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**Summary**

***The legal protection system of a witness in the Polish criminal trial***  
**(System ochrony prawnej świadka w polskim procesie karnym)**

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Despite the development of knowledge and technical progress, which increasingly allow the factual findings made by the courts in the course of a criminal trial to be based on the results of examination of physical evidence, expert opinions and criminal trial experiments, i.e. on objective evidence, although trivial, it still remains true the statement that the testimony of a witness remains the basic means of evidence used by the court to establish the facts of the case under examination. The Polish Code of Criminal Procedure imposes certain procedural obligations on the witness, which may cause numerous threats both for the witness and his or her relatives. Even taking into account the high burden of subjectivism, it is difficult to overestimate the importance of a witness' testimony in a criminal trial. Meanwhile, obtaining the status of a trial witness has many far-reaching, significant consequences. It restricts constitutional rights and freedoms, often has a negative impact on the well-being of the witness, especially his sense of security and freedom of behavior, as well as the freedom to formulate statements during the interrogation.

It is not possible to completely eliminate the phenomenon, i.e. the inconvenience caused by acting as a witness in a criminal trial. However, this disadvantage can be greatly mitigated.

The main research assumption of the work is separation and assignment to a specific group of solutions distinguished on the basis of values, legal goods, which are most often limited in connection with granting a specific person the status of a witness in a criminal trial and the need to perform procedural duties.

As a consequence of the assumptions made in this way, the following detailed research theses had to be formulated, which were verified in the course of the considerations carried out as part of this work:

1. it is necessary for the witness to have legal protection measures;
2. there is a need to protect certain values relevant to the witness;
3. it is important to balance these values in favor of the interests of the witness when it is necessary to take into account the interests of the administration of justice;
4. the catalog of measures that make up the system of legal protection of a witness, separated under the currently applicable Criminal Procedure Act, is complete;
5. the system of legal protection of a witness currently existing on the basis of the Code of Criminal Procedure is effective;
6. international legal regulations and other documents influenced the shaping of the code system of witness legal protection;
7. legal protection measures for a witness limit the implementation of some of the main procedural rules.

Chapter I of the dissertation shows the beginnings of shaping the institutions that later formed the system of legal protection of the witness and the most common interpretation problems concerning these institutions, which had an impact on the effectiveness of solutions protecting this participant in the criminal process at that time. The considerations in this part of the work allowed to show the evolution of both the protection system itself, by expanding it with subsequent legal acts regulating the course of the criminal procedure with new means of legal protection of the witness, as well as individual solutions that make up this system. In addition, the remarks in this part were, in the case of some legal solutions, a point of reference for resolving some contemporary doctrinal and jurisprudence discrepancies, as well as formulating postulates for changes in the provisions of the Criminal Procedure Act to improve the effectiveness and tighten the system of this protection.

In view of the unquestionable law-making role of various international documents - from agreements, through directives, as well as those that are only recommendations, in chapter II of the work, a review and analysis of the most important ones was made in the context of the considerations carried out in the dissertation. The most important concepts of the legal protection of a witness and the legal solutions that are most frequently repeated in these documents are shown, which are intended to shape appropriate protection measures in national systems. Due to the wide range of issues analyzed in the work, and thus its limited framework, the comments in this regard have been narrowed down primarily to ordering and presenting the assumptions of the most important documents in the area of legal protection of a witness in a criminal trial. It indicates both those containing recommendations that should be properly implemented into the Polish legal system, as well as those that should be used in addition to code institutions, because they have been included in the framework of international agreements that Poland has ratified. When discussing individual institutions that create specific systems, due to the already mentioned work limitations, only the most important rulings of the international judiciary were cited.

In chapter III of the work, the functioning of the witness' legal protection measures under the Criminal Procedure Act for the implementation of the main, selected principles that make up the model of the Polish criminal process: substantive truth, right to defence, immediacy, adversarial and openness, was examined. This made it possible to conclude that the measures forming the system of legal protection of a witness in Polish criminal proceedings not only serve to implement the principle of substantive truth, but also immediacy. Limiting to a certain extent (because one cannot afford to say that in the current model of the Polish criminal process these principles are implemented absolutely) such rules as: the principle of substantive truth,

the right to defence, adversarial or openness. This part also attempts to demonstrate that the system of legal protection of a witness, shaped by individual provisions of the Criminal Procedure Act, also takes into account the protection of the rights of the accused, enabling him, both in person and through the presence of a legal representative, to participate in the proceedings and defend them, taking into account the protection of the interests of other participants in the proceedings. This part also refers to the allegations of violating these rules, which are important for the Polish criminal process, against the selected, because the most controversial in the doctrine, legal protection measures.

Chapter IV contains considerations on the definition of the system of legal protection of a witness, categories of witnesses, the purpose of legal protection of a witness and types of protection. This section distinguishes the types of witnesses, taking into account the criminal procedure regulations adopted in the Polish legal system. The provisions establishing the institution of the "small crown witness" were not included due to the penal nature of these solutions, which allow the perpetrator to cooperate with other persons in committing a crime, provided that he/she discloses to the authority appointed to prosecute crimes information concerning persons participating in the crime, as well as the relevant circumstances of its commission, mitigation of the penalty imposed on him for the committed crime. However, they do not in any way protect the beneficiary of this solution in the course of criminal proceedings in connection with the deposits made by him.

Chapters V, VI and VII contain a discussion of individual legal regulations - means of legal protection of a witness - constituting individual code systems of legal protection of this participant in the proceedings. These parts, which are essential for the entire dissertation, contain the justification for classifying selected institutions to a specific legal protection system, an analysis of the reasons for their application and those elements related to their application that increase or decrease the level of protection. Moreover, they indicate the categories of witnesses for whom the discussed institution was primarily dedicated by the legislator and those to whom the legislator excluded its application. What's more, these chapters comprehensively present individual legal solutions, addressing disputed issues in the doctrine and jurisprudence in the scope of their application, which are important for the effective implementation of the protective function by these regulations. In the case of those provisions where it was possible to discuss them, the examined institutions were compared with those existing based on German and French procedures. The analyzed legal solutions were also juxtaposed with the provisions of international documents.

The conclusions summarize the most important elements of the assessment of the legal status, refer to the research theses and repeat the previously presented *de lege ferenda* postulates, as well as formulate additional such postulates.

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