

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

DECISION

Application no. 259/24
Aivars LEMBERGS
against Latvia

The European Court of Human Rights (First Section), sitting on 26 March 2026 as a Committee composed of:

Davor Derenčinović*, President*,
Artūrs Kučs,
Anna Adamska-Gallant*, judges*,

and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 259/24) against the Republic of Latvia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 5 December 2023 by a Latvian national, Mr Aivars Lembergs ("the applicant"), who was born in 1953 and lives in Puzes pagasts, and was represented by Ms I. Nikuļceva, a lawyer practising in Riga;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns an alleged violation of the applicant's right to be presumed innocent.

2. The applicant, a well-known politician and businessman in Latvia, is the leader of the political party For Latvia and Ventspils (*Latvijai un Ventspilij*) and was the chairperson of Ventspils City Council from 1988 until July 2021.

3. On 22 February 2021 the Riga Regional Court convicted the applicant of fraud, money laundering, forgery of documents and unlawful participation in property transactions (19 counts in total) and acquitted him on the other 21 counts. He was sentenced to five years' imprisonment with confiscation of property and a fine of 20,000 euros.

4. On 27 September 2023 the Riga Regional Court, acting as a second-instance court, delivered a summary judgment partly overturning the first-instance court's judgment in respect of the applicant. In particular, it convicted him of fraud, money laundering, forgery of documents and unlawful participation in property transactions (9 counts in total) and acquitted him on 10 additional counts. The applicant was sentenced to four years' imprisonment with confiscation of property.

5. On the same day, after the summary judgment of the Riga Regional Court had been publicly announced, A.K., a member of parliament from the political party Apvienotais Saraksts, which had become part of the opposition following the change of the Latvian government on 15 September 2023, published the following statement on his X (previously Twitter) account:

> "The court's decision clearly and unequivocally declares Lembergs a criminal offender punished (*sodīts*) for serious offences ... FULL STOP
>
> The presumption of innocence has been lost with the pronouncement of the court's judgment against Lembergs, a man punishable for serious criminal offences.
>
> As of today, no elected member of the ZZS [political party], minister, or speaker of parliament has the right to speak about Lembergs as 'innocent' [or] a 'good manager', and a punished person cannot be a candidate for Prime Minister.
>
> I expect a statement from JV [political party] to ZZS breaking the contract with Lembergs' [party] For Latvia and Ventspils because the State should not and cannot afford to cooperate with a sanctioned and punished person."

6. Within the ongoing criminal proceedings, the applicant lodged a complaint with the Riga Regional Court under section 19(4) of the Criminal Procedure Law, alleging that A.K.'s statement had violated his presumption of innocence. On 20 October 2023 a judge found that the statement did not contain any expressions implying the applicant's guilt in the criminal case in issue. The judge also concluded that the statements "the presumption of innocence has been lost" and "the State should not and cannot afford to cooperate with a sanctioned and punished person" were A.K.'s opinion and the assessment of that opinion was not within the competence of the court as the authority in charge of the criminal proceedings. That decision was not subject to appeal.

7. Criminal proceedings against the applicant are currently pending before the Senate of the Supreme Court.

8. Relying on Article 6 § 2 of the Convention, the applicant complained that A.K.'s statement, made before he had been found guilty by a final judgment, had violated his right to be presumed innocent, in that the impugned statement might have both encouraged the public to believe that he was guilty and exerted undue influence and blatant pressure on the competent court.

THE COURT'S ASSESSMENT

9. The Court notes that the heart of the applicant's complaint lies in the allegation that his right to be presumed innocent under Article 6 § 2 of the Convention was violated by A.K.'s statement of 27 September 2023.

10. The Court reiterates that the principle of the presumption of innocence enshrined in Article 6 § 2 of the Convention is one of the elements of a fair criminal trial that is required by Article 6 § 1. It is not limited to a procedural safeguard in criminal matters: its scope is broader and requires that no representative of the State should say that a person is guilty of an offence before his or her guilt has been established by a court (see *Konstas v. Greece*, no. 53466/07, § 32, 24 May 2011). Article 6 § 2 prohibits the premature expression by a tribunal of the opinion that a person "charged with a criminal offence" is guilty before he or she has been so proved according to law (see *Paulikas v. Lithuania*, no. 57435/09, § 48, 24 January 2017). The Court further reiterates that it is the essence of the principle of presumption of innocence that it can only be invalidated by a final conviction in accordance with the law (see *Konstas*, cited above, § 35). Furthermore, the presumption of innocence may be infringed not only by a judge or court but also by other public authorities (ibid., § 32; see also *Daktaras v. Lithuania*, no. 42095/98, §§ 41-42, ECHR 2000-X). Nevertheless, whether a statement of a public official is in breach of the principle of presumption of innocence must be examined in the context of the particular circumstances in which the impugned statement was made (*Daktaras*, cited above., §§ 41-42, and *Butkevičius v. Lithuania*, no. 48297/99, § 49, ECHR 2002-II (extracts)).

11. In the present case, the Court notes that the impugned statement was made by a member of parliament from an opposition party on his X account on the day the Riga Regional Court, acting as a second-instance court, delivered its summary judgment convicting the applicant on several counts and acquitting him on others (see paragraph 4 above). The judgment of the second-instance court was subject to appeal, therefore, although the applicant had been convicted by the first- and second- instance courts on some counts and acquitted on several others (see paragraphs 3 and 4), the principle of the presumption of innocence still applied in his case. While Article 6 § 2 neither prevents authorities from informing the public of an applicant's conviction by a second-instance court nor prevents discussion of the subject by the media or the general public, any such reference should take due regard to the fact that the judgment was not final, and should be made with the discretion and restraint required by respect for presumption of innocence (see *Konstas*, cited above, § 34). The Court considers that the impugned statement, published on A.K.'s social media account, factually informed the public of the applicant's conviction and was made in a context independent of the criminal proceedings. The Court observes, however, that the statement also contained

the misleading assertion that the presumption of innocence had been lost upon the pronouncement of the judgment.

12. The Court further reiterates that it has found a breach of Article 6 § 2 of the Convention when prejudicial statements were made against an applicant, prior to a formal finding of guilt, by persons acting as: police agents involved in the investigation (see *Maksim Petrov v. Russia*, no. 23185/03, 6 November 2012), high-ranking police officers (see *Allenet de Ribemont v. France*, 10 February 1995, Series A no. 308), ministers (see *G.C.P. v. Romania*, no. 20899/03, 20 December 2011; *Konstas*, cited above; and *Allenet de Ribemont*, cited above), chairman of parliament (see *Butkevičius*, cited above), head of the press service of the Ministry of Internal Affairs (see *Huseyn and Others v. Azerbaijan*, nos. 35485/05 and 3 others, 26 July 2011), and Prosecutor General (see *G.C.P. v. Romania*, and *Butkevičius*, both cited above).

13. Having regard to the above-mentioned case-law, the Court considers that in publishing the impugned statement on his X account, A.K. cannot be regarded as acting in a capacity as a public official within the meaning of Article 6 § 2 of the Convention. A.K. was not involved in the criminal proceedings against the applicant as a police officer, investigator, prosecutor, or in any other capacity. He did not exercise State authority in relation to criminal prosecution, did not exercise executive public authority, and was not formally delegated any powers by any State body. In publishing the impugned statement on his X account, A.K.'s statement may be regarded as political speech that was made during a politically volatile period, that is, within two weeks of the change of the Latvian government on 15 September 2023, following which his party became part of the opposition (see paragraph 5 above). The fact that he was a member of parliament from an opposition party does not transform him into a high-ranking public official whose actions could be imputed to the State (see, *mutatis mutandis*, *Mulosmani v. Albania*, no. 29864/03, § 141, 8 October 2013).

14. While the Court regrets the brevity of the reasoning of the decision addressing the applicant's complaint lodged with the Riga Regional Court under section 19(4) of the Criminal Procedure Law (see paragraph 6 above), it finds that A.K.'s statement cannot be regarded as a declaration by a public official of the applicant's guilt that would encourage the public to believe him guilty and prejudge the assessment of the facts by the competent judicial authority. From the content and rhetoric of the impugned statement, it is evident that its primary purpose was to express political criticism of a political opponent as part of a political debate.

15. It follows that the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 30 April 2026.

Liv Tigerstedt Deputy Registrar	Davor Derenčinović President