Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

13 September 2007 [shall come into force on 10 October 2007];

21 October 2010 [shall come into force on 24 November 2010].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Special Protection of Persons Law**

**Section 1. Purpose of the Law**

The purpose of the Law is to ensure the protection of the life, health, and other legal interests of such persons who are testifying in criminal proceedings or who participate in the uncovering, investigation or trial of a serious or especially serious crime (hereinafter – the person to be protected).

**Section 2. Special Protection of Persons**

Special protection of persons (hereinafter – the special protection) is an aggregate of criminal procedural, operational, and other protection measures that ensures the protection of the life, health, and other legal interests of persons to be protected.

**Section 3. Principles of Special Protection**

(1) Special protection shall be performed with the consent of the person to be protected or his or her legal representative. The person to be protected has the right to decline special protection at any time. A minor may decline special protection if his or her legal representative agrees thereto.

(2) In the taking of special protection measures, a person to be protected and the body performing special protection shall mutually observe their rights and obligations.

(3) The type, scope, and intensity of protection measures shall be selected in accordance with the nature and intensity of the threat.

**Section 4. Right to Special Protection**

(1) The following persons who testify or have testified in criminal proceedings (hereinafter – the person testifying in criminal proceedings) have the right to special protection:

1) a victim, witness or another person who testifies or has testified regarding a serious or especially serious crime;

2) a minor who testifies regarding the crimes provided for in Sections 161, 162, and 174 of the Criminal Law;

3) a person the danger to whom may influence the person testifying in criminal proceedings.

(2) A person who is not testifying in criminal proceedings but participates in the uncovering, investigation or trial of a serious or especially serious crime as well as a person who is in danger due to the activities of the abovementioned persons (hereinafter – another person to be protected) have the right to special protection.

[*13 September 2007*]

**Section 5. Performers of Special Protection**

(1) Special protection shall be performed by the following special protection institutions by using the protection measures specified in this Law:

1) a specially authorised division of the State Police;

2) a specially authorised department of the Prison Administration and at the place of imprisonment a specially authorised division of the place of imprisonment;

3) other bodies performing operational activities if, in accordance with the instructions of the Prosecutor General, it is necessary to ensure particular interests of special protection or if it is necessary to ensure special protection for another person to be protected.

(2) Special protection shall be performed by using criminal procedural measures by the person directing the proceedings in accordance with the procedures specified in the Criminal Procedure Law.

**Section 6. Reason and Grounds for Special Protection**

(1) A reason for determining special protection shall be a threat that has actually occurred to the life, health or other legal interests of a person, expressed imminent threats, or sufficient grounds for believing that the danger may be imminent due to a provided testimony or participation in the uncovering, investigation or trial of a crime.

(2) The grounds for the determination of special protection shall be:

1) a written submission of the person testifying in criminal proceedings or his or her representative or defence counsel and a proposal of the person directing the proceedings;

2) the initiative of a court if a reason for determining special protection has arisen during the process of trial;

3) a written submission of another person to be protected or his or her legal representative.

**Section 7. Submitting a Submission**

(1) The person testifying in criminal proceedings shall submit the submission to the person directing the proceedings. The person directing the proceedings shall submit the submission together with his or her proposal to the Prosecutor General. In the trial stage, the person shall submit the submission to the court. If the person directing the proceedings does not propose to determine special protection, a decision regarding this shall be taken in accordance with the procedures specified in the Criminal Procedure Law. After the court judgment enters into lawful effect, the person shall submit the submission for the determination of special protection to the Prosecutor General who shall assign the examination thereof to a specially authorised prosecutor.

(2) Another person to be protected shall submit the submission to the head of a special protection institution.

[*13 September 2007*]

**Section 8. Recognition of a Person as Requiring Special Protection**

(1) The Prosecutor General or a court shall take the decision on special protection of the person testifying in criminal proceedings after becoming acquainted with the submission of the person, a proposal of the person directing the proceedings, and materials of the criminal case, and also, if necessary, shall hear the threatened person, his or her representative or defence counsel.

(2) A court may also take the decision on special protection of the person testifying in criminal proceedings on its own initiative if the necessity to determine special protection of the person has arisen during the process of trial and the consent of such person or his or her legal representative has been received.

(3) Prior to the taking of the decision, the Prosecutor General or a court may assign a special protection institution to perform an inspection and provide an opinion regarding the feasibility of a threat and protection measures within a time period of not longer than five days.

(4) Upon the examination of the submission of another person to be protected, the head of a special protection institution shall take the decision to determine special protection for the person. If necessary, the head of the special protection institution shall organise an assessment of the indicated conditions, threat, and potential persons who make threats and hear the threatened person or his or her legal representative.

**Section 9. Initiation of Special Protection in Emergency Cases**

(1) If it is necessary to immediately avert or prevent imminent danger to a person, special protection measures may be initiated and taken with the consent of the threatened person or his or her legal representative before special protection is determined for the person.

(2) In such case, the person directing the proceedings shall immediately, but not later than within 10 days, send a proposal to the Prosecutor General regarding the determination of special protection for the person testifying in criminal proceedings, or shall terminate the protection measures. Another person to be protected shall be immediately recognised as a person requiring special protection, or the protection measures shall be terminated.

**Section 10. Decision to Determine Special Protection of a Person**

(1) The decision to determine special protection shall be taken immediately but not later than within 10 days from the day of receipt of the submission or proposal.

(2) An institution and an official who have been assigned the implementation of a decision shall be indicated in the decision to determine special protection, and the special protection measures to be applied may be indicated.

(3) If the decision to not specify a person as requiring special protection is taken, such decision shall require substantiation.

**Section 11. Appeal of a Decision**

(1) A decision of the Prosecutor General or a court regarding the person testifying in criminal proceedings may be appealed in accordance with the procedures specified in the Criminal Procedure Law.

(2) A decision of a special protection institution regarding another person to be protected may be appealed to the Prosecutor General. The decision of the Prosecutor General shall be final.

**Section 12. Implementation of the Decision to Determine Special Protection**

After the decision to determine special protection has been taken, the performer of special protection shall:

1) acquaint the person who has asked to determine protection with the decision taken;

2) explain to such person the right to appeal the decision;

3) explain the rights and obligations of the person to be protected;

4) warn the person to be protected not to disclose information related to the protection measures of such person. The person to be protected shall sign for the non-disclosure of the abovementioned information;

5) if the identity data have been changed for the person to be protected, the person shall be informed about the use of the new identity data and about the fact that the liability when operating with the new identity data remains the same as when operating with the previous identity data. The person to be protected shall sign for receipt of the abovementioned information and shall provide a sample of his or her signature in accordance with the new identity data.

[*13 September 2007*]

**Section 13. Rights and Obligations of the Person to Be Protected**

(1) The person to be protected has the following rights:

1) to be acquainted with the decision to determine special protection;

2) to become acquainted with information on the intended measures that will be used for his or her protection;

3) to ask that the special protection measures specified in this Law be applied or cancelled;

4) to invite an advocate for the representation of his or her interests;

5) to decline special protection.

(2) The person to be protected has the following obligations:

1) to comply with the legal requirements of the performer of special protection;

2) to inform a special protection institution and the person directing the proceedings about a threat and persons who may be involved in the implementation of the threats, and also provide other information requested by the special protection institution which is necessary for ensuring special protection;

3) not to disclose information on special protection measures;

4) to abstain from activities that may threaten the life, health or other legal interests of himself or herself or other persons;

5) if the identity of the person is changed, to inform the special protection institution about his or her civil legal obligations and to transfer to it all the documents related to the previous identity.

[*13 September 2007; 21 October 2010*]

**Section 14. Rights and Obligations of a Special Protection Institution**

(1) In order to ensure the special protection of persons, a special protection institution has the following rights:

1) to choose and perform the special protection measures referred to in this Law in accordance with the nature and intensity of a threat;

2) to request that the person to be protected observes the legal requirements of the special protection institution;

3) to request and receive the necessary information, and also to ask for assistance of another kind from State and local government authorities and officials.

(2) A special protection institution has the following obligations:

1) to ensure the participation of the person to be protected in criminal proceedings;

2) if necessary, to ensure the person to be protected with consultations in legal and employment matters;

3) to ensure the person to be protected who does not have his or her own means of subsistence with means of subsistence;

4) at the request of the person to be protected, to ensure visitation with his or her representative or defence counsel;

5) if necessary, to ensure the person to be protected with medical and psychological assistance;

6) to monitor and control whether the threat continues to exist and whether special protection is necessary.

(3) The Cabinet shall determine the procedures for fulfilling the obligations provided for in Paragraph two, Clauses 2, 3, and 5 of this Section and the amount thereof.

[*13 September 2007*]

**Section 15. Agreement with the Person to be Protected Regarding the Ensuring of Special Protection**

If special protection is ensured by a special protection institution, such institution shall, prior to the commencement of special protection, enter into a written agreement with the person to be protected regarding the ensuring of special protection wherein the rights and obligations of the person to be protected and the special protection institution as well as the intended special protection measures shall be indicated.

**Section 16. Special Protection Measures**

(1) Special protection of a person shall be ensured by using the operational activities measures specified in the Operational Activities Law as well as the following special protection measures:

1) a security guard for the person to be protected;

2) the securing against unsanctioned wiretapping of the conversations of the person to be protected, the securing against unsanctioned control of his or her correspondence;

3) the movement of the person to be protected to other unknown (confidential) residential premises;

4) the issuance of a passport and other documents with different personal identity data;

5) the change of the permanent residence and place of work of the person to be protected;

6) the protection and non-issuance from State information systems of the data of the person to be protected;

7) the transfer of the person to be protected to another country in accordance with the concluded international agreements or an agreement with such country;

8) if necessary, insurance of the property of the person to be protected;

9) convoying of the detained and convicted persons to be protected separately from other prisoners;

10) the change of identity of the person to be protected.

(2) The special protection measure, namely the change of identity of the person to be protected, shall be applied on the basis of the decision of the special protection institution which is coordinated with the Prosecutor General if it is not possible to guarantee the security of the person by using other protection measures provided for in this Section.

(3) After taking the decision referred to in Paragraph two of this Section, the measures shall be taken to ensure the change of identity of the person: the necessary documents containing other personal data shall be issued to the person and relevant changes shall be made in information systems, and also other measures shall be performed, if necessary.

[*21 October 2021*]

**Section 17. Special Protection Measures in Places of Imprisonment**

The following special protection measures may be applied to persons in a place of imprisonment:

1) the placement of the person to be protected in another cell or in a place of imprisonment specially chosen for such purpose;

2) the keeping of the person to be protected separately from other prisoners;

3) the transfer of such person to another place of imprisonment who may threaten or threatens the person to be protected;

4) reinforced control over the contact of the person to be protected with other prisoners.

**Section 18. Termination of Special Protection**

(1) Special protection of the person to be protected shall be terminated in the following cases:

1) the reason for special protection has ceased to exist;

2) the person to be protected has made further protection impossible due to his or her actions;

3) the person to be protected has declined special protection in writing.

(2) The performer of special protection shall turn to the person who took the decision to determine special protection:

1) by a written proposal to terminate special protection in the case specified in Paragraph one, Clause 1 of this Section;

2) by a written proposal to terminate special protection and by a written explanation from the person to be protected regarding the conditions that motivate the taking of the decision to terminate special protection in the case specified in Paragraph one, Clause 2 of this Section;

3) by a reasoned written submission of the person to be protected in the case specified in Paragraph one, Clause 3 of this Section.

[*13 September 2007*]

**Section 18.1 Contesting the Decisions and Action of the Officials of the Special Protection Institution**

(1) The decisions and action of the officials of the special protection institution when performing special protection may be contested by the person to be protected to the head of the protection institution. The head of the special protection institution shall examine the submitted complaint within a month.

(2) The decision of the head of the special protection institution may be contested by the person to be protected to the Prosecutor General. The Procurator General shall examine the submitted complaint within a month. The decision of the Prosecutor General shall be final.

[*21 October 2010*]

**Section 19. Ensuring Implementation of Civil Legal Obligations of Persons to be Protected**

(1) The recognition of a person as a person requiring special protection shall not affect his or her civil legal obligations with other persons and the obligations of other persons with the person requiring special protection.

(2) If the need to solve civil legal matters in a court or another institution has arisen, the person to be protected may be represented by an official of a special protection institution.

**Section 20. Document Storage**

Documents containing information on the organisation, methods, tactic, and means of special protection measures, and also information on the persons involved in the taking of protection measures shall be compiled and stored in special records.

**Section 21. Inter-state Cooperation**

A special protection institution may cooperate with the protection institutions of other countries on the basis of the concluded international agreements or a separate agreement.

**Section 22. Financial Provision of the Special Protection of Persons**

The operation of special protection institutions shall be financed from State budget resources.

The Law shall come into force concurrently with the Criminal Procedure Law.

The Law has been adopted by the *Saeima* on 19 May 2005.

Acting for the President, Chairperson of the *Saeima* I. Ūdre

Rīga, 31 May 2005