



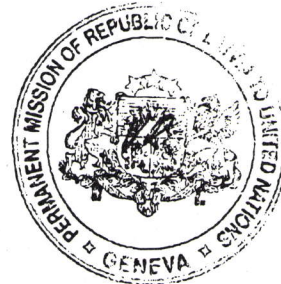
MISSION PERMANENTE DE LA REPUBLIQUE DE LETTONIE
AUPRES DE L'OFFICE DES NATIONS UNIES A GENEVE

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The Permanent Mission of the Republic of Latvia to the United Nations Office in Geneva presents its compliments to the Committee against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) and, referring to the Note of 19 February 2008 (CAT/C/LVA/CO/2) transmitting Committee's conclusions and recommendations concerning the report by the Republic of Latvia under Article 19 of the Convention, submits herewith response by the Republic of Latvia to the Committee's recommendations. Using this opportunity on behalf of the Latvian authorities the Permanent Mission of the Republic of Latvia would like to apologize for the delayed reply.

The Permanent Mission of the Republic of Latvia avails itself of this opportunity to renew to the Committee against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment the assurances of its highest consideration

Geneva, 8 February 2010



Committee against Torture and other Cruel, Inhuman and
Degrading Treatment or Punishment
Office of the High Commissioner for Human Rights
Geneva

OHCHR REGISTRY

- 9 FEB. 2010

Recipients :CAT.....

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**ADDITIONAL REPORT BY THE REPUBLIC OF LATVIA
ON THE IMPLEMENTATION OF THE 1984 CONVENTION AGAINST TORTURE
AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT, SUBMITTED IN RESPONSE TO THE LIST OF CONCLUSIONS AND
RECOMMENDATIONS MADE BY THE COMMITTEE AGAINST TORTURE
(CAT/C/LVA/CO2)**

1. The additional report has been prepared by the Government of the Republic of Latvia pursuant to Rule 67(2) of the Rules of Procedure in response to the request by the Committee Against Torture (hereinafter – the Committee) to provide within one year the information pertaining to the implementation of the Committee's Conclusions and Recommendations (CAT/C/LVA/CO2), which were adopted following the consideration of the Second Periodic Report of Latvia (CAT/C/38/Add.4) during the Committee's thirty-ninth session on November 5-23, 2007.
2. The additional report was prepared by Representative of the Cabinet of Ministers before International Human Rights Organisations in cooperation with the Ministry of Justice and Ministry of Interior.
3. The Government of the Republic of Latvia will address below in detail the issues raised in the conclusions and recommendations of the Committee.

Concerns expressed by the Committee

"7. The Committee notes that the new Criminal Procedure Law includes a specific reference to fundamental legal safeguards for detainees, such as access to a defence counsel, but it regrets the lack of a specific reference to the right of access to a doctor. Furthermore, the Committee expresses its concern at reports that the right of effective access to a lawyer is not always realized in practice. In this respect, the Committee is concerned at reports of a shortage of State funded defence lawyers in several districts, especially rural areas, and that the working conditions provided for lawyers in detention and remand centres are not always satisfactory (arts. 2, 13 and 16). The State party should take effective measures to ensure that all detainees are afforded fundamental legal safeguards in practice, including the right to have access to a lawyer and a doctor. The Committee emphasizes that persons in custody should benefit from an effective right of access to a lawyer, as from the very outset of their deprivation of liberty and throughout the investigation phase, the whole of the trial and during appeals. Furthermore, the State party should ensure that the lawyers are provided with proper working conditions in the detention and remand centres equivalent to the facilities available in prisons and finance the newly established Legal Assistance Agency."

Measures undertaken to address the concerns of the Committee

4. The Government acknowledges that *the Criminal Procedure Law* contains no specific reference to the right of access to a medical doctor as its main purpose is to provide the essential safeguards in the context of conducting criminal proceedings. The right of access to a medical doctor while being in detention or serving the sentence as such is not linked to the conduct of criminal proceedings. Accordingly the Committee's concern has been met by Article 22 of *the Law on Procedure of Detention on Remand*, which entered into force in July 18, 2006.
5. Article 22, paragraph 1, of *the Law on Procedure of Detention on Remand* provides that all detainees shall receive medical care and treatment in accordance with the provisions of this Law and relevant Regulation of the Cabinet of Ministers. In addition, detainees are entitled to receive additional medical treatment or examination, not provided in the

Regulation of the Cabinet of Ministers, at their own expense, in accordance with the procedure prescribed by the national law. Detainees can also be sent for secondary healthcare services to the Latvian Prison Hospital, having capacity of up to 450 beds. In acute and pressing cases, where an emergency medical treatment is necessary, which cannot be provided in the respective Medical Unit of the remand prison, such treatment shall be provided by other medical institutions, including public hospitals. In such cases, the convoy and transportation costs shall be born by the administration of the respective remand prison.

6. To implement Article 22, paragraph 1, of *the Law on Procedure of Detention on Remand*, on March 20, 2007, the Cabinet of Ministers adopted *Regulation No.199 On Healthcare of Detained and Convicted Persons in Remand Prisons and Prisons*. In accordance with this Regulation, all detainees are ensured with the following medical treatment and healthcare, which is provided by the state:
 - primary medical treatment, with an exception of planned dental care;
 - emergency dental care;
 - secondary medical treatment that is provided in emergency cases, as well as secondary medical treatment provided by prison medical doctors in accordance with their specialization;
 - the cheapest from the most efficient medicine that has been prescribed by the prison medical personnel.
7. In cases of detainee's continuous or permanent limitations of physical or mental abilities the responsible personnel of the Medical Unit of the remand prison, upon evaluation of the detainee's health condition, shall send him/her to the Doctors' Commission of Health and Working Capability Expertise, which will perform the disability expertise.
8. As regards the Committee's recommendation to ensure effective access to a lawyer, the Government finds it necessary to submit following information.
9. *The Criminal Procedure Law* provides that the individuals may either defend themselves or may use the services of a lawyer. In cases where the individual cannot afford a lawyer due to lack of financial means, or where the lawyer's participation is mandatory (e.g. in criminal proceedings against juveniles) legal costs and expenses are born by the state. In order to bring this provision into life, specific *Law on State-Provided Legal Aid* was adopted. Those being eligible to receive free legal aid are Latvian citizens and non-citizens, EU citizens, citizens of the third countries, refugees and asylum seekers (in the context of asylum proceedings). *The Law on State-Provided Legal Aid* created special governmental agency – the Legal Aid Administration, which began its work on January 1, 2006. In 2007, the Legal Aid Administration's budgetary allocations amounted to 937,421 LVL; in 2008 the allocated amount was 764,293 LVL; in 2009 – 740,285 LVL.
10. In this regard, the Government informs that the Legal Aid Administration itself does not provide the legal aid services. Instead, its function is to conclude agreements for provision of legal services with sworn advocates, notaries, bailiffs, as well as to examine the individuals' applications for legal aid against specific criteria either granting or refusing to grant free legal aid. Such refusal is further subject to an appeal before administrative courts.
11. Accordingly, the following difficulties have been encountered by the Legal Aid Administration during its first years of administrating the area of state legal aid. The

institutions, responsible for criminal proceedings (performers of inquiry, prosecutors), often are facing practical difficulties to ensure the participation of a sworn attorney for the purpose of defence. The sworn attorneys often have refused to provide the defence according to schedule, having claimed the necessity to participate in other cases at the same time, or invoking other reasons; in general, sworn attorneys are hesitant to cooperate due to low payment for this service. Therefore, the sworn attorneys have little or no interest to conclude the public contract for provision of legal services with the Legal Aid Administration. During the period of time from October 1, 2005, till January 1, 2009, only 108 sworn attorneys have concluded such agreements. The Legal Aid Administration has estimated that at least 200-250 contracted sworn attorneys are necessary to ensure that provisions of *the Criminal Procedure Law* in respect of legal aid are observed in all cases. In addition, the number of sworn attorneys in several rural remote areas is very low, e.g. in Alūksne there are 2 lawyers, in Dobele – 3 lawyers, while in Krāslava – only one lawyer. The Legal Aid Administration has approached all members of the Latvian Bar Association (both sworn attorneys and their assistants), inviting them to conclude agreements for provision of legal services. The conclusion of such agreement is voluntary, namely, the Legal Aid Administration cannot oblige any person to enter thereto. Moreover, the agreement can be terminated by any party thereto at any moment, most often the reason for such conduct on behalf of the sworn attorneys being the low payment for the services provided. However, there is an ongoing dialogue taking place between the Ministry of Justice and the Latvian Bar Association on the possible ways to improve the administration of the state-provided legal aid.

12. In order to address these issues, on December 22, 2008, the Cabinet of Ministers adopted *Regulation No.1068 On Scope, Amount, Payment and Expenses concerning the State-Provided Legal Aid*. The aim of this Regulation was to raise the effectiveness of state provided legal aid system, including the tariffs for provision of legal services, as well as to harmonise the provisions of the national law in the area of legal aid with the relevant instruments of the European Union. This Regulation has already increased the effectiveness of the provision of legal aid in remote rural areas. Namely, the Legal Aid Administration is now authorised to reimburse the travel costs and expenses for those sworn attorneys providing legal services outside of the area of their permanent legal practice. The Cabinet of Ministers has further amended legislation by adopting on December 22, 2009 *Regulation No.1493 On Scope, Amount, Payment and Expenses concerning the State-Provided Legal Aid*. The aforementioned regulation is based on the previous Regulation No.1068 and introduces new kinds of state-provided legal aid and a gradual increase in the amount paid for the legal services to be implemented starting from January 1, 2013.
13. In addition, in order to ensure timely and effective appearance of the defence lawyer during criminal proceedings, several important amendments were made to *the Criminal Procedure Law, the Law on State-Provided Legal Aid and the Law on Latvian Bar Association*, (these amendments entered into force on January 1, 2009). These amendments have changed the scheme of the state-provided legal aid, including the competence of the Legal Aid Administration. In accordance with this new scheme, the institution in charge of the criminal proceedings shall contact and inform the senior sworn attorney within the respective area (appointed by the Latvian Bar Association) about necessity to provide legal aid. These senior sworn attorneys, in their turn, shall organise and coordinate the provision of the legal aid within the ranks of the Latvian Bar Association. Currently, there are 36 appointed senior sworn attorneys. The Legal Aid Administration makes the payment to the provider of services. The present scheme

increases the level of participation in the provision of legal aid (now all members of Latvian Bar are involved), as well as renders unnecessary the requirement to have agreement for provision of legal services with the Legal Aid Administration. Further amendments have been made in *the Law on State Provided Legal Aid* (these amendments entered into force on July 1, 2009) in order to implement reforms and optimisation of state institutions. These amendments have, inter alia, provided a more effective allocation of the state-provided legal aid and narrowed down the list matters for which state-provided legal aid may be granted. The new list, however, does not affect the cases which concern international legal obligations of the Republic of Latvia.

14. In accordance with the information provided by the Ministry of Justice, all premises in the remand prisons are equipped with the necessary facilities for effective provision of legal aid, such as natural and artificial light, tables, chairs, as well as alarm buttons. In addition, all premises are renovated and upgraded within the limits of budgetary allocations.

Concerns expressed by the Committee

"8. While noting the amendment of the Asylum Law on 20 January 2005 with the deletion of the provision requiring the asylum application to be submitted in writing, the Committee regrets the lack of clarity on the total number of persons seeking asylum in the State party as well as the low asylum recognition rate. The Committee is also concerned at the detention policy applied to asylum-seekers and at the short time limits, in particular for the submission of an appeal under the accelerated asylum procedure. Furthermore, the Committee notes that detained foreigners, including asylum-seekers, have the right to contact the consular services of their respective country and are entitled to receive legal aid but is concerned at information provided by the State party delegation that no asylum-seekers have requested such legal aid (arts. 2, 3, 11 and 16). The Committee recommends that the State party:

- a) Take measures to ensure that detention of asylum-seekers is used only in exceptional circumstances or as a last resort, and then only for the shortest possible time;*
- b) Ensure that anyone detained under immigration law has effective legal means of challenging the legality of administrative decisions to detain, deport or return (refouler) him/her and extend, in practice, the right to be assisted by assigned counsel to foreigners being detained with a view to their deportation or return (refoulement);*
- c) Extend the time limits established under the accelerated asylum procedure, in particular in order to guarantee that persons whose applications for asylum have been rejected can lodge an effective appeal; and*
- d) Provide, in the next periodic report, detailed and disaggregated statistics on the number of persons seeking asylum in the State party and the number of such persons in detention.*

Furthermore, the State party is encouraged to promptly adopt the draft law on asylum in the Republic of Latvia which was formally approved during the session of the Committee of the Cabinet of Ministers on 26 March 2007 and is currently being examined in Parliament."

Measures undertaken to address the concerns of the Committee

15. The Government hereby submits the statistical data pertaining to the number of persons seeking asylum in the Republic of Latvia. In 2007, 34 persons applied for asylum, out of which 5 asylum seekers were granted asylum, and 3 persons were granted the alternative status. In 2008, 51 persons applied for asylum. Of them, two asylum seekers (both from the Republic of Kenya) were granted asylum, and one Palestinian was granted the alternative status. In total, during the period of time from 1998, when the Republic of Latvia commenced its asylum policy, till January 1, 2009, 254 persons applied for asylum in the Republic of Latvia. Of them, 17 persons were granted asylum and 21 persons were granted the alternative status. In addition, in the period from January 1, 2009 to June 20, 2009 5 persons applied for the asylum. In that period of time 1 person was granted alternative status and 3 persons were granted asylum status.

16. According to the information provided by the State Border Guard of the Ministry of the Interior, 22 asylum seekers were detained in 2007; 24 asylum seekers were detained in 2008. All detained asylum seekers were placed in the Olaine Centre for Placement of the Detained Illegal Immigrants. There have been no cases of detained minors, including unaccompanied minors. The legal grounds for detention of asylum seekers were envisaged in Article 14 of *the Asylum Law* of March 7, 2002 in force until July 13, 2009. The most common grounds for detention in 2007-2008 were - hiding of person's identity, use of forged documents, illegal entry to the territory of the Republic of Latvia, as well as reasonable grounds to believe that the request for asylum is manifestly ill-founded. The time-limits of detention, provided in *the Asylum Law* of March 7, 2002, were respected in all cases.
17. Concerning requests for legal aid and contacts with the consular services of the respective countries, in 2007, three asylum seekers requested the legal aid, while in 2008, there were 15 such requests. Accordingly, in 2007, the Olaine Centre for Placement of the Detained Illegal Immigrants was five times visited by persons, who provided legal aid for detained asylum seekers. In 2008, there were 11 such visits. All detained asylum seekers have the right to contact the consular service of their respective country and are informed about this right immediately upon apprehension. Nevertheless, there have been no cases of detained asylum seekers wishing to contact the consular services of their respective countries, since most often these persons are seeking protection from the alleged reprisals and persecutions in their countries of origin.
18. The Government submits that every detained asylum seeker has an effective remedy to challenge the lawfulness of the respective detention order adopted by the judge of the Administrative Court, before the Administrative Regional Court. In 2007, there were 7 appeals against decisions of the Administrative Court to detain the asylum seekers; in 2008, there were 15 such appeals. In all these cases, the Administrative Regional Court, having examined these complaints, found the decisions of the Administrative Court to be lawful and well-founded.
19. In addition, the Government informs that on June 12, 2009 the new *Asylum Law* was adopted (this law entered into force on July 14, 2009). The Government would like to inform the Committee that the abovementioned law extends of all procedural time-limits pertaining to the asylum proceedings, including the time-limit for lodging an appeal against refusal to grant asylum with the administrative court, as well as against all decisions adopted during the accelerated asylum proceedings. The new time limit, as provided by the said law, is ten working days.

Concerns expressed by the Committee

"11. The Committee notes a number of initiatives taken by the State party to improve the conditions of detention for persons under the age of 18 including in juvenile correctional facilities, such as the establishment of the Ministry of Children and Family Affairs and the State Children Rights Protection Inspectorate under its auspices to monitor the regime and conditions of juvenile detention, and the adoption of the Basic Policy Guidelines for the Enforcement of Prisons Sentences and Detention of Juveniles for 2007-2013. However, the Committee expresses its concern at reports that juveniles are often held in pre-trial detention for prolonged periods and at the high percentage of juveniles remanded in custody (arts. 2, 11 and 16).

The State party should increase its efforts to bring its legislation and practice as regards the arrest and detention of juvenile offenders fully in line with internationally adopted principles, including by:

a) Ensuring that deprivation of liberty, including pre-trial detention, should be the exception, to be used only as a last resort and for the shortest time possible;

- b) Developing and implementing alternatives to deprivation of liberty, including probation, mediation, community service or suspended sentences;
- c) Adopting an action plan based on the Basic Policy Guidelines for the Enforcement of Prisons Sentences and Detention of Juveniles for 2007-2013 and ensuring the necessary resources for its effective implementation and follow-up; and
- d) Taking further measures to improve the living conditions in detention facilities, elaborating more contemporary and modern programmes aimed at re-socialization, and ensuring training of prison personnel to raise their professional qualification in light of their work with juveniles."

Measures undertaken to address the concerns of the Committee

20. The following statistical data shows the trend in the application of pre-trial detention in respect of juveniles. In 2006 - 168 juveniles were placed in detention, in 2007 - 181 juveniles, in 2008 - 182 juveniles.
21. At the present time, there is no intention to amend provisions of *the Criminal Procedure Law* establishing the terms of detention for juveniles. Amendments were made to *the Criminal Procedure Law* on March 12, 2009, whereby Article 273 now allows application of pre-trial detention in respect of juveniles, providing that the criminal offence has been committed under self-induced intoxication and has caused a person's death.
22. In addition, on January 9, 2009, the Cabinet of Ministers adopted *the Concept Paper on Penal Policy*, which was prepared by the Ministry of Justice. The new penal policy will focus on providing assistance and education for juvenile offenders. The existing practice on juvenile criminal responsibility has often misinterpreted its aim by consistently applying more lenient or suspended sentences, which in result has led to frequent cases of re-offending. It must be admitted that the existing system of compulsory educational measures for juvenile offenders (alternative sentencing) has also been of little or no effect, since instead of re-education of the offender, it had often created an impression of impunity. Therefore, *the Concept Paper on Penal Policy* aims to alter the existing system of compulsory educational measures for juvenile offenders, by adding new more efficient measures, including restrictions on certain activities, mandatory participation in various probation programmes, as well as specific focus on community services (in cooperation with municipalities) as alternatives for imprisonment. Such active and deliberative complex of measures would allow altering the mode of thinking of juvenile offenders, placed on suspended sentences, demonstrating that, in fact, they have not been released from criminal responsibility.
23. In order to implement the action plan based on *the Basic Policy Guidelines for the Enforcement of Prisons Sentences and Detention of Juveniles for 2007-2013* following initiatives have been launched in the penal area in 2007-2008.
24. The number of programmes, aimed at the re-socialisation of the juvenile convicts, has been increased. In 2007, 22 programmes (including 14 behaviour correction programmes, six social rehabilitation programmes and two Christian education programmes) took place in all five locations where juvenile convicts are kept (the Cēsis Educational Facility for Juveniles, Daugavpils Prison, Ilģuciema Prison, Matīsa Prison and Liepājas Prison). All 184 juvenile convicts attended the above-mentioned re-socialisation programmes. During the first six months in 2008, juvenile convicts were involved in 15 re-socialisation programmes (13 behaviour correction programmes). During the second half of the 2008, the Prison Administration launched two additional social rehabilitation programmes for juvenile convicts - *Social Skill Exercises for Convicts* and *Life and Social Skill Exercises*, as well as one behaviour correction programme. In 2007- 2008, 33 experts were involved

in re-socialisation of juvenile convicts, including three social workers (four in 2008), six psychologists (five in 2008) and 24 officials of the Prison Administration.

25. In 2007, the Prison Administration of the Ministry of Justice organised 13 vocational training activities concerning juvenile re-socialisation and rehabilitation, which were attended by 77 officials of the Prison Administration and 5 staff psychologists. In addition, two-day seminar *Inter-institutional cooperation in the work with juvenile offenders* took place, which was attended by 46 representatives from different state institutions, including the Prison Administration, the State Police, the State Probation Service and the State Inspectorate for Protection of the Rights of Children. The Training Centre of the Prison Administration organised special training programmes to examine legal framework and practical issues concerning efficient security maintenance in the places of deprivation of liberty. These programmes were attended by 77 officials of the Prison Administration and special emphasis was put on the usage of special measures - namely, the officials of the Prison Administration, when performing their professional functions, are not allowed to use special measures, except handcuffs, and special combat applications against women, juveniles and persons with disabilities, unless these persons are participating in mass riots or assaults, are showing armed resistance or threatening the life or health of other persons.
26. In 2008, 70 officials of the Prison Administration participated in three seminars and one event, where they exchanged experience with other institutions. The staff psychologists attended two seminars, organised by the Prison Administration. In addition, in 2008, the Training Centre of the Prison Administration in cooperation with the State Inspectorate for Protection of the Rights of Children organised two seminars on the topic of *Conflict Resolution in the Places of Deprivation of Liberty*, with a focus on issues concerning juvenile convicts. These seminars were attended by 26 officials of the Prison Administration., whose daily job involves contacts with juvenile convicts.
27. Another important tool in the process of re-socialisation is the education (primary, secondary and professional). Primary education is mandatory for all juveniles in all places of deprivation of liberty. In 2007, the primary education was provided for 132 juvenile convicts, while in 2008 their number increased to 150 juvenile convicts. In all places of deprivation of liberty (with an exception of the Cēsis Educational Facility for Juveniles), the primary education is provided by respective municipalities on the basis of agreements of cooperation between municipalities or institutions providing professional education and prison administrations (in 2007 were concluded seven long-term agreements of cooperation). Secondary education can be provided only in special school, which is part of the Cēsis Educational Facility for Juveniles. In 2007, 24 juvenile convicts attended the secondary education programme in the Cēsis Educational Facility for Juveniles, while in 2008 there were 16 such juvenile convicts. The professional education programmes are provided upon completion of the primary education. In 2007, 50 juvenile convicts attended the professional education programme in the Cēsis Educational Facility for Juveniles, while in 2008 these programmes were attended by 44 juvenile convicts.
28. To improve the living conditions, in 2007, the budgetary allocations in the amount of 83,214 LVL were granted for full renovation of the canteen facilities of the Cēsis Educational Facility for Juveniles. The renovation works were completed in 2008.
29. To further implement *the Basic Policy Guidelines for the Enforcement of Prisons Sentences and Detention of Juveniles for 2007-2013* the Ministry of Justice in cooperation

with the Government of Norway has launched a joint project in the Cēsis Educational Facility for Juveniles, which will include the renovation of living area, roof, heating system, as well as instalment of new furniture. The project commenced in May 2009 and will continue until April 2011.

Concerns expressed by the Committee

"17. While noting that several complaints bodies are mandated to review individual complaints about police misconduct, the Committee is concerned at the number of complaints of physical use of force and ill-treatment by law enforcement officials, the limited number of investigations carried out by the State party in such cases, and the very limited number of convictions in those cases which are investigated. The Committee also notes with concern that the offence of torture, which as such does not exist in the Latvian Criminal Code but rather is punishable under other provisions of the Criminal Code, might in some cases be subject to a statute of limitations. The Committee is of the view that acts of torture cannot be subject to any statute of limitations (arts. 1, 4, 12 and 16). The Committee recommends that the State party:

(a) Strengthen its measures to ensure prompt, impartial and effective investigations into all allegations of torture and ill-treatment committed by law enforcement officials. In particular, such investigations should not be undertaken by or under the authority of the police, but by an independent body. In connection with prima facie cases of torture and ill-treatment, the alleged suspect should as a rule be subject to suspension or reassignment during the process of investigation, especially if there is a risk that he or she might impede the investigation;

(b) Try the perpetrators and impose appropriate sentences on those convicted in order to eliminate impunity for law enforcement personnel who are responsible for violations prohibited by the Convention; and

(c) Review its rules and provisions on the statute of limitations and bring them fully in line with its obligations under the Convention, so that acts of torture as well as attempts to commit torture and acts by any person which constitute complicity or participation in torture, can be investigated, prosecuted and punished without time limitations."

Measures undertaken to address the concerns of the Committee

30. On October 1, 2006, the *Law on Disciplinary Responsibility of the Rank Officials of the Institutions of the Ministry of the Interior and the Prison Administration* came into force. According to its provisions, the responsible minister or the direct superior of the official, against whom the disciplinary proceedings have been initiated, in order to prevent possible impediments of the disciplinary investigation, shall have the authority to temporarily suspend the official from service during the investigation, or to reassign him/her to perform other tasks, which are not directly related to his/her primary professional responsibilities.
31. In addition, in order to facilitate the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as to address concerns expressed in the Conclusions and Recommendations, adopted by the Committee during its thirty-ninth session on November 5-23, 2007, the Internal Security Office of the State Police has commenced to aggregate all information concerning complaints, statements and communications concerning alleged violence or ill-treatment on behalf of the police officers, including the types of disciplinary and criminal penalties imposed. Detailed statistical data pertaining to disciplinary and criminal proceedings against the officials of the State Police concerning alleged physical violence and ill-treatment, which were investigated by the Internal Security Office of the State Police, and their respective results, is provided in Annex 1.
32. As to the impartiality and effectiveness of investigations of all allegations of physical violence and ill-treatment committed by the officials of the State Police, the Government observes that all complaints, statements and communications are examined within the time limits prescribed by national law. The Internal Security Office of the State Police is

directly subordinated to the Chief of the State Police. At the same time, its performance additionally is supervised by the Ministry of the Interior, and its decisions are examined by the Prosecutor Office, the latter being an institution belonging to the judicial power (outside of the police authority) and recognised by the Constitutional Court in its judgment of October 11, 2004, in the case No.2004-06-01 (available at: <http://www.satv.tiesa.gov.lv/upload/2004-06-01E.rtf>), as being an efficient and objective remedy for the protection of the rights of the state and the individuals.

- End of Report -

ANNEX 1

Information pertaining to the number of complaints, statements and communications concerning alleged violence and ill-treatment on behalf of the police officers received by the State Police (2007 – 2008)

Year	Received complaints / statements / communications		Cases of alleged physical violence, including threats	Cases of alleged psychological violence, including threats	Cases of alleged violence against minors	Cases of alleged violence against suspects and detainees	The results of proceedings			
	From individuals	From the Prosecutor Office					Violence was not confirmed	Initiated disciplinary proceedings	Initiated criminal proceedings	Disciplinary / criminal penalties applied
2007	335	29	128	35	16	59	246	11	81	9 / -
2008	445	21	165	31	7	81	333	5	149	5 / 1

Source: The State Police

Information pertaining to the criminal proceedings investigated by the Internal Security Office of the State Police concerning complaints, statements and communications about alleged violence and ill-treatment on behalf of the police officers (2007 – 2008)

Year	Refusals to initiate criminal proceedings (*)	Initiated criminal proceedings	Criminal proceedings received from other law enforcement institutions	Criminal proceedings sent for further prosecution	Discontinued criminal proceedings	Types of criminal offences (Article of the Criminal Law)
2007	89	27	35	1**	15	Article 317, paragraph 2 of the Criminal Law ***
2008	150	21	18	7	44	

* All refusals to initiate criminal proceedings have been examined by the Department of Supervision of the Pre-trial Investigations of the Prosecutor General Office. As a result, the refusals have been found to be legitimate and well-founded (information provided by the Prosecutor General Office).

** On April 24, 2008, the person was convicted for exceeding official authority, if it is associated with violence or threat thereupon. The court adopted suspended sentence of four years of deprivation of liberty with the police control for 2 years and prohibition to hold an office in the State Police for five years.

*** Article 317, paragraph 2 of the Criminal Law provided criminal responsibility for exceeding official authority, if it is associated with violence or threat thereupon.

Source: The Internal Security Office of the State Police

Information pertaining to the types of disciplinary penalties which were applied against the officials of the State Police

Type of disciplinary penalty	Disciplinary punished officials	
	2007*	2008**
Warning for non-compliance with official duties	3	2
Reproof	1	1
Discharge from the service in the Ministry of the Interior	2	1
Reprimand	3	2
Total:	9	6

* 6 persons continued their service in the State Police, 2 persons were discharged from service due to criminal charges brought against them, one person has left the service.
 ** 4 persons continued their service in the State Police, one person was discharged from service, one person has left the service.

Source: The State Police