

Dear Madams and Sirs,

THE TRUTH ABOUT POLAND..... Standards such as observing the rights of victims are already a European problem

Help us.... Please... help us ..

On 16 December 2016, MPs of Law and Justice (at the moment when the opposition occupied the rostrum of the Polish Sejm and the majority ruled in another room to which opposition MPs, media and quorum were not allowed) passed a law under which for no reason, about 40,000 retired officers of uniformed services and widows and children after officers were picked up after 2/3 of pensions and annuities. They passed this bill in the Sejm hall, in which there were no appropriate conditions for such an important vote and deliberately not prepared for it, which is not compatible with the gravity of an institution such as the Sejm. Platforma Obywatelska and .Nowoczesna on the Sejm's deliberations in the column hall filed a notification to the prosecutor's office regarding the violation of powers and non-fulfillment of official duties as well as actions to the detriment of public interest by Members of the Law and Justice. Unfortunately, the District Prosecutor's Office in Warsaw on April 27, 2018 finally discontinued the investigation into the violation of powers and non-performance of PiS deputies in connection with the preparation and conduct of the 33rd Sejm meeting on December 16, 2016. Prosecutor's Office under the supervision of the Minister of Justice, and also General Prosecutor Zbigniew Ziobro.

The "desubekization" law called by PiS concerns Police officers, Internal Security Agency, Foreign Intelligence Agency, Military Counterintelligence Service, Military Intelligence Service, Central Anticorruption Bureau, Border Guard, Government Protection Bureau, State Fire Service and Prison Service and their families. Among the victims of the Piscean repressive act are the elderly, who survived the hell of concentration camps, victims of Nazi medical experiments, officers who were injured in the service and still remain crippled as a result of clash with common criminals and organized criminal groups, and officers who on they retired only in 2017. !!! Finally, this law has harmed thousands of widows and children (including many disabled children) receiving pensions from deceased officers and disabled children who are still dependent on repressed parents. As it turned out, there were also athletes in this group who in the times of the Polish People's Republic appeared in the so-called Guard clubs, doctors and nurses.

So many times COLLECTIVE RESPONSIBILITY has been applied to us !!!!!. Even in 1947, the principle of individual verification was in force, based on a specific biography. PiS politicians, entering the court's jurisdiction, without presumption of innocence, as part of collective responsibility, decided not to respect this social contract and constitutional acquired rights (because we are talking about these especially after 1990). It should be assumed that they recognized positively verified officers as worthy of service reborn to Poland, even at the risk of life and health, but no longer receiving their uniform pensions.

In 2010, the Constitutional Court of the Republic of Poland issued a decision in which it stated that "... every officer of the security services of the PRL, who was employed in the newly created security police, is fully guaranteed, equal rights with appointed to these services for the first time since mid-1990, including equal retirement rights for all pensioners of the uniformed services ... "and" ... service in the organs of sovereign Poland after 1990 is also treated equally, regardless of whether the officer in question previously served in the security authorities of People's Republic of Poland or not ... "

This provision was related to the law of 2009, under which we were reduced pensions for the period of service up to 1990 from 2.6% for each year to 0.7% for each year of service. The Constitutional Tribunal stated then that pensions could have been reduced, but not in a drastic and humiliating way!

One of the many absurdities of the Piscean repressive law is the fact that a criminal convicted in Poland for life imprisonment and deprived of public rights, for each year of stay in prison has 0.7% added to the length of service for each year of stay in prison, and if he takes up a professional career in a prison, he is entitled to that pension contribution of 1.3% for each year in prison. !!!!

A retired pensioner or widow and child after an officer who served before 1990 has a retirement or pension rate currently applied - 0.0% for each year of service, even if he served this service at risk of life and health and was injured or became an invalid in connection with service. Nowhere in the world is such a foolish, repressive regulations, much less the "conversion rate of future pension in the amount of 0.0%" !!!!!.

It is a curious situation in which a former officer of the security forces of the People's Republic of Poland, who positively underwent verification in 1990 and served impeccably in the Third Polish Republic, is worse off than those officers who have been convicted of crimes or disciplinary dismissal and who have begun serving after 1990. In the case of the latter, the court decides the loss of the right to a police pension, as a result of which they automatically acquire the right to a retirement pension under the universal pension system, where all periods of service or work are classified as so-called contribution periods and calculated at the rate of 1.3% per year. Thus, the Act created a more favorable situation for those officers who committed any common crime during their service, but did not have a business past before 1990!

Our pension entitlements have never been a special benefit or some kind of harassment !. This is, has been and will be the right acquired for performing this service in the organs of the state. Acquiring the right to a retirement is a simple consequence of being an officer. The acquisition of pension rights by officers is the result of admitting them to perform the service or work, and thus acting on their side of a specific entitlement or the ability to perform it, resulting directly from the previously made verification assessment.

At the same time, PiS introduced the upper limit of pensions, invalidity pensions and survivors' pensions with respect to pensioners and pensioners from 200 EURO to 400 EURO. Even if a uniformed pensioner would now like to make up for his highly trimmed retirement or pension, and his employer would pay the pension and health contribution to the Social Insurance Institution, Law and Justice took care of it in this repressive law, so that the retirement or disability pension would never increase or increase for PLN 1! By the end of our days, we will receive benefits in the above-mentioned height. Even if we worked up to 95 years old! An additional repression is the fact that if any of us is still working and receives additional income, and will exceed the amount of these incomes by about 5 EURO per month (he can earn extra only about 50 EURO per month), or he will additionally make a retirement pension 55 EURO - he will be once again reduced pension or annuity by about 20% !!!!!!!

We were also deprived of the benefits due to the invalidity of the person, and whose invalidity was imposed in connection with the service in the bodies ensuring internal and external security of Poland after 1990, for the benefit of democratic Poland. PiS deputies have given themselves the role of medical committees! They did not recognize the invalidity (I, II and III of the group) acquired in connection with serving in the Police after 1990, granted by the Provincial Medical Boards of the Ministry of Interior and Administration, which resulted in a significant (subsequent) decrease in the

benefit due to the base of assessment retirement! Our disabilities The Provincial Medical Commissions of the Ministry of Interior and Administration throughout Poland have already ruled in the Third Republic of Poland. Many of us retired and pensioned in mid-2017! The date of the invalidity and the percentage of this disability is determined by the medical commission on the basis of medical records, and not under the Act !. All the more PiS deputies did not have the right to make it an unconstitutional law!

Law and Justice deputies in adopting the act in 2016 did not take into account the final judgments of the District Court in Warsaw from 2010-2013, validated by the judgments of the Court of Appeal - Labor and Social Insurance Court in Warsaw (the first law "dezubekization" introduced in 2009 by the PO). During this period of time, in which judgments it was adjudicated that periods of study in departmental schools of the Ministry of the Interior - Higher Officers' School in Szczytno and Officer's College in Legionowo can not be treated as a service in state security organs and were recalculated by 2.6% per every year of study. The case-law indicated that the period of education was not a period of service! However, pensions and pensions for these periods were drastically reduced. A similar situation applies to female officers on maternity and parental leave in the period up to 1990. These periods have been included in the time of service for us women, even though we did not actually fulfill it during the abovementioned period. leave!

Another repression resulting from the Act of 16/12/2016 is depriving us of additional percentages for each year of service in particularly dangerous conditions, with the risk of life and health. This allowance was 0.5% for pension service for each year of service after 1990. Many of us had this right. Unfortunately, we have also been deprived of this statutory supplement.

The Minister of the Interior and Administration received several thousand applications from the repressed, who served after 1990 for 10,15,20,27 years, that the minister (under his powers, which he himself gave in the repressive law) he excluded specific persons from the act of this shameful act. Article 8a of the Act says that the Minister of the Interior may "pardon someone" from the effects of the Act: if he carried out his tasks exceptionally diligently after September 1989, in particular with health or life risk, or if he cooperated with the opposition during the totalitarian service State.

Unfortunately, from January 2017, these "pardon" applications have not been considered! The Ministry of Interior and Administration systematically prolongs these administrative proceedings by explaining the necessity to make a comprehensive analysis of the subject matter and subject matter !!!! He justified his excessive length of proceedings in the Ministry of the Interior with "special complexity and complexity" while we ourselves obtained all our documents regarding the "right of grace" within 2-6 months! We are deprived of the right to a fair administrative procedure!

Pursuant to the Polish Code of Administrative Procedure of this type, the case should be considered within a maximum of 4 months! Currently, deadlines for considering applications for January and further months of 2019 are set! This is a deliberate action by the interior minister!

The Voivodship Administrative Court recognizes our complaints about the inaction of the Ministry of Interior and Administration in this respect by imposing fines for "gross violation of law" on the institution, but the Ministry of Interior and Administration refuses to review applications of retired officers.

And yet the Act of 16 December 2016 amending the act on retirement provision of Police officers includes mainly repressive actions of former policemen and officers of other services who in 1990 were positively verified by the authorities of free and sovereign Poland. They were admitted to the police and other uniformed services because they met the requirements of good repute and, along with many other conditions, they vowed to "serve the Polish nation faithfully, protect the legal order

established by the Constitution of the Republic of Poland, protect the security of the State and its citizens, even at the risk of life". They, currently repressed officers, took care of the security of Poles. From the beginning of the systemic transformation they fought the most dangerous organized crime, often at the expense of life and health and at the expense of the welfare of their own families. They also protected the property, health and life of the citizens of our country for many years, as well as the security of its borders. They were the co-founders of the Central Bureau of Investigation, created the Office of State Protection and the Internal Security Agency. They co-created a modern system of police and special services.

The effects of this inhumane act included, inter alia, policemen of the anti-terrorist unit taking part in the action in Magdalenka, police officers of the Central Investigation Bureau fighting the most dangerous mafia crime or police officers of criminal terror units who in principle exposed their lives and health in every action. They crushed the "Pruszków", "Wołomin", gang "Korka" and many other organized groups. They too, officers of the Office for State Protection, and later of the Internal Security Agency, carried out many actions that have already gone down in history as actions of the highest degree of courage and professionalism. Suffice it to recall the "Samum" operation, ie the evacuation in 1990 of six US CIA, DIA and NSA officers from Iraq, when the services of France and Great Britain refused to help in such a dangerous operation. Similarly, the operation under the code name "Most" should be assessed, that is, the transfer of Jews from the former USSR and Russia to Israel in 1990-92, as well as many other, still carried out in later years, still in secrecy.

It should be emphasized that after 1990, officers of uniformed services were leaving for pension supplies based on laws passed by subsequent legislative authorities of democratic and sovereign Poland, and not on the basis of laws originating from the PRL.

Approx. 10,000 positively verified officers, on July 30, 1990, they were released from service by law and then, if they met the statutory requirements, they were accepted to serve in the Police, the Office for State Protection (later the Internal Security Agency) or other structures of the Ministry of the Interior.

This means that these people did not receive "ESDB" pensions on a single day. Some of those people, taken into service after August 1975, during the verification carried out in 1990, did not even have the required retirement pension. After 1990, police officers and officers from other uniformed services retired on the basis of acts on pension provision adopted by the parliament of free Poland, not by an unspecified "totalitarian regime".

The District Court in Warsaw received so far several dozen thousand appeals of the repressed pensioners of the uniformed services and widows and children after the officers from the decision to reduce pensions again. Unfortunately ... our appeals are successively suspended for an unlimited period, due to the fact that on January 24, 2018 the District Court in Warsaw Rafał Młyński, having huge doubts about the compliance with the Constitution of this Act, asked the "dummy" of the Constitutional Tribunal RP. Many appeals of retirees and widows have not yet been sent to the District Court in Warsaw. The Director of the Pension Center does not send appeals to the court. Appeals sent to ZER in June and subsequent months of 2017.

The current judges of the Constitutional Tribunal officially show that they favor the "only right party of PiS". Magister Przyłębska, the propisian judge, the chairman of the Constitutional Tribunal, without any specialization, is to decide on the constitutionality of the repressive law? A judge who should be, apolitical, independent and independent, and who each day flaunts his support for Jarosław Kaczyński and PiS? ! Can such a person issue fair, non-political decisions ??? We know what the ruling on the repressive law will be !! It will be a judgment in line with the will of Jarosław Kaczyński, an MP! However, when this judgment is handed down by M. Przyłębska, we do not know.

Magister Przyłębska, in accordance with the will of Jaroslaw Kaczyński, is in no hurry. Until today, the date of the Constitutional Tribunal meeting has not been set, and it has already been almost six months since the question put forward by judge Młyński.! Probably Master Przyłębska is waiting for our death! Not without significance is the fact that pension claims are not inherited.

It is irrelevant for this judge that the repressed currently have no money for medication, basic fees, that they have nothing to live for, that they die !, that every day they have a serious problem: buy medicine and die of hunger, or buy food and die because of illness! This fact, a purely human fact, does not make any significance to the master of Przyłębska.

The complaints of the Venice Commission can be attached to the arguments concerning the ineffective action of the Polish Constitutional Tribunal, under the leadership of M. Przyłębska in its current form.

Prime Minister Beata Szydło, who submitted the draft of this shameful, cruel act, justified her with the words: "... due to the nature of these benefits (older people receive them - pensions, especially if they have a period of service for a totalitarian state in 1944-1990 or have ill health - disability pensions) should be assumed systematically decreasing the number of beneficiaries.

Due to the above (ie our deaths !!), it seems that the indicated amount of savings in subsequent years will be rather decreasing, however, it is difficult to determine the appropriate ratio for calculating the percentage of reduction of the state budget for the bill. ... "With full awareness PiS deputies assumed that they will deliberately prolong all administrative and court proceedings in our case, because at that time we will systematically die !!!!!

Since December 2016, when the reduction of benefits was granted to everyone who has worked in the PRL's security services at least one day, about 55 people covered by the new regulations have already died. Some committed suicide, some suffered a stroke immediately after having received a decision to cut their pensions.

By implementing the repressive act, PiS made:

- 1) Infringements of substantive law, i.e. art. 2 of the Constitution of the Republic of Poland consisting in arbitrary reduction of the pension entitlement, which violates the principle of protection of acquired rights and the principle of social justice, as well as the principle of citizen's trust in the state and the law they create, and retroactivity stemming from the principle of a democratic state ruled by law;
- 2) Infringements of substantive law, i.e. art. 67 sec. 1 in zw. from art. 31 para. 3 of the Constitution of the Republic of Poland consisting in arbitrary reduction of the annuity we are entitled to, which is a disproportionate and unjustified violation of our right to social security in the event of incapacity to work due to illness or disability and after reaching the retirement age;
- 3) Infringements of substantive law, i.e. art. 30 and art. 47 of the Constitution of the Republic of Poland in conj. from art. 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms in violation of our dignity, right to protection of honor, good name, right to privacy and the right to respect for family life, by accepting that our service in the period before July 31, 1990 was "service in favor of a totalitarian state ", and thus arbitrary attribution to us - in the legal act of a statute - blame for actions related to human rights violations committed by some representatives of public authorities of the PRL and some officers of the security authorities of the PRL and to whom we in no way we did not contribute;

4) Infringements of substantive law, i.e. art. 32 para. 1 in zw. from art. 64 ust. 1 and 2 and art. 67 sec. 1 of the Constitution of the Republic of Poland in conj. from art. 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms in connection with from art. 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, consisting in unjustified, discriminatory differentiation of our property rights resulting from service after 1990 and reduction of pension benefits due to us for this service, in relation to persons who did not serve in the period of PRL in a way that violates the principle of equality before the law;

5) Infringements of substantive law, i.e. art. 45 par. 1 in zw. from art. 10 para. 1 and 2 of the Constitution of the Republic of Poland and art. 42 par. 1 of the Constitution of the Republic of Poland in conj. from art. 6 par. 2

Of the Convention for the Protection of Human Rights and Fundamental Freedoms, consisting in repression without personal blame, replacing the judiciary with legislative power and reversing the presumption of innocence by recognizing all officers in the service before 31 July 1990 for guilty actions deserving to be penalized;

6) Infringements of substantive law, i.e. art. 64 ust. 1 and 2 in conj. from art. 67 sec. 1 in zw. from art. 31 para. 3 of the Constitution of the Republic of Poland in conj. from art. 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms in connection with from art. 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, consisting in arbitrary violation of our personal property rights and the right to respect property, which are subject to equal protection for everyone, as a result of disproportionate violation of our social security rights, which is a manifestation of unjustified economic repression.

In addition, the amended law on pension provision also violates, among others:

a) art. 12 of the Universal Declaration of Human Rights of December 10, 1948, supplemented by the International Civic and Political Rights Package and the International Covenant on Economic, Social and Cultural Rights, adopted at the XXith session of the UN on December 16, 1966, which concerns the prohibition of violation of human dignity and the obligation to comply with civilizational clauses limiting, corresponding to specific standards of knowledge, practice and democratic political thought,

b) art. 17 of the International Covenant on Civil and Political Rights ratified by Poland of December 16, 1966, in connection with the violation of restrictions on the use of constitutional freedoms and human rights,

c) the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, done at Rome on November 4, 1950, ratified by Poland on January 19, 1993 (Journal of Laws of 1993 No. 61, item 284), i.e. :

· Art. 3 in connection with the violation of the prohibition of degrading treatment resulting from the media campaign in order to humiliate us in the eyes of the public and create a social climate condemning and evoking as a socially just sense of collective responsibility and humiliation,

· Art. 6 in connection with the violation of the principle of the right to a fair trial by an independent and impartial court, because the convention protects individuals from being treated by state organs and state officials as guilty of crime before the court declares this fact. Here the violation consists in the presumption of guilt in the case of an unspecified crime and collective responsibility for such actions. In addition, the Act and its justification assign negative features to its addressees, which can not be verified by available and effective remedies,

· Art. 7 in connection with violation of the principle of prohibition of punishment without a legal basis (the principle of legality). Here the Act retroactively penalizes activities that have never filled in the elements of crime, what's more, in the past as the subject of our actions, they were sanctioned by the state (prosecution of crime of espionage). Thus, the provisions of the Act indicate unacceptable repression and out-of-court penalty of a criminal nature. In addition, the adopted provisions in a manner inconsistent with long-established democratic standards adopt a presumption of guilt, and the legislator shifting the burden of proving his innocence to the interested parties also interfered with their dignity,

· Art. 6, art. 7 of the Convention in connection with art. 1 of Additional Protocol No. 1 to the Convention in conjunction from art. 18 of the Convention, where the legislator exceeded the scope of conventional limitations of subjective right in the form of settlement with the past, which neglects the legal achievements of civilized nations in the form of such values as legal certainty, protection of legitimate expectations, non-discrimination, retroactivity and right to a fair trial,

· Art. 9 and art. 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, treating, inter alia, the prohibition of subjective legally binding historical assessments according to political recognition, imposing a single assessment of the past and drawing up legal effects on the basis of ex post.

· Art. 14 in connection with the violation of the principle of non-discrimination, which is of special and fundamental importance to the assumptions of the social security system. here, the legislator, by adopting the act, recognized that the persons indicated in it did not deserve equal treatment in the field of social security in the environment of retirees of the uniformed services and significantly diversified the status of those who served in the uniformed services after 1990,

· Art. 14. European Convention on Human Rights regarding the prohibition of collective responsibility in connection with art. 6 of the Convention, prescribing innocence and prohibiting infringement of the right to a fair trial,

d) paragraphs 11-13 and 15 of Resolution No. 1096 of June 27, 1996 of the Parliamentary Assembly of the Council of Europe in connection with paragraphs 15-16, which is an integral part of the Report of the Parliamentary Assembly of the Council of Europe, which are related to:

· From art. 6 par. 1 in connection with art. 8 sec. 1 and the following preamble: Convention for the Protection of Human Rights and Fundamental Freedoms, done at Rome on November 4, 1950 (Journal of Laws of 1993 No. 61, item 284, as amended),

· From art. 1, art. 3, art. 23 and legal norms expressed in the preamble of the Statute of the Council of Europe adopted on May 5, 1949 in London (Journal of Laws of 1994 No. 118, item 565),

· From art. 91 par. 1-3 and art. 241 par. 1 of the Constitution, ie the provisions of law binding the Republic of Poland on the ratified international agreement and regulations established by an international organization - the Council of Europe, whose law, under the international agreement ratified by the Republic of Poland and the Statute of the Council of Europe, is binding and takes precedence over statutes.

This is no longer the first "jump" for pensions of uniformed services. In 1994, the full retirement of officers was reduced from 100 to 75%. In 2009, the PO-PSL coalition, with PiS support, approved the amendment of the act, reducing the amount of pensions for officers and soldiers of the PRL security

apparatus serving until 1990 from 2.6% for each year of service up to 0.7 percent. We are punished the third time !!!

What will they get from us? They have already deprived us of dignity, honor, stability of living in retirement... what else ????? And how many times?

Is it possible to regard such actions of the authorities towards their citizens in a civilized state as normal? If it was done in such a way with a professionally selected professional group, then in the future it will be possible also for any other social group. There will no longer be restrictions, except for the political will of the currently ruling option. And today other professional groups in Poland are already being threatened by PIS.

We are as a professional group discriminated against!

On behalf of all pensioners in uniformed services repressed in Poland and widows and children after the officers, please help us:

Danuta Leszczyńska

Repression retired police officer at the Polish Police

POLAND