

IN THE CROSSHAIRS

**The authorities in Poland are
attacking those without whom our
country would have been unable to
help Ukraine**



Report on the OKO.press and Osiatyński Archive project

with the support of

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- **It was possible to help refugees from Ukraine in Poland as a result of the work of thousands of activists, including those who met and learned to operate during the protests against the PiS authorities, and during the repressions with which the government responded to their actions. In many places, it was those activists who first responded to the influx of refugees from Ukraine and assured others that it was worth joining the relief effort.**
- **The rescue activities on the Polish-Belarusian border were the major test before the relief operation for Ukraine. Few were involved on site, but there was a growing feeling among many citizens throughout Poland that they had failed. They gathered information about what the people fleeing to Poland needed, as well as organizing collections and transportation bringing aid.**
- **The activists helping the Ukrainians performed a huge amount of work in 2022: organizing and distributing aid, supporting refugees in all sorts of individual cases – where the state apparatus was, as a rule, helpless. This work, however, comes at a price. The most highly involved are slowly withdrawing and suspending their activities – experiencing burnout and mental crises. Pending police and court cases are exacerbating this problem.**
- **Meanwhile, the pressure of the authorities on the civic society in Poland is continuing – many of the cases we wrote about in the IN THE CROSSHAIRS report in mid-2021, which were intended to harass the activists, are still pending before the courts. Most frequently, they apply to public gatherings from two years ago (from the time of the protests against the tightening of the abortion laws), but there are also cases for helping refugees at the Polish-Belarusian border. Although the charges are minor, the authorities are using all procedural possibilities to prolong the course of these proceedings. All this has the objective of pushing people out of the public space.**
- **Therefore, a year before the parliamentary, local government and European Parliament elections, the Polish civic society is on a knife edge. It is difficult to say whether the civic network will withstand the coming few months.**

These are the main conclusions from the ‘In the crosshairs’ project, conducted in 2022 by OKO.press and the Osiatyński Archive with the support of the German Marshall Fund, which documents PiS’s pressure on activists and how they are coping with this pressure.

We have collected journalistic materials in the form of more than 30 texts, interviews and reports since January 2022. We have taken part in 5 court hearings a long way from Warsaw (in Sokółów Podlaski, Płock and Włodawa). We presented the results of the project at a public civic meeting (*‘Tour de Konstytucja’* [Constitution Tour]) at the market square in Przemyśl on 21 August 2022 (the attendees included activists who first protested against the dismantling of the institutions of the democratic state of law¹, and then supported the refugees from Ukraine²).

Our work was a continuation of the OKO.press and Osiatyński Archive journalistic project from 2021, but it was being conducted in completely different conditions: in a situation where our neighbouring country was being invaded by Russia and refugees from Ukraine were being received and hosted in Poland – as a result of an unprecedented and astonishing worldwide relief operation.

It would appear that the state’s pressure on the protesters and those defending the rule of law and minority rights of citizens and helping Ukraine are two different matters. This is also what we

¹ <https://oko.press/rebeliantki-z-przemysla-przesladowane-przez-policje/>

² Przemyśl is a border city and was the first to receive thousands of people fleeing the war. From there, the refugees moved into Poland and further on to the West.

assumed when gathering the data for the ‘In the crosshairs’ project. However, it transpired that both topics connected the same protagonists: they first protested and then they rushed to offer help. And they are still being harassed by their country.

SLAPP, POLISH STYLE

In 2021, we collected accounts from activists who had been pressured by the Polish state institutions under Law and Justice (PiS) rule. We managed to write up the mechanism of the pressure³ – the materials gathered in 2022 confirmed that these observations were correct.



- Although these are SLAPP-type (Strategic Lawsuit Against Public Participation – lawsuits obstructing civic activism) actions, they have special features in Polish conditions. Here, in what was until recently a democratic state, being a state that still belonged to the European Union, since 2015 the authorities have been using the tools of legal pressure on a massive scale to discourage citizens from public activity and from protesting.
- However, weak pressure dominates, activists are not threatened with life-destroying fines and imprisonment (although such issues have also taken place in Poland) – they are, however, constantly and systematically being harassed with time-consuming, pointless procedures and small fines that chip away at the household budget. The objective is the same as in the classic SLAPP – to push people out of the public space, to force them to be silent.

Just to reiterate: in today’s Poland, the initiators of SLAPP are not business or influential organizations, but primarily the politicized state, its agencies and organizations cooperating with it.

The state is attacking citizens who are simply exercising their constitutional rights, namely freedom of assembly, equality and freedom of speech.

We established that this procedure started in the autumn of 2017, at the end of the second year of the PiS rule in Poland, after the first wave of mass protests in defence of the independence of the judiciary (under their influence, the PiS authorities withdrew from some solutions and delayed the introduction of others).

In 2022, it continued as if nothing was wrong, and this DESPITE the fact that it applied to people supporting the state in the most important task facing our community, namely responding to the attack by Putin’s Russia on a neighbouring country.

The mechanism for pressuring citizens:

1. The operation of putting people ‘in the crosshairs’ most probably starts after the receipt of instructions from the senior levels of government – such an instruction may apply to either specific individuals or whole groups of activists. Activists frequently tell us that they have the impression that someone ‘pushed a button’ in their case at some point. Police officers sometimes tell them that they have to intervene because they have been ‘ordered’ to do so.

³ <https://oko.press/ludzie-na-celowniku-wladzy-chce-zmienic-spoleczenstwo-w-pokorny-tlum/>, English version of the report: <https://oko.press/images/2021/12/In-the-crosshairs-SLAPP-Polish-style-31.12.2021.pdf>

Elżbieta Podleśna told us about the police officers who conduct the interrogation because they have been ‘ordered to do so in 2021. In 2022, Podleśna, who was stopped on a road near Włodawa in eastern Poland, heard from police officers: ‘They don’t talk about every citizen in the briefings.’ In 2022, Zuzanna Lesiak who was required to identify herself during a protest in Warsaw says the same: ‘They told us: “You are targeted for the Women’s Strike.”’⁴

In 2022, we received signs that, in similar cases in terms of the facts, the police either react or do not react and, if they raise identical charges, the level of the sentence depends on the person (and the extent to which that person has irritated the authorities), and not on the possible social harm of the deed (examples from Lubartów and Ostrowiec).

2. The operation of putting someone ‘in the crosshairs’ is an attack on the whole of the civic society. The objective is to discourage citizens from public activity, namely to create a so-called chilling effect *en masse* rather than individually with respect to a single person – as in the case of Western countries. This can be seen exceptionally well in small towns, where an attack targeted at a leader freezes others. Because people there know each other well, so it takes more courage to speak out in public, while information about harassment spreads quickly.

This is how the authorities attacked the activists of the All-Poland Women’s Strike (OSK), who were protesting throughout the country against the draconian changes to the abortion law. Cases against them – for ‘destroying property’ (with inscriptions written in washable paint on the pavement), ‘vulgarity’ (raising dramatic cries during mass protests), or ‘blocking a public road’ (when, for example, a stream of protesting people could not fit on the pavement and went out onto the roadway), or ‘exposure to the risk of the pandemic’ – were still pending in 2022.

The attack on the OSK deserves a special mention – because it is precisely to the rapid response of this nationwide network of activists that Poland owes its success in helping refugees.

3. This is how the authorities are trying not only to stop activists, but to eliminate the most important topics – from the rule of law to women’s and LGBT+ rights and the state’s policy with respect to refugees – from the public debate. These topics, which are better not touched in order not to irritate the authorities, are increasing in number.

The issue of refugees on the border between Poland and Ukraine became such a topic at the turn of 2021 and 2022. The cases of activists who then brought them help are still ongoing – and are being filed, for example, because of verbally ‘insulting an officer’ in civilian clothes, without a ID badge, during dramatic rescue operations of people drowning in the swamps.⁵

4. When putting someone ‘in the crosshairs’, the state does not care about the costs. The attackers commit large financial and human resources in proceedings against the activists. They do not engage one law firm – they hire the ‘whole state’: the police, the prosecutor’s office, the health inspectorate, local government officials, subservient journalists and hired haters.

The scale of the use of the expensive and illegal Pegasus spyware was revealed in 2022. It was revealed during the hearings before a senate committee that this IT weapon attacks not only the people whose devices were infected with the hostile software, but also anyone in the vicinity of the victim of the spy attack. Therefore, these expensive attacks lead to the freezing of the social

⁴ <https://oko.press/zuzanna-lesiak-na-celowniku-palki-niegospodarnosc-i-bluzgi-panstwa-pis/>

⁵ <https://oko.press/na-bagnie-umierali-ludzie-policjant-poczul-sie-zniewazony-elzbieta-podlesna/>

activity of entire groups.⁶ Simultaneously, in ‘everyday’ activist cases, the practice was to overstate the costs of the alleged damage caused by posters and inscriptions written in washable paint in public spaces (the idea being that the amount of damage enabled the regulations from the Penal Code to be applied rather than the provisions of the Petty Crimes Code). A complicated and probably expensive investigation was conducted in the case of ‘posting announcements in a place not intended for this’, namely drawing crosses in memory of the 100,000 victims of the Covid-19 pandemic in Poland in Plac Pilsudskiego in Warsaw in charcoal. In the first instance, the participants of this commemoration campaign were each fined PLN 100.⁷

5. The allegations made against people are often exaggerated, stretched or untrue, because activists try to respect the law and even if they sometimes break the rules, they do so in a way that can be justified in court.

For example, in Lubartów in eastern Poland, an activist is now being prosecuted by the sanitary services in 2022 for organizing a women’s protest two years ago – **it is obvious that this is not about preventing a sanitary threat, but about harassing a citizen.**

In Bydgoszcz, the police prosecuted a well-known activist for taking part in a public gathering that apparently consisted only of her (!). **The police used heavy forces to detain the woman, and when the case was dropped by the court and the victim complained about the actions of the police, the prosecutor’s office refused to open an investigation.**⁸

6. The allegations are escalating: what was unthinkable on the part of the representatives of the prosecutor’s office or the police as recently as in 2017 is already becoming the norm in 2018 (e.g. in 2017, painting slogans such as ‘Constitution – do not trample’ were only cases of petty crimes. In 2018, the practice of replacing a pavement ‘defiled’ with such an inscription with a new one became widespread among local authorities – in this way, the costs increase to the extent that the Penal Code can be applied).

In the Lubartów case already mentioned, an administrative procedure was applied with respect to an activist and a sanitary fine of **almost 10 times the minimum monthly salary** is hanging over the young woman. **In the petty crime and criminal procedure, the possible penalties are several times lower, whereas in the administrative procedure, the penalty has to be paid immediately; this is not stopped by an appeal, so this is a pure, classic SLAPP: the person attacked by the state several months after the event has to expect to be punished in a manner that exceeds her financial capabilities and those of her family. And has to understand that suffice is to withdraw from public activity and the case will be closed** (the proceedings of the sanitary authorities continued in September 2022, almost two years after the women’s protests in Lubartów).

In Ostrowiec Świętokrzyski (see below), an activist was sentenced in 2022 in the first instance to one month of community service – in such cases, the courts to date have either been acquitting or applying reprimands or small fines. The matter applied to a happening with posters, a straw puppet and artificial (washable) blood spilled on the pavement in protest against breaches of women’s rights.

⁶ <https://oko.press/pegasus-nekanie-aktywistow-my-obywatele-organizacja-przestepcza/>

⁷ **Activists with sentences for drawing crosses commemorating the victims of the coronavirus in charcoal.** <https://oko.press/covid-ofiary-plac-pilsudskiego-krzyze-koronawirus/>. It is worth knowing that Plac Pilsudskiego in Warsaw is a large square where state ceremonies are held and where John Paul II celebrated his first mass in Poland – under a large cross – in 1979.

⁸ An activist from Bydgoszcz illegally detained by the police is now trying to prosecute the officers in the courts <https://oko.press/aktywistka-z-bydgoszczy-zatrzymana-nielegalnie-przez-policje-teraz-sciga-w-sadach-funkcjonariuszy/>

7. An attack using the police and courts is often complemented by a media attack – using the government TV and radio, as well as the right-wing pro-government media.

These attacks have had a clear sequence: in 2018, they targeted people defending the rule of law; in 2020, it was LGBT activists, in 2020 – women defending their rights, and in 2021 – activists bringing aid to the Polish-Belarusian border.⁹ This was covered by the government media, including TVP, and attacks were also organized in the Internet. In 2022, there seemed to be a little less of this – we only observed attacks in the social media: brutal comments, calls for suicide of those in the crosshairs. Most clearly, the attacks are not applied to the ‘old-timers’, who have proved to be immune to them.

Some of them also filed cases regarding personal rights against the most well-known haters (e.g. from the government media); these continued into 2022.¹⁰

8. An element of Polish-style SLAPP is police brutality during public assemblies. This brutality is not a result of inferior police training or mistakes at a lower level of command – it has explicit permission/instructions ‘from above’.

We did not see this phenomenon in 2022 because there were simply no large demonstrations. People who had previously participated in them became involved in helping Ukraine. Instead, we received signs that the police officers with whom the activists had previously had unpleasant encounters, were now behaving professionally and providing assistance. **This is further evidence that the brutal behaviour from 2020 and 2021 did not constitute individual excesses, but conduct which was in line with the guidelines from above.**

1. Civic network and the war in Ukraine

The Polish civic society has been organizing itself for decades in response to the critical neglect of the state. People have had to organize themselves

- to provide assistance to people with disabilities and illnesses;
- to provide better education for their children;
- to prevent environmental devastation in their immediate surroundings.

In the words of a participant from a very small town at one of Ombudsman Adam Bodnar’s 2017 regional meetings, ‘I have a child with a disability and now my husband has fallen ill – I had no choice but to establish the organization’.

The pandemic contributed to the expansion of further civic self-help structures in 2020–2021. Simply put, local communities would not have survived without this lockdown. Many of these

⁹ The authorities are hounding us to keep us sitting on the sofa. Katarzyna Wappa in the crosshairs, <https://oko.press/wladza-szczuje-za-pomaganie-katarzyna-wappa-na-celowniku/>

¹⁰ This is what Elżbieta Podleśna, among others, did when she was attacked in 2018 by the government TV and pro-government commentators. Her case was still pending before the court in 2022. However, in the case of the 10 activists maligned by TVP’s propaganda news broadcast, ‘Wiadomości’, in 2018, the court ordered them to apologize. This is because it found that the allegation was completely groundless. Even so, an appeal against the verdict is certain and the case will continue for a very long time yet for TVP – see: Kurski’s TVP is to apologize to those disparaged in the material about the alleged ‘attack’ on Magdalena Ogórek, <https://oko.press/tvp-kurskiego-przeprosiny-rzekomy-atak-magdalena-ogorek/>

networks have survived and continue to operate (e.g. in Piotrków Trybunalski, it is currently operating – as activists say – as a network collecting information on the needs of vulnerable people and looking for solutions).¹¹

People involved in these activities did not hesitate to then help Ukraine.

However, the movement of civic opposition against the devastation of the rule of law, the harassment of minorities, the taking away of women's rights and the setting of people against refugees differed from these activities in a manner that was immensely important on 24 February 2022. These people acted not so much without the help of the state (or with insufficient help) as despite the state. They acted even though the PiS state was taking them into the crosshairs and harassing them. This activism involved not only the older generation, but also (for the first time on such a scale) the younger generation – who, for various reasons, questioned the existing order and saw that, without action, neither the situation of women nor LGBT+ people nor the environment nor animals would change.

These activists did not have to act. Fate gave them a choice – they took up activism in their free time, not out of a lifelong compulsion. By standing up for the values in which they believe, they learned how to work together.

The accounts collected in 2021 enabled us to see this. The state's mass attack and petty harassment, or 'SLAPP Polish-style', was not insignificant here. Instead of paying fines and humbly withdrawing to a private zone:

- people shared their experiences;
- exchanged contacts;
- and lawyers organized themselves to bring pro bono legal aid.¹²

However, the network also worked on new scenarios for protests and happenings (and any such event requires complex and meticulous preparations), they organized collections for refugees on the Polish-Belarusian border (which requires not only organization, but also a good understanding of what is really needed).

Meetings were organized with lawyers and well-known activists in these bottom-up activities, especially in smaller towns.¹³ They served to promote the values contained in the Constitution (this bottom-up educational movement was so widespread that the Constitution, a paper document until then, became widely known and is now often quoted). People identified themselves at these meetings as being active citizens and this was how a new social norm was created. That it is appropriate to become involved – this is of key importance to smaller towns. After all, no one is anonymous here.

This is enough to then go together to aid stations or otherwise become involved in activities in support of Ukraine. 'All our acquaintances were there,' I heard from my female interviewees.

¹¹ Cf. *We have a queue of people in need of food and only pasta in stock. Piotrków helps the Ukrainians as much as it can*, <https://oko.press/piotrkow-pomaga-choc-rzeka-pomocy-wysycha/>

¹² The participants of the protests learned that they should go to public gatherings with a phone number written on their hand, which they could phone to ask for help from a lawyer – the message spread further from there; people from larger cities went to protests in smaller towns to offer help and advice to those who had never previously had to deal with state violence.

¹³ Such an example was Ombudsman Adam Bodnar's 2016–2019 series of regional meetings in 200 towns and cities throughout the country. They were attended by NGO activists and active citizens. The result of these meetings is described in the publication of the Ombudsman's Office '*Ex officio*', the co-author of which is the project coordinator, Agnieszka Jędrzejczyk:

<https://bip.brpo.gov.pl/pl/content/z-urzedu-raport-kadencji-VII-RPO>

The network of activists, under attack from the state apparatus, organized itself for self-help not only on legal and medical issues,¹⁴ but also in connection with the psychological costs of activism. This especially happened from the moment that the female activists saw the threat of burnout and mental crisis after months of acting under pressure and without rest. The activists told us that they were increasingly contacting people with similar experiences from other towns, because activism causes a loosening of ties with existing acquaintances ('you can't talk to us about a dog or about holidays, because how do you plan a holiday when a letter can come from the court?').

We registered this process in 2021 and demonstrated that it was very important, especially in a society with relatively low social capital, where operating within NGOs or speaking up on public issues is rare.

However, we did not foresee how this network, which is growing before our very eyes, would react on 24 February 2022.

The scale and speed at which aid was organized for refugees from Ukraine took everyone by surprise. For a long time, this aid was described as a spontaneous 'reaction of the heart', individual impulses to help. Such narrative was in line with the personal experience of Poles: we rapidly reorganized our lives because we had to bring help.

But was this aid movement really simply made up of individual spurts?

24 February, the day Putin attacked Ukraine, came as a shock in Poland. The organization of aid, which is a complex and complicated process, may not immediately turn out to be successful in such a situation. But this was not the case in Poland – probably precisely because of the experience of the people who learned to operate under stress over the past five years and help each other immediately if this was necessary.

This is how the civic network worked.

Two events were of key importance to the operation of this network, about which we already knew when running the project in 2021. These were:

- The All-Poland Women's Strike — a network of protests that spread throughout Poland after the ruling of 22 October 2020 was issued by the Constitutional Tribunal that is dependent on the ruling party politicians, which almost completely banned abortion in Poland, depriving women of a voice in a matter of critical importance to them. Half a million people (according to official figures) took part in protests throughout Poland,¹⁵
- The refugee crisis on the border with Belarus — when the Polish authorities decided to block the refugees from the Middle East and Asia using illegal push-backs. A very large number of activist groups throughout the country organized aid – humanitarian and legal – for those refugees. It was an activity that was poorly reported. But the moral shock that activists throughout Poland experienced when looking at what was happening at the border was slowly turning into determination: they will not surprise us again.¹⁶

It can be said that, by scaring people with written summonses to the police and the prosecutor's office, dragging them through the courts and threatening them with police brutality, the PiS state has instilled civic resilience in people and taught them to work together. Citizens kept IN THE CROSSHAIRS by the authorities went to work.

¹⁴ E.g. how to arrange a quick orthopaedic operation after a policeman broke an activist's arm at a demonstration: <https://oko.press/zeby-zostaly-slady-anna-domanska-na-celowniku/>

¹⁵ data: <https://warszawa.naszemiasto.pl/strajk-kobiet-w-calej-polsce-protestowalo-430-tys-osob/ar/c1-7972125>

¹⁶ A good example is Konin, a city in the centre of Poland, where activists, who also knew each other from the pro-democracy movement, caused their local government to adopt a stance criticizing the cruel policy of the Polish authorities on the Belarusian border at the beginning of 2022: see Konin defends humanity on the border. 'I am a little less ashamed, thanks to the councillors' [INTERVIEW] <https://oko.press/konin-broni-czlowieczestwa-na-granicy-dzieki-radnym-jest-mi-troche-mniej-wstyd-rozmowa>

We want to be well understood here: thousands of people in Poland from all walks of life and with very different views took part in helping refugees from war-torn Ukraine. Non-governmental organizations of various kinds started to work, and citizens who had never before been publicly active joined in.

The network of people who (directly or indirectly) experienced SLAPPs was only a tiny fraction of this movement.¹⁷

However, this was a key part – because it was these people who reacted immediately, as they had done previously, in response to the hostile moves of the authorities. They no longer wasted time on the natural questions at the moment of shock, ‘does this make sense?’, ‘will this do anything?’

On 24 February 2022, people who knew each other from demonstrating against breaches of civil rights and the rule of law simply got together early in the morning and set up tables where they started to collect data on what help was needed and who could provide it. They trusted each other. They used social media and contacts with local journalists – all of which they already had – for communication.

They also had an audience: those citizens who may not have been active previously, but were coming out throughout Poland to protest in defence of human rights.

All of the accounts we collected about organizing aid contain precisely this story about the table, the announcement and the move to take action. And this is what we were told by the protagonists of the IN THE CROSSHAIRS series – people who had already experienced SLAPPs Polish-style. And if we went to another organizer of aid, it transpired that she had experienced such a SLAPP or knew people who had been placed ‘in the crosshairs’ by the authorities.

Interestingly, this reporter’s observation is confirmed by a sociological study conducted in September 2022: it shows that the people who are more involved in helping Ukrainian women and men are those who support the opposition.¹⁸

The significance of the All-Poland Women’s Strike

Very often, the accounts we collected about the first committees of aid for Ukraine contained a repetition of the phrase ‘and there were people I knew from the protests’. Since the biggest wave of protests in Poland was about women’s rights and was organized by the All-Poland Women’s Strike, it is not surprising that it was the OSK network that was most important — that the women from OSK appeared wherever aid was and is being provided (but also, naturally, those involved in defending the rule of law).

Women activists from the OSK had the advantage over others of being able to organize aid more efficiently because of their supra-regional contacts. They were also able to share organizational models of aid (together with the local government, alongside the local government or in place of the local authorities – before they joined the bottom-up movement).¹⁹

¹⁷ Only the mass of this movement can explain the fact that, despite the deteriorating economic situation in Poland, the acceptance of refugees from Ukraine is not declining. Simply put, the question of the presence of Ukrainians in Poland is not a part of the imagination, but a real experience of aid and cooperation. [Is resentment towards Ukrainians growing after six months of war? ‘This is what we feared’ \[OKO.PRESS poll\]](https://oko.press/czy-po-pol-roku-wojny-niechec-do-ukraincow-rosnie-tego-sie-obawialismy-sondaz-oko-press/)

¹⁸ Konin also organized transportation of items needed by the refugees. And when the war in Ukraine came, Konin created a help and support centre, which helps Ukraine because it knows how. And it is afraid of what will happen when people can no longer afford to live. <https://oko.press/konin-pomaga-ukrainie-bo-umie-i-boi-sie-co-bedzie-kiedy-ludziom-przestanie-starzcac-na-zycie/>

¹⁹ Example – the Rybnik Women’s Council, whose work included local OSK leaders. The Council was a place where municipal organizations and institutions met to organize aid for refugees: The police was targeting us for the women’s strike. Now we work together. The Rybnik Women’s Council helps Ukraine,

One of the first things they spontaneously did was to hide the OSK banner – so as not to polarize, to come out of the protest bubble, to get people with different views involved with helping.

And it worked – we heard several times how ‘striking’ women rapidly got on with ostentatiously religious people (namely, from the absolute opposite side of the political spectrum in Poland), how, after calmly acknowledging that they differ politically, they went to work.

Bottom-up networks instantly react to needs

The whole of the organized aid was up and running in virtually every town and city in Poland, as if at the snap of a finger. An example from Piotrków Trybunalski, a town in central Poland, where a convoy of buses taking children from Ukrainian orphanages in eastern Ukraine to Germany accidentally stopped. Accidentally, because one of the buses broke down.

The signal that there were vehicles with sleepy and hungry children in the car park outside the supermarket brought the whole town to its feet at dawn. And this was possible because the information about the children went where it needed to go – to an already active social network, which instantly gave instructions on who is to do what.

And – as the organizers of the aid from Piotrków proudly said later – this is how their town became a permanent stopping point for this particular group being transported from Ukraine. They slept there, and that is where they picked up more gifts for Ukraine on their return journey.²⁰ A bond was formed, which allowed aid to be organized for Ukraine itself. This is also an element of the network’s activities that should not be missed: identifying needs in a country at war. OSK activists were able to organize the transportation of bulletproof vests and tourniquets, as well as adult nappies for men in hospitals.²¹

This basic organization, which was based on trust and common experience, was already working within the first two days of the war. And – as the testimonies we collected show – it pushed local governments into action. In many places, they were reluctant to organize aid, especially as the government administration was sending signals that the matter would be handled by the voivods (the government’s representatives in the field) and that they should not become involved.

On the other hand, the network believed that there was no reason to wait for the authorities. When the aid stores that were quickly organized (in premises made available by acquaintances in business) were filling up to the ceiling with donations, local authorities had no choice but to make premises available in public institutions and then to coordinate this aid.²²

The network made up of activists with SLAPP experience developed various forms of cooperation with local government institutions and with local businesses. Paradoxically, contacts at the police became useful – it arises from our reports that many police officers were relieved that the narrative had changed in March 2022 and that, instead of prosecuting citizens/neighbours, they could work with them.

<https://oko.press/policja-nas-namierzala-za-strajk-kobiet-teraz-wspolpracujemy-rybnicka-rada-kobiet-pomaga-ukrainie/>

²⁰ The organizers included people targeted and oppressed by the authorities, cf. cited text: *We have a queue of people in need of food and only pasta in stock. Piotrków helps the Ukrainians as much as it can,* <https://oko.press/piotrkow-pomaga-choc-rzeka-pomocy-wysycha/>

²¹ An account from Konin: <https://oko.press/konin-pomaga-ukrainie-bo-umie-i-boi-sie-co-bedzie-kiedy-ludziom-przestanie-starzcac-na-zycie/>.

²² Cf. the report from Swarzędz (in western Poland): *We are changing Swarzędz by helping Ukraine. Why don't we also talk about the anthem they play from the town hall?* <https://oko.press/pomagajac-ukrainie-zmieniamy-swarzedz/>.

Przemyśl, a city that lies on the border with Ukraine, which was the first to receive refugees, is also a good example. The civic network operating there, which had been harassed by the police, took to work immediately – whereby the feature of these networks that we later observed nationally showed up: it did not emphasize its identity, it put political issues aside, it supported others and it cooperated. It helped increase the aid. It knew that, although the situation was new, tasks had to be planned, divided and coordinated – all of which this network had practised many times before, during demonstrations, happenings and public meetings, as well as while organizing support for the persecuted. It also knew that helping in a crisis situation would have psychological consequences, because it is a huge burden – and that needs to be dealt with.

OSK leader from Ilawa, Dominika Kasprowicz, now tells OKO.press: ‘If we hadn’t all networked so much earlier in this activist world, if we hadn’t come together, this bottom-up aid wouldn’t have looked like this throughout Poland.’

2. Meanwhile, the procedures once launched by the authorities against the citizens continue

In this particular year, the previously launched procedures of state pressure – Polish SLAPPs – have not slowed down or stopped. Therefore, we have a paradoxical situation: the representatives of the authorities thank the ‘public’ for their help in welcoming Ukrainians, while simultaneously continuing to prosecute the people who are providing this help. Not because they have committed reprehensible acts, but because they previously found themselves IN THE CROSSHAIRS.

It appears that state apparatus of applying pressure has an ON button, but no OFF button. Once the campaign of persecution is launched, it cannot be stopped – even if the authorities wanted to do so.

That is why – and this was another poignant discovery we made this year - the cases we described a year ago are still pending.

The activists are winning most of them with the help of pro bono lawyers. But in these thousands of cases, there will always be one where someone fails to appeal on time and the judgment becomes final. This can end in withdrawal from public activity (we know of at least one such case).

Courts use a variety of tactics in cases of petty crimes: they dismiss cases or acquit accused activists citing constitutional values. They award minor fines of the order of 100 zlotys (\$20) or just give reprimands. But it happens that unexpectedly harsh sentences are passed, such as a month of community service or a PLN 1,000 fine for calling a police officer in civilian clothes who does not introduce himself, but uses force, a ‘boor’ and a ‘rogue’ (in Polish, these are pejorative but not vulgar terms).

However, these are exceptions – acquittals prevail because judges in Poland have not allowed themselves to be subordinated to the authorities.

However, another problem arose in 2022: judges appointed by the politically subordinated National Council of the Judiciary (referred to as the neo-NCJ) are appointed to adjudicate on such cases. Therefore, judges who are dependent on this authority, as their status now depends on its decision (will they remain as judges or be vetted?), are to adjudicate in cases regarding protests against the authorities.

The authorities, although sometimes being able to crush activists because of the courts, cannot be sure of the judgments. From the point of view of the activists, this means that, in the case of absurd and stretched charges, they can count on victory in court. But they cannot be sure of this.

Examples - people in the crosshairs

In summary of the project, we contacted the activists whose fate we have written up. Their situation at the end of September 2022 looks as follows:

Zuzanna Lesiak²³ — won the case we wrote about for using vulgar expressions at a protest in Warsaw (a slogan of desperate women during the protests in 2020 and 2021), but, as she is active in both bringing aid at the Polish-Belarusian border and in protests, she still has 18 unfinished cases (16 in Warsaw, and one each in Sokółka, and Hajnówka — towns close to the Belarus border).

‘New cases are being added all the time,’ she says. But 14 cases have ended with a verdict in her favour – the court either discontinued the proceedings because she had the right to protest and had not committed any offence, or she won the cases (Lesiak emphasizes that she has not lost a single case filed by the police – this is very typical of Polish SLAPPs: the police send cases to the courts knowing they will lose). Lesiak is also filing cases against the police herself – she is complaining about being detained (during assemblies and protests). She won one, while the court dismissed another of her complaints. **She still actively works for a foundation for refugees — those fleeing through Belarus and from Ukraine, Africa and the Middle East.**

Laura Kwoczała is still waiting for the outcome of the case of ‘EU’²⁴ written on the pavement during a Warsaw demonstration in defence of Poland’s presence in the European Union on 9 October 2021 (The inscription was supposed to have read: ‘We are staying in Europe’, but Kwoczała was arrested by a police officer). She filed an objection to the default conviction (namely a conviction passed without a trial) and is waiting for a hearing to be scheduled. The inscription has long since disappeared from the pavement. However, in the case of the women’s protests that Kwoczała organized in her home town — Oleśnica in western Poland — in 2020 as a high school pupil, the prosecutor’s office discontinued the investigation — Laura Kwoczała was facing up to eight years in prison there for allegedly ‘bringing about an epidemiological threat’. **Kwoczała is still involved in activism, including in defence of refugees who arrived in Poland through Belarus and are now facing deportation. She was a volunteer at Warsaw’s Dworzec Zachodni [West Railway Station] for a month (before the city’s volunteer service was established).**

Piotr Starzewski²⁵ — a case of using a public address system in front of the Sejm at a legal assembly in 2021 (namely conducted legally, but the police thought otherwise and confiscated the loudspeaker) is awaiting a court date to be set. As for the brutal intervention in March 2021 (the police officers detaining Starzewski, then a boy who had not yet taken his baccalaureate examination, threw him to the ground and cuffed him behind his back, even though he did not resist, while the case was a petty crime – it was about putting up posters), the case for the award of 10,000 zlotys compensation is already in the second instance. ‘I received a summons at the post office today for some kind of letter, I don’t know if it was from the police or the court,’ he wrote at the time of closure of this report in September 2022.

Dominika Kasproicz²⁶ (Hawa, member of the management of OSK until October 2022) — the cases from the 2020 and 2021 women’s protests ended in acquittal or discontinuation (the police filed separate motions for every day of the women’s protest in Hawa).²⁷ However, when she announced on 31 July 2022 on Facebook that she was now ‘clear’, she received a summons from the

²³ ‘They told us “You are targeted for the Women’s Strike”’ [IN THE CROSSHAIRS]
<https://oko.press/zuzanna-lesiak-na-celowniku-palki-niegospodarnosc-i-bluzgi-panstwa-pis/>

²⁴ ‘EU’ and ten police officers. The case of the writing on the pavement,
<https://oko.press/eu-i-dziesieciu-policjantow-sprawa-napisu-na-chodniku/>

²⁵ Baccalaureate with the Petty Crimes Code. Piotr Starzewski [IN THE CROSSHAIRS],
<https://oko.press/matura-z-kodeksem-wykroczen-piotr-starzewski-na-celowniku/>

²⁶ A star story, namely how the Polish police are prosecuting for ***** ***,
<https://oko.press/opowiesc-gwiazdkowa-polska-policja-sciga-za-osiem-gwiazdek/>

²⁷ *ibid.*

police for another case — this is about the #anijednejwięcej [not one more] protests from the beginning of 2022, after the death of a woman whose life-threatening pregnancy was not terminated because ‘the foetus’s heart was still beating’. There were only 20 people at this protest, the police are prosecuting the two leaders – the case is currently in court. ‘This case is currently ongoing, I don’t know at what stage, but it is already in court. I stopped looking into this electronic system because notifications come in every now and again – the e-mail doesn’t say what specifically happened, I check, I log in, and there’s nonsense – once it is someone borrowing a file, and then returning the file. Anything of importance comes by post’. Kasprowicz speaks about helping Ukraine in this way: ‘I didn’t exactly help directly in Hława, apart from taking donations to the collection point’ (she mentions that these points were set up in Hława by churches and right-wing , which did not want help from a well-known leader of women’s protests).’ Instead, she became involved in the coordination of aid at the OSK’s national level. ‘For the first two months after the outbreak of the war, I worked for a dozen or so hours at a time on the computer and on the phone, mainly translating calls and participating in zooms with international organizations that gave us money or sent us donations — whole containers, for example from Sweden [...]. And so, I think, if we hadn’t all networked so much earlier in this activist world, if we hadn’t come together, this bottom-up aid wouldn’t have looked like this throughout Poland. At that time, I was also working in the “This is War” programme at the Civic Reset and I was inviting our people from the whole of Poland. They talked about the work at the points, what they needed, what problems they were facing. It clearly transpired from these conversations that the activities locally very frequently rely on our people. Especially in those places where there are no typical charity organizations [...]. There was the biggest increase in intensity of the strike after 2016 and 2020. And probably the most difficult. Not just for me, I believe, but for the whole of the movement. Emotionally more difficult. Even compared to the gassings and bludgeoning in the streets [during the 2020/21 women’s protests].’

Julia Landowska (from Gdańsk) — still has a case in court for the slogan ‘*Jebać PiS*’ [Screw PiS], which she repeated through a megaphone behind a crowd chanting it in 2020.²⁸ She had been targeted earlier – for standing with her colleagues for weeks with a large banner in defence of women’s rights. She was fined in a default judgment for chanting a slogan that the authorities considered vulgar. She filed a complaint – and then it transpired that a judge who was dependent on the authorities, because he had been appointed by the politicized NCJ, had been appointed to hear her case. She filed a motion to remove him – no new judge has been appointed to date. **The *Widzialne* [Visible] Foundation, founded by her and her fellow protesters, works, among others, for Ukrainians. After the outbreak of the war in Ukraine, the foundation was one of the first organizations to be at the border at the reception point, organizing transport and support for the refugees. In the last six months, the majority of the foundation’s activities have been based on helping them: at its peak, it involved approximately 400 people, providing accommodation, food, medical and psychological care, as well as teaching Polish.**²⁹ Julia Landowska’s case clearly shows how the civic network was formed: when the young woman’s case was brought to the attention of a well-known lawyer, Professor Michał Romanowski, he took up her defence pro bono and wrote an expert opinion for the court as to why the cry ‘*Jebać PiS*’ [Screw PiS], which was raised at women’s protests, is not a vulgarism. This opinion then circulated around Poland and courts in many cities discontinued police cases under Article 141 of the Petty Crime Code (regarding vulgarity) on its basis. Other women have already won — although Julia Landowska’s case is still pending.

²⁸ A banner on broom sticks and a court case for ‘*je*ac PiS*’. Julia Landowska [IN THE CROSSHAIRS], <https://oko.press/transparent-protesty-jebac-pis-julia-landowska-na-celowniku/>

²⁹ She is continuing to provide multifaceted aid to refugees from Ukraine in the Tri-City, as can be read in their social media and the website: <https://www.widzialne.com.pl>, <https://www.facebook.com/fundacjawidzialne/>, <https://www.instagram.com/fundacjawidzialne/>

Elżbieta Mazur from Ostrowiec Świętokrzyski — also had a case regarding ‘*Jebać PiS*’ [Screw PiS] during the women’s protests.³⁰ She was acquitted in the first instance, the regional court overturned the judgment and the case was referred back to the district court. After three hearings, she was found guilty, but the court withdrew from administering a penalty. She also had two cases for a ‘car protest’ for driving round a roundabout (one of the forms of protest during the women’s protests in 2020/21). One ended in acquittal and the other in a PLN 300 fine. **Elżbieta Mazur ran a collection point for Ukraine in her shop. In September 2022, Mazur was sentenced to 32 hours of community service to be served within a month for another protest in defence of women’s rights — from 2021. The protest involved putting up posters, raising what the authorities consider to be vulgar cries of ‘*Jebać PiS*’ [Screw PiS] and placing a straw puppet symbolizing women — drenched in fake (washable) blood — in front of the PiS headquarters.** Such a sentence for an activist, a person who devotes most of her free time to public activity, is extremely harsh and forces her to withdraw from activism (the sentence is not final). Mazur notes that her colleague was charged with the same, but, in her case, it ended in a one hundred zloty fine. But she emphasizes that she will not withdraw from public activism (‘Even if they persisted and put me in jail, this would motivate me even more’).

Elżbieta Podleśna — one of Poland’s best-known activists, who has won most of her cases (some went to the Supreme Court), but has now been found guilty in the first instance of ‘insulting a police officer’ in civilian clothes, who, without identifying himself, jostled her during a rescue operation of refugees who had strayed into the swamps on the Polish side of the border with Belarus. It was Podleśna who, thanks to her contacts with the Border Group, to whom the refugees had turned for help, and her knowledge of the area, guided the rescuers to the spot. The sentence (a PLN 1,000 fine) is not final, the case will continue for months to come.

Patryk Stępień from Ostrowiec Świętokrzyski — was released of liability for the ‘destruction of property’, namely for putting up a poster on the door of a local PiS MP’s office at the beginning of 2020 (after the authorities donated PLN 2 billion to the government television instead of giving it to oncology support).²³ But after more than a dozen or so hearings, the original discontinuation was deemed incorrect by the court of the second instance, the case returned to the district court, new experts were appointed who reassessed the damage and it transpired that it had exceeded the limit for petty crimes – so it became a criminal case, while the social services investigated Stępień’s ‘environment’. The conviction (PLN 500 fine and PLN 1,000 additional costs) again went to the court of the second instance, which this time dropped the penalty. In doing so, it emphasized that the social harmfulness of the act was negligible and acknowledged the right to protest.²⁴ This lasted more than two years, the case is formally closed, but it is possible that the Prosecutor General (namely the coalition party politician, Zbigniew Ziobro) will file a cassation appeal – because the prosecutor’s office has requested a written justification of the judgment. The poster, it should be recalled, presented the famous photo of PiS MP Joanna Lichočka photographed as she makes a vulgar gesture at the opposition in the Sejm just after the vote on PLN 2 billion (\$400,000) for the government’s television rather than the health service (the MP later explained that she was wiping her eye with her middle finger). **Stępień now runs the office of opposition MP Kamila Gasiuk-Pihowicz.**

Bart Staszewski — an activist in the LGBT movement attacked in 2020, during Andrzej Duda’s presidential campaign – still has defamation cases filed against him by the municipalities that passed homophobic ‘anti-LGBT’ resolutions. In early 2020, he started to protest against this by photographing himself in front of symbolic ‘LGBT-free zone’ signs under the name of the municipality. It is worth remembering that the Ombudsman of the previous term of office (Adam

³⁰ A star story, namely how the Polish police are prosecuting for ***** ***, <https://oko.press/opowiesc-gwiazdkowa-polska-policja-sciga-za-osiem-gwiazdek/>

Bodnar) brought about the declaration that these resolutions are illegal (before the Supreme Administrative Court). But the municipalities which Staszewski showed what they had really done to their citizens felt offended. Staszewski won one of these cases, namely against the municipality of Niebylec, in 2022,³¹ but the case with the municipality of Tuszów, for example, is still pending.

In the crosshairs and on the edge

People protesting in defence of the rule of law and women's rights, bringing aid to the Polish-Belarusian border, have become entirely involved in helping refugees – fleeing through Belarus and from Ukraine. This is a gigantic amount of exhausting work and, in the case of the Belarusian border, involves the risk of harassment from the authorities. If the ongoing Polish SPAPPs are added to this, the situation becomes serious.

Some activists tell us outright that they have to withdraw, if only for a little while. Some have already done so – and they do so with regret and with the conviction that they have not managed, they have failed.

Despite its wonderful achievements, the Polish civic society is now on a knife edge. There are no protests, no social mobilisation is visible (apart from the aid points that are slowly closing: in the seventh month of the war, it is clear that state institutions should assume responsibility for such aid, as they have enough resources – whereas the citizens have given them time to reorganize themselves and change their priorities).

The social energy resources are dwindling – and in a year, Poland is due to hold parliamentary, local government and European Parliament elections. Social fatigue may could dangerously affect the political situation in Poland.

It cannot be expected that the state authorities will honour the activists for the reasons we wrote about here (SLAPPs Polish-style). They will thank them for what they have done – while a simple thankyou on behalf of Poland would keep their spirits up.

This task will therefore belong to the public nationally and world-wide.

Agnieszka Jędrzejczyk, OKO.press

³¹ The action filed by the municipality of Niebylec was groundless. Bart Staszewski won the case of the 'LGBT-free zone' board, <https://oko.press/pozew-gminy-niebylec-bezzasadny-bart-staszewski-wygral-sprawe-tablicy-strefa-wolna-od-lgbt/>

APPENDIX – SOURCE MATERIALS

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