

**Etusivu>Sinun oikeutesi>Syytetyt (rikosoikeudelliset menettelyt)**

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latvia

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**Syytetyt (rikosoikeudelliset menettelyt)**

Latvia

Näillä sivuilla kerrotaan mitä tapahtuu, kun rikoksesta epäilty tai syytetty henkilö joutuu oikeuteen. Lievistä rikkomuksista, kuten liikenneriikkomuksista, määrätään tavallisesti kiinteä rangaistus, yleensä sakko. Niistä kerrotaan tietosivulla 5. Tietoja rikoksen uhrin oikeuksista saat tästä.

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**Lyhyt yhteenveto rikosoikeudenkäyntimenettelyistä**

Seuraavassa on lyhyt yhteenveto rikosoikeudenkäyntimenettelyn tavanomaisista vaiheista.

Esitutkinta

Syyteharkinta

Asian käsittely ensimmäisen asteen tuomioistuimessa

Toinen käsittely muutoksenhaku tuomioistuimessa

Kolmas käsittely korkeimmassa oikeudessa

Lainvoimaisten tuomioiden tarkistaminen (ylimääräinen muutoksenhaku)

Oikeudenkäyntimenettelyjen eri vaiheet ja vastaajan oikeudet niissä on esitetty yksityiskohtaisesti tietosivuilla.

Esitetyt tiedot ovat ainoastaan ohjeellisia, eivätkä ne korvaa oikeudellista neuvontaa.

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**Tarvittavat tiedot löytyvät alla olevien linkkien kautta****1 – Miten saan oikeudellista neuvontaa****2 – Oikeuteni rikostutkinnan aikana**

Esitutkinta

Syyteharkinta

Pakkokeinoja

**3 – Oikeuteni oikeudenkäynnin aikana****4 – Oikeuteni oikeudenkäynnin päätyttyä****5 – Liikenneriikkomukset****Linkkejä**

[Rikosprosessilaki](#) (*Kriminālprocesa likums*)

[Rikoslaki](#) (*Krimināllikums*)

[Valtion poliisiviranomaiset](#) (*Valsts policija*)

[Syyttäjälaitos](#) (*Latvijas Republikas Prokuratūra*)

[Latvian valantehneiden asianajajien neuvosto](#) (*Latvijas Zvērinātu advokātu padome*)

[Latvian tuomioistuimet](#) (*Tiesas*)

Päivitetty viimeksi: 03/10/2022

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**1 - Getting Legal Advice**

Getting independent legal advice is very important when you are in some way involved in a criminal process. The factsheets tell you when and in what circumstances you are entitled to be represented by a lawyer. They also tell you what a lawyer will do for you. This general factsheet tells you how to find a lawyer and how the costs of the lawyer will be met if you cannot afford to pay.

**Finding a lawyer**

Contact [the Latvian Bar Council](#) if you need a lawyer. They have a [list of solicitors](#) who practise law in Latvia.

Whether you are held in custody or not you can inform the authority in charge of the proceedings (investigator/prosecutor/court) that you want to seek legal advice. You will receive information about duty solicitors or a duty solicitor will be notified that you need legal advice, and you will be provided with it.

The best option is for you or your relatives to reach an agreement with a lawyer who will handle your case for as long as is necessary.

**Paying for a lawyer**

Lawyers require payment and the client and lawyer agree on remuneration in writing. If there is no agreement concluded with a lawyer, the state will provide the necessary legal advice for you and it will be paid from the state budget.

**Related links**

- [☞ Law on criminal proceedings](#)
- [☞ Law on the bar association](#)
- [☞ Law on state provided legal aid](#)
- [☞ Regulation on state provided legal aid](#)
- [☞ Bar Association of Latvia](#)
- [☞ Legal aid authority](#)

Last update: 03/10/2022

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## 2 - My rights during the investigation of a crime and before the case goes to court

### What are the stages of a criminal investigation?

The purpose of the pre-trial proceedings is to:

- find out if a crime has been committed;
- who is to be charged with a criminal offence;
- whether it is possible to dismiss the case, close it, or take it to court.

The pre-trial criminal proceedings have two stages – investigation and prosecution.

The investigation is carried out by different police authorities including the [☞ State Police](#), [☞ State Security Police](#), [☞ Financial Police](#), [☞ Military Police](#), [☞ Prison Authorities Board](#), [☞ Bureau for the Prevention and Combating of Corruption](#), [☞ State Border Guard](#), customs authorities, captains of vessels on the high seas, commanders of military units of the National Armed Forces deployed on foreign territories. The authority of the jurisdiction in which the crime has been committed undertakes the investigation. The [☞ Prosecutor's Office](#) can also carry out an investigation.

The [☞ prosecuting authorities](#) carry out the prosecution.

### My rights during the investigation

Click on the links below to find out more about your rights during the pre-trial investigation stages of the criminal process:

[Investigation \(1\)](#)

[Prosecution \(2\)](#)

[Certain procedural steps \(3\)](#)

[Investigation \(1\)](#)

#### The purpose of the investigation

The purpose of an investigation is to find out whether a crime has been committed; who is to be charged with a criminal offence; if the case can be dismissed. An investigator (usually a police officer) will work with you. During the investigation stage, you can be detained for 48 hours and can be remanded in custody as a security measure.

The total time available for the investigation and prosecution depends on the seriousness of the offence which you are suspected of (from 6 to 22 months with the possibility to extend it for another 6 months). If these time limits are not met, all security measures and limitations on your property rights must be revoked.

#### What will I be told about what is happening?

The police officer who carries out the investigation will tell you what is happening.

#### Will an interpreter be provided if I don't speak the language?

An interpreter will be provided for you; the police officer/ prosecutor will take care of that. The interpreter will translate everything that might be necessary - documents, what is said by the investigator and the lawyer, as well as your evidence.

#### At what stage will I be able to speak to a lawyer?

If you do not speak the local language, you are not obliged to have a lawyer but it is advisable since you may be unfamiliar with the local situation and laws. You can choose a lawyer or you can ask the investigating officer to provide a duty solicitor.

If you are detained a lawyer will be invited to represent you within 48 hours. It is advisable for any foreign lawyer participating in the proceedings to do so together with a local lawyer.

An interpreter will be made available as soon as possible since his/her presence is needed to explain the situation to you and for questioning.

#### Will I be asked to provide information? Should I provide information?

You have the right to give information but it is not an obligation. You have the right to remain silent and this cannot be used against you and interpreted as failure to cooperate with the investigation.

#### What happens if I say something that is bad for my case?

Your evidence will be seen together with other evidence in the case. You do not have to incriminate yourself. You have the right to make any statement you consider necessary. You have the right not to testify.

#### Can I contact a family member or friend?

If you are detained you have the right to ask the investigator to inform your immediate family, other relatives, your work place or educational establishment etc.

#### Can I see a doctor if I need one?

Yes - the investigation is carried out with respect for human rights.

#### Can I contact my Embassy if I am from another country?

You have the right to request that your embassy/ consulate be informed.

#### I am from another country. Do I have to be present during the investigation?

You have to be present during the investigation. The investigating officer decides whether it is possible to participate in the investigation process via video link or telephone conferencing facility.

#### Can I be sent back to my home country?

There is no such requirement in the law but expulsion from the Republic of Latvia is a possible penalty which can be imposed. This can be applied only on the basis of a court ruling.

### **Will I be held in custody or released?**

The investigating magistrate takes a decision about your detention within 48 hours of your arrest. You can be detained if a custodial sentence is envisaged for the crime you have committed and if no other security measure can ensure that:-  
you will not evade the investigation/ court proceedings/ enforcement of the ruling;  
you will not obstruct the course of the investigation;  
you will not commit another crime.

The investigating magistrate will hear from you before taking the decision regarding your detention. You have the right to submit documents suggesting that your detention would not be reasonable. The presence of a lawyer and an interpreter will be assured for you.

### **Can I leave the country during the investigation?**

You may leave the country with the permission of the investigating officer (usually in writing).

### **Will I be asked for fingerprints, samples of my DNA (e.g. hair, saliva) or other bodily fluids?**

Click on the link to get information [about your rights](#).

### **Can there be a body search?**

Click on the link to get information [about your rights](#).

### **Can my home, business premises, car etc be searched?**

Click on the link to get information [about your rights](#).

### **Can I appeal?**

You have the right to appeal against the decision of the investigating magistrate to the Chairman of the Court. You have the right to appeal against actions taken by the investigating officer/ prosecutor to the supervising prosecutor/ a senior prosecutor respectively.

You should submit complaints about decisions of the investigating officer, prosecutor or investigating magistrate within 10 days but you can complain about their actions throughout the investigation process.

You can submit the complaint in a language you know. The complaint must be reviewed within 10 days of receipt. If the complaint is not written in the official language, the deadline will be counted from the date on which the translation is available; you will be informed of this.

### **Can I plead guilty to all or some of the charges before the trial?**

You have the right to plead guilty during the investigation/ [prosecution](#) to all / some charges or one charge.

If you plead guilty, it is considered a mitigating circumstance that might lead to a less severe penalty or serve as a basis for terminating the criminal proceedings. If you cooperate with the investigation/ prosecution, it might facilitate the application of less stringent security measures/ release from custody.

### **Can the charges be changed before the trial?**

The charges against you can be changed if the prosecutor has obtained additional evidence. The initial charges against you must be changed if they have proved to be incorrect - then the prosecutor will terminate the prosecution for that part. The new charges will be presented to you.

### **Can I be charged with an offence that I have already been charged with in another Member State?**

Charges can be brought against you but you cannot be tried and convicted if you have already been tried or acquitted for the same offence in another state.

### **Will I get information about the witnesses against me?**

You will receive information about witnesses who give evidence against you. The prosecutor will give you the case file after the completion of the investigation into the case and before it is sent to the court, and you will be able to familiarise yourself with the statements of witnesses.

### **Will I get information about other evidence against me?**

You will receive the case file and it will contain all the evidence the prosecutor is going to use against you in court. The prosecutor will give you copies of the case file.

### **I have already been convicted of this crime in another Member State. What happens now?**


You cannot be tried for the same offence in Latvia. The double jeopardy rule (*ne bis in idem*) applies to EU Member States.

### **Will information be requested about my criminal record?**

Information about your criminal record will be requested.

## **Prosecution (2)**

### **The purpose of the prosecution stage**

The purpose of the prosecution is to establish a criminal offence; identify the person who should be charged with that offence; conclude if the case can be dismissed or closed and forwarded to the court. The  [prosecutor](#) will work with you.

The total time available for the [investigation](#) and prosecution depends on the seriousness of the offence which you are suspected of (from 6 to 22 months with the possibility to extend it for another 6 months). If these time limits are not met, all security measures and limitations on property rights must be revoked.

### **What will I be told about what is happening?**

The prosecutor who carries out the investigative measures (probably the same measures as during the investigation) will tell you about what is happening.

### **Will an interpreter be provided if I do not speak the language?**

An interpreter will be provided for you; the prosecutor will take care of that. The interpreter will translate everything that might be necessary - documents, what is said by the prosecutor and the lawyer, as well as your evidence.

### **At what stage will I be able to speak to a lawyer?**

If you do not speak the local language, it is advisable to have a lawyer since you may be unfamiliar with the local situation and laws. It is advisable for any foreign lawyer participating in the proceedings to do so together with a local lawyer. You can choose a lawyer or you can ask the prosecutor to provide a duty solicitor.

An interpreter will be made available as soon as possible since his/her presence is needed to explain the situation, for questioning etc.

### **Will I be asked for information? Should I provide information?**

You have the right to give information but it is not an obligation. You have the right to remain silent and this cannot be used against you and interpreted as failure to cooperate.

### **What happens if I say something that can be used against me in the case?**

Your evidence will be seen together with other evidence in the case. You do not have to incriminate yourself. You have the right to make any statement you consider necessary. You have the right not to testify.

### **Can I contact a family member or friend?**

If you are detained you have the right to ask the prosecutor to inform your immediate family, other relatives, your work place or educational establishment etc.

### **Can I see a doctor if I need one?**

Yes - the prosecution is carried out with respect for human rights.

**Can I contact my Embassy if I am from another country?**

You have the right to request that your embassy/ consulate be informed.

**I am from another country. Do I have to be present during the investigation?**

You have to be present during the prosecution stage. The prosecutor decides whether it is possible to participate in the investigation process via video link or telephone conferencing facility.

**Can I be sent back to my home country?**

There is no such requirement in the law but there is an additional penalty envisaged - expulsion from the Republic of Latvia. This can be applied only [on the basis of a court ruling](#)

**Will I be held in custody or released?**

The investigating magistrate takes a decision about your detention. You can be detained if a custodial sentence is possible for the crime you have committed and if no other security measure can ensure that you will not evade the investigation/ court proceedings/ enforcement of the ruling; will not obstruct the course of the investigation; will not commit another crime.

The investigating magistrate will hear from you before taking a decision regarding your detention. You have the right to submit documents suggesting that your detention would be unreasonable. The presence of a lawyer and an interpreter will be assured for you.

**Can I leave the country during the investigation?**

You may leave the country with the permission of the prosecutor (usually in writing).

**Will I be asked for fingerprints, samples of my DNA (e.g. hair, saliva) or other bodily fluids?**

Click on the link to get information [about your rights](#).

**Can there be a body search?**

Click on the link to get information [about your rights](#).

**Can my home, business premises, car etc. be searched?**

Click on the link to get information [about your rights](#).

**Can I appeal?**

You have the right to appeal against the decision of the investigating magistrate to the Chairman of the Court. You have the right to appeal against the actions of the prosecutor to a senior prosecutor.

You should submit complaints about the decisions of the prosecutor/ investigating magistrate within 10 days. Complaints about the actions of the prosecutor can be submitted throughout the investigation process.

You can submit the complaint in a language you know. The complaint must be reviewed within 10 days of receipt. If the complaint is not written in the official language, the deadline will be counted from the date on which the translation is available; you will be informed of this.

Can I plead guilty to all or some of the charges before the trial?

You have the right to plead guilty during the investigation / prosecution to all / some of the charges or one charge.

If you plead guilty, it is considered a mitigating circumstance that might lead to a less severe penalty. If you plead guilty and cooperate with the investigation/ prosecution, this might help in establishing less stringent security measures/ release from custody.

If you plead guilty, the criminal proceedings may be brought to an end. Possible outcomes are:-

a conditional discharge from criminal liability;

the prosecutor's order for the applicable penalty;

an agreement with the prosecutor about you pleading guilty and the applicable penalty, which will then be validated by the court, etc.

**Can the charges be changed before the trial?**

The charges against you can be changed if the prosecutor has obtained additional evidence. The charges against you can be changed if the prosecutor recognises they have proved not to be correct - then the prosecutor will terminate the prosecution for that part of the charges. The new charges will be presented to you.

**Can I be charged with an offence that I have already been charged with in another Member State?**

Charges can be brought against you but you cannot be tried and convicted if you have already been tried or acquitted for the same offence in another state.

**Will I get information about the witnesses against me?**

You will receive information about witnesses who give evidence against you. The prosecutor will give you the case file with the witness statements after the completion of the investigation and before the case is sent to court.

**Will I get information about other evidence against me?**

You will receive the case file and it will contain all the evidence the prosecutor is going to use against you in court. The prosecutor will give you copies of the case file.

**I have already been convicted of this crime in another Member State. What happens now?**

You cannot be tried for the same offence in Latvia. The double jeopardy rule (*ne bis in idem*) applies to EU Member States.

**Will information be requested about my criminal record?**

Yes, information about your criminal record will be requested.

**Certain procedural actions (3)****Will I be asked for fingerprints, samples of my DNA (e.g. hair, saliva) or other bodily fluids?**

You can be asked to give fingerprints or samples of your DNA. Samples of other bodily fluids can be requested and taken if it is necessary for the investigation of a particular offence.

You have the right to acquaint yourself with a decision about an examination by an expert before it is forwarded for execution, provided the examination concerns you. You have the right to ask questions about the examination by an expert before the examination takes place.

You are obliged to submit to an expert examination. You have the obligation to give samples for a comparative examination or to allow them to be obtained.

If you give samples for a comparative examination willingly, that will be noted. You have the right to be told about information that is recorded and can ask to add anything you consider necessary before signing the record. If you do not allow samples to be taken for a comparative examination, they will be obtained using coercive measures on the basis of a decision by the investigating magistrate.

**Can there be a body search?**

Your body can be visually examined if there are traces of criminal activity on it, any specific markings or characteristics, etc. Only a person of the same sex / medical specialist can perform a visual examination of your body. A written record is made of the visual examination and you have the right to be told about it and to comment on it.

Your body can be searched if items or documents significant to the investigation are concealed in your clothes, belongings, body or its open cavities. Only a person of the same sex can search your body in the presence of a medical professional. A decision to perform a body search is not required if you are in detention. A decision to perform a body search is not required if it is performed during the searching of a room or area and you are present at that time.

#### **Can my home, business premises, car etc. be searched?**

Your home, business premises, car etc. can be searched. The investigating magistrate or court takes the decision about the search but the investigator's decision, approved by the prosecutor is enough in urgent cases.

You or an adult member of your family have the right to be present during the search especially if it is performed at your official residence/ work place; except if you are under arrest. If you or an adult member of your family cannot be present during the search a representative of the local municipality, manager/ governor of the premises/ building must be invited.

You have the right to be told about the decision about the search before the search takes place, and the investigator has the duty to present the decision to you. All items found and seized during the search must be shown to you, recorded and wrapped and sealed, if appropriate.

You have the right to request that the site of the search be returned to its previous state if that is practically possible. You have the right to be told about the records of the search, express remarks and request that they are entered in the records. You have the right to a lawyer and interpreter during the search.

#### **Related links**

[Law on criminal proceedings](#)

[Criminal law](#)

[State Police authorities](#)

[Public Prosecutor's Office](#)

[Law on the register of penalties](#)

[Law on detention procedures](#)

[Law on custodial procedures](#)

[Law on the bar association](#)

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### **3 - My rights during the trial**

#### **Where will the trial be held?**

The case will be heard by a [district/city court](#) or for a very serious crime, by a [regional court](#). Usually the location will depend on the place where the crime has been committed. You will be given a written notice.

The case is heard in an open court sitting, with some exceptions (sexual offences; necessity to protect a state secret, etc.).

A single judge will examine the case in the Court of First Instance but the Chairman of the Court may require the case to be examined a college of three professional judges. The judge/college decides the case.

#### **Can the charges be changed during the trial?**

The public prosecutor can change the charges in the course of the trial to more/ less serious charges.

If the public prosecutor changes the charges to less serious ones, but the factual evidence remains unchanged, the new charges are entered in the minutes of court proceedings.

If the charges are changed to less serious ones, when factual evidence has changed or to more serious ones but the factual evidence has not changed, the new charges should be entered in the minutes of court proceedings. You can request that they be issued in writing.

If the public prosecutor changes charges to more serious ones because new factual evidence has been found in relation to the crime, the court may announce a recess and the prosecutor must present the new charges to the court within one month.

Information about the new charges will be sent to you, your lawyer, the victim and the victim's representative and the date of the trial will be stated.

#### **What happens if I plead guilty to some or all of the charges?**

If the defendant pleads guilty, this might mean that a less severe sentence is applied, This is also the case where a guilty plea is entered to part of the charges.

If you plead guilty to all of the charges, the case can be tried without testing the evidence and by assessing only the evidence which relates to you personally, and to compensation in the form of damages. In this case, there are limited possibilities for an appeal against the court's ruling.

#### **Do I have to be present during the trial?**

You have to be present at court hearings at all times until the judgement is issued. You can request that the case be heard without you, but in this case, your representative should be present.

If you are in another country/ your location is unknown/ attendance in court is not possible, the case can be tried *in absentia*. (i.e. without you)

You do not have the right to participate in the trial via video link from another Member State.

#### **Will I have an interpreter during the trial?**

An interpreter will be provided for you by the court.

#### **Will I have a lawyer during the trial?**

You yourself decide about the need for a lawyer. It is mandatory to have a lawyer in the following circumstances:

if you are a minor/ legally incapacitated/ have learning difficulties;

if a decision is made regarding use of coercive measures of a medical nature;

if you are not able to exercise your procedural rights due to physical/ mental incapacity;

if you are illiterate/ have received a low level of education that does not allow you to exercise your procedural rights;

if negotiations have been started on a deal with the prosecution;

if the case is tried in your absence.

In these cases, a lawyer will be appointed for you and you can reject him/her except where coercive measures of a medical nature are applied. You have the right to request a different lawyer.

#### **Can I speak at the trial?**

You have the right to give evidence and express your opinion in court. You have no obligation to give evidence – this cannot be considered as failure to cooperate with the court. You have the right to submit your evidence to the court in writing; the court will read it out. You are not obliged to incriminate yourself; the public prosecutor is obliged to prove your guilt.

You are not obliged to tell the truth; a new case cannot be started against you because you have deliberately given false evidence/ refused to give evidence. Your behaviour can be taken into account in sentencing but it cannot be seen as an aggravating circumstance.

#### **What are my rights in relation to the evidence against me?**

You can introduce new evidence during the court proceedings to support your alibi, rule out criminal liability/ mitigate guilt and challenge the evidence of the prosecution.

You have the right to ask questions of witnesses and the victim, you have the right to call witnesses including those that have not been questioned previously; to submit documents, physical/ electronic evidence; to ask the court to request objects/ documents.

You have the right to introduce evidence throughout the whole process of court proceedings – up until the moment when the court announces that the court investigation has been completed.

You have the right to use the services of a private detective. The court evaluates all evidence in its entirety when deciding on a case.

The court takes a decision about calling your witnesses after seeking the opinion of other parties in the proceedings. If your request is overruled, you can resubmit it repeatedly.

You and your lawyer have the right to ask questions of all witnesses in the case. Their evidence is analysed in the defence statement that you/ your lawyer will deliver.

#### **Will information about my criminal record be taken into account?**

Information about your unspent convictions will be taken into account. Convictions that have been removed from the criminal record due to the statute of limitation can be seen as circumstances characterising your personality. These convictions are taken into account when deciding the penalty, including detention.

Information about your criminal record is requested during the stages of [investigation](#) and [prosecution](#); this information can be submitted in court proceedings. The court will take into account your criminal record when making the judgement.

The law allows contact with the competent authorities in another Member State and for information to be requested about your previous convictions there.

#### **What happens at the end of the trial?**

The court delivers a decision to acquit or convict, or a decision bringing the criminal proceedings to an end if circumstances suggest that the trial should not continue. This can happen if there is not enough evidence to justify the charges, or if the public prosecutor drops the charges.

#### **Possible sentences:**

custodial sentence (3 months – 15 years, and for serious offences, up to 20 years/ lifetime imprisonment);

community service (40 – 280 hours);

a fine (3 – 200 times minimum monthly wages);

confiscation of property (the property is seized without compensation and held by the state);

extradition from Latvia (supplementary punishment: prohibition of entry for 3- 10 years);

limitation of rights (supplementary punishment: prohibition on undertaking certain types of/ any trade; certain professional/ other types of activities; on taking certain office; on obtaining statutory permissions/ licences; 1-5 years);

probation (1-3 years).

#### **What is the role of the victim during the trial?**

A person is recognised as a victim by a decision of the investigator/ prosecutor if the person has requested it in writing. The court can recognise a person as a victim up until the beginning of court investigation proceedings.

The victim can submit an application for damages; introduce evidence; influence the development of the case (conciliation with the defendant, consent to a prosecutor's deal regarding sentencing, etc.).

The victim presents his/her opinion about the sentence and damages claimed during the trial. The victim can appeal against the judgement of the Court of First Instance and a ruling of the Court of Appeal.

#### **Related links**

[Law on criminal proceedings](#)

[Criminal law](#)

[Law on the register of penalties](#)

[Law on detention procedures](#)

[Law on the activities of detectives](#)

[Latvian courts](#)

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## **4 - My rights after the court**

### **Can I appeal?**

You have the right to appeal against the [judgement of the Court of First Instance](#) by submitting the appeal claim within 10 days of the date when the ruling is issued. The court can extend the deadline to 20 days.

The appeal claim should be addressed to a court one level higher (the College of Criminal Cases at a [regional court](#) / the Chamber of Criminal Cases of the [Supreme Court](#)) but it should be filed at the court which issued the ruling.

It is not possible to appeal separately against the written/ oral decisions taken during a trial. They can only be appealed against together with the court ruling.

The appeal claim can be made if you consider that the decision of the court was wrong - for instance, the sentence is too severe/ inappropriate legal interpretation of your behaviour (the application of an inappropriate article/ part of an article of Criminal Law) etc.

### **What happens if I appeal?**

The enforcement of the ruling is frozen if you file an appeal. If you are in prison during the appeal the countdown of the 10/ 20 days deadline for submission of the appeal claim will start from the day when the ruling is served on you in a language you understand.



If you experience health problems/ family related circumstances that might require your release from custody, you can ask for a review of the grounds for imprisonment. The court is not obliged to approve such a request.

The court will inform you of the date when they will begin hearing the appeal claim. There is no deadline set for that though the courts observe that cases should be reviewed within reasonable time limits.

You have the right to introduce new evidence in the appeal claim, explaining why it is necessary to examine it and stating the reasons for not presenting the evidence to the Court of First Instance. You have the right to request that the Court of Appeal examine the evidence if you believe is important to substantiate the appeal claim.

#### **What happens at the appeal hearing?**

The following parties are invited to participate in the appeal hearing: the prosecutor, all persons who have challenged the court ruling, defence lawyers/ representatives. A team of three professional judges will review your claim.

During the hearing only your claim is reviewed except when the court has doubts about the findings of the Court of First Instance.

In an appeal case the court may take one of five possible decisions:

the ruling of the Court of First Instance stands; it is revoked and a new ruling is passed;

it is revoked partially and a new one is passed in relation to that part;

it is revoked and the case is closed;

it is revoked entirely/ partially and the case is returned to the Court of First Instance for a new hearing.

#### **What happens if the appeal is successful/ unsuccessful?**

If your claim is satisfied and no one else (the prosecutor/ victim) challenges the court's ruling under the cassation procedure the judgement/ decision of the Court of Appeal enters into force.

If your claim is not successful, you have the right to challenge the ruling/ decision of the Court of Appeal under the cassation procedure in the [Department of criminal cases of the Supreme Court Senate](#). A cassation claim has to be submitted within 10 days of the day the ruling of the Court of Appeal was made available. The court can extend the deadline to 20 days.

You are entitled to compensation if you are acquitted, or the case is closed for some legal reason.

If your claim is approved, the record of your conviction will be held in [the Information centre of the Ministry of the Interior of Latvia](#).

There are very strict requirements in place for the submission of a cassation claim – you have to provide proof that the Criminal Law/ Law on Criminal Proceedings have been substantially violated.

In certain cases you have the right to request reopening of the criminal process if new circumstances are discovered after the ruling/ decision has taken effect. There is no deadline for such reviews. .

In certain cases, (if there have been significant violations of the Criminal Law/ Law on Criminal Proceedings) even if you have not submitted a cassation claim your lawyer still be able to submit an application for the review of the ruling/ decision which is in force. There is no deadline for filing the application.

A ruling of the Court of First Instance enters into force and is final if it has not been challenged through an appeal/ cassation procedure). The ruling/ decision of the Court of Appeal enters into force and is final if it has not been challenged under the cassation procedure. The decision of the Court of Cassation enters into force and is final on the day the case is reviewed.

#### **I am from another Member State. Can I be sent back there after the trial?**

If you have received a custodial sentence you can be sent back to your home country after the trial if the competent authority of your country has requested your extradition and the [Prosecutor General's Office of Latvia](#) has agreed or vice versa – it has requested your country to take you to serve your sentence there. Your transfer is not automatic.

The conditions of transfer are as follows:

you must be a citizen of the country where the sentence will be served;

the court's ruling must be in force;

at least 6 months must be left to run on your sentence;

the offence must also be an offence in your country;

you have expressed a wish to serve the sentence in your country/ have agreed to the transfer.

The prison administration will inform you of your right to request a transfer within 10 days of receipt of the order concerning the enforcement of the ruling.

You have to submit your request in writing to the Prosecutor General's Office of Latvia.

If you do not want to serve the sentence in your country / do not agree to such a request by the authorities of your country, you must submit a written refusal to the Prosecutor General's Office of Latvia. The request for transfer must be reviewed within 10 days.

#### **Information about the charges/ convictions**

Information about your convictions in Latvia is held without your consent in the active database of the Register of the [Information centre of the Ministry of the Interior of Latvia](#) until the conviction expires/ is annulled. If you have received an administrative penalty, the record is kept for 1 year after it has been served and then it is moved to the archives of the Register. There is no opportunity to challenge this.

#### **Related links**

[Law on criminal proceedings](#)

[Criminal law](#)

[Latvian courts](#)

[Law on the register of penalties](#)

[Law on compensation for damages caused by a party in charge of proceedings](#)

Last update: 03/10/2022

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## **5 - Road traffic offences**

### **How are minor road traffic offences dealt with?**

If you have exceeded the speed limit (50 km/h in towns and 90 km/h outside towns) by up to 20 km/h then a [police](#) officer can give you a warning/ impose a fine of 5 LVL.

If you have exceeded the speed limit by 21-30 km/h then a police officer can give you a warning/ impose a fine of 20 LVL.

The amount of a fine increases the more you exceed the speed limit and can go up to 300 LVL and include the withdrawal of your driver's licence for 3 – 6 months.

If you have parked in a prohibited place, a police officer can impose a fine of 20 LVL.

If you do not have a driver's licence, car registration documents or certificate of roadworthiness etc. with you while driving, a police officer can give you a warning/ impose a fine of 2 LVL.

If you have been driving without headlights during daylight, a police officer can give you a warning/ impose a fine of 5 LVL. For the same violation during the hours of darkness / in conditions of poor visibility, a police officer can impose a fine of 30 LVL.

If you or your passenger are not wearing a seat belt while driving, a police officer can give you a warning/ impose a fine of 20 LVL.

A police officer draws up the report of the violation and can take a decision regarding the penalty on the spot. You can appeal against the penalty to a higher authority within 1 month of notification of the decision. The subsequent decision can be appealed again to the [administrative district court](#). The claim should be submitted within 1 month.

Municipal police deal with violations of obligations by pedestrians. You can be charged with a fine of 5 to 20 LVL. You can challenge the decision in the administrative district court within 1 month.

If you have been driving while under the influence of alcohol with an alcohol concentration level of 0.2 – 0.5 ‰ and have held a driving licence for less than 2 years a police officer/ district / city court judge imposes a fine of 100 – 200 LVL involving withdrawal of your driver's licence for 3 months. You can challenge the decision within 1 month to a higher authority and after that – to the administrative district court (for a fine imposed by a police officer) / [regional court](#) (for a fine imposed by a judge).

#### **Will these offences appear on my criminal record?**

Administrative penalties will appear on your criminal record. Information about those penalties is stored without seeking your consent in the active database of the Register of the [Information centre of the Ministry of the Interior of Latvia](#) for 1 year after they have been spent but afterwards the records are moved to the archive database of the Register.

#### **Related links**

[Road traffic code](#)

[Code of administrative offences](#)

[Law on administrative proceedings](#)

[Law on Police](#)

[Law on the register of criminal records](#)

[State Police](#)

[Road traffic safety directorate](#)

Last update: 03/10/2022

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