

**DECLARATION ON MINIMUM STANDARDS
CONCERNING
THE SECURITY AND PROTECTION
OF PUBLIC PROSECUTORS
AND THEIR FAMILIES**

INTERNATIONAL ASSOCIATION



OF PROSECUTORS

The objects of the Association are:

- a) to promote the effective, fair, impartial and efficient prosecution of criminal offences;
- b) to respect and seek to protect human rights as laid down in the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10 December 1948;
- c) to promote high standards and principles in the administration of criminal justice, including procedures to guard against or address miscarriages, in support of the rule of law;
- d) to promote and enhance those standards and principles which are generally recognised internationally as necessary for the proper and independent prosecution of offences;
- e) to assist prosecutors internationally in the fight against organised or other 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;
 - to promote speed and efficiency in such international co-operation;
- f) to promote measures for the elimination of corruption in public administration;
- g) to promote the professional interests of prosecutors and to enhance recognition of their crucial role in achieving criminal justice;
- h) to promote good relations between individual prosecutors and prosecution agencies; to facilitate the exchange and dissemination among them of information, expertise and experience; and, to that end, to encourage the use of information technology;
- i) to promote examination of comparative criminal law and procedure and to assist prosecutors engaged in justice reform projects;
- j) to co-operate with international and juridical organisations in furtherance of the foregoing objects.

Foreword by the President

Following a recommendation from the Executive Committee of the International Association of Prosecutors [IAP], this 'Declaration on Minimum Standards concerning the Security and Protection of Public Prosecutors and their Families' was developed by a Working Group derived from the membership of the IAP. These standards draw upon and expand the 'Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors' adopted by the IAP in April 1999, article 6 of which provides as follows;

In order to ensure that prosecutors are able to carry out their professional responsibilities independently and in accordance with these standards, prosecutors should be protected against arbitrary action by governments. In general they should be entitled :

- a) to perform their professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability;*
- b) together with their families, to be physically protected by the authorities when their personal safety is threatened as a result of the proper discharge of their prosecutorial functions;*

The Standards were recently incorporated into a United Nations Resolution 'Strengthening the rule of law through improved integrity and capacity of prosecution services' at the 17th Session of the Commission on Crime Prevention and Criminal Justice in April 2008 and all state parties are encouraged to take them into consideration when reviewing and developing their professional rules.

The standards for the protection and security of prosecutors are a classic statement of the steps that should be taken to ensure that prosecutors, who perform an important public duty and carry

significant responsibility, are protected and are enabled to work in an environment that allows them to be free, safe and secure.

I commend them to you and urge prosecuting authorities world wide to take them into account when developing their own standards.

My grateful thanks on behalf of the IAP to the members of the working group [see back page for a full list of members] whose worthy endeavour has produced these standards which, I am confident, will become an international benchmark for prosecutors in every continent.

François Falletti

President International Association of Prosecutors

INTERNATIONAL ASSOCIATION OF PROSECUTORS

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THE INTERNATIONAL ASSOCIATION OF PROSECUTORS

Recalling that public prosecutors play an essential role in maintaining the proper functioning of criminal justice systems and the rule of law,

Recognising that public prosecutors may be at risk from persons who threaten their lives, persons, property or safety with the intention of interfering with and undermining the rule of law,

Acknowledging that responsibility for the security of public prosecutors and their families is shared between the individual prosecutor, the prosecuting authority and the relevant state authorities,

Considering that states have a duty to take all necessary measures to protect public prosecutors and their families from threats to their personal security,

Hereby adopts this Declaration on minimum standards concerning the security and protection of public prosecutors and their families and encourages public prosecutors and prosecution authorities to seek its implementation.

1. States should take all necessary measures to ensure that public prosecutors, together with their families, are physically protected by the appropriate state authorities when their personal security is threatened as a result of the proper discharge of their functions.

2. In particular, states should provide any necessary security at the workplace, which includes the courthouse, the public prosecutor's office and other places where the public prosecutor exercises official functions, and if necessary should also provide protection for public prosecutors and their families at home or when travelling.
3. Where security measures are determined to be necessary, states should take all steps to provide that necessary protection including engaging the police or security guards. Where it is required, states should also provide the workplace and homes of prosecutors with appropriate security devices and systems and should provide prosecutors and their families with appropriate personal protection devices.
4. An appropriate state authority should be given the responsibility to assess the security risk both to prosecutors generally and to specific prosecutors as well as their families and to keep all assessments under review at reasonable intervals or when circumstances change.
5. An appropriate state authority should be given the responsibility to provide public prosecutors and their families with information, training and advice concerning personal safety.
6. Where the police, the prosecution authority, or any other state authority has information concerning specific threats or security risks to public prosecutors or their families they should advise the prosecutor and the prosecutor's family of that threat or risk. In such a case an appropriate state authority should carry out an assessment of that threat or risk and provide all necessary security for the prosecutor and the prosecutor's family and advise them concerning any steps they should take to take care of their own security.

7. Where public prosecutors become aware of specific threats or risks to themselves or their families they should inform the appropriate state authorities.
8. Where public prosecutors or their families are subjected to violence or threats of violence, or are harassed, stalked, intimidated or coerced in any manner, or subjected to any form of inappropriate surveillance, states shall ensure
 - (i) that such incidents are fully investigated,
 - (ii) that the prosecutor is informed concerning the outcome of the investigations,
 - (iii) that steps are taken to prevent any recurrence of the incidents and, where appropriate, to bring criminal charges, and,
 - (iv) that the prosecutor and his or her family receive any necessary counselling or psychological support.
9. In the cases referred to in paragraph 8 the prosecution authority should consider whether there are any other measures of assistance which might be adopted, for example by deploying additional prosecutors to assist the public prosecutor concerned.
10. States should consider providing compensation for death or injury caused to public prosecutors or their families arising from an attack by a person whose motive for the attack is related to the proper exercise by the prosecutor of his or her functions. Where measures adopted to counter a threat or a risk cause serious disruption to the lives of prosecutors or their families compensation should also be considered.
11. States and state authorities should take such steps as are practicable to prevent personal information concerning public prosecutors or their families becoming known to third parties where this would be inappropriate.

12. States should take special care to assess any security risks and to take appropriate measures of protection where public prosecutors are likely to be particularly vulnerable owing to the nature of their work, for example where prosecutors work on cases concerning terrorism, organised crime, war crimes, crimes against humanity, the seizure of criminal assets or crimes committed by persons in authority within the state.
13. Measures for the protection of prosecutors and their families should also be applied for the benefit of other persons who work for prosecutors or prosecuting authorities and their families where this is reasonably necessary for their security and protection.
14. States should designate the particular authorities charged with performing the duties and functions referred to in this Declaration and should inform public prosecutors and their families which authorities have been designated for any particular purpose.

Adopted by the International Association of Prosecutors at Helsinki, Finland, on the first day of March 2008.

Acknowledgement

Following a recommendation from the Executive Committee of the International Association of Prosecutors, the Declaration on Minimum Standards concerning the Security and Protection of Public Prosecutors and their Families was developed by a Working Group the

Members of which included:

Sir Alasdair Fraser QC, Director of Public Prosecutions for Northern Ireland, *Chair*

James Hamilton, Director of Public Prosecutions for Ireland, *Chair*

Nicholas Cowdery AM QC, Director of Public Prosecutions for New South Wales, Australia

Carlos Donoso Castex, Vice-President Association of Prosecutors of Argentina

Gary McCuaig QC, Chief Crown Prosecutor, Alberta, Canada

Ola Laurell, National Member of Eurojust for Sweden

Geoffrey Henderson, Director of Public Prosecutions for Trinidad and Tobago

Terrence F. Williams, Director of Public Prosecutions for the British Virgin Islands

Adam Roberts, Senior Crown Counsel, Cayman Islands.

In developing this Declaration the Working Group members took into account views expressed and information provided by members of the International Association of Prosecutors (IAP).

The endeavours of the Working Group are gratefully acknowledged

INFORMATION

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.

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The Association has published the following:

- a) **IAP Standards of Professional Responsibility and Statement of the Essential Rights and Duties of Prosecutors**
 - Booklet, English/French, - (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.-)
- b) **IAP Best Practice Series No.1: Recommendation on Combating Use of the Internet to Exploit Children**
 - Booklet - (10 copies for US\$ 15.- minimum order 10 copies - including postage and packaging)
- c) **IAP Best Practice Series No.2: Model Guidelines for the Effective Prosecution of Crimes against Children**
 - Booklet - (price as for No. 1)

d) IAP Best Practice Series No.3: Recommendations on Combating Corruption in Public Administration

- Booklet - (price as for No. 1)

e) IAP Best Practice Series No.4: Mutual Legal Assistance

- Booklet – (price as for No.1)

f) IAP Best Practice Series No. 5: Victims

- Booklet – (price as for No.1)

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

g) IAP Human Rights Manual, edited by Egbert Myjer, Barry Hancock and Nicholas Cowdery.

This Manual contains all principles to be applied by prosecutors in their daily work.

- Book, 161 pages (US\$ 20.- including postage and packaging).

h) IAP History – a short and illustrated account of the development of the IAP

- Book, 86 pages + 32 pages photo's (US\$ 20.- including postage and packaging).

i) Standards for prosecutors: An Analysis of the U.K. National Prosecuting Agencies - by Barry Hancock and John Jackson

- Book, 219 pages (20 EUROS/ 30 US\$ including postage and packaging)