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Reports of the Committee on Freedom of Association (222nd, 223rd, 224th and 225th) and Reports of Article 24 Committee

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INTRODUCTION

1. The Committee on Freedom of Association, set up by the Governing Body at its 117th Session (November 1951), met at the International Labour Office, Geneva, on 21, 22 and 25 February 1983 under the chairmanship of dr. Roberto Ago, former Chairman of the Governing Body.

2. The Committee had before it a number of complaints of infringements of trade union rights in Poland presented by the International Confederation of Free Trade Unions and the World Confederation of Labour and a complaint concerning the non-observance by Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 96) made by Workers' delegates to the 68th (1982) Session of the International Labour Conference under article 26 of the Constitution of the ILO.

3. At its 221st Session (November 1982) the Governing Body adopted the interim conclusions submitted to it by the Committee in its 221st Report.

4. The Committee has examined this case in the light of the observations transmitted by the Government and the additional information supplied by the complainants. The Committee submits for the approval of the Governing Body a further report on the case and recommends the Governing Body to examine this report at its 222nd Session.²

Case No. 1097

COMPLAINTS PRESENTED BY THE INTERNATIONAL CONFEDERATION OF FREE
TRADE UNIONS AND THE WORLD CONFEDERATION OF LABOUR
AGAINST THE GOVERNMENT OF POLAND

COMPLAINT CONCERNING THE NON-OBSERVANCE BY POLAND OF THE FREEDOM OF
ASSOCIATION AND PROTECTION OF THE RIGHT TO
ORGANISE CONVENTION, 1948 (No. 87) AND THE RIGHT TO ORGANISE
AND COLLECTIVE BARGAINING CONVENTION, 1949 (No. 98) MADE BY
DELEGATES TO THE 68th (1982) SESSION OF THE CONFERENCE UNDER
ARTICLE 26 OF THE ILO CONSTITUTION

5. Following the proclamation of martial law in Poland on 13 December 1981 and the measures taken by the authorities against the Solidarity trade union and its militants and leaders, the

¹ See page 1, footnote 1.

² See page 1, footnote 2.

International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labour (WCL) submitted to the ILO complaints of violation of trade union rights in that country.

6. The Committee examined this case for the first time in February 1982.¹ Subsequently, a representative of the Director-General went to Poland in May 1982 and the Committee adopted a new report on the case at its meeting in May 1982.²

7. At its November 1982 meeting, the Committee again had before it the ICFTU and WCL complaints, as well as a complaint alleging non-observance by Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), made by Workers' delegates (Mr. Marc Blondel, delegate of France, and Mrs. Liv Bück, delegate of Norway) to the 68th (1982) Session of the International Labour Conference under article 26 of the Constitution of the ILO. After hearing the oral statements of the Vice-Minister of Labour of Poland, Mr. Gorski, the Committee presented an interim report to the Governing Body, which was adopted by it at its 221st Session (November 1982).³

8. Poland has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

9. The HCL and the ICFTU supplied additional information in support of their complaints in communications dated 15 December 1982, 14 and 17 January and 14 February 1983. In addition, Mr. Blondel sent communications dated 24 January and 14 February 1983 in support of the complaint presented under article 26 of the Constitution. The Government supplied its observations in a communication dated 2 February 1983.

A. Previous examination of the case by the Committee

10. At its meeting in November 1982, the Committee took note of the developments that had taken place since it examined this case at its meeting in May 1982. It noted with concern that martial law was still in force. It considered that no real improvement in the trade union situation could be expected as long as martial law prevailed in the country.

11. First, the Committee noted with regret that, despite the previous recommendations of the Committee and the Governing Body, the Government had not entered into a genuine dialogue with the

¹ See 214th Report, paras. 696 to 751, approved by the Governing Body at its 219th Session (March 1982)-

² See 217th Report, paras. 666 to 719, approved by the Governing Body at its 220th Session (May 1982).

³ See 221st Report.

trade union organisations in the country before the adoption by the Parliament of the new trade union law. The Committee was convinced that this lack of dialogue would not facilitate the institution of genuine trade unionism in the country.

12. The Committee noted, however, that, three days prior to the adoption of this legislation, a government delegation had come to the ILO to request a legal opinion on the conformity of the draft law with Conventions Nos. 87 and 98, as the Committee itself had suggested.

13. The Committee took cognisance of the comments which were made by the Office and transmitted to the government delegation. It was also informed that, as a result of these comments, the Parliament had made certain amendments to the initial draft to take account of the comments made by the Office. However, the Committee deplored the fact that certain fundamental provisions of the law which had been the subject of substantive comments by the Office, in particular the provision withdrawing the registration of existing trade unions, had not been amended.

14. The Committee took note of the new law on trade unions as adopted by Parliament on 8 October 1982. It considered it useful to comment on certain provisions of the new legislation in the light of Conventions Nos. 87 and 98, ratified by Poland, and the principles of freedom of association enunciated by both the Committee of Experts on the Application of Conventions and Recommendations and by the Committee itself. These comments related to the following matters: cancellation of the registration of existing trade unions, the timetable for the resumption of trade union activities, the exclusion of prison officials from the right to organise, the fact that collective bargaining may take place only at the branch level, the procedure for calling strikes (the agreement of the majority of the workers being required), an excessively long list of essential services in which strikes are prohibited and prison sentences for violation of the provisions on the right to strike.

15. In view of these various comments, the Committee expressed the firm hope that the Government would adopt the necessary amendments to the legislation. The Committee requested it to supply information on the measures taken to this end and on the practical application of the law, in particular as regards the duties which might be carried out in the new trade unions by fencer leaders of the dissolved organisations, including those who had been interned. The Committee also decided to draw this aspect of the case to the attention of the Committee of Experts on the Application of Conventions and Recommendations so that it would carry out a thorough examination of the legislation at its next meeting in March 1983.

16. As regards the measures of internment or arrest taken against leaders and members of Solidarity, the Committee noted the information supplied by the Government, in particular the exhaustive replies given concerning the interned persons whose names appeared in the lists annexed to the Committee's 217th Report and the complaint submitted under article 26 of the Constitution. It noted that, of the 204 persons mentioned in the list supplied by the ICFTU and the WCL, 100 had been released, and that of the 111 persons

whose names appeared in the list annexed to the complaint under article 26 of the Constitution, nine had been released. On the other hand, according to the supplementary information supplied by the complainants, there had been further arrests, especially during demonstrations held in late August and early September 1982. The Government had not replied to these new allegations or supplied information on the precise facts which had resulted in prison sentences being imposed on the workers mentioned by the complainants.

17. In addition, the Committee expressed its deep concern over the fact that one year after the declaration of martial law about 700 persons were still being held in prison.

18. However, the Committee welcomed the more recent information supplied by the Vice-Minister of Labour to the effect that he had received "information concerning the lifting of the measure of internment" that had been taken against Mr. Lech Walesa, leader of the trade union "Solidarity".

19. Once again, the Committee stated its conviction that the conditions necessary for the resumption of genuine trade union activities would only be created if the trade unionists still detained were released and an amnesty granted to those persons sentenced for having carried out activities of a trade union character. The Committee, therefore, again urged the Government to adopt measures to this end and to inform it of developments in the situation, in particular as regards the persons still detained.

20. As regards the events that took place at the Wujek mine and the ensuing deaths of some workers, the Government had supplied a detailed account of the conclusions reached by the inquiry held by the Office of the Military Prosecutor. According to the results of this inquiry, it appeared that the forces of order acted in self-defence and that consequently no charges were brought against them. The matter was also closed in so far as it concerned acts perpetrated against the troops since the authors of these acts could not be identified. The Committee noted with concern that the forces of order had entered the pit-head of the mine occupied by striking workers. The Committee deeply deplored these tragic events at the Wujek mine, all the more so because further allegations, to which the Government had not replied, had been made concerning deaths which had occurred in the course of clashes that took place between the forces of order and demonstrators in September 1982.

21. As regards the dismissal of workers, the Government stated that these measures were not discriminatory but were related to the economic situation of the country. Appeal procedures had been used by the workers concerned and, in 20 per cent of the cases, had resulted in their reinstatement. While noting this information, the Committee considered it essential to stress the importance of ensuring effective protection against acts of anti-union discrimination, in particular against dismissals, and of action to prevent measures of this type being imposed on persons who carry out or have carried out trade union duties.

22. Moreover, the Committee noted that - according to the Vice-Minister - loyalty declarations had been required from the workers before they were allowed to keep their jobs during the

period following the proclamation of martial law. The Committee considered that, notwithstanding the provisions under which workers could lodge appeals against dismissals, such loyalty declarations constituted a serious interference by the public authorities in the workers' free choice of their organisations and a form of anti-union discrimination clearly contrary to Article 1 of Convention No. 98, ratified by Poland.

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23. The Governing Body also had to examine the appropriateness of establishing a commission of inquiry following the complaint presented under article 26 of the Constitution. In this regard, two factors had to be taken into consideration. First, with a view to ensuring the conditions necessary for genuine freedom of association, the Committee made certain recommendations - some of which could be implemented by the Government in a short period of time - about the measures to be taken, especially - regarding the factual and legal situation, the imposition of martial law and the detained trade unionists. Secondly, the Parliament had adopted trade union legislation about which the Committee made comments, some of which were of particular importance. This legislation would be examined by the Committee of Experts on the Application of Conventions and Recommendations at its meeting in March 1983. A more comprehensive evaluation of the conformity of the new legislation with Conventions Nos. 87 and 98 would be possible when sufficient information was available as to the manner in which it was being applied in practice.

24. The Committee urged the Government to supply, in the very near future, detailed replies to the various points which the Committee considered essential in the light of Conventions Nos. 87 and 98. In its opinion, the trade union situation needed to be examined by the Committee and by the Governing Body at its February-March 1983 Session. For this reason, the Committee recommended the Governing Body to take a decision at its next session, in the light of the information, both factual and legal, at its disposal, and or, the advice of the Committee, or the appropriateness of taking further action on the complaint under article 26 of the Constitution. by the establishment of a commission of inquiry.

25. In these circumstances, the Governing Body, on the Committee's recommendation, approved the following conclusions:

- " (a) The Committee notes with concern that martial law is still in force. It considers that no real improvement in the trade union situation can be expected as long as martial law prevails in the country. The Committee urges the Government to take the necessary measures to lift martial law in the very near future.

- (b) The Committee notes with regret that the Government did not enter into a real dialogue with the trade union organisations. It notes with deep concern that, on the contrary, the Government dissolved all the existing trade unions including, in particular Solidarity. The Committee stresses the seriousness of this measure which is contrary to the principles on freedom of association.
- (c) As regards the new trade union legislation, the Committee was informed that the draft law was submitted to the ILO for comments three days before its adoption and that some of these comments had been taken into account in the text adopted by the Parliament. However, the Committee deplores the fact that some fundamental provisions of the law, which had been the subject of comments, have not been amended. The Committee draws the Government's attention to the principles and considerations which it has expressed regarding certain provisions which are not in conformity with the principles of freedom of association and collective bargaining, in particular as regards the scope of the recognition of trade union rights, the level of collective bargaining, the procedures concerning the right to strike, the determination of essential services where strikes are prohibited, penal sanctions for strikes, and the delays for the resumption of trade union activities.
- (d) The Committee expresses the hope that the Government will make the necessary amendments to the legislation in the light of these comments. It requests it to supply information on the measures taken to this end, as well as on the practical application of the new law, in particular as regards the duties which might be carried out in the new trade unions by the former leaders of the dissolved organisations, including those who have been interned. The Committee draws this aspect of the case to the attention of the Committee of Experts on the Application of Conventions and Recommendations.
- (e) As regards the provisions allowing the Council of State to shorten the transitional period for a return to trade union activities, the Committee trusts that the Council of State will considerably reduce the delays initially provided for so that the workers will again be able, in accordance with the provisions of Convention No. 87, to establish organisations of their own choosing at all levels in the shortest possible time.
- (f) The Committee draws the Government's attention to the principle concerning the devolution of the assets of dissolved trade unions and requests it to supply precise information concerning the destination of these assets.
- (g) As regards the internment and arrests of Solidarity leaders and members, the Committee notes that 109 of the persons appearing on the lists submitted to it have been released. However, the Committee notes that, according to the complainants, new arrests took place in August

and September 1982. It requests the Government to supply its observations on these allegations, as well as detailed information on the precise facts on which the sentencing of some workers mentioned by the complainants was based. More generally, the committee expresses its deep concern over the fact that, almost one year after the declaration of martial law, about 700 persons are still in detention. However, the Committee welcomes the most recent information supplied by the Vice-Minister of Labour who indicates that he has received information from his Government concerning the lifting of the measure of internment that had been taken against the leader of the Solidarity trade union, Mr. Walesa.

- (h) It again urges the Government to adopt measures with a view to releasing the detained trade unionists and to granting an amnesty to the workers sentenced for actions of a trade union character. It requests the Government to inform it of developments in the situation, in particular as regards the situation of the persons named in the Annex to this report and who are still detained.
- (i) As regards the events which took place at the Wujek mine, the Committee notes with concern that the forces of order entered the pit-head of the mine occupied by striking workers. It deeply deplores these tragic events, all the more so since further allegations have been made concerning the deaths which occurred in the course of the clashes which took place in September 1982. The Committee requests the Government to supply its observations on these new allegations.
- (j) Concerning the dismissals of workers, the Committee notes that 20 per cent of the cases where appeals were made have resulted in the reinstatement of the persons concerned. The Committee stresses the importance of ensuring effective protection against acts of anti-union discrimination, in particular against dismissals.
- (k) As regards the declaration of loyalty which was required from workers so that they might keep their jobs, the Committee considers that, notwithstanding the provisions under which workers may lodge appeals against dismissal, such loyalty declarations constitute serious interference by the public authorities in the workers' free choice of their organisations and a form of anti-union discrimination that is clearly contrary to Article 1 of Convention No. 98, ratified by Poland.
- (l) The Committee urges the Government to supply in the very near future detailed replies to the various points considered by the Committee as essential in the light of Conventions Nos. 87 and 98. In its opinion, the trade union situation should be examined by the Committee and by the Governing Body at its February-March 1983 Session. For this reason, the Committee recommends the Governing Body to take a decision at its next session, in the light of the information, both factual and legal, at its disposal, and on the advice of the Committee, or

the appropriateness of taking further action on the complaint under article 26 of the Constitution by the establishment of a Commission of Inquiry."

B. New allegations

26. In its communication dated 15 December 1982 the WCL points out, first of all, that the information supplied by the Government in October 1982 concerning the situation of persons who have been interned or arrested contains a number of errors and inaccuracies. The WCL cites 72 people regarding whom, it alleges, the information sent is incorrect.

27. The WCL encloses several documents with its letter, including a list of 601 members of Solidarity who, it says, have been convicted by military courts for pursuing their trade union activities. The WCL adds that the list is far from complete since, on 30 October 1982, 4,500 persons had been sentenced for trade union activities and another 3,000 were awaiting trial.

28. The WCL also encloses a list of 32 persons who have been killed by the militia or have died as a result of injuries caused by the police. Finally, it refers to the bad conditions of detention in the camps and penitentiary establishments.

29. One witness describing conditions in the military camp of Czerwony Bór says that 450 people, all of whom had been actively involved in the Solidarity union, were housed in the camp, ostensibly for military service; some of them were sick and in normal circumstances would never have been called up. They were housed in railway carriages, and several of them were interrogated about their attitude towards Solidarity every day. Nine centres of this kind are said to exist in Poland.

30. Another document accompanying the WCL's letter refers to a number of detainees in the penitentiary establishment of Potulice, some of whom are said to be suffering from a variety of infections and not receiving proper treatment. They include Waclaw Kicinski, Wojciech Slodowski, Tadeusz Waskiewicz, Andrzej Friedel. The document also mentions certain prisoners who have been badly treated: Antoni Grabarczyk, Jean Hermanowicz, Marek Ugritic, Wladislaw Kaludzinski.

31. In its communication dated 23 December 1982, the ICFTC refers to the charges brought against seven leaders of Solidarity who previously had the status of internees: Andrzej Gwiazda, Vice-president of Solidarity; Seweryn Jaworski, Vice-president of Solidarity for the region of Mazowsze; Mariar Jurczyk, President of Solidarity for the region of Szczecin; Karol Modzelewski, Vice-President of Solidarity for the region of Wroclaw; Grzegorz Palka, member of the National Committee of Solidarity; Andrzej Rozplochowski, member of the Presidium of the region of Katowice; Jan Rulewski, President for the region of Bydgoszcz.

32. The ICFTU states that the seven have been accused of collusion in order to overthrow the Polish Republic by force, and

recalls that identical steps were taken on 3 September 1982 against certain advisers and experts of the Solidarity union who had been members of the former Workers' Self-Defence Committee (KOR): Jar Litynski, Adam Michnik, Henryk Wujek, Zbigniew Romaszewski, Jan Josef Lipki (said to be seriously ill), Jacek Kuron and Mirosław Chojecki (currently living abroad and about to be tried in absentia).

33. According to the ICFTO, the very fact that these persons were in custody at the time the charges were brought against them proves that it was impossible for them to plan the overthrow of the system, as the authorities claim. The ICFTU states that the charges brought against them are, on the contrary, obviously connected with the legitimate trade union activities in which they had been engaged prior to 13 December 1981 in accordance with the statutes of Solidarity and with Polish legislation. In this connection, the ICFTU refers to the adoption by the Government in January 1982 of an "Abolition Act" whereby no person may be condemned for political and trade union activities. Despite the law, adds the ICFTU, they are all being charged under section 123 of the Penal Code, under which they are liable to sentences ranging from five years' imprisonment without remission of sentence to the death penalty. In the view of the ICFTU, this constitutes unacceptable moral pressure on Poland's free trade union movement, which is being presented as a terrorist organisation in spite of the pacific and responsible attitude of its leaders and members ever since its creation.

34. The ICFTU notes the announcement regarding the release of persons interned between 13 December 1981 and 24 December 1982 but observes that persons arrested or condemned for trade union activities after the introduction of martial law are still being held and that a number of recently released Solidarity militants have been called up for military service.

35. Finally, the ICFTU states that, in over 60 instances, the information supplied by the Government in October 1982 on persons being held in custody is incorrect.

36. It encloses with its communication a partial list of 552 Solidarity militants who have been convicted, including 140 for strike action and 47 for pursuing their trade union activities.

37. In his letter of 24 January 1983, Mr. Blondel also refers to the charges brought against seven Solidarity leaders while in custody. In Mr. Blondel's view, these measures indicate that, contrary to the promises made and decisions announced, proceedings are being brought against trade union officials for activities prior to the proclamation of martial law and that every member of Solidarity is liable to have charges brought against him. Confirming the terms of his complaint, Mr. Blondel requests that all appropriate steps be taken to set up a Commission of Inquiry.

38. With its communication dated 14 February 1983, the HCI sends a document published by the Co-ordination Office of Solidarity Overseas.

39. Finally, in a telegram dated 14 February 1983, Mr. Blondel draws attention to the fate of Mr. Edmund Baluka declared to be released by the Government at the November 1982 meeting. Mr.

Baluka is said to be still detained and has started a hunger strike which is endangering his life. The telegram of the ICFTU of 17 February 1983 also refers to the situation of Mr. Baluka. On receipt of the telegram of Mr. Blondel, the Director-General intervened by telex with the Polish authorities.

C. The Government's reply

40. In its communication of 2 February 1983, the Government informs the ILO of the statement that it addressed to the Secretary-General of the United Nations on 22 December 1982 concerning the suspension of martial law throughout Poland.

41. The Government states that the Polish authorities are systematically and consistently continuing the implementation of measures towards a total normalisation of social and political life. The Government adds that important transformations are taking place in Poland which bear witness to the stabilisation process and the normalisation of life. According to the Government, this is shown by the re-establishment of internal peace and order, the intense activity towards a national understanding, the reconversion and the recovery of the economy and the consequent realisation of the principles of economic reform and social revival.

42. According to the Government, all this has made possible, through an Act of 18 December 1982, a lifting or an appreciable lessening throughout Poland, since 31 December 1982 of the temporary suspension of certain provisions of the International Covenant on Civil and Political Rights.

43. Consequently, continues the Government, most of the severity and the restrictions imposed under the legislation concerning martial law have been lifted. These were, for example:

- the total suppression of internment, which means the release of all interned persons and the removal of the rights given to the forces of order to apply such measures;
- the restoration of the right to associate;
- the restoration of activities of worker self-management in state undertakings;
- the restoration of the right to strike and protest action, organised in conformity with the provisions of the laws in force, including the law on trade unions.

44. In addition, on 20 December 1982, the Council of State adopted a decision concerning the principles relating to the procedure for the law of pardon within the period of the suspension of martial law for offences committed for political motives based on social conflict. The Polish authorities will continue to use every effort that may be necessary for the lifting - within the shortest possible time - of the restrictions still being applied until they are completely lifted. The Government adds that a long-term process of reform of the socio-economic and political structure has begun.

and that it is of a continuous and irreversible nature. legal guarantees assuring the participation of society in the management of the country have been expanded. One of these guarantees lies in the existence of self-managed trade unions which are independent of the economic administration of the State.

45. Special importance should be attached to the Act on trade unions adopted on 8 October 1982, which clearly and precisely sets out the place and the role of trade unions in socialist Poland. On this point the Polish Government's position is unequivocal, the Vice-Minister of the Council of Ministers, Mr. Rakowski, confirmed this on 19 January 1983 in the following terms: "The trade unions of the masses, being influential, must also constitute one of the pillars of socialist democracy; ... the trade union movement that is now emerging is expected to act in a spirit of constructive 'partnership' ,..".

46. In accordance with the provisions of this Act, during the first months of 1982 and under conditions of free consent, founding groups of new trade unions began to be formed. Later, trade unions of undertakings were registered by the courts. At the present time more than 4,500 trade unions have been registered. Founding groups already exist in 20,000 undertakings and institutions. Despite the relatively slow increase in the number of trade unions at the level of the undertaking - in view of all the circumstances facing Poland these last few years - the revival of activities of the new trade unions must, in the Government's view, be recognised as a favourable step.

47. The commencement of activity by the new trade unions is taking place in circumstances that are not easy and which require time. It is indispensable to eliminate not only certain former prejudices and some ambiguities, but also for the trade unions themselves to adopt an adequate formula concerning, for example, their co-operation in workers' self-management, their structure above that of the undertaking, etc. The Act on trade unions has set up a generally favorable framework for the solution of these problems. The emerging trade unions will be a genuine guarantee for the workers' interests and for an appropriate combination of these daily interests with the long-term social and economic objectives.

48. The suspension of martial law and the positive changes in the life of the State and the nation, as well as the obvious progress in the normalisation and stabilisation process cannot, according to the Government, remain without influence on the external reactions towards the events in Poland. The path of the development of co-operation with Poland, based on the principle of equality and "partnership", will always be met with full reciprocity on the Polish side.

49. However, the Government states that attempts at interference in the internal affairs of Poland have not ceased. Economic restrictions are applied. In certain countries there is also a policy of "misinformation" of public opinion on the situation in Poland; requirements, instructions and conditions are laid down. The Government points out with regret that certain signs of a lack of objectivity and a tendentious approach to the Polish questions are also evident within certain ILO bodies which prejudice the good relations between Poland and the Organisation despite the fact that,

for years, the Polish authorities have shown their greatest willingness to co-operate and to carry on dialogue both with the Organisation and with the Office. Unfortunately, this good-will has not been appreciated and unfriendly attitudes towards Poland have prevailed in these bodies,

50. The Government considers that this is not the moment to enter into questions of detail. It states that it is sorry that the state of relations between Poland and the no and the Office have noticeably deteriorated since last year although this is not the Government's fault. Despite this, it expresses the hope that there is still time to change in a positive manner within the ILO, the attitudes towards the Polish questions. This should be shown by the unconditional withdrawal of the "so-called Polish question" from the agenda of ILO bodies. This would be a concrete contribution towards social peace in Poland and would also allow the restoration of the traditional relationship of co-operation between Poland, the IIC and the Office which, concludes the Government, would be to the advantage of both parties.

D. The Committee's conclusions

51. In the first place, the Committee deeply regrets that the Polish Government's communication questions the objectivity of certain ILO bodies in this matter and confines itself to replying very generally to the precise questions which the Committee had posed during its previous examination of the case in November 1982-As regards the Government's statement concerning the lack of objectivity and the allegedly tendentious approach of certain ILO bodies, the Committee, for its part, can only totally reject such an assertion. The Committee would emphasise that, in the present case, as in all cases, it carries out its examination of situations in the light of the information at its disposal and having regard to long-established ILO principles and standards in the field of freedom of association. In this regard, the Committee must recall that the purpose of the procedure set up in the ILO for the examination of allegations of violations of freedom of association is to promote respect for trade union rights in law and in fact. If the procedure protects governments against unreasonable accusations, governments on their side will recognise the importance of formulating, so as to allow objective examination, detailed replies to the allegations brought against them. The Committee wishes to stress that, in all the cases presented to it since it was first set up, it has always considered that the replies from governments against whom complaints are made should not be limited to general observations.¹ The Committee, moreover, points out that, by decision of the Governing Body, it is seized with the complaint presented under article 26 of the Constitution and that, consequently, it is called upon to examine what effect should be given to the complaint within the framework of the Constitution which States accept on becoming Members of the Organisation.

52. The Committee takes note of the developments which have taken place in this case since November 1982. In particular, it

¹ See First Report of the Committee, para. 31.

notes with interest that a law of 18 December 1982, adopted by the Parliament, has suspended the application of martial law and, according to the Government, has involved the lifting of certain measures, such as internment, the suspension of trade union activities and the right to strike.

53. In spite of the adoption of this Act the Committee however observes that the restrictions on trade union activities under the Act on trade unions - and concerning which it made comments at its last meeting - still remain in force. In particular, there can still only be one trade union organisation in the undertaking and first-degree organisations can still not federations and confederations. In fact, the timetable fixed for the revival of trade union activities (beginning of 1984 for industry-level unions, beginning of 1985 for inter-union organisations, end of 1984 for trade union unity at the level of the undertaking) does not appear to have been changed,

54. Likewise, the exercise of the right to strike will remain limited by the same conditions on which the Committee had commented in relation to the procedure for calling a strike, the excessively wide list of essential services and the imposition of prison sentences for taking part in strikes. The Committee points out that under the terms of the Act of 18 December 1982 (s. 5(1)) participation, during the period of suspension under martial law, in strikes, protest action or unlawful gatherings justifies the termination, without prior notice, of the employment relationship.

55. The Committee, therefore, notes that the trade union activities which can be carried out in Poland today are still of a very limited nature. Moreover, it observes that the Government has only supplied limited information on the practical application of the legislation and that it has not sent any information concerning the destination of the assets of the organisations that were dissolved by the Act or trade unions.

56. While noting the Government's general statement on the lifting of measures of internment, the Committee observes with concern, in the light of new allegations that seven Solidarity leaders and advisers and experts of the trade union (who have apparently been detained since the commencement of martial law) have been charged with the attempted overthrow, by force, of the existing system. These charges were made despite the "Abolition Act", adopted in January 1982, according to which no one can be sentenced for political or trade union activities prior to 13 December 1981. The Government has not supplied any comment on these new allegations. The Committee wishes the Government to specify the charges that are being brought against them and to try publicly, and without undue delay, these persons and all those other trade unionists who have already been charged with offences, or to release them.

57. The Committee also regrets that it does not have any information on the measures taken or envisaged for the granting of an amnesty to the persons sentenced for activities of a trade union character. On the other hand, the complainant organisations have presented a list of a very large number of persons who are said to have been sentenced, sometimes to very heavy sentences for organising strikes, participating in demonstrations or for carrying out trade union activities.

58. The Committee also points out that the Government's reply does not contain any new information as regards the deaths which took place during demonstrations or the dismissals of workers for trade union activities. Nor does the Government supply its comments on the new allegations concerning ill-treatment of detained persons.

59. In view of the numerous questions to which replies have not been furnished, the Committee must point out that it cannot close the case, as the Government wishes

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60. In the light of the information at its disposal, the Governing Body must decide on the appropriateness of taking action on the complaint submitted in virtue of article 26 of the Constitution by the establishment of a Commission of Inquiry. In this respect, several factors must be taken into account. First, the Committee of Experts or the Application of Conventions and Recommendations will be called upon to examine the new trade union legislation and its practical application at its next session in March 1983. The comments which the Committee of Experts will make could then - if that is the wish of the Conference Committee on the Application of Standards - be the subject of discussion by the Conference Committee. On the other hand, despite the fact that the Government has communicated information concerning the suspension of martial law and the lifting of the measures of internment, nevertheless an important number of questions posed by the Committee and the Governing Body in November 1982 have not yet been answered by the Government. Likewise, the Government has not supplied its comments on the latest allegations presented by the complainants.

61. In these circumstances, the Committee would point out that, in a situation involving serious allegations of violations of trade union rights affecting the workers of a member State, the full co-operation of the government concerned in maintaining a constructive dialogue is of vital importance if the 110 supervisory bodies are to assist the parties to seek appropriate solutions to the problems involved. The Committee would, therefore, urge the Government to demonstrate its willingness to maintain such a dialogue by supplying detailed and precise information on the questions raised in November 1982, namely the measures taken to amend the legislation so as to bring it into conformity with Conventions Nos. 87 and 98, the practical application of the law, in particular as regards the role played in the new trade unions by the former leaders of the dissolved organisations, including those who were interned, the destination of the assets of the dissolved organisations, the sentencing of workers for activities of a trade union character and the measures taken or envisaged to grant an amnesty to these persons, the deaths which took place during demonstrations in September 1982 and the situation of the workers dismissed for trade union activities. The Government is also urged to supply detailed information and observations on the trials that have been, or will be, held involving the leaders and advisers of Solidarity, on the measures taken to ensure that they are tried publicly or released and on the ill-treatment allegedly suffered by detained persons.

62. In addition to requesting this information, the Committee considers that, in order to elucidate the numerous aspects of the case that remain outstanding, it would be highly desirable if the Government were to accept a further on-the-spot visit by a representative of the Director-General. The purpose of such a visit would be to examine jointly with the parties concerned the measures that could be taken to amend the trade union legislation in the light of Conventions Nos. 87 and 98, ratified by Poland, and also to examine the situation of trade unionists who are interned or charged with offences, in particular as regards the conditions in which they are being detained and the manner in which they will be tried. The Committee is convinced that, not only would the acceptance of such a visit constitute an additional indication of the Government's willingness to co-operate in the procedure, but such a visit would also enable the Committee to reach conclusions in a fuller knowledge of the facts.

The recommendations of the Committee

63. In these circumstances, the Committee recommends the Governing Body to approve this present interim report, and, in particular, the following conclusions:

- (a) The Committee deeply regrets that the Government has not supplied precise replies and observations on the questions raised by the Committee and by the Governing Body in November 1982, or on the latest allegations.
- (b) The Committee notes with interest that the Parliament has suspended the application of martial law and that, accordingly, the measures of internment have been lifted. However, it observes that the trade union activities which can be carried out in Poland today are still of a very limited nature.
- (c) The Committee again considers it necessary to draw the legislative aspects of the case to the attention of the Committee of Experts on the Application of Conventions and Recommendations at its next session in March 1983-
- (d) The Committee considers that, in a situation involving serious allegations of violations of trade union rights affecting the workers of a member State, the full co-operation of the government concerned in maintaining a constructive dialogue is of vital importance if the ILO supervisory bodies are to assist the parties to seek appropriate solutions to the problems involved.
- (e) The Committee urges the Government to demonstrate its willingness to maintain such a dialogue by supplying detailed and precise information on:
 1. the questions raised in November 1982, namely:
 - the measures taken to amend the legislation;

- the practical application of the law, in particular as regards the role played in the new trade unions by the former leaders of the dissolved organisations, including those who were interned;
 - the destination of the assets of the dissolved organisations;
 - the sentencing of workers for activities of a trade union character and the measures taken or envisaged to grant them an amnesty;
 - the deaths which took place during the demonstrations in September 1982;
 - the situation of workers dismissed for trade union activities;
2. the latest allegations concerning:
- the trials that have been, or will be, held involving the leaders and advisers of Solidarity;
 - the ill-treatment suffered by detained persons.
- (f) In order to elucidate the numerous aspects of the case that remain outstanding, and to enable it to reach conclusions in a fuller knowledge of the facts, the Committee requests the Government to indicate, by 15 April 1983 at the latest, its willingness to accept a further on-the-spot visit by a representative of the Director-General to take place sufficiently in advance of its May meeting to enable the Committee to consider the report on the visit at that meeting.
- (g) The Committee recalls the position it took at its session in November 1982 and points out that, if all the information thus requested is not supplied, and if the Government does not accept a further on-the-spot visit by a representative of the Director-General, it would then have no alternative but to recommend the Governing Body to establish a Commission of Inquiry under article 26 of the ILO Constitution.

Geneva, 25 February 1983.

(Signed) Roberto AGO,

Chairman.

ANNEX I

Activists of the Solidarity trade union, who according to the complainants, have been sentenced to imprisonment for having continued to carry out trade union activities

		Prison term (years)	Depri- vation of public rights (years)
		A	B
Achinger Jgnacy	Oswiecim	1	3
Adamczyk Andrzej	Gdansk	4	3
Adamczyk Piotr	Chełm	2	
Adamczyk Leszek	Chełm	1,5	
Adamski Tadeusz	Bielsko Biala	4	2
Afetowicz Bernard	Wroclaw	3	
Albrecht Gunter	Gdansk	1	
Albrecht Pawel	Wroclaw	3	
Andrzejewski Jan	Lubliniec	3	
Art Jedrek	Sad Wojskowy	4	
Antczak Jan	Koscierzyna	2,5	
Antonczyk Edward	Tarnobrzeg	4	
Augustyniak Waldemar	-	3	
Baczor Andrzej	Bytom	5	3
Banas Marian	Człuchów	4	2
Baret Andrzej	Lublin	1	
Barteczko Rejnhold	-	3	1
Bartosiewicz Jacek	Warszawa	2	3
Bawolski Witold	Bochnia	3	2
Bazrnik Jarosław	Krzeszowice	3	
Bedkowski Eyszard	Rybnik	4,5	
Bednarski Mieczysław	Lódz	3	3
Bełtkiewicz Zdzisław	Białogard	3,5	2
Benicki Zenon	Puławy	2	
Berdychowski Zygmunt	Chełmiec	3	2
Bator Krzysztof	Lódz	3	2
Biało Krzysztof	Czestochowa	4,5	3
Białonski Stanisław	Nowy Targ	1,5	
Biały Marek	Siedlce	0,3	
Biały Ryszard	Gdansk	1	
Biały Wacław	Lublin	2	
Bidzinski Ryszard	Katowice	4,5	3
Biedko Robert	Swidnica	3	
Biedrzycki Bolesław	Leszno	3	2
Bielanska Katarzyna	Kraków	2	
Bialik Krzysztof	Lublin	3	
Bielski Ryszard	Czestochowa	3	2
Bigus Czesław	Gdansk	2	

Binduga Andrezj	Warszawa	1,5	
Binkowski Krzysztof	Radom	1	2
Blicharz Jan	Kraków	1,5	
Błaszczyk Marianna Ewa	Torun	3,5	2
Błaszczyk Henryk	Jastrzebie	3,5	3
Bonek Jacek	Torun	3	2
Błaszczyk Hubert	Swiebodzin	5	2,5
Bobrowski Antoni	Bielsko Biała	5	3
Bochenski Jerzy	-	1	
Boczon Józef	Warszawa	5,5	4
Bodziuk Cezary	Gdynia	6	4
Borowiec Jerzy	Ostrowiec	1,5	
Borucki Józef	Białystok	1,5	
Brokos M.	Rypin	3	
Brol Teresa	Lublin	1	
Brzoska Waldemar	Działdowo	1	
Buczynski	Sopot	3	
Budrewicz Mirosław	Warszawa	2	
Bukowski Roman	Morgomin	3,5	3
Buler Wojciech	Ślupsk	1	
Burzynski Ryszard	-	1,5	
Bzdyl Krzysztof	Krakow	3	
Caliszew Andrzy	Warszawa	2 months	
Celej Leszek	Lublin	1	
Chajewski Leszek	Ostroda	1,5	
Chilarecki Alfred	Torun	3	3
Chlebik Teresa	Bytom	3,5	3
Chlebowski Lonqin	Łódź	3	
Chroielowski Jan	Gdańsk	4,5	3
Chmielewski Lech	Gdynia	5	2
Chmielewski Stanisław	Lubin	2 months	
Chrzanowski Antoni	Gdansk	1	
Chrzanowski Wlodzimierz	Radzanow	3	3
Chrzanowski Zygmunt	Jastrzebie	1,5	2
Cichocki Adam	-	3	
Ciezki Lech	Lublin	1,5	
Ciniewicz Zdzisław	Białystok	1,5	
Ciszewski Aleksander	Gdansk	6	3
Ciszewski Grzegorz	Katowice	2	3
Ciula Wojciech	Krakow	2	2
Czechowski Robert	Warszawa	1,5	
Czachor Marek	Gdynia	3	2
Czakon Wacław	Lublin	2	
Czarnocki Marcelli	Ostrowiec	3	2
Czepowski Jerzy	Piekary Sl-	3	2
Czerneszewicz Edward	Bytom	4	3
Czerwinski Arkadiusz	Warszawa	3	2
Czyzyk Roman	-	3	
Dabrowski Wiesław	-	3	
Debinski	-	1	
Debski Bogusław	Białystok	1,5	
Demczuk	Lubin	2 months	
Detlaft Andrzej	Tczew	2	
Dettlef Zbigniew	-	2	
Dobczyk Henryk	Katowice	6	4
Domagała Ryszard	Krakow	2.5	
Domanski Tadeusz	-	3	
Doruch Zenobiusz	Jastrzębie	1	2
Dowgialio Krzysztof	Gdansk	4	

Reports of the Committee on Freedom of Association

Drej Krzysztof	Brozsiek	9 months	
Drongowski Bodgan	Bytom	4	3
Druc J.	-	1	
Dreszer Adam	Wroclaw	2	
Drewniak Ryszard	Szczecin	1,5	
Drozdowski Piotr	Krakow	1,5	
Drozdowski Henryk	Lodz	1	
Dubiel Janusz	Jaworzno	3	
Duchnowski Jozef	Bialystok	1	
Dudek Andrzej	Ostrowiec	3,5	3
Dudkowska Zenona	Boleslawiec	3,5	
Dudkowska Antonina	Boleslawiec	3	3
Duzynski Zbigniew	-	3,5	
Dybowski Arkadiusz	Piekary Sl.	5	3
Dylag Stanislaw	Krakow	4	
Dzieldziel Andrzej	Oswiecim	1,5	
Dzikiewicz Slawomir	Bialystok	1,5	
Etal Robert Leonard	Slupsk	2	
Fabritis Julian	Lodz	1	
Fedyn Stanislaw	Sanok	4	3
Figoluszka Krzysztof	Katowice	2	3
Filipek Jan	Boleslawiec	3	3
Filipek Zbigniew	Tychy	3	3
Filoda Benedykt	Piastow	2	
Fludera Jozef	Jastrzebie	2	
Formela Marek	Gdynia	1,5	
Franczuk Jacek	Glogow	1	
Frasyniuk Wladyslaw	Wroclaw	6	5
Furman Stanislaw	Rzeszow	2,5	
Fuszara Marian	Lublin	1,5	
Gacon Jozef	Strzegonek	3,5	2
Gajda Stanislaw	Gorzow	3	2
Gajewski Andrzej	Kalisz	1,5	
Gajewski Andrzej	Gdansk	1	
Gajewski Mieczyslaw	Glogow	1	
Galinski Franciszek	Klodawa	1,5	
Galazka Jozef	Bytom	1,5	
Gawarkiewicz Jadwiga	Torun	2,5	
Gierukas Witold	Malbork	3	3
Gil Mieczyslaw	Nowa Huta	4	2
Glapiński Grzegorz	-	3	
Giazewski Stanislaw	Pulawy	1,5	
Glowacki Edward	Warszawa	2	
Glowacki Marian	Pabianice	3	
Glowacki Sylwester	Zory	2	2
Głuch Marian	Siemianowice	3	2
Gocławski Ryszard	Białystok	3	
Godlewski Janusz	Krakow	1	
Godziek Eyszard	Katowice	3	2
Godziuk Cezary	Gdynia	6	4
Gogacz Marek	Warszawa	2	2
Gogolinski Kazimierz	Dzialdowo	1	
Gogolinski Zygmunt	Slupsk	4,5	4
Goldn Adam	-	3	
Goldynia Janusz	Oswiecim	1	
Gozewski Dariusz	Lublin	2	
Góralski Piotr	Katowice	4	4
Gorny Henryk	Zgozzelic	3	
Gorski Mieczyslaw	Nowy Sacz	3	2

Grabarczyk Antoni	Gdansk	7,5	
Graniczko Leszek	Swidnik	3	2
Grela Wojciech	Krzeszowice	1,5	
Grembowski Józef	Jastrzebie	3,5	3
Grochowski Julian	Augustow	4	3
Grzebieluch Andrzej	Katowice	3	2
Grzegorzyc Alina	Gryfin	1,5	
Guca Zbigniew	Chełm	2	
Gulinski Zbigniew	Bedzin	3	2
Gunter Albrecht	Gdansk	1	
Hag Mieczyslaw	Warszawa	2 months	
Hanzlik Stanisław	Kraków	6	6
Hanusiak Hubert	Wroclaw	3	2
Hancka Krzysztof	Zory	1	2
Hermanowicz Jan	Gdynia	3	
Hinz Mariusz	Gdansk	7	3
Hofman Jerzy	Walbrzych	3,5	
Holubinka Jerzy	Szczecin	1	
Honkisz Zdzisław	Bielsko Biała	3	2
Horbacz Tadeusz	Gorzów	1	1
Hrybacz Jerzy	Gorzów	1	1
Hulek Stanisław	Robczyce	5	
Hyrchel Stefan	Czernin	3	2
Idzikowski Bogdan	Łódź	1	2
Ikonowicz Piotr	Warszawa	1,5	
Ilkiewicz Wincenty	Wrocław	2	
Jablonski Jerzy	Ostrowiec	4	4
Jacknik Jerzy	Bielsko Biała	1	
Jakubow Sławomir	Krzeszowice	2	
Janas Józef	Teczynek	2	
Jamroz Marian	Piekary Slaskie	4	3
Jamrozik Wojciech	Gdansk	5	
Janiszewski Michał	Ciechanów	1,5	
Jankowski Witold	Katowice	3,5	3
Jankowski Krzysztof	Gdynia	5	3
Janowski-Burczyk Witold	Tychy	3,5	3
Jarecki Józef	Nowy Sacz	4	2
Jarzyński Jerzy	Konin	1,5	2
Jasicki Janusz	Katowice	4	3
Jasinski Maciej	Bytom	3,5	3
Jasinski Wiesław	Piastów	1	
Jaworski Dariusz	Włocławek	1	2
Jaworski Krzysztof	Włocławek	3,5	3
Jedrek Artur	Katowice	1	1
Jedzejczyk Stanisław	Tczew	8 months	
Jedryczka Grzegorz	Torun	3	2
Jewulski Bolesław	-	3,5	
Jung Regina	Gdansk	3	
Juraszowska Janina	Łódź	1,5	
Jurzysta Eyszard	Gdansk	3,5	3
Jurkiewicz Jerzy	Głogów	1	
Juszczak Stanisław	Szydłów	4	
Juszkiewicz Ludwik	Łódź	1	
Juskowiak Zdzisław	Poznan	3	
Kacprzak Zdzisław	Szczecin	3	3
Kaczmarek Marian	Zdunska Wola	1	
Kadzik Antoni	Szczecin	5	3
Kleba Józef	Szczecin	5	4
Kalita Jerzy	Łódź	1,5	2

Reports of the Committee on Freedom of Association

Kallas Makary	Białogard	4	2
Kaminski Andrzej	Rzeszów	5	
Kaminski Zygmunt	Warszawa	2	
Kania I.	Lublin	2	
Kaniewski Jerzy	Warszawa	3,5	2
Kapson Czesław	Biłgoraj	2	
Kapusiewicz Antoni	Katowice	5,5	
Karabin Bartłomiej	Torun	1,5	
Karga Jerzy	Łódź	1	
Karnicki Marek	Bydgoszcz	1	
Karolewski Witold	Szczecin	1,5	
Karpinski Jan	Katowice	4,5	4
Karpiuk Włodzimierz	Białystok	1	
Karski Bogusław	Gdynia 3	2	
Kasprzak Zdzisław	Szczecin	3	3
Kaszuba Witold	Warszawa	3	2
Kaszubowski Dariusz	Gdansk	3	1
Katulski Andrzej Jan	Lublin	1	1
Kawnik Adam	Brzeszcze	3	3
Kawulak Małgorzata	Cieszyn	2	
Kazimierczuk Cesary	Siedlice	2 months	
Kazimierczuk Krzysztof	Debno Lubuskie	4	3
Kazimor Wojciech	-	-	3
Kedziora Edward	Skomlin	3	
Kepski Józef	Lublin	3	
Kicinski Wacław	Gdansk	4	3
Kiepas Stefan	Stalowa Wola	4	3
Kijek Tadeusz	Urzędów	1	
Kister Henryk	Gdynia	1,5	
Klassa Jan	Bochnia	3	3
Klesta Eugeniusz	Mysłakowice	2	
Klimaszewski Mariusz	Włocławek	3,5	3
Klimiuk Andrzej	Gdansk	4	2
Kluczyk Marek	Piaseczno	1,5	
Kluzniak Ludwik	Wrocław	3	3
Kłyż Wojciech	Przemysl	3	3
Kochan Władysław	Ostrołęka	3	2
Kochmaniewicz Piotr	Chorzów	2	
Kolimuntowski Marian	Wrocław	3	
Kokot Jacek	Czestochowa	3	
Kolatorowicz Dariusz	Staszów	4	
Kołasa Makary	Białogard	3	2
Kołodziejski Tadeusz	Kłodawa	5	3
Kondracki Sylwester	Jelenia Gora	1,5	
Kopko Halina	Przemysl	1,5	
Korzeniecki Andrzej	Białystok	2	
Kosiarski Paweł	Opatów	4	
Kosmala Ryszard	Łódź	1	2
Kosmowski Patrycjusz	Bielsko Biała	6	3
Kostrzewa Ryszard	Łódź	4	3
Kowalczyk Jerzy	Śiupsk	3,5	2
Kowalczyk Jerzy	Gdansk	9	5
Kowalczyk Zdzisław	Pulawy	2	
Kovalewicz Renata	Wrocław	3	3
Kowalski Stanisław	Gdansk	1,5	
Koza Jacek	-	4	
Kozian Jerzy	Krosno	1	
Kozłowski Jan	Trzcinka	3	
Kramarczyk Adam	Kraków	3	2

Krasulski Leonard	Elblag	5	3
Kraszewski Jadwiga	Stocznia	3 months	
Kraszewski Lech	Monki	3	3
Krawczyk Mirosław	Szczecin	1,5	
Kreciszewski Jan	Stocznia	8 months	
Kreciszewski Wojciech	Chelmza	1,5	
Krotkowski Jerzy	Gorzow Wlkp.	3,5	2
Król Leszek	Ustroba	6	3
Kropiwnicki Jerzy	Lódz	4,5	4
Kruczkowski Krzysztof	Torun	1,5	
Krystian Eugeniusz	Katowice	3	2
Kryszak Marek	Warszawa	1,5	
Kryzanski Andrzej	Konin	3	
Ksiazczak Grzegorz	Tomaszow Mazow.	4	
Kubasiewicz Ewa	Gdynia	10	5
Kubiak Jan	Jaworzno	2,5	3
Kubiak Jan	Krakowie	2,5	3
Kubiak Michał	Gostynin	1,5	
Kubiak Teresa	Torun	1,5	
Kubsz Andrzej	Czestochowa	2	
Kubisiowski Edward	Kraków	3	2
Kucharczyk Jozef	Bielsko Biała	4	3
Kucharski Ireneusz	Lódz	3	3
Kucharski Janusz	Gdansk	5	2
Kudla Edward	Jastrzebie	2	
Kula Irena	Rzeszów	3	
Kluczyk Marek	Piaseczno	2,5	
Kuligowski Janusz	Sosnowiec	3	3
Kunda Zyginunt	-	3	2
Kunkel Tadeusz	Gdansk	2	
Kunat Janusz	Wroclaw	2	
Kupisiewicz Zbigniew	Katowice	5,5	
Kupsik Jerzy	Przemierowo	6 months	
Kurowski Mariusz	Przemysl	1,5	
Kurtyn Maria	Bilgoraj	1	
Kuta Stanisław	Tarnow	6 months	
Kuzian Jerzy	Sanok	1	
Kwiatkowska Wiesława	Gdynia	5	3
Kwiatkowska Zofia	Gdynia	5	
Kwiatkowski Zygmunt	Makoszyce	3	
Ladosz Zbigniew	-	1,5	2
Laniewski Jerzy	-	3,5	2
Landowski Ryszard	-	4,5	2
Lasocki Wojciech	Warszawa	3	
Lassota Józef	Kraków	1	
Latocza Radosław	-	3	2
Lebkowski Stanisław	-	6 months	
Legut Jan	Raciborz	3,5	2
Lemanski Krzysztof	Gdansk	6	
Lempicki Edward	Knyszyn	1,5	
Lempicki Robert	Knyszyn	1	
Lepiarz Aleksander	Kraków	3,5	
Lesniak Zbigniew	Nowy Sacz	3	2
Lesnicki Mariusz	Włocławek	1	2
Leszczynski Roman	Piotrkow Tryb.	4	4
Lewandowski Henryk	Kraków	3,5	
Lewandowski Zbigniew	Glogow	1	
Lewcun Jerzy	Zakopane	6 months	
Lewicki Jerzy	Glogow	1	

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Lichota Tadeusz	Szczecin	3	6
Lipiec Wieslaw	Lublin	1,5	
Lipinski Andrzej	Gorzow Wlkp.	3	2
Lipinski Andrzej	Piotrkow Tryb,	3	
Lipinski Jerzy	Lubin	2 months	
Lipka Stefan	Jelenia Gora	1,5	
Lipniewicz Isabela	Gdynia	3	
Lis Herbert	Gorzow Wlkp,	3	2
Lisowski Kazimierz	Gdansk	1,5	
Lomalewicz Benata	-	3	3
Lotocko Radoslaw	Gorzow Wlkp.	3	3
Ladosz Zbigniew	Konin	1,5	2
Legowicz Krzysztof	Torun	3	2
Lopatka Józef	Bielsko Biala	5,5	3
Luczak Jan	Lodz	3	2
Lukasik Stanislaw	Jastrzębie	2	
Luniewski Janusz	Dzierżoniów	1	
Lotocki Zbigniew	Wroclaw	1,5	
Magiera Marian	Czestochowa	3,5	3
Majaski Stanislaw	-	5	3
Makar Arkadiusz	Gdansk	4	3
Marusinski Wojciech	Katowice	7	4
Magolan Zbigniew	Glogow	3	
Majsztub Piotr	Znin	1,5	2
Malenczyk Irena	Debno Lubuskie	4	3
Malinowska Malgorzata		3 months	
Mikicki Janusz	Slawa	2	
Maliszewski Grzegorz	Lodz	2,5	
Makarski Wlodzimierz	Wroclaw	4,5	
Maluchrik Kazimierz	Czestochowa	3,5	
Majerski Stanislaw	Krosno	5,5	3
Malinowski Andrzej	Gdańsk	2,5	
Malinowski Henryk	Białystok	3	3
Manko Brunon	Gdansk	6 months	
Manowski Aleksander	Piotrków	1,5	
Marcinek	Rzeszów	2,5	
Marczuk Witold	Gdansk	3	
Mardak Jerzy	Wujek	3,5	
Markowski Razimierz	Opole	4	
Marszalek Aleksander	Gdansk	3	2
Warszalek Wojciech	Gdansk	3	
Mazur Franciszek	Mielec	6,5	
Mazur Piotr	Hula Stalowa Wola	4,5	
Mazur Włodzimierz	Debno Lubuskie	4	3
Mazurek Józef	Karsznica	2	
Mazurkiewicz Natalia	Wroclaw	2,5	
Menkarska Jadwiga	Lodz	1,5	
Michałkiewicz Krzysztof	Lublin	2,5	
Michalowski Blazy	Dzieżonów	2	
Mietek Jan	Nowa Huta	2	2
Mikicki Jan	Slawa Slaska	1,5	
Miklejewski Ryszard	Legnica	3	2
Mikołajczyk Witold	Inowrocław	3,5	4
Mikołajczyk Zbigniew	Dabrowa Górnicza	2,5	
Milczanowski Andrzej	Szczecin	5	3
Milek Jan	Miechów	1,5	3
Miszkiewicz Jan	-	3	
Misztal Marek	Rzeszów	2	
Mittelstadt Piotr	Gdańsk	3	2

Mogolan Zbigniew	Glogow	2	
Mossakowska Elzbieta	Torun	1,5	
Moscicki Jan	Ciechanowiec	1	
Motyka Tadeusz	Żywiec	3	
Mosia Leon	Nowa Rude	5	
Mrozinkiewicz Bozena	Giżycko	1,5	
Moszczak Tomasz	Sopot	3,5	
Mróz Bolesław	Olsztyn	1,5	
Mróz Stanisław	Sosnica	3	
Mróz Sławomir	Wrocław	3	3
Mrozek Kazimierz	-	4	
Mucha Marian	Wrocław	2	
Mucha Robert	Kraków	1	
Murawski Zbigniew	Białystok	1,5	
Myga Grzegorz	Czestochowa	3	
Napierała Piotr	Wrocław	1,5	
Niedzwiedzki Teodor	Legnica	3	
Niegowski Hieronim	Warszawa	1	
Niepsuj Leszek	Strzegom	4,5	
Niermirski Wacław	-	3 months	
Niewiadomski Stefan	Szczecin	1,5	
Niewiadomski Włodzimierz	Otrebusy	2,5	
Nitka Tadeusz	Nowy Sacz	2	
Nowacki Artur	Wrocław	1	
Nowak Adam	Gdynia	3	
Nowak Czesław	Gdańsk	4,5	4
Nowak Edward	Kraków	3,5	2
Nowak Ryszard	Lemarczyce	3	2
Nowak Zenon	Warszawa	2	
Nowakowski Adam	Gdańsk	3	
Nowakowski Stefan	Olsztyn	2,5	
Nowicka Ewa	-	10 months	
Nowicki Jerzy	Głogów	2	
Oberc Adani	Iwonicz Zdrój	2	
Oblicki Marcin	Warszawa	1,5	
Obstarczyk Andrzej	Oświęcim	1,5	
Ochedzian Adam	Świebodzin	3	
Ochocki Andrzej	Aleksandrów	1,5	
Ochwała Stanisław	Zarzecze	3,5	2
Ojdowska Maria	Torun	4	
Okrój Jerzy	Gdańsk	1,5	
Oleksiewicz Jan	Knyszyn	1	
Olesinski Eugeniusz	Bochnia	3	3
Olko Krzysztof	Warszawa	4	3
Olszewski Andrzej	Wrocław	1,5	
Olszewski Jacek	Czestochowa	2,5	
Ołka Krzysztof	Warszawa	4	3
Opas Marek	Gdańsk	3,5	2
Opiel Adam	Gorzów Wielkopolski	4	4
Opitek Andrzej	Chełmek	3	4
Opitz Piotr	Poznan	4	3
Opolski Artur	Tychy	3	2
Orzechowski	Wrocław	3	
Orzeł Jerzy	Zegocice	3,5	3
Osipow Andrzej	Gdańsk	4	
Ozarowski Władysław	Wrocław	3	2
Pacuszko Tadeusz	Warszawa	2	
Paczko Zdzisław	Zabrze	3,5	3
Pak Henryk	Gdańsk	2	

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Pałamor Zbigniew	Katowice	5	5
Panasowiec Mieczysław	Legnica	3	
Paszkiewicz Janusz	Głogów	1	
Pater Andrzej	Wrocław	1,5	
Pator Krzysztof	Lodz	3	2
Patrowski Stanisław	Raciborz	1,5	2
Pawlak Maciej	Sopot	3 months	
Pawlik Andrzej	Wrocklaw	5	5
Pawłowski Ryszard	Dabrowa Gornicza	4	4
Piasecki Tadeusz	Nowy Sacz	4	2
Piatek Henryk	Ostrowiec	1,5	1
Piechur Julian	Bielsko Biała	3	2
Podlasiewicz Grzegorz	Tarnow	1	
Piecki Andrzej	Gdansk	5	2
Pieprzyk Klemens	-	1,5	
Pietraszczyk Leszek	Piekary Sl.	3	2
Pietrusa Jadwiga	Ciechocinek	3	3
Pietruszewski Stanisław	Swidnik	3	
Pietrzyk Grzegorz	Konin	3	
Pilch Józef	Kraków	1	
Piotrowski Mirosław	Jastrzębie	2	
Piras Zbigniew	Gdansk	1	
Piszczek Mieczysław	Wrocław	4	3
Pitura Kazimierz	Piekary Sl.	3	3
Piowar Zbigniew	Slupsk	4	3
Platek Stanisław	Gdańsk	4	3
Plich Grzegorz	Lodz	2 months	
Podsiadlo Henryk	Białogard	4	2
Podlasiewicz Grzegorz	Tarnow	1	
Pomirksi Mirosław	Polkowice	3	
Potasniczak Ryszard	Gdansk	6	3
Potega Wiesław	Zory	1,5	2
Prochal Jerzy	Wysoka	6 months	
Prokopowicz Janusz	Legnica	1,5	
Prymus Wojciech	Piotrkow Tryb.	3	2
Przewłocki Zbigniew	Olsztyn	4	3
Przybylski Bogdan Kazimierz	Glogow	1	
Przygodzinski Stanisław	Czestochowa	5	3
Pszotka Aleksander	-	5,5	
Pszczółkowski Stanisław	Gdansk	4	
Ptak Marek	Dzierzoniow	4	
Ptaszczuk Benedykt	Otryt	3	2
Puczydłowski Jan	Gdansk	5	2
Pudlinski Marek	Przemysl	3,5	
Pyzio Wiesław	Andrychow	3	2
Radkiewicz Wiesław	Gdansk	3,5	
Raba Jan	Brzeszcze	3	3
Rausz Hichal	Czestochowa	4	3
Ratkiewicz Wiesław	Gdynia	3,5	
Rakowski Krzysztof	Warszawa	3	
Radajewski Andrzej	Lebork	3	2
Radomski Marek	Myslakowice	3,5	
Raszka Zygmunt	Wrocław	2	2
Rozik Zbigniew	Bolesławiec	3	
Roslan Jozef	Sieradz	4	3
Rosinski Jacek	Krakow	3	6
Rosicki Władysław	Katowice	5,5	4
Romanowski Jan	Suwałki	1,5	
Romaniuk Włodzimierz	Olsztyn	3	3

Romaniewicz Janina	Debno Lubuskie	4	3
Rewinski Edward	Bytom	5	3
Rennert Herbert	Katowice	5,5	3
Rebisz Jolanta	Wroclaw	1,5	2
Raczkowski Krzysztof	Gdansk	1	2
Raba Jan	Brzeszcze	3	3
Runinski Jerzy	Kutno	1	
Rumf Jan	Rozbark	4	3
Rubik Witold	Katowice	6,5	5
Rozycki Włodzimierz	Piotrkow Tryb.	3	1
Rowenczyn Marian	Sanok	3,5	2
Rzyski Jan	Tarnow	3	2
Rydelin Eugeniusz	Sosnowiec	1,5	
Rybarkiewicz Zbigniew	Lodz	1,5	
Rybarczyk Marek	Krakow	1,5	
Rybak Tadeusz	Nowa Huta	3,5	
Rutowicz Wojciech	Lodz	3,5	3
Sadowski Slawomir	Gdynia	5	3
Sadzik Alfred	Kedzierzyn	2	
Sałapa Zbigniew	Myslakowice	2	
Saniewski Jerzy	Pulawy	3	2
Sarna Andrzej	Krakow	3,5	
Sawicki Ryszard	Gorzow	4	4
Schminejchel Wlodzimierz	Brodnica	1	1
Sekula Zdzislaw	-	1,5	
Senkowski Zbigniew	Walbrzych	2	
Serafin Piotr	Polkowice	1	
Siedlaczek Witold	Czestochowa	3,5	2
Sienkiewicz Krzysztof	Tychy	4,5	3
Siwinski Slawomir	Jaworzno	3	
Skibinski Jerzy Jozef	Glogow	1	
Skladanowski Aleksander	Gdansk	5	
Skowronek Jaroslaw	Gdynia	5	3
Skrzypek Robert	Sieradz	3,5	3
Skwarczynski Marek	Tarnowskie Gory	3,5	2
Skwira Adam	Siemianowice	3	2
Slawinski Jozef	Glogow	1,5	
Slabon Jozef	Karsznice	1,5	3
Slag Ryszard	-	4	3
Slawinski Tadeusz	Teczynek	1,5	
Slomka Krzysztof	Krakow	1,5	
Slesicki M.	Pila	2	
Słowik Andrzej	Lodz	6	4
Sliwinski Stanisław	Warszawa	3	2
Służalec Andrzej	Warszawa	3,5	3
Smaczny Henryk	Bialystok	3	2
Smyk Slawomir	Lublin	2,5	
Smigiel Kazimierz	Bielsko Biala	5	3
Sobczak Lech	Gdansk	4,5	2
Sobolewski Zbigniew	Katowice	6	3
Sobierajska Krystyna	Legnica	3	
Sobiechowski Roman	Glogow	3	
Sobel Helena	Jastrzębie	5	4
Sochowski Roman	Torun	3	3
Sokolnicki Marek	Warszawa	1,5	
Sokołowski Jerzy	Szczecin	3,5	3
Sokołowski Romuald	Suwalki	3	3
Sosnowski Krzysztof	Gdansk	3	1
Sosnowski Zbigniew	Walbrzych	3,5	

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Stachowicz Zdzislaw	-	10 months	
Staniewska Teresa	Czestochowa	3	3
Stanczyk Alicja	Walbrzych	2	
Stanczyk Wojciech	Walbrzych	2,5	
Starz Szymunt	-	3	2
Stawicki Czeslaw	Wroclaw	3	
Stasiak Mirosław	Gorzow Wlkp.	3	2
Stasiowski Tadeusz	Ostrowiec	3	2
Stawicka Anna	Gdansk	3	1
Stawicki Grzegorz	Wroclaw	3	2
Stawinska Anna	Torun	1	
Steciuk Andrzej	Bytom	4	3
Stefaniak Wlodzimierz	Lodz	3	3
Strak Witold	Czestochowa	4	
Stroczynski Mirosław	Tychy	7	4
Struzynski Adam	Bialystok	1,5	
Strzelczyk Zygmunt	Gorzow Wlkp.	3	2
Sulewski Roman	Gdansk	3,5	2
Surowiec Cezary	Slupsk	1	
Susfal Marian	Ostrowiec	1,5	
Suszycki Eugeniusz	Dujlidy Gorne	1,5	
Swidzinski Tadeusz	Krakow	3	2
Swietlik Ryszard	Rzeszow	3,5	
Sychowski Wojciech	Gdansk	7	3
Szafran Janusz	Ostrowiec	1,5	
Szajnoga Edward	-	1,5	
Szakla Stanislaw	Gostowice	1,5	
Szalka Andrzej	Bialogard	2	
Szatkowski Jan	Setropie	3	
Szczepanski Andrzej	Gdansk	1	
Szczucki Rafal	Miedzyrzeczce	3	2
Szeja Piotr	Tarnowskie Gory	3,5	2
Szelanga Ryszard	Piekary Slaskie	4	3
Szepietowski Janusz	Giżycko	3	
Szewczyk	-	6 months	
Szlerg Wacław	Bielsko Biala	5	3
Szmigiel Kazimierz	Bielsko Biala	5	3
Sznetka Stanisław	Bielsko Biala	4	3
Szot Mirosław	Gdynia	3,5	3
Szpryngwald Ryszard	Warszawa	3,5	
Sztetka Byszard	-	3,5	3
Sztuczynski Grzegorz	-	6	4
Sztybel Jerzy	Lodz	2	
Szulc Andrzy	-	8months	1
Szumski Pawel	Bialogard	3	2
Szwabowski Jan	Krakow	2	
Szwed Ewa	Augustow	3	
Szwed Wieslaw	Augustow	3	
Szymecki Eugeniusz	Gdynia	5	4
Szyndera Stanislaw	Mszana Dolna	1	
Sleg Ryszard	Tarnowskie Gory	4	3
Sniewski Krzysztof	Sosnowiec	1	
Switalski Zenon	Polkowice	3	
Talaga Czeslaw	Krakow	3	
Talaska Wieslaw	Gdańsk	3,5	2
Tenerowicz Janusz	Lodz	4	3
Terlecki Jerzy	Leszno	3	
Theim Anna	Torun	1,5	
Toczek Ryszard	Gdynia	5	2

Tomzynska Malgorzata	-	1,5	
Trusinski Zdzislaw	Lodz	3,5	3
Topolski Andrzy	Wroclaw	3 months	
Trzaska Aleksander	Dabrowa Gornicza	5,5	4
Towiaruk	-	3	
Trzcinski Wladyslaw	Gdynia	9	5
Tyton Krzysztof	Gdańsk	3,5	
Uczkiewicz Jerzy	Bochnia	3	
Ugriczic Marek	Gdańsk	2	
Ustasiak Mieczyslaw	Szczecin	4	3
Uszkiewicz Jerzy	Bochnia	3	3
Waliszewski Jerzy	Broclaw	1,5	2
Walowski H.	Gluszyca	1	
Walus Wladyslaw	Bielsko Biala	4	3
Warda Leonard	Tarnowskie Gory	3,5	2
Wartak Jerzy	Siemianowice	3,5	3
Waskiewicz Tadeusz	Torun	3	3
Wasilewski Piotr	Starzyno	3	1
Wasilewicz Grzegorz	Wloclawek	2	2
Wawrzuta Adam	Polkowice	5	3
Wawrzynowicz Zbigniew	Dzierżoniów	4	
Wencel Zbigniew	Leszno	1,5	
Weglinska Anna	Plock	1,5	
Weglowski-Krol Krzysztof	Nowy Sacz	4	2
Wianecki Krzysztof	Tarnobrzeg	3	2
Wieczorek Roman	Polkowice	3	2
Wielgosz Stanislaw	Gorlice	4	2
Wieclawek Janusz	Dabrowa Gornicza	3	3
Wika-Czarnowski Wieslaw	Gdańsk	3	1
Wilgucka Joanna	Gdańsk	2	
Wisznieski Andrzej	Wroclaw	2	
Wisniewski Andrzej	Warszawa	2	
Wisniewski Wojciech	Krakow	1,3	
Wiśniewski Wojciech	Sandomierz	4	
Wisniowiecki Adam	Szczecin	1,5	2
Witaszewski Wieslaw	Sieradz	3	3
Witczak Stanislaw	Krakow	2	
Witkowski Krzysztof	Nowy Sacz	3	2
Włodarczyk Krzysztof	Kościan	3	
Wlodkowski Jaroslaw	-	8 months	
Wnuk Grazyna	Bytom	1	
Wlodkowski A.	-	5 months	
Wojciechowski Roman	Warszawa	3	
Wozniak Janusz	Lublin	2	
Woznicka Anna	Czestochowa	3,5	3
Wojcik A.	Ostrowiec	1,5	
Wojewodzic E	Lublin	2 months	
Wojtowicz Jan	Szczecin	3	3
Wojtas Morek	-	3	3
Wrona Andrzej	Piotrkow Tryb.	3	1
Wojtowicz Jan	-	3	3
Wronski Michal	Lublin	3	3
Wronski Stanislaw	Lublin	3	3
Wyciechowski Bogdan	Malbork	2	
Wycichowski Waldemar	Makop	2	
Zach Roman	Siemianowice	3	2
Zagórny Janusz	Elbląg	3	
Zajac Rafal	Gdańsk	6	5
Zalewski Jerzy	Ciechanowice	3	2

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Zaniewski Krzysztof	Głogow	3	2
Zaremba Robert	Warszaw	5	
Zawadzki Janusz	Poniatowa	1	
Zawadzki Zdzislaw	Gdańsk	5	3
Ziajski Janusz	Ostrowiec	1,5	
Zielinski Jan	Gdańsk	1,5	
Zielinski Zbigniew	Bydgoszcz	4	
Zielinski Leszek	Krakow	3	
Zietek Kazimierz	Bydgoszcz	3	3
Zimowski Wojciech	Katowice	4	3
Zopisek Stanislaw	Tarnobrzeg	3	2
Zmora Jolanta	Leszno	1	
Zwara Andrzej	Gdańsk	7	
Zybik Kazimierz	Wrocław	3	3
Zolna Hubert	Polkowice	3	2
Zurawiecki Waldemar	Bytom	3	2
Zołyniak Leszek	Wrocław	3	2
Zywiec Janusz	Krosno	4	3
Zyluk Leszek	Wrocław	3	

ANNEX II

List of persons who according to the complainants, were killed
or died from injury inflicted by the forces of order

1. Józef Czekarski	killed	16.12.81	coal mine
2. Krzysztof Giza	"	"	"Wujek"
3. . . .? Kopacz	"	"	"
4. Zbigniew Wilk	"	"	"
5. Roman Zajac	"	"	"
6. Ryszard Idzik	"	"	"
7. Andrzej Pałka	"	"	"
8. Antoni Krzysztof Borowczyk	"	17.12.82	Gdansk
9. Wanda Kołodziejczyk (59 y.)	died from injury	4.01.82	Warszawa
10. F. Tyszko	"	9.01.82	Wrocław
11. Karol Matuszynski (25 y.)	"	31.01.82	Wrocław
12. Wojciech Cieslewicz (29 y.)	"	2.03.82	Poznan
13. Mieczysław Rokitowski	"	3.04.82	Przemysl
14. Stanisław Kot	"	3.04.82	Rzeszów
15. Wojciech Ciesielski (19 Y.)	killed	2.04.82	Biała Podlaska
16. Władysław Durda	died from injury		Szczecin
17. Andrzej Urbanowicz Augustów	"		
18. Małgorzata Lenartowicz (20 y.)	"	5.05.82	Warszawa
19. Franciszek Rycerz (19 y.) Kraków	"	13.05.82	
20. Mieczysław Radomski (56 y.)	"	05.82	Warszawa
21. Stanisław Szymanski	"	05.82	Gdansk
22. Piotr Majchrzak (19 y.)	killed	18.05.82	Poznań
23. Emil Barchanski (17 y.)	"	3.06.82	Warszawa
24. Andrzej Trajkowski	"	31.08.82	Lubin
25. Mieczysław Późniak (25 y.)	"	"	"
26. Michał Adamowicz (22 y.)	"	"	"
27. Piotr Sadowski (22 y.)	"	"	Gdansk
28. Karzimirz Michalczyk (27 y.)	"	"	Wrocław
29. Eugeniusz Wiłkomirski	died from injury	3.09.82	Czestochowa
30. Kaminski W.	killed	12.10.82	Gdansk
31. Bogdan Włosik (22 y.)	"	14.10.82	Nowa Huta
32. Stanisław Królik (39 y.)	"	10.11.82	Warszawa