

The Principles of Prosecution

These principles aim to set forth the spirit and fundamentals of prosecution so that all members of the Prosecution Service fulfill their duties with a sense of mission and without losing direction in any situation, thus ensuring the proper conduct of all activities of the Prosecution Service and securing the trust of the people which is the basis of prosecution.

The Prosecution Service is entrusted with the solemn responsibility of discovering the truth in each case and applying the criminal laws properly and promptly, while ensuring the maintenance of public welfare and guaranteeing fundamental human rights. We must deeply recognize this demanding duty and actively undertake our tasks always with fairness and integrity.

We encounter various challenges when we endeavor to discover the truth in cases, which is a prerequisite to the proper exercise of punitive authority. Faced with these challenges, the Prosecution Service is expected to maximize the use of its knowledge and skills in the uncompromising search for the truth.

Obtaining conviction by any means in all cases is not our goal, nor should we seek to impose harsh sentences without regard to the nature of the case. Our objective is to achieve proper dispositions and proper sentencing for each case, corresponding to its nature and representing the common sense of the people.

In order to achieve such objectives, we must firmly maintain a fair stance to avoid making distorted decisions. “Uncompromising pursuit of justice and impartiality” as well as “neutrality and independence” should be our indissoluble mottoes not to be influenced by any enticement or pressure in the exercise of our duties. We should never act for our own fame or reputation and should have courage to take action, if necessary, that would undermine these personal interests.

At the same time, we should retain humble attitudes and continuously reflect upon the exercise of our powers to see that it serves the best interests of the people and does not lapse into self-righteousness.

In endeavoring to fulfill the responsibility bestowed on the prosecution, we should not be content to rest upon past accomplishments and experiences.

We should sustain unremitting efforts to build a stronger foundation for the prosecution and improve our criminal justice system. We should be open-minded, paying attention not only to the criminal justice system but also to external disciplines, seeking advanced knowledge and progressively attaining various new achievements in different fields.

We, as one of the main actors in the criminal justice system, are determined to carry out the mandate given by the people, bearing in mind the aforementioned and taking pride in fulfilling our duties with a sense of mission.

1. Bearing in mind the responsibility to work for the public interest as servants of the whole community, we shall abide by laws, rules and regulations and undertake our tasks with fairness and integrity under the mottoes of uncompromising pursuit of justice and impartiality as well as neutrality and independence;
2. We shall carry out our tasks with full understanding of the roles of judges and defense counsel in criminal procedure, respecting fundamental human rights and ensuring due process in criminal procedure;
3. We shall strive to the utmost to discover the truth in each case with all our knowledge and skills to ensure that no innocent parties are found guilty and all those responsible are brought to justice;
4. We shall pay due attention to the assertions of suspects or defendants, endeavor to collect all relevant evidence, both incriminating and exculpatory, aggravating and mitigating, and make rational and sensible evaluation of evidence from various perspectives;
5. In interviewing witnesses and suspects, we shall strive to obtain true statements, while securing their voluntary nature and the fairness of the questioning;
6. We shall pay due attention to the opinions and views of victims of crime or their family members and uphold their legitimate rights and interests;
7. We shall take proper custody of evidence and information in cases and ensure their confidentiality to avoid damaging the reputation of those concerned and to avoid hindering investigation or trial proceedings;
8. We shall endeavor to contribute to the prevention of crime, the rehabilitation of offenders and other aims of criminal justice, in cooperation with police and other law enforcement authorities, correctional and probation services and other relevant agencies and organizations;
9. We shall continue our efforts to acquire and improve our knowledge and skills on laws and legal issues and seek to attain broader knowledge and education which will enable us to cope with diverse and evolving issues;
10. We shall act with constant reflection on past experience and build an organization with vitality and with a culture of free and active discussion, as well as mutual assistance and cooperation.