

## **INTERNAL SECURITY AGENCY LOSES A CASE IN A COURT BATTLE WITH LYUDMYLA KOZLOVSKA COURT CHALLENGES THE QUALITY OF THE EVIDENCE**

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**A Provincial Administrative Court has found that the Internal Security Agency's conclusions regarding the president of the Open Dialogue Foundation, Lyudmyla Kozlovska, are not based on the evidence presented by the agency.**

In the late 2018 and early 2019, the Mazovian Province Governor and the Head of the Office for Foreigners refused to grant Lyudmyla Kozlovska a long-term permit to stay in Poland. The *Dziennik Gazeta Prawna* daily has reported that the decisions by these two authorities have been reversed by a Provincial Administrative Court, which has found that the materials (evidence) presented by the Internal Security Agency is "insufficient for a refusal decision".

"The [decision-issuing] authority failed to make an appropriate assessment. Its conclusions are not reasonably based on the information / evidence gathered in this matter," the presiding judge of the Provincial Administrative Court said in her statement of reasons for the court's decisions, as quoted by *Dziennik Gazeta Prawna*.

The Lyudmyla Kozlovska matter will go back to the Mazovian Province Governor. This authority will have to grant a resident permit to the president of the Open Dialogue Foundation or to provide appropriate reasons for its refusal to grant the permit applied for. Furthermore, the Head of the Office for Foreigners is free to make a cessation appeal to the Supreme Administrative Court. The hearing at the Provincial Administrative Court was not attended by representatives of the Mazovian Province Governor or of the Head of the Office for Foreigners, and the spokesperson for Mariusz Kamiński, the coordinator for secret services (the Internal Security Agency reports to him) has refused to comment on the matter.

### **Open Dialogue Foundation's problems. President of the Open Dialogue Foundation entered in the SIS and deported**

You may remember that the Open Dialogue Foundation's problems began in 2017, when Bartosz Kramek, Lyudmyla Kozlovska's husband, published a Facebook post criticising the Law and Justice Party. In the same month in which the post appeared on Facebook, the then Foreign Minister, Witold Waszczykowski, following a formal request from Mariusz Kamiński, ordered an inspection at the Foundation. The matter was dealt with by the Customs and Tax Authority in Łódź (although the Open Dialogue Foundation is registered in Warsaw), where one of the personnel is Tomasz Waszczykowski, the former foreign minister's brother.

In August 2018, the president of the Open Dialogue Foundation, Lyudmyla Kozlovska, was entered in the SIS, banned from staying in Poland and ordered to leave the European Union. The Office for Foreigners entered Lyudmyla Kozlovska in the Schengen Information System (SIS), with the highest alert, and the Internal Security Agency said it had serious doubts concerning the funding of the foundation led by Kozlovska. Lyudmyla Kozlovska was deported to Kiev, but was granted a short-term visa to enter Germany and participated in a discussion called "Human Rights in Danger: the Dismantling of the Rule of Law in Poland and Hungary".

In March 2019, the president of the Open Dialogue Foundation was granted permission to stay in Belgium. In April, a Provincial Administrative Court reversed the decision to enter Lyudmyla

Kozłowska in the SIS and in the Polish list of foreign nationals whose residence in Poland was undesirable. In June, Poland had to delete the latter entry. The Provincial Administrative Court also noted the low quality of the evidence provided by the Internal Security Agency.

**Link:** <http://wiadomosci.gazeta.pl/wiadomosci/7,114884,25172444,sad-podwazył-jakosc-materialow-abw-przeciwko-deportowanej-z.html>

**The original title:** „ABW przegrywa z deportowaną Ludmiłą Kozłowską. Sąd podważył jakość materiałów”