



A case initiated with regard to the Criminal Procedure Law provisions regulating the time limits for filing a cassation complaint

On 7 August 2019, the 2nd Panel of the Constitutional Court initiated a case “On compliance of the third sentence of Section 564(7) and Section 570(1) of the Criminal Procedure Law with the first sentence of Article 92 of the Constitution of the Republic of Latvia.”

The contested provisions

The third sentence of Section 564(7) of the Criminal Procedure Law: “The court may take a decision to extend the term for appeal for 10 days in view of a particular complexity or amount of criminal procedure.”

Section 570(1) of the Criminal Procedure Law: “A cassation complaint or protest shall be submitted not later than within 10 days, or, if the court has extended the term for appeal, not later than within 20 days after the day on which the full court ruling became available.”

The provision of a higher legal force

The first sentence of Article 92 of the Constitution of the Republic of Latvia: “Everyone has the right to defend their rights and lawful interests in a fair court”.

The facts

The case was initiated on the basis of an application by Jānis Loze. The application specifies that the appellate court rendered an abridged ruling in a criminal case while simultaneously establishing that this ruling could be appealed under cassation procedure within 20 days after the day on which the full court ruling became available. However, it took the court more than a year to prepare the full ruling, which is a legally complex and voluminous document. Hence, the applicant is of the opinion that 20 days are a disproportionately short term for filing a cassation complaint against it.

The contested provisions are said to allow the court to extend the term for filing a cassation complaint for 10 days only, which in certain cases, because of a particular complexity or large size of the ruling, may prevent an individual from preparing a cassation complaint. Therefore, the contested provisions allegedly restrict the individual's right of access to court as enshrined in the first sentence of Article 92 of the Constitution. The applicant specifies that other means exist for reaching the legitimate aim of the restriction on fundamental rights established by the contested provision, and that this restriction on fundamental rights is disproportionate.

The court procedure

The Constitutional Court has requested the Saeima to submit to the Constitutional Court a written reply containing a statement of the facts of the case and the legal reasoning by 7 October 2019.

The deadline for preparing the case is 7 January 2020. The Court will 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 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 on the website of the Constitutional Court: www.satv.tiesa.gov.lv.

Ketija Strazda

Assistant to the President of the Constitutional Court

Ketija.Strazda@satv.tiesa.gov.lv

+ 371 67830749, + 371 26200580