

EXECUTIVE SUMMARY

The objective of the CPT's seventh visit to Poland, and its very first ad hoc visit, was to review the implementation of the Committee's long-standing recommendations concerning the treatment of persons in police custody.

The majority of persons interviewed by the delegation, who were or had recently been in police custody, stated that they had been treated by the police in a correct manner. However, the delegation did hear a number of allegations of physical ill-treatment. Most of these allegations referred to the use of excessive force at the time of apprehension or immediately after apprehension, in respect of persons who were reportedly already under control and who did not resist (or no longer resisted) arrest. The ill-treatment allegedly consisted mainly of violently pushing a person face down to the ground (or facing towards a wall), kneeling over the person including on his/her face or stepping on him/her, occasionally accompanied by slaps, kicks and/or punches. There were also numerous allegations of painful and prolonged handcuffing behind one's back, and some persons alleged having been lifted by the handcuffs and/or dragged on the ground while cuffed. The delegation also heard a small number of allegations of physical ill-treatment consisting of slaps and, in one case, kicks in the course of questioning inside the police establishment.

The delegation's findings during the 2019 ad hoc visit clearly indicate that persons taken into police custody in Poland continue to risk being ill-treated, in particular at the time of apprehension. This is a source of ongoing serious concern to the CPT and demonstrates the need for the Polish authorities to step up their efforts in this area. In the light of the above, the Committee once again calls upon the Polish authorities to pursue rigorously their efforts to combat ill-treatment by the police.

The absolute absence of progress as regards the fundamental safeguards against ill-treatment advocated by the CPT, namely the right of access to a lawyer and to a doctor, the right to notify one's detention to a third party and the right to be informed of the above-mentioned rights, is the source of the Committee's deepest concern after the 2019 ad hoc visit to Poland. It is the CPT's view that serious deficiencies observed once again by its delegation have a persisting and systemic character, which appear in an even more negative light when set against the ongoing phenomenon of ill-treatment of persons in police custody.

Based on its delegation's findings from this ad hoc visit, the Committee considers that if no expedient and decisive action is taken by the Polish authorities, the risk of persons in police custody being subjected to ill-treatment is likely to increase further in the near future. The CPT very much hopes that the present report will enable the highest-level Polish authorities, first of all the Minister of Internal Affairs and Administration, to become fully aware of this risk and to take long-overdue remedial and preventive action.

The CPT stresses that if no progress is made by the Polish authorities to radically improve the level of their co-operation with the Committee, including as regards the implementation of the CPT's long-standing recommendations, the Committee may well be obliged to have recourse to Article 10, paragraph 2, of the Convention and to make a public statement on the matter. The CPT hopes that urgent and decisive action by the Polish authorities will render such action unnecessary.