



H.E. Věra Jourová

European Commission Vice-President for Values and Transparency
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Brussels, 2 August 2021

Dear Vice-President Jourová,

We, Members of the European Parliament, are writing to express our deep concern about the detention of **Mr Bartosz Kramek**, a Polish activist and the Chairman of the Supervisory Board of the Open Dialogue Foundation (ODF), a Poland-based international NGO on the frontlines of the fight for the rule of law in the country. Since 2017, ODF, its executives and associated entities have become targets of multiple government-sponsored attacks and disinformation campaigns in retaliation for their much-needed watchdog activities, including keeping the EU bodies apprised of the alarming developments in the country.

On 23 June, at 11:00, Mr Kramek was arrested by Internal Security Agency (ABW) officers, at the request of the Regional Prosecutor's Office in Lublin (Poland).¹ After his detainment, he was transported from Warsaw to Lublin to be presented with "charges" and questioned. On 24 June 2021, the Prosecutor requested the court to place Mr Kramek under unconditional pre-trial detention. The day after, on 25 June 2021, the court approved placing him under detention with a bail of 300,000 PLN to be delivered by 8 July 2021. Due to an astounding response from civil society, the entire bail was delivered by a group of activists, journalists and ordinary citizens, and on July 15th the court rejected the prosecutor's objection, freeing Mr Kramek after 3 weeks - a period in which he was considered by many the first political prisoner in post-communist Poland. Among those were the over 100 high-profile signatories of a public appeal to Polish authorities initiated by Nobel Peace Prize laureate, president Lech Wałęsa.²

We believe that the case against Mr Kramek and ODF is an example of the government's efforts to silence its critics. It is important to note that, under the current government, the public prosecution service has been completely politicised and made subordinate to the party in power.³ Using tactics known from states like Russia, Belarus or Turkey, the prosecutor's office accuses Mr Kramek of "hiding funds in tax havens", "laundering dirty money," and "having ties to shady businesses", implying "an illegal source" of ODF's funds, which were then supposed to finance the Foundation's "actions against the interest of Poland". The same accusations were used to place the wife of Mr Kramek and the President of ODF, Mrs Lyudmyla Kozlovska,

¹ The detention of the well-known activist & Chairman of ODF's Supervisory Board was widely covered by the Polish press, e.g.: <https://wiadomosci.gazeta.pl/wiadomosci/7,114883,27239591,bartosz-kramek-zatrzymany-przez-agencje-bezpieczenstwa-wew-netrznego.html>

² <https://en.odfoundation.eu/a/37342,president-lech-walesas-appeal-to-release-bartosz-kramek/>

³ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)028-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)028-e)

on the Schengen Information System (SIS) blacklist. The Warsaw Voivodeship Administrative Court, which had access to the file, revoked the decisions on her inclusion three times, stating that the materials provided by the Internal Security Agency were “generic” and “insufficient to make a decision on refusal”.⁴

Since 2017, when ODF took a public stance against PiS’s full-scale assault on the rule of law in Poland, it has become the target of persecution by government agencies and the media which support the ruling coalition. Among others, in the last few years, the Foundation was subjected to repeated customs and fiscal inspections that did not reveal any irregularities. The Polish government was also unable to provide reasons for refusing to grant a residency permit in Poland to Mrs Lyudmyla Kozlovska - the wife of a Polish citizen and to provide justification to other EU Member States for placing her on the SIS blacklist.⁵ It is worth noting that this listing was ignored by, among others, the governments of Germany, France, Belgium and Switzerland as well as the United Kingdom.⁶ We are concerned that the Polish authorities might try to further abuse European legal cooperation mechanisms, e.g. by issuing European Investigation Orders or European Arrest Warrants against ODF activists residing abroad, mostly in Belgium.

It is also important to note that, as a counter-offensive, ODF filed around 20 lawsuits against the ruling party’s officials and their cronies in 2019. Those cases that have been resolved have been victorious for ODF.⁷ In fact, the day before his detainment, Mr Kramek flew into Warsaw to attend the trials which form a part of ODF’s legal counterattack. Thus, we believe the timing of the government’s actions was not a coincidence.

Finally, we find it strange that the Polish government seeks legal assistance from the Russian government despite the fact that, as documents prove, neither ODF nor Mr Kramek’s company had any business relations with Russia. The only activities carried out by the Foundation in Russia are solely devoted to the protection of human rights.

Mr Kramek and his NGO are now facing a lengthy and costly legal battle, which the Polish authorities clearly started in an attempt to silence the organisation and induce a chilling effect on civil society. In a similar fashion the PiS government has also recently filed indictments against the three leaders of the Polish Women’s Strike⁸. We find such a crackdown on dissent and silencing of critical voices unacceptable in an EU Member State.

We call on you to demand that the Polish government immediately ceases its persecution of Mr Kramek, his wife, the Open Dialogue Foundation and other critical civil society representatives. Such actions run counter to EU principles and the community of democratic countries grounded in the rule of law and the respect for human rights.

⁴ <https://wyborcza.pl/7,75398,26858181,wsa-uchylil-postepowanie-ktore-doprowadzilo-do-wydalenia-z.html?disableRedirects=true>

⁵ <https://en.odfoundation.eu/a/9480,court-secret-services-conclusions-unreasonable-lyudmyla-kozlovska-should-have-stayed-inpoland/>

⁶ <https://en.odfoundation.eu/a/9116,lyudmyla-kozlovska-receives-residence-permit-in-belgium/>

⁷ <https://en.odfoundation.eu/a/9523,20-lawsuits-filed-against-law-and-justice-interim-measure-against-tvp/>

⁸ <https://www.wprost.pl/kraj/10467452/strajk-kobiet-akt-oskarzenia-przeciwko-marcie-lempart-i-klementynie-suchanow.html>

Yours sincerely,

Members of the European Parliament:

Marc ANGEL (S&D; Luxembourg)

Robert BIEDROŃ (S&D; Poland)

Anna DONATH (Renew Europe; Hungary)

Danuta Maria HÜBNER (EPP; Poland)

Isabel SANTOS (S&D; Portugal)

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