

„ObyPomoc” REPORT

11 April 2017 - 28 February 2018

This report was drawn up on the basis of information gathered from persons who turned for help to the legal assistance group operating within the Free Citizens of the Republic of Poland (Wolni Obywatele RP) Foundation. It includes only documented cases, among them: interrogations at police stations and at the prosecutors' offices as suspects or witnesses, imperative orders based on claims for punishment prepared by the police and proceedings conducted based on the regulations of the Penal Code.

The summary of this report contains the updated list of court cases, both those that have been finalized, as well as those that are still pending. The Annex at the end of the Report contains the list of legal regulations on the basis of which charges are formulated against the protesters.

Data is updated on a monthly basis.

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Proceedings that are pending based on the Code of Petty Offences

| Event | Legal regulation | Description | Interrogations (police) | “Fast track” sentences |
|--|--|---|---------------------------|--|
| <p align="center">COUNTER-MONTHLY CELEBRATIONS</p> | <p>Offences against public peace and order: art. 52 § 2 point 1, 2 art. 52 § 3 point 2</p> <p>Offences against public peace and order: art. 63a § 1</p> <p>Offences against traffic safety and order: art. 90 art. 97</p> <p>Offences against public decency: art. 141</p> | <ul style="list-style-type: none"> protest against the unconstitutional regulations amending the Law on Assemblies, peaceful blockage of the march of the participants of the monthly celebrations, being in the vicinity of the march of a cyclical assembly placing stickers on barriers (e.g., invoices for the monthly celebrations) marching from the Parliament (Sejm) to the Zamkowy Square | <p align="center">149</p> | <p>6 accused (XI W 1258/17) 2 accused (XI W 1957/17) 9 accused (XI W 2630/17) 6 accused (XI W 2631/17) 7 accused (XI W 1258/17) 16 accused (XI W 1258/17) 5 accused (XI W 3579/17) 1 accused (XI W 2596/17) 1 accused (XI W 3691/17) 1 accused (XI W 3580/17) 1 accused (XI W 3681/17) 4 accused (XI W 3679/17) 1 accused (XI W 4483/17) 1 accused (XI W 5662/17) 3 accused (XI W 4190/17) 9 accused (XI W 3706/17) 1 accused (XI W 4672/17)</p> |
| <p align="center">PROTESTS IN FRONT OF THE PARLIAMENT OF THE REPUBLIC OF POLAND DECEMBER 2016</p> | <p>Offences against public peace and order: art. 52 § 3 point 3</p> <p>Offences against traffic safety and order: art. 90</p> | <ul style="list-style-type: none"> protest against restricting freedom of the media blocking entry routes and entrances into the Polish Parliament on 16/17 and 20 December 2016. | <p align="center">13</p> | <p>13 accused (XI W 1997/17)</p> |
| <p align="center">PROTESTS AGAINST THE FAR-RIGHT: BLOCKING THE MARCH OF THE ONR (the National-Radical Camp) 29 APRIL 2017</p> | <p>Offences against public peace and order: art. 52 § 2 point 1 art. 51 § 1</p> <p>Offences against traffic safety and order: art. 90</p> | <ul style="list-style-type: none"> protest against the progress of fascism in Poland expressed by blocking the ONR March | <p align="center">21</p> | <p>9 accused (XI W 2254/17) 5 accused (XI W 2200/17) 10 accused (XI W 2116/17) 14 accused (XI W 2060/17) 21 accused (XI W 2059/17) 4 accused (XI W 1999/17)</p> |

| Event | Legal regulation | Description | Interrogations (police) | “Fast track” sentences |
|---|--|---|--|---|
| <p align="center">PROTESTS IN THE DEFENCE OF THE INDEPENDENCE OF COURTS JULY 2017</p> | <p>Offences against traffic safety and order: art. 90 art. 97</p> <p>Offences against public peace and order: art. 51 § 1</p> | <ul style="list-style-type: none"> blocking entry routes and entrances into the Polish Parliament on 14/15 July and 20/21 July 2017 crossing the barriers and entering the premises of the Parliament of the Republic of Poland on 20 July 2017 protest in front of the seat of the PIS party on Nowogrodzka Str protest in front of J. Kaczyński’s house, Mickiewicza Str., 23 July 2017 | <p align="center">97 1 (witness)</p> | <p>2 accused (XI W 4338/17) 3 accused (XI W 3412/17) 13 accused (XI W 3417/17) 8 accused (XI W 3769/17) 7 accused (XI W 3416/17) 5 accused (XI W 3711/17) 4 accused (XI W 3408/17) 5 accused (XI W 3833/17) 2 accused (XI W 3836/17)* 15 accused (XI W 3409/17) 4 accused (XI W 3713/17)* 2 accused (XI W 4884/17) 4 accused (XI W 3718/17) 1 accused (IV W 1806/17) 1 accused (XI W 3879/17)</p> |
| <p align="center">PROTESTS AGAINST THE FAR-RIGHT: 1 AUGUST 2017</p> | <p>Offences against public peace and order: art. 52 § 2 point 1</p> | <ul style="list-style-type: none"> protest against the progress of fascism in Poland expressed by banners „<i>Stop fascism</i>” etc. protest in Wrocław on Dominikański Square | <p align="center">2 2 (witness)</p> | <p align="center">[no data]</p> |
| <p align="center">PROTESTS AGAINST THE FAR-RIGHT: BLOCKING THE MARCH OF THE „ALL-POLAND YOUTH” (MW) 15 AUGUST 2017</p> | <p>Offences against public peace and order: art. 52 § 2 point 1</p> | <ul style="list-style-type: none"> protest against the progress of fascism in Poland expressed by blocking the MW march | <p align="center">46</p> | <p align="center">[no data]</p> |
| <p align="center">PROTESTS IN FRONT OF THE PARLIAMENT OF THE REPUBLIC OF POLAND SEPTEMBER 2017</p> | <p>Offences against public peace and order: art. 51 § 1</p> | <ul style="list-style-type: none"> crossing the barriers separating Wiejska Str, from the pavement on 24 September 2017 | <p align="center">1</p> | <p align="center">[no data]</p> |

*) the order – a reprimand, costs of the court case transferred onto the State Treasury

| Event | Legal regulation | Description | Interrogations (police) | “Fast track” sentences |
|--|--|---|---|---------------------------------|
| <p align="center">PROTESTS AGAINST THE FAR-RIGHT:</p> <p align="center">11 NOVEMBER 2017</p> | <p>Offences against public peace and order: art. 52 § 2 point 1, 4 art. 52 § 3 point 2</p> | <ul style="list-style-type: none"> • protest against the progress of fascism in Poland expressed by a demonstration attempt in the vicinity of the „Independence March” • protest by women from the Wolni Obywatele RP (ORP) and the Nationwide Strike of Women (OSK) from within the „Independence March” expressed by a banner „<i>Stop fascism</i>” and shouts of „<i>Women against fascism</i>” and others • protest in Wrocław, attempt at blocking the Independence March • protest in Warsaw, picketing on Smolna Str. • protest in Warsaw, during the „Independence March” - “Women on the Poniatowski Bridge” | <p align="center">45 2 (as a witness)</p> | <p align="center">[no data]</p> |
| <p align="center">PROTESTS IN THE DEFENCE OF THE INDEPENDENCE OF COURTS</p> <p align="center">DECEMBER 2017</p> | <p>Offences against traffic safety and order: art. 90 art. 97</p> <p>Offences against public peace and order: art. 51 § 1</p> | <ul style="list-style-type: none"> • protests in defence of the courts in front of the Parliament and Senate of the Republic of Poland – blocking the exit driveway from the Senate, stepping over the barriers in front of the Parliament of the Republic of Poland • a spontaneous walk from the Parliament of the Republic of Poland to the seat of the PiS Party ending with a blockage | <p align="center">73</p> | <p align="center">[no data]</p> |
| <p align="center">PROTESTS AGAINST THE FAR RIGHT:</p> <p align="center">24 FEBRUARY 2018</p> <p align="center">Hajnówka</p> | <p>Offences against State, self-government and social institutions: art. 65 § 2</p> <p>Offences against public peace and order: art. 52 § 2</p> <p>Offences against traffic safety and order: art. 90</p> | <ul style="list-style-type: none"> • counter-demonstration in Hajnówka in connection with the nationalist circles’ march honouring, among others, Rajs „Bury”; the counter-demonstration ended with the police demanding identification documents, 6 people refused and they were transported to the police station | <p align="center">6</p> | <p align="center">[no data]</p> |

| Event | Legal regulation | Description | Interrogations (police, the Internal Security Agency) | “Fast track” sentences |
|--|--|---|--|---|
| <p style="text-align: center;">OUTDOOR ACTION: PUTTING UP LEAFLETS, PAINTING WORDS, LEAFLET DISTRIBUTION ETC.</p> | <p>Offences against public peace and order: art. 63a § 1</p> <p>Offences against public utility equipment: art. 145</p> <p>Offences against property: art. 127</p> <p>Offences against traffic safety and order: art. 92 § 1</p> | <p>Protesting against the actions of PiS by:</p> <ul style="list-style-type: none"> • spraying on pavements among others: „<i>enough of PiS propaganda</i>” „<i>Polish TV is lying</i>”, quotes from the letter of Piotr Szczęsny • projecting Piotr Szczęsny’s letter onto a wall • placing stickers with the text: „We won’t sit quiet” on the PiS office in Gdańsk • protest in front of the PiS Party office in Gorzów Wielkopolski in connection with Piotr Szczęsny’s death (lighting candles, putting up obituaries and slogans) • placing banners and written notices on the PiS Party offices in Przemyśl during the December protests in defence of the courts • painting inscriptions on the streets of Przemyśl • entering the police car in protest against the police detaining one of the demonstrators in front of the PiS bureau • distribution of the „Wake Up” leaflets in Łowicz • picketing in front of the Ministry of Internal Affairs and Administration on Rakowiecka Str. in response to the passive behaviour of police during the so-called “Independence March” | <p style="text-align: center;">13 3 (as a witness)</p> | <p>1 accused (V W 6034/17) 1 accused (VII W 1035/17) 4 accused (V W 6035/17) 4 accused (III W 70/18)</p> |
| <p style="text-align: center;">SUPPORTING PEOPLE BEING INTERROGATED (PICKETS IN FRONT OF POLICE STATIONS)</p> | <p>Offences against State, self-government and social institutions: art. 65 § 2</p> <p>Offences against public peace and order: art. 63a § 1</p> | <ul style="list-style-type: none"> • supporting people being interrogated for standing with such banners like: "<i>We have laws/rights: the laws of logic, laws of physics and human rights</i>,”; „<i>We will not be intimidated</i>” • „Trzemeska za Trzemeską” Wrocław, one person’s details were taken down on the day when they arrived at their own interrogation | <p style="text-align: center;">30 1 (as a witness)</p> | <p>1 accused (VI W 2980/17) 1 accused (II W 190/18) 1 accused (V W 520/18) 1 accused (V W 182/18) 1 accused (II W 414/18)</p> |
| <p style="text-align: center;">WOMEN’S MOVEMENTS’ PROTESTS</p> | <p>Offences against public decency: art. 141</p> | <ul style="list-style-type: none"> • making a speech during the assembly on March 8th, 2017 | <p style="text-align: center;">1</p> | <p style="text-align: center;">[no data]</p> |

| Event | Legal regulation | Description | Interrogations (police, the Internal Security Agency) | “Fast track” sentences |
|---------------------|--|--|---|------------------------|
| OTHER EVENTS | <p>Offences against public peace and order: art. 51 § 1 art. 52 § 1 art. 52 § 2 point 1, 2</p> <p>Offences against traffic safety and order: art. 92 § 1</p> <p>Offences against State, self-government and social institutions: art. 65 § 2</p> | <ul style="list-style-type: none"> • protest against restrictions on freedom of movement around the Parliament of the Republic of Poland, attempts at crossing the barriers • pickets on Mickiewicza Str. in Warsaw • refusing to disclose personal data about employment during the interrogation • spontaneous assemblies (Citizens of the Republic of Poland do not respect the unconstitutional amendment to the Law on Assemblies) e.g., a demonstration without notification in front of the City Council of Warsaw, during which colour flares were set alight, a protest against the absence of any reaction to a similar situation during the Independence March on 11 Nov 2017 • activities on the social media | <p>16 3 (as a witness, Internal Security Agency)</p> | <p>[no data]</p> |

Proceedings conducted based on the Penal Code

| Event | Legal regulation | Description | Interrogations (police/prosecutor's office) | Court proceedings |
|---|--|--|---|--|
| COUNTER- MONTHLY CELEBRATIONS | Forcing official action: art. 224 § 2 Crimes against the freedom of conscience and freedom of religion: art. 195 § 1 Crimes against life and health: art. 160 § 1 | The defendant used the expression: „I'll punch you in the ear” towards a policeman behaving aggressively. Disrupting alleged religious celebrations. Projecting statements onto the Observation Tower of St. Anne's Church. The Government Protection Bureau officials filed a report to the prosecutor's office stating that they were being blinded by the projector. | 1 3 (as a witness) | 1 defendant (V K 269/17) |
| PROTESTS IN FRONT THE PARLIAMENT OF THE REPUBLIC OF POLAND DECEMBER 2016 | Crimes against freedom: art. 191 § 1 art. 193 | Protesting against the appropriation of the public space surrounding the Parliament which is becoming inaccessible for citizens, protesting against limiting the freedom of the media. | 5 1 (as a witness) | [no data] |
| PROTESTS AGAINST THE FAR- RIGHT: BLOCKING THE MARCH OF THE ONR (the National-Radical Camp) 29 APRIL 2017 | Insulting a public official: art. 226 § 1 | Reacting to police behaviour during the removal of the blockade | [no data] | 1 defendant (V K 687/17) |
| ENTERING PREMISES SURROUNDING THE PARLIAMENT OF THE REPUBLIC OF POLAND | Crimes against freedom: art. 193 | Protesting against the appropriation of the public space surrounding the Parliament which is becoming inaccessible for citizens. The protest was expressed by entering green areas surrounding the Parliament of the Republic of Poland on 30 November 2016, 25 January 2017, 22 June 2017, 13 July 2017. Entering the venue of the Parliament with a valid pass and unfolding the Polish flag. | 6 11 (as a witness) | 4 defendants (K II 362/17) [#] 2 defendants (K II 292/17) [#] |
| PROTESTS AGAINST THE FAR- RIGHT: 1 AUGUST 2017 | Insulting a public official: art. 226 § 1 | Protest against the progress of fascism in Polish public life: counter-demonstration with anti-fascist slogans alongside the march of the nationalists | 1 | 1 defendant (K II 715/17) |

[#]) legally binding acquittal

| Event | Legal regulation | Description | Interrogations (police/prosecutor's office) | Court proceedings |
|---|---|--|---|-------------------|
| PROTESTS AGAINST THE FAR-RIGHT: 11 NOVEMBER 2017 | Crimes against public order: art. 256 § 1 | In connection with the events of 11 Nov 2017 in Warsaw. Pyrotechnic materials were used during the so-called "Independence March", in Warsaw, its participants carried fascist emblems. | 1 (as a witness) | [no data] |
| PROTESTS AGAINST THE FAR-RIGHT: 13 JANUARY 2018 | Crimes against freedom: art. 191 § 1 | A group of members from the Democratic Republic of Poland (Demokratyczna RP) and of Obywatele RP organised in Częstochowa a demonstration on the surrounding fields of the Jasna Góra Monastery during the pilgrimage of football fans to the Monastery. | 1 (as a witness) | [no data] |

Proceedings conducted on the base of the Press Law

| Event | Legal regulation | Description | Interrogations (police/prosecutor's office) | Court proceedings |
|--------------------------------------|------------------|--|---|-------------------|
| COUNTER- MONTHLY CELEBRATIONS | art. 43 | One of the demonstrators was accused by a right-wing journalist of hindering the carrying out of the job of a journalist | 1 | [no data] |

Proceedings conducted on the base of the Hunting Law

| Event | Legal regulation | Description | Interrogations (police/prosecutor's office) | Court proceedings |
|---|-------------------------------|---|---|-------------------|
| PROTESTS OF ECOLOGICAL MOVEMENTS | art. 51 part 1 point 8 | A journalist accompanied people who were blocking a hunt. | 1 | [no data] |

SUMMARY

Number of people who have at least once come in contact with the law enforcement or the justice system because they had taken part in peaceful protests – 445

Petty Offences Code

- 526 investigations (interrogations)

- 48 “Fast track” sentences for 239 people, incl.:

for the counter-monthly celebrations – 17 orders (74 people)

for protests held in December – 1 order (13 people)

for blocking the march of the ONR – 6 orders (61 people)

for protests held in July – 15 orders (76 people)

for „street activities” – 4 orders (10 people)

for supporting interrogated persons – 5 orders (5 people)

Penal Code

- 30 investigations (interrogations at the police station or prosecutor’s office), including 17 persons interrogated as witnesses

- 5 criminal cases in which 9 people are appearing as defendants, and in particular:

art. 224 § 2 – 1 person

art. 193 – 6 people

art. 226 § 1 – 2 people

Press Law

1 person – a participant of the counter-monthly celebration was accused of disrupting the work of a journalist.

Hunting Law

1 person was interrogated as a suspect reg. committing an offense – a journalist accused of impeding a hunt.

Status of the court proceedings:

- III W 1594/17 – 8 November 2017. **Piotr Nowak, Regional Court Judge, decided to discontinue proceedings** regarding charges based on art. 52 §. 2 point 2 of the Code of Offences and. 63a § 1 of the Code of Offences against Lucyna Łukian, a participant of the picket in front of J. Kaczyński's home on Mickiewicza Str. in Warsaw. Lucyna held a banner: „THERE IS NO STATUTE OF LIMITATIONS ON BETRAYING YOUR COUNTRY"

- IV W 1799/17 – 22 November 2017. **Agnieszka Berezowska, Regional Court Judge, decided to discontinue proceedings** regarding charges based on art. 52 §. 2 point 2 of the Code of Offences and. 63a § 1 of the Code of Offences against Agnieszka Markowska, a participant of the picket in front of J. Kaczyński's home on Mickiewicza Str. in Warsaw. Agnieszka held a banner: „THERE IS NO STATUTE OF LIMITATIONS ON BETRAYING YOUR COUNTRY"

- IV W 1655/17 – 18 December 2017. **Regional Court Judge Piotr Nowak refused to initiate proceedings** against Wojciech Kinasiewicz (art. 52 §.2 point 2 and art. 63a §1), participant of a picket supporting persons being interrogated at the Police Station on Rydygiera Str. in Warsaw. One more charge is still pending, relating to art. 65 para 2 of the Code of Offences (refusal to disclose information about identity).

- IV W 1886/17 – 27 December 2017. **Renata Kielak-Komorowska, Regional Court Judge, dismissed some of the charges** based on art. 52 §. 2 point 2 of the Code of Offences and. 63a § 1 of the Code of Offences brought against the accused: Bogusław Zalewski, Piotr Warczykowski, Iwona Wyszogrodzka and Jarosław. The case concerns participation in a picket supporting persons being interrogated at the Police Station on Rydygiera Str. in Warsaw. One more charge is still pending, relating to art. 65 para 2 of the Code of Offences (refusal to disclose information about identity)

- XI W 4162/17 – The Regional Police Station submitted a complaint relating to the decision made by Regional Court Judge Łukasz Biliński to discontinue proceedings against a person who refused to cite their place of employment during an interrogation at the Police Station on 9 January 2018. **District Court Judge Wanda Jankowska-Bebesko referred the case for re-examination to the Regional Court (X Kz 1596/17)**
Defence Counsel: Jarosław Kaczyński

- V W 4255/17 – 18 January 2018. **Anna Ziębińska, Regional Court Judge, discontinued proceedings** against the accused: Wojciech Kinasiewicz, Arek Szczurek, Paweł Kasprzak, Dominik, Kamila, Kinga Kamińska, Francesca, Zbigniew, Rafał Suszek, Romuald „on the grounds that their act does not amount to an offence”

- V K 687/17 – 24 January 2018 – consideration of the Prosecution's application for conditional discontinuation of proceeding. The case concerned insulting a police officer on 29 April 2017 during the blocking of the ONR march, i.e., for a crime according to art. 226 para 1 of the Penal Code. The Court granted the Prosecution's request and due to the low degree of harm of the deed adjudged **conditional discontinuation for a trial period of one year**, lowered the sum the defendant is to donate to the Fund of Aid to the Aggrieved and Post-penitentiary Assistance and released the defendant from the court costs

Defence Counsel: Hanna Gajewska - Kraczkowska

- VII W 1035/17 – On 5 February 2018 in Gorzów Wielkopolski, a case was held against Leszek Pielin. The case concerned events of 1 November 2017, when Leszek Pielin went to honour the memory of Piotr S. Together with other persons, he placed lights in front of the office of Elżbieta Rafalska. Obituary notices were also attached to the door as well as a few slogans. Leszek was accused on the grounds of art. 63a para 1 Code of Petty Offences and art. 145 Code of Petty Offences (littering). Andrzej Krzyżowski, Regional Court Judge, ruled that **the accused is guilty of putting up an obituary notice** without permission of the owner of the premises and **imposed the penalty of reprimand**, and at the same time **cleared him of the accusation based on art. 145 Code of Petty Offences**.

Finalized cases

1. For entering the premises of the Parliament of the Republic of Poland on 25 January 2017 - **Wojciech and Rafał** had been accused on the basis of art. 193 of the Penal Code.

On 17 August 2017, **Regional Court Judge Jakub Kamiński passed a sentence of acquittal (II K 292/17)**. Following an appeal submitted by the prosecutor, the appeal hearing was held on 30 October 2017 in the regional court. **Judge Krzysztof Chmielewski announced the legally binding sentence of acquittal (X Ka 1113/17)**.

Defence Counsels: Daniel Dzierzbicki, Krzysztof Kaczor

2. For entering the premises of the Sejm RP (Polish Parliament), 30 November 2017 - **Wojciech, Tadeusz, Ewa and Paweł** accused on the base of art. 193 of the Penal Code

On 20 October 2017, **Regional Court Judge Jakub Kamiński passed a sentence of acquittal (II K 362/17)**. Following an appeal submitted by the prosecutor, the appeal hearing was held on 8 February 2018 in the District Court. **Judge of the District Court Monika Jankowska announced the legally binding sentence of acquittal (X Ka 1420/17)**.

Defence Counsels: Jacek Dubois, Małgorzata Jadowska

Agenda of the coming hearings: March - April 2018

XI Department of the Regional Court for Warszawa-Śródmieście, Marszałkowska 82, entrance from Żurawia Str.:

1. For displaying onto the Presidential Palace on 10 March the inscription: WHOEVER VIOLATES THE COUNTRY'S SUPREME LAW, COMMITS TREASON AGAINST THE COUNTRY, art. 63a § 1, **time of the hearing: 7 March 2018**, 12:30, room 379

Defendant: Maciej

Defence Counsel: Krzysztof Stępiński

2. For "disruption by attracting the attention of participants" of State ceremonies 10 April 2017, Case XI W 1957/17, art. 51 § 1 of the Code of Petty Offences, **time of the hearing: 7 March 2018 r.**, 13:00, room 379

Defendants: Arkadiusz, Maciej

Defence Counsel: Krzysztof Stępiński

3. For talking with the policeman on 10 May 2017, case V K 269/17, art.224 § 2 of the Penal Code, **time of the hearing: 8 March 2018**, 10:00, room 358

Defendant: Tadeusz

Defence Counsel: Jakub Bartosiak

4. For an attempt at blocking the Smoleńsk March on 10 March 2017, case XI W 1258/17, art. 52 § 2 of the Code of Offences, art. 141 of the Code of Offences, **time of the hearing: 27 March 2018**, 10:20, room 379

Defendants: Marek, Monika, Wojciech, Paweł, Michał, Tadeusz, Paweł

Defence Counsels: Marek Małecki, Damian Malinowski (trainee solicitor)

5. For the attempt at blocking the ONR march on 29 April 2017, case XI W 2059/17, art. 52 para 2 point 1 of the Petty Offences Code, **time of the hearing: 29 March 2018**, 09:30, room 242

Defendants: Jan, Katarzyna, Szczepan, Jacek, Maria, Konrad, Kinga, Przemysław, Tomasz, Jacek, Michał, Maria, Lucyna, Monika, Laura, Andrzej, Arkadiusz, Franciszek, Andrzej

Defence Counsels: Katarzyna Gajowniczek-Pruszyńska, Marta Seredyńska, Maria Sankowska-Borman, Maria Radziejowska, Karolina Margulewicz-Fortuna

6. For participating in the events of 16/17 December 2016 in front of the Parliament of the Republic of Poland, case XI W 1997/17, art 52 § 3 of the Petty Offences Code and others, **time of the hearing: 24 April 2018 r**, 9:30, room 242
 Defendants: Mateusz, Piotr, Arkadiusz, Piotr, Bartłomiej, Marcin, Jarosław, Karol, Jerzy, Antoni, Jan, Rafał, Arkadiusz
 Defence Counsel: Jarosław Kaczyński

Regional Court for Wrocław-Śródmieście, Penal Department 5, Podwale Str. 30, Wrocław:

7. For participating in a picket of support on 7 November 2017 in Wrocław, Trzemeska Str.12 and holding a banner, i.e., an offence based on art. 63a § 1 Code of Petty Offences. **Time of hearing: 16 March 2018**, 12:15 hrs, room 274.

Defendants: Ewa, Iza

8. For participating in a picket of support on 7 November 2017 in Wrocław, Trzemeska Str.12 and holding a banner, i.e., an offence based on art. 63a § 1 Code of Petty Offences. **Time of hearing: 16 March 2018**, 12:00 hrs, room 274.

Defendants: Małgorzata, Włodzimierz

9. For holding up together with one other person a banner in public view while standing on the pavement on 7 November 2017 in Wrocław, Trzemeska 12, the banner containing the inscription: WE HAVE LAWS/RIGHTS, LAWS OF PHYSICS, LAWS OF LOGIC, HUMAN RIGHTS – OBYWATELE RP, without permission of the administrator of this spot, i.e., an offence against art. 63a § 1 Code of Petty Offences. **Time of hearing: 20 March 2018**, 10:00 hrs, room 58.

Defendant: Adam

In March and April, the court shall also meet to discontinue proceedings:

XI W 2595/17 (1 defendant), XI W 2630/17 (18 defendants), XI W 2634/17 (15 defendants) – concerns events of 10 June 2017

XI W 4191/17 (4 defendants), XI W 4304/17 (3 defendants) – concerns events of 10 July 2017

XI W 3767/17 (6 defendants), XI W 3890/17 (5 defendants), XI W 3872/17 (16 defendants), XI W 3420/17 (15 defendants) – concerns July protests in defence of the independence of the judiciary

ANNEX

Persons who report to the ObyPomoc group as well as activists of the Wolni Obywatele RP Movement are faced with charges arising from the Petty Offences Code, Penal Code as well as the Press Law. The following constitutes the contents of those laws cited in the Report.

Code of Petty Offences

Offences against public order and peace:

Art. 51

§ 1. Whoever by way of shouting, noise, alarm or any other excess actions disturbs public peace, order, night rest or causes deprivation is subject to a penalty of arrest, restriction of freedom or a fine.

§ 2. If the deed referred to in § 1 is of a disorderly nature or the perpetrator carries it out when being under the influence of alcohol, a narcotic or another substance or agent with similar effects is subject to a penalty of arrest, restriction of freedom or a fine.

§ 3. Inciting and aiding are punishable.

Art. 52

§ 1. Whoever participates in an assembly when carrying weapons, explosive materials, fireworks or other hazardous materials or tools – is subject to the penalty of arrest for up to 14 days, a penalty of restriction of freedom or the penalty of a fine.

§ 2. Whoever:

- 1) disturbs or attempts to disturb the organisation or the process of a non-banned assembly,
- 2) organizes an assembly without the required notification or heads such an assembly or a banned assembly,
- 3) heads an assembly after it has been dissolved,
- 4) unlawfully occupies or refuses to leave a location site lawfully used by another person or organisation as an organiser or head of an assembly – is subject to the penalty of restriction of freedom or a fine.

§ 3. Whoever:

- 1) when heading or organizing an assembly purposely does not take the necessary steps to ensure that the assembly proceeds in compliance with the laws and regulations and to prevent that any damage is caused which is the fault of the participants of the assembly,
 - 2) does not adhere to the demands or orders of the leader of the assembly or its organizer, as described in the Act of 24 July 2015 – Law on Assemblies (Journal of Law, part 1485),
 - 3) refuses to leave the site of the assembly after it is dissolved
- is subject to a fine.

§ 4. Inciting and aiding are punishable.

Art. 63a

§ 1. Whoever places in a public place that is not for such a purpose an announcement, poster, placard, appeal, leaflet, wording or drawing or places them in public sight in another location without the consent of the administrator of this location, is subject to the penalty of restriction of freedom or a fine.

§ 1a. Inciting and aiding are punishable.

§ 2. In such case when the offence is committed, it is possible to decide about the confiscation of objects that are used or meant for conducting the offence, even if they are not the property of the perpetrator, as well as punitive damages at the level of up to 1500 zlotys or the obligation to restore the site to its previous state.

Art. 65

§ 1. Whoever purposefully misleads a State body or an institution authorized by the Act of Law act to check documents:

- 1) regarding own or another's identity,
 - 2) regarding own citizenship, occupation, place of employment or residence,
- is subject to a fine.

§ 2. The same penalty affects that person who contrary to the obligation does not inform the relevant State body or institution, authorized by the Act of Law the information or documents regarding circumstances referred to in § 1.

Offences against traffic safety and order:**Art. 90**

Whoever impedes or disrupts traffic on a public road, in a residence area or in a traffic zone is subject to a fine or reprimand.

Art. 92

§ 1. Whoever does not comply with a traffic sign or signal or to the signal or order of a person authorized to direct traffic or to control road traffic is subject to a fine or reprimand.

§ 2. Whoever to avoid control does not comply with the signal of the person authorized to control road traffic that commands stopping the vehicle is subject to the penalty of arrest or a fine.

§ 3. In such case when an offence as referred to in § 2 is committed, a ruling may be passed to ban this person from driving vehicles.

Art. 97

A road user or another person present on a public road, in a residential zone or traffic zone, including owner of the vehicle or the person in possession of the vehicle, who violates other regulations of the Road Traffic Act dated 20 June 1997 or other regulations issued arising from the said Act, is subject to a penalty fine of up to 3000 zlotys or reprimand.

Offences against property**Art. 127**

§ 1. Whoever wilfully uses another's movable belongings is subject to a fine or reprimand.

§ 2. Prosecution is initiated upon request of the grieved party.

Offences against public decency:**Art. 141**

Whoever presents in a public place an indecent announcement, statement or drawing, or uses indecent words, is subject to the penalty of restriction of freedom, a fine of up to 1500 zlotys or reprimand.

Offences against public utility equipment:**Art. 145**

Whoever contaminates or litters places accessible to the public, and in particular a road, street, square, garden law nor green area, is subject to a fine of up to 500 zlotys or reprimand.

Penal Code

Crimes against life and health:

Art. 160

§ 1. Whoever exposes a human being to an immediate danger of loss of life or a serious bodily injury, is subject to a penalty of deprivation of liberty for up to 3 years.

Crimes against freedom:

Art. 191

§ 1. Whoever uses violence towards a person or an unlawful threat to force a person to commit, refrain from or endure a particular act is subject to a penalty of deprivation of liberty for up to 3 years.

Art. 193

Whoever breaks into somebody else's house, apartment, premises or fenced grounds or contrary to the demands of an authorised person does not leave such a site is subject to a fine, restriction of freedom or deprivation of liberty for up to one year.

Crimes against the freedom of conscience and religion:

Art. 195

§ 1. Whoever maliciously disturbs the public conduct of a religious act of a Church or another religious association that have a settled legal status is subject to a fine, restriction of freedom or imprisonment for up to 2 years.

§ 2. The same penalty shall be imposed on anyone who maliciously interferes with a funeral, mourning ceremonies or rite.

Forcing of official actions:

Art. 224

§ 1. Whoever, by using violence or an unlawful threat, affects the official acts of a government authority, other public authority or territorial self-government shall be subject to the penalty of deprivation of liberty for a term of up to 3 years.

§ 2. The same penalty shall be imposed on whoever by using violence or an unlawful threat to forces a public office or person assigned to assist them in undertaking or halting a legal official function.

§ 3. If as the result of the deed referred to in § 2, the consequences are as described in art.156 § 1or in art. 157 § 1, the perpetrator is subject to the penalty of deprivation of liberty for a term between 3 months to 5 years.

Insulting a public official:

Art. 226

§ 1. Whoever insults a public official or a person assigned to assist them, during and in connection with the out official duties, is subject to the penalty of restriction of freedom or deprivation of liberty of up to one year.

§ 2. The regulations of art. 222 § 2 apply mutatis mutandis.

§ 3. Who publicly insults or offends a constitutional body of the Republic of Poland is subject to a fine, a penalty of restriction of freedom or deprivation of liberty for up to 2 years.

Crimes against public order:

Art. 256

§ 1. Whoever propagates in public a fascist or another totalitarian state system or incites hatred based on national, ethnic, racial, religious differences or on areligious grounds is subject to a fine, a penalty of restriction of freedom or deprivation of liberty for up to 2 years.

§ 2. The same penalty shall be imposed on whoever produces, records or imports, purchases, stores, possesses, presents or sends prints, recordings or any other object which contains such contents as described in § 1 or which are carriers of fascist, communist or other totalitarian symbols.

§ 3. The crime is not committed by the perpetrator if the prohibited act defined in § 2 is committed as part of an artistic, educational, collector's or scientific activity.

§ 4. In case of being convicted for a crime defined in § 2, the court shall rule forfeiture of objects mentioned in § 2, even in such case when they are not the property of the perpetrator.

Press Law

Art. 43

Whoever, by using violence or an unlawful threat with the aim of forcing a journalist to publish or refrain from publishing a press material or undertaking or refraining from a press intervention is subject to the penalty of deprivation of liberty for up to 3 years.

Hunting Law

Art. 51

Shooting animals in public places, destroying nests, burrows and hunter's devices

1. Whoever:

- 1) shoots animals at a distance of less than 500 m from a public meeting place while such meeting is taking place or at a distance of less than 100 m from residential buildings,
- 2) removes eggs, chicks, destroys nests of game birds or destroys their breeding grounds,
- 3) detains animals without appropriate permission,
- 4) destroys burrows and dens of game animals,
- 5) destroys hunting devices, removes feed or salt from deer-licks,
- 6) hunts without carrying required documents,
- 7) contrary to the regulations of **art. 42b** *individual hunting* part 2 does not record the required entries in the authorisation for conducting individual hunting,
- 8) wilfully impedes or makes impossible conducting a hunt is subject to a fine.

2. In cases described in part 1, the ruling is passed following offence-related procedures.