

Summary of doctoral thesis written under the supervision of prof. dr hab. Jacek Giezek

“Small crown witness” in terms related to substantive law and procedure

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Thesis takes up crucial issues related to “small crown witness”. The author makes critical analysis of interpretational doubts connected with terms included in art. 60 § 3 of the Polish Criminal Code and compares prerequisites of obligatory extraordinary mitigation of punishment to terms included in other provisions, which regulate institutions similar to “small crown witness”. The author also proposes desired changes in art. 60 § 3 of the Polish Criminal Code (*de lege ferenda*), leading to complete elimination or - at least - serious limitation of interpretational doubts related to practical application of art. 60 § 3 of the Polish Criminal Code.

Thesis presents historical origin and development of institutions related to modification of criminal liability, with particular consideration of extraordinary mitigation of punishment. Here, author analyses legislation of invading countries and legal provisions in Poland connected with the years 1918-1932, as well as provisions of Polish Criminal Codes of the year 1932, 1969 and 1997. The author compares aforementioned regulations related to modification of criminal liability to provisions currently in force, especially to art. 60 § 3 of the Polish Criminal Code. Thesis also includes general description of extraordinary mitigation of punishment, which constitutes introduction to detailed analysis of terms included in art. 60 § 3 of the Polish Criminal Code. This part of thesis also includes the analysis of statutory provisions related to criminal sanctions. Apart from that, the author presents other institutions connected with “mitigating” punishment, i.e. conditional suspension of the performance of punishment and withdrawal from imposing a punishment, included in the Polish Criminal Code and also related to art. 60 § 3 (as one of the benefits - apart from obligatory extraordinary mitigation of punishment - stipulated for “small crown witness”). The author compares prerequisites related to the aforementioned institutions to terms and benefits included in art. 60 § 3 of the Polish Criminal Code. The largest part of thesis is connected with detailed comparison between art. 60 § 3 and other provisions (included in the Polish Criminal Code as well as in other acts), which regulate institutions similar to “small crown witness”, such as provisions related to corruption and regulations included in the Crown Witness Act of 25th June 1997 (Journal of Laws 1997, No 114, item 738 and later

amendments). In two separate chapters author analyses institution of “crown witness *in altera causa*” and compares it to “small crown witness”, in reference to fighting against organized crime.

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