

THE SUPREME  
COURT  
of the Republic  
of Latvia



JUDGES OF THE SUPREME COURT IN NOVEMBER 2010:

FRONT ROW FROM THE LEFT: RUDITE VIDUSA, IZE SKULTANE, ANITA POLAKOVA, ZIGMANTS GENCS, VERONIKA KRUMINA, PAVELS GRUZINS, IVARS BICKOVICS, GUNARS AIGARS, ERVINS KUSKIS, ANITA NUSBERGA, AIVA ZARINA, MARA KATLAPA. SECOND ROW: DACE MITA, ANDA BIEDE, MARITE ZAGERE, ANDA VITOLA, INARA GARDA, EDITE VERNUSA, SKAIDRITE LODZINA, INGUNA RADZEVICA, ANDREJS LEPSE, VANDA CIRULE, LUDMILA POLAKOVA, RAMONA NADEZDA JANSONE, ARTURS FREIBERGS, INTA LAUKA, MARIKA SENKANE, ANITA CERNAVSKA, DAINA TRELJA. THIRD ROW: VESMA KAKSTE, INTARS BISTERS, KALVIS TORGANS, NORMUNDUS SALENIEKS, JANIS NEIMANIS, ALDIS LAVINS, VALERIJANS JONIKANS, PETERIS DZALBE, AVARS KEISS, RAIMONDS GRAVELSINS, ANDRIS GULANS, JANIS TILTINS, MARIS VIGANTS

## CONTENT

<b>I. THE SUPREME COURT IN THE LATVIAN JUDICIAL SYSTEM</b>	<b>4</b>
<b>1. JURISDICTION OF THE SUPREME COURT</b>	<b>5</b>
Hearing cases	5
Judges	6
The Senate	8
Court Chambers	9
Developing case law	10
<b>2. PLENARY SESSION OF THE SUPREME COURT</b>	<b>10</b>
<b>3. MANAGEMENT OF THE SUPREME COURT</b>	<b>12</b>
Chief Justice	12
Deputy Chief Justices	13
<b>4. SUPPORTING THE SUPREME COURT</b>	<b>13</b>
Administration	13
Judges' Assistants	14
Chancery Staff	14
<b>5. INSTITUTIONS FUNCTIONING UNDER THE AUSPICES OF THE SUPREME COURT</b>	<b>15</b>
Board of Justice	15
Judicial Disciplinary Committee	16
Disciplinary Court	17
<b>6. SUPREME COURT STRATEGY 2011 – 2013</b>	<b>20</b>
<b>II. COURT ADJUDICATION IN THE SUPREME COURT</b>	<b>22</b>
<b>1. THE RIGHT TO A FAIR TRIAL</b>	<b>22</b>
Basic principles of hearing cases	22
Access to information	23
<b>2. COURT PROCEDURE</b>	<b>25</b>
Appellate instance	26
Chamber of Civil Cases	26
Chamber of Criminal Cases	27
Cassation Instance	28
Senate Department of Civil Cases	28
Senate Department of Criminal Cases	30
Senate Department of Administrative Cases	31
<b>III. HISTORY OF THE SUPREME COURT</b>	<b>34</b>
<b>1. MAIN PERIODS OF ACTIVITY</b>	<b>34</b>
Senate: Foundation and commencement of activity	34
Activities to 1940	35
Liquidation of the Senate	37
Soviet period	37
Awakening and establishment of the independent Supreme Court of the Republic of Latvia	38
Establishing the three-instance court system	39
Joining the European system of law	40
<b>2. AWARDS GRANTED TO THE JUDGES AND EMPLOYEES OF THE SUPREME COURT</b>	<b>42</b>
<b>3. THE PALACE OF JUSTICE</b>	<b>44</b>
<b>4. THE SUPREME COURT MUSEUM</b>	<b>46</b>
<b>IV. PRACTICAL INFORMATION</b>	<b>48</b>



# I

## THE SUPREME COURT IN THE LATVIAN JUDICIAL SYSTEM

### The law "On Judicial Power", Section 1.3:

Judicial power in the Republic of Latvia is vested in district (city) courts, regional courts, the Supreme Court and the Constitutional Court, but in the event of war or a state of emergency, also by military courts.

An independent judicial authority exists in the Republic of Latvia alongside legislative and executive authority.

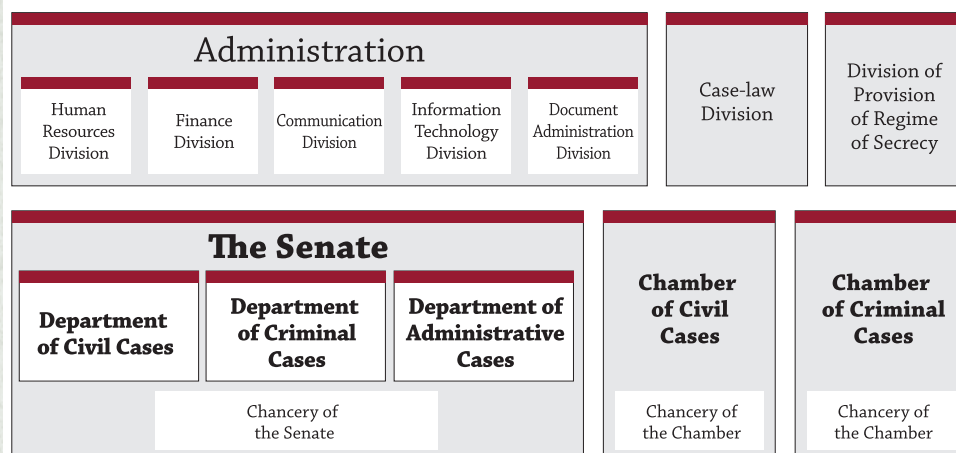
In the three-instance court system of Latvia, the Supreme Court operates as the third or highest level court, which hears cases as both the second (appellate) and third (cassation) instance.

The Senate consists of three departments: the Department of Civil Cases, the Department of Criminal Cases and the Department of Administrative Cases. The Supreme Court has two chambers: the Chamber of Civil Cases and the Chamber of Criminal Cases.

Administratively, the Supreme Court is not related to district (city) or regional courts. The Chief Justice and other Judges of the Supreme Court may not control or instruct judges of lower instance courts about hearing particular cases, or on organisational matters. The link between courts at all levels is manifest only procedurally by accepting and hearing appealed or disputed cases from courts of lower instance, as well as by developing uniform case law and jurisprudence.

### STRUCTURE

#### The Chief Justice of the Supreme Court



### 1. JURISDICTION OF THE SUPREME COURT

The basis of the Supreme Court authority is laid down in the Latvian Constitution, the establishment, structure and competence of the Supreme Court is set out in the law "On Judicial Power". The procedural laws – the Civil Procedure Law, the Criminal Procedure Law, and the Administrative Procedure Law – define the procedure for hearing cases under the appeals and cassation procedure.

#### Basic functions of the Supreme Court

- Administration of justice at cassation instance
- Administration of justice at appellate instance
- Development of jurisprudence

#### Additional functions

On the basis of the Investigatory Operations Law, examining the legality and justification of special investigational activities and approving the requests for disclosing confidential information at the disposal of credit institutions, as stipulated by the law "On Credit Institutions".

### HEARING CASES

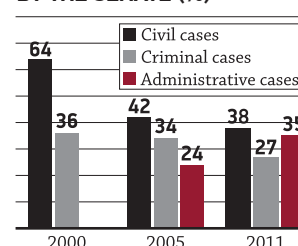
In 2010 the number of received cases approached a historically unprecedented number – 5000. Ten years ago, in 2000, the number of received cases was less than a half of it. Likewise, the number of cases heard at the Supreme Court has doubled. 4844 cases were heard in 2011.

#### AN OVERVIEW OF INDICATORS FOR THE SUPREME COURT ACTIVITIES, 2000 – 2011

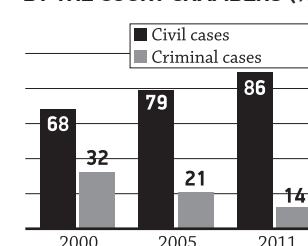
Year	Cases received	Cases reviewed	Pending cases, at the end of the year
2000	2443	2334	378
2006	4518	4311	1346
2007	4220	3962	1604
2008	4445	3941	2108
2009	4581	4219	2470
2010	4970	4518	2922
2011	4986	4844	3064

Comparison of the case categories shows that civil cases constitute the largest share: in 2011 38 % out of 2719 cases reviewed by the Senate were civil cases, but of the 2125 cases reviewed by the Chambers 86% were civil cases. During the last decade the number of criminal cases has been decreasing both in the Senate and the Court Chambers, but with the establishment of the Department of Administrative Cases the number of administrative cases reviewed by the Senate has been increasing.

#### AMOUNT OF CASES REVIEWED BY THE SENATE (%)



#### AMOUNT OF CASES REVIEWED BY THE COURT CHAMBERS (%)



**Gvido Zemribo,**  
the first Chief Justice  
of the restored  
Latvian Supreme  
Court, in 1993:

"I am flatly against the fact that very often judicial power is called the third power, so that the first power is considered to be the legislature, the second the executive and the third the judiciary, with these powers ranking not horizontally alongside one other, but vertically one above the other. It should be understood that these three powers in a law-governed state are mutually connected, mutually complementary and, in case of necessity, also operating as checks on each other. Just as in a human body we cannot determine whether the heart, lungs or brain is more important. Every body has its own functions; however they cannot act independently. This is also true of the state body."



## Symbols of Judicial Power

### Judges' Oath (solemn vow).

Upon taking office a judge swears the following oath (solemn vow): "I, \_\_\_\_\_, in undertaking the duties of a judge am aware of the responsibility entrusted to me and solemnly swear to be honest and fair, to be loyal to the Republic of Latvia, to always endeavour to determine the truth, never to betray it, and to adjudge strictly in accordance with the Constitution and the laws of the Republic of Latvia". A judge's oath is accepted by the President of the State.

**Insignia of Office.** Following acceptance of the solemn oath, the President presents to the Judge the insignia of office – a chain. It consists of 24 small coats of arms and a central plate representing the large coat of arms of the Republic of Latvia, all forged in gold-coloured metal. Judges wear their insignia of office together with the robe.

**Judicial Robe.** The robe of Supreme Court Judges is made from carmine-coloured cloth. Judges wear their robes during court hearings, Plenary Sessions of the Supreme Court, judges' conferences and on solemn occasions.



## Judges

The Judges of the Supreme Court ensure the basic function of the Supreme Court – the hearing of civil, criminal and administrative cases at the higher instance.

The total number of Supreme Court Judges is set by the *Saeima*, upon recommendation of the Board of Justice. The total number of Judges in the Senate and the Court Chambers is set by the Board of Justice, upon recommendation of the Chief Justice of the Supreme Court.

The *Saeima* approved number of the Supreme Court judges is 53 – 28 in the Senate and 25 Judges in the Court Chambers. In 2012 27 Senators and 24 Judges of the Chambers work at the Supreme Court.

Latvian citizens, highly qualified and fair-minded lawyers may work as judges. A person may become a Judge of the Supreme Court after reaching the age of 40. The candidates for the judge's office are selected in an open competition.

A candidate for the office of Judge of the Supreme Court may be:

- a district (city) court or a regional court judge with at least 10 years of service in the office of judge;
- a tenured judge of a district (city) court or a regional court, who holds a master's or a doctor's degree;
- a person with at least 15 years of service as a faculty member of a higher educational establishment in the speciality of law, as a sworn advocate or in the office of prosecutor;
- a former Justice of the Constitutional Court, a judge of an international or supranational court.

A Supreme Court Judge is confirmed in office by the *Saeima*, upon recommendation of the Chief Justice of the Supreme Court, for an unlimited term. The maximum age for serving as a Judge of the Supreme Court is 70 years.

During a vacancy for the office of Senator of the Supreme Court or during a Senator's temporary absence the Senator may be substituted by a Judge Emeritus or a Judge of a Supreme Court Chamber, a Senator of the Department of Administrative Cases – by a judge of an administrative regional court, a Judge of a Court Chamber – by a Judge Emeritus or a judge of a regional court.

### The rights of a Judge

The Judge has the rights and freedoms defined in the Constitution and other laws of the Republic of Latvia, which the Judge exercises so as not to hurt the respect and honour of the court and the Judge, judicial impartiality and independence. Judges may unite in organisations that safeguard their independence, promote development of their professional qualification, protect their rights and interests; however, the office of judge is incompatible with membership in political parties and political organisations. The judge has no right to go on strike.

### Obligations of a Judge

- In administering justice, shall comply exactly with the requirements of the law, shall ensure safeguarding of human rights, freedoms, dignity and respect, shall be fair and humane.

- Has no right to disclose the secret of judges' deliberation and classified information obtained at closed court hearings;
- Outside court shall avoid anything that could impair the authority of court judgement and the judge's dignity or could give rise to doubts about his impartiality and fairness;
- Shall constantly expand his knowledge for the whole duration of judge's career.

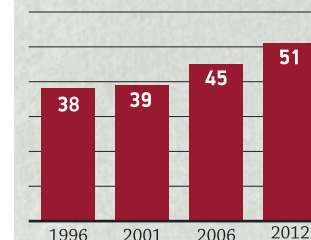
With the aim of evaluating judges' professional activities, starting with 2012, the system of qualification categories of judges is replaced with the assessment provided by the Judicial Qualification Committee. Judges will be evaluated once in five years or when the decision on transferring or substituting a judge is taken. This assessment will evaluate the judge's professional activities and their results: the quality of decisions, management of the court procedure, activities aimed at improving one's professional and academic qualification, public activities, as well as references provided by the chair of the court.

The appointment of judges is confirmed by the *Saeima*, and they may not be dismissed. The judges may be dismissed from their office against their will by the *Saeima* only in cases envisaged by the law on the basis of the decision of the Judicial Disciplinary Committee or a court judgment in a criminal case.

The law "On Judicial Power" sets out a prohibition to interfere in the working of a court. Institutions of public administration, public and political organisations, other legal and natural persons have the duty to respect and abide by the independence of courts and immunity of judges. No restrictions, influencing, impacting, direct or indirect threats or any other unlawful interference in the administration of justice is allowed. Demonstrations and pickets in court buildings are prohibited. No one has the right to demand a judge to give a report or provide explanations on the hearing of a specific case or to disclose the opinions expressed during deliberation.

- A criminal case against a judge may be initiated only by the Prosecutor General. A judge may not be taken into custody or subject to criminal liability without consent of the *Saeima*. Decisions concerning taking into custody, bringing by force, detaining or searching a judge must be taken by a Supreme Court Judge specially authorised for that purpose.
- A judge may be interrogated and his personal notes about the secret of the deliberations room can be seized only with the consent of three Judges of the Supreme Court Senate;
- Administrative sanctions may not be applied to judges, who may not be arrested under administrative procedures. A disciplinary liability shall be applied to a judge for administrative violations.
- A judge is not financially liable for damages incurred by a party in a case as a result of an unlawful or unfounded court judgment. Instead, damages are paid by the State where appropriate.
- A person, who considers a court judgement to be unlawful or unfounded, may appeal against it in accordance with the procedure set out in the law, but may not lodge a court claim against the judge, who reviewed the case.

## NUMBER OF THE SUPREME COURT JUDGES



## Canons of the Judicial Code of Ethics

**Canon 1.** A judge shall respect his office, independence of the judicial power and the fairness of the court.

**Canon 2.** A judge shall avoid disrespectful actions, as well as causing perception of such an action.

**Canon 3.** A judge shall fulfil the obligations imposed by the judicial power in an impartial and fair manner.

**Canon 4.** A judge shall conduct his out-of-court activities in such a manner as not to collide with the duties of a judge.

**Canon 5.** A judge shall refrain from political activities.

Latvian Judicial Code of Ethics, approved at the Conference of the Judges of the Republic of Latvia on 20 April 1995

## Immunity of judges

Article 83 of the Constitution of the Republic of Latvia:

The judges shall be independent and bound only by law.





ZIGMANTS GENCS,  
CHAIR OF THE DEPARTMENT OF CIVIL CASES



PETERIS DZALBE,  
CHAIR OF THE DEPARTMENT  
OF CRIMINAL CASES



VERONIKA KRUMINA,  
CHAIR OF THE DEPARTMENT  
OF ADMINISTRATIVE CASES

## The Senate

The Senate is the cassation instance for all cases heard by district (city) courts, regional courts, the Court Chambers of the Supreme Court, as well as the first (and only) instance in cases concerning decisions of the Central Election Commission and the decisions adopted by the Minister of Interior on including foreigners in the list of persons prohibited to enter the territory of the Republic of Latvia.

The Chief Justice of the Supreme Court, the Chairs of the Senate Departments and the Senators – Judges of the Senate are members of the Senate. The Chairs of Senate Departments are elected by the Plenary Session for the term of five years.

### DEPARTMENT OF CIVIL CASES

Chair Zigmants GENCS.

*Supreme Court Judge since 1978.*

*Elected Chair of the Department of Civil Cases in 2010.*

Senators of the Department: Anda Briede, Vanda Cirule, Inara Garda, Valerijans Jonikans, Aldis Lavins, Skaidrite Lodzina, Normunds Salenieks, Kalvis Torgans, Edite Vernusa, Anda Vitola, Marite Zagere.

### DEPARTMENT OF CRIMINAL CASES

Chair Peteris DZALBE.

*Supreme Court Judge since 2005.*

*Elected Chair of the Department of Criminal Cases in 2011.*

Senators of the Department: Voldemars Cizevskis, Arturs Freibergs, Anita Nusberga, Inguna Radzevica.

### DEPARTMENT OF ADMINISTRATIVE CASES

Chair Veronika KRUMINA.

*Supreme Court Judge since 2005.*

*Elected Chair of the Department of Administrative Cases in 2007.*

Senators of the Department: Jautrite Briede, Andris Gulans, Vesma Kakste, Dace Mita, Janis Neimanis, Ilze Skultane, Rudite Vidusa.

In compliance with the law “On Judicial Power”, Livija Slica, a regional court judge, is temporarily assigned to the post of a Senator.

## Court Chambers

Court Chambers are courts of appellate instance for cases heard by regional courts as courts of first instance. Each Court Chamber consists of the Chair and the Judges of this Chamber. The Chairs of the Court Chambers are elected by the Plenary Session of the Supreme Court for a five years' term.

### THE CHAMBER OF CIVIL CASES

Chair Gunars AIGARS.

*Supreme Court Judge since 1990.*

*Elected Chair of the Chamber of Civil Cases in 1995, re-elected in 2000, 2005 and 2010.*

Judges of the Chamber: Intars Bisters, Anita Cernavska, Arnis Dundurs, Raimonds Gravelsins, Dace Jansone, Mara Katlapa, Aivars Keiss, Lubova Kusnire, Inta Lauka, Valerij Maksimovs, Ineta Ozola, Marika Senkane.

In compliance with the law “On Judicial Power” Zane Petersone and Sandra Krumina, a regional court judges, are temporarily assigned to the post of a Judge.

### THE CHAMBER OF CRIMINAL CASES

Chair Ervins KUSKIS.

*Supreme Court Judge since 2001.*

*Elected Chair of the Chamber of Criminal Cases in 2009.*

Judges of the Chamber: Andrejs Lepse, Peteris Opincans, Anita Polakova, Ludmila Polakova, Janis Tiltins, Daina Treija.

In compliance with the law “On Judicial Power” Aivars Uminskis and Vilis Donans, regional court judges, are temporary assigned to the posts of Judges.



GUNARS AIGARS,  
CHAIR OF THE CHAMBER OF CIVIL CASES



ERVINS KUSKIS,  
CHAIR OF THE CHAMBER OF CRIMINAL CASES



## Symbols of Judicial Power

**Hammer.** A symbol of the judicial authority. Upon commencing work at the Supreme Court the Judge receives a hammer as a symbolic judge's tool. The hammer bears engraved surname, name of the Judge and the date of coming into office.





PAVELS GRUZINS,  
THE HEAD OF THE CASE-LAW  
DIVISION SINCE 2011



### Collections of Senate Rulings

*Rulings of the Senate in civil and criminal cases have been published since 1996, and from 2005 in administrative cases as well. In 2009 and 2010 combined collections of Senate rulings were published. The collections include Senate decisions, giving an insight into tendencies in the Senate case law of the previous year, such as the latest decisions and development of existing decisions, as well as decisions theoretically and practically important for case law development. All court opinions that are included in the rulings of the Senate belong to the jurisprudence. In addition several indices are also included: Index of the Concepts Interpreted by the Court; Alphabetic Index of Concepts; Index of Institutions; Index of Legal Acts, Index of Theses; Index of Jurisprudence and Case Law, etc.*

## DEVELOPING CASE LAW

The Supreme Court promotes the development of unified case law and judicature, the evolvement of legal thought and national law. The main functions of the Case-law Division are:

- establishing a case law database;
- compiling and analysing case law.

The Case-law Division selects and systematizes the Senate decisions in the case law database. The goal is to help judges to hear similar cases, to decrease the time for dealing with cases, as well as to facilitate development of uniform and stable case law.

The case law database of the Court Information System, which is accessible to the judges and court staff of all instance courts, was established in 2006. Since 2009 the Senate case law database is also publicly accessible in the portal [www.tiesas.lv](http://www.tiesas.lv). Recent decisions of the Senate are also published on the Supreme Court web site [www.at.gov.lv](http://www.at.gov.lv). Legally significant court rulings, which might cause extensive interest, are submitted for publication in legal publications.

The Case-law Division compiles court decisions and studies topical legal issues, in cooperation with Supreme Court Judges and external experts. To discuss topical legal issues the Chief Justice of the Supreme Court convenes assemblies of the judges, with participation from Supreme Court Judges of the relevant legal disciplines. The judges' assembly defines its opinion on the issues of interpreting and applying legal provisions in the form of a decision.

Compilations of court decisions and the decisions adopted by the judges' assemblies are published on the Supreme Court webpage [www.at.gov.lv](http://www.at.gov.lv).

## 2. PLENARY SESSION OF THE SUPREME COURT



SITTING OF THE PLENARY SESSION OF THE SUPREME COURT ON 2 MAY 2011

The Plenary Session is the assembly of all Judges of the Supreme Court. Judges Emeritus of the Supreme Court and the regional court judges, replacing the Judges of the Supreme Court, may participate in the Plenary Session, without the right to vote. The Prosecutor General of the Republic of Latvia is also entitled to participate in the work of the Plenary Session and to express his opinion on issues on the agenda.

### The Plenary Session of the Supreme Court:

- nominates the candidature of the Chief Justice of the Supreme Court for confirmation in the *Saeima*;
- provides opinion, whether grounds exist for the removal from office of Chief Justice of the Supreme Court or the Prosecutor General;
- elects two judges from among the Chairs of the Supreme Court Senate's Departments and the Chairs of the Supreme Court's Chambers to serve as deputies of the Chief Justice;
- elects the Chairs of the Supreme Court Senate's Departments and the Chambers;
- elects one member of the Central Elections Commission from among judges;
- nominates two candidates for the position of the Constitutional Court Judges from among the judges of the Republic of Latvia;
- elects one member of the Board of Justice from among the judges of the Supreme Court;
- elects six members of the Disciplinary Court and appoints the Chair of the Disciplinary Court;
- analyses and provides an assessment of the results from the previous year's work of the Supreme Court, report on financial and administrative activities, discusses prospective tasks;
- discusses topical issues on interpretations of legal provisions;
- the Plenary Session, as a self-government institution of judges, may discuss any topical issue of the Supreme Court or the judicial system.

The Plenary Sessions are open. If the Plenary deems it necessary, particular issues may be reviewed in a closed sitting. The sittings, during which the issue of revoking the Chief Justice of the Supreme Court or the Prosecutor General is discussed, are closed.

The decisions adopted at an open sitting of a Plenary Session and the operative part of a decision adopted at a closed sitting is publicly accessible information and is published on the webpage of the Supreme Court [www.at.gov.lv](http://www.at.gov.lv).

The Plenary Session elects from among the Judges the Secretary of the Plenary Session. Inara Garda, the Senator of the Senate Department of Civil Cases, was elected as the Secretary of the Plenary Session in 2009 and re-elected in 2012.



SITTING OF THE CENTRAL ELECTIONS COMMISSION. 19 AUGUST 2011,  
RAFFLE OF THE LIST OF CANDIDATES REGISTERED FOR THE ELECTION OF THE 11<sup>TH</sup> SAEIMA.  
PETERIS DZALBE, THE FIRST ON THE RIGHT

### Constitutional Court Judges nominated by the Plenary Session of the Supreme Court

**Aija Branta.** In office since 2004.  
Formerly Judge of the Chamber of  
Criminal Cases of the Supreme Court.

**Uldis Kinis.** In office since 2007.  
Formerly the Chair of Kuldīga District  
Court.



SECRETARY OF THE PLENARY SESSION.  
THE SECRETARY OF THE PLENARY SESSION,  
SENATOR INARA GARDA RECORDS  
THE COURSE OF THE PLENARY SESSION

### Member of the Central Election Commission from among the judges – Peteris Dzalbe.

Elected in 2009, re-elected in 2011  
and 2012.





**Ivars BICKOVICS,**  
Chief Justice  
of the Supreme Court  
Approved as Chief Justice in  
2008. Since 2010 also the  
Chair of the Board of Justice.

Born in 1962.

In 1985 graduated from the Faculty  
of Law of Latvian State University.

In 1987 elected as the Judge  
of Aizkraukle district People's Court,  
in 1992 as the Judge of the Chamber  
of Criminal Cases of the Supreme  
Court. Since 1996 till 2008 served as  
the Chair of the Chamber of Criminal  
Cases of the Supreme Court.

The President of the Latvian Judges'  
Association 1996-2008; currently –  
board member. Deputy Chief of the  
Judicial Qualification Committee,  
1994-2008, Chair of the Judicial  
Disciplinary Committee, 2008-2010.  
Has served as a council member  
and lecturer of the Latvian Judicial  
Training Centre.

### 3. MANAGEMENT OF THE SUPREME COURT

#### CHIEF JUSTICE

The work of the Supreme Court is managed by the Chief Justice of the Supreme Court, nominated by the Plenary Session from among the Judges in office and appointed by the *Saeima* for seven years.

The Chief Justice may be dismissed from office by the *Saeima* prior to expiry of the term, upon the recommendation of the Judicial Disciplinary Committee, on the basis of an opinion of the Plenary Session of the Supreme Court.

The law "On Judicial Power" defines the competence of the Chief Justice in connection with adjudication of cases and organisation of work at the Supreme Court. The Chief Justice:

- convenes and chairs the sittings of the Plenary Session of the Supreme Court;
- convenes and participates as a voting member in the sittings of the Chairs of the Senate Departments for deciding on issues of case jurisdiction;
- may participate in reviewing cases in the Senate.

In accordance with the Civil Procedure Law the Chief Justice of the Supreme Court can submit a protest to the Senate regarding a court ruling that has come into force, if significant violations of substantive and procedural legal norms have been identified in civil cases, which were reviewed only in a court of first instance and if the court decision was not appealed in accordance with the procedure envisaged by the law for reasons independent of the parties of the case, or if the court decision infringes upon the rights of the state or local government institutions or such persons, who were not parties of the case.

In accordance with the law "On Judicial Power" the Chief Justice of the Supreme Court has the authority to propose and decide upon issues related to the composition of the Supreme Court Judges corps. The Chief Justice of the Supreme Court:

- submits to the Board of Justice recommendations on the total number of Judges in the Senate and the Court Chambers;
- nominates candidates for the office of the Supreme Court Judge for approval by the *Saeima* and following the appointment defines the structural unit, in which the Judge will serve;
- provides recommendations on appointing a Senator of another Department or a Judge of a Court Chamber to the office of a Senator and participates as a voting member in the assembly meeting of the Senators of the Senate Department, which decides upon this issue;
- submits recommendations to the *Saeima* on dismissing a Judge of the Supreme Court from office at his own will, due to being elected or appointed to another position or because of reaching the maximum age for holding the office as set in the law, as well as in cases stipulated by the law, dismisses a judge from office;
- if a Senator's position is vacant or during a Senator's temporary absence, appoints a Judge Emeritus of the Supreme Court or a Judge of a Court Chamber to substitute him, submits a recommendation to the Board of Justice on a regional court judge, who would be appointed

to substitute a Senator of the Administrative Department of the Supreme Court or a Judge of a Court Chamber in case of a vacancy or temporary absence.

The law "On Judicial Power" and other laws define the competence of the Chief Justice of the Supreme Court with regard to the whole judicial system of Latvia. The Chief Justice of the Supreme Court:

- chairs the Board of Justice;
- has the right to initiate disciplinary proceedings in all cases envisaged in the Law on the Disciplinary Liability of Judges with regard to judges of all courts, may request the Judicial Ethics Commission to provide an opinion on the interpretation of ethical norms and violations, participate with advisory rights in the meetings of Judicial Qualification Committee;
- with the approval of the Board of Justice, submits a recommendation to the *Saeima* on the appointment to office of the Prosecutor General and fulfils other mandates defined in the Law on the Prosecutor's Office, linked with the appointment, release or dismissal of the Prosecutor General;
- accepts the oath of attorneys, bailiffs and notaries upon their coming into office.

#### DEPUTY CHIEF JUSTICES

The Supreme Court Chief Justice has two Deputies, elected by the Plenary Session of the Supreme Court from among the Chairs of the Senate Departments and the Chairs of the Court Chambers. The Deputies are elected for a term of seven years.

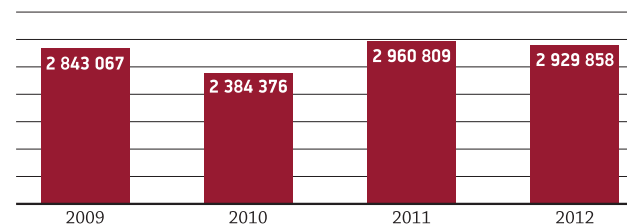
During temporary absence, the Chief Justice assigns a Deputy Chief Justice as a replacement. In turn, during temporary absence of the Deputy Chief Justice, the Chief Justice assigns a Judge of the Supreme Court as a replacement.

### 4. SUPPORTING THE SUPREME COURT

#### ADMINISTRATION

The Supreme Court is an independent state institution; funds for ensuring the operations of the Supreme Court are allocated directly from the State budget.

#### BUDGET OF THE SUPREME COURT, 2009 – 2012 (LVL)



#### Peteris DZALBE

Elected Deputy Chief Justice  
in 2011.

Born in 1959. In 1982 graduated from  
the Latvian State University Faculty  
of Law. Has worked at the Supreme  
Court since 2005. Formerly the Chair  
of Jelgava City Court and Zemgale  
Regional Court.

#### Gunars AIGARS

Elected Deputy Chief Justice  
in 1995, re-elected in 2002 and  
2009.

Born in 1939. In 1963 graduated from  
the Latvian State University Faculty  
of Law. Judge of the Supreme Court since  
1990. Formerly the Chair of Liepaja  
District Court, worked as an advocate.



**SANDRA LAPINA,**  
HEAD OF SUPREME COURT  
ADMINISTRATION SINCE 2008





ELINA MAJORE,  
THE HEAD OF THE SENATE CHANCERY  
SINCE 2006



SARMITE PUKE,  
THE HEAD OF THE CHANCERY  
OF THE CHAMBER OF CIVIL CASES  
SINCE 2000



DAINA ZOMERFELDE,  
THE HEAD OF THE CHANCERY  
OF THE CHAMBER OF CRIMINAL CASES  
SINCE 1995

The Supreme Court Administration is a unit established in January 2005 for providing organisational and financial management of the Court. Its legal basis is set out in the law "On Judicial Power". The Administration manages Supreme Court financial matters, handles material and technical supplies, organises human resources management and training, keeps records, communicates with the public, and engages in international cooperation. The Head of Administration is appointed and released from office by the Chief Justice.

To support the work of the Supreme Court, the Administration deploys five units.

**The Human Resources Division** develops and implements unified human resource management policies in the court, arranges continuing staff education, fosters motivation and loyalty among court staff, handles human resources records and supervises the internal working environment. Gunita Argale is the Head of the Division.

**The Document Administration Division** develops and implements a unified record-keeping policy in the court, arranges for circulation of documents, creates inventories and deals with recording and storing permanent and long-term storage documents. Jana Casa is the Head of the Division.

**The Communications Division** develops and implements unified court communication strategy, deals with external and internal communication, engages in international cooperation, and maintains and develops a unified corporate style for the Court. Rasma Zvejniece is the Head of the Division.

**The Information Division** develops and implements court information technology and the information system development plan and deals with its maintenance, develops court information system security, and provides technical support to users of the court information system. Pavels Veleckis is the Head of the Division.

**The Finance Division** provides financial management and control, develops and implements a clear and transparent accountancy system, organises accounting, manages business and technical supplies for the court, and keeps spending within the state budget allocated, ensuring sound and useful disposal. Uldis Cuma Zvirbulis is the Head of the Division.

## JUDGES' ASSISTANTS

48 Judges' Assistants worked at the Supreme Court in 2012. Each Judge of the Senate and the Chamber of Criminal Cases works with one particular Assistant, but the Chamber of Civil Cases has joint staff of Judges' Assistants. The time served in the position of Judge's Assistant is counted as a period worked in legal speciality.

## CHANCERY STAFF

The Supreme Court has three Chanceries – the Senate Chancery, the Chancery of the Chamber of Civil Cases and the Chancery of the Chamber of Criminal Cases, which support the work of the Senate and the Chambers. The Head of the Chancery organises and manages the work of the Chancery, organises and supervises the work court secretaries, secretaries of court hearings and translators.

## 5. INSTITUTIONS FUNCTIONING UNDER THE AUSPICES OF THE SUPREME COURT

### BOARD OF JUSTICE

In 2010 a new collegial institution of the judicial power was established – the Board of Justice, which is involved in the elaboration of the policy and strategy for the judicial system, as well as improving the organisation of the working of the court system.



THE FIRST SITTING  
OF THE BOARD OF JUSTICE.  
IVARS BICKOVICS, THE CHAIR  
OF THE BOARD OF JUSTICE,  
CHAIRS THE FIRST SITTING  
ON 4 OCTOBER 2010

The Board of Justice:

- provides opinion on the catchment areas of courts and court houses and their location, as well as budget requests of courts and Land Registry offices;
- following a judge's appointment or confirmation in office, selects a concrete court, court house or Land Registry office, where the judge will serve, as well as decides on transferring a judge to work within the same court instance;
- hears the candidates for the positions of the Judge of the Constitutional Court and the Chief Justice of the Supreme Court and provides its opinion on them;
- approves the regulation of the Judges' Conference and convenes the Conference, setting issues to be included on its agenda;
- approves the basic principles for judges' specialisation and the procedure for determining the work-load of a case, as well as elaborates guidelines in connection with other organisational issues of courts and Land Registry offices;
- defines the content and procedure for assessing judges' professional knowledge;



- approves the samples of the judge's robe and insignia and the procedure for using them; the sample of judge's identification;
- approves the regulations of the Judicial Ethics Commission and Judicial Qualification Committee.

The decisions of the Minister of Justice to appoint or to remove pre-term the chair of the district(city) court and of the Land Registry office and their deputies, as well as the recommendation of the Chief Justice of the Supreme Court on appointing to office the Prosecutor General are coordinated with the Board of Justice.

The Board of Justice is chaired by the Chief Justice of the Supreme Court. The Board of Justice has 15 members – eight permanent members (officials) and seven elected members. The Chief Justice of the Supreme Court, the President of the Constitutional Court, the Minister of Justice, the Chair of the Parliamentary Legal Affairs Committee, the Prosecutor General, the Chairs of the Association of Sworn Advocates, of the Association of Sworn Notaries and the Association of Sworn Bailiffs are the permanent members of the Board. The elected members are one judge elected by the Plenary Session of the Supreme Court and six judges elected by the Conference of Judges.

In 2010 the Plenary Session of the Supreme Court elected Inara Garda, the Senator of the Senate Department of Civil Cases, as the member of the Board of Justice from among the judges of the Supreme Court. She was elected Deputy Chair of the Board of Justice.

## JUDICIAL DISCIPLINARY COMMITTEE

The Judicial Disciplinary Committee reviews cases of disciplinary and administrative violations committed by the district (city), Land Registry office, regional court and the Supreme Court judges.

A judge may be made disciplinary liable for deliberate violation of law while hearing a case, not fulfilling one's obligations, disrespectful actions or a gross violation of the Judicial Code of Ethics, refusal to cease being affiliated with political parties or political organisations and for disregarding the restrictions and prohibitions set out in the law "On Prevention of Conflict of Interest in Activities of Public Officials". The Chief Justice of the Supreme Court and the Minister of Justice has the right to initiate disciplinary procedure with regard to the judges of all courts. The chairs of district (city) courts, heads of the Land Registry offices and the chairs of regional courts may initiate disciplinary proceedings with regard to the judges of their own courts in all cases stipulated by the law, but the chairs of the regional court – for deliberate violation of the law while hearing a case – also with regard to the judges of district (city) courts and Land Registry offices. Disciplinary proceedings may be initiated also by the Judicial Ethics Committee, in case it has identified gross violation of a provision of the Judicial Code of Ethics.

The Deputy Chief Justice of the Supreme Court, four Supreme Court Judges, two chairs of regional courts, two chairs of district (city) courts and two heads of Land Registry offices are the members of the Judicial Disciplinary Committee, elected by the Judges' Conference for a four year term. The Deputy Chief Justice of the Supreme Court chairs the Judicial Disciplinary Committee.

## The Supreme Court Judges elected to the Judicial Disciplinary Committee:

Peteris Dzalbe, Deputy Chief Justice of the Supreme Court, Chair of the Disciplinary Committee  
Valerijans Jonikans, Senator of the Senate Department of Civil Cases  
Arturs Freibergs, Senator of the Senate Department of Criminal Cases  
Raimonds Gravelsins, Judge of the Chamber of Civil Cases  
Anita Polakova, Judge of the Chamber of Criminal Cases

The Disciplinary Committee may adopt a decision on taking disciplinary actions. These are censure, reprimand or decreasing the remuneration for a period up to one year. The Disciplinary Committee may also decide to propose removing a judge from office, as well as to forward the disciplinary case file to the Prosecutor's General Office for taking a decision on initiating a criminal case. If the initiation of disciplinary proceedings has been unfounded or the period set in the law for making a judge disciplinary liable has expired, the disciplinary case can be terminated. As an exception a case may only be heard during the sitting, without disciplinary action being taken.

## DISCIPLINARY COURT

The Disciplinary Court is convened at the Senate of the Supreme Court to assess the legality of decisions adopted by the Judicial Disciplinary Committee. It also verifies the legality of a negative opinion provided by the Judicial Qualification Committee when assessing judges' professional activities.

The Disciplinary Court was established in 2010. The Plenary Session of the Supreme Court elects six Supreme Court Senators as the members of the Disciplinary Court (two from the Senate Department of Civil Cases, two from the Senate Department of Criminal Cases, two from the Senate Department of Administrative Cases).



**AFTER THE FIRST SITTING OF THE DISCIPLINARY COURT ON 3 NOVEMBER 2011.**  
THE DISCIPLINARY COURT MEMBERS (FROM THE LEFT): VESMA KAKSTE, ANDRIS GULANS, CHAIR OF THE DISCIPLINARY COURT PETERIS DZALBE, ALDIS LAVINS, ANITA NUSBERGA, MARITE ZAGERE. IVARS BICKOVICS, CHIEF JUSTICE OF THE SUPREME COURT, ALSO PARTICIPATES TO DISCUSS ORGANISATIONAL ISSUES

## Supreme Court Judges in other institutions and associations of judicial self-governance

**Judicial Qualification Committee** –  
Gunars Aigars, Chair of the Chamber of Civil Cases (Chair of the Qualification Committee), Anda Vitola, Senator of the Senate Department of Civil Cases, Voldemars Cizevskis, Senator of the Senate Department of Criminal Cases, Veronika Krumina, Chair of the Senate Department of Administrative Cases, Ervins Kuskis, Chair of the Chamber of Criminal Cases.



**A SITTING OF THE QUALIFICATION COMMITTEE.** THE SITTING IS CHAIRED BY GUNARS AIGARS, CHAIR OF THE COMMITTEE

**Judicial Ethics Committee** –  
Ilze Skultane and Dace Mita, Senators of the Senate Department of Administrative Cases.

**Vice President of the Association of Latvian Judges** – Aldis Lavins, Senator of the Senate Department of Civil Cases, member of the board – Ivars Bickovics, Chief Justice of the Supreme Court.

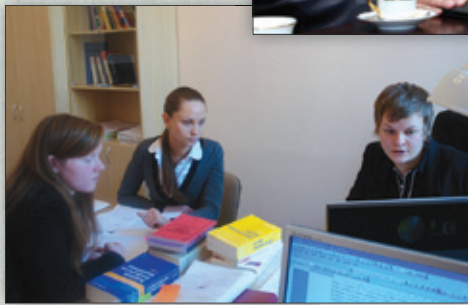
**The chairperson of the board of the Association of Latvian Administrative Judges** – Janis Neimanis, Senator of the Senate Department of Administrative Cases.





CONFERENCE "JUDICATURE OF THE SUPREME COURT AND ITS ROLE IN THE DEVELOPMENT OF JUDICIAL THOUGHT IN LATVIA", 2010. SOME OF CONFERENCE SPEAKERS AND MODERATORS: (FROM THE LEFT) JANIS PLEPS, JAUTRITE BRIEDE, VERONIKA KRUMINA, PAVELS GRUZINS, EGILS LEVITS, KALVIS TORGANS, MARIS VAINOVSKIS, INETA ZIEMELE, INGRIDA LABUCKA, ZIGMANTS GENCS, DAIGA REZEVSKA

THE CHIEF JUSTICE OF THE SUPREME COURT MEETS THE PRESIDENT OF THE STATE ANDRIS BERZINS. DURING THE MEETING ON 16 AUGUST 2011



PROVIDING AN INSIGHT INTO THE WORK OF A SENATOR'S ASSISTANT. ARLITA ZARINA, THE SENATOR'S ASSISTANT AT THE SENATE DEPARTMENT OF ADMINISTRATIVE CASES, TELLS ABOUT HER WORK TO SECONDARY SCHOOL STUDENTS, WHO VISITED THE SUPREME COURT DURING THE JOB SHADOW DAY OF 2011



THE SUPREME COURT BULLETIN. IN 2010 THE SUPREME COURT RE-ESTABLISHED THE TRADITION OF PUBLISHING A BULLETIN, WHICH WAS PUBLISHED UP TILL 1993



ADVOCATES' OATH. IVARS BICKOVICS, THE CHIEF JUSTICE OF THE SUPREME COURT, AND JANIS GRINBERGS, THE CHAIR OF THE ASSOCIATION OF SWORN ADVOCATES, TOGETHER WITH THE ADVOCATES AFTER ACCEPTING THE OATH ON 15 JUNE 2011. IN THE FRONT ROW AMONG THE ADVOCATES ALSO FORMER SENATOR VILNIS VIETNIEKS

THE DAYS OF THE FIRST-YEAR STUDENTS AT THE SUPREME COURT. THE CHIEF JUSTICE OF THE SUPREME COURT AFTER MEETING THE FIRST-YEAR STUDENTS OF DAUGAVPILS UNIVERSITY LAW FACULTY



A SURVEY OF THE COURT CLIENTS. IN 2011 A SURVEY OF THE COURT CLIENTS WAS CONDUCTED TO IDENTIFY THE CLIENTS' ASSESSMENT OF THE QUALITY OF THE SUPREME COURT'S WORK. PARTIES TO THE CASES, WITNESSES, VICTIMS, PROSECUTORS, ADVOCATES, ADVOCATES' ASSISTANTS AND REPRESENTATIVES, WHO VISIT THE SUPREME COURT, WERE INVITED TO FILL OUT THE EVALUATION QUESTIONNAIRE



ECRI EXPERTS' VISIT. IN 2011 THE COUNCIL OF EUROPE COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI) INTERVIEWED PETERIS DZALBE, CHAIR OF THE SENATE DEPARTMENT OF CRIMINAL CASES, ERVINS KUSKIS, CHAIR OF THE CHAMBER OF CRIMINAL CASES, AND PAVELS GRUZINS, HEAD OF THE CASE-LAW DIVISION



## 6. SUPREME COURT STRATEGY 2010 – 2013

The Supreme Court mission is fair administration of justice and working towards the public good, while respecting the principles of good governance. The values, which unite the Supreme Court and are binding to all judges and employees for reaching the strategic goals of the Supreme Court, are the rule of

law, honesty, professionalism, and responsibility. Everyday work is based upon the principles of justice, openness, independence and ongoing development.

The Supreme Court Strategy for 2011-2013 defines mid-term strategic goals in four priority fields, as well as objectives for reaching them.

### 1. PROFESSIONAL AND FAIR HEARING

#### GOAL 1. Improvement of litigation quality

Tasks for reaching the goal:

- to study reasoning and arguments in the Supreme Court decisions to identify appropriate improvements;
- to strengthen the principle of collegiality and responsibility of judges when drafting court decisions;
- to ensure cooperation between Court Chambers and Departments of the Senate and fix uniform understanding in interpretation and application of legal standards;
- to promote cooperation between Departments on issues upon subjection of cases;
- to attract law professionals to study and analyse topical issues;
- to analyse judgments of the European Court of Human Rights and the EU Member State Courts according to law branches regularly;
- to optimise the number of judges and court staff, to improve the organisation and quality of work of chanceries with a view to high-quality support for preparing court proceedings.

#### GOAL 2. Respect for human rights in administration of justice

Tasks for reaching the goal:

- to arrange selection and translation and analyses of rulings of the European Court of Human Rights according to law branches;

- to arrange training of judges and their assistants on topical human rights issues;
- to arrange in-service training of judges and their assistants at the European Court of Human Rights;
- to examine application of the Convention of Human Rights and Fundamental Freedoms and case-law of the European Court of Human Rights.

#### GOAL 3. Continuing education for judges and court staff

Tasks for reaching the goal:

- to study and evaluate studies necessary to judges and court employees;
- to provide for development and implementation of ongoing professional education, including assessing the usefulness of studies;
- to work on regularly improving English language skills and acquisition of legal terminology;
- to provide judges and staff with a legal literature, to supplement reading-room of the Supreme Court;
- to maintain and supplement electronic database of legal literature;
- to organise exchange of experience and cooperation with Supreme Courts of the European Union member states;
- to improve cooperation with the Judicial Training Centre.

### 2. DEVELOPMENT OF UNIFORM CASE-LAW IN LATVIA

#### Goal 4. Developing a case-law database

Tasks for reaching the goal:

- to select and inventory decisions of the Supreme Court Senate and Chambers for publication in the case-law database; to arrange public access to the case-law database;
- to publish annual collections of rulings of the Senate.

#### GOAL 5. Summarising, analysing, and promoting case-law

Tasks for reaching the goal:

- to regularly study case-law and compile topical legal issues;
- to discuss compilations of court decisions at Senate and Chambers assemblies, explaining application and interpretation of legal acts;
- to publish compilations of court decisions and explanations provided at Senate and Chambers assemblies;
- to study Senate rulings adopted between 1918 and 1940 and their possible application;
- to publish Bulletin of the Supreme Court.

#### GOAL 6. Cooperating with regional courts and district (city) courts

Tasks for reaching the goal:

- to cooperate in continuing education of judges of regional and district (city) courts;
- to inform courts about decisions of general meetings, explanations of law and conclusions made in case-law summarisations.

#### GOAL 7. Improvement of legal regulation

Tasks for reaching the goal:

- to cooperate in working out of draft laws regulating activity of courts;
- to prepare proposals for amendments issuing from court rulings or compilations of court decisions;
- to promote the position of the Supreme Court when amendments are drafted and discussed, if such amendments concern case-law.

### 3. PROMOTING PUBLIC CONFIDENCE AND AWARENESS OF JUDICIAL AUTHORITY

#### GOAL 8. Improving the principle of openness in the work of the Court

Tasks for reaching the goal:

- to implement and update a Supreme Court Strategy for communicating with the public;
- to increase the amount of information about Supreme Court activities on its web site;
- to improve cooperation with journalists;
- in cooperation with Prosecutor's general Office, Court Administration and the Constitutional Court to work out uniform principles to ensure information availability.

#### GOAL 9. Availability of court rulings

Tasks for reaching the goal:

- to increase the number of rulings of the Senate published in the home page of the Supreme Court;
- to translate abstracts to collections of Senate rulings into English; to send compilations of Senate decisions to the judicial libraries of the European Court of Human

Rights and the Court of the European Union.

#### GOAL 10. Maintaining the unblemished reputation of judges and court staff

Tasks for reaching the goal:

- to participate in the work of the Committee on Judicial Ethics, to publish conclusions of Committee;
- to control the compliance employees with the Ethics Code and necessity to implement new amendments;
- to take appropriate steps in order to prevent possible conflict of interest among staff;
- to update an anti-corruption plan.

#### GOAL 11. Participating in community legal education

Tasks for reaching the goal:

- to promote in the Supreme Court the internships for students of faculties of law at higher educational establishments according to contracts signed;
- to organise lessons of law to pupils and teachers conducted by judges; to organise Days of first-year students for students of Faculties and Programmes of Law;
- to prepare and publish information materials about the Supreme Court.

#### GOAL 12. Study and popularisation of the history of the Supreme Court

Tasks for reaching the goal:

- to extend exhibit of the museum of the Supreme Court using materials about time period since 1990;
- to create database of rulings of the Senate of Latvia (1918-1940);
- to prepare publications about the history of the Senate and the Supreme Court for the journal "Jurista Vārds" and other mass-media.

## 4. PERFECTION PRINCIPLES OF GOOD INSTITUTIONAL MANAGEMENT PRACTICE

#### GOAL 13. Improving court management

Tasks for reaching the goal:

- to develop a quality management system for administrative work with descriptions of procedures and processes;
- to ensure effective system of internal control of the Supreme Court and control it regularly;
- to improve the intranet for exchange of internal information and communication.

#### GOAL 14. Developing efficient staff policies

Tasks for reaching the goal:

- to organise effective planning and selection of court staff;
- to implement annual evaluation of staff work;
- to improve the performance of court staff through effective incentives;
- to provide for career planning and succession.

#### GOAL 15. Introducing mid-term budget planning

Tasks for reaching the goal:

- to develop flexible, targeted technical resource management and planning through analysing expected results;
- to provide a link between a system of effective indicators and strategic planning;
- to provide efficient control over use of resources by establishing an internal audit unit.

#### GOAL 16. Modernising information technology

Tasks for reaching the goal:

- To create Unitary data keeping system of the Supreme Court;
- In cooperation with the Court Administration, to implement use of videoconferences and audio record of court hearings in litigation proceedings.



# II

## COURT ADJUDICATION IN THE SUPREME COURT

### Article 92 of the Constitution of the Republic of Latvia

*Everyone can protect their rights and legal interests in a fair court. Everyone shall be considered not guilty until their guilt is recognized in accordance with the law. In the event of a groundless offence of rights everyone has the right to corresponding compensation. Everyone has the right to the assistance of a lawyer.*

### Section 4 of the Law “On Judicial Power”

*All persons are equal before the law and the court, and they have equal rights to the protection of the law. A court shall adjudge a trial irrespective of the origin, social and financial status, race or nationality, sex, education, language, attitude towards religion, type and nature of occupation, place of residence, or the political or other views of a person.*

### Section 1.4 of the Law “On Judicial Power”

*Each person has the right to have court cases tried in accordance with the rules of legal procedure prescribed by law.*

### 1. THE RIGHT TO A FAIR TRIAL

The right to a fair trial is one of the most important person's fundamental right. The concept of a fair trial basically contains two aspects: the court as an independent and impartial institution of judicial power and a procedure, which ensures fair and impartial adjudication of the case. The right of a fair trial includes the person's right to access the court. Independent judicial power is impossible without an independent and competent judge.

A three-instance court system has been established in Latvia – cases are heard at the court of first instance, court of appellate instance and cassation instance (in some cases the legislator has defined exemptions to this procedure).

The Supreme Court as the cassation instance hears cases by cassation, as well as by appeal in cases stipulated by the Civil Procedure law and the Criminal Procedure Law.

### BASIC PRINCIPLES OF HEARING CASES

Basic principles of hearing cases are defined in the law “On Judicial Power”, and in procedural law – the Civil Procedure Law, the Criminal Procedure Law, and the Administrative Procedure Law. Depending on the type of procedure, the principles of hearing may differ; for instance, one of the basic principles of civil procedure is the principle of adversarial proceedings, where the parties exercise their procedural rights adversarially, and the court decides the case depending on the evidence and arguments submitted by the parties. In turn, administrative procedure is based on the principle of impartial investigation, which – unlike the principle of adversarial proceedings – requires active participation of the court in clarifying the circumstances and collecting evidence. In criminal procedure the prosecution on behalf of the state is upheld by the prosecutor, and the criminal procedure is conducted for the public good, irrespectively of the person's, who had been inflicted damage, wish, abiding by the presumption of innocence, i.e., no person can be considered guilty until proven being guilty of a crime according to the procedure stipulated by the law.

The principles of procedural law derive from the right to a fair trial laid down in Article 92 of the Constitution – namely, the right of an individual to expect that the State defines and the courts provide

a trial procedure that guarantees comprehensive and impartial hearing of cases within a reasonable time. Therefore, some common basic principles exist for hearing cases within civil procedure, criminal procedure, and administrative procedure, with “the principle of all principles” being that the court ensures an individual's right to a fair trial.

• **The principle of fairness.** The court must hear the case fairly – in each specific case the principle of fairness must be abided by. The fair trial of a case is closely linked with a substantiated decision, conforming to the legal norms. The judgement of the court must be fair.

• **The principle of impartiality and neutrality.** The Court, when hearing a concrete case, is free from any personal opinions and prejudices against parties of the case. The court is only interested in correct application of the law.

• **The principle of independence.** The judges are independent and subject only to law.

• **The principle of procedural equity.** The parties in the proceedings have equal rights. The court must ensure that parties have an equal opportunity to use their procedural rights to defend their interests.

**Language of Judicial Proceedings.** Judicial proceedings in the Supreme Court are conducted in the official language of the State. For those taking part in a case, who are not fluent in the language of the proceedings, the court must ensure that they may familiarize themselves with case materials and take part in court proceedings with the help of an interpreter, as well as to address the court during the hearing in the language that the person is proficient in. This does not apply to the representatives of legal entities in civil cases.

### ACCESS TO INFORMATION

The right to access information derives from the right to freedom of speech guaranteed by Article 100 of the Latvian Constitution and includes the right to freely acquire, hold, and distribute information and to express opinions.

The access to court information is ensured by the **principle of openness in hearing cases**. All interested persons have the right to participate in an open court session in the capacity of an observer.

The procedure for exercising rights guaranteed by the Constitution is specified in the “Freedom of

Information Law”. The basic principle of freedom of information determines that generally accessible information should be made available to anyone who wishes to receive it, moreover, applicants should not be required to specifically justify their interest in generally accessible information, and they may not be denied access on the ground that the information does not apply to them. An individual need not be involved in a particular court case to receive information about it.

Access to information at the disposal of a court is governed by the Procedure for Issuing Information at the Disposal of the Supreme Court, set by the Chief Justice of the Supreme Court. The Court ensures provision of information in compliance with the Law “On Judicial Power”, “Freedom Information law”, the Personal Data Protection Law and other legal acts.

The Court information is classified as publicly accessible information and restricted-access information. The publicly accessible information may be published on the Court webpage [www.at.gov.lv](http://www.at.gov.lv). The unpublished, publicly accessible information may be obtained from the Court, journalists may receive this information in a simplified procedure and as soon as possible.

At the Supreme Court the following is publicly accessible information: information on the receipt of the case, names of the parties of the case (in criminal cases: only the names of the accused), the subject of claim or application in civil cases and administrative cases, but in criminal cases – the Section of Criminal Law, which is the basis for the indictment. The calendar of Court sittings and information about the results of hearing cases are published on the Supreme Court webpage.

Likewise, the overview of case law, statistics, annual reports, decisions of the Plenary Session and other information, which is not defined as having a restricted-access status by the law or an order of the Chief Justice of the Court, is publicly accessible information.

A court ruling adopted at an open court session, which has been presented as a separate procedural document, is publicly accessible information from the moment it is pronounced, but if the ruling is not pronounced – from the moment of its delivery. A court ruling in a case heard in closed or partly closed court session is restricted-access information, except for the introductory and operative parts.



The rulings of the Senate Department of Administrative Cases, as envisaged by the Administrative Procedure Law, are published on the court portal [www.tiesas.lv](http://www.tiesas.lv). In turn, the rulings and decisions of all Senate Departments, which express opinions constituting case-law, are published on the web page of the Supreme Court [www.at.gov.lv](http://www.at.gov.lv).

When a ruling is issued or published on the Internet, the part of information disclosing the identity of a natural person, is covered.

The **materials in a case** heard in open court have the status of restricted-access information, but only from the moment when the final decision of a court comes into effect. Until then, the case materials are available only to those enjoying rights under procedural law.

The materials in a case heard in closed session are available only to those enjoying rights under procedural law and the law "On Judicial Power". The materials in a case heard in closed session become restricted-access information for 20 years after the final court ruling comes into effect. The respective period is 75 years in cases determining the parentage of a child, adoption, annulment or dissolution of marriage, and declaring a person incapable of acting because of mental illness or mental deficiency. Materials in a case heard in closed session concerning protection of official secrets become restricted-access information on expiry of the term of confidentiality of information in the case.

Other state administrative and judicial authorities may access court materials of cases heard in open and closed court sessions if required for carrying out their functions. The recipient of the information ensures its protection as envisaged by the law.

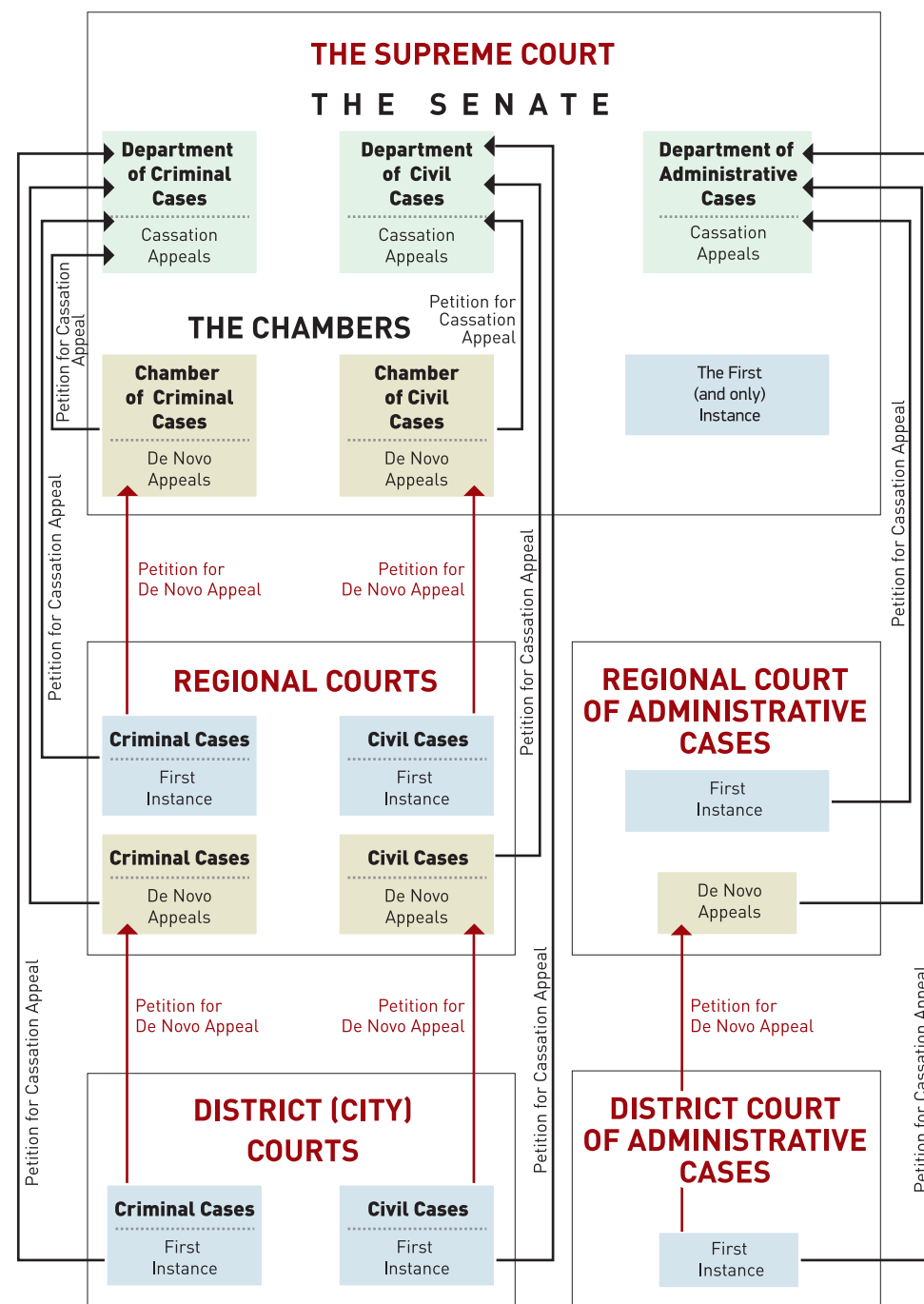
Information may be requested in writing, orally or electronically. Individuals must address the request to the Chanceries of the Senate or the Court Chambers or the Document Administration Division, journalists – to the Communications Division. The Court responds to the requests for information within the terms set by "Freedom of Information Law". Information requiring additional processing is provided for a fee. The requested information is provided orally, in writing and, if possible, electronically. Restricted-access information is issued in written form.



EVERYDAY LIFE AT THE COURT. PARTIES OF COURT PROCEEDINGS WAIT FOR THE HEARING OF THEIR CASE

## 2. COURT PROCEDURE

### THE SUPREME COURT IN THE LATVIAN JUDICIAL SYSTEM



HEAPS OF CASES. COURT MATERIALS SUBMITTED TO THE SENATE ARE USUALLY BOUND TOGETHER IN MANY THICK VOLUMES



COURT ARCHIVE. THE DOCUMENTS OF THE SUPREME COURT AND COURT DECISIONS ARE STORED AT THE ARCHIVE



**In civil procedure** court sessions the court hears and decides cases concerning disputes related to protection of civil rights, employment rights, family rights, and other rights and lawful interests of natural and legal persons.

**In criminal procedure** court sessions the court hears and decides on the validity of charges brought, and either acquits those who are not guilty, or brings in a finding of guilt of committing a criminal offence and imposes punishment.

**In administrative procedure** the court exercises control over the activities of the executive authority in public legal relations between the State (in the broad sense) and the individual. Administrative courts deal with acts issued by administrative institutions and their actual activities, applications concerning the public legal duty of individuals or clarification of their rights, as well as applications concerning public legal contracts and on identifying a procedural violation made in the process of issuing an administrative acts. When hearing administrative cases, the courts examine whether institutional decisions and actions are legal and appropriate.

The Court hears cases in compliance with external legal acts, the provisions of international law and the European Union law, as well as general legal principles.

## APPELLATE INSTANCE

An appeal (*from Latin appellatio – invocation, appeal*) – is a review of a case on the merits within the framework of claims expressed in an appeal or a protest.

The Supreme Court Chambers are appellate instances in civil and criminal cases heard by regional courts as courts of first instance. The regional court case jurisdiction is defined in the Civil Procedure Law and the Criminal Procedure law. The appeal is lodged with the court, which made the decision.

**Court Structure.** Court Chambers hear cases collegially in the shape of three judges. Ancillary complaints in civil cases and in some instances also in criminal cases may be heard by written procedure.

**State fee.** A state fee must be paid for lodging an appeal in a civil case in accordance with the rate of the fee, which is paid, when lodging the claim application, but in disputes of material nature – according to the rate, calculated from the disputed sum by the first instance court. No payment of state fee is required when lodging an appeal in a criminal case.

## Chamber of Civil Cases

The Chamber of Civil Cases hears civil cases on the merits concerning appeals and appellate protests about judgments of regional courts as first instance courts, which have not come into effect. Under the Civil Procedure Law, the categories of cases include:

- cases where a dispute concerns property rights in regard to immovable property related to title to real estate;
- cases arising from rights in regard to contract law, if the amount of the claim exceeds 150 000 lats;
- cases regarding patent rights, and protection of trademarks and geographical indications;
- cases regarding insolvency and liquidation of credit institutions;
- cases regarding depriving of citizenship;
- civil cases, the materials of which contain an object of state secret.

The Chamber of Civil Cases also hears:

- ancillary appeals from decisions of regional courts as first instance courts, regional courts as second instance courts, and Land Register office judges;
- applications to revoke decisions of regional courts due to newly-discovered facts or in cases envisaged by the European Union legal provisions;
- applications in issues about claim security, applications about deferment of execution of judgment, explanation of judgment, renewal of procedural term, correction of clerical and mathematical errors.

### HEARING APPEALS

Appeals in civil cases may be filed within 20 days from the day judgment is pronounced. In the case of an abridged judgment, the time for appeal is calculated from the date the court has announced for drawing up a full judgment.

Appeals are heard in court session. Three judges hear the case collegially. When hearing the case all parties to the case are provided equal opportunities for establishing the facts of the case. The Court tries to reconcile the parties.

After hearing the case on its merits, the Chamber of Civil Cases delivers one of the following judgments:

- to satisfy the claim in full or in part;
- to dismiss the claim in full or in part.

In the cases stipulated by the Civil Procedure Law the Court may set aside the ruling of the regional court and forward the case for re-hearing.

Following the deliberations in the deliberation room and signing the judgement, the court returns to

the courtroom where a judge pronounces judgment by reading it. In pronouncing an abridged judgment, the court announces the deadline for drawing up a full judgment.

A cassation appeal against a judgement of the Chamber of Civil Cases may be lodged within 30 days from the day judgement is pronounced.

The judgement of the Chamber of Civil Cases comes into force upon the expiry of the deadline for appealing against it in the cassation procedure and if the cassation appeals has not been filed. If the appeal has been submitted, but the Senate assignment sitting refuses to initiate a cassation procedure, the judgement comes into full legal force on the date of the decision taken by the Senate assignment sitting. If the cassation appeal has been heard by the Senate and the judgement has not been set aside or the judgement or part of it has been set aside or the application has not been forwarded for hearing or if the proceedings have been terminated, the judgement comes into force simultaneously with the decision of the Senate.

### HEARING ANCILLARY APPEALS

In cases laid down by the Civil Procedure Law the court parties at the Chamber of Civil Cases may appeal decisions of the regional courts separately from the court judgement, by lodging an ancillary appeal, the prosecutor may also do it by submitting an ancillary protest. The Court Chamber hears the ancillary appeals by written procedure.

When hearing an ancillary appeal the Court Chamber examines the legality and basis of the appealed decision and delivers one of the following decisions:

- to leave the decision unamended and dismiss the appeal;
- to set aside the decision in full or in part and refer the case for re-hearing to the court that made the decision;
- to set aside the decision in full or in part and on its own motion decide the issue on the merits;
- to amend the decision.

A decision taken with regard to an ancillary appeal cannot be appealed and comes into force at the moment it is adopted, except for the cases envisaged in the Civil Procedure Law.

A decision with regard to an ancillary appeal against a decision taken by Land Registry office judge can be appealed to the Senate within 10 days following its adoption, paying a security deposit in the amount of 40 lats.

## Chamber of Criminal Cases

The Chamber of Criminal Cases hears criminal appeals and protests by way of appeal against hearings of a regional court as a court of first instance. Under the Criminal Procedure Law the categories of cases are:

- crimes against humanity or peace;
- war crimes, genocide, crimes against the State;
- serious crimes and particularly serious crimes under Criminal Law as set out in concrete Sections the Criminal Procedure Law;
- crimes against morals and sexual inviolability, if involving a juvenile or minor;
- witness protection cases;
- criminal cases, the materials of which contain objects of state secret.

The Chamber of Criminal Cases may also hear cases regarding other criminal offences, which a regional court has considered necessary to accept for hearing due to the legal complexity of the cases or for security reasons.

The Chamber of Criminal Cases also hears appeals against extradition of persons to foreign countries and the Prosecutor's General decisions on extradition of a person to a European Union member state.

### HEARING APPEALS AND PROTESTS

An appeal or protest in a criminal case must be filed with the court that delivered the decision not later than 10 days from the day when a full court decision became available, the accused, the victim, their representatives and counsel may submit an appeals claim, but the prosecutor's office – an appeals protest. Victims and their representatives may not require more in an appeal than at the hearing in the court of first instance.

Cases are heard in open court or closed session, collegially by three judges, directly and orally examining the evidence. The Court Chamber may hear the case also by written procedure, if the appeal or the protest contains only the request to mitigate the sentence, or if the appeal or the protest refer to facts, due to which the ruling of the first instance court must definitely be set aside. The written procedure may be used only if the prosecutor or the person, whose interests and rights are infringed by the appeal or the protests, do not object to it, or if the case was heard by the first instance court without examining the evidence and if the sentence is not connected to the deprivation of liberty exceeding the term of five years.



Individuals under 14 years of age are only allowed in a courtroom if they are involved in the case. Closed court sessions are also held if there is a need to protect state secret or the secret of adoption; the court may also decide to hold a closed session in other cases stipulated by the Criminal Procedure Law.

After hearing a case the Court Chamber takes one of the following decisions:

- to leave the judgment of the court of first instance unamended;
- to set aside the judgment of the court of first instance and deliver a new judgment;
- to partly set aside the judgment of the court of first instance and deliver a new judgment in that part;
- to set aside the ruling of the first instance court in full or in part and refer the criminal case for re-hearing by the first instance court;
- to set aside the judgment of the court of first instance and dismiss criminal proceedings in cases envisaged by the Criminal Procedure law. If the criminal proceedings are dismissed, but the materials of the criminal case contain facts, because of which a person should be applied disciplinary sanctions or an administrative penalty, the court refers the appropriate materials to a competent authority or an official. If the court dismissing the criminal proceedings or a part thereof establishes that a criminal offence was committed and that the perpetrator should be identified, it refers the criminal case or part thereof to the prosecutor's office.

The court pronounces the introductory and operative parts of the decision and decides the deadline within 14 days when the full court decision will be available. A cassation appeal or protest against a decision by the Court Chamber may be filed no later than 10 days after a court decision becomes available, but if the Court extends the term for appeal – no later than 20 after the day when the full decision of the Court becomes available.

A judgment of the Chamber in criminal cases comes into effect after it has been appealed and the term for further appeal has ended in accordance with cassation procedures and that judgment has not been appealed. If a cassation appeal or protest has been filed, the judgment becomes effective on the day when a court of cassation hears the case.

## CASSATION INSTANCE

Cassation (*Latin, cassation – disaffirmation*) involves examining whether a judgment or a

decision of a lower instance court conforms to the law. A cassation instance does not hear a case on its merits; the competence of the Senate does not include clarifying the facts of the case and examining and evaluating evidence. The Senate examines conformity of an appealed judgment with substantive and procedural law and decides on the basis of the relevant case materials. The Senate hears cassation appeals and cassation protests against decisions in cases heard under an appeals procedure. The Senate Department of Administrative Cases hears also cassation appeals and protests against decisions made by first instance courts (in some categories of cases the Administrative Regional Court is the first instance court).

**Court Structure.** The Senate examines cases collegially, with three Senators. If required, Senators of Departments may replace each other during examination of cases. In certain cases under the Civil Procedure Law, the Senate may sit as a full court, while in other cases under the Administrative Procedure Law the Department of Administrative Cases of the Senate may examine a case in assembly. The Criminal Procedure Law requires that where a decision was taken by the Senate of the Supreme Court, the opinion of the prosecutor and the submitted materials on the newly established facts of the case must be heard by five senators of the Supreme Court, who did not previously participate in the hearing of the particular criminal case, under the leadership of the chair of the court or their deputy.

**Security deposit.** Filing cassation appeal in a criminal or administrative case does not involve payment of a security deposit, but upon filing cassation appeal in a civil case a security deposit in the amount of 200 lats must be paid. The security deposit is repaid, if the Senate amends the appealed decision in full or partially, or if the cassation appeal is revoked prior to the Senate assignment sitting. The persons, who are exempt from paying the state fee in accordance with the law or a decision taken by the court or a judge, are not required to pay the security deposit.

## Senate Department of Civil Cases

The Senate Department of Civil Cases examines under the Civil Procedure Law:

- cassation appeals and cassation protests concerning judgments and supplementary judgments of courts of appeal;
- cassation appeals concerning decisions of first

instance courts in cases concerning small claims for recovering money or alimony payments;

- protests filed under due legal process by the Chief Justice of the Supreme Court, the Chair of the Senate Civil Cases Department, or the Prosecutor General against decisions of a court of first instance if they have come into effect and have not been appealed for reasons independent of the parties to the case, or where a court decision infringes the rights of State or local government institutions or of individuals who were not parties to the case;
- applications to re-hear cases in connection with newly-discovered facts and in cases envisaged by the legal provisions of the European Union;
- ancillary complaints filed under due legal process concerning decisions of an appeal court.

### HEARING CASSATION APPEALS

Leave to proceed by way of cassation proceedings is considered at an assignments sitting by a unanimous decision of a three-senator collegium of the Senate. Cassation proceedings may be terminated with a unanimous decision taken by the assignment sitting in the following cases:

- a cassation appeal fails to comply with the requirements of the Civil Procedure Law;
- the Senate decisions in similar cases have formed case-law, and the decision of the appellate instance complies with it;
- no doubts arise about the legality of the decision taken by the appellate instance court and the case under review has no significance in the development of case law.

If only one of the Senators considers that the case should be heard by cassation procedure, the collegium of the Senators pass a decision on initiating a cassation procedure. By a unanimous decision of the collegium of the Senators the case may be referred for hearing by cassation procedure by full court (at least seven Senators). The assignment sitting may also take a decision on requesting a preliminary ruling from the Court of the European Union or submit an application to the Constitutional Court on the compliance of a legal provision with the Constitution or an international law provision.

Upon request of a party, a collegium of Senators may take a decision on staying the enforcement of the judgement until the case is heard by cassation procedure.

The Department of Civil Cases hears the cassation appeal by written procedure or in a court hearing. The case is heard by written procedure if the case

materials enable a decision. The hearing takes place in court session if additional explanations are needed from those who have the right to participate in the proceedings or if, at the discretion of the Senate, the relevant case may have special significance for interpreting the law. If a three-senator court hearing a case fails to reach a unanimous opinion, or if all the senators consider that the case should be heard in full court, the court refers the case to the Senate for hearing in full court.

The Department of Civil Cases hearing a case may deliver one of the following judgments:

- to leave the decision unamended and to dismiss the appeal;
- to set aside the whole or part of a judgment and remit the case for re-hearing to an appellate or first instance court;
- to set aside the whole or part of a judgment and leave the appeal not proceeded with, or to terminate the proceedings if the court of second instance has failed to comply with the Civil Procedure Law;
- amend the judgment in regard to the part of it pertaining to the extent of the appeal, if it has been determined incorrectly as a result of wrong application of substantive law.

A decision of the Senate may not be appealed and enters into effect on pronouncement.

The Senator, who during the hearing of the case in full court, has a dissenting opinion on the interpretation or application of law, has the right to express his opinion in writing within 15 days after the full text of the judgement is made, which are to be appended to the case.

### HEARING ANCILLARY APPEALS

An ancillary appeal against a decision of a regional court or of the Chamber of Civil Cases must be filed with the Department of Civil Cases within 10 days from the day the decision was taken, except in certain cases listed in the Civil Procedure Law.

The Department of Civil Cases hearing an ancillary appeal examines the legality and basis of the appealed decision and delivers one of the following decisions:

- to leave the decision unamended and dismiss the appeal;
- to set aside the decision in full or in part and refer the case for re-hearing to the court that made the decision;
- to set aside the decision in full or in part and of its own motion decide the case on the merits;
- to amend the decision.



A decision by the Department of Civil Cases regarding an ancillary appeal may not be appealed. Ancillary appeals are heard by written procedure.

## Senate Department of Criminal Cases

The Department of Criminal Cases hears under the Criminal Procedure law by cassation:

- cassation protests or appeals against decisions of courts of appeal that have not entered into effect;
- cassation protests or appeals against decisions of courts of first instance handed down during proceedings involving agreement between prosecution and defence that have not yet entered into effect;
- cases where a court of appeal or Senate decision has come into effect if criminal proceedings are renewed in connection with newly-discovered facts;
- appeals and protests about re-hearing valid decisions in relation to a substantial violation of substantive or procedural law.

### HEARING CASSATION APPEALS AND PROTESTS

An accused, their defence counsel, a victim and their legal representative may file a cassation appeal. A public prosecutor may submit a cassation protest.

The legality of a decision in accordance with cassation procedures is examined only where the action expressed in the cassation appeal or protest has been justified by violation of the Criminal Law or a substantial violation of the Criminal Procedure Law.

A violation of the Criminal Law is:

- incorrect application of sections of the General Part of the Criminal Law;
- incorrect application of a section, paragraph, or clause of the Criminal Law in qualifying a criminal offence;
- determination of a type or amount of penalty that has not been provided for in the sanction of the relevant section, paragraph, or clause of the Criminal Law;

The following amount to substantial violations of the Criminal Procedure Law that lead to setting a court decision aside:

- a court was not properly constituted by law when it heard a case;
- circumstances that exclude participation of a judge in hearing a criminal case have not been complied with;
- a case has been heard in the absence of the accused

or persons involved in the proceedings, if the Law requires their participation;

- the right of the accused to use a language that he or she understands and to use the help of an interpreter has been violated;
- the accused was not given the opportunity to make a defence speech or was not given the opportunity to have the last word;
- a case lacks the minutes of a court session, if minutes are mandatory;
- delivery of judgment involved violation of the secret of court deliberations.

Other violations of the Law may be recognized as a substantial violation of the Criminal Procedure Law leading to unlawful decision.

The decision on examining a decision by cassation procedure is taken by a Senator (*rapporteur*) appointed by the Chair of the Department of Criminal Cases. The Senator, upon familiarising himself with the case, determines, whether it is to be heard by written procedure or in a court session, or refuses to examine the legality of the decision, if the appeal is not justified by violation of a law. The decision is drawn in the form of a resolution and is not subject to appeal. The case is heard by written procedure if the case materials enable a decision. The hearing takes place in court session if additional explanations are needed from those who have the right to participate in the proceedings or if, at the discretion of the Senate, the relevant case may have special significance for interpreting the law.

Hearings by written procedure or in court session take place in a collegium of three senators. The appeal or a protest against decisions, taken in particular cases envisaged by the Criminal procedure Law, is examined by one Senator. The Senate does not evaluate evidence *de novo*. Examining the legality of a court decision takes place to the extent and within the framework of the cassation appeal or protest. The Senate may also exceed the extent and framework of the cassation appeal or protest if violations indicated in the Criminal Procedure Law are identified, even though not indicated in the appeal or protest.

The Department of Criminal Cases takes one of the following decisions:

- to leave the decision unamended and dismiss the cassation appeal or protest;
- to set aside the decision in full or in part and refer the case for re-hearing;

- to set aside the decision in full or in part and terminate criminal proceedings;
- to amend the decision;
- to terminate cassation court proceedings.

If the Senate identifies an essential violation of the Criminal Procedure Law, which cannot be rectified by the appellate instance court, it sets aside the decisions made by the courts of both instances and refers the case for re-hearing by the first instance court. If a case has been heard by way of oral proceedings in court, the entire collegium of the court signs the operative part of a decision in the deliberation room. The chair or a judge of the collegium immediately pronounces the decision in the courtroom. A substantiated decision of the Senate is signed by all members of the full court no later than within 5 days after its adoption, and it is referred together with the case to the first instance court or the court, the decision of which was set aside, if a decision is taken to refer the case for re-hearing.

A decision of the Senate may not be appealed but is effective at the moment of pronouncement.

### REVIEWING A CASE DUE TO NEWLY ESTABLISHED FACTS

The prosecutor has the right to renew criminal procedure due to newly established facts in cases envisaged by the Criminal Procedure Law. The cases, in which the decision was made by first instance court or appellate instance court, are heard by the Senate of the Supreme Court. The cases, in which decision was made by the Senate, – five Senators of the Supreme Court, who were not previously involved in hearing this criminal case, under the leadership of the chair of the court or their deputy.

If the Senate sets aside a court's decision in full or in part, then with regard to the part, which has been set aside, the criminal procedure is renewed and referred to the prosecutor's office or for re-hearing to the appropriate instance court.

### APPEALS AND PROTESTS CONCERNING RE-HEARING A VALID DECISION IN RELATION TO A SUBSTANTIAL VIOLATION OF SUBSTANTIVE OR PROCEDURAL LAW

An advocate may file an appeal for re-hearing a court decision under the instructions of the convicted or acquitted person, or under the instructions of the person against whom criminal proceedings have ended with a court decision. The Prosecutor General or the Chief Prosecutor of the Criminal Law Department of the Prosecutor

General's Office may file a protest on the basis of their own initiative or on the basis of a request of the persons referred to previously.

An appeal or protest may be filed if:

- a decision has been taken by an unlawfully constituted court;
- an official investigation has determined that one of the judges did not sign the decision because he or she did not participate in delivering the decision under lawful procedures;
- violations referred to in the Criminal Procedure Law led to unlawful deterioration of the condition of the convicted person.

Time for filing an appeal or protest is not subject to restrictions.

Appeals and protests concerning re-hearing a valid decision are heard by the Senate under the Criminal Procedure Law in court hearing or by written procedure. The court examines the disputed part of the judgment or decision, but may also examine it in full and in relation to all convicted persons if cause exists for setting aside due to violations of the law that led to incorrect hearing of the case.

## Senate Department of Administrative Cases

The competence of the Senate Department of Administrative Cases as a court of cassation is determined by the Administrative Procedure Law. The Department of Administrative Cases hears:

- cassation appeals against judgments and supplementary judgments of the Administrative Regional Court (the ones made by the regional court as a court of appellate instance and the ones made by the regional court as the first instance court);
- in the cases envisaged by the Law on Applications, law "On Meetings, Demonstrations and Pickets", Freedom of Information Law, Latvian Penal Code and the Law on the Procedure of Keeping in Custody also cassation appeals against decisions of the Administrative District Court;
- ancillary appeals concerning decisions of the Administrative Regional Court; as well in cases envisaged by the Administrative Procedure Law ancillary appeals against decisions of administrative district court;
- appeals regarding suspension or renewal of an administrative act, as well as application of provisional regulation;
- appeals concerning newly-discovered facts.



At the same time, particular legal provisions of other laws specify separate categories of matters in which the Department of Administrative Cases hears a case as a court of first (and only) instance:

- cases related to elections of the *Saeima* (Parliament), examining applications concerning decisions of the Central Elections Commission delivered regarding disputed electoral district poll minutes, decisions concerning approval of results of *Saeima* elections and decisions delivered when evaluating the effect of a verdict of guilt in a criminal case concerning violations of election rights to distribution of mandates;
- examining appeals concerning decisions of the Minister of Interior regarding inclusion of foreigners in the list of persons prohibited from entering the Republic of Latvia.

### HEARING CASSATION APPEALS

Leave to initiate cassation proceedings is decided by a Senate collegium of three senators at an assignments sitting, which may refuse leave to do so by a unanimous decision if:

- the cassation appeal does not comply with the requirements set in the Administrative Procedure Law;
- if the cassation appeal has been submitted against a court judgement, which is not subject to appeal;
- if a precedent of the Department of Administrative Cases already exists in similar cases with regard to interpretation and application of these legal provisions and the appealed judgment corresponds to this precedent;
- if no doubts exist as to the legality of the judgment of the court of appellate instance and the case to be examined has no significance in the creation of precedent.

The Department of Administrative Cases, in a collegium of three senators, hears the case at a court hearing or by written procedure (if there are sufficient documents in the case and if the parties of proceedings – private persons – have agreed to the written procedure). If the collegium of three senators fails to achieve unanimity or if all senators believe that the case should be heard by an assembly, the court takes a decision on referring the case to the assembly.

The Department of Administrative Cases, following its hearing of the case, may deliver one of the following judgments:

- to leave the decision unamended and to dismiss the appeal;
- to set aside the whole or part of the judgment, and refer the case for re-hearing to an appellate or first instance court;
- to set aside the judgment in whole or in part, and leave the appeal not proceeded with, if a lower instance court has not complied with the provisions of the Administrative Procedure Law on terminating the proceedings or leaving the application not proceeded with.

The judgement is drawn within 30 days following the court hearing. In an exceptional case, if the court, while drawing the judgement, establishes that because of the complexity of the case, a longer term is necessary, it sets another date for making the judgement within the following two months. The parties of the proceedings are informed about the date, when the judgement will be drawn and the copies of it will be accessible from the Senate Chancery.

A decision of the Department of Administrative Cases may not be appealed but is effective on pronouncement.

### HEARING ANCILLARY APPEALS

Ancillary complaints are heard by way of written proceedings. At the discretion of the court, a hearing of ancillary appeals may be decided in court hearing.

When hearing an ancillary appeal the Department of Administrative Cases examines the legality and the basis of the appealed decision and delivers one of the following decisions:

- to leave the decision unamended and dismiss the complaint;
- to set aside the decision in full or in part and refer the matter for re-hearing to the court that made the decision;
- to set aside the decision in full or in part and on its own motion decide on the merits;
- to amend the decision.

Unless there are obstacles for hearing the case on its merits, the Department of Administrative Cases, when hearing ancillary complaints, has the obligation to decide the issue on its merits in its decision.

A decision by the Department of Administrative Cases regarding an ancillary appeal is final and may not be appealed and becomes effective of the day it is pronounced (drawn).

### COURT SESSION AT THE CHAMBER OF CRIMINAL CASES.

THE ACCUSED, TO WHO THE SECURITY MEASURE – TAKING INTO CUSTODY – HAS BEEN APPLIED, ARE ON THE RIGHT IN THE DOCK. ADVOCATES ARE IN FRONT OF THEM, AT THE TABLE, BUT THE PROSECUTOR – ON THE OPPOSITE SIDE



**FULL COURT OF THE SENATE.** USUALLY CASES IN THE SENATE ARE HEARD BY THREE SENATORS, BUT IN PARTICULAR CASES PENDING A UNANIMOUS DECISION OF THE COLLEGE OF SENATORS A CASE MAY BE TRANSFERRED FOR HEARING IN FULL COURT BY SEVEN SENATORS

**PRONOUNCING JUDGEMENT AT THE CHAMBER OF CIVIL CASES.** AS JUDGES ENTER OR LEAVE THE COURTROOM, THOSE PRESENT STAND UP. WHEN JUDGEMENT IS PRONOUNCED, THOSE PRESENT REMAIN STANDING



**ASSIGNMENT SITTING AT THE SENATE DEPARTMENT OF ADMINISTRATIVE CASES.** A COLLEGIUM OF THREE SENATORS DECIDES, WHETHER TO INITIATE CASSATION PROCEEDINGS OR TO REJECT THE APPLICATION



**INFORMATION STAND IN THE LOBBY.** THE VISITORS OF THE COURT CAN FIND INFORMATION ON THE PROCEDURES FOR REQUESTING INFORMATION AND SUBMITTING APPLICATIONS, LISTS OF CASES, AND COURT SESSIONS, ALLOCATION OF CASES AND OTHER USEFUL INFORMATION IS ALSO DISPLAYED. ALL INFORMATION IS ALSO AVAILABLE ON THE INTERNET AT THE SUPREME COURT WEB SITE, WHICH FORMS PART OF THE INFORMATION STAND. IN ORDER TO MAKE IT EASIER FOR CITIZENS TO SUBMIT COMPLAINTS AND PETITIONS TO THE SUPREME COURT, THE LOBBY NEXT TO THE ENTRANCE CONTAINS A MAILBOX FOR DOCUMENTS





# III

## HISTORY OF THE SUPREME COURT

### Management of the Senate of Latvia, 1918–1940

#### Chairs of the Senate Assembly



Kristaps Valters  
1920–1934



Aleksandrs Gubens  
1934–1940

#### Chairs of the Civil Cassation Department

Kārlis Ozoliņš	1919–1933
Augusts Lebers	1933–1934
Osvālds Ozoliņš	1934–1940

#### Chairs of the Criminal Cassation Department

Mikēlis Gobins	1919–1931
Aleksandrs Gubens	1931–1940
Janis Balodis	1940

#### Chairs of the Administrative Department

Kristaps Valters	1919–1934
Janis Kalācs	1934–1940

#### Head Prosecutors of the Senate

Voldemārs Zamuēls	1919–1921
Aleksandrs Haritonovskis	1922–1933
Voldemārs Kanēpits	1933–1936
Fricis Zilbers	1936–1940

#### Head of the Office of the Senate Rulings

Kārlis Ducmanis	1938–1940
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### 1. MAIN PERIODS OF ACTIVITY

#### SENATE: FOUNDATION AND COMMENCEMENT OF ACTIVITY

Prior to 18 November 1918 the judicial system of the Russian Empire with the Court Chamber and the Governing Senate in Petersburg functioned within the territory of Latvia. Following the proclamation of independence the new state had to organise its own legal system. The diplomatic struggle to gain the international recognition of the new state and reorganisation of the national armed forces were important, however, the reform of the court system was no less significant. Peteris Jurasevskis, the first Minister of Justice, and his deputy Eduards Strautnieks immediately began negotiations about establishing courts and basic legislation concerning the judiciary.

On 6 December 1918 the People's Council of Latvia passed "The Provisional Regulation on Courts and Judicial Proceedings in Latvia", which defined the judicial system of the new state, consisting of magistrate courts, regional court, the Court Chamber and the Senate of Latvia. The Senate of Latvia was pronounced the cassation instance for all cases; it was to hear cases collegially and included three departments – the Department of Civil Cassation, the Department of Criminal Cassation and the Administrative Department. The Assembly was the common institution for all departments.

The Supreme Disciplinary Court also functioned as part of the Senate, three senators and two members of the Court Chamber were elected to it for one year's term. The Head Prosecutor with deputies was also functioning under the Senate.

The senators or members of the Senate, as they were known at the time, were appointed by the Provisional Government, later by the People's Council and the Saeima, from the candidates recommended by the Ministry of Justice.

Already on the following day after the provisional regulation was adopted, on 7 December 1918, the Provisional Government appointed the first senators – sworn advocates Janis Graudins and Kristaps Valters. 19 December 1918, when Kārlis Ozoliņš, Voldemārs Zamuēls, Mikēlis Gobins, Pauls Mincks un Reisners were appointed, is considered to be the day of the foundation of the Senate. The two latter in fact did not serve as senators, they were replaced by Augusts Lebers.

When the Provisional Government was forced to leave Riga when it was occupied by Bolshevik forces, the Senate ceased activity, resuming its work on 15 July 1919. It was renewed only when the Government returned to Riga. This was the time when the true organisational work

started for courts. The first journal of the Senate's steering meeting was drawn on 10 September 1919. During this sitting the article by the Minister of Justice was read out, announcing the appointment of six senators by the People's Council on 5 September. On 23 September the Cabinet of Ministers appointed Voldemārs Zamuēls as the first Head Prosecutor of the Senate.

At the beginning the senators were elected for each Department sitting, since the number of senators was insufficient for establishing a permanent structure. Only during the assembly of 2 October 1919 the Senate elected chairs of the Departments and allocated the senators to Departments. Since there were only 6 senators, a chair and one permanent member were elected to each Department, and one temporary member, who simultaneously served as a permanent member of another Department. During the first year the Senate was mostly involved with organizational, legal, and administrative matters, and did not review cassation appeals. The senators elaborated and submitted to the Ministry of Justice a number of draft laws: The fundamental rules of the Latvian Senate; Instructions to Latvian courts; Regulations in guardianship cases; the law on the introductory section of opinions of Latvian courts; Instructions on the use of the German and Russian languages in Latvian courts.

Till June 3 1920 the Senate operated without the Chairman of the Assembly. This position was taken up the Chair of the Department, which dealt with the relevant case or to which the issue under discussion referred. Then the Chair of the Administrative Department, Kristaps Valters, was elected as permanent Chairman "to preside over preliminary meetings and meetings of court panels". Simultaneously he continued to chair the Administrative Department and participate as a Senator into hearing of cases.

### ACTIVITIES TO 1940

The first six senators were followed by the following exceptional lawyers who invested their talent in honourable service to justice: Bronislavs Nagujevskis, Andrejs Simanis, Aleksandrs Gubens, Frīdrihs Vesmanis, Baldvins Disterlo, Janis Kalācs, Aleksandrs Petersons, Kārlis Purins, Fricis Zilbers, Frīdrihs Konradi, Janis Balodis, Osvālds Ozoliņš, Janis Rudolfs Alksnis, Mintauts Čakste, Vladimirs Bukovskis, Jekabs Grots, Janis Skudre, Kārlis Ducmanis, Peteris Leitans, Peteris Sterste, Janis Ankravs, Teodors Bergtāls, Augusts Rumpeters, Maksis Rātermanis. During the period of the Senate's existence, 30 judges were appointed to the positions of senators, but no more than 17 senators worked simultaneously.

During the dawn of the Latvian State, senators managed and supervised application of many former Russian laws and worked towards uniform and correct interpretation of newly passed Latvian laws. The Senate gradually became the true supreme judicial body of the country and contributed significantly to strengthening the judicial system and developing legal thought and national law. In 1933 a celebration meeting was held in the Senate courtroom to mark the coming into force of the Penal Code, at the meeting A. Ozols, Minister of Justice, presented the first copy of the new Penal Code to Aleksandrs Gubens,

### The Chair of the Senate Assembly Aleksandrs Gubens in 1938:

*"Let those, who have been granted the high position of an independent judge in the state, be constantly aware that to sacrifice upon the altars of Themis one needs a pure heart and clear conscience!"*

*Let the judges keep in mind that in a court forum an independent court puts the relations of citizens on equal scale and apply equal measure to them!*

*Let the judges, wearing their togas, never forget that the court judgement should be the most perfect reflection of the cardinal features of a state, in which the law rules, – fairness and integrity!*

*The judge's internal voice should be so sensitive as to hear, what cannot be heard by the ears of the flesh, his internal vision as astute as to see more than is visible to the eyes of his flesh.*

*Veils, hiding the truth, will unravel under his eyes, and his hearing will discern the voice of the hypocrite – and the Truth will come in its glory."*



## THE SENATE OF LATVIA IN 1938.

FRONT ROW FROM THE LEFT:  
SENATORS ROBERTS ALKSNIS,  
JANIS BALODIS, DR. KARLIS PURINS,  
CHAIR OF CIVIL CASSATION DEPARTMENT  
OSVALDS OZOLINS,  
CHAIR OF THE ASSEMBLY AND  
THE CRIMINAL CASSATION DEPARTMENT  
ALEKSANDRS GUBENS,  
CHAIR OF THE ADMINISTRATIVE DEPARTMENT  
JANIS KALACS,  
HEAD PROSECUTOR FRICIS ZILBERS,  
SENATORS FRIDRIHS KONRADI,  
KARLIS DUCMANIS.  
SECOND ROW: AUGUSTS RUMPETERS,  
PROSECUTOR ERASTS BITE,  
SENATORS PETERIS STERSTE,  
JEKABS GROTS, MINTAUTS ČAKSTE,  
JANIS SKUDRE, PETERIS LEITANS,  
JANIS ANKRAVS, TEODORS BERGTALS,  
PROSECUTOR TEODORS UDRIŠ



Chair of the Senate's Criminal Cassation Department, acknowledging the Senate's supreme status in implementing the law. Senator Vladimirs Bukovskis was head of the committee for drafting the Civil Law enacted in 1937, senators Osvalds Ozolins and Augusts Lebers were also on the committee, but Karlis Ducmanis prepared the preamble to the Law.

The number of cases reviewed by the Senate speaks for the amount of work done. During its 22 years of existence, the Senate's Criminal Cassation Department reviewed 18 458 cases, the Civil Cassation Department 16 299 cases, and the Administrative Department 28 397 cases, a total average of 3000 cases annually. The Assembly reviewed approximately 600 different cases.

Approximately 4800 judgments were published by the Senate. Collections of Senate rulings cover more than 6000 pages; today, these are a bibliographic rarity. The Senate's practice gained recognition not only in Latvia, but also abroad. The methodologically convincing interpretation and application of laws deserves special recognitions. The recognition of the Senate of Latvia was fostered by the translation of Senate rulings into German and Russian, often accompanied by comments. At least 70 translated Senate judgments appeared in a journal published by the German Lawyers' Association of Latvia, over 30 Senate judgments summarised and issued in Russian in the journal "*Zakon i sud*" were published in Riga and 20 translated Senate judgments were published in legal journals abroad.

Initially the Senate of Latvia assumed also the functions of constitutional justice. In several rulings the Senate verified, whether the Cabinet of Ministers had passed provisional rulings within the competence set out for it in the Constitutions and the law On the Rights of the Cabinet of Ministers to adopt Provisional Regulations. However, following the constitutional conflict concerning the immunity case of the *Saeima* deputy Janis Goldmanis, the Senate of Latvia consistently distanced itself from deciding on constitutional issues.

Following Karlis Ulmanis' *coup d'état* of 15 May 1934 the Senate did not comply with the ideas of an authoritarian state. When the Senate was requested to congratulate the new Government, recognising the legality of the *coup d'état*, Kristaps Valters declined to do it, pointing out that such a recognition was impossible. The Senate, upon the protests voiced by several senators, declined election of Karlis Ulmanis as the Judge Emeritus of the Senate.

The Minister of Justice propagated the idea of "Latvian law" and "Latvian courts", indicating that "a judgment may not be appropriate, if ... the judge's convictions are not in full harmony with the ideas of 15 May". That meant politicising of the legal system. However, the judgments of the Senate paid no "dues" to the ideas of 15 May, even though Kristaps Valters, the Chair of the Assembly, lost his position.

## LIQUIDATION OF THE SENATE

The Senate continued its work until 26 November 1940, when the People's Commissioner of Justice issued an order, effective immediately, dismissing the senators.

Repressions carried out also affected the judiciary. Of the 16 senators serving at the time of Soviet occupation and out of the seven former senators then remaining in Latvia, only three stayed in Latvia. Seven senators were deported to Siberia and perished there, and thirteen senators went into exile at the end of the World War II.

The senators, even though having lost their position, remained loyal to the Latvian State, did not become collaborators and did not cooperate with the Soviet government. The senators became involved in a series of political campaigns aimed at safeguarding and restoring the independence of the Republic of Latvia, for example, preparing a list of candidates loyal to the Latvian State for the elections of July 1940, signing the political memorandum of the Latvian Central Council on restoring the *de facto* independence of the Republic of Latvia in 1944. The opinion prepared by the Senators of the Senate of Latvia in exile on the Constitution of 1922 being in force under the conditions of occupation was of special significance. The Constitutional Court, in its ruling of 2007 in the Border Treaty case, quoted it repeatedly, in view of the fact that it clearly defined the continuity of the Latvian State.

## SOVIET PERIOD

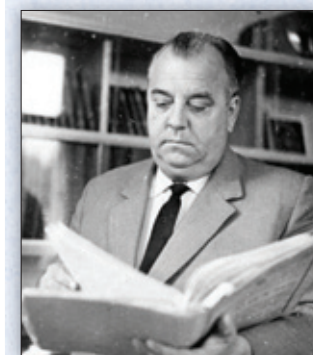
After Soviet military forces occupied Latvia in 1940 and Latvia was incorporated in the USSR, on 11 November 1940 the Presidium of the Latvian SSR Supreme Soviet issued a decree signed by Augusts Kirhensteins on restructuring the Latvian court system. The magistrates' courts were converted into People's Courts, regional courts kept their name, but had to operate under Soviet law, Court Chambers became the Supreme Court of the Latvian SSR, but the former Senate was abolished altogether. When World War II broke out, during the German occupation, part of the institutions that functioned prior to 1940 were restored, however, the work of the Senate was not renewed. After 1944 the Soviet system of courts was established in Latvia. The two-instance court system existed in the Republic – the district and regional People's Courts and the Supreme Court of the LSSR. The Supreme Court of the LSSR reviewed civil and criminal appeals as the court of second instance. It reviewed a few cases as the court of first instance, for example, murder cases under aggravating circumstances, organized crime, and crimes against the state. Its decisions were final and non-appealable.

From 1959 to 1970, when the Ministry of Justice was abolished, the supervision of the People's Courts and notary offices was one among the functions of the Supreme Court.



### SENTENCE – TO BE SHOT.

THE MINUTES OF THE FOUR HOUR LONG INTERROGATION ARE BRIEF – TWO AND A HALF PAGES. DECISION: SENATOR JEKABS GROTS, TO BE SHOT FOR ACTIVELY RESISTING THE REVOLUTIONARY MOVEMENT. PRIVATE PROPERTY TO BE CONFISCATED. THE CASE FILE CONTAINS AN ACT, DRAWN UP ON 17 JUNE 1942 AT 23.00 ON THE EXECUTION OF THE SENTENCE



**BOLESLAVS AZANS.**  
THE CHIEF JUSTICE OF THE SUPREME COURT  
OF THE LSSR FROM 1956 TO 1985



Initially part of the judges were newcomers from the USSR. Beginning with the 1960s Latvian lawyers, educated at the Latvian State University, started working as judges, and in the 1980s almost all members of the Supreme Court (as they were called at the time) came from this background. From 1985 to 1990 from among 33 judges of the Supreme Court 7 were not Latvians and only a few of them were unable to speak Latvian.

The judges and lay judges of the Supreme Court were elected by the Supreme Soviet of the Latvian SSR for a five years' term. At the Supreme Court justice was administered by one judge and two lay judges. The Supreme Court had two judicial Panels – the Panel of Civil Cases and the Panel of Criminal Cases. The protests against Panel decisions were reviewed by the Presidium of the Supreme Court, but protests against the Presidium decisions – by the Plenary Session of the Supreme Court. The Plenary Session also collected case law, statistics, approved the constitution of collegiums and provided guidance to the peoples' courts.

## AWAKENING AND ESTABLISHMENT OF THE INDEPENDENT SUPREME COURT OF THE REPUBLIC OF LATVIA

In 1985, after Mikhail Gorbachov, the Secretary General of the Central Committee of the Soviet Communist Party, declared “a course of restructuring and openness”, changes started in the Soviet Union with regard to at least little independence for its republics. The reborn national ideals in the Baltic grew stronger, eventually evolving into a general national awakening, lead by the Latvian Popular Front (LPF) and the Latvian National Independence Movement (LNIM). People from artistic and intellectual milieu, including lawyers, became actively involved in the processes of awakening.

A LPF support group was established also at the Supreme Court, headed by judge Andrejs Lepse. Members of the support group met regularly, discussed topical issues in the activities of the Popular Front, collected donations for the LPF Fund, distributed the newspaper “*Atmoda*” [The Awakening], were on duty at the headquarters of the Front.

During the period of awakening the frequency of confrontations between demonstrators, protesters and the militia increased. The militiamen often detained the protesters, but judges often did not give approval for the acts of militia and released

the detainees. Usually the Prosecutor's Office of the Latvian SSR protested against these decisions, but the Supreme Court gave its support. There were also decisions made by the judges of the People's Courts on sanctioning the protesters. The Supreme Court frequently set aside such decisions and terminated the cases.

The so-called Lujan's case of 1988 should be singled out. The young man, who during the meeting on 14 June, held a poster, was accused by the Prosecutor's Office of the Latvian SSR and the KGB, the indictment was severe – malicious hooliganism and bringing into disrepute the Soviet State and social order. The turn of events was completely unexpected for the functionaries of the authorities and the Communist party, and also for the hundreds of listeners, crowding the courtroom and gathering around the Supreme Court building for several days with posters and red-white-red flags. The court hearing, chaired by judge Luko Lotko, fully acquitted Lujans. This case marks the turning point in the history of Latvian judicial system towards political neutrality of the courts.

The Plenary Session of the Supreme Court before the *de facto* restoration of state independence and creation of the legal basis needed for the judicial reform, passed historically important and courageous decisions.

To prevent the impact of the Communist Party upon courts, the Plenary Session of 14 February 1990 stipulated that the office of judge was incompatible with affiliation to political parties and public political organisations.

On 23 April 1990 the Plenary Session requested the incumbent Supreme Council of the Latvian SSR to declare unlawful all decisions of court and out-of-court institutions, on the basis of which, in accordance with the laws of the occupying state, Latvian inhabitants had been subject to repressions, to rehabilitate them.

On 4 May, 1990, the LSSR Supreme Council passed the declaration “On Restoring the Independence of the Republic of Latvia”. This had the legal effect of a constitution, reinstating the four Articles of the *Satversme* (Constitution) of independent Latvia that set forth the constitutional and legal basis of the Latvian state. The constitutional law “On the Political Status of the Republic of Latvia”, of 21 August 1991, in its turn, fully restored the Latvian political system under the *Satversme* (Constitution) of 15 February, 1922.

### THE FIRST SWEARING IN CEREMONY OF THE JUDGES OF THE SUPREME COURT ON 8 APRIL 1991.

DURING THE SOVIET RULE, SWEARING IN WAS NOT PRACTICED, EVEN THOUGH THE CONSTITUTION OF THE LATVIAN SSR STATED THAT JUDGES HAD TO BE SWORN IN. WHEN LATVIA'S INDEPENDENCE WAS RE-INSTITATED, THE JUDGES' OATH OF OFFICE WAS RENEWED AND ALL JUDGES WERE SWORN IN REGARDLESS OF THEIR LENGTH OF SERVICE. THE JUDGES SWORE TO BE FAIR AND JUST, TO UNCOVER THE TRUTH AND TO HEAR COURT CASES WITH DUE REGARD TO LEGISLATION OF THE REPUBLIC OF LATVIA



State institutions acquired not only new names, but also new contents to their activities. The Supreme Court of the Latvian SSR was renamed the Supreme Court of the Republic of Latvia. On 16 May 1990 Anatolijs Gorbunovs, the Chairman of the Supreme Council of the Republic of Latvia proposed Gvido Zemribo as the candidate for the office of Chief Justice of the Supreme Court. Zemribo had been the Chief Justice of the Supreme Court since 1985 and was supported by the deputies and entrusted with the task to continue working and create the Supreme Court of the independent Republic of Latvia. On 11 March 1991, the Plenary Session of the Supreme Court passed the decision “On the Independence of the Judiciary of the Republic of Latvia” which for the first time contained the basic principles of international standards for adjudicating cases and independence of the judiciary. On 8 April, the Judges of the Supreme Court, wearing official robes and insignia, made according to the sample official robes of the Senate of Latvia, went to the Supreme Council for the first swearing in ceremony.

### REHABILITATING THOSE SUBJECT TO REPRESSION

From December 1991 to the end of 2004, the Rehabilitation Division operated in the Supreme Court under the law “On rehabilitation of persons subject to illegal repression”. The task was to review criminal cases and prepare materials for rehabilitating those convicted by judgments of military tribunals or courts during the period of Soviet occupation.

The Rehabilitation Division studied the archive materials of criminal cases and drew more than 30 000 conclusions regarding those who were subject to repression, and issued rehabilitation

certificates to about 12 250 persons. Rehabilitation was declined to 2545 persons. Almost since the very start the Rehabilitation Division was run by Biruta Puke, who for 14 years listened to tragic life stories, searching archive documents, requesting references from archives of Ministries of the Interior of different regions of Russia – most often, Krasnoyarsk and Magadan, as well as of the Komi ASSR and the Republic of Kazakhstan.

The Rehabilitation Division also issued various references to those who had been subject to repression and their relatives – regarding seizure of property, places of imprisonment and deportation, participation in the national resistance movement, statement of the fact of death. Under the law of 27 April 1995 “On determining the status of a person having been subject to political repression regarding victims of the communist and Nazi regimes”, the state conducts historical research into the fate of these persons. Documents prepared by the Supreme Court Rehabilitation Division helped to understand the fate of people during an important period in Latvia's history. The Rehabilitation Division cooperated with the Museums of War and History in organising commemorative events, publications, and exhibitions.

### ESTABLISHING THE THREE INSTANCE COURT SYSTEM

Restoration of independence did not involve starting “from scratch” when re-establishing the judicial system, including the Supreme Court, the reform of the Latvian court system, including the Supreme Court, leaned on the regulatory basis of the former independent Latvian State, supplementing it with a new one.



## The composition of the first Senate and the Court Chambers, approved on 3 October 1995

### **Senate Department of Civil Cases:**

Chair Martins Dudelis, Senators Imants Fridrihsons, Zigmants Gencs, Rolands Krauze, Roberts Namatevs, Rita Saulite, Ruta Zake, Marite Zagere.

### **Senate Department of Criminal**

**Cases:** Chair Pavels Gruzins, Senators Frīcis Jaunbelzejs, Astrīda Kazarova, Georgijs Kuznecovs, Zaiga Raupa, Vilnis Vietnieks.

### **Chamber of Civil Cases:** Chair

Gunars Aigars, Judges Vanda Cirule, Ojars Druks-Jaunzemis, Raimonds Gravelsins, Mara Katlapa, Ausma Kalvane, Ilgars Zigfrīds Septeris, Irena Vīksno, Aiva Zarina.

### **Chamber of Criminal Cases:** Chair

Andrejs Lepse, Judges Ivars Bickovics, Aija Branta, Voldemars Cizevskis, Valda Eilande, Arturs Freibergs, Nadezda Ramona Jansone, Ausma Keisa, Luka Lotko, Anita Nusberga, Leontine Pluksna, Ludmila Polakova, Valdis Salmins.

## The composition of the first Senate Department of Administrative Cases, approved on 6 February 2004

Chair Valerijans Jonikans, Senators Jautrite Briede, Ilze Skultane, Edite Vernusa, Gunta Visnakova.

On 15 December 1992 the Supreme Council of the Republic of Latvia passed the law "On Judicial Power", to form the legal basis for judicial reform of Latvia. For the first time the principle of separation of powers was corroborated by law, providing for an independent judicial power in Latvia in addition to legislative and executive powers. The law consolidates the three-instance court system in Latvia. On that basis, five regional courts were created anew in Latvia and the Supreme Court with its Chambers was transformed to serve as the court of appeals, with the Senate serving as the court of cassation appeals. In difference to the Soviet System, the Supreme Court was no longer entrusted with the function of supervising lower instance courts.

On 3 October, 1995 the Plenary Session of the Supreme Court passed the decision "On Establishing Senate Departments and Court Chambers of the Supreme Court of the Republic of Latvia" creating the current structure of the Supreme Court and approving the composition of the Chamber of Civil Cases, the Chamber of Criminal Cases, and the Senate Departments of Civil Cases and Criminal Cases. Chairs of Chambers and Departments were elected. The Department of Administrative Cases started work in February 2004.

## JOINING THE EUROPEAN SYSTEM OF LAW

Rapid changes in the economic and political life of the country, a change in the attitude towards property, processes of denationalization and privatization, differentiation of society and problems related to crime, reform of the courts and the law and other processes made the Supreme Court develop, requiring professional development from judges. The latest stage of development is linked to changes in the life of the country after joining the European Union. The court adjudication procedure is improved, the ability to interpret legal provisions in accordance with requirements laid down for courts as Latvia has become part of European democratic society. The European base of standards, the case-law of the Court of the European Union and the European Court of Human Rights is mastered. The role of human rights gains more significance, the administrative procedure and the branch of administrative courts is improving.

Membership of the European Union has led to cooperation between the Latvian Supreme Court and courts of other countries and international institutions; regular exchange of experience takes place among national Supreme Courts and specialists in a number of fields.

The Supreme Court of Latvia participates in the following international organisations: On 10 March 2004 in Paris, with the participation of 24 representatives from the Supreme General Jurisdiction Courts of the Member States and Candidate States of the European Union, the Network of the Presidents of the Supreme Law Courts of the European Union was established including the Supreme Court of the Republic of Latvia. Under the Association's Statutes the Presidents of the Supreme Law Courts of the European Union as natural persons are members of the Association. The key goal of the Association is to promote exchange of views and experience regarding case-law, and organization and functions of Supreme Courts, especially in relation to applying European Community law.

Since 2004, the Supreme Court of Latvia has been a member of the Association of State Councils and Supreme Administrative Courts of EU Member States. The Association aims at mutual exchange of information and consultations regarding administrative procedures. Senators of the Department of Administrative Cases are involved in different professional cooperation programmes.

The Supreme Court ensures the participation of the Board of Justice in the European Network of Councils for the Judiciary. The decision on admitting the Latvian Board of Justice into ENCJ was taken by the General Assembly of the Association in Vilnius in June 2011. ENCJ unites EU member state institutions, which represent the judiciary and are independent from the legislator and the executive power.

## CONFERENCES OF THE SUPREME COURT

In 2005, international conference "Development of the Supreme Court of Latvia: looking back and lessons from the European experience for the future", commemorating the 15<sup>th</sup> anniversary of the restoration of the Supreme Court of the Republic of Latvia and the 10<sup>th</sup> anniversary of establishing the Senate and the Court Chambers;

In 2006 in cooperation with the American Board of Trial Advocates – "Judges and attorneys in interaction: the commonalities and the differences in Latvian and American legal systems";

In 2007 in cooperation with the US Embassy in Latvia and the Ministry of Justice – "Judicial Reform, Ethics, and Transparency";

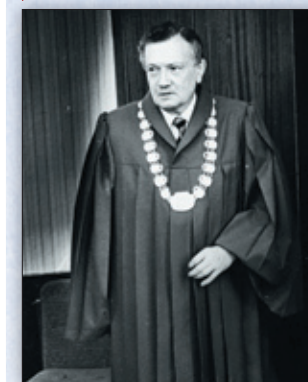
In 2008, conference organised by the Case-law Division and the Senate Department of Criminal Cases "Penal Policy";

In 2009, commemorating coming into effect of the Administrative Procedure Law and the fifth anniversary of establishing administrative courts, the Senate Department of Administrative Cases organised conference "Five Years of Administrative Courts and Administrative Court Proceedings in Latvia";

In 2010, reflecting on the fifteen years since the establishment of the Senate and the Court Chambers at the Supreme Court, in cooperation with the University of Latvia Law Faculty, organised conference "Judicature of the Supreme Court and its Role in the Development of Judicial Thought in Latvia".



## Former Chief Justices of the Supreme Court of the Republic of Latvia



1990 – 1994 – Gvido Zemribo



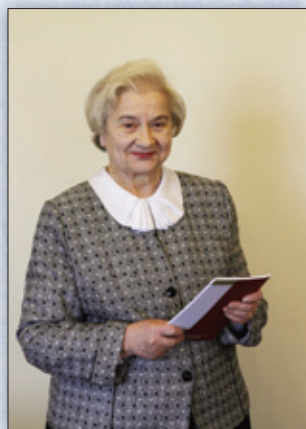
1994 – 2008 – Andris Gulans

COOPERATION OF THE EU SUPREME COURTS. CHIEF JUSTICES OF SUPREME COURTS: IRMGARD GRISS (AUSTRIA), IVARS BICKOVICS (LATVIA), MĀRT RASK (ESTONIA) AND GINTARAS KRYZEVICIUS (LITHUANIA) AT THE CONFERENCE "JUDICATURE OF THE SUPREME COURT AND ITS ROLE IN THE DEVELOPMENT OF JUDICIAL THOUGHT IN LATVIA", 2010



## Judges Emeritus of the Supreme Court

Upon the recommendation of the Board of Justice, the Saeima may award the title of Judge Emeritus to a judge, who has worked dutifully and retired from the position of judge.



**AIVA ZARINA**, FORMERLY JUDGE AT THE CHAMBER OF CIVIL CASES OF THE SUPREME COURT. AWARDED THE TITLE OF JUDGE EMERITUS ON 17 MARCH 2011



**PAVELS GRUZINS**, FORMERLY CHAIR OF THE SENATE DEPARTMENT OF CRIMINAL CASES OF THE SUPREME COURT. AWARDED THE TITLE OF JUDGE EMERITUS ON 12 MAY 2011

## 2. AWARDS GRANTED TO THE JUDGES AND EMPLOYEES OF THE SUPREME COURT

### THE THREE-STAR ORDER AND THE CROSS OF RECOGNITION

**Andris Gulans** – Three-Star Order, Third Class, awarded in 2005  
**Rolands Krauze** – Cross of Recognition, Third Class, awarded in 2005

**Roberts Guntis Namatevs** – Three-Star Order, Fourth Class, awarded in 2008

**Kalvis Torgans** – Three-Star Order, Third Class, awarded in 2009  
**Gunars Aigars** – Cross of Recognition, Third Class, awarded in 2009

**Pavels Gruzins** – Three-Star Order, Third Class, awarded in 2010

**Aiva Zarina** – Three-Star Order, Fourth Class, awarded in 2010

**Gunta Visnakova** – Three-Star Order, Fourth Class, awarded in 2010

**Gvido Zemribo** – Three-Star Order, Third Class, awarded in 2011

### MARK OF DISTINCTION OF THE JUDICIARY

The award of the system of justice – the Mark of Distinction – was jointly established by the Ministry of Justice, the Supreme Court and the Prosecutor's General Office, in 2008, commemorating the 90<sup>th</sup> anniversary of establishing the State of Latvia and its system of Justice. The Mark of Distinction has three Ranks.

#### Mark of Distinction of the 1<sup>st</sup> Rank

In 2008: Gvido Zemribo, Imants Fridrihsons, Gunta Visnakova, Gunars Aigars, Pavels Gruzins, Kalvis Torgans

#### Mark of Distinction of the 2<sup>nd</sup> Rank

In 2008: Andris Gulans, Valda Eilande, Valerijans Jonikans

In 2009: Astrida Kazarova, Ruta Zake, Biruta Puke

In 2010: Zigmants Gencs

#### Mark of Distinction of the 3<sup>rd</sup> Rank

In 2008: Aiva Zarina, Ausma Keisa, Eduards Pupovs, Rita Saulite, Fricis Jaunbelzejs, Georgijs Kuznecovs, Leontine Pluksna

In 2009: Peteris Dzalbe, Ramona Nadezda Jansone, Raimonds Gravelins

In 2010: Skaidrite Lodzina, Anita Nusberga, Ilze Skultane, Ludmila Polakova, Vanda Cirule, Inta Kirse, Vaira Avotina

In 2011: Marite Zagere, Andrejs Lepse, Zigrīda Mita



### THE SUPREME COURT LENGTH OF SERVICE BADGE



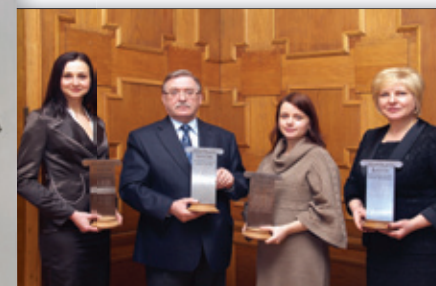
The Supreme Court Length of Service Badge was approved by the State Heraldry Committee in 2005, marking the 15<sup>th</sup> anniversary of restoration of the Court's activity. The badge is awarded to judges and Court staff for long and dutiful service to the court. Badges are of four types: for 10, 15, 20 and 25 years of service to the Supreme Court.

The Internationally recognised symbol of judicial authority – fasces – is used for the Supreme Court Length of Service Badge, it is a bundle of sticks with a hatchet head, encircled with oak branches. Until 1940 this was the central element of the chain of a judge of the Republic of Latvia.

In 2010 the first 20 Length of Service Badges were awarded. The recipients were nine senators and judges and five employees, who had served at the Supreme Court for 20 years since the restoration of the Supreme Court of the Republic of Latvia in 1990: Pavels Gruzins, Anita Nusberga, Vilnis Vietnieks, Zigmants Gencs, Marite Zagere, Gunars Aigars, Raimonds Gravelins, Ludmila Polakova, Ramona Nadezda Jansone, Valdis Straume, Inta Kirse, Anda Straume, Edgars Janeks and Ausma Garkalne.

### THE THEMIS AWARD

The award of the Supreme Court of Latvia, established in 2005 to recognise and honour the most successful and professional judges and Court staff of the year and to motivate them for future work and development. Professional nominations are: Judge of the Year, Judge's Assistant of the Year, and Employee of the Year. In order to determine the most successful and deserving person in the Supreme Court there is a popular nomination of Person of the Year.



**THEMIS AWARD – 2011.**  
 FROM THE LEFT: EMPLOYEE OF THE YEAR – HEAD OF THE SENATE CHANCERY ELINA MAJORE, PERSON OF THE YEAR – HEAD OF THE CASE-LAW DIVISION PAVELS GRUZINS, JUDGE'S ASSISTANT OF THE YEAR – ASSISTANT TO THE CHAIR OF THE CHAMBER OF CRIMINAL CASES NATALJA AVREICEVICA, JUDGE OF THE YEAR – CHAIR OF THE SENATE DEPARTMENT OF ADMINISTRATIVE CASES VERONIKA KRUMINA

### PERSON OF THE YEAR

2005 – Rolands Krauze, Senator of the Senate Department of Civil Cases  
 2006 – Imants Fridrihsons, Senator of the Senate Department of Civil Cases  
 2007 – Roberts Guntis Namatevs, Senator of the Senate Department of Civil Cases  
 2008 – Ivars Bickovics, Chief Justice of the Supreme Court, and Andris Gulans, Senator of the Senate Department of Administrative Cases, former Chief Justice of the Supreme Court

2009 – Gunars Aigars, Chair of the Chamber of Civil Cases

2010 – Aiva Zarina, Judge of the Chamber of Civil Cases

2011 – Pavels Gruzins, Head of the Case-law Division

### JUDGE OF THE YEAR

2005 – Aiva Zarina, Judge of the Chamber of Civil Cases

2006 – Pavels Gruzins, Chair of the Senate Department of Criminal Cases

2007 – Valerijans Jonikans, Chair of the Senate Department of Civil Cases

2008 – Valda Eilande, Senator of the Senate Department of Criminal Cases

2009 – Eduards Pupovs, Judge of the Chamber of Criminal Cases

2010 – Peteris Dzalbe, Senator of the Senate Department of Criminal Cases

2011 – Veronika Krumina, Chair of the Senate Department of Administrative Cases

### JUDGE'S ASSISTANT OF THE YEAR

2005 – Linda Strazdina, Assistant to the Chair of the Chamber of Criminal Cases

2006 – Viesturs Gaidukevics, Assistant to the Senator of the Senate Department of Criminal Cases

2007 – Kristine Aperane, Assistant to the Senator of the Senate Department of Administrative Cases

2008 – Konstantins Vaivods, Assistant to the Chair of the Senate Department of Administrative Cases

2009 – Irina Casa, Assistant to the Chair of the Chamber of Civil Cases

2010 – Nora Magone, Assistant to the Senator of the Senate Department of Criminal Cases

2011 – Natalja Avreicevica, Assistant to the Chair of the Chamber of Criminal Cases

**SECRETARY OF THE YEAR**

2005 and 2006 – Anda Eglite, Secretary of the Senate Chancery

2007 – Sanita Jefimova, Court Secretary of the Chancery of the Chamber of Criminal Cases

2008 – Ilga Vekmane, Secretary of the Senate Chancery

**EMPLOYEE OF THE YEAR**

2009 – Sandra Lapina, Head of Administration

2010 – Agris Vaivods, Senior Guard

2011 – Elina Majore, Head of the Senate Chancery



**Hermanis Apsitis,  
Minister of Justice,  
at the ceremony  
of laying the foundation  
stone of the Palace  
of Justice in 1936:**

*"Content has to be embodied in appropriate form; every type of work requires specific conditions, a particular environment and exterior. Just as when attending Church we feel the presence of the divine spirit even before the service has started, each and every person appearing before the court should feel impressed by the lofty ideals and goals of the judiciary. Serving justice and truth in good faith and devoting all our knowledge and ability to this cause is also serving the Creator. Hence, every nation of some cultural standing tries to create spacious and handsome court buildings that are similar to temples. We, too, have followed this course after national matters, including court affairs, could be placed above personal matters and group interests, and all sectors of life have started to run smoothly."*



**MESSAGE.** On 4 DECEMBER 1936 A ROLL OF PARCHMENT WAS PLACED IN THE FOUNDATION OF THE PALACE OF JUSTICE CONTAINING THE FOLLOWING MESSAGE: " ...THOSE WHO HAVE BEEN GIVEN AND WHO WILL BE GIVEN IN THE FUTURE THE POST OF INDEPENDENT DELIVERER OF JUSTICE IN LATVIA, SHALL MAKE SURE THAT THE SUN OF JUSTICE SHINES BRIGHTLY UPON LATVIAN LAND AND THE WARMTH OF FAIRNESS IS NOT EXTINGUISHED IN ITS HEARTH."

### 3. THE PALACE OF JUSTICE

The court being considered "an establishment of culture and a feature of culture", Karlis Ulmanis, President of Latvia, in 1936 admitted the need for a new central building for the judiciary – the Palace of Justice, because judicial bodies located in Riga, including the Senate, the Chamber of Courts, and the Riga Regional Court were suffering from shortage of suitable premises. Initially, several possibilities were discussed, including construction of an annex to the building occupied by the Senate and the Chamber of Courts, expanding the building towards Terbatas Street, with a new building for the courts being erected on Ravelin Square. Other possibilities were also discussed, none of them leading to a complete solution. At meetings on 21 April 1936 and 30 June 1936, the Cabinet of Ministers decided to allow the Ministry of Justice to build the Palace of Justice in the triangle between Brivibas Boulevard, Terbatas Street and Elizabetes Street by purchasing Ravelin Square from the city of Riga and demolishing the building occupied by the Senate and the Chamber of Courts.

A competition was announced for developing the most suitable project. Eight projects were submitted to competition. Architect Fridrihs Skujins was assigned the task of finalizing the project. The contract for construction of the Palace of Justice was awarded to the construction company of M. Vaitnieks. The cornerstone of the Palace of Justice was laid on December 4, 1936 amidst extensive festivities.

The first stage of project construction was completed in less than two years. The first official meeting was held at the Palace of Justice on 18 November 1938 to commemorate the twentieth anniversary of Latvian independence. The Ministry of Justice, the Senate, the Chamber of Courts, the Riga Land Register subdivision, and other institutions dealing with judicial work took seats in the Palace of Justice. However, interior work in the building was still going on. The formal opening of the Palace of Justice was held on 9 December 1938.

The Palace of Justice contained 130 courtrooms, offices, and chancery premises. The exterior walls and sections of the facade of the Palace of Justice are covered with local Latvian granite. The interior contains details in the style of Latvian folk art. Construction costs amounted to LVL 2 479 700. Craftsmen and builders worked for 250 000 days in total.

The Senate occupied the second floor of the newly constructed palace. Its courtroom bore the following inscription: "One law – one justice for all".

If the second part of the building, designed for courts of lower instance by architect F. Skujins, was completed, the Palace of Justice would become the seat of all judicial institutions in the capital. However, the architect did not live to see his ideas implemented. When the Soviet regime wound up the Senate in 1940, the handsome premises of the Palace of Justice became home to various Soviet government institutions, such as the LSSR Council of Ministers, the State Planning Committee, and others. The second stage of construction of the Palace of Justice went on, but the rest of the building was put to other use.

After the independence of Latvian courts was restored, the Supreme Court requested the right to return to the Palace of Justice. The placement of the Supreme Court in the Palace of Justice was not just

a judges' whim or paying to history its dues. It was a factual necessity, because two courts – the Riga Regional Court and the Supreme Court – could not work in one building at 34 Brivibas Blvd. On 15 March 1993 the Plenary Session of the Supreme Court adopted a decision "On the Palace of Justice", indicating that the rights of the Supreme Court to return to the Palace of Justice had legal, moral and historical justification.

In 1995 the Supreme Court started moving gradually to the part of the Palace of Justice at 36 Brivibas Blvd. located on the side of Elizabetes Street. 23 April 1996 was a historic date: the Supreme Court returned to the Palace of Justice.

The working conditions of the Supreme Court improved significantly, but not completely. The premises allocated for the Supreme Court were still insufficient, the courtrooms for the criminal cases were still located in the building of Riga Regional Court. Part of premises was still occupied by the Cabinet of Ministers, the State Chancery, the Ministry of Justice and the Ministry of Foreign Affairs. The premises of the Supreme Court expanded gradually. In 2010 the Court repossessed the premises, previously allocated to the Ministry of Justice.

However, the Supreme Court still has not returned to its historically most significant room – the Senate Court Room with the inscription "One law – one justice for all", which still serves the Government meeting room. The central entrance to the Palace of Justice, with the sculpture "Justice", created by sculptor Karlis Zemdega, placed in its lobby, leads to the premises of the Government, not those of the Senate.



**THE INTERIOR OF THE PALACE OF JUSTICE.** FOR ITS CONSTRUCTION ARCHITECT FRIDRIHS SKUJINS INCORPORATED THE BEST IDEAS FROM AWARD-WINNING ARCHITECTS A. KLINKLAVS, O. TELMANIS, AND A. MEDLINGERS SUBMITTED TO THE PROJECT DESIGN COMPETITION. M.VAITNIEKS, MASTER CRAFTSMAN BRICKLAYER, WAS PALACE OF JUSTICE CONTRACTOR

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**THE READING-ROOM OF THE SUPREME COURT.** IN 2010 A READING-ROOM OF THE COURT WAS INSTALLED IN THE FORMER OFFICE OF THE HEAD PROSECUTOR OF THE SENATE OF LATVIA, THE HISTORICAL INTERIOR DESIGN HAS BEEN PRESERVED



**THE RETURN OF THE SUPREME COURT TO THE HISTORICAL PALACE OF JUSTICE IN 1996.** THE NAME PLAQUE IS UNVEILED BY SENATORS GEORGIJS KUZNECOVS AND ROLANDS KRAUZE

**JUSTICE.** THE MAIN LOBBY OF THE PALACE OF JUSTICE HOUSES A SCULPTURE BY KARLIS ZEMDEGA ENTITLED "JUSTICE" FEATURING A BEAUTIFUL GIRL HOLDING A SWORD AND A BOOK OF LAWS. THE GIRL IS THOUGHT TO REPRESENT THE LATVIAN PROTOTYPE OF THEMIS – LAIMA, THE GODDESS, WHO IN LATVIAN FOLKLORE DETERMINES A PERSON'S FATE, DELIVERS JUSTICE, AND ALLOTS TO EACH PERSON THEIR FAIR SHARE





**SILVER-COVERED COPY OF THE CIVIL LAW.** THE CORNERSTONE OF LATVIAN CIVIL LAW – THE CIVIL LAW ISSUED IN 1937. AT THE FESTIVE MEETING CELEBRATING THE DAY WHEN THE CIVIL LAW CAME INTO EFFECT, K.ULMANIS, THEN PRESIDENT OF LATVIA, PRESENTED THE MEMBERS OF THE DRAFTING COMMITTEE WITH SILVER-COVERED, LEATHER-BOUND COPIES OF THE CIVIL LAW. ONE COPY PRESENTED TO SENATOR AUGUSTS LEBERS IS KEPT IN THE SUPREME COURT MUSEUM



## 4. THE SUPREME COURT MUSEUM

The Supreme Court Museum was created in 1998 on the eightieth anniversary of the Supreme Court Senate. The founding of the museum was greatly facilitated by Dietrich Andrejs Lebers, son of Senator Augusts Lebers, both by donating valuable objects and documents from his father's archive and by providing financial support via The August Leber Memorial Foundation to set up the Museum.

The Museum contains historical evidence and documents dating back to 1918. These testify to the beginnings of the Supreme Court Senate, the opening of the Palace of Justice on 9 December 1938. Materials containing evidence of the changes to the judicial system introduced by occupation powers and the fates of its Senators during the Soviet period, their historical heritage, are collected.

In 2005 when celebrating the 15th anniversary of restoration of the Latvian Supreme Court, the museum was supplemented with an exhibition about the period from the national Awakening to the present time. Separate stands are devoted to the events of 1990, restoration of the three-instance court system in 1995, as well as activities of the Rehabilitation Division. The display includes historic decisions of the Supreme Council and the Plenary Session of the Supreme Court, the initial Supreme Court reorganisation project, a rehabilitation certificate, and other items. Gvido Zemribo, the first Chief Justice of the Supreme Court, significantly contributed to development of the exhibition.

In 2009 when celebrating the ninetieth anniversary of the Senate in Latvia the Museum collection on the history of the Senate of



**MUSEUM.** THE MUSEUM REPOSITORY CONTAINS ALMOST A THOUSAND UNITS – SENATORS' BIOGRAPHIES, PHOTOS, BOOKS, PUBLICATIONS, VARIOUS HISTORICAL OBJECTS

Latvia was expanded, and a brochure "The Senators. The Senate of Latvia, 1918 – 1940" was published. Relatives of former senators Mintauts Cakste, Teodors Bergtals, Janis Ankravs, Voldemars Zamuels, Jekabs Grots, Janis Skudre visited the Supreme Court. During the official ceremony to celebrate the ninetieth anniversary of the Senate Andris Grots, the grandson of the former Senator Jekabs Grots, priest of Sigulda Lutheran Congregation, blessed the work of the Supreme Court judges and employees.

In 2010 – 2011 approximately 100 guided tours were conducted for foreign delegations, students, school pupils, exile Latvians, prosecutors, architects and other interested persons.

**JEAN-PAUL COSTA, THE PRESIDENT OF THE EUROPEAN COURT OF HUMAN RIGHTS, SIGNS THE VISITORS' BOOK ON 15 APRIL 2009.** THE SUPREME COURT VISITORS' BOOK CONTAINS SIGNATURES OF SCHOOLCHILDREN AND STUDENTS WHO VISIT THE SUPREME COURT DURING OPEN DAYS, AS WELL AS VIPs PAYING WORKING VISITS TO THE SUPREME COURT. THE VISITORS' BOOK CONTAINS THE SIGNATURES OF PRESIDENTS VAIRA VĪKE-FREIBERGA AND VALDIS ZATLERS, ENTRIES FROM SAMUEL ALITO, JUSTICE OF THE SUPREME COURT OF THE USA, PRESIDENT OF THE EUROPEAN COURT OF HUMAN RIGHTS JEAN-PAUL COSTA, AND JUDGES FROM LITHUANIA, HUNGARY, ROMANIA AND ELSEWHERE



**HISTORICAL INSIGNIA OF OFFICE.** IN 1922 LATVIAN GOVERNMENT ADOPTED REGULATION ON THE ROBE OF OFFICE FOR THE OFFICIALS OF THE JUDICIARY. THE SENATORS WERE ISSUED A DARK RED ROBE WITH A COLLAR AND CUFFS MADE OF VELVET, AND A VELVET CAP IN THE SAME COLOUR WITH GOLDEN POSAMENTS IN THREE ROWS. THE SENATORS WERE ALSO AWARDED A BRONZE CHAIN, CONSISTING OF 24 SMALL COATS OF ARMS OF THE STATE, LINKED WITH THREE SMALL CHAINS, AS WELL AS GILDED FASCES, THE ALLEGORIC SYMBOL OF THE JUDICIARY, ENCIRCLED BY OAK BRANCHES, IN AN OCTAGONAL FRAME

**SUITCASE.** THE MUSEUM DISPLAYS A SUITCASE USED FOR CARRYING THE FILES OF PERSONS SUBJECTED TO UNLAWFUL REPRESSION FROM THE STATE ARCHIVE OF LATVIA TO THE SUPREME COURT REHABILITATION DIVISION. DURING ITS 14 YEARS OF ACTIVITY, THE REHABILITATION DIVISION HAS EXAMINED COURT MATERIALS ON CRIMINAL CASES FROM THE ARCHIVE AND MADE MORE THAN 30 000 DECISIONS ABOUT THOSE SUBJECTED TO REPRESSION AND CONVICTED BY VERDICTS OF COURTS OR COURTS MARTIAL







SUPREME COURT BUILDING

## PRACTICAL INFORMATION

# The Supreme Court of the Republic of Latvia

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Phone : +371 67020350

Fax: + 371 67020351

E-mail: [at@at.gov.lv](mailto:at@at.gov.lv)

Web site : [www.at.gov.lv](http://www.at.gov.lv)

**Office hours:** Monday 8.30 –18.00;

Tuesday, Wednesday, Thursday 8.30 –17.00;

Friday 8.30 –16.00. Lunch break 12.00 – 12.30.

### VISITING AND DOCUMENT SUBMISSION HOURS:

**The Senate Chancery, the Chancery of the Chamber of Civil Cases, the Chancery of the Chamber of Criminal Cases, the Document Administration Division**

Monday 9.00 – 12.00 and 13.00 – 17.45;

Tuesday, Wednesday, Thursday 9.00 – 12.00 and 13.00 – 16.45;

Friday 9.00 – 12.00 and 13.00 – 15.45.

Prior to holidays the visiting hours end at 15.00.

### FOR DETAILS OF COURT MATERIALS:

EVERY WEEKDAY TILL 15.00.

Case participants should apply:

Senate Chancery:

Department of Civil Cases,

telephone: + 371 67020364

Department of Criminal Cases,

telephone: + 371 67020370

Department of

Administrative Cases,

telephone: + 371 67020339

Chancery of the Chamber of Civil Cases,

telephone: + 371 67020347

Chancery of the Chamber of Criminal Cases,

telephone: + 371 67020316



**To make an appointment for tours of the museum, classes of legal science conducted by the Senators and students' visits to the Supreme Court:**  
contact the Communications Division + 371 67020396

### PUBLICATION DATA

Printed by UnitedPress  
Printing group of companies  
3000 copies  
Rīga, 2012  
ISBN 978-9934-8261-1-5

**Published by the Supreme Court of the Republic of Latvia**  
Brīvības Boulevard 36, Rīga, LV-1511

*In preparing this publication materials from "The History of the Ministry of Justice and the Courts, 1918 – 1938", published in 1938 and compiled by K.Veitmanis and A.Mengelsons, of the brochure "The Senators. The Senate of Latvia, 1918–1940", materials of the Supreme Court Museum, photos of the news agency Leta, the Chancery of the President of the State, magazine Jurista Vārds and the Supreme Court have been used.*