



OPEN DIALOGUE

Open Dialogue Foundation
155 Rue de la Loi, Box 27
1040, Brussels
Belgium

Open Dialogue Foundation
11 a Szucha Avenue, office 21
00-580 Warsaw
Poland

Brussels, March 20, 2019

THE LYUDMYLA KOZLOVSKA CASE TIMELINE [UPDATED]

This is a non-exhaustive timeline of events preceding and following the expulsion of Lyudmyla Kozlovska, President of the Open Dialogue Foundation, from the EU. This list will be updated as events unfold.

21/07/2017 – Bartosz Kramek, Lyudmyla Kozlovska’s husband, publishes a [post on civic disobedience](#) on his personal Facebook page.

27/07/2017 – At the request of the Minister Coordinator for Special Services to the Minister of Foreign Affairs a [series of attempts to censor and take control of the Foundation](#) is initiated, starting with a request to remove the statement sharing Bartosz Kramek’s post from the Foundation’s Facebook page and website.

07/08/2017 – Fiscal authorities launch [a special fiscal and customs inspection](#) of the Open Dialogue Foundation on the basis of a direct request of the MFA (despite the fact that various inspections have already been carried out in previous years, casting no doubts). The inspection is carried out in an unprecedented manner, with seven inspectors seizing the Foundations books and multiple ODF employees and associates being interrogated, significantly impeding ODF’s work.

08/08/2017 – Right-wing journalists & politicians openly [discuss the deportation](#) of Lyudmyla Kozlovska as a possible measure to be taken against ODF.

03/10/2017 – The Minister of Foreign Affairs, having failed to force the removal of requested content, files a motion to replace the Foundation’s management board. [This request is rejected by the court on December 7th](#) and then [again in April 2018](#).

17/10/2017 – ODF publishes a report under the title [“Unprecedented attacks on the Open Dialog Foundation in Poland”](#), where it considers the risk of an entry ban and deportation of Lyudmyla Kozlovska from Poland. This eventuality was prompted by concerns of foreigners due to the organisation and plans for counter-actions of right-wing journalists, as well as information received informally.

01/03/2018 – Lyudmyla Kozlovska applies in Poland for an EU long-term residence card due to her residence card expiring.

24/04/2018 – 34 NGOs around the world, gathered within the Civic Solidarity Platform, sign an [appeal](#) in defence of persecuted civic organisations in Poland, including ODF.

18/07/2018 – Lyudmyla Kozlovska receives a reply from the Office of the Mazowieckie Voivodeship informing her that parts of her permanent residence file have been classified.

13/08/2018 – Lyudmyla Kozlovska arrives at Brussels Airport on a flight from Kyiv. She is detained by Belgian border police and informed that [she has been placed in the Schengen Information System \(SIS\) with the highest alert level](#), meaning she can not enter the Schengen zone. Having received a confirmation from [Polish authorities that the SIS alert](#) is indeed valid, after 15 hours of detention Belgian police deports her back to Kyiv.

14/08/2018-11/09/2018 – Lyudmyla is forced to stay in exile in Kyiv, unable to return home to her husband in Poland, nor to her second home and office in Brussels, Belgium. While in Kyiv she is being constantly followed and surveilled by unknown persons, likely security services of post-Soviet states (Moldova, Kazakhstan and/or Russia). Fearing for her safety she is forced to change her residence every couple of days, staying in random rented rooms and apartments.

Lyudmyla's case sparks outrage in worldwide media, among experts and politicians. The situation is covered by media outlets worldwide, including the [Washington Post](#), [Daily Mail](#), New York Times (no longer available), Financial Times (multiple, no longer available), [ABC News](#) (article no longer available), [Politico Europe](#) (multiple), [EUobserver](#) (and [here](#)), [EurActiv](#) (and [here](#)) and many others.

The situation also sparks harsh criticism among independent media, journalists and publicists in Poland itself (Gazeta Wyborcza e.g. [here](#), [here](#), [here](#), [here](#) and [here](#), Newsweek e.g. [here](#) and [here](#), Onet.pl (multiple), naTemat.pl (multiple), Wprost (multiple).

Jarosław Kaczyński has also been named Ukraine's "[Foe of the week](#)" by Kyiv Post for his 'outrageous attack' on the ODF President.

22/08/2018 – The Helsinki Foundation for Human Rights [issues a statement](#) on the abuse of SIS by Poland.

23/08/2018 – ALDE President Guy Verhofstadt expresses his outrage over the matter on Twitter and issues a [letter to the European Commission](#), on behalf of his EP group, demanding an investigation on the possible abuse of SIS by Poland.

[Protests in defence of Lyudmyla Kozlovska](#) are held in 10 cities around Poland.

[A petition](#) is initiated by former Polish president and Nobel Peace Prize laureate Lech Wałęsa asking EU heads of state to grant Lyudmyla Kozlovska their nationality or otherwise enable her to return to the EU. The petition is signed by over 30 thousand EU citizens and over 80 high-profile figures, including European Commissioner Elżbieta Bieńkowska, the S&D Group in the European Parliament, numerous MEPs and many other representatives of all spheres of public life across Europe.

24/08/2018 – [The Polish Ombudsman intervenes](#) in the issue of the expulsion of Lyudmyla Kozlovska.

27/08/2018 – Ukrainian human rights organisations issue a [joint appeal](#) regarding the inclusion of Lyudmyla Kozlovska in the SIS.

30/08/2018 – Dr Evelien Brouwer of Vrije Universiteit Amsterdam publishes a [legal analysis](#) proving the abuse of SIS by Polish authorities and incompatibility of Polish law with the SIS II regulation.

04/09/2018 – A [request for removal of Lyudmyla Kozlovska from SIS](#) is submitted to the Office for Foreigners of the Mazowieckie Voivodeship Office.

11/09/2018 – Lyudmyla Kozlovska enters Germany on the basis of a special “national interest” visa issued by German authorities on the invitation of Frank Schwabe (SPD) and Dr Andreas Nick (CDU), Members of the Bundestag.

12/09/2018 – Lyudmyla Kozlovska’s Brussels attorney submits a request for information and correction of her SIS II alert with the Belgian Data Protection Authority.

13/09/2018 – [Lyudmyla Kozlovska speaks](#) in a panel debate at the Bundestag on the dismantling of the rule of law in Poland and Hungary. Her appearance causes a [diplomatic row between Poland and Germany](#), with the Polish MFA [summoning the German ambassador in for explanation](#) and [President Andrzej Duda personally speaking to President Steinmeier](#) on the matter.

26/09/2018 – Lyudmyla Kozlovska [speaks at an open ALDE session](#) at the European Parliament ([full recording](#)), having been granted a Belgian visa on the request of MEPs Guy Verhofstadt (ALDE), Rebecca Harms (Greens) and Michał Boni (EPP), causing once again [outrage in Poland](#), with the [MFA summoning the Belgian ambassador in for an explanation](#).

[The New York Times debunks a viral photo](#) of Lyudmyla Kozlovska with George Soros, which had been shared throughout social media and right-wing websites at least 100.000 times during the Kavanaugh hearings, claiming it was actually Dr Christine Blasey Ford.

04/10/2018 – The Mazowieckie Voivode denies granting an EU long-term residence permit to Lyudmyla Kozlovska, motivating the decision with her inclusion in the national unwanted persons registry and in the SIS.

Moldovan Members of Parliament of the ruling Moldovan Democratic Party” (PDM), led by the country’s oligarch Vladimir Plahotniuc, [establish a parliamentary commission](#) – on Plahotniuc’s personal request – to investigate “Open Dialogue Foundation’s and ODF President Lyudmyla Kozlovska’s interference in the domestic affairs of the Republic of Moldova as well as it’s funding of opposition parties”. The actual reason is the support given by ODF and Lyudmyla Kozlovska to local civil society and attempts to sanction the corrupt political elites. The commission, as a pretext, uses Poland’s SIS ban and the covering by ODF of travel costs for opposition leaders Andrei Nastase and Maia Sandu during their trip to the European Parliament in May 2017.

04-06/10/2018 – Lyudmyla Kozlovska heads an [ODF delegation to London](#), with the British government confirming the validity of her long-term visa despite the SIS ban. The delegation meets, among others, with Laurent Pech, head of the Department of Law and Politics at Middlesex University, Edward Lucas, expert in security policy and columnist in The Times, James Nixey, Head of the Russia and Eurasia Programme in Chatham House and Anne Applebaum, journalist and Pulitzer prize laureate. Polish Deputy Foreign Minister Bartosz Cichocki [ignites a diplomatic row over the matter on Twitter](#), demanding the Foreign Office, the British Ambassador to Poland and British Deputy Foreign Secretary to confirm their “trust in Polish counterintelligence capabilities”. British authorities ignore his request.

08/10/2018 – Lyudmyla Kozlovska [speaks at two events in the Council of Europe](#), having been granted a visa by French authorities upon invitation from Parliamentary Assembly of the Council of Europe members Frank Schwabe, Dr Andreas Nick and Gyde Jensen. A senior MFA official present at one of the events tries to defend the Polish government’s action by listing the issues it has with Kozlovska, including “publishing anti-government content and conducting political activities aimed against the current Polish government”. The MFA gives up on summoning the French ambassador.

10/10/2018 – Polish right-wing media announces that Lyudmyla Kozlovska is being investigated by Ukrainian security services (SBU). This turns out to be a [fake story produced by a Ukrainian “StopKor” website](#), which is immediately debunked by the SBU itself and later officially stated in their letter to ODF.

11/10/2018 – The ALDE group in the European Parliament issues a [second letter to the European Commission](#), demanding action on the Schengen ban and asking it to open an infringement procedure against Poland on the basis of “failing to fulfil an obligation under the Treaties”.

15/10/2018 – Having received a negative reply to the request to remove Lyudmyla Kozlovska from SIS, ODF’s attorney [re-submits the request for her removal](#), this time to the Head of the Office for Foreigners.

Members of the European Parliament, who issued letters to the European Commission, receive a reply from EC First Vice-President Frans Timmermans. In his reply, Commissioner Timmermans stresses that SIS falls under the jurisdiction of Member States and therefore Lyudmyla Kozlovska should appeal to Polish authorities, as per the SIS II regulation. No reference is made to the lack of appeal procedures provided in this case under Polish law, which - also for that reason - was determined incompatible with the EU regulation by the Helsinki Foundation for Human Rights and Dr Evelien Brouwer of Vrije Universiteit Amsterdam

18/10/2018 – The Mazovian Voivode [issues a decision](#) not to prolong Lyudmyla Kozlovska’s long-term EU residence permit.

24/10/2018 – The Łódź Customs and Fiscal Office [presents results of its control](#), where it claims that the Foundations owes the State over 700.000 PLN of unpaid corporate income tax for its human rights and Ukraine humanitarian aid activities, which – according to them – are not tax exempt.

A plenary debate in the European Parliament is held regarding revisions to the SIS II regulation. During the debate several MEPs, from different political groups and countries – incl. Julie Ward (S&D/UK), Eva Joly (Greens/France), Gérard Deprez (ALDE/Belgium), Michał Boni & Róża Thun (EPP/Poland) – [raise the case of Lyudmyla Kozlovska](#), stating the system is "being abused by some states for their anti-democratic goals" and asking to include safeguards, "so that it's not abused further by including persons for political reasons".

29/10/2018 – An appeal from the decision of the Voivode of 04/10/2018 denying the residence permit is submitted to the Head of the Office for Foreigners.

16/11/2018 – The Moldovan parliamentary commission [publishes a report](#) in which it directs the authorities to investigate ODF. The commission uses “secret” information received from Polish authorities, which supposedly suggests that ODF is linked to Russian security services. Pro-European opposition, charged with “illegal funding” from ODF, expresses concerns that the whole affair aims at excluding them from running in the 2019 parliamentary elections.

20/11/2018 – The Head of the Office for Foreigners [upholds the decision to enter Lyudmyla Kozlovska into SIS](#). A complaint against that decision is filed to the Voivodeship Administrative Court in Warsaw on December 27th 2018. The decision is being accused of numerous violations of state and European law, including the EU Charter of Fundamental Rights, the SIS regulation, the law on foreigners, the administrative procedure code as well as the European Convention on Human Rights

22/11/2018 – Lyudmyla Kozlovska [speaks at the UK House of Commons](#) in a panel discussion on the rule of law in Poland and Hungary, organised by the Foreign Policy Centre.

23/11/2018 – Lyudmyla Kozlovska [chairs a panel](#) on the “Changing role of parliaments in defending human rights and the rule of law” at the UN Forum on Human Rights, Democracy and the Rule of Law. Switzerland is yet another country which enables Lyudmyla to enter its territory despite the decision of Polish authorities.

State media informs of an investigation conducted by the Internal Security Agency (ABW), related to the Foundation and Bartosz Kramek’s company Silk Road. According to a statement, the authorities accuse them of “money laundering”, connections with the Panama Papers affair and undefined criminal activities. They don’t present any proof for these accusations.

11-12/2018 – Lyudmyla Kozlovska is invited to speak in the Italian Senate by Senator Roberto Rampi, in the parliament of Austria, at the Sorbonne in Paris and at a parliamentary event in Hungary by Anett Bósz MP. She attends the French and Hungarian events via teleconference.

29/01/2019 – Lyudmyla Kozlovska receives a subpoena from the Moldovan General Prosecutor’s Office, dated 4 January 2019, calling her in for questioning to Chisinau on 15 February 2018 (sic!).

Former Belgian Prime Minister and President of the ALDE Group in the European Parliament [issues a public letter](#) in defence of Lyudmyla Kozlovska, urging Belgian authorities that “if any request for so-called mutual assistance, extradition or other demand related to Lyudmyla Kozlovska is received by Belgian authorities from their Moldovan counterparts, it should be considered as political prosecution in order to pressure a human rights defender, approached with utmost scepticism and not treated as a relevant request by a state that fully abides by the rule of law.”. Similar letters are to be issued by other Members of the European Parliament.

04/03/2019 – Lyudmyla Kozlovska is granted [a 5-year residence permit](#) by Belgium. According to Article 25 of the Schengen Acquis Poland is now legally forced to remove the SIS entry and can only keep her on a national ban list.