

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

10 August 1995,
12 June 1997;
27 June 2002;
16 June 2005;
13 October 2005;
11 October 2007;
26 March 2009;
10 December 2009.

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:

Investigatory Operations Law

This Law prescribes the legal basis, principles, tasks, objectives and substance of investigatory operations, regulates their process, forms and types, the official status, rights, duties and responsibilities of officials of bodies performing investigatory operations, and the financing, supervision and monitoring of such operations.

Chapter 1 General Provisions

Section 1. Concept of Investigatory Operations

Investigatory operations are the overt and covert legal activities, of specially authorised – pursuant to the procedures prescribed in this Law, and by law – officials of State authorities, the objectives of which are the protection of the life and health, rights and freedoms, honour, dignity and property of persons and the safeguarding of the Constitution, the political system, national independence and territorial integrity, the capabilities of the State regarding defence, the economy, science and technology, and State official secrets, against external and internal threats.

Section 2. Tasks of Investigatory Operations

(1) The tasks of investigatory operations are:

- 1) the protecting of persons against criminal threats;
- 2) preventing, deterring and detecting of criminal offences, and the determining of persons committing criminal offences and the sources of evidence;
- 3) searching for persons who, in accordance with procedures prescribed by law, are suspected of, have been accused of or have been convicted of committing a criminal offence;
- 4) ensuring compensation for damages resulting from a criminal offence;
- 5) searching for such persons who have left their permanent or temporary place of residence suddenly and without obvious reason, deviate from their usual lifestyle and it is not

¹ The Parliament of the Republic of Latvia

possible to reach them, as well as searching for minors and such persons who are to be taken care of because of their age, physical or mental condition or illness, but who have left home, medical treatment institutions or other places of residence (missing persons);

6) obtaining, accumulating, analysing and utilising, in accordance with procedures prescribed by law, of political, social, military, economic, scientific and technical, criminal, and other information related to the criminal sphere and its infrastructure, and threats against State security, defence and economic sovereignty;

7) the protecting of official secrets and other interests important to the State, and, in cases prescribed by law, the providing of special protection to persons; and

8) gathering of information about specific persons, if decisions must be taken regarding their suitability for work in important State offices and for authorities, or regarding persons who have access to official secrets or other secrets protected by law.

(2) Investigatory operations measures for the realisation of other tasks and purposes are prohibited.

[12 June 1997; 27 June 2002; 26 March 2009]

Section 3. Legal Basis of Investigatory Operations

(1) The legal basis of investigatory operations is the Constitution of the Republic of Latvia, the Criminal Procedure Law, this Law, as well as other laws and international agreements which regulate the tasks, rights and duties of the bodies that ensure State security, defence, economic sovereignty and public order.

(2) State authorities, which by law have been assigned the right to conduct investigatory operations, shall within their competence and in accordance with this Law issue internal regulatory enactments with respect to the organisation, methods, tactics, means and recording of such activities. Such regulatory enactments shall come into force only after the Prosecutor General has approved them.

(3) The internal regulatory enactments referred to in Paragraph two of this Section need not be co-ordinated with the Ministry of Justice.

[27 June 2002; 13 October 2005; 11 October 2007]

Section 4. Principles of Investigatory Operations

(1) Investigatory operations shall be organised and performed on a lawful basis, observing overall human rights, and in co-operation with and relying on the assistance of the general public.

(2) In performing investigatory operations measures it is prohibited to cause physical harm or material damage to persons, to endanger the life and health of people; to threaten the use of or use physical means of coercion; to incite people to criminal acts, and to cause significant harm to the environment.

(3) Investigatory operations measures, and the manner, scope and intensity of the conducting thereof, shall be commensurate to the form and danger level of the threat. Investigatory tasks shall be conducted so as to interfere as little as possible in the sphere of human rights.

(4) Investigatory operations measures shall be initiated and performed only if fulfilling the tasks referred to in Section 2 of this Law and achieving the objectives determined in Section 1 are not possible by other means or are significantly more difficult.

(5) Investigatory operations measures shall be performed without regard to the citizenship, gender, nationality, age, residence, education, or social, employment or financial status and office of persons, their political and religious views, or affiliation with parties or other public

organisations. The factors mentioned shall not influence investigatory operations, unless such are specially set out in law.

(6) The bodies performing investigatory operations and their officials are prohibited from acting directly or indirectly in the interests of political parties, organisations and movements or persons, and from being involved in State authority and administrative bodies, Office of the Prosecutor and court institutions, and the activities of public, political and religious organisations in order to influence or affect them, except in cases where such is necessary to prevent or uncover criminal offences.

[27 June 2002]

Section 5. Protection of Rights and Freedoms of Persons

If a person believes that a body performing investigatory operations has through its actions infringed the lawful rights and freedoms of the person, such person is entitled to submit a complaint to a prosecutor who, after conducting an examination, shall provide an opinion with respect to the conformity to law of the actions of the officials of the body performing the investigatory operations, or the person may bring an action in court.

Chapter 2 Substance of Investigatory Operations

Section 6. Substance of Investigatory Operations

(1) The substance of investigatory operations is investigatory measures and the methods of their realisation. Investigatory measures are:

- 1) investigatory inquiring;
- 2) investigatory observation (shadowing);
- 3) investigatory inspection;
- 4) investigatory acquisition of samples and investigatory research;
- 5) investigatory examination of a person;
- 6) investigatory entry;
- 7) investigatory experiment;
- 7¹) controlled delivery;
- 8) investigatory detective work;
- 9) investigatory monitoring of correspondence;
- 10) investigatory acquisition of information expressed or stored by a person through technical means; and
- 11) investigatory wiretapping of conversations.

(2) This Section provides a complete listing of investigatory operations measures, and it may be modified or expanded only by law.

(3) In the course of investigatory operations measures, recordings may be made with video and audio, cinematography and photography equipment, and various information systems and technical, chemical and biological means may be utilised. Such means shall be utilised so as to not cause harm to the health of the population or the environment. The procedures for utilising such means shall be determined by the body performing investigatory operations.

[13 October 2005; 10 December 2009]

Section 7. General and Special Method of Performing Investigatory Operations Measures

(1) The investigatory operations measures indicated in Section 6 of this Law may be performed in accordance with the general or special method.

(2) Investigatory operations measures shall be performed in accordance with the general method if the tactics, form and scope of their performance do not significantly infringe on the constitutional rights of persons. Such measures shall be initiated by an official with the approval of his or her immediate manager (supervisor) or the deputy manager if it is not otherwise provided for in this Law.

(3) Investigatory operations measures, in the course of which there is significant infringement of the constitutional rights of persons, shall be conducted in accordance with the special method.

(4) Investigatory monitoring of correspondence, investigatory acquisition of information expressed or stored by a person by technical means, investigatory covert monitoring of non-public conversations (including by telephone, by electronic or other means of communication) and investigatory entry shall be performed only in accordance with the special method and with the approval of the Chief Justice of the Supreme Court or a Justice of the Supreme Court specially authorised by him or her. Permission to perform such investigatory operations measures may be issued for a period of up to three months and may be extended where it is substantiated that it is necessary, but only for the period of time that the investigatory process is being carried out with respect to the person.

(5) In cases where immediate action is required in order to avert terrorism, murder, gangsterism, riots, other serious or especially serious crime, as well as where the lives, health or property of persons are in real danger, the investigatory operations measures referred to in Paragraph four of this Section may be performed without the approval of a judge. The prosecutor shall be notified within 24 hours, and approval of a judge shall be obtained within 72 hours, regarding such measures. Otherwise the conduct of the investigatory operations measures shall be discontinued.

(6) The approval of a judge shall not be necessary for the performance of investigatory operations measures in accordance with the special method against arrested persons, suspects, accused, defendants and convicted persons, on the premises of the body performing the investigatory operations or of penitentiary institutions, as well as in cases where the body performing the investigatory operations, on the basis of a written submission by a specific person, taps the conversations of such persons.

(7) The permission (approval) of a judge or the refusal thereof shall be drawn up in writing taking into account the provisions of this Law, the Law On Official Secrets and other regulatory enactments regarding regulation of classified information protection.

[12 June 1997; 27 June 2002; 13 October 2005; 10 December 2009]

Section 8. Investigatory Operations Methods

(1) An investigatory operations method is the aggregation of investigatory measures, means and tactics, and the sequence and procedure of performing such for the purpose of fulfilling the specific investigatory operations tasks referred to in Section 2 and achieving the objectives determined in Section 1 of this Law.

(2) Investigatory operations methods shall be formulated in accordance with the procedures prescribed in Section 3, Paragraph two of this Law.

(3) The organisation, methodology and tactics of investigatory operations measures are an official secret.

[27 June 2002]

Section 8.¹ Distribution of Information via the Integrated Interior Information System

(1) If it is necessary to ascertain the location of a person, property or document for the fulfilment of the tasks referred to in Section 2 of this Law and for the achievement of the objectives of an investigatory operation, the official of the body performing investigatory operations may take a decision regarding inclusion of information in the Integrated Interior Information System in order to ascertain the location of the person, property or document.

(2) If, during the process of an investigatory operation, there is no more need or grounds for ascertaining the location of a person, a property or a document, the subject-matter of the investigatory operation shall take a decision regarding deletion of information from the Integrated Interior Information System.

(3) The Cabinet shall determine the amount of the information to be included in the Integrated Interior Information System, the basis and objective of inclusion of information, the procedures for inclusion, use and deletion of information, the institutions, which shall be granted access to the information included, as well as the action to be taken upon detecting a person, property or document, regarding whom or which information has been included in the Integrated Interior Information System.

[26 March 2009]

Section 9. Investigatory Inquiring

[10 December 2009]

(1) Investigatory inquiring is the overt or covert activity of officials of bodies performing investigatory operations in the course of which, with the help of investigatory questioning, investigatory ascertainment, investigatory acquisition of data from electronic information systems, investigatory determination and investigatory acquisition of information from credit institutions or financial institutions, information is obtained regarding facts, persons and things.

(2) Investigatory questioning shall be performed by questioning persons regarding facts in which the bodies performing investigatory operations are interested.

(3) Investigatory ascertainment shall be performed by gathering information regarding specific persons.

(4) Investigatory determination shall be performed by finding out information from persons if there is reason to believe that such information is available to the relevant persons but they do not wish to provide it directly.

(5) Investigatory acquisition of data from electronic information systems – that is, acquisition of such data, the storage of which is determined in the Law and which do not disclose the content of the information expressed or stored by a person – shall be performed with the permission of the head (chief) of the institution of the body performing investigatory operation or his or her authorised person, requesting data from natural persons or legal persons, which, using electronic information systems, process, store or transmit them.

(6) Investigatory acquisition of information from credit institutions or financial institutions – that is, requesting and receipt of confidential information or documents containing such information at the disposal of credit institutions or financial institutions or requesting of monitoring of transaction in an account of a client of the credit institution or financial institution for a specific period of time – shall be performed with the permission of the Chairperson of the Supreme Court or with the permission of a Judge of the Supreme Court specifically authorised by him or her. Transactions in an account of a client of the credit institution or financial institution may be monitored for a period of time up to three months, but, if necessary, the Chairperson of the

Supreme Court or a Judge of the Supreme Court duly authorised by him or her may extend this period of time up to three months.

[10 December 2009]

Section 10. Investigatory Observation (Shadowing)

(1) If a body performing investigatory operations has available well-founded information regarding a criminal offence in preparation or having been committed by persons, or regarding other unlawful acts, or a threat to interests of importance to the State, the observation (shadowing) of such persons and persons associated with them is permitted.

(2) In order to obtain or verify information regarding unlawful acts or a threat to interests of importance to the State, the observation of various stationary and mobile facilities and observation (shadowing) of persons associated with such is permitted.

(3) In order to uncover and avert possible threats to facilities of importance to the State, preventive investigatory observation of such facilities is permitted.

[27 June 2002]

Section 11. Investigatory Inspection

(1) Officials of bodies performing investigatory operations are entitled, without disclosing their official affiliation and the true reason, to inspect the premises, territory and other publicly accessible property.

(2) Apartments, premises, transport vehicles, territory and other property which is not accessible to the public may be inspected by entering or approaching such only with the consent of the relevant possessor.

[13 October 2005; 26 March 2009]

Section 12. Investigatory Acquisition of Samples and Investigatory Research

(1) Officials of bodies performing investigatory operations are entitled to obtain samples of the handwriting, voice and odours of persons, their fingerprints, things and parts and copies thereof, materials, substances and products, traces of the actions of persons and animals, excretions of persons and animals, and other samples, samples of finished goods, partially processed goods, raw and other materials, documents and copies thereof, and other things.

(2) Investigatory research shall be performed by comparison techniques and other techniques, researching various things and parts and copies thereof, materials, substances, products, goods, manufactured articles, traces of the actions of persons and animals and of the excretions of persons and animals.

(3) Results of investigatory research of samples shall not be utilised as procedural evidence.

Section 13. Investigatory Examination of Persons

Investigatory examination of a person shall be performed without revealing to the person the interests of the body performing investigatory operations and the purpose of the examination, and by specially creating such conditions as will cause the person to be in a situation that would make feasible the performing of such investigatory operations.

Section 14. Investigatory Entry

Investigatory entry shall be performed by covertly gaining access to an apartment, premises, transport vehicles or other facilities not open to the public, in order to ensure the carrying out of investigatory operations measures. Investigatory entry is permitted only in cases of investigatory process.

Section 15. Investigatory Experiments

(1) An investigatory experiment is the action of officials of bodies performing investigatory operations the purpose of which is to create specific circumstances (situations) in order to determine the persons or things of interest, or to determine the actions of persons regarding whom the investigatory process is being conducted, or the movement of things, in such circumstances, and to determine the motivation (subjective aspect) of such persons for their actions.

(2) An operational experiment may also be conducted in order to:

- 1) verify the feasibility of actions of persons and the objectives of such;
- 2) model the possible actions of persons and verify the existence or movement of things;
- 3) create a favourable situation for the body performing investigatory operations to resolve the investigatory tasks.

(3) An investigatory experiment, the purpose of which is to record how persons, in relation to whom the investigatory process are being conducted, act in a situation eliciting a criminal or other illegal act shall be performed only with the approval of a prosecutor.

Section 15.¹ Controlled Delivery

(1) Controlled delivery is the movement of goods or other valuables (including substances, means of payment or other financial instruments) in the territory of Latvia or across the State borders and the control of persons associated with such movement the purpose of which is to prevent or detect criminal offences and to ascertain the persons committing such offences if information has been received or there are justified suspicions regarding the association of the goods or other valuables to be moved with criminal offences.

(2) In performing such controlled delivery of goods and substances, the free sale and purchase of which is prohibited by regulatory enactments or the referred to activities require a special permit, the goods or substances may be fully or partially seized or exchanged.

(3) Controlled delivery is not permitted if it is not possible to fully prevent:

- 1) the endangerment of the life or health of persons;
- 2) the spread of substances dangerous to the life of persons;
- 3) [26 March 2009]; or
- 4) an ecological catastrophe or the irreversible loss of property.

(4) Controlled delivery shall be performed on the basis of a decision of an official of an investigatory operations body, which has been approved by a prosecutor.

(5) If during the implementation of controlled delivery also other special method investigatory operations tasks are to be performed, permission for the implementation of such shall be obtained according to the procedures specified in this Law.

[13 October 2005; 26 March 2009]

Section 16. Investigatory Detective Work

(1) Investigatory detective work is investigatory measures that are performed in public places directly (in person) by an official of the body performing investigatory operations in order to

determine, by observation and shadowing, facts, things and persons related to criminal activity, to prevent or uncover criminal offences, threats to interests of importance to the State, State security and defence and to search for suspects, accused persons, convicted persons and missing persons.

(2) Investigatory detective work may be performed either overtly or concealing affiliation with the body performing investigatory operations; in the course of such, with the permission of the head or deputy head of the institution performing the investigatory operations, contact may be established with persons eliciting the investigatory interest.

(3) In carrying out the tasks of the investigatory process, officials of the body performing investigatory operations are entitled with the approval of the prosecutor to perform investigatory detective work by becoming involved in a criminal environment (directly or under false identity), establishing contacts with persons set out in the investigative record and persons associated with them. Such activity and the identity of the officials is an official secret.

[12 June 1997; 27 June 2002; 26 March 2009]

Section 17. Investigatory Control of Correspondence, Investigatory Acquisition of Information Expressed or Stored by a Person from Technical Means, and Investigatory Wiretapping of Conversations

[10 December 2009]

If a body performing investigatory operations is in possession of well-founded information with respect to the involvement of persons in crime, as well as regarding threats to interests of importance to the State, State security and defence, the following is permitted:

1) investigatory monitoring of correspondence – that is, it is permitted to monitor the outgoing and incoming postal, telegraphic and other types of correspondence of such persons, and electronic communications and other types of systems that are at their disposal for the sending and receipt of such correspondence;

2) investigatory acquisition of information expressed or stored by a person from technical means – that is, downloading of information or copying thereof from electronic and other types of information storage devices and information channels owned by or at the disposal of persons; and

3) investigatory wiretapping of conversations – that is, the wiretapping of such conversations as take place between such persons and other persons (including by telephone, and by electronic and other types of means of communication).

[27 June 2002; 10 December 2009]

Chapter 3 Investigatory Operations Procedure

Section 18. Investigatory Operations Procedures

(1) Investigatory operations procedures comprise all investigatory operations measures, which are performed according to prescribed procedure by officials of the bodies performing investigatory operations. Such activities and the results thereof shall be recorded in official documents, which shall be drawn up in conformity to this Law, the Law On Official Secrets, the Freedom of Information Law and the requirements of other regulatory enactments regulating the protection of information.

(2) Investigatory operations procedures may commence before criminal proceedings are initiated, may take place during the period of investigation of a criminal matter and continue after termination thereof.

- (3) Investigatory operations procedures consist of the following stages:
- 1) investigatory inquiry;
 - 2) investigatory examination; and
 - 3) investigatory process.

[13 October 2005]

Section 19. Basis for Initiating and Performing Investigatory Operations Measures

(1) Investigatory operations measures shall be initiated only in accordance with the conditions set out in Section 4, Paragraph four of this Law.

(2) In compliance with the conditions set out in Paragraph one of this Section, investigatory operations measures may also be performed in accordance with:

1) a separate assignment submitted in writing by the Office of the Prosecutor and pre-trial investigation and court institutions, with respect to criminal matters as are entered in the records of these institutions;

2) a written request by another body performing investigatory operations; and

3) a request from or agreement with an international or foreign law enforcement institution, or a State security or defence institution.

[27 June 2002]

Section 19.¹ Provision of Special Protection to Persons [16 June 2005]

[12 June 1997; 27 June 2002; 16 June 2005]

Section 20. Investigatory Inquiry

(1) Investigatory inquiry is activity, of officials of bodies performing investigatory operations, conducted in order to obtain grounds for initiating an investigatory examination or investigatory process.

(2) In proceeding with investigatory inquiry, the investigatory operations measures referred to in Section 9 (except the measures referred to in Paragraph six thereof), Sections 11 and 13 and Section 16, Paragraph one of this Law may be performed. The requirements set out in Section 7, Paragraph two of this Law shall be observed in the course thereof.

[10 December 2009]

Section 21. Investigatory Examination

(1) In conducting the measures set out in Section 6 of this Law, a body performing investigatory operations may, in conformity with its tasks and competence, perform investigatory examination of relevant facts.

(2) Investigatory examination shall be initiated pursuant to a decision approved by the head or deputy head of the body performing investigatory operations, and shall be carried out under his or her control.

(3) An investigatory examination matter shall be initiated for each investigatory examination. The term during which proceedings with respect to such matter take place shall be two months. This may be extended with the approval of the head or deputy head of the body performing investigatory operations.

(4) The procedures for investigatory examinations shall be determined by the head or deputy head of the body performing investigatory operations.

(5) The basis for initiating an investigatory examination may also be a decision of a competent official regarding the initiating of criminal proceedings in accordance with the procedures prescribed by the Criminal Procedure Law.

[12 June 1997; 13 October 2005]

Section 22. Investigatory Process

(1) If the body performing investigatory operations has at its disposal information with respect to specific persons (including where obtained as a result of an investigatory examination) and it provides a sufficient basis to suspect such persons of planning or committing a criminal offence or threatening interests of importance to the State, or such persons are being sought with respect to a criminal offence already committed, investigatory process shall be initiated with respect to such persons.

(2) Investigatory process shall be initiated by taking a decision regarding such, which decision shall be approved by the head or deputy head of the institution performing investigatory operations. A prosecutor shall be informed thereof.

(3) An investigatory process matter shall be initiated regarding the investigatory process, and persons with respect to whom the investigatory process is conducted shall be included in the investigatory record.

(4) Any of the investigatory operations measures set out in Section 6, and the methods of conducting such measures referred to in Section 7 of this Law may be utilised in the investigatory process procedure.

(5) The term for investigatory process in such matters is six months, which may be further extended for six months with the approval of the head or deputy head of the body performing investigatory operations. A further extension of the term may be done only with the approval of the Prosecutor General or a prosecutor specially authorised by the Prosecutor General, but it shall not be for more than the limitation period of the crime in relation to which the investigatory process is being conducted.

[12 June 1997; 27 June 2002]

Section 23. Investigatory Records

(1) Investigatory operations institutions are entitled to collect, systematise, analyse, store and record official legal and secret information with respect to persons, facts, events and things (in the form of passive records) that are necessary and are significant for the performing of their tasks with respect to investigatory operations and criminal procedure.

(2) The inclusion of persons in investigatory records (active form of records) is permitted only if investigatory process is being conducted with respect to them.

(3) The rights and freedoms of persons included in investigatory records may be restricted only in the cases and in accordance with the procedures prescribed by the Criminal Procedure Law or by other laws.

(4) If information on the basis of which a person is included in an investigatory record is not confirmed, such person shall be removed from the record. Investigatory records matters (investigatory examination and investigatory process matters) shall be terminated if:

1) the fact to be examined has not been confirmed;

2) the criminal offence and the persons who committed the criminal offence have been determined;

3) other investigatory operations tasks have been completed; or

4) the limitation period for criminal liability has come into effect.

(5) Investigatory records files, after completion of a matter, shall be stored in accordance with procedures and terms prescribed by law and the body performing investigatory operations.
[12 June 1997; 27 June 2002; 13 October 2005]

Section 24. Legal Significance and Utilisation of Information Collected

(1) Information obtained in the course of investigatory operations measures shall be classified as restricted access information or an official secrets object. Such information may be utilised as evidence in a criminal proceeding only according to the procedures specified in the Criminal Procedure Law, ensuring the implementation of the investigatory measures and the confidentiality and safety of the persons involved therein.

(2) The materials and information obtained may also be utilised in the preparation and performing of investigative measures in criminal proceedings as provided for by law, in planning and conducting investigative operations measures, in analysing situations tending to promote crime and developing measures for ameliorating the situation, in discovering factors and sources of real or potential threats, in performing measures to forecast, avert or neutralise a crisis situation in the State and the consequences of such, and in developing a State security and defence strategy and preparing and realising its complex programme.

(3) The heads of State authorities and administrative bodies, officials authorised by them or by the law, and, in cases and according to procedures prescribed by law, officials of bodies performing investigatory measures for whom such information is necessary in order to perform their official duties, if the content thereof is related to the fulfilling of tasks entrusted to such officials, shall be informed of the information obtained as a result of investigatory operations activities.

(4) Where investigatory operations are performed in a criminal matter, the performer of procedures shall be informed of all the information obtained in such matter in the course of proceeding with investigatory operations.

(5) It is prohibited to purposefully obtain, through investigatory operations measures, information at the time professional assistance is being provided by sworn advocates, sworn notaries, doctors, teachers, psychologists and clergy, except in cases when the persons mentioned are themselves being subjected to an investigatory process.

[27 June 2002; 13 October 2005]

Chapter 4 Bodies Performing Investigatory Operations, their Rights, Obligations and Responsibilities

Section 25. Bodies Performing Investigatory Operations

(1) The system of bodies performing investigatory operations consists of State security and defence institutions, institutions for maintaining public order, and other specially authorised State bodies which by law are granted the right to perform investigatory operations measures within the scope of their competence and whose specially authorised officials are entitled to carry out such activities in accordance with procedures prescribed by this Law.

(2) The bodies performing State investigatory operations, within the scope of competence set out in legislative enactments, shall fulfil their tasks both independently and in co-operation with other bodies of this system both in the Republic of Latvia and in foreign states.

Section 26. Competence of Bodies Performing Investigatory Operations and of their Officials

(1) Bodies performing investigatory operations shall perform only such investigatory activities set out in this Law as are necessary to fulfil the tasks and attain the objectives set out in law, and only within their competence as prescribed by law.

(2) The main directions of investigatory activities, their types, content, amount and intensity shall be determined by the head of the investigatory operations body, taking into account the investigatory and criminogenic situation and changes his or her sphere of activities, as well as the type and danger of the existing threat, in order to ensure the implementation of tasks specified by law and the achievement of aims.

(3) Officials of bodies performing investigatory operations are entitled to perform investigatory operations measures only to such extent as is prescribed in the laws regulating the rights and duties of officials of such bodies.

(4) In the course of performing investigatory operations measures, officials of bodies performing investigatory operations activities are entitled to act overtly and covertly, to act directly (in person) and indirectly (with the assistance of other persons).

[27 June 2002]

Section 27. Duties of Bodies Performing Investigatory Operations and their Officials

Bodies performing investigatory operations and their officials have the duty:

1) utilising investigatory operations measures as required and the manner and means, methods and tactics, of performing such, therewith infringing human rights as little as possible, to obtain in good time, true and complete information as is necessary to fulfil their tasks and attain the objectives set out in Section 1 of this Law;

2) to ensure co-operation and co-ordination of activities with other bodies performing investigatory operations;

3) in cases and in accordance with procedures prescribed by law, to inform in good time State authorities and administrative institutions regarding discovered external or internal threats to State security, defence, economic sovereignty and public order, and in accordance with procedures prescribed by law perform measures to prevent or neutralise such threats;

4) to ensure the safeguarding of official secrets and other interests of importance to the State; and

5) to ensure the secrecy of investigatory operations and guarantee the confidentiality and safety of persons involved in investigatory operations measures.

Section 28. Rights of Bodies Performing Investigatory Operations and of their Officials

(1) Bodies performing investigatory operations and their officials, in the course of fulfilling their official duties, have the right:

1) to perform overt and covert investigatory operations measures as provided for in Section 6 of this Law;

2) to create and utilise information systems and technical means to perform such measures and record information;

3) to involve, both openly and confidentially, individual officials and persons having knowledge (specialists, experts) in science, technology and other areas, and individual persons, with their consent, in the performance of investigatory operations measures;

4) pursuant to mutual agreement, to utilise the premises, property and things owned by owners or possessed by possessors, as well as means of transport and other property;

5) to prepare and utilise documents and other means of masking in order to hide the true affiliation of units of bodies performing investigatory operations, the true ownership of their official premises and means of transport, and the identity of their workers; and

6) to establish cover organisations, utilise registration documents and other documents of organisations and merchants, as well as distinctive (identifying) marks in order to ensure investigatory operations and create favourable conditions for such.

(2) Officials of bodies performing investigatory operations shall be under State protection and have the legal and social guarantees prescribed by law. Losses caused to the property of an official of a body performing investigatory operations or his or her relatives in connection with the official activities of such official shall be compensated in full from State budget resources.

(3) In the course of investigatory operations measures, officials of bodies performing investigatory operations shall be subject only to law and to their immediate supervisor. If a task or order is in contradiction to the law, the official shall conduct themselves pursuant to the requirements of law. If, as a result a task or an order being fulfilled, a criminal offence may be committed, the official shall inform their senior supervisor and a prosecutor thereof without delay.

(4) Nobody has the right to interfere in investigatory operations of bodies performing investigatory operations and their officials. Excepted there from are persons specially authorised by law, who shall so act in accordance with procedures prescribed by law.

[27 June 2002; 13 October 2005]

Section 29. Responsibility of Officials of Bodies Performing Investigatory Operations

(1) If the requirements of law are violated in performing investigatory operations, the relevant officials shall be liable in accordance with procedures prescribed by law and official regulations.

(2) Actions performed while carrying out a task in a situation of justified professional risk without exceeding the limits of necessary self-defence or extreme emergency shall not be found to be a violation of the law.

(3) If in the course of investigatory operations the rights and interests of persons have been unlawfully infringed and as a result thereof harm has been caused, the obligation of the relevant official, prosecutor or court shall be to restore such rights and to compensate for or allay the inflicted material and moral harm in accordance with procedures prescribed by law.

Chapter 5

Legal and Social Protection for Covert Co-operation

Section 30. Covert Co-operation

(1) Authorised officials of bodies performing investigatory operations have the right, on a voluntary and mutual trust basis, to recruit persons, who have legal capacity, as covert helpers in investigatory operations.

(2) Such persons have the duty to keep the fact of co-operation secret, to not divulge information obtained in the course of such co-operation, and to provide only true information to officials of bodies performing investigatory operations.

(3) Covert co-operation may be remunerated. Covert helpers, with their consent, may also be recruited for investigatory operations on a contractual basis.

Section 31. Legal Protection of Covert Helpers

(1) Covert helpers shall be under the protection of the State and information with respect to their identity and covert co-operation with a body performing investigatory operations shall be an official secret.

(2) It shall be ensured that facts regarding covert co-operation are maintained as an official secret by special procedures for keeping records and for storing and issuing information, determined by a body performing investigatory operations, in compliance with the conditions of Section 3, Paragraph two of this Law. Information with respect to the identity of a covert helper and the fact of co-operation may be issued only in accordance with procedures prescribed by this Law.

(3) Covert helpers may be involved in criminal proceedings, without revealing the fact of covert co-operation. The fact of covert co-operation with such a person or the information provided by him or her may be revealed in criminal proceedings if such is necessary to attain the objectives of the investigation or to guarantee public security, and only if such does not endanger the life, health or freedom of the covert helper or of other persons, or the possibility of utilising the covert helper in the future.

(4) If as a result of covert co-operation the life, health, or financial and other lawful interests of the covert helper or his or her family members are endangered, security measures necessary to avert such danger, including change of domicile and personal identification documents, shall be undertaken in good time.

Section 32. Social Guarantees of Covert Helpers

(1) The conferring to a covert helper, of social guarantees given an official of a body performing investigatory operations as provided for in laws and other regulatory enactments, may be set out in a written co-operation agreement entered into between a body performing investigatory operations and the covert assistant. The specific social guarantees applicable to the covert helper shall be set out in the agreement mentioned.

(2) If a covert helper becomes disabled or dies, harm is caused to his or her health, or financial loss is caused to him or her, in the carrying out of a task of a body performing investigatory operations, the covert helper or his or her family members shall be paid support, pensions or compensation in conformity with the law which provides for such payments to institutional officials of the relevant body performing investigatory operations.

[15 August 1995]

Chapter 6

Financing, Management and Monitoring of Investigatory Operations

Section 33. Financing of Investigatory Operations

(1) Investigatory operations shall be financed from State budget funds. The funds from the State budget received for the financing of investigatory operations shall be recorded in accordance with the regulatory enactments in the field of accounting, observing the provisions for the protection of official secret.

(2) The head of the investigatory operations institution shall determine the procedures for the use and accounting of such funds and for internal control.

[26 March 2009]

Section 34. General Management and Monitoring of Activities of Bodies Performing Investigatory Operations

- (1) The parliamentary control of investigatory operations shall be performed by the *Saeima*.
- (2) The National Security Committee of the *Saeima* is entitled to hear the reports and accounts of the heads of institutions performing investigatory operations, examine the results of inspections of such institutions, as well as to acquaint itself with the official documents and information of such institutions, except documents regarding sources of covert information.
- (3) The performance of the tasks of bodies performing investigatory operations shall be monitored in accordance with procedures prescribed by law and the Cabinet.
- (4) Monitoring procedures in investigatory operations institutions shall be determined, in accordance with this Law and other laws, by the heads of such institutions who shall be personally responsible for the organisation of the work of subordinate units.

[27 June 2002]

Section 35. Monitoring of Investigatory Operations

- (1) Monitoring regarding the conformity to law of investigatory operations shall be performed by the Prosecutor General and by prosecutors specially authorised by the Prosecutor General. In performing monitoring they are entitled to acquaint themselves with documents, materials and information at any stage of investigatory operations as is available to the investigatory operations institution. Covert information and its sources shall be revealed only to the Prosecutor General, but to the prosecutors specially authorised by the Prosecutor General – only with the permission of the head of the investigatory operations institution.
- (2) In order to take a decision with respect to investigatory operations measures mentioned in this Law the performance of which requires approval by a judge, the judge is entitled to acquaint himself or herself with those documents, materials and information available to the investigatory operations institution, upon which the necessity for the specific investigatory operations measures is based. The covert information and the sources of such shall be revealed to the judge only with the permission of the head of the investigatory operations institution.

Transitional Provisions

1. This Law shall come into force in accordance with general procedures, but observing the exceptions mentioned in Paragraphs 2 and 3 of these provisions.
2. The investigatory operations measures mentioned in this Law, the performance of which requires approval by a judge, shall, pending this question being determined legislatively, be performed in the interim with the approval of the Prosecutor General or a prosecutor specially authorised by the Prosecutor General.
3. Bodies performing investigatory operations shall, until relevant amendments have been made to the laws, which regulate their operations, perform investigatory operations measures only to the extent and in accordance with the procedures prescribed by this Law.
4. [27 June 2002]
5. [27 June 2002]

6. The amendments to Section 7, Paragraph four of this Law, which provide for the approval of the Chief Justice of the Supreme Court or a Justice of the Supreme Court specially authorised by him or her for the performance of investigatory activity measures in a special way, shall come into force on 1 November 2002. The Cabinet shall by 1 November 2002 ensure for the Supreme Court premises and equipment in conformity with official secret protection regulations.

[27 June 2002]

This Law has been adopted by the *Saeima* on 16 December 1993.

President

G. Ulmanis

Rīga, 30 December 1993