



NEWS REPORT

Date: 2 February 2009
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Title: Sentenced for “hailing”, critical court ruling
Country: Poland

Context

Issue at stake: The members of ONR (Obóz Narodowo Radykalny, *National-Radical Camp*, a right wing organization) were sentenced to six months in prison suspended for three years and the ban to raise hands in the Fascist gesture (“hailing”)

Ground of discrimination: Race, ethnic origin

Source: national court decision

Field: other

Legislative provisions: Penal Code: art. 256

Content

Case: On May 2nd, 2006 and May 2nd, 2007 members of the ONR (Obóz Narodowo Radykalny, *National-Radical Camp*) at a ceremony on the occasion of anniversary of the 3rd Silesian Uprising, raised their right hands in a Fascist gesture (“hailing”) using words such as “the glory of heroes”.

They were charged by the public prosecution office (accusation lodged on November 28th, 2007) with committing the crime of “public propagation of Fascism” (art. 256 of the penal code).

The District Court in Strzelce Opolskie on 29th February 2008 (first hearing) decided to discontinue the proceedings based on explanations of the accused that they used ancient “Roman salute” and not the fascist gesture of “seig heil” or “heil Hitler”.

The prosecution appealed the decision to the Regional Court in Opole on March 11th, 2008.



The Regional Court in Opole (on April 24th, 2008) held that discontinuation of the proceedings was premature and referred back the case to the District Court in Strzelce Opolskie to repeat the process.

Decision of the Court: The District Court in Strzelce Opolskie (new panel) decided on 4 December 2008 that the 3 accused were guilty of committing the crime of “public propagation of Fascism” (art. 256 of the penal code) and sentenced them with six months of prison suspended for three years (one person for 4 months), a fine of 1000 zloty (one person 600 zloty) and the ban to raise hands in the Fascist gesture (“hailing”) as well as supervision of probation officer.