



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**  
**Fifty-first session**

**Summary record of the 1177th meeting**

Held at the Palais Wilson, Geneva, on Thursday, 31 October 2013, at 3 p.m.

*Chairperson:* Mr. Grossman

**Contents**

Consideration of reports submitted by States parties under article 19 of the Convention  
(*continued*)

*Combined fifth and sixth periodic reports of Poland (continued)*

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** (continued)

*Combined fifth and sixth periodic reports of Poland (continued) (CAT/C/POL/5-6)*

1. *At the invitation of the Chairperson, the delegation of Poland took places at the Committee table.*
2. **Mr. Węgrzyn** (Poland) said that his Government had fully cooperated with the European Court of Human Rights regarding the alleged United States Central Intelligence Agency (CIA) secret detention sites in Poland and had provided all requested documents in a timely fashion. A domestic investigation of the matter had also been initiated.
3. **Mr. Turek** (Poland) said that the domestic investigation concerning the secret CIA detention sites in Poland had been conducted by the Appellate Prosecution Authority in Warsaw and Krakow. Three cases had been investigated to date concerning Abd al-Rahim Husein Muhamed Abdu al-Nashiri, Zayn al-Abidin Muhammad (Abu Zubaydah) and Walid Muhammed Salih Mubrak bin 'Attash. The victims' lawyers had been allowed access to all information pertaining to the case. The Appellate Prosecution Authority in Krakow had questioned numerous individuals and cooperated with various international institutions, such as the European Centre for Constitutional and Human Rights, the International Committee of the Red Cross and the Commissioner for Human Rights of the Council of Europe, as part of the investigation, which had subsequently been extended until February 2014.
4. Concerns remained regarding the difficulties involved in prosecuting offences of torture or ill-treatment of persons deprived of liberty in Poland, particularly with regard to the lengthy delays in initiating investigation proceedings, which hampered the collection of evidence. Measures had therefore been taken to address those issues, which had also been highlighted in the 2011 report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Relevant guidelines had been issued to all prosecutors in Poland, and briefings had been conducted with the Chief of the police service and the Director-General of the prison service.
5. In general, public prosecutors were responsible for conducting investigations into offences committed by police officers in partnership with a special police body tasked with investigating such offences. No major problems regarding current working methods had so far been identified and there were no plans to create a separate division within the prosecutor's office to investigate those offences.
6. The public prosecutor's office had conducted an investigation into police involvement in the death of the Nigerian citizen Maxwell Itoya in Warsaw in 2010. The prosecutor's office had decided to suspend the investigation in May 2012 owing to lack of evidence, a decision which had subsequently been upheld by the courts. Robert B., who had been arrested during a street demonstration, had been found guilty of injuring a police officer and had, in turn, lodged a complaint of arbitrary arrest. Both cases were pending before the courts.
7. **Mr. Domagała** (Poland) said that although torture was not classified as a separate offence in the Criminal Code, an act amounting to torture could be prosecuted under any other relevant article. Evidence obtained under duress could not be used in a court of law and any act of torture committed by a public official was punishable by a lengthy prison sentence. Anyone aiding or abetting a public official in the commission of an abuse of power was considered equally liable in accordance with article 21 of the Criminal Code.

8. The Government was not aware of any cases of a person sentenced under article 387 of the Code of Criminal Procedure being forced to accept a penalty, and no such complaints had been filed with the European Court of Human Rights or recorded by the national Supreme Court. The penalties applied under article 387 were no different from those applied when a person did not voluntarily accept a penalty. The article was mainly used in cases involving minor offences, such as drink-driving or credit-card fraud rather than torture or ill-treatment, and provided for a considerably shortened trial procedure.

9. On the question of abortion, he said that women had the right to appeal against the decision of a physician, in accordance with national legislation and could claim compensation in the civil courts in the event of being unlawfully denied an abortion. Several awareness-raising campaigns had been conducted in partnership with NGOs to inform women of their rights, but despite the Government's best efforts, only one such case had been filed with the courts to date.

10. Regarding the rights of lesbian, gay, bisexual and transgender persons and other minorities and vulnerable groups, numerous steps had been taken to supplement the existing legislative provisions concerning violence or discrimination against a person or group of persons based on nationality, ethnicity, race, or political or religious affiliation. Special protection measures had also been introduced to cover "natural or acquired individual features". The Civil Code offered victims of discrimination access to redress and compensation, and in certain particularly serious cases the Criminal Code could be invoked. In addition, the Criminal Code contained several provisions which criminalized hate speech in all contexts. The National Training School for Judges and Prosecutors had also organized training sessions on the subject of equality and prevention of discrimination, and the Ministry of Justice was working on a bill to regulate issues relating to gender reassignment procedures. As to international commitments, Poland had already ratified the United Nations Convention on the Rights of Persons with Disabilities and intended to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

11. The non-compensation of victims referred to in paragraphs 359-362 of the periodic report applied only to the particular case of the General Prosecution Authority representing the State Treasury. In 2012, around 470,000 Polish zlotys had been paid in compensation to victims of torture or ill-treatment, in addition to the compensation awarded in accordance with rulings of the European Court of Human Rights. Victims of torture or ill-treatment could also submit claims for compensation for moral or physical injury in a criminal court. Victims' access to rehabilitation was provided free of charge by the national health service and included access to psychiatric and psychological assistance.

12. The Government remained committed to ratifying the Kampala amendment to the Rome Statute of the International Criminal Court on the Crime of Aggression. However, it did not intend to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

13. The recent amendment of the Code of Civil Procedure provided for the right of appeal by persons subjected to involuntary detention. Unfortunately, however, no such provisions had been implemented at the time of the involuntary detention of Stanislaw Kedzor.

14. The Government had closely studied the reports of the Ombudsman and had taken the requisite measures to address the concerns contained therein. The Office of the Ombudsman for Children regularly conducted awareness-raising campaigns and submitted general recommendations to all public authorities concerning the prevention of violence against children.

15. **Mr. Kaczor** (Poland) confirmed that there had been some instances of hazing in the armed forces but said that his Government had introduced a new code of professional conduct in 2010 in an effort to eradicate such practices. Comprehensive training on the new code had been organized for army officers to ensure they were fully acquainted with the relevant standards and were able to foster a culture of respect and professionalism in their units. As a result, the incidence of hazing had fallen dramatically, although cases of difficulties among persons undertaking voluntary military service remained a concern.

16. The Monitoring Group of the National Programme for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance was responsible for receiving and responding to complaints of racial discrimination and regularly conducted awareness-raising campaigns and initiatives designed to combat such acts. The Government was currently devising a draft framework for the Council of Ministers in order to formalize the Group's programme.

17. The Code of Criminal Procedure had been amended in 2013 with the aim of limiting recourse to pretrial detention and shortening the appeal procedure regarding its use. The appeal courts and the Ministry of Justice had assumed responsibility for supervising cases and the number of persons in pretrial detention had decreased by 43 per cent over the period 2005–2012. The overall length of pretrial detention had also dropped by some 80 per cent over the same period.

18. **Ms. Sałapa** (Poland) said that any allegations of torture or ill-treatment in prisons were investigated by the public prosecutor's office and the police. The regulations for investigating the torture or ill-treatment of detainees stipulated that upon receipt of a complaint the law enforcement agencies must collect all relevant documentary evidence and carry out a full medical examination of the victim. In 2012, disciplinary measures had been taken against 122 officers and civilian employees of the prison service, including 3 governors or deputy governors, 9 heads or deputy heads of division, 1 shift commander or deputy shift commander, 97 officers and 12 civilian employees. As to communication between detainees and their lawyers, all forms of correspondence remained confidential and were not monitored by police officers. Pretrial detainees were not currently entitled to make external telephone calls, which included calls to their lawyer. The Government shared the Committee's concerns about pretrial detainees' lack of access to external parties and was therefore in the process of preparing a bill to rectify the matter.

19. Since June 2010, there had been no reports of prison overcrowding, owing in large part to the latest national software programme which monitored and allocated prison space. However, prison occupancy remained close to 97 per cent and the Government had implemented several measures to reduce the number of prisoners, including the introduction of an electronic supervision system and the decriminalization of certain offences. Such efforts had served to increase the average space per detainee to 4 square metres and cells of 2 square metres were now only used in an emergency, as in the case of a stadium riot involving a large number of arrests. The courts monitored the use of such cells and were obliged to consider any resulting complaints by detainees within seven days.

20. As to the treatment of dangerous detainees, the Government had prepared a bill to specify the types of conduct that should be classified as dangerous. The number of persons receiving such a classification had steadily decreased over the period 2012–2013 and many dangerous detainee sections had since been closed. Dangerous offenders were subject to increased rehabilitation efforts, including occupational therapy and anger management training; such action, together with the educational and cultural activities for pretrial detainees, was always undertaken outside the cells.

21. In relation to the suicide and death of prisoners, the Director-General of the prison service had issued a guidance note on suicide prevention, which had resulted in a reduction

in the number of prisoner suicides from 31 in 2010 to 13 in 2013. Each instance of suicide must be examined by the independent prosecuting authorities and the 107 detainee deaths referred to by the Committee had been found to be the result of natural causes.

22. There were seven psychiatric wards in the national prison system, which were mainly used for psychiatric observation of pretrial detainees. Owing to a shortage of specialized personnel and the high number of detainees requiring assistance, detainees with mental disorders only received pharmacological treatment at present. Detainees with psychosocial disorders received specialized treatment and occupational therapy in separate wards. No detainees were subject to castration, but chemical castration could form part of dangerous sex offenders' rehabilitation therapy.

23. The two reports of direct coercion of a detainee by a public official had involved two alcoholics who had been admitted to prison with alcohol withdrawal syndrome. The Government recognized the Committee's concerns regarding the conduct of the prison officers involved in both cases and would pay close attention to such matters in future.

24. The most common forms of inter-prisoner violence were assaults and fights. The prison service had implemented a series of measures to address the matter, such as organizing daily checks of detainees' behaviour, arranging anger management sessions and carrying out personality tests to identify any potentially aggressive detainees. Such efforts had resulted in a sharp drop in inter-prisoner violence from 928 assaults and fights in 2010 to 553 in 2013.

25. **Mr. Krych** (Poland) said that persons applying for refugee status were housed in the national refugee centre and received comprehensive assistance from the National Office for Foreigners, including free Polish language lessons, health care and access to interpreters during hearings. Any person granted refugee status received one year's State assistance, which included financial support, and had the right to a work permit, free health care, education and a "Geneva passport".

26. Foreign nationals resident in Poland did not have the right to vote. The children of immigrants, whether or not they were in a regular situation, had the right to attend State schools. School attendance in Poland was mandatory for all children under the age of 18. As a rule, the Office for Foreigners granted permits to monitor refugee centres to NGOs that could demonstrate that such activities were an integral part of their remit. Poland applied the Dublin II Regulation fully. Psychological assessments were made of applicants for refugee status who alleged that they had been subjected to violence. Where evidence of trauma was confirmed, a psychologist attended hearings to determine the person's refugee status. The expert opinions provided by psychologists in such cases were not yet fully consistent with the Istanbul Protocol, and efforts were being made to rectify that situation. Applicants for refugee status were entitled to the free services of interpreters and legal aid.

27. **Ms. Przybyłowicz** (Poland) said that some of the provisions of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness were already enshrined in Polish law. Nevertheless, her Government was considering the possibility of adhering to both conventions. New legislation on foreign nationals was due to come into force in 2014 and a new legal aid system would be introduced by 2015.

28. Foreign nationals who could not be identified were released from guarded centres, granted a tolerated-stay permit because of the impossibility of deporting them and a one-year temporary residence permit. Where a foreign national's identity was subsequently established, the tolerated-stay permit was revoked. Under pending legislation, deportation procedures would be suspended upon receipt by the courts of a complaint from the person concerned contesting the deportation decision.

29. Foreign nationals placed in guarded centres run by the border authorities could not be held there for more than one year. As a result of monitoring in 2012, standard regulations had been published in 15 languages for persons held in the centres, 2 of which were reserved for parents with children. Inmates had been granted greater freedom of movement on the premises and broader educational opportunities. Public rooms and sports facilities had been improved and computers with Internet access had been installed. Language courses had been made available to staff members. Inmates were entitled to access to health and psychiatric care. New legislation would allow the authorities to place only accompanied minors aged 15 and above in guarded centres. The right of minors in guarded centres to education was safeguarded.

30. Border guards informed foreign nationals who alleged that they were victims of human trafficking of their rights and the existence of the National Emergency and Intervention Centre, run by the La Strada NGO. Such persons also had the right to apply for a three-month residence permit. Confirmed victims of trafficking joined an assistance programme, and the Ministry of the Interior, police and local prosecutor's office were notified of the victim's presence in the country. NGOs provided training for border guards on the legal status of foreign nationals and the integration of immigrants. Complaints against border guards were transmitted to the Office of the Ombudsman on a monthly basis and to the Ministry of the Interior quarterly.

31. **Ms. Dąbrowiecka** (Poland) said that the State party did not consider diplomatic assurances sufficient to protect the rights of an extradited person. The courts ruled on whether to approve extradition and had in several instances ruled against the measure on the grounds of the threat of torture faced by the person concerned. Military disciplinary centres had been converted into ordinary detention facilities following the introduction in 2010 of legislation under which the courts could order the detention of a member of the armed forces only in criminal cases.

32. Under the law, courts had discretion not to impose a penalty on victims of trafficking where their involvement in unlawful activities had been forcible. Similarly, criminal liability could be waived in the case of persons who had been forced to commit a crime. Guidelines for prosecutors made provision for not prosecuting victims of human trafficking for offences committed in that context. Victims who cooperated with the law enforcement agencies were entitled to request a temporary residence permit. Under planned amendments to legislation, foreign nationals would be able to apply for permanent residence permits after two years of legal residence in the country. Two people had been charged with criminal offences in connection with plans by right-wing groups to demolish a Roma camp; the plans had been foiled by the police. A civil case connected with that matter was also pending.

33. **Mr. Łaszkiewicz** (Poland) said that detainees were informed of their rights on arrest and kept abreast of them while in detention. Detainees had access to medical care, interpreters and legal counsel. New legislation would strictly limit the presence of police officers during meetings between detainees and their lawyers. The tapping of offenders' telephone communications was regulated by the Police Act and supervised by the courts. It was unlawful to tap the conversations of detainees with their lawyers. Tasers were not used by prison warders but the police favoured them over firearms as they were less harmful. An early intervention system had been introduced to monitor even the smallest irregularities on the part of the police and prevent their repetition. All cases of domestic violence were closely and individually monitored. Police officers used a standardized checklist to help them to detect incidents involving domestic violence. It was expected that Poland would shortly complete the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Training for law enforcement personnel was aimed at reducing the incidence of the use of torture or other ill-treatment.

Human rights advisers were assigned to all police stations. As a result, the number of reported offences had fallen to between 30 and 50 cases a year.

34. **Mr. Mariño Menéndez** (Country Rapporteur) said that he would like to know whether the offence of abuse of authority by public officials provided for under article 201 of the Criminal Code could be considered under any circumstances to be equivalent to an act of torture. If so, the maximum prison term of 3 years stipulated by the article did not correspond to the potential seriousness of such an offence. He asked whether, in cases of torture, it was an aggravating circumstance when the offender was a public official. He also asked whether crime suspects could be held incommunicado upon arrest and, if so, for how long, whether detainees had the right to choose their own doctor for medical examinations and whether reparation was available to persons whose pretrial detention was subsequently ruled unlawful.

35. He would like to know whether there had been any cases of foreign children being granted consent for a tolerated stay because failure to do so would constitute a violation of the Convention on the Rights of the Child. With regard to the early intervention system, he asked what was meant by “the smallest irregularities” on the part of the police. Was there a formal police code of conduct? He also wished to know whether the questioning of persons placed in police custody was recorded. He asked the delegation to provide more information about the forced displacement of Roma people in the State party, to explain the distinction under Polish law between national and ethnic minorities, and to clarify the role and powers of the Ombudsman for Patients’ Rights. He also wished to know, given that domestic violence as such was not defined in the Criminal Code, whether that offence was adequately covered by other offences defined in the Code.

36. **Mr. Wang Xuexian** (Country Rapporteur) said that the use of Tasers should be strictly regulated. The fact that they were supposed not to be lethal, even though deaths had been caused by Tasers, could lead police officers to be less hesitant in employing them than they would be with firearms. The Committee maintained its stance that the practice of surgical castration should be abandoned entirely. It welcomed the fact that the State party was considering the possibility of adhering to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Noting that an investigation into the suspected illegal detention of persons in connection with flights via the State party organized by the CIA was due to be extended until February 2014, he asked whether that date constituted a deadline. No statute of limitations should apply to investigations of possible acts of torture.

37. **Ms. Belmir**, noting that the European Court of Human Rights had ruled against the State party in several cases for violations of articles 6 and 13 of the European Convention on Human Rights, asked what measures were being taken to improve supervision of the courts. In addition, it appeared that information brochures were frequently distributed to foreign detainees in Polish only. Access to files in order to check one’s criminal record seemed to be limited.

38. **Mr. Bruni** said that the European Court of Human Rights had made three rulings against the State party for holding prisoners in cells as small as 2–3 square metres, in some cases for up to 90 days, and asked whether in future it would comply with the standard minimum living space of 4 square metres established by the European Committee for the Prevention of Torture.

39. **Ms. Gaer** said that she would like to have more specific details about the independent authority that, according to the delegation, investigated deaths in custody. To whom, for instance, did it report? She reiterated the Committee’s request for specific information on compensation claims made by victims of torture and their families, and asked for details of the sentences received by public officials convicted of abuse of

authority. She also asked whether such officials were disciplined or dismissed from their posts.

40. **Mr. Tugushi** said that he would like to know more about how the Government intended to fund the Office of the Ombudsman in the future. Noting recent debate in the State party on the constitutionality of the use of constraint measures in sobering-up centres, he asked whether moves were afoot to amend the 1982 legislation under which they had been established.

41. **Ms. Sveaass** asked whether, in the guarded centres for foreigners, education was provided to both accompanied and unaccompanied children. She enquired whether the legal entitlement to rehabilitation services for torture victims was followed up with the actual provision of such services. If that was the case, she wished to know how many torture victims had benefited from rehabilitation, including health care and social reintegration services. Were psychiatric patients who had been subjected to ill-treatment provided with any form of compensation or redress? She requested clarification of the role of psychologists and the purpose of their intervention in the asylum procedure.

42. **The Chairperson** asked whether Poland took the view that the forms of cooperation with the European Court of Human Rights should be determined by each member State individually. He wished to know whether the Government envisaged making any amendments to criminal procedure in order to enhance the protection afforded by the privileged attorney-client relationship. He requested statistics on the number of persons killed or wounded in the past year by the police using firearms. In what circumstances did the police use Tasers?

43. He enquired whether the wife of Maxwell Itoya, the Nigerian who had been fatally shot by a policeman, had been provided with compensation or humanitarian assistance. Hypothetically, if a police officer beat an individual because of his or her sexual orientation, causing the victim to require hospitalization for one week, what were the maximum and minimum penalties for that offence?

44. He urged the State party to consider incorporating in its national law the definition of torture contained in article 1 of the Convention, since the adoption by all States parties of identical wording would enhance the legitimacy of the prohibition of torture. Lastly, he enquired whether the Government was considering modifying the requirement of necessity as a precondition for increased protection to trafficking victims.

45. **Ms. Sałapa** (Poland) said that there were six psychiatric wards in Polish prisons, which were used mainly for psychiatric observation of detainees during preliminary proceedings. Prisoners had a right to refuse to comply with a decision to administer pharmacological treatment and could appeal against it through an established complaints procedure. The rights of prisoners in that regard were no different from those of the general public.

46. The type of castration that had been referred to in the written replies was chemical castration, which involved the administration of anti-androgenic substances in order to decrease the sex drive. However, the treatments prescribed in prison wards that dealt with prisoners who exhibited sexual disorders did not include pharmacological therapy but relied on psychotherapy and cognitive and behavioural therapies.

47. The minimum cell space allotted to each prisoner was specified in the Criminal Code and was 3 square metres. In prescribed circumstances, prisoners could be placed in a cell space that was less than 3 square metres but at least 2 square metres for no longer than 14 days, which could be extended to 28 days with the judge's approval. In 2012, judges in over 1,500 cases had refused requests for such extensions. Prisoners held in smaller spaces for longer than 28 days could lodge a judicial complaint of overcrowding.



48. Every case of suicide in a correctional facility was immediately notified to the prosecution service, and the assigned prosecutor conducted an on-site investigation of the circumstances of the death. The public prosecution service was a fully independent body.

49. **Mr. Zoń** (Poland), outlining the disciplinary sanctions that were applied to prison officers for violations of prisoners' rights, said that, in 2012, 122 officers and civilian employees of the prison service had been sanctioned for such offences by means of warnings, reprimands or fines deducted from their pay.

50. **Mr. Łaskiewicz** (Poland) said that suspects could be held in custody for a maximum of 48 hours, with the possibility of requesting a court order to extend the detention to 72 hours. Detained persons had the right to consult a lawyer, and an ex officio physician was assigned to them on admission. The system of early intervention used in Poland was modelled on that used by police in the United States and was intended simply as a means of crime prevention.

51. The police had an internal code of conduct consisting of 22 paragraphs of regulations, which had been in effect for approximately 10 years. Police officers who violated the code incurred disciplinary sanctions and could also be held liable under criminal law. The maximum disciplinary sanction was dismissal from service. Code violations by police officers were used during training sessions as examples of practices to avoid.

52. The police used closed-circuit television cameras to record interrogations at police stations and was experimenting with installing cameras on police uniforms in order to record off-premises interventions as a means of confirming or denying accusations of police misconduct. The Tasers used by the police had an integrated camera that could record audio and video when the weapon's safety was disengaged. There were no cameras integrated into police firearms.

53. The fatal shooting of Maxwell Itoya, the Nigerian citizen mentioned previously, could have been avoided had the police officer used a Taser instead of a firearm. It was precisely the Itoya case that had led the police to adopt non-lethal methods of arrest. Whereas suspect fatalities due to the use of firearms had previously averaged around 15 a year, since the introduction of Tasers there had not been a single suspect fatality resulting from that method of arrest.

54. Poland had enacted legislation on the prevention of domestic violence, and there were provisions in the Criminal Code that defined offences with the characteristics of domestic violence.

55. A debate about sobering-up facilities was currently under way in the police service, given that, in many cases, local authorities had closed down such facilities and intoxicated persons were often taken into custody by the police. Regrettably, some deaths had occurred in police stations owing to the fact that the police were ill prepared to provide the necessary medical care in such cases.

56. With regard to the "attorney-client privilege", a bill that was currently under consideration in the Senate would strictly limit the presence of a prosecutor or police officer during meetings between clients and their attorney. In some instances, however, such as when an attorney met with a client who was considered to be dangerous, the presence of a police officer was necessary in order to protect the attorney.

57. **The Chairperson** asked to know the source of the statistics he had received relating to the number of fatalities resulting from the use of firearms by the police in 2011 and 2012.

58. **Mr. Krych** (Poland) said that the rejection of a foreigner's request for refugee status automatically triggered a request for supplementary protection. If a foreigner failed to meet the conditions for supplementary protection, his or her request automatically generated a request for a "tolerated stay" permit. Such permits had been granted to 271 persons in 2011 and 215 in 2012 for reasons of family reunification and respect for the rights of the child.

59. The head of the Office for Foreigners worked with a professional translation agency, which was selected on the basis of public procurement, in order to translate brochures for immigrants and asylum seekers and to provide court interpretation where necessary.

60. **Ms. Przybyłowicz** (Poland) said it was not true that the brochures prepared for newly admitted foreigners in the guarded centres contained poor translations or that the interpreters hired by the Polish border guards were poorly qualified. Interpreters were often native speakers of their language who had resided lawfully in Poland for many years, and the border guards had a satisfactory working relationship with them. The brochures for foreigners contained information on the asylum procedure, the return procedure and the internal regulations of the guarded centres. The regulations had been simplified in order to make them easier to understand for foreigners and had been translated into 15 languages. Education was guaranteed to all children between the ages of 6 and 18, regardless of whether they were accompanied or unaccompanied.

61. **Mr. Turek** (Poland) said that the reason for the extension until February 2014 of the investigation into the alleged use by the CIA of secret prisons in Poland was that most of the evidence had to be gathered abroad. In order to complete their investigation, the authorities therefore depended on the good will of other countries. The public prosecution service did not believe that the continuation of the proceedings would be time-barred since a provision in the Polish Criminal Code stipulated that the latter did not apply to certain serious offences, which included those at issue in the investigation.

62. The public prosecution service had undergone a major reform in 2010, when it had been separated from the Ministry of Justice. It currently operated as an independent public institution whose functions included the investigation of offences committed by public officials. Regrettably, he did not have any information about whether Maxwell Itoya's wife had received any compensation.

63. **Mr. Domagała** (Poland) provided details of compensation awarded to plaintiffs in certain cases involving wrongful arrest, and convictions handed down for the crime of abuse of authority, which included crimes described as extortion of testimony. There was no specific definition of torture in the Criminal Code; rather, the Code provided judges with a "toolbox" consisting of a number of offences which the judge could select in order to define the various acts of wrongdoing in each case. Hypothetically, if a police officer abused his power by beating up a person on the street, he would be convicted under articles 231 and 157 of the Criminal Code jointly. The punishment for such a crime could range from 1 month's to 3 years' imprisonment.

64. **Ms. Dąbrowiecka** said that the definitions used in Poland for national and ethnic minorities were based on those contained in the Council of Europe Framework Convention for the Protection of National Minorities. On that basis, there were nine national minorities and four ethnic minorities.

65. **Mr. Węgrzyn** (Poland) said that his delegation would supply the Committee with the answers to any remaining questions in writing.

66. **The Chairperson** thanked the delegation for its reports and extensive responses to the questions posed by the Committee.

*The meeting rose at 6 p.m.*