



Satversmes tiesa

Press Release

• Case No. 2021-42-01 •

21.10.2021.

A case initiated with respect to a norm that does not envisage the accused person's right to become acquainted with materials of operational activities which are not appended to the criminal case but are related to the object of evidence

On 20 October 2021, the 1st Panel of the Constitutional Court initiated the case “On Compliance of Section 500 (6) of the Criminal Procedure Law with Article 92 of the *Satversme* of the Republic of Latvia.”

THE CONTESTED NORM

Section 500 (6) of the Criminal Procedure Law provides: “ If the information obtained in operational activity measures is used in a criminal case as evidence, only the court upon a reasoned request of the prosecutor, victim, accused or his or her defence counsel may become acquainted with such materials of operational activities which are not appended to the criminal case and are related to the object of evidence, indicating in the case materials and ruling that such materials have been evaluated.”

THE NORM OF HIGHER LEGAL FORCE

Article 92 of the *Satversme* of the Republic of Latvia (hereafter – the *Satversme*) provides: “Everyone has the right to defend his or her rights and lawful interests in a fair court. Everyone shall be presumed innocent until his or her guilt has been established in accordance with law. Everyone, where his or her rights are violated without basis, has a right to commensurate compensation. Everyone has a right to the assistance of counsel.”

THE FACTS

Pursuant to the contested norm, in the course of adjudicating a criminal case, the applicant has been denied the possibility to acquaint himself with the materials of

operational activities which are not appended to the criminal case and pertain to the object of evidence in the particular criminal case. The applicant holds that because of this the principle of equality of parties had not been ensured during the adjudication of the criminal case and, thus, the applicant had been denied his fundamental right to a fair trial, set out in Article 92 of the *Satversme*.

LEGAL PROCEEDINGS

The Constitutional Court has requested the *Saeima* to submit to the Constitutional Court by **20 December 2021** a written reply, presenting the facts of the case and legal substantiation.

- The term for preparing the case is **20 March 2022**.

The Court will decide on the type of proceedings for hearing the case and the date after the case has been prepared.

- The decision on initiating the case is available here: https://www.satv.tiesa.gov.lv/wp-content/uploads/2021/10/2021-42-01_lemums_par_ierosinasanu.pdf

The press release was prepared to inform society about the Constitutional Court's work. More detailed information about recent developments, cases initiated and heard by the Constitutional Court is available on the Constitutional Court's webpage www.satv.tiesa.gov.lv. Please follow also information published on the Court's *Twitter* account [@Satv_tiesa](#) and *Youtube* [channel](#).

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