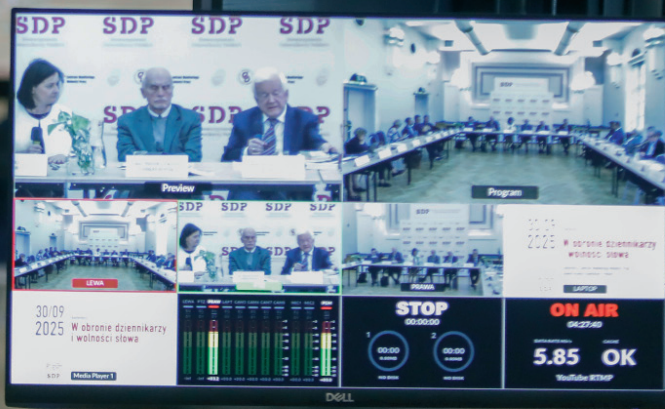


Forum

Dziennikarzy

In Defence of Journalists and Freedom Speech

4th
CMWP SDP
CONFERENCE



*"Freedom of speech is dying
in the silence of courtrooms"*



centrum
monitoringu
wolności
prasy · sdp

W OBRONIE DZIENNIKARZY

Centrum Monitoringu
Wolności Prasy Stowarzyszenia
Dziennikarzy Polskich broni
wolności słowa i niezależności
dziennikarzy zgodnie z art. 10
Europejskiej konwencji
o ochronie praw człowieka
i podstawowych wolności:

- Udzielamy bezpłatnej pomocy
prawnej dziennikarzom
- Jesteśmy obserwatorami procesów cywilnych
i karnych, w których uczestniczą media i ich pracownicy
- Kiedy naruszana jest zasada wolności słowa,
zajmujemy stanowisko

NAPISZ DO NAS, POSTARAMY SIĘ POMÓC!

Jolanta Hajdasz

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entry

Freedom of speech constitutes one of the fundamental human rights, rooted in both the Constitution of the Republic of Poland and key international documents, such as the Universal Declaration of Human Rights and the European Convention on Human Rights. In Poland, Article 54 of the Polish Constitution guarantees every person the right to express their views and beliefs, as well as to seek, receive, and disseminate information. Following the change of government in December 2023, the topic of freedom of speech and the media has become exceptionally pertinent, even critical. Even an average observer might get the impression that the current situation of the media and organizations like the Polish Association of Journalists (Stowarzyszenie Dziennikarzy Polskich, SDP) looks as if someone forced us into a field game in the forest, where we – meaning right-wing journalists and media outlets – have to hide in the bushes, while our opponents chase us, running through the same forest with rifles and allowed to shoot at us, although theoretically we all play by the same rules and participate in the same game.



One of the most serious threats and, simultaneously, challenges concerning freedom of speech in Poland is the extremely dynamic increase in the number of SLAPPs (Strategic Lawsuits Against Public Participation, also known as intimidating lawsuits) against right-wing journalists. In Poland, the phenomenon of such SLAPP lawsuits is increasingly noticeable, particularly in the context of court cases concerning defamation. And supposedly, things are meant to get better, because in May 2024, the European Union adopted a directive aimed at protecting those engaging in public debate from unfounded lawsuits. Poland now has two years to implement these regulations at the national level. However, daily practice shows us that we should probably already be concerned about what these regulations will look like when supervised by the ministry headed by Justice Minister Waldemar Żurek.

At a September conference organized by the SDP's Media Freedom Monitoring Centre, we presented the most characteristic and shocking court cases involving journalists, in which the SDP defends their right to independence and freedom of expression. Samuel Pereira, one of those defiant journalists who today must pay a hefty fine for his work, described the prevailing situation in Poland by saying that freedom of speech dies in the silence of courtrooms. He hit the nail on the head, and that is why this sentence became the leitmotif of this issue of 'Forum Dziennikarzy' (*Journalists Forum*). I encourage you to read on and learn the stories of journalists who today, in a theoretically free and democratic country, are paying an exceptionally high price for the comfort of being free and independent. ■

DR JOLANTA HAJDASZ,

PRESIDENT OF THE POLISH ASSOCIATION OF JOURNALISTS,
DIRECTOR OF THE PRESS FREEDOM MONITORING CENTER OF THE POLISH ASSOCIATION OF JOURNALISTS



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Panel I

Accused and Punished for Seeking the Truth

Trials and Proceedings Against Journalists
and the Media, 2024–2025

Speakers:

Tomasz **SAKIEWICZ**, Robert **KWIATEK**, Mateusz **TESKA**, Samuel **PEREIRA**, Anita **GARGAS**,
Janusz **ŻYCKOWSKI**, Kamil **RÓŻALSKI**, Bartosz **GARCZYŃSKI**, Hubert **BEKRYCHT**,
Łukasz **BRODZIK**, Leszek **KRASKOWSKI**, Dorota **KANIA**

INTRODUCTION

JOLANTA HAJDASZ

This is the fourth national conference organized by the Press Freedom Monitoring Centre of the Polish Association of Journalists, titled 'In Defence of Journalists and Freedom of Speech'. It is a conference to which we invite, one might say, all the beneficiaries of the Monitoring Centre – that is, individuals who, in the last twelve months, have benefited from the free legal assistance, and other support, provided by our Centre.

It is worth adding that our conferences are primarily aimed at journalists, but not exclusively. For the first time, we invited representatives of non-governmental organizations that also deal with matters related to freedom of speech.

I wish to emphasize that these journalists are not always members of the Polish Association of Journalists, as the specific nature of our activity means we provide this assistance without asking for association membership cards. In other words, support is received from us by individuals who were not, and are not, members of the SDP, though I trust they will be in the future. We naturally encourage everyone to join the association's ranks, but this is not an issue raised when we begin the conversation about how to help a given person.

We have discussed a great many cases and numerous issues. Each one is specific, and each carries with it enormous distress for the person who

is sued or accused. It also carries great drama, because being convicted in criminal proceedings, as is the case with journalists, is for many of them an absolute life drama. Such a verdict leads to significant financial impoverishment of families. It also leads to a certain social ostracism. People cannot get jobs; employers are afraid to hire a person who has a conviction. Unfortunately, such examples already exist, so there is plenty to talk about.

In the second part of the conference, together with invited experts, we considered what we can do in the current political situation, having diag-

nosed and presented so many examples of outrageous behaviour towards journalists. Journalists who bear very severe consequences for performing precisely this profession. And their professional stories are not opinion pieces, but true, real events. I trust that the invited guests provided accurate diagnoses and helpful guidance on how to support those who are in trouble.

It is worth adding that our conferences are primarily aimed at journalists, but not exclusively. For the first time, we invited representatives of non-governmental organizations that also deal with matters related to freedom of speech. These include the Helsinki Foundation for Human Rights, Amnesty International, Article 19,

and Watchdog Poland. We also invited a representative of the Human Rights Defender (Ombudsman).

Perhaps we did this too infrequently to have the honour of meeting with representatives of these organizations. I had hoped they would join us. Perhaps they followed our conference online? I therefore hope that this is not the last event of cooperation between us. I believe the organizations listed will notice that we exist and have something to say on the topic of freedom of speech. This is very important. The four empty chairs that we allocated for the representatives

of the aforementioned non-governmental organizations and the Human Rights Defender, counting on their interest in the topics we were discussing, remained empty until the end of the conference. After all, they speak out on the subject of SLAPPs, and they are interested in both the legislation and the practice concerning these types of lawsuits. We therefore make a polite request, a motion, an appeal for them to also take an interest in the topics and cases that the Press Freedom Monitoring Centre of the Polish Association of Journalists regularly raises, and about which the SDP writes on its websites.



I hope this is not a final decision not to attend our conferences, and that in the future we will manage to do something in the form of a round table to jointly consider what can be done in the situation of such difficult cases as the ones we currently have here. ■

I am the Secretary General of the Polish Association of Journalists (SDP) and the editor-in-chief of the sdp.pl portal. Currently, I am a journalist for BiznesAlert, but until recently, I was also a journalist for the Polish Press Agency (PAP). I was dismissed on disciplinary grounds.

I must admit that on our industry portal, sdp.pl – and not only within the CMWP [Press Freedom Monitoring Centre] – we are seeing an increasing amount of alarming information. Throughout the entirety of last year, there were dozens of such reports. Now, dozens have been recorded by September 2025 alone. To be honest, I have even stopped counting exactly how many. This is the current state of affairs. Journalists from both the Polish Association

of Journalists and various other media outlets, whether local or national, are – to put it bluntly – being brazenly harassed by the authorities. I am not referring only to the central government, but also to local government authorities, which have become, colloquially speaking, 'much sharper' toward journalists. What can we do? That is what we will be discussing here.

Procedures, procedures, and once again: procedures... When reporting on a case, we must drill certain frameworks into our heads that are vital from a legal perspective. These issues will be addressed and clarified by our legal counsel. We want to consider: what comes next? What are our plans? I hope everyone will present an idea. However, I fear it will be a dark scenario. ■



Hubert Bekrycht

Michał Karnowski

Why is this conference so important for us, the Polish Association of Journalists (SDP)? Firstly, because the reality of what is currently happening is a problem in itself. We will be discussing that. Secondly, there is the fact of how much this image is being distorted abroad. It is like a double punishment. We have a situation where individuals honestly striving to fulfill their journalistic mission – asking questions, writing articles, preparing reports – are being persecuted. In the eyes of a large portion of both international and domestic public opinion, we are dealing with a completely warped image, where the journalists are somehow portrayed as the guilty ones, while the persecutors are presented as the victims. This is something that troubles the conscience and demands a countermeasure – a reaction.

We want to set this record straight. Let only the facts speak, only specific examples, only witnesses, only people, and only court records. We must also protest because we need to fight for the right of journalists to practice their profession, regardless of their views. This is the stance of our association, and we always defend everyone who is being wronged in any way. What was attempted in Poland, I had hoped, had been stopped. However, it seems that is not entirely the case. In a very disturbing way, the current situation resembles what happened in Russia or Belarus.

We have the forceful takeover of media outlets, just as they had there. There, the authorities entered independent television stations with police

boots or security guards. That is how it began. We have the stigmatization of people who do not agree with the general course. An attempt to push them entirely outside the margins of debate. We have financial persecution, legal persecution, and attempts to revoke broadcasting licenses. These things are unheard of. There is an attempt to say that democracy exists when all media sound the same, even though that is precisely when it is not a democracy.

Perhaps it is Poland's geographical location that allows us to see that the threat to freedom of speech can come from different directions and can also be a copy of what happened in the East. As an association, we see all of this. Therefore, on behalf of the entire Polish Association of Journalists, I thank you once again for your presence. This mission will continue: every persecuted journalist who encounters any form of harassment can count on our support. We will talk about these forms – which are very diverse – today.

It is worth mentioning Tomasz Duklanowski at this point. This is an attempt to frame a young man as a thief simply because he does not want his laptop, which may contain sensitive data about informants, to fall into the hands of people who might browse that data and use it for nefarious purposes. In the public sphere, he has been branded a thief. What pains me most in this matter is the fact that there are powerful media outlets repeating this narrative. Yet, this case is not about a stolen laptop, but about the data that is on that laptop. Thank you, let the debate begin. ■

ADVERTISING, SPONSORSHIP, AND THE MEDIA

TOMASZ SAKIEWICZ

Tomasz Sakiewicz is one of those media figures who faces a great number of lawsuits. He probably can no longer count how many legal proceedings are ongoing at various court levels and instances, and what he is constantly being accused of. There is hardly a week that goes by without information about a hearing in one of the cases we monitor.

The threat to freedom of speech in Poland has existed ever since we regained that freedom in 1989. These tensions have virtually always been present. Firstly, due to a certain 'arrangement' (*układ*) that has dominated the media market, and secondly, due to

the judiciary system that safeguarded this arrangement.

The only difference was that changing governments caused this system to gradually become less rigid over time. Loopholes emerged where free media could be created. These outlets were weaker than the dominant media, which were preferred by political correctness and the liberal-leftist, or more broadly speaking, post-communist establishment, which later transformed into the liberal-leftist one.

Today, we are seeing a relapse. The state, both officially and unofficially, has committed itself to restricting freedom of speech.

Official involvement included, among other things, the attack on public television and pressure on institutions like the National Broadcasting Council (KRRiT) to deny us licenses or revoke the ones we had.

Unfortunately, we face much more serious unofficial threats. These result from the actions of satellite organizations linked to the ruling camp, various affiliates, or related lobbying institutions. We already know that for several years, a massive campaign – funded partly by US money – was conducted to cut conservative media off from funding. This was first tested on conservative media in the States, and then on a massive scale, officially using US taxpayer money, conservative media in Poland were targeted. The pattern created back then perfect-

to the authorities. The government can select judges – now completely brazenly – who will convict journalists critical of the authorities and who have fallen out of favor with them. The mere act of harassment through dozens of lawsuits, which is characteristic of the Third Polish Republic and the liberal left, creates a chilling effect. The goal is to push many journalists to a point where they either do not try to write critically, or they hold their pen back and bite their tongue when they have to criticize the government.

The lack of a normal advertising market, the lack of a normal sponsorship market, combined with the state's full control over public media and state-owned companies, means that the only opportunity for private media to grow is through viewer support.

ly matches what is now being done to Telewizja Republika. Although the administration in the US has changed and the procedure lost its funding, the fact remains that this operation is still being run by leftist organizations directed partly by the European Union, Soros, etc. This creates further tension in the media market, which is dominated by a single type of business and media outlet. Despite conservative media enjoying the greatest popularity – Republika being a prime example – they are almost completely cut off from the advertising market.

Advertisers are being intimidated using methods that resemble a highly organized operation. Ultimately, the courts always remain. And there we have changes that are very favorable

This is indeed a huge problem right now and the biggest threat to free speech. The lack of a normal advertising market, the lack of a normal sponsorship market, combined with the state's full control over public media and state-owned companies, means that the only opportunity for private media to grow is through viewer support. This makes development very difficult, as some are running with turbo boosters while others are running with a backpack.

'This is what the media market looks like today. On top of that, there are destructive lawsuits that are tearing it apart. I myself am about to face a trial and a criminal verdict involving Marshal Grodzki, whom the prosecutor's office did not allow to be brought before



Tomasz Sakiewicz during a video call

a court. Instead, it is the journalists who stand trial and are being convicted one by one. I am probably the last one being sued by Marshal Grodzki. A verdict will be reached within a few weeks.

The fact that criminal provisions against journalists exist makes it very easy for others to take such actions. It is a great fault of all successive governments that these

Many of us, at some stage, encounter organizations that are funded in ways that are not entirely clear. However, probably none of us – and certainly not the rulers or politicians – have a comprehensive report or a full picture of this.

regulations were left in place. Because of them, I cannot speak about what is happening during the trial. In my opinion, this trial would not even be taking place if I could recount the events from the courtroom, because it would be so embarrassing for the Marshal. The trial is classified – criminal procedure allows for this – and as a result, I cannot even defend myself in the media against the actions of Marshal Grodzki, who first hid behind immunity and is now hiding behind judicial secrecy. This is the state of freedom of speech in Poland today. It is significantly restricted; we must draw conclusions for the future and fight for this freedom.

The problems signaled by Editor Tomasz Sakiewicz include cutting off conservative and right-wing media from the advertising market and the foreign funding of – let's call them colloquially – the 'competition' in an absolutely non-transparent and opaque manner. Many of us, at some stage, encounter

organizations that are funded in ways that are not entirely clear. However, probably none of us – and certainly not the rulers or politicians – have a comprehensive report or a full picture of this. How much foreign funding is being transferred to Poland to support such media and organizations, and in what manner? From which countries do these funds flow? We truly do not know.

Another issue is the trials of journalists mentioned by Editor Sakiewicz. Setting aside the merits of these cases, there is the scandal of having an article in our penal code that punishes the expression of opinions with imprisonment. These trials usually take place behind closed doors. Even when monitoring them, we cannot report on what is happening inside the courtroom. One cannot present the arguments the journalist used when writing the article. He may have evidence that, for instance, was not included in the publication. After all, everyone performing this profession realizes that we never publish everything we know – it is simply unfeasible. Journalism is not about publishing witness testimonies in full; it is about summarizing them.

Yet, we are sued for this. It then turns out that defense is impossible because the public will never learn what the underlying premises for the journalist's conclusions were. ■



Robert Kwiatek

PRESS LAW VS. GDPR

ROBERT KWIATEK

I was active in the underground – I published newsletters in the underground in Gdańsk. I am a member of the Polish Association of Journalists (SDP) and I serve on the SDP board in Gdańsk. My entire life has been dedicated to the fight for freedom, for Poland's independence, and for free media. It is with horror that I see us having to discuss such fundamental matters once again. I do not know what has happened in Poland recently. It's not that Poland was

a perfect, beautiful, and wonderful country, but situations like the current ones simply did not occur.

What has been done under the guise of law, the rule of law, and pseudo-democracy is the destruction of the basic elements of freedom. The press and the media have a significant place in this entire puzzle – it's not just the courts, the government, politicians, or various public officials – the press also has its significance and its goals. These are clearly defined. We fulfill a social role and function, yet it turns out that we are slowly being excluded from this puzzle.

Regarding my case, we could discuss it at length because I have many reflections, and especially a lot of

resentment toward the so-called 'judicial castes.' I consciously use the word 'castes' – I am not referring to all judges, many of whom are decent people, but to those who hold office in the state yet are not acting as judges at this moment.

My case is quite simple, yet surprising at the same time. Importantly, it concerns us all. In a moment, anyone who takes and publishes photos, writes texts, or speaks about various things will find themselves in a similar situation.

I was not 'in' on it with 'Batman' or the others present there, though that was what I was accused of. I ran into the building and took photos, which I shared and described almost in real-time.

I was taking photos of the well-known 'Batman' case in Gdańsk. This involved a man who, during a rally for [Rafał] Trzaskowski, stood in a window dressed as Batman and hung a banner that read: 'Anyone but Trzaskowski.' At one point, this 'Batman' was removed from the window. The photo spread across the internet very quickly, much like an earlier photo of a 'Zorro' with a similar banner. It was a type of ironic commentary on what that Batman witnessed at the election rally. It was an obvious happening, organized at the very end of the election campaign. The people 'from Batman' had rented a hotel room and hung the banner.

As I mentioned earlier, Batman was removed from the window. Seeing this, I ran into the building. I was not 'in' on it with 'Batman' or the others present there, though that was what

I was accused of. I ran into the building and took photos, which I shared and described almost in real-time.

Videos filmed by someone else were also added. It was essentially those videos that built the entire message about what happened there. Police officers entered the building without any warrant or any legal grounds. They were inventing legal justifications on the spot as we asked questions. At that moment, the officers claimed it was an attempt to dis-

rupt the rally – an argument quickly debunked because the rally was taking place about 200 meters away. There was no sound system, no disruption. Another such legal basis, invented by the officers ad hoc, was the claim that, in their view, it was a suicide attempt. Someone supposedly wanted to jump from that window. When 'Batman' asked if they intervene this way with everyone who washes their windows, they answered no.

The entire paranoia of the situation was revealed: public officials, paid from our taxes, intervening in a happening and taking a side in the election. They were humiliated by their own actions. Not because we showed them, but by their own conduct, and the people saw it. Perhaps it had some impact on the election. My role was not to influence the election, but to show this absurdity.'

At that point, the matter should essentially have been concluded. The police and the press spokesperson claimed that the officers intervened in accordance with the law, despite the fact that they lacked a warrant and broke into the room. They have not been held accountable for their actions in any way. I suspect they are currently receiving bonuses and awards, as I have received information to that effect.

I would also like to emphasize, as it is very important, that nine police officers are suing an individual for infringement of personal rights – someone who, in the public interest and at a critical moment (when a citizen is being interrogated and detained), took a photo and published it.

The next piece of this puzzle is as follows: the case had concluded, died down, and nothing was happening until I received a letter from a law firm with a civil lawsuit from nine officers who had intervened there. Some were in plain clothes, others in uniform. The letter contained claims amounting – in my case – to ninety thousand PLN. I am not the only one, however; the hotel manager received similar notices, as did several other journalists.

I would also like to emphasize, as it is very important, that nine police officers are suing an individual for infringement of personal rights – someone who, in the public interest and at a critical moment (when a citizen is being interrogated and detained), took a photo and published it. And the amount demanded is nearly ninety thousand PLN. Let us compare these figures, as the fact that these claims are

so absurdly high becomes a significant factor in these trials and lawsuits.

Unfortunately, that is not all. The law firm is linked to these police officers. I have verified this in various ways. The Municipal Police Chief in Gdańsk is encouraging them to – and I quote – 'screw me over' (*udupić*). He suggests they should not worry about costs, as he will compensate them through bonuses or other means. This is the in-

formation I have. Simultaneously, the National Police Headquarters is issuing instructions in similar cases on what police officers should do and how they should behave. For me, this is news I was unaware of, despite being a journalist for many years. On numerous occasions recently, I have heard suggestions that if I publish the image of an officer on duty, I will face consequences under the civil liability code. However, it had never reached the stage of an actual filing.

Now, as I mentioned earlier, the National Police Headquarters publishes instructions on its website regarding what officers should say and do. For us as journalists, this is new and a warning light should go off, even though we know press law. We know what, whom, and under what circumstances we can photograph. We also know what the process of publishing collected materials – such as photos

depicting groups of people, events, or public officials performing their duties – looks like. Here, however, entirely new regulations have been invoked which, while in effect for some time, have not been fully harmonized with, for instance, press law. I am, of course, referring to GDPR (RODO) and copyright law.

According to the definition of GDPR (RODO) that they present, we as journalists have no right to publish literally anyone, including groups of people. We cannot publish photos from a concert because if a person in the audience says they do not wish for their image to be used because they are protected by GDPR, they can sue us in civil court.

According to the definition of GDPR that they present, we as journalists have no right to publish literally anyone, including groups of people. We cannot publish photos from a concert because if a person in the audience says they do not wish for their image to be used because they are protected by GDPR, they can sue us in civil court. According to the definition I received from the officers – not from a private individual – anyone can, citing GDPR, demand compensation, damages, the withdrawal of material, etc., from any such event, unless they sign a GDPR statement. Reliance on copyright law was also added. It is simply unfeasible in difficult, dynamic situations to collect statements from participants instead of taking photos. Besides, they likely wouldn't want to grant such consent anyway. Sometimes one must publish against someone's consent, especially if it is a public figure performing their job. Officers often say they will sue us. I have heard many times before that if their image is

visible, they will pursue us through civil litigation. Such are the threats.

The issue is that a GDPR regulation was introduced without being adapted to press law. This leads to the matter for which I personally hold the greatest resentment toward lawyers: the so-called 'discretionary application' of this

law. The CJEU (TSUE) has stated clearly: in such cases, press law takes precedence over GDPR. However, any of our courts can consider a case individually. What does 'individually' mean? It means that either the court generally favors the authorities and dislikes Kwiatek or another journalist and, to quote, will 'screw him over'; or, if I get lucky and someone there more or less likes me, the verdict will be different. At this point, our reliance on press law may be insufficient for a court that is biased in favor of GDPR or copyright law. Copyright law, as it turns out, also protects the image of these officers – at least that is how it has been presented.

We are in a situation where the arbitrary treatment of regulations threatens all journalists. After all, GDPR even protects politicians. If a certain politician dislikes [TV] Republika, and Republika – or other media – shows his image in a way other than he would wish, he will go to court and claim the law was broken. GDPR protects him too. ■



Mateusz Teska

THE VERDICT IS FINAL AND BINDING

MATEUSZ TESKA

A year ago, I was still under a non-final sentence from Article 212 of the Penal Code for defamation. This case actually dates back four years. In the meantime, the verdict has become final and binding. I am now among those with a criminal record, which carries its own negative consequences. Let me start with what happened four years ago.

Usually, when you hear about journalists being sued, accused, and subsequently convicted, it refers to situations where the journalist has published a piece of work. In such cases, the material is publicly available, so

the other party has the right to claim that a report defames them and takes it to court. Theoretically, that is how the procedure looks. For me, however, it was a complete surprise when I saw the first pre-trial letter from the judge's representatives. One of the judges accused me under Article 212 of the Penal Code for sending an email – and not even to her, but to an institution associated with that judge. It was – as we say in journalism – research: preparing for a report, gathering information.

Research is the meticulous work a journalist performs before publishing, in this case, a television report. I was a journalist for Anita Gargas's Investigative Magazine, which was then broadcast on TVP1. I was gathering information. That disputed email, which later became the grounds for the final conviction, was simply an element of research. It was shocking that someone decided, based on the content of an email, that the questions I asked were defamatory. That alone was a shock to me. Initially, I thought it would somehow fizzle out, but unfortunately, step by step, it turned out that it wouldn't – that the case was ultimately going to court and I would have to face it. An additional problem, as Editor Sakiewicz mentioned, is that I would very much like to outline the background for you and tell you what this is really about. I would tell you exactly which judge is involved, with all the details. I would show you that email and ask if, in your opinion, it is truly defamatory, as the judge claims. Unfortunately, I cannot. Every aspect of this case took place behind closed doors in court.

The proceedings were classified; therefore, without risking another trial, I cannot reveal the details. It is a pity, because the public – you – should know what is going on. We shouldn't be speaking only in generalities without specific information. Article 212 of the Penal Code itself causes many problems for journalists. It places a journalist in a situation where they are often doomed to failure from the start. In my case, there is also the fact that the trial was held in camera, and for procedural reasons, I cannot discuss the details.

In early March, a final and binding verdict was issued. It was a fine. Initially, in the first instance, I was also sentenced to two months of restricted liberty, meaning community service. Personally, that would have been an additional blow. The only benefit, in my view, of the appeal and the fund-raising for the appeal – which was organized by my boss, Editor Anita Gargas – was that we managed to reduce the sentence. It is a positive that I ultimately do not have those two months of restricted liberty. Of course, the most difficult part is that I appear in the National Criminal Register, which obviously has negative consequences.

Family, friends, everyone keeps asking: 'But how? You just sent an email? What email?'. Naturally, the story spread and became a media matter. Everyone was stunned. At this point,

we return to what I said a moment ago: I would like to talk about it, but I cannot because the case was conducted in a classified manner. This is a grievance that I see not only I, but many journalists, have to face.

Jolanta Hajdasz: *This is indeed an exceptionally outrageous case – being convicted under Article 212 in criminal proceedings for sending a question via email while gathering material for a publication. I emphasize that Mateusz did not manage to publish anything; I would even say he didn't even manage to defame anyone. In my opinion, to defame someone, you must do it publicly. By its very nature, we are dealing with a truly scandalous matter.*

Of course, Mateusz turned to the then-President of the Republic of Poland, Andrzej Duda, with a request for a pardon. Naturally, the Press Freedom Monitoring Centre supported this application. Unfortunately, it met with no reaction; we received no answer. Therefore, we have also renewed the request for Mateusz Teska's pardon to the current President, Mr. Karol Nawrocki. When a representative of the Chancellery of the President of the Republic of Poland, who has confirmed his attendance, joins us at this conference, we will once again hand him this same request. If any of you present here today wish to support our appeal for our colleague's pardon, please sign the appeal – a letter that will be submitted to the President's Chancellery. ■

LONG LIVE FREEDOM OF SPEECH!

SAMUEL PEREIRA

I would like to briefly discuss the background of the final and binding verdict issued by Judge Grzegorz Miśkiewicz. The case stemmed from an indictment filed by Aleksandra Brejza against me under Article 212 of the Penal Code. It concerned a single article where the title stated that Aleksandra Brejza was 'orchestrating hate.' The court ruled that this statement defamed Ms. Brejza, even though all the facts and information provided in the article were confirmed before the court. Their truthfulness was not contested. Furthermore, new evidence emerged; witnesses testified under penalty of

perjury, recounting exactly what Ms. Brejza had said and done. Despite this, the court issued a very severe sentence. It ordered a penalty of over 43,000 PLN, including the fine, damages, and legal costs. It also ordered the publication of the verdict on the TVP Info portal. Interestingly, the original article had been published on that very portal, but after the forced takeover of public media by the new government, this article – like many others concerning the scandals of the current administration – simply disappeared; it was 'erased.'

I am speaking about this case primarily to thank President Jolanta Hajdasz, all members of the Polish Association of Journalists, and every individual who tried to support me, express their solidarity, and provide concrete assistance regarding the consequences of this verdict. After all, such a ruling impacts



Samuel Pereira during a video call

the life, livelihood, and financial situation of both me and my family. However, things took a different turn. An organized crowdfunding campaign was blocked because a group known as 'Silni Razem' (Stronger Together) – led by specific politicians – mass-reported the fun-

is a high-risk profession and that it is not worth the risk. For them, it is a signal that it does not pay to write about local government scandals, which is ultimately dangerous for democracy. We are talking about a situation where this high-profile case could directly affect

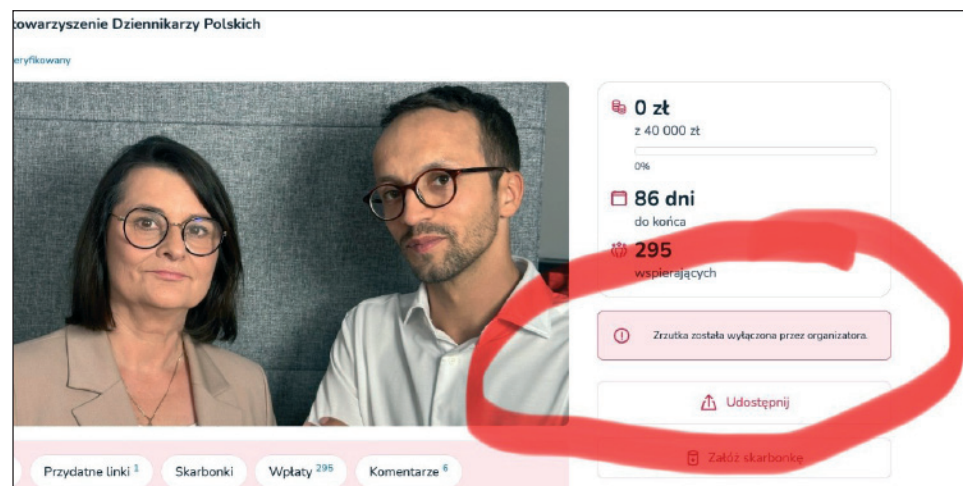
An organized crowdfunding campaign was blocked because a group known as 'Silni Razem' (Stronger Together) – led by specific politicians – mass-reported the fundraiser. Another support campaign was organized, but this time the company itself decided to shut it down.

draiser. Another support campaign was organized, but this time the company itself decided to shut it down.

I would like to primarily appeal for concrete help and solutions for all those who report on the political and public activities of local authorities. A verdict like mine and a case like this are clear signals of a 'chilling effect.' What do all local journalists learn from this? They learn that journalism today

the political health and the condition of both local and central democracy.

While thanking each of you for the support you have shown me, I would like to appeal once more for us to find a joint solution that will help rectify this situation and stop a state of affairs in which the media are attacked and specific journalists are destroyed simply for doing their jobs. Long live freedom of speech! ■



THE BLOCKED FUNDRAISER

JOLANTA HAJDASZ

Ladies and Gentlemen, we have another journalist finally convicted under Article 212. Let me remind you: a penalty of 43,000 PLN for a single article. In Polish conditions, this is an enormous amount, completely disproportionate to the average earnings of a journalist. The trial took place behind closed doors, which makes it impossible to publish one's arguments or to show all the justifications behind the journalist's decision to publish and expose the case. This brings us to a very significant issue: raising funds to help a convicted journalist. Of course, we know the regulations and we do not contest them – one is not allowed to fundraise for a lawyer or for legal aid to help pay a fine. We do not do that, and we have never done so. However, we are allowed to help a family that has, for instance, become impoverished as a result of a lost trial.

A year ago, CMWP [Press Freedom Monitoring Centre] raised approximately 40,000 PLN for Editor Sebastian Moryń, who was sentenced to pay nearly 70,000 PLN for a single article. We stopped running that fundraiser after nearly three months because a foundation associated with his workplace, Telewizja Republika, covered the remaining 30,000 PLN.

This year, when we wanted to help Samuel Pereira's family, it turned out that after three days of the campaign, the public crowdfunding portal deleted it without a single word of consultation, without a single email warning that we were doing something wrong. We had managed to raise half of the target amount. All the money was returned to the donors. There was no option to transfer the donations in any other way. We do not have their mailing list, so we have no way of even thanking them. We made the 'mistake' of starting the collection, and the portal [Zrzutka] deemed it unlawful. This illustrates the inequality of the regulations. At least give us a chance to apologize to these people!

Nothing has changed in a year. Why was it possible to do this a year ago, but not today? How are we supposed to defend ourselves against such lawsuits when so many people sitting in this room today have this sword hanging over them – a lawsuit for 50 000 or 100 000 PLN?

I would also like to add that we have appealed to President Karol Nawrocki for a pardon for Samuel Pereira. The verdict was issued at such a time that the initial requests were directed to President Andrzej Duda at the very end of his term. We received no response, nor did Editor Pereira, but there has been no negative reaction either. We are waiting and will renew these requests. ■

PRZECZYTAJ TYLKO NA PORTALU WWW. sdp.pl

ORDERY ORŁA BIAŁEGO dla dziennikarza ANDRZEJA PO CZOBUTA i pisarza WALDEMARA ŁYSIAKA, PRZEMYSŁAW BABIARZ z KRZYŻEM OFICERSKIM OOP

JOLANTA HAJDASZ: My i oni – 11 listopada w mediach i nie tylko

12 listopada 2025 - Dziennikarze w akcji

SDP
Stowarzyszenie Dziennikarzy Polskich oraz protesty SDP W OBRONIE MEDIÓW PUBLICZNYCH

Protest CMWP SDP wobec zarzutów postawionych dziennikarzowi telewizji w Polsce 24 SZYMONOWI SZEREDZIE

W STOWARZYSZENIU

„Magazyn Pałacu Prasny” Nowa książka red. PIETRA LEGUTKI

NAMALOWANE. Grudniowe spotkanie KLUBU PUBLICYSTYKI KULTURALNEJ SDP

1863 - 1864 Powstanie styczniowe w KLUBIE HISTORYCZNYM SDP

PRZED KAMERĄ

Grudniowe spotkanie KLUBU PUBLICYSTYKI KULTURALNEJ SDP

NAPISALI, POWIEDZIELI

Zapowiedź apelacji w procesie red. HUBER BEKRYCHT z byłym pracodawcą – PAP w likwidacji

23 listopada 2025 - Forum Dziennikarzy



Anita Gargas

FREEDOM OF SPEECH IS DYING IN THE SILENCE OF COURTROOMS

JOLANTA HAJDASZ TALKS TO ANITA GARGAS

Anita Gargas is a record holder when it comes to lawsuits. Anita has counted them meticulously: there are 26 SLAPP-type lawsuits. Their purpose is not to establish the facts, but to harass the person being sued, and to entangle them in a costly and very tedious legal procedure so that they give up their activities or publishing anything. Anita, however, does not give in. Anita, please accept my respects, especially for the fact that the

investigative magazine is still published online. Tell me, what is your situation currently?

The twenty-six lawsuits I currently have pending is not a record I would like to boast about, but unfortunately, it must be mentioned. We have remained silent for too long about the harassment of journalists. I would like to sincerely thank the President, Dr. Jolanta Hajdasz, for ensuring that this topic is so dynamically brought to the attention of the wider public under her auspices. Journalists can finally talk about this matter exhaustively, and not just occasionally – and there is plenty to talk about, because the censorship we faced previously has also transformed, and those who fought journalists and put them in chains concluded that they did not have to do it themselves, since it could be done by the journalists' own hands.

This is the purpose of the chilling effect of lawsuits that drag on for years. The longest of them has been going on at the first instance level for eight years already, and there have been longer ones. These previously mentioned twenty-six are not all that I have unfortunately had to face in my professional career. We, journalists, are harassed by two main factors: the longevity of the processes and the bringing of private indictments by people who subsequently did not even show up in court. The protagonist of our program 'Magazyn Śledczy' (Investigative Magazine), which was broadcast on TVP1 back in 2023, filed a criminal lawsuit for alleged defamation, but has not appeared at the hearing to date.

ANITA GARGAS

The trial cannot start without him, and dates have been set many times. This shows that the other side only cares about being able to say that the program was unreliable and the journalist unprepared. This censorship and the associated chilling effect are intended to make one carefully select topics, and then weigh words so as not to use formulations that could be considered far-reaching.

The problem with shadowbans is that – as is the case with shadows – you do not know who is pulling the strings and who can loosen them again. The problem associated with social media also affects self-censorship.

Currently, censorship has transformed so much that we have reached a situation where journalists censor themselves, even at the initial stage. They wonder whether to take on a given topic at all, or whether to abandon it in the bud. In short: we have brought about a situation where self-censorship paralyzes the journalist already at the stage of asking the first questions to verify the information obtained. Consequently, they refrain from doing what is their duty and the essence of the journalistic mission. Among journalists, we know the story of Mateusz Teska, our colleague from Anita Gargas's Magazine. The man was convicted for a publication that was not even released, but Mateusz attempted to verify the sources.

Another issue that needs to be raised is the specific operating regulations on social media. They cause us to use substitute words or 'censor' some words that cannot be said in

order to avoid a shadowban. Our guest, a 95-year-old Warsaw Uprising veteran who joined the fight in defense of our sovereignty as a fourteen-year-old. He talks about what happened to him personally and his family – about a street execution after a round-up carried out by the Germans. The phrase 'murdered in an execution' is so negative that it causes our program to be shadow-banned for the following weeks, and

we see that our viewership results drop drastically – by tens of thousands of votes at a time.

I understand that the automaton, the algorithm that approves films, is nevertheless capable of understanding something and either switches off monetization or drastically reduces it. This is very outrageous. Who is behind this: a machine or a human?

I cannot say. Perhaps we haven't done our homework well enough. The problem with shadowbans is that – as is the case with shadows – you do not know who is pulling the strings and who can loosen them again. The problem associated with social media also affects self-censorship. Journalists correct themselves already at the stage of conversation or sending a given material for publication. All the 'bleeps' [editor's note: sound effect used to censor offensive words] we deal with on YouTube do not come from nowhere.

We can often end up in a situation where there will be more 'bleeps' than words that are allowed into circulation. As long as the meaning of the sentence can still be understood, it is fine.

The situation with lawsuits sometimes leads to absurdity. We are talking here about the amounts demanded by our legal opponents. For example: I had a lawsuit with Mr. Krause, who demanded one million zlotys. Another time – with Cezary Gmyz, with people from CIECH (with Mr. Kulczyk in the background), where it was also about one million zlotys. These are amounts beyond our reach. An ordinary person does not have such amounts of money available. If such a verdict were issued, I suppose I would have to go to prison because I would not have that money.

We tried to get insurance in various ways when we started the investigative magazine on TVP. A journalist is exposed to various unpleasant situations. The insurance cost so much per month that it was not an option for us because the amount was prohibitive.

Following the example of the West and local doctors – can you insure yourself in Poland against a so-called 'professional error'?

I have never heard of it. We tried to get insurance in various ways when we started the investigative magazine on TVP. A journalist is exposed to various unpleasant situations. The insurance cost so much per month that it was not an option for us because the amount was prohibitive. I do not know if this has changed now, but journalists do not usually have the opportunity to

conclude an insurance contract against this type of situation.

Did your former employer, any employer who broadcast your magazines, support you in your lawsuits? Is the journalist left to their own devices, or can they count on some help from the newsroom they worked for?

The public broadcaster, Telewizja Polska (Polish Television), after our program was taken off air, is not interested in the fate of the lawsuits. However, if a lawsuit is filed against me as the author and the television station, the television station has its own legal counsel and that person represents the television station in court. Even when the program was on air, I had separate representation, a separate proxy. While the television station allows its

legal counsel to participate in the process still, it is not interested in whether I will have the finances to pay for that proxy after the program was taken off air. This situation is not happening for the first time, and not only since 2023.

Earlier, there was a program called 'Misja Specjalna' (Special Mission) – it was also an investigative program taking on very difficult topics. It was taken off air three times by all possible [political] options, and each time I was left alone with the lawsuits. I must emphasize this – because

our viewers might get the impression that these lawsuits were rightly filed against us and that perhaps we committed some reprehensible errors and it was necessary to assert our good name in court or fight defamation. No, ladies and gentlemen.

The overwhelming majority of lawsuits were about allowing our legal opponent, the villain of our programs, to say at a press conference or on the X platform, formerly Twitter, that the program was unreliable and that is why we are being sued. It is not about the facts. We tried to

The overwhelming majority of lawsuits were about allowing our legal opponent, the villain of our programs, to say at a press conference or on the X platform, formerly Twitter, that the program was unreliable and that is why we are being sued. It is not about the facts.

have coverage for every word, either in witness testimonies or in documents. We also often checked everything we provided in other possible sources of information. We knew what kind of important topics we were taking on. So, in order not to expose ourselves to lawsuits, we checked every word ten times over. This is not about facts, but about the image destruction of the journalist.

As an example, we can cite the program we prepared about the attempt to build a Polish Fort Knox – a place where Polish gold would be stored. At that time, the President of the National Bank of Poland was Leszek Balcerowicz. The investment was considered a complete failure. The area selected for construction was very poorly prepared; it was unsuitable for this purpose. Ultimately,

huge amounts of money were sunk there. We had evidence for every word in our program regarding this matter. The court of first instance ruled in our favour only after a few years. I do not even know if Mr. Balcerowicz appealed, but that is not the point. During the case, Leszek Balcerowicz held press conferences where he vented his frustration at our company, our magazine, and above all, the reporter who prepared the material about the vault. We almost had to force our way into these conferences because we were banned from entering. In short, Mr. Bal-

cerowicz organized conferences to deliver his speech without the right to rebuttal. This lasted a few years. Only now have we won in the first instance, but has any of you heard about it? Does anyone know that such a lawsuit existed and that we won it? No, but everyone heard about how Mr. Balcerowicz made jibes and vented his frustration at the journalist at every conference.

Do you still have faith in the judiciary today, that it is enough to wait out these seven or eight years of the ongoing trial and a just verdict will be issued? Do you believe that the work will be assessed fairly, and this – to put it bluntly – ordeal of the journalist is the price paid for touching upon inconvenient topics?

Of course not, and I can give a very clear, striking example of the way evidence is approached in the same court, in a case concerning the same material. The difference depended on who filed the case: the first by Bogdan Borusewicz, and the second by his daughter, Kinga Borusewicz. I like to give this example because it indicates precisely that, based on the same evidence for the same program, you can obtain extremely different verdicts.

Both Mr. and Mrs. Borusewicz are public figures. Mr. Borusewicz was the Marshal of the Senate, a senator, and Mrs. Kinga was a city councillor. I emphasize: they sued us for the same material, and it was done in Gdańsk, which is – colloquially

speaking – ‘on their turf.’ In the case of Mr. Borusewicz, we won easily. The court said we had the right to address this topic and it was even our duty, as this was the essence of the public journalistic mission. It was recognized that the material was prepared carefully and reliably. In Mrs. Kinga’s case, it turned out to be the opposite and we have to fight in the appeal. Unfortunately, we had the unclear impression that there was some underlying chemistry here between Mrs. Kinga and the judge, which we do not understand. The judge decided that we were wrong after all, and because the law in Poland is not precedent-based, the court can juggle the evidence in any way it wants.



Anita Gargas, dr. Rafał Leśkiewicz

Regarding criminal trials, I would like to add one point raised by Samuel Pereira: freedom of speech dies in the silence of courtrooms. Our trials usually take place behind closed doors, at the request of the opposing party – that is, the one filing the lawsuit. The journalist cannot defend themselves, cannot provide facts. Only the signal goes out that the case is egregious, something that slanders us. Thus, we do not have the possibility of defending ourselves before public opinion. A journalist who has their first such case, if they are not armed with a rhinoceros hide, will certainly wonder next time whether to take on a similar, difficult topic, or to monitor those in power, or whether it is better to pretend that they see nothing.

From my professional experience, I know that a private broadcaster is more willing to defend the good name of a journalist, even if cooperation with them ends. I can hold up Strefa Wolnego Słowa, Gazeta Polska, or Republika as models.

As public functionaries, we have an obligation, just like other public functionaries: when we obtain information that indicates the possibility of a crime being committed, we should react in a manner imposed on us by our professional ethics. Politicians, members of parliament, high-ranking state officials have a different kind of obligation, namely to report such a case to the prosecutor's office. We, journalists, have an obligation to publicize the matter. This is what our mission is all about. Journalism generally is not an easy profession these days, and

investigative journalists in particular are under attack from all sides. No one reaches out a hand to them afterwards, and broadcasters often do not care what happens to the journalist who has been sued.

Public media set a very negative example. You can cut yourself off from a journalist, and often stab them in the back by concluding a settlement in the same trial when we are on the bench of the defendants. For example, between Telewizja Polska and the author, the television station concludes a settlement. This makes further proceedings very difficult for the author who does not conclude a settlement because they are fighting for their good name as well as that of the program. Such a settlement indicates to

the court, even an objective one, that something is wrong. This is very unfavorable. From my professional experience, I know that a private broadcaster is more willing to defend the good name of a journalist, even if cooperation with them ends. I can hold up Strefa Wolnego Słowa, Gazeta Polska, or Republika as models.

Once again, thank you for the opportunity to debate this topic and try to remedy our problems. In particular, thank you for initiating another appeal to President Nawrocki for the pardon of Mateusz Teska. ■



Janusz Życzkowski

THE RALLY MCDONALD'S

JOLANTA HAJDASZ INTERVIEWS
JANUSZ ŻYCKOWSKI

Janusz Życzkowski is a journalist for TV Republika who, this year, experienced firsthand how difficult it is to work as a correspondent and reporter covering a presidential campaign. A year ago, we connected during the 'In Defense of Journalists and Freedom of Speech' conference. At that time, you were in flood-affected areas, dealing with an emergency situation where a journalist was being barred from crisis management meetings organized by the Prime Minister. Doors were being closed and slammed in

your face, a moment that demanded protest. It was a bizarre situation: those doors stood wide open for other journalists, but not for one reporter from TV Republika. This year, however, has brought similar events. One of the first petitions sent directly to the prosecutor's office by the Press Freedom Monitoring Centre (CMWP) concerned the suppression of press criticism. When Janusz was roughed up at a rally for Rafał Trzaskowski and his glasses were destroyed, it seemed as though no one cared. Neither the presidential candidate nor his staff seemed bothered that someone was treated this way at their rally. Please recount this story and share your observations regarding the situation of journalists. Also, has last year's situation been resolved? Did anyone apologize, or did you receive a letter or anything at all? I will only add that the CMWP has received no response to date regarding the letter sent to the prosecutor's office.

Janusz Życzkowski: Good morning, everyone. Thank you for the invitation and the opportunity to participate in this conference, as well as for all the work done by the SDP Press Freedom Monitoring Centre in monitoring previous cases. My experiences regarding the violation of rights – broadly speaking, concerning freedom of speech, our work, and all these regulations – are twofold. I am still involved in ongoing trials from the time I served as editor-in-chief of *Gazeta Lubuska* and *Gazeta Wroclawska*. We could say that the 'Gorzów WORD' scandal case ended favorably for us in criminal court;

it has run its course, and there is no conviction. However, there is a civil court case, and currently, lawyers are trying to reach a settlement to conclude the proceedings so we aren't entangled in them any longer. On the other side, we have politicians and officials who have vast funds and reputable law firms representing them.

I can only say, summarizing my time at Polska Press from a legal perspective, that I hold the legal protection within the publishing house and the lawyers I worked with in very high regard. Systemic solutions for representing journalists and defending them when they are sued are absolutely necessary.

I can only say, summarizing my time at Polska Press from a legal perspective, that I hold the legal protection within the publishing house and the lawyers I worked with in very high regard. Systemic solutions for representing journalists and defending them when they are sued are absolutely necessary.

Reflecting on your question, Jola, regarding insurance directed to Anita Gargas: I wonder if this isn't a challenge for our Board. Perhaps there will be an opportunity to talk to insurance companies to have them prepare some kind of product or offer. Various situations occur. The question is whether everything can be calculated and whether everything can be appraised.

Since I started working at TV Republika, I have had a different kind of experience – literally colliding with reality, the difficult reality of field work. I don't want you to feel that I am complaining about situations where

someone uses force against journalists or the media. To be clear, I unequivocally condemn what happened in Wieluń during the election rally of one of the candidates. However, when entering a rally space, we must expect certain consequences. Of course, no one wishes for the kind of incidents that occurred.

This is part of our professional risk, and unfortunately, it happens. It is worth considering whether we accept this and what the later consequences are. This specific circumstance was related to the dynamics of the event, but also to an exaggerated reaction from the candidate's security, who simply decided to physically charge at me and rough me up to prevent me from speaking with the candidate as he passed by.

I should add that this concerns Rafał Trzaskowski, who was not very fond of TV Republika at the time. I don't know how things stand today. The SDP Press Freedom Monitoring Centre (CMWP) protested multiple times against the fact that TV Republika reporters were being barred from election rallies and from the press conferences of ministers or the Prime Minister. This was precisely the period when denials and exclusions intensified. It was impossible even to find out where Mr.

Trzaskowski would be holding a rally, which city he would visit, or whether he would provide any information to journalists. At that time, reporters from TV wPolsce24 also reached out to us, stating they were kept completely in the dark. TV Trwam faced similar problems – perhaps the enforcement was not as drastic as in your case, but it was not an isolated incident.

Those were strange rallies. They had a specific character; we dubbed them 'Rally McDonald's.' They were held according to a strictly defined script and were usually closed in nature. The media were essentially only needed so that cameras on platforms could show the candidate. The opportunity to ask a question was absolutely rationed. Perhaps someone, somewhere, managed to ask something or have a word, but for us, it was impossible. Other candidates rose to the occasion and had no issues with access. During their rallies, every candidate spoke with journalists. While constrained by time and the need to transfer from one location to another, they always found a moment.

I would like to express my gratitude to the Doctor for the stance of the then-candidate, and today's President, Karol Nawrocki, who approached us with an open visor and answered questions. We know he often had to face questions that – regrettably – journalists should not have asked, but did. To conclude this matter, I filed a report with the police the same evening the assault occurred. The police referred the case to court, and the prosecutor's office also investigated. In the letter I received, the prosecutor's office discontinued the

proceedings due to the inability to identify the perpetrator.

I was told from the CCTV footage that I knocked off my own glasses. I haven't seen that footage, but my hands were occupied, and it would have been very difficult to knock them off myself. However, there is one court ruling regarding property damage. This involved a photographic rig that was destroyed; a router, lighting, and other components were attached to it. The destruction of this equipment prevented me from doing my job. I did not file for personal damages. However, it was necessary to point out the perpetrator on the police video, because the first letter we received from the police stated that this case was also being discontinued due to an inability to identify the culprit. They claimed this despite the existence of a publicly available recording showing exactly who did what. One could say the situation ends there. I don't know if the SDP received a response from the prosecutor's office. Jola, thank you very much for filing the notification in this case. We will likely continue to wait for an answer.

You are quite modest and downplay the event. After seven days of sick leave – there was pushing and striking, and nothing worse happened. One might ask: 'So what's the big deal?'. Look, Ladies and Gentlemen, this is where the problem lies. A journalist at work is like a state or public official. It is as if you were attacking a police officer who is on duty at a given location to maintain order. You are not allowed to scuffle with, pull at, or push them away

while they are, for example, inspecting a car or issuing a fine. Here, we have a situation where an assault on people at a public event of high social significance is treated like a common, pathological brawl. Political rallies and presidential campaign rallies are exactly that. The journalist is treated like someone who behaved inappropriately, stood in the wrong place, spoke too loudly, or reached out with a microphone while politely attempting to ask a question to do their job. Not for themselves – none of us go to these rallies out of personal interest, but to prepare a report. It is a highly precedential matter that not even a public 'I'm sorry' was offered by the candidate or his campaign staff.

We must loudly demand that a boundary be set for such behavior. If it is now permissible to kick a TV Republika reporter, what comes next? Is it permissible to kick a reporter from another station?

That same day, the candidate even accused me of being the aggressor. He tried to flip the situation. There were more stories like this, including a rally in Wrocław where I was surrounded by seven staff members with megaphones who screamed 'Rafał, Rafał!' directly into my ear. It wasn't pleasant. They disrupted my work. Rafał Trzaskowski's campaign spokesperson, Minister Sławomir [Nitras], who was overtly aggressive, struck the microphone with his hand, causing the foam cover to fall off. He acted as if he were under the influence of some substances, and that was an incident I didn't even report. During

that same rally, someone kicked me in the leg from behind. In the dynamics of that campaign, there were a lot of bad emotions and disturbing, scandalous events at Rafał Trzaskowski's rallies.

Where is the line for proper behavior toward journalists in such situations? The fact that the journalistic community remains silent – that other mainstream media outlets see nothing wrong with this, that it doesn't bother them that a colleague from another newsroom is treated this way – is exceptionally astonishing and outrageous to me. What stops you from speaking out? Do you want someone to treat your reporter the same way and have no one react then either? This cannot stand.

We must loudly demand that a boundary be set for such behavior. If it is now permissible to kick a TV Republika reporter, what comes next? Is it permissible to kick a reporter from another station? Is it permissible to kick a female reporter because we dislike the medium she works for? Or because we dislike her method of gathering information? This cannot be. It contradicts the idea of freedom of speech; it contradicts the idea of a free and democratic state. This is not the end of the topic. These are not just the same episodes of the same series – and even if it is the same series, every episode is about something different. ■

I HAD THE COURAGE TO STICK MY NECK OUT

JOLANTA HAJDASZ INTERVIEWS
KAMIL RÓŻALSKI

Kamil Różalski is a former camera operator for TVN. While not a journalist himself, we know well how vital visual documentation is to reporting. His story of battling his former employer is so instructive that it deserves to be heard by decision-makers in Poland – those who influence the enforcement of labor laws. Kamil, tell us: what is the current status of your labor court cases against TVN? And what consequences have you faced for daring to challenge them?

Let me start with a bit of sarcasm: one could take today's meeting, burn it onto a disc, and sell it in the United States with the pitch that Monty Python's Flying Circus was merely a weak preamble to what you are about to hear. No one there would believe such things could happen in Poland.

What I've heard today confirms that freedom of speech is a fiction. I've collided with this reality many times. Someone mentioned internet filters and post-blocking earlier; yes, censorship is very real. I noticed it on my own profile – before the parliamentary elections, my posts reached 30,000 to 40,000 people. After the elections, reaching 3,000 was a struggle. I've tried to remain factual regarding both the government and the company I am in a legal dispute with – TVN Discovery, now Warner Bros. Discovery.



Kamil Różalski

I have prepared notes for this conference because I suffer from severe short-term memory issues. This is an effect of my illness – a terminal one if left untreated – which is a direct consequence of the conflict with my former employer. The legal dispute involves a first-instance case to establish the existence of an employment relationship. The second step will be a lawsuit for workplace harassment (*mobbing*). That claim has already been filed, pending a final and binding ruling on the first case. I expect the court to recognize my employment status, as the National Labour Inspectorate (PIP) had no problem doing so. Let me recap the facts.

In 2019, the American owner, Discovery, introduced a code of ethics at TVN that not only allowed but mandated the reporting of irregularities. A group I initiated sent a detailed notification regarding illegal practices and labor law violations at TVN. The procedure guaranteed our anonymity. Unfortunately, the Americans broke this rule and handed our data over to the Polish management. A commission was formed in Poland consisting of two TVN employees and a lawyer who represents TVN in disputes against staff. They tried to intimidate us, refused to keep minutes, and denied us the right

A commission was formed in Poland consisting of two TVN employees and a lawyer who represents TVN in disputes against staff. They tried to intimidate us, refused to keep minutes, and denied us the right to record testimony, so we refused to testify.

to record testimony, so we refused to testify. Consequently, the commission deliberated alone. Again, very Monty Python-esque: the commission asked itself questions, called its own witnesses, and presumably provided the answers for them. Unsurprisingly, they found 'no irregularities.'

Systematically, in an act of retaliation, every member of our group was fired. I should note that in 2019, immediately after reporting to the American owner, we also filed complaints with the Social Insurance Institution (ZUS) and the National Labour Inspectorate (PIP).

The case sat in limbo for two years. I was no longer working, yet ZUS and PIP hadn't moved an inch. Thanks to a conference I attended here a few

years ago, I met MP Piotr Sak, whose parliamentary interventions finally forced ZUS and PIP to act. Notifications were also filed with the prosecutor's office regarding potential criminal activity. I probably don't need to add that after the parliamentary elections, the prosecutor at the District Prosecutor's Office in Warsaw handling the case was replaced, and this new prosecutor promptly discontinued the proceedings. We have, of course, appealed this decision, as over 5,000 files confirmed the validity of our report, and two final court rulings had already confirmed both the violations of the law and their

scale. We are now waiting to see if the court will order the prosecutor's office to resume the investigation.

We shall see what happens. As I mentioned, the National Labour Inspectorate (PIP) recognized that an employment relationship existed between myself and TVN. Following a parliamentary intervention, PIP filed a lawsuit on my behalf to establish the existence of this employment relationship. The trial is ongoing. There have already been several hearings. I must add that in my case, the first hearing took place only two years after the lawsuit was filed, but the matter has finally gained momentum. Court sessions are held approximately every two months – behind closed doors, of course, because

TVN requests that the proceedings be made private in every legal dispute with its employees. I appealed this, naturally, invoking Article 45 of the Constitution of the Republic of Poland with a bit of 'reckless bravado.' I do not wish to violate the confidentiality of the proceedings, so I cannot disclose what the court said. I want no trouble. However, it is no secret that four witnesses are still to be cross-examined. I suspect that closing arguments will take place this year, with a first-instance verdict likely in early 2025. That is, unless TVN tries to make me look 'crazy' – as they did with a colleague – and calls for an expert witness.

Of course, the harassment (*mobbing*) case is pending in the District Court, awaiting the conclusion of this trial. What is happening now? I have been unemployed for five years. Some

of you know the consequences of a dispute with TVN and that I will be black-listed in this job market. I decided to look for another solution, and that solution turned out to be goats. It sounds a bit funny, but I became a goat breeder and a producer of goat milk cheese. Unfortunately, that project collapsed because I couldn't make it profitable without investment. However, my love for animals remains, and the thirteen goats that came to me five years ago will stay with me until the end. I will do whatever it takes so that one day they pass away of natural causes, with a 'goat-like' smile. Ladies and Gentlemen, I have been out of work for five years, and until the age of fifty-three, I had never asked anyone for help.

I am quite active on X, formerly Twitter. I have quite a few followers there – over fifteen thousand – which



From left: Mateusz Teska, Kamil Różalski, Robert Kwiatek

is a lot for a 'man from nowhere.' However, as I said before, my reach has dropped drastically. There are many people who support me, who know my story, and who have even visited me. They encouraged me to start crowd-funding. For three years now, people have literally been keeping me alive, especially since I had to undergo a serious knee surgery along the way. If an-

I learned that I am a 'scammer,' a 'lazybones,' that I can and should go to work. Someone even called the police on me, claiming I wanted to commit suicide, allegedly based on a Twitter post. Officers arrived, woke me up at night, and called an ambulance. This was no accident; it was a setup to make me look mentally unstable.

yone notices during the break, I am still limping; I have problems following that surgery two years ago, for which a fundraiser was also organized.

My dog fell ill, and the treatment cost over five thousand [PLN]. He would have died if I hadn't had the chance to raise the money for his care. And now, even though I promised I wouldn't do any more fundraisers and was ready to just give up in my hopelessness, I was once again persuaded to start one. I am raising money for equipment to return to the profession, but only in the field of corporate videos and weddings. We'll see if it works out. This coincided with a massive wave of hate on X. I found out from X that I had supposedly lost my case against TVN. I was surprised because my next hearing is on October 15th, and it won't be the last one. I learned that I am a 'scammer,' a 'lazybones,' that I can and should go to work. Someone even called the police

on me, claiming I wanted to commit suicide, allegedly based on a Twitter post. Officers arrived, woke me up at night, and called an ambulance. This was no accident; it was a setup to make me look mentally unstable.

This happens when my evidentiary proceedings turn out to be 'too strong.' The worst part is that the actions taken on X – because for now, that is where

they are limited to – are being fueled by three people I would never have expected this from, as they declare values that I also represent. To put it simply, they are 'crypto-leftists.' For a long time, they pretended to be someone else entirely.

After five years of unemployment, knowing that I am about to lose my home, wanting to work but being unable to – I cannot perform just any job due to a damaged spine and a leg that limps after surgery – I have depression. I have very severe depression. Things were very bad for me over the last month and a half or two. I managed to find a new doctor who changed my medication. That period was dramatic. I also started psychotherapy, all thanks to X – I don't know if I'm allowed to advertise it here, but I reached out to people of goodwill who see the problem and want to help selflessly.

Do you regret speaking out against such a large corporation as TVN in Poland? Would you do it again?

Even knowing the consequences, I would do it again. I cannot imagine being idle in the face of crimes and meanness that every human being should react to. I am not the kind of person who looks the other way. How could I live pretending I don't see something? However, one more issue has become important: the media problem. I am the face of the dispute with TVN. This means there are more of us than just Kamil Różalski. In the media, I also represent my colleagues who have similar lawsuits against TVN, which is why I bear the greatest consequences – I had the courage to stick my neck out.

Even knowing the consequences, I would do it again. I cannot imagine being idle in the face of crimes and meanness that every human being should react to. I am not the kind of person who looks the other way. How could I live pretending I don't see something? However, one more issue has become important: the media problem. I am the face of the dispute with TVN.

Iam in court without a lawyer because I cannot afford one. I represent myself. I was professionally excluded even before my employment at TVN ended: when I lost it, I had no savings because I was already working only two or three days a week. Since 2012, I had been saying that the law was being broken. I worked in the entertainment department, making the most important 'flagship' programs: *Dancing with the Stars*, *Got Talent*, and others. I ended up in the *Dzień Dobry TVN* studio two or three times a week. As a punishment.

Did I suddenly forget how to do my job? No, so a dismissal was inevitable. I found out I was no longer working because my email account stopped functioning. The highest ethical standards? I'm sorry, but something doesn't add up here.

Let us add that you previously had a full-time employment contract with TVN. The current situation is a consequence of being forced by the employer at some point to give up that contract and switch to self-employment or a specific-task contract.

That is a very important piece of information. For the first fifteen years, I worked under an indefinite employment contract. Later, my director met with over forty of us – individually,

of course – to inform us that the company's employment model was changing. I asked what would happen if we refused to sign the termination of our contracts by mutual agreement, as there was pressure to do so. 'Well, you won't find work anywhere else,' was the answer I received. Consequently, everyone signed, terminating their contracts and switching to specific-task contracts, myself included. I asked if the company would contribute to Social Insurance (ZUS) premiums. They said no. Would they guarantee work? No.

However, I decided against starting a business, especially given the pressure of being on-call. The requirement to be constantly available meant I couldn't secure additional income elsewhere. Ultimately, assignments were being taken away from me anyway. It could have turned out that I'd work an entire month just to cover my ZUS premiums. That wouldn't have been surprising at all, especially since a conflict with the company was already brewing because I spoke up

Look at me. I will fall, because I have to fall; I'm not supposed to succeed. A whole team of people is working to ensure my home is taken away or that I end my life. They won't see that happen. However, my heart might not hold out.

about labor law violations – violations that were entirely conscious and intentional. This is documented in ZUS testimonies. The director even boasted that he was the one who came up with this 'business model.' I can state this openly, as it is not classified information.

Look at me. I will fall, because I have to fall; I'm not supposed to succeed. A whole team of people is working to ensure my home is taken away or that I end my life. They won't see that happen. However, my heart might not hold out. This is meant to be a warning to others: 'Do not stick your neck out.' I have already made peace with the fact that I likely won't make it. But there is another side to this: perhaps through this story, the journalistic

community will unite and take action. It is vital to act together against evil, and there are far too few of us here.

Thank you, Kamil, for your courage in clearly presenting your situation, also in a personal context. It is truly rare to speak about how deeply a person is affected by such lawsuits and harassment resulting from practicing this profession in a particular way. The same goes for admitting to weakness, because, after all, we are only human.

Lawsuits where someone demands a hundred thousand or a million [PLN] – as we have heard – where guilty verdicts are handed down, and where we all face massive online hate, fueled by those working to keep it alive – none of this remains without impact or consequences. You have raised a very serious problem that the journalistic community does not analyze at all: how to help oneself mentally, and where to find the strength to resist and not give up. Many of us know journalists who fall into addiction or have personal problems resulting from the nature of their work. Unfortunately, we have neither support nor special guides or training on this subject. ■

'THE AX FELL GRADUALLY' – ON LIQUIDATION, DISMISSALS, AND PATHOLOGY IN PUBLIC MEDIA

JOLANTA HAJDASZ INTERVIEWS
BARTOSZ GARCZYŃSKI

Bartosz Garczyński is a former employee of Radio Poznań, a Polish radio station currently undergoing liquidation. Mr. Bartosz began his legal battle after being unlawfully dismissed.

Before I address the situation directly concerning me, allow me to refer back to what Mr. Kamil Różalski said. The situation you described reminded me of events during the 'Women's Strike' protests. There was great public outcry when one of the photojournalists, allegedly associated with the *Gazeta Wyborcza* circle, reportedly kicked a police officer and was subsequently treated quite harshly in response.

On the other hand, my editorial colleague Hubert Jach – also a member of the Polish Association of Journalists (SDP) – was at a 'Women's Strike' protest and was physically and brutally thrown out of it. The prosecutor's office and the Poznań justice system saw nothing wrong with this, despite the availability of video recordings. As a journalist, I covered this case. I tried to clarify it, but the stance of the Poznań judiciary was essentially: 'We don't have your coat, and what are you going to do about it?' [a Polish idiom implying bureaucratic



Bartosz Garczyński

indifference]. It was a similar story with the Poznań media, which are quite one-sidedly oriented in terms of politics and worldview. Editor Hubert Jach received no support from the journalistic community because he is a journalist whose views do not align with the mainstream. Therefore, the fact that he was thrown out of a conference while performing his duties was met with silence.

Turning to the subject of my dismissal: the process of liquidating Radio Poznań began in December 2023, and the liquidator appeared on-site around February 2024. To be honest, the mere appearance of the liquidator in the station triggered massive self-censorship at Radio Poznań. Journalists were afraid to touch subjects

they had frequently covered before. Department heads also didn't want to stick their necks out. I must admit that I had not had much to do with public institutions before. Radio Poznań was the first public medium where I took up employment. Previously, I had never encountered a situation where politicians had such a direct influence on what happens in the newsroom and what happens in public broadcasting stations. That influence was enormous and very visible. After the liquidator appeared, everyone was waiting as if for an execution.

The ax fell gradually. First to go was Roman Wawrzyniak, who was something of an icon of Poznań's conservative journalism. The moment the

liquidator appeared, it was immediately clear that Roman had to say goodbye to the radio. Later, other names followed.

We are talking here about the situation of people who fought back in some way and somehow won against the liquidators. However, many journalists – my colleagues – did not actually see this process through to the end because they were deprived of their livelihoods. They had no money, and therefore no means to carry on the fight. Fortunately, I found employment. I became the editor-in-chief of the portal *Odpowiedzialny Poznań* [Responsible Poznań] in the association of the same name. Thanks to this, I was able to lead this battle from an independent position.

Another example is the case in Konin. There, Sławek Zasadzki, a reporter for Radio Poznań, was dismissed and reached a settlement with the station. I don't blame him. He physically had no money; he had nothing to live on. He had to reorganize his professional life from scratch.

Some people had no formal employment at all, meaning they simply lost their commissions or their specific-task contracts (*umowa o dzieło*). The core problem with public media and placing them into liquidation is that many of those who lost their jobs overnight were on these permanent commissions or task contracts, which expire very quickly – without any compensation, notice

period, or social security protections. A vast number of people work this way, so there was no legal basis for them to demand anything or to go to court for an unlawful, overnight dismissal. Tell us your story, because it seemed to us that the court sided with your arguments and you were reinstated following a labor court process. Moreover, the liquidator dismissed you by citing the 'one-sidedness' of the guests you invited to your programs – a form of branding you with the 'right-wing' label that supposedly dominated your broadcasts. The court ridiculed this line of reasoning, which essentially bordered on discrimination based on beliefs. And yet, you did not return to work at the radio station. Why?



Technically speaking, I did return, but I resigned after seeing the conditions I was offered. Regarding the ruling, Judge Aleksandra Bernatowicz of the District Court in Poznań stated in the justification that I was dismissed for my views – this is explicitly stated in the verdict. For views which, I should add, I did not even present on air. Naturally, 'Radio Poznań in Liquidation' appealed this verdict. The second-instance judgment was passed in September, and Judge Beata Chwedkowska, in addition to justifying the dismissal of the appeal – thereby upholding the first-

In public media, at least at Radio Poznań, the system works such that we are paid a basic salary and we earn extra based on the materials we produce. Therefore, being deprived of programs and assignments is what we in the radio business call 'starving out the employee.'

instance verdict – commented on the trial itself. She said this case perfectly illustrates the pathology prevailing in public media. These are the words of a judge who may not identify with a conservative worldview or conservative journalists at all. She stated it as a general fact that has been going on for a long time and is not an isolated incident. At the same time, she emphasized that while this has been going on for a long time, it cannot serve as an excuse to continue the process – the process of introducing pathology into public media. A pathology where the government changes and journalists who are somehow inconvenient to that government are thrown out.

As for my case, I did go back to the station. However, the conditions I was offered made it impossible for me to

function in the capacity I had when I left. At the time of my dismissal, I had three days of prime-time programming during peak listening hours. I also had daily on-air slots with a review of foreign media. I had my own geopolitical magazine and a rock/heavy metal music show. Not a single one of these elements – none of these programs – was restored to me. In public media, at least at Radio Poznań, the system works such that we are paid a basic salary and we earn extra based on the materials we produce. Therefore, being deprived of programs and assignments is what we

in the radio business call 'starving out the employee.' Returning to work would have meant relying solely on reporting current news for the newsroom and bulletins. Since none of my programs were reinstated, it would have resulted in a real financial loss and a significant worsening of my working conditions, despite the court ordering my reinstatement on my previous terms.

In essence, this is making it impossible to practice the profession of journalism. If you return to work and have no programs to produce, what kind of journalism are we talking about? This is the kind of pathology and consequence that goes beyond the judicial dimension. The court rules in favor of the victim of harassment – the person

unfairly dismissed – orders reinstatement, but the verdict cannot be properly executed without the liquidator's will, the employer's will, or a willingness to cooperate. For the person expe-

riencing these consequences, the court victory doesn't mean much in practice. They are still left alone with the problem of being effectively unemployed. What's more, the employment contract includes a non-compete clause. Therefore, I would no longer be able to continue everything I managed to build during the period of my dismissal – such as the Odpowiedzialny Poznań portal or my YouTube channel. I would be silenced.

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waves. I would be gone not only from the radio but also from the channels I managed to develop while I was unemployed. A massive step backward, a massive financial loss. That is what the 'success' of being reinstated to a broadcasting station looks like in reality. Under these circumstances, I decided to leave the radio, but – let's say – on my own terms. ■





Hubert Bekrycht

TRUTH – SOMETHING EXTRAORDINARY?

HUBERT BEKRYCHT

Editor Hubert Bekrycht, in addition to being the Secretary General of the Polish Association of Journalists (SDP), is also a former journalist for the Polish Press Agency (PAP). This is his story – one that still lacks a happy ending and remains unfinished.

The story is indeed brief, considering my 33-year career across various media outlets, including television, radio, the press, and Kurier Wnet; I even managed to serve as the head of the television center in Łódź for

three years. Now, there is a problem because, after all, I worked during the time of the 'fascist' Kurski. It was the same with PAP. At the moment when the government unlawfully seized control over public media, being loyal primarily to freedom of speech – excuse the lofty tone and the cliché – as well as to myself and my boss, my colleague Wojtek Surmacz, I publicly declared that I do not recognize this takeover. I stated that my boss is still Wojciech Surmacz, the President of PAP, elected by the National Media Council, because that is the law.

Since then, I was no longer needed at PAP. I was writing as the editor-in-chief of the sdp.pl portal. At the same time, I served as the Secretary of the Polish Association of Journalists (SDP). Like all members of the Board, I signed various protests against the dismantling of public media in December 2023. In the spring, I received a disciplinary dismissal, which was sent to my private email. I noticed it three days later. It's a good thing it wasn't seven, as my lawyer would have then had trouble restoring the legal deadline. I sued PAP.

They raised allegations regarding my sick leave, claiming I had misused it. According to PAP, I was supposedly working during that time because someone told them I was the editor-in-chief of the sdp.pl portal. Well, I wasn't working, because one is an editor-in-chief [by virtue of the role], but it seems the new PAP authorities – who are supposedly excellent journalists – do not know this, as they are unfamiliar with the press law, which, though archaic, is still in force. The conclusion from my

peregrinations through courts and lawyers is this: It's probably better to have ZUS (the Social Insurance Institution) as an opponent. Yes, that is the truth. I won against ZUS in the first instance. The judge pondered and kept asking what they at PAP were talking about – what misconduct of mine – since I had no such [employment] contract at SDP. Besides, there was an audit, and female

I have never hidden the fact that I am associated with the SDP or that I am part of its leadership. I have grounds to assume that the authorities of PAP decided to combat both my columns criticizing the government's destruction of public media and the harassment of conservative outlets, as well as the fact that I represent the SDP in various places – which is, after all, illegal. My disciplinary dismissal is a consequence of my activities.

colleagues were summoned as witnesses. It was conducted as if I had committed some financial crime. I never hid the fact that I am associated with SDP or that I am part of its leadership. I have grounds to assume that the authorities of PAP decided to combat both my columns criticizing the government's destruction of public media and the harassment of conservative outlets, as well as the fact that I represent the SDP in various places – which is, after all, illegal. My disciplinary dismissal is a consequence of my activities.

I sued PAP. Of course, the current liquidators approach this matter quite loosely. For my case, they even proposed a witness who had actually been summarily dismissed because, as an editor, they failed to react to that famous PAP 'supposed' mistake, where President Nawrocki's name was changed to an offensive one.

Ultimately, they withdrew that witness... I have indications that in the agency, nearly two years after the unlawful takeover of public media by the government, chaos reigns.

To be honest, I have been fired many times, including by Mr. Kwiatkowski, the then-president of TVP. Back then, it was just child's play and a pat on the back combined with a proposal: 'Perhaps you

would like more money? Just leave, because you were a union member, and later you were active in the SDP.' I was fired for telling the truth, like everyone else – and yet, that is nothing extraordinary. How can a journalist, even within their own newsroom, say that nothing is happening when we are dealing with a brutal forced entry? We witnessed it. They liquidated everything!

Ladies and gentlemen, those currently in power are trying to marginalize PAP: they think television is important, radio is important, as well as radio centers and local stations. But PAP is super important. Look at what happened when they mistranslated Trump – I want to believe it was just a mistranslation – Trump, who perhaps speaks in digressions, much like I do, so I understand him; but truly, this is a danger to the foundations of the state. ■

THE STRUGGLE CONTINUES

ŁUKASZ BRODZIK

Łukasz Brodzik is a positive example of someone who has almost succeeded in ending his battle with the liquidator and returning to work. Is this further proof of a 'victory' or a 'non-victory'? This story reveals how journalists are treated in a theoretically free, democratic country that respects the principles of freedom of speech.

First, a conclusion: listening to the stories of journalists dismissed from their jobs, a wide array of methods used to combat them emerges: economic pressure, physical violence, pressure on the family, and the pressure of liquidating media outlets and workplaces. A grim picture arises from this. If anyone were considering becoming a journalist, they would immediately know what to expect.

I should add that I am not a journalist by education, but journalism became my passion. It is worth saying that we have role models to follow. Journalists are brave, strong people. We have others to lean on. We know this thanks to your stories and experiences, and we draw hope from them that these difficulties can be overcome. My story is an attempt to determine how things truly stand with the liquidation and the condemnation of regional and local media. Such journalists face a major problem because they lack national recognition and appropriate finances. In our regions, journalists



Łukasz Brodzik

are not paid very well. We live in places where everyone knows each other, making it harder to find work.

There are, of course, many more problems, so an entire army of journalists employed outside the mainstream media must face them. Regarding my situation, I have still not been reinstated. The battle is not over yet. However, the court has ordered my continued employment until a final and binding verdict in the case is reached.

This is because I am a member of the Solidarity (*Solidarność*) trade union, and I was dismissed as a union member. I have described this in more detail on my profiles. Upon returning to work, I had to sign a new employment contract, which – in my view – is a continuation of the previous one. It includes a clause stating:

'The employee undertakes not to use, without the employer's consent, the employer's name for any purposes related to the performance of duties resulting from the contract and to refrain from any actions harming the employer's good name or credibility.' I intend to comply with this by referring to facts rather than opinions – not because I am afraid, as I already have five favorable rulings in cases against my employer, but because I would like to see this matter through to the end. Perhaps during the proceedings, more will be learned about certain matters.

I have never been sued for defamation or faced complaints. However, when I started working, I immediately told my colleagues: let's save up for lawyers, because politicians will not forgive us for telling the truth. That is exactly what happened; we received those threats.

Signals that our positions might be at risk appeared earlier, preceded by threats from politicians.

I have never been sued for defamation or faced complaints. However, when I started working, I immediately told my colleagues: let's save up for lawyers, because politicians will not forgive us for telling the truth. That is exactly what happened; we received those threats.

We were dismissed at the end of January. I say 'we' because, like Bartosz and Kamil, we represent a broader group of journalists: Łukasz Brodzik, Marek Poniedziałek, Adam Ruszczyński, and Daniel Sawicki were lucky enough to have employment contracts. Meanwhile, Janusz Życzkowski and Krzysztof Chmielnik did not.

One of our colleagues, Janusz Młyński, ended his thirty-year collaboration with Radio Zachód in solidarity with us, the dismissed. So there were several of us. The protection of journalists in Poland is weak. Service contracts and specific-task contracts are quite natural here. Even where employment contracts exist, ways were sought to bypass them. It is clear that the authorities know union protection exists. Therefore, the liquidation of public media was applied, as no union protection applies during such a process.

As I mentioned, I was dismissed in January. My wife worked in the administrative office of *Gazeta Lubuska*. After seventy years, that position was abolished. Eight months after my dismissal, my wife was also fired. We expected this. A family of five, including small children, was left without a livelihood. I decided to fight not only for financial means but also for the truth, for what is right, and for the respect of the law.

In the first instance, we received a ruling regarding reinstatement. The labor court deemed the dismissals – mine and Marek Poniedziałek's – unlawful. The court decided to award us compensation but not to reinstate us. Two reasons for our dismissal were given: first, liquidation; second, that we did not meet the 'pluralism of

principles' required by the employer. This second reason was far less specific, so we couldn't defend ourselves because we didn't truly know why we were fired. Naturally, we appealed. We are waiting for the second-instance trial. Parallel to this, a process regarding the 'protection of a union member' was underway. In August last year,

I would like to thank the Press Freedom Monitoring Centre for the legal aid and the opinions used by us in court. This is very important to us. I will only add that I had free legal assistance from the NSZZ 'Solidarity' trade union.

the court ordered our continued employment. Marek Poniedziałek accepted the working conditions he was offered. I don't blame him, and I congratulate him. However, I did not agree, because the employer – instead of reinstating me as Deputy Editor-in-Chief of Radio Zachód – decided to hand me a contract as a marketing and sales specialist. With a different scope of duties. With the same salary as a deputy editor-in-chief, and of course, with a non-compete clause. I was also offered remote work, meaning I wouldn't appear at the radio station and would have no access to the microphone or the internet. I wouldn't be able to say anything in other media, effectively being gagged. They would pay me a set salary every month. I did not want to agree to that. I waited a year for the execution of this provision, and in September of this year [2025], I received word from the court that it orders my continued employment under the same terms of work and pay. I recently signed the contract,

so it is possible to win against liquidation. One can also win against lawlessness when it is applied, because – as we hear in the ruling – we were dismissed unlawfully. Although this is a first-instance verdict, it must be confirmed in the second instance, which we hope for. We also hope that the second-instance court will reinstate us to work.

For now, you will not hear me on the air at Radio Zachód, because immediately after signing the contract, I received a letter stating that I am employed for three months without the performance of work (*zwolnienie ze świadczenia pracy*). I can, however, move around the station and conduct union activities there. Currently, I have no access to the microphone or the internet. The salary should arrive shortly, I hope. I am waiting and counting on some goodwill from the liquidator – that after these three months, I will return to the airwaves of Radio Zachód.

I would like to thank the Press Freedom Monitoring Centre for the legal aid and the opinions used by us in court. This is very important to us. I will only add that I had free legal assistance from the NSZZ 'Solidarity' trade union. Such community support is also vital psychologically. If it weren't for the appeal to higher values, to God, I probably wouldn't be here now. I would have given up the fight. ■



Leszek Kraskowski

JOURNALISM AND DEMOCRACY

LESZEK KRASKOWSKI

Jolanta Hajdasz: Leszek Kraskowski couldn't come from abroad. He's in Albania, preparing journalistic materials. His story isn't just a fairy tale told by very conservative and very right-wing media. Here we're dealing with a clear violation of the principle of freedom of speech, which applies to this year. I'll add the text of a text message from editor Kraskowski, addressed to you: Good morning. Unfortunately, I can't attend Tuesday's SDP conference. Despite previous confirmations, I'm in

Albania. I would be very grateful if you would look into the cases of press law violations by former NIK president Marian Banaś. Two videos on this topic are on my YouTube channel. Nothing has changed since then. Best regards, Leszek Kraskowski, online reporters. Leszek Kraskowski: I'm at the Supreme Audit Office on Filtrowa Street, where a conference on Polnord and the Polish Financial Supervision Authority (KNF) is about to begin.

I've been coming here since 1994, but this is the first time they've said I'm not on the list, even though there's never been any list here.

Each journalist showed their ID or press card and went in. The Supreme Audit Office (NIK) had already filed two reports to the prosecutor's office about

me. One was filed by the security chief, the other by Mr. Jakub Banaś. It turns out I won't be able to go in and ask a few questions I wanted to ask today. I wanted to ask why the chairman's son went to Italy to meet with Lord Polnord, i.e., attorney Giertych, while he was hiding in Italy.

I wanted to ask if there was an investigation into the President's son, Jakub Banaś, who took bribes from Supreme Audit Office employees amounting to 10% of their bonus-

I wanted to ask today. I wanted to ask why the chairman's son went to Italy to meet with Lord Polnord, i.e., attorney Giertych, while he was hiding in Italy. I wanted to ask if there was an investigation into the President's son, Jakub Banaś, who took bribes from Supreme Audit Office employees amounting to 10% of their bonuses.

es. I also wanted to ask if Mr. President shouldn't have recused himself from this audit because Jan Piński's publishing house, who is Mr. Giertych's de facto PR representative, is publishing a book. It seems I probably won't ask all these questions, because the friendly security guards here said they simply wouldn't let me in. If they don't let me in, I'm going straight to the prosecutor's office and filing a complaint against President Banaś for preventing press criticism. There's a relevant section for that. I'm still waiting. Maybe they'll change their mind and let me in. It doesn't look like it yet. Jolanta Hajdasz: I encourage everyone to simply familiarize themselves with this material. We won't delve into the details of the relationship between Mr. Giertych and Mr. Banaś at this conference. I'm

not deciding how right reporter Leszek Kraskowski is to definitively say what really happened. He has the sacred right of a journalist to cover this topic and publish it, because he's been doing so openly under his own name for over 30 years.

Why is this journalist being asked to leave in 2025, not allowed to attend an open press conference that concludes the term of office of the outgoing President of the Supreme Audit Office?

Why should we agree to this type of censorship of professional preparation? After all, he hasn't published anything else yet. The Rzeczpospolita journalist didn't attend the same conference because she wasn't even informed that such a conference was taking place. She probably had no intentions, and she probably doesn't even know it was recorded, that she wasn't there. This information appeared on social media.

What kind of censorship and choosing who is allowed to attend a conference and who isn't? These are not the standards of a democratic state.

Under what law should we, journalists, sue someone? How can we demand enforcement of press law, which is supposed to apply to both sides? I'll leave this question aside. ■



Dorota Kania

MARXISM AND JOURNALISM

DOROTA KANIA

I am currently accused by the District Prosecutor's Office in Tarnów of disclosing Ewa Wrzosek's data. Data that is publicly available.

All the data I published online, concerning a passport application from 36 years ago, is publicly available. My attorney and I have submitted the appropriate documents to the court and are awaiting a decision.

The case was initiated after a GDPR (personal data protection) notification. It concerned Ewa Wrzosek's passport files. The case was filed in March.

Ewa Wrzosek joined the case as a victim. The prosecutor brought charges against me very quickly.

The indictment was already in place in July. Some of the materials were excluded from further proceedings.

I don't know what's going on there. I wanted to draw attention to what the prosecutor did. Namely, he contacted the United States and the X administration, and Ireland, regarding YouTube and the recordings.

He asked cell phone administrators to share where I logged in. My phone's logins were monitored.

There were inquiries to all cell phones about where I logged in to the BTS station. I don't know what other information the prosecutor obtained, but this shows what a dangerous criminal I am, since such a racket has been brought against me.

How much money did it cost? This also needs to be addressed.

I'm shocked because I see empty chairs in organizations that should protect journalists. Why is there no one? When issues concerning, say, left-wing journalists were discussed, all organizations spoke in unison about SLAPP and violations of journalists' rights. Why is no one here? Is it still the case that conservative journalists have no right to express their opinions? Should they keep their mouths shut?

For years, the idiotic phrase has been repeated that a journalist has no views. This applies to conservative



journalists. We couldn't talk about God, we couldn't talk about values. When it comes to various leftist inventions, 'the others' could say anything. We can't. These blank spaces show that these absent people have no interest in freedom of speech at all. It's about a certain left-wing corporation and a certain Marxism that is supposed to be in the media, without allowing the conservative side to have a say.

To conclude, I would like to point out one thing: according to unofficial information, the prosecutor's office in Tarnów is the home of Mr. Marek Jamrogowicz, deputy of the illegally taken over prosecutor's office, deputy national prosecutor. What else is important in

this case? When the notification about the publication of documents from the Institute of National Remembrance appeared, the notification was also filed not only against me, but against Jan Piński – Giertych's man who uses the nickname 'Koneser Unii Europejskiej.'

I have absolutely no idea what's happening with the Koneser Unii Europejskiej case. As for Mr. Piński, the case, at least until a month ago, was pending in the Warsaw Praga District Prosecutor's Office without any action, without any consequences.

I'm not saying Piński should face charges, but it just shows the different approaches the prosecutor's office takes to an identical case.

Kamiński published the passport files of Mariusz Kamiński's mother and himself. The investigation is ongoing in this case, nothing is happening. What's more, it's covered by investigative secrecy.

indictment had been filed. This demonstrates the current actions of state services against journalists. I'll say it one last time: these empty chairs reveal and indicate who these absentees are really defending.

No one informed me that an indictment had been filed against me. How did I find out? From social media. TVN was the first to report that an indictment had been filed. Even the prosecutor wasn't kind enough to inform me that an indictment had been filed. This demonstrates the current actions of state services against journalists.

However, I'm supposed to be facing charges from a Polish Press Agency journalist who called me. No one informed me that an indictment had been filed against me. How did I find out? From social media. TVN was the first to report that an indictment had been filed. Even the prosecutor wasn't kind enough to inform me that an

There is a certain journalistic corporation that is untouchable, while the rest of the journalists have no defense when the state becomes oppressive. The atrocities and crimes committed by state officials are being brought to light: the illegal takeover of public media, the illegal takeover of the prosecutor's office, the illegal takeover of state offices. ■



Panel II

Lawsuits, protests, statements,
amicus curiae briefs

How to effectively fight for freedom of speech and help harassed
journalists in the current political situation in Poland?



Speakers:

Piotr Łukasz **ANDRZEJEWSKI**, Prof. Janusz **KAWECKI**, Jerzy **KWAŚNIEWSKI**, Dr Rafał **LEŚKIEWICZ**





Dr Jolanta Hajdasz, dr Rafał Leśkiewicz

HANDING OVER THE APPEAL FOR CLEMENCY

Two particularly drastic cases are the convictions of two journalists, Mateusz Teska and Samuel Pereira. As the Press Freedom Monitoring Center of the SDP, we have repeatedly addressed this issue on behalf of our community, both publicly and in documents, submitting appeals and motions to the President of the Republic of Poland, requesting clemency for our colleagues who, in our opinion, were wrongly convicted.

I would now like to once again convey to Dr. Rafał Leśkiewicz the motions concerning these two individuals. All of us, as journalists and participants in this conference, fervently appeal for clemency for journalists Mateusz Teska and journalist Samuel Pereira. These are two convictions under Article 212 of the Penal Code, which disgraces our justice system. Of course, we are passing these appeals on to President Karol Nawrocki, with a request to Dr. Rafał Leśkiewicz to convey our appeals, our requests, to the president to pardon these wrongly convicted journalists. ■

Warszawa, dnia 30 września 2025 r.

Sz. P.
Karol Nawrocki
Prezydent
Rzeczypospolitej Polskiej
Kancelaria Prezydenta RP
ul. Wiejska 10
00-902 Warszawa

dotyczy: poparcia wniosku red. Samuela Pereira o zastosowanie prawa łaski

Szanowny Panie Prezydencie!

W związku ze złożonym przez red. pełnomocnika red. Samuela Pereiry wnioskiem o ulaskawienie (pismo z dnia 28 lipca 2025 r.) oraz przesłanym przez Centrum Monitoringu Wolności Prasy SDP do Prezydenta RP poparciem tego wniosku (pismo z 25 sierpnia 2025 r.) Centrum Monitoringu Wolności Prasy SDP ponownie informuje, iż popiera powyższy wniosek red. Samuela Pereiry i kieruje do Pana Prezydenta apel o skorzystanie wobec w/w z prawa łaski bezpośrednio na podstawie art. 139 Konstytucji RP.

Centrum Monitoringu Wolności Prasy SDP funkcjonuje od 1996 r. Stanowi komórkę organizacyjną Stowarzyszenia Dziennikarzy Polskich, powołaną w celu ochrony wolności słowa zgodnie z art. 10 Europejskiej Konwencji Praw Człowieka. W zakresie realizowanych zadań CMWP m. in. monitoruje przestrzeganie praw człowieka i obywatela w/w zakresie, powiadamia właściwe organy i opinię publiczną w przypadku naruszeń obowiązujących przepisów prawa, podejmuje interwencje prawne, a w uzasadnionych przypadkach przedstawia sądom powszechnym opinie

Warszawa, dnia 30 września 2025 r.

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dotyczy: poparcia wniosku red. Mateusza Teski o zastosowanie prawa łaski

Szanowny Panie Prezydencie!

W związku ze złożonym przez red. Mateusza Teskę wnioskiem o ulaskawienie (pismo z dnia 1 kwietnia 2025 r.) oraz przesłanym przez Centrum Monitoringu Wolności Prasy SDP do Andrzeja Dudy Prezydenta RP poparciem tego wniosku (pismo z 2 kwietnia 2025 r.) Centrum Monitoringu Wolności Prasy SDP ponownie informuje, iż popiera powyższy wniosek red. Mateusza Teski i kieruje do Pana Prezydenta apel o skorzystanie wobec w/w z prawa łaski bezpośrednio na podstawie art. 139 Konstytucji RP.

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Yolande Reijder, Mateusz Bolejko, Miriandee Tabacchini, Jan Komulski, Elżbieta Wotkuba-Tut, Aneta Poppek, Zbigniew Natkowiński, Peter Kivi, Robert Kwiatke, Dawid Kisielicki, Mateusz Teska, Krzysztof Stawinski, Wanda Wadobnit, Ewa Gwosdz, Anita Gargas, Joanna Kawecki, Jacek Maciejowski, Paweł Andrzejewski

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Piotr Łukasz Andrzejewski

COMPROMISE? THERE'S NO POSSIBILITY!

ATTORNEY PIOTR ŁUKASZ
ANDRZEJEWSKI IS INTERVIEWED
BY JOLANTA HAJDASZ

Mr. Attorney, we'd like you to comment on the stories we've heard. How many people has President Aleksander Kwaśniewski pardoned?

Avoiding further intervention, there were over 100 pardons for people who – truthfully – weren't defending the constitution, but were genuine criminals.

Therefore, we can exercise the right that the constitution grants the president. Is that so?

It seems to me that this is essential at this time. You yourselves demonstrated this by listening to your colleagues who, in the first part, presented their status under the law in Poland, as it is understood today.

How do you assess the current situation? What can and should we do as a community?

The diagnosis is obvious, but we need to call it what it is and draw conclusions from it. We operate within a dualistic framework of law, state bodies, and the constitution. If we constantly pretend – and we constantly do, which is proof of our helplessness – that we are dealing with authorities who perform their functions solely through usurpation and violation of the constitution, then we are mistaken and will suffer the consequences. Therefore, by discontinuing the proceedings regarding the waiver of the immunity of the First President of the Supreme Court, Małgorzata Manowska, we concluded that everything Mr. Korneluk signs as the illegal head of the prosecutor's office is devoid of legal consequences. And this at the highest level, the State Tribunal. We must acknowledge that all decisions coming from this prosecutor's office and the motions we submit to Mr. Korneluk's prosecutor's office will be ineffective. But when? This is a problem, because we are dealing with usurpers. We have people who undoubtedly abuse all the principles that guided the rule of law.

In line with what was intended to be incorporated into the current constitutional system, which binds us. It does not bind them. Therefore, let us finally acknowledge that we are in a dualistic state. We don't yet have an underground state, but we must already have alternative structures. Or at least, we must meet this challenge. We are one step away from violating the structures of the rule of law. One step behind! Now we are only defending, for now we are not attacking.

This system, which is currently being served to us, exceeds this in terms of aggression, insolence, and disrespect for the basic principles of law and its observance. It exceeds what existed during the communist era. I say this with full responsibility. I can bear responsibility for this, because bringing this to a public forum will only expose the nature of what we're dealing with, and what we're constantly shamefully overlooking.

What is the solution? This system, which is currently being served to us, exceeds this in terms of aggression, insolence, and disrespect for the basic principles of law and its observance. It exceeds what existed during the communist era. I say this with full responsibility. I can bear responsibility for this, because bringing this to a public forum will only expose the nature of what we're dealing with, and what we're constantly shamefully overlooking.

How should we act? Within the scope of our actions during martial law. That is, Zosia and Zbyszek Romaszewski, with the help of attorneys and lawyers, today we have Ordo Iuris, functioned as the Intervention Commission.

At the same time, they were supported by attorneys who traveled throughout Poland without pay to help those persecuted, brought to court, or arrested. Today, the Polish Association of Journalists needs more than just a Press Freedom Monitoring Center. It can have a defining role, collecting evidence, and scoring points both domestically and internationally. However, in the face of these usurpers we are dealing with, we must provide legal instruments to all those who are, were, and will be re-

pressed. As part of the ongoing, pending criminal proceedings for the coup d'état in Poland – it is ongoing – there will also be violations of fundamental constitutional norms that undermine human rights and freedoms to freely disseminate information and to freedom of speech.

This conference is proof. This happens on a daily basis and is going further and further. Let us not delude ourselves that we and the judges who are also participants in this coup d'état – many of them, some not, but a large number of them are and should also bear responsibility in the future – that we are equal partners. No. We are objects to be destroyed, just like the democratic opposition was during

the communist era. Perhaps even more so, because the level of hypocrisy and falsehood served up to the uninformed exceeds what we encountered during the communist era.

I say this with full responsibility, because during that period I was active in supporting the opposition. I also predict that there will be no leniency for those who uphold freedom of speech and freedom of information, and we must acknowledge this. Therefore, it is important to establish an Intervention Fund to support families, just as the Workers' Defense Committee was established. Today, we don't

We traveled all over Poland because local lawyers and attorneys didn't even dare to act, operating within certain structures. To survive, to avoid losing their jobs and means of support, they were embarrassed to do what we could, as those with a diminished instinct for self-preservation.

have direct repression, only indirect. It is needed, just as the KOR, or Committee for the Defense of the Repressed, was needed by the usurpers who operate in Poland today. This is my diagnosis. It's necessary, not at the CMWP, because the Center does not have such powers, but the Polish Association of Journalists itself can establish an Intervention Committee, ask for volunteers and attorneys, request cooperation from Ordo Iuris, and create a team. We traveled all over Poland because local attorneys and lawyers didn't even dare to act, operating within certain arrangements. To survive, not to lose their jobs and means of support, they were embarrassed to raise what we could do, as those with a diminished

instinct for self-preservation. We need such teams today That's the first thing. Second, we need to have funds to support those repressed, and we need to be able to monitor not only violations, but also to what extent, where, and who needs help. Most of these cases involve an efficient legal representative and considerable fortitude, as we've seen here. Even where reinstatement is granted, it's not to the same job, but to 'pro forma' employment. This is the essence of totalitarian systems and this autocratic government that today believes there's no turning back. They have no turning back, and that's why

they'll keep going further and further. We must be prepared for this. Intervention Commission, I'm volunteering to the extent that my old age can still be of use. Searching for a security and intervention fund, means of transportation, lawyers, someone to drive us to the courts. And that's the only practical solution today. The rest must be implemented as best we can as a counter to what we're facing, because there is no compromise and there will be no compromise. I don't see any possibility of compromise.

The other side keeps accusing us of not being able to talk, of festering, of engaging in propaganda. Every journalist sitting in this room has been called

a propagandist, not once, not twice, not ten times. We're being stripped of our right to be journalists. Do you see it that way too?

Is there room for compromise or dialogue here? It seems to me that it takes two to tango. Here, our weakness gives them the right to disregard and humiliate us. Bronisław Komorowski spoke about this a while back. I don't know if you remember. He said: 'Well, we're still counting on those heated judges.' That's what he said. He announced it.

My principle is that where there is aggression, one must respond with necessary defense. There is a legal institution of necessary defense. Only the means must be adequate.

Please note what the social engineering looked like after 2015. After all, they accused PiS and all those who supported what they say, do, and think is openness, and those who were in opposition, of what they themselves intended to do. This is a typical extrapolation of their own intentions, to teach society that politics is a dirty business, that if you come out to fight us with foil, we'll hit you from behind with a stanchion anyway. That was the principle of shaping public opinion. Please it should be noted that focusing on aggression and conflict has already been a prerequisite for conducting politics. It's like playing to a single goal with a referee who is practically a supporter.

If we use the analogy of a football match: one goal, one team, the rest are just figures in the game, To kick, beat,

and foul. Please, accept this. This is my definition. Therefore, don't count on any leniency. If they see that we are resisting properly, they will start to respect us. Only then, because they understand the language of force and violence. For now, they have the law enforcement agencies behind them, but that's only for a while. My principle is that where there is aggression, one must respond with necessary defense. There is a legal institution of necessary defense. Only the means must be adequate. For now, let's use neces-

sary defense in the area we're talking about here, because you, Ladies and Gentlemen, are soldiers of freedom. An Intervention Commission properly equipped with legal instruments is what I think is at the top of the list to be implemented. Sometimes

I use this comparison: We're supposedly playing the same game, but we're supposed to run through the forest and hide in the bushes, and they have the right to look for us and shoot us with rifles, and yet we're playing the same game, according to the same rules.

I really liked the anecdote about the forester who at one point chased the fighting groups out of the forest. We have to drive these groups out of Poland. I'm against any drastic punishments, but I really like the idea of forced re-education in the future. ■

THE 'MUTUAL BONDING' EFFECT

JOLANTA HAJDASZ'S CONVERSATION WITH PROFESSOR JANUSZ KAWECKI

Professor Janusz Kawecki is the chairman of the Radio Maryja support team. For over thirty years, the radio has been struggling with constant, various attacks and methods of combating the entire community. Could you tell us, Professor, how you, as a community, have coped and are coping today? What advice do you give to us journalists? It's worth drawing on the experiences of people who have already defended freedom of speech and the freedom to proclaim what Radio Maryja or Telewizja Trwam preach. What seems most effective to you? How do you see this fight for freedom of expression?

I came here as the chairman of the Radio Maryja support team. However, listening to the testimonies shared during the first part of the conference, I also recalled them from my own memory. I knew some of them as a member of the National Broadcasting Council until I was 22. Hence, I take a systemic view of what is being considered here. In all of these situations, we are dealing with a journalist who has been wronged in relation to their employer, the broadcaster or publisher. These are the most common influences. The broadcaster or publisher – the owner – was or is influenced by other external factors. Let's look at the workflow, where the journalist's work



Prof. Janusz Kawecki

is situated. We have the owner, the broadcaster, the publisher. We have the journalists performing tasks in this medium, but we also have the audience. In all of these situations, mentioned in the first part of the conference, the audience seems to not exist. Their reaction is completely absent. Similarly, the National Broadcasting Council cannot direct accusations against a journalist. Only against the broadcaster of a given medium. Then it will either punish or call them to order. However, only the owner has influence over journalists. Journalists have their own representation, and broadcasters and publishers have their own representation, because the direct influence of the constitutional regulator is directed at them.

And where are these recipients? A unique idea, one that Father Dr. Tadeusz Rydzyk didn't come up with in 1991. It was much earlier. I've already spoken in several places about 1984, when Father Tadeusz Rydzyk received John Paul II's blessing to create the Center for Evangelization. Perhaps not everyone knows about it, but it's worth taking advantage of the long interview conducted with Father Tadeusz and published in the book 'Miracle in the Air.' This radio station is still operating today. The only nationwide social broadcaster addressing religious and social issues. Everyone

was calling. This initially backfired on the broadcaster itself, as the calls were from people who were being incited. They had to be dealt with appropriately, presenting arguments and educating the audience on such behavior.

The next issue is openness to the audience and their organization. There are no other media outlets like this anywhere else, not even in Poland, which have since begun to form the Radio Maryja Family. Initially, there was opposition – even within the Church – to the lack of a statute. This was overcome, and thus the Radio Maryja Family felt co-responsible for the radio station. Why did

Everyone thought prayer wasn't media-friendly, but it turned out to be media-friendly. Prayer sets the rhythm of the day, during which social problems are addressed, interpreted as they are presented by the Catholic Church.

thought prayer wasn't media-friendly, but it turned out to be media-friendly. Prayer sets the rhythm of the day, during which social problems are addressed, interpreted as they are presented by the Catholic Church.

The previous interpretation that all these were non-media issues was shattered. They became media issues. It was decided to apply for a license, because it was only in 1994 that the National Broadcasting Council, established in 1992 by law, began issuing licenses. Firstly, a nationwide broadcaster covering religious and social issues emerged on the media market. Secondly, there was no deception involved, as the microphone was opened for callers to the studio. Often, it was unclear who

they feel co-responsible? The broadcaster believed it couldn't open itself up to advertising and say: 'I'm speaking here, and these minutes are advertising.' Advertising would be disruptive and disrupt the moral and spiritual structure that should be implemented in a Catholic media outlet.

It's important not to accept just anything as advertising. It was necessary to appeal to the audiences who support this medium with their contributions. Just see how such a medium can develop if there's no money to create additional media. A bond must be maintained between the audience and the broadcaster. And this system – the broadcaster, the working journalists, and the audience – was fully implemented.

Thanks to this, the Radio Maryja Family was created, which stands in defense of this station, and that is why this miracle continues.

There were objections from the very beginning. The national broadcaster, Radio Zet, and Radio RMF, received new frequencies, often with high power, and Radio Maryja – whenever a new frequency appeared – was 'put in a drawer' by the then-chairman. Only an audit, at the request of members of parliament, conducted in 2000 and 2001, revealed, and a document was prepared, that the frequencies that Radio Maryja could have received were 'in a drawer' of the then-chairman. The Sejm passed a resolution to redress the wrongs done to the third national broadcaster, Radio Maryja. This wrong has not been redressed to this day. Therefore, the fight and openness to the audience were essential. Then a journalist – against whom some imaginary lawsuits are being

brought – or a broadcaster can appeal to the audience.

In 1997, the Radio Maryja Support Team was formed. We believed that a team of substantive advisors and defenders of this radio station was needed, from both the broadcasters and the audience. These are the fundamental issues that were addressed then. It's good that some broadcasters are trying to expand their reach to the audience, involving them in the creation of the program. Thanks to this initiative, Radio Maryja, which constituted the initial core and continues to this day, could be expanded to include Trwam TV and Nasz Dziennik. What we hear on the radio – if it hasn't already been read or presented in a form we can access – will be fleeting, it will disappear.

Websites are now more frequently used. In this way, as they say, an empire has become. What empire? I have another book here called 'The Truth About Father Rydzyk's Empire.'



From left: attorney Piotr Łukasz Andrzejewski, prof. Janusz Kawecki

And so many accusations were leveled against this station. First, there was talk of anti-Semitism. As a team supporting Radio Maryja, we prepared a response for the National Broadcasting Council (KRRiT) to the accusations directed at the station. All of them were defeated by our presentation.

Then came the claim that it was a radio station for the elderly – 'mohair berets.' Again, it was necessary to demonstrate that this was not a medium just for the elderly. Therefore, a separate thanksgiving pilgrimage to Our Lady of Jasna Góra was organized for young people, in which young people participate. Separate meetings are organized for children.

(...) so many accusations were leveled against this station. First, there was talk of anti-Semitism. As a team supporting Radio Maryja, we prepared a response for the National Broadcasting Council (KRRiT) to the accusations directed at the station. All of them were defeated by our presentation.

They also participate in the formation, because radio is not only a message directed towards the recipient, but the recipient must also convey something to the broadcaster. Hence the open microphone introduced at Radio Maryja. All this was referred to as Father Rydzyk's Empire. All initiatives related to the implementation of public contracts, to which everyone had access, were considered to be money that Father Rydzyk's Empire was taking. 'The Truth about Father Rydzyk's Empire' was another booklet in which we exposed the lies inherent in the very concept of empire, with the goal of destruction.

That's not all. Recently, the 'Memory and Identity' Museum, under the patronage of Saint John Paul II, has been under attack. What a struggle it has been since the end of 2023. It's as if Catholics didn't have the opportunity to present our history in a way that connects with the roots and development of Christianity.

This museum was practically nearing completion. The change of government caused the permanent exhibition to be suspended. Anyone who comes to Toruń can see this place, what is already there and will soon be there. The permanent exhibition was also realized, although the funds were withdrawn after December 2023. The Radio Maryja Support Team presented a re-

port on the groundlessness of the allegations regarding the 'Memory and Identity' Museum. The report is connected with a petition to the Minister of Culture and National Heritage, demonstrating that this museum must exist. It must exist, and it is not the only one. This is a museum that constitutes a partnership that serves the implementation of a public-private initiative. The private one is the Lux Veritatis Foundation, while the public one is the Ministry of Culture and National Heritage. If we look at everything that has been implemented there and is still being implemented, we will come to

the conclusion that these works have defended themselves against ongoing attacks. This is a miracle that has sparked social activism. Stories from earlier sessions, accounts of journalists facing harassment...

The formula for defending the media is worth applying and repeating. We must appeal to the audience. We cannot forget about the audience and their inclusion in the media. This is fundamental. The audience is active, meaning they use an open microphone. If this microphone is only positioned unilaterally, so that we are broadcasting on one side and the audience only has a loudspeaker, we will not achieve mutual bonding effects. The connection must be in both directions. All those involved in the media know this.

This is fundamental. The audience is active, meaning they use an open microphone. If this microphone is only positioned unilaterally, so that we are broadcasting on one side and the audience only has a loudspeaker, we will not achieve mutual bonding effects. The connection must be in both directions. All those involved in the media know this.

I think it is very important, as the Professor pointed out: the importance of studies that are not ad hoc, journalistic, but systematic, and the creation of documents with which to respond to various types of attacks. At the moment, this applies to one environment, Radio Maryja. I think this type of study would also be needed in other media outlets where journalists who require support work. We need to create reports that can then be used to prove where and how a violation, for example,

of the principle of freedom of speech, occurred. It's not easy. Let me double-check, Professor, whether you're developing this through community efforts? Where do you get the funding to do this? The book may be tiny, perhaps a few dozen pages long, but we all know how much work it takes to publish a single summary in a single table.

I am the author of the book 'The Truth about Father Rydzyk's Empire.' When I wrote it, I was a member of the National Broadcasting Council, so I was also able to supplement it from there with information I had previously gathered as chairman of the Radio Maryja support team. The book was published in 2019. Subsequent titles are sponsored by the Radio Maryja Support Team and implemented

thanks to community initiatives. All of this is available on the website of the publisher, the Our Future Foundation. Therefore, anyone who would like to see the content of the books can go there and read them. Some issues and unfounded accusations against Radio Maryja are repeated. However, I think that in the case of those making accusations, the problem is not that they haven't read the content, but that they are consciously using certain arguments. ■

WE ARE EXPERIENCING A CONSTITUTIONAL CRISIS

JOLANTA HAJDASZ TALKS TO ATTORNEY JERZY KWAŚNIEWSKI AND ATTORNEY PIOTR ŁUKASZ ANDRZEJEWSKI

Jolanta Hajdasz: Among us are Mr. Jerzy Kwaśniewski and Mr. Piotr Łukasz Andrzejewski. The conclusion of the first part of the conference is: Freedom of speech dies in the silence of courtrooms. How do you, Mr. Kwaśniewski, view the trials of journalists? Where can we seek support? How can we defend ourselves against these draconian penalties?

Jerzy Kwaśniewski: Thank you very much for this consideration of the fundamental issue of journalistic freedom. Especially in the times we live in today. We cannot ignore this. We cannot try to talk only and exclusively about journalists and journalistic freedom at a time when this freedom of journalism is of fundamental importance for the political system of the Republic of Poland and for the civil liberties of all other Poles. We live in a time of collapse of the rule of law and the greatest constitutional crisis in the history of the Third Polish Republic. This is a completely objective statement. I meet with analysts and experts, often foreign ones. For example, this morning the head of analysis at the Heritage Foundation, who focuses on Europe,



Jerzy Kwaśniewski

came to the Security Forum. I told him, completely objectively, that we are experiencing a constitutional crisis.

What should we call a situation in which the President of the Constitutional Tribunal issues a notice of suspicion of a coup d'état against the government? Objectively, this means that we are in the worst constitutional crisis a country can face. If we add to this that this government does not recognize the Constitutional Tribunal, does not recognize the selectively elected chambers of the Supreme Court, and does not recognize the three thousand judges appointed by the President of the Republic of Poland to serve in the name of the Republic of Poland, then we have a complete picture of chaos.

Added to this the lack of a complaint from a legitimate prosecutor. The prosecutorial authority, which, after all, emanates from the validity of appointments, is derived from the invalidly filled position of national prosecutor – filled by force, in violation of the presidential powers stemming from the law, which safeguard the independence of the Prosecutor's Office.

A government that has illegally taken over public media and is attempting to eliminate other media outlets, for example, by questioning licensing processes, contributes to the increased risk of monopolizing the flow of information.

Why is it so important that we – using, for example, the presidential prerogative of an act of pardon – not only defend journalistic freedom? Because journalists want to provide reliable information and reach the public, in accordance with the principles of deontology and professional ethics, and today their democratic rights are being violated. A government that has illegally taken over public media and is attempting to eliminate other media outlets, for example, by questioning licensing processes, contributes to the increased risk of monopolizing the flow of information. It should also be emphasized that such a government is doomed to failure. Serious consideration must be given to how to protect journalists and ensure systemic guarantees of journalistic freedom. These are currently collapsing in the face of Article 212, as discussed during today's conference.

At the same time, I would like to thank you very much for another conference that the SDP Press Freedom Monitoring Center organized a few months ago, where we discussed Article 212. At that time, we had the opportunity to present a report that we jointly created at Ordo Iuris, based on numerous materials provided by the Press Freedom Monitoring Center. Article 212 has already been ultimately dis-

credited. Our report does not say that it should be removed from the legal system. However, we certainly need to consider what to do to prevent it from becoming a weapon aimed at journalistic freedom, especially when it is also a weapon in the hands of overzealous judges and in the hands of politically dependent prosecutors, whose actions may be initiated by the denunciation of some useful idiot, often from the journalistic community, who wants to report colleagues, which will provoke an attack on them.

There are several solutions. One of them could be to introduce not only the category of truth in Article 213 of the Penal Code, which talks about the counter-type when an act under Article 212 is not committed. When we come to court, today's judges ask what truth is. The introduction of a clear counter-type of journalistic integrity, i.e. compliance with certain

standards present in press law, should also be transferred to the field of criminal law.

JH: In press law, there is a phrase: 'exercised due diligence.' This is a catch-all word that causes one person to acknowledge the exercise of due diligence while another does not. If a colleague sends an email inquiry, trying to honestly explain a matter, has not yet published anything, and is legally convicted in two instances, like Mateusz Teska, then we don't understand what our work is supposed to involve, according to such a judge, ensuring that we maintain due diligence and due diligence. How can we do that? It's impossible. I emphasize that the publication did not take place.

Attorney-at-Law JK: We remember how it was once said and taught that maintaining integrity is very simple. Maintaining integrity means reaching for at

least two sources and allowing everyone affected by a given piece of information to express their opinion. If this simple standard hadn't been distorted and was followed by the courts, we probably wouldn't have this problem today. In such a case, a question that wasn't made public and directed at one of the parties or anyone else doesn't pose a problem at all and is treated as lacking any elements. Attorney Piotr Łukasz Andrzejewski: Mr. Mateusz Teska's account of his conviction indicates that he didn't release public information into circulation, but merely asked a question about his duty as a journalist. Only the way in which the answers were used could be penalized. Therefore, there are no elements of a criminal act here. In such a case, it is repression. Judicial terrorism was used. This is an abuse of judicial power, and I say this with full responsibility. At the same time, please do not be influenced by this conviction,



but continue to ask questions via email. Until you release them into the public domain as public information, it is your duty to ask such questions.

Attorney JK: I fully agree with this. One of many solutions is to clarify the law where it cannot function in a situation where the courts are not faithful to the truth. Of course, this problem is much deeper and requires systemic solutions, including at the constitutional level. Constitutional solutions should address crisis situations and allow for a way out. Perhaps this is where the guarantees of freedom of speech should be clarified. If this journalistic mission were surrounded by guarantees even close to those of the American First Amendment, to the full scope of freedom of

We need systemic solutions, perhaps even constitutional ones. We need to improve Article 212 by clearly extending the existing counter-provision to include journalistic activity that meets the basic principles of journalistic integrity.

speech, if even an offended politician or businessman were truly unable – provided simple, basic standards of integrity were maintained – to file any lawsuit or criminal action against a journalist, then another problem would disappear. Do you remember, ladies and gentlemen, the aggressive propaganda directed at candidate Dr. Karol Nawrocki during the election campaign? What was the expectation and what was the trap set? If you're not suing, you're admitting it. Even if he were to sue, there would be no resolution. Given the polarization among the judges themselves, it would be like handing yourself over to the

enemy. When we eliminate the possibility of legal action against a journalist, the public cannot expect that the denial will take the form of a lawsuit or an indictment. Then we rely on the judgment of public opinion. Public opinion is now much more objective, reliable, and rational than courts, which are very much influenced by political emotions. We need systemic solutions, perhaps even constitutional ones. We need to improve Article 212 by clearly extending the existing counter-provision to include journalistic activity that meets the basic principles of journalistic integrity. The provisions should be clearly defined, without the possibility of interpretation by the courts. Moreover, we must safeguard freedom of speech against entire-

ly new threats. We are today in a very unique situation, as the conference coincides with the Constitutional Tribunal's ruling on President Andrzej Duda's motion regarding the hate speech law. It is unconstitutional. We all knew that. Today we know it with the force of office, that is, with the force of the Constitutional Tribunal's ruling. All lawyers in Poland who are faithful to the constitution know this.

JH: The Polish Association of Journalists was also involved in the fight against this type of interpretation of hate speech.

Attorney JK: At the same time, we know that the government and prosecutors subordinated to the Minister of Justice do not recognize the Constitutional Tribunal and its judgments. Moreover, this law, against which we have been protesting since December 2023 for a year and a half, because that's how long it took the government to dare such an attack on freedom of speech, journalistic freedom, and freedom of scientific research, was not adopted until mid-2025. Protests continued for a year and a half. The law was referred to the Constitutional Tribunal. What did Adam Bodnar do then? Without waiting for a legal basis – as is typical in his case – he issued guidelines for prosecutors on how to prosecute hate speech. You are also included in these guidelines and are being targeted by the Prosecutor's Office, in accordance with the guidelines of Adam Bodnar, the Prosecutor General and Minister of Justice. This is also very characteristic of the actions of this government. The Constitutional Tribunal does not matter, nor does the lack of a legal basis. What matters are the guidelines issued by the Minister of Justice and the Prosecutor General for the Prosecutor's Office.

Besides the fact that we care about systemic solutions and want changes to the Penal Code, we must also combat the emerging threats of hate speech. This is modern censorship, which is taking place in many European countries and which has two edges: the first is aimed at speech hated by our enemies. The second – against so-called disinformation. The Digital Services Act, or DSA, is against this.

The Digital Services Act, which is currently being introduced in Poland and already has a related bill. It places your freedom in digital media in the hands of so-called neutral verifiers appointed by the government.

JH: This is another area for massive abuse and a topic for another conference. In a situation where an official, as was the case in one of the Ministry of Digital Affairs' projects, decides to disable a website that he or she dislikes for some reason and violates, for example, the hate speech act, then we have nowhere to appeal. Civil courts? Proceedings there last 7-8 years. I can't count the petitions, conferences, and statements that have been made in this room, in this building, against Article 212 of the Penal Code.

Today, there's probably no point in fighting it, because whether the right, left, or anyone else is in power, they announce a campaign to fight this article, but then nothing is actually done when they come to power. It's important to at least make these trials public. If we publicly defame someone with our journalistic materials, then let us defend ourselves publicly. Let trials under Article 212 take place behind open doors. Currently, whoever accuses or sues shuts down the public, and the journalist has no way to defend himself. He pays an exceptionally high price for this. He dies in silence, and no one knows what really happened. A journalist has no tools to defend himself against slander, slander, against lies. ■



Dr Rafał Leśkiewicz

THE HIGH PRICE OF INTEGRITY

Jolanta Hajdasz's Interview with dr. Rafał Leśkiewicz

Dr. Rafał Leśkiewicz is President Karol Nawrocki's press spokesman. Is there a chance, Doctor, that the journalistic community will be included in the work of the team drafting the new constitution? We would strongly urge them to also consider the voices of those who defy legal solutions, even those contained in press law. You rarely read about these stories in the Journal of Laws or similar periodicals.

Thank you very much for the invitation to the conference, which has the telling title 'In Defense of Journalists and Freedom of Speech.' It's difficult for me to understand, even as a historian, that 35 years after the fall of the communist system in Poland, we are discussing freedom of speech, journalistic freedom, and defending journalists who write the truth and suffer various forms of repression because of it. It's significant that during the government of the parliamentary groups that took power in mid-October, or rather, on December 13, 2023, on a symbolic date, today we are discussing freedom of speech again. We are discussing the defense of journalists who write articles and are active in pursuing the truth. It would seem that freedom of speech is a value that is the quintessence of a democratic system. It should be obvious to us. Only a country that is free allows the truth to be spoken, and journalists do not have to, cannot, or should not fear any oppressive actions from the authorities. Meanwhile, it turns out today that telling the truth and demanding freedom of speech is becoming a kind of act of courage, perhaps even heroism, and should be completely natural for all of us. Listening to your statements, and also knowing some of the issues you spoke about today, I read and listen to this with astonishment, as an official, but also as an ordinary citizen, because these are extraordinary things.

I was always raised in the spirit of truth and respect for truth. For many years, I was an official and employee

of the Institute of National Remembrance, where truth was a fundamental value for me as an official and historian, dedicated to uncovering pages of history, including the uncomfortable past. And I am aware that, as a rule, truth requires sacrifice. It sometimes requires great work, a willingness to

written and every phrase uttered. You, as journalists, are proof that you maintain diligence and integrity in your work, and for this you pay a high price. By taking on difficult topics, investigative topics that we rarely hear about in mainstream media these days, you pay a price, as in the case of Mr. Ma-

(...) the truth requires sacrifice. It sometimes requires great work, a willingness to confront all those who do not want it revealed because it is inconvenient. It can harm those who do everything to conceal it.

confront all those who do not want it revealed because it is inconvenient. It can harm those who do everything to conceal it. Seeking the truth also requires the courage to learn the truth, but also responsibility for every word

teusz Teska. For simply asking a question, which is absurd to me, even as the spokesperson for the Institute of National Remembrance and now the President, for simply asking a question, he is convicted by the court.



Dr Jolanta Hajdasz, dr Rafał Leśkiewicz

He was convicted in a criminal trial and is entered in the register of persons with criminal records on an equal footing with common thieves, criminals, and even murderers.

It's completely unheard of, and if I didn't know this story, I wouldn't believe that such a situation could happen in a free, democratic country. Finding the truth carries certain consequences, as in the case of the people we're discussing, Mr. Samuel Pereira and Mr. Mateusz Teska.

These are legal and financial consequences, but also social and sometimes even social consequences, the turning away of many people with whom you worked, and the motives for this can be varied. It could be fear, it could be

How can we trust the justice system when, going to court for a seemingly obvious case, a case that shouldn't even have reached that court, it turns out that, like in Kafka's trial, we are convicted? We suffer consequences for things that should never have happened in a normal legal reality, in a democratic state.

the fear of losing your job. These are actions straight from the communist system, from times long past, which can be read about in the files of the Institute of National Remembrance, in documents from the Office of Censorship, or in scholarly studies describing precisely such violations of journalistic independence. Seeking the truth and fighting for freedom of speech also very often, as is evident from today's discussion, involves a sense of injustice, often loneliness. Facing a system equipped with tools to combat the truth, the legal system, public offices, and the

entire justice system, it is difficult for an individual to stand on equal footing and face such a machine. Today, one might say: a machine of propaganda and evil. And this often ends in being pushed beyond the margins, leading to financial collapse and various personal problems. It also leads to a situation where we lack trust in the institutions of the Polish state.

How can we trust the justice system when, going to court for a seemingly obvious case, a case that shouldn't even have reached that court, it turns out that, like in Kafka's trial, we are convicted? We suffer consequences for things that should never have happened in a normal legal reality, in a democratic state. And paradox-

ically, in the current reality we find ourselves in, the more we talk about freedom of speech – because those in power talk a lot about it – the more they drown out that freedom of speech, only to later deafen it. And finally, kill them. That's the conclusion. For those currently in power, the community of independent journalists – especially conservative media, who work not to curry favor, but to honestly describe and comment on reality – is inconvenient. This government provides you with evidence of this every day and expresses it in the actions it takes against

you. This isn't just the matter of editor Życzkowski's broken glasses, it's not just the matter of Mateusz Teska or the matters we discussed here today in the first part of the conference. It's also the daily hate and insults directed at the state because someone appeared with a microphone bearing the name:

Concluding my brief statement and reflection after what I've heard here, I have the impression, or even the conviction, that this liberal leftist group, this government that currently governs Poland, has a strong element of authoritarianism.

Republika, Telewizja wPolsce24, Radio Wnet. This affects you every day. It's not because people don't want to listen to you or watch you, but this is the narrative used by the current government, and especially, horror of horrors, by the illegally taken over public media.

Concluding my brief statement and reflection after what I've heard here,

I have the impression, or even the conviction, that this liberal leftist group, this government that currently governs Poland, has a strong element of authoritarianism. Why? Because they have no roots in values. For them, values don't matter. Under the guise of empty, often attractive-sounding words, solutions

are created and a system of restricting freedom of speech is developed. This system of restriction affects ordinary people. It also affects journalists in a very consistent and sometimes very brutal way, whose role is to honestly present the truth to ordinary people and describe reality as it is, not as officials create it. ■



DISCUSSION

THE JUDGES' LIST OF SHAME

➤ **Anita Gargas:** Thank you very much for what the Minister said, because he was probably the first in our discussion to mention that we are also subjected to insults on a daily basis. It has become commonplace that a conservative journalist can be insulted, hurled insults, and from there it's just a step to physical violence.

I wanted to refer to what Editor Brodzik presented. He listed all the repressions we face every day. However, too little emphasis was placed on the fact that we also face physical attacks. Janusz Życzkowski described an attack on himself, and I want to recall the attack on Mateusz Teska and his cameraman, who were attacked at a public meeting organized by the Committee for the Defense of

Democracy (KOD) with Editor Michnik. Our team, Mateusz and the cameraman, were attacked, and the equipment was destroyed and damaged. All this happened before Adam Michnik's eyes. The prosecutor's office at the time refused to investigate. Let me remind you that this was during the Law and Justice party's rule. After our great battles, the case went to court. The court found the act to be of minor harm and closed the case. After this, the attacks intensified. We remember how, in 2017, women's strikes took place on the streets, among other things. Journalists were attacked by having loudspeakers pressed to their ears. The person who was brutally attacked then still has hearing problems and has withdrawn from the front lines of journalism. These are the consequences of the fact that, as a journalist, we allow our

colleagues to be attacked. When our team was attacked in front of another journalist, considered an authority in some circles, editor Michnik, there was no loud protest from our community.

This protest would show anyone wishing to repeat a similar act that it's not worth it. I propose – and this is my request addressed to the association's leadership – to create a list of judicial disgraces. We say here: 'court, court, court.' I don't like such a general quantifier that doesn't identify the perpetra-

perfectly suitable for a conviction. The same was true for Robert Dobaczewski, a judge of the District Court in Płock, who upheld the verdict, but replaced the restriction of liberty with a fine. This was also an act worthy of a conviction. These judges should be listed.

Such a list would stimulate the imagination. Our examples show that it would be extensive, but it would not shift responsibility onto the entire judicial community. After all, there are decent people among judge-

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tors. Similarly, we shouldn't talk about all judges as such, but only identify those who commit similar acts, such as convicting someone for asking a question to the press spokesman. Although this isn't a criminal offense, as it turns out, for Judge Magdalena Nowakowska of the District Court in Płock, this act was

es who are trying to combat the odium that the black sheep in their community have cast on the entire justice system. And one more thing.

We're talking about closed doors of criminal trials. In this connection, I'd like to share an anecdote, a story from my own experience.



Civil trials also encounter bizarre cases. The trial I mentioned earlier, brought against me by Ryszard Krause – his attorney was Roman Giertych – was supposed to be held with the doors open. The judge agreed to allow journalists to enter.

But what happened? When we entered the courtroom, Mr. Krause's and, I think, Giertych's security guards locked the courtroom from the outside, while we were inside. We didn't know the courtroom was blocked by security. Mr. Krause and the journalists didn't get in. I have many more such 'flow-ers' from all my trials. During the conference, I'm reminded of the things we have to deal with alone. To somehow prevent us from defending ourselves, from publicizing what's happening during the trial, and even though bizarre things are happening, these people's ingenuity is limitless.

HE HAS NO WAY TO DEFEND HIMSELF

➤ **Jolanta Hajdasz:** I would like to support Anita Gargas' appeal and cite the example of our absent colleague, Tomasz Duklanowski. Virtually all of his trials are held behind closed doors, excluding the public, and it is impossible to report on what happens behind these closed court doors. Tomasz Duklanowski is on trial not only with the Marshal of the City Hall, but with other prominent Civic Platform activists from Szczecin. The price he pays for his journalistic independence is enormous. We, however, have no way to defend him. He also has no way to defend himself. This is a situation like the literary example of Kafka's 'The Trial.' Before our eyes, the justice system has deprived a man of a chance to provide a real, reliable defense. The question is, what can we do about it? I'm posting it here.

THE SHOCKING INEQUALITY OF THE PARTIES

➤ **Michał Karnowski:** I'd like to add one thing about the shocking inequality between the parties in both civil and criminal proceedings. We're seeing a shift in case law toward stricter media regulations. Mr. Karnowski said that the media are changing. Perhaps the courts have reached this conclusion and now have this interpretation. Does it work the other way around? A conservative politician who takes left-liberal media to court – whether in criminal or civil proceedings – has no chance. The courts will always say that a public figure in this position must be prepared for, if I'm quoting correctly, even unfair criticism. A politician needs to have thicker skin. So Law and Justice or some other party

can be a mafia, even though the definition of a mafia is clearly defined. This inequality is dramatic. They can write anything about us and people they dislike, and the courts will always nail them because: they fulfill a public mission, because of an important public interest, because of European case law.

We have two parallel judicial systems. One is directed against the media, stigmatized as conservative, right-wing, unwanted, and unfriendly, and the other is for its own. This is something we cannot lose.

I have had several trials, both criminal and civil, as a representative of a company on whose board I served. I represented the company in civil matters. What the court can do is unbelievable. It can allow the most rude behavior by the attorney of a person or the plaintiff. In my case it was TVN.



Dr Jolanta Hajdasz



Michał Karnowski

I remember a series of ten trials with TVN over a single story, where they cross-sued us: the editor-in-chief, all the authors, and so on. The court was able to claim that the cameraman – who was there from TVN and received the Wojciechowski Journalism Award, and who also had a press ID – wasn't a journalist. When we showed this evidence, the court said: 'Leave it alone. He's not a journalist. He himself stated that he performs an artistic function.' This led to an important conclusion: we can't criticize him, because he doesn't perform a public function like a journalist. It happened to me that a police unit and police dogs appeared outside the courtroom, before the trial with Monika Olejnik, during a hearing concerning my text. Why? Because the court decided that some right-wing savage is coming and anything can happen. These aren't big issues, but the court can treat us in an abusive way.

In the public sphere, we therefore have two parallel circuits: they are allowed to do everything, we are allowed nothing. In the courtroom, we have two parallel circuits, different for different sides. I'll say more, we have two parallel verdicts, because we are measured to the millimeter, and the other side can do anything under the grand quantifier of freedom of speech and the exercise of public office. I think we must confront this, because today the truth is that in a free, democratic, independent country, there is a large group of public figures deprived of the right to a fair trial. Or even, as attorney Andrzejewski said, subjected to repression for fulfilling their mission. So many Poles



Anita Gargas

elected the President of the Republic, who, however, represents the freedom-loving side. Perhaps this is a forum, an agenda under which, for example, the Polish Association of Journalists and other organizations could jointly address this topic.

➤ **Anita Gargas:** Speaking of duality: This is illustrated by the example of security guards who operated in full view of the court guard, preventing journalists from entering. On the other hand, there was the trial I mentioned, concerning a violation of personal integrity and an attack on the journalistic team. A crowd of 'pigtails' in T-shirts and with banners surrounded the attorney representing our team. This didn't bother the court. Trials are held in such conditions.

RETURN OF THE CENSOR'S OFFICE

➤ **Teresa Brykczyńska, former spokesperson for the National Broadcasting Council:** I am very happy that I could participate in this exchange of opinions and views. Slowly, imperceptibly, our state, instead of being an organization that protects us and organizes our public life, is becoming our jailer, and we are starting to feel like prisoners facing repression. We know all this very well

National Broadcasting Council (KRRiT) was completely ignored, and the participation of the KRRiT in implementing this act was also completely ignored. The President of the Office of Electronic Communications, who will be the sole decision-maker regarding what content can be disseminated in the public sphere via the Internet, will be the sole decision-maker. We have the return of the Censor's Office. That's exactly what it should be called.

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from the communist era, as has already been mentioned here. I just wanted to emphasize that the noose is currently tightening, and this is due to European acts. I'm talking about the Digital Services Act (DSA). The opinion of the

We already have another act of the EMFA in preparation. This is an act on media freedom. You can see how this media freedom is defined in this act by reading the draft of this act, its implementation into the Polish legal system.



From left: Teresa Brykczyńska, Dorota Kania

In addition, the National Council of diophony and television has limitations combined response options whether towards journalists or the construction of broadcasts. The National Broadcasting Council can only react after a given program has been broadcast. He has no authority to respond to reports of irregularities, which are yet to occur. After such issues, the Chairman of the Council may initiate proceedings ex officio or The National Council initiates proceedings in response to a complaint. The National Council is very sensitive to the missionary nature of the program, so such media as Radio Maryja, Telewizja Trwam, should, I believe, remain especially awarded. It is worth emphasizing the merits of this Radio in its creation community and cooperation with recipients. This 'media empire' of Father Tadeusz Rydzyk fulfills a mission that it does not are performed by public media. This is a mission educational, awareness, shaping national identity, so these are extremely important and valuable values, without diminishing other media, that have recently been created. I mean Telewizja Republika and wPolsce24. Television Trwam and Radio Maryja they mobilize recipients. There is no way for a community broadcaster to make money on your show. It is exclusively condemned to financing from the website social, i.e. recipients.

AND MAYBE NOT ELIMINATE ART. 212?

➤ **Dorota Kania:** I would like to ask gentlemen patrons, outstanding specialists in Press Law, or indeed, is liquidation necessary Article 212? We are



Dorota Kania i Mateusz Teska

facing a challenge not that it will probably be new constitution and whether it will be an outpouring baby with a bath. I am currently using the article 212 complaining about people who slandered me. I can't afford it civil trial. We know how much one costs. This is hard money. Similar claims can be made under Article 212 claims, and it costs PLN 750. Is indeed the abolition of art. 212 won't throw the baby out with the bathwater? Is won't tie our hands? If others use Art. 212 why do we not use it? This is a question for Dr. Leśkiewicz. Question: Article 212 or its liquidation? Is this won't it be to the detriment of ordinary citizens? I am asking for the opinion of our patrons. What do you, recognized authorities, think about this?

JOURNALIST'S GUIDE BEFORE THE COURT

➤ **Attorney Piotr Łukasz Andrzejewski:** There are a few issues require a very practical position. The first thing is how to Article 212 and violation of personal rights under the Civil Code defense of journalists under the confidentiality of proceedings. This starts be common. Well, secrecy applies to the proceedings themselves. Not applicable reasons and does not concern the judgment, his justification. This may, and even should, be made public and commentary. What's next? So that the journalist is not alone in these proceedings, he is on the discussion panel a certain figure is very aptly marked: amicus curiae. Especially with Article 212, that is criminal proceedings, we have Article 90 Code of Criminal Procedure, which

provides for the possibility of participation of a representative, who is, as it were, an authority social, controlling one – compliance with the law on both sides – especially when it comes to a journalist. And finally, even in the case of secret proceedings, to prevent this the abuses you report here may require a recording, not just a protocol. Of course this recording would be for internal use only. This documentation should as classified documentation, be instrumentally possible to use, for example in appeal proceedings bench, also when it comes to a violation of the law, either by the judge or by the party seeking as an alleged victim, convictions the person against whom there is an indictment. Finally, the third conclusion: once we published, the main author was Jan Olszewski, 'The Little Conspirator'.



From left: dr Jolant Hajdasz, attorney Piotr Andrzejewski, prof. Janusz Kawecki

We have a state of total conflict, not only about systemic values, but systemic values principles of the system in which we live. It would be a good idea for the SDP to issue, with the help of Ordo Iuris, counselor 'Journalist in court'.

Such a guide would ensure that you wouldn't be completely helpless. You could trace the pattern of all the traps laid for journalists. They are often practically helpless before the court and those who brought charges against them.

Please remember, however, that Article 212 is not unlimited. Articles 213 and 214 say that there is no criminalization, no crime, if you bear witness to the truth. Evidence must then be considered if these statements are true. However, this applies to the content itself, and allegations can also be made regarding form. Article 212 primarily concerns defense against defamation by form.

There is no inherent objection to the form of expression of an opinion or information to which access is generally guaranteed by the Constitution. There is an obligation of journalistic inte-

I wish we were dealing with a situation where it would be enough to prove good faith, diligence, diligence, and acting in the interest of truth. Currently, this does not exist. At the moment the courts do not take this into account.

grity and the issue of guilt. Penalization is based not only on fulfilling the provisions of a criminal norm.

Therefore, if a journalist acted in good faith and completed all the formalities for objectively explaining the altera pars audiatur, then they cannot be held guilty. However, this requires



Dr Jolant Hajdasz

professional preparation during the trial, which is why I think that a guide like 'Journalist in Court' requires implementation.

👉 **Jolanta Hajdasz:** This is a very good and apt idea. I hope we will implement it together. I wanted to say, Mr. Hajdasz, how different the practice is. I wish we were dealing with a situation where it would be enough to prove good faith,

diligence, diligence, and acting in the interest of truth. Currently, this does not exist. At the moment the courts do not take this into account.

Rejection of evidentiary motions by defendant journalists is common. All or almost all evidentiary motions, let me be cautious, were rejected by the



Krzysztof Skowroński

court in the Tomasz Duklanowski trial. In other trials in which our colleagues were convicted here, the exact same situation occurs. Moreover, let's go back to last year, to the case of Sebastian Moryń, who was convicted and sentenced by a final court decision. We supported his family financially because



On the right: Teresa Brykczyńska

their financial situation was severely impaired due to his loss in the trial. That's why we were raising money.

What am I saying? To this day, there is no access to the case files. The final judgment, the case closed, the sentenced journalist paid the fines. Over a year ago. I filed a motion with the



Anna Popek



Zbigniew Natkański

court as an observer of this trial for access to the materials, wanting to try to further investigate what was actually examined in these files.

The trial was held behind closed doors. The court denied me access to these files in writing. That is, it denied me access to these files in the sense that I cannot make any copies, and this single article cannot be made available. As a reminder, a fine of 70,000 złoty was imposed for a single article published on the Telewizja Republika website. We don't know the content of this article, as it was immediately removed. Throughout the entire trial, the court failed to prove or identify the author of the text. The person convicted did not admit authorship, refused to testify, and his name was never mentioned. He wasn't even the editor-in-chief, only the deputy editor-in-chief.

I'm mentioning all of this, although for some of you these may be boring, irrelevant details. However, they demonstrate how the law can be trampled upon and people sentenced to

horrendous penalties. Eighteen people from an association (I won't name them) that sued this journalist took satisfaction in seeing him convicted, because they supposedly earn so much they can pay. Each received a fine of two thousand złoty, and twenty thousand złoty was donated to a social cause. I'll remind you of the title of the article, as it's the only one that's public: 'The Citizens of the Republic of Poland Association Defends the Privileges of the Security Service.' To this day, we still can't know, even from a historical perspective, what actually determined the punishment and what was valued at such a sum. I want to apologize for talking so much about money, but that's the crux of the matter. I regularly deal with convicted people, and they all have the same problem: 'Where can I get the money to pay them? How can I cope with such a punishment? What should I do if I don't want to apologize? An apology means admitting guilt. Should I admit that I lied to my audience? I acted in good faith. I believe

what I wrote. I am convinced that I am right.' The court forces the journalist to apologize and then demands payment, and yet we, even a year after this whole story unfolded, can't find out. That's the reality today.

➤ **Attorney Piotr Łukasz Andrzejewski:** We're now talking about what we call sanction repression. This is prohibitive material destruction, so that another journalist wouldn't dare to raise this topic. Sanction repression. If we're dealing with such a verdict – a request for clemency to the president. It's urgently being processed, so that this becomes standard.

We will all strongly advocate for this and lobby for an act of clemency that would abolish sanction repression. This is additional repression. This is the same practice used by courts during martial law and later in the 1980s.

Please submit evidentiary motions and the arguments you cite immediately. This should be documented in the minutes, including a recording for internal use. In most of the trials of the 1980s, of course, decided with bias, I submitted very extensive evidentiary motions, and all of them were rejected. However, after the political transformation, partial as it was, after 1989, 60% of reopened proceedings were due to a violation of the rights of defense, due to the rejection of these motions. These were then reopened and subsequently acquitted. This is the signum temporis. Please remember, you must submit evidentiary theses and evidentiary motions. This proves that our rights of defense are being violated.

In the future, this is a reason to reopen the proceedings, amend these rulings in an extraordinary procedure, and award appropriate compensation to the journalists. I hope we live to see this happen.

CRIME REPORT. DEFAMATION AND FREEDOM OF JOURNALISTIC EXPRESSION

➤ **Attorney Jerzy Kwaśniewski:** In response to the question regarding Article 212 and whether it should remain in the system, I would like to remind you that our report 'Crimes of Defamation and Freedom of Journalistic Expression' is available on the website of the Press Freedom Monitoring Center (SDP). It concerns Article 212. In our first conclusion, we write that Article 212 is very much needed constitutionally to protect human dignity, because the continental model, the European model of protecting freedom of speech, has its limits.



From left: attorney Jerzy Kwaśniewski, dr Rafał Leśkiewicz



This is a much more difficult model than the American one. It's a model in which one must weigh these boundaries. One must consider how to draw them. At the same time, however, it is a model that places people in the middle and allows for the protection of their fundamental dignity. Among the recommendations of this report, we point out, above all, that in journalistic proceedings, convictions under Article 212 should only occur when there is a very flagrant violation of the principles of journalistic integrity. When fundamental principles are completely disregarded. However, it should certainly not apply to assessments and opinions. Meanwhile, today we observe that assessments and opinions, also under Article 212, lead to a finding that the elements of a prohibited act have been met. This was also a recommendation of our report. Unfortunately, the courts have gone too far, have 'exacerbated' the standards, and too often adjudicate in a discre-

Unfortunately, the courts have gone too far, have 'exacerbated' the standards, and too often adjudicate in a discretionary, two-pronged manner.

tionary, two-pronged manner. What's needed here is legislative intervention, a clear redesign of Articles 212 and 213, i.e., the contraindications placed there. In my opinion, Article 212 should remain in the system. The baby shouldn't be thrown out with the bathwater. It should be at citizens' disposal, while eliminating the possibility of abuse through very precise legislative intervention.



Od lewej: Mateusz Teska, Kamil Różalski

THIS IS UP FOR GRABS

👉 **Kamil Różalski:** Nothing beats the shocking case of Mr. Mateusz Teska. In my case, however, the court proceedings were closed to the public for two reasons. One of the main arguments was that I published posts, and anyone who provides false testimony in my trial will do everything possible to ensure that I face legal consequences.

It was hate speech. Secondly, I was highly stigmatized as someone who worked at TVN. I was a cameraman and camera operator. And indeed, I worked for the first five years at Fakty. I mentioned that I was in the so-called 'pool 0' during the Holy Father's visits to Poland. I wanted to recall a situation that didn't air, but which I filmed, namely the infamous case of Gabriel Janowski in the Sejm, in the Column Hall.

I was the only person who filmed the entire thing, specifically the scene in which Gabriel Janowski was brought to the Column Hall. His feet didn't touch the ground. I filmed that. The footage was broadcast on all stations from the moment he was put on his feet and started jumping after being tricked into doing some chemical substances. My footage showed proof that he was brought to the Column Hall. It didn't show up, did it? Article 212 is very important. I intend to use this article, as well as Article 190 of the Penal Code, because there are people who falsely accuse me of various things and write untruths about me. This actually allows for legal consequences. I wanted to end with a punch line. Look, ladies and gentlemen, who gave Karol Nawrocki a chance at the beginning of the election? The polls didn't give him a chance. And he won the election. Why did he win? Apart from the proposition he had for society, he won because society united. United. Now, in matters like this, we lack unity and consistency. This is winnable.

I wanted to end with this – in a sense, positive – point. I remind you of the warning to criminals: if they lie, they will face legal consequences – this is hate speech.

WE ARE NOT COMPETITION

👉 **Prof. Janusz Kawecki:** During this meeting, we are primarily talking about aggrieved journalists. And rightly so. For the sake of completeness, I would like to say that the Polish Association of Journalists is the one with special powers to defend true journalists.

There are still those who, under the banner of journalism, expose improper work, failing to meet standards.

The role of the Monitoring Center should be particularly emphasized, as the Director always defends journalists when they are wronged. At the same time, the SDP also highlights those who bring shame to journalism with the Hyena of the Year anti-award.

Our team benefited from the CMWP's support. We also previously filed a complaint with the National Broadcasting Council regarding the October program on TVP last year.

The Hyena of the Year, awarded to two journalists, is still displayed on the website. This allows everyone to see what kind of 'journalists' these are. This is right.

Audiences also need to be defended against broadcasters who force journalists to act. A journalist will not act against their principal, the broadcaster, and continues to work under pressure. Those wronged by journalists must also defend themselves.



From left: attorney Piotr Andrzejewski, prof. Janusz Kawecki

I'm talking about corrections. The experiences of the Radio Maryja Support Team and Telewizja Trwam are scandalous. Journalists write several negative articles, one after another. They will place the correction at the end of the article. The date that the text was modified is not changed. This is one way. Secondly, the correction is placed somewhere other than the article itself. After some time, it can even be removed from the website.

In 2017, when the name 'Father Rydzyk's Empire' was appearing in all mainstream media, Father Rydzyk filed a lawsuit. The court of first instance issued a decision in 2018 that an apology was necessary. This concerned Wirtualna Polska. All the media outlets on their side repeated this lie.

We also need to defend our audiences from broadcasters who force journalists to act. A journalist will not act against their principal, the broadcaster, and will continue to work under pressure. Those wronged by journalists must also defend themselves. I'm talking about corrections.

We also need to defend our audiences from broadcasters who force journalists to act. A journalist will not act against their principal, the broadcaster, and will continue to work under pressure. Those wronged by journalists must also defend themselves. I'm talking about corrections. The experiences of the Radio Maryja Support Team and Telewizja Trwam are scandalous. Journalists write several negative articles, one after the other. They will place the correction at the end of the article. The date of the modification of this text is not changed. This is one method.

The second method is to place the correction in a different place than the article itself. After some time, it can even be removed from the website. In 2017, when the name 'Father Rydzyk's Empire' was appearing in all mainstream media, Father took the matter to court. The court of first instance in 2018 ruled that an apology was necessary. It concerned Wirtualna Polska. All media outlets on their side repeated this lie. It's difficult to take everything to court; you refer it to the initiator. And then, when that initiator apologizes, none of the other media outlets publish the information. And those recipients, in much larger numbers than the first, receive false information. So what can be done? The community that makes up the Radio Maria Family, for example,

is defending the 'Memory and Identity' Museum and its need to exist. Protests have been submitted to the ministry since February. The ministers change each time, so the minister's name only changes.

The Supreme Audit Office (NIK) recently published its audit report, which begins with the statement that the ministry did not commission any analyses to justify the creation of such a cultural institution, even though – according to NIK – the undertaking was at high risk of failure from the outset, and yet 400,000 people

are protesting against such action against the museum. Unfortunately, for NIK, this is not sufficient information to demonstrate that the museum was and is needed.

I always send out Team messages that expose the lies of various statements against Radio Maryja, Telewizja Trwam, the Museum, and the Academy of Social and Media Culture. Thank you for publishing these reports on the wpolsce.pl and Biały Kruk portals. These are the ones I can count on, and the rest? Silence. There's no professional conscientiousness, but we're not competitors, but a community.

➤ **Jolanta Hajdasz:** The Sdp.pl portal also publishes sometimes, so we're not entirely bad. I wanted to add that such a support team, with such zeal, as Professor Kawecki does, would be useful for each of the accused journalists, participants in our conference.

ORGANIZED EVIL MUST BE COUNTERED BY ORGANIZED GOOD

➤ **Łukasz Brodzik:** The phrase 'journalistic independence' rings in my ears, and I ask myself: what does it depend on? Is a journalist able to defend themselves? How will they defend themselves? Is a journalist's independence dependent on money? Will the editorial office defend them if they're in a newsroom? Because if they're not, they can't count on legal assistance. Then they can't afford a lawyer. If we're dealing with a party to a dispute that doesn't want the truth or the application of the law because they want to



Łukasz Brodzik

destroy the journalist, then the journalist who has money will defend themselves. If there's a journalist who's being kicked in the ankles, if they have protection, they'll defend themselves. Where does that lead? In my opinion, I've come to the conclusion that we need to think about how to strengthen journalists in Poland, who will have to cope because they will have an army of people against them. Just as there is a palette that shows how a journalist can be destroyed, so there should be a defensive palette. It's worth mentioning another thing that exists in Poland: foreign capital in our media. If China suddenly wanted to set up a portal or newspaper here and throw a million or 40 million copies at Poland, it's possible. No Western country allows its capital to be mostly non-domestic, and in Poland this is the case in many places.

Since we're talking about changes, the constitution, and changes to laws, why aren't we addressing the issue of changing Polish law so that foreign capital can't represent foreign interests? Foreign capital doesn't necessarily have to represent someone else's interests, but it can cause disruption in Poland. This weakens our country and works to its own detriment.

Journalists in my branch in the Lubusz Voivodeship tell me that the problem is the lack of legal protection. If they get fined, it's ten times the value of the material they produced and received. This is also a preventative measure – journalists are punished, while others are intimidated, causing them to refrain from producing material at all.

Another important issue is strengthening the Press Freedom Monitoring Center, because we all have experienced this support from the Center. It should be strengthened at every stage: whether it's obtaining funding or through media support. It would be helpful for

journalists who have already achieved something to suggest to others how to fight for their rights. Organized evil must be countered by organized good. I think we need to consolidate our communities so that we can defend ourselves. I experienced this, and TV Trwam experienced it. I wasn't a journalist yet, but I marched in defense of TV Trwam. The aforementioned marches took place in many cities in Poland. When I was being fired, 300 people stood in protest in front of my radio station. They all traveled twice, even from the Żywiec region to Zielona Góra, wearing highlander hats. I think it's worth working on consolidating the journalistic community.

STRIKING AN IMAGE AT THIS IMAGE

➤ **Janusz Życzkowski:** I came to Berlin for a Border Defense movement event, where on the morning of September 1st, community guards laid flowers and a small demonstration took place. I stayed a little longer.



From left: Janusz Życzkowski, Łukasz Brodzik, Elżbieta Królikowska-Avis, Anita Gargas

It turned out to be worth it, because our camera captured the moment when an inappropriately dressed gentleman brought a wreath to the 30-ton boulder. Thanks to this, we learned, in a rather telling image, the attitude of Germany and the German government towards the issue of reparations. Referring to this media capital: the outcry that arose in our so-called mainstream media and the media that mostly own this capital was enormous. It showed how we had violated certain interests by damaging this image with our image. It seems that this situation should eventually return to the parliamentary agenda and also be a matter of concern for the president.

Regarding the issue of Journalistic Solidarity: I recall a sad image from the action of not allowing us into the crisis management headquarters. It was so terrifying. The doors to the media were opened, and journalists from various newsrooms: local, regional, and national, with their heads down, not seeing or trying not to look in the direction where I was struggling with those BOR and SOP officers,

humbly entered. The doors closed. It was very symbolic and will remain in my memory. This should be our concern for the future. They could have at least asked why this colleague is standing behind the door? Why are you not letting another journalist into the same conference we are attending?

COMMITTEE FOR THE DEFENSE OF THE VICTIMS OF THE SYSTEM

➤ **Teresa Brykczyńska:** The problem of foreign capital, which owns most of our media, is very important. This applies mainly to the so-called 'print' media, but unfortunately also to audiovisual media. The National Council tried to raise this issue and somehow publicize it by repolonizing Polish media. Unfortunately, this failed.

I would also like to emphasize the issue of the DSA act – each of us can be subject to sanctions and repression. All creators of online content can be held accountable for published content that is deemed hate speech or inappropriate dissemination.

Under any pretext, this content can be removed once, and then its creator can be punished. This is a truly serious matter. I propose establishing a Committee for the Defense of Victims of the System, or K.O.O.S. Such a committee could bring together lawyers, journalists, and anyone else who would like to support those who become victims of this system.

SUMMARY

➤ **Attorney Jerzy Kwaśniewski:** Once again, I would like to sincerely thank the Press Freedom Monitoring Center and the SDP for organizing this meeting. This is the only way to speak out about the problem and the crisis, which is also affecting the journalistic community, freedom of speech, and journalistic freedom in Poland. We talked about reforming Article 212. I have already presented very specific conclusions here. However, I also have a few more comments that I heard from you and which I consider extremely valuable and possible to implement right now, for example, the list of judges whose rulings are disturbing and against whom you are protesting as a professional community. You have the right to do so. What's more, in my opinion, it is a civic duty. In Poland, we have a clear deficit in the democratic legitimacy of the justice system. An attempt to address this deficit through the reform of the National Council of the Judiciary, which came into effect at the beginning of 2018, was met with a completely disproportionate attack from



Wanda Nadobnik



From left: Michał Karnowski, attorney Jerzy Kwaśniewski, dr Jolanta Hajdasz



Aleksandra Tabaczyńska

the entire establishment, supported by European Union structures, and a questioning of President Andrzej Duda's three thousand judicial appointments. Such an element, in the form of lists of judges about which you, as a professional community, are filing a protest, should exist. Why? Because 20 years ago, the Constitutional Tribunal ruled, and no one should question it today, that the President of the Republic of Poland is free to appoint and nominate judges. He doesn't have to listen to the National Council of the Judiciary, and both President Lech Kaczyński and President Andrzej Duda have already testified several times that they don't listen to the National Council of the Judiciary's recommendations because, for other reasons, they consider a given judge not to deserve promotion or a given person not to deserve judicial appointment. Such citizen voices would not only be your voice of outrage, but could have a very real impact on the careers of judges who commit iniquity. There's another reform that has benefited the victims of

the attacks in some small way. I'm talking about the law that has been dubbed 'Lex Kaczyński.'

This act amended the enforcement provisions of the Code of Civil Procedure and led to the scandalous judgments that had been piling up in civil courts, concerning personal property, where the publication of apologies often worth millions of złoty was ordered, being effectively removed from judicial practice. Today, we know perfectly well that such publications cannot be enforced, nor made at the debtor's expense. One can be exempt from this obligation by publishing in the judicial and economic monitor.

This was a method for eliminating an obvious systemic pathology that could condemn people, the journalist and his family, to material hardship and poverty, but could also damage even very serious entities with publications sometimes worth 6-8 million złoty in final judgments. Regarding foreign capital, one of our reports from three years ago on the media market shows that what you mentioned today,

namely free access for foreign capital to the Polish media market, is somewhat of a rarity. Significant restrictions exist in much of Europe. Such restrictions should also be in place here, and they should apply not only to foreign capital but also to public capital. It is also pathological that state-owned companies in Poland can own a significant portion of the media market. This could potentially be a transitional period or a period of reform under the principle of constitutional subsidiarity, but this cannot be the ultimate element.

Ultimately, media independence is essential, which should be either independence of dispersed capital or independence through Polish capital, not concentrated in a single hand. The final thread is creating a guide and providing support. I believe such a guide could truly be useful. If only there were a group of lawyers and support from the Press Freedom Monitoring Center, we could continue this cooperation by preparing a simple guide that would focus on the question: 'What should you do if a journalist is charged under Article 212?'

➤ **Attorney Piotr Łukasz Andrzejewski:** The summary must be implemented in a positive way, based on what emerges from our discussion and our meeting. I believe that this journalist will see the light of day in court and that all of you will have educational support.

One practical note: a motion was made here to create a list of biased judges who support the ongoing coup as accomplices. Please submit, when you come to court, a motion to exclude them under Article 41 of the Code of Criminal Procedure.

Believe me, each of the people speaking here and participating in this conference consciously took a risk and demonstrated the courage to speak about what happened to them.

It's important to report judges *judex suspectus* who do not meet the requirements of impartiality and threaten the reliability of judicial decisions. This should be assessed by a different panel of judges. I believe that a number of practical tips will strengthen us in condemning and highlighting what constitutes abuse of law in today's cases concerning independent journalists who care about freedom of speech. Thank you very much for this conference. I am at your disposal within the limits of the strength God has still given me.

➤ **Jolanta Hajdasz:** I would like to thank everyone very much for participating in today's conference. Thank you for your time and courage, for discussing matters that are painful and difficult, but also risky, because speaking



publicly about what happened to us is not always met with approval, is not always accepted, and does not result in negative consequences, for example, in the job market. Believe me, each of the people speaking here and participating in this conference consciously took

a risk and demonstrated the courage to speak about what happened to them. I thank the experts who were with us throughout the conference. I trust that this guide will indeed be created, because I think it will be useful not only to members of the Polish Association of Journalists. We will certainly publish materials related to this conference in the next issue of our 'Journalists' Forum.' Of course, it's currently only published online, because the Ministry of Culture's funding has been withdrawn, preventing us from printing it on paper. We've managed to publish it all these years. Not now, but we'll keep the issue, we'll keep the title, so there will come a time when we'll return to normal print. We also publish 'Forum Dziennikarzy' in English. This conference will also be translated into English. ■

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