

Case of former MEP Tatjana Zdanoka: The Latvian Human Rights Committee accuses...

HRWF (26.09.2019) - At the session on the rule of law of the OSCE/ODIHR Human Dimension Implementation Meeting (HDIM) on 24 September in Warsaw, Alexander Kuzmin of the Latvian Human Rights Committee raised the issue of the defenders of the Russian-speaking minority in Latvia who are harassed and prosecuted by the authorities, and in particular the case of former MEP Tatjana Zdanoka.

Hereafter, an article published in the Baltic Times exposes the background of her prosecution. It is followed by her views on the prosecutions of defenders of the Russian-speaking minority.

State Security Service starts criminal procedure over Zdanoka's remarks in European Parliament discussion

Baltic Times (06.03.2019) - <https://bit.ly/2ldwjAi> - The State Security Service has started a criminal procedure over remarks made by former European Parliament member Tatjana Zdanoka in a discussion organized at the European Parliament by Latvia's Russian Union, Girts Salmgriezis, the Latvian spokesman for the European People's Party (EPP) Group, told LETA.

The State Security Service has taken action after MEP Inese Vaidere (New Unity) filed a complaint about Zdanoka's remarks in the discussion. According to Salmgriezis, Zdanoka said during the discussion that ethnic Russians and Russian-speakers in Latvia were in the same situation and persecuted "like Jews before World War II".

On March 5, the State Security Service informed Vaidere that based on her report, a criminal procedure was started on February 28 over incitement to ethnic hatred or discord.

As reported, Latvia's Russian Union organized an event in Brussels with an aim to prove foreign politicians the existence of political persecutions and restrictions on freedom of expression in the Baltic states.

Latvia's Russian Union perceives such violations in the criminal investigations started against some pro-Kremlin activists over incitement to ethnic hatred and subversive activities.

Ms Zdanoka denounces the prosecutions of defenders of the Russian-speaking minority

On 20 February, after the hearing hosted by MEP Miroslavs Mitrofanovs (Latvia, Greens/EFA group) at the European Parliament, Ms Tatjana Zdanoka (Latvia), former MEP (2004-2018) wrote on her Facebook page (*):

In Latvia, a campaign of harassment against national minority activists has turned to a large scale over the last ten months.

The target of the pressure is the non-violent movement for the defence of Russian-language schools, which is supported by the "Latvian Russian Union". The scale of protests of Russian-speakers against the ongoing destruction of minority education has grown since autumn, 2017.

A number of mass street protest actions in autumn 2017 - winter 2018 took place.

On March 31, 2018 a large minority schoolchildren parents' conference in Riga was held.

On April 4, 2018 the Security Police (subordinated to the ministry of interior) initiated criminal proceedings against Dr. Aleksandr Gaponenko, one of the activists of the protest movement. Mr Gaponenko has been arrested by the Security Police on April 20. He reported unnecessary use of force during the arrest, 11-hour handcuffing and not giving food.

On April 18, 2018 the Security Police initiated another criminal proceedings on the fact of parents' conference.

As, at this moment, 11 participants of the conference (mostly parents themselves) have been called to the Security Police for questioning, partly as persons against whom the criminal investigation is initiated (6 people including myself), partly as witnesses (so far; a witness can be forced to witness, which makes it easier to turn him or her into a suspect later). They are not only the keynote speakers but also people who expressed their opinion during a "free microphone" session.

On May 8, one of the keynote speakers, Mr Vladimirs Lindermans has been arrested in Riga by masked people without uniform. Later, the Security Police has clarified those were its officers acting in the criminal proceedings initiated on April 18.

In what concerns myself, I was called to the Security Police twice: on May 11 and August 8 last year. I was informed that I have the status of the person against whom the criminal case on the fact of parents' conference was initiated.

The investigator posed the questions on my keynote report called "Linguistic Genocide in the Education". The report was mainly based on the findings of Finnish Prof. Tove Skutnabb-Kangas presented to the Intergroup of the European Parliament for Traditional Minorities.

Everyone could watch the full recording of the conference, provided by its organisers online. Record is fully available nowadays as well.

One will make sure that there were no calls for violence.

There is no any basis for accusations against me in committing the "Crimes against the State" (Chapter 10 of the Criminal Law) as well as the "Crimes against public security and public order" (Chapter 20 of the Criminal Law).

The information about all investigations is generally secret. Moreover, there are a number of restrictions in communication. But the biggest restriction is the arrest.

One of the participants of the parents' conference, Ilja Kozirev, was detained for 48 hours in August, 2018. Vladimir Linderman was released from arrest by the court order on May 21, 2018 after spending two weeks in prison. The arrest for two months as the security measure for Aleksandr Gaponenko was applied twice. Finally, he was released by court order on August 23, 2018.

But the whole investigation is still going on.

There is the vaguely formulated and recently-added Section 81.1 of the Criminal Law: Section 81.1 Assistance to a Foreign State in Action Directed against the Republic of Latvia.

For a person who commits activities with the purpose to assist a foreign state or a foreign organisation to take action against national independence, sovereignty, territorial integrity, State power or administrative order of the Republic of Latvia, the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with probationary supervision for a period of up to three years.

In June 2018 this Section 81.1, was added to the suspicions for Mr Gaponenko. He said, this happened after he declined to declare that his public activism is made upon directions from Russia, as the police demanded, promising not to prolong detention in exchange.

On October 22, 2018, Oleg Burak, a retired colonel-lieutenant of the Ministry of the Interior, was arrested. His accusations are based on the Article 81.1. The arrest was recently prolonged for next two months.

The similar formula exists also in Lithuanian criminal law. It is the basis for accusations of Algirdas Paleckis who was arrested in October 2018.

In Latvia, Jurijs Aleksejevs, chief-editor of internet portal IMHOclub, was arrested on November 24, 2018, and kept imprisoned. His internet portal is blocked till the end of investigation.

In what concerns myself, I'm also deprived of the right to stand for elections.

According to the Parliamentary Elections Act adopted in 1995, it is prohibited to stand ever since as candidate for "persons who actively participated after 13 January 1991 in the CPSU (CPL)" from standing as candidates. Notably, the restriction against convicted criminals in the same section is time-limited, but the restriction against law-abiding opposition activists is not.

In 2017, the statement from the Central Election Commission was issued stating that Ms Tatjana Zdanoka is prohibited from standing as a candidate in Latvian parliamentary elections. The application to the Constitutional Court in September, 2017 was submitted, seeking a declaration that the restriction continuing since 1995, despite the judgment of the Grand Chamber of the ECHR in 2006, ten year previously, urging "active steps" bringing the restrictions "to an early end", was unconstitutional.

In June 2018, the Constitutional Court declared the restriction to be constitutional, with a caveat that "the Central Election Commission has to check not just if a court judgment has confirmed an active participation of the person in the organisations listed in the contested provisions, but also, whether that person still threatens the independence of Latvia and the principles of a democratic rule-of-law state with his or her activities".

By a decision of August 21, 2018, the CEC excluded Ms Zdanoka from the list of the "Latvian Russian Union" for 2018 parliamentary elections.

The Administrative Regional Court rejected the complaint against this CEC decision on September 3, 2018, in a final judgment, based in part on a secret Security Police document. The nature of this document has never been disclosed.

ANTI-MINORITY HATE SPEECH

While Tatjana Zdanoka was not allowed to stand for October 2018 Parliament elections, the political party "Latvian Nationalists" having in its electoral programme the slogan "Latvia is the land of [ethnic] Latvians!" was successfully qualified.

On May 2017, Edvīns Snore, member of parliament from co-ruling National Alliance, stated:

As a minister of public affairs, Alfreds Brziņš, once said, if you let the Russian louse into a coat once, it will be difficult to get it out. Indeed, we see that Russian-speaking immigrants from USSR time, despite their permanent smearing Latvia, do not go away. At least, not in the numbers ethnic Latvians would like it to happen. The contrary process is underway.

On May 2018, Janis Iesalnieks, a high-ranking official in the Ministry of Justice and one of the leaders of the co-ruling National Alliance (since 2019 - a member of Parliament) stated:

Latvia's Russians do not respect the Latvians because of our cowardice exactly. Only when we will speak with them in the language of force, they will start to respect us. This is a crucial precondition for cohesion. If someone does not like it here, in Latvia, and wants everything in Russian, one can surely go to one's Fatherland!

On July 2018. Didzis Sedlenieks, a popular writer, stated:

With a derogatory word "Russian" or a slightly more tolerant one, "Russian-speaker", one usually designates homo soveticus of lowest intelligence, whatever their ethnicity. This is a genetic deviation from universal human values, these creatures do not value anything, even human life. Obviously most of the public despises them; a genetic mistake or illness has no connection with the language an animal attempts to speak in.

On October 2018, Māra Krontāle, a famous radio anchor, stated:

We had "got rid" of Baltic Germans. Why wouldn't it be possible to get rid of Russians? I understand I will now be eaten for racism or Nazism, but still?. (**)

No one of these persons was brought to responsibility. The Security Police consequently gave the negative answers to all claims to initiate criminal proceedings. This is the clear approval of double standards (if not the absence of any standards) applied in Latvia.

IT SEEMS THAT NOWADAYS RUSSIANS ARE PLAYING THE SAME ROLE AS THE ONE DEVOTED TO JEWS BEFORE THE WWII.

(*) The text of her Facebook post has been reproduced as such. Only some specific letters of the Latvian alphabet, blocked by ConstantContact have been 'latinised'.

<https://www.facebook.com/tatjana.zdanoka/posts/2235426306519277>

(**) <https://twitter.com/MaraKrontale/status/1054404634654203905>