

## CODE OF CONDUCT FOR THE PUBLIC PROSECUTORS IN PUNJAB

### **Preamble**

WHEREAS the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 has been established on 3<sup>rd</sup> April, 2006 to ensure independent, effective and efficient Institution for prosecution of criminal cases;

AND WHEREAS having considered the Havana Guidelines 1990, adopting Guidelines on the Role of Prosecutors and the International Association of Prosecutors “Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors”

AND 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;

AND WHEREAS the public need to have confidence in the integrity of the criminal justice system;

AND WHEREAS all prosecutors play a crucial role in the administration of criminal justice;

AND WHEREAS the exercise of prosecutorial decision-making is a grave and serious responsibility;

AND WHEREAS such exercise should be as open as possible, consistent with personal rights, sensitive to the need of time and practices in an objective and impartial manner;

AND WHEREAS Section 17, The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 requires the Prosecutor General Punjab to issue a Code of Conduct for the public prosecutors with the approval of the Government,

THEREFORE, the following Code of Conduct is issued for the Public Prosecutors

### **1. Professional Conduct**

Prosecutors shall:

- 1.1 at all times maintain the honor and dignity of their profession;
- 1.2 always conduct themselves professionally, in accordance with the law and the rules and ethics of their profession; and perform their duties faithfully, diligently and strictly in accordance with the law and guidelines issued from time to time;
- 1.3 at all times exercise the highest standards of integrity and care in the quest for justice;
- 1.4 keep themselves well-informed and abreast of relevant legal developments;
- 1.5 strive to be, and to be seen to be, consistent, independent and impartial;
- 1.6 ensure a fair trial; shall disclose and produce before the Court all available evidence favorable or otherwise;

- 1.7 always be respectful to the Courts; the parties to the proceeding, the opposing counsels and shall not lose temper in Court;
- 1.8 always serve and protect the public interest; respect, protect and uphold the concept of human dignity and human rights as enshrined in the Constitution of Islamic Republic of Pakistan, 1973;
- 1.9 co-operate, guide, give advice to the authorities responsible for the registration of criminal cases, holding of investigation therein and submission of challan in a court of law within the period prescribed under the law; and ensure that no frivolous case is brought before the courts for trial; no evidence in favor of the accused is withheld; so that the goal of Justice could be achieved.

## **2. Independence**

- 2.1 The public prosecutors shall perform their functions independently, freely, without fear or favour.
- 2.2 In the context of independence of the respective functions of investigations and prosecutions, prosecutors shall accept, acknowledge and respect the principle of inter- dependence of those functions.
- 2.3 Prosecutors shall work in a transparent manner and without pressure and risk of political interference.

## **3. Impartiality**

- 3.1 In accordance with the law or the requirements of a fair trial. The Prosecutors shall seek to ensure that all necessary and reasonable enquiries are made and the result disclosed, whether it points towards guilt or innocence of the suspect.
- 3.2 The Prosecutors shall always search for the truth and assist the Courts 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. There shall be no discrimination in prosecutorial conduct based on religion, beliefs, race, caste, gender, political ideas at all.

## **4. Role During Investigations And Criminal Proceedings**

- 4.1 While providing advice, assistance and support at the investigation stage, they shall ensure that the investigating services respect legal precepts and fundamental human rights; when giving advice, they will remain impartial and objective.
- 4.2 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.

- 4.3 When discharging their duties in prosecutorial decision-making prosecutors shall use the Guidance promulgated and issued under section 10 of The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006.
- 4.4 Prosecutors shall ensure professional dignity, confidentiality in legitimate interests and possible concerns of victims and witnesses, when their personal interests are, or might be, affected. Prosecutors will ensure that victims and witnesses are informed of their rights and he shall:
  - 4.4.1 examine proposed evidence to ascertain if it has been lawfully obtained;
  - 4.4.2 seek to ensure that appropriate action is taken against those responsible for using unlawful methods;
  - 4.4.3 in accordance with the law and the requirements of a fair trial and due process, give due consideration to withdrawing prosecution, discontinuing proceedings conditionally or unconditionally or diverting criminal cases, and particularly those involving young defendants, from the formal justice system, with full respect to the rights of suspects and victims where such action is appropriate.
- 4.5 Safeguarding the rights of the parties during the proceedings.

## **5. Co-operation**

- 5.1 In order to ensure the fairness and effectiveness of prosecutions, prosecutors shall co-operate with the Police, the Courts, the legal profession, defense counsel 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. Observance of Discipline**

- 6.1 The Public Prosecutors shall observe complete discipline in matters of prescribed dress code, Code of Conduct prescribed by the Punjab Bar Council and the Pakistan Bar Council, where applicable, and the Superior Courts and shall ensure that their conduct outside the Courts is exemplary and follow any guidelines issued by the Prosecutor General, from time to time.
- 6.2 Prosecutors shall uphold the rule of law and must protect the enforcement of fundamental rights as guaranteed under the Constitution of Islamic Republic of Pakistan, 1973.

## **7. Empowerment**

- 7.1 In order to ensure that prosecutors are able to carry out their professional responsibilities independently and in accordance with these standards, prosecutors shall be protected against any unjust action.
- 7.2 In general they are entitled:

- 7.1.1 to perform their professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability;
  - 7.1.2 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;
  - 7.1.3 to reasonable and adequate conditions of service;
  - 7.1.4 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;
  - 7.1.5 to objective evaluation and decisions in disciplinary hearings;
  - 7.1.6 to form and join professional associations or other organizations to represent their interests, to promote their professional training and to relief from compliance with an unlawful order or an order which is contrary to professional standards or ethics.
- 7.3 Any violation of this Code may entail disciplinary proceedings.

## **8. Review of This Code Of Conduct**

- 8.1 This Code of Conduct shall be reviewed periodically and as determined by the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006.

**(Ashtar Ausaf Ali)**  
**Prosecutor General, Punjab**