



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

Internal Regulation

**(approved by the Board of Directors on December 3, 2021 in
Siracusa)**

This internal regulation is enacted pursuant to article 41 of the By-laws of the AIDP-IAPL.

II. COMPOSITION, MEMBERS OF THE ASSOCIATION

Regarding article 5 of the By-laws:

- 1) The Association strives to implement this Article as much as available financial capacity allows for it.
- 2) The reference to preparatory colloquia extends also to international colloquia.

Regarding article 7 of the By-laws:

- 1) Each National Group must communicate to the Secretary General a copy of its By-Laws in one of the languages of the Association. The Secretary General verifies that the By-Laws of the group are consistent with the principles and spirit of the Association as defined in article 2 of the By-Laws of the AIDP. In case of a discrepancy, and after having heard the explanations of the National Group, the Board decides whether the By-laws of the National Group are consistent with those of the Association.
- 2) When a National Group that is already established modifies its By-laws, it informs the Secretary General as set forth in the preceding paragraph.
- 3) The By-Laws of the groups shall provide for a representation of young penalists in the board of directors of the national group itself.
- 4) The National Groups, to be validly constituted, must have, in principle, 10 paying members. When a National Group that is already established either has less than 10 members, or fails to make known its list of members, or fails to communicate the actual composition of its office, the Secretary General shall notify the group and set a deadline to remedy this situation. After the expiry of the deadline, the Board of Directors may suspend or withdraw the endorsement from the national group. The other rules regarding the constitution of a National Group are recorded in guidelines established by the Secretary General and adopted by the Board. These guidelines are communicated to members who wish to constitute or reorganize a National Group.
- 5) The officers of the National Groups must communicate every year to the Secretary General the list of registered members of their group as well as the composition of the governing body (President, Secretary General, Treasurer, etc.). In any case, the composition of the governing bodies will be notified to the AIDP on the occasion of each renewal.
- 6) The Treasurer of a National Group can take charge of collecting dues with the



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consent of the Treasurer of the Association. In that case, he or she gives a list of members who have paid their dues as well as the nature of the dues (with *Revue*, without *Revue*, etc) to the dues office of the AIDP. The national groups may also request that the Association collects the dues of the National group and refund it to the group at the end of the year.

- 7) When national groups are experiencing financial difficulties and/or currency exchange restrictions, special arrangements can be made as to the amount and/or payment of dues. Any such arrangement is established by the Board of Directors and is applied on a case by case basis by the Treasurer of the Association in consultation with the Secretary General.
- 8) When a National Group organizes a scientific activity for that group or for several groups (a regional activity, for example), but under the auspices of the International Association of Penal Law, it must inform the Scientific Committee of the Association.
- 9) The reference to preparatory colloquia in extends also to international colloquia.

Regarding article 8 of the By-laws:

- 1) Individual and group members are admitted only after paying their dues. However, after consideration of the list of new members provided by the Secretariat at each annual meeting of the Board of Directors, the Board may consider that a membership is not consistent with the goals and values of the Association and dismiss it. In this case, the payment of the membership fee shall be refunded to the dismissed member.
- 2) At each annual meeting, the Board will receive communication from the secretariat of the list of members who have not paid membership for the current year and the year before, and will take note that they have lost membership. The Board may, in certain circumstances, decide that membership will not be lost and invite the failing member to regularize its situation vis-à-vis the Association.

Regarding article 11 of the By-laws:

In cases of elections, in view of Article 10 (3) and (4), the restoration of membership must take place before the election for the restoration of the right to vote and before the presentation of the candidacy for the right to be a candidate.

III. ORGANIZATION - GENERAL ADMINISTRATION

Regarding article 12,1 of the By-laws:

All organs can also meet online. The rules on online meetings concerning the Board of Directors apply mutatis mutandis.

Regarding article 12,1 d) of the By-laws:

- 1) In order to make decisions regarding the scientific activities of the Association, the Board of Directors appoints a Scientific Committee.
- 2) The Scientific Committee is composed of



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- the President,
 - the Vice-Presidents,
 - the Secretary General,
 - the General Director of Publications,
 - at least five members elected by the Board of Directors,
 - two representatives of the Committee of Young Penalists,
 - one member nominated by the board of the Siracusa International Institute for Criminal Justice and Human Rights,
 - one member nominated by every Center or Institute with which the Association has ratified a convention of permanent collaboration which was endorsed by the Board.
- 3) The Scientific Committee is vested with authority on all questions of a scientific nature within the responsibility of the Association, especially the preparation of the International Congress and the International Colloquia, scientific cooperation with international organizations, representation at these organizations (if necessary, through the intermediary of accredited delegates), the publications of the Association, scientific collaboration with the Siracusa Institute and other members of the AIDP Criminal Justice Network.
- 4) The Scientific Committee meets at least once a year. During this meeting, the coordinator presents the report and its proposals that will be submitted, after approval of the President and the Executive Committee, to the Board of Directors.

Regarding article 13,4 of the By-Laws

- 1) Electronic voting
- Given the technical conditions guaranteeing safety of electronic voting, elections and other decisions of the General Assembly can be adopted by electronic voting. Electronic voting shall be performed with technical features installed in order to prohibit double votes.
 - Electronic voting is called for by the Executive Committee, which shall inform the members about it at least one month before the voting. The Executive Committee, in exceptional circumstances, may apply a shorter period than a month, on condition that the exceptional reasons must be stated in the convocation inviting to participate in the electronic voting.
 - The decision or election to be performed by electronic voting is communicated to all members having voting right indicating:
 - the beginning and the termination of the voting period;
 - the proceeding of voting.
 - The list of members eligible to vote will be published on the website of the Association together with the call for electronic vote or the convocation for the General Assembly. This list is constituted of those members who are in good standing regarding the payment of dues. Members who have not been included on the list may appeal by sending a claim to the Secretariat or regularize their financial situation vis-à-vis the Association. Immediately before the General Assembly or the electronic voting, the Board will issue an updated list including



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the members who have been declared in good standing. Only those on the list will have the right to vote.

2) Vote by representation

- Any member of the Association can vote by representation giving a proxy to a member of the Board of Directors.
- Each member of the Board of Directors can only accept a maximum of five proxies.
- The Secretary General must formally receive the proxy at least 7 days before the General Assembly.
- At the beginning of the General Assembly, the Secretary General will communicate the proxies received on time and formally accepted.

Regarding article 13,6 of the By-Laws

The Board of Directors will convene first and second convocation of the General Assembly in the same document. The delay to be respected between the first and the second convocation will be at least of one hour. It shall be determined for this particular case by the convocation itself.

Regarding article 17 of the By-laws:

- 1) The Board intends that about 25% of its members are renewed at each election.
- 2) When the General Assembly has elected less than 57 members, the Board can itself co-opt members up to the maximum number permitted by the By-laws.
- 3) Nominations of candidates for the Board of Directors are received by the Secretary General, according to the calendar approved by the Board of Directors. To that end, the Secretary General sends all members of the Association a letter designed to solicit nominations of candidates, indicating that 19 Members will be elected electronically.
- 4) Nominations for Board members received by the Secretary General under the conditions defined above, are examined by the Executive Committee. The Executive Committee prepares a list of candidates. This list is examined by the Board either before or at the first meeting held during the Congress and is put to a vote at the General Assembly according to the conditions set forth in article 17 of the By-laws.
- 5) Nominations of candidates for President are received during the same period by a Board member designated to receive them, this designation shall take place either before or at the first meeting of the Board of Directors taking place in the year of the Congress.
- 6) The candidates for President are submitted by the specially designated Board member at the first Board meeting that takes place at the Congress.
- 7) The session of the Board at which the candidates are examined is normally presided over by the current President. When the current President is a candidate to be his or her own successor, that portion of the Board meeting regarding the examination of the candidates for the Presidency is presided over by the Executive Vice-President if he/she is not a candidate or by a non-candidate person,



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designated by the Executive Committee. The current President presides over the remaining business of the day of that session.

- 8) 19 Members of the Board of Directors are elected electronically according to the rule of these Internal Regulations rule Regarding Article 13,4 of the By-Laws. The vote takes place in the week preceding the week of the Congress. The vote should be open for at least 4 days. The results are announced on the webpage of the AIDP on the first day of the Congress. If the number of candidates is higher than 19, the candidates that received the highest number of votes are elected Members of the Board of Directors. If the number of candidates is of no more than 19, a candidate is elected if he or she received at least 5 votes.

Regarding article 17,3 of the By-laws:

The request for the endorsement by separate vote must be done sufficiently in advance to the General Assembly, so that the vote can be prepared.

Regarding article 23 of the By-laws:

The Secretary General in cooperation with the President formulates the agenda and sends two convocations for the meeting, the first one being sent one month before the meeting at the latest.

Regarding article 23,4 of the By-laws:

- 1) Vote by representation in the Board of Directors shall respect the formalities established by the Internal Regulation concerning article 13, 4 of the By-Laws.
- 2) The Executive Committee is also authorized to propose the adoption of decisions by the Board of Directors, following the proceedings established for the electronic voting in the General Assembly (cf. regarding article 13,4 of the By-Laws).
- 3) Decisions of the Board of Directors can also be taken by email. Based on the proposal formulated by the Executive Committee the members are asked for opinion with a deadline of at least 7 days, except in urgent circumstances.

Regarding article 24,1 of the By-laws:

This article refers to the minutes of the meetings of the Board of Directors. However, other organs of the Association also keep minutes of their official meetings.

Regarding article 27 of the By-laws:

- 1) The committee of young penalists consists of 7 members. Only one person per country can be member of the committee. Moreover there must not be more than three members coming from the same region.
- 2) With a view to the elections of Young Penalists, the National Groups of the Association are part of the regions as follows:
 - a. Subsaharian Africa,
 - b. North America,
 - c. Latin America,



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- d. Asia and Pacific,
 - e. Europe (including Turkey), and
 - f. Middle East and Maghreb.
- 3) The members of the Committee of Young Penalists should not be disqualified if they exceed the age of 35 during their mandate.
- 4) The committee of young penalists is represented in the Association's bodies as follows:
- a. one member in the Executive Committee.
 - b. three members in the Board of Directors.
 - c. two members in the Committee of the Revue. and
 - d. two members in the Scientific Committee.

Regarding article 29 of the By-laws:

The Executive Vice-President shall be responsible for

- managing the means and resources of the Association;
- representing the Association in its administrative duties;
- supervising the secretariat;
- setting up and updating the membership database and, ensuring the payment of dues;
- supervising the Treasurer and the financial resources of the Association.

Regarding article 30 of the By-laws:

- 1) The Vice-President in charge of external relations shall be responsible for:
- maintaining and developing the current relations with international and regional organizations;
 - assuring the presence of the Association before international and regional institutions;
 - informing the Executive Committee and the Board of Directors of the state of the current relations in this field;
 - elaborating and sending AIDP reports to international organizations and other organs and institutions.
- 2) The charge of this Vice-President may be executed by several persons holding the title of Vice-President and responsible for these tasks as regards selected organizations or regions.

Regarding article 32 of the By-laws:

The Secretary General:

- organizes the meetings and communicates with the different organs of the Association;
- records the minutes and keeps the register and annexed pieces as well as the archives of the minutes and the By-Laws and the internal regulation;
- issues the official certificates of the Association, which are also signed by the President;



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- acts as coordinator for the national groups and collective members with the assistance of the Deputy Secretaries General; i.e. promotes the creation of national groups, ensures that the records concerning the composition of national boards and the list of members of national groups are up to date; In this view, he appoints every Deputy Secretary General with the task of supervising the national groups of a given region.
- promotes and supports the activities of national groups;
- is in charge of internal communication and prepares the Newsletter of the Association as well as of the report containing the annual activities of the Association which has to be submitted to the Board for approval.

Regarding article 33 of the By-laws:

The General Director of publications:

- chairs the editorial committee of the Revue;
- establishes the publication plan of the Revue;
- maintains contact with the publishing house and organizes the peer review.

IV. RESOURCES AND FINANCIAL MANAGEMENT

Regarding article 37 of the By-laws:

- 1) The national groups shall try to ensure that as many of their members as possible become interested in the official publications and pay promptly the subscription fee to the Review of the Association, and the Deputy Secretary General, in turn, shall ensure that they receive it regularly.
- 2) Individual members not belonging to a national group and collective members shall forward their subscription fee through the administration of the Association directly to the treasurer. Subscriptions by non-members made directly with the publishers are not subject to the membership rates but subject to agreement with the publishers. The latter must provide the corresponding accounting.
- 3) The national groups shall supply updated lists of their members and their addresses and the corresponding subscription in order to avoid irregularities or interruptions of delivery.
- 4) The amount of the subscription dues, for each ensuing financial year, shall be fixed by decision of the Board of Directors during the year in progress.