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Procedural Vetting – the Case Study

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Słowa kluczowe: lustracja, Instytut Pamięci Narodowej, dekomunizacja, prawa człowieka

Abstract

The issue of vetting has for many years stirred up much emotion in Poland and is closely related to the process of decommunization. In the history of the Third Republic of Poland, lustration was the cause of serious political crises, an example of which was the dismissal of the government of Jan Olszewski. A breakthrough event was adopting the lustration law in 1997, which laid the groundwork for a reliable approach to lustration in Poland. Despite the passage of years and amendments to the regulations, it still seems necessary to amend the law to comply with constitutional rights, such as the right to due process, the right to be heard, the right to defense, and the presumption of innocence. The article indicates the problems related to vetting and reports changes on the example of vetting by Kazimierz Kujda.

Streszczenie

Postępowanie lustracyjne – studium przypadku

Sprawa lustracji od wielu lat w Polsce wywołuje wiele emocji i jest ściśle związana z procesem dekomunizacji. W dziejach III Rzeczypospolitej lustracja była przyczyną poważnych kryzysów politycznych, czego przykładem było odwołanie rządu Jana Ol-

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szewskiego[2]. Przełomowym wydarzeniem było przyjęcie ustawy lustracyjnej w 1997 r., która stworzyła podwaliny do rzetelnego podjęcia problemu lustracji w Polsce. Pomimo upływu lat i nowelizacji przepisów nadal wydają się konieczne zmiany w prawie w celu przestrzegania konstytucyjnych praw, takich jak: prawo do należytego procesu, prawo do wysłuchania czy prawo do obrony i domniemanie niewinności. Artykuł jest próbą wskazania problemów związanych z lustracją oraz zasygnalizowania zmian na przykładzie lustracji Kazimierza Kujdy.

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I.

A lustration process has been one of the decommunization elements in Center and Eastern Europe. It is understood as public officials' verification in terms of possible collaboration with Communist services. A typical result of the process is removing persons who were agents or the Security Service's secret collaborates from the current functions and offices. Furthermore, an additional element of lustration is revealing and sharing materials on such citizens collected by the Communist intelligence[3]. According to the Parliamentary Assembly of the Council of Europe's opinion: "The aim of lustration is not to punish people presumed guilty – this is the task of prosecutors using criminal law – but to protect the newly emerged democracy. These measures aim to exclude persons from exercising governmental power if they cannot be trusted to exercise it in compliance with democratic principles, as they have shown no commitment to or belief in them in the past and have no interest or motivation to make the transition to them now"[4].

That aspect of settlement with the past was a point of interest for the Polish parliament at the beginning of the 1990s[5]. An example is resolutions and

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[2] A. Dudek, *Historia Polityczna Polski 1989–2012*, Kraków 2013, p. 220.

[3] J. Macała, *Nauka – zemsta czy oczyszczenie?*, "Puls" 2007, No. 6, p. 1.

[4] Resolution No. 1096 of the Parliamentary Assembly of the Council of Europe on *Measures to dismantle the heritage of former communist totalitarian systems* adopted on June 28, 1996, pt. 11 and 12, https://pace.coe.int/en/files/16507 (25.08.2021).

[5] B. Banaszkiewicz, *Rozrachunek z przeszłością komunistyczną w polskim ustawodawstwie i orzecznictwie Trybunału Konstytucyjnego*, "Ius et Lex" 2003, vol. 2, No. 1.

acts adopted by the Sejm of the Republic of Poland. The beginning of actions within that scope was a resolution adopted by the Sejm on May 28, 1992, which obliged the Minister of Interior Antoni Macierewicz to reveal names of parliamentary deputies, senators, ministers, province governors, judges, and prosecutors who secretly collaborated with the Department of Security and the Security Service in 1945–1990[6]. However, in the judgment of June 19, 1992, case No. U 6/92[7], the Constitutional Tribunal decided on the inconsistency of the "lustration act" with art. 1, 2, and 3 of the Constitution of the Republic of Poland of 1952 (in its sound of 1992[8]) and, based on the announcement of the President of the Constitutional Tribunal of October 20, 1992, on nullifying the provisions of the resolution of the Sejm of the Republic of Poland of May 28, 1992, it was repealed on the same day[9].

The first vetting act was adopted in 1997 after adopting a new Constitution of the Republic of Poland on April 2, 1997[10]. The Sejm adopted the Act of April 11, 1997, on the disclosure of work, service, or collaboration with State security agencies between 1944–1990 by persons discharging public functions[11]. Then, a year later, on December 18, 1998, there was adopted an act on the Institute of National Remembrance – the Chief Commission for the Prosecution of Crimes against the Polish Nation[12].

Another act regulating settlements with the previous regime was the Act of November 18, 2006, on Disclosure of Information about Documents of State Security Bodies from the Years 1944–1990 and the Content of these Documents[13]. Adopting a new act was a consequence of changes resulting from the preceding act and the Constitutional Tribunal's judgments on the subject matter[14]. Works

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[6] M.P. No. 16, item 116.

[7] OTK 1992, item 13.

[8] Constitution of the Polish People's Republic adopted by the Legislative Sejm on July 22, 1952 and amended by the act of July 30, 1992 on the change of the Constitution of the Republic of Poland (Dz.U.No. 75, item 367).

[9] M.P. No. 34, item 245.

[10] Dz.U.No. 78, item 483 with amendments.

[11] Dz.U.No. 70, item 443.

[12] Dz.U.No. 155, item 1016.

[13] Dz.U.No. 218, item 1592.

[14] The Constitutional Tribunal's judgments of: November 10, 1998, case No. K 39/97, June 14, 2000, case No.P. 3/2000 (Dz.U.No. 50, item 600), April 10, 2002, case No.K. 26/00

on the act of 2006 merged the INR's entitlements and competences with lustration proceedings and the dissolution of the Lustration Court (operating since 1999) and the office of the Public Interest Spokesman (PIS).

The Constitutional Tribunal's judgment of May 11, 2007, case No. K 2/07[15] had a significant influence on the current form of lustration proceedings, as it led to the amendment of September 7, 2007 of the lustration act[16]. The act's content has been amended many times. That is why the Marshal of the Sejm of the Republic of Poland made an announcement of November 18, 2020, on issuing a uniform text of the Act on Disclosure of Information about Documents of State Security Bodies from the Years 1944–1990 and the Content of these Documents[17].

Lustration employs verifying persons by definition. Disclosing the content of files bears characteristics of lustration, but, in principle, the revealed documents usually are not verified. That is why institutionalized actions depending on verification are important. Such actions cause specific legal consequences for a lustrated person, directly influencing her legal situation. At the same time, as official activities, they should enjoy recognition by society.

Regarding criteria for lustration, it should be stressed that since the amendment of 2007, the authenticity of the lustration statement again became the basic criterion. Thus, it is the dominant one since 1997 up to the present day. The secondary criterion was introduced in 2007 – a fact of working in the structures of the Polish People's Republic (creating public officials' catalogs by the INR).

Until 1997, the only sanction was disclosing information about the fact of collaboration with the services of the Communist regime. The act of 2006, after the amendment of 2007, assumes a punishment of losing civil rights for 3 to 10 years for making a false lustration statement. Moreover, it makes it

(Dz.U.No. 56, item 517), June 19, 2002, case No.K. 11.02 (Dz.U.No. 84, item 765), March 5, 2003, case No. K 7/01 (Dz.U.No. 44, item 390), May 28, 2003, case No. K 44/02 (Dz.U.No. 99, item 921).

[15] Dz.U.No. 85, item 571.

[16] Act of September 7, 2007 changing the Act on Disclosure of Information about Documents of State Security Bodies from the Years 1944–1990 and the Content of these Documents (Dz.U.No. 165, item 1171).

[17] Dz.U. 2020, item 2141.

possible to disclose in the catalog other information about the regime's cooperatives and employees.

From 1997 to 2006, lustration was judicial, as it was made according to criminal procedures and by prosecutors (PIS) bringing cases to independent courts[18]. The current model assumes two-fold proceedings, as the court case is subject to criminal procedure (an accuser is an INR's prosecutor) while creating catalogs is an administrative one though not subjected to any codification[19].

The main factors determining Polish vetting solutions were: judicial decisions, particularly of the Constitutional Tribunal, a current political situation, considering the political distribution in the parliament, and the society's influence on the ultimate form of lustration.

We can distinguish three periods in the history of lustrations in Poland. The first was between the Legislative Sejm and the adoption of the lustration act of April 11, 1997. It is characterized by the lack of an institutionalized model of lustration. The second period started with the adoption of the act of April 11, 1997, and lasted until the amendment of February 14, 2007. Then, there was one institutionalized form of lustration. Finally, the third period lasted from the amendment of the act of February 14, 2007, to the present day. Its essential feature is that it has two parallel lustration procedures. The dominant one is the procedure based on verifying lustration statements; and the secondary – the verification of persons in terms of their work within the security structures based on an entry to a respective catalog led by the INR[20].

II.

The presumption of innocence consisted in Art. 42 par. 3 of the Constitution of the Republic of Poland is a constitutional principle[21]. It is a key element

[18] M. Krotoszyński, *Lustracja w Polsce w świetle modeli sprawiedliwości okresu tranzycji*, Warsaw 2014, p. 129.

[19] J. Morwiński, *Opinia prawna w sprawie projektu ustawy o zmianie ustawy o ujawnianiu informacji o dokumentach organów bezpieczeństwa państwa z lat 1944–1990 oraz treści tych dokumentów*, [in:] *Lustracja – projekt nowelizacji. Druk sejmowy 1258*, Warsaw 2007, pp. 7–12.

[20] M. Krotoszyński, *Lustracja w Polsce w świetle…*, pp. 132–133.

[21] W. Skrzydło, *Komentarz do art. 42 ust. 3 Konstytucji*, [in:] *Konstytucja Rzeczypospolitej Polskiej – Komentarz*, Warsaw 2013, pp. 53–54.

outlining a citizen's position in society and his relations to the authorities. It guarantees proper treatment, particularly in case of suspicion of committing a crime. Furthermore, the constitutional principle of the presumption of innocence is strictly related to corporal integrity provided by Art. 30 of the Constitution of the Republic of Poland, and the protection of dignity and freedom, also perceived as innate and indispensable goods. That is why if someone is suspected of committing a crime, then it needs to be proven. In other words – it has to be convincingly demonstrated before a body of public authority[22].

In the decision of November 4, the Court of Appeals in Szczecin stated that "without reliably conducted lustration's preparatory proceeding, there can be no consequence in the form of the adversarial of a lustration process". The Court of Appeals quoted the fragment of the Constitutional Tribunal's judgment justification of November 10, 1998 to support its position[23]. According to the citation, "art. 19[24] of the act includes an injunction of the respective implementation of the Code of Criminal Procedure's provisions[25]. It results in providing a lustrated person with all proceedings' guarantees, such as using *in dubio pro reo* principle – explaining irremovable doubts for the benefit of a lustrated person or her right to defense. Among the procedural guarantees, the principle of the presumption of innocence (Art. 5 § 1 k.p.k.) plays a crucial role. For lustration proceedings, it is interpreted as a presumption of the authenticity of statements in all stages of the procedure, starting from a case before the Public Interest Spokesman, going through a case before the court of appeals, and ending with a cassation procedure. It shall be added that the principle of the presumption of innocence has a constitutional rank (Art. 42 par. 3 of the Constitution), and that is why it is a fixed standard of the state of the law in terms of protecting individual's freedom and rights"[26].

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[22] P. Wiliński, P. Karlik, *Komentarz do art. 42 ust.3 Konstytucji*, [in:] *Konstytucja RP, Tom I. Komentarz art. 1–86*, eds. M. Safjan, L. Bosek, Warsaw 2016, p. 1061.

[23] The Constitutional Tribunal's judgment of November 10, 1998, case No. K 39/97; OTK 1998/6/99.

[24] In lustration proceedings, including appealing or nullifying, in the scope unregulated by the provisions of this act there are executed respective rules of the Code of Criminal Procedure.

[25] Act of June 6, 1997 – Code of Criminal Procedure (Dz.U.No. 89 item 555 with amendments).

[26] Decision of the Court of Appeals in Szczecin of November 4, 2009, II AKz 341/09.

This paper characterizes a procedural lustration based on the proceedings in the case of Kazimierz Kujda, registered in December 1979 by a public official Tadeusz Wielgórski as a "t.w." (a secret collaborate) in KW MO (Province Command of Citizen's Militia) in Siedlce.

III.

On February 7, 2019, after receiving information about recognizing him as the Security Service's secret collaborator, Kazimierz Kujda sent a statement on this case to the Polish Press Agency, "Rzeczpospolita", TVP, and "Gazeta Wyborcza"[27]. Moreover, he immediately asked for recalling him from all functions and asked the Lustration Bureau (BL) in Warsaw for making a lustration in his case, justifying his action with words: "if I made mistakes in the pasts, then I would like to make necessary steps right now"[28]. The director of the Lustration bureau answered him on February 11 by a letter, in which he informed him that an application was submitted to the respective regional court, and asked for immediate filling a form and sending to the court a lustration statement drawn up according to a specified pattern[29].

After filling the form, on the sitting of the Regional Court VIII Criminal Division in Warsaw, it decided to initiate lustration proceedings to verify the truthfulness of the lustration statement submitted by the applicant[30]. Then, following the procedure, the Court conveyed K. Kujda's lustration statement to the Lustration Bureau of the Institute of National Remembrance to prepare a lustration proceeding and declare its position in the subject matter[31]. A preparatory proceeding was conducted by a Local Chapter of the Legislation Bureau in Warsaw and summa-

[27] Copy of the statement is in the author's archive.

[28] *K. Kujda, [Do] Jarosław Skrok, Dyrektor BL IPN, Warsaw 8 lutego 2019 r.,* [in:] *Akta lustracyjne Kazimierza Kujdy*, SO VIII K 33/19, c. 9.

[29] *Jarosław Skrok, Dyrektor BL IPN, [Do] K. Kujda, Warsaw 11 lutego 2019 r.,* [in:] *Akta lustracyjne…*, c. 8.

[30] *Akta lustracyjne…*, c. 11.

[31] *Postanowienie SO VIII K, Warsaw 2 kwietnia 2019 r.,* [in:] *Akta lustracyjne…*, c. 31.

rized by a prosecutor's opinion, according to which K. Kujda made a false lustration statement[32].

Despite precising regulations for lustration proceedings, the definition of "collaboration" has not changed since 2006, i.e., from adopting the new act and its amendment in 2007. Under art 3a of the act, a collaboration is "conscious and secret cooperation with operational or investigative links of the state security services as a secret informer or helper in the operational acquisition of information", and actions resulting from service or having a specific function or office if they involved providing information "intended to infringe freedom and rights of citizens".

The act has formulated the definition to reach cooperation with all security institutions in the milieu of the Polish People's Republic. Assumingly, the lawmaker intended to include actual cooperation, not just the "registered" one. However, conducting a just lustration proceeding requires not alienating oneself from the operationism of specific security institutions. Based on such constructed definition, without legal clarification considering the mentioned condition, it leads to the risk of harming genuinely innocent people. Unfortunately, that statement is not hypothetic.

The analysis of materials related to the lustration of K. Kujda implies the following conclusions. The basic criterion for settling the nature of an actual relation of a lustrated person to the Security Service, including K. Kujda, should be the definition of "t.w." taken from the SS's guidelines of 1970: "Secret collaborates – persons intentionally recruited for cooperation with the Security Service and executing tasks for preventing, recognizing, and detecting opposing activities"[33]. The definition, a chapter on secret collaborates (§ 10 – § 17), and 51 guidelines are crucial for the appropriate verification of actual secret collaborates. Of course, an INR's prosecutor is not legally obliged to respect it. However, denying the definition coined by the Security Service and its instruments crosses out in advance a possibility for making an accurate prosecutor's opinion in non-typical cases – at the very stage of the pre-

[32] *Stanowisko Prokuratora Oddziałowego Piotra Dąbrowskiego, Warsaw 28 październik 2020 r.,* [in:] *Akta lustracyjne…*, c. 49–127.

[33] *Instrukcja o pracy operacyjnej Służby Bezpieczeństwa resortu spraw wewnętrznych, Warsaw 1 lutego 1970 r.,* [in:] *Instrukcje pracy operacyjnej aparatu bezpieczeństwa (1945–1989)*, ed. T. Ruzikowski, Warsaw 2004, pp. 123-139.

paratory proceeding, including collecting data and interpreting the Security Service's documents.

Also, I would like to draw attention to interference in document properties at the time of their making by the Security Service[34], simulating authenticity in fieldnotes made by a "leading" officer (Tadeusz Wielgórski[35] in this case), and creating even false narratives. Let us see a sheer example of simulating the authenticity of the operational situation: "During the recruitment interview, the candidate made a handwritten declaration for cooperation with the Security Service and confirmed it with his signature. He will sign information provided on paper with his codename »Ryszard«"[36]. In reality, the mentioned Kazimierz Kujda's declaration sounds different: "I consent to establish a dialogue with an agent of the Security Service"[37]. Independently of how the agent and his supervisors in Siedlce qualified the statement, objectively, it does not meet a criterion of commitment to cooperation. In the criminal procedure, strictness applies, and doubts are interpreted for the benefit of the defendant. In my opinion, K. Kujda's statement is not a basis for procedural stating that in the moment of registration, he became the secret collaborate of the Security Service, not mentioning the way of acquiring the statement by the agent.

The credibility of the agent's paper enunciations on the codename "Ryszard" denounce two t.w. files because no document made by K. Kujda was signed with this nickname. Assigning a codename, also for the candidate, without his knowledge and agreement was obligatory during the registration in the category of t.w. Codenames usually took the form of a name, and, sometimes, a letter (e.g., "M"), a number (e.g., 44582), or a combination of both (e.g., X-61).

In my opinion, most notes made by the Security Service's agent in the working file of t.w. "Ryszard" include fictional content[38]. They were created beyond any official and direct control, which is visible in the handwritten properties

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[34] *Teczka personalna t.w. „Ryszard", dot. Kazimierz Kujda*, AIPN BU Z505/1, t. 1, e.g., c. 3; 66–67; 69; 70–72.

[35] At first, Tadeusz Wielgórski was appointed for investigating Kazimierz Kujda, and later, registered him as a secret collaborate during an internship at the Investigations Division of the Province Command of Citizen's Militia in Siedlce, see.: *Akta personalne funkcjonariusza SB; Wielgórski Tadeusz Ignacy*, AIPN Lu 0344/34, c. 147.

[36] *Teczka pracy…*, c. 16.

[37] Ibidem, c. 76.

[38] *Teczka pracy t.w. „Ryszard", dot. Kazimierz Kujda*, AIPN BU Z505/1, t. 2.

of the documentation. That is why I find calling the Security Service's former agents for witnesses (who often were leading officers) inappropriate and often leading to the obscuration of the matter and the distortion of the facts.

Other types of virtual creation in the documents of the Security Service may be identified by a diligent comparative analysis of t.w. "Ryszard"'s files and other archival units. For instance, an objective reason for deregistering Kazimierz Kujda from the records of the Security Service on July 20, 1987, may be discovered based on at least partial familiarity with the service's euphemisms. Using them, the agent created a justification[39], based mainly on the personal case of a secret collaborator, codename "Ryszard". Due to the positive outcome of recruitment of July 16, 1987 for one-year post-graduate studies at the Department I of the Ministry of Interior, on July 28, the agent was officially transferred to the disposition of the staff of Dep. MoI[40]. Before that day, he had to pass his duties. Because K. Kujda was not even a "paper secret collaborator", he did not classify for transferring to another agent. Were if not for this circumstance, K. Kujda, as a "dead soul", probably would survive in the evidence of the "C" operating division until the dissolution of the Security Service – just to improve statistics of an agent and the Department II of the Province Command of Citizen's Militia in Siedlce.

Another conclusion drawn from the analysis of the documentation on the lustrated case concerns an arbitrary approach to documents and an overbearing treatment of witnesses as evidence in the court case. In scientific studies, each document or witness is important. That is why another interference was prosecutor Piotr Dąbrowski's non-inclusion of the key document: the file "Object Case" (pl. *Sprawa Obiektowa, SO*) codename "*Turysta*" (550 cards) to evidence, and argument that it does not mention K. Kujda[41]. Why do I claim that the evidence should include the file SO "*Turysta*"? First of all, K. Kujda was nominally acquired as a secret collaborator for its realization[42]. Second, this archival unit neither contains any denunciation delivered by t.w. "Ryszard" nor mention about him as an information source in the whole pe-

[39] *Teczka pracy…*, t. 1, c. 100–103 (particularly c. 101); 104.

[40] AIPN Lu 0344/34, c. 181.

[41] Decision on dismissing motion for evidence, Warsaw, October 28, 2020 (SO VIII K 33/19, c. 1567–1570).

[42] *Teczka pracy…*, t. 1, c. 13; 15; 78–79; 101.

riod of his registration (1979–1987)![43] Therefore, the lack of data on K. Kujda in the document under question works for the benefit of the lustrated person. Third, SO "Turysta" contains data significant for reconstructing circumstances of his "experimental" registration.

Summarizing the case study of Kazimierz Kujda's procedural lustration, it can be stated that documents confirm accidental and rare contacts with the Security Service in the spirit of the so-called operational dialogue (December 1979 – July 1981; April 1983), but not actual cooperation with this institution of the Polish People's Republic. Unfortunately, the presented shortcomings of the lustration act and handicaps in preparatory proceedings led the INR prosecutor to the opposite conclusion.

IV.

Hitherto settlements with the Communist past prove that our political-legal system and Constitution lack bases for strict action within that scope[44]. Meanwhile, moving around within the framework of the current legal order, the model of lustration proceeding should be modified, so it could truly follow the provisions of the current Constitution; particularly in the context of the principle of the democratic rule of law and the right to a due process, hearing, defense, and the presumption of innocence as ones of the fundamental rights of each human and citizen[45].

In the actual lustration model *de facto* there are two sides of the coin. There is a lustrated person on the first side, and on the other, there are a prosecutor and a court. I think that adding the verification of lustration statements to the criminal law on the path of public accusation was a mistake. Thus, the initial verification should be separated from any court procedure and transferred to lustration bureaus of the Institute of National Remembrance that

[43] *Sprawa Obiektowa krypt. „Turysta" 1976–1988*, AIPN Lu 0420/71, t. 1 i 2.

[44] A. Napiórkowska, *Lustracja „po polsku"*, "Polski Rocznik Praw Człowieka i Prawa Humanitarnego" 2011, No. 2.

[45] K. Machowicz, *Ochrona praw człowieka w Rzeczypospolitej Polskiej na tle standardów europejskich*, Lublin 2009, p. 57; B. Gronowska, T. Jasudowicz, M. Balcerzak, M. Lubiszewski, R. Mizerski, *Prawa człowieka i ich ochrona*, Toruń 2005, p. 277.

will analyze them within an administrative course with the help of historians or employees of historical departments. A verification procedure would end with an administrative decision, and a lustrated person would have the right to appeal – for instance, to a specialized criminal department of the court (which would guarantee higher efficiency). In the proposed model, the court's placement is right – it is between the parties: a lustrated person and a lustration bureau.

Another *de lege lata* postulate is to exclude the admissibility of evoking evidence in the form of testimonies made by the Security Service's former employees. They should be consulted only in exceptional cases at the level of administrative proceedings, but excluding those who were in any relation (secret, official, indirect, or other) with a lustrated person. It is also justified to precise the legal definition of cooperation and oblige courts to an individualized law interpretation (*in concreto*) during proceedings; to interpret the official definition through the prism of instructions and guidelines given by a specific department of the Security Service.

I believe that only precising lustration proceedings and their means and making them coherent with the principle of the democratic state of law (Art. 2 of the Constitution of the Republic of Poland) will make vetting a mechanism protecting democracy against people who could exercise power contrary to the state principles based on the rule of law[46]. Lustration cannot be a tool used for revenge or achieving social and political goals. Besides, an investigated person should be provided with the presumption of innocence until proven guilty and the right to appeal to the court[47].

The main aim of vetting vanishes because of constant disputes between the mechanism's opponents and proponents. A task of lustration is to reveal a person's cooperation or work for the state security service in 1944–1990 or establish that the person did not cooperate or work for these services. That is why it is crucial to focus on the sole fact of activity or collaboration, not a person's lie. According to the lustration act of 2006, the activity of collaboration itself does not exclude a possibility of performing public functions

[46] Point 12 of Resolution No. 1096 (1996) of the Parliamentary Assembly of the Council of Europe adopted on June 28, 1996.

[47] The Constitutional Tribunal's judgment of May 11, 2007, case No. K 2/07 (Dz.U.No. 85, item 571).

while making a false statement – does it[48]. Thus, the constitutional principle of proportionality should be implemented, as indicated by the Constitutional Tribunal in its judgment of 2007.

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[48] A. Gaberle, *Postępowanie lustracyjne – dylematy i niejasności*, "Przegląd Sądowy" 2001, No. 10, p. 4.