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Status of Parliamentary investigatory committees and their role in the state administration

*The Saeima shall appoint **parliamentary investigatory committees** for specified matters if no less than one-third of its members request it.*

(Article 26 of the Constitution of the Republic of Latvia)

Key words: Constitution, parliamentary supervision, distribution of power, parliamentary control, parliamentary investigation, rights of the Parliament, commission of the Parliament, Saeima, prerogative of the opposition

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Introduction

The Parliament of Latvia in *ad hoc* and extraordinary cases may appoint special investigation committees (fr. *commissions d'engquête*). Article 26 of the Constitution¹ calls them as "**Parliamentary investigatory committees**". It would not be correct to say that absolutely all work of the Parliamentary investigatory committees could be considered as without a result,² however in most cases they have concluded their work without significant results. Similar opinion prevails also in the society. In short one has to conclude that despite separate exceptions the work of the investigatory committees *is not expiring*³ and in the best case these committees are unusual „self-educational” way of deputies. **The society never receives clear answers to the questions bothering it, but again** confirms failure of the deputies of the Parliament to exercise their rights efficiently.⁴ Establishment of the committees is always accompanied with loud announcements that finally exactly this parliamentary investigation will be the first one to conclude its work with a tangible result.⁵ Activities of the committees are characterised with continuous mutual disputes and even

¹ Latvijas Republikas Satversme (15.02.1922.). *Likumu un Valdības Rīkojumu Krājums*, 1922, 12. burtnīca, Nr. 113; *Latvijas Vēstnesis*, 1993. 1. jūlijs, Nr. 43.

²Silakalns J. *Sagatavots rīcības plāns kontrabandas apkarošanai*/ LETA 2002.gada 28.oktobris

³Ozoliņš A. *Diena: Lai ir jēga*/ Diena 2007.gada 7.septembris

⁴Lemešonoks D. *Parlaments ķeras pie literatūrkritikas*/Latvijas Avīze 2007.gada 7.septembris

⁵Lasmanis J.*Krājbankas lietā komisija meklēs vienlīdzīgākos*/ Neatkarīgā Rīta Avīze 2012.gada 18.janvāris

mutual insults, therefore it is no surprise that also mass media is harsh in its evaluations of the parliamentary investigations. The following characterisations go for the Parliamentary investigatory committees. They are "committees of showing of" (*Diena*),⁶ "public positioning of the opposition" (*Neatkarīgā Rīta Avīze*)⁷, which "does not have and never have had any use" (*Latvijas Avīze*).⁸ "The result of the activity is absolute zero without any result" (*Lauku Avīze*),⁹ but "it is rather difficult to find practical recommendations in the final reports" (*Jurista Vārds*).¹⁰ Despite the fact that some of these committees "have gone overboard" to make the work productive and have hold meetings in a run (for example, in 2011 in one day there were meetings organised by yet three investigatory committees¹¹, also politicians themselves call those investigatory committees as "chat-rooms" (*Solvita Āboltiņa*),¹² "nix forgerons" (*Gundars Bērziņš*),¹³ "folk university", where deputies educate themselves in law, spending the state's money" (*Ilma Čepāne*).¹⁴ Even politicians of the opposition have admitted that "no Parliamentary investigatory committee have ever acted efficiently" (*Valērijs Agešins*),¹⁵ because they are just "political tinkering" (*Gunārs Kūtris*).¹⁶ Opinion of the professionals is even harsher – parliamentary investigation in fact is "knocking on the rails by pretending that the tram is running, which just hinders the true workers, because disturbs them..."¹⁷

There is a reason to be sceptical about parliamentary investigation: usually they start their work with an intention to punish the guilty ones, but concludes them silently and without significant results. Already the first Parliamentary investigatory committees were reproached of acting without any target and inventing meaningless and vague tasks, that is why they are not helping, but even disturbing the responsible state institutions to investigate different crimes.¹⁸ Why a great deal of the parliamentary investigations has ended without any results? What kind of results in general we can expect from these investigations? Maybe commencing of the investigation by itself is a result at the same time. Who is to be blamed for the poor quality of the parliamentary investigations – lack of the analytical service of *Saeima* of Latvia, poor provision of the parliamentary committees or maybe the inefficiency is hidden in the legal construction of the Parliamentary investigatory committees? Looking for the answers in this article it is tried to clarify the constitutional logic of the Parliamentary investigatory committees, as well, by analysing the parliamentary investigation the practical application of the committees is discusses, as Latin were saying in their time *verba volant, scripta manent* – spoken words fly away, written words remain. What remains after the work of the Parliamentary investigatory committees?

⁶Meļņiks R. *Izrādīšanās komisijas/ Diena* 2014.gada 14.novembris

⁷Lasmanis J. *Izmeklēšanas rezultāti atkarīgi no deputātu sirdsapziņas/ Neatkarīgā Rīta Avīze* 2014.gada 13.novembrī

⁸Skatīt, Zvirbulis Ģ. *Kad deputāti spēlē detektīvus/ Latvijas Avīze* 2011.gada 21. maijs; Zvirbulis Ģ. *Kā atgūt Ķemerus/ Latvijas Avīze* 2013.gada 26.aprīlis

⁹Līcīts E. *Tik dibina komisijas un raksta koncepcijas/ Lauku Avīze* 2001.gada 18.oktobris

¹⁰Gailīte D. *Parlamentārās izmeklēšanas komisiju ziņojumus lasot. Jurista Vārds*, 2014.- 2. decembris/ Nr.47

¹¹Kozule E. *Pirmdien Saeimā notiks triju parlamentārās izmeklēšanas komisiju sēdes/LETA* 2001. gada 14.decembris

¹²Panteļejevs A. *Grābekļi paliks?!/ Diena* 2011.gada 25.novembris

¹³Ozoliņa M. *Adamsons: Latvenego 3 miljonu meklēšanas komisija Saeimā jāatjauno/ LETA* 1999.gada 7.janvāris

¹⁴Zvirbulis Ģ. *Dobeļa komisija turpinās izmeklēt/ Latvijas Avīze* 2008.gada 3.oktobris

¹⁵Zvirbulis Ģ. *Apakškomisijas – izglītošanās par nodokļu maksātāju naudu/ Latvijas Avīze* 2008.gada 23. oktobris

¹⁶Liepiņa A. *Kūtris: Saeimas parlamentārās izmeklēšanas komisijas darbs neko neatrisina/ LETA* 2008.gada 6.jūnijs

¹⁷Juris Rekšņa (bijušais Valsts policijas priekšnieks) *Pēdējā laikā aktualizējies jautājums: Vai ir jēga veidot parlamentārās izmeklēšanas komisijas? Viedoklis par&pret/ Sestdiena* 2014.gada 21. novembris

¹⁸Saeimas deputāts Arveds Bergs (Skat. *Latvijas Republikas 2. Saeimas IV sesijas 1926. gada 26. oktobra sēdes (5. sēde) stenogramma*)

1. Parliament's control function in action – parliamentary investigation

Even though nowadays the amount of the laws and regulations developed by the executive power starts to increase the draft laws initiated by the Parliament and there start to appear rumours about weakening of the role of the Parliament,¹⁹ legislation is the primary function of the Parliament. When listing the main functions of the Parliament,²⁰ as the **first** should be indicated passing of laws or **legislation function**.²¹ Legislation is an activity in the result of which legal norms are issued, amended, cancelled or invalidated. Legislation process is a special procedural order in which the Saeima achieves that a preliminary drafted draft law becomes the law, id est., becomes a circumventing enactment, which takes a concrete place in the system of laws and regulations. Upon carrying out this function the Parliament takes care of improvement of the legislation (duty of detection and elimination of the shortcomings in the regulatory framework)²² and monitors correct execution of the laws.²³

The second function of the Parliament that is subordinated to the legislation²⁴ is **acceptance of the state budget**. The Constitutional Court²⁵ names this function as politically economical.

The third function of the Parliament is organisational work of the executive power and judicial power.

The fourth function of the legislator is **control of the executive power and judicial power**. The process of development of legal norms, approval of the state budget²⁶, confirmation/non-confirmation of the head of the government or officials of the judicial power also is a visible element of control. The Parliament has **”predominance possibilities over the government”**²⁷ and, of course, when hearing reports of ministers, the Prime Minister or the manager of a bank and other officials elected by the Parliament or government the presence of control is constant. In fact this control intertwines all activities of the Parliament, however when carrying out the above mentioned functions another task is the main one rather than the control. When discussing the parliamentary control it should be indicated that in the Latvian constitutionalism there are **no traditions of impeachment procedures**²⁸. **Even the President of the State does not have them, that is why the above**

¹⁹Dārendorfs R. *Parlamentu noriets/ Diena* 2002.gada 3.septembris

²⁰ Latvijas valststiesību pamatlicējs profesors Kārlis Dišlers pavisam izdalīja astoņas parlamenta funkcijas - konstitūfīvo, leģislatīvo, administratīvi – saimniecisko, kontroles, kreatīvo, defensīvo, jurisdiktīvo un regulatīvo (*Dišlers K. Ievads Latvijas valststiesību zinātnē. R. 1930. 152.-153.lpp.*)

²¹Sk. *Valsts prezidenta Konstitucionālo tiesību komisija. Viedokļi: 2008–2011*. Rīga: Latvijas Vēstnesis, 2011, 23,108. lpp.; Satversmes tiesas 2008.gada 16.decembra spriedums lietā Nr.2008-09-0106 punkts 6.1.;Dišlers K. *Latvijas valsts varas orgāni un viņu funkcijas*. Rīga: Tiesu namu aģentūra, 2004. – 92.lpp.

²² Satversmes tiesas 2010.gada 25.novembra spriedums lietā Nr.2010-06-01 punkts 17.15.

²³ Likumdevējs, caur atbildīgu parlamenta komisiju un valsts auditoru (Valsts kontroli) seko finanšu līdzekļu izlietošanas lietderībai valsts un pašvaldību iestādēs.

²⁴ Skatīt. Pleps J., Pastars E., Plakalne I. *Konstitucionālās tiesības*. Rīga: Latvijas Vēstnesis, 2014., 281.lpp.

²⁵ Satversmes tiesas 2012.gada 3.februāra spriedums lietā Nr.2011-11-01 punkts 10

²⁶ ” Valsts budžeta likuma pieņemšana ir svarīga Saeimas funkcija, kuru tā veic kā institūcija, kas ir tieši atbildīga Latvijas tautas priekšā. [...] Saeimai ir pienākums kontrolēt budžeta izpildi, kas ir valdības pienākums. Tādējādi Saeimas budžeta tiesības ir viens no būtiskākajiem instrumentiem instrumentiem ar kuriem Saeima īsteno parlamentāro kontroli pār valdības rīcību.” (*Satversmes tiesas 2012.gada 3.februāra spriedums lietā Nr.2011-11-01 punkts 10*)

²⁷Lamentovičs V. *Mūsdienu valsts-* Rīga: Apgāds Zvaigzne ABC, 2007.–112.lpp.

²⁸Impīčments(*impeachment*–angļu val.) izcēlies *senangluempechen*> traucēt vai apsūdzēt, lat. *impediāre*> iejaukt vai sapīt važās. Impīčments būtībā ir īpaša apsūdzības procedūra, kuras mērķis ir noteikt attiecībās amatpersonas vainu, un pārkāpuma konstatēšanas gadījumā, atļaut to no amata. Impīčments ir parlamentāra procedūra, kuru var vērtēt arī kā varas dalīšanas koncepcijas ietvaros realizētu parlamentāro kontroli, kas paredzēta lai izpildvara un tiesu vara nepārsniegtu savas kompetences. Impīčmenta procedūras norisei un tās sekām ir ne tikai juridisks, bet arī politisks raksturs. Sekas var būt atļaišana no amata vai aizliegums ieņemt noteiktus amatus valsts pārvaldē nākotnē.

mentioned control possibilities are not and may not be exercised in an effective manner. This control function of the state administration results from the principle of distribution of the democratic state power, which is a complex mechanism, the essence of which is functional basic distribution of three powers (the legislator's power, executive power and judicial power).²⁹ The principle of distribution of powers is expressed also as symbiosis of participation, crossing and overlapping of the mentioned three powers, the simplified essence of which is to monitor each other in order to avoid that national power does not become unjustified prerogative of a separate individual, body or branch of the power.

Respecting of the power distribution concept for a democratic state is not an end in itself, but is a necessity, because **realisation of the "balance and counterweight" provides for institutional stability and prevents usurpation of the power.** The state's duty is to do everything possible to avoid one and the same body having features of several powers. For example, that the Parliament would not become a court or the court not to start passing the laws that would determine how to judge etc.. In texts of many Constitutions passed in the last twenty years the principle of distribution of power is clearly enshrined in the Constitution. Therefore distribution of power is a norm of the Constitution and a general principle of rights at the same time. As an example may be mentioned Part One of the Article 10 of the Constitution of Poland, which states that the state of Poland is based on separation and balance of the legislation power, executive power and judicial power. In contrary to the Constitutions of other countries in the text of the Constitution of the Republic of Latvia the principle of distribution of power may not be read directly, however in some articles the presence of the principle of distribution of power is clearly seen. The mentioned may be also concluded from the laconic Article 1 of the Constitution.³⁰

The duty of the government is to account before the Parliament for the works done. The fourfold British Prime Minister **William Ewart Gladstone** in his time when discussing the works to be performed by the executive power has indicated to the House of Commons of Great Britain, that – **the duty of the Parliament is to request account from those who administer the state rather than to administer the state!** In daily life the parliamentary control may be seen in the meetings of the Standing committees of the Saeima, because if examining the draft laws in an effective manner³¹ one has to hear representatives of the executive power.³² Means of the parliamentary control is requests and questions of the deputies³³ and investigatory committees.³⁴ The questions and requests may be considered as

²⁹Balodis R. Tieslietu padomes nozīme laika dimensijā/ Jurista Vārds 2010. gada 26. janvāris Nr.4; Balodis R. Varu krustošanās ir nevis nevēlama, bet lietderīga. <http://www.delfi.lv/news//comment/comment/article.php?id=29513533>

³⁰ Skatīt Latvijas Republikas Satversmes tiesas 2006. gada 16. oktobra sprieduma lietā Nr. 2006-05-01,secinājumu daļas 10. punktu; Balodis R. Ievads Latvijas Republikas Satversmes VIII nodaļas komentāriem/Latvijas Republikas satversmes komentāri. VIII nodaļa. Cilvēka pamattiesības. Autoru kolektīvs prof. R.Baloža zin. Vadībā. - Rīga: Latvijas Vēstnesis, 2011.–7.lpp.; Grigore – Bāra E., Kovaļevska A., Liepa L., Levits E., Mīts M., Rezevska D., Rozenvalds J., Sniedzīte G. Satversmes 1. panta komentārs/Latvijas Republikas Satversmes komentāri. Ievads. I nodaļa. Vispārējie noteikumi. Autoru kolektīvs prof. R.Baloža zin. Vadībā. - Rīga: Latvijas Vēstnesis 2014.–147., 194.- 196. lpp.

³¹ Satversmes tiesas 2008.gada 16.decembr spriedums lietā Nr.2008-09-0106 punkts 6.4

³² Citviet pasaulē parlamentārā kontrole notiek ar **parlamentāro ombudu** starpniecību (piemēram, Zviedrijā, Dānijā, Norvēģijā, Jaunzēlandē uct.). Šie ombudi kontrolē administrācijas darbības legālumu un pārrauga arī justīciju. Tur, kur iesakņojusies "ēnu kabineta" darbība, piemēram, Lielbritānijā, tās ir visefektīvākais parlamenta kontroles veids. Lieliski darbojas arī "**ēnu komisijas**", kurās partijas, dublē patstāvīgās komisijas, sistemātiski caurskatot parlamenta un arī valdības darbu.

³³ Teorētiski pieprasījumi un deputātu jautājumi (Saeimas kārtības ruļļa 119 – 130 panti), kā valdības kontroles līdzeklis var novest pie neuzticības izteikšanas atsevišķam Ministru kabineta loceklim vai visam Ministru kabinetam. Praktiski gan pieprasījumi ir opozīcijas modrības izrādīšana, nekā patiesības noskaidrošanas instruments. Saeimas plenārsēžu sākuma pārcelšana uz rīta cēlienu pagājušā gadsimta 90' gadu beigās un ministru atbildžu sniegšanas laika nozīmēšana uz vēlu pēcpusdienu radīja situāciju, kad uz ministru atbildēm nenāk klausīties pat jautājuma uzdevēji. Turklāt atšķirībā no parlamentāro izmeklēšanas komisiju iztaujāšanas un izmeklēšanas šeit jautātāju iespējas ir visai ierobežotas... Drīzāk jau tad par parlamentāro kontroli var runāt patstāvīgo komisiju ietvaros. Saeimas komisijas organizē regulāras tikšanās ar ministriem vai attiecīgo

political tools, but not legal ones,³⁵ in its turn the **parliamentary investigatory committees are "more real control" means.**³⁶ The rights granted to the Saeima to examine the activity of the executive power are exercised in most effective manner with the parliamentary investigation.³⁷ In Latvia the parliamentary investigatory committees in comparison with the questions of the deputies is less often used way of control although soon there will be already thirty parliamentary investigations conducted.

Statistics show that on average one parliamentary investigatory committee is working in the Saeima, while requests and questions to the members of the government are asked on regular basis. Thus, for example, in 2011 the deputies submitted three requests: one was addressed to the Prime Minister, another one to the Minister of Interior and the third one to the Minister of Economy. In the same year also 23 questions of the deputies have been submitted.

Finally it should be noted that the parliamentary investigatory committees in Latvia mostly are established and managed by opposition parties,³⁸ because the **Saeima has to determine such an order of work that upon exercising the will of a majority at the same time guarantees the rights of a minority and provides efficiency of the work of the Saeima.**³⁹ The government that is run by coalition parties may clarify any question with the government, while the possibilities of the opposition are very limited. Let us remember that the government although is responsible to the Parliament, concerning execution of its functions it is not subordinated to the Parliament.⁴⁰ The Parliament's executive power that is established by the majority is politically responsible to the whole Parliament for its work. The Parliament is entitled to check the executive power, however the majority that forms the government has doubts about its activity only in the framework of the competition of inter-factions and they are in an organized way suppressed with coalition agreements and parliamentary discipline. Due to this reason there is a higher trust to the control of the minority of the Parliament, because it is based on the "natural dislike of the government". For such minority directed investigation not to be subjective – the crucial voting for the final result of the investigation is in the hands of the majority. It should be remembered that is hardly that the majority in the democratic state is ready to hide traces of a crime if undoubted or very trustful evidence is presented, even if they come from the conclusions of the investigation of the opposition...

Roots for the parliamentary investigation of the action of the executive power are visible already in the very beginning of the development of the parliamentarianism. Eight hundred - seven hundred years ago the Parliament was representation institute of estates, which examined, investigated and judged between the members. Nowadays the Parliaments do not judge anyone, however there is acting the parliamentary investigatory institute that is

institūciju pārstāvjiem, lai apspriestu komisijas kompetencē esošos jautājumus, kā arī sniedz savas rekomendācijas un ieteikumus izpildvaras darba organizēšanai, tādējādi realizējot parlamentāro kontroli pār valdības darbu. Valdības darbs parlamentā tiek vērtēts arī – uz klausot ministru prezidenta, ārlietu ministra, Valsts kontroliera, tiesībsargu un citu augstu amatpersonu ziņojumus par situāciju valstī un debatējot par ziņojumā minēto.

³⁴ Arī Satversmes pētnieks K. Vanags savos komentāros norāda, ka **šīs normas nodrošina Saeimai kontroles tiesības pār izpildvaru.** (*Vanags K. Latvijas valsts Satversme. L. Rumaka apgāds Valkā, 1948, 29. lpp.*)

³⁵ Pozīcija lielākoties neutralizē opozīcijas jautājumus, tamdēļ pamatā runa ir par politiskām debatēm, kuru laikā opozīcijai ir iespēja paust negatīvu viedokli par valdības politiku.

³⁶ Dišlers K. *Ievads Latvijas valststiesību zinātnē.* Rīga: A. Gulbis, 1930. - 146.lpp.

³⁷ Secinājumu daļas 2.punkts Satversmes tiesas 1.10.1999. sprieduma lietā Nr. 03-05 (99).; Vildbergs H.J. Feldhūne G. *Atsauces Satversmei: mācību līdzeklis.* Rīga: Latvijas Universitāte, 2003. - 23.lpp.

³⁸ Latvijas Republikas 2. Saeimas II sesijas 1926. gada 26. marta sēdes (26. sēde) stenogramma

³⁹ Satversmes tiesas 2008.gada 13. jūnija spriedums lietā Nr.03-04(98) 3. punkts

⁴⁰ Lēbers D.A., Bišers I. *Ministru kabinets.* Komentārs Latvijas Republikas Satversmes IV nodaļai "Ministru kabinets". Rīga: Tiesiskās informācijas centrs, 1998. 111.-112.lpp.

implemented in the majority of the Parliaments of the world's countries.⁴¹ In particular the practice of the United States of America in the parliamentary investigation should be noted, which completely emerged already in the middle of the past century⁴² and serves as a great example also for us how to do it correctly. The strong presidential executive power in the USA is monitored by the Parliament via intermediation of committees. In Latvia the committees, which in the Parliament are established with the **task to investigate some action of the executive power**, were acting already before passing of the Constitution,⁴³ also before restoration of the statehood, but before restoration of the Constitution.⁴⁴ It should be noted that in the theory of rights the rights of the legislator to conduct investigations have never been doubted and that is also confirmed also in judgements of the constitutional control institutions of separate countries.⁴⁵

2. Content and genesis of the Article 26 of the Constitution [*parliamentary investigatory committees*]

In accordance with the Article 26 of the Constitution the Saeima shall appoint parliamentary investigatory committees if no less than 1/3 of the members of the Saeima request it. In this way the minority of the Parliament exercises rights of control of the work of the government.⁴⁶ The majority of the Parliament forms and supports the government respectively, therefore it may not be objective concerning its formation. The regulation in Latvia is similar to the existing one in Germany, where the Parliament has **the duty to establish an investigatory committee if the opposition requests it**. The voting of the Saeima for establishment of such committee is just a formality,⁴⁷ because the constitutional legislator has not provided for the rights of the majority of the Parliament to influence establishment of the investigatory committees. It is necessary to note that the constitutional approach to the parliamentary investigatory committees of Latvia and Germany is atypical. Mostly in the world and Europe the parliamentary investigatory committees similarly to standing committees are formed with a simple majority of votes. In some Constitutions of the countries the rights of the Parliament to form committees are stated (for example, the Article 37 of the Constitution of Finland and the Article 57 of the Constitution of Spain) without mentioning *ad hoc* committees as a category, while in a big part of the Constitutions of the countries only possibility of establishment of such committees is stated (for example,

⁴¹ Piemēram, Polijā, Turcijā, Albānijā, Igaunijā, Lietuvā, Luksemburgā, Izraēlā, Itālijā, Ungārijā, Bulgārijā, Dānijā, Kanādā, Somijā, Francijā, Portugālē, Rumānijā, Slovēnijā, Spānijā, Zviedrijā, Krievijā, Beļģijā, Japānā, Īrijā, ASV u.c.

⁴² ASV Augstākā tiesa jau 1957.gadā ir konstatējusi, ka parlamentārās izmeklēšanām ir jāņem vērā tie paši ierobežojumi, kā vārda, petīciju, reliģijas un bīdrosanās brīvības. "[...] *congressional investigations are subject to First amendment limitations* [...] Respektīvi parlamentārie izmeklētājiem ir jārespektē personu tiesības uz privāto dzīvi un nepamatoti nevar ierobežot vārda brīvību. (*Watkins v. United States*, 354 U.S. 178, 77 S. Ct. 1173, 1 L. Ed. 2d 1273 (1957)) Citētspēc: The Constitutional Law Dictionary. Volume 2: Governmental Powers. Ralph C. Chandler, Richard A. Enslen, Peter G. Renstrom. Oxford, England. 1985. - p. 186.)

⁴³ Latvijas Republikā ar izmeklēšanu nodarbojās vēl pirms Saeimas izveidošanas - Pagaidu valdības laikos Latvijas priekšparlamenta - Tautas padomes radīta komisija, kas pārbaudīja nekārtības Latvijas armijā.

⁴⁴ Pirms Saeimas darbības atjaunošanas pārejas laika parlaments - Augstākā padome mēģināja noskaidrot vainīgos tā sauktajā „naudas vagona” lietā. 1992. gadā uz Latvijas robežas uz brīdi tika aizturēts vagonš ar 337,4 miljoniem padomju rubļu, ko bija paredzēts izvest (un ko pēc tam arī izveda) uz Krieviju (*L. Lapsa, S. Metuzāls* *Parlamentārās izmeklēšanas negods* 26.03.2011./ http://www.pietiek.lv/raksti/parlamentaras_izmeklesanas_negods (aplūkots 2013. gada 21.janvārī))

⁴⁵ *Barenblatt v. United States*, 360 U.S. 109 79 S. Ct. 1082, 3L. Ed. 2d 1115 (1959) Citētspēc: The Constitutional Law Dictionary. Volume 2: Governmental Powers. Ralph C. Chandler, Richard A. Enslen, Peter G. Renstrom. Oxford, England. 1985. - p. 189.

⁴⁶ Dišlers K. *Ievads Latvijas valststiesību zinātnē*. Rīga: A. Gulbis, 1930. - 146.lpp.

⁴⁷ Satversmes pētnieks Vanags turpat arī velk paralēles ar 72.pantu, kur 1/3 daļa deputātu var apturēt likuma publicēšanu, tādejādi norādot uz opozīcijas lomu šādu komisiju veidošanā, vadīšanā un darbībā. (Skat. Vanags K. *Latvijas valsts Satversme*. L. Rumaka apgāds Valkā, 1948, 28. lpp.)

the Article 64, Part 4 of the Constitution of Rumania, the Article 82 of the Constitution of Italy, the Article 79, Part 3 of the Constitution of Bulgaria, the Article 111 of the Constitution of Poland etc.) however not stating different type of establishment as for other committees. There are countries in which the Parliaments have two Chambers and both of them may form the investigatory committees (Article 82, Part one of the Constitution of Italy). There are countries where in the basic laws (for example, the Article 100 of the Constitution of Turkey, the Article 30, Part one of the Constitution of the Check Republic) it is separately discussed as of the procedure for forming such committees, as of the number of deputies, which is needed to propose such forming, without granting any advantages.⁴⁸

In the Constituent Assembly while discussing the Article 26 of the Constitution Fēliks Cielēns concluded that **the parliamentary investigatory committees possess a high significance in the state's life and public life through which to the greatest extent are expressed the rights granted to the Parliament to check the activity of the executive power.**⁴⁹ In the Constituent Assembly these discussions about the mentioned norm of the Constitution were heated and attracted attention of many spokesmen of the people. There were disputes about the rights of the Parliament to investigate the activity of the executive power and about granting of such rights for proposing investigations to the opposition. The model of the parliamentary investigatory committees itself is taken over from then the most advanced Constitution of Europe – the so called Constitution of the Weimar Republic of Germany 1919. Germany's constitutional practice, which allowed for one fifth of the deputies the rights to form a parliamentary investigatory committee was the driver and argument for inclusion of a similar regulation also in the new basic law of Latvia.⁵⁰ The constitutional legislator of Latvia, leaving establishment of the investigatory committees in the hands of the minority, the rights to form granted not to one fifth, but to one third of the deputies of the Parliament.⁵¹ Comparing the Article 26 of the Constitution with the currently existing Article 44 of the Basic law of Germany and the **Article 34 of the Constitution of Weimar** stemming of the regulation is clearly seen. Nowadays in order in the Bundestag to start the parliamentary investigation one fourth is needed, not one fifth of the deputies, which is still more liberal than in Latvia...

In the Constituent Assembly social democrats were particularly actively supporting the Article 26 of the Constitution, which as we know during the whole period of the first Independence intentionally stayed in the opposition. Farmers' Union it its turn even tried to amend the formulation of the article, in order to deny the minority such rights. **Jānis Goldmanis** („Latvijas Zemnieku savienība” - Latvian Farmers Union), the famous public figure and the deputy of the Constituent Assembly proposed the following formulation of the Article 26 “*The Saeima of the state is entitled to appoint for certain cases parliamentary investigatory committees*”. If the formulation had been supported, it would completely amend this norm of the Constitution. The offered formulation stated that the position of the Saeima rather than the opposition would be initiator of investigations. There were 62 votes for the proposal of Goldmanis, 64 were against and one deputy refrained. The proposal to render the investigatory committees in the hands of the majority was rejected,⁵² although the arguments that were mentioned in the Constituent Assembly were rather substantiated.

First of all, such “opposition committees” according to sceptics would lack “mandate and capacity” to really investigate something. The deputies were sceptical about description of the mandate of the committees in the laws (!?!).⁵³ as separate deputies of the

⁴⁸ Saskaņā ar Turcijas konstitūcijas 100.pantu, lai izveidotu parlamentāro izmeklēšanas komisiju ir nepieciešams vismaz 1/10 daļas parlamenta locekļu jeb 55 deputātu parakstu. Par komisijas izveidošanu lemj viss 550 parlamenta deputāti aizklātā balsojumā.

⁴⁹Satversmes I daļas lasīšana pa pantiem Satversmes Sapulces IV. sesijas 13. sēde 1921. gada 18. oktobrī

⁵⁰turpat

⁵¹ Secinājumu daļas 2.punkts Satversmes tiesas 1.10.1999. sprieduma lietā Nr. 03-05 (99).

⁵²Satversmes I daļas trešais lasījums Satversmes Sapulces V. sesijas 11. sēde 1922. gada 8. februārī

⁵³Satversmes I daļas lasīšana pa pantiem Satversmes Sapulces IV. sesijas 13. sēde 1921. gada 18. oktobrī

Constituent Assembly considered then the activity of parliamentary investigators would undoubtedly face lack of the mandate, however to cover them in the law would mean establishment of a competing institution for the law enforcement bodies, which in its turn would lead to confusion. *Arveds Bergs*, the deputy of the Constituent Assembly, who had experience in the work as the Minister of Interior (the Minister of Interior of the Interim government of the Republic of Latvia since 1919 till 1921) has said that *''a proper investigation may happen only with proper institutions formed for that.*''⁵⁴ He stood his position that the parliamentary investigatory committees are *''extraordinary means''*, because a parliamentary committee is **very unfit and heavy apparatus of an investigation.**⁵⁵

Secondly, part of the deputies of the Constituent Assembly assumed that the committees *''pressed''* by the opposition will not be respected either by the state institutions or officials and also private persons. In its turn without authority one may not hope for an effective investigation. *Ādolfs Klīve*, the deputy of the Constituent Assembly has said about that: *'' (...) if we look at the practical side then we come to this that (...) these committees (...) need to be authoritative institutions and they cannot be authoritative if they are appointed with 1/3 votes of the Constituent Assembly. Such committees may be created as needed with the government, the Cabinet, several resources. With the Constituent Assembly such committee that is appointed from 1/3 undoubtedly will have no authority. Also in practice it cannot guarantee to us any success, if it is appointed in coercive manner from the very small majority against the will of 2/3.*''⁵⁶

Despite the mentioned considerations that doubted as the parliamentary investigation as placing of these rights in the hands of the parliamentary opposition there were dominating also contradicting opinions in the Constituent Assembly. *Fēliks Cielēns* about committees that will be developed in accordance with the Article 26 of the Constitution stated that they will be like a *magnifying glass, which will allow establishing ''finding of some spots in the life of the state apparatus'' or ''factual possibility to look in the activity of the state apparatus''.*⁵⁷ *Andrejs Petrēvics* said, that the essence of the parliamentary committees in the parliamentary framework of Latvia is hidden **in the rights of the opposition to examine the work done by the state, not to incriminate some criminal offence:** - *''[...] it does not necessarily mean that by all means the minority needs to prove already about some irregularities or something similar. The minority should just be given the possibility to make sure.*⁵⁸**'' The committee should make sure whether the government in the respective matter has done everything it could.** Making sure about the quality of the work of the government is still the basic principle of the activity of such committees,⁵⁹ because already when elaborating the Constitution it was clear that such committees were not envisaged for copying the work of the prosecutor's Office or courts. *Fēliks Cielēns* also has indicated that the investigatory **committees are formed if the deputies have doubts about the capability of the executive power to conduct investigation in an objective and effective manner.** Mainly the parliamentary investigators are interested in establishment of true facts, but establishment of the respective guilty persons and further investigation of the criminal procedure belongs to court investigation bodies.⁶⁰

Aim of the parliamentary investigators is to politically evaluate some event and incriminate the guilt further transferring this matter to the law enforcement bodies.

⁵⁴ turpat

⁵⁵ Saeimas deputāts Arveds Bergs (Skat. Latvijas Republikas 2. Saeimas IV sesijas 1926. gada 26. oktobra sēdes (5. sēde) stenogramma)

⁵⁶ Satversmes I daļas lasīšana pa pantiem Satversmes Sapulces IV. sesijas 13. sēde 1921. gada 18. oktobrī

⁵⁷ turpat

⁵⁸ Latvijas Republikas 2. Saeimas II sesijas 1926. gada 26. oktobra sēdes (5. sēde) stenogramma

⁵⁹ turpat

⁶⁰ Satversmes I daļas lasīšana pa pantiem Satversmes Sapulces IV. sesijas 13. sēde 1921. gada 18. oktobrī

These committees may be called as **''oppositions' policy committees''**, because the opposition in this case works as a *''counterweight of the government and the legislator''*⁶¹ and are established not based on the will and investigation of the *''minority''*, but not *''majority''*. Evaluation of the parliamentary committees is political one, different from the court's, which judges about the established fact in an objective and no-party manner. **The investigatory committee tries to clarify the matters from the point of view of the opposition**⁶² regardless of the position's deputies existing in the composition of the committee. Already when discussing the draft Article 26 of the Constitution *A.Petrevics*, the deputy of the Constituent Assembly noted that *''if you appoint such committee, which is doing nothing, then this matter would really have no help- it is impossible to provide for everything in the Constitution.''*⁶³ Such conclusion only confirms that procedural democracy first of all is not comprehensive, respectively of whatever laws and regulations humans are producing, participants of the political process never the less will find a way not to allow destabilisation of the power. secondly democracy is alive only then when those involved in the political process tries to achieve the political compromise. Thirdly a productive result of the investigatory committees is possible only in cooperation of all parliamentary forces and participation of the government.

3. Regulation of parliamentary investigatory activities

By the order of the Article 26 of the Constitution⁶⁴ in twelve Saeima of the Republic of Latvia there have been **twenty nine** investigatory committees established. On average in one parliamentary term there are two three investigatory committees established⁶⁵. The Article 3 of the Law on the Parliamentary investigatory committees⁶⁶ state that such committees shall be established for a definite period of time. The term of validity shall be indicated in the proposal of establishment of a parliamentary investigatory committee. If the term of validity of the committee is not indicated in the proposal, it shall be established for the term of three months. The mentioned norm also provides for the rights of the Saeima to prolong the term of validity of the committee. Practice testifies that the term of validity of the committees is rather different and lasts from a couple of months even up to three and a half years.⁶⁷

3.1. Regulation till the Law on Parliamentary investigations is passed

Already when discussing the Article 26 of the Constitution it was clear that it would not be enough with those eighteen words of the article and that there would be needed a law that would explain what as a parliamentary investigation. During the first Independence they did not managed to pass it because the activity of the last – eight investigatory committee of the first Independence was interrupted by the anticonstitutional coup of Kārlis Ulmanis.

⁶¹Grigore – Bāra E., Kovaļevska A., Liepa L., Levits E., Mits M., Rezevska D., Rozenvalds J., Sniedzīte G. Satversmes 1.panta komentārs/*Latvijas Republikas Satversmes komentāri*. Ievads. I nodaļa. Vispārējie noteikumi. Autoru kolektīvs prof. R.Baloža zin. Vadībā. - Rīga: Latvijas Vēstnesis 2014. – 195. lpp.

⁶² Latvijas Republikas 2. Saeimas II sesijas 1926. gada 26. marta sēdes (26. sēde) stenogramma

⁶³Satversmes I daļas lasīšana pa pantiem Satversmes Sapulces IV. sesijas 13. sēde 1921.gada 18.oktobrī

⁶⁴ Latvijas Republikas Satversme (15.02.1922.). *Valdības Vēstnesis*, 1922. 30. jūnijs, Nr. 141;

Likumu un Valdības Rīkojumu Krājums, 1922, 12. burtnīca, Nr. 113; *Latvijas Vēstnesis*, 1993.

1. jūlijs, nr. 43.

⁶⁵ Līdzīgi ir arī Izraēlā, kuras valsts faktiskais ilgums ir salīdzināms ar Latviju, tur līdz 2015.gadam ir tikušas izveidotas 24 parlamentārās izmeklēšanas komisijas

(http://www.knesset.gov.il/committees/eng/ParlnqCommittees_eng.asp (aplūkots 2015. gada 29. marts))

⁶⁶ Parlamentārās izmeklēšanas komisijas likums (08.05.2003.). *Latvijas Vēstnesis*, 2003. 5.maijs, Nr. 12.

⁶⁷ Arī citās valstīs izmeklēšanas komisiju darbības ilgums ir no diviem mēnešiem (Turcijā) līdz trīs gadiem (Izraēlā),Beļģijā atsevišķas komisijas ir darbojušās pat vienu mēnesi.

There should be separate research carried out about the parliamentary investigations conducted in the pre-war Saeima, however when reviewing the normative regulation of that time and judging from the records of the Saeima, they happened on the basis of understanding of investigators what an investigation should be like. The main normative injunction was the order roll of the Saeima. From the records of the plenary sessions of the Saeima it is not possible fully to restore the practice of the first four investigatory committees of the Saeima, however it is visible that spokesmen of people – investigators face the flat unwillingness of the persons to investigate – private persons to allow any interference. That asked for improvement of the normative regulation. In 1930 in the order roll of the Saeima there were rights stated to attract experts, to interrogate also private persons, to perform audits, as well as the duty of the police upon the request of the committee to apply "coercive measures" in order to take somebody to the interrogation or to conduct the audit.⁶⁸ The amendment was introduced concerning the fourth parliamentary investigatory committee in the matter of the joint stock companies "Rīgas Ūniona bankas" and "Lata". The investigators faced the situation that the mentioned joint stock companies were ready for audits of the Ministry of Finance and banks of Latvia, but categorically refused to allow the parliamentary deputies to carry out the audit.⁶⁹ Later on the mentioned supplement of the order roll of the Saeima of 30-ies of the last century partly was transferred also to nowadays.⁷⁰ Also after restoration of the Constitution the only normative source for the committees was the order roll of the Saeima. Of course the mentioned regulation did not provide answers concerning the mandate, competence and role of the committees. It created headache for heads of such committees.⁷¹ With the judgement of the Constitutional Court on 1 October 1999⁷², which for the first and only time touched upon the competency of the committees established on the basis of the Article 26 of the Constitution, did not introduced clarity concerning the competency of the investigatory committees as well, but enforced the concept, that was already before expressed by the deputies, which faced the parliamentary investigation in practice.⁷³

3.2. Reasons to start investigation

Establishment of such *ad hoc* committees is an extraordinary solution in every special case. In fact the government itself with its inactivity or wrong action is a reason to start investigation. The notion of the Article 26 of the Constitution "for specified matters" indicates that the Parliament starts the parliamentary investigations when it is concerned that

⁶⁸ Pirmajā Saeimā (1922-1925) netika izveidota neviena izmeklēšanas komisija, taču otrajā un trešajā Saeimā tādu bija sešas, kas lika papildināt Saeimas kārtības rulli ar jaunu pantu 172.2, kas noteica, ka "Parlamentāriskai izmeklēšanas komisijai (150.p.) tiesība izsaukt un noprotināt arī privātpersonas un izdarīt revīzijas, pieaicinot vajadzības gadījumā lietpratējus, valdības, pašvaldības un privātās iestādēs un uzņēmumos, ja privātās iestādes un uzņēmumi tieši vai netieši saņem pabalstus, kredītus vai pasūtījumus un valsts. Ja šinī pantā minētās personas, iestādes vai uzņēmumi liegto pildīt izmeklēšanas komisijas ar noprotināšanu vai revīziju saistītos prasījumus policijai uz komisijas pieprasījumu jāspēr spaidu šo prasījumu izpildīšanai, policijai uz komisijas pieprasījumu jāspēr spaidu šo prasījumu izpildīšanai." (Saeimas kārtības ruļļa papildinājums (25.03.1930.). *Valdības Vēstnesis*, 1930, 25. marts, Nr.69)

⁶⁹ Latvijas Republikas 3. Saeimas IV sesijas 1930. gada 6. jūnija sēdes (14. sēde) stenogramma

⁷⁰ Skat., Parlamentārais izmeklēšanas komisiju likuma 7.pantu un Saeimas kārtības ruļļa 173.pantu

⁷¹ Parlamentārās izmeklēšanas komisija: FKTK 'Krājbankas' uzraudzībā pieļāvusi kļūdas/ http://www.delfi.lv/business/bankas_un_finanses/parlamentaras-izmeklesanas-komisija-fktk-krajbankas-uzraudziba-pielavusi-kludas.d?id=42631364#ixzz3Ngqocn9k

⁷² Satversmes tiesas 1.10.1999. spriedums lietā Nr. 03-05 (99). Par Saeimas 1999. gada 29. aprīļa lēmuma par Telekomunikācijas tarifu padomi 1.punkta un 4.punkta atbilstību Latvijas Republikas Satversmes 1. un 57.pantam un citiem likumiem.

⁷³ 1998. gada Latvenergo 3 miljonu afēras izmeklēšanas komisijas vadītājs Andrejs Paņķeļejevs izteicās, ka "sekmīgam darbam nepietiek ar pāris Satversmes pantiem, bet gan ir vajadzīgs likums par izmeklēšanas komisijām." (*Skat. Lase I. Politiskie izmeklētāji bez likuma/ Diena 2001.-21.novembris*)

”something bad and threatening can happen”.⁷⁴ Already immediately after restoration of the Constitution the Saeima was ready to investigate almost every case,⁷⁵ with the time the Parliament became more balanced and was not organizing the investigatory committee for each small thing.

With few exceptions⁷⁶ the parliamentary investigations are started by the opposition. Reasons for such establishment are diverse. During the time of the first Independence the parliamentary investigatory committees were formed due to political reasons (there was the fight against activities of the Communist party, supported by the USSR),⁷⁷ then during the time of the second Independence it is obvious that mainly the committees work in order to examine financial crimes of a large scale, which are related to taking over of banks, restructuring or corruption of the banks. Nowadays the committees are formed in order to examine financial activity of former Prime Ministers, to disperse suspicions about irregularities of the privatisation process permitted by separate banks, equity capital companies and even sanatoriums and to assure of compliance of the activity of state institutions to the interests of the state and society. Also the committees are created to investigate child sexual abuse (pedophilia) among the political elite of the state and to clarify the possible involvement of the state officials in the smuggling transactions, suspicions about unlawfulness in the justice system, about reasons of mass tragedies.

Gunārs Kusiņš, the head of the Legal Office of the Saeima, currently the justice of the Constitutional Court, discussing in the committee has noted that the essence of the parliamentary committee is the function of the parliamentary control, which are the rights of the opposition. This committee can investigate ”everything” and can come forward with a political statement giving political assessment of any fact.⁷⁸ Of course, the reasons for establishment of an investigatory committee may be several, however they should be in compliance with series of criteria, because the Parliament may not direct its special control without any reason. Therefore the investigation should be the case that is sufficiently **important for the state**, moreover it should be **with a negative shade** (condemnable or criminal). In addition there should be a probability that the government in general or some separate official has **acted against the law or permitted undue care or inactivity**. The practice of the parliamentary investigations of Latvia testify that the object of the parliamentary investigations is an event with a public interest, where there are suspicions about the activity (inactivity) of the executive power in the negative meaning. Here just like in other countries the aim of the parliamentary investigators is to investigate in the case of state’s importance and condemnable case⁷⁹, politically assess this event and to incriminate the quilt, in order in the end to transfer the matter to the law enforcement bodies. Initiators of establishment of some committees even did not tried to hide that the investigations are started in order to fight with political competitors,⁸⁰ but some (for example, the committee concerning the case of three millions of ”Latvenergo”) are called **”true pre-election committees”**, which means that such committees has an aim, an idea who is to be blamed and what the real offense is,⁸¹ which should be converted in the final report.

⁷⁴ Latvijas Republikas 2. Saeimas IV sesijas 1926. gada 26. oktobra sēdes (5. sēde) stenogramma

⁷⁵ Lapsa L., Metuzāls S., Jančevska K. *Mūsu Vēsture 1985 – 2005 II*. Rīga: Apgāds ”Atēna” 2008. – 62.lpp.

⁷⁶ *Koalīcijas padome izskata parlamentārās izmeklēšanas komisijas veidošanu par "LATTELEKOM"/ LETA* 1999.gada 20.janvārī

⁷⁷ Pirmā neatkarības laika parlamentārās izmeklēšanas pētījušas terora aktus, atsevišķu amatpersonu darbošanos Valsts kontrolē, atsevišķu militārpersonu iecelšanu amatos un darbību, par robežu apsardzību, par iespējamu atsevišķu personu spīdzināšanu un nāvi aizturēšanas laikā.

⁷⁸ Latvijas Republikas 8.Saeimas Juridiskās komisijas sēdes protokols 2002.gada 27.novembrī

⁷⁹ Piemēram, Japānas parlamentā tika izveidota parlamentārā izmeklēšanas komisija 2011.gada 11.marta Fukušimas Atomreaktora katastrofas cēloņu noskaidrošanai

⁸⁰ L. Lapsa, S. Metuzāls *Parlamentārās izmeklēšanas negods* 26.03.2011./

http://www.pietiek.lv/raksti/parlamentaras_izmeklesanas_negods (aplūkots 2013. gada 21.janvārī)

⁸¹ turpat

Of course, when examining the experience of other countries, the aim of an investigatory committee may be also analysis and influence of the developing action policy or review of some problematic field and investigation of some failure of the government or discussion of any topical issue.⁸² The Parliamentary investigatory committees re peculiar **parliamentary rods, which are envisaged not only for leathering of the government, but also for its prompting.**⁸³ In the events when the prosecutor's Office itself is not able to cope in an effective manner, there is needed an independent committee, that adds **political setting for direction of the investigation.**⁸⁴ The parliamentary investigatory committee of the Zolitude tragedy was established almost a year after this bloody tragedy, in the circumstances when the police still prepared the matter for submission to the court and, of course, made the police and the prosecutor's office documents of proceedings and to evaluate their procedural activities.

3.3. Establishment of the committees and commencing of the activity

Establishment of the investigatory committees is stated by the Article 26 of the Constitution, the Article 150 of the order roll of the Saeima, and the Article 1, 2 and 3 of the Law on Parliamentary investigatory committees. Concerning election of the head of the committee, keeping the minutes of the meetings, the protocol, attendance of the meetings, activities, participation in the meetings the same articles of the order roll of the Saeima apply that apply to standing committees (151, 152, 154, 159 – 172).

So in order to form a Parliamentary investigatory committee it is necessary to prepare a draft decision, which is signed by at least 34 members of the Saeima (1/3 of the deputies of the Saeima). The proposal for forming of the Parliamentary investigatory committee shall be examined in the nearest regular meeting of the Saeima unless there is a proposal of convening an extraordinary meeting. In the Part two of the Article 2 of the Law on Parliamentary investigatory committees it is stipulated that the **parliamentary investigatory committees' members are appointed in the committee in the equal number from each fraction.** Currently in the 12th Saeima there are two Parliamentary investigatory committees, which according to the number is the 28th⁸⁵ and the 29th investigatory committee in the history of the parliamentarism in Latvia. In each of the committees there are 12 deputies(two from six fractions of the Saeima). Both investigatory committees are initiated by the opposition parties and both are headed by the representatives of the opposition, but the deputies of the position are in the posts of secretaries of the committees.⁸⁶ Such distribution of the posts in the investigatory committees is traditional, although also deputies of the position have been chairmen of the Parliamentary investigatory committees.⁸⁷ It should be stated that till the moment the law on investigations was passed in the investigatory committees also three representatives from the fraction worked.⁸⁸ It should be noted that taking into consideration the specifics of the Saeima there

⁸²Rogers R., Walters R. *HowParliament Works*.Perason: Longman, 2004, 313. lpp. Citēts pēc Kalniņš V., Litvins G. *Pat ja gribēja kā labāk, sanāca....* Jurista Vārds,2008. 11. novembris, Nr. 43 (548)

⁸³Lulle B. *Komisija būs parlamentārā rīkste valdībai!* Neatkarīgā 2014.-22.decembrī

⁸⁴Lapsa L., Metuzāls S., Jančevska K. *Mūsu Vēsture 1985 – 2005 II*. Rīga: Apgāds "Atēna" 2008. – 70.lpp.

⁸⁵ Amoliņa D. *Parlamentārās demokrātijas pilnveides iespējas!* Jurista vārds 2015.- 3. marts Nr.9 (861)

⁸⁶ Zolitūdes parlamentārās izmeklēšanas komisijas vadītājs ir opozīcijas partijas "No Sirds Latvijai" deputāts Ringolds Balodis, priekšsēdētāja biedre opozīcijas partijas "Saskaņa" Regīna Ločmele – Luņova, bet komisijas sekretārs pozīcijas partijas "Vienotība" deputāts Ints Dālderis. Bankas "Citadeles"parlamentārās izmeklēšanas komisijas vadītājs ir opozīcijas partijas "No Sirds Latvijai" deputāts Gunārs Kūtris, bet komisijas sekretārs pozīcijas partijas "Nacionālā apvienība" deputāts Imants Parādnieks.

⁸⁷Vilemsons M. *Lāčplēsis vadīs "Krājbankas" kraha izmeklēšanaskomisiju!* LETA 2011.gada 8.decembris

⁸⁸Miķelsons D. *Kontrabandas izmeklēšanas komisija šonedēļ pabeigs vadības vēlēšanas!* LETA 2001.gada 5.novembris

have been deviations from the statutory principle of proportionality, because the independent deputies have not only been included in the composition of the committee,⁸⁹ but even have occupied the posts of the chairmen of the committees.⁹⁰

The practice of the parliamentarism of Latvia concerning the number of members of the committee and also their appointment nowadays is different from that which existed in the pre-war Saeimas. At that time the majority of the Parliament decided particularly which certain deputies would become the members of the committees.⁹¹ There was no concrete number of the deputies – investigators stated. However the office of fractions always stuck to five members of the committee, whom later on approved in the plenary session.⁹² During the time of the first Independence the number of political forces represented in the four Saeimas was much higher⁹³, that is why very often there was a fierce fight of competition for these five posts of the members. In the cases when candidates received equal number of votes there was even repeated voting,⁹⁴ but if the number of the candidates was close to ten, also the secret voting was organised.⁹⁵ Only those candidates were appointed in the committee, who got the highest number of the votes. The number of the members of the Parliamentary investigation and the procedure of appointment of the members, voting for them in the order,⁹⁶ according to the opinion of the parliamentarians themselves at that time was the custom of the Parliament.⁹⁷

The Article 4 of the Law prohibits to be elected and work in the Parliamentary investigatory committee those deputies of the Saeima, who hold the post of a minister or parliamentary secretary. Also it is prohibited to participate in the committee, if there might be the conflict of interests. Also the Article 10 of the Code of Ethics of the deputies of the Saeima states that a deputy should refrain from involvement in the Parliamentary investigatory committees if the field to be investigated and the period of investigation is related with his/her activities. It should be noted that the conflicts of interest is the most vague issues, because if some of the deputies leave the investigatory committee considering that they have interest in the investigation, others consider their interest to be an advantage, in the fight for heading of the investigatory committee.⁹⁸ The investigatory committee of the tragedy of Zolitūde also introduced the practice that the members of the committee and the invited ones to the meetings sign declaration of the conflict of interest.⁹⁹

⁸⁹Vilemsons M. *Saeima apstiprina sastāvu "Krājbankas" kraha izmeklēšanaskomisijai/* LETA 2011.gada 8.decembris

⁹⁰Leijējs A. *Ķemeru sanatorijas situācijas izvērtēšanai izveidoto parlamentārās izmeklēšanaskomisiju vadīs Stalts/* LETA 2013.gada 25.aprīlis

⁹¹Kandidātu atlase komisijas izveidē ir visai būtisks politisks instruments, jo šādi pat pastarpināti var izšķirt izmeklēšanas gaitu un rezultātu. Jau apspriežot Satversmes 26.pantu *Mārgers Skujenieks* pieļāva, ka parlamenta vairākumam nav iespēju šādu komisiju neizveidot, taču tas toties var, ja vēlas neievēlēt šinī komisijā nevienu no tiemdeputātiem, kuri ir iesnieguši priekšlikumu šo komisiju nodibināt. Mūsdienās Saeima gan izveidoja *Unibankas* un *Krājbankas* privatizācijas likumības izvērtēšanas komisiju, taču cita starpā akceptēja *Latvijas ceļa* priekšlikumu, ka komisijā jābūt pārstāvim vienam deputātam no katras frakcijas, – un rezultātā komisijas izveidošanas iniciators, ārpusfrakciju deputāts *Jānis Adamsons* netika iekļauts šai komisijā. (Satversmes I daļas lasīšana pa pantiem Satversmes Sapulces IV. sesijas 13. sēde 1921.gada 18.oktobrī ; Lapsa L., Metuzāls S., Jančevska K. *Mūsu Vēsture 1985 – 2005 II.* Rīga: Apgāds "Atēna" 2008. – 70.lpp.)

⁹² Latvijas Republikas 2. Saeimas II sesijas 1926. gada 26. marta sēdes (26. sēde) stenogramma

⁹³ Pirmajā Saeimā darbojās 20 frakcijas, II Saeimā 27 frakcijas, III Saeimā 28 frakcijas, bet IV Saeimā 28 frakcijas, V Saeimā 8 frakcijas, VI Saeimā 8 frakcijas, VII Saeimā 7 frakcijas, VIII Saeimā 6 frakcijas, IX Saeimā 7 frakcijas, X Saeimā 5 frakcijas, XI Saeimā 6 frakcijas, XII Saeimā 6 frakcijas.

⁹⁴ Latvijas Republikas 2. Saeimas V sesijas 1927. gada 1. aprīļa sēdes (18. sēde) stenogramma

⁹⁵ Latvijas Republikas 3. Saeimas V sesijas 1930. gada 21. februāra sēdes (9. sēde) stenogramma

⁹⁶ Jāpiezīmē, ka ja aizklātā balsošana tāpat kā mūsdienās notika ar biļeteni, tad atklātā balsošana tolaik izpaudās ar celšanos kājās...

⁹⁷ Latvijas Republikas 2. Saeimas II sesijas 1926. gada 26. marta sēdes (26. sēde) stenogramma

⁹⁸ Frakciju viedokļi 2014. gada 27. novembrī

<http://www.saeima.lv/lv/aktualitates/12-saeimas-frakciju-viedokli/22840-frakciju-viedokli-2014-gada-27-novembri>

⁹⁹ Komisijas locekļi parakstīja apliecinājumus, ka neatrodas interešu konfliktā, ka uz viņu neattiecas Saeimas deputātu ētikas kodeksa 10.punkts un Parlamentārās izmeklēšanas komisiju likuma 12.pants. Otrs

Election of the head of the committee is provided by the secretary of the Presidium of the Saeima, but election of the deputy chair and secretary is managed by the newly elected chairman, but provided by the chancellery of the Saeima. Counting of votes and the order of elections is based on the practice of procedures of the Saeima, where the answers mainly are searched in the way of analogy, referring to the order of election of a member of the Presidium of the Saeima in the Article 26 of the order roll of the Saeima. In contradistinction to other committees, where there are their own premises, when electing a consultant and chair the factor of legacy is retained. Commencement of the activity of the Parliamentary investigatory committee, finding of the consultant and in general functioning is the duty of the chairman. Traditionally these committees hold their meetings in the Red hall of the Saeima, where they do not disturb the work of other committees and the premises are very spacey.

3.4. Meetings of the committee, participation of witnesses and experts in the meetings

The Parliamentary investigatory committee holds its meetings in the order as stated in the order roll of the Saeima – stated in the Article 5 of the Law on Parliamentary investigatory committees. In the Article 40-42 of the order roll of the Saeima the meetings of the Presidium of the Saeima are discussed, but using analogy we may conclude that the order, time and place of the meetings is determined by the presidium of the committee. The course of the meetings is regulated with the Article 159 of the order roll of the Saeima (the meetings are open, but if the committee decides so, they are closed), the Article 160 (the meetings have the power if at least ½ from the members of the committee is present), the Article 161 (the members of the committee may not leave the meeting without the consent of the chairman), the Article 162 (the members of the committee sign for participation in the meeting), the Article 163 (the meetings are recorded), the Article 164 (elements to be recorded in the minutes) and the Article 165 (the member of the committee is entitled to add to the minutes his/her separate opinion).

If the meetings of the committee have been closed ones, then the information about what was discussed in the closed meetings may be disclosed only with a joint consent of the presidium of the committee (the Article 168 of the order roll of the Saeima). Obviously in order to discontinue continuous leakages of information¹⁰⁰ and recurrence of Ādamsons precedent¹⁰¹, Part four of the Article 7 of the Law on Parliamentary investigatory committees prohibits members of the committee and the invited persons to disclose information, which is protected by the law.

On 17 February 2000 Jānis Ādamsons, the chairman of the Parliamentary investigatory committee of the Saeima in the plenary session of the Saeima, when publicly reading the final report of the committee named Andris Šķēle, the Prime Minister, Valdis Birkavs, the Minister of Justice and Andrejs Sončiks,

apliecinājums ir sēdes dalībniekiem, kurā tie parakstās par to, ka ir iepazinušies ar Parlamentārās izmeklēšanas komisiju likuma 11.pantu. (Skatīt Latvijas Republikas 12.Saeimas Parlamentārās izmeklēšanas komisijas par Latvijas valsts rīcību, izvērtējot 2013. gada 21.novembrī Zolitūdē notikušās traģēdijas cēloņus un turpmākajām darbībām, kas veiktas normatīvo aktu un valsts pārvaldes un pašvaldību darbības sakārtošanā, lai nepieļautu līdzīgu traģēdiju atkārtotos, kā arī par darbībām minētās traģēdijas seku novēršanā 2014.gada 15.decembrī sēdes protokolu.)

¹⁰⁰Emīlija K., Šņore K. No komisijām ir "nopludināta" klasificētā informācija plašsaziņas līdzekļiem LETA 2002.gada 28.augusts

¹⁰¹Krastiņš J. *Sāk kriminālvajāšanu pret Ādamsonu/* Diena 2002. – 5 decembris; Saulīte J. *Tiesa sākusi izskatīt Ādamsona krimināllietu/* LETA 2003.gada 10.novembris; Saulīte J. *Tiesa sākusi izskatīt Ādamsona krimināllietu/* LETA 2003.gada 10.novembris Saulīte J. *Ādamsonam par dienesta stāvokļa ļaunprātīgu izmantošanu būs jāmaksā sods Ls 10 400 apmērā/* LETA 2004.gada 8.jūnijs; Zandere I. *Arī apelācijā Ādamsonu atzīst par vainīgu dienesta stāvokļa ļaunprātīgā izmantošanā pedofilijas skandālā/* LETA 2006.gada 14.septembrī; Cīrulis E. *Ādamsonam neatceļ iespaidīgo naudas sodu/* Latvijas Avīze 2006.gada 15.septembrī, Zandere I. *Ādamsonu atzīst par vainīgu dienesta stāvokļa ļaunprātīgā izmantošanā pedofilijas skandālā/* LETA 2007.gada 19.februāris; Saulīte J. *Ādamsona krimināllietā ierodas liecināt divi no pieciem Saeimas izmeklēšanas komisijas deputātiem/* LETA 2003.gada 14.novembris

the general secretary of the State Revenue Service at that time as pedophiles. The Prosecutor's General Office initiated however due to lack of a criminal offense ended the criminal matter concerning the relation of the mentioned officials with a pedophilia's case and admitted as victims. In relation to the public statement of J. Adamsons from the platform of the Saeima, the Saeima was requested to deliver up Adamsons for criminal prosecution. N 7 September 200 the Parliament dismissed the request of the general prosecutor. Upon expiration of the term of the deputy of the Saeima J. Adamsons immediately was charged in accordance with the Section 318, Part Two of the Criminal Law for abuse of Office that have had heavy consequences. substantiation – the deputy has roughly violated the fundamental rights of a person guaranteed by the Constitution to state protection of the honour and respect. Finally the deputy was punished with a fine in the amount of 130 minimum monthly wages (10 400 Lvl). According to the court's discretion neither J. Adamsons, nor the Parliamentary investigatory committee had at its disposal such facts that would allow stating such allegations.

The Article 11 and Article 12, Part one, of the Investigation law provides a possibility to hold criminally liable in the event of giving false evidence, refusal to give explanations, unauthorised disclosure of the state secrets and private commercial secrets and of information infringing the personal life of private persons, but Part two of the Article 12 – administrative liability for unauthorised disclosure of information obtained in a closed meeting. Part three of the mentioned article provides for the rights of the chairman of the Parliamentary investigatory committee to draft such administrative violation. When discussing the law in the second reading and probably thinking of this norm the deputies made a statement that finally there was liability envisaged for the invited persons, if they intentionally give false information, intentionally lie to the committee.¹⁰² In accordance with the Article 7, Part one of the Investigation law the committee is entitled to invite to its meetings **any person** and listen to its explanations, but Part two of the law envisages also **coercive delivery of the person to the meetings of the committee**. In the mentioned norm of the law there is also prescribe the mechanism how to do that: if a person fails to appear upon invitation of the Parliamentary investigatory committee, then in accordance with the Part two of the mentioned article the court has to decide on coercive delivery of the person.¹⁰³ The committees have several times allowed the possibility to use services of the police in order to deliver witnesses to the Parliament by the coercive order¹⁰⁴, however none of the committees has exercised this possibility in practice. Before passing of the Investigation law in 2001 the investigatory committee requested the police to deliver one witness, however the police was in no rush to fulfil this request¹⁰⁵: justifying that the witness was not at home but its current place of location was not known.¹⁰⁶ After 2003 when the Investigation law has come into force the committee itself has to turn to the court and in its proposal to explain the necessity to listen to that person, but the court evaluates the commensurability. There is nothing said in the law about the rights of persons to use services of advocates, although when elaborating the law **Gunārs Kusiņš**, the head of the Legal office of the Saeima at that time indicated that "taking into consideration that the

¹⁰² Solvita Mellupe (frakcija "Jaunais laiks") Deputātu debatēs, pieņemot Parlamentārās izmeklēšanas komisiju likumu 2.lasījumā, Latvijas Republikas 8.Saeimas ziemas sesijas sešpadsmitā sēde 2003.gada 10.aprīlī, Saeimas sēdes stenogramma http://www.saeima.lv/steno/2002_8/st_030410/st1004.htm

¹⁰³ Kā norādīja likuma izstrādāji: "Pēc parlamentārās izmeklēšanas komisijas attiecīga ierosinājuma šo jautājumu izskatīs tiesa, un **tikai tad, ja būs šāds tiesas lēmums, policija to arī īsteno** - attiecīgo uzaicināto personu atvedīs piespiedu kārtā uz parlamentārās izmeklēšanas komisiju." (Saeimas plenārsēdē atbildīgās, Juridiskās komisijas pārstāve Solvita Mellupe (frakcija "Jaunais laiks") Deputātu debatēs, pieņemot Parlamentārās izmeklēšanas komisiju likumu 2.lasījumā, Latvijas Republikas 8.Saeimas ziemas sesijas sešpadsmitā sēde 2003.gada 10.aprīlī, Saeimas sēdes stenogramma http://www.saeima.lv/steno/2002_8/st_030410/st1004.htm)

¹⁰⁴ Miķelsons D. *Bijušais policists Margēvičs atkal neierodas uz izmeklēšanas komisijas sēdi*/ LETA 2001.gada 17. decembris

¹⁰⁵ Miķelsons D. *Margēvičs neierodas uz izmeklēšanas komisijas sēdi, tiks brīdināts par piespiedu nogādāšanu parlamentā*/ LETA 2001.gada 3.decembris

¹⁰⁶ Ozolnieks E., Miķelsons D. *Bijušais policists Margēvičs atkal neierodas uz izmeklēšanas komisijas sēdi*/ LETA 2001.gada 17.decembris

committee conducts interrogation of persons it should be necessary for provision of the rights of these persons to stipulate in the law that the person to be interrogated has the rights to appear at the meeting of the investigatory committee together with its advocate.’’¹⁰⁷

The Article 7, Part three of the Investigation law allows a person to refuse to give information about itself and its members of the family. It has to be stated that in practice the committees are not able to get officials to give evidence concerning the matters that are not related with the post (example of Einārs Repše) and private persons about their public activity (example of Lato Lapsa).

The Parliamentary investigatory committee, which examined financial transactions of Einars Repše, the Prime Minister, was not able to receive answers from him on the merits. Repše explained, that – ’’The committee has no rights to demand from me my private correspondence as also my private matters and to dig in them. My rights and freedom is protected by the legislation of Latvia and the Constitution, therefore I will be very principled. It is different matter if the committee has some questions to me as an official, for example, what have I decided or have not, what kind of state’s financial means I have used or have not... To these questions I will answer in detail and will submit any materials, which are related to me as the official.’’¹⁰⁸ The journalist Lato Lapsa in 2007 relaying to this norm refused from giving evidence to the Parliamentary investigatory committee also about ’’his professional activities’’, which is clearly wrong interpretation.¹⁰⁹ At the same time he indicated that had given information to the law enforcement bodies.¹¹⁰ In fact with that he openly indicates to the *quasi* investigation character or the committee and the failure of the committee to make him give the evidence. With this the journalist practically conformed, that outside the state administration cooperation with the Parliamentary investigatory committees, despite the oligarhic nature, is though based on the basis of voluntarism. He relayed on his observations regarding giving of evidence in the Parliamentary investigatory committees in Latvia and had established that the committees often had been refused to give information (for example, bankers, advocates, ministers and organisers of beauty competitions).¹¹¹

It is useful to add here that with the committees allowing such attitude the Parliamentary investigatory institute is discredited. The practice of other countries testify that the Parliamentary investigatory committees have the integral rights to obtain information ’’even from persons who are not willing to give it’’, moreover in any question, which such committees wish to hear. Of course the committees should follow the main task – improvement of the laws (*aid it in the legislation*),¹¹² rather that satisfy their interest or to

¹⁰⁷ Saeimas Juridiskā biroja vadītājs Gunāra Kusiņa 2000.gada 14.februāra atzinums par Parlamentārās izmeklēšanas komisijas likuma projektu Saeimas Juridiskai komisijai nr.12/17 – 34

¹⁰⁸ Egle I., Pelāne A. *Repše atsaikās sadarbības ar izmeklēšanas komisiju/* Diena 2004.gada 18.februāris; Lulle B. *Repše sola tikai formālas atbildes viņa darījumu izmeklētājiem/* Neatkarīgā Rīta Avīze 2004.gada 19.februārī; Pelāne A., Egle I. *Premjers nejutās vainīgs, bet uz komisiju ies/* Diena 2004.gada 19.februārī; Kuzmina I. *Repše "izmeklētājus" neinformēs/* Latvijas Avīze 2004.gada 18.februārī; Lulle B. *Komisija sāks pētīt Repšes darījumus/* Neatkarīgā Rīta Avīze 2004.gada 11.februārī

¹⁰⁹ Kozule E. *Lapsa atsaikās sniegt paskaidrojumus Parlamentārajai izmeklēšanas komisijai/* LETA 2007.gada 27.novembrī

¹¹⁰ Žurnālists un skandalozās grāmatas "Tiesāšanās kā ķēķis" priekšvārda autors Lato Lapsa 2007.gadā atteicās sniegt paskaidrojumus par sevi un savu ģimeni. Lapsa izplatītajā paziņojumā bija teikts, ka: "Tas nozīmē, ka es nesniegšu nekādas atbildes ne uz vienu komisijas jautājumu par sevi, savu biogrāfiju, savu privāto dzīvi, savu profesionālo darbību, saviem vērojumiem, saviem uzskatiem, savām darbībām vai citām tēmām, kas jebkāda aspektā atbilst likumā ierakstītajam formulējumam "paskaidrojumi par sevi un saviem ģimenes locekļiem". Lapsa ar ironija pauda viedokli, ka viņš **jau ir "sniedzis plašas un detalizētas liecības tiesībsargāšanas iestādēm"** pauzdams cerību, ka kādreiz pienāks laiks, kad komisijas vadītājs Juris Dobelis ar šīm liecībām tiks iepazīstināts. (*Lapsa nesniegs paskaidrojumus Parlamentārajai izmeklēšanas komisijai/* <http://www.delfi.lv/archive/index.php?id=19628323> (skatīts 2007 -28. novembris))

¹¹¹ L. Lapsa, S. Metuzāls *Parlamentārās izmeklēšanas negods* 26.03.2011./ http://www.pietiek.lv/raksti/parlamentaras_izmeklesanas_negods (aplūkots 2014. gada 21.janvārī)

¹¹² *McGrain v. Daugherty*, 273 U.S. 135,47 S. Ct. 319, 71 L. Ed.580 (1927) Citētspēc: The Constitutional Law Dictionary. Volume 2: Governmental Powers. Ralph C. Chandler, Richard A. Enslen, Peter G. Renstrom. Oxford, England. 1985. - p. 185.

discredit someone politically. In addition there should be mentioned that also cognitions of the European Court of Human Rights, which speak directly about inquiries of the Parliamentary investigatory committees and theses of the final reports. When a person becomes a spokesman of people (intentionally exercising its political rights) there is no reason to appeal to one's rights to private life. The Court concluded that the rights of society to be informed are more essential than the possible problems of reputation of separate parliamentarians.¹¹³

Concerning attraction of experts for the committee the same regulation is binding as for other committees and in particular the Article 168 of the order roll of the Saeima stated that the committee is entitled to attract professionals, as permanent, as for separate cases and they have the rights of an advisor.

3.5. Parliamentary investigation – investigation of investigation?

The power of the legislator to investigate is limited,¹¹⁴ the subject matter of the investigation may not be court proceedings and criminal prosecution.¹¹⁵ The Parliament may not conduct a parallel investigation to the one which is in the competence of the law enforcement bodies, even though very often that is exactly what the deputies try to initiate. The prosecutor, who might be involved with the permission of the chair of the meeting of the Parliamentary investigatory committee, has the right to ask questions to the invited persons. In practice the prosecutor tries not to interfere and usually only answers when is asked. The task of the prosecutor is to check whether information being at the disposal of the Parliamentary investigatory committee does not contain indications to already committed or prepared criminal offence, but the further activities the prosecutor performs in the order as stated by the Law on Prosecutor's office, and not here in the meeting of the Parliamentary investigatory committee is performing any procedural activities. He/she is due to perform them in accordance with the Law on Prosecutor's office.¹¹⁶ As it was already discussed before the intention of the parliamentary investigation is to conduct investigation of the investigation, because **the committees are formed in order to make sure and politically evaluate the work of the executive power.** Namely, the committee has to find out whether the police and the prosecutor's office does everything to detect the officials who are covering smugglers, and if not then why.¹¹⁷ *Jānis Maizītis* being the Prosecutor General at the time has indicated that the Parliamentary investigatory committees have to **investigate why there is no success in the investigation in general, but not to clarify circumstances of the criminal matter.**¹¹⁸ Politicians also have to **elaborate independent evaluation** about the matter to be investigated and **then** have to propose **legislation initiatives** respectively. According to opinions of separate journalists the main task of the investigatory committees is to study the activity of the governmental bodies, therefore the

¹¹³ *Hoon v. the United Kingdom* (application no. 14832/11)

¹¹⁴ *McGrain v. Daugherty*, 273 U.S. 135, 47 S. Ct. 319, 71 L. Ed. 580 (1927) Citēts pēc: The Constitutional Law Dictionary. Volume 2: Governmental Powers. Ralph C. Chandler, Richard A. Enslin, Peter G. Renstrom. Oxford, England. 1985. - p. 185.

¹¹⁵ Valērijs Agešins (Tautas saskaņas partijas frakcija) Deputātu debates, pieņemot Parlamentārās izmeklēšanas komisiju likumu 3.lasījumā, Latvijas Republikas 8.Saeimas pavasara sesijas trešā sēde 2003.gada 8.maijā, Saeimas sēdes stenogramma: http://www.saeima.lv/steno/2002_8/st_030508/st0805.htm

¹¹⁶ Solvita Mēlupe (frakcija "Jaunais laiks") deputātu debatēs, pieņemot Parlamentārās izmeklēšanas komisiju likumu 2.lasījumā, Latvijas Republikas 8.Saeimas ziemas sesijas sešpadsmitā sēde 2003.gada 10.aprīlī, Saeimas sēdes stenogramma http://www.saeima.lv/steno/2002_8/st_030410/st1004.htm

¹¹⁷ Brauna A. *Augstākā līmeņa izmeklēšana*/Diena 2001. – 3.novembris

¹¹⁸ *Maizītis: Saeimai jāskaidro nevis krimināllietu apstākļi, bet tas, kādēļ neveicas izmeklēšana*/LETA 2001.gada 16.novembris

result of the work of the committee should be directed towards evaluation of the work of the government.¹¹⁹

3.6. Tasks of investigatory committees

In the meeting of the Constituent Assembly when discussing the Article 26 of the Constitution *Fēliks Cielēns*, who, by the way, was also author of the final formulation of the article, indicated to the Parliamentary investigatory committee's **possibility to choose its modus operandus by itself**. He expressed an opinion that the investigatory committee may also be a committee of "questionnaires",¹²⁰ if the parliamentary investigators choose to question in their meetings different spokesmen of the society and in this way "to obtain notion about different needs of the life of the society and the state".¹²¹ The mentioned indicates to the wide **possibilities of those special committees to determine for them methods of activities and even tasks themselves**.¹²² That is proven by the Parliamentary investigatory committee of Zolitūde established at the end of 2014, which from its voluminous name derived series of tasks, then divided them into blocks or stages in order then to start to fulfil these tasks consequently in the terms fixed by it.¹²³

The Saeima when determining the mandated of the investigatory committees should learn from the experience of other Parliaments. For example in July 2007 the Bundestag of Germany determined the mandate for the investigatory committee to clarify several issues in relation to the war in Iraq and combating of the international terrorism. In the mandate there are included **43 concrete tasks**, for example, to clarify whether the persons considered to be suspects concerning terrorism and taken away from Iraq have been transported through the territory of Germany via flights, that have been organised by American bodies and or at least such existence of events cannot be excluded; to clarify whether and if yes – then with what aim and on what legal basis the federal bodies of Germany gave travel dates to bodies of USA, The Netherlands, Morocco, Lebanon and Pakistan, etc.¹²⁴

It is important to add that Part two of the Article 3 of the Law on Parliamentary investigatory committees prescribes for the Saeima the rights to give tasks to the Parliamentary investigatory committees that should be harmonised with the aim of establishment of the Parliamentary investigatory committee. In the legal literature as the shortcoming is indicated the fact that nowadays¹²⁵ such tasks are not given.¹²⁶ The answer to the above mentioned to my mind is seen in the case of the 26th investigatory committee. It is significantly that this investigation was chaired by Jānis Ločmelis, the deputy of the

¹¹⁹Kalniņš V., Litvins G. *Pat ja gribēja kā labāk, sanāca* ...11. Novembris 2008 /Jurista vārds nr. 43 (548)

¹²⁰Satversmes I daļas lasīšana pa pantiem Satversmes Sapulces IV. sesijas 13. sēde 1921.gada 18.oktobrī

¹²¹ turpat

¹²² turpat

¹²³ Zolitūdes parlamentārās izmeklēšanas pilns nosaukums sastāv no četrdesmit viena vārda (*Parlamentārās izmeklēšanas komisijas par Latvijas valsts rīcību, izvērtējot 2013.gada 21.novembrī Zolitūdē notikušās traģēdijas cēloņus un turpmākajām darbībām, kas veiktas normatīvo aktu un valsts pārvaldes un pašvaldību darbības sakārtošanā, lai nepieļautu līdzīgu traģēdiju atkārtanos, kā arī par darbībām minētās traģēdijas seku novēršanā*), kamēr konkretizējot nosaukumu, ir iegūti divsimt septiņdesmit seši vārdi (skatīt <http://zolitude.saeima.lv/par-komisiju>)

¹²⁴Citēts pēc Kalniņš V., Litvins G. *Pat ja gribēja kā labāk, sanāca*.... Jurista Vārds,2008. 11. novembris, Nr. 43 (548)

¹²⁵Der piezīmēt, ka pirmajā neatkarības laikā Saeima parlamentārajām izmeklēšanas komisijām uzdevumus noteica. Piemēram sienas avīžu lietā Saeima līdz ar izmeklēšanas komisijas izveidošanu uzdeva 4 uzdevumus no kuriem pēdējais bija norādījums Saeimai iesniegt konkrētus priekšlikumus "visos minētajos jautājumos", bet otrais uzdeva komisijai "noskaidrot Rīgas pilsētas IV Ģimnāzijas sienas avīzes lietu, kā arī šīs skolas skolēnu pašvaldības un pulciņu darbu", bet trešais paredzēja "noskaidrot vai izglītības ministra sodi dažu Rīgas vidusskolu direktoriem un inspektoriem ir dibināti un taisnīgi, salīdzinot ar to, kā sodīti citu skolu vadītāji un skolotāji dažos citos gadījumos" (*Latvijas Republikas 3. Saeimas VII sesijas 1930. gada 7.novembra sēdes (7. sēde) stenogramma*)

¹²⁶(Kalniņš V., Litvins G. *Pat ja gribēja kā labāk, sanāca*.... Jurista Vārds,2008. 11. novembris, Nr. 43 (548))

leading coalition party "Vienotība" („Unity”), who refused to search deeper, because the committee had not been given the special task of the work and from its name it did not result.¹²⁷

3.7. Comment on the Law on Parliamentary investigatory committees

Nowadays the need to pass the Law on Parliamentary investigatory committees (hereinafter – the Investigation law) was publicly expressed in 1998 by the Latvian Lawyers association (Latvijas Juristu biedrība),¹²⁸ when several investigatory committees started to justify their poor work with the lack of a special law. Elaboration of the law started already in the 7th Saeima and with big difficulties it was passed in the 8th Saeima in 2003. The initial plan about a committee that could be equalled to the pre-trial investigation body, which should be respected not only by the officials, but also by the courts, and in the composition of which there would be a special prosecutor, subordinated to the Saeima, was not implemented in the Investigatory committees law. Solidarily against it stood the Prosecutor’s general office,¹²⁹ the Ministry of Justice,¹³⁰ the Supreme Court and the Association of Judges¹³¹, indicating inter alia that the status of such committee “is not in compliance with the basic principles of independence of the judicial power and is direct interference of the legislative power in the functions of the judicial power”.¹³² The prosecutor’s office even declared to the Parliament that “If the investigatory committees are considered to be the pre-trial investigation body and the prosecutor is excluded from the general organisational structure of a prosecutor’s office, then the prosecutor’s Office will not be able to participate in a constructive manner in the further development of the draft law, because we consider it absolutely unacceptable.”¹³³ In the Investigatory committees law passed on 8 May 2003 the deputies wished to precise: conditions of establishment of the Parliamentary investigatory committees and principles of the activities of the Parliamentary investigatory committees, as well as wished to sketch the results that might be achieved by

¹²⁷ Uz jautājumu vai nevajadzētu papētīt Krājbankas kraha cēloņus atbild, ka komisijai nav dots uzdevums noskaidrot "Latvijas Krājbankas" kraha cēloņus Lāčplēsis atbildēja, ka par to bija jādomā tiem, kuri rosināja veidot komisiju. Ierosinātajiem bija jāpadomā, kādam mērķim tā tiek veidota, un precīzi jāformulē tās darba uzdevums. Lāčplēsis visai ironiski atbildēja: - "Kādu komisiju pieprasīja, tāda tika izveidota. Ja būtu izveidota komisija "Latvijas Krājbankas" kraha cēloņu izmeklēšanai, tā attiecīgi arī darbotos. Komisija ir izveidota tikai seku izvērtēšanai uz Latvijas finanšu sistēmu.[...]" Papildu uzdevumus parlamentārās izmeklēšanas komisijai Saeima nav devusi. Komisijas uzdevums nav pētīt "Latvijas Krājbankas" maksātnespējas problēmu, tās cēloņus, meklēt vainīgos. [...]"Latvijas Krājbankas" parlamentārās izmeklēšanas komisijai nav dots uzdevums veikt izmeklēšanas darbības, noskaidrot vainīgos.(Kozule E. Saeima pētīs tikai "Krājbankas" kraha ietekmi uz finanšu sistēmu/ LETA 2011.gada22.decembris)

¹²⁸Zirnis P. Pantelējevs uzskata juristu biedrības vēstuli par nekonkrētu/ LETA 1998.gada1.jūnijs

¹²⁹ Latvijas Republikas 8.Saeimas Juridiskās komisijas sēdes protokols 2002.gada 27.novembrī

¹³⁰ Tieslietu ministres Ingridas Labuckas 1999.gada 6.maija vēstule nr. 1 – 7.2/37 Saeimas Juridiskās komisijas priekšsēdētāja biedram Dzintaram Rasnačam

¹³¹ "Par nepieņemamu uzskatām tiesu un to amatpersonu pienākumu sniegt palīdzību izmeklēšanas komisijai, uzrādot tai visus (!!!) nepieciešamos dokumentus.[...] par nepieņemamu uzskatām iespēju, ka kādu personu uz nopratināšanu Saeimā vedīs piespiedu kārtā policija." Latvijas Tiesnešu biedrības prezidents Ivara Bičkoviča 1999.gada 11.maija vēstule Saeimas Juridiskai komisijai.

¹³² Augstākās tiesas priekšsēdētāja vietnieka P.Gruziņa 1999.gada 12.maija vēstule nr.7.2-1/436 Saeimas Juridiskās komisijas priekšsēdētāja biedram Dzintaram Rasnačam

¹³³ Ģenerālprokurors Jānis Skrastiņa 1999.gada 11.maija vēstule Saeimas Juridiskās komisijas priekšsēdētājam Linardam Muciņam

the Parliamentary investigatory committees.¹³⁴ Nothing came out of this. In contrary to the meaning of the hierarchy system of the laws and regulations¹³⁵ the law is abstract and general, it consists of 16 articles, which basically repeat what is mentioned in other circumventing enactments. It is interesting that the Ministry of Justice exactly has pointed to that when rendering its opinion four years before passing of the law about the first version of the law,¹³⁶ where inter alia indicated that in the law there are many issues included that are already regulated by the other circumventing enactments and stated its opinion that it would be useful to supplement the order roll of the Saeima about the investigatory committees. In the currently existing Investigatory committees law only the content of the final report, the amount of the mandate of the committee and also participation of the prosecutor in the work of the committees is covered.

4. Final report – summary of the work of the Parliamentary investigatory committees

In politics very often news about a final report is a significant message,¹³⁷ however from the legal point of view the text of the document and the possible legal consequences are important. The opinion about the current content of the final reports of the Parliamentary investigatory committees is not delighting, because it is rather difficult to find practical recommendations in the final reports.¹³⁸ The Parliamentary investigatory committees' **Final report may be considered as a report (result indicator)¹³⁹ of a concrete parliamentary institution, which is created for the extraordinary case, of the performed work.** In the summary of the investigation together with evaluation about the case to be studied there should be conclusions of the committee in the investigated case, established facts with evaluation, as well as proposals for elimination of the established shortcomings. (the Article 13 of the Law on Parliamentary investigatory committees).

In the Latvian law literature it is indicated that **the Parliament is "discussing and making the respective decision"** of the final report of the investigatory committees.¹⁴⁰ The Constitutional Court has indicated that the final report may be used **to pass acts of "more parliamentary type** – amendments of the existing laws or passing of new laws, declaring one's attitude towards this or that problem etc.. Respectively the report can serve as the basis for evaluation of the activity of the government and making of the respective decision or to become the basis¹⁴¹ for motion of censure on the Prime Minister, the Minister or the

¹³⁴*Solvita Mellupe (frakcija "Jaunais laiks") Deputātu debatēs, pieņemot Parlamentārās izmeklēšanas komisiju likumu 2.lasījumā, Latvijas Republikas 8.Saeimas ziemas sesijas sešpadsmitā sēde 2003.gada 10.aprīlī, Saeimas sēdes stenogramma http://www.saeima.lv/steno/2002_8/st_030410/st1004.htm*

¹³⁵ Normatīvo tiesību aktu hierarhijas sistēma praktiski nozīmē to, ka normatīvais tiesību akts, kas šajā hierarhijā atrodas augstākā rangā, ir formulēts abstraktāk nekā akts, kas atrodas zemākā rangā. Šādā veidā augstāka ranga akts, tā normatīvais saturs ietver zemāka ranga akta saturu, bet zemāka ranga akts konkretizē augstāka ranga aktu, piemēro to specifiskākam gadījumam. (Skatīt *Latvijas Republikas Satversmes komentāri. Ievads. I nodaļa. Vispārējie noteikumi*. Autoru kolektīvs prof. R.Baloža zinātniskā vadībā. – Rīga: Latvijas Vēstnesis, 2014 – 39 lpp.)

¹³⁶ Tieslietu ministres Ingrīdas Labuckas 1999.gada 6.maija vēstule nr. 1 – 7.2/37 Saeimas Juridiskās komisijas priekšsēdētāja biedram Dzintaram Rasnačam

¹³⁷Madara L. *Parlamentārā izmeklēšanas komisija iesniedz Saeimai gala ziņojumu/* LETA 2002. gada 23. septembris

¹³⁸ Gailīte D. *Parlamentārās izmeklēšanas komisiju ziņojumus lasot.* Jurista Vārds, 2014. 2. decembris/ Nr.47

¹³⁹ turpat

¹⁴⁰Vildbergs H.J. Feldhūne G. *Atsauces Satversmei: mācību līdzeklis.* Rīga: Latvijas Universitāte, 2003. - 24.lpp.

¹⁴¹Parlamentāro izmeklēšanas komisijas secinājumi ir bijuši par pamatu Saeimai izskatīt jautājumu par uzticības izteikšanu valdībai 1998.gadā pavasarī (Skat. Mazure L. *Pirmdien ārkārtas sēdē Saeima lems par uzticību valdībai/*LETA 02.03.1998.gada 2.martā)

government as such.¹⁴² **The final report is a political document and is not binding to the judicial power.**¹⁴³ The committee can only establish a possible violation, in order with the final report to turn the Saeima's attention to the shortcomings in the legislative acts or to turn the attention of the competent law enforcement bodies to the established possible violation or fact that became known to them during the course of investigation, which would be useful in the pre-trial investigation.¹⁴⁴ Those members of the committee, who do not sign the final report, can use the possibility included in the Article 1, Part 3 of the Law on Parliamentary investigatory committees to add their different opinions to the final report of the committee.

5. Directions of improvement of the work of the Parliamentary investigatory committees

Politicians of the current coalition of the Saeima have experience in the opposition, however nobody is interested in improvement of the work of the investigatory committees, because a successful work of the opposition would just disturb the position of the Saeima. In order for the parliamentary system of Latvia to develop there is needed a vital parliamentary control, which would have not only formal possibilities. For that there is necessary to make amendments in the Parliamentary investigations law. It is necessary to (1) strengthen the capacity of the work of the committee; (2) the committees have to provide for openness in the work of the committee; (3) it has to be provided that the final reports of the committees get in to the plenary sessions of the Saeima; (4) in the Law on Parliamentary investigatory committees there should be determined discussion of the conclusions and proposals of the committees and decision making (5) there should be evaluated implementation of the impeachment institute, connecting it with at least the investigation institute.

First of all, the work of the investigatory committees has to be strengthening.

One of the very weak points in the activity of the Saeima is the analytical provision of the deputies. The Latvian parliamentarism has one significant shortcoming – in the Parliament there is no research capacity. In the library of the US Congress around 400 people work there in the duties of whom is to prepare for congressmen analyses, surveys and researches, but in Latvia in the contrary to other Baltic States there are even no small units in the duties of which it would be to compile the information. There is one library which renders copying services. Latvia is one of the rare Parliaments in the democracy of the West, where no attention is devoted to analysis. Of course also for the investigatory committees the mentioned is a huge shortcoming, because the deputies have no one from whom to expect some support... The practice testifies that the chairs of the investigatory committees wish that somebody in the Saeima explains to them in a Professional manner what the investigatory committees can do, what information they can request and so on.¹⁴⁵ Of course, there are articles of the order roll of the Saeima and the law, however if the chair of the committee is not a lawyer then to understand all the nuances is very complicated. The practice of the parliamentary investigations is not homogenous, because if the standing committees in their daily work receive help from very experience consultants of the committees and representatives of the highly Professional Legal office of the Saeima, then to the investigatory committees such support is not rendered. Like in other investigatory committees, the chairs and members of the investigatory committees work in the

¹⁴² Secinājumu daļas 2.punkts Satversmes tiesas 1.10.1999. sprieduma lietā Nr. 03-05 (99)., Sk. arī Dišlers K. *Ievads Latvijas valststiesību zinātnē*. Rīga: A. Gulbis, 1930. - 145.lpp.

¹⁴³ Solvita Mellupe (frakcija "Jaunais laiks") Deputātu debatēs, pieņemot Parlamentārās izmeklēšanas komisiju likumu 2.lasījumā, Latvijas Republikas 8.Saeimas ziemas sesijas sešpadsmitā sēde 2003.gada 10.aprīlī, Saeimas sēdes stenogramma http://www.saeima.lv/steno/2002_8/st_030410/st1004.htm

¹⁴⁴ Latvijas Universitātes Juridiskās fakultātes Pilna laika klātienē studenta Daniēla Buka – Vaivada diplomdarbs "Latvijas Republikas Saeimas parlamentāro izmeklēšanas komisiju statuss un iespējamās attīstības perspektīvas" aizstāvēts 2004. gadā - 10.lpp.

¹⁴⁵ Kozule E. "Latvijas Krājbankas" Parlamentārās izmeklēšanas komisija mācās strādāt/ LETA 2011.gada 20.decembris

committees in addition to their other direct duties as the deputy and the politician. Practically each member of the committee acts in two standing committees, at least in one sub-committee, in the groups of deputies, standing delegations and the fraction. There is a constant amount for hiring of consultants allocated to the investigatory committees (1495euro per month), for which in fact only one consultant can be hired, who is performing also the work of the recorder and secretary, providing also for correspondence with natural and legal persons, as well as deals with applications of the natural and legal persons. The solution would be to take over the experience of Austria, where the Parliamentary investigatory committees apart from the chairman, chair deputy, secretary and consultant - secretary, there is envisaged a consultant in the issues of procedures,¹⁴⁶ whose duty would be to follow up that the committee acts within the framework of the law. Similarly as the Austrian colleague also our consultant could have in his/her duties included care for data protection of the witnesses and protection of their fundamental rights. In Austria any person can become the consultant regarding issues of procedures, who has corresponding qualification in the field of state administration or law. The consultant is appointed with 2/3 of the votes of the members of the committee. In Austria this consultant should receive adequate payment for his/her services. A permanent professional with the investigatory committee would be a significant investment in strengthening of its capacity.

Secondly respect of the principle of openness has to be envisaged also in the work of the parliamentary investigations. There are committees in which the members of the committee may not be allowed to see the minutes of the investigatory committees¹⁴⁷ and there are committees the minutes of which are available to everyone and in any time, because they are in the home page.¹⁴⁸ Nowadays citizens get involved in the political processes if in the mass media there is provided the possibility for everyone to follow up the debates of the legislator.¹⁴⁹ Open meetings provide "a public control of people over activities of the particular committee of the Saeima".¹⁵⁰ Openness in the work of the committees has to be strengthened: creation of home pages and the open meetings is not a guarantee of success, however they provide for the Exchange of information, which lies in the basis of the trust of people.¹⁵¹

Thirdly, it has to be provided that the final reports of the committees get to the plenary session of the Saeima. In the current Article 12, Part 2 of the Law on Parliamentary investigatory committees there is a provision included, that the final report of the Parliamentary investigatory committee is signed by all members of the committee. In the Article 14 it is stated that the final report is examined in the meeting of the Saeima and then after this meeting and not later than within 7 days it is published in the official gazette „Latvijas Vēstnesis”. Under the current regulation there is the situation that if just one of the members of the committee is not signing the final report, it is not being examined in the meeting of the Saeima as well as not published in the official gazette „Latvijas Vēstnesis”. Such situation has developed in 29 August 2012, when the final report of the Parliamentary investigatory committee concerning provision of monitor of Latvijas Krājbanka, ceasing of its activity and influence of the insolvency procedure to the financial system of the Republic

¹⁴⁶[Rules of Procedure for Parliamentary Investigating Committees \(1st Annex to the Federal Law on the Rules of Procedure of the National Council of 1975\)](http://www.parlament.gv.at/ENGL/PERK/RGES/UAUS/)
<http://www.parlament.gv.at/ENGL/PERK/RGES/UAUS/>

¹⁴⁷Licite M. *Saeimas komisija liek Dobelim iepazīstināt Čepāni ar Parlamentārās izmeklēšanas komisijas protokoliem*/ LETA 2008.gada 23. septembrī

¹⁴⁸Zolitūdes komisija ir pirmā parlamentārā izmeklēšanas komisija, kas izveidoja savu mājaslapu <http://zolitude.saeima.lv/>

¹⁴⁹Pleps J. *Satversmes iztulkošana*. Rīga: Latvijas Vēstnesis, 2012. - 93.lpp.

¹⁵⁰Vanags K. *Latvijas valsts Satversme*. L. Rumaka apgāds Valkā, 1948, 27. lpp.

¹⁵¹Minēto apstiprina Zolitūdes traģēdijas parlamentārās izmeklēšanas komunikācija ar sabiedrību, kas ir atgriezeniska. Pirmkārt, to nodrošina komisijas mājaslapa un sēžu videotranslēšana tiešraidē. Tieši izmeklēšanas atklātības princips palielināja izmeklēšanas komisiju iespējas ietekmēt politiskos procesus. Zolitūdes parlamentārās izmeklēšanas komisijas sēdes ir atklātas un tās var skatīties tiešraidē Saeimas mājas lapā, kā arī portālā *Delfi*.

of Latvia in the meeting by voting was approved, but for members of the committee did not sign it.¹⁵² The final report was not read in the meeting of the Saeima, because the requirement of the Presidium of the Saeima¹⁵³ to provide unanimity and thus the final report was not published. Due to this reason Part two of the Article 13 of the Law on Parliamentary investigatory committees should be amended prescribing that the decision about the final report is made with the majority of votes of the members of the committee. In the Law on Parliamentary investigatory committees is not amended and "the principle of unanimity" is not changed to "the principle of majority", then we still will be able to read the final reports of the investigation, which as we commonly call "none" or more precisely they will be synthetic opinions of the public thought and the government.

Fourth, there has to be provided discussion of the conclusions and proposals of the committees and decision making concerning them. There are countries where the investigatory committees within two months after their establishment have to prepare the final reports,¹⁵⁴ while in Latvia there have been committees that within two years have managed to prepare only one interim report, during a year meeting only for two meetings and being no able even to appoint a new chairman.¹⁵⁵ Sometimes the investigatory committees do not submit the final reports because are unable to write them.¹⁵⁶ At the same time if the conclusions of the committee are matter-in-fact, currently there is no mechanisms to achieve their implementation in practice. There are case when in order to make sure about the issues of the Parliamentary investigatory committee of the Saeima there have been internal investigation and work groups established in the state administration,¹⁵⁷ but in the Parliament itself very often the standing committees have in no way reacted to the conclusions of the investigation. In the Part 1 of the Article 13 of the Law on Parliamentary investigatory committees it is stated that the committee in its final report reflects proposals for elimination of the established shortcomings. In order to avoid the situation when the proposals of the committee for elimination of the established shortcomings are published, but not evaluated further on, the Article 14 of the Law on Parliamentary investigatory committees has to be supplemented with Part 3, which would state a duty to the committees of the Saeima under the jurisdiction to examine the proposals for elimination of the established shortcomings, which are reflected in the final report of the Parliamentary investigatory committee. In this way the institute of the Parliamentary investigatory committees would be improved, because the possibility that the work done by the committee would result with the necessary amendments in the laws and regulations would increase.

Fifth, as it was already mentioned in Latvia there is no institution of dismissing of the superior officials, which in other places in the world is known with the name "impeachment". The institute of dismissing is important, because at the same time it is also an objective and public mechanisms of evaluation of the work of officials. That is proven examples of the heads of the Corruption and combating offices, justices and others. The least that could be started in this matter would be to introduce the experience of Albania. In this country the impeachment procedure is placed together with the

¹⁵² Parlamentārās izmeklēšanas komisijas par Latvijas Krājbankas uzraudzības nodrošināšanas, darbības apturēšanas un maksātnespējas procesa ietekmi uz Latvijas Republikas finanšu sistēmu 2012. gada 4. septembra vēstule (Nr.9/17-2-i/58-11/12) Saeimas Prezidijam. Pieejams: Saeimas arhīvā.

¹⁵³Elektroniskā dokumentu informatīvā sistēma (ELDIS). Atbilde uz vēstuli Nr.9/17-2-i/58-11/12

¹⁵⁴ Tā tas ir Turcijā, kur parlaments pēc šo trīs mēnešu iztecēšanas vēl var lemt par izmeklēšanas pagarināšanu uz diviem mēnešiem. (<http://global.tbmm.gov.tr/index.php/EN/yd/icerik/37>)

¹⁵⁵Kuzmina I. *Saeimas izmeklētāji turpinās darbu*/ Latvijas Avīze 2005.gada 23.decembris

¹⁵⁶Piemēram. komisija par iespējamām pretlikumīgajām darbībām a/s Parex banka pārņemšanā un restrukturizācijā tika izveidota uz 3 mēnešiem. Atbildes uz informācijas pieprasījumiem tā saņēma pāris nedēļu pirms tās darbības termiņa beigām. Ierosinājumu pagarināt tās darbību Saeima neatbalstīja, kamdēļ neuzrakstījusi galaziņojumu, jo nepaspēja iedziļināties dokumentos tā beidza pastāvēt. (*Lasmanis J. Ar likumu nepieļaus paniku/ Neatkarīgā Rīta Avīze 2011.gada 21.decembrī*)

¹⁵⁷Par Valsts ieņēmumu dienestu, saistībā ar Saeimas parlamentārās komisijas paziņojumu (Valsts ieņēmumu dienesta Komunikācijas nodaļa) Latvijas Vēstnesis 24.09.2002

Parliamentary investigation. The Article 77 of the Constitution of Albania provides for establishment of the Parliamentary investigatory committees if that is requested by ¼ of the deputies – so similarly as it is in Germany or Latvia, but in addition the Parliamentary investigation law prescribes that the parliamentary investigations can be initiated also by five deputies or the standing committees, which investigate offence and compliance of the officials.

Conclusion

The parliamentary majority and the parliamentary minority always is forced to discuss mutually and to look for the best solutions together. Openness of the parliamentary discussion exposes the Parliament to the control of the totality of citizens.¹⁵⁸ The task of the Constitution is to outline **the basic values and content directions of the politics**. The Constitution must not limit or hinder the democratic political process unduly, it should have a wide space for development of the politics.¹⁵⁹ It is not possible to cover everything in the Constitution and, of course, it is easy to destroy the work of the Parliamentary investigation: due to the lack of quorum¹⁶⁰ to withdraw the deputies from the composition of the committee,¹⁶¹ in the committee formed by the opposition as the chair more useful for the position chair can be appointed¹⁶² or due to any other reason.¹⁶³ Functioning of the Parliamentary democracy in an effective manner to the great extent is dependent from the politicians themselves and how vulnerable can be truly democratic state has been already proven by the Republic of Weimar, the principles of activity of which are implemented also in our Constitution. The Parliament itself needs the interest of the society about the ongoing political processes, which happen in the Parliament, because that increases the trust and prevents suspicions about influence of oligarchs or other non-democratic formations to the spokesman elected by the people.

The Parliamentary investigatory committees (2-12th Saeima)

No bto	Saeima	Name of the committee (Resolution of the Parliament for conducting of the investigation)	Validity term
No 1	II	The Parliamentarian investigatory committee	
		Task No 1. To investigate the case of blowing up (the case of bulletin boards) of the editorial offices of the newspapers „Socialdemokrats”, „Brīvā Zeme”, „Zemgales Balss” un „Latvijas Sargs”	From 26.03.1926 till 18.01.1927 Length – 9 months
		Task No 2. To investigate hiring and activity of A. Vītols and other clerks of the State control in the State control.	
		Task No 3. To clarify the appointment, content and activity of colonel Karlson, the chairman of the organisation mobilisation division of the main headquarters of the Ministry of War, as well of other officials in the Ministry of War and army , but in particular in Division 3 of the operative department	

¹⁵⁸Pleps J. *Satversmes iztulkošana*. Rīga: Latvijas Vēstnesis, 2012. - 93.lpp.

¹⁵⁹Balodis R., Levits E. *Satversmes ievada interpretēšanas (komentēšanas) pamatjautājumi/ Latvijas Republikas Satversmes komentāri. Ievads. I nodaļa. Vispārējie noteikumi*. Autoru kolektīvs prof. R.Baloža zinātniskā vadībā. – Rīga: Latvijas Vēstnesis, 2014 – 41. lpp.

¹⁶⁰Zvirbulis Ģ. *Apšaubu parlamentārās izmeklēšanas lietderību/ Latvijas Avīze* 2012.gada 14. jūnijs

¹⁶¹Kozule E. *Šlesers un Stalidzāne aiziet no parlamentārās izmeklēšanas komisijas/ LETA* 2002.gada 10.jūnijs; Līcīte M. *Saeimas komisija lūgs nodrošināt deputātu ierašanos uz sēdēm/ LETA* 2002.gada 23.septembris; Līcīte M. *Deputātus Ūdri, Baldzēnu, Stirānu un Vītolu neizdodas izslēgt no komisijas/ LETA* 2002.gada 30.septembris; *JL pamet izmeklēšanas komisiju/ Diena* 2004.gada 15.maijs

¹⁶²Egle I. *Dobelim grib uzticēt izmeklēšanas komisijas vadību/ Diena* .2007.gada 13.septembrī

¹⁶³Lulle B. *Nosoda Repšes atteikšanos sniegt ziņas parlamentārās izmeklēšanas komisijai/ Neatkarīgā Rīta Avīze* Latvijai 2004.gada 18.februāris

		Task No 4. To clarify the appointment, content and activity in the Ministry of Interior, in particular in the political administration of Romāņeko , the head of the border crossing point, who crossed the border to Soviet Russia, taking with him information about protection of our borders, as well of other officials	
No 2	II	The Parliamentary investigatory committee in order to examine the incoming information and complaints about the fact that with the citizens arrested in the last weeks next to Krāslava in the political administration of Daugavpils at interrogations also beating and torturing was permitted.	From 22.10.1926. till 07.12.1926. Length – 1.5 months
No 3	II	The Parliamentary investigatory committee in order to investigate the upsetting rumours about the planned expropriation and indication on the provocation for the political reason (the Prime Minister has stated that known circles were preparing for the robbery of some credit institution, which was not done only because the police got to know about this intention; apart from simple criminals also some dark personas have participated in this matter, who wanted to use this case for provocation).	From 01.04.1927 Length not known
No 4	III	The Parliamentary investigatory committee in order to clarify several issues concerning companies „Lats” and „Unionbanka” having payment difficulties	From 21.02.1930 till 07.06.1930 Length – 3 months
No 5	III	The Parliamentary investigatory committee in order to clarify several issues concerning Riga High School IV and events (demonstrations) next to it	From 07.11.1930 till 10.03.1931 Length – 4 months
No 6	III	The Parliamentary investigatory committee in order to clarify several issues concerning the permit issued to M. Hausmanis for import of transit rye and also several varieties of rye meal	From 20.02.1931 till 22.07.1931 Length – 4 months
No 7	III	The Parliamentary investigatory committee in order to clarify nationals and political circumstances at the border zone	From 08.05.1931 till 22.07.1931 Length – 2\9 months
No 8	IV	The Parliamentary investigatory committee in order to clarify several questions concerning the death of Fricis Gailis arrested by the political administration Riga division	From 31.01.1933 The coup discontinued the activity
No 9	V	The Parliamentary investigatory committee in order to clarify utilisation of the state budget, usage of foreign credits and human help, management and course of privatisation of the properties of the state , taking over of properties of the occupation army, the Communist Party of the Soviet Union and HSC and action of the senior officials of the state	From 13.07.1993 till 06.11.1995 Length – 27 months
No 10	V	The Parliamentary investigatory committee for assessment of the lawfulness and efficiency of the receipt and utilisation of the credits guaranteed by the state	From 27.10.1994 till 06.11.1995 Length – 12 months
No 11	V	The Parliamentary investigatory committee concerning the financial crisis in several banks of the Republic of Latvia	From 23.02.1995 till 06.11.1995 Length – 8 months
No 12	V	The Parliamentary investigatory committee for evaluation of the activity of the company "Lattelekom"	From 19.01.1995 till 06.11.1995 Length – 9 months
No 13	VI	The Parliamentary investigatory committee for clarification of the cause of the crises of the bank "Baltija" and substantiation of the bankruptcy and evaluation of the bank's rehabilitation projects submitted	From 01.02.1996 till 19.12.1996 Length – 10 months
No 14	VI	The Parliamentary investigatory committee for assessment of lawfulness of the activity of the National Council of the radio and television and its compliance with the state and society's interests	From 28.11.1996 till 02.11.1998 Length – 23 months
No 15	VI	The Parliamentary investigatory committee to clarify the correctness of granting of G - 24 credits , possibilities of repayment and determination of personal liability for squanderers of this credit	From 17.04.1997 till 02.11.1998 Length – 18 months
No 16	VI	The Parliamentary investigatory committee in order to clarify lawfulness of the privatisation of the joint stock company "Latvijas Unibanka" and the state joint stock company "Latvijas Krājbanka" and its compliance with the state and society's interests	From 17.04.1997 till 02.11.1998 Length – 18 months

No 17	VI	The Parliamentary investigatory committee in order to clarify the matter of three million lats lost in the result of the cession agreement of LATVENERGO , "Banka Baltija" and a Lichtenstein company	From 18.09.1997 till 02.11.1998 Length – 13 months
No 18	VI	The Parliamentary investigatory committee in the matter of the possible involvement of the state officials in the smuggling transactions in Latvia	From 01.11.2001 till 05.11.2002 Length – 12 months
No 19	VII	The Parliamentary investigatory committee in order to clarify facts and circumstances that are related with the secret protocol signed on 29 August 1991 by the extraordinary authorised deputy P.Simsons and the representative of the HSC of the USSR, as well as for evaluation of its importance	From 13.06.2001 till 05.11.2002 Length – 16 months
No 20	VII	The Parliamentary investigatory committee in the matter of privatisation of "Latvian Shipping Company" and other strategically important objects	From 11.11.1999 till 05.11.2002 Length – 35 months
No 21	VII	The Parliamentary investigatory committee in order to clarify facts about connection of the officials of the public and private institutions with the commitment of crimes (pedophilia)	From 07.10.1999 till 05.11.2002 Length – 37 months
No 22	VII	The Parliamentary investigatory committee for the purpose to carry out analysis of the execution of the contract of the government of the Republic of Latvia and "Tilts Communication", as well as of the compliance of the tariff policy of the LTD "Lattelekom" and the action of the authorised representatives of TTP to the requirements of the Law "On telecommunications"	From 28.01.1999 till 05.11.2002 Length – 45 months
No 23	VIII	The Parliamentary investigatory committee for examination of the financial activities of Einārs Repše	From 29.01.2004 till 01.11.2006 Length – 33 months
No 24	IX	The Parliamentary investigatory committee concerning the potential illegal and unethical action in the justice system	From 06.09.2007 till 05.03.2009 Length – 18 months
No 25	X	The Parliamentary investigatory committee concerning the potential illegal activities in the process of taking over and restructuring the JSC "Parex banka"	From 24.02.2011 till 24.05.2011 Length – 3 months
No 26	XI	The Parliamentary investigatory committee about provision of supervision of Latvijas Krājbanka , ceasing of the activity and the influence of the insolvency procedure on the financial system of the Republic of Latvia (the final report has not been read in the Saeima, <i>it was accepted only in the meeting of the committee</i>)	From 01.12.2011 till 01.09.2012 Length – 9 months
No 27	XI	The Parliamentary investigatory committee about the legal and factual situation of the management of Ķemeri sanatorium , to assess the rule of law of the privatisation of Ķemeri sanatorium , execution of the privatisation contract, as well as to evaluate the situation concerning insolvency of the Ltd. "OminasisLatvia" registration No 40003417017	From 18.04.2013 till 18.01.2014 Length – 9 months
No 28	XII	The Parliamentary investigatory committees about the action of the Latvian state when evaluating the reasons of the tragedy of Zolitūde which happened on 2 November 2013 and further activities, which have been performed for arrangement of the laws and regulations and the activity of the state administration and municipalities in order not to allow reoccurrence of the similar tragedies, as well as for activities for elimination of the consequences of the mentioned tragedy	From 11.11.2014 length – acting already for six months
No 29	XII	The Parliamentary investigatory committee about the direction of the share sales process of the 75% shares of the bank "Citadele" belonging to the state, criteria of determination of the sales price and the term of prohibition of the further sales, conditions included in the share sales agreement, expenses for the sales consultants and public relations services during the sales process	From 13.11.2014 length – acting already for six months