



Doc. 15911

25 January 2024

The illegal detention of parliamentarians in Poland

Motion for a resolution

tabled by Mr Arkadiusz MULARCZYK and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Respect for the rule of law, expressed in the authorities' actions based on and within the law, is the cornerstone of a democratic European society and a collective responsibility of public authorities.

It is deeply concerning that, in recent weeks, the rule of law was violated numerous times in Poland. The greatest violation was the arrest of Members of Parliament Mariusz Kaminski and Maciej Wasik, who, while holding parliamentary seats and being protected by parliamentary immunity, were deprived of their liberty and placed in penal institutions on 9 January 2024 by order of the authorities.

This incident occurred despite the fact that the President of the Republic of Poland, Andrzej Duda, using his presidential prerogative under Article 139 of the Polish Constitution, on 16 November 2015, applied an act of clemency to the above-mentioned persons exempting them from criminal responsibility for abuse of power in 2007 when they were heading the Central Anti-Corruption Bureau fighting corruption at the top of power.

The legitimacy of the President's conduct was confirmed by three rulings of the Constitutional Tribunal – rulings that have universally binding force in Poland and are final.

Despite this, the Speaker of the Polish Sejm, Szymon Hołownia, terminated the parliamentary mandates of the above-mentioned MPs. He then, in violation of the Supreme Court's rules of procedure, referred the MPs' appeals against this decision to a particular Supreme Court chamber that did not have the jurisdiction to decide on this issue. By doing so, the Speaker contributed to the parliamentarians' arrest.

The Parliamentary Assembly should investigate the rule of law violations and call for international solidarity to protect European values and uphold the principles of the democratic rule.

Signed (see overleaf)



Signed:

MULARCZYK Arkadiusz, Poland, EC/DA
ARENT Iwona, Poland, EC/DA
BAKUNETS Pavlo, Ukraine, EC/DA
BARTULICA Stephen Nikola, Croatia, EC/DA
BOGUCKA Anna, Poland, EC/DA
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