

Dear Madam

Dear Sir

I am writing to You as an European citizen. As an European citizen, whom the Polish Government recognized as a criminal and treated as a criminal, although I have never appeared before a court and I have not been punished. Although I have never committed any unworthy act. But I am writing to You above all as an ordinary man who wants to draw the attention of another man to the harm that Polish authorities have done to tens of thousands of police pensioners. Therefore, please forgive me the form of the letter. I know a petition would be appropriate, but this one has its rigors and limitations. It requires providing legal regulations, documents and other detailed information, which is a huge difficulty for a person who is not fluent in European Union law. In addition, the addressee of the petition is the Committee on Petitions, which is one of the offices of the European Parliament, who knows the problem but recognized that Poland has the right to punish, that is, to "social justice", using the retirement provision system and dismissed petitions.

Therefore, please forgive once again that I am writing to You directly, but I see no other way to inform members of Your parliamentary group about what the Republic of Poland has done to those who guarded law and order and whose only "fault" is the fact that they served in formations for a longer or shorter time before 1990, which were solely for the purposes of legislation considered to be organs of an unspecified, so-called "totalitarian state".

In 2009, the first law was established, which reduced by nearly 75% the pension benefits for service in the state security authorities before 1990. In accordance with this Act, service benefits after 1990 remained unaffected. But in 2016, the same people who voted in favor of the first law (among others Beata Kempa, Beata Szydło, Beata Mazurek and Joachim Brudziński who are now the members of European Parliament) decided that the financial penalty imposed by them in 2009 was not too severe and voted a second reduction in benefits.

They were certainly supported by the fact that in 2013, the European Court of Human Rights declared inadmissible a complaint of 1,600 people who had gone through a domestic appeal and sought justice in an EU court. They did not find justice because they were not even given the opportunity to present their case. Thus, the Tribunal sanctioned the reduction of benefits not only for the oldest officers who did not continue their service after 1990, for various reasons, but also for those who, after positive verification, began their service in new order formations in 1990, such as the Police, the Office for State Protection or the Border Guard.

This attitude of the Tribunal and the indifference of the EU institutions have emboldened the Polish authorities, which by law of December 16, 2016 completely deprived police pensioners of service benefits before 1990, and

reduced their service benefits after that date by at least half by setting a limit on their amount. Total about 50,000 people. Again, the EU institutions did not react.

It is true that matters of retirement provision fall within the competence of a Member State of the European Union. But please indicate another country where the pension system replaces the courts and is a tool for imposing financial penalties on a selected group of pensioners, whom Mrs Kempa and Mrs Szydło publicly called "torturers". Do the EU institutions want to wait until the next amendment to the regulations, according to which the penalty will no longer be total deprivation of benefits, but the confiscation of remnants of property and prison? And then will they also say that it is an internal matter of a Member State?

The issue of the reduction of benefits and other repressions against police pensioners (for example, acts prohibiting performing specific functions or employment in the institutions indicated in these provisions) is inextricably linked to the rule of law in Poland, in which the European Commission conducts proceedings. And I have reasons to say that the judiciary in Poland was subordinated to the executive branch because of the Act of December 16, 2016.

Please note the sequence of events. It was known that the first step after the adoption of the lowering act, and in principle receiving benefits, would be its appeal to the Constitutional Tribunal. Therefore, from November 2015 to December 2016, the ruling majority adopted six laws "repairing" the Constitutional Tribunal, and in fact completely subordinating this court to the executive. To the same end, from December 2016 to today, the laws on the functioning of courts were amended at least 10 times and the judicial panel of the 13th Division of the District Court in Warsaw was reorganized and changed, which was to examine appeals against decisions decreasing benefits. In this way, the authorities secured fair judgments in her opinion.

At present, the situation is such that 2 years ago, the District Court in Warsaw, which should have no doubts regarding the unconstitutionality of the Act of 16 December 2016, asked the Constitutional Tribunal a question. The question concerned the limitation of the benefit to the limit specified in this Act. And yet it is the most unconstitutional provision that probably does not appear in the legislation of other Member States of the European Union. It's like asking if the theft is consistent with the Constitution.

This procedure resulted in the suspension of thousands of appeals pending the decision of the Polish constitutional court. So lethal inaction continues, because since December 2016, about 1,000 retirees who have not lived up to justice have already died. Although few, independent and courageous judges from outside Warsaw who, relying on the provisions of the Polish Constitution and European Union law, revoke the decisions of the pension body and restore benefits, but since the Polish authorities do not comply with the Supreme Court and the Supreme Administrative Court, they will not execute the judgments

district courts, because right-wing media already say that the judges who restore benefits defend the "torturers" and stand on their side.

Therefore, on 23.01.2020, against the opinion of Polish legal authorities, against the opinion of the Venice Commission, the European Parliament and the European Commission, the governing majority adopted the so-called "repressive act". In this way, a judge who, when ruling on reduced retirement benefits, will restore them, citing the provisions of the Constitution or EU law, will be subject to disciplinary action.

So You can see that in Poland, in practice, we have been deprived of the right to a court, so the only hope of the injured police pensioners to change their dramatic situation sometimes is the decisive and quick intervention of the EU institutions, which, using their full powers, can force the Polish authorities to completely remove from the legal circulation of this shameful act.

You will certainly ask why I am not asking for help from MEPs from Poland. I will reply that Polish Members of the European Parliament are perfectly familiar with the situation. Some even promised their help during the election campaign once they became MEPs. Mr Marek Balt even has extensive documentation and is substantively prepared to handle this case. But although they were elected (among others, thanks to the support of thousands of injured retirees and their families), despite the passage of 8 months from the election, for reasons I do not know, He did not take any action to even inform You about the harm that happened to a part of police retirees for the second time.

I don't have high expectations. I am asking for Reading this letter to all the Members of the Group, initiating discussions and interesting the European Commission in this topic. For help.

Finally, I have one more request. Please watch this video:

https://www.youtube.com/watch?v=7gY_utddUGE&feature=youtu.be

which will help You better understand what I wrote about.