

Subject: Response of the Republic of Latvia on alert published on 26 October 2016 on the Council of Europe Platform – “Russian journalist expelled from Latvia”.

Latvia underlines its firm commitment to promoting and protecting the freedom of expression, including media freedom. The safety of journalists is an essential condition for the realisation of a free and open media space in the country. Latvian authorities fully align themselves with all international standards and obligations which stand for the protection of journalist work.

The Ministry of Interior Affairs of the Republic of Latvia - the authority responsible for the immigration affairs - would like to provide the following information concerning the detention and subsequent deportation of the Russian journalist Ms. Ella Taranova:

The Russian journalist Ms. Ella Taranova was detained and subsequently deported from the territory of Latvia by the State Border Guard Service officers on 21 October 2016 on the account that she had been included in the list of foreigners to whom the entry into the Republic of Latvia is being prohibited (hereinafter “the List”) by the decision of the Ministry of the Interior of 5 August 2014 (hereinafter “the Decision”).

The Latvian authorities would like to emphasise that Ms. E. Taranova’s profession, namely, that of being a journalist, by no means had served as the basis for the adoption of the Decision. In other words, she was not included in the List because of the fact that she was a journalist. To the contrary, the Decision as to her inclusion in the List was based on Article 61, paragraphs 1 and 2, and Article 63, paragraph 3, of the *Immigration Law*, that is, on the fact that the Ministry of the Interior had a reason to believe that Ms. E. Taranova caused a threat to national security or public order and safety. The existence of such a threat was established on the basis of an opinion issued by the competent State authority in accordance with Article 61¹, paragraph 1, of the *Immigration Law*.

Upon detention, the State Border Guard Service officers informed Ms. E. Taranova about the reasons of the detention – she had been acquainted with the contents of the Decision – and the right to appeal against it. It should be pointed out that Ms. Taranova herself had confirmed that she had become acquainted with and had received the Decision on 21 October 2016, having signed on it. According to the Decision, Ms. E. Taranova had a right, within a period of one month from the day she became acquainted with it (that is, from 21 October 2016), to appeal against the Decision before the Office of the Prosecutor General in accordance with Article 61, paragraph 8, of the *Immigration Law*. Also, upon detention Ms. E. Taranova was informed about her right to receive legal aid pursuant to Article 56, paragraph 1, of the *Immigration Law*. The foregoing is supported by Ms. E. Taranova’s signature on the decision on her deportation from Latvia.

It should be noted that Article 61¹, paragraph 3, of the *Immigration Law* provides that a decision to include a foreigner, who is outside the territory of Latvia, in the List shall be issued to her/him at her/his request. Due to the fact that at the time of the adoption of the Decision Ms. E. Taranova was outside the territory of Latvia, the first opportunity for Latvian authorities to issue the decision to her was the 21 October 2016, namely, when the State Border Guard Service officers established her presence in Latvia - at 23/25 Jūras Street, the Baltic Beach Hotel, Jūrmala. Under such circumstances the State Border Guard Service officers fulfilled their duties and detained Ms. E. Taranova on the basis of Article 51, paragraph 5, subparagraph 2, of the *Immigration Law* which states that a foreigner shall be detained in order to ensure the deportation procedure under Article 46, paragraph 5, of the *Immigration Law*. In other words, in order to adopt a decision on deportation of the foreigner who has been included in the List but whose presence in the territory of Latvia has been established.

In the light of the foregoing considerations the Latvian authorities maintain their position that Ms. E. Taranova's detention and subsequent deportation from Latvia cannot be considered as arbitrary or vexatious use of legislation. Neither one can argue that the activities performed by the State Border Guard Service officers constituted misuse of governmental powers or abusive and disproportional use of laws.

In addition to the aforementioned, it should be emphasised that in accordance with Article 6, paragraph 1, subparagraph e), of the Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders ("Schengen Borders Code"), third country nationals may be prohibited to enter the territory of an EU Member State if they are considered to be a threat to internal security of any of the Member States.

To conclude, the Latvian authorities would like to take this opportunity to reiterate their unwavering commitment to continue cooperating with the Council of Europe and its mechanisms.