



IAP

International Association of Prosecutors

# General Meeting

## Dubai UAE 26 November 2014

### MINUTES

The meeting was chaired by the President, Gerhard Jarosch. The Secretary General (SG), Derk Kuipers, the General Counsel (GC), Elizabeth Howe, and the Communications Manager (CM), Janne Holst Hübner were also present.

#### **OPENING BY THE PRESIDENT**

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

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

#### **2. Apologies for absence**

The Secretary General (SG) noted that it was not possible for all individual members to attend but that no formal apologies had been received.

#### **3. Rules of procedure**

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

**4. The formal adoption of the minutes from the previous meeting 11th September 2013, Moscow, Russian Federation**

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

**5. Matters arising from the minutes not otherwise on agenda**

There were no matters arising.

**6. Annual report 2013 - 2014 and present membership situation**

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

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

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

Applications for organisational membership are underway from: Ministério Público do Estado do Rio Grande do Sul, Brazil; the General Prosecutor's Office of the Republic of Tajikistan; Union Attorney General's Office, Myanmar; Asociacion de Fiscales de Puerto Rico; Prosecutor General's Office of Serbia; and Prosecutor General's Office, Bosnia and Herzegovina.

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

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

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

## **7. Financial situation**

As referred to above the GC, whose salary has been primarily funded by the Crown Prosecution Service of England and Wales, is due to retire in 2015, and the SG, whose salary has been funded by the Dutch Prosecution Service, is to retire in 2016. This financial support will cease after the SG and GC retire. The CM's position has been funded by the Danish Prosecution Service, while they will continue to provide support to the IAP, they will decrease their contribution to the CM's salary over the next number of years. The President said the IAP was very grateful for all of the support received from these organisations. He said that as the IAP was approaching its 20th anniversary it was good that it had to start thinking of new ways to support itself and that it should be self-reliant. He said it was important to discuss ways of finding new sources of income. He noted that this was also being discussed by the Executive Committee.

### **Individual Membership Fee**

The President reported that individual member's fees had been fixed at US\$40 or €40 for a long time. The Euro is the currency in which the IAP transacts its business. He noted that the currencies were not equivalent and that the IAP was incurring costs converting the US Dollar fee into Euro. The Executive Committee had agreed to propose to the General Meeting that the individual membership fee be increased to €50 per year. A currency converter would be incorporated into the website so that those paying their membership dues online could see the cost in their local currency. He invited comments from the members. None were forthcoming. He invited the membership to indicate whether they agreed to the proposal to increase the fee to €50. There were no objections or abstentions. The proposal was unanimously agreed by the meeting.

### **Organisational Membership Fees**

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

### **Structure of the Organisation**

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

### **Expenses**

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

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

### **Granting Programme**

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

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

### **8. Election of IAP Officers**

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

#### **Election of Vice-Presidents**

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

#### **Re-Election of Members of Executive Committee**

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

### **Election of new Members of the Executive Committee**

The Executive Committee had nominated the following for election: Mohammed Ahsan, Deputy Director of Public Prosecutions, Denmark; Nicola Mahaffy, Crown Counsel British Columbia, Canada; Runar Torgersen, Senior Public Prosecutor, DPP's Office Norway; Christopher Toth, Deputy Executive Director, National Association of Attorneys General and Director, National Attorneys General Training Research Institute, United States; Trakul Winitnaiyapak, Attorney General, Thailand; and Hu Zajun, Deputy Prosecutor General, People's Republic of China. Each candidate present at the meeting stood and all were duly elected by the meeting by acclamation. Hu Zajun was unable to attend the meeting but was also elected by the meeting by acclamation.

### **9. Election of Conflict Committee Members**

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

### **10. Constitutional Amendments**

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

#### **Proposed Amendment to Article 11.1**

The first amendment was to Article 11.1 of the Constitution. As members were already aware there are proposals to review and redraw the regions within the IAP. While the number of regions is not specifically referred to in the Constitution the number of Vice-Presidents is. In the past each region has had its own Vice-President. The proposed amendment would allow for the election of a greater number of Vice-Presidents and give the IAP the possibility of creating new regions. For example, as the IAP is now very active in the Middle East, it is likely there will be a new region for the Middle East and North Africa. Due to the requirement to give advance notice to the membership regarding the election of a Vice-President there was no proposal at this meeting to elect new Vice-Presidents, however, it is hoped to do so for the next meeting.

The proposed amendment was as follows:

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

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

### **Proposed insertion of Article 8.12**

The President said members would be aware of the very close relationship between the IAP and L'Association Internationale des Procureurs et Poursuivants Francophones (AIPPF). To bring this cooperation even closer both bodies had agreed to send a member onto each other's Executive Committee. This required an amendment to the IAP's Constitution and it was proposed to insert an additional Article 8.12. The proposed amendment did not make specific reference to the AIPPF to allow for the possibility of the IAP entering into similar arrangement with another organisation in the future without the requirement to amend the Constitution. However, if agreed, it was proposed to add an Annex to the Constitution to explain the rationale for its adoption.

The proposed amendment and Annex 5 were as follows:

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

### **Annex 5**

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

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

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

*The Executive Committee has decided that in the event of the General Meeting accepting the proposed amendment to Article 8 of the Constitution it would agree to the*

appointment of a nominee of the Association International des Procureurs et Poursuivants Francophone to be a supernumerary member of the Executive Committee, pursuant to Article 8.12 of the IAP Constitution, and seeks the agreement of the General Meeting to such an appointment.

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

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

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

## **11. Work Programme of the Association**

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

The business plan is published on the website. The GC noted that the 2013-2014 business plan was coming to an end. A review of the plan as well as the proposed plan for 2015 – 2016 will be published on the website shortly. Before the closing session of the conference she will present a review of the recommendations from the last Annual Conference and progress on implementation. The recommendations have been incorporated into the IAP's business plan. She will also report on the draft recommendations emerging from this conference.

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

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

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

## **12. Commitment to the IAP Standards**

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

### **13. Communication and Network Developments**

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

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

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

### **14. Future Conferences**

#### **15th European Regional Conference**

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

#### **Eastern European and Central Asian Conference**

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

#### **5th Latin American Regional Conference**

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

### **15. Election of Honorary Members**

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

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

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

## 16. Awards Ceremony

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

### Certificates of Merit

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

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

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

## **17. Any Other Business**

### **The Senate**

The GC updated the meeting on the work of the Senate which is composed of retired members of the Executive Committee. She said the Senate has become much more active in recent years under the chairmanship of Nicholas Cowdery (NC). She noted the valuable work done by them in relation to the Prosecutors in Difficulty Protocol. She said that they are also available to do consultative work and are often involved in training and capacity building projects.

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

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

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