



Doc. 15755
28 April 2023

Ending the abuse of politically motivated prosecutions by the State prosecution service in Poland

Motion for a resolution

tabled by Mr Constantinos EFSTATHIOU and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Since the Law and Justice-led government came to power in Poland in 2015, the State prosecution has been increasingly politicised to serve the interests of the ruling coalition, as noted in Resolution 2316 (2020) and Resolution 2359 (2021).

The continuous changes to the criminal law have expanded the powers of the State prosecution service, jeopardising the “equality of arms” in criminal proceedings. Furthermore, these changes strengthened the position of the Prosecutor General, who also serves as Minister of Justice and the leader of a ruling coalition party, to an unprecedented level.

The misuse of the public prosecution to serve political and personal interests of the ruling coalition resulted in a growing number of politically-motivated criminal cases against the opposition, civil activists, journalists and entrepreneurs. Reports of harassment of business leaders, including through arbitrary detentions, indicate corruption and attempts of raidership. These cases require the Assembly’s attention, as they lead to infringements of freedom of enterprise and the fundamental right to property, and threaten foreign investments. Meanwhile, investigations exposing the abuses of the ruling coalition or threatening the personal interests of its members are obstructed or not initiated at all.

European institutions have sought to remedy the rule of law crisis in Poland by safeguarding the independence of the judiciary. However, to ensure compliance with the European Convention on Human Rights, the Assembly should investigate the growing number of politically-motivated criminal cases and dereliction of duties by the national prosecution. Apart from the systemic dimension of the rule of law crisis, accounting for individual cases remains paramount.

The Assembly, as part of its monitoring procedure and joining efforts with the European Union, should take these individual cases of persecution into account in its continuing dialogue with Poland.

Signed (see overleaf)

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Signed¹:

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