

ADVANCE QUESTIONS TO POLAND – ADD.1

BELARUS

The 2010 Joint Study on global practices in relation to secret detention in the context of countering terrorism presented by a number of special procedures of the Human Rights Council at its 13th session said that Poland was integrated into the secret detention programme.

It referred to reports claiming that around from eight to ten detainees were allegedly held in the facility in Poland between 2003 and 2005. The study also referred to the Polish press who claimed that the authorities of Poland had assigned a team of "around a dozen" intelligence officers to cooperate with the US on Polish soil and had permitted American "special purpose planes" to land on the territory of Poland. The study highlighted that the existence of the facility had always been denied by the Government of Poland.

It also said that on 11 March 2008 the district Prosecutor's Office had instituted proceedings on the alleged existence of secret CIA prisons in Poland. However, after three and a half years the Polish authorities failed to share the results of such investigation. Recently a large number of mass media, including the Wall Street Journal, referred to the Prime Minister Tusk's words that Polish official involvement in activities by the CIA would be thoroughly scrutinized.

The 2010 Joint Study gives self-explanatory conclusions on the issue of secret detention. In particular, it says that "International law clearly prohibits secret detention that violates a number of human rights and humanitarian law norms that may not be derogated from under any circumstances. If secret detention constitutes enforced disappearances and is widely or systematically practiced, it may even amount to a crime against humanity."

- **What practical steps have been taken by the Polish authorities to conduct thorough, credible and objective investigation of the presence of secret detention facilities in Poland?**
- **When will the Polish authorities invite the special procedures of the Human Rights Council who were involved in the preparation of the joint study to visit the country in order to examine the matter on-site and bring the investigation process in conformity with international standards?**
- **Do the Polish authorities intend to allow international monitors of the investigation, uncover its results and brief the Human Rights Council on this matter and when?**

NORWAY

FREEDOM OF EXPRESSION

- What measures are being taken to review art.212 of the Polish Penal Code that criminalizes defamation?
- What measures are being taken to review the 1984 Press law in order to attune it to the new media reality of internet, etc.?

WOMENS ACCESS TO SEXUAL AND REPRODUCTIVE RIGHTS

- Where does Poland stand in regards to ensuring that women can access lawful abortion by creating clear, legally binding regulations for the implementation of the 1993 Family Planning Act?

DISCRIMINATION

- What measures are being taken in order for Poland to ratify Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms on Discrimination?