



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: cc/jli/follow-up/CAT

27 August 2012

Excellency,

I am writing, in my capacity as Rapporteur on Follow up on Concluding Observations of the Committee against Torture, and specifically, to refer to the procedure that was conducted after the review of Poland's fourth periodic report (CAT/C/67/Add.5) in May 2007, and your Government's letter of 12 June 2008, (CAT/C/POL/CO/4/Add.1) which responded to it. The Committee appreciated the information contained in your letter, and reviewed it with care.

Since that time, the Committee has also sent your Government a list of issues prior to reporting according to the new optional procedure established by the Committee (CAT/C/POL/Q/6), and has received in response the 5th and 6th combined periodic reports (CAT/C/POL/5-6) submitted 20 May 2012. The Committee looks forward to the examination of those reports at a future session, which will be scheduled as soon as possible by the Committee.

I wish to draw your Government's attention to certain items that arise with regard to the 12 June 2008 follow up letter concerning the fourth periodic report. The Committee asked, in paragraph 26 of its concluding observations (CAT/C/POL/CO/4), for further information concerning paragraphs 8, 9, 15, 18 and 19. Your Government's response contained information regarding two of those paragraphs (addressing fundamental legal safeguards and hazing), but due to a numbering error, did not address the other topics. We regret the error that led to this. Nonetheless, we were pleased to find that your new combined periodic report(s) addresses many of the outstanding issues that were the subject of the Committee's concern with regard to the follow up procedure (regarding legal aid, training on the prohibition against torture, and on human trafficking). These will be examined further in the course of the review of the new Periodic Report.

There are, however, two subjects from the follow-up items that were addressed in your 12 June 2008 letter that are not yet fully clarified and which would assist the Committee prior to the review of the new periodic report. I am therefore bringing these to your attention at this time.

.../...

H.E. Mr. Remigiusz A. HENCZEL
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Poland
to the United Nations Office at Geneva
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Shortened Trial Procedure (paragraph 9 of concluding observations)


The Committee appreciates the clarifications regarding the shortened trial procedure. To help the Committee assess concerns about the safeguards in place to ensure the voluntary nature of each decision to use shortened trial procedures, we would appreciate information on the number of cases in which the defendants have chosen to accept the shortened trial procedure, and on other relevant aspects of these cases, including their outcomes, length of sentences, size of fines, etc. Please provide information on whether there have been any allegations of actions in contravention of the Convention claimed by defendants who have chosen – or refused—to accept the shortened trial procedure.

Hazing in the Military (paragraph 19 of concluding observations)

The Committee welcomes the measures outlined by Poland to eradicate hazing in the military, as outlined in the follow-up response of 12 June 2008. Have there been any further polls since then to measure progress? We note that, according to the new periodic report, no complaints had been made between 2007 and 2010. In that context, can you clarify whether new statistics are available regarding the use of the military help line and the use of the Office of Complaints?

We look forward to receipt of information on these latter items, which will be assessed upon receipt. The Committee looks forward to pursuing the constructive dialogue it has started with Poland on the implementation of the Convention, and to receiving clarification on these remaining issues.

Accept, Excellency, the assurances of my highest consideration.


Felice D. Gaer
Rapporteur for Follow-Up on Concluding Observations
Committee against Torture