

AMNESTY INTERNATIONAL REPORT 1986

COUNTRY	SECTION
DOSSIER	↑

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Poland

Amnesty International was concerned about the arrest and detention of hundreds of prisoners of conscience. It was also concerned about allegations of ill-treatment of political prisoners, prisoners' lack of access to legal representatives and the imposition of the death penalty.

The authorities announced clemency procedures on 9 November, under which 218 political prisoners were released. Amnesty International expressed regret that the clemency measure was restricted: it excluded recidivists and prisoners whose offences were considered "socially harmful". At the end of 1985 there were approximately 200 political prisoners, most of whom Amnesty International believed to be prisoners of conscience.

Most political arrests were of people involved in underground activities of the banned trade union Solidarity: possessing, printing or distributing unofficial literature; broadcasting *Radio Solidarity* programs; or participating in illegal meetings or activities.

Tadeusz Jedynek, chairperson of Solidarity in Silesia and a member of the underground Solidarity leadership, the Provisional Coordinating Committee (TKK), was detained while in hiding on 17 June and charged with treason under Article 122. This charge carries a minimum penalty of 10 years' imprisonment and a maximum of death. He was adopted by Amnesty International as a prisoner of conscience because it believed that the charges were based on his non-violent activities as an underground leader of Solidarity. Several prominent opposition activists who had been released under an amnesty in July 1984 were rearrested. Solidarity leaders Andrzej Gwiazda, Seweryn Jaworski, Stanislaw Handzlik and Wladyslaw Frasyniuk all received short prison sentences for participating in demonstrations. Leszek Moczulski, a leader of the Confederation for an Independent Poland (KPN), was arrested and charged with "illegal association in order to foment public unrest". Bogdan Lis, Adam Michnik and Wladyslaw Frasyniuk were sentenced on 14 June to two and a half, three, and three and a half years' imprisonment respectively for leading an illegal organization (Solidarity), and for attempting to foment public unrest by calling for a 15-minute strike against price rises. Amnesty International delegated two lawyers to observe the trial but they were refused visas.

Many people were convicted for printing or distributing unofficial

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literature. Four people were charged with printing the Solidarity weekly *Tygodnik Mazowsze*: Tadeusz Wypych and Grzegorz Sedek were sentenced to two and a half years' imprisonment; Jaroslaw Nakielski and Krzysztof Gos to one and a half years' imprisonment. Wojciech Lakinski, Grzegorz Ganowicz and Jan Skowronski were sentenced to 15 months' imprisonment for distributing the unofficial journal, *Obserwator Wielkopolski*. They were all released under the clemency procedures. Others sentenced for such activities and adopted by Amnesty International as prisoners of conscience included: Marek Kulczyk, sentenced to three years' imprisonment; Wieslaw Pyzio, to two and a half years; Walerian Klincewicz, Marek Mickiewicz, Jozef Sreniowski and Jacek Bartosiewicz, to two years.

Among those arrested for peaceful political activities were many students and young people. Wlodzimierz Chmielowiec, aged 19, was sentenced to two years' imprisonment for collecting signatures door-to-door for a petition on behalf of political prisoners; Adam Bujak, a Krakow student, was sentenced to two years' imprisonment for distributing illegal literature; Andrzej Bereda and Piotr Szczudlowski, students at the Lublin Catholic University, were sentenced to one year's imprisonment for distributing a leaflet calling for a boycott of the official May Day celebration.

The "Freedom and Peace" movement, which demands an alternative to military service, was sparked off by the imprisonment of Marek Adamkiewicz, a former student Solidarity activist, for two and a half years in December 1984 for refusing to take the military oath on political grounds. A petition and hunger-strike were organized to protest against the sentence, after which the first "Freedom and Peace" group was established by young people in Krakow in April. Further groups emerged in Warsaw, Wroclaw, Gdansk and Szczecin. In another form of protest, 28 people returned their military documents. At least eight people were fined for this and threatened with imprisonment for refusing to pay the fine. Wojciech Jankowski, a member of the movement, was sentenced to three and a half years' imprisonment on 23 December for refusing to do military service on conscientious grounds. He was adopted as a prisoner of conscience, as was Marek Adamkiewicz.

On 25 June Jan Kostecki was sentenced to two years' imprisonment for spreading false information detrimental to the interests of the Republic, through his membership of the Szczecin Committee in Defence of the Rule of Law. He was the first person to be sentenced in connection with the civic human rights committees which were set up in various cities after the murder of Father Jerzy Popieluszko in October 1984 (see *Amnesty International Report 1985*). He remained at liberty pending appeal.

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Amnesty International was also concerned about numerous reports that prisoners and suspects were denied access to their families and legal representatives for long periods. As of the end of 1985, Czeslaw Bielecki had reportedly been denied access to his lawyer since his arrest in April. Wladyslaw Frasyniuk was likewise said to have been refused access to his lawyer six times between October and December and therefore to have been unable to prepare for his appeal hearing in January 1986. The organization appealed to the authorities in September to allow Bogdan Bujak, Robert Mroziewicz, Jan Kofman and others immediate access to lawyers and relatives.

New legislation was passed by the *Sejm* (Parliament) on 10 May and came into effect on 1 July. It consisted of a bill on "Special Criminal Liability", valid for three years, and a series of amendments to the penal code, which established an "accelerated procedure" for certain offences. Under this "accelerated procedure", an investigation is conducted by the police alone (without involving the Public Prosecutor's Office) which has to be completed within 48 hours. A trial is held at the end of the 48 hours at which the police stand in for the Public Prosecutor and the case is heard by a single judge. An appeal against sentence can be lodged. Because of the speed of the procedure, Amnesty International was concerned that there would be insufficient time to prepare a defence.

In the latter part of 1985, the "accelerated procedure" was applied in misdemeanour courts to offences under Article 282a of the penal code, which states that activities aimed at fomenting public unrest are punishable by imprisonment of up to three years. Most political activists were charged under this article, which covers activities such as distributing or possessing unofficial leaflets or publications, displaying banners and publicly expressing one's views (for example, on demonstrations). The "accelerated procedure" was used on 3 July in the case of Henryk Grzadzielski, who was sentenced to one year's imprisonment for leading a 60-minute strike on 1 July in Slupsk against a meat price rise called by the underground Solidarity leadership. It was also used in the cases of Anna Pracka-Grzegorzolka and Andrzej Wisniewski, who were both sentenced under Article 282a to one and a half years' imprisonment. All three were adopted by Amnesty International as prisoners of conscience.

Amnesty International received numerous reports of ill-treatment of detainees by police during custody. The organization initiated an action in July because of alleged ill-treatment of 18-year-old Bogdan Dariusz, a school student, following his arrest in September 1984. It urged an impartial investigation into allegations that he had been punched, kicked and beaten with a truncheon on a number of occasions during his weeks of interrogation.

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The organization launched urgent appeals in the second half of 1985 on behalf of prisoners of conscience Mirosława Grabowska, Wanda Dragon and Lothar Herbst, who were reportedly not receiving adequate medical treatment while in investigative detention and whose health was deteriorating. They were all released on humanitarian grounds.

Several appeals were issued on behalf of prisoners in Leczyca prison between August and October expressing Amnesty International's concern at reports of beatings and harsh prison conditions. Jozef Sreniowski and other prisoners went on several hunger-strikes in Leczyca prison to protest against harsh conditions and beatings. Among those allegedly beaten were Mirosław Andrzejewski, Jerzy Kajak, Andrzej Filipczyk, Marek Lucarz and Władysław Frasyński. On 13 August seven political prisoners began a partial hunger-strike (eating on alternate days) in Braniewo prison, protesting against harsh conditions and calling for political prisoner status. Several prisoners were reportedly beaten, including Henryk Grzadziński and Father Sylwester Zych. In December Amnesty International expressed concern about reports of ill-treatment in Braniewo prison.

The trial of four security police officers charged with the kidnap and murder of Father Jerzy Popiełuszko ended on 7 February. Colonel Adam Pietruszka and Captain Grzegorz Piotrowski were sentenced to 25 years' imprisonment; Lieutenants Leszek Pekala and Waldemar Chmielewski were sentenced to 15 and 14 years' imprisonment respectively. Their sentences were upheld by the Supreme Court.

By the end of 1985 Amnesty International had received reports of the imposition of nine death sentences and five executions. In February the organization appealed to the government to commute the death sentence on Zdzisław Czesław Kubiak. The Supreme Court had increased his sentence from 25 years' imprisonment to death in May 1984.