

## Latvia / Lettonie

International courts have not taken any rulings relating with the independence of the Prosecution Office of the Republic of Latvia.

1. In Latvia no measures have been taken for reacting to the decisions of international courts and treaty monitoring bodies, because no such decisions regarding Latvia are ever taken.

2. Referring to the reply to first question, we can not provide any examples.

3. No measures have been taken.

4. No changes of the prosecution system have taken place.

5. Yes, the mentioned issue is partially referred to in the judgment of 20 December 2006 of the Constitutional Court of the Republic of Latvia, wherein inter alia is emphasized that actual status of the Prosecution Office, falling within the judiciary system, is the most appropriate for safeguarding the efficient fulfilment of the Prosecution Office functions, and also the independence of judiciary in general, as well as it is fully in line with the principle of the separation of powers.

6. Yes, the Prosecution Office belongs to the judiciary.

61. Yes, both judges and prosecutors are acting independently and shall abide only by the law.

7. In Latvia the Prosecution Office is separated from the executive and legislative power. Prosecutor shall be independent from any influence of other institutions or officials with the capacity of the state power and performing public governance; Prosecutor shall abide only to the law.

7.1 In Latvia prosecutor according to the Criminal Procedure Law shall conduct the supervision of investigation and is entitled to give instructions to investigator and to lift the decisions taken by investigator in the criminal procedure. Nonetheless investigator, if he/she does not agree, is entitled to appeal the instructions given by prosecutor or decisions of prosecutor. The criminal cases shall be heard by the court. Any constraining of the court's deliberations or interference into the court's deliberations is unacceptable irrespectively of the aim or reason of such actions. The rulings taken by the court or judge shall be appealable only according to the procedures laid down by the law, and also the actions of judge shall be appealable only according to the law.

8. In our country Prosecutor General sets up the Prosecutor General's Council, collegiate advisory body, that deals with the fundamental organizational and operational issues of the Prosecution Office, as well as performs other functions provided for by the law.

9. Procedures for setting up the Prosecutor General's Council are laid down by the Law on Prosecution Office. Prosecutor General shall set up Council consisting of Head Prosecutors of the Departments of the Prosecutor General's Office and of the judicial regions, as well as Administrative Director of the Prosecution Office. Also other Prosecutors may be included into the Council. The election of the members of the Prosecutor General Council is not foreseen.

10. In Latvia Prosecutor General is entitled to impose any disciplinary sanction to any Prosecutor. In its turn Head Prosecutor is entitled to impose the disciplinary sanction – reproof or reprimand to any Prosecutor of respective unit under his/her management. In case of more serious wrongdoing Head Prosecutor may file to Prosecutor General a proposal on applying of another disciplinary sanction. The disciplinary investigation may be initiated by Prosecutor General or Head Prosecutor respectively.

11. Prosecutor General shall be appointed for five years by the Parliament upon the proposal of the Council for the Judiciary. Head Prosecutor and Deputy Head Prosecutor shall be appointed for five years by Prosecutor General. Other Prosecutors shall be appointed by Prosecutor General for indefinite term of powers. Maximal age limit of service duties for Prosecutors is 65 years. In cases provided for by the law Prosecutor General may extend the service term with Prosecutor who has reached the maximal age limit of service duties for additional two years.

12. These arrangements differ, for example, the procedures for appointing Prosecutors and Judges are different. Judge of first instance court is appointed for three years by Parliament upon the proposal of Minister of Justice. After three years Judge of first instance court shall be approved into office by the Parliament for indefinite period of time or shall be repeatedly appointed into office for a term of not exceeding two years. The disciplinary case against Judge in cases provided for by the law may be initiated by Chairman of respective court, Minister of Justice or Professional Conduct Commission of Judges. Maximal age limit for judges is 70 years.

13. The government is not entitled to give instructions to the Prosecution Office. The Parliament, the Cabinet of Ministers, public and municipal authorities, any companies or organizations, as well as any individuals are prohibited to interfere with the operation of the Prosecution Office while investigating cases or to interfere with any other functions of the Prosecution Office.

14. Superior Prosecutor is entitled to give instructions to Prosecutor, nevertheless superior Prosecutor is not entitled to give instructions or request that any Prosecutor should take any actions against Prosecutor's own views. Superior Prosecutor upon own initiative or upon request of Prosecutor shall provide instructions in a written form. Such instructions may be appealed with Head Prosecutor of next superior level Prosecution Office structure, but actions or decision of Prosecutor of the Prosecutor General's Office – to Prosecutor General. Decisions taken by these officials are not appealable.

14.1 The allocation of the criminal cases, applications and complaints among prosecutors is not specifically regulated by any legal act, it depends on operational arrangements in each particular structure of the Prosecution Office. The allocation usually is done by Head Prosecutor of any specific structure, referring to the specialization of prosecutors, workload and other conditions.

15. Any specific specialized training on de facto dimension of the prosecutorial independence have not been arranged, but the awareness on this specific aspect is being strengthened during other training events, including while training applicants to Prosecutor position, while interacting with students of higher educational institutions or pupils of the secondary schools within the frameworks of the educational programs. The documentary film on setting up the independent Prosecution Office of Latvia and its development is made for demonstration in various public events and in television. The mentioned film is recorded on USB flash drive, which is presented as souvenir both to officials of Latvia and other countries.

15.1 The self-determination and independence of Prosecutors is secured as one of the fundamental principles in the Code of Ethics of Prosecutors of Latvia (further referred as "Code of Ethics"). The Code of Ethics was developed by Prosecutors, referring to the international principles and provisions of the Code of Ethics of Judges. The given Code of Ethics was approved by the Prosecutor General's Council on 17/06/1998. The Code of Ethics in English is available at the following link: <https://rm.coe.int/code-of-ethics-prosecutors-of-latvia/168071cd94>

16. As no such decisions regarding the Prosecution Office of the Republic of Latvia have ever been taken, then we can only note that in some particular cases the mass media had published information on decisions taken regarding other countries.

17. No such interactions have taken place specifically concerning the decisions of international courts and treaty monitoring bodies in relation with the practical independence of prosecutors. The aspects of Prosecutor's independence in recent time were touched by Prosecutor General and other representatives of the Prosecution Office in their interviews to the mass media.