

The authorities vs. the citizens. ‘In the crosshairs’ namely SLAPP Polish-style

A report on OKO.press’s and the Rafto Foundation’s ‘In the crosshairs’ project, conducted from May to December 2021

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Conclusions

- 1. After 2015, the Polish authorities have been using the tools of legal pressure on a massive scale to discourage citizens from public activity and from holding protests.**
- 2. Huge state resources are committed to this – civil actions for large amounts are only one of the means of harassment. Police coercion, as well as petty, groundless and stretched but tiring proceedings from the Misdemeanour Code prevail. A hate campaign from the pro-government media and online is also a tool of pressure.**
- 3. This is how the authorities are trying not only to stop activists, but to eliminate the most important topics – from the rule of law to women’s and LGBT+ rights – from the public debate.**
- 4. Civil resistance against these practices primarily involves sharing legal knowledge and supporting each other. A legal network of pro bono support for activists who are being attacked is of tremendous importance. As is the possibility of organizing collections for legal aid and court fees.**
- 5. Writing up the procedure of applying pressure, allowing people to speak and recording their experiences are also forms of defence. Journalists in Poland are doing this – this OKO.press report is a small part of that work.**

SLAPPs - Strategic Lawsuit Against Public Participation – are widespread world-wide. They generally involve civil lawsuits for large sums of money, while the objective is not to win in

court but to get the entity under attack to stop its activity.¹ Such activities are usually conducted by business, especially big business, while the targets of the attacks are journalists or the media.

It appears to be different in Poland. Our report is an attempt to diagnose what 'SLAPP in Polish' involves under the populist right-wing government (2015–2021). This is because there is a different initiator of SLAPPs, a different objective of activities, and different, much broader, methods of operation to silence undesirable activity.

We use the term 'in the crosshairs' to emphasize the differences. It should be emphasized at the outset that this refers to the 'crosshairs' of the political authorities and their related organizations and circles. Individuals and entire groups who actively oppose and/or criticize the actions of the authorities are in the 'crosshairs' (the activists we spoke to emphasize their identity and categorically disagree with being referred to as 'victims' of an attack by the authorities – they are the object of the attack, and therefore precisely 'in the crosshairs').

Since June 2021, within the 'in the crosshairs' project, OKO.press, supported by the Rafto Foundation, has been interviewing people harassed by the authorities and has been collecting information on the proceedings pending against them.

This report is based on 21 interviews with activists and lawyers, as well as discussions with activists, including in courts and at police stations (not only with the accused and charged, but also with those who came to demonstrate their support).

This is a small sample given the scale of repression to which activists are subjected in Poland. However, it enables the recreation of the mechanism of pressure and the demonstration of the scheme used by the authorities. While conducting the project, we found evidence that politicians from the ruling party are also initiators of such actions.

Bearing in mind the public interest, we have not dealt with the issues of journalists – assuming that, in most cases, they have appropriate support in their editorial offices, as well as natural 'publicity'. We followed in the footsteps of the activists who may be facing attacks on their own. We found out how 'soft' pressure ruins the lives of people had not previously had any trouble with the law. We noted what public resources it uses and how it turns bystanders into accomplices of the authorities.

The cost that a country with a relatively low level of public trust, such as Poland, pays for this type of SLAPP is enormous. Many people have indeed withdrawn from public activity. However, those who stayed are becoming more resilient, forming strong bonds with people of similar experiences and a network of mutual support.

¹ See the report named 'The Use of SLAPPs to Silence Journalists, NGOs and Civil Society' [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/694782/IPOL_STU\(2021\)694782_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/694782/IPOL_STU(2021)694782_EN.pdf)

Will fear and fatigue, or stubborn action prevail? We do not know this yet. It seems that simply documenting the practice of placing someone 'in the crosshairs' (SLAPP in Polish) could strengthen the defensive reflexes of the civic society. This is because it turns an individual experience into a common story. It teaches how to defend oneself and gives this experience meaning and significance.

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The state at war with its citizens, namely SLAPP in Polish

Adam Bodnar, former Ombudsman and Chairman of the Advisory Council of our SLAPP monitoring project, said: *'The authorities are effectively using the so-called discriminatory legalism. If you are a friend of theirs, the state apparatus will be lenient, if you are an opponent – they will put you in their crosshairs. Our role in this is to expose the scale and forms of harassment of activists. And to defend them, not only in the courts.'*²

The material gathered during the project enables us to primarily show what putting people 'in their crosshairs' involves and how it differs from a 'classic' SLAPP.

SLAPPs generally involve civil lawsuits for large sums of money against the media. However, a feature of the 'In the crosshairs' operation is that all the tools at the State's disposal – as Jan Werner Mueller³ calls it 'electoral autocracy' – are used against activists, namely the police, prosecutors, government and government-supported media.

Just to reiterate: in today's Poland, the initiators of SLAPP are not business or influential organizations, but primarily the politicized state, its agencies and organizations cooperating with it.⁴

We suspect that, based on the material gathered, the system of such state harassment took shape somewhere around 2017, two years after the Law and Justice (PiS) party won the parliamentary and presidential elections. It was then that the cases of the individuals we spoke to started, even though these individuals had been publicly active since 2015.

State harassment is an archaic phenomenon from a Western point of view – liberal democracies are no longer aware of it and focus on countering SLAPP-type attacks by powerful businessmen and corporations. This 'archaic' system, which is currently being developed in Poland, combines classic SLAPP-type attacks with media and police harassment.

One complements the other and, overall, this is a powerful machine for applying pressure.

- Civil actions for huge damages are being filed against opinion leaders. Such attacks are carried out by institutions and organizations related to the authorities. **But this is**

² Interview with Adam Bodnar <https://oko.press/bodnar-wladza-chce-im-zamknac-usta-tyle-i-az-tyle-chcemy-opisac-i-bronic-osoby-na-celowniku>

³ 'Democracy' Still Matters', <https://www.nytimes.com/2018/04/05/opinion/hungary-viktor-orban-populism.html>

⁴ Poland is falling into autocracy faster than any other country in the world. We have the latest international report, OKO.press, 12 March 2021, <https://oko.press/polska-stacza-sie-w-autokracje-najszybciej-na-swiecie-mamy-najnowszy-miedzynarodowy-raport/>

a kind of VIP version of harassment. Such cases involve people who reasonably frequently already have a lot of social support, so the pressure on them has to grow in order to possibly change something.

- For the majority of citizens, those who have been involved in public activity, it is only now that **there is an ‘economy class’ offering:** hate speech in the media and online, questioning, small court cases, petty harassment (such as checking whether a child taking part in a civic protest is a victim of ‘demoralization’ in the family).⁵

From the point of view of the activists who have found themselves ‘in the crosshairs’, this manifests itself in the fact that few people are able to list all the forms of harassment to which they are subjected.

- Ordo Iuris, the ultra-conservative legal think tank, has filed a libel case against the leader of the All-Poland Women’s Strike (Ogólnopolski Strajk Kobiet, OSK), Marta Lempart, but she simultaneously has a criminal case pending for the women’s protests (the pretext is the law on spreading infectious disease) and a plethora of misdemeanour cases.
- Prosecutor Katarzyna Kwiatkowska, head of the Lex Super Omnia association of independent prosecutors, was sued for defamation by the National Prosecutor’s Office (this was for an interview in an opinion-forming newspaper), but, in addition, she was transferred as punishment several hundred kilometres from her place of work to date and the place of her residence.
- Internationally renowned constitutionalist, Professor Wojciech Sadurski, has two civil cases – filed by PiS and by TVP (he won them, but the prosecutor may file a cassation complaint with the Supreme Court) and, in addition to these, proceedings are being conducted at the university, he is being summoned to the police in private prosecution cases; he also has a criminal case with TVP.⁶

⁵ account by an observer of the court case against Małgorzata from Limanowa <https://oko.press/sprawa-o-protesty-kobiet-w-limanowej-ostatecznie-umorzona/>

⁶ Professor Sadurski presents the details on Verfassungsblog on 30 November 2021: ‘A Blatant Attack on Free Media’, <https://verfassungsblog.de/a-blatant-attack-on-free-media/>

Eight features of the system of putting people ‘in the crosshairs’

What the ‘crosshairs’ have in common with the classic SLAPP is that the objective of the attack is not to prove a point, but to torment the ‘counter-party’. The harassment machine set up by the authorities has several distinct features.

Let us try to list them and then look at each of these features individually.

- I. The operation of putting someone ‘in the crosshairs’ is an attack on **the whole of the civic society**. The objective is to discourage citizens from public activity, namely to create a so-called chilling effect *en masse* rather than individually.
- II. The OBJECTIVE is to **rule out entire topics** from the public debate (the rule of law and court cases, women’s and minority rights, as well as education, the vision of the community, the treatment of migrants, etc.).
- III. The operation of putting people ‘in the crosshairs’ most probably starts after the receipt of **instructions from the senior levels of government** – such an instruction may apply to either specific individuals or whole groups of activists. Activists frequently tell us that they have the impression that someone ‘pushed a button’ in their case at some point. Police officers sometimes tell them that they have to intervene because they have been ‘ordered’ to do so.
- IV. When putting someone ‘in the crosshairs’, the State does not care about the costs. The attackers commit **large financial and human resources** in proceedings against activists (they do not engage one law firm – they hire the ‘whole state’).
- V. The allegations made against people are often **exaggerated, stretched or untrue**, because activists try to respect the law and even if they sometimes break the rules, they do so in a way that can be justified in court.
- VI. **The allegations are escalating**: actions by the representatives of the prosecutor’s office or the police, which were unthinkable as recently as 2017, are already becoming the norm in 2018.
- VII. The attack using the police and courts is often complemented by a **media attack** – using the government TV and radio, as well as right-wing pro-government media. Online attacks often have the characteristics of organized, paid hate campaigns. Social media trolls are also starting to operate. Information from state records is used for the attacks.

- VIII. An element of SLAPP in Poland is police brutality. This is not a result of poorer training or mistakes at a lower level of command – it has the explicit permission/recommendation ‘from above’.⁷

⁷ instruction from the Chief Police Commander in the autumn of 2020 <https://www.rp.pl/inne-sluzby/art8776801-komendant-glowny-policji-protesty-nie-dzialamy-miekkio>

I. Attack on the whole of the civic society

When analysing the operations of putting people ‘in the crosshairs’, it should be borne in mind that this is one of many tools for destroying the public debate that the authorities in Poland have at their disposal today.

Closure of the space for debate

The Polish public media have become the **government media** since 2015, with TVP being managed by a prominent PiS politician. Independent media are being attacked (including with classic SLAPPs), the authorities are also threatening to use legal regulations (Lex TVN,⁸ namely an attempt to revoke a popular independent TV station’s licence).

The right to assemble has been severely curtailed – first through the introduction of a category of special assemblies lavished by the authorities (namely ‘cyclical’ assemblies⁹) and then, during the Covid-19 pandemic, by government bans on assemblies that the police enforced despite the dubious legal grounds (this was regularly pointed out by the Polish courts¹⁰).

Parliamentary debates have also been severely curtailed in Poland. Bills are not subjected to consultation and can be passed in just a few hours, while MPs only have one minute to speak in a plenary debate.¹¹

Education, understood as a process of forming active citizens, critical thinkers, ready to debate and to monitor the authorities, **is being destroyed**. When reorganizing the education system, the ruling party has changed school curricula to promote a nationalist, one-dimensional vision of the community.¹² Now, the ruling party is trying to change the law so that it is not the parents and the local community but the minister of education and his officials who make decisions on school life.¹³ They are undermining the position of the principal to limit the autonomy of the school and take control over, among other things, the choice of social organizations operating at the school.

⁸ In 2021, the ruling majority tried to change the Broadcasting Act in order to force the U.S. owner of the shares in the largest independent commercial TV station, TVN, to sell its shares under the threat of losing its broadcasting licence, <https://oko.press/koniec-lex-tvn-sprawdzamy-co-bedzie-dalej/>

⁹ Namely those that take priority over others, and this is for three whole years; this will be discussed later in the report

¹⁰ Information on the Supreme Court’s judgment on assemblies during the pandemic: <https://bip.brpo.gov.pl/pl/content/rzad-nie-mogl-zakazac-zgromadzen-w-pandemii-wyrok-sn-po-kasacji-rpo>

¹¹ <https://bip.brpo.gov.pl/pl/content/panel/sesja-30KPO-udzial-spoleczenstwa-w-procesie-legislacyjnym>

¹² See: ‘Deformation of education. The new Polish language core curriculum will take the school back to the middle of the 20th century’ <https://oko.press/podstawa-programowa-polskiego-cofnie-szkole/>

¹³ The bill called ‘Lex Czarnek’ was submitted to the Sejm in December 2021; more on this can be found here: <https://oko.press/lex-czarnek-i-lex-wojcik-trafi-do-sejmu-projekty-maja-zdlawic-edukacje/>

Z komentarzem [RW1]: Coś brakowało w przypisie. Dodałem kilka słów – zaznaczone na żółto w przypisie, które uważałem, że pominięto.

The significance of civic protests

Speaking up in public areas: online and in the street – has therefore become an even more important form of participation in public life than before. This is why attempts to push citizens out of this space and discourage them from speaking up are so threatening. The objective is to incite a chilling effect, just as in the case of classic SLAPPs.

Recalling the most important protests will make it easier to understand why the authorities are activating the apparatus of pressure and repression.

Public protests have slowed down the dismantling of the rule of law and the institutions of liberal democracy since 2015. They brought women's and minority rights, as well as climate and environmental issues to the attention of the public.

Protests in defence of the principles of the Constitution and the rule of law, in particular the independence of the **Constitutional Tribunal**, have been organized in Poland since the autumn of 2015.

Together with the ruling of the Court of Justice of the European Union, the protests in 2016 brought an end to the logging in the Białowieża Forest.

A huge wave of protests in **July 2017** briefly stopped the government's devastation of the judiciary.

In turn, the **2018 demonstrations** slowed down the **destruction of the Supreme Court**. After the protests, the judges submitted requests to the CJEU for preliminary rulings and later, in another case, the CJEU ordered Poland to revoke the regulations sending some of the Supreme Court judges on early retirement.

Likewise, in **2018**, the authorities gave way under civic pressure and stopped organizing the '**Smolensk marches**' of the government representatives.¹⁴ This was so because citizens were regularly protesting along the route of this march against the use of the memory of the victims of the tragic air crash for political hate campaigns.¹⁵

In the summer of 2020, people protested in defence of the rights of **LGBT+ people** who are being attacked by the authorities. The authorities use homophobia in the presidential

¹⁴ In order to commemorate the plane crash that killed the Polish President and brother of the PiS leader, Lech Kaczyński, and 96 other people on 10 April 2010 near Smolensk. The reasons for the crash were organizational errors and breaches of safety procedures on the part of the pilots and members of the government delegation.

¹⁵ The march started with a religious service and ended with a kind of political rally, at which PiS politicians, who have been in power since 2015, announced that the people who were 'guilty' would be held accountable for the alleged attack on the government airplane – the promotion of the theory of the attack contributed to PiS's election victory in 2015.

election campaign, when the opposition leader seems to be overtaking the incumbent president in the polls.¹⁶

The biggest wave of protests since 1989 flooded the country in **the autumn and winter of 2020/21**, following the verdict of the puppet, incorrectly staffed **Constitutional Tribunal**, which deprived women of the right to decide what to do with their pregnancy if the foetus is terminally ill or burdened with a severe and incurable defect.¹⁷

430,000 people (according to police estimates alone) took to the streets in over 400 towns and cities in the first wave of protests.¹⁸ Angry and desperate people broke the rules of political correctness. They chanted 'Screw PiS' (Polish: *Jebać PiS*) (in the polite version written as ***** ***) and 'Fuck off'. The banners featured witty and poignant wordplay.¹⁹

A women's activist, Anka from Przemyśl, a town 400 km southeast of Warsaw, says about the women's protest: *'We came and the market place was empty. As usual [at demonstrations]. And people suddenly appeared, as if from under the ground. We thought it was impossible that everyone was going to the protest. But they were.'*

These protests achieved nothing in the short term – women have had their right to choose completely taken away from them, while the state has failed to fulfil its promises to support women facing the prospect of foetal death or giving birth to a seriously ill child (so Polish women continue to have abortions, but with the use of pharmacological methods, at home, in the abortion underground or in hospitals abroad). Pregnant women with severely abnormal foetuses do not receive assistance on time, because pregnancy can only be terminated after the foetus dies – which means the risk of sepsis for the mother.

¹⁶ The polls show that both candidates can count on around 50% of the votes in the second round of the election, and then the incumbent president, Andrzej Duda, says at a rally about LGBT people 'They are trying to tell us, ladies and gentlemen, that these are people, but this is simply ideology.' Meanwhile, a member of his campaign staff, Przemysław Czarnek (today the Minister of Education) announces 'let's stop listening to these idiocies about some human rights or equality,' PiS MP Przemysław Czarnek, Andrzej Duda's staff member, thundered on TVP. <https://oko.press/oni-nie-sa-rowni-normalnym-ludziom-brunatna-kampania-sztabu-dudy-przeciw-osobom-lgbt/>

Ultimately, President Duda wins the election by a narrow margin of 400,000 votes.

¹⁷ It should be remembered that, since 1993, Poland has had an extremely restrictive abortion law (abortion was only permitted in the case of a threat to the woman's health and life, a pregnancy resulting from a crime and serious defects of the foetus; with a break in 1997, when the premise of the woman's difficult situation actually applied for six months). The politicians (mostly men) called this solution a political 'compromise' (concluded with the heads of the Catholic Church). As a result, the embryopathological premise was the reason for 97–98% of all legal abortions every year (of which there were around 1,100 per year since 2017). However, extreme conservative politicians and activists called for a tightening of these laws and, since there was never a sufficient majority in parliament to do so, in 2020, the leader of the PiS party decided to take advantage the constitutional court that is subordinated to him to do so. This was at a time when the second wave of the Covid pandemic was increasing in strength and it could be assumed that people, fearing for their health, would not protest.

¹⁸ data: <https://warszawa.naszemiasto.pl/strajk-kobiet-w-calej-polsce-protestowalo-430-tys-osob/ar/c1-7972125>

¹⁹ examples in OKO.press reports: <https://oko.press/mowa-kobiecej-rewolucji-120-hasel-w-16-kategoriach/>

However, the 2020 protests were special, because this was the first time after the change in power in 2015 that young people were involved on such a scale. Some of them had already had experience of climate protests which were not beaten down by the authorities. Young people only started to experience trouble with the state when they became involved in the LGBT+ protests in the summer of 2020 and the women's protests in the autumn of 2020 (although they are now also being prosecuted by the police for climate activism).²⁰

Julia Landowska, a medical student from Gdańsk, says: *I was a normal student in 2020; I enjoyed my holidays, because studying medicine is hard work. I met up with friends. I didn't like what was happening in Poland. I went to demonstrations if there were any. But nothing more. The ruling of Przyłębska's Constitutional Tribunal shook us. Five of us got together. We made a huge banner at night with the notice 'Look after the pandemic, leave the right of choice to the women', 4.5 metres by 1.5 metres, and we went to the office of PiS MPs Sellin and Płażyński in Gdańsk. This was an act of desperation, and 4.5 metres was just to keep an appropriate distance from each other (three people were holding the banner). We wanted to protest for two days. But people came. We lasted 100 days together. We planned together and wrote in Facebook. Our banner was made of paper, so people started adding to it. The whole thing was eventually recorded.*²¹

The experience of the Women's Strike is therefore a generational experience. This is also because the scale of repression is the greatest here. It is difficult to say whether this was the intention, or whether it was simply that all the means and methods of pressure that the authorities have been applying since 2017 were focused on the protesters in 2020 and 2021.

Pushed out of the public space, citizens are making their voices heard online. This is where the bottom-up 'Free School' campaign, organized in 2021 by non-governmental organizations, was concentrated, which succeeded, at least for a few months, in slowing down the next attack of the authorities on schools (their ruthless subordination to ministerial officials). The campaign reached 32 million people;²² it appeared wherever young people spoke up – they too began to use the campaign's trademark, the red setsquare.

For many young activists, the defence of immigrants arriving from such countries as Iraq, Syria, Afghanistan and the African countries at the border with Belarus, whom the authorities – in breach of international humanitarian law, the Treaty on European Union and the Polish Constitution – violently push back to the border without accepting applications for international protection, become a lesson in involvement.

²⁰ report of the climate activist Piotr Starzewski <https://oko.press/matura-z-kodeksem-wykroczen-piotr-starzewski-na-celowniku/>

²¹ the quotes marked in this way are excerpts from interviews collected by OKO

²² information about the Free School campaign and its symbol, the red set square: <https://oko.press/czerwona-ekierka-kluje-w-oczy-czarnka-pokaz-ministrowi-jakiej-chcesz-szkoly/>

Environmentalists, doctors and rescue workers, as well as court employees have all been protesting. The authorities have frequently simply ignored them. Much of the harassment might not yet have come out into the open. It seems, however, that they focus on selected topics, so we are dealing not with state routine, but with intentional activity (more on this below).

The system of harassment kicks off at full steam in 2017?

For most activists we spoke to, state harassment only started in 2017, even though they had already been active for at least a year.

This does not mean that there was no repression before then – the Ombudsman’s 2017 report shows that ‘the scale of actions of the state’s coercive apparatus against people opposing the unconstitutional actions of the authorities, the felling of the trees in the Białowieża Forest and the public life in Poland becoming increasingly fascist (...) [constitute] more than 800–900 proceedings.’²³

Was 2017 therefore a breakthrough moment? Such a thesis could be raised on the basis of the materials gathered.

The actions of the authorities seemed to be conducted somewhat blindly earlier. This is also what our interviewees say about them. Why? Perhaps the ruling party, which came to power in 2015, was not prepared for civil protests? Did it believe it had a strong social mandate (38% of the votes in the 2015 elections translated into an absolute majority of seats in the Sejm)? Civic constitutional awareness was also taking shape by 2017 – for years, the 1997 Constitution was a document known mainly to lawyers; it was only the process of the destruction of democratic institutions that made a large proportion of the public aware of the importance of constitutional guarantees. Until 2017, the authorities could live in the belief that it was enough to neutralize the constitutional court to adopt the laws they wanted and rule without limitations. In 2017, it became clear that this was insufficient – something else was needed because of the strength of the public protests and the resistance of the judges.²⁴

That is why we believe an organized system of pressure on citizens only started in 2017. Since then, people have been put ‘in the crosshairs’ purposefully – because their fate is

²³ REPORT ON THE ACTIONS OF THE STATE COERCIVE APPARATUS with respect to people opposing the unconstitutional actions of the authorities, the felling of the Białowieża Forest and the increasing fascism of public life in Poland (as at 12 November 2017), [https://bip.brpo.gov.pl/sites/default/files/RAPORT_O_DZIAŁANIACH_APARATU_PRZYMUSU_PAŃSTWOWEGO_wobec_osób_sprzeciwiających_się_niekonstytucyjnym_działaniom_władzy_\(na_dzień_12_listopada_2017\).pdf](https://bip.brpo.gov.pl/sites/default/files/RAPORT_O_DZIAŁANIACH_APARATU_PRZYMUSU_PAŃSTWOWEGO_wobec_osób_sprzeciwiających_się_niekonstytucyjnym_działaniom_władzy_(na_dzień_12_listopada_2017).pdf)

²⁴ Ombudsman Adam Bodnar presented an analysis of the political changes and the public reaction to them at the end of his term of office in August 2020: <https://bip.brpo.gov.pl/pl/content/RPO-w-Senacie-o-stanie-praw-i-wolności-w-2020>;

English version: <https://bip.brpo.gov.pl/en/content/%E2%80%9Cpoland-different-country-2015%E2%80%9D-chr-delivers-address-senate-state-human-rights-summarizing-his-term>

meant to be a warning to others. It is supposed to create a chilling effect among the broadest possible circles.

Some of our interviewees found themselves ‘in the crosshairs’ because of specific activities (examples: Prosecutor Katarzyna Kwiatkowska, Professor Wojciech Sadurski, Bart Staszewski, Ewa Siedlecka and Elżbieta Podleśna), while others simply belonged to the group which the authorities put in the ‘crosshairs’ (young people: Piotr Starzewski, Laura Kwoczała, Julia Landowska, Nadia Kłos, as well as a group of activists from Przemyśl, a city in the south-eastern corner of Poland, Katarzyna Wappa, who are helping exhausted migrants in the forest on the eastern border). We also met people who were hurt unintentionally, only because the authorities decided for themselves they were allowed to do more – Anna Domańska had her arm broken by a policeman at a demonstration in Katowice – deliberately, but most probably by mistake (he could have meant to do this to someone else).²⁵

It is typical that, with time, the authorities started to attack for signs of activities, the legality of which had not previously been questioned.²⁶ This meant that the number of cases against activists is increasing – the courts are working slowly, often considering cases from several years earlier (the Covid regulations have extended the limitation periods), while the authorities are filing new cases because more and more things that the citizens are doing are starting to bother them.

Attorney Sylwia Gregorczyk-Abram says: *Activists, including very young people, are being taken to court en masse; proceedings are being initiated against the parents of protesting teenagers. The private and professional time of citizens is being restricted; they and their families are being burdened with financial, psychological and emotional costs.*²⁷

II. Forbidden topics

The fact that this is about an organized system of pressure is evidenced by the above fact that this pressure does not apply to everyone who protests against the actions of the authorities in some way. When the stories gathered are laid out on a timeline, it is noticeable that the repression of the authorities is focused on specific topics. As if someone considered them ‘unsuitable for the citizens’?

²⁵ Anna Domańska’s account: <https://oko.press/zeby-zostaly-slady-anna-domanska-na-celowniku/>

²⁶ This is told by Elżbieta Podleśna, Rebeliantki Przemyskie [Rebel Women from Przemyśl] (women protesting in a small town in the southern corner of Poland), but especially by young people, who are now being harassed most severely: Laura Kwoczała, Piotr Starzewski and Julia Landowska

²⁷ <https://oko.press/koniec-miekkiej-gry-nie-mozna-dopuszczic-zeby-wladza-była-bezkarna-na-celowniku/>

Forbidden topic no. 1 – the Smolensk cult

The authorities committed efforts and resources for the first time, which were disproportionate to the problem related to the Smolensk counter-meetings. As we have already written, every month, a parade of activists from the ruling party led by its leader marched through the centre of Warsaw. It started with a church service and ended with a political rally, slandering the opposition and the suggestion that it was the opposition who had organized the attack on the plane. People who protested against this exploitation of the memory of the victims of the tragic air accident in 2010 gathered along the route of the march. All of this took place in accordance with the right of peaceful assembly, which is written into the Constitution and the Act on Assemblies. But it was a problem for the authorities – the citizens had the opportunity to confront the leader of the ruling party, Jarosław Kaczyński, and whistle or drown out his ritual speech.

The authorities responded to this with a rapidly passed Act on the ‘cyclical assemblies’ mentioned above on 13 December 2016. It was supposed to give the Smolensk monthly gatherings protection and exclusivity. In conflict with the Constitution (which no longer mattered, because, at that very moment, the ruling party had taken full control of the Constitutional Tribunal), it banned the organization of counter-manifestations and other assemblies near the ‘cyclical’ assemblies, even if notice of them had been given and they had been registered earlier.

The Act, however, was defective and therefore ineffective in practice. The citizens continued to protest and state their case before the courts.²⁸

The defective Act, enacted in conflict with the principles of legislation and consultation, breaching important provisions of the Constitution, failed to satisfy the hopes of the authorities.²⁹ It failed to protect the leader of the ruling party from the discomfort of critical reactions of the citizens.

Since this problem could not be solved with an Act, other ways had to be found. The police first started to cordon off an entire quarter of the city so that the counter-protesters could not get there, after which they started to carry them away, detain them for hours on end, and finally charge them with obstructing a legal demonstration.

²⁸ In the case of the Smolensk monthly assemblies, the ban on counter-demonstrations did not effectively include assemblies organized in the simplified procedure (it turned out after the fact that, in this case, it would be the municipality that would have to issue the prohibition and not the voivod). It also allowed the extreme right wing to ‘annex’ urban space in Warsaw for three years for the Independence March on 11 November (therefore, on the centenary of Poland’s independence in 2018, the state authorities were unable to organize their manifestation, so they had to march with the nationalists).

²⁹ The Act was passed within a month, while the bill was processed as a members’ bill, so it did not go through the stage of consultation and agreements, which was obligatory for government submissions.
<https://www.sejm.gov.pl/sejm8.nsf/PrzebiegProc.xsp?nr=1044>

Marta Lempart, leader of the All-Poland Women’s Strike, said: *I lost count of my cases in 2019. A letter sometimes comes from the police, from the court, a year after the incident, sometimes just before the limitation period of the case expires, someone remembers it. And it sometimes happens immediately, after 3 months. The Żoliborz police are very effective here [the house of the Law and Justice party chairman, Jarosław Kaczyński, which is guarded by police cordons, is in Warsaw’s district of Żoliborz – ed].*

I had my first misdemeanour cases for Warsaw’s Smolensk counter-monthly-assemblies, and then for anti-fascist blockades in Wrocław against marches organized by Piotr Rybak and Jacek Międlar.

In 2018, the police are already wound up properly – one of the participants of the demonstrations was charged in March 2018 for shouting ‘Lech Wałęsa’ at Plac Zamkowy in Warsaw (this is about the former president and leader of ‘Solidarity’ in 1980–89, a critic of the current authorities).³⁰

Forbidden topic 2 – what should our patriotism be?

Another group attacked by the state is that of the people standing on the route of nationalist marches on national anniversaries and national holidays.

This is happening at the same time that the state is increasing its control over education and promoting its vision there of the nation as a community that has been wronged by foreigners, which suffered more than others, but won because of moral purity, love of the homeland and the Catholic faith.³¹

The ‘independence’ marches relate to this vision. Organized long before PiS came to power, they were violent – flares and firecrackers were set off, aggressive slogans were raised, ‘hostile’ flags (e.g. the LGBT rainbow flag or the flag of the European Union) were burned, there were acts of vandalism and fights with the police (e.g. involving members of the football fan movement).³² The marches gained state approval after PiS came to power. The authorities intended that they should show national strength and a conservative narrative. The ruling party tried not to notice that fascist symbols were also being carried at the marches,³³ which makes the marches illegal under Polish law.

³⁰ description of the case: <https://bip.brpo.gov.pl/pl/content/rpo-do-kgp-okrzyki-nie-moga-byc-powodem-karania-za-przeszkadzanie-zgromadzeniu>.

³¹ See: We shall no longer be ashamed of anything. The new core curriculum for history will not teach thinking about the past

<https://oko.press/iuz-niczego-bedziemy-sie-wstydziec-nowa-podstawa-programowa-historii-nauczmy-myslenia-o-przeszlosci/>

³² An account of one of the marches: <https://www.polityka.pl/tygodnikpolityka/kraj/1978568,1,relacja-z-zamieszek-marsz-niepodleglosci-przejeli-kibole.read>

³³ The Ombudsman described this in 2017 in an expert report for the Ministry of the Interior <https://bip.brpo.gov.pl/pl/content/krzyz-celtycki-i-czarne-slonce-analiza-rpo-dla-prokuratury-po-demonstracji-11-11-2017>

Citizens who did not like this vision of the community had been speaking out against these marches for years. In 2017, a dozen or so women stood on the route of the 'independence march' in Warsaw with anti-fascist slogans. They were beaten up by demonstrators and, when they reported this to the police, they were taken to court for blocking a 'legal assembly'. The case ended in their acquittal in court.³⁴

It is symptomatic that the prosecutor's office dropped the case against the perpetrators of the attack on the women because 'the intention of the attackers was not to beat up the women, but to show their displeasure that they were blocking the route of their march.'³⁵

Anna Domańska, a resident of Silesia, talks about the civic blockade of a march with fascist symbols in Katowice in 2018: *'At one point, this march sets off, at the head, a spike of the police protecting them, and opposite, a group of perhaps 20 people holding a banner saying 'Here are the limits of decency', who then sit down in protest on the roadway.*

The rest just stand and watch. I went up to them and, together with them, I wanted to stop them (the march). This was impulsive.

Two policemen grabbed me by the arms. They effectively immobilized me. I did not resist – I was thinking about these shoes [summer shoes, not covering the toes], that I could not let myself be dragged in them on the tarmac. And, at one point, the one on the right twisted my arm, broke the resistance – it crunched, a piercing pain and heat. He did not have to do this, it was not necessary for anything.

Forbidden topic no. 3 – defence of the rule of law

Protests in defence of the independence of the judiciary have been going on since the autumn of 2015, but it is only in the autumn of 2017 that the systemic attacks on the participants begin. The mass protests in defence of the courts have just died down. And then – according to the accounts we gathered – the police start to prosecute people for writing on pavements in defence of the Constitution and the courts.

The attacks apply to people who are active in smaller towns (such as from Przemyśl).³⁶ A short while later, the most vociferous opponent of the changes in the judiciary, Professor Wojciech Sadurski, is already facing SLAPP-type proceedings for criticizing the changes in the judiciary filed by the ruling PiS party.³⁷ The information is reported by the pro-government media.

³⁴ <https://bip.brpo.gov.pl/pl/content/kobiety-protest-marsz-niepodleglosci-rpo-sn-uniewinnienie>

³⁵ See: The Ombudsman's intervention <https://bip.brpo.gov.pl/pl/content/rzecznik-pyta-prokurature-o-umorzenie-sprawy-ataku-na-kobiety-blokujace-marsz-niepodleglosci>

³⁶ Account: <https://oko.press/rebeliantki-z-przemysla-przesladowane-przez-policje/>

³⁷ <https://oko.press/wladza-sie-msci-bo-ja-nazywam-to-co-sie-dzieje-na-celowniku-prof-wojciech-sadurski/>

The classic SLAPPs start in 2019 – this is litigation for large sums of money for the most recognizable opinion leaders³⁸ speaking out on the rule of law and breaches of democratic institutional safeguards (including by subjugating the public media to the authorities).

These ‘major SLAPPs’ drag on for months. Eventually, those who were attacked win in the courts, but it has a so-called chilling effect. Local activists whose cases are being handled by the police for taking part in protests need to understand that this may not end with fines and penalties.

At the beginning of 2020, the leader of the association of prosecutors, Lex Super Omnia, which is in opposition to the authorities, Katarzyna Kwiatkowska, is sued by the National Prosecutor’s Office for defamation (for an interview in Gazeta Wyborcza). Had the claim of the Prosecutor’s Office been upheld, the prosecutor would have been bankrupt – it amounted to PLN 2 million (approximately EUR 450,000).³⁹

Prosecutor Katarzyna Kwiatkowska, head of the Lex Super Omnia association says: *The pack of cards at the National Prosecutor’s disposal contains disciplinary proceedings, which can result in expulsion from the profession. However, practice to date shows that such proceedings are lengthy, and the Disciplinary Chamber sitting in the Supreme Court building recently stopped issuing decisions which are in line with the expectations of the Prosecutor’s Office....*

Forbidden topic No. 4 – minority and women’s rights

In 2020, the authorities are already attacking huge social groups – those who protest against the policy of the authorities with respect to the Covid-19 pandemic, against the favouritism of the incumbent president’s candidacy by state institutions and the state media),⁴⁰ in defence of women’s rights after the verdict of the puppet Constitutional Court, or in defence of LGBT+ people. This last topic becomes highly publicized because the authorities use it in the election campaign in the spring and summer of 2020, when the opposition leader seems to be overtaking the incumbent president in the polls.⁴¹

³⁸ <https://oko.press/siedlecka-na-celowniku-wladz-wladza-na-celowniku-siedleckiej/>

³⁹ <https://oko.press/nad-prokurator-kwiatkowska-wisi-pozew-o-2-mln-zl-iesli-mysla-ze-mnie-upokorza-to-sie-myla/>

⁴⁰ The polls show that both candidates can count on around 50% of the votes in the second round of the election, and then the incumbent president, Andrzej Duda, says at a rally about LGBT people ‘They are trying to tell us, ladies and gentlemen, that these are people, but this is simply ideology.’ Meanwhile, a member of his campaign staff, Przemyslaw Czarnek (today the Minister of Education) announces ‘let’s stop listening to these idiocies about some human rights or equality,’ PiS MP Przemyslaw Czarnek, member of Andrzej Duda’s staff, thundered on TVP. <https://oko.press/oni-nie-sa-rowni-normalnym-ludziom-brunatna-kampania-sztabu-dudy-przeciw-osobom-lgbt/>

Ultimately, President Duda wins the election by a small margin of 400,000 votes.

⁴¹ The polls show that both candidates – the incumbent President Duda and the leader of the opposition Rafal Trzaskowski – can count on around 50% of the votes in the second round of the election, and then Andrzej Duda says at a rally about LGBT people ‘They are trying to tell us, ladies and gentlemen, that these are people, but this is simply ideology.’ Meanwhile, a member of his campaign staff, Przemyslaw Czarnek (today the Minister of Education) announces ‘let’s stop

The state is already using all the tools at its disposal: a person is brutally attacked at a police station before his case ends up in court or in the prosecutor's office. During gatherings, the police organize 'rings' (blocking people in a ring of officers for many hours), use violence (truncheons and gas), including against people who do not put up any resistance.⁴²

Very young people, often before their graduation from high school, are also victims of the attack. A new form of harassment emerges: pressure on the parents. Participants of the women's rights demonstrations are considered 'demoralized',⁴³ while their parents are monitored. Participation in protests is also supposed to make school careers more difficult, but the accounts we have gathered are optimistic: peers, parents and the school are taking the side of young activists.

Laura Kwoczała, a high school graduate from Oleśnica (southwestern Poland), says: *I was still a minor – so I went to the questioning with my dad. At first, they didn't want to let him in and I had to explain to them that, as a minor, I had the right to be accompanied by a guardian. And then they asked me such questions as 'do I have any illegitimate children' in front of my dad. This was really uncomfortable.*

III. Attack upon the signal being given from above

Our interviewees often mention a specific moment when they found themselves 'in the crosshairs'. They note that they had previously exercised their freedom of speech and assembly without any consequences.

- The activists in Przemyśl, who had been protesting since 2015, have their first case on the express written order of a PiS MP, who states that they should be prosecuted for writing on the pavement ('PiS OFF', 'TVPis lies', 'Poland, wake up') as for a crime. **This document – copied from the files of the police investigation – is also the first formal evidence that the order to attack comes from above.**⁴⁴ The police starts the investigation by questioning women known for demonstrating in the town in defence of the rule of law (there are barely a handful of them):

'Przemyśl, 8 October 2017

Dear Commander

listening to these idiocies about some human rights or equality.' This is how the hate campaign against LGBT+ people starts. Ultimately, President Duda wins the election by a small margin of 400,000 votes <https://oko.press/oni-nie-sa-rowni-normalnym-ludziom-brunatna-kampania-sztabu-dudy-przeciw-osobom-lgbt/>

⁴² <https://bip.brpo.gov.pl/pl/content/Policja-zatrzymania-demonstracje-strajk-kobiet-raport-KMPT>

⁴³ account from a young woman who came to court to express solidarity with a peer who was being prosecuted by the police for organizing a women's strike in Limanowa, a small town in southern Poland, <https://oko.press/sprawa-o-protesty-kobiet-w-limanowej-ostatecznie-umorzona/>

⁴⁴ document reproduced in a report on the Rebel Women from Przemyśl, <https://oko.press/rebeliantki-z-przemysla-przesladowane-przez-policje/>.

I would like to kindly request you to take appropriate action in connection with the acts of vandalism that took place in the town of Przemyśl.

Unknown perpetrators used white paint to write inscriptions on pavements in and around the town square such as 'Enough of PiS', 'PiS OFF', 'TVPiS Lies' and 'PiS-PZPR' [PZPR – Polish United Workers' Party – translator's note].

These actions should be considered to be the intentional destruction of property, so the necessary actions must be taken to discover who the perpetrators of these actions are and to hold them criminally liable if it is established that they have committed offences. I am enclosing appropriate photographic documentation illustrating the extent of the damage caused by the perpetrators. I would like to kindly ask you to inform me about the steps taken in this case.'

Signed: Andrzej Matusiewicz, MP in the Polish Sejm.

- In 2018, activist Elżbieta Podleśna hears from two police officers at police stations in different towns that there is an 'order' with regard to her. Podleśna has been active since at least 2016 and nothing has happened to her. The attack on her started in July 2018 with the portal of the public TV station TVP.Info announcing that she will be prosecuted for the inscriptions 'PiS=PZPR' as propagation of communism (because PZPR was the communist party that was active until 1990). Podleśna did indeed write such an inscription – at the time of successive major protests in defence of the Supreme Court, which PiS is completely ignoring. She wants to show that this is how we are returning to the times before the democratic changes of 1989. Several hours after the TVP.Info publication, Elżbieta Podleśna is surrounded by a police squad, handcuffed, subjected to a personal search, and the prosecutor starts an investigation into the 'propagation of communism'. A policeman then explains to her that 'we have an order regarding you'. An investigation is launched in Warsaw into the march in defence of women's rights in March 2018, and the police pick out Podleśna's image from a CCTV recording. They also tell her: 'we have an order regarding you'.⁴⁵
- LGBT+ movement activist Bart Staszewski is targeted during the 2020 presidential campaign, just after Andrzej Duda, who is fighting for re-election, decides to appeal to homophobic prejudices. Staszewski's 'LGBT-free zone' campaign targeted at local government resolutions discriminating against LGBT+ people was running then for several months. But it is only in mid-2020 that Staszewski is sued by the local authorities for libel, and the police charge him under the Misdemeanour Code (under Article 97 – for 'arbitrarily placing any signs, inscriptions or symbols on the

Z komentarzem [RW2]: Dodałem ponieważ nie każdy musi wiedzieć co to jest PZPR

⁴⁵ Podleśna's account: <https://oko.press/podlesna-na-celowniku-wladzy-boje-sie-ale-co-mam-robic-innego/>

road', because Staszewski's campaign involves attaching the inscription 'LGBT-free zone' to a town's name board for a while and being photographed there).⁴⁶

- Prosecutor Katarzyna Kwiatkowska of Lex Super Omnia only starts to be prosecuted by the state institutions when she takes over the leadership of the association. Her activity as a member of the Association had previously not aroused any interest.⁴⁷
- Marta Lempart, a women's rights activist known for her activism since at least 2016, is criminally charged 'for exposing people to infection' after Jarosław Kaczyński speaks about the use of such a provision from the Sejm's rostrum. A case is pending against Laura Kwoczała, a high school graduate from Oleśnica, under the same paragraph.⁴⁸ In the case of the girl who is just entering her adult life, the state has been considering for months whether to charge her with an allegation for which she can be imprisoned for up to 8 years.⁴⁹
- Ewa Siedlecka, an activist and legal journalist, starts to be attacked with lawsuits for minor mistakes in her texts. She does not receive corrigenda and has no chance of correcting the mistakes – she has to appear in court, and her accusers are, among others, people connected with the minister of justice, who decide about the fate of judges (the so-called disciplinary commissioners).⁵⁰
- However, Paweł Grzesiowski, a doctor who promotes vaccinations and is a critic of the Covid-19 policy of the authorities, says that the planned attack was stopped in his case. He was receiving signals that information was being gathered about him, that many officials(!) were involved; he had proceedings before the medical self-government, while government journalists cancelled their arranged interviews. And then... nothing happens. Grzesiowski believes someone high up has stopped the attack.⁵¹

IV. The use of all state resources (costs are immaterial)

The involvement of the huge efforts of the state apparatus is another feature of putting people 'in the crosshairs'. In such cases, essentially 'the whole of Poland collects dirt'. Cases

⁴⁶ Staszewski's account: <https://oko.press/bart-staszewski-nagle-atakujcie-anonimowe-trolle-na-celowniku/>, he is acquitted of these charges by the courts in 2021 (the report by Dziennik Gazeta Prawna can be found here: <https://serwis.gazetaprawna.pl/orzeczenia/artykuly/8127812,uniewinnienie-wyrok-znak-strefa-wolna-od-lgbt.html>)

⁴⁷ Kwiatkowska's account: <https://oko.press/nad-prokurator-kwiatkowska-wisi-pozew-o-2-mln-zl-jesli-mysla-ze-mnie-upokorza-to-sie-myla/>

⁴⁸ <https://oko.press/laura-kwoczala-bylam-jeszcze-nieletnia-wiec-na-przesluchanie-na-policji-poszlam-z-tata-na-celowniku/>

⁴⁹ <https://oko.press/marta-lempart-sprawy-policja-prokuratura-opor/>

⁵⁰ <https://oko.press/siedlecka-na-celowniku-wladz-wladza-na-celowniku-siedleckiej/>

⁵¹ <https://oko.press/dr-pawel-grzesiowski-niektorzy-zaczeli-sie-obawiac-kontaktow-ze-mna/>

filed against activists are often preceded by a phase of meticulous gathering of information. Someone digs into the statements of people who are put 'in the crosshairs', makes a dossier on them, checks their files, and listens to recordings of interviews and webinars. These materials then go into the case files and the activists see them there – accounts about the care with which the authorities collected the materials against them in minor, often simply misdemeanour cases, are repeated. This leads to the conclusion that this is a combination of a police investigation, official analysis, data from the workplace (if it is state-owned), combing through social media accounts by a professional, and finally – an assignment for a lawyer who is supportive of the authorities....

- Paweł Grzesiowski, a doctor involved in disseminating knowledge about vaccinations and a critic of the government's actions in the pandemic, learns that officials of the Chief Sanitary Inspectorate, on orders from his superiors, are listening to his webinars for doctors for hours to detect any irregularities. The case goes to the medical association and is dropped after a time-consuming procedure – while an attack on Grzesiowski being prepared in the state media is most clearly called off.
- The Przemysław activists learn from the files of the misdemeanour proceedings against them that the police are ordering the services of computer forensics specialists, which cost.... 10,000 zlotys (this is about restoring data from a damaged disk, on which the picture from a video surveillance camera was recorded). It also orders the analysis of samples of white paint from pavements – to establish its source. Neither of these tests gives any results. The policemen's desks have piles of files with cases regarding inscriptions, while the policemen call people to each one and require them to provide explanations (meanwhile, the inscriptions are so delicate that the manager of the land does not want to pursue them – he knows they will wear off on their own).
- Bart Staszewski says that, suddenly, all his social media posts are analysed and mistakes are looked for in the comments.
- Julia Landowska describes how the police meticulously analyse the inscriptions on a huge banner she made with her friends after the ruling of Przyłębska's Constitutional Tribunal on the abortion prohibition. People come up to the protesting women and add their comments to it. This is what the police then investigate.
- The prosecutor's office in Ostrowiec Świętokrzyski orders an expert opinion on the cost of damage to the door of a PiS MP's office by a poster having been stuck on it. And when the first expert gives the cost within the limits of liability under the Misdemeanour Code, it orders a second one from another expert, who

acknowledges that the damage exceeded the limit above which there is talk of significant damage and liability under the Penal Code by PLN 4.⁵²

Local authorities and road administrators are starting to be drawn into proceedings against activists for inscriptions on pavements and shop windows, although inscriptions and graffiti – mainly by football fans – are a permanent feature of the urban landscape and the municipal services know how to deal with them, such as washing, sanding the pavement and painting the walls.

However, an above-standard procedure is implemented in the case of inscriptions in defence of the rule of law. When questioned by the police, pavement experts immediately ‘draw the conclusion’ that the anti-government inscription cannot be washed off and the entire surface needs to be replaced. This gives a cost of more than minor damage according to the Misdemeanour Code – so the prosecutor’s office steps into action.⁵³ Dragging city officials and entrepreneurs working with the local authority into this procedure reinforces the chilling effect on local communities.⁵⁴

Prosecutor Kwiatkowska sees information media from her personnel file in the prosecutor’s office appearing in the government and pro-government media (someone had to comb through it, almost certainly during working hours). The state pays her special allowances and for the rent on her flat when she is punitively seconded to a small prosecutor’s office 300 km from home. An additional cost is that the complex business cases she was handling are waiting even longer to be investigated.

As can be seen, there is another cost of state harassment – while the state is prosecuting citizens it is not doing the job it should be doing.

- The police, who spend a lot of money on chasing after writing on pavements, do not do their job when the perpetrator of a ‘non-political’ offence needs to be found.⁵⁵
- Local government officials unnecessarily spend public money on the ‘battle against inscriptions’. In Sierpc (100 km north of Warsaw), slabs in front of a historic church are replaced so quickly that when citing the need to protect the monument, the officials... are breaking the regulations on the protection of monuments. This is

⁵² <https://oko.press/zawiesil-zdjecie-palca-lichockiej-na-biurze-pis-i-machina-ruszyla-prokuratura-biegli-kurator-policja/>

⁵³ It initially seemed as if this was the *modus operandi* of the prosecutor’s office and the police in cases of ‘political’ inscriptions – but I found a clue that, back in 2017, the prosecutor in Sanok rejected the idea of pressing a charge for the inscription ‘Constitution! Do not trample’, although the town of Sanok replaced the paving slabs, but the prosecutor did not accept this expense and treated the matter as a misdemeanour (see – account of Przemyskie Rebeliantki).

⁵⁴ Elzbieta Podleśna’s case: <https://oko.press/jak-postawic-zarzut-karny-podlesnej/>, case of Patryk Stępień from Ostrowiec: <https://oko.press/zawiesil-zdjecie-palca-lichockiej-na-biurze-pis-i-machina-ruszyla-prokuratura-biegli-kurator-policja/>

⁵⁵ in Przemysł, a person with a mental disability is accused of theft, despite evidence ruling out his involvement in the case. This person’s legal guardian is a local activist, so perhaps the case was handled so as to spite her – which would be an even worse example of the degeneration of the state services. But if we assume that the police handled the case in such a way because they could, because it was about a weaker person without ‘connections’ in the party – then this is also terrible.

because they do not apply for the obligatory consent of the conservator for renovation works in such a situation.

- The courts, which, even so, are badly organized, are inundated with absurd cases about inscriptions, profanities, unjustified checking identities and breaches of the government's prohibition of assembly, which, one way or another, is unconstitutional.

V. Instrumental treatment of the prosecution service and the police

The charges that the police and prosecutor's office press against activists are stretched. Cases are filed with the court knowing that the charges are unlikely to hold up in court, and if they are, the penalties are symbolic. The courts in Poland are independent and, despite government pressure, they apply the law and do not pass sentences to order. The ruling party has full control over many institutions which should be independent of the political authorities in a democracy, but it has not yet managed here. The fate of hundreds of activists depends on whether the authorities break the courts.

However, so far, the authorities have taken full control of the prosecutor's office and the police.

Counsellor Radosław Baszuk also points out that the charges raised against activists are sometimes loosely connected with reality.⁵⁶

Exaggerated prosecution

Activities such as pulling down the monument of Rev. Jankowski, who was accused of paedophilia,⁵⁷ the 'Rainbow Madonna', namely the image of the icon of the Virgin Mary, who is venerated in Poland, but with a rainbow halo,⁵⁸ as well as the inscriptions on pavements and PiS offices really did take place. However, the prosecutor's office attributes the worst intentions to the perpetrators and does everything to raise the qualification of the act (hence the ideas, for instance, of replacing the pavement, buying new banners with the ruling party's logo – instead of washing off the inscription with a solvent, etc.).

⁵⁶ The authorities discourage active citizens with senseless lawsuits:

<https://oko.press/wladza-zniecheca-aktywnych-obywateli-bezsensownymi-pozwami-mecenas-baszuk-na-celowniku/>

⁵⁷ Jankowski became famous as Solidarity's and Lech Wałęsa's chaplain in the 1980s, but later accusations emerged against him of collaborating with the communist political police, as well as allegations of paedophilia. Until the priest's death, this was only mentioned quietly, and a monument was impulsively erected to him in Gdańsk. But increasingly more accounts appeared in the media about Jankowski's sexual crimes against children and that he took advantage of his position as a priest who is supportive of the city's elite for this. In 2019, three activists pulled down a statue of Jankowski and stood trial for this. <https://oko.press/jest-wyrok-w-sprawie-obalenia-pomnika-jankowskiego-relacja-live/>

⁵⁸ <https://oko.press/zarzuty-obrazy-uczuc-religijnych-za-rozklejanie-teczowych-maryjek/>

Similarly, large public gatherings have actually taken place. A high school graduate from Limanowa, a small town in southern Poland, had a case in court regarding the Women's Strike. The police insisted that it was not a spontaneous gathering and was therefore illegal (because of the pandemic and the lack of formal notification). It was organized a few days after the verdict of the so-called Constitutional Tribunal *de facto* completely banning abortion; the police motion contained a surprising statement that, after all, everyone knew that the Court would issue its verdict on 22 October 2020, so the gathering was presumably being planned even longer. In its justification of the discontinuation of the case, the court in Nowy Sącz argued that spontaneous assemblies also require organization, otherwise they would simply be rallies. This is now the second similar verdict in this case. The police appealed against the judgment in the first instance. But there are no police officers at the hearing in the second instance – instead the young woman has to travel several dozen kilometres to attend, wasting a whole day for this.⁵⁹ This is an example of a – mildly put – stretched case being raised against an activist.

Prosecution without evidence

These are cases where a citizen is blamed for something that might not have happened or happened differently than the police claim. Counsellor Radosław Baszuk gives as an example of charges of insulting an officer or assault and battery of an officer.⁶⁰ This category also includes the case of Anna Domańska's alleged false testimony. She testified (see above) that, while taking her out of a blockade of a fascist demonstration, a policeman deliberately broke her arm in the elbow, but the prosecutor relied on the police version that the policeman's action was justified and then filed a criminal case against Domańska for ... giving false explanations. The citizen's arm was in fact broken, while the allegation of harming the police is – to put it mildly – stretched.

Prosecution despite a lack of offence

The third group is – as Counsellor Baszuk says – that of 'invented', fabricated cases. An example is the accusation of the leaders of the All-Poland Women's Strike of spreading an infectious disease by organizing gatherings (Bazuk: *'Notably, it was under the same article that Prosecutor Ewa Wrzosek opened an investigation into the organization of elections during a pandemic.'*⁶¹ *And the case was taken away from her and discontinued within a few*

⁵⁹ <https://oko.press/sprawa-o-protesty-kobiet-w-limanowej-ostatecznie-umorzona/>

⁶⁰ <https://oko.press/wladza-zniecheca-aktywnych-obywateli-bezsensownymi-pozwami-mecenas-baszuk-na-celowniku/>

⁶¹ The presidential elections were to be held in Poland in the spring of 2020. The Covid-19 pandemic indeed interrupted the election campaign and it became clear that normal elections could not be held during the peak of the infections. The rulers first changed the electoral law during the ongoing campaign so that only postal voting would be conducted. But, in order to meet the constitutional deadline, they started preparations before the amended law entered into force. Therefore, they spent public money without legal grounds in a way that could have contributed to the severity of the pandemic – the voting cards still had to be taken somewhere. Prosecutor Wrzosek tried to check the legality of this activity and used the provision on the exposure of people to epidemiological risk.

hours. This is not about the epidemic, but the repressive use of the law against some and a protective umbrella for others’).

Another example here is the case of the two activists who posted ‘Szumowinny’ posters around Warsaw in the spring of 2020, which was a reference to the irregularities of the Covid purchases organized by the Minister of Health (a play on words combining the name of the Minister of Health Szumowski and ‘winny’ meaning ‘guilty’ or ‘responsible’). This poster campaign, with the most formalistic approach, would at most be an offence under Article 63a of the Misdemeanour Code (bill posting without the owner’s consent). Meanwhile, both were detained, their flats searched, their computers taken, and then they were charged with... burglary. Because they removed posters from display cases at AMS, a subsidiary of Agora, and replaced them with their own posters. And they left the AMS posters at a bus stop.

Counsellor Baszuk says: *The crime of burglary is intentional behaviour – I want to take away, to steal and therefore I overcome an obstacle that stands between me and that item. Placing ‘Szumowinny’ posters in the display cases was not burglary, and the police and the prosecutors knew about this perfectly well from the beginning. But this meant that it became possible to call the people who took up the activity against the minister in office thieves, discredit them and disgrace them. These are the worst models of authoritarianism.*

The case was dropped by the prosecutor’s office in 2021 on the grounds that – what a surprise – there were no signs of a criminal act. But the criminal charge of theft was upheld for over a year.

The courts are realizing that the police are no longer a state service but a party service. In a heart-breaking ruling delivered in December 2021, while exonerating an activist accused solely on the basis of the testimony of police officers in civilian clothes, Judge Sławomir Jęksa from Poznań said:

Our state is in a major rule of law crisis. The police are supposed to uphold the legal order, but we know that, quite frequently, they confuse upholding the rule of law with upholding the interests of the ruling party. (...) Reliance on the testimony of two police officers, referred to as undercover cops, breaches the rules of correct reasoning.⁶²

The case was taken away from her and rapidly discontinued.

Several days later, the leaders of the ruling coalition called off the elections ... at a press conference. They were held, in almost the usual way, two months later. It should be remembered that all this fuss would not have taken place had the authorities declared a state of emergency in connection with the pandemic. This would have enabled the elections to be postponed in accordance with the Constitution. However, the authorities were pushing ahead with the elections for fear that the extending pandemic crisis would lead to the defeat of the ruling camp’s candidate in the elections.

⁶² See: Piotr Żytnicki, Epic court verdict: Undercover cops cannot be believed because the police are looking after PiS’s interests

VI. Instrumental treatment of the law (paragraphs on citizens)

In 2021, the ingenuity of the police in punishing is developing: mass penalties are applied for writing on the pavement, even with deodorant (!)⁶³ or for using megaphones at a gathering (the environmental regulations prevent the use of public address equipment, except at legal gatherings or pilgrimages),⁶⁴ while criminal provisions are applied for spreading pestilence (for organizing the women's protests during the pandemic) and finally, women are prosecuted *en masse* for chanting 'Jebać PiS' [Screw PiS] during demonstrations (use of profanities).⁶⁵

The state started in 2017 with mild forms of deterrence – such as taking down personal details and handing out fines. But civic society learns. People who have not previously had any dealings with the Misdemeanour Code learn about their rights and are no longer afraid of police harassment. Protesters invoke their constitutional rights and freedoms. They do not accept fines, they do not agree to having their details taken down. Therefore, the authorities are looking for new ways and new paragraphs.

The police flood the courts with motions for punishment, even though they know they are losing 97% of cases, and for a long time they do not even monitor them – according to Counsellor Radosław Baszuk, the policemen – the public prosecutors – do not appear in the courtroom. Sentences were initially passed without a hearing, in the default procedure (a procedure which was supposed to streamline the handling of cases that do not give rise to any doubts), but people object to these sentences and hearings take place. And generally – they are acquitted.

The most frequently applied provisions are:

- Article 52 of the Misdemeanour Code (obstructing legal assemblies)
- Article 63a of the Misdemeanour Code ('posting inscriptions in places not intended for that purpose' – this applies to inscriptions made, for example, with chalk or washable paint)
- Article 65 of the Misdemeanour Code (refusal to identify oneself)

Gazeta Wyborcza 15 December 2021, <https://poznan.wyborcza.pl/poznan/7,36001,27914688,epokowy-wyrok-sadu-nie-mozna-wierzyc-tajniakom-bo-policja.html>

⁶³ account of a person supporting the opposition MP Urszula Zielińska, who was accused of writing on the police barriers: when others were writing on the pavements during the demonstration and she had nothing to write with, so she took out a deodorant and sprayed with it. The policeman first accused her of 'posting advertisements in a place that is not intended for this' and, when he realized that deodorant cannot be used to post advertisement, he charge her with... calling the police without reason: <https://oko.press/sad-robcie-transparenty-nie-piszcie-mazakami-po-barierkach-poslanka-zielinska-skazana-nieukarana/>

⁶⁴ <https://oko.press/matura-z-kodeksem-wykroczen-piotr-starzewski-na-celowniku/>

⁶⁵ <https://oko.press/transparent-protesty-jebac-pis-julia-landowska-na-celowniku/>

- Article 90 of the Misdemeanour Code (obstructing, blocking traffic – it is enough to step out onto the roadway – during a gathering)
- Article 141 of the Misdemeanour Code (the use of profanities – also during assemblies)

As Marta Lempart says, for many protesters, the first time their details were taken down during a public assembly was a problem. *'A lot of people had misdemeanour cases. We exchanged information and experience, that's hardly surprising. (...) In the beginning, people were worried about these offences. Now nobody cares. Well, unless they have a lot of them, because that makes life difficult. You can get lost in the plethora of these cases, so they can come to you, handcuff you in front of your family and bring you in for questioning because you didn't show up somewhere. That's not nice.'*

Today, the activists interviewed by OKO.press know several provisions of the Misdemeanour Code and the Penal Code by heart, as well as several other laws from the repertoire used by the authorities.

Taking down details and prolonged detention under the guise of taking down details

This is one of the first harassments used *en masse*.

In June 2017, the police carried several people off from the route of the Smolensk march, after which they spent hours taking down their details. Ewa Siedlecka, a journalist writing about the rule of law and an activist, filed an appeal with court for the illegal deprivation of freedom.

Ewa Siedlecka says: *'No one knew at the time that there was such a possibility. Then, such civil behaviour became standard and people were winning it. My case was the first and I lost. So I took it to the European Court of Human Rights (the case was accepted, and the Ombudsman filed an amicus curiae there). There will be a ruling – and it's important, because, although the courts react well in such cases today, we don't know whether that will change. The ECtHR will have to assess the practice of depriving people of their liberty by taking down their details for hours on end. And it is rather clear what it will say, because European standards are clear.'*

In 2020 and 2021, participants of public assemblies in defence of women's rights realized that the police are required to have grounds for taking down people's details; this cannot be of a preventive nature – and they started refusing to give their details *en masse*. The confused police started taking citizens to police stations 'to establish their identities'. As a

result, subsequent gatherings were surrounded by an increasing number of police cars (in case those who refused to identify themselves had to be taken to police stations).⁶⁶

Marta Lempart says: *At some point, mass refusals to provide ID details have become a powerful tool of resistance for us, making the police look like fools.*

Because this is theoretically irrational action, which is why it's so surprising – I can show my documents and go home – but after a few hours of standing there, it's cold, a person is hungry, thirsty, etc. – but no and that's it. There is no factual basis, no legal basis, no and that's it. This is wonderful.

Blocking 'legal assemblies'

These are some of the first court cases experienced by our interviewees. They apply – we should remember – to the blocking of assemblies supported by the ruling party, including 'cyclical' assemblies. However, the most important legal framework here is the provision of the Constitution on freedom of peaceful assembly. The obligation of the state to guarantee citizens with different views the opportunity to safely manifest these views arises from it. The obligation to oppose assemblies which are not peaceful also arises from it.

Ewa Siedlecka: *'The matter of our 'sit-down' itself was a misdemeanour case – in the first instance, the case was discontinued: the judge held that there was no matter to be recognized as a misdemeanour. But I asked for a ruling on whether actually defending the Constitution could be considered a socially harmful activity (because only then can there be talk of an offence). And in the justification, the court clearly stated for the first time that the defence of the Constitution is not, in principle, socially harmful.*

The prosecutor's office appealed against this verdict, and the court of appeal ruled that the law had been breached and that the case should have been heard at a hearing and not at a session in camera (in fact, I agree with this). In the end, the limitation period in the case passed without a decision. I complained about this because, as a citizen, I have the right to be assessed as to whether I have broken the law or not. The complaint was dismissed. Perhaps there will be a motion to the ECtHR on this?'

Inscriptions, megaphones and other profanities

The authorities creatively apply not only the Misdemeanour Code (blocking, posting announcements in inappropriate places – for inscriptions on the street or on police barriers), but also environmental regulations (the use of a public address system during an assembly) and finally the Penal Code (exposure to infection, as well as significant damage – as in the case of Elżbieta Podleśna in Sierpc).

⁶⁶ See: interview with Marta Lempart, <https://oko.press/marta-lempart-sprawy-policja-prokuratura-opor/>

Further ideas are being tested. Sometimes, an important politician puts it to the test (in his televised address during the Women's Strike, Jarosław Kaczyński says that the demonstrations pose an epidemic threat – which triggers proceedings under Article 165 of the Penal Code throughout the country),⁶⁷ and sometimes the government TV station does this (the idea that people should be prosecuted for propagating communism by writing the expression 'PiS=PZPR').

Our interviewees say that accusations of 'organizing illegal assemblies' are first made, and this is followed by an attack on selected 'organizers'. Then, people are prosecuted for participating in the assembly itself – so more people have cases. Finally, the suppression of inscriptions and slogans begins (Urszula Zielińska, Elżbieta Podleśna). Cases are initiated against participants of the women's strike for using a megaphone or a portable loudspeaker (a young woman from Nowy Sącz and Piotr Starzewski, a high school graduate from Warsaw).

However, Julia Landowska, a medical student from Gdańsk, who was identified at a demonstration as 'the woman with the megaphone' no longer has an 'environmental case', but a case for using profanities ('Screw PiS'). It arises from the stories we collected that prosecutions for 'profanities' are a new wave – from the summer of 2020. Of our interviewees, Marta Lempart and activists from at least six towns also have them.

Julia Landowska said: *This was a spontaneous demonstration after the publication of the judgment by Julia Przyłębska's Constitutional Tribunal [in January 2021⁶⁸]. Someone shouted 'Screw PiS', the crowd repeated 'Screw PiS', and I – holding the microphone in my hand – repeated it. And the police know almost all of us. They have been regularly taking down our details since 22 October (the verdict of the puppet Constitutional Tribunal on abortion). Because not as many people were demonstrating in Gdańsk as in Warsaw.*

Landowska's case is important because, for her, the lawyer Professor Michał Romanowski prepared an extensive legal expert opinion *pro bono*, in which he argues that the vulgar slogans at the women's demonstrations of 2020 and 2021 are not an expression of 'indecentcy' but of despair after being deprived of the fundamental right to decide for themselves in extreme situations.⁶⁹

This expert opinion is now circulating around Poland (activists from Przemyśl were familiar with it) and constitutes the basis for writing complaints against default judgments for 'profanities' (it is either a reprimand or a fine of several hundred zlotys).

⁶⁷ <https://oko.press/oswiadczenie-kaczynskiego-histeria-zagrozonego-satrapy/>

⁶⁸ The verdict was announced on 22 October 2020, but the scale of the protests was so great that the authorities waited until 27 January 2021 to officially publish the verdict.

⁶⁹ Expert opinion available at: <https://romanowski.eu/praworzadnosc/opinia-prawna-dotyczaca-mozliwosci-uzywania-zwrotu-jebac-pis/>

Punishment for blunt language is significant in that numerous violent and vulgar comments are made in social media attacks on protesting citizens. While there is no way of connecting the vulgar antics with the authorities in individual cases, a review of a larger number of cases shows that the massive propaganda attack is part of an 'in the crosshairs' operation. It appears according to a fixed pattern (more on this below).

TVP's cases

As I wrote, the path of classic SLAPPs – civil actions for large damages – is intended for opinion leaders. They are most applied *en masse* by the government television (itself accused of contributing to the murder of the mayor of Gdańsk, Paweł Adamowicz, in 2019). Civil actions have been filed by TVP against, among others, the incumbent ombudsman Professor Adam Bodnar, Professor Wojciech Sadurski, journalists Ewa Siedlecka from the Polityka weekly, Renata Grochal from the Newsweek Polska weekly and Wojciech Czuchnowski from the Gazeta Wyborcza daily, musician Krzysztof Skiba, as well as the mayor of Poznań Jacek Jaśkowiak and opposition MP Joanna Scheuring-Wielgus.

Professional liability

'Professional tools' are used for the first time in 2019 to harass people involving themselves in public life against the authorities.⁷⁰ Advantage has been taken of the rights of the prosecutor's office to send independent prosecutors to work in other places on a large scale since 2020 (such cases previously applied to individuals – now, several independent prosecutors are sent overnight to work in places located several hundred kilometres away).

Paweł Grzesiowski, in turn, had a case – on the initiative of a government official holding the post of Chief Sanitary Inspector – before the court of the medical self-government (it ended in discontinuation).

Paweł Grzesiowski said: *'This is the use of a cannon against a person to intimidate him. Because the allegation is totally bogus – what kind of a threat to public health did I pose? That someone listening to me will lose confidence in the sanitary and epidemiological service and will therefore fall ill or not get vaccinated? This is nonsense. But it is bound to affect others. Because if they can do this to such a recognized expert, what can they do to others?'*

What characterizes these cases – as well as the civic blockades and participation in assemblies – is that they really took place. The problem is just their legal assessment. The state is looking for ways of making them punishable to the maximum possible extent (even if – according to the SLAPP rule – the matter does not hold up in court).

⁷⁰ See the text of the Ombudsman's intervention in the case of Prosecutor Mariusz Krason, who was transferred from Kraków to Wrocław in 2019: <https://bip.brpo.gov.pl/pl/content/rpo-pyta-o-uzasadnienie-naglego-przeniesienia-prokuratora-krasonia>

VII. The role of the government media and the importance of hate campaigns

An important element of the 'in the crosshairs' operation is the combination of a police and court attack with a propaganda campaign using state (public) media and media financed or co-financed by the authorities.

Hanna Waško, a public relations expert, says: *'Anyone can be a victim of a strong attack today if he becomes a threat to the authorities – namely, anyone who openly criticizes them and becomes recognizable enough to gather other people around them. Attacks can be initiated by the state, for example through the public media.'*

It can also be seen that organizations with agendas that coincide with those of the government, which are perfectly organized, employing dozens of people and having a lot of money at their disposal, take part in them. Armies of internet haters and trolls, militants. The level of organization of this hate campaign is so high that no doubt there must be strategists behind it.⁷¹

The massive hate campaign does not affect everyone. However, if it does happen, it has the features of a campaign, not spontaneous reactions. Such a hate campaign is brutal, abusive, applies to appearance and competence, is combined with criminal threats and comes in waves.

Hanna Waško notes that the hate campaign is changing. A dozen or so people, the most recognizable leaders, were attacked at the beginning. Over time, however, increasingly more groups are resisting the authorities. So it is insufficient to centrally control the intimidation of fifteen people, because hundreds more will grow up all over Poland like a hydra's heads. Mass attacks are needed – they could actually affect practically everyone whose voice is starting to be heard in the media.

Professor Sadurski: *Many [of my] critical tweets go unheeded. And suddenly, within an hour, something starts to happen. Several dozen anonymous, short, vulgar and very similar posts appear (only the words starting with 'f' and 'c' are used interchangeably). And then silence returns.*

Hate is most visible when large media, including TVP, become involved, but it is also severe in the local media. Likewise, online attacks often appear coordinated and anonymous commentators (trolls) most clearly have access to information that can come from state resources. It can also be concluded from the method in which the attack is carried out in the Internet that resources which are to be used (graphics, information, patterns of arguments) are created somewhere.

⁷¹ Interview with Hanna Waško: <https://oko.press/o-mechanizmach-nagonki-w-sieci-na-celowniku/>

Prosecutor Kwiatkowska: After the Association's report (*'Prosecution service in the pandemic or a pandemic in the prosecution service'*), the *@KastaWatch* account started to hate me and my colleagues. It was a novel in episodes, as if someone had access to our personal files.

Once they have been obtained, the content and graphics are stored in such a way that the haters can easily access them. Bart Staszewski talks about the vulgar graphics about him that appear online every now and again, Ewa Siedlecka talks about a statement she made in a niche radio station in 2015 repeated against her over and over again (it is difficult to imagine that this was accidental).

The centrally controlled state television is used for attacking: this applies to Professor Sadurski, Bart Staszewski, Marta Lempart and Elżbieta Podleśna. Such an attack places the person 'in the crosshairs', recognizable in public spaces, exposes him to attacks from strangers, and allows policemen to quickly find out who they are dealing with.

Bart Staszewski: *This had been happening since somewhere around mid-2020. At first, I didn't pay much attention to it. But after a while, it became clear how effective it was: those hundreds of hideous graphics with the words 'liar' and 'cheat'. Nit-picking at the words used... I am an activist, I comment on reality in the social media, but I was not a public personality, I am not a politician. And here, every comment I made encountered a response from the right-wing media and columnists, every inaccuracy or understatement was highlighted to me (when, for example, I commented on the spur of the moment on Margot's detention in August 2020, not yet knowing what she was being detained for). I was not allowed anything, the hunt was on. I was threatened with lawsuits for every harsh post. Every mistake and inaccuracy was proof that I was 'lying'.*

This must have started after my visit to President Duda in June 2020, to whom – after his comment that 'LGBT are not people' – I brought photographs of LGBT+ people, victims of homophobic hatred

Then the avalanche started. By September 2020, everything was in full swing: a comment by a politician from the United Right group or an Ordo Iuris lawyer under my post was reproduced by the right-wing media and TVP, which made me recognizable, and then the trolls came into play. Please note: you cannot defend yourself against such a campaign. Reporting such posts is fighting a losing battle.

Katarzyna Wappa from Hajnówka was attacked after TVN broadcast a report in November 2021 about people helping migrants hiding in the forest along the border. Katarzyna Wappa's account was moving: viewers saw her giving away her shoes to people soaked to the bone in the forest and then taking in an emaciated migrant into her home.

Katarzyna Wappa: *'I expected that some critical comments might come after the programme was broadcast. After all, this is what happens. But there was nothing. Nothing*

at all. Instead, dozens of messages came in asking how to help. What to bring, what is needed, who needs help...? It was really moving.

Had the hate rule stopped working? Nothing of the sort.

Wappa: *But a few hours went by and friends start to warn me that the hate campaign has started online: And indeed. I see the same comments and memes appearing under my Facebook posts, even ones from several years ago.'*

Such an attack also looks planned because of the propaganda techniques used here. These include the frequently used trick of reversing meanings. A person fighting for the restoration of minimum standards in the public space is turned into a liar, the activist is accused of actually violating the values he holds dear.

- Bart Staszewski is 'lying' because there are no municipalities in Poland from which LGBT people are physically EXPELLED, so despite the homophobic declarations of the local authorities, these are not really 'LGBT-free' zones,
- Laura Kwoczała, a girl focusing on cooperation and teamwork, is 'lying' because she is really a self-promoting egotist,
- Prosecutor Kwiatkowska, for whom professional ethos is important, is presented as a person with low qualifications and a poor reputation,
- Elżbieta Podleśna, who protests against the resurgence of totalitarian movements in Poland, is accused by haters of fascism and by the police of propagating communism,
- Paweł Grzesiowski, a public health expert and promoter of vaccinations, is accused of endangering public health by a high-ranking government official.
- Katarzyna Wappa is 'pathetic' because she says the migrant she took home had been swimming in the river for six days – and, after all, it is obvious that he would have frozen before that (this is about a man who was wandering along and in the river for six days in early October).⁷²
- Active women are humiliated by comments about their appearance, supporters of the liberalization of the abortion law are accused of wanting to murder babies, and they finally receive threats (which the authorities pursue with far less commitment than in cases involving writing in chalk on the pavement or 'profanities' being shouted out at a demonstration)....

Elżbieta Podleśna's account is dramatic.

⁷² Text about Katarzyna Wappa's case and report <https://oko.press/wladza-szczuje-za-pomaganie-katarzyna-wappa-na-celowniku/>

In the case I filed against TVP for a breach of personal rights after I was shown in the 'News', I had to tell the court about the hate campaign I encountered after the material was aired. Specifically, all the invectives and insults. The lawyer warned me that the court might not allow me to use notes. So I learned this off by heart. I punched it into my head – and now it won't leave.'

A mass hate attack is possible for three reasons:

1. The materials gathered in preparation for the attack, probably by state officials and people financed by state institutions, end up in the hands of the haters and friendly journalists: **This is therefore 'journalism' supported by people who have other sources of income.**
2. **Social media does not treat hate campaigns with respect to activists as a breach of the applicable rules or internal codes** (despite having all the features of an organized assault).
3. **The traditional media do not react**, do not notice the phenomena, and frequently **repeat the hate speech** (e.g. in a PAP newsflash or a 'statement of a well-known politician'), because they are unable to verify the allegations. For example, in the case of Katarzyna Wappa, the fact that it was impossible to swim in a cold river for six days became the 'news', rather than a citizen becoming the object of a mass campaign by the government media and people close to the authorities.

Likewise, the police do not respond or respond poorly to reports of threats and violence against activists.

An attack makes a person stop feeling safe, feel cornered by criminal threats in the Internet, inscriptions on a shop/office window, anonymous comments in the local media, an attack on the family.

At one point, Bart Staszewski was fearful of leaving his home to buy groceries. Also, a picture is emerging from Marta Lempart's account of the authorities deliberately exploiting prejudice and phobias – homophobia and sexism. Kwoczała talks about how someone took the trouble to look through all her social media and attack her everywhere there. Podleśna receives messages such as 'we know where you live'; she no longer feels safe in her flat, she is concerned about searches and 'entry' at 6 a.m. ('entry' [Pol. *wkrocz*] is a word used by the democratic opposition in the 1970s and 1980s which refers to dawn raids by the police entering a house; unfortunately, she is experiencing her second youth).

Lempart also talks about criminal threats against her:

Marta Lempart: *Oh yes, it is quite unpleasant. In the key moments, the hate speech is obviously triggered and managed from above, but let's be honest: it's very easy to trigger it because it is based on bad instincts, while cyberaggression against women is much more*

intense, with an inexhaustible field for inventiveness regarding appearance or sexuality. (...) Threats are worse. Only the more major things, such as banners on the house where I previously lived; this happened several times. The investigation is in progress, so far without any results. I don't report ordinary threats, I don't have the time, I don't have the strength, I have other priorities...

Kwoczała: *'An aggressive man appeared with a sharp instrument at the protest [in Oleśnica]. Even though he was a repeat offender, the police only took down his details, and this was only several hours after the fact – whereas they are constantly following us.'*

Staszewski: *'I won't give my mobile phone to a person on the street who 'needs to make a call' because this could, after all, be a policeman who wants to gain access to my data.'*

Staszewski again: *'We should be happy that there is no longer a need to wear masks, but I have become recognizable again, while memes with the word PAEDOPHILE are circulating the web....'*

Waśko: *'By rights, such openly escalated hatred is breaking successive barriers. Increasingly more verbal aggression is accepted among ordinary people, every day. In the end, violence appears.'*

VIII. Police brutality is a part of the system

The police are being used to harass people – and this is not just about a lack of help or the sloppy and ineffective investigation of reports of threats and hate speech. Police are intervening increasingly violently during assemblies and with respect to detained citizens.⁷³

Details of how to carry out the 'order' are left up to the middle level.

The worst is in Warsaw – the seat of the state authorities.

Counsellor Radosław Baszuk: *It's still similar in Łódź. But not in Gdańsk, where the police behave rather decently. Wrocław is halfway between Warsaw and Gdańsk.*

Katowice?

I can't say; I don't know about the detention cases there. But there was some aggressive police behaviour in Katowice.

The Polish police – and this is worth emphasizing – has had a problem with violence for years.⁷⁴ It has abused it against minority groups, against people with a lower social status.

⁷³ The Ombudsman documents the increase in police brutality in his speeches and recommendations, see: <https://bip.brpo.gov.pl/pl/sprawy-wazne-dla-obywateli>

Now, it is using brutal methods against protesters,⁷⁵ so police violence is becoming a mass experience. Despite court judgments, superiors express their ‘complete confidence’ in their subordinates, and there is no question of correcting their behaviour.

The accounts from recent protests by LGBT+ people and women are similar: the police are abusing direct coercion. This is demonstrated by the courts, to which cases are referred by the activists. But the practice of the police is not changing. Women, in particular, talk of a growing threat: the police are not defending them against attacking right-wing militias (who often use the word ‘fuck’ with respect to the protesters – it is unheard of for the police to prosecute for this word as diligently as for the ‘bad language’ of women’s demonstrations).

In 2021, the range of police actions is pretty much set: handcuffing, throwing to the ground, dragging to the police car, making the strangest of accusations, and coming to their homes.

From the account of high school graduate Piotr Starzewski in spring 2021: *I see how two young people are starting to run away from the policemen on ul. Zakroczymska in Warsaw (there is a police station there to which the police regularly take detained demonstrators), and I also run away myself. But I stumble. I hear ‘Take him.’ The policemen throw me to the ground, apply an arm-bar to me. My glasses fall off; as a sign that I am not resisting, I let go of my mobile phone. But they cuff me anyway – with my hands behind my back. I didn’t defend myself, the matter was about posters, and they treated me like a dangerous criminal – he says – I didn’t have any contact with my family, I finally begged them to give me back my glasses.*

Police brutality can be a result of increasing frustration. A vicious circle is at work here. The police enjoyed social prestige until recently, but now trust in them has sharply plummeted.⁷⁶ The resentment and contempt shown towards police officers by young people must be severe (this can be seen from Piotr Starzewski’s accounts, who spoke to police officers to get their point of view).

When gathering material in towns and cities in the south of Poland, we heard about police letters directed against activists, written in a demonstrably careless manner. This may be sign of a ‘go-slow’ – policemen do not want to be used for government SLAPPs.

⁷⁴ See the account regarding the debate on police violence organized by the Ombudsman and Gazeta Wyborcza, <https://bip.brpo.gov.pl/pl/content/jak-policia-traktuje-zatrzymanych-debata-rpo>, the systemic problem of police violence was also discussed by Counsellor Radosław Baszuk in an interview in the ‘In the crosshairs’ series.

⁷⁵ After four and a half years of efforts, the Ombudsman finally gets an answer from the Minister of Justice in September 2021: no, the state will not provide everyone with the assistance of a lawyer immediately upon arrest. It would be difficult for the police to work under these conditions... <https://bip.brpo.gov.pl/pl/content/ms-przepisy-zapewniaja-kazdemu-kontakt-z-obronca-nie-bedzie-zmian-prawa-o-ktore-wnosil-rpo>

⁷⁶ <https://oko.press/ratunku-policia-dramatyczny-spadek-zaufania-do-mundurowych-sondaz/>

Civil resistance, the importance of legal aid and self-help

Most of the ‘in the crosshairs’ cases – as we have already pointed out – end in acquittal, discontinuation or a relatively low penalty. This is confirmed by the data collected by the activists.

- It arises from the reports prepared by ObyPomoc (Citizens Help), lawyers cooperating with the Citizens of Poland Association, that 889 people had a run-in with the police from 12 April 2017 to 31 August 2021 for social activism and participation in assemblies. These are just those, whose cases are monitored by ObyPomoc, or have at least let it know.⁷⁷
- ObyPomoc is aware of 527 misdemeanour proceedings (one case can apply to more than one person). 501 people were acquitted in a final verdict or the proceedings were discontinued. Many cases are still pending.
- The same goes for detentions, which the Ombudsman checked in 2021: 597 complaints about detention were submitted to the Warsaw courts after the wave of Women’s Strike demonstrations. Complaints were upheld in 346 cases from May 2020 to the end of July 2021 (the remaining cases are pending).⁷⁸

The ineffectiveness of the attack on the citizens (of course, apart from the nerves and the waste of time that was painful for those ‘in the crosshairs’) not only arises from the fact that the courts are still faithfully applying the law and are resistant to the ‘suggestions’ of the authorities. Legal aid provided *pro bono* and civic self-help (e.g. the legal Szpila collective and ObyPomoc) is of great importance.

Counsellor Baszuk: There are not that many of us, which is why, we know each other better and better and can already act supra-regionally. Groups of lawyers involved in defending activists operate in Warsaw, Katowice, Wrocław, Lublin and Gdańsk. We can use the network of mutual contacts of the activists and lawyers quite quickly to find a lawyer who is prepared to defend us almost anywhere. We make contact; we get to know each other. That’s how relationships are formed.

Most of the interviewees cope with the attacks of the authorities precisely as a result of this help. Lawyers also travel to smaller towns.

At the same time, **bottom up civic education** is ongoing: young people are learning the regulations, getting to know their rights and applying them. This is a fascinating effect of growing pressure which was not intended by the authorities.

⁷⁷ Report for 2017–21 <https://obywatelerp.org/wp-content/uploads/2021/11/Raport-ObyPomoc-Zbiorczy-do-20211031.pdf>

⁷⁸ <https://bjp.brpo.gov.pl/pl/content/rpo-demonstranci-zatrzymania-policja-sady-zazalenia>

Małgorzata from Limanowa, a young organizer of the 2020 women's protest, was immediately approached by members of the All-Poland Women's Strike and given her their contact details. 'Just in case,' they said. Nothing happened at first. Małgorzata did not even know she had a case in court until a default court order came in February 2021 informing her that she had been reprimanded. And then she asked for help because she knew where to turn for it. When her trial began, activists from all over the region came to support her – so she would not be left alone.

Laura Kwoczała, a High School graduate from Oleśnica: *I was called at the end of November 2020. I understood that this was no mean feat. The hearing was held in December. I refused to answer because I knew I had that right. How did I know? From a lawyer friend. He said that summoning us as witnesses – in an atmosphere of a press attack – is an old tactic, in order to force us to appear and then raise charges. That is why we contacted the All-Poland Women's Strike (OSK), because they experience such repression. And we had a lawyer from OSK.*

Piotr Starzewski, a high school graduate from Warsaw: *I am sitting in a black maria [police van]. Apparently I am not detained, but I cannot leave. I want to call a lawyer, they take my phone away. The policemen laugh that I don't know the law, because using public address equipment in public places is punishable with a fine. To which I tell them that there is a second paragraph, about exceptions – and one of them is a legal assembly.*

Surprisingly, essentially none of the activists we spoke to actually make an issue of the costs of lawsuits and fines they are facing. The prevailing belief is that 'we shall manage'. This is also a result of people 'in the crosshairs' receiving legal support and connecting with people in the same situation. The Public Collections Act 2014, which allows people to organize community support for the costs of harassment (in addition to fines), is highly significant.

However, **the psychological cost of activism is clear.** Fortunately, the people we spoke to know that psychological help is needed in crisis situations. They note, however, that an attack by the state and a mass hate campaign can be extremely dangerous for someone who is in a crisis even without this. However, if you have the support of relatives, you can survive it.

Kwoczała: *'Of the three girls with whom she was interviewed, two withdrew because of concerns about their families. The truth is that, for many people, what we encountered was reason enough to withdraw and not get involved.'*

Conclusion.

Lessons for the Polish and European public

As we have already emphasized, for researchers of traditional SLAPPs, the picture of the phenomenon of ‘in the crosshairs’ outlined here may be surprising in many respects. However, it is a part of one family of pathologies in which those who have political and financial power attempt to silence critics and opponents who threaten their rule. In countries such as Hungary or Slovenia, SLAPPs take on a more Polish than Western European form, but the boundaries here are movable, while the experience of countries where the rule of law and democracy are in crisis can serve as a warning. They are also simply an interesting subject for analysis.

Lessons for the civic society

The scale of repression and involvement of the state apparatus in suppressing civil resistance shows how great the strength of the Polish civic society is. Simultaneously, people resisting the authoritarian temptations of the authorities frequently do not appreciate what they are doing.

The lesson for the independent media: this needs to be written up!

The activists we spoke to find it important to know that what they were up against was not an individual excess, but action in line with a set pattern. This makes them better able to withstand harassment, gives them a sense of connection with others in a similar situation, and ultimately shows the desperation and fear (namely the weakness) of the apparatus of authority, so it gives them hope.

It can simultaneously be seen that the civic society is facing the task of finding methods of defending itself. In addition to *ad hoc* assistance and support,⁷⁹ other ways of uniting communities torn apart by attacks of state officials are also needed.

⁷⁹ Prosecutor Kwiatkowska’s account: And then there were these cards that came to the District Prosecutor’s Office in Golub-Dobrzyń. ‘They were written by ordinary people and representatives of the legal profession, judges and quite a few prosecutors.

Some sent them in envelopes so that the signatures could not be seen. Others wrote, ‘I’m not as brave as you, I won’t sign my name, but I’m keeping my fingers crossed for you’. I received sentences such as: ‘whoever is afraid dies every day, whoever is not afraid dies only once’, ‘honour is a luxury that only a free man can afford’, or Professor Władysław Bartoszewski’s famous words ‘it is worth being decent’.

Poles living abroad, in Toronto, London, Brussels and Paris also wrote. I found the number of cards and their content moving, but also encouraging and obliging. Because I could see that the citizens placed their confidence in me. I took them all to Warsaw. I shall make a collage of them, an expression of my respect and thanks for the interest in the case of the delegated prosecutor.’ <https://oko.press/nad-prokurator-kwiatkowska-wisi-pozew-o-2-mln-zl-jesli-mysla-ze-mnie-upokorza-to-sie-myla/>

Publicizing and showing these stories is important to activists – we regularly received gratitude for our articles in OKO.press, and the further away from the centre of the country we went, the greater was the joy and gratitude we felt that someone had noticed and understood. The method of conducting interviews we adopted enabled us to show not only human stories, but also the mechanisms applied by the authorities. We can hope that this will be of preventive significance: the perpetrators of harassment will finally start to understand that their actions will not always be anonymous.

A significant problem is that the cases of activists last for months and years. There are no deadlines. The status of the case is unknown. Laura Kwoczała did not know whether her case would come up during her baccalaureate exams. Bart Staszewski spent PLN 30,000 on misdemeanour cases and had no deadline for cases of the defamation of municipalities. Prosecutor Kwiatkowska was informed by the court that the earliest date of a hearing for PLN 250k with the National Prosecutor could be set two years later. Elżbieta Podleśna waited in her case – regarding inscriptions on walls and pavements in 2018 – until the verdict was passed in one case to start another, from a different location, making it all last much longer.

It is also dangerous that, from a legal point of view, harassment with the use of the Misdemeanour Code can look trivial, without requiring much from a lawyer. But this means that information about such cases spreads less, because ‘there is nothing to talk about’.

Meanwhile, these ‘trivial’ cases that last many months are a harrowing experience for many activists and can be decisive about their further involvement in public life.

It could also be worrying that people ‘in the crosshairs’ increasingly frequently see their experience to be a part of what they previously considered to be Polish martyrological clichés – models of irredentism enshrined in Polish collective memory are recalled.

Staszewski: *It never occurred to me that something like that could happen again.*

Kwoczała: *My grandmother said she associated this with the situation of martial law [1981–1982].*

Kwiatkowska: *I knew from the beginning that I would suffer the consequences.*

Once again **Kwoczała:** *‘when I see what activists experienced in other countries, I am no longer certain that what happened to me will end on this’.*

Podleśna says that she is broken, she operates, but she is a wreck, but ‘after all, they didn’t torture me’. [resistance to torture is a constituent feature of the Polish model of military heroism].

Grzesiowski is aware of such associations and asks not to be written up ‘in martyrdom terms’.

Poles have well-practised stories about heroic uprisings – they know less about public activity, constant and persistent work ‘from the basics’. That is why the onerous but ineffectual harassment by the authorities is so dangerous.

These actions can also easily escape the attention of national and international public opinion, bombarded with reports of ‘real’ SLAPPs initiated in Europe and around the world by oligarchs and corporations. Little does it occur to anyone that, in Poland, the authorities, which have rid themselves of liberal constraints, can also initiate the Polish version of SLAPPs, *en masse*, severe, even if they are not particularly spectacular.

We managed to note that every expression of support for an activist attacked by the state is uplifting. However, their massive extent should ALSO be noted – the more cards, letters of support, simple gestures,⁸⁰ the better. But also being in court, namely direct support, is essential.

One of the costs to which our protagonists refer is the loss of contact with people who know that it is no longer possible to talk to activists ‘about holidays and about their dog’, because they cannot go on holiday (what would happen if a letter were to come from the court?). It is also worth doing something about such falling out of the events of everyday life.

Finally, however: People who live ‘in the crosshairs’ are already talking about how many people are joining them, how many like-minded people they meet. Prosecutor Kwiatkowska’s reaction to Golub-Dobrzyń, from where she was ‘exiled’, is fantastic. Contact with a different world outside the big city makes her more committed to defending constitutional values, but is also changing the way she acts. ‘**I shall operate and I shall talk in plain language,**’ she says. This is because contact with the inhabitants of a smaller town made her aware that the average Pole does not understand legal language, which is so specialized that it is now essentially a different version of the language.

Hanna Waśko: *While monitoring the social media and reach, we see how new leaders are ‘growing’. If someone is the face of portals and the evening news for a few days, it is obvious that he is bold and expressive, that the media quote him, and the growth continues, we know that he can expect to be attacked.*

A non-political leader, a representative of an occupational group that is trusted, such as doctors or teachers, who responds in some highly publicized conflict situation, starts to have an increasing social media reach. He criticizes key government policies. People want to listen to him because they see him as their representative. The public imagines it is easy to

⁸⁰ Our series has been published in OKO.press since August 2021. When we checked at the end of November 2021, each article had between 4,000 and 12,000 views (an average of 7,000).

compare him to a politician who has been discredited to a greater or lesser extent, on a hero–anti-hero basis.

‘IN THE CROSSHAIRS’ PROJECT

Coordination

- **Anna Wójcik**, Wiktor Osiatyński Archive, researcher at the Polish Academy of Sciences. Rethink.CEE fellow of The German Marshall Fund of the United States think tank
- **Piotr Pacewicz**, Editor-in-Chief of the OKO.press portal, Editor of the underground ‘Tygodnik Mazowsze’ (1982–1989), secretary to Bronisław Geremek at the Round Table Agreement. He co-founded ‘Gazeta Wyborcza’, the largest Polish opinion-forming daily newspaper, its Deputy Editor-in-Chief (1995–2010). He co-created the ‘Give birth humanely’, ‘School with class’ and ‘Poland runs’ social campaigns. Author of the books ‘Psychologiczna analiza rewolucji społecznej’, ‘Zakazane miłości. Seksualność i inne tabu’ (with Marta Konarzewska) and ‘Pociąg osobowy’.
- **Agnieszka Jędrzejczyk**, OKO.press journalist. She worked at the Ombudsman’s Office in 2016–2021. In 1989–2011, a journalist and editor at Gazeta Wyborcza, co-author of the report ‘Ex officio’ on the state of civil rights and freedoms in 2020 from the point of view of the Ombudsman’s Office⁸¹

The ‘In the crosshairs’ project was supervised by an expert council chaired by Professor Adam Bodnar, Ombudsman in 2015–2021.

Its members are: Counsellor Sylwia Gregorczyk-Abram, Counsellor Radosław Baszuk and Professor Jędrzej Skrzypczak.

⁸¹ see: <https://forumdialog.eu/2021/01/05/paradigmenwechsel-adam-bodnar/>

'In the crosshairs' – list of materials gathered

Interviews with activists and their relationships, interviews with lawyers

1. [**Bodnar: The authorities want to shut their mouths. This much and as much as this.'**](#)
[**We want to write about and defend people 'in the crosshairs'**](#)

Interview with former ombudsman, Professor Adam Bodnar, 3.08.2021

2. [**Podleśna in the crosshairs of the authorities: They are bullying me, hating me, suing me. I'm afraid, but what else can I do?**](#)

Account from Elżbieta Podleśna, psychologist and social activist, 4.08.2021

3. [**Bart Staszewski: Suddenly, anonymous trolls are attacking you**](#)

An account by Bart Staszewski, LGBT activist, 5.08.2021

4. [**Laura Kwoczała: 'I was still a minor, so I went to the questioning with my dad'**](#)

Account by Laura Kwoczała, a high school graduate harassed for her activism regarding the organization of protests in defence of LGBT+ people in Wrocław and the women's strike in Oleśnica, 6.08.2021

5. [**Gregorczyk-Abram: End of the soft game. Impudent people in power cannot go unpunished**](#)

Account of a lawyer helping harassed people, 9.08.2021

6. [**An action for PLN 2 million hangs over Prosecutor Kwiatkowska. 'If they think they're going to humiliate me, they're wrong.'**](#)

Account of Katarzyna Kwiatkowska, a prosecutor and president of Lex Super Omnia, 16.08.2021

7. [**Paweł Grzesiowski, MD: Some started to have concerns about their contacts with me**](#)

Account of a doctor who criticized the authorities for the ineffective fight against the pandemic, 17.08.2021

8. [**The authorities are taking revenge, because I am describing what is happening. Professor Wojciech Sadurski**](#)

An account by constitutionalist Professor Wojciech Sadurski, 19.08.2021

9. [In Slovenia, Prime Minister Janša is attacking the media like Trump. The right wing is building a media empire there](#)

Interview with Marko Milosavljevic, Professor at the University of Ljubljana, Department of Journalism, 21.08.2021

10. [‘Today, anyone who becomes dangerous to the authorities can become a victim of an online attack’](#)

Interview with Hanna Waško, public relations and network communication specialist, 22.08.2021

11. [Siedlecka in the crosshairs of the authorities, the authorities in Siedlecka’s crosshairs](#)

Account by legal journalist and social activist Ewa Siedlecka, 1.09.2021

12. [Baccalaureate with the Misdemeanour Code. Piotr Starzewski](#)

An account of a high school graduate, a Climate Strike activist and participant of strikes and protests since 2020, 5.09.2021

13. [A banner on broom sticks and a court case for ‘Screw PiS’. Julia Landowska](#)

Account of a medical student, organizer of protests in defence of women’s rights in Gdańsk, 12.09.2021

14. [‘The authorities cannot cope, so they are increasing the pressure’. All of Marta Lempart’s cases](#)

Account from the leader of the All-Poland Women’s Strike, 1.10.2021

15. [The authorities discourage active citizens with senseless lawsuits – Counsellor Baszuk](#)

An account by Radosław Baszuk, a lawyer involved in helping harassed activists, 11.10.2021

16. [So that the bruises remain. Anna Domańska](#)

An account of a woman, whose arm a policeman broke at a demonstration, and who was then accused by the prosecutor of falsely accusing the police, 18.10.2021

17. [Rebel Women from Przemyśl – persecuted by the police and acquitted by the courts](#)

Collective portrait of female activists harassed in a medium-sized town in the south-east of Poland, 24.10.2021

18. The authorities are hounding us to stay seated on the sofa. Katarzyna Wappa in the crosshairs

The story of a government media attack on a local activist currently helping people who have crossed the border with Belarus and are hiding in the forests on the Polish side, 27.11.2021

19. He hung a picture of Lichocka's finger in the PiS office and the machine went into motion: the prosecution service, experts, a probation officer, the police

The case of a 22-year-old activist from Ostrowiec Świętokrzyski (200 km south of Warsaw) who has a protracted case regarding hanging a poster with a photo of PiS MP in a PiS MP's office. On it, he is showing a vulgar gesture made to the opposition MPs after parliament allocated 2 billion zlotys, or 500 million euros, to the government television and not, as the opposition parties wanted, for cancer treatment, 12.12.2021

20. Police in Debica chase rainbow because office has messed up emails. Nadia Kłos.

The case of young activist people who promote LGBT+ rights in small towns - the police prosecuted them for illegal assembly, although they had followed all the procedures, 21.12.2021

21. A Christmas Story, or how the police are prosecuting for *** ** ['Screw PiS']**

Cases under Article 141 of the Misdemeanour Code - slogans from demonstrations prosecuted as vulgarities in small towns, 26.12.2021

Trials and cases with the police

1. How to press a criminal charge against Podleśna? Instead of washing off her inscription, spend thousands on replacing the paving

Account from Elżbieta Podleśna's trial in Sierpc (first hearing), 22.07.2021

2. Małgorzata from Limanowa has a clean slate. Case regarding the women's protest finally discontinued

Account of the trial of a young woman taken to court in Nowy Sącz for organizing a women's strike (acquittal), 5.08.2021

3. In front of the court for the inscription 'Senate' on a police barrier. Urszula Zielińska's (Green Party) trial.

Account of the trial of an opposition MP (first hearing), the inscription 'Senate' on the police barrier which was used to separate protesters from the Senate building in 2018, 10.08.2021

4. The court: Make banners, don't write on the barriers with marker pens. MP Zielińska convicted, not punished

Account from the MP's second hearing and sentencing for using a marker to write on a police barrier, 17.08.2021

5. Ordo Iuris v Marta Lempart. What can and cannot be said about Ordo Iuris?

Information on the next Ordo Iuris action against Marta Lempart, leader of the All-Poland Women's Strike, 23.09.2021

6. Don't say I didn't warn you. Elżbieta Podleśna's case for the inscriptions 'PiS=PZPR' and 'Women's executioners' in Sierpc (100 km from Warsaw)

The next hearing regarding inscriptions against Elżbieta Podleśna in Sierpc, 6.10.2021

7. The court: The inscription PiS=PZPR is of little social harm. But Elżbieta Podleśna has to pay for the damage

Third hearing and sentencing in Podleśna's case regarding inscriptions in Sierpc, 14.10.2021

8. The court orders an investigation into TVP's disclosure of Marta Lempart's Covid test result

The case of the disclosure of the All-Poland Women's Strike leader's medical records and their use in a defamation campaign by the government television, 17.11.2021

9. "EU" and ten police officers. The case of the writing on the sidewalk

Interrogation of a young woman at a police station for trying to write "we stay in Europe" on the sidewalk with washable paint (she only wrote "EU" when the police moved in), 7.11.2021

9. 'Rainbow Madonna' case postponed again because Kaja Godek and her lawyer did not come to court

An account of another appeal hearing in Plock (100 km from Warsaw) regarding the "Rainbow Madonna", i.e. an icon of the Virgin Mary with a rainbow halo, cancelled by the prosecution, 8.12.2021