



Bulletin for NMP contacts

News from the Network for Military Prosecutors December 2023

Report on the Specialist Network of Military Prosecutors Session at the 28th Annual Conference and General Meeting of the International Association of Prosecutors in London, United Kingdom, September 2023



Dear Colleagues,

The Specialist Network for Military Prosecutors has been established as a framework for the exchange of experience between military prosecutors and civilian prosecutors dealing with military criminal cases.

The 28th Annual Conference of the International Association of Prosecutors was the venue for the 5th Specialist Network of Military Prosecutors Session.

We were very pleased with the outcome of the event and would like to take this opportunity to thank all participants and give a brief overview of the NMP programme for those colleagues that were unable to attend the Conference.

1. The Specialist Network of Military Prosecutors Session

The theme of the session was *Independence, civilianization and concurrent jurisdiction* Chaired by *Lars Stevnsborg*, Military Prosecutor General Denmark. We had three excellent speakers: *Jonathan Rees KC*, Director of Service Prosecutions, Service Prosecuting Authority, United Kingdom, *Colonel Dylan Kerr*, Director of Military Prosecutions, Canadian Armed Forces, and *Don Ammeraal*, Coordinator, Expertise Center on Military Justice of the Public Prosecution Service, Netherlands Prosecution Service.



Lars Stevnsborg opened the session by presenting an overview of military law and introduced the speakers. *Jonathan Rees KC* and *Dylan Kerr* each discussed how concurrent jurisdiction between civilian and military prosecuting authorities is exercised in their respective countries.

They also in turn discussed some of the current challenges their offices are facing, as well as the various independent reviews that have been conducted – namely The Service Justice Review by His Honour Shaun Lyons in the UK, and The Third Independent Review of the National Defence Act by The Honourable Morris J. Fish and the Independent External Comprehensive Review by The Honourable Louise Arbour in Canada.



The panel, Jonathan Rees KC, Lars Stevnsborg, Dylan Kerr and Don Ammeraal.

After this, *Don Ammeraal* explained how the Dutch civilian court system integrates a chamber for military judicial affairs. He provided an overview of its functions and discussed how matters are investigated by the Royal Netherlands Marechaussee (the national gendarmerie force of the Kingdom of the Netherlands) performing military and civilian police duties.

Session conclusions: The session highlighted the approach to concurrent jurisdiction in three countries and enabled a discussion on key areas of focus for review. It was also an opportunity to remind delegates of the NMP Handbook on Military Justice Systems, available on the IAP website, which provides information about the competent bodies to investigate, prosecute and adjudicate on military crime cases in twenty-three jurisdictions.

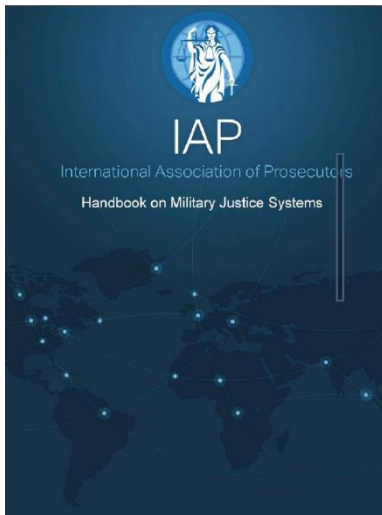


Representatives from eight jurisdictions dealing with military criminal cases as well as representatives from a number of other jurisdictions participated in the session.

2. The status of the Network of Military Prosecutors (NMP) and looking ahead

The NMP was largely dormant during the pandemic. In connection with the Conference, the founding jurisdictions supported the revitalization of this specialist network, which is recognized to enable individuals and organizations involved in military prosecutions to contact one another, exchange ideas and best practice and also to share resources such as summaries of their respective military justice systems.

The Network is continuing its development process, and aim to focus on the update of the Handbook, the NMP website in connection with the launch of the PICP platform and updating the contents on the website in the near future.



NMP Factsheets – IAP Handbook on Military Justice Systems

The NMP (Network for Military Prosecutors) together with the IAP Secretariat published a Handbook on Military Justice Systems (120 pp.), which contains entries from 23 countries in Europe, Asia/the Pacific and the Americas in September 2019.

The content is based on the outcome of a questionnaire distributed which was intended to provide a better understanding of the respective jurisdictions criminal justice systems in relation to criminal cases involving military personnel, i.e. “military criminal cases”.

The NMP aims to update the handbook with a view to compile relevant legislative and other amendments since the publication and to include further jurisdictions in the Handbook in the time to come. We will reach out for the purpose of updating the content in due course.

Access to the Handbook on Military Justice Systems (password protected): <https://www.iap-association.org/NMP/Publications/Publications>

The NMP website and library

The NMP website library currently contains numerous documents on various topics pertaining investigation and prosecution of military criminal cases including Guidelines in Investigating of Violations of International Humanitarian Law. The materials are available here:

Access to the Library (password protected):
<https://www.iap-association.org/NMP/Publications/Library>



The NMP aims to review the Library contents in the time to come. We will reach out with a view to updating the content in due course.

3. Upcoming conferences in 2024

- **The 29th IAP Annual Conference**

The next and 29th IAP Annual Conference will be held in Baku, Azerbaijan 29 September – 2 October 2023. Further information will be available on the IAP website in due course.

- **The XXIIIrd Congress of the International Society for Military Law and the Law of War**

The *International Society for Military Law and the Law of War* will host its next *Congress* at the Grand Hotel Kempinski in Vilnius (Lithuania) from 21 to 24 May 2024. The central theme is *Legal Contributions to International Peace and Security, and to Enhancing Resilience in Times of Increasing International Tensions*.

The Congress will constitute a session of the **Committee for [Military] Criminal and Disciplinary Law**.

The ISMLLW has announced that there is a reduced participation fee for members and the relevant discount in case of early registration. A membership application form can be found at www.ismlw.org under the 'To become member' section. The ISMLLW is pleased to inform that the registration fee is at the same level as the fees of the recent Congresses in 2018 and 2022.

For further information, please see the ISMLLW website: <https://www.ismlw.org/>

We might add that a Memorandum of Understanding (MOU) with the International Society of Military Law and the Law of War (ISMLLW) was signed in June 2019. For further information, see the IAP 2018 – 2019 ANNUAL REPORT and the IAP July 2019 Newsletter which are available at the IAP website <https://www.iap-association.org>

Season's Greetings

Dylan Kerr

Colonel Dylan Kerr,
Director of Military Prosecutions, Canada

Lars Stevnsborg

Lars Stevnsborg, Military Prosecutor General
Denmark