

Dear fellow Slovenian prosecutors,

My name is Cheol-Kyu Hwang and I am very glad to meet you all as President of the International Association of Prosecutors (IAP).

First of all, I sincerely congratulate the Slovenian Prosecution on holding the 28th Annual Prosecutorial Education Days.

It is a great honor and privilege for me to be invited as a speaker for fellow Slovenian prosecutors.

Allow me also to thank you, the esteemed Prosecutor General Drago Šketa, for making this possible.

IAP is the only global organization among prosecutors around the world, currently encompassing some 350,000 prosecutors of 177 countries and territories. It was founded 26 years ago in Vienna with the support of the United Nations.

IAP is committed to setting and raising standards of professional conduct and ethics for prosecutors worldwide; promoting the rule of law, fairness, impartiality and respect for human rights; and improving international cooperation to combat crimes, with its Secretariat in The Hague.

Dear colleagues,

Thirty-six years ago, the UN Basic Principle on independence of the Judiciary cited threats and challenges that would negatively affect the independence of the judiciary and the impartiality of its judgments, and clarified its position to firmly eradicate them. Under the same context, in 1990 the UN Guidelines on the Role of Prosecutors was adopted.

Despite the UN Principles above and subsequent efforts, threats and challenges have continued to evolve over a long period of time, and subjects and methods of such actions have diversified and intellectualized, and in some countries relevant crises are getting worse and worse. .

Moreover, countries, in general, are relatively more cautious toward the judicial branch under the pretext of complying with the principle of separation of powers, but trying to exert more straight and explicit influence on prosecutors and related officers.

Today, on behalf of IAP, I will introduce various efforts IAP has made so far to protect the independence and integrity of the prosecutions, and elaborate

on how to cope with those incessant threats and challenges to the prosecutors.

Regarding the threats and challenges, we can reckon various conciliations and pressures from the Executive, the Legislature, public opinion, the media, civic groups, multinational cooperatives and even criminal organizations.

By faithfully implementing and disseminating the causes defined in the UN Basic Principle, Guidelines and various international norms set thereupon, IAP is doing its best to ensure that prosecutors fulfill their responsibilities in independence and integrity without wavering in spite of those obstacles.

From its inception, IAP has stipulated independence and integrity of the prosecution in its Constitution as fundamental objective and continuously promoted and supported it.

Thereafter, building on the UN Guidelines on the Role of Prosecutors, IAP has meticulously drafted and adopted “the IAP Standards of Professional Responsibility and the Statement of the Essential Duties and Rights of Prosecutors” in 1999.

Article 2 of the IAP Standards directly addresses the institutional and functional independence. Independence and integrity is the consistent spirit running through the Standards: Article 1 on professional conduct, Article 3 on impartiality and Article 6 on empowerment.

In 2014, systemizing the IAP Standards in detail to make them more functional, IAP published the Guide Booklet on “the Status and Roles of Prosecutors” in cooperation with UNODC. It was released to assist UN member states in maintaining and developing their own prosecution system by referring to it.

It has always been the case that all IAP organizational members are requested to certify that their operations are consistent with the IAP Standards and Guides.

Furthermore, IAP actively advocates for fundamental independence of prosecutors, monitors threats to their safety and security and supports the development of practical strategies against those threats to relevant authorities.

Especially, when huge corruption cases are handled by the prosecution, they are very likely to take high profile in size and importance, which may result in direct or indirect threats to the prosecutors in charge, and receive appeasements and intimidations in different forms and methods.

IAP operates a worldwide program for “Prosecutors in Difficulty (PID)” and related Standing Committee that plays a vital role in safeguarding interests of prosecutors and ensures that when prosecutors seek assistance, they get the support they need.

As recent representative references, last year IAP completed examining the PID program and expressed deep concern about threats to the Prosecutor and related major officers of the International Criminal Court (ICC) by announcing two consecutive public statements.

This year IAP has worked very closely with national and international authorities to assist Afghan prosecutors and their families in very serious danger. It also issued an official statement seeking assurance their safety and security on August 25.

With regard to the education for prosecutors, IAP, last year launched the Global Training Academy (GTA) project which would provide members worldwide with a coherent training program, both face to face and through e-learning platforms. Training covers a range of topics from international cooperation to specialists' networking against cross-border crimes.

Among other things, all training will have the IAP Standards embedded within, namely universal professional standards transcending national borders and there will be modules dedicated to prosecutorial independence and integrity.

My dear colleagues and friends,

When it comes to independence and integrity observance in reality, various codified rules and systems of each country play an important role. But more important is the will of the prosecution and prosecutors in each country and the overall cultural aspects respecting them inside and outside the prosecution.

Paradoxically indeed, many states with a strong culture of prosecutorial independence and a high degree of public trust in justice system actually feature few formal indicia of independent prosecutorial power vis a vis the executive or other branches of the government.

Conversely, this paradox may reflect the reality that countries have struggled to maintain independence and neutrality of prosecution service and may have been forced to reform to codify those purposes – but codification does not mean cultural changes. State capture and corruption remain problematic even with formal change of rules.

Moreover, in recent years, authoritarian governments are increasing in number worldwide, and trying to concentrate than separate powers. Especially, since last year, various Covid-19 related controls have led to restriction of access to justice system. As those trends have a significant negative impact on its operations, many countries are in serious situations in

terms of the prosecutorial independence.

It is why IAP has been making unstinted and all-out efforts to spread awareness of independence and integrity among prosecutions and prosecutors through various opportunities such as IAP Annual Conference, Regional conferences, training activities and other engaging measures.

The main theme of the 23<sup>rd</sup> IAP Annual Conference in Johannesburg, in 2018, was “Prosecutorial Independence: The Cornerstone of Justice to Society”. And in 2019, at the 24<sup>th</sup> Conference in Buenos Aires, prosecutorial independence was the subject of a forum with a presentation by UN Special Rapporteur on independence of judges and lawyers, Mr. Diego Garcia Sayan.

Since 2020, amid the dire Covid-19 pandemic, IAP's efforts have continuously been exerted to protect and propagate the independence of prosecutors through a variety of on-line or hybrid events and meetings including the 14<sup>th</sup> UN Congress on Crime prevention and Criminal justice in Kyoto, in March 2021.

Recently, IAP was pleased to know that Slovenian Constitutional Court decided a case in favor of prosecutorial independence. The pending issue of your Prosecution has been satisfactory resolved, and the judgement will

surely be a very important precedent in this area.

My dear fellow prosecutors,

In conclusion, "Prosecutors are cardinal gatekeepers of the justice system and have immense responsibility to maintain the rule of law and to protect human rights through day-to-day fulfilment of responsibilities at all levels.

It is also widely recognized that the independence of prosecutors is crucial to a democratic society and essential for the independence of the entire justice system.

Therefore, prosecutors should keep in mind that in any difficult circumstances they should continue to make every effort to uphold the independence of the prosecution and the rule of law. It is equally essential that prosecutors work together through solidarity and collaboration across borders to ensure that independence is maintained.

The IAP is also committed to always standing by our prosecutors, where you are in the world, and will continue to do its best to secure and enhance the independence of prosecutors.

Thank you for listening. I wish you all the best.