



Activity Report of the Open Dialogue Foundation in 2021

1. Particulars of the Foundation:

- a) Name: OPEN DIALOGUE FOUNDATION (Polish: FUNDACJA OTWARTY DIALOG)
- b) Registered address: 01-493 WARSZAWA, UL. PIRENEJSKA 2C
- c) Date of registration in the National Court Register (KRS): 12.04.2010.
- d) National Court Register (KRS) no.: 0000353754, National Official Business Register (REGON): 060615226
- e) Particulars of members of the Board of the Foundation according to the current entry in the court register:
Name and surname: Lyudmyla Kozlovska – President of the Board
- f) The Objectives of the Foundation are human rights protection as well as support for democracy and the rule of law through:
 - Activities supporting the development of initiatives, movements and civic societies, in particular, in the countries previously belonging to the former Soviet Union, based on the experience of the system transformation in Poland as well as the values and standards of the functioning of public life in the Member States of the European Union.
 - Activities aimed at building partnership between Poland and other states, in particular, those referred to in subparagraph 1, as well as between citizens of those states.
 - Activities aimed at cooperation and integration of initiatives, movements, civic societies and states, in particular, those referred to in subparagraph 1, with other subjects of international law.
 - Activities promoting changes, designed to provide citizens, in particular, of the states referred to in subparagraph 1, with equal possibilities for intellectual, professional, social and cultural development and to fully exercise their civil rights, including undertaking political activity.
 - Activities supporting security and public order, development of self-governance, education, culture, health protection as well as the increase of availability and improvement of the standards of the functioning of other public services.

2. Principles, forms and scope of statutory activities, with an indication of the achievement of the statutory objectives:

2.1. Scope of activities:

1. Research and analysis of incidents of human rights violations, especially civil rights and the right to protection from persecution, as well as social phenomena, also based on empirical data, their synthesis and the compiling of databases and their presentation in the form of studies, reports, presentations, infographics, multimedia and studies of other types.

2. Promotion, especially among political decision-makers, public and local administration bodies, international organisations, as well as in bodies of opinion, mass media and social networking websites, especially in the form of photos, records, records of auditions, movies, statements, articles and interviews, matters described in §7, as well as knowledge gathered by the Foundation, especially in forms provided by subparagraph 1 and achievements of the Foundation within its statutory objectives.
3. Organisation and delivery of training sessions, workshops, seminars and conferences, especially for natural persons, enterprises, public and local institutions, student governments, professional self-governments, employers' organisations, professional unions as well as religious associations, civil movements, political parties and NGOs within the scope of the Foundation's statutory objectives.
4. Provision of consultations to natural persons, natural persons, enterprises, public and local institutions, student governments, professional self-governments, employers' organisations, professional unions as well as religious associations, civil movements, political parties and NGOs within the scope of the Foundation's statutory objectives.
5. Organisation of public meetings, including manifestations, protest actions and charity events, auctions, exhibitions, vernissages, happenings, promotional actions, advertising campaigns, concerts as well as other events within the scope of the Foundation's statutory objectives.
6. Publishing activity.
7. Rendering financial, in lieu, legal and organisational assistance to representatives of enterprises, public and self-government institutions, professional self-governments, religious associations, civil movements, political parties, other NGOs and natural persons; especially those who require medical and humanitarian aid, including the organisation of medical training sessions and workshops regarding first aid in the scope and in accordance with valid provisions of law and conducted by qualified staff.
8. Establishment of scholarship funds and initiating scholarship programmes as well as scholarship financing for children, youth, exceptionally talented students, socially active persons subjected to oppression or those in a difficult financial situation.
9. Organising observation missions including election observation missions and study visits within the scope of the Foundation's statutory objectives.
10. Purchasing equipment, devices, materials and services, conducive to the fulfilment of the Foundation's statutory objectives, as well as providing their free-of-charge transfer or access to natural persons and other entities acting within the scope of the Foundation's statutory objectives.

2.2. Implementation of the objectives in 2021:

Support for reforms and protection of human rights in Ukraine

No activities in this area were conducted in the reporting year given serious emergencies in other areas and priority assigned to other issues.

Ukrainian political prisoners and the Russia-Ukraine war

No activities in this area were conducted in the reporting year given serious emergencies in other areas and priority assigned to other issues.

Defending human rights in Kazakhstan, the Central Asia region and China

Under the #ActivistsNotExtremists programme, we continued our activities aimed at defending social activists accused of extremist actions. We also continued the ‘Servants of the Regime’ programme of condemning officers responsible for violations of human rights, which in practice involved persecution of activists.

In January of 2021, the Foundation continued to monitor the socio-political situation preceding the parliamentary elections in Kazakhstan via the ‘Voices of Kazakhstan’ platform (launched in December 2020).

The Foundation monitored the situation and sought freedom for numerous political prisoners, including, among others, Kalyk Mendygazyev (brother of Barlyk Mendygazyev) and other members of his family who were being persecuted for the activities of the ‘Freedom Kazakhstan’ foundation run by Barlyk in the United States and for supporting civic society in Kazakhstan. As a partner of the Open Dialogue Foundation, ‘Freedom Kazakhstan’ was highly committed to calling for European and international sanctions to be imposed on representatives of the authorities and functionaries of the regime.

A new topic taken up by the Foundation in the context of Kazakhstan was the loss of the so-called digital sovereignty to China and Russia in connection with the agreement for the development and maintenance of a state administration service digital platform signed by the Kazakh government with the Russian state-controlled SBER Group. This involved transferring all the collected data of Kazakh citizens to foreign companies and governments (the Chinese Huawei is the lead subcontractor of the SBER Group).

These steps fall into a broader context of using the Chinese experience in digital surveillance and citizen control and thus the expansion of China’s influence as a provider of technology in other authoritarian states, which has been steadily brought up by the Foundation.

On 11 February 2021, the European Parliament adopted a landmark resolution on human rights in Kazakhstan, which we worked toward together with Kazakh civil society and our European partners. The resolution strongly condemned the escalation of violations of citizens’ rights and called for the imposition of personal sanctions on the responsible decision-makers and state functionaries (we have regularly published the lists of these individuals in our reports, with more than 300 functionaries in aggregate being in the list in 2021).

The resolution enumerated the most significant cases of political prisoners and politically-motivated killings in recent years (Dulat Agadil, Zhanbolat Agadil, Amanbike Khairolla, Serik Orazov, Garifulla Embergenov), persecuted activists and NGOs, raised the issue of the so-called ‘anti-extremist legislation’ (used against pro-democracy movements and activists) as well as the use of torture, violence against women, discrimination against LGBT people, the lack of political pluralism (including the recent, traditionally rigged parliamentary elections in

2021), and Kazakhstan's abuse of Interpol mechanisms and legal aid agreements with other countries.

The European Parliament also emphasized the importance of the EU Delegation in Kazakhstan in terms of the role it should play in supporting the democratic transition in the country (we have slammed it in the past years for insufficient involvement in this regard and collaboration with the authorities at the expense of monitoring human rights protection).

Kazakh diplomats opposed the EP resolution very actively, seeking to neutralize its firm tone, and their efforts included not only falsifying the actual situation in the country, but also involved attempts at discrediting the Foundation in the eyes of EU institutions.

In March 2021, the Foundation and MEP Petras Auštrevičius (Renew Europe, Lithuania) organised an online debate on 'Addressing human rights abuses in Kazakhstan: a need for the EU response' moderated by Lyudmyla Kozlovska and attended by Kazakh human rights defenders (Anna Shukeyeva, Yevgeniy Zhovtis, Bota Jardemalie), Ambassador Peter Burian, EU Special Representative for Central Asia, as well as experts and journalists. During the event, we have highlighted the role played by the EU in the difficult process of leading to democratization of Kazakhstan. In our view, the right path to achieve this objective is through consistent support for civic initiatives and a firm response when human rights are violated.

Our human rights monitoring activities in this part of the world also encompassed the Uyghurs in China, who are discriminated against and persecuted on a massive scale. In June 2021, the Foundation together with Ukrainian human rights organisations demanded that Ukraine condemn the criminal policies of the Chinese authorities (the Ukrainian government had withdrawn from the common position adopted by a number of democratic countries under the pressure of stopping deliveries of Chinese vaccines for COVID-19).

Together with the Belgian organisation Peace & Justice, the Foundation condemned the abduction of Orhan Inandi, the President of the 'Sapat' International Educational Institution, which ran a network of schools in Kyrgyzstan. Orhan Inandi went missing on 31 May 2021. He was abducted and severely tortured in Turkey for being a member of the Fethullah Gülen movement, which was being thwarted by the Turkish authorities.

In the area of human rights work in Kazakhstan, our most important partners (and coalition partners supporting the 'Servants of the Regime' and #ActivistsNotExtremists programmes) have been the following human rights and civil rights initiatives and organisations: Qaharman, Bostandyq KZ, Veritas, '405', Femina Virtute, 'Article 14', Elimay.

Defending the rule of law and democracy in Poland

In the reporting year the Foundation continued its activities conducted since mid-2017, gradually redeploying its pre-pandemic model of operations pursued before the introduction of the pandemic-associated systemic constraints.

The main projects and programmes conducted in Poland and related to the situation in Poland included:

- **'Lists of shame'**: collecting and sharing information on individuals responsible for violations of the law and democratic standards in Poland, including politically-motivated persecution

and harassment. In cooperation with legal experts engaged on a *pro bono* basis, we started working on draft notifications of a crime and indictments (to be used after the political breakthrough and depoliticization of the public prosecutor's office in Poland), against both political decision-makers as well as lower-rank officials.

- **Drafting of a request for prosecution to be filed with the International Criminal Court in the Hague** in connection with the systemic deprivation of liberty of participants in anti-government protests in Poland and opponents of the regime, beginning with arbitrary short-term detentions to pre-trial arrests. Amongst those responsible for these practices we have pointed to Mariusz Kaminski, the Minister of Internal Affairs and Administration, Zbigniew Ziobro, the Minister of Justice and Public Prosecutor General, and Bogdan Świączkowski, the National Public Prosecutor, and we have called for them to be held accountable. This project was carried out in cooperation with the law firms of Dubois and Partners, Pietrzak, Sidor and Partners, the law firm of advocate Roman Giertych and the following organisations: The Citizens of Poland (Polish: *Obywatele RP*) and the Committee for the Defence of Democracy (Polish: *Komitet Obrony Demokracji*). The results of the work and the cases of some of the victims were presented during a press conference held on 26 November 2021 at the law firm Dubois and Wspólnicy.
- **Programme for the Defence of the Persecuted:** watching court trials and disciplinary proceedings connected with politically-motivated cases involving independent public prosecutors, judges, activists and legal experts (such as professor Wojciech Sadurski in his ultimately victorious litigation against the Polish Television that met the criteria of the so-called SLAPPs, i.e., strategic lawsuits against public participation, involving criticism of the regime).
- **Against Police Violence:** a series of actions related to opposition to the growing brutalisation and unlawfulness of police interventions against activists, detainees and even random participants in anti-government protests. In July 2021, we signed a petition on this matter together with the following organisations and civic initiatives: Fog Shadow: Grassroots Support for the Women's Strike (Polish: *Cień Mgły – Oddolne Wsparcie Strajku Kobiet*), All-Poland Women's Strike Foundation (Polish: *Fundacja Ogólnopolski Strajk Kobiet*), Homokomando Association (Polish: *Stowarzyszenie Homokomando*), The Citizens of Poland (Polish: *Obywatele RP*), Protestea, Consultative Board of the All-Poland Women's Strike (Polish: *Rada Konsultacyjna przy Ogólnopolskim Strajku Kobiet*). On 20 July 2021, we organised an online hearing with the participation of persecuted activists and MEPs: Robert Biedroń (S&D, Poland), Łukasz Kohut (S&D, Poland), Róża Thun (EPP, Poland), Michal Šimečki (RE, Slovakia) and Ramona Victoria Strugariu (RE, Romania).
- **Monitoring of politically-motivated prosecutions conducted by the public prosecutor's office** (the so-called 'malicious prosecution') and **proceedings inconvenient for the political regime which have been relinquished or prematurely/unjustifiably discontinued:** in our opinion, both these categories meet the criteria of an abuse of power within the meaning of Article 231 of the Criminal Code (due to, respectively, exceeding of powers or failing to fulfil duties). In addition to cases involving persecution of public prosecutors, judges as well as social activists and journalists who were critical of the political authorities and defended the rule of law, the Foundation also began monitoring cases of political prosecution of entrepreneurs who were 'inconvenient' for the regime (such as Piotr Osiecki and Przemysław

Krych), with regard to whom an abuse of power by the prosecutor's office and special services could be established.

Given the vital importance of social media as an information channel, based on an agreement with the existing editorial team, in April 2021 the Foundation took over the running of the 'Sok z Buraka' (which translates into English as the 'Beetroot Juice') social media profile with a reach of more than one million followers on Facebook. Our ambition was to transform it from a political satire into civic initiatives promoting platform. However, faced with shortage of resources and problems with providing the expected quality of content, we fully withdrew from this initiative in November 2021.

With a view to exert pressure on the Polish government, on 22 January 2021, together with the Themis' Association of Judges (Polish: *Stowarzyszenie Sędziów 'Themis'*), we approached Věra Jourova, the Vice-President of the European Commission and Commissioner for Values and Transparency, and Didier Reynders, Commissioner for Justice, to activate the so-called 'conditionality mechanism' which links the funding from the EU budget with respect for the rule of law in member states.

Our letter was the result of the pressure exerted by the public prosecutor's office on 14 judges working in courts of various levels in Kraków, who ruled on the case of Mariusz Krasoń, the prosecutor who defended the rule of law and was in dispute with his superiors. The aforementioned rulings on the inadmissibility of harassment and retaliatory demotion of Krasoń in his capacity as a prosecutor aroused the displeasure of the head of the public prosecution office and resulted in action being taken by the Internal Affairs Division of the National Public Prosecutor's Office concerning a potential misconduct by the judges for their sentencing decisions. The letter was signed by over 30 leading legal experts and NGOs from many countries.

On 28 January 2021, the Parliamentary Assembly of the Council of Europe (PACE) adopted a firm report and resolution on the judiciary in Poland and Moldova. The resolution, which urged the countries' authorities to uphold the rule of law and guarantee judicial independence, was the result of the Foundation's advocacy efforts since 2018 when a motion for a resolution entitled 'Judges in Poland and in the Republic of Moldova must remain independent' was submitted. Given the rule of law crisis in Poland, it had already remained under the Assembly's monitoring procedure since 2020.

The adoption of this resolution provoked a notorious media attack by Arkadiusz Mularczyk, MP and PACE delegate who represented the position of the Polish government and accused the Foundation of 'dictating amendments' to the resolution to members of the Assembly, and even suggesting that they accepted financial incentives. The Foundation issued a firm debunking statement and ultimately Arkadiusz Mularczyk was disciplined with a three-month ban from speaking at the Assembly by the PACE Rules of Procedure Committee.

On 10 February 2021, the International Legal Aid Chamber of the District Court of Amsterdam refused to extradite a suspect to Poland due to concerns about fair trial guarantees. The Chamber based its reasoning on the information from the Open Dialogue Foundation and the 'Themis' Association of Judges who described, among other issues, the harassment of independent judges in Poland. The Dutch court refused to extradite the accused to Poland because of a systemic as well as case-specific threats to the right to a fair trial.

It was the first decision of this kind since the ruling camp centred around the Law and Justice (PiS) party took power. Until then, extradition has never been refused on the grounds of a risk of violation of the right to a fair trial, at most it had been temporarily withheld pending additional information from the Polish authorities. This court's decision was based, among others, on a letter from the Foundation and the 'Themis' Association of Judges to the European Commission about the persecution of the judges ruling on the case of prosecutor Krasoń.

In March 2021, the Foundation organised an online hearing on the situation in the Polish public prosecutor's office for members of the European Parliament and their advisors, with the participation of prosecutors affiliated with the 'Lex Super Omnia' Association (represented by Katarzyna Kwiatkowska and Jacek Bilewicz from the Association's Board, as well as prosecutor Ewa Wrzosek) and judge Dariusz Mazur from the 'Themis' Association. The event under the title 'Law and Justice's Crackdown on Independent Prosecutors in Poland Intensifies' was co-organised by MEPs Katarina Barley (S&D, Germany), Petri Sarvama (EPP, Finland), Terry Reintke (Greens/EFA Group, Germany), Łukasz Kohut (S&D, Poland) and Róża Thun (EPP, Poland).

In August 2021, for the third time already we published a report on hate crimes motivated by racism, homophobia, anti-Semitism and xenophobia in Poland during 2020. The report was compiled at the request of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) which collects data on hate crimes in OSCE member states.

Beginning from August 2021, activists associated with the Foundation (including members of the Foundation's Board) began to engage in aid activities for refugees and migrants attempting to enter Poland by crossing the border from the territory of Belarus. The government's demonstrative and unlawful (under the national, European and international conventions) policy reliant on the army, the Border Guard service and the police involved the so-called 'pushbacks' (i.e., pushing back the migrants from the Polish territory back into Belarus by force). This quickly escalated into a humanitarian crisis at the border and led to the emergence of victims, including fatalities. In view of the foregoing, the Foundation endeavoured to provide organisational and legal aid to initiatives and individuals involved in assistance actions, in defiance of the government's approach and the unlawful legal regulations introduced by the government.

In the second half of the reporting year, the Foundation's involvement focused around the case of detention and temporary arrest of Bartosz Kramek, the President of the Board and procurist of the Foundation. Bartosz Kramek was detained on 23 June 2021 by officers of the Internal Security Agency (ABW) based on the order of the Regional Prosecutor's Office in Lublin and was to face charges of fraudulent attestation and money laundering. The Foundation pointed to the absurdity and political motivation of the charges and undertook intensive legal, media and advocacy measures in the case.

Bartosz Kramek stayed in custody for a three-week period as a result of the prosecutor's objection to his release on bail, which was possible under the new legislation that came into force a day before his arrest. This objection was overruled by the Regional Court in Lublin on 15 July 2021 and on that day Bartosz Kramek was released. Among those who spoke in his defence were Polish and foreign members of parliament, members of the European Parliament, journalists, artists and other prominent figures.

Immediately after Bartosz Kramek's release from the pre-trial detention centre in Lublin, the prosecutor arbitrarily imposed a ban on his leaving the country (which was particularly inconvenient due to his permanent place of residence in Belgium and the still-applicable ban on entry into Poland by Lyudmyla Kozlovska, the President of the Board of the Foundation and Bartosz Kramek's wife). In August 2021, he was additionally put under police supervision, which meant that he had to report 5 times a week to the relevant police station in Warsaw. Both these preventive measures were revoked by the court on 26 October 2021 as groundless, disproportionate and 'violating the principle of protection of private life'. This allowed Bartosz Kramek to return to Brussels in November of the reporting year.

The name of the Regional Prosecutor in Lublin who personally imposed police supervision on Bartosz Kramek is Jerzy Ziarkiewicz; he is a trusted man of Zbigniew Ziobro, the Prosecutor General. Prosecutor Ziarkiewicz is known for his particular loyalty to the ruling camp and his handling of many politically-motivated cases in recent years.

Bartosz Kramek pleaded not guilty and is awaiting the indictment in his case to be forwarded to the court. The financial bond and personal surety in his case has been filed with the court by a number of persons, including family members, friends and social activists and people of public trust from Poland and abroad.

The 'Themis' Association of Judges was an important partner of the Foundation in the area of actions taken in defence of the rule of law in Poland, in particular with regard to analytical studies and initiatives taken at the European level. In the remaining areas, that is fighting for civil rights (including the rights of women and LGBT+), we were supported by informal initiatives of the so-called 'street opposition' and individual activists participating in numerous anti-government protests.

Analytical and informative activities

As in previous years, the main subjects of the reports and other publications of the Foundation in 2021 included:

1. Abuse of the COVID-19 pandemic to curtail civil rights around the world (particularly in authoritarian countries and by hybrid regimes);
2. Human rights violations in Kazakhstan (with emphasis on the situation of political prisoners and persecution of peaceful anti-government protesters and perpetrators of violations);
3. The situation of the Uyghurs and the Kazakh minority in the context of widespread human rights violations in China;
4. Contemporary methods of social control in authoritarian countries and combating dissidents (the so-called 'digital authoritarianism'); the role of China in spreading authoritarian practices across the world, particularly in the post-Soviet territories;
5. The condition of the rule of law, fight against corruption and reform of law enforcement authorities and the judiciary in Moldova (the issue of Moldova was taken up again in the reporting year in connection with the cooperation and funding obtained for this purpose from the United Left/Nordic Green Left party in the European Parliament);

6. Abuse of Interpol mechanisms, the Schengen Information System and international legal aid agreements by authoritarian states and hybrid regimes to prosecute persons they identify as their political opponents or persons associated with those persons;
7. Protection of lawyers engaged in political cases (such as defenders of victims of torture and political prisoners) in non-democratic countries and occupied territories and lawyers of political refugees;
8. Introducing personal sanctions based on the European Magnitsky Act (and similar mechanisms at the national level) against officials from Russia, Kazakhstan and other countries as a method to counteract impunity for human rights violations in the world;
9. The condition of the rule of law and attacks on civic society, hate speech and propaganda disseminated by the authorities in Poland.

The Foundation's reports were presented and discussed as part of the lobbying activities discussed below.

One of the most important reports published by the Foundation during the reporting year was a comprehensive study in the English language under the title 'Polish Public Prosecutor's Office: Selected Cases of Malicious Prosecution and Dereliction of Duties', compiled in cooperation with the 'Themis' Association of Judges and prosecutor Ewa Wrzosek. The report is an overview of selected cases of politically-motivated criminal prosecutions by the Polish public prosecutor's office under the Law and Justice (*PiS*)/The United Right (*Zjednoczona Prawica*) government and its omissions (particularly in the form of proceedings that had not been commenced or have been prematurely discontinued on political grounds).

The report was published in August 2021 and, given further developments, the work on its updating began almost immediately after its publication. The successive, expanded edition was published in the following year (which is, however, beyond the scope of this report).

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

The Foundation also communicated intensively in Polish and foreign media and in social media, where it has its official profiles on Facebook: <https://www.facebook.com/ODFoundation>, <https://www.facebook.com/ODFUKR/> (the profile directed to Eastern readers, inactive) and Twitter: <https://twitter.com/ODFoundation>, and, during the period from April to November 2021, the social profiles under the name of 'Sok z Buraka' (which translates into 'Beetroot Juice').

Lobbying and advocacy

The issues taken up by the Foundation, mainly within the framework of its activities at level of European and international institutions, corresponded with the areas of our analytical activities and stemmed from the situation and interventions undertaken in connection with the political persecution and violations of the rule of law in Poland and persecution in Kazakhstan (as presented in the above sections of this report). Among these, mention should be made of the situation in Moldova, the abuse of Interpol and other forms of the so-called transnational repression, and personal sanctions as an instrument of combating human rights violations in the world.

In May 2021, the Foundation together with the Italian Federation for Human Rights (FIDU) and the ‘Supolka’ Belarusian association strongly condemned the unprecedented kidnapping of Roman Protasevich, a Belarusian journalist and refugee (who earlier ran the anti-government NEXTA channel), who had been seized by Belarusian services aboard a plane forced to land in Minsk. We called upon the European Council to impose a ban on European flights over Belarusian territory, to impose sanctions on representatives of Belarusian authorities and state-owned enterprises, and to intensify support for the Belarusian opposition.

On 11 June 2021, as part of the biennial meeting of European communication specialists, Martin Mycielski, the Vice-President of the Foundation, spoke about the freedom of speech and the situation of the media in Poland and about the increasing dependence of certain editorial offices in Europe on funding, not always transparent, by authoritarian regimes from China, Kazakhstan, etc.

On 14 June 2021, together with the Left Group in the European Parliament and Freedom Advocacy, we organised an online event under the title: ‘Moldova’s “Theft of the Century” - ostensible investigations or sincere lust for justice?’. It was devoted to the presentation of a report with the same title, in which we discussed the condition of anti-corruption reforms and de-oligarchizing of key institutions in Moldova (against the background of the European Union integration process). In this context, we focused on the investigation connected with the massive money siphoning from the Moldovan banking sector during the period of the actual rule of the oligarch Vladimir Plahotniuc (known as the theft of the century/billion dollar theft), conducted by the new investigative bodies. We have emphasized the need for effective consequences for those responsible, including V. Plahotniuc who found refuge abroad.

During the reporting year, in July 2021, representatives of the Foundation participated in a session of the so-called Supplementary Human Dimension Implementation Meeting (HDIM) of the OSCE (ODIHR). Speaking on behalf of the Foundation, Maksym Sytnikov pointed to intensified persecution of representatives of civic society in Poland and the progressive blocking of the information space in Kazakhstan, where illegal and increasingly pervasive surveillance went hand in hand with the blocking of access to the internet and social media.

At the OSCE forum, in the context of Poland, we spoke about, among other issues, the legal harassment of the leaders of the All-Poland Women’s Strike (Marta Lempart, Agnieszka Czerederecka, Klementyna Suchanow) and Bartosz Kramek. In the context of Kazakhstan, we have called for international sanctions to be imposed on Karim Massimov, the Chairman of the National Security Committee, a key government official responsible for the repression of activists in the country and cooperation with China on digital surveillance and control of citizens.

On 21 June 2021, the Foundation together with FIDU organised an online discussion on ‘Authoritarian countermeasures to targeted sanctions’, where we discussed measures adopted by non-democratic states in the face of sanctions imposed on them and their public condemnation by democratic countries, international organisations and European institutions. Participants of the discussion pointed to, among other things, the need for coordination of actions, unswerving assertiveness and upholding values in the approach to non-democratic states, as well as the role of the media and social media as the tools to foster political change. The debate moderated by Lyudmyla Kozlovska featured Reinhard Bütikofer, MEP and Head of Delegation for Relations with China, as well as human rights defenders: Dr Aron Rhodes (Forum for Religious Freedom-Europe), Bota Jardemalie (lawyer and political refugee from Kazakhstan), Barlyk

Mendygazyev (Freedom Kazakhstan), Ugur Tok (Platform for Peace and Justice), and Dolkun Isa (World Uyghur Congress).

A constant leading theme, alongside Poland and Kazakhstan, of the Foundation's intensive advocacy efforts in the reporting year was the strengthening of international and European sanctions mechanisms.

On 6 July 2021, the European Parliament passed a resolution to strengthen the EU sanctions regime, i.e., the EU Global Human Rights Sanctions Regime (the so-called EU Magnitsky Act), which incorporated most of the recommendations made by the Foundation, namely:

- recognition of large-scale corruption offences as the grounds for sanctions;
- passing a decision on sanctions by a qualified majority vote of the Council of the European Union;
- inclusion of civil society organisations in the decision-making process;
- protection of whistleblowers and activists lobbying for sanctions;
- closer cooperation and coordination between the EU and other democracies in the sanction-imposing process;
- firm opposition to retaliation and counter-sanctions by regimes.

In the opinion of the Foundation, this resolution is a milestone after many years of efforts to endorse the use of personal sanctions for the purpose of curtailing the impunity of human rights' violators.

In 2021, we also worked hand in hand with Canadian MPs to have Canada apply its sanctions to government officials in Kazakhstan, including prison officials, for the torture of Iskander Yerimbetov, a political prisoner who was released in December 2019. Among others, it was the Canadian MP Tom Kmiec who sought the imposition of sanctions against prison official Azamat Iztleuov.

On 15 November 2021, at the initiative of FIDU, the Foundation together with other civil society organisations issued a statement on the upcoming session of the 89th Interpol General Assembly in Istanbul, Turkey (23-25 November 2021). In the said statement, we called for the implementation of the long-needed reforms related to, among other issues, putting an end to the still-existing abuses or transparency in the operation of the Interpol. We also called for, among other things, establishment of a coalition of democratic states that oppose the influence which dictatorships have upon the operation of Interpol, setting up of a fund earmarked to compensate for the harm and damage suffered by victims of abuse, creation of an appeal body against the Commission for the Control of Interpol's Files (CCF), disclosure of detailed data and statistics on the work of the CCF, particularly with regard to incoming requests for data erasure.

The Foundation's main partners in this area during the reporting year were: the Federazione Italiana Diritti Umani - Comitato Italiano Helsinki (The Italian Federation for Human Rights – Italian Helsinki Committee (known under its acronym, FIDU)) and the 'Themis' Association of Judges.

Humanitarian aid

In the reporting year, on the sidelines of the Foundation's main activities, we completed and settled the 'Let's save Krystian' fundraising campaign for an autistic Ukrainian boy Krystian Surmach and his father at: <https://zrzutka.pl/g6zaes>, the core part of which was completed in 2020. The fundraiser generated a total of PLN 26 957 (of which PLN 5 592 in 2021).

Summary

During the first months of the reporting year, the Foundation continued to be affected by the pandemic. The gradual lifting of the pandemic-related restrictions had an obvious impact on the functioning of the Foundation. Nonetheless, most of the events organised by the Foundation (or with its participation) took place online, just like in 2020 (which ultimately had a positive impact on the costs).

The conflict with the Polish government and its agencies had a significant, though predictable, impact on the Foundation's activities. We continued to face propaganda and behind-the-scenes attacks and although successive court rulings were passed in our favour, yet the fundamental issues related to, among others, the ban on the President of the Board of the Foundation, Lyudmyla Kozlovska's return to Poland did not change.

An important, though temporary, event in this context was the detention of the Foundation's procurist Bartosz Kramek and the related perturbations, which also involved a new wave of attacks on the Foundation and the need to campaign intensively in his defence.

The budget of the Foundation was further reduced up to the to the value of PLN 861 897.94 (which represents a reduction of more than 27% versus the previous year).

The activities of the Foundation, particularly in Poland and Kazakhstan, have been considerably supported by volunteers who were involved in, among others, watching court litigations, searching for and verifying information needed for analytical work, creating graphic designs.

The Foundation's operating model, within the frame of which the administrative and partly also the financial support of the Foundation's activities was provided by our Brussels-based Belgian organisation Open Dialogue Foundation privee, was continued. The administrative support for the Ukrainian team of the Foundation was provided by Hromadska Spilka 'Vidkrytyy Dialoh'.

The Foundation published detailed information about its activities on its website: www.odfoundation.eu

2.3 Legal events with financial effects: no data

3. Information on business operations according to the entry in the register of entrepreneurs of the National Court Register (KRS):

The Foundation did not conduct any business operations in the reporting year.

4. Resolutions of the Board of the Foundation:

The Board adopted one resolution in 2021, which is attached as the Appendix No. 1 to this report.

5. Information about the value of the revenues:

Total revenue: PLN 861 897.94, of which:

- a) Cash from: - subsidies: PLN 0.00
- donations: PLN 826 736.79
- crowdfunding campaigns: PLN 28 246.15 (individuals through Zrzutka.pl)
- b) Financial income: PLN 0.00
- c) Other income (including in-kind): PLN 0.00
- d) Other income: PLN 0.00
- e) Paid statutory activities: PLN 6 915.00 (cooperation with the office of MEP Róza Gräfin von Thun und Hohenstein for the production of analytical material on the situation in Central Asia)
- f) Business operations: PLN 0.00

6. Information about the costs incurred:

Total costs: PLN 889 831.96, of which:

- a) Costs of statutory activities (cash payments): PLN 865 796.89
- b) Administrative expenses PLN 18 670.00
 - Energy and materials consumption: PLN 0.00
 - Outsourced services: PLN 12 049.91
 - Taxes and charges: PLN 6.620
 - Salaries and social security: PLN 0.00
- c) Other costs (increase by past year's result brought forward): PLN 0.00
- d) Financial expenses: PLN 1 128.60
- e) Other costs: PLN 4 236.47

7. Highlights of the Foundation's operations:

- a) Number of employees: the Foundation did not employ employees in the reporting year
- b) Total value of basic salaries paid by the Foundation: PLN 0.00
- c) Aggregate value of the annual remuneration paid to members of the Board and other bodies of the Foundation: PLN 0.00
- d) Expenditure on remuneration under civil-law contracts: PLN 0.00
- e) Cash loans given by the Foundation: none
- f) Amounts in bank accounts: the Foundation had no bank deposits, the balance of cash on the current accounts as at the last day of the year totalled:
 - mBank S.A.: PLN 117.79, \$ 0.00, € 0.00
- g) Value of bonds acquired and the value of shares or interest acquired: the Foundation did not acquire bonds; it does not have any shares or interest in companies;
- h) Real property acquired: the Foundation did not acquire any real property;
- i) Other tangible assets acquired: the Foundation did not acquire any tangible assets;
- j) The total assets at the end of the year were equal to the total liabilities of the Foundation and equalled: PLN 210.67
- k) Information on payment of current tax liabilities by the Foundation: as at 31 December 2021, the Foundation had open tax liabilities to the tax office under: personal income tax

(PIT-4) of PLN 0.00, corporate income tax (CIT-8) of PLN 24.00, VAT tax (VAT-9M) of PLN 0.00 and social security (ZUS) contributions of PLN 0.00

1) The Foundation filed the following returns: CIT-8.

8. During the reporting period, the Foundation did not carry out any assignments for state or local government bodies.

9. During the reporting period, the Foundation underwent a continued, repeatedly prolonged customs and tax audit concerning the ‘reliability of the declared tax bases and the correctness of the calculation and payment of corporate income tax for 2014, 2015 and 2016’, conducted by the Łódź Customs and Fiscal Office (Polish: *Łódzki Urząd Celno-Skarbowy (UCS)*), which was expanded into the so-called ‘tax proceedings’.

The audit was initiated as a result of an instruction by Mariusz Kamiński, Minister-Coordinator of Special Services, to Witold Waszczykowski, the then Minister of Foreign Affairs, after which the head of the Ministry of Foreign Affairs requested the initiation of a ‘comprehensive fiscal audit’ of the Open Dialogue Foundation. Tomasz Waszczykowski, Witold Waszczykowski’s brother was a prominent official of the Łódź Customs and Fiscal Office, where he previously held the position of a head of the office, and currently remains the head of the 1st Fiscal Audit Department.

The Foundation filed a request to exclude the head of the Łódź Customs and Fiscal Office in order to transfer the audit proceedings to another customs and tax office on account of a blatant conflict of interest, however, this request was rejected in 2019. In the reporting year, the investigation concerning the abuse of power to the detriment of the Foundation in connection with the violation of its tax secrecy, conducted by the District Prosecutor’s Office for Łódź-Bałuty, was still pending.

In the Foundation’s view, the ongoing audit proceedings were yet another action in a series of different types of politically-motivated repressions targeted against the organisation by the Polish authorities after July 2017.

President of the Board:

(s) [handwritten signature: Lyudmyla Kozlovska]

Brussels, 31 December 2022.

Appendices:

- Resolution of the Board of the Open Dialogue Foundation of 2021.