

# LAW & JUSTICE'S

C A M P A I G N

against the  
**Open Dialogue Foundation**



OPEN DIALOGUE

February 2019

The Open Dialogue Foundation (ODF) was established in Poland in 2009 on the initiative of Ukrainian student and civic activist Lyudmyla Kozlovska (who currently serves as President of the Foundation). Since its founding, statutory objectives of the Foundation include the protection of human rights, democracy and the rule of law in the post-Soviet area. The Foundation originally focused its attention primarily on Kazakhstan, Russia, Ukraine and - since 2016 - Moldova, but this area of interest was expanded in July 2017 due to the rapidly deteriorating situation in Poland and other EU member states affected by illiberal policies implemented by their populist governments.

The Foundation has its permanent representative offices in Warsaw and Brussels. ODF pursues its goals through the organisation of observation missions, monitoring especially individual human rights' violation cases. It also advocates for international legislation better serving human rights, such as the Magnitsky Act or the adding of conditionality clauses to EU & international financial assistance programmes directed at non-democratic states and hybrid regimes. The Foundation also has extensive experience in the field of protection of the rights of political prisoners and refugees.

Based on its work, ODF publishes analytical reports and distributes them among EU institutions, OSCE, Council of Europe, the UN, other human rights organisations, foreign ministries and parliaments, as well as the media. It is actively engaged in cooperation with members of parliaments involved in foreign affairs, human rights and relations with monitored third countries.

ODF advocates for the reform of Interpol and - more recently - the Schengen Information System (SIS), preventing their mechanisms from being used by authoritarian and hybrid regimes to persecute their opponents.

In 2013/14 the Foundation organised a mission to support Ukrainian civil society in their struggle for European integration during the Revolution of Dignity in Kyiv's Maidan square. Following the Russian aggression in 2014, ODF's humanitarian aid programme, started on Maidan, was expanded to help those affected by the war in the East. From 2014 to 2016 a large support centre was run by ODF in Warsaw under the name "Ukrainian World", offering everyday life assistance for migrants and fostering Polish-Ukrainian integration.

Independently of its initial statutory objectives, since July 2017 the Foundation and its representatives have been vocal regarding the rule of law situation in Poland, where the current governing party repeatedly violated the country's constitution. ODF is primarily concerned with the diminishing independence of the judiciary and separation of powers, which in turn weaken the protection of civil rights. These are the basic values the Foundation has been protecting in post-Soviet states since its inception, hence they are of natural concern also in the country where it was founded.

**Copyright:** Open Dialogue Foundation, 18 February 2019

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

155 Rue de la Loi  
1040 Brussels, Belgium

Tel: +32 2 280 11 15

E-mail: [odfoundation@odfoundation.eu](mailto:odfoundation@odfoundation.eu)

<http://en.odfoundation.eu>

 @ODFoundation

**Authors:**

Martin Mycielski  
Bartosz Kramek

✉ [martin.mycielski@odfoundation.eu](mailto:martin.mycielski@odfoundation.eu)  
✉ [bartosz.kramek@odfoundation.eu](mailto:bartosz.kramek@odfoundation.eu)

 @mycielski  
 @bartek\_kramek



*I come from Ukraine. The Ukraine that chose its future during the Maidan revolution. A European future, one literally worth fighting for. Through the tragic sacrifices of Ukrainians and the solidarity of our foreign friends, our revolution won. But that was just the beginning – our nation and our society came to face new and dramatic challenges, and further sacrifices. Russia invaded my homeland, starting a bloody conflict and occupying my hometown of Sevastopol on the Crimean peninsula.*

*These developments have shown us the importance of Europe, the European Union and European values, as well as showing the danger they bring in the form of toxic and illiberal concepts of unrestrained power which, on our continent, are embodied by the ruler of the Kremlin but, recently, also by his minor imitators, such as Orban and Kaczyński.*

*I have lived in Poland since 2008, where my organisation, the Open Dialogue Foundation was established to promote democracy, the rule of law and human rights in the post-Soviet countries. For me, as with many other Ukrainians, Poland became a gateway to the EU and a brighter future for ourselves. I wanted to take advantage of this to campaign for persecuted social activists, reformers and human rights defenders, as well as oppressed opposition politicians, sponsors of opposition movements, and independent journalists, and people associated with them.*

*Until 2017, we had never formally spoken out on the internal situation in Poland – the same Poland that had often been a role model and inspiration to its eastern neighbours and other post-Soviet states wishing for a democratic transformation. The Polish people showed them great solidarity, with my second homeland being a safe haven for many political refugees. Sadly, since the populist Law and Justice government took power and began demolishing the system of checks and balances, this has no longer been the case. Although I have always been a law-abiding resident, I was placed on the European entry ban list, as a threat to national security, by the Polish government.*

*Today, I live in Brussels, running my foundation in the immediate vicinity of the key EU institutions. I have personally experienced what methods can be employed by populists and nationalist governments that are evolving towards authoritarianism. It is a threat with a very dark face and it should remind us how much has been achieved so far thanks to the EU and the liberal democratic model of governance and public life. But the question remains of how to awaken those many Europeans who are willingly or passively giving their future and ours into the hands of the illiberals.*

*So, I do believe that today, our role is to make the citizens of the EU realise what the real meaning of liberal democracy and a united Europe is. As well as what the alternative means in practice.*

***The truth is, that the alternative is clear – it has been implemented by various post-Soviet autocracies and hybrid, oligarchic regimes that are violating fundamental human rights on a daily basis, from Moldova to Belarus, Russia and, last but not least, Kazakhstan. A careful look at what is happening there should serve as a warning. Furthermore, the European community must not stay on the sidelines, but must become vigorously active in spreading its principles. Because if it does not, if we do not, they will. And they have already started.***



Opening speech of ODF President Lyudmyla Kozlovska at ALDE event organised by Hungarian Members of Parliament in Visegrad, Hungary, 1 December 2018.

# Table of Contents

---

1. Introduction.....	5
2. Defamation and intimidation campaign.....	8
3. The Foreign Minister's attempts to take control of ODF.....	17
4. Bogus criminal investigation by the Prosecutor's Office.....	19
5. Fiscal and customs inspection.....	20
6. The Panama Papers investigation by the Interior Security Agency.....	22
7. Law and Justice MEPs attempting to revoke ODF's EP accreditation.....	24
8. The expulsion of ODF's President from the EU.....	25
Annex 1: Timeline of events.....	35
Annex 2: Lyudmyla Kozlovska's speech in the UK House of Commons.....	45
Annex 3: Public letter by Guy Verhofstadt in defence of Lyudmyla Kozlovska.....	50
Annex 4: Survival Guide to Authoritarianism.....	53

# 1. Introduction

---

**Since its founding in 2009 and until 2017, the Open Dialogue Foundation was active solely in the field of defending human rights, democracy and the rule of law in the post-Soviet area, focusing its efforts mainly on Kazakhstan, Russia, Ukraine and - since 2016 - Moldova.** It saw the peak of its activities and prominence during the 2013-14 Euromaidan revolution (or “Revolution of Dignity”) in Ukraine and in the years following it, when ODF employed around 50 staff members, provided hundreds of tons of humanitarian aid for Ukrainians affected by the Russian aggression and operated the “Ukrainian World” centre<sup>[1]</sup> on Warsaw’s prestigious Nowy Świat street.

Following the coming to power of Jarosław Kaczyński’s Law and Justice (PiS) party and its president Andrzej Duda in 2015, the state of the rule of law and democracy in Poland steadily deteriorated, as universally acknowledged by the international community, including the first ever launching of the EU’s “Article 7” procedure for serious rule of law breaches in a Member State.

In reaction to the growing threats to the rule of law in Poland and amidst mass protests in defence of independent judiciary in July 2017, the Foundation’s Chairman of the Board and husband of ODF President Lyudmyla Kozlovska, Bartosz Kramek, became involved - in his personal capacity (and occasionally accompanied by his wife) - in the so-called street opposition movement against the unconstitutional seizure of the judiciary by the Law and Justice government<sup>[2]</sup>.

Apart from taking part in street protests in defence of independent judiciary (widely covered by international press) together with other ODF representatives, on 21 July 2017 he posted an article on his personal Facebook page entitled *“May the state stop: let’s shut down the government!”*, calling for various civil disobedience actions in defence of the rule of law in Poland. The same day, the Foundation issued its official statement defending the threatened separation of powers and endorsing the protests, as well as shared Bartosz Kramek’s post on its Facebook page.

---

1 <https://www.theguardian.com/world/2015/may/13/ukraines-refugees-find-solace-in-poland-eu-ropes-most-homogenous-society>

2 <https://www.facebook.com/notes/bartosz-kramek/let-the-state-come-to-a-stop-lets-shut-down-the-government/10156381651055772/>





*"Poles are a hospitable nation, open to dialogue, but I think it is time to say it clearly: Open Dialogue Foundation, get the hell out of Poland!"*

- Law and Justice MP Stanisław Pięta, Twitter, 31/07/2017

Within days, the Law and Justice government, its politicians and supportive media began a campaign<sup>[3]</sup> aimed at subverting and dismantling the Foundation, or at minimum tarnishing its reputation. This has been confirmed as a conscious, coordinated attack through numerous statements of Law and Justice officials, up to the current and former foreign ministers and Prime Minister Beata Szydło herself<sup>[4]</sup>. The pinnacles of these attacks, as of January 2019, have been the banning by Poland of ODF President and Bartosz Kramek's wife Lyudmyla Kozlovskaya from the EU<sup>[5]</sup>, as well as a series of actions taken by the security services<sup>[6]</sup> and fiscal authorities<sup>[7]</sup> aimed at crippling the Foundation.

The attacks on ODF are in no sense an isolated phenomenon. As part of Law and Justice's assault on the foundations of Polish democracy, the country's civil society has been under increasing pressure and direct attacks from the government administration and state media.

Most notably, non-governmental organisations and their activists, critical of the state authorities, such as Obywatele RP (Citizens of the Republic of Poland), Komitet Obrony Demokracji (Committee for the Defence of Democracy - KOD), Obywatele Solidarni w Akcji (Citizens Solidary in Action), Akcja Demokracja (Action Democracy) and various women's rights organisations have all been subjected to persecution following their objection to the government's plan of judicial reform and involvement in peaceful civil society protests.

We therefore aim to examine the attacks on ODF as an example of a wider campaign by the Polish ruling party to subjugate and weaken civil society<sup>[8]</sup>, thus strengthening its grip on power and securing its longevity. We examined those attacks in more detail in our other reports, most notably *"Information on unprecedented attacks on civil society organisations in*

3 <https://en.odfoundation.eu/a/8482,unprecedented-attacks-on-the-open-dialog-foundation-in-poland>

4 <http://www.gazetapolska.pl/14179-nie-ugniemy-sie-przed-silnymi-grupami-interesu-z-premier-beata-szydlo-rozmawiaja-dorota-kania-i-ryszard-gromadzki>

5 [https://www.washingtonpost.com/news/democracy-post/wp/2018/08/17/the-polish-government-ex-pels-a-critic-and-sets-an-ominous-precedent-for-the-european-union/?noredirect=on&utm\\_term=.ad35f749a659](https://www.washingtonpost.com/news/democracy-post/wp/2018/08/17/the-polish-government-ex-pels-a-critic-and-sets-an-ominous-precedent-for-the-european-union/?noredirect=on&utm_term=.ad35f749a659)

6 <https://wiadomosci.wp.pl/fundacja-otwarty-dialog-badana-przez-abw-zagadkowy-komunikat-mariusza-kaminskiego-6320072710739585a>

7 <https://en.odfoundation.eu/a/9001,further-problems-of-the-open-dialogue-foundation-over-pln-700-000-tax-and-an-investigation-by-the-internal-security-agency-kramek-comments-on-the-charges>

8 <http://wyborcza.pl/7,75968,22200599,wladza-chce-odciac-obywateli-od-wrogich-pieniedzy-jak-putin.html>

## 1. Introduction

---

*Poland*"<sup>[9]</sup> as well as *"Unprecedented attacks on the Open Dialogue Foundation in Poland"*<sup>[10]</sup>.

Below we list the most striking actions taken against the Foundation by the current government, Law and Justice politicians, state and other pro-government media.

---

<sup>9</sup> <https://en.odfoundation.eu/a/8323,information-on-unprecedented-attacks-on-civil-society-organisations-in-poland>

<sup>10</sup> <https://en.odfoundation.eu/a/8482,unprecedented-attacks-on-the-open-dialog-foundation-in-poland>

## 2. Defamation and intimidation campaign



*"These protests have a geostrategic dimension. The Open Dialogue Foundation is a vehicle for propagating the actions of Berlin and Moscow."*

- Rafał Brzeski, right-wing commentator, wPolityce.pl, 23/07/2017



*"ODF actively organises an attempt at a coup, they feel so impudent that they simply write an instruction entitled 'How, using violence, with a bloody Maidan, force a change of power.'"*

- Michał Karnowski, Sieci journalist, TVP, 02/08/2017

Controlled by the ruling party, Polish public television, TVP, has launched a massive defamation and slander campaign against civil society organisations including ODF and, more broadly, all independent, citizen-led initiatives. The campaign is based on manipulations, half-truths and claims which do not correspond to reality. Organisations critical of the government are accused of artificially provoking protests in defence of courts and the Constitution, manipulating public opinion with money from abroad.

The image of an external enemy is fostered and key activists are portrayed as foreign agents (incl. ODF President Lyudmyla Kozlovska), traitors of the homeland (incl. Chair of ODF's Board Bartosz Kramek), or puppets in the hands of foreign powers and governments (e.g. George Soros, Russia, and even Germany and the Brussels elites).

Actions aimed at subjecting NGOs to special supervision, including investigations into them by special services and limiting their access to foreign funding, have been discussed publicly, also by key ministers of the Polish government.

Civil society organisations are accused of having the intent of provoking a bloody revolution (so-called Maidan) and overthrowing the government in order to achieve the interests of foreign states and other foreign actors.

In the past the Foundation had been sending non-lethal and protective equipment, such as bulletproof vests and helmets<sup>[1]</sup>, to Ukraine, and, in order to do so, obtained a legally required special licence from the state authorities. This is used by pro-government media and PiS politicians to justify accusations of the Foundation dealing with arms trade, which would, allegedly, serve to provoke a Polish Maidan.

To justify the continuing accusations appearing in state media (TVP and Polish Radio), as well as in pro-government press, their authors often used information taken from foreign sources in Moldova, Romania, Kazakhstan and Ukraine. These sources not only should be approached with distrust by any journalist verifying them (as they are obliged to do by Polish law), but

<sup>11</sup> <http://en.odfoundation.eu/l/fmfiles/pdf/eng-presentation-summary-of-odf-s-support-measures-for-ukraine.pdf>



## 2. Defamation and intimidation campaign

many of them are well known for spreading disinformation and Russian propaganda.

**Furthermore, Polish authorities seem to have cooperated closely with, and used intel from, security services of foreign states known for using these services as a political tool, both internally and abroad.** This is evident from statements of the spokesperson for the Minister-Coordinator for Special Services Stanisław Żaryn (*"Polish authorities have also received important information from partner services"*)<sup>[12]</sup> and deputy special services minister Maciej Wąsik (*"Also other counterintelligence services have provided intel to Poland, even stronger than what we have established"*)<sup>[13]</sup>. It is also likely that the aforementioned media reports coming from untrustworthy sources were used as justification for actions taken by Polish authorities, just as the "partner services" were in fact those of Kazakhstan and Moldova.

The press also reported that the current foreign affairs minister, Jacek Czaputowicz, has discussed the "Open Dialogue Foundation issue" with his Moldovan counterpart at the December 2018 OSCE Ministerial Council in Milan (it can even be seen in photos showing the minister's briefing)<sup>[14]</sup>. The Moldovan angle is also noteworthy as the Polish ban for Lyudmyla Kozlovskaya (explored in depth later) was used intensively to attack pro-European opposition and activists in that country.

The Moldovan parliament (controlled by the PDM party led by the country's superoligarch Vladimir Plahotniuc) established a special commission to investigate "Open Dialogue Foundation's and ODF President Lyudmyla Kozlovskaya's interference in the domestic affairs of the Republic of Moldova as well as its funding of opposition parties"<sup>[15]</sup>. It accused opposition leaders of working with ODF against the interests of the state and receiving financing from the Foundation - in reality the alleged "illegal foreign funding" was ODF's covering of travel costs of two opposition leaders for an event in the European Parliament<sup>[16]</sup>. The commission based its work, as it itself claimed,



"Earlier, another Ukrainian website *antikor.com.ua* published a report suggesting that Ms Kozlovskaya might be a Russian "sleeper agent" tasked with causing instability in the region of Central and Eastern Europe."

- TVP, *polandinenglish.info*,  
11/10/2018

<sup>12</sup> [https://www.msz.gov.pl/pl/aktualnosci/wiadomosci/oswiadczenie\\_msz\\_w\\_zwiazku\\_z\\_zagrozeniem\\_dla\\_bezpieczenstwa\\_strefy\\_schengen](https://www.msz.gov.pl/pl/aktualnosci/wiadomosci/oswiadczenie_msz_w_zwiazku_z_zagrozeniem_dla_bezpieczenstwa_strefy_schengen)

<sup>13</sup> <https://www.youtube.com/watch?v=301oOxDBrYY>

<sup>14</sup> [https://twitter.com/msz\\_rp/status/1070726750844436485](https://twitter.com/msz_rp/status/1070726750844436485)

<sup>15</sup> <https://en.odfoundation.eu/a/8985,moldovan-parliamentary-commission-investigating-odf-open-lies-attacks-on-the-opposition-and-smokescreen-for-the-government-s-eu-funds-fiasco>

<sup>16</sup> <https://en.odfoundation.eu/a/9027,open-democracy-in-pre-election-move-moldova-takes-aim-at-civil-society-opposition-nexus>

## 2. Defamation and intimidation campaign



*"Not only Russian services issued her a passport, but there are also videos of her with a Kazakhstani oligarch, that she's a lover of, and who's related to Russia"*

- Law and Justice MP Anna Siarkowska, TVP Info, 28/09/2018

on documentation from Poland (which, theoretically, should be kept secret, but in practice keeps leaking to pro-government media).

As of late January 2019, Moldovan authorities are pressuring Belgium to force Lyudmyla Kozlovskaya to testify in the case in Chisinau - a request criticised by the international community as lawless and unfounded. Former Belgian Prime Minister and President of the ALDE Group in the European Parliament, Guy Verhofstadt, urged the Belgian authorities in a public letter (see Annex 3) to disregard any related requests coming from Moldova. In his letter he cited the European Parliament's resolution from 14th November 2018, which stressed that *"Moldova is a state captured by oligarchic interests with a concentration of economic and political power in the hands of a small group of people exerting their influence on parliament, the government, political parties, the state administration, the police, the judiciary and the media."* Similar letters are being issued by MEPs from other EP political groups.

Moldovan and Kazakhstani sources are also used to spread disinformation within state and right-wing media. Among the evidently fake news used are Lyudmyla Kozlovskaya having Russian citizenship or having had affairs with Mukhtar Ablyazov and Bill Browder (based on a fake video circulating on YouTube and pornographic websites)<sup>[17]</sup>. These join a multitude of fake accusations invented by Polish right-wingers, e.g. Bartosz Kramiec/ODF planning a bloody revolution or ODF being financed by Soros/Germany/Russia, as well as a completely absurd, viral theory circulated by the US alt-right, claiming that Lyudmyla Kozlovskaya was in fact Dr Christine Blasey Ford (who testified against Donald Trump's Supreme Court nominee Brett Kavanaugh) caught in a photo with George Soros<sup>[18]</sup>. ODF's connection to George Soros (and therefore Soros's financing of protests in Poland) is a recurring fake story, likely due to the similarity of our acronym to that of Open Society Foundations (OSF) and/or the one time Lyudmyla Kozlovskaya took a photo alongside Soros at an event<sup>[19]</sup>.

<sup>17</sup> <https://en.odfoundation.eu/a/8688,statement-of-the-open-dialog-foundation-of-15-june-2018-with-regard-to-the-defamation-campaign-against-the-foundation>

<sup>18</sup> <https://www.snopes.com/fact-check/ford-george-soros/>

<sup>19</sup> <https://odfoundation.eu/a/7093,25-lecie-international-renaissance-foundation>

## *2. Defamation and intimidation campaign*

---

Another fake story, circulated in state and pro-government media, was that of an investigation into Lyudmyla Kozlovska being initiated by Ukrainian security services (SBU)<sup>[20]</sup>. The story turned out to be created by Ukrainian propaganda portal stopcor.org, who themselves tried to add Kozlovska's name to an existing, unrelated investigation. State television TVP Info's website, just as many pro-government portals, were quick to publish the fake news, but never issued a correction once it was debunked.

**The smear campaign is carried out not only by the media, but also by far-right and nationalist organisations, which in turn leads to mass hate speech and threats on the Internet. Some of them take place in the public sphere and are met by quiet acceptance and reluctant reactions from authorities.**

A very common aspect of the hate campaign is its xenophobic nature: the objects of the attacks are refused the right to call themselves Polish and a lot of the hate speech is directed at Poland's Eastern neighbours, Lyudmyla Kozlovska's compatriots. Ukrainians are targeted as many of them took part in anti-government protests and due to ODF's work, which used to heavily focus on supporting Ukraine through humanitarian aid. This rise of negative emotions towards Ukrainians (and xenophobia in general) further deepens the divisions in society and bolsters aversion towards civic initiatives, refugees and migrants.

**The media attacks, which began in the summer of 2017, were just a prelude to a smear campaign from government officials which evokes methods used in the communist era and now lingering in non-democratic post-Soviet states.**

Members of the government, including then-interior minister Mariusz Błaszczak<sup>[21]</sup> and his deputy Jarosław Zieliński<sup>[22]</sup>, Minister-Coordinator for Special Services Mariusz Kamiński<sup>[23]</sup>, then-

---

20 <https://en.odfoundation.eu/a/8916,statement-re-alleged-sbu-investigation-concerning-lyudmyla-ko-zlovska-updated-26-11-2018>

21 <http://www.polityka.pl/tygodnikpolityka/kraj/1715314,1,czym-rzadowi-pis-narazila-sie-fundacja-ot-warty-dialog.read>

22 <http://www.tvp.info/33461676/wiceszef-mswia-fundacja-otwarty-dialog-powinna-zajac-sie-abw>

23 <http://wiadomosci.onet.pl/kraj/mariusz-kaminski-chce-zbadania-dzialan-fundacji-otwarty-dialog/jh9xbf9>

## 2. Defamation and intimidation campaign

---

foreign minister Witold Waszczykowski<sup>[24]</sup> and defence minister Antoni Macierewicz<sup>[25]</sup>, all analysed, publicly, what actions should be taken towards each non-government organisation. With relation to ODF Jarosław Zieliński and Antoni Macierewicz simply voiced an opinion that the Foundation is “*a job for the security services*”<sup>[26]</sup>.

On August 30th, 2017, in an interview for Gazeta Polska<sup>[27]</sup> Prime Minister Beata Szydło presented her theory that the summer protests were not spontaneous, but “*well directed and sponsored*”. She emphasized that “*specific foundations work in the interest of influential foreign groups*” and that they “*would not give up easily*”. Responding to the interviewer’s question, suggesting a need for a reaction towards the Free Citizens of Poland movement and ODF, the Prime Minister elaborated that “*the foreign minister has informed the prosecutor’s office of the unlawful actions of the Open Dialogue Foundation*”.

Similar, worrying statements and actions were taken by several Members of Parliament and MEPs:

On July 25th, 2017, Anna Fotyga, Chair of the Subcommittee on Security and Defence of the European Parliament (SEDE), former Minister of Foreign Affairs and prominent member of the Law and Justice party in Poland, publicly expressed her disapproval of the Open Dialogue Foundation<sup>[28]</sup>. The reason for the unfavourable opinion was Bartosz Kramek’s Facebook post calling for civil disobedience. MEP Fotyga has not only promised to boycott all future initiatives carried out with the participation of the Foundation but also declared that she would thwart all its efforts in the European Parliament, despite the fact that the Foundation had previously cooperated with her and carried out valuable joint initiatives, dedicated mainly to supporting Ukraine and countering Russian propaganda.

---

24 <http://www.polityka.pl/tygodnikpolityka/kraj/1715314,1,czym-rzadowi-pis-narazila-sie-fundacja-otwarty-dialog.read>

25 <https://wiadomosci.wp.pl/antoni-macierewicz-chce-by-slugby-specjalne-kontrolowaly-fundacje-wszystkie-6151512893286529a>

26 <https://en.odfoundation.eu/a/8482,unprecedented-attacks-on-the-open-dialog-foundation-in-poland>

27 <http://www.gazetapolska.pl/14179-nie-ugniemy-sie-przed-silnymi-grupami-interesu-z-premier-beata-szydlo-rozmawiaja-dorota-kania-i-ryszard-gromadzki>

28 <https://odfoundation.eu/a/8402,zachowujemy-poczucie-slusznosci-naszyc-dzialan-prezes-odf-odpowiada-na-list-anny-fotygi>

## 2. Defamation and intimidation campaign

---

On July 31st, 2017, Law and Justice's Stanisław Pięta MP and vice-chair of the Polish-Ukrainian Parliamentary Group publicly stated that ODF should immediately "*get out of Poland*", as it interferes in Polish affairs and ruins Polish-Ukrainian relations<sup>[29]</sup>.

On the same day, Adam Andruszkiewicz<sup>[30]</sup> - recently appointed secretary of state, back then an MP of the far-right Kukiz'15 party (a PiS ally) and former leader of the nationalist Endecja organisation - filed a request to security services for an inspection in ODF<sup>[31]</sup>, claiming it constitutes a "*foreign and leftist threat to the Polish state*". He announced he would file a written question regarding the Foundation.

On August 1st, 2017, Tomasz Rzymkowski, another Kukiz'15 MP called ODF an "*international criminal organisation*", allegedly financed by George Soros and Russia in order to provoke a rebellion in Poland<sup>[32]</sup>. He called for a ban on financing of NGOs from abroad.

On August 23rd, 2017, Dominik Tarczyński MP from Law and Justice notified the prosecutors office of an alleged criminal offence committed by ODF in the form of "*attempting to forcefully topple a constitutional body*"<sup>[33]</sup>. Tarczyński declared he would discuss that matter with Prosecutor General and justice minister Zbigniew Ziobro.

On September 7th, 2017, a group of seven Kukiz'15 MPs filed a written question to the interior minister, requesting information on the actions taken regarding the Foundation<sup>[34]</sup>. In response, on September 27th, 2017, Jan Dziędziczak, the Secretary of State of the Ministry of Foreign Affairs answered that the Ministry had asked the chef of the KAS (the National Tax Administration) in Warsaw to carry out comprehensive fiscal examination in the foundation, in connection with the foundation's call for general non-payment of taxes, which was launched on August 7 and

---

29 <https://medianarodowe.com/posel-pis-ukrainskiego-otwartego-dialogu-wynocha-polski/>

30 <https://wpolityce.pl/polityka/350033-nasz-wywiad-andruszkiewicz-zwroce-sie-z-interpelacja-zeby-fundacja-otwarty-dialog-zostala-dokladnie-sprawdzona>

31 <http://www.endecja.pl/prezes-endecji-adam-andruszkiewicz-podjal-dzialania-wobec-fundacji-otwarty-dialog-wideo>

32 <https://wpolityce.pl/polityka/351298-nasz-wywiad-rzymkowski-fundacja-otwarty-dialog-to-ta-ka-miedzynarodowka-rozbojnicza-finansowana-z-roznych-zrodel-ktorej-celem-jest-dokonywanie-rebelii>

33 <https://www.wprost.pl/kraj/10071689/Tarczyński-zgłasza-Bartosza-Kramka-i-fundację-Otwarty-Dialog-do-prokuratury-Mnie-też-szczegół>

34 <http://www.sejm.gov.pl/sejm8.nsf/interpelacja.xsp?documentId=42DA90C86F701582C125819500479A34>

## 2. Defamation and intimidation campaign

---

applied to the District Court of Warsaw with a demand to suspend current management board of the Foundation and establish a receivership.

In response to those attacks, international NGOs, such as Global Ukraine<sup>[35]</sup> and Centre for Civil Liberties<sup>[36]</sup>, as well as Members of the Parliamentary Assembly of the Council of Europe<sup>[37]</sup>, issued several statements, in which they called on the Polish government to tackle this situation and urged it to “*restore the constitutional order and cease the harassment of the civil society*”. Similarly later, in April 2018, 34 NGOs around the world, gathered within the Civic Solidarity Platform, signed an appeal in defence of persecuted civic organisations in Poland, including ODF<sup>[38]</sup>.

The hate campaign following the publication of Bartosz Kramek’s Facebook post was just the beginning. A more recent wave of libel and slander has hit ODF following the expulsion of Lyudmyla Kozlovska<sup>[39]</sup>. In defence of the government’s actions Law and Justice officials and pro-government media have issued and published hundreds of articles, interviews and statements accusing ODF, Lyudmyla Kozlovska and Bartosz Kramek of crimes ranging from money laundering to espionage.

**Together with her husband they were universally branded “Russian spies” by the right-wing media and leading politicians<sup>[40]</sup>.**

In August and September 2018, top officials, incl. PiS MEPs Ryszard Legutko<sup>[41]</sup>, Zdzisław Krasnodębski<sup>[42]</sup>, Karol Karski<sup>[43]</sup>

---

35 <http://en.odfoundation.eu/a/8297,statement-of-global-ukrainians-expressing-concern-over-unacceptable-pressure-on-the-open-dialog-foundation-in-poland>

36 <http://ccl.org.ua/en/statements/centre-for-civil-liberties-s-statement-on-the-pressure-on-civil-society-organisations-in-poland/>

37 <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=24220&lang=EN&search=dHlwZ-V9zdHJfZW46IldyaXR0ZW4gZGVjbGFyYXRpb24i>

38 <http://www.civicsolidarity.org/article/1545/polish-authorities-reduce-space-activities-ngos-including-human-rights-organizations>

39 <https://en.odfoundation.eu/a/8770,information-on-the-inclusion-of-lyudmyla-kozlovska-in-the-sis-database-by-poland>

40 <https://www.wsieciprawdy.pl/pyza-i-wiklo-w-sieci-agentura-wplywu-pnews-3737.html>

41 <http://www.radiomaryja.pl/informacje/europoslowie-pis-interweniowali-u-szefa-pe-ws-pobytu-ludmy-kozlovskiej-w-brukseli/>

42 <https://wpolityce.pl/polityka/413958-nasz-wywiad-prof-krasnodebski-bede-pytal-o-kozlovska>

43 <https://wpolityce.pl/polityka/408871-prof-karski-politycy-po-rozszczelniaja-bezpieczenstwo-ue>



## 2. Defamation and intimidation campaign

and Tomasz Poręba<sup>[44]</sup>, MPs Anna Siarkowska<sup>[45]</sup> (PiS) and Marek Jakubiak<sup>[46]</sup> (K'15) and numerous journalists shamelessly repeated fake and debunked news about Lyudmyla Kozlovskaja being a Russian citizen. Similarly, MEP Dobromir Sośnierz later used, in the EP's October 24th plenary session, fake and debunked news about Kozlovskaja being investigated by Ukrainian security services (SBU)<sup>[47][48]</sup>.

Once Lyudmyla Kozlovskaja was let back into the EU by Germany and later Belgium, both countries were attacked and accused of working with Russian intelligence - *"siding with the Soviets"*, as Defence Minister Antoni Macierewicz himself has put it<sup>[49]</sup>. ALDE leader Guy Verhofstadt, a staunch supporter of Polish democracy, suffered a massive hate campaign following his defence and support for Lyudmyla. Fellow MEPs Czarnecki, Poręba, Legutko and Krasnodębski (all PiS) accused him of an *"anti-Polish crusade"*<sup>[50]</sup> and of supporting Russian interests<sup>[51]</sup>. Similar accusations of being *"a friend of Putin and Russia"* were directed against Frank Schwabe, one of the German MPs who invited Kozlovskaja to speak at the Bundestag<sup>[52]</sup>.

Due to the overwhelming amount of hate and criminal threats issued towards the Foundation, Lyudmyla Kozlovskaja, Bartosz Kramek and their colleagues on social media and via other means, ODF has brought a case to the Regional Prosecutor's Office in Warsaw which opened an investigation into it.

But the most telling perhaps were two interviews with Witold Waszczykowski, who - as foreign minister - initiated the campaign against ODF and can thus be deemed responsible for all further actions taken against the Foundation. Before the *"official"* argumentation for ODF President's Schengen ban



*"The Foundation had ambitions ranging outside Polish borders. They often visited Brussels, where they pursued anti-Polish goals. There was suspicion they also acted against other EU states. The Foundation - through travel - expanded their activities throughout the EU. That's why Poland's actions were justified."*

- Foreign Minister  
Witold Waszczykowski, DGP,  
8/09/2018

44 <https://www.tysol.pl/a24153-Tomasz-Poreba-zarzuca-Verhofstadtowi-wspolprace-z-firmami-zwiazanymi-z-Kremlem>

45 [https://twitter.com/tvp\\_info/status/1045569808077660161](https://twitter.com/tvp_info/status/1045569808077660161)

46 <https://twitter.com/wPolscepl/status/1040513115950133248>

47 <https://www.youtube.com/watch?v=IC1rmWL3bwA>

48 <https://en.odfoundation.eu/a/8916-statement-re-alleged-sbu-investigation-concerning-lyudmyla-kozlovskaja-updated-26-11-2018>

49 <http://niezalezna.pl/236016-kozlovskaja-w-bundestagu-to-bardzo-powazna-sprawa-podkresla-minister-macierewicz-a-kto-byl-mozgiem-fozz>

50 <https://niezalezna.pl/237856-europoslowie-pis-interweniuja-ws-kozlovskiej-pe-otwarcie-lamie-unijne-prawo>

51 <https://niezalezna.pl/238111-polska-musi-sie-szanowac-okno-za-okno-zab-za-zab-czarnecki-podsumowal-zaproszenie-kozlovskiej>

52 <https://wpolityce.pl/polityka/412058-ujawniamy-obronca-putina-wpuscil-kozlovskaja-do-bundestagu>

## 2. Defamation and intimidation campaign

---

was revealed, the Minister bluntly admitted in an interview<sup>[53]</sup> the true reasons for the authorities' actions: ***"The Foundation had ambitions ranging outside Polish borders. They often visited Brussels, where they pursued anti-Polish goals. There was suspicion they also acted against other EU states. The Foundation - through travel - expanded their activities throughout the EU. That's why Poland's actions were justified."*** He later specified ODF took "actions against a democratically elected government" and was planning a coup. "They wrote a detailed plan on how to topple the Polish government" he added, referring to Bartosz Kramiec's Facebook post. "Kozłowska and Kramiec attempted to contact European politicians in Brussels, so our services' actions were a smart, justified result of precaution" - he ended.

In reality, the Foundation has indeed been active abroad for several years now, mostly working with European parliamentarians in Brussels, the Council of Europe, UN, OSCE and national EU parliaments on defending human rights and the rule of law in post-Soviet states. Only since Law and Justice's attacks on the Foundation commenced ODF's representatives added the topic of the declining rule of law in Poland to issues of concern discussed abroad.

**STATUS**  
Ongoing.

---

<sup>53</sup> <https://wiadomosci.dziennik.pl/opinie/artykuly/580758,niemcy-potega-waszczykowski-ros-ja-merkel-putin.html>

### 3. The Foreign Minister's attempts to take control of ODF

On 27 July, 2017, the Minister of Foreign Affairs demanded an explanation from the Open Dialogue Foundation, alleging that, by sharing Bartosz Kramek's call for civil disobedience, it was calling for illegal activities and unspecified "personal attacks". In spite of an extensive explanation provided by the Foundation, on 7 August 2017, the MFA, citing its supervisory powers, demanded that the Foundation removes the "illegal content" from its website and social media accounts within three days<sup>[54]</sup>.

The Foundation clearly identified it as an attack on freedom of speech and independence of NGOs. It also assumed that Minister of Foreign Affairs may take steps leading to the suspension of the Foundation's Management Board. According to the law on foundations should the Foundation fail to fulfil the demands, the Ministry of Interior can file a motion with the court, demanding the suspension of the Foundation's Management Board and appointment of the board of trustees.

On 3 October, 2017, the Open Dialogue Foundation was informed by the Regional Court of Warsaw that the Minister of Foreign Affairs had filed a motion demanding the appointment of a so-called forceful trustee replacing the current Management Board. The court set a 7-day deadline for the provision of the Foundation's official statement on the matter. At the request of the court, the Foundation has submitted its official position on the matter, indicating numerous faults in the Minister's motion. On December 7, 2017, the court rejected the Minister's motion due to its formal faults.

**The Minister appealed the decision, but the appeal was dismissed in April 2018. The court fully agreed with ODF's argumentation, both in terms of procedural faults, as well as the constitutionally guaranteed freedom of speech. This decision of the first instance court is at this point final<sup>[55]</sup>.**

**Thus, the attempts of foreign minister Witold Waszczykowski, and then his successor Jacek Czaputowicz, at committing a sort of a hostile takeover of the Foundation had failed.**



*"According to the law on foundations, the relevant minister can demand the removal of misconduct in the actions of the foundation's board or can demand its replacement"*

- Stanisław Janecki,  
Sieci journalist, wPolityce.pl, 8/08/2017

54 <https://en.odfoundation.eu/a/8482,unprecedented-attacks-on-the-open-dialog-foundation-in-poland>

55 <https://en.odfoundation.eu/a/8631,odf-wins-court-dispute-with-polish-mfa-once-again>

### 3. The Foreign Minister's attempts to take control of ODF



*"The decision [to expel Lyudmyla Kozlovska] has been taken on the basis of the Interior Security Agency's opinion, taking into account Ms Kozlovska's activities and the financing sources of ODF. (...) Ms Kozlovska and Mr Kramek publish anti-government content and conduct political activities against the Polish government"*

- Maciej Janczak,  
Deputy Ambassador of  
Poland to the Council of  
Europe, Council of Europe speech,  
8/10/2018

The judge, in a lengthy argumentation supporting ODF's position, claimed that:

1. Bartosz Kramek's Facebook post was his personal text, and not an official statement of the Foundation. It was published on his personal profile and the Foundation's post from the same day was a separate publication.

2. Bartosz Kramek is not, and never was, a member of the Foundation's governing board (as opposed to the Foundation Board which serves an advisory role), hence his actions cannot be interpreted as those of the Foundation.

3. The foreign ministry did not specify which laws were broken according to them.

4. **Even if the sharing of the mentioned Facebook post on ODF's Facebook profile was to be treated as an official statement of the Foundation, it would still not constitute a substantial violation of the law, as "discussing ideas and possible forms of civic protests" against the governing party and its policies does not break the law.**

5. The constitution guarantees the freedom of speech, including the right to manifest beliefs, to assembly and associate (which includes the freedom of operating non-government organisations).

**STATUS**

Lost by Foreign Minister - court  
dispute won by ODF

## 4. Bogus criminal investigation by the Prosecutor's Office

Despite the court's clear verdict that nor the Foundation, nor Bartosz Kramek, were guilty of any wrongdoing related to the publication of Bartosz Kramek's Facebook post, state authorities have nevertheless started an investigation into it, claiming it included content violating the law.

The investigation is carried out by the investigative division of the Warsaw police as part of a case instigated by the Regional Prosecutor's Office in Warsaw. No charges have been brought against anyone as part of the investigation. Instead, numerous persons working for the Foundation, or who have cooperated with the Foundation, are being called in for questioning, sometimes even more than once. This included Foundation Board members and renowned anti-communist activists Bogusław Stanisławski (89 years old) and Andrzej Wielowieyski (91 years old), volunteers working for the Foundation and even representatives of other NGOs that have cooperated with ODF in the distant past.

**What is puzzling is that despite the investigation being carried out for over a year now and concerning Bartosz Kramek's post, he himself has not been the object of interest for the investigators, not being called in for questioning even once.**

**Furthermore, the witnesses were questioned on issues completely unrelated to the case.** The investigators rather asked about the Foundation's functioning, its history, organisational structure, employees and undertaken actions.

The deputy head of the police's investigative division has requested the delivery of ODF's accounting documentation for 2010-2012 from the Foundation's accounting firm, without presenting any decision of a body authorised to do so, nor releasing the firm from fiscal confidentiality.



*"No one should doubt that Ms Lyudmyla and her foundation are simply moles and their activities had to be cut, because why would we tolerate such structures, likely of a hybrid nature"*

- Tadeusz Płużański,  
Head of Journalism at TVP Info,  
wPolsce TV, 31/12/2018

**STATUS**  
Reportedly ongoing.

## 5. Fiscal and customs inspection



*"The Foundation could be submitted to a very meticulous inspection, for a period of many years. The controllers could demand documents, explanations, and every single imperfection, vagueness or abnormality could serve as basis for initiating a criminal or fiscal investigation. That would, of course, force them to come for interrogations, to hire law firms, so in other words would cause them significant costs"*

- Stanisław Janecki, Sieci journalist, wPolityce.pl, 8/08/2017

At the request of the Minister of Foreign Affairs, who himself was requested by the Minister-Coordinator for Special Services, on 7 August, 2017, fiscal authorities have launched a special fiscal and customs inspection of the Open Dialog Foundation - despite the fact that different inspections have already been carried out in previous years. According to the Foundation's accountants, the inspection was carried out in an unprecedented manner, given the number of the fiscal officers involved, its intensity and the depth of the information required. For many weeks associates of the Foundation were being interrogated in the office of the Fiscal Administration in Warsaw, creating substantial difficulties for the daily work of the organisation. It is also important 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.

The results of the inspection - prolonged multiple times - were delivered to ODF in a letter, dated October 24th, 2018, and leaked - seemingly by the authorities themselves - to the media<sup>[56]</sup>.

The Customs and Tax Office in Łódź concluded that the Foundation owes an amount of PLN 715,160 of unpaid taxes, related to corporate income tax.

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

In its report, the Customs and Tax Office (Urząd Celno-Skarbowy, UCS) in Łódź stated 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 - a claim immediately contested by ODF's external accountants and taxation experts.

<sup>56</sup> <https://en.odfoundation.eu/a/9007,statement-on-the-results-of-the-fiscal-control-and-internal-security-agency-investigation>



## 5. Fiscal and customs inspection

---

The Foundation has been pursuing these goals for ten years now, submitting financial and annual statements on their implementation. The Foundation has also successfully passed numerous inspections in previous years, including a special verification process carried out in order to issue a state 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 under the rule of the Law and Justice party.**

The amount of allegedly due income tax from donations for ODF's humanitarian aid activities, as requested by the authorities, is comparable to the Foundation's whole annual budget for 2017. ODF will of course appeal those findings as soon as a final decision is received.

As a result of the above inspection the Customs and Tax Office has also initiated an investigation into a possible crime of filing false tax statements and unscrupulous bookkeeping, both punishable by high fines/imprisonment. At this point the Foundation itself is not a side in this investigation hence the only available information comes from media reports as well as actions taken towards ODF's accountants and employees dealing with finances in the past.



Stage 1 complete, expected court dispute that could last years.

## 6. The Panama Papers investigation by the Interior Security Agency



*"The state should initiate and carry out an investigation based on the laws on the "Crime against the Republic of Poland", related to calling for the overthrow of democratically elected authorities. This could, for example, be done by the Prosecutor General."*

- Stanisław Janecki, Sieci journalist, wPolityce.pl, 8/08/2017

On November 23rd, 2018, just hours before Poland's leading news website Onet.pl was about to publish its article<sup>[57]</sup>, highly critical of the UCS tax investigation report, a statement was submitted by Stanisław Żaryn, spokesperson for the Minister-Coordinator for Special Services, to the Polish Press Agency (PAP)<sup>[58]</sup>.

The statement informed of an investigation being carried out by the Interior Security Agency (Agencja Bezpieczeństwa Wewnętrznego, ABW). While seeming grave and substantial, it did not present any concrete accusations or justifications for its statements. It included suggestions that the ODF or one of its donors - "Silk Road Biuro Analiz i Informacji" (Office of Analysis and Information), a consulting company owned by Bartosz Kramek, the Chair of the Foundation Board - acquires or hides funds via tax havens, engages in money laundering or has connections with suspicious businesses, which would suggest the "criminal origin of the funds".

**The suggestions seemed to be aimed at destroying the good name of the Foundation, while not being supported by evidence.** The statement did not contain suspicions of breaking any specific law, but only hypotheses and speculations, presented with the use of terms designed to arouse negative emotions in the reader: tax havens, Panama Papers, illegal income, virtual offices.

Most of the "accusations" did not even refer to any illegal activity, as e.g. there is no law against doing business with "entities registered in virtual offices in the UK" (moreover, such offices are common in many industries, such as IT), or against funding of an NGO by members of its governing bodies - another accusation aimed at provoking a negative impression in a reader not familiar with the law.

The investigation is supposedly being carried out by the ABW as part of a case handled by the prosecutor's office, based on a request from the Head of the National Tax Administration, related to the Customs and Tax Office's investigation. ODF, as of January 2019, has not received any notification or other correspondence

<sup>57</sup> <https://en.odfoundation.eu/a/9001,further-problems-of-the-open-dialogue-foundation-over-pln-700-000-tax-and-an-investigation-by-the-internal-security-agency-kramek-comments-on-the-charges>

<sup>58</sup> <https://www.rp.pl/Przestepczosc/181129701-ABW-bada-finanse-Fundacji-Otwarty-Dialog-Przelewy-z-Seszeli-Belize-i-Panamy.html>

## 6. The Panama Papers investigation by the Interior Security Agency

from the authorities regarding this investigation, so all the available information is based on the press statement released to the PAP by the spokesperson for the Minister-Coordinator for Special Services.

The statement was not only timed specifically to create a diversion from the Onet.pl exposé, highly-damning for the authorities, but it was likely illegal in nature. First of all, it related to the alleged findings of an ongoing investigation, therefore violating its confidentiality and the fiscal confidentiality of the subjects investigated (ODF and Bartosz Kramek's company, Silk Road). Secondly, the statement was clearly defamatory in nature and can be considered libel.

The unfounded accusations damaged the reputation of the Foundation and of Silk Road, possibly leading to substantial losses for both organisations. The Foundation is therefore preparing legal action against the culprits - the Minister-Coordinator for Special Services and the ABW.

Unfortunately, the success of these actions is highly dependent on the state of the independence of the judiciary in Poland, which, as previously mentioned, is deteriorating rapidly.

Another action taken by Law and Justice, this time towards Bartosz Kramek personally, but likely linked to the above investigation, was adding him to an unspecified government watchlist. He found out about it when travelling to Poland in late 2018. After landing at Warsaw Chopin Airport he was held by border police on the request of another agency (most likely the ABW), questioned for about half an hour, including on his current residence address, and thoroughly searched. This could only be the first step into repression against him. Considering the government's full political control of the prosecutor's office, police and other security organs, it would not be surprising if next measures against him included arrest or a ban on leaving the country.



*"We know that there are other documents and it's a case of extremely suspicious financing from so-called tax havens. (...) Of course, relations with Russia haven't been directly shown in the released information, but there are surely in the ABW's argumentation."*

- right-wing commentator and director in the Polish Press Agency Jarosław Guzy, Polish Radio, 21/09/2018

**STATUS**

No official information provided to ODF so far - reportedly ongoing.

## 7. Law and Justice MEPs attempting to revoke ODF's EP accreditation

---

In March and May 2018, Law and Justice Members of the European Parliament, Ryszard Legutko, Kosma Złotowski and Ryszard Czarnecki submitted parliamentary questions to the European Commission regarding ODF entitled *"Verification of entities from the European Commission's Transparency Register"*<sup>[59]</sup>, *"Doubts regarding the connection between the Open Dialog Foundation (ODF) and the Russian Federation vs. the Transparency Register"*<sup>[60]</sup> and *"Activities of the Open Dialog Foundation"*<sup>[61]</sup>. The questions included false information about ODF's and Lyudmyla Kozlovska's "close links" and "numerous connections to the Russian Federation", as well as being "financed by an entity that cooperates with the Russian Navy". No basis for these statements was presented other than dubious media outlets, but, based on them, the MEPs requested that ODF is removed from the EU Transparency Register and its EP accreditation revoked.

Considering how these accusations were evidently contrary to the actual work conducted by the Foundation, which - from the very beginning - has been consistently anti-Kremlin and pro-Ukrainian, these statements were simply offensive. They clearly fell into the wider campaign of discrediting ODF by Poland's ruling party, this time in the international arena.

Both requests were denied by the European Commission as vague and unsubstantiated.

**On August 3rd, 2018, the Foundation received a letter<sup>[62]</sup> from the First Vice-President of the European Commission Frans Timmermans, containing replies and an explanation regarding ODF's entry in the Transparency Register, under question by Law and Justice MEPs. The letter stated that "in the case of the Open Dialogue Foundation no violations of the Code of Conduct have been found".**



Failed, MEPs' requests dismissed.

---

59 [http://www.europarl.europa.eu/doceo/document/E-8-2018-001872\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/E-8-2018-001872_EN.html?redirect)

60 [http://www.europarl.europa.eu/doceo/document/E-8-2018-001890\\_EN.html](http://www.europarl.europa.eu/doceo/document/E-8-2018-001890_EN.html)

61 [http://www.europarl.europa.eu/doceo/document/E-8-2018-002477\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/E-8-2018-002477_EN.html?redirect)

62 <https://en.odfoundation.eu/a/8765,european-commission-refutes-allegations-by-two-meps-against-odf>

## 8. The expulsion of ODF's President from the EU

In August 2017 the most drastic step was taken against the Foundation. Seemingly as retaliation for her husband's Facebook post and as a precautionary measure (as directly claimed by foreign minister Waszczykowski<sup>[63]</sup>), ODF President Lyudmyla Kozlovskaya found herself entered in the Schengen Information System (SIS II) with the highest alert level - normally reserved for terrorists, serious criminals or spies. It was done disregarding the requirements of the EU's SIS II regulation, as there was no court or administrative decision (which would give her the possibility to appeal) and she was not informed of the basis for the entry.

The ban resulted in an immediate expulsion of Lyudmyla Kozlovskaya not only from Poland, but from the EU. She suddenly became unable to return to her home in Warsaw, where she had been living with her Polish husband for 10 years. She was forcefully separated from her family and friends as well as her job.

For weeks she had to stay in Kyiv, 800km from her home in Warsaw, moving between rented rooms and apartments every couple of days. She was in constant danger due to being followed by operatives of foreign security services of non-democratic states (most likely Russia, Kazakhstan and/or Moldova), from which she had defended others her whole adult life.

Only thanks to immediate international support she was finally able to return to the EU - first to Berlin on the invitation of members of the Bundestag, Frank Schwabe (SPD) and Dr Andreas Nick (CDU)<sup>[64]</sup>, then to Brussels<sup>[65][66]</sup> thanks to Members of the European Parliament (Guy Verhofstadt, Rebecca Harms and Michał Boni), all of whom were aware of ODF's track record and the clear abuse of power by Polish authorities.

**Both in the case of Germany and Belgium, just as later with France, Switzerland and the UK, the authorities of those countries - having examined the case, including intelligence materials sent to them by their Polish counterparts (as was**



*"The relevant authorities could issue entry bans to foreigners related to a foundation, institution or organisation engaged in an operation to 'shut down the government'. Such a procedure wouldn't even require a court case, as it relates to the security of the state. Border guards could simply add such persons to a list and that would be it"*

- Stanisław Janecki, Sieci journalist, wPolityce.pl, 8/08/2018



*"Germany declared war on us, which means that the essence of the Ribbentrop-Molotov pact is still valid. Kozlovskaya is a Russian collaborator."*

- Dr Jerzy Targalski, politologist, TVP Info, 13/09/2018

63 <https://wiadomosci.dziennik.pl/opinie/artykuly/580758,niemcy-potega-waszczykowski-rosja-merkel-pu-tin.html>

64 <https://en.odfoundation.eu/a/8891,in-the-bundestag-president-of-the-open-dialogue-foundation-spoke-about-poland>

65 <https://www.politico.eu/newsletter/brussels-playbook/politico-brussels-playbook-presented-by-banco-santander-merkel-limping-sajid-javid-interview-ambassador-selmayr/>

66 <https://en.odfoundation.eu/a/8878,president-of-odf-delivers-speech-at-the-ep-on-poland-s-entry-ban>



## 8. The expulsion of ODF's President from the EU



*"It is typical that Guy Verhostadt, proven to be taking money from Gazprom, now invites a person suspected of specific Russian contacts"*

- Law and Justice MEP  
Ryszard Czarnecki, [niezalezna.pl](http://niezalezna.pl),  
28/09/2018



*"It is absolutely clear that the representatives of the legislative power, of the German Bundestag, show in a demonstrative way their solidarity with Russian espionage. It's a clear stance on the side of Russia, even the Soviet Union."*

- Defence Minister Antoni  
Macierewicz, [niezalezna.pl](http://niezalezna.pl),  
14/09/2018

**publicly announced by Polish officials<sup>[67]</sup>) - concluded that Lyudmyla Kozlovskaya poses no threat to the Schengen zone or to them.** They not only issued her national (LTV) visas (with the German one being issued in "national interest"<sup>[68]</sup>), but cleared her to present her case in their nations' most secure buildings - the Bundestag, the European Parliament, the House of Commons, UN headquarters and the Council of Europe. This turn of events sparked outrage of comical proportions among PiS officials, with the MFA summoning the German and Belgian ambassadors, as well as President Duda personally complaining to his German counterpart, who - according to Duda's spokesperson - "promised to look into the matter".

The case received wide criticism from international experts and organisations. Numerous NGOs (especially Ukrainian<sup>[69]</sup>), leading politicians (including the President and Vice-President of the ALDE Group in the European Parliament), top media publications (incl. the Financial Times, Washington Post<sup>[70]</sup>, Politico Europe, New York Times, Daily Mail<sup>[71]</sup> & ABC News) and academics agreed that Poland's step was an abuse of power and could violate European laws and treaties (esp. the SIS II regulation, that the Polish law was found incompatible with<sup>[72][73]</sup>, and possibly the Treaty on European Union). Jarosław Kaczyński has also been named Ukraine's "Foe of the Week"<sup>[74]</sup> by Kyiv Post for his 'outrageous attack' on the ODF President.

The ALDE Group in the European Parliament issued two letters to the European Commission<sup>[75][76]</sup> demanding it investigate the case and possibly includes it in its Article 7 proceedings or initiates a case in front of the European Court of Justice.

67 <https://polskieradio24.pl/5/3/Artykul/2189511,Wiceszef-MSZ-spotkal-sie-z-ambasadorem-Nie-miec-ws-Ludmily-Kozlowskiej>

68 <https://wiadomosci.onet.pl/tylko-w-onecie/wydalona-z-polski-ludmila-kozlovska-na-wysluchaniu-w-bundestagu/65bh90x>

69 <http://ccl.org.ua/en/statements/the-appeal-of-ukrainian-human-rights-organisations-regarding-the-inclusion-of-the-head-of-the-open-dialog-foundation-in-the-schengen-information-system-sis-list/>

70 [https://www.washingtonpost.com/news/democracy-post/wp/2018/08/17/the-polish-government-expels-a-critic-and-sets-an-ominous-precedent-for-the-european-union/?utm\\_term=.6c595a8d3f65](https://www.washingtonpost.com/news/democracy-post/wp/2018/08/17/the-polish-government-expels-a-critic-and-sets-an-ominous-precedent-for-the-european-union/?utm_term=.6c595a8d3f65)

71 <https://www.dailymail.co.uk/wires/ap/article-6078765/Poland-bans-Ukraine-activist-Europe-raising-questions.html>

72 <http://www.hfhr.pl/en/hfhr-issues-statement-in-case-of-detained-head-of-open-dialogue-foundation/>

73 <https://verfassungsblog.de/schengen-entry-bans-for-political-reasons-the-case-of-lyudmyla-kozlovskaya/>

74 <https://en.odfoundation.eu/a/8788,kyivpost-jaroslaw-kaczynski-has-been-branded-as-ukraine-s-foe-of-the-week-for-his-outrageous-attack-on-the-odf-president>

75 <https://www.sophieintveld.eu/letter-to-the-commission-on-the-use-of-the-sis-in-the-case-of-ms-kozlovskaya/>

76 <https://www.sophieintveld.eu/a-letter-to-the-commission-on-the-schengen-entry-ban-on-ms-kozlovskaya/>



## 8. The expulsion of ODF's President from the EU

Lyudmyla Kozlovskaya herself has also used every legal measure available to appeal the decision, in Poland and in Belgium, as well as on the European level. The case has also been submitted to the Polish Ombudsman and will be brought to his European counterpart as well as the European Court of Human Rights

A petition<sup>[77]</sup> was initiated by former Polish president and Nobel Peace Prize laureate Lech Wałęsa, asking EU heads of state to grant Lyudmyla Kozlovskaya their nationality or otherwise enable her to return to the EU. The petition was 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.

As of January 2019, Lyudmyla Kozlovskaya is living with her husband in Brussels, Belgium, having been issued temporary residence by that country.

A full timeline of events related to the case, including the authorities' actions taken against ODF, is attached in Annex 1.

**STATUS**  
Ban still in force, further  
countries disregarding it...



*"We don't have reasons to be ashamed, quite the opposite: we have reasons to be proud. We have shown that our secret services defend Europe from the influences of Russian secret services"*

- Law and Justice MP Dominik Tarczyński, Radio Maryja, 10/10/2018



*"The names of the signatories are typical for different petitions, including those calling various international institutions for actions against Poland"*

- Jacek Sasin, Secretary of State in the Prime Minister's Chancellery, [niezalezna.pl](http://niezalezna.pl), 21/08/2018

## 9. Conclusions and recommendations



*"That was the first moment when the Open Dialogue Foundation involved itself in Polish matters, as until now it was concerned with completely different issues. And that was the moment when someone determined that it's the perfect time to cause bloodshed in Poland, because they did consider bloodshed there."*

- Maciej Wąsik, Secretary of State in the Prime Minister's Chancellery, wPolsce TV, 27/09/2018

The actions and statements listed above should not be examined in isolation, but as part of a wider, coordinated campaign against an NGO that is, quite surprisingly, considered heavily inconvenient for the regime - as was bluntly stated by former foreign minister Waszczykowski. This campaign, on the other hand, is an element in Law and Justice's wider crackdown on civil society and civic freedoms in general. Many of the actions taken against ODF - such as defamation in state media or criminal investigations - are also being taken against leading opposition movements and NGOs, such as Obywatele RP, Komitet Obrony Demokracji (KOD) or Akcja Demokracja.

Obywatele RP's foundation was under attack by Interior Minister Joachim Brudziński, who - in a fashion similar to his Foreign Ministry counterpart - attempted to forcefully take control of it, claiming it illegally called for civil disobedience. The attempt was also refused by the court as groundless in November 2018.<sup>[78]</sup>

As the latest Human Rights Watch report<sup>[79]</sup> states: *"The Polish government is attacking women's rights activists and organizations, putting women's rights and safety at risk. More than two years after the first Black Protests, when thousands took to the streets to protest efforts to further restrict access to abortion, the ruling Law and Justice party is targeting women's rights activism through raids on groups' offices, denial of funding, public smear campaigns, and disciplinary action."*

Similarly, in October 2017, the day after the nationwide women's rights protests, police officers entered the offices of several women's organisations (Center for Women's Rights and the Baba Association) and seized their documentation, computers and data related to their past projects, and - in some cases - to their general activities as well. The targeted organisations perceived these actions as an intimidation and discouragement from further protest campaigns.

Interestingly, all the mentioned organisations have a substantial track record of effective protests or other actions taken in defence of either democracy and the rule of law, or women's rights in Poland. The Open Dialogue Foundation,

<sup>78</sup> <https://obywatelerp.org/mswia-chcialo-przejac-fundacje-wolni-obywatele-rp-sad-oddalil-wniosek/>

<sup>79</sup> <https://www.hrw.org/news/2019/02/06/poland-womens-rights-activists-targeted>

## 9. Conclusions and recommendations

---

on the other hand, despite the personal involvement of those associated with it, has not played a significant role in the so-called “street opposition movement”, having been largely focused on its original statutory goals of defending human rights in the post-Soviet region.

The attack on human rights defenders in Poland, including ODF, was well summarized by United Nations Special Rapporteur Michel Forst in the UN’s World Report on the Situation of Human Rights Defender in December 2018: *“The government’s control on the press has tightened in recent years and has had a chilling effect on the work of human rights defenders, including journalists. The State (or its senior officials) are in control of most mass media outlets in the State. Defenders have faced sustained campaigns of stigmatization by the media. (...)”*

*Defenders in Poland face a growing number of challenges to their enjoyment of the rights articulated in the Declaration. There are significant threats to the ability of defenders to enjoy the freedom of expression, assembly and association. Defenders perceived as critical of the State or as advocating ‘untraditional’ values or marginalized groups are particularly at risk of having their rights violated. (...)”*

*Recent communications concerned **actions taken against the Open Dialog Foundation** and undue restrictions on the right to peaceful assembly during the upcoming global climate change conference in the State in December 2018.”<sup>[80]</sup>*

Admittedly, the Foundation only appeared on the map of civic initiatives working against Law and Justice’s path towards authoritarianism in July 2017, when all it did was share Bartosz Kramek’s Facebook post. The Foundation does not have, and never did have, aspirations to become a leading opposition force in Poland, but this is how it is being portrayed through the actions taken against it by the authorities. **Only after July 2017, when the government was about to seize full control of the judiciary and attacks on the Foundation began, ODF has started to present the developments in Poland in the European and international arena, advocating for the rule of law and civil liberties in Poland.**

---

<sup>80</sup> <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf>

## 9. Conclusions and recommendations

---

This is in line with the authorities' motivations described in much detail by Minister Waszczykowski, in two interviews in September 2018 (Dziennik Gazeta Prawna and Radio ZET). The government *"got scared"* by the Foundation's *"ambitions ranging outside Poland"*, as far as Brussels, where ODF *"pursued anti-Polish goals"*. Bartosz Kramek's post was, to them, a *"detailed plan of how to topple the government"*, and Lyudmyla Kozlovska was highly efficient, *"more active than Kramek"*, as she would *"swamp"* Mr Waszczykowski, while he was still an MP, with *"emails requesting intervention or information on Kazakhstan"*, *"once a week or even more often than that"*.

This way the Foundation became, unwillingly, a type of arch-nemesis for the Law and Justice government, with the latter taking measures - often of absurd proportions - to mitigate the perceived threat.

### WHAT CAN BE DONE BY THE INTERNATIONAL COMMUNITY? HOW CAN YOU HELP CIVIL SOCIETY IN POLAND?

The international community has been active in supporting the civic democratic opposition in Poland, ever since it rose up as a result of Law and Justice's assault on the Constitutional Court - their first major action after coming to power in late 2015.

There are nevertheless several key components of meaningful support to Polish civil society under attack:

#### ► **Do not stay indifferent, take action.**

Whatever position you hold, whatever your influence is, show your opposition to rule of law breaches in Poland and other countries plagued by authoritarianism. Write about it, post about it, tweet about it - make your voice be heard, never give up on exposing abuse. As a policymaker submit questions and declarations, advocate for resolutions criticising individual cases of injustice and repression of civil society, organise fact-finding missions. Push your fellow MPs or MEPs to do the same.

## *9. Conclusions and recommendations*

---

### **► Share your position with other stakeholders, demand their action.**

Petition policymakers, the authorities of your country and international organisations (such as the Council of Europe, UN or OSCE) to take a stance, to demand that authorities such as Polish cease their assault. Through diplomatic channels inform the authorities of other states. They should all use every tool at their disposal to pressure an abusive government - from statements and diplomatic pressure to financial repercussions for rule of law violation.

### **► Support efforts towards safeguarding the rule of law in Poland.**

If you are part of an international or otherwise influential institution, support the European Commission's Article 7 proceedings or bringing cases in front of the European Court of Justice (ECJ). A successful advocacy campaign, carried out in part by Polish civil society, helped to pave the way for the EC to initiate a formal infringement procedure regarding the new Polish law on the Supreme Court. Thanks to those efforts, leading to a decisive ruling of the ECJ, the seizure of the Court by Law and Justice was reversed. Nevertheless, the anti-constitutional laws on the National Council of the Judiciary and on common courts, as well as numerous other changes implemented by the ruling party, have to be reversed in order to fully restore the independence of the judiciary and the separation of powers in Poland. Furthermore, if you're an MEP, submit oral and written questions regarding the matter, ask for including ODF's case and the larger assault on civil society in the Commission's work. As policy-maker you should also consider supporting the inclusion of rule of law conditionality clauses for funds directed to Poland - be it national or European (as it was recently supported by the EP). International funds can also be redirected from the central government to local authorities.

### **► Support the reform of SIS and monitor abuse of other international cooperation mechanisms.**

SIS can be a tool abused by EU's hybrid regimes against political opponents, just as Interpol is used by the Kremlin and other post-Soviet regimes. Support initiatives like the European Parliament's efforts to reform it or Frank Schwabe MP's motion

for resolution from 12 October 2018 in the Parliamentary Assembly of the CoE and demand extra safeguards to be added. Expose and oppose the use of Interpol, mutual assistance and extradition requests for political persecution.

► **Push for limited trust towards authorization or hybrid governments.**

If you are representing - or can influence - a national government or international body, continue the measures taken by Ireland or the Netherlands, whose courts have refused to extradite suspects to Poland, citing concerns regarding the country's judicial independence and worry that they would not have a fair trial there. Poland's abuse of SIS was likely a violation of the Treaty on European Union's "*principle of sincere cooperation*", which raises concern regarding about the country adhering to other obligations under the European aquis.

► **Focus on specific cases.**

By now the world is well aware of the advancing dismantling of freedom and democracy in Poland. The topic has been tackled by every major international body and organisation from every angle - the separation of powers, media independence, women's rights, civic freedoms. The international public has moved on to other, more current topics, just as it has previously moved on from the topic of Hungary. But what can still attract attention is new, specific cases of further abuse, as was the case with the expulsion of Lyudmyla Kozlovska, which for weeks was a trending topic in EU circles. Just in Poland there are now, according to rough estimates, over 2000 persecuted activists in connection to the defence of the rule of law. Disciplinary and even criminal proceedings have been instigated against numerous "disobedient" judges and prosecutors by Justice Minister Zbigniew Ziobro.

► **Offer your support to pro-democratic organisations, activists and especially victims of systemic abuse.**

When learning about a civil society organisation, group or even single activist becoming persecuted by authorities, offer your support. Contact them and ask them directly how you and your organisation might be of help. The support can range anywhere from a public statement, through monitoring of legal



## 9. Conclusions and recommendations

---

proceedings against them, to financial support (most new pro-democratic movements rely on donations or crowdfunding).

### ► **Counter the government's attempts at delegitimising their target.**

Be it an NGO or a group of activists, when the authorities try to brand them as traitors, criminals or otherwise defame them, counteract by closer cooperation with them. Invite them to a joint project or event, include them in a grant proposal, offer listing them as signatories of your petition. Sometimes simply mentioning them as partners on your website or social media can mean a lot for their credibility and make it harder for the authorities to damage their reputation.

### ► **Organise counter-campaigns at whatever scale you can.**

If an illiberal government runs a coordinated campaign against a perceived enemy, organise your own. Start a public petition, organise events, protest at their embassies. Invent a hashtag and ignite a viral, grassroots movement on social media. As long as a state maintains international relations, and especially if it's a signatory to international treaties and member of international bodies such as the EU, UN, NATO or OSCE, it has to take into consideration the international opinion. Despite what nationalists try to project, no country is an isolated island, and with enough international pressure they will step down from their dangerous path.

### ► **Do not stay indifferent to hate speech and disinformation.**

When you see fake news or abuse on social media, in traditional media or anywhere in the public sphere, report it to the platform (Facebook, Twitter, news websites or fora) and/or to the authorities. Notify fact-checkers and, if you are able, expose disinformation yourself, e.g. with screenshots or memes. In extreme cases, e.g. when death threats are involved, take legal steps. Expose hate speech by journalists, politicians or other influencers. Even as a TV viewer you can sue a station for spreading fake or defamatory information. Do not let hatred grow unchallenged, as sooner or later it will move from the virtual to the real world, as tragically exemplified by the murder of Gdańsk mayor Paweł Adamowicz.

► **Investigate links and common interests of EU illiberal states and non-EU regimes.**

If you represent an international organisation or institution, pay extra attention to the cooperation of populist, eurosceptic EU states and non-democratic regimes. If a country such as Poland cooperates with post-Soviet regimes like Kazakhstan or Moldova, and both sides benefit from persecuting their common opponent, it should cause concern. Any actions benefiting the Kremlin and its cronies pose a danger to European integrity. Expose those links and mutual interests.

# Annex 1: Timeline of events

This is a non-exhaustive timeline of events related to the campaign against ODF and the expulsion of its President, Lyudmyla Kozlovska, from the EU. This list is up-to-date as of 29 January 2019 and is being updated on ODF's website as events unfold.

**21/07/2017**

Bartosz Kramek, Lyudmyla Kozlovska's husband, publishes an article on civic disobedience on his personal Facebook page. The post is then shared by ODF in a post on its Facebook page and website.

**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 Foundation's 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.



*"We have the right to act and so we do act. That's what happens in cases when we find out about such initiatives being funded by the Russian state. A recent example is Ms Lyudmyla Kozlovska and the Open Dialogue Foundation. When it was proven that the foundation is being financed by Russia, Ms Kozlovska was deported and added to our blacklist"*

- Jan Piekło, Polish Ambassador to Ukraine, [Eurointegration.com.ua](http://Eurointegration.com.ua), 26/12/2018

**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

### *Annex 1: Timeline of events*

---

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, Financial Times, ABC News, Politico Europe, EUobserver, EurActiv and many others.

The situation also causes harsh criticism among independent media, journalists and publicists in Poland itself (e.g. Gazeta Wyborcza, Newsweek Polska, Onet.pl, naTemat.pl or Wprost).

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, Adam Bodnar, 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.



### *Annex 1: Timeline of events*

---

**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, 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 its 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. 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.

## *Annex 1: Timeline of events*

---

**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”.

**12/10/2018**

31 Members of the Parliamentary Assembly of the Council of Europe, from various parties, led by Frank Schwabe MP, table a motion for a resolution entitled “Misuse of the Schengen system by Council of Europe member States as a politically-motivated sanction”, citing “new cases of allegedly politically-motivated misuse of the Schengen system”

**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 demanded action from 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

### *Annex 1: Timeline of events*

---

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 Kramak’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, in the parliament of Austria, at the Sorbonne in Paris and at a parliamentary event in Hungary. 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 Guy Verhofstadt 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 issued by other Members of the European Parliament.



## Annex 2: Lyudmyla Kozlovska's speech in the UK House of Commons

---

On 22 November 2018, ODF President Lyudmyla Kozlovska had the honour to speak in the UK House of Commons, at a panel debate on the rule of law in Poland and Hungary, alongside Dr Gabor Scheiring of the University of Cambridge and Dr Marcin Matczak of the University of Warsaw. The debate was organised by the Foreign Policy Centre and chaired by Labour MP Alex Sobel. Below is a transcript of her opening statement.

\* \* \*

Ladies and Gentlemen,

First of all, thank you Foreign Policy Centre, and Adam in particular, for inviting me to speak in this esteemed panel, in such a prestigious place.

As a quick introduction, the Open Dialog Foundation is a non-political, non-governmental organisation funded in 2009, whose activities - until recently - focused on supporting democracy, human rights and the rule of law in the post-soviet region. Our aim is to protect oppressed activists, journalists, opposition politicians and other victims of political persecution.

**Until July 2017, we have never formally spoken out on the internal situation in Poland. Quite the opposite - we used Poland as a role model and inspiration for its Eastern neighbours and other post-Soviet states struggling for a democratic transformation. The Polish people have shown them great solidarity, with my second homeland often being a safe haven for political refugees.**

Sadly, it is not the case anymore - instead of being an inspiration and model to follow, since Law and Justice took power, Poland has been adopting post-Soviet standards of state governance and public life.

As you are well aware, and as was mentioned by prof. Matczak, the ruling party, Law & Justice, started dismantling the constitutional order by quickly seizing control of institutions that should always remain independent from the legislative and executive power. But that was just the beginning.

As a direct victim of Poland's rule of law abuse I'd like to focus on how Kaczyński's regime has impacted activists such as myself. Because the escalating assault on the rule of law in Poland is not an abstract issue. It has a very direct, human dimension. According to the latest reports including a periodic summary prepared by Obywatele RP - the Citizens of the Republic of Poland civic movement - there are more than 2,000 ongoing proceedings against peaceful protesters defending the constitution, fighting for women's rights, or standing up to various radical right-wing and fascist groups in Poland.

**The current harassment and repressions of activists have no precedent since the fall of communism in 1989. Over the last months there have been cases of surveillance, seizure of documents or mobile phones and computers taken from NGOs' offices. A fellow activist, Justyna Butrymowicz, recently had her hand broken by police officers. Unjustified, excessive use of force advances.**

My husband and I were among the thousands of people in Poland protesting in defence of the rule of law in July 2017. My husband's post on possible civil disobedience actions, published at the time on his personal Facebook account, triggered a wave of repression against our organisation, which quickly evolved into hate campaigns from pro-government media and online trolls. What is interesting, up to that point our NGO never had any issues with the authorities, quite the opposite - following an in-depth control by security services we were granted a special permit to export bulletproof vests and helmets to protect protesters at the Revolution of Dignity/Euromaidan in Ukraine. Law and Justice MPs themselves took part in monitoring missions and events organised by our Foundation.

But following my husband's post, critical of the government, key ministers of the Polish government publicly discussed measures that should be taken against us and other civil society organisations critical of the state authorities. Right-wing commentators and even government officials openly suggested deporting me as a possible measure.

We have been accused of intending to provoke a bloody revolution (so-called Maidan) and planning to overthrow the government in order to achieve the interests of foreign states and actors, among them George Soros, the Russians, the

*Annex 2: Lyudmyla Kozlovska's speech in  
the UK House of Commons*

---

Germans or the so-called "Brussels elites". State-owned and other pro-government media outlets have been producing new fake news and conspiracy theories about us on a daily basis, very often simply reproducing disinformation purposefully created by the post-Soviet regimes we oppose.

Two consecutive Ministers of Foreign Affairs attempted to censor us and take over control of the Foundation by appointing their commissioners, but the court rejected their pleas, citing the constitutionally guaranteed freedom of speech. Recently, an analogical ruling was made in the case of a prodemocratic opposition movement - Obywatele RP in their dispute with the Minister of Interior.

Despite the allegations in the media and statements of the government officials, no charges have been brought against me, my husband, nor the foundation itself.

Just a few days ago we were informed that a special fiscal and customs control, initiated on the request of the Minister of Foreign Affairs one year ago and extended multiple times, produced no proof of any particular wrongdoing. The authorities, again, haven't found any illegal activities. They have therefore concluded that our Foundation has to pay a minimum of 700.000 Polish zlotys of unpaid income tax for our numerous human rights and humanitarian aid activities which according to Polish law, as confirmed by our accountants and tax advisors, are tax-exempt. This may set a precedent for a new, highly effective way of persecuting NGOs which the government finds inconvenient.

The final blow against the Foundation - or at least as it was planned - came when I found myself entered into the Schengen Information System with the highest alert level, reserved for terrorism suspects, spies or serious criminals. I was expelled from the EU, with no prior warning and - as leading legal experts have confirmed - in violation of EU law. After 10 years of living in Poland I was separated from my husband, a Polish citizen, and forced to stay for weeks in exile in Kyiv, having to move between random rented rooms and apartments every few days, as I was under constant surveillance and threat from Kazakhstani or Moldovan security services.

Just recently, then-foreign minister Waszczykowski openly admitted, that all the repressions, including my ban, were initiated as a precaution, out of the government's fear that our Foundation might conduct anti-state activities. He basically admitted to violating the possible reasons for an SIS alert, as laid out in EU law.

Officially, I remain a threat to national security in Poland and should be treated as such by all Schengen member states.

Only thanks to the good will of other EU Member States, starting with Germany, then Belgium, France, the UK and others, all of which have disregarded the ban as groundless, I am able now to stay in Brussels and visit you here today.

I would also like to underline at this point the exceptional role that parliaments and cooperation between their members have played here. It is thanks to the invitations of MEPs like Guy Verhofstadt, Rebecca Harms, Julie Ward and Michał Boni - each from a different political group, that I was able to return to Brussels and speak in the EP. Thanks to national MPs like Frank Schwabe and many who joined him later I was able to speak at the Bundestag and in the Council of Europe. I am sad to say the Polish parliament, which used to play a similar role for those persecuted by post-Soviet regimes, has lost this function since Law and Justice came to power. It used to be a beacon of freedom and democracy for the East, but now the roles have reversed, with Kremlin standards and methods being introduced in Poland.

**To conclude - Polish president Andrzej Duda, in his recent speech, said that "the EU is an imaginary community which brings little benefits", which, sadly, closely resembles the rhetoric and position of the ruler of the Kremlin. Justice Minister and Prosecutor General in one, Zbigniew Ziobro - who just this Tuesday refused to confront commissioner Frans Timmermans in the European Parliament - has questioned the compatibility of EU law with the Polish constitution, striking fear of a "Polexit". Luckily, no-one in Poland wants to go through the Brexit experience, so this blunder helped convince Poles - 83% of whom are pro-EU<sup>[81]</sup> - to vote against PiS in the recent local elections.**

*Annex 2: Lyudmyla Kozlovska's speech in  
the UK House of Commons*

---

We believe that the Polish government must not be allowed to disintegrate the EU from within, taking advantage of the SIS to persecute its critics, abusing the trust between member states as well as European laws and values it vowed to uphold.

The populist path towards authoritarianism must be stopped. For now it's the most involved, active citizens and residents who are the first victims, but anyone can be next.

# Annex 3: Public letter by Guy Verhofstadt in defence of Lyudmyla Kozlovska

---

In response to the growing threat of Moldovan authorities, under orders from super-oligarch Vladimir Plahotniuc, attempting to use so-called mutual assistance or other international mechanisms to prosecute and pursue Lyudmyla Kozlovska in Belgium, on 29 January 2019 Guy Verhofstadt, President of the ALDE Group in the European Parliament and former Prime Minister of Belgium, issued a public letter in her defence.

\* \* \*



Foreigners Office  
Federal Public Service Interior

To Whom It May Concern:

The case of Lyudmyla Kozlovska, Ukrainian human rights activist, is and has been closely followed by Members of the European Parliament including myself. Mrs Kozlovska was expelled last August from the Schengen zone by the Polish government using the Schengen Information System. Given the lack of any credible evidence backing the steps taken by the Polish government, the case sparked harsh international criticism.

Having believed this action was an abuse of SIS by the Polish government to expel a pro-democratic opponent, I invited Mrs Kozlovska to speak at an open session of the ALDE Group in the European Parliament in September 2018. Based on that invitation, as well as of those from my colleagues from other political groups, she received a Belgian LTV visa, with which she was able to enter Belgium. Similarly, several other European countries, incl. France, Germany, UK and Switzerland, felt the Polish entry ban was groundless and decided to let Mrs Kozlovska enter their territory.



*Annex 3: Public letter by Guy Verhofstadt in defence of  
Lyudmyla Kozlovska*

---

I was informed that at this point she is in the process of extending her temporary residence permit, obtained due to her now residing and working in Belgium.

I have also just learned about very worrying recent developments in Moldova, which I would like you to be aware of.

In its resolution from November 14th, 2018, the European Parliament has expressed grave concern about the deteriorating state of democratic standards in Moldova, especially the rule of law and independence of the judiciary. As stressed in the resolution, “Moldova is a state captured by oligarchic interests with a concentration of economic and political power in the hands of a small group of people exerting their influence on parliament, the government, political parties, the state administration, the police, the judiciary and the media.”

At the same time, Lyudmyla Kozlovska and her NGO, the Open Dialogue Foundation, have been highly active since 2016 in defending human rights and the rule of law in Moldova, focusing on the need for conditionality clauses in existing and future European and international financial aid programmes for that country.

For that reason, the Open Dialogue Foundation and Lyudmyla Kozlovska personally have become a target for the Moldovan authorities. The country’s super-oligarch, Vladimir Plahotniuc, has personally requested the parliament, controlled by his PDM party, to open a questionable investigation into “*Open Dialogue Foundation’s and Lyudmyla Kozlovska’s interference in the domestic affairs of the Republic of Moldova as well as its funding of opposition parties*”.

As a result of this so-called parliamentary investigation, based on fictional accusations (e.g. the “funding of opposition parties” being in fact a one-time reimbursement of travel costs of two most prominent opposition leaders), Moldovan authorities are now attempting to prosecute Kozlovska and demanding she is interrogated in Chisinau on February 15, 2019.


I would therefore like to stress 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.

*Annex 3: Public letter by Guy Verhofstadt in defence of  
Lyudmyla Kozlovska*

---

approached with utmost scepticism and not treated as a relevant request by a state that fully abides by the rule of law. It can not and should not influence her right to remain in Belgium, where she is already living in exile, having been unlawfully expelled by Polish authorities in the first place.

In Brussels, 29 January 2019



Guy Verhofstadt

President of the ALDE Group in the European Parliament

Cc

Federal Public Service Justice

Federal Police

# Annex 4: Survival Guide to Authoritarianism

---

The text below, part of what was later dubbed the “*Survival Guide to Authoritarianism*”, was published in January 2017 by Martin Mycielski - ODF’s current Public Affairs Director and Board Member - in a series of spontaneous, improvised tweets, which reached 3 million views within less than a month. Their common elements were their trademark signature, “- *With love, your Eastern European friends*”, and the accompanying hashtag #LearnFromEurope.

The Guide went viral in the US and in many other countries, being translated into several languages, from Turkish, through Polish, to Filipino. It was printed on placards during anti-Trump protests, studied at two American universities, quoted by CNBC’s Joy Reid on national TV, recommended by former US Secretary of Labor Robert Reich and shared by chess grandmaster Garry Kasparov, among many others.

Excerpts and summaries have been published by various media, with the full set of texts available on the Verfassunsblog portal and a dedicated website: [www.LearnFromEurope.org](http://www.LearnFromEurope.org). A web series based on the Guide, created by the Civil Liberties Union for Europe, premiered on 23 October 2018 on [www.liberties.eu](http://www.liberties.eu).

\* \* \*

## YEAR ONE UNDER AUTHORITARIANISM WHAT TO EXPECT?

**1.** They will come to power with a campaign based on fear, scaremongering and distorting the truth. Nevertheless, their victory will be achieved through a democratic electoral process. But beware, as this will be their argument every time you question the legitimacy of their actions. They will claim a mandate from the People to change the system.

**Remember - gaining power through a democratic process does not give them permission to cross legal boundaries and undermine said democracy.**

**2.** They will divide and rule. Their strength lies in unity, in one voice and one ideology, and so should yours. They will call

their supporters Patriots, the only “true Americans”. You will be labelled as traitors, enemies of the state, unpatriotic, the corrupt elite, the old regime trying to regain power. Their supporters will be the “People”, the “sovereign” who chose their leaders.

**Don't let them divide you – remember you're one People, one Nation, with one common good.**

3. They will subjugate state media, turning them into a propaganda tube. Then, through convoluted laws and threats they will attempt to control all mainstream media and limit press freedom. They will ban critical press from their briefings, calling them “liars”, “fake news”. They will brand those media as “unpatriotic”, acting against the People (see point 2).

**Fight for every media outlet, every journalist that is being banned, censored, sacked or labelled an “enemy of the state” – there's no hope for freedom where there is no free press.**

4. They will create chaos, maintain a constant sense of conflict and danger. It will be their argument to enact new authoritarian laws, each one further limiting your freedoms and civil liberties. They will disguise them as being for your protection, for the good of the People.

**See through the chaos, the fake danger, expose it before you wake up in a totalitarian, fascist state.**

5. They will distort the truth, deny facts and blatantly lie. They will try to make you forget what facts are, sedate your need to find the truth. They will feed “post-truths” and “alternative facts”, replace knowledge and logic with emotions and fiction.

**Always think critically, fact-check and point out the truth, expose ignorance with facts.**

6. They will incite and then leak fake, superficial “scandals”. They will smear opposition with trivial accusations, blowing them out of proportion and then feeding the flame. This is just smokescreen for the legal steps they will be taking towards totalitarianism.

**See through superficial topics in mainstream media (see point 3) and focus on what they are actually doing.**

7. They will propose shocking laws to provoke your outrage. You will focus your efforts on fighting them, so they will seemingly back off, giving you a false sense of victory. In the meantime they will push through less “flashy” legislation, slowly dismantling democracy (see points 4 and 6)

**Focus your fight on what really matters.**

8. When invading your liberal sensibilities they will focus on what hurts the most – women and minorities. They will act as if democracy was majority rule without respect for the minority. They will paint foreigners and immigrants as potential threats. Racial, religious, sexual and other minorities will become enemies to the order and security they are supposedly providing. They will challenge women’s social status, undermine gender equality and interfere with reproductive rights (see point 7). But it means they are aware of the threat women and minorities pose to their rule, so make it your strength.

**Women and minorities have to be ready to fight the hardest – reminding the majority what true democracy is about – and you must fight together with them.**

9. They will try to take control of the judiciary. They will assault your highest court. They need to remove the checks and balances to be able to push through unconstitutional legislation. Controlling the judiciary they can also threaten anyone that defies them with prosecution, including the press (see point 3).

**Preserve the independence of your courts at all cost, they are your safety valve, the safeguard of the rule of law and the democratic system.**

10. They will try to limit freedom of assembly, calling it a necessity for your security. They will enact laws prioritizing state events and rallies, or those of a certain type or ideology. If they can choose who can demonstrate legally, they have a legal basis to forcefully disperse or prosecute the rest.

**Oppose any legislation attempting to interfere with freedom of assembly, for whatever reason.**

11. They will distort the language, coin new terms and labels, repeat shocking phrases until you accept them as normal and subconsciously associate them with whom they like. A “thief”, “liar” or “traitor” will automatically mean the opposition, while a “patriot” or a “true American” will mean their follower (see point 2). Their slogans will have double meaning, giving strength to their supporters and instilling angst in their opponents.

**Fight changes in language in the public sphere, remind and preserve the true meaning of words.**

12. They will take over your national symbols, associate them with their regime, remake them into attributes of their power. They want you to forget that your flag, your anthem and your symbols belong to you, the People, to everyone equally. Don't let them be hijacked. Use and expose them in your fight as much as they do.

**Show your national symbols with pride, let them give you strength, not associate you with the tyranny they brought onto your country.**

13. They will try to rewrite history to suit their needs and use the education system to support their agenda. They will smear any historical or living figure who wouldn't approve of their actions, or distort their image to make you think they would. They will place emphasis on historical education in schools, feeding young minds with the “only correct” version of history and philosophy. They will raise a new generation of voters on their ideology, backing it with a distorted interpretation of history and view of the world.

**Guard the education of your children, teach them critical thinking, ensure their open-mindedness and protect your real history and heritage.**

14. They will alienate foreign allies and partners, convincing you don't need them. They won't care for the rest of the world, with their focus on “making your country great again”. While ruining



your economy to fulfil their populist promises, they will omit the fact that you're part of a bigger world whose development depends on cooperation, on sharing and on trade.

**Don't let them build walls promising you security instead of bridges giving you prosperity.**

**15.** They will eventually manipulate the electoral system. They might say it's to correct flaws, to make it more fair, more similar to the rest of the world, or just to make it better. Don't believe it. They wouldn't be messing with it at all if it wasn't to benefit them in some way.

**Oppose any changes to electoral law that an authoritarian regime wants to enact – rest assured it's only to help them remain in power longer.**

**And above all, be strong, fight, endure, and remember you're on the good side of history.**

**EVERY authoritarian, totalitarian and fascist regime in history eventually failed, thanks to the PEOPLE.**

*– With love, your Eastern European friends*



Lyudmyla Kozlovskaya reunited with husband Bartosz Kramek following her expulsion from the EU, Berlin, 13/09/2018

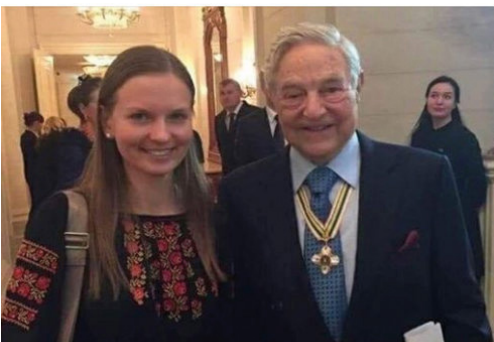
Conspiracy theory presented by state TV news, showing a “network” connecting ODF to the Gazeta Wyborcza daily and to Polish military intelligence under previous governments, 07/2017



Concerned Citizens Of America  
Yesterday at 12:25 PM · 🌐

Soros? #mainstreammediacontrol  
#SethRich #WWG1WGA

Share the crap out of this....  
Definition of witch hunt. 1 : a searching out for persecution of persons accused of witchcraft. 2 : the searching out and deliberate harassment of those (such as political opponents) with unpopular views



👍👎🗨️ 1K

545 Comments 35K Shares

Lyudmyla Kozlovskaya's photo with George Soros from 2015, made into a viral fake by US alt-right, who claimed it was Trump's Supreme Court nominee Brett Kavanaugh's accuser Dr Christine Blasey Ford



Postcards received from Poland by Lyudmyla Kozlovskaya and Bartosz Kramek for Christmas 2018

Cover of Polish pro-government weekly "Sieci" No 300, showing Lyudmyla Kozlovskaya and Bartosz Kramek with Lech Wałęsa, Radosław Sikorski and Róża Thun, captioned "Do you know that the ones you're defending are foreign agents?", 08/2018



Lyudmyla Kozlovskaya, Bartosz Kramek and ODF's Public Affairs Director Martin Mycielski in London, attending meetings with Anne Applebaum, Edward Lucas, Laurent Pech, Chatham House, KOD UK, The Foreign Policy Centre and others, despite Lyudmyla's Schengen ban, 04/10/2018





Lyudmyla Kozlovska speaking at the European Parliament with the President and Vice-President of the ALDE Group, 26/09/2018

Lyudmyla Kozlovska and Bartosz Kramek at a peaceful protest for democracy, Warsaw, 08/2017



Cover of right-wing Gazeta Polska weekly, showing Bartosz Kramek, together with Obywatele RP activist Paweł Kasprzak and opposition leaders Grzegorz Schetyna and Ryszard Petru, photoshopped as Nazi soldiers, 08/2017

Tweet by German MP Frank Schwabe, following his meeting with Lyudmyla Kozlovskya and Bartosz Kramak in the Bundestag, calling Poland's decision "scandalous", 12/09/2018

**Frank Schwabe #FreeOyubTitiev** @FrankSchwabe · 12 Sep 2018  
 Treffen mit @LyudaKozlovskya in Berlin, um über die schwierige Lage der Menschenrechte in #Polen zu sprechen. Skandalös, dass Polen solche Gespräche durch #Schengensystem unterbinden will. @ODFoundation @PieterOmtzigt @Weidenholzer @stefanschennach @socpace @spdbt #sheisback



5 3 12



Lyudmyla Kozlovskya's press briefing in the European Parliament, with MEPs Róża Thun (EPP), Sophie in 't Veld (ALDE) and Rebecca Harms (Greens), 26/09/2018



Protests against Lyudmyla's ban held in 10 Polish cities. Placards read "NO to political deportation". 23/08/2018



POLISH  
FOREIGN MINISTER:  
**“THERE ARE FORCES  
IN THE EU WHICH  
AIM TO HUMILIATE  
POLAND”**



**Dziennik Gazeta Prawna:** How will you comment on the fact that Moldovan authorities are using the Polish SIS entry and ABW investigation to delegalise their opposition? It's all about their contacts with ODF and alleged financing of the opposition from abroad.

*Jacek Czaputowicz:* We take our decisions based on our knowledge and law. It is hard for me to comment on the actions of other countries, even though some actions taken by Moldovan authorities against the opposition raise our concerns.

**DGP:** But we're talking here about a Polish decision that resonates in another part of Europe and hurts pro-European opposition politicians. We're talking about harm to a political party which also Warsaw views with sympathy.

*JC:* Our stance stems from threats on Polish territory.

**DGP:** And what if Lyudmyla Kozlovskaya receives the passport of an EU state?

*JC:* Then she does.

**DGP:** She will be able to freely move around member states despite the ban, which will utterly humiliate the decision of Polish authorities.

*JC:* We're speaking about some hypothetical situation. I don't think that countries give their citizenships on a daily basis.

**DGP:** To a citizen, that has a Polish husband and is unable to meet with him on Polish territory...

*JC:* Even in this case. We are aware that there are forces in the EU, which aim to - as you put it - humiliate Poland. The SIS system relies on trust. If we start wondering, if a person was entered into it justly or unjustly, we will cause the erosion of this important accomplishment of the EU. And this is in no-one's interest.

*Excerpt from interview with Foreign Minister Jacek Czaputowicz, DGP, 9/10/2018*



### **Photo credits**

*Cover: Reuters*

*Page (6): Pięta - Fakt*

*Page (8): Brzeski - TVP Info*

*Page (8): Karnowski - TVP*

*Page (9): TVP - Newspix.pl Grzegorz Krzyżewski*

*Page (10): Siarkowska - Sławomir Kamiński, Agencja Gazeta*

*Page (15): Waszczykowski - Adam Stępień, Agencja Gazeta*

*Page (17): Janecki - wPolityce.pl*

*Page (18): Janczak - MSZ*

*Page (19): Płużański - TVP Info*

*Page (20): Janecki - wPolsce*

*Page (22): Janecki - wPolsce*

*Page (23): Guzy - wPolsce.pl*

*Page (25): Janecki - YouTube*

*Page (25): Targalski - TVP Info*

*Page (26): Czarnecki - Wiktor Dąbkowski, PAP*

*Page (26): Macierewicz - Adam Stępień, Agencja Gazeta*

*Page (27): Tarczyński - Leszek Szymański, PAP*

*Page (27): Sasin - Tomasz Gzell, PAP*

*Page (28): Wąsik - Tomasz Gzell, PAP*

*Page (35): Piekło - MSZ*

*Page (61): Protests - Beata Chojnacka*

*Page (62): Czaputowicz - warsawpoint.com*

*Since coming to power in 2015, Jarosław Kaczyński and his Law and Justice (PiS) party have been steadily dismantling democracy, abolishing the separation of powers and turning state media into their propaganda machine. The Western world has universally labelled Poland's democracy as endangered. The former poster child for democratic reforms is now slowly descending into authoritarianism. But this assault on the constitutional order also has a more human dimension.*

*Civil society has risen in Poland at a scale unseen from the time of Lech Wałęsa's "Solidarność". Ordinary citizens, led by "street opposition" movements, have flooded the streets. Still, for a time many have thought the battle was ideological, political and it didn't concern them. But sooner or later, every citizen caring for democracy, civic freedoms and European values had to take a stance. Some marched with placards, but even more chose to voice their concerns on social media.*

*This report tells a story which started with just one such citizen - Bartosz Kramek, a Warsaw businessman and civic activist in his early 30s who, just as thousands of other protesters, took his need for action from the streets to social media. After posting his ideas for peaceful civil disobedience on Facebook, he was branded an enemy of the state by top officials and pro-government media. The Open Dialogue Foundation, a relatively small human rights NGO, run by his wife and him, which "dared" to share his Facebook post, became a leading threat to national security. His wife and Polish resident for 10 years, Ukrainian human rights defender Lyudmyla Kozlovska, was expelled from the Schengen zone, blacklisted by Poland as a potential spy, terrorist or serious criminal. Having managed to return to the EU, they now live in Brussels, away from their home, friends and family. Their Foundation, having endured a massive smear campaign, is now potentially facing numerous criminal charges.*

*ODF's case is just one of many - not the first and surely not the last. Kaczyński's animosity strikes numerous NGOs, associations or movements which dare to oppose or criticise his regime. Hundreds of activists have been detained during protests and charged, some civic organisations have been raided, investigated by authorities or faced other persecution. I hope that this case study serves as a warning, but also as proof of resilience and a message of hope - the Open Dialogue Foundation not only did not give up, but met the challenge head on. With the same determination they have had for defending human rights in the post-Soviet area for the last 10 years, they are now committed to supporting the Polish struggle for democracy, the rule of law and European values.*

- Alice Stollmeyer, Executive Director, Defending Democracy

*Civic engagement and pluralism are by definition no threat to the state. Quite the contrary: they are the lifeblood of a healthy, robust democracy. The attacks by the PiS government on civil society actors are attacks on all of us. It affects the democratic society we live in. Democracy cannot defend itself, it is up to us. That is why in the European Parliament we give support to people like Bartosz and Lyudmyla, who are the target of an authoritarian government.*

- Sophie in 't Veld MEP, Vice-President of the ALDE Group in the European Parliament



OPEN DIALOGUE