

Brussels, 6 September 2021

Dangerous blindness – debunking TVP Info defamatory op-ed by secret services spokesperson Żaryn

Following the [detention of our Supervisory Board Chair Bartosz Kramek in June 2021](#), the pro-government and public media further intensified their smear campaign against him and ODF.

In response to a [public appeal in support of Kramek](#), initiated by former Polish president Lech Wałęsa, Stanisław Żaryn, the spokesperson of the Minister-Coordinator for Special Services, personally addressed dozens of the appeal's high-profile signatories to "explain" the authorities' allegations. While his emails caused [much consternation](#) on the part of the recipients, he didn't stop there, publishing an [extensive op-ed](#) on the topic in the TVP Info state news portal. As a reminder, within its 20 lawsuits the court granted ODF an interim measure, [which TVP complied with](#) in February 2021.

As Żaryn's article was nothing more than a long list of unsubstantiated allegations, fabrications and simply lies, below we dissect it paragraph by paragraph and debunk each claim made by the spokesperson.

Dangerous blindness

STANISŁAW ŻARYN 24.07.2021, 07:03 / *update*: 09:33

<https://www.tvp.info/55023515/bartosz-k-z-fundacji-otwarty-dialog-stanislaw-zaryn-o-rosyjskich-powiazaniach-niebezpieczne-zaslepienie>

In a recently published open letter 'in defence of Bartosz Kramek', the signatories called on the Polish authorities to 'release Mr Kramek and cease political persecution of the Open Dialogue Foundation'. In a similar vein, Bartosz K. expressed himself in an interview given after leaving custody. The content and tone of both speeches indicate that Bartosz K. is presented as another 'hero' of those circles which discredit the Polish authorities at every opportunity. They present the investigation concerning K. in terms of a political fight. It is an action aimed at attacking the government, as well as an attempt to block the activities of institutions obliged to clarify the suspicions of criminal nature that lie on Bartosz K.

Let us recall that Bartosz K. was detained by the Internal Security Agency (ABW) as part of the prosecution investigation in Poland. ABW gathered information indicating serious irregularities in the system of financing the Open Dialogue Foundation and the operations of the SILK ROAD Biuro Analiz i Informacji company. Both entities, with which Bartosz K. is connected, took part in financial operations which raise suspicions of money laundering and legalisation of funds on the basis of false invoices.

FALSE: No proof of any illegal activities has been provided neither by the ABW nor the prosecutor's office as of yet. The only reason the charges include "money laundering" is that, after a 4-year long investigation, the prosecution claims the services billed by the company were not rendered in reality (despite all taxes being paid from them), making the invoices for them false and therefore the

received payment “laundered”. The charges do not explain how this “laundering” would have worked, considering all the profits were spent on the company’s operational costs or donated to ODF, with every zloty accounted for. Moreover, it is difficult to imagine a reasonable money laundering scheme with funds flowing to a well-known entity that has been involved in public advocacy campaigns, listing its donors in financial statements as well as its website. Also, due to the sensitive nature of ODF’s pro-democracy work, its activities were targeted by various state agencies (including security services) of authoritarian and other illiberal regimes. It would hardly be a safe haven for any illegal funds. In this and every next paragraph, S. Żaryn makes defamatory accusations and states supposed facts, none of which are supported by any proof presented so far. In fact the entire “dossier” of the ABW – as it was in April 2021 – was [analysed by independent courts already 3 times at that point](#), with every next court verdict confirming the previous one, ruling the information in the dossier was “insufficient” and “very vague”.

Furthermore, according to a [memo by the ABW itself](#), it is impossible to say that any of ODF’s activities were financed from Russian money laundering. The ABW memo concludes that although, according to Moldovan services, the Open Dialogue Foundation received laundered money from Russia, “it is not possible to identify the exact source of the money in Russia”, nor is it possible “to prove that specific activities of ODF were financed through an illegal procedure of money laundering”.

Money laundering from the East

Within the framework of these actions, Bartosz K.’s company issued invoices amounting to over PLN 5.3 million. Bartosz K.’s contractors included entities from the so-called “tax havens”, such as Belize or Seychelles, entrepreneurs pretending to operate on the economic market and registered in virtual offices. The companies involved in the Silk Road financing scheme were set up by professional Latvian and Estonian intermediaries, while the bank accounts of the above-mentioned companies were kept, among others, in Latvia. Their real beneficiaries were, among others, Russian and Ukrainian citizens.

FALSE: Registering companies in tax havens or using virtual offices is not an offence, neither is doing business with such entities. Both practices are fairly standard in post-Soviet states as a means of securing the business from corrupt authorities. It was never a secret that some of the businesses were owned by Ukrainian citizens, and it is possibly that some of them might have held dual citizenship. In either case such dealings are not illegal and were not deemed suspicious by any fiscal nor financial watchdogs as long as ODF had not criticised the government’s policies aimed at subjugating the country’s justice system.

The evidence indicates that Bartosz K.’s company did not in fact provide any services to the contractors, nor did it have any economic relations with them. Documentation of “services” was needed to justify financial flows to the SILK ROAD company, which in the next step transferred part of the money to the Open Dialogue Foundation. Everything indicates that ODF was financed through a system fed from risky sources: tax havens and former USSR countries, based on illegal activities. The financial model identified by the Internal Security Agency (ABW) suggests that Bartosz K.’s activity was aimed at deriving material benefits from foreign financial sources, under the guise of activity in the area of defending human rights, political freedoms and freedom of economic activity.

FALSE: No evidence of the services not being provided has been presented as of yet. In previous statements the ABW has admitted that the information comes from “foreign partners” [including their Russian counterparts](#), meaning that – if true – Polish authorities took at face value “dirt” received

from Russian secret services against an NGO defending human rights in Russia and former Soviet states. Another [alleged source were the former authorities of Moldova](#), that the ABW itself discredited as unreliable due to the rampant corruption in the country under Vladimir Plahotniuc's rule.

The financing model built around the ODF has allowed the Foundation to carry out its activities on a grand scale, in a manner unprecedented among Polish NGOs. Over the years, the Foundation has not only created for itself an image of one of the most important organisations defending civil society, but has also managed to exert a very strong political influence. Its contacts with many politicians, academics and journalists allow the Foundation to organise high-profile campaigns in defence of the interests of the Foundation, or – as is currently the case – of Bartosz K. The findings of the Internal Security Agency and the prosecution indicate that the activities of the Foundation were financed using a non-transparent mechanism built around the Foundation. The investigation in this case is of a strictly criminal nature and concerns serious financial offences, the commission of which in Poland is punishable by imprisonment of up to 10 years.

PARTLY FALSE: This depiction of ODF's activities – although very flattering – is quite exaggerated. While ODF may be perceived as highly effective in its work, the Foundation is by no means “unprecedented”, nor in Poland nor the EU. Various NGOs in Poland and in the EU remain involved in the struggle for democracy and the rule of law, many of them with far larger budgets, compared to [ODF's PLN 1.16 mln](#) (€253k) in 2020 and PLN 1.24 mln (€271k) average in 2015-2019. Stating that the investigation is “of a strictly criminal nature” is also false, considering the numerous, [public statements by government](#) and [PiS officials](#) threatening ODF with consequences for B. Kramek's article on civil disobedience action. It is also a common mechanism in post-Soviet regimes to file financial, allegedly “non-political” charges against their opponents (see [A. Navalny](#), [M. Khodorkovsky](#), M. Ablyazov). Every time the Polish authorities' representatives mention the allegedly serious nature of the financial offences B. Kramek had allegedly committed, they fail to admit that – even if the charges were true – it would be a victimless crime: there have been no injured parties and the Treasury was a tax beneficiary to his company's activities.

The materials of this case are part of a new, broader trend, posing a threat to the state – money laundering originating from eastern directions. Polish special services identify an increase in the activity of persons and entities participating in this procedure. In June, the Internal Security Agency (ABW) reported on the dismantling of a large criminal group which laundered money coming mainly from Russia. The group purchased companies in Poland and registered them in the names of individuals they had been hired to represent. These companies did not conduct business, did not pay taxes, and their sole purpose was to enable the receipt of funds and then transfer them to successive bank accounts, including those of companies operating in the UK, the Far East and tax havens. This group introduced a total of over PLN 1 billion into the Polish system!

DEFAMATORY: While this “side-note” might be true, it has no connection to the case at hand whatsoever and simply serves to further smear ODF, associating it with actual (though completely unspecified) criminal enterprises. Silk Road and ODF had intensive operations in Poland and spent money mainly in Poland, in full compliance with all accounting and legal requirements, which have not brought any criminal suspicions up until mid-2017 when the conflict between ODF and the Polish government began. It is also completely incomparable – the charges brought against Bartosz Kramek constitute an alleged crime of laundering around PLN 5 mln which is around €1.09 over 5 (2012-16) years of its activities! Furthermore, S. Żaryn's distorted version of events, attempting to make ODF part of Russia's hybrid war and influence operations, tends to strikingly disregard the vehement anti-Kremlin character of the Foundation's work.

Funds from Russia are transferred

The ABW identifies more similar cases of international criminal groups attempting to launder money on Polish territory. This is often done by entities that open bank accounts in the Republic of Poland for companies whose sole purpose is to put money into circulation. This is mainly mediated by entities managed by persons from Belarus or the Baltic States. This is how funds from, among others, Russia are transferred into the Polish financial system.

The case of Bartosz K. has many features in common with the model of operation described above. K.'s mode of operation was based on social activity, but the qualification of the act he is suspected of committing (money laundering) is the same. In the investigation concerning Bartosz K. a strong and extensive evidence has been collected: there are witnesses' testimonies, extensive analyses of financial flows and results of tax control. The attempts to place the case of Bartosz K. in a political context and to use this investigation for actions against the Polish authorities are completely unjustified.

DEFAMATORY / FALSE: As above, these paragraphs include statements of unrelated criminal activities in Poland serving to smear ODF, as well as accusations for which no proof has been presented as of yet. The political dimension of the case has been established earlier too. Suffice to say, the amount of attention the case of ODF and Bartosz Kramek enjoy on the government and special services part, also in public, remains quite compelling.

In Poland, the Open Dialogue Foundation began to build its position through its activity in [Ukraine](#). During the so-called Maidan, ODF created an image of a foundation acting for the benefit of civil society. The analysis of the activities and statements of the ODF activists shows, however, that apart from providing aid, they also carried out activities which escalated conflicts. For example, there were proclamations and calls for armed attacks on law enforcement units, acting on the orders of Viktor Yanukovich. The Foundation motivated its activities by the need to strengthen the fight for 'democracy' and 'freedom', but some of its activities in Ukraine had nothing to do with supporting civil society and their effect was to create more tension.

PARTIALLY FALSE: No evidence of any actions, activities or statements "escalating the conflict" in Ukraine by ODF or its activists has ever been presented and this is the first time such accusations have been made publicly and they are completely groundless. ODF's activities during the Ukrainian Revolution of Dignity or Euromaidan, as well as concerning Russian aggression, are well documented and widely available in public sources. At the same time it is true that ODF did openly (and proudly) support the Maidan revolution in Ukraine, but the statement regarding "calls for armed attacks" is utterly baseless.

Bartosz K. has personally called for the paralysis of the state

By focusing on actions taken in Poland, ODF also seeks to escalate. Activists disseminate false positions and opinions regarding the political situation, alleged repression, and attack public institutions for taking decisions and actions in line with their powers. Bartosz K., as a member of the ODF Supervisory Board, personally called in 2017 for the paralysis of the state and the overthrow of the government of Poland with aggressive actions within the framework of a civic revolt. In his appeal he even called for actions contrary to the law. The involvement of ODF activists in the Polish political dispute, presented by the Foundation as a defence of civil society, is rather an attempt to destabilise

the political situation. Such actions, using ‘democratic camouflage’, aim to polarise the dispute in Poland and strengthen social tensions.

PARTLY FALSE / DEFAMATORY: All information disseminated and promoted by ODF and its activities is based either on own, thorough research, or on the work of other, credible [watchdog organizations and think-tanks](#), like Amnesty International, Human Rights Watch, the Batory Foundation and most recently judicial and prosecutors’ associations we closely work with. PiS’s threat to democracy and the rule of law has been confirmed multiple times by practically the entire Western community, including EU institutions, the Council of Europe, the UN, OSCE, the US Capitol and State Department and countless national authorities.

Bartosz Kramek’s [2017 Facebook post](#) indeed called for resistance to the state apparatus through civic disobedience, thus forcing the increasingly-authoritarian government to obey the law or resign. Yet it clearly stated, multiple times, that it should be done in a non-violent way. The post was written in response to the actions of the most polarising and destabilising party in power since the fall of the communist regime, hence accusations of ODF “polarising and strengthening social tensions” are simply ridiculous.

ODF activists often present their organisation as working on behalf of victims of political repression in authoritarian countries, including the former USSR or Russia. Meanwhile, the findings of the investigation carried out by the ABW (Internal Security Agency) and the Polish Public Prosecutor’s Office indicate that the ODF has been receiving huge sums of money sent in these very directions, from Russia among others. The picture is completed by the fact that with its activities, political actions and false accusations against Poland, the ODF devalues the real victims of authoritarian regimes – in Belarus or Russia. Accusing the Polish authorities of creating an identical regime is not only unjustified, but it also devalues the victims of those who have actually suffered harm from authoritarian regimes. Putting an equal sign between Bartosz K. and the victims of Minsk or [Moscow](#) is detached from reality. It is also a blow to the victims of Putin or Lukashenko.

An analysis of the political activities of the Open Dialog Foundation often calls for questions about the real goals and intentions of the people who run the Foundation. Their activity raises many controversies, and even questions about the convergence of some of their methods with Russia’s hybrid warfare against the West. The Kremlin uses a wide range of tools, including NGOs declaring their willingness to fight for ‘democratic values’, to achieve its political goals. In fact, it has been doing this for many years, striking at Western states.

FALSE: As above, ODF’s work is well documented, with hundreds of concrete actions in support of victims of political persecution in post-Soviet states easily accessible via ODF’s websites, social media channels and in the media. Similarly, ODF has a long history of effectively opposing the Kremlin, incl. successfully supporting the release of numerous political prisoners (e.g. Nadia Savchenko or Oleg Sentsov), championing the imposing of personal sanctions against Russian officials, blocking the delivery of Mistral warships to Russia, campaigning against the election of a Russian official as head of Interpol or delivering humanitarian aid to Ukrainians holding off Russian aggression. Any accusations of “secretly supporting the Kremlin” in light of ODF’s 10+ years of anti-Kremlin activities are also just ridiculous. Moreover, the current ruling elites’ members openly supported ODF’s anti-Kremlin work during Ukraine’s revolution and the first years of the Russian aggression (2013-16), taking part in its monitoring missions, advocacy efforts and urging the public to support our fundraising campaigns.

Polarising and destabilising the West

Back in Soviet times, the Kremlin used pacifist movements in the USA or Western Europe, disarmament organisations and anti-nuclear movements for such activities. At first glance, these were security or human rights activities, but de facto they were an element of the Kremlin's influence on the West. Today the Kremlin is using this method of action to destabilise cooperation between EU countries and polarise societies, among other things. It is enough to refer to Russian involvement in the Brexit issue or the Catalan referendum to see that Russia uses social initiatives to polarise and destabilise the West.

The Kremlin often disguises its activities through the use of entities which adopt slogans concerning the defence of civil rights, the protection of democratic values and freedom of speech. The adoption of such a 'camouflage' makes it extremely difficult to neutralise the threats posed by the activities of such entities, and exposes the states counteracting them to criticism. Meanwhile, the aforementioned activity, often carried out by unwitting activists, poses a serious threat which is in line with Russia's aggressive stance aimed at de facto paralysing decision-making processes in NATO or the EU.

FALSE: As stated earlier, Law and Justice, the party which destabilised Poland, alienated it from its foreign allies and is accused by many experts of knowingly or [unknowingly serving Russian interests](#), is the last to accuse organisations opposing it of representing the Kremlin's interest. Furthermore, by devoting roughly half of the article to the activism and civic activities of the Open Dialogue Foundation and Bartosz Kramek, criticising its opposition to the PiS government, the Special Services Spokesperson inadvertently supports the political dimension of the actions against them. The place of S. Żaryn's publication is no coincidence: TVP is known for being a hard-line propaganda and hate speech mouthpiece of the government.

The materials of the investigation concerning ODF and Bartosz K. will be verified as part of the trial, the final assessment belongs to the court. However, it is already apparent that the way Bartosz K., ODF and Silk Road operate must also be analysed through the prism of contemporary threats that affect not only Poland but the entire Western world. The Russian side uses many different types of actors and mechanisms to weaken the West and lead to its decomposition. Manifestations of such activity by the Kremlin have been reported by many NATO member states in recent years.

The case of Bartosz K. is a criminal matter, involving suspected money laundering and falsification of invoices, but it also touches on threats which are causing growing concern among the Alliance countries. Taking Bartosz K. as a criminal and placing this investigation in a political context is a misguided idea. Appeals portraying K. as a victim of political repression are a dangerous distraction from reality.

DEFAMATORY: These conclusions are self-contradictory – the author warns against linking the investigation with a political context, yet reaffirms his accusations of ODF and Bartosz being involved politically in opposing the Polish authorities, just linking their activism with the Kremlin instead of the simple truth that ODF is a civic actor opposing the ruling party's assault on the rule of law and democracy in Poland.

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