



# IAP

International Association of Prosecutors

## IAP PROTOCOLS



# PROTOCOLS OF THE INTERNATIONAL ASSOCIATION OF PROSECUTORS

December 2019

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# Protocol regarding awards and decorations

Version 2<sup>nd</sup> of July 2018

## Preamble

Whereas it is important that excellence and meritorious contributions to prosecutorial endeavors be publicly recognized in a concrete and meaningful way;

Whereas the award of decorations has a long-standing and established tradition within society and the professions;

Whereas decorations and awards must be granted according to clear and publicly available criteria; and

Whereas the International Association of Prosecutors (Association), pursuant to its constitutional Objects and particularly Objects a, b, c, d and f, wishes to make such public recognition;

the Association resolves as follows:

## Awards

### 1. Medal of Honour

- a) The IAP Medal of Honour is the highest decoration awarded by the Association.

The IAP Medal of Honour is awarded to prosecutors who have exemplified, in a domestic or international context, the key qualities of a good prosecutor and, more specifically, those of integrity, fairness and dedication to professional ethics as set out in the IAP Standards.

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

The recipient's qualities and achievements must clearly be seen to be in accordance with the Objects of the Association, including the Object of international cooperation between the IAP members, and they must be widely recognized nationally and internationally.

- b) The particular requirements for this award imply that a Medal of Honour is given only for outstanding achievements. It is not necessarily given every year, and only under special circumstances may more than one award be given the same year.
- c) In awarding the IAP Medal of Honour, the Executive Committee will take into account all the above.

## **2. Special Achievement Award**

- a) The IAP Special Achievement Award is given for
- carrying out prosecution duties in the face of particular hardship or adversity, or
  - other outstanding achievements which deserve special recognition, for instance for special dedication in promoting the rule of law.
- b) The award may be given to no more than 3 recipients annually, except in special circumstances. It may be given to individual prosecutors, prosecution services, associations of prosecutors or prosecution teams, regardless of whether he or she is a member of the IAP or not.
- c) When considering candidates, the Executive Committee will attach particular importance to the nature of the work carried out, the circumstances in which it was undertaken and the difficulty of the task.

Although the award will not be given solely for carrying out regular tasks and duties associated with the candidate's post, the circumstances under which tasks and duties are carried out may indicate that the work deserves special recognition.

## **3. Prosecutor of the Year Award**

- a) The aim of the Prosecutor of the Year Award is to give recognition and encouragement to front-line prosecutors, who have demonstrated outstanding performance in their work, domestically or internationally;
- in combating crime in the conduct of the investigation, the assistance to investigators during the investigation or the prosecution, or
  - in defending the independence and integrity of prosecutors, or
  - in successfully promoting international cooperation and/or human rights, or
  - in significantly contributing to improving the effectiveness of the criminal justice system.
- b) The award may be given to 1 recipient annually, except in special circumstances. It may be given to individual front-line prosecutors as well as those who exercise direct supervision, for example team leaders, regardless of whether he or she is a member of the IAP or not.
- c) When considering candidates, the Executive Committee will strive to maintain an even geographical spread to ensure that recognition is accorded to prosecutors from all parts of the world.

#### **4. Certificate of Merit**

The IAP Certificate of Merit is awarded as an expression of the Association's gratitude to its individual or organizational members 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 its work.

#### **5. Application procedure**

- a) Recommendations for any of the above decorations and awards may be made by an individual or organizational member of the IAP. Candidates for the Special Achievement Award and the Prosecutor of the Year Award will normally be nominated and recommended by organizational members. A nomination by at least three individual members may also be considered, if the nomination is supported by the head of the candidate's organization or under other special circumstances. The recommendation should include details about any award that has previously been given to a candidate.
- b) Recommendations should be sent to the Secretary-General with a brief written account explaining how the nomination meets the criteria established in this protocol. For the Prosecutor of the Year Award a special nomination form must be used, with supporting material of no more than two pages describing the factual account and the outcome of the outstanding performance of the candidate attached to the form.
- c) The deadline for submission of recommendations to the Secretary-General is 1 February of each year. The Executive Committee may decide to waive this deadline.

#### **6. Selection and award procedure**

- a) The Awards Committee shall consist of five members appointed by the Executive Committee. The Executive Committee may appoint its members, members of the Senate and other members. The Chair of the Awards Committee shall be a member of the Executive Committee. Members shall serve for a term of three years and shall be eligible for reappointment once. After the approval of this protocol, the Executive Committee shall appoint all five members for a first term. The Executive Committee may decide to vary the length of the first term to create a balanced permanent cycle of appointments of the Awards Committee. When a member of the Awards Committee leaves his or her's position at the Executive Committee, his or her's term as member of the Awards Committee shall also end. Three members are required for a quorum.
- b) The task of the Awards Committee is to assess the candidates and to recommend through the Secretary General a list of suitable candidates for each of the decorations and awards to the Executive Committee for approval.
- c) The Secretary-General collects the recommendations for the IAP decorations and awards. The Secretary General shall publish a call for candidates in the Association's newsletter or on the Association's website. The Secretary-General shall make a list of all the candidates together with all supporting material for each of the decorations and awards and shall present it to the Awards Committee for assessment and recommendation as soon as possible. The Awards Committee shall send its recommendations to the Secretary General no later than 2 weeks before the Northern Spring meeting. The Secretary General shall send the list of all candidates together with the recommendations of the Awards Committee and all

supporting material to the members of the Executive Committee. The Executive Committee is not bound to follow the recommendations of the Awards Committee.

- d) The Executive Committee considers the candidates and decides on the awards at its Northern Spring Meeting each year, unless special circumstances require a decision by telecommunication, but no later than 60 days prior to the Annual Conference.
- e) The IAP Medal of Honour is presented at the Opening Ceremony of the Annual Conference.
- f) The Special Achievement Award and the Prosecutor of the Year Award are awarded under the Great Seal of the Association and the certificates are presented at the 1<sup>st</sup> IAP Award Ceremony of the Annual Conference.
- g) The Certificate of Merit is awarded under the Great Seal of the Association and the certificates are presented at the 2<sup>nd</sup> Award Ceremony during the General Meeting of the Association. If a candidate is related to the organization of the meeting of the Executive Committee and/or Annual Conference, his or her candidacy must be presented after his or her involvement with the organization of the meeting.

## **Closure**

### **7. Records**

The Secretary-General is the Registrar of the IAP decoration and awards and keeps an official record of the recipients of the above decorations and awards and the reasons why they received the award.

# Protocol regarding honorary membership

Version 2<sup>nd</sup> of July 2018

## Preamble

Whereas it is important that outstanding contributions to the work of the Association be recognized in a concrete and meaningful way;

Whereas the IAP Constitution in Article 4 is introducing an honorary membership for whom in the opinion of the General Meeting is deserving such a distinction;

Whereas an honorary membership must be granted according to clear and publicly available criteria and procedures;

Whereas one of the IAP's bodies is the Awards Committee;

the International Association of Prosecutors resolves as follows:

## Honorary Membership

### 1. Honorary membership

According to IAP's Constitution, an Honorary Membership is a special kind of membership, expressing a high level of appreciation by the Association. On recommendation of the Executive Committee, the General Meeting may elect as an Honorary member of the Association any person who has made an outstanding intellectual or organizational contribution to the development and operations of the Association.

### 2. Application procedure

- a) The Secretary General can suggest the Executive Committee to recommend members to the General Meeting for an Honorary Membership.
- b) Recommendations by members for the Honorary membership should be sent to the Secretary-General: the recommendation should be supported by a brief written account explaining how the nomination meets the criteria established in this protocol.
- c) The deadline for submission of recommendations to the Secretary-General is 1 February of each year. The Executive Committee may decide to extend or waive this deadline.
- d) The Secretary-General collects recommendations for candidates for Honorary Membership. The Secretary-General shall make a list of all the candidates, with his or her written recommendations and his or her comments on each candidate and other supporting material, which he or she shall send to the members of the Executive Committee. The Secretary General can ask members of the Award Committee for their advice.
- e) If the candidate is a member of the Executive Committee or an official of the Association, his or her candidacy must be presented after his or her involvement in the Executive Committee ceases. If the candidate is related to the organization of

- the meeting of the Executive Committee, his or her candidacy must be presented after his or her involvement with the organization of the meeting.
- f) The Executive Committee is not bound to follow the recommendations of the Secretary-General.
  - g) Each year the Executive Committee can decide at its Northern Spring meeting who to recommend for the Honorary Membership at the General Meeting. However, special circumstances may require a decision by telecommunication, but not later than 60 days prior to the General Meeting.
  - h) The Honorary Membership is awarded under the Great Seal of the Association and the certificate is presented at the General Meeting of the IAP after approval by the General Meeting.

## **Closure**

### **3. Records**

The Secretary-General is the Registrar of the IAP Honorary Membership and keeps an official record of the recipients of the above Honorary Membership and the reasons why they received the award.

# Complaints protocol

Version before 2016

The IAP from time to time receives complaints, usually from individual prosecutors, against their organization or even against governments. This protocol sets out the principles to which the IAP will adhere and the processes which the IAP will use when responding to such approaches.

1. The IAP will consider seriously and respond promptly to any allegation by a members of a serious breach of the IAP's Objects or Standards.
2. When such a complaint is received it will be referred promptly to an ad hoc committee consisting of:
  - a) the members of the Secretariat (President, Secretary-General and General Counsel);
  - b) one or more of the Vice-Presidents of the Association nominated by the President; and
  - c) two members of the Executive Committee nominated by the President.
3. The committee will consider what further information, if any, it requires from the complainant and shall consult with members of the Association and others as appropriate.
4. The President will write, in terms proposed by the committee, to the complainant asking for any further information required and asking the complainant if he/she is willing for the IAP to approach the person/organization complained of.
5. In considering what action to take at all stages, the committee shall:
  - assess the seriousness of the complaint and whether it constitutes a serious breach of the IAP's Objects or Standards;
  - assess the impact of a range of possible responses from the IAP; and
  - consider whether assistance in addressing the complaint may be obtained from any IAP member in the jurisdiction concerned.
6. In formulating the response the committee shall keep in mind the Objects of the Association and the IAP's Standards but it shall be cautious when responding not to be perceived to be interfering improperly in the internal affairs of any jurisdiction or to do so.
7. If the committee considers that no response should be made, or if there is substantial uncertainty about the propriety or efficacy or responding, no response should be made.
8. Copies of the complaint, any response and the reasons for the response, or not responding, will be circulated to all members of the Executive Committee.
9. The committee will adopt the same procedure whether or not the person/organisation complained against is a member of the IAP.

## Criteria for responding to all complaints

Version 20<sup>th</sup> of April 2018

This roadmap is a compilation of Article 6.2 and Annex 3 of IAP's Constitution and IAP's Complaints Protocol.

1. The Secretary-General confirms the receipt of the complaint to the complainant.
2. The Secretary-General writes to the member concerned that a complaint against him/her/it has been received, sends the member a copy of the complaint and asks the member for a response within a set time.
3. The Secretary-General informs the Executive Committee about the receipt of the complaint and the action taken under paragraph 2.
4. After having received the response of the member, the Secretary-General sends the complaint, the response and any other appropriate information to the Executive Committee. The Executive Committee members reply to the Secretary-General within one month indicating whether they support suspension or expulsion of the member(ship) or not.
5. If the Executive Committee decision is unanimous, then:
  - a) the matter rests if the conclusion is not to suspend or expel the member(ship); or
  - b) if the response is to suspend or expel the member(ship), the Executive Committee recommends suspension or expulsion to the General Meeting.

If a. occurs the Secretary-General notifies the complainant and the member.

If b. occurs the Secretary-General informs the member of the decision of the Executive Committee and of the right to appeal against the decision to the Conflict Committee, which appeal must be presented in writing to the Conflict Committee within one month of the member being informed of the decision.

6. If the Executive Committee is not unanimous, the Secretary-General puts the matter on the agenda of the next Executive Committee meeting and the matter is decided by a simple majority vote:
  - a) the matter rests if the conclusion is not to suspend or expel the member(ship); or
  - b) if the response is to suspend or expel the member(ship), the Executive Committee recommends suspension or expulsion to the General Meeting.

If a. occurs the Secretary-General notifies the complainant and the member.

If b. occurs the Secretary-General informs the member of the decision of the Executive Committee and of the right to appeal against the decision to the Conflict Committee,

which appeal must be presented in writing to the Conflict Committee within one month of the member being informed of the decision.

7. If the Conflict Committee decides (which must be done within six weeks):
  - a) to leave intact the decision of the Executive Committee to suspend or expel the member(ship), the matter proceeds according to step 8 and the Secretary-General notifies the complainant and the member; or
  - b) to reject the decision of the Executive Committee to suspend or expel the member(ship), the matter rests.

If b. occurs the Secretary-General notifies the complainant and the member.

8. The recommendation of suspension or expulsion is put on the agenda of the next General Meeting by the Secretary-General. The General Meeting decides by a simple majority vote. The Secretary-General executes the decision and notifies the complainant and the member.
9. The Executive Committee may also decide (at any stage) to establish an ad hoc committee set up following the rules of the Complaints Protocol, to make recommendations to the Executive Committee. The President (as Chair), the Secretary-General and the General Counsel constitute an ad hoc committee together with one or more Vice-Presidents and two ordinary Executive Committee members, all nominated by the President.
10. The ad hoc committee considers what further information, if any, it requires from the complainant and consults with members of the IAP and others as considered appropriate.
11. On behalf of the ad hoc committee the President, after consultation as considered appropriate, writes to the complainant asking for any further information required and asking if the complainant is willing for the IAP to approach the person/organization complained against.

If the complainant does not object to the IAP approaching the member, then the Secretary-General informs the member about the complaint. If the complainant does object to the IAP approaching the member, then the ad hoc committee decides if it is appropriate to inform the member or not.

12. The ad hoc committee will be guided in its deliberations, conclusions and response to the complaint by the criteria stipulated in clauses 5 and 6 of the Complaints Protocol.

13. The Chair of the ad hoc committee presents the complaint, any response by the person/organization complained against, any other relevant information and the response of the ad hoc committee to the Executive Committee and asks for its response. The Chair of the ad hoc committee will do so in a written (electronic) procedure and he/she will not necessarily wait for the next Executive Committee meeting. The Executive Committee members reply to the Secretary-General within one month with their opinions about the complaint and the response of the ad hoc committee.

14. If the Executive Committee adopts unanimously the response of the ad hoc committee:

- a) the matter rests if the response is not to proceed further or not to suspend or expel the member(ship); or
- c) if the response is to suspend or expel the member(ship), the Executive Committee recommends this to the General Meeting.

If a. occurs the Secretary-General notifies the complainant and the member.

If b. occurs the Secretary-General informs the member of the adoption of the response by the Executive Committee and of the right to appeal against the decision to the Conflict Committee, which appeal must be presented in writing to the Conflict Committee within one month of the member being informed of the decision.

15. If the Executive Committee is not unanimous, the Secretary-General puts the matter on the agenda of the next Executive Committee meeting and the Executive Committee decides by simple majority vote:

- a) the matter rests if the Executive Committee adopts the response not to suspend or expel the member(ship); or
- b) if the response is to suspend or expel the member(ship), the Executive Committee recommends this to the General Meeting.

If a. occurs the Secretary-General notifies the complainant and the member.

If b. occurs the Secretary-General informs the member of the adoption of the response by the Executive Committee and of the right to appeal against the decision to the Conflict Committee, which appeal must be presented in writing to the Conflict Committee within one month of the member being informed of the decision.

16. If the Conflict Committee decides (which must be done within six weeks):

- a) to leave intact the decision of the Executive Committee to suspend or expel the member(ship), the matter proceeds according to step 17 and the Secretary-General notifies the complainant and the member; or

b) to reject the decision of the Executive Committee to suspend or expel the member(ship), the matter rests.

If b. occurs the Secretary-General notifies the complainant and the member.

17. The recommendation of suspension or expulsion is put on the agenda of the next General Meeting by the Secretary-General. The General Meeting decides by a simple majority vote. The Secretary-General executes the decision and notifies the complainant and the member.

# Protocol for the conduct of cases for prosecutors in difficulty

This Protocol was adopted by the Executive Committee of the International Association of Prosecutors at its meeting on 4 to 5 May 2012, in Brijuni, Croatia.

## A. Preamble

This Protocol regulates the ways in which the International Association of Prosecutors (IAP) processes requests for assistance from prosecutors, prosecution agencies or associations of prosecutors claiming to be in difficulty.

## B. Commitment

Article 8.2 of the IAP Constitution requires the IAP Executive Committee: "to assist members in accordance with the objects of the Association".

Article 1.3 of the Constitution identifies the objects of the IAP; these include, *inter alia*: "to promote the effective, fair, impartial and efficient prosecution of criminal offences"; "to respect and seek to protect human rights as laid down in the Universal Declaration of Human Rights"; "to promote high standards and principles in the administration of criminal justice"; "to promote the professional interests of prosecutors and to enhance recognition of their crucial role in achieving justice"; and "to promote good relations between individual prosecutors and prosecution agencies".

Whenever a prosecutor, prosecution agency or association of prosecutors claims to be in difficulty and requests assistance, the IAP is committed to having in place mechanisms to ensure the effective, just and timely processing of the request, and further recognizes the need to achieve an outcome which appropriately addresses the basis of the request, satisfies the objects of the IAP and promotes the rule of law.

## C. The circumstances in which the IAP will become involved in a request for assistance from a prosecutor, prosecution agency, or association of prosecutors

The IAP Executive Committee resolves that:

1. The IAP is prepared to consider any request for assistance from an IAP member who claims to be in difficulty if, *prima facie*, there is, or may have been, a breach of the IAP Standards (and/or other international legal instrument);
2. The IAP is prepared, having regard to its constitutional objects, to consider a request for assistance from a non-member of the IAP claiming to be in difficulty, if, *prima facie*, there is, or may have been, a breach of the IAP Standards (and/or other international legal instrument);
3. The IAP is prepared, in the event that a prosecutor is incapacitated or otherwise unable to act, to accept a third party representation on his/her behalf, ideally from a member of the Executive Committee or of the Senate, but also from any prosecutor or organization apprised of the actual situation;
4. The IAP Secretariat will arrange for the prosecutor, etc., who requests the assistance of the IAP to supply full details of the request and related background information, together with an indication of how the Standards (and/or other international legal instrument) have been, or are being infringed;

5. The IAP, when it evaluates a request for assistance; will look to see if the difficulty complained of has real substance, when tested against the IAP Standards (and/or other international legal instrument), although there will be cases which are minor or trivial, and these may be screened out, following a preliminary evaluation;
6. The IAP will assess each request for assistance on the basis that the more serious the complaint the more likely is it that the matter will be accepted for further consideration.

#### **D. The mechanisms for processing a request for assistance from a prosecutor, prosecution agency or association of prosecutors**

The IAP Executive Committee resolves that:

1. Once the prosecutor or prosecutors who request assistance have supplied the information necessary for the processing of the case to the Secretariat, the President and the Secretariat will make an assessment of the merits of the request, if necessary, in consultation with members of the Executive Committee and/or the Senate. If the case is considered unsuitable for further processing by the IAP, the Executive Committee should be advised, and invited to endorse the conclusion. If, however, further action is required, and the case is not straightforward, the matter should be referred to the Standing Committee (see (2), below). If, on the other hand, the case is straightforward, and the facts are clear, and no more than a statement of principle and/or a letter of support is required, the President, having notified the Executive Committee, will issue such a document(s) to the relevant authority. If the matter is urgent, but the final response is contingent upon the advice of the Standing Committee, the President, as an interim measure, will, having notified the Executive Committee, issue a statement of principle to the relevant authority, indicating that a request for assistance has been received, noting that there may have been a breach of the IAP Standards (and/or other legal instrument), advising that the matter is subject to investigation, and seeking the cooperation of the addressee with the inquiry;
2. There shall be established the Standing Committee on Prosecutors in Difficulty (the Standing Committee), comprised of three persons who are either members of the Executive Committee or the Senate, and serviced by the Secretariat. The Standing Committee will be drawn from a list of members of the Executive Committee and the Senate, who have indicated a willingness to serve on the Standing Committee, as required. The Standing Committee, and its chairman, will be appointed by the President, for a three-year term, after consultation with the Executive Committee and the Chairman of the Senate. If, in any particular case, a member of the Standing Committee is not available, the President may invite a member from the list of members to sit on the Standing Committee for the purposes of that case. To facilitate the work of the Standing Committee on particular cases, and if its chairman so requests, the President will appoint a member of the Executive Committee, ideally a Vice-President, or else a Senator, from the region involved, and he/she will be invited to use his/her influence to assist the Standing Committee to conduct its investigation;
3. The Standing Committee is responsible to the President for investigating requests for assistance referred to it, for complying with timeframes, for deciding what responses will be most effective, for identifying possible solutions, for drafting statements of principle and/or letters of support, for identifying the authorities in the jurisdiction to whom representations should be made, for drafting public statements/press releases, and for advising generally on strategy;

4. After the President has received the report of the Standing Committee, he/she will decide whether to accept the advice, in whole or in part, and will then seek the endorsement of the Executive Committee;
5. Although the Standing Committee will rarely need to arrange a fact-finding visit to a particular jurisdiction, if this is unavoidable its chairman should seek the endorsement of the President, and, once a visit has been approved, the Secretariat will be responsible for facilitating the visit. Every effort will be made to contain the costs of any such visit, to seek local funding for the visit, and, if practicable, the services of members of the Executive Committee or the Senate who are based in the region should be enlisted;
6. If an IAP fact-finder (s) is sent to a jurisdiction, the President will, if appropriate, notify the local authorities that he/she is coming, that he/she will be acting as a special representative of the IAP, disclose the nature of the mission, and invite the authorities to extend every courtesy and support to the visitor.

### **E. How the IAP can assist prosecutor, prosecution agency or association of prosecutors whose request for assistance is legitimate**

The IAP Executive Committee resolves that:

1. If the dispute is between a prosecutor or prosecutors and a prosecution agency, the President will write, if appropriate, to the head of the prosecution agency, and, if necessary, to other responsible authorities in the jurisdiction, and indicate: the role of the IAP; that the complaint has been investigated and adjudged legitimate; that there has been a breach of the IAP Standards (and/or other international legal instrument); that a function of the IAP is to promote good relations between prosecutors and prosecution agencies; the suggested solution; and that the IAP expects/hopes that the matter will be resolved as soon as possible;
2. If the dispute is between a prosecutor or prosecutors and others in government, (apart from the prosecution agency itself), the President will write, depending on the gravity of the matter, to the heads of state and/or government, to those complained of, to the minister of justice/law minister/attorney general, and indicate: the role of the IAP; that the complaint has been investigated and adjudged legitimate; that there has been a breach of the IAP Standards (and/or other international legal instrument); the suggested solution; and that the IAP expects/hopes that the matter will be resolved as soon as possible;
3. If the complaint of the prosecutor or prosecutors relates to persons or organizations which are not themselves governmental in nature, the President will write, if appropriate, to those in government, in terms similar to those indicated in (2)(above), and then, depending on the circumstances, urge that the complainant be given appropriate support, resources, protection, etc., so as to redress the basis of the complaint, and also, if expedient, write, in similar terms, to those about whose conduct complaint is made;
4. If the Standing Committee has advised that a wider strategy is expedient in handling the case of a prosecutor or prosecutors in difficulty, such as invoking the support of other international bodies, and/or issuing a press release/public statement, and/or offering to arbitrate a dispute, the President will consider invoking these options at an appropriate time.

**F. How the IAP will respond if the basis of a request for assistance from a prosecutor, prosecution agency or association of prosecutors is not established, but where there are nonetheless grounds for concern**

The IAP Executive Committee resolves that:

1. The President will write, in neutral terms, to those complained of and, if appropriate, to other responsible organizations in the jurisdiction, to indicate the role of the IAP, to advise that although the complaint has not been substantiated there are nonetheless grounds of concern over the situation of the prosecutor, to refer to the IAP Standards (and/or other international legal instrument), to ask all concerned to ensure that the rights of the prosecutor or prosecutors are fully respected, and, if appropriate, to urge the parties to resolve their differences amicably;
2. The President will, in an appropriate case, invite the parties to the dispute to have recourse to the good offices of the IAP in resolving areas of disagreement, and may, at his/her discretion, advise the parties that, under its Constitution, one of the objects of the IAP is to promote good relations between prosecutors and prosecution agencies.

**G. How the IAP will respond if the basis of a request from a prosecutor, prosecution agency or association of prosecutors is not established and there are no grounds of concern**

The IAP Executive Committee resolves that:

The President will write to those in the jurisdiction who have been involved in the investigation, informing them that the inquiry is complete, that the complaint has not been established, and that the IAP has closed its file on the case.

**H. The international legal instruments to be relied upon in cases of prosecutors in difficulty**

The IAP Executive Committee resolves that:

The IAP Standards will invariably be referred to in a submission by the President, as also, in many situations, will the Constitution, and reference may be had, if a right enshrined therein is engaged in the request for assistance, to the relevant international legal instrument, in order to support the submission.

[Relevant international legal instruments, for the purposes of this Protocol, might include: The Universal Declaration of Human Rights (1948); The UN Guidelines on the Role of Prosecutors ("The Havana Declaration") (1990); Recommendation (2000) 19 of the Committee of Ministers of the Council of Europe on the Role of Public Prosecutions in the Criminal Justice System; The Bordeaux Declaration of the Consultative Council of European Judges, and the Consultative Council of European Prosecutors on "Judges and Prosecutors in a Free Society"(2009); The European Guidelines on Ethics and Conduct for Public Prosecutors ("The Budapest Guidelines")(Council of Europe)(2005); The Report on European Standards as regards the Independence of the Judicial System: Part II-The Prosecution service, adopted by the Venice Commission at its 85th plenary session (2010)].

**I. How the IAP can promote greater consistency in its processing of requests for assistance from a prosecutor, prosecution agency or association of prosecutors**

The IAP Executive Committee resolves that:

The Secretariat will maintain, for the reference of the Executive Committee and the Standing Committee, a library containing the details of all requests for assistance from a prosecutor or prosecutors claiming to be in difficulty.

# Executive Committee protocol

Latest version

This protocol does not supplant, nor detract from, the Constitution of the International Association of Prosecutors (the Constitution). Rather, under the provisions of Article 8.11 of the Constitution, it sets out arrangements for the running of efficient and effective meetings of the Executive Committee.

The Constitution of the International Association of Prosecutors (the IAP) sets out at Article 8.2 the following powers and duties for the Executive Committee:

- to supervise and control the affairs of the Association generally;
- to adopt annual budgets and financial statements at the proposal of the Secretary-General;
- to adopt annual working programs at the proposal of the Secretary-General;
- to determine annual membership dues in accordance with Article 5;
- to admit applicants to organisational membership in accordance with Article 4 and to suspend the membership of or expel organisational members in accordance with Article 6.3;
- to recommend persons to the General Meeting for honorary membership in accordance with Article 4;
- to make nominations to the General Meeting for the appointment of members of the Executive Committee and the Conflict Committee and for the election of the President, the Vice-Presidents and the Secretary-General;
- to appoint the General Counsel;
- to suspend from membership members of the Executive 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;
- 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 therefore;
- to make determinations pursuant to Articles 14.3 and 14.4 and 15.1 and 15.4;
- to assist members in accordance with the objects of the Association;
- 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

## Nominations to membership of the Executive Committee

1. Nominations to membership of the Executive Committee made by the Executive Committee shall be made on a personal basis, i.e. no country, jurisdiction, organisation or association has an automatic right to a seat on the Executive Committee.
2. The Executive Committee may decline to accept a proposal for a replacement to come from the same country, jurisdiction, organisation or association as a retiring member (or any other proposal). The Executive Committee will always bear in mind the need for regional and gender balance.
3. When speaking in the Executive Committee, members are encouraged to use their experience in the widest possible form. However, it is understood that there will be occasions when members will be constrained by domestic requirements and will not be able to agree consensus lines with the other members of the Executive Committee.

4. The Chair of a meeting of the Executive Committee will always endeavour to achieve a consensus position, enabling all IAP policies and documents to have the unanimous support of the Executive Committee.

## **Procedure for nominating persons to membership of the Executive Committee**

The Executive Committee, in considering the potential nomination to its number for appointment by the General Meeting, will base its decision on the following criteria:

1. The nominee shall be an individual member of the Association or one of the formally appointed representatives of an organisational member – once elected, members of the Executive Committee are expected to become individual members;
2. The nominee shall be from the region of the world in which the vacancy has arisen, unless his/her nomination would improve the balance between the regions of the world and the representation of the principal legal systems of the world; the Executive Committee shall also take into consideration the need to establish and maintain the fair representation of female and male prosecutors.
3. The working language of the Executive Committee is English and the nominee shall be sufficiently fluent in English to take an active part in the Committee's discussions.
4. The nominee shall be either:
  - a) the head of a prosecution agency or a member of such an agency's senior management team, who would accept appointment with the approval of the head of the agency;
  - b) the head of an association of prosecutors organised on a country or a jurisdictional basis or a member of the senior body of that association, who would accept appointment with the approval of the head of the association; or
  - c) the head of an organisation, agency or foundation established for the promotion of crime prevention measures, or a member of the senior management team of such an organisation, agency or foundation;
  - d) an individual member who, through demonstrable work on behalf of the IAP or more generally on behalf of prosecutors, has shown that he/she is worthy of membership of the Executive Committee.
5. The Executive Committee should not nominate any person whose political or other functions or responsibilities create doubts as to the nominee's ability to work in a manner consistent with the Constitution of the Association.
6. The nominee should normally be currently active in prosecution work or in an organisation as referred to in Article 2.2 of the IAP Constitution.
7. Any nominee must be able to show:
  - a) commitment to the IAP's Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors; and
  - b) demonstrable work on behalf of the IAP and/or in support of its objectives; or
  - c) other significant work on behalf of prosecutors.
8. The nominee must be prepared to devote time to and to work actively in the activities and programmes of the IAP.
9. As the criteria mentioned above are considered essential for the nomination of a member, the Executive Committee expects members who no longer meet the criteria

to resign from the Executive Committee. Responsibilities of members of the Executive Committee.

## **Responsibilities of members of the Executive Committee**

In addition to the duties of the Executive Committee as set out in the IAP Constitution at Article 8.2, the individual members of the Executive Committee also have certain general personal responsibilities. These include:

- promotion of the IAP;
- recruitment of individual and organisational members;
- making proposals to and responding to requests for assistance from the Secretariat in relation to:
  - a) the IAP Newsletter
  - b) the IAP journal
  - c) the IAP Best Practice Series and other publications, including the Directory, the History and Annual Reports
  - d) the work of the IAP
  - e) the subject matter and speakers for the Annual and Regional Conferences
  - f) the running of conferences
  - g) the provision of assistance to other prosecutors.
- Preparing and submitting to the Northern Spring meeting of the Executive Committee a written report on the member's activities in support of the IAP.

## **Arrangements for the running of efficient and effective meetings of the Executive Committee**

### **1. Frequency and timing of meetings**

The Executive Committee will normally meet twice a year. One of these meetings will be held immediately before the annual conference (the "conference meeting") and general meeting, and the other (the "Northern Spring meeting") approximately six months before that date.

### **2. Meeting venues**

One meeting will naturally be held at the same venue as the annual conference. At that meeting, or earlier, the Executive Committee will decide on the venue for the Spring meeting. The Executive Committee will use its best endeavours to ensure that its meetings are held in widely dispersed venues which adequately represent the membership of the IAP. If the Executive Committee does not have before it a proposed venue for the next Spring meeting, that meeting will be held in the following year in Vienna, to coincide with the meeting of the UN Commission on Crime Prevention and Criminal Justice."

### **3. Meeting papers**

Papers for each meeting will be circulated by the Secretary-General to members of the Executive Committee or posted on the executive committee members site of the IAP website at least fourteen days before the date of the meeting. The circulation will be carried out electronically.

### **4. The meeting**

- 4.1** The working language of the Executive Committee will be English.
- 4.2** The President, or in his absence one of the Vice-Presidents, will chair meetings of the Executive Committee.

- 4.3** The minutes of the meeting will be kept by the Secretary-General. These will include decisions of the Executive Committee and will co-ordinate the follow-up action as a result of the decisions made. Members of the press will not be invited to the meetings of the Executive Committee and the proceedings of the Executive Committee will not be tape-recorded.
- 4.4** Membership of the Executive Committee is personal and seating will be provided at the committee table for members only. Should a member be unable to attend, he or she may send a representative as an observer. This must be notified to the Secretary-General fourteen days before the meeting. Separate seating will be provided for observers.

## **5. The agenda**

- 5.1** The agenda for each meeting will be circulated or posted on the website with the papers.
- 5.2** The following will appear as standing items on the Agenda:
- a) The adoption of the minutes of the previous meeting
  - b) Matters arising from the minutes.
  - c) Apologies for absence.
  - d) Admission of organisational members.
  - e) Composition of Executive Committee
  - f) Composition of Conflict Committee [every 3 years or as required]
  - g) Recommendations for honorary membership and for IAP Awards.
  - h) Report on the activities (of the Bureau) of the Secretary-General and on the affairs of the Association.
  - i) Financial report
    - present financial situation
    - membership situation
    - membership dues
    - governmental support
  - j) Report from General Counsel and project update
  - k) Review of Business Plan and future work plan
  - l) Activity reports of Executive Committee members (Northern Spring Meeting only)
  - m) Annual Conferences (and General Meeting as required)
  - n) Regional Conferences
  - o) The date and venue of the next meeting of the Executive Committee.

## **6. The quorum**

There will be a quorum of one third of the current members (including the President, Vice-Presidents, Secretary-General and General Counsel) are present at a meeting of the Executive Committee.

## **7. Voting**

It is intended that decisions of the Executive Committee will be arrived at by consensus. Where, however, it is appropriate to hold a vote, decisions of the Executive Committee shall be by a simple majority of its members present and voting as deemed appropriate by the President either in an open or secret ballot. A vote will only be taken on an item of business if a member of the Executive Committee requires it. In the event of a vote, the names of the proposer and seconder of the motion will be recorded in the minutes, together with the numerical result of the vote. Votes may only be cast by full members of the Executive Committee present at a meeting.

## **8. Interim business**

The business of the Executive Committee, including the conduct of votes, may also be carried out between meetings by electronic communication. If, however, there is no

consensus on a given matter, the subject will be referred to the next full meeting of the Executive Committee.

#### **9. Reports**

Each member of the Executive Committee will at the Northern Spring meeting provide a short report of his or her activity undertaken in support of the objects of the IAP. Summaries of these reports will be published in the Newsletter.

# Protocol for election by the Executive Committee of nominees for IAP President and Vice-Presidents

Latest version

The Executive Committee of the Association has the power and duty to make nominations to the General Meeting for the appointment of members of the Executive Committee and for the election of the President and Vice-Presidents. The IAP Constitution sets out the terms for election of the IAP President (Article 10) and Vice-Presidents (Article 11).

This protocol provides guidance for the conduct of the election of nominees for President and Vice-Presidents of the Association, when elections are required by the Constitution. This is to ensure that voting is conducted transparently, fairly and in an orderly manner.

Candidates for President and Vice-President shall be existing members of the Executive Committee.

## 1. Voting attendance and entitlements

### a) Attendance

Elections may be attended by;

- The members, supernumerary members and co-opted members of the IAP Executive Committee;
- The Secretary-General as the Voting Officer;
- The Executive Director as Assisting Voting Officer;
- The General Counsel as the Minute Taker;
- Observers with permission from the President.

### b) Voting entitlements

Votes may only be cast by members, supernumerary members and co-opted members of the Executive Committee present at the meeting at which the vote takes place. Voting by proxy or remotely are not accepted.

## 2. Conduct of the voting procedure

Elections shall be executed by using the **Single Transferable Voting** system, as described in Annex 4 to the IAP Constitution and as qualified below.

The Voting Officer is responsible for the proper administration of the voting process, both at the time of voting and during the preparation process. The Voting Officer shall submit the names of candidates and any submitted vision statements to the Committee no later than 3 weeks before the Northern Spring Meeting in the year of election by the General Meeting.

The Secretary-General as Voting Officer will chair the meeting of the Executive Committee during the actual voting procedure. The Secretary-General will clarify the election procedure as regards the election and conduct the ballot.

### **The vote shall take place in the following manner;**

- 1) Each voter will be provided with a ballot paper listing the candidates for the office to be considered and shall place the number 1 against the name of the candidate to whom the voter wishes to give his or her primary vote. A voter may also place the number 2, 3, 4, etc. against the name of other candidates to indicate second and subsequent preferences. The second and subsequent preferences are only taken into

account when the voter's preferred candidate has been eliminated from the voting process (as described below);

- 2) Members fold the ballot paper (twice) and hand it over to the Assisting Voting Officers.

The ballot papers will be counted by the Assistant Voting Officer. If no candidate is marked clearly or if the ballot paper is blank the ballot will be considered invalid. If a candidate secures more primary [#1] votes than all the other candidates combined, then that candidate is elected. If not, the candidate with the lowest number of premier [#1] votes are eliminated and the second preferences on the ballot papers of that lowest candidate are distributed to those second preference candidates as premier [#1] votes.

If still no candidate secures more votes than the other remaining candidates combined then again, the next lowest candidate is eliminated and the second and subsequent preferences on the ballot papers of that next lowest candidate are distributed to those second and subsequent preference candidates as premier [#1] votes.

If both candidates again receive an equal number of votes, then the candidate that is the longest serving member of the Executive Committee will be deemed elected. If both candidates have equal serving terms, then a draw will decide between those candidates. This draw will be executed by the Voting Officer and Assisting Voting Officers.

### **3. Outcome of vote**

The Assistant Voting Officers will report the results of the ballots to the Voting Officer and the Minute Taker. The Voting Officer will announce the result of the elections to the Executive Committee members and the Minute Taker will note the result reflecting;

- a) The number of members, supernumerary members and co-opted members present;
- b) The number of valid and invalid votes of the ballots including in the next preference vote counting rounds;
- c) The final number of votes cast for each candidate (in alphabetical order);
- d) The result.

The result of the ballot will be communicated to the general membership of the IAP in accordance with the standard terms for nomination as President (Article 10.4) or Vice-President (Article 11.3).

# Financial procedures and procurement manual

Version 5<sup>th</sup> of April 2019

This manual is meant to list all procedures in place at Stichting Treasury International Association of Prosecutors (hereafter “Stichting Treasury”). These procedures should be followed at all times to ensure a smooth and controllable (financial) working environment. Any changes to procedures implemented in this manual should be updated promptly, so this document always reflects the actual procedures in process.

## 1. Officers and staff

The Stichting Treasury is the legal body and financial vehicle of the International Association of Prosecutors. The Secretary-General, the General Counsel and the Executive Director are appointed by the Executive Committee. Other staff members are appointed by the Secretary-General on behalf of the Stichting Treasury. The following positions are to be distinguished.

- The Secretary-General is Chairman of the Board of the Stichting Treasury. He is directing the management of the Stichting Treasury for the benefit of the Association. Together with two appointed Board Members he is responsible for the proper organizational and financial administration as a whole. He also supervises and oversees the day-to-day administration of the Bureau of the Association and manages the financial affairs. The Secretary-General has exclusive access to the IAP payment accounts and is responsible for the financial authorization of invoices in accordance with the double signature requirements. The Secretary-General is seconded to the IAP by the Dutch Prosecution Service. His full salary is covered by the DPS.
- Two members of the Board of the Stichting Treasury are, together with the Secretary-General, responsible for the proper running of the financial affairs of the Association. The members of the Board are appointed from the group of Executive Committee Members for a term of three years, with one possible extension for another three years. However, this membership of the Board will end as soon as the membership of the Executive Committee has ended. It should be avoided that both members of the Board step down in the same financial year. The office as Board Member is voluntary and unpaid.
- The General Counsel is the legal counsellor to the Executive Committee. He manages the professional programme and the project work of the Association. He is employed by the Stichting Treasury for a term of 6 years and is eligible for re-appointment.
- The Executive Director is responsible for the membership relations, recruitments and network expansion, the day-to-day administration of websites, networks and management systems and the logistical planning and running of IAP events. She is employed by the Stichting Treasury.
- The Project and Community Manager is responsible for the day-to-day community building. He is seconded to the IAP by the Dutch Prosecution Service. His full salary is covered by the DPS.
- The Senior Legal Advisor is supporting the General Counsel in the development and facilitation of training-, workshop- and conference programmes and in development of learning material and specialized resource databases. She is seconded to the IAP by the Belgian Prosecution Service, who also covers her full salary.
- The Management Assistant supports the Secretary-General in the day to day operation of the Bureau of the Association in The Netherlands. The Management Assistant is employed by the Stichting Treasury.
- The Bookkeeper, currently externally contracted, supports the financial administration of the Association by maintaining financial records and ensuring that financial transactions are entered into the accounting software programme on a weekly basis so accounting balances accurately reflect income and outgo. The bookkeeper further ad-hoc supports the Secretary-General with other financial matters.

## **2. Membership administration**

### **2.1 Administration of Individual Memberships**

In accordance with the IAP Constitution Article 3.1 an application by a prosecutor for Individual Membership may be granted by the Secretary-General.

The Management Assistant is responsible for the day-to-day administration of the Individual members to include administration of applications, de-activations, renewals (collection of fees) and communication with individual members. These functions are administrated under the supervision of the Executive Director, on the authorization of the Secretary-General.

**2.1.1 Applications for Individual Memberships** are received electronically through an online application form, accessible from the public part of the IAP Website. The Management Assistant and the Executive Director receive a notification, when a new application has been submitted through the online system.

It is the responsibility of the Management Assistant to assess if applications contain sufficient information to determine the qualification for membership and to request further information from an applicant if necessary. When an applicant is considered qualified the Management Assistant will pre-approve the membership through the electronic membership administration system. The pre-approval notification contains full payment instructions to include a link to a secured online payment system. Only when the first payment has been received the application will be finally approved and considered fully valid. The membership will hereafter be subject to the terms of membership in accordance with Article 6 of the IAP Constitution.

**2.1.2 Membership fee:** It is the IAP Executive Committee who, on confirmation by the General Meeting, determines the level of the annual fee. The annual fee is at present set at 50 EUR (see article 5.2 Constitution).

**2.1.3 Collection of membership fees:** The online membership administration systems offers access to a secured online payment system, which ensure a quick and smooth transaction of the fee. The online payment software accepts transactions with following credit cards: MasterCard, Maestro, Visa, Visa Electron, JBS and China Union Pay. In accordance with the merchant agreement the Danish payment software supplier (Teller), the IAP Secretariat is being kept updated on payment transactions through electronic distributed advices. The fee paid for the transaction service is 2.5 % of full amount transferred.

Other payments methods accepted: Bank transfers and cash payments. Cash Payments can only be received by the Secretary-General or by a staff member authorized by him (see Article 3.1). Any member payment in cash will receive a numbered receipt of the payment and the membership profile of the payer will be updated electronically as part of process.

**2.1.4 Renewal of membership: The Annual IAP Membership year runs from 1 January – 31 December.**

January 1 the individual members will receive a call for payment of fee for current membership year. Lack of follow-up on payment calls will automatically generate a payment reminder. The system is programmed to generate 4 payment reminders in total within the first 6 month of current membership year, the last two will include a warning about a potential de-activation of the membership and loss of access to benefits of membership.

If payment of subscription is not made before 1 August the electronic administration system will automatically de-activate a membership. De-activation includes an immediate loss of access to the IAP websites and networks, access to IAP conferences, Trainings, Webinars and other benefits of membership. At the end of a current membership year a list of de-activated members is manually extracted from the database by the Management Assistant, who will reach out to each member individually to encourage them to renew. On authorization of the Secretary-General the Management Assistant might offer to waive the fee for a current period to ensure a re-activation.

In accordance with Article 6.1 of the IAP Constitution, an individual member of the association may be suspended or expelled by the IAP Secretary General if he or she is two years in arrears of their annual dues. Subsequent reinstatement may require the payment of any such arrears.

## **2.2 Administration of Organisational Memberships**

In accordance with the IAP Constitution Article 2.6 admission to organizational membership shall be made by the Executive Committee. It is the responsibility of the Secretary-General to consider applications for organisational membership and to submit them to the Executive Committee for approval with his recommendations. Authorized by the Secretary-General, it is the Executive Director who is responsible for the day to day management of Organisational Memberships to include; recruitment of new members (handling of applications), de-activations, renewals (collection of subscriptions) and communication.

Applications for organisational memberships are received manually through hard copy application forms and collected by the Executive Director. It is her responsibility to assess if applications are supported by sufficient information (IAP Constitution Annex 2) for the Executive Committee to determine, whether an application fulfils criteria in accordance with Article 2.2 and 2.3. Based on the collected information she will present the application with her recommendation to the Secretary-General. Based on the guidelines for determination of annual subscriptions to be paid by Organisational Members as established in the IAP Financial Protocol, the Secretary-General will consider and propose a level of the annual subscription for a consequent approval of the applicant.

When the Secretary-General has reached a financial agreement with an applicant, he will submit the application to the Executive Committee with his recommendations. The Executive Committee have 10 days to consider an application. Hereafter the Secretary-General will inform the applicant about the outcome of the consultation round.

When an application has been approved the applying organisation will receive a final approval of the membership, which contains an invoice and full payment instructions. Only when the first payment has been received the membership will be considered fully valid and the organisation can start benefitting from the membership.

**2.2.1 Collection of membership subscriptions:** It is the IAP Financial protocol establishing the guidelines for the determination of subscriptions to be paid by organisational members. Annual subscriptions of Prosecution Agencies are payable primarily in accordance with their annual budgets. Annual subscriptions of Associations of Prosecutors are payable primarily in accordance with the number of individual members of the member association.

It is the Executive Director who is responsible for the issuing of invoices, which are all signed for approval by the Secretary-General. It is also the responsible of the Executive Director to keep the records of payments received from Organisational Members and updating payment details in the electronic membership database. She is also responsible for

delivering status figures to the accountants (BTB) to support the drafting of the annual financial statements.

Payments are primarily received via wire transfers. Other payment methods accepted:

Credit Cards; Members preferring to pay by credit card will be allowed a special access to the secured payment system. Such payments will be recorded in the electronic payment system and handled in accordance with the merchant agreement with the Danish supplier Teller (see terms referred to under individual members transactions).

Cash Payments can only be received by the Secretary-General or by a staff member authorized by him. Any member paying their subscription in cash will receive a numbered receipt of the payment and the membership profile of the payer will be updated electronically as part of process.

### **2.2.2 Renewal of membership: The Annual IAP Membership year runs from 1 January – 31 December.**

In first month of the new membership year the Executive Director will distribute invoices accompanied by a letter updating member on goals reached and future focus areas.

If payment of annual subscription has not been received before 1 May the Executive Director will send a kind payment reminder. If payment has not been received before the 1 August the Executive Director will send a second payment reminder, which includes a warning about potential loss of access to benefits of membership to include eligibility to register for IAP events. On authorization of the Executive Committee the Secretary-General may in exceptional circumstances waive in whole or in part the dues payable by an organisational member to ensure re-activation of membership.

It is the responsibility of the Executive Director to keep the Secretary-General and through him the Executive Committee updated on the payment status of each organisational membership and to recommend the Executive Committee to suspend membership of or expel and organisational member in accordance with Article 6.3 of the IAP Constitution.

### **2.3 Revenues from meetings (levies) and other income**

Revenues from meetings and other projects are to be recorded based on agreements made by the Secretary-General, supported by the Executive Director and/or the Project & Community Manager, with the local host or other organizations. Revenues should be received through the bank account of the Stichting Treasury. The records of the revenues of an event need to be provided to the bookkeeper. The bookkeeper will match received revenues to the records of the revenues and report any discrepancies to the Secretary-General.

## **3. Payment processing on outgoing invoices**

### **3.1 Cash**

Cash payments can only be accepted by the Secretary-General or with his permission. Cash payments to other staff members must be refused. A member paying by cash must be issued a numbered receipt. The received cash must be brought to the office at the earliest convenience, along with the copy of the receipt. The cash should then be counted by the Secretary-General in the presence of a staff member and stored in the office safe. The receipt is given to the Management Assistant, who updates the cash register and scans the cash receipt. The Management Assistant sends these digital copies to the bookkeeper along with the updated cash register on a monthly basis, who processes them in the financial administration. The Management Assistant also updates the membership administration with the received payment.

### **3.2 Cheques**

The Management Assistant scans received cheques. The Management Assistant then gives the cheques to the Secretary-General, who sends them to the ABN AMRO Bank to be cashed by automatic deposit on the bank account. Cheques cannot be cashed for cash. The Management Assistant updates the membership administration with the received payment and sends the scans of the cheques along with the invoice number the cheque is payment for, to the bookkeeper. The bookkeeper processes the cheque in the financial administration as payment for the invoice and as an amount to be received. When the payment is received on the bank account, it will be deducted from the to be received amount in the financial administration.

### **3.3 Direct bank transfer**

All bank mutations are directly pushed into the financial administration. The Management Assistant updates the membership administration based on the received payments according to the bank statements. Once every quarter the bookkeeper and the Executive Director respectively the Management Assistant check if the received payments according to the financial administration and the membership administration match. Any explainable errors are corrected; unexplainable errors are reported to the Secretary-General.

### **3.4 Credit Card**

Payments received by credit card are automatically updated in the membership administration when the payment is done. The payments will also be processed automatically, although with a slight delay, as they will be processed when the bank receives the payments from the credit card company and sends the data directly into the financial administration. Once per month the bookkeeper and the Management Assistant check if the received payments according to the financial administration and the membership administration match. Any explainable errors are corrected; unexplainable errors are reported to the Secretary-General.

## **4. Incoming invoices and payments**

Incoming invoices are received by the Management Assistant who attaches an authorization form to each invoice. The Management Assistant authorizes the form as a sign that the service connected to the invoice has been delivered and forwards the invoice with the authorization form to the Secretary-General for his authorization. If the amount due is 500 Euro or less than 500 Euro or its equivalent in other currency, the Secretary-General signs the authorization form and proceeds with the payment on the invoice. After payment he gives the invoice back to the Management Assistant. If the amount due is more than 500 Euro or its equivalent in other currency, the Secretary-General signs his authorization and then forwards, through the Management Assistant, the invoice and authorization form to another Board member of the Stichting or to another member of the Executive Committee, who is appointed by the Executive Committee for this task, for a second authorization (four eyes principle). The (Board) member sends the invoice with the approved authorization form back to the Secretary-General (through the Management Assistant) who proceeds with the payment on the invoice. After payment he gives the invoice back to the Management Assistant. The Management Assistant scans the invoice with the authorization form (invoice is scanned first) and sends the digital copy to the bookkeeper who processes the invoice in the financial administration. The Management Assistant stores the original invoice with the authorization form in a binder.

The Project & Communications Manager is authorized, if necessary, to take the same role in the payment process as the Management Assistant.

#### **4.1 Entering into long term engagements**

Only the Secretary-General together with at least one other Board member is allowed to represent the Stichting while entering into engagements. Any contracts therefore need to bear the signatures of the Secretary-General and one other member of the Board or need the approval of at least one other Board member in a written way. Signed contracts will be made available to the bookkeeper for recording and wherever needed, processing in the financial administration by the Secretary-General as soon as the contracts are signed.

### **5. Cost declarations**

Staff and Board members are allowed to declare costs made for the Stichting Treasury. An expense form needs to be filled out and accompanied by the invoices of the business expenses and send to the Secretary-General, who signs the expense form for approval. The payment procedure is the same as stated under 4 regarding invoices, with one exception, all declarations from the Secretary-General himself, also when less than 500 Euro, shall be authorized by another (Board) member as stated under 4.

#### **5.1 Responsibility of the Authorized Approver**

The Secretary-General and the Board member have the primary responsibility for ensuring compliance with this policy. The Secretary-General and at least one other member of the Board must verify that expenses (and related Expense Forms) meet the following criteria:

- The expense was incurred while conducting IAP business;
- The information contained on the Expense Form and in accompanying documentation is accurate and in accordance with this policy.
- The expense meets applicable guidelines.
- The expenditure is charged to the proper general ledger account(s).

#### **5.2 Responsibility of Staff members**

Staff members traveling on business or incurring entertainment or non-travel business expenses on behalf of the Stichting Treasury are responsible for complying with the policy and procedures as described herein. Individuals should exercise the same if not greater prudence and care in incurring expenses for the Stichting Treasury as they would for their own personal expenses.

#### **5.3 Costs that can be declared**

##### **5.3.1 Transportation Expenses**

###### **5.3.1.a. Air Travel**

- Travellers are expected to book the lowest-priced coach class airfare available with regular airline companies which fits the parameters of scheduling and time limitations. For flights of a long duration an upgrade to "Economy plus/Economy comfort" or equivalently will be reimbursed. Permission on beforehand of the Secretary-General is required.
- Business class and first-class travel will not be reimbursed unless a letter is provided explaining the medical reasons or extenuating circumstances that require such service and only after written approval is given by the Secretary-General and at least one other member of the Board.
- Tickets purchased with personal frequent flyer miles will not be reimbursed.

###### **5.3.1.b Lost or Excess Baggage**

The airlines are responsible for compensating the owners of lost baggage. The Stichting will not reimburse travellers for personal items lost while traveling on business.

Staff members will be reimbursed for excess baggage charges when it is reasonable and necessary. Some examples are:

- when traveling with heavy or bulky materials or equipment necessary for business.
- when traveling for more than fourteen days.

Regular baggage charges are reimbursable with proper documentation.

### **5.3.1.c Cancellations and Change Fees**

When a trip is cancelled after the ticket has been issued, the traveller should inquire about using the same ticket for future travel. Incurring cancellation and change fees for airline travel is a cost of doing business. However, travellers must seek approval from the Secretary-General before initiating the change and explain the reason why the change was necessary on their expense forms.

### **5.3.1.d Unused/Voiced Airline Tickets - Paper/Electronic (E-Tickets)**

- Unused paper airline tickets or flight coupons may have a cash value and therefore must not be discarded or destroyed.
- To expedite refunds, unused or partially used paper airline tickets must be returned immediately to the travel agency that issued the ticket.
- To refund E-Tickets the travel agency that issued the ticket needs to be notified and requested for a refund.
- Unused tickets must not be sent to the airline unless they were issued directly from the airline. Contact the airline for their return procedures and requirements.
- Travellers must not include unused tickets with their Expense forms.
- For a change fee, some non-refundable tickets can be used for future travel.

### **5.3.1.e Lost or Stolen Airline Tickets**

Upon discovery of a lost or stolen ticket, the traveller should immediately report the loss to the issuing travel agency, which will file a lost ticket application. The standard time for a lost or stolen ticket to be refunded is ninety (90) days.

### **5.3.1.f Rail Travel**

Rail travel may be used whenever the traveller finds it convenient.

All rail travel should be at the lowest available fare that offers reserved seating. For train travel of a longer duration (i.e. from The Hague to another country) an upgrade to first class or equivalent will be reimbursed. Permission on beforehand of the Secretary-General is required.

The Stichting Treasury can provide Public Transport Cards (OV-chip cards) to its employees to be used in The Netherlands.

### **5.3.1.g Taxis**

Routine taxi rides taken on IAP business in The Hague area of 25 Euro or less may be reimbursed.

### **5.3.1.h Ground Transportation To and From Terminals and Within the Hague Area**

The most economical mode of transportation should be used to and from air, bus, and rail terminals. Public transportation and shuttle services should be considered. Staff members traveling to the same location should share ground transportation whenever possible. The Stichting Treasury can provide Public Transport Cards (OV-chip cards) to its employees to be used in The Netherlands.

### **5.3.1.i Rental Car Policy/Guidelines**

Travellers may rent a car to/at their destination when:

- Driving is more convenient than airline or rail travel.
- Driving is necessary to transport large or bulky material.
- Use of car is necessary to conduct Stichting business.
- It is less expensive than other transportation modes such as taxis, airport limousines, and airport shuttles.

### **5.3.1.j Rental Car Costs**

- Reimbursable costs include the daily rental fee, mileage fee, gasoline charges, tolls, and authorized insurance charges.
- Non-reimbursable costs include, but are not limited to, car repairs, tickets, fines, and traffic violations.

### **5.3.1.k Authorized Rental Car Drivers**

All individuals who intend to drive the rented vehicle must be listed with the rental agency for insurance purposes. Staff members, as well as spouses, friends, and other non-employees listed as drivers are covered only under insurance provided by the rental company or under the drivers' personal automobile insurance.

### **5.3.1.l Personal Car Usage Guidelines**

Staff members may use their personal car for business purposes. It is the responsibility of the owners of vehicles being used for business to carry adequate insurance coverage for their protection and for the protection of any passengers. Travellers will be reimbursed for business usage of personal cars at the rate of 0,19 Euro per kilometre. This rate covers use of the vehicle and gasoline. Non-reimbursable items are: car repairs, rental car costs during repair of personal car, tickets fines or traffic violations. Parking fees will be reimbursed.

## **5.3.2 Lodging/Meal and Other Expenses**

### **5.3.2.a Hotel Reservations**

- Travellers should stay in a standard room using the best available rate whenever possible.
- An upgrade at the expense of the Stichting must be explained on the Expense form.
- Personal expenses incurred while traveling will not be reimbursed.

Travellers will be reimbursed for hotel expenses based on the actual hotel costs, with a maximum reimbursement up to the level of the per diem rates set by the Dutch tax authorities. However, upon request of the traveller, the Secretary-General may authorise reimbursement based on the national per diem system of the country where the traveller pays his/her taxes. In special circumstances (e.g., the conference hotel fees are above the maximum level, no proper hotel under the maximum level is available) a higher amount can be reimbursed as described in article 5.3.3.e of the Manual.

### **5.3.2.b Personal Meal Expenses While on Business**

Personal meals are meal expenses of travellers who are on a business trip. Travellers will be reimbursed for personal daily costs (meals, small expenses) on a per diem basis using the per diem rates set by the Dutch tax authorities. However, upon request of the traveller, the Secretary-General may give permission for reimbursement based on the national per diem system of the country where the traveller pays his/her taxes. Any meal provided by the hosts or included in the conference fee (if the conference fee is reimbursed by the Stichting or in any other way is not paid for by the applicant) should be deducted from the per diem rate.

### **5.3.2.c Business Meal Expenses**

Business meals are defined as meals taken with colleagues or associates, if the meals have a strong relation with IAP business, for instance if specific business discussions took place. Employees will be reimbursed for business meal expenses based on reasonable actual costs as determined by the approver. A list of attendees must be attached to the expense report or documented on the receipt. Tips included on meal receipts will be reimbursed. As a general rule, employees should not tip more than 10-20% of the bill, depending on local habits.

### **5.3.2.d Alcoholic Beverages**

The Stichting Treasury will not reimburse the cost of alcoholic beverages, unless consumed during a business meal.

### **5.3.3 Other Expenses**

#### **5.3.3.a Telephone/Internet Usage**

Travellers will be reimbursed for business phone calls and Internet services:

- That are reasonable and necessary for conducting business,
- When the hotel bill with the itemized calls is attached to the Expense form, or
- When an original phone bill is attached to the expense form.

#### **5.3.3.b Memberships**

Memberships of professional societies, organizations, or institutions that are a requirement of the employee's job are reimbursable. Individual dues for membership in any club organized for outside business, pleasure, recreation, or any other purpose are not reimbursable.

#### **5.3.3.c Personal/Vacation Travel -Combining Personal with Business Travel**

Personal/vacation travel may be combined with business travel provided there is no additional cost to the Stichting Treasury and with appropriate Board approval. Travellers should submit reimbursements with proper documentation clearly showing the business and personal portion the airline ticket, and hotel bill. In the case of airline tickets, the employee should be able to show that the personal portion of the trip did not result in an increased airfare or be prepared to pay the difference.

#### **5.3.3.d Documentation requirements**

In order to comply with Dutch tax rules, employees must substantiate the date, place, and business purpose of the meal. An original receipt must be submitted with the Expense form for any business meal or entertainment expense. Receipt "stubs" are not an accepted form of documentation. Attendees should always be listed on the expense form.

#### **5.3.3.e Dutch Tax Per Diem Regulations**

The Dutch tax authorities' regulations and reporting requirements governing per diems vary as follows:

- Employees: If the Dutch per diem rate for the given location is too low to stay in a proper hotel or a hotel that is specifically connected to the attended meeting or conference, the excess amount can be reimbursed with permission of the Secretary-General and a (Board) member. However, this excess amount can be subject of Dutch tax regulations.
- Independent Contractors, Consultants, Non-Employees, etc., cannot receive a per diem unless agreed on in the contract.

### **5.4 Other costs and financial regulations**

#### **5.4.1 Advancements and payments**

- Advances and reimbursements must be made only for travel, entertainment or non-travel business expenses that directly benefit the IAP.
- Employees must provide an expense form (with appropriate documentation) substantiating the amount, time, use, and business purpose of the expenses within a reasonable period of time.
- Any amount paid to the employee that is more than the business-related expenses adequately accounted for must be returned within a reasonable period of time.

#### **5.4.2 Timeliness of Reporting**

The following procedures are intended to provide for the timely and accurate reporting of travel, entertainment and non-travel business expenses:

Employee claims for reimbursement of approved travel, entertainment and non-travel business expenses, and the return of any advances in excess of substantiated expenses, must be received by the Secretary-General preferably within fifteen (15) days but no later than thirty (30) days after completion of a trip or the date on which an entertainment or non-travel business expense was incurred.

#### **5.4.3 Corporate Card Billing and Payment**

When submitting a corporate card bill for payment all original receipts must be attached to the expense form.

#### **5.4.4 Receipts**

For daily meal expenses to be reimbursed under the per diem rate no receipts are required. For all other reimbursements the employee will be reimbursed only on:

1. Original folios are required for all lodging expenditures regardless of the amount,
2. Original receipts are required for all expenditures.

#### **5.4.5 Electronic Receipts**

Supporting documentation for online booking or purchases must be a receipt and not a confirmation or reservation (click the "receipt" button when printing). The e-ticket must include the following:

- passenger or customer name;
- issue date;
- ticket number\* of other proof of purchase;
- total payment; • itinerary or routing; for events: name and date of conference;
- payment type.

\*A ticket number on the receipt indicates that a ticket has been purchased.

#### **5.4.6 Signatures and Approvals**

The reimbursee must sign the expense report requesting reimbursement, which is their testament to incurring expenses while in the conduct of IAP business.

Approver should be the Secretary-General and at least one other Board member.

#### **5.4.7 Reimbursement Payments**

Reimbursements are currently processed as incoming invoices; payments will be made by direct bank transfer to the reimbursee's bank account only.

#### **5.4.8 Cash Advances**

Cash advances will be issued to employees only. Cash advances should be used for incidental, out of pocket travel expenses, tips, taxis, and meals. The amount of cash requested should be the minimum necessary to cover anticipated out-of-pocket expenses.

Cash advances cannot be issued for expenses that can be prepaid, prearranged, invoiced, or charged on the Corporate Card.

#### **5.4.9 Cash Advance Settlement**

Cash Advances must be settled preferably within fifteen (15) days of return from a trip, not to exceed thirty (30) days from the trip end date. Cash advances not settled within the allowable time limit will be deducted as net income paid to the individual. Once a cash advance is deducted as net wage it cannot be reversed and the individual will not be permitted to request cash advances in the future.

## **Third Party Account**

The Stichting Treasury also holds a so-called Third-Party Account with the Bank. This account is only to be used for temporary stalling of money that is not under the responsibility of the Stichting Treasury and that is not to be considered as income or expenses of the Stichting Treasury. This account -for example- can be used for receiving conference fees for hosts that are not able to receive international payments by themselves or to run a conference administration. The Secretary-General shall see that any income as soon as possible is transferred to the third party or spend in a way the third-party asks the Secretary-General to do so. The Third-Party Account is also to be controlled and reported by the accountant of the Stichting Treasury.

### **5.4.10 Travel Insurance**

The Stichting Treasury shall have with an insurance company a travel insurance for its employees and externally hired personnel contract, covering luggage, medical costs, transport, repatriation, saving and recue, legal advice, damages in case of death or invalidism.

### **5.4.11 Vaccinations**

Employees and externally hired personal may choose to have vaccinations recommended for countries visited on behalf of the IAP. The Stichting Treasury will reimburse the costs for these vaccinations.

### **5.4.12 Equipment**

The Stichting Treasury can provide its employees and externally hired personal with equipment such as phones and laptops. This equipment will be lent to the workers and will not be the property of the workers. A loan contract between worker and Stichting will be stating the details of the loan. The contract should always fit with the Dutch Tax Regulations.

## **6. Petty cash**

Cash advances will be issued to employees only. Cash advances should be used for incidental, out of pocket travel expenses, tips, taxis, and meals. The amount of cash requested should be the minimum necessary to cover anticipated out-of-pocket expenses. Cash advances cannot be issued for expenses that can be prepaid, prearranged, invoiced, or charged on the Corporate Card. Cash payments should be avoided as much as possible. All cash payments are subject to the following:

- The cash receipt is to be signed by the recipient and the person approving the petty cash withdrawal. Any withdrawals of 500 Euro or less or its equivalent in other currency are to be authorized by the Secretary-General. Withdrawals over 500 Euro or its equivalent in other currency need to be authorized by the Secretary-General and at least one other (Board) member.
- Cash payments can only be accepted by the Secretary-General or with permission of the Secretary General. Other employees must refuse cash payments. A member paying by cash must be issued a numbered receipt. The received cash must be brought to the office at the earliest convenience, along with the copy of the receipt. The cash should then be counted by the Secretary-General in the presence of a staff member and stored in the office safe. The receipt is given to the Management Assistant, who updates the cash register and keeps the copy of the receipt in the petty cash box in the office safe. The Management Assistant also updates the membership administration with the received payment.
- The receipts are kept in the petty cash box in the safe until reconciled. On a monthly basis, or, if this happens sooner, if the cash amount in the petty cash box exceeds 250 Euro or its equivalent in other currency, the Management Assistant updates the cash register spreadsheet with the expenditures and cash withdrawals and scans all receipts. The scans, along with the updated spreadsheet, are to be sent to the

bookkeeper for processing in the financial administration. Amounts over 250 Euro or its equivalent in other currency are counted by the Management Assistant and the Secretary-General, updated by the Management Assistant in the cash register spread sheet as bank deposit and then deposited at the ABN AMRO Bank at the earliest convenience by the Secretary-General.

- The amount in the petty cash box should at all times match the amount registered in the cash register. At every update of the cash register the cash in the petty cash box is counted by the Management Assistant and the Secretary-General. Omissions are registered and explained in the cash register.
- Cash amounts in the safe are currently insured for a period of one (1) day after being deposited in the safe. Therefore, if the petty cash goes over the set amount of 250 Euro or its equivalent in other currency the amount over € 250 or its equivalent in other currency needs to be deposited by the Secretary-General on the bank account of the Stichting no later than 24 hours after the cash was stored in the safe.

## **7. Financial administration**

The financial administration is maintained through the program Exact Online by the bookkeeper. The program is set up in such a way the bank transactions are sent digitally straight from the bank into the program on a daily basis. The bookkeeper checks the bank transactions every week to see if the program processes them correctly and corrects any errors.

The bookkeeper processes the digitally received incoming and outgoing invoices/expense forms in the financial administration on a weekly basis and prepares a payment file for invoices due that week and sends the file to the Secretary-General for approval and payment through the Stichting bank account.

The Secretary-General, as well as the Financial Oversight Committee (FOC) is granted a log in into the financial administration program. The log in can be used worldwide, through a working Internet connection. The log in will be set to read only, meaning the Secretary-General and the FOC can look into the complete administration, including all digital copies of invoices, but cannot alter anything in the administration.

Yearly, before the new year starts, a budget for the coming year will be drafted by the Secretary-General, with the assistance of the bookkeeper, which will be approved by the Board. The bookkeeper will report periodically to the Board the realization of turnover and costs during the year compared to the budget.

### **7.1 Salary administration**

The Secretary-General, together with at least one other member of the Board is responsible for hiring staff, setting wages and increases thereof. Salary payments are sent by the Secretary-General to external firms (a Dutch firm for the Management Assistant and a Danish firm of the General Counsel and Executive Director) who process the salary administration. The output of the salary administration needed for the financial administration is to be sent by the Secretary-General each month to the bookkeeper.

# Financial protocol

Version 25<sup>th</sup> of December 2017

Protocol of the International Association of Prosecutors for the determination of subscriptions from organizational and individual members.

## Recognizing

The need for transparency and accountability;

The desirability of certainty and foreseeability;

The requirement for fairness and equity;

The distinction between organizational members which are prosecuting agencies and those which are associations of prosecutors.

**This protocol establishes guidelines for the determination of subscriptions to be paid by organizational members.**

### 1. Organizational members which are prosecuting agencies

- a. Annual subscriptions are payable primarily in accordance with the agencies' annual budgets as follows;
  - i. EUR 20 million and over - subscription EUR 10,000 (2014)
  - ii. EUR 5 million up to EUR 20 million - subscription EUR 5,000 (2014)
  - iii. Less than EUR 5 million - subscription EUR 2,000 (2014)
- b. Prosecution agencies may subscribe larger sums.
- c. Subscriptions of less than the prescribed sums may be negotiated with the Secretary-General when following conditions apply;
  - An agency represents less than 10 prosecutors, such as small prosecution services or specialized divisions within prosecution services. The negotiated rate should mirror the number of prosecutors, but cannot exceed 500 EUR.
  - An agency can demonstrate special circumstances that support a discount rate, such as special financial hardship. Countries from lower income countries and territories, according to the DAC (Development Assistance Committee) list of ODA (Official Development Assistance) recipients, are routinely considered to be in financial hardship and thus entitled to negotiate with the Secretary-General a discount rate at a minimum rate of 1000 EUR. DAC list countries may expect renegotiation of terms every three years.
  - Organisations from Least Developed Countries, according to the list of the United Nations, are exempted from the standard terms and will enjoy membership at a minimum rate of 500 EUR.

### 2. Organizational members which are associations of individual prosecutors

- a. Subject to sub-paragraph (c), annual subscriptions are payable primarily in accordance with the number of individual members of the member association at the rate of EUR 2 per member rounded up to next hundred with a minimum subscription of EUR 500.
- b. Associations may subscribe larger sums.

- c. Subscriptions of less than the prescribed sums may be negotiated upon the demonstration of special circumstances, particularly financial hardship. Associations from Least Developed Countries (LDCs), according to the United Nations, are routinely considered to be in financial hardship and thus entitled to negotiate with the Secretary-General a discount rate at a minimum of 250 EUR.

### **3. Individual members**

The annual subscription for individual members will be EUR 50.

# Funding protocol for the attendance at Executive Committee meetings

Version 24<sup>th</sup> of April 2017

The Executive Committee of the International Association of Prosecutors intends that its members should be drawn from as wide a constituency as possible. At present the membership comes from Africa, North and South America, Asia, the Pacific, Europe and the Middle East. Its members are drawn from developed and developing countries and from prosecution services, associations of prosecutors, crime prevention organisations and the individual membership. The Executive Committee meets twice a year, once on the day before the Annual Conference and once during the Northern Spring.

In general, members of the Executive Committee are funded for attending meetings and conferences by their organisations but two areas of difficulty have arisen:

- Members from developing countries do not have the same possibilities for financial support available to them as do colleagues from more prosperous countries;
- Some individual members have to attend meetings at personal cost.

In both cases this tends to affect attendance in particular at the Northern Spring meeting. The IAP has a duty to husband its resources responsibly and will not incur unnecessary expenditure. However, the Executive Committee is the primary decision-making body of the Association. As such it needs to be representative of the IAP membership and also needs its members to come from all parts of the world and from all constituencies within the Association.

To make this possible the Executive Committee has decided that limited assistance should be made available to certain of its members to enable them to attend its meetings.

*For the avoidance of doubt* the following guidelines shall apply to funding for the attendance of members at meetings of the Executive Committee and at Annual Conferences:

1. It will be assumed that members of the Executive Committee will normally be responsible for covering their own costs of attendance at meetings and conferences.
2. Funding may, however, be made available to:
  - a. individual members of the IAP who are members of the Executive Committee and do not receive travelling and subsistence expenses from their organisations;
  - b. members of the Executive Committee who are representatives of organisational members from countries which, as assessed by the Secretary-General, would normally receive support from the Granting program;
  - c. members of the Executive Committee who are representatives of organisational members which, although they are based in developed countries, are small and do not have sufficient resources to support a member of the Executive Committee.
3. The maximum amount of funding will be:
  - a. for the Northern Spring Meeting, the cost of an economy return air fare;
  - b. for the Annual Conference, the cost of an economy return air fare and a 50% rebate on the cost of the conference registration fee;

- c. in exceptional circumstances for both meetings, the cost of two nights' accommodation at a hotel to be agreed with the Secretary-General.
4. The grants thus made will be in the sole discretion of the Secretary-General who will report to the Executive Committee on all grants made. The Executive Committee will also review the program at each Annual Conference meeting and reserves the right to cancel it should it be seen to be unduly costly. The Secretary-General will also report on this expenditure in the Annual Report.
5. The grants will be paid by bank transfer only.
6. The protocol does not extend to substitute.

# Granting programme protocol

Version 24<sup>th</sup> of May 2017

Whereas the International Association of Prosecutors (the "Association") is committed to promoting good relations between individual prosecutors, prosecutors' associations and prosecution services and facilitating the exchange and dissemination of information, expertise and experience amongst them;

Whereas the Association welcomes prosecutors from all regions of the world to its Annual Conferences;

Whereas the Association wishes to assist suitably experienced representatives of prosecution services and associations of prosecutors from as many of the world's low- and middle-income countries (as defined by the United Nations DAC list) as possible to attend the IAP Annual Conference; and

Whereas the Association wishes to support the further education and exposure to international best practices of prosecutors with relevant experience and promising future prosecutorial careers.

The Executive Committee has adopted the following rules for the operation of the Granting Programme for attendance at the Annual Conference of the International Association of Prosecutors.

The rules also apply mutatis mutandis to other ad hoc Granting Programmes administered by the International Association of Prosecutors.

## Eligibility and Preferences

- A. IAP grants are given to one or more members who meet the following criteria:
  - 1. Is an individual member of the IAP or a formal representative of an organisational member of the IAP; and
  - 2. Is a citizen from a country on the United Nations DAC list or, in exceptional circumstances, from any other country; and
  - 3. Is a member of his/her prosecution service or association of prosecutors whose attendance is approved of by the head of that service or association?
- B. Preference is given to applicants who can demonstrate suitable experience, with a minimum of three (3) years as an acting prosecutor, and promise in their future career as prosecutors, and who can demonstrate that participation in the conference will be of significant value to their work as prosecutors or to the organisation that they represent.
- C. A grant will normally be provided to only one person from the same country. In special circumstances, consideration may be given to supporting more than one prosecutor from the same country. Preference will however be given to candidates who have not received grants in the past. In exceptional circumstances, the IAP's Granting Programme Committee may decide otherwise in order to maintain regional representation or to fulfil a special contribution to the IAP's Annual Conference.
- D. A grant may cover registration fees, travel costs and accommodation costs. Eligible candidates can apply for support to cover all or part of the costs associated with participation in the Annual Conference.

- E. Grant-recipients must submit a report of their conference participation to the Secretary-General within one month after the conclusion of the Annual Conference, documenting the outcome of their conference participation.

## **Procedure**

- F. At every Northern Spring Executive Committee Meeting, the Executive Committee will appoint one (1) new member to the Granting Programme Committee (GPC). The Committee shall be composed of the Secretary-General and two members of the Executive Committee, designated by the Executive Committee. The Secretary-General will chair the GPC. Decisions of the GPC are made, by a majority vote based on the number of applications received and the funding available for specific year.
- G. The Secretary-General will decide on a deadline for the submission of Grant-applications. The deadline will be no later than three months prior to the Annual Conference, leaving sufficient time for the evaluation of the applicants and the ensuing Grant-administration.
- H. Immediately after the 'call for expressions of interests' to the Annual Conference has been communicated to members, the Secretary-General will post on the IAP's website that the Granting Programme is open for submissions of applications. The programme and deadline will also be described in the first newsletter following the 'call of expression of interest'.
- I. Applications should include the following:
  - a. Information which demonstrates that the applicant meets the eligibility criteria (individual IAP member or representative of an organization member, citizenship from a country on the United Nations DAC list, and approval and support from the head of their prosecution service);
  - b. A brief written statement which demonstrates that the applicant has 'suitable experience and promise' in their future career as prosecutor; and
  - c. A brief written statement outlining how their 'participation in the conference will be of significant value' to their work as prosecutor.
- J. Immediately after the application deadline, the Secretary-General will collect all received applications and present a list of the eligible candidates to the Granting Programme Committee together with the supporting documentation provided by the applicants.
- K. Decisions of the Granting Programme Committee to grant support to an applicant will be based on: The number of applicants, the level of funding available and any other specific needs of the Annual Conference by simple majority.
- L. The Secretary-General will communicate the outcome directly to all applicants and will report the outcome to the Executive Committee.
- M. Once a recipient has registered for the Annual Conference, the Secretary General will arrange, if applicable, payment to the organizing committee of the Annual Conference for registration and, if applicable, accommodation fees. The recipient will receive reimbursement for any other expenses that they have paid for that are covered by the grant. Requests for reimbursement must be made in writing and copies of all receipts must be attached. When the recipient obtains reimbursement for their expenses they must sign for and acknowledge receipt of the funds, and such receipt must also be signed by the Secretary General or by a representative designated by the Secretary-General.

## **Fundraising**

- N. One year before the Annual Conference, the Secretary-General will begin fundraising with the aim of securing major funding donors to support the Granting Programme.
- O. Additionally, all individual IAP members will be encouraged to become Grant-donors. These requests will be made to IAP members through the annual membership-renewal communication from the Secretariat, as well as through advertisements in the IAP newsletter.
- P. The Secretary-General will publish the procedure supporting the Granting Programme on the IAP's website.

## **Records and Administration**

- Q. The Secretary-General will arrange for the proper and timely transfer of funds to the Grant-recipients as well as for the documentation of the reception of the funds by the Grant-recipients.
- R. The Secretary-General will keep the following records:
  - 1. The receipt of funds from donors;
  - 2. The applications received;
  - 3. The outcome of the Granting Programme Committee's decision; and
  - 4. The Grant-recipients' reports to the IAP.
- S. The Secretary-General shall provide the receipts and supporting documents to the accountant and the IAP Financial Oversight Committee to ensure transparency and accountability.
- T. The Secretary-General shall account for the income and expenses of the Granting Programme in the Annual Financial Report to the Executive Committee. The report must include, but is not limited to:
  - a. The funds available for the grants;
  - b. The origin of the funds;
  - c. The number of applicants; and
  - d. The names of the individuals selected as recipients together with the level of funding that has been granted to each of them.
- U. Furthermore, if requested, the Secretary-General may submit the necessary report to major funding donors.
- V. The terms of this Protocol will be reviewed after two (2) years of the date it is adjusted. First evaluation will take place during the Northern Spring Executive Committee Meeting in 2019.

# Sponsorship protocol

Reviewed October 2010

Protocol for governing the International Association of Prosecutors' approach to commercial sponsorship

*Whereas* the International Association of Prosecutors (IAP) is an independent non-governmental organization;

*Recognising* that the IAP needs to generate funds, over and above annual dues and conference registration fees, so that it can carry out its work in support of its objectives; and

*Acknowledging* that members of the IAP have genuine and reasonable concerns about the risks, both in terms of reality and perception of commercial sponsorship;

The IAP Executive Committee recommends as follows:

1. The IAP will not seek commercial sponsorship to offset its day to day running costs. However, it should not refuse to consider seeking and accepting appropriate offers of commercial sponsorship to support its work programmes and projects and to subsidise activities such as its conferences and training events.
2. However, the IAP should take steps:
  - a. to ensure that any such sponsorship is appropriate and consistent with the objectives of the IAP; and
  - b. to prevent any likelihood or any suggestion of possible improper influence being exerted by the sponsor upon the IAP or its members or any delegates likely to attend and sponsored IAP conference or training event or on the IAP work programme.
3. Accordingly, the IAP will convene a panel comprised of one IAP Vice-President and two members of the Executive Committee to consider and decide upon sponsorship opportunities, bids and offers referred to the panel by the Secretary-General. The sponsorship committee will advise the Secretary-General of any decisions for any necessary action and will report its decisions and the reasons therefor at each meeting of the Executive Committee. In the event of a weak majority within the sponsorship committee [1 against 2 for] the matter should be referred to the Executive Committee for decision.
4. In order that this panel operate to the satisfaction of the membership, it is necessary that its decision-making processes be transparent and understood. To that end the panel will use the following criteria when deciding whether commercial sponsorship should be sought and accepted:
  - i. In seeking assistance for projects and other work in support of its objects the IAP will limit any approaches for commercial sponsorship to organisations whose work is wholly or partly related to the field of criminal justice.

Such organisations could include, but are not limited to:

- Legal publishers
  - Law firms
  - Firms of accountants
  - Consultants
  - Banks
  - IT firms and other areas of industry with an interest in conducting crime prevention activities and advancing the rule of law.
- ii. In seeking assistance with the funding of its conferences the IAP may approach any of the above but also organisations with standing in the local or wider community and which in the opinion of the panel will not cause embarrassment to the membership. In considering any such approach or approval members of the panel may consult such members of the IAP or others as seem to them to be appropriate.
- iii. When seeking commercial sponsorship, the IAP will make it clear that:
- The sponsor can expect no professional favours from the IAP or its members;
  - The sponsor should not contact directly or indirectly any member of the IAP without the permission of the IAP Secretariat. Should the sponsor wish to contact a member, it should be done via the Secretary-General or General Counsel, who will contact the member. Should the member decline to have contact with the sponsor, that refusal will prevail and the Secretary-General or General Counsel will inform the sponsor.
  - The sponsor may advertise its products and/or services at the conference venue and/or at the venues of social activities in an unobtrusive and tasteful way without compromising the independence of the IAP. No advertising will be permitted in the main conference hall and the workshop rooms.
  - The sponsor will be entitled to send representatives to the conference venue and/or the venues of social events. They will not be invited to address plenary sessions or other working sessions of the conference, unless their presentation is relevant to the theme of the conference and they have expertise in the area or show that they can otherwise substantially contribute to the discussion of the topic.
  - Gifts from the sponsor, other than food and drink at social events, should be confined to "give away" items of minor value normally used for the promotion of the sponsor's goods or services.

## Information

Information regarding the Association, its officers and its projected meetings, conferences and other activities can be obtained from the office of the Association:

Address: Hartogstraat 13, 2514 EP The Hague, The Netherlands  
Tel: +31 70 363 0345  
Fax: +31 70 363 0367  
Email: [sg@iap-association.org](mailto:sg@iap-association.org).  
Website: [www.iap-association.org](http://www.iap-association.org).