



**HELŚIŃSKA FUNDACJA PRAW CZŁOWIEKA
HELSINKI FOUNDATION for HUMAN RIGHTS**

00-018 Warszawa, ul. Zgoda 11
tel./fax: (48 22) 828-10-08, 828-69-96
e-mail: hfhr@hfhrpol.waw.pl
konto: PKO BP SA I O/Centrum
58 1020 1013 0000 0502 0002 9165
swift: BPKOPLPW

ZARZĄD FUNDACJI

Prezes: **Marek Antoni Nowicki**
Wiceprezes: **Danuta Przywara**
Sekretarz: **Andrzej Rzepliński**
Skarbnik: **Elżbieta Czyż**
Członek Zarządu: **Zbigniew Hołda**

Warsaw, 11 July 2007

2380/2007/KH

The Honorable
Zbigniew Ziobro
Minister of Justice
Attorney General

Dear Sir,

We firmly object to the statement made by Minister of Justice and the actions leading to the institution of criminal proceedings against the Chairman of the Association of Public Prosecutors of the Republic of Poland, public prosecutor Krzysztof Parulski, combined with the demand to present a list of participants of the IX Annual Conference of the Association of Public Prosecutors of Poland, which included the preparation of the Association's Appeal of 23 April 2007 to maintain ethical behavior in the activity of prosecutors.

According to Article 58 of the Constitution of the Republic of Poland, freedom of association shall be guaranteed to everyone. An explication of this constitutional value is included in the provisions of the Act of 7 April 1989 - Law on associations. They determine that associations established based on this act have the right to make statements on public issues. The Association of Public Prosecutors of the Republic of Poland was established based on the aforementioned law and its Appeal constitutes a statement on a public issue that directly relates to the Association's statutory activity. In its appeal, the Association called for consolidating and not antagonizing professional circles, maintaining dignity and upholding the good name of the public prosecution, which in its opinion constitutes the basis for the Public Prosecutor's Office to be viewed as a law-abiding and independent organ, devoted to serving justice in our country. The Association also appealed for ensuring the independence and political indifference of prosecutors.

The Helsinki Foundation for Human Rights has a positive attitude towards both the Association's Appeal and its statutory activity. We do not negate the need for changes leading to an increase in the effectiveness of the activity carried out by the Public Prosecutor's Office in Poland. However, it cannot be placed before the principles of the state of law and the right of each individual to a fair trial. According to the standards of the Council of Europe (Council of Europe Recommendation no. 2000/19 of 6 October 2000), the basic function of the Public Prosecution, besides fighting crime, is to protect the rights of the individual. In the opinion of the Council of Europe, this is achieved inter alia by protecting public prosecutors against unjustified influence from outside. Considering the above, we object to the interference in the activity of the Association of Public Prosecutors of Poland, which is aimed at protecting the independence of the Public Prosecutor's Office.

On behalf of the Helsinki Foundation for Human Rights

Marek Antoni Nowicki
President of the HFHR Board