

FRAGMENT OF FENCING FOR CRIMINAL CASES COURTROOM

On 24 July 2014, the European Court of Human Rights (ECtHR) delivered its judgment in the so-called Imanta hacker case, which led to the dismantling of metal fencing in Latvian courts, where defendants were held in custody during court hearings.

A fragment of the fencing, which was removed from the criminal cases courtroom of the Supreme Court, is now displayed in the Supreme Court Museum and is one of the most interesting exhibits for visitors. Many take the exclusive opportunity to have their picture taken in the 'cage', others refrain from doing so, considering it a bad sign. Either way, it serves as a testimony to the history of Latvian courts.

The ECtHR ruled against the defendant on the case's central issue, finding that Latvia could have extradited him to the US, where he was accused of cybercrime. However, it found valid complaints of the accused that his confinement behind a metal fence during a hearing before the Criminal Chamber of the Supreme Court was degrading to his dignity. The state was ordered to pay 5000 euros in compensation for the violation of Article 3 of the European Convention on Human Rights (prohibition of torture, inhuman and degrading treatment).

The fencing was installed for accused persons in courtrooms of the Supreme Court and other courts in the early 1990s. This was done for security reasons to prevent defendants from endangering life and health of a judicial panel, persons involved in proceedings, court employees and audience members. Such considerations were taken into account in the light of severity of criminal cases being dealt with at the time and dangerousness and number of detainees. It was also requested by the convoy battalion which provided transfer and security for accused persons.

Following the ECtHR judgment, the Ministry of Justice, having studied the experience of other countries and assessed the findings of the ECtHR, concluded that alternative solutions should be sought. Courts were advised to make use of security guards and to increase the use of videoconferencing.



The Supreme Court's courtroom for criminal cases still with metal fencing for detainees ...THEN



...AND NOW

a fragment of the 'cage' in the museum



Taking into account that currently most cases of the Senate are mainly heard in written proceedings and courtrooms are not fully used, the Supreme Court's courtroom for criminal cases has been transformed into a modern Plenary Hall, where both general meetings of senators and meetings of the Judicial Council are held.