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Warsaw, 19 June 2019

## **THE COURT FINDS THE ENTRY BAN ON LYUDMYLA KOZLOVSKA UNJUSTIFIED**

**Last Friday, our Foundation's office received information that during a meeting behind closed doors held on 16 April 2019, the Warsaw Administrative Court (WAC) overturned the decision of the Office for Foreigners on the inclusion of Lyudmyla Kozlovska, President of the Open Dialogue Foundation,<sup>1</sup> in the Schengen Information System II. The WAC concluded that the documents on the basis of which Lyudmyla was included in the list of undesirable persons in Poland and the EU countries covered by the partnership programme of open borders in the European Union, are 'very general in nature' and insufficient to considered her 'a threat to Poland's internal security'.**

We hereby express our satisfaction, as the WAC's judgement regarding Lyudmyla means that the Polish government lost again (and the broadly understood ruling camp) in another court case against the ODF and our activists. At this point, we would like to remind you of the two-time loss of the Ministry of Foreign Affairs which attempted to appoint a compulsory administrator in the Foundation<sup>2</sup> (the judgement is legally binding), and Bartek Kramek's recent victory in a lawsuit against Gazeta Polska and Tomasz Sakiewicz, sued for violation of personal rights.<sup>3</sup>

The judgement is not only a victory for the Foundation, but also members of civil society, who, since December 2015, have been taking action to defend the separation of powers and the independence of the Polish judiciary and judges.

Unfortunately, this does not mean that Lyudmyla is allowed to return to Poland. The court granted our complaint, awarded legal costs to Lyudmyla, but did not lift the entry ban itself; instead, it ordered that the head of the Office for Foreigners reconsider the case. The judgment is not legally binding, which means that the head of the Office for Foreigners has the right to lodge a cassation complaint with the Supreme Administrative Court. However, if the Office for Foreigners does not file a complaint, it will have to justify the entry ban more convincingly when reconsidering the case, i.e. present a formal refusal to lift it. The court analysed the classified documents provided to it by the Office for Foreigners, which, in turn, were based on the negative opinion of the head of the Internal Security Agency regarding Lyudmyla Kozlovska's stay in Poland and the Schengen area.

The fight for Lyudmyla's full freedom of movement within the Schengen area is not yet over, but already today, we would like to express our gratitude to all those who supported Lyudmyla and our Foundation and have shown us their solidarity at this difficult time.

The case was first described by journalist Marcin Wyrwał on the Onet.pl portal.<sup>4</sup>

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<sup>1</sup> <https://odfoundation.eu/zespol/lyudmyla-kozlovska>

<sup>2</sup> <https://odfoundation.eu/a/8485,sad-odmowil-msz-zawieszenia-zarzadu-fundacji-otwarty-dialog>

<sup>3</sup> <https://odfoundation.eu/a/9236,sad-ukaral-gazete-polska-i-tomasza-sakiewicza-odf-wygrywa-proces-o-znieslawienie>

<sup>4</sup> <https://wiadomosci.onet.pl/tylko-w-onecie/sad-uchylil-decyzje-ws-wydalenia-ludmily-kozlovskiej-z-polski/cc99j7v>

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