



HELŚIŃSKA FUNDACJA PRAW CZŁOWIEKA
HELSINKI FOUNDATION for HUMAN RIGHTS

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Warsaw, 2006-09-11

Marek Bieńkowski
General Police Chief Commander
Puławska 148/150
02-514 Warsaw

Dear General Police Chief Commander,

The Helsinki Foundation for Human Rights is receiving more and more complaints concerning the unlawful actions of police officers consisting in selective (random) checking of young people's identification cards (IDs) on the streets and searching their pockets and hand baggage (purses, backpacks).

Police officers most often fail to execute the legally imposed duty to identify themselves and to present the legal and actual grounds for checking the IDs. As far as the search is concerned, they very often indicate preventive actions as the grounds for their operation. The searches made by police officers most often relate to drugs or stolen cell phones.

Since we understand the objective and intentions of the police officers, we would like to point out that the Polish law does not permit such activities. A search, which obviously invades the right to privacy, can only be carried out in situations strictly defined by the law and in a manner that interferes in the least possible extent in human rights and liberties. The Code of Criminal Procedure mandates the preparation of a protocol from this activity, which the police officers fail to do. We would like to remind everyone that in accordance with Article 7 of the Constitution of the Republic of Poland the organs of public authority operate based on and within the limits of the law.

With concern for the observance this principle, which is so important for the democratic state of law, we ask you, Commander Bieńkowski, to implement appropriate actions that would eliminate similar actions from the practice of police officers' operations.

On behalf of the HFHR Board,

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Marek Antoni Nowicki