

## VIOLATIONS BY THE LATVIAN DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

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## INTRODUCTION

Helsinki Watch has actively followed developments in the Baltics since 1990. In January 1991, immediately after the bloody crackdown in Lithuania and the attack by Soviet OMON forces on the Latvian Interior Ministry that took five lives, Helsinki Watch sent a mission to all three Baltic states to interview witnesses and document abuses by Soviet government forces.<sup>1</sup> In April 1992, in the wake of Estonia's February 1992 passage of a new citizenship law and Latvia's consideration of an October 1991 draft law on citizenship, Helsinki Watch issued a report, "New Citizenship Laws in the Republics of the Former Soviet Union."<sup>2</sup> The report states Helsinki Watch's support of the so-called zero-option, under which all those residing in the state in question at the time of independence receive citizenship, and gives guidelines for the adoption of new citizenship and naturalization laws.

Helsinki Watch's August 1993 mission to Latvia sought to investigate allegations of abuses by the Department of Citizenship and Immigration<sup>3</sup> in its application of the December 11, 1991, Law "On the Registration of Residents." This work does not purport to be an account of the general human rights situation in Latvia, but simply a report of the abuses of one government bureaucracy. Before one can understand the Department's abuses, a short outline of legislation affecting citizenship is required.

In spite of its October 1991 draft citizenship law, Latvia has passed neither a naturalization law nor a law on aliens. The latter would regulate the presence in Latvia of a large, non-citizen minority comprising some thirty-four percent of the population.<sup>4</sup> Of all the three Baltic States, Latvia has taken the idea of legal succession, the concept that the Baltic States are not new states, but rather the legal successors to their interwar predecessors, to its most literal end. In the strictest interpretation of legal succession, everything that occurred between 1940, the date of Soviet annexation, and 1991, the date of Baltic independence, is *ex tunc*, i.e., it has no validity from its inception. Accordingly, the deputies of the Latvian Supreme Council, which was the highest legislative body in Latvia until the June 5-6, 1993 parliamentary elections, decided that as an organ elected before independence the Supreme Council had no right to pass a citizenship/naturalization law.<sup>5</sup> The Saeima, the parliament elected in June, is presently working on a naturalization law, but it should not become a reality until after Christmas.<sup>6</sup>

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<sup>1</sup>Helsinki Watch Executive Director Jeri Laber wrote two articles based on the 1991 Helsinki Watch mission to the Baltics: "A Gorbachev Policy Takes Shape," *The New York Times (Op-Ed Page)*, January 16, 1991; and "The Baltic Revolt," *The New York Review of Books*, March 28, 1991.

<sup>2</sup>Helsinki Watch, "New Citizenship Laws in the Republics of the Former Soviet Union." Helsinki Watch, A Division of Human Rights Watch, April 15, 1992.

<sup>3</sup>Henceforth "The Department."

<sup>4</sup>According to the Department's figures, 2,606,176 individuals presently reside in Latvia. Of that number, 1,712,864 are registered as citizens, leaving 893,312, about thirty-four percent of the population.

<sup>5</sup>See Dzintra Bungs, "Latvia," *Radio Free Europe/Radio Liberty Research Report*, July 3, 1992, p. 65.

<sup>6</sup>*The Baltic Observer*, October 1-7, 1993, p. 2.

Three laws or resolutions directly affect citizenship in Latvia; a fourth law affects a small group, about 40,000 people.<sup>7</sup> Acting like a sieve, this legislation sorted people into different categories. As one proceeded down this judicial path, his legal residency in Latvia became more and more tenuous.

The first step, the law of October 15, 1991, "On the Renewal of Republic of Latvia's Citizens' Rights and Fundamental Principles of Naturalization," made the most general distinction: citizen and non-citizen. Under that decree, all those who legally resided in Latvia prior to June 17, 1940, received citizenship automatically. All others, about thirty-four percent of the population who came to Latvia after Soviet annexation, did not. The naturalization part of the resolution was never passed because of the fundamentalist interpretation of legal succession outlined above, and therefore non-citizens had no mechanism to become citizens. Those eligible for citizenship had to register with the Department of Citizenship and Immigration.

The second step, the law of December 11, 1991, "On the Registration of Residents," sifted a little finer, categorizing people into three categories: citizen; non-citizen who legally resides in Latvia; non-citizen who does not legally reside in Latvia. The law's intent was twofold: to provide an accurate census of those residing in Latvia, assigning each individual a personal code similar to the U.S. social security number. On the basis of this information, it could be determined who had the right to citizenship under the decree outlined above, "On the Renewal of the Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization."<sup>8</sup> All others would be simply registered. The registration would serve as a *de facto* permanent residence permit, indicating legal residency in Latvia. The law "On Registration," however, does not accord permanent residency to non-citizens residing in Latvia. The Latvian Parliament, the Saeima, still must pass such legislation. At this stage two groups are basically secure: citizens; and non-citizens legally residing in Latvia, who await a law on permanent residency.

The third step, the law of June 9, 1992, "On the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia," affected only those who were unlucky enough to be denied registration and to be found illegally residing in Latvia. As this report will show, the Department illegally denied many registration. The law, a residency permit system for those entering Latvia after July 1, 1992, should not have been applied to long-term, non-citizen residents of Latvia.<sup>9</sup> Those long-term non-citizens refused registration, which is a *de facto* permanent residency permit, had no other alternative but to apply for temporary residency permits under this system.

A fourth resolution from October 1992 would have granted citizenship to the descendants of Latvians who resided in Latvia until August 1, 1914, had returned to Latvia, and presently made the country their permanent home. The Department completely refused to carry out this resolution.

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<sup>7</sup>Each law or resolution is discussed in greater detail later.

<sup>8</sup>Those who wished to renew citizenship had to register with the Department of Citizenship and Immigration, hence the need for the December 11, 1991, "Law on the Registration of Residents."

<sup>9</sup>The law also severely restricts residency.

Alleged reports of abuses by the Department began to be reported outside of Latvia in late 1992. In October 1992, the Director of the U.N. Center for Human Rights, Dr. Ibrahim Fall, conducted a fact-finding mission to Latvia, issuing a report a month later.<sup>10</sup> The report stated:

More than 300 petitions received by the Head of the Mission concerned alleged arbitrary and discriminatory practices in the conduct of the registration process. A common theme was that people were denied the registration on the ground that they did not, for one reason or another, qualify for registration, or their period of residence in Latvia was reduced on the basis of the regulations enacted by the Department of Citizenship and Immigration. Should the above allegations be true it is the Regulations of the Department of Citizenship and Immigration and, apparently, abuse of power by officials of the Department, that result in discriminatory practices against some non-ethnic Latvian population of the country.<sup>11</sup>

In May 1993, the widely-respected and influential German news weekly *Der Spiegel* devoted an article to Latvia's non-citizen minority, outlining some of the Department's reported abuses.<sup>12</sup> In July 1993, *The Monitor*, a publication of the Union of Council of Soviet Jews, reported on allegations of the Department's violations.

In its investigations, Helsinki Watch has uncovered sufficient evidence to substantiate serious, systematic abuses in Latvia's Department of Citizenship and Immigration similar to those alleged in the November 1992 U.N. report. Helsinki Watch fully understands the difficulty of conducting what amounted to a census of Latvia's population only one year after gaining independence—especially with limited resources. The violations Helsinki Watch uncovered, however, did not involve bureaucratic obstacles but rather indicated that the Department, in violation of the laws it was entrusted to implement, has targeted certain groups and denied them registration.<sup>13</sup> Such groups include civilians who work for the Soviet/Russian military, those who live in temporary housing, retired Soviet military officers, and individuals—most of whom had and have no connection to the Soviet military—who live in housing that was once built by military construction units, so-called KECH houses.<sup>14</sup> A government bureaucracy subordinated to the Ministry of State, the Department of Citizenship and Immigration seems to defy its executive, legislative, and judicial superiors, refusing to implement laws with which it disagrees. The Department displayed such behavior in its refusal to carry out the

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<sup>10</sup>The mission is often referred to as the "Fall Report" and the mission the "Fall Mission."

<sup>11</sup>"Summary of the Report on a Fact-Finding Mission to Latvia," The Secretary General, U.N., November 27, 1992, p.3.

<sup>12</sup>"Komoedie des Absurden," *Der Spiegel*, Number 22, 1993, pp. 168-170.

<sup>13</sup>Without the rectangular stamp of registration in his passport, a non-citizen has at best a tenuous status in Latvia and does not have the right to apply for work or receive social services. He must apply for six-month temporary residency permits.

<sup>14</sup>In Russian, the acronym KECH stands for "**K**vartira **E**ksnlutatsionnoi **Ch**asti". This term seems unique to Latvia, and indicates an apartment building that the military built, and, depending on the circumstances, operated itself or turned over to the city. Anyone can live in a KECH house.

October 28, 1992, Supreme Council Decree "On Conditions of Recognizing the Rights as Citizens for those individuals, and their descendants, who resided in the borders of Latvia until August 1, 1914."<sup>15</sup>

The scope of the problem is difficult to judge. Vladimir Bogdanov, head of the Latvian Committee for Human Rights, an organization that aids individuals refused registration prepare appeals, told Helsinki Watch that more than 7,000 individuals have come to his organization since December 1992. Helsinki Watch visited two separate courts in Latvia on two different days and observed about twenty cases, some of which dealt with families of three or four. According to figures the Department of Citizenship and Registration provided Helsinki Watch, of the 2,606,176 inhabitants of Latvia, some 93.8 percent are registered, or 2,444,720.<sup>16</sup> The department claims that the remaining six percent comprises either the Russian military or individuals directly connected with it. Such individuals have no right to register.<sup>17</sup>

The Department's "military argument" does not properly explain the unregistered (6.2 percent of the population, or some 161,456 individuals). First, only active duty military personnel and their families do not have a right to registration. As of January 1, 1993, Russia deployed 27,000 troops in Latvia, of which 11,000 are officers and warrant officers and 16,000 are enlisted men.<sup>18</sup> Even if each officer had four dependents, an extremely high figure, the total number of troops and dependents would be only 77,000. Such a figure still leaves around 85,000 individuals unregistered. In addition, Helsinki Watch's findings, based in part on the proceedings of courts of the Latvian Republic, show a pattern of illegally denying registration. Many of the 161,456 unregistered may have been denied illegally.

Unfortunately, Helsinki Watch has neither the resources nor access to the Department of Citizenship and Immigration's records to determine the exact number of those denied registration. A problem exists, however, which must be corrected before Latvia passes its naturalization law. The Latvian Government must reassure the non-citizen population that the bureaucracy that deals with it most directly, the Department of Citizenship and Immigration, operates in a fair and non-partisan manner.

### SHORT HISTORY/GEOGRAPHY/DEMOGRAPHICS

Latvia is home to a population of 2,606,176, of whom 1,712,864 enjoy full citizenship rights, leaving a non-citizen population of some thirty-four percent.<sup>19</sup> Major ethnic groups include Latvians, fifty-two percent; Russians, thirty-four percent; Belorussians, five percent, Ukrainians, three percent; Poles, two percent. Latvia

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<sup>15</sup>This decree was meant to grant citizenship to those individuals—and their descendants—who lived in Latvia prior to August 1, 1914, but either fled or were evacuated to Russia because of Germany's advance in World War I, and who did not return until after 1940. This group of people could number some 40,000.

<sup>16</sup>Information Director of the Department Maris Plavnieks provided Helsinki Watch on August 30, 1993, in Riga, Latvia, "The Results of the Registration of the Inhabitants of Latvia as of August 19, 1993."

<sup>17</sup>Interview with former Director of the Department, Mr. Karnups, August 30, 1993, Riga, Latvia.

<sup>18</sup>The Latvian Defense Ministry's Informational Bulletin on Russian Forces Stationed in Latvia as of January 1, 1993.

<sup>19</sup>These figures are from the Department as of May 26, 1993.

lies on the Baltic, bordering Lithuania to the south, Byelorussia to the southeast, Russia to the east, and Estonia to the north. Riga, the capital and main city, has a population of roughly 900,000.<sup>20</sup>

Incorporated into the Russian empire in 1795, Latvia proclaimed independence on November 18, 1918. In August 1920, Latvia and the Soviet Union signed a peace treaty recognizing Latvia's independence from Russian domination. Latvia, however, fell victim to the Molotov-Ribbentrop Pact of 1939, and on June 17, 1940, Soviet troops invaded Latvia. On August 5, 1940, after rigged elections, Latvia was officially annexed to the Soviet Union and became the Latvian Soviet Socialist Republic. Occupied by German troops in World War II, during which time Riga's large Jewish population was exterminated, Latvia once again fell under Soviet control in 1944.

Post-World War II life in Latvia witnessed the gradual Sovietization of Latvia. Nationalization, harsh collectivization and mass deportations, and intentional Russification—both demographically and linguistically—were all noticeable features. In 1935, for example, Latvia's population was roughly seventy-five percent Latvian and ten percent Russian; by 1989, the Latvian portion of the population had fallen to fifty-two percent, while the Russian had risen to thirty-four percent. The placement of the headquarters of the Baltic Military District in Riga partly explains the influx of non-Latvians. In Riga, the capital city, Latvians became a minority, roughly thirty-four percent of the population. Soviet military personnel also favored all of Latvia—and especially Riga—for their retirement homes.

During the period of Glasnost, Latvians, like all the Baltic peoples, struggled for independence. Elections in the spring of 1990 brought the pro-independence Popular Front to power. Latvia declared a period of transition to independence on May 4, 1990, a period marked by the bloody attack by Soviet Special Interior Ministry troops (OMON) on the Latvian Interior Ministry building on January 20, 1991. The attack took five lives. Full independence was declared on August 21, 1991. On June 5 and 6 1993, new parliamentary elections brought to power "Latvia's Way" (*Latvijas Cēls*), a broad center-right coalition.

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<sup>20</sup>Riga is by far the largest city. The next largest city, Daugavpils, has a population of only 129,000.

## MAP OF LATVIA<sup>21</sup>

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<sup>21</sup>Taken from *The Baltic States, A Reference Book, 1991*. Copies can be obtained from the Permanent Mission of Estonia to the United Nations.

## ADMINISTRATION OF THE DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

Two men—Mr. Maris Plavnieks and Mr. Viesturs Pauls Karnups—have directed the Department of Citizenship and Immigration that has controlled the process of registering citizens since the spring of 1992.<sup>22</sup> Mr. Plavnieks has dealt with immigration issues since the creation of the "Commission for Migration Questions" in the Popular Front, some six years ago. He headed the Department of Citizenship and Immigration from its inception in July 1991 until the present time, except for a brief period—from June to December 1992—when the Justice Minister removed him.<sup>23</sup> Mr. Viesturs Pauls Karnups, a Latvian-Australian who had served as a career civil servant in the Australian Migration Department, worked as Mr. Plavnieks senior adviser and become head of the Department when Mr. Plavnieks was dismissed in June 1992. At this time the Department was removed from the jurisdiction of the Justice Ministry and became part of the Ministry of State. In December 1992, Mr. Plavnieks won reinstatement after a lengthy court battle. Mr. Karnups was promoted to Deputy Minister of State in charge of Migration Affairs, though Mr. Karnups states that he has had little to do with day-to-day functioning of the Department since December 1992. In June 1993 Mr. Karnups won election to the Saeima on the Latvian National Independence Movement (LNNK) ticket, the second largest party and the main opposition from the right. The Latvian National Independence Movement is to the right of the ruling party, the center-right Latvia's Way. According to Mr. Karnups, a specific policy of the LNNK is "to encourage the repatriation of those non-citizens who are not part of Latvia's historical minorities. Latvia is in a critical demographic situation."<sup>24</sup> Mr. Plavnieks also ran for Parliament on the list of a far right nationalist party, *Latvijas Vienības Partija* (Latvia's Unity Party) but neither he, nor any one on his party's list, won election to the Saeima. Parties like Mr. Plavnieks's *Latvijas Vienības Partija* favor decolonization, the repatriation of non-citizens out of Latvia.<sup>25</sup>

### Maris Plavnieks

In his discussions with Helsinki Watch, Mr. Maris Plavnieks, the present Director of the Department of Citizenship and Immigration, did not try to hide any of the Department's actions. Rather, he seemed proud

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<sup>22</sup>All the information in this section comes from Mr. Plavnieks and Mr. Karnups. Helsinki Watch interviewed Mr. Plavnieks on August 27, 1993, and Mr. Karnups on August 30, 1993. Both interviews were in Riga, Latvia.

<sup>23</sup>In July 1991, the Department of Migration Affairs was founded. The December 1991 Law "On the Registration of Residents" called for the creation of a Department of Citizenship and Migration, which presently is the main organization.

Helsinki Watch heard different accounts of why Mr. Plavnieks was removed. He claims his vocal protesting of information leaks from the Department's confidential business records served as the cause. Others cite his feuding with the Justice Minister.

<sup>24</sup>Mr. Karnups stated that this repatriation would be voluntary and that Latvia would "assist them every way we can" in leaving.

Latvia's "non-historical minorities" are all those who came after Soviet annexation in 1940, which amounts to over 30 percent of the population. Latvia always had a substantial Russian minority; in 1935 it comprised about 10.5 percent of Latvia's population.

<sup>25</sup>Dzintra Bungis, "Twenty-Three Groups Vie for Seats in the Latvian Parliament." *RFE/RL Research Report*, June 4, 1993, p.48.



of his work in defending Latvia's national interests—interests, of course, which he determines. "Our legislation isn't so perfected, so that one interprets a law one way, another a different way. Our department uses this opportunity to interpret the law correctly, without violating it. There are laws that one can interpret two different ways, but we interpret them to the benefit of our sovereign Latvia."

Mr. Plavnieks also believes there were more than the three-hundred complaints concerning registration that the U.N. Fall Commission received in October 1992: "There were not three hundred complaints, but many more. But at that moment the vast majority of complaints were completely absurd. We were only at the beginning stages of working on legislation about temporary residency permits.<sup>26</sup> We did not have the right to register people who came here [to Latvia] according to work agreements and who live in dormitories. They simply did not want to understand the law. If they concluded a work contract with a factory and for the time of the contract the factory gave them a place to live, then according to the law this is not a permanent residency. We told such people that their status is not determined yet, but as soon as the Council of Ministers passes a decree we will start work. This did not please them. One group of deputies constantly incited them not to believe the Department, that you're being deceived...And when we started issuing temporary residency permits there were again problems—although we have extended such permits if the person has not lost his job or the original reason for his stay in Latvia."<sup>27</sup>

### **Viesturs Pauls Karnups**

Mr. Viesturs Pauls Karnups, who headed the Department from June 1992 to December 1992 during Mr. Plavnieks' suspension, stands by the work of the Department. According to Mr. Karnups, people who lived in dormitories were considered temporary residents under old Soviet law and thus could not be registered under the "Law on Registration."<sup>28</sup> He states that "only Army people had problems," and that during his tenure there were three to four hundred complaints, which were "all investigated and corrected where possible."

## **LEGISLATION AND THE WORK OF THE DEPARTMENT OF CITIZENSHIP AND IMMIGRATION**

The Department of Citizenship and Immigration has the task of implementing four main laws or decrees, which have already been mentioned in the introduction. All these legal documents restore citizenship to those who resided in Latvia prior to the Soviet invasion and annexation of Latvia in June/August 1940, or attempt to resolve the residency status of those who came to Latvia after June/August 1940, i.e., after the Soviet

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<sup>26</sup> *Srochnyi vid na zhitel'stvo*

<sup>27</sup> Many people lived in dormitories but had permanent residency permits.

<sup>28</sup> This interpretation, like many of the Department's, is made as broadly as possible to deny as many as possible registration. The court proceedings Helsinki Watch observed almost always favor the individual denied registration because of residence in a dormitory if that individual possess a permanent residency permit. An individual living in a dormitory has the right to register as long as his residency permit (*propiska*) is not limited in time (which would be clearly marked).

annexation. With the exception of the law restoring citizenship, the Department either interpreted the laws according to its own ideology, wrote instructions that violated the intent of the law, or simply did not carry out the law.

**"On the Renewal of Republic of Latvia's Citizens' Rights  
and Fundamental Principles of Naturalization"  
of October 15, 1991.<sup>29</sup>**

With the resolution "On Renewal," the Latvian Supreme Council completely rejected the consequences of fifty years of Soviet occupation. Article 1 of "On Renewal" declared invalid regarding Republic of Latvian Citizens the USSR Supreme Soviet Decree of September 7, 1940 "On the order in which the Lithuania, Latvia and Estonia Soviet Socialist Republic citizens are granted USSR citizenship." Article 1, however, only applied to residents of the interwar Latvian Republic. Article 2.1 outlines those who are "Republic of Latvian Citizens": all those (and their descendants) who had Republic of Latvia Citizenship on June 17, 1940<sup>30</sup> and who presently reside in Latvia. The resolution also set out guidelines for naturalization, but to date no such law has been passed.<sup>31</sup> The decree also stipulates that citizens who have the right and the desire to renew their citizenship must register with the Department of Citizenship and Immigration by July 1, 1992.

The decree "On Renewal" divides Latvia into two groups. The first comprises those in Article 2.1: individuals who can claim citizenship before June 17, 1940, can renew their citizenship automatically. The second, citizens of the USSR. Article 1 declares USSR citizenship invalid only "with regard to Republic of Latvia citizens." The dissolution of the USSR in December 1991 left a large portion of Latvia's population, thirty-four percent, with the citizenship of a non-existent state.<sup>32</sup> Latvia's failure to adopt a naturalization or permanent residency law only compounds this problem.

**"On the Registration of Residents"  
of December 11, 1991<sup>33</sup>**

In order to implement "On Renewal," which required individuals who wanted to renew Latvian citizenship to register with the Department of Citizenship and Immigration, the Supreme Council passed "On Registration." "On Registration" would provide a census (Article 1), furnish each resident with a personal code (Article 6), and, for citizens of foreign countries and stateless persons, indicate the type, number, and duration

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<sup>29</sup>Henceforth "On Renewal" see, *The Republic of Latvia: Human Rights Issues*. Latvia: Supreme Council of the Republic of Latvia, Standing Commission of Human Rights and National Questions, 1993, pp. 62-64.

<sup>30</sup>The date of the Soviet invasion.

<sup>31</sup>The Latvian Supreme Council decided it did not have the right, as a body elected under Soviet rule, to pass a citizenship law. The present Saeima, elected in elections on June 5-6, 1993, is presently working on a citizenship law, but no law is expected until Christmas 1993.

<sup>32</sup>Former residents of the USSR do not get Russian citizenship automatically. According to the Russian Federation Citizenship Law of February 6, 1992, one must register and make a formal application to receive citizenship.

<sup>33</sup>Henceforth "On Registration."

of the residency permit and whether the individual desires to become a citizen of Latvia [(Article 6 (11)). Article 6 (12) notes

the year in which a foreign citizen or stateless person entered Latvia. Article 16 states that the Department of Citizenship and Immigration of the Ministry of Justice, Republic of Latvia, sets registration procedures.

Six days later, on December 17, 1991, the Latvian Supreme Council issued another decree, "On the procedure of instituting the Law of the Latvian Republic 'On the Registration of Residents.'" Article 2 of this resolution states that active duty military personnel of the USSR are not to be registered: "'The Law on Registration' does not extend to military personnel of the USSR on active duty temporarily based on the territory of the Latvian Republic and to those individuals registered in military units of those armed forces."<sup>34</sup> On July 8, 1992, the Department issued "Order Number 4", which states that "military personnel who are on active service in the Armed Forces of the Soviet Union and members of their family are not to be registered."

Because of problems arising with the Department's interpretation of the law "On Registration," i.e., the Department of Citizenship and Immigration was denying individuals registration who had a right to it, the Supreme Council issued another resolution, "On the Application of Article 2<sup>35</sup> of the Resolution of the Supreme Council of the Latvian Republic 'On the procedure of implementing the Law of the Latvian Republic 'On the Registration of Citizens.'" The decree states that,

In connection with the questions that have arisen in the application of Article 2...the Presidium of the Supreme Council of the Latvian Republic decrees that...Military personnel are not considered civilians who work on the basis of work contracts for military units of the Russian Federation Armed Forces, or for its institutions or organizations temporarily located on the Republic of Latvia. The status of civilians shall be established through the legally issued passport of the former USSR, employment book (*trudovayay knizhka*), or when necessary, through other documents.

The second part of Article 3 states that, "Those registered in military apartments (*sluzhebniye kvartiry*) have the right to registration, if the use of this military apartment is not connected with active service in the armed forces of the former Soviet Union." The resolution, however, still denies registration to active duty military personnel (Article 1), their wives, even when the couple is divorced, to their children, and to relatives who live with military personnel, if their stay is connected with the military service of that individual (Article 2).

Mr. Aivars Endzins, who was Chairman from 1990-1993 of the Commission on Laws and Bills of the Supreme Soviet, the legislative body that preceded the present Parliament, the Saeima, commented that,

The procurator and the Supreme Council received a mass of complaints...e.g. concerning cases where people were refused [registration] who lived in Army homes (KECH), or civilians were refused who worked for the military or in military organizations....In Latvia there were a lot of

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<sup>34</sup>Every citizen of the former USSR had an internal passport, in which he had his registration, a *propiska*, which in effect was a residency permit giving him permission to live where he resided.

<sup>35</sup>The article in the paragraph above.

military factories and institutions, and many civilian workers<sup>36</sup> were employed in them. But they are in no way military personnel. They were hospital attendants, janitors, lathe operators, etc., but the Department considered them all military personnel. And their residency in Latvia only began when these people ended their connection with the military...but the "Law on Registration" indicates clearly that only active duty military personnel of the Soviet Union/Russia (are not to be registered).<sup>37</sup>

Mr. Maris Plavnieks, the present director of the Department of Citizenship and Immigration, disagrees with allowing civilians who worked for the military to register, although he grudgingly conceded to do so after the Supreme Council issued the decree above.

The difference [between military personnel and a civilian who worked for the military] exists only in the amount of harm done. If I willingly worked so that a KGB colonel could do his work as successfully as possible, to do as much damage as possible, then there is guilt in this. Many decent people would not work there, and for this they received much less pay. This is an individual problem; each created it himself. This secretary, this cook who made the officers' breakfast, in their work books it is marked that they gave an oath not to reveal secrets—the same oath as any officer or soldier. But fine, in this given case we were forced to register them as normal residents of Latvia.<sup>38</sup>

Mr. Endzins also believes that the Department willfully tried to create its own policy, concealing it from the oversight of Parliament and outside bodies. "[One of the factors for the poor work of the Department] were the instructions that the Department worked out. Often they tried to conceal these regulations. It was very difficult to get to look at them and study them."<sup>39</sup>

Those non-citizens who registered received a large, rectangular stamp with a personal code in their old Soviet passport. Presently, there is no legislation that legalizes the stay of non-citizens in Latvia, i.e., all those who legally resided in the Latvian Soviet Socialist Republic until May 4, 1990, the day of Latvian Independence. The rectangular stamp of registration simply indicates that the individual at present resides in Latvia legally.<sup>40</sup> His term of residency is not limited, though future legislation, like a "Law on Foreigners," could do just that. Boris Tsilevich, former Popular Front activist who has closely followed the registration process, commented that,

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<sup>36</sup> *Vol'nonyayemye sluzhashchiye*

<sup>37</sup> Interview, August 30, 1993, Riga, Latvia.

<sup>38</sup> Interview, August 27, 1993, Riga, Latvia.

<sup>39</sup> Interview, August 30, 1993, Riga, Latvia. The Department wrote instructions to carry out the broader principles of the "Law on Registration."

<sup>40</sup> Without a registration stamp, one cannot apply for a job or receive social services. The non-citizen with a rectangular stamp in his passport is theoretically assured of rights guaranteed in the Latvian Law, "The Rights and Obligations of a Citizen and a Person," December 10, 1991. Helsinki Watch is not sure, however, whether the fact of registration, or other government acts, gives a non-citizen these rights.

In no way is the legal status of those individuals in Latvia who did not receive citizenship determined...I don't have a residency permit, nor a visa. Any bureaucrat whom I go to can tell me that I'm living illegally in Latvia. I only have my former Soviet passport, and nothing else. There is my [old Soviet] residency permit<sup>41</sup> and the stamp of registration. But according to the law the registration stamp does not give me any rights, certain executive acts do. For example, if I leave Latvia I can freely return. But this is a decree of the executive branch. And tomorrow it can be repealed. It's not a law.<sup>42</sup>

Mr. Maris Plavnieks, Director of the Department of Citizenship and Immigration, also rejects the idea that the registration stamp bestows permanent residency.

There is another absurdity...register someone as a permanent resident of Latvia. It is not in one law exactly who is a permanent resident. Who is a permanent resident? How does one become a permanent resident?...During registration there were two categories of people: one received a mark that he has registered as a citizen of the Latvian Republic; the other, a mark indicating that he simply lives here legally.<sup>43</sup>

For a non-citizen who has successfully registered, registration represents a form of legalized uncertainty. For a non-citizen refused registration, life is reduced to the expiration date on a temporary residency permit.

### **Those Who Have Been Denied Registration**

Helsinki Watch interviewed individuals at the Latvian Committee for Human Rights. Most individuals with whom Helsinki Watch spoke complained that they were illegally denied registration by the Department of Citizenship and Immigration for three reasons: residency in a dormitory<sup>44</sup>; some connection with the Soviet/Russian military; or residence in a house allegedly belonging to the Soviet military, a so-called KECH home.

### **Latvian Committee for Human Rights**

Vladimir Bogdanov, a forty-seven-year-old Russian, runs the Latvian Committee for Human Rights, which helps individuals denied registration prepare appeals.

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<sup>41</sup> *Propiska*

<sup>42</sup> Interview with Boris Tsilevich, August 29, 1993, Riga, Latvia. Mr. Tsilevich has published a book on the problems of Latvia's non-citizens, which represents a collection of articles and essays he wrote for the Riga daily *SM-Segodnya*, titled, "*Vremya Zhestkikh Reshenii*" (*A Time of Harsh Decisions*), Riga: Insight, Ltd., 1993.

<sup>43</sup> Interview with Mr. Plavnieks, August 27, 1993, Riga, Latvia.

<sup>44</sup> Because of the horrendous housing shortages in the former Soviet Union, large numbers of individuals lived in so-called dormitories for extended periods of time—even up to twenty years. "Dormitories" should not be confused with U.S. college dormitories; though some did serve this function, most provided temporary housing for those on waiting lists for apartments.

Our work here began on December 12, 1992. Earlier, people came to me and to members of my committee and began to appeal for help. Lots of people, at least ten a day. Then we did not have an office, we did not have anything ourselves, not even our own room. I had consultations at my home, on the street, anywhere. But since people increasingly needed help, we organized regular consultations on Tormu number 4.<sup>45</sup>

That office, which has no modern technology, works out of cramped offices on Tormu Street number 4, a building that belongs to the Russian Army.<sup>46</sup> Mr. Bogdanov, as well as his staff, are volunteers.

Viktoriya, a twenty-one-year-old Russian, was born and spent all her life in Riga.<sup>47</sup> She is presently on maternity leave with her small child. She and her husband were refused registration because they presently live in a dormitory.

No, my husband is not in the military. He has lived all his life here with a permanent residency permit.<sup>48</sup> But as fate would have it his father received accommodations in a dormitory for those with small families<sup>49</sup> ten years ago, and my husband has lived there since. My husband's father moved out, my husband got the apartment, and when I married him I moved there last year; subsequently, my new residency permit<sup>50</sup> indicated that I live in a dormitory. And I've lived in Riga all my life and never went anywhere....The Department [of Citizenship and Immigration] will not permit us to register as permanent residents...because we live in a dormitory—these three letters stamped in our passports (signifying that we live in a dormitory) decide everything for us now.<sup>51</sup>

Nadezhda, an older Ukrainian woman who came to Latvia in 1951, also had problems with the Department of Citizenship and Immigration.<sup>52</sup> She and her husband, a army officer who retired fifteen years

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<sup>45</sup>Interview, August 30, 1993, Riga, Latvia.

<sup>46</sup>The army also rents space to others, including clubs and joint ventures. As far as Helsinki Watch could ascertain, the Latvian Committee for Human Rights operates completely independently of the army. Mr. Bogdanov is a long time human rights activist going back to the Soviet period. Helsinki Watch has just learned that Mr. Bogdanov's organization was forced to leave its offices on 4 Tormu Street in Riga.

<sup>47</sup>Interview, Latvian Committee for Human Rights, September 1, 1993, Riga, Latvia.

<sup>48</sup>*Postoyannaya propiska*

<sup>49</sup>*Malosemeinoye obshchezhitie*

<sup>50</sup>Issued in March 1992.

<sup>51</sup>In the residency permits of those who live in dormitories is stamped the first three letters of the Russian word for dormitory: "OBSHCH" (*obshchezhitie*).

<sup>52</sup>Interview, Latvian Committee for Human Rights, Riga, Latvia, September 1, 1993.

ago, were refused registration. The Department of Citizenship and Immigration claimed that Nadezhda and her husband lived in a KECH apartment, in an apartment that the military built and owned. According to the "Law on Registration," such individuals have the right to be registered; even if the apartments did belong to KECH, it should not make a difference so long as the individual is not on active military service.

They said that our building belonged to KECH, they [the civil servants of the Department of Citizenship and Immigration] did not look at our documents. I have the papers for the apartment, the housing authority (*domoupravleniye*) gave it to me...KECH apartments have different papers, but on mine are written *Gorispolkoni*<sup>53</sup> and has its stamp, i.e., it belongs to the city, it's not a KECH apartment. I could have brought other certification. But they did not look at anything. They only said, "Your building belongs to KECH, and that's it."

Tamara, a thirty-nine-year-old Belorussian, is a single mother who was refused registration because she lives in a dormitory.<sup>54</sup> She came to Latvia in 1981 on a work contract; she is a master welder.

I went to the Department of Citizenship and Immigration, they dealt with me very civilly. I was simply told: "you live in a dormitory, there is no law [to register you]." But there is a law, number 325 of the Council of Ministers, that considers those who are temporarily here only those who came after May 4, 1990. I've been here since 1982—so this law does not affect me. They only replied, "We don't know anything. We won't register you."

A single mother, Tamara has no right to child support payments without the rectangular registration stamp: "I don't receive any, which for me is crucial since my pay is miserable. If I received such payments, I might not be a third-rate person, maybe I'd be second-rate; but now I'm nobody."<sup>55</sup>

Tamara is also worried about her job. Since she has no legal, permanent status in Latvia, she believes she would be one of the first to fall victim to cut-backs at her factory:

We are experiencing lay-offs at the factory where I work, and even if you are a good worker, the first to go will be those with this stamp [the small round stamp indicating that the Department of Citizenship and Immigration refused an individual registration]. That's why clearing up this problem is so important to me. They'll fire us first. It's kind of an unspoken order.

Lyuba, a single mother of Ukrainian descent who came to Latvia in 1975, had problems registering because she lives in a dormitory.<sup>56</sup>

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<sup>53</sup>City Council.

<sup>54</sup>Interview, Latvian Committee for Human Rights, September 1, 1993.

<sup>55</sup>Similar to *Kindergeld* the state pays in Germany and Sweden. Tatyana earns twenty Lats a month; her state child support payment—if she were registered—would equal roughly four Lats a month, about twenty percent of her salary.

<sup>56</sup>Interview, Latvian Committee for Human Rights, Riga, Latvia, September 1, 1993.

I've lived in a dormitory since 1976. I was promised an apartment, first one, then another. I have an eleven-year-old daughter, I'm a single mother. Fate is rather strange, anything can happen in life....I was refused registration because I live in a dormitory. The fact that I have a permanent residency permit does not seem to interest anyone at the Department.

Lyuba does not receive child support payments (an additional twenty percent of her monthly salary of twenty-five Lats, roughly forty-five dollars) because she is not registered. Her daughter suffers from an eye disease requiring regular medical attention; since she is not registered, she must pay for this:

My daughter has eye problems, and to take her to the clinic I need my passport. In my passport should be my registration code.<sup>57</sup> I don't have a code, I wasn't allowed to register—all I have is this small, round stamp.<sup>58</sup> I go to the clinic to see a doctor; if I don't have my registration code, I have to pay thirty rubles for every visit. That's a lot for me....How I've had to suffer for such a little stamp [round stamp signifying non-registration].

Galina is a Russian who came to Latvia in 1948 when she was five years old<sup>59</sup>. The case of Galina's twenty-seven-year-old daughter Tatyana represents a unique case: even though Tatyana was denied registration, the Department acted legally. Tatyana<sup>60</sup> married a Soviet military officer, who was sent to Germany in 1988. After divorcing her husband, Tatyana returned to Latvia in 1992. She was refused registration because of her marriage to a Soviet officer. Without a rectangular registration stamp, Tatyana cannot work or receive social services. Her mother complained: "They won't give my daughter permission to live with me. Where is she to go, she's in no-man's land."

### **The Court of the Central Raion, Riga, Latvia**

Helsinki Watch observed court proceedings on August 31, 1993, at the Latgalskoye Predmest'e Court (presiding Judge Boris Geiman<sup>61</sup>) and on September 1, 1993 at the Court of the Central Raion, (presiding Judge A. Zarina). People had been denied registration for reasons similar to those at the Latvian Committee for Human Rights: residence in an alleged army house (KECH); residence in a dormitory; alleged connection to the army. What was especially surprising was that the vast majority of court cases that Helsinki Watch observed—at least ninety percent—were decided in favor of the plaintiff. The court only has the power to order the Department to register an individual. The Department can, and often does, refuse to carry out the court's order of registration.

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<sup>57</sup>During registration, those who registered received a personal code, a combination of one's birth date and additional numbers. This personal code serves as a social security number.

<sup>58</sup>A round stamp indicates that an individual was not registered.

<sup>59</sup>Interview, September 1, 1993, Latvian Committee for Human Rights and International Humanitarian Cooperation, Riga, Latvia.

<sup>60</sup>Tatyana was born and raised in Latvia.

<sup>61</sup>The cases from Judge Zarina's court will be presented here. The cases in Judge Geiman's court were the same, illegal refusals for registration by the Department of Citizenship and Immigration. Judge Geiman, like Judge Zarina, almost always found the Department's refusal illegal.



Lev is a sixty-six-year-old military officer who came to Riga in 1970. He lives with his wife, Polina, and his thirty-three-year-old daughter. They were refused registration because their building allegedly belongs to the Army, which it does not.

I was refused registration because our building supposedly belongs to the Army (KECH) and is therefore considered a "military apartment."<sup>62</sup> This has no basis in reality. The building belongs to the housing authority, I have documents to prove it, as well as an affidavit from KECH stating it does not own the apartment.<sup>63</sup>

The court ordered the Department to register Lev and his family, but only to count residency for him and his family from 1979, the date of his military discharge.

Sergei, a forty-year-old electrical engineer, was born in Riga in 1953. Sergei studied in the Ukraine, and returned to Riga in 1976. The Department only counted his residency from 1984, the date his father left the army, thereby cutting his residency from seventeen years to seven, an important fact if Latvia adopts a naturalization law requiring sixteen years of residency (the residency required in Latvia's 1991 draft law on naturalization). Sergei, however, has lived apart from his family in his own apartment since 1977.

During registration, when I was told that I would be registered only from the moment my father left the military (1984), I showed them documentation that we have lived apart since 1977, that we are separate families. I asked to be shown the statute on which they made their decision. I wasn't shown anything.<sup>64</sup>

The court ruled in his favor and ordered the Department to register him from 1977, not from 1984.

Oleg, born in Moscow in 1967, returned to Latvia in 1978. His mother was born in Riga in 1948. He studied at a military academy in Riga and in 1989 was called to perform active military service in Vologda, Russia. He applied for discharge in late 1991, the discharge orders were issued on December 21, 1991, but for reasons beyond his control he was not demobilized until January 24, 1992. According to Decree 255 of the Latvian Council of Ministers, those who were called up from Latvia, applied for discharge by December 31, 1991, and returned to Latvia within a year had the right to a permanent residency permit. The Department used the fact that he was discharged in 1992, although he applied earlier in 1991, to deny Oleg his residency permit.

The court ordered the Department to give Oleg a permanent residency permit (*propiska*).

### **The Law "On the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia"**

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<sup>62</sup> *Sluzhebnyaya kvartira*

<sup>63</sup> Interview and Court Proceedings, Court of the Central Raion, Riga, Latvia, September 1, 1993.

<sup>64</sup> Court proceedings and interview, Court of Central Raion, September 1, 1993, Riga, Latvia.

of June 9, 1992

The denial of registration negates any past residency and equates an individual with one who has recently entered Latvia. Without the large rectangular stamp of registration with a personal code in his passport, a non-citizen has no right to work in Latvia or to receive social services. He carries around with him in his passport the small, round stamp indicating denial of registration. He must apply for temporary residency permits under the Law "On the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia."<sup>65</sup> The law is extremely restrictive, issuing temporary residency permits for periods not exceeding six months, with the opportunity for one six month renewal (Article 17 (1) and Article 18). Only those with work contracts (Article 17 (2) and Article 19) and students or scholars (Article 21) can get temporary residency permits for longer than one year. Every time he or she leaves Latvia an individual with a temporary residence permit must purchase a "guarantee of return" in hard currency. The law provides provisions for permanent residency permits, but the conditions (Articles 23, 24) do not favor an individual who was denied registration.<sup>66</sup> These permanent residency permits apply only to those who came to Latvia after July 1992, i.e., not the non-citizens who have made Latvia their home for many years. Although this law does not apply to those non-citizens who have successfully registered, it seems to be applied to those who have been denied registration. Helsinki Watch interviewed several such individuals.

Viktoriya, who told about being denied registration earlier, must apply for temporary residency permits under this law. "I have lived all my life in Riga, never went anywhere, and I—like many—did not receive anything, just this temporary residency permit, this sticker in my passport, that states that I have the right to live here until January 8, 1994."<sup>67</sup> Viktoriya also must purchase an entry visa each time she wants to return to Latvia after a foreign visit.<sup>68</sup> "I went to Russia, and to return to the place where I was born (Latvia), I had to buy a visa that cost 3.25 lats. My family can live three or four days on that."<sup>69</sup>

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<sup>65</sup> At the time of the adoption of the law there was debate on whether it should be applied to those permanent residents who had successfully registered. See FBIS-SOV-92-112, June 10, 1992, pp. 82-3.

The Supreme Council of Latvia finally decided that the Law "On Entry" would only apply to those who entered Latvia after the Law came into force, i.e., after July 1, 1992. The law does not apply to those non-citizens who are permanent residents, i.e., to those who have successfully passed registration. See FBIS-SOV-92-114, June 12, 1992, pp. 99-100.

The *RFE/RL Daily Report* of June 12, 1992 stated that the law would affect some 150,000 people according to Latvian Supreme Council Deputy Rolands Rikards.

<sup>66</sup> Under this law, the requirements to receive a permanent residency permit (Article 23) include marriage to a citizen, an orphan adopted by permanent residents, the spouse and children of a non-citizen with a permanent residency permit, a foreigner who invests one million U.S. dollars, or someone whose skills are needed in Latvia.

<sup>67</sup> This is a new residency permit issued in conjunction with the June 10, 1992, law, "On the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia." Hereafter "On the Entry of Foreign Residents."

According to Article 17 (1) of this law, temporary residency permits are not to exceed six months.

<sup>68</sup> Article 7, "On the Entry of Foreign Citizens."

<sup>69</sup> At the time of the conversation, September 1993, one Lat, the official Latvian currency, equalled US \$1.75. 3.25 Lats is a substantial sum of money where many jobs pay forty to fifty Lats a month. A Deputy in the Latvian Parliament earns around 200 Lats monthly.

Nadezda, who was denied registration because of allegations that she lived in a KECH apartment, also complained of the fact that she must buy a return visa, a so-called "guarantee of return," every time she leaves Latvia.

Elena, a twenty-six-year-old housewife of Belorussian origin, came to Latvia in 1987 on a temporary residency permit.<sup>70</sup> In 1990 she married an individual who is presently a Latvian citizen, and was given a new residency permit for five years. Elena is worried about what will happen to her in two years when her residency permit expires.<sup>71</sup>

**Decree "On the Conditions of Recognizing the Right of Citizenship  
for Individuals who until August 1, 1914, Resided Within  
the Borders of Latvia (and their Descendants)"  
of October 28, 1992**

The final decree the department was entrusted to carry out granted citizenship to Latvians who fled Latvia during World War One, but who remained on the territory of Latvia at least until August 1, 1914. By 1915 Germany had occupied the western half of Latvia and one-fifth of Latvia's population were refugees. Large parts of Latvia's industrial base had been evacuated to Russia.<sup>72</sup> Many of these individuals were not able to return to Latvia until after 1940 and thus never enjoyed citizenship in the interwar Latvian Republic. The only requirement was that these individuals live permanently in Latvia at the time of the passage of the decree and register with the Department of Citizenship and Immigration by December 31, 1992. Estimates put the number that the decree affected at 40,000.

The Department refused to carry out the decree, arguing that it was illegal and illogical. Only a handful managed to receive citizenship through this decree, and then only after lengthy court struggles that reached the Latvian Supreme Court. Mr. Aivars Endzins, Deputy of the Ruling Latvia's Way Party and Chairman of the Saeima's Commission on Legal Affairs,<sup>73</sup> commented to Helsinki Watch:

The decree was passed and should have been carried out. In reality this did not happen. On the basis of this decree only five or six individuals were able to realize their rights to become citizens....The Department prevaricated and refused people. The faction *Satversme*<sup>74</sup> in the

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<sup>70</sup>Interview, Latvian Committee for Human Rights, September 1, 1993, Riga, Latvia. The temporary permit is a *vremmenaya propiska*.

<sup>71</sup>According to the law "On Entry", Elena must remain married to her husband for a certain length of time to receive a permanent residency permit.

<sup>72</sup>*Latvia Today*, Riga: Latvian Institute of International Affairs, 1993, p.15.

<sup>73</sup>Mr. Endzins was also the Chairman of the Commission on Laws and Bills in the Latvian Supreme Council, 1990-1993.

<sup>74</sup>A rightist, nationalist party that broke away from the Popular Front. *Satversme* means "constitution" in Latvian.

Supreme Soviet tried to repeal the decree. People were told that there weren't instructions [to carry out the law]. In reality the leadership of the Department did what it wanted.<sup>75</sup>

Helsinki Watch spoke with one individual, the grandson of a Latvian rifleman<sup>76</sup>, Mr. Janis Jansens. Mr. Jansens applied for citizenship under the October Decree, but the Department thwarted him.

My grandfather was born here and lived here until August 1, 1914. He then joined the Latvian Rifles.

My father was born in Moscow. I had all the necessary records: a verified document from the church baptismal archives indicating that my grandfather, Kirill Jansens, was born here. I had documents showing that my father was Kirill Jansen's son, and that I am my father's son. But the department said that it did not have instructions.... I'll continue my small, private struggle. I'll appeal again to the Supreme Court, and since both the truth and the law are on my side, I'll wring this thing [citizenship] out of the Department. But tell me, in what country can a bureaucracy subordinated to the executive branch resist more than a year, ignoring the Supreme Court.<sup>77</sup>

Another famous case of rejection for registration under this decree is that of Viktor Kalnberz, Supreme Council Deputy in the last Supreme Council (1990-1993) and noted surgeon.<sup>78</sup> Mr. Kalnberz, all of whose ancestors lived in Latvia, was refused citizenship. He appealed in court and won his case, but too late to meet the April 26 filing deadline to run in the June 5-6, 1993 Parliamentary elections.<sup>79</sup> "As a member of the Supreme Council, I know very well the decree the Department is supposed to carry out. Everything that has happened—I think it is a shame for our legislative and judicial branches."<sup>80</sup>

The Department of Citizenship and Immigration appealed the case, but the Supreme Court of Latvia affirmed the lower court's decision.<sup>81</sup> The Department, however, still refused to register Viktor Kalnberz.

The Department finally relented, registering Mr. Kalnberz and stamping his old Soviet passport accordingly. It refused, however, to issue him a new Latvian passport.

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<sup>75</sup>Interview with Aivars Endzins, August 30, 1993, Riga, Latvia.

<sup>76</sup>Latvian Riflemen were one of the main military forces of Lenin's Bolsheviks during the Russian Civil War (1918-1921). Originally recruited under the Tsar to fight the German Army in World War I, the Latvian Riflemen grew disillusioned with the Tsar's inept military leadership in World War I. Many went over to the Bolsheviks.

<sup>77</sup>Interview, August 28, 1993, Riga, Latvia.

<sup>78</sup>Unfortunately, Helsinki Watch was not able to meet Mr. Kalnberz. This section is written from Western and Latvian press accounts and from interviews conducted in Riga, Latvia from those who knew of the case.

<sup>79</sup>*SM-Segodnya*, 5-13-93.

<sup>80</sup>*Ibid.*

<sup>81</sup>*SM-Segodnya*, 5-21-93.

On July 3, 1993, while on vacation, I waited in line and gave all my documents to receive my passport. However, on July 15 I was called back to the Department, my documents were returned with explanation that a directive existed from the Department not to process my passport....I went to see Mr. Plavnieks (the head of the Department of Citizenship and Immigration). He told me that he considered the Supreme Court's decision illegal, and if he was forced to register me as a citizen of Latvia, then all the same would not give me a Latvian Passport. He would not give it to me—that's it.<sup>82</sup>

Mr. Viesturs Karnups, Saeima Deputy and former head of the Department of Citizenship and Immigration, called the decree "a back-door approach" and unimplementable.<sup>83</sup> He added that the "decree was written as if people who had never been citizens were citizens," claiming that the decree cited the incorrect article of the 1919 citizenship law. Mr. Maris Plavnieks, director of the Department, told Helsinki Watch that,

If a Latvian went to Siberia, for example, in 1914 in search of land and during independence he did not receive citizenship, then he does not have a right to citizenship. He has to wait for a new law [on naturalization], in which he will be given special conditions.<sup>84</sup>

## RECOMMENDATIONS

Helsinki Watch calls on the Latvian Government to take the following steps to correct abuses in the Department of Citizenship and Immigration:

- \* Pass quickly a Naturalization Law without quota restrictions. Such a law should take into consideration the long residency of the vast majority of Latvia's non-citizens and not treat them as newly-arrived immigrants. Pass a Permanent Residency Law giving legal status to those non-citizens residing in Latvia.
- \* Review the work of all high-level officials in the Department of Citizenship and Immigration and remove them if evidence of malfeasance exists. Staff the Department with non-party civil servants.
- \* Create a permanent Oversight and Review Board that will monitor the work of the Department of Citizenship and Immigration. Such a board is crucially important since the Department of Citizenship and Immigration will deal with naturalization issues once the Saeima passes such a law. Non-citizens must believe that they will be treated fairly in their attempt to gain Latvian Citizenship.
- \* Organize a Review Commission that will review the cases of those who have been denied registration. Conduct a campaign to inform those who have been denied registration of their right of appeal.

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<sup>82</sup> *SM-Segodnya*, 7-20-93.

<sup>83</sup> Interview, August 27, 1993, Riga, Latvia.

<sup>84</sup> Interview, August 27, 1993, Riga, Latvia.

- \* Do not apply the June 9, 1992, law "On the Entry and Residence of Foreign Citizens and Stateless Persons in the Republic of Latvia" to those long-term residents<sup>85</sup> who have been denied registration until they have fully exhausted their right to appeal.

Helsinki Watch calls on the CSCE to:

- \* Quickly commence with the work of the recently-approved CSCE mission to Latvia.

Helsinki Watch calls on the Russian government to:

- \* Act in good faith towards solving issues of mutual concern with Latvia.

#### **APPENDIX: DOCUMENTATION OF COURT CASES HELSINKI WATCH HAS RECEIVED**

Helsinki Watch received the documentation from roughly forty cases in which courts have overturned the Department of Citizenship and Immigration's decision to refuse registration. Here is a brief summary of several of those cases, including the case number. Some of the cases the Department has appealed. A single case can include three or four individuals.

##### **Court of the Vidzemskii Predmest'e-Riga, Latvia**

- Case 2-1729/9 (1993)-June 7, 1993

Family of four refused registration for residency in alleged military apartment.

- Case 2-1610/9 (1993)-June 14, 1993

Military retiree refused registration for residency in alleged KECH apartment.

- Case 2-1614/9 (1993)-June 21, 1993

Woman refused registration for residency in alleged KECH apartment.

- Case 2-1618/9 (1993)-June 15, 1993

Family of three, husband retired military. Refused registration for residency in alleged KECH apartment.

- Case 2-1617/9 (1993)-June 21, 1993

Family of three, husband retired military, refused registration for residency in KECH apartment.

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<sup>85</sup>Those individuals who resided in Latvia with a permanent residency permit (*postoyannaya propiska*) prior to May 4, 1990, the date of Latvia's declaration of independence.

- Case 2-1533/9-June 14, 1993

Two individuals, residency in alleged KECH apartment.

- Case 1639/9 (1993)-July 5, 1993

Women living in Latvia since 1957 refused registration for living in alleged KECH apartment.

- Case 2-1535/9 (1993)-May 13, 1993

Family of three who came to Latvia in 1977 after husband's retirement from military refused registration without the Department providing a reason.

- Case 2-1630/9 (1993)-June 3, 1993

Woman who has resided in Latvia since 1945 refused registration, no reason given. The individual worked as a civilian in the accounting department of the Baltic Military District.

- Case 2-1654/9 (1993)-June 8, 1993

Couple refused registration for alleged residence in a military apartment. Husband had retired from the military in 1984.

#### **Court of the Latgal'skoye Predmest'e-Riga, Latvia**

- Case 2-1740 (1993)-June 10, 1993

Individual, born in Latvia, refused registration for residency in dormitory.

- Case 2-1490 (1993)-April 28, 1993

Family of four, father former military, refused registration for residency in KECH apartment.

#### **Court of Zemgal'skoye Premest'e-Riga, Latvia**

- Case 2-935/93-June 1, 1993

Family of three, residency in dormitory.

*This report is based on field research that Christopher Panico, Helsinki Watch Research Associate, conducted in Latvia. Christopher Panico wrote the report; Jeri Laber, Executive Director of Helsinki Watch, edited the work. Lydda Ragasa, Rachel Denber, Alexander Petrov, and Erika Dailey provided indispensable assistance in preparing the report.*

*Christopher Panico was in Riga, Latvia, from August 27 to September 2, 1993. Mr. Panico met with government officials, civil servants, local officials, judges and court officials, and local human rights activists. Helsinki Watch also observed court proceedings dealing with appeals of registration rejections. Helsinki Watch conducted numerous interviews—sometimes at random—in an attempt to see how recent legislation, especially the December 1991 Law "On the Registration of Residents," is working in practice. Helsinki Watch also investigated the work of the Department of Citizenship and Immigration, which administers the "Law on Registration."*

*Helsinki Watch was established in 1978 to monitor domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. The chair of Helsinki Watch is Jonathan Fanton and the vice chair is Alice Henkin. Jeri Laber is executive director; Lois Whitman is deputy director; Holly Cartner and Julie Mertus are counsel; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico are research associates; and Christina Derry, Ivan Lupis, Alexander Petrov and Isabelle Tin-Aung are associates.*

*Helsinki Watch is a division of Human Rights Watch, which includes Africa Watch, Americas Watch, Asia Watch, and Middle East Watch. The chair of Human Rights Watch is Robert L. Bernstein and the vice chair is Adrian W. DeWind. Kenneth Roth is executive director; Holly J. Burkhalter is Washington director; Gara LaMarche is associate director; Ellen Lutz is California director; Susan Osnos is press director; Jemera Rone is counsel; Michal Longfelder is development director; Dorothy Q. Thomas is Women's Rights Project director; Joanna Weschler is Prison Project director; Kenneth Anderson is Arms Project director.*

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