

REPORT ON THE IAP 18th ANNUAL CONFERENCE HELD IN MOSCOW, RUSSIA TOPIC: THE RULE OF LAW

I deemed it an awesome privilege to represent the Office of the Director of Public Prosecutions and by extension the Turks & Caicos Islands at the IAP 18th annual conference in Moscow, Russia. This conference was attended by over 900 delegates from all over the world. Included were prosecutors, Directors of Public Prosecution, Deputy Directors, Prosecutor Generals, Attorney Generals and other legal minds. However the Caribbean was poorly represented with only 5 territories present (the Turks & Caicos Islands, Jamaica, the Bahamas, the British Virgin Islands and Bermuda). Nevertheless, this lack of participation did not stop the Caribbean presence being felt, as Mrs. Vinette Graham-Allen, the Director of Public Prosecutions of the Bahamas is on the Executive Committee of the IAP and she chaired one session as well presented during one of the larger sessions. Additionally, 2 representatives from Jamaica also presented (giving some Caribbean flavor) which was well received by the audience.

Generally, the topic, THE RULE OF LAW was explored and various presenters from different countries and cultures shared their views, experiences, difficulties, challenges and made suggestion on how the rule of law is implemented and what they are doing to ensure fairness and justice to all. Coming from a small jurisdiction, it was interesting to note that there were many similarities and yet remarkable differences between us compared to larger regions.

One of the common threads that was woven in general fabric of all presentations and that is also a part of our Policy Document is that there is a two prong test that prosecutors must consider before deciding whether to prosecute: Whether there is sufficient



evidence and if prosecution is in the public interest. Much was made of the role and the importance of the prosecutor and our appearance in the public eye. These were some of the observations:

- A prosecutor must not only aim to secure a conviction but that the innocent remain free
- Impartiality should be the hallmark from start to finish
- We are not here to promote the political aims of a party
- The prosecutors branch should be independent from the Executive branch
- Independence of prosecution is very important
- Independence doesn't mean unaccountability
- We are accountable to the public
- Prosecutors need to have courage
- If a prosecutor fails to live up to their standard there is no confidence in that prosecutor
- If you are seeking popularity than choose a different career
- Human rights and duty must be your guide.

There were many innovative ideas discussed and explained in the forum by various law enforcers detailing how prosecutors are interacting with the community in order to combat crime and educate at the same time. One of which I think can be practiced here in the Turks & Caicos Islands, is where prosecutors go into the high schools (where a lot of incidents are now occurring) and provide alternative solutions to problems, explain the law to the students and our role in the legal system and generally encourage the students to obey the law and explain the repercussions for the future.



From Moscow to Dubai

Another model that I think is worth our time is "Community Prosecution". This is where prosecutors and the community work together along with other civic groups such as the church. These groups work together in problem solving, recognizing the importance of the community in public safety, maintaining good partnership with each civic group.

One of the more serious issues that took center stage in the conference was the security of prosecutors, something I think we in the islands take for granted. Unlike in the Turks & Caicos Islands, prosecutors all over the world are losing their lives in the line of duty. Surprisingly, the host country opened up the conference by having a moment of silence for about 10 prosecutors that were murdered because of their jobs. During one of the small sessions we were shown a short film of an incident that occurred in Honduras where a prosecutor was dismembered and brutally killed because he was the lead prosecutor in a drug matter that involved one of the nastiest gangs in that region. His body parts were thrown all over different areas and his head was placed on the door step of the DPP's Office. No doubt this callous act totally demoralized the prosecutors and petrified any potential witnesses who were even considering coming forward. In that part of the city conviction rates were at its lowest, witnesses were unlikely to testify, police were bribed, and technology and collection and preservation of evidence was non existent.

Fortunately a Canadian volunteer group who assist countries such as Honduras stepped in right on time and provided training in the area of DNA, forensics, preservation of evidence etc. Long story short, the leader of the gang was brought to justice along with a number of gang members and between all of them they are serving over 100 years.

Simple but valuable suggestions were given to prosecutors who were not as fortunate to have personal security (which seem to be the case). Some of the suggestions were as follows:

- Vary the times you go into work
- Do not leave the office at the same time if you work late in the evening
- Change your routine
- Drive home on different routes
- Have an alarm system at your home
- Park at different locations

We may take it for granted here in the Turks & Caicos Islands but it only takes one incident

to get our attention, like it did in Italy where two magistrates lost their lives. Since that horrendous incident there is now a properly organized system legislatively in place. It was suggested that smaller countries need to partner with bigger countries and harsh penalties need to be in place for persons who participate in such acts of intimidation of witnesses and legal personnel. So it is better to be proactive than reactive.

Finally I found the "Small Islands and Other Small States" sessions very beneficial and rewarding. This session was chaired by Rory Field, DPP of Bermuda. It was at this session that I recognized that our neighbors in the region have the same problems that we experience in the Turks & Caicos Islands. The most prominent problems being, witness protection (a recent problem we experienced), prosecution security, problems with the jury were among the problems listed. One suggestion that I never thought about but was rather thought provoking was a regional jury pool to help alleviate the common problems in big and popular cases when trying to find an impartial jury. It was at this session that I met the DPP of the British Virgin Islands, Mr. Wayne Rajbansie (Franklyn buddy). It was also at this session that I was able to gather the courage to walk to the microphone and make my contribution in a form of a comment and a few suggestions on witness protection, security and jury pooling.

In closing, the opportunity of networking with other colleagues in the profession was like no experience I have ever had before. The exposure to the diverse cultural approaches to law was also an awakening experience. Once you have walked this road on the IAP conference there is no turning back, so I look forward to Dubai in 2014. I have suggested that the ODDP should seek funding to facilitate as many prosecutors attendance as possible to these conferences.

Angela Brooks
Deputy Director of Public Prosecutions
Turks and Caicos Islands



