HELSINKI COMMITTEE IN POLAND



HUMAN RIGHTS

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#HELSINKI ## FEDERATION FOR HUMAN RIGHTS

ANNUAL
MEMBERSHIP MEETING
April 22 - 24, 1989
WARSAW

I. CITIZENS' INITIATIVES FOR HUMAN RIGHTS IN POLAND

- 1. The first independent initiative of the 'Helsinki watch' type was launched in Poland only a few months after the promulgation of the Final Act of the Conference on Security and Cooperation in Europe. Extending over the last few months of 1975 and into January 1976, it was aimed at collecting signatures under a public protest against the proposed amendments to Poland's Constitution, which were to fortify constitutionally the Communist party's monopoly of power as well as the country's bonds with the Soviet Union. The same petition demanded that the Constitution should contain effective safeguards of civil liberties in Poland. The climax of the campaign was an open letter signed by 59 intellectuals, but there were many more such public protests. The signatories of these protests became the objects of harassment by the authorities while the constitutional amendments were adopted by Parliament with only minor modifications. Though the campaign of public protest did not divert the authorities from their line of action, it became a model for numerous independent initiatives that followed.
- 2. In August 1976, the Workers' Defense Committee (KOR) was founded, among others by participants in the campaign of protest against the constitutional amendments. KOR arose in reaction to the reprisals that affected many of the workers who had taken part in the massive strikes held in the factories of Radom, Ursus near Warsaw, and some other places in protest against the big food price rises of mid-1976. The strikes were ruthlessly suppressed by the police, and those detained were beaten, tortured, and either sent to jail for many years or heavily fined in defiance of existing legal procedures.

Hundreds of people responded to an appeal in which KOR, calling for solidarity with the persecuted workers, launched a campaign of public support for them. The operation was a big success: within one year, all the jailed workers were released from prison. In the autumn of 1977, KOR reorganized itself into the Committee of Self-Defense 'KOR' (KSS KOR) whose aim was to monitor all politically and ideologically motivated violations of the law by the police and to support civic initiatives for safe-guarding the rights and freedoms laid down in the Covenants for Human Rights and in the Final Act of the Helsinki Conference.

3. One more civic initiative with similar goals was born in March 1977. It was the Movement for Safeguarding Human and Civil Rights (ROPCiO), and one of their more spectacular actions was the campaign for having the Covenants for Human Rights published in Poland. ROPCiO printed this text on their own and started to collect signatures under a suitable appeal to the authorities (who controlled the country's printing presses). Eventually, under public pressure, and presumably in view of the approaching visit of U.S. President Jimmy Carter, the Covenants for Human Rights were officially published in Poland.

4. KSS KOR, as well as ROPCiO, were the prime movers of numerous independent initiatives, e.g., the Student Committees of Solidarity or the Society for Academic Courses (TKN) and many other in the field of independent publishing, and in promoting free trade unions. While considered illegal by the authorities, these and similar civic initiatives were anchored in the norms and rights promulgated in the Pacts on Human Rights and reaffirmed in the Final Act of the Helsinki CSCE.

A direct reference to the Helsinki Accord was made, in substance as well as in name, by the Helsinki Commission formed in 1980 by activists of the KSS KOR Intervention Bureau. The Commission drew up and published a report listing the violations of human rights committed by the authorities in Poland in the second half of the seventies, i.e., in the period preceding the Madrid Conference.

5. However limited in scope, the civic initiatives of the second half of the 'seventies were seminal for the subsequent drive for civic self-government and the nation-wide upsurge of civic activity in the period August 1980 and December 1981.

This was a period when large sections of the population became involved in public affairs. At first, right after the founding of 'Solidarity,' the movement was dominated by demands of more civil rights, better pay, shorter working hours, and the like, but gradually local programmes of action were being developed, with a view to reforming the existing civic institutions and bodies, in keeping with the needs and aspirations of a self-governing society. All these strivings added up to a programme for a peaceful reconstruction of the system and a 'socialization' of the state. The overriding issue was that of the institutional and legal safeguards of the observance by the authorities of civil rights and freedoms, as stipulated by the International Pacts on Human Rights.

In the period August 1980—December 1981, many of the independent civic institutions, such as KSS KOR, ROPCiO, and the Helsinki Commission, decided to dissolve or discontinued their operations. The leading activists of these bodies joined in the work of the various structures of 'Solidarity.'

6. The proclamation of martial law in Poland (December 1981) dealt a heavy blow to the freedom-minded Poles. All hopes for a reform of the system were dashed overnight. The coup was aimed chiefly at the independent trade union 'Solidarity' as the guarantor of the proposed reforms. Thousands of 'Solidarity' leaders and activists were detained, and the reign of oppression and police terror was solidified by a series of drastic legislative measures curtailing basic civic rights and freedoms. The public responded with a sort of campaign of civil disobedience in various spheres of life. 'Solidarity' went underground, forming clandestine shop councils, inter-factory committees, and the Provisional Coordinating Commission (TKK).

Numerous newspapers and journals began to appear in the underground: in 1982 alone more than 750 titles were registered. In the same way, new publishing houses and numerous independent educational, cultural and scientific institutions were set up. A characteristic feature of spontaneous civic activities was the highly varied movement of civic self-aid. A very important institution of this kind was the Committee on Aid to Prisoners and Their Families, which operated openly under the auspices of the Primate of Poland (the head of the Roman-Catholic Church). Less than one year after martial law, in October 1982, a new civic initiative was born in the underground—the Polish Helsinki Committee.

7. From its incipience, the Helsinki Committee has striven to study the observance of human rights in Poland and to keep public opinion informed about all violations of international agreements and the Helsinki Accord in particular. Those working for the Helsinki Committee were volunteers recruited from various independent (i.e., clandestine) bodies as well as from official institutions. In a matter of months the

Helsinki Committee drew up a report, Human Rights in Poland under Martial Law, several hundred pages long. The report reached the Madrid Conference late in Spring 1983, several months before the conclusion of the conference.

Since then (up to the end of 1988) the Polish Helsinki Committee has drawn up six annual reports on human rights in Poland, and also three special reports for the CSCE meetings: one for Ottawa and two for Vienna. In 1984 the Helsinki Committee addressed a memorandum to the UN Secretary General. At the request of the 'Solidarity' leadership, the Helsinki Committee has put up three reports on trade union freedoms in Poland (in 1984, 1987, and 1988), for the International Labour Organization.

Since 1983 the Helsinki Committee has worked with various bodies of 'Solidarity' (i.a., TKK, which underpinned the prestige of the Committee), with independent journals (KOS, Tygodnik Mazowsze, Krytyka, Praworządność, Paragraf), clandestine publishers (WSKOS, NOWA, CDN, Pokolenie), civic movements (Independent Educational Group, Committee on Independent Culture, Social Scientific Committee, Social Commission for Health), and other civic bodies with similar objectives (i.a., Malopolska Committee for the Rule of Law, Committee on Safeguarding the Rule of Law, and Freedom and Peace—WiP). Maintaining close links with all these and similar institutions, the Helsinki Committee has nevertheless preserved its autonomy and integrity as a group of people sharing the responsibility for their work.

In addition to its many reports, the Helsinki Committee has worked toward a revision of legislation so as to create a suitable framework for the observance of human rights in Poland. This has resulted in the (clandestine) publication of several monographs in the series Publications of the Helsinki Committee. At the request of the 'Solidarity' leadership, in the autumn of 1986 the Helsinki Committee submitted its programme, Our Position on Issues of Law and the Rule of Law. In October 1988, the Committee published the document, Civil Rights: Law and the Rule of Law.

Since the autumn of 1986, or the last amnesty for political prisoners in Poland, the authorities have developed a new system of reprisals for independent civic activities, providing for periods of relative leniency, so that an ever growing number of clandestine bodies have come into the open. Since December 1986 the 'Solidarity' Commission for Intervention and the Rule of Law has been working openly, assisting on a large scale the still harassed active members of the union. Quite impressive has been the record of the very lively movement of conscientious objectors, Freedom and Peace (WiP).

On 24 July 1988, the Polish Helsinki Committee published for the first time the full list of its members. The past few months have seen new initiatives of the Committee for safeguarding human rights in Poland, specifically by creating a political and legal framework that would guarantee the observance of human rights. Elevent members of the Committee attended the recent 'round table' negotiations between the government and independent forces.

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II. SELECTED DOCUMENTS

1. Communique of 24 July 1988

In the thirteen years that have passed since the signing of the Helsinki accords, the public's attitude to the problem of human rights has changed. The perception that violations of human rights constitute a challenge for the nations of our continent because they deny values that are at the basis of European culture has become more and more widespread. It happened not only thanks to those govermments that made the issue of respecting human rights a part of their political relations with other signatories of the Helsinki accords, but also due to the fact that the ideals of human rights have awakened the aspirations and solidarity of people. A human rights movement emerged both in the East and in the West. This movement deals with the issue of respect for human rights not only in political categories but in moral ones as well. The essence of an order based on human rights is the respect for human dignity and the moral obligation to defend it.

The Helsinki Committee is a citizens' initiative and is part of this movement. The Committee's role consists mainly of informing public opinion and international bodies about violations of human rights in our country. We have been reporting on violations of personal integrity, about the cases and mechanisms of degrading and humiliating treatment during penal procedures, about the limits on freedom to express one's opinions and beliefs and on access to information, about restrictions on the right to organize and to participate in public life, about the legal and practical conditions under which existing organizations operate.

We believe that currently the conditions are emerging to undertake, in addition to informational activity, more general actions aimed at eliminating the legal mechanisms that allow arbitrariness in government actions and at reducing the repressiveness of the law. We see the necessity of undertaking citizens' legislative initiatives regarding human rights, of assessing the existing law and its proposed changes, of disseminating information about the possibility of using the existing law to protect individual and collective rights of citizens. The Helsinki Committee has been and will continue to cooperate with other citizens' initiatives and organizations concerned with the defence of human rights.

Signed: Piotr Andrzejewski, lawyer, Halina Bortnowska-Dąbrowska, philosopher, Jerzy Ciemniewski, lawyer, Janusz Grzelak, psychology professor, Jarosław Kaczyński, lawyer, Marek Nowicki, lawyer, Jan Rosner, lawyer, Stefan Starczewski, philologist, Andrzej Stelmachowski, lawyer, Zofia Wasilkowska, lawyer, Janina Zakrzewska, lawyer, Tadeusz Zieliński, lawyer.

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2. Letter to Participants of ILA Conference

The international community is setting up, though not without difficulties, a system of legal guarantees of human rights observation, the system including the majority of States - members of UNO. Not all the States, however, respect the sovereignly accepted obligations. It happens that the existing procedures and the means of control are rejected because, as it is argumented, their application interfere with the internal affairs of the State, infringing its right to sovereignly exercise the human rights. Polish government's negative response to the fact that International Labour Organization appointed, in 1983, the Investigation Commission in order to evaluate the charge that the convention had been violated, may serve as an example.

The control measures provided for by the Covenant on Human Rights fail to be effective. As far as Poland is concerned the Human Rights Committee accepted without objections, in 1986, the government's report on implementation of the Covenant of Citizens' and Political Rights, presenting the situation in a way, which was blatantly inconsistent with the facts.

Shortage of fully efficient mechanisms serving control of realisation of obligations sovereignly accepted by particular States seriously lowers the value and the importance of international guarantees of human rights observance. It seems that it is high time to initiate renegotiation of that part of the Covenant. It is characteristic that the Facultative Protocol is not included into the Covenant, being merely an ancillary document, although it is undoubtful that its control procedures should constitute an integral part

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New solutions should guarantee full participation in the proceedings before international bodies to the citizens and their organizations in particular countries. Maintaining the state in which they do not have legally determined possibility to formulate their opinions and objections concerning their fundamental rights and freedoms is highly dissatisfying. We think that the Association can and should initiate the changes.

It is generally accepted that the international agreements, ratified and promulgated, are binding in the State ex proprio vigore and should be observed as lex specialis, before the internal law. That principle constitutes an important condition of effectiveness of the international system of legal guarantees of human rights observance. That principle is not ackowledged by the Polish authorities, including courts. The Supreme Court has expressed its opinions, in its subsequent decisions, that ratification brings only results in the international sphere, consisting in obligation of the State towards the international community, to introduce the international law provisions into the national law. Such attitude results in a situation where the Covenant on Human Rights, as well as other international provisions, do not constitute any guarantee of human rights observance for Polish citizens.

We appeal to the Association to assume an authoritative attitude towards such opinion and the resulting endangerment for the fundamental human rights and freedoms.

With greatest respect to the participants of the Conference and all the best wishes for fruitful debates.

Helsinki Committee in Poland

Warsaw, 21 August 1988

3. Letter to the Seym on Freedom of Association

Warsaw, 8 October 1988

The Seym of the Polish Peoples'Republic
For the attention of the President
of the Seym
Mr Roman Malinowski

Eighth October marks the end of the six years period since the Law on Trade Unions was passed by the Polish Seym.

The Law delegalised all the trade unions existing in Poland before 13th December 1981. In spite of the promises given by the legislator to introduce trade union pluralism in the factories and institutions. The State Council has not yet passed the resolution which would allow the workers to establish more than one union organisation in their workplaces. Such situation is in conflict with the international obligations, particularly with the International Labour Organisation Convention no87, ratified by Poland.

As the results of the changes in the trade union law, without the consultation with the authentic union movement which was guaranteed by Gdańsk agreement, the freedom of associations in Poland has been drastically limited. Article 11 of the Law on Trade Unions deprived workers of the possibility to associate within the national union and to act in the regional structures.

Unclear wording of art.19, par.1 of the Law and the restrictive interpretation of this regulation by the State Council resulted in the drastic limitation of union autonomy concerning the choice of the name.

The Law on Trade Unions oreated major obstacles in the workers' excercising the right to strike and limited the group of people authorised to excercise this form of union rights. The Law did not clearly guarantee the workers the right to announce strike in defence of union rights and freedoms, and that gave the party and the government the excuse to treat the strikes of 1988, aiming at the reinstallment of union pluralism, as "political" strikes. Solidarity strikes, which have always been the effective means of defending the working class against exploitation, were completely excluded from the Law on Trade Unions dated 8th October 1982.

Freedom of union activity was also severly limited by the repressive decisions against union activists included in art.54.

One of the striking omissions of the Law is the deprivation of protection against being fired from work; it concerns the members of the founding committees. As a result of that, the workers who in the years 1986-1988 postulated the establishing of "Solidarność" in their workplaces were persecuted by their bosses, fired and discriminated at their attempts to start a new job.

This incompatibility between the Trade Union Law and international norms as well as Polish Constitution, which in art.84 guarantees freedom of associating in the trade unions within the political and legal system, is the reason of the continuous social unrest and the main obstacle in reaching national agreement. Since 1982 Polish trade union legislation has been the subject to the continuous criticism within the International Labour Organisation.

This fact diminishes the prestidge of our country in the world and does great harm to the contacts between Poland and its foreign partners.

To put Poland back in the right place within world community and to guarantee Polish people their union freedoms, it is neccessary to change the text of the Law on Trade Unions so that it is in accordance with the international norms ratified by Poland, and it has to be done without any furher delay. The State Council should urgently prepare the writ of delegation of art.60, par.3 of the Law and quash the suspension of trade union pluralism in the workplaces. Prolonging the existing situation means, on the one hand, the lack of observance of Poland's international obligations and on the other, it is the proof that the authorities do not respect their own regulations, particularily Art.11 and art.37 of the Law on Trade Unions, which guarantee the possibility of existing and acting /after the transition period/ in each workplace of more than one trade union organisation.

In the law observing country the legal regulations are not only binding for the citizens to whom they are addressed but also, and above all for those who create those regulations.

Helsinki Committee in Poland

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4. Civil Rights, the Law and the Rule of Law

The Position of the Helsinki Committee in Poland

1. The Legacy of Stalinism

1.1. A major cause of a serious conflict between the State and the citizens manifesting itself also but not solely in violent outbreaks of social discontent, lies in the failure to respect human rights and some fundamental civil freedoms by the authorities of the Polish People's Republic. The lack of reliable institutional guarantees that would enable the citizens to exercise their rights stems from the characteristics of a system shaped during the Stalinist period.

1.2. The Stalinist system was forcibly imposed on Polish society and perpetuated through the use terror and an enforced totalitarian ideology. In the Stalinist era covil freedoms were abolished in all spheres while the law and the respective institutions set up for its administration suffered a degradation. After the year 1956 the use of terror was abandoned. At times, and to a limited extenty, certain freedoms were restored. Stalinism, however, has left a deep mark on the consciousness of the ruling groups, perpetuating itself in institutions and structures of the socio-political life in Poland.

1.3. A lasting feature of the system breated under Stalinism was the subordination of the law to some immediate objectives and interests of the ruling group and non-observance of human rights and civil freedoms. The abolition or rationing of "formal" liberties would be explained at different times in terms of a need "to mobilize the masses for the construction.

00-028 Warszawa, ul. Bracka 18 m. 62 tel./fax (48-22) 828 10 08, 828 69 96 826 98 75, 826 96 50 tion of a system" securing people's welfare, equality and social justice. The promise of building such a system has never come true. Every few years, the history of People's Poland saw recurring difficulties and economic slumps, only to culminate in the last ten years in a permanent crisis verging on an economic and civilizational catastrophe. It has turned out that a system guided by ideological doctrine questioning the rights and freedoms of the individual for the sake of the collective cannot secure any rights for anyone. Incapable of respecting civil and political rights, the system is unable to fulfill its promises concerning social, economic and cultural rights for the citizens.

1.4. A total rejection of Stalinism is an important condition for paving the way towards social and political relations in Poland based on a principle, invoked in the Pacts of Human Rights, recognizing "the natural dignity of man/../, a free human being exercising civil and political freedom and liberated from fear and poverty..."

2. The Rule of Law

- 2.1. A law-abiding system for organizing the State is one in which the process of exercising authority is possible solely on the basis and within the framework of the law. It means that all the State bodies exercising public authority should become legitimized in a mode provided for by the law and all their actions must not only have a legal basis, but may also be questioned, assessed, and rescinded in a mode provided for by the law. Thus, the rule of law is a state whereby the law holds primacy over any other forms of expression of the rulers'will.
- 2.2. In a law-abiding State the authorities must not, at will, for the sake of immediate political interests, either make laws or administer them. An arbitrary character of the State authority agencies in their dealings with the citizens is significantly restrained by ratified international agreements on human rights /the Pact of Civil and Political Rights, the Pact of Economic, Social and Cultural Rights, and the ILO con-

ventions/. The pacts of human rights are based on a recognition of values consistent with the present day Polish society's aspirations to build a sovereign democratic social order and a corresponding legal and political system.

- 2.3. In a law-observing State, a guarantee that the law will correspond with the aims and aspirations of society is provided by law-making bodies established through free and democratic elections. Defined in article 25 of the Pact of Civil and Political Rights, eligibility and electoral franchise during equal, secret and free elections, the right of participation in directing public affairs, the right of access to public service on the principles of equality are among the fundamental civil rights. The Pact emphasizes that entitled to these rights are all citizens without any discrimination, notably regardless of their religious or political convictions.
- 2.4. The present legal system in Poland fails to satisfy these requirements. Apart from the fact that electoral regulations concerning both the elections to the Seym /Parliament/ and to People's Councils do not allow the citizens an unrestricted roght to propose their candidates for deputies or councillors /with no free election as a consequence/, the exercise of political rights on the basis of equality and without any discrimination is also restricted by a clause in the Constitution of the Polish People's Republic /art.3, par.1/ on the leading role of the Polish United Workers Party in the construction of socialism. A leading role of a particular social group may be a socio-political fact: it must not, however, be considered in terms of a legislated norm. The treatment of "the leading role" as a legal norm means a legalized privilege for a given group with a simultaneous discrimination of all the other citizens. This, then, represents a serious threat to the principle of equality before the law.
- 3. Authority of the Law
- 3.1. Non-observance of the principle of equality before the law is a major cause of low prestige of the law in society.

Its authority is also threatened by the use of the law as an instrument to suppress the citizens' endeavours of participation in public life.

- 3.2. Both the content of legislated regulations and the way of their making deprive the citizens od protection from arbitrariness of the authorities. The law, restricting civil freedoms and serving to suppress them, gives a free hand to the police forces which can interfere in private, professional and public life of citizens, thereby depriving them of a sense of security and paralysing initiative.
- 3.3. A conviction has come to be created in a very large proportion of citizens that the law offers no protection against acts of law-lessness on the part of civil servants, that any arbitrary act of the authorities can assume a legal form. This deprives the law of the capacity to serve as a factor creating a social balance and shaping relations between the State and its citizens on the basis of respect of the dignity of the human person.
- 3.4. Authority of the law will be restored when the way of making, the content and interpretation of rules come to correspond with a social sense of justice and the citizens come to be satisfied that the law protects them as effectively as it enables fulfilment of responsibilities assumed by the civil servants. What needs reshaping, therefore, are the basic assumptions underlying the system of law arbitrariness of the state apparatus and the repressive character of the law.
- 3.5. The practice should be stopped of the legislator's granting the government or the administrative authorities wideranging powers to issue executory regulations which many at time cancel out provisions of the particular law. The number of regulations should be restricted, especially those directing one to extra-legal assessments and rules. They provide a basis for arbitrary decisions in administering the law by courts of law and the state administration. The authority of law can be strenthened when all issued norms are precise, consistent with their purpose and inevitably and equally applied

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to all, including even the highest-ranking lawmakers themselves. The cases of breach of the law should be investigated with particular attention when committed by an organ instituted for the purpose of administration of justice.

- 3.6. The establishment of institutions such as the Constitutional Tribunal, Tribunal of State, Supreme Administrative Court, the Civil Rights Ombudsman, is a major step - not sufficient, though - in an attempt to restore the authority of law. Certain regulations concerning the Constitutional Tribunal ought to be changed. In particular, the spectrum of organizations should be broadened and individual citizens granted a right to submit motions to the Tribunal for the examination of constitutionality of a legal act. Also granted should be the right to put a question on a point of law, during a court case in progress, directly to a bench with the omission of the President of the Supreme Court or the President of the Supreme Administrative Court. This kind of authority should, after all, be exercised by independent courts rather than their chairmen who have an administrative role to play. Because of violations by the State organs of ratified international acts there should also be considered the need to include in the law concerning the Constitutional Tribunal of a clear regulation on deciding by the Tribunal also in the matter of consistence of this law, or other legal acts, with international agreements.
- 3.7. The citizens should have the right of appeal to the Supreme Administrative Court against any administrative decision. The hitherto solution is inadequate and excludes from this control some imporant spheres from the point of view of civil rights.
- 4. The Citizen and the Forces of Coercion
- 4.1. A guarantee of genuine transformations in the system and in the principles of its functioning would be a change in the powers for the Ministry of the Interior and for the entire system of the police service as well as its role and position in the structure of the State apparatus. The secu-

rity service should be deprived of the arbitrary powers to restrict civil rights and of its function of exercising supervision over the society. Its activity should be confined to crime detection and ensuring public order. That is why, above all, the law should be changed concerning the Office of the Minister for Internal Affairs of 14 July 1983 legalizing a permanent state of emergency.

- 4.2. In particular, provisions must necessarily be abrogated that allow the police to enfringe at discretion personal freedom and inviolability of citizens and inviolability of the home. Regulations should be changed whoch authorize the police service to act not only in the case of suspected crime or offence but also in the case of "other deeds threatening the security of the State". Both an unspecified character of what makes a citizen an object of interest to the police and a complete freedom to quality the citizen's conduct among this category tend to create a situation in which it is up to the police to decide on the actual extent of civil freedoms and to shape the framework for the content of public life.
- 4.3. A change should come about not only in legal but also actual relations between the security service on the one hand and the law courts and the prosecution on the other. Regulations must be eliminated from criminal procedures which secure a privileged position for police organs during court proceedings. The courts must also be protected against pressure aimed at regarding the evidence given by the police as an exclusive basis for finding the accused guilty. The actual relations between the organs of the Ministry of the Interior and judicature and prosecution have assumed an institutionalized form in the structure of the Committee of the Council of Ministers for the Observance of Law and Social Discipline. Heading the Committee is the Minister for Internal Affairs whose deputies are the General Public Prosecutor and the President od the Supreme Court. Relations determined in this way counter to principles governing a law-observing state. Excluded from the supervision of the Minister for Internal Affairs should be misdemeanour courts which should become

part of the judicature with all consequences for the principles that should underly their functioning.

- 5. Independence of Law Courts
- 5.1. Following December 13th 1981 the judicature suffered a sharp decline in public confidence, having previously been eroded for over forty years. Dismissals of judges for political reasons, subservience of some judges to the security services, declining professional standards all this combined to affect adversely the society's opinion about the judiciary.
- 5.2. The only way for the law to regain social prestige is restoration of confidence in the law courts. This can be done by ensuring their independence. The Constitutional formula stating that judges are independent and subject only to the law has proved insufficient and has failed to prevent an instrumental treatment of law courts as an apparatus carrying out the government's current policy. The clause allowing dismissal of a judge "offering no warranty for a proper execution of duties" has cause of the principle of irremovability to become legal fiction.
- 5.3. Real guarantees must be created and respected of judicial independence by means of irremovability and untransfer-rability of judges, through objectified promotion principles, liquidation of the terms-of-office arrangement for judges of the Supreme Court. The judicature should be fully independent of other State authority agencies and free from directives whoever they may come from.
- 6. The Problems of Criminal Proceedings and Prison Organization System
- 6.1. The rule of law in criminal proceedings is primarily guaranteed by an independent court's control over preparatory proceedings. The institution should be restored of an investigating judge conducting inquiry which would enable separation between the functions of investigation and prosecution. It is the court that should decide on all matters

concerning restriction of an individual's rights, such as detention, search, breach of the secrecy of correspondence. In accordance with the principle of judicial administration of justice the accused should be granted the right of a court's judging each criminal case, be it a crime or an offence.

- 6.2. The admissible period of trial-awaiting detention should be legally restricted. Its application should be allowed only for important reasons relative to the criminal proceedings. There should be preventive or conviction-anticipating arrests. In order to strengthen guarantees of the right of defence regulations on summary proceedings should be abrogated and contradictoriness of preparatory proceedings should be increased through granting the defence counsel unrestricted participation. Those wrongfully convicted or arrested should be given legal guarantees of full damages.
- 6.3. Incompatible with the Pacts of Human Rights is a policy of excessive punishment. Capital punishment should be removed from the register of penalties. Neither is there any justification for a penal policy preferring long-term imprisonment, heavy fines or property confiscation.
- 6.4. Prisoners are subjected to unlawful use of force, humiliation, unjustified restrictions. The existing regulations do not contain clear-cut provisions on the extent of control over prisoners to be exercised by the prison guards. New regulations should be developed and made public concerning penalization, imprisonment and trialawaiting arrest.
- 7. Compatibility of a Citizen's Status with the Pact of Civil and Political Rights and the Constitution
- 7.1. Real meaning must be given to the civil freedoms proclaimed in the Constitution of the Polish People's Republic and
 in the Pact of Civil and Political Rights, and their protection must be ensureded through a system of guarantees. It applies, i.a., to the freedom of association, freedom of expressing views, of the press and of assembly. The State's observance of the freedom of association is a condition for subjectivity of individuals and social groups. Of fundamental

importance in this respect is the restoration of the principle of trade union pluralism.

- 7.2. In the present socio-economic situation there is an urgent need for settling the question of free association of workers in trade unions of their own choice, including recognition of the right to legality of the Independent Self-Govering Trade Union "Solidarity". This year strike movement stressed the ideas of "Solidarity"'s legalization and trade union pluralism as the principal reason for the protest. Unless this demand is satisfied, the law will not be able to regain its authority and the working community will not feel secure that the law serves to protect their interests and to ensure the possibility of authentic self-organization.
- 7.3. The Law on the Trade Unions of 8 October 1982 should be amended to adjust its provisions primarily to the requirements resulting from the ILO Convention No.87. Major changes must also be made in regulations concerning the right to strike. The existing regulations entail such a complex procedure that observing them means in practice rendering the right null and void. And it is one of the basic rights of the working people, guaranteed in article 8 of Pact of Economic, Social and Cultural Rights.
- 7.4. The principle of pluralism also pertains to associations. The right of association should be reformulated so as to preclude the authority of administrative bodies to decide on advisability or non-advisability of a particular association. Administrative powers to control the activity of associations should be limited and the authority to dissolve associations should be handed over to courts of law to be exercised through litigious proceedings.
- 7.5. Another inalienable civil right is the freedom of expressing one's view. The content of the freedom of views as a legal category is freedom to propagate them. Expression and propagation of views may only be prohibited when it consists in advocating violence or when it otherwise threatens dignity and integrity of the human person. Expression of views must

not meet with reprisal or any form of civil discrimination. Certain regulations should be changed accordingly, e.g. the laws on higher education and on academic degrees. The authorities should stop identifying their policies with the notion of interest of the State and treating criticisms in terms of actions directed against this interest. The freedom of views implies freedom of publication. Serious changes introduced in 1983 in the Law on the Control of Publications and Performances of 1981 should be rescinded, and rules on the establishment of non-State publications, attribution of printing paper and publishing newspaper significantly liberalized.

- 7.6. Citizens should have the right of orderly assembly. Regulations hampering the exercise of this right should be removed and powers of administrative bodies clearly defined. Concern for order and public security must not serve as a pretext to make it impossible for citizens to gather together for a calm expression of views and their public manifestation.
- 8. Legal Regulations of Labour Relations
- 8.1. Amending the Labour Code with a view to increasing its reprisal force should be abandoned. In particular, work-discipline regulations must not be used as sanctions against striking workers.
- 8.2. Regulations should be abandoned which have introduced forced labour, notably the Law on Proceedings concerning Persons Evading Work of 26 October 1982. Prohibition of forced labour in any form /except work done by criminal prisoners/ has been introduced in the ILO Conventions regarding forced labour /No.29 and 105/ ratified by Poland as well as in the ILO Convention No.122 concerning employment policy.
- 8.3. Inconsistent with the ILO Convention /No.14/ concerning weekly rest in redustry, also ratified by Poland, is the practice, perpetuated in this country, of working Saturdays and Sundays forced upon Polish coal-miners. It is a serious social problem and responsibility for its settlement rests with the State administration.

- 8.4. There should be adopted a number of hitherto unratified ILO Conventions, especially seven conventions concerning protection of life and health of workers, adopted by the ILO between 1971 and 1986. The conventions in question concern matters of air pollution, noise vibration, carcerogenic compouds and processes, labour medicine et al.
- 8.5. In order to ensure social control over the ratification and implementation of ILO Conventions it would be advisable to ratify the convention No.144 of 1976 concerning tripartite consultation /International Labour Standards/. This convention stipulates establishment of procedures securing effective consultations between representatives of the government, employers and emploees.
- 8.6. Regulations should be abandoned /introduced during martial law/ concerning the hours of work and leisure. Their application enables extending a day's work to 10, 11 or more hours which violates the right to an eight-hour working day and an adequate period of leisure after work guaranteed in the Constitution of the Polish People's Republic and in the Pacts of Human Rights.

This document presents our views on some of the problems which we consider of particular importance for the establishment in Poland of the rule of law and of guarantees of the observance of human rights and some basic freedoms.

In our opinion the implementation of the proposals presented herein is a condition for the development in our country of relations satisfying the standards of international pacts..

The Helsinki Committee in Poland

Warsaw, 20 October 1988

Letter to Mr F Blanchard, the Director of ILO

Mr. Francis Blanchard
Director General
International Labour Office

In August 1988 the Polish workers undertook once more their struggle for their trade union and social rights. Strikes were held in many industrial establishments in many parts of the country: in Szczecin, Gdańsk, Stalowa Wola, in Silesia and in many other industrial centres. Management of the establishments on strike did not enter into negotiations in order to peacefully solve the disputes. The postulate to restore the trade union pluralism was considered to be a political demand and the strikes were acknowledged, without any reason, to be illegal. Psychical terror and physical violence were applied against the workers on strike many times. Several hundred people were dismissed from work without notice, conscription was applied to many of them; there were at least 38 conscripts in Silesia. Investigation was instituted against persons thought to be the leaders of the strike. Two months after the strikes had been called off, despite the government assurance that no repressions would be applied, 112 miners from Silesian coal mines and single persons in Stalowa Wola and Copper Basin were still jobless. Most of them have been offered jobs, however on much worse conditions, depriving them of their priviledges resulting from continuity of employment. There were also cases of eviction from flats.

Investigation against people accused of organizing and being leaders of strikes are being continued; Art.54 of the Trade Union Act constitutes the legal grounds. Investigation has been instituted against about 100 people, 52 of them from Silesia.

Information coming from Silesian coal mines indicate that the authorities intend to dismiss a further group of the strikes participants. That means taking revenge on them.

We appeal to International Labour Organization to mediate with the Polish government to cease repressions against the strikes participants. Continuing repressions on the eve of the Round Table talks may baffle the chance of agreement between the Polish workers and the government; it may cause the danger of a new conflict.

Helsinki Committee in Poland
Piotr Ł.J.Andrzejewski
Halina Bortnowska-Dąbrowska
Jerzy Ciemniewski
Janusz Grzelak
Jarosław Kaczyński
Marek A.Nowicki
Jan Rosner
Stefan Starczewski
Andrzej Stelmachowski
Zofia Wasilkowska
Janina Zakrzewska
Tadeusz Zieliński

20 October 1988

6. IHF Announcement about Affiliation

Polish Helsinki Committee

Vienna, December 1,1988

Dear Sirs and Madams:

It gives us great pleasure to announce that the national Helsinki committees have unanimously approved the Polish Helsinki Committee's request to become a member of the International Helsinki Federation for Human Rights /IHF/.

In the present period of transition, your group is in a position to play a very important role in promoting human rights, both in the East and the West.

We have followed your activities since you were founded in the fall of 1982 and we have been impressed with the reports which you have issued on a variety of human rights issues. We are confident you will continue on this successful path by monitoring human rights violations in your country and in the other countries which have signed the Helsinki Final Act.

At the same time, we also wish to inform you that our national Helsinki committees have unanimously accepted the Czechoslovak Helsinki Committee's request to become a member of the IHF. The Czechoslovak Helsinki Committee was recently founded by a group of capable professionals in Prague and comes at a time when the state of human rights in Czechoslovakia is particularly grim.

Under separate cover, we will send you an information package on the activities of the IHF and its national committees.

We wish you all success with your future activities and we look forward to working closely with you!

sincerly yours

Karl Johannes von Schwarzenberg Chairman Gerald Nagler Secretary-General

7. Announcement about Police Violence

Owershadowed by declarations about political and social reforms as well as the dialogue with the opposition, acts of violence committed by ordinary, secret and anti-riot police have been significantly increasing in number. We are constantly being informed about ill-treatment in police stations and fails. The behaviour of the police, especially towards young people between fourteen - and sixteen - year - olds may commonly be described as extremely cruel and brutal /for example in Wrocław, October 7th, or in Warsaw, November 29th/.

It is not our intention to analyse here the motives for such actions, or the reasons why the authorities have chosen this particular moment to oppress the citizens in this way. We remember that the killings of Grzegorz Przemyk, Father Jerzy Popieżuszko and many others were due to the climate of complacency for the brutality of security agents and their disrespect of the law.

The moral responsibility for the tragic consequences of this complacency rests with all those who are appointed to see that the law be respected by police and security forces. We call on them to take effective measures to eliminate such violence.

The brutal behaviour of the police is a sign of the demoralization of the State apparatus and of its impotence in the face of the political and social problems of the country. It may only bring about an increase of hatred and the desire for revenge. This should be stopped before it is too late.

Helsinki Committee in Poland

December 1,1988

8. Letter to the Seym on the Ministry of Interior Act

Warsaw, 19th December 1989

Mr. Roman Malinowski Speaker of the Seym of Polish People's Republic Warsaw

Helsinki Committee in Poland hereby applies to the Seym of Polish People's Republic to amend the Ministry of Interior and the Scope of Activities of the Subordinated Bodies Act of 14th July 1983. The suggested amendments should secure conformability of the said Act with the International Covenant of Citizens' and Political Rights and should fulfil the conditions of State bodies operation in a law abiding State.

The present Act does not fulfil the above mentioned conditions because:

- it does not guarantee legal control over the activities of the bodies and functionaries of the Ministry of Interior /MSW/, simply legalizing their operation;
- it has introduced, beside the notion of a crime and a misdemeanour, also the legally undefined category of acts endangering the safety of the State and public order, which are to be detected, prevented and counteracted by the MSW functionaries having, in that case, the same competences as in the case of a crime;
- it has created the legal grounds for deprivation of liberty of a citizen who has not committed any act forbidden by the law, but has been acknowledged by a functionary to

be a person endangering the public order and safety;

- it allows for searching a person and his luggage also when he are not suspected of any crime or petty offence;
- it fails in precise determination of the grounds for using force in respect to citizens; it also fails in formulating such limitations of using force which would make ill-treatment of the detained persons impossible;
- it allows, by a too general formulation of Art.19, for excessive intervention of MSW bodies into the citizens' social life;
- it does not protect citizens against MSW bodies abusing their competences axercised within the so called operational recognizing activities as well as against utilization of the competences in order to pester the persons being in conflict with the authorities or with the MSW functionaries;
- it does not submit the MSW bodies' operations of administrative-legal character to the High Administrative Court control.

Copies to:

- The Commissioner for Civil Rights Protection
- The Patritic Movement for National Rebirth
- Voluntary Committee for Human Rights
- Polish Episcopate
- Lech Wałęsa

HELSINKI COMMITTEE IN POLAND

- /-/ Piotr Ł J. Andrzejewski
- ul.Wilcza 5 m 13, Warsaw /-/ Halina Bortnowska-Dąbrowska

- /-/ Jerzy Ciemniewski /-/ Janusz Grzelak /-/ Jarosław Kaczyński
- /-/ Marek A.Nowicki
- /-/ Jan Rosner
- /-/ Stefan Starczewski /-/ Andrzej Stemachowski
- /-/ Zofia Wasilkowska
- /-/ Janina Zakrzewska /-/ Tadeusz Zieliński

9. Pronouncement Concerning Czechoslovakian Events

Helsinki Committee in Poland Warsaw

> Czechoslovakian Helsinki Committee

> > Prague

Dear Friends,

We would like to express our solidarity and support in your facing the recent unpardonable conduct of the state authorities towards the society and towards the members of the Czechoslovakian Helsinki Committee.

Force, detention and repressions applied in respect to the people wanting to commemorate Jan Palach, a man being, for all of us, a symbol of reistance against violence, is not only inconsistent with the fundamental moral principles; it also constitutes an obvious infringement, by Czechoslovakia, of the international obligations to respect the civic and political rights. The activities of the state authorities violate the civil rights guaranteed by the ratified by Czechoslovakia International Covenents of Civil and Political Rights and, as such, are also contrary to the Final Act of the Conference on Security and Cooperation in Europe, adopted in Helsinki.

We are truly embittered by the facts betraying supercilious treatment of the citizens' rights and disrespect to the attitude of the international public opinion, which has hopefully received the settlements of the review Conference in Vienna. The conduct of the Czechoslovakian authorities betray their intention to continue the policy in which the acts are inconsistent with the words.

In that situation we suggest, dear friends, that Helsinki Committee in Poland will undertake the actions foreseen by the Final Document of the Conference in Vienna, in order to set in motion the mechanism of supervison over the observance of civic rights in Czechoslovakia.

We expect you to inform us, through the Federation of Helsinki Committees in Vienna, about your attitude towards our suggestion.

Expressing our friendship and solidarity,
Helsinki Committee in Poland
Warsaw, 25 January 1989.

The same of the sa

February 1st,1989

Mr.Mieczysław Rakowski Prime Minister of Polish People's Republic Warsaw

The Helsinki Committee in Poland, acting according to the procedure provided for by the Final Document of the Review Conference in Vienna, applies to the Government of Polish People's Republic to undertake the steps adopted by the Document in order to obtain information and explanations from the Government of Czechoslovakian Socialist Republic, concerning the events in Prague and Vsetaty, which prove that human rights were transgressed there in the period from 16 to 21 January 1989.

The ban imposed by the State authorities on public commemoration of Jan Palach, which was to take place by putting flowers in the places connected with his death, detention of people accused of organisation of the celebrations and application of police forces against the gathered people arouse the suspicion that the right to peaceful demonstrations has been arbitrarily limited. This has constituted transgression of Art.21 of the International Covenant of Civil and Political Rights. The description of the events and, mainly, the number of people to whom medical assistance had to be given, suggest that the actions of the police force were inconsistent with Art.7 of the International Covenant of Civil and Political Rights forbidding unhuman or humiliating treatment of people.

Furthermore we suggest that the Polish Government apply for information and explanation of refusing prof.Jiri Hajek, the chairman of the Czechoslovakian Helsinki Committee, his passport when he wanted to go abroad.

The address for correspondence with the Helsinki Committee in Poland is: Mr.Stefan Starczewski, 02-021 Warsaw, ul.Grójecka 19/25 apt.2.

At the same time we would like to inform you that a copy of the present letter will be sent to the International Helsinki Federation of Human Rights in Vienna.

Helsinki Committee in Poland

Piotr Ł.J.Andrzejewski
Halina Bortnowska-Dąbrowska
Jerzy Ciemniewski
Janusz Grzelak
Jarosław Kaczyński
Marek A.Nowicki
Jan Rosner
Stefan Starczewski
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Zofia Wasilkowska
Janina Zakrzewska
Tadeusz Zieliński

Warsaw, 23 Feb.1989

To the States Signataries of the CSCE Final Act.

Further acts transgressing human rigts were observed in Czechoslovakia last January and February. Between 15 and 21 January police forces attacked several times, with unusual brutality, the participants of peaceful demonstrations in Prague. The police used dogs, clubs, tear gas, water guns and armoured transporters. Several hundred people were detained; there were many wounded. Activists of Czechoslovakian Helsinki Committee were arrested; Vaclav Havel, the well known writer and playwright, Jana Petrova and Otakar Veverka, peace activist, were accused of putting flowers at the monument of St. Vaclav, what - according to the authorities - constituted an attempt at inciting manifestation. On the 21st and 22nd February the court in Prague sentenced them to many months of imprisonment. The proceedings took place at closed-door sessions. The representatives of international organizations for human rights were refused access to the trials.

The conduct of Czechoslovakian government constitute a drastic violation of International Covenants of Human Rights and of the obligations accepted in the Final Document of CSCE Conference in Vienna, signed on 17th January 1989.

Helsinki Committee in Poland appeals to the governments of the States participating in CSCE to undertake intervention with respect to the Czechoslovakian government according to the accepted procedure.

We suggest to discuss the problem of violation of human rights in Czechoslovakia at the Conference in Paris, at the turn of May and June 1989.

On authorisation of the Helsinki Committee in Poland

- /-/ Piotr L.J.Andrzejewski /-/ Marek A.Nowicki /-/ Stefan Starczewski /-/ Tadeusz Zieliński

Address for correspondence:

Stefan Starczewski, 02-021 Warszawa, Poland, ul.Grójecka

Copies to:

International Helsinki Federation for Human Rights in Vienna

Introduction to the Annual Report for 1988

/1 January 1988 - 31 December 1988/

INTRODUCTION

To estimate what was really going on in Poland in 1988 may not be easy for someone who has been watching Poland not from within, but from far away. Only one thing has been undoubtful for several years: economic crisis and the resulting fast impoverishment of the society.

1. The crisis has been going on for the last ten years; the real perspectives for its overcoming can be seen neither in the feeling of the society nor in the experts' analyses. 1988 has been evaluated as the worst one in the last 6 years. The official rise in prices introduced in the first quarter of the year was expected to improve their relations and to bring the balance nearer. However that has not happened. Subsequent official waves of the pronounced and hidden rise in prices resulted in new and cumulating market perturbations, impoverishment od the already poor, as well as in the growing feeling of impendency, uncertainty and frustration of the major part of the society. Inflation in 1988 reached 70% or even more. At the end of the year the market was stripped of the consumption goods; the black market price of the dollar grew from 1000 złotys at the beginning of the year to 3500 złotys at the end of the year. All the important economic indicators have changed for the worse. The indebtedness of the state grew up while the ability to service the debts did not. The strengthened for years pathological structure of economy has not changed. The results of the economic downfall and the growing civilizational backwardness have been more and more acute, more and more visible and perceivable. The crisis has been felt particularly painfully by young people being at the threshold of professional life; having a position with the state institutions means having an income below the minimum necessary for living. Competences and good work, in the young people's opinion, do not guarantee promotion. The waiting list to the housing cooperatives has been evaluated for two decades, and in some parts of the Interior country even longer.

The 1988 plan of housing construction, already considerably lowered, was not fulfilled. The so called socialized building industry provided 4,1 thousand flats less than in 1987 and 6,8 thousand less than it had been plan-

According to the official data there were at least 300 thousand homeless people in Poland in 1988; the independent opinion claims that this number is too low and does not include all the homeless, only those who, for some reasons, founf themselves within the scope of interest of official institutions.

There are at least 20 thousand homeless people in Warsaw "living" at the railway stations, in gardening allotments, in canals, at the building sites, etc. Only 4.400 of them can be placed in the state-owned and church-owned homes for the homeless. The homeless, being in the state of extreme exhaustion or ill, occupied 10% of beds in Warsaw hospitals, they had nowhere to go when they were in a better state.

2. The state of natural environment constitutes a particular aspect of the crisis. According to the official data one third of Polish citizens have been living, for quite a few years, in the particularly endangered areas, where all the admissible standards of air, water and soil purity have been surpassed. Poland takes second position in Europe /after USSR/ in emission of sulphur dioxide and other poisonous gases. The degree of air pollution in the area of

particular endangerment, i.e. mainly in the region of Katowice, Cracow and Łódź is still growing. The index of occupational diseases, the ratio of morality of grownups and infants have been growing in the provinces of Katowice, Bielsko, Wałbrzych and Łódź for several years. The degree of water purity has been worsened in the whole country; the deficit of drinking water has been growing in many towns and villages. Air pollution and irrational economy bring the danger of degradation and exhaustion of forest resources, especially in the mountain regions of Sudety and Karpaty.

3. In contradistinction to the economic and ecological state, the picture of the political situation in the country has not been so clear for a foreign observer. 1988 was abundant in events, which have placed the so called "Polish case" again in the centre of interest of international public opinion. Twice during the year in the spring, and later, on a bigger scale, in August, Poland witnessed open social conflicts, expressed mainly in workers' strikers in the main industrial regions of the country. The postulates of the workers on strike were not reduced only to economic revindication; each time restoration of trade union pluralism and legalisation of "Solidarity" were among the principal demands. The workers' and other social groups' demands resulted in a change in the political situation in Poland. After the second wave of strikes the government announced political reforms and admission of the "Solidarity" opposition circles, suggesting talks at the round table.

The new government took over in Octobe. Change of the government has allowed the authorities to withdraw partly from the conceptions propagated in the first half of 1988, of the so called second stage of the economic reform. Initiating the second stage in the autum of 1987 the government had to admit that the first stage of the reform, begun in February 1982 with a drastic rise in prices, introduced under the cover of martial law, had failed. Nevert-

heless the second stage was to constitute a continuation of the unsuccessful first stage. The program, of which a new considerable rise in prices was to be an integral part, was received by the major part of the society distrustfully, fearfully or without any interest.

Lack of the majority's approval for the conception postulated by the government did not mean that people were against the reforms. The poll performed by CBOS, an official centre, has found that 87,7% of the society believed that the reforms were necessary in Poland, however only 19% thought that the reforms suggested by the government were the proper ones and only 9% thought that they would be successful.

The major part of the society expressed their prejudice against the conception suggested by the government in the referendum held on 26th November 1987. For the first time in history the government of Polish People's Republic admitted failure. The government encountered their real set-back in the elections to the people's councils in June 1988. It was publicly announced that only 56% of voters took part in the elections /the proportion was lower according to the independent sources/. That constituted a unique event in the history of comunist countries, always officially declaring that almost 100% of voters took part in the show called elections; and indeed in result of various pressures, threats, repressions and propaganda, in result of the sociological mechanism of nationalization of collective life, so characteristic for real socialism, the true number of people taking part in the elections was really high.

Both the results of the referendum and the elections and, perhaps first of all, the workers' strikes and other forms of open protest proved that the possibilities of the policy applied after the martial law have been exhausted, even in its modified version. The announcements of entering the new, real way of economic reforms and political chan-

ges were accompanied by growth of economic liberalisation and grater freedom of expression. The sphere of independent activities, the actions of still illegal "Solidarity" were actually intensified, although not having yet any legal guarantees. At the same time the acts of extralegal police violence were intensified at the end of 1988, the signs of the Party activists' and the State bureaucrats' resistance against the changes were multiplied /e.g.the delay in restoring to work the miners dismissed after the strikes/, new arbitrary decisions in the old style were made /e.g. the decision to liquidate the Gdańsk Shipyard/. All that resulted in new social pressure, increased distrust and disbelief in the possibility of introduction of real and fundamental reforms by social agreement reached with the authorities.

4. The point of view adopted in the present report, as well as the evaluation of the events that happened in Poland in 1988 result from the criteria and the standards established by the Covenants on Human Rights. While interpreting from that point view the various banners, demands and postulates set forth during the strikes, manifestiations, mass meetings and contained in the citizens' letters, petitions and memorials, it may be stated that the demand that the rights and freedoms determined in both the International Covenants - the Covenant on Citizens' and Political Rights and the Covenant on Economic, Social and Cultural Rights, as well as in the conventions of MOP, be respected by the government of Polish People's Republic, was placed at the first position in the events.

The workers demanded in particular:

- the rights to benefit from the just and advantageous work conditions and the proper standard of living, determined by Art.7 of the Covenant on Economic, Social and Cultural Rights;
- the rights to establish and join trade unions Art.22 of the Covenant on Citizens' and Political Rights, Art.22 of the Covenant on Economic, Social and Cultural Rights

and MOP Convention No 87;

- the rights to personal safety od the people participating in peaceful demonstrations and strikes. - Art.9 cf the Covenant on Citizen's and Political Rights;
- the right to collective negotiations in order to settle the disputes peacefully - MOP Convention No 98;
- the rights of association Art.22 of the Covenant on Citizens' and Political Rights.

Rise of wages was the positive form of the government's response to the economic postulates set forth during the strikes. The demands concerning the broader understood workers' and citizens' rights and freedoms were ignored or rejected, and the measures taken in order to supress the strikes or other forms of protest were inconsistent with the fundamental requirements of Covenant on Human Rights /supressing the demonstration and some of the strikes by force, detentions, arrests, repressions and all sorts of difficulties in the sphere of labour relations/. However after the first, spring wave of strikes had quieted down, in result of the Church intervention, the government withdrew relatively quickly from repressions, releasing the arrested workes and restoring most of them to their jobs.

The much wider August strikes ended after the meeting of Cz.Kiszczak, the Minister od Interior, with Lech Wałęsa, they reached an agreement that the round table talks would be undertaken and that the government would cease to apply repressions. In spite of that agreement the government failed to restore to work the miners who had been on strike, and some of them continued to be annoyed.

Using force by the police, violation of the rights to freedom and safety, repressions in the sphere od labour relations, were applied on a wider scale, not merely as response to the protest actions. According to the information collected by us in 1988 there were no cases of assassination qualified as violation of the right to life, by the police.

The right to physical and psychical intergrity was violated many times /Art.7 of the Covenant on Citizens' and Political Rights/. Chapter I contains the list of 190 names od people harmed in result of beating by the police. It is only a part of the cases known by us.

Penalties meted out by the boards adjudicating on petty offences continued to be the main repressive measure, most often applied in respect to people undertaking independent activities.

The boards judging petty effences, a repressive body subordinated to the interior offices, do not guarantee just proceedings /Art.14 of the Covenant ob Citizens' and Political Rights/. In 1988 the boards adjudicated over 600 thousand cases; at least 896 persons were judged because of political reasons. The boards decreed fines, confiscation of cars and other valuable things, sentenced to arrest /at least 47 persons/.

At least 45 persons were sentenced to imprisonment or detained because of their political activities. Most of the detained persons were men refusing to serve the military service. People accused of actions striving for inducing social unrest /e.g.after the strike in Nowa Huta/, of alledged insulting or attacking the policemen were arrested, usually for a short time.

Dismissal from work and other repressions in the sphere of labour relation were not limited to people participating in strikes; the above penalties were also applied to people being active in "Solidarity", and that constituted transgression of Art.6 and 7 of the International Covenant ob Economic, Social and Cultural Rights and MOP Convention No 87.

Art.12 of the International Covenant ob Citizens' and Political Rights was violated by refusing KORNEL MORAWIECKI, the activist of the opposition group "Fighting Solidarity", the right to enter his own country. We have already mentioned liberalization in the field of freedom of expression;

it should be also said that the possibilities of associations activities were enlarged in 1988, however no legal amendments sanctioning those freedoms appeared.

The fact that in 1988 the Commissioner for Civil Rights Protection started his operation created a new situation from the point of view of protection and exercising of citizen's rights. The Commissioner has become a new link, within the structure of state bodies, taking over the task of executing those rights, which a citizen failed to execute in his individual dispute with the state bodies. Revealing the scale and range of unlawfulness in state bodies operation was the first positive result of the Commissioner's activities. The number of complaints and interventions undertaken by the Commissioner has confirmed the existing opinion about disrespecting the citizens' rights by the state bodies and low prestige of the law. The publicity gained by those phenomena has hampered, to a certain degree, the arbitrariness of the state bodies and has reduced their discretion.

The method of activities, adopted by the Commissioner, consisting in joining interventions in individual matters with formulation of general complaints concerning both the contents of the law and the ways of its execution, has created an opportubity to overcome certain habits of the state bodies in their conduct with the citizens.

One year of the Commissioner's for Civil Rights Protection activities is too short a period to be able to ascertain permanent changes in the way of the state bodies operation. Nevertheless, while positively evaluating the Commissioner's operation, one should also mention the facts indicating the borders of his dependence on the existing political system. His attitude concerning the matter of trade union pluralism and legality of establishing and operation of political parties was adopted under clear influence of the existing political reasons of the government.

11. The Civil and Political Rights

Paper Given by Dr. J. Ciemniewski on European Panel Conference in Kopenhagen /22 January 1988/ - HUMAN RIGHTS IN EASTERN AND WESTERN EUROPE.

Ladies and Gentlemen,

1. A human being, perceived both as an individual and as a member of community, takes the principal place in the heritage of European culture, by which I mean philosophical ideas, fine arts, law and also political system. The development of that heritage consists not only in enriching the knowledge about a human being, making the reflections over human's existance more thorough, but also in undertaking activities promoting such relations, which would favour the human being and protect his rights. I believe, that such understanding of the problem of human rights was the reason why persons representing various professions participate in our meeting.

The division of Europe made after the II World war became not only a political and military division, it also
caused turning of a part of Europe away from its cultural heritage. That is why our present debates on "Human Rights in
Eastern and Western Europe" are of not exclusively geographical character.

I would like to deal with two categories of human rights the civil rights and political rights.

The notion civil rights cover those human rights which protect the safety and intergrity of a human being, guarding his life, freedom and privaty. One might say that enjoying these rights is not perceived as a positive value, as they just belong to human nature. However their absence is painful.

Political rights are the rights of a human being in a community and towards that community. They allow a human

being to be a subject of public life.

What is the state of affairs in the field of those rights in the countries of Eastern Europe ?

I shall disappoint those who expect me to present a further list of cases of police crimes, unjustified arrests, battery and other such transgressions of human rights and to construct the image of the existing situation on their grounds. Such facts happen and there is the Helsinki Committee in Poland to counteract them. However terror is not the common way of conduct of the authorities, as it was in Stalin period. The acts of open unlawfulness are rather of the character of excesses or individual vengeance towards particular persons, but not a method of conduct. Therefore not fear, as it was in the past, but helplessness prevail among people. That feeling of helplessness with respect to the authorities is caused by the legal system failing to give protection to people. The law does not create unsurpassable, for the state bodies, barriers in their conduct towards people. What is formally called the civil right is in fact a priviledge granted by the authorities.

Because the time for my pronouncement is short I shall give only two examples, though I assure you that many could be given.

The first example concerns the principal matter, personal freedom. That freedom has been guaranteed by the Constitution and by the ratified by Poland International Covenants of Civil and Political Rights. However the Minister of Interior Act has authorized the police and the security service to detain for 48 hours any citizen, who - according the those bodies - may commit a crime. Surely, one might say 48 hours is not much, but there is no law forbidding to detain anybody for the next 48 hours immediately after he has been released. In other words everybody may be, at any time, deprived of his freedom on the grounds of totally arbitrary decision of the police. Such decisions are subject neither to the prosecutor's not to the judiciary supervision. A citizen has no right, in such a case, to institute proceedings for abuse

of power. A Pole owes his personal freedom not to the law, but to the common sense of policemen and to the limited capacity of the houses of detention. And that happens in the country where as long ago as in the XVth century there was a ban on imprisonment without the order of a judiciary, with respect to 12% od people.

The right of a person suspected of committing a crime to be provided with legal service during investigation may serve an another example. The provisions of criminal proceedings make the lawyer's participation in the ongoing investigation depend on the prosecutor's consent and prosecutors do not normally grant such consent.

Not only the contents of legal regulations cause insufficiency of the citizen's rights protection. It also results from the status of the bodies applying the law, particularly the courts of law. The history of civil rights has proved that independent courts of law are the most effective means of their protection. In the discussed countries the courts are not independent despite the constitutional provision stating that judiciaries are subject only to statutory law. In reality they are dependent on both the administrative and political authorities. The law permits to dismiss a judge because of political reasons, make their professional career and their salaries dependent on the opinion of their administrative superiors and require from a judge to apply not only statutory law but also recommendations of the Superior Court in making decisions. It should be added that over 60% of all the judges in Poland and 90% of the judiciaries of the Superior Court are members of the communist party at present.

Noticing the nature of impendency to the citizen's situation in the law allowing the state bodies to institute arbitral proceedings was the reason why the Polish opposition, and particularly "Solidarity" made, in 1980-1981, a considerable attempt at organisation of works striving for new legislation. During the 16 months of legal existance of "Solidarity" the basic acts regulating the matters of human rights were

drafted: the criminal code draft, providing for abolition of the capital punishment, criminal proceedings code draft, provisions regulating the status of a prisoner, a draft of a statute on administration of justice, guaranteeing independence of the courts. Introduction of the martial law made further works on those statutes impossible.

The above example clearly shows that insufficient protection and lack of guarantees for civil rights result from the fictional charakter or considerable limitations of political rights. Statutory law is not made by representatives of the majority of the society and the activities of the state apparatus is not supervised by such representatives. In the political reality of Eastern European countries the principle of the leading role of the communist party has been substituted for the right to participate in managing public matters, provided for by Art.25 of the International Covenant for Civil and Political Rights. The party monopole for wielding public power is the contents of that principle. Elections are of purely symbolit character. Such system lacks institutionalized forms of causing political changes, such as changing the authorieties and political, social and economic programmes by the society. The law and the state institutions safeguard the permanence of that state of affairs. That is, in the opinion of the group in power, the role of the law and the state apparatus. And there we face an unsolvable, on the grounds of those principles, contradiction, as the activities in favour of political changes are the essence of the real exercising of political rights. The attempts at solving that contradition failed, both in Czechoslovakia in 1968 and in Poland in the "Solidarity" period. Nevertheless we still hope it is possible. It is not just a professional optimism. The information flowing from Hungary, Poland, Soviet Union indicate that, at least in those three countries, we approach a situation, in which independent associations of citizens will be allowed to participate in political life.

Does that mean that a reversion to the values abandoned almost half a century ago is being sought?

12. Pronouncement on the Criminal Law Reform

Warsaw, 25 February 1989

Minister of Justice Al.Ujazdowskie 11 Warsaw

Lech Wałęsa Organizational Committee for the Round Table ul. Kopernika 34 Warsaw

Facing the necessity of deep and thorough changes in administration of justice the Helsinki Committee in Poland and the undersigned participants of consultative-advisory meeting, theoreticians and practicians of criminal law claim that irrespectively of the fundamental reform of the criminal law system it is necessary to introduce immediate amendments to the provisions particulary transgressing the presently accepted standards, especially those concerning human rights, the provisions being relics of Stalinism and of the martial law period.

In the field of criminal law the following amendments should be accepted:

- abrogation of Art.132, 194, 195, 271, 273, 278 and 282a of the criminal code and Art. 52a and 57 of the petty offences code;
- abrogation of Art.134, 135, 201, 202 § 2, 217 and 218 of the criminal code; abrogation of Counteracting Speculation Act and of Proceedings Applied in Respect to People Avoiding Work Act;
- abolishment of the capital penalty;

- lowering of the bottom limit of imprisonment to 1 month;
- abolishment of the additional penalty of confiscation of property;
- lowering of the maximum sentencing of substitutive penalty of imprisonment to 1 year;
- abolishment of the obligatory increase of penalty in the case of relapse into crime;
- abolishment of the obligatory character of sentencing additional penalty.

In the field of the law of criminal proceedings the following amendments should be accepted:

- introduction of the principle that detention awaiting trial may be decided solely by the court;
- the harmed person should be granted the right to sue each decision concerning discontinuation of preparatory proceedings and refusal of its instituting;
- introduction of the principle that solely the court is authorized to make a decision concerning conditional discontinuance of the proceedings;
- introduction of the principle that the court of the II instance cannot adjudicate to the defendent's disadventage /conviction or increase of penalty/;
- introduction of the principle that even one positive decision of a court, taken in the proceedings striving for act of grace, obligates the Prosecutor General to lodge the motion for the act of grace to the Council of the State;
- introduction of the principle that detention awaiting trial must not exceed 1 year;
- reduction of the period of detention by the Militia to 24 hours, granting the detained person the right to appeal to the court /the so called "habeas corpus" procedure/;
- introduction of the principle, with no exceptions, that the right to demand handing over to the court every case right adjudicated by the board judging petty offences in the I instance is vested in both the defendant and the prosecutor;
- introduction of the principle that the fine decided by the board judging petty offences must not exceed that meted out

by the police order;

- amendment of provisions of the Ministry od Interior and the Scope of Activities of the Subordinated Bodies Act as well as its by-laws, particularly by abrogation of the provisions allowing for searching people and their luggage and allowing for preventive detention, as well as by limitation or applying direct coercive measures, particularly usage of fire-arms.

In the field of criminal executive provisions the following amendments should be accepted:

 both the convict and his council for defence should have the right to participate in all the court sittings in the executory proceedings.

Irrespectively of the suggested detailed amendments it is necessary to introduce a more effective mechanism of international inspection of observance of human rights, and that requires ratification of the Facultative Protocol to the International Covenant of Citizens' and Political Rights.

The above presented suggestions constitute only a part of the programme discussed at present at the Round Table. Their implementation should not be postponed.

On authorization of the Helsinki Committee in Poland:

/-/ Marek A.Nowicki /-/ Stefan Starczewski /-/ Zofia Wasilkowska

and:

Krzysztof Bachmiński
Kazimierz Barczyk
Jerzy Chmura
Lech Falandysz
Wanda Falkowska
Alfcja Grześkowiak
Lech Gardocki
Aleksander Herzog
Zbigniew Hołda
Jerzy Jasiński
Wiesław Johann
Janina Jurewicz-Jankowska
Janusz Kochanowski
Jerzy Kwaśniewski

Stanisław Maurer Monika Płatek Zofia Radzikowska Edward Rzepka Anna Skowrońska Stefan Snieżko Jerzy Szczęsny Wiesław Uptas Stanisław Waltoś Jerzy Wierchowicz Andrzej Zoll

We are sending a copy of the above pronouncement to the

III. MEMBERS AND CO-WORKERS

1. Members



PIOTR Ł.J. ANDRZEJEWSKI /1941/
barrister; legal adviser of
workers during their strike
in "Katowice" Stell Works
/1980/; counsellor for defence
in numerous political trials;
persecuted for bold and uncompromising attitude; deprived
of right to pursue his profession /1984/; awarded by
Danish "PL FONDEN" Foundation
with the "Freedom Award"/1988/;
member of Catholic Intelligentsia Club in Warsaw.

HALINA BORTNOWSKA-DABROWSKA

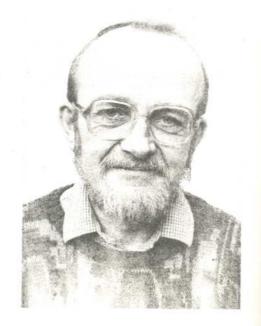
/1931/, journalist, graduated in theological studies and education /MA theses on methodology of ethics/; former editor of the Catholic monthly "Znak" /"sign"/; interned during martial law; long standing participant in ecumenical projects of the World Council of Churches and Roman Secretariat for Unity; co-founder of Krakow Hospice Association; pastoral worker and "Solidarity" adviser in Steel Works in Nowa Huta; member of Catholic Intelligentsia Club in Warsaw; member of Citizen Committee appointed by the President of "Solidarity".





JERZY CIEMNIEWSKI /1939/,
lawyer specialized in constitutional law; researcher in Institute of State and Law of
Polish Academy of Sciences;
member of Centre for SocialVocational Works of "Solidarity"
National Coordination Committee
/1981/; member of Commission
of Law and Justice of Citizen
Committee appointed by the
President of "Solidarity".

JANUSZ L.GRZELAK /1941/,
social psychologist; assoc.
prof., of Warsaw University;
adviser of "Solidarity" in
Mazowsze region; delegate to
the I Congress of "Solidarity"
"1981/; coordinator of national
"Solidarity" works on university law /1980-81/; adviser in
negotiations with the government /1981/; elected Dean of
Psychology Faculty /1981-1982/,
Head of scientific laboratory
/till 1985/, dismissed from
these posts after martial law;
member of Executive Committee
of European Association of
Experimental Social Psychology
/since 1984/; member of Citizen
Committee appointed by the
President of "Solidarity".



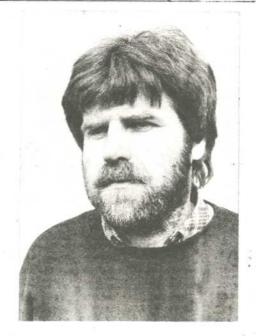


JAROSŁAW KACZYNSKI /1949/

lawyer; co-worker of Committee for Workers' Defence /1976-1981/; editor of independent magazine "Glos" /"Voice"/since 1979; counsellor of Executive Committee of "Solidarity" Centre for Social Research in Mazowsze region, head of Legal Department of the Centre /1980-81/; secretary of National Executive Committee of "Soli-darity"; member of Citizen Committee appointed by the President of "Solidarity".

MAREK A. NOWICKI /1953/

MAREK A. NOWICKI /1953/
barrister; member of "Solidarity"
National Coordination Committee
in Public Prosecutor's Office
/1980-81/; responsible for intervention activities in SelfGoverning Farmers' "Solidarity"
Union; founding member of Helsinki
Committee in Poland /1982/;
legal counsellor of "Solidarity"
in Mazowsze and Silesia regions;
member of Commission of Law and
Justice of Citizen Committee
appointed by the President of appointed by the President of "Solidarity".



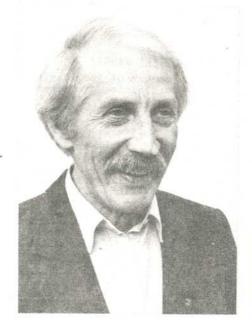


JAN ROSNER /1906/,

lawyer specialized in social policy and ergonomics; retired professor of Central School of Planning and Statistics; official in International Labour Office in Geneva /till 1939/; member of underground resistance movement during II world war; ILO correspondent in Poland /1946-1950/; worked in Ministry of Labour and Assistance /1950-60/ and in Center of Management Development /1960-63/; president of International Ergonomics Association /1979-82/;member of Citizen Committee appointed by the President of "Solidarity".

STEFAN STARCZEWSKI /1935/,

teacher of Polish, lecturer of schools under the supervision of Ministry of Culture and Arts /dismissed from work for political reasons in 1978/; chief editor of "Krytyka" /Critique/, one of the main independent magazines /1978-81/; head of "Solidarity" Committee for Education /1980-81/; interned for 8 months during martial law /1981-82/; journalist in independent press; founding member of Helsinki Committee in Poland /1982/; member of Citizen Committee appointed by the President of "Solidarity".





ANDRZEJ STELMACHOWSKI /1925/
lawyer specialized in civil
and agricultural law; professor
of Warsaw University; expert
and counsellor of "Solidarity"
from its very beginning/1980/;
member of Polish Episcopate
Committee "Justicia et Pax";
Chairman of Catholic Intelligentsia Club in Warsaw; member
of Citizen Committee appointed
by the President of "Solidarity".

FIA WASILKOWSKA /1910/

wyer specialized in civil and mily law; adviser of State easury /1933-39/; assistant in w Faculty of Warsaw University 933-39/; active in underground sistance movement during II rld war; the judge of Supreme urt /1948-55, 1958-81/; Minister Justice /1956-57/; member and or one term/ Chairman of UN mmission on Human Rights 957-61/; vicepresident of inpendent Social Legislative uncil /1980-81 and again since 89/; member of Citizen mmittee appointed by the esident of "Solidarity".





JANIMA ZAKRZEWSKA /1928/
lawyer, specialized in constitutional law; professor of
law at the Warsaw University
/dismissed from work in 1968/.
jobless till 1970; researcher
in the General Management of
State Archives; participant
in Experience and Future
Group /1980-1987/; member of
Citizen Committee appointed
by the President of "Solidarity"

TADEUSZ ZIELINSKI /1926/,

lawyer specialized in labour law and social security; professor of law at the Jagiellonian University in Krakow; experst of "Solidarity" Centre for Socio-Vocational Works /1981/; member of Societe Internationale du Droit du Travail et de la Securite Sociale in Geneva; member of Citizen Committee appointed by the President of "Solidarity".



/ All photographs by ERAZM CIOŁEK/

2.Co-workers

MARIA BIENKIEWICZ Radom TERESA BRODZKA Katowice MARIA DZIEDZIC Warszawa KRYSTYNA KRAUZE Gdańsk JANINA KUJAWSKA Kraków JOZEFA MIELNIK Olsztyn ROMA ORLIKOWSKA-WRONSKA -Gdańsk LUCYNA RUTKOWSKA Toruń Słupsk ANNA SKOWRONSKA ANNA TRUSKOLASKA Lublin BOGUSŁAW BARDON Opole Szczecin JERZY CHMURA WŁADYSŁAW DANISZEWSKI -Szczecin WIESŁAW DOBKOWSKI Bełchatów JAROSŁAW DUBIEL Gdańsk ANDRZEJ KERN Łódź ZBIGNIEW MACIEJEWSKI Łódź EDWARD MULLER Słupsk JAN MUSIAŁ Przemyś1 LESZEK PIOTROWSKI -Katowice TOMASZ PRZECIECHOWSKI -Lublin Kielce EDWARD RZEPKA WIESŁAW UPTAS Kołobrzeg JERZY WIERCHOWICZ Gorzów Wlkp. KRZYSZTOF WOJTYŁŁO Wrocław STANISŁAW ZIERHOFFER Poznań

IV. LIST OF PUBLICATIONS OF THE HELSINKI COMMITTEE IN POLAND

1. Published Abroad

- First Report published under the title Poland Under Martial Law by the U.S.Helsinki Watch Committee - covers the period; December 13.1981 - December 1982.
- Prawa człowieka i obywatela w PRL, 13.12.1981 31.12.1982
 Oprac.zespół red.Komitetu Helsińskiego w Polsce, 1983.
 /Human and Citizens' Rights in Polish People's Republic,
 13.Dec.1981 31 Dec.1982, written by the editorial group
 of Helsinki Committee in Poland/Paris, 1983.
- Third Report published under the title 1984 Violations of Human Rights in Poland by the Committee in Support of Solidarity, New York and Information Centre for Polish Affairs, U.K. - covers the period: January - September 1984.
- Special Report to the U.N.Human Rights Commission, March 1984 and an Open Letter to the Secretary General of the U.N., May 1984, Both texts are available in English from the Committee in Support or Solidarity, New York and the U.S.Helsinki Watch Committee.
- Fourth Report published under the title Violations of Human Rights in Poland 1984-85 by the Committee in Support
 of Solidarity, New York 1985./181 Hudson Street, Suite 3A, New York, N.Y.10013/.
- Violation of Human Rights in Poland /December 13.1981 March 31,1985/ special report prepared for the CSCE Human Rights Experts Meeting in Ottawa and published by the U.S. Helsinki Watch Committee, New York 1985.

- Fifth Report, which dovers the period of 1985 1986, was published by the Committee in Support of Solidarity, New York 1986.
- Report on Acts of Torture and the Use of Force published by the Committee in Support of Solidarity, New York
- The Helsinki Accords, the Human Rights Conventions and Poland published by the Information Centre for Polish Affairs. U.K., London 1986.
- Violations of Human Rights in Poland /1983 1986/.

 Special report prepared for the Helsinki Review Conference in Vienna and published by the U.S. Helsinki Watch

 Committee and the Information Centre for Polish Affairs,

 U.K. London 1986.

2. The Major Publications in Poland

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Memoriał do Komisji Praw Człowieka ONZ /Memorial to the Human Rights Committee, UNO/, Helsinki Committee in Poland, Warsaw, "Mysia 5", 1984, /1/, 42 p.

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Naruszenia praw człowieka i podstawowych wolności w Polskiej Rzeczypospolitej Ludowej w latach 1983-1986; Raport Komitetu Helsińskiego w Polsce na Spotkanie Wiedeńskie Przedstawicieli Państw Uczestniczących w KBWE /Infringement of Human Rights and Fundamental Freedoms in Polish People's Republic in 1983-1986; Report of Helsinki Committee in Poland for the Vienna Meeting of the States Participants in CSCE/, Warsaw, KOS,1987, 60 p.

Prawa człowieka i obywatela w PRL; raport 2 /Human and Citizens' Rights in Polish People's Republic: Report No.2/ Helsinki Committee in Poland, Warsaw, CDN, 1984, 108 p.

Proces MRK"S"-u: Międzyzakładowego Robotniczego Komitetu "Solidarności" /The Trial of MRK "S" - /Interfactory Workers'
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1985, /2/, 123 p. /"Solidarity" Archives, NOVA and ARCH/.

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Prawa Człowieka: biuletyn /Human Rights - Bulletin/ Helsinki
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Memoriał w sprawie naruszania wolności związkowych w PRL /Memorial on Infringement of Freedom of Association in Polish People's Republic/, in: Dwadzieścia Jeden /Twenty-One/, Warsaw, 1988, No 6, p.39-53

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Prawa człowieka i obywatela w PRL: raport 6 /Human and Citizens' Rights in Polish People's Republic: Report No 6/, /1 Jan.1987 - 30 Dec.1987/, Helsinki Committee in Poland, in: Praworządność /The Rule of Law/, Warsaw, 1988, No.19, p.13745

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Prawa obywatelskie: prawo i praworządność - stanowisko Komitetu Helsińskiego w Polsce /Civil Rights: the Law and the Rule of Law the Attitude of Helsinki Committee in Poland/ in: KOS,Warsaw, 1988, No 17, also in: "Baza", Warsaw, 1989, No.59-60,p.1-6.

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Contents:	page
I. CITIZENS INITIATIVES FOR HUMAN RIGHTS IN POLAND	3
II. SELECTED DOCUMENTS	6
1. Communique of 24 July 1988	6
2. Letter to Participants of ILA Conference	8
3. Letter to the Seym on Freedom of Association	10
4. Civil Rights - the Law and the Rule of Law	13
5. Letter to Mr. F.Blanchard, the Director of ILO	24
6. IHF Announcement about Affiliation	
7. Announcement about Police Violence	28
8. Letter to the Seym on the Ministry of Interior Act	29
9. Pronouncement Concerning Czechoslovakian Events	31
10. Introduction to the Annual Report for 1988	36
11. The Civil and Political Rights	44
12. Pronouncement on the Criminal Law Reform	48
III.MEMBERS AND CO-WORKERS OF HELSINKI COMMITTEE IN POLAND	51
IV. LIST OF PUBLICATIONS OF THE HELSINKI COMMITTEE	58
TN DOLAND	

HELSIÑSKA FUNDACJA PRAW CZŁOWIEKA Biblioteka 00-028 Warszawa, ul. Bracka 18 m. 62 tel./fax (48-22) 828 10 08, 828 69 96 826 98 75, 826 96 50 HELSINKI COMMITTEE IN POLAND is an independent citizens' initiative to inspect the observance of law and fundamental freedoms resulting from the Universal Declaration of Human Rights and to examine consistency of the Polish legislation with international obligations such as International Covenants on Human Rights and ILO conventions confirmed in the Final Act of CSCE in Helsinki and in the Concluding Document of the Review Conference of CSCE in Vienna.

THE COMMITTEE operates through informing public opinion and undertaking initiatives on the national and international forum.

THE COMMITTEE propagates rights and freedoms determined by the Universal Declaration of Human Rights and strives for their possibly fullest implementation in particular countries and in the whole world.

HELSINKI COMMITTEE IN POLAND 1s a member of International Helsinki Federation for Human Rights, having its seat in Vienna.

Members of the Committee are on duty on each Friday between 2 and 4 p.m. in the Church of the Infant Jesus in Warsaw, at 15 St.Czarnieckiego Str., phone 39 21 68.