The *Saeima* 1 has adopted and

the President has proclaimed the following law:

**Military Disciplinary Liability Law**

**Chapter I**

**General Provisions**

**Section 1. Purpose of the Law**

The purpose of the Law is to ensure that soldiers and national guardsmen respect military discipline, breaches of military discipline are investigated in a timely, complete, comprehensive, and impartial manner, a just decision is taken, and the causes and consequences of the breaches of military discipline are identified and eliminated both in peacetime and during war and state of emergency.

**Section 2. Scope of Application of the Law**

(1) This Law prescribes the procedures for ensuring military discipline, the grounds for military disciplinary liability of soldiers and national guardsmen and the disciplinary sanctions imposed on them, and also the procedures for examining issues regarding holding of the soldiers and national guardsmen liable to disciplinary action.

(2) This Law shall apply to:

1) soldiers in active service (hereinafter – the soldiers);

2) national guardsmen.

**Section 3. Liability of Soldiers and National Guardsmen and Specific Characteristics Thereof**

(1) A soldier or a national guardsman who has breached laws and regulations or service requirements specified in the order or command of his or her commander (superior officer), irrespective of the service rank and position, shall be subject to disciplinary liability, administrative liability, or criminal liability, and also shall be financially liable for the loss (damage) caused.

(2) A soldier and a national guardsman shall be subject to disciplinary liability in accordance with the procedures laid down in this Law. Holding of the soldier or national guardsman liable to disciplinary action shall not release him or her from potential criminal liability and civil liability.

(3) A soldier or a national guardsman shall be subject to disciplinary action for an administrative offence committed in relation to the fulfilment of service duties. The Commander of the National Armed Forces or his or her authorised commander (superior officer) shall evaluate the connection between the administrative offence and the circumstances of the fulfilment of service duties and, not later than within two weeks, provide a written opinion to the competent State authority or an official thereof that has established the fact of the administrative offence.

(4) A soldier and a national guardsman shall be subject to disciplinary action on general grounds for an administrative offence committed outside the fulfilment of service duties. Imposition of an administrative penalty shall not exclude imposition of a disciplinary sanction.

**Section 4. Military Discipline and Compliance Therewith**

(1) Military discipline shall constitute compliance with the procedures and instructions laid down in laws and regulations, military rules, and by orders or commands of a commander (superior officer) during the performance of military service and service in the National Guard of the Republic of Latvia (hereinafter – the National Guard).

(2) Each soldier and national guardsman shall ensure compliance with military discipline and avoid breaches thereof. Each soldier and national guardsman shall be personally liable for the compliance with military discipline.

(3) Each soldier and national guardsman shall be obliged to treat his or her commander (superior officer) and any solder and national guardsman with respect both in service and outside it, but each commander (superior officer) shall be obliged to treat his or her subordinates with respect and dignity.

(4) If a soldier performs military service in another country in accordance with the prescribed procedures or a national guardsman fulfils tasks of the National Guard in another country in accordance with the prescribed procedures, he or she shall respect and follow the laws and standards of public order and public decency of a relevant country.

**Section 5. Ensuring Military Discipline**

(1) Each commander (superior officer) shall be obliged to ensure military discipline and service order in a unit (sub-unit) subordinate to him or her, facilitate diligence and exemplary behaviour by giving awards, and also impose sanctions for the breaches of military discipline in a just manner.

(2) In order to ensure military discipline, a commander (superior officer) shall:

1) be a role model to his or her subordinates in compliance with the principles of morality and military discipline and impeccable fulfilment of service duties;

2) permanently control combat readiness and military discipline in units (sub-units) subordinate to him or her;

3) ascertain the reasons for and circumstances of the breaches of military discipline, and also deficiencies in the organisation of service which could be the cause of the breaches of military discipline, and take measures to remedy the deficiencies.

(3) If a soldier or a national guardsman fails to submit to or resists military discipline, or disturbs service order, a commander (superior officer) shall exercise the rights and obligations specified in this Law, the Rules of Procedure for the Military Interior Service, and other laws and regulations in order to achieve obedience of the subordinate soldier or national guardsman.

(4) If there are no mutual service relations between soldiers or national guardsmen and a soldier or a national guardsman breaches the prescribed service order and military discipline in the presence of a soldier or a national guardsman with a higher service rank, and also fails to demonstrate military decency or respect public order, the soldier or national guardsman with a higher service rank shall issue a warning to the breacher. If the breacher fails to respect the warning, the soldier or national guardsman with a higher service rank shall take measures necessary for rectifying the breach and notify the Military Police of this fact.

(5) If a commander (superior officer) has failed to fulfil his or her obligations in ensuring military discipline and service order, he or she shall be held liable in accordance with the procedures laid down in this Law.

**Chapter II**

**Breaches of Military Discipline and Disciplinary Liability**

**Section 6. Breach of Military Discipline**

(1) An action (act or failure to act) of a soldier or a national guardsman which manifests itself into infringement of laws and regulations, military rules, orders, commands, or instructions of a commander (superior officer) with an intent (deliberately) or with negligence shall be recognised as a breach of military discipline.

(2) An action (act or failure to act) of a soldier or a national guardsman which is not related to the performance of service but discredits the National Armed Forces or an institution where the soldier or national guardsman fulfils his or her service duties, and undermines confidence in the public administration shall also be recognised as a breach of military discipline.

(3) An action (act or failure to act) of a soldier or a national guardsman which leads to adverse consequence for a whistle-blower or his or her relative shall also be recognised as a breach of military discipline.

**Section 7. Exceptions to Holding Liable to Disciplinary Action**

(1) A breach of military discipline shall not be considered an action of a soldier or a national guardsman which corresponds to the action referred to in Section 6 of this Law but has been performed in the case of necessary self-defence, the case of absolute emergency, the case of justified professional risk, or with certainty that the soldier or national guardsman would violate a law or regulation as a result of following the order (command) of a commander (superior officer).

(2) Necessary self-defence shall constitute an action of a soldier or a national guardsman performed in order to prevent a breach of military discipline or protect structure of the State and public order from a dangerous threat or also his or her rights or the rights of other persons, thus causing damage to the offender but not going beyond the limits of the necessary self-defence if it has not been possible to prevent the breach or threat by other means. Manifest disproportion between the defence and the nature and seriousness of the threat, thus causing damage which has not been necessary to prevent or repel the threat shall be recognised as going beyond the limits of the necessary self-defence.

(3) Absolute emergency shall constitute an action of a soldier or a national guardsman performed in order to prevent damage to the national and public interests, a soldier, a national guardsman, or other persons if it has not been possible to prevent this breach by other means and if the damage caused is smaller than the damage prevented.

(4) Professional risk shall be justified if a soldier or a national guardsman has acted in order to reach an aim relevant to the public which could not have been reached otherwise and has taken all necessary steps to prevent damage to legally protected interests.

**Section 8. Establishment of Truth and Burden of Proof**

(1) In all cases a soldier or a national guardsman with a higher service rank or a soldier or a national guardsman in a higher position, or another official in the field of defence who establishes a breach committed by a soldier or a national guardsman shall immediately inform thereof a commander (superior officer) who is entitled to take the decision to hold this soldier or national guardsman liable to disciplinary action.

(2) No one can be found guilty of committing a breach of military discipline and punished until proved guilty in accordance with the procedures laid down in law.

(3) In examining a breach of military discipline, a commander (superior officer) shall be obliged to thoroughly examine the facts, establish existence or non-existence of the breach of military discipline, identify the consequences thereof, ascertain a perpetrator of the breach of military discipline, and also any other circumstances relevant to the examination of the case.

(4) A soldier and a national guardsman shall be obliged to participate in the examination of a breach of military discipline so that the circumstances related thereto are ascertained. The soldier, the national guardsman, the victim, and also any other person shall be obliged, at the request of a commander (superior officer) or the person performing service investigation, to provide an explanation. If the invited person is not able to attend or provide the explanation at the time indicated in the request, he or she shall be obliged to notify the commander (superior officer) or the person performing service investigation of this fact.

**Section 9. Form of Guilt**

(1) A soldier or a national guardsman who has committed a breach of military discipline with an intent (deliberately) or with negligence shall be found guilty of committing the breach.

(2) A breach of military discipline shall be recognised as committed with an intent (deliberately) if a soldier or a national guardsman committing it has foreseen the consequences of the breach and has wanted them, or has not wanted them but has knowingly accepted the occurrence thereof.

(3) A breach of military discipline shall be recognised as committed with negligence if a soldier or a national guardsman committing it has foreseen the possibility of occurrence of consequences but has recklessly believed that they could be prevented, or has not foreseen the possibility of occurrence of consequences, although he or she should and could have foreseen them judging from specific circumstances of the breach.

**Section 10. Mitigating Circumstances in Disciplinary Liability**

(1) Liability for a breach of military discipline shall be mitigated by the following circumstances:

1) a breacher has frankly confessed and regretted his or her action;

2) a breacher has eliminated detrimental consequences of the committed breach of military discipline, voluntarily compensated for the loss caused or eliminated the damage caused;

3) the breach of military discipline has been committed due to serious personal or family circumstances or under the influence of strong mental agitation;

4) the breach of military discipline has been committed as a result of violence;

5) a breacher has provided considerable assistance in the detection of another breach of military discipline.

(2) Other circumstances which have not been referred to in this Law may also be recognised as mitigating circumstances.

**Section 11. Aggravating Circumstances in Disciplinary Liability**

Liability for a breach of military discipline shall be aggravated by the following circumstances:

1) the breach of military discipline is continued, regardless of a request of a commander (superior officer) or other soldiers or national guardsmen to cease it;

2) the breach of military discipline has been committed during a period when a disciplinary sanction imposed on a soldier or national guardsman is still valid;

3) the breach of military discipline has been committed under the influence of alcohol, narcotic, psychotropic, or other intoxicating substances;

4) the breach of military discipline has been committed by a group of persons;

5) the breach of military discipline has been committed while performing a combat or special task, guard (security guard), or while on duty;

6) the breach of military discipline has been committed for their own ends or for greedy or immoral motives;

7) the breach of military discipline has caused serious military or civil disturbances, substantial material loss or substantial non-material damage to the State or person, or has resulted in other serious consequences;

8) the breach of military discipline has been committed against a minor, a pregnant woman, or a person in a state of helplessness, or by using service, material or other dependency of the victim on the breacher;

9) the breach of military discipline is related to infringement of the honour and dignity of the victim;

10) the breach of military discipline has been committed while participating in the elimination of consequences of emergency situation, natural or anthropogenic catastrophe, and also during war or state of emergency.

**Section 12. Substantial Material Loss and Substantial Non-material Damage**

(1) If a breach of military discipline has resulted in a material loss the amount of which at the moment of committing the breach exceeds the sum of five minimum monthly salaries determined in the State in a relevant period of time, it shall be considered a substantial material loss.

(2) If a breach of military discipline has resulted in non-material damage which cannot be prevented by eliminating direct consequences of the relevant breach, it shall be considered substantial non-material damage.

(3) If a breach of military discipline has resulted in damage to vital national or public interests and this damage cannot be prevented by eliminating consequences of the relevant breach, it shall be considered substantial damage to the State.

**Chapter III**

**Disciplinary Sanctions and Right of Disciplinary Authority**

**Section 13. Concept and Purpose of a Disciplinary Sanction**

(1) A disciplinary sanction shall constitute a coercive measure which is applied to a soldier or a national guardsman who has committed a breach of military discipline in accordance with the procedures laid down in this Law.

(2) A disciplinary sanction shall be imposed in order to punish the guilty soldier or national guardsman for the committed breach of military discipline, and also to educate the guilty person and other soldiers or national guardsmen and to achieve that they respect military discipline and refrain from committing new breaches of military discipline. The purpose of the disciplinary sanction is not to humiliate the dignity of the soldier or national guardsman.

**Section 14. Types of Disciplinary Sanctions**

(1) The following disciplinary sanctions may be imposed on a soldier for a breach of military discipline:

1) a reprimand – on corps of privates, non-commissioned officers, and officers;

2) an extraordinary assignment of up to three times – on corps of privates;

3) a restriction on leaving the place of service of up to 15 days – on corps of privates;

4) strict monitoring of up to 15 days – on corps of privates and non-commissioned officers (except for higher non-commissioned officers);

5) a warning regarding unsuitability for the position held – on corps of privates, non-commissioned officers, and officers;

6) reduction of the monthly salary by up to 20 per cent for a time period not exceeding six months – on corps of privates, non-commissioned officers, and officers;

7) demotion in position – on corps of privates, non-commissioned officers, and officers;

8) in peacetime – retirement from the active service before the determined time – on corps of privates, non-commissioned officers, and officers.

(2) The following disciplinary sanctions may be imposed on corps of national guardsmen, non-commissioned officers, and officers in the National Guard for a breach of military discipline:

1) a reprimand;

2) a warning regarding unsuitability for the position held;

3) demotion in position;

4) reduction of the compensation or monthly salary by up to 20 per cent for a time period not exceeding six months;

5) in peacetime – exclusion from the National Guard.

(3) The disciplinary sanctions determined for soldiers shall be imposed on national guardsmen for the breaches of military discipline during international operations.

**Section 15. Reprimand**

(1) If a soldier or a national guardsman has committed a breach of military discipline but this breach is minor or has not caused adverse consequences, a commander (superior officer) may issue a reprimand to the soldier or national guardsman without imposing a disciplinary sanction. Prior to giving reprimand, an explanation shall be requested from the soldier or national guardsman.

(2) The reprimand shall be issued in writing by indicating the nature of the breach of military discipline and the soldier or national guardsman to whom the reprimand is issued shall be informed thereof. A copy of a document in which the reprimand has been issued in writing shall be appended to the official file of the soldier or national guardsman.

(3) The reprimand shall not constitute a disciplinary sanction.

**Section 16. Principles of Disciplinary Authority and Right to Impose Disciplinary Sanctions**

(1) The immediate commander (superior officer) and higher commanders (superior officers) of a soldier or a national guardsman, including the Minister for Defence, have the right of disciplinary authority.

(2) A higher commander (superior officer) has all the rights of disciplinary authority of lower commanders (superior officers).

(3) The Minister for Defence shall determine the right of disciplinary authority of commanders (superior officers) according to the positions determined in staff of units of the National Armed Forces, and also the right of commanders (superior officers) to impose disciplinary sanctions.

(4) In addition to the disciplinary authority of the Commander of the National Armed Forces, the Minister for Defence has the right to:

1) issue a warning regarding unsuitability for the position held to commanders of units of regular forces of the National Armed Forces, the Commander of the National Guard, the superior officer of the Joint Headquarters of the National Armed Forces, and commanders (superior officers) equivalent to them;

2) demote in position an officer whom he or she has the right to appoint;

3) retire an officer, whom he or she has the right to appoint, from the active service before the determined time and exclude this officer from the National Guard.

(5) A person in a temporary acting capacity has the right to exercise the rights of disciplinary authority determined for the relevant position.

(6) If different units (sub-units) or soldiers or national guardsmen thereof jointly fulfil their service duties and also if units (sub-units) or soldiers or national guardsmen thereof randomly meet during the fulfilment of their service duties, the disciplinary authority of the highest commander (superior offer) shall also fully apply to soldiers or national guardsmen of other units (sub-units).

(7) A disciplinary sanction shall be imposed on a commander (superior officer) for exceeding his or her disciplinary authority, but if the commander (superior officer) has abused his or her position, he or she may be subject to criminal liability.

**Section 17. Detention of a Soldier or a National Guardsman**

(1) A soldier or a national guardsman shall be detained and taken (sent) to the place of service if he or she:

1) is under the influence of alcohol, narcotic, psychotropic, or other intoxicating substances;

2) behaves aggressively or violates public order and thus with his behaviour may cause damage to the life (health) of other persons or cause substantial material losses;

3) wears a soldier’s uniform without having a document which confirms the status of a soldier or national guardsman;

4) violates the rules of wearing the soldier’s uniform and refuses to comply with the requirement of the commander (superior officer), a soldier or a national guardsman with a higher service rank, the patrol service, or the Military Police to rectify the breach;

5) has committed a breach with the characteristics of a criminal offence.

(2) Only a soldier or a national guardsman with a service rank higher than the service rank of the breacher is entitled to detain a soldier or a national guardsman for a breach of military discipline. A soldier or a national guardsman with a lower service rank (position) shall immediately notify the Military Police of the established breach committed by a soldier or a national guardsman with a higher service rank (position).

(3) In the cases referred to in this Section, a soldier or a national guardsman may be detained for a breach of military discipline for not longer than three hours.

**Chapter IV**

**Examination of the Breaches of Military Discipline and Imposition of Disciplinary Sanctions**

**Section 18. Examination of the Breaches of Military Discipline**

(1) The immediate commander (superior officer) or a higher commander (superior officer) of a soldier or a national guardsman shall examine a breach of military discipline according to the rights of disciplinary authority determined for him or her if the commander (superior officer) establishes a breach of military discipline or receives information thereof.

(2) The commander (superior officer) shall commence examination of a breach of military discipline immediately or not later than within five working days from the moment he or she has become aware of the potential breach of military discipline. In examining the breaches of military discipline, service investigation may be performed in accordance with the procedures laid down in this Law.

(3) During the course of examination of a breach of military discipline the commander (superior officer) shall request an explanation from a soldier or a national guardsman whose action demonstrates characteristics of a breach of military discipline and ascertain the necessary factual and legal context to take a just decision, including ascertain the circumstances of committing the breach of military discipline and the nature thereof, persons involved in the breach, guilt of the soldier or national guardsman involved in the breach, mitigating and aggravating circumstances in disciplinary liability, and losses and damage caused by the breach of military discipline.

(4) Prior to imposing a disciplinary sanction, the commander (superior officer) shall inform in writing the relevant soldier or national guardsmen of his or her right to access the materials of examination of the breach of military discipline (including proof of his or her guilt) and right to provide explanations and proof for his or her defence or mitigation of liability.

(5) If during the course of examination of a breach of military discipline the commander (superior officer) does not establish components of a breach of military discipline or establishes that a soldier or a national guardsman has committed a breach of military discipline but recognising that this breach is minor or has not caused adverse consequence decides to issue a warning to the soldier or national guardsman, he or she shall inform the soldier or national guardsman of the termination of examination of the breach of military discipline without imposing any sanctions.

**Section 19. Service Investigation**

(1) A commander (superior officer) may assign service investigation to a subordinate official or commission (hereinafter – the person performing investigation) or perform it himself or herself. An assignment to perform investigation shall be given by a written order.

(2) The service investigation shall be performed within a period of one month. If it is not possible to comply with the period of one month for objective reasons, the time period for the service investigation may be extended by a decision of the commander (superior officer) in the cases in and accordance with the procedures laid down in the Administrative Procedure Law. A soldier or a national guardsman involved in the breach shall have access to this decision. A time during which the soldier or national guardsman has been temporarily incapable of work or has been on leave or official travel, or in another justified absence shall not be included in the period for the service investigation.

(3) As regards the performance of the tasks specified in the order, the person performing investigation shall be directly subject to the commander (superior officer) who has issued the order to perform service investigation, and during the performance of the service investigation he or she has the right of the commander referred to in Paragraph one of this Section.

(4) If specific expertise in a certain area of activities or speciality is required to ensure impartial investigation, the commander (superior officer) who performs service investigation or the person performing investigation may call on a relevant specialist for the provision of an opinion.

(5) The service investigation may not be performed by an official:

1) who is a subordinate to the soldier or national guardsman involved in the breach of military discipline;

2) who has a relationship of kinship up to the third degree or a relationship of affinity up to the second degree with the soldier or national guardsman involved in the breach of military discipline, and also a spouse of such official;

3) who is a witness of the breach of military discipline;

4) who has or may have a conflict of interests in the specific case regarding the examination of the breach of military discipline;

5) who has a personal direct or indirect interest in the outcome of the disciplinary case or there is reasonable doubt as to his or her impartiality for other reasons.

(6) If the conditions referred to in Paragraph five of this Section are present and prevent the person performing investigation from performing the service investigation, the person performing investigation shall be obliged to submit a reasoned report to the commander (superior officer) who has issued the order referred to in Paragraph one of this Section. After receipt of such report, the commander (superior officer) shall assign another person performing investigation.

(7) If the commander (superior officer) performs the service investigation himself or herself, and also in the cases where the commander (superior officer) examines a breach of military discipline without performing the service investigation and the restrictions referred to in Paragraph five, Clauses 2, 4, and 5 of this Section are present, the commander (superior officer) shall submit a reasoned report to a higher commander (superior officer) who takes over examination of the breach of military discipline.

**Section 20. Findings of the Service Investigation**

(1) Findings of the service investigation shall consist of the following:

1) an introductory part. It shall indicate the following:

a) the title of the position, the service rank, the given name and surname, the time and date of signature of the commander (superior officer) – the person who has issued the order referred to in Section 19, Paragraph one of this Law. If the commander (superior officer) performs the service investigation himself or herself, this information shall not be indicated;

b) the place and date of writing up the findings of the service investigation;

c) the person performing investigation, the order under which he or she has operated, and the assignment given in the order;

2) declaratory part. It shall indicate the following:

a) the place and time of committing the breach, type thereof, and any other circumstances;

b) the nature of the breach and statement thereof in a chronological order;

c) the statement and analysis of explanations, arguments, and proof;

d) characteristics of the soldier or national guardsman who has committed the breach, his or her time spent in active service and position, awards granted, and disciplinary sanctions imposed, and also attestation results;

e) the breacher’s form of guilt;

f) the loss or damage caused by the breach;

g) the laws and regulations, and provisions which have been breached;

h) mitigating and aggravating circumstances in disciplinary liability;

3) conclusions. They shall indicate the following:

a) legal classification of the breach;

b) potential measures to eliminate the breach, consequences thereof, causes and circumstances contributing to them, and also further progress of the investigation materials;

4) signature part.

(2) The findings of the service investigation shall not indicate the disciplinary sanction to be imposed.

(3) The service investigation shall be completed if the commander (superior officer) referred to in Section 19, Paragraph one of this Law has approved the findings of the service investigation.

**Section 21. Imposition of Disciplinary Sanctions**

(1) A disciplinary sanction shall be imposed on a soldier or a national guardsman not later than within a month since the commander (superior officer) has become aware of the breach committed but, where the service investigation is required, not later than within a month since approval of the findings of the service investigation. A time during which the soldier or national guardsman has been temporarily incapable of work or has been on leave or official travel, or in another justified absence shall not be included in the period for the imposition of the disciplinary sanction.

(2) The disciplinary sanction shall not be imposed if at least two years have passed from the day of committing the breach or the day of terminating the breach to detection thereof.

(3) The immediate commander (superior officer) or a higher commander (superior officer) shall impose the disciplinary sanction to a soldier or a national guardsman according to his or her rights of disciplinary authority. In punishing the soldier or national guardsman, the commander (superior officer) may not violate the rights and obligations laid down in laws and regulations and shall not allow unreasoned severity.

(4) The commander (superior officer) shall take the decision on the disciplinary sanction to be imposed on a soldier or a national guardsman on the basis of the results of the examination (service investigation) of the breach of military discipline.

(5) If a breach of military discipline has characteristics of a criminal offence, a commander (superior officer) shall immediately notify a higher commander (superior officer) and the Military Police thereof.

(6) The disciplinary sanction shall be imposed according to the severity of the caused or possible consequences of a breach of military discipline. In determining the type and amount of the disciplinary sanction, the nature of the breach, the circumstances under which it was committed, the previous behaviour of the breacher, the loss or damage caused, the breacher’s form of guilt, the proportionality of the disciplinary sanction to the breach committed, and also the mitigating or aggravating circumstances in disciplinary liability shall be taken into account.

(7) Only the breacher shall be punished for a breach of military discipline committed by a soldier or a national guardsman by imposing a single disciplinary sanction. If soldiers or national guardsmen have committed the breach as a group, the degree of fault of each breacher shall be evaluated in imposition of disciplinary sanctions. An individual disciplinary sanction shall be imposed for each breach.

(8) If the commander (superior officer) believes that his or her disciplinary authority is not sufficient to punish a soldier or a national guardsman due to the severity of a breach of military discipline, he or she shall ask a higher commander (superior officer) to punish the breacher.

(9) The commander (superior officer) shall present his or her decision to impose the disciplinary sanction in a written order. The order regarding imposition of the disciplinary sanction shall indicate the place and time of committing the breach, the nature thereof, the legal provisions applied (by specifying the name of law or regulation and the relevant legal provision), the disciplinary sanction imposed, and also the possibilities of contestation of the disciplinary sanction, and the time periods for contestation thereof.

**Section 22. Specific Characteristics of the Procedures for Imposing Disciplinary Sanctions**

(1) For breaches committed during the performance of service in all types of daily assignments (combat duty), a soldier or a national guardsman shall be punished after changing the daily assignment (combat duty) or after suspension (replacement) thereof from the fulfilment of the daily assignment duties.

(2) If a soldier or a national guardsman is under the influence of alcohol, narcotic, psychotropic, or other intoxicating substances, requesting of the explanation and imposition of the disciplinary sanction shall be postponed until he or she recovers sobriety.

**Section 23. Notification of the Disciplinary Sanction**

(1) A soldier or a national guardsman shall be notified in person of imposition of the disciplinary sanction.

(2) The punished soldier or national guardsman shall immediately notify his or her immediate commander (superior officer) of the disciplinary sanction imposed on him or her by a higher commander (superior officer).

(3) The commander (superior officer) shall, according to the subordination procedures, notify a higher commander of the imposed disciplinary sanctions in accordance with the procedures laid down by the Minister for Defence.

**Chapter V**

**Procedures for Contesting, Enforcing, and Recording Disciplinary Sanctions**

**Section 24. Contestation and Appeal of the Disciplinary Sanction**

(1) A soldier or a national guardsman may contest a disciplinary sanction in accordance with the Administrative Procedure Law by submitting a written submission to the Appeals Commission of the Ministry of Defence (hereinafter – the Appeals Commission). The Minister for Defence shall approve the composition and rules of procedure of the Appeals Commission.

(2) During war or state of emergency a soldier or a national guardsman may contest the disciplinary sanction imposed before the Appeals Commission within a month since the state of emergency has been lifted or war has ended. A soldier or a national guardsman who has not been able to exercise his or her right to contest the disciplinary sanction within the time period prescribed by this Law due to the declaration of the state of emergency or the commencement of war also has the right to contest the imposed disciplinary sanction in accordance with the same procedures.

(3) If a soldier or a national guardsman has submitted a submission to the Appeals Commission, enforcement of the disciplinary sanction shall be suspended, except for the case where:

1) the disciplinary sanction – demotion in position or (in peacetime) retirement from the active service before the determined time – has been imposed on the soldier;

2) the disciplinary sanction – demotion in position or (in peacetime) exclusion from the National Guard – has been imposed on the national guardsman.

(4) The Appeals Commission shall assess the justification and appropriateness of the applied disciplinary sanction to the breach committed on the basis of materials regarding the examination of the breach of military discipline. The Appeals Commission has the right to request information related to the breach of military discipline and hear the persons who are able to provide the necessary information.

(5) The Appeals Commission has the right to:

1) reject the request made in the submission and maintain in force the disciplinary sanction imposed by the commander (superior officer);

2) satisfy the request made in the submission and fully revoke the disciplinary sanction imposed.

3) satisfy the request made in the submission in part and impose a lighter disciplinary sanction than that imposed on the soldier or national guard.

(6) A soldier or a national guardsman has the right to appeal a decision of the Appeals Commission to a court in accordance with the procedures laid down in the Administrative Procedure Law.

(7) If the Appeals Commission exercises the right referred to in Paragraph five, Clauses 2 and 3 of this Section, it may, concurrently with the decision, take an interlocutory decision indicating the established deficiencies and measures to remedy them.

**Section 25. Enforcement of the Disciplinary Sanction**

(1) The disciplinary sanction, except for the disciplinary sanctions referred to in Section 14, Paragraph one, Clauses 7 and 8, and Section 14, Paragraph two, Clauses 3 and 5 of this Law, shall become enforceable not later than within three months from the moment when the time period for contestation (appeal) thereof has expired and it has not been contested (appealed), or a decision of the Appeals Commission or a court judgement has entered into effect by which the submission or application for contestation submitted by a soldier or a national guardsman has been rejected. If the disciplinary sanction has not become enforceable within the specific time period, the disciplinary sanction shall not be enforced and an official at fault for not enforcing the disciplinary sanction shall be subject to disciplinary action. During war and state of emergency the disciplinary sanction shall be enforced immediately after imposition thereof.

(2) A soldier shall carry out an extraordinary assignment during free time out of performance of service duties. Carrying out of such assignment may also be assigned at night providing for four hours a night’s sleep to the punished person, but it shall not last for three subsequent nights. The extraordinary assignment shall be carried out in addition to the current routine assignments. A soldier may not be given daily extraordinary assignments for three subsequent times without interruption. An official assigned by the commander of a unit (superior officer) shall control and record enforcement of the relevant disciplinary sanction.

(3) The restriction on leaving the place of service shall be enforced after the commander (superior officer) who has the right to impose this disciplinary sanction determines the time when the punished soldier must be present at the place of service every day, and the procedures by which he or she may leave it (usually from the evening discharge until the morning wake-up time), and also the time when he or she must be at his or her place of residence or at another designated place. During enforcement of such disciplinary sanction a soldier of the corps of privates may not attend public resting places.

(4) Strict monitoring shall constitute a special service regime during which a soldier carries out duties under direct supervision of his or her commander (superior officer) or a person appointed by him of her, and the provisions for the disciplinary sanction – the restriction on leaving the place of service – shall also apply to this soldier.

**Section 26. Extinguishing or Revocation of the Disciplinary Sanction**

(1) The disciplinary sanction (except for the demotion in position or the retirement from service before the determined time) imposed on a professional service soldier shall be extinguished six months after enforcement of the disciplinary sanction.

(2) The disciplinary sanction (except for the demotion in position or exclusion from the National Guard) imposed on a national guardsman shall be extinguished six months after enforcement of the disciplinary sanction.

(3) A professional service soldier or a national guardsman who has been demoted in position may be restored to the previous or equivalent position not earlier than after a year.

(4) The commander (superior officer) who has imposed a disciplinary sanction or the immediate commanders (superior officers) of the punished soldier or national guardsman whose disciplinary authority is higher than the disciplinary authority of the commander (superior officer) who has imposed the sanction may revoke the disciplinary sanction. The relevant commander (superior officer) may revoke the disciplinary sanction by a written order before the end of the time period thereof (but not earlier than 60 days after imposition of the disciplinary sanction) if he or she is certain that the soldier or national guardsman has understood the sanction imposed, it has affected him or her, and the soldier or national guardsman has proved through his or her behaviour that he or she has changed.

(5) The punished soldier or national guardsman shall be notified of revocation of the disciplinary sanction in accordance with the same procedures as those used to notify him or her of imposition of the sanction. If the disciplinary sanction is not revoked before the end of the time period thereof, the punished soldier or national guardsman shall be notified of extinguishing of the disciplinary sanction.

**Section 27. Procedures for Recording Disciplinary Sanctions**

(1) The personnel department of the unit of the National Armed Forces that keeps a soldier’s personal file shall record disciplinary sanctions in the soldier’s personal file and in the automated personnel recording system. If a soldier is temporarily transferred to a civil public institution or a national security authority or assigned to an institution of the European Union, the recording of disciplinary sanctions in his or her personal file shall be performed by the personnel department of the relevant institution that keeps the soldier’s personal file.

(2) The personnel department of the unit of the National Guard that keeps a personal file of a national guardsman shall record disciplinary sanctions in his or her personal file.

(3) If the disciplinary sanction imposed on a soldier or a national guardsman is revoked, a note shall be made in the soldier’s personal file and in the automated personnel recording system or the personal file of the national guardsman stating when this disciplinary sanction has been revoked and by which official. If the disciplinary sanction is not revoked, a note regarding expiry of the time period of the sanction shall be made in the soldier’s personal file and in the automated personnel recording system or the personal file of the national guardsman.

(4) The conformity and recording of punishing the personnel shall be checked in inspections (checks). Such inspections (checks) shall be carried out by the head thereof or an official authorised by him or her.

The Law has been adopted by the *Saeima* on 5 November 2020.

President E. Levits

Rīga, 17 November 2020