

INTERNATIONAL ASSOCIATION



OF PROSECUTORS

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**ANNUAL REPORT
2004 – 2005**

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Introduction

This is the IAP's sixth formal Annual Report. As well as being available to participants at the General Meeting and to other members on request from the Secretary-General, it may be found on the IAP website (www.iap.nl.com).

Part 1

The IAP Year

9th Annual Conference

The IAP held its 9th Annual Conference in Seoul, Republic of Korea on 5-10 September 2004. This was the second time that the Annual Conference had been held in Asia and it will again be one which lingers in the memories of those who were fortunate to attend. The venue was the impressive COEX Conference Centre and our hosts, the Supreme Public Prosecutor's Office, worked tirelessly to ensure a successful and enjoyable conference. Overall there were more than 500 participants from 91 countries.

The Opening Ceremony and President's Reception was held in the Vision Hall of the Walkerhill Hotel in Seoul and we were honoured that Mr Lee, Hae Chan, the Prime Minister of Korea, attended and addressed the participants. The Ceremony was also attended by Mr Kim, Seung Kew, the Korean Minister of Justice, and participants heard messages of welcome from our host, Mr Song, Kwang Soo, the Prosecutor General of Korea, and IAP President, Nicholas Cowdery AM QC, who also acknowledged the conference President, Mr Song Kwang Soo, and Vice-Presidents, Mauricio Fernandez (Chile), Knut Kallerud (Norway), Wendy Stephen (Canada) and Fasil Tadese (Ethiopia). Entertainment was provided by a troupe of Korean drummers whose dramatic performance energised us for the week ahead.

The work programme of the Conference began, as is now our custom, with the presentation of IAP Awards (see below). This was followed by keynote addresses from Prosecutor General Song, Kwang Soo and the President. The Prosecutor General gave an interesting insight into the conference's theme "Different systems : Common Goals" and the President encouraged participants to play a full part in the week's work programme.

The first plenary session was initially addressed by Zhang Deng (China) who was followed by two founding fathers of the IAP, honorary members Dato Steenhuis (The Netherlands) and Eamonn Barnes (Ireland). They set a perspective for the conference looking from the point of view of their own jurisdiction at the position and function of the prosecutor in the criminal justice system. Next, in a session chaired by Mauricio Fernandez (Chile), the focus turned to investigation issues in presentations by Heo, Sun Kim (Korea), Tim Macintosh (Australia) and Jean-Claude Marin (France).

The regional fora compared two contrasting prosecution systems in the light of their regional experience. The feedback session later heard from Seoungjin Choi (Korea), Rafik Hamuth (Mauritius), Raj Joshi (England and Wales) and Richard Rogers (U.S.A.). The conference dinner was held al fresco in the grounds of the beautiful Gyeongbokgung Palace and will be remembered by all who attended.

On Tuesday 7 September Fikrat Mammadov (Azerbaijan), Young Ho Moon (Korea) and Daniel Bellemare, MSM, QC (Canada) provided contrasting views of the impact of democracy on the prosecution process and Christian Coquoz (Switzerland), Sir Alasdair Fraser, QC (Northern Ireland, U.K.) and Sang Dae Han (Korea) looked at the relationship between the prosecutor and the police. In another session of contrasts entitled “New models for prosecutors”, participants heard a video address from Luis Moreno Ocampo, the Prosecutor at the International Criminal Court, who concentrated on issues of complementarity and outreach. He was followed by Patricio Cooper (Chile) who, first in an intriguing presentation and then by answering questions, gave the conference a vivid picture of dramatic reforms to the prosecution service and criminal justice system in his own jurisdiction.

Tuesday’s workshops focused on three issues – sentencing, including sentencing guidelines, pre-trial issues and diversion. The lively discussions were reflected in the feedback which was provided by Eung-jun Choi (Korea), Elizabeth Howe (England and Wales), Gordon Lerve (Australia) and Polly Wan (Hong Kong, China). Written details will appear in the Newsletter and on the website.

Wednesday was set aside for experiencing Korea. Some participants visited local criminal justice institutions. Others joined the temple experience and learned over a day what life as a Buddhist means. Yet others, including Daniel Bellemare (see below), visited the demilitarised zone.

Back at work on Thursday James Hamilton showed admirable chairing skills in a session on the citizen’s participation in the criminal justice process. The speakers - Christopher Wray (U.S.A. – by video), Ingunn Fossgard (Norway), Ken Macdonald, QC (England and Wales, U.K.), Britta Bjelle (Sweden), Andre Vandoren (Belgium), Carla Verissimo de Carli (Brazil) and Sang Gil Park (Korea) – ranged widely across the jury system, lay judges and magistrates, community and victims’ issues and systems for challenging a refusal to prosecute.

Francois Falletti (France) and Darryl Saw, SC (Hong Kong, China) compared the common law and civil law systems of appeals and Daniel Bellemare, MSM, QC (Canada) led a discussion on the future course of the IAP in an interactive session which could clearly have run much longer.

The Thursday workshops concentrated on keeping politics out of prosecuting, resources and lay participation in the criminal justice system. Oral feedback was given by Roger Coe-Salazar (England and Wales), Sal Vasta (Australia) and Brigitte Vestberg (Denmark).

The day concluded with a networking evening at which our host was the Korean Minister of Justice, Mr Kim Seung Kew.

Friday began with plenary presentations on education and training from Egbert Myjer (The Netherlands), Jan Henning (South Africa) and Minoru Shikita (Japan). The focus then changed to co-operation and the conference heard from Annabelle Bolt (H.M. Customs and Excise, U.K.), Bernadette Codjovi (Benin), Mike Kennedy (Eurojust), Sung Kyu Lee (Korea), and Tsai, Ching Hsiang (Chinese Taipei).

Kampree Kaocharern (Thailand) and Raija Toiviainen (Finland) spoke to the participants on the efficient use of resources before the President chaired a final question and answer session which involved Richard Buteera (Uganda), Carlos Donoso Castex (Argentina), Mike Kennedy (Eurojust) and Motoo Noguchi (Japan).

As this year’s conference drew to a close, Kristina Tollbäck (Sweden) and Barry Hancock (IAP General Counsel) looked forward to next year’s work programme when the conference theme will be “Witnesses, experts and victims”. Henning Fode invited the participants and all members of the IAP to come to Denmark next year when the Annual Conference will be held in his capital city, Copenhagen.

Finally, the President thanked everyone who had contributed to the success of the conference and in particular our host, Prosecutor General Song Kwang Soo and his colleagues.

Executive Committee meeting in Seoul

The Prosecutor-General of Korea, Mr Song Kwang Soo, welcomed the members of the Executive Committee on 4 September and wished the IAP well for the meeting, the conference and the future. Korea had been a member of the IAP from the earliest days. The President thanked the Prosecutor-General for his hospitality and for the arrangements which had been made. The theme of this year's conference had been suggested by Korean colleagues. He presented the Prosecutor-General with a copy of the IAP Human Rights Manual.

There were apologies for absence from Wendy Abraham, Klas Bergenstrand, Brigitte Bierlein, Geraldo Brindeiro, Ali Nassir Al Bualy, John Kaye, Laszlo Venczl, Christopher Wray and Ye Feng,. The President asked Gerhard Jarosch to convey the meeting's best wishes for a speedy recovery to Brigitte Bierlein who had been attacked near her home.

The minutes of the meeting in Chiang Mai were accepted as correct and there were no matters arising.

There were applications for organisational membership from the Military Prosecutors' Office of Australia and from the DPP's Office in Nigeria. Carlos Donoso Castex was concerned that his objections to the former and similar organisations had not been passed to other members of the Executive Committee. He was also concerned about membership of military prosecutors as there were different rules for them. There were already two such services which were organisational members. The Secretary-General explained the existing position and the President opened the matter for discussion. The Constitution provided for membership by military prosecution services. The General Counsel would work with colleagues to prepare a series of options in respect of screening of applications for organisational membership. The Australian application was accepted with the dissenting voice of Carlos Donoso Castex. The Nigerian application required further information and would be dealt with electronically in due course.

Nominations for Vice-Presidents and membership of the Executive Committee were noted. Zdenka Cerar (Slovenia) had withdrawn on her appointment as Minister of Justice. Brigitte Bierlein had nominated Wolfgang Swoboda. This was agreed. The Executive Committee agreed this nomination. Kampree Koacharearn (Thailand) was substituted for Rawat Chamchalerm.

The President raised the question of his successor and hoped that the Executive Committee would be in a position soon to be able to notify the membership, through the Newsletter, of its nomination to be made in Copenhagen. A process was agreed upon to enable that to be done.

The Secretary General presented his report. The membership continued to grow. The financial situation was sound but was impaired by the continuing poor exchange rate between the US Dollar and the Euro. He thanked the governments of Denmark and Ireland for continuing structural report. The draft budget was approved. The meeting thanked the Secretary General for his work.

The General Counsel presented his report. The idea of a roll of honour would be raised at the General Meeting and detailed in the Newsletter. The President thanked the General Counsel for his work.

Francois Falletti reported on his and Elaine Krivel's involvement in the Interpol committee which is reviewing key elements of its constitution. He saw this as an important collaboration for the Association.

Retha Meintjes reported on the development of an African prosecutors' association. The President reported that there had also been developments towards the formation of a similar grouping for the Pacific and the IAP might be asked to become involved. Josiah Naigulevu was heavily involved in this work.

There was discussion of the IAP Strategy document.

Fikrat Mammadov was organising the development of a Russian link to the website with the translation of key IAP documents. Thai colleagues wished to link their website to the main IAP site.

The French version of the Human Rights Manual was already available on the website and negotiations were going on to ensure the printing of hard copies.

Lim Nae Hyun reported on arrangements for the conference. The Prime Minister would be the guest of honour at the opening. The President thanked him and his staff for the arrangements they had made.

Henning Fode reported on advance progress for the Annual Conference in Copenhagen in 2005. A website will be open in November 2004. The conference will run for four consecutive days with a "national" day on the Friday. It is expected that the conference fee will be at around the same level as this year. The President indicated that there was not as yet a firm bid for hosting the Annual Conference in 2006.

The 2nd Asia and Pacific Conference would take place in Hong Kong in November 2004 (there is a website www.iaphk.org) and the 5th European Conference in The Hague in March 2005.

There was an offer from Togo to hold an IAP event in Lome in early 2006. It was agreed that this could be a meeting of the Executive Committee, perhaps combined with an African regional meeting. It was agreed that Francois Falletti and Daniel Bellemare should continue discussions with colleagues from Togo with a view to bringing this about and members of the Executive Committee committed themselves to attending.

The next meeting of the Executive Committee would be held in Ljubljana, Slovenia in the Northern Spring of 2005, perhaps on 7-9 April.

IAP Awards

The IAP Medal of Honour

In August 2004 IAP Secretary-General, Henk Marquart Scholtz, travelled to Lyon where he and Francois Falletti presented the Medal of Honour to M Truche. Francois Falletti spoke, saying that this was a very important occasion and a moment of great pride to be able to present M Truche with the Medal of Honour of the IAP in the same office where until some years ago he had worked. He now joined a prestigious line of predecessors as this Medal had previously been presented to three people, Louise Arbour, Nelson Mandela and Simon Wiesenthal. During his long career he had shown great professionalism: he was a great professional of the public prosecution. M Truche had demonstrated this in the many responsible positions in which he had served in the largest cities of France in the public prosecution service, in Lyon, Marseille, Grenoble, Bordeaux and Paris. He had finished his career in the highest position as Procureur Général at the Cour de Cassation and thereafter as President of that same Cour de Cassation. Also at the present time he was continuing his work in strengthening the values of the public prosecution by different actions taken by him in particular on an international level.

This professionalism showed care about creativity. First practical creativity: in this building, he was the originator of what today is still called 'the Truche method', which consists of carrying out effective prosecutions in white collar crime cases. He also made efforts to communicate his ideas to public institutions and the world of politics in order that they consider the promotion of modifications in penal procedures or make new rules for the public prosecution.

M Truche's career was also marked by an exceptional event. In 1987 he was the prosecutor in the case of Klaus Barbie. Klaus Barbie was from 1942 to 1944 the chief of the Gestapo in Lyon. He

committed terrible acts against numerous people. More than 7000 people died in prisons for which he was responsible, and more than 2000 people were deported. Fortunately it became possible to hold his trial 40 years later. M Truche did not retreat and he behaved as a prosecutor should behave in such a case. Everyone agrees that he carried out this prosecution with all necessary energy, but also without hatred and with deep concern for humanity. In this way he took part in implementing the wise words of a French philosopher, Blaise Pascal, who wrote three centuries ago, "Power without justice is tyranny. Justice without power is powerless. They should be combined, thus that what is powerful is just and what is just is powerful."

The citation reads: "For his outstanding dedication to the work of the prosecutor."

M Truche replied :

"I have worked 40 years in public prosecution. I had all positions, in the lowest jurisdictions up to the Cour de Cassation; in minor cases like corruption, drugs, financial crimes, in civil cases and in huge criminal cases. However, when I began my career, one could not imagine that one day there would be a meeting place for prosecutors from - today - 150 countries. This was unthinkable.

You have mentioned the period of the occupation, when the judicial powers in numerous countries did not fulfil their task, which is protecting the citizens. In that time and in relation to what had happened, the U.N. ruled that there were obligations which were imposed in all countries, by all magistrates. Thus on 10 December 19448 the Universal Declaration of Human Rights came into being. But, paradoxically, what was considered to be universal in each country ran up against the fact that justice is a matter depending on the states. It is a public service which has its source only inside the borders of a state and when I began my career we were not interested at all in international questions in spite of the positions taken by the U.N..

I am really very touched today that there are regular meetings of prosecutors from the entire world and I am most honoured that they thought of me. This gives me the occasion to return to myself, for this distinction in reality sees through my person - and I feel this very deeply - a certain concept of justice. I can say that during my professional life I adhered to a line of conduct during many long years, which line of conduct came to be in 1958 when the new French Code of Criminal Proceedings entered into force. There is in this Code an article which states that the prosecutor should demand a penalty in a case; this article is a fine ethical provision also where it continues: the prosecutor may only demand in court what he believes to be for the good of justice. I must say that I tried to follow this line of conduct during my entire long career. What I, in my capacity of magistrate of the public prosecution, believed to be in conformity with the good of justice - of course mistakes can be made and fortunately there are judges to evaluate this - this was not my personal belief or my political, religious or different convictions; there is an essential obligation for the magistrate of the public prosecution, which is to act in conformity with the good of justice. It is always the question one should ask oneself, keeping in mind what is found in the Universal Declaration of Human Rights: the idea that the foundation of justice and of peace in the world is respect for the fundamental freedoms. To respect fundamental freedoms in society is what is in conformity with the good of justice for public prosecution.

Clearly, this is true for all the activities of the public prosecutor and not in the court session only. Always the contradictory principle, the respect for the rights of the defence and the principle of proportionality should be upheld. This is evident for the public prosecutor and, of course, these requirements are valid for judges too: they work with a very solid ethic so that there can be independent and impartial justice. But the other guarantee for this independent and impartial justice depends on the public prosecutor.

Indeed justice is done in a country in the context of the political and social fight, of the interventions in the press by public opinion: judges should be kept out of this pressure and these interventions, and this interface between judges and public opinion, between judges and all other powers stands public

prosecution. That is its greatness. It can only exercise this power of interface when it itself has very demanding ethics. There you have a fundamental guarantee for the judge and for justice in a country.

After the Second World War one has seen an internationalisation in the field of principles, and internationalisation in the relations between states, in particular in common spheres as the European Union, the Council of Europe and also in other continents. There had to be a third dimension after the principles, after the rapprochement of states, and this was the meeting of the magistrates. This important work should be accomplished in the perspective of the respect of the liberties for the good of justice.

I am very happy that this Association was established, that it is effective and alive; much work still has to be done but I am sure that the road prepared for the magistrates is an important one: without them nothing will be done. Therefore my best wishes accompany your Association.

.The IAP Special Achievement Award

This award is given particularly for carrying out prosecution duties to a high standard in the face of special hardship or adversity or in circumstances deserving of special recognition.

Paul Ngarua

Paul Lincoln Kamuya Ngarua, originally from Kenya and now a senior prosecutor at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, until recently was Director of Public Prosecutions for the Kingdom of Swaziland. Before taking that appointment in 1998 he had been Crown Counsel and Senior Crown Counsel there for about 6 years.

In the course of his duties he instituted proceedings against a government minister and Prince. He did so in an attempt to prevent improper interference with judges and the judicial process. As a result of this prosecution (and his refusal to drop contempt of court charges against the Attorney General and other national and Royal figures) he was put under unjustified pressure by his government to withdraw charges and was otherwise subjected to improper and at times illegal oppressive treatment. Indeed, on one occasion he was abducted at night and taken 60kms from his home to a place where he was confronted by government ministers and senior police officers and faced with demands that he should withdraw the charges or resign. He was harassed and hounded daily in his professional and private life. His office was bugged and broken into on two occasions. He was himself visited with criminal charges.

Paul Ngarua stood firm in the face of this pressure and behaved in a manner which we would expect of a member of the IAP. He staunchly defended the rule of law and adhered to principle in the face of adversity with great personal courage. Eventually he was obliged to leave office and the country. We salute his fortitude and presented him with the IAP Special Achievement Award.

The citation reads : “For carrying out his duties professionally in the face of severe political pressure.”

Gintaras Sereika

When the Republic of Lithuania regained its independence in 1990, its society faced historic changes. Radical social reforms, instituted while creating a democratic state, had an influence on the law enforcement system of the country. Prosecutors had to deal with especially brutal crimes and investigation and prosecution had to be placed upon the basis of the principles of the rule of law. One of the prosecutors Gintaras Sereika did a great job and achieved high results in protecting civic rights and freedoms and fighting organized crime.

As the prosecutor in the Regional Prosecutor's Office of Panevezys, Gintaras Sereika gained a deservedly high reputation not only among law enforcement officers. As the Chief Prosecutor at the Organized Crime and Corruption Investigation Division of Panevezys Region he never left criminals alone. Many criminals who were accused in cases investigated by Mr Sereika wanted to influence the procedure of investigation and prosecution and constantly threatened to use physical violence. Eventually they made their threats come true – on 25 January 1999 they murdered this highly-principled prosecutor. Lithuanian society and the community of lawyers were shocked by this act of violence.

This year Lithuanian prosecutors commemorated the 5th year anniversary of the death of their colleague by unveiling a memorial plaque on the wall of the building of the Regional Prosecutor's Office in Panevezys. The Chairman of the Parliament, law enforcement officers, representatives of society and relatives of the deceased participated in the ceremony.

The IAP joined our Lithuanian colleagues by presenting, albeit posthumously, its Special Achievement Award to Gintaras Sereika.

The citation reads : “Posthumously, for continuing his work as a prosecutor whilst under threats to his life and who was later murdered.”

Kestutis Vagneris accepted the award.

The Prosecutors' Team of the Central Investigation Department at the Supreme Public Prosecutors' Office of Korea.

The Central Investigation Department of the Supreme Public Prosecutors' Office in Korea is the department which, under the leadership of the Prosecutor General, investigates the most difficult and complicated cases, including corruption of politicians and high ranking public officials and major corporate scandals.

In December 2002 a team of prosecutors within this Department was formed to investigate the alleged slush fund financed by businesses during the presidential campaign. In revealing the unprecedented scope and level of corruption involved in the presidential campaign, the team has been dedicated to promoting transparency not only in Korean politics but in the Korean society as a whole.

The Prosecution Service of Korea designated Dai Hee Ahn, Chief of the Central Investigating Department, to spearhead a special prosecutors' team comprised of 19 prosecutors and 80 investigators. The team discovered that a number of leading Korean businesses had financed 70 million dollars of illegal political funds to the parties of presidential hopefuls and consequently prosecuted about 74 politicians, including 27 lawmakers, implicated in the case.

During the investigation, the business community protested that the investigation was hampering their business activities and the political establishment tried to use its influence to have the investigation stopped. Despite such adversity, however, the team continued its work, resolved to eradicate the shabby dealings between politicians and businesses.

Whenever large amounts of illegal funds were revealed, political parties tried to stop the investigation by claiming that the investigation was lopsided and politically motivated. However, the public, who look for a clean and transparent society, strongly supported the investigation. As the investigation team produced tangible results, ordinary Korean citizens showed their support by forming a fan club for Prosecutor General Kwang-soo Song and Dai Hee Ahn. The media also backed the investigation. One of the leading local newspapers even selected Prosecutor Ahn as its man of the year in 2003.

The citation reads : “For outstanding courage in pursuing a prosecution”.

Certificates of Merit

This is the way in which the Association expresses its gratitude to members, individual and organisational, for their support of the Objects of the Association.

Klas Bergenstrand – For chairing the Conflict Committee 1996-2002;

Brigitte Bierlein, Geraldo Brindeiro, Michael Chertoff, Sir David Calvert-Smith, QC, Yuki Furuta, Boowhan Han, Suchart Traiprasit, and Wichian Wiriyaprasit - In recognition of their distinguished service to the Executive Committee of the Association;

Egbert Myjer, Nicholas Cowdery AM QC, Barry Hancock – For work in preparing and editing the *IAP Human Rights Manual* and for service to the Executive Committee;

U.S Department of Justice – For hosting the 2003 Annual Conference and the attendant meeting of the Executive Committee.

Thank You Certificates

Rawat Chamchalerm – For hosting the 2004 Northern Spring Meeting of the Executive Committee.

Office of the Prosecutor General of Sweden- For organising and hosting in Sweden the 2004 CITES Seminar (on prosecuting trafficking in endangered species).

The General Meeting, 9 September 2004

1. The President opened the meeting and acknowledged Honorary Members of the Association, Minoru Shikita and Dato Steenhuis.
2. The rules of procedure were adopted.
3. The minutes of the General Meeting 2003 were approved.
4. Egbert Myjer referred to the minutes and declared that the preparation of a training manual relating to the *Human Rights Manual* was still outstanding. There was need for someone to succeed him as chair of the Human Rights Forum. He suggested Knut Kallerud who in turn indicated his willingness to take responsibility for this work.
- 5a). Daniel Bellemare, Retha Meintjes and Ye Feng were re-elected as Vice- Presidents by acclamation.
 - b) Carlos Donoso Castex was elected as Vice-President. He spoke, thanking the General Meeting, acknowledging the presence of the Argentinian Ambassador and asking the Meeting to stand for a minute in silence in respect for the victims of the recent hostage crisis in Russia. He was pleased to be speaking in his own language and indicated that he would work for transparency within the Association and committed himself to working on behalf of the membership, particularly those in Spanish and Portuguese-speaking countries. The President looked forward to increased membership from these countries and to a source of funding being found to cover the costs of Spanish and Portuguese translation at future conferences.
 - c) Alasdair Fraser, Kampree Kaocharem, Michael Kennedy, Charles Leacock, Wolfgang Swoboda and Christopher Wray were appointed as members of the Executive Committee, and Francois Falletti and Fikrat Mammadov were re-appointed as members.

The President thanked Geraldo Brindeiro, who resigned after six years Vice-Presidency and former members Brigitte Bierlein, David Calvert-Smith, Rawat Chamchalerm, Michael Chertoff, Yuki Furuta, Egbert Myjer and Wichian Wiriyaprasit.

- 6 The Secretary-General presented the Annual Report 2003-2004. The membership continued to grow. The financial situation was sound but was impaired by the continuing poor exchange rate between the US Dollar and the Euro. He thanked the governments of Denmark and Ireland for their continuing structural support.
- 7 The individual membership fee was fixed at \$US30 for the ninth time.
8. The Seoul Declaration (see below) was adopted unanimously by the General Meeting, after the inclusion of an amendment proposed by Rufus Godwins..
9. The President gave brief details of training initiatives in Sri Lanka and Pakistan and also of a possible mentoring programme in conjunction with UNODC. He also stressed the importance of communication between prosecutors and therefore asked the meeting to complete and return the questionnaires for the fact sheets. There would be sought cooperation with Eurojustice, which would held its next meeting in October 2004 at Dublin.
10. The President informed the meeting on the progress of the French version of the Human Rights Manual and asked members to promote translation of the Manual in other languages.
11. The President stressed the importance of the commitment – through the Secretariat - to the IAP Standards by organisational members.
12. There would be a second Asia and Pacific Regional Conference at Hong Kong, China, 25-27 November 2004, and a fifth European Regional Conference at The Hague, 16-18 March 2005. The 10th Annual Conference would take place in Copenhagen, 28 August – 1 September 2005.
13. It was agreed that the IAP should institute an honour roll for prosecutors who are killed in the pursuance of their duties. The President gave details of a new book on computer crime. He also indicated that a member of the IAP had generously volunteered to contribute the conference fee of a colleague from a developing country to attend the 2005 Annual Conference. He asked if there were any others who could give such support. The Secretary-General indicated that this year the granting program had received support from Korea, Norway, Finland, Sweden and the Agence Intergouvernemental de la Francophonie. He was now seeking support for next year.

The next General Meeting would be held on 31 August 2005 at Copenhagen.

Seoul Declaration

**Adopted by the General Meeting of the 9th Annual Conference of the International Association of Prosecutors
Seoul, Republic of Korea
9 September 2004**

The IAP 9th Annual Conference :

Whereas both domestic and transnational criminality have become more complex and sophisticated, including terrorist acts;

Whereas new strategies and approaches are required to address these new challenges;

Whereas to address these new challenges, prosecutors of the world pursue common goals through different systems;

Whereas the IAP recognized this reality through the choice of the theme of its 9th Annual Conference –
Different systems : Common goals;

Whereas the IAP recognizes the existence of ongoing legal reforms in various systems that pursue these common goals; and

Whereas the IAP recognizes the need for prosecutors to share and exchange information, experiences and knowledge.

1. Proclaims the following principles :

- (1) Every country of the world has adopted a legal system that has its own national specificity;
- (2) Co-operation between legal systems is built on common features that could serve as a basis for co-operation;
- (3) In order to anticipate and resolve issues that may hamper effective co-operation, IAP members must engage in early consultations;

2. Decides, in order to implement these principles, to create an international working group to analyse different legal systems in order to :

- (1) Create an information booklet to facilitate knowledge of the measures which each member has in domestic law to assist in transnational criminal co-operation;
- (2) Consider training and communication strategies to implement better co-operation.

3. Requests the Executive Committee, at the recommendation of the Korean Prosecution Service, to establish this working group.

4. Requests the working group to put initial progress on the IAP website at such time prior to the 10th Annual Conference as will permit reasoned comment.

5. Requests the working group to report on progress made to the 10th IAP Annual Conference.

IAP Strategy – The Seoul interactive session

As the IAP approaches its 10th anniversary it is working hard to ensure that it approaches the next ten years with maturity and assurance. To this end the Executive Committee is looking at a strategic view of our activities in the future. As part of this process Daniel Bellemare (Canada) led an interactive session at the annual conference in which he asked participants in particular what main issues the IAP should focus on in the next decade

Responses included :

The IAP should develop guidelines on new areas of criminality.

There should be dissemination from organisational members to all others.

There should be a focus on the relationship with victims and witnesses.

Openness of the prosecution process to the press and the public.

Guaranteeing of independence.

Is there a political role for prosecutors?

Organisational membership should carry with it a responsibility to hold a regional seminar in conjunction with the IAP.

Prosecutors on international missions – is there an administrative role for the IAP?

The Best Practice Series should be developed to include volumes on victims and witnesses, management of the prosecutorial function and the management of the relationship between the prosecution and the police.

More work on organised crime, money laundering and terrorism.

There is a need to develop an independent capacity to respond to international need.
Transparency in criminal proceedings.
Citizens' participation.
A need to go deeper and to add value.
A plan for all prosecutors.
Transparency.
There is a need to ensure that the IAP is not Western-centric.
Training across continental divides.
Standards across the world.
Transfer of skills across jurisdictions.
Information and data need to be widely available.
Use of liaison magistrates worldwide.
Practical ways of marshalling resources, eg DNA evidence may be obtained more quickly in another jurisdiction.
Specialist bodies of prosecutors.
Concrete action plans with countries taking responsibility.
Personal relationships are very important but a way needs to be found to institutionalise the cementing of relationships.
"Different systems : Common goals" could be a symbol for the IAP.
Can we become a consulting organisation?
A way to improve capabilities so that we can fight new crime.
We should aim to have members in all countries.
There is a need for better co-operation over extradition.
An exchange of intelligence between prosecutors' offices.
Independence and human rights.
There should be an exchange between industrial and developing countries.
Capacity to gather the maximum number of professionals.
We should go home and give feedback to colleagues.
IAP should distribute educational programmes made by members.
Ethics.
The IAP could become the main place for the development of the prosecutor.
Promotion of human rights and social rights.
Expand to include the civil sphere.
There is a need for more democracy.
Standards on security – IAP should take concrete measures to ensure that legislation provides security for prosecutors and their families. This should protect their offices.
Criminals flee to other countries. We send arrest and extradition warrants but there is no follow up. They should be sent through the IAP.

Sadly, despite this long list of proposals, there was insufficient time for all who wanted to contribute to do so. However, there are two ways in which we can build on this start :

- **We shall hold a similar session at next year's conference.**
- **If you wish to contribute to this process, please send your suggestions to the General Counsel (hancockiap@aol.com). You may wish to make a new point or to reinforce one of those listed above.**

Presidential Nomination

IAP President, Nicholas Cowdery AM QC, will be stepping down at the end of this year's Annual Conference after six years in office. The Executive Committee has nominated Henning Fode, Rigsadvokat of Denmark, for election by the General Meeting as next President of the Association. Further nominations may be made by the membership in accordance with the provisions of paragraph

10.4 of the IAP Constitution. Any such nominations should be submitted to the Secretary-General by 28 May 2005.

2nd IAP Asia and Pacific Regional Conference

The 2nd IAP Asia and Pacific Regional Conference was held at the Miramar Hotel in Hong Kong, China on 25-27 November 2004. We are extremely grateful to Ian Grenville Cross, SC, the Director of Public Prosecutions for Hong Kong, China and his dedicated local organizing committee, headed by John Reading, SC, for the warmth of their hospitality and the excellent arrangements which led to the overall success of the conference.

Participants from 14 jurisdictions across Asia and the Pacific gathered on the evening of Thursday 25 February and got to know each other during a pleasant reception. The working sessions of the conference began early on the next day when the participants were welcomed by our host, Ian Grenville Cross, SC and IAP Secretary-General, Henk Marquart Scholtz before the conference was formally opened by Mrs Elsie Leung, the Secretary for Justice of the Hong Kong Special Administrative Region. We were also honoured that the Attorney General of Thailand, Kampree Kaocharem, and the Prosecutor-General of Macao S.A.R., Ho Chio Meng, were present for the first day of the conference and that our Asian Vice-Presidents, Minoru Shikita and Ye Feng were with us throughout and that they played an active part in our discussions.

The conference began with a comparison of the workings of three prosecutions services – New South Wales, Australia (represented by Frank Veltro), Macao, S.A.R. (represented by Kuok Un Man) and the local service (represented by Arthur Luk, S.C.). The main theme of the conference was “Dealing with drug offenders” and it was explored in a variety of ways. The first plenary session focused on the problems caused to society by drug offenders and the issues for prosecutors. Our expert speakers were Glen Rice of the Australian Commonwealth DPP’s Office and IAP Vice-President, Ye Feng from China.

The legislation used in various countries to tackle drug crime was discussed in working groups and outlined in plenary presentations by Darryl Saw and Kenny IP (Hong Kong), Dong-Eon Cha (Korea) and Lianron Li, a prosecutor from Taipei who is currently studying in the U.S.A..

Our first full day ended with a memorable conference dinner at the Royal Hong Kong Yacht club. We were piped in to dinner by pipers of the Hong Kong Police and the band of the Hong Kong Police entertained us throughout the meal.

Drug trafficking, organised crime and money laundering were addressed on our final morning in plenary presentations by Sunisa Sathapornsermsuk, (Thailand), and Laleshni Chandra (Fiji). We also heard a highly skilled and touching address from Paul Coghlan, the DPP of Victoria, Australia, whose final anecdote will be long remembered by all who were present.

Working groups considered different ways of addressing the problems in a series of sentencing exercises and the various approaches were set out in plenary presentations by Motoo Noguchi (Japan), Brian Knox (Australia) and Eugene Lee Yee Leng (Singapore). An alternative vision was given by Henk Marquart Scholtz and Annabelle Bolt (United Kingdom) outlined the work which she had done to bring the IAP Mutual Legal Assistance project to fruition (see below).

A final discussion revealed the wide range of sentences likely to be imposed depending on jurisdiction. It was a sad moment when we had to call a close to the conference. IAP senior Vice-President Minoru Shikita joined Ian Grenville Cross in making closing remarks and we wished everyone a safe journey home.

Once again the IAP would like to thank our hosts for all their efforts and we are sure that no one was disappointed by the product.

MLA Guide

Over the last year Annabelle Bolt (United Kingdom Customs and Excise) has driven the development of a simple guide to obtaining mutual legal assistance. Following wide consultation and presentations at the recent annual and regional conferences, this extremely useful work is now being published as Volume 4 in the *IAP Best Practice Series – A guide to mutual legal assistance*. A copy of the *Guide* is enclosed with this Newsletter for your use.

The IAP would like to thank Annabelle Bolt for her hard work and dedication in producing this document which will be of immediate use and assistance to colleagues all over the world.

Co-operation in projects

In the second half of 2004 the Association was approached by two reputable institutions in The Hague for support and co-operation. The first project is the European Arrest Warrant (EAW) Project of the T.M.C. Asser Instituut in The Hague, in collaboration with its consortium partners: the Max Planck Institute (Freiburg), the University of Lund (Sweden) and others, which will result in establishing a Pan-European Research Network (www.eurowarrant.net) for:

- the dissemination of practice-oriented peer-reviewed information concerning the surrender procedure based on the EAW;
- its implementation by the EU Member States, the establishments of a network of correspondents and experts;
- the development and organisation of an EAW knowledge centre;
- and the organisation of congresses, conferences and training sessions.

The Project is co-financed by a grant under the European Commission's AGIS Programme, and the IAP was one of the co-signatories of the application for this financing. IAP Secretary-General Henk Marquart Scholtz was asked to be a member of the Steering Committee of this project.

The second project is titled 'Awareness-raising of Judicial Authorities concerning Trafficking in Human Beings', in co-operation with the Dutch branch of the International Organisation for Migration (IOM), an Intergovernmental Organisation. For this project an application for financing was submitted to the European Union and the IAP was one of the co-signatories.

Earlier in 2004 IAP member Rory Field QC from England, now on secondment to the Organization for Security and Co-operation in Europe (OSCE) in Belgrade, asked the Secretary-General of the Association for his assistance in drafting a Code for Prosecutors for Serbian prosecutors. The Association of Serbian prosecutors had made a draft for such code and assistance by the IAP would be much appreciated. The Secretary-General flew to Belgrade twice for meetings with Serbian colleagues and, after the second meeting, the General Meeting of the Serbian Association adopted the Code with a few minor amendments.

The Secretary-General carried out further work for the OSCE by acting as one of the two Dutch official OSCE-observers of the U.S. elections on 2 November 2004. He visited seven polling stations in Virginia and witnessed the voting and the final counting of the votes.

5th IAP European Regional Conference, The Hague, 16-18 March 2005

This year's European Regional Conference was an extremely happy and cosmopolitan event. Being attended by 49 prosecutors from a record 21 countries. In addition to European colleagues we

welcomed prosecutors from Indonesia, the U.S.A. and Taipei who were working or studying in Europe. They are a welcome addition to our conference and add an even broader range of experience to our diverse gathering.

This year for the first time we were delighted to incorporate a visit to Eurojust into our programme at the kind invitation of Executive Committee member Mike Kennedy who is the President of Eurojust. He gave participants a stimulating presentation on the work of his organization and about the practical help which it can be to prosecutors in the European Union and beyond. We are most grateful for this opportunity to further the experience of our colleagues and it was good to meet at Eurojust another Executive Committee member, François Falletti, and IAP member Roelof Jan Manschot.

The conference proper, which focused on the very current issue of domestic violence, began as usual with a welcome reception in the IAP offices and dinner at a local restaurant at which participants obeyed the injunction not to sit next to someone from their own jurisdiction. Judging by the noise level our colleagues already had much to discuss.

The first item on the work programme was a comparison of two prosecution services – one in a common law and the other in a civil law jurisdiction. We were treated to very clear and authoritative explanations from Edell Fitzpatrick and Marianne O’Kane from Northern Ireland and Beatrix Winkler from Austria.

We then moved to a consideration of the impact on society of crimes of domestic violence. Dagmar Freudenberg (Germany), who had been very active in the preparation of the conference, spoke on the impact on victims, Andrew McIntyre (Scotland) on general issues for society at large and Inga Beier Engh (Norway) on issues for prosecutors, including pre-trial investigations and the securing of evidence.

In a series of workshops, chaired by Raymond Briscoe (Ireland), Agnes de Vries (Netherlands) and Pierre Cornu (Switzerland), participants discussed a series of case studies based on real situations. The first day ended with a reception hosted by the City of the Hague at which we were pleased to meet again and hear from Bob Lagerwaard who, on behalf of the Mayor of The Hague welcomed participants to “the international legal city”.

On day two a plenary session on “The tools available to prosecutors – law, other agencies” was addressed by Hannele Selin-Hakala (Finland) on the presentation of evidence in court, Agnes de Vries (The Netherlands) on interaction with other agencies and Liz Reid (England and Wales) on strategies for prosecution and training issues. Another session on “*Protection and support for victims*” heard from Lykke Soerensen (Denmark) and Eric Bedos (France).

Another series of workshops, chaired by Zilla Hirsch (Sweden), Liz Reid (England and Wales), and Dikran Sarian (The Netherlands) gave colleagues the opportunity to design their own systems for dealing with domestic violence. Proposals included :

Group 1

Initial response and police training important.

Need to gather evidence at the start.

Children - referral to Welfare services. Try to keep them at home and remove the perpetrator. Avoid children attending Court to give evidence.

Joint approach from Criminal and Civil Courts.

Mediation.

Same sex relationships - gender is irrelevant but there is a need to tackle attitudes so that there is no embarrassment in reporting violence in same sex relationships/female perpetrator violence.

Group 2

Training needs to include all issues including the dynamics of domestic violence.
Need for protocol for information sharing.
One stop shop for advice for victims.
In order to enforce restraining orders tag offenders.
Sentencing should involve consideration of rehabilitation, therapy, etc.
Preventative measures should include the education of schoolchildren.
Greater powers to intervene and remove children from danger.

Group 3

Sentencing – need for conditions, counselling, therapy, restraining order. Breach should be a criminal offence.
Need for an order to deal with family's social problems.
When police arrive at the scene and receive a report of domestic violence, the suspect should be removed immediately from the home. This need not be a full arrest but only a temporary measure. If possible, counselling could begin at this stage.
Victim support – It would be good if the victim could receive a comprehensive support package, legal, social, psychological etc.
Domestic violence homicide should be a specific crime and flag up previous assaults which were themselves incidents of domestic violence.
Training for prosecutors and police needs to be wholistic.

The IAP wishes to thank the Mayor and City of The Hague for its continuing generous support and we look forward to a further successful conference next year.

Executive Committee meets in Ljubljana

The Executive Committee met in Ljubljana, Slovenia on 8-9 April 2005. The President, the Secretary-General, the General Counsel, Daniel Bellemare, Retha Meintjes, Henning Fode, Ye Feng, Carlos Donoso Castex, Wendy Abraham, Basile Elombat, Francois Falletti, Alasdair Fraser, James Hamilton, Kampree Kaocharern, John Kaye, Michael Kennedy, Lim Nae-hyun, Fikrat Mammadov, Wolfgang Swoboda, Raija Toiviainen, Laszlo Venczl were present and they were joined by Richard Rogers, Ruslan Hadjiev, Sirisak Tiyanpan, Niruj Maneepun, Kyu Taek Kwak. Apologies had been received from Minoru Shikita, Richard Buteera, Charles Leacock, Ali Nassir al Bualy, and Christopher Wray.

The President opened the meeting and acknowledged the support of Slovenia for the IAP. He also acknowledged the support and hospitality of the Society of State Prosecutors of Slovenia. Members of the Executive Committee were formally welcomed by Mrs Barbara Brezigar, Eurojust National Member for Slovenia, and Mrs Mojca Kucler Dolinar, Chair of the National Assembly Committee on Domestic Policy, Public Administration and Justice.

The minutes of the meeting of the Executive Committee in Seoul were adopted. The French version of the Human Rights Manual had now been printed in hard copy by the Agence Intergouvernementale de la Francophonie and distributed by them to Francophone prosecutors in Africa. The President thanked the Agence for its work in the translating, publication and dissemination of this version of the Manual.

There were now 109 organisational members. The up to date list is available on the website. John Kaye would be stepping down from the Executive Committee as he was retiring from prosecuting in July. He expressed his good wishes to the Executive Committee and wished the IAP well. The President thanked John Kaye for his contribution to the IAP over many years and wished him well in his retirement. The General Counsel would convene a drafting group to discuss numbers, regional and gender representation and limiting the length of time members could serve on the Executive Committee.

The Secretary General presented his report and the accounts for 2004. There were 1,290 individual members. The exchange rate of the Euro and the US Dollar continued to cause some difficulties. The accounts were approved and Messrs Ernst and Young were thanked for their continued support. The Ministry of Justice of Denmark and the Office of the Director of Public Prosecutions of Ireland were thanked for their continuing structural support. The President thanked the Secretary General.

The General Counsel presented his report. He also presented papers on mechanisms for the admission of organisational members and the presidential succession. He outlined progress on the victims and witnesses and mentoring projects and the President spoke of existing programs for assistance to Sri Lanka. Lim Nae-hyun reported on responses to the fact sheet questionnaire. There was discussion of a paper on the future strategy for the IAP which was adopted and would be circulated to members (see below). The General Counsel asked members of the Committee to consider involving their organisations by agreeing to take on responsibility for individual projects. Daniel Bellemare immediately offered to take on the development of a communications strategy. The President thanked the General Counsel.

Reports had been received from Retha Meintjes, Raija Toiviainen, Daniel Bellemare, Fikrat Mammadov, Lim Nae-hyun, Laszlo Venczl, Alasdair Fraser, Henning Fode, and James Hamilton. Kampree Kaocharern and Sirisak Tiyan reported on work in advance of the UN Congress in Bangkok later in the month. Carlos Donoso Castex reported on the assassination of a Venezuelan prosecutor, Danilo Anderson. The President had written to the Prosecutor General of Venezuela and this was much appreciated. This would be the first entry in the IAP Roll of Honour.

Gordon Lerve (Australia) had generously arranged for the conference fee of a participant at the Annual Conference from a developing country to be paid each year. The President asked members of the Executive Committee whether other such donations could be encouraged. The meeting sent its thanks to Gordon Lerve.

The Preliminary Program for the Annual Conference had been circulated. Registrations had begun to come in and there was a running count on the website. There were links to prosecution service websites on the conference website. Members were encouraged to link their sites to this. The conference would be opened by the Minister of Justice. There would be a full day and half day tour for accompanying persons. The conference centre was within walking distance of the city centre. The General Counsel outlined the work programme for the Annual Conference and asked for volunteers to assist. The Irish Government and the Agence Intergouvernementale de la Francophonie had already agreed to provide support to the Granting Program and a number of other governments were processing requests.

There was discussion on the level of the conference fee. This year's conference was being financed out of conference income. There was support for ensuring that the conference drew as many prosecutors as possible and that the fee did not, as a result of paying for social events, prevent less well-funded prosecutors from attending. It was important that the conference should be self-financing. It was perceived that it was becoming increasingly difficult for individual members to attend the conference. Henning Fode agreed to chair a group consisting of the Vice-Presidents which would produce a protocol on the level of provision at conferences.

François Falletti gave details of initial plans for the Annual Conference in 2006 in Lyon, France on 3 – 7 September. It would be held in the Palais des Congrès. An initial idea for the theme of the conference could be a discussion of options for prosecutors in making their decisions, including the exercise of discretion. The Executive Committee agreed that the conference should be held in Lyon and thanked the French Minister of Justice for his invitation.

The General Counsel reported on the success of the regional conferences held in Hong Kong in November 2004 and The Hague in March 2005. The next European regional conference would be

held in The Hague in March 2006. The IAP was seeking a host for the next Asia/Pacific regional conference in 2006 and it was likely that there would be a similar event for the Caribbean in Bermuda at around that time. The IAP had been asked to organize a conference for Eastern European countries in Sofia in conjunction with the Bulgarian Association of Prosecutors. It was also agreed that the IAP should pursue the possibility of a conference on cyber crime to be held with the assistance of Microsoft in Asia in 2006. The President would report to the committee on further proposals.

The Executive Committee meeting in Copenhagen would be held on 27 August in the Ministry of Foreign Affairs. An invitation to hold the northern Spring meeting in 2006 in Togo is being considered. Henning Fode would contact the organizers of the Second World Summit of Ministers of Justice and Attorneys General and he, the Secretary General and Ye Feng would seek further information from U.N. sources.

The President had been informed of the appointment of the new Prosecutor General of Estonia and of wishes for continuing co-operation with the IAP. The Secretary General invited European Executive Committee members to attend the IAP 10th Anniversary reception hosted by the City of The Hague on 23 June. The Secretary General was happy to supply materials for distribution to colleagues but asked that good notice be given to him so that he could avoid expensive courier fees.

Nominations for office

At the meeting of the Executive Committee in Ljubljana the following nominations for office were made for submission to the General Meeting in Copenhagen on 31 August 2005 :

President : Henning Fode (Denmark) – proposed by Daniel Bellemare.

Vice-President : Minoru Shikita (Japan) – renomination.
Francois Falletti (France).

Committee Members : Wendy Abraham (Australia), Basile Elombat (Cameroun) – renominations.
Vnette Graham Allen (Bermuda), Ilie Botos (Romania), Martin Herschorn (Canada), Knut Kallerud (Norway), Wendy Stephen (Canada), Paul Walsh (U.S.A.)

IAP Awards 2005

There will be no award of the IAP Medal of Honour this year.

It was agreed by the Executive Committee in Ljubljana that Special Achievement Awards will be made to the Canadian Air India Prosecution Team, and Graham Blewitt, Joanna Korner, Geoffrey Nice, QC and Mark Harmon (ICTY).

The first entry on the IAP Roll of Honour will be Danilo Anderson (Venezuela).

Certificates of Merit will be awarded to :

Retiring Executive Committee member John Kaye
The Supreme Prosecutor's Office of Korea for hosting the 9th Annual Conference.
The Office of the Director of Public Prosecutions of Hong Kong for hosting the 2nd Asia and Pacific Regional Conference.
Fikrat Mammadov for his work on the Russian website
Annabelle Bolt for her work on Best Practice Series No. 4.

Thank you certificates will go to the Office of the Supreme State Prosecutor of Slovenia and to the Society of State Prosecutors of Slovenia for hosting the 2005 Northern Spring Meeting of the Executive Committee.

The President will be made an Honorary Member.

Thai Attorney General visits Lao PDR

Accepting the invitation of Mr. Khampan Pilavong, Public Prosecutor General of Lao PDR, Mr. Kampree Kaocharern, Attorney General of Thailand, and other ten Thai senior public prosecutors visited the Office of the Public Prosecutor General of Lao PDR in Vientiane on 20-23 January 2005. Mr. Kaocharern and Mr. Pilavong have been acquainted and often met during meetings and conferences organized by the IAP and other regional institutions. The initiation of this visit was proposed during the 9th Annual Conference and General Meeting of the IAP in Seoul last September. The visit of the Thai Attorney General and staff was done based on the Memorandum of Understanding for Cooperation between the Office of the Attorney General of Thailand (Thai OAG) and the Office of the Public Prosecutor General of Lao PDR (Lao OPPG).

The MOU signed in Bangkok on 25 March 2004, provides five areas of cooperation between the two offices, i.e., 1) extension of general cooperation under scope of authorities of the two offices 2) periodical visit between the heads of the two offices to strengthen the relationship 3) urging the local offices which share the border to build local relationship and cooperation 4) exchange of academic information, and 5) enhancing mutual legal assistance in criminal matters.

During the visit, the Thai Attorney General and his staff had a meeting with the Lao counterparts. They discussed on some activities to implement the MOU. First, both offices will do more cooperation on academic fields, such as, exchange of legal texts, books, and information of the other's legal system. Secondly, they will regularly send and exchange personnel to participate in the other party's seminars and trainings. The Thai will try first to seek funding for Lao prosecutors to attend training for Chief Public Prosecutor organized by the Thai OAG. And thirdly, they will encourage the local offices to do more cross-border activities, in particular the activities to provide legal aid and advices to people of both countries who routinely cross the border.

Apart from the meeting and banquets with the Lao counterparts, the Thai prosecutors also paid courtesy calls to the Lao justice dignitaries, namely, Chief Justice of the Supreme Court, Speaker of the National Assembly and Minister of Justice. All the high distinguished hosts expressed their support to the close ties and relationship between the Thai OAG and the Lao OPPG. A diplomat in Vientiane also articulated his support of this visit. He stated that good and close relationship between counterpart agencies, in this case the Thai OAG and the Lao OPPG, could develop and create better understanding and good relationship between Thailand and Lao PDR.

Thailand and Lao PDR share border over thousand kilometers. Mostly, the international Mekong River is the border line, the rest is high mountains. The Thai and Lao people have similar culture and languages. They regularly cross border for trade and personal business. In the past, due to different system of administration and political ideology, especially during the Cold War era and the late 1980s border conflict, the relationship between these two countries was quite hostile. After the end of the Cold War and border conflict, the relationship has gradually reconciled. Nowadays, under the Association of Southeast Asian Nations (ASEAN) scheme, their relationship has drastically improved. The author agrees with the diplomat in Vientiane that the close and brotherly relationship between the Thai OAG and the Lao OPPG will be a driving force to stabilize and strengthen the relationship between Thailand and Lao PDR.

Generous gift

Many of those who have attended past Annual Conferences will know Gordon Lerve from Australia who has been an active participant for many years. Gordon has generously offered to pay annually the conference fee of a colleague from a developing country to enable her/him to attend the Annual Conference. This is a most generous offer and we are sure that members will want to join us in thanking Gordon for this imaginative initiative. Anyone else willing to make a similar offer should contact the Secretary-General.

Gordon has now been appointed a magistrate in New South Wales and we wish him well and thank him again.

Compliance with IAP Standards

We are delighted to acknowledge that all the various prosecution services of Canada have certified that they operate in accordance with the IAP's *Standards*. A total of 32 prosecution services and associations of prosecutors world-wide have now confirmed that they work in this way and have thus declared themselves to be a service which is in conformity with international standards and norms. If your service has not yet taken this step, please contact the Secretary-General (sg@iap.nl.com).

Conference of the Ukrainian Association of Prosecutors, Kiev, 11 May 2005

From Tuesday 10 May - Friday 13 May the Secretary-General was in Kyiv, at the invitation of the President of the Ukrainian Association of Prosecutors, Aleksandr Shynalskyy, Deputy Prosecutor General of Ukraine. This Association was established in January 2005, inaugurated and formally registered in the Ukraine in March and shortly afterwards it became an IAP organisational member. Ukraine has some 8000 prosecutors, including military and transport prosecutors. In a few months time Mr. Shynalskyy, who is well-known from IAP Annual Conferences since 1999, has managed to recruit over **3000** individual members into his association, which is a remarkable achievement. Because of the change of government and the reinstating of the illegally sacked (in 2003) Prosecutor General, Sviatoslav Piskun, the climate has dramatically changed for the good in Ukraine, and prosecutors enjoy their new and greater freedom and independence by joining an own, independent association.

On Wednesday 11 May the UAP organised its first international conference at the Prosecutors Academy of Ukraine, attended by some 70-80 participants. International guests were: Laszlo Venczl, IAP Executive Committee member, Zbigniew Rzepa, Vice-President of the Polish Prosecutors Association and his colleague Mikolai Przybyl, and the new President of the recently established Moldovan Prosecutors Association, Vasiliy Paskar, and the Deputy Prosecutor General of Moldova, Aleksandr Stojanoglo. There was also a representative of OSCE (co-financiers of the conference) and Dennis Hawkins of ABA-CEELI, which also co-financed the conference. The Secretary-General was the first speaker, followed by the other international guests; his subject was the IAP Standards. These were translated by the UAP in Ukrainian, as was the Constitution. At the end of the day there was a press conference, on television, radio and for the written press.

On Thursday there was an official meeting at the office of the Prosecutor-General, with him and his five Deputy Prosecutors-General. Afterwards there was a visit to the Academy for Prosecutors and a meeting with its Director.

On Friday the Secretary-General was invited to visit the office of the General Prosecutor again and there Mr Piskun officially presented him the Award of Honorary Worker of the Prokuratura, an award usually presented to outstanding workers who worked for at least 20 years in the Prokuratura. The Secretary -General told Mr Piskun that I would dedicate this Award to the IAP. After this ceremony

there followed a visit to the freshly painted and newly furnished secretariat of the UAP, where on one of the walls, the IAP shield proudly hung next to the shield of the UAP. Everything looked very efficient and purposeful. Aleksandr Shynalsky expects the UAP will have some 5000 - 6000 members by the end of this year.

Message (the last) from the President

This is my last Newsletter message to you as President of the IAP. My term ends at the conclusion of the General Meeting during the conference in Copenhagen and I shall hand over the reins to Henning Fode. (He is the nominee of the Executive Committee and will stand unopposed.) I shall continue as a member of the Executive Committee for three years.

In my first Message from the President (Newsletter Number 7, October 1999) I referred to Maria Hajdu as the midwife for the Association and to Eamonn Barnes as having nursed it successfully through infancy and childhood. I said that it was then entering adolescence and I now believe that it has survived those sometimes troublesome years and has emerged as a confident and well established adult. I think we have progressed well in the activities I then put forward: “the promulgation of our procedures in all areas of activity, thus providing greater certainty and transparency in our affairs; development in ways that will increase our membership and global coverage, secure financial support, ensure the observance of our Standards, contribute to the work of international and domestic agencies and increase the benefits to be derived from our Annual Conferences and other programs”.

I shall hand over to Henning secure in the knowledge that under his leadership the IAP will continue to grow and to serve the cause of prosecutors worldwide.

My six years as President (and the three years before that on the Executive Committee) have been a wonderful time in my professional and personal lives. It has been an honour, a privilege and a very great pleasure to serve the IAP in this way and I hope that I have been able to contribute something positive to the development of the Association, its programs and its place in the world. I have enjoyed representing you among colleagues from all parts of the world. I have learnt a great deal about prosecution practices far and wide and the personal contacts made have been very enjoyable indeed. I thank a great many of you for your hospitality and look forward to further contact with many prosecutors in our continuing programs.

As this Message was being prepared, news came in of the atrocious bombings in the transport system in London and of the appalling toll of death and injury. The IAP sends its condolences and sympathy to the victims and their families and friends. We remain resolved to assist, to the extent that we can as prosecutors (and especially across national borders), in bringing the perpetrators of these and like events to justice.

On Thursday 23 June 2005 the City of The Hague held an evening reception at City Hall to mark the 10th anniversary of the Association. I was able to attend with about 50 of our members and supporters who enjoyed slaking their thirst on a very hot day (about 34C outside). The Deputy Mayor spoke and, all in all, it was a very jolly occasion. Thanks to Henk for organising the event. The serious side, of course, is that we have passed a significant milestone and we will take further steps to mark our progress at the Copenhagen conference. The reception was preceded by a visit of a small IAP delegation to Eurojust where we have many friends, of course.

From The Hague I travelled to Milano, where the IBA held a Transnational Crime Conference on 24-25 June. (It was hot there, too: 32C.) While oriented towards the criminal defence side, there was much useful discussion at the conference about a broad range of issues affecting criminal practice across jurisdictional borders; something that we are all having to deal with increasingly.

Then I went to Edinburgh (where the weather was more Spring-like) for the Annual Conference of the International Society for the Reform of Criminal Law. The program was very professionally presented to a record attendance of about 250 and a good time was had by all. The conference proceedings may be found on the website (www.isrcl.org) and a wide range of issues was covered. I commend the Society to you – its 2006 conference will be held in Brisbane, Australia in July.

And so I close with my hope to see many of you in Copenhagen. Registrations are proceeding apace and we have a limit of 500 that seems sure to be reached.

I record here my thanks and appreciation for the work of the Vice-Presidents, the Executive Committee and all the helpers (members and others) who have pitched in over the last six years. Evie has helped to keep the Secretariat working efficiently. A special thanks to the other two “grumpy old men” – Henk and Barry. I exhort all of you to give them and Henning your assistance and support in the future and to do what you can to actively promote the Association’s programs to our colleagues everywhere.

For now: au revoir! (Or, in Australian: see ya later...)

Nicholas Cowdery AM QC
President

Congratulations

On May 14, 2005, Vice-President D.A. Bellemare, MSM, QC was promoted to the rank of Knight of Justice of the Most Venerable Order of the Hospital of St John of Jerusalem (The Order of St John), by the Lieutenant-Governor of the Province of Quebec acting on behalf of her Majesty Queen Elizabeth II.

IAP working with Arab States

The International Association of Prosecutors took part in the Launching Meeting for the “Programme on Strengthening the Rule of Law in the Arab States – Project on Modernization of Public Prosecutor’s Offices” on May 17-18 2005, in Cairo. On behalf of the IAP our longstanding Dutch member Perry Quak attended this conference in Egypt as an international expert, giving a presentation and chairing a plenary session.

In 2002, the United Nations Development Program (UNDP) / Programme on Governance in the Arab Region (POGAR) launched a unique initiative designed to develop and modernize public prosecutors’ offices work in the Arab Region. It aims at the improvement of the role of public prosecutors in strengthening the rule of law. The preparatory phase of the initiative had been completed and resulted in the recommendations that were made at the Marrakech conference, which was held in March 2004 and attended by the General Counsel. This preparatory phase, under the leadership of Mr. Adel Abdellatif, Regional Coordinator of UNDP-POGAR and of Mr Wassim Harb, Chief Technical Regional Advisor of UNDP-POGAR, successfully converted this initiative into a development project, with clear focal points and objectives, and built upon a comprehensive working plan. This plan has been discussed in the conference meeting that was held in Cairo, Egypt on the 17 – 18 May 2005.

The conference meeting was opened by the Egyptian Minister of Justice, His Excellency Mr Mahmoud Abu Leil, and by the Attorney General of the Arab Republic of Egypt, His Excellency Mr. Maher Abdel Wahed. Seventy participants, amongst them public prosecutors from the Hashemite Kingdom of Jordan, the Republic of Lebanon, the Arab Republic of Egypt, the Kingdom of Morocco, the Republic of Yemen, the Kingdom of Bahrain, the State of Kuwait and the State of Qatar, as well as representatives of donor countries, of international organizations (such as IAP) and of United Nations agencies, have participated in this meeting.

During the conference meeting Perry Quak, senior prosecutor in the Netherlands, gave a presentation on “The prosecutor in the centre of the community”, about co-operation between Prosecution Offices and Civil Society Organizations. He also proudly announced the Arab translation of the IAP Human Rights Manual for Prosecutors.

The conference meeting focused on three main areas:

- 1- Capacity building.
- 2- Partnership between public prosecutors and civil society.
- 3- Regional and international co-operation.

After numerous presentations and many open, enthusiastic and constructive discussions a working plan was adopted for the Project on modernization of Public Prosecution Offices in the Arab States. In this working plan a time schedule was set until the end of 2005. Furthermore it is stated that implementation will take place on both a national level and a regional and international level. On the national level some public prosecution offices will be identified to serve as a pioneer. On the regional level networks of Arab public prosecution offices will be created. On the international level an international advisory group will be installed, consisting of representatives of donor countries, international organizations and UNDP. In the working plan a strong wish was expressed for Arab prosecutors to attend the 10th IAP Annual Conference.

The importance of specific issues was stressed in the working plan:

- a- The international co-operation for fighting crime, especially transnational crime, corruption and terrorism.
- b- Strengthening the relations among Arab public prosecutors and public prosecution offices in the Arab states and finding the right mechanism for that purpose.
- c- Preparing the right studies in order to find ways to end criminal proceedings different from the traditional ones so that justice can be served in a rapid and complete manner, with a view to ease the pressure resulting from the traditional processing of the criminal proceedings, off the public prosecution offices and the subjects to trial, without violating the rights of the accused.
- d- Strengthening the role of public prosecution offices in setting criminal policies as well as in executing such policies.
- e- Highlighting the principle of independence of public prosecution within the judicial system.
- f- Searching for a legal system that supports the defence rights of the accused and provides him/her with the adequate legal advice throughout the investigation procedures and the criminal trial.
- g- Conducting the necessary studies to identify the elements and the capacities that the public prosecutors and their assistants should enjoy.
- h- Providing the public prosecution offices with the material means enabling them to adequately fulfil their role.
- i- Strengthening the relation among the training institutes in the Arab States and coordinating between them as well as between the said institutes and their similar ones in developed countries and enhancing the dialogue with stakeholders in the developed countries in order to benefit from their experience in this field.
- j- Find the adequate means to organize the relation among the civil society organizations, the non governmental organizations and the public prosecution offices, thus collaborating to fighting crime and taking measures aiming at strengthening the public prosecution within the frame of the rule of law pursuant to the recommendations of the 11th UN congress for crime fighting and criminal justice held in Bangkok on April 2005, in accordance with its role to safeguard human rights and fight crime.
- k- Pursuing the co-operation with the UNDP and liaising with the UNODC in the field of modernization of public prosecution offices through helping in building their capacity in

crime fighting and criminal justice, and urging the participating Arab countries to work seriously on achieving the above.

- 1- Urgently creating the regional Arab centre for criminal studies hosted by the Hashemite Kingdom of Jordan and establishing networks of co-operation with the National Institute for criminal and sociological studies in Egypt, as well as with the similar institutes in the Arab States.

The International Association of Prosecutors welcomes the initiatives of UNDP/POGAR for the modernization of Public Prosecutor's Offices in the Arab States. **The IAP has agreed to become co-chair with the UNODC of the International Advisory Group to supervise the taking forward of the project.**

10th Anniversary

On 23 June 2005 a reception was hosted by the Mayor and Aldermen of The Hague to celebrate the 10th anniversary of the IAP. On an appropriately hot day members of the Secretariat were joined by former IAP President, Eamonn Barnes, members of the Executive Committee and Senate at the City Hall in The Hague. Those present were welcomed by Pieter van Woensel, Deputy Mayor of The Hague :

“I would like to wish you a warm welcome to The Hague, on the occasion of the celebration of the 10th anniversary of the establishment of the International Association of Prosecutors. As Deputy-Mayor responsible for economic and international affairs, it gives me great pleasure to be able to welcome you to our city, which is known - thanks to numerous national and international legal institutions established here - as an International City of Justice and Peace.

The Hague is proud to bear the honorary title of ‘Judicial Capital of the world’. I realize that this may sound a little pretentious coming from a member of the City Executive of The Hague itself. However, the description is not my own. It derives from no less a personage than Mr. Boutros Boutros-Ghali, former Secretary-General of the United Nations.

The presence of the secretariat of the IAP in The Hague therefore is not just a coincidence. Quite the contrary. From my staff I have heard stories about tough negotiations between your Secretary-General and the city related to the transfer of your headquarters to The Hague, starting in November 1998. In order to help swing the balance in favour of The Hague, the City Executive offered a lavish reception to IAP and guests in April 1999 where our Minister of Justice was guest of honour. I guess that some of you present here today were our guests than as well. Good to see you back again!

I take it that we did some things well! All our efforts paid off in the end, because in 1999 the IAP-secretariat was officially established in The Hague, in the same offices that are presently still being used by Mr. Marquart Scholtz. Who, by the way, became an ardent supporter of the City of The Hague. Travelling occasionally – or should I say frequently – over the world, he always acts as an ambassador for our city, as we read in your Newsletter. The official opening of the office took place in November 1999, so almost six years ago. This means, ladies and gentlemen, that during more than half of the ten years we are celebrating today, IAP has been established in The Hague. During those years IAP became special to us. I should add, also special to me personally, since I have known your Secretary-General for many many years.

As you put it in your own words, “”The International Association of Prosecutors (IAP), which is a non-governmental and non-political organisation, is the first and only world organisation of prosecutors. It was established in June 1995 at the United Nations offices in Vienna and was formally inaugurated in September 1996 at its first General Meeting in Budapest.

The objects of the IAP are (and I name a few) :

- a to promote the effective, fair, impartial and efficient prosecution of criminal offences;
- b to respect and seek to protect human rights as laid down in the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10 December 1948;
- c to promote high standards and principles in the administration of criminal justice, including procedures to guard against or address miscarriages, in support of the rule of law.

Principles which – and I guess that you won't be surprised - are shared by the City of The Hague as well and that are practised in our City daily by many organisations and their staff members!

Maybe the IAP office is small in terms of staff, but the effects of the activities undertaken from the office are felt all over the world. IAP brings people together that share the commitment to proper public prosecution. We had the privilege of meeting many of them during the various seminars that were held in The Hague and even in our City Hall. When Eurojust started its activities in The Hague close ties between Eurojust and IAP were established, leading to the present situation that participants of the various seminars that are held in The Hague spend time at Eurojust as well.

That, ladies and gentlemen, is what The Hague is about. The networks are in place, allowing the international organisations based here to do their work properly and adequately. The Hague enjoys a significant advantage in the form of the international organizations which are already established in the city. They in turn attract events with which The Hague can profile itself as an important conference venue and as a meeting place for decision makers at the very highest level.

Ladies and gentlemen, I could go on for quite a while elaborating on the important role our city plays in this international arena, but you did not come to this reception to listen only to me. I would like to ask you to raise your glass and bring a toast to the 10th anniversary of the International Association of Prosecutors, its members and its officials. May the next ten years be as flourishing as the first ten! We look forward to the continuation of the excellent contacts between your organisation and City Hall!

Mr. President. Mr. Secretary-General, dear members of IAP, dear guests, to your health!"

The President replied :

It is a great pleasure and a great honour for me to represent the International Association of Prosecutors here this evening and to speak on its behalf.

As you know, the IAP was formed in 1995 after a great deal of work by the original organising committee. But the story really began with the Hungarian delegation to the UN Congress in Havana, Cuba in 1990 which returned home to set up the Hungarian National Association of Prosecutors. That, in turn, in 1991 at the Kriminalinfo in Budapest, put forward the idea of an international organization. Dr Kurt Neudek, now Honorary Member of the IAP and then the representative of the United Nations Vienna Office of the Crime Prevention and Criminal Justice Branch, reported on the idea – and the rest (as they say) is history.

There were a few milestones along the way in the formation and activities of the Association that should be mentioned.

- The famous “hot room” in Budapest on a day of 37C (outside) in August 1993 when the interim organising committee was established and the draft constitution came into play. [I mention particularly the parts played by:
 - Dr Kurt Neudek
 - Maria Hajdu who chaired the meeting and became the Association's first President
 - Eamonn Barnes who was to become the second President
 - Honorary Member Dato Steenhuis of The Netherlands
 - Werner Roth of Germany, and

- Barry Hancock, who became (so far the only) General Counsel.]
- The meeting in Vienna in 1994 when Henk Marquart Scholtz, who became (also so far the only) Secretary-General, joined the team. At that early stage Dato Steenhuis and the Dutch Council of Procurators General gave essential material support to the embryonic association and that support has continued.
- The meeting, also in Vienna, on 6 June 1995 when the IAP was formally established – its official birthday 10 years and 17 days ago.

From the very beginning The Netherlands and the City of The Hague have provided invaluable material and other support to the Association. Our Secretariat has always been here. It is therefore wholly appropriate that we should celebrate this significant birthday in The Hague and we warmly thank the City for providing this occasion for celebration.

And celebration we should have. In its 10 short years the IAP has held 9 Annual Conferences and 8 regional conferences. We are represented in 130 countries and the membership continues to grow. We have special consultative status with the Economic and Social Council of the United Nations and our voice is heard – and listened to – around the world. We have published the Standards, the Human Rights Manual for Prosecutors and 4 volumes in the Best Practice Series, with more on the way; and we are engaged in programs for the benefit of prosecutors wherever they may be.

The IAP is a success and we may allow ourselves a moment of self-congratulation this evening. My term as President will end at our 10th Annual Conference in Copenhagen in August/September this year; but I am very pleased to know that the next President will be Henning Fode of Denmark. The IAP will continue in the best of hands.

Please continue to give us the support we have enjoyed in our first 10 years. There is much to be done and your assistance will be welcome as we head into the next decade.”

IAP Granting Program 2004

Since the IAP's first Annual Conference in 1996, the Association has benefited each year from assistance from governments to enable prosecutors from developing countries to attend Annual Conferences. The IAP has a Protocol which governs the operation of the Program. Since 1996 twelve countries, The Netherlands, Denmark, Ireland, Canada, Australia, Finland, the United Kingdom, Norway, Finland, Sweden, Korea and France through the Agence Intergouvernementale de la Francophonie have supported the Program.

In 2004 the Granting Program financed by Norway, Finland and Sweden assisted 21 prosecutors from 14 countries through the IAP, the Granting Program financed by Korea assisted 9 prosecutors from 6 countries through the IAP, and the Granting Program financed by the French government (through the Agence Intergouvernementale de la Francophonie) assisted 8 prosecutors from 8 countries through the IAP.

Structural funding 2004

The Minister of Justice of Denmark, in response to the request from his Dutch opposite number, kindly granted euro 10.000 for structural support for the fifth successive year. The Minister of Justice of Ireland kindly granted EUR 10,000 for structural support for the third year.

