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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Amnesty International, a non-
governmental organization in consultative status (Category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[11 February 1983]

Situation of human rights in Poland

In September 1982 Amnesty International submitted information to the Secretary-General relating to its human rights concerns in Poland pursuant to resolution 1982/26 which was adopted by the thirty-eighth session of the Commission on Human Rights and which requested the Secretary-General or a person designated by him to undertake a thorough study of the human rights situation in Poland. In that communication Amnesty International expressed concern with respect both to the internment of individuals without charge or trial under the provisions of martial law and to the imprisonment of individuals who had been arrested and were awaiting trial or who had been arrested, tried and convicted for offences under martial law provisions or under the Polish criminal code for the non-violent exercise of their human rights. The organization stated its belief that individuals in each of these categories were "prisoners of conscience", that is, persons detained for their conscientiously held beliefs who had not used or advocated violence. It noted that, under the terms of its mandate, it had on a number of occasions called upon the Polish Government to release all such prisoners of conscience.

The present statement is circulated to inform the Commission on Human Rights of the most recent information available to Amnesty International regarding the organization's human rights concerns in Poland.

On 23 December 1982, the Polish Government announced the release of all individuals who remained interned without charge or trial under the provisions of martial law. The measure of internment authorizing such arbitrary detention was itself abolished at the time of the official suspension of martial law in Poland at midnight on 30 December 1982. Amnesty International considered all of those who had been held in internment at some time during the period of martial law - a total of 10,131 people according to official government figures issued on 9 December 1982, a figure unofficially estimated to be higher by some sources - to be prisoners of conscience and accordingly welcomed the release of the internees and the abolition of the measure of internment.

At the same time, Amnesty International remains concerned at the continuing imprisonment of individuals who have been arrested and are awaiting trial or who have been arrested, tried and convicted for offences under previously applicable martial law provisions or under the Polish criminal code and whom the organization believes to be held for the non-violent exercise of their human rights. While unofficial estimates of prisoners in this category vary, a spokesman for the Polish Government on 4 January 1983 stated that the number of people currently arrested, or convicted and imprisoned, for political crimes as of that day amounted to approximately 1,500. In most of these cases known to Amnesty International, the organization believes that those imprisoned have been charged for the non-violent exercise of their human rights following the imposition of martial law, and are considered by the organization to be prisoners of conscience who should be released. The organization has formally adopted and called upon its membership to work on behalf of more than 300 such cases about whom it has obtained relevant details.

Of those tried and convicted under such circumstances, the majority have been sentenced to prison terms of between three and ten years for organizing strikes and demonstrations, circulating leaflets which protested against martial law or other breaches of martial law regulations involving the non-violent exercise of their human rights. The majority of those tried and convicted during the period when martial law provisions were applicable were tried under summary proceedings prescribed by martial law. In these proceedings, pre-trial detention was compulsory, various procedural time limits were reduced and heavier penalties were imposed than are prescribed under normally applicable laws -- a minimum of three years' imprisonment (maximum -- 25 years or death) together with loss of civil rights for up to 10 years. In most cases, during the investigation phase of the proceedings, the accused did not have access to a lawyer and some alleged that they were intimidated or physically ill-treated. In a number of cases prisoners of conscience complained that their convictions had been obtained on the basis of false or contradictory testimony. Those convicted had no right of appeal, though in some cases sentences were raised as the result of an extraordinary appeal by the Procurator General. Certain offences against martial law were tried by military court, involving still further restrictions, such as limited public access to the court and limitations on the accused's choice of lawyer.

Among those currently held pursuant to charges brought while martial law was in force are seven leading officials of the Solidarity trade union who had been interned until 23 December 1982, but who were then arrested and charged rather than released with other internees on that date. They are:

- Andrzej Gwiazda, aged 47, deputy chairman of Solidarity and one of the leaders of the strike committee formed in Gdansk in August 1980 that led to the creation of Solidarity;
- Marian Jurczyk, aged 48, and Jan Rulewski, aged 38, who headed the Szczecin and Bydgoszcz branches of Solidarity respectively;
- Seweryn Jaworski, aged 51, deputy chairman of Solidarity's Warsaw branch;
- Karol Modzelewski, aged 45, a union official from Wroclaw, and formerly a spokesman for Solidarity;
- Grzegorz Palka, aged 32, member of Solidarity's national presidium for the region of Lodz; and
- Andrzej Rozplochowski, aged 32, Solidarity leader from Katowice.

On 4 January 1983 a government spokesman said that the seven were being investigated on charges of seeking the violent overthrow of the Polish socio-political system, apparently in connection with their activities prior to the imposition of martial law. At the same time it was announced that the investigation of five former members of the Komitet Obrony Robotnikow (KOR), the Committee for the Defence of Workers, who were arrested on similar charges in September 1982, would be completed by the end of January 1983. The five are: Jacek Kuron, Adam Michnik, Henryk Wujec, Jan Litynski and Jan Jozef Lipski. KOR had been founded in Warsaw in 1976 to help workers facing financial, legal or other difficulties because of their participation in strikes and disturbances that year and was voluntarily disbanded in September 1981. Several of its leading members became advisers to Solidarity.

Other Solidarity officials and members were arrested during November and December 1982. They include Wladyslaw Frasnyniuk, a Solidarity official from Lower Silesia, who worked as an organiser for the union in the Wroclaw region, one of the most active centres of protest to martial law. Arrested on 5 October 1982, he was sentenced on 24 November 1982 to six years' imprisonment and four years' loss of civil rights after his conviction under summary proceedings on charges of having continued trade union activity and of having organized strikes and protest actions. Another Solidarity official who reportedly organized opposition to martial law, Piotr Bednarz, former deputy chairman of the Wroclaw Regional Executive, was arrested on 7 November. On 27 December he was sentenced to four years' imprisonment and three years' loss of civil rights.

On 8 October 1982 four members of the Konfederacja Polski Niepodleglej (KPN), the Confederation for an Independent Poland, an unofficial political group, who had been on trial since June 1981, were convicted and sentenced. They were found guilty of having founded an illegal organization (the KPN) aimed at abolishing by force Poland's socio-political system and weakening its defence capacity, and of having "conducted illegal publishing activity, organized demonstrations and created agencies abroad" to further these aims. Leszek Moczulski was sentenced to seven years' imprisonment, Romuald Szeremetiew and Tadeusz Stanski to five years' imprisonment each, and Tadeusz Jandziszak to two years' imprisonment, suspended on health grounds. Amnesty International is not aware of any evidence indicating that any of those convicted have used or advocated violence.

The continued imprisonment of prisoners of conscience by the Government of Poland is contrary to Articles 19 and 20 of the Universal Declaration of Human Rights and Articles 19, 21 and 22 of the International Covenant of Civil and Political Rights, guaranteeing freedom of opinion and expression and freedom of peaceful assembly and association. Amnesty International also wishes to refer to resolution 33/169 adopted by the United Nations General Assembly without a vote on 20 December 1978 which requests Member States to release any persons who, contrary to the standards set out in international legal instruments, "may be under arrest or detention on account of trade union activities".

In December 1982 the Polish Government announced that an accelerated procedure had been introduced for the State Council of Poland to review applications for pardon for political prisoners. On 29 December 1982, it was officially stated that about 700 people imprisoned for violating martial law were eligible to apply for pardon under this procedure. On 4 January 1983 a government official said that the courts were reviewing 200 such cases. Amnesty International believes that it is incumbent upon the Polish Government to bring about the immediate and unconditional release of all prisoners in Poland charged or convicted for the non-violent exercise of their rights to freedom of opinion and expression and freedom of peaceful assembly and association.