

Latvia/The Council of Justice of Republic of Latvia Латвия/Съвет по правосъдие на Република Латвия

1. To which of the three classic branches of government does the respective Council belong?

The Council of Justice of Republic of Latvia (hereinafter – The Council) belongs to Judiciary.

2. Duration of the mandate of the members of the respective Council?

The Council consists of 15 members, from which 8 are permanent members. Seven members are elected and duration of their mandate is 4 years.

3. Powers, Functions, Services, Mission of the respective Council?

The Council is collegiate institution, which participates in the politics and strategies development of judicial system of Republic of Latvia. It`s aim is to make a balance between the Executive, Legislature and Judiciary. This institution has an important role on issues of judiciary.

Main responsibilities and duties

The Council makes proposals to Parliament on following issues:

- On the total number of judges for Land Registry Offices, District (City) courts, Regional courts, Administrative District courts, Administrative Regional courts and for Supreme Court.
- On transference of judge to the higher level court and also on judge`s granting as an Honorable judge.

The Council gives an opinion:

- On the courts and courthouses location and regions of activity.
- On courts and Land Registry Offices budget request.
- Candidates on Constitutional Court judge`s post are heard by the Council of Justice and it gives an opinion on these candidates to Parliament.
- By the Council of Justice are heard candidates on Supreme Court`s Chief Justice
- Post. The Council of Justice gives an opinion on these candidates to Supreme Court`s plenary session.

With Council coordinates following issues:

- The Chairman of District (City) court appointment and early release from post.

- The Chairman of the Regional court and his Vice – chairman appointment and early release from post.
- Head of Land Registry Office and his Deputy- Head appointment and early release from post.
- Proposal on Prosecutor General Appointment (Prosecutor General is nominated by Chief Justice of the Supreme court, decision on Appointment takes Parliament).

Council decisions on conceptual and organizational issues of judicial system:

- Develops and approves Regulations of the Council.
- Approves Procedure of „Vestment and the symbol of the post of a judge – Chain - usage”.
- Approves sample of Judge Identification Card.
- Calls together Conference of Judges, confirms an Agenda of Conference and approves Regulations of Conference of Judges.
- Approves basic principles of specialization for judges.
- Approves Regulation on indicators of cases load.
- Elaborates guidelines on other organizational matters of work relating to courts and Land Registry Offices.
- Heard by the Court Administrations annual report on the work.
- Determines the procedures by which judges, in cases determined by Law On Judicial Power, passes examination of qualification.
- Establishing procedures for the granting of additional compensation according to *State and local government officials and workers compensation law*.

The Council makes decisions on:

- Number of judges for each District (City) court (by proposal from Minister of Justice).
- Number of judges for each Regional court (by proposal from Minister of Justice).
- Number of judges in the Senate of Supreme Court and number of judges in the Chambers of Supreme court (by proposal from Chief Justice of Supreme court).
- Number of judges for each Land Registry Office (by proposal from Minister of Justice).
- Determines particular District (City) court for a judge in which to fulfill his duties (after Parliament’s decision on judge’s appointment on District (City) court judge`s post).
- Determines particular Regional court or courthouse for a judge, in which to fulfill his duties (after Parliament's decision on judge’s appointment on Regional court judge`s post).
- Determines particular Land Registry Office for a judge, in order to fulfill his duties (after Parliament’s decision on judge’s appointment on Land Registry Office judge`s post).

- Upon a recommendation by the Judicial Qualifications Committee, the Council of Justice may extend the term of office of the judge for the term of maximum, two years.
- Makes a decision on judge's transference to another, same level court or courthouse, or Land Registry Office (by proposal from Minister of Justice and upon a recommendation by the Judicial Qualifications Committee).
- If there are several candidates on one vacancy for judge's post which has a recommendation from the Judicial Qualifications Committee, the Council of Justice makes a decision on most suitable candidate (Minister of Justice promotes all candidates).
- In case if there is a vacancy for judge's post in District (City) court or judge is temporary absent, the Council of Justice makes a decision to assign another District (City) court judge, Honorable judge (by proposal from Minister of Justice) or Regional court judge, or Land Registry Office judge to fulfill vacancy or replace absent judge (by proposal from Minister of Justice and upon a recommendation by the Judicial Qualifications Committee).
- In case if there is a vacancy for judge's post in Regional court or judge is temporary absent, the Council of Justice makes a decision on to assign another Regional court's judge or Honorable judge or District (City) court's judge, to fulfill vacancy or replace absent judge.
- In case if there is a vacancy for judges post in the Supreme court's Department of Administrative Cases or judge is temporary absent, the Council of Justice makes a decision to assign Regional Administrative court's judge or Honorable judge to fulfill vacancy or replace absent judge (by proposal from Chief Justice of Supreme court and upon recommendation by the Judicial Qualifications Committee).
- In case if there is a vacancy for judges post in the Chamber of Supreme court, the Council of Justice makes a decision to assign Regional court's judge or Honorable judge to fulfill vacancy and replace absent judge (by proposal from Chief Justice of Supreme court and upon recommendation by the Judicial Qualifications Committee).

Applications to Constitutional Court of Republic of Latvia:

On the cases defined in Constitutional court law, the Council of Justice is entitled to put a claim into the Constitutional court if there is a reason to presume that there is normative act, which is in conflict with Constitution of Republic of Latvia. The Council of Justice can put a claim in this court only if there is an issue affecting Judiciary.

4. Criteria for nomination and appointment of the members of the respective Council?

Law On Judicial Power, Chapter 13¹ stipulates the permanent members of The Council. Permanent members are – Chief Justice of Supreme court, Chairman of the Constitutional Court, Minister of Justice, Chairman of Legal Affairs Committee of Parliament, Prosecutor General, Chairman of Council of Barristers of Republic of Latvia, Chairman of Council of Certified Notary of Republic of Latvia, Chairman of Council of Bailiffs of Republic of Latvia.

The elected members are elected by Judicial Conference - one judge from Land Registry Office, three judges from District (City) courts and two judges from Regional courts. One judge is elected by Supreme Court plenary session.

5. Composition of the respective Council:

- **How many magistrates and non-magistrates**
- **How many judges, prosecutors, etc.**

The Council consists of 15 members, from which 8 are permanent members. Seven members are elected. The list and number of the Permanent members and elected members you can see in the above mentioned answer on question 4.

6. Staff:

- **Number** – activities of The Council provides Administration of Supreme Court and under its supervision there is one legal adviser.
- **Qualification** – professional bachelor degree, qualification – legal adviser.

7. Structure

There are no departments or structural units in The Council.

8. What different commissions do you have as part of the respective Council?

The answer you can see in the above mentioned answer on question 7.

9. Important historical events: creation of the respective Council, further changes in its structure, functions, etc.

The Council has been established in August 1, 2010. At the moment we are not planning the structural changes.

10. Present and future important projects and events of the respective Council

As The Council is quite new institution in the Republic of Latvia, we have not developed any projects.

11. How is the independence of the respective Council guaranteed?

It is guaranteed by the Constitution of Republic of Latvia, Chapter 6, which provides, that judges in the Republic of Latvia are independent and subjected only to the law. The independence of The Council guarantees Law On Judicial Power, Section 1, which stipulates, that in the Republic of Latvia is independent Judiciary. This means, that Judiciary is completely independent from Executive and Legislature.

12. Budget of the Judiciary:

- **What is the amount of the budget for 2011?**
- **How is it divided for the different allocations?**
- **Who manages the budget?**

13. Present composition of the Council:

Start/end of the mandate

The Permanent members (the start/end of the mandate of the permanent members depends on when these persons are appointed for further mentioned officials and when their mandate as officials ends according to legislature of Republic of Latvia):

- Chief Justice of the Supreme court – Mr. Ivars Bičkovičs
- Chairman of the Constitutional Court - Mr. Gunārs Kūtris
- Minister of Justice – Mr. Gaidis Bērziņš
- Chairman of Legal Affairs Committee of Parliament – Ms. Ilma Čepāne
- Prosecutor General – Mr. Ēriks Kalnmeiers
- Chairman of Council of Barristers of Republic of Latvia – Mr. Jānis Grīnbergs
- Chairman of Council of Certified Notary of Republic of Latvia – Ms. Sandra Jakušenoka
- Chairman of Council of Bailiffs of Republic of Latvia – Mr. Ginters Hmeļevskis

The elected members (for all further mentioned persons the start of the mandate is year 2010 and end of the mandate is year 2014):

- the senator of the Department of Civil Cases of the Supreme court – Ms. Ināra Garda
- the Chairman of the Regional court of Riga – Ms. Sandra Strence
- the Chairman of the Regional Court of Region Latgale – Mr. Andris Strauts
- the Chairman of the Administrative district court – Ms. Ilze Freimane
- the judge of the District court of Tukums – Ms. Adrija Kasakovska
- the judge of the District court of Bauska – Mr. Aigars Sniedzītis
- the judge of the Land Registry Office of city Jūrmala – Ms. Ināra Jaunzeme.