



**REPUBLIC OF POLAND**  
**Commissioner for Civil Rights Protection**

*Janusz KOCHANOWSKI*

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**Professor Ioan Muraru**  
**People's Advocate**  
**(Ombudsman)**  
**Republic of Romania**

*Dear Professor Muraru,*

In reply to your letter, I would like to inform you that I took up the case of death of Romanian citizen Claudiu Crulic in the Cracow Remand *ex officio*.

After the media revealed the incident of Claudiu Crulic's death, I motioned to supervisory bodies: the District Inspectorate of Prison Service, Central Board of Prison Service, and the Penitentiary Division of District Court in Cracow for information on the results of their preliminary investigation.

As of now, investigations conducted by prison system bodies, namely the District Inspectorate of Prison Service and the Central Board of Prison Service, were finalised. In effect, disciplinary proceedings were initiated towards the director of the clinic and the director of the hospital at the Cracow Remand, as well as the director of the Remand.

I also motioned to the Regional Attorney for Professional Liability with the Regional Medical Chamber in Cracow for information on their final position on the case.

On 11 June 2008, after reading and analysing the results of investigation of the District Inspectorate of Prison Service in Cracow and the Central Board of Prison Service, I sent a note to the Polish Minister of Justice which stated my reservations

about the actions taken by the health services of the Cracow Remand towards Claudiu Crulic.

In my opinion, the results of preliminary investigations revealed a.o. that doctors applied to the Penitentiary Court for consent to conduct diagnostic tests against the will of the inmate and to take up artificial feeding only too late. As I recognised that the system of distributing information on exceptional events failed at the level of the Remand (as acknowledged by penal system bodies) as well as at the level of penal system organisational structures, I applied for analysis of the system's operation Poland-wide.

I would like to inform you that I also noticed the delay in actions of the Penitentiary Court which examined the application of Remand authorities for consent to taking medical actions against the will of the patient when there was "direct threat to health and life of the inmate" after six days. Further delay was caused by the necessity to wait for the Court decision to come into force. I also suggested considering if, in such case, court decisions should be executed at the date of their issue.

In reply, Undersecretary of State in the Ministry of Justice informed me that the ministerial draft Act amending the Executive Penal Code and certain other Acts amends the provision in question in line with my suggestions. Also, steps were taken aimed at amending a number of internal prison regulations concerning the measures applied towards inmates who permanently refuse to consume meals provided by the administration and to undergo medical procedures.

On the basis of this case, I also motioned to the General Director of Prison Service for regular submission of information on exceptional events in penitentiary institutions Poland-wide by the Central Board of Prison Service. Early possession of such information would allow me to analyse the events and to react in a timely and appropriate manner when the suspicion of breaching civil rights and freedoms is discovered. Also, in connection a.o. with the case of Claudiu Crulic, I motioned to the Prime Minister of the Republic of Poland for appointing an inter-ministerial

I would like to assure you that I monitor all the above proceedings and I shall consider taking further steps upon their legally valid completion.

Your sincerely,  
James Holman