

Comparative Analysis of Casework by the Supreme Court of the Republic of Latvia and the Supreme Court of the Republic of Finland

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Abstract

The article deals with the legal meaning of the European Convention and decisions of the European Court of Human Rights for the national law proceedings in Latvia and Finland. Case-law of the Republic of Latvia Supreme Court and Supreme Court of Republic of Finland shows that the European Convention refers to important legal instruments, which must be taken into account when deciding on the case. When considering claims for cancellation of in force decisions on the basis of the ECHR Resolution on the recognition of a violation by Finland of Articles of the Convention, the Court refers to numerous decisions of the European Court of affecting the interests of Finland and the other member countries of the Convention, details examining and comparing the circumstances of each case. At the same time the final basis for a decision is based on the national Constitution of the Republic of Finland and Procedure.

Keywords: International Law, European Convention of Human Rights, supremacy of law.

Introduction

This research is the first comparative study on a detailed investigation of the values of the European Convention and the role of the European Court of Human Rights to ensure the right to a fair trial in the Constitutional Court and the Supreme Court of the Republic of Latvia and the Supreme Court of the Republic of Finland, including the consideration of claims that have come into enforceable decisions of national courts.

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The author has studied and analysed the materials of the Constitutional Court's decisions and the three departments of the Supreme Court of the Republic of Latvia, as well as the decisions of the Supreme Court and the Supreme Administrative Court of the Republic of Finland between 2010 and 2015, including the claims review for quashing of the final criminal cases on the basis of the ECHR decisions made on the recognition of violations of articles of the Convention and its protocols. According to the questionnaire, developed by the author, a sociological survey was conducted in the Republic of Latvia and the Republic of Finland. This paper used and analysed decisions, published on the official websites of the European Court of Human Rights, the Constitutional Court, Supreme Court and the Prosecutor's Office of the Republic of Latvia, reports of the Government of the Republic of Latvia on the implementation of the ECHR decisions, as well as data obtained from the Supreme Court and Supreme Administrative Courts of the Republic of Finland, related to the implementation of the ECHR case law, showing patterns and marked deviations from the implementation of the ECHR decisions in the case of a conflict between international law and the Constitution of the state.

The Aim of the Study

The aim of the study is to determine the values of the ECHR for the national judicial decisions in Latvia and Finland to ensure the right to a fair trial in the context of the provisions of the European Convention and the ECHR and the most effective mechanisms to enforce the ECHR decision in the national court proceedings.

Material and Methods

The author conducted a comparative analysis of international and national legislations of the Latvian Republic and the Republic of Finland, judicial practice, study of findings and the basis of decision by the Constitutional Court as well as the three Departments of the Supreme Court of the Republic of Latvia, the Supreme Court and the Supreme Administrative Court of the Republic of Finland.

Practical framework is the judicial practice of the Constitutional Court and Supreme Court of the Republic of Latvia, the Supreme Court and the Supreme Administrative Court of the Republic of Finland, as well as decisions of the ECHR and the survey of Latvian and Finnish judges and legal scholars.

The historical method has allowed to consider the most important stages of the development of the control mechanism of the European Convention.

The comparative legal method was the basis for the study places of the European Convention in legal systems of the Council of Europe member states. The comparative method is used to analyse the opinions.

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In 2015, 54 cases of the Criminal Department of the Supreme Court of the Republic of Latvia have been studied by the author, 26 cases of the Civil Affairs Department as well as 51 cases of the Department of Administrative Affairs. Also, 14 Reports by the Committee of Ministers of the Council of Europe on the reports of the Government of the Republic of Latvia for the implementation of the ECHR decisions for the period between 06.20.2013–05.10.2015 have been thoroughly investigated.

The author has studied and based his research with references to legal precedents of handed down decisions and reviews of 171 cases of the Supreme Court of the Republic of Finland for the period 2010–2015, 87 decisions of 2015 and 167 decisions of the Supreme Administrative Court of Finland from 2015.

Judicature of the Republic of Latvia Supreme Court shows that the European Convention refers to important legal instruments, which must be taken into account when deciding on the case. A good example is a report made by the Government of the Republic of Latvia on the implementation of the ECHR decisions in the case of Deniss Calovskis from October 2, 2015 DH-DD (2015) 1016.

The Government acknowledged that the lack of knowledge of the Convention standards by national judges has led to the violation of Article 5 §1 of the Convention. The Latvian authorities have worked hard to improve the knowledge and practice of the courts and in October 1, 2015 the Parliament adopted amendments to the relevant parts of the Criminal Procedure Act, including section dealing with the extradition of persons, and in particular the amendments to provide additional oversight mechanisms and the right to provide prosecutors with the power to immediately release individuals from detention in case of rejection of extradition [10].

According to the report of the Committee of Ministers of the Council of Europe DH-DD (2015) 1005 on the case *A. K. vs. Latvia* [4], it was noted that the Convention has a direct effect on the legal system of Latvia. In order to improve the understanding of the Court's findings and standards, analysis of this decision was included in the Latvian judicial programme (Latvian Judicial Training Centre's programme) for judges of district courts and the Supreme Court. For example, judicial practice found that the shortcomings identified by the court, in this case, have individual character, and that in general the national courts apply the standards of the Convention on Human Rights, established by the case law of the ECHR.

The value of the European Convention in cases before the Supreme Court of the Republic of Latvia as noted by Martins Mits (judge from Latvia Court in Strasbourg in 2015), who noted back in 2010, is that the ECHR is an important legal instrument which has to be taken into account when deciding a case; this is a preliminary conclusion that stems from the analysis of the case law of all three departments of the Supreme Court. Above all, it is supported by the frequency with which each department has referred to the ECHR: the Criminal Cases Department addressed the ECHR in the reasoning part of its decisions in 25 out of the total number of 42 decisions (ie, including those where the ECHR was mentioned in the description of the facts as invoked by the applicant

or by the lower court), the Civil Cases Department addressed the ECHR in 42 out of 54 decisions and the Administrative Cases Department – in 76 out of 96 decisions. All three departments have expressly acknowledged the decisive impact of the ECHR on the outcome of a case [18].

The author conducted a comparative study of cases by the Supreme Court of the Republic of Latvia and the Republic of Finland in 2015, of which the following conclusions have been drawn:

1. The Supreme Court of the Republic of Latvia considers a case with 3 judges, while the Supreme Court of the Republic of Finland considers cases by 5 judges. In Finland, the consideration of claims for the abolition of the previous judgment is pronounced by considering the panel of 12 judges; in exceptional cases – in the composition of 18 judges [16].
2. The content volume of decisions handed down by the Supreme Court of the Republic of Latvia in 2015 was between 3–12 pages long. One solution contained 18 pages (SKK-303/2015), one solution composed of 2 pages. Decisions of the Supreme Court of Finland were more voluminous, for example, the case for consideration of claims for the abolition of the previous judgment pronounced consists of 23–46 pages.
3. Only one judgement (SKK-303/2015) contains a reference to the legal position of the European Court of Justice with reference to the 7 ECHR decisions not related to the interests of Latvia, but without a reference to a specific article of the Convention.
4. 14 judgements contain one or more references to the case law of the Supreme Court of the Republic of Latvia. The decision SKK-46/2015 contains the maximum number of links – 7. The Supreme Court of the Republic of Finland on average refers 4–8 times to the earlier decision and from 2–6 to the draft law.

The author refers to the assessment of the Constitutional Court of the Republic of Latvia. The Constitutional Court has recognised that the Supreme Court has an important role in the interpretation and application of legal norms in a way that is compatible with the *Satversme*. The courts of general jurisdiction are the ones that have the best knowledge of the actual and legal facts of the case, which testify to the existence of such rights or interests of a person that should be protected [12].

According to publications on the official website of the Supreme Court of the Republic of Latvia, in 2015 in all three Departments 122 cases were reviewed by the Supreme Court; in these cases only 6 (with links in them to other three solutions) turned to the case law of the European Court on two decisions of the European Union Court of Justice. This data leads the author to a conclusion that the degree of influence of the legal positions of the ECHR and the Convention on the jurisprudence of the Supreme Court of Latvia is clearly not enough.

In comparison with the consideration of such cases in Latvia, the Supreme Court of the Republic of Finland is much more likely to apply numerous references to judicial precedent ECHR and legal positions, developed by the European Court of Justice to clarify or apply the rules of the Convention in matters relating to the provision of the right to a fair trial and to judicial Supreme Court precedent.

The Supreme Court of the Republic of Finland determines the judicial precedents in cases where laws and regulations do not give a clear answer to the question of law, or the content of which is in dispute about 100–150 judicial precedents. Judicial precedent ensures the unity of judicial practice to interpret the law in the same way and the use of legal practice with the use of a single application of the law, and is also used to analyse the content of the legal order in legal literature.

In the period 2010–2015, the Supreme Court of the Republic of Finland has considered 172 cases, of which:

- cancelled 1 sentence (2012);
- cancelled 1 sentence with the direction of the case for a new trial;
- 5 rulings to change court decisions in 2010, 2011 and 2013;
- returned one case to review in 2011;
- cancelled 25 sentences on the grounds of violation of the criminal procedure law in 2010–2015;
- 140 court verdicts cancelled on the basis of an incorrect application of the law in 2011–2015 [1].

The Supreme Court of the Republic of Finland may cancel the final decisions of the courts, which have entered into force, on the grounds provided for in Chapter 31 Procedure Code.

In 2015, 105 decisions were made by the Supreme Court of the Republic of Finland, only two of which had no reference to the legal precedent of the Supreme Court. All the rest of the cases had links to the EU Directive, UNICEF, EAT and the Court of the European Union.

The Supreme Administrative Court of the Republic of Finland is Finland's highest court in administrative cases and consists of three boards, each with 5 judges examining cases of state and municipal management, taxation, environmental protection, social protection, health care and immigration. In 2015, 189 decisions made by the Court referred to the judicial precedent of the Supreme Administrative Court, including draft laws submitted to the government, the decisions of the Court of the European Union, or the EU Directive of the Parliament and the Council.

The most meaningful reference to international agreements, directives and decisions of the ECHR and the Court of Justice of the European Union are the decisions of the Supreme Administrative Court of the Republic of Finland to review the decisions of the Migration Office. As an example, one of the last decisions of 2015, KHO:2015:113 on 28 pages, references to the Dublin agreement, the Association Agreement between the Republic of Turkey and the European Economic Community in 1963, 18 references

to the decisions of the European Union Court of Justice and to the previously made by two decisions of the Supreme Administrative Court. In order to avoid misinterpretations, the Court refers to the translation triple translating the terms of Article 14 of the Agreement in German, French and English with references to the decision of the European Union Court of Justice [2].

The most meaningful example is the decision of the Supreme Administrative Court of the KHO:2014:145, which dealt with the presumption of innocence of the taxpayer in the commission of a tax offense in the Supreme Administrative Court [14]. In making a decision, the court referred to the decision made by the ECHR, including against Finland [7], as well as the violation of Article 6 of the Convention in the cases against Finland (Ruotsalainen vs. Finland, 16.6.2009; Jussila vs. Finland 23.11.2006). The Court also referred to §21 and §8 of the Constitution of the Republic of Finland, Art. 4 of Additional Protocol number 7, with 17 precedents of the ECHR case law and 15 prior rulings by the Supreme Administrative Court [8]. The Supreme Court has found a violation of the principle of *Ne bis in idem* and quashed the decision of the administrative court and the taxation of the Commission related to the accrual of additional taxes and penalties.

On the other hand, in a decision of 14.12.2015, the Supreme Administrative Court overturned the decision of the administrative court on the payment of tax, referring only to the European Council Directive 2006/112/EC [11] on the common system of value added tax, the decision of the European Union Court of Justice (C-8/01, C-62/12, Kostov) and two earlier decisions of the Supreme Administrative Court [15].

As an example of compliance of proceedings with the practice of the ECHR and the requirements of the European Convention, the author refers to the decisions from 2015 by the Supreme Court of the Republic of Finland, viewed by the judicial panel of 18 judges [16]. At the trial on charges of two serious tax crimes, felony by tax debtor and the registration tampering crime, the Supreme Court found a violation of Articles 21 and 106 of the Constitution and Article 1 of Article 63) to the Convention on the right to defend himself in person or through legal assistance of his own choosing in the proceedings.

§106 of the Constitution applied in the case in the proceedings before the court states that the application of the law would be in clear contradiction with the Constitution in which the court is required to give preference to the Constitution. This obligation applies to all ships.

In this judgment, the Court referred to the 8 precedents of the ECHR case law [6], as well as 3 decisions by the Supreme Court (KKO:2011:30, KKO:2012:49, KKO:2004:94). The court overturned the earlier ruling and returned the case for reconsideration to the Court of Appeal of Helsinki.

Comparing decisions made by the Supreme Court of the Republic of Finland, the author notes that in part the reasoning of the Court's decision states that the law is applicable to such offense and the procedural rules, which have guided the Court, as well

as taken into account the norms of international law, including the case law of the ECHR, which is usually given detailed interpretation of the provisions of the Convention to be applied in the present case. As noted in Chapter 3.4, when considering claims for cancellation of in-force decisions on the basis of the ECHR Resolution on the recognition of a violation by Finland of Articles of the Convention, the Court refers to numerous decisions of the European Court of affecting the interests of Finland and the other member countries of the Convention, details examining and comparing the circumstances of each case. At the same time the final basis for a decision is based on the national Constitution and Procedure.

In the period 2010–2015, references to the provisions of the Convention and its Protocols and the decisions of the ECHR have been applied on average 4 to 26 times in the decisions of the Supreme Court of Finland to the appeal of regulations, decisions and actions of state bodies. Depending on the content of the contested act, the courts use different articles of the Convention, but mostly it is a reference to Article 6 of the Convention and Article 4 (1) Protocol 7 of the Convention.

It should be noted that the presence of the commentary to the ECHR decision from the standpoint of the national law of Finland helps judges understand and correctly apply the standards of the European Convention.

As the most detailed examination of the case, by the Supreme Court of the Republic of Latvia, the author refers to a decision from August 8, 2015 SKK-303/2015 which contains references to the legal position of the European Court of Justice with reference to the 7 ECHR decisions which are not related to the interests of Latvia, but without any reference to a specific Article of the Convention [17].

In the case of SKK-549/2015 from 28.12.2015 Criminal Department referred to 6 ECHR judgments by the Constitutional Court and 4 decisions of the Criminal Department and concluded that the Latgale Regional Court had not taken adequate measures to study the evidence in accordance with the provisions of the Resolution by the European Court of Justice and the Supreme Court.

The basic principles of criminal law, including human rights guarantees and the right to a fair trial, are considered in the decision of the Supreme Court SKK-21/2014 from February 12, 2014 and March 27, 2014 in the case SKK-39/2014. The European Court of Human Rights made the conclusions that can be attributed to a specific criminal case. In particular, that investigations may be initiated only in relation to a person who there is information about their criminal activity. (A reference to the case “Teixeira de Castro vs. Portugal”, “Ramanauskas vs. Lithuania”, and “Malininas vs. Lithuania”.) The Supreme Court ruled that the preliminary evidence is sufficient means to justify acquittal for conviction on the basis of the practice and proceedings of the ECHR.

It is important to note that even in the case of a murder investigation of 20.8.2015 SKK-279/2015 (case No. 11817004012) the inability to appoint an expert to determine the cause of death and evidence of expertise in the evaluation of the prosecution, the Supreme

Court heard the case using only national legislation. The court reversed the decision of the Latgale Regional Court from November 22, 2014 in connection with the acquittal, Article 117, §2 and §10, and sent it to a new trial.

In the case SKK-144/2015, apart from the references to the Customs Code, the Law on Excise Tax Act, are references to the European Council Regulation (Eiropas Padomes Regulas (EEK) No. 2913/92) and two judgments of the European Union Court C-459 EU/07 and C-230/08, as well as the lawyer Uldis Krastins. When producing the decision for this case, the Court notes the controversy of the first paragraph of Article 6 of the Convention and Article 92 of the Constitution of the Republic of Latvia to a fair trial, as well as Part 2 of Article 6 on the right of a suspect to the presumption of innocence.

In a similar case by the Customs for Smuggling of tobacco SKK-58/2015, the Court referred to the same two judgments; C-459/07 and C-230/08 by the Court of the European Union; as well as the EU Directive.

In the case SKK-27/2015, the report was drawn up without the presence of a lawyer and an interpreter. Translations were performed by the same inspector who registered the minutes. According to the defence, this is a clear violation of the Criminal Law in particular of the rights of the accused and is also contrary to Article 6 of the Convention, §1, Article 92 of the Constitution of the Republic of Latvia and Chapter 15 of the Code of Criminal Procedures.

In the case SKK-27/2015, the Court referenced to the decision of Jasper vs. the United Kingdom, who connected to the interests of Latvia and the Convention with reference to Article 6 of Part 2 of the Convention, in which all doubts are resolved in favour of the accused and who does not need to prove his innocence. The Supreme Court referred to the decision of the ECHR for Case of Jasper vs. the United Kingdom, in which the entitlement to disclosure of relevant evidence is not absolute. However, in accordance with §1 of Article 6 of the Convention only such measures are admissible which do not restrict the rights of the defendants.

In the case of drug crimes investigation SKK-46/2015, the Latvian Supreme Court referred to the decision of the ECHR without a single reference to a specific article: *Baltins vs. Latvia*, in the decision which provides links to the case *Teixeira de Castro vs. Portugal*, *Ramanauskas vs. Lithuania*. The author emphasizes that in this case, the Court also referred to SKK-27/2015, SKK-301/2014, SKK-402/2013, SKK-303/2013, SKK-296/2013, SKK-178/2013, and SKK-122/2013.

In the case SKK-5/2015, the Supreme Court ruled that the Court of Appeal examined witnesses in violation of Article 92 of the Constitution, as well as the Convention on Human Rights and Fundamental Freedoms, Article 6, §3d) the right to examine witnesses and Articles of the Criminal Procedure law. The Court appeals to the legal position of the European Court of Justice with reference to a specific decision *Klimentyev vs. Russia*, with reference to the particular Article 6, §3d of the Convention.

The Court did not specify the content of the Article of the Convention or the circumstances of the case *Klimentyev vs. Russia*, specifying only the link to the ECHR and the ECHR decisions. The Supreme Court has just pointed out that the European Court of Human Rights in its decisions has repeatedly pointed out that the European Human Rights and Fundamental Freedoms refer to Article 6 of the Convention §3d determining the right to have adequate time and facilities to prepare his defence.

According to the author, the reference to §124 of the ECHR judgment in the case *Klimentyev vs. Russia* (the content of which is not represented in the decision SKK-5/2015) most fully reveal the defendant's right:

“At the outset the Court recalls that the admissibility of evidence is primarily a matter for regulation by national law and that, as a rule, it is for the national courts to assess the evidence before them, the task of the Court being to ascertain whether the proceedings considered as a whole, including the way in which evidence was taken, were fair. The Court further recalls that, according to its case-law, all evidence must normally be produced in the presence of the accused at a public hearing with a view to adversarial argument ... As a rule, these rights require that the defendant be given an adequate and proper opportunity to challenge and question a witness against him, either when he was making his statements or at a later stage of the proceedings.” [5]

In 2015, the Department of Civil Affairs of the Republic of Latvia Supreme Court considered 16 decisions, of which we can state the following.

As the most complete combination of compliance of the Constitution, the judicial precedents of the ECHR and the European Court of Justice, the author cites a decision of the Supreme Court SKC-1427/2015 [3]. In this case, the Court used many references to the Constitution, decisions of the ECHR, the European Court of Justice and the European Parliament and the EU Council. In particular, the Supreme Court referred to Article 105 of the Constitution, the 3 decisions of the ECHR [19], 6 times in the judicial precedent of the European Court of Justice, the Treaty on European Union [19], the Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, the Directive 2004/48/EC of the European Parliament and the European Union for the Protection of Intellectual Property Rights, the Council Regulation (EC) No. 44/2001 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters, the European Parliament and the Council Regulation number 1215/2012 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters and the Regulation (EC) No. 1206/2001, corresponding to the law of the European Union in accordance with the provisions of the banking law.

In the decision SKC-2344/2015, the Court refers to the Case law SKC-10/2012, SKC-1491/2013 and SKC-41/2015. In this case, the language translation in accordance with the European Parliament and the Council Regulation (EU).

In the case SKC-1/2015, the Supreme Court relied on two judgments of the European Court of Justice C-348/98, C-166/02, Decision E-8/07 of the Court of the European Free Trade Association and 5 Directives for the period 1972–2009 of the Council of the European Union on the approximation of the laws relating to insurance against civil liability in connection with the use of motor vehicles.

Case SKC-1478/2015 has seen the use of 5 references to the Case law SKC-440, SKC-251, SKC-448, SKC-1480, SKC-507 and the lawyer *Dr. habil. iur.* Professor Edgars Melkisis, *Dr. iur.* Vladimirs Bukovskis coursebook on civil cases (Civilprocesa mācību grāmata).

In comparison, it can be concluded that the Department of Civil Cases employs a higher frequency of case law of the ECHR and the European Court of Justice than the Criminal Department.

The author notes that shining examples of reaction to the ECHR decisions are cases “V.S. vs. Latvia” and “Slivenko vs. Latvia”. The Supreme Court overturned the previous court decisions and ruled on the resumption of the trial and sent the case to the Riga Regional Court as the appellate court. These decisions cannot be appealed.

In fact, Sergejs Talankovs vs. Latvia Zemgale Regional Court found the applicant guilty of extortion with aggravating circumstances and sentenced him to seven years in prison. On February 19, 2004, at the applicant’s complaint, the Department of Criminal Cases of the Supreme Court upheld the decision of the court of first instance by reducing the applicant’s sentence to five years in prison. The representative of the Government of Latvia Inga Reine offered to settle the case without consideration to the ECHR and to pay 4,000 Euros to the applicant in accordance with Article 37 §1 of the European Convention. The Court acknowledged that the settlement based on respect for human rights, as defined in the Convention and its Protocols, to file the case and exclude him from the list of complaints.

For example, in 2013 the Supreme Court of the Republic of Latvia twice applied Article 6 of the Convention, on September 19, 2013 to case SKK-449/2013 and on June 18, 2013 in the case SKK-208/2013, referring to a fair trial at national level [13].

According to the author, the best example of cases and respect for the right to a fair trial are the decisions of the Constitutional Court of the Republic of Latvia. For example, a decision on the case No. 2014-09-01 from November 28, 2014 contains a 53-page decision, references to Articles 1 and 92 of the Constitution, 46 decisions of the Constitutional Court or the case materials, 5 ECHR judgments, Article 6 of the Convention, one decision of the European Commission, two decisions of the Department of Civil Cases of the Senate of the Supreme Court SKC-20/2013, SKC-1627/2014, the UNCITRAL 2012, as well as the outcomes of the Kurzeme District Court, the Riga Latgale Urban District, the Court of Vidzeme suburb of Riga and the Latvian decision of the arbitral tribunal.

Conclusions

The decisions indicate a clear position of the Supreme Court of the Republic of Latvia as the Supreme Court of the Republic of Finland, the fundamental value of the European system of protection of the rights and freedoms of man and citizen, expressed in consistent implementation of the Court of Justice of the Convention and the Court's decision in the legal system and to identify shortcomings of the national legal regulation and the proposal on the ways to address them.

Of the 823 decisions handed down only in 2014, the European Court of Human Rights found violations of the Convention by the respondent States to be at 85%, from which the largest percentage of violations established were of Article 6 at 25.06%, Article 5 at 16.97% and Article 13 at 10.25%.

In 2015, the European Court of Human Rights found 7 violations of the European Convention by Latvia and 5 violations of the European Convention by Finland.

Therefore, for the Republic of Latvia and the Republic of Finland it is important that the legislator and the higher courts have developed a unique approach to the definition of the status of the decisions of the ECHR, and judges frequently use the decisions of the European Convention for norms of human rights and fundamental freedoms to ensure a fair trial.

Latvijas Republikas Augstākās tiesas un Somijas Republikas Augstākās tiesas lietu salīdzinošā analīze

Kopsavilkums

Rakstā tiek analizēta Eiropas Konvencijas juridiskā nozīme un Eiropas Cilvēktiesību tiesas lēmumi kontekstā ar nacionālajām tiesībām Latvijā un Somijā. Latvijas Augstākās tiesas un Somijas Republikas Augstākās tiesas judikatūra liecina, ka Eiropas Konvencija uzskatāma par svarīgu juridisku instrumentu, kas jāņem vērā, izskatot lietu.

Kad tiek izskatītas sūdzības par spēkā esoša nolēmuma atcelšanu, pamatojoties uz ECT rezolūciju par pārkāpuma atzīšanu Somijā, tiesa atsauca uz daudziem ECT lēmumiem par konvencijas pārkāpumiem Somijā un citās valstīs, detalizēti izskatot un salīdzinot apstākļus katrā lietā. Vienlaikus galīgais lēmums ir balstīts uz Somijas Republikas Konstitūciju un procedūru.

Atslēgvārdi: starptautiskās tiesības, Eiropas Cilvēktiesību konvencija, likuma virsvadība.

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