

Poland's Patriot Act: PiS government proposes new anti-terrorism law

By Dorota Niemitz
27 April 2016

Seizing on the terrorist attacks in Brussels on March 22, the Polish government is rapidly moving to introduce a reactionary anti-terrorism law that drastically limits basic democratic rights. Although Poland has not seen any major terrorist attack, the authorities present the stepped-up security regulations as a necessary move to insure the safety of Polish citizens in the face of the supposed inadequacy of the European Union's anti-terrorist measures.

The conservative government that took power last October has been working on the new anti-terrorism bill since the Paris attacks of November 2015, but the tragic events in Brussels served as a pretext to speed it up and launch the most vicious attack on democratic rights in Poland's modern history.

The Ministry of the Interior originally announced its intention to introduce the new law on Twitter and during a TV press conference on March 24. But in order to prevent a public debate, a detailed draft was not published until April 21.

The new legislation must, according to the government, be implemented before two large events take place in Poland: the NATO summit in Warsaw on July 8-9 and the Catholic Church's World Youth Days in Krakow on July 27-31, where 2 million pilgrims and Pope Francis are expected to attend. According to Interior Minister Mariusz Błaszczak, the government plans to deploy an extra 13,000 police, border patrols and other troops to provide security during both international events.

The head of the security agencies, Mariusz Kamiński, stated: "You can all see what is happening in the world, how terrorism affects all people. At the moment the terrorists are targeting regular citizens, and we must draw the far-reaching conclusions from this. The Polish state cannot be powerless in the face of contemporary threats."

The new anti-terrorism law is part of a systematic attack on democratic rights. The PiS government has gagged the Constitutional Court, which might rule its provisions unconstitutional, merged the functions of the minister of justice with those of the attorney general and granted the police extended rights to conduct phone and Internet spying. The new law is yet another step towards creating the framework for a police state.

The proposed law grants massive powers to the Internal

Security Agency (ABW), which is designated as the main coordinator of the government's anti-terrorist policy. It allows for extended domestic spying, search and seizure, arrest without trial, and expulsion of foreign citizens. It regulates and increases cooperation between all 11 government security agencies and allows for the use of the armed force domestically.

The law also allows for the banning of mass public events and gatherings under conditions of a heightened terrorist alert or a terrorist event. Borders can be temporarily closed for up to seven days. The border patrol can be assisted by the military, which is allowed to use firearms. The legal term "terrorist event" is not clearly defined and can be interpreted very broadly, encompassing people who "cause unrest" or seek to "blackmail the government". Any protest or strike could be included in this category.

People suspected of terrorist activities can be detained for up to 14 days without any charges brought against them (currently the limit is 48 hours), supposedly to allow the security services the necessary time to gather evidence—a provision incompatible with Article 41, Section 3 of the Constitution. A special register with persons suspected of any ties with terrorist organisations and computer hackers will be created.

The police and special forces are also granted rights to search premises and detain people at night (currently such actions are prohibited between 10 p.m. and 6 a.m.). The ABW can also request to immediately block any phone and Internet connection at any given area for up to 30 days (longer with a court order).

An ID will be required to purchase any pre-paid phone cards and pre-paid phones. The ABW will also have the authority to audit and test the country's major information technology systems, including breaking through their security codes.

"In order to recognise, prevent and fight dangers and crimes of a terrorist nature", the ABW will be able to freely access public registers of 15 key state and local institutions, such as social security (PESEL), motor vehicles (CEPiK), the national crime register (KRRK), all ministries including the ministry of foreign affairs (consular and visa records), the border patrol, local real estate registers, and records of various financial institutions, as well as public surveillance records. With a court

order, the agency will be allowed to obtain information on private bank accounts, investments and insurance records now covered under bank secrecy.

Areas recognised as potential terrorist targets shall be extended to churches, shopping malls, sports arenas and stadiums, hotels, conference and music halls, as well as other places where people gather. Owners of the above-mentioned facilities will be required to provide the ABW with detailed maps and emergency plans for the premises. If they fail to provide the emergency plans, they shall be subject to a fine of 50,000 z? (about €12,000).

The Ministry of Defence can designate professional soldiers to join the ABW forces. If the police forces prove insufficient, armed forces may be used to aid them in case of a heightened terrorist alert. Within the framework of the anti-terrorist action, the ABW, police, border patrol and armed forces can shoot to kill.

The anti-terrorism law targets foreigners and immigrants in particular. Foreigners considered to pose a threat to national security will be immediately expelled without any due process. At the ABW's request, any foreigner living or entering Poland can be subjected to surveillance for up to three months without a court order. This includes undercover audio and video taping, bugging non-public premises, accessing private electronic and phone communications as well as any postal correspondence or packages.

The ABW, police and border patrol will have the right to fingerprint and photograph any foreigner suspected of illegal entry, an intention to illegally enter the territory of Poland, failing to provide proper identification, or terrorist training or activity.

The terrorist attacks in Brussels are also being used to stir up anti-Arab and anti-Muslim sentiments. The Brussels attacks come as a convenient pretext for the Polish government to flat-out reject the previously agreed EU immigration quota. Prime Minister Beata Szydło announced last month that she did not see any possibility of refugees coming to Poland at this time. "We do not agree with thousands of migrants coming to Europe only to improve their living conditions. Among them there are also terrorists", she added.

Blurring the distinction between refugees from war zones, the victims of imperialist terror, and potential terrorists is repellent propaganda aimed at legitimising NATO's predatory wars in the Middle East, limiting the influx of refugees and dividing the working class along racial and religious lines.

In response to heavy criticism from human rights groups and legal experts, the justice minister (and the attorney general in one), Zbigniew Ziobro, said: "Light-hearted people who talk about human rights forget about the rights of the victims of terrorism. Special services must have the right to conduct surveillance."

"If we want to feel safe in our homeland, unfortunately we must agree to the fact that some of our traditional freedoms

shall be temporarily suspended", said PiS parliamentary delegate Jacek Sasin. "This bill is a minimum for the police and security agencies to prevent events that, unfortunately, once again took place in Europe. The authorities must have tools to track the movement of those who want to threaten our security", he said.

The opposition to the PiS government around the liberal Civic Platform (PO) and the Nowoczesna (Modern) party criticised the speed with which the legislation is being introduced and announced plans to oppose some of its measures, but agreed with the essential content of the bill calling it "necessary".

"Poland's security is a key issue—we offer our help and expertise to straighten it out," said the head of PO, Grzegorz Schetyna. "The bill should have been implemented a long time ago", proclaimed the head of Nowoczesna, Ryszard Petru: "If it is good, we will support it."

While calling the draft "unacceptable in the free world", PO focuses on some of the most controversial measures only, such as the extended surveillance, the abridgment of freedom of assembly or rights to anonymity while purchasing pre-paid cards, at the same time shamefully rubber-stamping the most reactionary of all measures implemented by the PiS administration to date, measures that go even further than the USA Patriot Act of 2001.

The assertion that terrorist attacks can be prevented by extending the powers of the security agencies is cynical propaganda aimed at covering up the real purpose of such methods: suppression of any opposition to the authoritarian rule of the government at home. It is not terrorist attacks that are to be prevented, but anticipated working class unrest due to growing social inequality, poverty wages and worsening living standards.

The PiS government is aware of its weakness, as it has no wide public support; therefore it feels it must turn to authoritarian methods. The so-called war on terror is in fact a war against Poland's own constitution and people. The anti-terrorism law is to go into effect on June 1, 2016.

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