agreed to provide support to the Granting Program and a number of other governments were processing requests.

There was discussion on the level of the conference fee. This year's conference was being financed out of conference income. There was support for ensuring that the conference drew as many prosecutors as possible and that the fee did not, as a result

of paying for social events, prevent less well-funded prosecutors from attending. It was important that the conference should be self-financing. It was perceived that it was becoming increasingly difficult for individual members to attend the conference. Henning Fode agreed to chair a group consisting of the Vice-Presidents which would produce a protocol on the level of provision at conferences.

François Falletti gave details of initial plans for the Annual Conference in 2006 in Lyon, France on 3 – 7 September. It would be held in the Palais des Congresses. An initial idea for the theme of the conference could be a discussion of options for prosecutors in making their decisions, including the exercise of discretion. The Executive Committee agreed that the conference should be held in Lyon and thanked the French Minister of Justice for his invitation.

The General Counsel reported on the success of the regional conferences held in Hong Kong in November 2004 and The Hague in March 2005. The next European regional conference would be held in The Hague in March 2006. The IAP was seeking a host for the next Asia/Pacific regional conference in 2006 and it was likely that there would be a similar event for the Caribbean in Bermuda at around that time. The IAP had been asked to organize a conference for Eastern European countries in Sofia in conjunction with the Bulgarian Association of Prosecutors. It was also agreed that the IAP should pursue the possibility of a conference on cyber crime to be held with the assistance of Microsoft in Asia in 2006. The President would report to the committee on further proposals.

The Executive Committee meeting in Copenhagen would be held on 27 August in the Ministry of Foreign Affairs. An invitation to hold the northern Spring meeting in 2006 in Togo is being considered. Henning Fode would contact the organizers of the Second World Summit of Ministers of Justice and Attorneys General and he, the Secretary General and Ye Feng would seek further information from U.N. sources.

The President had been informed of the appointment of the new Prosecutor General of Estonia and of wishes for continuing co-operation with the IAP. The Secretary General invited European Executive Committee members to attend the IAP 10th Anniversary reception hosted by the City of The Hague on 23 June. The Secretary General was happy to supply materials for distribution to colleagues but asked that good notice be given to him so that he could avoid expensive courier fees.

5th European Regional Conference

This year's European Regional Conference was an extremely happy and cosmopolitan event. It was attended by 49 prosecutors from a record 21 countries. In addition to European colleagues we welcomed prosecutors from Indonesia, the U.S.A. and Taipei who were working or studying in Europe. They are a welcome addition to our conference and add an even broader range of experience to our diverse gathering.

This year for the first time we were delighted to incorporate a visit to Eurojust into our programme at the kind invitation of Executive Committee member Mike Kennedy who is the President of Eurojust. He gave participants a stimulating presentation on the work of his organization and about the practical help which it can be to prosecutors in the European Union and beyond. We are most grateful for this

opportunity to further the experience of our colleagues and it was good to meet at Eurojust another Executive Committee member, François Falletti, and IAP member Roelof Jan Manschot.

The conference proper, which focused on the very current issue of domestic violence, began as usual with a welcome reception in the IAP offices and dinner at a local restaurant at which participants obeyed the injunction not to sit next to someone from their own jurisdiction. Judging by the noise level our colleagues already had much to discuss.

The first item on the work programme was a comparison of two prosecution services – one in a common law and the other in a civil law jurisdiction. We were treated to very clear and authoritative explanations from Edell Fitzpatrick and Marianne O’Kane from Northern Ireland and Beatrix Winkler from Austria.

We then moved to a consideration of the impact on society of crimes of domestic violence. Dagmar Freudenberg (Germany), who had been very active in the preparation of the conference, spoke on the impact on victims, Andrew McIntyre (Scotland) on general issues for society at large and Inga Beier Engh (Norway) on issues for prosecutors, including pre-trial investigations and the securing of evidence.

In a series of workshops, chaired by Raymond Briscoe (Ireland), Agnes de Vries (Netherlands) and Pierre Cornu (Switzerland), participants discussed a series of case studies based on real situations. The first day ended with a reception hosted by the City of the Hague at which we were pleased to meet again and hear from Bob Lagerwaard who, on behalf of the Mayor of The Hague welcomed participants to “the international legal city”.

On day two a plenary session on “The tools available to prosecutors – law, other agencies” was addressed by Hannele Selin-Hakala (Finland) on the presentation of evidence in court, Agnes de Vries (The Netherlands) on interaction with other agencies and Liz Reid (England and Wales) on strategies for prosecution and training issues. Another session on “*Protection and support for victims*” heard from Lykke Soerensen (Denmark) and Eric Bedos (France).

Another series of workshops, chaired by Zilla Hirsch (Sweden), Liz Reid (England and Wales), and Dikran Sarian (The Netherlands) gave colleagues the opportunity to design their own systems for dealing with domestic violence. Proposals included :

Initial response and police training important. The need to gather evidence from the start.

Children - referral to Welfare services. Try to keep them at home and remove the perpetrator. Avoid children attending Court to give evidence. A joint approach from Criminal and Civil Courts. Mediation. Same sex relationships - gender is irrelevant but there is a need to tackle attitudes so that there is no embarrassment in reporting violence in same sex relationships/female perpetrator violence. Training needs to include all issues including the dynamics of domestic violence. A need for a protocol for information sharing. A one stop shop for advice for victims. An order to enforce restraining orders tag offenders. Sentencing should involve consideration of rehabilitation, therapy, etc. Preventative measures should include the education of schoolchildren. Greater powers to intervene and remove children from danger. Sentencing – need for conditions, counselling, therapy, restraining order. Breach

should be a criminal offence. A need for an order to deal with family's social problems. When police arrive at the scene and receive a report of domestic violence, the suspect should be removed immediately from the home. This need not be a full arrest but only a temporary measure. If possible, counselling could begin at this stage. Victim support – It would be good if the victim could receive a comprehensive support package, legal, social, psychological etc. Domestic violence homicide should be a specific crime and flag up previous assaults which were themselves incidents of domestic violence. Training for prosecutors and police needs to be wholistic.

The IAP wishes to thank the Mayor and City of The Hague for its continuing generous support and we look forward to a further successful conference next year.

Generous gift

Many of those who had attended Annual Conferences knew Gordon Lerve from Australia who had been an active participant for many years. Gordon generously offered to pay annually the conference fee of a colleague from a developing country to enable her/him to attend the Annual Conference. This was a most generous offer and we were sure that members would want to join us in thanking Gordon for this imaginative initiative.

10th Anniversary

On 23 June 2005 a reception was hosted by the Mayor and Aldermen of The Hague to celebrate the 10th anniversary of the IAP. On an appropriately hot day members of the Secretariat were joined by former IAP President, Eamonn Barnes, members of the Executive Committee and Senate at the City Hall in The Hague. Those present were welcomed by the Deputy Mayor of The Hague :

“I would like to wish you a warm welcome to The Hague, on the occasion of the celebration of the 10th anniversary of the establishment of the International Association of Prosecutors. As Deputy-Mayor responsible for economic and international affairs, it gives me great pleasure to be able to welcome you to our city, which is known - thanks to numerous national and international legal institutions established here - as an International City of Justice and Peace.

The Hague is proud to bear the honorary title of ‘Judicial Capital of the world’. I realize that this may sound a little pretentious coming from a member of the City Executive of The Hague itself. However, the description is not my own. It derives from no less a personage than Mr. Boutros Boutros-Ghali, former Secretary-General of the United Nations.

The presence of the secretariat of the IAP in The Hague therefore is not just a coincidence. Quite the contrary. From my staff I have heard stories about tough negotiations between your Secretary-General and the city related to the transfer of your headquarters to The Hague, starting in November 1998. In order to help swing the balance in favour of The Hague, the City Executive offered a lavish reception to IAP and guests in April 1999 where our Minister of Justice was guest of honour. I guess that some of you present here today were our guests than as well. Good to see you back again!

I take it that we did some things well! All our efforts paid off in the end, because in 1999 the IAP-secretariat was officially established in The Hague, in the same offices that are presently still being used by Mr. Marquart Scholtz. Who, by the way, became an ardent supporter of the City of The Hague. Travelling occasionally – or should I say frequently – over the world, he always acts as an ambassador for our city, as we read in your Newsletter. The official opening of the office took place in November 1999, so almost six years ago. This means, ladies and gentlemen, that during more than half of the ten years we are celebrating today, IAP has been established in The Hague. During those years IAP became special to us. I should add, also special to me personally, since I have known your Secretary-General for many many years.

As you put it in your own words, “The International Association of Prosecutors (IAP), which is a non-governmental and non-political organisation, is the first and only world organisation of prosecutors. It was established in June 1995 at the United Nations offices in Vienna and was formally inaugurated in September 1996 at its first General Meeting in Budapest.

The objects of the IAP are (and I name a few) :

- a to promote the effective, fair, impartial and efficient prosecution of criminal offences;
- b to respect and seek to protect human rights as laid down in the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10 December 1948;
- c to promote high standards and principles in the administration of criminal justice, including procedures to guard against or address miscarriages, in support of the rule of law.

Principles which – and I guess that you won't be surprised - are shared by the City of The Hague as well and that are practised in our City daily by many organisations and their staff members!

Maybe the IAP office is small in terms of staff, but the effects of the activities undertaken from the office are felt all over the world. IAP brings people together that share the commitment to proper public prosecution. We had the privilege of meeting many of them during the various seminars that were held in The Hague and even in our City Hall. When Eurojust started its activities in The Hague close ties between Eurojust and IAP were established, leading to the present situation that participants of the various seminars that are held in The Hague spend time at Eurojust as well.

That, ladies and gentlemen, is what The Hague is about. The networks are in place, allowing the international organisations based here to do their work properly and adequately. The Hague enjoys a significant advantage in the form of the international organizations which are already established in the city. They in turn attract events with which The Hague can profile itself as an important conference venue and as a meeting place for decision makers at the very highest level.

Ladies and gentlemen, I could go on for quite a while elaborating on the important role our city plays in this international arena, but you did not come to this reception to listen only to me. I would like to ask you to raise your glass and bring a toast to the 10th anniversary of the International Association of Prosecutors, its members and its

officials. May the next ten years be as flourishing as the first ten! We look forward to the continuation of the excellent contacts between your organisation and City Hall!

Mr. President. Mr. Secretary-General, dear members of IAP, dear guests, to your health!”

The President replied :

It is a great pleasure and a great honour for me to represent the International Association of Prosecutors here this evening and to speak on its behalf.

As you know, the IAP was formed in 1995 after a great deal of work by the original organising committee. But the story really began with the Hungarian delegation to the UN Congress in Havana, Cuba in 1990 which returned home to set up the Hungarian National Association of Prosecutors. That, in turn, in 1991 at the Kriminalinfo in Budapest, put forward the idea of an international organization. Dr Kurt Neudek, now Honorary Member of the IAP and then the representative of the United Nations Vienna Office of the Crime Prevention and Criminal Justice Branch, reported on the idea – and the rest (as they say) is history.

There were a few milestones along the way in the formation and activities of the Association that should be mentioned.

- The famous “hot room” in Budapest on a day of 37C (outside) in August 1993 when the interim organising committee was established and the draft constitution came into play. [I mention particularly the parts played by:
 - Dr Kurt Neudek
 - Maria Hajdu who chaired the meeting and became the Association’s first President
 - Eamonn Barnes who was to become the second President
 - Honorary Member Dato Steenhuis of The Netherlands
 - Werner Roth of Germany, and
 - Barry Hancock, who became (so far the only) General Counsel.]
- The meeting in Vienna in 1994 when Henk Marquart Scholtz, who became (also so far the only) Secretary-General, joined the team. At that early stage Dato Steenhuis and the Dutch Council of Procurators General gave essential material support to the embryonic association and that support has continued.
- The meeting, also in Vienna, on 6 June 1995 when the IAP was formally established – its official birthday 10 years and 17 days ago.

From the very beginning The Netherlands and the City of The Hague have provided invaluable material and other support to the Association. Our Secretariat has always been here. It is therefore wholly appropriate that we should celebrate this significant birthday in The Hague and we warmly thank the City for providing this occasion for celebration.

And celebration we should have. In its 10 short years the IAP has held 9 Annual Conferences and 8 regional conferences. We are represented in 130 countries and the

membership continues to grow. We have special consultative status with the Economic and Social Council of the United Nations and our voice is heard – and listened to – around the world. We have published the Standards, the Human Rights Manual for Prosecutors and 4 volumes in the Best Practice Series, with more on the way; and we are engaged in programs for the benefit of prosecutors wherever they may be.

The IAP is a success and we may allow ourselves a moment of self-congratulation this evening. My term as President will end at our 10th Annual Conference in Copenhagen in August/September this year; but I am very pleased to know that the next President will be Henning Fode of Denmark. The IAP will continue in the best of hands.

Please continue to give us the support we have enjoyed in our first 10 years. There is much to be done and your assistance will be welcome as we head into the next decade.”

Obituary – IAP Honorary Member, Kurt Neudek, 15 April 1935 – 3 August 2005

It is with great sadness that we mark the death of Dr. Kurt Neudek, LL.M.. Kurt Neudek joined the United Nations in 1974. He had previously served as a Consul at the German Consulate General in New York, and before that as a Judge and Public Prosecutor in Munich. He had completed his law degree and doctorate in criminal law at the University of Munich, with post-graduate studies at The Hague Academy of International Law, at the University in London King’s College and at the New York University.

Dr. Neudek became known to the United Nations through his work on law enforcement and justice reform, covering different aspects of international criminal law and penology. Throughout his career with the United Nations, Dr. Neudek was deeply dedicated to the goals of the Organization and to the improvement in the administration of justice worldwide. Working in the United Nations Secretariat both in New York and Vienna for more than twenty years, he was the substantive officer responsible for all matters related to human rights in the administration of justice. He serviced five United Nations world congresses on the prevention of crime and the treatment of offenders (Geneva, Caracas, Milan, Havana and Cairo), as well as the biennial sessions of the Committee on Crime Prevention and Control and the annual sessions of the Commission on Crime Prevention and Criminal Justice, liaising also with the Commission on Human Rights in Geneva. It was thanks to his commitment, patience and persistence that a number of United Nations criminal justice standards and norms were adopted by the international community, for example, the United Nations Principles on the Independence of the Judiciary, the United Nations Guidelines on the Role of Prosecutors and on the Role of Lawyers, as well as the Model Agreement on the Transfer of Foreign Prisoners, the Model Treaty on Extradition, Mutual Legal Assistance in Criminal Matters, and the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released.

Before retiring in 1995, was instrumental in the establishment of the International Association of Prosecutors, including the drafting of its Constitution, and the convening of its early preparatory meetings in Vienna and Budapest. In many ways he even preceded the IAP's founding fathers and in recognition of this he was made one of the IAP's first honorary members at its first general meeting in 1996.

After his retirement, Dr. Neudek continued to promote the work of the United Nations, particularly in his function as Assistant Commissioner of Prisons in Uganda, working closely with Commissioner Etima and accompanying him to several U.N. meetings and conferences. His sudden death has come as a shock to all his former colleagues he will be sorely missed by all his friends around the world. The heritage he has left us – in terms of important United Nations international criminal justice instruments - will remain to guide our work and inspire future policies.

Annual Conference 2005

The IAP's 10th Annual Conference was held in Copenhagen, Denmark on 28 August to 1 September 2005. The opening event, the president's reception was hosted in the in the Statens Museum for Kunst by the Minister of Justice, Mrs Lene Espersen, the Danish Minister of Justice who, together with IAP President, Nicholas Cowdery, and Danish Director of Public Prosecutions, Henning Fode, welcomed the participants. Henning Fode was acknowledged as conference president and Jia Chungwang (China), Dabre Gbandjaba (Togo), Vinette Graham-Allen (Bermuda) Fikrat Mammadov (Azerbaijan) and Chronox Manek (Papua New Guinea) as conference vice-presidents.

The work programme on the subject "Witnesses, experts and victims" began on Monday 29 August with keynote addresses from Mrs Espersen and Henning Fode. The session, chaired by the President, was held in the presence of HRH Crown Prince Frederik, who also met members of the Executive Committee. The programme continued with a plenary session outlining the problems posed when dealing with witnesses, experts and victims. The speakers were Hans Gammeltoft-Hansen, the Danish Parliamentary Ombudsman, Jia Chungwang (China), Evert Stamhuis, Professor of Criminal Law, University of Groningen, The Netherlands and Choung, Sang Myoung (Korea). The afternoon began with presentations on the trauma of testifying from Erik Merlung (Denmark), Simon Byabakama Mugenyi (Uganda) and Pauline Spencer, Matthew McGonagle and Simon Deacy (England and Wales). The conference dinner, held in the unique setting of Øksnehallen (the renovated former cattle market), will be remembered for good company, good food and excellent entertainment, based on the stories of Hans Christian Andersen.

The second full day of the conference began with former IAP President, Eamonn Barnes, chairing a plenary session which dealt with the issues relating to expert witnesses. The speakers were John Reading, SC (Hong Kong), Jean-Olivier Viout (France), Sviatoslav Piskun (Ukraine) and Wendy Abraham, QC (Australia). Again the participants divided into smaller groups, this time for the now traditional regional fora. Fikrat Mammadov then chaired a plenary session on pentiti, criminals who turn to give evidence for the state, in which the speakers were Paul Ngarua (ICTR), Paul Monty (Canada) and Roberto Di Legami (Europol). That evening the Deputy Mayor of Copenhagen welcomed the conference participants to a reception in the splendid Copenhagen City Hall, an occasion which will be remembered by all who were there.

The first plenary session on Wednesday 31 August fielded a panel dominated by French and Spanish speakers. Dabre Gbandjaba (Togo) introduced Carlos Donoso Castex (Argentina), Alain Guillou (Monaco), Nae-hyun Lim (Korea), Jean-Marie Huet (France) and Elvira Tejada (Spain). Later, in a wide-ranging discussion coordinated by Daniel Bellemare, MSM, QC (Canada), Heicke Gramckow (Center for State Courts, U.S.A.) took further the work which the IAP is doing on victims and witness issues (see the details of IAP projects below). Chronox Manek (Papua New Guinea) chaired a session on juvenile witnesses in which the speakers were Brian Keedy (U.S.A.) and Barry Hancock (IAP General Counsel).

On the last formal day of the conference, after Rex Wild (Australia) had introduced feedback from the workshops (see below), Vinette Graham-Allen (Bermuda) introduced Elizabeth Howe (England and Wales), Robin Finlayson (Canada), Hanne Rahbeck (Denmark), Robert Johnson (U.S.A.) and Egbert Myjer (European Court of Human Rights) who made presentations on the human rights of victims and defendants. After a final question and answer session Ye Feng (China) introduced François Falletti (France/Eurojust) and Elaine Krivel who outlined some of the issues to be discussed at the 2006 conference when the theme will be “Decisions to prosecute”.

The conference ended with the President thanking all those concerned with the organisation of the conference, and in particular Janne Holst Hübner and her excellent team. Daniel Bellemare paid a formal tribute to Nicholas Cowdery on behalf of the Association and he was presented with a statue of Justice by the Secretary-General and senior Vice-President, Minoru Shikita. Finally, he handed over the office of President to Henning Fode who closed the conference. The closing social event of the conference was held in the unprecedented surroundings of the Danish National Aquarium - fish both on the plates and in the tanks.

On the day after the conference proper our Danish colleagues hosted a domestic day which included the opportunity to visit the Danish Parliament, the Copenhagen Police, the Danish Ombudsmen and the Copenhagen City Court. These activities concluded with a lunch generously hosted by the Commissioner of Police.

We thank Henning Fode and all our Danish colleagues for hosting a most successful and happy conference which was attended by nearly 500 prosecutors from 94 countries.

IAP Awards 2005

This year there was something new at the IAP Awards Ceremony held on the first morning of the conference. At the General Meeting of the Association last year it was decided to establish an IAP Roll of Honour – a formal record to be kept by the Association to honour those who have given their lives in the service of their communities as prosecutors.

The first entry in the new Roll of Honour is Danilo Anderson, a 38 year old State Prosecutor from Venezuela, who on 18 November 2004 was killed as he drove home from a university graduate course by two explosions in his motor vehicle. He had been investigating an important and high-profile case, including proceedings against

elected officials and police, and his fearless dedication to his professional duties brought about his assassination. The President noted these events and Danilo Anderson's name was inscribed in the Roll of Honour. The Prosecutor General of Venezuela, Julian Isaias Rodriguez Dias made a short response to that entry.

Special Achievement Awards

The first award provided strong endorsement for the proposition that “winning” plays no part in the assessment of a prosecutor's performance. It is in the way in which we perform our duties that we attract attention (for better or for worse).

In an incident of international terrorism throughout centuries of atrocities, there was a bombing at Narita Airport in Japan on 23 June 1985 and on the same day, in a related attack, a bomb exploded on board Air India Flight 182 off the coast of Ireland. 331 people died. The investigation continued for 15 years and in October 2000 charges of murder and of conspiracy to commit murder were laid against two individuals in Vancouver, Canada by what came to be known as the Air India prosecution team. The prosecution brought together the largest police, prosecution and administrative teams ever assembled in British Columbia on a criminal case. The case resembled in many respects the prosecution of those charged with the bombing of Pan Am Flight 103 over Lockerbie, Scotland on 21 December 1988 when 259 people on the flight and 11 on the ground were killed. Members of the Air India prosecution team visited the Lockerbie trial in Camp Zeist in The Netherlands and valuable information was exchanged. (It may be recalled that the Lockerbie prosecution team received a Special Achievement Award at our 2001 conference in Sydney.)

Evidence relevant to the Air India prosecution was scattered through several countries and the organizational challenges were immense – numerous investigative, intelligence, military and non-government agencies were involved; documents, transcripts and expert reports had to be mastered (the material initially provided in 1999 comprised 500,000 pages – at one point the Canadian Security Intelligence Service delivered to the team, in two trucks, reel-to-reel audiotapes measured not by number or length of tapes, but by weight – 40,000 lbs – over 18,000 kilograms); a team approach had to be fostered, involving investigators, prosecutors, victim witness assistants and administrative staff. That team worked together for six years, away from their regular offices and colleagues, working at times up to 18-20 hours per day (often on weekends) and forgoing holidays. They put their careers and their lives on hold, in a sense, showing extraordinary dedication to the completion of the task in the most professional manner.

Challenges – often new problems requiring innovative responses – had to be overcome in the areas of project management, personnel, communications, the disclosure of evidence, management of the destroyed airplane (which was reassembled on site), application of information technology, security and relations with the “outside world” and the media. Even the courtroom had to be especially designed and secured.

Importantly, the lessons learned and the best practice applied in processes, technology and legal arguments will be of valuable assistance in the conduct of large and complex cases in the future, wherever they may occur. We know they will happen and

this “nuts and bolts” advice, given on the basis of first-hand experience, will be of great assistance.

The trial proceeded over 16 months on 233 hearing days, from 28 August 2003 to 3 December 2004. Verdicts were delivered on 16 March 2005. The nomination for this award was made in January 2005, before the verdicts were known. This trial attracted enormous national and international attention. It became a testament to the capacity of countries enforcing the rule of law to confront and prosecute international terrorism in the criminal justice process. It provides an object lesson in what can be done – a lesson to those who may prefer other means (such as war) of confronting the continuing threat of terrorism.

The Air India prosecution team was headed by Robert Wright QC who demonstrated outstanding leadership over a team that displayed resilience, fortitude, patience and strength of character. It included 14 Crown Counsel and victim witness assistance staff and administrative officers, all from the Criminal Justice Branch of British Columbia. 60 names are included in the nomination, so I will not read them out. They will be published in the IAP Newsletter.

Joseph Bellows QC of the Criminal Justice Branch, Ministry of the Attorney General of British Columbia, accepted the award on behalf of the Air India Prosecution Team and made a short response.

The second group of awards in this category was to four individuals from the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague who have all performed to the highest professional standards, often at great personal and sometimes financial and professional sacrifice. The ICTY (and the ICTR, the tribunal for Rwanda) was set up in 1994 and has a finite existence. It will draw to a close in the next few years. It broke new ground in the prosecution of international crime and, starting from scratch, many challenges had to be confronted and overcome.

The first recipient of these Special Achievement Awards is Graham Blewitt AM, until recently Deputy Prosecutor for the Tribunal and now a Magistrate in New South Wales, Australia. He began as a prosecutor in New South Wales. The Commonwealth government, however, turned him onto prosecuting Nazi war criminals from the era of World War II and from there it was a natural step to the ICTY where he was appointed Deputy Prosecutor in 1994. In those early days he was on his own, setting up the Office from scratch. The Prosecutor had not yet been appointed and staff began to arrive during that year. It is for good reason that Graham was sometimes known as not just the father of the Office, but its father and mother. Graham served under three Prosecutors – Richard Goldstone, Louise Arbour and Carla Del Ponte – until late last year. It is clear that Graham has been the real force holding the ICTY together and enabling it to address its demanding mandate in the highly professional way that it has.

Graham is a quiet, modest, unselfish, thoughtful and pleasant individual and a competent, determined and effective prosecutor (and now, Magistrate). He provided initial guidance for the ICTY, steered it through its start-up phase with all its growing pains and continued to provide pivotal support to the Tribunal for those ten years. He was a legal pioneer, effectively guiding the development of a whole new area of criminal law. For much of the time Graham lived alone in The Hague while his wife and growing daughters were very far off in Sydney and towards the end of his term

there were other family pressures that put him under great strain. But Graham soldiered on like the true professional that he is, and without complaint.

His work generally was recognised on Australia Day in 2000 when he was appointed a Member in the Order of Australia. The citation reads: “*For service to international humanitarian law, particularly in the area of war crimes investigation*”. Graham has always been a strong and enthusiastic supporter of the IAP, having addressed our conferences on many occasions.

The second in this group was Joanna Korner QC, the award also being presented for her work at the ICTY. She was a Senior Trial Attorney there from September 1999 to April 2004, prosecuting in the Trial Chambers. She is a British citizen and was admitted to the Bar of England and Wales in 1974. She was appointed Queen’s Counsel in 1993 and a Recorder of the Crown Court in 1994. Joanna’s nomination for this award mentions three principal reasons for this distinction. First, her total dedication to the high ideals and demands of prosecuting cases at the international level. The role requires constant examination of one’s professional responsibilities for a wide range of reasons and Jo has consistently demonstrated her unwillingness to compromise her principles. Dealing with cases arising out of the worst camps in Bosnia has certainly tested her in many ways and she has attracted high public praise even from the judges themselves.

Second, mention is made of Joanna’s dedication to excellence and her strong commitment to helping other prosecutors to improve their skills. She has been particularly active in arranging for and participating *pro bono* in advocacy training for her colleagues. Third, she is commended more generally for her service to the cause of international justice – in helping to end impunity for serious violations of international humanitarian law.

The third in this group is Mark Harmon, another Senior Trial Attorney who has been working at the ICTY since 1994. Mark is a citizen of the USA and qualified in law in 1971. Before joining the ICTY he was a Federal Prosecutor and Unit Chief in the Environmental Crimes Section of the US Department of Justice in Washington, DC. (He prosecuted in the famous Exxon Valdez case.) Before that he had been a prosecutor in the Civil Rights Division of the Department; and before that a Public Defender in California.

Again, three main reasons are put forward in his nomination for this award. First, his dedication (also) to the high ideals and demands of prosecuting cases at the international level, particularly as a pioneer of the ICTY, discovering the rules as he went along. The second reason arises from his prosecution of the case of General Radislav Krstic who was convicted of genocide in respect of the Srebrenica massacres and who was sentenced to 46 years imprisonment. This has been the only conviction before the ICTY for genocide. The conviction was overturned on appeal, but (as I have already said) it is not by the result of a prosecution that one measures performance. The third reason is also Mark’s service to the cause of international justice generally.

The fourth in the group is Geoffrey Nice QC, who first worked as a Senior Trial Attorney at the ICTY from June 1998 to 2001. He completed his assigned cases and returned to private practice; but he came back when specifically asked by Graham Blewitt to prosecute the trial of Slobodan Milosevic as a Principal Trial Attorney.

Geoffrey is a British citizen, admitted to the English Bar in 1971. He was appointed Queen's Counsel in 1990 and is a Recorder of the Crown Court and a member of the Criminal Injuries Compensation Board. He has appeared as either prosecutor or defence counsel in many landmark cases in England.

The first main reason for his nomination is his total dedication to the high ideals and demands of prosecuting cases at the international level. In particular, his highest moral and ethical standards have been a beacon for other prosecutors to follow and have contributed directly to the high standard of the judicial decisions being rendered by the Chambers of the Tribunal. Second, Geoffrey has been innovative in suggesting procedural reforms in cases before the Tribunal. Flexibility has been vital to making the mixed common law and civil law system operate most effectively and Geoffrey has applied an open, expert and constructive mind to the process. And third, Geoffrey's dedication to improving the advocacy skills for more junior lawyers in the ICTY and the Rwanda Tribunal have been recognised. He has freely given of his time to participate as a trainer in workshops while he has been at the ICTY.

Mark Harmon and Joanna Korner were present and Mark Harmon responded on behalf of all four recipients.

Certificates of Merit

Certificates of Merit had earlier been presented to :

- Klas Bergenstrand of Sweden, for his service as a member of the Executive Committee.
- Rawat Chamchalerm of Thailand, for his service as a member of the Executive Committee.
- Christopher Wray of the USA, for his service as a member of the Executive Committee.

The President then presented Certificates of Merit to :

- John Kaye of the USA, for his service as a member of the Executive Committee.
- Fikrat Mammadov of Azerbaijan, for his work on the Association's Russian language website. (He has also been instrumental in the translation of the Human Rights Manual into Russian.)
- The Supreme Prosecutor's Office of Korea, for hosting the 9th Annual Conference and General Meeting of the Association in 2004.
- The Office of the Director of Public Prosecutions of Hong Kong, China, for hosting the 2nd Asia and Pacific Regional Conference in 2004.
- Annabelle Bolt of the U.K. Customs and Excise, for her work on the Association's Best Practice Series No 4, Mutual Legal Assistance.

Finally, *Thank You Certificates* had already been presented to the Office of the Supreme State Prosecutor of Slovenia; and the Society of State Prosecutors of Slovenia for hosting the 2005 northern Spring (half-year) meeting of the Executive Committee in April this year.

Goodbye and thank you

Nicholas Cowdery, AM, QC was elected President of the IAP in Beijing in 1999 and again in London in 2002. Many tributes were paid to him during the conference. In particular Daniel Bellemare spoke (edited) on behalf of all colleagues at the final session.

“To operate effectively in any society, the criminal law and the criminal justice process must be acceptable to the public and the public must have confidence in it. Not confidence that it will always get it right, or that it will always produce the result that they would like to see, but confidence that it is better than any sensible and realistic alternative that they are able to come up with. In short, the public must be content to hand over to the system, the justice that they would otherwise try to achieve on their own.”

Ladies and Gentlemen, this is an excerpt from a book entitled *Getting Justice Wrong – Myths, Media and Crime*, published in 2001 by one Nicholas Cowdery.

In the beginning

Elected in September 1999 in Beijing, Nick became the third president of our young association. In the October 1999 edition of the *IAP Newsletter*, newly elected President Nick published the first of what would become a long series of the “Message from the President”:

“I salute my predecessors: Maria Hajdu, who was an effective midwife for the Association; Eamonn Barnes, whose boundless energy and charm nursed it successfully through infancy and childhood. [...] We now enter the next phase – adolescence. We all know what a troubled time that can be: but it need not be so. [...] This is a time of consolidation and development: consolidation of the considerable efforts already made [...]”

Nick was re-elected by acclamation for a second three-year term as President, in September 2002, in London, England. By that time, the IAP was emerging from its adolescence: it was time for matchmaking. As president Nick wrote in the October 2002 issue of the *IAP Newsletter*, he was preparing the IAP for adulthood:

“I always seem to be involved in administrative matters and, happily, in providing a “matchmaking” service – putting people with particular needs in contact with others who may be able to assist [...]”

The IAP journey into adulthood

During Nick’s presidency, the IAP has become an international anchor, a unifying force for prosecutors of the world, a catalyst where we can all gather under the same banner, to

celebrate and advance our endless journey in the defence of the public interest and the pursuit of the rule of law. Last year, in Seoul, South Korea, in his opening address, Nick reminded us, with his usual eloquence, that the IAP had succeeded in getting us together in a forum where we can discuss, and learn from our differences:

“[...] Prosecutors are by tradition necessarily somewhat insular and parochial, somewhat bound to the detail of laws and procedures in their own jurisdictions. For years, they have dealt with cases in their own locality and have not had to have any great concern about systems and issues beyond their borders. [...] However, as we all know too well, times have changed and we must all now look outwards much more. [...] One of the first objectives of the Association was to put prosecutors in touch with each other and to encourage communication between them. One way of doing this is to bring prosecutors together [...] However, simply getting together, although enjoyable and productive, is not of itself enough. Our gatherings are intended to extend experience and understanding. [...] it provides a timely focus on what makes us different and where we can connect: in short, what we can learn from each other. Clearly, the fact that countries [...] have their own distinct and distinctive criminal justice systems and processes is both limiting and enriching. [...] We can celebrate these differences and also learn from them. It is always sobering to realize that someone else may in fact have a better way of doing things – even a few aspects that might be borrowed and adapted to advantage. From a discrete and barely audible whisper, the voice of the IAP has matured. It now resonates on each continent. It is strong; it is clear; and most importantly: it can no longer be ignored. Its distinctive logo is now proudly displayed in prosecution boardrooms and offices in more than 130 countries around the world. Who could forget Nelson Mandela’s powerful message to prosecutors when, in August of 2000, during his acceptance speech of the IAP Medal of Honour, he said:

“The challenge for the modern prosecutor is to become a lawyer for the people. It is your duty to build an effective relationship with the community and to ensure that the rights of the victims are protected. It is your duty to prosecute fairly and effectively according to the rule of law; and to act in a principled way without fear, favour or prejudice.”

In July 2001, the United Nations conferred upon the IAP the sought after “Special Consultative Status to its Economic and Social Council” (ECOSOC). In November 2003, Nick was invited, on behalf of the IAP, to address the special sitting of the *International Criminal Court* on the occasion of the accession of Serge Brammertz, former Belgium Federal Prosecutor and IAP member, as Deputy Prosecutor at the Court.

Extremely generous with his time, and often at great cost to himself and his family, like a legal globetrotter or a pilgrim of the rule of law, accepting the “tyranny of distance”, President Nick has proudly carried the IAP banner around the world. During his two term presidency, Nick published 24 “Message from the President” in the *IAP Newsletter* – They constitute an inspiring testament to the pursuit of the international prosecution ideal. On behalf of the IAP, and on OUR collective behalf, in the last six years, in addition to the annual IAP Conferences and Executive Committee meetings, Nick travelled to 34 countries to attend no fewer than 65 international legal events of one kind or another, involving prosecutors and prosecution issues. This is no small accomplishment; keeping in mind that rumor has it that Nick still maintains a “day job” back home in Sydney. His contribution to the International Legal Community was recognized by his own Country. On June 9, 2003, he was appointed a Member in the General Division of the *Order of Australia* (AM). The official Citation reads as follows:

For service to the development and practice of criminal law, and to the fostering of international co-operation in the area of human rights.

The Protection of Human Rights

Nicholas Cowdery is a compassionate man who has always been committed to the protection of human rights. This is not surprising: the protection of human dignity begins with the protection of human rights.

Well before the birth of the IAP, Nick was involved with the Human Rights Institute of the International Bar Association (IBA), of which he was the inaugural Co-Chairman. He is now the Vice-Chair of the IBA Human Rights Institute. As President of the IAP, Nick has remained true to his lifelong commitment to human rights. In 1999, the IAP published the now well known *IAP Standards* which provide minimum prosecution requirements. The next year, in South Africa, under the theme “Human Rights and the Prosecutor”, the IAP continued its journey into the protection of human rights. It led to the establishment of the IAP Human Rights Forum. In the October 2001 issue of the *IAP Newsletter*, President Nick advocated the use of the International Criminal Court to judge international terrorists accused of crimes against humanity. Under Nick’s leadership, in 2003, the IAP Human Rights Forum published the *IAP Human Rights Manual for Prosecutors*. The publication of the Manual sent a clear and strong message to all: our mission as prosecutors includes the defence of human rights. Indeed, public prosecutors must be the guardians of human rights. Nick has reminded us that the protection of human rights is, indeed, an intricate part of the prosecution ideal.

Nick, under your inspiring stewardship, the IAP has successfully emerged from adolescence into adulthood. As we embark in the second decade in the life of the IAP, you leave us a young adult, who is healthy, vigorous, articulate, ambitious, principled and determined. As you told prosecutors of the world: As prosecutors, we refuse to put aside the just rule of law, and continue to search for more effective means to properly address criminality in all its forms and on all scales. [*IAP Newsletter*, February 2003]

We will stay the course. Nick, the IAP will miss you. We will miss you. We hope that, with Joy’s permission, we will be able to continue to benefit from your wise advice. Thank you for the memories. Thank you for your leadership. Ladies and Gentlemen, I will leave you with this thought from President Nick:

“[...] humankind can, and should do a great deal more to learn to live with itself. The IAP can help in its own modest way, by providing support and inspiration, by bringing significant public officials together with a view to improving the outcomes of our work in all parts of the world for the benefit of all societies. [*IAP Newsletter*, February 2003].

Thank you.

During the General Meeting on Wednesday 31 August 2005 the President spoke :

As you know my second 3 year term in office as President concludes at the termination of this meeting and, as I made clear in London when I was re-elected in 2002, that is quite enough of me. I shall refer again, briefly, to my time in office

during the Conference Closing Ceremony tomorrow, but I want to say a few words now mainly about the Association itself.

The IAP is a force to be reckoned with and that is recognised internationally. There is no doubt that it is needed. Its rapid growth in ten years has demonstrated conclusively that it has filled a gap that previously existed. I strongly encourage you and all your colleagues, wherever you come from, to continue to support it in every way you can, publicise it and be involved in its programs. (As an example of what can happen I mention that only last week I had a visiting group in my Office in Sydney of 14 Albanian prosecutors and regulators. I was able to interest a good number of them in joining the IAP and establishing contact with prosecutors in other jurisdictions.)

In its first 10 years the IAP has gone from strength to strength. We have 110 organisational and 1350 individual members covering up to 300,000 prosecutors worldwide and we are represented in 130 countries (out of the 190 or so in the world). In 1999 when I was elected President we had less than 1,000 individual members and 70 organisational members. Our Annual Conference that year in Beijing attracted 300 participants. Here we have grown to over 450. By the standards of international organisations, that represents a huge achievement in a relatively short time and many people have worked hard to bring it about.

I mention a few milestones we have passed along the way.

- We have special consultative status to ECOSOC of the UN.
- We have published the Standards, now applied around the world in many languages and being adapted for application by the UN.
- The Human Rights Manual for Prosecutors has been translated into French and the Russian and Chinese and Arabic versions are on the way.
- We have published 4 volumes in the Best Practice Series.
- We have held 10 Annual Conferences and 8 smaller Regional Conferences and there will be more next year.
- We are consulted widely and we become involved in many projects around the world to improve the levels of service provided by and for prosecutors.

But there is always more to do and at present we have under way many initiatives that are addressed in a strategy document considered by the Executive Committee. They include, in addition to the continuation and expansion of existing programs:

- a review and relaunch of the Standards;
- a mentoring program with junior prosecutors in developing countries;
- the identification and publication of contact details of international experts – potential witnesses – in many parts of the world;
- the development of a training package on good management practice for prosecution services;
- a training package connected with the Human Rights Manual for Prosecutors;
- developing standards for the security of prosecutors and their families.

There is plenty of work to be done and we have the ability to do it well. Barry Hancock is certainly overworked and you are invited to contact him with offers of assistance.

In the role of President I have learnt much and I hope I have made some useful contributions. I have certainly greatly enjoyed meeting and mixing with so many of our colleagues from so many parts of the world – and visiting them when circumstances have allowed. In the 6 years in office I have formally represented the IAP in 34 countries on all continents (except Antarctica – where there doesn't seem to be a need for prosecutors) and on small islands in large oceans, visiting some countries on several occasions (and all of this at virtually no cost to the IAP, I hasten to add). With Barry and Henk I have also assisted in guiding 6 Annual Conferences to successful completion. It has been a great experience and probably the most significant period in my professional life.

Now I pass from rooster to feather duster, reverting to membership of the Executive Committee for the next 3 years and then lodging in the IAP cupboard known as the Senate, to be brought out when any housecleaning needs to be done but otherwise to pass the time in quiet contemplation with my fellow feather dusters (some of whom are with us today).

So the position of President becomes vacant now.

The Constitution of the IAP provides in Article 10 for a President to be elected by the General Meeting. The Constitution also provides that the President must be an existing member of the Executive Committee. He or she is nominated by the Executive Committee, but nominations may also come in a prescribed way from the membership. In default of that, the person nominated by the Executive Committee shall be deemed to be elected.

There has been no nomination from the membership; accordingly, I announce that the Executive Committee's nominee, as advised in earlier Newsletters, Henning Fode, is elected as President to take office for 3 years from the termination of this meeting.

Congratulations, Henning – you will have an opportunity to say something in a moment: I haven't finished yet. It is indeed a happy coincidence that this should occur in your home town as you host our Annual Conference.

I am pleased to say that the IAP Executive Committee contains a good supply of ability and leadership that augurs well for the future of the Association. Henning, of course, is the Rigsadvokaten (DPP) of the Kingdom of Denmark and has served his country in various senior capacities, being DPP since 1995. He has been a member of the Executive Committee of the IAP since 1998 and Vice-President for Europe since 1999; but he has been involved with the IAP since the very beginning, having spoken at the 1st Annual Conference in Budapest in 1996.

Henning is a Dane, a Scandinavian, a European – importantly for the IAP at this stage of its life, he practises in a civil law country. But more than that, Henning knows that we are all citizens of the global village and he involves himself in activities all over the world. Like Hans Christian Andersen, he believes in the saying that “to travel is to live” and he has already travelled a great deal on behalf of the IAP.

It is my hope, however, that 10 years into the life of the IAP, in addition to facing the global challenges that are presented, Henning will be able to use his position and contacts especially to extend our membership into the European countries where we are presently under-represented (and have no organisational members). He faces a

great but potentially very satisfying task. He will work with many good people – especially Henk and Barry – and I congratulate him and wish him all the very best for his term in office. I formally present the IAP gavel of office.

Our new President – Henning Fode

As we said goodbye to Nick Cowdery we also welcomed Henning Fode, Rigsadvokaten (DPP) of the Kingdom of Denmark, as our new President for a three year term.

Henning Fode was born in 1948 in Randers, Denmark. He holds a Master's degree in Law from Aarhus University, where he was assistant professor in 1975-76 after completing his military service. He then joined the Danish Ministry of Justice and was promoted to Head of Division in 1984. Later that year he was appointed Director of the Civil Security Service. In 1987 Mr Fode became Deputy National Commissioner of Police. In 1989 he was appointed Deputy Permanent Under-Secretary in the Ministry of Justice, a position he held until 1995 when he became Director of Public Prosecutions.

Henning Fode has been a member of the IAP since the very beginning and was elected IAP Vice-President in 1999. He is married and is the father of two daughters.

Executive Committee meets in Copenhagen

The Executive Committee met in the Ministry of Foreign Affairs in Copenhagen on Saturday 27 August 2005.

The President opened the meeting and Henning Fode welcomed members of the Executive Committee to Copenhagen. The President thanked Henning Fode and his staff for all the hard work which they had undertaken to put arrangements in place for the conference and the meeting. He acknowledged those who were present in place or in support of members of the Committee.

Apologies had been received from Ali Nassir al Bualy, John Kaye, Charles Leacock, Basile Elombat, Alasdair Fraser, Laszlo Venczl. The minutes of the previous meeting were accepted as an accurate record of the meeting.

The number of organisational members now stood at 110.

Christopher Wray and John Kaye were resigning from the Executive Committee. The President reviewed the nominations for office which had been agreed in Ljubljana.

There was a discussion of a paper about the future membership of the Executive Committee. A working group was established and was asked to address the issues which had been discussed and to report to the next meeting.

The Secretary-General presented his report. 1 April - 1 August saw 60 new individual members. He urged members of the Committee to seek further organisational members. The budget for 2006 was agreed. The financial situation was healthy but still affected by the exchange rate between the US Dollar and the Euro. He noted the

10th anniversary of the IAP and the reception which had been held in The Hague to mark it.

Thanks were due to the governments of Denmark, Finland and Ireland for continuing financial support, including the Granting Program. The Agence Intergouvernementale de la Francophonie continued to enable continued to assist Francophone prosecutors to attend the Annual Conference and this year there was also some assistance from the U.K..

Daniel Bellemare outlined proposals for refreshing the look of the Newsletter and also a format for future press releases. A new format was agreed. The President thanked Daniel Bellemare and his colleagues for his work on this.

The General Counsel presented his report, focusing on a project to measure the prosecution services of the United Kingdom against international standards and norms and work to develop ties in Arab countries. The IAP would be co-chair with the UNODC of the International Advisory Group to the UNDP (POGAR) project on the modernisation of the prosecution services in Arab states.

He presented protocols on the process for dealing with the Presidential succession and the admission of organisational members, as well as a draft memorandum of understanding with the UNODC on a mentoring programme for prosecutors.

The Executive Committee considered the future work of the Association. Members of the Executive Committee were asked to assist in the running of a range of projects which had been established as a result of consultation throughout the membership.

The President informed the meeting of the establishment of the South East European Prosecutor Advisory Group (SEEPAG). It is a grouping of contact points in the prosecution services in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, the Former Yugoslavian Republic of Macedonia, the Republic of Moldova, Romania, Serbia and Montenegro, Slovenia and Turkey to facilitate cross-border co-operation.

The Secretary-General reported on the Second World Summit of Attorneys General and Prosecutors General in Qatar in November. The IAP had been asked by the UNODC to give support to this event and the IAP would be represented by the President and the Secretary-General.

The President reviewed the awards which would be made at the IAP Awards ceremony on the first morning of the conference. He presented Certificates of Merit to Rawat Chamchalerm, Christopher Wray and Klas Bergenstrand for their services to the Executive Committee.

The 2006 conference would be held in Paris. Francois Falletti outlined the possibilities for the work programme on the subject "Decisions to prosecute". A bid had been received from Hong Kong, China to hold the 2007 Annual Conference. This was accepted unanimously. The President hoped that it might be possible to hold the 2008 conference in South America.

The first Eastern European Regional Conference would take place in Sofia, Bulgaria on 26-28 October 2005 on "Measures for combating organised crime in the Region."

The 3rd Asia and Pacific Regional Conference would be likely to take place in Macau, China in January 2006. The subject would probably be “A model prosecution service” and that would also be the subject for the 6th European Regional Conference in The Hague in March 2006. The African Association of Prosecutors wished to co-operate with the IAP. It would be holding a conference in Egypt in August 2006.

The next meeting of the Executive Committee would be held in Uganda.

The President thanked colleagues for their help and support over twelve Executive Committee meetings. The Executive Committee presented him with a copy of *International Criminal Practice* signed by all members of the Committee.

The Executive Committee also met briefly on Tuesday 30 August to consider a draft resolution relating to the “2nd World Summit in Qatar” to be put to the General Meeting on the following day.

General Meeting 2005

The 10th General Meeting of the International Association of Prosecutors was held in Copenhagen on Wednesday 31 August 2005.

The minutes of the previous meeting in Seoul, Korea, 2004 were accepted as a true and accurate record of those proceedings. There were no matters arising.

Henning Fode was elected President of the Association and Francois Falletti was elected Vice-president with special responsibility for Europe.

Ilie Botos (Romania), Vinette Graham-Allen (Bermuda), Martin Herschorn (Canada), Knut Kallerud (Norway), Wendy Stephen (Canada) and Paul Walsh (U.S.A.) were elected as members of the Executive Committee.

The Secretary-General presented the Annual Report and reported on the present membership situation. He also reported on the finances of the IAP. The individual membership fee was fixed for the tenth time at US\$30.

The President and the General Counsel outlined the future work programme of the Association (see below) and of future conferences and the President urged organisational members to make commitments to working within the spirit of the IAP *Standards*.

The President outlined the Executive Committee’s approach to the “World Summit” to be held in Qatar in November 2005. He put a draft resolution to the meeting and this was adopted unanimously. The text reads :

INTERNATIONAL ASSOCIATION OF PROSECUTORS

The Second World Summit of Attorneys General, Prosecutors General, Chief Prosecutors and Ministers of Justice – Doha, Qatar, 14-16 November, 2005

The International Association of Prosecutors (IAP),

Noting that the IAP is the first and only World Association of Prosecutors, representing over 300,000 prosecutors in over 130 countries around the world;

Emphasizing that the IAP has been the voice of prosecutors on every continent since its creation in 1995;

Recalling that, in July 2001, the IAP received Special Consultative Status to the Economic and Social Council of the United Nations (ECOSOC);

Recalling that, inter alia, in 1999, the IAP adopted the Standards for Prosecutors, and that in 2003, the IAP published the *Human Rights Manual for Prosecutors*.

Aware of the July 21, 2004 ECOSOC Resolution 2004/30 welcoming the initiative of Qatar to hold the second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice (the Summit) in Doha, Qatar, in November 2005 and inviting the Summit to ensure that its program is targeted to further strengthening international cooperation in criminal matters;

Noting that the World Summit comprises Attorneys General, General Prosecutors, Chief Prosecutors and Ministers of Justice, and

Stressing the need for efficient and effective operational cooperation between the various prosecution agencies and prosecutors of the world;

1. *Recognizes* that international cooperation is essential in the fight against transnational crime;
2. *Stresses* the crucial operational role that prosecutors play in that regard;
3. *Welcomes* the second Summit's desire to further strengthen international cooperation in criminal matters taking into account the role of prosecutors;
4. *Emphasizes* the importance of avoiding duplication of effort and maximizing the use of scarce prosecution resources;
5. *Calls upon* the Summit to recognize, acknowledge and support the mandate and programs of the International Association of Prosecutors; and
6. *Invites* the Summit to co-operate with the International Association of Prosecutors and to define the Summit's mandate and programs with a view to ensuring that international organizations of prosecutors complement rather than compete with one another.

*IAP 10th Annual Conference and General Meeting
Copenhagen, Denmark,
31 August 2005*

The next IAP General Meeting will take place during the 11th Annual Conference in Paris 27-31 August 2006.

1st IAP Eastern European Regional Conference

The 1st IAP Eastern European Regional Conference was held in Sofia, Bulgaria, 26-28 October 2005. 51 prosecutors from 18 jurisdictions attended. After a welcome reception participants enjoyed dinner at the Sofia Princess Hotel.

The plenary sessions on 27 October began with a speech by Prof. Nikola Filchev, Prosecutor General of Bulgaria, who welcomed the participants on behalf of the President of Bulgaria. There followed more official welcome speeches, by representatives of the European Commission and of the Legal Committee of the Bulgarian Parliament.

The working sessions began with a lecture by Prof. Dr. Ulrich Sieber, Director of the Max Planck Institute for Foreign and International Criminal Law, Germany, who gave an overview of the scope and the international definition of organised crime, and of the most frequent transnational organised crimes. He was followed by Jean-Francois Bohnert, representative of France at Eurojust, who spoke on the role of Eurojust in fighting international organised crime, and in particular on the cooperation modes and methods of sharing information.

Andre Vandoren from Belgium reported on the experience of European criminal justice services in combating organised crime, and Julia Horzinek from The Netherlands dealt with special investigative means in investigation of transnational crime. IAP senator, Professor Werner Roth from Germany, explored the recognition and execution of confiscation orders in the EU member countries, and was followed by George Hardy, Assistant District Attorney from San Diego and Lincoln Jalelian of the US Department of Justice, who set out the US experience in combating organised crime.

Our host Rosen Dimov, Chairman of the Association of Bulgarian Prosecutors and Prosecutor General at Plovdiv, spoke on the nature of organised crime in Bulgaria, and the next speakers were Zoran Pavlovic from Serbia, who dealt with the activities of the Serbian public prosecutors office for combating organised crime, and Abdullah Ayhan San from Turkey, who did the same with regard to Turkey. Our second day ended with a official dinner, hosted by the Prosecutor General, Nikola Filchev.

On the final day Michael Merker of the European Commission spoke about the common EU approach to the fight against organised transnational crime; he was followed by Alexander Kovalenko and Sergey Rudenko from Ukraine, who dealt with the experience in Ukraine in combating organised crime and trafficking of human beings, as did Lili Oprea, from Romania from a Romanian perspective. Edit Jonane Pocsai from Hungary and Gocha Parulava from Georgia were the last speakers, and gave an overview of the experiences and methods in their respective countries in the fight against organised transnational crime.

The conference ended with words of farewell by Rosen Dimov, followed by lunch in the Sofia Princess Hotel. We are extremely grateful to him and to the Prosecutor

General of Bulgaria for their support of the 1st Eastern European Regional Conference both through the generous reception, lunch and dinner and the availability of the excellent conference facilities.

We were sorry to say goodbye to those colleagues who attended the conference and who worked so hard over the two days. They are to be congratulated for their efforts and for making the conference an undoubted success.

3rd Asia and Pacific Regional Conference

Our 3rd Asia/Pacific Regional Conference was held in Macau, S.A.R., China on 12 - 14 January 2006. It brought together 56 participants from 14 jurisdictions from across the region. As usual participants came together for a reception on the first evening and then on Friday 11 January the conference was formally opened by Dr Ho Chio Meng, Prosecutor General of Macau, who was accompanied by the Secretary-General and IAP Senior Vice-President, Minoru Shikita.

The theme of the conference, “An Optimal Prosecution Service”, was designed to encourage participants to think about their own systems and to find out more about the systems within which others work. The work programme therefore began with two presentations on the respective systems of the two Special Administrative Regions in Southern China, Hong Kong and Macau from William Tam and Paulo Martins Chan. Other presentations followed from Hochul Kim (Korea), Tim MacIntosh (New South Wales, Australia), Zhang Zhihui (China), Daniel Gounder (Fiji), Megumi Uryu (Japan), Stephen Carisbrooke (Victoria, Australia), Chew Chin Yee (Singapore), Melissa Kent (Australian Capital Territory) and Danang Suryo Wibowo (Indonesia).

As ever the discussion sessions were extremely lively and all present, especially the young prosecutors among us, played a full part. The conference was closed by Asian Vice-President, Ye Feng.

We are indebted to Dr Ho Chio Meng and his colleagues for the hard work which they put into the organisation of this event and for the warm and generous hospitality which all participants thoroughly enjoyed

6th European Regional Conference

The 6th European Regional Conference was held in The Hague on 15 – 17 February 2006. The conference was attended by 58 prosecutors from 21 jurisdictions. After a reception at the IAP offices in Hartogstraat and dinner at a local restaurant on Wednesday evening, work began the following morning with a welcome address from Harm Brouwer, the Chairman of the Dutch Council of Procurators General, which set the scene for our discussions on a model prosecution service.

On the first day our speakers were Jean-Francois Bohnert (France/Eurojust), Eileen Creedon (Ireland), Perry Quak (The Netherlands), David Evans (England and Wales), Alessandra Giraldi (Denmark), Carolyn McLeod (Scotland) and Babek Oshidari (Austria). In the middle of the day participants moved to the offices of Eurojust

where they were welcomed by Eurojust Vice-President, Ulrike Haberl-Schwarz from Austria, who explained the workings of her organisation and answered questions. We were also entertained to lunch during which participants were able to meet members of their national teams at Eurojust. The day finished with a consideration of a real case in a workshop setting and after this was discussed the City of The Hague hosted a reception which was addressed by Bob Lagerwaard who, on behalf of the Mayor of The Hague, welcomed participants to the city which is now without doubt “the international legal city”.

On the final day participants heard presentations from Una.McClean and Bronagh McAuley (Northern Ireland), Alf Martin Evensen (Norway), and Julia Horzinek (The Netherlands). The workshops then reconvened to design “a model prosecution service”. The discussions ranged widely with the following amongst the conclusions :

Investigation

The prosecution and the police should be independent of each other. There was need for co-operation during investigation between the police and the prosecutor but also a need to avoid getting too close and losing prosecutorial objectivity. However, the prosecutor should instruct and not merely advise. For intrusive search and surveillance there should be judicial authority. Prosecutors should direct investigations but not control them. Investigation is a preparation for the trial and therefore the prosecutor needs to be active during the investigation. Police methods are coming under increasing scrutiny and therefore the prosecutor needs to become involved. There was a need for collocation .

Decisions to prosecute

Decisions to prosecute should be made by the prosecutor and the police should not be involved at this point. This should be a transparent process and victims should be kept advised of decisions, although it is not always possible to give great detail. There was a general need to proceed in sensitive cases.

Decisions should be based on sufficiency of evidence and, where discretion is permitted, based on a public interest test. There should be the ability to begin a prosecution for serious cases before all the evidence is available but where it is reasonably expected. There should be an internal appeal against refusals to prosecute and ultimately to a judge. The views of the victim should be taken into account but should not be decisive. Prosecutors should be independent but accountable.

It was also important to consider circumstances in which you would not prosecute and diversion should be a larger part of the picture. There was also a need to reduce cases going through the courts. Prosecutors should be the gatekeepers.

Trial

The participants saw a need in common law system for cross examination. The prosecutor has more active role in legal issues in civil law. The trial should be about truth and not procedure. Most evidence should be admissible in whatever form – the overriding rule should be fairness. The judge should be the trial manager. Unsurprisingly there was no general agreement about the role of judges or juries. However, there was a preference for a mix of judges and lay people.

Sentencing, appeal and diversion

Prosecutors should have ability to divert, including community penalties, and a right to recommend sentence. There should be a right of appeal for both sides. Sentencing guidelines should be publicly available.

We thank our participants for having made this a very happy and productive conference. The IAP provides a platform for such events but the success comes from the activity of the members of the Association who attend. We should also like to thank the City of The Hague for providing us with the excellent facilities in the City Hall and for their generosity to the IAP.

The Executive Committee meets in Kampala

The Executive Committee met in Africa for the first time since 2000 when it convened on the shores of Lake Victoria near Kampala, the capital of Uganda, on 25 - 26 February 2006. It was our great pleasure to return to Africa and the arrangements made by our host, IAP Executive Committee member and Director of Public Prosecutions Richard Buteera, ensured the success of the meeting. Those who attended will forever remember the sights and sounds of Africa.

Richard Buteera, as host, welcomed the Executive Committee to Uganda. He was extremely happy that so many members of the Committee could be there. Unfortunately, a back complaint which later required surgery prevented our President from travelling but it was wholly appropriate that Retha Meintjes, as Vice-President for Africa, took the chair. She opened the meeting and thanked Richard Buteera for the arrangements which had been made and welcomed three members to their first meeting. The minutes of the Executive Meeting in Copenhagen were adopted with minor amendments.

The President, Secretary-General, James Hamilton, Ilie Botos and Nicholas Cowdery had attended the 2nd World Summit in Qatar. The Secretary-General and James Hamilton reported briefly on the work of that meeting. It was clear from this that there were still areas of the world in which the IAP was under-represented and good contacts had been made. A third such Summit in Romania was proposed, and Ilie Botos would inform the Committee on the plans for such Summit before its Conference meeting. It was agreed that the IAP should develop a strategy for future relations.

The Attorney General's Office of Indonesia had applied for organisational membership as had the new Revenue and Customs Prosecutions Office in London. These applications were approved. The National Union of Prosecutors of South Africa had amalgamated with a public service association and could no longer remain as an organisational member.

A number of members of the Executive Committee were due to step down. Richard Buteera (Uganda), Raija Toiviainen (Finland), Laszlo Venczl (Hungary) and James Hamilton (Ireland) wished to be renominated and this was agreed. Alice Fisher

(U.S.A.) and Pachara Yutidhammadamrong (Thailand) had been co-opted during the year and their nominations were accepted as was that of Joon Gyu Kim (Korea).

The General Counsel presented a paper on the future composition of the Executive Committee. The following points were agreed :

- The size of the Executive Committee should not be increased on a permanent basis.
- The Constitution should not be changed to provide for temporary members of the Executive Committee.
- Members of the IAP who would like to join the Executive Committee when no suitable vacancies exist should be encouraged to assist in the workings of the Committee until a vacancy arises.
- There should be a target of having 30% (9) women members within six years.
- In future incoming members of the Executive Committee should serve no more than two terms as a member, two terms as a Vice-President and two terms as President. This would not apply to existing members.
- The balance between members representing associations of prosecutors and prosecution services should reflect the balance in the membership as it currently did.
- An article would be published in the next edition of the Newsletter setting out some of the key messages which the Committee wished to convey in relation to this subject.

There was discussion of the distribution of places on the Executive Committee between regions. Fikrat Mammadov put forward a detailed paper which was circulated after the meeting and Carlos Donoso Castex spoke of his wish to have proper representation for South America. There was concern about regions which were under-represented and also representation for individual members.

The Secretary-General reported that there were 1394 individual members and 111 organisational members. The accounts of the Association would be presented at the next meeting but the Secretary-General was able to present a satisfactory financial position. There was still need for increased income and he proposed a fresh consideration of the Financial Protocol. He acknowledged continued financial support from the government of Ireland and The Netherlands. He asked members to seek financial support from their governments for the IAP Granting Program. He thanked Daniel Bellemare for the work which he and his colleagues had done on the new format of the Newsletter and the first edition in this format.

The General Counsel presented his report and dealt in particular with the progress made in the establishment of project working groups (see below). The members of the Executive Committee presented their activity reports. Fikrat Mammadov added to his report that he had now arranged the translation of the 4th volume in the Best Practice Series into Russian. The meeting thanked him.

Details of forthcoming IAP conferences were discussed (see below).

The 6th European Regional conference had taken place in The Hague in the previous week. Thanks were conveyed to the city of The Hague for its continuing support to the IAP in general and to the regional conference in particular.

The General Counsel marked the death of Honorary Member Kurt Neudek (see Newsletter 32).

The Secretary-General reported on a number of translations of IAP documents. The Ankara Bar Association in Turkey wished to translate the Human Rights Manual into Turkish. This was agreed.

The meeting wished the President a speedy recovery and the Chair thanked Richard Buteera and his colleagues for all their work and assistance in relation to the meeting.

Annual Conference 2006

104 – the number of countries represented at the IAP's 11th Annual Conference in Paris. Ten years before in Budapest the 1st conference took place, attended by 134 participants from 49 countries. That we had grown to a gathering of over 500 from over 100 countries was a tribute to the activities of the IAP over the intervening decade but it is also symbolic of the need felt by prosecutors around the world to meet together and develop ties which will enhance their abilities to carry on their vital work for their societies.

The city of Paris provided a magnificent background for our gathering and the Bourse was an excellent conference venue, combining traditional grandeur with state of the art conference facilities. The weather also favoured us towards the end of the week, although rainy days early on resulted in the rapid sale of IAP umbrellas!

Our hosts were the French Ministry of Justice and their commitment was evident from the top to the bottom of the organisation. We were honoured that the Minister, the Garde de Sceaux (Guardian of the Seals of the French Republics), M Pascal Clément, joined us at the opening reception on Sunday 27 August and, together with our President, Henning Fode, welcomed participants to our landmark event.

On the following morning, once we had completed the IAP Awards (see below), the Minister made a keynote speech which set the tone for the week's deliberations. He was followed by Jean-Louis Nadal (Procureur Général près la Cour de Cassation, France) who introduced Professor Peter Tak of Radboud University, Nijmegen, The Netherlands and IAP Vice-President, François Falletti. They outlined the issues which were to be discussed in our various sessions during the week in an analysis of the contrasts between discretionary and legality systems. A busy morning finished with plenary presentations on the context of the prosecutor, chaired by the Rt Hon the Lord Boyd of Duncansby, (Lord Advocate, Scotland, UK), in which the speakers were Ilie Botos (Counselor of the Prosecutor General, Romania), Sang-Myoung Choung (Prosecutor General, Korea), Daniel Bellemare, MSM QC (Assistant Deputy Attorney General, Canada) and Professor John Jackson (Professor of Public Law, Queen's University, Belfast, Northern Ireland, UK).

Before the afternoon was given over to discussions in workshops, former IAP President, Nicolas Cowdery AM, QC, introduced Claude Marin (Procureur de la République de Paris, France) and William Downer SC (Deputy Director of Public Prosecutions, South Africa) who gave contrasting presentations on the civil and

commercial roles of the prosecutor. The workshops, their subjects, personnel and discussions are recorded below at page xxx. That evening participants were entertained at a splendid dinner in the historic setting of the Palais de Justice on the Isle de la Cité.

Tuesday began with a keynote address from the Rt Hon the Lord Goldsmith (Attorney General, UK) and presentations on the aims of the prosecution from Daniel Bernard (Prosecutor General, Belgium) Joon-Gyu Kim (Deputy Minister of Justice, Korea) and Richard Rogers (Senior Counsel, Criminal Division, Department of Justice, U.S.A.). The session was chaired by Josaia Naigulevu (Director of Public Prosecutions, Fiji) who was only one of many participants whose baggage had gone astray en route to the conference. The traditional regional fora (see below) completed the morning and the afternoon was taken up with a session chaired by Carla Verissimo de Carli (Brazil) on the prosecutor beyond prosecution with presentations from Jean-Marie Huet (Directeur des Affaires Criminelles et des Grâces, Ministère de la Justice, France), David Green QC (Director, Revenue and Customs Prosecutions Office, United Kingdom), Ewa Nyhult (Deputy Director, Sweden), Gerhard Jarosch (Austrian Association of Prosecutors, Austria) and Vusi Pikoli (National Director of Public Prosecutions, South Africa). The presentations in this and many other sessions were followed by a stream of interesting questions and stimulating debate between participants and the speakers.

Our Wednesday programme began with an analysis of the issues connected with accelerated process with presentations from Kara Shead (Crown Prosecutor, Office of the Director of Public Prosecutions, New South Wales, Australia), Jean-Amédée Lathoud (Procureur Général, France), Robert Johnson (County Prosecutor, Anoka County, Minnesota, U.S.A.) and André Morin (Regional Director, Federal Prosecution Service, Montreal, Canada). The session was chaired by Annabel Phoya (State Advocate, Malawi). In a development of our previous practice the afternoon was given over to a wide-ranging discussion of relations with the media, facilitated by Daniel Bellemare with an intervention from James Hamilton (Director of Public Prosecutions, Ireland). That evening was memorable from two points of view - the reception in the delightful setting of the Ministry on the Place Vendôme and a ceremony involving one of our Vice-Presidents (see Congratulations below).

Our last morning began with feedback from the regional fora, chaired by Fredrik Wersäll, (Prosecutor General, Sweden) and from the workshops, chaired by the Secretary-General. Discussions moved to international issues as Nicolas Cowdery chaired a presentation by Luis Moreno Ocampo (Prosecutor at the International Criminal Court) and a session provided by Eurojust in which Eurojust members, Michael Kennedy, François Falletti, Knut Kallerud and Rosa Moran took part. The final working session was a question and answer session chaired by the President in which the panellists were Yves Bot (Procureur Général près la Cour d'Appel de Paris, France), Michael Bryant (Attorney General, Ontario, Canada), Ken Macdonald QC (Director of Public Prosecutions, England and Wales, UK), Mohamed Abdelmounim El Mejboud (Prosecutor General, Morocco), Candido Conde Pumpido Touron (Prosecutor General, Spain), and Keisuke Senta, (Deputy Director of the United Nations Asia and Far East Institute, Japan).

In our closing session Oleksandr Shynalsky invited members to attend the forthcoming Eastern European and Central Asian Regional Conference in Kiev. Grenville Cross then spoke of the attractions of Hong Kong and tempted us all to

attend the next Annual Conference. The President thanked everyone who had helped to make the conference a success and Eric Bedos called all his team, headed by Isabelle Opsahl, onto the stage so that participants could show their appreciation. The conference closed with an excellent lunch in the Nef, the main (and very grand) hall of the Bourse.

We hope that participants found the conference both stimulating and enjoyable and that those members who were unable to be with us will be interested to read the papers which were presented on the IAP website - www.iap.nl.com.

The Executive Committee meets in Paris

The Executive Committee met at the Ministry of Justice in Paris on Saturday 26 August 2006; 24 members of the Committee attended the meeting.

The President opened the meeting and welcomed colleagues to Paris. He thanked François Falletti and our hosts from the French Ministry of Justice for organising the Annual Conference and the Executive Committee meeting. François Falletti added his words of welcome and the President thanked Richard Buteera for his excellent hosting of the Executive Committee in Kampala. The minutes of the previous meeting were approved. There were now 118 organisational members. Members of the Committee were still keen to improve the geographical and gender balance.

The President introduced his draft policy statement of what he intended to focus on during the next two years of his term of office. This would be followed by a message in the Newsletter. It had to be made clear that this is a personal statement within the overall policy of the Association. A questionnaire on the IAP as a brand would be circulated at the conference to take opinions of members as to what they expect from the IAP.

The Secretary-General presented his report, the financial report and the budget for 2007. The financial statement and the budget were approved. Fikrat Mammadov had published a Russian translation of the *Human Rights Manual* and the *Best Practice Series IV – Mutual Legal Assistance*. The Arabic translation of the *Human Rights Manual* would be available during the conference. This had been prepared by UNDP/POGAR. The General Counsel presented his report and focused on the production of a book written by him and Professor John Jackson analysing the three UK national prosecution services in relation to the international standards and norms and work in preparation for the Annual Conference. There was discussion of the Secretary General's salary and future appraisal of his post and that of the General Counsel

Retha Meintjes reported on preparatory work in relation to a review of the IAP *Human Rights Manual*. Daniel Bellemare and others were concerned that more prosecution services should subscribe to the existing *Standards*. It was agreed that there should be an expectation that new members should accept the *Standards* and that every effort should be made to reach the same position with existing members. Jesper Hjortenberg, François Falletti and Roy Junkin would join the working group.

The General Counsel reported on the work which Dr Heike Gramckow had done and that a Best Practice Series document could be published before the end of the year.

UNDP/ POGAR links were being maintained. Representatives would be at the conference and discussions would continue.

Michael Kennedy had circulated a request for European Executive Committee members to provide lists of experts. There were problems and some issues which needed to be addressed and he agreed to prepare a paper addressing the issues. This would be circulated electronically and he would then prepare a further paper with proposals for discussion at the next meeting. Michael Kennedy was also developing a list of contact points in other international organisations.

Robert Johnson had taken over as chair of the group on management training.

Alasdair Fraser had put together a group of eight and research was taking place. He was still hoping to complete work on standards for the protection of prosecutors and their families by the end of 2007.

Lim Nae-hyun reported on progress on the development of IAP fact sheets. 30 countries had been collected but further requests had resulted in few responses. There was a proposal that the fact sheets should be put onto the IAP website in a limited site with a facility for members to amend and update. The Korean Prosecution Service would be prepared to provide resources to support this. New members should be expected to complete a fact sheet questionnaire.

Knut Kallerud had put together a group to develop training based on the IAP *Human Rights Manual*. Preliminary work was underway and a meeting of the group would take place during the conference.

Daniel Bellemare spoke on the communications strategy. There were two pillars – the IAP being the voice of prosecutors world-wide and also being a one stop shop for prosecutorial expertise. The President thanked Daniel Bellemare for his work and opened the four proposals for discussion.

The General Counsel outlined minor changes to the Executive Committee protocol relating to attendance at meetings and mailing procedures which were accepted. Nicholas Cowdery reported on the recent UNODP expert meeting. UNODP has adopted as a priority the strengthening of the rule of law in, amongst other areas, criminal justice prosecution systems. The outcomes will be important for the IAP amongst others. It was agreed that the IAP should be prepared to lend its support to the documents when published and the use of its logo as a collaborator in this work. The Secretariat had also helped in reviewing new draft prosecutorial laws for the Former Yugoslav Republic of Macedonia as a result of contacts made at this meeting

The President introduced a discussion on the possible signing of Memoranda of Understanding (MOUs) with other international bodies, countries, prosecution services or regional bodies. These were not legally binding instruments but a simple agreement on how organisations could work together. Daniel Bellemare suggested that there should be a clear reason why the IAP should sign an MOU. The IAP could sign an MOU with other NGOs with similar goals. The IAP should design a possible generic MOU. The IAP should not enter into an MOU with an organisation which could become a member.

Nicholas Cowdery emphasised the symbolic as well as the practical advantages of an

MOU. Alasdair Fraser suggested that :

- a) such engagements would be infrequent;
- b) these would be with international organisations; and
- c) there should be very wide and informed consultation with the IAP membership.

Daniel Bellemare offered to develop a list of guiding principles for discussion and agreement. The General Counsel would work with him and Nicholas Cowdery on the preparation of a substantive paper for the next meeting.

The meeting agreed to put forward a proposed constitutional amendment relating to the possible admission of regional bodies of prosecutors.

A paper on proposed developments to the IAP website had been circulated and the President suggested a range of improvements which would facilitate its use by members of the IAP and the wider community. There were proposals for a new set of graphics, sales, information about the Executive Committee and the membership. It should be possible to apply online and to run the whole administration through the website. There should be a secluded area for members. The IAP was one of very few similar organisations which did not have a members' area. There would be a discussion forum within this for members. It was intended to present a final proposal in Hong Kong.

François Falletti introduced details of the 11th Annual Conference. The 12th Annual Conference would be held on 16 – 20 September 2007 in Hong Kong, China. There was as yet no definite offer for 2008. Early bids were being encouraged.

François Falletti spoke about the Francophone grouping and the future of funding from the OIF. This would require the establishment of a separate legal body to receive funds.

Lim Nae-hyun thanked his colleagues for their friendship and professional support during his term on the Executive Committee, during which time he had been the main organiser of the Seoul conference. The President thanked him for his hard work and kind words.

Nicholas Cowdery had been approached by an adviser of the OSCE in Albania about the possibility of the IAP supporting the Prosecutor General of Albania who was being dismissed by parliament. The OSCE is concerned about the situation and would like the IAP to consider an intervention. The President of Albania will be considering the submission by the parliament in September. The matter was currently with the Constitutional Court. The President's view was that the IAP should await the decision of the Constitutional Court and this was agreed. Nicholas Cowdery would keep in touch with the OSCE and keep members informed.

In future award recipients would be informed either by the President or the Secretary-General of the award and invited to attend the conference to receive the awards. The issue of accompanying persons attending meetings was raised and this would be restricted to members of the Executive Committee, their spouses or regular partners.

There was an offer from Guillermo Piedrabuena, the Prosecutor General of Chile, to

hold the next meeting in Santiago, Chile in March 2007. There was unanimous support for this proposal.

IAP Awards 2006

The IAP Awards for 2006 were presented at the start of the first morning of the Annual Conference on Monday 28 August 2006. The awards were :

Medal of Honour

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

Minoru Shikita

(for his work over 40 years as a prosecutor and as Chairman of the Asia Crime Prevention Foundation and especially for his international work, both at the United Nations and in Asia, and his efforts in the development of the United Nations Guidelines for Prosecutors and in planning for and working for the IAP)

Minoru Shikita was appointed a public prosecutor in Japan in 1956. He continued to work as a prosecutor for 39 years. However, Mr Shikita's reputation reaches far beyond Japan and it is on the international stage that his achievements should be recognised. He has served regionally as Director of Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI). As Director of UNAFEI he was responsible for making this institution the prime centre for the high level development of prosecutors and other criminal justice professionals in Asia and made it a UN regional training centre for senior criminal justice personnel. As Chairman of the Board of Directors of the Asia Crime Prevention Foundation, he spared no effort to make the organization to become a top level UN NGO with 29 branches in 8 areas in Japan and 17 international chapters throughout Asia.

On an international level, he worked in such positions as Head of the United Nations Crime Prevention and Criminal Justice Branch in Vienna; crucially as Executive Secretary of 7th UN Crime Congress (Milan, 1985); Chairman of the UN Committee on Crime Prevention and Control (87-88) and Vice-President of the International Penal and Penitentiary Foundation (90-98). From the record of UN Crime Congresses and other related meetings two things become clear. Minoru Shikita was a prime mover in the development and adoption of the UN *Guidelines for Prosecutors* in Havana in 1990. He also, particularly at the 1995 Crime Congress in Cairo, ensured that prosecutors from UN member countries were aware of and would support the pre-embryonic IAP. Once the IAP was in being he worked with and through the Prosecution Service of Japan to achieve the development and publication of the IAP *Directory of Prosecution Services*.

In 1992 Mr Shikita was awarded the UN Secretary-General's Testimonial for his dedicated contribution to the UN Crime Prevention and Criminal Justice Programme (1992). In 2002 he was awarded the Order of the Rising Sun, Gold and Silver Star, by His Majesty the Emperor of Japan.

Special achievement award

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

Alasdair Fraser

(for his dedication to the ideals of prosecution in Northern Ireland throughout over 30 years of civil unrest)

Alasdair Fraser has been Director of Public Prosecutions (DPP) in Northern Ireland for 16 years - very troubled years during which he had to bear the brunt not only of a strong diet of terrorist offences but also great suspicion from both sides of the community. He had to cope with a legal profession which was resistant and reluctant to take on prosecution work and to deal with the recruitment and retention of his own staff at a time when very few would be prepared to let their friends and neighbours know what they did for a living. His staff have always been at risk - one was killed - and he has had to live with personal protection for the entire period of his office. The strain of this intrusion into the personal life of the Fraser family should not be underestimated. His commitment to his role has been absolute, his integrity beyond question.

While many countries have had to undergo severe civil disturbance, terrorism and sectarianism, few in the civilised world have had the situation last as long as in Northern Ireland. What makes Alasdair unique is that he has fulfilled this function so long that his old office was really a reflection of him and his standards and qualities. He has also taken a close interest in international matters and has made a real contribution to the IAP, to HOPAC and to the Council of Europe. What Alasdair has achieved has required not only ability, honesty and integrity but also great personal courage.

The Tokyo Public Prosecutors Special Team

The Prosecutors' Team organized by Tokyo High Public Prosecutors Office

(For successfully investigating and prosecuting large-scale bid-Rigging cases)

The prosecutors, having received the information about bid-rigging for bridge projects financed by Regional Development Offices of the Ministry of Land, Infrastructure and Transport (RDOs), initiated the investigation and revealed the full picture of the case including a bid-rigging scheme for the public projects financed by Japan Highway Public Corporation (JHPC) which had been conspired to by members of the top management of JHPC and bridge builders.

From June to August 2005, the Tokyo High Public Prosecutor's Office indicted 26 companies, including the largest steel companies in Japan, 10 of their employees and two members of the top management of JHPC, the ordering party. The indictments allege that the defendants rigged the bids for bridge construction projects ordered by RDOs and JHPC in 2003 and 2004, the total amount of which were approximately 200 billion yen, by predetermining winners and bidding prices, in violation of the Antimonopoly Act. The two JHPC defendants were also charged with breach of trust,

in which they inflated the cost of a bridge construction project by arbitrarily splitting it into several orders, thereby causing JHPC unnecessary payment in the amount of at least 47 million yen.

For many years, the bids for bridge construction projects ordered by RDOs and JHPC had been rigged by construction companies that formed bid-rigging organizations in which they predetermine the winner and bidding prices to be placed by each company for each project. By eliminating competition in this manner, they had been continuously awarded contracts at higher prices.

The investigation was directed by Tokyo High Public Prosecutors Office and conducted by a team consisted mostly of the prosecutors of the Special Investigation Division of Tokyo District Public Prosecutors Office, the nation's most prominent investigators of corruption and economic crimes. Prosecutors from a number of districts nationwide also joined the team. More than 60 prosecutors participated in the investigation – an unprecedented large number in this kind of investigation.

As a result of this case, the issue of public sector guided bid-rigging has once again become the subject of strong criticisms from the media and the public. Drawing on the lessons of the case, legislative responses are expected to be made in the 2006 regular session of the Japanese Parliament, the National Diet so as to enhance the relevant regulations and criminal penalties.

Jan Henning

(For his dedication to the ideals of prosecuting in South Africa both before and since the establishment of majority rule)

Jan Henning SC, Deputy National Director of Public Prosecutions, retired early this year as head of the National Prosecuting Service, a position he has held since 2003. His illustrious prosecuting career started in a small town in 1974. He advanced very quickly through the ranks to become a Deputy Director in 1986. His forensic skills were admired by all and he was appointed Senior Counsel in 1992

As the Deputy Director in charge of undercover operations, he guided many investigations aimed at combating international drug and diamond trafficking via the Johannesburg international airport. With South Africa to a large degree isolated during the previous dispensation, international mutual relations had to be established. He played a major role in that regard and personally supervised the speedy finalization of requests for assistance by other countries. Special anti-corruption investigating teams were set up in the nineties, in particular to look at corruption in the public sector. It was also part of Jan Henning's portfolio to guide sensitive operations dealing with corrupt activities in the police force and in the criminal justice system.

Jan Henning was one of the last to prosecute security matters during the apartheid years and the first to propagate for radical change of the prosecution service, from separate and independent provincial and homelands directorates to a single united national service. Having also addressed Parliament, he succeeded and in 1998 the National Prosecuting Authority was established. Bulelani Ngcuka was appointed National Director of Public Prosecutions and he asked Jan Henning to head a committee to prepare a blue-print for a future and better prosecution service. Many of

the recommendations made by his committee have since been implemented. Jan was then appointed a Special DPP, leading and later, as Deputy National DPP, heading this new prosecution service at the national level. The trust placed in him was due to a number of factors not the least of which his strong apolitical stance, an integrity beyond reproach and his unflinching loyalty to the prosecution service.

Since 1994 many black prosecutors were appointed to improve representation in the prosecution service. There was simultaneously an outflow of experienced white prosecutors who decided to pursue a career in the private sector. This created a need for training to replace the lost skills. It also created a need to develop career opportunities in order to retain experience. With the plight of the ordinary line prosecutor in any event always close to his heart, much of Jan Henning's efforts focused on training and skills development and on establishing more posts and career opportunities for prosecutors, as well as improved service conditions

Certificate of merit

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

Rosen Dimov (Bulgaria) for hosting the 1st Eastern European Regional Conference

Dr. Ho Chio Meng (Macao) for hosting the 3rd Asia and Pacific Regional Conference

Office Rigsadvokaten (Denmark) for hosting the 10th Annual Conference

Richard Buteera (Uganda) for hosting the Executive Committee meeting in Kampala.

Guillermo Piedrabuena (Chile) for hosting the 1st Latin American regional conference

Lim Nae-hyun (Korea) for services to the Executive Committee.

Thank you certificates

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

Guylain Racine (Canada) for developing a new layout for the Newsletter.

John Jackson (Northern Ireland, UK) for his work with the General Counsel in pursuit of the objects of the Association having co-written - *Standards for Prosecutors : An Analysis of the United Kingdom National Prosecuting Agencies.*

General Meeting 2006

The IAP General Meeting was held in the Auditorium at the Palais Brongniart (the Bourse conference centre) in Paris on Wednesday 30 August 2006.

1. The President welcomed members to the meeting and acknowledged those Honorary Members who were there, Eamonn Barnes, Minoru Shikita and Nicolas Cowdery. He welcomed over 500 participants from 104 countries to the conference and in particular new participants.
3. The minutes of the previous meeting were adopted on the proposal of Daniel Bellemare and Nicolas Cowdery as being correct and there were no matters arising.
4. The President repeated the appeal made by Michael Kennedy in Copenhagen for volunteers to serve on the Executive Committee, especially from regions which were not well represented. In the absence of other candidates Richard Buteera, James Hamilton, Raija Toiviainen and Laszlo Venczl were re-elected and Alice Fisher, Joon Gyu Kim and Pachara Yutidhammadamrong were elected as members of the Executive Committee.
5. The Secretary-General presented the IAP's Annual Report and thanked French colleagues for copying and distributing it. He also presented the accounts for 2005-06. The finances were sound and a small profit had been made. The accounts were approved.

There were 118 organisational members and 1,400 individual members. The individual dues were fixed at US\$30 for the eleventh time.

The President and the Secretary-General thanked the governments of Finland and Ireland, as well as the Organisation Internationale de la Francophonie, for their support to the granting programme. They also thanked Gordon Lerve (Australia) for his individual assistance. They thanked the governments of Ireland and The Netherlands for structural support.

9. The General Counsel outlined co-operative work with the United Nations and in particular the UNDP/POGAR programme in the Arab countries.
10. The General Counsel outlined the various projects which formed the basis of the IAP's work programme for the coming year.
 - a) Review of the IAP Standards and relaunching in 2009 – Retha Meintjes.
 - b) Best Practice Series booklet based on the work by Dr Heike Gramckow on victims and witnesses
 - c) Assist services in developing countries and developing, with the United Nations, a mentoring program (2005 – Nick Cowdery). IAP to co-chair with UNODC the international advisory group set up by the UNDP/POGAR to assist their project – Barry Hancock.
 - d) Develop a communications strategy for the IAP (by 2008) - Daniel Bellemare.
 - e) Consider what areas of prosecutorial activity would benefit from the compilation of lists of national experts – Michael Kennedy.

- f) Support the activities of Eurojust and other such organisations with further communication and collaboration between prosecutors and Promote further and better relationships with other international bodies concerned with the criminal justice system. - Michael Kennedy.
- g) Develop a training package on good management practice for prosecution services – Robert Johnson.
- h) Develop standards for the security of prosecutors and their families. (Timescale 2007 – Alasdair Fraser.
- i) Fact sheets – Korean colleagues
- j) Human Rights training package – Knut Kallerud

Work was also proceeding on improving the IAP website and the development of a new conference manual. Presentations on these would be made to the General Meeting in Hong Kong.

11. 52 organisational members had made commitments to working within the spirit of the *IAP Standards*. The President invited all organisational members to make such commitments and new applicants for organisational membership would normally be required to do so.
12. The next General Meeting would take place within the 12th Annual Conference in Hong Kong on 16 – 20 September 2007.
13. Carlos Donoso Castex informed the meeting that the prosecution service in Venezuela was applying for organisational membership and would be prepared to host a regional conference. Michael Hartmann informed the meeting that applications were also being made from Afghanistan. Nicholas Cowdery proposed a vote of thanks to the Secretary-General and the General Counsel.

Congratulations, Chevalier!

The Annual Conference in Paris was, as we have reported, memorable for many reasons. However, for IAP Vice-President Daniel Bellemare (Canada), one event must have stood out even among the others. While the rest of the participants were enjoying the local hospitality in the garden of the Ministry of Justice, Daniel was being honoured by the Minister by being made a Chevalier of the Légion d'Honneur. We are delighted for him and he joins a number of distinguished French colleagues who already hold honours within the Order.

Congratulations, Chevalier!

First Latin American Regional Conference

The International Association of Prosecutors held its first regional meeting for Latin America in Santiago, Chile from 25-27 July 2006. The event was hosted by the Public Prosecutor's office of Chile and the Ibero-Association of Prosecutors, with

support from the United Nations Office on Drugs and Crime (UNODC). The theme of the meeting echoed that of the IAP tenth annual conference in Copenhagen, namely, witness protection. The rationale for this theme was because of the strong interest within Latin America in these issues. In fact, there was large support for having an IAP meeting in the region given the (number of participants) of prosecutors and other officials who attended. Additionally, 20 new members joined the association as a result of this meeting.

Highlights from the meeting included addresses by IAP President Henning Fode, the Public Prosecutor of Chile, Mr. Guillermo Piedrabuena, the Attorney General of Colombia, and officials from the United States, the Czech Republic and UNODC. Workshops provided an opportunity to share experiences and discuss more detailed issues and problems in implementing protection measures for witnesses and victims.

In conjunction with the IAP meeting, UNODC held from 22-25 July an experts group meeting in order to draft a model law on witness protection for Latin American States. Barry Hancock represented the IAP at this meeting with participation of experts from the Organization of American States (OAS), Argentina, Brazil, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Panama and Peru. The United States Marshals' Service participated also as an observer. The model law will be finalized by the end of October and available for use for UNODC and OAS member States.

2nd Regional Conference for Eastern Europe and Middle Asia

The IAP's second Regional Conference for Eastern Europe and Middle Asia was held in Kyiv, Ukraine on 20 – 22 September 2006. It was hosted jointly by the office of the General Prosecutor of the Ukraine and the Ukrainian Association of Prosecutors. Both are organisational members of the IAP and the Association deserves special mention, having already some 6,000 members after only two years of existence. 120 prosecutors from 25 countries attended and representatives of seven international organisations.

We began with a delightful reception at which participants were welcomed by President of the Ukrainian Association of Prosecutors, Oleksandr Shynalsky, and IAP President, Henning Fode. The next morning work began in earnest and over two days participants heard detailed reports from 28 speakers on their perceptions of the best way forward in mutual co-operation in criminal matters. There was much to think about and we trust that colleagues left the conference better informed and with a host of new contacts who will help them in their search for improved communication between jurisdictions.

The whole event was splendidly organised by Oleksandr Shynalsky and his team. We are very grateful to him and them for their expert and diligent administration, their generous hospitality and for allowing us the opportunity to see some of the magnificent sights of the beautiful city of Kyiv. A full report of the conference will be available through the IAP website.

New publication

One of the IAP Awards this year was presented to Professor John Jackson of Queen's University, Belfast, UK for his collaboration with IAP General Counsel, Barry

Hancock, in the production of a new book – *Standards for Prosecutors : An analysis of the three UK national prosecution services*. The purpose of the book is to draw together the three international standards and norms for prosecutors – *the United Nations Guidelines for Prosecutors, the Council of Europe Recommendation 19 (2000)* and, of course, our own *IAP Standards* – and to see how the three main prosecuting agencies in the United Kingdom (the Crown Prosecution Service of England and Wales, the Crown Office in Scotland and the Public Prosecution Service for Northern Ireland) work in relation to them.

We believe that this is the first time that such an analysis has been undertaken in this particular way and we hope that members of the IAP will find the book interesting and as a basis for looking at their own organisations. It is hoped that a further volume will follow and that this will include some civil law jurisdictions.

Copies of the book are available from the Secretary-General for Euro 25 including postage. (e-mail the secretariat: sg@iap.nl.com)

New organisational members

We were pleased to announce that the following organisations had joined the IAP and we welcomed them as members :

The Office of the Prosecutor General of the Russian Federation;
The Public Ministry of Venezuela;
The Afghanistan Prosecutors Association; and
The Afghanistan Attorney General's Office.

There were now 120 organisational members.

The Office of the State Attorney of Israel was admitted as an organisational member. This brought the total number of organisational members to 121.

New Executive Committee member

The minutes of the General Meeting showed those members who were appointed as members of the Executive Committee. Another vacancy arose and Guillermo Piedrabuena, the National Prosecutor of Chile was co-opted to fill that vacancy until the next General Meeting.

A new association is born

The International Association of Anti-Corruption Authorities (IAACA) announced its establishment on Wednesday 25 October 2006 at Beijing, China. Jia Chunwang, head of China's Supreme People's Procuratorate, was elected president of the IAACA. The establishment of IAACA came on the closing day of a five-day conference, attended by more than 900 delegates from anti-corruption authorities in 137 countries and regions and 12 international organizations. "The successful conclusion of the meeting

marks a new era of international cooperation in fighting graft," Jia said. "I feel great responsibility as the president of the IAACA and sincerely hope members will try their best to assist the work of IAACA."

The IAACA grew out of the United Nations Convention Against Corruption (UNCAC), which came into effect on 14 December 2006, said IAP Vice-President, Ye Feng. The association will "promote international cooperation in gathering and providing evidence, in tracking, seizing and forfeiting the proceeds of corrupt activities and in the prosecution of fugitive criminals," he said. "The IAACA is aimed at strengthening international cooperation between national anti-corruption authorities," said Ye Feng, noting that the IAACA is a non-profit organization which is independent, professional and non-political.

According to the IAACA constitution, it offers professional training programs on anti-corruption and aims to facilitate the dissemination of expertise and experience. Bulelani Ngcuka, former National Director of Public Prosecutions of the Republic of South Africa added, "The association will help global anti-corruption authorities establish direct contact with one another."

Publications

Best Practice Series

Members will find enclosed with this edition of the Newsletter a copy of the fifth volume in the IAP *Best Practice Series*, "Victims". This is the result of a survey carried out on behalf of the IAP by Dr Heike Gramckow of the National Center for States Courts in the U.S.A.. It looks at good practice in the field of handling victims within the prosecutorial process and will, we hope, provide a useful series of benchmarks for our members who are considering their own activities in this area. Further copies are available from the Secretary-General.

Human Rights Manual for Prosecutors

Since its launch in 2003 the IAP's *Human Rights Manual for Prosecutors* has become a standard reference work in this area for all prosecutors. Indeed translations are now available in Arabic, French, Russian, Turkish and Ukrainian and a Chinese version is now being prepared. Members who wish to purchase a copy of the *Manual* should contact the Secretary-General.

Farewell

It was with great regret that we said farewell to Daniel Bellemare, MSM, QC who had recently resigned from the Executive Committee on his departure from the Canadian Federal Prosecution Service. Daniel attended the first IAP Annual Conference and General Meeting in 1996, became a member of the Executive Committee and in 1998 was elected a Vice-President of the Association. His contribution of the years has been immense and includes the inauguration of the IAP Awards and the development of the French language website as well as on-going work on the IAP communications

strategy. Daniel was the host of the second IAP Annual Conference in Ottawa and has over the years invited many IAP members to address conferences organised by the FPS in Canada. He will be sorely missed and we wish him every success and happiness in the future.

Congratulations

Congratulations go to Ken Macdonald, QC, Director of Public Prosecutions for England and Wales who received a knighthood in the Queen's New Year's Honours List.

Executive Committee meets in Santiago

The Executive Committee met on 30 – 31 March 2007 in Santiago, Chile. The President, in opening the meeting, welcomed this first meeting in Latin America. He also acknowledged the hospitality of our host, the Prosecutor General, Guillermo Piedrabuena, who in turn extended a warm welcome to his city and country. He was happy to be welcoming the IAP back to Chile after hosting the first IAP Latin American conference in July 2006. He also looked forward to developing relations between Ibero-American prosecutors and the IAP. The challenges were the same for us all and he looked forward to the fruits of further co-operation. The meeting also marked another first in that Pachara Yutidhammadamrong, the Attorney General of Thailand, was represented by Her Royal Highness Princess Bajrakitiyabha Mahidol, who is a prosecutor and grand-daughter of the King of Thailand.

Two applications for organisational membership had been received - the office of the Attorney General of Israel and the Quebec Association of Prosecutors - Association des substituts en chef et des substituts en chefs adjointes et adjoints du Procureur Général du Québec - and had been approved.

The President explained that he would be leaving his post as Prosecutor General of Denmark to become personal secretary to HM Queen of Denmark. It would not be possible for him to continue as President of the IAP and he would step down before the Hong Kong conference. This was an opportunity which had suddenly arisen. He announced that members of the Executive Committee would now be given an opportunity to express their preferences for nomination for his replacement. Carlos Donoso Castex proposed that honorary membership should be conferred on the President, the General Counsel, who was stepping down after the Hong Kong conference, and Daniel Bellemare, who had resigned as Vice-President. This was agreed.

A vote was taken to decide which names would be put forward to the General Meeting as nominations and renominations for membership of the Executive Committee. Those put forward to the General Meeting were Carlos Donoso Castex

(Argentina), Ye Feng (China), Retha Meintjes (South Africa), Alasdair Fraser (Northern Ireland, U.K.), Michael Kennedy (Eurojust), Fikrat Mammadov (Azerbaijan), Guillermo Piedrabuena (Chile), Ian Grenville Cross (Hong Kong S.A.R., China), Javier Popolo Filgueira (Venezuela), and Oleksandr Shynalsky (Ukraine). Carlos Donoso Castex, Ye Feng and Retha Meintjes were then renominated as Vice-Presidents.

The Secretary-General presented his report. There were 1225 individual members and some 120 organisational members. There was a need for organisational members to pass information about the IAP to their members of staff and to encourage them to join as individual members. He also reported on the forthcoming regional conferences in Venezuela, Malaysia and Ukraine. He reported on the 7th European Regional conference which had just taken place in The Hague. Joon-Gyu Kim indicated that the Korean Prosecution Service was willing to host the Asia and Pacific Regional Conference in 2008. It was also hoped that there might be an African regional conference in 2008.

The General Counsel presented his report and also informed the meeting of the current draft work programme for the Hong Kong conference. The meeting discussed the revision of the administrative management of the IAP and the President outlined proposals for a new structure of posts for the Secretariat.

The Attorney General's Chambers of Singapore had presented a bid to host the 13th Annual Conference in August 2008 and this was accepted.

The conference meeting of the Executive Committee would take place in Hong Kong on 15 September. On 29 February and 1 March 2008 the Executive Committee would meet in the last week of February in Helsinki, Finland.

7th European Regional Conference

On 14 -16 March 59 prosecutors from 21 jurisdictions and two international organisations, Eurojust and the Office of the Prosecutor at the ICC, met in The Hague for the 7th IAP European Regional Conference. They were joined by a delegation of Afghan prosecutors headed by their Attorney General, Dr Abdaul Sabit.

The focus of the conference was Mutual Legal Assistance but also included comparison of various criminal justice systems and the role of prosecution services within them. It was clear that an understanding of these differences can prove extremely helpful when framing requests for MLA.

In addition to hearing a series of excellent presentations from colleagues from common law, civil law and Scandinavian traditions, participants also visited the premises of Eurojust. There they were greeted by its President, IAP Executive Committee member Michael Kennedy, who made a detailed presentation about the role of Eurojust in mutual legal assistance in Europe and beyond. There was also an opportunity for participants to meet over a pleasant lunch their country representatives at Eurojust, including a number of IAP members.

Building on the foundations of the formal presentations, the participants broke into groups first to identify the problems experienced when seeking mutual legal assistance and then to provide suggestions for solving them. Some of the positive proposals included :

- The establishment of specialised units for mutual legal assistance
- Improved communication between prosecutors
- The establishment of a world site for MLA contact points with the IAP as a contact point.
- Each country to develop template document for requests.
- The use of the European Judicial Network
www.ejn-crimjust.eu.int
Password – rje
Userword – dgsi
- Carrying out research into the cultural values of requested states.
- Gaining knowledge of internal time criteria.
- Ensuring the use of plain language and not jargon.
- Avoiding telling the requested country that you are better than them!
- Searching for pragmatic solutions.
- Saying “Thank you” and giving feedback.
- Monitoring results in order to develop and improve.

In response to these proposals the IAP has established a project to link all the websites of its organisational members to the IAP website and to encourage these members to post an MLA section on their websites. The intention is that members wishing to obtain MLA from another state which is an IAP member can log on to the IAP website and through that to the website of the prosecution service in the requested state in order to find the MLA contact there. (See below)

Facilitating international contacts through the IAP website

As part of an initiative by the International Association of Prosecutors to improve its web site, the IAP Executive Committee is undertaking a project aimed at increasing the number of links to websites of organizational members. Only a few such links currently appear on the IAP website’s list of organizational members. Once more links are in place, the IAP website can better serve as a portal for contacting colleagues in other countries when dealing with requests for mutual legal assistance (MLA), extradition and in combating international organized crime.

Organizational members will be requested to do two things. First, members will be asked to submit a link to their respective websites to the IAP. Each organizational member will also be asked to include on its website, a reference to a contact person or office for international matters such as MLA requests. Thus, with a few mouse clicks, members will be able to more easily contact a foreign jurisdiction for assistance.

The IAP will shortly be initiating contact with organizational members, commencing with national organizations. This project is being led by Martin E. Herschorn, Q.C., Director of Public Prosecutions in Nova Scotia, Canada. You can anticipate contact from Mr. Herschorn as the IAP works to enhance its website and to facilitate international contact between its member organizations.

Congratulations

Honours have been accorded to our revered honorary member, Dr Dato Steenhuis, retired member of the Board of Prosecutors General of the Netherlands. He has been appointed an Officer of the Order of Orange Nassau. Anna (Dien) Korvinus, recently retired Dutch National Rapporteur on Trafficking in Human Beings, whom many members will have met at a number of IAP Annual Conferences, has also been appointed an Officer in the Order of Orange Nassau. We send our warmest congratulations to them.

Presidents old and new

Our President, Henning Fode, stepped down on 31 July, the same day that he left the Danish Prosecution Service, in order to take up the prestigious post of Private Secretary to the Queen of Denmark. The IAP owed an enormous debt of gratitude to Henning Fode who was present at the first Annual Conference in 1996, became a member of the Executive Committee in 1998. Subsequently as both Vice-President and President he worked tirelessly on behalf of the Association, giving of his time, intellect and energy. In this time the IAP has moved forward markedly and it was a great delight for Henning that his last act as President was to speak positively in the closing session of the 2nd Latin American Regional Conference about the position which the IAP now holds in that region. We wish him every success in his new post.

We also announced that the Executive Committee's nominee to replace Henning Fode as President is François Falletti, the French National Member at Eurojust. Under the provisions of Article 10.6 of the IAP Constitution the Executive Committee has appointed François Falletti to be President of the Association until the General Meeting in Hong Kong on 19 September 2007.

François Falletti is a graduate of the University of Lyon and also studied at the Institute of Political Studies in Paris and the Ecole Nationale de la Magistrature. He has worked for many years as a prosecutor, until most recently as the Procureur Général at the Court of Appeal in Lyon, and he has held a number of posts at the Ministry of Justice, including Directeur des Affaires Criminelles et des Grâces. In 2004 François was made Advocate General at the Court of Cassation in Paris and he is now the French country representative at Eurojust.

He is a member of the Legion d'Honneur.

General Counsel

Barry Hancock was appointed IAP General Counsel in 1998 after a long career as a prosecutor and administrator. He will be retiring from his position during the Hong Kong conference. In his place we are delighted to announce that the Executive Committee has appointed Elizabeth Howe, Chief Crown Prosecutor of Kent in England as his successor. Ms Howe has attended a number of IAP conferences and will be known to many of you. She has been a prosecutor since 1980, a Chief Crown Prosecutor since 1999, a member of the Crown Prosecution Service Board and President of the Kent Law Society. She has also a great deal of international

experience and her recent responsibilities have involved collaboration with French colleagues on prosecutions involving the Channel Tunnel between the U.K. and France and major cases involving human and drug trafficking through the major ports in her Area.

ILAC 5th Anniversary

In 2002 the International Legal Assistance Consortium (ILAC) was established and located in Stockholm, Sweden. ILAC was born out of a recognition that the re-establishment of the rule of law in war-torn countries by legal assistance organizations needed better management to be more effective.

ILAC's aims are :

1. To put together a team of qualified experts to make an initial assessment of a justice system in a post conflict situation and, working with the host government, make recommendations on what is needed to rebuild that justice system. ILAC's reports reflect what resources are available in country and highlight the assistance that is needed from the international community.
2. To promote to IGOs, Donor Governments and the ILAC membership the recommendations of the initial assessment and help the host government and UN coordinate the implementation of such recommendations.
3. To provide a single, central source of reports, analyses, writings, experience and developing thinking on the challenges faced by justice systems in the aftermath of armed conflict.

Projects initiated by ILAC are currently being implemented in Afghanistan, Iraq, Liberia, Haiti and the Palestinian Territories and future projects are likely to include missions to Rwanda and East Timor. Most of the projects are undertaken on the invitation of the United Nations and reports are then sent to the U.N. Secretary General. Following the production of reports ILAC is often involved in follow-up work such as training.

The IAP has supported ILAC from its inception and is, as an organizational member, a member of its Council. The IAP has also supported ILAC training initiatives, such as the ILAC/IBA initiated humanitarian law training for Iraqi judges, prosecutors and lawyers in Dubai over the last two years.

In May ILAC held its 5th Annual General Meeting in Stockholm and the IAP was represented by the General Counsel. In addition to conducting the business of the Consortium the meeting was the occasion of a stimulating debate on the issues surrounding the ICC's intervention in the Ugandan civil war.

More information about ILAC can be found on its website www.ilac.se

ISRCL in Vancouver

In June the International Society for the Reform of the Criminal Law (ISRCL) celebrated its 20th anniversary with a conference in Vancouver, Canada which looked back at twenty years of achievement and forward to changes in the future. The Society, which has a distinguished membership of prosecutors, lawyers, judges and academics, has had a long and supportive relationship with the IAP and future contact will, we are sure, be fruitful. This will be particularly so as IAP Secretary General, Henk Marquart Scholtz, was elected to the Board of Directors of the ISRCL during its Annual General Meeting.

The President, Secretary-General and General Counsel took an active part in the conference which was opened by the Chief Justice of Canada, The Right Honourable Beverley McLachlin, P.C.. IAP members will be familiar with Damian Bugg, QC who is the President of the ISRCL. Other IAP members who spoke at the conference included Nicholas Cowdery QC, Nico Jorg, Sir Ken Macdonald QC and Barry Hancock.

HOPAC

In 1991 in Sydney, Australia then (Australian) Commonwealth DPP, Mark Weinberg QC, convened a meeting of a number of Heads of Prosecution Agencies of the Commonwealth (HOPAC). It was agreed that there was much value to be had from bringing together colleagues at similar high levels in their prosecuting jurisdictions to discuss matters of mutual interest and concern, to inform each other of developments in their areas that might be of interest or even assistance to others and to network for the purposes of future consultation and mutual assistance, staff exchanges and so on. A small meeting where everyone may contribute and where participants speak the same language (both literally and figuratively) was the preferred format. (It is noted that arrangements of this kind are established for some geographical regions of the world.)

Since then HOPAC has met biennially in Ottawa, London, Wellington (NZ), Nadi (Fiji), Edinburgh, Darwin, Belfast/Dublin and in July 2007 in Canada in both Montreal and Quebec City. Along the way the C in the title has changed from "Commonwealth" to "Conference", acknowledging the participation of some non-Commonwealth jurisdictions (but whose laws and procedures derive largely from the English common law).

This time some 3 dozen participants attended from 27 jurisdictions or areas of prosecution responsibility in 11 countries and a good time was had by all, thanks to our Federal Canadian and Quebecois hosts. The business program addressed such diverse matters as fraud against Government, search warrants and computerised evidence, legal professional privilege, prosecution performance indicators, the independence of prosecuting authorities, security of prosecutors, electronic research databases, the conduct of mega-trials, collaboration between prosecutors and police, forfeiture of the proceeds of crime and domestic violence. In Montreal we joined in the celebration of Canada Day and the Jazz Festival and there was a visit to the Guin Judicial Services Centre (a secure court complex, linked to a prison by underground tunnel). In Quebec City there was a reception at the Parliament Building. Of course, a suitable social program was enjoyed by participants and accompanying persons. The

benefits to prosecution agencies from participation by their heads in such meetings are obvious.

South Africa has generously agreed to host HOPAC in 2009. We look forward to another productive and enjoyable meeting.

2nd IAP Latin American Regional Conference

On 11 July 2007 over 200 prosecutors from across Latin America met together on the beautiful Venezuelan Isla Margarita for the 2nd IAP Latin American Regional Conference. The conference was opened by our host Dr. Isaías Rodríguez Díaz, the Prosecutor General of Venezuela, whose welcome remarks were followed by words from our Chilean Executive Committee member, Guillermo Piedrabuena the Prosecutor General of Chile, our South American Vice-President, Carlos Donoso Castex, and IAP President, Henning Fode. The opening session was completed by a comprehensive survey of our subject, “Criminal Prosecution Reforms in Latin America. Future Challenges for the Public Prosecutors Offices” by Dr. Juan Enrique Vargas, Executive Director of CEJA and Eurojustice Representative.

The second day was taken up with plenary sessions in which distinguished colleagues from the region and beyond explored “The Public Ministry and Criminal Prosecution Policies”, “New Organizational Models”, “Specialized Prosecutor Offices, Management Cases and Technological Assistance” and “Resolution of Cases: Anticipated Solutions and Conciliation”. The interest was obvious in the stream of questions which followed the presentations and which were addressed in detail by the panellists.

It was clear that there are dramatic reforms being undertaken within the criminal justice systems and prosecution services of many countries in the region. The Ministerio Publico is a changing entity and committed and talented prosecutors are in the forefront of the changes which are all designed to deliver 21st century justice to the populations of the various countries. Not only are there changes to the legal systems and prosecution services but also to relations between prosecutors and the communities which they serve. The conference was a fine testament to the hard work and imagination of prosecutors.

On the third day the conference broke into workshops which were expertly reported to the plenary session by members of the Venezuelan Ministerio Publico. All too soon we reached the closing session during which our host, the poetic Dr. Isaías Rodríguez Díaz, spoke emotionally of the work which had gone into putting together such a stimulating conference. He gave way to Henning Fode who, in his last act as IAP President, presented Dr Rodríguez with an IAP Certificate of Merit and an IAP shield.

Following excellent entertainment on the two previous evenings, the final reception of the conference was held on the warm sands of the hotel’s beach. Good food was accompanied by Venezuelan music and fireworks rounded off the evening. We have to thank Dr Rodríguez and his staff profusely for everything which they did to make this second conference in the region an undoubted success. The IAP can assuredly look forward to increased development and co-operation within Latin American and

we can anticipate that other Prosecutors General will come forward who wish to hold future conferences.

A reminder

Two years ago the IAP inaugurated its Roll of Honour to mark the deaths of prosecutors who are killed in the course of or as a result of their work. The first name to be entered on the Roll at the 10th Annual Conference in Copenhagen in 2005 was that of Danilo Anderson, a Venezuelan prosecutor. However, we appreciate that a number of prosecutors gave their lives before the Roll of Honour was opened and we acknowledge two of them here.

Carmen Tagle, a Spanish prosecutor, was killed on 12 September 1989. When she arrived home at midday in her car, an ETA terrorist shot and killed her. She had worked as a prosecutor since 1982 and in particular on a number of cases investigating terrorism. She was born in 1946 and completed her studies in law in 1970 at the Complutense University of Madrid. When not at the office she was also a carer for a disabled cousin.

Another Spanish colleague, Luis Portero Garcia, was killed by ETA terrorists on 9 October 2000 in front of his house in the city of Granada when he was returning from his office. The two men who killed him were sentenced to 54 years in prison. He was born in 1941 and was the father of three children. He too studied law in the Complutense University of Madrid and became a doctor in law at the University of Barcelona. He began working in the Prosecution Service in 1965 and was promoted on a number of occasions. Luis also taught at the Universities of Malaga and Granada, he made many presentations at conferences and wrote many books and papers on judicial matters.

4th Asia and Pacific Regional Conference

The 4th IAP Asia and Pacific Regional Conference was held at the Le Meridien Hotel in Kuala Lumpur, Malaysia on 6 – 9 August 2007. This was a new venture for the Association as it was held in co-operation with and through the help and financial support of the Microsoft Corporation. The reason for this was our wish to provide specialised training on computer crime for the region.

The Attorney General's Chambers in Malaysia hosted this conference in a most generous way. There were 70 participants from 14 countries and jurisdictions. After a splendid welcome reception and dinner on Monday 7 August the conference was opened by the Hon. Tan Sri Abdul Gani Patail, Attorney General of Malaysia. He was followed by IAP Secretary-General Henk Marquart Scholtz and Kathy Bostick, Senior Director of Internet Safety, Microsoft Asia Pacific. Keynote addresses were given by IAP Immediate Past President Nicholas Cowdery, and by Azmi Arrifin of the Attorney General's Chambers of Malaysia. The next day and a half were filled with lectures given by Cybercrime specialists who gave the participants a clear picture of this new phenomenon and discussed with them how to fight it. The conference was closed by the Attorney General at the end of Wednesday afternoon.

All present learned a great deal and will undoubtedly benefit from all the training material gained from the conference. The conference speeches will be published on the Association's website (in the IAP Journal).

Annual Conference 2007

The IAP's 12th Annual Conference was held this year in Hong Kong SAR, China on 16 – 20 September 2007. It was a most successful and happy conference which was attended by 455 prosecutors and 56 accompanying persons from 84 countries and 6 international organisations.

The home for the conference was the magnificent Hong Kong Convention and Exhibition Centre situated on the city's famous harbour and it was there that on Sunday 16 September our President's reception was held. Our host was Wong Yan Lung SC, the Secretary of Justice for Hong Kong SAR, and he and IAP President, François Falletti, welcomed participants before we were entertained by a traditional dragon dance.

Work began on the following morning when we were honoured to hear from the Chief Executive of the Hong Kong SAR, The Honourable Donald Tsang, GBM. This was followed by keynote addresses from Grenville Cross SC, the local Director of Public Prosecutions and François Falletti. Before our distinguished guest departed the eyes of three splendid lions were dotted in traditional fashion and they then danced for us. The opening ceremony was followed by the presentation of the IAP Awards (see below).

The first plenary session, which gave an overview of the issues to be discussed during the conference, was chaired by Grenville Cross and addressed by Professor Mike McConville (Hong Kong SAR), Kyung Sik Hong (Korea), Cliff Buddle (Hong Kong SAR) and Andre Vandoren (Belgium). In the afternoon an plenary session on accountability mechanisms, chaired by Raija Toiviainen (Finland), featured contrasting presentations from Harm Brouwer (The Netherlands) and Stephen Pallaras (Australia) and the day finished with four workshops (see below). The conference dinner was held in the spectacular Jumbo Floating Restaurant to which participants were ferried in small boats.

Tuesday morning opened with a plenary session, chaired by the President, looking at transparency in the role of the prosecutor. This was addressed by Barbara Brezigar (Slovenia) and Heidi Hautala, a Finnish member of parliament. There followed a consideration of prosecutors' relationships with the police, chaired by Peter Tak (The Netherlands), in which the speakers were Wendy Stephen (Canada) and Jean-Marie Huet (France). The regional fora (see below) completed the morning and the afternoon's plenary sessions, on relationships with victims and witnesses and defendants and their representatives, chaired by Vinette Graham-Allen (Jamaica) and Elish Angiolini QC (Scotland, U.K.), heard stimulating speeches from Barbara Carlin (U.S.A.), Heike Gramckow (U.S.A.), Chin Y Wong QC (Hong Kong SAR), Johan Smit (South Africa) and Pachara Yutidhammadamrong (Thailand). That evening Hong Kong's Commissioner of Police, Tang King-Shing, hosted a cocktail reception at his Headquarters and participants enjoyed entertainment from the Police Quintet and the memorable Hong Kong Police Band.

Wednesday began with a plenary session on relationships with the court, chaired by Benton Campbell (U.S.A.). Our speakers were the Honourable Mr Justice Ma (Hong Kong SAR), Jean-Claude Marin (France), Richard Buteera (Uganda) and Ho Chio Meng (Macau SAR). The morning concluded with further workshops (see below) and the afternoon was taken up with an interactive session on the publication of reasons for decisions facilitated by Nicholas Cowdery QC (Australia) and a presentation on the new IAP website by Jesper Hjortenbergt and Svend Erik Hellner (Denmark). The General Meeting (see below) brought the day to an end.

Our last day opened as is now traditional with feedback from the regional fora (see below) chaired by new General Counsel, Elizabeth Howe, and also from the workshops, chaired by Henk Marquart Scholtz. The final presentations in a plenary session on outreach were given by John Lee Ka-chiu (Hong Kong SAR), Priscilla Lui (Hong Kong SAR), Carlos Donoso Castex (Argentina), Ken Macdonald (England and Wales, U.K.) and Solveig Wollstad (Sweden). The President then chaired the final question and answer session with panellists Grenville Cross, Mokotedi Mpshe (South Africa), Guillermo Piedrabuena (Chile), Baroness Scotland (U.K.) and Takeshi Seto (Japan).

All too soon it was time for goodbyes and the President and the Secretary –General thanked all those who had worked so hard to make the conference a success. John Reading, who had chaired the Local Organising Committee, introduced his excellent team so that they could take the applause of participants. We then repaired to The Peak to say our final farewells while looking down on the amazing skyline of Hong Kong.

..... *and farewell to our General Counsel*

Before the closing session was concluded, there was one further sad task to complete. We had to say goodbye to Barry Hancock who was retiring after being our General Counsel since 1998. Henk Marquart Scholtz spoke in tribute of his colleague and friend noting that Barry had been one of those present at the first meeting which was convened in Budapest in 1993 to discuss the possible formation of an international association of prosecutors. He and Barry had met in 1994 and were part of the committee which brought the IAP into being.

In 1998 Barry was appointed General Counsel and since then he has worked tirelessly for the benefit of the Association. Henk went on to say that in his 37 years of professional life he had never had such a wonderful colleague. They had worked together, in their own countries, for nine years and he had grown used to Barry greeting him each day with “Goedemorgen”. He listed some of Barry’s achievements :

- editing 38 editions of the Newsletter;
- co-ordinating the IAP Best Practice Series;
- co-editing the *IAP Human Rights Manual*;
- co-authoring *Standards for Prosecutors*;
- organising the work programme of the last ten IAP Annual Conferences;
- running seven European regional conferences and the first three Asia and Pacific regional conferences and also working on the early regional conferences in other parts of the world;

- travelling the world as an ambassador for the IAP where his friendly and respectful approach made him friends everywhere he went.

Henk concluded :

“I think that I can say that all present here and the entire membership will have only the very best memories of you and all the work which you have done. You are a Senator of the Association now, an Honorary Member too, and on top of that you will not fade away but as a special adviser you will give us your wise and always practical advice and counselling to the further benefit of the Association.”

He then presented Barry with an old map of England and Wales.

In reply Barry Hancock said that he wished to continue the thanks which had already been expressed. He thanked our Hungarian colleagues who set us on the road to establishing the IAP and paid tribute to early Presidents, Maria Hajdu and Eamonn Barnes. He acknowledged the contribution of Retha Meintjes in developing the IAP *Standards* and the Prosecution Service of Japan in putting together the *Directory of Prosecution Services*. Thanks also went to the Crown Prosecution Service of England and Wales for supporting him as General Counsel.

In reviewing the years since 1999, Barry highlighted the work of Presidents Nicholas Cowdery in working with him and Egbert Myjer on the production of the IAP *Human Rights Manual for Prosecutors* and Henning Fode for pushing forward modernisation and particularly the development of the new website. He wished François Falletti every success in taking the IAP forward.

Barry thanked all the members of the IAP and all those who had worked so hard to help him with the work of the conferences and the IAP's projects and publications. He then turned to Henk Marquart Scholtz and was happy to look back at their excellent working relationship and real friendship. He went on :

“We have been known as Henk and Barry – or to those from south of the equator, Benk and Harry. It's been a great team to be part of, Henk, and I know that you and Liz will be a great team for the future of the IAP.

Yesterday was a wonderful day for me. I was made an honorary member of the IAP, the greatest honour I could wish for. But something else happened which outshone even this great moment. A prosecutor came up to me and, amongst other positive things said, “I've been a prosecutor for many years. I've worked hard and recently I've been a bit disillusioned and downhearted and I've been thinking of going into private practice. I saw the conference advertised on the website and decided to fund my own attendance. I have been re-energised by what I have listened to and what I have shared with colleagues and I am returning home to be a prosecutor.” That overwhelmed me because that for me is what the IAP is all about. If you feel the same way, tell your colleagues and, especially, your bosses.

I should end with something profound but profundity is not my strongest suit. In any case, someone older and wiser can or has always said it better than I can. In 2000 we gave Nelson Mandela our Medal of Honour and I was privileged to be there when he received it. He made a short acceptance speech in the style of the great man and he ended with these words :

“To all the prosecutors : may you all benefit from the collective vision, experience and expertise of the international community. You are the standard bearers of your criminal justice system - the last line of defence. Be steadfast, enforce the law with determination, diligence and fairness.

They who enforce the law must not merely obey it. They have an obligation to set an example which those whom they protect can follow. Treasure the sacred trust and great authority conferred on you by the will of the people. Care for victims of crime and guard against your own attitudes and values. Recognise and resist racism, sexism and cultural and other forms of discrimination which deny equal access to justice.

Above all, claim your victories and promote the interests of your profession. It is a noble one.”

Thank you.”

IAP Awards 2007

The IAP Awards were presented after the formal opening ceremony on Monday 17 Septemeber 2007.

The Special Achievement Award went to prosecutors from Lesotho for prosecuting both bribers and bribees from all over the world on charges of corruption involving the Lesotho Highlands Water Project, Africa`s largest water transfer and hydropower project. IAP Vice-President Retha Meintjes read the citation :

“In launching the prosecution in respect of the criminal activities of developers and the officials engaged on this project, the Lesotho authorities demonstrated courage, determination and competence. It has been an arduous task. However they set an example of good governance and have delivered a blow on behalf of all countries who face major challenges in strengthening their infrastructure through project activity. This Court particularly commends the Director of Public Prosecutions and his team for their dedicated and resolute efforts.”

and the Director Of Public Prosecutions of Lesothe, Leaba Thetsane, made a short speech thanking the IAP for this recognition.

Certificates of Merit went to :

- the Office of the National Prosecutor of Chile for hosting the Executive Committee meeting in Santiago in March 2007.
- the Attorney-General’s Chambers of Malaysia for hosting the 4th Asia and Pacific Regional conference in August 2007
- Oleksandr Shynalsky for hosting the 2nd East-European and Central Asian Regional Conference in Kiev in October 2006
- the Ministère de la Justice, France for hosting the 11th Annual Conference, 2006
- the Ministerio Publico, Venezuela for hosting the 2nd Latin American Regional Conference in July 2007
- Charles Leacock and Wolfgang Swoboda, retiring Executive Committee members.

Thank you certificates were presented to :

Heike Gramckow for producing Best Practice Series 5 – Victims.
Anthony Fung and Microsoft for sponsorship of the 4th Asia and Pacific Regional Conference.

General Meeting 2007

IAP Senior Vice-President, Minoru Shikita, took the chair initially and invited the 105 members present to applaud the election of François Falletti as President of the Association. The new President took the chair and thanked members for their support and looked forward to an exciting three years in his post. The minutes of the previous meeting in Paris in August 2006 were approved and there were no matters arising.

A constitutional amendment had been notified to the membership in the Newsletter and the General Meeting was asked to approve it. Article 4 the IAP Constitution admitted as organizational members associations of prosecutors, prosecution services and :

“An organisation, agency or foundation established for the promotion of crime prevention measures and the functions of which are closely connected with the prosecution of crime may be eligible for organisational membership. “

This was amended to read :

“An organisation, agency or foundation established for the promotion of crime prevention measures and the functions of which are closely connected with the prosecution of crime or an international unit, body, organisation or forum established by a state(s) or by a prosecution service to stimulate and improve coordination and cooperation between competent national prosecuting authorities may be eligible for organisational membership.”

The following were elected Honorary Members of the Association.

Henning Fode, IAP President 2005 - 2007.

Daniel Bellemare, IAP Vice-President 1998 - 2006.

Barry Hancock, IAP General Counsel 1998 - 2007.

Wim Deetman, the Mayor of The Hague.

Bob Lagerwaard spoke briefly on behalf of Wim Deetman. Jesper Hjortenberg accepted the award on behalf of Henning Fode and Martin Herschorn on behalf of Daniel Bellemare. Barry Hancock thanked the Meeting on behalf of all three.

Carlos Donoso Castex (Argentina), Ye Feng (China), Retha Meintjes (South Africa), Alasdair Fraser (Northern Ireland, U.K.), Michael Kennedy (Eurojust), Fikrat Mammadov (Azerbaijan) and Guillermo Piedrabuena (Chile) were re-elected as members of the Executive Committee. Grenville Cross (Hong Kong SAR, China),

Javier Populo Filgueira (Venezuela), and Oleksandr Shynalskyi (Ukraine) were elected as members of the Executive Committee. Retha Meintjes, Ye Feng and Carlos Donoso Castex were re-elected as Vice-Presidents.

The Secretary-General presented the Annual Report and gave details of the present membership situation. There were 127 organisational members and 1273 individual members.

The Secretary-General also reported on the financial statements 2006 and the IAP Granting Program. Individual dues were again fixed at 30 US Dollars. The General Counsel gave details of the projects on which the IAP was engaged and invited members to contact the Secretariat if they wished to participate.

The President indicated that the General Counsel was standing down and that Elizabeth Howe would be taking his place. The Secretary-General invited organisational members to send in further commitments to the IAP Standards.

Future IAP Annual Conferences would be held in Singapore in 2008 and Kiev, Ukraine in 2009. The 3rd East European and Central Asian Conference would be held in Odessa, Ukraine in October 2007; the 8th European Regional Conference would be held in The Hague in March 2008 and the 5th Asian Regional Conference in Korea in June 2008.

The next General Meeting would take place in Singapore within the dates of the 2008 Annual Conference.

The Executive Committee meets in Hong Kong

The Executive Committee met at the Hong Kong Convention and Exhibition Centre on Saturday 15 September 2007. The President welcomed the members of the Executive Committee to Hong Kong. He also Things had moved rapidly in the last year and this was a time of change. He thanked members for their confidence in him and he promised to do his best in following the previous Presidents of the Association. Henning Fode had left a significant legacy and we now looked at what was expected of the Association in the future. He thanked our hosts from Hong Kong for the splendid arrangements which had been made for the meeting.

Apologies had been received from Alice Fisher, Knut Kallerud, Charles Leacock, Laszlo Venczl and Paul Walsh. The minutes of the Executive Committee meeting in Santiago were adopted. Aruba's membership had been approved by the Committee. There were now 127 organisational members.

Elizabeth Howe was appointed as General Counsel from the end of the General Meeting. She was delighted to be taking over the role and looked forward to working with the Committee and for the IAP. The President thanked the General Counsel for his work for the Association and wished him well for the future. The job descriptions of the General Counsel and the Secretary-General were approved subject to any comments which might be sent in writing to the Secretariat. James Hamilton and

Wendy Stephen would be appointed to fill the vacant Vice-Presidents' positions until full elections could be held in 2008.

The Secretary-General presented his report. The details of the organizational members were on the website. Ireland and China had made significant donations to the Granting Program and the Committee recorded its thanks to them. The Secretary-General thanked the Dutch government for its continuing support. He also thanked the Crown Prosecution Service of England and Wales for its support in releasing the General Counsel over the last 9 years and for their willingness to second Elizabeth Howe for the coming years. The President also thanked the Agence Intergouvernementale de la Francophonie and its successor, and especially the support of Pasteur Nzinahora. The Secretary-General was thanked for his management of the accounts which were approved. The budget for 2007 – 08 was agreed. The Secretary-General presented a paper on the IAP reserve and the anticipated sale of investments.

The General Counsel presented his Report. A Scientific Committee was set up, involving initially the President, the General Counsel, James Hamilton, Joon-Gyu Kim and Richard Buteera. They would involve others as necessary and advise on subjects for conferences and also potential projects. Nicholas Cowdery spoke to a paper on Memoranda of Understanding. This was the outcome of the work of a small committee. The draft set out proposals for the circumstances in which the IAP should enter into an MOU. The way forward recommended in the paper was accepted.

The General Counsel presented a paper on relations with prosecutors general and the possibility of arranging a meeting for them during the Annual Conference. It was agreed that the need should be assessed and two meetings held in 2008, for prosecutors general and heads of associations.

IAP Projects - Elizabeth Howe will be taking these over.

- Standards - Retha Meintjes
- Mentoring – Nicholas Cowdery
- UNDP Modernisation in Arab states – Barry Hancock
- Communications strategy
- Lists of experts – Mike Kennedy
- Supporting outside bodies – Mike Kennedy
- Management practice – Bob Johnson
- Standards for protection of prosecutors - James Hamilton made a presentation on a draft document.
- Fact sheets – Joon-Gyu Kim
- Human Rights training – Knut Kallerud
- Review of the Human Rights Manual – Egbert Myjer
- Linking websites - Martin Herschorn.

Henning Fode had sent a message to colleagues . The next meeting of the Executive Committee would be held in Helsinki, Finland on 29 February 2008 and 1 March. Raija Toiviainen looked forward to meeting everyone in Helsinki.

There was a presentation by Janne Holst Hubner, Jesper Hjortenbergt and Svend Erik Hellner on the new IAP website. The new administrative system would be up and

running at the conference and would be used in future for the applying for and renewal of membership subscriptions.

Carlos Donoso Castex congratulated the President on taking up his post and wished him well for his term of office. The General Counsel thanked the members of the Executive Committee for their support and friendship over many years.

The meeting reconvened briefly on 19 September 2007 to settle the theme of the 2008 conference. The following was agreed :

New Technologies in Crime and Prosecution

The sub-themes, which would be refined by the IAP Scientific Committee in consultation with the local hosts, could be

- Cyber crime
- the use of new technology by criminals.
- the understanding of new technology by prosecutors
- the application of new technology for the investigation and prosecution of crime.
- the use of technology in evidence.

It was intended that presentations should be practically based with casework examples.

Following the resignation of Paul Walsh a nomination had been received from the National District Attorney's Association for James Fox, their President who was at the conference, to replace him. It was too late for him to be elected at the General Meeting but it was possible for him to be co-opted on the following day for one year at which time he would have to stand for formal election. This was agreed.

It was agreed that the IAP would hold the 14th Annual Conference in 2009 in Kiev, the capital of the Ukraine.

The IAP Executive Committee 2007 – 2008

President: François Falletti, France

Immediate

Past President: Henning Fode, Denmark

Vice-

Presidents: Minoru Shikita, Japan
Retha Meintjes SC, South Africa
Feng Ye, People's Republic of China
Carlos Mariano Donoso Castex, Argentina
James Hamilton, Ireland (appointed until the General Meeting 2008)
Wendy Stephen QC, Canada (appointed until the General Meeting 2008)

Secretary-General: Henk Marquart Scholtz, The Netherlands

General Counsel: Elizabeth Howe, England and Wales, UK

Members: Wendy Abraham QC, Australia
Ilie Botos, Romania
Richard Buteera, Uganda
Nicholas Cowdery AM QC, Australia
Grenville Cross SC, Hong Kong SAR, China
Basile Elombat, Cameroon
Alice Fisher, United States of America
James Fox, United States of America (co-opted until the General Meeting 2008)
Alasdair Fraser QC, Northern Ireland, UK
Vinette Graham Allen, Jamaica
Martin Herschorn QC, Canada
Knut Kallerud, Norway
Michael Kennedy, England and Wales, UK
Joon-Gyu Kim, Korea
Fikrat Mammadov, Republic of Azerbaijan
Guillermo Piedrabuena, Chile
Javier Popolo Filgueira, Venezuela
Oleksandr Shynalskyi, Ukraine
Raija Toiviainen, Finland
László Venczl, Hungary
Pachara Yutidhammadamrong, Thailand

3rd Regional Conference for Prosecutors from Central and Eastern Europe and Central Asia

The IAP's third Regional Conference for Prosecutors from Central and Eastern Europe and Central Asia was held in Odessa, Ukraine on the 17th – 19th October 2007. It was hosted jointly by the Office of the General Prosecutor of the Ukraine and the Ukrainian Association of Prosecutors, both organisational members of the IAP. The conference was attended by 116 prosecutors from 24 countries and representatives from two international organisations.

Participants were welcomed at a splendid reception by UAP President and IAP Executive Committee member Oleksandr Shynalskyi. The next morning work began and in over two days participants heard addresses from some 15 speakers on the subject 'Independence of the Prosecutor'. Often the addresses were followed by lively discussions and colleagues left the conference after two days with a treasury of information and with a host of new contacts which will enable them in the future to exchange ideas and experience on the conference theme and will help them in the search for improved communication between jurisdictions.

IAP President Francois Falletti was honoured in particular when he received the highest award of the Ukrainian Prosecution Service from Prosecutor General Oleksandr Medvedko and IAP Secretary-General Henk Marquart Scholtz was greatly

honoured when he was made Honorary Member of the Ukrainian Association of Prosecutors.

The whole event was superbly organised by Oleksandr Shynalskyi and his team and the Odessa Prosecution Office. We are very grateful to them for their expert and diligent administration, their kind hospitality and for allowing us the opportunity to see the beautiful city of Odessa.

4th Asia and Pacific Regional Conference

The 4th IAP Asia and Pacific Regional Conference was held at the Le Meridien Hotel in Kuala Lumpur, Malaysia on 6 – 9 August 2007. This was a new venture for the Association as it was held in co-operation with and through the help and financial support of the Microsoft Corporation. The reason for this was our wish to provide specialised training on computer crime for the region.

The Attorney General's Chambers in Malaysia hosted this conference in a most generous way. There were 70 participants from 14 countries and jurisdictions. After a splendid welcome reception and dinner on Monday 7 August the conference was opened by the Hon. Tan Sri Abdul Gani Patail, Attorney General of Malaysia. He was followed by IAP Secretary-General Henk Marquart Scholtz and Kathy Bostick, Senior Director of Internet Safety, Microsoft Asia Pacific. Keynote addresses were given by IAP Immediate Past President Nicholas Cowdery, and by Azmi Arrifin of the Attorney General's Chambers of Malaysia. The next day and a half were filled with lectures given by Cybercrime specialists who gave the participants a clear picture of this new phenomenon and discussed with them how to fight it. The conference was closed by the Attorney General at the end of Wednesday afternoon.

All present learned a great deal and will undoubtedly benefit from all the training material gained from the conference. The conference speeches will be published on the Association's website (in the IAP Journal).

Council of European Prosecutors meet

The 2nd Plenary Meeting of the Consultative Council of European Prosecutors (CCPE) of the Council of Europe met in Strasbourg from 28 to 30 November 2007. The IAP, represented by Secretary-General Henk Marquart Scholtz, has a long standing status as observer with the CCPE and maintains excellent relations with all members of the Council and with the COE secretariat.

At the meeting the CCPE (inter alia):

Adopted the Opinion No. (2007) 1 on "Ways to improve international co-operation in the criminal justice field" (CCPE(2007)25)

Decided to forward it to the CDPC (European Committee of Crime Problems) with a view to it being submitted to the Committee of Ministers for appropriate action, and in particular for onward transmission to the competent authorities in the member states and, where appropriate, for translation it into their corresponding languages;

Took note of the information given by the observers of MEDEL and the International Association of Prosecutors and

Thanked them for their concrete contribution to its activities and **invited** them to further contribute to the implementation of its programme of activities for 2008.

Took note of the Resolution of the 9th Annual Conference of the Association of Prosecutors of Poland and the subsequent explanations given by the member of the CCPE in respect of Poland on the rights and duties of public prosecutors, **Entrusted its President** to answer to the organisations (MEDEL and IAP) which had advised the CCPE on this issue and to inform them on the discussion in the plenary meeting and **Decided** that this point should no longer be kept on the working agenda of the CCPE anymore, taking into account the evolution of the situation.

Eurojustice marks jubilee in Slovenia

Hosted by Barbara Brezigar, Prosecutor-General of Slovenia, the 10th Jubilee Eurojustice Conference of European Prosecutors-General took place on the 25th and 26th October 2007 in Portoroz, Slovenia. As usual, it attracted Prosecutors-General from the 27 Member States of the European Union and from other neighbouring countries. This presented an opportunity to exchange views about two main topics: the prosecution of offences against the environment and implementation of simplified proceedings in order to deal with high numbers of cases. The conference as usual permitted an interesting exchange of views about management issues of great importance for practitioners. In addition, the conference provided an important opportunity to obtain information from EU officials about the last improvements in the field of the mutual co-operation in Europe. At the kind invitation of the Prosecutor-General of Slovenia, François Falletti, President of the IAP and Henk Marquart Scholtz, Secretary-General, were able to participate in this productive conference; it being one more step in strengthening links between Prosecutors-Generals at the European level.

Anti-corruption meeting – IAACA Conference

After its launch in Beijing in 2006, the International Association of Anti-corruption Authorities (IAACA) held its 2nd Annual Conference and General Meeting in Bali, Indonesia, from the 21st to the 24th November 2007. Many senior representatives from anti-corruption agencies and many Prosecutors-General from all over the world participated and shared their experiences in the fight against corruption. The event was opened with a strong message delivered by the President of the Republic of Indonesia and by the IAACA President and detailed discussions in plenary and workshop sessions followed. Representatives from the United Nations participated in the work of the conference, the conclusions of which were submitted to the conference of State Parties to the UN Convention against Corruption of 2003, which took place at the end of January 2008.

Several IAP members participated in the conference, which was organised most professionally by Ye Feng, IAACA Secretary-General and IAP Vice-President. François Falletti, IAP President, attended and stressed the role of prosecutors and their strong commitment to the fight against corruption, notwithstanding the differences between legal systems. He also expressed the wish that a good co-operative relationship be established between the IAACA and the IAP.

Hong Kong sentencing book launch

On the 8th November 2007, LexisNexis hosted a reception at the Law Society's premises in Hong Kong to launch the fifth edition of *Sentencing in Hong Kong*, which is co-authored by Hong Kong DPP Grenville Cross SC and fellow prosecutor Patrick Cheung. The latest edition, which is dedicated to Dr Elsie Leung GBM, the former Secretary for Justice, who attended the launch, is the most comprehensive to date. It is generally acknowledged to be the seminal text on the subject in the jurisdiction.

Judges, Senior Counsel, lawyers, academics, students and journalists rubbed shoulders at the launch. Mr Cross and Mr Cheung were kept busy throughout the evening signing copies of the book for eager readers. In his foreword, Court of Appeal Vice President Mr Justice Woo calls the book an 'indispensable tool to all practitioners and members of the judiciary having to deal with crime'.

The fifth edition identifies recent case law and assesses the impact of new legislation. Aggravating and mitigating factors are examined in detail, and the way in which the courts have responded to latest trends in crime is indicated. The appendix, which contains the penalties for offences and the cases on quantum of sentence, has been expanded and particularised.

On behalf of the authors, Mr Cross told the guests that he and Mr Cheung were 'reasonably confident that the fifth edition will be of value to everyone involved in the sentencing process, as well as being of interest to all of those involved in the proper punishment of crime and the treatment of offenders'.

Congratulations

On New Years Eve IAP General Counsel Elizabeth Howe was appointed to the distinguished rank of Officer of the Order of the British Empire known as an "OBE". This is a really excellent acknowledgement of the work she has done in her career as a prosecutor in the Crown Prosecution Service and over the past nine years in her role as the Chief Crown Prosecutor for Kent. An OBE can be given to senior people in the public and private sector who have made a distinguished contribution regionally or nationwide in their role in any field, including notable practitioners known nationally. An OBE award is a notable achievement for Elizabeth and one of which she and indeed both the Crown Prosecution Service and the Association should be proud.

Congratulations, General Counsel!

Executive Committee meets in Helsinki

The Executive Committee met in a snowy Helsinki from 29th February to 1st March under the chairmanship of the President François Falletti.

Thanks were offered to our host the Public Prosecution Service of Finland headed by Prosecutor General Matti Kuusimäki who was represented at the meeting by Raija Toiviainen Head of the International Unit of the Office of the Prosecutor General..

The Chairman initiated a discussion about the future direction of the Association and some governance issues. After a healthy debate it was decided to set up 3 sub-committees comprising members of the Executive Committee who would report to the Chairman by 1st May 2008 (extended to 1st July).

See section below about decisions upon the composition and membership of the Committee and nominations for the General Meeting in Singapore.

The Secretary-General asked the Committee to acknowledge with thanks the hard work of Marianne Carey from New South Wales DPP's Office who has been responsible for editing the Newsletters since 2006.

The Committee agreed that the General Counsel should continue to support the UNDP (United Nations Development Programme)- POGAR (Programme on Governance in the Arab Region) activities which included involvement in conferences to strengthen prosecution services and that efforts should be made to build up a data base of suitable IAP expert speakers. The continued efforts of the General Counsel to develop a partnership with the Judicial Rapid Response Initiative was approved in order to give experienced Prosecutors the opportunity to offer their expert services in countries where there is a need. Knut Kallerud of Norway agreed to draw up a proposal as to how the IAP could provide more effective support for member prosecutors who found themselves in difficulty.

Discussion followed about arrangements for the 13th Annual Conference in Singapore. The registration fee was agreed. In regard to the special interest group meetings scheduled for the Saturday afternoon, James Hamilton's offer to be the contact point for the Heads of Prosecutors Meeting was agreed.

The draft work programme for the conference was approved..

Plans for future IAP conferences were discussed and agreed and grateful thanks were offered to those who had offered to host and organise these events.

Nominations

At the meeting of the Executive Committee in Helsinki the following (re-) nominations for office were made for submission to the General Meeting in Singapore on the 29th August 2008:

Honorary Vice-President: nomination: Minoru Shikita (Japan).

Vice-Presidents : re-nominations: Wendy Stephen QC (Canada) and James Hamilton (Ireland)

Vice-President nomination: Joon Gyu Kim (Korea).

Members re-nominations:

Basile Elombat (Cameroon), Vinette Graham Allen (Jamaica), Martin Herschorn (Canada)

Member nominations:

Josiah Naigulevu (Fiji), Stephen Pallaras (Australia), Siri Frigaard (Norway), Gerhard Jarosch (Austria), Jorgen Steen Sorensen (Denmark), Sabas Chahuan Sarras (Chile), Chaikasem Nitisiri (Thailand) and Richard Rogers (USA). As previously mentioned, these last three nominees were also co-opted as members of the Committee by agreement of the Committee owing to the recent resignation of Alice Fisher (USA),

and the earlier resignation of Pachara Yutidhammadamrong (Thailand) and Guillermo Piedrabuena (Chile)

Secretary-General re-nomination: Henk Marquart Scholtz (Netherlands).

Conflict Committee re-nominations:

Eamonn Barnes (Ireland), Werner Roth (Germany) and Paul Ngarua (Swaziland) were re-nominated as president and members respectively.

IAP Awards recipients announced

The following awards were agreed by The Executive Committee at the Helsinki meeting:

Special Achievement Award:

Guillermo Piedrabuena (former National Prosecutor of Chile)
Paul Louw and his team (Directorate of Special Operations of the Prosecuting Authority of South Africa)

Certificate of Merit:

- Office of the DPP of Hong Kong , for hosting the 12th Annual Conference in 2007
- Supreme Prosecutor's Office of Korea, for hosting the 5th Asia and Pacific Regional conference.
- Ukrainian Association of Prosecutors and Office of the Prosecutor-General of Ukraine, for hosting the 3rd Regional Conference for Prosecutors from Eastern Europe and Central Asia
- Office of the Prosecutor-General of Finland, for hosting the Executive Committee meeting.
- Resigning Executive Committee members; to be presented during the Committee meeting in Singapore, to be held on the 26th August.

Thank you certificate

- Marianne Carey, for editing the IAP Newsletter.
- Janne Holst-Hubner and Svend-Erik Hellner, for construction of the new IAP website.

Honorary Membership:

Sir Ken MacDonald QC (Director of Public Prosecutions for England and Wales), for his outstanding contribution to the IAP's work through the support and financial backing offered by the Crown Prosecution Service for the post of General Counsel.

8th European Regional Conference

On 12 -14 March 2008 52 prosecutors from 20 jurisdictions and 2 international organisations, the Office of the Prosecutor at the ICTY and the OSCE, met in The Hague for the 8th IAP European Regional Conference. After a reception at the IAP offices and dinner at a local restaurant on Wednesday evening, work began the following morning with a welcome address from Han Moraal, member of the Dutch Council of Procurators General, which set the scene for our discussions on the theme of the conference: Hate Crime.

On the first day our speakers were IAP General Counsel Elizabeth Howe (England & Wales), Michael Whine (Community Security Trust/European Jewish Congress, UK), Frits van Straelen (The Netherlands), Ales Butala (Slovenia), and Nasrin Khan (OSCE). In addition to hearing a series of excellent presentations from these colleagues, participants also visited the premises of Eurojust. There they were greeted by its Vice-President, Mrs. Michelle Coninx, who made a detailed presentation about the role of Eurojust on mutual legal assistance in Europe and beyond. There was also an opportunity for participants to meet IAP President Francois Falletti, Eurojust representative for France, over a pleasant lunch with other country representatives at Eurojust.

The day finished with consideration and discussion of a number of case studies within workshops followed by a reception in The City Hall addressed by Bob Lagerwaard who, on behalf of the Mayor of The Hague, welcomed participants to the city which is now without doubt “the legal capital of The World”.

On the final day, participants heard presentations from Debbie Carroll (Scotland) and Andriy Ivanov (Ukraine). The workshops then reconvened to consider general principles and recommendations for good practice. It is intended that these will be developed for the purpose of a Good Practice Guide possibly in collaboration with the OSCE. A full report upon the outcome of the Conference is available from The General Counsel of The IAP on the IAP website.

After a feedback session and a final discussion forum the conference ended with a lunch.

The evaluation of the event by the participants was very positive. The IAP provides a platform for such events but success comes from active contributions from those members of the Association who attend. We should also like to thank the City of The Hague for providing us with excellent facilities in the City Hall and for their generosity to the IAP.

Success Story: a New York tale

IAP Secretary-General Henk Marquart Scholtz presented a paper on the IAP Standards to a UN forum in April 2008; thereby laying some groundwork for the UN’s Vienna meeting later that month. He attended the ECOSOC NGO Forum at the UN headquarters in New York on the 4th April 2008 and, working within a set format, presented what is called a “Success Story”.

The theme of the forum was “The Role of Civil Society in Promoting Sustainable Development and the New International Aid Architecture.”

Henk’s presentation received ample attention from the delegates present at the forum, and it was good for the IAP to be seen and heard at UN headquarters, where the IAP had not previously participated in such meetings.

The presentation is reprinted below, in an abridged form, and in full on the IAP website.

Name of Product: International Association of Prosecutors (IAP) Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors.

Description: The IAP is a non-governmental, non-political organisation. It is the only worldwide organisation of prosecutors. It was established in June 1995 at the UN offices in Vienna and formally inaugurated in September 1996 at the IAP's first General Meeting in Budapest.

In the following year, the General Meeting, held in Ottawa, approved the Objects of the Association, which are now enshrined in the IAP's Constitution. One of the most important of these Objects is to “.. promote and enhance those standards and principles which are generally recognised internationally as necessary for the proper and independent prosecution of offences.”

In support of this particular objective, a committee was established and comprised senior prosecutors from the UK, Uganda, Canada, Japan, South Africa, Denmark and The Netherlands.

A first draft was circulated to the entire membership in July 1998 (then consisting of 545 individual members and 53 organisational members) and the final version was approved and adopted by the IAP Executive Committee meeting in Amsterdam on 23rd April 1999.

Implementation Methodologies. The IAP Standards have been published in booklet form and have been translated from the original English version into eight languages. Copies have been distributed widely to every IAP member, every government, every prosecution service, the UN and many other bodies and organisations. Organisational members of the IAP are required to make a commitment of adherence to the Standards, and many have.

What is Innovative: These Standards are an essential statement of the IAP's intention to set prosecutorial standards worldwide and to demonstrate support for the rule of law, and respect for human rights.

The foreword to the Standards reads as follows: “The International Association of Prosecutors Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors is a statement which will serve as an international benchmark for the conduct of individual prosecutors and of prosecution services. “We intend that this should not simply be a bold statement but rather a working document for use by prosecution services to develop and reinforce their own standards.“Much of the Association's efforts in the future will be directed to promoting the Standards and their use by working prosecutors throughout the world.”

It was the publication of the UN Guidelines on the Role of Prosecutors 1990 – which were the first international attempt to define the role of the public prosecutor – which acted as a catalyst for the formation of the IAP as a vehicle to promote minimum standards for prosecutors all over the world.

Evidence of Results and Impact: The IAP Standards have universal/international and practical application. In recent years the IAP has been able to rely on and refer to the Standards when requested; for assistance by members dealing with difficulties (mainly independence issues) in their respective jurisdictions or when it was deemed appropriate to provide an IAP view. (For example, the submission made this month to the Ginwala Commission in South Africa.) In its Resolution 2007/22, entitled “Strengthening basic principles of judicial conduct”, the Economic and Social Council requested UNDOC to explore the development of technical co-operation projects and activities aimed at strengthening the integrity and capacity of other criminal justice institutions (as opposed to the judiciary), in particular, prosecution services and the police, in co-operation with the initiatives of States and relevant international organisations. The International Association of Prosecutors (which

possesses special consultative status with ECOSOC) is actively engaged in seeking Member States support in transposing the Standards into a UN resolution on strengthening basic principles of conduct of public prosecutors. This would be tabled at the meeting of the Commission on Crime Prevention and Criminal Justice in Vienna in April 2008. If adopted by the Commission, the resolution would go to the Economic and Social Council for adoption in July this year. The resolution will follow the Bangalore Principles but, whilst the latter speak to presiding officers, the present proposal will speak to prosecutors in particular. A UN adoption of the (draft) resolution will be a significant step in the universal support of the Rule of Law and respect for Human Rights.

Costs. The committee which produced the draft was composed of members of the IAP, all government employees within their member countries. The cost associated with their contribution was absorbed by their employers and is impossible to quantify. Similarly, that of the Executive Committee. Costs of publishing and distributing the booklets, approximately €3000.00. Costs associated with resources contributed by IAP Secretariat, approximately €5000.00. Cost of attendance at the Commission on Crime Prevention and Criminal Justice in Vienna to pilot the resolution, for two people, approximately € 2500.00.

A UN Resolution is born : IAP Standards achieve worldwide status

The International Association of Prosecutors [IAP] was established in June 1995 at the United Nations offices in Vienna and was formally inaugurated in September 1996 at its first General Meeting in Budapest. The main impetus leading to its formation was the rapid growth in serious transnational crime, particularly drug trafficking, money laundering and fraud. The need was perceived for greater international co-operation between prosecutors and for greater speed and efficiency in mutual assistance, asset tracking and other international co-operative measures.

In the following year in Ottawa, the General Meeting approved the Objects of the Association which are now enshrined in Article 1.3 of the Association's Constitution.

One of the most important of these Objects is to:

“...promote and enhance those standards and principles which are generally recognised internationally as necessary for the proper and independent prosecution of offences.”

In support of that particular objective a committee of the Association, chaired by Retha Meintjes SC, Deputy Director of Public Prosecutions in South Africa, set to work to produce a set of standards for prosecutors. A first draft was circulated to the entire membership in July 1998 and the final version, ‘The Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors’ was approved by the IAP Executive Committee at its spring meeting in Amsterdam in April 1999.

The Standards were drawn up by practicing prosecutors from every continent for practicing prosecutors everywhere; they are short, uncomplicated and realistic. The Standards deal with the professional conduct, independence and impartiality of prosecutors as well as their duty to co-operate with colleagues around the world and

their rights to fair and proper terms of employment. There are provisions that deal with the proper conduct of criminal proceedings, including measures which ensure that offences are prosecuted firmly whilst protecting the right to a fair trial.

The Standards serve as a working document for use by prosecution services to develop and reinforce their own standards. The IAP has made significant efforts since 1999 to promote the Standards and their use by working prosecutors throughout the world. The Standards were reviewed by the IAP in 2007 and found to be still fit for purpose.

Many countries and organizations have drawn from the Standards in developing their own prosecutor's code, including South Africa, Afghanistan, Northern Ireland, the ICTY (International Criminal Tribunal for the former Yugoslavia) and the ICC (International Criminal Court).

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

The Standards complement but expand the Havana Guidelines and serve as an international benchmark for the conduct of individual prosecutors and of prosecution services. They promote international co-operation; highlighting the need for independence as in the Bangalore Principles of Judicial conduct, 2006 and provide concrete examples of the principles of impartiality, professionalism, etc.

It became apparent that there was an emerging body of support world wide to seek a UN resolution promoting the IAP Standards to all member states, calling for "Strengthening the rule of law through improved integrity and capacity of prosecution services".

Accordingly, South Africa sponsored a resolution, annexing the Standards, for adoption by the 17th session of the U.N. Commission on Crime Prevention and Criminal Justice, held in Vienna in April 2008. The Resolution (E/CN.15/2008/L.10/rev.2, E/2008/30, Resolution 2008/5), calls on the Secretariat to circulate the Standards for comment and on the UN Office on Drugs and Crime to continue to provide assistance in strengthening the integrity and capacity of prosecution services and calls on donors to contribute the necessary resources to support such work.

The introduction of the resolution by South Africa spurred an active and productive discussion. Several IAP members attended as national delegation members, including Elizabeth Howe (UK), Retha Meintjes (South Africa), and Richard Starck (Canada), and took a leading role in explaining the content and need for the Standards.

Negotiations were led by the Head of the South African delegation, Vernie Peterson, the National Commissioner for Correctional Services, who succeeded in getting the resolution adopted by the Commission through his dogged determination and understated but effective diplomacy. He was ably supported by certain delegations who were strongly supportive of the resolution, in particular the Canadian Delegation led by Lucie Angers, General Counsel, Department of Justice.

The practice of the Commission is to adopt resolutions on consensus, and as a result of several days of intense negotiations, the necessary consensus was obtained, a fact which will assist in encouraging Member States to consider and make use of the Standards. A substantial number of Member States indicated their support by co-sponsoring the finished resolution.

As a resolution of the Commission, the text, including the annexed Standards (which were not amended in any way) is available to all Member States on the United Nations' Official Document System and its website, <http://www.unodc.org/unodc/en/commissions/CCPCJ/session/17-resolutions.html> in all 6 official U.N. languages (Arabic, Chinese, English, French, Russian and Spanish). Comments of governments on the Standards, if any, will be taken up by future Commission sessions..

Congratulations

We congratulate IAP Executive Committee members Knut Kallerud from Norway and Joon Gyu Kim from Korea on their new appointments.

Knut Kallerud was appointed as Deputy Director Public Prosecutions of Norway and Joon-Gyu Kim was appointed as Senior Chief Prosecutor of the Busan District. Busan is the second largest city of Korea.

Honours have been accorded to our Secretary-General Henk Marquart Scholtz. He has been appointed a Knight of the Order of Orange Nassau of the Netherlands. We send our warmest congratulations.

First Annual Meeting of INPROL

Robert P. Doyle, Special Advisor to the Assistant Director of Public Prosecutions of Canada, represented the International Association of Prosecutors at the First Annual Meeting of INPROL in Washington, DC, on May 20, 2008. INPROL was created to gather various tools and resources devised over the years in justice reconstruction and capacity-building projects. These tools and resources, prepared by specialists such as judges, prosecutors, police investigators and managers, defense lawyers, corrections officials and judicial administrators, are scattered in a multitude of locations within many international agencies that are involved in such missions and initiatives. INPROL aims at bringing these tools and resources within a single repository for specialists embarking on new missions, and for academics and the general public as well.

INPROL, as its name indicates, also aims at creating a network of specialists that can communicate with each other to query each other and to discuss the multitude of issues that can arise in the field or theatre of operations. Robert explained at length during intensive working sessions how various resources prepared by the IAP and, indeed, the IAP network itself could help INPROL achieve its goals.

Conference of Prosecutors General of Europe

At the invitation of Mr Yuri Chayka, Prosecutor General of the Russian Federation, the 8th Conference of Prosecutors General of Europe on the theme "The role of the public prosecution in the protection of human rights and public interests outside the criminal law field" took place in the Konstantinovsky Palace, St. Petersburg, organised by the Council of Europe and the Prosecutor General's Office of the Russian Federation.

Opening addresses were made by Yuri Chayka, Terry Davis and Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, who outlined the role of the prosecutor as a pillar for a democratic society.

Terry Davis also expressed the view that "without an efficient and independent judiciary, there is no rule of law, and without the rule of law there is no real democracy and no real respect for human rights".

The Conference was also addressed by Brigitte Zypries, Federal Minister of Justice of Germany, who discussed the protection of human rights and prosecution services in Germany.

The Conference theme followed on from discussions at previous Conferences as well as the replies of member States to a questionnaire of the Consultative Council of European Prosecutors (CCPE) on this issue.

The Conference noted that a great variety of systems exist in Europe regarding the role of the prosecution services resulting from different legal and historical traditions.

Of particular interest was a report on the Role of Public Prosecutors outside the Criminal Field prepared by Prof. András Sz. Varga, Prosecutor (Hungary), Expert of the CCPE which was a synthesis of the national replies from 43 member states to a questionnaire on this subject drafted by the Bureau of the CCPE with a view to preparing an Opinion for the Committee of Ministers of the Council of Europe on the role of the Public Prosecutor outside the criminal field.

Despite the absence of common European legal norms and rules regarding tasks, functions and organisation of prosecution services, in all member States of the Council of Europe prosecutors have an important role and duty to protect human rights, safeguard the law and defend the public interest. In many member States this role and duty also covers, to some varying extents, the non criminal law field although in a slight majority of states surveyed the prosecutor either does not have such responsibilities or they are few and unimportant.

Where prosecution services have some or extensive powers outside the criminal law field, the areas of competence are varied and include, *inter alia*, civil, administrative, labour, family, electoral law as well as the protection of social rights and the interests of vulnerable groups such as minors, disabled persons and persons with very low income.

James Hamilton, at the request of the International Association of Prosecutors, also addressed the Conference to express the viewpoint of the Association that provided functions of the prosecutor outside the area of enforcement of criminal law support and

enhance the role of the prosecutor and the principles of independence and integrity are not compromised, their validity is evident.. However the prosecutorial function of prosecutors should not be dwarfed by other duties.

At the close of their two-day discussions dealing with the role of the Public Prosecution outside the criminal law field, the Prosecutors General of the 47 Council of Europe member states stressed the importance for prosecution services to respect principles enshrined in the European Convention on Human Rights and the case law of the European Court of Human Rights, such as the right to an independent and impartial tribunal, the right of access to justice, the respect of the principle of equality of arms and the right to adversarial proceedings.

The Conference called upon those member States where the prosecution service is entrusted with functions outside the criminal law field to ensure that these functions are carried out in accordance with the following principles:

1. These functions are carried out “on behalf of society and in the public interest, to ensure the application of law “(Recommendation of the Committee of Ministers R(2000)19 on the role of public prosecution in the criminal justice system), respecting fundamental rights and freedoms and within the competencies given to prosecutors by law, as well as the European Convention of Human Rights and Fundamental Freedoms (ECHR) and the case law of the European Court of Human Rights.
2. The principle of separation of powers is fully respected and no undue intervention in the activities of prosecution services is allowed.
3. The right to judicial review of acts or omissions by prosecutors in relation to individuals’ rights and obligations should be guaranteed.
4. When acting outside the criminal law field, prosecutors should enjoy the same rights and obligations as any other party and should not enjoy a privileged position in the proceedings.
5. The action of prosecution services on behalf of society to defend public interest in non-criminal matters must not violate the principle of binding force of final court decisions (*res judicata*).

More details can be found at www.coe.int/ccpe.

ILAC Council and Annual General Meetings

The International Legal Assistance Consortium (ILAC) held its Council and Annual General meetings in Rome on 8th and 9th May 2008. The event was hosted by Giuseppe Bisconti, Chair of the International Foundation for the Rule of Law and the Independence of Lawyers and Judges, and the IAP was represented by former General Counsel, Barry Hancock.

ILAC was established in 2002 under the chairmanship of Paul Hoddinott, former Executive Director of the International Bar Association, and is based in Stockholm where Christian Åhlund is Executive Director. The bulk of the Consortium’s funding comes from Swedish sources. The IAP is one of the founder members and currently holds a seat on the ILAC Council. Since its inception, ILAC has initiated legal reform projects in Afghanistan, Algeria, Haiti, Iraq, Liberia, Morocco, and the Palestinian Territories. ILAC is also engaged in promoting gender justice in conflict affected countries and is actively participating in the "Partners for Gender Justice".

One of the key goals for the Partners is to empower women to participate in, and have access to the justice sector.

Most of ILAC's work is carried out in post-conflict situations or in countries in which the legal system has collapsed. In the last year it has been involved in a number of new initiatives in addition to its existing work. At the invitation of the Government of Rwanda and the International Criminal Tribunal for Rwanda, ILAC sent a team of legal experts to visit the country for an assessment of the judicial system. The team's report was released in December 2007. A delegation from ILAC visited Egypt, Jerusalem and Gaza, to look into the possibilities of reviving its activities in Palestine, which have been paralyzed for the last year, because of the security situation. In Cairo, the delegation met with representatives of ILAC member, the Arab Lawyers Union, and with the Director of the Palestinian Centre for Human Rights, another ILAC member. In Gaza the delegation visited the headquarters of PCHR and held talks with members of the Supreme Court and the Bar. In Jerusalem, the ILAC delegation met with Palestinian and Israeli human rights organisations. On 10 February 2008, ILAC opened its first legal aid office in the slum area of Cité Soleil in the Haitian capital Port-au-Prince. Cité Soleil has only recently come under government control, after many years of being ruled by criminal gangs. The office, which is run in cooperation with the local UN administration, the US-based National Center for State Courts and the local bar, is attracting long lines of clients, eager to begin exercising their civil rights and formalizing family relations after years of lawlessness.

ILAC has also been deeply involved in projects in Afghanistan, Liberia, Algeria and Morocco. However, the IAP's greatest input to its work has been in assisting in ILAC's programme for Iraq. One of the initiatives here, led by the International Bar Association, has been to train judges, prosecutors and lawyers in human rights law. Because of the security situation this took place in Dubai and a number of IAP members, the first of whom was Executive Committee member, Knut Kallerud from Norway, were among the tutors. Intrinsic to this training was training for trainers and ten Iraqi colleagues are now spreading the word at home. The importance of this initiative was brought home to those gathered in Rome in a seminar attended by and focussing on the Chief Justice of Iraq, Madhat Al-Mahmood. The Chief Justice was able to talk of the significant impact which this and other ILAC initiatives have had on the rebuilding of the Iraqi justice system. Indeed the ILAC mission to Iraq was a very early one and members of the team were involved in talks at the U.N. headquarters in Baghdad on the day before a catastrophic bomb attack on the building which caused the U.N. to withdraw. ILAC stayed involved in Iraq with important results. One issue which is currently exercising the Chief Justice is the lack of current experience of his judges and also among the prosecutors of specialised legal issues. Accordingly we are working with ILAC to ensure that some Iraqi prosecutors will be able to attend and participate in the learning of our Annual Conference in Singapore.

5th IAP Asia and Pacific Regional Conference - High Level Prosecutors' Meeting

A good institution and system would not function properly without mutual confidence and respect. Understanding each other deeply and building trust will let us fulfil practical cooperation and criminal justice. I expect all of you

to go further than merely exchanging simple knowledge, to deeply understand one another and build friendship and trust through this event.

The friendship and trust built in this conference will become a solid foundation for strengthening collaboration in various fields.

Chai Jin Lim, Prosecutor General, Republic of Korea
speaking at the Welcoming Reception

Almost four years ago in 2004 the 9th IAP Annual Conference and General Meeting was held in Seoul, Republic of Korea. Our Korean prosecutor hosts overwhelmed us with charm and generous hospitality and in addition to the work of the day, efficiently conducted, we were able to sample Korean history, culture, elegance and cuisine. (We also sampled the road traffic, something of a problem in all large cities – the subway is the best option and a model for the world. It should also be noted that Korea may well be the only country in the world that does not have graffiti.)

That conference was a great achievement by, among many others, the IAP Executive Committee member at the time and former Korean Vice Minister of Justice, BooWhan Han (now practising as the B. W. Han Law Office). He had carried forward the interest and support generously provided by Korea for the IAP since the first Korean Executive Committee member, Kim Zin Hwan, was elected in 1999.

5th Asia-Pacific Regional Conference

Against that background and with the IAP receiving the continuing support and assistance of the Korean prosecutors in the meantime, Korea hosted the 5th Asia-Pacific Regional Conference in Seoul on 8-10 June 2008. If anything, our hosts surpassed the contributions of nearly four years before. The organisation was flawless and everything went like clockwork. The same generous hospitality and thoughtfulness was present at every turn.

About 150 participants from 40 countries assembled at the Renaissance Seoul Hotel (not very far from the COEX where the 2004 conference was held). They came from jurisdictions in Asia, Southeast Asia, the Pacific and, for the first time and at the special initiative of our hosts, from several Arab countries.

This time it was the task of the present Korean IAP Executive Committee member and Chief Prosecutor of Busan High Prosecutors' Office, Joon Gyu Kim, to chair the organising committee and to deliver the event. The result was a triumph. He and his army of helpers deserve our thanks and praise.

The theme for the conference was Economic Growth and Corporate Crime. A lavishly catered Welcoming Reception on the Sunday evening was followed on Monday by sessions on "Corporate Transparency and Control over Corporate Crime" and "Expertise in Regulation of Corporate Crimes". Participants were addressed by speakers from Korea, the IAP (Secretary-General, Henk Marquart Scholtz), Malaysia, Bahrain, Hong Kong China, Australia, Thailand, India, Fiji, The Netherlands, Singapore and Japan. Quite an impressive line-up.

The Korean Prosecutor General, Chai Jin Lim (who had spoken at the Welcoming Reception as noted above), that evening hosted one of a series of banquets in the

ceremonial hall of the Prosecutor General's building near the Supreme Court. It was a memorable occasion with entertainment from a harp and flute ensemble, a fusion ensemble of two traditional Korean string instruments and an electric violin and topped off by a performance of "Nanta", an act from the famous musical show in which the agile performers risked hands and limbs to prepare kimchi to the beat of some very serious knives on chopping boards. (A good quantity of the finished product ended up littering the hall, but it was a spectacular performance.)

On Tuesday in sessions on "Effective Law Enforcement in Corporate Crime" and "International Cooperation against Corporate Crime" we heard speakers from (in addition to others from some of the countries represented on Monday) Iran, Macao China, Taiwan, Indonesia and Dubai. Elizabeth Howe, IAP General Counsel, presented a paper. IAP President, Francois Falletti, also addressed the conference.

That evening the Korean Minister of Justice, Kim Kyung Han, hosted a superb banquet on the lawn of the Walkerhill Hotel Aston House, along the Han River and with views in all directions. The entertainment was provided by a Korean flute trio from the National Orchestra of Korea and "Dood Rock" – the sound of western rock delivered by drums and traditional Korean percussion instruments. (Again, another spectacular performance.)

(I say nothing here about the food and drink at the social events – we were treated to the best of everything and in truly impressive quantities.)

* The 6th **Asia-Pacific Regional Conference** (although consideration may need to be given to re-naming it to embrace a wider area) will be hosted by Dubai in November 2009.

High Level Prosecutors' Meeting

It was a Korean initiative to host, in conjunction with the Regional Conference, a High Level Prosecutors' Meeting of senior prosecutors from the Asia-Pacific and Arab regions.

On Wednesday 11 June 2008 around 40 of us, with our hosts and helpers, travelled to Busan, Korea's second-largest city on the southeast coast. Most of us flew and a few travelled by train. That evening the Mayor of Busan hosted a reception and dinner. (The Mayor was actually in Russia, but his wife graciously hosted the event in his absence at their residence set in lush gardens on a hill overlooking the city).

On Thursday we gathered at the Nurimaru APEC House. This is something of a monument in Korea, having been purpose-built for the 2005 APEC Conference at a cost of almost USD20M and being preserved as a museum and occasional conference and meeting venue. We were greatly privileged to be hosted there. The building sits on the end of a small island joined to the mainland in the southeast of the city with sea views and is surrounded by woods. It is a popular walking area for local residents.

The meeting began with an address from the Korean Prosecutor General, Mr Lim, who outlined his motivation and vision for the proceedings. He was followed by IAP President, Francois Falletti and then by each participant in turn around the table. Valuable contributions were made by participants from (in alphabetical order) Australia, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Fiji, India, Indonesia,

Japan, Lao People's Democratic Republic, Mongolia, Myanmar, Republic of Korea, Russian Federation, Saudi Arabia, Singapore, Solomon Islands, Thailand, the United Arab Emirates (Dubai and Abu Dhabi) and then the IAP (in which I modestly include myself and Henk Marquart Scholtz – Elizabeth Howe having been unable to include this meeting in her agenda).

The meeting concluded with the unanimous adoption of the Busan Declaration on Cooperation among High Level Prosecutors. It provides for the way forward.

The Declaration will be on the agenda for the IAP Executive Committee meeting in Singapore on 26 August 2008 (just ahead of the 13th Annual Conference and General Meeting – 27-31 August) and the IAP will have an important role to play in the advancement of its objectives.

The proceedings concluded with a boat cruise around O-Yuk Island and the famous Gwangang Bridge (with two very long over-and-under decks taking traffic in opposite directions) and that evening Mr Lim hosted a final spectacular banquet at which we were entertained by traditional dance and still more drums – this time expertly pounded by high school girls in colourful costume. We were also introduced by Mr Lim to a certain Korean drinking custom – if you wish to know more, talk to someone who was there (and who can remember!).

From all points of view these were two extremely successful events in the IAP calendar and follow-up work is under way. Many who attended will be in Singapore – please come and join us. The networking opportunities presented – and to be available in Singapore – are just as valuable as the formal conference sessions on such occasions. The building of friendship and trust among the prosecutors of the world is a vital objective of the IAP.

Busan Declaration on Cooperation among High Level Prosecutors

- I. Leading prosecutors from 19 Asia-Pacific countries¹ held the Asia-Pacific High Level Prosecutors' Meeting in Busan, South Korea (June 11 – 12, 2008), to discuss the 'Networking of Prosecution Services in the Asia-Pacific Region', immediately following the 5th IAP Asia-Pacific Regional Conference in Seoul, South Korea (June 8 – 10, 2008).

All participants agreed on the necessity of strengthening cooperation among the Prosecution Services in the region, and recommended that High Level Prosecutors' Meetings be held annually along with the IAP Regional Conference.

- II. We, prosecutors,
 1. Concerned about the growing sophistication of transnational organized crime with the advancement of globalization, and recognizing the importance of international cooperation in criminal matters to respond to this challenge,
-

2. Mindful of the imperative for direct and continuous cooperation among the high level prosecutors to establish an effective and efficient cooperative mechanism for combating transnational crime,

III. Declare as follows:

1. We will strengthen and continuously improve a network for constant and close future collaboration.
2. We will endeavor to gradually expand the legal basis for bilateral cooperation by extending, when feasible, the reach of Extradition Treaties and Treaties on Mutual Legal Assistance in Criminal Matters for successful cooperation. We appreciate the international community's efforts to improve multilateral cooperation through the international bodies like IAP, and will strive to increase Asia-Pacific countries' contribution in advancing this collaboration.
3. We will enhance technical cooperation in special fields of crime to efficiently respond to transnational crimes by enhancing the capacity of each country.
4. We will continuously seek inclusive cooperation methods on the basis of understanding and respecting the different legal systems of each country.

Obituaries

Do Barnes

Do Barnes passed away in June after a long illness. Do was even more than the beloved wife of IAP Past President Eamonn Barnes – she played a vital role by Eamonn's side in the creation and development of the Association.

It is said that behind every successful man there is (at least on one version) a supportive woman and the Barnes are no exception.

A great many members will fondly remember Do's smiling welcome at a host of IAP functions, her assistance and concern for accompanying persons and her wholehearted involvement, with Eamonn, in our activities over many years.

Do will be missed – and she will live in our memories for all time. We offer our condolences to Eamonn, their family and friends.

Paul Vesa

The Toronto Bar and the IAP lost a good friend with the passing of Crown Attorney Paul Vesa.

Paul Vesa was a very well respected and dedicated Crown Attorney in Toronto. He passed away on July 14 after only having been diagnosed with leukemia a few weeks earlier.

Paul was past president of the Canadian Association of Crown Counsel (1997-1999) and was very active with the Ontario Crown Attorneys' Association, serving on their executive and ultimately as President. He attended several IAP Annual Conferences and introduced a number of Canadian colleagues to the Association.

IAP Award

The Executive Committee has determined that a further Special Achievement Award should be awarded to Advocate Vusumzi Pikoli, National Director of Public Prosecutions for South Africa.

Readers will recall the 'Stop Press' in Newsletter 41 which chronicled the events leading to his suspension by the President of the Republic on 23rd September 2007 .

Albeit that the circumstances of his suspension are the subject of enquiry by the Ginwala Commission, it seemed to members of the Executive Committee that Advocate Pikoli's consistent defence of the principles of independence, integrity and impartiality of the Prosecution, culminating in his resistance to attempts to make him change his mind about the prosecution of a high profile individual for corruption, was deserving of recognition by the IAP.

Annual Conference 2008

If you do not like heights, Singapore is not the city for you!

During the conference week we experienced a series of birds eye views of the city, the pinnacle of which [literally] was the spectacle from the helicopter pad on top of the 70 floor Swissotel on our last night, where we had a 360o panoramic view of the Singapore skyline and beyond into Malaysia, illuminated by a fabulous sunset.

This grand finale was the culmination of a 4 day professional programme which was both stimulating and instructive, punctuated by entertainments and gastronomic delights which helped us to consolidate the camaraderie which we all value so much within this world wide association.

The full programme is still available on the website together with copies of the presentations, press releases, feedback reports and most importantly, the conference outcome [which will be reviewed at next year's conference in Kiev] accordingly it is not intended to repeat the detail here, but I can share a few highlights.

The theme for this year's conference was 'New Technologies in Crime and Prosecution; challenges and opportunities'.

This interesting and topical theme offered us the opportunity to invite external speakers to address the delegates, particularly from Industry, which lent a different and broader perspective to the debate. Thus we received contributions from Microsoft, Cisco, eBay, and Pay Pal as well as a facilitated international expert panel led by Scott Warren of Kroll which examined how some tough cyber crime cases had been resolved.

It was clear that the IT Industry were keen to lock in to our organisation and Prosecutors everywhere for our mutual benefit in order to better combat the rising tide of criminality in this area, and this led us neatly to one of our conference outcomes [see below].

The Conference was opened in the purpose built and commodious Raffles Conference Centre to the accompaniment of a drumming fanfare, by the Attorney General for Singapore and our host, Professor Walter Woon. It was no surprise that as a renowned academic he had a command of the subject and in his opening speech and his later address on 'emerging trends in cyber crime', he was able to give us a glimpse into the future and a virtual world of crime. We were also honoured to welcome the Deputy Prime Minister and former Minister for Law for Singapore Professor Jayakumar who in his key note speech ably demonstrated that he had a clear grasp of the challenges created by technology. In the absence of our President

François Falletti who was unavoidably unable to attend the Conference, James Hamilton DPP for Ireland and a Vice President of the Association delivered the opening remarks of the

Conference on behalf of the International Association of Prosecutors and gave delegates a taste of what had been achieved in the past year and what was hoped would emerge from the Conference.

After presenting the awards [see inset], Nicholas Cowdery DPP for New South Wales, Australia and Chris Painter from the USA who is a high tech/cyber crime specialist in the US Department of Justice, set the scene and explored the diversity of cyber criminality and some solutions.

After lunch Baroness Scotland, the Attorney General of England, Wales and Northern Ireland introduced us to The Global Prosecutors E Crime Network [GPEN].

This initiative [see separate article] prompted intense interest and support from delegates and will be the vehicle by which we can progress many of the ideas and suggestions emerging from the Conference. Some of these ideas were debated further within the various workshops, regional fora and special interest groups [an innovation which gained much support], the reports of which are on the website and were fed into the Conference outcome. Many thanks to all the Chairs, speakers, facilitators and rapporteurs who were involved in these sessions and others.

We were very lucky to secure some prestigious speakers, including Ron Noble the Secretary General of Interpol who offered us the view of the law enforcer and spoke about the recently convicted Canadian national who became the most sought after paedophile in the world following a global appeal by Interpol. Harm Brouwer Chairman of the Dutch Board of Procurators General told us about GPS the Dutch integrated system for case management which complemented the presentation from John Lord from the Crown Prosecution Service of England and Wales who gave a comprehensive power point demonstration of how the CPS Case Management system operates. I understand much interest was generated amongst delegates about exporting these advanced systems.

It was also refreshing to have examples of where Information Technology [IT] had been harnessed to assist the prosecution process and this was developed by Gavin Ruxton, Chief of the Trial Division in the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia. [ICTY] who spoke about how IT was used in the court room in the Hague. Similarly Morten Bergsmo from Norway explained how an electronic legal tools capability had been developed for the International Criminal Court. also in the Hague.

Tan Sri Abdul Gani Patail the Attorney General for Malaysia paid the Conference a lightening visit in order to express his view of the importance of education for Prosecutors and the vital role that the IAP could play.

The importance and means of protecting property rights was expanded upon by Jean Claude-Marin Procureur de la Republique de Paris from a French perspective and by Dr Stanley Lai Head of the Intellectual Property and Technology Department in a leading law firm in Singapore, from a Singapore perspective.

We also welcomed speakers from Chinese Taipei, Joanna Chi –Jen Ching who was relentlessly pursued by the press from her country as she was the prosecutor of a high profile fraud, and Byung Doo Jung a Deputy Chief Prosecutor from Korea, both spoke about countermeasures for dealing with on-line fraud..

The Conference was wrapped up on the final day with a Question and Answer session presided over by Elish Angiolini Lord Advocate of Scotland, which included: Ken Macdonald DPP England and Wales; Chris Painter; Vicky Argitis Office of DPP Commonwealth, Melbourne Australia; Carla de Carli from Brazil and Christopher Ong from Singapore.

416 delegates and over 30 accompanying persons attended the event which was organised with impeccable efficiency and unflinching charm and good humour by members of the office of the Attorney General of Singapore and we extend to all involved our deep appreciation for

a job well done. We also owe a debt of gratitude to the Judiciary in Singapore, I believe, not only for sparing a few of their brethren to chair some of our sessions, with appropriate judicial authority, but also for releasing our Singapore colleagues from some of their court duties.

It was a Conference to remember, whether it be the fireworks on Sentosa Island, the grandeur of Raffles hotel, the friendships forged or the broadened knowledge and understanding of an important subject gained. Most importantly as a result of the conference we have set in train an important programme of work the progress of which will be reviewed at the 14th Annual Conference in Kiev, the Ukraine.

Conference Outcomes

Aims were:

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

Three Practical Steps:

1) Capacity-Building

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

2) Convergence

- IAP will promote the Council of Europe Convention on Cybercrime amongst members via the newsletter and website, including a hyperlink to the Council of Europe website with the aim of encouraging ratification.
- Contact: Alexander Seger (Alexander.Seger@coe.int).

3) Cross-Fertilisation

- IAP will act as a conduit between Prosecutors and Industry by participating in industry networks and producing a list of regional external contact persons
- Industry to contribute to horizon-scanning exercises to assess future challenges and opportunities;
- Cross-training involving Industry.

Progress will be reviewed at the 14th Annual Conference in September 2009 in Kiev.

Executive Committee meets in Singapore

Retha Meintjes chaired the meeting in the absence of Francis Falletti who had been unavoidably delayed in France.

Farewell was bid to a number of Executive members who had reached full term [see awards] and the nomination of new members was confirmed [see list].

Minoru Shikita had accepted his appointment as Honorary Vice President.

The Executive Committee agreed to nominate as members of the Conflict Committee: Eamonn Barnes, Werner Roth, Paul Ngarua, Minoru Shikita and Guillermo Piedrabuena

The British Virgin Islands, Dubai and British Columbia Crown Counsel Association had all been approved as Organisational Members There are now 130 organisational members world wide but of the 12-1400 existing members only 356 had re registered on- line.

In his report the Secretary General thanked the Danish Director of Public Prosecutions for his support in the development of the new website in the person of Janne Holst Hubner[Communication Manager]. He also thanked Joon Gyu Kim and the Korean Prosecution Service for organizing the 5th Asia and Pacific Regional Conference and Oleksandr Shynalskiy for hosting the 4th Eastern European and Central Asian Regional Conference to take place in Lviv.

The draft budget for 2009 was presented by the Secretary General together with the financial statements for 2007 and balance sheet for 31 December 2007, drawn up by Ernst & Young Accountants

It was agreed to raise the individual membership dues to US\$ 40 for 2009/10.

It was confirmed that the 15th IAP Annual Conference will be at The Hague at the Kurhaus in Scheveningen, 5-9 September 2010.

Thanks were offered to Ireland, Microsoft, eBay, Cisco, Organisation Internationale de la Francophonie for their support which allowed 30-40 beneficiaries to attend from a budget of 50-60k Euros and to CPS England and Wales, DPP Denmark and the Netherlands for their continued financial support.

Following the report from the General Counsel it was agreed that the GPEN initiative would be endorsed and would be regarded as a specific benefit of membership, the essay competition should continue with some modest changes and the 'Prosecutors Exchange Programme' should also be endorsed [see items elsewhere in this newsletter on these matters]. See also project update

The draft business plan drawn by the General Counsel was generally approved and it was agreed that final determinations for any changes to the structure of the IAP Secretariat should be made at the next executive committee meeting in Cameroon in February 2009. It was also agreed that the succession of the Secretary General was an urgent matter which needed to be resolved swiftly and expressions of interest would be sought by 31 December 2008. The Executive Committee concluded that it would be preferable if the Secretariat remained within the Hague.

It was also agreed that Spanish translation would be available at the 14th annual Conference on Kiev; accordingly Spanish speaking members should be encouraged to attend. The invitation from Prague to host an executive Committee meeting in 2010 was accepted with gratitude.

Condolences were offered to Eamonn Barnes on the loss of his wife.

The Secretary General and General Counsel were thanked.

General Meeting 2008

The meeting was chaired by Past President Nick Cowdery AM QC in the absence of the President who offered his apologies.

The minutes of the 2007 General Meeting in Hong Kong were agreed.

The Secretary General made reference to Article 4 of the Constitution concerning honorary membership. And stated as follows 'This year the Executive Committee has recommended for election to honorary membership of the Association Sir Ken Macdonald QC, DPP England and Wales. There can be no doubt that this nominee fulfils the criteria for honorary membership set out in the Constitution. The CPS has always been a strong supporter of the IAP and the last 5 years under Ken Macdonald's leadership have been no exception; in particular through the secondment of the General Counsel and the partnership between the IAP and the CPS international section which has led amongst other things to the GPEN initiative. Sir Ken leaves the post of DPP later this year'.

Sir Ken was elected by acclamation and offered a speech of thanks indicating his pleasure and confirming his support for the association and his confidence that it would continue when his successor Keir Starmer QC takes over.

The nominees for membership of the committee proposed by the executive committee were elected.

The nomination of Minoru Shikita as Honorary Vice-President was approved.

The Secretary General Henk Marquart Scholtz was re-elected.

Nicholas Cowdery welcomed the new members on behalf of the President.

Eamonn Barnes, Werner Roth, Paul Ngarua, Minoru Shikita and Guillermo Piedrabuena were elected to the Conflict Committee.

The Secretary General delivered his financial report as published in the Annual Report 2007-8 which had been placed in each conference bag.

The General Counsel spoke to the planned work programme and Nicholas Cowdery reminded those present of the requirement that organisational members commit to the IAP Standards for Prosecutors.

The next General Meeting will take place in Kiev on 9 September 2009.

Executive Committee 2008

President:

François Falletti, Procureur Général près la Cour d'Appel d'Aix-en-Provence
France

Vice-Presidents:

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

Feng YE, Director General International Judicial Cooperation Department,
People's Republic of China

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

James Hamilton, Director of Public Prosecutions, Ireland

Wendy Stephen QC, Crown Counsel, Canada

Joon Gyu Kim, Senior Chief Prosecutor, Korea

Secretary- General: Henk Marquart Scholtz, Advocate General, The Netherlands

General Counsel: Elizabeth Howe OBE, Former Chief Crown Prosecutor
England and Wales

Members:

Richard Buteera, Director of Public Prosecutions, Uganda
Sabas Chahuán Sarras, General Prosecutor, Chile
Nicholas Cowdery AM QC, Director of Public Prosecutions New South Wales, Australia
Basile Elombat, Magistrat, Cameroon
James P. Fox, President National District Attorneys Association, United States
Alasdair Fraser QC, Director of Public Prosecutions, Northern Ireland
Siri S. Frigaard, Chief Public Prosecutor, Norway
Vinette Graham Allen, Former Director of Public Prosecutions, Jamaica, W.I.
I. Grenville Cross SC, Director of Public Prosecutions, Hong Kong, China
Martin Herschorn QC, Director of Public Prosecutions Nova Scotia, Canada
Gerhard Jarosch, Prosecutor, Austria
Mike Kennedy, Chief Operating Officer CPS, England and Wales
Fikrat F. Mammadov, Minister of Justice, Republic of Azerbaijan
Josaia K. Naigulevu, Director of Public Prosecutions, Fiji
Chaikasem Nitisiri, Attorney General, Thailand
Stephen Pallaras QC, Director of Public Prosecutions South Australia, Australia
Javier Popolo Filgueira, Public Prosecutor, Venezuela
Richard Rogers, Senior Counsel Department of Justice, United States
Oleksandr Shynalskyi, President / Deputy General Prosecutor, Ukraine
Jorgen Steen Sørensen, Director of Public Prosecutions, Denmark
Raija Toiviainen, State Prosecutor, Finland
László Venczl, Vice-President, Hungarian Association of Prosecutors, Hungary

IAP Awards 2008

The IAP Awards were presented after the formal opening ceremony of the Annual Conference on Thursday 27 August 2008.

Special Achievement Awards were presented to;

- prosecutors from South Africa (Paul Louw and his team, Directorate of Special Operations of the National Prosecuting Authority of South Africa) in recognition of the success of the team in combating organised crime

Vice-President Retha Meintjes read the citation:

“in recognition of the successes of the team in combating organised crime not only in South Africa but also at the international level also taking into account the difficult level of both the investigation and the prosecution of cyber-crime in general and of the crimes investigated and prosecuted specifically by the team, the first authority in South Africa to expose a ring leader of an online international banking syndicate.”

Paul Louw thanked the IAP for this recognition.

- Guillermo Piedrabuena, former National Prosecutor for Chile in recognition of his work in support of the Objects of the Association and in particular through the reform of the Prosecution Service of Chile and also for hosting the first IAP Latin American Regional Conference

-Vusumzi Pikoli, National Director of Public Prosecutions of South Africa in recognition of his consistent defence of the principles of independence, integrity and impartiality of the prosecution.

Vice-President Retha Meintjes read the citation;

‘Vusumzi Pikoli demonstrated special dedication in the pursuit of his professional responsibilities by taking a firm stand on the principle of prosecutorial independence in circumstances worthy of recognition by the International Association of Prosecutors.’

In accepting the award, Vusumzi Pikoli expressed his gratitude for the IAP’s support and emphasised the fact that prosecutors are not politicians and that prosecutorial integrity is of the essence

Certificates of Merit were presented to :

- the Office of the Director of Public Prosecutions of Hong Kong, China, for hosting the 12th Annual Conference, September 2007
- the Office of the Prosecutor General of Ukraine and the Ukrainian Association of Prosecutors for hosting the 3rd East-European and Central Asian Regional Conference in Odessa in October 2007
- the Office of the Prosecutor General of Finland for hosting the Executive Committee meeting in Helsinki in February 2008
- the Supreme Prosecutor’s Office of Korea for hosting the 5th Asia and Pacific Regional conference in June 2008
- Wendy Abraham QC, Ilie Botos, Knut Kallerud, Alice Fisher, Pachara Yutidhammadamrong and Guillermo Piedrabuena, retiring Executive Committee members.

Thank you certificates were presented to:

- Marianne Carey (Australia) for her work on the editing of the IAP Newsletter.
- Janne Holst Hubner and Svend-Erik Hellner (Denmark) for their work on the construction of the new IAP website

Prosecutor Exchange Program

At the 13th IAP Annual Conference in Singapore in August 2008, the IAP announced an exciting new initiative: the Prosecutor Exchange Program ("PEP"). Under the PEP, the Association will encourage and assist with the coordination and administration of bilateral prosecutor exchanges between the prosecution offices of different but compatible countries as to language and legal tradition (and maybe one-way placements for limited times for specific purposes).

As crime becomes increasingly international, prosecution agencies around the world must work more closely together. PEP will facilitate the exchange and dissemination among prosecution agencies of information, expertise and experience and contribute

to the professional development of both the exchange prosecutors and the agencies they serve. There may be many forms of prosecutor exchanges, including direct simultaneous exchange of prosecutors, study or training visits, or secondments in which only one office sends a prosecutor. The duration of the exchanges will vary depending on the form of the exchange and the needs of the parties involved.

The IAP is now asking for expressions of interest in the program from all prosecution agencies. Once we have received expressions of interest, we will compile a list of participating agencies and will disseminate this, together with contact details, to all participating agencies. To facilitate the program, the IAP is producing a best practices guide which participating agencies will be able use to assist them with exchanges.

This program is being coordinated by Nicholas Cowdery AM QC, DPP for New South Wales and Past President of the IAP (NCowdery@odpp.nsw.gov.au), and Nicola Mahaffy, Crown Counsel in Vancouver, Canada (nicola.mahaffy@gov.bc.ca)

Essay Competition 2008

The winner of the 2008 essay competition was Sophie Goodrick from the International Section of the Crown Prosecution Service of England and Wales.

She was presented with her award at the Annual Conference in Singapore after the opening ceremony. She also received free registration for the Conference.

The theme of the essay was required to follow the Conference theme and to address the following topic *'New threats in the use of technology in crime – can Prosecutors rise to the challenge?'*

The Judges were Professor Egbert Myjer, Senator of the IAP and a Judge of the European Court of Human Rights, Vinette Graham Allen from Jamaica and Elizabeth Howe General Counsel of the IAP.

The winning essay 'Addressing the Challenge of High-Tech Crime: the value of networks as a capacity building tool' was found by the judges to have fully satisfied the criteria set and offered a valuable response to a number of key challenges within a global context. It is available on the web site and will be published in the next Newsletter

Congratulations Sophie

Special mention also should be made of the submission from Gabriel Bourgeois QC a Crown Prosecutor with the Office of the Attorney General of New Brunswick, Canada.

Congratulations

John Reading SC, Deputy Director of Public Prosecutions of Hong Kong, China, has been awarded the Bronze Bauhinia Star (BBS) in the 2008 Honours List of the Hong Kong Special Administrative Region, which was published on 1 July 2008. The citation commends John's 'dedicated and meritorious' service during his 23 years

as a prosecutor in Hong Kong. John is an expert in victims' rights, and has done much to ensure that victims and witnesses receive the best possible deal within the criminal justice system. John has been the Chief of Staff of the Prosecutions Division of the Department of Justice since 2000, and has done much to assist the IAP. John chaired the Organising Committees of both the 2nd Asia-Pacific Regional Conference of the IAP in 2004, and the 12th Annual Conference and General Meeting of the IAP in 2007, and the success of each event owes much to his efforts. John will receive the award from Mr Donald Tsang, the Chief Executive of the Hong Kong Special Administrative Region.

Seminar on Good Governance for Southeast Asian

The Office of the Attorney General (OAG) of Thailand, the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), and the United Nations Office on Drugs and Crime (UNODC) Regional Centre for

East Asia and the Pacific, co-hosted a regional seminar on “Good Governance for Southeast Asian Countries” held in Bangkok, Thailand from 23 - 25 July 2008.

The seminar was funded by the government of Japan. There were 35 participants comprising of prosecutors, judges, law enforcement officers, parliamentarian officers, auditors and other government lawyers from Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Thailand and Vietnam. Three experts from the UNODC, the European Anti-Fraud Office (OLAF) of the European Commission and the U.S. General Services Administration also participated in the seminar.

The seminar was intended to explore the ways in which the participating countries can strengthen their rule of law, judicial systems and legal infrastructure, the promotion of an effective and efficient civil service, and good governance in the public and private sectors. The main theme of the seminar was “Corruption Control in Public Procurement”, which is one of the most important issues to be addressed by this region. Mr. Chulasingh Vasantasingh, Deputy Attorney General of Thailand, presided over the opening ceremony, encouraging participants to share and exchange experience and knowledge, and also to build upon the network of criminal justice authorities in order to fight against corruption in respective countries. Mr. Hideaki Kobayashi, Ambassador of Japan to Thailand, delivered a keynote address emphasizing that Southeast Asia has completed the development of many large scale infrastructure projects, such as railways, highways, airports and electric power plants. These projects have certainly been beneficial for the welfare of a large number of people. However, there may be a risk that the public procurement process of these projects may be subject to possible corruption. In order to prevent and detect corruption in public procurement, countries have to take efforts to enact effective laws and regulations, implement measures to increase transparency and also to raise the public’s awareness.

The three day seminar chaired by Mr. Sirisak Tiyapan, Director General of the International Affairs Department of the OAG concluded with recommendations which will be reported further to the UN. fora. Some recommendations are: criminal justice authorities and officials should be vigilant and cognizant of indications of corruption (red flags), e.g. strict limitation of qualification of vendors, solicitation of the same vendors, use of *ex-post facto* contracts and submission of fewer than normal numbers of bids, in order to effectively identify offences related to corruption in public

procurement; in the investigation and prosecution of any case related to public procurement, competent authorities should be aware of all relevant offences, e.g. kickbacks, bribery, money laundering, tax evasion, accounting crime, fraud, collusion, political financing, and conflict of interest; national networks such as task forces and joint committees of criminal justice authorities and procurement offices, tax authorities, auditing authorities, competition authorities and other related agencies should be introduced in order to enhance the chances of uncovering corruption in public procurement and obtaining relevant evidence; and becoming a party to the United Nations Convention against Corruption should be duly considered in order to utilize it as an effective tool for combating corruption in public procurement.

Fiji soldiers on

The play on words (above) is fully intended. The Republic of the Fiji Islands (in the Western Pacific) is governed by a military dictatorship, following the most recent coup two years ago in December 2006. That followed coups in 2000 and 1987 - not a good record for a country that achieved independence from Britain only in 1970. The present indications are that there will not be a return to democracy any time soon. Despite that history, the casual visitor to Fiji may continue to enjoy the tropical sun, sand and sea without any concern for one's wellbeing and in complete relaxation - and many do.

But spare a thought for the Director of Public Prosecutions, who has had to guide his Office through the shifting political sands with independence, effectiveness and efficiency in a state of constant uncertainty. Josaia Naigulevu, a new member of the IAP Executive Committee, was appointed Acting DPP in 1999 and following the first coup in 2000 was permanently appointed in 2001. He is still there, bravely fighting his particular fight for independent and professional prosecutions, and on 8-10 December 2008 hosted the **14th Annual Prosecutors Conference** of Fiji.

Nicholas Cowdery AM QC, Past President, was privileged to be invited with other international guests to attend and address the conference of about 90 prosecutors from the DPP's Office and all other prosecuting agencies in the country (and some Magistrates and other officials and a few private practitioners) at The Fijian Resort on Yanuca near Sigatoka. Our attention was fully directed into the proceedings in the new conference hall. (Really!)

The theme of the conference was "Infringing the Rule of Law: What should prosecutors do in response?" and it gave rise to wide and detailed discussion of issues arising from the operation of the rule of law - the prosecutor's role in the protection of human rights, safeguarding the independence of the DPP, dealing with ethical issues arising in that context (especially addressed by Peter Ridgway of the University of Wollongong), disclosure, some of the specific Fijian challenges faced by prosecutors, the "public interest", lessons from the conduct of international criminal tribunals (Professor Tim McCormack of Melbourne University gave a comprehensive paper); and some observations from elsewhere - such as the Solomon Islands (Ronald Bei Talasasa, DPP, gave a harrowing account of his circumstances in the context of a civil war - "The Tension"), South Australia (DPP Stephen Pallaras QC, also a new IAP Executive Committee member, spoke of challenges to independence) and even the Special Court of Sierra Leone (Kevin Tavener gave an account of his experience there

as a prosecutor). There were many local speakers, too, and a recorded presentation by former ICC Judge - and Samoan - Tuiloma Neroni Slade.

The simplistic answer to the question posed by the theme, of course, is: do your job!

The conference dinner on the final night saw the presentation of annual awards in different categories to prosecutors who have distinguished themselves during the year (voted by their colleagues) and the record of achievements was indeed outstanding. Given the large proportion of junior practitioners with limited experience, the limitations on resources made available to the Office and the really difficult and often unprecedented legal issues with which they have to deal, the standard of practice, application and integrity manifested by the Office is truly remarkable - and it shows in the results they achieve.

Once again, this conference in this environment with the broad range of presenters contributing and the responses from the participants, showed why all prosecutors should be dedicated to upholding the principles that are reflected in the IAP Standards - and how the Fijian prosecutors are. It is true that they are not unique - but they and others in similarly testing regimes can teach a lesson or two to those of us who are less directly challenged in our day to day work. Bula!

LVIV-th IAP Regional Conference for Prosecutors from Central and Eastern Europe and Central Asia

The beautiful city of Lviv played host to the fourth regional conference for Central and Eastern Europe and Central Asia 9-11 November 2008.

It was seasonally chilly, particularly for some of our colleagues from warmer climes. However the warmth of the reception we experienced from our Ukrainian colleagues soon dispelled any chill.

The theme was 'The Prosecutor and Human Rights', and the presentations were diverse and thought provoking. They can all be found on the IAP website along with a selection of conference photos.

There were 89 delegates from 22 countries as well as 6 participants from 5 international organisations such as UNCHR, the American Embassy in Kyiv, the Council of Europe and Eurojust..

The conclusion of the conference is set out below and confirms the central role that prosecutors play in asserting and protecting human rights.

Participants also had the opportunity, to appreciate and observe the architecture and traditions of Lviv which owes much to its Austro-Hungarian heritage.

We extend our grateful thanks to the office of the Prosecutor General of Ukraine and to the Ukrainian Association of Prosecutors and all those who contributed to the impeccable organisation and generous hospitality.

New role for IAP President

François Falletti, President of the IAP, officially assumed his new position as Procureur General of the Court of Appeal of Aix-en-Provence during a grand ceremony held in the City's Justice Palace on 12 September 2008 involving some 400 attendees comprising high ranking representatives from political bodies, local

governments and administrations, judges, lawyers, police chiefs, etc.... This event offered him the opportunity to deliver a speech outlining his main goals and objectives as the new Procureur General.

The Prosecution Office of Aix-en-Provence is one of the most important in France, having jurisdiction over significant cities such as Marseilles and Nice. The office deals with investigations and prosecutions concerning organised crime and pollution over the whole French Mediterranean coast between Spain and Italy including the French Riviera ("La Côte d'Azur")and Corsica, demanding extensive involvement in international cooperation and mutual legal assistance; these responsibilities fit well with Francois Falletti's position as President of the IAP.

Prosecutors General meet in Manila

The 5th China-ASEAN Prosecutors General Conference was held at the Hyatt Hotel in Manila, Philippines, from 11th to 13th November 2008.

The conference was convened at the invitation of Cao Jianming, Prosecutor General of China, and Jovencito R Zuno, Chief State Prosecutor of the Philippines.

The China delegation, led by Cao Jianming, included Grenville Cross, SC, Director of Public Prosecutions of Hong Kong, Ho Chio Meng, Prosecutor General of Macao, Xiao Sheng, Prosecutor General of Liaoning Province, Wang Yanfei, Prosecutor General of Lingxia Hui Autonomous Region, Wang Tianhai, Prosecutor General of Yunnan Province and Li Xin, Division Director, International Judicial Co-operation Department of the Supreme People's Prosecution Service.

From the ASEAN countries, the Attorneys General, Prosecutors General and their representatives at the conference included Severino H Gana, of the Philippines, Kifrawi Kifli, of Brunei, Uk Vithun, of Cambodia, Muchtar Arifin, of Indonesia, Langsy Sibounheuang, of Laos, U Myint Naing, of Myanmar, Koh Juat Jong, of Singapore, Anuchart Kongmalai, of Thailand, and Khuat Van Nga, of Vietnam.

The conference theme was *'Effective Co-operation in Combating Transnational Crimes'*. During the three-day event, delegates agreed that the global financial crisis must not deflect countries from their objective to suppress transnational crime. The conference discussed in detail the need to strengthen and reinforce the levels of mutual co-operation and communication among prosecution offices. In his opening address, host Zovencito R Zuno said that *'International problems that have been brought about by transnational crimes require common and unified efforts on the part of governments of various jurisdictions and to see to it that there will be no safe havens for criminal cohorts'*.

In his opening address, Prosecutor General Cao Jianming said that China and ASEAN had similar goals. He stressed the need to *'actively improve such mechanisms as extradition, judicial assistance and retrieving assets, and further deepen international co-operation in anti-corruption and anti-money laundering'*.

When he addressed the conference, Hong Kong DPP Grenville Cross told the delegates of the importance the IAP attaches to prosecutors assisting their counterparts in other jurisdictions, and explained the benefits Hong Kong has derived

from its organisational membership of the IAP. He said that the Prosecutor Exchange Programme was adopted by the IAP in Singapore in August 2008, and was designed to facilitate the exchange and dissemination among prosecution agencies of information, expertise and experience, and contribute to the professional development of both prosecutors and the agencies they serve.

In their joint declaration at the conclusion of the conference, the participants agreed :

to establish comprehensive mechanisms for mutual legal assistance in criminal matters;

to harmonize national legal frameworks with international standards;

to establish direct co-operation between prosecutorial and law enforcement agencies in different countries;

to implement prosecutor exchange programmes among member countries;

to enhance the capacity of law enforcers through consolidated training and technical assistance;

to develop multilateral or bilateral agreements to facilitate investigation, apprehension, prosecution and extradition of criminals, exchange of witnesses, sharing of evidence, seizure and forfeiture of the proceeds of crime.

Raul M Gonzalez, Secretary of Justice of the Philippines, warmly welcomed the delegates at the Department of Justice. The Secretary, together with Mrs Gonzalez, also hosted the conference dinner at the Sofitel Philippine Plaza Hotel, Manila Bay, where the hospitality was as gracious as it was lavish. Diners were serenaded and entertained by singers and dancers from different provinces of the Philippines, and everyone relished the conviviality of the occasion.

The 6th China-ASEAN Prosecutors General Conference will be held in Hanoi, Vietnam, in 2009.

IAACA 3rd Annual Conference and General Meeting

After its launch in Beijing in 2006 followed by its second Annual Conference and General Meeting in Bali (Indonesia), the International Association of Anticorruption Authorities (IAACA) held its Third Annual Conference and General Meeting in Kyiv, Ukraine, 3-6 October 2008. Many senior representatives from Anticorruption Agencies and General Prosecutors from all over the world attended in order to share their experiences in the fight against Corruption and of effective preventative measures. The event was opened with a strong message delivered by the President of Ukraine and by the President of IAACA, and was followed by in-depth discussions in plenary and workshop sessions. Representatives from the United Nations as well as several IAP members participated in the work of conference which was organised most professionally by Ye Feng, Secretary-General of the IAACA, and Vice-President of the IAP together with the Office of the Prosecutor General of Ukraine. Henk Marquart Scholtz, Secretary-General of the IAP, was also in attendance and chaired one of the workshops.

The Balkans tackle cross-border crime

A two-day conference with the title “The cross-border crime in the Balkans” organised by the Greek Association of Prosecutors in cooperation with the International Organization of Immigration was held successfully on the weekend of the 15th and 16th November 2008 in the city of Volos in Magnesia.

Colleagues from the Balkans officially represented their national associations and presented the situation in their home countries and suggested solutions. The international participants were Mr. Shkelquim Hajdari and Mrs. Rovena Gashi from Albania, Mr. Ivan Petrov from Bulgaria, Ms. Vilma Ruskovska from Skopje, Mr. Florian Nanou from Romania, Mrs. Irena Bjelos from Serbia and Mrs. Esin Ozbilgin from Turkey. Special guest was the IAP General Counsel Elizabeth Howe. The conference also hosted 108 national Prosecutors from almost all the Greek Prosecution Offices.

The main conclusions of the conference can be summarized as follows:

- Organized crime has increased enormously in the region of the Balkans and in Southern Europe, especially in reference to human and narcotics trafficking and money-laundering.
- The prosecutors of the Balkan countries are the main pillar in combating organized crime in the region.
- It is of great necessity to establish close co-operation among all prosecutorial authorities of the Balkan States and the competent organs of the EU (Europol, OLAF, Eurojust). It is, therefore, important to organize a continuous “forum” and to institute permanent contact points in all Balkan countries.
- The national criminal legislation of the Balkan countries (both the substantial and procedural law) should be harmonized.
- Organized crime is sometimes related to the corruption of the State-members of the concerned countries.
- The main weapon for the suppression of organized crime is to locate and to confiscate the income that deprives from criminal activities, to severely control the income resources, especially for people who are members of the State authorities, and.
- The legislative and law-enforcement measures that are needed to be taken against organized crime should not contradict in any aspect the internationally recognized rules for the protection of personal human rights and freedoms.

High-level conference for Beirut

The IAP was invited by the United Nations Development Programme in the frame of the Rule of Law Pillar of the Programme on Governance in the Arab Region (POGAR) to participate in a high-level regional conference held in Beirut (Lebanon) on the 29th and 30th November 2008. The event was organised in cooperation with the Lebanese Ministry of Justice and in co-ordination with the UN Office in Lebanon, with the theme “Strengthening Justice systems in the Arab countries”.

The conference brought together high-level Arab representatives, Ministers of Justice, heads of Judicial Councils, Attorneys General, judges and international and regional experts.

IAP President François Falletti gave a presentation on “International and regional frameworks for strengthening justice systems”. In the course of the discussions François stressed the role of IAP and focussed on its network, its initiatives towards good governance of justice systems and the impact of the IAP Standards in conjunction with other UN and regional instruments.

The conference provided a good opportunity to check the state of play as regards co-operation and contributions from international bodies such as the UN and the European Union in the field of governance, as well as by non-governmental organisations such as the IAP and international associations for the judiciary.

It was also possible to gauge the extent to which many Arab countries had evolved in modernising their justice systems, balancing the need to take into account in domestic law principles established by the international community and the need to keep the traditions within which their institutions have developed..

Several case studies focused on the efforts in this area made by a group of countries led by the Jordanian Ministry of Justice, the Minister of which made an instructive presentation at the beginning of the conference. Senior representatives from Jordan, Egypt, Morocco, Lebanon and Yemen explained how, through application of certain criteria, they have launched an analysis of the changes in their domestic system in order to detect improvements in the evolution of their domestic laws and practices by reference to international standards.

In the last session, chaired by the Ministry of Justice of Lebanon and UN representatives, conclusions were drawn, stressing, in particular, the need to continue developing regional contacts and to extend the above initiative to more countries.

Edinburgh hosts Eurojustice – Vienna takes on transnational crime

The Eurojustice Conference for 2008 was held in the magnificent city of Edinburgh, hosted by the Crown Office and Procurator Fiscal Service for Scotland. The themes were The Development of Information Communications Technology (ICT) by Prosecutors and Lessons Learned from Experience; The Prosecutor’s Role in Securing Public Confidence in the Criminal Justice System.

Eurojustice was established in order to foster and improve co-operation between law-enforcement authorities across Europe and to encourage mutual understanding of the different legal systems in existence in member States of the European Union.. The work of Eurojustice is co-ordinated by the Governing Board for Eurojustice, which comprises four Prosecutors General - from the country hosting the permanent secretariat (the Netherlands); from the present organising country (Scotland UK); the country that organised the previous conference (Slovenia) and the country that will organise the next conference (Estonia).

Important discussions centred upon its future with the conclusion of creating a forum for EU Member States' Prosecutors General and Directors of Prosecuting Authorities, in order to offer EU policymakers a wider basis to define political priorities and common trends in the field of criminal justice, to be facilitated by Eurojust.

IAP General Counsel Elizabeth Howe attended on behalf of the IAP and given the confluence of one of the themes with that of the IAP Annual Conference in Singapore, she was asked to present the IAP Conference outcomes which were complemented by a presentation on the Global Prosecutors E-Crime Network which had been launched in Singapore only the previous month.

She was also greatly honoured to be asked by Elish Angiolini the Lord Advocate of Scotland to speak to the Justice Committee of the Scottish Parliament about the IAP, its objects, achievements and work programme. This afforded her a privileged view of the extraordinary building which houses the Parliament at the foot of the famous Edinburgh landmark, Arthur's seat.

The Lord Advocate also hosted 2 fine receptions, firstly at Edinburgh Castle with its spectacular view of the city and secondly at the impressive College of Physicians.

Over 50 senior representatives from Prosecution offices around Europe participated together with representatives of interested bodies such as the Council of Europe.

The 8th to 10th October saw Elizabeth Howe back in Vienna for the Conference of the Parties to the United Nations Convention against Transnational Organised Crime which continued until 17th October. Gerhard Jarosch, who is based in Vienna and a member of the Executive Committee agreed to attend the second week on behalf of the IAP

As predicted much discussion centred upon the extent of implementation and the extent to which the convention had been invoked.

NGO representatives operate under certain restrictions as to access and cannot participate in the working groups. Nevertheless Elizabeth was able to progress some collaborative initiatives with UNODC including development of guidance for adoption of the IAP Standards.

It was also agreed that the IAP would seek to formalise the relationship between UNODC and the IAP

Congratulations

The IAP's congratulations go to Mike Kennedy, who has been made a Commander of the British Empire (CBE).

This honour is conferred by the Queen for a prominent national role, or a conspicuous leading role in regional affairs, through achievement or service to the community; or making a highly distinguished innovative contribution in his/her area. Mike is currently the Chief Operation Officer for the Crown Prosecution Service of England and Wales, but until 2007 was President of Eurojust, a position he held with great distinction. Mike is also a long-standing member of the IAP Executive Committee.

States get a new tool to combat hate crime

On 19 March 2009 in Vienna the OSCE Office for Democratic Institutions and Human Rights (ODIHR) launched a new tool to help states combat hate crimes.

The 67-page book, entitled *Hate Crime Laws: A Practical Guide*, is the first publication providing practical and easily accessible advice for lawmakers, civil society and law enforcement personnel involved in developing or implementing hate crime legislation.

"Hate crime laws serve two important functions. First, they send a clear message to offenders that society will not tolerate crimes committed on the basis of prejudice and intolerance. And secondly, they convey to victims and vulnerable communities that the criminal justice system serves to protect them," said Ambassador Janez Lenarcic, Director of ODIHR.

"Effective hate crime laws do more than quantify or punish hate crime. They advance police-community partnerships and spark the development of prevention and education strategies to address not only hate crimes but the prejudice that motivates them."

The guide was developed by ODIHR in consultation with experts including judges, prosecutors (IAP General Counsel Elizabeth Howe participated in a round table conference), government officials, academics and civil society. These experts were drawn from across the OSCE region, resulting in a document which is relevant to a variety of legal systems and traditions. The Guide also drew on the content of the IAP European Regional Conference on Hate Crime which took place in the Hague in March 2008. The guide has already been used by ODIHR as the basis for legislative reviews and training. It has been translated into several languages, including French, Russian and German.

The launch was preceded by an expert workshop in Vienna and was part of a series of OSCE events marking the International Day for the Elimination of Racial Discrimination on 21 March, which also included a roundtable discussion on racism and discrimination on 20 March. IAP Secretary-General Henk Marquart Scholtz represented the IAP in both meetings. Also on 4 and 5 May he acted as moderator at the OSCE Supplementary Human Dimension Meeting on Hate Crimes – Effective Implementation of Legislation, in Vienna.

Secretary-General visits Armenia.

At the invitation of the General Prosecutor of Armenia, Aghvan Hovsepyan, Henk Marquart Scholtz paid a visit to Armenia on 22-26 April 2009. The Office of the General Prosecutor is a long serving organisational member of the Association, having joined in April 1999, and Armenian colleagues have attended IAP conferences for the past 10 years.

During the visit Henk Marquart Scholtz discussed matters of common interest with Mr Hovsepyan and gave a press conference for the Armenian media; he also visited the Armenian Genocide Memorial and met with a number of Armenian colleagues in different parts of the country. One of the topics of discussion was the most favourable time for the next Eastern European and Central Asian Regional Conference, which Armenia has offered to host. It is likely that this conference will be held in Armenia in October 2010.

The Armenian colleagues demonstrated their warm friendship and generous hospitality towards the IAP, strengthening the existing bonds of friendship.

9th European Regional Conference

Over 60 delegates from 19 separate jurisdictions gathered together in the 'legal capital of the World' on 11-13 March 2009 to explore the challenges and opportunities

involved in cross jurisdictional asset tracing and recovery. Albeit, a Conference for European front line prosecutors, we were pleased to welcome colleagues from as far away as USA, Israel, Bermuda and Chinese Taipei.

As at so many of these regional events, it was the first time that many prosecutors had had a chance to discuss and debate their areas of mutual interest with fellow prosecutors from other countries. The volume of noise during the interactive discussion sessions reveals that delegates have plenty to say.

There is no doubt that asset deprivation is the popular choice when it comes to deterrence and impactful punishment, hitting the criminals where it hurts because their objective has been defeated; prison sometimes being seen as an occupational hazard that may have to be endured.

There is no doubt that we need more effective enforcement of foreign orders within domestic jurisdictions to achieve greater impact and this was one of the main messages together with a the need for an enhanced and rationalised network of prosecutorial expert contact points for asset recovery within each jurisdiction, to facilitate cross jurisdictional cooperation.

What was also clear from the many interesting presentations and discussions that there already exists a wide range of tools and processes available, particularly in Europe, to effect recovery whether through the civil courts or the criminal courts, and we heard some fine examples of successes. However, as ever, there is a lack of consistency between jurisdictions and all that is needed sometimes is an understanding of what can and cannot be done; a clear single source of information in each jurisdiction. The need to build capacity and expertise within less developed countries was also recognised.

The IAP will seek to advance some of the recommendations which emerged from this event and would welcome any expressions of interest from members who wish to get involved. However, what was clear from the feedback was that this event had itself made a modest contribution towards some of those aims.

Han Moraal, Member of the Board of Procurators General from the Netherlands opened the event, and was followed by Stephen Almanseau from the Ministry of Justice, France who spoke about the availability of criminal conviction based recovery orders in France and the absence of civil recovery capability. By contrast Keith Oliver, a senior partner from Peters and Peters, a private practice firm in London, gave a convincing presentation on the advantages of civil recovery procedures available there. Regrettably the planned visit to Eurojust was cancelled due to the sudden and tragic death of one of the Portuguese members, although there was the benefit of a short impromptu resume from Sheila Robertson, a Principal Prosecutor Fiscal Depute from Scotland.

Alan Bacarese from the International Centre for Asset Recovery in Basel and Mark Vlastic from the World Bank offered accounts of how their respective institutions could assist in the recovery of significant assets, particularly those deprived from developing countries through corruption. Gary Balch, Head of Confiscation in the Crown Prosecution Service, Serious Organised Crime Division, Hessel Schuth Head of BOOM, The Criminal Assets Deprivation Bureau in the Netherlands, Cindy Clarke Crown Counsel [Specialist] and Larissa Burgess, Crown Counsel, both from Bermuda and Maria Schnebli from Switzerland offered their jurisdictions' perspectives. Thanks go to them all as well as the Chairs and Rapporteurs for the discussion groups and David Trovato and his team from the CPS for assisting with the case study.

Finally thanks to the City Hall of the Hague, particularly Bob Lagerwaard, for their most generous hospitality and to the ICTY [International Criminal Tribunal for former Yugoslavia] and particularly Gavin Ruxton for hosting an excellent visit there on the last day.

New post for IAP Senator

On the 20th of March Wolfgang Swoboda, an IAP Senator, was appointed Chief Prosecutor of Eisenstadt, Austria.

Eisenstadt is located some 50 km south-east of Vienna in the beautiful province of Burgenland.

Wolfgang, who is chairman of the Austrian Association of Prosecutors, served as an IAP Executive Committee member from 2004 to 2007. The inauguration was attended by many Austrian colleagues, including IAP Executive Committee member Gerhard Jarosch and his wife Alexandra, also an Austrian prosecutor and member of the Association, and Secretary-General Henk Marquart Schotz, who was in Vienna for the OSCE hate crime workshop. Henk presented Wolfgang with a gift on behalf of the Association, and our congratulations go to him on his appointment.

Romania hosts 3rd World Summit

The Third World Summit of Attorneys General, Prosecutors General and Chief Prosecutors was held in Bucharest, Romania, from 24 to 25 March 2009. The Summit was attended by representatives of 102 UN Member States. Also attending were observers for UN Secretariat units, and other entities and specialized agencies of the UN system and intergovernmental and non-governmental organizations. The Summit was opened by Mrs. Laura Codruta Kővesi, Prosecutor General of Romania. In her address, Mrs. Kővesi emphasized the importance of the Summit and proposed that in the future a technical secretariat be established and located in Romania.

After the welcome by the President of Romania, H.E. Traian Bănescu, Emil Boc, Prime Minister of Romania, Ali Bin Fetais Al Marri, Prosecutor General of Qatar, and John Sandage, Deputy-Director of the Division for Treaty Affairs of UNODC, Francois Falletti, President of the International Association of Prosecutors (IAP), thanked the Government of Romania for hosting, organizing and supporting the Summit. He provided an overview of the work of the International Association in promoting international standards and principles necessary for the proper and independent prosecution of offences.

On 25 March 2009, Plenary session III was chaired by IAP General Counsel Elizabeth Howe. The Plenary examined the status and perspective of the World Summit. For that purpose, a questionnaire was distributed to the participants during the event on "chartering the direction of the Summit". In their responses, the participants noted that there was a place in the international criminal justice agenda for the Summit and therefore expressed their support for its continuation in the future, on a biennial basis. It was further underlined that both the Summit and the meetings of the International Association of Prosecutors fulfilled a productive role by bringing together prosecutors representing different legal systems and traditions, and by offering them the opportunity to share experiences and explore international best practices on the most challenging crime problems.

In an effort to add more momentum and value to the Summit for the benefit of prosecutors and prosecution services, the Plenary further considered the feasibility of establishing a technical secretariat to service the Summit, building upon the achievements and the recommendations of the previous Summits. The Summit stressed the need to give careful consideration to the establishment of a technical

secretariat to carry out intersessional work and to facilitate the implementation of the Summits' recommendations in the interest of continuity and consistency.

The Plenary also approved and welcomed the offer of the Government of Romania to retain the secretariat function until the organization of the Fourth Summit. The Plenary approved and welcomed the offer of the Government of Chile to host the fourth World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice in 2011, immediately after the Annual Conference of the International Association of Prosecutors.

Plenary session IV, the Open floor session, was chaired by IAP Past President Nicholas Cowdery AM QC, DPP for New South Wales, Australia.

At the closing session the Prosecutor General of Romania presented a summary of the discussions held at the Third Summit. She extended her support to Chile, host of the Fourth Summit, and wished the Prosecutor General of Chile every success in its conduct.

IAP Secretary-General Henk Marquart Scholtz, renewed his gratitude to Romania as the host of the Third Summit and expressed his wish that the Fourth Summit, to be held in Chile in 2011, would build successfully upon the results and work of the previous .

Executive Committee meets in Yaounde

The Executive Committee met in Yaounde, the capital of Cameroon, from the 26th to the 28th February 2009. The meeting opened on an unusual note: the Committee met with Cameroon Prime Minister Ephraim Inoni, the Chief of Government of Cameroon. From his conference room, the Committee moved to the Supreme Court of Cameroon and was honored by being invited to attend the Court's solemn inauguration of the Court's judicial year. In addition, the Committee enjoyed a reception hosted by the Vice-Prime Minister, the Minister of Justice and the Keeper of the Seals; another by the Prosecutor General of the Supreme Court; and a dinner hosted by the Prefect of city of Kribi.

All of these delightful displays of hospitality were arranged by Executive Committee member Basile Elombat, Magistrat, Vice-President Cour dAppel du Nord, Garoua, Cameroon. The Committee was most appreciative for his efforts before and throughout the days of the meeting. After formally starting its meeting, the Committee adopted the minutes of the Executive Committee meeting in Singapore, and discussed the admission of additional potential organizational members and vacancies on the Committee. Lazlo Venczl, Vice-President of the Hungarian Association of Prosecutors, announced that he was not going to seek an additional term on the Committee. (He was sadly wished a fond farewell).

Raija Toiviainen, Head of the International Unit of the Office of the Prosecutor General of Finland, and **Barbara Brezigar**, Prosecutor General of Slovenia, were decided upon as those who would be put forward to the General Meeting in Kiev on 8th September 2009 as re-nominee and nominee respectively for membership on the Executive Committee. It was also agreed by acclamation that Nicholas Cowdery be co-opted as a member of the Executive Committee from the end of the Kiev General Meeting until the General Meeting in 2010 in the absence of Henning Fode who had relinquished his seat on the Committee as immediate past President

It was also acknowledged that in 2010, the term of a number of Executive Committee members would expire. Therefore, it was agreed that the membership should be

reminded of the nomination procedure for membership of the Executive Committee and their ability to put forward potential nominees to the Executive Committee.

The Committee then considered the matter of the Secretary General's intended departure from the organization after the General Meeting in 2010. The applications of those who want to assume the position in response to the invitations for expressions of interest published in the *Newsletter* and on the website, were discussed and considered. It was decided to interview one of the candidates, with a final decision to be made in September of this year to provide sufficient time to ensure an orderly transition before the anticipated 2010 change, which would need the approval of the General Meeting.

The future structure of the organization was discussed with a look toward making it and the IAP's financial arrangements more formal. The Committee decided to appoint an Audit Committee to oversee future financial expenditures.

IAP awards [see below] and future conferences were discussed, with Annual Conferences set for Kiev in 2009, The Hague in 2010, and Santiago, Chile in 2011. Upcoming Regional Conferences in Dubai in November 2009 and possibly one in Armenia were discussed, as were possible conferences in Argentina and Bermuda. It was announced that a revision of the IAP Human Rights Manual has been completed and is about ready to leave the printers and be disseminated.

The IAP Business Plan was reviewed. It was noted that a technical problem that was expected to be solved in the near future had prevented GPEN from getting on the IAP website. Various other proposals including the development of a rapid response team were debated, but ultimately rejected. It was concluded that the problem of the handling of cases that will be unaddressed after various ad hoc tribunals cease to exist should be a matter for the United Nations., but agreed that consideration should be given to accommodating a specialist forum on 'war crimes' within the framework of the IAP.

The Secretary-General presented a report on the organization's financial situation. All was in order.

Finally, it was noted the next Executive Committee meetings would be in Kiev on 5 September 2009 and an invitation to meet in Prague on 18 -20 March 2010 was accepted.

IAP Award recipients announced

The following awards were agreed by the Executive Committee in Yaoundé, Cameroon

Medal of Honour

Justice Richard Goldstone (South Africa)

(The award will be in recognition of his international achievements both as prosecutor and in promoting international criminal justice and human rights)

Certificate of Merit

- Office of the Attorney General of Singapore (hosting Annual Conference 2008)
- Ukrainian Association of Prosecutors and Office of the Prosecutor-General of Ukraine (hosting 4th Eastern European and Central Asian Regional conference)

- Office of the Ministry of Justice of Cameroon (hosting Executive Committee meeting)
- Resigning Executive Committee member Laszlo Venczl

Thank you certificate

IAP Office Manager Evie Sardeman

Since the meeting, the Executive Committee has received further nominations for special achievement awards which have been agreed;

- Mr Josaia Naigulevu former DPP of Fiji for upholding the principles of integrity and independence in the face of unwarranted pressure from an unlawful ruling regime [see the IAP public statement about Fiji elsewhere in this newsletter]
- Mr Ronald Bei Talasasa, Director of Public Prosecutions for the Solomon Islands (in the western Pacific Ocean), in recognition of the exceptional hardships he has faced, especially during the time of the Tension (actually a civil war), and his dogged determination to continue to act in accordance with principle even in the face of great personal danger.