

URGENT ACTION

ACTIVISTS RISK JAIL FOR POSTER CAMPAIGN

On 10 June, two Polish activists were charged with ‘theft and burglary’ in relation to a poster campaign accusing the government of manipulating COVID-19 statistics. If found guilty, they could face up to 10 years in prison. The charges are baseless and appear to be intended to punish those who freely express their criticism of the authorities. The Polish authorities must drop the criminal charges against both activists and close the investigation.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Minister of Interior, Mr Mariusz Kamiński
Ministerstwo Spraw Wewnętrznych i Administracji
ul. Stefana Batorego 5
02-591, Warszawa, Polska
Fax: 0048 (22) 601 39 88
Email: kancelaria.glowna@mswia.gov.pl
biuroministra.BM@mswia.gov.pl

Dear Minister of Interior,

I am writing to express my concern over the detention of **two activists** and the charges brought on 10 June against them in relation to a posters campaign in Warsaw accusing the government of manipulating COVID-19 statistics.

The two activists were detained in the context of an open investigation into the replacement of bus advertisements with posters on 29 and 30 May 2020. The posters alleged that the government manipulated COVID-19 statistics, depicting the Minister of Healthcare dressed as a Knight of Malta holding a sign that read ‘Gospel of Łukasz Sz.’ and listed other allegations against him.

One of the activists, a well-known and outspoken human rights defender, was detained on the night of 8 June after a house search. She was held for 41 hours and was refused access to her lawyer until her release on 10 June. Her laptop, phones and a tablet were confiscated. The second activist was detained on 9 June and released 20 hours later, on 10 June. They were charged with the offence of ‘theft and burglary’ on the basis of article 279.1 of the Criminal Code, punishable with one to 10 years prison sentence.

The right to freedom of expression, as enshrined in the International Covenant on Civil and Political Rights and the European Convention on Human Rights, to which Poland is a party, protects the creation and distribution of posters such as this, even if they are critical of the authorities. While the authorities are claiming there was a damage to property because the posters covered advertisements which amount to a loss of 100 Euros (450 Złoty), the charges that the police are pursuing do not reflect this conduct. It is unclear why these charges were brought as the activists did not take anything with them that could amount to theft or burglary. Amnesty International is concerned that these charges are baseless and appear to be intended to punish the activists for their criticism of the authorities in a way that is consistent with a pattern of harassment of protesters and activists documented by the organization since 2017 in Poland.

I therefore urge you to ensure that the investigation against the two activists for ‘theft and burglary’ is closed and the charges are dropped immediately.

Yours sincerely,

ADDITIONAL INFORMATION

On 8 June around 8.30 pm, the house of one of the activists, Anna, a well-known activist in Warsaw, was searched by police. Anna's teenage daughter and parents were in the house during the search. Her old laptop, phones and a tablet were confiscated. Around midnight, she was transferred in handcuffs to the police station where she remained for the next 41 hours. The police only interrogated her on 10 June and denied her access to her lawyer, who considers the entire treatment a form of harassment. See a public statement issued following her arrest here: <https://www.amnesty.org/en/documents/eur37/2498/2020/en/>.

Anna is known to Amnesty International as an outspoken human rights defender who has been taking part in protests in Poland since 2016. She has stood up in defence of women's rights and helped develop a legal aid network for protesters in Poland.

The police justified its action arguing that the activist was detained to ensure that she would not destroy evidence related to an open investigation into the replacement of bus advertisements with posters. The posters alleged that the government manipulated statistics about COVID-19. The posters also depicted the Minister of Healthcare, Łukasz Szumowski, dressed as a Knight of Malta holding the sign "Gospel of Łukasz Sz.", and listed allegations against him. However, the advertisements were replaced on 29 and 30 May and the police action, 10 days later, would appear to make the argument about protecting evidence less persuasive.

On 9 June, a second activist was arrested in relation to the same poster campaign and placed in detention. He was released after 20 hours of police custody. Charges of 'theft and burglary' were pressed against both activists under article 279.1 of the Criminal Code. They risk from one to 10 years in prison, if convicted. See here: <https://www.amnesty.org/en/latest/news/2020/06/poland-activists-at-risk-of-10-year-jail-term-for-covid-19-poster-campaign-challenging-government-statistics/>

The right to freedom of expression protects the right to seek, receive and impart information and ideas of all kinds, including commentary on public affairs, discussion of human rights, and criticism of the authorities.

The authorities are claiming that a damage to property of the value of 100 Euros was inflicted, however the damage is immaterial to the charges of 'theft and burglary' brought against the two activists. Amnesty International is concerned that the way the two activists appear to be targeted with baseless charges is consistent with a pattern of harassment of protesters and activists documented by the organization since 2017 in Poland.

The actions of the Polish authorities may result in a chilling effect on the exercise of right to freedom of expression in Poland and create additional barriers to the work of human rights defenders in the country. Both activists are currently considering a complaint for unlawful detention.

The content of this urgent action reflects the wishes of the two activists in relation to the disclosure of their identity and right to privacy.

PREFERRED LANGUAGE TO ADDRESS TARGET: Polish, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 24 July 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Names withheld at the request of the activists. Anna (she/her), other activist (he/him).

And copies to:

His Excellency Professor Arkady Józef Rzegocki
Embassy of the Republic of Poland
47 Portland Place W1B 1JH
020 7291 3520
Fax 020 7291 3576
london@msz.gov.pl
www.london.mfa.gov.pl

SOCIAL MEDIA GUIDANCE

Twitter accounts:

@MSWiA_GOV_PL – this belongs to the Ministry of Interior

@Policja_KSP – this belongs to the Warsaw Police. They actually tweeted about the arrests, so you can either tweet with a mention or reply to these tweets:

Tweet by police after the first arrest: https://twitter.com/Policja_KSP/status/1270252561547833344

Tweet by police about the second arrest - https://twitter.com/Policja_KSP/status/1270395283260821514

Sample Tweet:

Two activists in #Poland risk up to 10 years in prison for poster campaign accusing government of manipulating #COVID19 stats. Authorities @MSWiA_GOV_PL @Policja_KSP must close the investigation and drop the baseless charges. #FreedomOfExpression #harassment #HRDs <https://bit.ly/2UKH0ce>