Annex II

LATVIA–Extracts from Principal Laws and Regulations

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Latvia - Relevant Extracts from the Criminal Law.

Section 12. Liability of a Natural Person as the Representative of a Legal Person

(1) In a legal person matter, a natural person who has committed a criminal offence acting as an individual or as a member of the collegial institution of the relevant legal person on the basis of a right to represent the legal person, to act on behalf of or to take decisions in the name of such legal person, or realising control within the scope of the legal person or while in the service of the legal person, shall be criminally liable therefor.

(2) For legal persons, who are not public law legal persons, the coercive measures provided for in Chapter VIII[1] of this Law may be applied.

[5 May 2005]

Section 15. Completed and Uncompleted Criminal Offences

(1) A criminal offence shall be considered completed if it has all the constituent elements of a criminal offence set out in this Law.

(2) Preparation for a crime and an attempted crime are uncompleted criminal offences.

(3) The locating of, or adaptation of, means or tools, or the intentional creation of circumstances conducive for the commission of an intentional offence, shall be considered to be preparation for a crime if, in addition, it has not been continued for reasons independent of the will of the guilty party. Criminal liability shall result only for preparation for serious or especially serious crimes.

(4) A conscious act (failure to act), which is directly dedicated to intentional commission of a crime, shall be considered to be an attempted crime if the crime has not been completed for reasons independent of the will of the guilty party.

(5) Liability for preparation for a crime or an attempted crime shall apply in accordance with the same Section of this Law as sets out liability for a specific offence.

(6) A person shall not be held criminally liable for an attempt to commit a criminal violation.

Section 16. Voluntary Withdrawal

(1) Voluntary withdrawal from the commission of a criminal offence means the complete discontinuance by a person, pursuant to his or her will, of a criminal offence commenced by such person while knowing that the possibility exists to complete the commission of the criminal offence.

(2) A person who has voluntarily withdrawn from the commission of a criminal offence shall not be held criminally liable. Such person shall be liable only in the case where the constituent elements of another criminal offence are present in his or her actually committed offence.

Section 17. Perpetrator of a Criminal Offence

A person, who himself or herself has directly committed a criminal offence or, in the commission of such, has employed another person who, in accordance with the provisions of

this Law, may not be held criminally liable, shall be considered the perpetrator of a criminal offence.

Section 18. The Participation of Several Persons in a Criminal Offence

The participation by two or more persons knowingly in joint commission of an intentional criminal offence is participation or joint participation.

Section 19. Participation

Criminal acts committed knowingly by which two or more persons (that is, a group) jointly, knowing such, have directly committed an intentional criminal offence shall be considered to be participation (joint commission). Each of such persons is a participant (joint perpetrator) in the criminal offence.

Section 20. Joint Participation

(1) An act or failure to act committed knowingly, by which a person (joint participant) has jointly with another person (perpetrator), participated in the commission of an intentional criminal offence, but he himself or she herself has not been the direct perpetrator of it, shall be considered to be joint participation. Organisers, instigators and accessories are joint participants in a criminal offence.

(2) A person who has organised or directed the commission of a criminal offence shall be considered to be an organiser.

(3) A person who has induced another person to commit a criminal offence shall be considered to be an instigator.

(4) A person who knowingly has promoted the commission of a criminal offence, providing advice, direction, or means, or removing impediments for the commission of such, as well as a person who has previously promised to conceal the perpetrator or joint participant, the instruments or means for committing the criminal offence, evidence of the criminal offence or the objects acquired by criminal means or has previously promised to acquire or to sell these objects shall be considered to be an accessory.

(5) A joint participant shall be held liable in accordance with the same Section of this Law as that in which the liability of the perpetrator is set out.

(6) Individual constituent elements of a criminal offence which refer to a perpetrator or joint participant do not affect the liability of other participants or joint participants.

(7) If a joint participant has not had knowledge of a criminal offence committed by a perpetrator or other joint participants, he or she shall not be held criminally liable for such.

(8) If the perpetrator has not completed the offence for reasons independent of his or her will, the joint participants are liable for joint participation in the relevant attempted offence. If the perpetrator has not commenced commission of the offence, the joint participants are liable for preparation for the relevant offence.

(9) Voluntary withdrawal, by an organiser or instigator from the completing of commission of a criminal offence shall be considered as such only in cases when he or she, in due time, has done everything possible to prevent the commission with his or her joint

participation of the contemplated criminal offence and this offence has not been committed. An accessory shall not be held criminally liable if he or she has voluntarily refused to provide promised assistance before the commencement of the criminal offence.

Section 21. Organised Groups

(1) An organised group is an association formed by more than two persons, which has been created for purposes of jointly committing criminal offences or serious or especially serious crimes and whose participants in accordance with previous agreement have divided responsibilities.

(2) Liability of a person for the commission of an offence within an organised group shall apply in the cases set forth in this Law for formation and leadership of a group, and for participation in preparation for a serious or especially serious crime or in commission of a criminal offence, irrespective of the role of the person in the jointly committed offence.

[25 April 2002]

Section 22. Previously Unpromised Concealment or Failure to Inform

(1) Previously unpromised concealment of a perpetrator or joint participants in a crime, or of tools or means for commission of a crime, evidence of a crime or objects acquired by criminal means, or failure to inform about a crime are not joint participation, and criminal liability regarding such shall apply only in the cases provided for in this Law.

(2) The betrothed, spouse, parents, children, brothers and sisters, grandparents and grandchildren of a person who has committed a crime are not liable for previously unpromised concealment or failure to inform.

(3) In the cases set out in this Law other persons are also not liable for failure to inform.

Section 42. Confiscation of Property

(1) Confiscation of property is the compulsory alienation to State ownership without compensation of the property owned by a convicted person or parts of such. Confiscation of property may be specified as a basic sentence or as an additional sentence. Property owned by a convicted person, which he or she has transferred to another natural or legal person, may also be confiscated.

(2) Confiscation of property may be specified only in the cases provided for in the Special Part of this Law.

(3) A court, in determining partial confiscation of property, shall specifically indicate which property is to be confiscated.

(4) The indispensable property of the convicted person or of his or her dependants, which may not be confiscated, is that specified by law.

[12 February 2004]

Section 195. Laundering of the Proceeds from Crime

(1) For a person who commits laundering of criminally acquired financial resources or other property,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits the same acts, if the commission thereof is repeated or if committed by a group of persons pursuant to prior agreement,

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding eight years, with confiscation of property

(3) For a person who commits the acts provided for by Paragraphs one or two of this Section, if commission thereof is on a large scale, or if commission thereof is in an organised group,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years, with confiscation of property.

[25 April 2002; 28 April 2005]

Section 195.[1] Knowingly Providing False Information regarding Ownership of resources

(1) For a person who commits knowingly providing false information to a natural or legal person who is not a State institution and who is authorised by law to request information regarding transactions and the financial resources involved therein or the true owner of other property or the true beneficiary,

the applicable sentence is custodial arrest or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated, or by them harm is caused to the State or business, or to the rights and interests of other persons protected by law,

the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding one hundred times the minimum monthly wage.

[28 April 2005]

Chapter VIII[1]
Coercive Measures Applicable to Legal Persons

Section 70.[1] Basis for the Application of Coercive Measures to Legal Persons

(1) For the criminal offences provided for in the Special Part of this Law, coercive measures may be applied to a legal person, if the criminal offence has been committed in the interests of the legal person by a natural person in conformity with the provisions of Section 12, Paragraph one of this Law.

(2) Coercive measures applicable to legal persons shall not apply to State, local government and other public law legal persons.

[5 May 2005]

Section 70.[2] Types of Coercive Measures Applicable to Legal Persons

(1) For a legal person one of the following coercive measures may be specified:

1) liquidation;

2) limitation of rights;

3) confiscation of property; or

4) monetary levy.

(2) For a legal person the following additional coercive measures may be specified:

1) confiscation of property; and

2) compensation for harm caused.

(3) For the criminal violations provided for in the Special Part of this Law and less serious crimes by a legal person, as a basic coercive measure only a monetary levy may be applied, except in cases where the legal person, a branch, representation or structural unit thereof has been especially established for the committing of a criminal offence.

(4) For the serious and especially serious crimes provided for in the Special Part of this Law by a legal person, as basic coercive measures liquidation, limitation of rights, confiscation of property or monetary levy may be applied.

(5) Confiscation of property may also be applied to a legal person as an additional coercion measure, if as a result of the offence by the legal person it has gained a material benefit and as basic coercion measures limitation of rights or monetary levy has been applied to it.

(6) Compensation for harm caused may be applied as an additional coercive measure to a legal person, if as a result of the criminal offence by the legal person it has caused significant harm or serious consequences are caused thereby.

[5 may 2005]

Section 70.[3] Liquidation

(1) Liquidation is the compulsory termination of the activities of a legal person, a branch, representation or structural unit thereof.

(2) A legal person, a branch, representation or structural unit thereof shall be liquidated only in such cases, if the legal person, a branch, representation or structural unit thereof has been especially established for the committing of a criminal offence or if a serious or especially serious crime has been committed.

(3) In liquidating a legal person, a branch, representation or structural unit thereof, all of the existing property thereof shall be alienated without compensation to the ownership of the State. Such property, which is necessary for the legal person to fulfil its obligations to employees, the State and creditors, shall not be alienated.

[5 May 2005]

Section 70.[4] Limitation of Rights

Limitation of rights is the deprivation of rights as to a specific form of entrepreneurial activity, to the acquisition of permits or rights provided for in regulatory enactments or a

prohibition to perform a specific type of activity for a term of not less than one and not exceeding five years.

[5 May 2005]

Section 70.[5] Confiscation of Property

(1) Confiscation of property is the compulsory alienation to State ownership without compensation, fully or partially, of the property owned by a legal person, which may be applied as a basic coercive measure or as an additional coercive measure.

(2) A court, in determining partial confiscation of property, shall specifically indicate which property is to be confiscated.

(3) In determining full confiscation of property, the property owned by a legal person, which is necessary to fulfil its obligations to employees, the State and creditors, shall not be confiscated.

(4) Property owned by a legal person, which has been transferred to another legal or natural person, may also be confiscated.

[5 May 2005]

Section 70.[6] Monetary Levy

(1) A monetary levy is a compulsory levy, which in conformity with the seriousness of the criminal offence and the financial circumstances of a legal person, shall be determined in the amount of not less than one thousand and not exceeding ten thousand times the minimum monthly wage specified in the Republic of Latvia at the moment of the rendering of the judgment, indicating in the judgment the amount of the monetary levy in the monetary units of the Republic of Latvia.

(2) A monetary levy, which has been imposed upon a legal person, shall be paid from the funds of the legal person for the benefit of the State.

(3) If a legal person avoids the payment of the monetary levy, such coercive measure shall be implemented by compulsory procedures.

[5 May 2005]

Section 70.[7] Compensation for Harm Caused

(1) Compensation for harm caused is the compensation of the material losses caused as a result of a criminal offence, as well as the rectification of other interests protected by law and rights jeopardised.

(2) Harm shall be compensated or rectified from the funds of a legal person.

(3) If a legal person avoids the compensation for harm caused, such coercive measure shall be implemented by compulsory procedures.

[5 May 2005]

Section 70.[8] Conditions for the Application of Coercive Measures to Legal Persons

(1) In determining coercive measures, a court shall take into account the nature of the criminal offence and the harm caused.

(2) A court in applying coercive measures to a legal person shall observe the following conditions:

1) the actual actions of the legal person;

2) the status of the natural person in the institutions of the legal person;

3) the nature and consequences of the acts of the legal person;

4) measures, which the legal person has performed in order to prevent the committing of a new criminal offence; and

5) the size, type of activities and financial circumstances of the legal person.

(3) The coercive measures provided for in this Law may be applied by a court to a legal person on the basis of a proposal from the Office of the Prosecutor.

[5 May 2005]

Section 88.[1] Financing of Terrorism

(1) For a person who commits the direct or indirect collection or transfer of any type of acquired funds or other property for the purposes of utilising such or knowing that such will be fully or partially utilised in order to commit one or several acts of terror or in order to transfer such to the disposal of terrorist organisations or individual terrorists (financing of terrorism),

the applicable sentence is life imprisonment or deprivation of liberty for a term of not less than eight and not exceeding twenty years, with confiscation of property.

(2) For a person who commits the financing of terrorism if commission thereof is by a group of persons pursuant to previous agreement or it committed on large scale,

the applicable sentence is life imprisonment or deprivation of liberty for a term of not less than fifteen and not exceeding twenty years, with confiscation of property.

[28 April 2005]

Section 89. Subversion

For a person who commits any act or failure to act as is directed towards destruction of the financial system, industrial, transport, agricultural, trade or other economic sectors, or destruction of the operations of any institutions or organisations, with the purpose of harming the Republic of Latvia,

the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years, with confiscation of property.

Section 89.[1] Criminal Organisation

(1) For a person who commits the establishment of such a criminal organisation (association), in the composition of which are at least five persons, for the purpose of committing especially serious crimes against humanity or peace, war crimes, to carry out genocide or to commit especially serious crimes against the State, as well as for involvement

in such an organisation or in an organised group included within such organisation or other criminal formation,

the applicable sentence is deprivation of liberty for a term of not less than eight and not exceeding seventeen years, with confiscation of property.

(2) For a person who commits the leading of a criminal organisation or participates in the committing of the crimes provided for in Paragraph one of this Section by such an organisation,

the applicable sentence is deprivation of liberty for a term of not less than ten and not exceeding twelve years or life imprisonment, with confiscation of property.

[25 April 2002]

In effect as of 1 June 2005.

The Saeima (Parliament of the Republic of Latvia) has adopted and the President has proclaimed the following law:

Amendments to the Criminal Law

3. The Law is supplemented by Section 88.[1] in the following wording:

" Section 88.[1] Financing of Terrorism

(1) For a person who, directly or indirectly, performs fund raising or transfer of financial resources obtained in any way on purpose to utilize them, or knowing that they will be used in full or partially in order to commit one or a number of terrorist acts, or in order to transfer them to a terrorist organisation or an individual terrorist at their disposal (for financing of terrorism), —

the applicable sentence is life imprisonment or deprivation of liberty for a term of not less than eight and not exceeding twenty years, with confiscation of property.

(2) For financing of terrorism if commission thereof is by a group of persons pursuant to previous agreement or is commited on a large scale, —

the applicable sentence is life imprisonment or deprivation of liberty for a term of not less than fifteen and not exceeding twenty years, with confiscation of property."

6. To state Section 195 as follows:

"Section 195. Laundering of the Proceeds from Crime

(1) For a person who commits laundering of criminally acquired financial resources or other property, —
the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits the same acts, if commission thereof is repeated, or by a group of persons pursuant to prior agreement, —

the applicable sentence is deprivation of liberty for a term of not less than three and not exceeding eight years, with confiscation of property.

(3) For a person who commits the acts provided for in Paragraphs one or two of this Section, if commission thereof is on a large scale or if commission thereof is in an organised group, —
the applicable sentence is deprivation of liberty for a term of not less than five and not exceeding twelve years, with confiscation of property."

7. The Law is supplemented by Section 195.[1] in the following wording:

"Section 195.[1] Knowingly Providing False Information Regarding Resource Possession

(1) For a person who knowingly commits providing false information to a natural or legal person which is not a State authority and which is authorised by law to request

information on a transaction and an actual owner of financial resources or other property drawn into it, or a beneficial owner, —

the applicable sentence is custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if such acts are committed repeatedly or if such acts have resulted in a substantial harm to the State or entrepreneurial activity, or to rights and interests protected by law of another person, —

the applicable sentence is deprivation of liberty for a term not exceeding three years, or a fine not exceeding one hundred times the minimum monthly wage."

Latvia - Relevant Extracts from the Criminal Procedure Law

Article 129. Relevance of evidence

Evidence is relevant to the specific criminal process if the information about facts directly or indirectly proves the existence or non-existence of the circumstances in the criminal process or other evidence credibility or non-credibility, its usage possibility or impossibility.

Article 145. Questioning

Questioning is an investigatory activity in which the substance is information extraction from the person being questioned.

Article 146. Invitation to questioning

(1) A person is invited to questioning by means of a formal notice or in other way, disclosing who and in what case they are invited to give evidence, what the procedural status of the person will be and what are the consequences of not attending.

(2) An imprisoned person is invited for questioning with the help of the institution he/she is held at. An imprisoned person can be questioned on the premises of that institution.

(3) A minor is usually invited together with his/her representative in law, or with the help of an educational institution or the Youth Matters Department. It is possible to invite a minor without mediation if circumstances that prevent or burden such invitation exist.

(4) A person who is granted special protection is invited for questioning with the mediation of the institution which provides such special protection.

Article 147. Questioning procedure

(1) Questioning starts with clarification of the invited person's identity and determination of the preferred language of communication. It is necessary to determine if the person knows the language of the process and in what language he/she is able to give evidence.

(2) The conductor of investigatory activity explains the rights and obligations of the invited person drawn in this act.

(3) Name, surname and personal number of the questioned person is a part of testimony.

(4) If part of the testimony consists of numbers, dates or any other information that is hard to recall, the questioned person has the right to use his/her documents and/or records and to read from them. Records of the questioned person can be added to a case file.

(5) It is permissible to show objects, documents and audiovisual materials related to the particular case to the questioned person, as well as to read the documents to that person and to playback voice records during the questioning. Appropriate records must be made in a protocol. Materials can only be shown after testimony on a particular question is acquired and is entered into the protocol.

(6) Reading out the preceding testimony of the questioned person is allowed if:

1) serious inconsistency exists between prior and current testimony;

2) the questioned person refuses to testify;

3) the case is in court while the questioned person is absent.

(7) If special procedural protection is granted to the person, Article 308 of this act must be adhered to.

Article 148. Length of questioning

(1) The length of questioning of the adult person cannot exceed 8 hours, including breaks, during 24 hours.

(2) Questioning of a minor is implemented according to chapters 152 and 153 of this act.

Article 149. Recording of questioning

Acquired evidence is recorded in the protocol of questioning in the first person. If the questioned person makes a request to write the testimony by him/herself, such request is granted.

Article 150. Questioning of a detained, suspected or convicted person

In the beginning of the first questioning of a convicted, suspected or detained person:

1) Biographical information is determined, such as birthplace and time, citizenship, education, marital status, work or education place, occupation, residence address and punishability;

2) The procedural status of the person is explained and the copy of the document confirming this status is issued;

3) An extract from the law, determining procedural rights and obligations of the person, is issued if such extract has not yet been issued in course of the specific criminal process;

4) The right not to testify is explained to the person as well as is the fact that everything said by him/her can be used against him/her.

Article 151. Questioning of the witness and victim

(1) Before the questioning of the witness or victim, their rights and obligations are explained. Warning of liability for refusing to witness or for providing false testimony is issued.

(2) Witness and victim can be questioned about all circumstances that may have meaning in the case, about a suspected or convicted person, or about other persons involved in the criminal process.

Article 152. Particularities of the questioning of a minor

(1) The length of questioning, without a minor's consent, cannot exceed six hours in one day, including breaks.

(2) A minor, who has not reached 14 years of age, or by the order of the conductor of investigatory activities, any minor is questioned in presence of a pedagogue or in presence of such specialist, who has psychological training to work with children in a criminal process (further down - psychologist). One representative-in-law of the minor, close adult relative or authorized person has the right to be present during the questioning, if he/she is not the person against whom the criminal process has been initiated, detained, suspected or convicted and if the minor has no obligations against the presence of this person. The above person can, with the agreement of the conductor of investigatory activities, ask questions to the minor.

(3) The minor, who has not reached 14 years of age, is not warned of the liability for refusing to testify or for knowingly providing false testimony.

(4) If the psychologist indicates that recurrent direct questioning may endanger the psyche of the minor under 14 years of age or of the minor, who is considered a victim of violence, which was done by the person upon whom the minor is financially or in any other way dependent, or of sexual exploitation, the recurrent questioning can only be done with the agreement of an investigatory judge and in court – by a court ruling.

Article 153. Questioning of the minor in presence of a psychologist

(1) If a psychologist indicates that direct questioning may endanger the psyche of a minor under 14 years of age or of the minor, who is considered victim of violence, which was done by the person upon whom the minor is financially or in any other way dependent, or of sexual exploitation, the questioning may be accomplished in mediation with a psychologist and technical equipment. If the investigator or prosecutor does not agree with that, direct questioning can only be done with the agreement of an investigatory judge and in court – by court ruling.

(2) A process conductor and other invited persons are present in another room where technical equipment ensures that the questioned person and the psychologist are seen and heard. The questioned minor and psychologist are in a room that is suitable for talking to the minor and it is ensured that the questions asked by the process conductor are only heard by the psychologist.

(3) If the questioned minor has not reached 14 years of age, a psychologist, depending on the obstacles, explains to the minor what work is done and its necessity and the value of information the minor provides, determines personal data, asks the questions of the process

conductor in the form according to the minor's psyche and if necessary – informs of the break and resumption time of investigatory activity.

(4) If the minor has reached 14 years of age, the process conductor in mediation with a psychologist, informs the minor of the essence of the investigatory work, determines his/her personal data, explains the rights and responsibilities, warns of liability for not performing his duty, asks the questions according to the minor's psyche and, if necessary, informs of the end and resumption time of the investigatory activity.

(5) The process of the questioning is recorded in accordance with Articles 141-143 of this act. The minor does not sign the protocol.

Article 154. Obligation to expose the source of information

(1) The court may ask the journalist or editor to expose the source of published information.

(2) An investigatory judge, after listening to the issuer of the suggestion - mass media journalist or editor – and reading the materials, decides on the suggestion of the investigator or prosecutor.

(3) The decision to expose the source of information is made in accordance with personal rights and society interest commensurability.

(4) The decision of the judge may be appealed against by a mass media journalist or editor and is dealt with in accordance with Part 24 of this act.

Article 155. Inquiry

(1) If the fact that the testimony is not recorded in detail does not prevent reaching the goal of the criminal process, information about the facts of the proving subject can be acquired by means of inquiry.

(2) The inquiring conductor of investigatory activities meets in person with the witness, explains him/her his rights and obligations and determines the information about the investigation that is known to this witness or inexistence thereof.

(3) It is permissible to write down in protocol or in notes or make audiovisual recordings of the process of inquiry.

(4) If during the enquiry, records in the protocol are not made, the conductor of the enquiry writes the report in which he/she states:

1) the place of inquiry, start and end time;

2) name, surname and occupation of the inquiry conductor;

3) name, surname and address of the inquired person;

4) testimony of each person, if it is the same, it is only written down once;

5) scientifically technical equipment used.

(5) One report may contain numerous testimonies.

Article 156. Questioning of expert or auditor

(1) Process conductor can invite an expert or auditor for questioning to:

1) determine the questions that do not require any further research with the mediation of an expert or auditor;

2) define the method used in the expert's or auditor's research and terms used;

3) acquire information about facts and circumstances that are not a part of adjudication but are related to the participation of an auditor or expert in the pre-trial process;

4) determine the qualification of an expert or auditor.

(2) Questioning of an expert or auditor is performed as if he/she would be a witness.

Article 179. Search

(1) Search is an investigatory activity the purpose of which is coercive searching of premises, area, transport vehicle and separate persons with the view to find and seize the sought for object, if there is enough basis to think that the sought for object is present at the place of search.

(2) Search is conducted with the view to find objects, documents, corpses or wanted persons important in the criminal process.

Article 180. Decision to conduct search

(1) Search can only be conducted with the agreement of the investigatory judge or a court ruling. An investigatory judge makes the decision to search based on the request of the process conductor and the materials attached to the request.

(2) The decision to allow search discloses who, where, at what premises, regarding which case and what objects and documents will be sought for and seized.

(3) In cases when any delay might cause the sought objects and documents to be destroyed, hidden or damaged or a wanted person to escape, the process conductor may conduct the search with the agreement of a prosecutor.

(4) The allowance of search is not required if the detained person is searched as well as in the case described in part five of Article 182.

(5) After the search specified in part three of this Article, the process conductor, no later than the next working day, must inform the investigatory judge, disclosing materials that were the basis of this investigatory activity and its immediate status, as well as the search protocol. A judge must verify the correctness and validity of such search. If investigatory work was not carried out in accordance with law or such performance was not valid, the judge rules the evidence seized in this way to be not permissible and decides on action to be taken with the evidence.

Article 181. Persons present during the search

(1) The search must be conducted in the presence of the person at whose premises the search is conducted or in the presence of a close adult relative of such person. If such persons' presence is not available or such persons refuse to take part in the search; the search must be carried out in the presence of an administrator or maintenance person of the searched premises or in the presence of a representative of the local authority.

(2) The search of the premises of a legal person is conducted in the presence of the representative of the legal person and in the presence of the person, in relation to whose activity or non-activity the search on the premises of the legal person is to be carried out, if no obstacles to deliver such persons exist. If the presence of a representative is not possible or the representative refuses to take pert in the search, the search must be carried out in the presence of the representative of the local authority.

(3) Search must be conducted in the presence of the suspected or accused person, if it is carried out on the premises of a declared residence or work place, excluding cases when this is not possible due to objective reasons.

(4) A witness or victim can be involved in the search to identify the sought objects.

(5) The obligation to be present all the time during the search and to make notes with regard to the search are explained to all present persons.

(With amendments made by 19.01.2006 Law)

Article 182. Order of search

(1) The investigatory activity conductor, together with the present persons, has the right to enter the premises or area specified in the search decision to find objects, documents, corpses or wanted persons specified in that decision. It is possible to arrange guarding of the place of search.

(2) In the beginning of the search, the investigatory activity conductor familiarizes the person on whose premises the search is to be conducted with the search warrant. This person acknowledges the fact by his/her signature. After that, the investigatory activity conductor invites the person to voluntary hand out the sought for object.

(3) If the person, on whose premises the search is conducted, refuses to open the premises or storerooms, the investigatory activity conductor has the right to open them without making unjustified damage.

(4) Persons present during the search may be prohibited to leave the premises, move, and speak to each other until the search is finished. If the persons are obstructing the search by action or obstruction is due to a high number of present persons, they may be moved to other premises.

(5) In the premise or area searched, the search of persons or transport vehicles on these premises or in that area can be conducted. If necessary, persons may be searched in the beginning or the end of a premise or area search.

(6) The documents and objects mentioned in a search decision are seized during the search, as are other documents and objects that may have an importance in the case. If objects prohibited to be kept are found, they are seized, recording the reason of such action in the protocol.

(7) If the witness or victim present during the search identifies some object, the relevant entry is made in the protocol.

(8) All objects seized during the search are shown to the persons present, described in the protocol and, if possible, packed and sealed.

(9) If the process conductor ordered to carry out the necessary expertise to an expert or an auditor during the search, the entries of these objects, their locality, identifiable marks or properties, the fact of seizure and of the expertise institution or auditor, in whose responsibility the seized objects are placed, are made in the search protocol.

(10) After the end of search, the search place is put, by as much as possible, into the previous order.

Article 183. Personal Searches

(1) A personal search can be performed if there is sufficient basis to believe that objects or documents important/related to the criminal proceedings are located in an individual's clothing, personal belongings present, on his body or in open body cavities.

(2) A personal search can be performed only by an official of the same gender, if necessary, including medical personnel of either gender.

Article 184. Searches in diplomatic and consular representative premises

(1) A search in diplomatic and consular agency premises and premises used by foreign parliament and government official delegations and missions can be conducted only after said agency's, delegation's or mission's director request or with his consent.

(2) A search in the living premises of foreign diplomatic representatives and other office employees and their family members, as well as foreign parliament and government official delegation and mission employees and their family members, who in accordance with Latvia's binding international agreements enjoy diplomatic immunity, can be performed only upon their request or with their consent.

(3) The claimant requests the consent mentioned in this Article through the Ministry of Foreign Affairs of the Republic of Latvia.

(4) When performing a search in diplomatic and consular representative premises, the presence of a Ministry of Foreign Affairs representative is mandatory.

Article 185. Search record copy

A copy of the search record is submitted to the investigated person or other person as indicated in sections one and two of Article 181 of this Law.

Article 186. Seizure

Seizure is an investigative operation that consists of the removal of objects or documents relative/important to the case if the investigator knows where or with whom the said/specific object or document is and it is not necessary to search for them or they are located in publicly accessible places.

Article 187. Warrant for seizure

(1) Seizure is performed with a warrant by the claimant.

(2) The seizure warrant indicates what, where, from whom, in what case and what objects or documents are to be seized.

Article 187. Seizure procedure

(1) At the start of the seizure, the investigator presents the seizure warrant to the person to whom the removal is being conducted. This person signs the warrant accordingly. Then the claimant requests the person to immediately provide the seizable object.

(2) Seized objects or documents are described in the seizure record.

(3) Upon completion of the seizure, a copy of the seizure record is submitted to the person to whom the seizure has been conducted.

(4) If a person refuses to provide the seizable object or if the seizable object or document cannot be found at the specified place, but there is reason to believe that it is located elsewhere, a decision to search can be made in accordance with the procedure of Article 180 of this law and a search to find it can be performed.

Article 189. Object and document submission

(1) People have the right to submit, to the claimant, objects and documents which they believe to be significant to the criminal proceedings.

(2) The submission is documented in a report that specifies the objects or documents by identifying features, as well as the submitter's statement about the object's origin or conditions of acquisition.

(3) If a person submits objects or documents during the investigation, it is recorded in the investigation report.

(4) If it is ascertained that a submitted object or document is not significant to the criminal proceedings, it is returnable to the submitter.

Article 191. The preservation of data in an electronic information system

(1) The claimant, by his decision, can require the owner or legal master (i.e., a person who secures personal communications with the aid of an information system or who within the realm of this service, processes or saves data) of an electrical information system to immediately secure the preservation, in unchanged condition, of specific data necessary for investigation and its inaccessibility to other system users.

(2) The data securing obligation can be designated for a time up to thirty days, but if necessary, the investigative judge can extend the term an additional thirty days.

Article 192. The disclosure of data saved in an electronic information system

Based on a decision by the investigative judge or by the consent of the subject of the data, the claimant can request that the owner or legal ruler of an electronic information system disclose data saved in the information system.

Article 215. Methods of Special Investigation Activities

(1) In accordance with the provisions of this Section, these special investigation activities may be conducted:

1) monitoring of legal correspondence;

2) monitoring means of communication;

3) monitoring data in electronic information systems;

4) monitoring of broadcasted data content;

5) audio monitoring of a place or person;

6) video monitioring of a place;

7) surveillance and tracking of a person;

8) surveillance of a facility;

9) special investigation experiments;

10) special methods of acquisition of samples required for comparative investigation;

11) monitoring of illegal activity;

(2) In order to conduct the investigation activities provided for in the first part of this Article, or to place technical devices necessary to ensure said activities, the secretive entry into publicly inaccessible places is allowed, if the investigative judge has allowed it in his decision.

Article 216. Recording of Special Investigation Activities

(1) When the claimant conducts investigation activities, he keeps the minutes.

(2) If special investigation activity is conducted by a specialized state agency, its representative writes a review and submits it to the claimant together with the materials obtained as a result of this activity.

(3) If special investigation activity, by claimant's assignment, is conducted by another person, he submits a review to the claimant and submits it to him the materials obtained as a result of this activity.

(4) The performer of special investigation activity does everything possible to record the facts pertinent to the investigation with technical devices.

(5) Regarding information that points to another criminal offence or its conditions of commitment, the claimant informs the authority under whose jurisdiction lies the corresponding offence's investigation.

(6) Regarding information that is essential to prevent an immediate vital threat to the safety of society, the claimant or specialized agency immediately informs state security authorities.

Article 217. Monitoring correspondence

(1) Postal offices or persons who perform shipment delivery services conduct monitoring of shipments given to their accountability without the knowledge of sender and addressee, based on a decision by the investigative judge, if there is reason to believe that shipments contain or could contain information about contained facts in verifiable conditions and, if without this activity, obtaining the necessary information is impossible or difficult.

(2) Postal offices or persons who perform shipment delivery services inform the official listed in the decision of the existence at their disposal of a shipment subject to monitoring. The official promptly, but no later than 48 hours after the moment of receiving the information, acquaints himself with the content of the shipment and decides about the seizure

of this shipment or its further shipment with or without copying, photographing or otherwise recording its content. In all cases, the official writes a shipment inspection report in the presence of the delivery representative.

(3) A shipment is seized only when there is basis to believe that in the proving process its original will have a substantially larger implication than a copy or visual recording.

(4) If a shipment is seized or if a seized shipment is delivered to the addressee or sender with a substantial delay, he is informed of the reasons of shipment delay and the basis of monitoring, insomuch as that is possible without harming the interests of the criminal proceedings.

(5) Losses incurred by the post or other delivery service as a result of shipment seizure are compensated by procedure defined by the State Cabinet of Ministers.

Article 218. Monitoring means of communication

(1) Monitoring of telephone and other means of communication without the knowledge of the parties of conversation or the sender or receiver of information is conducted based on a decision by the investigative judge, if there is reason to believe that conversations or given information could contain information about contained facts in verifiable conditions and, if without this activity, obtaining the necessary information is impossible or difficult.

(2) Monitoring of telephone and other means of communication with the written consent of a party of conversation, sender or receiver of written information is conducted, if there is reason to believe a crime may be committed against this person or his immediate family or also if this person is or could become involved in the perpetration of a crime.

Article 219. Monitoring Data in Electronic Information Systems

(1) The searching for, access to, as well as obtaining information stored in, information systems (henceforth - monitoring data in information systems) without the knowledge of this system's or data's owner, master or holder in criminal proceeding is conducted based on a decision by the investigative judge, if there is reason to believe that information existing in the specific information system could contain information about contained facts in verifiable conditions.

(2) If there is reason to believe that the data (information) being sought is being stored in another system within the territory of Latvia, which can be accessed with authorization, using the system indicated in the investigative judge's decision, a new decision is not necessary.

(3) To begin the examination activities, the claimant can request that the person who manages the system's functioning or conducts tasks related to data processing, storage or securing of transmission (henceforth - the system's administrator), to submit the necessary information, as well as caution this person about not disclosing examination secrets.

(4) While conducting, at the claimant's assignment, the information system's data monitoring, the system's administrator's duty is to take over or otherwise secure the system

(its part, data storage environment), prepare data copies, store, unchanged, relevant data, ensure the entirety of the information resources in the system, render the controllable data inaccessible to other users or forbid other activities with it.

Article 220. Monitoring of Broadcasted Data Content

The interception, collection and recording of data that are broadcasted by means of an information system, using communication devices existing in the territory of Latvia (henceforth – broadcasted data monitoring), without the knowledge of this system's owner, master or holder, is conducted based on a decision by the investigative judge, if there is reason to believe that information obtained from broadcasted data could contain information about contained facts in verifiable conditions.

Article 221. The Audio or Video Monitoring of a Place

The audio or video monitoring of a place without the knowledge of this place's owner, master or visitors, is conducted based on a decision by the investigative judge, if there is reason to believe that conversations, other sounds or processes that take place in this location can contain information about contained facts in verifiable conditions. The audio of video monitoring of a publicly inaccessible place is conducted only then, if, without this activity, it is impossible to obtain the necessary information.

Article 222. The Audio Monitoring of a Person

(1) The audio monitoring of a person without this persons knowledge is conducted based on a decision by the investigative judge, if there is reason to believe that a person's conversations or other sounds can contain information about contained facts in verifiable conditions, and if, without this activity, it is impossible to obtain the necessary information.

(2) The audio monitoring of a person, with the written consent of this person, is conducted, if there is reason to believe a crime may be committed against this person or his immediate family or also if this person is or could become involved in the perpetration of a crime.

Article 223. Surveillance and Tracking of a Person

(1) The surveillance and tracking of a person without his knowledge is conducted based on a decision by the investigative judge, if there is reason to believe that a person's behaviour or contact with other persons can contain information about contained facts in verifiable conditions.

(2) In his decision, the investigative judge specifies if authorization is given to continue, for up to 48 hours, the surveillance and tracking of another person who was in contact with the person under observation.

Article 224. Surveillance of a Facility or Place

The surveillance of a facility or place is conducted based on a decision by the investigative judge, if there is reason to believe that a result of the surveillance can contain information about contained facts in verifiable conditions.

Article 225. Special investigation experiments

(1) A special investigation experiment is conducted based on a decision by the investigative judge, if there is reason to believe that:

1) a person has previously committed a crime and is preparing to commit or has begun similar criminal activities;

2) the specific crime can be interrupted within the framework of the commenced criminal proceedings;

3) as a result of the experiment it is possible to obtain facts in verifiable conditions and, if without this activity, obtaining the necessary information is impossible or difficult.

(2) In a special investigation experiment, a situation or conditions characteristic to a person's daily activity are created, which encourages the exposure of criminal intent, and the person's behaviour in these conditions is recorded.

(3) It is forbidden to provoke a person's behaviour or to influence it by force, threats, extortion or to make use of his condition of helplessness.

(4) If the special investigation experiment concludes with the open finding of a person's criminal activity, a report is written about it in the presence of the testable person.

Article 226. Special Methods of Acquisition of Comparative Samples

(1) If the interests of the process require not to divulge to a person, that there is suspicion about his connection to the perpetration of a crime, samples for comparative investigation, based in a decision by the investigative judge, can be obtained without informing the respective person.

(2) Samples, which can be obtained repeatedly and which have evidentiary significance in the criminal proceedings, are produced openly when the necessity to keep their investigation a secret has disappeared.

Article 227. Monitoring of Criminal Activity

(1) If a united criminal offence or a portion of a mutually related criminal offence is ascertained, but its immediate interruption would lose the opportunity to prevent a different criminal offence or to clarify all of the related persons, especially its organizers and contracting authority or all of the targets of the criminal activity, based on a decision by the investigative judge, monitoring of criminal activity may be conducted.

(2) During monitoring, the delay of interruption of a criminal offence is not allowed, if it is impossible to completely prevent:

1) the threat of persons' lives and health;

2) the spread of a substance dangerous to many people;

3) the escape of dangerous criminals;

4) an ecological disaster or irreversible material damage.

(3) If, during the monitoring of criminal activity, it is necessary to conduct other special investigation activities, authorization to conduct such activities must be obtained according to general procedures.

(4) Those conducting the monitoring submit reviews to the claimant in accordance with the special investigation activity's course, but not less frequently than is called for in the decision.

Article 228. Measures to Ensure Special Investigation Activities

(1) In order to ensure special investigation activities, officers and persons involved in them can utilize previously specially prepared information and documents, previously specially established organizations or enterprises, objects and substance imitations, specially prepared technical aids, as well as imitate participation in the perpetration of a criminal offence or collaboration in the form of a supporter.

(2) While imitating criminal activities, it is forbidden to threaten the lives and health of people, to inflict any kind of losses, if not absolutely necessary to the exposure of the most serious and dangerous crimes.

(3) Regarding the use of provisional aids, as mentioned in the first part of this Article, outside of the essential realm of conducting special investigation activities, a person is accountable according to general procedure.

Article 229. The Utilization of the Results of Special Investigation Activities During Argumentation

(1) The special investigation activity records, reviews, sound and image recordings, photographs, other results recorded with technical aids, seized objects and documents or their copies are used during argumentation just like other investigative activity results.

(2) If, during argumentation, a person's secretly recorded sayings or activities are utilized, this person must be questioned about it. When the person is introduced to the facts that were obtained without his knowing, this person is informed about the secretly performed activity insofar as it applies to the specific person.

(3) If the special investigation activity was performed disregarding the regulations of authorization receipt, the acquired information cannot be used in argumentation.

(With amendments that were made with the Law September 28, 2005)

Article 230. The Utilization of the Results of Special Investigation Activities For Other Purposes

(1) Evidence obtained as the result of special investigation activities are utilized only in those criminal proceedings, in which the respective activities were conducted. If information about facts was obtained that point to the perpetration of another criminal activity or evidentiary circumstances in other criminal proceedings, that can be used in the respective case as evidence only with the approval of that prosecutor or investigative judge who oversees special investigation activities in the criminal proceedings in which the respective activity was conducted. This restriction is not applicable to the utilization of vindicative evidence within other criminal proceedings.

(2) The decision of the investigative judge or prosecutor is not necessary if the information obtained as a result of special investigation activities is used to prevent an immediate threat to the safety of society.

Article 231. Acquaintance With Materials That Are Not Incorporated in the Criminal Case.

(1) Reviews about special investigation activities, as well as materials recorded with technical aids about which the claimant has admitted that they have no evidentiary meaning in the criminal proceedings, are not incorporated in the criminal case and are stored in the office that completes the pre-trial process.

(2) A person involved in the criminal proceedings who has the right to acquaint himself with the materials of the criminal case after the pre-trial investigation has ended, can submit an application to the prosecutor or investigative judge, requesting to be acquainted with the unincorporated materials.

(3) The prosecutor or investigative judge evaluates the application, taking into consideration the potential significance of the materials in the criminal proceedings and committed human rights infringements, and can forbid the possibility of acquaintance with the unincorporated materials, if that can substantially threaten the life, health or rights protected by law of a person involved in the criminal proceedings or if that touches upon a secret of only a third party's private life.

(4) A person involved in the criminal proceedings that the prosecutor or investigative judge has acquainted with materials unincorporated in the criminal case can petition the claimant for the incorporation of these materials into the criminal proceedings. The petition is decided in the same order as other petitions submitted after the completion of the investigation.

(5) The same court personnel decides about a petition during the hearing to become acquainted with special investigation activity materials unincorporated into the criminal case, becoming acquainted with the petition and the materials of the criminal case, if necessary, requesting explanations from the submitter and prosecutor.

Article 232. Conduct With the Results of Special Investigation Activities That Have No Evidentiary Meaning in the Criminal Proceedings

(1) Regarding conduct with reviews, audio recordings and video recording, photographs, with other materials that were recorded with technical aids, with seized objects and documents and their copies, if the claimant has concluded that they have no evidentiary meaning in the criminal proceedings, the prosecutor or the investigative judge who oversees the special investigation activities in criminal proceedings decides in a way that, within reason, would diminish the aftermath of human rights invasion.

(2) Seized documents and objects, if at all possible, are returned to their owners, informing them about the special investigation activity insomuch as it touches these persons.

(3) Reviews, copies, materials that were recorded using technical aids, are destroyed if it is established that they have no evidentiary meaning in the criminal proceedings.

(4) In criminal proceedings where the criminally responsible persons have not been established, the conduct with the materials mentioned in this Article can be decided no earlier than six months after the conclusion of special investigation activity.

(5) In completed criminal proceedings the conduct with these materials can be decided after the appeal deadline has passed.

(6) In criminal proceedings which have been sent for trial review, the conduct with the mentioned materials is decided after the court ruling becomes effective.

Article 233. Measures to Protect Information in Criminal Proceedings

(1) Information about special investigation activity facts, until their completion, are confidential investigation data, about whose disclosure officials or persons involved in its conducting, are liable in accordance with the law. Defenders, who have the right to become acquainted with all of the materials of the criminal proceedings from the moment an indictment is submitted, are not acquainted with the documents that pertain to the special investigation activity until the conclusion of this activity.

(2) The claimant uses all means provided for by law to curtail the spreading of such information which has evidentiary meaning in the criminal proceedings if that touches on a secret of a person's personal life or if it touches other legally protected information.

(3) Creating copies of materials obtained as a result of special investigation activity is allowed only in situations as prescribed by law, making note of such in the corresponding activity report.

Article 234. Measures to Protect Information Contained in Materials Unincorporated in the Criminal Case

(1) Special investigation activity conducting methods, techniques and means, as well as information gained at their result, which have no evidentiary meaning in the criminal proceedings in which this activity was conducted, or whose use in different criminal proceedings is not allowed, or which are not necessary to prevent the immediate threat to the security of society, are state or investigation secrets and persons revealing them are liable in the order provided for in Criminal Law.

(2) The claimant warns persons who are involved in conduction special investigation activities of their responsibility as described in the first part of this Article. If conducting special investigation activity is a person's professional responsibility, the employer ensures the forewarning.

(3) The prosecutor or investigative judge warns persons who are acquainted with materials unincorporated into the criminal case of their responsibility.

(4) When deciding on conduct with materials unincorporated into the criminal case, the prosecutor and investigative judge verify that all persons have been warned and that all measures have been taken to prevent the spreading of information and give assignments to prevent omissions.

Section 12. Conduct With Material Evidence and Documents

Article 235. Material Evidence or Document Incorporation in the Case

(1) The claimant registers objects and documents obtained during the course of investigation, if there is reason to believe that they may have evidentiary meaning henceforth in the criminal proceedings, in the existing evidence and document list of the criminal case.

(2) Objects and documents obtained during the course of investigation but which, as determined in the subsequent process, have no evidentiary meaning in the criminal proceedings are, against a signature, immediately returned to their owner or legal controller or decided about other conduct specified in the law, registering it in the existing evidence and document list.

(3) During the course of investigation, State archive collection permanently stored document originals are removed only to conduct a document's technical or handwriting examination, but in all other situations certified copies are attached to the case materials.

Article 355. Property obtained by unlawful means

(1) Property shall be recognized as obtained by unlawful means, in cases where a person has acquired the same for ownership or possession as a result of a criminal offence.

(2) Unless the opposite is proved, property, including funds that are owned by the following persons shall be considered to be obtained by unlawful means:

1) a member or supporter of an organized criminal group;

2) a person involved in terrorist activity by himself/herself or maintaining permanent relations with a person involved in terrorist activity;

3) a person involved in human trading by himself/herself or maintaining permanent relations with a person involved in human trading;

4) a person involved in criminal activity with drugs or psychotropic substances by himself/herself or maintaining permanent relations with a person involved in such activity.

(3) For the purposes of this Article, maintaining permanent relations with a different person involved in specific criminal activity means that a person resides together with another person or controls, determines or impacts on behavior thereof.

Article 358. Seizure of Property Obtained by Unlawful Means

(1) Property obtained by unlawful means shall be seized by the court ruling, and funds shall be credited to the state budget, where storage thereof for achievement of the purposes of criminal procedure is not required any longer and the same is not to be returned to the owner or lawful possessor thereof.

(2) In cases where property obtained by unlawful means has been alienated, destroyed or concealed and it is impossible to seize the same, other property, including funds, to the amount of the value of property to be seized may be liable to seizure or recovery.

(3) In cases where the accused has no property that might be liable to seizure pursuant to (2) of this Article, the following may be seized:

1) property alienated by the accused to a third person free of charge after committing the criminal offence;

2) property of the spouse of the accused, unless separation of property of the spouses has been established at least three years before the criminal offence commenced;

3) property of a different person, in cases where the accused has joint (undivided) property with such person.

(4) The following shall be credited to the state budget:

1) funds obtained from sale, according to procedures set forth by the Cabinet, of property of unknown ownership or that whose owner has no lawful title to such, or whose owner or lawful possessor abandoned the same;

2) funds obtained by a person from sale of property, being aware of unlawful origin thereof;

3) benefit resulting from use of property obtained by unlawful means;

4) seized funds;

5) material value of benefit of property or other nature accepted by a state official as a bribe.

Article 359. Use of Receipts from Sale of Property Obtained by Unlawful Means

In cases where the victim has sought indemnity for harm and a specific criminal procedures has receipts pursuant to Article 358(4) of this Law, the same shall be used to secure and pay such sought indemnity first.

Article 360. Rights of Third Persons

(1) In cases where property obtained by unlawful means is found with a third person, the same shall be returned to its owner or lawful possessor as appropriate.

(2) In cases where property is returned to its owner or lawful possessor, a third person who acquired or accepted such property as a pledge in good faith, shall be entitled to file a claim for indemnity of the loss according to civil procedures, including against the accused or the convict.

Article 361. Seizing of property

(1) To ensure solution to property disputes in criminal procedure as well as possible property confiscation, property of detainee, suspect, as well as property they are entitled to from other persons or property of persons who are financially responsible for actions of detainee or suspect is to be seized in criminal procedure. Also illegally acquired property or property related to criminal procedure that is in other person's possession might be seized.

(2) Property also can be seized in legal processes where coercive methods are applied to legal entity and in legal processes where coercive methods of medical nature are applied, if it is necessary to ensure solution to property dispute under criminal procedure or possible financial collection, or property confiscation.

(3) During pre-trial process property is seized under the decision of the performer of procedure which is approved by investigation judge, but during trial, decision is taken by court.

(4) In urgent cases, when delaying can cause property confiscated, destroyed or hidden, performer of procedure can order property seizure with procurator's consent. Performer of procedure at the latest the next business day must inform investigation judge concerning this seizure, by submitting protocol and other materials justifying the necessity and urgency of this seizure. If investigation judge does not approve the decision of the performer of procedure on executing property seizure, the property must be released.

(5) In the decision of seizure the purpose of the seizure must be stated ad well as the current owner of the property, but, if the size of property dispute is known - required safety deposit as well.

(6) Performer of procedure can issue an order to the state police to seize property, collaterally informing respective public register, where rights to this property are registered, in order to permit to this register to file a prohibition to seize or encumber the property in any kind with other case or liability rights.

(7) If before seizing the property there is a mortgage registered on this property, all kind of action with mortgaged property can be carried out only after receiving consent from the performer of procedure. If this property is recognized by court as illegally acquired, property seizure has priority over mortgage.

(8) It is not allowed to seize the prime necessities of life used by the person owning the property to be seized, this person's family members and dependent persons. The list of such property is defined in Appendix 1 of this law.

Article 362. Protocol of property seizure

(1) A protocol of property seizure must be written.

(2) In protocol following items must be filed:

1) Every item seized, including its name, brand, weight, degree of depreciation, as well as other individual details;

2) If all property is seized, - protocol of seizure must state all items not seized;

3) Form for every item on which a third party announces proprietary rights.

(3) When seizing property, its owner, manager, user or holder must be informed of prohibition of further use of property, and if necessary the property is drawn and transferred to storage.

(4) If the property is drawn, protocol must state where, what has been drawn and who is storing these items.

(5) If during seizure an attempt to hide, destroy or damage the property is committed, it must be filed in the protocol of seizure.

Chapter 66. Extradition of persons

Article 696. Basis for extradition

(1) A person who is located within the territory of Latvia may be extradited for criminal prosecution, sentencing or execution of a verdict, if a request has been received from a foreign country to extradite this person for an offense, which in accordance with Latvian and the foreign country's laws is a crime.

(2) A person may be extradited for criminal prosecution and sentencing for an offense which is punishable by a sentence of deprivation of liberty, which maximum length is not less than one year, or a more severe punishment.

(3) A person may be extradited for execution of a verdict to the country, which has returned the verdict and sentenced the person with a punishment that relates to deprivation of liberty for a time period no less than four months.

(4) If extradition is requested for several criminal offenses, but extradition is not applicable to one of them, because it does not conform to the requirements regarding the possible or imposed punishment, the person may be extradited for this criminal offense as well.

Article 697. Reasons for refusal of extradition

(1) A person's extradition may be refused if:

1) the criminal offense was committed in whole or in part in the territory of Latvia;

2) the person is held in Latvia on suspicion of, accused of, or convicted of the same criminal offense;

3) Latvia has passed a decree not to initiate or dismiss criminal proceedings for the same criminal offense;

4) extradition is requested in connection with political or military criminal offenses;

5) the foreign country requests extradition of the person for execution of a punishment imposed *in absentia* and not enough guarantees have been received that the extradited person will have the right to request a new trial in the case;

6) extradition is requested by a country with which Latvia doesn't have a treaty about extradition.

(2) A person's extradition is not allowed if:

1) the person is a citizen of Latvia;

2) the person's request for extradition is related to the goal of initiating criminal prosecution or to punish the person for reasons of race, religious affiliation, nationality or political beliefs, or if there are enough reasons to believe that the person's rights may be violated due to the reasons mentioned;

3) with respect to this person a ruling has taken effect regarding the same criminal offense;

4) in accordance with Latvian law regarding the same criminal offense, the person cannot be charged with criminal liability, convicted or sentenced to punishment due to the running of the statute of limitations, amnesty, or other legal basis;

5) the person was pardoned in a proper legal procedure for the same criminal offense;

6) the foreign country does not sufficiently guarantee that the person will not receive the death penalty, or that such penalty will not be carried out;

7) the person may be subject to torture in the foreign country.

(3) An international treaty may stipulate other reasons for rejection of request for extradition.

Article 698. Extraditable persons and their rights

(1) An extraditable person is a person, whose extradition is requested or who is arrested or incarcerated for purposes of extradition.

(2) An extraditable person has the following rights:

1) to know who is requesting and for what the person is requested to be extradited;

2) to use of a language understandable to the person;

3) submit explanations regarding the extradition;

4) submit requests, including request for simplified extradition;

5) to become acquainted with all examination materials;

6) request an attorney for judicial aid.

Article 699. Detention of a person for purposes of extradition

(1) An investigator or prosecutor can detain a person for up to 72 hours for the purposes of extradition, if there is a strong enough basis to believe that the person has committed a criminal offense within the territory of another country, for which extradition is provided for, or if the foreign country has announced the search for said person and has requested temporary extradition or full extradition

(2) The investigator or prosecutor makes a report regarding the person's detention for purposes of extradition, indicating the person's first name, last name and other necessary personal data, the reason for detention, as well as where, when and by whom detention occurred. This detention report is signed by the detainor and the extraditable person.

(3) The detainor informs the extraditable person of his rights, and this is included in the detention report.

(4) The Prosecutor General must be informed immediately, but no later than within 24 hours, of the person's detention, by sending that person's detention documents. The Office of the Prosecutor General then informs the country, which has announced the search for the person.

(5) If within 72 hours from the time the person is detained no temporary custody or extradition custody is effected, the detained person is to be released from custody, or a different security measure is to be applied.

Article 700. Basis for temporary imprisonment

(1) After the foreign country's request for temporary detention until receipt of the request for extradition the extraditable person may be held in temporary imprisonment.

(2) If in the request for temporary custody a ruling from the foreign country regarding the person's incarceration is indicated or a verdict has taken effect regarding this person, as well as the fact that the foreign country will submit a request for extradition and for what criminal offense extradition will be sought, information regarding the extraditable person and, if no circumstances are known that would bar extradition, the prosecutor delivers to the trial judge, in whose jurisdiction the person is detained or where the Prosecutor General is, a petition for application of temporary custody and substantiating materials.

Article 701. Application of temporary imprisonment

(1) Application of temporary imprisonment is determined by a judge in a court hearing, attended also by the prosecutor and the extraditable person.

(2) The judge, after listening to the prosecutor, the extraditable person and his attorney, if he participates, makes a grounded ruling, which is final.

(3) Temporary imprisonment is applied for 40 days from the date of detention, unless international treaty stipulates otherwise.

(4) The prosecutor may release a person from temporary imprisonment, if no request from a foreign country regarding this person's extradition is received, or no substantiated explanation for such delay has been received within 18 days after detention.

(5) The prosecutor releases the person from imprisonment if:

1) a request for extradition has not been received with in 40 days;

2) imposition of extradition custody has not occurred within 40 days;

3) circumstance which bar extradition have become known.

(6) A person's release does not impede renewed arrest or extradition if the request for extradition is received later.

Article 702. Extradition custody

(1) Extradition custody is imposed after a request for extradition is received, along with:

1) the ruling from the foreign country regarding this person's imprisonment or the taking effect of a verdict with respect to the person in question;

2) description of criminal offense or the ruling regarding the person's criminal liability charges;

3) the text of the Article of the law, under which the person has been charged with criminal liability or convicted, as well as the text of the law which regulates the statue of limitations;

4) information about the extraditable person.

(2) If no circumstances barring extradition are known, the investigator submits the petition for extradition custody and the evidentiary materials to the presiding judge in the jurisdiction where the person is detained, or where the Prosecutor General is located..

(3) The petition for extradition custody is to be heard by the same procedure as for a request for temporary imprisonment.

(4) If the extraditable person is incarcerated in Latvia or is serving a sentence for a different criminal offense, the term of extradition custody is counted from the time the person is released from incarceration.

(5) The extraditable person's term of custody is not to exceed one year, and cannot be longer than the sentence imposed by the foreign country, if that is less than one year, beginning from the time of detention or imprisonment.

Article 703. Notification of imprisonment

The Office of the Prosecutor General notifies the foreign country of the extraditable person's imprisonment or release therefrom.

Article 704. Examination of the request for extradition

(1) Upon receipt of a request for extradition from a foreign country, the Prosecutor General begins the examination process. The prosecutor determines, whether a basis for the person's extradition exists according to Article 696 of this law, and what the reasons for the person's extradition are according to Article 697 of this law.

(2) If the request does not contain sufficient information in order to make a decision regarding the extradition, the Prosecutor General requests additional information from the foreign country, as well as stipulates a term for the submission of same.

(3) The examination must be completed within 20 days of receipt of the request for extradition. If additional information was necessary for the examination, the time limit begins from the day the information is received. The time limit for examination may be extended by the prosecutor general.

(4) The prosecutor informa the extraditable person of the extradition request within 48 hours of receiving it, and permits the person to submit explanations.

(5) During the examination period, the prosecutor may perform all investigative actions provided for in criminal procedure.

Article 705. Completion of examination

(1) The prosecutor, having evaluated the basis and permissibility of the person's extradition, makes a substantiated ruling regarding:

1) the permissibility of the person's extradition;

2) denial of extradition.

(2) If a ruling is made regarding the permissibility of the person's extradition, a copy of the ruling is given to the person in question.

(3) A ruling regarding permissibility of extradition can be appealed by the extraditable person to the Supreme Court within 10 days of receiving the ruling. If the ruling is not appealed, it takes effect.

(4) The Office of the Prosecutor General informs the person in question and the foreign country of a ruling regarding denial of extradition. The prosecutor releases the person from temporary or extradition custody immediately..

Article 706. Appellate procedure regarding the permissibility of extradition

(1) An appeal regarding permissibility of extradition is heard by the Supreme Court in a three judge panel.

(2) The judge, to whom the duties of reporter are assigned, requests the examination materials from the Prosecutor General and determines the time limit for review of the appeal.

(3) The Prosecutor General and the appellant and his attorney are informed of the time limit for review of the appeal and their rights to take part in the hearing. If required, the court requests other necessary materials and subpoenas persons to give explanations.

(4) The appellant is ensured the opportunity to participate in the appellate hearing.

(5) If the extraditable person's attorney is absent without leave, another attorney may be asked to provide judicial aid, if the person so desires..

Article 707. The court's ruling

(1) Having heard the appellant, his attorney and the prosecutor, the court retires for deliberations and makes one of the following rulings::

1) to leave the prosecutor's ruling unchanged;

2) reverse the prosecutor's ruling and finds the extradition impermissible;

3) transfer the extradition request for additional examination.

(2) The court's ruling is final.

(3) The court sends the ruling and materials to the Office of the Prosecutor General.

(4) If the court finds the extradition to be impermissible, the person in question is immediately released from custody.

Article 708. Ruling regarding a person's extradition

(1) The effective ruling regarding the permissibility of extradition along with the examination materials are sent to by the Prosecutor General to the Ministry of Justice.

(2) The ruling regarding the person's extradition to a foreign country is enacted by the Cabinet of Minister at the request of the Ministry of Justice.

(3) The Cabinet of Ministers may refuse extradition only if one of the following circumstances exists:

1) the person's extradition may harm the State's sovereignty:

2) the offense is considered political or military in nature;

3) there is reason enough to believe that the extradition is for the purpose of prosecuting the person for reasons stemming from race, religious affiliation, nationality, gender or political belief.

(4) The Ministry of Justice informs the extraditable person, the respective foreign country, and the Prosecutor General of the ruling.

(5) The Ministry of the Interior executes the extradition.

(6) As soon as a ruling of refusal to extradite is received, the prosecutor general immediately releases the person from custody..

Article 709. Extradition upon the request of various countries

(1) If the Office of the Prosecutor General has received several requests for extradition for the same person, the requests are examined together in one proceeding, as long as no ruling has been made regarding::

1) the person's extradition;

2) refusal to extradite the person;

3) the permissibility of extradition of the person.

(2) If a ruling regarding the person's extradition has been made, a request for extradition received after such ruling is denied. The requesting foreign country is informed of such.

(3) If, at the time a request for extradition is received from another foreign country, a ruling regarding the permissibility of extradition has just taken effect, the ruling is not sent to the Cabinet of Ministers until the request for extradition is examined.

(4) If extradition has been requested by various foreign countries, the Cabinet of Ministers, at the request of the Ministry of Justice, taking into consideration the character of offense, where it was committed and the order of receipt of the requests, in order to determine to which country the person is to be extradited.

Article 710. Transfer of the extraditable person

(1) The Interior Ministry notifies the foreign country of the place and time for transfer of the extraditable person, as well as about the length of time which the extraditable person spent in incarceration.

(2) The Interior Ministry and the foreign country agree upon a different date for transfer, if for independent reasons the transfer cannot happen on the date initially stipulated.

(3) If the foreign country does not receive the extraditable person within 30 days from the extradition ruling date, the prosecutor releases the person from custody..

Article 711. Postponement of extradition or temporary extradition

(1) If Latvia must complete criminal proceedings against the extraditable person or must complete execution of a sentence after a ruling regarding the person's extradition has been made, the Prosecutor General or the Minister of Justice may postpone the extradition of the person to the foreign country according to this law.

(2) If the postponement of transfer can cause the running of the statute of limitations for criminal liability or encumber the inquiry in the criminal case in the foreign country, and the transfer would not impede legal proceedings in Latvia, the Minister of Justice may extradite the person temporarily to the foreign country, stipulating the return date.

Article 712. Renewed extradition

If an extradited person avoids criminal prosecution or punishment in a foreign country and has returned to Latvia, upon request of the foreign country the person may be extradited anew, based upon the previous ruling permitting extradition.

Article 713. Simplified Extradition

(1) A person may be extradited to a foreign country using a simplified procedure, if:

1) the extraditable person's written consent to simplified extradition procedure has been received;

2) The extraditable person is not a Latvian citizen;

3) Latvia has not criminal proceedings pending against this person, or there is no sentence to execute.

(2) The extraditable person acknowledges his consent to simplified extradition to the prosecutor in the presence of his lawyer prior to the ruling of the extradition's permissibility.

(3) After receipt of consent, the prosecutor determines only the requirements set forth in part one of this Article and immediately submits the materials regarding the extradition to the prosecutor general.

(4) The prosecutor general makes one of the following rulings:

1) to extradite the person;

2) to refuse to extradite the person;

3) regarding the impermissibility of simplified extradition.

(5) The prosecutor general's ruling is final.

(6) The foreign country and the extraditable person is informed of the decision to extradite or refusal to extradite and submits the respective ruling to the Ministry of Interior for execution.

Article 714. Extradition to a European Union Member State

(1) A person who is present in the territory of Latvia may be extradited for initiation of criminal prosecution, completion thereof, conviction, or execution of verdict to a European Union Member State, if with respect to this person the foreign country has accepted the European imprisonment ruling and the basis for extradition as specified in Article 696 of this law exists.

(2) If a person is extradited for an offense listed in the Addendum 2 of this law and if for commitment of such crime the country having accepted the European imprisonment ruling provides a sentence of deprivation of liberty, the maximum length of which is no less than three years, no examination of whether the offense constitutes a crime under Latvian law is made.

(3) If the foreign country has accepted the European imprisonment ruling with respect to a citizen of Latvia, then this person's extradition occurs conditioned upon the return of the person after conviction, to Latvia for the service of a sentence of deprivation of liberty. The execution of the sentence occurs according to the procedure outline in Articles 782-8001 of this law.

(4) A person's extradition may be refused if:

1) reasons listed in Article 697, part one, subparts 1 -3 exist;

2) according to Latvian law, a person is not criminally liable for such an offense, or if he cannot be convicted or sentenced due to the running of the statute of limitations;

3) the offense was committed outside the territory of States acknowledging the European imprisonment ruling, and the offense is not a crime under Latvian law.

(5) A person's extradition is not permissible if:

1) according to Latvian law, a person cannot be charged with criminal liability, convicted or sentenced for such an offense due to amnesty;

2) the person has been convicted of the same criminal offense and has served or is serving a sentence in one of the European Union Member States, or this sentence can no longer be executed;

3) the person, in accordance with Latvian law, is not reached the age to be held criminally liable;

4) a Latvian citizen is requested to be extradited to a European Union Member State for execution of an imposed sentence.

Article 715. Requirements for extradition to a European Union Member State

(1) The extraditable person has the rights indicated in Article 698 of this law, the right to consent or not to consent to extradition, as well as the right to be held criminally liable and be convicted only for the criminal offenses for which he was extradited, except in the cases provided for in Article 695 part 2 of this law.

(2) The extraditable person acknowledges to the prosecutor in the presence of an attorney his consent to extradition and relinquishment of rights to be held criminally liable and tried only for those criminal offenses, for which he is being extradited, and a record of this is written.

(3) If the extraditable person is a Latvian citizen, he has the right to relinquish his rights that guarantee, that a Latvian citizen, after being convicted in a European Union Member State is to be returned to Latvia for service of the imposed sentence.

(4) Regarding a person who has immunity from criminal proceedings, the term of execution of the European imprisonment ruling begins to run from the time that this person loses their immunity according to legal procedure.

(5) Latvia accepts European imprisonment rulings for execution written in Latvian or English.

Article 716. Examination regarding a person's extradition to a European Union Member State

(1) The Office of the Prosecutor General, upon receipt of a European imprisonment ruling, arranges for its examination.

(2) The prosecutor performs the examination according to Article 704 of this law, determining whether there is a basis for extradition and whether there is a bar to extradition according to Article 714 of this law.

(3) If the Office of the Prosecutor General has simultaneously received extradition requests from third countries and European imprisonment rulings from European Union Member States with respect to the same person, the examination for ruling is joined into one proceeding, unless a ruling regarding the person's extradition or refusal to extradite has already been made. In examining the simultaneously received requests for extradition and deciding the question regarding which country has priority, the severity of the offense, the place it was committed, the time and the order in which the requests for extradition were received are considered.

Article 717. European Union Member State extraditable person's detention and imprisonment

(1) A person's detention for the purpose of extradition occurs according to the procedure set out in Article 699 of this law, if a European imprisonment ruling is made or a notice of such ruling has been submitted into the international search system.

(2) If no circumstances are known that would bar the person's extradition, the examiner submits a petition regarding the application of extradition custody and European imprisonment ruling is submitted to the circuit (city) court in the location where the detained person is located, or where the Prosecutor General is located.

(3) Extradition custody is applied by the procedure in Article 701 of this law for 80 days from the date of the person's detention. The court can, in exceptional cases, extend this term limit once for 30 days. The Prosecutor General notifies the country's competent authority of the reasons for the delay of the execution of the European imprisonment ruling.

Article 718. Temporary actions until ruling is made

If a European Union Member State has accepted a European imprisonment ruling, to ensure a person's criminal prosecution, before a ruling regarding the person's extradition or refusal to extradite, at the Member State's competent judicial authority's request, the Prosecutor General may interrogate the person, with the participation of a person chosen by the Member State's competent judicial authority, or may agree to such temporary extradition of the person, stipulating the date for return.

Article 719. A foreign country's extradited person's further transfer to a European Union Member State

(1) An extradited person may be transferred on to another European Union Member State in cases where the State, upon extraditing the person, had consented to such further extradition.

(2) If a European imprisonment ruling is received with respect to a person, who has been transferred to Latvia from another country, without that country's consent to such person's further extradition, the Prosecutor General addresses the country which extradited the person to Latvia, to obtain consent before further extradition to a European Union Member State.

Article 720. Ruling regarding extradition to a European Union Member State

(1) The Office of the Prosecutor General rules within 10 days of the application of a security measure regarding the person's extradition, or the refusal to extradite to a foreign country. The ruling regarding the person's extradition is final, if the person consents to the extradition.

(2) If the extraditable person does not consent to the extradition, the ruling of the Prosecutor General regarding the extradition may be appealed to the Supreme Court within 10 days of receipt of the ruling.

(3) An appeal of the Prosecutor General's ruling is to the Supreme Court must be heard according to Articles 706 and 707 of this law, and the ruling on appeal is sent to the Prosecutor General within 20 days from the receipt of appeal.

Article 721. Ruling regarding the execution of extradition to a European Union Member State