



# HUNGARIAN-POLISH

## FREEDOM INSTITUTE

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"Both are valiant, both are brave,  
Blessings on them both we crave."



## **Current Hybrid Assault on Media Freedom in Poland**

### **What was the political objective behind the attempt to indict the Chairman of the National Broadcasting Council (KRRiT)?**

On 16 July, the Constitutional Court of Poland issued a landmark ruling (case no. K 24/24) with significant implications for freedom of speech<sup>1</sup>. As it had previously ruled with regard to the President of the National Bank of Poland<sup>2</sup>, the Court held that members of the National Broadcasting Council (KRRiT) cannot be indicted by a simple absolute majority of MPs, and that such an indictment cannot result in their automatic suspension from official duties. The Court found that the applicable legal provisions failed to provide adequate guarantees of the Council's independence — a body which, under Article 213 of the Polish Constitution, is tasked with safeguarding freedom of speech, the right to information, and the public interest in the fields of radio and television broadcasting<sup>3</sup>.

In the Polish legal system, an absolute majority — meaning more than half of the statutory number of members of the 460-seat chamber (i.e., 231 MPs) — is sufficient to form a government. This means that the applicable provisions theoretically allowed the ruling coalition, without meeting any additional requirements, to effectively dismantle key constitutional organs. This includes bodies such as the National Broadcasting Council, which holds constitutional status precisely because of its function in defending media independence and fundamental civil liberties.

Strikingly, the Act on the State Tribunal imposes stricter requirements for ministers of the Council of Ministers, who may be indicted only by a qualified three-fifths majority. The Constitutional Court rightly concluded that members of the National Broadcasting Council (as with the President of the National Bank of Poland) cannot be effectively removed from office in such a simplified and discretionary manner, and that they should be afforded at least the same level of protection as members of the government. The scenario outlined by the Court is not merely theoretical — since taking office on 13 December 2023, the left-liberal ruling coalition has taken concrete steps to circumvent the law in order to remove the President of

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<sup>1</sup> <https://trybunal.gov.pl/sprawy-w-trybunale/art/pociagniecie-czlonka-krajowej-rady-radiofonii-i-telewizji-do-odpowiedzialnosci-przed-trybunalem-stanu> (accessed: 16 July 2025).

<sup>2</sup> <https://trybunal.gov.pl/sprawy-w-trybunale/art/procedura-pociagniecia-do-odpowiedzialnosci-konstytucyjnej-prezesa-nbp> (accessed: 16 July 2025).

<sup>3</sup> <https://www.gov.pl/web/krrit-en> (accessed: 16 July 2025).



the National Bank. In recent weeks, a similar attack has been launched against the Chairman of the National Broadcasting Council.

Donald Tusk indeed decided to paralyze and effectively dismantle the Council by initiating a completely unfounded motion in 2024 to bring its Chairman, Maciej Świrski, before the State Tribunal<sup>4</sup>. The most serious charge concerned the alleged failure to disburse funds from the public broadcasting license fee to media outlets that had been illegally taken over by the Tusk government. Given existing legal uncertainties, Świrski transferred the funds to a court deposit account.

The chances of his conviction before the State Tribunal were virtually zero from the outset — both due to the absurdity of the charges (which, however, is no obstacle in the “fighting democracy” constructed by the globalist autocracy), and due to the lack of the required qualified majority. Nevertheless, the Tusk coalition did possess the votes necessary to initiate the indictment — as the law (until recently) required only an absolute majority. That moment was crucial: under the then-applicable rules, the act of indictment automatically resulted in the Chairman’s suspension from duties. For the National Broadcasting Council, this would have meant effective paralysis.

Tusk sought to eliminate an inconvenient constitutional institution that had disrupted his plan to seize full control over media narratives about his government’s actions.

Accordingly, on 12 June 2025, a parliamentary committee — by majority vote of the ruling coalition — submitted a motion to hold Maciej Świrski constitutionally accountable. This was the final necessary step before a plenary vote in the Sejm to officially indict and suspend him from office.

Crucially, these actions were taken in total disregard of the interim measure issued by the Constitutional Court in October 2024, which explicitly prohibited MPs and the Marshal of the Sejm from undertaking any actions prior to the issuance of a final ruling — which, as noted, came on 16 July 2025.

The actions of the committee members were indisputably illegal — hence, a formal notification was submitted regarding the suspected commission of a criminal offence. It was argued that continuing the procedure against Świrski, despite the unequivocal prohibition by the Constitutional Court and with the intent of paralyzing the Council’s operations, meets the criteria for the following crimes: acting as part of an organized criminal group (Article 258 § 1 of the Criminal Code), undertaking actions aimed at violently overthrowing the constitutional

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<sup>4</sup> <https://www.sejm.gov.pl/sejm10.nsf/PrzebiegProc.xsp?nr=17142-z> (accessed: 16 July 2025).



order and removing a constitutional state organ (Articles 127 § 1 and 128 § 1), and abuse of power by public officials (Article 231 §§ 1 and 2).

The turning point came with the Constitutional Court's judgment, whose reasoning emphasized that the low procedural threshold for initiating State Tribunal proceedings, coupled with the automatic suspension from office, posed a real threat to the independence of a constitutional body responsible for protecting freedom of speech, access to information, and the public interest in the media.

The clearest example of this threat lies in the actions of members of the current governing majority. The Constitutional Court's ruling formally removes the greatest risk — namely, the paralysis of the Council — and casts doubt on the possibility of proceeding further with the indictment, given that the ruling coalition lacks the three-fifths majority. This, however, is only a formal safeguard. In Donald Tusk's Poland, the law is followed "according to how they interpret it."

It must be recalled that the left-liberal government has repeatedly violated the principles of the rule of law — by forcibly seizing editorial offices of public media in violation of binding provisions, by refusing to recognize the lawful appointment of the National Public Prosecutor and physically preventing him from accessing his office, and by unlawfully appointing his "successor" without involving the President of the Republic. Depending on its political needs, the government ignores rulings of the Supreme Court as well as the Constitutional Court — exposing its members to serious criminal liability.

In light of the Constitutional Court's 16 July 2025 ruling, any further actions based on the annulled provisions would be unlawful. It is especially concerning that just days before the ruling was issued — and while the interim injunction was still in effect — an item concerning the vote on the Chairman of the National Broadcasting Council was included in the draft agenda of the Sejm for 22–25 July. According to the Sejm's Rules of Procedure, the final agenda is determined by the Marshal of the Sejm after hearing the opinion of the Council of Seniors — an advisory body composed of the Marshal, Deputy Marshals, and representatives of parliamentary caucuses. In the absence of consensus, the decision is made by the Sejm (Article 173 of the Sejm Rules of Procedure).

Thus, we are faced on the one hand with actions already undertaken by members of the committee — actions that are unlawful — and on the other with further steps planned by the Marshal of the Sejm, which can be viewed as a political assault on the independence of a constitutional body inconvenient to the ruling left. This constitutes yet another instance of criminal conduct directed against constitutional institutions that Donald Tusk does not control.



Why attack the National Broadcasting Council? Because the Council played a crucial role in enabling free, conservative media to operate — including Telewizja Republika, wPolsce24, and Telewizja Trwam. Thanks to the Council's decisions, these independent outlets received broadcasting licenses and were able to function effectively despite political pressure, attempts to revoke licenses, and pressure on advertisers to boycott conservative media. The Council consistently defended the principle of pluralism and freedom of expression wherever the government sought to impose full control over media narratives. It stood up for journalists attacked by government officials and defended Telewizja Republika when it was excluded from the Prime Minister's press conferences.

### **The illegal takeover of public media — backfiring on Tusk**

After illegal and forceful taking over public media in late 2023, Tusk expected to complete the media consolidation process and establish effective information monopoly. Public television had been the only major broadcaster not dominated by a pro-government, liberal-left narrative. The political calculation assumed that within a few months, public debate could be monopolized<sup>5</sup>, and the opposition politically dismantled. Simultaneously, the government launched efforts to destroy the main opposition party — by illegally blocking its funding and ignoring the Supreme Court ruling which clearly stated there was no basis for rejecting its financial report<sup>6</sup>. Opposition politicians were publicly threatened with imprisonment, and some were even unlawfully detained<sup>7</sup>.

That plan, however, failed. Not only did Tusk fail to silence conservative media — but Telewizja Republika, wpolsce24, and other independent stations began to grow rapidly. Their combined audience eventually exceeded that of liberal channels. This was a significant blow to Tusk. In the news category, conservative channels — Telewizja Republika (7.18% in June 2025) and wPolsce24 (approx. 1.7%) — jointly held nearly 9% market share, surpassing liberal news channels such as TVN24 (5.35%) and TVP Info (approx. 1.5–2%). Conservative media thus took the lead in public and political debate, becoming dominant in the information sector. The catastrophic consequences for Tusk's inept team were not long in coming.

### **TV Republika's debate in Końskie as a turning point**

In Polish presidential elections, televised debates between candidates carry more weight than in the U.S. and attract massive public attention. The town of Końskie, in central Poland, plays a role comparable to Iowa or New Hampshire.

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<sup>5</sup> <https://www.iwp.edu/articles/2025/06/18/threats-to-media-freedom-and-pluralism-in-poland-after-2023/> (accessed: 16 July 2025).

<sup>6</sup> <https://alapjogokert.hu/static/pdf/MLSZI-Riport-ENG.pdf> (accessed: 16 July 2025).

<sup>7</sup> <https://www.iwp.edu/articles/2025/05/22/the-unlawful-detention-of-polish-conservative-opposition-mps-under-the-tusk-administration/> (accessed: 16 July 2025).



The role of major independent media free from government propaganda — such as Telewizja Republika — became particularly clear during one of the defining moments of the 2025 presidential campaign: an attempted media manipulation by Rafał Trzaskowski's campaign. In coordination with the illegally captured and government-aligned public television, they scheduled a debate in Końskie with only two candidates: Trzaskowski and Karol Nawrocki, excluding all others — a blatant violation of the principle of equal competition. The absurdity — along with the alleged violation of electoral law — was compounded by the fact that it remained unclear whether the event was organized by the public broadcaster, which is legally bound to impartiality, or by Trzaskowski's campaign team.

This plan was foiled by Telewizja Republika, which at the last moment organized a full debate, in the same location, just hours earlier, with nearly all major candidates present. The participation of coalition partners broke the political boycott of Tv Republika. Trzaskowski's refusal to attend exposed him as a candidate avoiding genuine, pluralistic debate.

In the end, due to pressure from unfolding events, Trzaskowski's team and public television were forced to invite all remaining candidates to their evening debate — disrupting the carefully orchestrated scenario. Instead of a controlled media ambush against Karol Nawrocki, the narrative shifted. Nawrocki emerged as the winner of that day — and of the campaign. Trzaskowski, who was meant to dominate the message, lost initiative and symbolically lost both the debate and ultimately the presidency.

The liberal media's protective shield was symbolically dismantled — thanks to the initiative of a single major, independent broadcaster: Telewizja Republika.

### **Information blackout on the migration crisis at the German border**

A similar deepening crisis of public confidence and government credibility is unfolding in connection with the ongoing migration emergency on Poland's border with Germany. Acting in fulfillment of political obligations toward Berlin, Donald Tusk has been accepting illegal migrants pushed across the border by German authorities—often in violation of both Polish national interest and legal standards. This is a practice the government has sought to conceal from the public. However, the presence of civic activists and large, independent media outlets documenting and publicizing these actions has ensured that the truth continues to reach Polish society. It was, in fact, this grassroots mobilization and mounting public pressure that ultimately forced the Tusk government to reinstate border controls with Germany.

Amid the escalating migration crisis and growing controversy over Prime Minister Tusk's passive approach, there is now clear and overwhelming public support for strong border protections, accompanied by a noticeable rise in citizen engagement. Polling data indicate that Polish society—by margins approaching three-quarters of respondents—has consistently





demanded the restoration of effective border control measures and strongly supports grassroots initiatives aimed at defending national territory.

The civic movement "Border Defense Initiative" (Ruch Obrony Granic) has taken direct action by organizing patrols and documenting repeated instances of unlawful border crossings, particularly cases of migrants being forcefully transferred from Germany into Poland by German services. These efforts are gaining significant backing from local communities and exert increasing pressure on state institutions.

For Tusk's government, the public exposure of the border situation is highly problematic. The clear societal demand for effective border defense stands in direct contradiction to his conciliatory stance toward Berlin and Brussels. Attempts to discredit civic border initiatives, intimidate their organizers, marginalize conservative media outlets covering the issue, and dismiss the real scale of the threat are widely perceived as evidence of the government's detachment from the challenges facing the country and from the national interest.

This is precisely why Donald Tusk sees the elimination of the National Broadcasting Council as a strategic priority. As long as this constitutional body remains in place, the existence of free and independent media in Poland is still possible—and that poses a mortal threat to his political dominance.

### **Tusk is not backing down**

Donald Tusk is not laying down his arms — and that is entirely understandable. He is facing not only likely defeat in the upcoming elections, but also political accountability for his time in office. The polls are merciless. In a survey conducted on 15 July, more than half of Poles considered Tusk an ineffective prime minister — including over 40% of voters supporting his coalition partners. Meanwhile, a 16 July poll shows a further decline in assessments of the government, with over half of respondents expressing a negative opinion of its actions. Moreover, since May, public opinion research has consistently indicated that Law and Justice, together with Confederation, would win a solid majority in parliamentary elections.

But that is not all. Tusk and his team are facing serious allegations of having committed multiple criminal offences which, if they lose power, will expose them to criminal liability. These include, above all, the unlawful takeover of public media, the illegal seizure of the prosecutor's office, the dismantling of constitutional organs — particularly the Constitutional Court, the Supreme Court, and the National Council of the Judiciary — as well as numerous acts bearing the hallmarks of official misconduct against the state. Under the Polish Criminal



Code, such acts carry long prison sentences — and in many cases, the offences are punishable by up to life imprisonment<sup>8</sup>.

According to recent credible media reports, Tusk has been pressuring the Marshal of the Sejm not to convene the National Assembly on 6 August 2025 — the date on which, pursuant to the Constitution, the president-elect Karol Nawrocki is to be sworn in. Tusk's plan is to delay Nawrocki's inauguration by weeks or even months, under the pretext of alleged irregularities or by refusing to recognize the legitimacy of the chamber of the Supreme Court which, under the law, certifies the validity of the presidential election. During this period, the role of head of state would be exercised — in a constitutionally dubious manner — by the Marshal of the Sejm. The goal of this manoeuvre would be to push through a series of laws during the interim, including provisions that would guarantee the ruling coalition immunity for the crimes it has committed, thereby bypassing the veto power of President Nawrocki. In Poland, the president holds a suspensive veto, which can only be overturned by a three-fifths majority in the Sejm — a threshold the Tusk coalition does not possess. This is precisely why the election of Karol Nawrocki — and not PO's globalist candidate, Rafał Trzaskowski — proved to be a political disaster for Tusk.

In the context of these efforts to block Nawrocki's inauguration, Marshal of the Sejm Szymon Hołownia declared that "if someone wants to carry out a coup d'état in Poland, they will not do it with me," and issued a decision convening the National Assembly for 6 August.

This constitutional coup scenario remains a real threat — especially since, despite the Marshal's decision to convene the National Assembly, Tusk has yet to publish the order in the official legal journal, thereby preventing the inauguration ceremony from taking place in formal legal terms. Although all other parties within the governing coalition — except for Civic Platform (PO) — have declared their intention to participate in the Assembly, Tusk still commands the instruments of coercion. Cornered, he is capable of anything.

The attempt to destabilize the National Broadcasting Council was part of his broader strategy for political and existential survival — an effort to regain the initiative by curbing media freedom and securing a favorable media shield. In this matter — both earlier, in light of the interim injunction issued by the Constitutional Court, and now following the issuance of a final ruling — the Marshal of the Sejm has been forced to decide whether to implement Tusk's political agenda at the risk of future criminal liability.

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<sup>8</sup> [NOTIFICATION\\_of\\_31\\_January\\_2025\\_translated\\_from\\_Pol\\_into\\_Eng\\_.pdf](#) (accessed: 16 July 2025).





### **A Scandalous Document of the European Commission**

It is telling that at a time when Poland is facing the threat of further assaults on its constitutional institutions — endangering the Office of the President and the body safeguarding freedom of speech — the European Commission published its 2025 Rule of Law Report – Country Chapter on the rule of law situation in Poland<sup>9</sup>. This document deserves attention in that context, as it represents a textbook example of acceptance — and even encouragement — of the most egregious violations of the law, carried out under the pretext of allegedly restoring the rule of law, supposedly undermined by the former conservative government. The Commission has chosen to interpret as “rebuilding the rule of law in Poland” actions by the Tusk-led left-liberal government that are flagrantly unconstitutional and unlawful, and which also meet the criteria for some of the gravest criminal offences against the Republic of Poland.

The European Commission, which during the Law and Justice government years used every available instrument to force political change in Warsaw, is now endorsing the actions of the new left-liberal coalition — actions aimed at dismantling the legal order solely to justify, retroactively, the unlawful eradication of the legislative achievements developed under conservative rule. And this endorsement comes even when these actions take the form of a de facto constitutional coup, carried out by physical force, legal abuses, coercive arrests, degrading and inhuman treatment of detainees held without grounds, or even psychological torture.

The Commission acknowledges the “restoration of the rule of law” through the dismissal of the Disciplinary Prosecutor for Judges of Ordinary Courts and his deputy — entirely overlooking, or deliberately ignoring, the fact that this was done in blatant violation of statutory provisions that explicitly prohibit such actions. The Commission also notes — without objection — that the Minister of Justice dismissed court presidents and vice-presidents, disregarding binding Constitutional Court rulings and violating legal provisions that forbid the arbitrary shortening of judicial terms. It raises no concern over the fact that the Supreme Court, the National Council of the Judiciary, and the Constitutional Court have been stripped of the budgetary means necessary for their proper functioning — a situation that constitutes the criminal offence of de facto dismantling constitutional state organs. The Commission even expresses approval or tacit endorsement of efforts to block the functioning of constitutional organs such as the Constitutional Court, the Supreme Court, and the National Council of the Judiciary.

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<sup>9</sup> [https://commission.europa.eu/document/download/bac7fb6c-b5f2-4593-b62a-b9a4b87269e4\\_pl?filename=25\\_2\\_63960\\_coun\\_chap\\_poland\\_pl.pdf](https://commission.europa.eu/document/download/bac7fb6c-b5f2-4593-b62a-b9a4b87269e4_pl?filename=25_2_63960_coun_chap_poland_pl.pdf) (accessed: 16 July 2025).



The Commission also sees no problem with the refusal to publish Constitutional Court judgments or with the Minister of Justice's refusal to initiate recruitment for judicial vacancies, resulting in the paralysis of the judiciary. Meanwhile, the Commission's report cites statistical data suggesting improvements in the judiciary, failing to mention that these data reflect the period of Law and Justice governance. Evidently by oversight, the report fails to indicate that the current government has not published any judicial statistics for over a year and a half. In reality, the destructive policies pursued by the current leadership of the Ministry of Justice have led to a dramatic decline in the efficiency of the courts.

Incredibly, the European Commission claims that Poland has made significant progress in implementing the recommendation to ensure the functional independence of the prosecution service from the executive — this, in a situation where the prosecution office was unlawfully and forcibly seized, followed by purges that directly contradict the principle of independence. The Commission also repeats false claims concerning the dismissal of Deputy Prosecutor General Michał Ostrowski, supposedly removed for initiating proceedings in violation of statutory provisions. However, it fails to mention the key fact that these proceedings were initiated on the basis of a formal notification by the President of the Constitutional Court, and concerned actions — including by the Prosecutor General himself — which may constitute a constitutional coup d'état. The assertion that the initiation of proceedings was unlawful is a blatant falsehood fabricated by the Prosecutor General — one of the primary suspects in the case. The examples of appalling cynicism and hypocrisy in the Commission's report are too numerous to count.

Particularly egregious is Chapter Three of the report, addressing media, pluralism, and freedom of expression. In this section, constitutional bodies responsible for safeguarding media freedom — such as the National Broadcasting Council — are attacked, while the unlawful actions of the government, including the violent and illegal takeover of public media, are uncritically praised. The Commission describes the overt politicization of Telewizja Polska's content as "introducing pluralism," while making no mention of attacks on independent journalists, coercion of editorial staff, efforts to strip conservative media of their licenses, or pressure placed on advertisers not to cooperate with independent outlets.

The blatant lawlessness taking place in Poland under Tusk's rule does not trouble the Commission. On the contrary, it praises each initiative of the left-liberal government with unwavering enthusiasm. After all, it was Brussels that helped install Tusk's government in the first place. The rule of law is indeed being violated — but by the European Commission itself, whose duty is to uphold the Treaties. Instead, the Commission has become their primary violator — unlawfully interfering in Member States' legal systems, while actively promoting, supporting, and even orchestrating actions by compliant national authorities that constitute criminal offences punishable by prison sentences ranging from 20 years to life imprisonment.