

Replies provided by national delegations

Latvia

In reply to Your request to fill out a questionnaire on ways to improve international cooperation in the criminal field we provide You the following information:

1. The Prosecutor General's Office of the Republic of Latvia as a competent judicial authority has not encountered serious difficulties as concerns to cooperation in the criminal field with Prosecution Offices or judicial institutions of European countries. Nevertheless, during transferring of criminal procedure initiated in Latvia to the foreign country a problem has arisen that foreign country within taking over of criminal procedure retards its continuation, as a result the limitation of criminal liability became applicable both in Latvia and foreign country. Hence within criminal case No.05050796 initiated in accordance with the 3rd Paragraph of 142nd Article (fraud committed on a large scale) of the Criminal Code of the Republic of Latvia the request were submitted to the Prosecutor General's Office of the Russian Federation, basing on Agreement between the Republic of Latvia and the Russian Federation on judicial assistance and judicial relations in civil, family and criminal matters (03.02.1993), on 15th June of 2005, to take over the criminal procedure in the concerned case because execution of criminal procedure in Latvia were impossible as it were established that accused person announced in international search is the citizen of the Russian Federation and resides in the country of his citizenship. It must be specified that sufficient evidences had been obtained within the case to submit it to court. On 10th November of 2006 the reply were received from the Prosecutor General's Office of the Russian Federation that on 9th March of 2006 a decision on termination of criminal case No.05050796 were taken by the investigation institution due to fact that limitation became applicable. In the concerned case it were not possible to consider a resuming of criminal procedure in Latvia and issuing of European Arrest Warrant to announce the search of accused person beyond a territory of the Russian Federation, because till 10th November of 2006 the limitation concerning actions incriminated to defendant have become applicable in accordance with the legal acts being in force in the Republic of Latvia as well.

2. As concerns to successful international judicial cooperation the criminal case No.1181001103 can be referred as an example – within the case three persons in 2005 were accused for commission of criminal offences provided by the 3rd Paragraph of 154¹ Article and 3rd Paragraph of 165¹ Article of the Criminal Law of Latvia, namely, for trafficking in human beings of juvenile and adult persons to Finland committed by the citizen of the Republic of Latvia in organized group with the citizen of the Republic of Finland and the citizen of the Republic of Estonia, as well as for sending with purposes of enrichment in organized group a person with his or her consent to Finland for sexual exploitation. Already in the initiating phase of criminal case from the law enforcement authorities of Finland were received information that facilitated disclosure of criminal offence. Within frameworks of concerned criminal case the requests were submitted to the competent law enforcement authorities of Finland and Estonia on providing of judicial assistance and replies were received as well. Effective international cooperation resulted in disclosure of organized group which carried out its activities in three countries, and in 2006 the Court while hearing the criminal case and appraising the materials obtained in the result of requests for judicial assistance took verdict of guilty.

3. As concerns to proposals for improvement of respective European Conventions related to international judicial cooperation in the criminal field we would like to emphasize that *Committee of experts on the operation of European Conventions on co-operation in criminal matters (PC-OC)* has provided a great contribution into studies of concerned issues, and to express a standpoint that a scope of problematic issues being under attention of Committee at that very moment, at our point of view, is quite in - depth.

4. No other comments.