



**A case initiated with respect to norms that prohibit a member of the *Saeima*,
against whom criminal prosecution has been commenced, from participating in
the work of the *Saeima***

On 29 April 2019, the 4th Panel of the Constitutional Court initiated the case “On Compliance of the Second Part of Article 17 and Article 19 of the Rules of Procedure of the *Saeima* with the second sentence of Article 92 and the first sentence of Article 101 of the *Satversme* of the Republic of Latvia”.

The Contested Norms

The second part of Article 17 of the Rules of Procedure of the *Saeima*:

“If the *Saeima* agrees that criminal prosecution of a *Saeima* Member be initiated, the respective *Saeima* Member shall lose the right to participate in the sittings of the *Saeima*, meetings of its committees and other institutions to which this Member has been elected or appointed by the *Saeima* until the charges are dismissed or until the court sentence enters into force. During this time the Prosecutor's Office and the court have the right to apply any of the coercive measures applicable under the criminal procedure laws.”

Article 19 of the Rules of Procedure of the *Saeima*:

“If a Member has been suspended from participating in the work of the *Saeima* on the basis of Article 17 of this Law, he/she shall lose entitlement to the reimbursement prescribed in Article 14, and his/her monthly salary shall be reduced by 50 %. If arrest as a security measure has been applied to a Member, the payment of his/her monthly salary shall be suspended for the period of arrest as well. If the case in a criminal matter has been dismissed and if the Member has been found not guilty or has been acquitted, he/she shall receive the full amount of monthly salary and relevant reimbursement not paid to him/her during the time of his/her suspension from office.”

The Norms of Higher Legal Force

The second sentence of Article 92 of the *Satversme* of the Republic of Latvia (hereinafter – the *Satversme*): “Everyone shall be presumed innocent until his or her guilt has been established in accordance with law.”

The first sentence of Article 101 of the *Satversme*: “Every citizen of Latvia has the right, as provided for by law, to participate in the work of the State and of local government, and to hold a position in the civil service.”

The Facts

The case was initiated with respect to an application by the Member of the *Saeima* Juris Jurašs. By the decision of 31 January 2019, the *Saeima* has agreed that criminal prosecution is commenced against him. Hence, as of that moment, he has been denied the right to participate in the work of the *Saeima* and his right to receive remuneration has been restricted. The applicant holds that, thus, the contested norms violate the principle of the presumption of innocence and place disproportional restrictions on his right to hold a position in the civil service, guaranteed in the *Satversme*.

The applicant is of the opinion that the restriction on fundamental rights had not been imposed to reach its legitimate aims – to ensure the protection of the democratic state order and ensure that the criminal proceedings are not interfered with. Interference with the criminal proceedings could be prevented by measures that are less restrictive on the fundamental rights – security measures envisaged in the Criminal Procedure Law as well as prohibition to engage in certain vocation. It is alleged that neither does the society benefit from this restriction since it prohibits from exercising the people’s choice regarding its representative.

The Legal Proceedings

The Constitutional Court has requested the *Saeima* to submit a written reply on the facts of the case and the legal reasoning by 1 July 2019.

The term for preparing the case is **29 September 2019**. The Court will decide on the type of procedure and the date for hearing the case after it has been prepared.

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

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