



# Latvia

## Ratified the European Convention on Human Rights in 1997

**National Judge: Mārtiņš Mits**

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Egils Levits (1995-2004), Ineta Ziemele (2005-2014)

The Court dealt with 281 applications concerning Latvia in 2017, of which 261 were declared inadmissible or struck out. It delivered 14 judgments (concerning 20 applications), 12 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2016	2017	2018**
Applications allocated to a judicial formation	255	275	130
Communicated to the Government	20	6	3
Applications decided:	245	281	134
- Declared inadmissible or struck out (Single Judge)	210	249	131
- Declared inadmissible or struck out (Committee)	15	12	0
- Declared inadmissible or struck out (Chamber)	3	0	1
- Decided by judgment	17	20	2

\*\*January to July 2018

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2018	
Total pending applications*	168
Applications pending before a judicial formation:	154
Single Judge	41
Committee (3 Judges)	29
Chamber (7 Judges)	84
Grand Chamber (17 Judges)	0

\*including applications for which completed application forms have not yet been received

## Latvia and ...

### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **668** Registry staff members.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### Cases concerning inhuman or degrading treatment (Article 3)

##### [Jeronovičs v. Latvia](#)

05.07.2016

The case primarily concerned the national authorities' refusal to reopen the criminal proceedings relating to Mr Jeronovičs's ill-treatment, following a unilateral declaration in which the Government had acknowledged, among other breaches, a violation of Article 3 of the Convention.

[Violation of Article 3](#)

#### Cases concerning Article 6

##### [Right to a fair hearing](#)

##### [Avotiņš v. Latvia](#)

23.05.2016

The case concerned a judgment given by a Cypriot court ordering the applicant to pay a debt he had contracted with a Cypriot company, and the order made by the Latvian courts for the enforcement of the Cypriot judgment in Latvia.

[No violation of Article 6 § 1](#)

#### Cases dealing with private or family life (Article 8)

##### [X v. Latvia \(no. 27853/09\)](#)

26.11.2013

The case concerned the procedure for the return of a child to Australia, her country of origin, which she had left with her mother at the age of three years and five months, in application of the Hague Convention on the Civil Aspects of International Child Abduction, and the mother's complaint that the Latvian courts' decision ordering that return had breached her right to respect for her family life within the meaning of Article 8 of the Convention.

[Violation of Article 8](#)

##### [Slivenko v. Latvia](#)

09.10.2003

Concerned the deportation of the family of a former Soviet army officer in accordance

with the inter-state treaty between Russia and Latvia on the withdrawal of Russian troops from Latvian territory.

[Violation of Article 8](#)

## Other noteworthy cases, judgments delivered

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##### [Vistiņš and Perepiolkins v. Latvia](#)

25.10.2012<sup>1</sup>

The case concerned the expropriation of land in the 1990s in connection with the enlargement of the Free Port of Riga. The expropriation was based on a special law derogating from the normal rules of expropriation.

[Violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

##### [Kononov v. Latvia](#)

17.05.2010

The applicant, who was convicted of war crimes perpetrated during the Second World War, alleged in particular that the acts of which he had been convicted had not, at the time of their commission, constituted an offence under either domestic or international law.

[No violation of Article 7 \(no punishment without law\)](#)

##### [Andrejeva v. Latvia](#)

18.02.2009

Concerned the Latvian courts' refusal to grant the applicant a retirement pension in respect of her years of employment in the former Soviet Union prior to 1991, on the ground that she did not have Latvian citizenship.

[Violation of Article 14 \(prohibition of discrimination\) taken in conjunction with Article 1 of Protocol No. 1 \(protection of property\)](#)

##### [Ždanoka v. Latvia](#)

16.03.2006

The applicant was disqualified from standing for election to the national parliament on account of her former membership of the communist party, which had been declared unconstitutional.

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<sup>1</sup> In the same case, the Court delivered its Grand Chamber [judgment](#) on the question of just satisfaction on 25 March 2014.

No violation of Article 3 of Protocol No.1 (right to free elections)

## Noteworthy cases, judgments delivered

### Chamber

#### Cases concerning the right to life (Article 2)

##### [Jasinskis v. Latvia](#)

21.12.2010

Concerned the authorities' failure to provide medical treatment to a deaf mute suffering from serious head injuries who died after spending 14 hours in police custody.

[Violations of Article 2 for the death in itself and for the lack of an effective investigation](#)

#### Cases concerning conditions of detention (Article 3 – prohibition of inhuman or degrading treatment)

##### [Violations of Article 3](#)

##### [Ābele v. Latvia](#)

05.10.2017

The case concerned the complaint by a deaf and mute prisoner who alleged that he had been held in overcrowded cells and that the authorities had failed to cater for his disability. That had led to his being isolated.

##### [Čalovskis v. Latvia](#)

24.07.2014

##### [Savičs v. Latvia](#)

27.11.2012

##### [J.L. v. Latvia \(no. 23893/06\)](#)

17.04.2012

This is the first time that the Court has underlined that prisoners who have co-operated with the police by reporting criminal offences are particularly vulnerable and exposed to violence in prison.

##### [Melnītis v. Latvia](#)

28.02.2012

##### [Bazjaks v. Latvia](#)

19.10.2010

##### [Jeronovics v. Latvia](#)

01.12.2009

##### [Kornakovs v. Latvia and Moisejevs v. Latvia](#)

15.06.2006

##### [Kadiķis v. Latvia \(No. 2\)](#)

04.05.2006

#### Cases concerning the right to liberty and security (Article 5)

##### [Mihailovs v. Latvia](#)

22.01.2013

The case concerned the complaint of a man who had been divested of his legal capacity that he had been held against his will in a social care institution for more than ten years without possibility of release.

[Violation of Article 5 § 1](#) on account of Mr Mihailovs being held in a social care institution between January 2002 and April 2010 and no violation of Article 5 § 1 on account of him being held in another institution from 1 April 2010 onwards

[Violation of Article 5 § 4 \(right to have the lawfulness of one's detention decided speedily by a court\)](#) on account of Mr Mihailovs' inability to obtain a review of the lawfulness of his placement in the social care institution between January 2002 and April 2010 and no violation of Article 5 § 4 from 1 April 2010 onwards

##### [Beiere v. Latvia](#)

29.11.2011

The case concerned the complaint by a woman about her unlawful detention in a psychiatric hospital, in the context of criminal proceedings against her, for an assessment of her mental state.

[Violation of Article 5 § 1](#)

##### [Longa Yonkeu v. Latvia](#)

15.11.2011

The case concerned detention of an asylum seeker from Cameroon.

[Violation of Article 5 § 1](#) concerning the applicant's detention from 20 May to 16 September 2009 and from 23 October to 2 November 2009, and on account of the arbitrariness of the applicant's detention during his deportation to Cameroon

[No violation of Article 5 § 1](#) - concerning the applicant's detention from 23 December 2008 to 20 May 2009, from 16 September

to 23 October 2009 and from 2 November 2009 to 9 January 2010

### [Svipsta v. Latvia](#)

09.03.2006

Concerned the length and lawfulness of the applicant's pre-trial detention.

[Violation of Article 5 § 1, 5 § 3 \(length of pre-trial detention\) and 5 § 4 \(judicial review\)](#)

[No violation of Article 6 § 1 \(length of proceedings\)](#)

### **Cases dealing with Article 6**

#### Right to a fair trial

### [Jemeljanovs v. Latvia](#)

06.10.2016

The case concerned a complaint by a man accused of murder that he had not had legal assistance in the first-instance criminal proceedings against him.

[No violation of Article 6 §§ 1 and 3 \(c\) \(right to a fair trial and right to legal assistance of own choosing\)](#)

### [Baltinš v. Latvia](#)

08.01.2013

The case concerned the complaint of a man convicted of acquisition of drugs that he had been incited by an undercover police agent to commit this offence.

[Violation of Article 6 § 1](#)

#### Right to a fair trial within a reasonable time

### [Kalēja v. Latvia](#)

05.10.2017

The case concerned criminal proceedings for misappropriation of funds. The applicant, an accountant, essentially complained that she had been questioned in those proceedings as a witness (and therefore without a lawyer), long before the official charges had actually been brought against her.

[Violation of Article 6 § 1 because the overall length, nine years and ten months, of the proceedings had been excessive](#)

[No violation of Article 6 §§ 1 and 3 \(c\) \(right to legal assistance of own choosing\)](#)

### **Cases dealing with private and family life (Article 8)**

### [Meimanis v. Latvia](#)

21.07.2015

The case concerned the interception of the applicant's telephone calls when he was working as an official in the Riga economic crime police.

[Violation of Article 8](#)

[No violation of Article 13 \(right to an effective remedy\)](#)

### [Elberte v. Latvia](#)

13.01.2015

The case concerned the removal of body tissue from Ms Elberte's deceased husband by forensic experts after his death, without her knowledge or consent. Unknown to Ms Elberte, pursuant to a State-approved agreement, tissue had been removed from her husband's body after her husband's autopsy and sent to a pharmaceutical company in Germany for the creation of bio-implants. She only learned about the course of events two years after her husband's death when a criminal investigation was launched in Latvia into allegations of wide-scale illegal removal of organs and tissues from cadavers. However, domestic authorities eventually did not establish any elements of crime.

[Violation of Article 8](#)

[Violation of article 3 \(prohibition of inhuman or degrading treatment\)](#)

### [Petrova v. Latvia](#)

24.06.2014

The case concerned Ms Petrova's complaint that a public hospital had removed her son's organs for transplantation purposes without her consent after he was involved in a road traffic accident and had died from his injuries.

[Violation of Article 8](#)

### **Freedom of expression cases (Article 10)**

### [Rungainis v. Latvia](#)

14.06.2018

The case concerned the applicant's being found liable for defamation after implicating a banker-turned-politician in the misappropriation of bank funds.

[No violation of Article 10](#)

### **Petropavlovskis v. Latvia**

13.01.2015

The case concerned an allegation by a political activist that he was refused Latvian citizenship through naturalisation as punishment for his views on education reform in Latvia.

The Court held that articles 10 (freedom of expression), 11 (freedom of association) and 13 (right to an effective remedy) of the Convention were not applicable and that there was therefore no arguable complaint under the Convention.

### **Nagla v. Latvia**

16.07.2013

The case concerned the search by the police of a well-known broadcast journalist's home, and their seizure of data storage devices.

Violation of Article 10

### **A/S Diena and Ozoliņš v. Latvia**

12.07.2007

Journalist and press organ convicted of defamation for allegedly casting aspersions on the integrity of the Minister for Economic Affairs at the time of privatisation of a major Latvian company.

Violation of Article 10

### **Protection of property cases (Article 1 of Protocol no. 1)**

#### **SIA AKKA/LAA v. Latvia** (no. 562/05)

12.07.2016

The case concerned a complaint about the restriction on the copyright of authors' musical work.

No violation of Article 1 of Protocol No. 1 (protection of property)

No violation of Article 6 § 1 (right to fair hearing)

### **Cases concerning the right to free elections (Article 3 of Protocol No. 1)**

#### **Ādamsons v. Latvia**

24.06.2008

Concerned the applicant's disqualification from standing for election on account of his previous service in the Border Guard Service, an armed corps placed under the supervision of the KGB.

Violation of Article 3 of Protocol No. 1

### **Podkolzina v. Latvia**

09.04.2002

Concerned the disqualification of a minority Russian-speaking candidate for parliamentary elections on the ground that she had an inadequate command of the official language.

Violation of Article 3 of Protocol No. 1

## **Other noteworthy cases, judgments delivered**

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### **Mirolubovs and Others v. Latvia**

15.09.2009

Concerned a complaint about the authorities' unwarranted intervention in an internal dispute within Old Orthodox religious community.

Violation of Article 9 (freedom of religion)

### **Kornakovs v. Latvia**

15.06.2006

Concerned, among other issues, the authorities' interception of a prisoner's letter to the European Court of Human Rights and his being reprimanded for communicating with the Court.

In particular, two violations of Article 34 (right of individual application)

## **Noteworthy cases, decisions delivered**

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### **Larionovs v. Latvia and Tess v. Latvia**

25.11.2014

The applicants in both cases complained that the criminal law had been retroactively applied in the proceedings against them in connection with their acts during the mass deportation of Latvian inhabitants to remote places of the USSR (Union of Soviet Socialist Republics) in March 1949.

Applications declared inadmissible (non-exhaustion of domestic remedies)

### **Kovalkovs v. Latvia**

31.01.2012

The applicant complained in particular of repeated violations of his freedom of religion in prison. He relied on Article 9 (freedom of thought, conscience and religion).

Application declared inadmissible (manifestly ill-founded)

### [Liepajnieks v. Latvia](#)

02.11.2010

Concerned applicant's complaint that, following the restoration of Latvia's independence in 1990, he gradually lost his right to the lease – without compensation – of an apartment to which he had been entitled since 1969.

[Application declared inadmissible \(lack of victim status\)](#)

### Noteworthy pending cases

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#### [Vecbaštika and Others v. Latvia](#) (no. 52499/11)

Communicated to the Latvian Government on 07.01.2013

The applicants are 19 individuals, who live in Dunika parish and who oppose the construction of wind power stations close to their home.

The applicants rely on Articles 6 § 1 (right to a fair trial) and 8 (right to respect for private life and for the home) of the Convention.

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