



Donald Tusk  
Prime Minister  
Polish Presidency of the Council of the European Union

Brussels, 27 October 2011

Dear Prime Minister,

**POLISH EU PRESIDENCY: HUMAN RIGHTS MID-TERM ASSESSMENT**

Before Poland's EU presidency began, we recommended that the presidency should take various measures to reinforce protection for human rights. Now that the Polish presidency has reached its half-way point, we wanted to share our observations on progress to date, and highlight potential areas for improvement over the next three months.

**Modest progress with multilateral discussions on asylum issues is overshadowed by inaction on EU countries' complicity in CIA renditions, including zero progress on investigations into secret prisons on Polish soil, and an unambitious approach to protecting human rights defenders in Belarus.**

Midway through Poland's six-month presidency of the European Union, Amnesty International assesses some salient aspects of its human rights performance to date and what remains to be achieved.

**Getting a fair deal for migrants and asylum-seekers**

We welcome the Polish presidency's decision to prioritise work on the Common European Asylum System. We reiterate that key to the credibility of a common system is that member states apply adequate and equivalent standards of treatment and procedures, and asylum-seekers' human rights are central to the process.

The ECtHR's judgment, and the Advocate General's opinion on the case before the Court of Justice of the EU, relating to transfers under the Dublin II procedure, demonstrate the Dublin system's need for reform. The presidency must now press for an agreement on the recast Regulation which fully appraises case law and ensures that the system conforms to human rights obligations.

**Holding governments accountable for human rights abuse in the name of 'counter-terrorism'**

We regret the presidency's silence over the alleged complicity of several EU countries in the US-led rendition and secret detention programmes. During this presidency, the Lithuanian Government has announced its refusal to re-open criminal investigations into its own alleged complicity. There has also been scant progress in investigations by the Polish prosecutor's office into Poland's alleged complicity. Although the investigation was expanded in July 2011, it is still not transparent. We repeat our call on the Polish Government to respect the rights of the two named victims currently detained at Guantánamo Bay, Abd al-Rahim al-Nashiri and Abu Zubaydah. The government should make every effort to interview the men and their representatives and seek information from parties including the US Government.

The presidency should also acknowledge that the death penalty has been approved as a potential sentence in the forthcoming trial of Abd al-Rahim al-Nashiri. He is to be tried by military commission, which falls short of international fair trial standards. We have called on the presidency to urge that military commissions be abandoned in favour of trials in the US District Court and that pursuit of the death penalty be dropped regardless of the case.

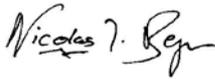
**Enlargement: Unfinished business in Croatia**

Poland's EU presidency would have been an ideal opportunity to raise concerns over continued impunity for crimes under international law committed during the 1991-95 war in Croatia. Poland should ensure international monitoring of Croatia's progress in prosecuting war crimes and other crimes under international law within the accession process. Despite recent progress made by the Croatian judiciary in combating impunity, obstacles persist to the effective investigation and prosecution of those crimes in Croatia. We recognise that the presidency has made some effort to encourage discussion, but it should do more to ensure the Croatian authorities show genuine political will to tackle impunity for crimes committed during the war.

**Eastern Partnership: Focus on human rights in Belarus**

While we were encouraged by the Polish presidency's initial commitment to promoting human rights in Belarus and strengthening democratic processes, we have seen no tangible evidence of action on Zmitser Dashkevich, whose health is deteriorating, or the ten other prisoners of conscience connected with the 2010 post-election crackdown. The Eastern Partnership summit has unfortunately brought no progress for these people. Indeed there has been a regression in Poland's handling of human rights issues. Human rights defender, Aleś Białacki, was arrested in August as a result of his banking details having been divulged to Belarus by the Lithuanian and Polish authorities. Moreover, contrary to our human rights recommendations, the Polish presidency has shown no sign of having applied pressure to Belarus to abolish the death penalty.

Yours sincerely,



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