

DIRECTOR OF PUBLIC PROSECUTIONS

Instructions

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Subject: Code of Ethics for Prosecutors

I. Introduction

“Impartiality, independence, and integrity” is the motto of the prosecution authority. It is important for prosecutors to live up to the public's trust and respect. This entails that prosecutors, in doing their work, must behave and conduct themselves professionally and appropriately. In addition, in their free time, prosecutors must avoid doing anything to tarnish their work for the prosecution authority or the prosecution authority in general.

To strengthen professional procedures and the independence of the prosecution authority and increase trust in prosecutors, the Director of Public Prosecutions issues these instructions on a Code of Ethics for Prosecutors. The purpose of the Code of Ethics is to complement other rules on ethics and professional conduct at work, including the European rules from 2005 on the ethics and conduct of public prosecutors, "The Budapest Guidelines", the Government Employees Act No. 70/1996, especially Articles 14, 15, and 21, the Law on Criminal Procedure No. 88/2008, particularly Chapter III, as well as the General Code of Ethics of Government Employees No. 491/2013.

Prosecutors are expected to acquaint themselves with the Code of Ethics and its explanatory guidelines and adopt them in their work. The Director of Public Prosecutions, commissioners of police, and the District prosecutor shall see to it that prosecutors are familiar with the rules, and that they are always a normal part of their work. It is desirable that the Code of Ethics is generally under discussion in the forum of prosecutors.

II. Code of Ethics

1. Objectivity and independence

Prosecutors shall carry out their work with the aim of preserving the rule of law and professional procedure and in accordance with relevant law and judicial practice. They shall aim at bringing to light what is true and right, even-handedly looking for points supporting innocence and guilt.

Prosecutors do not take instructions from other authorities on the handling of prosecutorial authority unless laws specifically stipulate doing so, and they shall do their work, independent of any kind of pressure and (inappropriate) undue influence.

The law requires the prosecution authority to demonstrate objectivity in its work, and the prosecution authority is responsible for unearthing points supporting both acquittal and conviction of the accused.

Law and judicial practice mean that prosecutors shall observe all rules and requirements derived from the Constitution of Iceland, laws, and human rights rules by which the Icelandic State is bound. Judicial practice also entails the fundamental values and rights on which a constitutional state (rule of law) builds, including legal protection, equality under the law and individuals' fundamental rights.

Prosecutors shall be independent of others and may not let pressure or inappropriate influence, for example, from other authorities, institutions, states, stakeholders or media, influence assessment during decision-making and handling of cases.

The demands on prosecutors for both objectivity and independence are primarily significant when dealing with individual issues and do not limit prosecutors' participation in professional discussions related to tasks of the justice system.

2. *Conduct and behaviour at work – neutrality, integrity and respect*

Prosecutors shall tailor their work and behaviour so that the neutrality of the prosecutorial authority shall never be doubted.

If a prosecutor deems himself/herself unqualified/disqualified from dealing with an individual case, or that his/her competence may be doubted, he/she shall immediately inform his/her superior of this.

Prosecutors shall perform their work honestly and without thinking of their interests. In addition, prosecutors shall take neither gifts nor perquisites in connection with their work nor dispense gifts.

Prosecutors shall evaluate issues and make decisions without bias and without pre-conceived views. Prosecutors shall associate with others without prejudice of any kind and equally show victims, witnesses, the accused, the indicted and the adjudged, as well as others, civility and respect.

The rule of neutrality entails that prosecutors shall make decisions without regard to their own interests, views and prejudices.

In their behaviour and conduct, prosecutors shall take care not to tarnish the public's trust and belief in the neutrality of the prosecution authority, and they shall make every effort to make their behaviour in the public arena fitting and in accordance with their position. In their work, they shall adopt professional, appropriate and respectable behaviour and take care that their attire and conduct do not distract from the tasks in which the prosecutor is engaged.

It is contrary to this Code of Ethics for prosecutors to let gifts, perquisites or other concessions affect their work. It is likewise contrary to the Code of Ethics for prosecutors to try to influence the work and decisions of others in a comparable manner. However, the Code of Ethics does not, in individual instances, prevent receiving minor gifts that are not likely to cast doubt on the prosecutor's impartiality or independence in his/her work at the prosecutorial authority. This, for example, pertains to recognition for teaching and lectures, as well as traditional courteous gifts in connection with official visits.

3. Behaviour outside work

Prosecutors shall take care that their behaviour and conduct outside work will not tend to diminish trust in the prosecution authority.

Prosecutors, when working and not working, must behave with dignity and propriety. Prosecutors must avoid doing something on their own time that will diminish others' respect and opinion of them or can tarnish their work and reduce the public's trust in them.

This pertains equally to the conduct of prosecutors and who they associate with in their free time. It can, for example, be deemed undesirable for prosecutors to publish on social media, or in another manner, information or visual material about themselves or their colleagues that tends to diminish others' respect for them. It can also be deemed undesirable for a prosecutor to associate with criminals during off hours. In addition, prosecutors must take particular care, if they participate in public discussion, work for political parties or do something similar, that their participation and conduct does not cast doubt on their neutrality as prosecutors.

4. Efficiency and quality

Prosecutors are obligated to expedite handling of cases as much as possible while simultaneously seeing to thorough handling of the cases.

5. Skills and professionalism

Prosecutors, both administrators and others, shall maintain and advance their professional knowledge and skills to address legal tasks in keeping with developments and advancements each time. Administrators shall see to it that prosecutors have opportunities for continuing education to maintain and advance their knowledge and skills.

Prosecutors, both administrators and others, shall contribute to a prevailing work culture within the prosecution authority characterised by addressing tasks with open-mindedness and professionalism.

6. Duty of confidentiality

Prosecutors have a duty to project and maintain confidentiality regarding matters they encounter in their work, or because of their work, that ought to remain confidential because of legitimate public or private interests.

Prosecutors may only search the files and systems to which they have access to because of their work if they are important to projects on which they are working.

Prosecutors are completely unauthorised to utilise any confidential information they learn of in their work for their own and/or others' benefit.

The duty of confidentiality applies to points and details protected by confidentiality, and this duty continues after the work is finished. The duty of confidentiality imposed on prosecutors in the Code of Ethics can be broader than a statutory duty of confidentiality. The duty of confidentiality also applies amongst co-workers, and prosecutors are intended neither to share confidential information with their co-workers nor to examine matters others are handling unless doing so has a professional purpose. When discussing matters related to their work, prosecutors must always keep in mind with whom they are communicating and who may be listening to what is said.

7. Information to the public and mass media

When, in the public interest, prosecutors provide the public or mass media with information on criminal cases, they shall take care regarding personal data protection, potential case damage, investigative interests and other points requiring consideration when disseminating information.

When prosecutors disseminate information on behalf of an office, they must consider the guidelines the office has set for distributing information.

Prosecutors must always observe moderation when disseminating information on individual cases to the public and mass media and exercise care regarding the prosecution authority's requirements of neutrality and impartiality. When others seek information from prosecutors on individual cases, prosecutors must assess whether dissemination of the information is in the public interest, and whether it is lawful to provide it, after considering personal data protection, investigative interests, possible case damage, and other points. Usually, prosecutors shall only supply information that is general in nature and avoid providing personally identifiable information. In addition, prosecutors must keep in mind that information that is apparently general could be easily traced to individual parties to the case, for example, because of previous news coverage, social proximity or other factors.

8. Follow-up

The Director of Public Prosecutions, the District prosecutor and chiefs of police shall ensure that this Code of Ethics is presented to all prosecutors, and they bear administrative responsibility for the rules being followed.

If a prosecutor becomes aware of or receives information about another prosecutor's conduct that is contrary to this Code of Ethics, his/her correct course is to appropriately point this out to the party involved or, depending on circumstances, report it to a superior.

Sigríður J. Friðjónsdóttir
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