

## Issues reviewed in session of the Board of Justice on the 27th of January

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The Board of Justice: the judge should be guaranteed right to keep office, when standing in the Saeima's elections

The Board of Justice supports rights for a judge to keep the office, when standing in the Saeima's elections. The judge should leave the office, only if s/he would be elected in the Saeima.

The Legal Affairs Committee of the Saeima asked for opinion of the Council of Justice on amendments initiated to the law on elections of the Saeima, so this issue was reviewed in session of the Council of Justice on the 27<sup>th</sup> of January. Although functions of the Council of Justice do not include providing opinion on concrete draft laws, in this case, taking into account importance of the issue and its relation to court system, social political rights and guarantees of judges, the Council of Justice considered discussing and expressing its opinion to be possible and necessary.

The Board of Justice believes that former regulation, which stipulates obligation of a judge, when standing for elections of the Saeima, to leave the office, limits human rights and it contains no sufficient grounds. From viewpoint of human rights this restriction is unfounded and obscure. The Council of Justice points out that ability of the judge, who would stand in the elections of the Saeima, to execute his/her duties objectively and fully is provided by procedural laws, inter alia, institute of refusal and self-rejection of a judge.

Having discussed materials submitted by the Saeima, opinions and conclusions expressed at the session, the Council of Justice with majority of vote decided to support right of a judge to keep the post, when standing in elections of the Saeima.

Question about demand for a judge to leave the post, when standing in elections of the Saeima, was updated in elections of the 10<sup>th</sup> Saeima, when the judge was struck off the list as she hadn't left the judicial post. The judge addressed the Administrative court, which, in its turn, transferred this issue for assessment to the Constitutional Court.

The Board of Justice proposes to increase number of judges of district (city) courts and regional courts, reducing vacancies in departments of land books. Having assessed load of judges of courts of general jurisdiction and of judges of land books, the Council of Justice proposes to increase total number of judges in district (city) courts and in regional courts, by transferring vacant judicial offices of departments of land books to courts of general jurisdiction. There would be 315 judges in district (city) courts, 134 judges – in regional courts, and 80 judges – in departments of land books.

At present, number of judges established by the Saeima is 133 judges for regional courts, 310 judges for district (city) courts and 86 judges – in departments of land books. There are six vacant judicial offices in departments of land books.

Statistical information prepared by the Ministry of Justice shows that number of cases received and reviewed in courts increased significantly between 2008 and 2010. In 139 574 cases were received and 120 244 cases were reviewed in courts in 2008, then in 2010, courts received 155 432 cases and reviewed 150 372 cases. Average load of judges of district (city) courts in 2010 was 56.1 cases received and 54.2 cases reviewed per a judge per month. Average length of proceedings in 2010 was 2.4 months for criminal cases and 1.4 months – for civil cases.

Similar situation exists in regional courts, where total number of cases received and reviewed both in the first and in the appellate instance increased from 9095 cases received and 9165 cases reviewed in 2008 up to 12 796 cases received and 12 698 cases reviewed in 2010. The most overloaded is Riga regional court, where, in 2010, one judge heard 23 civil cases and 6.3 criminal cases per month.

In their turn, load of judges of departments of land books has decreased in last four years from 360 000 decisions adopted in 2007 until 176 000 decisions in 2010. Average length of deciding has also decreased from 6.2 days in 2008 until 3.8 days in 2010.

Having assessed load of courts, the Council of Justice concluded that to ensure well times review of cases, it is necessary to increase total number of judges in district (city) courts and regional courts, transferring vacant offices of judges of departments of land books to courts of general jurisdiction. The Council of Justice will express such proposal to the Saeima.

Pursuant to the law "On Judicial Power", total number of judges in district (city) courts, regional courts, departments of land books and in the Supreme Court is set by the Saeima. Proposal on total number of judges in courts is submitted to the Saeima by the Council of Justice.

Transfer of judges and other issues related to careers

The Board of Justice, in its session on the 27<sup>th</sup> of January, transferred Ilona Ruke, the judge of Aizkraukle district court, to Riga city Vidzeme Suburb court.

Ramiro Grandans, the judge of Jekabpils district court, is instructed to discharge duties in Zemgale regional court for the period of a vacancy of a judge, and Uldis Danga, the judge of Riga city Ziemeļu district court, is instructed to discharge duties in Riga regional court for the period of a vacancy of a judge.

The Board of Justice prolonged staying of Brigita Baltraite, the judge of Tukuma district court, in judicial office, who has reached maximum age stated in the law "On Judicial Power", until the 25<sup>th</sup> of March, 2013.

The Council of Justice will establish regulation upon extras for judges at its next session

Including judicial wages in united Law on Wages of Officials and Employees of State and Municipal Institutions, it has been provided that regulation upon allocation of extras for judges is set by the Council of Justice. In its session on the 27<sup>th</sup> of January, the council discussed application of additional holidays, gratuities, bonuses, study vacations and compensation of communication costs stated in the law to particularity of work of judges and opportunities of court budgets.

The Board of Justice decided to ask the Ministry of Justice to sum up proposals and to draft project of procedure stating regulation upon establishment of extra remuneration to judges, until the next session of the council.

The Ministry of Justice was also asked to prepare sample of judicial identification card, project of procedure of use of judicial robe and insignia, and project of regulation of Judicial Conference. The law "On Judicial Power" states that all normative regulations mentioned are to be approved by the Council of Justice.

Judicial Conference will be convened on the 15<sup>th</sup> of April

The Board of Justice decided to convene annual Latvian Judicial Conference on the 15<sup>th</sup> of April.

Agenda of the conference will be approved in the next session of the Council of Justice, which will take place on the 22<sup>nd</sup> of February.

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