

Brussels, 20 October 2021

Highlights of Bartosz Kramek's activism in Poland

Bartosz Kramek's involvement in the defense of the rule of law & supporting civil society in Poland started with his 2017 Facebook post,¹ listing his recommendations for peaceful civil disobedience actions against the increasingly-authoritarian PiS government. His most notable achievements include:

As a leader of the Open Dialogue Foundation (ODF):

- Coordinating the largest Polish support campaign for Ukrainian civil society during the Euromaidan revolution & Russian aggression in 2013-2014; delivering PLN 1 mln in humanitarian aid; running the Ukrainian World centre in Warsaw, which catered to over 30,000 Ukrainian migrants and war refugees.
- Since 2017, preserving the independent judiciary & public prosecution service, supporting civic movements and activists. Co-organising or conducting high-level meetings with: EC VP Věra Jourová, Justice Commissioner Didier Reynders, numerous MEPs (incl. 3 hearings for the Civil Liberties committee), U.S. senators' and representatives' offices, the U.S. State Department & NGOs in Washington, DC; providing data for official EU reports (EC's annual Rule of Law Report, the EU Justice Scoreboard, public consultations), multiple resolutions of the Parliamentary Assembly of the Council of Europe, reports by the UN & OSCE HDIM meetings; authoring public appeals to the EC regarding the rule of law situation in Poland, as well as an open letter to the last independent judges of the Polish Supreme Court.
- Conducting a legal counter-attack against the PiS leadership & its enablers via 20 civil lawsuits.
- Publishing annual reports on hate crimes in Poland, submitted to international institutions, most notably the OSCE.
- Coordinating the country-wide "Meal for a Doctor" campaign, which raised PLN 800k (\$218k) and delivered free meals to staff of 266 hospitals & rescue stations fighting the COVID-19 pandemic.
- Managing Poland's largest online political community, SokzBuraka - serving as an information hub for civil society - and other civic networks, with a total audience of several million citizens. Several investigations, legal & propaganda actions have been initiated by the authorities to silence the platform.

¹ <https://m.facebook.com/notes/bartosz-kramek/niech-pa%C5%84stwo-stanie-wy%C5%82%C4%85czmy-rz%C4%85d/10155402239540772/>

- Combatting the expansion of religious extremists in Europe, incl. the Kremlin-linked “Ordo Iuris Institute”, responsible for the abortion ban in Poland, “LGBT-free zones” and lobbying EU states for the withdrawal from the Istanbul Convention on preventing violence against women.
- Coordinating the “Hall of Shame” platform, with draft “indictments” against top party officials & police officers unnecessarily using force against protesters; creating a report on police brutality; managing ODF’s court-watch programme.
- Initiating a public fundraiser which delivered PLN 27k for the autistic son of a Ukrainian refugee.

As a leader of the Spontaneous Civic Campaign Headquarters (SSO):

- Raising over PLN 540k (\$137k) and installing 450+ pro-democracy & educational billboards throughout Poland as part of an initiative inspired by the UK’s „Led By Donkeys” anti-Brexit campaign.
- Supporting an elderly cancer victim with her bills via a PLN 10k donation.
- Producing numerous memes exposing the PiS government’s abuses.

As a civil activist:

- Launching & coordinating the Brussels branch of the Homokomando pro-LGBT rights movement.
- Participating in - and occasionally leading - numerous pro-democracy protests in Poland.
- Carrying out several civic disobedience & protest actions (esp. in defence of refugees), e.g. cutting the “border wall” (barbed wire), spilling symbolic blood of refugees on parliament grounds or hanging posters on government buildings.

Timeline of Bartosz Kramek's arrest

June 21:

- Bartosz Kramek arrives in Warsaw on an evening flight from Brussels (entering the country without issues).

June 22:

- Bartosz Kramek participates in a court hearing, testifying against the editor-in-chief of the pro-government Gazeta Polska weekly, Tomasz Sakiewicz (sued for defamation by ODF).
- The new law of 20/04/2021² amending the Criminal Code comes into force in Poland. The law limits and complicates the possibilities of posting bail, e.g. prohibiting using funds collected via a public fundraiser. ODF and Bartosz Kramek are personally known for having organised successful crowdfunding campaigns, collecting over PLN 1 mln for Ukraine's war effort against Russia (humanitarian aid) in 2014 as well as in 2020, over PLN 1 mln for anti-government billboards and COVID relief in Poland.

June 23:

- Around 11:00 Bartosz Kramek is arrested in his hotel by five high-ranking officers of the Internal Security Agency (ABW) and transferred to Lublin. The case is handled by prosecutor Marcin Kołodziejczyk from the Regional Prosecutor's Office in Lublin - known for having been promoted and rewarded by Prosecutor General and Justice Minister Zbigniew Ziobro³. The case is overseen by Regional Prosecutor Jerzy Ziarkiewicz, also a close confidant of Ziobro, known for carrying out highly-doubtful, politically sensitive investigations⁴. Both are described in the Lex Super Omnia association report⁵ listing the disgraced prosecutors giving up their professional independence for career advancement.
- In parallel, a state-orchestrated defamation campaign starts against Bartosz Kramek. Numerous state and pro-government media outlets, as well as

² <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20210001023/O/D20211023.pdf>

³ <https://obserwatoriumdemokracji.pl/wp-content/uploads/2019/08/Kr%C3%B3lowie-%C5%BCycia-w-prokuraturze.pdf>

⁴ https://www.panstwo-pis.pl/index.php/Jerzy_Ziarkiewicz

⁵ <https://obserwatoriumdemokracji.pl/wp-content/uploads/2019/08/Kr%C3%B3lowie-%C5%BCycia-w-prokuraturze.pdf>

Spokesperson of the Minister Special Services Coordinator Stanisław Żaryn and the Prosecutor's Office, issue statements/articles about Kramek's arrest. Such statements/articles contain selected, distorted information about the criminal case and allegations against Bartosz. The information with respect to the allegations against Kramek became public before he and his attorney have had access to the materials of the case. It is alleged that Bartosz has violated Article 270 (making false statements) and Article 299 (money laundering) of the Polish Criminal Code.

- Around 16:00 the prosecutor in Lublin interrogates Bartosz, in the presence of his Lublin attorney Tomasz Przeciechowski. Despite various pressure from the prosecutor, Kramek invokes his right to refuse to testify, claiming the political motives behind the case against him. As a result he is taken to a police detention centre, where the prosecutor expects he would reconsider his position before another meeting the next morning.
- ODF publishes its first press release⁶ on the issue, highlighting the political nature of the case and the fully legal nature of its activities as well as of the company run by Bartosz Kramek.

June 24:

- Around 10:00 Bartosz Kramek maintains his position, refusing to testify, much to the prosecutor's disappointment.
- Around 13:25 the prosecutor submits a request for pre-trial detention, with the Lublin district court (first instance) scheduling the hearing for 14:00, giving itself only half-an-hour to read supposedly 40 volumes of case files. Following a request of the defence the hearing was postponed by 2h, giving also the defence attorneys some minimal time to read the files and granting Bartosz Kramek's Warsaw-based attorney, Radosław Baszuk, time to reach the remote court.

June 25:

- The court announces its verdict: it partially supports the prosecution's request, deciding on pre-trial detention conditional on a PLN 300.000 cash bail, with a delivery deadline of July 8th. The prosecutor notifies of planning to appeal the decision, meaning that - according to one of the new provisions sponsored by the Prosecutor General, extending the power of the prosecution service - Bartosz will not be released until the appeal is considered, even if the bail is

⁶ <https://en.odfoundation.eu/a/36330,polish-civil-society-under-assault-chair-of-odfs-supervisory-board-detained-on-fabricated-charges/>

delivered. The decision to post bail to the court's account instead of the prosecutor office's permits avoiding any obstruction that would have likely been brought by the prosecution (as it has recently been the case in another political investigation - of the former opposition politician Sławomir Nowak).

- State and pro-government propaganda outlets hail the court's decision as proof of Bartosz Kramek's guilt, while independent media widely point to the political nature of the detention (e.g. Gazeta Wyborcza⁷, Polityka⁸, Onet.pl⁹, Salon24¹⁰).

July 1:

- ODF publishes its second press release¹¹, debunking each and every accusation of the prosecution, as widely presented by TVP and numerous other pro-government media.

July 7:

- Following a public appeal, 23 people - including pro-democracy activists, journalists, scholars and entrepreneurs - transfer parts of the bail, totalling over PLN 355.000. Bartosz's attorney notifies the court of the bail having been deposited on the court's account in its entirety.

July 14:

- 18 indemnitators from around the country arrive at the Lublin court to sign the bail deliverance protocol.
- Gazeta Wyborcza¹², Onet.pl¹³ and Verfassungsblog¹⁴ publish an international appeal¹⁵ to release Bartosz Kramek and cease the persecution of ODF, initiated by Nobel Peace Prize laureate, president Lech Wałęsa, and signed by nearly 100 notable figures from around the world, including former political prisoners,

⁷ <https://wyborcza.pl/7,75968,27249566,kramek-napsul-wladzy-sporo-krwi-wladza-nie-daje-za-wygrana.html>

⁸ <https://www.polityka.pl/tygodnikpolityka/kraj/2123915,1,dopasc-kramka-areszt-kaucyjny-dla-aktywisty.read>

⁹ <https://wiadomosci.onet.pl/kraj/bartosz-kramek-zatrzymany-fundacja-otwarty-dialog-komentuje/d4k6hzs>

¹⁰ <https://www.salon24.pl/newsroom/1145594,jurasz-aresztowanie-kramka-na-forum-miedzynarodowym-zostanie-odebrane-fatalnie>

¹¹ <https://en.odfoundation.eu/a/37261,a-kafkaesque-farce-odfs-response-to-the-allegations-against-b-kramek/>

¹² <https://wyborcza.pl/7,75968,27325243,uwolnic-bartosza-kramka-list-otwarty.html>

¹³ <https://wiadomosci.onet.pl/kraj/list-otwarty-do-polskich-wladz-w-sprawie-bartosza-kramka/ftqkzpl>

¹⁴ <https://verfassungsblog.de/an-appeal-to-polish-authorities/>

¹⁵ <https://en.odfoundation.eu/a/37342,president-lech-walesas-appeal-to-release-bartosz-kramek/>

statespeople and representatives of arts and sciences, as well as over 30 human rights organisations and other NGOs.

- It is revealed¹⁶ that the special services spokesperson and Director of the National Security Department at the PM's Chancellery, Stanisław Żaryn, personally emailed dozens of foreign signatories of the appeal, explaining the authorities' accusations and assuring of their allegedly apolitical nature. This "information campaign", as he called it, is shocking¹⁷ to the recipients, who are worried¹⁸ of being "targeted by Polish secret services". An Italian senator calls it¹⁹ a "state-sponsored black PR campaign against civil society" and "a new level of discrediting Poland in front of their European allies".

July 15:

- The Lublin regional court (second instance) rejects the appeals of both the prosecutor (for unconditional detention) and the defence (for no preventive measures), confirming the district court's verdict of conditional detention and thus accepting the PLN 300.000 bail. Bartosz is released late afternoon the same day, with no other measures being imposed by the court, nor announced by the prosecution.
- The prosecutor's office issues a press release, questioning the court's decision and insisting on the seriousness of the charges as well as alleged risks of fleeing the country and interfering with the investigation. It does not mention any preventive measures imposed by the prosecution.
- Pro-government media accuse the judge²⁰ of being "a communist", politicised and biased, asking if Bartosz will flee the country²¹ upon release.

July 20:

- Bartosz Kramek's attorneys receive a notice by regular post of the prosecutor's decision to impose a ban on leaving the country on him, issued on July 15th and shared with the Border Guard. Some commentators and journalists see it as a "trap"²² set to triumphantly catch Bartosz, unaware of the decision, at the

¹⁶ <https://wiadomosci.onet.pl/kraj/sprawa-bartosza-kramka-stanislaw-zaryn-interweniowal-u-zagranicznych-politykow/jr368vc>

¹⁷ <https://www.wprost.pl/kraj/10469122/staneli-w-obronie-bartosza-kramka-stanislaw-zaryn-odpowiada-na-list-szokujac-swoich-adresatow.html>

¹⁸ <https://natemat.pl/364189,zatrzymanie-kramka-i-reakcja-zaryna-wysylal-kuriozalne-listy>

¹⁹ <https://wiadomosci.onet.pl/tylko-w-onecie/sprawa-bartosza-kramka-wloski-senator-krytykuje-zaryna-dyskredytowanie-polski/3ew4mv1>

²⁰ <https://wpolityce.pl/polityka/558761-ujawniamy-to-sedzia-z-iustitii-wypuscil-kramka-z-aresztu>

²¹ <https://wpolityce.pl/kryminal/558792-kramek-ucieknie-za-granice-jest-stanowisko-prokuratury>

²² <http://asymetrysci.online/index.php/2021/07/21/pulapka-na-kramka/>

airport, “trying to flee the country”, expecting him to try to immediately return to his wife in Brussels. Currently, Bartosz cannot leave the country until the court reviews the defence’s appeal to the prosecution’s decision, which might take several weeks. In this time - due to his wife’s continuing entry ban - Bartosz is forcefully separated from his wife for yet another month, with leading legal scholars like prof. W. Sadurski²³ and prof. Laurent Pech calling it a violation of the right to family life, as enshrined in the European Convention of Human Rights, the EU Charter of Fundamental Rights and Directive 2004/38/EC.

- Belgian senator Mark Demesmaeker sent a letter to Belgian authorities²⁴, warning that Lyudmyla Kozlovska and, possibly, other members of ODF’s team - Belgian citizens and residents - might become a target for political persecution by Polish authorities, who could try to abuse international legal cooperation mechanisms, such as European Investigative Orders or European Arrest Warrants.

July 24:

- Spokesperson of the Minister-Coordinator of Special Services, Stanisław Żaryn, publishes an op-ed on the state TVP INFO news portal, in which he throws further accusations and baseless, defamatory claims about Bartosz Kramek and ODF, including that defending him is actually an attack on the government, that ODF’s activities are in reality a part of Russia’s hybrid warfare against the West and that all of ODF’s actions supporting Ukraine in the past were just a cover-up for its true intentions. Without providing any concrete links he equates ODF’s activities with the operations of Russian money laundering crime groups operating in Poland on a large scale. The article was subsequently thoroughly debunked by ODF.²⁵ For similar, defamatory accusations, TVP was already forced to remove dozens of publications²⁶ about ODF following a 2019 court order.

July 25:

- Bartosz Kramek’s attorney, Radosław Baszuk, files an appeal against the preventive measure of bail with the prosecution service. The prosecutor is

²³ <https://twitter.com/WojSadurski/status/1418371413497421829?s=20>

²⁴ https://en.odfoundation.eu/a/37482_belgian-senator-mark-demesmaeker-writes-a-letter-in-support-of-odf-board-member-bartosz-kramek/

²⁵ https://en.odfoundation.eu/a/56609_dangerous-blindness-debunking-an-op-ed-by-secret-services-spokesperson-zaryn/

²⁶ https://en.odfoundation.eu/a/37500_tvp-complies-with-court-order-in-odf-case/

required to deliver it, together with the case file, to the court, without delay - yet he only does so on August 16th. On the next day the prosecution requests the file back, motivating it with a request of the Internal Affairs Department of the National Prosecutor's Office. Without the case file the court is unable to consider the appeal, despite also being legally bound to do so "without delay". The prosecution stated it would return the file before August 23rd, but only does so a few weeks and court's requests later. The Internal Affairs Department is known for targeting independent judges, hence the suspicion that it might be going after the judges who led to Kramek's release.

August 29:

- Bartosz Kramek together with a group of 12 activists performs a symbolic civil disobedience action of cutting the barbed wire fence placed on the Poland-Belarus border in order to deter refugees²⁷. The group is detained for over 48h in Sokółka. The case is formally unrelated to the ongoing one in Lublin. The court refuses pre-trial detention, requested by the prosecution, as groundless. Yet the case receives substantial public attention, with leading government representatives (incl. the interior and defence ministers, even PM Morawiecki) painting Kramek as a public enemy who needs to be stopped by any means necessary. Morawiecki even blames Kramek, together with anti-communism oppositionist Władysław Frasyniuk, for the state of emergency imposed at the border.

September 6:

- Just days after the "border fence cutting" action leaves public attention, Kramek's attorneys receive a decision from the prosecutor changing the preventive measures imposed on July 15th. The decision is dated August 30th, the day after Bartosz's detention in Sokółka. The prosecutor imposes an extra measure in the form of police probation (Bartosz needs to report to a specific police station 5 times a week). The decision has no legitimate grounds. It further proves the politicisation of the state prosecution service, as a preventive measure can be implemented only to serve as a tool in an unrelated, highly-publicised case.

October 26:

²⁷ <https://wyborcza.pl/7,75968,27536119,oto-dlaczego-przecielismy-zasieki-na-granicy.html>

- The District Court in Lublin will review the defence's appeals against the two preventive measures.