

The Public Prosecutor and the Rule of Law

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The Public Prosecutor, by virtue of being the gatekeeper of the criminal justice system, plays a vital role in maintaining law and order, a prerequisite for the rule of law. However, *qui custodiet ipsos custodies?* The Public Prosecutor wields considerable discretionary powers over all aspects of criminal prosecution, from directing some aspects of investigations to making decisions on initiating, conducting and disposing prosecutions as well as assisting the court with sentencing. This paper explores two questions. To what extent can / should the Public Prosecutor be independent of the Government? To what extent can / should a discretionary power be accommodated within a rule of law framework?



Prof Kumaralingam Amirthalingam obtained his LLB (Hons) and PhD in law from the Australian National University where he commenced his academic career. He joined the Faculty of Law, National University of Singapore in 2000 and over the years has served as Vice Dean (Academic Affairs), Vice Dean (International Programmes), Director, Asian Law Institute, and Chair of the NUS Teaching Academy. He is an Adjunct Professor at the Law Faculty, Australian National University and Teaching Faculty of the Singapore Medical Association Centre for Medical Ethics and Professionalism. From 2012 to 2014, he was on secondment to the Attorney-General's Chambers, Singapore as a Deputy Public Prosecutor and Senior Director (Research & Policy). His research is primarily in the areas of criminal law and justice (focusing on the role of the Public Prosecutor) and tort law (focusing on medical liability and economic loss).

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