

# **REPORT OF A SECOND MISSION TO THE REPUBLIC OF LATVIA**

**carried out by  
Bill Bowring**

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**on behalf of the  
FÉDÉRATION  
INTERNATIONALE DES  
LIGUES DES DROITS DE  
L'HOMME  
and the  
BAR OF ENGLAND AND  
WALES HUMAN RIGHTS  
COMMITTEE**

**May & June 1994**

## **The invitation and Mandate**

1. From the end of June to the beginning of July 1993 I visited Latvia at the invitation of the "Equal Rights" Fraction of the Latvian Parliament (Saeima). On behalf of the Fédération Internationale des Ligues des Droits de L'Homme (FIDH) I prepared a report dated 19 July 1993. In May 1994 I was invited to visit Latvia for a second time by the "Equal Rights" Fraction, from 29 May to 5 June 1994, and received Mandates for my visit from the FIDH and from the Bar of England and Wales Human Rights Committee.

2. I was able to meet the following people while in Latvia. I am very grateful to all of them for their courtesy in receiving me, and their willingness to answer my questions with great frankness.

*Judge Martins Dudelis*, Deputy President of the Latvian Supreme Court,  
President of the Civil Division of the Supreme Court

*Judge Pavels Gruzins*, Deputy President of the Latvian Supreme Court, President  
of the Criminal Division of the Supreme Court

*Mr Olafs Bruvers*, MP, Christian Democrat Party, State Minister for Human  
Rights, Ministry of Justice

*Ms Inese Birzniece*, MP, "Latvian Way" Party, Chairman of the Human Rights  
Committee of the Saeima

*Mr Aivars Enzins*, MP, "Latvian Way" Party, Chairman of the Legal Affairs  
Committee of the Saeima

*H E Richard Ralph*, British Ambassador to Latvia

*Mr Hugh Gerard Hamilton*, Head of Mission, CSCE Mission to Latvia

*Mr Jukka Korpela*, Mission Member, CSCE Mission to Latvia

*Ms Rita Zalite*, Candidate in the Local Government Elections, "Equal Rights"/  
Socialist Party

*Mr Nikolajs Krasohins*, MP, "Equal Rights" Fraction, Member of the Human  
Rights Committee of the Saeima

*Mr Konstantin Matveyev*, Parliamentary Assistant, "Equal Rights" Fraction

*Ms Tatyana Zhdanok*, Parliamentary Assistant, "Equal Rights" Fraction

*Mr Alfred Rubiks*, defendant in custody, MP for the "Equal Rights" Fraction,  
former General Secretary of the Latvian Communist Party

*Mr Aleksandrs Orgurtovs*, defence counsel for Mr Rubiks

*Mr Yazels Belnieks*, survivor of the Salaspils Concentration Camp

As well as many other documents, referred to in this Report, I obtained a copy of the US State Department Human Rights Report for Latvia, dated 1 February 1994.

3. At the time of my last visit, elections to the Saeima had just taken place, on 5-6 June 1993. The "Latvian Way" Party, which is the largest single party, together with the Farmers Union, have maintained a government coalition, despite the fact that they are unable together to guarantee a parliamentary majority (51 votes). Valdis Birkavs of "Latvian Way" became Prime Minister, and Guuntis Ulmanis of the Farmers Union was elected President (by the Saeima). The 1922 Satversme (Constitution) was reinstated in July 1993. This is reproduced as Appendix 1. However, a new Law on Citizenship and Naturalisation had not yet been enacted by Parliament; I give further details below. The next general elections are due in October 1995.

### **Recent political events**

4. A number of significant events took place in the Saeima during the period immediately before and during my visit. On 19 May 1994 the Saeima passed the law On the Storage and Use of Former Soviet Security Service Archives, and also a Resolution concerning a person's links with the KGB. This law was passed in the context of the suspension of the mandates of five members of the Saeima for alleged collaboration with the KGB. On 28 May 1994, in a political bombshell, the Latvian Foreign Minister, Georgs Andrejevs, admitted, in an open letter, that he had collaborated with the KGB. Even more seriously, he thereby declared himself in violation of the law On the 5th Saeima Election, in accordance with which he had signed a statement saying he had never collaborated with the KGB in order to take up his mandate as a member of the Saeima.

5. Furthermore, during the same week, the Saeima passed the new Law on Local Government, rejecting amendments proposed by President Ulmanis. The local elections themselves took place on the day of my arrival, Sunday 29 April 1994, and I visited a local polling station. The elections were clearly being conducted in an orderly and normal way, without interference or intimidation. However, the peaceful scene which I witnessed belied the fact that 700,000 (overwhelmingly Russian-speaking) of Latvia's 2.4 million inhabitants did not have the right to vote. Some 58.5% of Latvia's eligible voters (Latvian citizens over 18) voted nation-wide, but only 50.5% in Riga. Since a majority of Riga's residents are Russian-speaking, it may be seen that only a small percentage of Riga's population voted. The ruling Latvia's Way party received only 3.4% of the vote, and will only have 2 seats out of 60 on Riga City Council (they obtained 36 out of 100 seats in the Saeima in the June 1993 General Election). The

overwhelming victors were the radical nationalist right, the Latvian National Independence Movement (LNNK) and Green Party, with 36.7% of the vote, 22 seats. This change in the political climate has had a significant effect on the progress of the new Law on Citizenship, as may be seen below.

### **The Trial of Mr Rubiks**

6. As detailed in my previous Report, Mr Alfreds Rubiks, who is now 59 years of age, has been in custody since 23 August 1991, charged with conspiracy to prepare the armed overthrow of the Latvian government between 19 and 21 August 1991. Following the collapse of the former USSR in December 1991, he was charged on 20 February 1992 with new offences pursuant to legislation which came into force on 22 August 1991. I have already commented on the potential problems arising from the application of retroactive criminal legislation (prohibited, for example, by Article 7 of the European Convention on Human Rights). It is noteworthy, though not strictly relevant to Mr Rubiks' case, that all those accused, in Russia, of responsibility for the events of August 1991, have been freed, and, as a result of a vote in the State Duma, the cases against all except one have been dropped.

7. The trial of Mr Rubiks, due to have started on 14 June 1993, finally commenced on 30 June 1993. The trial was still continuing during my visit, and I observed hearings at the Supreme Court in Riga on 30 May, 31 May and 2 June 1994. Thanks to permission granted me by Judge Fritsis Yaumbelsis, I was able to interview Mr Rubiks at court on 31 May 1994.

8. The prosecution wish to present a total of 302 witnesses against Mr Rubiks; 178 have so far given evidence. In 10 cases the witnesses have failed to appear, and their statements have, despite defence objections, been read out in court. There are 392 volumes of documentary evidence. According to Mr Rubiks himself, this is only about 10% of the relevant documentation. He reckons that 166 pages are missing from these volumes. The defence will seek to call at least 55 witnesses. No-one is able to give any indication as to when the trial may end.

9. So far as I could judge, given that the case is conducted in Latvian, and I received only a partial translation into Russian, the trial was, at the superficial level, conducted in accordance with acceptable procedures. Judge Yaumbelsis, who is well-thought-of by almost all concerned with the trial, presided with great courtesy. He listened attentively to the submissions of defence counsel Mr Ogurtsovs, to Mr Rubiks himself (who, by Latvian procedure has a say at every point in the proceedings at which counsel make submissions), and to the state prosecutor, Mr Shabanskas. Mr Rubiks has, over the year, become a skilled advocate, highly proficient in the law.

10. I was unable, because of the fact that I observed only a few days of the trial, to make my own judgment as to the complaint made to me by Mr Orgurtsovs, that on almost all occasions of application or objection, the Judge finds for the prosecution. However, Mr Ogurtsovs seemed to me to be a thoroughly professional advocate, not given to over-statement, and therefore a reliable source of information, and there is no question but that the defence feel that they are not receiving a fair trial.

11. In addition, it was noteworthy that the defence advocates, and the numerous supporters of Mr Rubiks in the rear of the court, often took exception to remarks by the prosecutor which were, in their view, defamatory of Mr Rubiks. Although it was plain that the atmosphere in court was sometimes highly charged and emotional, it was not clear to me that the fairness of the trial was under threat. Nevertheless, it was unfortunate that Mr Shabanskas appeared on occasion to permit himself to descend to the level of abuse.

12. Security in court was not oppressive; there were 3 very young prison guards present, armed with truncheons, one of whom was standing at all times. Mr Rubiks was seated in a dock without bars, immediately behind his lawyers. On the occasions, one in particular when Mr Rubiks was refused bail, that there was uproar in the well of the court, the police present did not use excessive force to clear the court.

13. I observed the evidence of three witnesses. In the case of two, former officers of the OMON (Specially Appointed Militia Detachments - the "Black Berets"), they failed to give any evidence against Mr Rubiks, alleging that their statements incriminating him had been made in 1991 under pressure, namely threats to their liberty and future employment. I was informed that many such witnesses had given much the same evidence - or lack of it. The third witness who testified while I was present, a photographer, gave evidence linking Mr Rubiks with the OMON, though the Court refused a defence application that the witness should produce photographs he had taken of the events in question; the photographs were not far away, in Jurmala. One other witness failed to appear, and, despite defence objections, his statement was read out in court. I was informed that the

written evidence will be given the same weight as the evidence of "live" witnesses who have been subject to cross-examination.

14. Why is the trial continuing for so long, given that it was expected to last some 6 to 9 months? The defence accuse the prosecution of needlessly calling witnesses who do not in any way incriminate Mr Rubiks. Of course, it is the defence case that there is no evidence against Mr Rubiks. The prosecution accuse the defence of deliberately wasting time. It was apparent to me that the defence advocates make a practice of challenging every piece of evidence, and in particular insist on strict proof of all documentary evidence. But that, surely, is their right, and their duty to their client.

15. While I was in Riga, on 2 June 1994, the Saeima, on the proposal of the "Latvian Way" party, approved Mr Rubiks' mandate as an MP. The voting was 44 in favour, 11 against, with 7 abstentions. At this point, 11 deputies of the Saeima, from "Equal Rights" and a number of other parties, signed an application to Court for Mr Rubiks' release on bail (there have been a number of unsuccessful applications). The defence also sought to argue that, as a matter of correct interpretation of the Satversme, Mr Rubiks enjoyed parliamentary immunity until the Saeima decided otherwise. After all, he cannot serve his constituents while in custody. The Judge heard the applications on Friday 3 June, but, on the application of the prosecution, adjourned his decision to Monday 6 June 1994, after my departure. I have since heard that the applications for bail were refused. Mr Rubiks is still considered to be a danger to the public.



16. When I met him, thanks to permission granted me by Judge Yaumbelsis, Mr Rubiks appeared to be in reasonably good health, and full of fighting spirit. He keeps detailed notes of the proceedings against him, and is now writing his 5th notebook. He attends court every week-day, and confers with his advocate. Otherwise, he is held in strict isolation, with one hour of exercise each day, on his own. He has a television, radio, all the newspapers, and a good supply of books. According to Mr Rubiks, the state prosecutor, Mr Shabanskas, said last year that the trial against Mr Rubiks was a political trial, while Mr Krasnich, the Chief Prosecutor, and Mr Panteleyevs, the Deputy Leader of the "Latvian Way" Party, had made similar remarks. I was unable to obtain confirmation of these assertions. Nevertheless, it is clear that the trial is also a trial of the former political system; this is a state trial, and the question arises as to why Mr Rubiks should bear the brunt of the new regime's reckoning (however morally justified) with the old.

### **The Citizenship Law**

17. In my last Report, I referred to international concern about Latvia's failure to enact citizenship legislation which would adequately protect both Latvia's status as a reborn independent state, and the rights of the Russian-speaking and other minorities. As at 9 August 1993, 1,729,740 people were registered as Latvian citizens. A total of 714,980 people were registered, but were not Latvian citizens. The total of residents who are not Latvian citizens is about 876,000, or 33% of the population. However, 50.5% of the population of Riga are non-citizens.

18. A draft Citizenship Law promoted by the "Latvian Way" Party received its first reading on 25 November 1993. A copy is attached as Appendix 2. Article 1 defined Latvian citizens as persons who were Latvian citizens on 17 June 1940 and their descendants; children whose mother or father was a Latvian citizen at the moment of their birth; and children born in Latvia if their parents' identity is unknown.

19. The most controversial provision is contained in article 9, "Naturalisation quotas":

"Republic of Latvia citizenship through naturalisation shall be granted individually by the Council of Ministers in conformity with the annual naturalisation quotas.

Naturalisation quotas for each forthcoming year shall be determined by the Cabinet of Ministers and approved by the Saeima, taking into consideration the demographic and economic situation in the country, in order to ensure the development of Latvia as a single nation state."

This provision was wholly unacceptable to the Council of Europe, CSCE, and other international observers in Latvia.

20. I was able to meet Ms Inese Birzniece, Chairman of the Saeima Human Rights Commission, on two occasions during my visit. During the same period there were also two closed hearings of the Legislative Commission, of which Mr Enzinsh is Chairman. I also had a meeting with him. Ms Bierzniece, who was born in California of Latvian parents, qualified there as a lawyer, and practised discrimination law for 7 years before travelling to Latvia, and being elected to the Saeima. Ms Birzniece's Commission is one of 10 Standing Commissions, and has 8 members, although she works with a very small staff. She has seen to the production by her Commission of an excellent English-language

guide to "Human Rights Issues" (1994), with English translations of many important documents. I have made considerable use of this invaluable source.

21. She reminded me of the injustices suffered by the Latvian people, and in particular the fact that the proportion of ethnic Latvians in the population had fallen from some 75% between the wars to just over 50% by the date that independence was regained. She understood very well the concerns of the Council of Europe and other observers, but nevertheless stressed the difficulties of achieving a formulation acceptable to a majority in the Saeima, given that her own "Latvian Way" Party, even with its coalition partners of the Farmers Union, has less than 50% of the MPs, and cannot rely even on all its own members. There is also the factor of the growing influence and legitimacy of the more extreme nationalists of the LNNK and "Fatherland and Freedom", following their success in the local government elections.

22. The second reading of the Bill took place on Thursday 9th June 1994, during my visit, and the third, final reading, on Tuesday 21 June 1994, a week later. The day before that final reading the Italian ambassador, Umberto Pestalozza, the Swedish Ambassador, Andreas Aadahl, and the CSCE Head of Mission, Hugh Gerard Hamilton, met State President Guntis Ulmanis in order to stress the CSCE's anxiety at the draft, at that stage, of the Citizenship Bill. The Swedish Ambassador was reported to have acknowledged that it was impossible to achieve in three years what other European countries had achieved in the whole post-war period, and that the issue of the presence of ethnic minorities was also the issue of survival for the Latvian people. Nevertheless, Latvia's

intended membership of the Council of Europe was at stake, and Council of Europe experts were even then in Riga assisting with final drafts.

23. There was a long debate on 21 June. The Saeima rejected LNNK proposals to deny citizenship to people who had been members of the Communist party for the last 10 years, and to deny naturalisation to former senior officials of the CPSU and USSR Komsomol. But the deputies accepted an LNNK amendment refusing citizenship to persons who after 13 January 1991 actively worked in the CPSU, the Latvian Communist party, the International Front of the Latvian Soviet Socialist Republic, the Joint Council of Working Groups, organisations of war and labour veterans, and All-Latvian and Regional Public Salvation Committees.

24. Most of the bitter debate concerned clause 14, which contained a quota principle for naturalisation of non-citizens. Article 14 as finally passed provided for an annual naturalisation quota of 0.1% of the number of Latvian citizens in the previous year, starting from the year 2,000. On 28 June 1994 State President Guntis Ulmanis, acting pursuant to Article 71 of the Latvian Constitution, requested that the Bill passed on 21 June be reconsidered, for three reasons: first, that the wording, although stipulating the order in which applications from persons seeking Latvian citizenship will be considered, does not lay down a timescale; second, because the wording of Clause 8 of Article 11, providing that active membership in organisations of war and labour veterans will be a bar to citizenship, would also bar members of the Union of Latvian Riflemen, and the Association of Latvian National Soldiers - commendable organisations; and third, because of the objections by the CSCE and council of Europe to Article 14, as well as

the "controversial vote" which took place on 21 June 1994. That evening, Prime Minister Valdis Birkavs said: "We shall not allow the Latvian people to perish because of this citizenship law. We shall not allow this law to bar out way to Europe, the only place where Latvia can survive."

25. On 29 June the Saeima Presidium decided to forward the President's request to the parliamentary Judicial Commission and to the Commission on Human Rights. However, the board of the LNNK said on 29 June that "the party will not agree to soften the citizenship law as adopted so as to give in to Russian-inspired pressure from Europe." there was an equally extreme reaction from Russian government circles: on 25 June 1994 Mr Abdullah Mikitayev, the Head of the Commission on Citizenship in the administration of President Yeltsin, stated that in his view "Latvia's top priority was probably their policy of driving ethnic Russians out of Latvia. For the Latvian authorities, this priority takes precedence over admission to the Council of Europe, or any other priorities. Moreover, I would say that the actions taken by the Latvian authorities look like real genocide, like racism." He referred also to the breach of Article 3 of the Interstate Agreement between Russia and Latvia, providing for the grant of citizenship to all permanent residents of each country on the basis of their free choice, without preconditions.

26. Most recently, the Latvian government has fallen. There is therefore continuing doubt as to whether Latvia will finally be able to join the Council of Europe. Latvian nationalists, who are now in the ascendancy, are prepared, it seems, to countenance

serious potential violations of fundamental human rights, in order to resist what they perceive as "Russian pressure".

27. I recommend, therefore, that the greatest possible assistance must be given to those forces, within the "Latvian Way" party, and within the Russian-speaking community, notably the "Equal Rights"/Socialist Party fraction, which are prepared to stand by human rights principles and adherence to the rule of law. The British government is working to bringing about the same goals, as was confirmed by HE Richard Ralph, the British Ambassador to Latvia, whom I met.

#### **Current complaints on citizenship and registration**

28. According to the "Equal Rights Movement", the roots of the problem of citizenship are to be found in the fact that residents of Latvia can presently be divided into four groups:

- (1) Citizens of the Republic of Latvia
- (2) Non-citizens who were permanent residents on 1st July 1992 and were included in the register of inhabitants of Latvia
- (3) Non-citizens who were permanent residents on 1st July 1992 but were not included in the register of inhabitants of Latvia
- (4) Foreign citizens and people without citizenship, who came to Latvia after 1st July 1992.

The Law of 15 October 1991 *On the Reconstruction of the Rights of Citizens of the Republic of Latvia and Main Conditions of Citizenship* (Appendix 3) provides that citizens of Latvia are persons who were Latvian citizens on 17 June 1940 and their

descendants. It is worth repeating that only citizens (and, in a few cases, those with registration as permanent residents) have the following rights:

- (1) to vote, and to be elected to public office (Articles 8 and 9 of the *Satversme*)
- (2) to hold title in and to sell land (*Law on the Reform of Property*)
- (3) to have access to state office, to elect and be elected, to found a political party, to choose a place of residence in Latvia, to return to Latvia, to be registered to possess firearms (*Constitutional Law on the Rights and Duties of Citizens and Persons* of 10 December 1991) - *Appendix A*
- (4) to found a political party (*Law on Public Organisations and Societies* of 15 December 1992)
- (5) to obtain firearms for self-defence, with police permission (*Law on Firearms and Special Means of Defence* of 23 February 1993)
- (6) to receive the full number of privatisation certificates (*Law on Privatisation Certificates* of 4 November 1992)
- (7) to take part in joint stock companies (*Law on Joint Stock Companies* - participants must be Latvian citizens, or persons with 25 years residence)
- (8) to receive grants for higher education (*Law on Giving Grants to Higher Education Students* of 29 September 1992)
- (9) to receive the full social security and retirement pensions (*Law on Provisional Rules on Calculating State Pensions* of 21 October 1993)
- (10) to receive child benefits (*Resolution No.28 of the Council of Ministers "On State Allowances for Families with Children"* of 21 January 1993, providing that permanent residents who have been registered will receive such benefits)

(11) to return to Latvia without hindrance (*Resolution No.90 "On Issuing Visas on Arrival in Latvia and on the Control of Persons Passing the Border"*, providing that non-citizens must, before travelling, apply for a guarantee of return after a trip abroad)

(12) to receive a taxation card and information (*Regulations No:40 "On Issuing Taxation Leaflets and Taxation Cards* of 28 December 1993, providing that only those with a registration stamp may receive such a card; from 1 January 1994 each employee must have a taxation card).

29. As at 9 August 1993, the population of Latvia included:

(1) 1,729,740 registered citizens of Latvia

(2) 714,980 registered non-citizens

The total of non-citizens is thought to be about 876,000, or about 33% of the total population. Some 93.8% of the population of Latvia are included in the Register. 162,000 people are not registered. Thus, nearly one in five of non-citizens has no Registration Department stamp in his or her Passport (which will invariably be a Passport of the former Soviet Union). Some 89,000 people in Riga or about 10.2% of the city's population are not registered; there are about 14% such people in Ventspils.

30. The *Latvian Human Rights and International Humanitarian Co-operation Committee*, a Committee which is primarily representative of and orientated towards the Russian-speaking community - there is no real national human rights organisation in existence - runs a regular advice session. Between January and October 1993 more than 2,000 people applied to the Committee complaining that the Citizenship and Immigration



Department refused to register them and the members of their families. Some 500 complaints were sent to the local courts, and in nearly all cases achieved a favourable verdict. But the officials of the Department refused to recognise the court orders, leading to strong protests from Helsinki Watch and other bodies. On 11 November 1993 the Saeima's Human Rights Commission concluded that officials of the Department of Citizenship and Immigration were guilty of gross legal violations, and had ignored judicial decisions. The Head of the Department was dismissed.

31. At the present time the Committee has some 25 such cases. I observed one of their advice sessions. I saw a great many people, of all ages, seeking advice, and the Committee was able to draw on the services of a number of qualified lawyers who gave their advice without payment. It was clear that in most cases people were being advised and assisted to take their cases to court - a fact of the greatest importance when considering how best to advance the rule of law.

32. Both Mr Olafs Bruvers, the Human Rights Minister (with whom I had a short meeting - he is a most impressive figure, himself a former victim of persecution for his religious beliefs, and respected on all sides) - and the CSCE Head of Mission, Mr Hugh Gerard Hamilton, also take up such cases. Mr Hamilton in particular spoke highly of the work of the Committee in gathering facts and presenting cases to him, even if he deprecated the highly charged language so often used by the representatives of the "Equal Rights" party which, he felt, was not at all conducive to constructive relations with other political forces.

33. A particularly controversial measure affecting the rights of Russian-speakers was adopted on 14 April 1994, in the form of *Regulations No.79 (made under the authority of Article 81 of the Satversme)* entitled *On Amendments to the Law "On Entry and Stay of Foreigners and Persons Without Citizenship of the Latvian Republic"*, and substituting new Articles 38 to 42, and inserting new Articles 49 to 59. The effect of the amendments, which came into force on the day of their publication, was to give the Department power to deport persons without current visa or registration. I was made aware of a number of cases in which persons who had lived many years in Latvia had, prior to independence, been sent out of Latvia either for military service or, for example, to work on the BAM railway project. While out of Latvia their USSR Passports had expired, and been replaced, without a Latvian residence stamp. They had then returned and re-commenced their lives in Latvia. They now faced deportation without any country to which to "return", and time for exercising a right of appeal was reduced to a very short period.

34. Mr Hugh Gerard Hamilton, Head of Mission for the CSCE, told me that in his view these Regulations should be very positive, and represented a great improvement on what had gone before, not least in providing for a two-stage appeal. Its language protects nearly everyone, and Mr Hamilton was pursuing the cases of those who appeared to have been left without protection. Mr Enzinsh, when I interviewed him, denied any knowledge of the Regulations - perhaps this was a misunderstanding.

35. Other matters of particular concern to the Committee were the question of propiski, residence permits (these have been ruled unconstitutional in Russia), which can by

administrative decision be altered so that a person is transformed from a "long-term resident" into a "temporary resident" without rights; and the problem of residents of "KECh" housing; apartment blocks originally constructed for members of the armed forces and their dependants, a proportion of which were let to people on municipal waiting lists, and which, over the years, have had less and less connection with the armed forces. Nevertheless, persons resident in such blocks are denied unemployment benefit, social security payments, or health or education benefits. I attach, as Appendix 4, a documents prepared by the Committee for submission to the CSCE, detailing a number of such cases. Mr Hamilton told me that he was aware of a draft internal instruction within the Ministry of Immigration etc, intended to resolve problems concerning *obshezhiye*, the KECh cases, and problems relating to non-observance of court decisions.

36. A further matter of great concern was the first reading of a Bill, which, if enacted, would extend benefits presently enjoyed by survivors of Nazi human rights violations to persons punished because of their collaboration with the Nazis; and would take benefits away from persons not Latvian citizens. The persons affected are those known as the "children of Salaspils" (Salaspils was the huge concentration camp outside Riga, where hundreds of thousands of Jews and Communists were killed). Ms Bierzniece assured me that this measure had so far only received its first reading, and would be much amended before enactment.

### **Conclusion**

37. With reference to the terms of reference of my Mandate, I must therefore report:

(1) I repeat the concerns relating to the trial of Mr Rubiks, set out by me in paragraphs 16, 17, and 18 of my previous Report: namely those relating (i) to the

fact that he is now prosecuted for an offence which did not exist when he is alleged to have committed it, (ii) to the length of time he has been in custody, and the delays of his trial (caused to some extent by matters beyond the control of the authorities), (iii) to the fact that he is now an elected member of the Saeima, but cannot carry out his responsibilities, and (iv) to the fact that there is not yet in place any mechanism which would allow him to appeal against decisions of the trial judge. All these matters remain of great concern.

(2) Mr Rubiks' prospects of a fair trial must be prejudiced by the length of time which passes; and it is hard to see that his trial serves other than a political purpose. I recommend that serious reconsideration be given to the question of pursuing the trial further; and that if the trial continues, Mr Rubiks should be released on bail.

(2) The position of the Russian-speaking minority in both the 1993 national and 1994 local government elections was one of almost total disenfranchisement. I repeat that this is particularly and sadly ironical given that so many Russian-speakers voted for Latvian independence. International law increasingly recognises the importance of the rights of members of minorities, even those who have settled relatively recently, and even as a result of unlawful population transfers.

(3) The draft Law on Citizenship, as passed by the Saeima, and now referred back by the State President, is wholly unacceptable, particularly as regards Article 14 and naturalisation. There seems no good reason why Latvia's Russian-speaking minority should not immediately receive equal rights and treatment (this is simple non-discrimination), and should not be able now to apply for and receive citizenship.

(4) Every assistance should be given to those representatives of the Russian-speaking minority who are seeking to advance their cause through the vindication of human rights standards, and through a vigorous use of legal procedures and mechanisms. This is the best way to strengthen the rule of law.

38. I recommend that the FIDH should use its consultative status with the Council of Europe in order to raise the concerns set out by me in this Report.

Bill Bowring

8 August 1994

**APPENDIX 1**

**THE *SATVERSME* (CONSTITUTION)**

Adopted by Latvia's Constituent (Satversme) Assembly  
at their meeting of February 15th, 1922

## CONSTITUTION (SATVERSME) OF THE REPUBLIC OF LATVIA

The Latvian people have adopted, through their freely elected Constituent (Satversme) Assembly, the following Constitution:

### Section 1 GENERAL REGULATIONS

1. Latvia shall be an independent and democratic Republic.
2. The sovereign power of the Latvian State shall belong to the People of Latvia.
3. The territory of the Latvian State shall consist of Vidzeme, Latgale, Kurzeme and Zemgale, within the boundaries stipulated by international treaties.
4. The national flag of the Latvian State shall be red with a white stripe.

### Section 2 THE SAEIMA (PARLIAMENT)

5. The Saeima shall consist of one hundred representatives of the people.
6. The Saeima shall be elected in general, equal, direct and secret elections, on the basis of proportional representation.
7. In dividing Latvia into separate electoral districts, the number of parliamentary representatives to be elected from each district shall be proportionate to the number of electors in that district.
8. All Latvian citizens of both sexes, who enjoy all rights and who on the first day of elections are over twenty-one years of age, shall be entitled to vote.
9. Any Latvian citizen, who is over twenty-one years of age on the first day of elections, may be elected to the Saeima.
10. The Saeima shall be elected for a period of three years.
11. The Saeima elections shall take place on the first Sunday in October and on the preceding Saturday.
12. The newly-elected Saeima shall hold its first sitting on the first Tuesday in November, on which day the powers of the previous Saeima shall have expired.
13. Should the Saeima elections, by reason of the dissolution of the previous Saeima, take place at another time of year, the Saeima thus elected shall assemble not later than one month after its election, and its powers shall expire after two years, on the first Tuesday in November, on which day a new Saeima shall assemble.

14. The electors may not recall any Members of the Saeima.
15. The Saeima shall assemble in Riga. It may assemble elsewhere only in extraordinary circumstances.
16. The Saeima shall elect its Board, which shall consist of the Chairperson, his/her two Deputies and Secretaries. The Board of the Saeima shall carry on its work uninterrupted for the duration of the term of the Saeima.
17. The first sitting of the newly-elected Saeima shall be opened by the Chairperson of the preceding Saeima or by any other Board member as assigned by the Board.
18. The Saeima itself shall examine the mandates of its members.
19. The Board shall convene sessions and decree regular and extraordinary sittings.
20. The Board shall convene sittings of the Saeima at the request of either the President of State, the Prime Minister, or not less than one-third of the members of the Saeima.
21. The Saeima shall draw up the Rules of Procedure for the regulation of its internal proceedings.
22. The sittings of the Saeima shall be public. At the request of ten members of the Saeima, the President of State, the Prime Minister or any one Minister, the Saeima may decide, by a majority of not less than two-thirds of the members present, to sit in camera.
23. The sittings of the Saeima may take place if at least one-half of the members are present.
24. Except in cases otherwise provided for by the Constitution, the Saeima shall pass its resolutions with an absolute majority vote of the members present.
25. The Saeima shall elect standing Committees, determine the number of their members and their duties. The Committees shall be entitled to request the respective Ministers and Local Authorities to supply any information necessary for their work, and also to invite responsible representatives of the respective Ministries and Local Authorities to their meetings, for the purpose of obtaining explanations. The Committees may carry on their work between the sessions.
26. At the request of not less than one-third of its members, the Saeima shall appoint parliamentary investigation commissions to deal with special issues.
27. The Saeima shall have the right to address the Prime Minister or any other Minister with submissions and questions to which they, or responsible officials empowered by them, shall reply. At the request of either the Saeima or its Committees, the Prime Minister, or any other Minister, shall provide relevant papers and documents.
28. The members of the Saeima shall be exempt from judicial, administrative and disciplinary prosecution, in connection with their voting and with ideas expressed in the fulfillment of their duties. Even if it is done through the



fulfillment of official duties, members of the Saeima are liable to prosecution for:

- 1) the dissemination of defamatory information with the knowledge that it is false; or
- 2) the dissemination of defamatory information about private or family life.

29. Members of the Saeima may not be arrested or searched, nor may their personal liberty be restricted in any way, without the sanction of the Saeima. Members of the Saeima shall be liable to arrest, if apprehended in the act of committing a crime. The Board of the Saeima shall be notified of the arrest of any member of the Saeima within twenty-four hours. A report shall be presented by the Board at the next sitting of the Saeima, whereupon the Saeima shall decide as to whether the member shall remain under arrest or be liberated. During the period between sessions, the Board of the Saeima shall determine whether the member of the Saeima shall remain under arrest.

30. Members of the Saeima shall not be liable to judicial or administrative prosecution for criminal actions, without the sanction of the Saeima.

31. Members of the Saeima shall have the right to withhold evidence:

- 1) concerning persons who have entrusted them, as Representatives of the People, with certain facts or data;
- 2) concerning persons to whom they, as Representatives of the People, have entrusted certain facts or data;
- 3) concerning such facts and data.

32. Members of the Saeima may not undertake Government Contracts or receive Government concessions in their name or in that of any other person. The provisions of this Article shall refer to Ministers, even if they are not members of the Saeima.

33. Members of the Saeima shall receive remuneration from State funds.

34. No person shall be held accountable for circulating reports about sittings of the Saeima or its Committees, if such reports correspond to facts. Accounts of sittings in camera of either the Saeima or its Committees, may only be published with the sanction of the Board of either the Saeima or the respective Committee.

### Section 3 THE PRESIDENT OF STATE

35. The President of State shall be elected by the Saeima for a period of three years.

36. The President of State shall be elected by secret ballot with a majority of not less than fifty-one votes from the Saeima members.

37. No person who is under forty years of age may be elected President of State.

38. The office of the President of State shall not be compatible with any other office. If the elected President is a member of the Saeima, he/she shall resign from the Saeima.

39. The same person cannot hold office as the President of State for more than six consecutive years.

40. On assuming office at the first sitting of the Saeima after his/her election, the President of State shall take the following solemn oath:

"I swear that all of my efforts shall be devoted to the good of the people of Latvia. I will do everything in my power to promote the well-being of the State of Latvia and its population. I will hold sacred and observe the Constitution and the state laws of Latvia. I will be just to all persons and I will fulfill my duties to the best of my ability."

41. The President of State shall represent the State in an international capacity; he/she shall accredit Latvian representatives abroad, and receive accredited representatives of foreign states. He shall carry out the decisions of the Saeima concerning the ratification of international treaties.

42. The President of State shall be the chief of the armed forces of the State. In a time of war, he/she shall appoint a Commander-in-Chief.

43. The President of State shall declare war on the basis of a decision of the Saeima.

44. The President of State shall have the right to take steps indispensable to the military defense of the country, if another State has declared war on Latvia, or if an enemy is attacking Latvian frontiers. At the same time, the President of State shall immediately convene the Saeima, which shall decide upon the declaration of war and the commencement of hostilities.

45. The President of State shall have the right to pardon criminals undergoing penal sentences. This right of pardon shall not apply to cases where the Law provides a different mode of pardon. Amnesty shall be granted by the Saeima.

46. The President of State shall have the right to convene extraordinary meetings of the Cabinet for the discussion of an agenda prepared by him/her, and to preside over such meetings.

47. The President of State shall have the right of legislative initiative.

48. The President of State shall have the right to propose the dissolution of the Saeima. This shall be followed by a referendum. If in the referendum more than one-half of the votes are cast in favour of dissolution, the Saeima shall be considered as dissolved and new elections shall be proclaimed. These elections shall take place within two months after the dissolution of the Saeima.

49. Upon dissolution of the Saeima, its members shall retain their powers until the newly-elected Saeima has assembled. The former Saeima may only assemble on being convened by the President of State. The agenda for such sittings shall be determined by the President of State.

50. If in the referendum the dissolution of the Saeima is opposed by more than one-half of the votes cast, the President of State shall be regarded as dismissed and the Saeima shall elect a new President of State for the remaining period of office of the President who has been dismissed.

51. On the motion of not less than one-half of the members of the Saeima, the Saeima, at the sitting to which the public is not admitted, may decide by a majority vote of not less than two-thirds of their number, to dismiss the President of State. After this decision, the Saeima shall immediately elect a new President of State.

52. Should the President of State resign from his/her office, die or be dismissed before the end of his/her office, the duties shall be carried out by the Chairman of the Saeima, pending the election of a new President of State. Likewise, the Chairman of the Saeima shall take the office of the President of State, should the latter be absent from the territory of Latvia or in any other way be prevented from fulfilling his/her duties.

53. The President of State shall not bear political responsibility for his/her actions. All decrees of the President of State shall be countersigned by the Prime Minister, or by the Minister concerned, who shall thereby assume full responsibility for the decrees, except in cases foreseen in Articles forty-eight and fifty-six.

54. The President of State may be held criminally accountable if the Saeima sanctions thus with a majority vote of not less than two-thirds of its members.

#### Section 4 THE CABINET

55. The Cabinet shall consist of the Prime Minister and the Ministers nominated by him/her.

56. The Cabinet shall be formed by a person who is entrusted with that task by the President of State.

57. The number of Ministers and the scope of their activities, as well as the mutual relations among government departments shall be fixed by law.

58. The state administrative institutions shall be subordinated to the Cabinet.

59. In order to fulfill their duties, it is necessary that the Prime Minister and Ministers receive the confidence of the Saeima and they shall be responsible to the Saeima for their actions. If the Saeima expresses a vote of no-confidence in the Prime Minister, the whole Cabinet shall resign. If the Saeima expresses a vote of no-confidence in particular Minister, the Minister shall resign and the Prime Minister shall nominate another person to take his/her place.

60. The meetings of the Cabinet shall be presided over by the Prime Minister, or, in his/her absence, by another Minister so empowered by the Prime Minister.

61. The Cabinet shall discuss all draft laws drawn up by the Ministries and all issues concerning the activities of various ministries; likewise all issues of State policy put forward by individual members of the Cabinet.

62. If the State is threatened by a foreign invasion, or, if disorders endangering the existing order of the State arise within the State or any part of the State, the Cabinet shall have the right to proclaim a state of emergency. In the event of such a state of emergency, the Board of the Saeima shall be

notified by the Cabinet within twenty-four hours, and the Board shall put the decision of the Cabinet before the Saeima without delay.

63. Ministers, even if they are not members of the Saeima, and responsible State Officials empowered by Ministers, shall have the right to be present at the sittings of the Saeima or its Committees, and to introduce amendments to draft laws.

#### Section 5 LEGISLATION

64. The right of legislation shall belong to both the Saeima and to the people, within the limits laid down in this Constitution.

65. Draft laws may be presented to the Saeima by the President of State, the Cabinet, the Committees of the Saeima, no less than five members of the Saeima or, in cases and in a manner provided for in this Constitution, by one-tenth of the electors.

66. Before the commencement of each financial year, the Saeima shall approve the State Revenue and Expenditure Budget, the draft of which shall be submitted by the Cabinet.

If the Saeima passes a resolution involving expenditure not foreseen in the Budget, it shall specify in this resolution the sources of revenue with which to meet such expenditure.

After the end of the financial year, the Cabinet shall submit, for the confirmation of the Saeima, a statement showing the actual implementation of the Budget.

67. The Saeima shall decide on the strength of the armed forces of the State in time of peace.

68. The ratification of the Saeima shall be indispensable to all international agreements dealing with issues to be settled by legislation.

69. The President of State shall promulgate laws passed by the Saeima not before the seventh and not later than the twenty-first day after their adoption. If no other term is fixed, the laws shall take effect fourteen days after their promulgation.

70. The President of State shall promulgate laws according to the following formula: "The Saeima (i.e. the People) has adopted and the President of State promulgates the following law: (text of the law)".

71. Within seven days after the adoption of a law by the Saeima, the President of State shall be entitled to ask, by means of explanatory letter addressed to the Chairman of the Saeima, for the review of that law. If the Saeima does not amend the law, the President of State shall not have the right to raise any further objections.

72. The President of State shall have the right to suspend the promulgation of a law for a period of two months. He/She shall suspend the promulgation at the request of not less than one-third of the members of the Saeima. This right shall be exercised by the President of State or by one-third of the

members of the Saeima within seven days after the adoption of the law by the Saeima. The law thus suspended, shall be submitted to a referendum, if not less than one-tenth of the electors so request. Should such a request not be formulated within a period of two months as mentioned above, the law shall be promulgated upon the expiration of that period. The referendum shall not be taken, however, if the Saeima puts this law to a vote once more and if then not less than three-fourths of all the members are in favour of its adoption.

73. The following matters shall not be submitted to a referendum: the budget, laws concerning loans, taxes, custom's duties, railway tariffs, military service, the declaration and commencement of war, the settlement of peace, the declaration of a state of emergency and its termination, mobilization, demobilization, foreign treaties.

74. A law adopted by the Saeima and suspended in the manner set forth in Article 72, may be annulled by a referendum, if the number of participating electors is at least one-half of those who participated in the previous Saeima elections and if the majority has voted for the annulment of the law.

(The March 21, 1993 amendment published: Valdības Vēstnesis No. 71, March 31, 1993)

75. Should the Saeima determine the urgency of a law with a majority of not less than two-thirds, the President of State may not demand a second review of the law; it may not be submitted to a referendum and shall be promulgated within three days after the President has received the adopted law.

76. The Saeima may amend the Constitution at sittings at which at least two-thirds of its members are present. The amendments shall be passed in the course of three readings, by a majority of not less than two-thirds of the members present.

77. If the Saeima has amended the first, second, third or sixth Article of the Constitution, such amendments, in order to acquire the force of Law, shall be submitted to a referendum.

78. Not less than one-tenth of the electors shall have the right to submit to the President of State a fully elaborated draft for the amendment of the draft law, which shall be submitted to the Saeima by the President. If the Saeima does not adopt this draft law without substantial amendments, it shall be submitted to a referendum.

79. Such amendments to the Constitution as shall have been submitted to a referendum, shall be adopted, if at least one-half of those who have the right to vote have declared themselves in their favour.

Such draft laws as shall have been submitted to a referendum, shall be adopted if the number of participating electors is at least one-half of those who participated in the previous Saeima elections and if the majority has voted for the annulment of the law.

(The March 21, 1993 amendment published: Valdības Vēstnesis No. 71, March 31, 1993)

80. All Latvian citizens who have the right to vote in the elections of the Saeima are entitled to take part in the referendum.

81. In cases of urgent necessity between sessions, the Cabinet shall have the right to issue regulations which shall have the force of Law. These regulations may not amend: the law on Saeima elections, laws concerning judicial

constitution and procedure, the budget and budget rights, and laws passed by the Saeima then in power; they shall not apply to amnesty, the issue of Treasury notes, State taxes, customs, railway tariffs, loans and they shall become null and void if not presented to the Saeima within three days of the opening of the following session.

**Section 6  
COURTS**

82. All citizens shall be equal before the Law and the Courts.

83. The judges shall be independent and bound only by Law.

84. The appointment of judges shall be confirmed by the Saeima and they may not be dismissed. The judges may be dismissed from their office against their will only upon the decision of the Court. The retiring age limit for judges shall be fixed by Law.

85. Trial by jury shall exist in Latvia in accordance with a specific law.

86. Judgment shall be passed solely by such institutions which have been so entitled by Law and in such a manner as specified by Law. The Court-Martial shall function in accordance with a specific law.

**Section 7  
STATE CONTROL**

87. The State Control shall be an independent collegiate institution.

88. The State Controllers shall be appointed and confirmed in the same manner as the judges, but only for a definite period during which they may be dismissed solely upon the decision of the Court. The organization of the State Control and the competency thereof shall be fixed by a specific law.

**J.Čakste**  
President of the Constituent Assembly

**R.Ivanovs**  
Secretary of the Constituent Assembly

For purposes of interpretation, the original Latvian text is to be regarded as official.

**APPENDIX 2**

**THE DRAFT LAW ON CITIZENSHIP**

Passed on November 25, 1993

# REPUBLIC OF LATVIA Citizenship Law

## Chapter I POSSESSION OF REPUBLIC OF LATVIA CITIZENSHIP AND THE METHODS OF ACQUISITION

Article 1. Possession of Republic of Latvia citizenship

Republic of Latvia citizens are:

- 1) persons who belong to the body of Republic of Latvia citizens and who were Republic of Latvia citizens on June 17, 1940, and their descendants, who have registered in accordance with the prescribed procedure and have been recognized as citizens of the Republic of Latvia;
- 2) children whose mother or father was a Republic of Latvia citizen at the moment of the child's birth;
- 3) children born in the Republic of Latvia and whose parents are unknown, provided that the child's affiliation with another state's citizenship is not certified.

Article 2. Equality of Republic of Latvia citizens

Republic of Latvia citizens are equal in their rights and obligations, regardless of the way in which they receive citizenship.

Article 3. Rights to retain Republic of Latvia citizenship upon marriage

The marriage of a Republic of Latvia citizen to a foreigner or stateless person shall not entail a change in his/her citizenship.

Article 4. Retention of Republic of Latvia citizenship for individuals living outside of the territory of Latvia

The residence of a Republic of Latvia citizen abroad, regardless of the time period spent there, shall not cause the loss of Republic of Latvia citizenship.

Article 5. Protection of Republic of Latvia citizens abroad

The Republic of Latvia citizens in a foreign country shall be under the protection of the Republic of Latvia.

Article 6. Impermissibility of Republic of Latvia citizen extradition and expulsion

The Republic of Latvia shall not extradite its citizens to foreign countries, except in the cases foreseen in international agreements. Republic of Latvia citizens shall not be expelled from Latvia.

Article 7. Impermissibility of dual citizenship

Upon the granting of Republic of Latvia citizenship to an individual, dual citizenship is not permitted.

## Chapter II PREREQUISITES AND PROCEDURES FOR NATURALIZATION

Article 8. Rights to acquire citizenship through naturalization

A person may be granted Republic of Latvia citizenship through naturalization upon his/her request.

Article 9. Naturalization quotas

Republic of Latvia citizenship through naturalization shall be granted individually by the Cabinet of Ministers in conformity with the annual naturalization quotas.

Naturalization quotas for each forthcoming year shall be determined by the Cabinet of Ministers and approved by the Saeima, taking into consideration the demographic and economic situation in the country, in order to ensure the development of Latvia as a single-nation state.

Apart from the annual naturalization quotas, citizenship may also be granted individually to persons mentioned in Article 11 of this Law.

Article 10. Prerequisites for naturalization

Republic of Latvia citizenship through naturalization shall be granted only to those persons:

- 1) who, upon filing a request for naturalization, have continuously resided in Latvia for no less than 10 years.
- Training, compulsory military service in the army or other armed units, or long business trips outside the territory of Latvia do not prohibit the application of the provisions of this Article concerning the term of residency in Latvia.



Provisions of the term of residency in Latvia do not apply to the persons mentioned in Article 11 of this Law:

- 2) who are proficient in the Latvian language at a conversational level. This provision shall not apply to persons who are older than sixty five. The procedure for the verification of language proficiency shall be determined by the regulations adopted by the Cabinet of Ministers;
- 3) who know the fundamental principles of the Republic of Latvia Satversme (Constitution). The procedure for the verification of this knowledge shall be determined by the regulations adopted by the Cabinet of Ministers;
- 4) who have a legal source of income;
- 5) who have renounced their previous citizenship or who are stateless persons;
- 6) who have sworn an oath of loyalty to the Republic of Latvia;
- 7) to whom the restrictions on naturalization stated in Article 14 of this Law do not apply.

#### Article 11. Exception to naturalization requirements

In addition to the annual naturalization quotas, citizenship may be individually granted to persons, who:

- 1) have at least one ascending relative from the second degree who is a Latvian or a Latvian and the persons requesting citizenship live in Latvia or plan to permanently move to Latvia, and their spouses;
- 2) in accordance with Article 1 of the Republic of Latvia August 23, 1919 "Law about Citizenship", were entitled to Republic of Latvia citizenship, and who did not exercise this right, and those persons' descendants who permanently reside in Latvia;
- 3) had legally immigrated to Latvia and were residing there permanently in June 1940, and their descendants who permanently reside in Latvia. The provisions of this Paragraph do not apply to persons who have immigrated to Latvia in accordance with Latvia's and USSR's Mutual Assistance Pact of October 6, 1939;
- 4) during the German occupational regime from 1941 to 1945 were forcibly brought to Latvia and stayed there after the termination of this occupational regime, and their descendants who, at the moment this Law takes effect, permanently reside in Latvia;
- 5) have been married to a Latvian citizen for at least five years and if, upon the filing date of the request for citizenship, their permanent place of residence has been Latvia for at least three years;

6) are granted citizenship for outstanding accomplishments for the benefit of the Republic of Latvia with a resolution of the Cabinet of Ministers.

#### Article 12. Priority rights for naturalization

Persons who are born in the territory of the Republic of Latvia have priority rights under the naturalization quotas.

The term of residency in Latvia shall be considered when granting citizenship through the procedure of naturalization.

#### Article 13. Naturalization of children

The underage children who permanently reside in Latvia are granted citizenship at the same time as their parents who are acquiring citizenship through naturalization. This provision also applies to children who are adopted or born out of wedlock.

#### Article 14. Restrictions for naturalization

Citizenship shall not be granted to persons, who:

- 1) through anti constitutional methods have turned against the independence of the Republic of Latvia, the democratic parliamentary state system or the existing state power in Latvia, if this is determined by a court judgment;
- 2) have been convicted with imprisonment for a serious crime for a term of no less than one year and have not had their punishments expunged, or have been called to criminal responsibility at the time when the issue on granting citizenship is being determined;
- 3) are serving in the armed forces, internal military troops or security services of a foreign country;
- 4) have been secret informants or employees of the special services of a foreign country;
- 5) after June 17, 1940, have chosen the Republic of Latvia as their place of residence after demobilization from the USSR Armed Forces, the USSR Interior Armed Forces or the State Security Service and who, when called into service, did not permanently reside in Latvia. This restriction does not apply to the persons mentioned in Article 11.

Article 15. Procedure for the filing and review of naturalization requests

The procedures by which requests for the granting of citizenship are filed and reviewed shall be determined by the Cabinet of Ministers.

The institution's decision to deny naturalization may be appealed in court.

**Chapter III  
LOSS OF REPUBLIC OF LATVIA CITIZENSHIP AND ITS RENEWAL.**

Article 16. Loss of Republic of Latvia citizenship

Citizenship of the Republic of Latvia may be lost:

- 1) in accordance with a renouncement of citizenship;
- 2) in accordance with the deprivation of citizenship.

Article 17. Renouncement of Republic of Latvia citizenship

Every person shall be entitled to renounce Republic of Latvia citizenship.

A request to renounce citizenship may be refused, if:

- 1) the individual has not fulfilled his/her obligations towards the state;
- 2) the individual has come of age, but has not fulfilled the duty of mandatory state service.

Article 18. Deprivation of citizenship

A person may only be deprived of Republic of Latvia citizenship by the Cabinet of Latvia Supreme Court in the following cases:

- 1) if, upon testifying his/her intention to the Republic of Latvia body of citizens or upon undergoing naturalization, he/she has deliberately given false information about him/herself, and if this has been discovered within five years from granting citizenship;
- 2) if, without permission from the Cabinet of Ministers, he/she has joined the army, security service, police, militia or state administrative, administrative or justice institutions of a foreign country.

Article 19. Rights of the family members of a person who has lost Republic of Latvia citizenship

A person's loss of Republic of Latvia citizenship does not affect the citizenship of this person's spouse, children or other family members, except in the cases set in Article 18, Paragraph 1 of this Law.

Article 20. Renewal of Republic of Latvia citizenship

A person, who has lost Republic of Latvia citizenship through the choice of his/her natural or adopted parents, or as the result of an unlawful deprivation of citizenship, may renew his/her Republic of Latvia citizenship upon his/her own request.

A person, who has lost his/her citizenship in the period from September 1, 1939 to June 17, 1940, may have it renewed upon request. This does apply to the individual's descendants.

A person, who had his/her citizenship deprived in accordance with Article 18 of this Law, may only acquire Republic of Latvia citizenship anew through naturalization, after having permanently resided in Latvia for five years from the date his/her Republic of Latvia citizenship was deprived.

Article 21. Procedure for recording the loss and renewal of Republic of Latvia citizenship

The procedure for recording the loss and renewal of Republic of Latvia citizenship shall be determined by the regulations approved by the Cabinet of Ministers.

**Chapter IV  
TEXT OF THE REPUBLIC OF LATVIA CITIZENSHIP OATH**

Article 22. Solemn oath on acquiring Republic of Latvia citizenship

The text of the solemn oath is as follows:

"I, (given name(s), surname), born (birthdate and place), vow to be loyal to the Republic of Latvia Sovereignty and laws and to honestly abide by them. Utilizing my rights and obligations as a citizen, I undertake to live and work honestly in order to increase the prosperity of the state and nation of Latvia, and to strengthen its sovereignty, state independence and democracy.

Signature

**Chapter V  
DOCUMENT CERTIFYING REPUBLIC OF LATVIA CITIZENSHIP**

Article 23.

The documents which certify Republic of Latvia citizenship include the Republic of Latvia citizen's passport and the citizenship certificate issued by the Republic of Latvia diplomatic and consular representative offices.

Chapter VI  
INTERNATIONAL AGREEMENTS

**Article 24. Adaptation of international agreements**

If an international agreement to which the Republic of Latvia is a party calls for regulations that are not included in this Law, the regulations of the international agreement are to be adapted.

**APPENDIX 3**

**THE LAW ON THE RECONSTRUCTION OF RIGHTS OF CITIZENS OF  
LATVIA AND THE MAIN CONDITIONS OF CITIZENSHIP**



TRANSLATION

Republic of Latvia  
Supreme Council  
Resolution

"On the renewal of Republic of Latvia citizens' rights and fundamental principles of naturalization"

Although the Republic of Latvia was occupied on June 17, 1940 and the state lost its sovereign power, the aggregate body of Republic of Latvia citizens, in accordance with the Republic of Latvia "Law about citizenship" of August 23, 1919, continues to exist.

As a result of the long-standing internationally illegal annexation of Latvia's territory, a large number of USSR citizens, whose entry and residency have not been accepted by any treaty between the Republic of Latvia and the USSR, have settled in Latvia.

To eliminate the consequences of the USSR's occupation and annexation of Latvia and to renew the legal rights of the aggregate body of Republic of Latvia citizens,

The Republic of Latvia Supreme Council resolves:

1. To recognize as invalid with regard to Republic of Latvia citizens, from the moment of its adoption, the USSR Supreme Soviet Presidium decree of September 7, 1940 "On the order in which the Lithuania, Latvia and Estonia Soviet Socialist Republic citizens are granted USSR citizenship".

2. To institute the following order to determine the existing aggregate body of Republic of Latvia citizens:

2.1. Persons, who belong to the aggregate body of Republic of Latvia citizens and who had Republic of Latvia citizenship on June 17, 1940 and their descendants, who at the moment of this resolution's adoption live in the Republic of Latvia, who register by July 1, 1992, and who receive Republic of Latvia passports according to the procedures set forth by the Republic of Latvia Council of Ministers.

2.2. Persons, who belong to the aggregate body of Republic of Latvia citizens and who had Republic of Latvia citizenship on June 17, 1940 and their descendants, who at the moment of this resolution's adoption do not live in the Republic of Latvia or are citizens of another country, can at any time register and, if they show their permission of expatriation, can receive Republic of Latvia passports according to the procedures set forth by the Republic of Latvia Council of Ministers.

2.3. A Republic of Latvia citizen cannot simultaneously be a citizen of another country.

3. To establish the following fundamental principles for naturalization:

3.1. The Republic of Latvia Supreme Council Presidium, on the basis of regulations adopted by the Republic of Latvia Supreme Council, can grant Republic of Latvia citizenship to persons with outstanding accomplishments which benefit the Republic of Latvia.

3.2. At the moment this resolution takes effect, those persons living and permanently registered in Latvia who, not having Republic of Latvia citizenship, had legally entered into Republic of Latvia territory and had resided permanently in Latvia on June 17, 1940 and their descendants, who at the moment this resolution takes effect, live and are permanently registered in Latvia, who register by July 1, 1992 and, if they have lost their former citizenship, will upon their request be granted Republic of Latvia citizenship.

This subsection does not apply to persons who arrived in Latvia in accordance with the October 5, 1939 Mutual Assistance Pact between Latvia and the Union of Soviet Socialist Republics.

3.3. Persons, who, in accordance with section 1 of the August 23, 1919 "Law about citizenship", could have claimed Latvian state citizenship, and their descendants, who, at the moment this resolution takes effect, live in the Republic of Latvia, who register by July 1, 1992 and upon their request, can be granted Republic of Latvia citizenship, if they forfeit their former citizenship and have learned the Latvian language at a conversational level.

3.4. Persons who are not included in the categories described in subsections 2.1., 2.2., 3.1., 3.2., 3.3. of this resolution and who, at the moment this resolution takes effect, live and are permanently registered in Latvia, and who register by July 1, 1992, can be granted Republic of Latvia citizenship in the order determined by the Republic of Latvia law, "About citizenship," if they:

1) have learned the Latvian language at a conversational level which examination shall be determined by specific regulations adopted by the Republic of Latvia Supreme Council;

2) submit an application renouncing their previous citizenship and have received permission of expatriation from that country, if such is required by that country's law;

3) at the moment this resolution takes effect, have lived and have been permanently-registered residents of Latvia for no less than 16 years;

4) know the fundamental principles of the Republic of Latvia Constitution; and

5) have sworn a citizen's oath to the Republic of Latvia.

To be granted citizenship, all the above requirements and those of subsection 3.5 must be met.

3.5. Republic of Latvia citizenship is not granted to persons who:

1) using anti-constitutional methods have turned against the Republic of Latvia's independence, its democratic, parliamentary state system or the existing state power in Latvia, if such has been established by a court decree;

2) have been convicted with imprisonment for intentional criminal acts or have been called to criminal responsibility at the time that the granting of citizenship is being decided;

3) are serving in the USSR Armed Forces, USSR Interior Armed Forces or state security services, as well as persons who after June 17, 1940 have chosen the Republic of Latvia as their place of residence after demobilization from the USSR Armed Forces, USSR Interior Armed Forces or

state security services and who, upon induction into such service, did not permanently reside in Latvia's territory;

4) have committed crimes against humanity, international or war crimes or have also participated in mass repressions, if such has been established in a court decree;

5) spread chauvinism, fascism, communism or other totalitarian, as well as social class dictatorial ideas, inflame national and racial discord or hatred, if such has been established in a court decree;

6) have been sent into Latvia after June 17, 1940 as USSR Communist Party and Komsomol personnel;

7) are registered in medical institutions for drug addicts and/or chronic alcoholics;

8) live without a legal source of income.

3.6. Naturalization, excluding the matters described in subsections 3.1. and 3.2. of this resolution, will begin no sooner than July 1, 1992 and will be accomplished in accordance with the Republic of Latvia law "About citizenship".

4. This resolution takes effect upon its adoption.

Deputy Chairman of the Supreme Council  
of the Republic of Latvia

Andrejs Krastins

Acting Secretary of the Supreme Council  
of the Republic of Latvia

Aivars Endzins

Riga October 15, 1991

The authenticity of the translation is confirmed by  
Secretary of the Supreme Council  
of the Republic of Latvia.

Imants Daudiss

**APPENDIX 4**

**THE LAW ON THE RIGHTS AND DUTIES OF THE CITIZEN AND PERSON**





TR/

REPUBLIC OF LATVIA

SUPREME COUNCIL

## CONSTITUTIONAL LAW

The Rights and Obligations of a Citizen and a Person

### Section I

#### GENERAL REGULATIONS

**Article 1.** A person, his/her existence, freedom, honor and rights are the highest fundamental values of the State of Latvia.

**Article 2.** Each person has the right to all actions which are not prohibited by law.

**Article 3.** The State's responsibility is to protect each person, his/her existence, freedom, security, honor, rights and property.

### Section II

#### CITIZENSHIP; THE RIGHTS AND OBLIGATIONS OF A CITIZEN

**Article 4.** Republic of Latvia citizenship is a person's stable political and legal link with the Republic of Latvia.

The content of citizenship is shaped by the totality of the mutually binding rights and responsibilities of the citizen and the State.

**Article 5.** The rights and responsibilities of all citizens are equal, regardless of the manner in which citizenship is obtained.

Republic of Latvia citizenship may be obtained, maintained and lost only according to the procedures stipulated by law.

Upon becoming a Republic of Latvia citizen, dual citizenship cannot be created.

**Article 6.** The Republic of Latvia does not extradite its citizens.

**Article 7.** Republic of Latvia citizens abroad are under the protection of the State of Latvia.

**Article 8.** Citizens participate in the determination of state and social issues directly or through the mediation of freely-elected representatives.

Citizens have equal rights to hold state office.

Citizens have the right to establish political parties.

**Article 9.** Land and other natural resources may be transferred into ownership or sold only to citizens, except for those cases for which international treaties signed by the Republic of Latvia determine a different procedure.

**Article 10.** A citizen may freely choose his/her residence in any part of Latvia's territory.

Citizens have the right to freely leave Latvia and to freely return to Latvia.

**Article 11.** A citizen must be loyal to the Republic of Latvia and has the right and responsibility to defend its freedom, independence and democratic parliamentary system.

A citizen must fulfill mandatory state service and other obligations to the state as determined by law.

A citizen has the right to possess registered weapons.

### Section III RIGHTS AND OBLIGATIONS OF A PERSON

**Article 12.** All persons in Latvia are equal under the law regardless of race, nationality, sex, language, party affiliation, political and religious persuasion, social, material and occupational standing and origin.

**Article 13.** The death penalty can be determined by a court only in exceptional cases for particularly serious crimes.

**Article 14.** Each person has the right to resist unlawful violence with all existing legal means at his/her disposal.

**Article 15.** Detainment, imprisonment, searches or other restrictions of a person's freedom are permissible only in accordance with the procedures stipulated by law.

Each person is guaranteed the right to an attorney upon the moment of his/her detention.

The law determines the maximum terms of detainment, imprisonment and preliminary investigation.

Within seventy-two hours from a person's detention, a judge must issue a court order to sanction the person's arrest and further detention or to order the immediate release of such person.

Torture or other cruel, inhumane or degrading treatment of a person is prohibited.

Unlawful forced medical treatment, as well as the forced use of medicine for the purpose of obtaining from a person his/her testimony, his/her refusal to testify his/her statement of a particular viewpoint, or for the purpose to restrict the person's freedom of expression, is prohibited.

**Article 16.** A person's residence is inviolable.

No person has the right to enter a residence without the permission of its residents or to conduct a search without the order of a judge, except for those instances when a person is being detained at the scene of a crime or the lives of other persons are endangered.

**Article 17.** The State guarantees the confidentiality of correspondence, telephone conversations, telegraph and other communications.

These rights may be restricted by a judge's order for the investigation of serious crimes.

**Article 18.** Each person has the right to defend his/her rights and interests in court.

Each person is presumed innocent as long as his/her guilt is not proven in court in accordance with law.

Only the court may find a person guilty of a crime in accordance with the laws in effect at the time of the offense.

Each person has the right to a just, public review of his/her matter by a competent, independent and objective court, which is formed in accordance with law.

Each person has the right to the assistance of an attorney, as well as the right not to testify against him/herself and his/her family members.

Criminal responsibility may only be individual.

Each unlawfully arrested or convicted person has the right to compensation for his/her material and moral injuries.

**Article 19.** Convicted persons have all the human rights mentioned in this Law, except those which are restricted by law or by the court's order.

Each convicted person must work according to his/her physical and mental abilities.

Convicted persons may not be deprived of their rights to paid employment, as well as to rest, health care, the exercise of established cultural values, education and personal development.

**Article 20.** Forced labour is prohibited.

Mandatory state service involvement in the liquidation of disastrous effects and reformatory labour prescribed in accordance with a court order are not considered to be forced labour.

**Article 21.** The State recognizes and protects property and its rights of inheritance.

A person may own any property, except for property referred to in the restrictions stated in Article 9.

The forced expropriation of property shall occur solely by a court decision in accordance with the procedures prescribed by law. If the property is expropriated for the realization of a public project, then appropriate compensation is due to the owner.

**Article 22.** Each person has the right to engage in entrepreneurial activity which is not contrary to law.

**Article 23.** Each person has the right to freely choose his/her profession, occupation and employer.

**Article 24.** Each person has the right, in accordance with an employment contract, to such wages which are not less than the state-determined minimum wage.

**Article 25.** The maximum length of the work week is determined by law.

Employees have the right to weekly days off and to annual paid vacations.

**Article 26.** Employees have the right to strike in order to protect their economic or professional interests.

These rights are restricted by law in order to guarantee the operation of necessary services to the public.

**Article 27.** Each person has the right to material security in old age, during illness, or in the event of total or partial disability, as well as in the case of the loss of the breadwinner.

Each person has the right to unemployment benefits if he/she has no other means of subsistence and if the unemployment has arisen due to circumstances beyond his/her control.

**Article 28.** Each person has the right to freely depart for or emigrate to foreign countries.

These rights may not be restricted on the basis of political or ideological motives.

**Article 29.** Each person has the right to freely move within the territory of Latvia.

**Article 30.** Each person has the right to freely acquire and disseminate information, to express his/her views and ideas in oral, written or any other form. The realization of these rights must not be restricted by censorship.

No one may be forced to express his/her political, religious, ethical or other views, as well as his/her party affiliation.

**Article 31.** All people have the right to form public organizations and to participate in their activities if the goals and practical actions of such organizations are not contrary to law.

It is prohibited to form secret organizations and armed units which are not subject to the jurisdiction of the Republic of Latvia Government and administrative institutions.

**Article 32.** The State guarantees freedom of assembly for previously-announced peaceful gatherings, meetings, street processions and demonstrations.

The local government may change the time or place of such events, if such is required in the interests of public safety and order.

**Article 33.** The State guarantees freedom for creative work and protects patent rights and copyrights.

**Article 34.** Each person has the right to turn to the institutions of the State government and administration with individual or collective submissions or proposals and to receive an answer in accordance with the procedures prescribed by law.

**Article 35.** The State is separate from the church.

The State guarantees the freedom of religious persuasion.

People or their associations have the right to practice religious rituals and ceremonies.

No one may be forced to participate in religious rituals and ceremonies, or to learn religious doctrine.

Religious or ideological motives do not free anyone from their responsibilities to the State and the necessity of observing the law.

**Article 36.** Family and marital rights, as well as the rights of mothers and children are protected by the State.

The basis of marriage is the voluntary union of a woman and a man, as well as their legal equality.

The care and upbringing of children is in the first instance the right and responsibility of the parents or the guardians.

Society and the State provide that the parents or the guardians are able to fulfill their responsibilities to their children.

Children born within wedlock and those born out of wedlock have equal rights.

The State guarantees special assistance and protection to children who are left without the care of their parents.

**Article 37.** Everyone has the right to medical care.

Everyone has the responsibility to care for their own health and that of their family and society.

The State protects the health of the public and guarantees each person with the minimum level of medical assistance determined by law.

**Article 38.** Each person has the right to an education.

The State guarantees the opportunity to acquire an education free of charge, as well as to secure further education appropriate to each person's capabilities.

**Article 39.** The parents' responsibility is to secure their children's education appropriate to their capabilities and the requirements of mandatory education.

**Article 40.** Persons and their societies have the right to establish educational institutions of various levels with any language of instruction. The acquisition of education in such schools is under the State's supervision.

**Article 41.** Each person has the responsibility to observe the laws of the Republic of Latvia, to respect the customs and traditions of the Latvian people and of the national and ethnic groups living in Latvia, as well as to respect the national pride of other persons.

**Article 42.** Everyone participates in the discharge of State and local government expenses, by paying taxes and levies in accordance with the procedures set by law.

**Article 43.** The protection of nature, cultural centers, historical and architectural monuments and the environment is the responsibility of each person, the entire society and the State.

**Article 44.** Necessary restrictions on people's rights and freedom may be determined by law in order to:

- 1) protect the rights, honor, health and morals of other people;
- 2) guarantee State security, public order and peace.

Chairman, Supreme Council  
Republic of Latvia

A.Gorbunovs

Secretary, Supreme Council  
Republic of Latvia

I.Daudišs

Riga, December 10, 1991

The authenticity of the translation is confirmed by  
Secretary of the Supreme Council  
of the Republic of Latvia. For purposes of  
interpretation, the original Latvian text is to be  
regarded as official.

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