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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and
the President has proclaimed the following Law:

Office of the Prosecutor Law

Chapter One

Tasks, Functions and Principles of Operation of the Office of the Prosecutor

Section 1. Office of the Prosecutor and its Tasks

(1) The Office of the Prosecutor is an institution of judicial power, which independently carries out supervision of the observance of law within the scope of the competence determined by this Law.

(2) The task of the Office of the Prosecutor shall be to react to a violation of law and to ensure the deciding of matters relating to such in accordance with the procedures prescribed by law.

(3) A prosecutor is an official of the Office of the Prosecutor who holds any of the offices referred to in Section 30 of this Law.

Section 2. Functions of the Office of the Prosecutor

The Office of the Prosecutor shall:

- 1) supervise the work of investigative institutions and the investigatory operations of other institutions;
- 2) organise, manage, and conduct pre-trial investigations;
- 3) initiate and conduct criminal prosecution;
- 4) maintain charges of the State;
- 5) supervise the execution of sentences;
- 6) protect the rights and lawful interests of persons and the State in accordance with the procedures prescribed by law;

¹ The Parliament of the Republic of Latvia

- 7) submit a complaint or a submission to a court in cases provided for by law; and
- 8) take part in the adjudication of matters by a court in the cases provided for by law.

Section 3. Legal Basis for the Operations of a Prosecutor

The legal basis for the operations of a prosecutor shall be the Constitution, this Law and other laws, as well as regulatory enactments.

Section 4. Organisational Principles of the Office of the Prosecutor

(1) The Office of the Prosecutor shall be a single, centralised three-level institutional system under the management of the Prosecutor General.

(2) Prosecutors of the same rank shall be mutually substitutable. During the temporary absence of the Prosecutor General, pursuant to his or her directive, one of the chief prosecutors of departments shall substitute for the Prosecutor General. During the temporary absence of a chief prosecutor, the Prosecutor General may assign one of the prosecutors of a relevant Office of the Prosecutor institution to substitute for the chief prosecutor.

(3) State institutions which do not perform the functions of the Office of the Prosecutor, but within their competence utilise the powers specified by law to, facilitate the implementation of the tasks of criminal procedure may be under the supervision of the Office of the Prosecutor in accordance with special laws. The procedures for supervision of such State institutions shall be determined by this Law and the special laws.

[2 April 1998]

Section 5. Basic Principles of the Operations of a Prosecutor

When examining specific matters, each prosecutor shall take his or her decisions independently and individually upon the basis of his or her convictions and law, observing the equality of individuals before law and the courts, the presumption of innocence, truth and lawfulness.

Section 6. Independence of a Prosecutor

(1) In his or her activities a prosecutor shall be independent of the influence of other institutions or officials exercising State authority and administration and shall observe only the rule of law.

(2) The *Saeima*, the Cabinet, State and local government institutions, State and local government civil servants, all types of undertakings and organisations, as well as persons, are prohibited from interfering in the work of the Office of the Prosecutor during the investigation of a matter or during the performance of other functions of the Office of the Prosecutor.

(3) The actions of a prosecutor may be appealed in the cases and in accordance with the

procedures specified by this Law and procedural laws. Complaints regarding questions which are only within the competence of the Office of the Prosecutor shall be submitted to a chief prosecutor of an Office of the Prosecutor institution which is one-level higher, but regarding the actions of a prosecutor of the Office of the Prosecutor General, to the Prosecutor General. The decisions taken by such officials shall be final.

(4) A more high-ranking prosecutor is entitled to accept responsibility for the files in any matter, but is not entitled to assign a prosecutor to carry out actions against his or her convictions.

(5) A prosecutor has the right not to provide information concerning the examination or investigation materials, which are found in the files of the Office of the Prosecutor.

(6) Rallies, pickets, and other demonstrations in the premises of the Office of the Prosecutor institutions are prohibited.

(7) A person shall be held liable in accordance with law for attempting to illegally influence a prosecutor or interfere in the operations of the Office of the Prosecutor.

Section 7. Immunity of a Prosecutor

(1) Initiation of a criminal prosecution against a prosecutor, as well as his or her detention, arrest, forcible conveyance and subjection to a search shall be carried out in accordance with the procedures prescribed by law, notifying without delay the Prosecutor General thereof.

(2) A prosecutor may not be detained pursuant to administrative procedures. A prosecutor shall be disciplinarily punishable for administrative violations committed.

(3) The control of information systems and means of communication, also, electronic means, used in the operations of the Office of the Prosecutor, the retrieval of information from such and interference with their operation shall be allowed only with the consent of the Prosecutor General.

Section 8. Recusal of a Prosecutor

(1) A prosecutor may not take part in the adjudication of a matter in a court or conduct the examination of a submission if a judge or a defence counsel in the matter to be adjudicated, but in the case of examination of the submission the person whose activities are being investigated, is the spouse of the prosecutor, a relative of his or hers or of his or her spouse in a direct line without restriction as to the degree of kinship, but in a collateral line, to the first three degrees of kinship or two degrees of affinity, as well as in cases provided for by the Prevention of Corruption Law. In such cases the prosecutor shall recuse himself or herself.

(2) If a prosecutor has not recused himself or herself, persons whose rights or lawful interests may be affected, may submit an application to a more high-ranking prosecutor or to a court for the recusal of the prosecutor.

(3) Recusal of a prosecutor shall be adjudicated in accordance with the procedures prescribed by law.

[23 May 1996]

Section 9. Mandatory Nature of the Requests of a Prosecutor

(1) The lawful requests of a prosecutor shall be mandatory for all persons in the territory of the Republic of Latvia.

(2) Persons shall be subject to liability as specified by law for the failure to comply with the lawful requests of a prosecutor.

Section 10. Political Neutrality of Prosecutors

Holding office as a prosecutor may not be combined with membership in a party or other political organisation.

Section 11. Restrictions on the Work of a Prosecutor

[23 May 1996]

Chapter 2 Powers of a Prosecutor

Section 12. Supervision of Investigative Institutions and Investigatory Operations of Other Institutions

A prosecutor shall supervise the work of investigative institutions and the investigatory operations of other institutions in accordance with the procedures prescribed by the Criminal Procedure Law and other laws.

Section 13. Powers of a Prosecutor in a Pre-trial Investigation

A prosecutor in accordance with the procedures prescribed by the Criminal Procedure Law shall organise, manage and conduct a pre-trial investigation, as well as give directives to investigative institutions for the performance of criminal search and procedural actions.

Section 14. Maintaining Charges of the State

(1) A prosecutor in accordance with the procedures prescribed by the Criminal Procedure Law shall maintain the charges of the State in criminal matters in all courts of the Republic of Latvia.

(2) A prosecutor has the duty to submit a protest regarding an unlawful or unfounded court adjudication in a criminal matter.

Section 15. Supervision of the Execution of a Sentence of Deprivation of Liberty

(1) A prosecutor in accordance with the procedures prescribed by law shall supervise the execution of sentences of deprivation of liberty adjudged by a court and the places where persons arrested, detained or under guard are kept and shall take part in the sittings of a

court relating to a change in the specified term of a sentence or of circumstances.

(2) A prosecutor has the right and the duty to, without delay, take a decision and release from places of deprivation or restriction of liberty persons held there illegally.

(3) A protest by a prosecutor with respect to a sentence illegally imposed on a person held in a place of deprivation of liberty shall suspend its further execution until the review of the protest is completed.

Section 16. Protection of Rights and Lawful Interests of Persons and the State

(1) Having received information concerning a violation of law, a prosecutor in accordance with the procedures prescribed by law shall carry out an examination, if:

1) the information contains facts regarding a crime; or

2) the rights and lawful interests of persons without the capacity to act, with restricted capacity to act, of disabled persons, minors, imprisoned persons or other such persons, who have limited capability to protect their rights, have been violated.

(2) A prosecutor has the duty to take measures required for the protection of rights and lawful interests of persons and the State, if:

1) the Prosecutor General or a chief prosecutor recognises the necessity for such examination;

2) the examination of the facts regarding the violation of law is assigned by the President, the *Saeima* or the Cabinet; or

3) if such are prescribed by other laws.

(3) A prosecutor shall also carry out an examination, if a submission from a person regarding the violation of his or her rights or lawful interests is received, moreover, such submission has been reviewed by a competent state institution and its refusal to rectify the violation of law referred to in the submission has been received or no reply at all has been provided within the term specified by law. Such submission shall be submitted to the Office of the Prosecutor, and in it shall be indicated:

1) for a natural person – the given name, surname and place of residence of the submitter but for a legal person, its name and location;

2) information regarding the results of the prior examination of the submission;

3) information regarding the nature of the violation; and

4) the date of submission.

(4) The submission must bear the signature of the submitter and the submission shall be accompanied by responses provided by other institutions or other documents relating to its content, or their copies.

Section 17. Powers of a Prosecutor when Carrying out Examination of a Submission

(1) When carrying out an examination of a submission in accordance with the procedures prescribed by law, a prosecutor has the right to:

1) request and receive regulatory enactments, documents and other information from State administrative institutions, banks, the State Audit Office, local governments, undertakings, authorities and organisations, as well as to, without hindrance, enter the

premises of such institutions;

2) assign heads and other officials of undertakings, institutions and organisations to carry out examinations, audits and expert-examinations and to submit opinions, as well as to provide the assistance of specialists in the examinations carried out by the prosecutor;

3) invite a person and receive from him or her an explanation of the violation of law. If the person, in bad faith, evades attending pursuant to the invitation of the prosecutor, the prosecutor may take a decision on the forcible conveyance of such person, which shall be carried out by the police.

(2) A prosecutor, determining a violation of law, in conformity with its nature has the duty to:

- 1) warn of the non-allowability of the violation of law;
- 2) submit a protest or a submission regarding the necessity of prevention of the violation of law;
- 3) bring an action in court;
- 4) initiate a criminal matter; and
- 5) to initiate the adjudication of the question of subjecting to administrative or disciplinary liability.

Section 18. Warning of a Prosecutor

If the elements of a violation of law or the elements which attest to the possibility of unlawful activities with respect to actions of a person have been determined, a prosecutor shall warn such person in writing of the non-allowability of the violation of law.

Section 19. Protest of a Prosecutor

(1) A protest shall be submitted concerning legal documents adopted by the Cabinet, ministries, departments and other State administration institutions, banks, the State Audit Office, local government institutions, inspections and State services, undertakings, institutions, organisations and officials, which do not comply with law. The protest shall be submitted to the same institution or official who has adopted such document or to a higher institution or official.

(2) A protest shall be reviewed and the prosecutor shall be informed of its result within a ten-day period from the date of its receipt. If the protest has been submitted to a collegial institution, the prosecutor may determine a longer period for its review.

(3) If a protest is denied without basis or no reply to it is provided, a prosecutor is entitled, within a one-month period from the expiration of the term for review of the protest, to submit to a court an application for the revocation of the illegal document or for the subjection of a responsible person to liability prescribed by law. The application by the prosecutor to the court shall suspend the operation of the protested document.

Section 20. Submission of a Prosecutor

(1) If it is necessary to discontinue an illegal activity, rectify the consequences of such activity or to prevent a violation, a prosecutor shall submit a submission in writing to the relevant undertaking, authority, organisation, official, or person.

(2) The term for the compliance with the requirements expressed in a submission and for the submission of a reply shall be determined by the prosecutor, observing the nature of the violation and the time required for its rectification.

(3) If the requirements expressed in a submission are not complied with or no reply to it is provided, the prosecutor is entitled to submit to a court or any other competent institution an application for the subjection of a person to liability prescribed by law.

Section 21. Other Powers of a Prosecutor

(1) If a prosecutor has determined a violation of law that does not have elements of a crime, but the renewal of lawfulness through a warning, protest or a submission has not been successful or is not possible, the prosecutor shall bring an action in court.

(2) A prosecutor also has other rights and duties, which are determined in procedural laws, with respect to the adjudication and decision of matters.

Chapter 3

Structural Organisation of the Office of the Prosecutor

Section 22. Institutions of the Office of the Prosecutor

The Office of the Prosecutor shall be composed of the Office of the Prosecutor General, Offices of Prosecutors of judicial regions, Offices of Prosecutors of districts (Republic cities) and specialised Offices of the Prosecutor. All the institutions of the Office of the Prosecutor referred to in this Section have the rights of a legal person.

Section 23. The Prosecutor General

(1) The Prosecutor General shall manage and control the operations of the institutions of the Office of the Prosecutor, determine their internal structure and staff positions in conformity with allocated State budgetary funds, as well as directly manage the work of the prosecutors of the Office of the Prosecutor General.

(2) The Prosecutor General shall in accordance with the procedures prescribed by law hire and release or dismiss from employment prosecutors. His or her instructions, commands, and orders shall be mandatory for all prosecutors. Regulatory enactments of the Prosecutor General, if such do not comply with law, may be revoked by the Senate of the Supreme Court.

(3) The Prosecutor General has the right to:

1) revoke unfounded or unlawful decisions by the Office of the Prosecutor General and prosecutors of judicial regions;

2) propose to the Plenary Session of the Supreme Court that explanations

regarding the application of laws are provided.

3) take part in the Plenary Session of the Supreme Court and to express his or her views concerning the issues to be considered;

4) perform the functions of a prosecutor in all courts of the Republic of Latvia;

5) take part in sittings of the Cabinet and express his or her views concerning the issues to be considered there;

6) take part in sittings of the *Saeima* and with the consent of the *Saeima* express his or her views concerning the issues relating directly to the work of the Office of the Prosecutor;

7) upon determining the non-compliance of regulatory enactments of the Cabinet with the Constitution and laws, submit a submission to the Constitutional Court;

8) approve the procedures for the statistical recording of data concerning crimes and pre-trial investigation;

9) personally and jointly with specially authorised prosecutors inspect the State institutions supervised by the Office of the Prosecutor; and

10) other rights determined by this Law and other regulatory enactments.

(4) The Prosecutor General shall notify the President, the *Saeima* and the Cabinet of significant violations of law, which have been discovered that are of national importance.

[2 April 1998]

Section 24. The Office of the Prosecutor General

(1) The Office of the Prosecutor General shall be composed of departments and divisions.

(2) Departments and divisions of the Office of the Prosecutor General shall be managed by chief prosecutors of departments and divisions. Prosecutors shall work in the departments and divisions.

Section 25. Departments of the Office of the Prosecutor General

(1) Each chief prosecutor of a department of the Office of the Prosecutor General shall manage the work of prosecutors in his or her department and control the direction of specific activities in all institutions of the Office of the Prosecutor.

(2) Departmental prosecutors have the right to carry out the functions of a prosecutor at sittings of relevant departments of the Senate of the Supreme Court and of judicial panels, in regional courts and district (city) courts.

3) Chief prosecutors of departments have the right to take part in sittings of the Cabinet and express their views there regarding the compliance of regulatory enactments being reviewed with the Constitution and laws.

Section 26. Offices of Prosecutors of Judicial Regions

(1) Offices of Prosecutors of judicial regions shall be established by the Prosecutor General in conformity with the territorial division determined by the Law On Judicial Power and they shall perform all functions of the Office of the Prosecutor in the territories of the judicial regions.

(2) A chief prosecutor of an Office of the Prosecutor of a judicial region shall manage the work of regional prosecutors and control the operations of Offices of the Prosecutor of Republic cities. Offices of the Prosecutor of judicial regions having more than 20 prosecutors may have a deputy chief prosecutor.

(3) Prosecutors of a judicial region have the right to perform the functions of a prosecutor in matters within the jurisdiction of a regional court as well as in district (city) courts of the relevant judicial region.

(4) Prosecutors of a judicial region have the right to take part in sittings of local governments within the territory of the relevant judicial region and of their institutions.

Section 27. Offices of the Prosecutor of Districts (Republic Cities)

(1) Offices of the Prosecutor of districts (Republic cities) shall be established by the Prosecutor General in conformity with the State administrative territorial division but in the City of Riga, in conformity with judicial districts of the City of Riga. They shall perform all functions of the Office of the Prosecutor in the territories of districts (Republic cities), moreover, they have the right to perform the functions of a prosecutor in all matters within the jurisdiction of district (city) courts.

(2) The work of prosecutors of a district (Republic city) shall be managed by the chief prosecutor of the district (Republic city). Offices of the Prosecutor of districts (Republic cities) having more than 20 prosecutors may have a deputy chief prosecutor.

(3) Prosecutors of a district (Republic city) have the right to take part in sittings of the relevant local governments and their institutions.

[11 January 1996]

Section 28. Specialised Offices of the Prosecutor

If necessary, the Prosecutor General may establish an Office of the Prosecutor for a specialised field. Offices of the Prosecutor for specialised fields may have the status of an Office of the Prosecutor of a district or an Office of the Prosecutor of a judicial region.

Section 29. Council of the Prosecutor General

(1) The Prosecutor General shall establish a council which shall consist of the chief prosecutors of departments of the Office of the Prosecutor General and judicial regions, an administrative director of the Office of the Prosecutor, and other prosecutors and heads of institutions supervised by the Office of the Prosecutor may be included.

(2) The Council of the Prosecutor General is a collegial advisory body, which examines the main issues concerning the organisation and operations of the Office of the Prosecutor.

(3) The Council of the Prosecutor General shall establish certification and qualifications commissions, approve the by-laws of such commissions and the State institutions supervised by the Office of the Prosecutor and the Code of Ethics of Prosecutors.

[2 April 1998; 22 October 1998]

Chapter 4 Prosecutors

Section 30. Prosecutorial Offices

The institutions of the Office of the Prosecutor shall have the following offices: a Prosecutor General, chief prosecutor of a department of the Office of the Prosecutor General, chief prosecutor of a division of the Office of the Prosecutor General, chief prosecutor of a judicial region, chief prosecutor of a district (Republic city), deputy chief prosecutor, as well as prosecutor of the institutions of the Office of the Prosecutor at all levels.

Section 31. Grades of Office of a Prosecutor

According to their office held, knowledge and work experience the following grades of office shall be granted to prosecutors:

- 1) candidate for an advisor for judicial proceedings;
- 2) junior advisor for judicial proceedings;
- 3) advisor for judicial proceedings;
- 4) senior advisor for judicial proceedings;
- 5) State advisor for judicial proceedings; and
- 6) chief State advisor for judicial proceedings.

Section 32. Procedures for Granting Grades of Office of a Prosecutor

(1) The first grade of office of a prosecutor shall be granted to a prosecutor after his or her appointment to office, but each next, in conformity with the office held or special achievements in work. The next grade is normally granted not earlier than after three years.

(2) A grade of office shall be granted to persons transferring to work for the Office of the Prosecutor from the Ministry of the Interior, the courts or other law enforcement institutions after their appointment to office in conformity with the office held, knowledge and work experience.

(3) The *Saeima* shall grant the grade of chief State advisor for judicial proceedings to the Prosecutor General when confirming him or her in office. The other grades of office shall be granted by the Prosecutor General pursuant to a recommendation from the certification commission.

(4) Depending on the office held, the highest limit to the grade of office to be granted may be as follows:

grade of office	office
chief State advisor for judicial proceedings	– Prosecutor General
State advisor for judicial proceedings	– chief prosecutor of a department of the Office of the Prosecutor General,

senior advisor for judicial proceedings	chief prosecutor of a division of the Office of the Prosecutor General, chief prosecutor of a judicial region; – district (Republic city) chief prosecutor, prosecutor of the Office of the Prosecutor General;
advisor for judicial proceedings	– prosecutor of a district (Republic city), prosecutor of a judicial region.

Section 33. A Candidate for Office of Prosecutor

(1) A candidate for the office of prosecutor may be a citizen of the Republic of Latvia, who has received higher legal education (at the University of Latvia or at another institution of higher education, which in the opinion of the Faculty of Law of the University of Latvia is equivalent to the University of Latvia), has served an apprenticeship at the Office of the Prosecutor and passed a qualification examination.

(2) The procedure by which a candidate for the office of a prosecutor is to serve an apprenticeship and take a qualification examination shall be determined by the Council of the Prosecutor General.

Section 34. Chief Prosecutor of a District (Republic City), a Prosecutor of a Judicial Region and a Prosecutor of the Office of the Prosecutor General

A person who has not less than two years length of service as a prosecutor, judge, advocate, investigator or teaching in the speciality of jurisprudence at an institution of higher education or at least five years length of service in the speciality of a lawyer may be appointed as the chief prosecutor of a district (Republic city), a prosecutor of a judicial region or a prosecutor of the Office of the Prosecutor General.

Section 35. A Candidate for the Office of a Chief Prosecutor of a Department and a Chief Prosecutor of a Division of the Office of the Prosecutor General

A person who has not less than three years length of service in the Office of the Prosecutor of the Republic of Latvia or in the Supreme Court may be appointed as a chief prosecutor of a department or a division of the Office of the Prosecutor General.

[22 October 1998]

Section 36. A Candidate for the Office of the Prosecutor General

As the Prosecutor General may be appointed a person who:

- 1) has worked as a justice of the Constitutional Court for not less than three years;
- 2) after 1 January 1993 has worked as a justice of the Supreme Court for not less than three years and who has at least the third qualification category;

3) has worked as a judge of a regional court for not less than three years and who has at least the third qualification category;

4) after 26 September 1990 has held the office of a prosecutor in institutions of the Office of the Prosecutor for not less than five years.

[22 October 1998; 8 June 2000]

Section 37. Persons who may not Be Prosecutors and Candidates for the Office of a Prosecutor

Persons who do not comply with the requirements of Section 6, Paragraph one, Clauses 1, 3, 5, 6, 7, 8 and 9 and Paragraph three of the Law On the State Civil Service may not be a prosecutor or a candidate for the office of a prosecutor.

Section 38. Procedures regarding Appointment of Prosecutors

(1) The Prosecutor General, upon the recommendation of the Chief Justice of the Supreme Court, shall be approved by the *Saeima* for five years.

(2) Chief prosecutors shall be appointed to office by the Prosecutor General for five years, taking into account the opinion of the certification commission.

(3) Other prosecutors shall be appointed to office by the Prosecutor General for an unlimited term of office. Prior to the appointment or promotion of a prosecutor, the certification commission shall provide an opinion of his or her eligibility for such office.

(4) Notice shall be given of the confirmation of the Prosecutor General and the appointment of chief prosecutors in the official newspaper.

[22 October 1998]

Section 39. Removal of a Prosecutor from Office

Prosecutors shall be removed from office:

- 1) pursuant to their own free will;
- 2) in connection with election or appointment to another office;
- 3) due to their state of health if it does not allow them to continue to work as a prosecutor; or

- 4) upon the expiration of the term for performance of the duties of their office.

Section 40. Basis of Dismissal of Prosecutors

[22 October 1998]

(1) A prosecutor shall be dismissed from office:

1) if the Prosecutor General has determined the fact that any of the conditions referred to in Section 37 of this Law has not been observed;

2) if the Prosecutor General has determined the fact that any of the restrictions provided for in the Prevention of Corruption Law has not been observed;

3) if the prosecutor refuses to discontinue his or her membership in a party or political organisation; or

4) if the prosecutor has been convicted and the judgment of the court has come into legal effect.

(2) A prosecutor may be dismissed from office:

1) for intentional violation of the law or negligence related to his or her professional activity and causing significant consequences;

2) for a shameful act, which is incompatible with the office of a prosecutor;

3) if he or she has reached the age of retirement determined by the State;

4) if the qualifications commission determines that his or her professional skills do not suffice;

5) for intentional failure to fulfil duties of office; and

6) for failure to observe the provisions of the Code of Ethics of Prosecutors.

[23 May 1996; 8 June 2000]

Section 41. Procedures for the Removal or Dismissal of Prosecutors

Prosecutors and chief prosecutors shall be removed or dismissed from office by the Prosecutor General in the cases and in accordance with the procedures prescribed by this Law.

[22 October 1998]

Section 41.¹ Basis of Dismissal of the Prosecutor General

The Prosecutor General may be dismissed from office, if in accordance with the procedures prescribed by this Law it is determined that he or she:

1) does not comply with the requirements specified in Section 37 of this Law;

2) is a member of a party or a political organisation;

3) has not observed any of the restrictions provided for in the Prevention of Corruption Law;

4) during the performance of official duties has allowed intentional violation of law or negligence resulting in significant consequences; or

5) has allowed a shameful act, which is incompatible with his or her office.

[22 October 1998]

Section 41.² Termination of Powers of the Prosecutor General

(1) The powers of the Prosecutor General shall terminate without a special decision:

1) if the *Saeima* has elected, appointed or confirmed him or her into another office, simultaneously dismissing him or her from the previous office;

2) if the term of office determined by law has expired;

3) if a judgment of conviction has come into effect;

4) upon death; or

5) after three months from the day when he or she has submitted a submission to the Supreme Court and the Chairperson of the *Saeima* regarding resignation from office.

(2) The powers of the Prosecutor General shall terminate if the *Saeima* dismisses the Prosecutor General from office due to a state of health which does not allow him or her to

further perform duties and it has been confirmed (determined) by a competent medical commission specified by the Chief Justice of the Supreme Court.

(3) The powers of the Prosecutor General shall terminate if the *Saeima* in accordance with the procedures prescribed by this Law removes him or her from office.

(4) In all the cases of termination of the powers of the Prosecutor General provided for in this Section, the Chief Justice of the Supreme Court shall determine which of the chief prosecutors of departments of the Office of the Prosecutor General shall perform the duties of the Prosecutor General until the appointment of a new Prosecutor General.

[22 October 1998]

Section 41.³ Procedures for the Dismissal of the Prosecutor General

(1) The *Saeima* may dismiss the Prosecutor General from office, if a justice of the Supreme Court specially authorised by the Chief Justice of the Supreme Court, in carrying out an investigation, has determined any of the bases for removal referred to in Section 41.¹ of this Law and an opinion regarding this has been provided by a Plenary Session of the Supreme Court.

(2) An investigation shall be proposed by the Chief Justice of the Supreme Court on his or her own initiative or at the request of one third of the members of the *Saeima*.

(3) The proposal shall indicate:

1) the fact of a particular violation specified in Section 41.¹ of this Law; and

2) the given names and surnames of the members submitting the proposal and the date of signing the proposal.

(4) If the Chief Justice of the Supreme Court, in proposing an investigation, considers that the holding of office by the Prosecutor General may interfere with an objective examination of the issues, he or she shall suspend the Prosecutor General from office until the taking of the final decision, and shall determine which of the chief prosecutors of departments of the Office of the Prosecutor General shall perform the duties of the Prosecutor General during this time.

(5) If a basis of dismissal provided for in Section 41.¹ of this Law has been determined, the Chief Justice of the Supreme Court shall forward the materials of investigation together with his or her and a Plenary Session's opinion to the *Saeima* for further examination.

(6) If a basis of dismissal provided for by law has not been determined, the Chief Justice of the Supreme Court shall inform the Prosecutor General and the members submitting the proposal thereof.

[22 October 1998]

Section 42. Suspension of a Prosecutor from Office

If a prosecutor has allowed such violation of the duties of office for which he or she may be dismissed from office, the Prosecutor General may suspend him or her from office until the final deciding of the matter, but in cases pertaining to criminal liability, until the rendering of an adjudication in the criminal matter.

Section 43. Disciplinary Liability of a Prosecutor

(1) A prosecutor may be subject to disciplinary liability in accordance with legislative enactments regarding employment, as well as for:

- 1) intentional violation of law in fulfilling the duties of office;
- 2) intentional failure to fulfil employment duties;
- 3) a shameful act, which is incompatible with the office of a prosecutor;
- 4) an administrative violation; and
- 5) failure to observe the provisions of the Code of Ethics of Prosecutors.

(2) The rendering of a judgement of acquittal, the forwarding of a criminal matter for additional investigation or the revocation of a procedural decision may not of itself be a basis for the disciplinary liability of a prosecutor unless the prosecutor has allowed intentional violation of law or negligence resulting in significant consequences.

[2 April 1998]

Section 44. Disciplinary Sanctions

(1) The following disciplinary sanctions may be applied to a prosecutor for the violations provided for in Section 43 of this Law:

- 1) an annotation;
- 2) a reprimand;
- 3) reduction of the base salary of the prosecutor up to 20 per cent for a period not exceeding six months;
- 4) reduction in the grade of office;
- 5) demotion in office; or
- 6) dismissal from employment.

(2) Only one disciplinary sanction may be applied for one and the same violation.

[2 April 1998]

Section 45. Procedures for Application and Appeal of Disciplinary Sanctions

(1) The Prosecutor General has the right to apply any disciplinary sanction to any prosecutor.

Chief prosecutors have the right to, as a disciplinary sanction, make an annotation or reprimand prosecutors of an institution or a structural unit under their management. If a violation of a more serious nature has been committed, a head of an institution may submit to the Prosecutor General a proposal to apply another disciplinary sanction.

(2) An official, who has the right to apply a disciplinary sanction, shall review all materials received and request an explanation from a prosecutor and, if necessary, organise the investigation of the fact of a disciplinary violation.

Prior to the reduction in the grade of office, demotion in office or dismissal of a prosecutor, the materials received shall be submitted to the certification commission for the provision of an opinion.

(3) Disciplinary sanctions may be imposed not later than within a one-month period from the date of discovery of the violation, excluding the period of probation and the period

when a prosecutor has not been at work due to a justifiable reason, but not later than six months after the date of commission of the violation.

(4) A prosecutor subjected to liability as well as other prosecutors in the same institution shall be familiarised with the order regarding the application of a disciplinary sanction. The order shall be appended to the personnel file of the prosecutor.

(5) If within a one-year period after application of a disciplinary sanction, with the exception of dismissal from employment, a new disciplinary sanction has not been imposed upon a prosecutor, the prosecutor shall not be regarded as disciplinary sentenced, however, the renewal of the previous grade of office or reinstatement in the previous office is possible only in accordance with the certification procedures.

(6) An official, who has applied a disciplinary sanction, is entitled to revoke it before one year has elapsed. All prosecutors of a relevant institution shall be familiarised with such order.

(7) A person may appeal a decision regarding the imposition of a disciplinary sanction on him or her to a court.

Chapter 5

Support Staff of the Office of the Prosecutor

Section 46. Administrative Director of the Office of the Prosecutor

(1) An administrative director of the Office of the Prosecutor is an official who is appointed, removed or dismissed from office by the Prosecutor General and who manages the financial and economic activity of the Office of the Prosecutor and ensures the material supply of the institutions of the Office of the Prosecutor.

(2) An administrative director shall hire, remove or dismiss from office the service personnel, organise their work, as well as manage the work of the financial and economic division of the Office of the Prosecutor General.

(3) The administrative director's service in conformity with the estimates of expenditure, fixed salaries of employees and directives of heads of the State institutions supervised by the Office of the Prosecutor shall ensure the financial and economic activity of such State institutions.

[2 April 1998]

Section 47. Service Personnel

Service personnel shall ensure the technical and economic activity of the Office of the Prosecutor. Their work shall be managed by the administrative director of the Office of the Prosecutor.

Section 48. Assistant to a Prosecutor

(1) An assistant to a prosecutor shall receive visitors, their submissions, take measures in connection with the preparation of investigation materials or matters for adjudication, as well as perform other tasks assigned by the prosecutor. An assistant to a prosecutor shall

not have the powers of a prosecutor.

(2) An assistant to a prosecutor shall in accordance with the structure determined by the Prosecutor General be hired as well as removed or dismissed from office by the Prosecutor General pursuant to a recommendation from the head of a relevant institution of the Office of the Prosecutor.

(3) A person who has at least secondary education in law or higher education in another field may be an assistant to a prosecutor.

[8 June 2000]

Section 49. Consultancy Personnel

A head of an institution of the Office of the Prosecutor has the right, if necessary, in conformity with the structure determined by the Prosecutor General to hire a specialist for an indefinite period or in compliance with the budget possibilities – for the period of performance of a specific task.

Chapter 5A

State Institutions Supervised by the Office of the Prosecutor

[2 April 1998]

Section 49.¹ Procedures for Establishing State Institutions Supervised by the Office of the Prosecutor

(1) State institutions supervised by the Office of the Prosecutor shall be established, reorganised and liquidated by the Prosecutor General in accordance with special laws. The Prosecutor General shall also in conformity with allocated State budget funds determine the structure and personnel of such institutions.

(2) The by-laws of the State institutions supervised by the Office of the Prosecutor shall be approved by the Council of the Prosecutor General.

Section 49.² Procedures for the Appointment, Hiring, Release and Dismissal of Employees of State Institutions Supervised by the Office of the Prosecutor

(1) The Prosecutor General shall appoint the heads of State institutions supervised by the Office of the Prosecutor for the term provided for by law. The Prosecutor General may dismiss a head of an institution during his or her term of office only for committing a criminal offence, for intentional violation of law or negligence which is related to his or her professional activity and has caused significant consequences and for a shameful act which is incompatible with the status of a head.

(2) The other employees of a State institution supervised by the Office of the Prosecutor shall be hired, released or dismissed from office by the head of the institution.

Section 49.³ Remuneration for the Work of Employees of State Institutions Supervised by the Office of the Prosecutor

A system for the remuneration of work depending on the functions of a State institution supervised by the Office of the Prosecutor shall be determined by the Cabinet. The social guarantees provided for civil servants shall apply to employees of such institution.

Section 49.⁴ Procedures for the Performance of Supervision

Supervision shall be performed by the Prosecutor General and prosecutors specially authorised by him or her. During the period of the conducting investigations the persons referred to have the right to become acquainted with all the existing information under the control of the institution, the files, to request explanations from employees, to give directives in relation to the rectification of the violations which have been allowed to occur. If the decisions taken are unlawful they may only be revoked by the Prosecutor General. Decisions of the Prosecutor General may be appealed to a court.

Chapter 6

Ensuring the Operations of the Office of the Prosecutor

Section 50. Financing of the Office of the Prosecutor and the State Institutions under its Supervision

The Office of the Prosecutor and the State institutions under its supervision shall be financed from the State budget and they shall have separate estimates of expenditures. [2 April 1998]

Section 51. Material and Technical Base of the Office of the Prosecutor

The State shall provide the institutions of the Office of the Prosecutor with service premises, means of communication and an appropriate material and technical base.

Chapter 7

Remuneration for the Work of a Prosecutor and Guarantees

Section 52. Remuneration for the Work of a Prosecutor

(1) Remuneration for the work of a prosecutor shall consist of a base salary, supplements for a grade of office and other supplements.

(2) According to the office held, the following base salary is determined for prosecutors:

1) the base salary of the Prosecutor General shall be 95 per cent of the base salary of the Chief Justice of the Supreme Court and the supplement for the performance of duties of the Chief Justice;

2) the base salary of a chief prosecutor of a department of the Office of the Prosecutor General shall be 95 per cent of the base salary of a deputy Chief Justice of the Supreme Court and the supplement for the performance of duties of a deputy Chief

Justice;

3) the base salary of a chief prosecutor of a division of the Office of the Prosecutor General shall be 90 per cent of the base salary of a deputy Chief Justice of the Supreme Court and the supplement for the performance of duties of a deputy Chief Justice;

4) the base salary of a prosecutor of the Office of the Prosecutor General shall be 90 per cent of the base salary of a justice of the Supreme Court;

5) the base salary of a chief prosecutor of a judicial region shall be 95 per cent of the base salary of a chief judge of a regional court;

6) the base salary of a chief prosecutor of a judicial region shall be 95 per cent of the base salary of a deputy chief judge of a regional court;

7) the base salary of a prosecutor of a judicial region shall be 90 per cent of the base salary of a judge of a regional court;

8) the base salary of a chief prosecutor of the Office of the Prosecutor of a district (Republic city) shall be 95 per cent of the base salary of a chief judge of a district (city);

9) the base salary of a deputy chief prosecutor of the Office of the Prosecutor of a district (Republic city) shall be 95 per cent of the base salary of a deputy chief judge of a district (city); and

10) the base salary of a prosecutor of a district (Republic city) shall be 95 per cent of the base salary of a judge of a district (city).

(3) A supplement for a grade of office of a prosecutor shall be equivalent to a supplement for a qualification category of a judge, observing the following relationships:

1) a candidate for an advisor for judicial proceedings – qualification category 5;

2) a junior advisor for judicial proceedings – qualification category 4;

3) an advisor for judicial proceedings – qualification category 3;

4) a senior advisor for judicial proceedings – qualification category 2;

5) a State advisor for judicial proceedings – qualification category 1;

6) a chief State advisor for judicial proceedings - the highest qualification category.

(4) During an apprenticeship period, a candidate for the office of a prosecutor shall receive remuneration in the amount of 80 per cent of the base salary of a prosecutor of a district (Republic city).

Section 53. Other Forms of Payment for the Work of a Prosecutor

In order to stimulate the work of prosecutors, the Prosecutor General may determine additional payment to them, taking into account the results of the work of each particular person.

Section 54. Vacations of Prosecutors

(1) Annual paid vacations of not less than five calendar weeks shall be granted to prosecutors.

(2) According to the length of service of a prosecutor, for every five years of work at the Office of the Prosecutor, the annual paid vacation shall be increased by three calendar

days, however, by not more than 15 calendar days in total.
[2 April 1998]

Section 55. Pensions and Compulsory Insurance for Prosecutors

- (1) Prosecutors shall be insured from the State funds and a service pension shall be granted to them in accordance with the regulatory enactments regarding pensions.
- (2) A service pension shall be granted only to such persons who have worked in the office of a prosecutor and judge or investigator for not less than 20 years in total.
- (3) The State shall mandatorily insure the life and health of a prosecutor.

Section 56. Security Guarantees for a Prosecutor

- (1) Prosecutors have the right to the protection of themselves and the members of their families, as well as their own property and that of the members of their family.
- (2) Prosecutors have the right to their service weapon. When providing, storing, carrying and using such, the conditions and procedures determined in the Law On Firearms and Special Means for Self-Protection shall be complied with.

Section 57. Provision of a Telephone for the Dwellings of Prosecutors

Telephones shall be installed in the dwellings of prosecutors in priority order.

Section 58. Other Guarantees

- (1) The compensation and social guarantees provided for in Sections 32-37, 39-41, 49 and 50 of the Law On the State Civil Service shall apply to prosecutors.
 - (2) Prosecutors are exempt from mandatory military service.
- [2 April 1998]

Chapter 8 Symbols of the Office of the Prosecutor

Section 59. Symbols of the Office of the Prosecutor

The symbols of the Office of the Prosecutor shall be the oath, robe and insignia of office of a prosecutor.

Section 60. Oath of a Prosecutor

- (1) Upon taking office a prosecutor shall give the following oath:

“ I, _____, undertaking the duties of a prosecutor, 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 perform the

duties of a prosecutor strictly in accordance with the Constitution and the laws.”

(2) The oath of a prosecutor shall be accepted by the Prosecutor General.

(3) A prosecutor shall read the text of the oath at a solemn ceremony and sign it.

The official accepting the oath shall issue to the prosecutor an identification document and the insignia of office.

Section 61. Robes and Insignia of Prosecutors

(1) When performing their duties, prosecutors shall be attired in robes specified for a prosecutor and bearing the insignia of office – a lapel badge.

(2) Prosecutors shall perform their duties in court in the robe of a prosecutor having the insignia of office attached to it.

(3) The model of the robe and insignia of office of a prosecutor shall be approved by Cabinet.

(4) The procedures for wearing of the robe and insignia of office of a prosecutor shall be determined by the Prosecutor General.

Section 62. Identification Document of a Prosecutor

An identification document, the form of which is approved by the Prosecutor General, shall be issued to a prosecutor.

Section 63. Prosecutorial Institutions and the Seal of a State Institution Supervised by the Office of the Prosecutor

(1) The Office of the Prosecutor General shall have a Seal bearing the Great State Coat of Arms of the Republic of Latvia and the name of the institution.

(2) Other institutions of the Office of the Prosecutor and State institutions supervised by the Office of the Prosecutor shall have a Seal bearing a Supplemented Lesser State Coat of Arms and the name of the relevant institution.

[2 April 1998]

Transitional Provisions

1. The reorganisation of the Office of the Prosecutor shall be completed within a three-month period from the date of the coming into force of this Law.

With the coming into force of this Law, the Law On the Prosecutorial Supervision in the Republic of Latvia (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1990, No. 41) is repealed.

2. Persons, who as a result of reorganisation of the Investigation Department of the Ministry of the Interior move to work for the Office of the Prosecutor and for whom not more than five years until receipt of the service pension of an employee of the Ministry of

the Interior have remained, retain the right to receive such pension.

The length of the service which gives the right to the service pension of a prosecutor shall also include the period of work in the office of an investigator in the Ministry of the Interior system. If a right concurrently arises for a prosecutor both to the service pension of a prosecutor and to the service pension of an employee of the Ministry of the Interior, he or she is entitled to receive only one service pension of his or her choice.

3. The Prosecutor General of the Republic of Latvia appointed on 26 September 1990 shall continue to perform his duties until the expiration of the term of office in the grade of a chief State advisor for judicial proceedings. He shall take the oath of a prosecutor before the Chief Justice of the Supreme Court. The Prosecutor General shall ensure the reorganisation of the Office of the Prosecutor and for this purpose within a three-month period from the date of coming into force of this Law shall:

- 1) approve the structure and personnel of the Office of the Prosecutor;
- 2) determine procedures whereby grades of office are to be granted to the prosecutors to whom the grades of service had been granted in accordance with the procedures prescribed by Law On the Prosecutorial Supervision in the Republic of Latvia;
- 3) determine procedures whereby the length of service in the speciality of a lawyer is to be included;
- 4) ensure the approval of by-laws of certification and qualifications commissions and the establishing of such commissions.

During the reorganisation the Prosecutor General is entitled to assign prosecutors to perform duties irrespective of the office held by them.

4. The requirements determined in Section 33, Paragraph one of this Law shall not apply to persons currently employed by the Office of the Prosecutor as well as persons currently employed by the Investigation Department of the Ministry of the Interior who during the process of reorganisation of the department move to work for the Office of the Prosecutor.

Students, who upon the coming into force of this Law acquire the speciality of a lawyer and have worked for the Office of the Prosecutor or the Investigation Department of the Ministry of the Interior for more than a year, may take a qualification examination and may be appointed to the office of a prosecutor, but other students may continue to serve their apprenticeship as candidates for a prosecutor of a district (Republic city) until acquiring of higher education.

Persons who already work for the Office of the Prosecutor or the Investigation Department of the Ministry of the Interior and who have higher legal education but their length of service in the speciality of a lawyer is less than a year must pass a qualification examination. Other prosecutors (within the meaning of the 26 September 1990 Law On Prosecutorial Supervision in the Republic of Latvia) and investigators of the Office of the Prosecutor shall continue their work at the Office of the Prosecutor without taking a qualification examination, but investigators of the Investigation Department of the Ministry of the Interior who have moved to work for the Office of the Prosecutor shall be

subject to certification without taking a qualification examination.

Employees of the Office of the Prosecutor who in accordance with the requirements of this Law may not thereafter hold the office of a prosecutor shall be removed from office, paying them compensation in the amount of three months salary.

This Law shall come into force on 1 July 1994.

This Law was adopted by the *Saeima* on 19 May 1994.

President

G. Ulmanis

Riga, 2 June 1994