

Passages from the court order in the TVP case, selected by the Open Dialogue Foundation The bolding and colouring (except for the bolding on page 1) in the following text have been added by the Open Dialogue Foundation.

Case File No.: III C 954/19

COURT ORDER

Issued on 25 September 2019

The Regional Court in Warsaw, 3rd Division (Civil Division),

sitting with the following composition:

Presiding Judge: **Mariusz Solka (Regional Court Judge),**

having heard, in an in-camera session, in the city of Warsaw, on 25 September 2019,

a claim filed by **Fundacja Otwarty Dialog** [*Open Dialogue Foundation*] **with its registered office in Warsaw, by Bartosz Kramek and Lyudmyla Kozlovska,** against **Telewizja Polska S.A. in Warsaw,**

for protection of personal rights,

has, to the extent of the claimant's request for an interim order to secure the claim (pages 28-36),

ordered

- 1. that the claim filed by the claimants for the protection of personal rights be secured by requiring the defendant to publish the following statement during the proceedings regarding the claim, worded as follows:**

- a. "This statement is made by Telewizja Polska S.A. with its registered office in Warsaw, explaining that the allegations made in this published material against Lyudmyla Kozlovska, Bartosz Kramek and the Open Dialogue Foundation are the basis of a court case with a claim for protection of personal rights, against Telewizja Polska S.A. which is pending before the Warsaw Regional Court." The statement must be prepared using the Times

New Roman font, in black, in a size not smaller than 35 pixels, on a white background, in a rectangular black frame of 5 pixels in width. The statement must be displayed directly at the top of the page above the text of the article and remain on the website for as long as the article referred to in the statement is displayed on the same website, i.e. the following:

[a list of articles, the text of the statements, in Polish and English]

The claimants have requested this court to order that each of the above published materials be accompanied by a statement indicating that proceedings for the protection of the claimants' personal rights have been issued.

Referring to the above materials, this court has found as follows:

- 1) <https://www.tvp.info/40102742/zaczelo-sie-od-kontroli-skarbowej-sledztwo-abw-w-fundacji-otwarty-dialog>, (pages 261-262). This article was published on the www.tvp.info website on 23 November 2018. Both the headline and the main text of the article refer to an investigation initiated by the Internal Security Agency against the Foundation. The article says that according to tax authorities, the funds paid by Silk Road to the Foundation originated from companies owned by companies registered in the Seychelles, Panama and Belize. Citing the Polish National Revenue Administration [KAS] as a source, the defendant says in the article that 1.27 million US dollars and 64 thousand euros were transferred by companies registered in tax havens, including companies named in the Panama Papers documents. It is also said in the article that the nature of the funds so transferred may indicate that they originated from criminal sources. According to the head of the Polish National Revenue Administration, a money laundering offence may have been committed. The style of the entire article is sensational, and state authorities are cited (the head of the Polish National Revenue Administration, the Internal Security Agency). **The Foundation is reported to be involved in the Panama Papers affair, although no facts to confirm this have been**

established. The focus of the entire article is some irregularities regarding the financing of the Foundation. The article refers to opinions formulated by the Polish National Revenue Administration, rather than any factual findings, and these opinions are presented as established and confirmed facts. The article informs readers of some amounts of tax assessed in connection with certain irregularities relating to income tax assessment.

The statement in the article that "an inspection has found that the Foundation operates against the provisions of the Corporation Tax Act" is an extremely outrageous act of manipulation. Any person engaged in any business or other activity where compliance with tax law is necessary knows very well that tax assessment errors do happen and that such errors are normal. Unfortunately, they happen because [Polish] tax laws are unstable and difficult to interpret and the tax system is exceptionally complicated, with different tax authorities interpreting the same regulations differently. This, however, does not mean, contrary to what the defendant said in the article that "the Foundation operates against the provisions of the Corporation Tax Act" (page 262). This statement shows clearly, also within the context of the statements made in the article, that the Foundation fails to comply with Polish law because of its unclear sources of finance. That was the purpose of the statements, according this court. Such a presentation of the Foundation in the article is an explicit infringement of the Foundation's personal rights, namely its reputation or good name. The Foundation is presented in the article as a "tax cheat" that is breaking Polish law and explicitly, which implies that it is acting to the detriment of Poland.

- 2) <https://www.tvp.info/38601599/chca-powrotu-kozlowskiej-do-ue-petycja-w-sieci>, (pages 191-194). The article of 21 August 2018 was published on the www.tvp.info website and illustrated with a photograph of the claimant. The article says, at the beginning, that many famous people and public figures, including Lech Wałęsa, Elżbieta Bieńkowska and Michał Boni, signed a petition on the change.org

website in support of the return of Lyudmyla Kozlovska, president of the Open Dialogue Foundation, to the EU. The second page shows the following tweet posted by Michał Rachoń: "Bartosz Kramek and Lyudmyla Kozlovska have been caught lying on several occasions, so their statements are unreliable. I would like Polish secret services to scrutinise foundations such as the Open Dialogue Foundation. The third page of the article said that the head of the Open Dialogue Foundation was deported from Poland (the EU) in the previous week. When she flew in to Brussels, where the Foundation has an office, it turned out that she was not allowed to cross the border, as her name was entered in a list of people to be deported from the Schengen area. The article continues by saying that the spokesperson for the Coordinating Minister for Secret Services, Stanisław Żaryn, said that the head of the Internal Security Agency had refused to approve Lyudmyla Kozlovska's application for the long-term EU resident status. As a result, Lyudmyla Kozlovska was banned from entering Poland and the EU. Stanisław Żaryn reportedly explained that his refusal to approve the application was based on, among other things, serious doubts concerning the financial side of the Open Dialogue Foundation, led by Lyudmyla Kozlovska, which doubts may have legal implications. The article says later that the ban on Lyudmyla Kozlovska's entry to Poland and the EU is seen by herself and her husband as a manifestation of repression by the Polish authorities in response to Kramek's action to defend the courts. Referring to Stanisław Żaryn's explanation, Lyudmyla Kozlovska posted a Tweet saying that no Polish government had questioned the financing of the Open Dialogue Foundation for many years and that all of the Foundation's reports are transparent and publicly available. **Such a presentation of the information about the Foundation and Lyudmyla Kozlovska' is an explicit infringement of their personal rights. Both Lyudmyla Kozlovska and the Foundation are presented as a threat to Poland, demonstrating a hostile attitude to the Polish State, and the article implies a lack of transparency of the Foundation's activities.**

- 3) <https://tvp.info/38626908/otwarty-dialog-finansowany-przez-rosyjskie-firmy-kramek-sami-dajemy-pieniadze>, (199-200).

This article was published on the www.tvp.info website on 23 August 2018. At the beginning, the article refers to Bartosz Kramek's statement that Petr Kozlovsky is no longer the owner of any company doing business with Russia. Later, the article mentions some unclear sources of finance for the Open Dialogue Foundation and the connection between these sources and Lyudmyla Kozlovska's brother, Petr Kozlovsky. The article continues by citing Kramek's statement that the Open Dialogue Foundation is financed with income from his business as well as through public fundraising, grants, and that the Foundation has no income from Russia. Bartosz Kramek is reported in the article to have denied, when asked a question, that the Open Dialogue Foundation is financed by owned by Russian people. Later, the article repeats certain statements contained in the defendant's previous articles, referring to Kramek's manifesto with the words: "*Niech państwo stanie: wyłączmy rząd!*" [*May the state come to a standstill: let's deactivate the government*], which was reportedly interpreted as inciting people to destabilise the State and to organise a "Polish Euromaidan". The article continues by citing Kramek's statement that he does not regret what he wrote because what he meant was not to overthrow the government, but rather to change it in a peaceful way. Kramek is reported to have said that it is not true that his wife has a Russian passport. He explains that when the Russians took control of Crimea, they began manipulating passport data, which reportedly explains the allegation that Lyudmyla Kozlovska was issued a Russian passport. **Such a presentation of the information about the claimants is an explicit infringement of their personal rights, namely honour [Polish: *cześć*] and good name.**

- 4) <https://wiadomosci.tvp.pl/33320885/kto-pisze-scenariusz-rebelii>, (pages 372-374). This video was broadcast on the TVP television channel's "Wiadomości" news bulletin at 7:30 PM on 22 July 2017. The total length of the video is about 5 min and 41 sec. The case file includes a transcript of the video (page 374), submitted by the claimants. In the transcript, which reflects the content of the video, the claimants have marked the phrases that infringe their personal rights. In this video, Bartosz Kramek is presented as an originator of a coup, while stressing that he is linked with

the Foundation. The article emphasises that Bartosz Kramek is the author of a guide to overthrowing the Polish government. It also emphasises Kramek's involvement in what is referred to as "causing a chaos" or "causing a rebellion". It is implied in the article that the claimant has the power to overthrow the Polish government by using his resources. The style of the entire article is pejorative, particularly when it refers to Bartosz Kramek. The manifesto published by the claimant is presented in a manipulative manner, implying that the claimant is trying to overthrow the Polish government by force, and this implication is based on the use of language such as "overthrow", "cause a chaos" or "cause a rebellion".

When the text of the article is compared with the text of the claimant's manifesto showing that the claimant called for action as part of the idea of civil disobedience and, at the same time, emphasised the peaceful nature of the action (i.e. protests), it can be concluded that the defendant illegitimately presented the claimant as an aggressive troublemaker and a rebel trying to resolve problems by force. The above actions on the part of the defendant infringed the claimant's personal rights, namely his honour [Polish: cześć].

- 5) <https://wiadomosci.tvp.pl/33425115/otwarty-dialog-pod-okiem-sluzb>, (page 379, plus a transcript of the video on pages 381-382). This video was broadcast on the TVP television channel's "Wiadomości" news bulletin at 7:30 PM on 30 July 2017. The video material is followed by the statement that the Ministry of the Interior and Administration has been keeping close tabs on Bartosz Kramek of the Foundation and has cancelled its licence to trade in products for police and military use, which was granted to the Foundation by Teresa Piotrowska in 2014. The total length of the video is 4 min and 11 sec. The video focuses on some alleged irregularities regarding the financing of the Foundation. It includes statements by politicians (Andruszkiewicz) who say clearly that the Foundation is financed with foreign money and that it certainly operates on behalf of a foreign country, and who wonder whether the Foundation is a threat to public security. This video, too, refers to people with Russian-sounding names who have donated to the Foundation and tries to fit these names into references to some Russian companies,

particularly companies linked the munitions industry. The video implies that a company based in Saint Petersburg and another one based in Sevastopol must be linked with each other because they have the same name. It is reported that the Saint Petersburg's company has contracts with a Russian shipyard that is the only Russian shipyard to have been building submarines since the time of the Soviet Union. The video draws the conclusion that it was not a long time that the Foundation called for overthrowing the Polish government. The average viewer of the video would have the impression that the entire video is a clearly negative presentation of the claimants. The Foundation is presented as a dangerous organisation linked with Russian money and, as a result, posing a threat to Poland's internal security. **The video contains an imprecise, or even false, statement referring to "cancellation of the Foundation's licence" to trade in products for military and police use, and this, according to the video, indicates certain irregularities and malpractices on the part of the Foundation which have caused the authorities to cancel the licence, although the truth is that the licence was cancelled following the Foundation's decision to discontinue the business activities covered by the licence, of which the Foundation notified the Minister of the Interior (exhibit: notice of decision, pages 387-389).** The statement on the "cancellation of the Foundation's licence", combined with earlier statements referring to the Foundation's links with Russian companies operating in the munitions industry (which, in fact, should be interpreted to mean 'directly with Russia'), infringed the claimants' personal rights, including the Foundation's reputation and good name.

- 6) <https://www.tvp.info/35053443/wpolitycepl-rodzina-i-darczyncy-kramka-i-kozlowskiej-z-fod-maja-rosyjskie-paszporty>,

See pages 406-407 for a transcript of the video. This video is still available to watch on the www.tvn.info website. The transcript included in the file of the case reflects the content of the video. The video was first broadcast by the TV Info channel at 1:15 PM on 2 December 2017. While the video was being broadcast and a TV presenter was reading some information, the news ticker said: "Russian influence at the Open Dialogue

Foundation". The material refers to the wpolityce.pl portal's report that the main donors of the Foundation in 2012-2014 are free to travel around Russia because they have Russian passports. As the presenter reads more names, new images are displayed on the page, implying that the people mentioned by the presenter are holders of Russian passports. It is noted that Lyudmyla Kozlovska's brother and mother are holders of Russian passports and that these passports were issued by the Russian authorities after the annexation of Crimea in 2014. It is also noted in the video that the Foundation's donors with Russian passports have transferred large amounts of money to the Foundation. The video ends with a comment by Wojciech Biedroń, the author of the article published on the wpolityce.pl website, implying that if the donors were Russian enemies, they would never have been given Russian passports. The author clearly implies that the Foundation has some links with the Russian authorities. The style of the video as broadcast is clearly negative for the Foundation. The video refers to its donors and personal links, implying that because the Foundation's donors are holders of Russian passports, it is obvious that the Foundation itself must have such links too. The video clearly implies that the Foundation is pro-Russian organisation, linking it directly with its donors, which can be concluded from the comment by Wojciech Biedroń. **The entire video presents the Foundation in a negative light and infringes its personal rights, i.e. its reputation and good name.**

- 7) <https://wiadomosci.tvp.pl/35054165/kto-chcial-zdestabilizowac-sytuacje-w-polsce>. This video was broadcast on the TVP television channel's "Wiadomości" news bulletin at 7:30 PM on 2 December 2017 and is still available to watch on the Internet (page 408; for a transcript of the video, see pages 412-413). The transcript included in the file of the case reflects the content of the video. The video is followed by the comment that some people having family and business links with the Open Dialogue Foundation have Russian passports and are free to travel to Russia from Crimea, which is occupied by the Kremlin regime. This information is reported to have been obtained by the wpolityce.pl portal. *[The video says that]* the foundation presents itself as an opponent of Vladimir Putin, but its Russian sources of finance were revealed on the "Wiadomości"

news programme a few months ago, when a member of the Foundation provided instructions about how to overthrow the Polish government. It is reported in the video that Russian passports have been given to individuals who have donated money to the Foundation. This is followed by the comment that the Russian authorities would never have issued Russian passports to the country's enemies. The focus of the entire material is, from the very beginning, to discredit Lyudmila Kozlovska and Bartosz Kramek as people "who were planning to cause a street riot such as Ukraine's Euromaidan" in Poland. This is presented together with the statement that the Foundation is financed by Russian people. **When these two facts are put together, the average viewer will undoubtedly think that Kozlovska and Kramek are acting through a foundation supported with Russian money in order to overthrow a democratically elected government" and that their activities are inspired by another state or even serve the interests of another state. The video is an explicit infringement of the personal rights of both the claimants and the Foundation by accusing them of actions against Polish law.**

- 8) <https://www.tvp.info/38572050/jezeli-gosc-zaczyna-nas-wyrzucac-z-naszego-domu-to-mamy-prawo-go-wyprosic>,

This video was broadcast on the TVP Info television channel at 09:42 AM on 19 August 2018. The total length of the video is 4 min and 9 sec. For a transcript of the video, see pages 424-426. A summary of the video is presented below the video window. "If someone comes to your home as a guest and starts to move your furniture and, in fact, tries to make you leave your place, you have the right to show him or her the door", Law & Justice Party MP Marcin Horała commented on the deportation of Lyudmila Kozlovska of the Open Dialogue Foundation on the "Woronicza 17" programme. Tadeusz Iwiński (Democratic Left Alliance) accused the government of implementing some Russian and Turkish standards. "There is a fundamental difference between the activities of nongovernmental organisations, which are counted in thousands, and the activities of the government, which are often unclear, and the silencing of NGOs", Iwiński argued. "I'm not talking about this case," he stressed.

"It's not clear what the problem is in this case, but it reminds of the treatment of Russia's nongovernmental organisations in Turkey. We have not been given sufficient reasons and I am in serious doubt", he argued. "The activity of the Open Dialogue Foundation is not like the activities of thousands of international organisations. Its activity is highly unique," replied Horała. "We have a large organisation, an important organisation, with unclear financing, but we know that the financing comes from abroad. A lady who is not a Polish national comes to Poland and focuses virtually one hundred percent of its efforts on using undemocratic methods to change the government in Poland. There was this calling for street riots, for another Euromaidan. Poland has the right to defend itself," he stressed. Piotr Guziół, of the Warsaw Local Government Community, agreed with both politicians. He said he had expected an official statement from the authorities, but, he added, the information about a Kazakhstan-based source of the Open Dialogue Foundation's income came from a blogger. He described the situation as inappropriate. "It is indeed unacceptable for a person being a foreign national to come to Poland and call for action to overthrow the government using undemocratic methods," he agreed with MP Horała. "We have the freedom of speech, and any citizen has the right to disagree with the government and to demonstrate in the streets. It is a constitutional right. However, we have the right to expect the people of other countries to behave properly in our country." There were some questions regarding Lyudmyla Kozlovska's activities, but deportation is not the right way". Piotr Apel (Kukiz'15 Party) says that "there had been questions regarding the Open Dialogue Foundation before". "There are many reasons which I find convincing and which indicate that a good move was made *[editor's note: by deporting Kozlovska]*".

"Except that the Polish State cannot function without a clear, official statement supported by documents and the authority of the State. I expect a clear report that will say why Kozlovska was deported," he said. MP Adam Andruszkiewicz (of the Wolni i Solidarni Party) mentioned the suspicious financing of the Open Dialogue Foundation and that Bartosz

Kramek, Lyudmyla Kozlovska's husband, avoided answering questions about it. He also praised the secret service agencies that deported Lyudmyla Kozlovska. It is a preventive measure to defend the Polish State, a way to prevent a greater tragedy. We can remember very well Mr Kramek's publication of his appeal, where he used the word Euromaidan. Euromaidan was a fight for the independence of Ukraine. Blood was spilled there. There is no need to spill blood in Poland," he stressed.

The discussion, moderated by Mr Rachoń, a journalist, was focused around some irregularities related to the Foundation's activities and to blunt comments by politicians about the Foundation's attempt to change the government in Poland using undemocratic methods, as well as to the direct use of foreign money to finance the Foundation. **The entire material published by the defendant is an explicit infringement of the claimants' personal rights, namely honour [Polish: cześć] and good name.**

- 9) <https://www.tvp.info/38572056/andruszkiewicz-o-wydaleniu-kozlovskie-to-dzialanie-prewencyjne>, (page 427; for a transcript of the video, see pages 430-431). This video was broadcast at 9:43 AM on 19 August 2018. It is still available to watch on the Internet. The transcript included in the file of the case reflects the content of the video. This video is virtually limited only to a statement presented by MP Adam Andruszkiewicz, who repeats certain information relating to the Foundation and Bartosz Kramek's activities aimed at overthrowing the government. The MP also talks about doubts concerning the financing of the Foundation by foreign sources, and the objectives of the Foundation. His reference to Hungary and George Soros implies that the Foundation is engaged in activities against Poland's *raison d'état* and acting directly against the interests of Poland.
- 10) <https://vod.tvp.pl/video/studio-polska,25082018,38382515>, (page 468; for a transcript of the video, see pages 470-474). This video was broadcast on the TVP Info television channel on 25 August 2018. This video repeats certain information relating to the reasons for the deportation of Lyudmyla Kozlovska from the EU and that the Internal Security Agency's opinion on the matter is based on some doubts about the financing of the Open

Dialogue Foundation. It is said in this material that the Foundation received money not only from the claimants, but also from Lyudmyla Kozlovska's brother and from many donors with Russian-sounding names. Also, an attempt is made to link the names of the donors with the functions or positions they hold as evidence of the donors' connections with Russia. An interview with a member of the Wspolnota Kazachska Association follows, where the person says that the main sponsor of the Foundation was Muhtar Ablazov, a Kazakh oligarch, who transferred nearly 3 billion US dollars with Russia's approval. According to the member, the Foundation was financed mostly by that oligarch. The interview is followed by the statement that Lyudmyla Kozlovska has a Russian passport and that it was given to her in Crimea, and that an investigation is pending against her in connection with high treason in Ukraine. The video cites Moldovan media reports saying that Lyudmyla Kozlovska has been hired by Russian to cause unrest in the EU. This is followed by another person's statement that it is difficult to imagine that a Russian oligarch or entrepreneur engaged in Russia's defence industry might be interested in spending even a single rouble or US dollar to support an anti-Russian organisation, as everything in Russia is controlled. It is then said that the Foundation's anti-Russian attitude and its fight for human rights is only a cover-up for the Foundation. Another person speaking on the programme says that if there were even the slightest doubts about the intentions and financing side of "such organisations", the deportation decision should definitely have been taken earlier. Another guest on the programme says that Bartosz Kramiek used his manifesto to call for "organising a Euromaidan in Poland" (page 473). **It is important to note that the entire discussion about the Foundation and the claimants' involvement in the Foundation is totally one-sided. The choice of guests to speak on the programme is such as to support a predetermined conclusion. None of the people speaking on the programme is a representative of the Foundation or a nongovernmental organisation that supports the defence of human rights or works to defend human rights. No opposition politician was invited to speak on the programme either (only Law & Justice Party and Kukiz'15 representatives are among the speakers). The entire discussion is**

moderated in a way that belittles the claimants and infringes their personal rights. The host and the guests draw far-reaching conclusions from the facts, but their conclusions are far from the truth. Once again, a reference is made to a criminal investigation against Lyudmyla Kozlovska in Ukraine. Information about the financing of the Foundation is provided in such a way as to create the impression that the information has been verified and is true. In addition, Bartosz Kramek's manifesto of 2017 is referred to and inaccurately presented by indicating that he "called for organising a Euromaidan in Poland", which the average viewer will interpret as Bartosz Kramek calling for action against the government with violence. The entire material insofar as it relates to the claimants infringes their personal rights, i.e. honour [Polish: cześć] and good name. For a nongovernmental organisation such as the Foundation, which, by its very nature, is not affiliated with any political stripe, and for the claimants, who are connected with the Foundation, allegations of illegal financing, particularly from Russian sources, or even allegations of some pro-Russian activities, are an attack on the Foundation's reputation and its right to be perceived positively by the public, and delegitimise the Foundation to the extent of its main purpose, i.e. working to defend human rights.

- 11) <https://www.tvp.info/38630392/wspolpracowniczka-trzaskowskiego-byla-w-zespole-politycznym-fundacji-otwarty-dialog>, (pages 206-207).

This article was published on the www.tvp.info website on 23 August 2018. It is illustrated with a large photograph captioned "Aleksandra Gajewska dogging Rafał Trzaskowski". It is said in the article that Aleksandra Gajewska was the head of the Open Dialogue Foundation's political team and the president of the Foundation has been deported from Poland and the EU following the Internal Security Agency's serious doubts about the financing of the Foundation. Later, the article repeats the information that Lyudmyla Kozlovska has been deported [from Poland and the EU] and cites the spokesperson for the Coordinating Minister for Secret Services, referring to the Internal Security Agency's negative opinion regarding Lyudmyla Kozlovska. The article repeats that this negative opinion is based

on some doubts about the financing of the Open Dialogue Foundation. This is followed by a reference to the polskieradio.pl portal's report that Petr Kozlovsky, Lyudmyla Kozlovska's brother, has close links with Russia's munitions industry and that it is him that donated PLN 1,616,384 to the Open Dialogue Foundation in 2013-2015, an amount that accounted for 70% of the Foundation's income. **The information is presented in such a way that the average reader is made to believe that the deportation of Lyudmyla Kozlovska was based on some real and strong evidence and the Foundation is acting for the benefit of some "foreign interests" (i.e. it is financed by Russia's munitions industry). This material infringes the Foundation's and Lyudmyla Kozlovska's personal rights, i.e. their honour [Polish: cześć] and good name.**

- 12) <https://www.tvp.info/38971323/ludmila-kozlovska-opowie-w-bundestagu-o-lamaniu-praworzadnosci-w-polsce-i-na-wegrzech>, (pages 213-214).

This article was published on the www.tvp.info website on 12 September 2018. It is illustrated with a large photograph of Lyudmyla Kozlovska and captioned "Lyudmyla Kozlovska was deported from the EU in August". The article says that the entry ban in the Schengen Information System that prevented Lyudmyla Kozlovska from entering the EU was valid for one month only. It is then said that the ban was a result of the Internal Security Agency's negative opinion regarding Lyudmyla Kozlovska. The article mentions, citing Lyudmyla Kozlovska, that she was official invited to a public hearing at the German parliament and granted a special, short-term visa to enter Germany. The article continues by saying that the basis for the granting of the visa was "Germany's national interest" and that the Russian national (Lyudmyla Kozlovska) will be taking part in a public hearing at Bundestag on the rule of law in Poland and Hungary. **Such a presentation of information about Lyudmyla Kozlovska, stressing that she is particularly dangerous and referring, in this regard, to the authority of government agencies (the Internal Security Agency), is an infringement of Lyudmyla Kozlovska's personal rights, i.e. her honour [Polish: cześć].**

- 13) <https://www.tvp.info/38989343/wystapienie-ludmily-kozlovskiej-w-bundestagu-zdecydowana-reakcja-polskich-wladz>, (pages 220-221).

This article was published on the www.tvp.info website on 13 September 2018. It is illustrated with a large photograph of Lyudmyla Kozlovska and captioned "Foreign Ministry says in a public statement that Poland confirms its stance on Lyudmyla Kozlovska". The article begins with a reference to a meeting of a Polish Foreign Ministry undersecretary with the German ambassador *[to Poland]* where it was said that the granting of a visa to Lyudmyla Kozlovska *[by Germany]* was an illegitimate decision. This is followed by the Foreign Ministry's statement that the decision to enter Lyudmyla Kozlovska in the SIS was based on information from the Internal Security Agency. It is then said that the head of the Internal Security Agency provided liaison officers of the German secret services and the German police with detailed information based on which the decision was taken to enter Lyudmyla Kozlovska in the SIS. A letter with information in this regard is to be sent by the head of the Internal Security Agency to its partner secret services in all of the Schengen area member states. The article then refers to a statement by the spokesperson for the Coordinating Minister for Secret Services saying that the head of the Internal Security Agency has issued a negative opinion *[i.e. refused to approve]* regarding an application by Lyudmyla Kozlovska, who has been living in Poland for 10 years, for the long-term EU resident status. It is reported that his refusal to approve the application was based on, among other things, serious doubts concerning the financial side of the Open Dialogue Foundation, led by Lyudmyla Kozlovska, which may have further legal consequences. It is also mentioned that Lyudmyla Kozlovska comes from the city of Sevastopol. In a March 2014 referendum, the people of the city voted in favour of making the city part of the Russian Federation. After the annexation of Crimea by Russia, Lyudmyla Kozlovska was given a Russian passport in the autumn of 2014. **The entire material infringes the Foundation's and Lyudmyla Kozlovska's personal rights, i.e. their reputation and honour *[Polish: cześć]*. The article presents the claimants as dangerous persons being the subjects of some activities undertaken**

by secret service agencies, implying some unspecified activities to stress the claimants are particularly dangerous and the allegations against them are serious.

- 14) <https://www.tvp.info/39018096/sprawa-wysluchania-kozlowskiej-niezakonczone-czym-kierowali-sie-niemcy>, (pages 227-228). This article was published on the www.tvp.info website on 15 September 2018. The article says, at the beginning, that Lyudmyla Kozlovska took part in a public hearing at Bundestag on the rule of law. It is then reported that Lyudmyla Kozlovska, president of the Open Dialogue Foundation, was deported from the EU to Kiev as a result of an alert entered by Poland in the SIS. This is followed by a reference to a statement by Paweł Mucha saying that "the Internal Security Agency was fairly clear about the Lyudmyla Kozlovska matter". He adds that the matter may cause doubts because of this public statement by the Internal Security Agency. It is stressed in this statement that the negative opinion regarding Lyudmyla Kozlovska's residence in the EU was based on issues regarding the financing [*of the Open Dialogue Foundation*] as well as certain contacts. The article continues by citing the Polish Foreign Ministry's statement that the decision to enter Lyudmyla Kozlovska in the SIS was based the Internal Security Agency's materials [*in this matter*] which leave no doubt about the lack of transparency of the Open Dialogue Foundation's sources of income. The Foreign Ministry's statement stresses the fact that the Polish secret service agencies have also received important information from their partner agencies. **The entire material infringes the Foundation's and Lyudmyla Kozlovska's personal rights, i.e. their reputation and honour [Polish: cześć]. The article presents the claimants as dangerous persons being the subjects of some activities undertaken by secret service agencies, implying some unspecified activities to stress the claimants are particularly dangerous and the allegations against them are serious.**

- 15) <https://www.tvp.info/39178291/belgia-wydala-wize-kozlowskiej-polskie-msz-decyzja-godzi-w-bezpieczenstwo-strefy-schengen>, (pages 233-234).

This article was published on the www.tvp.info website on 25 September

2018. The article begins with a statement from the Polish Foreign Ministry saying that Belgium's decision to grant a visa to Lyudmyla Kozlovska to enter the country is a threat to the security of the [Schengen] area. The article repeats the information that the decision to deport Lyudmyla Kozlovska was based on the Internal Security Agency's request supported by its information about the activities undertaken by Lyudmyla Kozlovska and about her connections, as well as on the basis of an analysis of the source of financing the Foundation managed by Lyudmyla Kozlovska. The article continues by citing the onet.pl portal that the validity period of Lyudmyla Kozlovska's visa to enter Belgium is longer than her visa to enter Germany, which means that Belgium did not consider the information from Poland's secret service agencies about the Ukrainian national to be significant. **This material infringes the Foundation's and Lyudmyla Kozlovska's personal rights, i.e. their reputation and honour [Polish: cześć]. The article presents the claimants as dangerous and involved in somehow unlawful activities.**

- 16) <https://www.tvp.info/39174590/verhofstadt-wzywa-timmermansa-do-zajecia-sie-sprawa-kozlovskiej>, (pages 240-242). This article was published on the tvp.info portal on 25 September 2018. The article says, at the beginning, that Guy Verhofstadt, the leader of ALDE at the European Parliament has appealed to Frans Timmermans to deal with the Lyudmyla Kozlovska case, following her entry in the Schengen Information System "without providing concrete reasons" and adds that this decision may have been politically motivated. The article continues by citing Ryszard Legutko, an MPE of the Law & Justice Party, who has commented on the matter by saying that the politician is doing all he can do to oppose the Polish government. He even makes use of the matter concerning the Foundation, where suspicions are very serious and relate to security issues. The decision to enter Lyudmyla Kozlovska in the list of individuals banned from entering the EU was well founded. The article continues by saying that Lyudmyla Kozlovska was deported from the EU as a result of an alert entered by Poland in the SIS. The article repeats the Foreign Ministry's statement that the decision to enter Lyudmyla Kozlovska in the SIS was based on materials gathered by the Internal

Security Agency and important information provided by its partner agencies. This material infringes the Foundation's and Lyudmyla Kozlovska's personal rights, i.e. their reputation and honour [*Polish: cześć*]. The article presents the claimants as dangerous and involved in somehow unlawful activities.

- 17) <https://www.tvp.info/39228556/decyzja-niemieckich-i-belgijskich-wladz-ws-kozlowskiej-swiadczy-o-braku-solidarnosci>, (pages 475-476; for a transcript of the video, see pages 483-484; the transcript reflects the content of the video). This video was broadcast on the TVP Info television channel's "Minęła 8" programme, at 6:40 PM on 28 September 2018. The www.tvp.info website contained the video and a text referring to the video.

"It is unacceptable for a person engaged, in Poland, in activities to the detriment of our national interests to be protected and to be an authority figure," Jarosław Zieliński said on the "Minęła 8" programme. The deputy minister of the interior said that the decisions by Germany and Belgium to grant visas to Lyudmyla Kozlovska, a person whose name is entered in a list of undesired foreign nationals in the Schengen area, indicates a lack of solidarity between European states. On Wednesday, Lyudmyla Kozlovska, president of the Open Dialogue Foundation, who was deported from the EU, held a press conference at the European Parliament in Brussels. She said that Poland had misused the Schengen Information System in her case. Kozlovska was able to arrive in Brussels after she was given a visa from Belgium. The situation was commented on by Jarosław Zieliński, Deputy Minister of the Interior and Administration, on the TVP Info channel's programme: "It's a pity. What we can see here is a lack of solidarity between European countries. It is, of course, about first Germany's and then Belgium's lack of solidarity with Poland; a person with an entry in the SIS, and this entry should be respected by all countries jointly, should not be allowed to enter any of the Schengen area countries," Zieliński said. Two weeks ago, Lyudmyla Kozlovska was granted a visa to enter Germany. While in Berlin, Lyudmyla Kozlovska participated in a public hearing at the German parliament, themed "Human Rights in

Danger: the Dismantling of the Rule of Law in Poland and Hungary".

"They [*Germany*] have the right to grant a visa to anyone and they did so. It's a sad situation. I hope we don't see more such cases in the future, because if this happens happen, questions such as 'Does the Schengen area really exist?' will be increasingly valid," the deputy minister commented. In Brussels, Lyudmyla Kozlovska criticised the Polish government, saying that the decision by the Polish authorities "may even be in violation of European treaties".

"Kozlovska herself is in trouble with the law. I don't want to disclose any details, because there are different investigations under way in this matter. I think that we, as a state, have done the right thing by removing this person from the territory of Poland. There are people who are simply causing harm to Poland, so we have the legal means to respond to it," Jarosław Zieliński commented. "This is why Mrs Kozlovska was deported from Poland. If she is invited by other countries and she has an opportunity to talk nonsense there, then there is nothing that can be done effectively given the present status of our domestic law; but Poland responds in the right way," the Deputy Minister of the Interior and Administration concluded. On 14 August, Lyudmyla Kozlovska was deported from Poland to Kiev on the basis of an alert entered by Poland in the Schengen Information System. The Internal Security Agency said in August that the reason for its negative opinion in this matter was that it had "serious doubts" about the financing side of the Open Dialogue Foundation managed by Lyudmyla Kozlovska. As a result, she was banned from entering Poland and the EU.

The style of both the entire video and the text is clearly negative for the Foundation and Lyudmyla Kozlovska. Both the Foundation and Lyudmyla Kozlovska are presented as persons "in trouble with the law", that there are some "investigations under way about them which can't be talked about", that "there are people causing harm to Poland" (which is a direct reference to Lyudmyla Kozlovska), that "there is a threat related to such

activities: (which is a direct reference to the Foundation and Lyudmyla Kozlovska), that "it is unacceptable for a person engaged, in Poland, in activities to the detriment of our national interests; this may remind us of hybrid warfare". **The use of such expressions directly referring to the claimants is an infringement of their personal rights, i.e. honour [Polish: cześć] and good name.**

- 18) <https://www.tvp.info/39373632/ludmila-kozlovska-w-strasburgu-andrzej-duda-jest-marionetka-pisu>, (pages 248-249).

This article was published on the www.tvp.info website on 8 October 2018. This article is illustrated with a photograph and a caption reading that France is the fourth European country to have granted a visa to Lyudmyla Kozlovska, who has been deported from the EU. This article is a reference to Lyudmyla Kozlovska's speech at the Council of Europe, where she was invited by some MPEs, and gives a brief account of the speech. The article ends with a reference to a statement by the Permanent Representative of Poland to the Council of Europe, who was supposed to say that the Polish authorities had confirmed their stance on the entry of the Ukrainian national, Lyudmyla Kozlovska, in the SIS. The decision was based on the Internal Security Agency's assessment and taking into the account Lyudmyla Kozlovska's activities as well as the Foundation's sources of income; Mrs Kozlovska and Mr Kramek have been publishing anti-government content and are engaged in activities against the Polish government. **This material infringes the Foundation's and Lyudmyla Kozlovska's personal rights, i.e. their reputation and honour [Polish: cześć]. The article presents the claimants as dangerous and involved in somehow unlawful activities and, in addition, activities against the Polish State.**

- 19) <https://www.tvp.info/39415181/sbu-wszczela-dochodzenie-przeciwko-ludmile-kozlovskiej>, (pages 255-256). This article was published on the www.tvp.info website on 10 October 2018. It is illustrated with a large photograph of Lyudmyla Kozlovska with a caption reading that she was given a Russian passport after the annexation of Crimea by Russia. The article begins with a text in large letters that the Ukraine Security Service has launched an investigation against Lyudmyla

Kozlovska concerning an attempt to disturb the integrity of Ukraine and the crime of high treason. The language of the text is not explicit, which is indicated by the phrase "is reportedly verifying", although the headline of the article explicitly says that such an investigation has already been initiated ("the Ukraine Security Service has launched an investigation"). This article, too, refers to the reasons for deporting Lyudmyla Kozlovska from the EU and it says that the decision was based on the Internal Security Agency's negative opinion. It is reported, once again, that the Internal Security Agency's refusal to approve Lyudmyla Kozlovska's application was based on serious doubts concerning the financial side of the Open Dialogue Foundation, managed by Lyudmyla Kozlovska, which doubts may have "further legal implications". It is stressed, once again, that the claimant comes from Sevastopol and that she was given a Russian passport after the annexation of Crimea by Russia. **The entire material infringes the Foundation's and Lyudmyla Kozlovska's personal rights, i.e. their reputation and honour [Polish: cześć]. The article presents the claimants as dangerous persons being the subjects of some activities undertaken by secret service agencies, implying some unspecified activities to stress the claimants are particularly dangerous and the allegations against them are serious.**

- 20) <https://www.tvp.info/40305274/kozlovska-na-zdjeciu-z-amasadorem-rp-w-belgii-nieuczciwa-manipulacja-wizerunkiem-dyplomaty>, (pages 268-269). This article was published on the www.tvp.info website on 6 December 2018. This article is illustrated with a photograph of the claimants accompanied by the Polish ambassador to Belgium. It is explained that the ambassador has distanced himself from the president of the Foundation after she published a photograph of herself with the ambassador taken at a reception for Polish nationals living outside Poland. According to the ambassador, Lyudmyla Kozlovska was never invited to the reception, but she was there as someone's partner. Later, although the article is an account of a reception for Polish nationals living outside Poland, it is stressed that Kozlovska is a Ukrainian national who is banned from entering the Schengen area. It is then said in the article that the Polish ambassador asked the organiser of the reception to explain

why the event was attended by activists from a disgraced nongovernmental organisation who have taken an advantage of the reception to manipulate its image dishonestly. The comment is followed by Lyudmyla Kozlovska's social media post, illustrated with a photograph of herself with the ambassador. The article ends with information on the deportation of Lyudmyla Kozlovska from the EU. Another reference is made to the Internal Security Agency's statement on "serious doubts" concerning the financing of the Foundation. It is important to note that since the decision to deport her from the EU (14 August), the defendant has, with any statement or report about the claimants, consistently published a statement about the exceptionally dangerous reasons for the deportation decision (the Internal Security Agency's decision) and emphasised some unclear financing of the Foundation. **This material infringes the Foundation's and Lyudmyla Kozlovska's personal rights, i.e. their reputation and honour [Polish: cześć]. The article presents the claimants as as dangerous and disgraced persons being the subjects of some activities undertaken by secret service agencies.**

- 21) <https://www.tvp.info/41130470/kozlovska-dziala-w-calej-europie-verhofstadt-kozlovska-przesladowana-w-moldawii>, (pages 284-286).

This article was published on the www.tvp.info website on 1 February 2019. The article says, at the beginning, that the leader of ALDE referred to Poland's decision to deport Lyudmyla Kozlovska as unlawful and not supported by reliable evidence. It is then said that Lyudmyla Kozlovska has been requested to appear before Moldova's public prosecutors in connection with money laundering, espionage and illegal financing of a political party. The article says that the investigation was launched following a report by a parliamentary committee set up in October 2018 to verify whether Lyudmyla Kozlovska and the Foundation may have interfered with the internal affairs of Moldova and to look into the financing of political parties by them. The second page of the article contains a hyperlink to an article headlined "Ukraine Security Service launches investigation against Lyudmyla Kozlovska". The third page of the article clearly and conclusively says that the "organisation's funds came from, among other sources, Russian military institutions, sources located

in tax havens, Russian money laundering organisations, money laundering schemes and thefts from Moldovan banks. The article continues by linking Lyudmyla Kozlovska with Veaceslav Platon, who was convicted of money laundering and fraud. Citing the Moldovan Committee, the article says that the Foundation acted to the detriment of countries opposing the geopolitical interests of the Russian Federation. **It is said that the Moldovan Committee's report was based on information from anonymous bloggers and media controlled by the authorities, which the Court should interpret as a reason for questioning the accuracy and reliability of the report.** The article ends with a reference to the deportation of Lyudmyla Kozlovska from the EU, the Internal Security Agency's doubts and doubts about the financing of the Foundation. This article, too, repeats the information that Lyudmyla Kozlovska is suspected by the Ukraine Security Service of the crime of high treason and of incitement to disturb the borders of Ukraine. **This article, citing a source of questionable quality (a political report by a committee, based on unreliable sources), once again presents Lyudmyla Kozlovska as a dishonest person, refers to her alleged links with a bank fraudster and informs readers of some irregularities and serious doubts concerning the Foundation.** Also, the presentation of negative information about the claimant indicates a lack of clarity and transparency in the financing of the Foundation. The average reader will have the impression (the article intends to cause doubts about the claimant and, in this way, cause the impression) that the Foundation, managed by the claimant (Lyudmyla Kozlovska), is acting in the same way. In addition, the article expressly refers to the Foundation's links with Russia and its [the Foundation's] activities to the detriment of the countries that oppose the interests of Russia. **This material infringes the Foundation's and Lyudmyla Kozlovska's personal rights, i.e. their reputation and honour [Polish: cześć].**

- 22) <https://www.tvp.info/38580264/abw-ludmila-kozlovska-zostala-objeta-zakazem-wjazdu-do-polski-i-ue>, (pages 433-434; for a transcript of the video published before the release of the video, see pages 441-443; the transcript is still available by clicking the above hyperlink and reflects

the content of the video). This article was published on the www.tvp.info website on 20 August 2018. It is said in this article that the head of the Internal Security Agency refused to approve Lyudmyla Kozlovska's application for the long-term EU resident status and, as a result, she was banned from entering Poland and the EU, Stanisław Żaryn, the spokesperson for the Coordinating Minister for Secret Services, said on Monday. Mr Żaryn explained that the negative opinion prepared by the Counterintelligence Department of the Internal Security Agency was based on, among other things, serious doubts concerning the financial side of the Open Dialogue Foundation, led by Lyudmyla Kozlovska, which doubts may have "legal implications". "Due to statutory restrictions and the tax inspection under way, no details of the matter may be disclosed to the public at the moment," the spokesperson for the Coordinating Minister for Secret Services added. It is then reported that on 13 August, Lyudmyla Kozlovska came to Brussels, where the Open Dialogue Foundation is based. When her passport was checked at the airport, it turned out that she was not allowed to cross the border, as her name entered in a list of people to be deported from the Schengen area.

The onet.pl portal reported that the Ministry of the Interior and Administration had entered Lyudmyla Kozlovska in the Schengen Information System (SIS), which allows for checking people that cross the Schengen area border. Kozlovska's name was entered in the SIS with the highest-level alert. Unlike with lower-level alerts, when border guards are required to pay special attention to anyone covered by them, the highest-level alert means that the person concerned must be deported not only from the country that made the entry in the SIS, but also from the European Union and any other Schengen area country. When Lyudmyla Kozlovska was stopped at the airport, the Belgian Ministry of the Interior reportedly asked the Polish ministry whether it confirmed the entry of Lyudmyla Kozlovska in the SIS. According to the onet.pl portal, Poland confirmed the entry and Lyudmyla Kozlovska was deported by plane to Ukraine on Tuesday. Before her deportation, Kozlovska applied, in Poland, for a long-term EU resident permit on the grounds that she had been

living and working in Poland for ten years and that her husband was a Polish national. In mid-July, she learned that part of the records of the matter had the status of classified material and now she thinks it had something to do with the deportation decision.

A video posted before the article comments on the reasons for the deportation of Lyudmyla Kozlovska from the EU, indicating that, according to informal sources, the decision was made for national security reasons. The video features experts saying that if the secret service agencies made the decision, they must have had valid reasons for it. The video then refers to sources of the Foundation's income and to Lyudmyla Kozlovska's brother's links with Russia's munitions industry and to the fact that Lyudmyla Kozlovska's family members and the Foundation's donors are allegedly holders of Russian passports. **The style of the video and the article is a clearly pejorative for Lyudmyla Kozlovska and the Foundation. Lyudmyla Kozlovska is presented as a person that poses a threat to Poland's legal order, but fails to provide a reasonable basis for the decision to deport Lyudmyla Kozlovska form the EU, while referring to some justified "serious doubts" that the Internal Security Agency had about Lyudmyla Kozlovska. It is evidently implied that the claimant is involved in an unclear and unlawful practice, which relates to the Foundation she is charge of as well.**

23) <https://vod.tvp.pl/video/minela-dwudziesta,26092018,38864790>,

(page 455; for a transcript of the video, see pages 458-465). This video was broadcast on the TVP Info television channel's "Minęła 20" programme, on 26 September 2018, hosted by Michał Rachoń, a journalist. The host of the programme talks about some unclear financing of the Foundation and cites "reports by Internet users", "a report by M. Rej from the 'Russian Fifth Column in Poland' blog", considering information published by private individuals to be established facts. Szymon Szykowski vel Sęk, who is a guest on the programme, repeats that Lyudmyla Kozlovska was entered in the SIS on the basis of information held by the secret service agencies and that no person is ever entered in the SIS if there are no serious doubts about the person. **The**

guest notes that Poland is exposed to the Russian Federation's aggressive politics. The host uses a question to link the Foundation directly with Russia, the question being "I understand that your interpretation of these activities of the Foundation or its president is set in the context of the Russian Federation's aggressive activities towards Poland?". The guest again emphasises some doubts about the financing of the Foundation and notes that these doubts are more serious and that this information is held by the secret service agencies. The content of this video infringes the personal rights of the Foundation and of Lyudmyla Kozlovska. The claimants are presented as persons posing a threat to Poland and acting to the detriment of Poland, showing an openly pro-Russian attitude. It is, once again, said that Lyudmyla Kozlovska is an exceptional threat to Poland's national security and an opinion by the special security agencies is cited, implying that the arguments are very serious. At the same time and once again, no legitimate reasons for the deportation of Lyudmyla Kozlovska from the EU are presented, and the viewers are left with the impression that **Lyudmyla Kozlovska poses an exceptional threat [to Poland] if the special security agencies talk of "serious doubts", although they have not provided any substantive reasons for the deportation decision. The host talks about some unclear financing of the Foundation and its links with Russia's munitions industry, citing "reports by Internet users", a report by a Facebook blogger, and presents such information as facts rather than speculations. In addition, this Court is of the opinion that sources such as "reports by Internet users" or "bloggers' reports" should be approached with great care.**

- 24) <https://www.tvp.info/40835634/przedwyborczy-strach-europejskiego-mainstreamu-opinia>, (pages 275-278).

This article was published on the www.tvp.info website on 13 January 2019. This article is largely an analysis of Europe's political systems and an analysis related to a European Parliament election. It is said in the last paragraph of the article that "it is better to look for Putin's friends among politicians who are promoting, to spite Poland, Lyudmyla Kozlovska, who was deported from Poland because of her suspicious links with Russia.

Apart from the above paragraph, no other part of the article refers to the claimants. It needs to be stressed that this article, too, refers to some unidentified links between Lyudmyla Kozlovska and Russia and to the fact that her improper (i.e. subversive or hostile) activities against Poland have led to her deportation. The defendant once again presents the claimant as an enemy of Poland, and **such a presentation of her is only intended to strengthen the readers' negative perception of the claimant.**

- 25) <https://www.tvp.info/38994904/zapraszajac-kozlowska-niemcy-graja-polsce-na-nosie>, (pages 444-445; for a transcript of the video, see pages 452-454). This article was published on the www.tvp.info website on 14 September 2018. Above this article, a video is available. The transcript of the video is contained on pages 452-454 and reflects the content of the video.

"It is necessary to prevent actions detrimental to the interests of Poland and such actions were taken in relation to Lyudmyla Kozlovska," Jarosław Porwich, an MP of the Wolni i Solidarni Party, said on the "Minęła 8" programme. He said that "Germany thumbed its nose at Poland by taking the decision to invite this lady". Paweł Kobylński of the Nowoczesna Party appealed for "an in-depth examination of the matter", as "it's about the interests of Poland", he stressed. According to Andrzej Czerwiński (Civil Platform Party), the decision to ban Lyudmyla Kozlovska from entering the EU should never have been taken. "The Polish Foreign Ministry's statement shows no evidence that the Open Dialogue Foundation made any specific mistakes; there was only talk of some doubts," he said convincingly, and added that he was not trying to make light of the matter. "But there are two sides to every story. We live in a lawful country and in a community of law, so if any violation is proved, then the violators are held to account. He said he was surprised that the Polish special security agencies had not provided any specific evidence against the Russian activist. Małgorzata Gosiewska (Law & Justice Party) said, in a convincing voice, that such matters were not disclosed to the public "in any country". "The work of special security agencies is such that not all information may be made public," she noted. "There were

reservations about the financing of the Open Dialogue Foundation as long ago as the Civil Platform Party was in power. The special security agencies became interested in this organisation for a long time," she stressed. Paweł Kobyliński admitted that it was a serious matter. "If the highest-ranking state dignitaries are involved in it, then something is up. However, I would refrain from passing judgment, because hasty comments may not help the matter. If the matter is politicised, we will help those who do not wish Poland very well," he said. "This matter requires an in-depth investigation, because it's about Poland's national security after all. I hope that the special security agencies will scrutinise the matter," he added. He also said he hoped that the matter would be dealt with by the members of the parliamentary Committee for Secret Services. "It is necessary to prevent actions detrimental to the interests of Poland and such actions were taken in relation to Lyudmyla Kozlovska," stressed Jarosław Porwich, who was trying to prove that it was "obviously obvious" that the president of the Foundation had links with "Russian oligarchs, with George Soros". "The actions taken by the Polish authorities must have been the right thing to do in response to what Kozlovska did, and in my opinion and, certainly, in the opinion of the secret service agencies, which is proved by the Internal Security Agency's information, she was acting against the interests of Poland. "Germany thumbed its nose at Poland by taking the decision to invite this lady and it is taking advantage of the situation to hit the governments of Poland and Hungary, because the two governments *[text missing in the original document]* them in the EU.

According to Jerzy Jachnik of the Kukiz'15 political party, Germany should respect the decision to ban Lyudmyla Kozlovska from entering the EU. "By inviting *[her]* to Bundestag, in the presence of other organisations, including Hungarian and Polish ones, Germany thumbed its nose at Poland. It is not the first time this has happened," he said convincingly. "In fact, some EU member states are beginning to look for pretexts. Not so long ago, the government of Ireland refused

to surrender a criminal to Poland, on the grounds of 'a lack of the rule law' in Poland," he recalled.

The entire video and the article below the video focus on the reasons for the deportation of Lyudmyla Kozlovska from the EU and on emphasising that there must have been valid reasons for the decision if the special security agencies took the decision. One of the commentators says clearly that Poland has taken actions to prevent causing harm to Poland, while stressing that not all the details about Lyudmyla Kozlovska are known, but, at the same time, saying that it is "obviously obvious that she has links with Russian oligarchs, with George Soros" (page 453). It is then said that if the deportation decision was made, the actions taken by the Polish secret service agencies must have been the right thing to do in response to what Kozlovska did.

The discussion infringes Lyudmyla Kozlovska's personal rights by presenting her as a person acting to the detriment of Poland, although the speakers have virtually no factual knowledge and their opinions are based on the Internal Security Agency's statement of a very general nature. Lyudmyla Kozlovska is presented as a dangerous person linked with some Russian oligarchs, the popular understand of which is that she has links with Russia and so she is acting for the benefit of Russia. This presentation of the claimant is an infringement of her personal rights.

26) <https://www.tvp.info/33560157/fundacja-otwarty-dialog-na-kontrmanifestacji-w-warszawie>, (pages 170-176)

This article was published on the tvp.info website on 10 August 2017. The article begins with citing the Polish Radio that Bartosz Kramek, chairperson of the Open Dialogue Foundation, and his wife, Lyudmyla Kozlovska, president of the Foundation, took part in a counter-demonstration in opposition to a regular monthly event to commemorate the Smoleńsk plane crash. The article continues by saying that what made Kramek "famous" was his social media posts calling for "deactivation" of the Polish government. The article then refers to Bartosz Kramek's alleged Facebook post on 21 July 2017, saying "*Niech państwo stanie: wyłączmy rząd!*" [May

the state come to a standstill: let's deactivate the government]. According to the writer of the article, what Kramek published was a set of instructions about how to overthrow the Polish government. The article says that the Polish Foreign Ministry is looking into the matter and has, at the request of Mariusz Kamiński, the Coordinating Minister for Secret Services, requested the management of the Foundation to send all of the resolutions passed by the Board of the Foundation between 2013- *[text apparently missing in the original document]*. In addition, the first page shows a smaller window with a hyperlink to the article headlined "Nawoływali do łamania prawa? Fundacja Otwarty Dialog ma się wytłumaczyć" *[They were calling for breaking the law. The Open Dialogue Foundation has to explain it]*. The second page of the article contains a photograph of the claimant *[Bartosz Kramek]* with his wife, probably the Twitter @PR24_pl account, with a caption reading: "Bartosz Kramek, calling for action to overthrow the government, with his wife, Lyudmila Kozlovska (Open Dialogue Foundation) at a demonstration of The Citizens of the Republic of Poland". The photograph is followed by the statement that the Open Dialogue Foundation was granted, in 2014, a licence from the Ministry of the Interior and Administration to trade in defence weapons, and that the application for the licence was approved by Piotr Pytel, the then head of the Military Counterintelligence Service, who is suspected of collaborating with the Federal Security Service of the Russian Federation.

This material infringes the claimants' personal rights, i.e. their reputation and honour *[Polish: cześć]*. The article presents the claimants as dangerous persons being the subjects of some activities undertaken by secret service agencies, implying some unspecified activities to stress the claimants are particularly dangerous and the allegations against them are serious.

- 27) <https://www.tvp.info/33565401/kramek-wspieram-obywateli-rp-i-czuje-sie-z-tego-dumny> (pages 177-178).

This article was published on the www.tvp.info website on 11 August 2017. It is illustrated with a photograph of Bartosz Kramek and his wife, Lyudmila Kozlovska, talking to a TVP Info reporter.

The article begins with a text in letters larger than the remaining text of the article, reading that Bartosz Kramek is the chairperson of the Open Dialogue Foundation, which was calling for action to overthrow the Polish government. The article continues by saying that the Open Dialogue Foundation published a total of sixteen posts saying "*Niech państwo stanie: wyłączmy rząd!*" [*May the state come to a standstill: let's deactivate the government*], which means calling for action to "organise a Polish Euromaidan" (the Foundation provided assistance to people taking part in the Ukrainian riots). The article is followed by the following hyperlink: <https://www.tvp.info/33560157/fundacja-otwarty-dialog-na-kontrmanifestacji-w-warszawie>. **This material infringes the claimants' personal rights, i.e. their reputation and honour [Polish: *cześć*]. The information presented in the article has been manipulated, as Bartosz Kramek's personal beliefs and manifesto are equated with the Foundation's opinions. The way that the information is presented implies that the claimant [Bartosz Kramek] is trying to overthrow the Polish government by force.**

- 28) <https://wiadomosci.tvp.pl/33413345/sponsorzy-fundacji-otwarty-dialog>, (page 375; for a transcript of the video, see pages 377-378). This video was broadcast on the TVP television channel's "Wiadomości" news bulletin at 7:30 PM on 30 July 2017. The web page containing the video says that the generous sponsors of the Foundation include business people doing business in Russia. It is also stressed that the chairperson of the Board of the Foundation intended to organise a street riot in Warsaw such as the Ukrainian Euromaidan. The video is still available to watch on that web page. The entire material focuses on sources of the Foundation's income and the Foundation's financing-related links with Russia. The article mentions particular names and amounts reportedly transferred to the Foundation, as well as their links with Russian companies. **The entire material clearly implies that the Foundation is financed with money flowing from Russian sources and that this is the nature of the Foundation's operation in Poland. A similar opinion is given of Bartosz Kramek's activities. To make the material sound more significant, there are statements by so-called experts talking about the anti-Polish nature**

of the Foundation's activities and management. This material infringes the claimants' personal rights, i.e. their reputation and honour [Polish: cześć]. The article presents the claimants as dangerous persons being the subjects of some activities undertaken by secret service agencies, implying some unspecified activities to stress the claimants are particularly dangerous and the allegations against them are serious.

- 29) <https://www.tvp.info/33448513/koncesja-na-bron-dla-otwartego-dialogu-opiniowal-ja-byly-szef-skw-ktory-ma-zarzuty-ws-nielegalnej-wspolpracy-z...>, (pages 383-389). This article was published on the www.tvn.info website on 2 August 2017. This article refers to the Foundation's licence to trade in weapons, where the application for the licence was approved by a former head of the Military Counterintelligence Service, who is charged with the crime of illegal collaboration with the Federal Security Service of the Russian Federation. The headline alone indicates that the licence was granted to the Foundation only and exclusively because the application process involved the head of the Military Counterintelligence Service who reportedly had some links with Russia's secret service agencies. The article continues by saying that the Foundation was granted a licence to trade in defence weapons. The application was reportedly approved by Piotr Pytel, head of the Military Counterintelligence Service, who is charged with criminal offences, which is to indicate a lack of transparency and questionable quality of the opinion on which the approval was based, by "passing judgment" on the person that approved the Foundation's application. The article contains a scanned copy of a notice of the official decision of 3 November 2014, signed by the head of the Military Counterintelligence Service. The style of the opinion is laconic and cliched, as it fails to disclose the reasons that could have prevented the approval. The article is also accompanied by a scanned copy of the licence dated on 15 December 2014. The article continues by specifying what products for military or police use were covered by the licence (e.g. armour plates, helmets, face and limb guards, personal armours, bulletproof jackets, filter-ventilation devices). It is then said that the agreement between the Military Counterintelligence Service and the Federal Security Service of the Russian Federation was entered into

without the involvement of the prime minister, who was responsible for supervising the work of the special security agencies, and enabled Russia's secret service agencies to infiltrate into the Polish military counterintelligence service. The article continues by saying that on 12 June 2017, the Minister of the Interior and Administration cancelled the Foundation's weapon trading licence. This is followed by a scanned copy of the entire decision notice of 12 June 2017. **Although any careful reader may, in addition to the author's comment in the article, easily view the scanned decision notice of 12 June 2017 and learn about the true reasons for cancelling the licence (the Foundation had discontinued the activities covered by the licence and did not have any personnel qualified to manage such activities, of which the Foundation itself notified the Ministry of the Interior and Administration), the defendant presented a one-side description of the facts in a style that is pejorative for the Foundation.** The article seems to imply, from its very beginning, that the licence was granted to the Foundation under some unclear circumstances, which is clearly proved by the fact that the application for the licence was approved by the head of the Military Counterintelligence Service, who was later charged with illegal collaboration with the Federal Security Service of the Russian Federation. **The article is indirectly discreditable by linking [the claimant] with a disgraced person with criminal charges, which indicates that any person dealing with such a person is suspicious only because of such contact. At the same time, the defendant dishonestly reported on the "cancellation" of the weapon trading licence, which is also imprecise and false. It needs to be noted that the licence of 15 December 2014 is a licence "to trade in products for military or police use" in accordance with a clearly specified annex to the relevant regulation of the Council of Ministers. However, the defendant expressly says that the licence is a licence to trade in defence weapons. The statement referring to the cancellation of the licence refers to the cancellation of a licence to trade in weapons, which the average reader will interpret as defence weapons (rifles, tanks, firearms). This, together with the information about the doubts concerning the approval of the application for the licence by a person charged with collaborating with**

the Federal Security Service of the Russian Federation, presents the Foundation as a dangerous organisation with some unspecified links with Russia and, because it holds a weapon trading licence, also an organisation that is dangerous in the usual sense of the word. The entire material infringes the Foundation's personal rights, i.e. their reputation and good name.

- 30) <https://www.tvp.info/35444945/fundacja-otwarty-dialog-zada-zamknienia-rosyjskiej-v-kolumny-w-polsce-i-pol-mln-zl>, (pages 184-185).

This article was published on the www.tvp.info website on 2 January 2018. The

article begins with the statement that the Open Dialogue Foundation demands that the "Fifth Russian Column in Poland" Facebook profile be blocked and that the Foundation be paid PLN 550 thousand as compensation. It is said that the above Facebook profile has, on several occasions, published posts about the Foundation's suspicious activities and Russia's illegal activities, not only in Poland. **This material infringes the Foundation's personal rights, i.e. its reputation and good name, by presenting it as a law-breaking organisation.**

- 31) <https://polandin.com/39427322/poland-deportee-could-face-charges-of-high-treason-in-ukraine-reports>, pages 364-366; for a translation, see pages 368-369). This article was published on the www.polandin.com website on 11 October 2018 and was headlined "Deportowana z Polski może zostać oskarżona o zdradę na Ukrainie: Doniesienia" [*A person deported from Poland may face criminal charges with high treason in Ukraine: Reports*]. The article cites a statement on a Ukrainian website saying that Lyudmyla Kozlovska, officially banned by Poland's special security agencies from entering the Schengen area, may face serious criminal charges in her mother country, including for fraud and high treason, as she is suspected of criminal offences such as treason, incitement to riots and large-scale frauds. Citing the same Ukrainian website, the article reports that the Ukraine Security Service's investigators have obtained recordings of telephone conversions between Lyudmyla

Kozlovska and her Polish husband, Bartosz Kramek, as well as evidence of suspicious bank transfers. The article refers to some suspicious links between Lyudmyla Kozlovska and a Kazakh business person, Mukhtar Ablyazoy, the Foundation's donor and, at the same time, charged with embezzling about 6 million US dollars while he was the chairman of a bank. It is then implied that the claimant may have had an intimate relationship with the banker. Citing another Ukrainian website, the article reports again that Lyudmyla Kozlovska may be a Russian sleeper agent. It is said, again, that Lyudmyla Kozlovska, who comes from the city of Sevastopol, collaborated with Russia's secret service agencies after the Russian annexation of Crimea and was given a Russian passport. It is argued that her family member who transferred some money to the Foundation was allegedly linked with Russia's munitions industry. It is also said in the article that Ukrainian prosecutors are reportedly investigating the activist's possible involvement in various crimes, including terrorism financing. The article ends with a reference to the Foundation's and the claimants' involvement in protests in Poland against the Law & Justice Party government. The entire article, dealing with mostly with Lyudmyla Kozlovska, is based mainly on randomly selected citations from other media. **the information directly defaming Lyudmyla Kozlovska (i.e. she is reportedly facing serious charges; she is suspected of criminal offences such as high treason; she has strong links with a business person charged with embezzling millions of US dollars; it is implied that the activist may have had an intimate relationship with a disgraced banker; it is implied that Lyudmyla Kozlovska may be a sleeper agent who collaborated with Russia's secret service agencies) is presented in the form of unverified citations from other media, using speculative language such as "it is implied", "may have been", "reportedly linked", "may be [have been] involved". The style of the entire article is highly defamatory or even offensive, particularly for Lyudmyla Kozlovska, who is accused of, apart from espionage, fraud by linking her with a disgraced banker, implying that she has committed adultery with the same banker, which may add credibility to the statement that the banker is also the Foundation's donor, thus linking Lyudmyla Kozlovska with other criminal offences,**

including terrorism financing. The defendant again writes about some unclear financing of the Foundation and implies some links with Russia's munitions industry. The information in this article clearly infringes the claimants' personal rights.

- 32) <https://polandin.com/38582999/reasons-for-deporting-ukrainian-activist-form-poland-revealed>, (pages 307-310; for a translation, see pages 312-313).

This article was published on the www.polandin.com website on 20 August 2018. A photograph of the claimants is followed by a text (in letters larger than the remaining text of the article) saying that according to the Internal Security Agency, Lyudmila Kozlovska has been deported from EU in connection with serious doubts about the financing of the Foundation, which Lyudmila Kozlovska is in charge of. It is mentioned that her application for a long-term EU resident permit was rejected. It is then said that Lyudmila Kozlovska is the president of the Foundation, which is described as an anti-government group that allegedly called for overthrowing the Polish conservative government in Warsaw. This is followed by a statement by the spokesperson for the Coordinating Minister for Secret Services, referring to the rejection of Lyudmila Kozlovska's application for a long-term EU resident permit and the reasons for the rejection. The decision to reject the application was based on the Internal Security Agency's serious doubts about the financing of the Foundation, managed by Lyudmyla Kozlovska, which doubts may have legal implications. It is also said that no other information will be disclosed because of statutory restrictions and the fact that a tax inspection is under way [in respect of the Foundation]. The above is accompanied by a comment from a Moldovan website, saying that Lyudmyla Kozlovska helped Russia with its hybrid warfare against the West and that worked for "Russian secret services". The article says that the Foundation is known for its aggressive lobbying against Russia's enemies, i.e. Poland and Ukraine. The article cites the polityce.pl portal, saying that the Foundation has prepared a plan of 16 steps to overthrow the Polish government, and a Facebook fan page, mentioning some unclear sources of the Foundation's income that may be linked with Russian businesses. **The article is a biased**

presentation of Lyudmyla Kozlovska as an enemy of Poland in respect of whom determined action should be taken. This action is so dangerous that no specific reasons are disclosed for the rejection of Lyudmila Kozlovska's application for a long-term EU resident permit by the Internal Security Agency. At the same time, the defendant uses citations, against the applicable rules, to provide questionable information from other sources concerning the Foundation's allegedly anti-Polish activities. The defendant manipulates the facts and presents the manifesto published by Bartosz Kramek on 21 July 2017, equating it with the activities of the Foundation itself: "Last summer, the Foundation prepared a plan of 16 steps to overthrow the Polish government". The citation of another website (wpolityce) and the presentation of objectively false information may not be regarded as accurate and reliable reporting, because the defendant was well aware of who and what capacity had published the manifesto, as its publication had been covered by many of the defendant's articles and referred to, several times, in other published materials directly or indirectly related to the Foundation and/or Lyudmyla Kozlovska. **The above indicates that the direct purpose of the article was a negative presentation the claimants to the public,** By providing information on the Foundation's alleged subversive activities, or activities for the benefit of Russia, or unclear sources of income linked with Russian businesses, or "plans to overthrow the Polish government". **The purpose of the entire article is to present the claimants in a negative light, and the references to the Internal Security Agency and "legal implications" are clearly intended to discredit the claimants by indicating that further legal steps are only a matter of time.**

- 33) <https://polandin.com/38610307/opposition-leaders-want-expelled-ngo-head-back-in-eu>, (pages 316-319; for a translation, see pages 321-322). This article was published on the www.polandin.com website on 28 September 2018. www.polandin.com Both the headline and the text of this article refer to an appeal statement by political leaders, activists and scholars calling for the deportation of Lyudmyla Kozlovska from the EU. The article says that according to the authors and signatories of the petition, the deportation of the nongovernmental activist has to do with

Poland's violation of the Schengen agreement and with political persecution. Although the article deals with a petition in defence of the Lyudmyla Kozlovska, it repeats the information that the deportation decision was based on the Internal Security Agency's serious doubts about the financing of the Foundation, managed by Lyudmyla Kozlovska, which doubts may have legal implications. However, no details about any investigation regarding the claimant are disclosed to the public. The article continues by saying that the Foundation and Bartosz Kramek became involved in Poland's politics by calling for action to "deactivate the government" and for civil disobedience. It is said in the article that Lyudmyla Kozlovska is clearly involved in anti-government protests and is calling for her deportation from the EU to be regarded as an act of political persecution, although the real problem is the continuing doubts about the source of the Foundation's income. Citing "an independent investigative journalist", the defendant reports that the Foundation's main donors were linked with Russia's munitions industry, including people blacklisted following the annexation of Crimea by Russia. Citing a well-known pro-government portal, the defendant says that the Foundation's objective may have been to overthrow the Polish government and that the Foundation may have been used for some foreign interests. The article again refers to the manifesto calling for action to "deactivate the government", accompanied by the comment that the purpose of the manifesto may have been to organise an event such as Ukraine's Euromaidan in 2013, where hundreds of people were killed as a result of clashes between the protesters and government forces. **The way that the claimants are presented in the article, the presentation of unverified information by relying on citations of questionable quality, the use of half-truths, and references to people apparently not connected with the Foundation, as is the case with Michał Broniatowski (the presentation of his opinions was accompanied by the manifesto calling for action to "deactivate the government"), have all been used to cause the impression that the Foundation and Bartosz Kramek encourage and incite the use of force in actions against the Polish State. This material infringes the claimants' personal rights, i.e. their reputation and honour [Polish:**

cześć].

34) <https://polandin.com/38991953/germany-invites-deported-ukrainian-activist-to-discuss-poland>, (pages 325-328; for a translation, see pages 331-333). This article was published on the www.polandin.com website on 13 September 2018. This article refers to Lyudmyla Kozlovska's visit to Bundestag and says that she was deported from the EU four weeks ago at the request of the Polish authorities. The article continues by saying that Lyudmyla Kozlovska was banned from entering the Schengen area on the basis of an entry made by the Internal Security Agency, whose decision was based on serious doubts about the financing of the Foundation. It is then said in the article that, initially, the Foundation became famous for its active support for Ukrainian protests in 2013-2014, and that later the Foundation and Bartosz Kramek became involved in Polish politics. The claimant [*Bartosz Kramek*] published his guide to protests, calling for action to "deactivate the government". It is then said that there have been reports indicating that the Foundation may be receiving direct financial support from Russian nationals, some of them being linked with Russia's munitions industry. **The entire article presents the claimants in a negative light, as persons disloyal to Poland, involved in unlawful activities, and through suggestions about to the financing of the Foundation, implies that the Foundation is acting directly for the benefit of Russia. Such, in the opinion of this Court, is the overtone of this article.**

35) <https://polandin.com/39189708/deported-ngo-activist-receives-belgian-visa>, (pages 337-340; for a translation, see pages 342-343). This article was published on the www.polandin.com website on 26 September 2018.

This article deals with the Polish Foreign Ministry's doubts about the granting, by Belgium, of a visa to Lyudmyla Kozlovska, although Poland banned her from entering the Schengen area. The article then says that the claimant is in charge of the Foundation, which is seriously involved in opposition to the Law & Justice Party government. **The Polish authorities accused Lyudmyla Kozlovska's Foundation of "questionable financing". However, the government disclosed no additional details about its statements that the Foundation is financed with money from businesses**

linked with Kremlin. The defendant clearly admits that despite some doubts about the financing of the Foundation, no details have been provided in connection with such doubts, particularly by government institutions. Although the defendant is in possession of such information, as it refers to it, it also talks about "alleged financing irregularities" and explains that such financing comes from Russian businesses, thus implying that such Russian financing means that the Foundation's (Russian) donors are also involved. The Foundation is presented as an anti-Polish, subversive organisation and, with Lyudmyla Kozlovska banned from entering the EU and considered by the Polish government as an undesired person, and so the readers' impression of the claimants is clearly negative.

- 36) <https://polandin.com/39235810/govt-official-slams-germany-belgium-for-inviting-deported-activist>, (pages 346-349; for a translation, see pages 349-350). This article was published on the www.polandin.com website on 28 September 2018. This article deals with a Polish minister's criticism of the Germany's and Belgium's authorities in connection with the visas by these two countries to Lyudmyla Kozlovska, who was deported from the EU. Polish Minister Zieliński says that an investigation has been launched against the claimant, but he discloses no details of the investigation to the public. The article continues by saying that Lyudmyla Kozlovska is the person in charge of the Foundation, which is known for supporting anti-government protests in Poland and that her husband B. Kramek is known for ideas intended to disrupt the functioning of the Polish State. The article again refers to the reason for entering Lyudmyla Kozlovska in the SIS as a result of the Internal Security Agency's doubts. The article mentions the Foundation's links with Russia's munitions industry. Citing a Ukrainian website, the article says that "it is suggested on the website that Lyudmyla Kozlovska may be a Russian sleeper agent whose main role is to increase tensions in the region". **In this article, the defendant provides unverified information by citing an unidentified Ukrainian website and the suggestion on the website that the claimant may be a sleeper agent. This, combined with the insinuation earlier in the article implying some**

"possible links between the Foundation and Russia's munitions industry is intended to make the average reader to believe that Lyudmyla Kozlovska not only may be a foreign secret agent, but she certainly is one, which is indicated by the article's reference to some unclear sources of funds for the Foundation which are flowing from Russia's munitions industry, which is directly linked with and controlled by the Russian government.

- 37) <https://polandin.com/39359862/polands-deputy-fm-protests-blacklisted-ngo-activists-uk-visit>, (pages 353-356; for a translation, see pages 358-360. This article was published on the www.polandin.com website on 20 August 2018. This article was published on the www.polandin.com website on 7 October 2018 and headlined "Polski wiceminister spraw zagranicznych protestuje przeciwko wizycie w Wielkiej Brytanii aktywistki organizacji pozarządowej wpisanej na czarną listę" [*Polish deputy foreign minister protests against a visit to the UK by a blacklisted NGO activist*]. The headline is immediately followed by the statement that Lyudmyla Kozlovska is suspected by Polish authorities of obtaining funds from undisclosed Russian sources. The article continues by referring to the reasons for the deportation of Lyudmyla Kozlovska, by citing the Internal Security Agency's decision and referring to questionable sources of the Foundation's income. The article repeats the information that Lyudmyla Kozlovska is the person in charge of the Foundation, which is known for supporting anti-government protests in Poland and that her husband B. Kramek is known for ideas intended to disrupt the functioning of the Polish State. The article mentions the Foundation's links with Russia's munitions industry. Citing a Ukrainian website, the article says that "it is suggested on the website that Lyudmyla Kozlovska may be a Russian sleeper agent whose main role is to increase tensions in the region". **The impression made by this article on the average reader is the same as described in the case of the article discussed in item 37. In particular, the defendant repeats the same information, with virtually no stylistic changes.**

- 38) <https://polandin.com/38526912/ngo-head-deported-reasons-unknown>, (pages 292- 298 for a translation, see pages 300-302). This article was published on the www.polandin.com website on 15 August 2018. This

article looks behind the scenes of the deportation of Lyudmyla Kozlovska from the EU and says that her deportation was based on Poland's entry of her name in the blacklist of the SIS. It is said that when her passport was checked, she was shocked to learn that "the Polish government has classified her as a criminal". The article continues by referring to Bartosz Kramek's statement that the deportation of Lyudmyla Kozlovska is the Polish government's revenge for his activities. It is then said that Bartosz Kramek's activities may be considered to be in conflict with the Polish government. It is said that Kramek published a manifesto calling for action to "deactivate" the Polish government, starting a campaign of disobedience against the ruling Law & Justice Party. Since 21 July 2017, when the manifesto was published, the Foundation has been in permanent conflict with the Polish government and became the subject of detailed financial and customs inspections. The Polish Foreign Ministry took steps to suspend the operation of the Foundation, but the ministry's application was rejected by the courts. Kozlovska's name was entered in the SIS with the highest-level alert, which means that each member state is required to deport her not only from its territory, but also from the territory of the EU. When asked by Belgium's Foreign Ministry, Poland confirmed the highest-level alert for Kozlovska. The article continues by saying that there is some controversy surrounding the Foundation and concerning some unclear source of its income, as reported by the author of the Facebook page called Fifth Russian Column in Poland. The page implies that the unknown sources of the Foundation's funds may be linked with Russian businesses. **This article, too, presents Lyudmyla Kozlovska as an extremely dangerous person with the highest-level alert [in the SIS], meaning that she must be deported from the EU. At the same time, citing some unverified sources (a Facebook page), the article mentions some alleged financing of the Foundation by Russian businesses, which is to be proof of the Foundation's subversive and shady activities.**

On 21 July 2017, Bartosz Kramek used his private Facebook profile to publish his manifesto: "*Niech państwo stanie: wyłączmy rząd!*" [May the

state come to a standstill: let's deactivate the government] (pages 569-572), where he suggested his ways of opposing to what thinks is a progressive attack on the rule of law in Poland. **The ways suggested by the claimant were based on the idea of civil disobedience, while emphasising the peaceful nature of any protests. While drawing a comparison with Ukraine's Euromaidan, the claimant clearly stressed the peaceful nature of any protests: "At the same time, the red line for us must be very clear: it is aggression, violence and blood" (page 569v).** Although Bartosz Kramek published the manifesto on his private Foundation profile, he signed the manifesto as the Chairperson of the Board of the Open Dialogue Foundation (page 572). The manifesto is followed by a brief statement referring to the Open Dialogue Foundation's objects (page 572).

It needs to be noted that the manifesto was published on Bartosz Kramek's private Facebook profile, and although Bartosz Kramek signed the manifesto as the Chairperson of the Board of the Open Dialogue Foundation and published a brief statement referring to the Foundation, the average reader will not clearly have the impression that the manifest published by Bartosz Kramek is actually the Foundation's manifesto. Moreover, the manifesto can hardly be considered as a guide or a call for action to overthrow Poland's democratic government. The claimant clearly says that he disagrees with the Polish government and suggests various ways based on the idea of civil disobedience that he thinks may lead to a democratic change of power. At the same time, in his manifesto, **the claimant stresses, a few times, the peaceful nature of any protests and that an escalation of any aggressive or violent behaviour must be avoided at any cost.**

Civil disobedience is the act of deliberately breaking some rules of law in the belief that these rules are in conflict with the value of significance for the person that performs that act (while the person is aware of the legal implications of that act). The direct purpose of the act is to change or maintain certain social behaviours. The personal consequences for the actor are a major element of the act and carry an important message. An

act of civil disobedience may take the form of an act that was announced publicly and that involves an individual or a group of individuals. Such an act is an expression of opposition to a government policy or to methods employed by a government. **The purpose of civil disobedience is to influence a policy or a law, or to make the government abandon certain forms of activity which the protesters consider unacceptable. Civil disobedience may involve breaking the law (e.g. when a group of people hold a demonstrate without official permission), but it never involves violence.** Civil disobedience may take the form of demonstrations, organising and taking part in parades, writing petition, blockades (e.g. of roads), acts of sabotage (including for ecological reasons, known as ecotage), as well as other acts that can hinder the normal operation of an institution or authority, or even the use of a public road.

Regardless of how any such act might be judged, one cannot agree with the assertions made by the defendant in its articles, implying that the claimants attempted to overthrow a democratically elected Polish government. The word "overthrow" is commonly understood as the seizure of power by force, with the use of violence, whereas the "overthrowing" of a government through the idea of civil disobedience rules out any use of violence, and the final seizure of power should happen in a democratic process. It may, in some situations, involve acting against the law, while accepting the responsibility for such action (i.e. for unlawful acts).

Whether or not such activities were reasonable, it needs to be noted that the claimant's activities (which the defendant also equated with the activities of the Foundation) fell within the limits of the constitutional freedom of expression (Article 54 of the Polish Constitution: "The freedom to express opinions, to acquire and to disseminate information shall be ensured to everyone").

This is how the Foundation's activities were interpreted by the District Court for the City of Warsaw, which issued an order on 17 July 2018 (pages

575-578) dismissing the Polish Foreign Minister's application following an appeal against a court referendary's decision to suspend the operation of the Open Dialogue Foundation and to appoint a compulsory administrator. The court said clearly in the order that it was impossible to consider Bartosz Kramek's actions as the actions of the Board of the Foundation or to equate his actions with those of the Foundation. The court stresses in that order that although Bartosz Kramek's private Facebook profile mentions his role in the Foundation, this may not be interpreted as indicating that the statements posted by him on this profile are the Foundation's statements. The court also concludes in the order that even if Bartosz Kramek's publication of a statement on the Foundation's official Facebook profile is equated with the actions of the Board of the Foundation, then there is no basis for considering any such action as a material violation of law. The presentation of ideas about forms of public protests against the representatives of the ruling political party may not be interpreted as a violation of law that would provide the basis for an official decision to suspend the management of the Foundation. The ideas presented by Bartosz Kramek in his statement fall within the limits of the freedom of expression guaranteed in Article 54 of the Polish Constitution. The court stresses in the order that the Foundation itself said clearly in its Facebook post on 23 July 2017 that any action that may be taken should be "determined but free of violence, as aggression is not the way".

Given the fact that the claimants exercised their constitutional right to freedom of expression, the presentation of the claimants as troublemakers, people acting to the detriment of the Polish State, only because the views they have presented are not shared by, as it may seem, the defendant, should be interpreted as an infringement of the claimants' personal rights.

The right to information and the role played by the defendant (a public broadcaster) provide a basis for the defendant to keep the public informed of the claimants' activities. However, the use of negative judgements, comparisons or even manipulation to present the claimants in a negative

light fall outside the limits of a broadcaster's right to report accurate information or its right to justifiable criticism. The right to criticism ends where the personal rights of another person or entity are infringed.

This Court will not analyse the published materials to determine whether there were any reasons for justifiable criticism from the media or whether such criticism was in the public interest, because in the process of considering an application for an order to secure a claim, this Court may only refer to the materials alone based on the presumption of unlawfulness of the alleged infringement of the claimants' personal rights.

In this case, the claimants requested protection for the following personal rights which they claim to have been infringed by the defendant's materials: honour [*Polish: cześć*], comprising dignity and good name in the case of the individuals, and good name (pages 134-142 of the statement of claim) in the case of the legal person [*the Foundation*].

Section 23 of the Polish Civil Code provides for the protection of the personal rights of individuals, including (but not limited to) health, freedom, honour [*Polish: cześć*], freedom of conscience, name or pseudonym, image, privacy of correspondence, inviolability of the home, and scientific, artistic, inventive or improvement achievements are protected by civil law, independently of any protection provided for in any other statute.

Any person's good name, which is the external part of honour [*Polish: cześć*], is defined as the person's expectation to be respected by other people. An infringement of a person's right to their good name consists in accusing the person of such conduct and/or characteristics which may humiliate the person in the eyes of the public and/or expose the person to the risk of losing the trust they need for a particular post, profession or activity. This may involve disseminating certain information that amounts to an allegation against the person, as well as expressing a negative opinion of the person's activity. The honour, good name and reputation of an individual extend over

the personal, professional and social aspects of the individual's life. A person's right to honour may be infringed by accusing the person of bad behaviour in their personal life and/or family life, as well as by accusing the person of bad behaviour in their professional life to such an extent that the person may be exposed to losing the trust they need to practise the profession or to perform any other activity (cf the Supreme Court's judgment of 9 October 2002, Case File No.: IV CKN 1402/00).

Courts and legal scholars agree that legal persons have personal rights such as good name (a good reputation, good standing), name (a business name) or secrecy of correspondence (cf the Supreme Court's judgments of 7 March 2003, Case File No.: I CKN 100/01, and of 14 May 2009, Case File No.: I CSK 440/08). The good name of a legal person will normally be infringed by statements that can objectively be interpreted to imply the person's improper conduct that may result in the person's losing the trust it needs to be able to achieve its objectives as part of its activities (cf the Supreme Court's judgment of 27 March 2013, Case File No.: I CSK 518/12, OSNC-ZD 2014, No. 1, item 13). Courts and legal scholars describe such infringements as the making of false allegations indicating, for example, that the legal person's product or service is of poor quality, or that the person fails to comply with its statutory obligations under public law or private law (failure to pay taxes, national insurance contributions, defaulting on bank loans or other debt), mistreatment of personnel (mobbing, failure to pay salaries on time), mistreatment of customers (dealing with customers rudely, dealing with customer complaints improperly) (cf. Supreme Court's judgments of 10 May 2007, Case File No.: III CSK 73/07, and of 28 September 2008, Case File No.: II CSK 126/08 (cited from the Supreme Court's judgment of 11 August 2016, Case File No.: I CSK 419/15, Sip Legalis).

This Court is of the opinion that the reputation of a business entity (a legal person) is an equivalent of the good name or honour [*Polish: cześć*] of a natural person (an individual). **Therefore, to substantiate the claim in this case, it was necessary for the claimants to prove such circumstances which provide a sufficient basis for an order to secure the claim under s.24 of the**

Civil Code. In the opinion of this Court, the published materials submitted, as evidence, by the claimants which contain information about them provide a sufficient basis at present.

Given the size of the statement of claim, the number of claims, the number of materials (articles), and, most importantly, the chronologically chaotic presentation of the facts by the lawyer for the claimants), this Court is not able to perform an in-depth analysis of the materials within a reasonable period of time in accordance with the requirements of s.737 of the Code of Civil Procedure (i.e. within the statutory period of one week) (sic). Furthermore, an order to secure a claim is, in fact, based on a simplified analysis of the legitimacy of the claim and, necessarily, must be based on evidence given by the claimants. In the case of an infringement of personal rights and the presumption of unlawfulness of the infringement, the analysis of the request for an order to secure the claim should be based, in particular, on the published materials which, according to the claimants, infringed their personal rights.

Following an analysis of the materials referred to the above, the claimants rightly argue that the materials are a biased, one-sided, unfriendly and insinuating presentation of information relating to the claimants. It is particularly evident in the case of Lyudmila Kozlovska, as each and every of the published materials, even those reporting other events involving her, repeats ad nauseam the same information about the deportation of the claimant from the EU, the reasons for the deportation decision, the Internal Security Agency's negative opinion and some unspecified "information from partner states". Repeating such information emphatically makes Lyudmila Kozlovska seem to be a threat to the Polish State. The references, in the materials, to state authorities (the Internal Security Agency, the Polish Foreign Ministry, the head of the Polish National Revenue Administration) are intended to make the average reader or viewer believe that the information in the materials is exceptionally objective and professionally reliable. To explain the reasons for the Internal Security Agency's negative opinion, references are made to

some unclear sources of the Foundation's income, accompanied by some unspecified "threats" of further steps, i.e. "implications", that the Foundation may face. The Foundation so presented in the material may seem to be involved in unlawful activities, or even to be a subversive organisation, and so any person working with or related to the Foundation may also have something to do with such activities.

The defendant emphasises in its published materials that Lyudmila Kozlovska is suspected of high treason and incitement to attempts to change the borders of Ukraine. The defendant also argues that criminal proceedings are pending against Lyudmila Kozlovska in connection with some signs indicating the commission of a criminal offence by her. Lyudmila Kozlovska is, according to the defendant, charged with, *inter alia*, "an attempt to disturb the integrity of Ukraine, high treason", "taking deliberate action to change the territorial borders of Ukraine", "treason" or "large-scale financial misappropriation". Referring to these allegations, it needs to be noted that the article is exceptionally manipulative. The article begins with a text in large letters that the Ukraine Security Service has launched an investigation against Lyudmyla Kozlovska concerning an attempt to disturb the integrity of Ukraine and the crime of high treason. The language of the text is not explicit, which is indicated by the phrase "is reportedly verifying", although the headline of the article explicitly says that such an investigation has already been initiated: "the Ukraine Security Service has launched an investigation" (pages 255-256). What matters to the average reader is their first impression of the article and a screaming headline rather than the information in the article, information that is neither precise nor reliable. According to information from the General Prosecution Service of Ukraine and the Security Service of Ukraine, no such investigation against Lyudmyla Kozlovska has ever been launched or is under way (cf the letter on pages 620-621, 622-623). As a result, the information published by the defendant is not true.

The defendant argues that the claimant Lyudmila Kozlovska was granted Russian citizenship and that an English-language server administered by

the defendant contained reports indicating that Claimant 4 was a sleeper agent.

The defendant is consistently creating an image of the claimants by referring to their suspicious collaboration with some people or entities. Also, the defendant focuses on entities linked, either directly or indirectly, with Russia or the Kremlin and which are supposed to collaborate with the Foundation and to finance its activities to an extent that only the defendant knows. The defendant has broadly commented on the Foundation's alleged links with Russian entities, from the claimants' alleged activities for the benefit of the Kremlin to the suspicious financing of their activities by entities linked with Russian authorities or oligarchs. The defendant also links the financing of the claimants' activities with Russia's munitions industry.

The defendant insinuates that the Foundation's activities were detrimental to the image of the countries that took measures against Russia's geopolitical interests. The defendant provides the information in such a way as to present the claimants negatively in the light of the defendant's statements.

It needs to be stressed that in the majority of the published materials, there is no comment from the claimants on the content of the materials. But if the claimants' comments are included in any of the materials, they are presented in such a way as to confirm what is stated. The claimants' comments in the materials are only hackneyed statements and some of them seem to have been quoted out of context.

The defendant's materials are hostile in style and use pejorative vocabulary. In its materials, the defendant makes the most serious allegations against the claimants with no reserve whatsoever. The claimants are described as dangerous people, and the Foundation is considered by the defendant to be acting for the benefit of Russia. The

context of the defendant's statements is that the claimants are perceived very negatively by the recipients of the statements. The defendant uses such language and form of its statements that the average reader of the defendant's articles will have the impression that what they are reading in the article has been verified and is true.

The language used by the defendant to describe the claimants is offensive and pejorative. The defendant's activities are aimed at undermining their claimants' standing and humiliating them in the eyes of the public, and to play down their contribution to the defence of the rule of law and human rights. The firmness of the defendant's statement is expected to make the audience believe that all the information published by the defendant is true and has been verified.

As regards the unlawfulness of the infringement, **s.24 of the Civil Code provides for the rebuttable presumption that any infringement of personal rights is unlawful. Therefore, the burden of proof establishing that the defendant's conduct was not unlawful falls on the defendant. Therefore, as this Court has found that the infringement of the claimants' personal rights has been substantiated by the claimants, it is presumed that the infringement is unlawful.**

Referring to the second statutory prerequisite for an order to secure a claim, i.e. the applicant's legal interest in obtaining the order, it needs to be noted that such a legal interest exists if, without such an order, the enforcement of the final judgment would be prevented or seriously hindered, or if achieving the purpose of the proceedings would otherwise be prevented or seriously hindered.

Under s.730 and subsequent sections of the Code of Civil Procedure, the purpose of an order to secure a claim is to make the civil proceedings more effective by ensuring that the purpose of the proceedings as intended by either party to them can be achieved despite the time taken to make the

final determination.

Following an analysis of the claimants' assertions and the documents they have provided, this Court has found that the claimants indeed have a legal interest in requesting an order to secure their claim. It is true that the availability of the defendant's materials on the Internet and, as a result, the materials may be read or watched by more and more people. However, in the opinion of this Court, the hypothetical concern alone that this may be the case would not be a sufficient basis for the requested order. It needs to be noted, however, that the claimants have provided printouts from, inter alia, websites containing extremely negative comments relating to the claimants as a result of the publication of the materials by the defendant (cf pages 674-675v, 679-680, 682-682v, 686-688, 689-690, 692-693, 695-696v, 705, 700-705, 708v-710, 714-19), even if it is assumed that the information in the defendant's materials is true. **The claimants' concern that the false information may still be widely available on the Internet is a real, not hypothetical, concern. Leaving the defendant's materials without any comment would, in the opinion of this Court, result in more and more people reading or watching information that has not yet been proved to be true. This Court has, therefore, found that the legal interest prerequisite for an order to secure the claimants' claim exists. Nonetheless, leaving the above considerations aside, it needs to be noted that an order to secure a claim against a media company is an extraordinary order as compared to any other such orders.**

It is in the public interest for media companies to criticise the negative things happening in the life of society. Section 1 of the Press Law Act, the press has the right to freedom of expression and shall realise the right of citizens to reliable information, transparency of public life as well as social control and criticism, any censorship of media companies is prohibited. The publication of any material should be prohibited only in exceptional circumstances and any such prohibition should serve to protect the common good, and no prohibition order should deprive the public of access to a source of any information that the public may reasonable be

interested in. It needs to be noted that the claimants themselves mentioned the growing tendency of general courts to move away, because of the special role of the press and the related public interest, from prohibiting the publication of an article to making the audience aware that the content of the article has been challenged and that its content was or is the subject of the lawsuit regarding the protection of personal rights. As a result, the article may be still available to read on the one hand, but the reader is required to take a more critical approach to the content of the article on the other.

Given the non-pecuniary nature of a claim for the protection of personal rights, the provision of s.755 of the Code of Civil Procedure applies to securing the claim. The choice of measures to secure non-pecuniary claims under that section is unlimited. A non-pecuniary claim may be secured by any means adequate under the circumstances of the matter, i.e. in a way that provides adequate protection for the person seeking protection on the one hand and is not excessive burdensome for the defendant (s.730(1)(3) of the Code of Civil Procedure). An adequate means of securing a claim is such which provides adequate protection for the person seeking protection on the one hand and is not excessive burdensome for the defendant and which is connected with the exercise of the claim in the future insofar as it may be necessary to ensure the satisfaction of the claim (cf the Supreme Court's judgment of 28 November 1961, Case File No.: II CZ 167/61, OSNCP 1963, No. 6, item 119).

It is an established view accepted by courts and legal writers agree that the communication of any content via the Internet meets the definition of the press, insofar as such communication meets the requirements laid down in s.7(2)(1) of the Press Law Act of 26 January 1984 (cf the Supreme Court's judgment of 15 December 2010, Case File No.: III KK 250/10, OSP 2011/10/101) It is the role of the press to keep the public informed of events as they happen. On the one hand, the press are not required to update the public on anything reported in the past. On the other, out-of-date articles are a valuable source of information about what things were

like at a particular point in time.

Given this Court's findings in this case, i.e. the infringement of the claimants' personal rights in the defendant's published materials, as well as the defendant's failure to prove that its journalists were acted with due care and diligence when gathering and using the information (in the case of some of the published materials, the claimants substantiated, as early as in the statement of claim, that the information presented in certain videos and articles were false or manipulated), this Court has considered the claimants' interest as well as the extent of the possible burden for the defendant and has found that requiring the defendant to publish a statement referring to the proceedings in this case will be an adequate means of secure the claimants' claim.

On the one hand, if the articles are accompanied by a statement referring to the legal proceedings in this case, the claimants' interest will be secured, as the potential readers will be more cautious when reading the information in the articles and will know that the information may not be true and has been questioned by the claimants. On the other hand, the publication of such a statement will not be an excessive burden for the defendant. Therefore, this Court considers it necessary therefore, this Court considers it necessary to make the public aware, in an unemotional manner, of the proceedings in this case. It is the only way to prevent the false information published by the defendant about the claimants from being consolidated in the minds of the public.

At the same time, the wording of the statement covered by the claimants' request is totally neutral and cannot be interpreted as concluding whether or not the claimants' personal rights were infringed by the defendant's materials. It is not excessively far-reaching either. Moreover, it would not be excessively difficult for the defendant to accompany the published materials with the statement requested by the claimants. On the technical side, it is an easy thing to do and it is part of the work done by the defendant as part

of its operation of its websites.

This Court has ordered that the claim be dismissed to the extent not covered by the above. More specifically, this Court has dismissed the claimants' request to the extent of minor changes to the wording of the statements that the defendant has been ordered to publish and relating to the defendant. In the opinion of this Court, it would be unacceptable for the statement to be published by the Management Board of Telewizja Polska S.A. if the defendant is Telewizja Polska S.A., with the Management Board being authorised only and exclusively to represent the defendant as a legal person. Under no circumstances may the Management Board of the defendant, although it is authorised to act for the defendant, be considered as the defendant and, as a result, required to publish the statement. The changes to the wording made by this Court are limited to the deletion of the word "Management Board" from the statement and the addition of the legal form designation (S.A.) in the English-language version of the statement. At the same time, this Court has doubts about the correct equivalent of the legal form designation in English and, therefore, has decided to include the original designation, i.e. in Polish, in the statement.

Given the above, this Court has ordered as stated in the operative part of this order.

/-/ Mariusz Solka, Regional Court Judge

Instructions:

1. Serve a copy of this order to
 - a. the lawyer for the claimants, with a note on the enforceability of the order;
 - b. the defendant, with notes on its right to appeal against this order
2. Prepare the service of the statement of claim.

/-/ Mariusz Solka, Regional Court Judge