

## J. Bordāns invites to discuss the letter of A. Strupišs to the Parliament on the extension of the regulation of the emergency situation to the work of courts at the meeting of the Judicial Council

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On Wednesday, 20 October, Deputy Prime Minister and Minister of Justice Jānis Bordāns sent a letter inviting the Chairman of the Judicial Council Aigars Strupišs to the meeting of 22 October 2021 of the Judicial Council (JC) to explain his unilateral address to the Parliament on behalf of the Judicial Council on the issue of extension of the regulation of the emergency situation provided by the Cabinet of Ministers to judges and courts, including the obligation imposed on employees of public institutions and officials to be vaccinated against Covid - 19.

In the letter, the Minister of Justice J.Bordāns points out that one of the basic values of a democratic state is the right to freely express one's opinion, insofar as it does not endanger public security and public order, however, as a state official, A.Strupišs must comply with what is provided for in the Rules of Procedure of the Judicial Council and the Law On Judicial Power. Pursuant to the law, the Chairman of the Judicial Council manages the work of the JC, convenes its meetings and sets the agenda, as well as represents the JC and signs its decisions. At the same time, the members of the Judicial Council are not subordinated to the Chairman of the Judicial Council and, thus, the Chairman of the Judicial Council is not entitled to express a unilateral opinion on behalf of the entire Judicial Council in matters that have not been discussed at the meeting of the Judicial Council and decided by the members of the Judicial Council.

The Deputy Prime Minister and Minister of Justice J.Bordāns states: "The Chairman of the Judicial Council A. Strupišs, expressing claims on behalf of the Judicial Council regarding the content of the Cabinet of Ministers' orders, has damaged the reputation of the judiciary, creating a misconception about the judiciary's social responsibility and readiness to participate in achieving common

state goals in the situation of uncontrolled spread of Covid-19 infection. I call for this issue to be discussed in an open conversation at the JC meeting with all members of the Judicial Council, reaching a common view of the Judicial Council on responsible action of the courts in the Covid-19 pandemic.”

At the same time, the Minister of Justice J. Bordāns emphasizes that in this difficult time, when the vaccination rate in Latvia is one of the lowest in the European Union and the incidence of Covid-19 is one of the highest in the world, it should set an example not only for its employees but for the general public as well. Every resident of Latvia, especially an employee of public administration, without exception, must be accountable before our society.

In addition, it should be noted that the Law On Judicial Power exhaustively determines the legal bases when a judge may be suspended, dismissed or removed from office. The Cabinet of Ministers has not suggested any amendments to this regulation.

Additional information:

On 14 October 2021, the Chairman of the Judicial Council addressed a letter to the Chairwoman of the Parliament Ināra Mūrniece and expressed his opinion on the Cabinet of Ministers order of 9 October 2021 No. 720 and its application to judges, especially, in regard to the matter on the obligation of the state institutions and officials to vaccinate. The wording and content of the letter indicate that the opinion was given on behalf of the Judicial Council.

The regulation of Chapter II of the Law On Emergency Situation and State of Exception, allows the Cabinet of Ministers to decide on the determination of a special legal regime (emergency situation) in the country and to determine the measures necessary for the prevention or management of the public threat and the consequences thereof, as well as the competence of state administration and local government institutions in preventing or managing the public threat. The Cabinet of Ministers shall immediately notify the Presidium of the Parliament of the adopted decision, which shall accordingly immediately include it in the agenda of the sitting of the Parliament and decide to support or reject it. In case the Parliament rejects the decision adopted by the Cabinet of Ministers, the respective decision shall become invalid and the measures introduced in accordance with it shall be immediately revoked. Consequently, the actions of the Cabinet of Ministers cannot be considered as violating the principle of separation of powers, as the Parliament has the freedom to decide on the approval or rejection of this decision, incl. regarding the obligation to vaccinate judges and judicial staff.

<https://www.tm.gov.lv/en/article/j-bordans-invites-discuss-letter-strupiss-parliament-extension-regulation-emergency-situation-work-courts-meeting-judicial-council>