

## Czech Republic / République tchèque

### I. Main question

The ECHR judgement of 3 June 2003 in case *Pantea v. Romania*, no. 33343/96

„238. The Court points out that it has already noted in *Vasilescu v. Romania* (judgment of 22 May 1998, §§ 40 41), in the context of Article 6 § 1 of the Convention, that since prosecutors in Romania act as members of the Prosecutor-General's Department, subordinate firstly to the Prosecutor-General and then to the Minister of Justice, they do not satisfy the requirement of independence from the executive. The Court finds no reason to depart from this conclusion, albeit under Article 5 § 3 of the Convention in the instant case, given that independence from the executive is also one of the guarantees inherent in the concept of "officer" for the purposes of this provision (see *Schiesser*, cited above, pp. 13-14, § 31).“

The ECHR judgement of 4 December 1979 in case *Schiesser v. Switzerland*, no. 7710/76

ECHR admitted that public prosecutor may be considered as „other officer authorised by law to exercise judicial power”. ECHR particularly noted:

„31. [...] the "officer" is not identical with the "judge" but must nevertheless have some of the latter's attributes, that is to say he must satisfy certain conditions each of which constitutes a guarantee for the person arrested.

The first of such conditions is independence of the executive and of the parties [...]. This does not mean that the "officer" may not be to some extent subordinate to other judges or officers provided that they themselves enjoy similar independence.

In addition, under Article 5 para. 3 (art. 5-3), there is both a procedural and a substantive requirement. The procedural requirement places the "officer" under the obligation of hearing himself the individual brought before him [...]; the substantive requirement imposes on him the obligations of reviewing the circumstances militating for or against detention, of deciding, by reference to legal criteria, whether there are reasons to justify detention and of ordering release if there are no such reasons [...].

[...]

32. The Court now has to satisfy itself that the Winterthur District Attorney did offer Mr. Schiesser the guarantees inherent in the notion whose meaning it has indicated above.

34. [...], the Court emphasises that in the present case the District Attorney intervened exclusively in his capacity as an investigating authority, that is in considering whether Mr. Schiesser should be charged and detained on remand and, subsequently, in conducting enquiries with an obligation to be equally thorough in gathering evidence in his favour and evidence against him (Article 31 StPO). He did not assume the mantle of prosecutor [...].

35. [...] Indeed, the Winterthur District Attorney proves to have received no advice or instructions from the Department of Justice or the Government of the Canton of Zürich or, for that matter, from the Public Prosecutor before ordering the applicant's detention on remand. [...] What is more, when hearing Mr. Schiesser the District Attorney acted alone, that is without the Public Prosecutor's assistance or supervision. Since he had neither to submit to outside interference nor to consult another authority, the District Attorney exercised the personal discretion conferred on him by law. In these conditions, the Court considers that in the present case he offered guarantees of independence that are sufficient for the purposes of Article 5 para. 3 (art. 5-3) [...].

36. With regard to the procedural guarantees, the Court notes firstly that when the applicant gave himself up, he was interrogated by the District Attorney himself and within twenty-four hours, as is required by Article 64 StPO and Directive no. 58 [...]. The District Attorney told Mr. Schiesser why he was suspected of having committed or attempted to commit offences and informed him of his right of appeal against the warrant issued for his arrest [...]. [...]

37. Immediately after the interrogation, the District Attorney issued a detention order based on two of the grounds listed in Article 49 StPO, one being that there were reasons to suspect Mr. Schiesser of an offence [...]. This is one of the grounds which, under Article 5 para. 1 (c) (art. 5-1-c) of the Convention, justify detention on remand. In addition, the order was made in accordance with a procedure prescribed by law.

38. The Court is therefore of the opinion that the Winterthur District Attorney offered in the present case the guarantees of independence and the procedural and substantive guarantees inherent in the notion of "officer authorised by law to exercise judicial power". There has accordingly been no breach of Article 5 para. 3 (art. 5-3).

The ECHR judgement of 23 October 1990 in case Huber v. Switzerland, no. 12794/87

Above mentioned conclusions related to the question, whether public prosecutor may be considered as „other officer authorised by law to exercise judicial power“ (case Schiesser v. Switzerland see judgement of 23 October 1990 in case Huber v. Switzerland, no. 12794/87, no. 7710/76) ECHR changed later (, §§ 42-43; see also judgement of 23 November 2010 in case Moulin v. France, no. 37104/06, §§ 55-59).

ECHR in case Huber v. Switzerland, no. 125794/87 stated:

42. In several judgments which post-date the Schiesser judgment of 4 December 1979 and which concern Netherlands legislation on the arrest and detention of military personnel (the de Jong, Baljet and van den Brink judgment of 22 May 1984, [...], para. 49; the van der Sluijs, Zuiderveld and Klappe judgment of the same date, [...], para. 44; and the Duinhof and Duijf judgment of the same date, [...] para. 38), the Court found that the auditeur-militair, who had ordered the detention of the applicants, could also be called upon to assume, in the same case, the role of prosecuting authority after referral of the case to the Military Court. It concluded from this that he could not be "independent of the parties" at that preliminary stage precisely because he was "liable" to become one of the parties at the next stage in the procedure.

43. The Court sees no grounds for reaching a different conclusion in this case as regards criminal justice under the ordinary law. Clearly the Convention does not rule out the possibility of the judicial officer who orders the detention carrying out other duties, but his impartiality is capable of appearing open to doubt [...], if he is entitled to intervene in the subsequent criminal proceedings as a representative of the prosecuting authority. Since that was the situation in the present case [...], there has been a breach of Article 5 para. 3 (art. 5-3).

## II. Questions

1. What are the general official measures taken for reacting to and implementing the decisions of international courts and treaty monitoring bodies?

2. Based on your answer to the 1st question, what are the measures taken particularly for the practical independence of the prosecution services and individual prosecutors? Can you give examples?

Generally, the following may be stated. The Public Prosecutor's Office pays attention to the decisions of international courts and treaty monitoring bodies. The Public Prosecutor's Office reacts on these decisions by particular procedures, by analytical materials and in a report of the public prosecutor's office's activity.

Important decisions of the European Court of Human Rights and the Court of Justice of the European Union are published on the prosecution's Extranet and redistributed to the entire prosecution system.

In this context can be pointed out the website of the Ministry of Justice, where the database of case law of the European Court of Human Rights is included. The database contains official czech translations of judgments issued in cases against the Czech Republic and also translations of selected judgments of the Court issued in proceedings against another Party of the Convention. There can be also found an annotation of decisions on the admissibility of complaints against the Czech Republic and an annotation of issued judgments concerning other member states of the European Convention on Human Rights.

The Supreme Public Prosecutor's Office takes into account the recommendations of international bodies and organizations as part of the consultation procedure on draft legislation.

The Supreme Public Prosecutor's Office takes into account and comments international organizations and institutions's assessment of the Czech Republic concerning the competence of the Public Prosecutor's Office (eg GRECO, MONEYVAL, OECD, CPT, UNCAC).

3. Are these measures reflected in the law or in the prosecution policy or debate?

There were taken number of partial measures to fulfill this task.

On 16th April 2019 in Brno, the Chief Public Prosecutors with personnel authority adopted the Code of Ethics of the Public Prosecutor, which is in effect from 1 May 2019. One of the incentives for the adoption of this Code of Ethics was the recommendation from the evaluation report of the Czech Republic adopted by GRECO as part of the fourth round of evaluation at the 72nd plenary session of 1st July 2016, file no. GrecoEval4Rep (2016) 4.

The code of ethics for prosecutors and employees of the Supreme Public Prosecutor's Office is adopted as part of the internal anti-corruption program, see <http://www.nsz.cz/index.php/cs/interni-protikorupni-program-nsz>.

Similarly, codes of ethics for prosecutors at individual prosecution offices are adopted as part of internal anti-corruption measures.

Furthermore, the Code of Professional Ethics of the Public Prosecutor, which is non-binding, has been adopted, see

<http://www.nsz.cz/images/stories/PDF/predpisy/EK%20NSZ.pdf>.

The Union of Public Prosecutors of the Czech Republic adopted the Moral Code of the Public Prosecutor, see <http://www.uniesz.cz/vnitri-predpisy/mravni-kodex/>. This is an internal regulation binding only for members of the Union of Public Prosecutors of the Czech Republic.

Public prosecutors also regularly cooperate in the preparation of background materials, eventually participates in negotiations within the evaluation of the Czech Republic; or they are members of evaluation missions of other countries.

Recommendations and requirements of international organizations and institutions are also applied during consultations on draft legislation (Supreme Public Prosecutors's office is one of the so-called mandatory commentary points within the meaning of Article 5 (1) (e) of the Government Legislative Rules).

For example MONEYVAL's recommendations on the criminalization of financing terrorism were met on the basis of amending Act No. 455/2016 Coll. There were newly introduced Art. 129a terrorist group, Art. 312a participation in terrorist group, Art. 312d terrorism financing, Art. 312e support and promotion of terrorism and Art. 312f threat by terrorist criminal act.

The OECD recommendation on increasing the number of financial penalties for the offense of (foreign) bribery has been met by elaborating the methodology of the Supreme Public Prosecutors's Office - "Prosecutor's approach in criminal proceedings in relation to financial penalties".

Together, the Supreme Public Prosecutor's Office and the Supreme Court strive to change the practice so that the Czech courts will impose pecuniary penalties to a much greater extent as an alternative or additional penalty to imprisonment. Among other things, both institutions organized specialized seminars for judges, prosecutors and police on this topic during 2017.

Another example is first evaluation round in the Czech Republic in fulfilling the obligations in Convention on Action against Trafficking in Human Beings by monitoring body GRETA. Public prosecutors attended a meeting with GRETA representatives. In the next stage they commented the final report. The Public Prosecutor's Office will pay attention to the recommendations in the report.

4. If yes, then were there any changes in the prosecution system as a consequence of such measures?

For example – the requirements of GRECO from the 4th evaluation round were evaluated as reasons to amend the Act on the Public Prosecutor's Office (possibility to seek for legal remedy against decision in disciplinary proceedings, reformation of procedures of appointment and removing from position of Prosecutor General and other chief public prosecutors).

These requirements were included in the comments of the Supreme Public Prosecutor's Office on the draft Act on Public Prosecutor's Office (including the term of office of prosecutors, selection of chief prosecutors). Supreme Public Prosecutor's Office's comments were sent to Ministry of Justice. Proposed dismissal of the Supreme Public Prosecutor only through disciplinary proceedings can be de lege ferenda only recommended.

5. Are there also national decisions of the Supreme or Constitutional Courts, or any other highest judicial body at national level, dealing with the question of independence of prosecutors?

Although the Public Prosecutor's Office is according to the Constitution the part of the executive power, it is not a performer of public administration [...], because within performance of its activity acts like an independent and impartial authority. It is a special type of state authority, which differs from administrative offices by the type of its actions, i. e.

representing the public prosecution in criminal proceedings, difference may be further derived from its independence.

Judgement of the Supreme Administrative Court from 27th October 2005, file number 6 As 58/2004-45

The practise when a public prosecutor is authorized to perform a position of chief public prosecutor by superior public prosecutors, threaten independence of authorized chief public prosecutors. If public prosecutors are properly appointed, they may be removed only in case they seriously breach duties resulting from execution of the public prosecutor's competence. On the other side authorized public prosecutors are not protected and they may much more tend to satisfy wishes of a person who decides about their further authorization.

Judgement of the Supreme Administrative Court from 18th December 2019, file number 12 Ksz 6/2019

According to the Constitutional Court, the Public Prosecutor's Office is „a special independent authority sui generis, which performs a task set by the law and immanent to this authority only” (file number Pl. ÚS 17/10). We can talk about an independent authority, which performs justice, but not for private interest of specific people, but for public interest. The Public Prosecutor's Office, as an authority exercises public power, differs thanks its nature and focus of its activity and its independence from dependent activity of authorities of public power (even it is its part) and it is closer to the judicial power which, because it represents a pre-stage of judicial power in the criminal area.

However, the potentiality of possible breach to the position of public prosecutor does not allow looking at performance of public prosecutor position (from the aspect of independence) as if it were performance of judicial power. This is the reason why there is not a threat of breach of the independence, through pay cuts of public prosecutors, like it was stated before in case of judges.

Judgement of the Constitutional Court from 28th June 2011, file number Pl. ÚS 17/10 (to the pay cuts of public prosecutors)

Public prosecutors decide if there the terms to initiate the criminal prosecution, they are responsible for its legal process and for (co)protection of human rights, they decide on legal remedies against police authority decisions or decisions of public prosecutors of lower public prosecutor's office, they regard if there are reasons to file an indictment or not, and they are the only body of prosecution in criminal proceedings, they are a party to the proceedings at trial, they have a right to seek for legal remedies against court decisions, and these are reasons, why they have similar guarantees of independence as judges.

Judgement of the Constitutional Court from 2nd February 2016, file number Pl. ÚS 14/15 (salary restrictions of Supreme Audit Office members)

## 6. Does the prosecution system in your country belong to the judiciary?

The Public Prosecutor's Office belongs according to the Constitution (the Constitutional Act No. 1/1993 Coll., as amended) to the executive power (see Art. 80 of the Constitution), not to the judicial power. Despite of that Supreme Administrative Court stated that the Public Prosecutor's Office is not a performer of public administration, because within performing of its jurisdiction it acts as an independent and impartial authority. The Constitutional Court further stated that the Public Prosecutor's Office is the special authority sui generis, which performs a task set by the law and immanent to this authority only. It is a judicial authority who does not exercise judicial power.

6bis. Are there any parallels between the independence of judges and independence of prosecutors, or the latter is considered separately, if considered at all?

Independence of prosecutors is similar to judicial independence but it also differs from it. First of all, the judicial independence is set in the Constitution, the independence of public prosecutors is not.

The Constitutional Court in judgement file number Pl. ÚS 17/10 (cited above) stated that the potentiality of possible breach to the position of public prosecutor does not allow looking at performance of public prosecutor position (from the aspect of independence) as if it were performance of judicial power. This is the reason why there is not a threat of breach of the independence, through pay cuts of public prosecutors, like it was stated before in case of judges.

In the judgement file number Pl. ÚS 14/15 the Constitutional Court stated the reasons, why public prosecutors have similar guarantees of independence as judges (see above cited passage of the judgement).

7. Are prosecutors and prosecution services independent or autonomous from the executive and legislative branches of state power?

In the organizational level, the system of the Public Prosecutor's Office is separated from the executive power and from the legislation. However, it belongs to the resort of the Ministry of Justice, which is the central authority of administration of the Public Prosecutor's Office. Currently is the biggest problem, that the Prosecutor General is appointed and removed with no reason by the Government at the proposal of the Minister of Justice.

Other chief public prosecutors and ordinal public prosecutors are independent in their position, which means that they may be removed only under the legal terms. It is important to highlight that they are functionally subordinated regarded to their position in the hierarchy of the Public Prosecutor's Office.

Within six months of a calendar year at the latest the Prosecutor General submits through the Ministry of Justice a report of the public prosecutor's office's activity for the previous calendar year to the Government (see the Act no. 283/1993 Coll., on Public Prosecutor's Office, as amended). A report of the public prosecutor's office's activity remains a report of public prosecutor's office; Minister of Justice has a position of submitter (he/she has no right to demand any changes in a report or to give it back to rework (law does not give him/her such a power). In last years the government places a report of the public prosecutor's office's activity on the agenda only for information (as a non-legislative material).

The Minister of Justice may anytime ask any Public Prosecutor's Office to provide information on the proceeding state of each case the Public Prosecutor's Office is engaged in, if such information is needed to fulfil objectives of the Ministry or if the Minister of Justice needs such information as a member of the Government (see the Act no. 283/1993 Coll., on Public Prosecutor's Office, as amended).

7bis. Is the interaction of prosecutor offices with courts, police, investigation authorities and other actors in criminal procedure based on the principle of prosecutorial independence and how?

The basic rule is that the public prosecutor is in performance of his/her position obliged to duly perform his/her duties, while respecting principles stipulated by the law for the Public Prosecutor's Office activity; he/she is especially obliged to proceed professionally, thoroughly, duly, impartially and righteously without undue delay. He/she must refuse any external intervention or another influence, the result of which might be violating some of these duties.

In pre-trial criminal proceedings public prosecutor conducts supervision over police authority activity in pre-trial proceedings. Inter alia, he is entitled to give binding instructions to the police authority for the investigation of the criminal offence.

Even after filing an indictment, the public prosecutor may request the police authority to obtain evidence needed for representing the prosecution in trial proceedings (see the Act no. 141/1961 Coll., Criminal Procedure Code, as amended).

In pre-trial criminal proceedings a judge may influence an activity of public prosecutor, because he/she gives consent or issues order to some procedural actions. Despite of that public prosecutor is an independent leading authority in pre-trial proceedings; he/she is so called dominus litis (lord of proceedings).

In trial proceedings public prosecutor is an independent party of proceedings. He must observe above mentioned "basic rule". The presiding judge may request to obtain other evidence that has not yet been gathered or produced.

8. Is there a Council of Prosecutors or a similar equivalent body which can be considered as a mechanism to monitor and ensure prosecutorial independence, including in the way in which the prosecution services operate?

There is not such an authority in the Czech Republic.

There is only the Union of Public Prosecutors (hereinafter as "the Union"), which is the voluntary, professional and non-political association of public prosecutors, interns and assistants of public prosecutors.

The purpose of the Union activities is to strengthen all principles and measures aimed at the maximum legality in the decision-making of prosecutors regardless any undue internal or external influences.

The Union informs the public about the public prosecutors and the Public Prosecutor's Office activities to clarify the operation and importance of the activities of the public prosecutor within elimination of criminality and other tasks set by law.

9. How many of its members are elected by their peers, and does the prosecution policy or the debate within the judiciary produce any impact on the election of the members of the Council of Prosecutors?

The Union consists of sections which have at least 3 members.

Member of the Union may be public prosecutors, intern or assistant of public prosecutor of the Public Prosecutor's Office of the Czech Republic.

The Executive Committee (výkonný výbor) decides on admission of new members (on the basis of the application). If the Executive Committee decides not to accept the application, Assembly of Section Representatives (Shromáždění zástupců sekcí) decides after then and this decision is final.

The supreme authority of the Union is the Assembly of Section Representatives. Each section may send a representative (1 for 12 members of one section).

The executive authority of the Union is Executive Committee which is elected by Assembly of Section Representatives.

The statutory authority of the Union is president, who is voted by Assembly of Section Representatives. The first and the second vice president are elected by Assembly of Section Representatives.

The Assembly of Section Representatives also elects the Control Commission and the Ethic Commission [see the Code of Rules of the Union of the Public Prosecutors of the Czech Republic, available from (only in Czech): <https://www.uniesz.cz/vnitri-predpisy/stanovy/>].

#### 10. Who has the initiative of disciplinary proceedings?

The proposal on initiation of disciplinary proceedings of public prosecutor is entitled to file:

- the Minister of Justice and the Prosecutor General against every public prosecutor;
- high public prosecutor against public prosecutor of his high public prosecutor's office, against public prosecutor of regional public prosecutor's office and against public prosecutor of district public prosecutor's office in his district;
- regional public prosecutor against public prosecutor of his regional public prosecutor's office and against public prosecutor of district public prosecutor's office in his district;
- district public prosecutor against public prosecutor of his district public prosecutor's office;
- chief public prosecutor who is the head of public prosecutor's office, which was set as the place of performance of the public prosecutor's position of public prosecutor who was appointed to the position of European Delegated Prosecutor, against this public prosecutor.

#### 11. Are prosecutors appointed for life or do they have to fulfil successive terms? Of how many years?

The Minister of Justice appoints public prosecutors for an indefinite period upon a proposal of the Prosecutor General. An indefinite period does not mean for life, but means that the period is not limited. If the position is not terminated by other legal reasons, it is terminated by the date of December 31 of the calendar year in which the public prosecutor achieved 70 years of age.

#### 12. Are the rules regarding appointment, transfer, promotion and discipline of prosecutors similar to those of judges?

Yes, they are very similar. There is a difference in age – a citizen may be appointed the public prosecutor if he/she is over 25 years old on the day of appointment (the judge if he/she is over 30 years old on the day of appointment). In spite of the fact that a citizen may be appointed the public prosecutor if he/she is over 25 years old on the day of appointment, factually it is not possible to appoint the public prosecutor a citizen under 27 years old on the day of appointment, because the graduation at law school is usually at the age of 24 and a citizen must then execute 36 months period of the training of interns.

#### 13. May the government instruct the prosecution services, for instance, to prosecute or not to prosecute? Are instructions general or specific in nature? Are they given in writing? Can the prosecution challenge them?

The government has not such an option.

#### 14. Are the instructions of superior prosecutors given in writing to those under their supervision? Can these instructions be challenged or refused?



The next closest superior Public Prosecutor's Office is competent to perform supervision of procedures of next closest inferior Public Prosecutor's Offices in its jurisdiction in disposing of cases in their jurisdiction and issue written instructions for their procedures. It may also unify the next closest inferior Public Prosecutor's Offices' procedures by instructions relating to more cases of a specific kind. The next closest inferior Public Prosecutor's Office is obliged to follow these written instructions, excluding instructions in violation of law in a specific case. For such reason the next closest inferior Public Prosecutor's Office may refuse to perform the instruction. In this case it shall notify the next closest superior Public Prosecutor's Office of reasons for such refusal in writing without undue delay.

The chief public prosecutor is competent to supervise the procedure of public prosecutors and officers acting within the public prosecutor's office, the head of which the chief public prosecutor is, and instruct them on procedure in handling of cases in this Public Prosecutor's Office jurisdiction. It may also unify the public prosecutors' procedures by instructions relating to more cases of a specific kind. The chief public prosecutor may authorize another public prosecutor with performance of such powers or any of them. Public prosecutors are obliged to follow instructions of the chief public prosecutor or a public prosecutor authorized by him/her, excluding instructions in violation of law in a specific case. Providing the instruction was issued orally, the public prosecutor having issued such instruction shall confirm it in writing upon a request of the public prosecutor to whom is the instruction addressed. If the public prosecutor refuses to fulfil the instruction he/she shall immediately notify the public prosecutor that has issued such instruction of reasons for the refusal in writing (see the Act no. 283/1993 Coll., on Public Prosecutor's Office, as amended).

14bis What is the system of allocation, re-allocation and management of cases and is it based on objective and transparent criteria respecting the independence of prosecutors?

Cases are allocated to public prosecutors by chief public prosecutor of the public prosecutor's office, whose head he/she is. Chief public prosecutor allocates cases in accordance with rules set in internal regulation ("measure"), which is issued by him/her. Under specific conditions set in this internal regulation, he may re-allocate the case from one public prosecutor to another.

15. Which are, if any, the main initiatives in terms of training to strengthen the awareness about the de facto dimension of the prosecutorial independence?

Professional training of public prosecutors, also in dimension of the prosecutorial independence, is secured especially by the Judicial Academy.

The Judicial Academy is an organizational unit of the state, which prepares and secure training events for, inter alia, judges and public prosecutors.

The Judicial Academy is an active member of the European Judicial Training Network (EJTN), it actively co-works with Academy of European Law and other judicial training institutions of the V4 countries. The Council of Europe is an important partner for the Judicial Academy through training program HELP (Human Rights Education for Legal Professionals). Since 1st June 2009 the Judicial Academy has made functional the automated system of login to its training events (ASJA system).

The Union of Public Prosecutors and the Constitutionally-legal Committee of the Senate held a conference in 2018 on the constitutional grounding of the Public Prosecutor's Office. It is an essential and still not solved topic, which affects the position and performance of tasks of the Public Prosecutor's Office in the Czech Republic.

15bis Is the concept of prosecutorial independence reflected in the code of ethics and professional conduct of prosecutors? If such code exists in your country, could you please inform how it was prepared and adopted, and provide its copy in English or French if available.

Yes, it is. The Code of Conduct of Public Prosecutor in its section 1 states: "Public prosecutor exercises public prosecutor's office's jurisdiction strictly according to law and his/her conscious, independently on other authorities and local, political, private or another influences and interests."

The code of conduct is in the Czech available at: <http://www.nsz.cz/index.php/cs/eticky-kodex-statniho-zastupce>.

The Prosecutor General, high public prosecutors, regional chief public prosecutors and Municipal Chief Public Prosecutor issued the code of conduct on 16 April 2019 (in force from 1 May 2019) as a common measure (i. e. common internal regulation).

16. To what extent the media cover the decisions of international courts and treaty bodies as regards the practical independence of prosecutors?

Media, especially media focused on legal area, inform about the most important decisions of international courts and treaty bodies.

In 2019 media was generally informing about GRECO requirements in connection with an amendment to the Act on Public Prosecutor's Office. The Ministry of Justice stated that the requirements of GRECO are one reasons to amend the Act. Afterward media was interested about the opinion of the Prosecutor General's Office and its dissenting opinion to the amendment, which pointed out, that some changes may weak the Public Prosecutor's Office, but not strengthen it. Media gave to the Prosecutor General some space to present his objections. The opposition in the Parliament and the public have perceived the question of independence of public prosecution very sensitively. This question has become one of the topics of some anti-government demonstrations. Non-profit non-governmental organization called "Reconstruction of the state" had drawn up some safeguards of the independence of the Public Prosecution's Office and sent them to the Ministry of Justice.

17. To what extent the prosecutor offices interact with the broad public as regards the decisions of international courts and treaty bodies related to the practical independence of prosecutors?

The authorities involved in criminal proceedings (i. e. also public prosecutors) inform the public about their activities by providing information to news media. Under some circumstances (set by law) they have to refuse to provide information. Public prosecutors have no duty to inform the public about decisions of international courts and treaty bodies.

However in some cases public prosecutors interact with media and say them their opinions related to the decisions of international courts and treaty bodies (see the example above under the question no. 16).