



OPEN DIALOGUE

Open Dialogue Foundation
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Warsaw, 26/11/2018

STATEMENT ON THE RESULTS OF THE FISCAL CONTROL AND INTERNAL SECURITY AGENCY INVESTIGATION

With regard to the [information published in the press](#) on Friday, 23 November 2018, the Open Dialogue Foundation (ODF) wishes to clarify and deny the inaccuracies, rumours and slander.

1. The Internal Security Agency (Agencja Bezpieczeństwa Wewnętrznego - ABW) did not enter any of the ODF offices, nor was any of its representatives, employees or co-workers detained. The Foundation did not receive any information about the initiation of the investigation — we learned about it from the media.
2. Completely untrue are the suggestions given by the ABW in the information published by the Polish Press Agency that the ODF or one of its donors — Silk Road, a company owned by Bartosz Kramek, the Head of the Foundation Board — hides funds in tax havens, engages in money laundering or has connections with suspicious businesses, which would suggest the “criminal origin of the funds”.

These suggestions are exactly what they are — merely suggestions. They are aimed at destroying the good name of the Foundation, while not being supported by facts. The ABW statement did not contain any accusations of breaking a specific law, but only hypotheses and speculations, presented with the use of terms designed to arouse negative emotions in the recipient: tax havens, Panama Papers, illegal income, virtual offices.

We would like to remind that none of the ABW “accusations” refer to any illegal activity:

- There is no law that prohibits the funding of a foundation by members of its governing bodies.
- It is not prohibited to do business with entities registered in virtual offices in the UK (moreover, such offices are standard in many industries, such as IT).
- There is no law that prohibits doing business with companies registered in the Seychelles, Belize or Panama. The same applies to companies listed in the so-called Panama Papers — these documents contain details of over 200 thousand companies from all over the world. The only thing they have in common is the use of advisory services provided by once one of the largest financial advisory firms, Mossack Fonseca. With the number of foreign contractors (mainly in the new technologies industry), which Bartosz Kramek's Silk Road had cooperated with over the years, it is not difficult to find at least one from each of the mentioned countries or an entity listed in the so-called Panama Papers documentation (whatever that means).



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3. The amount of PLN 715,160 of unpaid taxes, which is demanded from the Foundation by the Customs and Tax Office (Urząd Celno-Skarbowy, UCS) in Łódź, is supposedly related to corporate income tax.

However, the Open Dialogue Foundation is not a commercial entity, but a non-profit organisation. According to the law, it does not pay income tax due to the fact that it benefits from tax exemptions for fulfilling the purposes specified in the Corporate Income Tax Act.

In its report, the Customs and Tax Office in Łódź states that the statutory goal of the foundation is “to defend human rights and support democracy and the rule of law”, and that the ODF actually pursues these goals. However, the Customs and Tax Office states that these goals are not included in the catalogue of goals specified in the Act.

We would like to remind that the Foundation has been pursuing these goals for ten years, submitting annual financial statements on their implementation. The Foundation has also successfully passed numerous inspections in recent years, including a special verification process carried out in order to issue a permit for the supply of bulletproof vests and helmets to aid Ukraine. None of the authorities had any objections as to the activities of the Foundation, including the income tax exemption to which it is entitled, until the time of the current inspection, commenced in 2017 at the request of the Ministry of Foreign Affairs (which in turn took place at the request of the Minister-Coordinator of Special Services) under the rule of the PiS party. We would also like to note that in a regular, lawful state, customs and fiscal controls are not carried out against opponents of the government at the request of ministers.

We consider the accusations directed at the Foundation by state bodies subordinate to the ruling PiS party as unfounded, bizarre and bearing the marks of slander.

Not by accident the ABW statement, which did not contain any facts, but only defamatory suggestions, was submitted to the Polish Press Agency on the day when Onet.pl was supposed to publish a [critical article about the outcome of the UCS control](#). This damages the good name of both the Foundation and Silk Road and may have a negative impact on the activity of these entities. Therefore, the Foundation and Bartosz Kramek are considering legal action in connection with slander, intentional infliction of image and financial losses, violation of fiscal secrecy and exceeding the powers by Minister-Coordinator for Special Services, Mariusz Kamiński, and his co-workers.

Moreover, we would like to remind you once again of the background of the whole campaign against our Foundation. [Repression by the authorities](#) began immediately after the publication of [Bartosz Kramek's text](#), referring to civil disobedience against the parliamentary majority, government and president who violated the Polish Constitution. The first attack was a censorship attempt by the Ministry of Foreign Affairs led by Witold Waszczykowski, in the form of a [request to remove the text](#), and then an [attempt by the Ministry of Foreign Affairs to take control over the Foundation](#). These requests were [dismissed by the court](#). It was the head of the Ministry of Foreign Affairs who also commissioned the National Revenue Administration to carry out fiscal control in the ODF.

Finally, [Lyudmyla Kozlovska, the President of the Open Dialogue Foundation, was expelled from the EU](#), which was treated by [numerous EU countries](#), [experts](#), [international media](#) and [prominent public figures](#) as an unjustified abuse of power by the PiS party against critics of the government. Former Belgian



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Prime Minister and president of the ALDE group in the European Parliament, Guy Verhofstadt, has twice appealed on behalf of his group to the European Commission, asking it to investigate the issue, suspecting possible [violation of EU law](#) and [EU treaties](#) by Poland. The current repression is therefore an expected next step in PiS's fight against the organisation which they treat — for reasons that are still unclear — as a serious threat to their power, which was explicitly admitted by Minister Witold Waszczykowski [in two interviews](#) (for [RadioZet](#) and [Dziennik Gazeta Prawna](#)).

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