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REFERENCE: jmn/mm/fg/follow-up/CAT/Latvia

21 April 2006

Mr. Ambassador,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the initial report of Latvia (CAT/C/21/Add.4) at its 579th and 582nd meetings, held on 13 and 14 November 2003 (CAT/C/SR.579 and 582).

At the end of this session, the Committee's Conclusions and Recommendations were transmitted to your Permanent Mission. You may recall that, in par. 9 of the Committee's Conclusions and Recommendations, the Committee requested Latvia to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 7 (e), (f), (g), (h) and (i) (see attached addendum).

Noting that the information sought by the Committee has been provided, I am grateful for your Government responses on the matter. Nevertheless, from the analysis of this information, I would appreciate clarification as to the following concerns and recommendations, which do not provide sufficient information with regard to the implementation of the Convention in Latvia:

In response to the concerns expressed in 7 (e), we appreciate your submission of the list of names of those who were detained from 1 January to 27 September 2004. We would welcome further data on their current status and any new cases since that time, as there are no indications of time limits for the cases of asylum-seeking detainees to be resolved.

Regarding the concerns about prison overcrowding in 7 (f), we welcome the commitment Latvia has made to upgrading the conditions of detention, and allocating additional budgetary funds to the Administration of Places of Imprisonment to ensure the compliance of prison facilities with European Union standards. We note that with repairs and construction, additional units have been created, yet as you reported, reconstruction of the Central Prison hospital which had begun in 2003 was later suspended. The Committee would appreciate receiving a status report on the implementation of the concept papers you noted presented to the Cabinet of Ministers in December 2004 regarding prison development and medical care for prisoners.

Regarding 7 (g), while some statistics have been provided, there has been no breakdown, although we note that Latvia will continue discussion on ways to improve its system of gathering statistical data.

The Committee would welcome initiating a dialogue with Latvia on the issue of gathering, and then disaggregating, statistical data by age, gender, and country of origin, in relationship to Latvia's Law on the Protection of Data of Natural Persons. While we recognize the sensitive implications of gathering personal data, in the practice of other state parties with which the Committee has cooperated, the collection of such statistics has in fact led to better protections against discrimination by making authorities aware of the scope of the issue, as long as measures are taken to ensure such data collection is not abused, to ensure equal treatment of everyone before the law.

In your response to 7 (g), on p. 4, par. 10, you note that in 2003 and 2004, the Personnel Inspection of the office of Internal Security of the State Police conducted 90 investigations of allegations of torture and a total of 14 employees received "disciplinary sanctions," although no separate account of the nature of these sanctions

was available. Without such further information, however, the Committee cannot assess the seriousness of the cases or whether such employees were returned to their duties.

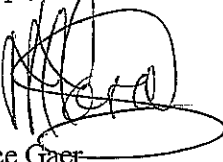
On page 4, pars. 10 and 11, the report also cites a total of 22 cases sent to the prosecutor's office in 2003 and 2004, apparently involving criminal charges against personnel, although the nature of the offences is not indicated. The report also notes that no data was available on the status of these cases under prosecution, so it is difficult to assess the effort in ensuring the implementation of the Convention.

The Committee takes note of Latvia's response to 7 (i), that while currently no amendments have been made or are planned to be incorporated to the Criminal Law to include torture, execution of an order to torture will not fall under the exclusion of criminal liability envisioned in Article 34, par. 1 of the Criminal Law, concerning the following of unlawful orders or instructions. The Committee also acknowledges the relevance to the Convention of Article 13 of Latvia's Law on the Police, which precisely defines situations permitting police officers to resort to physical force, indicating that all cases of use of force not indicated will be treated as unjustified and "giving concerns for possible abuse of power." The Committee looks forward to further dialogue with Latvia regarding the importance of incorporating precise definitions of torture and remedies to prevent and prosecute torture as a means to improve practices in this field.

The Committee also welcomes the thorough attention given by Latvia to the shadow report prepared by the Latvian Human Rights Committee, and in some instances, upon review of the cases, cancellation of decisions to make forced expulsions. As the burden of proof for the effective review and remedy of these cases was placed on the individuals themselves, (i.e., they must present relevant claims and documentation), the Committee would appreciate follow-up by Latvia to assess the status of these cases. In particular, on p. 7, pars. 27-30, regarding the case of Ansis Igars, where allegations of the use of force were made, the nature of the replies and any remedies have not been indicated.

Upon receipt of this information, the committee will be able to assess what, if any, further action is required. The Committee looks forward to pursuing the constructive dialogue it has stated with the authorities of Latvia on the implementation of the Convention.

Accept, Mr. Ambassador, the assurances of my highest consideration.



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COMMITTEE AGAINST TORTURE  
Thirty-first session  
10-21 November 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Conclusions and recommendations of the Committee against Torture**  
*(Extracts for follow-up)*

**LATVIA**

(...)

**D. Recommendations**

7. The Committee recommends that the State party:

(...)

(e) Introduce legally enforceable time limits for the detention of rejected asylum-seekers who are under expulsion orders. In this respect, the State party is invited to provide statistics, disaggregated by gender, ethnicity, country of origin and age, relating to persons awaiting expulsion;

(f) Continue to take measures to address overcrowding in prisons and other places of detention;

(g) Provide in the next periodic report detailed statistical data, disaggregated by age, gender and country of origin, on complaints related to torture and other ill-treatment allegedly committed by members of the police forces, as well as related investigations, prosecutions, and penal and disciplinary sentences;

(h) Ensure that the draft code of conduct for police interrogation ("Police Ethics Code") is speedily adopted;

(i) Take measures to ensure that in all circumstances the crime of torture is explicitly included among the crimes for which article 34 of the Criminal Law excludes the defence of superior orders;

(...)

9. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 7 (e), (f), (g), (h) and (i) above.

(...)