

"Will Poland Be Called To Account for Torture?"

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“Rzeczpospolita”

By Ewa Losinska

[unauthorized]

Polish NGO, lawyers threaten to take CIA prison case to international court

The Helsinki Foundation for Human Rights has increasing evidence that prisoners brought to the Mazury region by the CIA were tortured in Poland. Its lawyers, thanks among other things to data obtained from the Polish Air Navigation Services Agency and the Border Guards, have ascertained that the CIA detained eight prisoners in our country. Eleven flights have been confirmed, which took place with these individuals aboard. The prison where they were held existed in the Mazury region from 05 December 2002 to 22 September 2003 - the foundation reports.

US Does Not Want To Help

"A CIA facility existed in Poland and my client was unlawfully detained there," says attorney Bartlomiej Jankowski, representing the Palestinian Abu Zubaydah who is today being held at the Guantanamo base. The Appellate Prosecutor's Office in Warsaw, which has been handling the investigation into the alleged CIA prison in Poland since 2008, awarded him the status of a wronged party in the investigation.

"If this procedure does not yield the expected results, we are considering filing a case against Poland with the Court (of Human Rights - editor's note) in Strasbourg," Jankowski says. Similar vows are being made by attorney Mikolaj Pietrzak, representing the Saudi Abd al-Rahim al-Nashiri, suspected of involvement in the attack against the USS Cole in Yemen in 2000: "If the Polish investigation does not lead to the identification of those responsible for consenting to illegal detention and torture, we will file in Strasbourg."

Abd al-Rahim al-Nashiri, who is in Guantanamo, has also gained the status of a wronged party in the Polish investigation. In February, Pietrzak filed a complaint with a Warsaw court about the protracted duration of the prosecutor's investigation. "Following this complaint the prosecutor's office requested legal assistance from the United States, including the questioning of my client," the Saudi man's attorney says. "Poland requested legal assistance from the Americans already in 2009, for the purposes of the investigation being conducted. The Justice Department refused, justifying this in terms of US security and state interests."

"Another well-known prisoner who was brought to Poland is Khalid Sheikh Mohammed," says Dr Adam Bodnar from the Helsinki Foundation. It is he who, according to media reports, is said to have been subjected to "waterboarding" while being questioned by US functionaries, more than 180 times. Sheikh Mohammed is said to have managed Al-Qa'idah's preparations for the attack against the United States in 2001, which he has admitted to.

Representatives of the foundation have filed inquiries with the Internal Security Agency [ABW] and Military Counterintelligence Service [SKW] about whether there exist Polish-US agreements regulating the rules of behaviour of intelligence services in the case of this sort of cooperation. They did not receive any response.

Jozef Pinior, a former Polish MEP and a member of the European Parliament commission that probed the case of CIA prisons in Poland, maintains that the Polish authorities knew about the existence of a prison in Stare Kiejkuty. "There existed a set of instructions signed by Prime Minister Leszek Miller. There was even a provision stipulating what should be done if a corpse should appear at this centre," he maintains. However, he did not want to talk to Rzeczpospolita over the phone about whether he had seen that document. "This is too serious an issue," he explains.

Miller Denies

Leszek Miller denies everything. "That is Jozef Pinior's nonsense. There were no instructions, there were no CIA prisons," he says.

The existence of prisons has also not been confirmed by politicians of other political orientations. "The Poles have nothing to do with the alleged torturing of CIA prisoners," said former President Aleksander Kwasniewski. Former Prime Minister Jaroslaw Kaczynski also insisted that he had not seen any official document that might attest to the existence of CIA prisons in Poland.

As Dr Ireneusz Kaminski from the Polish Academy of Sciences, Institute of Law Studies, says: "It is even possible for Polish functionaries or politicians to be brought before the International Criminal Court (in The Hague - editor's note). It was established to prosecute war crimes, which likewise include torture and inhumane treatment. However, such a motion would have to be filed with the court by one of the countries that recognize its jurisdiction. It is also possible for a procedure to be launched by a prosecutor of the court, *ex officio*."

What would the Polish politicians or intelligence service chiefs potentially be held to account for? For consenting to the use of torture, if that could be proven.

"A suit filed with the international court is more likely than the signatures being collected from 115 members of parliament in Poland in order to summon any of the politicians responsible before the Polish Tribunal of State," says Dr Bodnar.