

Office of the Public Prosecutor

CODE OF ETHICS



Office of the
**PUBLIC
PROSECUTOR**
Vanuatu

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Foreword



This Code replaces a 'Code of Practice and Ethics' published in Gazette No 24 of 2004. This Code is perhaps more comprehensive, sets out in clear terms the standards of ethical and professional conduct for prosecutors in Vanuatu. It follows the models of Code of Conduct adopted in other jurisdictions, and offers prosecutors and other members of the Office staff a guideline about how they are expected to conduct themselves.

This Code of Ethics sets out five core principles, followed by statements of applications and in some cases, commentaries to clarify the principles. Where necessary, it attempts to illustrate these principles by reference to specific situations that might occur here.

These principles are based on universally accepted statements of prosecutorial ethics and standards of conduct contained in various instruments including the Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors promulgated by the International Association of Prosecutors (Appendix A).

It is my hope that this Code assists prosecutors understand the ethical standards and principles that may affect their professional and personal conduct and responsibilities during the course of their employment.

I am pleased to formally publish this Code of Ethics for Vanuatu prosecutors.

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PUBLIC PROSECUTOR

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PURPOSE AND SCOPE OF THE CODE

The principle object of this Code is to promote and enhance standards and principles that are necessary for the proper and independent function of the Office of the Public Prosecutor. The Code of Ethics sets out the minimum standards of conduct and practice expected of prosecutors working for, or on behalf of the office of the Public Prosecutor. It is intended to complement and not replace other professional codes that may also have a bearing on their conduct in their capacity as lawyers and public servants.

The Public Prosecutor requires his staff to adhere at all times to this Code. When he engages counsel, or a solicitor who is employed by him to prosecute on his behalf, the counsel, solicitor or authorised person must comply with this Code and consult him about the effect of the Code if necessary.

Any breach of the Code that constitutes also a breach of applicable standards of a professional body may be referred to that body for consideration.

The Code is intended to establish minimum standards of ethical conduct. It is designed to provide general but not exhaustive guidance to prosecutors, and to help secure and promote effective, impartial and fair prosecutions in all criminal trials. As a matter of general application, these fundamental principles are intended to assist inform all aspects of the prosecutor's work.

Part 1

1. CORE PRINCIPLES

1.1 Independence

Prosecutorial independence is an essential element of the rule of law and fair trial. It is critical that it be exemplified in both its individual and institutional dimensions.

There are two types of independence, constitutional and institutional independence that can affect the discharge of prosecutorial functions. Of the two, the latter is perhaps the most critical one. It refers to the ability to make independent and impartial prosecutorial decisions free of inappropriate, external influences. The prosecutor must be able to make decisions after applying the law without fear or favour, and without regard to whether the decision will be popular when made. Any attempt to influence these decisions must be firmly rejected and avoided.

Prosecutors must perform their functions in accordance with section 7 of the Public Prosecutors Act 2003. That section stipulates that the Public Prosecutor shall perform his functions independently. In doing so, he shall be free from any extraneous influences or interference, direct or indirect, from any person, body or authority.

The words in section 7(2) merely echo the protection originally given by Article 55 of the Constitution of the Republic of Vanuatu.

The independence of Deputy Public Prosecutors, Assistant Public Prosecutors and State Prosecutors is guaranteed by section 24 (1) Public Prosecutor Act 2003. That independence is only subject to directions given by the Public Prosecutor. This is set out in subsection (2).

Prosecutor and Staff members must refrain from doing anything that might potentially compromise this independence.

In particular, prosecutors and support staff must, inter alia:

- a)** not seek from or act upon instructions given by anyone outside the Office;
- b)** not allow themselves to be affected by any individual or sectional interests, or by any pressure from any State, or any international, intergovernmental or non-governmental organisation or the media. Where the size of the population is relatively small and society potentially polarised, and prosecutors inevitably exposed to family and community allegiances, these interests must be completely forsaken when making prosecutorial decisions.
- c)** refrain from any activity likely to affect adversely the confidence of others in the independence or integrity of the Office, or which may potentially result in any suggestion that the independence of the Office has been compromised;
- d)** refrain from occupying positions of responsibility in any political organisation; or directly participating in activities or publicly expressing views supporting such organisations;
- e)** refrain from carrying out other occupations of a professional nature without the prior approval of the Public Prosecutor; and
- f)** refrain from any activity likely to interfere with or prejudice the duties and functions of the Office.

Prosecutors and other staff confronted by any attempt by others to behave in a way that may violate their obligation of loyalty and independence, must promptly report it to the Prosecutor or the Deputy Prosecutor(s), and seek guidance from them about what they should do or how they might respond.

1.2 Integrity

Integrity is essential to the proper discharge of prosecutorial function.

Integrity means honesty, soundness of character and uprightness. This requires developing and observing high standards of personal and professional conduct. The lack of integrity undermines public confidence in the prosecution office.

Prosecutors shall:

- a)** at all times maintain the honour and dignity of their profession;
- b)** seek to conduct themselves professionally, in accordance with the law and the rules and ethics of the legal profession;
- c)** at all times exercise the highest standards of integrity and care, and ensure that their conduct is above reproach;
- d)** avoid impropriety and the appearance of impropriety and avoid situations that might reasonably give rise to the suspicion or appearance of favouritism or partiality;
- e)** desist from any conduct capable of compromising the integrity, fairness or independence of the Office of the Public Prosecutor, and in particular, subject to this Code, must not accept any gift, prize, loan, favour, inducement, hospitality or other benefit in relation to anything done or to be done or omitted to be done in connection with the performance of their duties.;
- f)** at all times act in accordance with any applicable duties under the Public Prosecutor Act;
- g)** not allow the prosecutor's family, social or other relationships to improperly influence his or her decision or conduct;
- h)** not use the prosecutor's position or use the prestige of the Office to advance their or others' private interests, nor convey or permit others to convey the impression that others are in a special position able to influence prosecutors;
- i)** not use or disclose confidential information acquired in their official capacity for any purpose unconnected with the performance of their duty;

j) carry out their functions honestly, fairly, objectively and without fear or favour, bias;

k) conduct themselves in such a way as to maintain public confidence in their professional integrity;

l) remain unaffected by individual or sectional interests, or public or media pressure, acting only in the public interest;

m) recuse themselves from any prosecution where they are unable to act impartially or where that may appear to be case to a reasonable observer. Such proceedings may include cases where:

i) the prosecutor has demonstrated actual bias or prejudice towards an accused, complainant or witness;

ii) the prosecutor previously served as counsel for the other party, or was a material witness in the prosecution;

iii) the prosecutor, or a member of the prosecutor's family, has an interest in the outcome of the prosecution;

n) bring to the attention of the Public Prosecutor any situation which might give rise to the perception that a conflict of interest exists or the prosecutor may not have acted impartially.

1.3 Propriety

Propriety and the appearance of propriety are essential to the performance of prosecutorial activities.

Propriety means fitness, rightness and correctness of behaviour or morals. Propriety and the appearance of propriety, both professional and personal are essential features of the prosecutor's life. Improper conduct includes creating and acquiescing in any appearance of impropriety.

A prosecutor should freely and willingly accept personal restrictions that might be viewed as burdensome by ordinary citizens. He or she should conduct himself or herself in a manner that is consistent with the dignity of the office. This may include restraint from frequenting public liquor bars, casinos and night clubs, and the regular or excessive consumption of alcohol and similar substances in public places.

A prosecutor, like any other citizen, is entitled to freedom of expression, belief, association and assembly, but in exercising those rights and freedoms, the prosecutor should always seek to maintain and preserve the dignity of Office, and the public perception about its impartiality and independence.

A prosecutor shall not make improper statements to the press on any subject either within or beyond the scope of duty, and shall not engage in any public criticism of judges, magistrates or other judicial officers.

A prosecutor should be well informed and knowledgeable about his or her own personal, fiduciary and financial interests.

A prosecutor should not convey or permit others to convey the impression that anyone in a special position is capable of improperly influencing him or her in the performance of his/her prosecutorial functions.

During the course of a trial, a prosecutor must avoid socialising and associating with the accused person(s) and their families, and meeting or socialising with the adjudicating judicial officer in the absence of the defence counsel(s).

A prosecutor or a member of the staff shall not participate in any court proceeding other than his or her own, as a party, witness or deponent, where the proceeding is capable of bringing disrepute or embarrassment to the Office.

1.4 Fairness

Fairness is essential to the proper discharge of prosecutorial functions. It is essential not only to the decision itself, but also to the process by which a decision is made. A prosecutor must perform the prosecution functions without fear or favour.

The duty of a prosecutor is to act fairly, to assist the court to arrive at the truth.

- a prosecutor has the duty to ensure that the prosecution case is presented properly and with fairness to the accused;
- a prosecutor must ensure that he/she guided by and acts in accordance with appropriate rules of evidence and procedural rules, including those that pertain to evidence of questionable sources;

- a prosecutor is entitled to firmly and vigorously urge the State view about a particular issue and to test and, if necessary, to attack the view put forward on behalf of the accused. However, if it is done, it must be done temperately and with restraint;
- a prosecutor must never seek to persuade the Court to a point of view by introducing prejudice or emotion;
- a prosecutor must not advance any argument that does not carry weight in his or her own mind or try to shut out any legal evidence that is important to the accused person's case or interest;
- a prosecutor must inform and bring to the attention of the Court authorities or trial directions relevant to the case, even where they are unfavourable to the prosecution;
- a prosecutor must disclose and offer all evidence relevant to the State's case during the presentation of the State's case. The State cannot split its case;
- a prosecutor must respect for the presumption of innocence. In particular, prosecutors must never publicly express a personal opinion about the guilt of a person under investigation or the accused outside the context of proceedings before the Court.

The duty to act fairly occurs also throughout the pre-trial stages.

- a prosecutor must refrain from prosecuting or threatening to prosecute a charge that the prosecutor knows may not result in a conviction;
- a prosecutor must not initiate or encourage efforts to obtain from an unrepresented accused a waiver of important pre-trial rights or post-trial rights;
- a prosecutor must make timely disclosure to the defence of all evidence or information known to the prosecutor that can have the effect of negating the guilt of an accused or mitigating the offence; and in connection with sentencing, disclose to the defence or the court all non-privileged mitigating information, except those that are the subject of protective orders;
- a prosecutor must exercise reasonable care to prevent persons in the employ or under the control of the prosecutor from making extra-judicial statements.

1.5 Confidentiality

Prosecutors shall uphold the highest standard of confidentiality in the discharge of their duties, and actively exercise all care to ensure respect for the confidentiality of information.

They and other members of the staff must not disclose any privileged material or any material deemed confidential.

Confidentiality includes, inter alia:

- a)** full conformity with policies and procedures regarding confidentiality of correspondence, documents, proceedings, information and other matters obtained during the course of employment. Members of the Office shall pay particular attention to the provisions set out in the Prosecution Guideline and relevant Public Service code;
- b)** protecting the confidentiality of all intended prosecution trial materials from public exposure and scrutiny.
- c)** upholding the obligations stipulated in the undertaking contained in the Oath of Office;
- d)** vigilance regarding all communications that may potentially raise issues of confidentiality or potentially undermine the prosecution case, particularly communications with persons outside the Office and persons or parties interested in a prosecution;
- e)** immediate reporting of suspected breaches of confidentiality where they may represent a danger to the safety, well-being or privacy of other prosecutors, other staff members, victims, witnesses, persons under investigation, the accused and their families;
- f)** containment of such breaches by refraining from dissemination or discussion thereof; and
- g)** the secure maintenance and storage of any material obtained by prosecutors and other members of the staff during the course of their official functions.

These obligations shall not cease upon the conclusion of an officer's employment.

Part 2

2. PROFESSIONAL RESPONSIBILITY

2.1 Responsibility

Prosecutors shall:

- a)** at all times uphold the rule of law, the integrity of the criminal justice system and the right to a fair trial;
- b)** at all times respect the fundamental right of equality of all persons before the law, and abstain from engaging in any wrongful discrimination;
- c)** recognise and understand diversities that exist in society and differences arising from race, colour, gender, religion, national origin, disability, age, marital status, and social and economic status and refrain from expressing by words or conduct prejudices against such differences, except when it becomes a proper and relevant legal issue in a proceeding, and as such become the subject of legitimate advocacy;
- d)** inform the Public Prosecutor about the commission of a criminal offence or improper conduct by a public official during the course of a criminal investigation or prosecution;
- e)** bring to the Public Prosecutor's attention any serious misconduct by a public official that may warrant censure and disciplinary measures;
- f)** give due attention to the prosecution of corruption, abuse of power, violations of human rights, violence against women and children, and other crimes recognised by international law, in particular when they are perpetrated by public officials.

2.2 Competence

Prosecutors shall take every reasonable step to maintain and enhance their knowledge, professional skills and personal qualities necessary for the proper performance of their duties, keeping themselves well-informed about important legal developments and taking full advantage of opportunities for training that become available to them.

Prosecutors must ensure that they are acquainted with and able to apply the applicable law and practice when necessary. As officers of the Court, they are required to attend all proceedings where required to do so and be prepared to make researched and considered written or oral submissions that are of a high standard and able to assist the Court.

2.3 Effective prosecution

In accordance with the Prosecutors Code and Prosecutor Guideline, prosecutors will ensure that they uphold standards of effective prosecution and:

- a)** act competently and diligently, make impartial judgments based on the evidence and the public interests when determining whether or not to proceed;
- b)** respect the rights of persons under investigation and accused persons, and ensure that proceedings are conducted in a fair manner;
- c)** refrain from prosecuting any person whom they believe to be innocent;
- d)** desist from proffering evidence obtained by means that violate the law and which casts doubt on the reliability and admissibility of the evidence, which may be antithetical to and potentially undermine the integrity of the proceedings

2.4 Expedition

A fundamental obligation of the prosecution is to assist in the timely and efficient administration of justice.

- cases should be prepared for hearing as quickly as possible;
- indictments should be finalised as quickly as possible;
- indictments should be disclosed to the defence as soon as possible;
- any amendment to an indictment should be made known to the defence as soon as possible;
- as far as practicable, adjournment of any trial should be avoided by ensuring that prompt and careful attention is given to the form of the indictment, the availability of witnesses and exhibits, and any other matter that may potentially cause delay.

2.5 Conduct in Court

Without prejudice to the standards of conduct applicable to prosecutors, all prosecutors who appear in court must:

- a)** uphold the highest standards of integrity, confidentiality, fairness, honesty and truthfulness;
- b)** act fairly and in the interest of justice, and assist the Court in seeking a just decision;
- c)** ensure, to the best of their abilities, that a just verdict is reached at the end of the trial and not strive to attain a conviction at all costs;
- d)** conduct themselves in an honourable, professional, dignified and courteous manner towards all parties and participants in the proceedings, as well as witnesses giving testimony;
- e)** act with due deference to the authority of the Court;
- f)** not participate in any matter in which their impartiality might be questioned, and request the Public Prosecutor to excuse them as soon as it appears that their continued representation is likely to jeopardise the integrity of the prosecution case or the prosecutors ability to continue independently and effectively;
- g)** not deceive or knowingly mislead the Court, judge, counsel, or the Registry and take all necessary steps to correct an error or inaccuracy as soon as possible after it is discovered;
- h)** not present evidence knowing it to be false or inaccurate;
- i)** disclose all evidence that appear to support the innocence of a person under investigation or an accused person, or mitigate their guilt;
- j)** attend all Court appointed proceedings, and in time;
- k)** dress always in the appropriate suitable attire.

Part 3

3. INDIVIDUAL CONDUCT

3.1 Conflict of interest

Prosecutors and support staff must avoid and refrain from any conduct which may be, directly or indirectly, in conflict with the discharge of their official duties or may compromise the independence and trust reposed in the Office. These conflicts may arise, inter alia, from:

- a)** personal interest in the case, including a spousal, parental or other close family, personal or professional relationship, or a subordinate relationship, with any of the parties; and
- b)** circumstances in which prosecutors, support staff and members of their immediate families may appear to benefit, directly or indirectly, from association with any person, a body or activity connected to a prosecution.

Where a conflict of interest arises, whether financial or otherwise, prosecutors and support staff shall immediately disclose the conflict to the Public Prosecutor, who shall decide the next suitable course of action.

3.2 Non-acceptance of gifts, remunerations and favours

Prosecutors and support staff must not directly or indirectly accept any gift, advantage, privilege or reward that could reasonably be perceived as intended to influence the independent performance of their functions.

Acceptance of any honour, decoration, favour, gift or remuneration from any Government or from any non-governmental source shall require the prior approval of the Public Prosecutor.

Prosecutors shall not offer nor promise any favour, gift, remuneration or any other personal benefit to another party or to any third party with a view to causing him or her to perform, fail to perform or delay the performance of any official act. Similarly no prosecutor or support staff shall either seek or accept any favour, gift, remuneration or any other personal benefit from another person or from any third party in exchange for performing, failing to perform or delaying the performance of an official act.

Unless otherwise authorised by the Public Prosecutor, prosecutors and support staff are not permitted to accept remuneration, fee, allowance or stipend from any external source for any publication, speaking engagement or other activity during the course of their employment as prosecutors.

3.3 Other forms of personal conduct

In an organisation like the OPP, honest adherence to workplace rules often help reinforce basic ethical values and norms of conduct. Accordingly, honest attendance at the work place during the specified working hours and the use of office resources such as vehicles for official use only are important in maintaining and strengthening a strong ethical culture in the work place. Late attendances, and absence from work in a day and absence over a significant period of time during the day must be declared and accounted for.

In addition, when procuring or seeking reimbursement of allowances or imprests, only the amount to be properly incurred must be sought. Any excessive payment or unspent sum must be surrendered or returned promptly in accordance with government's financial regulations.

Improper and unauthorised use of government resources is unacceptable. This includes the use of office vehicles and photo copying machines.

Prosecutors and support staff must seek to observe these rules.

Application of the Code

This Code contains key principles intended to guide the conduct of prosecutors in the performance of their official functions.

Although it addresses many issues concerning ethics and appropriate conduct, it is by no means an exhaustive set of rules. Where the Code is silent, the spirit of the Code is to be applied.

Prosecutors should proactively seek to obtain advice from the Public Prosecutor about issues of personal concern or where there is some difficulty in determining whether an action is ethical or not.

Compliance with the Code

Adherence to this Code is fundamental to the integrity and independence of prosecutorial decisions and services.

Breaches of the Code can be viewed seriously and may lead to appropriate actions being taken against the prosecutor or a member of the support staff.

Entry into force

This Code shall come into force on the date of its publication by the Public Prosecutor.

Any proposal for amendments to this Code shall be referred to the Public Prosecutor.

Publication

This Code is published in English, but at a later date will be translated into French and Bislama. It is published pursuant to section 29 of the Public Prosecutor Act 2003.

Appendix A

Standards of professional responsibility and statement of the essential duties and rights of prosecutors adopted by the International Association of Prosecutors on the twenty third day of April 1999

Foreword

The International Association of Prosecutors was established in June 1995 at the United Nations offices in Vienna and was formally inaugurated in September 1996 at its first General Meeting in Budapest. In the following year in Ottawa, the General Meeting approved the Objects of the Association which are now enshrined in Article 2.3 of the Association's Constitution. One of the most important of these Objects is to: "... promote and enhance those standards and principles which are generally recognised internationally as necessary for the proper and independent prosecution of offences." In support of that particular objective a committee of the Association, chaired by Mrs Retha Meintjes of South Africa, set to work to produce a set of standards for prosecutors. A first draft was circulated to the entire membership in July 1998 and the final version was approved by the Executive Committee at its Spring meeting in Amsterdam in April 1999. The International Association of Prosecutors' Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors is a statement which will serve as an international benchmark for the conduct of individual prosecutors and of prosecution services. We intend that this should not simply be a bold statement but rather a working document for use by prosecution services to develop and reinforce their own standards. Much of the Association's efforts in the future will be directed to promoting the Standards and their use by working prosecutors throughout the world. Standards of professional responsibility and statement of the essential duties and rights of prosecutors

WHEREAS the objects of the International Association of Prosecutors are set out in Article 2.3 of its Constitution and include the promotion of fair, effective, impartial and efficient prosecution of criminal offences, and the promotion of high standards and principles in the administration of criminal justice;

WHEREAS the United Nations, at its Eighth Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba in 1990, adopted Guidelines on the Role of Prosecutors; WHEREAS the community of nations has declared the rights and freedoms of all persons in the United Nations Universal Declaration of Human Rights and subsequent international covenants, conventions and other instruments; WHEREAS the public need to have confidence in the integrity of the criminal justice system; WHEREAS all prosecutors play a crucial role in the administration of criminal justice; WHEREAS the degree of involvement, if any,

of prosecutors at the investigative stage varies from one jurisdiction to another; WHEREAS the exercise of prosecutorial discretion is a grave and serious responsibility; AND WHEREAS such exercise should be as open as possible, consistent with personal rights, sensitive to the need not to re-victimise victims and should be conducted in an objective and impartial manner; THEREFORE the International Association of Prosecutors adopts the following as a statement of standards of professional conduct for all prosecutors and of their essential duties and rights:

1. Professional Conduct

Prosecutors shall : at all times maintain the honour and dignity of their profession; always conduct themselves professionally, in accordance with the law and the rules and ethics of their profession; at all times exercise the highest standards of integrity and care; keep themselves well-informed and abreast of relevant legal developments; strive to be, and to be seen to be, consistent, independent and impartial; always protect an accused person's right to a fair trial, and in particular ensure that evidence favourable to the accused is disclosed in accordance with the law or the requirements of a fair trial; always serve and protect the public interest; respect, protect and uphold the universal concept of human dignity and human rights.

2. Independence

2.1 The use of prosecutorial discretion, when permitted in a particular jurisdiction, should be exercised independently and be free from political interference.

2.2 If non-prosecutorial authorities have the right to give general or specific instructions to prosecutors, such instructions should be : • transparent; • consistent with lawful authority; • subject to established guidelines to safeguard the actuality and the perception of prosecutorial independence.

2.3 Any right of non-prosecutorial authorities to direct the institution of proceedings or to stop legally instituted proceedings should be exercised in similar fashion.

3. Impartiality

Prosecutors shall perform their duties without fear, favour or prejudice. In particular they shall: carry out their functions impartially; remain unaffected by individual or sectional interests and public or media pressures and shall have regard only to the public interest; act with objectivity; have regard to all relevant circumstances, irrespective of whether they are to the advantage or

disadvantage of the suspect; in accordance with local law or the requirements of a fair trial, seek to ensure that all necessary and reasonable enquiries are made and the result disclosed, whether that points towards the guilt or the innocence of the suspect; always search for the truth and assist the court to arrive at the truth and to do justice between the community, the victim and the accused according to law and the dictates of fairness.

4. Role in criminal proceedings

4.1 Prosecutors shall perform their duties fairly, consistently and expeditiously.

4.2 Prosecutors shall perform an active role in criminal proceedings as follows: where authorised by law or practice to participate in the investigation of crime, or to exercise authority over the police or other investigators, they will do so objectively, impartially and professionally; b) when supervising the investigation of crime, they should ensure that the investigating services respect legal precepts and fundamental human rights; when giving advice, they will take care to remain impartial and objective; d) in the institution of criminal proceedings, they will proceed only when a case is well-founded upon evidence reasonably believed to be reliable and admissible, and will not continue with a prosecution in the absence of such evidence; throughout the course of the proceedings, the case will be firmly but fairly prosecuted; and not beyond what is indicated by the evidence; when, under local law and practice, they exercise a supervisory function in relation to the implementation of court decisions or perform other non-prosecutorial functions, they will always act in the public interest.

4.3 Prosecutors shall, furthermore; preserve professional confidentiality; in accordance with local law and the requirements of a fair trial, consider the views, legitimate interests and possible concerns of victims and witnesses, when their personal interests are, or might be, affected, and seek to ensure that victims and witnesses are informed of their rights; and similarly seek to ensure that any aggrieved party is informed of the right of recourse to some higher authority/court, where that is possible; safeguard the rights of the accused in co-operation with the court and other relevant agencies; disclose to the accused relevant prejudicial and beneficial information as soon as reasonably possible, in accordance with the law or the requirements of a fair trial; examine proposed evidence to ascertain if it has been lawfully or constitutionally obtained; refuse to use evidence reasonably believed to have been obtained through recourse to unlawful methods which constitute a grave violation of the suspect's human rights and particularly methods which constitute torture or cruel treatment; seek to ensure that appropriate action is taken against those responsible for using such

methods; in accordance with local law and the requirements of a fair trial, give due consideration to waiving prosecution, discontinuing proceedings conditionally or unconditionally or diverting criminal cases, and particularly those involving young defendants, from the formal justice system, with full respect for the rights of suspects and victims, where such action is appropriate.

5. Co-operation

In order to ensure the fairness and effectiveness of prosecutions, prosecutors shall: co-operate with the police, the courts, the legal profession, defence counsel, public defenders and other government agencies, whether nationally or internationally; and render assistance to the prosecution services and colleagues of other jurisdictions, in accordance with the law and in a spirit of mutual co-operation.

6. Empowerment

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 : to perform their professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability; 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; to reasonable conditions of service and adequate remuneration, commensurate with the crucial role performed by them and not to have their salaries or other benefits arbitrarily diminished; to reasonable and regulated tenure, pension and age of retirement subject to conditions of employment or election in particular cases; to recruitment and promotion based on objective factors, and in particular professional qualifications, ability, integrity, performance and experience, and decided upon in accordance with fair and impartial procedures; to expeditious and fair hearings, based on law or legal regulations, where disciplinary steps are necessitated by complaints alleging action outside the range of proper professional standards; to objective evaluation and decisions in disciplinary hearings; to form and join professional associations or other organisations to represent their interests, to promote their professional training and to protect their status; and to relief from compliance with an unlawful order or an order which is contrary to professional standards or ethics.

