

# Humanitarian crisis at the Polish–Belarusian border

Report by Grupa Granica

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# Introduction

The humanitarian crisis that we have been witnessing for the past three months on the Polish–Belarusian border (as well as on Belarus' borders with Latvia and Lithuania) is unprecedented in Europe. No country has ever attempted what is people smuggling on such a large scale. Orchestrating migration has become the Belarusian regime's tool to inflict vengeance on the European Union — including on Poland — for their political decisions.

We wish to emphasise that what is happening on the border between Poland and Belarus is not a migration crisis. The situation was not caused by any war, natural disaster or a sudden power shift within a region. People were brought to the border area by the Belarusian regime precisely to cause confusion and to generate polarisation and conflict within the Polish society.

From this perspective, we can say that Alexander Lukashenko has achieved his goal — the Poles have never been so divided. However, it is emphatically not a migration crisis — such crises usually involve millions of people. A few thousand people brought to the Polish border roughly correspond to two fully booked auditoriums of a large theatre — or the VIP seats of the National Sports Stadium. Meeting the needs of these people certainly does not exceed the possibilities and resources of our country.

However, the Belarusian authorities have easily managed to lead Poland into taking a series of radical steps: introducing the state of emergency, restricting freedom of media, banning activists from entering the border area, without exception for those providing medical and humanitarian aid. There has been a change in Polish legislation, which further affected human rights and the standards of human life protection.

Following the influx of large numbers of migrants into Europe between 2014 and 2016, addressing migration-related issues has become particularly difficult. They tend to generate heated discussions and polarise societies. Alexander Lukashenko exploits such feelings, while we allow him to do so.

The Belarusian authorities have acted like a well-organised network of smugglers. They have cynically exploited pathologies of the European visa system, which prevents most people seeking safe haven or family reunification from obtaining visas to EU countries. Migrants have been lured by Lukashenko with

the promise of easy and safe access to Europe, and then put in a deadly situation. Upon arrival, they met with brutality and violence and were then forced to cross the EU border in unauthorised places. They have been deliberately put in life- and health-threatening situations, denied access to water, food and other forms of basic assistance.

Belarus claims that this migration is spontaneous and that their country has merely stopped preventing migrants from going westwards across the Belarusian territory. This claim is outright false. There are specific airlines that are known to have been assisting in bringing migrants to Belarus — a practice that has only currently been curbed.

In this context, it is quite clear there is no migration crisis on the Polish–Belarusian border. The current dramatic situation of the people stranded in the forests near the border results not from a migration crisis but from a humanitarian one, which is due to a strategy that the Polish government decided to adopt in response to Alexander Lukashenko's actions towards forced migrants who have already crossed the Polish border. The strategy consists in pushing people who have crossed the border back to Belarus as quickly as possible and at all costs.

Given the nature of the terrain (dense woods, primeval forests, swamps and rivers) and the fact that temperatures are now frequently falling below zero, this strategy could not be — and is not — fully effective. This is a clear conclusion, backed not only by data published by the Border Guard on the number of people arrested (and pushed back) after having crossed the border but also by information on people who, after making an irregular entry into Poland, were later stopped on the Polish–German border.

The Polish authorities have focused on the effects of Belarus' strategy instead of thinking about its root causes. As a result, the Polish services have implicated themselves in an angry showdown with the Belarusian authorities, one in which human lives are at stake. Poland has abandoned ensuring standards of human rights protection, protection of refugees and the basic principles of humanity. Even though the situation on the border has been orchestrated by Belarus, it is also the result of decisions and choices made by Polish politicians.

From the migrants' point of view, the actions of Polish and Belarusian services are almost identical: neither respects the dignity and rights of these people. People who make irregular entry are stopped by the Polish officers and forcibly pushed back to the Belarusian side, where they are brutally forced by the Belarusian border guards to re-enter Poland. Even those who have by now realised that they are trapped and would like to return to their countries of origin are unable to do so. As a result of actions undertaken by officers of both countries, female and male migrants spend weeks stranded in the forests near the border, exposed to cold and rain, without access to food, clean water and medical assistance.

The policy pursued by Belarus is directed against the European Union, although the centre stage of events are now primarily countries sharing the border with Belarus, namely Poland, Lithuania and Latvia. Germany has become an increasingly important actor, as those who have managed to break out of the border standoff start arriving there. According to data collected by the end of October 2021, nearly 9,000 people have now crossed the German border arriving through Belarus and Poland.

Our report focuses on the situation of migrant women and men in the Polish-Belarusian border region. It is based on information and data collected by activists from Grupa Granica (GG) who have been working in the border area since mid-August, 2021, with the primary aim to provide humanitarian assistance to migrants and support them in accessing relevant legal procedures, with an additional objective of monitoring and documenting law and human rights violations.

In the report, we present various data. Some are information published by the Polish Border Guard, which we try to interpret and explain. We also used data collected during fieldwork directly from migrants, activists, residents of border areas, as well as representatives of NGOs that are part of Grupa Granica and other organisations, such as Fundacja Ocalenie and Klub Inteligencji Katolickiej. In the black text boxes, we present short stories describing the assistance provided to people trapped in the border area – we report them as they were passed on to us by activists providing direct assistance (though anonymised and slightly edited).

A certain level of generality in the report is because we have been forced to work with limited access to public information and under restrictions imposed on access to the 'state of emergency' zone.

Finally, we wish to add two more terminological caveats. We use the term "male and female migrants" to refer to persons trapped on the border as forced migrants. This, in our view, is the most adequate way to describe the situation of migrants whose legal status could not be established so far, as in the vast majority of cases they were subject to no legal procedure. We also wish to stress that these people are currently not free to choose their migration paths – whether and where they will cross the EU border, whether they will be sent back to Belarus or return to their country of origin. All these decisions are taken by the institutions of various countries, and migrants themselves have been dehumanised and treated as objects – pawns on a chessboard.

Also, we must take into account the social and political situation in the countries of origin of persons currently stranded within the Polish-Belarusian border area. These countries include Iraq, Syria, Afghanistan, Yemen, Somalia and Iran. Very likely, a significant percentage of migrants are persons having the intention and the grounds to apply for international protection in the European Union. Therefore, there are certainly also refugees among the people now stranded in the border area.

In the report, we also use the term "expulsion" (Pol. *wywózka*). In this way, we wish to communicate the actual meaning of actions by the Polish services. Although the English term "push-back" has also been used in this context, in our view, we are witnessing something more, i.e. mass and illegal expulsions of people rounded up in the forests.

# Timeline of events



**August 24<sup>th</sup>.** UNHCR Representative in Poland Christine Goyer calls on the Polish authorities to end the impasse on the Polish-Belarusian border, and "to provide access to territory, immediate medical assistance, legal advice, and psychosocial support" to the people who had been stranded on the Polish-Belarusian border near Usnierz Górný, under obligations under the Constitution of the Republic of Poland, national and international law.

Christian Wigand, the European Commission spokesperson states that the EC cannot accept "any attempts by third countries to incite or acquiesce in illegal migration" towards the European Union.

Following his visit to Usnierz Górný, the Polish Ombudsman concludes in a statement that by failing to accept oral declarations of will from persons wishing to apply for international protection, the Polish border guards have violated the Geneva Convention Relating to the Status of Refugees. According to the Polish Commissioner for Human Rights, refugees came under the jurisdiction of the Border Guard the moment its officers initiated any actions involving these persons, regardless of whether they were on the territory of Poland or not.

**August 25<sup>th</sup>.** The European Court of Human Rights issues an interim measure ordering Poland to provide food, shelter and water to a group of Afghan men and women stranded in Usnierz Górný. On September 27, this order is extended. Poland has not honoured these commitments.

Construction of razor wire fencing begins on the Polish-Belarusian border.

**August 29<sup>th</sup>.** Danuta Kuroń writes an open letter to the Polish Red Cross asking for specific and direct assistance for refugees stranded on the border. She calls on the Polish Red Cross to "step in" and provide humanitarian aid, one of the organisation's statutory activities.

**September 2<sup>nd</sup>.** A state of emergency is introduced in 115 towns in Podlaskie Region and 68 towns in Lubelskie Region. The imposed restrictions involve the prohibition of entry into the 'state of emergency' zone, a ban on any recording by technical means of the appearance or other features of places, objects or areas including border infrastructure, and limit access to public information.

The Minister of Internal Affairs and Administration, Mariusz Kamiński deems it pointless to use Frontex assistance.

**September 3<sup>rd</sup>.** EU's chief diplomat Josep Borrell expresses solidarity with Lithuania, Latvia and Poland facing the border crisis.

**September 6<sup>th</sup>.** Polish MPs vote for a state of emergency.

**September 17<sup>th</sup>.** The Polish Parliament passes an amendment to the law on foreigners — the so-called 'expulsion law'. The legislation is at odds with international law.

**September 19<sup>th</sup>.** Four people are found dead in the forest — three on Polish territory and one in Belarus.

**September 20<sup>th</sup>.** The United Nations General Assembly discusses, among other things, the situation on the border between the European Union and Belarus.

**September 22<sup>nd</sup>.** The European Commission, prompted by revelations of migrant deaths, calls on Poland to use Frontex assistance.

**September 24<sup>th</sup>.** Polish authorities confirm information about the fifth fatality. The body has been found on the Polish territory near the border with Belarus.

**Night of September 26/27<sup>th</sup>.** A 16-year-old Iraqi boy dies near the Polish-Belarusian border.

**September 27<sup>th</sup>.** Activists begin occupation of the Polish Red Cross headquarters, calling on the organisation to provide assistance to the migrants on the Polish-Belarusian border.

**September 30<sup>th</sup>.** Polish MPs extend the state of emergency in Poland for another 60 days.

**October 6<sup>th</sup>.** Medical staff organised as 'Medycy na Granicy' begin their on-call duty in the border zone. They establish a base north of the city of Białystok. They operate until November 14, answer calls for assistance and save lives.

**October 7<sup>th</sup>.** The European Parliament adopts a resolution expressing solidarity with Lithuania, Poland and Latvia regarding the situation on the EU border with Belarus.

**October 8<sup>th</sup>.** Poland accuses Belarusian forces of firing shots (probably using blank ammunition) towards Polish troops.

A UN Security Council meeting is held to discuss the migration crisis on the EU-Belarus border.

**October 12<sup>th</sup>.** The Polish Minister of Defence Mariusz Błaszczak announces that the number of troops stationed on the border with Belarus will increase.

**October 14<sup>th</sup>.** Police officers patrolling the border area from a helicopter notice the body of a 24-year-old Syrian man lying in a field near the village of Klimówka.

**October 19<sup>th</sup>.** German police inform that since October 1, 3104 people have illegally crossed the Polish-German border.

**October 21<sup>st</sup>.** The European Parliament holds a debate on pushbacks to Belarus.

**October 22<sup>nd</sup>.** Another crisis fatality, the body is found near Kusińce in Podlaskie Region. This is the eighth body found on the Polish territory.

**October 26<sup>th</sup>.** The so-called 'expulsion law' comes into force.

**November 2<sup>nd</sup>.** The Polish President Andrzej Duda signs the law on the construction of border security measures, under which a six-meter tall fence is to be built on the Polish-Belarusian border. This investment is to cost over PLN 1.6 billion.

**November 4<sup>th</sup>.** The Polish Ministry of Defense informs that the day before, Belarusian soldiers threatened to open fire after Polish soldiers detected a group of migrants being guarded by the Belarusian troops next to the fencing erected along the border.

**November 8<sup>th</sup>.** Belarusian services direct so far the largest group of migrants — around 3,000 people — towards the border crossing in Kuźnica Białostocka. The migrants intend to cross the border at an official border checkpoint and, in case they are refused entry, they plan to hold a peaceful protest to draw the world's attention to their situation. Shortly before they can reach the border crossing, they are forcibly led into the forest by Belarusian uniformed officers, who force them to push through the barbed wire fencing along the border. A group of at least several hundred migrants is then camped there for some time. Belarusian services relocate groups of 100 to 500 migrants along the entire borderline to make them forcibly enter the Polish territory.

**November 9<sup>th</sup>.** Polish MPs hold a debate on the situation on the Polish–Belarusian border. Prime Minister Mateusz Morawiecki explains that the government has not requested assistance from Frontex, as Frontex troops are insufficient and the Polish authorities will manage on their own with 15,000 male and female officers currently stationed on the border.

**November 10<sup>th</sup>.** Grupa Granica announces it will lodge a complaint with the International Criminal Court in Hague against representatives of the Belarusian authorities responsible for committing crimes against humanity targeting migrants at the Polish–Belarusian border. "In such proceedings, the ICC would also have to assess the consequences of the crimes committed by the Belarusian regime as they manifested on the Polish territory and, consequently, the response of the Polish authorities to the current crisis. Under international law, Poland bears full responsibility for the treatment of persons who have found themselves on its territory."

The Polish government convenes a crisis general staff. Starting from 3 p.m., two battalions of light infantry from the 1st Podlasie Territorial Defence Brigade from Białystok and Hajnówka are on alert. Around 12,000 soldiers, 8,000 Border Guard officers and 1,000 police officers are stationed in the area near Kuźnica. Anti-terrorist troops have joined them on the border.

The first attempt of forced entry made by migrants under the pressure from Belarusian forces is recorded near Kuźnica Białostocka. Security measures (razor wire fence) are destroyed and there are attacks on border guards, police officers and the military troops. Tear gas is used against people pushing through the fences. Belarusian services have provided migrants with tools to facilitate the destruction of border fencing.

NATO declares that "the use of migrants by the Lukashenko regime as a hybrid tactic is unacceptable" and calls on Belarus to respect international law.

A spokesman for the Minister Coordinator of Special Services Stanisław Żaryn states that the estimated number of migrants brought to the border area is c. 4,000 people.

Russian Foreign Minister Sergei Lavrov suggests that the European Union should consider offering financial assistance to Belarus, following the example of the agreement signed with Turkey. This would help prevent migrants from continuing to cross the border.

After attending a call from people stranded in the forest, medical staff from 'Medycy na Granicy' find the wheels of their ambulance deflated. As they approach the vehicle, they notice armed men and a woman walking away, and then leaving in a vehicle believed to belong to the Polish Army.

NATO expresses solidarity with countries neighbouring Belarus.



**November 11<sup>th</sup>.** During the night, Polish soldiers fire warning shots into the air to prevent a group of migrants from crossing the border from Belarus.

In a forest near Hajnowka, an Iraqi couple and a Syrian man are beaten and robbed by unknown attackers.

The European Commission spokesperson confirms that, at the request of the Polish authorities, experts from one of Europol's units — the European Migrant Smuggling Centre — will support Poland on the border.

The UN Security Council adopts a resolution condemning the actions of Alexander Lukashenko's regime and expresses solidarity with Poland and Lithuania. Russia is the only country opposing the resolution.

**November 12<sup>th</sup>.** Podlasie region police officers report finding a body of a 20-year-old Syrian man near the village of Wólka Terechowska.

**November 14<sup>th</sup>.** Unknown perpetrators destroy private cars of medical staff working with 'Medycy na Granicy'. It is also the last day of the group's extraordinary work. Its members had delivered 39 on-call sessions, assisted almost 300 people, with more than a dozen in life-threatening condition immediately being transported to hospitals.

Kurdish migrants refuse to destroy the border fence, despite pressure from the Belarusian forces. The Kurds line up against the fence to protect it. They do not want to provoke a violent confrontation.

**November 16<sup>th</sup>.** Medical Rescue Team from the Polish Centre for International Aid replaces medical staff from Medycy na Granicy and start their first on-call duty.

# The situation at the border — the actions of the Belarusian authorities

Since the end of September 2021, the situation in the Polish–Belarusian border region has been described as a humanitarian crisis. The unprecedented nature of the current situation is demonstrated by the sheer scale of control exercised by the Belarusian authorities over the new "migration route". It should be noted that Belarus had previously cooperated with the European Union and had received funds for protecting the EU's eastern border. In May 2021, Alexander Lukashenko announced his intention to terminate the 2020 readmission agreement with the EU, which the Belarusian parliament confirmed in October 2021. In practice, however, even before the Belarusian authorities had failed to comply with the terms of the agreement. A further note should be made of the systematic increase in violence used by officers of both countries—Belarus and Poland — against migrants, compounded by lack of monitoring, documentation and humanitarian assistance. On the Belarusian side, the media are controlled by the regime. On the Polish side, the state of emergency introduced in the border area on September 2, 2021, restricted entry into that zone, with the ban also applied to journalists, representatives of NGOs and humanitarian organisations, as well as independent observers.

The current situation on the border illustrates the way, in which the Belarusian regime has been exploiting the long-standing and gradually more acute European migration policy crisis. Only well-functioning procedures of granting international protection and a more liberal visa regime could ensure protection for forced migrants, sheltering them from a range of negative phenomena, such as human trafficking or the use of violence by state officials in violation of human rights. Each push-back operation (although given the current situation on the Polish–Belarusian border the terms "roundup" and "expulsion" seem more appropriate) carried out at the borders of EU countries constitutes a gross violation of the EU and international law, as it deprives persons wishing to apply for refugee status of their right to submit the required application.

Any declaration of will to apply for international protection by any person on the border (or in the country) should legally trigger relevant procedures and actions on the part of authorities. In European law, this is referred to as "making an application for international protection" (Article 6(1)–(3) of the EU Directive on common procedures for granting and withdrawing international protection). If the person is on the border, they should be allowed to enter the country's territory, regardless of whether they are at a border checkpoint or in any other place, as long as they make a declaration in the presence of a Border Guard officer. After being admitted into Poland, such a person should be transported to the place where the application for international protection can be made (the person can submit it formally), i.e. to a relevant Border Guard station. As part of this procedure, fingerprints are taken from the applicants for their identification. A person who is found in the Polish territory (even if they had made an irregular entry) must also be taken to a Border Guard station to enable them to apply — they cannot be expelled across the border from Poland. Restricting access to the territory and the international protection granting procedure is not a new phenomenon in Poland. We have been noting it at least since 2015, including at the Terespol border checkpoint, although in a different form and on a smaller scale.

→ Three refugees from Iraq, whose lives were at risk there because of their psychosexual orientation, entered Poland and were then pushed back across the Polish–Belarusian border. They spent several days in the forest.

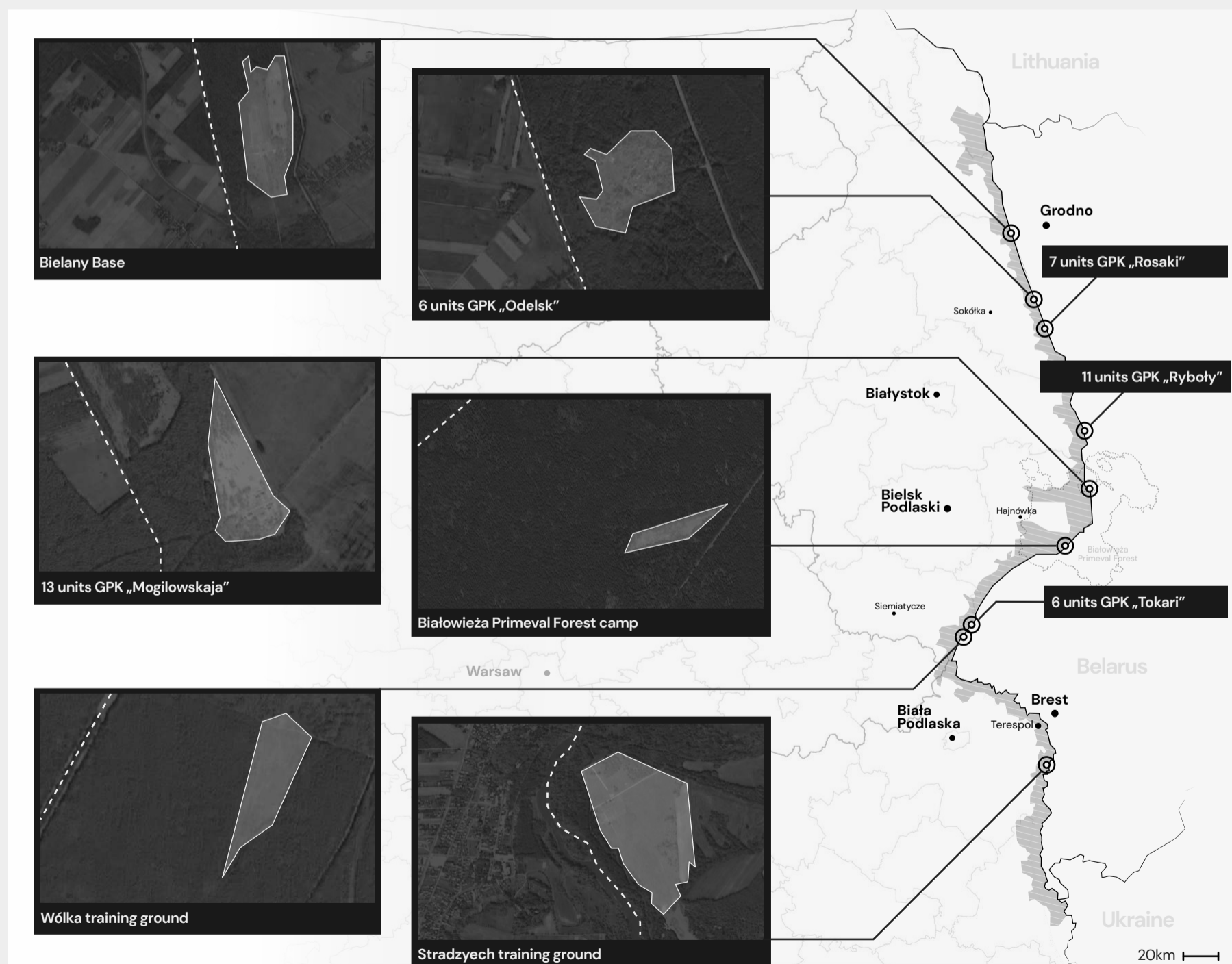
As the European Court of Human Rights issued an interim measure in their case, Poland was obliged not to expel them to Belarus. Appropriate procedures have been initiated for each of them and they were able to file applications for international protection.

In retaliation for the sanctions imposed by the EU (tied to the persecution of the opposition and the May hijacking of a Ryanair passenger plane with Raman Pratasiewicz on board), for the last several months Alexander Lukashenko's regime has cynically exploited the anxiety the EU leaders and societies feel about migration. His government has been issuing visas to thousands of people from countries afflicted by wars or years of lawlessness, only to force them to make irregular entry into Poland, Lithuania or Latvia.

According to data collected by Grupa Granica, most migrants come from countries ravaged by armed conflicts and human rights violations. We should remember that destabilisation of the EU, which the Belarusian regime hopes to provoke, involves not so much "flooding" the EU with large numbers of migrants, but causing and reinforcing political divisions within Poland and the EU over the issue of how to receive migrants (the issue that divided European societies during the migration crisis of 2015–

2016). Therefore, it is not the migrants, but political polarisation that leads to destabilisation. As the "migration route" is being orchestrated, people seeking protection are misled to believe they could use what seems like a legal and safe route into Europe.

Desperate, unable to use legal routes of entry into the European Union, they are lured by offers of travel agencies that sell visas to Belarus. Upon their arrival in Minsk, these people are transported by trucks, buses or taxis to the EU's eastern border. There, male and female migrants are placed in camps located within the areas of military and border guard infrastructure. They are then forced by Belarusian officers to make irregular entry into Poland outside the official border checkpoints. Many of these people are eligible for international protection, but only a few have the actual opportunity to initiate such proceedings in Poland.



Map 1. The infrastructure used by Belarusian border troops to detain migrants.

Some migrants, as they become aware of their situation, wish to return to Minsk and to their countries of origin (even if it is not safe for them to return). However, they are prevented from doing so by the Belarusian services, who "push" them again to the Polish side. Migrants have reported an escalation of violence perpetrated by Belarusian officers: beatings, kicking, setting dogs on the migrants and theft involving phones, money and documents. These reports have been confirmed through visual inspections by Polish medical rescue teams, who documented them using Individual Medical Rescue Cards and photographs. Below, we quote excerpts of the cards made in mid-October:

- **KGM** [Patient's initials]: the patient has been in the forest for 5 days. Two days ago he was beaten with clubs/batons by Belarusian officers; yesterday he ran away from dogs; suffers from hypothermia [...] Superficial injuries from blunt force trauma (clubbing)—5×3 cm bruising on the head, subcutaneous haemorrhage and slight swelling of the left eyelid, signs of blows on the torso.
  
- **NOF** [Patient's initials]: The patient has spent more than a week in the forest, onset of hypothermia. Two days ago, he was beaten with clubs/batons by Belarusian officers. Yesterday, he was attacked by dogs. [...] reports pain in the lower ribs on both sides (after being hit with a club) when breathing deeply and when touched. In addition, superficial wounds on [illegible] following a dog bite — numerous abrasions of the epidermis healing well.



Photo by Anna Maria Binińska

Reports from migrants indicate that the brutality of Belarusian officers is increasing. In early November, they broke the jaw of a person from Iraq, whom they then pushed across the border into Poland.

People detained in camps by the Belarusian authorities are charged high fees for water, basic provisions and the potential possibility to return to Minsk (very few migrants have successfully negotiated their way back). Female and male migrants encountered in Poland on several occasions reported situations where Belarusian officers fired shots in the air or in the ground near the migrants' feet to make it impossible for them to return to the Belarusian side or to head towards Minsk.

- A group of three Syrian women — staying in the forest for the last month and three days, experienced four expulsions. They report being beaten with batons by Belarusians. One of the women suffers from head injuries, another from injuries to her eyes.

# The Polish authorities efforts at the border — attempts at regularising lawlessness

Most people who manage to cross the Polish border are forcibly brought back to the border and pushed towards the razor wire fencing on the border with Belarus. Polish border guards, assisted by the military and the police, stop migrants within the border area, and — failing to initiate any legal procedures (i.e. for return decision or granting international protection if a person asks for it)—force migrants to return to Belarus in places far from official border crossings. That practice is commonly known as push-back. This process is applied indiscriminately: to elderly people, women, children and men. The migrants, however, are not returned. Immediately after they cross the border, the Belarusian guards violently force them to cross again into Poland.

The Polish government's strategy towards people crossing the EU border comes to prevent entering the Polish territory

and accessing the procedure of granting international protection (or any other legal procedure). People trapped at the border find themselves in an impasse. Their declarations of will to apply for international protection are not heard and their applications are not received. They are escorted to the border and

→ A twenty-three-year-old Kurdish man from Iraq was discovered two days after he crossed irregularly into the Polish territory, following several expulsions from Poland to Belarus. He was exhausted, but in good health, except for chafed feet. He asked to be reported to the Border Guard as his parents and younger siblings remained on the Belarusian side.

→ Four teenage boys (the border guards deemed them to be adults) from the Democratic Republic of the Congo have spent five days stranded in a forest near the Polish-Belarusian border. They sent desperate text messages: "We are hungry, we are cold, we are going to die". Then all contact stopped. Following a UNHCR intervention, the next morning the Border Guard reported that the boys had been found.

pushed back to Belarus. Thus, the Polish authorities are not only violating the law on applying for international protection, including the Geneva Convention and relevant EU rules of procedure related to refugees, but also the Directive on common standards and procedures in Member States for returning illegally staying third-country nationals. The directive specifically stipulates that any person found on the territory of the EU, including Poland, without a valid residence permit, regardless of whether they had lived here for several years and lost their right to stay or whether they have arrived 10 minutes earlier, as long as they are in Poland, i.e. they have crossed our border (again: regardless of whether they did so in an unauthorised place or without valid documents, such as a passport or a visa), must undergo relevant procedures, which may lead to return decision. In other words: no one can be actually and physically "escorted" to the border and forced to cross it in an unauthorised place. Instead, relevant procedures should be triggered and, if they result in a final decision stating their obligation to return, the person should be expelled through the border checkpoint in a safe manner, in accordance with the law and respect for human dignity.

Valid deportation follows the completion of a return procedure, which is important for at least two reasons:

- **It protects against deportation** in case of a person who cannot be safely returned to their country of origin or the country to which they are to be deported (the principle of non-refoulement).
- **Each person's case is examined individually** following a two-stage procedure. This individual approach is essential to prevent collective deportations, which are illegal under the European Convention on Human Rights. Poland has already been sanctioned twice by the European Court of Human Rights in Strasbourg for using such practices in Terespol (court decision in M.K. and others v. Poland, July 2020, and D.A. and others v. Poland, July 2021).

Polish authorities pretend their actions are legal. To ensure that, on August 20, 2021, they amended the Regulation of the Polish Minister of Internal Affairs and Administration allowing the border guards, by way of oral instruction, to "return to the borderline" persons who have irregularly entered Poland. The new provisions do not require a legal procedure for return decision to be initiated against such persons. The next step was the amendment of the Act on Foreigners and Certain Other Acts, which came into force on October 26, 2021 (the so-called "expulsion law"). The amendment was adopted despite negative reviews from, among others, the Office for Democratic Institutions and Human Rights, OSCE (ODIHR OSCE), the Polish Commissioner for Human Rights, and the UNHCR.

The new provisions stipulate that border guards are obliged to draw up a report on a person who has been arrested for irregular border crossing and to issue a decision to remove them from the territory of the Republic of Poland, which is to be implemented immediately. An appeal is possible, but only theoretically, as it is not known who could prepare it (there is no access to legal assistance). Moreover, making such an appeal does not suspend the procedure, which comes down to immediate expulsion. Theoretically speaking, these provisions apply only to persons who are arrested immediately after they have crossed the border — i.e. immediately after the event. Stopping them a dozen or so kilometres from the border, or after they have spent several days in Poland, certainly cannot be regarded as immediately following the event.

However, expulsions are only seemingly legal, because the new procedure is at odds with the provisions of the Returns Directive mentioned above (there is no opportunity of effective appeal

against the decisions made by border guards, no guaranteed access to legal assistance within the procedure, especially the appeal; there is also a risk of violation of the principle of non-refoulement). Therefore, it is likely that the EU Court of Justice in Luxembourg, the guarantor of EU law, will declare these provisions incompatible with the Directive, as it did in its decision dated December 2020 in a very similar case against Hungary. This illustrates that pushbacks are at odds with the EU law.

→ **October 24<sup>th</sup>, 2021.** Contact with a man from Yemen. He is in poor health, seems resigned, had been beaten by Belarusians. He paid someone \$500 for help but it was a fraud. A day later, the man says that he is dying. His leg is broken, and he has been vomiting. He asks for an ambulance, which arrives around 9 a.m. and takes him to the hospital. There, he is visited by a lawyer and an interpreter. His application for international protection is submitted via the government portal ePUAP. On the same day, around 8 p.m., the man is discharged from the hospital, taken by the border guards to the forest and pushed back to Belarus. By October 28 he had been caught in Poland two more times and pushed back across the border.

In conclusion, migrants have become trapped in the border area in both countries as hostages used in the political game between the Lukashenko regime on one side, and Poland and the European Union on the other. Significant numbers of uniformed officers are positioned on each side of the border. They stop migrants, take them to the border and forcibly push them back into the neighbouring territory. The Belarusians prevent migrants from returning to Minsk or their home countries, while the Poles prevent migrants from entering and applying for international protection.

As a result of the actions of both States, thousands of people have for weeks been stranded in the forests, primeval forests and marshes on the Polish–Belarusian border. Without shelter from cold and rain, with no access to food and clean water, they are forced to sleep rough. By November 12, 2021, eight people were found dead within the Polish border zone. These are merely confirmed cases — bodies that have actually been found. It is difficult to estimate how many people have died; migrants tell activists that they come across bodies in the forests, some report death of their companions.

The actions of the Belarusian and Polish border guards against migrant women and men in the restricted border area include various forms of physical and psychological abuse, such as intimidation, coercion of certain dangerous actions, arbitrary detention, collective expulsions prohibited under international law, denying access to food, water, shelter, medical assistance and access to protection procedures, as well as denying the right to an effective remedy. The prevalence of such practices makes it legitimate to call them "torture".

Migrants report that Polish officers are less brutal than their Belarusian counterparts. Some offer food, drink and warm clothes before forcing people to cross the border into Belarus. However, migrants also reported incidents of violence — pushing, threatening with weapons, intimidation, jeering or damaging phones (especially charging ports).

With the introduction by the Polish President of state of emergency on September 2, 2021, covering parts of two border-zone regions (Podlaskie and Lubelskie), access to the area along a 3-kilometre stretch of the border has been effectively restricted to persons not covered by the exceptions listed in the provisions. These exceptions did not include the media, NGOs, humanitarian organisations, medical staff and independent observers. Consequently — apart from residents of the 'state of emergency' zone and the migrants themselves, there are no witnesses to what is happening in the area. Furthermore, the government has restricted the right to public information regarding the situation on the border, on the grounds of "protecting the state border and preventing and countering illegal migration" (Section 2(6) of the new legislation). Such information is not provided to the public by the authorities — or the information that is provided is limited and unverifiable. State of emergency will be in force until December 1, 2021, with the Polish Constitution preventing its further extension.

→ A Syrian family, a 50-year-old mother and three children (including a 13-year-old girl), originally from Idlib, are trying to join their family in Europe. The border guards — it is not clear if they are Polish or Belarusian — have destroyed their SIM cards. In the forest, they meet another group of refugees, with an 18-month-old toddler. They are arrested by Polish officers and expelled to Belarus.

A few days later, outside the 'state of emergency' zone, they come across activists from NGOs belonging to Grupa Granica. They say they have made nine attempts to enter Poland: "Polish people call the police. Then we get pushed over the fence and beaten up. During one attempt we lost our passports. We do not know what will happen to us". During the intervention, GG volunteers provide them with warm soup, socks, basic provisions and thermal blankets.



Map 2. Polish territory under the state of emergency (restricted zone)

Since November 8, 2021, the situation on the border has escalated. A large group of migrants who for days have been stranded in areas along the border and neighbouring towns on the Belarusian side, as well as new arrivals who were brought from Minsk that day – now aware that they remain completely dependent on the political game between Belarus, Poland and the European Union – decided to set out towards the official border crossing in Bruzgi-Kuźnica. There, they planned to demand that their rights be respected and alert the media of their current situation. However, as they approached the border crossing, they were forcibly pushed by Belarusian officers in the direction of the "green" border and razor wire fencing set up by the Polish troops. There, they were forced to try and cross the border, which led to a significant increase in the number of the Polish military, border guards and police in the area. The situation provoked by Belarusian services creates a risk of further escalation of violence at the border.





# Data shared by the Polish Border Guard officials — meaningless numbers and vague taxonomy

Since the beginning of August 2021, the Border Guard officials have regularly reported in the media (including social media) on the situation at the Polish-Belarusian border. On November 1, they tweeted that more than 28.5 thousand "attempts to cross the border illegally" had been recorded at the Polish-Belarusian border since the beginning of the crisis, with a noticeable increase in the number of "attempts" starting in August (over 3,500), September (7,700), and October (17,300). "Attempts to cross the border illegally" (Pol. próby nielegalnego przekroczenia), which the Border Guard officials often describe as "efforts at attempted illegal entry" (Pol. próby usiłowania nielegalnego przekroczenia) mainly concentrate on the section under the jurisdiction of the Podlaski Border Guard Regional Unit (the remaining part of the border with Belarus falls under the Nadbużański Border Guard Regional Unit). In the first month of the crisis, 12 sub-units in that region received additional support — border guards were transferred from other units, joined by a thousand Polish soldiers. Until today, several thousand officers of various services — the Border Guard, the Polish Army, the Police and the Territorial Defence Forces — have been deployed both inside and outside the 'state of emergency' zone.

However, the Border Guard updates are questionable for several reasons. For example, a tweet dated November 10, 2021, declares that 599 recorded "attempts to illegally cross the Polish-Belarusian border" and about the detention of nine persons, with 48 people ordered to leave the territory of Poland. These figures arouse numerous doubts as to whether they reflect the actual legal situation. It is difficult to establish what border guards do in the area and on what grounds, as well as whether the numbers they provide reflect the number of incidents they define as "attempts to cross the border illegally" (whatever that means) or the number of people making these attempts. It is also unclear what the terms "preventing attempts to cross

the border illegally" or "attempts to cross the border illegally" have meant in practice in recent months, as such phrases are not defined in the Polish State Border Protection Law nor the Law on the Border Guard. The Border Guard has failed to explain to what situations they refer. The spokesperson of the Polish Border Guard merely stated that these actions are carried out based on the amended provisions of the Regulation of the Minister of Internal Affairs and Administration on temporary suspension or restriction of border traffic at certain border crossings, dated August 20, 2021. This may mean that the numbers provided reflect the scale of expulsions.

However, "preventing" suggests that an action (here — crossing the border) ultimately did not take place, i.e. that a person in question did not cross the Polish border at all. Thus, attempts to cross the border were prevented in August, e.g. in Usnarz Górny, when refugees were not allowed to enter the territory of Poland (although according to a report by Amnesty International, part of that group, for a time, camped on the Polish side).

→ **September.** A family of seven, including five children. They are Iraqi Kurds and have been in the forest all day. They are fleeing danger, killings and dire living conditions in Iraq. Although they had given power of attorney and declared their will to apply for international protection, they were transported into the 'state of emergency' zone, following which we had no further contact with them.

Since November 8, we have seen a similar situation near Kuźnica Białostocka, where Polish officers guarding the border prevented migrants from crossing it (at least in that location). However, the situation we are currently facing in other locations is quite different. Many people who manage to cross the Polish border daily, are then stopped by the border guards, brought back to the border and pushed back out of Poland. Thus, the apparently neutral language of "prevented attempts", actually describes (and documents) the unlawful practice of transporting migrants to the border and forcing them to cross it towards Belarus in places not intended for this purpose.

Another problem with numbers provided by the Border Guard officials concerning "preventing" and "attempts" consists in the lack of clarity as to whom these figures refer to — individuals or cases (e.g. "attempts" by groups or individuals). The terminology used in official tweets is inconsistent in this regard. For sure, the data provided cannot be totalled and deemed to reflect the number of people who may be present on the Polish border — each person may be subject to multiple expulsions to Belarus.

Meanwhile, continuous highlighting of growing numbers of both "attempts" and "prevented attempts to cross the border" may create a sense of danger and fear, and thus strengthen anti-immigrant and anti-refugee sentiments among the public. Fear-mongering and use of military terms (the tweets refer to: "attacks", "forcing", "thrust", "fight", "defence") create a false image and make officers face what is, in fact, a false dilemma, by suggesting that border protection precludes humanitarian action. This leads not only to distorted understanding but also to wrong decisions on what further action is needed on the border, which in turn facilitates using the crisis for political aims and hinders attempts to find effective and humanitarian solutions.

Twitter messages are also to demonstrate the effectiveness of Border Guard activities, which is supposedly enforcing the law and "preventing" attempts at illegal border crossings. However, the fact that a growing number of people had crossed the heavily militarised border zone and were arrested in Germany shows that these actions are ineffective. It should be noted that the number of people who have illegally crossed the Polish-German border since the beginning of 2021 adds nearly to 9,000, while the figure for October alone is over 5,000 people.

With the declared large number of "attempts" (more than 29,000) and "prevented attempts to cross the border illegally" (nearly 28,000)—approximately 1400 individuals have been

"In September, we recorded over 3.5 thousand attempts to illegally cross the border. In total, since the beginning of September, we detained 120 illegal migrants who crossed the Polish-Belarusian border. [...] [These persons] are instructed that they are illegally in our country and are returned to the border line."

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Statement by the spokeswoman of the Podlasie Border Guard, Katarzyna Zdanowicz

arrested by November 11, 2021. The number of such persons, to whom the Border Guard officials refer as "illegal immigrants", is usually much lower than the number of "attempts to cross the border illegally" and "prevented attempts". In all likelihood, it represents the number of people who were subsequently brought to guarded detention centres (i.e. people formally detained based on a court decision), but there is no certainty that this was the case of every person who has been described as "arrested". They might have been arrested, transported to a Border Guard station and then taken to the Belarusian border (such situations have been repeatedly reported by activists). Therefore, it is difficult to determine exactly what kind of situations these numbers describe.

Between August 4 and November 11, the largest number of detainees were people from Iraq (nearly 600), followed by: Afghanistan (over 150), Syria (nearly 100), the Democratic Republic of the Congo (29), Turkey (26) and Iran (18). The detainees also included people from Cameroon, Nigeria, Lebanon, Angola, Guinea, Cuba, Sri Lanka, Rwanda, Somalia and Tajikistan. These figures are not exhaustive as we can only rely on information provided by the Border Guard officials on Twitter — they are thus only indicative of the detainees' countries of origin.

Additionally, since October 27, the Border Guard data has included a new category: the number of decisions to remove a person from the Polish territory. From October 27 to November 10, such decisions were issued for 1098 people. The new category is linked to entry into power of the Act of October 14, 2021, amending the Act on Foreigners and Certain Other Acts,

i.e. the so-called "expulsion law". The Act introduced a new instrument into the Polish law (Article 303b of the Act on Foreigners), intending to make border guards' actions, previously unlawful, legal. Relevant data show that this instrument has been applied selectively, i.e. to some persons, perhaps because it requires a certain administrative procedure. It is much easier to simply bring people to the border in a forested area than to first go through the paperwork related to bureaucratic procedures (even though they have been largely simplified by the new

provisions). Moreover, the new law theoretically requires that a person be arrested immediately after the illegal entry. This condition can hardly be met when a migrant has spent several days in the Polish forests or is arrested several kilometres from the border. Undoubtedly, in such cases, there is no immediate arrest following entry.

We have also received information (although communicated inconsistently) about people arrested for aiding and abetting

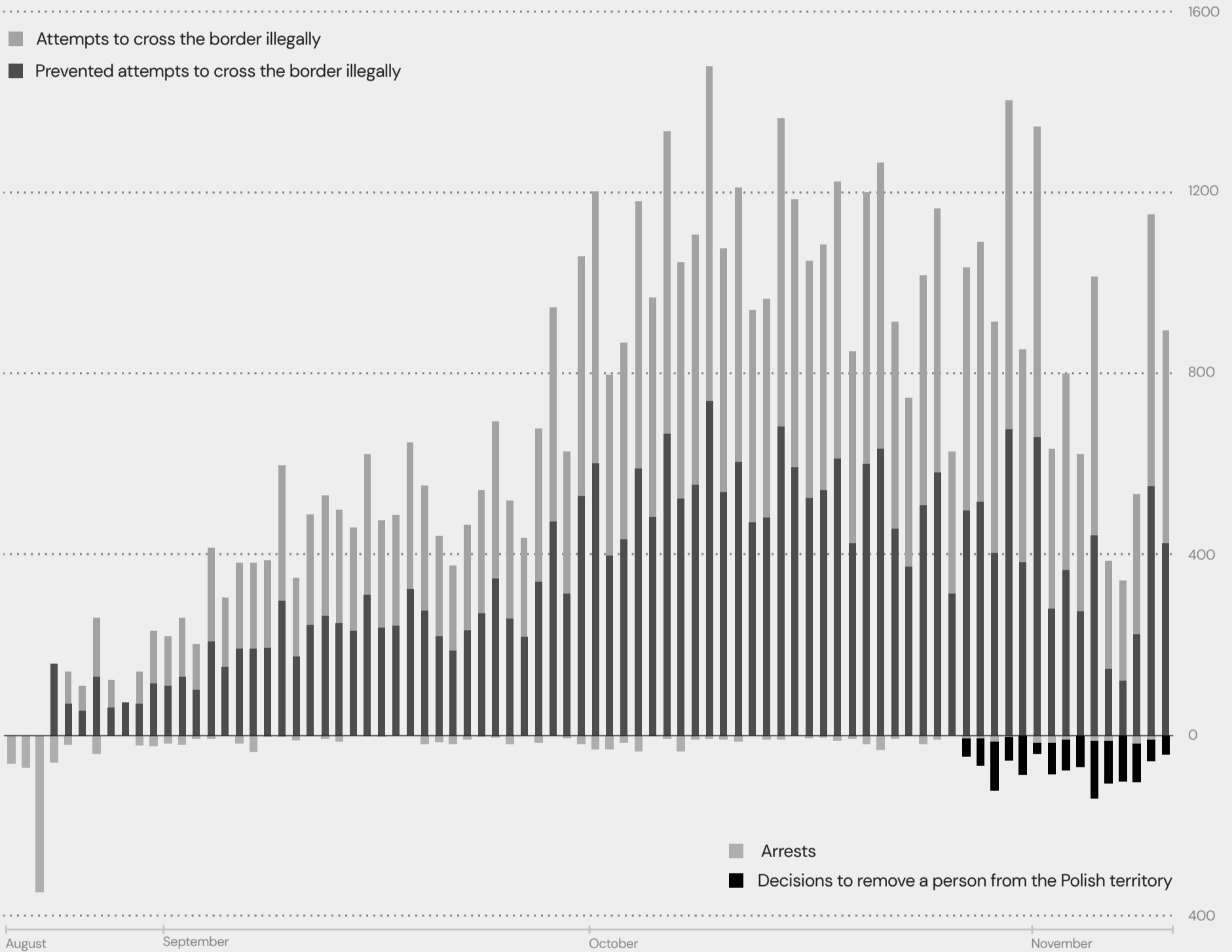


Chart 1. The number of arrests, "attempts to cross the border illegally", "prevented attempts to cross the border illegally" and decisions to remove a person from the Polish territory. Based on the data published by the Polish Border Guard on Twitter @Straz\_Graniczna.

the organisation of illegal border crossings. According to the Border Guard officials, until November 10, there were about 330 such individuals, including Polish and other EU nationals, as well as persons from migrants' countries of origin with residence documents issued in Belgium, Germany and Poland. Unfortunately, we know very little about them. The people

charged could be both smugglers who provide passage through Poland for money or relatives of people who went missing on the Polish border — many families have been contacting Grupa Granica asking for help in searching for their relatives.

The above data should be compared with the number of applic-

ations for international protection made in Poland. In August 2021, there were 1155 such applications, and over the first three quarters of this year, such applications were submitted by nearly 5200 persons. Most of them were citizens of Afghanistan (mainly persons evacuated by the government from Kabul) and Belarus. At the expert seminar held on 16–18.11.2021, the Border Guard representatives presented the following figures:

- in the period 1.01–15.11.2021 the Border Guard received 3,606 applications concerning 6,153 persons;
- in this period, 273 applications concerning 585 persons were received by the Border Guard units in areas bordering with Belarus, including:
  - 22 applications in August (58 persons),
  - 40 applications in September (63 persons),
  - 87 applications in October (166 persons) and
  - 38 applications by mid-November (86 pers.);
- the largest number of applications in areas bordering Belarus were made by Russian citizens (probably of Chechen origin) — 92 applications received (248 persons), followed by:
  - Iraq (71 applications, 163 persons),
  - Belarus (22 applications, 38 persons),
  - Afghanistan (18 applications, 23 persons) and
  - Syria (9 applications, 11 persons).

Unfortunately, based on these statistics it is impossible to assess how many people have tried to make an application in Poland, but their applications were not admitted. We also do not know their countries of origin and what were their grounds for applying for international protection.



# Interventions — the situation at the Polish–Belarusian border from the point of view of Grupa Granica

The information below comes from interviews conducted by people from Grupa Granica with migrants and residents on the Polish–Belarusian border region. Due to the restrictions imposed by the state of emergency legislation and the lack of official and reliable data, information collected by activists working in the field is crucial in the assessment of the actual situation at the border.

We should bear in mind that the work of volunteers has also been restricted by the imposition of the state of emergency. It is currently limited to the following:

- **Direct assistance.** Migrants in the border area ask for help through social media or the emergency phone number. Assistance is provided exclusively on the Polish territory and outside the emergency zone (residents provide help to people within the zone). The support involves the provision of food, drink, warm clothes, medicines, etc., calling an ambulance or providing information about the current legal situation in Poland and the rules of applying for international protection. If migrants decide to apply, they are provided with legal assistance whenever possible.
- **Monitoring the situation** in the border area, documenting human rights violations, highlighting such violations and informing the public. The most up-to-date information about the group's activities, reports from interventions, meetings between activists and groups of migrants, press conferences and other events can be found on [Twitter](#) and [Facebook](#).
- **Making attempts to locate people** who have gone missing in the border area.
- **Awareness-raising** (education) and informational activities and cooperation with residents.
- **Cooperation with medical staff** from Medycy na Granicy (the group was active in the field until November 14), e.g. on first aid training and what to do with migrants requiring medical assistance.
- **Regular collaboration with interpreters** and translators assisting remotely or on-site.

The situation on the border was brought to public attention by the presence of a group of 32 male and female Afghan refugees in Usnarz Górny, who probably arrived there around August 8, 2021. Although they were the main focus, other groups of forced migrants were by then stranded in Polish forests along the entire 400 km border with Belarus, repeatedly pushed from one side to the other by the border guards of both countries. Along with the state of emergency and falling temperatures, the situation on the border gradually took an increasingly dramatic turn.

Grupa Granica started collecting structured information about requests for assistance received from people in the forests at the beginning of September. Since then, we have been collecting data primarily to identify basic needs and provide adequate assistance as quickly as possible. Therefore, we asked people who contacted us mainly about issues that were crucial to their survival. Only recently we started analysing and collecting further data more systematically, to document human rights violations in Poland. At the same time, we only collect information that those who get in touch with us wish to share. We are careful to present it in a way that will not endanger the migrants.

We present data by month, to show the scale of changes on the border. Overall, in the relevant period at least 5,370 people asked for our assistance (these data may be incomplete).

### **September 6–30:**

- Altogether, we found out about 439 people stranded on the Polish–Belarusian border;
- 107 people have been contacted directly by those providing assistance in the area;
- We have confirmed expulsions of 15 groups by the Polish services — based on data obtained through contact between our activists and people who were subject to these practices. At least 50 other people also mentioned that they had experienced expulsions;
- In only three cases the migrants who contacted us have been successfully able to initiate legal procedures, i.e. their applications for international protection were received.

### **October 1–30:**

- We were asked to assist at least 3,600 people;
- We provided assistance in the form of food, clothing and other essentials to several hundred people. Usually, we are only able to help in about half the cases reported to us (e.g. between October 16–22, we received requests from 966 people, and managed to help only 413, making 68 interventions);
- Many people required medical assistance that could be provided on the spot or in hospital — a collaboration with medical staff from Medycyna Granicy and their support was crucial; many people also received legal assistance.

### **November 1–11:**

- We were asked to assist at least 1330 people. The size of the groups varied: the two largest ones included about 100 people each, there was another group of about 50;
- A group of five people from Iraq. The woman has a leg injury, it probably is nothing serious, but it is difficult to establish what exactly is the issue. The activists on site need to check if medical intervention is needed. The people are very afraid of officers. About a week ago, a man from their group was taken to hospital, and his wife and children were brought back to the border separately. Fortunately, they found each other.
- There were at least 100 children among the people with whom we had contact;
- In these few days alone, we received reports of at least 36 persons missing;
- We provided food, clothing and other essentials to around a thousand people during 113 interventions. This number refers to trips we made to meet groups who asked for our help (sometimes we went to meet one group several times — on different days).

However, in many cases, we have not been able to help. We have noted a significant number of disappearances (families living both in the countries of origin and in EU countries are looking for their missing relatives) and cases where activists failed to reach the group who had asked for assistance. This was due to various reasons:

- people who contacted us and asked for help were in Belarus or in the restricted zone (only residents can provide aid there);
- it was difficult to find migrants because e.g. they had moved to another place or had provided the wrong location;
- contact with the group was difficult because e.g. their phone ran out of power;
- members of the group were afraid that our presence might alert border guards.

Mass roundups and expulsions by the Polish services (we know of groups who have been pushed back from Poland more than a dozen times) lead to a situation where people in very poor health often refused to call an ambulance, fearing they would be brought from the hospital to the border or their family would be separated. We know of many cases where one or few members of a family were taken to a hospital by the border guards, while the rest of the family was taken into the forest. Many families cannot be reunited afterwards.

As time goes by, the number of requests for assistance is increasing. In the first week of October, we received as many calls as in September.

Since the number of people in need of assistance is growing, calling an ambulance is also an issue. Some ambulance dispatchers refuse to accept calls made by activists, or even medical staff from Medycy na Granicy on behalf of migrants.

All numbers provided above should be considered as estimates. Due to the volume of requests and the diversity of data (coming from different sources — migrants, residents of border towns or other NGOs) not all data could be included in our analysis. We are also constantly receiving new requests from people whose physical and mental state is deteriorating, who have experienced torture and multiple expulsions.

Health deterioration of those stranded in the forests is revealed by data from one hospital located near the border. The first migrant patient was brought there on August 12. By November 2, a total of 151 people had received medical assistance, with as many as 119 admitted to the hospital in October. The poor physical

→ **November 5<sup>th</sup>**. A group of seven people, inc. three children. All in bad health, unable to walk. The text states that they need an ambulance. A woman has fallen unconscious. One of the men is nearly unconscious as well. They neither eat nor drink. Only one person is able to walk, though not very well.

**November 6<sup>th</sup>**. A group of six people from Iraq (including two children). One child is coughing up blood. The group declares that if they see an ambulance they will run away.

**November 7–8<sup>th</sup>**. A group of 10 people from Syria, including one woman and four children. It took the activists a long time to find them. The activists provided the things the group needed. The woman has had a miscarriage but does not want to call an ambulance.

and mental state of people who contacted us is further evidenced by the information they provided. In November, for example, we were in touch with women who had miscarried while in the forest (but did not want us to call an ambulance), with people who were unable to walk, were falling unconscious or had serious breathing problems. On multiple occasions, we have seen people suffering from various stages of hypothermia.



Photo by Anna Maria Binięcka

# The story of one intervention

Most of the stories and people who are contacted by activists show that no procedures work. Here is one such case — we present it to show what the daily activities of Grupa Granica look like. It is a story of the discovery and loss of two underage boys from the Democratic Republic of Congo (DRC).

## October 18

Afternoon. Grupa Granica (GG) receives information about a group of men in the Podlaskie region. At 18:28 the local men and women set out to provide food. On the spot, they find eight people from DRC, Senegal and Guinea. Among them are unaccompanied minors.

## October 19

Morning. Another intervention with residents meeting the same group — they provide food, drink and warm clothes. There are six people from Senegal, two minors from the DRC and two Guyanese citizens. The group is briefed about the legal assistance that we can offer them, and also how effective such measures might be.

17:20 — The group decides that they do not want to call the border guards. Some of them have already experienced expulsions on three occasions and have been beaten by the Belarusian officers.

## October 20

9:39 — The group has split, only two people suffering from health problems remain. Servais cannot move, he is paralysed from the waist down. Asser decides to stay with him. They are two minor boys, probably brothers.

11:40 — The lawyers jump in. They apply to the competent family court to appoint one of the GG women activists as the minors' legal guardian.

13:07 — An ambulance is called on behalf of the boys.

13:55 — The court appoints the activist as the boys' guardian.

14:16 — The ambulance finds the group, all 9 of them.

16:00–16:30 — The activist who has been appointed as the legal guardian calls all hospital ERs in the area, 10 facilities in total. The boys are nowhere to be found.

16:18–17:55 — The legal guardian repeatedly tries to reach the competent Border Guard unit by phone. Each time, the officer on duty informs her that the guards have had no contact with the boys.

19:01 — The legal guardian submits a request via e-mail to the Commander of the Podlaskie Border Guard Regional Unit demanding information about any actions undertaken concerning the two minors. No response whatsoever.

21:27 — The legal guardian officially reports the two boys as missing persons.

## October 21

12:25 — Attempts by GG activists to contact the boys remain unsuccessful.

12:58 — The legal guardian obtains information about the ambulance rescue team who carried out the intervention and where the boys might have been taken (in line with the zoning rules).

14:52 — The legal guardian sends an e-mail request to the responsible Ambulance Service demanding information about any intervention related to the minors officially under her legal guardianship. No response.

To this day we do not know what happened to the boys—Asser and his brother Servais. They have not been found. No official institution or service admits to having had any contact with them.



# Awareness-raising and collaboration with local residents

With the appearance of a group of refugees in Usnarz Górny and news about other groups emerging in the forests near the border, we felt there was a need to organise not only assistance and intervention measures but also awareness-raising "educational" activities. Though no formal education was provided, our activities involved conversations, listening to the residents of border areas, relieving tensions and explaining legal and factual issues related to migration and refugees. With the heavy presence of servicemen, the biased coverage in the state-run media, and official institutions failing to act in a positive way, it became clear that people living in the border area were especially affected by the stress caused by the ongoing crisis. Therefore, our primary goal was to reach out to them and support them during this difficult and stressful time.

We started our educational activities at the end of August 2021. They consisted in visiting households and talking to residents. From August 20 till November 7, 2021, our activists and volunteers visited 130 towns and villages, first contacting their local authorities (including the village leaders) and informing them about the planned activities. After September 2, meetings and training sessions were only held outside the restricted zone.

Due to an increased number of requests for assistance and intervention, we suspended our educational activities between September 15—October 15. Further actions are planned, but in a modified form, e.g. there will be meetings with residents organised in communal cultural centres (one of the first such meetings was held on November 6 in Białowieża, it was attended by c. 30 people).



Photo by Karol Grygoruk

The meetings with residents are organised to:

- **provide reliable information** about the situation on the border and documented violations of human rights and the rights of migrants and refugees;
- **distribute leaflets** about the lawfulness of assistance;
- **provide information on how to help effectively**, how to assist those suffering from hypothermia, etc.;
- **provide the phone number** to call when you encounter people seeking protection and for more information;
- **discuss what is happening** in the border area and how local people feel about recent events.

As the situation developed and an increasing number of people became stranded in the woods, an additional objective has emerged — namely, to collect information from people who encountered groups of migrants in their neighbouring area.

When the weather was good, we organised meetings outdoors and they often turned into discussions involving neighbours. Our interlocutors were sometimes distrustful and withdrawn, afraid of what was happening, as they observed that the number of servicemen in the area increased day by day. As has been repeatedly noted, the border guards are a permanent feature of the local social landscape and many people living in villages and towns near the border either work for the Border Guard or know someone who does. But, especially following the introduction of the state of emergency, many officers who arrived in the area were strangers. The government reported that several thousand staff had been deployed there, not only from other Border Guard units but also from the Polish Army, the Territorial Defence Forces and the Police. These new arrivals are unfamiliar with the local situation, they have no family or neighbourly ties here. Living in a highly militarised area (which also affects areas outside the restricted zone) may cause a lot of stress and mixed feelings among the residents. We have often been asked about what might happen next.

Residents have reported gradually getting used to the presence of the troops, to constant checks and stopping — although this is a major inconvenience and makes it difficult for residents to function normally. Some people expressed their impatience and lack of understanding of the activities carried out by the state, which was ready to allocate huge financial resources for the deployment of troops, while the local authorities have

been struggling to satisfy local needs. Problems reported by our interlocutors included insufficient funding for public services, including public transport, educational, cultural and healthcare facilities, as well as issues related to unemployment, etc. Some expressed their belief that the measures introduced by the state (e.g. bringing in troops) were excessive, that use of force was unnecessary and — above all — expensive, and that all this was happening in areas which in many aspects have been neglected by the state, which also caused their disillusionment.

The usual reaction as the residents came across people who had made it across the border was to call the border guards, which was consistent with the residents' narrative about their previous good cooperation with officers before the crisis. Following increasingly frequent reports of forced expulsions, and especially the news about "children from Michałów", residents have increasingly declared their readiness to help by providing food and shelter for the night. Since they knew about the scale of abuses and human rights violations they had come to witness, many residents became reluctant to call the border guards and treated it as the last resort.

Discussions about assistance and how to provide it proved especially important, especially because of concerns about whether it was safe and legal. Attitudes to helping have changed over time, and an actual meeting with the people in need of help was often the turning point. These encounters made it clear to our interlocutors that there was a gap between official media coverage, the presence of troops and militarisation and the actual situation they observed in their immediate neighbourhood. These observations often struck a chord with their local experiences, and often with family memories; in some cases, residents recalled their own exile — displacement during the first world war. There were also references to Holocaust. The inhabitants of the northern Lublin region have mentioned Operation "Vistula". These local experiences and memories of war, the Holocaust and state violence helped them understand and empathise with the hardships experienced by the forced migrants they encountered.

The relief and intervention work of our Group would have been much more difficult, and in many places (e.g. in the restricted zone) impossible, without cooperation with the locals. Some of them had previously been involved in defending the Białowieża Forest against logging, but a large number of people joined in to help migrants without such previous experience, feeling they had no other choice. Self-organising by the people living in the emergency zone, collection of clothes, medicines and food, trips to the forest to look for people in need of help, passing on

the phone number with information on what to do when you meet migrants — are what the residents felt they had to deliver as the Polish state failed to act and restricted access to the emergency zone for humanitarian or medical aid. The residents speak of a sense of great responsibility and commitment, but also of fatigue, bitterness and a feeling of being abandoned by the State that is failing to fulfil its obligations and prefers to look the other way.

People living inside the 'state of emergency' zone and in areas adjacent to it have played a key role for many reasons — they know the area and can navigate it better than newcomers. They know that the Białowieża Primeval Forest is not just an ordinary forest, and above all, they are aware of how difficult it is to survive consecutive nights there. Apart from people who are in contact with Grupa Granica and local activists, others also mentioned their experiences involving encounters with migrants, providing assistance and shelter for the night or calling for medical help. These are also stories of people deeply shocked by the situation they are facing, forced to provide the help they were not prepared to provide, often requiring life-saving measures. Many residents now realise that alerting border guards means the migrants would be taken to the border with Belarus, and that only sporadically — as experience has shown — such intervention would result in appropriate procedures and adequate shelter.

The residents talk about the psychological burden of such an experience, especially in the context of a chaotic information environment. Trust in the rule of law, especially in terms of provisions related to the obligation to provide aid to persons in life-threatening situations, has also been undermined, especially as some officers have threatened to treat assistance as a punishable offence (whether it involved the provision of food, warmer and dry clothes or free shelter). Local residents also point to inconsistent behaviour of officers carrying out checks and arrests or preventing legal representatives from contacting detainees, even though in the past there were no such problems. Some officers have made insulting comments about the residents' involvement in providing aid. All this undermines the residents' confidence in the authorities' actions in the area and the rule of law.

Local people are worried about what will happen next, both within and beyond the zone of the state of emergency. They think about how they will need to rebuild social life once their villages and towns are no longer the focal points of military-like activities. How to rebuild trust in each other and regain peace? How to cope with the trauma they have suffered facing situations no one has prepared them for, with no support from the state?



Photo by Anna Maria Biniec

# Final remarks

Finally, we want to outline how we believe the humanitarian crisis in the Polish–Belarusian border region could be resolved. We also call for immediate, joint, long-term actions in Poland to overcome the current impasse. The following proposal is not a list of steps to be taken one by one. Instead, it is a set of issues that need to be addressed in parallel, in a coordinated manner, with the support of all available resources. Ideally, starting today.

We realise that this requires a change in the way the Polish government pursues its policy and a dialogue involving various social actors, including local governments. For this, we need to rebuild mutual trust, mutual respect and cost-effective use of resources. The current situation can be resolved by means other than the use of force. We call for bridges to be built, not walls, in the search for a way out of this difficult situation. We call for using the resources we have as a state — not as a government. Joining forces and using the resources provided by different actors offers a chance for a peaceful solution to the crisis. Such policy should be grounded in humanist ideas and respect for human dignity.

## Immediate provision of humanitarian aid in the area

Hungry people are suffering from hypothermia, stranded in the forests on the Polish side of the border. Every night brings the prospect of more casualties. These are people on the brink of death. People are suffering from sickness, pregnant women and children among them. They need access to food and water, warm shelter and medical assistance. This aid can be provided by humanitarian organisations: the Polish Red Cross, Caritas and others, as well as doctors. They should be immediately allowed to operate in the area currently under a state of emergency.

As winter is coming, temporary reception facilities must be set up in the border area, e.g. heated tents. It would also be a good solution to build field hospitals where people who need medical attention can be admitted. This would relieve the pressure on

local hospitals, which have not received any additional official support to help them deal with the humanitarian crisis and are currently facing the fourth wave of the coronavirus pandemic. Border Guard units on the eastern border should also receive additional funds, to be able to provide adequate living conditions for detainees.

This crisis cannot be solved by ignoring it. There is no use pretending there is no crisis at all. European funds can be requested if they are needed. Many international aid organisations have declared their willingness to contribute to the humanitarian effort.

# Protecting the border and humanitarian bridges

We do not challenge the need to protect the Polish border. However, it is not fair to present these two values — protection of human rights and ensuring state security — as contradictory or mutually exclusive. This is simply not the case. Every state is under the obligation to protect its border, but at the same time, it is obliged to protect human life and to ensure the rule of law on that border.

Putting up border fences makes hostile countries even more hostile. It leads to increased violence and human trafficking. Walls do not bring security or a sense of comfort — neither to local residents, nor migrants, nor neighbours on the other side of the wall. We should remember that for many years, Belarusian citizens needed our assistance and were able to benefit from such assistance in Poland. The fence would make their predicament even worse.

To remedy the current situation — which has been caused, among other factors, by the gathering of large groups of migrants on the Belarusian side of the border, e.g. currently in the area of Kuźnica Białostocka — we should create humanitarian bridges. By this, we mean temporary border checkpoints through which these people could be granted safe entry into Poland and then registered. This would ensure they receive medical and humanitarian assistance (food, clothing, a warm place to sleep, access to sanitary facilities). Some of them are eligible for international protection. Some must be returned safely to their country of origin — if they can lawfully return there. This is the only way to de-escalate violence and help the people stranded on the Polish-Belarusian border.

International bodies, such as the International Organisation for Migration and Frontex are ready to support the Polish authorities in carrying out the above-mentioned actions.

Under no circumstances must we allow people to die on our border. There is no doubt that Belarus is responsible for escalating the current situation and for brutally pushing male and female migrants to make irregular entry into Poland. However, it is the Polish authorities who can and should end the suffering of these people by providing them with assistance and protection. We are convinced that other EU countries would be ready to support us in doing so. Some cities, such as Munich, have already declared their willingness to host migrants.



Photo by Anna Maria Bintecka

# Reinstatement of lawful procedures allowing identification of people crossing the border

Illegal expulsions and preventing entry of people who are being forced to cross the border by Alexander Lukashenko's regime must stop immediately. Treating people in line with the standards agreed in a democratic state under the rule of law will help to restore security and stabilise the situation. People crossing the border should be stopped, their identity established, their fingerprints taken; they should be registered and assessed as to whether or not they can safely return to their own country. If they ask for international protection, there should be procedures in place to receive applications for refugee status. Otherwise, people should be returned safely to their country of origin.

The use of such procedures, which have so far been the Polish standard, provides better state security and more effectively safeguards the needs of migrants — above all, it ensures identification of particularly vulnerable persons, such as children, including unaccompanied minors, victims of violence or human trafficking, etc. Establishing the identity of people crossing

the border and verifying their data in security systems to which the Polish Border Guard has access makes it possible to identify persons who could pose a threat to state security. Repeatedly pushing people back into the forest without initiating any procedures does not provide such a possibility.

The oft-repeated argument, that allowing these forced migrants into Poland will result in the arrival of more migrants is incorrect. Actions undertaken by the EU already indicate — the EU has successfully blocked the arrival of further groups into Belarus (through collaboration with governments or airlines).

In our view, the current situation can be changed by addressing the root causes of problems rather than their consequences. We needed to reflect on the current situation and motivation of the Belarusian regime, rather than focus on the "ping-pong" game consisting of repeatedly pushing people across the border.

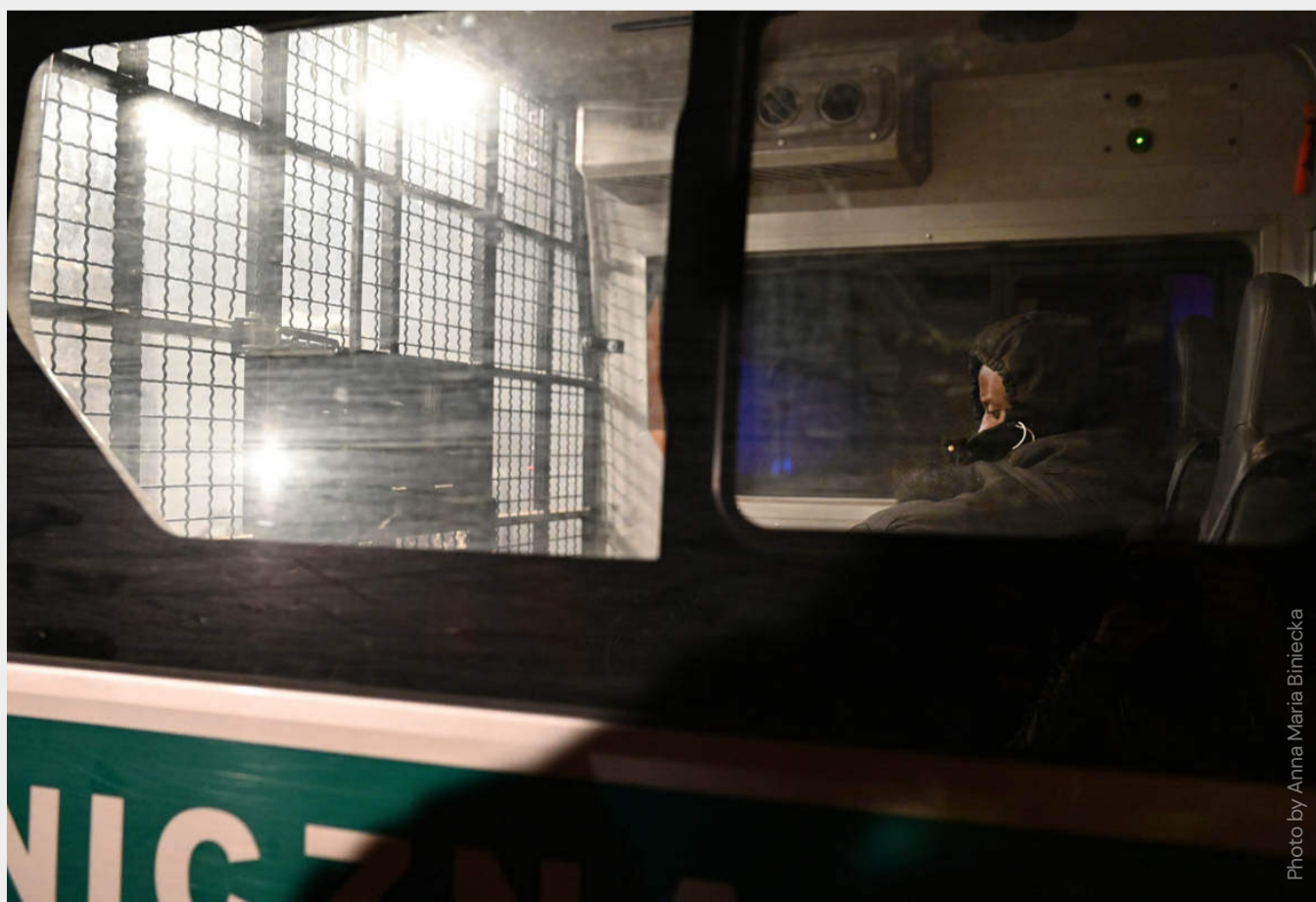


Photo by Anna Maria Bintecka

# Changing the narrative

Some Poles are afraid of migrants. Others hold their idealised image. It is time to rely once again on verifiable and objective information and use the media to build solid knowledge and competence among our citizens that will enable us to live in a world that is and will be, culturally diverse. Migrants are not the enemy – they live among us, and in a few years they will certainly become more numerous.

The emergency zone must be opened to journalists. Without that, we simply do not know what is happening there.

We must build knowledge instead of fear in Poland.

The discourse needs to seek coalitions of different partners and cooperation – because migration needs to be dealt with in a multifaceted way, involving different actors.

We need information about the migrants' countries of origin, as well as real knowledge about the "Belarusian route". Collaboration between social and governmental bodies in this area will certainly bring valuable results.

We observe that religious organisations have been slowly but gradually becoming more involved on the border. However, they should speak in a much stronger voice.



Photo by Anna Maria Binińska

# Data gathering and structuring knowledge

Our knowledge about the situation on the border is still incomplete. We do not even know how many people are stranded in the forests right now. An exchange of knowledge between activists who have been working in the area, the border guards who have much better equipment and monitoring tools, diplomats and EU institutions would give everyone a better understanding of the real challenges we face.

We propose:

- **To establish a round table** including governmental, non-governmental, local and scientific institutions and organisations. This will enable an exchange of information about the situation, exchange of ideas on how to resolve it and structured knowledge about available resources.
- **To begin registration of all persons** crossing the border and "(a)count" (for) those who are stranded on the Polish territory, as well as missing persons.

# Support for local communities

There have been massive human rights violations in and around the area under the state of emergency. Local residents, including children, have witnessed such behaviour. For many weeks, they have been living in a heavily militarised environment.

Performing tasks usually entrusted to highly qualified personnel (medical or rescue teams) has become the responsibility of ordinary people — residents of Podlasie and Lublin regions, as well as activists. Many of these people have been saving human lives every day, despite inadequate training and resources. This causes a great emotional burden. A responsible state should take care of the welfare of its people — provide support to local residents and adequate assistance to activists.



Photo by Anna Maria Binięcka



# Diplomacy

We need to look for political allies. The search for solutions to the current situation must address the root causes of problems, not just their consequences. In the short term, it is necessary to take diplomatic steps leading to the imposition of severe sanctions on Alexander Lukashenko's regime and the airlines that have collaborated in bringing people to Belarus. There should also be steps to establish cooperation with the migrants' countries of origin. All these measures should take place at the European Union level.



Photo by Dimitri Svetsikas

## Long-term measures

Poland needs assistance from the EU and other countries in order to change the root causes of the current situation. The root cause is that in a large group of countries people are prevented from having decent living conditions. This is often the outcome of policies pursued by stable, wealthy countries – not because of the colonial legacy, but as a result of their present political, economic and military decisions.

Poland needs to rethink its strategy of providing humanitarian and development aid. We currently earmark PLN 3 billion a year on Official Development Assistance; let us compare that amount with PLN 1.6 billion to be spent on the border fencing.

Long-term international policymaking must involve genuine support for the refugees' countries of origin. Nobody flees their country if they can live well there. The migration movement we

now see on the border stems from despair and lack of opportunities, which has been exploited by those who designed the current Belarusian strategy.

However, all these steps should only be taken in tandem with measures to establish safe migration pathways: issuing humanitarian visas, extending the criteria of family reunification, opening humanitarian corridors, etc. One of the indirect causes of the current crisis is the absence of legal channels providing the opportunity to enter the EU for most people coming from destabilised regions of the world.



Photo by Anna Maria Binięcka

Grupa Granica (GG) is a social movement that opposes how authorities have responded to the events on the Polish–Belarusian border. We assist forced migrants who find themselves on the Polish territory and monitor human rights violations. The movement includes activists from all over Poland, including residents of border areas, and a growing group of NGOs. At present, organisations that cooperate closely within GG include: Nomada Stowarzyszenie, Stowarzyszenie Interwencji Prawnej, Homo Faber, Polskie Forum Migracyjne, Helsińska Fundacja Praw Człowieka, Salam Lab, Dom Otwarty, Centrum Pomocy Prawnej im. Haliny Nieć, CHLEBEM i SOLA, uchodźcy.info, RATS Agency, Kuchnia Konfliktu, Strefa WolnoSłowa and Przystanek „Świetlica” dla dzieci uchodźców. We work together to make the best and most effective use of our limited resources.

The activities of Grupa Granica mostly rely on voluntary work by activists. Individual expenses related to providing aid to migrants (e.g. purchase of food, clothing, rescue packages, special equipment, costs of rescue teams provisions, legal aid, etc.) were met through public fundraisers organised by GG with funds transferred to the accounts of individual NGOs, e.g. as part of the fundraising campaign by Gazeta Wyborcza which contributed part of its subscription revenue, the funds provided by the Civic Fund (Fundusz Obywatelski), which was first to support our educational activities in Podlasie and Lubelskie regions in August and September 2021, and from the funds generously provided by Stefan Batory Foundation.

Our work would not have been possible without the generous support of the Polish people. Thousands of people were involved in organising direct aid: collecting and delivering warm clothes, food and first aid kits and provisions, which we were then able to provide to those in need. We received all kinds of support: breast milk offered by a Polish mother to a migrant mother's newborn child, bags of coffee for activists, pallets of mineral water, soup in jars, warm jackets, smartphones and power-banks, and great support in logistics and coordination of our work. Thank you for your help and generosity!

Editor:

Witold Klaus

Authors:

Katarzyna Czarnota, Anna Dąbrowska, Kamila Fiałkowska,  
Julia Karwan-Jastrzębska, Witold Klaus, Agnieszka Kosowicz,  
Maciej Mandelt, Joanna Mazur, Agnieszka Mikulska-Jolles,  
Filip Wesołowski

Collaboration:

Aleksandra Chrzanowska, Karolina Czerwińska, Marta Górczyńska,  
Karolina Kotowska, Monika Szulecka, Maria Złonkiewicz

Polish editing and proofreading:

Justyna Chmielewska

Translation to English:

Dr Katarzyna Byłów

Layout, graphic design and cover design:

Przemysław Trepka

Photos:

Anna Maria Biniecka, Karol Grygoruk, Dimitri Svetsikas

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