

The list of documents (attachments) for the Petition No. 0789/2015 with comments

Copies of 34 documents (out of total 200 documents collected by the Renaissance activists in the visa fraud case), are provided to support the Petition No. 0789/2015. Even the provided documents take more than 100 pages, so we are not providing all 200. Excluded are the important testimonies of the citizens of Belarus which point to the involvement of the Polish authorities in the visa fraud. This involvement is expressed in two things: 1) the authorities of Poland took measures to organize a network of illegal intermediaries in Belarus. The network consisted of more than 70 Belarusian firms. 2) the illegal intermediaries in average transferred 50% of the illegal visa fees that they received from the citizens of Belarus to the Polish councils.

Also excluded are the documents which point to the involvement of the special services of Poland in the visa fraud. So are the documents which indicate involvement of the leaders of the ruling party of Poland called "The Civil Platform" ("Platforma Obywatelska") in the visa fraud.

The missing documents and testimonies will be handed to the official authority which is authorized to perform investigation. All other documents collected by the Renaissance activists will also be handed to this authority.

In the opinion of the Renaissance, the provided documents are sufficient grounds for the **assumption that a crime was committed** during the procedure of issuing Schengen visas by the Polish consulates in Belarus.

The evidence in the case of the visa fraud is already collected by the police of France, Denmark, Germany and Spain. In Belarus, a relapse of this crime happened.

1. The example of a screenshot of the MFA of Poland website containing information about the absence of available dates for a visit to the consulate until the end of the current month. This type of information was constantly observed by the citizens of Belarus on the website of the Polish MFA from 2012 to 2015. At the same time, the illegal intermediaries offered a wide range of available dates to any of the three Polish consulates (in Hrodna, Brest and Minsk).

2. Complaint sent to the Renaissance movement by a citizen of Belarus due to impossibility to obtain an appointment date to the Polish consulate. There were tens of similar complaints sent to the Renaissance.

3. The Petition sent to the MFA of Poland in November 2012 which raises the issue of complexities in obtaining an appointment date to the Polish consulates. This Petition was supported by more than 2800 citizens of Belarus.

Belarusian citizens turn to the Polish consulates for a visa once or two times a year, which is not very frequent. After getting their visa, the citizens forget about the problem for quite some time. The big amount of citizens who supported the Petition shows that the problem of accessing the Polish consulates was global and lasted for a long time.

This Petition was sent to the email addresses of the MFA of Poland. There has never been any reply to it.

At the time when this Petition was created, nobody in Belarus could even imagine that a well-planned visa fraud was being implemented by the Polish authorities. The Renaissance was just starting its investigation at that time.

4. Fragment of the statement of the Ambassador of Poland in Belarus published in November 2012 in the Belarusian press: “There is a group of individuals, probably a criminal one, which possesses the technology to block the appointment dates to the Embassy. These appointment dates are later sold.” The Ambassador apologized to all the people of Belarus for the situation. This apology confirms that the problem was global.

5. Fragment of the statement of the Ambassador of Poland in Belarus published in October 2013 in the Belarusian press: “There are specialists who crack the Pentagon codes, there’s no wonder that this happens with our system.” The Ambassador of Poland had told about the MFA of Poland website being cracked even earlier, in 2012.

6. Fragment of the statement of the Press Secretary of the Ministry of Foreign Affairs of Poland published in June 2013 in the Polish press: “Nobody has hacked the website of the MFA of Poland.”

This statement refutes the numerous statements of the Ambassador of Poland in Belarus on the subject.

“We don’t have direct evidence of the activities of an organized group, however, as the appointment dates to the Polish consulates in Belarus are resold, we have a right to assume that such group exists.” With this statement, the official representative of the Polish MFA confirmed the fact that the illegal visa business existed.

It’s important to note that the Polish officials are important witnesses in the visa fraud case.

7. Fragment of correspondence of one of the MFA employees responsible for the website of the MFA of Poland, Mr Robert Paluch (Office of Information Technology and Telecommunications, Consular Systems Division), published in the Belarusian press in 2013. Mr Paluch stated that he was able to see how illegal mediators register visa applications for a visit to the consulate in batches of 70 pieces at a time, but the MFA of Poland did not report this information to Belarusian police to avoid an international political scandal. However, such explanation of the inaction of the MFA employees is unconvincing.

8. Articles 240 and 304 of the Criminal Code of Poland. These articles oblige officials to report all known facts of illegal activities to the Police or Prosecutor’s Office.

The representatives of the MFA of Poland made numerous statements in the Polish and Belarusian press about the illegal activities of the intermediaries, however, they did not tell the Police or Prosecutor’s Office about that. This way, the representatives of the MFA of Poland violated the regulations of the Criminal Code. This violation contributed to the success of the illegal intermediaries.

9. Fragment of the statement of the Press Secretary of the Ministry of Foreign Affairs of Poland published in August 2013 in the Polish press: “Opening official visa centers in Belarus is impossible due to legal limitations in this country.”

This statement is not true. At the moment when it was made, the official visa center of Spain was working in Belarus, and Lithuania stated about its intention to open its official visa centers. The Renaissance raised the question of opening the official visa centers of Poland in Belarus to solve the existing problem in the MFA of Poland back in 2012. In November 2014, under the pressure of actions of the Renaissance, the MFA of Poland published the statement about the official visa centers opening in Belarus in April 2015. In reality, the centers were opened only in 2016, after the question was raised on the level of the European Commission and the European Parliament. From 2012 to 2016, the turnover of the illegal Schengen visa fees exceeded 200 million euros. According to the statements of illegal mediators made for the Renaissance, in average, one half of the illegal fees was transferred to the Polish councils. Probably, this explains the unwillingness of the authorities of Poland to fight the illegal visa commerce.

10. One of the replies of the MFA of Poland to the complaints of the Renaissance. This letter reads that it's the Belarusian authorities who is responsible for the situation with visas in Belarus. According to the MFA of Poland, the authorities of Belarus use technical means to block the appointment dates to the Polish consulates via the internet. More specifically, the Belarusian services allegedly "kill" the TCP/IP packets. This statement is proven wrong by the logs of Trace Route application.

11. One of the logs of Trace Route application saved by the activists of the Renaissance movement. This log shows that the requests of the Belarusian citizens (TCP/IP packets) sent to the MFA website for obtaining an appointment date, go outside the Belarusian internet segment and are later "killed" on the server of the MFA of Poland. This log allows to conclude that someone was manipulating the server of the MFA of Poland. Such manipulation allowed the fraudsters to manage the appointment dates.

12. The list of websites of the illegal intermediaries which were used to advertise the service of purchasing the appointment dates to the Polish consulates. According to the estimations of the Renaissance, there were over 60 of such websites. The amount of illegal intermediaries exceeded 70.

13, 14, 15. Screenshots of the websites of the illegal intermediaries. These screenshots feature the costs of an appointment date to the Polish consulates: from 100 to 280 euros on top of the official visa fee.

Some of the illegal intermediaries provide 99% guarantee of registering a date for a visit to the consulate as soon as possible. Another mediator company states that it has obtained the appointment dates for 100% of its customers last month. Yet another mediator promises to pay 20 EUR compensation in case it does not manage to register the visit date during the next month. It's obvious that these companies are very confident in their capabilities. As some of the illegal intermediaries told the Renaissance, the reason of their success is in cooperation with the Polish councils.

16. The report of the Supreme Audit Office of Poland (Nawyzsza Izba Kontroli), which performed inspection of the activities of the Embassy of Poland in Minsk in 2012. The report

was published in early 2013, but it got into the hands of the Renaissance only in January 2015. The report confirms all the statements contained in the official complaints of the Renaissance.

On pages 3 and 14 it provides negative evaluation of the visa issuing activities of the embassy of Poland in Minsk. The report mentions 9 times that it was impossible to legally obtain an appointment date to the Polish embassy. The report contains (on pages 12 and 27) a requirement for the Ministry of Foreign Affairs of Poland to correct the situation as soon as possible, however, the Polish MFA took the necessary measures only in 2016.

Page 4 states that the current situation could make foreigners (citizens of Belarus) have a negative picture of Poland.

Page 11 features a question of a representative of the Audit Office about the reasons of the situation when it was impossible to register an appointment date on the website. This page contains the statement of the Embassy representative that the Embassy is unaware of these reasons, because the website is controlled by the MFA in Warsaw. It's important to note that during the last stage of inspection and after its completion, the representatives of the Embassy actively commented in the Belarusian press on the reasons why it was impossible to register an appointment date via the website, and they pointed to the activities of some organized criminal group. It is very surprising that the Embassy employees had not reported anything about that criminal group to the Audit Office.

It's worth to look closer at the procedure of obtaining a visa without an appointment date.

The report of the Supreme Audit Office showed that the audit revealed that 76% of visa applications did not have a registered appointment date (page 10 of the report). Actually, applying for a visa without a registered appointment date was an express service. The intermediaries charged 400 to 500 euros for it. In such case, it took 3 to 7 days for visa to be ready. The customers did not even need to attend the consulate, they just handed their passports to the illegal intermediaries. Such procedure is a violation of the EU Code on Visas. This fact is easy to prove based on the visa application forms which are stored in the Embassy of Poland, and based on the testimonies of numerous witnesses.

The Renaissance confirms that the situation caused Belarusian citizens to have a negative picture not only of Poland, but of the European Union. Numerous statements of the EU officials about the intentions to lower the official Schengen visa fee from 60 to 35 euros (when its actual cost was exceeding 200 euros), only caused surprise of the Belarusian citizens.

The employees of the Supreme Audit Office could not imagine that the violations they had revealed in the activities of the Embassy of Poland in Minsk were actually the basis of the enormous illegal visa business.

In 2015, the Renaissance turned to the Supreme Audit Office headquarters in Warsaw with an appeal about the visa fraud. During the meeting, we were told that this authority performs unplanned audits only at the request of the official authorities, e.g. the Parliament. Thus, the appeal of the Renaissance had no effect.

17. Ordinance of the district prosecutor of Warsaw dated from 08.01.2015 (1Ds. 1242/14/MS). The prosecutor refused in performing investigation of the visa fraud in Belarus

according to the appeal submitted by Andrei Sumar. The prosecutor mentioned that the appeal did not contain information about any crime. It's important to note that the prosecutor did not interrogate neither any witnesses nor the applicant (Andrei Sumar).

18. Statement of the Polish court dated from 25.03.2015 (II Kp 326/15). The court upheld the decision of the prosecutor. At this point, the possibilities to appeal against the decision were exhausted.

The representatives of the Renaissance faced the outrageous injustice of the Polish courts during the trials related to the publications in the Polish press which discredit the Renaissance movement. These publications were prepared presumably by the members of the criminal group which controlled the visa business.

19. The letter of the MFA of Poland sent to the District Prosecutor's Office of Warsaw. It listed 11 types of technical measures taken to prevent the illegal intermediaries from unauthorized access to the appointment dates in the Polish consulates in Belarus. Despite these effective measures, the intermediaries were still successfully doing their job and continued selling the appointment dates to Belarusian citizens. This letter is an evidence against the Ministry of Foreign Affairs of Poland, as it proves the statement that the illegal intermediaries cooperated directly with the consulates of Poland, so no measures could prevent their activities.

The letter also contains incorrect information about the leader of the Renaissance movement, Andrei Sumar. This information discredits the reputation of Andrei Sumar, and also presents him as incompetent in the question of visas in Belarus.

Along with other cases of false statements (for example, about the MFA website being hacked by Belarusian hackers, about the MFA website being blocked by the Belarusian authorities, or about impossibility to open official visa centers in Belarus due to legal limitations), this letter shows that the Ministry of Foreign Affairs of Poland actively uses false statements when communicating with representatives of the civil society and even with the prosecutor's office. The statements of the MFA of Poland can not actually be credible. The role of the MFA of Poland in the visa fraud case is to be carefully examined.

20, 21, 22. The letters of the Ministry of Foreign Affairs of Belarus, the Ministry of Internal Affairs and the State Security Committee (KGB) which read that the authorities of Belarus are not competent in regulation of the consular activities of the Embassy of Poland.

The reasons for the Belarusian authorities not preventing implementation of the Schengen visa fraud may be political. For example, Belarusian authorities may have intended to lobby the MFA of Poland for the initiative for lifting off the EU sanctions against the Belarusian regime. The sanctions were lifted in the early 2016.

The Polish journalists expressed surprise to the Renaissance about the warm relationships between the authorities of Poland and Belarus during 2012-2015. Before that, the Polish press often featured articles which criticized the Belarusian regime.

23, 24, 25, 26, 27. Five articles published in the Polish press, which expressed the assumption that the special services of Poland were involved in the illegal visa business in the Ukraine. The Renaissance movement received information, including the official documents, which proves that the Polish special services were involved in the visa fraud in Belarus.

Also, these articles mention that in 2011 the police of France, Spain, Denmark and Germany revealed a lot of individuals who had illegally obtained the Schengen visas in the consulate of Poland in Lutsk, Ukraine.

After the scandal, the Consul General of Poland in Lutsk was sent to Minsk where he took the position of Head of the Consular Department of the Embassy of Poland. According to the official statement of the MFA of Poland, the transfer to Minsk was made according to the decision of the Minister of Foreign Affairs of Poland as “part of rotation”. Since 2012, an illegal visa business of an enormous scale started in Belarus. Before that, there was no such phenomenon in Belarus.

28. An article published in Polish press. It reads that the wife of one of the heads of the MFA of Poland earned around 500 thousand euros in 2014. However, this person is an ordinary journalist. Such income is unbelievably high for a journalist in Poland. This situation looks like laundering of the illegal incomes from the visa business in Belarus.

29. The email which expressed the opinion of Belarusian IT experts about the necessity to audit the website of the MFA of Poland to find out whether abuse took place during registration for consulate appointments. Many illegal intermediaries had hundreds of customers, probably even more than 1000 a month, who were guaranteed to get an appointment date to the consulate. Implementing a script which would bypass the security measures of the Polish website seems very unlikely (the security measures are listed in the letters of the MFA, attachments No. 10 and No. 19). The Renaissance supports the opinion about the necessity to conduct an official audit of the website of the MFA of Poland.

This opinion was provided anonymously to avoid the possible persecution by the Belarusian authorities.

30. Statement of the Ambassador of Poland in Minsk published in the Belarusian press in July 2015. The Ambassador said that the illegal intermediaries were still blocking the appointment dates to the consulate and selling them to the citizens of Belarus. This statement confirms the existence of the illegal visa business in 2015.

31. The article published in the Belarusian press which reads that all official visa centers stopped working because of a technical decision of the Belarusian authorities. This information confirms the fears that the illegal visa business may restart at any moment.

32, 33, 34. The copies of three letters of the European Commission (No. **EURCA.EAST.2 (2015) Ds/vb 5016918 (22.10.2015)**, No. **Ares(2015) 5925685 (17.12.2015)** and No. **E-015516/2015 (15.2.2016)**). The European Commission acknowledges the fact of the illegal visa business in Belarus and acknowledges that it has been monitoring the situation since 2012, however, it has not taken measures to correct the situation.

The European Commission shares the point of view of the Ministry of Foreign Affairs of Poland in the visa fraud question. It remains unclear, how the European Commission treats many contradictions and even lies contained in the official statements of the MFA of Poland about the situation in Belarus.

The Renaissance movement