



A smear campaign against the Open Dialog Foundation has reached the walls of the European Parliament

On 9 November 2017, in the building of the European Parliament, a conference was held with the participation of former MEP, Frank Schwalbe-Hoth, journalists Gary Cartwright and Jarosław Jakimczyk, as well as moderator Björn Hultin. Kazakhstani propaganda resources [reported](#) that the initiators of the conference were MEPs Indrek Tarand (Estonia) and Stephen Woolfe (Great Britain). However, Indrek Tarand denies his involvement in the conference and was utterly surprised to find out that his name was used during the organisation of the conference.

Despite the fact that the topic of the conference was ‘financial fraud’, it was fully devoted to information attacks against the Open Dialog Foundation and persons defended by the Foundation in the course of its human rights activities.

The authorities of Kazakhstan have been striving to discredit our organisation for many years. Information attacks in Poland were launched immediately after the events of July 2017, when the Open Dialog Foundation and several other Polish NGOs supported public protests against draft laws which would restrict the independence of the judiciary in Poland. On 21 July 2017, Head of the Board of the Open Dialog Foundation, Bartosz Kramek, published [an article](#) on the destruction of the rule of law in Poland, and, the next day, the pressure on the Foundation from the Polish government began.

The conference in the European Parliament has become an example of combining typical ‘criminal charges’ used by the Polish and Kazakhstani authorities in attacks against the Open Dialog Foundation.

Speakers manipulated information with the purpose of presenting it in a favourable light for themselves, reported untrue data, drew conclusions based on false statements, used half-truth techniques and kept silent about more important facts. Such an approach contradicts the principle of a balanced and objective presentation of information and bears clear signs of black PR.

1. ‘Accusations’ which have been used in the attacks against the Open Dialog Foundation in Poland, were voiced at the conference

The Open Dialog Foundation publicly criticised the draft laws of the ‘Law and Justice’ party which violate the independence of the judiciary. Due to mass protests in various cities of Poland, two of three draft laws have been vetoed by the President.

Subsequently, our organisation faced pressure and [a smear campaign](#) in Poland. At the request

of the Minister of Foreign Affairs, on 7 August 2017, the fiscal authorities launched a special financial and customs inspection of the Foundation (despite the fact that various inspections have already been conducted in previous years). The inspections were also initiated with regard to other organisations. The Foundation was subjected to verbal attacks by Polish officials.

At a conference in the European Parliament, journalist **Jarostaw Jakimczyk** voiced the main **'accusations', used by the Polish government, Polish nationalists and pro-government media against the Open Dialog Foundation. It should be noted that Jarostaw Jakimczyk had previously held a senior position in the Polish state TV company TVP. According to the [Polish media](#), people linked to the ruling party 'Law and Justice' were appointed to the company's management positions.**

1.1. Accusations of cooperation with companies operating in the Russian military industry

Journalist Jakimczyk reported that Petro Kozlovski, the brother of Lyudmyla Kozlovska, the President of the Foundation, allegedly owns the Sevastopol shipyard 'Mayak' (ZSS 'Mayak'). The journalist refers to the information obtained from Russian databases, which could have been copied from old Ukrainian archives, or could have been fabricated in order to discredit the organisation. Previously, in 2015, the Polish pro-Russian party 'Zmiana' made attempts to bring about the initiation of a criminal case against the Foundation for ['damaging Putin's image'](#). In addition, the Foundation is the initiator of a list of individual sanctions against senior officials of the Russian Federation in the Savchenko case; it also took an active part in blocking the voting rights of the Russian delegation to PACE. Within the framework of 'LetMyPeopleGo', the Foundation has defended Ukrainian political prisoners in the Russian Federation.

According to Jakimczyk, ZSS 'Mayak' cooperates with enterprises operating in the Russian military industry, which have been subjected to sanctions by Western countries. The journalist concluded that Petro Kozlovsky is 'one of the creators of the Russian fleet of military submarines' and, consequently, 'is under the control of the FSB'.

Previously, the Open Dialog Foundation had repeatedly refuted these allegations. Lyudmyla Kozlovska [stated](#) that her brother **sold ZSS 'Mayak' back in 2003**. After that, Petro Kozlovsky was engaged in the telecommunications business in Crimea. Due to the occupation of the peninsula in 2014, he emigrated to the United States, and his enterprises in Crimea were seized by the occupation authorities.

Jarostaw Jakimczyk's conclusions are an example of information manipulation. Petro Kozlovsky has nothing to do with the activities of the Open Dialog Foundation, but on the basis of false assumptions about his alleged 'cooperation with the Russian military industry', the Foundation's reputation has been undermined. During his speech, Jakimczyk gave detailed information about the nuclear fleet of Russian submarines and even focused on the types of nuclear warheads which they can transport. However, this information has absolutely nothing to do with the activities of the Open Dialog Foundation.

As one of the examples of 'cooperation' with the Russian military industry, Jakimczyk cited the fact that the Foundation had received cash donations from Russian citizens – Andrey Brovchenko and Arkadiy Agarkov, who, reportedly, have been the heads the subsidiary companies of the ZSS 'Mayak' in Russia. However, Jakimczyk did not specify that **the donations were granted in 2013 and early 2014**; i.e. before Russia launched an armed aggression against Ukraine.

The Open Dialog Foundation receives funding from donations and grants from individuals and companies, both Polish and foreign. We hold public fundraisings and, in accordance with the principles of transparency, publish lists of our benefactors. The Open Dialog Foundation cannot

be held responsible for the origin of donated funds and doesn't have the obligation to verify their origin, as it is the task of the state bodies.

1.2. Accusation of possession of a license for the supply of military equipment

During the conference, journalist Gary Cartwright accused the Open Dialog Foundation of holding a 'license for the supply of military equipment', which, allegedly, contradicts the nature of human rights activities. In 2014, the Foundation indeed received from the Polish MIA, a license for economic activities in the sphere of trade of certain goods designed for policemen or military persons. The license was necessary in order to legally provide personal protective equipment (bulletproof vests and helmets) within the framework of humanitarian assistance for Ukraine. Bulletproof vests and helmets, among others, were used by volunteer observers and journalists of the Polish media in the so-called ATO zone. Currently, the license is invalid.

In order to obtain the license, members of the Foundation's governing bodies have received special training and have undergone psychological testing. In addition, over all the years of its existence, the Open Dialog Foundation has undergone both tax and special inspections. In particular, the Foundation [has undergone a process of evaluation](#) by the police, the Internal Security Agency and the Military Counterintelligence Service of Poland. **Claims to the Foundation by the Polish government arose only after** the organisation [had publicly supported the protests](#) in order to protect the independence of the judiciary.

The attack on civil liberties in Poland is a consequence of the general tendency toward deterioration of the situation with the rule of law and democracy in the country. On 15 November 2017, the European Parliament adopted a resolution stating that the situation in Poland may lead to a serious violation of the values provided for in Art. 2 of the Treaty on European Union. The European Parliament [recommended](#) launching the procedure to impose sanctions against Poland, as stipulated in Art. 7 of the Treaty on European Union. In October 2017, [Amnesty International](#) and [Human Rights Watch](#) announced that the situation with human rights, the rule of law and democratic standards has deteriorated in Poland. On 11 October 2017, PACE adopted [a resolution](#) which states the existence of a threat to the rule of law and the independence of the judiciary in Poland. 27 members of PACE signed [a written declaration](#) urging the Polish authorities to cease attacks on the civil society in the country.

2. Gary Cartwright voiced statements of the Kazakhstani propaganda

2.1. The speaker referred to Muratkhan Tokmadi's testimony, obtained under torture

At the conference, Gary Cartwright began his speech with voicing the position of the Kazakhstani authorities in the case of businessman Muratkhan Tokmadi. Cartwright stressed that Muratkhan Tokmadi 'admitted' that the death of banker Yerzhan Tatishev was a 'contract murder'.

It is alarming that, when speaking in the European Parliament, the speaker cited the testimony, obtained by the Kazakhstani authorities by a means of torture and threats.

And so, Muratkhan Tokmadi was accused of 'extortion'. He was placed in the detention centre, after which injuries were revealed on his body. Still, the Kazakhstani prosecutor's office stated that Tokmadi had 'fell off a pull-up bar'. His counsels were dismissed from the case. According to the available information, security officers used physical force against Tokmadi and threatened him with the persecution of his family members, demanding that he 'admit' that 13 years before, he 'committed a murder on the instruction' of Mukhtar Ablyazov. Initially, Tokmadi refused to sign the testimony, convenient to the investigative bodies, but shortly after, he 'confessed' everything.

In particular, [13 MEPs](#) and [26 PACE members](#) expressed their concern over the use of torture to Tokmadi.

2.2. Refutation of false statements about the 'absence of political overtones' in the prosecution of Mukhtar Ablyazov

Gary Cartwright stressed that, allegedly, the Open Dialog Foundation has had very close relations with **Mukhtar Ablyazov** and 'there is something else going on behind this particular Foundation'.

We wish to emphasise that the Foundation has provided extensive expertise on the protection of the rights of political prisoners and political refugees. The case of Mukhtar Ablyazov, Kazakhstan's opposition politician, businessman and the former head of the private BTA Bank, is one of numerous cases on which the Foundation has been working for several years. The Foundation does not conceal the fact of its communication and meetings held with Mukhtar Ablyazov, as well as with other persons in whose defence it is involved. Information about this is published on the organisation's website and in social networks. In addition, Ablyazov takes part in campaigns to release Kazakhstani political prisoners, and the Foundation welcomes this attitude.

It is not for the first time that the Foundation has faced false accusations regarding its 'dependence' on Ablyazov or 'getting funds' from him. In particular, this was asserted by the magazine '[Wprost](#)', and the Foundation obtained a refutation of this untruthful information through litigation.

Mukhtar Ablyazov, whom President Nazarbayev has considered his personal enemy for over 16 years, was accused of 'embezzlement of the funds from BTA Bank'. International human rights organisations, the French Council of State, representatives of the UN and the European Parliament noted [the political context](#) of the case of Ablyazov. **INTERPOL removed from the wanted list**, the name of Ablyazov and several other defendants in the case of BTA Bank due to political motivation of the criminal charges. More than ten Ablyazov's colleagues **have been granted asylum** or subsidiary protection in the EU.

Cartwright mentioned that previously (in 2002), Ablyazov [had served a prison term](#) in Kazakhstan, but failed to admit that the international community recognised the court verdict as politically motivated.

Cartwright reiterated the phrase that '**\$7.6 billion disappeared**' from BTA Bank. It was the amount which was indicated in the latest statements of Kazakhstani law enforcement agencies. It is noteworthy that, at various times, [the Kazakhstani prosecutor's office](#) indicated different amounts of money, 'embezzled by Ablyazov and his criminal group' - from \$4.5 billion to [\\$10 billion](#).

Citing the decisions of British courts, Cartwright claims that Ablyazov '**was found guilty of corruption and embezzlement**'. However, there is not a single European court judgment stating that Ablyazov committed a criminal offence. The litigation carried out in Great Britain was civil, not criminal. Since Ablyazov was sentenced to 22 months of incarceration for 'contempt of court', the London court issued decisions in civil lawsuits without carrying out proceedings on the merits and **without taking into account the arguments of the defence (default judgment)**.

In his speech, Cartwright **voiced completely incorrect information as to why France refused to extradite Ablyazov**. Cartwright enunciated that France cited the lack of possibility to carry out a fair trial in Kazakhstan, as well as the possible transfer of Ablyazov from Ukraine or Russia to Kazakhstan. However, the motivation of the French court was different. The French Council of

State refused to extradite Ablyazov to Russia, as it recognised the request for extradition as politically motivated, and also stressed that Kazakhstan had exerted pressure on the Ukrainian and Russian authorities, demanding that they send [requests for extradition](#).

In addition, speaking about the case of Ablyazov, Cartwright began to talk about 'a glamorous leggy blonde', Elena Tishchenko. We are concerned that, at a conference in the European Parliament, the speaker allowed himself to utter statements which are inappropriate and unacceptable in a serious discussion.

Cartwright did not forget to mention the case of **the Khrapunovs**, which has been actively used by Kazakhstan's propaganda in recent time. The Kazakhstani authorities demanded that the Khrapunovs break off relations with Ablyazov, but they refused to do so. However, Cartwright did not mention that Switzerland has twice (in 2011 and in 2014) refused to extradite Viktor Khrapunov to Kazakhstan. In addition, according to the accusations of Kazakhstan, Ilyas Khrapunov 'was a member of a criminal group' as early as in 1997, when he was 14 years old. At that time, he attended a Swiss school.

3. The smear campaign against the Foundation has become a revenge for our activities to protect human rights in Kazakhstan, as well as participation in anti-government protests in Poland

The Open Dialog Foundation has repeatedly been a victim of numerous slanderous propaganda attacks and open threats due to its activities to protect democracy, the rule of law and human rights in Kazakhstan, Russia, Ukraine, and Moldova. The purpose of such attacks is to damage the image of the organisation with the aim of preventing its cooperation with partners in the implementation of the goals declared. Such 'attention', paid to our organisation, is a confirmation of the effectiveness of our efforts to fulfill the Foundation's statutory goals.

When opening the conference in the European Parliament, Frank Schalba-Hoth enunciated that the audience 'will hear incredible things'. At the conference, the speakers reported rumours about the intimate relations of Mukhtar Ablyazov, and belaboured the topic of nuclear weapons of the Russian Federation, which clearly testifies to the level of discussion offered by ill-wishers of the Foundation. The European Parliament is a platform for reasoned debates, and not for the implementation of denigrating campaigns against human rights defenders and attacks against representatives of the civil society by authoritarian regimes. The Open Dialog Foundation hereby calls on the European Parliament to prevent the support of such events in the future.

It is noteworthy that [the full video footage](#) of the conference was published solely on [Kazakhstan's propaganda Internet resources](#). Information about the event was disseminated by [Kazakhstan's pro-governmental media](#), as well as [the information resources](#) where [Gary Cartwright](#) and [Jarosław Jakimczyk](#) publish their [materials](#). The Open Dialog Foundation hereby expresses its deep regret that representatives of some European media use the propaganda rhetoric of authoritarian states. In fact, this is tolerating the actions of the Kazakhstani dictatorial regime, taken in their attack against non-governmental organisations and those prosecuted for political reasons in Kazakhstan.

False information was not only presented with regard to the Open Dialog Foundation, but also the participants in the conference. In the announcement of the event, the participation of other rapporteurs - members of the European Parliament Indrek Tarand and Stephen Woolfe was declared. Kazakhstani propaganda resources reported that they were true organizers of the conference. As the Foundation was informed in the office of Indrek Tarand, he had been offered to take part in the conference on the subject of 'financial fraud'; however, he denied the offer. "Mr. Tarand did not give consent for his name to be used in any way for this event, and he was very much surprised when he found out", - Mr. Tarand's office stated. None of the

incumbent European parliamentarians delivered a speech. The Open Dialog Foundation hereby calls on the leadership of the European Parliament to find out who is the organiser of the 'conference' held.

We do not exclude that the conference held is a 'response' to [the Foundation's position](#) regarding the ratification of the Agreement on Enhanced Partnership between Kazakhstan and the EU, as well as the critical position of our organisation with regard to the attempts, made by the Polish authorities, to curtail the independence of the judicial system in the country. The Foundation presented to members of the European Parliament and representatives of the European Commission, more than 35 cases of politically motivated proceedings, initiated by Kazakhstan (17 persons, involved in them, are being held in prison). We are striving to ensure that the ratification be made dependent on the fulfillment by Kazakhstan, of its obligations to protect freedom of speech, freedom of assembly and association, and be conditional on the release of political prisoners. The Foundation continues to support actions in defence of the independence of the judiciary in Poland and highlights the unprecedented attacks on the civil society by the Polish authorities.

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