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

24 April 2008 [shall come into force on 27 May 2008];

6 October 2016 [shall come into force on 3 November 2016];

16 June 2021 [shall come into force on 12 July 2021].

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:

**Law on Military Courts**

**Chapter I**

**General Provisions**

**Section 1. Purpose of the Law**

The purpose of the Law is to ensure rapid and efficient examination of cases within the jurisdiction of military courts.

**Section 2. Establishment of Military Courts**

(1) If time of war has set in or, when declaring a state of exception, the Cabinet has decided to commence the operation of military courts in accordance with the procedures laid down in laws and regulations, the Minister for Justice shall, without delay, issue the order in which the distribution, territory of operation, and composition of military courts are determined. The order shall be published in the official gazette *Latvijas Vēstnesis*.

(2) One or several military courts of first instance and one military court of second instance shall operate in Latvia.

[*16 June 2021*]

**Section 3. Jurisdiction of Military Courts**

Cases regarding criminal offences which have been committed by the following persons during a state of exception or time of war shall be within the jurisdiction of military courts:

1) soldiers or persons who are included in the composition of the National Armed Forces;

2) civilians:

a) if they have committed a criminal offence against a soldier, a person who is included in the composition of the National Armed Forces, a prisoner of war, movable or immovable property used by the armed forces, or otherwise endangered the national defence capacities;

b) if they have committed a criminal offence jointly with a soldier or a person who is included in the composition of the National Armed Forces;

c) if their criminal offence is related to another criminal offence which is within the jurisdiction of the military court and if examination of all these cases at the same court is useful for the purpose of more rapid and objective examination of the case;

d) if they have committed the criminal offences provided for in Chapters IX, IX.1, and X, Sections 282.1 and 282.2 of the Criminal Law;

e) [6 October 2016];

3) prisoners of war.

[*24 April 2008; 6 October 2016; 16 June 2021*]

**Section 4. Regulatory Framework of the Operation of Military Courts**

(1) The principles and procedures for examining cases in military courts shall be determined by this Law, and also the laws governing the court system and criminal proceedings insofar as they are not in contradiction with this Law.

(2) Military courts shall examine cases by applying the laws and regulations of the Republic of Latvia in force during the state of exception and time of war.

(3) The principles of independence of military courts and the guarantees of judges shall be determined in conformity with the law governing the court system.

[*16 June 2021*]

**Section 5. Ensuring the Operation of Military Courts**

(1) The operation of a military court shall be ensured by the President of a court of general jurisdiction in the territory of operation of which the military court is located.

(2) The President of such district (city) court in the territory of operation of which a military court is located shall appoint a judge of a military court for the performance of the duties of an investigating judge for the period of operation of the military court.

(3) The cases within the jurisdiction of military court the materials of which include an object containing an official secret shall be examined by a military court in accordance with the procedures laid down in the Criminal Procedure Law in the premises where the protection of an official secret may be ensured.

[*16 June 2021*]

**Chapter II**

**Judges of Military Courts**

**Section 6. Preparation of Judges of Military Courts**

(1) The Ministry of Justice shall, in cooperation with the Ministry of Defence, prepare judges qualified for work in military courts from amongst the judges of courts of general jurisdiction. Judges shall be trained in accordance with the programme developed by the Ministry of Defence and the Ministry of Justice by using the material and technical base of the National Defence Academy of Latvia.

(2) The Ministry of Justice shall create and maintain a register of judges of military courts. The Ministry of Justice shall update this register at least once in two years.

(3) The judge who has been prepared for work in military courts in accordance with Paragraph one of this Section and who has agreed in writing to perform the duties of a judge of a military court in case of commencing the operation of a military court shall be included in the register of judges of military courts.

[*16 June 2021*]

**Section 7. Appointment of Judges of Military Courts for Work in Military Courts**

The judges who are included in the register of judges of military courts shall be appointed for work in military courts. Judges of a district (city) court shall not be appointed for work in a military court of second instance.

[*16 June 2021*]

**Chapter III**

**Prosecutors and Advocates**

**Section 8. Preparation and Appointment of Prosecutors for Work in Military Courts**

(1) The Office of the Prosecutor General in cooperation with the Ministry of Defence shall prepare qualified prosecutors from amongst the prosecutors of units of the Office of the Prosecutor for work with the cases within the jurisdiction of military courts. Prosecutors shall be trained in accordance with the programme developed by the Ministry of Defence and the Ministry of Justice by using the material and technical base of the National Defence Academy of Latvia.

(2) The Office of the Prosecutor General shall establish and maintain the register of such prosecutors who must perform the functions of prosecutors in the cases within the jurisdiction of military courts after the order of the Minister for Justice to commence the operation of military courts has been notified. The Office of the Prosecutor General shall update the register of prosecutors of military courts at least once in two years.

(21) The prosecutor who has been prepared for work in military courts in accordance with Paragraph one of this Section and who has agreed in writing to perform the duties of a prosecutor of a military court in case of commencing the operation of military courts shall be included in the register of prosecutors of military courts.

(3) The Prosecutor General shall determine the procedures by which the operation of the prosecutors referred to in Paragraph two of this Section shall be ensured, and also the territory of operation of such prosecutors according to the territory of operation of military courts.

[*16 June 2021*]

**Section 9. Preparation and Appointment of Advocates for Work in Military Courts**

(1) The Latvian Council of Sworn Advocates shall, in cooperation with the Ministry of Defence, prepare qualified advocates from amongst advocates for work with the cases within the jurisdiction of military courts. Advocates shall be trained in accordance with the programme developed by the Ministry of Defence and the Ministry of Justice by using the material and technical base of the National Defence Academy of Latvia.

(2) The Latvian Council of Sworn Advocates shall establish and maintain the register of such advocates who perform the functions of advocates in the cases within the jurisdiction of military courts after the order of the Minister for Justice to commence the operation of military courts has been notified. The Latvian Council of Sworn Advocates shall update the register of advocates of military courts not less than once in two years.

(3) The advocate who has been prepared for work in military courts in accordance with Paragraph one of this Section and who has agreed in writing to perform the duties of an advocate of a military court in case of commencing the operation of a military court shall be included in the register of advocates of military courts.

[*6 October 2016; 16 June 2021*]

**Chapter IV**

**Procedural Issues**

**Section 10. Special Features of Pre-trial Criminal Proceedings**

(1) The Military Police and the State Security Service shall be the pre-trial investigating institutions in the cases within the jurisdiction of military courts in relation to the criminal offences provided for in Chapters IX, IX.1, and X of the Criminal Law.

(2) In the cases within the jurisdiction of military courts, criminal proceedings shall be conducted by selecting the simplest form of criminal proceedings corresponding to the specific circumstances, and also by selecting and performing such procedural actions that would ensure the achievement of the objective of criminal proceedings as quickly and economically as possible.

[*16 June 2021*]

**Section 11. Special Features of Trial of Criminal Cases in a Military Court of First Instance**

(1) Criminal cases shall be examined in a military court of first instance unilaterally.

(2) A court shall commence examination of a criminal case as soon as possible, however, not earlier than one day after the accused has received a copy of the decision on the completion of pre-trial proceedings.

(3) Complaints regarding court rulings may be submitted within a day from the day of receipt of the ruling.

**Section 12. Special Features of Trial of Criminal Cases in a Military Court of Second Instance**

(1) A military court of second instance is an appellate instance for the cases which have been examined by a military court of first instance.

(2) The rulings of a military court of first instance appealed in accordance with appellate procedures shall be examined collegially in the composition of three judges.

(3) A ruling of a military court of second instance is final and not subject to appeal.

**Chapter V**

**Termination of Operation of Military Courts**

**Section 13. Termination of Operation of Military Courts**

(1) When revoking a state of exception or when terminating war in the country, the Minister for Justice shall, without delay, issue the order to terminate the operation of military courts. The order shall be published in the official gazette *Latvijas Vēstnesis*.

(2) After notification of the order referred to in Paragraph one of this Section, military courts shall hand over, according to jurisdiction, such cases to courts of first instance of general jurisdiction in which a judicial investigation has not been commenced.

(3) After notification of the order referred to in Paragraph one of this Section, military courts shall hand over, according to jurisdiction, such cases to courts of second instance of general jurisdiction in which a judicial investigation has not been commenced.

[*16 June 2021*]

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

The Law has been adopted by the *Saeima* on 17 March 2005.

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

Rīga, 1 April 2005