Republic of Latvia Materials on International Law 2006

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[Editorial Notes:

1. Republic of Latvia Materials on International Law 2006 (RLMIL) have been classified according to the Recommendation (97)11 of 12 June 1997 of the Committee of Ministers of Council of Europe, as applied by the British Yearbook of International Law from the year 1997, with certain minor amendments.

2. The RLMIL mostly concern the opinions made by the institutions and officials of Latvia. In case it has not been expressly provided for otherwise, the institutions and officials mentioned in the RLMIL are those of the Republic of Latvia.

3. It seems that there were no dominant trends in Latvian state practice in the year 2006. The debates about the Treaty between the Republic of Latvia and the Russian Federation on the State Border between the Republic of Latvia and Russian Federation and its constitutional and international law implication continued without much progress. It is to be expected that more of this will be seen in 2007. A search by Belarusian authorities of a Latvian diplomat’s apartment and a subsequent showing of an incriminating tape on Belarusian TV resulted in a brief dispute involving arguments about the Vienna Convention on Diplomatic Relations. Latvia also submitted a report about compliance with the Framework Convention for the Protection of National Minorities and received Concluding Observations from the UN Committee on the Rights of the Child.

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4. As regards the case law, one may note a number of interesting cases. The Constitutional Court decided a number of human rights cases, continuing its practice of harmonisation of international and constitutional human rights law by treating international human rights as giving *de minimis* content to the relevant constitutional provisions. In the judgment of 23 November 2006 in Case No. 2006-03-0106 the Court elaborated the limits of the international obligation to protect premises of embassies and consulates, drawing upon treaty law, customary law, case law of the International Court of Justice and learned writings. The Criminal Matters Department of the Supreme Court Senate handed down a decision in Case No. SKK-96/06 *Prosecution v. Larionov*, explaining the legal basis of the prosecution of 1949 deportations as the prohibition of crimes against humanity. The Civil Matters Department enforced consumer protection law in cases where an arbitration clause had been included in the contract in an unfair manner, by reference to earlier judgments of the Constitutional Court and the European Court of Justice. The Administrative Matters Department decided a large number of interesting cases involving international law, and it is to be regretted that due to limitations of space only a few are reproduced here. Among other things it decided on the substantive and intertemporal limits of European Community law and the necessity of making references for a preliminary ruling.

5. The European Court of Human Rights (EChT) handed down a record number of ten judgments and four decisions against Latvia. Those being of more general interest (and further reproduced) include the continuing debate about the concept of ‘victim’ in expulsion cases (with Judge *ad hoc* Briede dissenting in a number of similar cases, the issue to be decided by the Grand Chamber) and the concept of jurisdiction in Article 1 of the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR) in the context of armed conflict and unclear control of territory (*Hussein v. Albania et al.* decision). Possibly the most interesting development both in the context of human rights and general international law is the judgment of the Grand Chamber in *Ždanoka v. Latvia*, completely reversing the Chamber’s judgment and rejecting the application. In doing so, the EChT expressly sided with the Latvian interpretation of the 1940 events in the dispute with Russian Federation.]