



***INTERNATIONAL ASSOCIATION  
OF PROSECUTORS***

**ANNUAL REPORT  
2011 - 2012**

# INTERNATIONAL ASSOCIATION OF PROSECUTORS

## ANNUAL REPORT 2011 – 2012

### Introduction

This is the IAP's thirteenth 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-association.org](http://www.iap-association.org)

This Annual report is about the period from June 2011 until October 2012.

In the Newsletter of July this year the President of the IAP informed our members about the passing of long-time IAP-member **Sir Alasdair Fraser QC**.

In that same Newsletter Mike Kennedy, IAP Executive Committee Member, wrote an obituary.

Sir Alasdair Fraser was appointed to be the Director of Public Prosecutions for Northern Ireland in 1989. He served with distinction as DPP for the unprecedented period of 21 years.

Alasdair held office at the most difficult and troubled times in Northern Ireland's history. It was a time when a divided community suffered daily sectarian violence and paramilitary organisations carrying out bombings and killings that were both targeted frequently on members of the police and the army, but often on specific members of the divided community and frequently indiscriminately on innocent members of the public.

Under these difficult circumstances Alasdair did his work with fierce integrity and dedication to the rule of law and he was highly respected by all his colleagues in the legal and judicial community.

Alasdair was a member of the Executive Committee of our Association for many years and during the General Meeting in Seoul, Korea, on 28 June 2011 he was unanimously elected Honorary Member of the International Association of Prosecutors.

And as Mike wrote: "The IAP owes Alasdair a great debt. We are proud that he worked with us, both as an individual member of the IAP and as a member of the Executive Committee.

He enjoyed the work and he and his wife Maggie enjoyed the company and many friends they made when attending the IAP's Annual conferences and meetings.

Alasdair will be remembered with affection by anyone who met him and they will all feel his loss and miss his wise counsel and advice, which he always gave so freely and so modestly."

## **The IAP Year**

(the following reports are extracts of the full range of activities taken by members and officials of the IAP. For further information, you can access the Newsletters that are issued quarterly to members, which are available on the website together with the Annual Business Plan)

## **Meetings of the Executive Committee, the General Meeting and the Annual Conference**

### **Executive Committee Meeting, 25 juni 2011**

The President opened the meeting and warmly thanked Joon Gyu Kim, Prosecutor General of Korea, for organising the Executive Meeting and the IAP Annual Conference.

The following represents a summary of the main points and actions agreed:

- Reference was made to a letter from the President of the Canadian Association of Crown Counsel to Wendy Stephen, IAP Vice-President North America requesting IAP support to Prosecutors in Quebec who were in dispute with the Government over pay and conditions of work and it was agreed that the President will write in appropriate terms to the Government of Quebec;
- It was agreed to nominate Joon Gyu Kim, Henk Marquart Scholtz, Guillermo Piedrabuena, Werner Roth and Paul Ngarua as members of the Conflict Committee for election at the General Meeting;
- Joon Gyu Kim thanked the Selection Committee for their support for the Prosecutor of the Year Award, a new Award introduced by the Prosecutor General of Korea with a grant of 30.000 US\$. In total 25 nominations were received, twelve nominations were disqualified as they did not meet the criteria for the award and thirteen prosecutors have been elected for the award;
- Joon Gyu Kim outlined the history of his proposed Model Treaty for Asia Pacific Region. It is to be discussed further during the IAP Conference at the Asia Regional Forum and at the World Summit with a view to it being presented to the UN by the Asian and Arab countries as a potential UN Treaty;
- Members agreed to nominate Fikrat Mammadov for Honorary Membership at the General Meeting;
- The reports of the Secretary-General, the General Counsel and the Communication manager were presented and discussed;
- The arrangements for the 16th Annual Conference, General Meeting and World Summit were Discussed; Joon Gyu Kim pointed out that 52 prosecutors had been invited to the World Summit and 78 to the IAP Conference through the Korean granting programme. He was offered grateful thanks by the Committee for this generous gesture;
- Mohammed Hassan AbdulRahim Abdulla offered on behalf of the AG Dubai, to host the Annual Conference in 2014 in Dubai; This received favourable support from the Committee and a formal bid would be awaited;
- The President recorded the ExCo's appreciation of Joon Gyu Kim's work on the Committee culminating in hosting the 16th IAP Conference in Seoul. He was an example to all of the ExCo-members and had made a remarkable contribution to the IAP.

## 16th Annual Conference, Seoul, 26 – 29 June 2011

421 prosecutors and over 50 accompanying persons from 113 countries and 8 international organisations attended this successful conference in Seoul, Korea.

The home for the conference was the excellent Lotte Hotel in the heart of Seoul.

After the registration and welcome reception on Sunday, the work started on Monday with speeches from The Prime Minister of Korea, The Honourable Hwang-Sik Kim, the Prosecutor General of Korea, Joon Gyu Kim and the President of the IAP, James Hamilton.

The opening ceremony was followed by the presentation of the IAP-Awards.

**The Medal of Honour** was awarded to **Nicholas Cowdery Am QC** for:

“His contribution to the pursuit of justice through his longstanding and unwavering support of the International Association of Prosecutors and the pursuit of its objectives and standards as a unifying force for prosecutors worldwide; for his vigorous defence of the independence of the prosecutor and the public interest and his commitment to the protection of human rights and adherence to the just rule of law.”

**The Special Achievement Award** went to **Dame Elish Angiolini QC**, former Lord Advocate of Scotland. The citation:

“In recognition of her achievements in the field of criminal justice both nationally in Scotland and internationally. In special recognition of her unique achievements as Solicitor General and Lord Advocate in Scotland from 2001 until 2011 during which she demonstrated a commitment to independence and impartiality and a dedication in the promotion of equality and diversity and introduced improvements in the quality of prosecution and the treatment of victims.”

At this IAP Annual Conference, **IAP Prosecutor of the Year Awards** were presented for the first time. The main purpose of the Award is to recognise and encourage the efforts of working and line prosecutors who have shown outstanding performance domestically and internationally in the fight against crime. The winners:

- **Ahmed Rashed Totalkhel** Afghanistan;
- **Carrington Mahoney**, Bermuda;
- **Jean Fils Kleber Ntamack**, Cameroon;
- **Matthew Miazga**, Canada;
- **Tamara Laptos**, Croatia;
- **Ahmad Murad Ahmad**, Dubai;
- **Tom Laitinen**, Finland;- **Ronny Lopez Jerez**, Guatemala;
- **Jin Seung Ryu**, Korea;

- **Batbold Tsoodol**, Mongolia;
- **Ioana Bogdana Albani**, Romania;
- **Chieh-To Wang**, Chinese Taipei.

After this presentation there was a Special Keynote Address from the President of the International Criminal Court, H.E. Judge Sang-Hyung Song (Korea), who reminded us of the eventful history of his country.

In the afternoon the first plenary session on Fundamental Duties and Responsibilities of Prosecution Services followed by five workshops.

The conference dinner was held in the magnificent Seoul Museum of History.

Tuesday morning opened with a plenary session: Looking at extending the Role of Prosecutors Services, followed by the regional fora.

In the afternoon there was a plenary session on Enhancing Prosecution Services and the afternoon was closed by the General Meeting.

That evening after a reception at the Sapphire Ballroom, the Mayor of Seoul hosted a splendid dinner during the Networking Evening in the Chrystal Ballroom of the Lotte Hotel and participants enjoyed entertainment from a live band and from a karaoke performance by courageous IAP members.

On Wednesday morning a plenary session on the subject "Of the Public and To the Public". This session was followed by 6 Special Interest Groups, where members had useful meetings and discussions.

The afternoon was taken up with a session for Feedback, Review and closing of the conference. During this session 5 certificates of honorary membership were presented. During the IAP General Meeting the following persons were unanimously elected **Honorary Member** of the Association:

- **Harm Brouwer**, Chairman of the Dutch Board of Procurators-General;
- **Sir Alasdair Fraser QC**, Director of Public Prosecutions, Northern Ireland;
- **Jorgen Steen Sorensen**, Director of Public Prosecutions, Denmark;
- **Joon Gyu Kim**, Prosecutor-General Korea, IAP Vice-President;
- **Fikrat Mammadov**, Minister of Justice of Azerbaijan.

The President and the Secretary-General of the IAP thanked all those who worked so hard to make this conference a big success and the Local Organising Committee received a warm applause of all the participants.

After the official closing of this successful conference we repaired to the National Museum of Korea to say our final farewells and to welcome the participants of the 4th World Summit of Prosecutors General, Attorneys General and Chief Prosecutors, which followed on our conference.

### **The General Meeting, 28 June 2011**

The IAP's 2011 General Meeting was held on 28 June in the conference venue in the Lotte Hotel in Seoul.

The President opened the meeting and welcomed the members present and he reminded those present that the meeting was only open to paid up members of the Association.

The Secretary-General explained the rules of procedure to the meeting.

The minutes of the last meeting published via the website/Newsletter and within the Annual Report were agreed and accepted as an accurate record.

The Secretary-General thanked Joon Gyu Kim for hosting the conference at such a short notice after Chile was forced to withdraw its bid following the tragic earthquake in that country. The Secretary-General presented the Annual Report 2010 – 2011 and he also reported on the financial situation. He reported that the financial situation was healthy and that the number of individual members and organisational members was still growing.

After the re-nomination of Wendy Stephen as Vice-President of North America by the Executive Committee she was elected by the General Meeting. The Committee had further nominated Stephen Pallaras, South Australia as Vice-President of Asia and Pacific and he was also elected by the General Meeting.

The Executive Committee had nominated the following candidates for election to the Committee: For re-election: Vinette Graham Allen (Bahamas), Siri Frigaard (Norway), Martin Herschorn (Canada), and Gerhard Jarosch (Austria). For new election: Lennart Lindblom (Denmark), Cheol-Kyu Hwang (Korea), Chulasingh Vasantasingh (Thailand), Satyajit Boolell (Mauritius), Salvatore Vasta (Australia) and Serge Brammertz (ICTY). All candidates stood and were deemed as duly elected by the General Meeting, there being no other candidates.

The President clarified the role of the Conflict Committee, which is convened in the event of a constitutional dispute between two organs of the Association.

The Executive Committee had nominated the following persons as members of the **Conflict Committee**

- **Joon Gyu Kim;**
- **Henk marquart Scholtz;**
- **Guillermo Piedrabuena;**
- **Paul Ngarua;**
- **Werner Roth.**

They were duly elected by the General Meeting there being no other nominations.

The President clarified the purpose of a proposed amendment to art.8 of the IAP Constitution. This amendment was published in the Newsletter and on the website of the IAP. There were no objections and the motion was approved by the General Meeting.

The General Counsel spoke about the Business Plan 2011 and advised members also to look at the outcomes and achievements of the Business Plan 2010, as published on the website. The Business Plan for 2012 will be published on the website towards the end of 2011.

The Secretary-General reminded organisational members that they are expected to sign up to the IAP Standards and were asked to check if they had signed up.

The Secretary-General gave an overview of future IAP conferences.

The candidates for Honorary Membership as mentioned above in the report on the Annual Conference were duly elected.

The Certificates of Merit and the Certificates of Appreciation were presented.

At the end of the Meeting Nick Cowdery was invited to speak to the membership about the Senate. He explained that the Constitution provides for the establishment of a Senate composed of retired members of the Executive Committee. It operates in conjunction with the President and the Executive Committee and discharges advisory and other responsibilities to promote the objects and functioning of the Association. The first meeting of the Senate was held within the margins of the conference and seven members attended. There are 45 registered Senators out of which 20 have indicated a willingness to actively participate. Grenvill Cross drew up the rules of procedure. Nick Cowdery was elected Chairman, Grenville Cross, Vice-Chair and Elizabeth Howe, General Counsel as Honorary Secretary.

The Senators have expressed the hope that the Senate becomes a regular item on the agenda of the General Meeting. They will circulate reports on their activities in the Newsletter and on the website.

The next General Meeting will take place in Bangkok, Thailand in conjunction with the 17th Annual Conference.

#### **Executive Committee Meeting, Brijuni, Croatia, 4 May 2012**

The State Attorney's Office of the Republic of Croatia hosted the Northern Spring Meeting of the Executive Committee in the first week of May. Brijuni Islands, what a beautiful and historical place!

During the opening of this meeting, the President, James Hamilton, spoke special words of welcome to the 6 new members of the Committee, Satyajit Boolell, Serge Brammertz, Cheol-Kyo Hwang, Lennart Lindblom, Salvatore Vasta and Chulasingh Vasantasingh.

On request of Tom Burrows, present as an observer, the meeting discussed the proposed European Commission Data Protection Directive Concerning Police and Judicial Information.

It was agreed that the individual Executive Committee Members should draw the proposal to the attention of their governments and advise as appropriate upon perceived pitfalls.

The amended minutes of the previous meeting of the Executive Committee in Seoul, 25 June 2011, were adopted.

Four new applications for organisational membership were approved:

- **Crown Law Department of the Kingdom of Tonga;**
- **The Office of the Attorney-General of Samoa;**
- **The Asociation Greminal Nacional de Fiscales del Ministerio Publico de Chile;**
- **The Office of the Director of Public Prosecutions of Montserrat.**

Because of the need to increase the presence of the IAP in South America, it was agreed to invite Manuel Freitas from Brazil to join the Executive Committee as an observer and to attend the Thailand meeting.

Nominations for IAP Awards were made. (see below)

The Secretary-General presented his report on the activities of the Bureau of the Secretary-General and his financial report. The accounts for 2010 were noted and the budget for 2012 was agreed.

The General Counsel presented her report. She informed the members about TIPP, Trafficking in Persons Platform, a specialised web based forum, which will be administrated by former CPS Chief Crown Prosecutor Glyn Rankin. The launch of TIPP is planned during the Annual Conference in Thailand in October 2012.

The General Counsel stressed the increasing prevalence and impact of environmental crime and asked for members support to follow leads to explore viability and value of an Environmental Crime Network, which was agreed.

The General Counsel briefly spoke to the 2011 Business Plan, which she had renewed and evaluated and she introduced the draft Business Plan 2012. Both Business Plans will be published on the website.

The Communication Manager presented her report and gave a detailed presentation of the IAP Management system and the anticipated upgrade of the system.

Nick Cowdery, who was present as an observer gave his GPEN Report and hois Report on the activities of the Senate.

It was agreed by the members of the Executive Committee that the name: "GPEN Development Board" will be changed in: "GPEN Committee" to more properly reflect its current function.

Nick Cowdery briefly introduced the report about "Prosecutors in Difficulties" and the proposed Protocol drawn by Grenville Cross. The Senate requested that the recommendations and draft Protocol be adopted and implemented.

The recommendations and the Protocol were adopted by the Executive Committee.

There were two bids for organising the Annual Conference and General Meeting of 2013, one from Ireland in Dublin and one from the Russian Federation in Moscow.

Russia was the successful bidder following a secret ballot and the President congratulated the Russian delegation and thanked both organisational members for all the efforts they made preparing the bids, which were both very impressive.

It was agreed to accept an offer from Francois Falletti to explore the possibility of hosting the next Northern Spring Meeting in Paris, France, probably late April 2013.

Before the closing of the meeting of the Executive Committee the members had the honour to meet the President of the Republic of Croatia, Dr. Ivo Josipovic. He was very interested in the work of the IAP and with him the Executive Committee discussed some actual legal issues.

During his closing speech the President of the IAP thanked the hosts, the Attorney-General, Mladen Bajic, the Deputy Attorney-General Josip Cule and Alexandar Puh from the Municipal State Attorney Office in Pula, for their hospitality and for generously sparing time to show Executive Committee Members around and entertaining them.

The following Awards were agreed by the Executive Committee at the Brijuni Islands meeting:

- **Brigitte Vestberg**, Denmark, **Honorary Member**;
- **Gerhardus Cornelis Nel**, South Africa, **Special Achievement Award**;

**Certificate of Merit:**

- **Barbara Brezigar**, Slovenia;
- **The Public Prosecution Service of Korea**;



- **The Prosecutor-General of Kazakhstan;**
- **The City of The Hague;**
- **UEFA;**
- **The High Prosecutors Office and the Prosecutors Association of Chinese Tapei;**
- **The Office of the Director of Criminal and Penal Prosecutions of Quebec and the Public Prosecution Service of Canada;**
- **The Prosecutor-General of Buenos Aires;**
- **The Director of Public Prosecutions of Mauritius;**
- **Han Moraal, The Netherlands.**

**Certificate of Appreciation:**

- **Sirisak Tiyanpan, Thailand;**
- **Camille Rochette, France;**
- **Carlos Donoso Castex.**

Following the Executive Committee Meeting in Brijuni in May 2012 four more nominations for Special Achievement Awards were received. The Awards Protocol allows the Executive Committee to agree Special Achievement Awards outside the meeting in exceptional circumstances and it was decided that these nominations would be considered as it had not been possible to obtain full written nominations in advance of the May-meeting. Accordingly the following **Special Achievement Awards** will also be awarded:

- **Princess Bajrakitiyabha Mahidol of Thailand;**
- **Allan Dahl, Canada;**
- **The Office of the Prosecutor of the Special Court for Sierra Leone;**
- **The Office of the Prosecutor of the International Criminal Court.**

**Other IAP Conferences**

On the 16th of November 2011, more than 40 participants from 16 different countries attended the **1th Global Prosecutors E-crime Network European Regional Conference** in Rotterdam, The Netherlands.

The theme of the conference: **“Fighting World wide E-crime”**, with the subthemes: “Cyber Security and Sensing” and “Hacktivism”.

The conference that was organised by Han Moraal, member of the GPEN Development Board, was a succesful conference and you can find the final conference report and the accompanying letter of Han Moraal on the IAP website.

From 23 – 25 November 2011 the **IAP** organised together with the **UEFA** a seminar in Nyon, Switzerland with the theme: **“Kicking Fraud out of Sport”**.

It was Pierre Cornu, the former Prosecutor-General of Neuchatel, member of the IAP and now Chief Counsel Integrity and Regulatory Affairs of the UEFA who took the initiative to address the IAP asking for cooperation on this subject with the focus on “Match-fixing”.

During this seminar colleague-prosecutors spoke about the big match-fixing case they brought to trial and the participants discussed the problems of insufficient legislation or differences in legislation that make a successful prosecution very difficult in some situations.

One of the conclusions was that we go on looking for possibilities to work together in combating this serious crime.

**The 12th IAP European Regional Conference** took place in The Hague from 1 – 3 Februari 2012. The conference with the theme: **“Guns, Gangs and hooliGans”** was attended by more than 40 participants from 15 jurisdictions.

Fascinating and sometimes alarming presentations were offered on a range of subjects from the case of Anders Breivik in Norway to Central American gangs and the London Riots of last summer.

During the program we visited Eurojust where we had a meeting with the President of Eurojust, Aled Williams and vice-President Michelle Coninx.

Many of the delegates also availed themselves of the opportunity to visit the Special Tribunal for Lebanon.

The theme for **the 8th IAP Asia Pacific and Middle East Regional Conference** held in Chinese Tapei from 16 to 19 April 2012 was: **“Combating Economic Crimes through Asset Recovery”**.

The conference, co-organised by the High Prosecutors Office of Chinese Tapei and the Chinese Tapei Prosecutors association was held in the beautiful Shangri-la’s Far Eastern Plaza Hotel in Tapei.

There were 161 registered participants and 10 accompanying persons from 33 countries and 2 international organisations were represented.

Victims and prosecutors now care more about how to demonstrate justice by seizing and confiscating criminal proceeds and by properly indemnifying the damage occasioned to the victim and to society.

On the other hand, fast moving international economic activities actually facilitate the concealment and transportation of illegal criminal proceeds.

Therefore, it is the prosecutor’s urgent task to confront this challenge and to find effective measures to prevent money-laundering and to seize and confiscate the proceeds of crime.

Approximately 130 lawyers and judges from 14 countries came together to enjoy the warmth and hospitality of Quebec, Canada at **the 2nd IAP North American and Caribbean Regional Conference**.

The theme of the conference that was held from 16 - 18 May 2012 was: **“Prosecutorial Independence”**. This is a very important and actual topic at the time when the independence of prosecutors all over the world is under attack due to political, philosophical and economic pressures. In plenary sessions and workshops the delegates discussed this theme.

James Chaffe, the President of the Canadian Association of Crown Counsel provided a perspective about the importance of prosecutors being able to form associations and the strong role associations can and should play in maintaining independence from government interference where economic pressure is utilized, a role that usually complements, but is fundamentally different than the role of an independent head of a prosecution service.

It was a very interesting and well-organised conference.

One way to measure the success of the conference may be the numerous discussions among the delegates as to when and where the 3rd IAP North American and Caribbean Regional Conference might be!

#### **GPEN DEVELOPMENT BOARD/ GPEN COMMITTEE**

In this report-period there have been two meetings of the GPEN Development Board, in June 2011 in Seoul, Korea and in may 2012 in Croatia, Brijuni Islands.

The next meeting will be in Bangkok, Thailand on the 28th of October 2012.

GPEN is hosted on the website of the IAP and is available only to IAP members.

On the 6th of March 2012 Danya Chaikel who is updating GPEN-material for the website married Emiel Huijben on the beautiful island of Saint Lucia.

### **Some other Conferences or meetings that were visited by IAP officers**

From 29 June to July 2011 the President, the General Counsel, the Secretary-General and the Communication Manager attended **the 4th World Summit** of Prosecutors General, Attorneys-General and Chief Prosecutors in Seoul, South Korea.

The Prosecutors-General representing various nations at the 4th World Summit adopted “The Seoul Declaration”: “New Initiatives of the Prosecution Service: Fair and Just Society”.

The 2011 Seoul Declaration included the proposals such as:

- a. the establishment of an effective global database on issues related to asset recovery;
- b. protection and financial support for the victims of human trafficking, witnesses and legal assistants;
- c. prosecution of emerging forms of crimes such as computer crimes.

The President of the IAP attended **the 5th Annual Conference and General Meeting** of the International Association of Anti- Corruption Authorities, **the IAACA**, in Marrakech from 22- 23 October 2011 and he spoke during the openingceremony.

In November 2011 the General Counsel and Communication Manager of the IAP went to Washington to cement the renewed relationship with the National Association of Attorneys-General (NAAG).

The Secretary-General and the Communication Manager of the IAP attended the celebration of the **290th anniversary of the Prosecutor General’s Office in Moscow** from 11 – 13 January 2012.

In March 2012 the General Counsel attended the 9th Congress of Public Prosecutors organised by the SMMP, **the Portuguese Association of Prosecutors**.

In June 2012 the General Counsel participated in a Conference on the Suppression of Corruption organised by **the Association of Public Prosecutors and deputy Public Prosecutors of Serbia and the Association of Judges of Serbia**. She delivered a contribution entitled: “The Judiciary in the fight against Corruption; are they part of the solution of part of the problem?”.

The occasion also marked the 10th Anniversary of the Association of Public Prosecutors in Serbia.

From 12 until 17 May 2012 the Secretary-General of the IAP visited **Baku** on invitation of the Prosecutor General of the Republic of Azerbaijan, Mr. Zakir Garalov. They discussed the developments in the judiciary in Azerbaijan and the possibility to organise a “Pan-European”-Conference in Baku.

From 15 – 17 June 2012 the Secretary-General of the IAP attended on invitation **the Annual Meeting of the Bulgarian Association of Prosecutors** and spoke about the IAP and the possibilities for the Bulgarian Association to play a more active role within the IAP.

From 8 – 10 October 2012 the Secretary-General, the General Counsel and the Communication Manager were in Moscow at the Office of the Prosecutor-General for the preparations of the 18th Annual Conference and General Meeting in september 2013.