

Submission template

The right to interpretation and translation and the right to information in criminal proceedings in the EU

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Author(s)' name: Latvian Centre for Human Rights

Reviewed by: Anhelita Kamenska

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QUESTIONS

As envisaged in the section on Research Methodology, please note that some questions require consultation with organisations and/or practitioners working in relevant fields covered by the research to cross-check findings from the desk research with respect to the way in which the examined rights are applied in practice (such as judges, lawyers, interpreters and translators or civil society organisations active in the field of legal assistance in criminal proceedings).

SECTION A: The right to interpretation and translation in criminal proceedings¹

¹ Official translation of the Criminal Procedure Law has been referred to throughout the text.

| 1. | RIGHT TO INTERPRETATION ² | Brief Description |
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| 1.1 | <p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) Who has the responsibility for determining the need of interpretation at each stage of the proceedings? b) How it works in practice for the various stages of the proceedings to ascertain whether suspected or accused persons speak and understand the language of the proceedings? c) Who bears the cost of interpretation at each stage? d) What is the timeframe (deadline) for providing interpretation at each stage of the proceedings?</p> <p>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p> | |
| 1.1.1 | <ul style="list-style-type: none"> • police questioning; | <p>a) The person directing the proceedings (investigator), upon evaluating the need or upon the request from the suspected or accused person. According to the Section 11 of the Criminal Procedure Law, if a person who has a right to defense does not speak the state language (Latvian), such a person has the right to use the assistance of an interpreter free of charge, whose participation shall be ensured by the person directing the proceedings.³</p> <p>b) Upon commencing a procedural activity involving the suspected or accused person, one of the first questions is whether he or she is in need of an interpreter. Usually it is the person directing the proceedings (or an executor of a procedural task) who makes the application. Although the suspected or accused person him/herself also has the right to ask for an interpreter.</p> <p>Normative acts regulating criminal proceedings do not provide formal criteria for ascertaining whether a person understands the language of the proceedings. The services of interpreters / translators are offered in all cases where a person states that he or she does not understand the language of the proceedings or where the person directing the proceeding finds out in the process of</p> |

² See in particular Articles 2 and 4 and related recitals of Directive 2010/64/EU.

³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

communication that the person does not understand the language of the proceedings.⁴ The research “The registries of interpreters / translators and organisation of the work in the European Union” concluded that it “would be essential to discuss the necessity of establishing guidelines and/or other aids for the person directing the proceedings, in order to ascertain whether a suspect or accused person understands the Latvian language and if not, - which language he or she does understand”.⁵ The research “The registries of interpreters / translators and organisation of the work in the European Union” was conducted within the framework of the project “Strengthening of the capacity of court interpreters/translators involved in criminal procedure and provision of their activities” No.JUST/2011/JPEN/AG/2964 of the European Commission programme “Criminal Justice”. The research was aimed at gathering the experience of the EU member states about the organisation of the work of interpreters / translators working within the criminal proceedings, regulation of the work of the profession of interpreters / translators, the usage of the registry of interpreters/translators, including the activities to improve the quality of interpretation/translation implemented and planned in other EU member states in order to implement the requirements of Directive 2010/64/EU on the right to interpretation and translation in criminal matters. It was conducted by “Ernst& Young” Ltd. in co-operation with a law office. The project mapped the experience and practice of Latvia and other states (Estonia, Slovakia, Czech Republic, Finland, Sweden, Austria, Germany, Netherlands, Rumania, Lithuania, Ireland, Italy, Great Britain and Poland), conducted comparative analysis and developed proposals regarding the changes to the Latvian system. Issues relate to the right of the person to oral interpretation and written translation, organisation of the work of interpreters / translators, the responsibility of interpreters / translators and the quality of interpretation / translation, professional qualification of interpreters / translators, as well as assessment of professional qualification of interpreters / translators and evaluation of interpreters / translators were analysed.

c) If the interpreter provides interpretation as part of his or her work duties or office duties (staff interpreter) at the office directing the proceedings, he or she receives a wage. In practice, institutions also sign contracts with translation agencies that provide the services of interpreters. In these cases the costs of interpretation during pre-trial investigation shall be borne by the State Police according to the agreements.⁶

⁴ Latvia, representative of the State Police.

⁵ Latvia, “The registries of interpreters / translators and organisation of the work in the European Union” (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014. p.23. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

⁶ Latvia, representative of the State Police.

d) When the interpretation services are provided by an external service provider (outsourcing) the timeframe is stipulated in the contract for the provision of services for the State Police (for example, if the investigative action is urgent and unplanned, the interpreter must arrive within 2 hours). Staff interpreters in some of the State Police departments are available 24 hours a day. There are permanent staff interpreters at the State Police units, providing interpretation from Russian into Latvian and from Latvian into Russian.⁷

Normative acts do not provide for certain procedural acts where the involvement of an interpreter / translator is optional. Section 60.² of the Criminal Procedure Law provides that one of the fundamental rights of a person who has a right to defense is to receive an oral or written translation in a language understandable to him or her in accordance with the procedures and in the scope laid down in the law.⁸ The Criminal Procedure Law provides that if a person who has a right to defense does not speak the official language, such persons have the right to use the language they understand during the performance of procedural actions, and to use the assistance of an interpreter free of charge, whose participation shall be ensured by the person directing the proceedings.⁹ Thus, a person who has a right to defense is entitled to use the assistance of a translator at any procedural activity where she/he has to take part.¹⁰ A person directing the proceedings may perform a separate procedural action in another language by appending a translation of the procedural documents in the official language [Latvian].¹¹ This means that the person directing the proceedings may conduct, for example, interrogation in Russian (if this is the language, which a person who has a right to defense understands) and after that translate the interrogation protocol into the state language. The Criminal Procedure Law does not provide for a specific deadline for the provision of translation. From the moment of actual detention, officers shall determine (by communicating to the detainee within the procedures and to the extent determined by legislation), whether the person understands the state language and whether an interpreter is necessary. The Criminal Procedure Law provides that the person directing the proceedings shall provide the interpreter.¹²

⁷ Latvia, representative of the State Police.

⁸ Latvia, "The registries of interpreters / translators and organisation of the work in the European Union" (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014. p.25. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005

¹⁰ Latvia, "The registries of interpreters / translators and organisation of the work in the European Union" (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014. p.25. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

¹¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005

¹² Latvia, representative of the State.

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| | | <p>In practice, if the person does not understand the state language, but understands, for example, Russian, he or she will be informed at the moment of detention in Russian by the police officers who performed the detention. Once the person is brought to the police district and the necessary procedural actions are conducted, the person is provided an interpreter.¹³ Procedural actions include, e.g. interrogation of the detainees, recognition of a person as a suspect, interrogation of a suspect, as well as any other procedural activities required to be conducted within specific criminal proceedings. According to the Section 11 (2) of the Criminal Procedure Law if the person is involved in criminal proceedings, it must be provided an interpreter while procedural actions are performed.</p> |
| <p>1.1.2</p> | <ul style="list-style-type: none"> • court hearings; | <p>a) In preparing a criminal case for trial in a court session, a judge decides on inviting an interpreter.¹⁴</p> <p>b) The law does not provide for criteria and methods for testing language proficiency. In practice, to decide the issue of inviting an interpreter "the judges use various methods, namely the need for an interpreter is inferred from the file of the criminal case which is provided to the court by the person directing the pre-trial proceedings and from which it is clear that during the pre-trial proceedings, the person needed an interpreter. In other cases judges may decide the matter only at the hearing, identifying the need for an interpreter by asking the person who has a right to a defense".¹⁵ In practice, there are cases when the court finds out that the accused person, who has initially refused the services of an interpreter, in fact is not proficient in the language of the criminal proceedings to the extent to be able to fully realise his or her rights and therefore the interpreter is invited upon the order of the chairperson of the court hearing (judge).¹⁶</p> <p>c) Interpretation services are covered from the state budget. Salaries for court interpreters/translators (who are court employees) are paid from the court budget.¹⁷</p> |

¹³ Latvia, advocate.

¹⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005

¹⁵ Latvia, "The registries of interpreters / translators and organisation of the work in the European Union" (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014. p.23. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

¹⁶ Handbook for court interpreters, 2014, p.19

¹⁷ Latvia, representative of the Court Administration.

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| | | <p>d) If the accused person (defendant) understands Russian, a staff interpreter is invited. If the person is not able to communicate in either Latvian or Russian, the court contacts the Court Administration (CA) (<i>Tiesu administrācija</i>) with an official letter, requesting the provision of interpretation services at a specific time and location. CA forwards this information to the external interpretation service provider. Upon receiving CA information, the service provider finds the necessary interpreter. The length of this process is affected by the time of preparing and sending the letter and by the availability of the necessary interpreter.¹⁸</p> <p>Normative acts do not provide for certain procedural acts where the involvement of an interpreter / translator is optional. Section 60.² of the Criminal Procedure Law provides that one of the fundamental rights of a person who has a right to defense is to receive an oral or written translation in a language understandable to him or her in accordance with the procedures and in the scope laid down in the law.¹⁹ The Criminal Procedure Law provides that if a person who has a right to defense does not speak the official language, such persons have the right to use the language they understand during the performance of procedural actions, and to use the assistance of an interpreter free of charge, whose participation shall be ensured by the person directing the proceedings.²⁰ Thus, a person who has a right to defense is entitled to use the assistance of a translator at any procedural activity where she/he has to take part.²¹ A person directing the proceedings may perform a separate procedural action in another language by appending a translation of the procedural documents in the official language [Latvian].²² This means that the person directing the proceedings may conduct, for example, interrogation in Russian (if this is the language, which a person who has a right to defense understands) and after that translate the interrogation protocol into the state language.</p> |
| 1.1.3 | <ul style="list-style-type: none"> any necessary interim hearings; | <p>a) The person directing the proceedings (at prosecution stage – prosecutor), upon evaluating the need or upon the request from the suspected or accused person.</p> <p>b) At the stage of criminal prosecution the prosecutor usually can see from the materials of the criminal proceedings whether translation/interpretation was provided to the suspect during the investigation and into which language. Therefore, the prosecutor is already informed about what</p> |

¹⁸ Latvia, “The registries of interpreters / translators and organisation of the work in the European Union” (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014. p.33. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

¹⁹ Latvia, “The registries of interpreters / translators and organisation of the work in the European Union” (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014. p.25. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

²⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005

²¹ Latvia, “The registries of interpreters / translators and organisation of the work in the European Union” (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014. p.25. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

²² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005

language a person who has a right to defense understands. However, before the beginning of procedural activity (if the interpreter/translator was provided during the investigation) the prosecutor with the help of the interpreter asks whether the person understands the language of interpretation or if interpretation into another language is required. The person undersigns that he or she was provided interpretation/translation into the language that he or she understands.²³

Upon commencing a procedural activity involving the suspect or accused person, one of the first questions is whether he or she is in need of an interpreter. Or, alternatively, if, for example, a public prosecutor receives a case from the police, he or she may see that the person has already required an interpreter. Further, usually it is the person directing the proceedings (or an executor of a procedural task) who makes the application. Although the suspected or accused person him/herself also has the right to ask for an interpreter.

c) The prosecutor's office covers the expenses related to interpreting/translation at the stage of criminal prosecution.²⁴

d) The Criminal Procedure Law does not provide for specific terms for the provision of interpretation / translation, but in every case where it is necessary, the interpretation / translation is provided immediately or as soon as possible, if due to objective reasons it is impossible to provide the presence of an interpreter / translator immediately.²⁵

The timeframe of the provision of interpretation services is stipulated in the contract with the external service provider. For example, planned interpretation services have to be ordered at least two working days in advance of the day of the provision of the services.²⁶

Normative acts do not provide for certain procedural acts where the involvement of an interpreter / translator is optional. Section 60.² of the Criminal Procedure Law provides that one of the fundamental rights of a person who has a right to defense is to receive an oral or written translation in a language understandable to him or her in accordance with the procedures and in the scope laid

²³ Latvia, representative of the Department of the Prosecutor general's office.

²⁴ Latvia, representative of the Department of the Prosecutor general's office.

²⁵ Latvia, representative of the Department of the Prosecutor general's office.

²⁶ Latvia, "The registries of interpreters / translators and organisation of the work in the European Union" (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014. p.33. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>.

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| | | <p>down in the law.²⁷ The Criminal Procedure Law provides that if a person who has a right to defense does not speak the official language, such persons have the right to use the language they understand during the performance of procedural actions, and to use the assistance of an interpreter free of charge, whose participation shall be ensured by the person directing the proceedings.²⁸ Thus, a person who has a right to defense is entitled to use the assistance of a translator at any procedural activity where she/he has to take part.²⁹ A person directing the proceedings may perform a separate procedural action in another language by appending a translation of the procedural documents in the official language [Latvian].³⁰ This means that the person directing the proceedings may conduct, for example, interrogation in Russian (if this is the language, which a person who has a right to defense understands) and after that translate the interrogation protocol into the state language.</p> |
| <p>1.1.4</p> | <ul style="list-style-type: none"> • any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? | <p>a) The person directing the proceedings, upon a request from the person who has right to defense or his or her legal counsel.³¹ The person who has a right to defense, if he or she does not understand the state language (Latvian), is entitled to interpretation services free of charge during a meeting with the legal counsel, which is provided by the person directing the proceedings. If detention as a security measure is applied in respect of the person who has a right to defense, the interpreter is provided by the place of detention.³²</p> <p>b) Legislation regulating criminal proceedings does not provide formal criteria for ascertaining whether a person understands the language of the proceedings. The services of interpreters / translators are offered in all cases where a person states that he or she does not understand the language of the proceedings or where the person directing the proceeding finds out in the process of communication that the person does not understand the language of the proceedings.³³ The person directing the proceedings, upon receiving an application from the person who has the right to a defense or his or her legal counsel about the provision of interpreter for the meeting of the person who has the right to a defense and his or her legal counsel, the person directing the proceedings evaluates, to what extent the person who has the right to a defense has used the right to interpretation and either takes steps to provide the services of an interpreter or refuses the</p> |

²⁷ Latvia, "The registries of interpreters / translators and organisation of the work in the European Union" (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014. p.25. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

²⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005

²⁹ Latvia, "The registries of interpreters / translators and organisation of the work in the European Union" (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014. p.25. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

³⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005

³¹ Latvia, Regulations No.1342 "Procedures for providing translation services to a person who has the right of defense, during a meeting with legal counsel" (*Noteikumi Nr.1342 "Kārtība, kādā personai, kurai ir tiesības uz aizstāvību, tikšanās laikā ar aizstāvi tiek nodrošināta tulka palīdzība"*), 19 November 2013.

³² Latvia, representative of the State Police.

³³ Latvia, representative of the State Police.

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| <p>application, if the suspect / accused person has already used the services in the scope determined by the Cabinet of Ministers Regulations No.1342.³⁴</p> <p>The person who has the right to defense has the right to meet a legal counsel without limitation of time³⁵ but the state funds up to two hours of services of interpreter per every activity to a person who has a right to defense during a meeting with the person's legal counsel, as listed by the Cabinet of Ministers Regulations No.1342.³⁶ The research "The registries of interpreters / translators and organisation of the work in the European Union" concluded that "the provisions of legal acts regarding the limitation of interpretation time during the meeting of suspect or accused person with his or her legal counsel (2 hours per one procedural activity) needs to be re-assessed in connection with admissibility of evidence and the person's right to a defense as provided by the European Convention for the Protection of Human Rights and Fundamental Freedoms".³⁷</p> |
| <p>c) The cost of the provision of interpretation to a person who has the right to a defense and who does not understand the state language (Latvian) during a meeting with his or her legal counsel in order to conduct activities determined by legislation, is covered by the institution directing the proceedings, the place of detention, or the institution administering the court's budget, from the state budget funds allocated for this tasks, on the basis of a statement about the provision of interpretation and an invoice.³⁸</p> |
| <p>d) The exact timeframe is not stipulated. The person directing the proceedings shall immediately make the decision on the provision of interpreter.³⁹ If it is impossible to make the decision immediately, the decision shall be made no later than three working days since receiving the application.⁴⁰ If the person who has the right to a defense has not used his or her right to interpreter,</p> |

³⁴ Latvia, Regulations No.1342 'Procedures for providing translation services to a person who has the right of defense, during a meeting with legal counsel' (*Noteikumi Nr.1342 "Kārtība, kādā personai, kurai ir tiesības uz aizstāvību, tikšanās laikā ar aizstāvi tiek nodrošināta tulka palīdzība"*), 19 November 2013.

³⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

³⁶ Latvia, Regulations No.1342 'Procedures for providing translation services to a person who has the right of defense, during a meeting with legal counsel' (*Noteikumi Nr.1342 "Kārtība, kādā personai, kurai ir tiesības uz aizstāvību, tikšanās laikā ar aizstāvi tiek nodrošināta tulka palīdzība"*), 19 November 2013.

³⁷ Latvia, "The registries of interpreters / translators and organisation of the work in the European Union" (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014. p.25. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

³⁸ Latvia, Regulations No.1342 'Procedures for providing translation services to a person who has the right of defense, during a meeting with legal counsel' (*Noteikumi Nr.1342 "Kārtība, kādā personai, kurai ir tiesības uz aizstāvību, tikšanās laikā ar aizstāvi tiek nodrošināta tulka palīdzība"*), 19 November 2013; representative of the State Police.

³⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁴⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | | <p>the person directing the proceedings takes the steps to provide the services of interpreter, set up the date of the meeting, time and location and informs about it the person and his or her legal counsel.⁴¹</p> |
| <p>1.2</p> | <p>How do authorities ensure interpretation into rare/lesser known languages where no certified interpreters exist? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p> | <p>There are no certified interpreters for any languages in Latvia.</p> <p>Languages, in which services of an interpreter are provided, are listed in the contracts for the provision of interpretation services for the State Police.⁴² According to the Criminal Procedure Law, a person directing the proceedings can oblige another person who understands the language to perform the duties of interpreter.⁴³</p> <p>The courts in such cases involve interpreters provided by external service providers.⁴⁴</p> <p>The Prosecutor's Office receives the interpreting/translation services mainly from institutions contracted through the procurement procedure. However, there are also some cases when the police during the pre-trial investigation stage finds a translator for some rare/lesser used language (e.g. Vietnamese). In those cases, the same interpreter/translator provides interpreting/translation services also at the criminal prosecution stage. A contract is signed with the interpreter/translator, or a specific invoice for performing translation is paid.⁴⁵</p> <p>The translators invited by the person directing the proceedings according to Section 114 Paragraph 2 of the Criminal Procedure Law should also have no personal interest in the matter. Inviting a relative of a person who has a right to defense as a translator can only be possible in exceptional cases, when procedural actions have to be conducted immediately and there is no other possibility to ensure translation, for example, if a person is detained (according to the Criminal Procedure Law a person can be detained for up to 48 hours).⁴⁶</p> |

⁴¹ Latvia, Regulations No.1342 'Procedures for providing translation services to a person who has the right of defense, during a meeting with legal counsel' (*Noteikumi Nr.1342 "Kārtība, kādā personai, kurai ir tiesības uz aizstāvību, tikšanās laikā ar aizstāvi tiek nodrošināta tulka palīdzība"*), 19 November 2013.

⁴² Latvia, representative of the State Police.

⁴³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁴⁴ Latvia, representative of the District Court of Tukums.

⁴⁵ Latvia, representative of the Department of the Prosecutor general's office of the Republic of Latvia.

⁴⁶ Latvia, representative of the Latvian Council of Sworn Advocates (*Latvijas Zvērinātu advokātu padome*).

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| 1.3 | Please describe procedures in place, if any, to ensure that suspects or accused persons have the right to challenge the decision that no interpretation is needed? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners. | The Criminal Procedure Law does not provide for a specific procedure, however, the person directing the proceedings has the right to refuse to grant an interpreter and the person has the right to appeal the decision on the general procedures provided for the Criminal Procedure Law. ⁴⁷ A complaint regarding the actions or adjudication of an official performing criminal proceedings may be submitted by a person involved in the proceedings, as well as a person whose rights or lawful interests have been infringed upon by the concrete actions or adjudication. ⁴⁸ A decision of an investigator or public prosecutor may be appealed within 10 days from the day of the receipt of a copy of the decision or a notification regarding the decision taken. A complaint regarding the action of an investigator or public prosecutor may be submitted within 10 days from the day when the actual action was established. ⁴⁹ After the recipient has received a complaint he or she shall decide within three working days on the examination of the complaint or of sending it to another authority in whose jurisdiction it is to examine the complaint. ⁵⁰ Normally a complaint is examined within 10 days after its receipt, although a maximum term of 30 days is allowed if necessary. ⁵¹ |
| 1.4 | With regard to remote interpretation via communication technologies : | |
| | a) Can communication technologies for the purpose of remote interpretation be | Interpretation using technical means can be used during the investigation ⁵² and in the courts. ⁵³ In practice, there have been no known cases when technical means were necessary for the provision of oral interpretation at the stage of the criminal prosecution. ⁵⁴ Use of technical means while interpreting to the person, who has a right to defense, during the meeting with legal counsel, is determined by the regulations of the Cabinet of Ministers. ⁵⁵ |

⁴⁷ Gratkovska, I. (2014) 'The right to interpretation and translation in criminal proceedings' (*Tiesības uz mutisko un rakstisko tulkojumu kriminālprocesā*), *Jurista Vārds*, 11 March 2014. No.10(812); representative of the Latvian Council of Sworn Advocates (*Latvijas Zvērinātu advokātu padome*).

⁴⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁴⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁵⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁵¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁵² Latvia, representative of the State Police.

⁵³ Latvia, representative of the District Court of Tukums.

⁵⁴ Latvia, representative of the Department of the Prosecutor general's office of the Republic of Latvia.

⁵⁵ Latvia, Regulations No.1342 'Procedures for providing translation services to a person who has the right of defense, during a meeting with legal counsel' (*Noteikumi Nr.1342 'Kārtība, kādā personai, kurai ir tiesības uz aizstāvību, tikšanās laikā ar aizstāvi tiek nodrošināta tulka palīdzība'*), 19 November 2013.

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| used? If so, at what stage(s) of the proceedings? | Technical means are used taking into account the technical possibilities of the authority directing the proceedings, detention facility and interpreting agency and also mutual agreement on the use of technical means providing translation. ⁵⁶ |
| b) Which technologies are used, if any (videoconference, telephone, internet, etc.) | It is possible to use videoconference, communication by telephone or internet during the investigation. ⁵⁷ There have been cases when, e.g., a person is in custody and a hearing takes place via videoconference, i.e. the accused is in prison, but the interpreter is on the premises where the hearing is taking place. ⁵⁸ |
| c) Do competent authorities rely on the tools developed in the context of European e-Justice (e.g. information on courts with videoconferencing equipment provided on the European E-justice Portal)? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners. | This information is available and is used when deemed necessary. ⁵⁹ The Prosecutor's Office has not needed to use European e-Justice instruments for the provision of translation. ⁶⁰ |

⁵⁶ Latvia, representative of the State Police.

⁵⁷ Latvia, representative of the State Police.

⁵⁸ Latvia, representative of the District Court of Tukums.

⁵⁹ Latvia, representative of the State Police.

⁶⁰ Latvia, representative of the Department of the Prosecutor general's office of the Republic of Latvia.

| | TRAINING ⁶¹ | Yes | No | Brief Description |
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| 1.5 | Are providers of judicial training requested to pay special attention to the particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication? If yes, briefly provide details. | X | | From 24.09.2013 to 13.11.2014 the Latvian Judicial Training Centre (<i>Latvijas Tiesnešu mācību centrs</i>) within the EU funded framework of the project “Capacity building and ensuring activities of court interpreters involved in criminal proceedings” conducted the training of 302 court interpreters and 123 judges, particularly focusing on work ethic, translation and interpretation principles and communication psychology. ⁶² Within the framework of the project court interpreters could participate in four different workshops on topics that focused on improving communication during the interpreting in court. Lectures were held on the role of an interpreter in criminal proceedings (in the court) for judges and court staff; also the Handbook for court interpreters was published ⁶³ . |

⁶¹ See in particular Article 6 and relevant recitals of Directive 2010/64/EU.

⁶² Latvia, State Language Centre (*Valsts valodas centrs*) (2015), “The project “Capacity building and ensuring activities of court interpreters involved in criminal proceedings” under specific program “Criminal Justice” of European Commission Directorate-General for Justice (*Par Eiropas Komisijas Tiesību ģenerāldirektorāta īpašās programmas “Krimināltiesības” projekta “Kriminālprocesā iesaistīto tiesu tulkus kapacitātes celšana un to aktivitāšu nodrošināšanas rezultātiem”*)”, Press release, 31 March 2015.

⁶³ Latvia, representative of the Latvian Judicial Training Centre.

| 2. | RIGHT TO TRANSLATION OF DOCUMENTS ⁶⁴ | Brief Description |
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| 2.1 | <p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) Which documents (according to national law or established practice) are considered essential to translate in order to safeguard the fairness of the proceedings?</p> <p>b) Who bears the cost of translation at each stage?</p> <p>c) What is the timeframe (deadline) for the translation of documents at each stage of the proceedings?</p> <p>Please cross-check findings from the desk-research by consulting relevant organisations and/or practitioners.</p> | |
| 2.1.1 | <ul style="list-style-type: none"> • police questioning; | <p>a) The Criminal Procedure Law determines those documents which are translated in writing:⁶⁵</p> <ol style="list-style-type: none"> 1) decision to apply a security measure – arrest or refuse to apply a security measure – arrest⁶⁶; 2) decision to hold a person criminally liable (Prosecution)⁶⁷; 3) decision to transfer a criminal case to a court in accordance with urgent procedures⁶⁸; 4) decision to transfer a criminal case to a court according to the summary proceedings⁶⁹; 5) judgement and decision by which proceedings are completed, excluding: 1) a judgment of conviction rendered in a case that has been reviewed in the court of first instance without verification of evidence; 2) a judgment of conviction rendered in the event of settlement between the victim and the accused; 3) a judgment of conviction rendered under the proceedings of agreement; 4) a decision by the court of cassation⁷⁰; 6) European arrest warrant⁷¹ |

⁶⁴ See in particular Articles 3 and 4 and relevant recitals of Directive 2010/64/EU.

⁶⁵ Latvia, representative of the State Police.

⁶⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁶⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁶⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁶⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁷⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁷¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | | <p>b) Document translation costs in criminal pre-trial investigation are covered by the State Police.⁷²</p> |
| | | <p>c) Legislation does not provide for the deadlines for the translation of documents during pre-trial investigation. It depends on the amount and the language of the text for translation, as well as other factors (such as interpreters' workload during the relevant period, etc.).⁷³ In cases when the decision has been made to use translation services of external service provider, the deadlines for the translation are stipulated in contracts for the provision of translation services. E.g., according to the State Police contract with "Linearis" Ltd. (20.03.2014) the translation of documents submitted by the State Police should be provided taking into account the specified degree of urgency: normal (8 standard pages within 24 hours), emergency (16 pages within 24 hours) and very urgent (32 pages within 24 hours).⁷⁴</p> |
| <p>2.1.2</p> | <p>• court hearings;</p> | <p>a) 1) Judgement and decision by which proceedings are completed, excluding:</p> <ul style="list-style-type: none"> i. a judgment of conviction rendered in a case that has been reviewed in the court of first instance without verification of evidence; ii. a judgment of conviction rendered in the event of settlement between the victim and the accused; iii. a judgment of conviction rendered under the proceedings of agreement; iv. a decision by the court of cassation.⁷⁵ <p>2) decision to apply a security measure – arrest or refuse to apply a security measure – arrest.⁷⁶</p> <p>b) Translation services are covered from the state budget. Salaries for court translators (who are court employees) are paid from the court budget.⁷⁷</p> |

⁷² Latvia, representative of the State Police.

⁷³ Latvia, representative of the State Police.

⁷⁴ Latvia, "The registries of interpreters/translators and organization of work in the European Union" (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014, p.32. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

⁷⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁷⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁷⁷ Latvia, representative of the Court Administration.

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| | | <p>c) The deadlines for the translation of documents are specified in the contracts for translation.⁷⁸ E.g., according to the Court Administration contract with "Konels" Ltd. the external service provider should provide a written translation taking into account the size of text and the degree of urgency. The deadlines for the translation are 15 working days; when the amount of translation exceeds 40 standard pages, the deadline can be extended by mutual agreement. In particularly urgent cases, the deadline may be shortened⁷⁹. In comparison with the State Police and the Prosecutor's Office, the deadlines for the translation in Latvian courts, from sending the translation request until the completion of translation, are significantly longer.⁸⁰</p> |
| <p>2.1.3</p> | <p>• any necessary interim hearings;</p> | <p>a) At prosecuting stage: 1) decision to hold a person criminally liable (Prosecution)⁸¹ 2) decision to transfer a criminal case to a court in accordance with urgent procedures⁸² 3) decision to transfer a criminal case to a court according to the summary proceedings⁸³ 4) European arrest warrant⁸⁴ In practice, there are examples when also a written translation of the decision to transfer a criminal case to court is provided to the accused person, although the Criminal Procedure Law does not require that.⁸⁵</p> <p>b) The prosecutor's office covers the expenses of translating documents at the stage of criminal prosecution.⁸⁶</p> <p>c) Once the prosecutor's written application for translation is received, it shall be submitted for translation as soon as possible, either to the staff translators of the prosecutor's office or (depending on the size of the document, difficulty, specificity, language etc.) to an external service provider.⁸⁷</p> |

⁷⁸ Latvia, representative of the Court Administration.

⁷⁹ Latvia, "The registries of interpreters/translators and organization of work in the European Union" (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014, p.33. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

⁸⁰ Latvia, "The registries of interpreters/translators and organization of work in the European Union" (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014, p.34. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

⁸¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁸² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁸³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁸⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁸⁵ Latvia, representative of the Department of the Prosecutor general's office of the Republic of Latvia.

⁸⁶ Latvia, representative of the Department of the Prosecutor general's office of the Republic of Latvia.

⁸⁷ Latvia, representative of the Department of the Prosecutor general's office of the Republic of Latvia.

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| | | The deadlines for the translation by external service provider are stipulated in contracts for the provision of translation services. Depending on the scope of the text: 8 pages of the computer text per day and one more working day is provided for editing the written translation. ⁸⁸ |
| 2.1.4 | <ul style="list-style-type: none"> • any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? | a) Only interpretation (not translation) is provided. ⁸⁹ |
| | | b) Only interpretation (not translation) is provided. ⁹⁰ |
| | | c) Only interpretation (not translation) is provided. ⁹¹ |
| 2.2 | How do the competent authorities ascertain | The Criminal Procedure Law stipulates what procedural documents should be translated: ⁹² 1) decision to apply a security measure – arrest or refuse to apply a security measure – arrest ⁹³ ; 2) decision to hold a person criminally liable (Prosecution) ⁹⁴ ; 3) decision to transfer a criminal case to a court in accordance with urgent procedures ⁹⁵ ; |

⁸⁸ Latvia, "The registries of interpreters/translators and organization of work in the European Union" (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014, p.33. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

⁸⁹ Latvia, Regulations No.1342 'Procedures for providing translation services to a person who has the right of defense, during a meeting with legal counsel' (*Noteikumi Nr.1342 'Kārtība, kādā personai, kurai ir tiesības uz aizstāvību, tikšanās laikā ar aizstāvi tiek nodrošināta tulka palīdzība'*), 19 November 2013.

⁹⁰ Latvia, Regulations No.1342 'Procedures for providing translation services to a person who has the right of defense, during a meeting with legal counsel' (*Noteikumi Nr.1342 'Kārtība, kādā personai, kurai ir tiesības uz aizstāvību, tikšanās laikā ar aizstāvi tiek nodrošināta tulka palīdzība'*), 19 November 2013.

⁹¹ Latvia, Regulations No.1342 'Procedures for providing translation services to a person who has the right of defense, during a meeting with legal counsel' (*Noteikumi Nr.1342 'Kārtība, kādā personai, kurai ir tiesības uz aizstāvību, tikšanās laikā ar aizstāvi tiek nodrošināta tulka palīdzība'*), 19 November 2013.

⁹² Latvia, representative of the District Court of Tukums,; representative of the State Police.

⁹³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁹⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁹⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | <p>whether oral translation or oral summary of essential documents may be provided instead of a written translation?</p> <p>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p> | <p>4) decision to transfer a criminal case to a court according to the summary proceedings⁹⁶;</p> <p>5) Judgement and decision by which proceedings are completed, excluding: 1) a judgment of conviction rendered in a case that has been reviewed in the court of first instance without verification of evidence; 2) a judgment of conviction rendered in the event of settlement between the victim and the accused; 3) a judgment of conviction rendered under the proceedings of agreement; 4) a decision by the court of cassation⁹⁷;</p> <p>6) European arrest warrant⁹⁸</p> <p>There is no option for either choosing oral translation or summary instead of a written translation.⁹⁹</p> |
| <p>2.3</p> | <p>Please describe procedures in place, if any, to ensure that suspects or accused persons have the right to challenge the decision that no translation is</p> | <p>A decision on the refusal of providing written translation by a person directing the proceedings shall be appealed within the procedures provided in Chapter 24 of the Criminal Procedure Law.¹⁰⁰</p> <p>A complaint regarding the actions or adjudication of an official performing criminal proceedings may be submitted by a person involved in the proceedings, as well as a person whose rights or lawful interests have been infringed upon by the concrete actions or adjudication.¹⁰¹ A decision of an investigator or public prosecutor may be appealed within 10 days from the day of the receipt of a copy of the decision or a notification regarding the decision taken. A complaint regarding the action of an investigator or public prosecutor may be submitted within 10 days from the day when the actual action was established.¹⁰² After the recipient has received a complaint he or she shall decide within three working days on the examination of the complaint or of sending it to another authority in whose jurisdiction it is to examine the complaint.¹⁰³</p> |

⁹⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁹⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁹⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

⁹⁹ Latvia, representative of the District Court of Tukums; representative of the Department of the Prosecutor general's office of the Republic of Latvia.

¹⁰⁰ Latvia, representative of the State Police; representative of the Latvian Council of Sworn Advocates (*Latvijas Zvērinātu advokātu padome*).

¹⁰¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁰² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁰³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | needed? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners. | Normally a complaint is examined within 10 days after its receipt, although a maximum term of 30 days is allowed if necessary. ¹⁰⁴ | | |
| | | Yes | No | Brief Description |
| 2.4 | Do all documents that the suspected or accused person has to sign during the proceedings have to be translated? | | X | Translation of the procedural documents is to be provided only in the cases provided for by law. ¹⁰⁵ |
| 2.5 | Is it possible to waive the right to translation of documents and if so, what form can it have and under which conditions can it be accepted? | X | | A person who has a right to defense can waive the translation of related documents. The right to interpretation/translation is a right of a person, not an obligation. A person cannot be compelled to receive the translation of a document if he or she does not want it. ¹⁰⁶ The Criminal Procedure Law does not specify the procedure whereby a person who has the right to a defense could decline the translation of documents. However, if the person who has the right to a defense does not want the procedural documents to be translated he or she can submit such request in writing to the person directing proceedings. The person directing proceedings shall evaluate the request and take the decision whether to satisfy it (thus, do not translate the documents) or not (thus, to translate). The Criminal Procedure Law does not specify under which conditions the waiver of the right to translation can be accepted or refused. Every case is evaluated individually. If the accused, for instance, at the end of a hearing refuses the written translation of the judgment, this can be recorded in the minutes of |

¹⁰⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁰⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁰⁶ Latvia, representative of the Latvian Council of Sworn Advocates (*Latvijas Zvērinātu advokātu padome*).

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| | | | <p>the hearing.¹⁰⁷ The waiver of interpretation/translation by a person who has a right to defense should not be accepted if participation of a legal counsel is mandatory for that person according to Section 83 of the Criminal Procedure Law.¹⁰⁸ The participation of a legal counsel is mandatory in criminal proceedings if the person is a minor or person with diminished mental capacity, mental or other health impairments, illiterate or very low educational level, regarding cases of compulsory measures of a medical nature, regarding the exoneration of a deceased person, or if the negotiations begun on entering into an agreement, or if the accused is absent (in absentia).¹⁰⁹</p> <p>Any person can submit an application requesting not to translate the procedural documents; a reason to satisfy such request could be the fact that he or she knows the language and confirms that the translation is not necessary.¹¹⁰</p> <p>However, it should be taken into consideration that there are no guidelines or criteria how to determine whether a person understands the language used in criminal proceedings. The research on the provision of interpretation concludes that “In deciding on inviting a translator, an opinion of a person who has a right to defense is taken into account only if he or she confirms the necessity of the translation. If a person considers that inviting a translator is not necessary, a person directing the proceedings makes the decision independently.”¹¹¹</p> <p>Similar approach could also be used if the person waives the translation of documents.</p> |
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¹⁰⁷ Latvia, representative of the District Court of Tukums; representative of the Latvian Council of Sworn Advocates (*Latvijas Zvērinātu advokātu padome*).

¹⁰⁸ Latvia, representative of the District Court of Tukums; representative of the Latvian Council of Sworn Advocates (*Latvijas Zvērinātu advokātu padome*).

¹⁰⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹¹⁰ Latvia, representative of the State Police.

¹¹¹ Latvia, “The registries of interpreters/translators and organization of work in the European Union” (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014, p.22. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

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| 3. | RIGHTS CONCERNING BOTH INTERPRETATION AND TRANSLATION¹¹² | | | |
| 3.1 | With regard to use of registers of interpreters and translators in EU Member States: | Yes | No | Brief Description |
| | a) Do national databases or registers exist for legal translators and interpreters? | | No | There are no national databases or registers for translators and interpreters. ¹¹³ On 23 May 2013 the Saeima (Parliament of Latvia) amended the Criminal Procedure Law (<i>Likumprojekts 'Grozījumi Kriminālprocesa likumā'</i>). ¹¹⁴ The Annotation of the Draft Law provides that all of the provisions of the Directive are to be fully transposed with this draft law. Exception is the register or registers of independent translators and interpreters which will not be introduced as this provision of the Directive was only a recommendation. |
| | b) Do translators and interpreters have to be listed in databases/registers for their services to be used? In other words, is membership/registration mandatory? | | No | There are no national databases or registers for translators and interpreters. |
| | c) Who has access to these databases? | Brief Description: There are no national databases or registers for translators and interpreters | | |
| | d) Which professional qualifications are needed by: | Brief Description: There are no national databases or registers for translators and interpreters | | |

¹¹² See in particular Article 5 and relevant recitals of Directive 2010/64/EU.

¹¹³ Latvia, Annotation of the Draft Law on Amendments to the Criminal Procedure Law (*Likumprojekts 'Grozījumi Kriminālprocesa likumā'*), 06 September 2012.

¹¹⁴ Latvia, Draft Law on Amendments to the Criminal Procedure Law (*Likumprojekts 'Grozījumi Kriminālprocesa likumā'*), 22 November 2012.

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| | <ul style="list-style-type: none"> • translators and • interpreters <p>in order to be registered in the database?</p> | | | |
| | e) Are there any requirements in place to ensure the independence of interpreters and translators? If yes, provide a brief overview (for both translators and interpreters). | X | | An interpreter shall inform a person directing the proceedings regarding conditions that may provide grounds for the doubting of the objectivity of a procedural action performed by such persons. A person directing the proceedings shall decide on the invitation of such persons to participate in criminal proceedings, or the dismissal consequently from criminal proceedings. ¹¹⁵ |
| | f) Is access to existing databases provided through the European e-Justice portal ? ¹¹⁶ How is this register available to legal counsel and relevant authorities? | | | There are no national databases or registers for translators and interpreters |
| | g) Are criminal justice institutions required to use interpreters and translators listed in these registers? | | | There are no national databases or registers for translators and interpreters |

¹¹⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹¹⁶ <https://e-justice.europa.eu/home.do?plang=en&action=home>

| 3.2 | With regard to other mechanisms/procedures: | Yes | No | Brief Description |
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| | a) Are there other mechanisms or procedures in place to ensure the quality and independence of interpretation and translation during the course of the proceedings? Are there any quality checks? Who is responsible for carrying them out? | X | | <p>To help ensure a normal quality of interpretation/translation the state has prescribed criminal liability¹¹⁷ for interpreters/translators who knowingly commit a false translation.</p> <p>The Criminal Procedure Law provides that interpreters shall withdraw from participation in criminal proceedings if they are personally interested in the result, or if conditions exist that justifiably give persons involved in the criminal proceedings a reason to believe that such interest may exist.¹¹⁸ An interpreter has the duty to inform a person directing the proceedings regarding conditions that may provide grounds for the doubting of the objectivity of a procedural action performed by him.</p> <p>The interpreters/translators invited by the person directing the proceedings according to Section 114 Paragraph 2 of the Criminal Procedure Law also should have no personal interest in the matter. Inviting a relative of a person who has a right to defense as an interpreter/ translator can only be possible in exceptional cases, when procedural actions have to be conducted immediately and there is no other possibility to ensure interpreting/translation, for example, if a person is detained (according to the Criminal Procedure Law a person can be detained for up to 48 hours).¹¹⁹</p> <p>Legislation does not set requirements for professional qualification, assessment or improving professional qualification of interpreters/translators involved in criminal proceedings.¹²⁰ Specific mechanisms to ensure the quality of work of regular interpreters /translators are not set in any of the institutions involved in the criminal proceedings. In some institutions the quality checks of work of interpreters /translators are carried out by direct manager or task-giver; however, such quality control is limited due to the lack of the relevant language skills.¹²¹ Translation quality requirements for external service providers are determined in contracts.</p> |

¹¹⁷ Latvia, Criminal Law (Krimināllikums), 17 June 1998.

¹¹⁸ Latvia, Criminal Procedure Law (Kriminālprocesa likums), 21 April 2005.

¹¹⁹ Latvia, representative of the Latvian Council of Sworn Advocates (Latvijas Zvērinātu advokātu padome).

¹²⁰ Latvia, "The registries of interpreters/translators and organization of work in the European Union" (Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā), 22 October 2014, p.53. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

¹²¹ Latvia, "The registries of interpreters/translators and organization of work in the European Union" (Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā), 22 October 2014, p.45. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

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| | b) Is there any procedure in place to ensure that suspects or accused persons have the possibility, when interpretation and translation has been provided, to complain about the quality and independence of the interpretation and translation? | X | | Legislation does not explicitly provide for the right of a person who has a right to defense to complain about the quality of translation, as well as the procedure by which this right may be exercised. ¹²² |
| | c) Are there any mechanisms in place that allow for the replacement of the appointed interpreter or a new translation when the quality of the interpretation or the independence of the interpreter is considered insufficient? If yes, briefly provide information. | X | | A person who performs defense has the right to raise an objection if there is a reason to believe that interpreter/translator is personally interested in the result, or if conditions exist that justifiably give persons involved in the criminal proceedings a reason to believe that such interest may exist. ¹²³ If a person who has the right to the defense considers that the interpreter in criminal proceedings has insufficient professional preparedness, it may submit the relevant submission to the person directing proceedings and ask to dismiss an interpreter. Insufficient professional preparedness for the performance of the duties may also be a grounds for the dismissal of an interpreter. ¹²⁴ |
| 3.3 | Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable | | | |

¹²² Latvia, "The registries of interpreters/translators and organization of work in the European Union" (*Tiesu tulku/tulkotāju reģistri un darba organizācija Eiropas Savienībā*), 22 October 2014, p.44. Available in Latvian at: <http://petijumi.mk.gov.lv/ui/DocumentContent.aspx?ID=4752>

¹²³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹²⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | accused persons which affect their ability to communicate effectively? ¹²⁵ If yes, briefly provide information on those mechanisms considering the following vulnerable groups: | | |
| | a) suspect or accused persons with physical impairment or disability; | X | <p>If a person who has the right to defense does not understand the official language (Latvian), during procedural actions he or she has the right to use the language that the person has knowledge of and to use the assistance of an interpreter free of charge ensured by a person directing the proceedings.¹²⁶ The provisions of the Section 11 of the Criminal Procedure Law¹²⁷ regarding the right of a person to use the language that the person has knowledge of and to use the assistance of an interpreter free of charge shall also apply to persons with hearing, speech or visual impairments. In issuing procedural documents to such persons in the cases provided for by the law, the availability of such documents in the language or the manner which such persons are able to perceive shall be ensured.</p> <p>Yes. E.g., the prosecutor's office has signed a procurement contract on 28.11.2013 with LTD "LNS Rehabilitācijas centrs" about the provision of sign language translation services.¹²⁸</p> |
| | b) suspect or accused persons with intellectual impairment or disability; | X | <p>If a person with diminished mental capacity has the right to defense or if the right to defense is held by a person who is not able to completely use his or her procedural rights due to a mental or other health impairment, the participation of a legal counsel is mandatory in criminal proceedings.¹²⁹</p> |

¹²⁵ See in particular recital 27 of Directive 2010/64/EU.

¹²⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹²⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹²⁸ Latvia, representative of the Department of the Prosecutor general's office of the Republic of Latvia.

¹²⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | | | There are no other special procedures. |
| | c) i) children who are suspects/defendants, and/or ii) holders of parental responsibility (please distinguish between the two). | X | <p>According to the Criminal Procedure Law, the performer of the investigative action may interrogate a minor if he has special knowledge of communication with minors during criminal proceedings.¹³⁰ Minor shall be interrogated in the presence of a pedagogue or a psychologist if a performer of the investigative action has no special knowledge of communication with minors during criminal proceedings or if performer of the investigative action considers it necessary.</p> <p>If in criminal proceedings a minor has the right to defense the participation of a legal counsel is mandatory.¹³¹</p> <p>There are no other special procedures.</p> |
| 3.4 | Is there any recording procedure to note that interpretation and translation have occurred and in which form? ¹³² If yes, briefly provide information on how this procedure is organised in practice. | X | <p>The participation of an interpreter in the procedural action is fixed in the minutes. The minutes of the procedural action shall also indicate the given name, surname, and personal identity number of the person–participator in the procedural action¹³³ (e.g. interpreter). The participation of the interpreters in court hearing shall be indicated the minutes of the hearing.¹³⁴</p> |

¹³⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹³¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹³² See in particular Article 7 and relevant recitals of Directive 2010/64/EU.

¹³³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹³⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

SECTION B: RIGHT TO INFORMATION IN CRIMINAL PROCEEDINGS

| 1. PROVISION OF INFORMATION ON THE PROCEDURAL RIGHTS ¹³⁵ | Brief Description |
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| 1.1 | <p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) What information is provided?</p> <p>b) How is it provided (e.g. orally or in writing)?</p> <p>c) What is the timeframe (deadline) for providing interpretation at each stage of the proceedings?</p> <p>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p> |
| <ul style="list-style-type: none"> • police questioning; | <p>a) The Criminal Procedure Law provides that each person regarding whom an assumption or allegation has been expressed that such person has committed a criminal offence has the right to assistance of a legal counsel, that is, the right to know what offence such person is suspected of committing or is being accused of committing, and to choose his or her position of defense.¹³⁶ For a person to be able to effectively exercise his/her right to defense, he or she has a right to know his/her rights in criminal proceedings and when acquiring every procedural status.¹³⁷ Persons who has the right to defense fundamental rights in criminal proceedings are set in Section 60.² of the Criminal Procedure Law.¹³⁸</p> <p>When detaining a person on the basis of the initiative of the State police officer or under the assignment of a person directing the proceedings, such officer shall immediately inform such person regarding reasons for detention, and shall notify such person that he or she has the right to remain silent, and that everything that such person says may be used against him or her.¹³⁹</p> |

¹³⁵ See in particular Article 3 and relevant recitals of Directive 2012/13/EU.

¹³⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹³⁷ Latvia, representative of the State Police.

¹³⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹³⁹ Latvia, representative of the State Police.

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| | | <p>A detained person has the right to receive an excerpt from the Criminal Procedure Law regarding the rights and duties of a detained person.¹⁴⁰ The suspect has the right to receive an excerpt from this Law regarding the rights and duties of a suspect.¹⁴¹</p> <p>A person who has been detained or placed under arrest for the purpose of extradition must be immediately informed about his/her rights.¹⁴²</p> <p>b) In writing, where necessary, has to be explained orally.¹⁴³</p> <p>c) A person must be immediately informed of his/her procedural rights after acquiring each procedural status.¹⁴⁴</p> |
| | <ul style="list-style-type: none"> • court hearings; | <p>a) In the beginning of the hearing the judge asks the accused whether he or she has received an excerpt from the Criminal Procedure Law on the rights of the accused (at the moment of the submission of the prosecution, the prosecutor must issue written information about the rights of the accused), and whether he or she understands these rights. If the accused says that he or she has not received an excerpt on the rights or does not understand it, the judge explains the accused his/her rights and/or issues an excerpt from the Criminal Procedure Law on the rights of the accused.¹⁴⁵</p> <p>b) An excerpt on the rights of the accused can be issued or/and the rights can be explained orally.¹⁴⁶</p> <p>c) In the beginning of the hearing the judge asks the accused whether he or she has received an excerpt from the Criminal Procedure Law on the rights of the accused, and whether he or she understands these rights.¹⁴⁷</p> |

¹⁴⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁴¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁴² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁴³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁴⁴ Latvia, representative of the State Police.

¹⁴⁵ Latvia, representative of the District Court of Tukums.

¹⁴⁶ Latvia, representative of the District Court of Tukums.

¹⁴⁷ Latvia, representative of the District Court of Tukums.

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| | <ul style="list-style-type: none"> • any necessary interim hearings; | <p>a) (in criminal prosecution stage) The accused person receives written information about the fundamental rights in criminal proceedings of a person who has a right to defense, the rights of a suspect, as well as about the obligations of a suspect and an accused person.¹⁴⁸</p> <p>According to the Section 406 para.1 (2) of the Criminal Procedure Law, after a decision has been taken regarding the holding of a person criminally liable, a public prosecutor shall immediately issue to the accused written information regarding the rights of an accused.</p> <p>b) In writing.¹⁴⁹ When issuing information and notification about the rights, the prosecutor should explain it to the accused person.¹⁵⁰</p> <p>c) Immediately after a decision has been taken to hold a person criminally liable.¹⁵¹ When bringing charges, the prosecutor also provides information about the rights.¹⁵²</p> |
| | <ul style="list-style-type: none"> • any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? | <p>a) As soon as the person has acquired the right to defense, the information related to the rights determined in the Criminal Procedure Law shall be immediately issued and, where necessary, explained to him/her. During the meeting with the legal counsel information on the procedural rights is not provided repeatedly to the person who has right to defense. Legal counsel of a person who has a right to defense can provide information about the procedural rights and explanation about these rights at any time.</p> <p>As soon as the person has acquired the right to defense, the information related to the rights determined in the Criminal Procedure Law shall be immediately issued and, where necessary, explained to him/her. During the meeting with the legal counsel information on the procedural rights is not provided repeatedly to the person who has right to defense. Legal counsel of a person who has a right to</p> |

¹⁴⁸ Latvia, representative of the Department of the Prosecutor general's office of the Republic of Latvia.

¹⁴⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁵⁰ Latvia, representative of the Department of the Prosecutor general's office of the Republic of Latvia.

¹⁵¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁵² Latvia, representative of the Latvian Council of Sworn Advocates (*Latvijas Zvērinātu advokātu padome*).

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| | | <p>defense can provide information about the procedural rights and explanation about these rights at any time.</p> |
| | | <p>As soon as the person has acquired the right to defense, the information related to the rights determined in the Criminal Procedure Law shall be immediately issued and, where necessary, explained to him/her.</p> <p>During the meeting with the legal counsel information on the procedural rights is not provided repeatedly to the person who has right to defense. Legal counsel of a person who has a right to defense can provide information about the procedural rights and explanation about these rights at any time.</p> |
| <p>1.2</p> | <p>Do authorities provide information about any other procedural rights (apart from those established in Article 3 of the Directive)? If yes, briefly provide information.</p> | <p>Apart from the procedural rights established in Article 3 of the Directive, authorities must provide the information to the person, who has the right to defense about their right to appeal procedural decisions in cases provided by law, within the time limits and procedures.¹⁵³</p> <p>Authorities must provide information about the following rights to the detained person, as well as the suspect or the accused who has been applied a security measure related to the deprivation of liberty: 1) to familiarise him/herself with the materials of the case which constitute the basis for his or her detention or arrest insofar as such access does not infringe the fundamental rights of other persons, the interests of the society and does not interfere with reaching of the objective of the criminal proceedings; 2) to require that his or her detention or arrest is notified to his or her relative, educational institution or employer. A foreigner has the right to request that the diplomatic or consular representation of his or her country is notified of his or her detention; 3) to receive information regarding the right to emergency medical assistance; 4) to receive information regarding the maximum number of hours or months for which the person's liberty may be restricted during pre-trial proceedings.¹⁵⁴</p> |

¹⁵³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁵⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

| 2. | LETTER OF RIGHTS ¹⁵⁵ | Brief Description |
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| 2.1 | <p>What rights does the letter of rights provide information about? What information is included in the letter of rights when children are arrested or detained?</p> | <p>The letter of rights provides information stipulated in the Criminal Procedure Law (in accordance with the procedural status of a person).¹⁵⁶</p> <p>A person who has the right to defense has the following rights: 1) to immediately invite a legal counsel and enter into an agreement with him or her or to use the legal assistance ensured by the State if the person is incapable of entering into an agreement with the legal counsel at the person's own expense; 2) to meet a legal counsel in circumstances that ensure confidentiality of the conversation without a special permit from the person directing the proceedings and without limitation of time; 3) to receive legal assistance from a legal counsel; 4) to request participation of an advocate for ensuring defense in a separate procedural action in the cases provided for by the law, if an agreement on defense has not been entered into yet with a particular advocate or this legal counsel has been unable to appear; 5) to receive from the person directing the proceedings a list of advocates who practice in the relevant court district, as well as to use telephone free of charge for inviting a legal counsel; 6) to be notified of what assumption has been made or what suspicion has arisen against the person or what prosecution has been brought against him or her; 7) to receive an oral or written translation in a language comprehensible to him or her in accordance with the procedures and in the scope laid down in the law; 8) to testify or refuse to testify; 9) to appeal procedural decisions in cases provided by law, within the time limits and procedures.¹⁵⁷ In addition to the rights mentioned above the detained, as well as the suspect or the accused who has been applied a security measure related to deprivation of liberty has the following rights: 1) to become familiar with the materials of the case which constitute the basis for the proposal to apply a security measure related to deprivation of liberty insofar as such access does not infringe the fundamental rights of other persons, the interests of the society and does not interfere with reaching of the objective of the criminal proceedings; 2) to require that his or her detention or arrest is notified to his or her relative, educational institution or employer. A foreigner has the right to request that the diplomatic or consular representation of his or her country is notified of his or her detention; 3) to receive information regarding the right to emergency medical assistance; 4) to receive information regarding the maximum number of hours or months for which the person's liberty may be restricted during pre-trial proceedings.¹⁵⁸</p> |

¹⁵⁵ See in particular Article 4 and relevant recitals of Directive 2012/13/EU.

¹⁵⁶ Latvia, representative of the State Police.

¹⁵⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁵⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | | <p>According to the Section 60.² para.4 of the Criminal Procedure Law, as soon as person has acquired the right to defense, the information related to the fundamental rights in criminal proceedings shall be immediately issued and, if it is necessary, shall be explained. The fact that the information has been issued and, if necessary, the rights were explained, a person confirms with his/her signature.</p> <p>There is no special information included in the letter of rights when children are arrested or detained. The children receive the same letter of rights as the adults who have the right to defense.</p> <p>The basis for performing defense is an assumption or allegation that a person has committed a criminal offence, made in writing by official authorised to conduct criminal proceedings according to the procedures specified by the Criminal Procedure Law. ¹⁵⁹ If there is a real probability that the specific person has committed a criminal offence, a criminal proceedings are initiated against this person or, if information acquired during the criminal proceedings indicates that it is possible that the criminal offence under investigation has been committed by a specific person, a person against whom the criminal proceedings have been initiated acquires the procedural right to a defense since the moment that person was involved in procedural actions or since the person directing criminal proceedings announced information about the initiation of criminal proceedings against that person. ¹⁶⁰ The person acquires the status of a detained person since the moment of factual detention. ¹⁶¹ Since the moment the person was informed that he or she is a suspect, the person is entitled to the fundamental rights provided by the Section 60.² of the Criminal Procedure Law (Fundamental Rights of a Person who has the Right to Defense in Criminal Proceedings), including the right to receive information about the rights. ¹⁶²</p> |
| 2.2 | <p>At what stage of the proceedings is the letter of rights provided? Please cross-check</p> | <p>In cases stipulated in the Criminal Procedure Law, the letter of rights is issued when a person has acquired the relevant procedural status. ¹⁶³</p> |

¹⁵⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁶⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁶¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁶² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁶³ Latvia, representative of the State Police.

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| | <p>findings from the desk research by consulting relevant organisations and/or practitioners.</p> | <p>In practice, if a person was arrested, written information about the person's procedural rights, is usually provided at the moment the person is brought to the police station and the procedural documents are filled in (e.g. detention protocol), not at the moment of factual arrest of the person. The detained person receives an excerpt from the Criminal Procedure Law. It has been observed that when arresting a person, the police officers do not explain the person that he or she has the right not to testify and that anything that he or she will say could be used against that person. Also, there are instances when a person who according to factual circumstances should have the right to a defense, in practice is warned about the consequences of giving deliberately false testimony and initially is interrogated as a witness. However, there could be different practises among different state police stations, as well as between investigative institutions.¹⁶⁴</p> |
| <p>2.3</p> | <p>Is the letter of rights drafted in simple and accessible language? How do competent authorities verify whether the language is simple and accessible enough for the suspects or accused persons and/or that the suspects or accused persons understand the language? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p> | <p>The Criminal Procedure Law does not explicitly stipulate that the letter of rights must be drafted in simple and accessible language, however, the Section 60.² para.4 provides that information related to the fundamental rights should be issued, not an excerpt from the Law.¹⁶⁵ In practice, a written statement of rights and obligations has been drafted in accordance with the requirements of the Criminal Procedure Law. If necessary, the official explains to the person his/her rights in a clear manner.¹⁶⁶</p> |

¹⁶⁴ Latvia, advocate.

¹⁶⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 200.

¹⁶⁶ Latvia, representative of the State Police.

| 3. | RIGHT TO INFORMATION ABOUT THE ACCUSATION ¹⁶⁷ | Brief Description |
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| 3.1 | <p>What information is provided to the suspects or accused persons regarding what they have been accused of and how is it provided (e.g. orally or in writing)</p> | <p>The suspect has the right to receive a copy of the decision by which such person has been recognised as a suspect.¹⁶⁸ The decision to recognise a person as a suspect shall indicate: 1) factual circumstances of the criminal offence to be investigated which determine legal classification; 2) legal classification of the criminal offence; 3) the grounds for assumption that a criminal offence to be investigated is likely to have been committed by the certain person; 4) the name, surname, personal identity number, notified place of residence and place of work of the suspected person.¹⁶⁹</p> <p>The accused has the right to receive a copy of the prosecution. After a decision has been taken to hold a person criminally liable, a public prosecutor shall immediately issue a copy of the prosecution to the accused and explain the essence of the prosecution.¹⁷⁰</p> |
| 3.2 | <p>At which stage of the proceedings is the information provided? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p> | <p>According to the Section 60.² para.1(6) of the Criminal Procedure Law, a person who has the right to defense has the right to be informed of what they are suspected or what prosecution has been brought against him/her.¹⁷¹</p> <p>Usually, a person is informed about the expressed suspicion by receiving a decision about the recognition of the person as a suspect. The decision also records the persons' attitude towards the expressed suspicions. (Formally, this is not an investigative activity - interrogation).¹⁷² From the moment when a person is notified that he or she is recognised as a suspect, such person has the right to receive a copy of the decision by which such person has been recognised as a suspect.¹⁷³</p> |

¹⁶⁷ See in particular Article 6 and relevant recitals of Directive 2012/13/EU.

¹⁶⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁶⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁷⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁷¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005; representative of the State Police.

¹⁷² Latvia, representative of the Latvian Council of Sworn Advocates (*Latvijas Zvērinātu advokātu padome*).

¹⁷³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | | <p>After a decision has been taken to hold a person criminally liable, a public prosecutor shall immediately issue a copy of the prosecution to the accused and explain the essence of the prosecution.¹⁷⁴</p> |
| <p>3.3</p> | <p>How are suspects or accused persons informed when, in the course of the criminal proceedings, the details of the accusation change?</p> | <p>If during the investigation additional evidence is obtained or the factual circumstances of the criminal offence have changed, on the basis of which it is necessary to amend the decision taken, the person directing the proceedings shall take a new decision to recognise the relevant person as suspect and a copy shall be issued to the suspect.¹⁷⁵</p> <p>If a public prosecutor, after he or she has issued a decision to an accused on holding of the person criminally liable, has new grounds to supplement such decision or he or she has obtained additional evidence, or if the factual circumstances of the criminal offence have changed and, as a result, the modification of the decision is necessary, the public prosecutor shall write a new decision to hold the relevant person criminally liable, and shall issue a copy of such new decision to the accused.¹⁷⁶</p> <p>If a prosecution has not been approved regarding a criminal offence regarding which a person is being held criminally liable, a public prosecutor shall terminate criminal prosecution in such part with a decision, and he or she shall immediately send a copy of the decision to the person against whom the criminal prosecution has been terminated.¹⁷⁷</p> <p>If during the course of proceedings a public prosecutor modifies a prosecution to a lighter prosecution without the factual circumstances of the criminal offence changing, the new prosecution shall be recorded in the minutes of the court session.¹⁷⁸ If during the course of proceedings a public prosecutor modifies a prosecution to a lighter prosecution due to a change in the factual circumstances of the criminal offence, or to a more serious prosecution, if the factual circumstances of the criminal offence remain unchanged, or due to a change in the factual circumstances of the criminal offence, if the qualification of the offence remains unchanged, the new prosecution may be recorded in the minutes of the court session. The public prosecutor shall submit the new prosecution in writing on the basis of a request of the court, the accused, or his or her legal counsel.¹⁷⁹ If a public prosecutor admits in a court of first instance that a prosecution is modifiable to a more serious prosecution he or she shall, within a month, submit a new prosecution to a court, which the court shall send to an accused.¹⁸⁰</p> |

¹⁷⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁷⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁷⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁷⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁷⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁷⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁸⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

| 4. | RIGHT OF ACCESS TO CASE MATERIALS ¹⁸¹ | Brief Description |
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| 4.1 | What material evidence can be accessed by suspected or accused persons (e.g. documents, photographs, audio, video, summaries...)? | <p>According to the Criminal Procedure Law¹⁸², information acquired in the pre-trial criminal proceedings until the completion shall be divulged only with the permission of an investigator or a public prosecutor and in the scope specified by him /her. The materials of the criminal proceedings are an investigative secret; however, if a person directing the proceedings considers it appropriate, he may acquaint the person who has the right to defense with, for instance, video.¹⁸³</p> <p>A detained person has the right to familiarise him/herself with the detention protocol and receive an excerpt from the Criminal Procedure Law regarding the rights and duties of a detained person.¹⁸⁴</p> <p>The detained, as well as the suspect or the accused who has been applied a security measure related to the deprivation of liberty has the right to familiarise himself/herself with the materials of the case which constitute the basis for the proposal to apply a security measure related to the deprivation of liberty insofar as such access to the materials does not infringe the fundamental rights of other persons, the interests of the society and does not interfere with reaching of the objective of the criminal proceedings.¹⁸⁵ The suspect has the right to familiarise himself or herself with the Criminal Proceedings Register¹⁸⁶, with a decision to determine an expert-examination before transferring it for execution, if the expert-examination applies to such person, and to request the raising of additional questions regarding in relation to which the expert must give a conclusion, except cases where an expert-examination has been determined during another investigative action,¹⁸⁷ and to become familiar with the opinion of an expert-examination after its receipt, if the expert-examination has been performed upon application of such person.¹⁸⁸</p> <p>After the completion of pre-trial criminal proceedings an accused has the right to receive copies of all the materials of a criminal case to be transferred to a court, which relate to the accusation brought against him or her and his or her personality, if such materials have not been issued earlier or with the consent of a public prosecutor to become acquainted with these materials.¹⁸⁹</p> |

¹⁸¹ See in particular Article 7 and relevant recitals of Directive 2012/13/EU.

¹⁸² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁸³ Latvia, representative of the State Police.

¹⁸⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁸⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁸⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁸⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁸⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁸⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | | <p>In completing proceedings, a public prosecutor shall issue to the accused or his or her legal counsel copies of the materials of the criminal case to be transferred to the court, which apply to the prosecution indicted for him or her or his or her personality, if such materials have not already been issued, or acquaint with these materials with the consent of a public prosecutor and issue to accused or his or her legal counsel a list of the materials transferred to the archives.¹⁹⁰</p> |
| <p>4.2</p> | <p>At what stage of the proceedings is access to case materials granted? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p> | <p>In pre-trial proceedings: 1) detained person has the right to familiarise himself/herself with the detention protocol¹⁹¹ and the 2) detained, as well as the suspect or the accused who has been applied a security measure related to deprivation of liberty has the right to familiarise with the materials of the case which constitute the basis for the proposal to apply a security measure related to deprivation of liberty¹⁹²; 3) the suspect has the right to familiarise himself or herself with the Criminal Proceedings Register¹⁹³, the decision to determine an expert-examination before transferring it for execution, if the expert-examination applies to such person, and to request the raising of additional questions regarding which the expert must give a conclusion¹⁹⁴ and the opinion of an expert-examination after receipt thereof, if the expert-examination has been performed upon application of such person¹⁹⁵.</p> <p>After the completion of pre-trial criminal proceedings the accused has the right to receive copies of all the materials of a criminal case to be transferred to a court, which relate to the accusation brought against him or her and his or her personality.¹⁹⁶ In completing proceedings, a public prosecutor shall issue to the accused or his or her legal counsel copies of the materials of the criminal case to be transferred to the court, which apply to the prosecution indicted for him or her or his or her personality, if such materials have not already been issued, or acquaint with these materials with the consent of a public prosecutor and issue to accused or his or her legal counsel a list of the materials transferred to the archives.¹⁹⁷ Examination of the case materials is planned before taking a decision to transfer a criminal case to a court. However, there are situations when examination of the case materials is only possibly after the decision was made, for example if the criminal proceedings are terminated by conditional release from criminal liability, or by the prosecutor's injunction regarding a</p> |

¹⁹⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁹¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005; Latvia, representative of the State Police.

¹⁹² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005; Latvia, representative of the State Police.

¹⁹³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁹⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005; Latvia, representative of the State Police.

¹⁹⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁹⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

¹⁹⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | | <p>punishment if an agreement regarding the admission of guilt and a punishment was made during the pre-trial criminal proceedings.¹⁹⁸</p> <p>An accused and his or their legal counsel shall be permitted to familiarise themselves with materials that have been additionally attached to a criminal case after receipt thereof in a court.¹⁹⁹ After completion of a case in a court of first instance or a court of appeals the persons involved in the proceedings whose interests are infringed by a particular criminal proceeding have the right to familiarise themselves with those case materials which have been added to a case during the hearing by the relevant instance court, or to receive copies of these materials.²⁰⁰</p> |
| 4.3 | <p>Under what circumstances is access to material refused? Who takes the decision of refusal?</p> | <p>In cases provided by the Criminal Procedure Law, access to the case files can be denied, if such access can infringe the fundamental rights of other persons, the interests of the society and interfere with reaching of the objective of the criminal proceedings. The decision is made by a person directing the proceedings.²⁰¹</p> <p>A decision on the refusal of access to case materials by a person directing the proceedings shall be appealed within the procedures provided in Chapter 24 of the Criminal Procedure Law.²⁰²</p> <p>A complaint regarding the actions or adjudication of an official performing criminal proceedings may be submitted by a person involved in the proceedings, as well as a person whose rights or lawful interests have been infringed upon by the concrete actions or adjudication.²⁰³ A decision of an investigator or public prosecutor may be appealed within 10 days from the day of the receipt of a copy of the decision or a notification regarding the decision taken. A complaint regarding the action of an investigator or public prosecutor may be submitted within 10 days from the day when the actual action was established.²⁰⁴ After the recipient has received a complaint he or she shall decide within three working days on the examination of the complaint or of sending it to another authority in whose jurisdiction it is to examine the complaint.²⁰⁵ Normally a complaint is examined within 10 days after its receipt, although a maximum term of 30 days is allowed if necessary.²⁰⁶</p> |

¹⁹⁸ Latvia, representative of the Latvian Council of Sworn Advocates (*Latvijas Zvērinātu advokātu padome*).

¹⁹⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²⁰⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²⁰¹ Latvia, representative of the State Police.

²⁰² Latvia, representative of the Latvian Council of Sworn Advocates (*Latvijas Zvērinātu advokātu padome*).

²⁰³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²⁰⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²⁰⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²⁰⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

| 5. | CROSS-CUTTING ISSUES: LANGUAGES, COMPLAINT MECHANISMS, RECORDING & SPECIAL MEASURES²⁰⁷ | Brief Description |
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| 5.1 | In which languages can information be provided for the following? | |
| | a) information on procedural rights | Information is provided in a language which he or she understands. |
| | b) letter of rights | A letter of rights in the State Police is available in the Latvian, Russian and English languages. ²⁰⁸ Written information on the rights of the accused in the courts is available in Latvian and Russian languages. ²⁰⁹ |
| | c) information about the accusation | The accused who does not understand the language in which a prosecution has been written shall be provided with a translation of the prosecution in a language comprehensible to him /her. ²¹⁰ |
| | d) case materials | In familiarising himself or herself with copies of received materials of the criminal case, an accused has the right to use the assistance of an interpreter free of charge. ²¹¹ |

²⁰⁷ See in particular Articles 3 - 8 and relevant recitals of Directive 2012/13/EU.

²⁰⁸ Latvia, representative of the State Police.

²⁰⁹ Latvia, representative of the District Court of Tukums.

²¹⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²¹¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

| | | Yes | No | Brief Description |
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| 5.2 | Is there any procedure to ensure that suspects or accused persons have the right to challenge the failure or refusal to provide information on the following? If yes, briefly describe the procedure where relevant. | X | | |
| | a) information on procedural rights | X | | A complaint regarding the actions or adjudication of an official performing criminal proceedings may be submitted by a person involved in the proceedings, as well as a person whose rights or lawful interests have been infringed upon by the concrete actions or adjudication. ²¹² A decision of an investigator or public prosecutor may be appealed within 10 days from the day of the receipt of a copy of the decision or a notification regarding the decision taken. A complaint regarding the action of an investigator or public prosecutor may be submitted within 10 days from the day when the actual action was established. ²¹³ After the recipient has received a complaint he or she shall decide within three working days on the examination of the complaint or of sending it to another authority in whose jurisdiction it is to examine the complaint. ²¹⁴ Normally a complaint is examined within 10 days after the receipt thereof, although a maximum term of 30 days is allowed if necessary. ²¹⁵ |
| | b) letter of rights | X | | A complaint regarding the actions or adjudication of an official performing criminal proceedings may be submitted by a person involved in the proceedings, as well as a |

²¹² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²¹³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²¹⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²¹⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | | | <p>person whose rights or lawful interests have been infringed upon by the concrete actions or adjudication.²¹⁶ A decision of an investigator or public prosecutor may be appealed within 10 days from the day of the receipt of a copy of the decision or a notification regarding the decision taken. A complaint regarding the action of an investigator or public prosecutor may be submitted within 10 days from the day when the actual action was established.²¹⁷ After the recipient has received a complaint he or she shall decide within three working days on the examination of the complaint or of sending it to another authority in whose jurisdiction it is to examine the complaint.²¹⁸ Normally a complaint is examined within 10 days after the receipt thereof, although a maximum term of 30 days is allowed if necessary.²¹⁹</p> |
| | c) information about the accusation | X | <p>A complaint regarding the actions or adjudication of an official performing criminal proceedings may be submitted by a person involved in the proceedings, as well as a person whose rights or lawful interests have been infringed upon by the concrete actions or adjudication.²²⁰ A decision of an investigator or public prosecutor may be appealed within 10 days from the day of the receipt of a copy of the decision or a notification regarding the decision taken. A complaint regarding the action of an investigator or public prosecutor may be submitted within 10 days from the day when the actual action was established.²²¹ After the recipient has received a complaint he or she shall decide within three working days on the examination of the complaint or of sending it to another authority in whose jurisdiction it is to examine the complaint.²²² Normally a complaint is examined within 10 days after the receipt thereof, although a maximum term of 30 days is allowed if necessary.²²³</p> |
| | d) access to case materials | X | <p>A complaint regarding the actions or adjudication of an official performing criminal proceedings may be submitted by a person involved in the proceedings, as well as a person whose rights or lawful interests have been infringed upon by the concrete actions or adjudication.²²⁴ A decision of an investigator or public prosecutor may be appealed within 10 days from the day of the receipt of a copy of the decision or a notification regarding the decision taken. A complaint regarding the action of an investigator or public</p> |

²¹⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²¹⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²¹⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²¹⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²²⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²²¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²²² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²²³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²²⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | | | | prosecutor may be submitted within 10 days from the day when the actual action was established. ²²⁵ After the recipient has received a complaint he or she shall decide within three working days on the examination of the complaint or of sending it to another authority in whose jurisdiction it is to examine the complaint. ²²⁶ Normally a complaint is examined within 10 days after the receipt thereof, although a maximum term of 30 days is allowed if necessary. ²²⁷ |
| 5.3 | Is any official record kept to note the provision of information about the following? If yes, briefly describe where relevant. | | | |
| | a) information on procedural rights | X | | The person who has the right to defense shall confirm with his or her signature that the information has been issued and, where necessary, the rights have been explained. ²²⁸ |
| | b) letter of rights | X | | The person who has the right to defense shall confirm with his or her signature that the information has been issued and, where necessary, the rights have been explained. ²²⁹ An accused shall sign regarding the fact that he or she has received written information regarding his or her rights, on the decision to hold him or her criminally liable, and shall indicate the date. ²³⁰ |
| | c) information about the accusation | X | | An accused shall sign regarding the fact that he or she has received a copy of the prosecution, and written information regarding his or her rights, on the decision to hold him or her criminally liable, and shall indicate the date. ²³¹ |

²²⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²²⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²²⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²²⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²²⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²³⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²³¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | d) access to case materials | X | | If an accused becomes acquainted with the materials of the criminal case to be transferred to a court or receives their copies, as well as if an accused refuses the right to become acquainted with the materials of the criminal case or to receive their copies, a public prosecutor shall write a protocol regarding this. ²³² Upon the application of an accused or legal counsel a public prosecutor shall ensure the possibility for him or her to become acquainted with the materials of the archives file and receive the copies of necessary materials making a note thereof in the archives file and notifying a court thereof. ²³³ |
| 5.4 | Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons (e.g. because of any physical impairments which affect their ability to communicate effectively (persons with hearing, sight or speech impediments), intellectual disabilities or in case of children and the holder of parental | | | |

²³² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²³³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| <p>responsibility) in relation to: a) suspect or accused persons with physical impairment or disability; b) suspect or accused persons intellectual impairment or disability; c) suspect or accused children who are suspects/defendants and/or the holder of parental responsibility.</p> <p>If yes, briefly provide information on those mechanisms in relation to each of the listed vulnerable groups. Is this information in simple and accessible language?</p> | | | |
| <ul style="list-style-type: none"> information on procedural rights | a) | X | The legislation does not provide for the specific mechanisms. |
| | b) | X | The legislation does not provide for specific mechanisms. However, if a person with diminished mental capacity or a person who is not able to completely use his or her |

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| | | | procedural rights due to a physical or mental deficiency has the right to defense, the participation of a legal counsel is mandatory in criminal proceedings. ²³⁴ |
| | c) | X | The legislation does not provide for specific mechanisms. However, if a minor has the right to defense, the participation of a legal counsel is mandatory in criminal proceedings. ²³⁵ In addition, in order to completely ensure the rights and interests of a minor person who has the right to defense, his/her representative may participate in criminal proceedings. ²³⁶ |
| • letter of rights | a) | X | The legislation does not provide for specific mechanisms. However, if a person who is not able to completely use his or her procedural rights due to a physical or mental deficiency has the right to defense, the participation of a legal counsel is mandatory in criminal proceedings. ²³⁷ |
| | b) | X | The legislation does not provide for specific mechanisms. However, if a person with diminished mental capacity or a person who is not able to completely use his or her procedural rights due to a physical or mental deficiency has the right to defense, the participation of a legal counsel is mandatory in criminal proceedings. ²³⁸ |
| | c) | X | The legislation does not provide for specific mechanisms. However, if a minor has the right to defense, the participation of a legal counsel is mandatory in criminal proceedings. ²³⁹ In addition, in order to completely ensure the rights and interests of a minor person who has the right to defense, his/her representative may participate in criminal proceedings. ²⁴⁰ |
| • information about the accusation | a) | X | The legislation does not provide for specific mechanisms. However, if a person who is not able to completely use his or her procedural rights due to a physical or mental deficiency has the right to defense, the participation of a legal counsel is mandatory in criminal proceedings. ²⁴¹ |
| | b) | X | The legislation does not provide for specific mechanisms. However, if a person with diminished mental capacity or a person who is not able to completely use his or her |

²³⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²³⁵ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²³⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²³⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²³⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²³⁹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²⁴⁰ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²⁴¹ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

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| | | | | procedural rights due to a physical or mental deficiency has the right to defense, the participation of a legal counsel is mandatory in criminal proceedings. ²⁴² |
| | | c) | X | The legislation does not provide for specific mechanisms. However, if a minor has the right to defense, the participation of a legal counsel is mandatory in criminal proceedings. ²⁴³ In addition, in order to completely ensure the rights and interests of a minor person who has the right to defense, his/her representative may participate in criminal proceedings. ²⁴⁴ |
| • access to case materials | | a) | X | In issuing procedural documents to persons with hearing, speech or visual impairments in the cases provided for by the law, the availability of such documents in the language or the manner which such persons are able to perceive shall be ensured. ²⁴⁵ |
| | | b) | X | The legislation does not provide for specific mechanisms. However, if a person with diminished mental capacity or a person who is not able to completely use his or her procedural rights due to a physical or mental deficiency has the right to defense, the participation of a legal counsel is mandatory in criminal proceedings. ²⁴⁶ |
| | | c) | X | If a minor has the right to defense, the participation of a legal counsel is mandatory in criminal proceedings. ²⁴⁷ In addition, in order to completely ensure the rights and interests of a minor person who has the right to defense, his/her representative may participate in criminal proceedings. ²⁴⁸ |

²⁴² Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²⁴³ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²⁴⁴ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²⁴⁵ Latvia, representative of the State Police.

²⁴⁶ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²⁴⁷ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.

²⁴⁸ Latvia, Criminal Procedure Law (*Kriminālprocesa likums*), 21 April 2005.