

URGENT ACTION

JOURNALIST COULD FACE CHARGES FOR EXPOSÉ BOOK

Investigative journalist Tomasz Piątek could face criminal charges for a book he published in June, alleging a link between the Defence Minister and the Russian intelligence services. If charged and found guilty he could face up to 3 years in prison.

Tomasz Piątek, an investigative journalist for *Gazeta Wyborcza*, could face criminal prosecution for his exposé book, "Macierewicz and his secrets" (*Macierewicz i jego tajemnice*), in which he makes allegations of purported links between Antoni Macierewicz, Poland's Minister of Defence and the Russian intelligence services.

Shortly after the book's publication in late June, the Minister of Defence filed a criminal complaint against Tomasz Piątek, arguing Tomasz Piątek was in violation of Articles 224, 226 and 231a of the Criminal Code for 'using violence or unlawful threat [which] affects a government authority performing its duty...' and 'insulting a public official in the course and in connection with the performance of [their] duties.' On 26 June, the complaint was forwarded to the Regional Prosecutor's Office in Warsaw. If charged and found guilty, Tomasz Piątek could face up to 3 years in prison. According to the Prosecutor General Office's spokeswoman, the prosecution is examining Tomasz Piątek's case. He can be charged at any moment. It is not clear what evidence, if any, the prosecution is basing the case against Tomasz Piątek on.

Tomasz Piątek suspects he has been under surveillance since at least the beginning of July and is as a result living in fear.

In accordance with its international obligations, Poland must ensure that media workers can carry out their function of commenting on public issues, informing public opinion, and conveying information and ideas without threats, harassment or intimidation, and are not prosecuted for expressing views that do not constitute incitement to violence.

Please write immediately in Polish, English or your own language calling on the authorities to:

- Immediately drop the case against Tomasz Piątek and not pursue any criminal charges if they relate solely to his book or peaceful work as an investigative journalist;
- Fully respect the peaceful exercise of the right to freedom of expression in Poland, which involves ensuring human rights defenders and journalists can carry out their legitimate activities free of harassment and without fear of reprisals.

PLEASE SEND APPEALS BEFORE 21 DECEMBER 2017 TO:

Minister of Justice Prosecutor General

Zbigniew Ziobro
Prokuratura Krajowa
ul Rakowiecka 26/30
02-528 Warszawa
Poland

Twitter: @ZiobroPL

Email: biuro.podawcze@pk.gov.pl

**Salutation: Dear Minister of Justice
and Prosecutor General**

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below.

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Poland is bound by the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR) as well as the Charter of the Fundamental Rights of the EU to respect, protect and promote the right to freedom of expression. This right encompasses an obligation of the state to ensure that media workers can carry out their work, including, as Tomasz Piątek did, bringing to the attention of the people a matter of public interest, without fear of threats, harassment, intimidation or prosecution. Under its international human rights obligations, Poland must ensure that any criminal charges brought against media workers are solely for recognizably criminal offences defined in laws which are sufficiently and clearly formulated to enable people to know what is permitted and what is not, and do not involve unnecessary or disproportionate interference with freedom of expression.

While one of the permissible purposes of restricting freedom of expression is the protection of the rights and reputations of others, the limits of acceptable criticism are wider with regards to a public figure than with regards to a private individual. Public figures lay themselves open to close scrutiny by the public at large, and therefore must consequently display a greater degree of tolerance to criticism. Criminal provisions must never be used to stifle the right to freedom of expression and deliberately target, harass or intimidate political opponents, human rights defenders, peaceful protesters, environmental or labour activists, or journalists and other media workers.

Amnesty International is concerned that Polish authorities have been restricting media freedom since the current government came to power in October 2015. Many of the measures undertaken by the authorities violate freedom of expression. The public media were brought under the control of the government and there is now an increasing economic pressure on the privately-owned media to do the same. As a result of the media law passed in December 2015, a number of the directors and supervisory councils of the public TV and radio stations were dismissed. In the meantime, the Treasury Minister appointed new directors without consulting the independent National Broadcasting Council. Public media thereby became government-controlled which led to criticism from independent media and the opposition that they simply serve as propaganda tool. Over 220 journalists working in public broadcasting, including trade union leaders, were dismissed, forced to resign or to accept less senior positions until August 2017.¹

The Organisation for Security and Cooperation in Europe has also voiced its concern over the charges brought against Tomasz Piątek and the lengths the authorities have gone to 'silence the media'.

Name: Tomasz Piątek

Gender m/f: m

¹ See the list of journalists at: <http://towarzystwodziennikarskie.org/>

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