

APPROVED by the Order No I-68
of April month 30 day, 2004
by the Prosecutor General of the Republic of
Lithuania

THE CODE OF CONDUCT OF THE PROSECUTORS OF LITHUANIA

I. GENERAL PROVISIONS

1. The Code of Conduct of the Prosecutors of Lithuania (hereafter the Code) shall set the rules of conduct and the principles of professional ethics (activities) to be followed by the Prosecutors when holding office in the Prosecutor's Office.

2. The Code is aimed at the regulation of relations among the Prosecutors during the office hours and after them as well as the regulation of relations with the participants of the legal process, the citizens of Lithuania, and other people.

3. Having decided to work as a Prosecutor, the person shall resolve - independently and consciously - to serve people and justice and shall acknowledge the Rules of Conduct as well as the obligatory Principles of Ethics.

4. The present Code was prepared under the Regulations provided by the Constitution of the Republic of Lithuania, the Law On The Prosecutor's Office, 'Guidelines of The Prosecutorial Practice', a document approved by the Congress of the United Nations, and 'Standards of Professional Responsibility and The Layout of Major Obligations and Rights of The Prosecutors', a document approved by the International Association of Prosecutors, also further to the recommendation REC (2000)19 "Role of Prosecution Service in the System of Criminal Justice" prepared by the Minister Committee of the European Council, and recommendations REC 1604(2003) "Role of Prosecution Service in the Democratic Society of the Rule of Law" of the Parliamentary Assembly.

II. ETHICAL PRINCIPLES AND REQUIREMENTS DUE TO PROSECUTORS

5. As a state official, the Prosecutor shall hold an impeccable reputation and, contributing to the execution of justice, originally performed by the court, defending the rights and lawful interests of a person, society and the government, shall comply with the following Rules and Principles of Professional Ethics:

Justice,
Integrity,
Impartiality,
Discretion,
Independence,
Confidentiality,
Solidarity,
Respect for the Law,
Responsibility.

5.1. The Principle of JUSTICE.

Under this Principle, the Prosecutor shall be obliged to:

5.1.1. always act in a wise and truthful way; pass well-considered and lawful decisions; if necessary, declare the motives and arguments of the decisions to be passed;

5.1.2. follow that the person who is suspected of a misdemeanour or a criminal act is considered not guilty as long as he or she is found guilty under the law;

5.1.3. without prejudice and following exclusively the rules of legal acts, pass decisions that influence the rights and lawful interests of suspects, the accused, and the aggrieved.

5. 2. The Principle of INTEGRITY.

Under this Principle, the Prosecutor shall be obliged to:

5.2.1. give no promise of any decisions in advance; behave in an honest and decent way; by personal example, create an impeccable reputation of the Prosecutor; immediately acknowledge and correct the mistakes made;

5.2.2. avoid gossip and unsubstantiated criticism by colleagues; provide the inter-communication with politeness and tolerance;

5.2.3. allow no indulgences for subordinates; avoid arrogance and disrespect towards them; attentively evaluate the breaches of the law and professional ethics committed by the law-enforcement officials; tactfully react to contradictions.

5. 3. The Principle of IMPARTIALITY.

Under this Principle, the Prosecutor shall be obliged to:

5.3.1. treat all people equally regardless their nationality, social roots and status, sex, racial and ethnical origin, language, age, religion, political views, sexual or other attitudes;

5.3.2. treat the participants of the process in a reserved and objective way; avoid familiarity and animosity;

5.3.3. stand down when it concerns the execution of the duty or the decision-making due to the interests of himself or herself, members of the family, or other related people.

5.4. The Principle of DISCRETION.

Under this Principle, the Prosecutor shall be obliged to:

5.4.1. by personal conduct and activities allow no occurrence of the opinion that he or she abuses their official position or has corrupt interests;

5.4.2. use not his or her official position to influence the decisions of other people when those decisions can cause the conflict of private and public interests;

5.4.3. use not, by breaching the statutory rules, the property of the state, its institutions and establishments, its residents or legal entities for the official and non-official purposes;

5. 5. The Principle of INDEPENDENCE.

Under this Principle, the Prosecutor shall be obliged to:

5.5.1. implement the Provision under the Constitution and the Law On The Prosecutor's Office, mainly to be independent and, by holding the status of immunity, to act independently on the entire territory of the Republic of Lithuania;

5.5.2. regard the principal of political neutrality - belong to no political organisation and relate no office activities to it or to its members, express no personal political views in public;

5.5.3. disobey orders and requests by state politicians, state officials and law-enforcement officials if their form and content contradict the laws, norms of this Code, other acts of law.

5. 6. The Principle of CONFIDENTIALITY.

Under this Principle, the Prosecutor shall be obliged to:

5.6.1. make no comments on the confidential information or off-the-record data held by the Prosecutor's Office; restrain himself or herself from announcing or distributing information held by other Prosecutors without their prior advice on that;

5.6.2. having no legal or moral basis, announce to the public or interested people no data of the proceedings, the pre-trial investigation or the prosecutorial examination;

5.6.3. provide no data received during the execution of official duties if this concerns the satisfaction of illegal interests of other people.

5. 7. The Principle of SOLIDARITY.

Under this Principle, the Prosecutor shall be obliged to:

5.7.1. exchange information with the colleagues that should be known to them for proper execution of their duties; develop professional skills and knowledge and share them with the Prosecutors who have less professional experience;

5.7.2. restrain himself or herself from unsubstantiated and public comments on the work of other Prosecutors; protect the colleagues from slander, inadequate criticism or professional discrimination;

5.7.3. tolerate no breaches of the Law On The Prosecutor's Office or The Code of Conduct committed by the Prosecutors; warn the colleague who is to commit a breach on time; if necessary, advise a senior Prosecutor on that.

5. 8. The Principle of RESPECT FOR THE LAW.

Under this Principle, the Prosecutor shall be obliged to:

5.8.1. show equal civil and professional respect for international and national statutory rules; acknowledge and promote the precedence of the application of the law;

5.8.2. participate in the lawmaking process, activities of crime prevention and the establishment of the principles of the law-abiding country, thus guaranteeing the protection of human rights, the immunity of their liberties and dignity under the law;

5.8.3. while filling in the documents of the process and other papers as well as producing public speeches, follow the Ethical Principles, standard legal acts and the Requirements under the Law of The State Language.

5. 9. The Principle of RESPONSIBILITY.

Under this Principle, the Prosecutor shall be obliged to:

5.9.1. during the office hours and after them, by words or personal conduct, avoid scorning or humiliating the name of the Prosecutor as a state official and that of the Prosecutor's Office as a state institution;

5.9.2. accept no services, indulgencies, presents or other amenities if this is done to take advantage of the position of the Prosecutor or by breaching the requirements under the Code and other legal acts;

5.9.3. take no advantage and never manipulate either the freedom of action provided by the law or the trust of the colleagues; never avoid responsibility for the work done in a wrong way or the decision adopted illegally.

III. DEEDS INCOMPATIBLE WITH PROSECUTORIAL ETHICS

6. Aiming at efficiency of justice and punitive measures, the Prosecutor shall honestly execute the laws of the process, the Orders by the Prosecutor General, the Regulations of this Code; he shall collaborate with international law-enforcement institutions and pre-trial specialists, shall help to ensure justice and execution of the inevitability of the punishment.

7. The Prosecutor:

7.1. being the Head of the investigation into the criminal act or the initiator of it, shall never tolerate cases of ignorance of the Rules of Conduct and Principles of Professional Ethics during the collection and presentation of evidence, nor shall allow the declaration of suspicions without a considerable legal basis;

7.2. shall avoid familiarity and such situations which could influence - in a negative way - the impartiality of both him or her and the Prosecutors under his or her rule as well as the officials of the pre-trial investigation; also the justice of their procedural decisions;

7.3. by protecting the lawful interests, shall always be well-acquainted with conditions and the laws of the case; by representing the country and the citizens, shall actively participate in the investigation and the proceedings of the criminal acts and other breaches of law;

7.4. in every possible way shall support the authority of the courts and the dignity of and the process of the courts; shall avoid phrases and hints that could offend the Court or the participants of the process;

7.5. shall demonstrate no personal relations with the staff of the Prosecutor's Office nor the Court; shall not ignore nor officially comment on the substantiated decisions of the superior Prosecutor or the unenforced decisions of the Court; when disagreeing with them, shall appeal according to the established order;

8. While examining Claims and Petitions, shall be patient, objective, and tactful; shall explain all his or her decisions to the bearer in an understandable way, considering the situation, education and age of the person, other physical and psychological features.

9. Prosecutor shall avoid relations that could make harm to the reputation of him or her or that of the Prosecutor's Office. If a close relative or a member of the family happens to be a participant of the process, which could cause the conflict of public and private interests, the Prosecutor shall advise a senior Prosecutor on that.

10. Actions that breach the Provisions of the Prosecutor's Oath, if they do not provide for administrative and criminal responsibility as well as that due to official duties, shall be considered as an example of conduct that humiliates the name of the Prosecutor and the breach of the Rules and Principles of the present Code.

11. Intentional failure to tell the truth or other kind of fraudulence, use of offensive words or gestures, wearing of untidy garments or inappropriately set prosecutorial attributes during the office hours shall be considered as the breach of the Rules and Principles of the present Code.

12. Being intoxicated with alcohol, drugs, psychotropic or toxic materials during the office hours, false sick-list or other unemployment motivating paper, exploitation of working hours, work measures, and the inventory for other than the set purposes, if this does not provide for administrative and criminal responsibility as well as that due to official duties, shall be considered as the breach of the Rules of the present Code.

13. Demonstration of the service gun in public, its use according to the purpose without purpose, terrifying of the family members and other persons by it, if this is not a criminal act, shall be considered as the breach of the Rules and Principles of the present Code.

14. Any case of ignoring to declare property or pecuniary funds, when provided with a legal request, if this does not provide for administrative or criminal liability, shall be considered as the breach of the Rules and Principles of the present Code.

IV. SANCTIONS

15. The deeds, actions, and decisions of the Prosecutor (his conduct and practices) that breach the Rules and Principles of ethics the present Code and that discredit the name of the Prosecutor's Office or the Prosecutor himself or herself, shall not be allowed and shall result in liability pursuant to the article 16 of this Code.

16. The breaches of the Code shall be examined by The Commission of Prosecutorial Ethics (hereafter the Commission) according to the competence provided.

17. Having detected that the Prosecutor ignores the Principles of Ethics and breaches the Rules of the Code, while executing his or her official duties, the Commission shall have the authority to apply the following sanctions:

- the acknowledgement of the breach,
- the obligation to terminate the non-ethical conduct,
- the obligation to perform an excuse,
- the warning,
- a public declaration of the decision (information),
- the proposal to reimburse the moral injury.

18. Having detected in the activities of the Prosecutor not only the breaches of the Rules and Principles of the Code, but also the evidence of the breaches of law, malfeasances, or cases of conduct that humiliate the name of the Prosecutor, the Commission shall transfer the material to the Prosecutor General for the execution of the official examination and the evaluation of the Prosecutor's activities; this shall be done under the Law On The Prosecutor's Office, Article 38.

19. Sanctions applied for the breaches of the Rules and Principles of ethics of the present Code shall be regulated by the Law On The Prosecutor's Office, this Code, the Procedures of Activity of The Commission of Ethics and Examination of the Requests and Complaints of Persons, provisions of Implementation of Official Audit and Application of Service Punishments.

V. CONCLUDING PROVISIONS

20. While producing public speeches, writing articles, contacting the media, the Prosecutor shall preserve his or her matter-of-fact and moderate way of expression; shall express well-considered ideas, realising that they can be perceived as the opinion of the entire Prosecutor's Office.

21. The Commissions of Selection, Assessment, and Ethics shall undertake measures to ensure that the principles of morality and ethics provided by the present Code, the Law On The Prosecutor's Office, and the international legal acts were known to all Prosecutors as well as the candidates to the post of the Prosecutor.

22. In case of the presence of grounds to assume that the Prosecutor has breached the Principles of Ethics by his or her deeds, actions, or decisions; and this was done due to his or her state of health, the Commission shall provide the Prosecutor General with the Conclusion Due to Proposal to Order The Prosecutor to Examine His or Her Health.

22. If needed, the Prosecutor shall have the right to approach the Commission by himself or herself, providing it with an Application and receiving the Evaluation Conclusion On Whether His Or Her Activities Comply With The Requirements Of The Rules and Principles of The Code.

23. The Prosecutor shall have the right to appeal the decisions of the Commission of Ethics to the Prosecutor General of the Republic of Lithuania.
