



IAP

International Association of Prosecutors

Criteria for responding to all complaints

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.



Gerhard Jarosch

President of the IAP