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Justice elusive in Baltic states 20 years after independence from Soviet domination



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GARY PEACH
Associated Press

4:49 a.m. CST, December 17, 2011

RIGA, Latvia (AP) — Arturs Spigulis took on the government — and won. But that's when his frustrations began.

The lawyer persuaded a court to make state-owned Riga Free Port accept his client's tugboat services. But the port refused to honor the ruling, preferring to use its own tugboats exclusively.

When Spigulis complained to Prime Minister Valdis Dombrovskis, he was told the port was acting according to law. The lawyer sent Dombrovskis a copy of the court ruling — "and he answers again, 'We consider that the port is run properly,'" Spigulis said.

Twenty years after gaining independence from the Soviet Union, the Baltic nations of Latvia and Lithuania still struggle to operate a functioning justice system despite their enthusiastic embrace of the West and entry into the European Union.

Disputes drag on for years, cronyism is rife, judges are inundated with cases and, as the Riga port case shows, verdicts are often ignored.

Throughout the former Soviet Union — which collapsed 20 years ago this December — the idea of a rule of law has failed miserably, with Russia and other countries maintaining a "pocket judiciary" that caters to the powerful and wealthy.

But the Western-leaning Baltics, members of NATO and the EU since 2004, might be expected to be an exception.

"The problem in the Baltic states is that you don't have the law used in that perverse sense (as in Russia), but you have all the real post-Soviet problems of judicial independence," said Andrew Wilson, an analyst at the European Council for Foreign Relations.

Guntars Krasts, a former Latvian prime minister, filed suit against a businesswoman in December 2008 and has yet to have a first hearing in court.

"It's very simple. I just loaned money and never got it back. But for different reasons the judges postpone this case from year to year. It's so obvious that something is behind this, there's no doubt that somebody is paying (someone)," he said.

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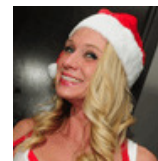


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Six years ago, Elvira Serbakova filed suit against the co-owner of her apartment in Riga, Latvia's capital, to prevent her from selling half of the apartment on the open market. She has yet to receive a judgment. Since court procedures allow participants to skip hearings for medical reasons, the defendant skips every hearing.

"One time she (the defendant) even had a sore eye and couldn't come to court," said Serbakova.

People in the Baltics look poorly on the judiciary. In Latvia, only 36 percent of the population trust their courts, according to a Eurobarometer survey in November 2010, while only 22 percent of Lithuanians trust their judiciary.

"I must say that Lithuania is among those countries where trust in judiciary institutions is lowest" in the EU, said Justice Minister Remigijus Simasius.

For many plaintiffs, the biggest frustration stems from the enormous backlog of cases and overloaded judges.

Millionaire Latvian businessman Jevgenijs Gombergs has been in dozens of disputes over the years as a plaintiff, including one involving a \$1 million hedge deal now in its seventh year.

"The huge problem of our legal system is that it's tremendously slow. So your case, when it's over, ends up in a different world ... in a different economic cycle."

The wait for a hearing in Latvia's Supreme Court is now two years, while in the Riga Regional Court the average judge took on about 280 new civil cases in the first half of 2011, and 400 cases for all of 2010.

In Lithuania, the average district court judge took on 488 new civil and criminal cases in 2009, and 421 in 2010.

Sandra Strence, chairman of the Riga Regional Court, said the Baltics suffer from a "distorted understanding of human rights" that grants the individual every possible leniency — allowing people to skip hearings due to a sore finger and appeal every loss all the way to the Supreme Court.

In the West, higher court costs and lawyer fees prohibit many losers from appealing, while defendants and lawyers who are constant no-shows would be slapped with contempt of court and heavy fines.

Some critics, such as Gombergs, say that Latvian and Lithuanian judges, many of whom remain from the Soviet period, are the core problem since they prefer a convoluted system that can be manipulated for their own benefit — such as charging "fees" for moving court dates.

In Estonia, the leadership realized early on after independence that Soviet-era judges would be a hindrance to establishing a rule of law and fired most of them — one of the reasons why Estonia has moved ahead of its Baltic cousins in justice.

Aigars Stokenbergs, a former judge, became Latvia's justice minister in 2010 and immediately undertook a revamping of the system to get judges to work better. But a political crisis forced him to step down in October.

Sitting in his ministerial office last summer, he nodded in admiration as he flipped through a statement from Britain's Royal Court in a civil suit against Latvian businessman and politician, Aivars Lembergs.

"It was a pleasure to read this," he said. "This is what we have to bring into our court

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