

LATVIA

CODE of ETHICS

PROSECUTORS of LATVIA

Preamble.

The Code of Ethics shall prescribe the basic principles of behavior which shall formulate and prohibit actions contrary to public interests; its purpose shall be to provide binding recommendations for Prosecutors in their actions.

The Code of Ethics has been developed to ensure that each Prosecutor complies with the basic principles of behavior, aware of the fact that actions of each individual Prosecutor form the overall image of the Prosecution in the community.

The Code of Ethics of Prosecutors cannot be considered to be a comprehensive description of norms of behavior. The Prosecutor must follow general norms of behavior in his/her private and professional actions as well. The task of the Code is to outline those basic principles of ethic norms which should become dominant in actions and behavior of Prosecutors.

Basic Ethic Principles

In order to prevent the discreditation of the said office the Prosecutor shall comply in his/her behavior, at work as well as outside work with the oath of office given, shall follow the following basic principles and ethic norms:

Independence

1. The Prosecutor shall be independent in the performance of his/her professional duties, dissociating himself/herself from any private interests or any external influence.
2. The Prosecutor shall be independent in his/her judgment, however his/her actions shall comply with the Constitution and other laws, normative acts as well as the basic principles of this Code.
3. The office of a Prosecutor shall be incompatible with any affiliation to any party or other political organizations.
4. The Prosecutor shall not act in the interests of any individual, party or group, yield to public protests or fear of criticism in the course of performing his/her official duties.

Honesty, impartiality, fairness.

1. The Prosecutor shall perform duties entrusted to him/her in an impartial and fair manner, honoring the presumption of innocence and equality of individuals in the face of law and court, shall not show a particularly favorable attitude nor create unjustified privileges for anybody.
2. The Prosecutor shall not verbally or by action create a false impression about his/her lack of impartiality or biased attitude, shall not express or support opinions which are directed toward restrictions or insults on the grounds of race, gender, religion, nationality, disability, age, sexual orientation, material or social status.
3. The Prosecutor shall be tolerant and polite in contacts with visitors, witnesses, victims and other participants of proceeding which he/she shall encounter. During the participation in the hearings of cases in courts the Prosecutor shall respect the special role of judges, treating them with respect.
4. The Prosecutor shall be self-critical, able to recognize and correct his/her own mistakes and apologize for unethical actions. The Prosecutor shall not abuse the lack of knowledge or mistakes of his/her colleagues.
5. The Prosecutor shall not give promises concerning the possible desirable outcome in the case under review.
6. The Prosecutor shall devote all his/her efforts and knowledge to the performance of his/her professional duties.

Confidentiality.

1. It shall be the Prosecutor's task to ensure the confidentiality of the information he/she has acquired during the performance of his/her professional duties, except cases when the law prescribes the right or duty to disclose such information.
2. Confidentiality shall not be solely non-disclosure of information, it shall require that in the course of performing his/her professional duties the Prosecutor shall not use the acquired information for his/her private interests nor allow the use of the said information in the interests of other individuals.

Professional Growth.

The Prosecutor shall improve his/her professional qualifications, development creative talents and acquire professional experience.

Relationships Outside Work.

1. The Prosecutor shall develop his/her behavior outside work in such a manner that it shall not disgrace the Prosecutor's name, shall not create any doubt about the Prosecutor's impartial and honest performance of his/her official duties.
2. The Prosecutor shall not accept any gift, service or loan from individuals who are within the sphere of the Prosecutor's influence at the time of the hearings of a case and might in any way affect the performance of the Prosecutor's official duties and decision – making.

Mutual Relations and Basic Principles of Behavior among Prosecutors.

1. The Prosecutor shall not discredit or insult his/her colleagues, irrespective of their official rank, the position held, their origin, social or material status, race, nationality, disability, age, gender, attitude to religion and sexual orientation.
2. The Prosecutor shall comply with the requirements concerning behavior and the dress code. Behavior should give evidence about the Prosecutor's propriety and the dress should be in good order and correspond to the situation.
3. The Prosecutor shall not use any language, gestures nor commit actions which might insult the dignity and honor of other persons.
4. Official written and verbal statements made by the Prosecutor in the mass media and during public presentations shall be businesslike, well thought over, taking into account the fact that they may be treated as the opinion of the Prosecution.

The Prosecutor shall comply with the basic principles of this Code of Ethics also in his/her private life, however it shall not constitute grounds for an unmotivated interference in the Prosecutor's private life or the prohibition for the Prosecutor to take part in public functions.

Execution of the Requirements of the Basic Ethic Principles.

For the public to be confident that cases of Prosecutors' non - compliance with the basic principles of their professional ethics will be examined and evaluated, Prosecutors must be ready to justify their behavior as being in compliance with the basic ethic principles and to motivate every derogation from the said principles. A deliberate non - compliance with the basic ethic principles can be considered to be a mode of behavior, unworthy of the Prosecutor which might give rise to the resolution of the issue concerning moral or disciplinary liability and the imposition of sanctions.

Cases of non – compliance with the basic principles contained in the Code of Ethics are examined by the Attestation Commission of the Prosecution Office which evaluates the specific action, its impact on the Prosecution or the Judiciary in general.

Any natural or legal person can submit an application or a complaint about violations of ethical norms committed by Prosecutors to Prosecution Offices or structural units.

At the initial stage the above applications or complaints are examined by the Head of the respective Prosecution Office or structural unit, determining if a violation of the basic ethic principles has taken place. Upon the detection of a violation he/she takes the decision to impose a penalty or to submit the materials for review by the Attestation Commission.

Meetings of the Attestation Commission where issues of Prosecutors' ethics are discussed are open.

Decisions of meetings of the Attestation Commission concerning violations of the basic principles of Prosecutors' ethics are accessible to the public.

Alongside with disciplinary penalties prescribed by Article 44 of the Law on Prosecution for failure to comply with the basic principles of the Code of Ethics, the Attestation Commission may impose the following moral sanctions in the form of a public evaluation of the Prosecutor's behavior or actions. The decision of the Attestation Commission about the imposition of moral sanctions on the Prosecutor is final and is not subject to appeal.

Moral Sanctions.

1. Examination by the Attestation Commission.
2. Reprimand.
3. A public apology for the failure to comply with the basic ethic principles in the manner determined by the Attestation Commission which if not executed might serve as grounds for the imposition of a disciplinary penalty.
4. A delivery of an information letter to all Prosecution Offices and structural entity about the fact of non-compliance to basic ethic principles.

The Legal Status of the Code of Ethics

The Code of Ethics has been developed by collegiate effort and approved by the Council of the Prosecutor General by its decision No. 70 in June 17, 1998.