



Warsaw, 15 September 2021

United Nations High Commissioner for Refugees

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To whom it may concern,

We request an urgent intervention by the United Nations in Poland regarding the violation of fundamental human rights by Polish authorities, including violation of the Convention Relating to the Status of Refugees signed on 28 July 1951 in Geneva and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment signed on 10 December 1984.





Our organization – Ocalenie Foundation (en.ocalenie.org.pl) has been helping migrants and refugees for 21 years. Since 2015, we have observed an increase in violations of the rights of asylum seekers by the Polish authorities, including:

- deliberately promoting xenophobic discourse/sentiments towards migrants and refugees,
- rejection of applications for international protection contrary to the provisions of the Geneva Convention,
- pushbacks at official border crossings - denying the right to apply for international protection in Poland,
- violating the non-refoulement principle,

and from August 2021 also through:

- illegal and often violent pushbacks outside official border crossings,
- introducing legal provisions contravening the Geneva Convention, including those intended to create the appearance of legality for pushbacks of asylum seekers.

We turn to the United Nations because the European Union seems to accept the described state of affairs and the current actions of the Polish authorities pose a direct threat to the health and life of asylum seekers, including 32 people imprisoned in the town of Usnierz Górny on the Polish-Belarusian border.

A group of 32 citizens of Afghanistan (5 women and 27 men, 2 minors) have been detained for 38 days (at least since August 9, 2021) in the town of Usnierz Górny on the border between armed soldiers and border services of Poland and Belarus without humanitarian and medical aid. The group receives from the Belarusian side only every 2-3 days a few pieces of bread and sometimes 500 grams of groats (for 32 people), and those people drink dirty water. There are 25 people in the group with poor health, including those reporting serious medical problems such as: breathing difficulties (2 people), fever (10 people), diarrhea (8 people), kidney pain, hematuria, back pain, temporary loss of consciousness. All information above is as of 2.09.2021, the day of the introduction of the state of emergency, which forced our organization to leave the border area. Previously the health of members of the group was constantly deteriorating.

More asylum seekers are in a similar but shorter-lasting situation, including:



- a group of 26 people, citizens of Syria, Iraq (including Kurds), Egyptians, 2 people with serious health conditions (a 25-year-old with diabetes probably fell into a diabetic coma, and a 49-year-old man with cardiological problems), children aged 6, 7, 11 years old - due to the state of emergency, there is very limited contact with the group,
<https://oko.press/ponad-20-uchodzcow-koczuje-na-granicy-blagaja-o-pomoc/>
- a group of 10 people, citizens of Congo and Cameroon, including women who have experienced torture,
<https://bialystok.wyborcza.pl/bialystok/7,35241,27544437,push-back-na-granicy-uratowani-kongijczyki-ponownie-wyrzueni.html>

Groups that we have managed to help:

- a group illegally thrown by the Polish border guards into the swamps in the Białowieża Forest at night, including 3 men from Afghanistan, who the day before had appointed legal representatives in Poland and asked for protection
<https://bialystok.wyborcza.pl/bialystok/7,35241,27512669,odpychani-uchodzczy-wyrzueni-noca-do-scislego-rezerwatu-puszczy.html>
<https://oko.press/poprosili-o-ochrone-straz-graniczna-noca-wywiozla-ich-do-lasu-uciekali-przed-zubrami/>
<https://oko.press/topilem-sie-w-bagnie-zginalbym-w-tym-lesie-gdyby-nie-posel-opowiesci-uchodzcow-ktorym-sie-udalo/>
- a group of 9 women from Somalia who had camped on the border for 7 days, afraid of trying to ask for international protection in Poland again
<https://oko.press/dziewiec-somalijek-koczuje/>

There are many more similar groups and people, and the scale of unlawful and brutal actions by the Polish authorities is shocking and requires urgent intervention.

Illegal and inhumane actions of the Polish authorities documented in August 2021 by the Ocalenie Foundation, other non-governmental organizations, parliamentarians, the Ombudsman and the media:

- denying asylum seekers the right to apply for international protection (at border crossings, other sections of the border, on the Polish territory),

- rounding up asylum seekers on the Polish territory, illegally transporting them back to the border and forcing them to cross the border back to Belarus in places not intended for this purpose (also in swamps), which exposes these people to life threatening conditions,
- refusing to provide or allow non-governmental organizations to provide humanitarian aid to people imprisoned on the border between the border services of Poland and Belarus, including a group of 32 citizens of Afghanistan in the town of Usnarz Górny,
- refusing to provide or allow non-governmental organizations to provide medical assistance to people trapped at the border between the border services of Poland and Belarus, including a group of 32 citizens of Afghanistan in the town of Usnarz Górny,
- preventing legal representatives from contacting and visiting their principals - asylum seekers,
- concealing the identity of state officials carrying out illegal activities - refusal to show a service ID card while performing activities towards Polish citizens trying to help asylum seekers,
- denying the access of UNHCR representatives to asylum seekers e.g in Usnarz Górny,
- publishing false statements by public officials denying the presence of asylum seekers in Poland (despite their presence confirmed by satellite imagery),
- introducing a state of emergency in the area of 3 km at the Polish-Belarusian border without a factual basis in order to prevent non-governmental organizations and citizens from helping asylum seekers, for the media to document violations of the law and for parliamentary representatives to monitor the activities of state officials.

At the same time, we need to stress that the actions of the Polish authorities make it impossible for the Ocalenie Foundation to provide assistance under the UN grant to victims of torture among asylum seekers in the border area.

We request urgent intervention by the United Nations through:

- calling on the Polish authorities to respect the Geneva Convention and the Convention for the Prohibition of Torture,
- calling on the Polish authorities to enable international organizations and Polish NGOs to help migrants, including those seeking asylum, and those in the border area, and not to restrict media freedom:

<https://wiadomosci.gazeta.pl/wiadomosci/7,114883,27568435,dziennikarze-na-granicy-oswiadczenie-mediow.html#s=BoxOpMT>

- establishing a permanent UNHCR mission in Poland to monitor the situation in the border area, as well as in open and detention centers for foreigners - including Poland's compliance with the provisions of the Geneva Convention and the Convention on the Prohibition of Torture - with the possibility of monitoring the situation along the entire Polish-Belarusian border,
- establishing a UNHCR mission in Poland in the form of a transitional center for asylum seekers enabling them to safely contact the Polish border guard in order to apply for international protection and documenting the presence of these people in Poland and their declaration of application for protection,
- establishing a permanent IOM mission in Poland to monitor the situation of migrants in the border area,
- establishing a permanent UNICEF mission in Poland monitoring the situation of minors among migrants and asylum seekers in the border area, as well as in open centers and detention centers for foreigners.

Please treat this as an urgent matter because there is a real threat to the health and life of asylum seekers.

We kindly request to set up a meeting to discuss in detail the situation at the Polish border and possible solutions.

Attachments:

- Official statement of Ombudsman calling on the Polish authorities to allow a group of people detained in Usnarz Górny to submit applications for international protection
- Official statement of Ombudsman after the visit of the National Torture Prevention Mechanism in Usnarz Górny
- The report of the Ocalenie Foundation from activities in Usnarz Górny - version without sensitive data
- A study on the location of a group of asylum seekers in Usnarz Górny