



A case initiated with respect to a provision that envisages the right of a court to refuse to initiate appellate procedure in a case of administrative violation in the form of a resolution

On 16 May 2017 the 1st Panel of the Constitutional Court initiated the case “On Compliance of Section 289²⁰ (7) of the Latvian Administrative Violations Code with the first sentence of Article 92 of the *Satversme* of the Republic of Latvia”.

The Contested Norm

Section 289²⁰ (7) of the Latvian Administrative Violations Code: “If judges unanimously recognise that none of the grounds for initiating appellate procedure referred to in Section 289¹⁷ (3) of this Code exists, the judges shall adopt a decision on refusal to initiate appellate procedure. The decisions shall be drawn up in the form of a resolution, indicating the judges, who adopted the decision. The decision shall not be subject to appeal. The applicant shall be informed about the decision that has been adopted.”

The Norm of Higher Legal Force

The first sentence in Article 92 of the *Satversme*: “Everyone has the right to defend his or her rights and lawful interests in a fair court.”

Facts of the Case

The case has been initiated with respect to an application by Aleksejs Stepanovs. The applicant notes that he has been recognised as being guilty for committing an administrative violation by a decision of a first instance court and had been punished for it. The applicant had appealed against the decision of the first instance court in appellate procedure. The court of appellate instance, on the basis of the contested norm, in a decision in the form of a resolution had refused to initiate appellate legal proceedings. The court’s decision is not subject to appeal.

The applicant notes that the right to a fair trial comprises also the right to appeal a court’s decision in a case of administrative violation to an appellate instance court.

The applicant holds that the decision by which the right to appeal a court's ruling in a case of administrative violation is restricted should be provided special substantiation.

Legal Proceedings

The Constitutional Court has requested the *Saeima* to submit by 17 July 2017 to the Constitutional Court a written reply, presenting the facts of the case and legal substantiation.

The term for preparing the case is 16 October 2017. The Court shall decide on the type of procedure and the date for hearing the case after the case has been prepared.

The press release was prepared with the aim to facilitate understanding cases heard by the Constitutional Court. It shall not be regarded as part of a ruling and is not binding to the Constitutional Court. The judgements, decisions and other information regarding the Constitutional Court are available at the home page of the Constitutional Court www.satv.tiesa.gov.lv.

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