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THREATS TO MEDIA FREEDOM AND PLURALISM IN POLAND AFTER 2023



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Executive Summary

Following the takeover of power by the left-liberal administration of Donald Tusk in December 2023, Poland has faced unprecedented threats to freedom of speech, media pluralism, and constitutional civil rights. The government of Donald Tusk, along with its allied left-liberal circles, undertook a series of actions that—under the pretext of combating "disinformation" and "hate speech"—aim directly at establishing systemic censorship and eliminating independent conservative voices from the public sphere.

One of the most alarming examples was the attempt to introduce legislation enabling *de facto* censorship of online content by administrative fiat, without a court order. In January 2025, the Ministry of Digital Affairs proposed a bill implementing the EU Digital Services Act (DSA), which allowed the President of the Office of Electronic Communications (UKE) to remove content from the Internet immediately, without prior judicial review. Following a wave of public criticism, the legislative proposal was suspended. Representatives of the ruling coalition had announced their intention to revisit the initiative after the presidential election scheduled for June 2025. Fortunately, the defeat of the progressive candidate Rafał Trzaskowski has created an opportunity to block such regulatory efforts.

In parallel, the left-of-center parliamentary majority passed a law criminalizing so-called "hate speech," incorporating vague and arbitrary categories such as "dehumanization" or "contempt" toward individuals on grounds of "sexual orientation" or "gender identity." These provisions would allow for imprisonment for religious or conservative speech, including quoting the Bible. The law was halted only due to the intervention of the President of the Republic, who referred it to the Constitutional Court. The victory of the conservative candidate, Karol Nawrocki, in the June election signifies a continuation of policies aimed at safeguarding against censorship.

Leading government politicians and public media representatives openly discussed the need to block the X platform during the election campaign. The Minister of Digital Affairs, Krzysztof Gawkowski, advocates "enforcing safety on the web," while the Left Party leader Magdalena Biejat called for restricting access to X across Europe. State TV employees (TVP Info) even suggested temporarily shutting down the platform in Poland during the election period.



Key targets of the Tusk government's attacks have been the conservative television stations Telewizja Republika and wPolsce24. Notably, Telewizja Republika has emerged as the country's largest news channel, providing a conservative perspective in a media landscape otherwise dominated by left-liberal narratives. Both stations are facing attempts by government-aligned activist judges to revoke their broadcasting license. Journalists of Telewizja Republika - unlawfully and with premeditation - are being excluded from press conferences held by the Prime Minister and members of his cabinet, even during natural disaster emergency briefings. The largest Catholic station in Poland, TV Trwam, is similarly targeted. Attacks by politicians and government institutions have been accompanied by a campaign aimed at advertisers to exclude conservative and Christian media from ad buys.

The power of the state is being deployed not only against journalists but also against ordinary citizens, such as a 65-year-old, gravely ill woman arrested for a Facebook post critical of a progressive celebrity. A 6:00 a.m. raid, house search, arrest, and subsequent criminal charges filed against her and the submission of an indictment to the court show the rapid weaponization of the government and justice system against its law-abiding citizens.

The government has also carried out public intimidation campaigns targeting conservative journalists and officials responsible for safeguarding freedom of speech, including members of the independent constitutional body—the National Broadcasting Council. Statements from prosecutors threatening journalists and aggressive media attacks on the media regulator have been part of a broader strategy to exclude independent voices from public discourse. A primary target of these attacks is the Chairman of the National Broadcasting Council, Maciej Świrski, whose courageous stance has made him a constitutional guarantor of media freedom in Poland.

The violent December 2023 crackdown on public media by Tusk's government, including public television, radio, and the national press agency, was his administration's first unlawful act. It aimed to silence opposition voices and establish a pro-government monopoly across all public and private media outlets. Carried out in defiance of the clear wording of statutory provisions and a binding ruling of the Constitutional Court, this crackdown is now one of many state actions undermining free speech and threatening the survival of democracy in Poland to secure unchecked power in the hands of the political Left.



Introduction

As a result of the parliamentary elections held in Poland in the autumn of 2023, a new left-liberal coalition was formed after eight years of conservative rule. In December 2023, a government was established under the leadership of Donald Tusk, forced into cohabitation with a conservative president whose term lasts until August 2025. Following the May/June 2025 presidential elections, the conservative camp's candidate, Karol Nawrocki, was also elected for a new five-year term. Under the Polish legal system, the President holds numerous constitutional and statutory powers in appointing key state officials, including the President of the National Bank, the Constitutional Court, and the National Public Prosecutor. The President also possesses the right to veto legislation, which can only be overridden by a three-fifths parliamentary majority—a threshold that the left-liberal coalition does not meet (an absolute majority of 50% of MPs is sufficient to form a government).

At the same time, for years, left-liberal circles falsely accused conservative governments of violating the rule of law, discriminating against LGBT persons, and even promoting fascism—using EU institutions dominated by the left-liberal establishment to attack Poland. In reality, during two full parliamentary terms (2015–2023), the conservatives won every election—parliamentary, presidential, local, and to the European Parliament—thus receiving a strong mandate to reform the state, defend sovereignty, and protect national identity, all undertaken in accordance with constitutional procedures and the safeguards of human rights.

As a result of economic blackmail from Brussels, manipulation, and slanderous attacks against the conservative government—amplified by overwhelmingly dominant left-liberal media—Tusk and his coalition partners were able to form a government. However, they lacked a sufficient democratic mandate to undo the changes implemented over the previous eight years of conservative rule. Nonetheless, the left-liberal circles announced their intention to restore a corporatist model of the liberal judiciary, in violation of the constitutional principle of checks and balances, seize control over the central bank in order to introduce the Euro, and amend family law to ultimately allow adoption by same-sex couples and simplified gender transitions. Without the parliamentary majority required to enact these reforms, they



initiated a series of unlawful operations that resulted in violations of the Constitution, statutory laws, and rulings of both the Constitutional Court and the Supreme Court. They unlawfully and forcibly seized control of the prosecution service. They carried out illegal changes in the leadership of key courts, with the intent to manipulate judicial panel compositions and to reassign non-compliant judges to different divisions. They also unlawfully withheld public funds from the largest opposition party for many months, despite a binding ruling by the Supreme Court¹. These are only a few examples of their actions².

However, the first unlawful act—undertaken less than a week after the formation of the government—was the forcible and illegal takeover of public media: Telewizja Polska S.A. (Polish Television), Polskie Radio S.A. (Polish Radio), and Polska Agencja Prasowa S.A. (Polish Press Agency). This takeover was carried out in violation of the unambiguous wording of statutory provisions and the rulings of the Constitutional Court. Although officially presented as a supposed “restoration of legal order and impartiality,” the true aim was to subordinate key information channels to the new authorities and ensure their narrative dominance. As a result, this amounted to one of the most serious attacks on media pluralism and the constitutional order in Poland since the fall of communism in 1989.

Simultaneously, the first year and a half of the Tusk administration has been marked by numerous actions undermining freedom of expression, media freedom, and the principle of pluralism.

¹ <https://alapjogokert.hu/static/pdf/MLSZI-Riport-ENG.pdf> (accessed on 8 May 2025).

² A systematic and up-to-date overview of rule of law violations in Poland is available at: <https://obserwator-praworzadnosci.pl/en/>, in particular: – <https://en.ordoiuris.pl/sites/default/files/inline-files/A Year of Devastation of the Rule of Law in Poland 0.pdf>, see also: <https://prawnicydla.pl/publikacja/prawo-w-czasach-koalycji-z-13-grudnia/> (accessed on 8 May 2025).



1. The Unlawful Takeover of Public Media in Poland at the Turn of 2023 and 2024

The operation to seize control of public media at the turn of 2023/2024 was, in essence, part of a broader plan by the new ruling coalition to take over key state institutions. It was carried out in complete disregard of the rule of law and constituted not only an example of institutional manipulation but also an open and egregious violation of the law in pursuit of political objectives. It was a deliberate attempt to establish an information monopoly and dismantle media pluralism, as well as a clear signal that the ruling coalition was prepared to ignore court rulings, statutory provisions, and the Constitution itself in order to subjugate public institutions. These actions posed a threat not only to media freedom but also to the foundations of Poland's democratic system³.

The formal pretext for the operation was a resolution of the Sejm of the Republic of Poland dated 19 December 2023, concerning the "restoration of legal order and impartiality and reliability of public media and the Polish Press Agency (PAP)." Citing alleged legal violations, the left-liberal parliamentary majority called on the Minister of Culture "to immediately undertake corrective actions serving the implementation of the objectives set forth in this resolution and to ensure the proper functioning of the units of public radio and television and the Polish Press Agency in accordance with the standards of the rule of law during the transitional period, i.e., until the adoption and implementation of appropriate legislative solutions." ⁴

This resolution had no normative force. Pursuant to Article 87 (1) of the Constitution of the Republic of Poland, the sources of universally binding law are exclusively the Constitution, statutes, ratified international agreements, and regulations. Parliamentary resolutions are of a political and internal nature and cannot serve as a legal basis for actions producing legal effects on third parties. Nevertheless, on the same day—19 December—Minister of Culture Bartłomiej Sienkiewicz, without any basis in universally binding law, issued decisions

³ Detailed Chronology of the Public Media Takeover, Compiled by the National Broadcasting Council (KRRiT): <https://www.gov.pl/web/krrit/komunikat-krrit-na-temat-publicacji-raportu-o-likwidowaniu-mediow-publicznych> (accessed on 8 May 2025).

⁴ <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20230001477/O/M20231477.pdf> (accessed on 8 May 2025).



"dismissing" the management and supervisory boards of all public media companies and—also acting beyond his statutory authority—"appointed" new authorities, completely bypassing the National Media Council or the National Broadcasting Council (KRRiT), which are the only legally empowered bodies in this domain.

To the Supervisory Board of Telewizja Polska (TVP), Bartłomiej Sienkiewicz "appointed" the following individuals: attorney Piotr Zemła (Chair), attorney Maciej Taborowski (Vice-Chair), and attorney Anisa Gnacikowska (Secretary). Tomasz Sygut was appointed President of the Management Board of TVP (and later, following the so-called "liquidation" of TVP, remained in post as General Director while Daniel Maksymilian Gorgosz became the liquidator). The Supervisory Board of Polish Radio included: attorney Olga Szejnert-Rozsak (Chair), attorney Tomasz Kapliński (Vice-Chair), and attorney Jakub Bartosiak (Secretary). Attorney Paweł Majcher was appointed President of Polish Radio (later designated as liquidator). The Supervisory Board of the Polish Press Agency (PAP) was composed of: attorney Mikołaj Grzegorz Kozak (Chair), attorney Bartosz Piotr Przeciechowski (Vice-Chair), and attorney Krzysztof Sokołowski (Secretary), with Marek Błoński appointed as President of the Management Board. Analogous changes were made to the management and supervisory boards of regional public media—16 regional public television stations and 17 regional public radio stations.

In making these appointments, the Minister of Culture relied on the provisions of the Commercial Companies Code and general rules applicable to joint-stock companies, which assign the power to appoint company bodies to the General Shareholders' Meeting. In the case of public media companies owned by the State Treasury, the Minister of Culture would act as the representative of the sole shareholder. However, the crucial point is that the appointment of the management and supervisory boards of public radio and television companies and the Polish Press Agency is governed by special statutes—namely the Act on the National Media Council and the Act on the Polish Press Agency. As *lex specialis*, these statutes take precedence over the general provisions of the Commercial Companies Code. According to these laws, the sole authority empowered to appoint and dismiss the boards of Polish public media is the National Media Council—not the Minister.



Article 2 (1) of the Act of 22 June 2016 on the National Media Council expressly provides that the Council has the power to appoint and dismiss the management and supervisory boards of public radio and television companies. Similarly, Article 8 (2) of the Act of 31 July 1997 on the Polish Press Agency states that the Council appoints the management board of the Agency⁵. The actions of the Minister of Culture also violated Article 27 (3) of the Act of 29 December 1992 on Radio and Television Broadcasting, which does not confer such authority on the minister. As such, the actions of Minister Sienkiewicz bear the hallmarks of abuse of power as defined in Article 231 of the Criminal Code.

The Minister of Culture also acted in defiance of the interim ruling of the Constitutional Court dated 14 December 2023 (Ref. No. K 29/23)⁶, which unequivocally ordered the State Treasury to refrain from any legal or factual actions aimed at changing the governing bodies of media companies until the matter had been adjudicated⁷. The legal validity of this ruling is unaffected by the Prime Minister's dereliction of duty in failing to publish the ruling in the official journal, since the Constitution explicitly provides that decisions of the Constitutional Court are universally binding and final (Article 190 (1) of the Constitution of the Republic of Poland).

In response to allegations that the legal provisions establishing the National Media Council are unconstitutional, it is worth recalling the judgment of the Constitutional Court of 13 December 2016 (Ref. No. K 13/16), which found unconstitutional the provisions of the Act of 30 December 2015 that had granted the Minister of the Treasury (acting on behalf of the State Treasury) the power to appoint members of public media company bodies. It is paradoxical that on 20 December 2023, the Tusk government undertook identical actions without any statutory basis—despite the fact that just a few years earlier, a similar statutory basis for such actions had been declared unconstitutional by the Constitutional Court. Notably, that ruling did not declare the Act on the National Media Council unconstitutional.

⁵ Article 8(2): The members of the Management Board, including the President of the Management Board, shall be appointed and dismissed by the National Media Council. (consolidated text: Journal of Laws of 2019, item 1595).

⁶ <https://ipo.trybunal.gov.pl/ipo/Sprawa?&pokaz=dokumenty&sygnatura=K%2029/23> (accessed on 8 May 2025).

⁷ <https://trybunal.gov.pl/wiadomosci/uroczystosci-spotkania-wyklady/art/komunikat> (accessed on 8 May 2025).



The National Broadcasting Council (KRRiT), as a constitutional body tasked with safeguarding freedom of speech, the right to information, and the public interest in broadcasting (Article 213 (1) of the Constitution), had no role in the appointment of the new management and supervisory boards of the public media companies.

On 20 December 2023, Minister Sienkiewicz initiated a forcible takeover of the headquarters of TVP, Polish Radio, and Polish Press Agency — *forcible* in the full sense of the word. There were confrontations with journalists and opposition MPs; for example, MP Joanna Borowiak (PiS) sustained injuries during the takeover of TVP's management offices on Woronicza Street in Warsaw. Security guards hired by the new unlawful authorities forcibly removed employees, blocked access to buildings, cut the News Channel signal, and took informational and regional programming off the air. At the same time, at the headquarters of Polish Press Agency, opposition MPs and the lawfully appointed board managed to defend the offices by physically blocking access. A similar defense was mounted at the headquarters of TVP Info, the public broadcaster's news channel. Opposition MPs—protected by their parliamentary immunity—acted as "human shields," maintaining round-the-clock presence in the buildings alongside public media employees. These events were accompanied by public demonstrations in defense of media freedom.

The National Broadcasting Council Chairman Maciej Świrski publicly declared on platform X, that the Minister of Culture's dismissals of public media boards constituted a flagrant violation of the law⁸. The President of the Republic of Poland, Andrzej Duda, called on Prime Minister Donald Tusk and members of the Council of Ministers to respect the legal order of the Republic of Poland⁹.

Faced with the failure of a swift and forcible takeover of all public media institutions—and the manifest unlawfulness of the Minister's actions—the government implemented a contingency

⁸ Post by Maciej Świrski (@Maciej_Swirski) published on platform X on 20 December 2023: https://twitter.com/Maciej_Swirski/status/1737426914434777195 (accessed on 14 May 2025).

⁹ Letter from the President of the Republic of Poland to the Prime Minister regarding public media, 20 December 2023: <https://www.prezydent.pl/aktualnosci/wydarzenia/pismo-prezydenta-rp-do-premiera-wsmediowpublicznych,79065> (accessed on 14 May 2025).



plan. On 27 December 2023, it was announced that all national and regional public media companies had been placed into liquidation.

However, according to Article 468 §1 of the Commercial Companies Code, liquidators are required to conclude the company's current affairs, collect receivables, fulfill obligations, and liquidate assets—i.e., the liquidation process should aim to terminate the company's operations. The actions of the appointed liquidators of public broadcasters clearly indicated that they had no intention of liquidating Telewizja Polska S.A., Polskie Radio S.A., or Polska Agencja Prasowa S.A. The sole purpose of initiating liquidation proceedings was to use this legal mechanism as a tool for assuming control over the governing bodies of these State Treasury-owned companies. This constitutes a textbook case of instrumentalization of law—the use of a statutory mechanism for purposes completely contrary to its intended function. The purported liquidation was a legal fiction—merely a façade for assuming control over public media management and a method for circumventing binding statutory provisions.

The National Broadcasting Council — a constitutional body entrusted with safeguarding freedom of speech and the public interest in media (Article 213 of the Polish Constitution)—repeatedly called for an end to these actions¹⁰. The Ombudsman likewise assessed the Minister of Culture's conduct as blatantly contrary to the Constitution and applicable statutes.

In connection with the events surrounding the media takeover, the independent prosecution service launched multiple criminal investigations. As early as 20 December 2023, a notification of a suspected offence was filed against Minister Sienkiewicz under Article 231 § 1 of the Criminal Code (abuse of power) and regarding the physical assault on MP Joanna Borowiak, under Article 222 § 1 of the Criminal Code (assault on a public official). In the days that followed, additional reports were submitted. In particular, a notification dated 27 December 2023 concerned the actions of a group named "Wejście" ("Entry")—identified based on leaked WhatsApp communications—involving politicians, civil servants, and formally unauthorized

¹⁰ Appeal by the National Broadcasting Council (KRRiT) to Prime Minister Donald Tusk regarding the need to halt the escalation of unlawful actions taken by the Minister of Culture and National Heritage against public media, KRRiT, 22 December 2023: <https://www.gov.pl/web/krrit/apel-krrit-do-premiera-rzadu-donald-tuska-w-sprawiezatrzmania-eskalacji-bezprawia-w-rzeczypospolitej> (accessed on 8 May 2025).



individuals who coordinated the physical takeover of the TVP and the Polish Press Agency headquarters. The findings indicated that the group acted in an organized manner, with assigned operational roles, justifying the hypothesis that an organized criminal group had operated within the meaning of Article 258 § 1 of the Criminal Code.

The notification also called for the identification of all individuals unlawfully appointed to the supervisory boards and management boards of public media—prominent lawyers affiliated with the ruling camp—such as Marek Błoński, Tomasz Sygut, Mikołaj Kozak, Piotr Zemła, Maciej Taborowski, and Bartosz Przeciechowski, as well as potential decision-makers: Minister Bartłomiej Sienkiewicz and Prime Minister Donald Tusk.

Significantly, prosecutors quickly identified reasonable suspicion of forgery of a notarial deed purporting to document the holding of a General Shareholders' Meeting of TVP S.A. by the Minister of Culture, acting as representative of the State Treasury—the company's sole shareholder. This forged document served as the formal basis for the alleged dismissal of public media management boards. The notarial act—which was later used as the foundation for the Minister's applications to the commercial court to update entries in the National Court Register (KRS) — not only lacked material legal basis (as under binding statutes, only the National Media Council, not the Minister, holds appointment powers), but also was not drafted in accordance with the statutory requirements. Surveillance footage and timeline analysis revealed that the document could not possibly have been prepared on 19 December 2023 in the presence of the Minister, as claimed. Minister Sienkiewicz was recorded leaving the Sejm building around 11:00 p.m., making it physically impossible to produce the lengthy document that same evening.

The independent prosecution also intervened in the registry proceedings initiated by the Ministry of Culture, submitting legal opinions challenging the lawfulness of the Ministry's applications to change the management and supervisory boards in public media companies. These objections delayed the registration process. In response to the prosecution's effective legal resistance, an unprecedented event occurred: the Minister of Justice and Prosecutor General personally intervened and took over these registry proceedings.



Under Poland's legal system, the Prosecutor General also serves as the Minister of Justice, a political appointee and Cabinet member. The Prosecutor General supervises the prosecution service via general instructions and internal directives, but does not influence specific investigations or personnel decisions within the prosecution. Notably, the officeholder does not need to be a career prosecutor—nor, indeed, even a lawyer. As such, the Prosecutor General cannot personally interfere with individual proceedings, except in exceptional cases expressly provided for by law (such as filing extraordinary appeals or cassation complaints). The decision by Adam Bodnar to personally take over these registry cases constituted a *prima facie* breach of official duty and bore the hallmarks of abuse of power under Article 231 of the Criminal Code.

The independent prosecution's effectiveness slowed or halted many of the unlawful initiatives pursued by the Ministry of Culture. This success, in turn, prompted the Tusk government to carry out an illegal takeover of the National Public Prosecutor's Office. This began on 12 January 2024, with the *de facto* removal of the legally appointed National Public Prosecutor, Dariusz Barski, based on three private legal opinions that directly contradicted the statutory provisions, and the appointment—to a non-existent position—of Jacek Bilewicz as "acting" National Public Prosecutor. This appointment was also unlawful, as it was carried out without the constitutionally required participation of the President of the Republic of Poland¹¹.

The immediate objective of this operation was to suppress the investigation into the illegal takeover of public media and to withdraw the prosecution's legal positions in the registry proceedings. A secondary goal was to launch reprisals against civil servants and political opponents who resisted the unlawful actions of the government.

Unfortunately, this plan succeeded: the investigation was blocked, and the prosecution's formal objections were withdrawn from the registry court proceedings. As a result, the new authorities managed to register the liquidators and formally initiate liquidation proceedings,

¹¹ <https://www.iwp.edu/articles/2025/05/28/weaponizing-justice-the-unlawful-takeover-of-polands-prosecution-service-by-the-left-liberal-government-of-donald-tusk/> (accessed on 31 May 2025).



despite the fact that no final and binding decisions had been issued by courts of second instance or the Supreme Court regarding the validity of the resolutions initiating liquidation.

At the same time — which must be emphasized in this context — proceedings have been initiated against the Chairman of the National Broadcasting Council for upholding the rule of law, with the aim of bringing him before the State Tribunal. This motion may be interpreted as a form of *retaliation* for adhering to legal norms and the provisions of the Broadcasting Act. In their submission, the group of liberal Members of Parliament accuse the Chairman of failing to transfer funds from the license fee. However, this allegation is entirely unfounded in light of the legal and factual situation in force at the time — a view shared by numerous distinguished legal scholars and experts in constitutional law and the Broadcasting Act.

2. Attempt to Revoke the Broadcasting Licenses of TV Republika and wPolsce24

The primary aim of the unlawful and forceful takeover of public media by Donald Tusk's government was to impose de facto media censorship. Paradoxically, this plan ultimately failed. TV Republika and wPolsce24—two relatively small, conservative news stations—stepped into the void left behind by the transformation of all major television networks into openly left-liberal platforms that routinely targeted conservative communities. Both stations gained significant popularity, with TV Republika first becoming the largest news television channel in Poland and eventually surpassing even general-interest broadcasters like TVP and the private TVN in viewership.

In light of this development, Donald Tusk's left-liberal administration launched a series of attacks on independent media—particularly targeting TV Republika, wPolsce24, and TV Trwam. The most serious of these attacks was the attempt to revoke the broadcasting licenses of the first two.

In June 2024, the National Broadcasting Council granted terrestrial broadcasting licenses on multiplex MUX-8 to two stations: Telewizja Republika S.A. and Fratria Sp. z o.o., the owner of the wPolsce24 channel. This decision was formally approved on July 2, 2024, by Maciej Świrski,



Chairman of the National Broadcasting Council, who issued it with immediate enforceability. The rationale emphasized that selecting these broadcasters served the public interest, media pluralism, and the broad accessibility of information for citizens.

In the same proceeding, broadcasting licenses were denied to two other entities: the Hungarian company TV2 and the Polish firm Polskie Wolne Media P.S.A. based in Szczecin, which had planned to launch the Polska24 channel. The justification for the denial noted that TV2's film and entertainment offering was already widely represented in the market, and that Polska24's project did not meet the criteria for ensuring pluralism and content diversity.

Council's decision drew criticism from competing applicants, particularly Polskie Wolne Media, which appealed it to the Voivodeship Administrative Court (WSA) in Warsaw. On April 9, 2025, the Court annulled both the decision and the preceding resolution by KRRiT, citing alleged significant procedural violations. The court claimed, among other things, a lack of transparency in the licensing process, insufficient justification for the selection of broadcasters, and delays in making meeting protocols available. In the court's view, the decision was made in excess of administrative discretion and violated the principle of equality before the law.

National Broadcasting Council does not agree with the WSA's ruling and intends to file a cassation complaint with the Supreme Administrative Court (NSA). Council's Chairman Maciej Świrski emphasized that the decision to grant licenses was lawful and served the public interest by strengthening media pluralism. Until the final resolution of the proceedings, the licenses granted to TV Republika and wPolsce24 remain in force.

Depending on the decision of the Supreme Administrative Court, various scenarios are possible: affirmation of the National Broadcasting Council's original decision, the need to conduct a new licensing procedure, or the annulment of the WSA ruling and remand for reconsideration with instructions to conduct specific evidentiary proceedings. Regardless of the final outcome, the case underscores the importance of transparency and legal compliance in media regulatory processes.



The Voivodeship Administrative Court's verdict sparked a broad public debate. Independent conservative commentators assessed it as an attempt to restrict freedom of speech and media pluralism in Poland. The case remains highly controversial and is viewed as a test of both media independence and adherence to the principles of informational pluralism in the country.

At the same time — which is of particular significance — proceedings have been initiated with the aim of bringing the Chairman of the National Broadcasting Council before the State Tribunal. It was this very Chairman who had granted broadcasting licenses to the two aforementioned television stations.

3. Blocking TV Republika Journalists from Prime Minister's Press Conferences

In a democratic state governed by the rule of law, media access to public information—including participation in press conferences organized by government officials—is a fundamental component of freedom of expression and media pluralism. The denial of access to selected newsrooms—especially when done repeatedly, systematically, and without a legal basis—can be seen not only as a civil rights violation, but also as an infringement of press freedom in both constitutional and international terms. A striking example of such conduct is the treatment of journalists from Poland's largest news broadcaster, the conservative TV Republika, by Donald Tusk's left-liberal administration.

Beginning on January 22, 2024, journalists from this station were systematically excluded from press conferences held by the Minister of Culture, Bartłomiej Sienkiewicz. Despite submitting formal accreditation requests, TV Republika was consistently ignored—applications were either left unanswered or arbitrarily rejected. This practice culminated on February 15, 2024, when journalists were denied entry to an official press conference at the Ministry headquarters. A receptionist reportedly stated in advance that representatives of the station "would not be admitted." Similar incidents occurred on February 5 and 26 and throughout March 2024.



Exclusion also occurred at the level of the Chancellery of the Prime Minister. On June 26, 2024, a TV Republika journalist was denied entry to a press conference by Prime Minister Tusk, despite having submitted a proper accreditation request. According to the reporter, a representative from the liberal *Gazeta Wyborcza* was admitted despite lacking the required documentation. The event concerned the Central Communication Hub (CPK) — a major infrastructure project which TV Republika had critically investigated.

A particularly egregious case of arbitrary government behavior occurred during June 2024, in the context of the flood crisis in Lower Silesia. Prime Minister Tusk's press conferences, broadcast live and often announcing critical information about public safety and emergency assistance, systematically excluded TV Republika journalists. Accreditation requests were either denied or ignored, while government-aligned media were admitted without issue. The exclusion was widely seen as politically motivated discrimination and a violation of media pluralism and the public's right to accurate information—particularly during a crisis. Viewers of TV Republika were effectively denied access to vital updates through their preferred broadcaster.

As a result of legal actions initiated by TV Republika, the Warsaw Regional Court ruled on July 4, 2024 (case no. IV C 306/24), that the conduct of the Minister of Culture constituted an unlawful infringement on the broadcaster's personal rights, particularly its right to access public information. The court ordered Minister Sienkiewicz to issue an official apology and to allow TV Republika to publish it in a format of its choosing.

Parallel to civil proceedings, the station also took criminal legal steps. After several months of delay, on October 3, 2024, the Warsaw-Śródmieście District Prosecutor's Office initiated preparatory proceedings (case no. 4313-4.Ds.1607.2024) regarding the obstruction of journalistic activity by the Prime Minister's Chancellery between March and October 2024. The conduct was classified under Article 44(1) of the Press Law as a potential criminal offense—namely, suppressing press criticism—punishable by a fine or restriction of liberty.

The exclusion of a single broadcaster from press events, while allowing access to others, has no legal basis under Polish law or accepted democratic standards of press freedom. In a letter



to the Commissioner for Human Rights dated July 23, 2024, the director of the Government Information Center failed to provide any specific justification for the differential treatment, citing only vague references to "violations of media standards."

Under the Polish Constitution (Articles 14 and 54) and international treaties ratified by Poland—particularly Article 10 of the European Convention on Human Rights—the state is obligated not only to refrain from interfering with press freedom but also to actively safeguard it. Furthermore, Article 32 (2) of the Constitution prohibits all forms of discrimination, including that based on editorial policy or political opinion. Against this backdrop, the actions of the Prime Minister and Minister of Culture constituted arbitrary, politically motivated selection of journalists, in clear violation of constitutional principles.

It must also be recalled that under Article 7 of the Constitution, public authorities must act on the basis of and within the limits of the law. Neither the Prime Minister nor the Minister of Culture has the authority to limit media access to public information or participation in government events. Oversight and regulatory competence over broadcasters is vested solely in the Chairman of the National Broadcasting Council, as explicitly stated in the Broadcasting Act. The government's disregard for these legal norms represents a clear breach of the rule of law.

The described incidents, corroborated by court rulings and prosecutorial investigations, are not isolated infractions but part of a broader pattern of political misuse of state institutions to suppress inconvenient media. For international observers—particularly those monitoring press freedom within the EU—this serves as a troubling example of how administrative power can be weaponized for political ends, in violation of constitutional values and fundamental norms of media pluralism.

4. Threats to Freedom of Speech on Social Media

In the Polish context, social media—particularly X and Facebook—plays a crucial role in maintaining opinion pluralism. Following the unlawful and forceful takeover of public media



by the Tusk government in December 2023, liberal and left-leaning broadcasters and publishers have come to dominate so-called traditional nationwide media (TV, radio, newspapers, and mainstream news websites). Many of these outlets engage in overt propaganda and are, in some cases, components of activities carried out by members of the ruling coalition that bear characteristics of criminal conduct.

Consequently, much of the globalist establishment's focus has shifted toward introducing censorship mechanisms for social media and the internet.

At the European level, one such example is the Digital Services Act (DSA)¹², a regulation adopted by EU institutions to govern the operation of digital platforms. While the regulation was ostensibly aimed at enhancing user safety and transparency on online platforms, many of its provisions raise serious concerns regarding the protection of freedom of speech and public debate in EU member states, including Poland.

A major threat is the requirement imposed on so-called Very Large Online Platforms (VLOPs)—such as Facebook, YouTube, TikTok, and X—to promptly remove allegedly illegal content. These platforms must react to notifications within an extremely short timeframe—often within 24 hours—leaving little to no opportunity to assess the broader context of a given statement. At the same time, the absence of a uniform EU-wide definition of “illegal content” means that decisions are based on diverse and ambiguous national laws. This creates a wide margin for arbitrariness and the suppression of controversial but legitimate speech within the bounds of democratic discourse.

Another controversial mechanism is the institution of “trusted flaggers.” Under the DSA, certain civil society organizations, institutions, or entities may be granted privileged status, meaning that their notifications will be prioritized by platforms. In practice, this enables ideologically left-leaning or liberal organizations to exert real influence over which content is

¹² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022R2065>, see also: <https://obserwator-praworzadnosci.pl/pl/sejm-przyjal-ustawe-cenzorska-czas-na-krok-prezydenta/> (accessed on 8 May 2025).



removed or demoted. This gives rise to indirect censorship—not carried out by the state, but by activists who effectively hold a monopoly on interpreting the limits of free speech.

Especially troubling is Article 36 of the DSA, which introduces the so-called crisis response mechanism. This provision authorizes the European Commission to impose special moderation duties on platforms in situations deemed “crisis events”—such as war, pandemics, or elections. This power enables EU institutions to shape media narratives arbitrarily at politically sensitive times, potentially resulting in the suppression of content labeled as “harmful to public trust” or “destabilizing”—even if such content is factual and constitutes legitimate political commentary.

Attention must also be paid to the DSA’s mandate to use automated moderation systems that detect and remove content via algorithms. Platforms are required to monitor recommendation systems and combat the dissemination of so-called harmful information. However, automation frequently leads to errors—satirical, religious, conservative, or politically inconvenient content is often mistakenly flagged as “hate speech” or “disinformation.” As a result, users begin to self-censor, fearing account suspension, reach limitations, or publication blocks.

Although the DSA provides for appeal mechanisms, they largely depend on the internal procedures of the platforms and non-judicial arbitration bodies. There is a lack of guarantees for independent judicial oversight of content removal decisions, effectively weakening users’ ability to enforce their fundamental rights. Users cannot be assured that their statements will be evaluated fairly and objectively rather than through ideological or political filters.

Polish right-wing politicians and free speech advocates have repeatedly warned that the DSA could become a tool of modern censorship. Law and Justice (PiS) MEP Tobiasz Bocheński warned that “The EU is not fighting disinformation—it is fighting for an information monopoly on the Internet. The DSA is a weapon to silence those who think differently.” Anna Bryłka of the Confederation party emphasized that the DSA is being implemented in Poland non-transparently and stated that “these are provisions that, under the guise of fighting hate speech, could become a convenient tool for eliminating conservative or Christian content.”



Thus, while the Digital Services Act includes some provisions that enhance transparency in platform operations, its core mechanisms—if implemented in their current form—pose a significant risk to freedom of expression, pluralism, and open debate. The key issue lies in how these provisions are applied at the national level and whether adequate safeguards are in place to protect citizens from abuse—whether by public institutions or private tech giants.

In early 2025, a major debate erupted in Poland over the threat of internet censorship. This was triggered by a draft law prepared by the Ministry of Digital Affairs to implement DSA provisions, which included a clause granting the President of the Office of Electronic Communications (UKE) the authority to block content via administrative procedures, without prior court authorization.

The National Broadcasting Council, the constitutional body tasked with safeguarding freedom of speech, the right to information, and the public interest in radio and television, issued a strongly worded statement on January 13, 2025, criticizing the draft. The Council asserted that “such provisions would lead to arbitrary decisions and restrictions on the right to information and expression, which are foundational to free media and civil society. The National Broadcasting Council declares that if such regulations are passed, it will take all legal steps necessary to protect citizens’ constitutional rights and hold those introducing censorship accountable.”

The proposal faced criticism not only from media critical of the left-liberal mainstream, but also from liberal outlets such as *Money.pl*. Opposition politicians—particularly from PiS and the Confederation—strongly condemned the bill as a potential censorship tool. Jarosław Kaczyński, leader of PiS, described the proposal as “Russian-style internet censorship standards (...) they want to shut down independent media and censor the internet—so that nothing remains but their propaganda. The march toward dictatorship continues” (post on X, January 13, 2025). At a press conference on February 5, 2025, Kaczyński added: “What the ruling coalition is doing amounts to a creeping coup. They are introducing laws that will allow them to control the internet and gag the opposition before the election.” Karol Nawrocki, President-Elect also condemned the government’s rhetoric regarding social media



restrictions, stating: "For us Poles, freedom of speech is very important. As future President, I will never agree to censorship online. If anyone tries to impose it on us, I guarantee that together with the Polish people, we will stand in defense of freedom!" (post on X, January 11, 2025).

On the left-liberal side of the political spectrum, various statements and proposals have emerged advocating for the monitoring and removal of content from platforms such as X or TikTok—especially in the context of elections. Krzysztof Gawkowski (Minister of Digital Affairs, The Left) stated in an interview with Polsat News, in response to allegations of censorship: "Today, we are talking about how to ensure safety on the internet and how to actually enforce that safety. It cannot be that foreign platforms make these decisions on their own." Likewise, Deputy Speaker of the Senate and Left Party presidential candidate Magdalena Biejat declared: "The European Union should take steps to limit access to the X platform in Europe, because we cannot allow European public debate to depend on the interests of an American billionaire." (Interview with RMF FM, January 8, 2025). Around the same time, on state-controlled public media unlawfully seized by the Tusk government, direct proposals appeared to temporarily block Polish users' access to X in the name of combating disinformation. For instance, Dorota Wysocka-Schnepf, a state media operative, stated on *TVP Info* on January 9, 2025: "We should seriously consider shutting down the X platform in Poland during the presidential campaign."

During a press conference in Brussels on February 20, 2025, Prime Minister Tusk (Civic Platform), commenting on the broader discussion regarding content moderation on social media and expressing support for EU-level efforts to regulate platforms like X under the DSA, remarked: "We cannot allow social media to be used to destabilize democracy. We need smart regulations that protect citizens without limiting freedom."

The role of social media in exposing manipulations by the Tusk administration became particularly evident in April and May 2025, when the government attempted to manufacture the false narrative of foreign interference in the Polish presidential election.



One example was Prime Minister Tusk's statement on X on April 2, 2025, in which he claimed a serious cyberattack had targeted the Civic Platform's (PO) IT system and implied it was part of a broader Russian operation against the presidential elections—pointing to an alleged "eastern footprint." Government officials amplified this message, portraying the event as a significant threat. However, it was soon revealed that the incident involved a routine phishing attack in which hackers took control of a local PO activist's email account to distribute malware. Thanks to real-time communication on X, experts quickly clarified the situation, exposing an attempt to create a false narrative and exploit the incident for political gain.

Similarly, just before the media blackout ahead of the first round of the presidential election, Tusk once again issued an alarmist message about an alleged attack on Civic Platform's websites. Many internet users questioned the actual scale of the threat, suggesting that the response was exaggerated and politically motivated.

In May 2025, during the height of the presidential campaign, online users—followed by independent media and NGOs—disclosed information pointing to serious suspicions of illegal financing in liberal candidate's Rafał Trzaskowski presidential campaign. According to a report by the *Demagog* Foundation and various media sources, the controversy centered around political advertisements on social media. Though these ads ostensibly encouraged voter participation, in practice they promoted Trzaskowski's candidacy and criticized his conservative opponents and their supporters.

Demagog reported that many of these ads were financed by NGOs, such as the *Akcja Demokracja* foundation. The funding network appeared to involve organizations connected to the left-liberal milieu in Hungary, the U.S. Democratic Party, and similar past initiatives in Spain, Hungary, and Italy. This constituted a media mechanism designed to distort electoral equality.

The ads were not labeled as materials from an official electoral committee, which—if classified as electoral agitation under Polish law—constitutes a violation of the Electoral Code. Additionally, there is strong suspicion that some of these operations were not only



coordinated but also funded from abroad, which would constitute another serious breach of electoral law.

Significantly, allegations surfaced that Rafał Trzaskowski's campaign team—notwithstanding its public denials—was not only aware of these activities but may have actively participated in them. Internet users discovered that some of the “get-out-the-vote” podcasts released by the supposedly independent association were actually shared in advance on official PO politicians' fan pages, including those of Trzaskowski's campaign staff, as part of attacks on Karol Nawrocki. This fact provides strong grounds for the National Electoral Commission to treat the production and promotion of these videos as unauthorized expenditures of Trzaskowski's campaign committee.

An important point regarding the role of social media in countering manipulations emerged during the public exposure of the foreign connections behind these “civic engagement” campaigns. Initially, when general claims of foreign influence surfaced, pro-government media and commentators attempted to push a narrative focused on Russian interference. However, when more specific information revealed the involvement of a Hungarian-Austrian company linked to the left-liberal opposition and connected to U.S. Democratic Party circles, the same media attempted to shift the narrative toward alleged Hungarian and American interference — implicate blaming... Viktor Orbán and Donald Trump. Given the ruling coalition's dominance over traditional media, only independent commentators and opposition politicians on X were able to challenge and debunk such disinformation.

5. The So-Called “Hate Speech” Act

A broad public debate emerged in Poland regarding the threat to freedom of speech posed by globalist circles following the introduction of new criminal provisions penalizing so-called “hate speech.” The controversy concerns an amendment to the Criminal Code passed by the Sejm in March 2025¹³, which introduced significant changes to the scope of punishable hate-

¹³ <https://www.sejm.gov.pl/sejm10.nsf/PrzebiegProc.xsp?nr=876> (accessed on 8 May 2025).



motivated acts. This legislative project, executed under the agreement of the left-liberal coalition supporting the Tusk administration, expanded the catalogue of protected characteristics to include age, gender, disability, and sexual orientation. Previously, the law provided for the criminalization of conduct motivated by hatred based on national, ethnic, racial, religious, or non-religious grounds.

The amendment was met with widespread criticism from the Head of State as well as from political and expert circles, all pointing to serious threats to freedom of speech and public debate.

The President decided to refer the act to the Constitutional Tribunal under the so-called preventive review procedure¹⁴.

In the Polish constitutional system, the President—alongside the right of veto, which may be overridden by a 3/5 majority vote in parliament (a majority currently not held by the left-liberal bloc)—also possesses the authority to refer legislation adopted by the Sejm to the Constitutional Tribunal for preventive constitutional review. If the Tribunal does not share the President's concerns and finds the law compatible with the Constitution, the President is obliged to sign it, having no further veto power. However, if the Tribunal deems the provisions unconstitutional, the act is voided and cannot be reinstated, even by a 3/5 parliamentary majority.

The first key legal objection to the enacted legislation is that it violates Article 42(1) of the Constitution, namely the principle of *nullum crimen sine lege certa*. A criminal law statute cannot rely on terms as vague and undefined as "hatred," "contempt," or "dehumanization," which lack legal definitions. Such legislative imprecision creates the danger of arbitrary enforcement of the law against individuals who express views contrary to the left-liberal worldview, with the risk that these individuals could be prosecuted in violation of their constitutional freedom of expression. Constitutional protections of speech encompass even

¹⁴ <https://ipo.trybunal.gov.pl/ipo/Sprawa?&pokaz=dokumenty&sygnatura=Kp%203/25> (accessed on 8 May 2025).



unpopular, harsh, or provocative statements—thus, any attempt to criminalize worldview or political expression must be approached with particular caution.

The amendment also violates the principle of proportionality, as the interference with freedom of expression is excessive and insufficiently justified. The goal of protecting specific social groups can be achieved through less restrictive means, such as civil liability or administrative sanctions. Criminal penalties—including imprisonment—for expressing views that diverge from the left-liberal mainstream evoke the worst experiences of communist-era Poland, as well as the standards of Russia, Belarus, or current liberal autocracies in the West where freedom of speech is gravely restricted.

Another legal objection is the violation of the principle of citizens' trust in the rule of law, enshrined in Article 2 of the Constitution. The amendment not only employs vague terms, but can also be perceived as a tool of ideological censorship, targeted against political and worldview opponents.

The legislation has drawn substantial opposition from conservative and conservative-liberal commentators and politicians. MP Karina Bosak (Confederation) emphasized: "The direct result of criminalizing certain words will be the criminalization of conservative, religious, and Christian views," arguing that the bill does not protect people or values, but rather a specific minority ideology rooted in the sexualization of human life. As journalist and author Rafał Ziemkiewicz noted, "A government that wants to punish people for thoughts and words always turns to the concept of 'hate.' But 'hate speech' is not the problem. The problem is a government that hates freedom." Similarly, columnist Sławomir Jastrzębowski stated: "What they call a fight against hate speech is really a way to silence those who do not share the left's worldview. The authorities want to decide what may and may not be said. Orwell would be smiling."

Conservative political commentators point out that the amendment sets a dangerous precedent enabling the criminalization of views consistent with Christian anthropology or Catholic doctrine. This could lead to situations in which quoting passages from the Bible or the writings of saints is labeled as "hateful" toward certain groups.



Another significant issue is the selective nature of protection—the new provisions afford special legal protection to certain groups, while ignoring others who are more frequently the targets of hate, such as religious individuals, pro-life activists, or those who express conservative views. This kind of asymmetry clearly contradicts the constitutional principle of equality before the law.

Undoubtedly, the legislative proposal reflects the ideological agenda of globalist circles and aligns with the narrative promoted by organizations funded by George Soros. Rather than protecting citizens, the bill seeks to silence conservative and religious communities and suppress worldview pluralism in public life.

The so-called “hate speech” law poses a serious threat to constitutionally protected freedom of speech in the public sphere, particularly on social media. Under the guise of combating hatred, the legislature is introducing provisions that will inevitably lead to ideological censorship, repression of dissenting views, and a serious restriction of democratic debate. In a democratic state governed by the rule of law, criminal law cannot serve as a tool for eliminating views inconsistent with the government’s ideological stance—it must instead guarantee every citizen the right to freely express opinions, even difficult and controversial ones.

At the same time, the fact that such a dangerous bill for free speech was blocked by a conservative President serves as a reminder of the critical role of the presidency in Poland’s constitutional system—as a guarantor of freedom and the rule of law in the face of abuses committed by Tusk’s left-liberal administration.

6. Arrest of a 66-Year-Old Retiree for a Social Media Post Criticizing Liberal Celebrity

It is worth noting that even under the current legal framework, the abuse of state power for political purposes has led to egregious and disproportionate actions by the authorities against dissenting individuals. One of the most striking examples of the repressive use of state apparatus in recent months is the arrest of a 66-year-old retiree from Toruń, Izabela



Majewska, for a social media post critical of prominent liberal celebrity and leader of the Great Orchestra of Christmas Charity (WOŚP), Jerzy Owsiak. This incident not only reveals the extent of prosecutorial and police instrumentalization in Poland, but also demonstrates that the law enforcement's actions are no longer confined to the persecution of opposition politicians—they now target ordinary citizens whose only "offense" is expressing criticism online against media figures aligned with the current establishment.

In January 2025, Izabela Majewska, using the Facebook account "Iza Izabela," posted a comment under a promotional post about WOŚP activities. The post was emotional in tone and directly targeted Jerzy Owsiak. Its full content read: "Get lost man, and the sooner the better. Enough of stealing, enough of you profiting from the naivety of Poles—your villas abroad, your villa in Poland, your children studying abroad, your and your wife's salaries—enough. Settle your accounts and change your glasses because those are worn by LGBT."¹⁵ The post—though expressed harshly and in a manner unacceptable in public debate—was a commentary on the activities of a figure who has long been subject to public criticism for the way he runs his foundation and for its overt politicization.

Jerzy Owsiak and his foundation have been repeatedly criticized by conservative and right-wing circles for financial non-transparency, a combative style of communication toward critics, and self-promotion in the media at the expense of the principle of altruistic aid. The criticism intensified especially after the 2023 billboard campaign which—despite its stated goal of raising awareness about sepsis—was widely perceived as a political campaign aimed at undermining the then-governing Law and Justice party. The slogan "Together we will defeat this EVIL" prominently featured on the billboards was, in light of media interpretations and Owsiak's known political sympathies, broadly interpreted as a call to remove the political right from power. The campaign coincided with the pre-election mobilization of the liberal opposition and was widely seen as a circumvention of political campaign finance laws through quasi-civic activity.

¹⁵ In Polish, the phrase "Gin" used in this statement can be translated as "Get lost," "Disappear," or as "Die."



In this context, Majewska's post should be considered a strongly emotional but nonetheless political-opinion statement. It did not contain any explicit incitement to violence or indication of intent to commit a criminal act. Nevertheless, the state's response was immediate, severe, and—by all accounts—entirely disproportionate.

On January 14, 2025, just one day after the post was published, the Central Bureau for Combating Cybercrime identified the author and sent a report to the District Prosecutor's Office in Toruń Centrum-Zachód. On the same day, the Bureau received a formal notification from an attorney representing Jerzy Owsiak, claiming that the post contained elements of criminal threats and public incitement to commit a crime. The notification stated that the comment caused Owsiak to experience a "justified fear that the threat would be carried out."

That same evening, police officers attempted to detain the woman at her home. When they did not find her there, they returned the following morning—January 15—at 6:00 AM, this time with officers from the criminal investigations division. The arrest was carried out at 6:25 AM, and a search of the premises was conducted without prior court approval, allegedly due to the case being "urgent." The arrest report cited "fear of obstruction of justice and hiding" as the justification.

However, the arrestee—a 66-year-old pensioner—was living at a well-known address and, as later established, suffers from serious health conditions. The arrest protocol noted that Majewska "is at high risk of stroke and heart attack" and "has been diagnosed with breast cancer." Given her age and health condition, not only was there no realistic threat that she would obstruct the investigation, but the circumstances made her arrest in the early morning hours and without judicial authorization highly questionable from the standpoint of humanitarian principles and proportionality.

After being arrested and having her phone confiscated, Majewska was brought to the prosecutor's office, where she was charged with violating Articles 190 § 1 and 255 § 2 of the Polish Criminal Code in conjunction with Article 11 § 2. The prosecutor accused her of issuing a threat to take the life of Jerzy Owsiak and of publicly inciting the commission of a crime.



During questioning, Majewska did not admit guilt, explaining that she posted the comment because "it all makes me angry" and that she "did not mean anything bad."

The prosecutor imposed non-custodial preventive measures, including: police supervision requiring appearances at the station three times per week; a ban on contacting Jerzy Owskiak; a 100-meter restraining order; and a prohibition on making any public statements—including on social media—about the case. Additionally, a financial surety of 300 PLN was imposed. She faces up to three years in prison. The indictment was filed with the District Court in Toruń on May 28, 2025.

Under the applicable legal provisions, a criminal threat (Article 190 § 1 of the Criminal Code) must meet two conditions: it must cause the victim to experience a subjective fear of it being fulfilled, and that fear must be objectively justified—that is, a reasonable observer must find that the threat could plausibly be carried out. The phrase "Get lost man" or even "Die, man" contains no declaration of intent to act by the author; it is merely an imperative verb expressed impulsively and in the style of political rhetoric. In the context of social media, such statements—while inappropriate—are not unusual and are rarely treated as genuine threats.

Similarly, the qualification of the act as public incitement to commit a crime (Article 255 § 2 of the Criminal Code) appears unfounded. Incitement must be explicit, addressed to an indeterminate group of people, and clearly specify the act being encouraged. In this case, there was no identifiable audience or explicit content—there is no way to determine what crime, if any, the post was allegedly encouraging. Furthermore, the legal requirements for arrest under Article 244 § 1 of the Code of Criminal Procedure were not satisfied, as no risk of flight, obstruction of justice, or destruction of evidence was demonstrated. The woman had not gone into hiding, had no intent to flee, and her age and health condition precluded any real procedural risk.

Finally, the preventive measures imposed also appear to lack a legal basis. Article 258 § 1 of the Code of Criminal Procedure sets forth clear conditions that must be met to justify such measures—and none of them were satisfied in Izabela Majewska's case. The ban on making public statements, including on social media, amounts to preventive censorship and violates



the constitutional guarantee of freedom of speech (Article 54 of the Polish Constitution) and Article 10 of the European Convention on Human Rights.

In evaluating the disproportionality of the state's response in this case, one must note that a political activist, Katarzyna Augustynek, publicly shouted the words "Jarek, we'll f***ing kill you soon" at a funeral ceremony directed at the leader of the largest opposition party—without any reaction from law enforcement or the judiciary.

This case illustrates the growing politicization of the justice system in Poland. Instead of prosecuting actual crimes, the prosecution and police engage in high-profile actions targeting ordinary citizens who dare to criticize individuals associated with the ruling coalition or liberal media. The case of Izabela Majewska is particularly disturbing due to her age, health condition, and the complete lack of any real threat posed. It is an example of criminal law being used not as a tool to protect public order, but as an instrument of repression against ideological opponents and critics of the ruling coalition, which represents a political minority.

7. Media attack on the Chairman of the National Broadcasting Council, Maciej Świrski

Since December 2023, an organized campaign of delegitimization based on false accusations has been carried out with the aim of suspending or removing the Chairman of the National Broadcasting Council, Maciej Świrski—a constitutional officeholder acting in defense of pluralism and freedom of speech. In parallel, a procedure to bring him before the State Tribunal is ongoing, which—if it leads to a conviction—would result in the loss of his civil rights. The essential goal of this campaign, however, is to attain the status of suspension of the Council following a resolution of the Sejm, based on reports from the Constitutional Accountability Committee, whose work is being finalized. This status—though clearly unconstitutional—is an end in itself, intended to paralyze the operations of the National Broadcasting Council, as no meetings of the Council can be convened without its Chairman.

In December 2023, the Minister of Culture and National Heritage, Bartłomiej Sienkiewicz, launched an illegal operation to forcibly take over public media entities—Telewizja Polska S.A.,



Polskie Radio S.A., and the Polish Press Agency S.A.—as well as their regional branches. The process initially consisted of attempts to replace management boards, but when this failed, the companies were placed into a state of liquidation—effectively fictitious, as it was used only as a pretext to install liquidators loyal to the Minister who would continue to manage these media companies. These actions were met with categorical opposition from the incumbent management boards and have been widely criticized by legal and constitutional scholars as unlawful, including by the National Broadcasting Council.

In particular, Chairman Świrski, in performing his constitutional and statutory duties, questioned the legality of the liquidation process and applied the mechanism of judicial review to examine the attempt to dissolve public media companies through public resources.

In response, circles aligned with the liquidators organized a press conference on June 6, 2024. During the event, eleven defamatory theses were presented against Świrski, accusing him, among other things, of allegedly destroying public media, spreading disinformation, harassing regional broadcasters, and allegedly weakening national defense. He was also accused of acting against the independence of commercial media.

These accusations were explicitly directed at Świrski by name, and their content was widely disseminated through the Internet and the media. In reality, Świrski's actions were lawful, based on the Broadcasting Act, and aimed at defending constitutional order and transparency in the financing of public media.

The statements made publicly on June 6, 2024, bear the characteristics of defamation under Polish law, which prohibits the dissemination of slanderous claims via mass media (Article 212 § 2 of the Penal Code). The statements of the so-called liquidators contained numerous accusations of illegal, immoral, or unlawful conduct—e.g., allegedly harassing and intimidating employees of broadcasters, misleading the public, violating media freedom, and deliberately destroying national heritage and democracy.

Importantly, the accusations—presented as factual assertions—can be verified as either true or false, making them potentially defamatory. Their dissemination meets the legal threshold of “mass communication.” Particularly egregious is the claim of “harassment and



intimidation," which could suggest conduct punishable under Article 190a § 1 of the Penal Code (stalking), even though the Chairman's actions merely involved the execution of his statutory duties in the field of regulatory oversight.

These public statements therefore violated the personal rights of Chairman Świrski in the form of honor, understood as reputation and good name. They were made using his full name, public office, and unequivocal implications of unlawful, immoral, or socially harmful conduct.

According to the jurisprudence of the Polish Supreme Court, it is irrelevant whether the audience shares the negative assessment of the individual. What matters is whether the individual has been portrayed in a manner that undermines their public reputation and the trust necessary to hold a public office. In this case, the negative media campaign had a real impact on the perception of the constitutional authority of the National Broadcasting Council.

The media attack on Chairman Świrski bears the hallmarks of a coordinated defamation campaign conducted in the interest of actors involved in the unlawful takeover of public media. The purpose of this campaign was—and continues to be—not the defense of freedom of expression, but the delegitimization of a constitutional organ acting under the law and mandated to safeguard freedom of speech, the right to information, and the public interest in broadcasting (Article 213 of the Constitution).

Currently, one of the primary methods of exerting pressure on Świrski is the attempt to bring him before the State Tribunal. The preliminary motion filed by a group of Members of Parliament to the Constitutional Accountability Committee alleges that between February and April 2024, acting on Resolution No. 40/2024 of the National Broadcasting Council, Świrski failed to transfer funds from license fees to units of public radio and television, which would constitute a violation of Article 8(3) of the License Fee Act, Article 31(1)(1) of the Broadcasting Act, and Article 7 of the Polish Constitution.

However, this allegation is unfounded both legally and factually. First, the License Fee Act provides for the transfer of funds in the form of an advance payment, which—under legal definitions—is a facultative, non-enforceable performance. The omission of this key legal



distinction by the motion's authors leads to a complete distortion of the Chairman's obligations.

Second, Świrski acted within the law—implementing a binding resolution of the National Broadcasting Council, pursuant to Article 8(2) of the License Fee Act—and was not authorized to transfer the funds contrary to that resolution. Given uncertainty regarding the legality of the new media management boards, the funds were deposited in court. This method of fulfilling the obligation was confirmed by court rulings in Olsztyn, Lublin, and Białystok as legal and proper. Court deposit is a permissible and effective way to discharge a legal obligation (under Article 467 (2) and (4) of the Civil Code), particularly when there is a risk of violating public finance discipline (Article 44 (1) of the Public Finance Act and Article 4 (1)(1) of the Public Finance Discipline Act).

Additionally, a ruling by the Constitutional Tribunal to suspend the proceedings was submitted to the parliamentary committee but was ignored, constituting a violation of the Tribunal's competences and the principle of legality. Nearly 90 witnesses were questioned by the committee—yet their testimony remains confidential under Article 28a of the State Tribunal Act. Nonetheless, one committee member, attorney Tomczykiewicz, publicly claimed that the evidence confirms Świrski's guilt—an egregious breach of the presumption of innocence and confidentiality of evidence.

In summary, the accusation against Świrski is not only legally unfounded but is also based on a deliberate omission of key legal provisions and jurisprudence. These actions should be seen as part of politically motivated pressure rather than a genuine constitutional accountability procedure.

In the context of the simulated liquidation of media companies, it must be firmly emphasized that the current government blatantly ignores the rulings of the Constitutional Tribunal and violates the fundamental principles of the legal order of the Republic of Poland, including the principle of legality, conflict of norms, and hierarchy of norms. In its judgment of January 18, 2024 (case ref. K 29/23), the Constitutional Tribunal held that Article 26(4) of the Broadcasting Act — insofar as it omits the exclusion of the application of Articles 459–478 of the Commercial



Companies Code, i.e., the provisions on the dissolution and liquidation of joint-stock companies—is inconsistent with Article 2 of the Polish Constitution. The Tribunal held that the general provisions on company liquidation cannot be applied to public broadcasting entities, as Articles 27–30 of the Broadcasting Act comprehensively regulate their structure, and the legal system does not provide for their liquidation under the regime for ordinary joint-stock companies. Furthermore, the Tribunal found that the mere interpretation of Articles 459–478 of the Commercial Companies Code as applicable to public media companies is also unconstitutional. From a constitutional perspective, this means that the current government's actions to formally liquidate companies such as TVP, Polskie Radio, or PAP are not only simulated but blatantly illegal, as they violate the constitutional guarantees of permanence for public media institutions and the rulings of the Constitutional Tribunal—the only body authorized to provide final interpretations of the Constitution.

8. Public Threats by Prosecutor Anna Adamiak Against a Journalist

The case involving Prosecutor Anna Adamiak, spokesperson for the Prosecutor General, and journalist Michał Jelonek of Telewizja Republika has become symbolic of the growing tension between freedom of speech and attempts by state authorities to curtail it. During a verbal exchange at a press conference, Adamiak appeared to threaten Jelonek with pre-trial detention in connection with a private criminal case she had previously brought against him.

The case centers on a defamation charge under Article 212 of the Polish Penal Code, which Adamiak filed against Jelonek after he asked a question during a press conference with Prime Minister Donald Tusk. On January 30, 2024, Jelonek asked: *"Is the authority of Minister of Justice and Prosecutor General Adam Bodnar based on reinstating Prosecutor Adamiak, who contributed to the imprisonment of Belarusian opposition figure Ales Bialiatski?"*

The question referred to a widely publicized case from 2011 during the first Tusk administration, when the Polish Prosecutor General's Office provided legal assistance to Belarus by disclosing bank account data concerning Ales Bialiatski—a human rights activist, founder of the Viasna Center, and future Nobel Peace Prize laureate. As a result of this



cooperation, Bialiatski was arrested and sentenced in a show trial by the Lukashenko regime. He remains imprisoned under harsh conditions to this day. Prosecutor Adamiak was accused of ignoring internal opposition from the Warsaw prosecutor's office and disregarding the cautionary stance of then-Prosecutor General Andrzej Seremet, who advised extreme care in responding to Belarusian requests. Her actions led to disciplinary proceedings and the dismissal of senior officials, although Adamiak was eventually acquitted in the second instance. Nevertheless, the matter remained controversial.

On March 26, 2024, Adamiak filed a private criminal indictment against Jelonek under Article 212 §1 of the Penal Code, which carries a penalty of up to one year of imprisonment for defamation.

The conflict escalated on November 22, 2024, during another press conference, where Adamiak responded to Jelonek's question about the rule of law and the status of Prosecutor Dariusz Barski with a comment widely interpreted as a threat: *"Mr. Editor, the prosecution service stands for the rule of law. I see you came with a large bag—perhaps you are prepared? I kindly ask you to observe certain standards in our communication. I understand the emotions, but this is not a time for emotions. We are talking about the law and the time for the rule of law."*

The remark was interpreted as a suggestion that the "large bag" was intended for use in case of arrest and detention. Jelonek published the video clip and commented that the statement constituted a direct threat, particularly in light of the earlier indictment: *"This is clearly a threat for asking questions, directly tied to the criminal indictment under Article 212 she filed against me. The maximum penalty is one year of imprisonment."*¹⁶

The incident triggered strong reactions from journalistic and political circles. The Press Freedom Monitoring Center of the Polish Journalists' Association (SDP) issued a formal protest, stating that filing a private criminal indictment against a journalist for asking a question at a press conference constitutes a violation of constitutionally guaranteed freedom

¹⁶ <https://x.com/MichalJelonek/status/1859970919436878279> (accessed on 8 May 2025).



of speech and represents an attempt at preemptive censorship. The Press Freedom Monitoring Center declared that Prosecutor Adamiak's actions were intended to intimidate journalists and create a chilling effect that would deter the media from addressing controversial issues.

In its statement, the Center reminded that both Article 10 of the European Convention on Human Rights and Article 19 of the Universal Declaration of Human Rights guarantee the right to express opinions and seek information without interference. These protections are especially vital for journalists, who serve the public interest by holding public officials accountable. The Center announced it would monitor the case and provide legal support to Michał Jelonek¹⁷.

Former Minister of Justice Zbigniew Ziobro also weighed in, stating: *"Prosecutor Anna Adamiak has now fully embraced Belarusian standards—suing a journalist for asking questions, and now publicly threatening him with prison."*¹⁸

Following the media outcry, the District Prosecutor's Office in Tarnów initiated a preliminary review of Adamiak's comments from the November 22 conference. On February 7, 2025, it declined to initiate a formal investigation, concluding that her remarks did not constitute an unlawful or punishable threat, nor were they aimed at intimidating the journalist or preventing him from publishing press materials¹⁹.

The Adamiak–Jelonek affair exemplifies the arrogance of state authorities and the growing crisis of media freedom in Poland, highlighting the use of criminal law as a tool for silencing journalists and public critics.

This is not an isolated incident. In July 2024, Prosecutor General Adam Bodnar, commenting on a politically charged case, publicly suggested retaliatory actions against attorney Bartosz Lewandowski, who was defending a member of parliament protected by international

¹⁷ <https://sdp.pl/cmwp-sdp-w-obronie-dziennikarza-pozwanego-z-212-kk-za-zadanie-pytania/> (accessed on 8 May 2025).

¹⁸ <https://x.com/ZiobroPL/status/1860000864687259810>. (accessed on 8 May 2025)

¹⁹ <https://www.gov.pl/web/po-tarnow/komunikat-o-odmowie-wszczecia-sledztwa-w-sprawie-grozb-kierowanych-pod-adresem-dziennikarza-tv-republika> (accessed on 8 May 2025).



immunity. The statement was interpreted as a veiled threat. Such pressure—whether directed at a defense lawyer in a political case or a journalist questioning the abuse of power—represents a flagrant violation of fair trial standards and undermines the independence of professions charged with overseeing state authorities. It also blatantly violates the standards established by Article 6 of the European Convention on Human Rights.

9. Long-Term Marginalization of TV Trwam

A notable example of a form of soft censorship has been the systemic discrimination against TV Trwam — a religious and conservative television channel. Attacks by left-liberal circles, directed at both the station itself and its affiliate Radio Maryja, have often taken an organized and targeted form. These efforts were regularly supported by state institutions influenced by globalist networks, a trend already evident during the first liberal administration of Donald Tusk (2007–2015).

In January 2012, the Chairman of the National Broadcasting Council denied the Lux Veritatis Foundation an extension of its broadcasting license to include TV Trwam on Poland's first digital terrestrial multiplex (MUX 1). This decision, taken without transparent or objective criteria, sparked a massive public outcry, particularly among Catholic and conservative communities, who organized nationwide protests in defense of the station. Nearly 70,000 formal citizen protests were submitted to National Broadcasting Council. Under immense public pressure, the license was finally granted in July 2012, and broadcasting began in March 2013. In 2022, the license was renewed through 2033²⁰.

TV Trwam is an educational and religious broadcaster that promotes Christian, civic, and pro-family values. Its programming meets the needs of a significant portion of society seeking traditional values to be represented in public debate. Despite formal recognition of its broadcasting rights, TV Trwam was systematically marginalized over the years when it came

²⁰ Decision of the Chairman of the National Broadcasting Council (KRRiT), case file no. 540/K/2022-T, available at: <http://www.archiwum.krrit.gov.pl/dla-nadawcow-i-operatorow/koncesje/wykaz-koncesji-i-decyzji/details,540--K--2022-T-Ns-True.html> (accessed on 15 May 2025).



to access to public funds designated for social campaigns. During the tenure of conservative governments, any public communication assignments given to the station were met with fierce opposition from left-liberal circles—driven by their desire to maintain a monopoly over public messaging. Accusations of supposed “preferential treatment” of TV Trwam are wholly unfounded. Between 2016 and the first half of 2023, total public spending on such campaigns exceeded PLN 135 million, nearly 40% of which went to Poland’s three largest broadcasters: Polsat, TVP, and TVN²¹. In contrast, the Lux Veritatis Foundation received only 2.2% of the funds allocated to television, despite its significant technical reach and social impact, and despite clear discrimination during liberal administrations.

The attempts to marginalize TV Trwam were not limited to financial exclusion but also had political and ideological dimensions. A striking example was the inflammatory public statement by Civic Coalition MP Roman Giertych, who accused the Lux Veritatis Foundation of accepting “payoffs” in exchange for political support for the ruling party²². According to his narrative, the public funds granted for TV Trwam’s campaigns were essentially bribes, and the state institutions supporting it were portrayed as part of a political-business cartel. These accusations were never substantiated by any official report. Even the Supreme Audit Office (NIK), known for its hostility toward the conservative camp, found no irregularities during a comprehensive audit of public campaign spending involving the Lux Veritatis Foundation. Certainly, no evidence of corrupt activity was found²³. Statements like Giertych’s can reasonably be regarded as potentially defamatory.

The case of TV Trwam exposed a deeper issue of unequal treatment of media outlets in Poland—stemming from both ideological bias and the arbitrariness of administrative decisions. In its appeal against National Broadcasting Council’s original 2012 decision, the Lux

²¹ *Government Social Campaigns – Expensive and Ineffective (press conference transcript)*, transcript of the press conference organized by the Supreme Audit Office, available at: <https://www.nik.gov.pl/aktualnosci/rzadowe-kampanie-spoleczne.html> (accessed on 15 May 2025).

²² Onet News Journalists, *Roman Giertych Reveals “Fr. Rydzyk’s Racket.” A Notification Will Be Filed*, article dated 10 October 2024, available at: <https://wiadomosci.onet.pl/kraj/roman-giertych-ujawnia-haracz-ojca-rydzyka-bedzie-zawiadomienie/mhccm7k> (accessed on 15 May 2025).

²³ Supreme Audit Office, *Use of Social Campaigns by Public Administration as Communication Tools*, audit report available at: <https://www.nik.gov.pl/plik/id,29897,vp,32893.pdf> (accessed on 15 May 2025).



Veritatis Foundation rightly argued that the move violated the constitutional principle of equality before the law and lacked transparent licensing criteria. It also pointed to non-compliance with EU law, including Directive 2010/13/EU on audiovisual media services, which requires Member States to promote media pluralism and ensure equal market access. Additionally, the decision contravened provisions of the European Convention on Human Rights—particularly the freedom of expression, freedom of religion, and prohibition of discrimination based on religious beliefs.

Although TV Trwam ultimately succeeded in obtaining and maintaining its license, the case remains a significant example of structural discrimination against media outlets representing Christian and conservative values. It illustrates that despite constitutional and international guarantees of freedom of speech and media pluralism, these principles are in practice undermined by the left-liberal establishment through administrative, financial, and political means.

10. Economic Pressure on Advertisers Targeting Conservative Media

One of the most troubling phenomena undermining media freedom in Poland since 2023 has been the increasingly widespread use of so-called *economic censorship* targeting independent and conservative television broadcasters. This mechanism involves exerting pressure on private advertisers to withdraw from cooperation with media outlets deemed undesirable by the government — under the threat of being placed on informal "blacklists" or facing adverse administrative or reputational consequences. As a result, we are witnessing a systemic restriction of media pluralism through indirect means — difficult to regulate explicitly under existing law, yet highly effective in practice.

A striking example of this practice was the public campaign directed against Telewizja Republika — Poland's largest conservative news channel. During a press conference on 27 January 2025, Jerzy Owsiak, the head of the government-affiliated Great Orchestra of Christmas Charity (WOŚP), declared that companies supporting WOŚP should not simultaneously advertise on Telewizja Republika. He employed highly stigmatizing language,



accusing the station of being "anti-oncological, anti-hematological, and anti-human" — entirely without factual basis. In practice, this statement served as a clear warning to advertisers: either support "approved" social initiatives or risk ostracism and exclusion from the market.

In response, Telewizja Republika issued an official statement categorically denying that it had refused to broadcast any WOŚP spot and announced that it would pursue legal action to defend its reputation²⁴.

The effects of this intimidation campaign were immediate. The German retail chain Lidl publicly announced that it would suspend its advertisements on Telewizja Republika. Furthermore, on 29 January 2025, two major companies — Wawel SA and Oleofarm Sp. z o.o. — declared that they would no longer advertise on the station. In their statements, both explicitly referred to the "mission of WOŚP" and to "Jerzy Owsiak's position," making it clear that their decision was a direct response to politically motivated pressure.

This case prompted a clear response from media freedom experts. On 13 February 2025, the Consultative Council of the Press Freedom Monitoring Center of the Polish Journalists' Association issued a statement warning against such tactics. It emphasized that intimidating advertisers constitutes an unfair market practice, threatens the financial viability of independent media outlets, and ultimately leads to restrictions on freedom of expression and a narrowing of pluralism in public debate²⁵.

While the individual actions of companies such as Wawel or Oleofarm do not formally violate existing legal provisions and fall within the scope of entrepreneurial freedom, the systemic pressure exerted by actors linked to the ruling establishment — coordinated informally by prominent figures — constitutes a grave violation of the principles of economic freedom and

²⁴ Statement of Telewizja Republika SA, available at: <https://tvrepublika.pl/W-Telewizji-Republika/Oswiadczenie-Telewizji-Republika-SA/181137> (accessed on 26 May 2025).

²⁵ Statement of the Consultative Council of the Press Freedom Monitoring Center of the Polish Journalists' Association (SDP), protesting against the discrimination and exclusion of independent media and warning against restrictions on freedom of expression and access to information, available at: <https://www.gov.pl/web/krrit/rada-konsultacyjna-centrum-monitoringu-wolnosci-prasy-sdp-protestuje-przeciwko-dyskryminacji-i-wykluczaniu-niezaleznych-mediow-oraz-ostrzega-przed-ograniczaniem-wolnosci-slowa-i-dostepu-do-informacji> (accessed on 26 May 2025).



media independence. This mechanism exploits a grey regulatory zone where informal pressure results in real restrictions on the ability of private media outlets to maintain an independent editorial line.

The political attacks and campaign of economic blackmail directed against Telewizja Republika ultimately proved largely counterproductive. The channel — long marginalized by the dominant media-political establishment — gradually emerged as Poland's most-watched news channel. At the same time, attempts to economically strangle Telewizja Republika triggered a broad grassroots mobilization among its viewers, who provided generous and enthusiastic financial support, thereby strengthening the station's independence from political and commercial pressure.

A telling indication of how threatening Telewizja Republika's success and popular support had become for the authorities was a post by Prime Minister Donald Tusk on the platform X in early January 2025, in which he wrote: *"A campaign of PiS-affiliated television 'I don't give to Owsiak, I support Republika' has been launched. The Great Orchestra raises money for children with cancer, while they raise money for their media sick with hatred. It's their tradition."*²⁶ This unprecedented statement saw the head of government directly engage in a public attack on a media outlet independent of the liberal-left administration, amplifying a narrative likely to further marginalize and economically isolate the station.

The case of Telewizja Republika illustrates a broader trend: under the Tusk administration, economic censorship has become one of the primary instruments used to suppress inconvenient media voices. The overt interference of politicians and government-affiliated actors in advertisers' decisions is contributing to a dangerous degeneration of Poland's media market and poses a serious threat to the democratic character of public debate.

²⁶ Post on X dated 5 January 2025: <https://x.com/donaldtusk/status/1875853289428009287> (accessed on 26 May 2025).