

INTERNATIONAL ASSOCIATION



OF PROSECUTORS

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**ANNUAL REPORT
2001 - 2002**

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Introduction

This is the IAP's third 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).

Executive Committee Meeting, 1 September 2001

Friedrich Matousek (Austria) said farewell to the Executive Committee after six years and thanked colleagues.

Current organisational membership stood at 77 and individual membership at 1127.

The Executive Committee discussed a draft of the Protocol for Nominations by the Executive Committee to the Executive Committee. The text of the final protocol would be placed on the website.

The nominations for office which were to be put to the General Meeting were agreed. Nominations for 2002 were discussed and approved as detailed above.

The Secretary-General reported that the financial situation had improved and the Finnish Government and AUSAID had provided support to the Granting Program, again enabling colleagues from developing countries to attend the conference.

Retha Meintjes (South Africa) reported on her attendance at the 2nd DPP Forum in Nigeria and the General Counsel on his attendance at the 2nd Pan-European Meeting of European Prosecutors General and the 21st Annual Conference of the Federal Prosecution Service of Canada. The next regional ("mini") conference would be held in The Hague on 20-22 March 2002. It was also hoped to hold one for Oceania and the President encouraged members to hold such events in their regions.

The General Counsel reported on the preparations for the 2002 conference in London, including the Queen Elizabeth II Conference Centre and arrangements for hotels with a range of prices.

There was no firm offer to host the conference in 2003 but discussions subsequently took place during the week of the conference. Korea offered to host the conference in 2004.

The Northern Spring meeting in 2002 would be held in Baku, Azerbaijan Republic.

The IAP had been asked to nominate representatives to regional ECOSOC bodies. It was agreed that the regional Vice-Presidents should act as the IAP's representatives.

The President informed the meeting of two letters he had received from Brazilian prosecutors with which he proposed to deal under the complaints protocol.

The U.N. Prosecutors' Guidelines were being revised and it was important for the IAP to have an input. A working group, consisting of the Vice-Presidents and Francois Falletti and chaired by Henning Fode, would look at the IAP's contribution.

6th Annual Conference, Sydney, 2-7 September 2001

The IAP's 6th Annual Conference was held at the Sheraton on the Park Hotel in Sydney, New South Wales, Australia from 2 to 7 September 2001. The attendance was the largest yet with over 404 participants from 69 countries. IAP President, Nicholas Cowdery, Q.C., and his colleagues hosted an event worthy of the splendours of their beautiful city.

The Conference was opened in the magnificent Sydney Town Hall by the Chief Justice of Australia, the Honourable Murray Gleeson, and those present were also addressed by the Deputy Lord Mayor of Sydney, Councillor Lucy Turnbull. Damian Bugg, Q.C. (Australia) was acknowledged as Conference President and Akio Harada (Japan), Ho Chio Meng (Macao, China), Kevin Meenan (U.S.A.), Bulelani Ngcuka (South Africa) and Birgitte Vestberg (Denmark) as Conference Vice-Presidents.

The main theme of the Conference was *The Role of the Prosecutor in the New Millennium* and this provided an opportunity to explore a range of issues and challenges which would face prosecutors in the future. Keynote addresses were delivered by Robert Debus, Attorney General of New South Wales, Professor Hans-Jürgen Bartsch of the Council of Europe and The Lord Goldsmith, Q.C., Attorney General of the United Kingdom.

Norman McFadyen (Scotland) gave participants an insight into the complexities of staging a prosecution as large as the Lockerbie trial on foreign soil. Issues of consumer credit fraud and corruption were addressed by John Miller (VISA Risk Management, Singapore) and Peter Rooke (Transparency International Australia). Participants took part in a choice of workshops – disclosure, the death penalty, diversion and DNA. Feedback was presented to the plenary session by Raj Joshi (England and Wales), Billy Downer (South Africa), Jonathan Hak (Canada) and Ana Seeto (Australia).

Tuesday provided a morning of exposure to science and technology. Paul Rutledge and Sgt Troy O'Malley (Australia) spoke on technological aids to prosecution and Rob Parrish (U.S.A.) on shaken baby syndrome. Rod McKemish (KPMG Forensic Accounting, Australia) introduced the conference to the intricacies of Cybercrime and Joel Schwarz, who had already induced 50 participants to attend an introductory talk at 8.15am, addressed the problems of internet investigations.

Tuesday afternoon was given over to a view of the International Criminal Court, presented by eight prosecutors and former prosecutors from the International Tribunal for the Former Yugoslavia (ICTY) and introduced by the Deputy Prosecutor at ICTY, Graham Blewitt.

Wednesday gave participants the opportunity to explore Sydney and its environs more widely but a good number were willing to devote their time to attending additional workshops. The first, a training package based on the *Model Guidelines for the Effective Prosecution of Crimes against Children (IAP Best Practice Series No 2)*, was presented by Frances Gordon, Executive Director of the International Center for Criminal Law Reform and Criminal Justice Policy (ICCLR), Vancouver, and Wendy VanTongeren Harvey, a Canadian prosecutor, together with IAP General Counsel, Barry Hancock. The second, supported by AUSAID provided a forum for prosecutors from the Pacific islands to meet together to discuss issues of mutual interest.

On Thursday morning the conference considered assistance for prosecutors. Barry Hancock updated participants on the forthcoming work of the International Legal Assistance Consortium (ILAC) – see Newsletter 12 - and Peter Short described the work of Australian Legal Resources International. Justice Shameem (Fiji) and Richard Buteera (Uganda) spoke on the prosecutor in developing countries and resourcing the prosecutor. Kristina Tollbäck and Ola Sjöstrand (Sweden) gave an insight on the importance of internal training and the need and opportunities for training in developing and emerging jurisdictions. These speakers were joined by Helen Brady (ICTY), Francois Falletti (France), Andre Vandoren (Belgium), the President and the Secretary-General on a question and answer panel chaired by IAP Vice-President, Daniel Bellemare (Canada) who focused the discussion on the future direction of the IAP in the light of its newly acquired special consultative status with ECOSOC. This was later reported on in Newsletter 15 in an article written by Daniel Bellemare, entitled :

“IAP – A one stop shop for prosecutors

In July 2001, the International Association of Prosecutors (IAP), as a Non-Governmental Organization, was granted *Special Consultative Status to the Economic and Social Council of the United Nations (ECOSOC)*. (For additional information on ECOSOC, see: <http://www.un.org/esa/coordination/ngo>). This is an important milestone in the life of our young Association as it is the first concrete recognition of the IAP by the international community.

By granting this special consultative status, the United Nations now acknowledges that the IAP is a credible interlocutor that can be considered as the *Official Voice of Prosecutors on the international scene*. As our President, Nicholas R. Cowdery, Q.C. wrote recently:

“In a sense, we have now come of age and the international community has recognized our status and the contribution we are able to make to world affairs.” (IAP Newsletter, No. 13, May 2001, at page 1)

In her letter of September 4, 2001, to the Secretary-General of the IAP, officially informing him of the Association’s new status, Mrs. Hanifa Mezoui, of the United Nations, made the following remarks:

“The scope of the UN work has expanded over the years to include various issues of a transnational nature, including in the legal field. Such issues require technical expertise that a professional organization like the IAP can bring to the United Nations. In that respect, your input will be particularly relevant to the work of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, two ECOSOC subsidiary bodies based in Vienna.” (emphasis added)

This important recognition gives us an opportunity to pause and reflect, as we now must ensure the IAP can live up to the newly created expectations. In other words, how can we ensure that the IAP is able to provide the “technical expertise” required by the United Nations? Some of the consequences of this recent development were discussed during our 6th Annual Conference in Sydney.

To be the voice of prosecutors on the international scene is quite an important responsibility. The IAP must strive to become the voice of all prosecutors, not only of English-speaking prosecutors from the common law system.

It must also be flexible enough to react and keep pace with the rapid development of a living and multifaceted function, a function that, more than ever before, has to be in constant evolution to be both sensitive and to respond effectively to emerging social trends.

The objects of the Association, which are listed in article 2.3 of its Constitution, mirror the richness of the function and the variety of its components. More specifically, paragraph 2.3 (f) states that the Association must “*promote the professional interests of prosecutors and [...] enhance recognition of their crucial role in achieving criminal justice*”.

To effectively discharge its mandate on the international scene, and to articulate in a comprehensive and authoritative way for the United Nations those issues that are relevant to prosecutors, the IAP must become the center of excellence for all prosecution-related issues, a one-stop shop for prosecutors, a window on the prosecution world and its challenges.

How is such a lofty objective achieved? — It is through a determined and concerted resort by the IAP to the numerous capabilities of modern technology. This could begin with a strategic use of the Association’s main website (The English website in The Hague) and of its subsidiary or sub-websites in other languages. The IAP must become a comprehensive center of reference on prosecution issues. The IAP website should eventually be viewed as a primary source of information and of inspiration for prosecutors in the pursuit of

the rule of law and the public interest. Just imagine if a simple visit to the IAP Websites could give you immediate access to reference materials such as:

- ❑ Speeches on the role of prosecutors and on prosecution-related matters;
- ❑ Famous quotes on the prosecution function and the role of prosecutors;
- ❑ Annual Reports of Prosecution Services;
- ❑ An exhaustive bibliography of books and articles on prosecutors and prosecution-related issues;
- ❑ A listing of existing Magazines, Newsletters and other internal publications from prosecution services, with hyperlinks where possible;
- ❑ Hyperlinks to the web sites of prosecution services from around the world (starting with the web sites of organizational members of the IAP);
- ❑ Hyperlinks to web sites of interest for prosecutors;
- ❑ Special events and Conferences of interest to prosecutors; etc.

The development of this reference capability requires an important gathering and collating effort that is only sustainable through the ongoing assistance of members of the Association. Indeed, this is a “two-way process”. Members of the Association have a moral obligation to assist in this major endeavor. Accordingly, they are encouraged to send to the Secretary-General any relevant materials in the categories listed above.

Over time, and through the collaborative efforts of its members in more than 90 countries of the world, the IAP will develop a multilingual network of “technical expertise” in various legal systems that will support its role as the official voice of prosecutors on the international scene. Recommendation No. 10 of the Sydney Conference is yet another component of this holistic approach:

“The IAP should continue to assist and support its members in identifying concrete means to reach out to members from non English speaking countries and various legal systems.”

As former President Nelson Mandela concluded in his acceptance speech of the IAP Medal of Honor in September 2000, in reference to the prosecution function, “ [...] *above all, claim your victories and promote the interests of your profession. It is a noble one.*”

On Friday the conference divided into regions for the Regional Fora organised by Grenville Cross, Q.C., S.C., (Hong Kong, China), Henning Fode (Denmark), Michael Horowitz (U.S.A.) and Bulelani Ngcuka (South Africa). Feedback was given by John Tester (U.K.), Arthur Luk (Hong Kong, China), Michael Horowitz and Lovisa Indongo (Namibia). The afternoon looked forward to the 2002 conference, which will concentrate on trafficking in money, drugs and humans, with presentations from Neil Jensen and Gary Croke, Q.C. (Australia), Kingsley Hyland (England and Wales) and Dien Korvinus (The Netherlands).

The President closed the conference by thanking all who had been involved in making it a success and David Calvert-Smith, Q.C. (England and Wales) invited members to attend the 7th IAP Annual Conference in London next year.

IAP Awards

The Medal of Honour was not awarded in 2001.

The Special Achievement Award was presented on the first morning of the Conference to:

Anton R. Ackermann, Deputy Director of Public Prosecutions for the Transvaal region, South Africa, for his special dedication in the pursuit of his professional responsibilities and the discharge of same in the face of hardship and adversity in circumstances which deserve special recognition.

and to:

the prosecution team in the Lockerbie case and The Crown Office of Scotland for their flexible working in order to achieve something unprecedented in legal history: the investigation and prosecution in the Lockerbie Trial

The Certificate of Merit was presented to Bulelani Ngcuka, Director Public Prosecutions of South Africa, for hosting the 2000 Annual Conference

Special "Thank you Awards" were given to the Boardmembers of the Foundation Treasury IAP and Mr Sybren Hoekstra, chartered accountant with Ernst & Young, accountants for their assistance in dealing with the Association's financial affairs and its accounts.

In accepting his Special Achievement Award, Anton Ackermann said :

"It is a great privilege to be honoured by your fellow prosecutors. It is an even greater privilege to be honoured by fellow prosecutors on the international level.

Judge James, a distinguished Judge President of the Natal Bench, once called me to his chambers and told me: "Anton, if you want to be difficult, you need to be right".

If one is in pursuit of justice and the rule of law, one is *always* right. And the victims of crime and the community demand of one to be difficult in order to restore the balance which has been upset by the accused.

The prosecutor's profession is a noble one.

- I. We might not always be portrayed as the good guys in films or TV shows.
- II. Our wives and children might not have all the overseas holidays that the families of our defence counterparts enjoy.
- III. And we might not have the same social standing in the community as defence advocates.

But, silently and behind the scenes, we are respected and admired by the community, which depends on us to see that justice is done. The reward for prosecuting is the sense of fulfilment and the certainty that one has made a difference for the good.

Life has been good to me. I was at the right place, at the right time, for the right case and I have enjoyed the good fortune of a wife and children who have tolerated the demands on my time which are unavoidable for any prosecutor.

But to echo the words of French playwright Alain Le Sage: *'Justice is such a fine thing, that we cannot pay too dearly for it'*.

I thank the International Association of Prosecutors for honouring me in this way."

The General Meeting, 6 September 2001

1. The President opened the meeting. He extended a special welcome to honorary members Eamonn Barnes and Minoru Shikita.
2. The rules of procedure were adopted.
3. The minutes of the previous General Meeting, held on 7 September 2000 in Cape Town, South Africa, were agreed.
4. There were no matters arising.
5. Daniel Bellemare, Q.C. (Canada) and Geraldo Brindeiro (Brazil) were re-elected and Retha Meintjes (South Africa) and Ye Feng (China) were elected as Vice-Presidents of the Association.
6. Francois Falletti (France) and Fikret Mamedov (Azerbaijan) were reappointed and Brigitte Bierlein (Austria), Michael Chertoff (U.S.A.) and Egbert Myjer (The Netherlands) were appointed as members of the Executive Committee. Richard Buteera (Uganda) was co-opted to membership of the Executive Committee to fill the vacancy which arose when Retha Meintjes was elected as Vice-President. The new protocol for nominations by the Executive Committee was summarised by the President. It would be posted on the website.
7. The Annual Report was received by the Meeting.
8. The Secretary-General presented the financial statement and the budget for 2002. The President read the sponsorship protocol which had been adopted by the Executive Committee. Its adoption was proposed by John Kaye (U.S.A.) and seconded by Billy Downer (South Africa). However, as it was to be posted on the website, discussion was adjourned at the request of Roelof Jan Manschot (The Netherlands). It was agreed that in the interim the IAP and the hosts of the conference in 2002 could act in the spirit of the protocol. The Sponsorship Protocol is reproduced at the end of this Annual Report.
9. Work program of the Association
 - 9(a) The website – hyperlinks were needed to join prosecution services' websites to the IAP website and information was needed to post onto it.
 - 9(b) Translation – an issue had arisen about Spanish translation which had been anticipated by some participants. The President pointed out that this was despite a caveat in the preliminary program, correspondence between the IAP and the countries concerned and a prominent article in the IAP Newsletter, indicating that because of lack of sponsorship, there would be no such facility available. It was the IAP's wish to make such facilities available but money had to be found to fund each language. The French had done so, the Chinese brought their own interpreters who used the booths and others also used their own interpreters. The General Counsel would work with Spanish-speaking members in an effort to arrange Spanish translation for 2002 and to set up a Spanish website.
 - 9(c) *Human Rights Manual* – This was being produced under Egbert Myjer's guidance.
 - 9(d) The President reported that the *Internet Investigation Manual* was being prepared by a committee under the guidance of Joel Schwarz (who had made two presentations at the Conference). A sample of the manual had been prepared and was available for participants. The sample would also be posted on the IAP website.

- 9(e) The President also reported that a workshop on the *Model Guidelines for the Effective Prosecution of Crimes against Children* had been held in parallel with the conference on Wednesday morning. It was well-attended and very productive. The President thanked the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) in Vancouver for their work and the Commonwealth DPP for making the venue available. The venue was also used that afternoon for a forum of Pacific Island prosecutors which had also been highly successful.
- 9(f) IAP Awards – members were asked to send in nominations to be decided at the Northern Spring Meeting of the Executive Committee.
- 9(g) In view of the IAP’s new consultative status with ECOSOC, the IAP would need comments on various U.N. drafts and members were asked to assist with this.
- 10 IAP Standards – The President urged members to sign commitments to working in accordance with the Standards.
11. Conference resolutions were put to the meeting for consideration. At the end of the conference the majority of those present were content with the resolutions as amended after comments had been considered. However, there were some participants who felt that they were unable to agree to them. The President acknowledged the position of these participants.
12. Future conferences
2002 would be in London.
2003 – A possibility was being explored. Suggestions were sought for themes.
2004 – Again a possibility was being explored which was approaching confirmation.
Regional (mini) conferences
One would be held in The Hague, 20-22 March 2002 and it was hoped to hold one in New Zealand. The President hoped that other regions would want to hold such conferences.
13. Annabelle Bolt (U.K.) explained the background and development of her project on transnational investigations. She looked to members for support.
- Bernard Bailor (U.S.A.) explained the remit of the American Bar Association CEELI (Central and East European Law Initiative). Prosecutors from civil law countries were needed to assist. Information would be posted in the Newsletter.
- The President thanked the Prosecution Service of Japan for their continuing work on the IAP Directory.
- He also thanked the Canadian Government for their considerable financial support to the development of the IAP French language website, the Finnish Government and AUSAID for their support to the granting program and the Danish Government for its continuing financial assistance.
- The President placed before the meeting a resolution adopted by the International Society for the Reform of Criminal Law at its annual conference in Canberra the previous week. The resolution related to an attack in the media on the independence of a judge in New South Wales who had sentenced a group of offenders in August. Richard Mosley, Q.C. (who had been at the ISRCL conference) described the background to the resolution. After discussion, the meeting reached a consensus that such a resolution should not be passed and the President terminated the debate.
14. The next General Meeting would be held during the 2002 Annual conference in London at a time to be confirmed, possibly on Wednesday 11 September 2002.

Translation at IAP conferences

During the conference question and answer session and also at the General Meeting the issue of simultaneous translation between Spanish and English was raised and attracted a good deal of sympathy.

Our working language was English. There were compelling financial and human resource reasons for this – practical, not ideological, constraints. We wanted to be as inclusive as possible – to be truly international. Language could be a barrier and we wanted to remove it wherever we could. The French Government and agencies sponsored French translation. The Chinese brought their own interpreters, as did the Mongolians. The Ukrainians paid for locally-based interpreters.

There was disquiet about the lack of Spanish translation and the President undertook to look at this for future conferences.

11 September 2001

IAP President, Nicholas Cowdery, Q.C. wrote in Newsletter 15 :

“Like almost everyone else, I was stunned, disbelieving and helpless.

We send our condolences and sympathy to all who have suffered loss as a result of the attacks in New York and Washington. We also record our resolve, as an organisation, to continue the fight against crime – including crime on the scale of that committed against those who were targeted by the terrorists in these cowardly and inhuman attacks. By cooperation amongst our members we can assist in dealing even with problems of this magnitude.

Because in my view, war is the wrong analogy - and a warlike response, while understandable in the circumstances (and while it may incidentally produce beneficial changes in some other countries), may not be the most appropriate for many reasons. Fear and ignorance, alongside a natural human desire for revenge, threaten to give the terrorists a victory if we retaliate in kind against their outrageous conduct.

Crimes have been committed in this case on a huge scale and the response should be the one we all make against the very worst of criminals. In this case it is also arguable that crimes against humanity were committed. Anyone accused of these crimes should be brought before the appropriate courts in the United States or, should the UN Security Council be prepared to create it, before an *ad hoc* tribunal established to deal with this offending. It would be for the civilised nations to co-operate in identifying the surviving perpetrators and bringing them to justice.

The International Criminal Court, hitherto not actively supported by America, is another place in which criminals of this kind could receive justice, in accordance with the rule of law, if the necessary conditions were met. I hope that these atrocities will give new impetus to the establishment of this important international tribunal.”

Conferences in Guangzhou

In November 2001 the President, Secretary-General and General Counsel attended two conferences in Guangzhou, China organised by IAP Vice-President, Dr Ye Feng. These were the Meeting of ASEM Law Enforcement Agencies on Child Welfare and the Regional Conference of Attorneys-General of Countries in Asia and Europe. Two other IAP Vice-Presidents, Minoru Shikita (Japan) and Henning Fode (Denmark) were also present.

In addition to the members of the Secretariat and the IAP Vice-Presidents, a number of other IAP members and representatives of organisational members addressed the conferences, including

Executive Committee member Werner Roth (Germany), Niall Lombard (Ireland), Shin Seung-Nam (Korea), Altankhuyag Mongol (Mongolia), Badri Karki (Nepal), Hernando Perez (Philippines), Milan Hanzel (Slovakia), Klas Bergenstrand (Sweden), Sirisak Tiyanpan (Thailand) and Grenville Cross (Hong Kong, China) as well as representatives of the Supreme People's Prosecution Service of the People's Republic of China. The conferences were a triumph of organization with presentations from senior prosecutors from over 30 countries.

The IAP representatives were extremely honoured to be presented to the President of China, Mr Ziang Zemin and to attend the impressive opening of the 9th National Games of China. As ever the hospitality of our hosts was superb and it was excellent to meet again Prosecutor General, Han Zhubin, and his Deputies, Liang Quoqing and Jiang Zhong, as well as Beijing Chief Prosecutor, Xu Haifeng.

Again, thanks to the good offices of Ye Feng, the members of the Secretariat, were able to hold one of their regular meetings.

Following the conferences at Guangzhou Ye Feng organised a visit to Chengdu for the President and the Secretary-General, where they met with Chinese colleagues.

Attack on Swedish prosecutor

It was with concern and regret that we learnt that on 12 December 2001 that IAP member, Sune Andersson, the Director of Public Prosecutions for the Swedish town of Ostersund, was stabbed in the back in his local courthouse. Mr Andersson had just finished prosecuting a difficult rape trial when a brother of the defendant stabbed him outside the courtroom. Fortunately the local hospital was close by and Mr Andersson was soon receiving medical attention. He had lost a lot of blood and his serious injuries included damage to a lung. His assailant was arrested shortly afterwards and was remanded in custody.

This was the first time that a prosecutor in Sweden has ever been attacked in court and we knew that IAP members would be concerned both for Mr Andersson on a personal level and for the well-being of their colleagues generally. We were grateful to our Swedish colleague, Christer Jarlas for informing us of the situation and, although we hoped that such incidents would be few and far between, we asked members to keep us informed of any other such matters.

IAP surveys

By early 2002 the IAP, working with the United Nations to monitor the implementation of the Convention on Transnational Organised Crime, circulated a questionnaire asking for details of implementation in each country. Subsequently Elaine Krivel, Q.C., formerly the prosecutor in charge of the Canadian Federal Prosecution Service's Toronto office, was seconded to Brussels and, thanks to IAP Vice-President, Daniel Bellemare, took on responsibility for co-ordinating the responses.

Organisational members also received IAP questionnaires on new terrorist legislation and on measuring the effectiveness of prosecution services.

2nd IAP European Regional Conference

“One of the best conferences I have ever been to”.

“The most interesting and worthwhile course I have been on”.

“I learned so much from everybody and my mind has been opened”.

Just a few of the encouraging comments made by the participants in the IAP's 2nd European Regional Conference which was held in The Hague on 20 – 22 March 2002. They were among the 47 prosecutors from 17 European countries who – at the invitation of the Mayor of The Hague - assembled at the City Hall in the Association's home town to discuss how we deal with young defendants.

The event began with an informal drinks reception at the IAP offices where the participants were welcomed by Secretary-General, Henk Marquart Scholtz. The conversation was immediately animated and our guests were able to view mementos of earlier IAP events and also an exhibit of books published by Kluwer Law International. Dinner followed at a local restaurant and there was just one thing demanded of our visitors – “Do not sit next to someone from your own country”.

Thursday 21 March was a long and hard-working day. It began, in response to feedback from last year’s event, with speakers from France, Slovenia, Denmark and Ireland giving a glimpse into their various criminal justice systems. Isabelle Miquel, Andrej Ferlinc, Lars Munk Plum and Seamus Cassidy treated their audience to a bewildering array of different approaches to criminal justice thinking in their homelands.

They were quickly followed by Peter Smith and Martin Ryan from the Crown Prosecution Service of England and Wales who outlined the approach to dealing with young offenders in their jurisdiction. They also informed the conference of the details of the “Bulger” case in which two 10 year old boys had abducted a young boy and murdered him. They were subsequently prosecuted and tried according to the prevalent law and procedure in an adult court. This has now become a leading case in England and Wales but also in Europe as a result of the case having been taken to the European Court of Human Rights. The case was used as a focal point of the following presentations and also later discussions.

Maria Raho (Hungary) and Rob de Vries (The Netherlands) added their countries’ perspectives and already the focus began to move towards talk of diversion. Bo Birgeron and Anders Petersson (Sweden), while adding a Scandinavian view, also told of their “Kevin” case in which it was discovered that boys aged 7 and 5 killed a younger child. The difference from “Bulger” in this case was that the two boys were too young to be prosecuted and had to be dealt with through a welfare route. Perhaps we can see that in fact the outcome for the perpetrators was very similar.

Part of the afternoon was taken up with presentations by Inger Marie Sunde (Norway), Elisabeth Mijnders (The Netherlands) and Stephen Wright (Northern Ireland) on diversion. All three countries have moved towards diversion as the first outcome for a youngster coming into the criminal justice system. Norway has an intriguing system in which in effect there is an effort to make the punishment fit the crime. The Netherlands has a highly developed system which involves diversion at three different stages. Interestingly, in Northern Ireland the criminal justice system as a whole has come under the spotlight as a result of the peace process and, in particular, the Good Friday Agreement and the future emphasis in the juvenile area will be on restorative and reparative justice.

Feedback from a lengthy case study session revealed differences in approach between common law and continental approaches. It was recognised that in general the options open to prosecutors in the common law countries were more limited and that their own influence on the case was also restricted. Continental European jurisdictions had a more holistic approach and also a wider range of disposals.

Thursday’s formal proceedings ended with a reception generously hosted by the City of The Hague. It was attended by Deputy Mayor, Mr Bas Verkerk, who spoke of The Hague’s position as the international legal city and of its support for the IAP as one of the important international legal entities with headquarters in the city. During the evening participants took the opportunity to continue their discussions informally at a variety of local restaurants.

Friday began with presentations from Isabel Clark (Scotland), Mika Aalto (Finland) and Dagmar Freudenberg (Germany) on sentencing and other outcomes in the juvenile justice system. Two themes were emerging – an interest in the Scottish twin track system and the German concept of education being the central focus of their system for young offenders.

The final session was a discussion, first in groups and then in a plenary session. The participants were asked to take a blank sheet of paper and, bearing in mind all that they had heard, to construct an ideal juvenile justice system. Feedback was given by Murdoch McTaggart (Scotland), Sally Averill

(England and Wales) and Annelies van Lawick (The Netherlands). The age of criminal responsibility was an obvious starting point given that those countries represented at the conference bring children into the criminal justice system at ages varying from 7 to 15. Not surprisingly the group steered a middle course and opted for 12 – 14. It was agreed that the aim of the perfect juvenile justice system should be to prevent offending by young children and that the process should be quick. The Netherlands stood out as a model of good practice in the speed in which a wide range of information was available to the prosecutor at an early stage.

It had become clear that in most countries much serious offending was committed by only a few young persons. Many participants told of 25% of their juvenile crime being committed by only 3% of offenders. At the same time many young people offended only once. Diversion was therefore seen as the first option for dealing with the majority of offenders. It was interesting that almost all present were united in their view that it was preferable to keep young people out of the criminal justice system. There was a vital need to persuade society that this worked and was not a soft option.

Where it was necessary to bring young people into the criminal justice system, there were calls for the use of specialists at all stages in the process, for flexibility of approach and for the widest possible range of disposal options. The Scots' ability to move from prosecution to a welfare solution and vice versa drew general approval.

Alas, the conference had to come to an end and the participants left for their home countries. We hope that they all learned from their meetings with their colleagues and that they will be able to take back their learning to their everyday jobs.

Presentation of the IAP Medal of Honour

This year the Executive Committee decided that the IAP Medal of Honour should be presented to Dr Simon Wiesenthal, the renowned war crimes investigator, who has devoted over fifty years to bringing Second World War criminals to justice. Dr Wiesenthal is now 93 and does not travel outside Vienna. However, as he told us, he is the only 93 year old in Vienna who still goes to the office every day. His work continues although, as he concedes, many of those war criminals whom he seeks are nearly as old as he is.

As a number of members of the IAP were recently in Vienna attending the U.N. Crime Commission, we took the opportunity to make the presentation to Dr Wiesenthal at his Documentation Centre. The ceremony was attended by IAP Vice-Presidents, Minoru Shikita (accompanied by Mrs Shikita), Daniel Bellemare, Henning Fode and Ye Feng, the Secretary-General, the General Counsel and Austrian Executive Committee member, Brigitte Bierlein.

The Medal of Honour was presented by Daniel Bellemare and the supporting certificate by Minoru Shikita. There follows the text of Mr Bellemare's speech :

“Dr Wiesenthal :

It is an honour and a privilege for me and my colleagues of the International Association of Prosecutors (IAP) to be here today to present you with the IAP Medal of Honour. Unfortunately, our president, Nicholas Cowdery, could not share in the occasion, regretting very much, as he put it in his personal letter to you, “ that the tyranny of distance has kept [you] apart at this time.”

The International Association of Prosecutors is a young organisation founded here in Vienna in 1995. Although young in years, the IAP represents prosecutors from over 90 countries around the world, and from all cultures and legal traditions. The central purpose of the IAP is to promote justice through the defence of human rights under the rule of law.

As the Reverend Martin Luther King said from his jail cell in 1963, “Injustice anywhere is a threat to justice everywhere”. The mandate of the prosecutor is to bring offenders to justice, fairly, objectively, in accordance with the rule of law.

The Jewish Documentation Centre that you have founded has helped bring more than 1,000 Nazi war criminals to justice. One biography describes the process you engage in as follows :

“Painstakingly, Wiesenthal culls every pertinent document and record he can get, and listens to the many personal accounts told him by individual survivors. With an architect’s structural acumen, a Talmudist’s thoroughness, and a brilliant talent for investigative thinking, he pieces together the most obscure, incomplete, and apparently irrelevant and unconnected data to build cases solid enough to stand up in a court of law”

As prosecutors, we can easily relate to the evidence gathering process. We can also understand the difficulty of the task, and we can only but admire the extent of your remarkable achievements. Prosecutors are acutely aware of how the chase can become the central theme, and issues of evidence and justice can easily be set aside. Prosecutors need good investigators and good investigators never let the pursuit of the criminal interfere with the gathering of evidence and the resulting search for justice. As you once put it, “ discovering witnesses is just as important as catching criminals “

In 1979, during the debate authorizing the issuance to you of the Congressional Medal of Honour, U.S. Senator McGovern observed that, “ you had made the world remember time and time again that justice is not an easy promise to keep only in the best of times, but that justice, even when it seems to have retreated beyond recall, can rebound with even greater force and influence”.

Senator Doyle added that, “ Despite the horror that you faced during the Second World War, you never turned your back on the world. At a time when you seemed to have every reason to withdraw, your faith in the ultimate triumph of humanity over inhumanity was never lost. Because of your strength, we can, today, continue to believe in justice and the rights of humanity “

Even the oldest of us here today is of a different generation from you and, despite the horrors which we see in our present-day world, we have little personal concept of the injustice, degradation and suffering endured by your generation and your people during the Second World War. Despite your experiences, you have remained human – and a man of reason. You have used the law to achieve and accounting for crimes that, we, in our professional lives, hope never to encounter. In our terms, you have sought effective, fair, impartial and efficient prosecution for monstrous crimes by seeking, as the title of one of your books reminds us, “justice, not vengeance”!

You are one of the modern age’s most dedicated adherents to the biblical injunction : “Justice, Justice thou shalt pursue”. In *The Sunflower*, you wrote that in the concentration camps, “ You rarely thought of death, that you knew it was waiting for you And that gradually you had accustomed yourself to its proximity”. But, as time went on, when you realised that hardly any of the men you knew in the camps were still alive, you observed, “My time had apparently not yet come or death did not want me”. Death did not want you. You still had much to do. Humanity needed you.

Indeed, the importance of your work cannot be measured only in relation to the prosecution of individual cases. Human memory, being unfortunately notoriously short and selective, your work is also a legacy for generations to come : it has provided us with a documented memory of the past.

In *The Sunflower* you wrote that “ mankind is ostensibly striving to avert catastrophes; medical progress gives us hope that one day disease can be conquered, but will we ever be able to prevent the creation of mass murderers?”

By preserving forever the memory of the Holocaust, hopefully, your work will help forestall such tragedies in the future. As you have said during an interview with the *Jerusalem Post* in 1994, “ the only value of nearly five decades of my work is a warning to the murderers of tomorrow, that they will never rest”. In your June 2000 acceptance statement for the U.S. Medal of Freedom, you said :

“My cause was justice, not vengeance. My work is for a better tomorrow and a more secure future for our children and grandchildren”. This is a noble ideal. An ideal, Sir, that all prosecutors are proud to share with you.

I wish to congratulate you most warmly on the award of the International Association of Prosecutors’ Medal of Honour. You are now, in addition to your long list of distinctions, in the company of other famous individuals as fellow medallists : Justice Louise Arbour, the former Prosecutor at the United Nations ad hoc Tribunals for the former Yugoslavia and Rwanda, and former President Nelson Mandela of South Africa.

The IAP Medal of Honour was created in 1999. It was awarded to recognize someone who has made a significant contribution to the promotion of the IAP Standards and to the role of the prosecutor in the pursuit of justice under the rule of law in the domestic or international context.

The IAP *Standards of professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors* (the IAP Standards) were also established in 1999. Amongst other things, the Standards provide that prosecutors shall “ always protect an accused person’s right to a fair trial” and “ Always serve and protect the public interest; respect, protect and uphold the universal concept of human dignity and human rights”.

You, Sir, have always ensured that even those accused of the most heinous crimes have received a fair trial. At the same time, all your efforts have been directed towards the protection of human dignity and human rights.

I now have the privilege of presenting you with the IAP Medal of Honour. The citation on the accompanying Certificate reads : “For distinguished Services to International Criminal Justice for more than half a Century”.

Dr Wiesenthal, the International Association of Prosecutors salutes you.”

Dr Wiesenthal replied :

“Dear Vice-Presidents Shikita and Bellemare, Ladies and Gentlemen.

When I received the letter announcing your Association’s intention to present its highest award to me, I must say I was quite impressed. I thought about what it means to me to have prosecutors from more than 90 countries of the world give recognition to the work I have been doing since the fall of the Nazi regime and even find it praiseworthy.

In democracies, as we understand them, prosecutors personify the representation and defence of public law. Receiving an award from prosecutors therefore lends legitimacy to my long pursuit of justice on behalf of all those who suffered injustice and lost their lives under the rule of the Nazis.

When I took on this task after being liberated from the Mauthausen concentration camp, I had no idea that it would demand my time and attention for the rest of my life. Although I at times found myself on the wrong track in my search for Nazi criminals and was often restricted by limited funds, I always acted on one and the same principle – and that was to first find out the truth, the basis and prerequisite of justice.

I have been informed that before me this medal of Honour was presented to Justice Louise Arbour, former Prosecutor with the International Criminal Tribunal for the former Yugoslavia, and to Mr Nelson Mandela, former President of South Africa; I thus consider myself in the very best of company. I feel particularly honoured by your esteem for my work, because I have no educational background in law. I am an architect by profession, and before Hitler came to power I built houses for people to live in. I never returned to this gratifying work; I felt it was my duty to first help re-establish justice in the name of those whose voices had been silenced for ever.

At my advanced age, I frequently have occasion to look back – and this ceremony today is such an occasion. I can tell you that this medal of Honour will receive a very special place among the awards and honours I have received in the past. After a long life – which has also included a substantial amount of hostility, slander and even threats against my family and myself – it gives me satisfaction that representatives of law from all parts of the world confirm : Yes, you have done the right thing, you have defended justice. For this judgement and this recognition I would like to thank you and all of your colleagues very sincerely.”

As others saw us

One sign of the development and maturity of the IAP as an international organisation was the acknowledgement of the Association in the literature of other organisations. An extract from the Annual Report of the Legal Defence and Assistance Project (LEDAP), Nigeria :

“The Criminal Justice Development Project (CJDP) arose from the work plan developed through the stakeholders’ consultations under the Directors of Public Prosecutions DPP Forum. The first and second forums were held in 2000 and 2001. In 2000, the forum adopted the “*Abuja Affirmation on the Public Prosecutions and Delivery of Criminal Justice in Nigeria*”, a best practice statement for Nigerian prosecutors and those involved in the administration of criminal justice. It also opened consultation with the International Association of Prosecution (IAP), an UN-backed association of prosecutors across the world working to improve criminal justice administration. IAP attended the second DPP forum, and LEDAP facilitated two Nigerian prosecutors to attend the 6th Annual Conference of the IAP in Sydney, Australia in September 2001. The IAP has endorsed the work plan developed by LEDAP and the DPP Forum for improving criminal justice delivery in Nigeria and made commitment to collaborate in its implementation.”

Extracts from the Annual Report of the Prosecutions Division of the Department of Justice, Hong Kong, China

“On 1 January 2001, the Prosecutions Division joined the International Association of Prosecutors (IAP). The Division became its 75th organisational member. This was an historic event in the life of the Division.

Organisational membership of the IAP reinforced the status of the Division as a modern prosecuting authority. It was a tribute to all the Division had accomplished since 1997. Membership gave the Division a direct role in the affairs of the IAP. It also promoted the image of Hong Kong amongst the prosecutors of the world.

[The entry records the visits of IAP Vice-Presidents Minoru Shikita and Ye Feng to Hong Kong, China and the involvement of local prosecutors in IAP activities and projects.]

In September, the DPP chaired and co-ordinated the Asia Pacific Regional Forum of the IAP, in Sydney, Australia. Mr Arthur Luk, DDPP, was his rapporteur. The theme of the Forum was the transparency and accountability of the prosecutor in the 21st century. The Forum attracted wide interest from amongst regional prosecutors.

.....

Other prosecutors to address the Asia/Pacific Regional Forum came from jurisdictions which included Australia, Japan, Macao, Thailand, Singapore, Korea, New Zealand and Bangladesh. A consensus emerged that it was important for the work of public prosecutors to be understood and accepted by the committees they served. The need for prosecutors to secure their position in society through greater transparency in all quarters. At the same time the prosecutor had always to act in the public interest, even if that attracted unpopularity.”

Congratulations

We congratulated former Executive Committee member, Akio Harada, on his appointment as Prosecutor General of Japan; also Lee Myung Jae on his appointment as Prosecutor General of Korea and Executive Committee member, Boowhan Han, as Korean Vice-Minister of Justice.

While we congratulated Martin Blackmore as a judge of the District Court in New South Wales, Australia, we commiserated with Nicholas Cowdery on the loss of an excellent Deputy DPP.

In July 2002 our congratulations went to senior IAP Vice-President, Minoru Shikita (Japan), who had been awarded the Order of the Rising Sun, Gold and Silver Star, by His Majesty the Emperor of Japan.

Congratulations also went to David Calvert-Smith, Q.C. (England and Wales) who had been awarded a knighthood in the Queen's Birthday Honours List.

Thanks to Canada again

We were extremely grateful to the Canadian Ministry of Justice for the grant of CND10,000 to assist the IAP in further developing its website. The funding would enable the IAP to, amongst other things, enhance the provision on the French language link to the website.

Now that the French language website was firmly established, we hoped to expand our capability by adding a Spanish language link. Carlos M Donoso Castex, Argentina, translated the Standards into Spanish and we looked forward to this document taking its place on a new Spanish website.

United Nations Crime Commission

The Secretary-General and the General Counsel attended the meeting of the U.N. Crime Commission at the U.N. Building in Vienna from 16 to 19 April 2002. In addition to holding fruitful meetings with members of the CICP and UNDCP, representatives of other co-operative bodies and IAP colleagues. They attended the various sessions on transnational organised crime and reform of the criminal justice system. On Friday 19 April the Secretary-General spoke in the debate on the fight against transnational organised crime and emphasised the role which the IAP is playing in monitoring the implementation of the U.N. Convention against Transnational Organised Crime.

“Mr Chairman, distinguished delegates,

International mutual legal assistance, crimes against children, fraud and corruption, human rights and the prosecutor and the role of the prosecutor now and in the new millennium have been the themes of the first six annual conferences held by the International Association of Prosecutors (“the IAP”). This year's conference in London in September will consider “The Threat of Global Crime : Trafficking in Humans, Drugs and Money” and on 11 September last year's tragic events in the U.S.A. will be marked by a special session on terrorism.

The IAP was formed here at the U.N. Offices in Vienna in 1995 in response in particular to the need for prosecutors to achieve a wider international focus in the fight against transnational crime. The criminals had embraced globalisation and the prosecutors needed to do so too! The Association has developed into a vibrant organisation with 1,200 individual members and 84 organisational members from nearly 100 countries. We are delighted to see that our newest organisational member, the Prosecution Service of Oman is represented at this gathering by the Omani Attorney-General, Mr Ali Nassir Al Bualy.

While the Annual Conference, which now attracts over 400 of the world's most senior prosecutors, is a key event for our members, the IAP is not only a networking organisation. In response to work begun

at the conferences, we have developed a *Best Practice Series* which to date has addressed the use of the Internet to exploit children, the need for special techniques to prosecute effectively crimes against children and corruption in public administration. In 1999 we produced the *IAP Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors* ("The IAP Standards"). 22 legal jurisdictions have already committed their prosecution services to working within the spirit of these basic principles.

As a tool for better communication between prosecutors the IAP, thanks to the efforts of the Prosecution Service of Japan co-ordinated by our senior Vice-President Mr Minoru Shikita, has published its *Directory of Prosecution Services*.

This year the IAP will launch another unique document, its *Human Rights Manual for Prosecutors*. This latest development is typical of the collaboration which the IAP has undertaken with other international bodies. It is the result of a joint project with the International Bar Association's Human Rights Institute. However, the main centre of focus in international co-operation is our work with the UN CICTD on monitoring the implementation of the U.N. Convention against Transnational Organised Crime. Together we have developed a monitoring mechanism to ensure that prosecution services around the world, and the governments which support them, have in place the necessary tools to make effective their work against transnational organised crime.

The first object of the IAP is :

“to promote the effective, fair, impartial and efficient prosecution of criminal offences”;

but we are also established :

“to assist prosecutors internationally in the fight against organised or other serious crime, and for that purpose;

- to promote international co-operation in gathering and providing evidence, in tracking, seizing and forfeiting the proceeds of serious crime; and in the prosecution of fugitive criminals; and
- to promote speed and efficiency in such international co-operation.”

Mr Chairman, prosecutors are very practical people. They want to bring the perpetrators of transnational organised crime to justice. They want to deal with them effectively, fairly, impartially and efficiently. To do this they need the assistance of their colleagues around the world so that they can work with the speed necessary to keep ahead of the criminal.

The IAP is a practical tool to assist prosecutors globally. We ask for your help and especially that of the prosecutors who are present.

- If you have received a UN/IAP questionnaire on the monitoring of the implementation of the Convention on Transnational Organised Crime, please complete it and return it.
- If you have not received one, please contact us here today or by visiting our website (www.iap.nl.com)
- Join the IAP so that we can represent you and all prosecutors of the world.

Thank you, Mr Chairman.”

Executive Committee meets in Baku

Fikrat Mammadov became a member of the IAP Executive Committee in 1998 when he was Deputy Prosecutor General of Azerbaijan. In 2000 he was appointed as his country's Minister of Justice and last year invited the Executive Committee to hold its 2002 Northern Spring Meeting in Baku, the capital of Azerbaijan.

The meeting was held at the Grand Hotel Europe in Baku on 16 – 17 May. In a short opening ceremony Mr Z. Garalov, the Prosecutor General of Azerbaijan welcomed the members of the Executive Committee to Azerbaijan and Mr. F Aleskerov, the Representative of the President of Azerbaijan, His Excellency Mr Heydar Aliyev, delivered a message of welcome from the President. Nicholas Cowdery replied thanking them for their greetings and good wishes. He had come from the pan-European meeting of European Prosecutors General in Ljubljana, Slovenia, where there had been discussions about the rule of law and human rights and he acknowledged the steps Azerbaijan had taken, including taking notice of the IAP Standards in development of new laws. He thanked Fikrat Mammadov for his invitation, support, hospitality and assistance.

Those present were the President, the Secretary-General, the General Counsel, Daniel Bellemare (Canada), Henning Fode (Denmark), Ye Feng (China), Fikrat Mammadov (Azerbaijan), Werner Roth (Germany), Laszlo Venczl (Hungary), David Calvert-Smith (England and Wales), Boowhan Han (Korea) and Brigitte Bierlein (Austria). Michael Horowitz and Carl Alexandre attended on behalf of Michael Chertoff (U.S.A.).

Once the Executive Committee had discussed the nominations for the various offices of the Association, the Secretary General informed the meeting of the current membership position. There were now 84 organisational members, including most recently the prosecution services of the Sultanate of Oman and the Isle of Man.

The meeting received reports as usual from the President, the Secretary-General and the General Counsel. At this meeting for the first time it also received reports from members of the Executive Committee. This will now become a regular feature. Members of the Executive Committee are expected to be active on behalf of the IAP and these reports will help the Committee monitor the activity and effectiveness of its members. While membership levels are increasing, the Committee was anxious to build on the momentum which has already been achieved. Accordingly each member of the Executive Committee will be allotted specific countries which have no organisational members so that they can target their efforts for future recruitment.

During its stay the Executive Committee was delighted to meet many of the 24 Azeri individual members as well as representatives of the two organisational members from Azerbaijan, the Prosecution Service and the Military Prosecution Service. The President, who was accompanied by the other members of the Executive Committee, laid a wreath on the tomb of the unknown soldier.

All members of the Executive Committee were honoured to be received by the President of Azerbaijan, His Excellency Mr Heydar Aliyev, who spoke of Azerbaijan's support for the development of the IAP and the important role which it has to play in the fight against transnational organised crime.

We should like to thank Fikrat Mammadov once more (he has already received a special "Thank you" Certificate in Baku) for his organisation and great hospitality and the abiding memories of his country and people which we shall all cherish.

Conference of Prosecutors General of Europe, Ljubljana, Slovenia, May 2002

Under the aegis of the Council of Europe Prosecutors General from 42 countries of Europe met at Ljubljana from 12 to 14 May 2002. The Association was invited to this Conference and was represented by the President and the Secretary-General. A quick glance around the conference table revealed that the majority of the participants were members of the Association. The conclusions of this conference are available on the website of the Council of Europe: www.coe.int.

International Criminal Court

The IAP was working with the NGO Coalition for the International Criminal Court to develop a *Code of Professional Conduct for Prosecutors at the International Criminal Court*. A draft Code would be posted on the IAP website for comments from members of the Association.

Secretariat Activities

The Secretary-General continued to act as a European Union expert in the PHARE Program on the prosecution services of the applicant countries for EU membership. In 2002 he visited and wrote reviews on prosecution services in Slovenia, Slovakia, the Czech Republic, Poland and Bulgaria.

We were pleased that the General Counsel had been appointed as one of two independent members to the implementation board for the new Public Prosecution Service of Northern Ireland which was being established as part of the Northern Ireland peace process.

IAP Granting Program

The Secretary-General has since 1996 been responsible for the running of what is now known as the IAP Granting Program. The IAP has a Protocol which governs the operation of the Program. Since the first Annual Conference in 1996 six countries, The Netherlands, Ireland, Canada, Denmark, Australia and Finland have supported the Program as shown in the following table :

Year and venue	Country	Amount
1996 – Budapest	The Netherlands	NLG100,000 (US\$ 40,000)
1997 – Ottawa	The Netherlands	NLG137,000 (US\$ 55,000)
1998 – Dublin	The Netherlands	NLG34,000 (US\$ 13,600)
	Denmark	NLG34,000 (US\$ 13,600)
	Ireland	NLG34,000 (US\$ 13,600)
1999 – Beijing	Canada	US\$16,400
	Denmark	US\$24,000
	Ireland	US\$21,600
2000 – Cape Town	Denmark	US\$27,700
	Ireland	US\$23,400
2001 - Sydney	Australia	US\$ 30,000
	Finland	US\$ 20,142

In 2001 the Granting Program, financed by Australia and Finland, assisted 30 prosecutors from 16 countries.

FINANCIAL STATEMENTS

ERNST & YOUNG – Prepared by Ernst & Young Accountants

BALANCE SHEET AT 31 DECEMBER 2001

A s s e t s

	2001		2000	
	NLG	NLG	NLG	NLG
Current assets				
Debtors		65,641		47,335
Securities		205,925		206,857
Cash at bank and in hand	235		242	
ABN AMRO Bank N.V., granting account	1		1	
ABN AMRO Bank N.V., NLG account	7,683		45,443	
ABN AMRO Bank N.V., USD account	68,939		22,785	
ABN AMRO Bank N.V., deposit account	285,846		220,000	
Board savings account	792		–	
		<u>363,496</u>		<u>288,471</u>
Total assets		<u><u>635,062</u></u>		<u><u>542,663</u></u>

L i a b i l i t i e s

	2001	2000
	NLG	NLG
Accumulated fund	428,453	328,878
Creditors	206,609	213,785
Total liabilities	<u><u>635,062</u></u>	<u><u>542,663</u></u>

NOTES TO THE BALANCE SHEET

	NLG
Debtors*	
Individual membership	1,294
Travelling expenses	570
Interest	12,054
Conference fees	51,723
	<u>65,641</u>

	<u>Cost</u>	<u>Closing rate</u>	<u>Balance sheet value</u>
	NLG	NLG	NLG
Securities			
4,75% bank bonds ABN AMRO 00/03	156,525	155,455	155,455
5,75% bank bonds ABN AMRO 00/10	40,277	39,965	39,965
Vendex	12,336	10,505	10,505
	<u>209,138</u>	<u>205,925</u>	<u>205,925</u>

Securities are valued at the lower of cost and market.

	NLG
Accumulated fund	
Accumulated fund 31 December 2000	328,878
Surplus 2001	99,575
	<u>428,453</u>

* These amounts have been received since the balance sheet date.

NLG

Creditors

Interest	137
General Counsel fees and travel costs	6,442
Court Leeuwarden (SG salary 2001)	193,866
Auditor's fee	2,975
Wage tax	2,158
Other creditors	1,031
	<u>206,609</u>
	<u><u>206,609</u></u>

INCOME AND EXPENDITURE ACCOUNT 2001

	<u>2001</u>	<u>2000</u>	<u>Budget 2001</u>
	NLG	NLG	NLG
Income			
Total income	<u>554,019</u>	<u>475,496</u>	<u>456,000</u>
	<u><u>554,019</u></u>	<u><u>475,496</u></u>	<u><u>456,000</u></u>
Expenditure			
Total expenditure	<u>454,444</u>	<u>473,230</u>	<u>472,200</u>
Surplus/(deficit)	<u>99,575</u>	<u>2,266</u>	<u>(16,200)</u>
	<u><u>99,575</u></u>	<u><u>2,266</u></u>	<u><u>(16,200)</u></u>

NOTES TO THE INCOME AND EXPENDITURE ACCOUNT

	Rent NLG	Salary NLG	Subsidy Court NLG
	<u> </u>	<u> </u>	<u> </u>
Subsidies, salaries and rent			
Secretary-General	–	217,575	23,409
Secretary office The Hague	–	51,063	–
General Counsel fees	–	96,900	–
Office The Hague	26,056	–	12,000
Payments court sessions and EU-expert mission	–	(22,433)	–
Prior period adjustments	–	689	–
	<u>26,056</u>	<u>343,794</u>	<u>35,409</u>

In 2001 the salaries from the Secretary-General have been subsidized by the court in Leeuwarden to the amount of NLG 23,409. The surplus to the amount of NLG 193,866 is as a liability included in the balance sheet. This amount as well as the salary of the secretary in The Hague have been charged to the income and expenditure account 2001.

In 2001 IAP has received payments for court sessions SG and income as an EU-expert to the amount of NLG 22,433 which have been deducted from the salaries in the income and expenditure account 2001.

Exchange gains

Exchange gains are the result of the fact that different exchange rates are used for the translation of balance sheet items and for the translation of income and expenditure account items (US\$ 1 = NLG 2.5022).

The Association has benefited from having its income in US\$ and the bulk of its expenditure in NLG.

	NLG
Sydney Conference 2001	
Income	
Conference fees	51,723
Expenditure	11,043
Surplus	<u>40,680</u>

IAP Granting Program 2001

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. In 1996 and 1997 the Dutch government provided all the assistance. It was joined in 1998 by Denmark and Ireland and these two countries shared the burden with Canada in 1999. The cost of the scheme is approximately US\$ 60,000 each year.

The costs of the Granting Program for the Sydney Conference 2001 were shared by Australia (AusAID) and Finland. There were 32 recipients from 16 developing countries. Australia (AusAID) contributed US\$ 30,000 and Finland contributed US\$ 20,000.

The French government, through the Agence Intergouvernementale de la Francophonie, also assisted prosecutors from Francophone developing countries to attend the Conference.

Structural funding 2001

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 second successive year.

Annex

PROTOCOL FOR GOVERNING THE INTERNATIONAL ASSOCIATION OF PROSECUTORS' APPROACH TO COMMERCIAL SPONSORSHIP

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

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

Acknowledging that members of the IAP have genuine and reasonable concerns about the dangers of commercial sponsorship;

The IAP Executive Committee recommends as follows :

1. The IAP will not seek commercial sponsorship to offset its day to day running costs. However, it should not refuse to consider obtaining commercial sponsorship to support its work programs and to subsidise events at Annual Conferences.
2. However, the IAP should take steps :
 - a. to ensure that any such sponsorship is appropriate; and

- b. to prevent any likelihood or any suggestion of possible improper influence being exerted by the sponsor.
3. Accordingly, the IAP will continue to operate its two panels for considering sponsorship :
 - a. Panel 1

The members of the Secretariat will form Panel 1 which will consider what approaches for sponsorship will be made.
 - b. Panel 2

Panel 2 will continue to approve offers of assistance from commercial sources.
4. In order that these panels operate to the satisfaction of the membership, it is necessary that their decision-making processes are transparent and understood. To that end the panels will use the following criteria when deciding whether commercial sponsorship should be sought and accepted :
 - a. In seeking assistance for projects and other work in support of its objects the IAP will limit any approaches for commercial sponsorship to organisations whose work is wholly or partly related to the field of criminal justice. Such organisations could include :
 - Legal publishers
 - Law firms
 - Firms of accountants
 - Banks.
 - b. In seeking assistance with the funding of its conferences the IAP may approach any of the above but also organisations with standing in the local, or wider, community and which in the opinion of the panels will not cause disquiet among or embarrassment to the membership. In considering any such approach or approval members of the panels may consult such members of the IAP as seem to them appropriate.
 - c. When seeking commercial sponsorship, the IAP will make it clear that :
 - The sponsor can expect no professional favours from the IAP or its members;
 - The sponsor should not contact directly or indirectly any member of the IAP. Should the sponsor wish to contact a member, it should do so via the Secretary-General. He/she may decline to make that contact and the member may decline to have any contact with the sponsor.
 - The sponsor can expect to advertise its products and/or services at the conference venue and/or at the venues of social activities but not in the main conference hall or in the workshop rooms.
 - The sponsor will be entitled to send representatives to the conference venue and/or the venues of social events. They will not be invited into the main conference hall or to address plenary sessions or other working sessions of the conference, unless the presentation is on an appropriate working topic of the conference.
 - Gifts from the sponsor, other than food and drink at social events, should be confined to minor "give away" items normally used for the promotion of the sponsor's good or services.

Information and publications

Information regarding the Association, its Officers and Committees and its projected Meetings, Conferences and other activities can be obtained from the Secretary-General at the Bureau of the Association.

Address: Hartogstraat 13
2514 EP The Hague
The Netherlands

Phone: ++ 31 70 363 03 45
Fax: ++ 31 70 363 03 67

E-mail info@iap.nl.com
sg@iap.nl.com

WWW: <http://www.iap.nl.com>

The Association has published the following:

- a) **Directory of Prosecution Services**
first edition (242 pages) - contains entries from 49 jurisdictions with information (out of print)
- b) **IAP Standards of Professional Responsibility and Statement of the Essential Rights and Duties of Prosecutors**
 - Booklet, English/French, - contains the full text of the IAP Standards (10 copies for \$ 15.-, minimum order 10 copies - including postage and packaging);
 - Poster (59,4 x 84 cm.), English/French - a splendid reproduction of the IAP Standards (US\$ 10.- including postage and packaging -additional copies US\$ 5.-)
- c) **IAP Best Practice Series No.1: Combating Use of the Internet to Exploit Children**
 - Booklet - contains the full text of the Recommendations on Combating Use of the Internet to Exploit Children (10 copies for US\$ 15.- minimum order 10 copies - including postage and packaging).
- d) **IAP Best Practice Series No.2: Model Guidelines for the Effective Prosecution of Crimes against Children**
 - Booklet - contains the full text of the Model Guidelines for the Effective Prosecution of Crimes against Children (10 copies for US\$ 15.- minimum order 10 copies - including postage and packaging).
- e) **IAP Best Practice Series No.3: Recommendations on Combating Corruption in Public Administration**
 - Booklet - contains the full text of the Recommendations on Combating Corruption in Public Administration (10 copies for US\$ 15.- minimum order 10 copies - including postage and packaging).

Copies may be ordered from the Bureau of the Association. Individual members requiring single copies should contact the Secretary-General.

- f) **The IAP Human Rights Manual for Prosecutors**
 - Book, edited by Barry Hancock and Professor Egbert Myjer – contains a compilation of international texts on human rights of relevance for the prosecutors' daily practice. (Available from September 2002).

Application for Membership of the INTERNATIONAL ASSOCIATION OF PROSECUTORS as an Individual Member

Name: _____

Function: _____

Address: _____

Tel: _____ Fax: _____

E-mail: _____

Home Address: _____

For membership of the International Association of Prosecutors (IAP) I agree, if elected, to be bound by the Constitution (and Bylaws) of the IAP. I enclose, as required:

- A cheque payable to “Treasury International Association of Prosecutors” Bank-account ABN/AMRO 61.23.37.693 for the sum of US\$ 40 (including US\$ 10 surcharge for banking charges) in respect of the dues for the current year.
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Please return completed form to: International Association of Prosecutors
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