



State Violence and Grassroots Activities

THE OCALENIE FOUNDATION'S REPORT ON THE HUMANITARIAN CRISIS IN THE POLISH-BELARUSIAN BORDER REGION

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Introduction

"VISA TO NOWHERE" - OUTRIDERS REPORT ON THE EASTERN ROUTE (EN)



In the spring and summer of 2021, Belarus started issuing tourist visas in the countries of the Middle East and Africa en masse. A network of travel agencies, carriers and airlines offered trips to Minsk via Istanbul, Dubai or Damascus, and from there to the Polish-Belarusian or Lithuanian-Belarusian border. Entire groups of people from cities in countries including Yemen, Iraq and Turkey were flown into Belarus and later transported to the Polish border. Those trips came with the promise that they would be able to cross the border freely. As a result, traffic on the migration route through Belarus to the European Union (EU) via Poland and Lithuania, part of the so-called Eastern Borders Route (as it is referred to in the Frontex taxonomy), increased rapidly. Previously, the limited traffic on this route had been linked to smuggling or migrating citizens of Belarus crossing the border.

During the first weeks of this process, many people did not find out that crossing is not easy until they had reached the Polish or Lithuanian border. However, Belarusian border guards prevented them from turning back. Belarus established camps along the border from which different groups set off for the Polish side, one after another. Alexander Lukashenko is accused of deliberate actions aimed at provoking a crisis in the EU. The Polish government responded by attempting to seal the border, militarisation, restricting access to the border zone, and pushing people caught in Poland back to Belarus.

Both countries' actions force migrants to hide in the forest for days, waiting for smugglers to take them to one of Western European states.

In Poland, the activity of institutions and organisations providing aid has been limited or blocked by the introduction of a state of emergency. In response, non-governmental organisations (NGOs) and activists have developed, at the grassroots level, a humanitarian aid network for people migrating along the eastern route. Often, these are people who sleep outside for many days without food, water or medicines, and experiencing violence by the border guards on both sides of the border.

This report summarises the Ocalenie Foundation's activities in the Polish-Belarusian border region from 18 August 2021 until the end of March 2022. Our task has been to provide humanitarian aid to people who attempt to make their way from Belarus to Poland and other Western countries seeking safety and a better life, some of whom spend many days in the forests of Podlasie. They experience state violence in Belarus and Poland, where the uniformed services carry out illegal mass pushbacks and impede the work of organisations and grassroots initiatives to protect human lives and health.





It should be emphasised that the Ocalenie Foundation was not a humanitarian relief organisation. Since 2000, it has been helping refugees, immigrants and repatriates in Poland. A number of the Foundation's programmes, such as the Help Centre for Foreigners, Refugees Welcome, Welcome Home and others, include help finding jobs, housing, psychological and legal care, language learning and other services and forms of support for foreigners in Poland. The foundation is particularly active in the three cities where it has offices: Warsaw, Łódź and Łomża. In recent years, the Foundation has devoted special attention to developing programmes and activities supporting foreign children and youth in their education and integration. The Foundation helps 2000–3000 people per year.

We continue to carry out all these activities, our commitment to humanitarian aid on the border with Belarus (and currently on the border with Ukraine, too) notwithstanding. The bulk of our funding comes from sources independent of the Polish government (individual donations, Polish and foreign philanthropic organisations, international organisations, companies and foreign public funds). This allows us to focus exclusively on our mission and maintain high professional standards.

With the humanitarian crisis on the Polish-Belarusian border, the Ocalenie Foundation, like many other organisations, faced completely new tasks. The help at the border described in this report would not have been possible without our extensive support network: thousands of individual and business donors and numerous organisations and grassroots initiatives we cooperate with.

We would like to express our gratitude to the residents of the border region involved in helping, whose commitment is absolutely unique and deserves every possible recognition. We would also like to thank our volunteers on duty with us at the border. Without them, the Ocalenie Foundation's presence in Podlasie would be impossible. This report describes our joint work.



We would also like to thank individuals, organisations and initiatives whom we work with at the border or who support our work directly:

- medical workers operating as part of the Medics at the Border and the Polish Centre for International Aid, as well as people working at hospitals, clinics and emergency rooms in Podlasie;
- brave and courageous people, whom we cannot name for safety reasons, who bring help in significantly more difficult conditions (at a much greater risk) in places that we cannot reach;
- organisations, initiatives and individuals operating as part of the Grupa Granica, and other groups providing direct assistance at the border;
- organisations and initiatives that help us stay strong and healthy:
 RegenerAkcja, Soup to the Border and Cooking Collective;
- the Szpila legal collective;
- the Family Without Borders initiative;
- representatives of Polish and foreign media, as well as independent journalists, who tirelessly and uncompromisingly document the scale of state violence and human rights violations;
- employees of the Office of the Commisioner for Human Rights;
- parliamentarians defending human rights, as well as their offices' employees;
- all the people organising collections of items and giving us the support we have agreed upon;
- the committed residents of Podlasie who support our activities by lending us space and cars, and providing organisational assistance, among other things;
- local government representatives in border towns supporting our activities;
- employees and volunteers of the Great
 Orchestra of Christmas Charity;
- employees of the Polish UNHCR office.

The report has two parts. In the first part, we discuss the most flagrant manifestations of state violence: pushbacks and declaring the state of emergency. We begin with a description of the first intervention at the border, in Usnarz Górny. This was not only our first intervention, but also our first encounter with state violence during this humanitarian crisis.

The second part of the report outlines our response to this violence and the most important forms of assistance we provide on the Polish-Belarusian border: humanitarian, medical, legal and help searching for missing persons. In the conclusion, we present the Foundation's

long-term activities, which we consider necessary to further support people who remain in Poland after arriving via Belarus.

Finally, a few words from the author of the report:

Preparing this study was difficult. All the figures mentioned – about where the people come from, their health, and the violence pushbacks they have experienced – apply to specific individuals. For the purpose of the study, conversations held on the Foundation's emergency channels and during encounters in the forests of Podlasie were turned into figures that show the scale of unnecessary suffering.

The number of calls we were unable to answer because they came from the state-of-emergency zone or from Belarus shows how wrong and harmful the Polish government's political decisions are – these people would not have had to seek our help if Poland had not broken the law. Meanwhile, the number of reported cases of missing people and the origin of these reports show – apart from the tragedy of missing persons and their relatives – a network of goodwill and care for migrants. However, this network is not strong enough in the face of the violence of two states.

Although the figures reveal much about the reality on the border, they say very little about individual stories. Each chapter is therefore illustrated with a description of one intervention, which makes the issues raised in the report more tangible. These passages are based on accounts by the Foundation's employees who took part in these interventions. However, it is still our perspective – the activists' perspective. For this reason, our report opens with a description of the journey from the point of view of a refugee who took the Belarusian route.

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We dedicate this report to the memory of the people who died in the Polish-Belarusian, Lithuanian-Belarusian and Lithuanian-Polish borderland. They are victims of the violence that these countries' authorities decided to use against them, in various forms and to varying degrees. At the time of publication, we knew of at least 16 victims of the political violence. We will probably never know the exact number.

The journey

We will not hear most of the stories of the migrants' journeys. Some managed to cross Poland into Germany (in November 2021, the number was around 11,000 people) or other Western countries. Some have not succeeded and are still in Belarus, trying repeatedly to get into Poland. Others returned to their home countries after repeated pushbacks. We also know that at least 16 people died on the border.

AMNESTY INTERNATIONAL REPORT ON MISTREATMENT OF REFUGEES AT THE BORDER (EN)



<u>"KARTA" NUMBER:</u>
STORIES OF PEOPLE MIGRATING OVER
THE POLISH-BELARUSIAN BORDER (PL)

₹

We open this report with the story of a young man from Afghanistan. During the first weeks of the humanitarian crisis at the border, Khaled and three of his friends took the migration route through Belarus into Poland on foot. His story is unique in several respects. What sets it apart is how it started and how lucky Khaled was. At the same time, it is similar to others: in the experience of being trapped in the borderland, the violence, hunger and fear for one's life.

Khaled's story was written based on his own account. It refers to "soldiers" and "border guards". In most cases, however, he and his companions may not have been aware which authorities they were dealing with. Sometimes, they did not even know whether they were Polish or Belarusian officers until they had spent more time talking to them (one of Khaled's friends speaks Russian and he himself speaks English very well). The men spent eight days in the forest.

Khaled's Story

Khaled's journey to the West began in Kabul. He is a software developer and UX designer. He had intended to study for a Master's degree in Europe, but when the Taliban seized power in Afghanistan "everything was over", he said. His plans were interrupted.

As an employee of an American company with a contract with the Afghan Ministry of Defence, he could have been evacuated from Kabul by the United States. Many of his colleagues made their way to the US this way. For several days, he was in the queue of people seeking evacuation, but was unable to get on a flight out of the country.

His next chance was the International Collegiate Programming Contest in Moscow. Before the pandemic, the Afghan team had successfully passed the selection process, but the competition was postponed until 2021. Despite the difficulties, Khaled and his teammates managed to obtain a visa and travel to Russia via Iran. Although they took part in the competition, they focused primarily on finding a way to avoid returning to Afghanistan. They wanted to get to the West, to a safe country.

ABDUL KHALED MOHEBI'S REPORT (EN)



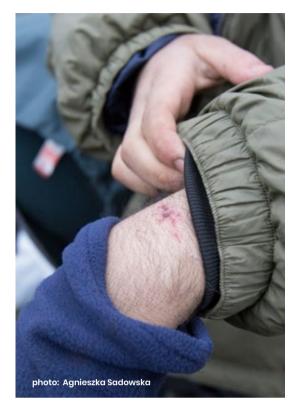
They contacted a number of embassies, but each time, due to some details in the regulations, it would have taken longer to obtain a visa than they could stay in Russia. Afghan students in Moscow told them about the route through Belarus and put them in touch with people who later turned out to be human smugglers.

These people offered to take them through Belarus and claimed it was possible to get to the border by taxi. Describing this part of his journey, Khaled jokes about his friend, who had eaten all his food supplies while still in the car, convinced that he would soon be in a safe place.

On our way to Poland, we were thinking: "This is a European country, we will show our passports at the border, present our situation – after all, we are from Afghanistan – and the border guard will let us through, acknowledging that we are not safe in our home country". However, when the Belarusian soldiers took us to the Polish border, the guard said: "Don't you know what's going on here? You should have watched the news". At that time, in early October, there was little in the media about the situation on the Polish-Belarusian border, and we were mainly following the news from Afghanistan.

When the group arrived at the border, the Belarusian soldiers seemed nice. Everything changed when the men were not allowed through to the Polish side – they refused to let them return to Belarusian territory and threatened them with weapons.





The border area in Belarus is fenced off. The men spent three days there, looking for a way out. When they ran out of food and water, they tried to cross the fence to the Belarusian side. It turned out that it was equipped with motion sensors and the border guards appeared very rapidly. They set dogs on them, beat them and put weapons to their heads. When one of the Afghans managed to escape, a Belarusian soldier who wanted to scare them fired a shot just few inches from the head of one of the man's companions, shouting: "Tell him to come back!". Khaled and his friends did not break. They still hoped that the fugitive would be able to call for help. However, the Belarusians took the group to a different location. In the days that followed, the men had nothing to eat and drank water from the leaves.

I was looking at my exhausted, sleeping companions. They looked like they were dead. I was crying. I wrote a post on Facebook that we had made a mistake, that we were going to die at the border, and that it was probably the last time my friends would read a message from me.

ANDRZEJ MELLER'S REPORT (PL)



The post was shared many times and the information about the Afghans reached a Polish journalist, Andrzej Meller. He got in touch with Khaled and the Ocalenie Foundation. However, as long as the group was in Belarus, it was impossible to help them. Meanwhile, wandering along both borders unsure what to do, the men encountered more Belarusian soldiers. They turned out to be good people.

They said that they did not want to be on the border, but had been deployed there. They took Khaled's group to a place where they were given bread and water – each of them immediately drank three bottles. The soldiers charged their phones. They said: "You cannot go back to Belarus, you have to go to Poland. We will show you which way to take – and do not come back. Others will not be as good as we are."

Khaled and friends waited until dark. They hid from the Belarusians – so as not to expose themselves to more violence – and from the Poles, hiding which way they would try to cross. Khaled laughs recalling how he silenced his snoring companions. During their first attempt, they were stopped while still on the Belarusian side. They spent the night lighting a fire with their own socks near the Polish border guards, talking to them. One of them said: "We cannot help you while you are in Belarus. Maybe we will be able to when we meet in Poland". They managed to cross on the second night.

It was like a computer game. We were watching a guard scanning the area with his torch left and right. We followed his movements. They slowed down when he got tired. We took advantage of that moment to get to the other side.

They ran for several kilometres all the way to the first village or town, where they stopped. It was no longer dark. They wondered if they could show up in their ragged clothes. There was a huge hole in Khaled's jacket, his friend had no sleeve, and they had patched their trousers with duct tape. Before they could decide what to do next, the border guards were already on the spot. The one they had spoken to the night before was among them. "You promised to help us!" said the Afghans, crying. Indeed, the man had spoken to the commander, to no avail. The group was taken back to Belarus.

The following night, they managed to cross again. This time, they knew they could not leave the forest. Besides, they no longer had the strength to go far. In desperation, despite their lack of trust and fear that they were sharing their location with the police, they wrote to Meller. The Ocalenie Foundation's activists could not reach the group in the state-of-emergency zone, but local residents came to their rescue. "We had our first real meal in eight days," Khaled recalls. The men changed out of their ragged, soaked and dirty clothes into new ones. To continue their walk and leave the zone, they waited for nightfall again.

This time, they ended up in the swamps. Khaled fell into the silt several times. He recalls that, without his friends' help, he would surely have drowned. In the end, they managed to hide by the road and call the Ocalenie Foundation's activists again. While they were waiting, the Polish uniformed services' cars passed them many times.





The vehicles would stop, someone would get out and shine a torch at the forest. However, their hiding place was good enough. Later, when he was already at the Border Guard post, Khaled found out that the guards had been looking for them – they had caught sight of four men walking through the forest with their cameras.

Khaled remembers how the activists explained to him and his companions many times that they could apply for international protection in Poland and would receive the Foundation's support in the process. For this to happen, however, it would be necessary to call the border guards, and the result was uncertain: the guards might take them to the post and accept their applications – or take them back to Belarus. The men took the risk; they did not have the strength to move on. They did not even know where they were supposed to go. This time, they succeeded.

The Afghans spent several days at the Border Guard post, where they were given bread and butter. Khaled later saw the same butter in a Biedronka supermarket; it immediately reminded him of that time. However, they did not eat the provisions they had received from the Foundation's activists, fearing that they would need them if the guards took them into the forest again. This did not happen, though. The men were taken to the Guarded Centre for Foreigners in Wędrzyn, and then to another one in Krosno Odrzańskie. Eventually, Khaled found himself in Warsaw, where he was hosted by a Polish family. While waiting to be granted refugee status, he cannot work for six months, so he is helping Ukrainian refugees and those leaving guarded centres as a volunteer.

Afghanistan has been ravaged by war for 45 years. This is why Khaled set out on his journey. A few years ago, he survived a terrorist attack that left shrapnel in his head. He was lucky; many of his friends were killed then. He wants a safe life for his future children. He also wants to help his sisters and parents leave, so that they too can live in safety and peace.

PART ONE

State violence

While helping in the Polish-Belarusian border region, we regularly come across abuses by the authorities. On 6 October, activists from the Foundation were detained for several hours by the police, then handcuffed and taken to a fast-track trial for driving through an area covered by the state of emergency. We were regularly turned back by patrols standing a few dozen or few hundred metres in front of the zone, which means that, in practice, the uniformed services are extending the zone arbitrarily. On 20 November, a Foundation employee and volunteers were stopped by soldiers from the Territorial Defence Forces, who snatched their phones from their hands. On 11 January, first aid equipment (a defibrillator and a medical backpack) was confiscated by border guards. We only found it after we tried to report the theft.

OCALENIE FOUNDATION PRESS CONFERENCE, 11 JANUARY 2022 (PL)



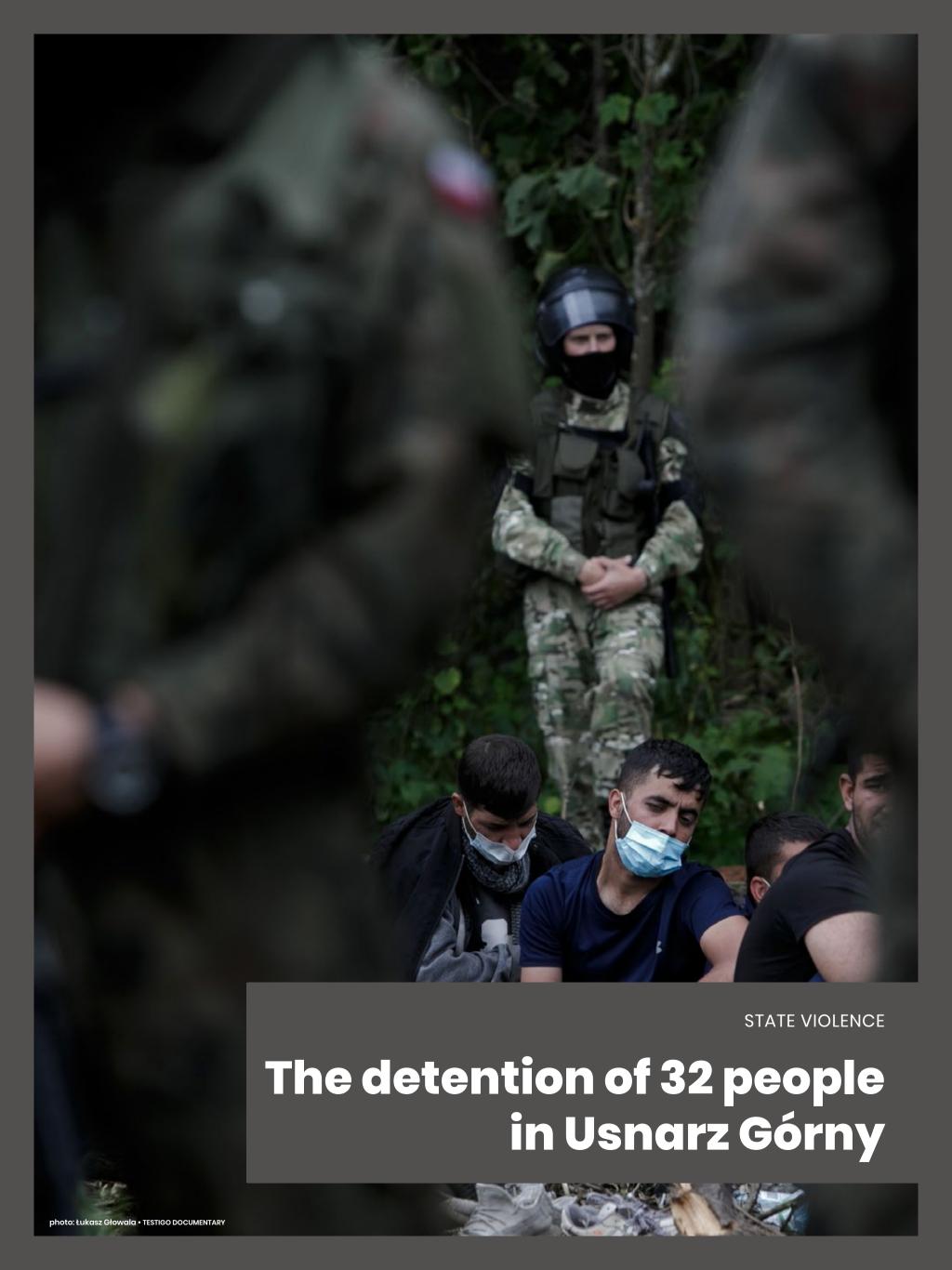
BORDER MILITARISATION:
- THE BORDER GUARD WEBSITE (PL)



- PPA REPORT (PL)

- RP REPORT (PL)

However, above all, the **militarisation of the borderlands** means tracking down people and pushing them back, as well as systematic violence against migrants – violence that the government is trying to legitimise with subsequent legislation that violates the Polish Constitution and international law.



Today, after what we have seen at the border over the months that followed, it does not surprise us so much anymore. Yet, in August, it was unthinkable: dozens of people trapped at the border.

[from an interview with an Ocalenie Foundation employee]

In August 2021, the media and various organisations were able to directly observe the actions of the authorities, who had cordoned off 32 people. In this way, they were not allowed to enter Poland, while being denied entry by Belarusian border guards on the other side. On 2 September, when President Andrzej Duda's decree on the state of emergency came into force, the Ocalenie Foundation had to pack up the field office from which it had been monitoring the officers' actions and the trapped people's condition.

According to the statements by the people trapped on the Polish-Belarusian border in Usnarz Górny, they were already further inland in Poland before the guards caught them, making this the first pushback that we are aware of. They were seized by the police, who handed them over to the border guards. Instead of directing people to centres for foreigners, the Border Guard officers took them to the border in a larger group and ordered them to cross to the other side. There, they encountered Belarusian border guards, who did not allow 32 people to pass.

Our first recollection: we arrived at night, saw brightly-lit vehicles, soldiers in full gear. We could barely see the camp from the distance and also heard individual voices. We thought that the matter would be resolved within a few hours. Later, that it was a matter of days, at most. But it turned into a never-ending story.

[from an interview with an Ocalenie Foundation employee]

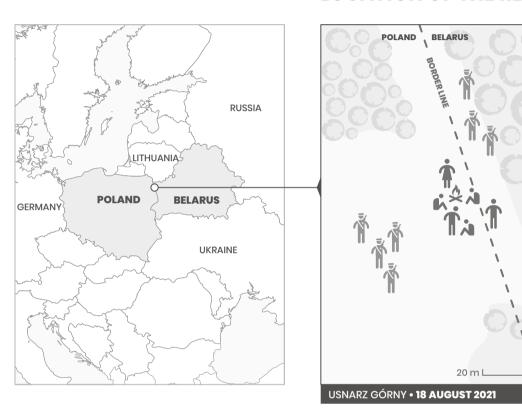
The Ocalenie Foundation team had a permanent presence in Usnarz Górny from 18 August 2021. According to information we received from the trapped people the day after we arrived, it was already the 10th day that they were being held by the border guards and the 24th day of their journey. However, when we arrived, none of us were allowed to join the group, so we could not speak to them until the next day – from a distance of 10–15 metres, through a cordon of military vehicles.

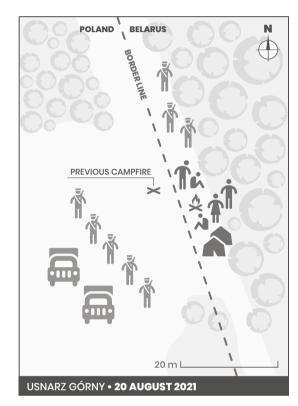
ANALYSIS OF THE LOCATION OF THE REFUGEE CAMP IN USNARZ GÓRNY - REPORT BY BARTŁOMIEJ STROIŃSKI (PL)



- INVESTIGATION BY AMNESTY INTERNATIONAL (PL, EN) The officers did not provide any legal grounds for this restricted contact. Their task was to ensure that none of the Afghans were on the Polish side. This was supposed to justify the lack of humanitarian intervention and the refusal to allow these people to go any further. However, two independent studies by Amnesty International and Bartłomiej Stroiński show that the camp was largely on Polish territory for some time. The people held there told us that around 27–28 August, Polish officers ordered them to move their tents towards the Belarusian side. This happened after satellite pictures were published online showing that most of the group was on the Polish side.

LOCATION OF THE REFUGEE CAMPS





Source: Amnesty International Investigation/Report by Bartłomiej Stroiński

The first time we spoke to the group, we gathered the most important information: there were 32 people from Afghanistan in it (5 women, including a 16-year-old girl; there was also a 17-year-old in the group). They spoke Dari, a dialect of Persian. They had fled Afghanistan due to the risk posed by the Taliban, including death threats for collaborating with international organisations and the former Afghan government. In the women's case, the reasons also included professional work (as a teacher) and attending school and university. Some of the people held at the border had family members who had been murdered by the Taliban, and had themselves received kidnapping or death threats.

During their very first conversation with us, the group's members reported health issues, including diseased kidneys and a spinal injury. They had not eaten or drunk for 24 hours. Before that, they had been provided with food and water by Polish border guards, but when the first media reports of the events appeared, they stopped doing so.



REPORT BY MP MACIEJ KONIECZNY FROM USNARZ GÓRNY (PL)



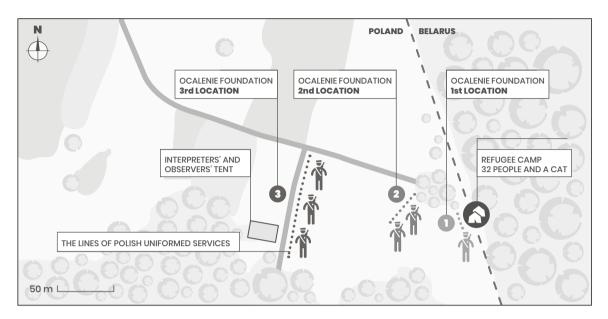
Although the Ocalenie Foundation's staff did not have direct physical access to the Afghans, who were being detained 10 metres away, Polish members of parliament did (although this was later forbidden, too). MP Maciej Konieczny was therefore able to provide water, food (including meals prepared by local residents), tents, sleeping bags and power banks.

People we spoke to claimed to have notified the border guards of their intention to apply for international protection in Poland. In response, they were told to "go home". In the days that followed, we repeatedly helped the entire group expressing their desire to apply for international protection. Each person also had an attorney from the team of lawyers we coordinated (we managed to transfer the power of attorney through an MP). Contrary to the provisions of the Polish constitution, EU law, the Refugee Convention, and other legislation, our clients' declarations were ignored by the border guards, and their attorneys were refused any contact with their principals. The authorities also completely ignored the 25 August decision by the European Court of Human Rights on interim measures. This obliged Poland to provide our clients with water, food, medical assistance and shelter. They also ignored another decision, which stated that the detainees in Usnarz Górny should be able to contact their legal representatives. During this time, only one border guard could be identified, which was recorded by the media. Moreover, the guards, police and military officers refused to show their identification cards, even when asked to do so by MPs and senators.

During the first few days, the border guards kept widening the area that organisations and the media were not allowed to enter. The cordon

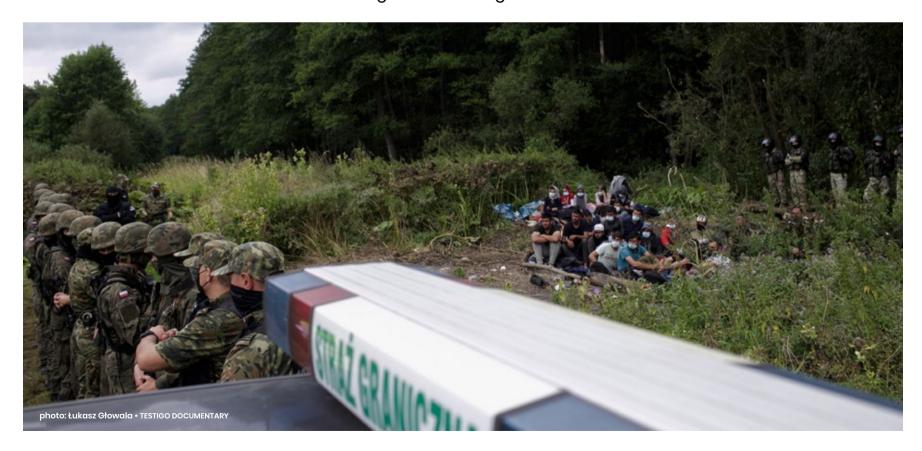
was first set up 50 metres from the trapped group, then 150 metres. The guards did not specify why they were restricting access to the area, or claimed that it was due to the "border operation". At the same time, the owner of the field that we had no access to was allowed to enter his property to harvest hay.

GRADUAL SHIFT OF THE OCALENIE FOUNDATION'S FIELD OFFICE



Source: Ocalenie Foundation internal material

In response to the restriction of our freedom of movement, we spontaneously set up a field office. The goal was to prevent us from being further separated from the group that had been trapped. By staying in its vicinity at night, we were avoiding the risk of returning the next day and finding a cordon of forces keeping us even further away from the Afghans. The long distance made communication more difficult.



While the interpreters working with the Foundation could use megaphones, the trapped people responded by shouting or raising their right or left hand to save their voices. The officers regularly made communication difficult or impossible. They would jam us by running car engines, turning on car sirens, using other devices to make noise, and cordoning off the group with vehicles to prevent them from responding by raising their hands.













photo: Maciej Moskwa • TESTIGO DOCUMENTARY

Despite the difficulties communicating, in the following days, our clients reported that certain individuals' health was deteriorating. They reported kidney, back, and whole body pain, pus coming out of the navel for days, breathing problems, chest pains, fever, vomiting, diarrhoea, other cold symptoms, exhaustion and extreme stress.

As early as the third day of our stay in Usnarz, we tried to call an ambulance to help one of the women, but according to the dispatcher, the group was "in the custody of the border guards and only they were allowed to do this".

However, the guards (both then and later, at least 18 times in total) refused to call an ambulance, hand over medication or, when a medical team was on site, allow doctors to access the group. They also refused to hand over the food and personal hygiene products that the women had asked us for.

POLISH UNIFORMED SERVICES' OPERATIONS IN USNARZ GÓRNY

9 AUGUST	0	The likely date when the Afghans were trapped at the border.
19 AUGUST		Border guards ignore declarations by the people being held that they wish to apply for international protection in Poland, made in the presence of lawyers
20 AUGUST		Officers move people from the media and NGOs 50 metres away from the campsite.
21 AUGUST		Officers move people from the media and NGOs 150 metres away from the campsite.
21 AUGUST		For the first time, border guards refuse to call an ambulance and give the trapped people medicine.
22 AUGUST		A private ambulance arrives at the site. The border guards do not allow it to reach the sick people.
24 AUGUST		The border guards prevent one of the MPs from delivering medicine, food and water to the trapped people.
25 AUGUST		European Court of Human Rights orders interim measures concerning the trapped Afghans.
25 AUGUST		Disregarding the ECHR decision, border guards prevent the group from being provided with water, food and medicine.
27 AUGUST		After analysis of the camp's location is published, the officers order the Afghans to move towards the Belarusian border.
28 AUGUST		All the detainees are ill. Another ambulance arrives at the site; the border guards and police officers refuse to let medical assistance reach the Afghans.
29 AUGUST		One of the women has problems breathing. The officers refuse to allow her to receive medical assistance.
30 AUGUST		The health of the whole group deteriorates. Officers refuse to allow medical assistance.
31 AUGUST		One of the people loses consciousness. Officers refuse to allow medical assistance.
1 SEPTEMBER	ļ	Last day that the Ocalenie Foundation, other organisations, activists and media are present in Usnarz Górny. At midnight, the state of emergency begins.



OKO.PRESS COVERAGE FROM USNARZ GÓRNY - 12 SEPTEMBER 2021 (PL)

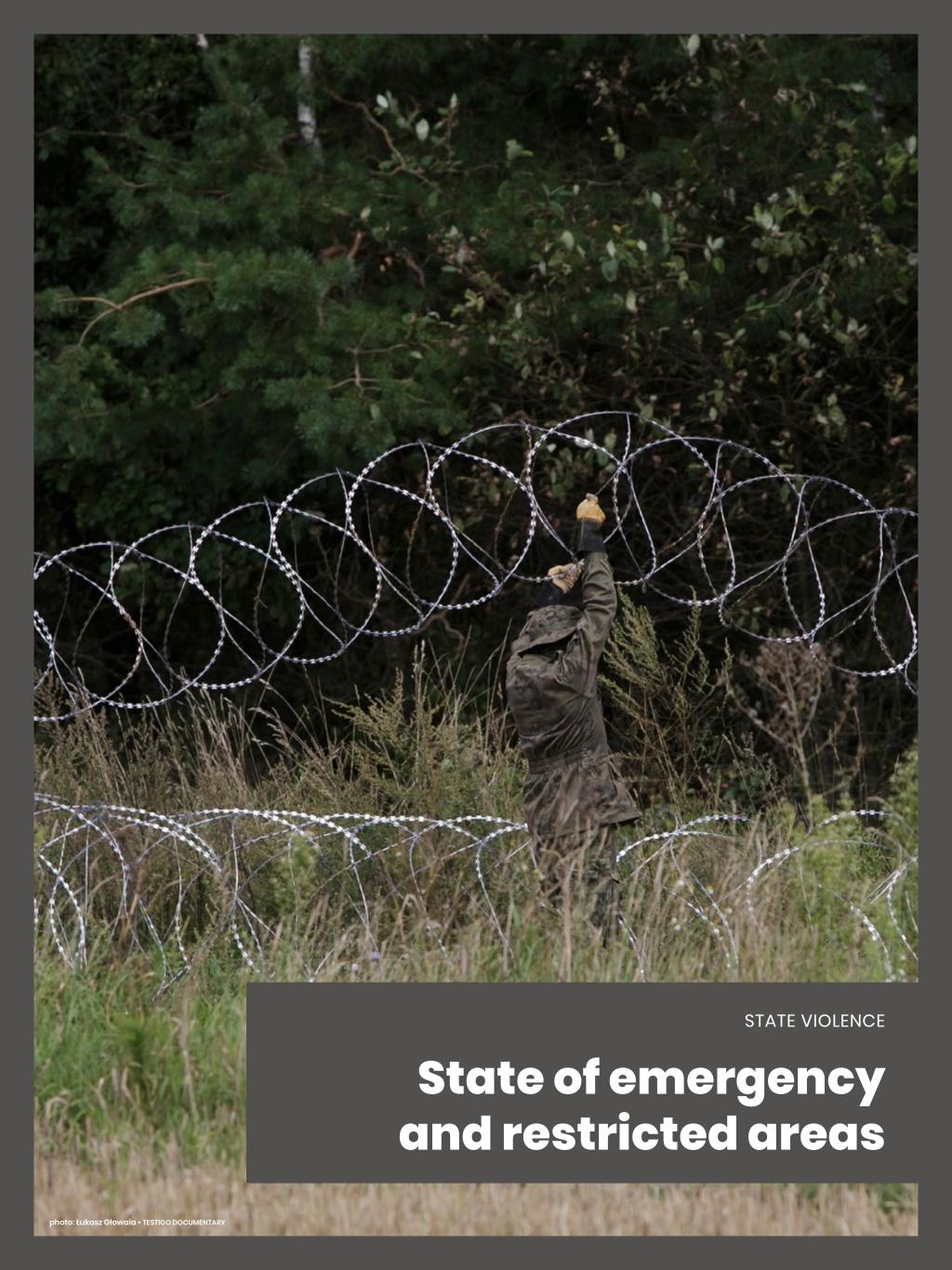


The group of 32 people was held in the open air. They were in a small space, without being able to meet their physiological in private, in worsening weather and surrounded by masked border guards and soldiers with long firearms, who were about 5-10 metres away from them.

This lasted roughly from 9 August to 20 October. During this period, a razor wire barrier was placed alongside the border. Before midnight on 1 September, when we were forced to leave Usnarz Górny due to the introduction of a state of emergency, a concertina fence had already been placed a few hundred metres from our clients. On 20 October, desperate people crossed the fence to the Polish side. Security officers used tear gas on them, caught and handcuffed them, smashed their phones, and pushed them back to Belarus.

Nine months later, in March 2022, only one of them managed to get into Poland again. When this report was being completed, he was in a guarded centre for foreigners.

We do not know what happened to the other 31 people.



REGULATION OF THE PRESIDENT
OF THE REPUBLIC OF POLAND,
2 SEPTEMBER 2021 (PL).



In his act on 2 September 2021, President Andrzej Duda introduced a state of emergency in 183 localities – or "cadastral districts", to be more precise – in the Podlaskie and Lubelskie Voivodeships.

NFP: POLAND'S STATE OF EMERGENCY ON BELARUS BORDER EXPLAINED (EN)



On 1 October, it was extended by another 60 days. However, commentators point out that the introduction of a state of emergency described here was unconstitutional.

SOME OF THE BANS INTRODUCED BY THE STATE OF EMERGENCY REGULATION:

- suspension of the right to organise and hold assemblies, mass events, and artistic and entertainment events that are not considered mass events:
- a 24-hour ban on staying in specific places, facilities and areas;
- a ban on using technical equipment to record the appearance or other characteristics of specified places, facilities or areas;
- restriction of access to public information concerning activities carried out in the area covered by the state of emergency in relation to protecting the state border and preventing and counteracting illegal migration.

THE ACT OF 17 NOVEMBER 2021 (PL).



The next step by the authorities was to amend the act on the state border. On behalf of the Ministry of the Interior and Administration, Secretary of State Maciej Wąsik was responsible for drafting new regulations. He made amendments to the above-mentioned act allowing the minister, again by regulation, to impose a ban on staying in the area adjacent to the border. The latest regulation is in force until 30 June 2022.

REGULATION OF THE MINISTER
OF INTERIOR AND ADMINISTRATION
OF 28 FEBRUARY 2022 (PL).



All these pieces of legislation include several exceptions to this ban. They primarily concern the residents of the towns and villages within the zone (however, they are not allowed to move freely in the whole zone, only in the vicinity of their locality), persons carrying out everyday matters in the zone, and the uniformed services.

However, employees of humanitarian organisations are banned. Media presence is also limited, as the commanding officer of the Border Guard post's consent is needed. In mid-October, Ocalenie Foundation activists were detained by the police for 12 hours for driving through the zone where the state of emergency had been declared. The activists were returning to their base from an intervention in which they helped six people, including two children. They were driving along roads that were not marked as entering the zone. When they had realised that they were in a town within the zone, they decided to take the main road, so they did not have intention to hide from the police. Despite this, the police arrested them and took them into custody at 2 a.m. They remained there until 2 p.m., when they were taken to an expedited trial in handcuffs. The court cleared both activists, noting that they had only been passing through the zone and that this kind of transit was permitted.

LEGAL ACTS IMPOSING THE STATE OF EMERGENCY AND THE RESTRICTED AREA

2 SEPTEMBER 2021 \circ 2 September 2021 - Regulation of Polish President Andrzej Duda on introducing a state of emergency in part of the Podlaskie and Lubelskie Voivodeships

1OCTOBER 2021 \Diamond

1 October - Regulation of the Polish president on extending the state of emergency in part of the Podlaskie and Lubelskie Voivodeships

17 November 2021 - Act on amending the State Border Protection Act and certain others acts

28 FEBRUARY 2022 \diamondsuit

28 February 2022 - Regulation of the Minister of Internal Affairs and Administration on introducing a temporary ban on staying in a specified area within the border zone adjacent to the border with Belarus

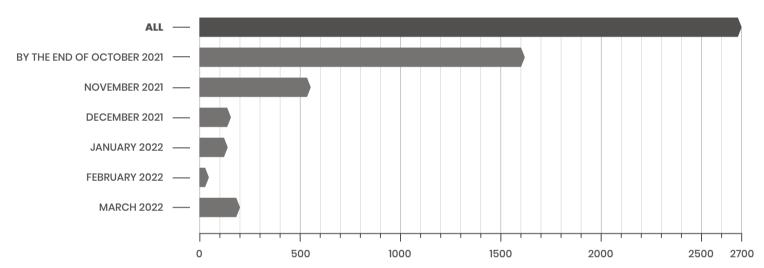
30 July 2022 - End of the ban introduced by 30 JULY 2022 \diamond the Regulation of 28 February

> The passage below describes an intervention in which it was necessary to enter the state-of-emergency zone to save the life of a little girl. People in our team were fined for entering it. However, they appealed against these fines; in one case successfully. The lawyer invoked two grounds: the absolute necessity and the fact that the regulations issued by the president and the Council of Ministers were not empowered by law and by the Polish Constitution.

The need to save lives is obviously more important than the obligation to respect the ban on staying within the state-of-emergency zone. Besides, the ban is ineffective because Constitution specifies the prerequisites for introducing the ban: a real threat to the constitutional system of the state, citizens' safety, or public order. None of these prerequisites occurred. The court recognised the second argument mentioned above. Since the law had not been broken, saying that the law had been broken to save lives proved to be unnecessary.

Even if the courts deem the state of emergency and the ban on entering the zone illegal, the creation of the zone is a significant obstacle to helping people at the border. By intervening in this area, we run the risk of being confronted by the authorities and having our activities suspended for several or even several dozen hours (in the situation described above, the Foundation's assistance was suspended for several hours).

NUMBER OF PEOPLE CALLING THE OCALENIE FOUNDATION EMERGENCY NUMBER*



*The number of people that someone is contacting us on behalf of is not always known.

NUMBER OF CALLS FOR ASSISTANCE, INCLUDING REQUESTS FROM*:



*The location of people who call for help is not always known.

At least 12% of the calls for help we received came from people in the zone. In these cases, local residents are required to help. However, they have been deprived of the support of organisations, which cannot enter the area.

It should be noted that the network of local residents who help is unevenly distributed. In some places, a large group of people is involved. In others, the people helping are rather isolated and have therefore intervened more times. Professional humanitarian organisations' access to the border area is crucial.

Czepiele

1-2 OCTOBER 2021 • TWO-YEAR-OLD VIJAN



The beginning of the Ocalenie Foundation's regular presence in the border area and one of the first interventions. A group of 10 Kurds were right on the border of the state-of-emergency zone. Two couples with children – a two-year-old and a four-year-old girl, an eight-year-old boy and three further adult relatives. The youngest child had infantile cerebral palsy. Although the group was just an hour's drive from our base, it took us several times longer to get there.

This is because we were receiving so-called pins (location information) from different places, several kilometres away from each other, as the GPS did not work properly. After reaching the right location, we waited for the group to move a few hundred metres and leave the zone so that we could help them. Around midnight, we received a message that the youngest child, Vijan (name changed), had stopped breathing. We decided to intervene immediately.

On our way to the group, we did not see any signs indicating that we had entered the state-of-emergency zone. The main roads were marked, but minor roads lacked signs saying that entry had been prohibited (in many places, even now). It was and still is easy to enter the zone accidentally. However, we had a map of the zone and knew that the families were in a village covered by the state of emergency. We found the group on the road in the small village.

After a quick examination, we found that, although Vijan's breathing was shallow, her life was not in immediate danger. In the car, we warmed her and the other two children with electric blankets, as all three of them were suffering from hypothermia. The girl's condition improved and stabilised. We also took care of the adults, giving them food and water, helping them warm up and connecting them with a Sorani interpreter.



It was then, after talking to the girl's parents, that we found out that she was had epilepsy and had been off her medication for a week. With the family, we decided to call an ambulance.

While waiting for the ambulance and border guards to arrive, we collected the powers of attorney but, unfortunately, they were filled out incorrectly by the entire group. The people were frightened and distrustful. They clearly realised - better than we did then – that they were likely to be taken back to Belarus; perhaps only Vijan, her parents and brother might be able to avoid this if she were taken to hospital. We tried to protect everyone by explaining the rules on applying for international protection. It was already clear that the ambulance call entailed the presence of border guards and therefore the risk of being pushed back. However, we believed that declarations of willingness to apply for international protection in Poland and the powers of attorney that we had been granted would be respected by the authorities.

The border guards arrived first, followed by the ambulance. The guards were theatrically friendly. They gave everyone a bottle of water and expressed their concern that there were children in the group. They also asked us to hand over more pins, claiming that they wanted to help other people. At the same time, holding long guns, they surrounded the group. They did not respond to our requests to put their weapons down. After all, there were children and exhausted people present; holding rifles in front of them was completely unjustified – or even harmful.

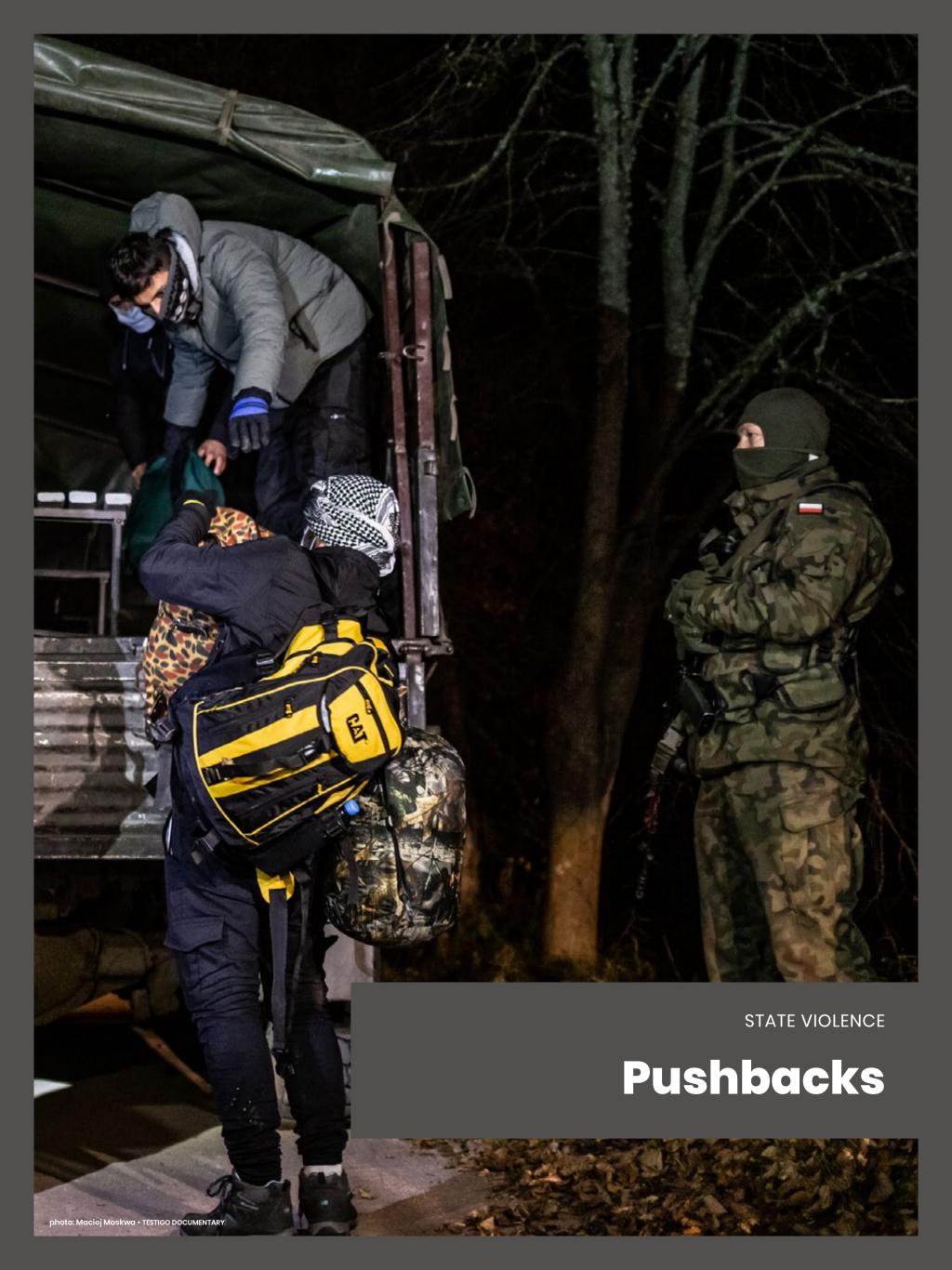
While the medical team was assisting the children, the guards announced that they would fine us for being in the state-of-emergency zone. At first, we refused to accept them. Then they threatened to detain us until an expedited trial. This would, of course, have prevented us from helping other people, so we decided to accept the fines.

Vijan and her father were taken to hospital, and her mother and brother to the Border Guard post. The other six people, including the four-year-old girl, were put in a different car. As it drove deep into the zone, we were unable to follow them to ascertain whether they were taken to the appropriate facility, as the guards had assured us.

When we returned to the base, we received a pin message indicating that the group was already on the Belarusian side. Most likely, they had been pushed back immediately, without even a short stop at the guard post to collect information about them and warm up.

Vijan's family was taken to a Border Guard post and then to the Dialog Foundation. She did not receive medication for her epilepsy for the next few days. After repeated episodes of seizures, she was taken to hospital again. Her parents were allowed to take turns staying with her.

Their further fate is unknown to us.



Narewka

10 OCTOBER 2021 • 13 PEOPLE FROM IRAQ



A resident of the zone informed us about a group wandering around Narewka, in the state-of-emergency zone. He had previously called the border guards several times when he came across groups of migrants, but had realised that they were not ending up in safe places; instead, they were being taken to Belarus. This time, he called us. He was afraid that the large group – more than ten people – would be quickly spotted by the army and policemen, of whom there were many in the area.

There were four children in the group (6, 11, 15 and 17 years old), four women and five men. Knowing that they were all determined to apply for international protection in Poland, we prepared powers of attorney

and invited journalists to record the intervention and the officers' conduct.

We were convinced that the presence of the international media would protect the group from further pushbacks, especially as there were minors in the group. A previous, similar intervention had been successful, but this was at a different border guard jurisdiction.

Everyone in the group was in fairly good health, except for 11-year-old Alaa, who was suffering from an eye disease. One of her eyes was bandaged, she was slowly losing vision in the other and needed medication. The group spent many days in the forest and this was not her first time in Poland; she had experienced pushbacks before.



KRYTYKA POLITYCZNA COVERAGE (PL, EN)



The border guards arrived at the scene less than an hour after the call. The officer in charge acknowledged that Alaa needed medical attention. He also seemed to have accepted that everyone in the group was going to apply for international protection in Poland. However, he was not interested in checking the documents of our principals or the powers of attorney granted to us. He claimed that he was unable to assess their credibility and therefore could not say whether we had the grounds to demand his personal data.

Questions were also asked by the media. In the TVN footage, a spokeswoman for the Border Guard claimed that a group of thirteen people were at the facility in Narewka. However, our clients informed us that they had spent the night elsewhere, probably at a police station in the depths of the zone. They later wrote to us that the officers were leading them through the forest. They sent another pin and photos from Belarus. Photos of Alaa, the girl with the bandaged eye, whose story we have told here, can be found in media reports. They show her warming up





After some time, a military truck with covered license plates appeared at the scene. The entire group was ordered to get into it; first the adults, then the children. Masked soldiers in balaclavas with long rifles stood next to them. We were not given any information about which facility our clients would be taken to.

We followed them; and one of the residents of the zone was driving a car, too. We were stopped by a police patrol, but he was able to continue – though only to the nearest checkpoint. However, he saw the truck driving off towards the border, in the opposite direction to the nearest Border Guard post. A short while later, we went to the nearby facility in Narewka. Nobody wanted to talk to us and we never received an answer to the enquiry we sent the following day about our clients' whereabouts.

in our car, in a military truck, and in a forest glade near Tushemli, Belarus.

We asked the European Court of Human Rights in Strasbourg to order that Poland implement interim measures for the entire group.

In response, Poland wrote that our clients had never been to Poland – their presence was not registered. This proves that no administrative steps concerning them were taken. Their documents were not checked, they were not registered, they were not heard, and their declaration of willingness to apply for international protection was ignored. Without their identity being verified or their situation examined, they were taken back to Belarus.

UNIVERSAL DECLARATION OF HUMAN RIGHTS (EN).

Pushbacks are illegal practices by the Polish authorities that prevent migrants on the route through Belarus from exercising their right to seek asylum, as guaranteed in the Universal Declaration of Human Rights. Article 14 of the Declaration states:

"In case of persecution, every person is entitled to apply for and be granted asylum in other countries."

Seizing migrants and taking them to the border with Belarus, where they are forced to cross the border - without checking their identity and ignoring their wish to apply for international protection – is a violation of the 1951 Refugee Convention (commonly referred to as the Geneva Convention) and the Constitution of the Republic of Poland.

Meanwhile, Polish border guards have been carrying out pushbacks

since the beginning of the crisis. Subsequently, the Polish authorities have attempted to "legalise" this practice, first through the regulation

of the Minister of the Interior and Administration on 20 August 2021, and then through the amendment to the Act on Foreigners on 14 October 2021. This act contains provisions allowing Border Guard com-

manders to order people in custody to leave Polish territory right after

crossing the border in violation of the law. The Head of the Office for For-

eigners is allowed to disregard applications for international protection submitted by such persons and leave them without examination.





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BALKAN INSIGHT DOCUMENTATION OF PUSHBACKS (EN)



TESTIGO DOCUMENTARY DOCUMENTATION OF PUSHBACKS (PL)



REGULATION OF THE MINISTER OF INTERIOR AND ADMINISTRATION OF 20 AUGUST 2021 (PL)



THE ACT OF 14 OCTOBER 2021 (PL)



As in the case of the regulations and the Act on the state of emergency and later prohibition of stay in restricted areas, experts stress the inconsistency of these documents with higher-order acts, including international law.



UNHCR COMMENTS





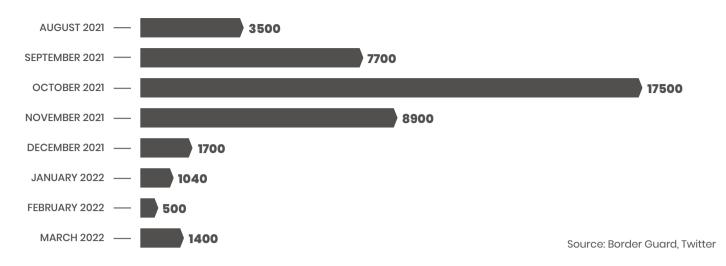
The Ocalenie Foundation's observations and experience indicate that deportations of people whose identity and welfare border guards are unlikely to have verified in any way are frequent.





The authors of the Granica Group report note that the scale of deportations may be reflected in data quoted by the border guards themselves. The Border Guard regularly publishes information about "attempts to cross the border". In 2021, there were supposedly 39,700 of these attempts.

ATTEMPTS TO CROSS THE BORDER



Explanations of what is meant by the term "attempts to cross the border" are provided in replies to parliamentary interpellations addressed to the Minister of the Interior and Administration. As Undersecretary of State Bartosz Grodecki explained in response to MP Franek Sterczewski's parliamentary interpellation:

An attempt to cross the border illegally is an accomplishment or an attempt to cross the border of the Republic of Poland contrary to the applicable law (this event is registered in the Border Guard's documentation). It includes people who are detained for crossing the border contrary to the law. It also applies to people against whom the so-called prevention was successfully carried out – i.e. right at the border, they were prevented from crossing the border, but no criminal or administrative measures were taken against them or they were given a caution and turned back to the border line. One attempt means one person.

However, in response to MP Urszula Pasławska's interpellation, Grodecki clarified that:

The same person attempting to cross the border again is recorded in Border Guard statistics as a separate attempt.

REPORTS ON THE "ATTEMPTS TO CROSS THE BORDER ILLEGALLY" (PL): GOVERNMENT INFORMATION SERVICE

→国

BIAŁYSTOK ONLINE

The Border Guard regularly publishes information about the number of these attempts on its website and on Twitter. In contrast, data on arrests and cases of "turning people back to the state border line" appear less systematically.

In response to an interpellation by MPs from the Razem party, the undersecretary of state at the Ministry of Internal Affairs and Administration reported that, between 21 August and 21 November 2021, "turning back to the state border line" applied to 31,210 people. With the data recorded and published in this way, it is impossible to determine the exact number of people who have crossed the border and been



discovered, whether by the Border Guard or because they come forward themselves to apply for international protection. Data from the Border Guard does illustrate the scale of the pushbacks; these are multiple pushbacks of the same people, including children. We documented the pushbacks of around 140 people, including 25 children, on the basis of communication with people we had helped, who later sent us information about their location in Belarus.

"THE FIRST RULING ON PUSHBACKS" (PL)



The first ruling on pushbacks by a Polish court was published on 28 March 2022. Joanna Panasiuk, a judge at the District Court in Bielsk Podlaski (Department in Hajnówka), found the actions of border guards from the facility in Narewka, who in August 2021 had stopped and transported three Afghans to the Białowieża National Park, near the Belarusian border, to be unjustified, inappropriate and illegal.

PART TWO

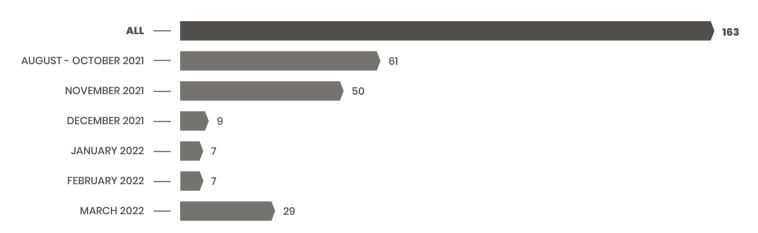
The Ocalenie Foundation's activities

The purpose of the Ocalenie Foundation's presence in the Polish-Belarusian border region is to provide humanitarian aid and legal support to people who, while crossing the border, experience state violence inflicted by the Polish and Belarusian uniformed services. For us, this violence encompasses not only physical violence, usually perpetrated by the Belarusian border guards, but also pushbacks from the Polish side, preventing access to shelter, food and medical care in safe conditions (without the risk of being expelled).

Between August 2021 and the end of March 2022, we helped around 750 people in 163 interventions. Our clients were primarily from Syria, Afghanistan, Iraq (including Iraqi Kurdistan) and Yemen.

The support offered by the Foundation and other groups operating at the border is often insufficient. We provide people staying in the forest with a hot meal, water, hot tea, a change of warm, dry clothes, sleeping bags, body warmers, power banks or a supply of high-calorie food (which is especially needed when the people we have helped are turned back to Belarus). We also offer first aid. However, all this only helps people survive the next two or three days in the forest, outside.

NUMBER OF OCALENIE FOUNDATION INTERVENTIONS



PEOPLE HELPED BY THE OCALENIE FOUNDATION



Fully adequate assistance could only be provided with the Polish state's consent and cooperation. Meanwhile, the way the Foundation operated at the border was shaped by the pressure from the authorities.

During the first period, in August and early September, all the interventions included support in applying for international protection in Poland. Each of these interventions involved a lawyer and exposing clients to border guards. Submitting an application for international protection requires the presence of a border guard, whom the refugee informs about his or her willingness to apply for asylum.

This format of interventions was based on the belief that the Polish uniformed services respect national and international law regarding the rights of refugees and the prohibition of pushbacks.

COUNTRIES OF ORIGIN OF PEOPLE REACHED BY THE OCALENIE FOUNDATION

2. SYRIA 3. AFGHANISTAN 4. YEMEN 5. TURKEY 1. IRAQ, INCLUDING IRAQI KURDISTAN AND: PAKISTAN ETHIOPIA SUDAN PALESTINE CONGO CUBA EGYPT IRΔN LEBANON CAMEROON SENEGAL GUINEA INDIA BENIN

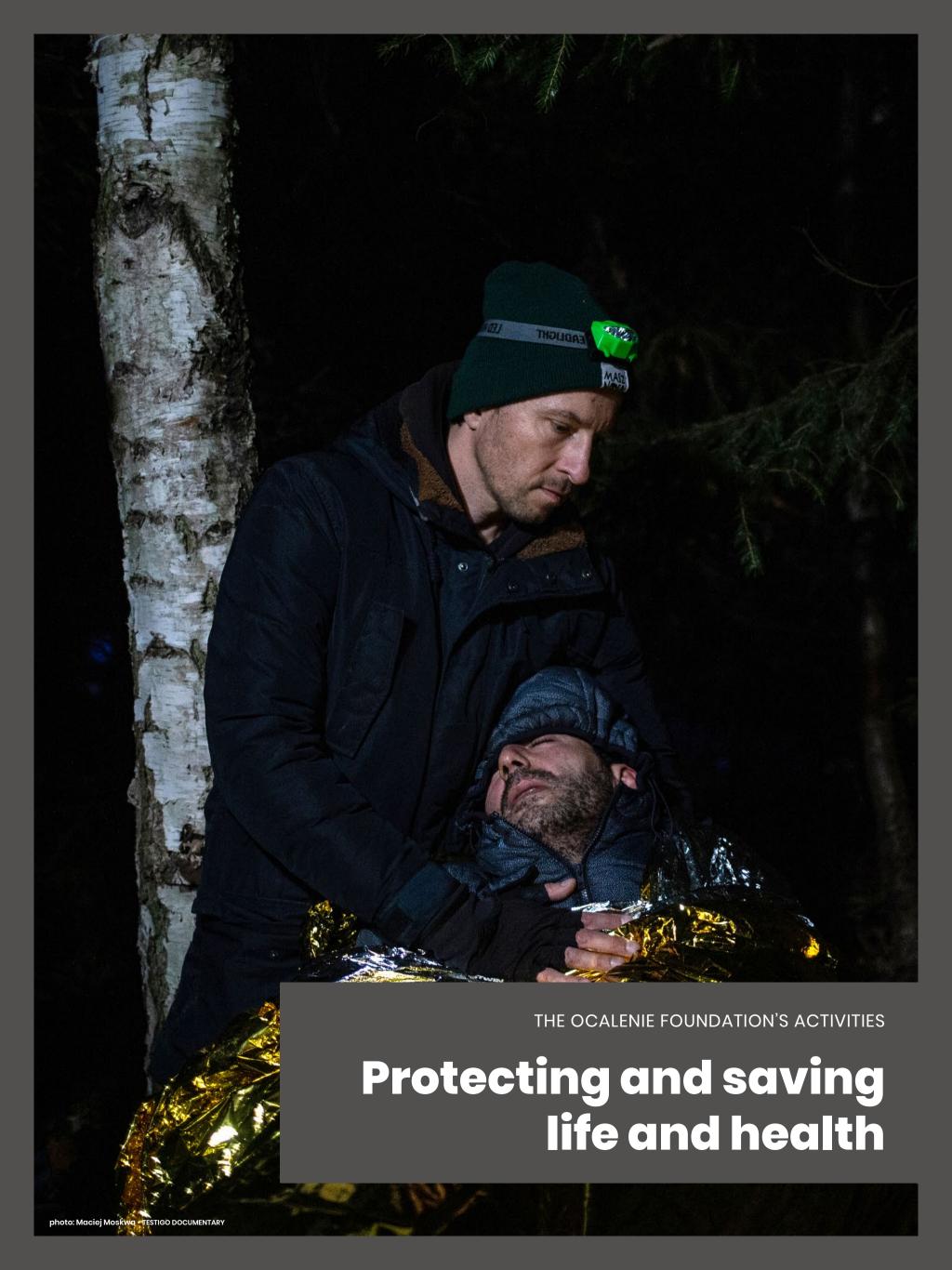
The first direct confrontations with border guards demonstrated the ineffectiveness of this kind of action. People helped by the Foundation in the forests near the border gave powers of attorney to the Foundation's lawyers, but the guards ignored these documents and the attorneys were not allowed to see their clients. More and more of our clients were taken to Belarus, although they had expressed their desire to apply for international protection. What is more, the presence of the media when they made themselves known to the border guards did not always protect them against being pushed back to Belarus.

In this context, the format of the Foundation's activities changed to ensure that our clients were as safe as possible and, most importantly, were not exposed to being expelled. The Foundation's interventions therefore serve to provide humanitarian and, if necessary, medical assistance and information about the possibility of applying for international protection in Poland, as well as support and representation during this process.

At each stage, activists carrying out the intervention try to ensure that the clients make their own informed and independent decisions about the course of the intervention, as well as about whether to apply for international protection and, as a consequence, notify the border guards.

DATA FROM GRUPA GRANICA

INTERVENTIONS (PL)



Orla

14 NOVEMBER 2021 • BROTHERS LAYOUS AND KHEDR



We received the calls for this intervention from two numbers simultaneously: from the men calling for help and from the wife of one of them, who was calling from Syria. We knew from our conversations that both men felt unwell. They had not eaten or drunk in four days and one of them had an injured foot.

At around 7.50 pm, we were in the area of the pin we received. Sometimes, the coordinates people send us from the forest are wrong because the GPS does not always locate phones correctly. This was the case this time; initially, we arrived in the wrong place, so we kept looking.

When we reached Layous and Khedr after 9 pm, the men were already in a very bad condition. Their clothes were soaked. It had been constantly raining or drizzling that day, with a maximum temperature of 6°C. After at least four days in the forest, the men were exhausted. Contact with them was difficult; they were hardly responsive. We only found out that

they were brothers from the city of Homs, which was devastated by Assad's military forces in 2014.

They were no longer shivering with cold, which meant at least second-stage hypothermia. This is a state in which the person becomes apathetic, insensitive to stimuli, disoriented, loses contact with reality and needs help. Further exposure to the cold leads to a loss of consciousness, then cardiac arrest and, in the fifth stage, death.

As announced, the day after this intervention, on 15 November, Medics at the Border ceased to operate in this area. In the following days, their tasks were taken over by the Polish Centre for International Aid Foundation. Although the medics were still available, they could no longer go out into the field, as their cars had been vandalised the previous night. We therefore consulted them over the phone. The Medics' advice was clear: we must call an ambulance, as the state of the two men in the forest will only worsen and, if they stay there, they could die







of hypothermia. Over the phone, the medics told us what information to give the person in the ambulance control room and how to make the patients more comfortable while they waited for the ambulance. They assured us that, if the control room refused to accept the call, the Medics would call 112 again on our behalf.

The conversation with the person in the control room was not clear. He asked whether the patients are foreigners and said that, if so, he would call the police. By the end of the call, he had not confirmed that he was sending an ambulance, so in the minutes that followed we kept calling to make sure that it had been sent. It was not until we heard a distant signal that we were sure that the ambulance was on its way. At about the same time, one of us received a call from a policeman asking us to direct him to the intervention site.

The rescue team arrived after about 40 minutes. While waiting for the ambulance to arrive, following the instructions from the Medics on the Border and our first aid training, we tried to warm up the men. We took off their damaged shoes and socks, which were soaked, to put on dry ones. We used chemical warmers and thermal foils to improve their thermal comfort. Knowing that the border guards would be arriving in the forest with the ambulance, we also called the media. Many teams of journalists appeared on the scene, mostly international ones.

This caused some confusion and a nervous atmosphere as the policemen had to ensure that there was enough space for the medics, who felt that they were being watched. However, the presence of the media sought to guarantee our clients' safety. The more eyes were following the situation, the lower the risk of the men being pushed back to Belarus.

The rescue operation lasted about an hour. The medics checked Layous and Khedr's condition and administered intravenous drips while they were still in the forest. We were informed which hospital the men would be taken to, but also told that we would not be allowed in. After the men had been carried out on stretchers and the ambulances had departed, we drove to the designated facility to make sure that our clients had been admitted. To ensure the comfort of the men and the medics taking care of them, we also made sure that the ambulance was not followed by the media teams' cars. In the meantime, we were still on the phone with the wife of one of them. She asked whether her husband would survive and whether the brothers were safe. It was difficult to explain to her that being in hospital did not mean that they were no longer in danger. We never know for sure. However, this time we know that, after being discharged from hospital, the brothers went to the Dialog Foundation, so they at least spent the next few days in a warm place, with a roof over their heads.

We called an ambulance in at least 12 interventions. On several occasions, we did this during remote interventions, for people whom we could not reach because they were in the state-of-emergency zone or in Belarus, but whose location we had received, along with information about their very poor state of health. In several dozen interventions, we provided first aid; in at least several, we were supported by the Medics at the Border or the Polish Centre for International Aid (on site or remotely). At least seven times, we were asked to help people who were already in hospital to support them in applying for international protection, to provide items such as shoes, clothes and phones, and to search for people who were supposedly in hospitals but whose relatives were unable to confirm that information and contact them.

Caution is essential when conducting medical interventions in the forest. Occasionally, when calling for an ambulance, the dispatcher asks whether the injured person is a foreigner. We are then informed that an ambulance will not be sent until it is requested by the Border Guard or the police. Sometimes, we are asked to provide the name of our organisation; dispatchers then make a general claim that they must follow "procedures". Ambulances are not deployed to "uncertain locations", regardless of information about life-threatening situations and the coordinates provided. Dispatchers sometimes admit directly that there are not enough ambulances in the area. One of the forms of assistance provided by the Medics on the Border was therefore to call an ambulance on our behalf.





Calling an ambulance always leads to the arrival of border guards or other uniformed services, and involves the risk of the people being pushed back. If it turns out that they do not need to be hospitalised, they may be transported to the border immediately. If they are taken to hospital, the border guards often "escort them to the border line" right after they are discharged; that is, they transport them to the razor wire and order them to cross to the other side – to Belarus. We always inform clients of these risks and, as long as it is possible, it is up to them to decide whether or not an ambulance should be called.

NUMBER OF GROUPS REPORTING HEALTH PROBLEMS, INCLUDING:

THOSE WE REACHED 22

HEALTH PROBLEMS REPORTED: heart disease beatings miscarriages trench foot eye injury pregnancy bleeding from vomiting chafes the genital tract toothache wounds after broken and an attack by twisted legs fainting wild animals or arms nosebleeds broken nose wounds after poisonings being bitten asthma by dogs diabetes wounds whole body pain frostbite skin infections injuries from

"WE TREAT REFUGEES. REPORT BASED
ON THE ACCOUNTS OF EMPLOYEES
OF BORDER HEALTH CARE FACILITIES"
BY MARTA JADWIGA PIETRUSIŃSKA
AND NATALIA GEBERT (PL)

The authors of the We Treat Refugees report, based on the accounts of people working in border healthcare facilities, include a number of quotes. They show that the deadline for discharging patients who are foreigners is sometimes set by the border guards, rather than by doctors – as it should be. The guards show up at the hospital to take the patient away; the medics do not even know whether the person will be placed in a centre for foreigners or taken to the border, back into the forest.

Between the Podlasie facilities that receive migrants after they have travelled through Belarus and that responded to the report's authors' questions, there are differences in the time after which these patients are discharged from hospital. However, the data generally indicates that 76% of them did not stay for more than 24 hours.





MEDICS ON THE BORDER
AT THE SESSION OF THE PARLIAMENTARY
HEALTH COMMITTEE (PL)

The relatively short stays in hospital may confirm what the Medics at the Border point out: in a great number of cases, the migrants' poor health is the result of exhaustion, dehydration and hunger and, to be saved, they do not require medication, just that their most basic needs be met. This is not the rule, though. Our clients' stay in hospital is often simply too short, especially considering that they do not end up in places with the conditions for their recovery. We also know of cases in which patients should not have been allowed to leave the hospital, like that of a man with hypothermia and a chest injury who was taken to the border by border guards, which was described at a meeting of the parliamentary health committee on 16 December 2021 by the Ocalenie Foundation's spokeswoman, Kalina Czwarnóg.

NUMBER OF HOSPITALISED FOREIGNERS

FROM 1 SEPTEMBER TO 30 NOVEMBER 2021 BROKEN DOWN BY TIME SPENT IN HOSPITAL]

	UP TO 24 HOURS	24-72 HOURS	MORE THAN 72 HOURS
VOIVODSHIP SPECIALIST HOSPITAL IN BIAŁA PODLASKA	224	8	15
DISTRICT HOSPITAL IN BIELSK PODLASKI	26	35 —	2
INDEPENDENT PUBLIC HEALTH CARE INSTITUTION IN AUGUSTÓW	3	14	4
VOIVODSHIP HOSPITAL	7	o	o

Source: M. J. Pietrusińska, N. Gebert, We treat refugees.



Medics also point to this patient group's very poor mental health. Migrants realise that being discharged from hospital may mean being expelled again. At these moments, some of them experience panic attacks. Furthermore, the We Treat Refugees report includes a description of a suicide attempt by a discharged patient. From our communication with people on the migration route, we know of one suicide attempt in the forest. In April 2022, Ocalenie Foundation activists received training on supporting people in suicide crisis.



photo: Łukasz Głowala • TESTIGO DOCUMENTARY

People going missing is one of the serious – but insufficiently recognised and publicised – issues in the humanitarian crisis on the border between Poland and Belarus. We do not even know the approximate number of people who have gone missing.

Between August 2021 and the end of March 2022, we received 49 notifications from people who had lost contact with their loved ones on the Belarusian route. Sometimes we receive reports about the same people, whose relatives have been searching for weeks. One example is a Syrian called Bashar, whose wife contacted us in November and January. The reports come both from the countries that people on the Belarusian route migrate from and from their families and friends, including those in the countries of destination.

CASES REPORTED TO THE OCALENIE FOUNDATION



*Based on the telephone number

The Ocalenie Foundation does not have the resources to conduct searches, so in these cases we refer callers to the International Committee of the Red Cross (ICRC) and the <u>Restoring Family Links</u> website and, since January 2022, to the dedicated **Grupa Granica website**.

Between September and December 2021, the Information and Tracing Service of the Polish Red Cross received 59 messages from people reporting missing persons on the Polish-Belarusian border.

Individuals reporting a missing person to the PRC Office receive information on the application procedure to initiate a search:

Only relatives in their country of residence can apply to the local Red Cross or Red Crescent to start the search. The RCP then receives the application and begins the search.

(https://pck.pl/na-ratunek-uchodzcom)

The search application form must be completed in person in the presence of a Red Cross or Red Crescent staff member or volunteer. Sending a request to the Polish Office address is therefore not enough for the PCK to start the search. Eventually, in 2021, only one request was officially submitted to the PCK – it was for a person from Iraqi Kurdistan. The person has not been found. In March 2022, the Office received a second official request, from the same ICRC Delegation in Iraq. The correspondence with the ICRC shows that Polish government offices and services are cooperating with the Office by providing the information requested.

MISSING PERSONS REPORTED TO THE PCK NATIONAL INFORMATION AND SEARCH OFFICE

BETWEEN 6 SEPTEMBER AND 31 DECEMBER 2021

COUNTRIES OF ORIGIN OF PERSONS REPORTED MISSING:

SYRIA
IRAQ
YEMEN
AFGHANISTAN
OF REPORTS
UNKNOWN COUNTRY OF ORIGIN

Source: Information and Tracing Office of the Polish Red Cross

In cases where we receive a little more information about a missing person via the Foundation's emergency number, including their last known whereabouts in Poland, we carry out searches despite the lack of resources. For this purpose, we contact institutions, especially hospitals and centres for foreigners. Below, we describe two interventions in which these searches proved successful.

9

4 3

Novin

SEPTEMBER 2021

Ms D's family

OCTOBER 2021

In September 2021, we received a message from a person working at one of the hospitals in Podlasie. More and more refugees were arriving there in bad condition, including two Syrian Kurds with hypothermia.

They were asking about their sister, whom they had been separated from near Michałowo.

We found Novin at a hospital in Białystok. She had been taken there after a rescue operation in the swamps by the border guards and the Voluntary Fire Brigade in Michałów. She was in critical condition, with extreme hypothermia. ED staff had to resuscitate her for a long time; after that, she spent two weeks in the intensive care unit. She did not have any documents with her and there was no contact with her, so she was listed as NN in the register.

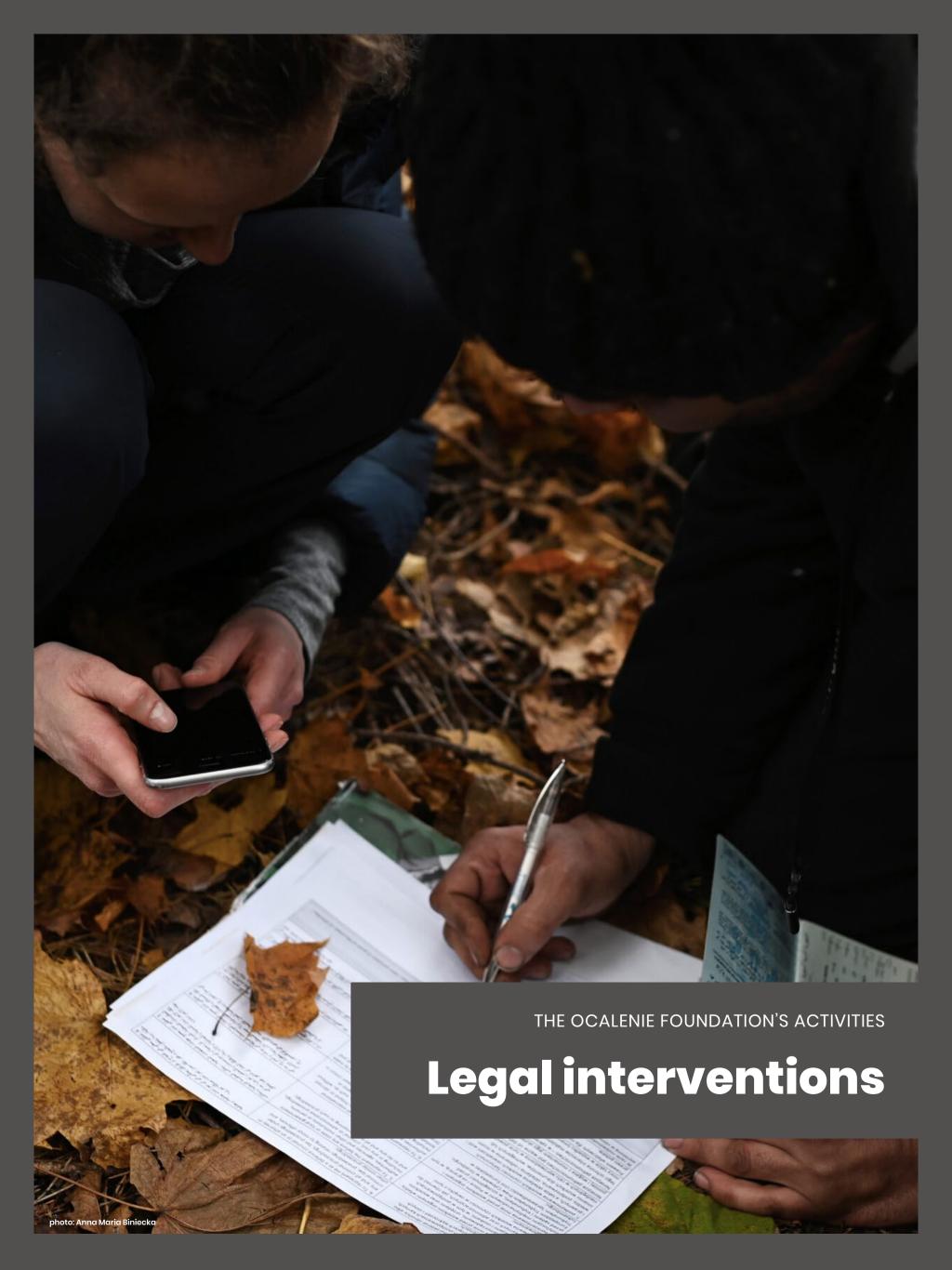
We were able to identify Novin using photographs of her face and the first page of her passport, which we obtained from her brothers. Her family found out about her whereabouts and, on 2 October, her husband visited her in hospital.

In October, Ms D. from Kurdistan was looking for her sister, who was on the route with her husband and two children – five-year-old Rojan and twoyear-old Renas (names changed). During one of the pushbacks, the family was separated by the uniformed services.

D. knew that her sister and children had been taken to the hospital near Michałowo. We later found out that the family had been robbed of their telephones by members of the uniformed services; from that moment, there was no contact with them.

We found Ms D.'s family by contacting the hospitals. In gratitude, the woman offered to become a volunteer for the Foundation in Kurdistan. When we asked her to simply tell people that it is not safe to cross via the Belarusian route, she wrote back that, where she lives, it is also dangerous and people have nothing to lose, so they will try to get to the EU this way anyway.

We followed the story of Ms D.'s sister and her small children. They were placed in a guarded centre for foreigners and, in February, they were transferred to an open centre, where they are waiting for a decision on being granted international protection.



Olchówka area

7 JANUARY 2022 • LABID FROM SYRIA



We have been in contact with Labid (name changed) since December 2021, when he called for help after another pushback to Belarus. Uniformed service officers pushed him back four or five times.

This time, it was a "statutory" pushback: the border guard registered Labid's presence in Poland and he was banned from entering the Schengen area for 3 years. We prepared a complaint on his behalf against the decision of the commander of

the Border Guard post, but this does not suspend the execution of the pushback, which is carried out immediately.

When Labid re-entered Poland, we sent a request for an interim measure to the ECHR, to protect him from further pushbacks. Labid had solid grounds for this kind of protection. Pushing him back to Belarus would have exposed him to the violence of the Belarusian authorities and subsequent deportation (chain refoulement) to Syria, where he would be in grave danger. The man belongs to the Druze religious minority, who live in a region overrun by



MEDIA COVERAGE OF THE INTERVENTION (PL)



paramilitary groups and smuggling routes. Labid refused to join the militias or the Syrian army, but he was threatened that he would be forced to join. He is therefore a conscientious objector; that is, a person who refuses to perform military service on ethical grounds. The Court of Justice of the European Union notes that conscientious objectors in Syria are particularly vulnerable to persecution and that this is a sufficient reason to grant them refugee status.

While waiting for the ECHR's decision, our group spent time with Labid in the forest, enabling him to warm up, change clothes and eat a warm meal. The man had frostbitten feet and severe toothache.

After receiving the Court's decision on the provisional measure, we called the media and border guards. When bringing clients into contact with border guards, we cooperate with the media – the presence of many witnesses (including media outlets' viewers and readers) increases the chances that a migrant will not be pushed back to Belarus.

The guards did not allow the man's attorney to participate in the detention activity. MPs intervened in Labid's case. They and the Foundation's lawyer, who was representing Labid, received a written assurance from the commander of the Border Guard post that our client would not be sent to a guarded centre for foreigners (SOC). Instead, he was to be placed in an open reception centre. However, contrary to his assurance, the officer asked the court for permission to place the man in the SOC, which the court granted. Labid was first placed in the SOC in Białystok, but then, 24 hours before his appointment with the lawyer, he was taken to the SOC in Wędrzyn. This meant that the appointment could not take place.

Contact with people held at the centre is very difficult as it was temporarily set up on the territory of an active military training camp. The mobile network coverage there is very poor and, for foreigners at the centre, access to computers with Internet is rationed and granted only occasionally. What is more, people who are not Polish citizens are not allowed

to visit the centre. This also applies to translators and interpreters who help contact detainees; they must undergo a lengthy vetting process by military counterintelligence.

The Polish government must refer to any ECHR decision on interim measures to confirm its implementation. In response to the decision regarding Labid, the government reported that the border guards have registered his presence in Poland four times, thereby confirming that the Polish uniformed services are carrying out pushbacks.

Labid is currently at another guarded centre, where he is awaiting a decision on being granted international protection in Poland. From time to time, we send him the things he asks for: healthy food, clothes, books, notebooks, pens, games and photographs of loved ones.

INFORMATION OF THE EUROPEAN
COURT OF HUMAN RIGHTS ON
INTERIM MEASURES (EN)



A request to the European Court of Human Rights for Poland to take interim measures a migrant is a legal instrument to support work at the border. The Court issues a decision on interim measures when there is a risk of a pushback that would endanger the health and life of a person, potentially resulting in his or her being expelled to a country that is not considered safe. Therefore, in the Polish-Belarusian border crisis, these kinds of decisions relate to a temporary ban on the expulsion of the individuals concerned.

The large number of applications for interim measures people on the Polish-Belarusian border has resulted in the procedures for granting them being simplified. Interim measures are a tool that the ECHR has used relatively rarely so far. It is subject to the arbitrary assessment of judges and requires detailed argumentation from the applicant. However, in principle, it has become the only effective way of preventing illegal pushbacks of refugees.

INTERIM MEASURES ON THE BAN ON PUSHBACK TO BELARUS

48 ORDERED AGAINST POLAND IN 2021

14 OBTAINED BY THE FOUNDATION'S LAWYERS BY THE END OF MARCH 2022.

Source: European Court of Human Rights, Foundation's own data

Responding to this new challenge, the Court has improved its decision-making process and assigned competent Polish-speaking staff to applications from the Polish-Belarusian border. This enables us to speak Polish to clarify the circumstances of the case in our communication with the Court when requesting an interim measure. This was the case, for instance, during Labid's application: the Foundation's lawyer managed to correct a misspelling in his name during the last hour of the ECHR's work before the weekend. As a result, the man did not have to hide in the forest for another two days. Interim measure decisions are issued quickly (sometimes the same day), apply only to people on Polish territory and need to be justified based on the refugee's individual history and situation. Currently, Poland respects the ECHR's decisions concerning our clients. The exception are the decisions on interim measures for the group of 32 people in Usnarz Górny, which Poland has not implemented.

When contacting the people seeking assistance, we inform them that, if they decide to apply for international protection in Poland, we can support them in this process. For this purpose, our clients grant us powers of attorney. This allows us to represent them in legal and administrative proceedings conducted by the Border Guard and the Office for Foreigners. These include the detention procedure, where representation by a lawyer is necessary, the obligation to return, and filing of an application for protection. On the basis of powers of attorney, we should be able to travel to the border post with the principal, in the same car, and participate in the proceedings at the border post itself. However, in most cases, the border guards do not allow this.

ZICOMPARED IO ZUZU BY	APPLICANTS' COUNTRY OF O	RIGIN
	2021	2020
ELARUS	2134	401
AFGHANISTAN	1634	117
RAQ	1366	43
USSIA	915	1194
IKRAINE	232	299
YRIA	133	37 ———
AJIKISTAN	116	87 <u></u>
URKEY	102	72
RAN	70	18
SOMALIA -	65	6 ——
EORGIA	59	54
'EMEN	33	10

In cases where the principals are not pushed back to Belarus immediately, but are instead taken to a Border Guard post and an attorney from the Ocalenie Foundation participates in the administrative proceedings, we can observe whether the procedures are carried out correctly and support our clients. On their behalf, we demand that their rights be respected; for instance, the right to have a psychologist present when, while applying for international protection, the principal speaks of the violence he or she has experienced. We observe that the institutions lack conditions for speaking about difficult experiences in an atmosphere of safety. Regardless of a particular border guard's professionalism, applicants are forced to answer questions about their reasons for fleeing their country of origin (such as persecution or violence, including sexual violence) asked by the same authorities whose violence they experienced earlier. Moreover, when detainees move around the facility, they are accompanied by an officer with a long gun.

Our experience also shows that the issue of language translation between border guards and migrants may be considered a grey area. In at least one case, we noticed irregularities, such as the considerable shortening of our clients' statements by the interpreter hired by Border Guard, omitting place names mentioned and other details. In these

kinds of cases, the presence of an attorney allows the translation to be verified, at least partially. Moreover, by participating in the application process, the attorney can ask the client questions that are potentially relevant to the application.





However, in many instances, we are not allowed to participate in the administrative activities at the post, while the border guards ignore our clients' declarations of their wish to seek international protection and do not accept their applications.

If a detained person is not taken back to Belarus, the commanding officer of the post or division usually applies to the district court for them to be placed in a guarded centre for foreigners and initiates the procedure aimed at committing the person to return. The court usually accepts the commanding officer's request and decides to deprive the foreigner of his or her freedom, arguing that the illegal crossing of the border indicates a high risk of absconding. However, the courts may choose alternatives to **detention**, such as obliging the foreigner to report regularly, at specified intervals of time, to a designated authority, pay a financial deposit, or indicate his or her place of residence in Poland.

THE ASSOCIATION FOR LEGAL INTERVENTION: WHAT IS DETENTION? (PL)

ALTERNATIVES TO DETENTION (PL)

ACT ON FOREIGNERS OF 12 DECEMBER 2013 (PL) ΔÎΦ

Pursuant to the Act on Foreigners, people who have allegedly experienced violence cannot be sent to guarded centres. The same applies to people for whom this kind of stay might pose a threat to their life or health. Our findings show that the hearings during which the court examines the Border Guard commander's application are short – often, they only last several minutes. During the hearings, the foreigners are not asked questions that are important for the decision, such as whether they want to apply for international protection, why they crossed the border, or what kind of violence they experienced.

CHR ON GUARDED CENTRES FOR FOREIGNERS (PL)



CHR REPORT "SITUATION
OF FOREIGNERS IN GUARDED CENTRES
DURING THE POLAND-BELARUS
BORDER CRISIS" (EN)

The problem of holding people who have experienced violence in the centres has been raised by the Polish Commissioner for Human Rights, Prof. Marcin Wiącek, among others:

The disclosed cases of foreigners with experience of violence and trauma, as well as people in poor psychophysical condition, are of particular concern. The foreigners' personal documentation analysed shows that, despite the information included in it indicating grounds that rule out the possibility of issuing a decision on placing them in a guarded centre (Article 400 of the Act on Foreigners of 12 December 2013), these kinds of people were still directed to those centres.

On several occasions, the court also rejected the possibility of applying an alternative measure; that is, the obligation to live at a designated address, even though our clients could have used flats offered to them by Polish citizens. The argumentation suggested that providing accommodation free of charge is not in line with market principles, so this solution is not credible:

(...) in the statement [of the person declaring the possibility of hosting foreigners at home – editor's note] it is not indicated under what conditions the foreigners would use the indicated property and how they would bear the costs of its use.

Some of our clients who have walked the Belarusian route are currently in guarded or open centres for foreigners and awaiting decisions by the head of the Office for Foreigners or of the Border Guard. The powers of attorney entitle us to receive correspondence in their cases, which enables us to support and represent them at subsequent stages of the procedures. Furthermore, we receive regular calls at the emergency number for the Polish-Belarusian border from people who seek legal, medical or material assistance during their stay at a SOC.

CONCLUSION

What's next?

The last chapter of the report ends where the Ocalenie Foundation's regular work begins – the work that its employees have been doing for more than 20 years.

Through a range of activities and projects, the Foundation supports foreigners in guarded and open centres, and helps them integrate and rebuild their lives in Warsaw, Łódź and Łomża (where the Foundation's offices are located). The Foundation's clients also include people who, in recent months, have walked the Belarusian route into Poland and stayed here. They benefit from the services of the Help Centres for Foreigners in Warsaw and Łomża and the Multicultural Centre in Łódź, among others, which help them solve current problems, understand Polish institutions and adapt. The Refugees Welcome Polska programme connects people applying for international protection and those who have already received it with people renting out flats and rooms. The Foundation also offers psychological and legal assistance and Polish language courses, and supports children and young people in their education and integration.

In recent weeks, the Foundation has also been intensively involved in activities aimed at refugees from Ukraine, both responding to their immediate needs and organising long-term activities.

THE ASSOCIATION FOR LEGAL INTERVENTION: REPORT ON THE HOUSING CONDITIONS OF REFUGEES IN POLAND (PL)

THE ASSOCIATION FOR LEGAL INTERVENTION REPORTS (EN)

SUPREME AUDIT OFFICE: PREPARATION
OF PUBLIC ADMINISTRATION
FOR SERVICING FOREIGNERS (PL)

COMMITTEE ON MIGRATION RESEARCH OF POLISH ACADEMY OF SCIENCE, REFUGEES IN POLAND REPORT (PL)

POLAND'S MIGRATION POLICY
- DIAGNOSIS OF THE INITIAL STATE (PL)

POLAND'S MIGRATION POLICY – DIRECTIONS FOR ACTION 2021–2022 (PL)

THE CHR REMARKS ON THE DOCUMENT "POLAND'S MIGRATION POLICY" (PL)



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The Foundation's work is a response to the needs and problems that foreigners face in Poland. The most important ones include housing exclusion and the threat of homelessness, difficulties in dealing with formal issues at Polish institutions, lengthy waiting times for official decisions on status, as well as discrimination in everyday life and on the labour market. Foreigners who seek accommodation after leaving the centres face discrimination and very poor housing conditions, as well as fear of losing the roof over their heads, which are often the reason for further migration.

The protracted processing of applications for residence permits, which can take up to several years, caused by the underfunding and understaffing of the Office for Foreigners and Voivodeship Offices, is another factor that contributes to the feeling of insecurity and instability of life in Poland, which may induce foreigners to leave our country. The Polish Commissioner for Human Rights and experts also point to discrimination as a result of the lack of intercultural education at schools in Poland.

These are only a few of the many problems that foreigners face in our country. To solve them, Poland needs to develop a long-term migration policy. However, since the 1990s, the Polish state has not adopted a long-term strategy for migration policy. Years of work by the Inter-ministerial Team for Migration resulted in a document entitled "Poland's Migration Policy – Directions for Action 2021–2022", which only covers a one-year period; when this report was completed, it had not been adopted by the Council of Ministers.

The Polish Commissioner for Human Rights has criticised the proposed document for being too short-sighted and for the prolonged work on it. This short-term approach is followed by a lack of adequate planning, including a failure to take into account the need to subsidise the offices that deal with foreigners. This means that their workload will continue to be excessive and, as a result, numerous procedures will be protracted. The document lacks analysis and proposals concerning anti-discrimination and intercultural education, while the assumptions concerning the integration of foreigners are inconsistent.

The humanitarian crisis on the Polish-Belarusian border and the state's subsequent inefficiency when taking in refugees from Ukraine have shown that Poland clearly needs a wise, coherent and adequate migration, asylum and integration policy. Every subsequent crisis will be a painful reminder of this, and everyone will suffer from these deficiencies – that is, the state, society, NGOs and, above all, the people migrating to Poland. Preparing this kind of policy takes months; implementing it effectively takes years. The people coming to Poland via the border with Belarus do not have this time.



The ad hoc measures currently needed should therefore use the tools already available – which is simply the enforcement of existing law.

Lawful conduct by the Border Guard and other uniformed services and offices is the only way to defuse a situation in which the Lukashenko regime is using people seeking refuge and a better life instrumentally to put pressure on Poland and the EU. Illegal pushbacks merely exacerbate the problem and prolong the suffering of these people. Accepting applications for international protection from refugees from Syria, Afghanistan, Iraq and Yemen, where most of the people arriving via Belarus come from, is as much our duty as taking in refugees from Ukraine.

The correct, equal and non-discriminatory implementation of procedures and national and international laws with regard to migrants, regardless of how and where they arrive in Poland, is the essential minimum needed to end the ongoing humanitarian crisis on the Polish-Belarusian border. Moreover, the authors of "Poland's Migration Policy", the government document cited above, point out the obligations resulting from Poland's ratification of the 1951 Geneva Convention.

Integrating people who have walked the Belarusian route and remain in Poland requires radical empathy from Polish society. Their experience

of systemic violence and multiple traumas (not only in their countries of origin and Belarus, but also in contact with the Polish authorities) make integration in a new country difficult. Foreigners in Poland experience many challenges, including the above-mentioned discrimination in the housing and labour markets, as well as in everyday life. For those who have walked the Belarusian route, the experience of the violation of their rights and inhuman, cruel treatment will be an additional factor undermining trust in the Polish state and society.

Khaled, whose story opens this report, recalls that when he was already in Warsaw, he was showing his younger friend around. Like him, the man had left the guarded centre for foreigners. After experiencing cruelty from Polish officers in the forest and at the centre, the man did not want to stay in Poland. He dreamt of going to the West. "After what happened to me and my sister (who was locked up at another facility) how can I possibly want to stay here?" he said. Khaled tried to convince him that good things could happen to him in Poland and that he could meet good people, but admits that it was difficult. By volunteering to help other refugees, he was able to get to know a better side of Poland and people driven by empathy.

INTERVIEW IN OKO.PRESS

"I DON'T THINK THIS IS A GOOD
COUNTRY FOR REFUGEES" (PL)

Despite his terrible experience, Khaled often says that he was very lucky. Knowing what he went through, this is hard to believe, but Khaled's story is actually one of the more optimistic ones.

We do not have a chance to hear the stories of those who have been less fortunate, who were forced to return to their country of origin, who were hiding in Belarus or Russia without the right to stay or any source of income, or who have died in the Polish-Belarusian border region.



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we support refugees in Poland