

2020

# Constitution



**IAP**  
INTERNATIONAL  
ASSOCIATION OF  
PROSECUTORS



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# 1 Article 1

## **Name and Objects**

- 1.1** The name of the Association is the “International Association of Prosecutors”.
- 1.2** The Association is a non-political and non-governmental organisation.
- 1.3** The objects of the Association are:
- a) to promote the effective, fair, impartial and efficient prosecution of criminal offences;
  - b) to respect and seek to protect human rights as laid down in the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10 December 1948;
  - c) to promote high standards and principles in the administration of criminal justice, including procedures to guard against or address miscarriages, in support of the rule of law;
  - d) to promote and enhance those standards and principles which are generally recognised internationally as necessary for the proper and independent prosecution of offences;
  - e) to assist prosecutors internationally in the fight against organised or other 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;

- f) to promote measures for the elimination of corruption in public administration;
- g) to promote the professional interests of prosecutors and to enhance recognition of their crucial role in achieving criminal justice;
- h) 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;
- i) to promote examination of comparative criminal law and procedure and to assist prosecutors engaged in justice reform projects;
- j) to co-operate with international and juridical organisations in furtherance of the foregoing objects.

## 2 Article 2

### **Organisational Membership**

- 2.1** The following organisations shall be eligible for organisational membership:
- (i) an association of prosecutors organised on a country or a jurisdictional basis;
  - (ii) a prosecution service organised on a country or a jurisdictional basis.
- 2.2** An organisation, agency or foundation established for the promotion of crime prevention measures and the functions of which are closely connected with the prosecution of crime or an international unit, body, organisation or forum established by (a) state(s) or by (b) prosecution

service(s) to stimulate and improve coordination and cooperation between competent national prosecuting authorities may be eligible for organisational membership.

- 2.3** An application for organisational membership by an association of prosecutors may be granted if, in the opinion of the Executive Committee, the association is representative of a substantial number of prosecutors in a country or jurisdiction. Two or more associations of prosecutors may combine for the purpose of applying for organisational membership and may for the purposes of this Article be treated as constituting a single organisation.
- 2.4** An application for organisational membership by a prosecution service may be granted if in the opinion of the Executive Committee the service is the principal or only prosecution agency of a country or jurisdictional area. Membership may also be granted to a prosecution service with a specialised mandate, such as a military prosecutor's office or a serious fraud office.
- 2.5** An application for organisational membership by an organisation which in the opinion of the Executive Committee conforms to the description in paragraph 2 of this Article may be granted at the discretion of the Executive Committee. The basis of the admission of such organisations is set out in the protocol at Annex 1.
- 2.6** Admission to organisational membership shall be made by the Executive Committee. An application for organisational membership may be refused if the admission to membership of the applicant would be inconsistent with, or otherwise detrimental to, the objects of the Association. The procedure for such applications and the criteria on which the decisions of the Executive Committee are based are set out in the protocol at Annex 2.
- 2.7** An appeal against a decision by the Executive Committee under Article 2.3, 2.4 or 2.6 may be made to the Conflict Committee by lodging a notice of appeal, setting out the grounds on which it is based, with the Secretary-

General who shall submit it to the Conflict Committee for decision.

## 3 Article 3

### **Individual Membership**

- 3.1** An application by a prosecutor for individual membership may be granted by the Secretary-General.
- 3.2** The application shall be in writing addressed to the Secretary-General and shall contain sufficient information to determine the qualification for membership of the applicant.
- 3.3** The applicant shall upon request supply to the Secretary-General such further information as may in his/her opinion be necessary for the purposes of this Article.
- 3.4** An application for individual membership may be refused if in the opinion of the Secretary-General, the admission to membership of the applicant would be inconsistent with or otherwise detrimental to the achievement of the objects of the Association. Appeal against the refusal may be made within two months of being informed of the refusal to the Executive Committee by setting out the grounds of the appeal. The notice of the appeal is to be provided to the Secretary-General who shall submit it to the Executive Committee for their decision. An appeal against the decision made by the Executive Committee may be made to the Conflict Committee within two months of being informed of the decision of the Executive Committee by written notice to the Secretary-General, who shall submit it to the Conflict Committee for final decision.

## 4 Article 4

### **Honorary Membership**

- 4.1 On the recommendation of the Executive Committee, the General Meeting 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.
- 4.2 Honorary members are elected for life and shall have the same rights, privileges and obligations as individual members, but shall not be required to pay annual membership dues.

## 5 Article 5

### **Annual Membership Dues**

- 5.1 The General Meeting may recommend minimum and maximum amounts payable as dues by organisational members for the following calendar year. The Executive Committee shall, having regard to any such recommendation, determine the dues payable by each organisational member after considering such proposals and information as may be submitted to it by the Secretary-General. Before submitting his/her proposals, the Secretary-General shall consult as may be necessary with each organisational member and shall take into consideration the circumstances relating to each organisational member and all other factors which he/she considers relevant to an equitable assessment of dues.
- 5.2 Individual members shall pay annual membership dues of such amount in such manner and at such time as shall be determined by the Executive Committee, subject to confirmation by the General Meeting.

- 5.3** The Executive Committee may in exceptional circumstances (i) waive in whole or in part the dues payable by an organisational member and (ii) reduce the dues payable by individual members in a specified country when the circumstances, in its opinion, so warrant.
- 5.4** Annual membership dues shall be utilised for the purposes of the Association in accordance with Article 12.9.

## 6 Article 6

### **Cessation and Suspension of Membership**

- 6.1** A member may resign at any time by giving notice in writing to the Secretary-General. Resignation shall not discharge a member from liability for the payment of annual dues which had become payable prior to the date of resignation.
- 6.2** The Executive Committee may recommend to the General Meeting that membership be suspended or that a member be expelled if it is considered that he/she or it has been guilty of dishonourable conduct or that continuation of his/her or its active participation in the activities of the Association or of his/her or its membership is detrimental to the Association. The procedure to be adopted is set out in the protocol at Annex 3.
- 6.3** The Executive Committee may suspend the membership of an organisational member who or which is two years in arrears in payment of annual dues and may reinstate the member to full membership on payment of the arrears.
- 6.4** The Secretary-General may suspend the membership of or expel an individual member who is two years in arrears in payment of annual dues and shall reinstate the member to full membership on payment of the arrears.

- 6.5** The Secretary-General shall promptly notify the member concerned of any recommendation, suspension or expulsion under paragraphs 2, 3 or 4 of this Article.
- 6.6** An appeal against a decision to recommend suspension or expulsion pursuant to paragraph 6.2 above may be made to the Conflict Committee by written notice to the Secretary-General.

## 7 Article 7

### **Representation, Liability**

- 7.1** The Association shall be represented in legal affairs by the President, or by a member of the Executive Committee nominated by the President, and by the Secretary-General acting jointly. The Executive Committee may by resolution grant to the Secretary-General an individual power of attorney to represent and act on behalf of the Association in particular legal affairs specified in the resolution.
- 7.2** No member shall by reason of membership of the Association be liable for any debt or obligation of the Association in the absence of an express promise or agreement in writing to accept such liability.

## 8 Article 8

### **The Executive Committee**

- 8.1** There shall be an Executive Committee of the Association, which shall be the managing and administrative body of the Association and which shall have all necessary powers not expressly reserved for the General Meeting, the President or the Secretary-General.

**8.2** Without prejudice to the generality of the preceding paragraph, the Executive Committee shall have the following powers and duties:

- a) to supervise and control the affairs of the Association generally;
- b) to adopt annual budgets and financial statements;
- c) to adopt annual working programs;
- d) to determine annual membership dues in accordance with Article 5;
- e) to admit applicants to organisational membership in accordance with Article 2 and to suspend the membership of or expel organisational members in accordance with Article 6.3;
- f) to recommend persons to the General Meeting for honorary membership in accordance with Article 4;
- g) to make nominations to the General Meeting for the appointment of members of the Executive Committee and for the election of the President, the Vice-Presidents and the Secretary-General;
- h) to appoint the Secretary-General and the General Counsel;
- i) to suspend from membership of the Executive Committee members of that Committee, and to recommend to the General Meeting to dismiss such members or to dismiss the President, a Vice-President, the Secretary-General or the General Counsel;
- j) to prepare in conjunction with the Secretary-General for Conferences held pursuant to Article 15, to determine Conference fees, programs and budgets, and to appoint a Conference Committee for the Annual Conference and, if deemed necessary, for any other Conference to assist in the preparation therefor;

k) to make determinations as to the time and place for the General Meeting, the Annual Conference and other conferences;

l) to assist members in accordance with the objects of the Association;

m) to propose the establishment of committees of the Association by the General Meeting and to determine, whether before or after such establishment, the titles, functions, powers and procedures of such committees.

**8.3** The Executive Committee shall consist of the President, the Vice-Presidents, and, in addition, no fewer than 10 and no more than 21 other ordinary members. The membership of the Executive Committee shall reflect, as far as is reasonably possible, the regions of the world in which the Association has members. Members of the Executive Committee shall be appointed by the General Meeting and are so appointed in a personal capacity. They shall serve for three years ending at the end of the General meeting in the year in which their term of office expires. No member of the Executive Committee may remain in office should he/she cease to be a member of the Association. Members of the Executive Committee are eligible for reappointment. A Secretary-General who held that office on 1 January 2015 shall continue to be a member of the Executive Committee while he remains in office.

**8.4** The President shall, immediately on the expiration of his/her term of office, become a supernumerary member of the Executive Committee for a term ending at the termination of the General Meeting during which the next President ends his/her term or terms.

**8.5** Paragraph 8.4 shall not apply to a President who has been dismissed pursuant to Articles 10.5 and Article 14.2 (c).

**8.6** Nominations for election to the Executive Committee are made by the Executive Committee. The Secretary-General shall notify nominations by the Executive Committee for election as an ordinary member of the Executive Committee to the members of the Association by posting them

on the Association's website, or by publishing them in the Association's Newsletter, at least three months before the General Meeting at which any vacancy in the Executive Committee is to be filled, and the time and place of any such General Meeting shall be notified to the members at the same time and in the same manner. The Secretary-General or in his or her absence, the General Counsel shall also notify nominations for any vacancy as President, Vice-President or Secretary-General in the same manner.

- 8.6 A** Nominations for election as an ordinary member of the Executive Committee may also be made by not less than five of the organizational members or by no fewer than 10 individual members coming from four or more different countries. No member may nominate more than one candidate. Such nominations shall be submitted to the Secretary-General at least two months before the General Meeting at which the election or elections are due to be made and the Secretary General shall notify the nominations to the members in the manner set out in Article 8.6. If no such nomination is received, the person or persons nominated by the Executive Committee shall be deemed to be elected.
- 8.6 B** Where the number of candidates for election as President, Vice President, Secretary-General or to the Executive Committee exceeds the number of vacancies a ballot shall take place at the General Meeting. In the case of an election for ordinary members of the Executive Committee, each individual member shall cast up to one vote each for a number of candidates equivalent to the number of vacancies, and the vote of each organizational member shall be equivalent in value with the votes of ten individual members. In case of an equality of votes between two or more candidates for a lesser number of vacancies the result shall be determined by lot.
- 8.7** The Executive Committee may co-opt a member to fill a vacancy occurring among ordinary members of the Executive Committee and such co-opted member shall serve until the termination of the next General Meeting.
- 8.8** A member of the Executive Committee may be suspended from

membership by the Executive Committee by a resolution adopted by a two thirds majority of its members until the next General Meeting if continuation of his/her work as member of the Executive Committee is considered detrimental to the Association or if he/she has failed to demonstrate appropriate activity on behalf of the Association. The Executive Committee may, by a resolution adopted by a two thirds majority of its members recommend to the General Meeting the dismissal of such a member of the Executive Committee.

- 8.9** The Executive Committee shall meet at least once every year and shall hold such other meetings as the President or the Secretary-General or the Executive Committee may consider to be necessary. Any function of the Executive Committee may, however, be performed by means of electronic tele-communication if, in the opinion of the President and the Secretary-General, the circumstances do not permit or require the convening of a meeting of the Executive Committee. The times and places of meetings of the Executive Committee shall be proposed by the President or the Secretary-General, subject to final determination by the Executive Committee.
- 8.10** Decisions of the Executive Committee shall be by a simple majority of its members present and voting unless otherwise stated in the Constitution.
- 8.11** The Executive Committee may adopt its own rules of procedure.
- 8.12** 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.

## 9 Article 9

### **The Senate**

- 9.1** There shall be a Senate comprised of all past members of the Executive Committee who:
- a) elect to join the Senate upon their departure from the Executive Committee; and
  - b) are, at the time of such departure, in the opinion of the President and the Executive Committee, fit and proper persons of good standing and repute in the Association; and
  - c) remain, in the opinion of the Senate and the Executive Committee, fit and proper persons of good standing and repute.
- 9.2** If the Senate or the Executive Committee becomes aware that a Member of the Senate may no longer be a fit and proper person of good standing and repute, the Secretariat will, on the request of the President, undertake a review, and the procedures contained in the Constitution (Annex 3, paragraphs 1 to 6 inclusive), suitably adapted, will be followed, with the Member being liable to expulsion, without the involvement of the General Meeting.
- 9.3** The Senate shall have the following mandate:
- a) on request or on its own initiative, to provide recommendations to the Executive Committee or the President on any subject relevant to the objects and functioning of the Association;
  - b) to assume any responsibility assigned to it by the Executive Committee or the President in pursuance of such objects or functioning.
- 9.4** Members of the Senate shall serve for life, or until they resign, and

shall enjoy all rights, privileges and obligations of membership of the Association, but shall not be obliged to pay individual membership dues.

- 9.5** The Senate may adopt its own rules of procedure, subject to acceptance by the Executive Committee.
- 9.6** This article shall not apply to a member of the Executive Committee who has been dismissed pursuant to Article 8.8 and Article 14.2 (c).

## 10 Article 10

### **The President**

- 10.1** There shall be a President of the Association.
- 10.2** The President shall be elected by the General Meeting and he/she shall be an existing member of the Executive Committee. He/she shall serve for a term commencing immediately after the termination of the General Meeting at which he was elected and ending at the termination of the third Annual General Meeting thereafter and he/she shall be eligible for re-election.
- 10.3** The President shall normally preside at the meetings of the Executive Committee and at the meetings of the General Meeting. The Executive Committee may in the absence from a meeting of the President, or if the President so requests, appoint a Vice-President or, if none is available or willing to accept such appointment, one of its other members to preside at a meeting or at part of a meeting of the Executive Committee. The General Meeting may in the absence of the President, or if the President so requests, appoint one of the Vice-Presidents or the Secretary-General to preside at the General Meeting or at part of the General Meeting.
- 10.4** Nominations for election as President are made by the Executive Committee. Nominations may also be made by not less than 10% of

the organisational members or by not less than one hundred individual members. Such nominations shall be submitted to the Secretary-General at least three months before the General Meeting at which the election is due to be made. If no such nomination is received, the person nominated by the Executive Committee shall be deemed to be elected. Where more than one nomination is received, the election shall be held at the General Meeting using the single transferable vote, individual members having one vote and the value of an organizational member's vote being equivalent in value to the votes of ten individual members. (See Annex 4).

- 10.5** The Executive Committee, by a resolution adopted by a two thirds majority of its members, may recommend to the General Meeting the dismissal of the President if the continuation of his/her presidency is considered detrimental to the Association and may in the interim suspend him/her.
- 10.6** In the event of dismissal, resignation, permanent incapacity or death of the President, the Executive Committee shall appoint one of its members who shall serve as President until the termination of the next General Meeting.
- 10.7** A Vice-President, or other member of the Executive Committee, selected by the Executive Committee may exercise the powers and functions of the President, if the President is at any time unable to act or unavailable or if the President, for reasons which appear sufficient to him/her, considers that it would be appropriate to refrain from acting in relation to any particular matter.

## 11 Article 11

### **The Vice-Presidents**

- 11.1** 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.

**11.2** The Vice-Presidents shall be elected by the General Meeting and shall be existing members of the Executive Committee. They shall serve for a term commencing immediately after the termination of the General Meeting at which they were elected and ending at the termination of the third Annual General Meeting thereafter and they shall be eligible for re-election.

**11.3** Nominations for election as Vice-President are made by the Executive Committee. Nominations for election as Vice-President may also be made by not less than 10% of the organisational members or by not less than one hundred individual members. Such nominations shall be submitted to the Secretary-General at least three months before the General Meeting at which the election is due to be made. If no such nomination is received, the persons nominated by the Executive Committee shall be deemed to be elected.

Where there is a single vacancy and more than one nomination is received the election shall be held at the General Meeting in the same manner as for the President. Where there is more than one vacancy the election shall be held in the same manner as for ordinary members of the Executive Committee.

**11.4** The Executive Committee, by a resolution adopted by a two thirds majority of its members, may recommend to the General Meeting the dismissal of a Vice-President if continuation of his/her vice-presidency is considered detrimental to the Association and may in the interim suspend him/her.

**11.5** In the event of dismissal, resignation or death of a Vice-President, the Executive Committee shall appoint one of its members who shall serve as Vice-President until the termination of the next General Meeting.

## 12 Article 12

### **The Secretary-General**

**12.1** There shall be a Secretary-General of the Association who shall manage the day-to-day affairs of the Association.

**12.2** Without prejudice to the generality of the preceding paragraph the Secretary-

General shall have the following powers and duties:

a) to make proposals for annual budgets and financial statements to be adopted by the Executive Committee;

b) to make proposals for annual working programs to be adopted by the Executive Committee;

c) to admit applicants to individual membership in accordance with Article 3 and to suspend the membership of or expel individual members in accordance with Article 6;

d) to prepare meetings of the Executive Committee and to report to the Executive Committee on the affairs of the Association;

e) to execute and communicate where appropriate the resolutions and decisions of the Executive Committee and of the General Meeting;

f) to direct the management of the Bureau of the Association in accordance with paragraph 7 of this Article;

g) to direct the management of the Treasury of the Association in accordance with paragraph 9 of this Article;

h) to maintain the records and files of the Association, including the

minutes of the meetings of the Executive Committee and the General Meeting;

i) to make proposals for and to assist the Executive Committee in the discharge of its functions under Article 8.2.j. and for this/her purpose to serve on Conference Committees.

- 12.3** The Secretary-General shall be a member of the Association and shall be appointed by the Executive Committee and, unless the Executive Committee otherwise determines, shall serve for a term of six years and shall be eligible for re-election.
- 12.4** The Secretary-General shall have such powers and duties in addition to those referred to in paragraphs 1 and 2 of this Article as may be determined by the Executive Committee, which may amend or revoke any determination made under this paragraph.
- 12.5** The Executive Committee, by a resolution adopted by a two thirds majority of its members, may recommend to the General Meeting the dismissal of the Secretary-General if his/her continuation in the office of Secretary-General is considered detrimental to the Association and may in the interim suspend him/her.
- 12.6** In the event of dismissal, resignation, permanent incapacity or death of the Secretary- General, or where for any reason the Executive Committee resolves that the appointment of a Secretary-General should be deferred for a limited period, the Executive Committee may appoint a member of the Association as acting Secretary-General for such period as the Executive Committee should determine. In the event of temporary incapacity of the Secretary-General, the Executive Committee may appoint a member of the Association as Secretary-General during such incapacity. In the event of suspension of the Secretary-General, the Executive Committee may appoint a member of the Association as acting Secretary-General pending the General Meeting's decision on any proposal to dismiss the Secretary-General.

- 12.7** There shall be a Bureau of the Association which shall assist the Secretary-General. The Bureau shall be located at the place of residence of the Secretary-General or at some other suitable place to be determined by the Executive Committee with the consent of the Secretary-General. The Secretary-General may employ such personnel as are required to enable him/her to manage the day-to-day affairs of the Association, provided that the costs of the Bureau do not exceed the costs included therefor in the annual budget.
- 12.8** The Secretary-General shall be paid such emoluments as may be determined by the Executive Committee. The annual budget shall provide for his/her emoluments and expenses, for the running costs of the Bureau and for any other expenses incurred in the conduct of the affairs of the Association.
- 12.9** All liquid assets of the Association, including annual membership dues and funds generated by the Annual Conference and all other Association activities shall be deposited in the Treasury. Funds which are generated or donated for a specific purpose may be appropriated in the Treasury to that purpose. The Secretary-General shall manage the Treasury for the benefit of the Association and may therein deposit and therefrom disburse funds, provided that disbursement in excess of an amount to be authorised from time to time by the Executive Committee shall require its prior approval.

## 13 Article 13

### **The General Counsel**

- 13.1** There shall be a General Counsel of the Association whose powers and duties shall be determined by the Executive Committee but shall include proposing annual working programs to the Executive Committee and the performance of such duties as may be assigned to him by the President or by the Secretary-General.

- 13.2** The General Counsel shall be a member of the Association and shall be appointed by the Executive Committee and, unless the Executive Committee otherwise determines, shall serve for a term of six years and shall be eligible for re-appointment.
- 13.3** The Executive Committee, by a resolution adopted by a two thirds majority of its members, may recommend to the General Meeting the dismissal of the General Counsel if his/her continuation in the office of General Counsel is considered detrimental to the Association and may in the interim suspend him/her.
- 13.4** In the event of dismissal, resignation, permanent incapacity or death of the General Counsel, or where for any reason the Executive Committee resolves that the appointment of a General Counsel should be deferred for a limited period, the Executive Committee may appoint a member of the Association as acting General Counsel for such period as the Executive Committee should determine. In the event of temporary incapacity of the General Counsel, the Executive Committee may appoint a member of the Association as acting General Counsel during such incapacity. In the event of suspension of the General Counsel, the Executive Committee may appoint a member of the Association as acting General Counsel pending the General Meeting's decision on any proposal to dismiss the General Counsel.
- 13.5** The General Counsel shall be paid such emoluments as may be determined by the Executive Committee.

## 14 Article 14

### **The General Meeting**

- 14.1** The General Meeting shall be the body of supreme authority in the Association. It consists of the organisational members, the individual members, the honorary members and the members of the Senate.

**14.2** The functions of the General Meeting shall, in accordance with the Constitution, be the following :

- a) to carry out the duties laid down in the Constitution;
- b) to elect and appoint persons to perform the functions set out in the Constitution;
- c) to suspend or dismiss persons from such functions;
- d) to suspend the membership of or expel members at the recommendation of the Executive Committee pursuant to Article 6.2;
- e) to determine the financial policy of the Association; and
- f) to amend the Constitution.

**14.3** The General Meeting shall meet annually at such time and place as shall be determined by the Executive Committee. It may meet in extraordinary session at the request of two-thirds of the Executive Committee or of a majority of the members. The place and time of such meetings shall be determined by the Executive Committee.

**14.4** Members shall have voting rights at the General Meeting in accordance with the following provisions of this paragraph:

- (i) The vote of an organisational member shall be equivalent in value with the votes of ten individual members and shall be cast by a person nominated therefor by the organisational member and present at the General Meeting;
- (ii) Each individual member present at the General Meeting shall have one vote.

**14.5** The provisions of paragraph 4 may be amended at a General Meeting by the votes, counted in accordance with paragraph 4, of a simple majority

of members present and voting.

- 14.6** Unless otherwise provided by the Constitution, the General Meeting shall take its decisions by the votes, counted in accordance with paragraph 4, of a simple majority of members present and voting.
- 14.7** In order that all members may be consulted about issues to be voted on at the General Meeting, motions must be submitted to the Secretary-General in writing three months before the date fixed for the General Meeting. The Secretary-General will give notice of any motion in an edition of the Newsletter published between the deadline for the submission of motions and the General Meeting. Consideration of any motion, or any substantive amendment of an existing motion, from the floor of the General Meeting will be adjourned until the General Meeting in the following year, subject to the discretion of the Chair of the General Meeting.
- 14.8** The General Meeting may adopt its own rules of procedure. It shall observe the general principles of justice and shall seek to ensure that members liable to be affected by its actions shall have adequate opportunity to state their case.

## 15 Article 15

### **Conferences**

- 15.1** An ordinary Annual Conference shall be held at a time and place determined by the Executive Committee to discuss topics within the objects of the Association.
- 15.2** Every member shall have the right to attend the ordinary Annual Conference subject to the availability of places.
- 15.3** The Executive Committee may convene other Conferences of the Association (e.g. regional conferences) at such times and places as it

shall determine to discuss any topic within the objects of the Association.

- 15.4** Unless authorised by the General Meeting or the Executive Committee, no Conference shall represent the Association in any respect or take any action in the name of the Association.
- 15.5** Upon the invitation of the Executive Committee any organisation having purposes similar or allied to those of the Association may be represented by observers at a Conference. The Executive Committee may invite such persons as it thinks fit to all or parts of conferences as observers. These observers shall have the right to attend and may be invited to speak at a Conference.

## 16 Article 16

### **Amendment of the Constitution**

- 16.1** The Constitution may be amended on the proposal of either the Executive Committee or not less than 10% of the organisational members or no fewer than 100 individual members.
- 16.2** Any proposal for amendment shall be lodged with the Secretary-General not less than 120 days before the next General Meeting. Notice of any proposed amendment shall be communicated to members not later than 60 days before such a meeting.
- 16.3** All amendments to the Constitution shall be approved by the General Meeting by a majority of not less than two thirds of the votes, counted in accordance with Article 14.4, of the members present and voting.
- 16.4** Amendments shall have effect on such date or on the fulfilment of such condition or conditions as the General Meeting shall determine.

# 17 Article 17

## Conflicts

- 17.1** Any conflict with regard to the application and interpretation of this Constitution may be brought before the Conflict Committee. The Conflict Committee shall resolve a conflict brought before it after considering any submissions made to it by any of the parties concerned.
- 17.2** Any member shall have the right to bring a conflict to the Conflict Committee by presenting a petition in writing to the Secretary-General, who shall promptly inform the Conflict Committee.
- 17.3** The Conflict Committee shall decide appeals made to it under the provisions of the Constitution.
- 17.4** The Conflict Committee may also consider other matters which the Executive committee may from time to time refer to it.
- 17.5** The Conflict Committee shall consist of five members, of which the quorum shall be three, who shall be appointed by the General Meeting and shall serve for a term of three years. Members of the Conflict Committee shall be eligible for reappointment and may resign by notice in writing to the Secretary-General. Members of the Conflict Committee may not be members of the Executive Committee.
- 17.6** A member of the Conflict Committee may be dismissed by the General Meeting if, after due enquiry, the General Meeting decides that he is unable or unwilling to perform his/her duties or has been guilty of behaviour which is inconsistent with his/her continued membership of the Conflict Committee. Paragraph 1 shall not apply to any enquiry, decision or other procedure undertaken under this/her paragraph.
- 17.7** The President may appoint a member to act as a member of the Conflict Committee in the event of the death, permanent incapacity, resignation

or dismissal of a member of that Committee. A member so appointed shall hold office until the next General Meeting, which shall then appoint that member or another member to serve on the Conflict Committee for a term no longer than three years.

## 18 Article 18

### **Non compliance with the Constitution**

Non compliance with any provision of the Constitution resulting from oversight or inadvertence shall not in itself invalidate any action taken in furtherance of the objects and interests of the Association or in discharge of a function or duty by any officer or organ of the Association, whether taken before or after discovery of such oversight or inadvertence, provided all necessary steps are taken as soon as may be after such discovery to achieve compliance with such provision as nearly as may then be possible.

## 19 Article 19

### **Interpretation**

**19.1** “Annual Conference” means the Conference referred to in Article 15.1;

“Association” means the International Association of Prosecutors;

“Bureau” means the Bureau of the Association referred to in Article 12.7;

“Calendar Year” means a year commencing on the first day of the month of January;

“Conference” means any Conference held pursuant to Article 15;

“Conflict Committee” means the Conflict Committee referred to in

Article 17;

“Constitution” means this Constitution of the Association;

“Country” means a territory or combination of territories delineated by internationally recognised boundaries within which a community is permanently established for a political end independently of external control and which usually constitutes a nation, or which, while lacking one or more, but not all, of the characteristics specified above is governed under one system of law by one supreme authority or which is by reason of its history and tradition generally regarded as a separate country;

“Electronic telecommunication” means communication by means of telephone, telefax, E-mail or other electronic means and includes communication by post;

“Executive Committee” means the Executive Committee of the Association referred to in Article 8;

“General Counsel” means the General Counsel of the Association referred to in Article 13;

“General Meeting” means the General Meeting of the Association referred to in Article 14;

“Honorary Member” means a member elected pursuant to Article 4;

“Individual Member” means a member who has been admitted pursuant to Article 3;

“Jurisdictional area” means an area within a country having a system of criminal law and jurisdiction which is separate from another area or areas within that country or in which by reason of its being a state, province or territory in a federation is operated a system of criminal jurisdiction which is separate from that operated in another area within that country;

“Member” means an organisational or an individual or an honorary

member of the Association;

“Officer of the Association” means the President, a Vice-President, the Secretary-General or the General Counsel;

“Organ of the Association” means the General Meeting, the Executive Committee, the Senate, the Conflict Committee or a Conference Committee;

“Organisational member” means a member which is admitted pursuant to Article 2;

“President” means the President of the Association referred to in Article 10;

“Prosecutor” means a lawyer who is or has been appointed by or on behalf of a state, or other public authority, including an international public authority, to institute or conduct criminal proceedings or to perform other functions in a prosecution service in accordance with law, or who is elected for that purpose, and includes a lawyer who has regularly been retained by a prosecutor so appointed or elected to conduct or assist in the conduct of criminal prosecutions and also includes an examining magistrate;

“Protocol” means an explanatory document annexed to the Constitution the contents of which are settled by the Executive Committee. The Executive Committee has power to amend a protocol.

“Secretary-General” means the Secretary-General of the Association referred to in Article 12;

“Senate” means the Senate of the Association constituted pursuant to Article 9;

“Treasury” means the Treasury of the Association referred to in Article 12.9;

“Vice-President” means a Vice-President of the Association referred to in Article 11”.

19.2 In this Constitution the singular includes the plural.

# Annex 1

## **Admission of “crime prevention organisations” to organisational membership**

Article 2.2 of the Constitution of the International Association of Prosecutors (IAP) provides that:

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

For the avoidance of doubt admission to organisational membership will be granted to such applicants for membership in accordance with the following criteria:

- 1** The applicants must satisfy both parts of Article 2.2. The organisation must, through its Constitution, show clearly that it is established for the promotion of crime prevention measures and its functions must be closely connected with the prosecution of crime;
- 2** It is, however, important that the prosecution function is seen as an independent one and distinct from others, such as the judiciary and the police. There may be organisations of police officers which could claim to satisfy the demands of Article 2.2. However, the IAP will not admit to its membership any organisation the main functions of which are the promotion of police interests. This would apply to other organisations connected with the criminal justice system which exist to promote sectional interests which are not those of prosecutors.
- 3** Any crime prevention organisation admitted to membership of the IAP

must show that it exists to work in a way which gives appropriate balance to the various agencies within the criminal justice system and that within this it promotes the interests of prosecutors in an appropriate way.

## Annex 2

### **Procedure for dealing with applications for organisational membership**

Article 2.6 of the Constitution of the International Association of Prosecutors (IAP) provides that:

“Admission to organisational membership shall be made by the Executive Committee. An application for organisational membership may be refused if the admission to membership of the applicant would be inconsistent with, or otherwise detrimental to, the objects of the Association.”

This Annex sets out the procedure for such applications and the criteria on which the decisions of the Executive Committee are based.

#### **Procedure**

- 1 The head of an organisation described in Article 2.1 or Article 2.2 of the IAP Constitution should write to the Secretary-General setting out the following:
  - a) the name of the organisation;
  - b) the jurisdiction in which it operates;
  - c) the number of prosecutors in the organisation;
  - d) the budget of the organisation;

- e) how the organisation conforms with Article 2.3 or 2.4 of the Constitution; and
  - f) if the organisation is making its application under Article 2.2 of the Constitution, how it complies with Annex 1 to the Constitution.
- 2** The head of such an organisation should also forward to the Secretary-General a copy of its founding legislation and/or its constitution. If the relevant documents are not in English, they should be accompanied by a translation or a summary of the substantive parts.
- 3** The Secretary-General will consider the application and submit it to the Executive Committee with his/her recommendation which should detail the answers to the following questions:
- a) Is the organisation an organisation described in Article 2.1 or 2.2 of the constitution?
  - b) If the application is made by an association of prosecutors or a prosecution service, does it conform with Articles 2.3 and 2.4 of the Constitution?
  - c) If the application is made under Article 2.2, does the organisation conform with Annex 1 to the Constitution?
  - d) What is the size of the organisation, what is its budget and what is the proposed membership fee? If the proposed fee is lower than that set out in the financial protocol, what is the reason?
  - e) Is there anything in the organisation's legislation and/or constitution which would make its membership of the IAP inconsistent with or detrimental to the objects of the Association?
  - f) Is there anything else known about the applicant organisation which would make its membership of the IAP inconsistent with or detrimental to the objects of the Association?

If the Executive Committee, either at one of its regular meetings or through electronic tele-communication, is satisfied with the answers to these questions, it may admit the organisation to organisational membership of the IAP.

## Annex 3

### **Suspension from membership**

Article 6.2 of the Constitution of the International Association of Prosecutors (IAP) provides that:

“The Executive Committee may recommend to the General Meeting that a member be expelled or his/her or its membership suspended if it is considered that he/she or it has been guilty of dishonourable conduct or that continuation of his/her or its active participation in the activities of the Association or of his/her or its membership is detrimental to the Association.”

This Annex sets out the procedure to be adopted should the Executive Committee wish to consider the possible suspension of a member and subsequently recommend suspension to the General Meeting.

#### **The decision of the Executive Committee**

- 1 If the Secretariat receives a complaint of dishonourable conduct on the part of a member or activity on the part of a member which is detrimental to the Association, the Secretary-General will:
  - a) write to the member setting out the nature of the complaints which have been made and asking for a response; and
  - b) on receipt of the response, circulate it and the information supporting the complaint to all members of the Executive Committee.

- 2 The members of the Executive Committee shall, within one month of the date of the Secretary-General's message, reply to him/her indicating whether they support suspension or not.
- 3 If there is unanimity on the issue, the Secretary-General will inform the member of the outcome of the Executive Committee's deliberations. If the decision is against suspension, the matter will rest there.
- 4 If there is no such unanimity, the matter will be discussed at the next meeting of the Executive Committee and will be decided by a vote.
- 5 If the decision is to recommend suspension to the General Meeting, the member will be informed of the right to appeal against the decision to the Conflict Committee. This will be done in writing within one month of the member's being informed of the decision.
- 6 The Conflict Committee will consider and come to a decision on the matter within six weeks of the matter being referred to it. It will explain the reasons for its decision in writing to the Executive Committee and the member.
- 7 If the matter is not referred to the Conflict Committee, or if the Conflict Committee supports the view of the Executive Committee, the Secretary-General will circulate details of :
  - a. the complaint;
  - b. the decision of the Executive Committee; and
  - c. the decision, if any, of the Conflict Committee, to all members of the Association.
- 8 The matter will be placed on the agenda of the next General Meeting and put to those attending in a vote. The member and the President shall be entitled to address the meeting and all those attending shall be entitled to speak.

- 9 The Secretary-General shall inform the member concerned of the decision of the General Meeting.

## Annex 4

### **Elections using the single transferable vote (See Articles 10.4 and 11.3)**

The vote shall take place in the following manner: each voter shall place the figure 1 against the name of the candidate for whom he wishes to vote, and may also indicate a second and subsequent preferences for the other candidates by placing the figures 2, 3, etc. against their names. The ballot papers will be counted and if a candidate secures more first-preference votes than all the other candidates combined that candidate is elected. If not, the candidate with the lowest number of votes is eliminated and the second preferences on that candidates ballot papers are distributed to the remaining candidates. If no candidate then has more votes than the other remaining candidates combined then the next lowest candidate is eliminated and the ballot papers distributed to the remaining candidates for whom the highest preference has been indicated, and this process is continued until one candidate has more votes than all the candidates remaining. If there is an equality of votes between two candidates at the final count then the candidate who had the greatest number of votes on the first count shall be declared the winner, and if those votes were equal the candidate with the greater number of votes at the earliest subsequent count shall be declared the winner. If there is an equality of votes at each count the winner shall be determined by lot.

## Annex 5

### **Appointments of members of organisations of prosecutors to the Executive Committee (See Article 8.12)**

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.



