



COUNCIL OF EUROPE COMMITTEE ON COUNTER-TERRORISM (CDCT)

PROFILES ON COUNTER-TERRORISM CAPACITY

LATVIA

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NATIONAL POLICY

Latvia strongly condemns terrorism in all its forms and manifestations considering that it severely endangers the lawful interests of States and people around the world. Nevertheless, Latvia believes that the fight against terrorism shall be carried out in full respect of the Rule of Law and Human Rights Law.

As a framework for further legislation the Latvian Parliament has adopted a political strategy document - the National Security Concept, and on executive level the Government has adopted the National Counterterrorism Plan. Those policy planning documents set out the particular tasks that shall be carried out by national authorities involved in the prevention and suppression of terrorism to decrease the potential endangerment of terrorism or terrorist offences.

With due regard to the above mentioned, Latvia pays particular attention to decreasing the risks of cybercrime. The need to strengthen the cross-border cooperation has been stressed by the previously mentioned policy planning documents. Intensive cooperation among the national authorities of different states is regularly taking place in order to increase the cyber safety.

For the time being, there have not been detected any terrorist activities within the Latvian territory. However, the Latvian Government while adopting the Latvian Counterterrorism Policy in order to ensure the appropriate preventive measures in place, pays due regard to events taking place abroad to avoid the potential endangerment of national interests. In particular, Latvia as a Member State of the EU complies with its requirements regarding the fight against terrorism. Furthermore, Latvia continues to work to improve the security of the objects and infrastructure that might become a target for

potential terrorist attacks. Moreover, Latvia takes a close look to activities which may lead to terrorist activities in neighbouring countries.

Furthermore, Latvia believes that the best way to decrease terrorist threats is to have an appropriate cooperation among all involved international actors.

LEGAL FRAMEWORK

General information

As it has been stated above, Latvia pays particular attention to the right balance between the legal framework of the suppression of terrorism and the observation of the Human Rights. Taking into account that Latvian legislation does not have a specific legal act on suppression of terrorism, the common Criminal Law and Criminal Procedural Law legislation applies.

Criminal law

Article 1 of Latvian Criminal Law provides that an offence can be considered as criminal if it is penalised by the Latvian Criminal Law.

Terrorism and terrorism-related crimes are defined in Chapter IX¹ of the Criminal Law. In accordance with Article 79.¹ of the Latvian Criminal Law terrorism is defined as the use of explosives, use of fire, use of nuclear chemical, chemical, biological, bacteriological, toxic or other weapons of mass destruction, mass poisoning, spreading of epidemics or epizootic diseases, kidnapping of persons, taking of hostages, hijacking of air, land or sea means of transport or other activities if they have been committed for the purpose of intimidating inhabitants or for the purpose of inciting the

State, its institutions or international organisations to take any action or refrain therefrom, or for the purpose of harming the interests of the State or its inhabitants or international organisations.

As follows, in order to prosecute a person under this Article it is important to establish the particular intent of the person to compel the State or an international organisation to comply with the terrorists' request or that the State or its inhabitants' lawful interests would be endangered. The terrorism is classified as a especially serious crime for which the penalty can be imposed from eight up to twenty years of deprivation of liberty with or without the confiscation of property. Nevertheless, if established by the Court that a person committed an aggravated terrorist crime, the life sentence can be imposed. If the person is sentenced for terrorism, after serving the sentence he/she must remain under the supervision of Probation Service for up to 3 years.

To establish that an aggravated terrorist crime has been committed, the Court must determine whether: a) terrorists have launched an attack to physical objects, automated data processing systems, electronic networks, as well as other objects located in the territory or the continental shelf of the State with intent to diminish the security of the State; b) terrorism is committed by an organised group. Under the Criminal Law the establishment and the leading of a terrorist group is also penalised. Furthermore, in Chapter IX¹ of the Criminal Law sets out a penalty for: financing of terrorism (Article 79.²); terrorist group (Article 79.³); recruiting, training of a person for terrorism, or self-training for terrorism (Article 79.⁴); travelling for terrorism purposes (Article 79.⁵); justification of terrorism, invitation to terrorism and terrorism threats (Article 79.⁶). Taking into due consideration that those offences form separate crimes, they can be prosecuted even if no actual terrorist attack is committed.

Procedural Rules

The investigation and prosecution of terrorism is based on the criminal procedure principles and provisions incorporated into the Criminal Procedure Law. There are no specific procedural rules applicable to terrorism, therefore, all

methods of investigation, prescribed by this law, can be used:

- interrogation;
- confrontation;
- examination and inspection;
- search;
- identification of alleged person.

When investigating the financing of terrorism, the regulation regarding the illegally acquired property shall apply. As provided by the Article 70.¹¹ of the Criminal Law and the Article 356 of the Criminal Procedure Law, all belongings, property and financial assets belonging to a person alleged for commitment of terrorism shall be considered as illegally acquired, if not proven otherwise. Taking into account the danger arising from terrorism, the assets belonging to persons living with him/her in the same household shall also be considered as illegally acquired, if not proven otherwise. Special investigation actions are set out in Criminal Procedure Law.

Investigatory Operations Law can be applied to prevent, detect terrorist offences, to determine or search persons committing such offences or to search property (including financial resources) acquired through such offences or property that might be subjected for arrest. This Law prescribes the legal basis, principles, tasks, objectives and substance of operational activities, governs their process, forms and types, the official status, rights, duties and responsibilities of officials of bodies performing operational activities, and the financing, supervision and monitoring of such operations. Operational activities are the overt and covert legal activities of specially authorised - in accordance with the procedures laid down in this Law, and by law - officials of State authorities, the objectives of which are the protection of the life and health, rights and freedoms, honour, dignity and property of persons and the safeguarding of the Constitution, the political system, national independence and territorial integrity, the capabilities of the State regarding defence, the economy, science and technology, and State official secrets, against external and internal threats. Section 2, Paragraph one, Clause 4 of this Law determines: The tasks of operational activities are searching for property acquired through crime, and also other property (also

financial resources) that may be subject to arrest in relation to committing a criminal offence.

In accordance with Section 26, Paragraph one and two of the Investigatory Operations Law the bodies performing operational activities shall perform only such operational activities laid down in this Law as are necessary to fulfil the tasks and attain the objectives laid down in the law, and only within their competence as laid down in the law. The main directions of operational activities, their types, content, amount and intensity shall be determined by the head of the body performing operational activities, taking into account the operational and criminogenic situation and changes in his or her sphere of activities, as well as the type and danger of the existing threat in order to ensure the implementation of tasks laid down in law and the achievement of aims.

In accordance with Section 7, Paragraphs three, four and five of the Investigatory Operations Law Operational activities measures in the course of which there is significant infringement of the fundamental rights of persons, shall be conducted according to the special method - i.e. with the approval of the Chief Justice of the Supreme Court or a Justice of the Supreme Court specially authorised by him or her, or if it is provided for in the law - by approval of the prosecutor. Investigatory monitoring of correspondence, investigatory acquisition of information expressed or stored by a person by technical means, investigatory covert monitoring of non-public conversations (including by telephone, by electronic or other means of communication), investigatory video surveillance of a place not accessible to the public, investigatory monitoring of transactions in the account of the client of a credit institution or financial institution, investigatory entry and prolonged investigatory surveillance (tracing) shall be performed only in accordance with the special method and with the approval of the Chief Justice of the Supreme Court or a Justice of the Supreme Court specially authorised by him or her. A permission to perform such operational activities measures may be issued for a time period of up to three months and may be extended in case of justified necessity for a time period of up to three months. The number of times for extending the

abovementioned permission is not limited, however, performance of the relevant operational activities measures shall be permissible only while investigatory process is being carried out. In cases where immediate action is required in order to avert or detect terrorism, murder, gangsterism, riots, other serious or especially serious crime, as well as where the lives, health or property of persons are in real danger, the operational activities measures referred to in Paragraph four of this Section may be performed with the approval of a prosecutor. Approval of a judge must be obtained on the following working day, but not later than within 72 hours.

Other relevant legislation

There are specific laws setting out the modus operandi of the authorities and persons involved in the suppression of terrorism.

- The procedure of the protection and status of person involved in the criminal proceedings is determined by the Special Protection of Persons Law.
- The suppression of the financing of terrorism is set out by the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing.
- A decision to declare a terrorism threat shall be based on the National Security Law and the Regulation of the Cabinet of Ministers "Procedures for Declaration of Terrorism Threat Levels".
- In addition to that, the rules regarding the prevention of terrorism are contained in the Law on Circulation of Goods of Strategic Significance.
- With regard to critical infrastructure, the Regulation of the Cabinet of Ministers "Procedures for the Identification of Critical Infrastructures, Including European Critical Infrastructures and Planning and Implementation of Security Measures" is applicable.

In addition, the following planning documents set out the measures that shall be taken to overcome the threats of terrorism or consequences thereof:

- The National Counterterrorism Plan;

- The Action Plan in the case of seizure or endangerment of air craft;
- The Action Plan in the case of endangerment of the ports or ports' facilities;
- The Action Plan in the case of endangerment of the land objects;
- The instruction of the measures that should be taken by authorities in the case of finding an unknown object or matter, if it can possibly be explosive, radioactive, chemical or biological weapon and also if some elements of terrorist offence is detected.

In order to ensure the nuclear safety, Latvia has adopted particular national legislation on security of nuclear and radiological materials. Latvia along with other EU Member States employs strict export and transit controls and scrutinises also every transaction with states being under international sanction regimes and arms embargoes conditions with the aim to make sure that nuclear and radiological materials will not fall into the wrong hands and be used for malicious purposes. Latvia ensures that the efficiency of its national nuclear security system is being constantly upgraded, including the physical protection of nuclear and radiological materials and their related facilities, detection and action taking measures as well as expert training. In this regard, the safe and secure removal (by 2008) of all highly enriched uranium from the Salaspils Research Reactor in Latvia is an excellent example.

Measures related to the protection of victims and witnesses in the case of terrorism

The Criminal Procedure Law does not provide a particular protection of terrorism victims or witnesses. Therefore, the common rules of witness protection must be applied. The Criminal Procedure Law provides that the Procedural Compulsory Measures can be applied to an alleged offender if there is evidence based information that the alleged offender will continue his/her criminal activities or is going to impede the course to justice. The Criminal Procedure Law sets out several Procedural Compulsory Measures, inter alia, most of them applied to persons alleged for severe crimes and being detained till trial. In accordance with the provisions of Criminal Procedure Law and the

Law on Special Protection of Persons, a person who is a victim or a witness giving evidence in trial for severe crimes or a person whose endangerment could affect such person, can become a subject of the witness protection. The decision to apply the witness protection is based on evidence showing that the life, health or property of a person can be endangered due to his/her testimony.

INSTITUTIONAL FRAMEWORK

Latvian State Security Service (VDD) is the main counterterrorism authority in Latvia. Within VDD a specific department – Counterterrorism Centre – was established in 2005. VDD conducts counterintelligence and operational activities in order to obtain pre-emptive information on the planned terrorist actions to prevent them in due time. VDD closely cooperates with international organizations, foreign partner services and national institutions in order to identify terrorism threats and neutralize them. VDD also is the main authority that investigates all terrorism related crimes.

VDD also coordinates the activities of state and municipal institutions as well as legal entities which are involved in counterterrorism by creating and updating national level procedures and organising different counterterrorism exercises on a regular basis. Those are table - top as well as field exercises and simulations of hostage taking.

In 2005 a Counterterrorism Centre's Expert Advisory Council (hereafter – Expert Advisory Council) was established in order to enhance and develop inter-agency cooperation in the field of counterterrorism. The Expert Advisory Council holds regular meetings at least twice a year to discuss terrorism threat situation in Europe and Latvia, assess the results of Counterterrorism Centre's activities and suggest possible improvements of national counterterrorism system. Expert Advisory Council is chaired by VDD and consists of representatives of these institutions:

- Ministry of Defence;
- Ministry of Foreign Affairs;
- Ministry of Finance;
- Ministry of Interior;

- Ministry of Justice;
- Ministry of Transport;
- Ministry of Environmental Protection and Regional Development;
- Ministry of Health;
- Financial Intelligence Unit;
- The Financial and Capital Market Commission;
- Prosecutor General's Office;
- The Defence Intelligence and Security Service;
- National Armed Forces;
- The Constitution Protection Bureau.

In 2018 according to Expert Advisory Council's proposal a working group named PREVENT was created. Its main focus is to coordinate radicalization prevention measures at the national level with inter-agency approach. PREVENT holds regular meetings at least once a quarter to discuss issues regarding prevention of radicalization. Meetings are chaired by VDD and attended by representatives of several institutions:

- Ministry of Health;
- Ministry of Welfare;
- Ministry of Education and Science;
- The Office of Citizenship and Migration Affairs;
- State Emergency Medical Service;
- State Police;
- State Border Guard;
- State Education Quality Service;
- State Probation Service;
- Prison Administration;
- Riga Municipal Police.

In 2019 according to Expert Advisory Council's proposal another working group for coordination of investigations of terrorism financing was created. This working group is led by VDD and includes representatives from Financial Intelligence Service, Prosecutor General's Office, State Revenue Service and State police. Focus of this working group is on evaluation of suspicious and complicated cases, as well as methodology to use during investigation these cases.

INTERNATIONAL CO-OPERATION

Mutual assistance in criminal matters and extradition

The Government of Latvia considers that the international cooperation for the suppression of terrorism is an essential aspect to prevent terrorism. The State Security Service is involved in different practical security authority forms at the NATO and the EU level in order to enhance the states' capacity to suppress terrorism.

Thus, taking into due consideration the danger posed by nuclear-terrorism, Latvia actively participates in global efforts to contribute to the nonproliferation of nuclear and other radioactive materials and their associated infrastructure as well as in defining measures to minimize the threat of the malicious use of these materials. Latvia is party to international agreements governing the nonproliferation issues, including operational tools like the framework for nuclear-related export control, the Nuclear Suppliers Group (NSG), as well as the Proliferation Security Initiative (PSI) and the Global Initiative to Combat Nuclear Terrorism (GICNT).

The Criminal Procedure Law does not set out a specific regulation regarding the international mutual cooperation in criminal matters related to terrorism; therefore, the general provisions of the Criminal Procedure Law must apply. Taking into account that with regard to international cooperation to suppress terrorism many bilateral and multilateral treaties have been concluded, the provisions of the Law must apply mutatis mutandis to the rules of treaties. Nevertheless, the Criminal Procedure Law provides that legally obtained evidence within the merits of legal cooperation abroad have the same relevance as those obtained domestically under the terms of the Latvian Law.

Since Latvia is a Member State of the EU, a great deal of international cooperation is set by the EU regulations. Thus, a particular attention should be paid to the Council of EU Framework decision 2008/919/JHA setting out the framework of suppression of terrorism among the EU Member

States. In addition, Latvia has concluded bilateral treaties with states outside the EU on cooperation on suppression of severe crimes, inter alia, terrorism.

strengthen implemented security measures in Latvia.

Measures at international level

In 2018, Latvia transposed the Directive - Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

To coordinate planned and implemented counterterrorism measures on European level Latvian authorities participate in several working groups of the Council of the European Union namely on terrorism internal and external dimensions. Latvian authorities also participate in several expert working groups of European Commission on prevention of radicalization, protection of critical infrastructure, public spaces as well as on precursors and CBRN. This cooperation allows Latvian authorities to gain experience and good practice from other European countries to strengthen implemented security measures in Commission on prevention of radicalization, protection of critical infrastructure, public spaces as well as on precursors and CBRN. This cooperation allows Latvian authorities to gain experience and good practice from other European countries to

Relevant Council of Europe conventions – Country name	Signed	Ratified
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism [CETS No. 198]	19/05/2006	25/02/2010
Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]	19/05/2006	02/02/2009
Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 217]	22/10/2015	11/05/2017
Convention on Cybercrime [ETS No. 185]	05/05/2004	14/02/2007
Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems [ETS No. 189]	05/05/2004	14/02/2007
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime [ETS No. 141]	11/03/1998	01/12/1998
European Convention on the Compensation of Victims of Violent Crimes [ETS No. 116]		
European Convention on the Suppression of Terrorism [ETS No. 90]	08/09/1998	20/04/1999
Protocol amending the European Convention on the Suppression of Terrorism [ETS No. 190]	05/05/2004	08/02/2005
European Convention on the Transfer of Proceedings in Criminal Matters [ETS No. 73]	30/10/1996	02/06/1997
European Convention on Mutual Assistance in Criminal Matters [ETS No. 30]	30/10/1996	02/06/1997
Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters [ETS No. 99]	30/10/1996	02/06/1997
Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters [ETS No. 182]	24/09/2003	30/03/2004
European Convention on Extradition [ETS No. 24]	30/10/1996	02/05/1997
Additional Protocol to the European Convention on Extradition [ETS No. 86]	30/10/1996	02/05/1997
Second Additional Protocol to the European Convention on Extradition [ETS No. 98]	30/10/1996	02/05/1997
Third Additional Protocol to the European Convention on Extradition [CETS No. 209]	10/11/2010	26/01/2012
Fourth Additional Protocol to the European Convention on Extradition [CETS No. 212]	20/09/2012	09/01/2014
Relevant United Nations conventions – Country name	Signed	Ratified
Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963)		24/03/1997
Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, 1970)		24/03/1997
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971)		24/03/1997
Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the		24/03/1997

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1988)		
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973)		14/04/1992
International Convention against the Taking of Hostages (New York, 1979)		26/09/2002
Convention on the Physical Protection of Nuclear Material (Vienna, 1979)		19/09/2002
Amendment to the Convention on the Physical Protection of Nuclear Material (Vienna, 2005)		07/10/2010
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988)		31/10/2002
2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (London, 2005)		08/10/2005
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988)		31/10/2002
2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (London, 2005)		08/10/2009.
Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991)		29/04/1998
International Convention for the Suppression of Terrorist Bombings (New York, 1997)		24/10/2002
International Convention for the Suppression of the Financing of Terrorism (New York, 1999)		26/09/2002
International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 2005)	16/09/2005	01/06/2006