

Warsaw, 12 February 2024

Adam Bodnar
Prosecutor General of the Republic of Poland
Minister of Justice

Appeal for a review of politically motivated prosecutions from 2015-2023 and the rehabilitation of victims

As a person of unquestionable authority in the defence of human rights and the rule of law, your appointment as Minister of Justice and Prosecutor General was received with great joy and hope for fundamental changes in the institutions placed under your authority. At the same time, keeping in mind the scale of the challenges currently facing you, we would like to ask you not to forget the numerous individual cases of abuse of power and trampling of human dignity by prosecutors carrying out political orders in the last eight years.

As citizens of the Republic of Poland, supporting the victims of the arbitrary and highly questionable actions of the Public Prosecutor's Office led by your predecessor, Zbigniew Ziobro, we would like to address you with concern and alarm regarding the still ongoing political investigations initiated between 2015 and 2023, under the United Right government.

The politicisation of the Prosecutor's Office, translating into harm and damage to persons who have become a target of or been inconvenient to the previous government, has been identified by, among others, the Venice Commission ([opinion 892/2017](#)), the Parliamentary Assembly of the Council of Europe ([Resolution 2316 \[2020\]](#), [Written declaration 786](#), [Motion for a resolution 15755](#)) and the European Parliament ([Resolution 2021/2935\[RSP\]](#) and others). A detailed report on the topic was also issued by the [Helsinki Foundation for Human Rights](#).

We believe that, as the new Prosecutor General, you have not only a unique opportunity, but also a moral obligation, to conduct an effective review of a number of politically motivated cases. We hope that, in the case of investigations that show a so-called reasonable suspicion of insufficient grounds for prosecution, independent prosecutors will take appropriate steps to close them.

In comparable circumstances, following the fall of the oppressive regime of Vladimir Plahotniuc in Moldova, in May 2020 the newly appointed Prosecutor General [closed nearly 40 criminal proceedings](#) against critics of the previous government and whistleblowers in that country, deeming them politically motivated. The rationale for this decision cited insufficient evidence and the exhaustion of all reasonable means of obtaining it, or the [lack of corpus delicti](#).

The reports of the Open Dialogue Foundation ([Polish Public Prosecutor's Office: Selected Cases of Malicious Prosecution and Dereliction of Duties since 2015](#)), the [ObyPomoc group of the Citizens of Poland](#), the "PiS State" platform of the Paragraf-Państwo association, studies by the Lex Super Omnia association and the Committee for the Defence of Justice (in the case of persecuted prosecutors), as well as numerous media reports. In the majority of these cases, pre-trial proceedings have been ongoing for years and still have not provided — even in the opinion of the prosecutors conducting them, who are often politically entangled — grounds for indictment, and thus the premises for discontinuation of the investigation pursuant to Article 322 § 1 of the Code of Criminal Procedure are arguably present.

In cases where indictments have already been filed (which have so far remained essentially unaddressed by the courts), they can be withdrawn on the basis of the controversial, but still valid, provision of the Code of Criminal Procedure, the so-called *lex Obajtek*.

For example, included among such political, malicious investigations, are the proceedings mentioned in the above-mentioned report of the Open Dialogue Foundation (or in preparation for publication in its next update) concerning, inter alia, the following:

1. Representatives of civil society, including:
 - leaders of the All-Poland Women's Strike: Marta Lempart, Klementyna Suchanow and Agnieszka Czerederecka; and local level activists, including Anna Miedzińska, Anna Kowalczyk-Derlagga, Krzysztof Niciejewski and Chrystian Szpilski;
 - Justyna Wydrzyńska (Abortion Dream Team);
 - Monika Pacyfka Tichy, organiser of the Equality March in Szczecin;
 - Zbigniew Komosa, who regularly lays wreaths at the Smolensk memorial in Piłsudski Square;
 - 13 pro-refugee activists from the Polish-Belarusian border (several of whom are also charged in other cases): Grzegorz Antoszewski, Julia Bednarek, Dominik Berliński, Angelika Domańska, Julia Gościńska, Leokadia Jung, Anna Kulesza, Bartosz Kramek, Zuzanna Lesiak, Katarzyna Pikulska, Kajetan Wróblewski, Bernard van der Esch and Justyna Butrymowicz;
 - refugee rescuers Paweł and Justyna Wrabec (Citizens of Poland) and Ewa Mens, Bożena Fryzowska, Grażyna Odechowska and Andrzej Trzeciakowski;
 - LGBT+ rights activist Bart Staszewski (Basta Foundation);
 - Linus Lewandowski (Homokomando Association), Sebastian Słowiński and others participating in the protest in defence of LGBT+ rights during the so-called Rainbow Night;
 - activists Katarzyna Augustynek, Elżbieta Podleśna; Mariusz Redlicki;
 - Maria Kubisa, gynaecologist;
 - Martin Mycielski of the Open Dialogue Foundation for a tweet of the satirical "SokzBuraka", which offended J. Kaczyński.
2. Judges Beata Morawiec, Igor Tuleya, Waldemar Żurek, Wojciech Łączewski, Krystian Markiewicz and others, as well as independent prosecutors such as Mariusz Krasoń, Ewa Wrzosek, Katarzyna Kwiatkowska and other members of the Lex Super Omnia Prosecutors Association.
3. Opposition politicians and local government officials, including Roman Giertych, Roman Ptak, Włodzimierz Karpiński and Tomasz Grodzki.

4. Former heads and officers of the special services: Brigadier General Piotr Pytel, Brigadier General Janusz Nosek, Colonel Krzysztof Dusza, Paweł Wojtunik, Brigadier General Krzysztof Bondaryk, Colonel Grzegorz Małecki, Brigadier General Andrzej Pawlikowski and Major Robert Terela.
5. Entrepreneurs and managers holding supervisory and managerial positions in state-owned companies and central state administration bodies: Leszek Czarnecki, Jakub Karnowski, Piotr Osiecki, Przemysław Krych, Maciej Witucki, Tomasz Misiak, Grzegorz Bielowicki, Paweł Olechnowicz, Jacek Krawiec, Andrzej Jakubiak and Wojciech Kwaśniak.
6. Journalists and writers: Piotr Zapotoczny, Tomasz Piątek, Mirosław Jamro, Igor Krawetz, Piotr Surmaczyński and Jakub Żulczyk.
7. So-called “unfortunates” - people who accidentally came into conflict with the former ruling camp or its representatives, such as sports manager Cezary Kucharski or the participant in an accident with then-Prime Minister Beata Szydło, Sebastian Kościelnik.

The list isn't complete.

A number of worrying patterns and mechanisms can be discerned in the above-mentioned cases, indicating the systemic dimension of the problem, including: repetitive allegations without evidence, including allegations that defy common sense and logic; unfocused fact-finding investigations; reputational attacks on witnesses and suspects in media outlets (in reality propaganda media) favourable to the previous authorities, closely coordinated with the prosecution; portrayal of witnesses as suspects, and suspects and defendants as guilty, and demonising them for the benefit of public opinion; abuse of special services (in particular the Central Anticorruption Bureau and Internal Security Agency) by using them in breach of statutory powers; illegal surveillance; endless pre-trial proceedings lasting years, detention prolonged to exert pressure on the detainee and demonstrative detentions, repeated arrests on the same charges; reprisal, repressive actions against representatives of particular social and professional groups in order to intimidate them; open threats, including against family members; abuse of international legal assistance mechanisms; extortion, corruption and invoking influence (protection racket), etc. (for more see the above-mentioned [ODF report](#), pp. 93-95).

They point to abuses of power on the part of the Prosecutor's Office, police and law enforcement agencies involved in carrying out activities (Article 231 of the Penal Code) and in some cases crimes against the justice system (Articles 232-235 of the Penal Code and others) or corruption. In view of the aforementioned and the frequent lack of prospects for these cases to be resolved through the judicial process in the near future, we request that they be re-examined on a case-by-case basis. In order to facilitate and expedite this process, the lawyers of the victims will — as soon as possible — submit appropriate motions to terminate the investigations, with arguments to that effect. At the same time, we request that the prosecutors and officers responsible for the abovementioned abuses be held accountable.

We would like this appeal to become a voice of remembrance for all those who have fallen, for whatever reason, victim to political persecution in recent years.

The victims have been and continue to be exposed to a range of consequences, which of course vary from case to case: from deep trauma (often also affecting their relatives and colleagues), damage to their reputation and problems with employment, access to banking services, obtaining permits to enter third countries; sometimes also a temporary loss of liberty (arbitrary arrests and detentions); to the negative consequences for the companies and organisations they run or are associated with due to the unjustified actions of the prosecution and the services it controls.

These proceedings — which can easily be described as so-called legal harassment — also pose a serious threat to the health of democracy and public trust in law enforcement and the judiciary. For critics of the previous government, they are also qualified as far-reaching actions against public participation (so-called SLAPPs), which in Poland remained primarily the domain of public authorities.

We call on you to appoint a team of prosecutors to analyse the rationale for a continuation of investigations initiated and conducted between 2015 and 2023 in which there is a highly justified suspicion of the use of the Prosecutor's Office as a political tool to intimidate, harass and falsely accuse a number of people of not committed or highly questionable offences, only because, for various reasons, they became inconvenient for the previous ruling camp,

We believe that such a decision would be a crucial step towards restoring public confidence in the Polish Prosecutor's Office and the judiciary, as well as a tangible confirmation of the will to reform it in order to restore apoliticality, respect for constitutional rights of the individual and the principle of equality before the law.

We remain at your full disposal and open to dialogue, hoping for a meeting with the representatives of the signatories of this appeal and the wronged parties.

Best regards,



Lech Wałęsa, former President of the Republic of Poland

with

Action Democracy
Shadow of the Mist: Grassroots Support of the Women's Strike
Civil Development Forum
Active Democracy Foundation
Asymetryści Foundation
Basta Foundation
Bronisław Geremek Foundation
Time for Women Poznań Foundation
Feminoteka Foundation
Lambda Poland Foundation
Better Niepołomice Foundation

Ocalenie Foundation
Open Dialogue Foundation
The Hope Project Poland Foundation
Economic Freedom Foundation
Border Group
Committee for the Defence of Democracy
Mobile Brigade of the Opposition
Media Liberation Fund
Citizens of Poland
All-Poland Women's Strike
Open Republic
Piotr Szczęsny Open Civic Club
Polish Robert Schuman Foundation
Polish Business Council
Protestea
Defensor Iuris Bar Association
Homokomando Association
Campaign Against Homophobia
Lambda Warsaw Association
Lex Q Association
Themis Judges Association
Student Anti-Fascist Committee
Society of Journalists
Union of Ukrainians in Poland

Leszek Balcerowicz, former Deputy Prime Minister, Minister of Finance and head of the National Bank of Poland

Andrzej Blikle, professor at IPI PAN and Member of Academia Europaea

Michał Boni, former Minister for Digitalisation and Member of the European Parliament

Juliusz Braun, former MP, Chairman of the National Broadcasting Council and President of TVP

Michał Dadlez, professor at the Polish Academy of Sciences and the University of Warsaw

Rafał Dutkiewicz, former Mayor of Wrocław, President of the Employers of Poland

Władysław Frasyniuk, opposition activist in the Polish People's Republic, former Chairman of the Freedom Union

Beata Geppert, translator of French literature

Agnieszka Holland, film and theatre director

Zbigniew Hołdys, singer, musician and composer

Krystyna Janda, actress

Robert Krzysztoń, opposition activist in the Polish People's Republic, publicist

Jacek Kucharczyk, Chairman of the Board of the Institute of Public Affairs

Bogdan Lis, opposition activist in the Polish People's Republic

Tomasz Lis, journalist

Cezary Łazarewicz, opposition activist in the Polish People's Republic, journalist, publicist and writer

Hanna Machińska, professor at the University of Warsaw, former Deputy Ombudsman

Marcin Matczak, professor at the University of Warsaw

Ewa Negrusz-Szczęsna, widow of the "Grey Man" Piotr Szczęsny

Piotr Niemczyk, opposition activist in the Polish People's Republic, journalist
Konrad Nowacki, publisher, Cyranka Publishing House
Janina Ochojska, founder of Polish Humanitarian Action
Janusz Onyszkiewicz, former Minister of Defence and Vice-President of the EP
Laurent Pech, professor of law, Dean of UCD Sutherland School of Law
Mikołaj Pietrzak, lawyer, Dean of the District Bar Council in Warsaw
Maciej Pisuk, writer and scriptwriter
Andrzej Rojek, Chairman of the Board of the Jan Karski Educational Foundation, Vice Chairman of the Board of the Kosciuszko Foundation
Łukasz Ronduda, film director
Wojciech Sadurski, Professor at the University of Warsaw and the University of Sydney
Jakub Sienkiewicz, singer, neurologist
Sławomir Sierakowski, journalist, editor-in-chief of *Krytyka Polityczna*
Mirosław Skórka, Chairman of the Union of Ukrainians in Poland
Jacek Socha, economist, former Minister of the Treasury
Grażyna Staniszevska, opposition activist in the Polish People's Republic, former Senator and MEP
Jacek Szymanderski, opposition activist in the Polish People's Republic, sociologist
Klementyna Suchanow, writer, All-Poland Women's Strike
Magdalena Środa, philosopher, Professor at the University of Warsaw
Marcin Świącicki, former Mayor of Warsaw and Minister for Economic Cooperation with Foreign Countries
Tomek Ulatowski, Chairman of the Council, Media Liberation Fund
Andrzej Wielowieyski, opposition activist in the Polish People's Republic, former Senator and MEP
Ewa Winnicka, journalist, reporter
Krzysztof Zakrzewski, Managing Partner at the law office *Domański, Zakrzewski, Palinka*
Andrzej Zoll, former President of the Constitutional Court