



Report on the activities of the Open Dialogue Foundation for the year 2018

1. Basic information about the Foundation:

- (a) Name: OPEN DIALOGUE FOUNDATION
- (b) Seat, address: 00-580 WARSAW, AL. SZUCHA 11A/21
- (c) Date of entry into the National Court Register: 12 April 2010
- (d) KRS: 0000353754, REGON: 060615226
- (e) Basic information about members of the Board according to the current entry in the court register:

First name and surname: Lyudmyla Kozlovska - President of the Board

- (f) The Foundation's aim is to defend human rights and promote democracy and the rule of law through:
 - efforts aimed at the development of initiatives, movements and civil societies, in particular, in countries of the former Soviet Union, based on the experience of the systemic transformation of the Republic of Poland as well as values and standards of public life in the Member States of the European Union;
 - efforts aimed at the forging of partnerships between the Republic of Poland and other countries, in particular, post-Soviet countries, as well as between the citizens of those countries;
 - measures aimed at cooperation and the integration of initiatives, movements, civil societies and states, in particular, post-Soviet countries, with other subjects of international law;
 - measures aimed at introducing changes designed to guarantee to residents, particularly those in post-Soviet countries, equal opportunities in terms of intellectual, professional, social and cultural development in addition to the opportunity to fully exercise their citizenship rights, including rights to initiate political activity;
 - measures aimed at guaranteeing security and public order, development of self-governance, education, culture and healthcare, as well as improving access to other public services and improving the standards of the operation thereof.

2. Rules, forms and scope of statutory activities; implementation of statutory objectives:

2.1. Scope of activities:

- 1. research and analysis into instances of violations of human rights, especially civil rights and the right to protection from persecution, as well as social phenomena, based on empirical

data, their synthesis and collection in databases and their presentation in the form of studies, reports, presentations, infographics, media studies and other types of studies;

2. dissemination, especially among policy makers, state administrations and local governments, international organisations and opinion-forming environments, mass media and social media, in particular in the form of photographs, recordings and broadcasts, videos, statements, articles and interviews, problems related to the objectives of the Foundation, as well as knowledge accumulated by the Foundation, especially analytical studies and achievements of the Foundation within the scope of its statutory objectives;
3. organisation and running of training courses, workshops, seminars and conferences, in particular, for individuals, businesses, government institutions, student governments, professional associations, employers' organisations, trade unions, religious organisations, social movements, political groups and non-governmental organisations within the scope of the statutory objectives of the Foundation;
4. provision of consultation to individuals, businesses, state institutions and self-governance bodies, student governments, professional associations, employers' organisations, trade unions, religious organisations, social movements, political groups and non-governmental organisations within the scope of the statutory objectives of the Foundation;
5. organisation of public gatherings, including demonstrations, protest actions, charity events, auctions, exhibitions, openings, happenings, promotional and advertising actions, music concerts and other events within the scope of the statutory objectives of the Foundation;
6. publishing activities;
7. rendering of financial, material, legal and organisational assistance to enterprises, state institutions and local government bodies, labour self-governments, employers' organisations, trade unions, religious associations, social movements, political parties and non-governmental organisations and individuals, including persons in need of humanitarian and medical aid, as well as organising medical and first aid training, delivered by qualified persons, within the scope of and in compliance with applicable law;
8. creating funds and scholarship programmes and funding scholarships for children, young people and university students who are particularly talented and socially active, for persons subject to oppression or for persons in a difficult financial situation;
9. organisation of observation missions, including election observation missions and study visits within the scope of the statutory objectives of the Foundation;
10. purchasing equipment, devices, materials and services to be employed in pursuit of the Foundation's objectives as well as their free-of-charge transfer or sharing with individuals and other subjects within the scope of the statutory objectives of the Foundation.

2.2. Achievement of the objectives in 2018:

Poland/EU–Ukraine relations

The Foundation continued its previous efforts to support Polish–Ukrainian dialogue.

In May 2018, we supported the organisation of the Polish–Ukrainian solidarity day at Piłsudski Square in Warsaw. Its participants paid homage to the Ukrainian General Marek Bezruczka, the hero of the Polish–

Bolshevik war in 1920 and his soldiers who were buried in the Orthodox Cemetery in Wola. They also announced the reactivation of the initiative to establish The Heroes of the Maidan Street in Warsaw (starting a new collection of signatures under the petition addressed to the city authorities; this street would appear in the vicinity of Taras Shevchenko Square and the Russian Embassy). The event was complemented by the performance of the Ukrainian bard Viktor Reka – a seriously wounded participant of Maidan, who was included in the programme aimed at rendering aid to the wounded, and hospitalised in Poland, where he subsequently brought his family. On the occasion of the recent Vyshyvanka Day, Ukrainian folk costumes were also presented, in which children – members of the school choir of the Ukrainian school “Materynka” in Warsaw – appeared. During the event, we commemorated the 74th anniversary of Stalinist deportations of Crimean Tatars from Crimea to Central Asia, the Orange and European Majdan, Russian aggression against Ukraine and the resulting occupation, and aid actions organised in Poland for Ukraine. The meeting brought together about 200 people – friends of Ukraine and Ukrainians living in Warsaw. During the meeting, speeches were given by: Jerzy Rejt – the first president of the Union of Ukrainians in Poland; Marcin Świącicki and Michał Szczerba – members of the Polish Parliament who were the first Polish politicians to appear at the Kiev Independence Square in November 2013; Bartosz Kramek and Joanna Cuper from the Open Dialogue Foundation; Kajetan Wróblewski from the Citizens in Solidarity in Action; and a representative of the Ukrainian Ambassador to Poland, Yuliia Borodiy.

The activity in this area remained difficult due to the escalation of disputes over the historical memory of both nations that had been developing since 2015. The Foundation opposed the Polish authorities’ exhibition of mainly dark sides of Polish–Ukrainian history and mutual relations. We also pointed to the threats connected with the destruction of memorial sites in both countries, the nature of which indicated external (Russian) inspiration.

Support for reforms and protection of human rights in Ukraine

In the reporting year, the Foundation defended harassed social activists subjected to harassment and opposed abuses of power in their broader sense. The Foundation condemned, among other things, the use of force to pacify a tent camp near the Supreme Council of Ukraine in Kiev on 3 March 2018. That day, a long-term civil society protest action aimed at changing the electoral law, abolishing parliamentary immunity and creating an anti-corruption court was dispersed (with the use of police forces and the National Guard). As a result of the operation, numerous protesters were injured, journalists were subjected to violence and over 100 people were arbitrarily arrested. The tent camp was liquidated unlawfully – the police only had a warrant to search it.

Along with a number of Ukrainian NGOs and individual activists, we raised the subject of the growing and increasingly drastic attacks on Ukrainian anti-corruption activists. In November 2018, the Foundation joined the Coalition for the Defence of Civil Society in connection with the murder of Kherson activist Kateryna Handzyuk. Within its framework, we demanded the resignation of the police leadership in Kherson, the General Prosecutor of Ukraine Yuriy Lutsenko and the Minister of Internal Affairs Arsen Avakov (who has been widely criticised for: tolerating corruption; the passivity and incompetence of his subordinate structures; and even multiple instances of close involvement in attacks on civic activists). In addition, we demanded an effective investigation into the murder of Kateryna Handzyuk (and, previously, the Kyiv activist Irina Nozdrowska) and hundreds of other attacks on activists throughout the country in recent years.

Similarly, along with a coalition of Ukrainian NGOs, we demanded a public report on the status of investigation into the murder of journalist Pavel Sheremet in 2016. This was due to this case having experienced the sad lack of results and progress that is typical of Ukrainian law enforcement agencies, despite political declarations of full commitment and special supervision over the proceedings (including by President Petr Poroshenko himself).

As part of the “Human Rights Agenda”, we also opposed legislative plans related to the draft of the so-called “law on foreign agents” (mirroring the Russian model), which, according to human rights defenders, could be used to oppress civil society organisations critical of the authorities.

The Foundation continued to monitor the situation of the growing number of political refugees from other post-Soviet countries in Ukraine (including Russia and Kazakhstan) – with particular regard to the protection provided to them by the Ukrainian authorities, including ongoing refugee proceedings. We have also observed with concern the activity of Kazakhstani special services in the territory of Ukraine, aimed at refugees from that country.

Human rights violations in the Crimea and Ukrainian political prisoners in Russia

Activities continued within the international campaign #LetMyPeopleGo initiated by the Centre for Civil Liberties/Euromaidan SOS and supported by the Ukrainian Helsinki Human Rights Group, Euromaidan Press, People in Need, Euromaidan Warsaw, and the Ukrainian Ministry of Foreign Affairs.

In July 2018, the story of Ukrainian director and Crimean activist Oleg Sentsov imprisoned by Russia, which was based on the 2014–2015 reports of the Open Dialogue Foundation, was published in the Swedish independent publishing house Ariel Förlag, which specialises in popularising contemporary issues related to Eastern Europe.

In November 2018, along with several other organisations (within the “Human Rights Agenda” platform), we issued a statement on the persecution of lawyers by the Russian occupation authorities in Crimea. They mainly concerned Emil Kurbedinov, Edem Semedliayev and Lili Gemedzhi, as well as Dilyaver Memetov, the coordinator of the NGO “Crimean Solidarity”. They belong to a small group of local lawyers who consistently work on politically motivated cases defending, among others, the persecuted Crimean Tatars. The Russian authorities are oppressing not only the Tartar community opposed to the occupation, but also the lawyers representing them – the most common pretence is accusations of extremism and terrorism.

A month earlier, in October 2018, the Open Dialogue Foundation and other organisations that are part of the “Human Rights Agenda”, appealed for permission to leave the Crimea for Mykola Semena in order to undergo treatment in a hospital. He is a seriously ill Ukrainian journalist cooperating with Radio Free Europe/Radio Liberty. The occupation authorities have actually prevented him from doing journalistic work, and then banned him from leaving the country in connection with a court sentence for “public calls to violate Russian territorial integrity”.

In December 2018, we issued a statement on the use of administrative detention as a method of oppression against the lawyer Emil Kurbedinov and the Russian activist Lev Ponomariov (on whom this punishment was imposed for public calls to participate in civil society protests on the Internet). Lev Ponomariov was also one of the initiators of a letter from Russian human rights defenders who opposed

the appointment of a Russian representative, Alexander Prokopchuk, to the position of INTERPOL president.

At the end of the year we also appealed, with a number of Ukrainian organisations, to the UN Security Council, demanding a response to the escalation of tensions related to the attacks of the Russian fleet on Ukrainian ships in the Sea of Azov: on 25 November 2018, unprovoked Russian forces opened fire and captured 23 Ukrainian sailors.

The Foundation closely cooperated in this area with the Ukrainian Association of Prisoner Families of the Kremlin, lawyers of the imprisoned sailors, the Centre for Civil Liberties, and others.

Human rights defence in Kazakhstan

Through cooperation with the Italian Federation for Human Rights (FIDU) and Ukrainian NGOs, the mechanism for monitoring the situation in Kazakhstan was re-established after a several-year-long break in the participation of foreign human rights defenders. To this end, the Foundation supported missions organised by the Italian Federation for Human Rights from April to the end of December 2018.

These missions were also attended by human rights defenders and politicians interested in the subject, from Ukraine and EU countries. On 15 May 2018, at the Brussels Press Club in Brussels, the Foundation, along with the Italian Federation for Human Rights, organised a press conference devoted to the presentation of the report from the first observation mission in Kazakhstan (14–17 April 2018), attended by Antonio Stango, President of the Federation, and Polish MP Marcin Świąćicki.

As part of this cooperation, in 2018, a total of 11 missions to Kazakhstan financed by the Italian Federation for Human Rights were organised. The missions were attended by Parliamentarians from Poland, Italy and Switzerland, and Ukrainian activists and experts associated with organisations such as: Vostok-SOS, the Kharkiv Institute for Social Research and the Mass Information Institute. Local partners in Kazakhstan were: the Kazakhstani International Bureau for Human Rights and Rule of Law, the “Families Against Torture” initiative and the “Ar-Rukh-Hak” organisation.

The missions were primarily aimed at monitoring trials considered as political, and carrying out meetings with victims of persecution, their families and counsels, as well as representatives of the authorities. Delegations visited mainly the largest cities in various regions of the country, such as: Almaty, Aktau, Karaganda, Astana, Uralsk, Szymkent, Ust-Kamienogorsk, Pavlodar.

Members of the mission observed a total of 95 court trials, which concerned the persecution of participants in protests against the policy of the authorities and demonstrations in defence of human rights, and the oppression of opposition bloggers, human rights defenders, lawyers defending them and members of their families.

Mission reports were presented to the international community as part of the Foundation's advocacy activities. The main cases of human rights violations in Kazakhstan in the reporting year were presented in the section devoted to the advocacy activities described in this study.

Defence of the rule of law in Poland

During the year under review, the Foundation continued its activities in the international arena to defend the rule of law, in particular, the independence of the judiciary and judges, and the defence of civic activists harassed by the Polish authorities.

In the first half of the reporting year, the Foundation organised, among others, visits of representatives of the so-called “street opposition” in Poland to the Parliamentary Assembly of the Council of Europe in Strasbourg.

In January 2018, the delegation of the Foundation, headed by Lyudmyla Kozlovska, President of the Board, was made up of activists Robert Hojda (Open Civic Club “Przystań”) and Anna Prus (National Women's Strike), and Antonio Stango, President of the Italian Federation for Human Rights. Apart from a series of individual meetings with representatives of diplomatic missions, the office of the Commissioner for Human Rights of the Council of Europe and national delegates (parliamentarians of individual member states from Ukraine to Great Britain and Spain), along with Petra De Sutter (Belgian Senate, Greens) and Frank Schwabe (Bundestag, SPD), we organised an event devoted to the situation in Poland, entitled “Government Against the Rule of Law, Civil Society and Independent Media in Poland”.

The draft resolution on attacks on civil society organisations and media in Poland, which we had been striving for at that time, referred, among other things, to earlier documents – including the October declaration regarding the attacks on the rule of law and NGOs in our country. At that time, a draft resolution entitled “Civil Liberties in Poland, Ukraine and the Republic of Moldova Must Be Preserved”, submitted by the British MP Alexander Earl of Dundee, was also adopted. As early as in July 2017, the Assembly dealt with issues relating to the independence of the judiciary and women's rights in Poland.

Then, on 28 January 2018, during an open meeting in Przystań OKO, Lyudmyla Kozlovska talked with Robert Hojda about the international activities of the Foundation, the defence of the rule of law in Poland and abroad, and the functioning of European and international institutions.

On 27 May 2018, during the summit of the NATO Parliamentary Assembly in Warsaw, the Open Dialogue Foundation, along with the initiative “Solidarity Citizens in Action” (OCA) organised a public meeting of members of the Dutch delegation to the Assembly with Polish activists engaged in the defence of the rule of law and representatives of the disabled, who on that day ended their multi-day protest in the Sejm. The meeting was attended by Dutch deputies from various political groups: Han ten Broeke (Head of the Delegation), Bastiaan van Apeldoorn, Salima Belhaj, Frank van Kappen, Herman Schaper and Janny Vlietstra. Civil society activists called on them to support the European Commission's request to the European Court of Justice to suspend the replacement of many Supreme Court judges with politically dependent successors.

During the summer session of the Parliamentary Assembly of the Council (June 2018), Bartosz Kramek, Chairman of the Foundation's Management Board and Polish street activists Arkadiusz Szczurek (Citizens in Solidarity in Action, Citizens of the Republic of Poland) and Julie Walecka (Civic Guard) spoke about the unconstitutional destruction of democratic institutions and an attack on civil rights in Poland. During the mission, we appealed for the cessation of the total subordination of Polish courts to the executive and legislative power, which would be the result of the new Supreme Court law. This would lead to the retirement of approximately 40% of judges and the appointment of political nominees for the newly formed vacant posts.

In talks between national parliamentarians and diplomatic representations of EU countries, we stressed the need to institute proceedings before the EU Court of Justice on the Supreme Court Act and to support the procedure provided for in Article 7 of the EU Treaty.

In addition to the conflict with the Polish government that has lasted since mid-2017, an additional impetus in this area was provided by the recognition of Lyudmyla Kozlovska as a person threatening national security and her inclusion in the national list of undesirable persons and in the Schengen Information System (SIS) on 31 July 2018. This resulted in her short-term expulsion from the EU territory to Ukraine, which was subsequently overcome by a number of visas being granted to Lyudmyla Kozlovska and the right to enter European countries other than Poland, namely: Germany, Belgium, France, Great Britain and Northern Ireland, and Switzerland.

These decisions were motivated by the political nature of the Polish authorities' activities (as well as the potential violation of EU law) and enabled the continuation of the Foundation's activities on the international forum. They also caused a significant increase in interest in the Foundation's activities and the situation in Poland in the second half of 2018. To this end, we used numerous invitations to participate in events devoted to the crisis of liberal democracy, populism, nationalism and attacks on European values, democracy and the rule of law in Poland and Hungary.

On 13 September 2018, Lyudmyla Kozlovska took part in a parliamentary debate on the crisis of the rule of law in Poland, held in the German Bundestag in Berlin.

On 26 September 2018, at the invitation of the President of the ALDE Group in the European Parliament, Guy Verhofstadt, Lyudmyla Kozlovska delivered a speech at an open session of the ALDE Group at the European Parliament's premises in Brussels.

Between 4 and 6 October 2018 Lyudmyla Kozlovska held a series of meetings with the media, and with Polish activists associated in the organisation KOD UK and in expert and academic circles in London.

On 8 October 2018, Lyudmyla Kozlovska took part in two debates at the Parliamentary Assembly of the Council of Europe in Strasbourg, France. They were devoted to the attacks on human rights defenders and the threat to the protection of human rights posed by the dismantling of the rule of law in Poland. On 12 October, 31 members of the Parliamentary Assembly submitted a motion for a resolution entitled "Misuse of the Schengen system by Council of Europe member States as a politically motivated sanction".

On 22 November 2018, Lyudmyla Kozlovska, along with Prof. Marcin Matczak from the University of Warsaw and Dr. Gabor Scheiring from the University of Cambridge, gave a speech at the British House of Commons in London in the parliamentary debate on the situation in Poland and Hungary. The debate, moderated by member of the House of Commons, Alex Sobel, was organised by the Foreign Policy Centre.

On 23 November 2018, during the UN Forum on Human Rights, Democracy and the Rule of Law at the UN headquarters in Geneva, Lyudmyla Kozlovska led a discussion panel entitled "Changing role of parliaments in defending human rights and the rule of law".

Lyudmyla Kozlovska's expulsion resulted in protests in the Polish and European social, media and political space. Street protests against the expulsion were held on 23 August 2018 in several Polish and

European cities. Speakers in this matter included Ukrainian parliamentarians and human rights defenders, ALDE and S&D groups in the European Parliament, Ombudsman, Helsinki Foundation for Human Rights and President Lech Wałęsa, who initiated an open letter and a petition signed by several dozen public figures and over 30,000 Internet users.

The Polish government's counteraction and diplomatic protests aimed at preventing Lyudmyla Kozlovskaya's return to the EU were widely publicised, but remained ineffective. In October 2018, Lyudmyla Kozlovskaya applied for a permanent right of residence in Belgium.

As regards the dispute with the Minister of Foreign Affairs, lasting from August 2017, on 17 April 2018, the District Court for the Capital City of Warsaw decided to dismiss the complaint of the Head of the Ministry of Foreign Affairs against the previous decision of the court (of 7 December 2017) concerning the refusal to appoint a forced administration board in our organisation. This ruling became final and binding in the following weeks, finally ending the court dispute that had begun with a text written by the Chairman of the Council of the Foundation, Bartosz Kramek, on 21 July 2017. In this article, Bartosz Kramek presented methods of civil disobedience that could be applied in the face of an attack on constitutional order in Poland by the parliamentary majority, the government and the president. The court fully shared the position of the Foundation, pointing out, among other things, the facts that:

- the Minister of Foreign Affairs had indicated no particular violations of the law on the part of the Foundation's Board;
- the journalistic activity of the Chairman of the Management Board is not a violation of the law;
- the Constitution of the Republic of Poland guarantees freedom of speech, including the right to manifest one's views, as well as the right to assembly and association (i.e., *inter alia*, the freedom of activity of non-governmental organisations).

Throughout 2018, we also co-organised regular meetings connecting Polish civil activist circles defending the Constitution with representatives of the diplomatic corps in Warsaw.

Analytical and information activities

The main topics of the Foundation's reports and other studies in 2018 included:

1. Human rights violations in Kazakhstan (with emphasis on the situation of political prisoners and the persecution of peaceful anti-government protesters);
2. The use of INTERPOL mechanisms by authoritarian states to prosecute individuals identified by them as political opponents, or associated persons inconvenient to undemocratic authorities;
3. The #LetMyPeopleGo campaign – the situation of Ukrainian political prisoners in Russia and Crimea and the oppression of Crimean Tatars;
4. Attacks on Ukrainian civil society activists and political activists who, due to their anti-corruption activities, have been subjected to attacks by political and oligarchic structures in the state law-enforcement bodies and security services.
5. The persecution of human rights defenders and other representatives of civil society, as well as opposition politicians, independent journalists and participants in anti-government protests in Moldova;

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6. The protection of lawyers involved in political affairs (including defenders of torture victims and political prisoners) in undemocratic countries and occupied territories;
 7. The introduction of personal sanctions based on the European Magnitsky Law against Russian and foreign high-level officials as a method of counteracting impunity for human rights violations in the world;
 8. The state of the rule of law and attacks on civil society in Poland in the face of protests in defence of the Constitution of the Republic of Poland that have been violated by the parliamentary majority, the government and the President of the Republic of Poland from the Law and Justice party.

The Foundation's studies were presented and discussed within the framework of the lobbying activity, presented below.

All reports and studies are available on the Foundation's website: <http://odfoundation.eu/> (website in Polish, English, Russian and Ukrainian).

The Foundation also carried out intensive communication in Polish and foreign media and social media, in which it uses its official accounts on Facebook: <https://www.facebook.com/ODFoundation/>, <https://www.facebook.com/ODFUKR/> (the account designed for the Eastern reader) and Twitter: <https://twitter.com/ODFoundation>.

Lobbying activity (advocacy)

As in previous years, these activities were coordinated by the Foundation's offices in Brussels and – with regard to the situation in Poland in particular – in Warsaw. Its instruments were, to the greatest extent, cooperation with parliamentarians from EU countries and Members of the European Parliament. The Foundation also had intensive relations with a number of EU institutions, other international organisations, and diplomatic missions.

Representatives of the Foundation participated in the most important sessions and meetings of a number of international institutions in Brussels/Strasbourg (European Parliament), Strasbourg (Parliamentary Assembly of the Council of Europe), Vienna (Parliamentary Assembly of the Organization for Security and Co-operation in Europe) and Geneva (UN – as part of the Human Rights Council session), as well as national parliaments of European countries.

In the reporting year, one of the main topics of the Foundation's advocacy activity became (even more significantly than in the previous year) the rule of law in Poland (presented in more detail in the section entitled “Defending the rule of law in Poland” in this report). It was related both to the need to defend the Foundation itself – as the Foundation was attacked by the Polish authorities along with the authoritarian government in Kazakhstan and the oligarchic regime in Moldova, as well as the need to continue to work for other groups and people persecuted in Poland. In connection with numerous propaganda attacks, we were also forced to constantly clarify circumstances and refute numerous allegations based on false and manipulated information aimed at undermining the reputation of the Foundation and its affiliated persons.

This activity also led to a real expansion of the scope of the Foundation's activities, which began to operate, in addition to human rights activities in the former USSR, in areas concerning problems within

the EU and the Western world in general. These areas include, primarily, the crisis of liberal democracy connected with challenges posed by the revival of sorts in populist and nationalist forces in the West, i.e. its internal problems.

Speaking on the defence of the rule of law in Poland, we also named specific organisations and individuals affected and harassed for political reasons, such as: the movement of the Citizens of Poland; the activist of the Warsaw Women's Strike, Justyna Butrymowicz; Judges Igor Tuleya, Waldemar Żurek and Dominik Czeszkiewicz; opposition politicians Józef Pinior and Stanisław Gawłowski; and a Belarusian collaborator of the state-owned Polish TV channel Biełsat, Ivan Shyla.

The Foundation continued to monitor the situation and carry out its advocacy activities at the European and international level in order to draw public attention to systemic problems of human rights violations and individual cases of such violations. In connection with the situation in Kazakhstan, these included cases of imprisoned activists (Maks Bokayev, Aron Atabek, Sanat Bukenov, Yedige Batyrov, Makhambet Abzhan, Yerzhan Orazalinov, Vadim Kuramshin), people accused of links to the opposition leader Mukhtar Ablyazov (Mukhtar Dzhakishiev, Muratkhan Tokmadi, Iskander Yerimbetov), the victims of so-called “repressive psychiatry” (Ardak Ashim, Natalia Ulasik), members and supporters of the opposition movement Democratic Choice of Kazakhstan (Aset Nurzhaubay, Kenzhebek Abishev, Almat Zhumagulov), journalists (Aset Matayev, Yaroslav Golyshkin), trade unionists (Amin Eleusinov, Nurbek Kushakbayev) and social media users (Sanat Dosov, Ruslan Ginatullin, Igor Chuprina and Igor Sychev).

We created and updated the list of political prisoners on several occasions, and then presented it to EU institutions, the UN, the OSCE, the Council of Europe and national parliaments, demanding that pressure be exerted on the government in Kazakhstan to release them. In the same way, we have sought to defend the rights of victims of torture.

In cooperation with the Italian Federation for Human Rights, the Foundation continued its activities supporting human rights and the rule of law in Moldova, continuing to defend, among others, lawyers Ana Ursachi and Eduard Rudenco, businessman and philanthropist Alexandru Machedon, activist Grigore Petrenca, judges Domnika Manole, Dorin Munteanu and Marina Anton, the driver transporting audio equipment to the anti-government protest Alexei Alexeev, postal officer and whistleblower Serghei Cebotari, journalist Ghenadiy Bregi, the Jurnal TV television channel, and other people and initiatives critical of the regime (which, in fact, had the power over the country at that time) of the richest Moldovan and leader of the Democratic Party, Vlad Plahotniuc. In 2018, we also defended anti-government protesters (Alexander Raichuk, Gheorghe Petic, Ruslan Verbitchi), lawyers (Veaceslav Turcan, Maxim Belinschi, Ion Cretu, Alexandru Bernaz) and Judge Gheorghe Balan.

In the period 26–28 July 2018, a joint monitoring mission to Moldova was held by the Foundation and the Italian Federation for Human Rights. During the mission, we reviewed the situation regarding: political pluralism and controversial reform of the electoral law, freedom of speech, the persecution of judges and lawyers inconvenient to the authorities, the abuse of arbitrary detention, the treatment of detainees, and cases of death in detention centres and prisons.

Involvement in the activity supporting the rule of law and European standards of public life in Moldova (including in previous years) resulted in the official accusation, by pro-European opposition leaders, of the illegal foreign financing of political parties and of the Foundation’s involvement in this practice, with the Foundation being accused of interfering in the internal affairs of the country. This was provoked by an event co-organised by the Foundation in May 2017 in the European Parliament called “Moldova at

the Crossroads”, which was attended by the most committed social and political activists from Moldova, namely: opposition leaders Andrei Nastase and Maia Sandu, journalist Natalia Morari, Alexandru Machedon, and Ana Ursachi.

This led to the establishment of a special parliamentary committee of inquiry, which prepared a report on the subject, which was subsequently widely used for internal political purposes (to fight the opposition), as well as for propaganda abroad (to fight the Open Dialogue Foundation). This case was widely recognised as political abuse, and the content of the report itself was assessed negatively for the false information and manipulation it contained. However, this did not prevent it from being used by the Polish authorities and their associated propaganda and media circles to attack the Foundation.

Along with Moldovan civil society and the pro-European opposition, we carried out an effective campaign (initiated in 2017) to make financial assistance from the EU and the International Monetary Fund dependent on the state of respect for human rights and the rule of law in this country. We have also sought sanctions against Vladimir Plahotniuc as the *de facto* ruler of the country.

One of the priority directions of our activity was the use of INTERPOL mechanisms by authoritarian states, including outside the post-Soviet area (such as in China and Turkey). In November 2018, along with other civil society organisations (mostly Ukrainian), we initiated and conducted the #InterpolNotForPutin campaign, aimed at blocking the candidacy of Russian Police General Alexander Prokopchuk for the Presidency of INTERPOL. A joint statement was issued on this matter on 19 November 2018. Finally, a South Korean representative Kim Jong Yang became the new President of INTERPOL.

A very important and consistently implemented area of the Foundation's activity was the efforts made to establish a common EU-wide legal mechanism *“which would allow the introduction of personal sanctions against persons involved in gross human rights violations in various countries around the world, and that would be an important tool to punish human rights violators and a preventive mechanism that wouldn't allow such violations. In addition, sanctions under the Magnitsky Law could be imposed on officials of individual states (usually undemocratic) that ignore ECtHR decisions and UN recommendations. This dangerous trend is becoming more and more common and eliminates the existing achievements in the field of human rights protection,”* reads the joint statement by our organisation and the Civil Liberties Centre issued on 5 December 2018.

As part of this statement, we called on *“the governments of the European Union to immediately start working on a European equivalent of the Magnitsky Law. The persons involved in human rights violations, including murder, torture, enforced disappearance and politically motivated criminal prosecution, should be held accountable for their criminal activities.”*

In addition to our actions at the EU forum, we convinced parliamentarians in individual EU countries, including Italy, to adopt national mechanisms to enable the introduction of Magnitsky sanctions.

As part of our activities in the Council of Europe, especially in the Parliamentary Assembly, we lobbied for the maintenance of the Council's and Assembly's sanctions against Russia that had been imposed on Russia due to its aggression against Ukraine and the annexation of Crimea in 2014.

The most important events organised by the Foundation in 2018 included:

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1. 23 January 2018, Parliamentary Assembly of the Council of Europe (PACE): *Government Against the Rule of Law, Civil Society and Independent Media in Poland*; the event was co-organised with MPs Petr De Sutter (Belgium; SOC) and Frank Schwabe (Germany; SOC);
 2. 20 February 2018, European Parliament: *Persecution of Lawyers: Selected Cases from Moldova, Azerbaijan, Ukraine, Russia and Kazakhstan*; the event was co-organised with MEPs Julie Ward (Great Britain, S&D) and Jaromír Štětina (Czech Republic, EPP);
 3. 23 February 2018, OSCE PA: *Persecution of Lawyers: Selected Cases from Moldova, Azerbaijan, Turkey, Ukraine, Russia and Kazakhstan*; the event was co-organised with MP Josè Ignacio Sanchez Amor (Spain, S&D);
 4. 15 May 2018; Press Club Brussels: Press conference presenting the report of the monitoring mission on human rights violations in Kazakhstan (14–17 April 2018); co-organised with the Italian Federation for Human Rights;
 5. 26 June 2018; 38th Session of the UN Human Rights Council in Geneva: *Persecution of Lawyers and International Instruments for their Protection*; the event was co-organised with the Italian Federation for Human Rights, in cooperation with the Nonviolent Radical Party, Transnational and Transparty;
 6. 19 July 2018, Senate of the Italian Republic: *In Defence of Civil Liberties. Testimonies from Russia, Moldova and Kazakhstan*; the event was co-organised with Italian Senator Roberto Rampi;
 7. 11 September 2018, Human Dimension Implementation Meeting OSCE/ODIHR: *Defence for the Defenders: Lawyers and Attorneys under Attack for Participation in Politically Motivated Cases in the post-Soviet Area and Turkey*;
 8. 23 November 2018, UN Forum on Human Rights, Democracy and the Rule of Law Second Session in Geneva: *Changing Role of Parliaments in Promoting Human Rights, Democracy and the Rule of Law in a Challenging Political Landscape*.

The main partners of the Foundation in the aforementioned activities included the Italian Federation for Human Rights and the Ukrainian Centre for Civil Liberties in Kiev. We also cooperated closely with the Council of Bars and Law Societies of Europe (CCBE) based in Brussels and the Turkish initiative “The Arrested Lawyers”.

Summary

In 2018, the activities of the Foundation expanded and intensified significantly due to negative developments related to the crisis in rule of law in Poland and the related attacks on the Foundation and its managers (in particular, in the second half of the year).

At the same time, however, activities related to the protection of human rights in post-Soviet countries were also carried out. Due to the cooperation with the Italian Federation for Human Rights (FIDU), we also significantly intensified our activities relating to Kazakhstan in order to tackle the new wave of persecution in that country. In the reporting year, we faced, for the first time, a massive campaign against the Foundation due to its involvement in human rights activities in Moldova. Questions also arose about possible cooperation between Moldova and the Polish authorities with regard to the coordination of activities directed against the Open Dialogue Foundation.

As Lyudmyla Kozlovska, the President of the Board of the Foundation, could not return to Poland, the Brussels office of the Foundation gained in importance, while activities in Poland were maintained – managed from the Warsaw headquarters. Despite numerous disputes with the government and its subordinate bodies, the Foundation managed to maintain its independence and develop its activities in numerous directions.

Detailed information on the Foundation's activities was published on the following website: www.odfoundation.eu

2.3. Legal events with financial consequences: did not occur.

3. Information on the conducted business activity according to the entry in the Register of Entrepreneurs of the National Court Register: the Foundation did not conduct any business activity in the reporting year.

4. Resolutions of the Board of the Foundation: in 2018, the Board adopted 1 resolution – Attachment 1.

5. Information on the amount of income earned:

Total income: PLN 1,299,873.04, including:

- a) Financial means from:
 - subsidies: PLN 0.00
 - donations: PLN 1,299,861.38
- b) Financial income: PLN 11.66
- c) Other income (including gifts in kind): PLN 0.00
- d) Other income: PLN 0.00
- e) Paid statutory activity: PLN 0.00
- f) Economic activity: PLN 0.00

6. Information on costs incurred:

Total costs: PLN 1,239,768.07, including:

- a) Costs of statutory activity (cash benefits): PLN 1,128,009.08
- b) Administrative expenses PLN 110,865.28
 - Consumption of materials and energy: PLN 3,583.54
 - Third-party services: PLN 107,031.74
 - Taxes and fees: PLN 250.00
 - Remuneration and social security: PLN 0.00

Other costs (increase in costs by the result of the previous year): PLN 0.00

Financial costs: PLN 465.03

Other costs: PLN 428.68

7. Data on the Foundation's activities in the field of:

- a) number of employees: in the reporting year, the Foundation employed 1 person: Lyudmyla Kozlovska, Coordinator of Eastern Projects;
- b) the total amount of basic salaries paid by the Foundation: PLN 29,245.57
- c) the amount of total annual remuneration paid in to the members of the Board and other bodies of the Foundation: PLN 0.00;
- d) expenditure on remuneration under civil law contracts: PLN 119,530.86;
- e) cash loans, granted by the Foundation: none;

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- f) amounts deposited in bank accounts: the Foundation did not have bank deposits, the balances of current accounts as of 31 December was:
Raiffeisen Bank: PLN 60.08, \$ 0.00 and € 54.48,
mBank: PLN 816.56, \$25.27 and €8,847.40;
 - g) the value of bonds purchased and the amount of share equity or shares acquired: the Foundation did not acquire any bonds and did not have any share equity or shares in commercial companies;
 - h) acquired property: the Foundation did not acquire any real estate;
 - i) other acquired assets: the Foundation did not acquire any assets;
 - j) total assets at the end of the year equal to the Foundation's total liabilities and amounted to PLN 85,239.18;
 - k) information about the Foundation's settlement of incumbent tax liabilities: as of 31 December, 2018, the Foundation was liable to pay the tax office: physical person income tax (PIT-4) in the amount of PLN 1,434.00, corporate income tax (CIT-8) in the amount of PLN 70.00, tax on goods and services (VAT-9M) in the amount of PLN 0.00 and social insurance contributions in the amount of PLN 9,691.66
 - l) the Foundation submitted the following statements: CIT-8, VAT-9M, VAT-8, IFT-2R, PCC-3, PIT-4R, NIP-2.

8. In the reporting period, the Foundation did not execute any orders for state or local government entities.

9. In the reporting period, the customs and fiscal inspections concerning "the reliability of the declared tax bases and the correctness of calculation and payment of corporate income tax for 2014, 2015 and 2016", extended several times, were continued by the Customs and Tax Office in Łódź in the Foundation.

As we stated last year, the inspection was a result of a request made by the Minister-Special Services Coordinator Mariusz Kamiński, to the then-Minister of Foreign Affairs, Witold Waszczykowski, after which the Head of the Ministry of Foreign Affairs addressed the Chamber of Fiscal Administration in Warsaw with a request to "initiate a comprehensive tax inspection" at the Open Dialogue Foundation.

In the Foundation's opinion, the control activities carried out were another element of a series of politically motivated oppression of the organisation by the Polish authorities after July 2017.

Signature of the President of the Board:

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Brussels, 10 December 2019