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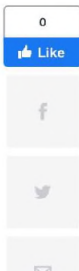
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Open Dialogue Foundation / Foundation / In the media / The Open Dialogue Foundation vexes Law and Justice. Now court victories pile up, most recently against Polish Public TV [i.e. TVP]

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2 July 2023 | Author: Anita Karwowska



TVP has been obliged to apologise for the hateful, manipulative and untruthful propaganda targeting the Open Dialogue Foundation. This has been the activists' fifth win in a series of legal proceedings over personal rights violations.

"Propaganda and hate speech spread by TVP cannot go unpunished. Without this venom, the Law and Justice party would not have been able to stay in power. I would like to use our example to inspire others to fight for their rights. We should not let this go," says Lyudmyla Kozlovskaya, President of the Open Dialogue Foundation in her commentary on the initial victory in the case of infringement of personal rights brought against TVP.

The District Court in Warsaw has ruled that TVP is to publish on its websites (www.wiadomosci.tvp.pl, www.tvp.info, vod.tvp.pl, and www.polandin.com – in the English version) and display for 60 days at the top of the indicated web pages the following note of apology: *"Telewizja Polska S.A. hereby expresses its apologies to Ms Lyudmyla Kozlovskaya, Mr Bartosz Kramek and the Open Dialogue Foundation, based in Warsaw, for infringement of their personal rights, in particular their right to a reputation and good name, and the right to protect their image in the form of the Foundation's logo, by disseminating defamatory and untrue information in numerous publications and video footage..."*

Moreover, TVP is to present the apology in the main evening edition of 'Wiadomości' news service at 7.30 p.m. as the first news item and to pay a total of over PLN 260 000 in damages to the successful litigant.

The Open Dialogue Foundation is winning one case after another

The non-final judicial decision described above is the fifth court judgment in favour of ODF activists in cases concerning the violation of their personal rights. The married couple who runs the Foundation, i.e. Lyudmyla Kozlovskaya and Bartosz Kramek, have filed 20 lawsuits over recent years against politicians and journalists linked to Law and Justice for attacks on the Foundation and themselves. These lawsuits concern, among others, Witold Waszczykowski, Joachim Brudziński, Patryk Jaki, Maciej Wąsik, Krystyna Pawłowicz, Jacek Saryusz-Wolski, Ryszard Czarnecki, Szymon Szykowski, Dominik Tarczyński, Tomasz Sakiewicz, Witold Gadowski, as well as TVP, Radio Poland and Fratria – the publisher wPolityce.pl, a website favouring the Law and Justice Party and 'Sieci' weekly. In total, the activists are seeking almost PLN 1.7 million in compensation.

Over the past months, Gazeta Wyborcza has covered the non-final sentences that have already been passed in these cases. Dominik Tarczyński was obliged to apologise for his suggestions that the Open Dialogue Foundation was involved in Russian money laundering.

Similarly, Maciej Wąsik, deputy head of the Ministry of Interior and deputy coordinator of the special services, who accused the Open Dialogue Foundation of having links with Russia, hybrid activities and money laundering, and Bartosz Kramek of advocating bloodshed, must do the same

Kramek also obtained a non-final judgment in his favour in a lawsuit against Gazeta Polska and its editor-in-chief Tomasz Sakiewicz concerning violation of his personal rights by the front page of Gazeta Polska, which featured a photo-shopped image of Bartosz Kramek presented as a Wehrmacht soldier.

The lawsuit against Marcin Rey, a journalist analysing Russian propaganda and links between Polish organisations and the Kremlin, also ended with an apology by way of conciliation. In 2017, Mr Rey published his defamatory report *"The Operations and Connections of the Open Dialog Foundation"*, which was extensively used in Law and Justice propaganda in attacks on activists deemed undesirable by the current government. In March this year, Mr Rey apologised for his earlier allegations and posted on social media, among other things, the following statement: *"To the best of my knowledge, the Open Dialogue Foundation is engaged in activities in favour of Ukraine, supporting it in its defence against Russian aggression"*.

In trouble since 2017

The Open Dialogue Foundation is engaged in defending human rights, democracy and the rule of law in Poland and Eastern European countries. However, since 2017 Kozlovska and Kramek have had to face a huge wave of hate speech and targeted actions by the state ruled by the Law and Justice Party.

Trouble was brought upon them by Kramek's text published during the protests in defence of free courts in July 2017, in which, using the experience of Ukraine's Euromaidan as an example, he proposed 'how to stop the Law and Justice Party's assault on the rule of law in Poland'. The state services subordinate to Law and Justice considered him to be calling for a coup d'état, the Foundation was subjected to numerous detailed audits and the pro-government media raced for texts defaming Open Dialogue. *"Five years ago, just overnight, I became one of the main public enemies of this government,"* said Bartosz Kramek in one of our interviews.

Lyudmyla Kozlovska remains outside Poland

Since then, activists have been moving from one court hearing to the next. Lyudmyla Kozlovska can only attend court hearings online, as she has been forced to reside outside Poland since 2018. At that time, she was listed by the head of the Internal Security Agency in the Schengen Information System and tagged with the highest alert therein. Consequently, a pro-democracy activist, holding a Ukrainian passport, has been banned from entering most EU member states, including Poland.

Ms Kozlovska is now fighting to regain her rights and sees the whole case as politically motivated persecution. Several European countries took the activist's side, granting her the right to stay within their territory. Such decisions were taken, among others, by Germany, Belgium, the United Kingdom, France and Switzerland. Eventually, the details of the President of the Open Dialogue Foundation were deleted from the Schengen Information System. The alert regarding Lyudmyla Kozlovska had to be removed by the Polish authorities. However, she was still not allowed to enter Poland and remains barred to this day. Even though the Supreme Administrative Court ruled in December that Kozlovska does not pose a threat to the state security, which theoretically opened the door for her to apply for a long-term residence permit in Poland.

The court on TVP: inconsistencies, manipulation, and nothing to do with reality

In the case against TVP, the court already found the Foundation's claims plausible in October 2019 and granted it injunctive relief, obliging TVP to inform under nearly 40 publications on its website about the lawsuit. As the Foundation reported at that time, the basis of the ruling, in the court's view, were numerous violations of the personal rights of the Open Dialogue Foundation, based, inter alia, on 'manipulation', 'unspecified allegations', 'failure to produce any findings', 'inaccuracies', 'assessments of facts that have nothing to do with reality', and a 'completely one-sided narrative'. The coverage presented by the TVP linked the Foundation to the Panama Papers scandal, or accused it of being sponsored by the Russian defence industry, etc.

"There was no factual doubt whatsoever. The protective order was already explicit and pointed – in the court's view – to very serious violations of our personal rights. We are pleased by the verdict, but the financial liability should be borne personally by TVP managers, rather than by Polish taxpayers. Unfortunately, the financing model for so-called public television means that unwittingly we are all jointly sponsoring the propaganda and hate speech pouring out of it. The public media, in their current format, should be abolished. The agents of the propaganda apparatus, including, in our case, such persons as Łukasz Sitek, Marcin Tulicki, Jarosław Olechowski, Cezary Gmyz, Michał Rachoń and Samuel Pereira, should also be personally condemned. The entire institution is rotten to the core, and it employs spe-

cific people who are utterly debased and subservient towards the ruling party," says Bartosz Kramek in his interview with Gazeta Wyborcza.

Source: wyborcza.pl

Read also:

- Polish state broadcaster TVP forced to apologise and pay damages following court verdict (July 4, 2023)

Other media:

1. Onet: The Open Dialogue Foundation Wins Against the Polish Public TV (TVP): Apologies and PLN 200 000 of Compensatory Damages (June 29, 2023)
2. OKO.press: Polish Public TV (TVP) Loses Major Lawsuit Against the Open Dialogue Foundation and Its Leaders (June 29, 2023)
3. Press: TVP is to apologise to the Open Dialogue Foundation at the beginning of "Wiadomości" news service and pay compensation of PLN 200,000 (July 3, 2023)
4. Wirtualne Media: TVP is to apologise to the Open Dialogue Foundation at the beginning of "Wiadomości" news service and pay compensation of PLN 200,000 (July 3, 2023)
5. Salon24: TVP has to apologise the Foundation run by Kramek and Kozlovska. The Open Dialogue has won in court (July 3, 2023)
6. Spider's Web: TVP lost in court. It must apologise to the Open Dialogue Foundation (July 3, 2023)
7. Gazeta.pl: TVP must broadcast the apology as the first piece of news in "Wiadomości" news service. The court precisely designated the specific time of the broadcast (July 3, 2023)



More on this topic: Bartosz Kramek, TVP, Poland, propaganda, Open Dialogue, persecution of activists, fake news, Lyudmyla Kozlovska, rule of law in Poland, Law and Justice, attacks on ODF, court disputes

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