

Overview of legal implications of denunciation of the agreement between the Republic of Latvia and the Russian Federation on legal assistance and legal relations in civil, family and criminal matters denunciation

On 24 February 2022, the Russian Federation launched dozens of attacks on Ukrainian territory, in flagrant violation not only of Ukraine's territorial integrity and sovereignty, but also of several international legal norms, such as Article 2 of the United Nations Charter and absolute norms of international law. The illegal and terrorist actions of the Russian Federation on Ukrainian territory have been widely condemned by the international community, in particular, the European Union and other countries have imposed sanctions against the Russian Federation to weaken its economy and promote its isolation.

On 18 January 2024, the Republic of Latvia, joining the disapproval of the international community, adopted the Law "On Denunciation of the Agreement between the Republic of Latvia and the Russian Federation on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters". The Law provides for the right of the Republic of Latvia to unilaterally terminate the Agreement between the Republic of Latvia and the Russian Federation on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (hereinafter – the Agreement), which was signed on 3 February 1993.

Although the Agreement will remain in force for another six months, afterwards international legal acts to which both the Republic of Latvia and the Russian Federation are parties and national law will be used in cases where a legal framework would be necessary.

Legal cooperation in criminal and civil matters

Legal cooperation in criminal matters will be carried out in accordance with the Council of Europe Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and the Council of Europe Convention on Extradition of 13 December 1957. Legal cooperation in civil matters will be ensured within the framework of the Hague Convention on Private International Law, which regulates legal cooperation in civil matters concerning the service of documents and the taking of evidence and the protection of children.



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Enforcement and recognition of court judgements and arbitral awards

Regarding the decisions of the Court of the Russian Federation, it should be noted that in situations where the recognition and enforcement of a decision of the Court of the Russian Federation in a civil case is obtain in a Latvian court, the provisions of Part F of the Civil Procedure Law "International Civil Procedure" will apply. Although, the provisions of Part C of the Criminal Procedure Law will apply to criminal cases. Section 675 (3) and (4) of the Criminal Procedure Law provides that international cooperation in criminal proceedings may take place if reciprocity is respected between the States, i.e. if the Russian Federation confirms that it will provide legal assistance in accordance with the same principles as the Republic of Latvia. As regards the recognition and enforcement of arbitral awards, the denunciation of the Agreement did not change anything, as this is governed by the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.