

Legal Bulletin

Justice Ministry on penalty system

This year justice ministry plans to create conditions replacing short term sentences or suspended jail terms with the restriction of freedom like, for instance, community service.

„The plan will take us a few year to implement. We have evaluated the situation in prisons which is difficult but under control, Justice Minister Zbigniew Cwiąkowski has said. He added that unlike some law theoreticians, the ministry did not envisaged amnesty for petty crimes. According to data acquired at the end of November 2007 some 89.5 thousand people were placed in correctional centres or arrests. The Penitentiary Authority had room for 74.9 thousands of convicts. The number of the jailed has grown up since 1999 when the number of convicts reached 55.4 thousand. Room for prisoners has been gradually increased. In 2000 prisoners occupied all room available for them but in 2002 there were more prisoners (81.4 thousand) than room for them (69.1 thousand).

The number of not jailed convicts has gone up. According to ministries' statistics the end of November saw 42.5 thousand convicts waiting to do their time. For 38,000 convicts the deadline for doing the sentence has elapsed. 22 pct of the group have been delivered to correctional centres by police, arrest warrants have been issued for 21 pct, 16 pct had their time postponed, 11 hide at large and for three pct the sentence has been suspended.

„The truth is that they can't do their time. The system would collapse had they all arrive to be jailed on the appointed time,” Cwiąkowski said. That is why the ministry plans to continue the previous government plan to acquire 17,000 places for prisoners between 2006 and 2009. Deputy Minister supervising the penitentiary system Marian Cichosz added that this was the ground for the ministry to introduce freedom restricting penalties like e.g. community service.

The problem is that cooperation between judiciary, penitentiary authorities and self-government is not smooth so the ministry

Polish soldiers will stay in Iraq until October 2008

President Lech Kaczyński has decided that Polish soldiers will conclude their mission to Iraq on October 31, 2008. „I am glad that we have reached the agreement,” said PM Donald Tusk.

On Friday the president signed a related motion sent to him by the government on December 18.

National Security Bureau (BBN) head Wladyslaw Stasiak told a news conference that Lech Kaczynski's decision is a compromise and as any compromise it is not ideal but can be accepted.

It is a compromise which gives the government more time that it wanted for carrying out the task reliably, Stasiak said.

Deciding about the date of withdrawal the president was guided by the care about Polish soldiers' safety. Government guarantees that a detailed withdrawal plan has been drafted and that the decision has been agreed upon with US and Iraqi partners were also helpful, Stasiak stressed.

Presidential Minister Michał Kaminski told PAP on Sunday the president was „not quite satisfied” with the prolongation of the Polish mission only till the end of October 2008. According to Kaminski, president Kaczynski was glad that the government failed to fulfil its

has to seek new opportunities in this field.

Poles are increasingly aware of their rights

Poles are increasingly aware of their rights and resort to them more and more often. Apart from motions and complaints to the ombudsman or the Sejm they send their petitions to the European Parliament and complaints to the Court of Human Rights in Strasbourg.

President of the Petition Commission of the European Parliament Marcin Libicki has noted that in 2006 Poles submitted 56 petitions to the European Parliament thus rating fourth among the EU states after Germany, England and Spain. The commission receives 1,000 complaints yearly of which it examines 600 to 700. Petitions cover human rights, environment protection and matters related to people welfare.

Director of the Council of Europe's Information Bureau Hanna Machińska has recalled that a number of Poles has submitted complaints to Strasbourg. They covered a wide range of problems from delayed proceedings, temporary arrest to the right to court proceedings. Machińska stressed that after the court in Strasbourg rules that proceedings were unduly prolonged cases are examined by Polish courts. Director of Constitutional and International Law Team of the ombudsman office Mirosław Wróblewski said that 30 pct of complaints sent to the ombudsman office deal with cases pertaining the penal law. This year a number of the complaints concerned housing construction which was related to the change of the law on housing cooperatives. By December 25 the ombudsman office received 52,000 complaints.

Director of the Correspondence and Information Office at the Sejm Chancellery Włodzimierz Zajac said the Sejm usually receives scores of thousand of letters annually from citizens presenting different problems. In relation with said above he pointed out to the need for amending legal regulations on examining complaints.

election promise to withdraw the troops by mid- 2008.

At present Polish soldiers are on a mission to Iraq by the President's decision which specifies that they should end the mission by the end of 2007. The 900-strong Polish contingent to Iraq has been deployed there in 2003. Poland commands the Centre-South Multinational Division made up of contingents of eight states.

More officials may be entitled to diplomatic passports

President Lech Kaczyński plans to enlarge the group of diplomatic passport holders by heads of the constitutional institutions, members of the Presidential and PM's Chancelleries, governors of provinces (regions) and city mayors, reads a related draft submitted to the Sejm by the president of Poland.

The draft amendment to the July 2006 law on passports enlarges the group entitled to diplomatic passports from the present group which includes only the president of Poland, speakers; of the Sejm and the Senate the PM, government ministers and deputy ministers, parliamentarians and members of the European Parliament. The president plans enlarge the group of people entitled to diplomatic passports by all judges of the Constitutional Tribunal, presidents of the Supreme Court, the Chief Administrative Court, the Supreme Board of Inspection (NIK), NBP central bank, the ombudsman, heads of the National Radio and TV Council, the Natio-

nal Judiciary Council, the State Electorate Commission, the PM's Chancellery, the Sejm and Senate Chancellery, provincial governors, speakers of self-government assemblies and mayors of cities with more than 200,000 residents. Entitled to diplomatic passports would also be said persons' spouses while accompanying their husbands/wives on business trips.

New military distinctions as of Jan. 1, 2008

New military commemorative distinctions, the Star of Afghanistan and the Star of Iraq will be granted to members of the Polish military contingents to said countries as of January 1, 2008 in line with an ordinance of President of Poland Lech Kaczyński. The Order of Military Cross is granted to foreign missions' members since 2006 for outstanding combat actions carried out with singular dedication and courage. The order is the only military distinction granted for combat actions in the time of peace. A law on granting commemorative distinctions to soldiers taking part in foreign missions took effect in June 2007. The star will be granted for impeccable service during foreign missions. The distinctions will comprise the name of the mission state or region. Stars will be granted even to those whose mission lasted only a day. A soldier serving in different parts of the world will be entitled to several stars. The stars will be granted by the president of Poland at a motions of the defence or interior ministers.