

INTERNATIONAL ASSOCIATION OF PROSECUTORS

A HISTORY

The Dream

The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was held in Havana, Cuba from 27 August to 7 September 1990. The delegates at that Congress discussed a range of issues and among them the position of prosecutors. They recognised that, although "the Universal Declaration of Human Rights enshrines the principles of equality before the law, the presumption of innocence and the right to a fair and public hearing before an impartial tribunal, frequently there still exists a gap between the vision underlying those principles and the actual situation". They also recognised that prosecutors play a crucial role in the administration of justice and in ensuring compliance with these principles.

The Congress accordingly adopted a set of *Guidelines on the Role of the Prosecutor* (the *Guidelines*) to assist Member States of the United Nations in the task of securing and promoting the effectiveness, impartiality and fairness of prosecutors in criminal proceedings. The *Guidelines* were to be brought to the attention of prosecutors and others in the criminal justice system. Prosecutors in their turn were obliged to respect the *Guidelines* and to oppose any violations thereof.

On its return home, the Hungarian delegation to the Congress set up a professional body for prosecutors, the Hungarian National Association of Prosecutors, to further the objectives of the *Guidelines*. It was therefore perhaps unsurprising that it was at that Association's first "Kriminalinfo" (Criminal Information Conference and Exhibition) conference in October 1991 that the idea of creating an international organisation first arose.

One of those attending Kriminalinfo 1991 was to become a key player in the development of that idea. He was Dr Kurt Neudek, the representative of the United Nations Vienna Office, Crime Prevention and Criminal Justice Branch, where this idea had been nurtured for some time.

From 1987-1989 the Head of the Crime Prevention and Criminal Justice Branch was future IAP Vice-President Minoru Shikita from Japan, who from 1987-1989 was also Chairman of the United Nations Committee on Crime Prevention and Control. During his posting in Vienna Mr Shikita was an active advocate of an increased international co-operation among public prosecutors. In particular during the Ninth United Nations Crime Congress in Cairo in 1995 he was instrumental in gathering support for an international association of prosecutors.

After the Kriminalinfo 1991 Dr. Neudek started discussions with the Hungarian Association's President, Dr Maria Hajdu and he highlighted the concept in his official report of the conference. In the following months Dr Neudek carried out a considerable amount of significant preparatory work. He held meetings at the U.N. offices in Vienna

with representatives of prosecution services and prosecutors' associations from U.N. member countries in order to gain their support for the formation of an international association of prosecutors. He and his staff also worked with the Hungarian Association to create a first draft of a constitution for the new body.

The “Hot Room” in Budapest

Once the initial work on the draft constitution had been completed, copies were circulated to interested parties and a meeting was arranged in the margins of the International Congress on Criminology in Budapest in August 1993. This meeting was to be one of the significant milestones leading to the establishment of an international association of prosecutors. The outside temperature that day was 37 degrees Celsius and the room in which the meeting was held was considerably warmer. Despite this the discussions were animated and went on for over two hours.

The meeting was opened by Mr Karoly Bard, the Hungarian Deputy State Secretary of Justice and was chaired by Maria Hajdu. Others present included Dr Neudek, Eamonn Barnes (Director of Public Prosecutions, Ireland), Dato Steenhuis (Procurator General, The Netherlands), Werner Roth (Leitender Oberstaatsanwalt, Wiesbaden, Germany) and Barry Hancock (Head of Personnel and Training, Crown Prosecution Service, England and Wales) who appear later in this history.

The draft constitution was discussed and the debate centred on the identity of those who should be invited to be members. The draft provided for three types of member - individual members, associations of prosecutors and honorary members. It was suggested that prosecution services should also be allowed to join but there were concerns that if the new association was to be non-governmental and non-political, it should not have ties to such organisations which are government departments. The time for the meeting was too short to decide this and other important issues and so an interim organising committee was established. Maria Hajdu was asked to chair it and Messrs Barnes, Hancock, Roth and Steenhuis joined her. The work of the committee was mainly carried out by fax but members found every way that they could to meet together from time to time.

As a result of this meeting and the work of the committee representatives of prosecution services and associations from nearly 50 countries declared that the formation of an international association would be useful and timely. Work continued on the development of the draft constitution.

A Giant is born

The organising committee met again in Vienna in 1994 and the members were joined by Henk Marquart Scholtz (Advocate General, The Netherlands). He replaced Dato Steenhuis, who was about to play a different but extremely crucial role in the nurturing of the embryonic organisation. He, and the Dutch Council of Procurators General,

committed NLG100,000 in start up funding to the organising committee and it was this funding which enabled planning to continue in more a more positive vein.

Three significant decisions were taken. Henk Marquart Scholtz was invited to take on the role of Acting Secretary-General and the committee agreed that prosecution services should join associations of prosecutors as organisational members of the new association. Enquiries were now being made about membership from associations and prosecution services around the world and issues arose about inclusivity and exclusivity. The organising committee decided that the new association should be an inclusive organisation. Applications from all countries and jurisdictions would be welcome and the association would by its words and deeds set standards by which prosecutors should operate.

The formative years

It was 6 June 1995 which marked the most important turning point for the organising committee. On that day members from 11 countries again met in the United Nations Offices in Vienna and, on the proposal of Barry Hancock, formally established the International Association of Prosecutors (IAP). Maria Hajdu was confirmed as its Acting President and Henk Marquart Scholtz as Acting Secretary-General. Members of the organising committee formed the first Interim Executive Committee of the Association. They were: Eamonn Barnes (Ireland), Minoru Shikita (Japan), Endre Bocz (Hungary), Barry Hancock (United Kingdom), Virgil-Constantin Ivan (Romania), Alfred P.W. Nasaba (Uganda), Werner Roth (Germany) and Friedrich Matousek (Austria). It was agreed that preparations should begin for the holding of its first conference and general meeting in Budapest in September 1996.

On his return to Holland Henk Marquart Scholtz was given permission by the Council of Procurators General to work as Acting Secretary-General of the IAP for three days a week. The Council also provided him with a part-time secretary. For the time being the embryonic Secretariat of the IAP was run from the prosecutions office in Assen, where Henk Marquart Scholtz was working. Later, in November 1995, the office of the Secretariat moved to Groningen and was established in a stately old office building at Heresingel 11, Groningen, The Netherlands; the Ministry of Justice placed the office at the disposal of the Association free of charge.

During the summer of 1996 a draft Constitution was prepared with the assistance of one of the foremost lawyers in Amsterdam. In September 1995 the Executive Committee again met in Vienna to discuss the form of the draft Constitution to be put to the membership at the first General Meeting.

On 31 October 1995 the Foundation Treasury of the IAP was established and registered in Groningen. Henk Marquart Scholtz was made chairman of this Foundation and three other boardmembers were Mr Kemperink, Boardmember of the Friesland Bank, Mr Pisuisse, Head of Legal Affairs Gasunie and Mr Jansen, Director Regional Child

Protection Board. The Foundation opened bank accounts in the name of the IAP and has since acted, as a legal person, as the Treasurer of the Association.

Another Foundation, the foundation for the Establishment of an international association of prosecutors, was also established in Budapest. Maria Hajdu chaired this Foundation and Endre Bocz (Chief Prosecutor of Budapest), Henk Marquart Scholtz and Werner Roth were among the board members. The Hungarian National Association of Prosecutors donated HUF 100,000 to the Foundation and the Dutch Council of Procurators General donated NLG 10,000.

The first meeting of the interim Executive Committee (Wiesbaden, February 1996)

The next meeting of the Executive Committee took place in February 1996 in Wiesbaden, Germany at the invitation of Werner Roth. In the meantime the Secretary-General had been working closely with the President and other Hungarian prosecutors, who formed the conference committee (Endre Bocz, and Messrs Hegedusz and Sarik), planning for the first conference.

The meeting in Wiesbaden was significant for the direction which the IAP would take over its first three formative years. It had been agreed that, for reasons of economy, the working language of the IAP would be English and that the proceedings of the Executive Committee, the Annual Conference and General Meeting would therefore use this language. Maria Hajdu, whose vision and inspiration had driven forward the idea of the IAP and brought it to fruition, decided that such an important international conference, which was vital for the well-being of the new Association should be fronted by a fluent English speaker. It would also be sensible for that person to become President of the IAP.

Without Maria Hajdu there would be no International Association of Prosecutors. She saw in 1990 that not only her native Hungary but the world at large needed an association to bring prosecutors closer together to carry out their vital work of combating crime and in particular serious transnational crime. She encouraged the interest of Dr Kurt Neudek and the United Nations and kept together the organising committee with her dream that one day the association would become a reality. Maria Hajdu alerted prosecutors around the world to the need for the association and ensured that when the IAP was launched, it was a healthy international organisation. It was typical of her vision that she saw the need to make these changes at this time.

The Executive Committee acknowledged the seminal contribution made by Dr Hajdu and it was agreed that the first General meeting should be invited to elect Eamonn Barnes as President, Minoru Shikita and Endre Bocz as Vice-Presidents and Henk Marquart Scholtz as Secretary-General.

Because of the impetus which had been generated by the formation of the IAP and the detailed planning which was needed ahead of the first General Meeting, a further meeting of the Executive Committee took place in Vienna on 31 May 1996. The Secretary-

General was able to announce that the Irish government had committed US\$31,000 to the new Association. Once again a far-sighted government played an important part in nurturing the young organisation.

The Executive Committee was, however, delighted to be discussing for the first time the admission of organisational members. The applications of organisations from 14 countries were approved. The IAP now had a membership.

Programmes for the first conference had been distributed and preparations for the first conference were in an advanced stage of preparation. Members of the Committee were hosted at a dinner by the Prosecutor General of Frankfurt, Dr Schaefer, and were also received by the Mayor of Wiesbaden.

The 1st Annual Conference Executive Committee Meeting (Budapest, September 1996)

The Executive Committee met again, as later became traditional, on the days before the first Annual Conference and General Meeting. Applications for organisational membership from a further 11 countries were approved. Most of the meeting was taken up with finalising matters for the General Meeting.

The 1st Annual Conference

The first Annual Conference and General Meeting of the International Association of Prosecutors was held at the Hilton Hotel in Budapest, Hungary on 19-22 September 1996. It was attended by 134 participants from 49 countries. On 18 September the Dutch Ambassador to Hungary hosted a reception in his splendid residence.

The next day the participants were welcomed by Endre Bocz, the Chief Prosecutor of Budapest. Maria Hajdu, Interim President of the Association, performed the formal inauguration of the IAP and Mr Zoltan Gal, the Speaker of the Hungarian Parliament gave an opening address.

Keynote presentations were made by Jean-Paul Laborde, International Adviser for the Prevention of Crime and Criminal Justice at the United Nations, Dato Steenhuis and Minoru Shikita.

The theme of the 1st Annual Conference was **“Ensuring Justice in a Changing World – The Role of the Prosecutor”** and this was considered in four main sessions. The first, The Decision to Prosecute, was chaired by Virgil-Constantin Ivan (Romania) and papers were presented by Minoru Shikita, Kittipong Kittayarak (Thailand) and Zhang Qiong (China).

The second session, The Master of the Instance – The Status of the Prosecutor in the Legal Hierarchy, was chaired by John Ringguth (England and Wales) with presentations by Robert Colville (U.S.A.), Henning Fode (Denmark), Zhang Feng Ge (China) and Agnes Diofasi (Hungary). The third, The International Dimension – Mutual Assistance in Criminal Matters, was chaired by Michael Barr (Australia) with presentations by Hermann Woltring (UNICRI), Kimberley Prost (Canada) and Prapun Naigowit (Thailand). During the final session, The Independence of the Prosecutor, the conference heard from Peter Hack (Hungary), Werner Roth, Ye Feng (China) and Robert Chronnell (England and Wales).

The participants were hosted by the Prosecutor General of Hungary, Mr Georgyi Kalman, at a cocktail reception at the Supreme Court. A formal dinner was held in one of Budapest's architectural gems, the Museum of Applied Art.

The 1st General Meeting

The meeting looked at the Constitution in some detail. By the end of the conference the main text was complete but the drafting of the Objects of the Association was delegated to one of the six committees which were established.

Maria Hajdu and Kurt Neudek were elected as the **first Honorary Members** of the IAP.

The General Meeting also elected the **first Executive Committee** of the IAP:

President	Eamonn Barnes	Ireland
Vice-Presidents	Minoru Shikita	Japan
	Endre Bocz	Hungary
Executive members	Committee Daniel A. Bellemare, Q.C.	Canada
	Nicholas Cowdery, Q.C.	Australia
	Nicola Crutchley	New Zealand
	Maria Hajdu	Hungary
	Barry Hancock	England and Wales
	Akio Harada	Japan
	Virgil-Constantin Ivan	Romania
	John Kaye	U.S.A.
	Friedrich Matousek	Austria
	Retha Meintjes	South Africa
	Kanit Nanakorn	Thailand
	Alfred Nasaba	Uganda
	Werner Roth	Germany
Ye Feng	China	

Henk Marquart Scholtz (The Netherlands) was elected as first Secretary-General of the Association.

A **Conflict Committee** was also established. Chaired by Klas Bergenstrand (Sweden), its members were :

Kamudoni Nyasulu – Malawi
Kenneth Wilkinson – Fiji
Young-Bhul Kim – Korea
Gene Clement Pestaina – Dominica.

At the invitation of Daniel A. Bellemare Q.C., Assistant Deputy Attorney General of Canada and Head of the Canadian Federal Prosecution Service, it was unanimously agreed that the second Annual Meeting and General Assembly would be held in Ottawa, Canada.

1997 – Consolidation

The Northern Spring Meetings of the Executive Committee

By the Northern Spring (Spring in the Northern hemisphere) of 1997 it had become accepted that there would be two meetings of the Executive Committee each year. One meeting would take place immediately before the Annual Conference (the Conference meeting) and the other (the Northern Spring meeting) would be about six months later, in March, April or May.

The first Northern Spring Meeting (Bucharest, March 1997)

In 1997 the Northern Spring Meeting, hosted by Virgil-Constantin Ivan, was held in Bucharest, Romania. The Committee members were privileged to meet the President of Romania, the Prime Minister, the Minister of Justice and a senior member of the Senate. At this meeting the Executive Committee was joined by Yuri Chayka (Russian Federation).

The discussions centred on three important topics – finance, the 1997 Annual Conference and the IAP Directory. Sources of finance have always been a main concern and were particularly so while the membership remained small. The generosity of the Dutch and Irish governments has already been acknowledged but the Dutch Council of Procurators General now went further and seconded the Secretary-General and his secretary on a full-time basis. This meant that the Association was able to survive financially until its numbers grew. As a part of the efforts to widen the appeal of the IAP the Constitution had been translated into French, by the Canadian Government, and into Spanish.

The theme recommended by Daniel A. Bellemare for the 2nd Conference, “**International Co-operation in the Global Village**”, (chosen in honour of Canadian author Marshall McLuhan who coined the expression ‘Global village’) was unanimously adopted as it reflected well the very raison d’etre of the Association.

One of the committees set up at the General Meeting in 1996 had been tasked with the development of a directory of prosecution services. Its chairperson was Minoru Shikita, Chairman of the Asia Crime Prevention Foundation and first IAP Vice-President. In addition to distinguished service in his current post and for many years as a prosecutor, he had spent many years with the United Nations in Vienna and was then, and has been since, the IAP’s guide in developing as an important international organisation. He was able to tell the meeting that the Prosecution Service of Japan (PSJ) had agreed to staff the directory project, under the guidance of Akio Harada, and that they would draft a questionnaire for circulation to all member countries. It was at this point that the hard and dedicated work of the PSJ began which was to come to fruition two years later (see below).

IAP Website

On 16 July 1997 the IAP Website went live. At the time few of us realised the importance of this event but it provided a new electronic means of communication with IAP members, other prosecutors and the public. The Website was to develop dramatically (see below) in later years.

The 2nd Annual Conference Executive Committee Meeting

The conference meeting of the Executive Committee in 1997 was held on 2 September at Willson House, Meech Lake, a beautiful venue in the Gatineau Hills, located 15 kilometres outside Ottawa in the neighbouring province of Quebec, renowned for its place in modern Canadian history.

Geraldo Brindeiro (Brazil) had joined the Committee. Finance was again a major topic of discussion. The membership was continuing to grow. There were now 48 organisational and 388 individual members. The Prosecution Service of Japan had also contributed a grant of US\$10,000. However, there was still a need to build up the IAP’s finances against the day when it would have to be self-financing. An approach to governments was approved and the meeting considered the proposals of one of the Committees on attracting commercial financial support.

The meeting also received a report on the progress of the Directory and from the Committee which had been charged with drafting the Objects of the Association. Importantly, the meeting also received a report from the Committee chaired by Retha Meintjes which was concerned with the development of the IAP Standards.

The Executive Committee committed the IAP to support for the concept of an international criminal court and fixed the date and venue of the 3rd Annual Conference and General Meeting for September 1998 in Dublin.

The 2nd Annual Conference

175 participants and 50 accompanying persons attended the 2nd Annual Conference, the first IAP event held outside the European continent. It was held in September 1997, in Ottawa, the Capital of Canada. For the first time, it was decided that the assistance of a consultant was required to support the organization of the annual conferences. The Ottawa Conference began with an evening reception, hosted by the Dutch and Irish Ambassadors in the Banquet Room of the Chateau Laurier Hotel, a historical landmark of the National Capital.

The working sessions, conducted in Canada's two official languages – English and French - were held in the Canadian Government Conference Centre, the old historical Ottawa Train Station. They began on Wednesday 3 September 1997. Delegates were welcomed by Daniel A. Bellemare, Q.C. who spoke of the importance of international co-operation in the fight against transnational organized crime and the need to develop “trust networks” on which international co-operation can flourish. The need for networking, through personal contacts and friendships, was the key to effective co-operation. This need for prosecution trust networks was the rationale that led to the development of the IAP Prosecution Directory. Daniel A. Bellemare, Q.C. was elected President of the Conference.

The keynote address was delivered by the Chief Justice of Canada, the Right Honourable Antonio Lamer, P.C.. Those who were present will always remember the Chief Justice flanked by two members of the Royal Canadian Mounted Police standing at attention in their ceremonial “red serge” with their distinctive hats. The delegates were also addressed during the first morning, by Eamonn Barnes, Dato Steenhuis and George Thomson, the Deputy Minister of Justice and Deputy Attorney General of Canada.

An eloquent and inspiring overview of the conference theme was given by Kimberly Prost, Director of the International Assistance Group (IAG) within the Canadian Federal Prosecution Service, and, after a case study had been outlined by William H. Corbett Q.C. (Canada), it was discussed in seminars. A series of workshops considered *Practical Issues for Prosecutors*; *Mutual Legal Assistance: A View from Asia*; *Technology Available to Support International Co-operation*; and *the Role of the IAP in International Co-operation*. This workshop approach was to become the standard format for future IAP Conferences. Further presentations centred on International Co-operation in the Next Millennium and workshops looked at Crimes Against Children and the Role of the Prosecutor in the Investigation Process. An Open Forum, a sort of accountability session which was also to become a regular feature of early IAP conferences, was held for the first time. Chaired by Brendan Nix (Ireland), it gave members of the Association the

opportunity to ask questions of the President and other members of the Executive Committee.

One of the highlights of the conference was the reception held in the foyer of the historical Supreme Court of Canada building.

The 2nd General Meeting

The General Meeting, held on 5 September, focused on two major items, the adoption of the Objects of the IAP and the proposals for the generation of finance from commercial sources. The Objects were agreed and now appear at Article 2.3 of the IAP Constitution, which reads:

“The Objects of the Association are :

- a. to promote the effective, fair, impartial, and efficient prosecution of criminal offences;
- b. 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;
- c. to promote and enhance those standards and principles which are generally recognised internationally as necessary for the proper and independent prosecution of offences;
- d. to assist prosecutors internationally in the fight against organised or other serious crime, and for that purpose :
 - to promote international co-operation in gathering and providing evidence, in tracking, seizing and forfeiting the proceeds of serious crime, and in the prosecution of fugitive criminals;
 - to promote speed and efficiency in such international co-operation;
- e. to promote measures for the elimination of corruption in public administration;
- f. to promote the professional interests of prosecutors and to enhance recognition of their crucial role in achieving criminal justice;
- g. to promote good relations between individual prosecutors and prosecution agencies; to facilitate the exchange and dissemination among them of information, expertise and experience; and, to that end, to encourage the use of information technology;

- h. to promote an examination of comparative criminal law and procedure and to assist prosecutors engaged in justice reform projects;
- i. to co-operate with international and juridical organisations in furtherance of the foregoing objects.”

The General Meeting also made important decisions in relation to the future finances of the IAP, approving approaches to governments and also non-governmental sources. As a safeguard, and bearing in mind the non-governmental and apolitical nature of the Association, the General Meeting approved the establishment of two panels, the first, made up of the members of the Secretariat (President, Secretary-General and the soon to be appointed General Counsel), to oversee the seeking of commercial sponsorship and the second to approve any potential donations.

The IAP now had a direction and a clear vision of its purpose. One by one, the IAP was starting to put in place the building blocks that would eventually enable it to play a key role within the world criminal justice community.

1998 - Development

By the beginning of 1998 the IAP had 545 individual and 53 organisational members. Its finances were slowly improving and the work of the Secretariat had increased dramatically. The President concluded that there was need for support for the Secretary-General, who remained the only full-time member of staff. Accordingly assistance was sought and in June 1998 Barry Hancock was appointed as General Counsel of the IAP with responsibility for supporting the project work of the Committees, acting as secretary to the Executive Committee and developing the working programmes of the conferences.

The second Northern Spring Meeting (Beijing, May 1998)

The Northern Spring Meeting of the Executive Committee, hosted by Ye Feng, took place in Beijing, China. Three new members joined the Committee : Henning Fode (Denmark), Severino Gana Jr (Philippines) and Fikrat Mammadov (Azerbaijan). A number of important issues were discussed – the plans for the forthcoming conference in Dublin, the questionnaire for the IAP Directory of Prosecution Services which was about to be circulated and the possible themes of future conferences.

Three other significant issues arose. First, it was decided that the IAP would endeavour to have two regular publications – the **IAP Newsletter**, which would be published four times a year and provide up-dates, information and short current articles, and **the IAP Journal** which would be a sound academic devoted to prosecution issues. It would be published once a year.

The IAP at its inception had made English its working language. This was from financial necessity and for no other reason. From time to time it had managed to publish some key documents in other languages and the proceedings of the Ottawa conference had been translated to and from French in accordance with the Canadian Languages Act. It was anticipated that sponsorship could be obtained for simultaneous translation at the Dublin conference. There was some concern that this would raise expectations and that the IAP would not be able to fulfil such a commitment in future years. However, on balance it was decided that the experiment should go forward.

It was at this meeting of the Executive Committee that Retha Meintjes circulated the first draft of her Committee's work on developing the *IAP Standards for Prosecutors*. This was vital work for the Association and the Committee had sought views from countries around the world. Building on the United Nations Guidelines, the Standards were to become the first and only guidance written by prosecutors from around the world and applicable to prosecutors in every country. The chairing of this Committee was a work of consummate skill and the first draft, although it took some time until final agreement was reached, was very nearly the finished document.

In addition to its other generous acts, the Dutch government had supported the first three IAP conferences by making grants to prosecutors from developing countries to enable them to attend. This generosity was formalised through the creation, in 1998 of the **IAP Granting Program**.

The **IAP Granting Program** is a Program that enables the IAP to subsidize prosecutors from developing countries so that they can attend IAP Conferences and other important IAP events. This program has been very successful in securing the attendance of many senior prosecutors from these countries. In 1998, the governments of Denmark and Ireland joined the government of the Netherlands in funding the Program. In 1999, the Canadian Government, which had already contributed generously to the activities of the IAP, also participated in the IAP Granting Program.

Work on the Directory was progressing and responses to the questionnaire were being received. Discussions on the final form of the Standards were continued and one particularly significant decision was taken. The Executive Committee felt that to make the whole document "subject to local law and custom" would weaken the impact of the Standards and would make them meaningless. They were intended to be minimum standards to which all prosecutors should be able to commit themselves and specific reference to local variations would be made only when absolutely necessary.

Following the meeting Ye Feng had organised a splendid tour to some of the major sights of China for members of the Committee who extended their stay.

The 3rd Annual Conference Executive Committee Meeting

Executive Committee members Akio Harada (Japan) and Kanit Nanakorn (Thailand) had indicated their wish to resign and nominations for Kunihiro Matsuo (Japan) and Suchart Traiprasit (Thailand) were accepted. The Committee was joined by Basile Elombat (Cameroon) and Carl Joseph (St. Vincent and the Grenadines). The General Meeting was being asked to increase the membership of the Executive Committee to 30.

Applications for organisational membership had been received from Brazil and Sweden and were approved.

Denmark and Ireland were sharing the burden of developing countries with The Netherlands this year. Ireland would continue for 2-3 years. Denmark was at present committed for one year and The Netherlands would withdraw in 1999. The Committee was looking for others to help next year. 24 colleagues from developing countries were receiving grants this year.

The Dutch Council of Procurators General was paying the Secretary-General's full salary in 1998 and 50% in 1999. In a year's time the IAP would be paying the General Counsel, the Secretary-General and the Secretary-General's secretary.

Two panels had been established for scrutinising sponsorship - Eamonn Barnes, Henk Marquart Scholtz and Barry Hancock would make proposals and Minoru Shikita, Virgil-Constantin Ivan and Alasdair Fraser would be asked to confirm that offers of sponsorship were appropriate.

Protocols were adopted for the running of the Executive Committee and the Annual Conference. There was a lengthy discussion about a proposal to amend the Constitution to admit Associate Members. There was concern that non-prosecutors could become too influential in the Association and even in the running of the Executive Committee. It was, however, decided that the matter should be put to the General Meeting.

A first draft of *the IAP Directory of Prosecution Services (the Directory)* was available. There was an offer of help from Hungary for printing. The second phase on Extradition would be next year's project. Although there was support for a ring binder format, book form would allow advertising. It was also suggested that *the Directory* also be available on disk. It was proposed that there should be a book with annual supplements. Such a project would need start up money and the President asked members of the Executive Committee to seek funding.

There was discussion about the development of IAP Standards and it was agreed that Retha Meintjes' group should now move to prepare a final draft.

The 3rd Annual Conference

The conference took place in the Conference Centre in Dublin Castle and was attended by 275 participants. It was opened by means of a video message from the President of Ireland, Mary McAleese and addresses from the Chief Justice, the Honourable Mr Justice

Liam Hamilton and the Attorney General, Mr David Byrne, S.C.. The opening ceremony was followed by a reception in the State Apartments of Dublin Castle hosted by the Taoiseach (Prime Minister), Mr Bertie Aherne. Other social events during the week were hosted by the Minister of Justice, Equality and Law Reform, the General Council of the Bar of Ireland and the Law Society of Ireland, the Lord Mayor of Dublin and the Attorney General.

The theme of the conference was “**Secret Crimes**” and mainly focused on crimes against children. Dato Steenhuis was elected Conference president. The working sessions began on Wednesday 2 September with a keynote address from Guy de Vel, Director of Legal Affairs at the Council of Europe. During the course of the conference participants heard presentations from Yuichi Makimo and Kei Senta (Japan) on Problems in Investigating and Prosecuting Cases Involving Very Young Children, Barbara Mills (England and Wales) on Problems in the Prosecution of Very Old Offences and Thomas Burrows (U.S.A.) on Paedophilia and International Issues Arising from the Exploitation of Children. The immediacy of such problems were brought home to the conference by the fact that during the conference members of a major Anglo-American Internet paedophile ring were arrested and Thomas Burrows, who had played a central role in the case, was able to give participants a first-hand account. Case Studies, which were discussed in a series of workshops, were introduced by Staffan Soderberg and Solveig Riberdahl (Sweden), John Kaye (U.S.A.), Trakul Winitayapak (Thailand) and Daniel C. Prefontaine, Q.C. (Canada).

The theme “Secret Crimes” also embraced the problems of prosecuting Fraud in the Electronic Age. Accordingly, the final plenary session of the conference was devoted to this subject and presentations were made by Rosalind Wright (England and Wales), Gil Garcetti (U.S.A.), Arthur de Groot (Deloitte Touche, The Netherlands) and Barry Galvin (Ireland). This was run in parallel with a very animated Open Forum in which members of the Association expressed strong views on the venue for the following year’s conference.

The 3rd General Meeting

The general meeting was dominated by two events.

The first was a ceremony to celebrate the 50th Anniversary of the United Nations Universal Declaration of Human Rights during which presentations were made by Nicholas Cowdery, Q.C., Dennis Driscoll (Director of the Irish Centre for Human Rights) and Charles Rogovin (U.S.A.).

The other was a passionate debate arising out of a proposed amendment to the IAP Constitution. The Executive Committee had been keen to develop closer links with others involved in the criminal justice process and to generate increased income from such membership and had tabled an amendment establishing associate membership of the IAP. However, many members at the meeting were concerned that this was a step too far

in the early years of the Association and that there was a risk of undue influence from organisations not immediately concerned with prosecuting. After some time it was decided to adjourn consideration of the proposal to the next General Meeting.

At the General Meeting four **new Vice-Presidents** of the Association were elected. They were Executive Committee members Daniel A. Bellemare, Q.C., Geraldo Brindeiro, Nicola Crutchley and Alfred Nasaba. Thus, with Minoru Shikita' our Senior Vice-president who had guided the IAP in forming itself as an international organisation, and Endre Bocz, the main regions of the world were all represented.

The General Meeting ended with an invitation from Liang Guoqing (China) to the IAP to come to Beijing in 1999 for its 4th Annual Conference.

The Ottawa conference had given the IAP a direction. The Dublin conference in many ways saw the Association come of age and begin to work.

There arose out of the conference workshops offers of help from 30 jurisdictions and a series of working groups was set up. Two projects are on-going and three have been completed. Jennifer Terry (England and Wales) chaired a working group which looked at how the IAP could raise the public profile of crimes against children and her report was presented to the 4th Annual Conference. Thomas Burrows chaired a working group which produced Recommendations for Combating the Use of the Internet to Exploit Children.

This group's report was presented to the next meeting of the Executive Committee by Thomas Burrows and Perry Quak (The Netherlands) and was first made public in an address by Eamonn Barnes.

It was decided in 1999, that the Recommendations issued at the end of each Annual Conference, once approved by the Executive Committee, would be published in a newly created **IAP BEST PRACTICE SERIES** and circulated as broadly as possible. They would also be posted on the IAP Website at www.iap.nl.com

Accordingly, *Recommendations on Combating the Use of the Internet to Exploit Children*, have now been published as Volume 1 of the **IAP Best Practice Series** which has been circulated to governments around the world. This would be followed by **Volume 2**, the *Model Guidelines for the Effective Prosecution of Crimes Against Children*. This document was the result of the efforts of a working group chaired by Daniel Prefontaine, Q.C., and run as a joint project between the IAP and the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) in Vancouver of which Daniel was Executive Director. This was an extremely happy and productive co-operation and the IAP looked forward to making practical use of the Model Guidelines in a training context with the ICCLR.

1999 – The IAP moves to the international legal city

The third Northern Spring Meeting (Amsterdam, April 1999)

The Executive Committee met again at the Court of Appeal in Amsterdam in April 1999, hosted by the Secretary-General. The Committee was received at a reception by the Mayor of Amsterdam and for dinners by the Council of Procurators General and by one of the sponsors of the meeting, Ahrend Office Products.

By the time of this meeting a number of long-standing projects were coming to fruition. Thomas Burrows reported on the recommendations of his working group. The Prosecution Service of Japan had completed their work on the first edition of the Directory and the IAP had entered into an agreement with Kluwer Law International Limited for its production. The meeting was also able to agree in principle that Cape Town, South Africa would be the venue for the 5th Annual Conference in September 2000.

Crucially, the final draft of *the Standards* was agreed and they were adopted by the Executive Committee on behalf of the Association as the *International Association of Prosecutors' Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors (the Standards)* on 23 April 1999. It was appropriate that this important step should have been taken in The Netherlands, the home of our long-time supporters and generous sponsors. *The Standards* are a practical expression, drawn up by prosecutors for prosecutors, of a basic set of norms by which prosecutors in whatever country, culture or legal tradition should operate. They deal with professional conduct, independence, impartiality, the prosecutor's role in criminal proceedings, co-operation with others nationally and internationally in the criminal justice system and the empowerment of prosecutors through, amongst other things, the adoption of appropriate terms and conditions of employment and personal and professional safeguards.

The adoption of *the Standards* was a milestone in the young life of the IAP and it was a testimony to the hard work and dedication of Retha Meintjes' Committee. Building on the 1990 United Nations Guidelines, the IAP Standards provide fresh and concrete guidance to prosecutors of the world, whatever the legal system they operate under. *The Standards*, which are available in booklet and poster form and on the website, have been widely circulated and are already seen as an important benchmark for the administration of criminal justice in the world. They have been translated into Chinese, French, Hungarian, Croatian, Korean, Russian, German and Spanish and other translations are being prepared by members of the IAP.

All IAP Organisational members have been asked to certify that their operations are consistent with *the Standards*. A certificate of compliance is then issued by the IAP. *The Standards* are a corner stone of the work of the IAP in improving the day-to-day working of prosecutors around the world and in supporting them in establishing their key role in the criminal justice system.

Events in parallel with the meeting marked another turning point in the history of the IAP. Since its foundation the Office of the **Secretariat** (as the President, the Secretary-General and the General Counsel have come to be known) had been located in Groningen in northern Holland.

In 1998 the Foundation Treasury IAP had purchased the office building in Groningen from the Dutch Domain Board at a competitive price. In 1999 the Foundation sold the building to a neighbouring firm of lawyers and hired the office space until September 1999. The transaction brought a net profit of NLG 70,000 to the Association.

In 1999 the City of Den Haag (The Hague), which is noted as the home of a number of international legal institutions, invited the IAP to relocate there. Through the foresight and generosity of the City Government, the Dutch Ministry of Justice and the Dutch Council of Procurators General, this was made possible and the venture was launched at a reception for the Executive Committee, hosted by the Mayor of The Hague, in the Historisch Museum in the city on 23 April 1999. The Secretariat moved to the new offices in the centre of the city in August 1999 and the office was formally opened by the Mayor of the Hague, Mr Wim Deetman, on 26 November when the guests of the Association included :

Dutch Procurators General, Hans Blok and Tom van Daalen;
The Deputy Prosecutor at the International Criminal Tribunal for the former Yugoslavia, Graham Blewitt;
Member of Parliament, Otto Vos; and
The Inspector of the Dutch Military Legal Service, Brigadier Bram Zuidema.

IAP General Counsel, Barry Hancock, and Executive Committee member, Virgil-Constantin Ivan were also present with the Secretary-General.

The 4th Annual Conference Executive Committee Meeting

Immediately before the conference meeting of the Executive Committee in Beijing its members were privileged to meet the Prime Minister of China Mr Zhu Rongji. Subsequently finance dominated discussions at the meeting. Although the IAP's financial position was at that stage very healthy, the Association had become responsible for paying the Secretary-General, his secretary and the General Counsel. This meant that the reserves which had carefully been built up over the early years would now have to be used until income matched expenditure. Accordingly, to put the Association on a sound financial footing, the Executive Committee approved a **Financial Protocol** which was designed to ensure the optimum income from annual dues. This was to become the first of a series of Protocols to be adopted by the IAP to regulate its operations.

The meeting was in the luxurious position of having to choose between three Australian cities as a venue for the Conference in 2001, Adelaide, Darwin and Sydney. Each made detailed proposals for the hosting of the conference, including a presentation to the

Executive Committee, and it was with some difficulty that the eventual decision to go to Sydney was taken.

In accordance with a decision of the General Meeting in Dublin to encourage rotation among the members of the Executive Committee, lots were drawn to establish which members should serve for one year, which for two and which for three. There are thirty members of the Executive Committee. The Secretary-General and the General Counsel are ex officio members and serve for six years. The President and Vice-Presidents are similarly ex officio members and serve for three years. The remaining twenty-one members serve three-year terms and seven are elected at each General Meeting.

The 4th Annual Conference

The 4th Annual Conference in Beijing, attended by 305 participants, was opened in the Great Hall of the People by the Speaker of the Chinese Parliament, Mr Li Peng. Minoru Shikita was elected Chairperson of the conference and the Vice-Chairpersons were Colin Boyd (Scotland), Sisi Khampepe (South Africa), Zhang Qiong (China) and Rex Wild (Australia). The opening ceremony was followed by a banquet hosted by the Procurator-General of China and conference President, Mr Han Zhubin.

At the opening ceremony the *IAP Directory of Prosecution Services (the Directory)* was launched. This was a first pilot edition and consisted of 250 pages with details of prosecution services in 49 jurisdictions, including their mutual legal assistance arrangements and the names and addresses of important contacts. The publication of *the Directory* is central to the work of the IAP, facilitating as it does swift communication between prosecutors in different parts of the world and enhancing their understanding of the legal procedures and the position of the prosecution services in other countries. It has been a major undertaking and is the result of painstaking work by a dedicated group of lawyers from the Prosecution Service of Japan under the guidance of Minoru Shikita. In acknowledgement of this dedication and achievement he was presented on the first morning of the conference with the first copy of *the Directory* signed by the President.

The main venue of the conference was the China World Hotel Conference Hall. Working sessions began with the award of the Association's first **Medal of Honour** to Madame Justice Louise Arbour, the retiring Prosecutor at the International Criminal Tribunal for the former Yugoslavia and Rwanda. The award was accepted on her behalf by her Deputy, Graham Blewitt, and by fellow Canadian, Daniel A. Bellemare. Justice Arbour's acceptance speech was played to the conference by video as her appointment to the Supreme Court of Canada prevented her from travelling to Beijing to accept the medal in person. The medal was later presented to Justice Arbour in Ottawa by Daniel A. Bellemare.

The Medal of Honour of the Association, created on the recommendation of Vice-President Daniel A. Bellemare, is the highest honour of the Association. A formal IAP Protocol on Awards and Recognitions was to be adopted in Vienna the following year.

Presentations on the theme of **fraud in the electronic age** were made by David Calvert-Smith, Q.C., (England and Wales), Liang Guoqing (China), Rosalind Wright (England and Wales), Patrick Healy (Canada) and John Reading (Hong Kong). These experts later took part in an expert panel after a number of issues had been discussed in workshops. Work on the conference's other theme, **corruption** began with an address by Peter Rooke, President of the Australian Chapter of Transparency International. Further presentations were made by Richard Rossman (U.S.A.), Francois Falletti (France), Zhao Dengju (China) and Geraldo Brindeiro. They were later joined by Alain Sham (Hong Kong) and Jan Swanepoel (South Africa) for an expert panel. Nicholas Cowdery and Egbert Myjer (The Netherlands) talked to a plenary session about the significance of the IAP Standards, and particularly their importance for the human rights of all concerned in the criminal justice process. Alasdair Fraser (Northern Ireland), Michael Horowitz (U.S.A.) and Eileen Skinnider (ICCLR) reported back to the conference on work done since the last conference.

Dinners were hosted by the Minister of the Interior, the Minister of Justice, the Director of Public Prosecutions of the Beijing Municipality (in the Summer Palace) and the Mayor of Beijing at the Diaoyutai State Guesthouse. Participants were also entertained by the Chinese State Acrobats and visited the Great Wall of China and the Forbidden City.

The *accompanying persons programme* has now become an integral part of the *Conference Manual*, which was adopted in 1999, and in that year 120 people took part in the programme.

The 4th General Meeting

The General Meeting approved the financial protocol put forward by the Executive Committee and also a new committee structure. The new committees were :

- Committee 1 – Working in support of Objects 2.3 a, b, c and f;
- Committee 2 – Working in support of Objects 2.3 d and e;
- Committee 3 – Working in Support of Objects 2.3 g, h and i

- Finance Committee.

The meeting returned to the question of associate membership and, although the Executive Committee's revised proposal was for an extremely limited form of such membership, it was clear that the membership represented at the conference continued to be strongly opposed to any relaxation of the rule that limits individual members to prosecutors. Accordingly the President withdrew the proposal.

Minoru Shikita, who had continued to act as the IAP's guide in its development as a major international legal organisation, was re-elected for a further term as Asian Vice-President and Henning Fode was elected to replace Endre Bocz as European Vice-

President. The following elections and re-elections for membership of the Executive Committee took place in accordance with the lots drawn.

1 Year

Retha Meintjes, Yuri Chayka, Kim Zin-Hwan, Kunihiro Matsuo, Werner Roth, Suchart Traiprasit, Laszlo Venczl.

2 Years

Francois Falletti, Severino Gana, Virgil-Constantin Ivan, Fikrat Mammadov, Friedrich Matousek, James Robinson , Ye Feng.

3 Years

David Calvert-Smith, Q.C., Jorge Madrazo Cuellar, Basile Elombat, Carl Joseph, John Kaye.

The newly elected President unveiled the official *IAP Standards*, and presented the first framed copy of the document to Han Zhubin, Procurator General of China and President of the 4th Annual Conference.

The end of an era : The election of a new President

After three eventful years Eamonn Barnes stepped down as President of the IAP. Eamonn was present in the “*hot room*” in Budapest when the establishment of the IAP was first formally discussed. He was already an experienced national and international figure. He had worked as an Irish government lawyer for many years, concentrating on international work and in 1974 was appointed as the first Director of Public Prosecutions in Ireland. In recognition of his important contribution to the Association, he was presented with a set of Scales of Justice specially commissioned for the occasion and the meeting elected him an Honorary Member of the Association by acclamation. If Maria Hajdu had provided the vision to create the IAP, Eamonn provided the energy, vitality and international standing required to convert it from a fragile fledgling into a healthy adult organisation able to stand on its own two feet. Over the three years of his Presidency, he worked tirelessly for the IAP, insisting on its integrity and refusing to compromise in any way which could have lessened the authority of the organisation. Prosecutors around the world owe him a great debt of gratitude.

Nicholas Cowdery, Q.C., was elected as President of the IAP by acclamation. His pedigree was impressive. A graduate of the University of Sydney, Australia, Nicholas commenced legal practice as a public defender in Papua New Guinea. He had then practised at the private Bar in Sydney appearing throughout Australia in both civil and criminal matters. He was appointed Queen's Counsel in 1987 and served as an Acting Judge of the District Court of New South Wales. In 1994 he was appointed Director of

Public Prosecutions for New South Wales. He was co-chairman of the Human Rights Institute of the International Bar Association and an officer of its criminal law committees. He held office in a number of international and domestic human rights bodies associated with the law, and was also a member of the Irish Bar.

Dato Steenhuis, who was also present in the “hot room” in Budapest in 1993, and his colleague René Ficq, Chairman of the Dutch Council of Procurators General, also were elected as Honorary Members of the Association.

Secretariat meeting

“The Secretariat” had come to be the description for the three principal officers of the Association, the President, the Secretary-General and the General Counsel. While all three were located in Europe, meetings were easily arranged. When Nicholas Cowdery became President, what he later called “the tyranny of distance” made such meetings, which are essential to the smooth running of the organisation threatened to be more difficult to arrange. However, it has been possible to hold one meeting in Europe each year and, thanks to our Asian colleagues, the Secretariat has been able to meet half way between Australia and Europe. The first of these meetings, also attended by Daniel Bellemare was arranged in Bangkok by Executive Committee member, Suchart Traiprasit, and his colleagues. This was a great service to the workings of the Association for which the IAP is extremely grateful.

2000 - The new Millennium

The IAP’s recognition and influence on the international scene were increasing steadily. First, the IAP was invited as an NGO to the tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in April 2000 in Vienna and, on behalf of the Association, the Secretary General, made an intervention from the floor. In addition, a few members of the Executive Committee, had the opportunity to meet with Messrs Jan Van Dijk, Officer in charge of the UN CICP and Jean-Paul Laborde to discuss the newly adopted *IAP Standards* and their recognition by the United Nations.

The fourth Northern Spring Meeting (Vienna, April 2000)

The Executive Committee met on 14-15 April 2000 at the United Nations Offices in Vienna, the IAP’s spiritual home, and at the Austrian Ministry of Justice. The meeting was hosted by Friedrich Matousek and the Austrian Association of Prosecutors. It welcomed James Robinson, Assistant Attorney General of the U.S.A., and Kim Zin-Hwan, Chief Prosecutor in the General Affairs Department in the Supreme Prosecutor’s Office of Korea, to their first meeting.

On the first day the Executive Committee was joined by Dato' Param Cumaraswamy, the U.N. Special Rapporteur on the Independence of Judges and Lawyers, who outlined the work of his office and how he could be of assistance to prosecutors. He was prepared to act on appropriate reports from the IAP of attacks on the independence of prosecutors and to intervene with governments where necessary.

Members were also joined by Dr Kurt Neudek, one of the IAP's first honorary members, who was attending the 10th United Nations Congress on Crime Prevention and the Treatment of Offenders (see above). Dr Neudek, while working at the U.N. Secretariat in Vienna, was instrumental in encouraging the foundation of the IAP.

As noted before, It was also decided that the Recommendations issued at the end of each Annual Conference would be included in a newly created *Best Practice Series*.

The Meeting approved the *Symbolic Meaning of the Logo* of the Association developed by the Canadian Federal Prosecution Service. The logo and its explanation will appear at the beginning of all future IAP Publications. It reads as follows:

“The blue background of the logo, which evokes the colour of the United Nations, underscores that the International Association of Prosecutors is a world-wide organisation bringing together Prosecutors and Prosecution Agencies of all nations;

The presence of the blindfolded Statue of Justice as the key component of the logo clearly illustrates that Prosecutors must pursue the objectives of justice within the rule of law and according to the principles of fundamental justice in a process that is fair, transparent, objective and accountable;

The globe, which appears in the background of the logo, symbolises the primacy of the rule of law in the administration of criminal justice around the world. It also reflects the international scope of the mandate and objectives of the Association;

The circular shape of the logo is a symbol of unity and serves as a reminder that international co-operation and assistance between Prosecutors from all legal systems is the most effective tool in the fight against transnational crime; and

The sword in the left hand of the Statue exemplifies the essential role that Prosecutors play in protecting and upholding the public interest.”

The meeting approved a Protocol for the establishment of a number of formal **Awards and Recognitions** to be made annually by the IAP where appropriate:

- a) **The Medal of Honour**, which was first awarded in 1999 to Justice Louise Arbour, 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.

The IAP **Medal of Honour** may also be awarded to a person who has made a significant contribution to the promotion of the IAP Standards or to the role of the prosecutor in the pursuit of justice under the rule of law in the domestic or international context.

- b) The **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.
- c) The **IAP Certificate of Merit** seeks to express the gratitude of the Association for members of the IAP (individual or organisational) to the pursuit of the Objects of the Association.

It was agreed that in September 2000 at the 5th Annual Conference in Cape Town, South Africa, the second **Medal of Honour** would be awarded to the former President of South Africa, Nelson Mandela and that **Certificates of Merit** would be awarded to:

- (i) The Prosecution Service of Japan, for their work on the IAP Directory;
- (ii) Retha Meintjes, for her work in the production of the IAP Standards;
- (iii) Endre Bocz, Daniel A. Bellemare, Q.C., Eamonn Barnes and Ye Feng for their hosting of the first four IAP Annual Conferences;
- (iv) Thomas Burrows and his working group for the production of the *Recommendations for Combating the Use of the Internet to Exploit Children*; and
- (v) Daniel Prefontaine, Q.C., and his working group for the production of the *Model Guidelines on the Effective Prosecution of Crimes Against Children*.

In addition Minoru Shikita, the IAP's first Vice-President, was nominated for election to Honorary Membership of the Association.

The Executive Committee considered the IAP's finances. While these were still parlous, the increase in both organisational and individual membership meant that the IAP could look forward to becoming almost self-sufficient in the not too distant future. However, in the meantime, approaches to governments and foundations would continue. We must all, however, try to bring in new members and also to identify other forms of finance.

In addition to the two existing ones, - Membership fees and Awards and Recognitions - the Executive Committee adopted a number of **Protocols** for the more transparent conduct of its business. These were protocols:

- a) for the acceptance of bids to host the Annual Conference;
- b) for nomination for election to the Executive Committee;
- c) for the running of the granting program; and
- d) dealing with complaints made by members to the IAP.

Human Rights Pilot

In May 2000 Nicholas Cowdery and Egbert Myjer (The Netherlands) embarked on the first stage of a project which would lead to the development of a human rights manual for prosecutors. They travelled to Ethiopia to run a two-day workshop for Ethiopian prosecutors in human rights. Both left convinced that there was a need for a document drawing together the international and regional instrument, together with relevant case law. This would then be added to local law and cases in any jurisdiction to provide a training package. Nicholas Cowdery subsequently ran a similar seminar in Belize.

20th Annual Conference of the Canadian Federal Prosecution Service

In June 2000 the Canadian Federal Prosecution Service (FPS) held its 20th Annual Conference at Mont Sainte Anne in Quebec. IAP Vice-President, Daniel Bellemare, used this auspicious occasion to celebrate the international dimension of his service's work and invited a number of members of the IAP to address his prosecutors. Members of the Secretariat were joined by David Calvert-Smith (England and Wales), Francois Falletti (France), Henning Fode (Denmark), James Hamilton (Ireland) and Roy Junkin (Northern Ireland).

Cape Town 2000 – Five Years Already

The 5th Annual Conference Executive Committee Meeting

The Executive Committee met on Friday and Saturday 1-2 September 2000 at the Cape Sun Hotel in Cape Town, South Africa.

The Committee heard of progress which had been made in discussions with the United Nations on the relationship between the U.N. Guidelines and the IAP Standards and the implementation of the Convention on Transnational Organised Crime. The IAP was also pursuing its application for U.N. consultative status.

Retha Meintjes (South Africa), Ye Feng (China), Kim Zin-Hwan (Korea), Werner Roth (Germany), Suchart Traiprasit (Thailand) and Laszlo Venczl (Hungary) were nominated for re-election to the Executive Committee.

Three admissions to organisational membership had been agreed by correspondence – The Procuratorate of the Macau SAR; The Procurator Fiscals’ Society of Scotland; and The Canadian Federal /Provincial/ Territorial Heads of Prosecutions Committee. It was also agreed to admit the Slovakian Prosecution Service and the Prosecution Service of Tanzania. The total number of organisational members was 74.

The Secretary-General reported that the Association's finances had improved and that the government of Denmark had agreed to provide assistance for the following 3-5 years. Other government assistance was anticipated. Ireland and Denmark were once more supporting the Granting Program.

A first Annual Report had been produced and circulated to all participants at the conference.

The Executive Committee agreed to put new emphasis on the individual members - the 1,000th was admitted during the conference - and a start was to be made by holding a pilot mini conference for line prosecutors. Regional activities were also to be encouraged which could reach more individual members.

In order for the Association to run projects efficiently and effectively organisational members were asked to nominate liaison officers.

Planning was already well advanced for the 2001 conference in Sydney.

It was hoped that a website would soon be set up in French so that members and others contacting the main website could use a hyperlink to access French translations of IAP documents. The Secretariat was looking for offers to create other such websites using other languages.

The President voiced concern about an event in Sao Paolo, Brazil which had called itself the “First World Congress of Prosecution Services”. He had written to the organisers pointing out the error in the use of the title. The Executive Committee was, however, keen to foster relationships with all groups of prosecutors and looked towards perhaps holding a joint regional conference in the future.

The 5th Annual Conference

The 5th Annual Conference of the International Association of Prosecutors, held in Cape Town, 3 – 8 September 2000, was a resounding success in so many ways. Once again the attendance was impressive - 286 participants from 56 countries. The organisation by the

National Prosecuting Authority of South Africa was superb and those who attended were exposed to a full programme of working sessions and social events.

The conference was opened in the Old Assembly Hall of the Parliament Building in Cape Town (the legislative chamber of the South African Parliament) by Dr Penuell Maduna, Minister of Justice and Constitutional Affairs. Our host, Bulelani Ngcuka, the National Director of Prosecutions of South Africa, was elected Conference President and Robert Johnson (U.S.A.), Liang Guoqing (China), Paul Rofe (Australia) and Werner Roth (Germany) were elected Vice-Presidents.

The main theme of the conference was **Human Rights and the Prosecutor**. The working sessions began with keynote addresses by IAP President, Nicholas Cowdery, Q.C., and Justice Arthur Chaskalson, President of the South African Constitutional Court and a former member of Nelson Mandela's defence team. Then, in a series of presentations entitled *Human Rights Legislation - Headaches for Prosecutors*, Colin Boyd, Q.C. (Scotland), John Pike (New Zealand), Elaine Krivel, Q.C. (Canada) and Professor Egbert Myjer (The Netherlands) explained their jurisdictions' experiences of implementing human rights legislation and living with the consequences. The speakers also took part in an animated question and answer session. All participants took place in a series of workshops on human rights problems, the outcomes of which were fed back to the conference by Billy Downer (South Africa), Dan Howard, Gordon Lerve (both Australia) and Fiona Russell (England and Wales).

Further keynote speeches were given by Professor Carl Aage Norgaard, former President of the European Human Rights Commission, and by Mbaso Mxengi, who movingly told the conference of the human rights abuses suffered by his family, including the separate murders of his mother and father. John Pike (New Zealand) and Francois Falletti (France) debated the common law and civil law views of equality of arms and Lord Williams of Mostyn (United Kingdom) broadened the view of the discussion to cover the human rights of others in the criminal justice system and the community in general. Again the speakers took part in a question and answer session which provided an opportunity for the conference as a whole to discuss the central issues of the week.

A new feature of the conference was the holding of regional fora - Africa, the Americas, Asia-Pacific and Europe. These explored a range of issues relevant to the individual regions and were widely welcomed by participants. Feedback was given to a plenary session by Michael Horowitz (U.S.A.), Ian Keates (England and Wales), Jan d'Oliveira (South Africa) and Gavin Shiu (Hong Kong, China). As ever a lively Open Forum, chaired by Brendan Nix (Ireland), gave members of the IAP an opportunity to air their views about the Association's direction and its future.

In the final working session the theme changed to *The Prosecutor in the New Millennium* and Bulelani Ngcuka, Elaine Krivel (deputising at short notice), Henning Fode (Denmark) and Graham Blewitt (ICTY) treated the participants to a variety of views of issues which will challenge prosecutors in the future. This theme will form the focus of next year's conference.

Throughout the conference the accompanying persons enjoyed a wide range of tours to the wonderful attractions which the Cape Town region has to offer. They were joined by the participants on excursions to Cape Point and, significantly, to Robben Island where Nelson Mandela was incarcerated for 18 of his 27 years in prison. At the various social events entertainment was provided by a range of first-class performers, including, at the Opening Reception, the Soweto String Quartet and, at the Mayor of Cape Town's Banquet, Mrs Evita Bezuidenhout (comedian Pieter Dirk Uys).

The President, in closing the conference and thanking everyone who had helped to make it a success, invited members to meet again in his home city of Sydney, New South Wales, Australia 2-7 September 2001.

The following were adopted as the conference recommendations :

"Whereas on 10 December 1948 the General Assembly of the United Nations adopted and proclaimed the *Universal Declaration of Human Rights*;

Whereas respect for human rights has been developed and set out in international and regional conventions;

Whereas governments have, and continue to, incorporate the provisions of these international and regional conventions into local legislation;

Whereas the Objects of the International Association of Prosecutors (IAP) promote fairness and impartiality in the prosecution of criminal offences and promote high standards and principles in the administration of criminal justice;

Whereas the IAP, through its *Standards*, ensures that prosecutors respect, protect and uphold the universal concepts of human dignity and human rights; and

Whereas the IAP nominated *Human Rights and the Prosecutor* as the main theme of its 5th Annual Conference in Cape Town, South Africa, 3-8 September 2000.

Now therefore the International Association of Prosecutors declares that :

Abuse of human rights within the criminal justice system degrades not only those who suffer from it and those who instigate it but those who, through inaction, condone it;

It is crucial that prosecutors understand, and that the community recognises, that they are key upholders of the human rights of everyone in the criminal justice system in accordance with the rule of law;

Prosecutors, among their other duties and powers, are the custodians of fair trials and, as such, they must promote and support just criminal justice regimes and equality of arms;

Proper and effective interaction between prosecution and defence will lead to the promotion of human rights not only of defendants but of everyone touched by the criminal justice process; and

Although different countries and criminal justice systems will approach the protection of fundamental human rights in different ways, it is that protection of those rights and not the nature of the process which is of importance.

In support of these propositions the IAP :

- has established a Human Rights Forum, chaired by professor Egbert Myjer, Chief Advocate General at the Court of Appeal in Amsterdam, The Netherlands, and Professor of Human Rights at Amsterdam Free University;
- is developing a generic training package, for use in any country, on Human Rights and the Prosecutor. The structure of the package has already been drafted and a working group formed at the conference will be responsible for creating the various units of the package;
- will publish in its *Journal* articles to promote the understanding of equality of arms and other fair trial issues between jurisdictions in different legal traditions;
- will establish a group to analyse the impact of human rights conventions on the work of prosecutors and to make recommendations for training."

The 5th General Meeting

1. The President marked the tragic death of Eduard van der Spuy, the former President of the National Union of Prosecutors of South Africa. The General Meeting stood in silence as a mark of respect.
2. The minutes of the 4th General Meeting in Beijing were received without comment.
3. Membership :
 - a) Minoru Shikita, Senior IAP Vice-President, was elected an Honorary Member of the Association by acclamation.
 - b) The President announced the admission of the General Prosecutor's Office of the Slovak Republic and of the Public Prosecutions Division of Tanzania to organisational membership.

- c) To mark the admission of the 1,000th individual member an award of a special certificate was made to Charin de Beer of South Africa.
- 4. Retha Meintjes (South Africa), Ye Feng (China), Kim Zin-Hwan (Korea), Werner Roth (Germany), Suchart Traiprasit (Thailand) and Laszlo Venczl (Hungary) were re-elected to the Executive Committee. The nomination of Yuri Chayka (Russia) was withdrawn.
- 5. The President thanked the government of Denmark for its promise to contribute 10,000 Euros to the IAP for the next 3-5 years. He also thanked the governments of Denmark and Ireland for supporting the Granting Program for the last three years. The IAP was now looking to three other countries to support the Program in the future in the sum of US\$25,000 a year.
- 6. The General Counsel introduced the first Annual Report and explained the plans for the writing of the History of the IAP.
- 7. Joseph Hulsenk, member of the Dutch Council of Procurators General, addressed the Meeting on behalf of the organisational member which has contributed so significantly to the development of the Association. His assessment, and that of his colleagues, was as follows :
 - a) They were impressed by the IAP's organisation and its network of contacts;
 - b) A great deal has been achieved eg conferences and other activities;
 - c) Of course, all the IAP's objectives have not yet been fulfilled but many commercial companies, if they were to look at the Association as a new business, would look at the progress made and be very satisfied;
 - d) They were concerned that not all countries, especially the big ones, were not giving the IAP sufficient financial support - the G8 countries and the EU generally were not as supportive as, for example, Denmark - there was a need to improve the IAP's image in these countries;
 - e) He was not keen on sponsorship as a solution to financial problems;
 - f) There was, perhaps, an over-representation of high-ranking prosecutors - the Secretary-General confirmed that there were some 200 high-ranking prosecutors and some 800 line prosecutors in the individual membership;
 - g) He looked to the IAP to tailor their initiatives to contacts which already exist by paying more attention to regional groupings and to groupings within similar legal systems.

8. Kamudoni Nyasulu was concerned that the African countries did not have a sense of ownership of the Association and that some of the deliberations at the conference were beyond the achievement of developing countries. He was, however, interested in the President's activities in Ethiopia and Belize. The President explained that he and Egbert Myjer had delivered a series of workshops for prosecutors in Ethiopia, funded by the IBA and the IAP. He had delivered a similar program in Belize. The IAP was now committed to producing in conjunction with the IBA a human rights training manual for prosecutors. He asked for volunteers to help write the manual. It was hoped that the package would be available through the Association by the end of the year and volunteers would be needed to deliver it in countries which asked for the training.
9. The IAP's finances were announced to be better than at the last General Meeting. However, there was considerable concern expressed from the floor about the commercial sponsorship of the conference and related events. It was suggested that events should be kept within the ambit of funds from public sources, that there could be suggestions of impropriety and that advertisers could be sought rather than sponsors. The President, while pointing out that a decision to seek non-governmental sponsorship had been taken at the General Meeting in Ottawa in 1997, took on board the feeling from those present and indicated that the Executive Committee would develop a draft protocol which would be circulated to all members for consideration.
10. The President invited the membership to convene at Sydney next year; the Annual Conference will be held from 2 to 7 September 2001. He also invited members to bid for the organisation of the 2002 Conference.

The IAP Medal of Honour is presented to Nelson Mandela

On 31 August 2000 the President of the Association and members of the Executive Committee were entertained to lunch by the former President of South Africa, Mr Nelson Mandela. At this event, which was also attended by members of the South African government, Nicholas Cowdery, Q.C., presented Mr Mandela with the IAP's highest award, its Medal of Honour.

There follows the text of Nicholas Cowdery's address :

" I thank Mr Mandela for making time to be with us today. This is a very special day in the life of the IAP. For those who have been involved in the establishment of the IAP, it has been a labour of love.

The Association began as a gleam in the eye for a small number of prosecutors from a few countries in Europe. It was conceived in a hot room in Budapest in midsummer in 1993. It was born in the United Nations offices in Vienna on 6 June 1995 and was sent out into the world at its first Annual Conference and General Meeting again in September 1996.

The Association is the only international professional association for prosecutors and is now represented in over 90 countries - half the countries of the world. That has been an enormous achievement in five years - and we continue to grow.

Why has it been a labour of love? Because the Association recognises the benefit of helping the prosecutors of the world :

- to raise professional standards;
- to improve transnational co-operation, at a time when jurisdictional borders are becoming increasingly irrelevant to the commission of many forms of crime which are able to be committed with increasing speed;
- to exchange information to assist our colleagues to develop more effective practices for the fight against crime;
- to provide general support and assistance for fellow prosecutors in the execution of their difficult tasks; and
- to improve the level of human rights protection in the criminal prosecution process (the subject of our conference in Cape Town).

Such goals are near to the hearts of good prosecutors.

The Association is additionally represented here today by the Secretary-General (who is based in The Hague), the General Counsel, two of the Vice-presidents and a number of our South African members.

We have gathered for the very important purpose of presenting to Mr Nelson Mandela the Association's Medal of Honour. Of course it is correct to say, as did president Clinton two years ago, that no medal, no award, no fortune, nothing we could give him could possibly compare to the gifts he has given us and to the world - but the IAP also wishes to make that acknowledgement. This is the highest award of the Association, presented in this case in recognition of the recipient's significant contribution to the role of the prosecutor in South Africa in the pursuit of justice under the rule of law.

It is no secret, of course, that Mr Mandela has spent a great deal of his life on the wrong end of the criminal law (and this is NOT an award for generating more business for prosecutors); but there is a world of difference between criminal law and criminal justice - and good prosecutors recognise that distinction. This award recognises especially Mr Mandela's role in the new South Africa, in the development of the Constitution and in the establishment of the National Prosecuting Authority of South Africa, particularly. Such measures will substantially ensure that criminal justice in South Africa will be administered under the just rule of law, with the full protection and enforcement of human rights that must be assured to everybody.

The citation reads : "For his contribution to the pursuit of justice under the rule of law and to the role of the prosecutor in that objective."

It is with great pleasure that I present to Nelson Rolihlahla Mandela the International Association of Prosecutors' medal of Honour."

Mr Mandela replied :

"Distinguished guests. Ladies and gentlemen.

Thank you for honouring me in this way. I am indeed humbled and privileged to receive this award on behalf of all those people and institutions in south Africa who have fought for human rights.

In return, I wish the IAP a long and progressive existence.

Let me also commend you for hosting your young association's fifth conference in South Africa. It is highly appropriate that the theme of the conference should be *Human Rights and the Prosecutor* . You arrive at a time when our country is hosting a national conference on racism.

As you know, South Africa has emerged from a past that was disgracefully racist and manifestly unjust. White supremacy inferred black inferiority. Black people have been alienated from the legal system in this country through an erosion of the rule of law, a denial of equality and the perpetration of gross violations of human rights. Very often the courts, and so the prosecutions service, in our country were used as instruments of oppression and as defenders of the apartheid system.

Our 350 year history has shown that there is hardly a political question that does not sooner or later become a judicial one. The challenge for all of us was and still is to create a system of government and of criminal justice that is based on notions of fairness, justice and equity : - a system based on an international culture of human rights and freedom, in which every citizen is equally protected before the law.

The test of our commitment to a culture of rights lies in our ability to respect the rights not only of the weakest but also of the worst among us. Indeed we think your conference is timely to the extent that it will assist our own prosecutors in grappling with the fundamental question of the role of the prosecutor in promoting human rights.

I have never had the honour of being a prosecutor myself, though I have been prosecuted repeatedly and vigorously. I could never have counted prosecutors amongst my friends until recently. Both as a lawyer and as an accused person, however, I have over the years seen the prosecution service at work. 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 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. It is your duty to build a prosecution service that is an effective deterrent to crime and is known to demonstrate great compassion and sensitivity to the people it serves.

Mr Cowdery, the Executive Committee, our international guests and conference delegates - Welcome to Africa, South Africa and Cape Town. Thank you for adding your vote of confidence to our democracy and to our recently established national Prosecuting Authority.

As you know, there is a Latin maxim - *Ex Africa semper aliquid novi*. I hope that you will be enriched by your experiences in South Africa and Africa; and that you will leave with fond memories and a desire to return.

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."

Asia Crime Prevention Foundation Conference

In October 2000 the President, the Secretary-General and the General Counsel were privileged to be invited to attend the conference of the Asia Crime Prevention Foundation (ACPF) in Beijing. The Chairman of the ACPF is IAP senior Vice-President, Minoru Shikita, and the well-attended conference was a resounding success and a demonstration of the influence and achievement of the Foundation. Happily, thanks to Executive Committee member, Ye Feng, the Secretariat was able to take advantage of the occasion to hold a meeting.

2001 – International Recognition

Mini conference, The Hague, 28-30 March 2001

On 28-30 March 2001 the IAP held its first regional 'mini' conference at the City Hall in The Hague, The Netherlands. It was attended by 45 prosecutors (22 men and 23 women) from 16 European jurisdictions (Belgium, Denmark, England and Wales, Finland, Germany, Hungary, International Criminal Tribunal for Crimes in the former Yugoslavia, Ireland, The Netherlands, Northern Ireland, Norway, Poland, Scotland, Slovenia, Sweden and Switzerland).

The conference, which focused on *Victims and Witnesses*, was a new initiative for the IAP and was open to line prosecutors from Northern European countries who had not previously attended an IAP Annual Conference. It was designed to bring together prosecutors who appear day to day in the courts rather than those charged with management or policy.

The group gathered on the evening of Wednesday 28 March at the IAP offices in Hartogstraat in The Hague and participants proceeded to get to know each other at an informal dinner at a local restaurant.

On Thursday 29 March the working sessions began in the splendid conference facilities in The Hague City Hall to which the IAP had been invited by the Mayor. Participants were welcomed by IAP Secretary-General, Henk Marquart Scholtz, and IAP General Counsel, Barry Hancock, spoke about the work of the IAP and outlined the work of the conference.

The morning was taken in considering a number of case studies on witness issues. Work was initially undertaken in groups and feedback was given to a plenary session. There was a wide-ranging discussion led by rapporteurs and involving the whole group. Subjects discussed included :

- Witness protection;
- Uses of video evidence;
- The dangers of repeated interviews;
- The need for corroboration;
- Disclosure;
- Identification procedures;
- Explaining prosecutors' decisions to victims; and
- The need to call witnesses in person to court.

On Thursday afternoon the conference heard a series of presentations. First, Ernestine Köhne-Hoegen, a young Dutch prosecutor, and Marion Brienens, a researcher at the Dutch Ministry of Justice, set the scene with a broad but comprehensive survey of a range of victim and witness issues. They have recently published *Victims of Crime in 22 European Criminal Justice Systems* and they delighted the conference with their ability to draw

crucial comparisons between jurisdictions across the continent. They moved freely from an introduction to international standards, such as the Council of Europe Recommendation on the position of the Victim (1985) and Recommendation on the role of Public Prosecution in the Criminal Justice System (2000).

Three Swedish prosecutors, Ingela Klinteberg, Annica Kullander and Ylva Johansson, introduced participants to their system, where prosecutors were "sailing in a new wind", and they were followed by Nicola Reasbeck from England and Wales and Agnes Diofasi from Hungary. In a very short time the conference was considering approaches from continental Europe, a common law country and an EU applicant state. The rest of the afternoon was taken up by an interactive discussion between the presenters and participants and the day concluded with a reception hosted by Mr Bob Lagerwaard, Head of International Organisations Department of the City of The Hague.

On Friday the conference working session began with a joint presentation by Henk Marquart Scholtz and Miekie Lengers, a young Dutch prosecutor who works in the Haarlem Justice in the Community office. This was followed by Danish Regional Prosecutor, Erik Merlung, who spoke on the development of the second volume in the IAP *Best Practice Series, Model Guidelines on the Effective Prosecution of Crimes against Children*. The final presentation by Daryl Mundis of the ICTY took participants into a new world for prosecutors, perhaps the world of the future. His theme was witness protection at the Tribunal and ranged over in court and out of court arrangements for witnesses from the Balkans, including anonymity, video links and general protection for witnesses in this unique situation. Although beyond the experience of most of the participants, the presentation showed what can be done in high profile cases with political will and proper resourcing.

Finally, the working groups reformed to consider what issues had emerged for them during the conference, what solutions had presented themselves and what the IAP could do for the future.

The feedback from the 'mini' conference was entirely positive and arrangements have already been made to hold a further event in The Hague next year. We are also in discussion with other regions and hope that such events will bring together IAP members in their own regions around the world.

The fifth Northern Spring Meeting (Copenhagen, May 2001)

The Executive Committee's Northern Spring Meeting, 6-7 May 2001, was hosted in Copenhagen by IAP Vice-President, Henning Fode. The meeting was well attended and was the first attended by Boowhan Han from Korea.

Four new organisational members were welcomed to the Association :

- Asociacion de Magistrados y Funcionarios de la Justicia Nacional, Argentina;

- The Namibian Association of Prosecutors;
- Associacao Nacional dos Membros do Ministerio Publico, Brazil; and
- The prosecution section of the Ministry of Justice of the Federal Republic of Ethiopia.

The Secretary-General and the General Counsel reported to the meeting on their activities. Henk Marquart Scholtz and Barry Hancock had been appointed by the Netherlands Helsinki Committee and the Centre for International Legal Co-operation (CILC) to act as European Union (EU) experts in their project "Reinforcement of the Rule of Law - the Role of the Public Prosecutor". The project's purpose was to assure the European Commission of the readiness for membership of the Union of prosecution services in the ten applicant countries to the EU. The appointments were an important recognition of the role and status of the IAP as the focal point for international prosecutorial expertise.

In November 2000 the General Counsel attended the conference of our sister organisation, the International Association of Defense Attorneys (IADA) in The Hague. The main focus of the presentations and discussions was the role of the defence at the International Criminal Court. The President of the IADA, Elise Groulx, considers that in the Treaty of Rome and in subsequent discussions the position of the defence had not been given sufficient consideration. This was a matter of concern for prosecutors as it is important for the credibility of the ICC that it is seen as a balanced tribunal and not a place where serious criminals are taken for the formality of a conviction.

In mid-December 2000 Barry Hancock attended a conference in Stockholm, organised by the International Bar Association and the American Bar Association, which approved work to form the International Legal Assistance Consortium (ILAC). This would establish when needed a panel of lawyers to go into areas such as Kosovo and East Timor to make an initial assessment of the steps needed to reconstruct the administration of justice and the IAP was determined to play a key role in the supply of prosecutors for such missions.

David Calvert-Smith, England and Wales, offered to host the IAP Annual Conference in London on 8-12 September 2002. This was agreed by the Executive Committee and all looked forward to an interesting and enjoyable event. Thanks went to David Calvert-Smith and the Crown Prosecution Service of England and Wales.

The accounts, which had again been prepared by Messrs Ernst and Young, were approved. The IAP's financial position had improved and we were able to look forward to continuing development in the years to come. The individual membership fee remained at US\$30. The meeting also considered the question of commercial sponsorship and a protocol was to be developed on this subject and presented to the General Meeting in Sydney.

The General Counsel outlined contact which had been made with the IAP from Nigeria and hoped that the Association would soon be involved in a training programme in that

country. Subsequently Executive Committee member Retha Meintjes (South Africa) attended the 2nd meeting of the DPPs of Nigeria and a number of Nigerian prosecutors attended the IAP Annual Conference for the first time (see below).

IAP granted consultative status with the Economic and Social Council (ECOSOC) of the UN

On 21 May 2001 the Committee on Non-Governmental Organizations of ECOSOC of the United Nations at New York unanimously decided to grant special consultative status to the International Association of Prosecutors. The NGO Committee considered the Association's application extremely compelling.

This special consultative status entitles the Association to designate authorized representatives to sit as observers at public meetings of the Council and its subsidiary bodies and in general terms to participate in many aspects of the work of the Council. The granting of this status clearly reflected the worldwide recognition of the increasing international importance of the Association's work and the progress it had made during its short life.

Following the recommendation of the IAP for special consultative status with the Economic and Social Council (ECOSOC) of the UN (see Newsletter 13), on 5 July 2001 the Secretary-General met with Mrs. Hanifa Mezoui, PhD., Chief of the NGO Section of ECOSOC in The Hague. They discussed the consequences of the consultative status for the Association and gave special attention to the UN Millennium Declaration, Chapter II (Peace, Security and Disarmament), Chapter V (Human Rights, Democracy and Good Governance) and Chapter VI (Protecting the Vulnerable). It was felt that the Association could play a role in these areas in particular. In July the ECOSOC-Council will take a formal decision on the granting of the consultative status.

There follows the text of the letter from Mrs Mezoui, which reached us during our conference in Sydney :

“4 September 2001

Mr. Henk Marquart Scholtz
Secretary-General
International Association of Prosecutors

Dear Sir,

It is my great pleasure to inform you that at its 2001 substantive session, the Economic and Social Council of the United Nations granted consultative status to the International Association of Prosecutors, following the recommendation made earlier, in May, by the Committee on Non-Governmental Organizations.

As you may know, strenuous efforts are now being made throughout the organization to engage the full spectrum of non-state actors in the intergovernmental process. As Mr. Kofi Annan, our Secretary-General, said: "Peace and prosperity cannot be achieved without partnership involving governments, international organizations, the business community and civil society. In today's world we depend on each other". Therefore, I am particularly pleased and honored to welcome your organization in the United Nations arena.

The scope of the UN work has expanded over the years to include various issues of a transnational nature, including in the legal field. Such issues require technical expertise that a professional organization like the IAP can bring to the United Nations. In that respect, your input will be particularly relevant to the work of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, two ECOSOC subsidiary bodies based in Vienna. The elaboration and adoption of a UN Convention on the fight against transnational organized crime last year open the door for various forms of collaboration and joint action that you might wish to discuss during this important meeting.

The consultative status with ECOSOC creates a double relationship between the NGO concerned and the Council. First, the organization can take part at the various sessions of the Council and its subsidiary bodies and make oral and written statements as stipulated in ECOSOC resolution *1996/31*. Secondly, relevant inter-governmental bodies can consult the organization on its specific fields of expertise, providing an opportunity to share analyses and recommendations with all actors involved in the decision-making process.

Needless to say that non-governmental organizations are in a key position to help implementing resolutions adopted by the ECOSOC bodies at the national and local level and providing the adequate follow-up to UN meetings. This is all the more important as your organization deals with a number of key issues on the agenda of the United Nations, namely criminal justice, human rights and the rule of law, as well as conflict prevention. Therefore, I trust that the consultative status of the IAP with ECOSOC marks the beginning of a long and fruitful working relationship between our two organizations.

I wish you every success in your meeting in Sydney.

Sincerely Yours,

Hanifa Mezoui
Chief, NGO Section
Department of Economic and Social Affairs
United Nations - New York"

www.iap.nl.com

The IAP website (www.iap.nl.com) was growing daily. By mid-2001 it already held our key documents and *The International Prosecutor*, our electronic journal. The Newsletter, the website and the journal are focal points for prosecutorial expertise. *The International Prosecutor (the journal) is divided into six sections :*

Section 1 – *Scholarly Contributions*

This section contains academic articles relevant to the world of the prosecutor written by academics, prosecutors and other criminal justice professionals. It is intended that these articles should form the basis of the only academic library of literature dedicated to the work of prosecutors.

The Editorial Board for this section is :

Professor Bruce Archibald, Dalhousie University, Nova Scotia, Canada
Professor Patrick Healy, McGill University, Montreal, Canada
Professor John Spencer, Selwyn College, Cambridge, U.K.
Barry Hancock, General Counsel of the IAP

Section 2 – *Professional Papers*

This section provides an opportunity for members of the IAP and invited guests to publish short articles and texts of speeches and presentations. The purpose of the section is to allow an interchange of views and to enable prosecutors to be aware of developments and thinking in other jurisdictions. It will also contain papers presented at the Annual Conference.

The Editorial Board for this and the subsequent sections is the President, the Secretary-General and the General Counsel of the IAP.

Section 3 – *Legislation and Case Law Notes*

The purpose of this section is to enable members of the IAP to post short summaries of legislative changes in the field of criminal law in their respective jurisdictions and also notes of new case decisions.

Section 4 – *Letters to the President*

This section is the journal's letter column and gives members of the IAP an opportunity to comment on items which appear in its pages or on other criminal justice issues which they would like to see discussed.

Section 5 - *Bibliography*

The purpose of this section is to enable members to post details of new and useful publications which could be of interest to their colleagues. Short book reviews could also be included.

Section 6 – *The Newsletter*

Each edition of the Newsletter is posted in this section as an electronic record of the activities of the IAP.

The IAP “en français”

For financial and logistical reasons, when the *International Association of Prosecutors* was created, a decision was made to adopt English as the working language of the IAP. Now, six years later, although our financial situation had largely improved, it was still economically unfeasible to revisit that decision. However, because of its rapid expansion, the IAP had to resort to creative ways to reach out to non-English speaking colleagues.

For example, a special call was made to members of the Executive Committee to provide the Secretary-General with a translation of the *IAP Standards* in the official language of their respective countries. As a result, the *IAP Standards* were now available in several languages, making it easier to broadly disseminate them around the world. The same was done with the *IAP Constitution* which was also available in several languages.

To expand the IAP work to civil law jurisdictions around the world presented a dual challenge for the IAP. First, the Association had to better understand prosecution concepts that were not familiar to a common-law environment. Thanks to the assistance of many colleagues from these jurisdictions, the Association had become more inclusive. It had now become easier for the IAP to relate to prosecutors from civil law countries, to accommodate their concerns and to ensure that the Association was flexible enough to address the reality of civil law prosecutors and the specificity of their legal system. This, however, was only part of the challenge. Indeed, to become truly relevant to civil law countries, the IAP needed to find a way to communicate with these francophone prosecutors in their own language.

The efforts to promote the use of French within the IAP (known in French as *l'Association internationale des procureurs et poursuivants – AIPP*) began in 1997 in Canada. In accordance with the linguistic duality of the country, (English and French are the two official languages of Canada), the Government of Canada provided, free of charge, simultaneous English / French translation, at the 2nd Annual Conference of the IAP in Ottawa, in 1997. Those who were in Ottawa will recall that the Conference materials as well as the Conference poster were also bilingual. This, however, was only a first step.

Simultaneous English / French translation was also provided at some of the subsequent IAP Conferences. For example, in September 2000, in Cape Town, South Africa, delegates from Francophone countries benefited, once again, from the simultaneous

translation in English and French. This was made possible through the efforts of Executive Committee member François Falletti from France, and the *Agence Internationale de la Francophonie*. In addition in Cape Town Daniel A Bellemare, Q.C. the first bilingual (English-French) panel discussion held at an IAP Annual Conference.

Simultaneous English /French translation would, once again, be available in Sydney. In addition, the Federal Prosecution Service of Canada (FPS) had provided a French translation of the Sydney Conference Program for the use of Francophone delegates.

The IAP was proud to announce the official launch of the French IAP Web Site and thanked Daniel A Bellemare, Q.C and Francois Falletti for their immense efforts on behalf of the Association. Created and maintained by the Canadian Federal Prosecution Service for francophone members of the Association, this Web Site can be accessed through the main IAP Web Site at www.iap.nl.com or directly at the following internet address:

<http://canada.justice.gc.ca/AIPP/default.htm>

Because of limited resources, the Web Site did not at the beginning, reproduce in French, all the English materials contained on the main Site. However, through the efforts of François Falletti, the *Agence Internationale de la Francophonie* had agreed to provide funding for the translation of some of the key IAP documents. The additional cooperation of the governments of Canada and France would provide a sufficiently complete Web site in French.

This was an important development in the pursuit of the Association's objectives to reach prosecutors around the world. It was hoped that in years to come, through the cooperation and financial assistance of Organizational Members of the Association, we would witness an increase in the creation of additional non-English IAP Web Sites. Only an effective multi-lingual network of communication vehicles would enable the IAP to establish itself as the first and only voice of prosecutors everywhere around the globe.

2nd Pan-European Conference of Prosecutors General of Europe

On 14-16 May 2001 the General Counsel attended the 2nd Pan-European Conference of Prosecutors General of Europe, "Harmonisation and co-operation between prosecutors at the European level", at the Parliament Palace in Bucharest, Romania. The IAP had observer status at the conference which was co-hosted by the Council of Europe and the Prosecutor General of Romania, Mr Tanase Joita.

After opening addresses by the President of Romania, Mr Ion Iliescu, and the Deputy Secretary-General of the Council of Europe, Mr Hans Christian Kruger, the conference, which was attended by chief prosecutors, or their senior representatives, of the Council of Europe member states, considered follow-up action to the publication of the Council of Europe's *Recommendation Rec (2000) 19 on the role of Public Prosecution in the Criminal Justice System* (see Council of Europe website -

<http://cm.coe.int/ta/rec/2000/2000r19.htm>). There were a number of important contributions and the General Counsel made an intervention to inform the conference of the IAP website, the IAP journal and the mini conference.

The outcome of the conference was to establish a standing "Conference of Prosecutors General of Europe". This would, amongst other things, promote closer ties between prosecution authorities in member states, provide links between prosecutors specialising in organised crime or corruption, ensure appropriate links with EUROJUST and constitute a framework for setting up subject-oriented or region-based working parties.

The conference also agreed to develop a monitoring mechanism to support the principles of Recommendation (2000)19.

Congratulations

IAP member and Chair of the IAP Human Rights Forum, Professor Egbert Myjer (The Netherlands) was on 26 March 2001 presented in Strasbourg with the Medal "Pro Merito" of the Council of Europe by its Secretary-General, Walther Schwimmer. The citation reads, "For his longstanding efforts in the promotion of Human Rights."

The Dutch Prosecution Service realizes that it is not only important to have excellent lawyers, but also to create more general expertise within the service. That is why the Procurators-General every year send a few prosecutors for post-doctorate study at the Netherlands School for Public Administration.

One of the prosecutors who graduated from this post-doctorate course in June 2001 was our colleague Perry C. Quak, whom many will recall from earlier IAP Conferences. He was now a Master of Public Administration. Perry is one of the co-authors of the IAP Best Practice Series no. 1 ("Combating Use of the Internet to Exploit Children"). He graduated in a study of combating money-laundering in Latin-America and his thesis was about the Dutch Military Police.

Second Strategic Membership Meeting of the Czech Association of State Attorneys.

On 17-18 May 2001 IAP Secretary-General, Henk Marquart Scholtz, attended the 2nd Strategic Membership Meeting of the Association of State Attorneys (ASA) of the Czech Republic in Prague. The ASA is a long-standing organisational member of the Association.

The meeting was held in the framework of the project, "Strengthening the independence and functioning of the Czech judiciary – support to the associations of state attorneys and judges". This project was carried out by the Netherlands Helsinki Committee, under the authority of the Dutch Ministry of Justice, and it was financed by the European Commission (PHARE Twinning Programme).

During the meeting the Strategic Plan of the ASA was presented. In the following discussion the Secretary-General made comments and advised on several aspects of the plan. He also gave a presentation on the work of the Association. In a meeting with ASA President Mr Ctirad Löffelmann further co-operation between the ASA and the Association was discussed.

Global Forum on Fighting Corruption and Safeguarding Integrity, 28-31 May 2001, The Hague.

At the end of May 2001 the Secretary-General and General Counsel attended the 2nd Global Anti-Corruption Forum in The Hague, The Netherlands. The Forum, which was hosted by the Dutch Ministry of Justice, was a major international event; there were some 1400 participants from 144 countries.

The IAP's stand was a centre of interest throughout the week, the more so because the Association's freshly printed Best Practice Series Volume 3, "Recommendations on Combating Corruption in Public Administration" was distributed to a great number of participants.

In the Canadian Midnight Sun

The General Counsel was honoured to be invited by IAP Vice-President, Daniel A. Bellemare, Q.C. to address the 21st Annual Conference of the Canadian Federal Prosecution Service (FPS), 24-29 June at Whitehorse in the Yukon. At this time of the year, he was able to experience the "midnight sun".

Passing through Vancouver, he was able to meet, at 5 o'clock in the morning, with Wendy van Tongeren Harvey, a Canadian prosecutor with whom he was working on a project to develop a training package based on the *Model Guidelines for the Effective Prosecution of Crimes against Children (IAP Best Practice Series 2)*.

The theme of the conference was "Prosecutors and Restorative Justice" building on the pioneering work in the North of local FPS Director Pierre Rousseau and his dedicated team. The conference was held at a time during which the FPS was going through a period of change and was looking at itself and its functions in a very constructive way

IAP Vice-President, Daniel A Bellemare, Q.C. in an inspirational keynote address, urged the participants to consider the place of the FPS in the Canadian context but also in its interactions internationally. The FPS has an interesting remit in the Canadian criminal justice system. It prosecutes serious crimes, for example drugs cases, proceed of crime cases, organized crime offences and major tax violations, on a nationwide basis. Working sessions explored how the criminal justice system as a whole could benefit from initiatives supporting the concept of restorative justice.

However, in addition to its federal mandate, the FPS is also responsible for all prosecutions in the three northern territories of Canada, Yukon, the Northwest Territories and Nunavut. Here, although the populations are sparse and widespread, there are major groups of first nation people. Regrettably these peoples are over-represented in the criminal justice system and the FPS was seeking to engage constructively with them to develop understanding and mechanisms for making the system more sensitive to the needs of Canada's first inhabitants.

The conference dinner was held at an outdoor venue with stunning views of the Yukon countryside and the guest speaker was Bob Johnson from the U.S.A., President of the National District Attorneys' Association, a keen supporter of the IAP and we welcomed the key co-operative initiatives, which he and Daniel Bellemare were leading, to further co-operation between Canadian prosecutors and their counterparts in the northern U.S.A..

United Nations co-operation

At this time the IAP was working with the United Nations Centre for International Crime Prevention (CICP) in Vienna on a monitoring process for the implementation of the U.N. Convention against Transnational Organised Crime. The purpose was to analyse the progress which prosecution services had made in implementing the Convention in the 120 countries which had so far moved to ratification. A gaps and needs questionnaire had been developed and was subsequently circulated to prosecution services.

2nd Nigerian DPPs' Forum

"In July 2001 IAP Vice-President, Retha Meintjes, attended the second Nigerian DPPs' Forum. She later reported :

From a rather cold and wintry South Africa we arrived in Lagos with the temperature well in the thirties. We were welcomed by a friendly Legal Defence and Assistance Project (LEDAP) delegation, who escorted us to the hotel. Early the next morning we left for Abuja to attend the National Consultative Forum on Legal Practice and Administration of Justice in Nigeria. The 2nd Directors of Public Prosecutors Forum was a joint forum with the Nigerian Bar Association, the Legal Aid Council of Nigeria, the Legal Resources Consortium and, of course, LEDAP and was stylishly held at the Sheraton Hotel, where we met with our host, Mr Chenonye Obiagwu, the National Co-ordinator of LEDAP. The main theme of the Forum was "The Role of the Legal Profession in Enhancing Access to Justice".

Many excellent papers were delivered. The keynote speaker was Dr Rueben Abati, of Guardian Newspapers, who gave a very honest account on how the ordinary Nigerian perceives the Nigerian Justice System. Yusuf O. Ali Esq, a Senior Advocate of Nigeria, defined access to justice as not only meaning "*the procedure mechanism for the resolution of dispute alone but includes other variables like the physical condition, of the places where justice is dispensed, the quality of the human and material resources*

available thereat, the quality of justice, the time it takes to deliver justice, the moral quality of the dispenser of justice, the observance of the general principles of rule of law, the affordability of the cost of seeking justice in terms of time and money, the quality of legal advisers that assist disputants, the incorruptibility and impartiality of operators of the system". The Hon Ibrahim Zailani, Chairman of Representatives Committee on Justice, Human Rights and Legal Matters, aptly remarked that *"few will deny that we are at a period when the legal profession faces increasing scrutiny from the wider society and more than ever before there is a need for the legal profession to be seen to be championing the cause of our people not only in theory but in practice."*

Lively and open discussions followed the main sessions. In the working sessions, the DPP's were able to address problems and challenges, including integrating human rights norms in the administration of criminal justice. Of interest was the fact that Nigeria has 36 States, each of which has a DPP and an Attorney General. They also have Federal Attorneys General and Federal Courts and their lower courts are presided over by lay people with the police acting as prosecutors. I addressed this Forum as the representative of the IAP on *International and Comparative Standards for Good Prosecutorial Practice: the International Association of Prosecutors` Standards of Professional Responsibility and Statement of the Essential Rights and Duties of Prosecutors*. The DPP's expressed their interest in the IAP assisting with training of prosecutors in improved techniques and tactics in prosecution, with the emphasis, given the discussion topic, on integrating human rights norms into prosecutorial practice. Due to Mr Obiagwu's unfailing enthusiasm for and support of the IAP as an organisation, having also been instrumental in publishing "The Prosecutor", a quarterly newsletter and in which an extensive article on the IAP appears in its first edition, many enquiries were made by the DPP's into becoming members of the IAP and attending the IAP's 6th Annual Conference.

We were treated to traditional Nigerian food and, back in Lagos, were taken for shopping in typical Nigerian stores, where bargaining is the rule and where we were ably assisted by Ms Chinyere Agina. My thanks to Chinonye Obiagwu and his colleagues, the staff from LEDAP and especially Chinyere Agina, for the absence of mosquitoes (only three were noted during our stay), their very warm welcome and generous hospitality."

The 6th Annual Conference Executive Committee Meeting

On 1 September 2001 the Executive Committee met in Sydney.

Friedrich Matousek (Austria) said farewell to the Executive Committee after six years and thanked colleagues.

Current organisational membership stood at 77 and individual membership at 1127.

The Executive Committee discussed a draft of the Protocol for Nominations by the Executive Committee to the Executive Committee. The text of the final protocol would be placed on the website.

The nominations for office which were to be put to the General Meeting were agreed. Nominations for 2002 were discussed and approved as detailed above.

The Secretary-General reported that the financial situation had improved and the Finnish Government and AUSAID had provided support to the Granting Program, again enabling colleagues from developing countries to attend the conference.

Retha Meintjes (South Africa) reported on her attendance at the 2nd DPP Forum in Nigeria and the General Counsel on his attendance at the 2nd Pan-European Meeting of European Prosecutors General and the 21st Annual Conference of the Federal Prosecution Service of Canada. The next regional (“mini”) conference would be held in The Hague on 20-22 March 2002. It was also hoped to hold one for Oceania and the President encouraged members to hold such events in their regions.

The General Counsel reported on the preparations for the 2002 conference in London, including the Queen Elizabeth II Conference Centre and arrangements for hotels with a range of prices.

There was no firm offer to host the conference in 2003 but discussions subsequently took place during the week of the conference. Korea offered to host the conference in 2004.

The Northern Spring meeting in 2002 would be held in Baku, Azerbaijan Republic.

The IAP had been asked to nominate representatives to regional ECOSOC bodies. It was agreed that the regional Vice-Presidents should act as the IAP’s representatives.

The President informed the meeting of two letters he had received from Brazilian prosecutors with which he proposed to deal under the complaints protocol.

The U.N. Prosecutors’ Guidelines were being revised and it was important for the IAP to have an input. A working group, consisting of the Vice-Presidents and Francois Falletti and chaired by Henning Fode, would look at the IAP’s contribution.

The 6th Annual Conference

The IAP’s 6th Annual Conference was held at the Sheraton on the Park Hotel in Sydney, New South Wales, Australia from 2 to 7 September 2001. The attendance was the largest yet with over 404 participants from 69 countries. IAP President, Nicholas Cowdery, Q.C., and his colleagues hosted an event worthy of the splendours of their beautiful city.

The Conference was opened in the magnificent Sydney Town Hall by the Chief Justice of Australia, the Honourable Murray Gleeson, and those present were also addressed by the Deputy Lord Mayor of Sydney, Councillor Lucy Turnbull. Damian Bugg, Q.C. (Australia) was acknowledged as Conference President and Akio Harada (Japan), Ho

Chio Meng (Macao, China), Kevin Meenan (U.S.A.), Bulelani Ngcuka (South Africa) and Birgitte Vestberg (Denmark) as Conference Vice-Presidents.

The main theme of the Conference was **The Role of the Prosecutor in the New Millennium** and this provided an opportunity to explore a range of issues and challenges which would face prosecutors in the future. Keynote addresses were delivered by Robert Debus, Attorney General of New South Wales, Professor Hans-Jürgen Bartsch of the Council of Europe and The Lord Goldsmith, Q.C., Attorney General of the United Kingdom.

Norman McFadyen (Scotland) gave participants an insight into the complexities of staging a prosecution as large as the Lockerbie trial on foreign soil. Issues of consumer credit fraud and corruption were addressed by John Miller (VISA Risk Management, Singapore) and Peter Rooke (Transparency International Australia). Participants took part in a choice of workshops – disclosure, the death penalty, diversion and DNA. Feedback was presented to the plenary session by Raj Joshi (England and Wales), Billy Downer (South Africa), Jonathan Hak (Canada) and Ana Seeto (Australia).

Tuesday provided a morning of exposure to science and technology. Paul Rutledge and Sgt Troy O'Malley (Australia) spoke on technological aids to prosecution and Rob Parrish (U.S.A.) on shaken baby syndrome. Rod McKemmish (KPMG Forensic Accounting, Australia) introduced the conference to the intricacies of Cybercrime and Joel Schwarz, who had already induced 50 participants to attend an introductory talk at 8.15am, addressed the problems of internet investigations.

Tuesday afternoon was given over to a view of the International Criminal Court, presented by eight prosecutors and former prosecutors from the International Criminal Tribunal for the former Yugoslavia (ICTY) and introduced by the Deputy Prosecutor at ICTY, Graham Blewitt.

Wednesday gave participants the opportunity to explore Sydney and its environs more widely but a good number were willing to devote their time to attending additional workshops. The first, a training package based on the *Model Guidelines for the Effective Prosecution of Crimes against Children (IAP Best Practice Series No 2)*, was presented by Frances Gordon, Executive Director of the International Center for Criminal Law Reform and Criminal Justice Policy (ICCLR), Vancouver, and Wendy VanTongeren Harvey, a Canadian prosecutor, together with IAP General Counsel, Barry Hancock. The second, supported by AUSAID provided a forum for prosecutors from the Pacific islands to meet together to discuss issues of mutual interest.

On Thursday morning the conference considered assistance for prosecutors. Barry Hancock updated participants on the forthcoming work of the International Legal Assistance Consortium (ILAC) – see Newsletter 12 - and Peter Short described the work of Australian Legal Resources International. Justice Shameem (Fiji) and Richard Buteera (Uganda) spoke on the prosecutor in developing countries and resourcing the prosecutor. Kristina Tollbäck and Ola Sjöstrand (Sweden) gave an insight on the importance of internal training and the need and opportunities for training in developing and emerging

jurisdictions. These speakers were joined by Helen Brady (ICTY), Francois Falletti (France), Andre Vandoren (Belgium), the President and the Secretary-General on a question and answer panel chaired by IAP Vice-President, Daniel Bellemare (Canada) who focused the discussion on the future direction of the IAP in the light of its newly acquired special consultative status with ECOSOC. This was later reported on in Newsletter 15 in an article written by Daniel Bellemare, entitled :

IAP – A one stop shop for prosecutors

In July 2001, the International Association of Prosecutors (IAP), as a Non-Governmental Organization, was granted *Special Consultative Status to the Economic and Social Council of the United Nations* (ECOSOC). (For additional information on ECOSOC, see: <http://www.un.org/esa/coordination/ngo>). This is an important milestone in the life of our young Association as it is the first concrete recognition of the IAP by the international community.

By granting this special consultative status, the United Nations now acknowledges that the IAP is a credible interlocutor that can be considered as the *Official Voice of Prosecutors on the international scene*. As our President, Nicholas R. Cowdery, Q.C. wrote recently:

“In a sense, we have now come of age and the international community has recognized our status and the contribution we are able to make to world affairs.”
(IAP Newsletter, No. 13, May 2001, at page 1)

In her letter of September 4, 2001, to the Secretary-General of the IAP, officially informing him of the Association’s new status, Mrs. Hanifa Mezoui, of the United Nations, made the following remarks:

“The scope of the UN work has expanded over the years to include various issues of a transnational nature, including in the legal field. Such issues require technical expertise that a professional organization like the IAP can bring to the United Nations. In that respect, your input will be particularly relevant to the work of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, two ECOSOC subsidiary bodies based in Vienna.” (emphasis added)

This important recognition gives us an opportunity to pause and reflect, as we now must ensure the IAP can live up to the newly created expectations. In other words, how can we ensure that the IAP is able to provide the “technical expertise” required by the United Nations? Some of the consequences of this recent development were discussed during our 6th Annual Conference in Sydney.

To be the voice of prosecutors on the international scene is quite an important responsibility. The IAP must strive to become the voice of all prosecutors, not only of English-speaking prosecutors from the common law system.

It must also be flexible enough to react and keep pace with the rapid development of a living and multifaceted function, a function that, more than ever before, has to be in constant evolution to be both sensitive and to respond effectively to emerging social trends.

The objects of the Association, which are listed in article 2.3 of its Constitution, mirror the richness of the function and the variety of its components. More specifically, paragraph 2.3 (f) states that the Association must “*promote the professional interests of prosecutors and [...] enhance recognition of their crucial role in achieving criminal justice*”.

To effectively discharge its mandate on the international scene, and to articulate in a comprehensive and authoritative way for the United Nations those issues that are relevant to prosecutors, the IAP must become the center of excellence for all prosecution-related issues, a one-stop shop for prosecutors, a window on the prosecution world and its challenges.

How is such a lofty objective achieved? — It is through a determined and concerted resort by the IAP to the numerous capabilities of modern technology. This could begin with a strategic use of the Association’s main website (The English website in The Hague) and of its subsidiary or sub-websites in other languages. The IAP must become a comprehensive center of reference on prosecution issues. The IAP website should eventually be viewed as a primary source of information and of inspiration for prosecutors in the pursuit of the rule of law and the public interest. Just imagine if a simple visit to the IAP Websites could give you immediate access to reference materials such as:

- ❑ Speeches on the role of prosecutors and on prosecution-related matters;
- ❑ Famous quotes on the prosecution function and the role of prosecutors;
- ❑ Annual Reports of Prosecution Services;
- ❑ An exhaustive bibliography of books and articles on prosecutors and prosecution-related issues;
- ❑ A listing of existing Magazines, Newsletters and other internal publications from prosecution services, with hyperlinks where possible;
- ❑ Hyperlinks to the web sites of prosecution services from around the world (starting with the web sites of organizational members of the IAP);
- ❑ Hyperlinks to web sites of interest for prosecutors;
- ❑ Special events and Conferences of interest to prosecutors; etc.

The development of this reference capability requires an important gathering and collating effort that is only sustainable through the ongoing assistance of members of the Association. Indeed, this is a “two-way process”. Members of the Association have a moral obligation to assist in this major endeavour. Accordingly, they are encouraged to send to the Secretary-General any relevant materials in the categories listed above.

Over time, and through the collaborative efforts of its members in more than 90 countries of the world, the IAP will develop a multilingual network of “technical expertise” in various legal systems that will support its role as the official voice of prosecutors on the international scene. Recommendation No. 10 of the Sydney Conference is yet another component of this holistic approach:

“The IAP should continue to assist and support its members in identifying concrete means to reach out to members from non English speaking countries and various legal systems.”

As former President Nelson Mandela concluded in his acceptance speech of the IAP Medal of Honour in September 2000, in reference to the prosecution function, “ [...] *above all, claim your victories and promote the interests of your profession. It is a noble one.*”

On Friday the conference divided into regions for the Regional Fora organised by Grenville Cross, Q.C., S.C., (Hong Kong, China), Henning Fode (Denmark), Michael Horowitz (U.S.A.) and Bulelani Ngcuka (South Africa). Feedback was given by John Tester (U.K.), Arthur Luk (Hong Kong, China), Michael Horowitz and Lovisa Indongo (Namibia). The afternoon looked forward to the 2002 conference, which will concentrate on trafficking in money, drugs and humans, with presentations from Neil Jensen and Gary Crooke, Q.C. (Australia), Kingsley Hyland (England and Wales) and Anna Korvinus (The Netherlands).

The President closed the conference by thanking all who had been involved in making it a success and David Calvert-Smith, Q.C. (England and Wales) invited members to attend the 7th IAP Annual Conference in London next year.

IAP Awards

The Medal of Honour was not awarded in 2001.

The Special Achievement Award was presented on the first morning of the Conference to:

Anton R. Ackermann, Deputy Director of Public Prosecutions for the Transvaal region, South Africa, for his special dedication in the pursuit of his professional responsibilities

and the discharge of same in the face of hardship and adversity in circumstances which deserve special recognition.

and to:

the Prosecution Team in the Lockerbie case and The Crown Office of Scotland for their flexible working in order to achieve something unprecedented in legal history: the investigation and prosecution in the Lockerbie Trial

The Certificate of Merit was presented to Bulelani Ngcuka, Director Public Prosecutions of South Africa, for hosting the 2000 Annual Conference

Special "Thank you Awards" were given to the Boardmembers of the Foundation Treasury IAP and Mr Sybren Hoekstra, chartered accountant with Ernst & Young, accountants for their assistance in dealing with the Association's financial affairs and its accounts.

In accepting his Special Achievement Award, Anton Ackermann said :

"It is a great privilege to be honoured by your fellow prosecutors. It is an even greater privilege to be honoured by fellow prosecutors on the international level.

Judge James, a distinguished Judge President of the Natal Bench, once called me to his chambers and told me: "Anton, if you want to be difficult, you need to be right".

If one is in pursuit of justice and the rule of law, one is *always* right. And the victims of crime and the community demand of one to be difficult in order to restore the balance which has been upset by the accused.

The prosecutor's profession is a noble one.

- I. We might not always be portrayed as the good guys in films or TV shows.
- II. Our wives and children might not have all the overseas holidays that the families of our defence counterparts enjoy.
- III. And we might not have the same social standing in the community as defence advocates.

But, silently and behind the scenes, we are respected and admired by the community, which depends on us to see that justice is done. The reward for prosecuting is the sense of fulfilment and the certainty that one has made a difference for the good.

Life has been good to me. I was at the right place, at the right time, for the right case and I have enjoyed the good fortune of a wife and children who have tolerated the demands on my time which are unavoidable for any prosecutor.

But to echo the words of French playwright Alain Le Sage: *'Justice is such a fine thing, that we cannot pay too dearly for it'*.

I thank the International Association of Prosecutors for honouring me in this way.”

The 6th General Meeting

1. The President opened the meeting. He extended a special welcome to honorary members Eamonn Barnes and Minoru Shikita.
2. The rules of procedure were adopted.
3. The minutes of the previous General Meeting, held on 7 September 2000 in Cape Town, South Africa, were agreed.
4. There were no matters arising.
5. Daniel Bellemare, Q.C. (Canada) and Geraldo Brindeiro (Brazil) were re-elected and Retha Meintjes (South Africa) and Ye Feng (China) were elected as Vice-Presidents of the Association.
6. Francois Falletti (France) and Fikrat Mammadov (Azerbaijan) were reappointed and Brigitte Bierlein (Austria), Michael Chertoff (U.S.A.) and Egbert Myjer (The Netherlands) were appointed as members of the Executive Committee. Richard Buteera (Uganda) was co-opted to membership of the Executive Committee to fill the vacancy which arose when Retha Meintjes was elected as Vice-President. The new protocol for nominations by the Executive Committee was summarised by the President. It would be posted on the website.
7. The Annual Report was received by the Meeting.
8. The Secretary-General presented the financial statement and the budget for 2002. The President read the sponsorship protocol which had been adopted by the Executive Committee. Its adoption was proposed by John Kaye (U.S.A.) and seconded by Billy Downer (South Africa). However, as it was to be posted on the website, discussion was adjourned at the request of Roelof Jan Manschot (The Netherlands). It was agreed that in the interim the IAP and the hosts of the conference in 2002 could act in the spirit of the protocol.
9. Work program of the Association
- 9(a) The website – hyperlinks were needed to join prosecution services’ websites to the IAP website and information was needed to post onto it.

- 9(b) Translation – an issue had arisen about Spanish translation which had been anticipated by some participants. The President pointed out that this was despite a caveat in the preliminary program, correspondence between the IAP and the countries concerned and a prominent article in the IAP Newsletter, indicating that because of lack of sponsorship, there would be no such facility available. It was the IAP's wish to make such facilities available but money had to be found to fund each language. The French had done so, the Chinese brought their own interpreters who used the booths and others also used their own interpreters. The General Counsel would work with Spanish-speaking members in an effort to arrange Spanish translation for 2002 and to set up a Spanish website.
- 9(c) Human Rights Manual – This was being produced under Egbert Myjer's guidance.
- 9(d) The President reported that the Internet Investigation Manual was being prepared by a committee under the guidance of Joel Schwarz (who had made two presentations at the Conference). A sample of the manual had been prepared and was available for participants. The sample would also be posted on the IAP website.
- 9(e) The President also reported that a workshop on the Model Guidelines for the Effective Prosecution of Crimes against Children had been held in parallel with the conference on Wednesday morning. It was well-attended and very productive. The President thanked the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) in Vancouver for their work and the Commonwealth DPP for making the venue available. The venue was also used that afternoon for a forum of Pacific Island prosecutors which had also been highly successful.
- 9(f) IAP Awards – members were asked to send in nominations to be decided at the Northern Spring Meeting of the Executive Committee.
- 9(g) In view of the IAP's new consultative status with ECOSOC, the IAP would need comments on various U.N. drafts and members were asked to assist with this.
- 10 IAP Standards – The President urged members to sign commitments to working in accordance with the Standards.
11. Conference resolutions were put to the meeting for consideration. At the end of the conference the majority of those present were content with the resolutions as amended after comments had been considered. However, there were some participants who felt that they were unable to agree to them. The President acknowledged the position of these participants.
12. Future conferences :

2002 would be in London.

2003 – A possibility was being explored. Suggestions were sought for themes.

2004 – Again a possibility was being explored which was approaching confirmation.

Regional (mini) conferences

One would be held in The Hague, 20-22 March 2002 and it was hoped to hold one in New Zealand. The President hoped that other regions would want to hold such conferences.

13. Annabelle Bolt (U.K.) explained the background and development of her project on transnational investigations. She looked to members for support.

Bernard Bailor (U.S.A.) explained the remit of the American Bar Association CEELI (Central and East European Law Initiative). Prosecutors from civil law countries were needed to assist. Information would be posted in the Newsletter.

The President thanked the Prosecution Service of Japan for their continuing work on the IAP Directory.

He also thanked the Canadian Government for their considerable financial support to the development of the IAP French language website, the Finnish Government and AUSAID for their support to the granting program and the Danish Government for its continuing financial assistance.

The President placed before the meeting a resolution adopted by the International Society for the Reform of Criminal Law at its annual conference in Canberra the previous week. The resolution related to an attack in the media on the independence of a judge in New South Wales who had sentenced a group of offenders in August. Richard Mosley, Q.C. (who had been at the ISRCL conference) described the background to the resolution. After discussion, the meeting reached a consensus that such a resolution should not be passed and the President terminated the debate.

14. The next General Meeting would be held during the 2002 Annual conference in London at a time to be confirmed, possibly on Wednesday 11 September 2002.

Translation at IAP conferences

During the conference question and answer session and also at the General Meeting the issue of simultaneous translation between Spanish and English was raised and attracted a good deal of sympathy.

Our working language was English. There were compelling financial and human resource reasons for this – practical, not ideological, constraints. We wanted to be as inclusive as

possible – to be truly international. Language could be a barrier and we wanted to remove it wherever we could. The French Government and agencies sponsored French translation. The Chinese brought their own interpreters, as did the Mongolians. The Ukrainians paid for locally-based interpreters.

There was disquiet about the lack of Spanish translation and the President undertook to look at this for future conferences.

11 September 2001

IAP President, Nicholas Cowdery, Q.C. wrote in Newsletter 15 :

“Like almost everyone else, I was stunned, disbelieving and helpless.

We send our condolences and sympathy to all who have suffered loss as a result of the attacks in New York and Washington. We also record our resolve, as an organisation, to continue the fight against crime – including crime on the scale of that committed against those who were targeted by the terrorists in these cowardly and inhuman attacks. By cooperation amongst our members we can assist in dealing even with problems of this magnitude.

Because in my view, war is the wrong analogy - and a warlike response, while understandable in the circumstances (and while it may incidentally produce beneficial changes in some other countries), may not be the most appropriate for many reasons. Fear and ignorance, alongside a natural human desire for revenge, threaten to give the terrorists a victory if we retaliate in kind against their outrageous conduct.

Crimes have been committed in this case on a huge scale and the response should be the one we all make against the very worst of criminals. In this case it is also arguable that crimes against humanity were committed. Anyone accused of these crimes should be brought before the appropriate courts in the United States or, should the UN Security Council be prepared to create it, before an *ad hoc* tribunal established to deal with this offending. It would be for the civilised nations to co-operate in identifying the surviving perpetrators and bringing them to justice.

The International Criminal Court, hitherto not actively supported by America, is another place in which criminals of this kind could receive justice, in accordance with the rule of law, if the necessary conditions were met. I hope that these atrocities will give new impetus to the establishment of this important international tribunal.”

Conferences in Guangzhou

In November 2001 the President, Secretary-General and General Counsel attended two conferences in Guangzhou, China organised by IAP Vice-President, Dr Ye Feng. These

were the Meeting of ASEM Law Enforcement Agencies on Child Welfare and the Regional Conference of Attorneys-General of Countries in Asia and Europe. Two other IAP Vice-Presidents, Minoru Shikita (Japan) and Henning Fode (Denmark) were also present.

In addition to the members of the Secretariat and the IAP Vice-Presidents, a number of other IAP members and representatives of organisational members addressed the conferences, including Executive Committee member Werner Roth (Germany), Niall Lombard (Ireland), Shin Seung-Nam (Korea), Altankhuyag Mongol (Mongolia), Badri Karki (Nepal), Hernando Perez (Philippines), Milan Hanzel (Slovakia), Klas Bergenstrand (Sweden), Sirisak Tiyanan (Thailand) and Grenville Cross (Hong Kong, China) as well as representatives of the Supreme People's Prosecution Service of the People's Republic of China. The conferences were a triumph of organization with presentations from senior prosecutors from over 30 countries.

The IAP representatives were extremely honoured to be presented to the President of China, Mr Ziang Zemin and to attend the impressive opening of the 9th National Games of China. As ever the hospitality of our hosts was superb and it was excellent to meet again Prosecutor General, Han Zhubin, and his Deputies, Liang Quoqing and Zhang Qiong, as well as Beijing Chief Prosecutor, Xu Haifeng.

Again, thanks to the good offices of Ye Feng, the members of the Secretariat, were able to hold one of their regular meetings.

Attack on Swedish prosecutor

It was with concern and regret that we learnt that on 12 December 2001 that IAP member, Sune Andersson, the Director of Public Prosecutions for the Swedish town of Ostersund, was stabbed in the back in his local courthouse. Mr Andersson had just finished prosecuting a difficult rape trial when a brother of the defendant stabbed him outside the courtroom. Fortunately the local hospital was close by and Mr Andersson was soon receiving medical attention. He had lost a lot of blood and his serious injuries included damage to a lung. His assailant was arrested shortly afterwards and was remanded in custody.

This was the first time that a prosecutor in Sweden has ever been attacked in court and we knew that IAP members would be concerned both for Mr Andersson on a personal level and for the well-being of their colleagues generally. We were grateful to our Swedish colleague, Christer Jarlas for informing us of the situation and, although we hoped that such incidents would be few and far between, we asked members to keep us informed of any other such matters.

IAP surveys

By early 2002 the IAP, working with the United Nations to monitor the implementation of the Convention on Transnational Organised Crime, circulated a questionnaire asking for details of implementation in each country. Subsequently Elaine Krivel, Q.C., formerly the prosecutor in charge of the Canadian Federal Prosecution Service's Toronto office, was seconded to Brussels and, thanks to IAP Vice-President, Daniel Bellemare, took on responsibility for co-ordinating the responses.

Organisational members also received IAP questionnaires on new terrorist legislation and on measuring the effectiveness of prosecution services.

2nd IAP European Regional Conference

“One of the best conferences I have ever been to”.

“The most interesting and worthwhile course I have been on”.

“I learned so much from everybody and my mind has been opened”.

Just a few of the encouraging comments made by the participants in the IAP's 2nd European Regional Conference which was held in The Hague on 20 – 22 March 2002. They were among the 47 prosecutors from 17 European countries who at the invitation of the Mayor of The Hague assembled at the City Hall in the Association's home town to discuss how we deal with young defendants.

The event began with an informal drinks reception at the IAP offices where the participants were welcomed by Secretary-General, Henk Marquart Scholtz. The conversation was immediately animated and our guests were able to view mementos of earlier IAP events and also an exhibit of books published by Kluwer Law International. Dinner followed at a local restaurant and there was just one thing demanded of our visitors – “Do not sit next to someone from your own country”.

Thursday 21 March was a long and hard-working day. It began, in response to feedback from last year's event, with speakers from France, Slovenia, Denmark and Ireland giving a glimpse into their various criminal justice systems. Isabelle Miquel, Andrej Ferlinc, Lars Munk Plum and Seamus Cassidy treated their audience to a bewildering array of different approaches to criminal justice thinking in their homelands.

They were quickly followed by Peter Smith and Martin Ryan from the Crown Prosecution Service of England and Wales who outlined the approach to dealing with young offenders in their jurisdiction. They also informed the conference of the details of the “Bulger” case in which two 10 year old boys had abducted a young boy and murdered him. They were subsequently prosecuted and tried according to the prevalent law and procedure in an adult court. This has now become a leading case in England and Wales but also in Europe as a result of the case having been taken to the European Court of Human Rights. The case was used as a focal point of the following presentations and also later discussions.

Maria Raho (Hungary) and Rob de Vries (The Netherlands) added their countries' perspectives and already the focus began to move towards talk of diversion. Bo Birgeron and Anders Petersson (Sweden), while adding a Scandinavian view, also told of their "Kevin" case in which it was discovered that boys aged 7 and 5 killed a younger child. The difference from "Bulger" in this case was that the two boys were too young to be prosecuted and had to be dealt with through a welfare route. Perhaps we can see that in fact the outcome for the perpetrators was very similar.

Part of the afternoon was taken up with presentations by Inger Marie Sunde (Norway), Elisabeth Mijnaerends (The Netherlands) and Stephen Wright (Northern Ireland) on diversion. All three countries have moved towards diversion as the first outcome for a youngster coming into the criminal justice system. Norway has an intriguing system in which in effect there is an effort to make the punishment fit the crime. The Netherlands has a highly developed system which involves diversion at three different stages. Interestingly, in Northern Ireland the criminal justice system as a whole has come under the spotlight as a result of the peace process and, in particular, the Good Friday Agreement and the future emphasis in the juvenile area will be on restorative and reparative justice.

Feedback from a lengthy case study session revealed differences in approach between common law and continental approaches. It was recognised that in general the options open to prosecutors in the common law countries were more limited and that their own influence on the case was also restricted. Continental European jurisdictions had a more holistic approach and also a wider range of disposals.

Thursday's formal proceedings ended with a reception generously hosted by the City of The Hague. It was attended by Deputy Mayor, Mr Bas Verkerk, who spoke of The Hague's position as the international legal city and of its support for the IAP as one of the important international legal entities with headquarters in the city. During the evening participants took the opportunity to continue their discussions informally at a variety of local restaurants.

Friday began with presentations from Isabel Clark (Scotland), Mika Aalto (Finland) and Dagmar Freudenberg (Germany) on sentencing and other outcomes in the juvenile justice system. Two themes were emerging – an interest in the Scottish twin track system and the German concept of education being the central focus of their system for young offenders.

The final session was a discussion, first in groups and then in a plenary session. The participants were asked to take a blank sheet of paper and, bearing in mind all that they had heard, to construct an ideal juvenile justice system. Feedback was given by Murdoch McTaggart (Scotland), Sally Averill (England and Wales) and Annelies van Lawick (The Netherlands). The age of criminal responsibility was an obvious starting point given that those countries represented at the conference bring children into the criminal justice system at ages varying from 7 to 15. Not surprisingly the group steered a middle course and opted for 12 – 14. It was agreed that the aim of the perfect juvenile justice system should be to prevent offending by young children and that the process should be quick.

The Netherlands stood out as a model of good practice in the speed in which a wide range of information was available to the prosecutor at an early stage.

It had become clear that in most countries much serious offending was committed by only a few young persons. Many participants told of 25% of their juvenile crime being committed by only 3% of offenders. At the same time many young people offended only once. Diversion was therefore seen as the first option for dealing with the majority of offenders. It was interesting that almost all present were united in their view that it was preferable to keep young people out of the criminal justice system. There was a vital need to persuade society that this worked and was not a soft option.

Where it was necessary to bring young people into the criminal justice system, there were calls for the use of specialists at all stages in the process, for flexibility of approach and for the widest possible range of disposal options. The Scots' ability to move from prosecution to a welfare solution and vice versa drew general approval.

Alas, the conference had to come to an end and the participants left for their home countries. We hope that they all learned from their meetings with their colleagues and that they will be able to take back their learning to their everyday jobs.

Presentation of the IAP Medal of Honour

In 2002 the Executive Committee decided that the IAP Medal of Honour should be presented to Dr Simon Wiesenthal, the renowned war crimes investigator, who has devoted over fifty years to bringing Second World War criminals to justice. Dr Wiesenthal is now 93 and does not travel outside Vienna. However, as he told us, he is the only 93 year old in Vienna who still goes to the office every day. His work continues although, as he concedes, many of those war criminals whom he seeks are nearly as old as he is.

As a number of members of the IAP were recently in Vienna attending the U.N. Crime Commission, we took the opportunity to make the presentation to Dr Wiesenthal at his Documentation Centre. The ceremony was attended by IAP Vice-Presidents, Minoru Shikita (accompanied by Mrs Shikita), Daniel Bellemare, Henning Fode and Ye Feng, the Secretary-General, the General Counsel and Austrian Executive Committee member, Brigitte Bierlein.

The Medal of Honour was presented by Daniel Bellemare and the supporting certificate by Minoru Shikita. There follows the text of Mr Bellemare's speech :

Dr Wiesenthal :

It is an honour and a privilege for me and my colleagues of the International Association of Prosecutors (IAP) to be here today to present you with the IAP Medal of Honour. Unfortunately, our president, Nicholas Cowdery, could not share in the occasion,

regretting very much, as he put it in his personal letter to you, “ that the tyranny of distance has kept [you] apart at this time.”

The International Association of Prosecutors is a young organisation founded here in Vienna in 1995. Although young in years, the IAP represents prosecutors from over 90 countries around the world, and from all cultures and legal traditions. The central purpose of the IAP is to promote justice through the defence of human rights under the rule of law.

As the Reverend Martin Luther King said from his jail cell in 1963, “Injustice anywhere is a threat to justice everywhere”. The mandate of the prosecutor is to bring offenders to justice, fairly, objectively, in accordance with the rule of law.

The Jewish Documentation Centre that you have founded has helped bring more than 1,000 Nazi war criminals to justice. One biography describes the process you engage his as follows :

“Painstakingly, Wiesenthal culls every pertinent document and record he can get, and listens to the many personal accounts told him by individual survivors. With an architect’s structural acumen, a Talmudist’s thoroughness, and a brilliant talent for investigative thinking, he pieces together the most obscure, incomplete, and apparently irrelevant and unconnected data to build cases solid enough to stand up in a court of law”

As prosecutors, we can easily relate to the evidence gathering process. We can also understand the difficulty of the task, and we can only but admire the extent of your remarkable achievements. Prosecutors are acutely aware of how the chase can become the central theme, and issues of evidence and justice can easily be set aside. Prosecutors need good investigators and good investigators never let the pursuit of the criminal interfere with the gathering of evidence and the resulting search for justice. As you once put it, “ discovering witnesses is just as important as catching criminals “

In 1979, during the debate authorizing the issuance to you of the Congressional Medal of Honour, U.S. Senator McGovern observed that, “ you had made the world remember time and time again that justice is not an easy promise to keep only in the best of times, but that justice, even when it seems to have retreated beyond recall, can rebound with even greater force and influence”.

Senator Doyle added that, “ Despite the horror that you faced during the Second World War, you never turned your back on the world. At a time when you seemed to have every reason to withdraw, your faith in the ultimate triumph of humanity over inhumanity was never lost. Because of your strength, we can, today, continue to believe in justice and the rights of humanity “

Even the oldest of us here today is of a different generation from you and, despite the horrors which we see in our present-day world, we have little personal concept of the

injustice, degradation and suffering endured by your generation and your people during the Second World War. Despite your experiences, you have remained human – and a man of reason. You have used the law to achieve and accounting for crimes that, we, in our professional lives, hope never to encounter. In our terms, you have sought effective, fair, impartial and efficient prosecution for monstrous crimes by seeking, as the title of one of your books reminds us, “justice, not vengeance”!

You are one of the modern age’s most dedicated adherents to the biblical injunction : “Justice, Justice thou shalt pursue”. In *The Sunflower*, you wrote that in the concentration camps, “ You rarely thought of death, that you knew it was waiting for you And that gradually you had accustomed yourself to its proximity”. But, as time went on, when you realised that hardly any of the men you knew in the camps were still alive, you observed, “My time had apparently not yet come or death did not want me”. Death did not want you. You still had much to do. Humanity needed you.

Indeed, the importance of your work cannot be measured only in relation to the prosecution of individual cases. Human memory, being unfortunately notoriously short and selective, your work is also a legacy for generations to come : it has provided us with a documented memory of the past.

In *The Sunflower* you wrote that “ mankind is ostensibly striving to avert catastrophes; medical progress gives us hope that one day disease can be conquered, but will we ever be able to prevent the creation of mass murderers?”

By preserving forever the memory of the Holocaust, hopefully, your work will help forestall such tragedies in the future. As you have said during an interview with the *Jerusalem Post* in 1994, “ the only value of nearly five decades of my work is a warning to the murderers of tomorrow, that they will never rest”. In your June 2000 acceptance statement for the U.S. Medal of Freedom, you said : “My cause was justice, not vengeance. My work is for a better tomorrow and a more secure future for our children and grandchildren”. This is a noble ideal. An ideal, Sir, that all prosecutors are proud to share with you.

I wish to congratulate you most warmly on the award of the International Association of Prosecutors’ Medal of Honour. You are now, in addition to your long list of distinctions, in the company of other famous individuals as fellow medallists : Justice Louise Arbour, the former Prosecutor at the United Nations ad hoc Tribunals for the former Yugoslavia and Rwanda, and former President Nelson Mandela of South Africa.

The IAP Medal of Honour was created in 1999. It was awarded to recognize someone who has made a significant contribution to the promotion of the IAP Standards and to the role of the prosecutor in the pursuit of justice under the rule of law in the domestic or international context.

The *IAP Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors* (the IAP Standards) were also established in 1999. Amongst

other things, the Standards provide that prosecutors shall “ always protect an accused person’s right to a fair trial” and “ Always serve and protect the public interest; respect, protect and uphold the universal concept of human dignity and human rights”.

You, Sir, have always ensured that even those accused of the most heinous crimes have received a fair trial. At the same time, all your efforts have been directed towards the protection of human dignity and human rights.

I now have the privilege of presenting you with the IAP Medal of Honour. The citation on the accompanying Certificate reads : “For distinguished Services to International Criminal Justice for more than half a Century”.

Dr Wiesenthal, the International Association of Prosecutors salutes you.”

Dr Wiesenthal replied :

“Dear Vice-Presidents Shikita and Bellemare, Ladies and Gentlemen.

When I received the letter announcing your Association’s intention to present its highest award to me, I must say I was quite impressed. I thought about what it means to me to have prosecutors from more than 90 countries of the world give recognition to the work I have been doing since the fall of the Nazi regime and even find it praiseworthy.

In democracies, as we understand them, prosecutors personify the representation and defence of public law. Receiving an award from prosecutors therefore lends legitimacy to my long pursuit of justice on behalf of all those who suffered injustice and lost their lives under the rule of the Nazis.

When I took on this task after being liberated from the Mauthausen concentration camp, I had no idea that it would demand my time and attention for the rest of my life. Although I at times found myself on the wrong track in my search for Nazi criminals and was often restricted by limited funds, I always acted on one and the same principle – and that was to first find out the truth, the basis and prerequisite of justice.

I have been informed that before me this medal of Honour was presented to Justice Louise Arbour, former Prosecutor with the International Criminal Tribunal for the former Yugoslavia, and to Mr Nelson Mandela, former President of South Africa; I thus consider myself in the very best of company. I feel particularly honoured by your esteem for my work, because I have no educational background in law. I am an architect by profession, and before Hitler came to power I built houses for people to live in. I never returned to this gratifying work; I felt it was my duty to first help re-establish justice in the name of those whose voices had been silenced for ever.

At my advanced age, I frequently have occasion to look back – and this ceremony today is such an occasion. I can tell you that this medal of Honour will receive a very special place among the awards and honours I have received in the past. After a long life –

which has also included a substantial amount of hostility, slander and even threats against my family and myself – it gives me satisfaction that representatives of law from all parts of the world confirm : Yes, you have done the right thing, you have defended justice. For this judgement and this recognition I would like to thank you and all of your colleagues very sincerely.”

As others saw us

One sign of the development and maturity of the IAP as an international organisation was the acknowledgement of the Association in the literature of other organisations. An extract from the Annual Report of the Legal Defence and Assistance Project (LEDAP), Nigeria :

“The Criminal Justice Development Project (CJDP) arose from the work plan developed through the stakeholders’ consultations under the Directors of Public Prosecutions DPP Forum. The first and second forums were held in 2000 and 2001. In 2000, the forum adopted the “*Abuja Affirmation on the Public Prosecutions and Delivery of Criminal Justice in Nigeria*”, a best practice statement for Nigerian prosecutors and those involved in the administration of criminal justice. It also opened consultation with the International Association of Prosecution (IAP), an UN-backed association of prosecutors across the world working to improve criminal justice administration. IAP attended the second DPP forum, and LEDAP facilitated two Nigerian prosecutors to attend the 6th Annual Conference of the IAP in Sydney, Australia in September 2001. The IAP has endorsed the work plan developed by LEDAP and the DPP Forum for improving criminal justice delivery in Nigeria and made commitment to collaborate in its implementation.”

Extracts from the Annual Report of the Prosecutions Division of the Department of Justice, Hong Kong, China

“On 1 January 2001, the Prosecutions Division joined the International Association of Prosecutors (IAP). The Division became its 75th organisational member. This was an historic event in the life of the Division.

Organisational membership of the IAP reinforced the status of the Division as a modern prosecuting authority. It was a tribute to all the Division had accomplished since 1997. Membership gave the Division a direct role in the affairs of the IAP. It also promoted the image of Hong Kong amongst the prosecutors of the world.

[The entry records the visits of IAP Vice-Presidents Minoru Shikita and Ye Feng to Hong Kong, China and the involvement of local prosecutors in IAP activities and projects.]

In September, the DPP chaired and co-ordinated the Asia Pacific Regional Forum of the IAP, in Sydney, Australia. Mr Arthur Luk, DDPP, was his rapporteur. The theme of the Forum was the transparency and accountability of the prosecutor in the 21st century. The Forum attracted wide interest from amongst regional prosecutors.

.....

Other prosecutors to address the Asia/Pacific Regional Forum came from jurisdictions which included Australia, Japan, Macao, Thailand, Singapore, Korea, New Zealand and Bangladesh. A consensus emerged that it was important for the work of public prosecutors to be understood and accepted by the committees they served. The need for prosecutors to secure their position in society through greater transparency in all quarters. At the same time the prosecutor had always to act in the public interest, even if that attracted unpopularity.”

Congratulations

We congratulated former Executive Committee member, Akio Harada, on his appointment as Prosecutor General of Japan; also Lee Myung Jae on his appointment as Prosecutor General of Korea and Executive Committee member, Boowhan Han, as Korean Vice-Minister of Justice.

While we congratulated Martin Blackmore as a judge of the District Court in New South Wales, Australia, we commiserated with Nicholas Cowdery on the loss of an excellent Deputy DPP.

Thanks to Canada again

We were extremely grateful to the Canadian Ministry of Justice for the grant of CND10,000 to assist the IAP in further developing its website. The funding would enable the IAP to, amongst other things, enhance the provision on the French language link to the website.

Now that the French language website was firmly established, we hoped to expand our capability by adding a Spanish language link. Carlos M Donoso Castex, Argentina, translated the Standards into Spanish and we looked forward to this document taking its place on a new Spanish website.

United Nations Crime Commission

The Secretary-General and the General Counsel attended the meeting of the U.N. Crime Commission at the U.N. Building in Vienna from 16 to 19 April 2002. In addition to holding fruitful meetings with members of the CICP and UNDCP, representatives of other co-operative bodies and IAP colleagues. They attended the various sessions on transnational organised crime and reform of the criminal justice system. On Friday 19 April the Secretary-General spoke in the debate on the fight against transnational organised crime and emphasised the role which the IAP is playing in monitoring the implementation of the U.N. Convention against Transnational Organised Crime.

“Mr Chairman, distinguished delegates,

International mutual legal assistance, crimes against children, fraud and corruption, human rights and the prosecutor and the role of the prosecutor now and in the new millennium have been the themes of the first six annual conferences held by the International Association of Prosecutors (“the IAP”). This year’s conference in London in September will consider “The Threat of Global Crime : Trafficking in Humans, Drugs and Money” and on 11 September last year’s tragic events in the U.S.A. will be marked by a special session on terrorism.

The IAP was formed here at the U.N. Offices in Vienna in 1995 in response in particular to the need for prosecutors to achieve a wider international focus in the fight against transnational crime. The criminals had embraced globalisation and the prosecutors needed to do so too! The Association has developed into a vibrant organisation with 1,200 individual members and 84 organisational members from nearly 100 countries. We are delighted to see that our newest organisational member, the Prosecution Service of Oman is represented at this gathering by the Omani Attorney-General, Mr Ali Nassir Al Bualy.

While the Annual Conference, which now attracts over 400 of the world’s most senior prosecutors, is a key event for our members, the IAP is not only a networking organisation. In response to work begun at the conferences, we have developed a *Best Practice Series* which to date has addressed the use of the Internet to exploit children, the need for special techniques to prosecute effectively crimes against children and corruption in public administration. In 1999 we produced the *IAP Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors (“The IAP Standards”)*. 22 legal jurisdictions have already committed their prosecution services to working within the spirit of these basic principles.

As a tool for better communication between prosecutors the IAP, thanks to the efforts of the Prosecution Service of Japan co-ordinated by our senior Vice-President Mr Minoru Shikita, has published its *Directory of Prosecution Services*.

This year the IAP will launch another unique document, its *Human Rights Manual for Prosecutors*. This latest development is typical of the collaboration which the IAP has undertaken with other international bodies. It is the result of a joint project with the International Bar Association’s Human Rights Institute. However, the main centre of focus in international co-operation is our work with the UN CICP on monitoring the implementation of the U.N. Convention against Transnational Organised Crime. Together we have developed a monitoring mechanism to ensure that prosecution services around the world, and the governments which support them, have in place the necessary tools to make effective their work against transnational organised crime.

The first object of the IAP is :

“to promote the effective, fair, impartial and efficient prosecution of criminal offences”;

but we are also established :

“to assist prosecutors internationally in the fight against organised or other serious crime, and for that purpose;

- to promote international co-operation in gathering and providing evidence, in tracking, seizing and forfeiting the proceeds of serious crime; and in the prosecution of fugitive criminals; and
- to promote speed and efficiency in such international co-operation.”

Mr Chairman, prosecutors are very practical people. They want to bring the perpetrators of transnational organised crime to justice. They want to deal with them effectively, fairly, impartially and efficiently. To do this they need the assistance of their colleagues around the world so that they can work with the speed necessary to keep ahead of the criminal.

The IAP is a practical tool to assist prosecutors globally. We ask for your help and especially that of the prosecutors who are present.

- If you have received a UN/IAP questionnaire on the monitoring of the implementation of the Convention on Transnational Organised Crime, please complete it and return it.
- If you have not received one, please contact us here today or by visiting our website (www.iap.nl.com)
- Join the IAP so that we can represent you and all prosecutors of the world.

Thank you, Mr Chairman.”

Conference of Prosecutors General of Europe, Ljubljana, Slovenia, May 2002

Under the aegis of the Council of Europe Prosecutors General from 42 countries of Europe met at Ljubljana from 12 to 14 May 2002. The Association was invited to this Conference and was represented by the President and the Secretary-General. A quick glance around the conference table revealed that the majority of the participants were members of the Association.

The sixth Northern Spring Meeting (Baku, 16-17 May 2002)

Fikrat Mammadov became a member of the IAP Executive Committee in 1998 when he was Deputy Prosecutor General of Azerbaijan. In 2000 he was appointed as his country's Minister of Justice and last year invited the Executive Committee to hold its 2002 Northern Spring Meeting in Baku, the capital of Azerbaijan.

The meeting was held at the Grand Hotel Europe in Baku on 16 – 17 May. In a short opening ceremony Mr Z. Garalov, the Prosecutor General of Azerbaijan welcomed the members of the Executive Committee to Azerbaijan and Mr. F Aleskerov, the Representative of the President of Azerbaijan, His Excellency Mr Heydar Aliyev, delivered a message of welcome from the President. Nicholas Cowdery replied thanking them for their greetings and good wishes. He had come from the pan-European meeting of European Prosecutors General in Ljubljana, Slovenia, where there had been discussions about the rule of law and human rights and he acknowledged the steps Azerbaijan had taken, including taking notice of the IAP Standards in development of new laws. He thanked Fikrat Mammadov for his invitation, support, hospitality and assistance.

Those present were the President, the Secretary-General, the General Counsel, Daniel Bellemare (Canada), Henning Fode (Denmark), Ye Feng (China), Fikrat Mammadov (Azerbaijan), Werner Roth (Germany), Laszlo Venczl (Hungary), David Calvert-Smith (England and Wales), Boowhan Han (Korea) and Brigitte Bierlein (Austria). Michael Horowitz and Carl Alexandre attended on behalf of Michael Chertoff (U.S.A.).

Once the Executive Committee had discussed the nominations for the various offices of the Association the Secretary General informed the meeting of the current membership position. There were now 84 organisational members, including most recently the prosecution services of the Sultanate of Oman and the Isle of Man.

The meeting received reports as usual from the President, the Secretary-General and the General Counsel. At this meeting for the first time it also received reports from members of the Executive Committee. This will now become a regular feature. Members of the Executive Committee are expected to be active on behalf of the IAP and these reports will help the Committee monitor the activity and effectiveness of its members. While membership levels are increasing, the Committee was anxious to build on the momentum which has already been achieved. Accordingly each member of the Executive Committee will be allotted specific countries which have no organisational members so that they can target their efforts for future recruitment.

During its stay the Executive Committee was delighted to meet many of the 24 Azeri individual members as well as representatives of the two organisational members from Azerbaijan, the Prosecution Service and the Military Prosecution Service. The President, who was accompanied by the other members of the Executive Committee, laid a wreath on the tomb of the Unknown Soldier.

All members of the Executive Committee were honoured to be received by the President of Azerbaijan, His Excellency Mr Heydar Aliyev, who spoke of Azerbaijan's support for the development of the IAP and the important role which it has to play in the fight against transnational organised crime.

We should like to thank Fikrat Mammadov once more (he has already received a special “Thank you” Certificate in Baku) for his organisation and great hospitality and the abiding memories of his country and people which we shall all cherish.

International Criminal Court

The IAP was working with the NGO Coalition for the International Criminal Court to develop a *Code of Professional Conduct for Prosecutors at the International Criminal Court*. A draft Code would be posted on the IAP website for comments from members of the Association.

Congratulations

In July 2002 our congratulations went to senior IAP Vice-President, Minoru Shikita (Japan), who had been awarded the Order of the Rising Sun, Gold and Silver Star, by His Majesty the Emperor of Japan.

Congratulations also went to David Calvert-Smith, Q.C. (England and Wales) who had been awarded a knighthood in the Queen’s Birthday Honours List.

The 7th Annual Conference Executive Committee Meeting

On 7 September 2002 the Executive Committee met in London.

Applications had been received from the prosecution services of Brunei Darussalam, Liechtenstein, Lithuania and Manitoba. There were no objections and they were admitted. This would bring number of organisational members to 89.

The nominations for the election/re-election of officers and members of the Executive Committee had been notified in the Newsletter after discussion at the last two meetings. Those who would resign in 2003 – Yuki Furuta, Boowhan Han, Wichian Wiriaprasit and Laszlo Venczl.

Barry Hancock was reappointed as General Counsel for six years.

The paper on nominations for the Executive Committee was discussed and approved. A form would be completed. A similar mechanism was needed for nominations from the membership.

Nominations had been made in Baku for the Conflict Committee and notified in the Newsletter. Barry Hancock would prepare a draft on widening the scope of the Conflict Committee.

The Treasury was in good order. Ireland had agreed structural support which went with that received from Denmark. Henning Fode would be returning to his Minister to ask for this support to continue for two years. There was need for a paper to explain the financial background of IAP and ways of assisting it - structural support, granting program. This could then go to governments.

It was important to keep a safe bank balance. It was also important that members of the Committee explain that the IAP is not a rich Association but needed the bank balance in order to survive.

Project funding – Daniel Bellemare thought there was need for a list of projects which could be undertaken and how much each would cost.

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 explained the possibility of office space at and co-operation with the Institute of Advanced Legal Studies in London.

The Award Criteria were discussed and a text agreed.

There was a debate on the contents of the *Human Rights Manual*. The President asked all members of the Executive Committee to send in comments before 30 November 2002. An assessment would be made and a paper would be written for discussion at next meeting.

A working group was established under Retha Meintjes to produce proposals on consultation over publications. The group would consider which documents required universal circulation, which circulation to the Executive Committee and which could be published by working groups.

The draft Constitution would be put on the website for comments from the membership.

The draft document on conference outcomes was discussed and amendments made.

The Annual Conference in 2003 would take place on 10-14 August in Washington, D.C. (U.S.A.). Matthew Martens reiterated the invitation and spoke about the plans for the Conference. Daniel Bellemare spoke to his paper on an IAP terrorism action plan.

The Annual Conference in 2004 would be held in Seoul, Korea on 5-10 September. Invitations were sought for 2005.

The General Counsel outlined plans for European and Asia/Pacific regional meetings in February and March 2003.

The Northern Spring Meeting of the Executive Committee would be held in Lyon, 6-8 April 2003.

The 7th Annual Conference

The IAP's 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 Harriet 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. A video recording was shown of the presentation of the Medal of Honour to Dr. Simon Wiesenthal.

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 Tiyanan (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 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 (see below).

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

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 Chayka (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.

The London Action Plan

At its 7th Annual Conference in London in September 2002 the International Association of Prosecutors (IAP) addressed as its main theme “*The Threat of Global Crime : Trafficking in Humans, Drugs and Money*”. As a result of deliberations in plenary sessions, workshops, regional fora and through informal contacts those present identified a series of issues which required the urgent attention of the international criminal justice community and, more particularly, the prosecutors of the world.

The General Meeting recognised the need to:

- a) enhance the efficiency and effectiveness of systems to deal with the threat of international crime;

- b) analyse the scale of the criminal justice issues caused by trafficking in humans, drugs and money, including the effect on the victims of such crimes;
- c) establish a network of prosecution and related agencies to combat the threat of international crime;
- d) share good practice in relation to major investigations and prosecutions;
- e) identify prosecutors in all IAP regions to act as contact points and facilitators;
- f) promote direct contact between prosecutors to speed up requests for mutual legal assistance, judicial co-operation and extradition;
- g) develop greater co-operation between prosecutors, investigators and officers of other criminal justice agencies;
- h) use the experience of prosecutors in formulating policy initiatives and legislation.

To address these needs, the IAP therefore adopts a plan, to be known as the *London Action Plan*, comprising the measures listed below. The timing and implementation of these measures, however, are subject to the availability of human and financial resources. In the terms of this *London Action Plan*, acknowledging the risk and threats posed by global crime and the need for effective measures and systems to deal with them, the IAP will :

1. designate lead prosecutors in IAP regions to develop networks of experts and specialist prosecutors;
2. establish working groups :
 - a. to bring together good practice based on the experience of major prosecutions in the field of international crime including :
 - (i) how best to co-ordinate the activities of all relevant agencies; and
 - (ii) how best to make use of finite resources.
 - b. to consider how requests for mutual legal assistance, judicial co-operation and extradition may be made more effective and efficient;

3. develop IAP Standards for the treatment of victims and witnesses to take account of their needs and fears and to promote good practice;
4. continue to promulgate information on prosecution services, mutual legal assistance arrangements and extradition procedures through its directory of fact sheets;
5. continue to assist the United Nations in its work to promote the implementation of the Convention on Transnational Organised Crime and its protocols;
6. create an IAP inventory of anti-terrorism legislation and make it, and access to the relevant legislation, available on the IAP Website;
7. ask heads of prosecution services to identify within each prosecution authority, a contact person responsible to provide information on the implementation of the anti-terrorism legislation of that country;
8. designate an international contact point for anti-terrorism issues; and
9. encourage its members to play an appropriate part in the formulation of domestic policy initiatives and legislation.

The 7th General Meeting

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. Two items were added to the agenda – a third speaker, Colin Boyd QC (Scotland), in item 11 and conference outcomes in item 12.
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 and pledged to build the IAP further with more and more prosecutors from more and more countries for the benefit of our colleagues.
 Henk Marquart Scholtz was re-elected Secretary-General of the Association.

The President resumed the chair and informed the General Meeting that the Executive Committee had reappointed Barry Hancock as General Counsel of the Association.

5. Klas Bergenstrand (Sweden) and Wichian Wiriyaprasit (Thailand) had been co-opted as members of the Executive Committee.
Sir 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.
6. Zhang 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.
7. 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 now 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.
8. 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 Agence Intergouvernementale de la Francophonie. The Government of Canada gave support for specific projects.
It was agreed that individual membership dues should stay at \$30.
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, discussion of which had been adjourned at the last General Meeting in Sydney, 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.

9. 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 \$30 fee for individual members.
10. 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.
11. The President asked more organisational members to make commitments to working in accordance with the IAP Standards.
The London Action Plan (see above), a list of activities for the IAP which had arisen out of the conference, was adopted.
12. 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.
13. The President again thanked the governments of Canada, Denmark, France, Ireland and The Netherlands for their financial support and also 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.

Secretariat Activities

The Secretary-General continued to act as a European Union expert in the PHARE Program on the prosecution services of the applicant countries for EU membership. In 2002 he visited and wrote reviews on prosecution services in Slovenia, Slovakia, the Czech Republic, Poland and Bulgaria.

We were pleased that the General Counsel had been appointed as one of two independent members to the implementation board for the new Public Prosecution Service of Northern Ireland which was being established as part of the Northern Ireland peace process.

IAP Granting Program

The Secretary-General has since 1996 been responsible for the running of what is now known as the IAP Granting Program. The IAP has a Protocol which governs the operation of the Program. Since the first Annual Conference in 1996 seven countries, The Netherlands, Ireland, Canada, Denmark, Australia, Finland and the United Kingdom have supported the Program as shown in the following table :

Year and venue	Country	Amount
1996 – Budapest	The Netherlands	NLG100,000 (US\$ 40,000)
1997 – Ottawa	The Netherlands	NLG137,000 (US\$ 55,000)
1998 – Dublin	The Netherlands	NLG34,000 (US\$ 13,600)
	Denmark	NLG34,000 (US\$ 13,600)
	Ireland	NLG34,000 (US\$ 13,600)
1999 – Beijing	Canada	US\$16,400
	Denmark	US\$24,000
	Ireland	US\$21,600
2000 – Cape Town	Denmark	US\$27,700
	Ireland	US\$23,400
2001 - Sydney	Australia	US\$ 30,000
	Finland	US\$ 20,142
2002 - London	Finland	US\$ 20,000
	United Kingdom	US\$ 16,000

