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Poland: Amnesty International regrets the lack of transparency and adequate access to information for victims in the investigation into government's involvement in CIA's rendition and secret detention programmes

Human Rights Council adopts Universal Periodic Review outcome on Poland

Amnesty International welcomes the assurance from Poland that it is conducting an investigation into its role in the CIA's rendition and secret detention programmes, including in response to recommendations made during its UPR in May.¹ Developments in this investigation offer some promise of uncovering the extent of Polish involvement in the CIA operations, as well as some accountability. However, the failure of the government to ensure transparency and adequate access to information for the victims in the investigation contradict its claims that the investigation is being conducted in accordance with international standards.²

In response to recommendations made by other states in the review, Poland stated that “full transparency with regard to the investigation is impossible due to the protection of classified data”.³ Amnesty International is aware that in some limited circumstances governments can invoke “national security” as a basis on which to decline to disclose some types of information. Any such claims, often couched in the language of “state secrets,” must be on a basis well defined in law, subject to judicial review, and tested for their necessity and proportionality. However, “national security” cannot be invoked in cases involving human rights violations, such as torture and enforced disappearance, the prohibitions of which are peremptory norms of international law and thus non-derogable.

Victims of human rights violations have the right to an effective remedy and reparation, which entail the right to have the truth about the violations disclosed and publicly acknowledged by the authorities. The organization considers that information concerning gross violations of human rights should never be subject to withholding from the victims or the public on national security grounds. Experience shows that “national security” or other similar means is all too frequently invoked by states in a manner that conceals and prevents effective remedy and accountability for such violations.

Amnesty International calls on the Polish authorities to ensure that “national security” and “state secrets” are not invoked to shield the government or implicated individuals from accountability for complicity in the CIA rendition and secret detention programmes.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Poland on 20 September 2012 during its 21st session. Prior to the adoption of the review outcome Amnesty International delivered the oral statement above. Amnesty International had earlier submitted information on the situation of human rights in Poland:

<https://www.amnesty.org/en/library/info/EUR37/002/2011/en>

¹ A/HRC/21/14, recommendations 90.122 (Switzerland), 90.123 (Cuba), 90.124 (Belarus), and A/HRC/21/14/Add.1, page 6.

² Ibid, paragraph 58.

³ A/HRC/21/14/Add.1, page 6 re recommendation 90.123.

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