LEGISLATIVE POWER

LAW No. 1562

ORGANIC LAW OF THE PUBLIC PROSECUTOR'S OFFICE

THE CONGRESS OF THE PARAGUAYAN NATION APPROVES WITH THE FORCE OF LAW LAW

TITLE I
GENERAL PRINCIPLES
SINGLE CHAPTER

Article 1.- PUBLIC PROSECUTOR'S OFFICE. The Public Prosecutor's Office is a body with functional and administrative autonomy, which represents society before the courts to ensure respect for constitutional rights and guarantees, promote public criminal action in defence of public and social heritage, the environment and other diffuse interests and the rights of indigenous peoples, and to bring criminal proceedings in cases where it is not necessary for a party to initiate or continue such proceedings.

Article 2.- AUTONOMY. In the performance of its functions before the courts, the Public Prosecutor's Office shall act within the framework of the law with independence of judgement.

The Public Prosecutor's Office shall exercise its functions in coordination with the Judiciary and other authorities of the Republic, but without being subject to directives issued by bodies outside its structure.

The Public Prosecutor's Office shall have a specific allocation in the General Budget of the Nation and shall autonomously administer the resources assigned to it, without prejudice to the controls established by the National Constitution and the law.

Article 3.- ACTION. The Public Prosecutor's Office shall ensure that punishable acts subject to public prosecution do not go unpunished, that society is aware of the penalties imposed, and that these penalties are an effective means of protecting legal rights, rehabilitating convicts, and protecting society.

The Public Prosecutor's Office shall bring public criminal proceedings before the courts in defence of public and social heritage, diffuse interests and the rights of indigenous peoples, in accordance with the provisions of the National Constitution and the law.

Article 4.- UNITY OF ACTION. The Public Prosecutor's Office is unique and indivisible, without prejudice to the internal division of labour, which shall not affect its efficient functioning.

Officials of the Public Prosecutor's Office shall prove their status as such, as well as the position they hold, by means of a certificate of appointment issued by the Attorney General.

Article 5.- EX OFFICIO ACTION. MANDATORY NATURE. In the exercise of public action, the Public Prosecutor's Office shall act ex officio, without the need for a request or initiative, except in the case of punishable acts that require a request from a party.

The criminal prosecution of publicly actionable offences shall be initiated immediately after notification of their commission and may not be suspended, interrupted or terminated, except in the cases and in the manner expressly provided for by law.

Article 6.- HIERARCHY. The Public Prosecutor's Office shall be organised hierarchically. Each senior official shall supervise the performance of those who assist him or her and shall be responsible for the management of the officials under his or her charge.

Article 7.- GENERAL INSTRUCTIONS. Officials of the Public Prosecutor's Office shall adjust their actions as such to the general instructions established by the Attorney General, although they may record their personal position in the manner provided for in Article 77.

In their actions before the courts, prosecutors shall enjoy the autonomy of judgement established by procedural laws.

Article 8.- PUBLICITY. In order to facilitate public awareness of its work and enable its oversight, the Public Prosecutor's Office shall:

1) publish an annual report on the work carried out, containing details of budget execution, and disseminate a summary thereof;
2) objectively inform the media about the main issues or investigations, without affecting the confidentiality of judicial proceedings or the principle of innocence;
3) submit annually to the President of the Republic, the Supreme Court of Justice, and the National Congress an analysis of the service provided, accurately indicating the difficulties and needs of the institution, with the corresponding statistical data; and
4) compile and publish the most relevant regulations, general instructions, rulings, and administrative resolutions.

Article 9.- INFORMATION TO THE VICTIM. The Public Prosecutor's Office shall inform itself of the situation and claims of the victim of a punishable act and, at their request, shall inform them of the progress and outcome of its investigations and the status of the proceedings.

Article 10.- PROTECTION. The Public Prosecutor's Office shall protect those who, by cooperating with the administration of justice, are in danger of suffering harm, especially in cases of criminal acts linked to organised crime or related to abuses of power or human rights violations.

To this end, it shall have a permanent programme for the protection of witnesses, victims and its own officials.

Article 11.- REQUESTS FOR INFORMATION. COOPERATION. In order to better fulfil its functions, the Public Prosecutor's Office may gather information and request the cooperation of public officials. Within the limits of their powers and competences, they shall cooperate and provide the documents, reports or proceedings that are requested of them.

Article 12.- CONFLICT RESOLUTION. Within the limits determined by law, the Public Prosecutor's Office shall attempt to resolve conflicts and reconcile different interests, seeking social peace.

TITLE II
FUNCTIONS

CHAPTER I FUNCTIONS IN CRIMINAL MATTERS

Article 13.- CRIMINAL PROCEEDINGS. The Public Prosecutor's Office is responsible for bringing criminal proceedings, without prejudice to the participation in the proceedings of the victim, their beneficiaries or citizens, under the terms established by law.

To this end:

1) it shall investigate punishable acts subject to public prosecution;
2) it shall initiate and pursue public criminal proceedings before the judicial authorities, unless, in order to initiate or t to pursue them, a petition or request from a party is required in accordance with criminal law;
3) it shall initiate and pursue civil proceedings in the cases provided for by law;
4) assist the victim in the proceedings;

5) promote international cooperation in the fight against organised crime;
6) promote the extradition of defendants who are abroad and intervene in cases where extradition is sought; and
7) ensure, in the cases in which it intervenes, compliance with the National Constitution and the effective observance of due process of law.

Article 14.- AUXILIARY FUNCTIONS. In order to better fulfil its functions in criminal matters, the Public Prosecutor's Office shall:

1) promote investigations in the field of criminal policy that allow for understanding the evolution of crime;
2) compile statistics on criminal offences and criminal proceedings and integrate a general information system with other offices or institutions that produce statistics related to the functions of the Public Prosecutor's Office;
3) request the cooperation of national and foreign research institutions involved in the study of crime;
4) promote the modernisation of investigation techniques and the use of forensic instruments; and
5) suggest measures to administrative authorities for the prevention of criminal acts.

Article 15.- COLLABORATION IN PRISON SURVEILLANCE. The Ministry Public Prosecutor's Office shall collaborate with the enforcement judge in his task of monitoring compliance with the prison regime and respect for the constitutional purposes of the sentence and the rights of the prisoner.

Article 16.- JUVENILE OFFENDERS. In criminal investigations and proceedings involving juvenile defendants or in proceedings seeking the application of a protective measure to a juvenile offender who cannot be charged, the Public Prosecutor's Office shall ensure that the criminal or protective proceedings do not cause further harm to the minor, that the media does not disclose the names of the defendants, that the penalty is appropriate for the purposes of resocialisation, and that the protective measures do not take on the characteristics of criminal sanctions.

CHAPTER II
OPERATIONAL RULES FOR THE PROMOTION OF CRIMINAL PROSECUTION

SECTION I
INITIATION OF THE PROCESS

Article 17.- CASE ASSIGNMENT SYSTEM. The Attorney General shall regulate the case assignment system, taking into account the efficiency of the service, the human and material resources available, the equitable distribution of work, and the criminal policy of the Public Prosecutor's Office.

However, the Attorney General may directly appoint a prosecutor when this is appropriate due to the nature of the case or their specialisation.

Article 18.- PROSECUTOR IN CHARGE. The prosecutor in charge of a case shall compile the investigation file, identify it with the number assigned by the office, receive the complaint, communicate with the police officers, and immediately organise everything necessary for the proper handling of the case.

Each prosecutor shall keep a record of the cases under his or her responsibility and shall send a monthly list to the Deputy Prosecutor with a summary of the status of each case.

Likewise, they shall promptly return any seized objects and original documents that are not relevant to the investigation or shall request their return by the judge, in accordance with the provisions of the Code of Criminal Procedure.

Article 19.- UNIDENTIFIED DEFENDANTS. When the preliminary police investigation or the complaint has not been able to identify the accused and the cases are minor and do not seriously affect the public interest, they shall be assigned to the prosecutor in charge, who, if appropriate, shall file the proceedings in accordance with the provisions of the Code of Criminal Procedure and issue the certificates required by the complainant or the victim.

SECTION II
DIRECTION OF POLICE ACTION

Article 20.- COMMUNICATION. Within six hours of receiving the police report, the prosecutor in charge shall begin the initial investigations and proceedings, report on the status of the preliminary police intervention, issue instructions to the police officers, and go to the scene of the incident or to the police station involved, if necessary. If the accused expresses their decision to make a statement, the hearing for that purpose shall be held within twenty-four hours.

Article 21.- APPEARANCE. In cases of homicide, serious attacks on life, rape, or those designated by the Attorney General, the prosecutor in charge shall appear immediatel ly at the scene of the crime or at the police station involved.

Provided that the accused requests to make a statement before the prosecutor, in accordance with the provisions of the Code of Criminal Procedure, he or she must appear at the police station where he or she is being held within twenty-four hours.

Article 22.- POLICE REPORT. The police report on the initiation of a preliminary investigation or the receipt of a complaint shall contain at least the following information:

1) the identification of the complainant and their address;
2) the name and address of the victim;
3) the identification or description of the accused, their address and the name of their defence counsel, if they have already appointed or proposed one;
4) identification of those apprehended as alleged perpetrators and participants;
5) the subject of the investigation or complaint, the names of witnesses and any other information that may facilitate further investigation;
6) the date and time of the incident;
7) the identification of the officer in charge of the investigation and the department to which he or she belongs; and
8) the serial number in the police register or file.

Article 23.- INTERROGATION. The prosecutor in charge may take a statement from the accused in his office or at police headquarters. No member of the police may participate in or witness this interrogation, except when their presence is required for security reasons. In all cases, the statement of the accused shall be taken in a suitable place and in strict compliance with the provisions of the Code of Criminal Procedure.

Article 24.- CONTROL. Once the prosecutor in charge arrives at the police station, he or she shall check:

1) the physical condition of the accused;
2) the conditions of the place of detention;
3) strict compliance with all the rights of the accused;
4) that the date and time of the arrest or detention have been recorded;
5) the preparation of the police file in accordance with the provisions of the Code of Criminal Procedure;
6) the existence and accuracy of the inventory of seized or surrendered property;
7) respectful treatment of the victim or complainant; and
8) if any irregularities are found, a report shall be drawn up and immediately submitted to the Deputy Prosecutor.

Article 25.- EXTENSION. When the prosecutor in charge grants an extension to the police for the submission of the proceedings, he shall record the authorisation in writing and shall specify the pending investigative proceedings that justify the extension.

Article 26.- SPECIAL COMMISSION. Members of the National Police who are specially commissioned by the latter to assist the prosecuting officer in charge in the investigation of a punishable act may not be removed from that police commission until the prosecuting officer in charge so decides, nor may they be assigned other tasks. Exceptions shall be made in cases of promotion and where, by virtue of the relevant organic law, members of the National Police are required to perform another function within the police institution.

Article 27.- RECEIPT OF POLICE ACTIONS. Police actions shall be sent directly to the office of the prosecutor in charge, who shall receive them under record and immediately incorporate them into the investigation file.

SECTION III
PREPARATION OF THE PROSECUTOR'S REQUEST

Article 28.- ARRESTED OR DETAINED DEFENDANT. If the defendant is arrested or detained and the public prosecutor considers that he or she should remain in custody, he or she shall draw up a statement of charges within forty-eight hours of the commencement of the proceedings.

Preventive detention or house arrest shall be requested only in essential cases, in accordance with the provisions of the National Constitution.

If no indictment is drawn up within that period, it shall be understood that the Public Prosecutor's Office has no e y interest in continuing the detention and the judge shall order the release. This shall not prevent the Public Prosecutor's Office from subsequently requesting preventive detention or another alternative measure.

Article 29.- REPORT. Prosecutors shall report weekly to their superior on cases involving detained defendants for whom no indictment has been filed, explaining the reason for their detention.

Article 30.- REVIEW OF POLICE ACTIONS. Upon receiving the police reports, the prosecutor shall analyse their content to determine, as far as possible and in the following order, whether:

1) the legal requirements for drawing up the indictment have been met, in which case he shall do so immediately;
2) there are still pending proceedings, in which case he shall carry them out or arrange for them to be carried out without delay by the same police officers, by the Judicial Police or by the assistant prosecutors;
3) it is appropriate to apply criteria of opportunity, as established by the Code of Criminal Procedure and the general instructions issued by the Attorney General. To apply principles of opportunity in cases not covered by the general instructions, the prosecutor shall request authorisation from his superior; and
4) it is possible to apply conditional suspension of the proceedings, summary proceedings or conciliation, for which purpose he shall convene a meeting with the accused, the defence counsel and the victim.

In all other cases, he or she shall make the appropriate request in accordance with the law, at his or her discretion or in accordance with the instructions received.

Article 31.- REPORT TO THE VICTIM. In all cases in which judges accept the application of a principle of opportunity, decide on the conditional suspension of proceedings or a definitive dismissal, the prosecutors in charge shall communicate the decision to the victim.

SECTION IV
INVESTIGATION OF PUNISHABLE ACTS AND JUDICIAL PROCEEDINGS

Article 32.- PREPARATION OF THE INDICTMENT. The prosecutor shall file the indictment with the utmost diligence and promptness, even before the date set in the notification of the indictment.

If it is not possible to do so on the basis of the proceedings already carried out, when presenting the prosecution's request, he shall, with the utmost diligence and promptness:

1) order the assistant prosecutors, the National Police or the Judicial Police to urgently carry out any complementar r investigations; and
2) carry out new investigative proceedings.

Article 33.- PROSECUTORS' MEETING. When the nature or complexity of the case so requires, the prosecuting agent in charge shall request his superior to hold a meeting of prosecutors to evaluate the progress of the investigation, study the case or suggest measures.

Article 34- INVESTIGATION TEAM. When the nature, complexity or significance of a case requires the participation of other prosecutors in a proceeding, a team shall be formed, but one of the members shall always be appointed as director of the investigation.

The director of the investigation shall be ultimately responsible for the work and may issue instructions to the other members of the team.

Article 35.- RELATIONS WITH THE PARTIES. The prosecutor shall carry out his or her duties in good faith, without concealing evidence from any of the parties and informing them of everything that may serve their defence.

It shall not be necessary to notify the parties of the conduct of investigative acts:

1) when one of them is unknown; and,
2) when it has not been proposed by any of them.

The order to carry out expert examinations shall be notified to the known parties.

Article 36.- INVESTIGATION FILE. The investigation file shall be individually identified and duly registered and filed in alphabetical order.

Once the indictment has been filed with all the proceedings and documents supporting it, the investigation file with the remaining documents shall be made available to the parties in the Public Prosecutor's Office filing cabinet until the preliminary hearing is concluded.

When the process has been completed, the investigation file shall be sent to the Central Archive of the Public Prosecutor's Office.

Article 37.- COPIES. Copies of all pleadings and court filings shall be kept in the investigation file, with a record of the date of their delivery to the court. Likewise, the pleadings and requests of the parties shall be kept, with a record of the date of their submission to the prosecutor.

Article 38.- HEARINGS. The prosecutor shall promote the holding of hearings during the preparatory stage and, unless expressly permitted by law, shall not replace his presence or oral argument with written submissions or documents.

In particular, he shall ensure that the oral proceedings are not distorted and that the principles of immediacy and production of evidence at trial are preserved.

Article 39.- APPEALS. The same public prosecutor in charge of the investigation or who participated in the trial shall be involved in the appeal process.

When the Public Prosecutor's Office has charged a person with a crime and an acquittal or a final dismissal is issued, if the prosecutor in charge considers that the decision should not be challenged, he or she shall request instructions from his or her superior.

The extraordinary appeal for cassation shall be filed by specialised prosecutors, without prejudice to the assistance and collaboration of the prosecutor in charge of the investigation or the one who participated in the trial.

Article 40.- DELAY. When a proceeding lasts more than one year, the prosecutor shall submit a report every two months explaining the reasons for the delay.

CHAPTER III
DEFENCE OF THE CONSTITUTION AND THE RULE OF LAW

Article 41.- DEFENCE OF THE CONSTITUTION. In the cases in which it intervenes, the Public Prosecutor's Office shall ensure the primacy of the Constitution and the effective enforcement of all its principles and rules, as well as respect for the guarantees and rights established therein, using all the resources and actions recognised by law.

CHAPTER IV
PROTECTION OF COLLECTIVE OR DIFFUSE INTERESTS

Article 42.- COLLECTIVE INTERESTS. The Public Prosecutor's Office may bring legal actions in defence of collective property or interests when the affected community is not in a position to bring legal actions or remedies on its own behalf.

Article 43.- CONTROL OF ACCOUNTS. The Public Prosecutor's Office shall exercise social representation before the Court of Auditors, ensuring respect for the Constitution in all matters relating to public expenditure.

Article **44.- CORRUPTION.** The Public Prosecutor's Office shall, in particular, seek to control and prevent corruption among **public** officials. To this end, it shall form teams of specialised prosecutors with the capacity to coordinate preventive, administrative and judicial actions and to carry out criminal investigations.

It shall also develop a permanent programme of social participation in the control of corruption.

Article 45.- ACCESS TO JUSTICE. The Public Prosecutor's Office shall be particularly concerned that all citizens may freely bring actions before the courts, under conditions of equality.

CHAPTER V
FUNCTIONS BEFORE THE ELECTORAL JUSTICE SYSTEM

Article 46.- ELECTORAL FUNCTIONS The Public Prosecutor's Office shall promote all existing actions and remedies in defence of electoral rights and shall intervene in proceedings before the Electoral Justice System, in accordance with the Constitution and the law.

TITLE III
ORGANISATION
CHAPTER I
PROSECUTING AUTHORITIES

Article 47.- PROSECUTORS. The following are prosecuting officials of the Public Prosecutor's Office:

1) the Attorney General;
2) the deputy prosecutors;
3) the prosecuting agents;
4) the prosecutorial rapporteurs; and
5) the assistant prosecutors.

Article 48.- REQUIREMENTS. To be an assistant prosecutor, one must meet the requirements established for members of the Courts of Appeal, and to be a prosecutor, one must meet the requirements established for criminal judges or judges of first instance.

To be a rapporteur and assistant prosecutor, one must be a Paraguayan national and hold a law degree issued by a national or foreign university that has been duly revalidated.

SECTION I
ATTORNEY GENERAL

Article 49.- FUNCTION. The Attorney General is the head of the Public Prosecutor's Office and is responsible for its proper functioning.

He shall exercise all the functions that the Constitution and the laws attribute to the Public Prosecutor's Office, either himself or through the bodies established by this law.

His authority extends to the entire national territory.

Article 50.- POWERS. The powers of the Attorney General shall be:

1) coordinating the tasks of the Public Prosecutor's Office to ensure its harmonious and effective functioning, and resolving any issues that may arise between officials regarding powers or competences;

2) to unify the actions of the Public Prosecutor's Office, establish priorities in the exercise of its functions, take appropriate measures to that end, and issue general or specific instructions;
3) to request from prosecutors the information that will enable him to evaluate the progress of proceedings;
4) appointing prosecutors, assistant prosecutors and other officials and employees of the Public Prosecutor's Office, in accordance with the provisions of this law and the General National Budget Law;
5) maintain service discipline and respect the decisions of the Disciplinary Tribunal;
6) convene the Advisory Council, submit for its consideration matters within its purview and those affecting all members of the institution;
7) approve the preliminary draft budget;
8) set working hours, public service hours, and the leave and holiday system, in coordination with the Supreme Court of Justice;
9) issue the necessary regulations for the organisation of all departments of the Public Prosecutor's Office, in accordance with the law; and
10) any other functions established by law.

Article 51.- REPLACEMENTS. In the event of illness or any temporary absence, the Attorney General shall be replaced on an interim basis by the deputy prosecutor he or she designates.

In the event of incapacity or death, the Attorney General shall be replaced on an interim basis by the deputy prosecutor for criminal matters and, if this is not possible, by the remaining deputy prosecutors in order of seniority or, in their absence, by the most senior prosecutor, until a new Attorney G e n e r a l is appointed.

The interim replacement shall have the same powers and duties as the Attorney General.

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Article 52.- UNITY OF CRITERIA. In order to maintain unity of criteria and to study matters of special importance or complexity, the Attorney General shall meet periodically with the deputy prosecutors or other officials of the Public Prosecutor's Office.

In cases where, due to their difficulty, generality or significance, the unity of criteria of the Public Prosecutor's Office may be affected, the Attorney General shall issue general instructions and may request opinions from specific advisers or the Advisory Council.

Article 53.- SECRETARIAT. The Attorney General shall be assisted by a General Secretariat, which shall be responsible for the organisation of the office, the communication of his instructions, the filing of documents and all administrative tasks assigned to it by the Attorney General.

The General Secretariat shall be headed by a lawyer, appointed directly by the Attorney General, who shall serve for a term of five years and shall have the necessary secretarial assistants.

SECTION II DEPUTY PROSECUTORS

Article 54.- ASSISTANT PROSECUTORS. Assistant prosecutors shall be created, who shall have a hierarchical rank immediately below that of the Attorney General. Their number shall be determined by law.

Each deputy prosecutor's office shall exercise its functions throughout the national territory, either directly or through the prosecutor's offices.

Sections specialising in a particular area may be created, reporting directly to the deputy prosecutor or the Attorney General, or a judicial district delegation may be subdivided int r territorial sections.

The sections shall be headed by a prosecuting officer.

Article 55.- POWERS. The deputy prosecutors shall be responsible for the proper functioning of the areas under their charge and for supervising the work of the various prosecutor's offices.

They shall act under the direct supervision of the Attorney General, in accordance with the internal regime provided for in this law.

SECTION III
OTHER PROSECUTORS

Article 56.- PROSECUTOR'S OFFICES. Prosecutor's offices shall be the operational units of the Public Prosecutor's Office. Their number shall be determined by law and their specialisation by general instruction of the Attorney General, within the limits of the General Budget of the Nation.

The Attorney General shall assign prosecutors to the prosecutor's office in which they will perform their duties.

Article 57.- DISTRICT DELEGATIONS. The group of prosecuting offices in a judicial district shall form the District Delegation of the Public Prosecutor's Office, which shall be headed by a prosecuting officer, without prejudice to their specific functions, with powers to coordinate and supervise the work of the various prosecuting offices and officials.

The head of the Delegation shall act under the supervision of the corresponding deputy prosecutor, depending on the subject matter of the case, or directly under the Attorney General.

In the Judicial District of Asunción, the functions shall be exercised directly by the deputy public prosecutors' offices and the public prosecutors' offices attached to them.

Article 58.- PROSECUTORS. Prosecutors shall be in charge of the public prosecutor's offices organised in each judicial district.

They shall act under the direct supervision of the deputy prosecutors and the prosecutorial agents in charge of a district delegation, in accordance with the internal regime provided for in this law.

They may also directly assist the deputy prosecutor or the Attorney General.

Article 59.- PROSECUTORIAL REPORTERS. Prosecutorial reporters shall collaborate directly with the Attorney General in the study and analysis of the cases assigned to them.
They shall be appointed by the Attorney General and shall serve for a term of five years.

Article 60.- PROSECUTORS' ASSISTANTS. Prosecutors' assistants may carry out acts related to the investigation of criminal offences, always under the supervision and responsibility of the superior to whom they report. They may not intervene independently in the trial or preliminary hearing when the Public Prosecutor's Office has brought charges.

In all other functions of the Public Prosecutor's Office, they shall always assist other prosecutors and may not act independently.

Article 61.- SPECIAL ASSISTANTS. In cases where there is a special department of the Public Administration responsible for controlling a specific activity or area, the Public Prosecutor's Office may involve officials or employees of that office in the investigation, who shall collaborate as prosecutorial assistants or technical consultants, as appropriate.

In such cases, the Public Prosecutor's Office must first obtain the consent of the hierarchical superior of the officials or employees whose collaboration is sought.

The Attorney General shall issue a certificate of the assignment, which shall serve as proof of the temporary function performed.

Article 62.- ADVISORS. Within the limits of the General Budget of the Nation, the Attorney General may hire the advice of experts or private institutions, national or foreign, to collaborate as technical consultants or advisors in a specific investigation or case.

CHAPTER II
SPECIALISED SUPPORT BODIES IN CRIMINAL MATTERS SECTION I
JUDICIAL INVESTIGATION CENTRE OF THE PUBLIC PROSECUTOR'S OFFICE

Article 63.- JUDICIAL INVESTIGATION CENTRE. The Public Prosecutor's Office shall have a Judicial Investigation Centre, which shall operate at the request of criminal prosecutors, the Deputy Criminal Prosecutor and the Attorney General, in the investigation of criminal offences.

The Attorney General shall regulate the organisation and operation of the aforementioned Centre.

SECTION II
OTHER AUXILIARY BODIES

Article 64.- CRIMINAL POLICY DIRECTORATE. The Criminal Policy Directorate shall perform the auxiliary functions in criminal matters determined by the Attorney General.

The Directorate shall have a Department of Studies and Research and a Department of Statistics, which shall centralise the production of statistics for the Public Prosecutor's Office.

In particular, the Directorate shall collaborate with the Attorney General in the preparation of general instructions on the criminal policy guidelines that shall govern the actions of the Public Prosecutor's Office.

It shall be headed by a director with extensive experience in empirical and scientific research. It shall

coordinate its activities with the Judicial Statistics Office.

Article 65.- VICTIM ASSISTANCE DEPARTMENT. The Victim Assistance Department shall perform all functions related to assisting persons who have been harmed by criminal acts, for the purposes of pursuing the corresponding criminal proceedings.

CHAPTER III INTERNAL CONTROL BODIES

SECTION I
ADVISORY COUNCIL

Article 66.- COMPOSITION. The Advisory Council of the Public Prosecutor's Office shall be chaired by the Attorney General and shall be composed as follows:

1) the deputy prosecutors;
2) four fiscal agents, elected by their peers; and
3) the Administrator of the Public Prosecutor's Office.

The Advisory Council shall be convened by the Attorney General when required or at least every three months. When acting as a Disciplinary Tribunal, it shall meet as often as necessary.

Article 67.- FUNCTIONS. The functions of the Advisory Council shall be as follows:

1) to advise the Attorney General on all matters he may require;
2) to rule on the preliminary draft of the general budget;
3) submit an annual assessment of the situation of the Public Prosecutor's Office to the Attorney General; and
4) act as a Disciplinary Tribunal to judge employees or officials of the Public Prosecutor's Office.

SECTION II
DISCIPLINARY TRIBUNAL

Article 68.- DISCIPLINARY TRIBUNAL. The Advisory Council shall constitute itself as a Disciplinary Tribunal whenever it is necessary to judge an employee or official of the Public Prosecutor's Office who is alleged to have failed to comply with his or her administrative obligations or with the instructions of his or her superiors and whose prosecution or trial does not fall within the jurisdiction of another authority, for the purpose of submitting the corresponding ruling to the Attorney General.

SECTION III
INSPECTOR GENERAL

Article 69.- APPOINTMENT. The Attorney General shall appoint the Inspector General. To be Inspector General, the same requirements as those for the position of deputy prosecutor shall be necessary. They shall serve for a term of three years.

Article 70.- FUNCTIONS. The Inspector General shall be responsible for:

1) conducting administrative investigations, either ex officio or in response to a complaint, into any administrative irregularity in the exercise of duties;
2) bringing charges before the Disciplinary Tribunal when there is sufficient evidence of an administrative offence;
3) filing complaints with the Attorney General when there is reason to suspect that a member of the Public Prosecutor's Office has committed a punishable offence in the exercise of their duties or in connection with them;
4) organise an office for the submission of complaints regarding poor performance of duties or allegations of abuse of power or corruption;
5) develop permanent programmes for the prevention of acts of corruption in the Public Prosecutor's Office; and
6) submit an annual report on its activities to the Attorney General.

CHAPTER IV
ADMINISTRATIVE BODIES

Article 71.- ADMINISTRATIVE DIRECTORATE. The Public Prosecutor's Office shall be administered by the Administrative Directorate, which shall report directly to the Attorney General and shall have the following functions:

1) preparing and proposing to the Attorney General the preliminary draft of the annual budget of the Public Prosecutor's Office;
2) distributing the materials and resources necessary for the institution to carry out its functions;
3) to schedule and authorise purchases and expenses, except for those expenses that the Attorney General determines require his authorisation;
4) arrange for the transfer of funds necessary to cover extraordinary expenses in proceedings or investigations;
5) managing the collection of the Public Prosecutor's Office's own resources, preparing and executing special items of own funds;
6) administer cooperation programmes with the Public Prosecutor's Office or donations for the improvement of the service;
7) control the Public Prosecutor's Office's cash deposits;
8) coordinate its tasks with the Ministry of Finance, the Comptroller General of the Republic, and other State agencies involved in budget execution; and
9) perform all administrative and organisational tasks of the Public Prosecutor's Office entrusted to it by the Attorney General and advise him on all administrative and financial matters of the institution.

Article 72.- ADMINISTRATOR. The Administration Directorate shall be headed by an Administrator, who shall be appointed directly by the Attorney General and shall serve for a term of five years.

Article 73.- CENTRAL ARCHIVE AND OBJECT DEPOSITORY. A Central Archive and a special section in the Judicial Depository shall be organised under the direct authority of the Administrator.

Likewise, special storage facilities shall be provided for documents or objects that, due to their value or importance, require greater security.

Article 74.- ADMINISTRATIVE STAFF. The Administrator shall be the head of the administrative staff of the Public Prosecutor's Office, without prejudice to the powers of the Attorney General.

Article 75.- MATERIAL RESOURCES. The Administrator shall organise the distribution and use of material resources, means of communication and transport.

Each official shall submit their material resource requirements annually and shall be responsible for their proper use and maintenance.

The Administrator shall prepare and maintain an up-to-date inventory of the assets of the Public Prosecutor's Office and shall remove those that are no longer useful or have deteriorated.

Likewise, he shall be responsible, when appropriate, for the destruction of objects confiscated for illegal use, which have deteriorated or are dangerous, and for the auctioning of those that form part of the Public Prosecutor's Office's own funds.

TITLE IV INTERNAL REGIME CHAPTER I INSTRUCTIONS

Article 76.- AUTHORITY TO ISSUE INSTRUCTIONS. In accordance with the hierarchical order, members of the Public Prosecutor's Office may issue instructions to their subordinates that are appropriate for the exercise of their functions or for administrative organisation, both of a general nature and of a specific nature, the latter referring to specific matters.

General and specific instructions that are important or significant shall be communicated immediately to the hierarchical superior, who may revoke or modify them.

General instructions shall be made public.

Article 77.- OBJECTION. Any official who receives an order that they consider contrary to the law, manifestly arbitrary or inappropriate, shall inform the person who issued the instruction, in a reasoned opinion. If the latter insists on the legitimacy or appropriateness of the instruction, they shall forward it together with the objection to the immediate hierarchical superior, who shall decide.

Article 78.- PROCEDURAL ACTS SUBJECT TO DEADLINES OR URGENT. When an objected instruction, whether general or specific, refers to a procedural act subject to a short deadline or that cannot be delayed, the official who receives the order shall comply with it under the responsibility and on behalf of the superior who issued it, without prejudice to the procedure provided for in the previous article.

If the contested instruction consists of omitting an act subject to a deadline or that cannot be delayed, the official who contests it shall act under his or her sole responsibility, without prejudice to the subsequent withdrawal of the activity carried out.

Article 79.- FORM. Instructions shall be given in writing, but shall not be subject to any other formalities.

In the case of simple instructions, consisting only of simple service orders, they may be given orally and communicated by any means, including by telephone. If the official who must act so requests, they shall be confirmed in writing immediately.

Article 80.- SUBSTITUTIONS AND TRANSFERS. The Attorney General and the deputy prosecutors, with respect to the officials under their charge, may designate one or more members of the Public Prosecutor's Office to act in a specific matter or in several matters, to replace each other, to form teams to work together, or to directly take over the conduct of a case.

They may also order transfers for reasons of service. An official who has been transferred without valid reason may challenge the decision.

Under no circumstances may they be transferred to tax agents without their prior and express consent.

Article 81.- DUTY TO INFORM. Members of the Public Prosecutor's Office shall inform their superior in writing of matters which, due to their importance, significance or complexity, require special treatment, specifically indicating the difficulties or necessary procedures.

CHAPTER II DISCIPLINE

Article 82.- RESPONSIBILITY. The Attorney General, officials of the Public Prosecutor's Office, employees and administrative assistants shall be liable under the law for punishable acts, offences and omissions committed in the exercise of their functions or in connection with them.

They shall also be personally liable when, through negligence, they delay the processing of proceedings or any other function of the Public Prosecutor's Office.

Article 83.- SANCTIONS. The Attorney General, following a ruling by the Disciplinary Tribunal, may impose the following administrative sanctions:

1) verbal or written warning;
2) a fine not exceeding thirty per cent of monthly remuneration;
3) suspension from office or employment for up to one month, without pay;
4) removal from office, in the case of other officials or employees and administrative assistants.

No prior ruling by the Disciplinary Tribunal shall be required to impose the sanctions provided for in paragraphs 1 and 2.

With regard to prosecutors, if the Attorney General considers that their removal is appropriate, he shall refer the case to the Jury for the Prosecution of Magistrates and may suspend them from office, without pay, for the duration of the proceedings.

Article 84.- MISCONDUCT. In particular, the following acts or omissions shall be grounds for disciplinary action:

1) committing or participating in an unlawful act in the course of or in connection with the performance of their duties, without prejudice to their criminal liability;
2) committing or participating in a malicious unlawful act that results in a custodial sentence;
3) frequently being absent from the office without just cause, regularly arriving late, or not remaining in the office for the time specified in the instructions; except in cases where, for work reasons, they are performing their duties outside the office;
4) unduly delaying the dispatch of matters, whether through negligence, failure to comply with legal obligations or instructions;
5) committing acts or omissions that result in the loss of writings, documents or files, hindering or delaying the exercise of the rights of the parties or the institution in any kind of matter;
6) offending or insulting litigants or any other person who comes to the offices of the Public Prosecutor's Office or to court hearings, and failing to treat victims with the respect provided for in this law;
7) removing files and documents from the offices without authorisation or improperly disclosing the affairs or proceedings of the Public Prosecutor's Office;
8) making accusations, requests, drawing conclusions or issuing opinions based on facts that are notoriously false or manifestly unfounded;
9) failing to recuse themselves in cases where they have a clear impediment;
10) accepting offers or promises, receiving gifts or any gratuity, for exercising the functions of their office or after exercising them, without prejudice to their criminal liability;
11) requesting money, promises or any remuneration from litigants or any other person for exercising the functions of their office, even in the form of expenses;
12) use their position to influence other administrative authorities or carry out informal negotiations;
13) insulting or seriously disrespecting their superiors;
14) litigating recklessly or in bad faith, concealing information or evidence, or providing false information to the parties, except in cases where the Code of Criminal Procedure authorises secrecy of proceedings or where providing the requested information would be detrimental to the exercise of the functions of the Public Prosecutor's Office; and
15) other offences classified as such in the internal regulations of the Public Prosecutor's Office.

Article 85.- SERIOUSNESS. Sanctions shall be commensurate with the nature and seriousness of the offence, the damage caused, the damage to the institution's reputation, and the official's record in the performance of their duties.

Article 86.- PROCEDURE. The Disciplinary Tribunal shall regulate a summary procedure that ensures the defence of the accused official and oral argument. The decision shall be well-founded and final. The accused official may be suspended from office for the duration of the disciplinary proceedings, but such suspension may not exceed three months.

The reasoned opinion shall be forwarded to the Attorney General, who shall impose the appropriate penalty.

The investigation of the facts and the administrative accusation shall be carried out by the Inspector General.

Verbal warnings may be imposed directly by hierarchical superiors and shall be recorded in the respective files, indicating the reason.

Article 87.- NOTICE. Judges and courts, upon becoming aware of any misconduct by officials of the Public Prosecutor's Office, shall bring it to the attention of the Inspector General.

CHAPTER III
PUBLIC PROSECUTOR'S CAREER

Article 88.- PROSECUTORIAL AND ADMINISTRATIVE CAREER. All officials and employees of the Public Prosecutor's Office shall belong to the prosecutorial or administrative career, in accordance with the provisions of this law.

However, the Attorney General may enter into fixed-term service contracts or accept voluntary services, without this implying entry into or membership of the Public Prosecutor's Office career.

The administrative career shall be regulated by the Attorney General, in accordance with the basic principles and rules governing public service ( ).

Article 89.- APPOINTMENT AND TERM OF OFFICE. Deputy prosecutors and prosecuting officers shall be appointed in accordance with the Constitution.

Prosecutors, assistant prosecutors, and other administrative officials and employees shall be appointed by the Attorney General, following a competitive examination, except where this law expressly provides for direct appointment.

Article 90.- COMPETITIVE EXAMINATION. The assignment of positions in the Public Prosecutor's Office shall always be made following a public competitive examination of candidates, which shall take into account the following aspects:

1) the requirements of the position, as provided for by law;
2) the background that demonstrates special suitability for the respective area and solid training for the performance of the duties; and
3) the background relating to professional work or career in the Public Prosecutor's Office.
In order to assess these aspects, a personal interview may be arranged or competitive examinations may be held.

The competition shall be open to any candidate.
Those who have been convicted of crimes punishable by imprisonment, disqualification from practising their profession and from holding public office, or who have been deprived of their rights as citizens, shall not be eligible for admission for the duration of their disqualification.

Article 91.- INCOMPATIBILITIES OF THE TAX AND PROHIBITIONS
GENERAL. The following shall be incompatible with the positions of fiscal officials:

1) any elected political office or candidacy for such office;
2) any other paid public or private employment or position, except for part-time teaching, provided that it does not interfere with the performance of their duties; the decision to teach shall be communicated to the Attorney General, who may order the official to limit that activity or to perform it in a manner compatible with their duties;
3) the practice of law in all its forms and the function of notary public; except for the defence of themselves, their spouse or partner, their parents, their children or persons under their guardianship;
4) membership of a political party or movement; and
5) other incompatibilities and prohibitions applicable to judges and judicial officials.

Officials of the Public Prosecutor's Office may not habitually frequent places where gambling for money is practised or publicly perform acts that compromise the seriousness of their duties and the prestige of the institution.

The regulations governing the administrative career shall determine the incompatibilities and prohibitions applicable to employees and administrative assistants.

Article 92.- EVALUATION. Officials and employees of the Public Prosecutor's Office shall be evaluated periodically on a scale of one to one hundred, and a list shall be drawn up in order of merit for promotion in each of the categories of officials and employees of the institution.

The score corresponding to each official or employee of the Public Prosecutor's Office shall be determined according to objective criteria approved by the Attorney General. Among other criteria, the following shall be taken into account when assigning points:

1) the functional performance assessment carried out annually by each line manager;
2) participation and performance in training and development activities;
3) administrative offences committed and penalties imposed;
4) research work carried out, specific studies or participation in academic or scientific activities;
5) contributions to the overall improvement of the functioning of the Public Prosecutor's Office;
6) favourable or unfavourable reports submitted by judges, magistrates, prominent figures or entities of recognised prestige;
7) the balance of cases and activities carried out.

The Attorney General shall approve the scoring method, which shall be communicated to all officials and employees.

The lists of prosecutors shall be submitted annually to the Judicial Council.

Article 93.- REMOVAL. Deputy prosecutors and prosecuting agents shall be removed by the Jury for the Prosecution of Magistrates, in accordance with the provisions of the National Constitution and the law.

Other officials and employees of the Public Prosecutor's Office shall be removed by the Attorney General, following a ruling by the Disciplinary Tribunal, when they have lost any requirement established by law for the exercise of their position, or as an administrative sanction.

Article 94.- ASSOCIATIONS. Employees and officials of the Public Prosecutor's Office may form or join professional associations or other organisations for the purpose of representing their interests, promoting professional training and protecting their rights.

TITLE V RELATIONS WITH THE COMMUNITY

Article 95.- RELATIONS WITH CITIZENS. The Public Prosecutor's Office, as the representative of society before the jurisdictional bodies of the State, shall seek to understand social demands and interests, shall keep citizens informed of its actions, and shall seek to channel their demands in accordance with the law.

Article 96.- AGREEMENTS. The Public Prosecutor's Office may enter into cooperation agreements with public institutions or private non-profit institutions serving the public good; it may receive contributions from them to cover expenses when a criminal investigation requires extraordinary resources. These contributions shall be public, and the donor and the amount contributed shall be accurately recorded.

These funds may only be used for extraordinary expenses related to the investigation or case for which they were contributed; they may not be used to pay salaries or special allowances to officials or employees of the Public Prosecutor's Office and shall be deposited in a special account.

Article 97.- UNIVERSITIES. The Public Prosecutor's Office may enter into agreements with universities so that students in higher education courses may carry out voluntary activities within the Public Prosecutor's Office as part of their professional training.

Article 98.- VOLUNTEERS. The Public Prosecutor's Office may accept the voluntary collaboration of individuals or organisations that demonstrate an interest in participating in the investigation of violations of fundamental human rights or in the defence of collective or diffuse interests.

These collaborators shall be appointed to assist exclusively in a specific case. Once the work of the Public Prosecutor's Office has been completed, they shall cease to perform their duties.

They shall have the powers and duties of a Deputy Prosecutor and shall always act under the direct supervision of an official of the Public Prosecutor's Office, who shall be responsible for ensuring that the assistance offered is provided.

The Attorney General shall issue a certificate attesting to their participation as a volunteer, the duration of their assistance, and the case in which they are collaborating.

The collaboration of volunteers may also be accepted to strengthen other tasks and functions of the Public Prosecutor's Office.

Volunteers will not receive any payment, direct or indirect, for performing their duties.

TITLE VI
ADMINISTRATIVE AND FINANCIAL REGIME

Article 99.- BUDGET. The Attorney General shall prepare the institution's general budget annually, at the time determined by law, and shall submit it to Congress for approval. The Administration Directorate shall submit the draft general budget to the Attorney General, following the opinion of the Advisory Council.

Article 100.- SECURITY DEPOSITS. The Public Prosecutor's Office shall be exempt from providing security deposits, bonds or any other similar safeguard measures.

Article 101.- COSTS AND COMPENSATION. The costs or compensation resulting from the actions of the Public Prosecutor's Office shall be paid by the State, in accordance with the provisions of the Constitution, the law and the regulatory decrees.

TITLE VII FINAL AND TRANSITIONAL PROVISIONS

Article 102.- REGULATIONS. Within six months of the entry into force of this law, the Attorney General shall issue the regulations and general instructions necessary for the functioning of the institution and shall give priority to all matters relating to the reorganisation of the Public Prosecutor's Office.

Article 103.- ACQUIRED RIGHTS. The rights acquired by officials and employees of the Public Prosecutor's Office prior to the entry into force of this law shall not be affected and shall serve as the basis for eligibility for the new positions created.

The current prosecutors, appointed by the legal mechanisms in force at the time of their appointment, shall continue to perform their assigned duties until the end of the prosecut e year corresponding to 2002. Once the aforementioned period has expired, the Attorney General shall reassign such duties to the officials whose positions are provided for in this law.

Article 104.- EFFECTIVE DATE. This law shall enter into force thirty days after its publication in the Official Gazette.

Article 105.- Communicate to the Executive Branch.

The Bill was approved by the Honourable Chamber of Senators on **the eleventh of May** of the year two thousand, and was enacted by the Honourable Chamber of Deputies on the **twenty-ninth of May** of the year two thousand, in accordance with Article 211 of the National Constitution.

Pedro Efraín Alegre Sasiain
President
Honourable Chamber of Deputies

Mr Juan Carlos Galaverna
President
Honourable Chamber of Senators

Daniel Rojas
Parliamentary Secretary

Ilda Mayeregger
Parliamentary Secretary

Asunción, 11 July 2000

Let it be considered Law of the Republic, published and entered into the Official Register.

The President of the Republic

Luis Ángel González Macchi

Silvio Gustavo Ferreira Fernández
Minister of Justice and Labour

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