

UNDER ATTACK FOR DEFENCE

how the defenders of the rule of law face accusations in Poland

Every time this happens, when police lets you down, I will stand and protest – said Marta Lempart during the trial in which she was accused of stealing a sign, a property of Pro-Right to Life group in November 2017 happening at the time of the Congress for Women. Lempart denied the charges.

She emphasised that she did not agree to torture of women by playing on their emotions, showing distorted graphic pictures of aborted embryos, images bringing back traumatic experiences from women's lives (little coffins, candle lights, etc.), calling women murderers.



Marta Lempart's trial.
Photo: Elzbieta Majewska-Ciesla.

This is one of the many cases where the leader of the Polish Women Strike stands trial. There was one witness for the prosecution and two for the defence. None of the witnesses was able to incriminate Lempart. Moreover, one of the ladies - witness for the defence, admitted that in protest against calling women murderers, she herself put out the light carried by one of the pro-lifers. According to all of the witnesses, many participants of the Congress for Women, were upset by the Pro-right to Life picket. They

were outraged by public display of the drastic photos. They demanded loud and clear to have this picket ended. One of the witnesses admitted that she asked the police to intervene. It is astounding that Polish police, whose aim is to protect citizens, did not react to this sort of breaking the law by instant removal of disturbing photographs, particularly when they were often visible to small children. Does the police apply different laws to different people, or does Foundation Pro-Right to Life is privileged in some way?

During the trial, auxiliary prosecutor put forward a controversial motion for removing from the courtroom one of the ladies, a witness for the defence, after she had delivered her witness statement. He claimed that there was a reason to suspect that in her statement, she may have committed a crime. The Court did not allow this motion saying that there was no legal grounds for this. Some of the people present considered this to be an act of intimidation of the witness by the prosecution.

Chief Prosecution in the case, brought forward a motion to, despite lack of evidence, charge the accused. Interestingly, in the final speech, auxiliary prosecutor instead of summing up, made a manifesto for the Foundation Pro-Right to Life. He spoke so fervently about this organisation that he had to be reminded by the judge to make a concluding speech.

Will Marta Lempart be accused of even more offences only because she is the face of the organisation fighting against ideology of Pro-Life? Sentencing in this case is to be

made on the 4th September. On the 21st August 2018, there were 9 people on trial, Marta Lempart among them. They were all accused of disturbing or attempting to disturb to prepare or conduct legal gathering. This was in connection to March for Great Independent Poland organised in Wroclaw on the 11th November 2017 by Jacek Miedlar and Piotr Rybak among others. They are known for using hate speech and anti-Semitic activities. A representative of the town office was put forward as a witness as he had been delegated to observe the March. He admitted that the office had no established procedures on breach of safety and offences such as hate speech or displaying forbidden images. He claimed that he had asked the leader of the March to put out flares, but he believed that if anyone was using flares, it was done in some sort of safe way. He, himself did not notice anything wrong in the words 'Sicle and hammer against the red mob' or 'Death to the enemies of motherland'.

The official did not remember what Jacek Miedlar and Piotr Rybak were saying, he did not notice police cordon surrounding the group of demonstrators. He was not interested in this matter at all, he relied only on the information from the chief of the police for crowd protection about assisting one of the demonstrators. It is worth noting that the victim was from Citizens RP, her hair was set on fire by a flare thrown in her direction. What was the reason for the amnesia of the town official? Does lack of defined procedures in the Town Office work in favour of the nationalists or was this simply fear?

Recently, there are many such trials in Poland. Only, the accused are people who defend fundamental rights of the individual. People who value freedom of choice and who do not agree to hate speech in public sphere. People who defend children from the sight of drastic images harming their young minds. So far, Polish courts acquit these people of predominantly absurd accusations.

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