



Satversmes tiesa

Press Release

• Case No. 2021-38-01

• 28.09.2021.

---

A case initiated with respect to norms that set the term for submitting an appellate complaint in criminal proceedings

---

On 27 September 2021, the 4<sup>th</sup> Panel of the Constitutional Court initiated the case “On Compliance of Para 3<sup>1</sup> of Section 529 (1) and Section 550 (1) of the Criminal Procedure Law with the First Sentence of Article 92 of the *Satversme* of the Republic of Latvia”.

#### CONTESTED NORMS

- Para 3<sup>1</sup> of Section 529 (1) of the Criminal Procedure Law provides that the operative part of a judgement by a first instance court may additionally include a court decision on extension of the term of appeal for ten days more due to especial complexity and amount of the criminal proceedings.
- Section 550 (1) of the Criminal Procedure Law sets out that an appellate complaint or protest is submitted not later than within ten days or, if the court has extended the term for appeal, not later than within twenty days after the day when a full court ruling became available.

#### NORM OF HIGHER LEGAL FORCE

The first sentence of Article 92 of the *Satversme* of the Republic of Latvia (hereafter – 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 on the basis of Aivars Lembergs’ application. The Applicant is the accused person in a criminal case. The first instance court delivered a convicting judgement, with respect to which the Applicant and his representatives submitted an appellate complaint.

The Applicant notes that the amount of the particular criminal case is very large, as, likewise is that of the judgement by the first instance court. The contested norms, in turn, provide that the term for appealing against the judgement by a first instance court in appeals procedure is ten days; however, due to especial complexity and amount of the criminal proceedings the court may extend this term only up to twenty days.

It is contended that this term is insufficient for preparing a qualitative appellate complaint and appeal effectively against the judgement adopted by a first instance court in criminal proceedings with especial complexity and amount. Although, in the particular case, the Applicant and his representatives submitted the appellate complaints within the term indicated in the judgement by the first instance court, it had been difficult to prepare the complaints and they had submitted additions to the appellate complaints. Thus, in the particular case, a person's right to a fair trial, included in the first sentence of Article 92 of the *Satversme*, had been violated by the contested norms.

#### LEGAL PROCEEDINGS

The Constitutional Court has requested the institution, which issued the contested act, i.e., the *Saeima*, to submit to the Constitutional Court its written reply presenting the facts of the case and legal reasoning by **29 November 2021**.

The term for preparing the case is **27 February 2022**.

The Court shall decide on the procedure and date for hearing the case after the case is prepared.

- The decision on initiation of the case is available here: [https://www.satv.tiesa.gov.lv/wp-content/uploads/2021/09/2021-38-01\\_lemums\\_par\\_ierosinasanu.pdf](https://www.satv.tiesa.gov.lv/wp-content/uploads/2021/09/2021-38-01_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](http://www.satv.tiesa.gov.lv). Please follow also information published on the Court's *Twitter* account [@Satv\\_tiesa](https://twitter.com/Satv_tiesa) and *Youtube* [channel](#).

#### Zanda Meinarte

Public relations specialist  
of the Constitutional Court  
Zanda.Meinarte@satv.tiesa.gov.lv  
67830759, 26393803

Video about [the Constitutional Court](#).

