

Clemency

Published: 17.03.2021.

Pardoning convicts are one of the rights of the President of Latvia outlined in Section 45 of the Satversme (Latvian Constitution).

The right to seek clemency rests with a person, who:

is serving or has served his or her sentence in the Republic of Latvia;

has been convicted by a foreign court and transferred to the Republic of Latvia to serve a sentence without any requirement that clemency is not applicable;

has been convicted by a court in the Republic of Latvia and transferred to another country to serve a sentence if the relevant foreign institution has agreed to accept a decision on clemency taken in the Republic of Latvia.

A clemency petition addressed to the President may be filed by the convicted person's attorney, legitimate representative, parents, children, or spouse.

Terms

A clemency petition may be filed, when a proper court ruling has taken legal effect. When a person is convicted of a serious crime, a clemency petition can be filed after one-half of the relevant prison term is actually served. When a person is convicted of a particularly serious crime, a clemency petition may be filed after two-thirds of the prison term being served.

When a person is sentenced to life imprisonment, a clemency petition may be filed after at least 20 years of the prison term being served.

The classification of criminal offences is enshrined in Section 7 of the Criminal Law.

Types of Clemency

The President of Latvia can replace the uncompleted phase of imprisonment with a different and softer form of punishment, exempt from serving the primary or additional penalty wholly or partially or expunge the punitive record of the person concerned.

Decision-making and Notification

When reviewing a request for clemency, the President of Latvia decides whether the clemency petition is to be approved or rejected.

The Clemency Service shall send the presidential decision to the institution responsible for the enforcement of the ruling and to the court that had made the ruling in a criminal case within five days. The decision shall be notified to the convicted person or other applicant of the clemency petition.

If a clemency petition is rejected, a repeated clemency petition may be filed no sooner than six months after the President of Latvia has rejected any previous clemency petition. When a person is convicted of a serious or particularly serious crime, a repeated clemency petition may be filed no sooner than one year after the previous petition has been rejected unless exceptional circumstances (serious illness, the person being the only lawful guardian or trustee of another person or other circumstances) occur.

<https://www.president.lv/en/clemency>

