

Polish constitutional court chief launches legal action against government for “coup d’état”



The President of Poland’s Constitutional Tribunal (TK) has announced a criminal investigation against Prime Minister Donald Tusk and other senior officials from the ruling coalition. He says they are guilty of operating as an “organised criminal group” in order to mount a “coup d’état”.

Bogdan Świączkowski was last month picked as the new chief justice of the TK by President Andrzej Duda. He previously served as a senior prosecutor and before that as a deputy justice minister in the PiS government.

In an announcement, Świączkowski said that he had filed notifications of suspected crimes against officials including prime minister Tusk, government ministers, the speakers of both houses of parliament, as well as various judges, prosecutors and other officials.

He accuses them of operating “in an organised criminal group with the aim of changing the constitutional system of Poland”, including restricting and undermining the activities of the TK, the National Council of the Judiciary (KRS), and the Supreme Court.

“One can see clearly that we are dealing with a coup d’état,” said Świączkowski. “I asked the government for dialogue. Unfortunately, this did not happen. The constitutional crisis in Poland is deepening. There is no will on the part of the authorities to end these unlawful actions.”

Świączkowski revealed that, in response to his notifications, deputy public prosecutor Michał Ostrowski has launched an investigation into the alleged crimes of mounting a coup d’état and attacking a constitutional body.

The first carries a prison sentence of between 10 years and life in prison for anyone “who, with the aim of depriving Poland of its independence, severing part of its territory, or forcibly changing the constitutional system, undertakes, in agreement with other persons, activities aimed directly at achieving this aim”.

The second punishes anyone “who, with the aim of forcibly removing a constitutional body of Poland, undertakes activities directly aimed at achieving this goal” with between three and 20 years in prison.

We must mention here that, since coming to power, Tusk’s government has “unlawfully taken over” public media and the National Prosecutor’s Office as well as prevented the functioning of the TK and KRS by not giving them money for their existence which is guaranteed by the Constitution of Poland.

For the first time in the history of the democratic government in Poland the Constitutional Tribunal became the object of direct political attack, which destabilizes its functioning, and any future decision-making. It also signals that the newly elected government in Poland is selective in its recognition of constitutionalism as it

aims to expand the control to all independent institutions of the state, including the administration of justice and the Constitutional Tribunal.

In any civilized country, news that the President of the Constitutional Tribunal has filed a notice with the prosecutor's office regarding a justified suspicion of a crime committed by the Prime Minister would at least cause a moment of consternation. In Tusk-governed Poland, it only provoked a mocking post on platform X, showing how Tusk places himself above the law and disregards the opinion of Polish society. He has long been known for his contempt for political opponents.

"You know, Kaczyński says you staged a coup," someone is heard saying in the video. "Come on, we have serious matters here. We'll deal with it later," Tusk responds with amusement while playing ping-pong game.

Two conclusions can be drawn from this. First, for the Prime Minister, a game of table tennis is more important than dealing with Poland and attending Parliament. Second, judging by his game, he has absolutely no clue about ping-pong. Just as, incidentally, he has no clue about governing the country.

This behaviour was widely criticised by Polish citizens and independent media and commented as deeply disgraceful attitude towards Polish electorate.

On Wednesday, the President of the Republic of Poland commented on Świączkowski's complaint with these words:

"Without a doubt, we are faced with a series of repeated and continuous violations of the law by different persons who currently exercise executive power."

Author:



Danuta Piotrowska

Photo: Public Domain

Sources: <https://wpolityce.pl/polityka/720512-co-za-zenada-sztuczny-rechot-tuska-ws-zamachu-stanu>
<https://serwisy.gazetaprawna.pl/orzeczenia/artykuly/9727388,tusk-dokonal-zamachu-stanu-prokurator-michal-ostrowski-wszczal-sledzt.html>