

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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LATVIA: INTERNAL SECURITY BUREAU MUST PUBLISH INVESTIGATION REPORT INTO ABUSES AGAINST REFUGEES AND MIGRANTS

Latvian media announced on 12 November that the Internal Security Bureau (Iekšējās drošības birojs or IDB), which operates under the Ministry of Interior, had completed an investigation “into possible violence by employees of the State Border Guard against migrants and refugees on the Latvian-Belarusian border”. The investigation found no evidence of violations.¹ According to news reports, the investigation covered a wide array of evidence, including information from “migrants”. The IDB has not released the investigation report to the public and has not issued any information related to the investigation’s remit or methodology. This is the second IDB investigation in the last two years into alleged abuses against refugees and migrants that has concluded that no violations occurred. Also on that previous occasion the IDB failed to release the investigation report or detailed information to the public.²

On 13 October 2022, Amnesty International published a report that documented a number of instances where the Latvian authorities violently pushed back refugees and migrants at the country’s borders with Belarus, subjecting many to grave human rights violations, including secret detention and even torture and other ill-treatment, and forced or misled some people into “agreeing” to return “voluntarily” to their home countries.³ The European Court of Human Rights is currently investigating similar allegations in the case of *H.M.M. and Others v Latvia*.⁴

Amnesty International urges the IDB to release the full reports of its 2022 and earlier investigations, including the terms of reference/remit, methodology, and sources consulted to ensure transparency and public scrutiny.

SCOPE OF THE IDB’S 2022 INVESTIGATION

Based on information available to Amnesty International, the investigation just concluded by the IDB was launched in May 2022, “in response” to the publication of allegations of human rights violations against refugees and migrants by independent researcher Aleksandra Jolkina; it concerned both the actions of the border guard and the state police.⁵

The IDB’s investigation did not address the violations documented in Amnesty International’s October 2022 report.⁶ In that report, the organization called on the Latvian authorities to conduct as a matter of urgency prompt, independent, impartial, and effective investigations into all allegations of human rights violations described in the research, including acts of torture and other ill-treatment and alleged enforced disappearances, which are crimes under international law, as well as unlawful detention in tents at the border. The report called for the prosecution of all those suspected of criminal responsibility in fair trials before ordinary civilian courts, if sufficient and credible admissible evidence was found. The report also called on the Latvian authorities to provide other forms of redress to all refugees and migrants whose rights and freedoms have been violated by Latvian state actors or their agents. Prompt and meaningful access to an effective

¹ For example, see: LSM.lv, *The IDB does not detect violence by border guards against refugees on the border with Belarus*, 12 November 2022, unofficial translation, <https://bit.ly/3ULxylS>

² Between 30 August and November 2021, the IDB investigated allegations of violence by border guard officials against people crossing the border ‘illegally’, finding no violation and closing the investigation. This information was provided by the Latvian Minister of the Interior, Kristaps Eklons, in a response to Amnesty International’s preliminary research findings, of 29 July 2022, on file with the organization. Amnesty International, *Latvia: Return home or never leave the woods: Refugees and migrants arbitrarily detained, beaten and coerced into “voluntary” returns*, 12 October 2022, Index Number: EUR 52/5913/2022, page 19, <https://www.amnesty.org/en/documents/eur52/5913/2022/en/>.

³ Amnesty International, *Latvia: Return home or never leave the woods*, in full above.

⁴ European Court of Human rights, *H.M.M. and Others v Latvia*, Application no. 42165/21

⁵ This was confirmed by the Latvian Minister of the Interior, Kristaps Eklons, in a response to Amnesty International’s preliminary research findings, of 29 July 2022, on file with the organization. Amnesty International, *Latvia: Return home or never leave the woods*, page 19; LSM.lv, *The Office of Homeland Security is investigating reports of violence against Iraqis on the border with Belarus*, 27 June 2022, unofficial translation, <https://bit.ly/3X31zPv>

⁶ The news reports suggested that the investigation was conducted “in connection with the statements of the organization Amnesty International”. Neither the IDB nor other state authorities have contacted Amnesty International in relation to this investigation. See: LSM.lv, *The IDB does not detect violence by border guards against refugees on the border with Belarus*, above.

remedy includes access to justice, truth and reparation through restitution, compensation, rehabilitation, satisfaction and guarantees of non- repetition.

THE IDB IS NOT INDEPENDENT

The IDB does not meet the conditions of independence and impartiality necessary for an effective investigation under international standards into the conduct of police and border guard officers.

The IDB was established in 2015 and is tasked with investigating possible criminal actions by law enforcement bodies, including the police and the border guard. Depending on the findings, the IDB can submit an investigation to a prosecutor to initiate criminal proceedings.

Both the IDB and the law enforcement authorities it investigates operate under the Ministry of Interior. Earlier this month, the Latvian State Audit Office (SAO or Latvijas Republikas Valsts Kontrole, LRVK) concluded a performance audit that called for changes to the system of investigative authorities in Latvia. The audit addressed how some investigative bodies, including the IDB, conduct “internal investigations” into criminal allegations against officers from its own institution.⁷ The audit calls into question the independence of such investigations, stating that “due to the potential or very possible conflict of interest, it is unacceptable that ‘colleagues investigate criminal offences committed by colleagues’”.⁸

Latvia must show a commitment to accountability and justice, and urgently initiate a truly independent, impartial, and effective investigation into all incidents that occurred at the border with Belarus and in Latvia since August 2021. Amnesty International also urges the Latvian government to create an independent border monitoring mechanism (IBMM), with sufficient resources, means and independence. An IBMM should be established with the involvement of independent actors, including civil society and specialized organizations.

THE IDB'S INVESTIGATIVE REMIT IS LIMITED

The investigations launched by the IDB also do not provide a comprehensive account of the actions of all Latvian officers at the border and in Latvian facilities since August 2021.

The IDB's competence is limited by law to institutions under the supervision of the Ministry of Interior, including the border guards and the police.⁹ The IDB thus does not investigate acts committed by members of the National Armed Forces - which fall under the Ministry of Defense - despite the fact that the armed forces are authorized to assist the police and the border guard in their operations at the Belarus border under the August 2021 state of emergency.¹⁰ The IDB is also not authorized to investigate the acts of the Latvian State Security Service (VDD).

The limited scope of the IDB's investigations is of particular concern. Amnesty International's research concluded that the perpetrators of abuses against refugees and migrants were border guards and other law enforcement bodies in cooperation with unidentified special forces in black gear, armed and with covered faces (referred to as “commandos”), who appeared to be working under the direction of the Latvian border guards and/or with the border guards' direct knowledge of actions by the commandos who therefore served as agents of the Latvian state.¹¹

LIMITED OVERSIGHT OF THE AUTHORITIES' ACTIONS AT THE BORDER UNDER THE ONGOING STATE OF EMERGENCY

⁷ State Audit Office of the Republic of Latvia (Latvijas Republikas Valsts Kontrole), *Investigative authorities in Latvia: a question of competences and resources rather than a number*, Performance audit, issued 21 October 2022, published 9 November 2022, Summary in English at: <https://www.lrvk.gov.lv/en/getrevisionfile/29562-J9gXQH15Y1NRECVe4NEAK19hNwFfPxRq.pdf>. In Latvian at: <https://bit.ly/3AgCMh0>

⁸ State Audit Office of the Republic of Latvia (Latvijas Republikas Valsts Kontrole), English summary, p. 3.

⁹ The full list of authorities operating under the Ministry of Interior over which the IDB has competence includes: the police, border guard, the fire and rescue service; the office of citizenship and migration affairs; the national agency for security; the information centre of the Ministry of the Interior; the health and sports center of the Ministry of the Interior; the polyclinic of the Ministry of the Interior. See: www.idb.gov.lv/lv/kompetence

¹⁰ Order of the Cabinet of Ministers no. 518 of 10 August 2021 on the declaration of the state of emergency, para 2, 3, 4 at: <https://likumi.lv/ta/id/325266-par-arkartejas-situacijas-izsludinasanu>

¹¹ Other independent reports including allegations of human rights abuses against refugees and migrants in Latvia mention “commandos” among the perpetrators: Aleksandra Jolkina, *Trapped in a Lawless Zone: Humanitarian crisis at the Latvia-Belarus border*, Preliminary findings, 2022, www.latviabelarus-border.com and <https://bit.ly/3M9NpqR> and EU Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE), Mission Report following the LIBE mission Vilnius, Lithuania, and Riga, Latvia, 1 to 3 March 2022, published on 14 July 2022, www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/LIBE/DV/2022/07-13/MissionreportLT-LV_EN.pdf

The IDB cannot itself initiate an investigation. Investigations can only be launched upon an application or request from members of the public.¹² Amnesty International is concerned that the IDB lacks powers to initiate investigations *ex officio*. The organization believes that the ability to initiate own investigations is an essential feature for any review mechanism to be considered effectively independent.

Furthermore, many violations perpetrated against refugees and migrants in Latvia occurred in areas under a state of emergency since August 2021. The emergency order severely restricted NGOs' and other independent observers' ability to access and exercise independent oversight of the area. This constraint made it difficult for members of the public to approach the IDB with concerns about abuses at the border.

Based on the consistent testimony of people interviewed by Amnesty International and others, Latvian officers operating at the border generally confiscated people's phones upon or shortly after apprehending them at the border or damaged their phones. This prevented them from communicating with the outside world, but also limited their ability to document their situation, gather evidence of the abuses they experienced, or take photos of the site. Experts from the UN Committee on Enforced Disappearances (CED) "noted that the Committee was concerned about practices that might contribute to or fulfil the offense of enforced disappearance, such as mobile phones being broken or throw away."¹³

On 8 August 2022, the Council of Europe Commissioner for Human Rights released a letter of 29 July addressed to the Minister of Interior of Latvia in which she expressed concern about the restrictions on access to the areas under the state of emergency, stating that this "has not only prevented effective transparency and accountability for measures taken in the border region, but has also significantly restricted the important work of organizations engaged in protecting the human rights of refugees, asylum-seekers, and migrants".¹⁴

Amnesty International renews its calls on Latvia to lift the state of emergency as a matter of urgency and to halt illegal pushbacks, restore the right to seek asylum at the border, and permit NGOs and other independent observers to exercise effective scrutiny over the behavior of law enforcement officers towards migrants and refugees.

¹² According to the website of the IDB, "Upon receipt of citizens' submissions about the violations of the officials and employees of the aforementioned institutions, the investigation of which is not within the competence of the Internal Security Office, the information is evaluated and sent to the responsible authorities upon approval see: <https://www.idb.gov.lv/lv/kompetence>

¹³ Amnesty International, Latvia: *Return home or never leave the woods*, in full above, p. 6. Instances of phones being confiscated or damaged have also been reported in: Aleksandra Jolkina, *Trapped in a Lawless Zone: Humanitarian crisis at the Latvia-Belarus border*, above. See also: UN Committee on Enforced Disappearances (CED), In Dialogue with Greece, *Experts of the Committee on Enforced Disappearances ask about detention and disappearances of migrants and asylum seekers, including unaccompanied minors*, 29 March 2022, www.ohchr.org/en/press-releases/2022/03/dialogue-greece-experts-committee-enforced-disappearances-ask-about

¹⁴ Council of Europe, Commissioner for Human Rights, *Latvian authorities should investigate human rights abuses at border with Belarus*, 9 August 2022, <https://bit.ly/3Uzn6xO>. Reply of the Minister of Interior of Latvia: <https://bit.ly/3BEqG10>.