



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

*Janusz KOCHANOWSKI*

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**Christos Rozakis**  
President of Section I  
European Court of Human Rights  
Council of Europe  
67075 Strasbourg-Cedex  
France

*Dear Mr. Rozakis,*

In connection with proceedings conducted by the European Court of Human Rights in the case *Janowiec and Trybowski v. Russia* (No. 55508/07), on the basis of Rule 44.2(a) of Rules of Court of the European Court of Human Rights, I kindly request you to allow Commissioner for Civil Rights Protection to present his written position on the case and to take part in the trial, should it take place.

The said case is of utmost importance from the point of view of the rights and freedoms of an individual guarded by the Commissioner for Civil Rights Protection. The background of the case is the painful experience of the Polish Nation connected with the murder of Polish army officers by the NKVD in Katyń in April 1940. It seems that subsequent actions of the Russian Chief Military Prosecutor's Office, particularly its Decision of 21 August 2004 on discontinuing the investigation, may have breached the right to life, the right to a fair hearing, and the right to an effective remedy guaranteed by Article 2, Article 6, and Article 13 of the European Convention on Human Rights.

*Yours sincerely,*  
*Janusz Kochanowski*