

**КРИМИНАЛИСТИКА ЗА РУБЕЖОМ**

**THE QUESTIONING OF A SUSPECT WITHIN THE POLISH CRIMINAL PROCESS VIS-À-VIS  
COMPLIANCE WITH HUMAN RIGHTS LEGISLATION**

**ДОПРОС ПОДОЗРЕВАЕМОГО В ПОЛЬСКОМ УГОЛОВНОМ ПРОЦЕССЕ И  
СОБЛЮДЕНИЕ ЗАКОНОДАТЕЛЬСТВА О ПРАВАХ ЧЕЛОВЕКА**

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„In most criminal cases, there is lack of strong evidence, therefore information obtained through the questioning becomes crucial.”

B. Holyst

The issue of the questioning of a suspect during criminal proceedings has been the subject of numerous publications and scientific controversies.

A significant impact of this activity on any final judgment of the court is a subject for profound analysis regarding the accuracy and justifiability of its application.

Any opinion on the process of gathering information by questioning, presented in this article, will be interdisciplinary in character. The correlation of the standards set by the legislature in the Code of Criminal Procedure, vis-a-vis fundamental human rights, even though stressed in theory, is not always reflected in actual practice.

The suspect, even though he or she may be the perpetrator of an offence, still retains certain rights, the recognition of which is not only the prerogative of the defendant in the proceedings but also the most basic obligation of the representatives of the judicial bodies.

Establishment of the truth is a fundamental goal of any criminal procedure (Art. 2 §2 of the Code of Criminal Procedure). It is possible to carry out this premise if specific features of the person under interrogation are taken into account. The term „questioning” can be defined in two ways. Within the practice of the science of the criminal process, ‘questioning’ consists in enabling the person being questioned to express himself freely „within the framework designated by the purpose of the action in question” and to facilitate asking questions aimed at completing, elucidating or verifying such statements (Art. 171 §1 in the Code of Criminal Procedure). On the other hand, within forensic science procedures, the meaning of the above term refers to a „procedural step having the character of evidence which consists in the active reception

of witnesses' testimonies, the statements of suspects, or of those accused, as well as the oral opinions of experts."<sup>1</sup>

The questioning of a suspect is a specific type of examination. It is distinguished by the double role of the suspect in the procedure – on the one hand, he/she is a passive entity in the process as well as a personal source of evidence. On the other hand, he/she is a person who has found himself/herself in a difficult situation as he/she has to face the prosecutor's cross-examination in order to defend his/her own interests.<sup>2</sup>

Each examination should be carried out further to certain, fixed, procedural stages. The first stage of the examination is its appropriate preparation. In §71 of *The Methodology for Conducting Investigations and Enquiries*, a police officer is obliged to prepare to question a suspect in an appropriate manner, manifested by, among other things, reading all the material about the case, familiarising himself with all the available information regarding the perpetrator, his past and lifestyle – where this is relevant to the case and then prepare arguments to convince the suspect to explain all the circumstances surrounding the commission of the alleged offence.<sup>3</sup>

There are the following stages of an examination:

- 1) orientation-cognitive stage – the aim is to establish correct relations between the interrogator and the subject under interrogation;
- 2) spontaneous relations stage –enabling the interrogated suspect to express his/her views on a given event freely;
- 3) the stage of answering questions asked by the interrogator with the purpose of supplementing statements or controlling the views expressed;
- 4) the summing up stage – consisting in reading the protocol of the questioning and its supplementation should the person under interrogation wish to add further comments.<sup>4</sup>

The fundamental goal of the questioning is the „obtaining of information on persons, places, phenomena and events which may be useful when attempting to discover an objective truth in a particular case.”<sup>5</sup>

On the other hand, as is rightly stressed in the literature on the subject, the result of appropriate questioning contributes to the establishment of the true version of a given event.„In other words, the judge [...] reconstructs a picture of reality -which is significant from the point of view of the proceedings - via a cognitive act, i.e. the questioning.”<sup>6</sup>

A proper hearing is a difficult activity, especially given that it requires the many skills of the interrogator.<sup>7</sup>The final effect of this activity should be the achievement of

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<sup>1</sup> D. Wilk (ed.), *Kryminalistyka*. Przewodnik, Toruń 2013, page 139.

<sup>2</sup> Compare E. Gruza, *Psychologia sądowa dla prawników*, Warszawa 2009, page 111.

<sup>3</sup> Regulation No. 1426 of the Chief of Police dated December 23<sup>rd</sup>, 2004 on the methodology of performing intelligence gathering activities by police forces designated for crime detection and prosecution of the perpetrators (Police Headquarters Official Journal of 2005, No. 1, pos. 1). Further to Art. 7 section 1 point 2 of Law dated April 6<sup>th</sup>, 1990 on Police (uniform text; Legal Journal of 2002. No. 7, pos. 58 as amended), Compare with [http://www.policja.pl/ftp/dzienniki\\_urzedowe/2001/dziennik\\_05\\_2001.pdf](http://www.policja.pl/ftp/dzienniki_urzedowe/2001/dziennik_05_2001.pdf), dated 14.02.2015.

<sup>4</sup> Compare D. Wilk (ed.), page 140.

<sup>5</sup> *Ibidem*, page 139.

<sup>6</sup> E. Radomska, *Przesłuchanie jako szczególny rodzaj poznania społecznego*, [in:] *Psychologia i Prawo. Między teorią a praktyką*, E. Habzda - Siwek, J. Kabzińska (ed.), Sopot 2014, page 254.

<sup>7</sup> Compare: K. Ołowski, *Podjejrany w postępowaniu karnym. Studium kryminalistyczne*, Warszawa 1979, pages 11 – 31.

consensus between the prosecutor's assumptions and the standpoint of the person under interrogation. To reach this goal, the appropriate method of questioning should be applied. The choice of an appropriate method of questioning guarantees not only the correct implementation of this activity but also contributes to the implementation of the statutory purposes of the criminal process (Art. 2 § 1 in the Code of Criminal Procedure).

Due to the narrow confines of this document, it is not possible to discuss comprehensively all the methods of examination utilised in Polish criminal procedure. For the sake of order, suffice it to say, that some of the more frequent interrogation methods include a method for the cumulative disclosure of evidence, persuasion, stimulating and using the emotional status of the suspect, using information about the suspect, *reductio ad absurdum* and confrontation.<sup>1</sup>

Irrespective of the choice of the interrogation method used by the interrogator, special attention should be paid to the guaranteeing of respect for the statutory rights of the suspect. Further to Art. 300 §1 of the Code of Criminal Procedure, the suspect has the right, among other rights, to information on the content of the allegations made against him, he can submit applications in order to carry out investigation or enquiry and he can benefit from the help of a defence lawyer, and so forth. Moreover, it should be mentioned here, that it is not the duty of the defendant to insist that the authorities process his/her own version of events. Further to regulations of 175 §1 of the Code of Criminal Procedure (as well as Art. 300 §1 of the Code of Criminal Procedure), the defendant has the right to submit explanations. However, he/she can also refuse to answer individual questions and can also refuse to submit explanations without giving any reason and furthermore he/she is legally entitled to be specifically advised of this right.

It is worth mentioning that if the interrogated person is under 15 years of age, any procedures in which she/he is present should be carried out, as far as possible, with the presence of an actual legal representative or guardian unless the best interest of the proceedings precludes it (Art. 171 §3 of the Code of Criminal Procedure).

Hearing conducted in accordance with the rules of Polish Code of Criminal Procedure should be based on the assumptions set out in Art. 171.

Actions which are inconsistent with established standards lead to violation of both the standards of the code as well as widely understood human rights.

Specifying the most common deficiencies is crucial. Determining the source of the problem may in fact be the basis for its significant limitations. The most common violation of the rights of the suspect during interrogation are:

- 1) violation of the principle of the freedom of speech/expression (Art. 171 §7 in the Code of Criminal Procedure),<sup>2</sup>

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<sup>1</sup>More information on the above subject has been presented by, among others, K. Otłowski in the elaboration entitled: *Podejrzany w postępowaniu karnym. Studium kryminalistyczne*, Warszawa 1979.

<sup>2</sup> Numerous warnings of this practice in the scope indicated have been observed, among others, by Krzysztof Nitkowski, who points to a violation of the guarantee to preserve freedom of expression (Art. 171 § 1 Code of Criminal Procedures) and gives "an example that should be regarded as an impermissible suggestion when a police officer drives a victim close to the Prosecutor's Office and informs him/her that the accused (defendant) will shortly be brought to the Office and then pointing to an accused person led in in handcuffs." - K. Nitkowski, *Rola Policji w polskim postępowaniu karnym*, Poznań, 2011, page 188.

- 2) asking questions with the answers to those questions suggested to the person under interrogation in the questioning itself (violation of Art. 171 §4 in the Code of Criminal Procedure),<sup>1</sup>
- 3) the application of physical coercion or unlawful threat (violation of Art. 171 §5 in the Code of Criminal Procedure),<sup>2</sup>
- 4) the application of hypnosis or technical or chemical means influencing the mental processes of the person being questioned or aimed at controlling the unconscious reactions of his/her organism in relation to the questioning (violation of Art. 171 §5 of the Code of Criminal Procedure).<sup>3</sup>

It follows from the above, that it is inadmissible to use proscribed methods during questioning such as threats, trickery or coercion, in any form, as these render invalid any statement submitted in such circumstances, since they are an infringement of the rights of the freedom of speech of the individual. These statements in turn, may not subsequently be acceptable as evidence irrespective of the fact of whether they are factual or not.<sup>4</sup>

The application of hypnosis in criminal proceedings is permissible but not during questioning.

In jurisprudence, hypnosis is considered to be a measure used for de-blocking the witness's memory where, due to traumatic experiences, he/she is not able to recollect past events which had once been fixed in his/her memory. It is not permitted to carry out hypnosis in order to find out whether there are traces of events which could be construed as clarifications in the memory of the accused, that is, information which has been used in the verification of explanations of the accused or other evidence including personal evidence.<sup>5</sup>

Referring to the issue of the inadmissibility of the use of polygraphs during questioning, it is worth quoting the judgment of the High Court, dated January 29th, 2015 from whence it follows that „it is inadmissible to use any polygraph during questioning. An expression used by the legislator in Art. 171 §5 section 2 of the Code of Criminal Procedure, in relation to questioning” should be understood to mean that the prohibition discussed concerns not only the very procedural step of questioning but also activities related directly to questioning”.<sup>6</sup> Currently, Polish rules of criminal procedure allow to use polygraph test. Art. 192a of the Code of Criminal Procedure states that it is possible to appoint an expert who can use polygraph test during the examination. It is possible only after the permission of the person who is tested and for purposes stated in Art. 192a of the Code of Criminal Procedure to limit the number of suspects or to determine the value of the disclosed evidence. The use of polygraph during the questioning in criminal proceedings is inadmissible and evidence obtained in this way

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See also: Z. Muras, Wyjaśnienia oskarżonego w procesie karnym i prawie karnym materialnym, Warszawa 2005, page 176 and further.

<sup>1</sup> Compare: K. Nitkowski, Rola Policji w polskim postępowaniu karnym, page 189.

<sup>2</sup> Compare: S. Waltoś, Proces karny, Zarys systemu, Warszawa 2008, pages 365 – 368.

<sup>3</sup> Ibidem, pages 365 – 368.

<sup>4</sup> Judgement of the Appeal Court in Kraków of June 1<sup>st</sup>, 1995, II AKR 74/95, KZS 1995, No. 6, pos. 33.

<sup>5</sup> Judgement of the Appeal Court in Kraków of July 3<sup>rd</sup>, 2002, II AKa 134/02, Palestra 2002, No. 11-12, page 240;

Judgement of the High Court of March 12<sup>th</sup>, 1987, I KRU 3/87, Państwo i Prawo 1989, volume 12, page 145.

<sup>6</sup> Judgement of the High Court of March 16<sup>th</sup>, 2010, III KK 302/09, OSNwSK 2010 No. 1, pos. 563, Legalis No. 450947.

has no value.<sup>1</sup>

The usage of controversial interrogating methods should be considered separately. The application of coercive means during questioning is related to the issue of the application of torture. The European Court of Human Rights states that in the „criminal system of justice in which courts are independent of executive powers and in which cases are judged impartially and where an allegation of torture becomes the subject of investigation, it is permissible to require of the suspect to present serious proof showing which elements of the charges brought against him have been obtained under the application of torture. On the other hand, in the case of a legal system in which there are practices used which the system should prevent, such a standard of evidence is not proper”<sup>2</sup>.

The above insights allow the formulation of two conclusions. Firstly, improperly conducted questioning is an expression of the lack of competence on the side of the interrogator. Secondly, it is difficult to deny that clumsy questioning can lead to substantial violations of the procedural rights specified in the code and constitutional human rights correlated with them.

Further to the provisions in the Constitution of the Republic of Poland of April 2nd, 1997, any person against whom there are criminal proceedings, has the right to defence at all stages of those proceedings (Art. 42 section 2 of the Constitution of the Republic of Poland)<sup>3</sup> as well as consideration of the case without any unjustified delay by a competent, independent and impartial Court (Art. 45 section 1 of the Constitution of the Republic of Poland).<sup>4</sup>

The confirmed guarantees of a suspect's rights should also be respected during questioning since any such questioning, conducted contrary to the requirements of the legislator, negates the possibility of providing an efficient defence, as indeed, does improperly conducted questioning which precludes the guarantee of a fairly conducted criminal procedure.

Moreover, the procedural action of questioning can be evaluated both from the point of view of valid legal and ethical norms. In procedural law, there is no direct reference to moral behaviour but regulations in other legal acts, among others, the law on the office of prosecutor<sup>5</sup> and the law on the Police<sup>6</sup> impose obligation of ethical behaviour on the representatives of these institutions. Further to guidelines in §62. 1 by the Police Chief, it is inadmissible, whilst the witness is delivering his/her statement to:

- 1) interrupt the flow of his/her speech unless this speech broadly exceeds the boundaries designated by the aim of the questioning;
- 2) show impatience or urge haste in the course of narration;
- 3) distract the witness by such as carrying out conversations with other persons;
- 4) advising or evaluating the witness;

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<sup>1</sup>J. Kasprzak, B. Młodziejowski, W. Brzęk, J. Moszczyński, Kryminalistyka, Warszawa 2006, s. 279.

<sup>2</sup>Judgment of the European Court of Human Rights of September 25<sup>th</sup>, 2012 in case No. 649/08 El Haskiv. Belgium.

<sup>3</sup>Text adopted by the National Assembly on April 2<sup>nd</sup>, 1997. (Legal Journal No. 78, pos. 483 as amended).

<sup>4</sup>Ibidem.

<sup>5</sup>Law of June 20<sup>th</sup>, 1985 on the Prosecutor's Office (Legal Journal of 2011, No. 270, pos. 1599).

<sup>6</sup>Law of April 6<sup>th</sup>, 1990 on Police (Legal Journal of 2011, No. 287, pos. 1687).

5) presenting one's own point of view or one's own evaluation of events.<sup>1</sup>

It is worth considering whether the unethical behaviour of the person carrying out the questioning could always be taken to indicate the preclusion of the freedom of speech of the person being questioned.

Respecting a suspect's rights during questioning is required by the legislator not only on the grounds of Polish, criminal procedure and affiliated disciplines but also on the grounds of international law.

It is worth turning our attention to, say, Art. 6 of the European Convention of Human Rights. As in the Polish constitutional regulations, this postulates for a just and public consideration of a case within a reasonable time by an independent and impartial tribunal<sup>2</sup> and at the same time it has been additionally reserved that any accused person has the right to „examine, or cause to have examined, prosecution witnesses and to demand the presence at, and the questioning of, defence witnesses under the same conditions as the prosecution's witnesses”.<sup>3</sup>

Here, it is worth mentioning the case of Al Nashiri against Poland<sup>4</sup> concerning the secret handing over of a person suspected of terrorism to a detention centre of the Central Intelligence Agency (CIA) in Poland. The CIA applied the methods of so-called *enhanced interrogation*, including waterboarding, i.e. simulating drowning with water. The judgment of the European Tribunal of Human Rights, given in this matter, is of great importance in the context of guaranteeing rights to persons suspected of terrorism. On the same day, a similar judgment was issued in the case of Hussein (Abu Zubaydah) against Poland – complaint No. 7511/13.

In listed examples, the European Court of Human Rights analysed the validity of complaints in relations to the prohibition of torture, the right to freedom and personal safety, an honest trial, the right to respect for private and family life and also the right to

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<sup>1</sup> Directive No. 1426 of the Chief of Police dated December 23<sup>rd</sup>, 2004 on the methodology of performing intelligence gathering activities by police forces designated for crime detection and prosecution of perpetrators (Police Headquarter Official Journal of January 10<sup>th</sup>, 2005).

<sup>2</sup> Convention for the Protection of Human Rights and Fundamental Freedoms of November 4<sup>th</sup>, 1950 with additional protocols (Legal Journal of 1993, No. 61, pos. 284).

<sup>3</sup> *Ibidem*.

<sup>4</sup> Al Nashiri against Poland, Judgement dated July 24<sup>th</sup>, 2014, Chamber (Section IV), Complaint No. 28761, <http://www.hfhr.pl/wyrok-etpc-ws-al-nashiri-i-abu-zubayda-przeciwko-polsce/>, access: 12.01.2015. (The Complainant, Al Nashiri, a citizen of Saudi Arabia, from Yemen, currently detained in the detention centre in the USA Navy Base in Guantanamo Bay in Cuba, had been suspected of a terrorist attack against the US Navy “USS Cole” in the Port of Aden in Yemen in October of 2000, and also played a significant role in the attack against a French tanker „MV Limburg” in Aden Bay in October 2002. The Complainant claimed that he was the victim of „extraordinary rendition” by the CIA that is, capture and transfer to a secret detention centre in Poland without court involvement for hearings during which he was tortured and that the Polish authorities had been aware. He was transported to Poland on December 5<sup>th</sup>, 2002 and was detained in the detention centre of the CIA till June 6<sup>th</sup> 2003 when he was secretly transported to Morocco on board a special ‘plane by Polish authorities and from there he was transferred to the base at Guantanamo in September of 2003. According to Al Nashiri, during his detention in Poland, he was tortured and bullied. Supposedly “enhanced questioning techniques” (EIT) as well as “forbidden” audio techniques were used against him. Among other things, investigators simulated execution using an electric drill, forced him to remain in an exhausting position for a long time and also threatened his mother with sexual violence. Al Nashiri claimed that when he was being deported from Poland, the Polish government did not make any attempt to obtain any diplomatic assurance from the US that while remaining in the hands of this latter country, he would not be subjected to further torture or held without contact with the outside world, and that he would be given a fair trial and that the death penalty would not be handed down.

an effective appeals procedure in the light of the alleged CIA prisons.<sup>1</sup>

In concluding the present considerations, it is justifiable to quote the statistical data concerning cases of the application of unlawful methods and the excessive use of force by the Police during questioning. It follows from the supplementary response of the Polish government, prepared by the Ministry of Justice at the request of the United Nations Committee against Torture, that any signs of the suspicious use of unlawful methods and excessive force by the Police are very carefully examined. In 2013, 46 police officers were accused over such cases. In November 2013, the Committee against Torture adopted a document containing an evaluation of the implementation of the U.N. Convention on the ban on the use of torture by Poland. In this document, the Committee expressed, among other things, „concern over reports and allegations of unlawful methods and the excessive use of force by the Police during questioning as well as information that criminal proceedings in the case of complaints about the above are hardly ever enforced and that most of them end with the prosecutor withdrawing or abandoning the case”.

Data from the Office of Internal Affairs for the Police shows that the Prosecutor's Office initiated 498 investigations in total on cases relating to the suspected coercive behavior tactics of officers whilst on duty. Of these, 291 were withdrawn but 26 indictments in which 46 police officers were involved, were submitted to the Courts. So far, the Courts have convicted four police officers. Criminal proceedings were conditionally discontinued against two further police officers and one police officer was found not guilty. The above data does not take into account proceedings which have been carried out by the prosecutor without the participation of the Internal Police Affairs Bureau.<sup>2</sup>

Data collected by the Prosecutor's Office shows that in the first half of 2014, there were 1,279 proceedings in total, regarding torture and the inappropriate treatment of detainees and other prisoners by Prison Service officers, the Police and other law enforcement agencies. Five indictments in cases for acts involving abuse of power by the police in causing bodily harm, beating and, in one case, involuntary manslaughter, were addressed to the Courts. There are 157 cases still in progress, 458 cases have been closed and 649 cases were thrown out of Court while several other cases remain suspended.

It is worth mentioning here that the Police force numbers almost one hundred thousand officers who perform some several million official activities annually which permit the use of coercive measures. This would indicate that the scale of crimes revealed is not in proportion to the size of the organisation as a whole. Obviously, in the opinion of the government, the use of coercive measures by police officers on duty, even in isolated incidents, is not permissible and any reports on cases of torture and inappropriate treatment should be examined objectively without delay. At present, Police management is obliged to submit to the agencies of the Prosecutor's Office any cases in which there is information on the suspicion of the commission of a crime by

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<sup>1</sup><http://bip.ms.gov.pl/pl/prawa-czlowieka/europejski-trybunal-praw-czlowieka/aktualnosci/news,6285,najnowsze-orzeczenia-europejskiego-trybunalu-praw.html> access: 12.02.2016.

<sup>2</sup><http://isp.policja.pl/isp/aktualnosci/6459,MS-do-ONZ-wnikliwie-badamy-przypadki-naduzywania-sily-przez-Policje.html>, access: 12.02.2016 r.

police officers. A consecutive periodical report from Poland on the execution of the provisions of the convention is due to be submitted by November 22<sup>nd</sup>, 2017.<sup>1</sup>

Summing up, according to the present authors, the very raising of the powers, described in this elaboration, to constitutional level as well as their listing in the international aspect of human rights protection, proves the exceptional significance of the issues discussed herein.

It is only right therefore to stress once again that the inappropriate conducting of the questioning of a suspect has many negative consequences directed initially at the suspect however, the consequences already mentioned above do not remain without significance for the course of the whole criminal process.

There is no doubt that the forbidden methods used when questioning suspects violate the rights of those interrogated. Is it still legal to apply such illegal practices if their ultimate aim is to prevent further terrorist attacks and save thousands of lives? Opinions on the above are divided since the application of physical restraint violates human rights standards. The application of torture has always been a controversial issue. Defenders of human rights are of the opinion that any forbidden methods employed when questioning a suspect are not only incompatible with the existing legal order of both national and international characters but are also unethical. Nevertheless, we may agree with those who are of the opinion that in some exceptional circumstances, such as those dictated by the necessity of saving human life, such activities should be considered to be of greater necessity rather than as acts of minor social danger.

#### **References:**

1. D. Wilk (ed.), *Kryminalistyka. Przewodnik*, Toruń 2013, page 139.
2. Compare E. Gruza, *Psychologia sądowa dla prawników*, Warszawa 2009, page 111.
3. Regulation No. 1426 of the Chief of Police dated December 23rd, 2004 on the methodology of performing intelligence gathering activities by police forces designated for crime detection and prosecution of the perpetrators (Police Headquarters Official Journal of 2005, No. 1, pos. 1). Further to Art. 7 section 1 point 2 of Law dated April 6th, 1990 on Police (uniform text; Legal Journal of 2002. No. 7, pos. 58 as amended), Compare with [http://www.policja.pl/ftp/dzienniki\\_urzedowe/2001/dziennik\\_05\\_2001.pdf](http://www.policja.pl/ftp/dzienniki_urzedowe/2001/dziennik_05_2001.pdf), dated 14.02.2015.
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6. *Podejrzany w postępowaniu karnym. Studium kryminalistyczne*, Warszawa 1979.

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<sup>1</sup> <http://isp.policja.pl/isp/aktualnosci/6459,MS-do-ONZ-wnikliwie-badamy-przypadki-naduzywania-sily-przez-Policje.html>, access: 12.02.2015 r.

7. K. Nitkowski, Rola Policji w polskim postępowaniu karnym, Poznań, 2011, page 188.
8. Z. Muras, Wyjaśnienia oskarżonego w procesie karnym i prawie karnym materialnym, Warszawa 2005, page 176 and further.
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11. J. Kasprzak, B. Młodziejowski, W. Brzęk, J. Moszczyński, Kryminalistyka, Warszawa 2006, s. 279.
12. Law of June 20th, 1985 on the Prosecutor's Office (Legal Journal of 2011, No. 270, pos. 1599).
13. Law of April 6th, 1990 on Police (Legal Journal of 2011, No. 287, pos. 1687).
14. Directive No. 1426 of the Chief of Police dated December 23rd, 2004 on the methodology of performing intelligence gathering activities by police forces designated for crime detection and prosecution of perpetrators (Police Headquarter Official Journal of January 10th, 2005).
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16. Al Nashiri against Poland, Judgement dated July 24th, 2014, Chamber (Section IV), Complaint No. 28761, <http://www.hfhr.pl/wyrok-etpc-ws-al-nashiri-i-abu-zubayda-przeciwko-polsce/>, access: 12.01.2015.