

Warsaw, Poland

April 6, 2016

AN OPEN LETTER TO:

MEMBERS OF CONGRESS OF THE UNITED STATES OF AMERICA, MEMBERS OF THE EUROPEAN PARLIAMENT AND THE EUROPEAN COMMISSION, REPRESENTATIVES OF FREEDOM HOUSE, JOURNALISTS AND MEDIA OWNERS IN EUROPE AND AMERICA

**THE POLISH PEOPLE HAVE GIVEN THEIR NEW GOVERNMENT MANDATE TO RESTORE DEMOCRATIC STANDARDS AFTER VIOLATION OF THE DEMOCRACY SINCE COMMUNIST TIMES. THIS PROCESS IS MAKING GOOD PROGRESS.**

We, the numerous organizations signed below representing over 50,000 people, are directing this letter to you in order to express our many concerns. For many years, we have been and continue to be guided by the concern for the state of democracy, freedom of speech and transparency of public life in Poland.

We believe that our internal affairs should be resolved in Poland, without the interference of other States. However, we are forced to speak out in connection with the falsely broadcasted and published media information about Poland and the meeting of representatives of a newly formed movement in Poland, The Committee for the Defense of Democracy (KOD) with US Government officials, as well as with members of non-governmental organizations (NGOs). The KOD movement, in whose ranks we find mainly politicians who have just recently lost power in Poland, and are now trying to deceive the members of Congress, representatives of Freedom House, as well as the media along with the public opinion, claiming that democracy and the rule of law are now somehow threatened in Poland by the new government.

Thus, we would like to present the facts that illustrate, that the state of affairs is quite the opposite. All of the information provided below can be verified (and we will gladly provide you with sources).

For the first time since the fall of the communist regime in our country and frankly, since the end of the Second World War, Poles have elected a President and Members of Parliament by a decided majority. This choice was the result of a great desire for change, leading to genuine democracy in Poland and a source of hope for those who, due to their belief and lack of attachment to any post-communist past or corrupt dealings, were for tens of years marginalized and genuinely persecuted.

Both the President of the Republic of Poland and the new Government have been elected as a result of a decisive victory of the Law and Justice Party (PiS). **“Solidarity”**, the worldwide, highly-regarded and largest independent trade union movement fighting the communist regime, along with its current leaders, support the reforms initiated by the currently ruling party (PiS).

Moreover, more than 80% of the Polish Americans who voted in the latest Polish presidential and parliamentary elections supported the PiS party and President Andrzej Duda.

The newly created movement called KOD, is strongly supported during its demonstrations and protests by discredited politicians of the previous Civic Platform (PO) political party. The people of Poland have lost confidence in this party, and consequently they lost power after eight years of disastrous and non-democratic governing.

## **DEMOCRACY WAS SEVERELY VIOLATED DURING THE PREVIOUS TERM OF OFFICE OF THE GOVERNING (PO) PARTY:**

### **1. The cornerstone of democracy was violated by election frauds.**

For example, during the local elections in November 2014, there was an officially reported average 18.7% of invalid votes cast nation-wide, a dozen times more than seen in other European countries. In some regions, this figure exceeded more than 40%, while in one case, an additional 130,000 votes were added to the voting commissioner's protocol, which resulted in a notification being lodged by an election official to the prosecutor's office. Nothing came of this.

### **2. Brutal violations of human rights and principles of democracy.**

- Just like under communist times, when bullets were shot into a crowd of demonstrating miners, the police were allowed to randomly shoot rubber bullets into a protesting crowd of peacefully demonstrating minors in 2015 seriously injuring dozens. The same events took place during the March for Independence and again dozens were wounded and hospitalized. **Ref/1/**
- Many protestors were persecuted, accused and jailed for voicing their disapproval of corruption in the ranks of the governing PO Party, along with electoral fraud and in defense of freedom of expression. **Ref/2/** Among other instances, a man was convicted of protesting against the corruption of several of PO's ministers. Clandestinely recorded conversations by the security apparatus revealed, among other things, vulgar taunts against the United States in a conversation between former PO ministers, Radosław Sikorski and Jacek Rostowski. **Ref/3/**

- The will of millions of Poles, who protested against the violation of democratic principles was ignored for many years. In protest against the harassment by the PO Government of the independent media sector in Poland, such as television TRWAM, more than 2 million signatures were gathered and some 170 demonstrations with participation of hundreds of thousands of citizens took place throughout the country. These demonstrations called for a halt to the coined “contempt industry” found in the so-called mainstream media, which were dependent financially on the governing PO Party. **Ref/4/**

### **3. Serious and permanent restrictions on free speech.**

Expressions of public opinion had been rigidly controlled and manipulated, as manifested by a glaring lack of pluralism, in both the public and private media sectors, during the previous PO-dominated government.

- 52 journalists was under surveillance by the secret service (wire- tapping of telephone conversations). **Ref/5/**
- After the PO Government assumed power in 2007, 30 journalists were sacked from the public media. **Ref/6/** This act summed up the unwritten rule of censorship in Poland, given that from the beginning of the transitional period, the private media were very biased and did not maintain proportional representation in voicing public opinion. The two biggest private television stations in Poland, TVN and Polsat, were created on the basis of secret service security money. They strongly upheld the interests of the previous political system that had been in power. For many years, they remained silent about violations of democratic principles and the rule of law, promoting the governing PO Party, and they now support the same people of today’s opposition, including The Committee for the Defense of Democracy (KOD), openly fighting against the new Polish Government. **Ref/7/**
- Members of the PO Party developed the so-called “contempt industry,” utilizing hate speech on a huge scale. An example of this is the former Minister of Foreign Affairs, Radoslaw Sikorski, who spoke publicly about “getting rid of the pack” which in fact constituted incitement to murder of political opponents. And indeed, tragically a former member of the PO Party entered a PiS political party office in Łódź and murdered an employee of that office, Mr. Marek Rosiak, and at the same time a co-worker was seriously wounded. A significant role in the brutal hatred campaign against supporters of the PiS Party was played out by the mainstream media including the newspaper “Gazeta Wyborcza”, published by son of prominent members of the communist secret service Adam Michnik. A newspaper known throughout the country for its manipulation of public opinion on a huge scale as concerns the presidential and parliamentary elections.

### **4. Further corruption of the judiciary.**

Not only did the judiciary fail to respond to the pathologies of power and the

theft of public property, but it itself was a source of corruption and the responsible for the destruction of democracy. The judiciary enjoys the least social trust amongst Poles. After the collapse of communism in Poland, judges were not screened or verified; therefore they brought with them all their old pathologies to the newly reformed system.

- The scale of corruption within the judicial system, together with the high level of social poverty, led to three dramatic protests - individual acts of self-immolation. This is more than occurred during the entire period of communist rule. One person, an official working for the internal revenue service, who was persecuted by the tax authorities for disclosing fraud in a government tax office, set fire to himself, with fatal consequences, in front of the building housing the then Polish Prime Minister, Donald Tusk (from the PO Party). The mainstream media gave these events very little or no coverage.
- The Constitutional Tribunal, was originally created by the Communists government in their efforts to sanction the introduction of the Martial Law (declared in 1981), which had, as its aim the destruction of the "Solidarity" movement. This Tribunal, was until recently, extremely politicized, representing and protecting the interests of the former communist elite, and those of the post-Solidarity elite, who were dependent on them, whether, due to blackmail, that documents showing their collaboration would be exposed, or due to common interests.
- 12 of the 15 judges of the Constitutional Tribunal were nominated by one political party (PO), which resulted in extreme, one-sided verdicts. **Ref/8/** In 2015, just before the end of the previous government's (PO) term of office, Parliament, (in which the PO's coalition had a majority) chose 5 new judges, thus violating the Polish Constitution. In addition, two of these five were chosen "in advance". They should have been chosen by the next, post-election government. This maneuver was, *de facto* a takeover of the Tribunal and an assumption of total control over it by the PO, which gave them the opportunity to block all the legal changes, announced in the election campaign by PiS.
- Acting in a non-transparent way, in a situation with a conflict of interest and in contravention of the fundamental principles of democracy, the current President of the Constitutional Tribunal, **Judge Andrzej Rzepliński**, together with two other judges nominated by the PO, wrote a law where the subject of it was the Constitutional Tribunal itself. Under this new law, the judges drastically increased their own power, going far beyond accepted democratic standards, including, inter alia:
  - they broke the principle of a three way division of power, (The President, Parliament and the Constitutional Tribunal) giving the Tribunal the right to create the law, in situations where "loopholes" exist (judicial powers enter the realm of legislative powers).

- *de facto*, the Constitutional Tribunal allowed for themselves the possibility of removing a democratically elected President. This law was passed by the parliamentary (PO's) majority, two days after the election of the new President of Poland nominated by PiS and shortly before the upcoming parliamentary elections

### **The current situation.**

Today, after trying to restore order to the Constitutional Tribunal by the new authorities, the majority of judges are still nominees of the previously ruling party (PO). Currently, the Constitutional Tribunal consists of six judges chosen by the new PiS Government and 9 judges nominated by the previous PO Government.

The Introduction of a requirement by the Parliament that tribunal verdicts must be supported with a 2/3 majority, should significantly reduce the party bias and politicizing of the institution, it has been well known for since communist time.

The Constitutional Tribunal President, Andrzej Rzepliński has - against the law - so far not acknowledged this law, thus deepening the conflict and upholding the political nature of the Tribunal.

The people forming The Committee for the Defense of Democracy (KOD), and the media, who are today so critical of Poland and her present Government, never once criticized the really serious destruction of the foundations of democracy and rule of law in Poland during the last 8 years, in the days of Donald Tusk's (PO) Government.

They did not support the many protests on this issue held by the opposition (PiS) or by the grass roots social movements, whom we represent.

We have many grounds on which to base our belief, that the defense of democracy is not the main objective of the newly founded KOD movement, colloquially called by many Poles, "The Committee for Overthrowing Democracy", but that it is the restoration of PO's political elite, a political division of the Polish people, misleading our allies, overthrowing the democratically elected Government and in their own interest putting a stop to the restoration of democracy in Poland. These Polish media, which once lead a campaign of hatred towards PiS, today support KOD, exaggerating its size and role, while at the same time ignoring the many large grass roots social movements which for years have realistically and actively fought for democracy in Poland and been punished for this.

Part of the fallacies about Poland, broadcasted and published abroad, are based on a lack of information. However, the question arises, whether for example, such very one sided messages published in a medium where one of

its permanent writers is the wife of a former Minister of the corrupt PO government **Radosław Sikorski**, namely **Anne Applebaum** along with the **Washington Post** is merely a result of lack of information, or the abandonment of journalistic standards in favor of politics? This is just one of the many extreme examples of unreliable reporting of the problems surrounding the Polish Constitutional Tribunal. **Ref/9/**.

**We appeal for balanced opinions based on facts.**

In contrast to the previous ruling by PO, today under the PiS government no one shoots at protesters or arrests them, KOD are free to demonstrate, and the opposition still has the large majority in the Constitutional Tribunal. After years of violations of democratic principles by earlier governments with significant participation of the mainstream media, the current PiS Government is trying to build a strong foundation for real democracy, including the rule of law, good governance based on truth and equality in the eyes of the law.

That is why we are appealing to you to base your information on facts about the current situation in Poland. We ask for respect and support for the Government and the President of the Republic of Poland, and contribute to good governance in the world based on truth and honesty.

Signed by:

Ewa Stankiewicz , Glenn A. Jorgensen, Paweł Hermanowski, Anna Piasek, Ryszard Kapuściński, Józef Orzeł, Agnieszka Zdanowska, Wojciech Boberski, Stanisław Fudakowski as the initiating signatories

on behalf of the following organizations:

- ✓ Stowarzyszenie Solidarni 2010,
- ✓ Kluby Gazety Polskiej
- ✓ Klub Ronina
- ✓ Stowarzyszenie Polska Jest Najważniejsza
- ✓ Stowarzyszenie Godność
- ✓ 20.000 Signatures gathered in support of the PiS Government

The letter is posted on the **VoiceFreeEurope.com** website and we encourage to sign this.

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