



APPEAL AGAINST POLICE VIOLENCE AND IMPUNITY IN POLAND

In defence of freedom of assembly and the rights of protestors

We, citizens of the Republic of Poland and the European Union, oppose the violence of the Polish police against participants in peaceful pro-democracy protests and the impunity of officers who break the law.

After the political camp centred around the Law and Justice (PiS) party came to power in 2015, a number of legislative changes related, in particular, to the independence of the judiciary and the broader sphere of human rights were met with disapproval by a significant part of society expressed in the form of mass protests.

Despite the peaceful nature of the demonstrations organised in recent years, they often become scenes of brutal and unlawful actions by the police. As a result, the vast majority of their participants are acquitted by the courts of numerous charges brought against them, and court judgements in many cases constitute a crushing criticism of the actions of police officers.

In October 2020, many of us took to the streets of Polish cities, towns and villages under the aegis of the National Women's Strike, protesting against the imposition of an almost total ban on abortion by Julia Przyłębska's politicised and illegally packed Constitutional Tribunal. This was a turning point in which the government's consent to escalating harassment of demonstrators by its subordinates became very clear.

This harassment has taken (and continues to take) a variety of forms, ranging from unlawful checking of IDs, to unjustified detention, to refusing detainees legal aid and access to toilets and medication, to disproportionate use of coercive measures and direct physical violence and humiliation during detention and personal searches.

In view of the frequent violations of the rights of persons exercising their freedom of assembly in Poland, we demand that the provisions of the Constitution and basic acts of European and international law, in particular the European Charter of Human Rights (hereinafter referred to as the ECHR) and the Charter of Fundamental Rights (hereinafter the CFR), be respected by ceasing:

- **The abuse of means of direct coercion, including the use of violence against detainees, leading to bodily harm (broken arms, torn shoulders, damaged feet and wrists, head injuries, numerous contusions)** (Article 231 of the Penal Code – hereinafter the “PC” – i.e. exceeding of powers and failure to fulfil obligations arising from the provisions of the law and Article 30 of the Constitution).
- **Rounding up selected protesters from a crowd of peaceful demonstrators, notorious discouragement to participate in protests through attempts to check IDs without indicating the factual basis for this action** (which is contrary to the Regulation of the Council of Ministers of February 4, 2020 on conduct in the exercise of certain powers of police officers), **arresting demonstrators and their unjustified detention at police stations, as well as treatment violating the dignity of detainees through insults, humiliation and unnecessary actions, such as personal searches**, exposing protesters to mental disorders and diseases such as post-traumatic stress

disorder (PTSD) or depression resulting from prolonged harassment of a person, which meets the definition of Article 231 of the PC, Articles 40 and 41 of the Constitution, Articles 3 and 5 of the ECHR and Articles 4 and 6 of the CFR and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

- **Treatment in a manner that degrades the dignity of and discriminates against persons of different sexual orientation, skin colour, ethnic group, religion, age group, gender, etc.**, which is prohibited, inter alia, by the European Convention on Human Rights and Fundamental Freedoms (Article 14 of the Convention, Article 1 of Protocol No. 12 to the Convention).
- **Systemic protection of police officers who have exceeded their powers and committed acts of violence**, which meets the definition set out in Article 231 of the PC. Refusing to enforce the law against law-breaking police officers violates Article 132 of the Police Act.
- **Disinformation and intimidation of people gathered at demonstrations by means of deceptive announcements, broadcast using megaphones, in which the police call on people to disperse, calling the assemblies held “illegal”** – contrary to the Constitution, which states that any restrictions on the right to assembly must be in accordance with the wording of Article 31, section 3.
- **Escalating conflicts with demonstrators by:**
 - **illegal obstruction of peaceful marches,**
 - **detaining demonstrators for many (up to eight) hours in so-called police kettles without access to toilets, water and food,**
 - **pushing and shoving protesters,**
 - **unjustified use of pepper spray,**
 - **public defamation and insult.**(which meets the statutory definition of Article 231 of the PC).
- **Refusing to provide medical assistance to detainees** (Article 231 of the PC).
- **Blocking the intervention of deputies in defence of demonstrators**, which violates the Act on the Exercise of the Powers of Members of Parliament and Senators (Article 20, § 1,3) and meets the definition set out in Article 231 of the PC).
- **Failure to disclose information about the place of transport of detainees and denial of legal assistance to detainees, including deliberate obstruction of the work of lawyers** (Articles 40, 41 of the Constitution, Articles 3 and 5 of the ECHR, Articles 4, 47 of the CFR).

We also demand that:

1. Police officers be required to wear identification badges and stop refusing to give their details to persons whose IDs are being checked;

2. Law enforcement consistently responds to acts of violence by extremist groups (such as ONR, National Guard, and Independence March) which continually attack and commit acts of violence against protesters;
3. There is compliance with the sanitary regimen by requiring police officers to wear masks in the presence of detainees.

Shadow of the Mist – Grassroots Support for the Women’s Strike (Cień Mgły – Oddolne Wsparcie Strajku Kobiet)

Open Dialogue Foundation

All-Poland Women’s Strike Foundation (Fundacja Ogólnopolski Strajk Kobiet)

Homocommando (Homokomando)

Citizens of Poland (Obywatele RP)

Protestea

Consultative Council at the National Women’s Strike (Rada Konsultacyjna przy Ogólnopolskim Strajku Kobiet)

And:

Ronald Kraszewski, initiator of the initiative

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Dominik Berliński

Dominika Dobosz

Angelika Domańska

Agata Dziopa

Krzysztof Główka

Agata Grzybowska

Tadeusz Kaczmarski

Olivia Masoja

Mola Melaniuk

Zuzanna Nikołajuk

Barbara Nowacka, Member of the Polish Parliament

Bernard Van Der Esch

Wiktoria Wojciuk

Marcin Mikołaj Ochmański

LIST OF SELECTED CASES OF ABUSE JUSTIFYING THE ABOVE DEMANDS

Below we present information obtained from people affected by police interventions, including the signatories to the appeal. This information describes selected examples of abuses that make up the systemic problem of increasing police brutality.

1. Angelika Jolanta Domańska

Date: May 10, 2017

Circumstances: During a monthly memorial organised by Jarosław Kaczyński, when he spoke of white roses as a “symbol of extreme stupidity and extreme hatred”, a female activist of the Citizens of Poland raised her rose and started shouting “liar”. She stood a few metres away from Kaczyński. She unfurled the flag of the Women’s Strike in front of the face of PiS MP Anita Czerwińska. The latter told her that she would have her details taken by the police. The gathered people lined up in a cordon and took her flag, broke flowers and dragged her on the ground.

Implications: Damaged arm. Lost consciousness. She was given a glucagon injection and a sedative pill. Her blood pressure spiked. Her arm was bandaged.

Police response and subsequent events: Police officers refused to call an ambulance. A friend led her to the emergency service.

Date: October 25, 2020

Circumstances: A group of people peacefully protesting outside the Church of the Holy Cross in Warsaw were attacked by members of nationalist militias. The chairman of the Independence March, Robert Bąkiewicz, illegally blocked the church entrance and threw a female activist down the stairs.

Implications: The victim lost consciousness, fell on the pavement and suffered convulsions due to stress and low blood sugar as she suffers from diabetes.

Police response and subsequent events: The police did not respond to the incident. One photojournalist stood nearby and heard a police officer encouraging the militants in this act. There were no consequences for police officers escalating violence and failing to respond to its manifestations.

2. 24 activists detained for blocking the headquarters of the National Forests

Date: November 9, 2017

Circumstances: A group of the so-called defenders of the Białowieża Forest (protesting against mass deforestation) chained themselves to the entrance gates at the headquarters of the Directorate of National Forests at ul. Grójecka in Warsaw to protest against the cutting of trees in the Białowieża Forest.

Police response and subsequent events: More than a dozen police cars and around 80 officers intervened. 24 people were detained and taken to the police station at ul. Opaczewska in Warsaw. Families and roommates of activists faced intrusions by officers the day after – there were situations in which police officers broke into their apartments without a warrant. They cited the need to “confirm the place of residence” of the detained activists as justification for their actions. The roommates were also questioned about various life circumstances concerning the detainees.

Abuse during and after detention:

– The work of lawyers was obstructed in an attempt to delay their access to detainees,

- Degrading treatment during personal searches, including inserting fingers into the anus and vagina of one of the detainees,
- An absurd allegation of trespassing brought against the detainees, despite the fact that the protest took place in a public office,
- Breaking into an apartment without a prosecutor’s order and asking inappropriate questions, such as whether detainees use drugs, abuse alcohol and receive psychiatric treatment.

3. Anna Prus

Date: April 27, 2018

Circumstances: Peaceful blockade of the headquarters of the National Prosecutor’s Office, where the neo-KRS session was held.

Police response and subsequent events: the activist had her arm twisted, she was hit several times and dragged into a police car. She was arrested and taken to the police station, from where she was released after two hours of questioning.

Implications: Broken wrist and the need to take strong painkillers. Her hand was immobilised in a cast.

Abuse: During her detention, she was denied contact with her lawyer.

4. Justyna Butrymowicz

Date: August 15, 2018

Circumstances: Blockade of a police-protected march of ONR and All-Polish Youth nationalists, organised by activists from OSK, Citizens of Poland and Queer Solidarnie.

Police response and subsequent events: Police officers pulled Justyna Butrymowicz out of the group of demonstrators. During the intervention, her hand started to hurt badly, but the policeman pulled even harder despite her screams.

Implications: Fracture of the wrist in the right hand, as a result of which the hand was immobilised in a cast.

Abuse: An attempt to thwart the organisation of a peaceful assembly.

5. Agata Grzybowska

Date: November 23, 2020

Circumstances: A reporter was covering the protest outside the building of the Ministry of Education. While taking a picture, she used the camera flash, which the officer perceived as a personal “attack”.

Police response and subsequent events: Despite showing her press card, she was forcibly taken to a police car. After being taken to the police station at ul. Wilcza, she was accused of violating the bodily integrity of a police officer. Attempts were made to force her to confess. She was released after questioning.

Abuse: Unjustified detention of a journalist entitled to report on events; violation of media freedom.

6. Barbara Nowacka, Member of the Polish Parliament

Date: November 28, 2020

Circumstances: A protest organised in Warsaw by the Women’s Strike under the slogan “In the name of a mother, daughter, sister”.

Police response: The MP was attacked with gas during a parliamentary intervention. From a distance of less than one metre, a police officer sprayed her face with gas, while the woman showed him her MP identity card in her outstretched hand.

Implications: Irritation of the inside of the nose, burning in the throat, strong coughing and sneezing, shortness of breath, disorientation and loss of control of her movements.

Abuse: Blocking the intervention of the MP in defence of demonstrators, which violates the Act on the Exercise of the Powers of Members of Parliament and Senators (Article 20, § 1,3) and meets the definition set out in Article 231 of the PC. Unjustified use of direct coercive measures. According to Article 6 of the Direct Coercive Measures Act of 2013, they may be used “in a manner necessary to achieve the purposes of such use, in proportion to the degree of risk, selecting the measure with the least possible ailments.”

7. Mola Melaniuk

Date: December 9, 2020

Circumstances: During a demonstration of solidarity in front of the police station at ul. Wilcza in Warsaw, she was subjected to direct coercion (strangling, twisting her arm, and dragging her by her scarf), even though she did not resist.

Implications: Spiral fracture of the arm in several places, with an intermediate fracture of the shaft of the left humerus, qualifying for surgical treatment.

Abuse: Refusal of medical assistance for hours after detention, obstruction of legal assistance. Failure to bring any consequences against the aggressive police officer.

8. Katarzyna Augustynek known as “Grandma Kasia”

Date: 28 and 29 January 2021

Circumstances: Detained during a peaceful demonstration outside the Constitutional Court.

Police response and subsequent events: She was thrown on the floor of a police car and taken to the Pruszków police station. She was strip searched with no justification. Although she did not resist, two policewomen brutally and forcefully thrust the detainee to the floor and stripped her of her clothing, including her bra, socks, tights, underwear and shoes. One of the police officers choked the detainee while the other, holding her knee on the detainee’s chest, twisted her hands. This was watched by two policemen. Then, she was ordered to go without shoes to the interrogation room, after which she was put without tights (the temperature outside was -5C) into a police car and transported to Piastów, where she was put into a cell for the night. In the morning she was denied access to the restroom for a long time. As a diabetic, she should eat regular meals, but for a long time she did not get her breakfast. While she was eating, she was told to move to another cold cell without being able to take food with her. The policeman addressed the detainee in an offensive manner (quoting “Shut up, old woman”) and violently pushed her. It was not until around 1:00 p.m. that a lawyer came and she was released.

Consequences: Bruises, scrapes, abrasions. Psychological trauma due to violent treatment.

Abuse: Lack of access to medication. Inability to use the restroom. Prolonged lack of meals. Unreasonable strip search conducted in violation of dignity and in an extremely violent manner. Inability to dress after the strip search. Inability to contact an attorney. Despite filing a complaint against the detention claiming, among others, the use of torture, the case stalled.

9. Group of people

Date: 28 January 2021

Circumstances: At least five people were detained by police just before 4 p.m. during a protest outside the Ministry of Education.

Police response and subsequent events: The detainees were violently thrown into a police car. The protesters tried to prevent the police car from leaving. The police unsuccessfully removed the protesters from the driving route. At one point, the driver of the police car took off, disregarding the people around him. One of the protesters blocking the car was injured (being hit by the car). He had to be given medical attention by paramedics.

Consequences: Ankle injury, cut hand of one of the detainees.

10. Zuzanna Nikołajuk

Date: 28 January 2021

Circumstances: Detained during a demonstration outside the Constitutional Court around 10:30 pm.

Police response and subsequent events: She was grabbed, insulted and pinned to the ground by one of the officers, who – enraged – shouted vulgar insults, including “you b*tch, I’m going to get you now”, and “you’re getting what you deserve, b*tch”. For several minutes she lay on the ground in a painful clinch, although she offered no resistance. As she was being led to a police car, a policeman twisted her arm and did not react to the objections of a member of the Polish Parliament who was present at the scene. The other policemen mocked her, intimidated her, called her a “little shit” and said that “you have to put your foot down with such people”. The operations conducted during the night ended around 6:00 a.m. and only then was she taken to a cell. She had been searched a total of four times by that point, and spent about an hour in a police car with her hands tightly cuffed behind her back.

Abuse: She was transported to the police station in Legionowo, where contact with a lawyer was consistently delayed and she was refused the ability to inform a close relative (her female partner) of her whereabouts. When making the custody report, the officer in charge of the interrogation tried to force her to declare that she did not complain about the detention, although she had clearly indicated that she did want to make a complaint. The officer who had violently detained her was present the entire time. He was also the one who was ordered to make the phone call to her partner, which she had been requesting for several hours. Despite knowing that he was calling the person with whom the detainee was in a relationship, he referred to her partner as a “friend” with a mocking smile. She was treated in a homophobic manner.

11. Oliwia Masoja

Date: 29 January 2021

Circumstances: Peaceful demonstration in front of the Constitutional Court.

Police response and subsequent events: The police surrounded the protesters and began to check IDs. The officers apprehended whoever they could, for no apparent reason. Oliwia was among these people. A police officer started pushing her and pressing against the wall of a building, causing her to run out of air and faint. She was carried outside the cordoned-off people. The policeman threw her with all his might against the wall of a building. She fell to the ground with an overwhelming pain in her head and nose. It turned out that she was bleeding profusely and spitting blood. She was taken to the police station in Legionowo. At the police station, she was told to wait for her lawyer, even though the lawyer had already been at the police station for two hours.

Consequences: Nasal fracture.

Abuse: Using demeaning racist insults against the Zimbabwean-born detainee. One of the police officers shouted, “Why is that coloured one lashing out?”. She was questioned under the assumption that she was a foreigner in application of Article 293 of the Act on Foreigners (authorizing officers to check the legality of a foreigner’s stay in the Republic of Poland), despite the fact that the activist was a citizen of the Republic of Poland, for which she presented her identity card. She was asked whether she could read and write in Polish, or only speak, and for how many years she had lived in Poland. She was constantly told that they did not believe that she was Polish because she is “coloured”. Obstructing access to a lawyer.

12. Paulina Abramczuk

Date: 30 March 2021

Circumstances: As a member of the “No More” feminist collective she was attacked near the seat of Ordo Iuris on Zielna Street in Warsaw, by three suspicious men standing in front of the Świętokrzyska subway entrance. One of them grabbed the rainbow flag tied around Paulina’s neck and pulled her with all his strength. The girl fell to the sidewalk and the perpetrators ran away.

Consequences: Pain in the neck area and severe bruising.

Police response and subsequent events: Lack of police intervention. The officers stood idly by and when the assembled shouted for them to react, several of them reluctantly joined one of the activists who took up the chase after the attackers.

13. Dominika Dobosz

Date: 15 April 2021

Circumstances: Peaceful demonstration in front of the Sejm (lower chamber of Parliament) after the verdict of the Constitutional Court under Julia Przyłębska removing the Ombudsman, Adam Bodnar, from office.

Police response and subsequent events: She was unlawfully detained in a police raid, shortly after the end of the demonstration in front of the Sejm. During her detention she was subjected to direct coercion, including brutal bending of her fingers, trampling on her limbs, cuffing her kneeling on her thighs and back, and suffocating her. After being cuffed, she was dragged across the roadway and thrown to the floor of a police car. In the police car, she was not informed of any rights or the reason for her detention. She travelled all the way to the police station lying on the floor with her legs blocked by the police car’s unlocked door.

Abuse: Failure to provide medical attention despite numerous requests, both immediately after being detained and after being transported to the police station. Unreasonable use of force against an individual not posing any resistance, including prolonged cuffing of the hands behind the back. Exposure to SARS-CoV-2 virus infection (none of the officers were wearing a face mask properly, and some had none at all). Deliberate and prolonged prevention of contact with lawyers, despite their presence in the police station.

14. Krzysztof Główka

Date: 15 April 2021

Circumstances: Peaceful demonstration in front of the Sejm (lower chamber of Parliament) after the verdict of the Constitutional Court under Julia Przyłębska removing the Ombudsman, Adam Bodnar, from office.

Police response and subsequent events: He was unlawfully detained in a police raid, shortly after the end

of the demonstration in front of the Sejm. A detention order was issued by Chief Commissioner Mariusz Stoczkowski. He was pinned down during the arrest (although he actively relieved the pressure by pulling the officer's arm away).

Consequences: Bruised knee and little finger of the hand (documented by a visit to the hospital in Solec Street, assisted by police officers).

Abuse: Denying access to legal aid despite the presence of lawyers at the police station – eventually the lawyers met the detainee, after four hours. He was not advised of his rights until the lawyer was present. Approximately ten hours elapsed from the time of detention until he was placed in a cell, of which the hospital visit took only an hour and a half.

15. Dominik Berliński

Date: 15 April 2021

Circumstances: Peaceful demonstration in front of the Sejm (lower chamber of Parliament) after the verdict of the Constitutional Court under Julia Przyłębska removing the Ombudsman, Adam Bodnar, from office.

Police response and subsequent events: He was unlawfully detained in a police raid, shortly after the end of the demonstration in front of the Sejm. He was attacked from behind by two policemen: Robert Szostak (constable) and Szymon Rzepka (intern), both from a riot squad in Piaseczno. Although he submitted to the officers' actions and did not resist, constable Szostak choked him. Policemen twisted his arm back and tried to put handcuffs on him. At the police station, the officer on duty, Aspirant Mariusz Kurczyński, was not wearing a mask. He, along with two other detainees and six officers, spent many hours in a room of approximately 15m². During all the procedures most of the policemen were not wearing their protective masks correctly, and many had none at all. Staff Sergeant Jarosław Abramski, who interrogated Dominik in the presence of his lawyer, refused to cover his nose.

Abuse: Deliberate exposure to inconvenience, including lack of drinking water and blanket – despite numerous requests. Unreasonable strip search. Exposure to SARS-CoV-2 infection. Obstruction of access to an attorney.

16. Julia Gościńska

Date: 16 April 2021

Circumstances: Demonstration in solidarity with detainees in front of the police station on Wilcza Street.

Police response and subsequent events: Brutally and unjustifiably detained at the direction of the Chief Commissioner, Rafał Jankowski who had pushed her and forcefully grabbed her shoulders just before apprehending her. He also did not give a reason for the detention. Although she offered no resistance, Constable Kamil Olender painfully twisted her arms behind her back all the way to the police station.

Abuse: Lack of any basis for detention. Exposure to SARS-CoV-2 infection. Obstruction of access to legal aid. Unjustifiably prolonged interrogation procedures, as a result of which she was taken into custody after nearly seven hours. She waited approximately four hours with her lawyer for the drafting of the custody report.

17. Agata Dziopa

Date: 16 April 2021

Circumstances: Demonstration in solidarity with detainees in front of the police station on Wilcza Street.

Police response and subsequent events: She was brutally treated during a protest held in solidarity with detainees on Wilcza Street. A policewoman snatched her megaphone, painfully twisting her arm. She was repeatedly hit in the ribs and brutally thrown to the ground.

Consequences: Sprained finger of left hand, torn ligament in leg, numerous bruises.

Abuse: Unjustified violence against an unresisting individual. Escalating conflict by provoking and shouting at protesters by inexperienced police officers.

18. Tadeusz Kaczmarek

Date: 15 May 2021

Circumstances: Demonstration in support of Palestinians outside the Israeli Embassy in Warsaw.

Police response and subsequent events: He was beaten by police as participants were dispersing after the demonstration. Thrown to the ground several times, thrown around, hit, and subjected to hand twisting and knee breaking.

Consequences: Abrasions and bruises of upper and lower extremities, abdominal abrasions, strained tendons from the neck through the entire back.

Abuse: Unreasonable abuse of force, improperly placed transport holds while being transported to the police station (by young policemen after one and a half months of internship).

Date: 24 May 2021

Circumstances: Spontaneous action in front of the Warszawa Wileńska railway station against “Pro-Life” activists collecting signatures under a new draft anti-abortion law.

Police response and subsequent events: Roundup targeting people from the counter-demonstration undertaken as the protesters were leaving. Refusal to provide personal information during a check-up due to an inconsistent factual basis given by the officers. He was beaten and kicked, and after being thrown to the ground, one of the police officers put a choke hold on him, despite the fact that he did not pose any resistance. The police officers mocked individuals from the counter-demonstration.

Consequences: Larynx injury, abrasions and bruises on upper extremities.

Abuse: Lack of police response to reports of people spitting at and attacking demonstrators (including one attacker with pepper spray), refusal of police officers to identify themselves.

19. Bartosz Kramek

Date: 24 January 2021

Circumstances: assaulted during a rally for women’s rights in Warsaw while attempting to aid a person lying on the ground.

Police reaction and subsequent events: sprayed with tear gas, restrained with a knee put on his neck (similar to George Floyd in the USA) with his face in the mud and snow.

Abuse: Unjustified use of force and unfounded allegation of violating the physical integrity of a police officer with, among other things, the use of snowballs (which is contradicted by video footage).