



Ślupsk, the 15th of October, 2020

STATEMENT OF DEFENSOR IURIS ASSOCIATION

As attorneys-at-law we express our deep concern related to a seizure of Roman Giertych, attorney-at-law, with use of force and direct coercive measures such as handcuffs and a search of the residence and premises of a law firm of a member of the Bar Association.

Once again, we are facing on the part of the Central Anticorruption Bureau (CBA) with the breach of elementary procedural principles requiring the reasonableness and proportionality of the coercive measures applied, as well as the abuse of the institution of the detention of a person for a period of time not exceeding 48 hours, instead of summoning a person to appear voluntarily in order to act in compliance with a subpoena.

According to the provided information the detention concerns events that were supposed to take place several years ago. The attorney-at-law has not previously been subpoenaed to appear voluntarily before any law enforcement agency, nor has he been summoned to voluntarily hand over the subject of seizure. Additionally, it is commonly known that the detained lawyer acts as an attorney and a criminal defense lawyer also in cases of a political nature, and thus, may have evidence which could work both to the benefit or detriment of his clients.

Therefore, we deem the detention in front of the court building combined with the use of direct coercive measures such as handcuffing a non-resisting attorney-at-law, and then carrying out a search at the place of his residence and at the premises of his law firm, as a blatant excess of the limits of the proportionality of the measures used.

The performance of such actions in violation of the procedural rules may in the eyes of the public undermine the citizens' trust in the profession of attorney-at-law. In our opinion, such actions are also

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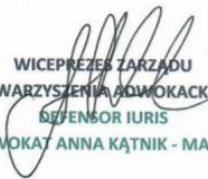
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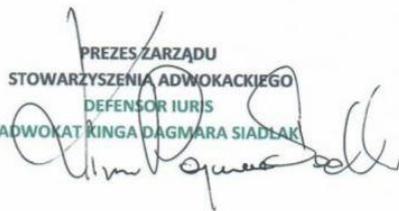
aimed at creating a chilling effect among other lawyers, including those representing citizens opposing the politicians of the ruling party. We object to such practice of the law enforcement agencies.

We point out that each lawyer in his work represents citizens who, when entrusting them with their cases, are deeply convinced that they can count on discretion and secrecy regarding the entrusted sensitive data, information, documents and materials. The attorney-client privilege is one of the foundations of the constitutional right to defend.

Therefore, we call on the law enforcement agencies and the Prosecution to conduct proceedings in respect of attorney-client privilege and dignity of the detained person, as well as to respect the right to defend of each detained person in the sense covering both substantive and procedural norms, so that they comply with the Polish and European legal order.

Furthermore, we call on the law enforcement agencies to respect and strictly obey the law and to apply the measures set forth in the Code of Criminal Procedure, including direct coercive measures, in a proportionate manner adequate to the stage of the proceedings and the collected evidence.


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