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Decision to extend investigation into Polish complicity in the US-led rendition and secret detention programmes must lead to accountability

Following the Polish Prosecutor General's decision to extend for a further six months the investigation into the involvement of Polish authorities in the US-led rendition and secret detention programmes, Amnesty International calls on the Prosecutor General's office to ensure that the investigation is full, independent, impartial, and effective, and results in real accountability. Accountability for Polish involvement in the rendition and secret detention programmes means ensuring that those responsible are brought to justice through fair and public criminal proceedings, that any alleged human rights violations not subject to criminal proceedings are addressed through public findings of fact and responsibility by an independent and impartial procedure, and that victims receive redress.

It has been reported in domestic and international media outlets that the Polish Prosecutor General's office had obtained credible information indicating that former high-level Polish government officials had knowledge of and approved the CIA secret detention operations on Polish territory beginning in 2002. If the Prosecutor General's office has secured such information, it must bring to justice in fair criminal proceedings anyone identified as having been involved in the unlawful transfer or detention, or the torture or any other criminal abuse, of any person detained on Polish territory in the context of the CIA programmes.

Amnesty International encourages the Prosecutor General to continue the investigation with as much transparency as possible, reporting -- in the public interest -- what steps his office is taking to ensure the investigation is full, independent, impartial, and effective, and results in real accountability, in terms both of individual criminal responsibility and the broader human rights responsibilities of the Polish state. National security secrecy must not be permitted to be invoked to shield the state and individual state actors from accountability for torture and other ill-treatment, enforced disappearance, and other human rights violations, or to deprive victims of access to an effective remedy capable of publicly establishing the truth about what happened to them.

The Polish authorities must respect the rights of the two named former detainees -- Abd al-Rahim al-Nashiri and Abu Zubaydah -- who have been granted formal status as victims in the investigation. The government should make every effort to interview the men and their representatives and to seek information from relevant third parties, including the US government. The men's representatives should have effective access to information obtained in the course of the Prosecutor General's investigation and should be able to make representations to the Prosecutor General. The government should make every effort to maximize the participation of the victims in accordance with Poland's obligation under the International Covenant on Civil and Political Rights, the UN Convention against Torture, and the European Convention on Human Rights, to ensure effective access to a means of obtaining redress and remedy for anyone who alleges they have been a victim of torture or other ill-treatment, enforced disappearance, or other human rights violations.

Although the cooperation of the US government would undoubtedly benefit the investigation, a variety of other sources exist that are also capable of providing relevant information to the investigation. The Polish authorities should encourage such cooperation with and by the USA, but must not invoke any lack of cooperation by the US government as justification for delay or termination of the Prosecutor General's investigation.

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