



Association Internationale de Droit Pénal
International Association of Penal Law
Asociación Internacional de Derecho Penal

By-Laws

(approved by the General Assembly in Rio de Janeiro, September 6, 2014)

I. GENERAL ARTICLES

ARTICLE 1. - REGISTERED OFFICE

1. The International Association of Penal Law (AIDP-IAPL), referred hereunder as “the Association”, was founded in 1924. Its registered office and its general secretariat are in Paris.
2. Branch offices may be established by decision of the Board of Directors.

ARTICLE 2. - PRINCIPLES

1. It is the view of the AIDP-IAPL that criminality, its prevention and the suppression of crime must be considered from the perspectives of scientific study of the causes of crime, of the offender and of the legal safeguards for society and the offender. The AIDP-IAPL tends to promote the development of legislation and institutions with a view towards improving a more humane and efficient administration of justice.
2. Its interest and the object of its studies and reforms are aimed at all principal systems of law, those which are codified and those which follow the common law; and also substantive and procedural as well as the international criminal law.
3. In its activities the Association, a scientific non-governmental organization having consultative status with the United Nations, is guided by the principles established by the United Nations Charter and the Universal Declaration of Human Rights.
4. The Association does not adhere to any particular school of thought or theory of criminal law. Its members may defend freely their respective opinions within the framework of the humanitarian principles described in article 2.

ARTICLE 3. - ACTIVITIES AND COOPERATION

1. In order to perform its tasks, the Association shall promote the exchange of ideas and cooperation between academics, practitioners and policy makers of various countries, as well as regional and international organizations engaged in the study, application, and elaboration of criminal law or deal with the empirical analysis of criminality.
2. The Association shall seek cooperation with other associations and organizations sharing the same objectives and being active in the field of criminal justice or related areas.



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ARTICLE 4. - MEANS OF ACTION

1. The Association shall carry out its functions:

- a) by national groups;
- b) by the publication of the journal "Revue Internationale de Droit Pénal" and other electronic or printed materials;
- c) by the organization of scientific activities, in particular, the organization of international congresses of penal law as well as world conferences and regional conferences of penal law;
- d) by cooperation with international, regional and national organizations and
- e) by national and international research projects, legal opinions and expert reports on all areas of criminal justice.

2. The Association may, in accordance with Art. 2, pursue further activities.

ARTICLE 5. – WORKING LANGUAGES

1. The By Laws, the Internal Regulations and other rules, the minutes of the Association's official meetings as well as the Newsletter and the website shall be at least in English, French and Spanish.

2. The same applies to the questionnaires, to the general reports and to the resolutions adopted in the preparatory colloquia and the Congress of the AIDP-IAPL.

II. COMPOSITION AND MEMBERSHIP

ARTICLE 6. - COMPOSITION

The Association shall be composed of:

- a) national groups;
- b) individual members;
- c) collective members and
- d) honorary members.

The Board of Directors of the Association may also authorize the constitution of other committees or permanent sections within the Association.

ARTICLE 7. - NATIONAL GROUPS

1. In order to develop its network, the Association may endorse the creation of national groups within the framework and in the spirit of the by-laws of the Association. There cannot be more than one national group endorsed by the Association in each country.

2. Members of a national group can be, in particular, academics, legal practitioners, policy makers and experts and, in general, representatives of the various sciences interested in the activity and aims of the Association.



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3. In order to be endorsed by the AIDP, the by-laws of national groups must conform to the rule of law and to the respective standards of the United Nations as well as to the By-laws and Internal Regulations of the AIDP-IAPL. No association or group at national level may use the name of the AIDP-IAPL or claim to be part of its network if it has not been endorsed by the AIDP Board of Directors.

The by-laws of the national group must provide for the election of the governing bodies of the national group including the President, the Secretary General and the Treasurer. The mandate of the governing bodies should not exceed five years. The mandate is renewable.

4. In the absence of regular elections, the Executive Committee of the Association may request to hold new elections. In case of non-compliance with this request the Board of Directors of the Association may suspend the endorsement of the existing national group and the Executive Committee may authorize members of the National group to organize new elections.

5. National groups shall appoint official delegates to the Board of Directors of the Association. They shall provide for rapporteurs and experts to participate in the various scientific activities of the Association in accordance with Art. 4(1)c. They commit to respond to the questionnaires issued as part of the preparatory colloquia and to appoint a delegate to the colloquia, provided that it is consistent with their financial capacities.

6. National groups may request the authorization of the Board of Directors of the Association for adopting a statement or opinion. The request must be in writing specifying the reasons.

7. National groups may pose questions to be included into the agenda of the General Assembly for consideration or decision.

8. Membership to the Association and participation in its activities should not affect in any way the liberty of national groups to take the initiative, also together with other groups, for national or interregional studies or meetings in an area relevant for the general program of the Association.

9. The Board of Directors of the Association may withdraw its endorsement from a national group if the national group had not paid its dues during three consecutive financial years.

ARTICLE 8. - INDIVIDUAL AND COLLECTIVE MEMBERS

1. Individuals not belonging to any national group may be members of the Association, provided that they meet the conditions of eligibility set out in Art. 2 and that they pay the membership fee in accordance with Art. 37.



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2. Subject to the same conditions, learned groups and associations requesting to be admitted as members of the Association, may be so admitted, and shall pay the annual membership fee fixed by the Board of Directors of the Association. Such group or association, having been admitted to membership of the Association, shall appoint a delegate, who must be a member of the Association, to be its representative and to exercise its rights under the by-laws.

ARTICLE 9. - HONORARY MEMBERS

The titles of Honorary president, honorary vice-president, honorary secretary general or honorary member may be bestowed by the Board of Directors of the Association on persons who have rendered important services to the Association. Honorary members shall not be required to pay the membership fee. Honorary members of the Association shall retain the right to take part in the discussions of the Board of Directors of the Association but without the right to vote. Honorary members have a right to vote in the General Assembly.

ARTICLE 10. - RIGHTS OF MEMBERSHIP

1. Regular and honorary members and representatives delegated by the collective members and the national groups of the Association shall be entitled to participate in the General Assembly and to put forward proposals. Upon payment of the relevant fee, they may receive the publications of the Association subject to the conditions stipulated by the Board of Directors of the Association.

2. Membership is certified by a membership card which is renewed by payment of the annual membership fee.

3. Each member who has paid his dues for two consecutive years before the Congress shall be eligible for election to an office in the Association in accordance with the by-laws.

4. Only those members who have paid their annual dues for two consecutive years before the holding of a General Assembly have the right to vote.

ARTICLE 11. - LOSS OF MEMBERSHIP

1. Membership of the Association may be lost as follows:

- a) by death of an individual member and by dissolution of a collective member;
- b) by resignation in writing, addressed to the Secretary General of the Association or of the national group concerned, such resignation to take effect from the end of the financial year in progress;
- c) by failing to pay the annual dues after two annual unsuccessful call for dues. Membership may be restored by a new request for enrollment. Membership rights will be fully restored retroactively, including eligibility and subscription to the Review, if the member pays also his unpaid dues for the previous years.



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2. Loss of membership may also result from exclusion, decided by a majority of the Board of Directors present or duly represented by a proxy, in virtue of particular circumstances capable of harming the prestige or interests of the Association; the member shall, however, be allowed six months to show cause why he should not be excluded. This reasoning should be considered by the Board of Directors in the course of its following meeting, this decision being final. In case of imminent danger to the Association the exclusion can by explicit decision of the Executive Committee be enforced immediately.

III. ORGANIZATION - GENERAL ADMINISTRATION

ARTICLE 12. - THE ORGANS OF THE ASSOCIATION

1. The organs of the Association shall be:

- a) The General Assembly;
- b) The Board of Directors;
- c) The Executive Committee;
- d) The Scientific Committee;
- e) The Committee of the Revue and
- f) The Committee of Young Penalists.

2. Various regions of the world, various judicial systems and gender shall be adequately represented in all the organs of the AIDP-IALP

ARTICLE 13. - THE GENERAL ASSEMBLY, ITS COMPOSITION AND MEETINGS

1. The General Assembly is composed of all members of the Association (honorary members, members of national groups, individual or collective members), showing proof of their membership. It shall be convened by the Board of Directors, and shall meet at such date in such place as the Board shall specify. In any case there shall be a meeting of the General Assembly at each congress.

2. The agenda of the General Assembly shall be established by the Board of Directors. The bureau of the General Assembly shall be constituted by the Executive Committee of the Association.

3. When convening the General Assembly, the Board shall establish and issue the list of members eligible to vote according to Article 10(4).

4. In order to facilitate the participation of all members of the Association in the elections and the decisions to be adopted by the General Assembly, the Board of Directors may authorize vote by representation and/or electronic voting.

5. A General Assembly properly convened and constituted shall always be entitled to make proposals and to take the decisions falling to it under the by-laws.

6. The quorum of the General Assembly is one third in the first convocation. The second convocation has no requirement of quorum.



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ARTICLE 14. - POWERS OF THE GENERAL ASSEMBLY

1. The powers of the General Assembly shall be as follows:

- a) it shall elect the President nominated according the rules established by the Internal Regulation and shall endorse the composition of the new Board of Directors (including the Executive Committee) as proposed by the Board of Directors (Art.17.2) and resolve any incident in this context.

The Board of Directors should consider its partial renewal at each Congress.

- b) it shall hear the reports on the financial and general situation of the Association, presented by the Board of Directors, it shall debate the questions and decide the motions put to it by means of the agenda, or of a motion in writing signed by at least twenty members present at the Assembly;
- c) it shall approve the accounts and the general management, in respect of which the responsibility of the Board of Directors and the Executive Committee shall be discharged;
- d) it shall decide upon the dissolution of the Association and the disposition of its property.

2. Voting is by simple majority.

3. Modifications of the by-laws and the dissolution of the Association shall require a two-third majority, in accordance with articles 42 and 43.

4. A vote on a proposal in writing signed by at least twenty members for a recount or recall of a prior vote on important matters requires a two-thirds majority.

5. In the event of a tie vote, the President shall have a second decisive vote.

ARTICLE 15. - AUDITORS

The General Assembly may decide that the annual financial reports of the Association shall be cleared by a professional auditor or a certified accountant.

ARTICLE 16. - THE BOARD OF DIRECTORS

The Board of Directors shall be made up of not more than fifty-seven members. The Board of Directors shall include the members of the Executive Committee.

ARTICLE 17 - ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS

1. One third of the members of the Board of Directors shall be elected directly by electronic voting as provided for in the Internal Regulations in accordance with Art.13(4) of the By Laws.

2. The other members of the Board of Directors, including the Executive Committee, are endorsed by the Assembly, following the system of nomination of candidates established by the Internal Regulation. The list is approved by the Board of Directors



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and proposed for endorsement by the General Assembly according to the conditions set forth in article 14.1 of the By-laws.

3. If demanded by 50 members of the Association any member of the Board not directly elected (Article 17.1) shall be endorsed by separate vote.

4. Should there be vacancies, the Board of Directors may appoint members to fill the vacancy. Such provisional replacement can only be made permanent by the vote of the following General Assembly, according to Art. 14.

ARTICLE 18. - REMUNERATION OF OFFICERS

1. Members of the Board may in general not receive any remuneration for their services.

2. Certain expenses born in the exercise of their functions and in the interest of the Association, by the President, members of the Board of Directors or of the Executive Committee, in particular, as delegates, may be reimbursed with the express authorization of the Executive Committee.

ARTICLE 19. - CONSULTANTS AND GUESTS

The following persons may be present at the meetings of the Board of Directors, in a consultative capacity:

- a) Presidents or delegates of national groups, or of collective members of whom no more than two per group be present, irrespective of the number of members in the group;
- b) the official representatives of the Association at the United Nations, or other international or regional organizations or institutions;
- c) the representatives of other scientific international associations, expressly invited to be present.

ARTICLE 20. - POWERS OF THE BOARD

1. The Board of Directors shall have the most extensive power of management and administration of the Association. It shall deal with all matters not expressly assigned by the by-laws to other organs of the Association.

2. In particular, it shall attend to the following matters:

- a) it takes appropriate decisions in order to establish, if needed, branch offices, to facilitate the activities of the Association (Art. 1);
- b) it shall maintain and supervise relations with the national groups and collective members, and, organize, with their support research projects;
- c) it shall be responsible for the admission of new members as well as for the suspension and withdrawal of membership, whether individual or collective; for the nomination of honorary members; for the admission and suspension of national groups and withdrawal of the endorsement as national group; and for accepting resignations.



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- d) it shall fix the amount of the annual membership dues of the individual, national groups and collective members of the Association, as well as the dues for subscription to the Review of International Criminal Law and the sale price of the publications of the Association as well as the portion due to the Association from the registration fees collected at international Congresses (article 36 d).
 - e) it shall deal with the general problems arising with respect to the publication, its general format, dates of publication and proper control of the Review and other publications of the Association and shall appoint the General Director of Publications and, the latter being heard, the editor(s) in chief and the editorial committee(s)"..
 - f) it shall fix the place, date and program of the Congresses, and of the World and regional conferences of the Association.
 - g) It examines and approves the reports on the general and the financial situation as well as on the annual management, and it prepares the reports which are to be submitted to the General Assembly.
3. It shall, in general, debate and decide all measures designed to secure the development of the Association.
4. It shall endorse the internal regulations of the Association drawn up by the Executive Committee.

ARTICLE 21. - STUDY AND RESEARCH COMMISSIONS

The Board of Directors may establish commissions for research or organizational tasks on specific themes and request their reports for discussion and decision. In any case the Board of Directors has to establish a Scientific Committee and a Committee of the Revue (Cf. Article 12).

ARTICLE 22. – REPRESENTATIVES

The Board of Directors may appoint official representatives or delegates of the Association to the offices of the United Nations, its Congresses and Conferences and to other international organizations or associations, as well as to meetings of these non-governmental organizations (NGO) having a consultative status with the United Nations and to scientific congresses and colloquia to which the Association may be invited to take part or to send observers.

ARTICLE 23. - CONVENING - AGENDA AND DECISIONS

1. The Board of Directors shall meet, as a general rule, once a year or, should the case arise, following a formal request made by at least three members of the Executive Committee, or by ten members of the Board of Directors, or by five national groups.



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2. The meetings shall be convened by the President, the Executive Vice-president or the Secretary General by written notice. Notice shall be given at least one month before the date of the meeting, and shall indicate the agenda. At the request of at least three members of the Board of Directors, an item can be inserted into the agenda or be remanded for preparation and discussion at the following meeting.

3. The presence of one third of the members of the Board of Directors shall be necessary for the validity of its debates and decisions. Members who are absent may be represented by a special written proxy given to another member of the Board of Directors or to a representative of their national group; such proxy shall be produced and noted in the minutes. No member present may represent by proxy or vote on behalf of more than two members who are absent.

4. Decisions shall be taken by a majority of members present and represented. In the event of a tie vote, the President shall have a second decisive vote.

ARTICLE 24. – MINUTES

1. Minutes shall be kept of all the meetings by the Secretary General. The minutes shall be signed by the President and the Secretary General, and shall be preserved in the records of the Association. The minutes shall be communicated to all members of the Board of Directors, whether the latter were present at the meeting or not. They shall be submitted for the approval of the Board of Directors at the end of the meeting or at the next meeting.

2. Subsequent to the adoption of the minutes, their periodical summaries or excerpts therefrom may be published for the information of national groups and of all members of the Association.

ARTICLE 25. - THE EXECUTIVE COMMITTEE

1 . The Executive Committee of the Association shall be composed of:

- a) the President;
- b) the Executive Vice-President;
- c) the Vice-President in charge of scientific coordination;
- d) the Vice-President in charge of external relations
- e) the Secretary General;
- f) a number of a directors, counselors or deputies of the Secretary General with a maximum of 9 persons;
- g) the General Director of Publications;
- h) the Treasurer.

In addition, the Board of Directors may nominate one or more Vice-Presidents as members of the Committee upon proposal of the President.

2. The secretary of the Scientific Committee attends ex officio the meetings of the Executive Committee.



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ARTICLE 26. - POWERS OF THE COMMITTEE

1. The Committee shall be the executive organ of the Association, and as such:
 - a) it shall implement the decisions of the Board of Directors and of the General Assembly;
 - b) it shall supervise the management of the Association and relations with the national groups and international organizations and other scientific organizations;
 - c) it shall ensure the regular publication of the official organ and of other publications of the Association and assume control of its material realization such as its relations with publishers and distributors;
 - d) it shall prepare the report on the activity, and the financial and general situation of the Association, to be submitted to the approval of the Board of Directors at the end of the financial year.
2. The Committee shall appoint the officials mandated to represent the Association before courts on a case-by-case basis.

ARTICLE 27. – YOUNG PENALISTS COMMITTEE

1. A Committee of Young Penalists is established within the framework of the Association to represent the young penalists. Young penalists are members of the Association of a maximum age of thirty-five years.
2. The Committee of Young Penalists is composed of seven members in accordance with the principle of geographical representation and elected at the AIDP Congress for a term of five years.
3. The Committee of Young Penalists is represented in the bodies of the Association.

ARTICLE 28. - THE PRESIDENT

1. The President represents the Association and presides over the meetings of the General Assembly, the Board of Directors, and the Executive Committee.
2. The President can be reelected only once. A second reelection requires two third majority by the General Assembly.
3. Former Presidents may, at any time, be present at the meeting of the Executive Committee or the Board of Directors.

ARTICLE 29 - THE EXECUTIVE VICE PRESIDENT

The Executive Vice President ensures the management of the Association, supervises the secretariat and manages the financial resources of the Association with the support of the Treasurer. He replaces the President in case of absence or impossibility, or at his request.



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ARTICLE 30 - THE VICE PRESIDENT IN CHARGE OF EXTERNAL RELATIONS

The Vice-President in charge of external relations ensures, together with the President, the representation of the Association before international institutions, and maintains and develops the relations with international organisations.

ARTICLE 31 - THE VICE PRESIDENT IN CHARGE OF SCIENTIFIC COORDINATION

The Vice-President in charge of scientific coordination organises and coordinates, under the authority of the President of the Association, the scientific activities of the Association. He organises and directs the meetings of the Scientific Committee and maintains contact with the national groups, and those centres and institutes which concluded a cooperation agreement with the Association.

ARTICLE 32 – THE SECRETARY GENERAL

1. The Secretary General, under the authority of the President, is in charge of furthering the internal life of the Association with a particular view towards the national groups. He is responsible for the organization of the meetings of the organs of the Association, the recording of the minutes and the administration of the archives of the different organs of the Association. He looks after the distribution of publications of the Association and the internal communication. He prepares the annual report of the Association.

2. He promotes the creation of national groups, and liaises with them to ensure that they fulfill their obligations as national groups of the Association. He maintains the list of national groups and of their various organs and representatives. He animates and promotes their activities together with the Deputy Secretaries General in charge of the various regions.

ARTICLE 33 – THE GENERAL DIRECTOR PUBLICATIONS

The General Director Publications prepares the policy of the Association for all publications meant in Article 4.1.b and, following endorsement by the Board of Directors, executes it. He organises and directs the editorial committee(s) and (peer review) process(es), and is responsible for publisher contacts.

IV. FINANCIAL MANAGEMENT OF THE ASSOCIATION

ARTICLE 34. - THE TREASURER

1. The task of the treasurer, under authority of the Executive Vice-president is the administration of the financial resources of the Association. He collects, through the secretariat of the Association, the dues, prepares the budget and the annual financial reports for submission to the Board.



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2. He shall through the secretariat of the Association receive subscriptions to the Review, receive its financial support and draw up the budget and financial report related thereto. He has the same rights and obligations as to other publications of the Association.

3. He shall incur no expense which has not in principle, been previously authorized by the President or the Board of Directors.

ARTICLE 35. - FINANCIAL YEAR

The financial year of the Association shall start on January 1st and end on December 31st of each year.

ARTICLE 36. - FINANCIAL MEANS

The resources of the Association shall consist of:

- a) the membership dues of the national groups;
- b) the membership dues of the individual and collective members;
- c) the subscriptions to the Review and such subsidies and gifts or donations as it may receive;
- d) a part of registration fees at its international congresses, as well as World and Regional Conferences, fixed by decision of the Board of Directors in each case and in agreement with the Organizing Committee;
- e) the proceeds of sale of its publications and the official proceedings of Congresses after deduction of publisher's expenses;
- f) the income from property and securities of whatever nature.

Investments shall take into account environmental, gender and human rights tenets and concerns. The investments of the AIDP shall be disclosed to the General Assembly upon request of 15 members representing at least 3 National Groups.

ARTICLE 37. - MEMBERSHIP DUES

1. The national groups and collective members shall forward promptly through the administration of the Association to the treasurer and at the latest by the 30th of June of the financial year in progress, an annual subscription due for the Group, for the collective members and for individual members as appropriate, the amount of which shall be fixed by the Board of Directors. National groups and collective members which do not fulfill their financial obligations to the Association shall not be represented at or take part in the deliberations and decisions of the Board of Directors.

2. Individual members not belonging to a national group and collective members shall pay their membership dues through the administration of the Association directly to the treasurer. Individual members belonging to a national group may also, subject to instructions given by their national groups, pay their dues directly to the Association.



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3. Non-payment of the membership dues shall result in the loss of membership after review by the Board of Directors in accordance with the internal regulations.

ARTICLE 38. - FINANCIAL REPORT AND BUDGET

1. Every year, the treasurer must, according to his function, prepare the budget of the Association and that of its publications. At the end of the financial year, he shall submit together with documents in proof thereof to the Board for its examination by the auditors, his report and balance sheet showing the result obtained. The supporting documents shall be kept in the archives of the Association.

2. The Executive Vice President, the Secretary General and the treasurer²¹, at any time, make, to the Board of Directors and the Executive Committee, such proposals and suggestions as they consider necessary for the financial welfare of the Association. In order to be submitted to the control of the auditors or the accountant for a final acceptance by the General Assembly, the said documents are preserved in the archives of the Association.

V. THE INTERNATIONAL CONGRESS OF PENAL LAW AND OTHER INTERNATIONAL CONFERENCES

ARTICLE 39.– International Scientific Events

1. The International Congress of Penal Law shall be organized quinquennially. It shall be organized by a national group inviting the congress.

2. Apart from the quinquennial Congresses the Association shall either organize or sponsor academically World, Regional and other conferences in order to establish its scientific presence in the international community.

ARTICLE 40 – Preparation of the Congresses

The AIDP-IAPL Congresses are open to all, but only AIDP-IAPL members (cf. Article 14 para. 2) can vote on the draft resolutions.

VI. INTERNAL REGULATIONS, MODIFICATION OF THE BY-LAWS, DISSOLUTION

ARTICLE 41 - INTERNAL REGULATIONS

Internal Regulations, drawn up by the Executive Committee and endorsed by the Board of Directors may establish detailed measures for the implementation of the by-laws. Such regulations may always be modified in the same manner.



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ARTICLE 42 - MODIFICATIONS OF THE BY-LAWS

1. The by-laws may only be modified by the Assembly at the proposal of the Board of Directors. Requests in writing from three national group or from at least fifty members of the Association, should be submitted to the Executive Committee at least three month before a General Assembly.
2. All modifications of the by-laws must be made by the General Assembly and by a majority of two thirds of the members present showing proof of their membership or properly represented at the General Assembly.

ARTICLE 43. - DISSOLUTION

1. The dissolution of the Association may only be decided by the General Assembly specially convened by the Executive Committee, on the advice of the Board of Directors, such notice specifying the business on the agenda. The decision to dissolve the Association shall require a majority of at least two thirds of the members present or duly represented at the Assembly.
2. In the event of dissolution, the property of the Association shall be transferred to an organization or institution having similar learned objects, which shall be designated by the Assembly pronouncing the dissolution, further to a proposal or the Board of Directors.