

AMNESTY INTERNATIONAL PUBLIC STATEMENT

11 April 2022 EUR 37/5460/2022

POLAND: CRUELTY NOT COMPASSION, AT EUROPE'S OTHER BORDERS

INTRODUCTION

The rapid relief effort at the border, exceptional generosity of civil society and willingness of Polish authorities to receive people fleeing from Ukraine contrast starkly with the Polish government's hostility toward refugees and migrants who have arrived in the country via Belarus since July 2021. Hundreds of people who crossed from Belarus have been arbitrarily detained in Poland in appalling conditions and without access to a fair asylum proceeding. Many have been forcibly returned to their countries of origin, some under sedation. In addition, hundreds of people remain stranded inside Belarus and face increasingly desperate conditions. They are unable to access asylum proceedings and protection either in Poland, where they face repeated violent pushbacks by the Polish Border Guard, or in Belarus, where authorities have forcibly returned many people to their countries of origin, without a fair process. These practices are in violation of international law and the principle of *non-refoulement*, which prohibits returns to places where individuals would face a real risk of serious human rights violations.

People who remain in Belarus, whether stranded in towns and cities or trapped in the forests, are victims of beatings and other abuses by Belarusian border guards and other authorities. The outbreak of war in Ukraine and the imposition of sanctions on Belarus has exacerbated an already desperate situation for those stranded and unable to return to their countries. In March 2022, Belarusian authorities cleared the makeshift camp in Bruzgi, which left close to 700 people, including many young children and people with severe illnesses and disabilities, without shelter and support. That action triggered another, albeit smaller, wave of arrivals into Poland.¹

Despite their dire situation and heightened risk of exposure to serious human rights violations, refugees and migrants in Belarus have been denied access to Polish territory or basic humanitarian assistance. Many are traumatized and exhausted after their months-long ordeal on the border. Polish Border Guards have routinely ignored their requests for international protection in Poland; and pushed many back to Belarus. Since July 2021, when refugees and migrants started crossing the border from Belarus in significant numbers, Poland has implemented measures to prevent people from entering the country's territory: it erected razor-wire fences, declared a state of emergency, sent military and territorial defense forces to the border, passed legislation that "legalized" pushbacks (summary returns without procedural guarantees), denied people access to asylum, and blocked humanitarian organizations from delivering life-saving aid to those stranded in the border area. Polish authorities argued that the measures were a necessary response to the "hybrid war" waged by Belarus, but in fact, they flagrantly violate Poland's international human rights obligations and EU law.

People who have avoided pushbacks to Belarus and succeeded in having their applications for international protection considered in Poland have inevitably ended up arbitrarily detained, often for prolonged periods of time, in closed centres for foreigners². In these centres, they have been held in substandard conditions, without privacy, adequate sanitary facilities, or access to doctors, psychologists or legal assistance. Residents compared some of these centres to "Guantánamo," and described buildings surrounded with barbed wire amid active military facilities with persistent sounds of armored vehicles, helicopters and gunshots from military exercises echoing in the area. In some centres, people lived in overcrowded spaces with up to 24 people in one small room, one hour of access to outdoor areas per day and almost no communication with the outside world. Many people reported being victims of torture in their home countries, thus

¹ The Guardian, "Fears grow of new crisis as refugees in Belarus driven into Ukraine", 14 March 2022, <https://www.theguardian.com/global-development/2022/mar/14/fears-grow-of-new-crisis-as-refugees-in-belarus-driven-into-ukraine>.

² The official nomenclature for the closed centres in Poland is "guarded centres for foreigners", but this briefing will refer to them as "closed centres" or "detention centres" for the ease of reading.

prolonged detention in these centres, the lack of information about their status and continued uncertainty exacerbated their existing trauma and will undoubtedly have negative long-term consequences for their physical and mental health.

The Polish government must immediately stop illegal pushbacks; grant access to its territory to any person fleeing conflict or other danger and seeking protection; halt the arbitrary detention of foreign nationals who have crossed from Belarus; provide access to fair asylum procedures; and refrain from returning any person to a place where they would be at risk of serious human rights violations, including torture and other ill-treatment. Such obligations are not optional under international human rights and refugee law, they are required.

METHODOLOGY

Amnesty International has been investigating pushbacks from Poland to Belarus since August 2021, when the organization documented the suspected pushback of a group of 32 Afghanistani nationals.³ In November and December 2021, interviews were conducted with 75 people (accounting for a total of 192 affected people, including their families) who were lured into Belarus between July and November 2021 by the Belarusian government's false promise of an easy crossing into the EU. They then faced repeated pushbacks into border areas and also back into Belarus by Poland.⁴

Further research commenced in March 2022, including a visit to Poland, which took place from 13-18 March. In-depth interviews were conducted with 18 people – 15 men and three women who came from Palestine, Syria, Iraq (Kurdistan) and Lebanon. The interviews took place in private; in English, Polish, Arabic, and Sorani (through an interpreter), including in Warsaw, Dębak, Hajnówka and Siemiatycze, as well as virtually and over the telephone with people in Germany, Lebanon and The Netherlands.

Additional telephone interviews occurred between 10 March and 1 April 2022 with people who remained trapped in Belarus.⁵ These included eight women and five men representing 18 people who have Somali, Syrian, or Iraqi nationalities. One interview was conducted via phone with a Syrian woman in a European country who spoke to us about her two daughters who are in detention in Belarus. Interviews were conducted in English or Arabic with an interpreter.

Unless otherwise indicated, the names of the people interviewed have been changed to protect their identities and privacy. The interviewees have given their informed consent to the inclusion of their stories in this report. In addition to people on the move, Amnesty International interviewed volunteers, NGOs, activists, doctors and lawyers as well as representatives of Poland's Human Rights Commissioner's Office. Representatives of the authorities in Poland did not respond to the organization's requests for a meeting. Amnesty International shared the findings of this report with the government in Poland in advance of the publication but has not received an official response.

BELARUS/POLAND BORDER: ILL-TREATMENT AND PUSHBACKS

Since July 2021, tens of thousands of refugees and migrants, mainly from Syria, Iraq and Afghanistan, have attempted to cross the border from Belarus into Poland, Lithuania and Latvia.⁶ At the end of the year, Polish authorities reported close to 40,000 attempted entries in 2021.⁷ After a hiatus over the colder winter months bridging late 2021 and early 2022, migrants and refugees are again trying to enter Poland from inside Belarus and from the border areas only to face razor wire fences and repeated pushbacks by the Polish Border Guard. According to volunteer organizations assisting people stranded on the border, on 20 March 2022, the Belarusian authorities evicted refugees and migrants from a warehouse in the village of Bruzgi, which at one time in 2021 accommodated several thousand people.⁸ Many people from Bruzgi had already been deported to their countries of origin or third countries, often without an evaluation of their protection needs

³ Amnesty International, Poland/Belarus Border: A Protection Crisis, September 2021, <https://www.amnesty.org/en/latest/research/2021/09/poland-belarus-border-crisis/>

⁴ Amnesty International, Belarus/EU: New Evidence of brutal violence from Belarusian forces against asylum-seekers and migrants facing pushbacks from the EU, 20 December 2021, <https://www.amnesty.org/en/latest/news/2021/12/belarus-eu-new-evidence-of-brutal-violence-from-belarusian-forces-against-asylum-seekers-and-migrants-facing-pushbacks-from-the-eu/>

⁵ On 1 December 2021, Amnesty International submitted a request to Belarusian authorities to access the border zone and to meet with people stranded there. This request was denied; in their reply the authorities stated that “the Belarusian side does not see any usefulness in the visit of the representatives of Amnesty International with the stated purpose.”

⁶ Ministry of Interior, News: Deputy Minister of Interior and Administration in the Sejm on the situation on the Polish-Belarusian border, 16 September 2021, See also regular news published by Polish Border Guard at podlaski.strazgraniczna.pl

⁷ Poland Border Guard, News: Illegal Border Crossing with Belarus in 2021, <https://www.strazgraniczna.pl/pl/aktualnosci/9689,Nielegalne-przekroczenia-granicy-z-Bialorusia-w-2021-r.html>

⁸ Dire, “Migranti, gli ultimi di Bruzgi: È un suicidio, ma andiamo in Polonia,” 20 March, 2022. Also, Amnesty International, telephone exchange with an activist in Grupa Granica, 21 March, 2022.

and therefore unlawfully.⁹ The remaining 700 people, including many families with small children and people with severe illnesses and disabilities, suddenly found themselves in the forest, facing below-zero temperatures, without shelter, food, water or access to medical care.¹⁰ Many remain stranded and experience daily abuse at the hands of Belarusian border guards who use dogs and violence to force people across the border into Poland.

Meanwhile, people who have been temporarily staying in Belarusian border towns and Minsk have reported that the increasingly deteriorating conditions in Belarus (see section below on “Precarious living conditions”) have pushed them to return to the forest to again face the brutality of both Belarusian and Polish border guards as they make further attempts to seek asylum in the EU.¹¹

People universally told Amnesty International of extremely difficult conditions and traumatic experiences on the Poland-Belarus border, some having made 20-30 or even more attempts to cross. Many reported that they have suffered torture and persecution in their own countries but were thoroughly unprepared for the situation in Belarus, a rare country in Europe for which they were able to obtain a visitor visa. “I believed I was building a safer future for my daughters somewhere in Europe, but if had known that I would end up in the forest for 53 days, living worse than an animal, begging for food and melting snow to drink water, I would have never left Syria,” said Khafiz, a 36-year-old man from Damascus.¹² Khafiz spent four months in closed centres in Poland and recounted his story on the day of his release.

Khafiz and many others described how they were lured by “attractive travel packages” for Belarus, which were widely advertised in their home countries as a safe and easy way to gain access to the EU. Tour operators and others facilitating journeys for a fee told people who arrived in Minsk that they simply had to travel to what is effectively an exclusion zone on Belarus’ border with Poland, walk a few kilometers to the Polish border and cross, and then wait for onward transportation to their preferred countries of destination. The reality, however, was far from the tour operators’ empty promises. Once people entered the “zone”, often with difficulty crossing the fence and after being forced to pay Belarusian border guards, they had to make their way to the Polish border fences while evading capture by Belarusian border guards who would often forcibly transfer people to “collection sites” where they were violently made to attempt to breach the Polish border in groups.¹³ After inevitably being pushed back by Polish border guards and/or captured by Belarusian forces, people were detained in “collection sites” for days or weeks with tens or even hundreds of others without food, water, or shelter, while repeatedly forced to attempt to cross into Poland,¹⁴ often by violent means including beatings, being chased by police dogs and forced to walk through freezing rivers.¹⁵

Once on Polish territory, Polish border guards would try to stop them, including by firing weapons in the air. Faisal, a 32-year-old Palestinian from Gaza, recounted how he was part of a group of about 100 people who in December 2021 found themselves in the narrow strip of land between Belarus and Poland where border guards from both countries were firing weapons. “It was complete chaos. As bullets were flying over our heads, people were running in all directions. We didn’t know whether to go back or forward. I got caught in the razor wire and my leg was bleeding. As I fell, people were walking over me. Polish ‘soldiers’ then ordered us to sit down and pointed their guns at us. At the same time, both sides were shining lights on us and filming us. I felt completely powerless caught in the middle of all this.”¹⁶

⁹ Amnesty International, “Belarus/EU: New evidence of brutal violence from Belarusian forces against asylum-seekers and migrants facing pushbacks from the EU,” 20 December 2021, <https://www.amnesty.org/en/latest/news/2021/12/belarus-eu-new-evidence-of-brutal-violence-from-belarusian-forces-against-asylum-seekers-and-migrants-facing-pushbacks-from-the-eu/>

¹⁰ Amnesty International exchange with volunteers in Grupa Granica, 21 March and 22 March, 2022.

¹¹ As reported in the organization’s press release of December 2021 referenced in footnote 9 above, the forested areas bridge the Belarusian and Polish sides of the border. On the Belarusian side, there is an area that is demarcated by the Poland border fence on one side, and within Belarusian territory, another fence that has been erected along most of the border, which is effectively an exclusion zone. It is in this forested “zone” that the collection sites are located and where many of the worst abuses happen.

¹² Interview, Warsaw, 15 March 2022.

¹³ Interviewees regularly told the organization that these attempts to push people in groups were not made with the hope or intention that people would successfully enter Poland and be able to remain there. They were done with the intention of raising the attention of Polish border guards, who would then have to scramble to capture people crossing and immediately push them back.

¹⁴ While this briefing largely focuses on the situation of people who were forced into Poland, Belarussian authorities have also forced people to cross the border into Lithuania. Forthcoming research by Amnesty International will provide additional findings concerning the conditions of refugees and migrants who are currently stranded in Lithuania and Latvia.

¹⁵ Amnesty International, “Belarus/EU: New evidence of brutal violence from Belarusian forces against asylum-seekers and migrants facing pushbacks from the EU,” 20 December 2021, <https://www.amnesty.org/en/latest/news/2021/12/belarus-eu-new-evidence-of-brutal-violence-from-belarusian-forces-against-asylum-seekers-and-migrants-facing-pushbacks-from-the-eu/>

¹⁶ Interview with Faisal, Dębak, Poland, 15 March 2022.

Although many people managed to leave the forest during the coldest winter months, the violence and forced movements back and forth across the border picked up again following the outbreak of the conflict in Ukraine on 24 February.¹⁷ Several people reported that they had tried to cross the border toward Poland in the weeks following the Russian invasion of Ukraine and were met with the same punishing violence, even while Ukrainian refugees were welcomed into Poland with open arms—an irony not lost on those with whom Amnesty International spoke. Zaman, a 50-year-old father from Syria, recounted how he had tried for the fifth time to cross the border in early March 2022.¹⁸ Zaman said that he and the other eight people with him, including a mother with two children under ten years of age, made it onto Polish territory. However, after five days of hiding in the Polish forest, they spotted a drone overhead and were quickly found by Polish border guards and forcibly pushed back to the Belarusian side of the border fence to the forested “zone”. The Belarusian border guards did not allow them to leave the “zone” even though they had no food or water. Zaman said, “They [the Polish authorities] broke our mobile phones and pushed us back. We arrived to the ‘buffer zone’ and...the Belarusian ‘army’ wouldn’t let us through, we had to stay for 12 days...they didn’t allow us to get any food or bring us food. We had to go back to the Polish army and beg for food from them. They gave us two bottles of water and two pieces of bread for nine people [including children] every day.”

Darin, a thirty-year-old Peshmerga [Kurdish branch of the Iraqi Armed Forces] soldier from Iraq, who traveled to Belarus with his wife and two small children, was pushed back by the Polish Border Guard dozens of times and was trapped in the exclusion zone on the Belarus side for 27 days. “Every time the Belarus forces found us, they beat us and kept us in the forest, without food or water. I could take the beating but seeing my children so hungry and not being able to take care of them was most difficult. It broke my heart. I am a soldier. I fought ISIS, but I never felt as powerless as in that forest between Belarus and Poland.”¹⁹

Human rights organizations, volunteers and the media have documented cases of people who openly stated their intention to seek asylum in Poland only to be rounded up after repeated attempts and escorted in groups back to Belarus.²⁰ Polish forces often return people who are apprehended in Poland to a different part of the border to avoid detection by Belarusian authorities, which can involve long journeys on overcrowded lorries and buses. People are dropped off kilometers away from the spot where they entered Poland, often without any working mobile phones for guidance or safety and end up separated from their groups and families. Faisal said that when Polish border guards caught him and his group, they were put on a bus and driven for hours before being dropped off. “About 100 of us were so crammed into a bus with 30-40 seats that it was impossible to move your arms and legs or turn around. The trip lasted four or five hours and we were not allowed to stop for a toilet break. The road was bumpy, and people were getting sick from the rough driving. The guards would stop every now and then and ask a small group of people to come out. They would cut the wire fence and order us to cross into Belarus.”²¹

Several people described how Polish border guards frequently compelled people they found on Polish territory back toward Belarus by forcing them into the marshlands, where they had to walk through freezing cold water to reach safety. “They forced everyone into the swamps, including the families, although it was very cold. We had to walk for hours in wet clothes and many of us suffered frostbite on our feet and legs,” recounted Safir, a 40-year-old Syrian, about an incident in December 2021.²²

People who crossed the border showed clear signs of their ordeal. They were exhausted and traumatized by the experience. A doctor working in provincial hospitals in Grajewo and Białystok, which frequently treat migrants and refugees who require emergency care, described how people who are typically admitted to the emergency ward suffered from all stages of hypothermia, some requiring leg amputations; others come with severe dehydration and serious poisoning caused by drinking water from swamps.²³ Most people are drained and frightened. During his last attempt to enter Poland in December 2021, Faisal from Gaza was so weak that he collapsed in the forest, lost consciousness, and had to be resuscitated by the Polish Border Guard. When he woke up in the hospital later, the doctor told him that he had

¹⁷ The organisations working on the border told Amnesty International that they had registered a significant drop in arrivals in January and February. They contrasted close to 500 requested interventions per week during the peak period between October and December with only a dozen in February. The numbers have increased again from mid-March but have not reached the figure from the peak period.

¹⁸ Interview with Zaman, 22 March 2022, telephone.

¹⁹ Interview with Darin, 16 March 2022, Dębak, Poland.

²⁰ Human Rights Watch, “Die Here or Go to Poland; Belarus’ and Poland’s Shared Responsibility for Border Abuses,” 24 November 2021; Council of Europe Human Rights Commissioner, Third Party Intervention before European Court of Human Rights in *R.A. and others v. Poland* (no.42120/21), 27 January 2022.

²¹ Interview with Faisal, 15 March 2022, Dębak, Poland.

²² Interview with Safir, Warsaw, 15 March 2022.

²³ Interview with a medical doctor servicing border area hospitals, Warsaw, 19 March 2022.

a concussion -- the result of frequent head injuries -- and he also suffered from chronic exhaustion. Faisal was pushed back by Polish border guards into Belarus twenty times in one month and suffered serious abuse, including beating and severe blows to the head by the Belarusian forces.²⁴

The Belarusian authorities continue to keep people in the exclusion zone to exhaust them, starve them and create a sense of desperation that will drive them to Poland. Polish border guards undoubtedly have witnessed their mistreatment by the Belarusian authorities and interact daily with people begging for food and water while trapped in the “collection sites”. Yet, the Polish Border Guard continues to return exhausted and traumatized people across the border to Belarus, putting them at real risk of further human rights violations. All persons with whom Amnesty International spoke were pushed back to Belarus without any due process. Despite clearly and unambiguously stating their intention to apply for asylum in Poland, they faced a long series of individual and group pushbacks – some amounting to collective expulsions -- in complete disregard of international and EU law obligations.

“LEGALISING” PUSHBACKS

Poland declared a state of emergency in September 2021, and subsequently extended it twice. The authorities adopted decrees and amended legislation that imposed restrictions on freedom of movement in the areas located within 15 kilometres of Poland’s border with Belarus. When the constitutional time limit for the state of emergency expired, amendments to the Law on Border Protection, adopted in November 2021, gave powers to the Minister of Interior to impose further restrictions on freedom of movement in that area. With the only exception of Poland’s Human Rights Commissioner’s Office, humanitarian and human rights organisations, and human rights monitors are not allowed to access the so-called “exclusion zone.”²⁵ Additionally, in October, the Polish parliament passed legislation granting the Polish Border Guard powers to reject any application for international protection without examination and remove persons from Polish territory without providing any effective means of challenging an adverse decision. These extraordinary measures were a response to what Poland labelled “hybrid warfare” by Belarus, but such a claim provides no justification for Poland’s treatment of refugees and migrants in this context.

Poland’s legislation “legalizes” pushbacks in practice and is in direct violation of national, international and EU laws and standards.²⁶ Forcibly transferring individuals to another country or jurisdiction without procedural guarantees, including the right to appeal with suspensive effect, is in violation of the principle of *non-refoulement*, which prohibits returning anyone to a place where they would be at real risk of serious human rights violations. Removing people who have stated their intention to request international protection without a proper assessment of their claim is a violation of the right to seek asylum and the principle of *non-refoulement*. Both the principle of *non-refoulement* and the right to seek asylum are non-derogable and must be observed even in times of emergency. Under EU and international law, everyone seeking asylum at borders, irrespective of the manner of their arrival, has the right to lodge an asylum application and to have it determined in a fair and effective procedure. According to the Council of Europe’s Human Rights Commissioner, the changes in Poland’s legislation made the exercise of the right to asylum “largely illusory” while expelling asylum-seekers to Belarus is likely to put them at risk of torture or degrading treatment.²⁷

On 28 March 2022, the district court in Hajnówka in Poland ruled (in the first instance) that actions by the Polish Border Guard in the case of three Afghanistani nationals whose requests for asylum were ignored and who were pushed back to Belarus in August 2021 were unlawful and unjustified.²⁸ This is the first such ruling in Poland. It offers an opportunity for

²⁴ Interview with Faisal, Dębak, 15 March 2022. Amnesty International saw Faisal’s medical records confirming the condition.

²⁵ Polish Border Guard had denied the Council of Europe Human Rights Commissioner, Dunja Mijatović, access to the area during her visit to Poland in November 2021. See OKO Press, “Council of Europe’s Human Rights Commissioner – The actions of the Polish authorities contributed to the humanitarian crisis,” 4 February 2022, <https://oko.press/komisarz-praw-czlowieka-re-dzialania-polskich-wladz-przyczynily-sie-do-kryzysu-humanitarnego-na-granicy/>

²⁶ See opinions on draft amendments to the Foreigners’ Act and the Act on Granting Protection to Aliens on the Territory of the Republic of Poland and ministerial regulation on temporary suspension of border traffic at certain border crossings by OSCE Office for Democratic Institutions and Human Rights (ODIHR), MIG-POL /428/2021, 10 September 2021; UN High Commissioner for Refugees (UNHCR), UNHCR observations on the draft law amending the Act on Foreigners and the Act on Granting Protection to Foreigners in the territory of the Republic of Poland (UD265), 16 September 2021.

²⁷ Council of Europe Human Rights Commissioner, Third party intervention to the European Court of Human Rights in R.A. and others v. Poland (no.42120/21), 27 January 2022.

²⁸ Wyborcza, “Court: pushback illegal – the first judgement concerning the deportation of migrants with Belarus,” 29 March, 2022, <https://bialystok.wyborcza.pl/bialystok/7,35241,28278358,sad-push-backi-sa-nielegalne-pierwszy-wyrok-w-sprawie-wywozek.html?disableRedirects=true>

redress for other asylum seekers whose rights are blatantly disregarded by the Polish authorities and sets an important precedent concerning the legality of the newly passed legislation.

Six months after the legislative amendments legalising pushbacks in Poland, the European Commission is still assessing these provisions in order to determine if and to which extent they raise concerns regarding compliance with EU law.²⁹ By failing, to date, to take urgent infringement action for violations of EU law under Article 258 of the Treaty on the Functioning of the European Union, the European Commission appears to condone the Polish government's blatantly illegal practices, thus undermining the EU's stated commitment to a block based on the protection of human rights and the rule of law.

The government of Poland should immediately restore people's access to asylum, both in law and practice, and end all measures that prevent people from accessing its territory and lodging an asylum application for consideration in a full, fair and non-discriminatory asylum procedure. The European Commission should without further delay initiate infringement proceedings against Poland in relation to the elements introduced in its national legislation that contravene EU and international human rights and refugee law.

ARBITRARY DETENTION AND INHUMANE DETENTION CONDITIONS

People who entered Poland and were fortunate enough to eventually avoid a pushback to Belarus have consistently ended up in months-long detention in one of the closed centres for foreigners.³⁰ People usually state their intention to seek asylum in front of a Polish border guard, but local courts decide whether an asylum-seeker will be placed in a closed centre, open centre or private accommodation for the duration of the asylum procedure. According to Poland's Human Rights Commissioner's Office, in the vast majority of cases, courts opt for detention in a closed facility.³¹ There are nearly 2,000 people, including hundreds of children, currently detained in several facilities across Poland.³² People are detained for an initial period of two months, which typically is extended, often multiple times, leaving people languishing in the closed centres for months.

The right to liberty can only be restricted in specific and the most exceptional of circumstances. Immigration detention should only be used where it is necessary and proportionate, and it should never be imposed on children. The routine resort to detention in Poland signifies that authorities make no effort to assess the individual circumstances of each asylum-seeker to determine whether any measure restricting their liberty is justified. Automatic detention with no individual assessment and no procedural safeguards is arbitrary on its face and in violation of international law and standards. Additionally, Amnesty International opposes migration-related detention for the sole purpose of determining the elements on which an individual's claim to asylum is based.

Although the Polish authorities denied Amnesty International access to the closed centres, dozens of people with experiences of being held in them were interviewed, including people previously detained and those who remain in these facilities; the latter by telephone. Their testimonies raise serious concerns about the substandard conditions of detention and absence of meaningful safeguards against ill-treatment of detainees by the guards and other staff. While conditions vary between the facilities, people singled out the closed centres in Wędrzyn and Białystok as particularly problematic, with significant overcrowding; substandard and insufficient water, sanitation and hygiene (WASH) facilities; lack of privacy; and extremely restricted access to medical care, psycho-social assistance, and legal aid. Nearly all the people interviewed had spent time in one or both centres. The center at Wędrzyn also served as a detention for persons convicted of crimes in Poland who were awaiting deportation.

OVERCROWDING AND MILITARISED ENVIRONMENT

Overcrowding appeared to be particularly acute in Wędrzyn, which can accommodate up to 600 people. According to accounts from persons detained in that centre, 20-24 men have shared a single room measuring no more than eight

²⁹ See European Commission answer given on 23 March 2022 to European Parliament written question: https://www.europarl.europa.eu/doceo/document/P-9-2022-000297-ASW_EN.html

³⁰ Poland operates six long-term specialized closed, or "guarded" centres for foreigners, including Biała Podlaska, Białystok, Lesznowola, Ketrzyn, Krosno and Przemysl. In addition, there are three short-term/temporary closed centres including in Wędrzyn, Czerwony Bór and Dubicze Cerkiewne.

³¹ Poland's Deputy Human Rights Commissioner Hana Machinska's contribution to the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), 7 February.

³² Poland's Deputy Human Rights Commissioner Hana Machinska's contribution to the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), 7 February.

square meters.³³ There is no assessment for individual situations, and people with specific illnesses or conditions cannot get specialized accommodation. Khafiz, who spent two months in Wędrzyn and suffers from asthma, was in a room in which many people smoked, and recalled that he and other non-smokers found it “impossible to breathe.”³⁴ Apart from the densely crammed beds, there is no additional space for people to store their limited private belongings and the set-up of the rooms does not allow for any privacy.³⁵ The decision of the Polish authorities in August 2021 to temporarily decrease the minimum standard for personal living space in closed centres for foreigners from three to two square meters per detainee undoubtedly contributed to the gradual overcrowding of the facilities and deteriorating living conditions.³⁶ Even prior to the decision, Poland had one of the lowest standards for the area of accommodation for detainees in the EU, where the standard is four square meters per person.³⁷ As a result, foreign nationals accommodated in some detention facilities in Poland have even less space than inmates in Polish prisons.³⁸

Wędrzyn is part of an active military base. Along with the dire conditions inside, the camp’s infrastructure, the surroundings and the concertina wire that frames the area exacerbate the oppressive nature of the facility. People who spent time in Wędrzyn call it Guantánamo, and the trope has stuck with everyone, so much so that the guards reportedly greet new detainees with “Welcome to Guantánamo.”³⁹ “This was by far the worst camp. The guards didn’t treat us like humans. Not even like animals. They made you feel worthless, like an insect. Some of them seemed proud that we compared it to Guantánamo. When you were coming in, they would say ‘Welcome to Guantánamo’”,⁴⁰ recalled Safir from Syria. According to the testimonies, the guards would regularly compare the detainees to criminals and tell them that they deserved to be imprisoned. “I never understood why we were detained or treated like ordinary criminals just for trying to save our lives or wanting to have a future. But the guards would regularly remind us that we broke the law by coming illegally and that this was our punishment. That was hard to understand. We actually shared space with true criminals in Wędrzyn - people who were convicted for serious crimes and were waiting for deportation. We were there without a good reason or an end in sight,” recounted Mahzar from Syria.⁴¹

For some people, including victims of torture in their home countries who also had endured months of harrowing experiences in Belarus and the border area, their detention in Wędrzyn was the final straw.

“Most of the days we were woken up by the sounds of tanks and helicopters, followed by gunshots and explosions. This would go on all day sometimes. When you have nowhere to go, no activities to take your mind off it or space for even a brief respite, this was intolerable. After all the torture in prison in Syria, threats to my family, and then months on the road, I think I was finally broken in Wędrzyn,” Khafiz from Syria told Amnesty International. A remarkable number of people who were detained in Wędrzyn and other camps shared similar stories. Many arrived in Poland already depleted and deeply traumatized. They found the military surroundings and persistent noise particularly cruel and threatening, and felt it was deliberately designed to intimidate them.

People also reported that the toilet and shower facilities in the centre were insufficient and so dirty that they were virtually unusable. According to testimonies, dozens of people were forced to shower at the same time, leaving no privacy and creating significant stress for some. Mahir from Gaza recalled that even the drinking water in Wędrzyn was yellow with sand residue and that people frequently complained to the guards, but nothing was done about it.⁴² People said the toilets were rarely cleaned and in such a state that many tried to avoid using them. “Toilets were so filthy that I had genuine

³³ Human Right’s Commissioner’s Office, “The center for foreigners in Wędrzyn does not meet the standards of protection of their rights: Conclusions after the third visit,” 24 January 2022. Also, a letter written and signed by the residents of Wędrzyn following a hunger strike in December 2021. A copy of the letter is on file with Amnesty International.

³⁴ Interview with Safir, Warsaw, Poland, 15 March, 2022.

³⁵ Separate interviews with Ahmed and Mahir, Warsaw, Poland, 14 March, 2022.

³⁶ Poland’s Ministry of the Interior, Ordinance amending the regulation on guarded centers and detention centres for foreigners, 13 August, 2021, <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/zmiana-rozporzadzenia-w-sprawie-strzezonych-osrodkow-i-aresztow-dla-19138336>

³⁷ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Living space per prisoner in prison establishments: CPT standards, 15 December, 2015

³⁸ Poland’s Deputy Human Rights Commissioner Hana Machinska’s contribution to the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE), 7 February; Human Right’s Commissioner’s Office, “The center for foreigners in Wędrzyn does not meet the standards of protection of their rights: Conclusions after the third visit,” 24 January 2022.

³⁹ People who Amnesty International interviewed and who spent time in Wędrzyn compared it to Guantánamo. In three separate and unrelated conversations, the interviewees said that the guards greeted them with “Welcome to Guantánamo.”

⁴⁰ Interview with Safir and Khafiz (separately), Warsaw, Poland, 15 March 2022.

⁴¹ Interview with Mahzar, 28 March 2022, telephone.

⁴² Interview with Mahir, 14 March 2022, Warsaw, Poland.

anxiety at the thought of having to use them. The entire time I was there, I tried eating and drinking the bare minimum to minimize the trips to the toilet,” reported Safir from Syria.⁴³

The European Committee for the Prevention of Torture has stated that “[r]eady access to proper toilet facilities and the maintenance of good standards of hygiene are essential components of a humane environment.”⁴⁴ Failure to uphold such hygiene standards is likely to result in conditions that subject detainees to inhuman or degrading treatment in violation of international law and standards. Following a January 2022 inspection of the facility, Poland’s Human Rights Commissioner was dismayed at the conditions as they fell short of providing guarantees against inhumane and degrading treatment. The Commissioner also said that the location of the centre inside an active military facility “grossly violates the rights” of detainees.⁴⁵

The Commissioner concluded that the centre could not ensure basic safeguards against inhuman and degrading treatment and should be closed immediately.

CUT OFF FROM THE OUTSIDE WORLD

According to former detainees, Wędrzyn did not offer organised activities for recreation and people were limited to one hour of time outdoors per day. Similar conditions were also reported in closed centres in Białystok and Lesznowola. People detained in these facilities, as well as volunteers working with asylum-seekers, noted that there was limited to no infrastructure or activities for recreation and entertainment in some of the centres. The exceptions were common rooms equipped with a television set and several computers, which were too small to accommodate everyone. One volunteer said that his organization’s attempts to provide a small library with materials in the languages spoken in the centre were thwarted by the management. “We managed to collect quite a few books and took them to the camp [centre]. Although we had insisted that the books remain in the camp, once the detainee who volunteered to take care of them was released, the guards threw away all the books. All our attempts to improve the situation in these camps are blocked. The authorities are actively and deliberately trying to make the situation of people in these camps intolerable. They are literally killing people with boredom,” a volunteer with Grupa Granica told Amnesty International.⁴⁶

Once people enter the closed centres, their smart phones are taken away and they are left with limited means of communication with the outside world. Some centres have a computer room and internet, but the facilities are thoroughly insufficient, there is no privacy and internet speed is often too slow and weak to support a video call. Volunteer organizations have made arrangements to provide some detainees with older model phones with only a telephone connection, sim cards and credit, to facilitate communication with lawyers representing them in their asylum procedure.⁴⁷

While this is very useful, people in the closed centres are not able to buy additional credit or use such telephones to make international calls. This is particularly difficult for individuals who left their families and travelled alone, and for whom being in touch with their loved ones at home provided a degree of comfort and a sense of normality. Faisal, a 32-year-old Palestinian from Gaza, who had suffered torture in both Israeli and Hamas prisons⁴⁸ and months on the Belarus border, arrived in Poland in extremely frail health, so exhausted that when he collapsed and lost consciousness after he crossed the border, he was hospitalized in Hajnówka. When he was released and transferred to a detention centre close to the border (which he could not identify), Faisal pleaded with the guards to allow him to call his family but was denied: “I had been through so much since I left Gaza. I just wanted to call my family, hear their voices and let them know that I was well, but the guards would not give me back my phone or allow me to make a call. In protest, I refused to eat for days. On the second day, a doctor came and tried to force me to eat. When I refused, he told me that I would die if I didn’t eat and that if I really wanted to die, I should just hit my head against the wall, as it would be quicker. I couldn’t believe that they would deny me time with my family. Even in the worst Israeli prison, I was able to call them regularly.”⁴⁹

Because of his condition, Faisal was soon transferred to an open centre in Białystok where he was finally able to call his family and access medical assistance. Others had to spend months without regular contact with their families. Khafiz from Syria was in the closed centre in Białystok over the winter holidays, which he and his family regularly marked in Syria,

⁴³ Interview with Safir, 15 March 2022, Warsaw, Poland.

⁴⁴ CPT Standards, CPT/Inf/E (2002) 1 - Rev. 2015, p. 18, §49.

⁴⁵ Office of the Human Rights Commissioner, “The center for foreigners in Wędrzyn does not meet the standards of protection of their rights: The conclusions after the third visit of the Human Rights Commissioner,” 24 January 2022.

⁴⁶ Interview with a group of volunteers, 17 March 2022, Siemiatycze, Poland.

⁴⁷ Interview with Grupa Granica activist, 17 March 2022, Hajnówka, Poland.

⁴⁸ Amnesty International has seen Faisal’s file containing documents, including medical certificates, and ECtHR decision on interim measures confirming ill-treatment in prisons in Gaza as well as Israel.

⁴⁹ Interview with Faisal, 15 March 2022, Dębak, Poland.

and found it particularly difficult. “I couldn’t stop thinking about my family – my wife and my two daughters back in Damascus. I was wondering if they’re celebrating the holidays and thinking about me. You feel really alone and inhuman here although you’re surrounded with so many people. Being able to stay in touch with family back home is really important.”⁵⁰

LACK OF ACCESS TO HEALTHCARE

With a few exceptions, people in closed detention centres, including in Wędrzyn, Białystok, Kętrzyn, Krosno have limited access to adequate healthcare, including medical and psychological support. Medical emergencies are treated in local hospitals, but people who have less urgent conditions, including asthma, chronic heart conditions, and skin infections have difficulties securing time with general practitioners and nurses assigned to the centres. According to Poland’s Human Rights Commissioner, there are one or two medical doctors and one psychologist in some closed centres, including Wędrzyn, which accommodates close to 600 people.⁵¹ This is far from sufficient and, according to the Human Rights Commissioner, even below the care that is available in prisons in Poland.⁵²

People reported that they had to wait for hours every day in front of the doctor’s office without guarantees of being seen. Many people ended up waiting for days before seeing a doctor. Khafiz from Syria said that he was not able to get any treatment or medication for painful hemorrhoids or allowed to use his inhaler for asthma while he was in Wędrzyn. He and several other detainees complained about the lack of interpretation in the centres, which made communication with the doctor even more difficult for those who did not speak English or Polish.

A doctor working in a provincial hospital in Białystok recounted how the guards in the closed centre in Białystok refused to grant approval for his request to move to hospital a 15-year-old pregnant girl who suffered from a series of complications, despite the severity of her condition.⁵³ Azade, a Kurdish women in her late twenties from Iraq, recounted how a doctor in the closed centre in Kętrzyn, where she was staying with her family, waited for days before referring her to a hospital after she had experienced painful bleeding related to a gynecological condition. After being briefly examined by a doctor in a local hospital, Azade was released and returned to the centre without further medical treatment, leaving her in pain for days.⁵⁴ As many others, she had to rely on the assistance of civil society and volunteers, including medical professionals, who periodically visited the detainees and provided short-term support.

Even more acute, however, was the need for psychological and psychiatric assistance in these centres. People who have fled conflicts and persecution in their countries of origin and spent months on the Polish-Belarus border are highly traumatized, with prolonged detention in Poland only exacerbating their condition. The vast majority of people interviewed reported having significant psychological problems, including anxiety, insomnia, depression and frequent suicidal thoughts. Yet, for most people, appropriate and timely psychological assistance was inaccessible in practice.

Mahir from Gaza, who spent time in Wędrzyn, Kętrzyn and Lesznowola, described how he waited for 35 days before he was able to see a psychologist in Kętrzyn. Mahir said that before traveling to Poland, he was imprisoned by Hamas, tortured and kept in isolation for a month, which left him with serious psychological trauma.⁵⁵ Having spent several months in some of the worst detention centres in Poland, Mahir fell into depression and lost the ability to speak. Despite his obvious need to see a psychologist when he was moved from Kętrzyn to Wędrzyn, he did not receive a proper assessment. The doctor who finally saw him after a month of waiting, told him that he “deserved to be detained because he came to Poland illegally and broke the law”. Mahir finally managed to see a professional psychologist when he was moved to Lesznowola centre, after nearly five months without psychological support.⁵⁶ It was only after the psychologist in Lesznowola provided an expert opinion stating that Mahir was suffering from chronic psychological problems, including depression, and that further detention would be detrimental to his health and life, that the court finally decided to release him to an open facility.⁵⁷

People’s testimonies indicate that the authorities do not carrying out full, or indeed any, medical examination of foreign nationals upon admission to the centres. The newly arrived detainees are not thoroughly and systematically screened for

⁵⁰ Interview with Khafiz, Warsaw, Poland, 15 March 2022.

⁵¹ Interview with Office of the Human Rights Commissioner, 24 February 2022.

⁵² Association for Legal Intervention & Global Detention Project, Joint submission to the European Committee for the prevention of torture in preparation for its 2022 visit to Poland, March 2022.

⁵³ Interview with a medical doctor servicing border area hospitals, conducted in Warsaw, 19 March 2022.

⁵⁴ Interview with Azade and her husband, 16 March 2022, telephone.

⁵⁵ Amnesty International has seen the written official note from the psychologist in Lesznowola.

⁵⁶ Interview with Mahir, 14 March 2022, Warsaw, Poland.

⁵⁷ Mahir showed Amnesty International a formal assessment signed by a psychologist in Lesznowola.

communicable or infectious diseases, including Covid-19; chronic illnesses; or psychological trauma. Such a screening would allow for early identification of possible victims of torture and ensure that they receive appropriate accommodation and adequate treatment throughout. Instead, abuses suffered by some detainees in the closed centres themselves amount to cruel and degrading treatment, compounding their past torture and ill-treatment and the trauma of their journey to reach Poland.

Following the inspection of Wędrzyn, Poland's Commissioner for Human Rights noted that the psychologist employed in the facility could not conduct proper assessments of reported disorders and asked the authorities to increase the number of doctors and psychologists there without delay in order "to prevent degradation of physical and mental health of people in detention."⁵⁸

The state must provide adequate medical and psychological care for people in its custody. Medical examinations play a crucial role in preventing torture and other ill-treatment. International standards call for medical assistance to be given to those in detention when necessary.⁵⁹ Detainees should be given or offered a medical examination as promptly as possible after admission to a place of detention and should have a right to be examined by a doctor other than that initially provided by the state. These exams should be age and gender appropriate and ensure that cultural and other sensitivities are taken into consideration. If it becomes evident that a detainee has an underlying medical problem or displays signs of serious mental illness, appropriate medical or psychosocial care should be organized in a manner reflecting the urgency of the problem including, where necessary, transfer to a specialist facility.

LACK OF INFORMATION AND UNCERTAINTY

Detainees reported that they were often asked to sign papers that were only in Polish, and that they did not have regular, or indeed any, access to translation or interpretation, or meaningful legal assistance during their asylum procedure. Most people said that they were not informed about their rights upon detention, and did not know the status of their asylum applications or the duration of their detention. Some reported frequent threats of deportation to their country of origin from detention centre guards.

People's testimonies indicate that the authorities in open and closed centres did not provide any information to the people who are placed in their care about their rights or the process of applying for international protection. With the exception of legal advice provided by NGOs, there is no meaningful legal assistance available in the centres, leaving many people without crucial information or effective access to asylum. Poland's Human Rights Commissioner's Office noted that NGOs play a crucial role in facilitating asylum applications and providing support to asylum-seekers, but that they cannot meet the needs of everyone there, especially when access to the centres has become increasingly more difficult.

The lack of accessible information about asylum and regular legal assistance; the inability to regularly communicate with legal representatives; and the limited interpretation and translation support severely restrict people's access to the asylum procedure and undermine the procedure's fairness.

EU member states have a responsibility to provide asylum-seekers with information on the asylum procedure, including their rights and obligations and the timeline, in a language that they understand. States should also ensure asylum seekers have effective access to organisations and persons providing legal advice and counselling in order to facilitate the asylum procedure.⁶⁰

PSYCHOLOGICAL ILL-TREATMENT

Testimonies also raised serious concerns about how the treatment of foreigners in detention and official custody by the Polish Border Guard affected mental and psychological well-being. Nearly all those interviewed reported consistently disrespectful and verbally abusive behavior, racist remarks and other practices that indicate psychological ill-treatment.

Men consistently complained about the frequency of and manner in which body searches were conducted. When people were transferred from one detention centre to another, they were subjected to strip searches at both facilities, even though they were in state custody for the duration of the transfer. In Wędrzyn, all newly admitted foreigners were kept together in a room, required to remove all their clothes and ordered to perform squats. Frequent and public strip-searches

⁵⁸ Office of the Human Rights Commissioner, "The center for foreigners in Wędrzyn does not meet the standards of protection of their rights: The conclusions after the third visit of the Human Rights Commissioner," 24 January 2022.

⁵⁹Rule 30 of the Mandela Rules (United Nations Standard Minimum Rules for the Treatment of Prisoners)

⁶⁰ See Arts 8, 12, 19, and 21 of the EU Directive on common procedures for granting and withdrawing international protection (recast) 2013/32/EU, 26 June 2013)

can be quite stressful and are unequivocally perceived as a form of intimidation, but are particularly daunting for men of some cultural backgrounds.

Although a form of body search in places where people are held in state custody can, in some circumstances, be a legitimate practice, the Council of Europe Committee on Prevention of Torture recommends that this should be a two-step process, whereby the detained person should be asked to remove upper clothes to allow for upper body search and only after the upper clothes are put back on, the person is requested to remove the lower clothes and is searched below the waist.⁶¹ The principle is that the person should never be fully naked and exposed and that a search is conducted in a manner that respects their dignity. Searches should be as unobtrusive as possible, strictly limited to aims such as security and detecting contraband and must avoid humiliation. Any personal and body searches of detainees and visitors must be necessary, reasonable and proportionate. They should only be carried out by trained staff of the same gender and in a manner consistent with the dignity of the person being searched.

Amnesty International considers the detention of people who arrived in Poland from Belarus and applied for asylum as arbitrary, and therefore any strip search in these circumstances cannot be deemed necessary or proportionate and represents an invasion of their privacy and an infringement on bodily integrity.

People also frequently complained about disrespectful behavior by guards in closed centres and border police stations where people are temporarily kept in custody. Faisal, who spent several days in one of the border police stations after he was released from the hospital in Hajnówka, recounted how one of the border guards took his medical file, which contained photos of Faisal in his boxer underwear that showed injuries on his body: “He started showing my photo to other guards and they all joked that I looked sexy in my boxers and laughed. That was really humiliating.”⁶²

At least four people reported that the guards in the Białystok closed centre would keep people in isolation for conduct that hardly amounted to an offense, such as asking for more food or complaining about substandard conditions. Safir told Amnesty International that the guards in Białystok threatened to put him in isolation for asking for a towel, after another detainee accidentally took his. “The guards raised such a fuss that I gave up and instead asked a friend if I could use his towel for a week to avoid isolation.”⁶³

According to people who spent time in Lasznowola, the guards referred to people there by their case numbers, rather than their names. For some who were in the centre for several months, like Safir and Khafiz, the practice stuck and they, only half-jokingly, continued to call each other by their case numbers even after being released.

The combination of dire detention conditions and lack of meaningful support, unnecessary and humiliating strip-searches, disrespectful behavior and language by guards, excessive punishment for otherwise ordinary requests and conduct, and the use of numbers to refer to the people in detention clearly fostered a culture where people were completely dehumanized. Nearly every person interviewed said that their detention in Poland was a source of significant and potentially lasting trauma and had caused both physical and mental suffering. It is a sad indictment of the Polish state and its lack of commitment to human rights that some people who survived torture in their countries of origin and hoped to find safety in Europe instead endured detention conditions and abuses by guards in Poland that amounted to such cruel and degrading ill-treatment.

COERCION AND EXCESSIVE FORCE DURING FORCIBLE RETURNS

Amnesty International interviewed several people who were either forcibly returned to their country of origin or a third country or who avoided forcible returns and remain detained in Poland. The number and the nature of such returns is difficult to assess, but the testimonies indicate that nationals of Iraq were among those most affected, following support by the European Border and Coast Guard Agency (Frontex) to assist Poland with returns to Iraq.⁶⁴ Representatives of the Frontex office in Poland reported that from 1 December 2021 to 4 April 2022, the agency facilitated 46 scheduled/commercial flights, involving 142 foreign nationals, but could not confirm the nationalities of those returned.⁶⁵

Some people appear to have volunteered for return to their countries of origin, but the voluntary nature of their consent must be evaluated against both the physical and mental strain imposed by the conditions of their detention in Poland and for some, by the conduct of state actors or agents who violently coerced them into signing papers, possibly “voluntary”

⁶¹ CoE CPT Report to the Polish Government on the visit to Poland from 11-22 May 2017, <https://rm.coe.int/16808c7a91>

⁶² Interview with Faisal, 15 March 2022, Dębak, Poland.

⁶³ Interview with Safir, 15 March 2022, Warsaw, Poland.

⁶⁴ Anadolu Agency, “Frontex offers to help Poland return Iraqi refugees who entered via Belarus,” 12 November 2021, <https://www.aa.com.tr/en/europe/frontex-offers-to-help-poland-return-iraqi-refugees-who-entered-via-belarus/2418620>

⁶⁵ Amnesty International telephone conversation with Frontex office in Poland, 5 April 2022.

return papers, and who also suffered excessive use of force during the trip. Ayoub from Lebanon, who studied and lived in Poland and was charged for assisting a refugee family from Iraq who had asked him for help, was detained in Wędrzyn. Ayoub said that in December 2021, the guards at the centre gathered together groups of people, mostly from Iraq but also from North Africa, and tried to force them to sign documents in Polish.⁶⁶ When people protested and asked for a translation, the guards became abusive. Ayoub recounted the attendant threats of violence: “They carried taser guns and would threaten everyone with electric shocks if they refused to sign. Some people were so terrified that they signed whatever was in front of them.”⁶⁷

Ayoub did not sign any document at that time, but in early January, the guards woke him up late at night and forced him to go to a small room, where seven armed men demanded that he sign a document in Polish. Ayoub speaks Polish, but said he could not fully understand the legal language in the document. He feared that the guards wanted him to admit to knowingly helping people who allegedly entered Poland illegally. He refused to sign anything, after which he was subjected to hours of physical abuse, including beatings and taser shocks: “They took all my clothes off and started beating me and punching my head. They said that I had to sign the document and threatened me with deportation. When I refused, they used tasers. This continued for hours. I was in pain and completely exhausted. I finally signed the document and they put me on a bus to Warsaw.” With a bus ride to the airport, Ayoub’s ordeal lasted over ten hours. Ayoub said he was given an injection of a sedative before he was escorted by four guards to the plane to Frankfurt and onward to Beirut. When he arrived in Lebanon, Ayoub was so weak that his family took him to a hospital straight away. The doctor who examined him on the day of his arrival confirmed that Ayoub suffered from a cerebral contusion and ear tinnitus, and had visible facial injuries around his forehead and nose, as well as second degree burns on the flanks, “caused by the use of an electric tool.” The doctor noted that the injuries were a result of physical violence and abuse.⁶⁸

Amnesty International has concluded that Ayoub was subjected to torture, in gross contravention of Poland’s obligations under international law.⁶⁹

Yezda, a 30-year-old Kurdish woman, also had a traumatic experience with a threatened return. Yezda, who arrived in Poland in November 2021 via Belarus with her family, including her husband and three small children, received a negative decision on her asylum application less than two weeks after she applied. A social worker came into the room where Yezda and her family were sleeping at night and told them that they were being moved to another centre. As the guards had asked them to take a Covid-19 test the day before, Yezda was suspicious that they would be forcibly returned and started asking questions. After a guard finally admitted that the family would be taken to the airport and returned to Iraq, Yezda panicked and started screaming and pleading with the guards not to take them. She threatened to take her life and became extremely agitated. “I knew I could not go back to Iraq and I was ready to die in Poland. While I was crying like that, two guards restrained me and my husband, tied our hands behind our backs, and a doctor gave us an injection that made us very weak and sleepy. My head was not clear, but I could hear my children, who were in the room with us, crying and screaming.” The guards drove Yezda and her husband and the children to the airport in separate cars. Yezda said she felt very weak and could not recall the journey. She woke up at the airport, where she was reunited with her family. “The children were very scared and were still crying. My baby was hungry and needed to be changed. We were asked to go through the airport security and the guards told us to behave on the plane. But I refused to go. I remember noticing that I didn’t even have any shoes on, as in the chaos at the camp, they slipped off my feet. My head was not clear, and I couldn’t see my husband or the children, but I remember that they forced me on the plane that was full of people. I was still crying and pleading with the police not to take us.” Yezda said that she broke her foot as she fought the guards who tried to put her on the plane. After spending all day and night at the Istanbul airport, Yezda and her family were told that the airline company refused to take them to Iraq and that they would be returned to Warsaw. Although they were served a deportation order immediately upon return to Poland, the family remains to date in one of the open centres for families in Poland.⁷⁰

The abuses suffered by Yezda and her family are shocking and raise serious concerns about the excessive use of force used to remove Yezda, not least the administration of a potential sedative without medical necessity or consent. Amnesty

⁶⁶ Similar accounts were provided by other men who were detained in Wędrzyn, including two who often helped translate these conversations for other detainees who did not speak English.

⁶⁷ Interview with Ayoub, 23 March 2022, virtual.

⁶⁸ Photographic evidence and doctor’s note are on file with Amnesty International.

⁶⁹ The prohibition of torture is absolute and has *jus cogens* status under international law, which means it is universally applicable and cannot be subject to derogation. It is also enshrined in Article 7 of the International Covenant on Civil and Political Rights, Article 3 of the European Convention on Human Rights, and the UN Convention Against Torture.

⁷⁰ Interview with Yezda, 16 March 2022, telephone.

International is also concerned that the family was not provided any information about their right to appeal the decision rejecting Yezda's asylum claim and the availability of legal assistance to do so.

SOLIDARITY: A VIRTUE ON ONE BORDER AND A CRIME ON THE OTHER

Following the introduction of the state of emergency in September 2021 and the subsequent changes to the legislation which restricted freedom of movement in the "exclusion zone" in the forest along Poland's border with Belarus, the authorities blocked media and human rights organizations from the area and prevented the delivery of life-saving humanitarian aid to people there.

With virtually no effort by the Polish authorities to meet the needs of people who crossed the border into Poland after their harrowing experience in Belarus, the burden of delivering assistance in the "exclusion zone" has fallen almost exclusively on the shoulders of local residents, activists and volunteers. As a part of a larger network of organizations and individuals, they have collected a considerable amount of humanitarian aid, including food, clothes and medical kits, and set up a hotline number that people who are lost or stranded on Polish territory can call. A call to the hotline triggers the quick dispatch of a local rescue team that locates the caller and provides food, water, clothing, and medical aid, if required, and facilitates their safe exit from the forest. They also offer legal assistance and explain to people how they can request asylum. At times, they have invited media, members of parliament and others, to be present during the first contact between the people in need of assistance and Polish border guard officers.⁷¹ According to some of the volunteers, generating publicity is often the only way to prevent an automatic return and ensure that people's asylum requests are duly considered in Poland. A network of *pro bono* lawyers and volunteers assists people throughout their asylum procedure. Sometimes, they are the only contact with the outside world for people who are detained in Poland for a prolonged period. Remarkably, they are also the only link with the official procedure, as formal assistance provided by the authorities is virtually non-existent.

The authorities have made it difficult for these groups to operate near the border. In addition to their ban from the exclusion zone, volunteers, activists and local residents who help migrants and refugees face frequent intimidation and harassment by the border guards. Activists reported being subjected to verbal abuse and random ID checks and searches. Some were even held at gunpoint and threatened with prosecution for "assisting illegal entry," when they were found helping people stranded in the forest.⁷² In mid-March 2022, border guards stopped and detained four volunteers who were providing urgent assistance to a family with young children trapped in the forest in sub-zero temperatures without food or water.⁷³ Although the prosecutor in the case recommended three-months in detention, the court released the activists. They still face potential charges for the offense of "assisting illegal entry."

Local residents and volunteers spoke with moral clarity about their efforts. They perceived the recently passed legislation banning them from the "exclusion zone" and its implementation in practice as unjust and inhumane – and considered the help they provide as their duty. The incredible generosity and openness that Polish people and the Polish government have shown to people fleeing Ukraine is not lost on them. In fact, many of them belong to the same organizations and volunteer groups that have rapidly mobilized to provide assistance to the refugees from Ukraine. "It's been mind-boggling watching what is happening at the Ukrainian border. The same Polish government, which has constructed razor wire fence, cordoned off the border with Belarus and banned all humanitarian assistance for people coming in, has been receiving the refugees from Ukraine with open arms and asked all the relief agencies, the same ones that they had banned from here, to come in with their resources," a local volunteer who lives near the border with Belarus told Amnesty International.

Many activists find the stigmatization and criminalization of providing help to those in need completely absurd. As one volunteer noted, "We are helping people and we know that we are not doing anything wrong or anything illegal, but the authorities are making us feel as if we are. What is happening on the Ukrainian border is exactly how a relief effort should look like. Where we are also faced with people fleeing some other wars, but on this border, just being in the forest with a

⁷¹ Amnesty International visited two hubs, a headquarters and a field team, of the volunteer network providing basic humanitarian assistance to the people stranded on the Polish border with Belarus to gain insight into the work of activists and volunteers.

⁷² Interview with activists and volunteers in person and over telephone between 8 March and 4 April 2022. See also Council of Europe Human Rights Commissioner, Third party intervention to the European Court of Human Rights in *R.A. and others v. Poland* (no.42120/21), 27 January 2022.

⁷³ Information provided to Amnesty International by Grupa Granica representative on 26 March 2022. Amnesty International also spoke with the lawyer representing the individuals on 6 April 2022.

backpack full of aid could get you in huge trouble. On one border, people are being handed sausages and toys. On the other, we feel like we are participating in a secret activity.”⁷⁴

Provision of humanitarian assistance and legal aid to people at the Belarus or any border with Poland should not be criminalized. Preventing journalists and civil society from the border area leaves people without life-saving assistance, prevents independent scrutiny of migration practices and will have a chilling effect on the work of independent media and civil society.

The real potential of how Poland can quickly and compassionately respond to people fleeing conflict and danger is on full view in the context of the Ukraine crisis. While state authorities have much more to do to ensure the full safety and all required forms of assistance to refugees from Ukraine, the contrast with the hostility and abuse by Polish state actors targeting those who have arrived from Belarus could not be sharper. The Polish government’s approach to refugees from Ukraine indicates the state’s potential to fulfill its obligations under EU and international human rights and refugee law – while its approach to refugees who crossed from Belarus smacks of racism and hypocrisy – and is marked by serious human violations, including torture and other ill-treatment.

BELARUS: DETERIORATING CONDITIONS AND UNLAWFUL RETURNS

CONTINUED ABUSES AT THE BORDER

In December 2021, Amnesty International had already revealed that Belarusian forces regularly beat people, including with batons and other weapons, and tortured and/or otherwise ill-treated migrants and refugees who had taken the widely advertised opportunity to travel to the EU beginning in June 2021. The testimonies collected in 2021 included disturbing stories of people, including families with small children, being deprived of food, water, shelter, and sanitation within the “exclusion zone”, as well as theft of phones and money or extortion for bribes by members of Belarusian forces. As noted above, Belarusian forces regularly collected and held people at multiple sites within the “zone” and violently forced them to attempt to cross the Polish border, often en-masse, in full knowledge of the violent pushbacks they would face by Polish border guards on the other side.⁷⁵

Those who made more recent attempts to cross the border into Poland (in January – March 2022) have reported that the Belarusian authorities have stepped up their brutality and demands for money, particularly when people are pushed back from Poland and are forced to remain in the “collection sites” within the Belarusian “exclusion zone”. Harun, a 31-year-old Syrian man described the multiple attempts he made to cross the border since arriving in Belarus in October 2021, stating that while he had been “collected” and trapped several times, he was eventually allowed to exit the “zone” by paying Belarusian forces a bribe.⁷⁶ He went on to describe the current situation: “Since 2022, and especially in the last month, it is not easy to go back [outside of the zone]. After being pushed back, we dug under the fence [separating the exclusion zone with mainland Belarus] and the Belarusian ‘soldiers’ came, four of them, with ‘Kalashnikovs’, and they had a dog. The Belarusians started beating us on our bodies using hands and feet to hit and kick. Then they took us to the camp area [collection site] before we managed to escape.”

Hoda, a 40-year-old Syrian woman and mother of five, recounted how the group she was travelling with (four men and one other woman) attempted to cross into the “exclusion zone” and on to Poland on 8 March 2022.⁷⁷ Initially, Belarusian border guards demanded \$1,000 from each individual to be allowed to cross the fence into the “zone”, but the group did not carry that much money with them. After settling on a lower amount and taking one group member’s iPhone without his consent, the Belarusian border guards allowed Hoda and her group to pass and they managed to get through to Poland. Hoda reported that they had made it 12 kilometers into Polish territory before being apprehended by Polish border guards and detained overnight in what she described as a police station. After being taken to a point near Grodno and pushed back to Belarus, the Belarusian border guards kept them trapped in a “collection site” for eight days without providing food or water. The group was left to beg Polish border guards for provisions, which were scant. Hoda said that one piece of bread and two bottles of water were sometimes given, not every day, and were shared amongst the group. On the fifth day of being held in the “collection site,” the group attempted to cross the fence out of the exclusion zone into mainland Belarus and were stopped and forced back by Belarusian border guards, “We said we have no food, they said it

⁷⁴ Interview with volunteers, 17 March 2022, Siemiatycze, Poland.

⁷⁵ Amnesty International, “Belarus/EU: New evidence of brutal violence from Belarusian forces against asylum-seekers and migrants facing pushbacks from the EU”, 20 Dec 2021, www.amnesty.org/en/latest/news/2021/12/belarus-eu-new-evidence-of-brutal-violence-from-belarusian-forces-against-asylum-seekers-and-migrants-facing-pushbacks-from-the-eu/

⁷⁶ Interview with Harun, 22 March 2022, telephone.

⁷⁷ Interview with Hoda, 23 March 2022, telephone.

was not their problem and wouldn't let us go back. They said, you crossed this fence by your own choice to go to Poland, but coming back is not up to you, it is up to us.”

PRECARIOUS LIVING CONDITIONS

All of the people inside Belarus who agreed to interviews indicated that since the invasion of Ukraine by Russia and the subsequent sanctions levied against both Russia and Belarus, their situations have become even more precarious. In December 2021, Amnesty International reported that people attempting to cross the border into the EU were repeatedly subjected to theft and exploitation by Belarusian border guards, which quickly depleted their funds.⁷⁸ Now, those who could not return to their home countries due to fears of persecution or could not otherwise escape Belarus are faced with dwindling or no cash reserves, limited access to shelter, skyrocketing food prices – a situation ripe for exploitation.

Even before the Russian invasion of Ukraine, people who were repeatedly pushed back to Belarus from EU border states – including Poland, Lithuania and Latvia – and whose Belarusian visas had expired, were unable to stay in hotels or hostels due to their irregular migration status.⁷⁹ They had little choice but to rent rooms and flats from private individuals who significantly inflated the prices of temporary shelter and have continued to demand money above and beyond the agreed upon amounts.⁸⁰

The international sanctions against Belarus include a restriction on money transfer services to the country, including popular quick cash transfer services that people regularly access to send and receive funds without a bank account.⁸¹ The inability to receive financial help from friends and family regularly sending them funds to survive has impacted upon people's ability to temporarily rent flats or rooms, as well as their ability to buy food, water, and other basic necessities. In short, people have little or no money remaining and no legal possibility of accessing money from family – several people reported having to resort to “black market” cash transfers to survive.⁸² One woman described how the cost of potatoes in local markets has tripled in price, but exchange rates from USD to Belarusian Rubles (BYN) available locally has not even doubled what it was.⁸³

Several interviewees also reported that they paid for services or shelter to private individuals who defrauded them and subsequently threatened to report them to the police both before and after the conflict in Ukraine began.⁸⁴

In one particularly egregious example, two Syrian women with disabilities were trying to reach the EU to be reunited with their mother, who has refugee status in an EU country. After being pushed back from Poland more than 20 times, they decided to temporarily stay in a flat in Minsk to regroup in mid-February. They paid rent to a woman, and a few days later an unknown man came to the flat demanding money for rent. He called the police, who then arrested the women and took them to a detention centre where they remain held. According to their mother, the only way she can speak to them or to get them released from detention is to purchase flights out of the country for her daughters.⁸⁵

BELARUS: INEFFECTIVE ASYLUM PROCEEDINGS AND FORCED RETURNS

⁷⁸ Amnesty International, “Belarus/EU: New evidence of brutal violence from Belarusian forces against asylum-seekers and migrants facing pushbacks from the EU”, 20 Dec 2021, www.amnesty.org/en/latest/news/2021/12/belarus-eu-new-evidence-of-brutal-violence-from-belarusian-forces-against-asylum-seekers-and-migrants-facing-pushbacks-from-the-eu/

⁷⁹ People staying in Belarus for ten days or more are required to “register” with the government, which is usually done via hotels. Passport and visas are required as part of this process, hence, for those with expired visas there is no way to stay in a hotel. Registration information and requirements taken from Belarusian Visa site: www.visa.by/en/embassy/registration/

⁸⁰ As referenced in above footnote, private individuals are also bound by the requirement to register tourists. This was reported by several of the interviewees as a reason for the inflated prices and exploitation—private individuals are taking on a risk by hosting people who are not registered and whom they do not register as lodgers.

⁸¹ Institute of chartered accountants in England and Wales (ICAEW), “Sanctions on Russia and Belarus,” available at: <https://www.icaew.com/insights/insights-specials/ukraine-crisis-central-resource-hub/sanctions-on-russia-and-belarus>

⁸² For practical reasons, people tried to avoid carrying large amounts of cash with them when attempting to cross the border. If the cash was found by authorities on either side of the fence, it would often be taken from them.

⁸³ Interview with Laila, 23 March 2022, telephone.

⁸⁴ In two cases, people stated that they paid an individual in advance for temporary stays in a flat only to be turned out prior to the end of their agreed rental period and threatened with being reported to the police—their money was stolen with no recourse or ability to recover it. Similar incidents were reported in relation to overcharges for taxi fees and other services with threats to summon police should the individuals involved attempt to protest.

⁸⁵ Interview with Badra, 10 March 2022. Due to the sensitive nature of this case, Amnesty International cannot reveal identifying details. The two women were denied family reunification in the EU due to their ages being over 18 years.

While Belarus acceded to the 1951 Refugee Convention in 2001,⁸⁶ it has had a barely functioning asylum system since that time.⁸⁷ Amnesty International has previously reported⁸⁸ that Belarus regularly extradites and deports people in need of international protection to states where they are at real risk of grave human rights violations, including torture and execution.

Most of the people in Belarus who were lured by the promise of a safe crossing into the EU still remain inside of Belarus because they cannot return to their home countries or the countries where they had previously been granted asylum, temporary protection or residency.⁸⁹ If forcibly returned by Belarusian authorities, they would face a real risk of serious human rights violations, including persecution and/or torture and other ill treatment, in violation of the principle of *non-refoulement*. They are therefore in need of international protection. Yet, Amnesty International received several reports that, when attempting to access the asylum system in Belarus and particularly in Minsk, people were detained and forcibly returned after they were made to sign “voluntary repatriation” papers.

Seven people interviewed said that they had attempted to claim asylum inside of Belarus. Sami, a 22-year-old man whose nationality cannot be disclosed for security reasons, travelled to Belarus with his mother and three younger siblings. He recalled that within a few days of arriving in Belarus in August 2021, they filed for asylum because they could not make it to his father, who was granted refugee status in an EU member state.⁹⁰ They were able to file their claim for asylum with Belarusian authorities at the time and were relocated to a reception centre for asylum seekers. One day, however, “police officers” came to the centre and attempted to force people to sign papers for voluntary return. While Sami’s family members were able to refuse thanks to the help of a friend who spoke Belarusian, three Sub-Saharan African asylum seekers were forced to sign the papers and were all forcibly returned in the following two weeks. Sami’s family’s claim for asylum was rejected and they have appealed the decision.

Mahmoud, a 30-year-old man from Syria, also recounted how he tried to request protection from an “immigration centre”, known locally as “militia departments” in Minsk, which are tasked with accepting and processing requests for asylum in Belarus.⁹¹ Instead of advice for asylum, Mahmoud was threatened: “When I went inside the centre, I gave them my passport for identification. I waited six hours in that centre. At the end of the day, they wanted to leave and saw me waiting, so he [the receptionist] called someone who spoke Arabic on the phone. I was told that I have two options, either to travel outside of Belarus or I would be held in jail for six months.” Mahmoud said that two policemen followed him after he left, taking his passport when he reached the place where he was staying, “They kept my passport and said they would come back the next morning and take me to the airport and force me to leave.” Mahmoud reported that he narrowly escaped forcible return by calling a friend who spoke Belarusian, who argued with the police and called another officer the friend knew. Mahmoud was still forced to sign voluntary return papers but was released with his passport and “ran away.”

Amnesty International saw credible reports that Belarusian authorities have more recently adopted as routine practice the unlawful detention and deportation of people attempting to seek asylum. On this basis, Jawad, a 28-year-old Syrian man who is stuck in Minsk, received a warning not to attend an appointment at the Belarusian immigration offices in January 2022, to lodge an application for asylum, as it would not be safe for him to go to the centre.⁹² Since that time, he has been unable to lodge an asylum claim and has not been able to regularize his status.

RECOMMENDATIONS

TO THE GOVERNMENT OF POLAND

⁸⁶ UNHCR Dashboard for accession: <https://www.unhcr.org/uk/5d9ed32b4>

⁸⁷ Human Constanta, “Humanitarian Crisis in Belarus and at the Border with the EU June 2021 – February 2022”, March 2022, humanconstantat.org/humanitarian-crisis-en-2021-2022/. Human Constanta is one of the few human rights organizations able to operate in Belarus.

⁸⁸ *Amnesty International Report 2017/2018: The state of the world’s human rights* (Index: POL 10/6700/2018), 22 Feb 2018, pp 91. AND *Amnesty International: Human Rights in Eastern Europe and Central Asia – Review of 2019* (Index: EUR 01/1355/2020), 16 April 2019, pp 13.

⁸⁹ Interviewees for both this briefing and for Amnesty International’s press release in December indicated that there were many reasons some were unable to return back to their countries of habitual residence, including the threat of persecution, being barred from return to countries such as Turkey and Lebanon, lack of work permits or ability to regain entry in Saudi Arabia and Kuwait, among others.

⁹⁰ Interview 17 March 2022

⁹¹ Interview with Mahmoud, 10 March 2022, telephone.

⁹² Interview with Jawad, 24 March 2022, telephone.

REGARDING THE PROTECTION OF THE HUMAN RIGHTS OF REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

- Immediately restore people's access to asylum, both in law and practice, and end all measures that prevent people from accessing EU territory and lodging an asylum application, including:
 - Ensure that all asylum-seekers have access to a fair and effective asylum procedure in Poland, including an assessment of their claims for international protection on their merits through an individualized procedure.
 - Ensure safe access to Polish territory and refrain from unlawful border control practices, such as pushbacks, collective expulsions and any other form of unlawful return.
 - Protect the right to live in dignity of refugees and migrants, regardless of their migration status, by ensuring unconditional provision of essential support such as food and shelter.
 - Ensure that all forms of essential support are age and gender appropriate and take into consideration the special needs of any person seeking such support.
 - Provide refugees and migrants with information on their rights, including how to access the asylum system and complain against border and law enforcement misconduct, in a language they understand.
 - Establish an effective monitoring and oversight system to ensure that the Polish authorities' activities on border protection do not violate human rights and investigate all reports of cruel, inhuman or degrading treatment of migrants and refugees by security forces.
 - Provide a remedy for any person who has suffered human rights violations at the hands of Polish state actors, including those refugees and migrants subjected to abuses at the hands of border guards, military personnel, police and detention centre staff.

REGARDING ARBITRARY DETENTION

- Stop the practice of automatic and prolonged detention of people entering the country from Belarus, in particular of people who state their intention to seek asylum in Poland.
- Release from detention immediately all of the asylum-seekers who are arbitrarily detained.
- Improve as a matter of urgency conditions inside of migration-related detention facilities to ensure that detainees are treated in accordance with international standards, including the provision of adequate space; access to adequate health care, information, legal assistance and advice; access to outdoor spaces and recreational activities; and effective means of communication with the outside world.
- Repeal national legislation that temporarily decreased the minimum standard for personal living space in closed centres and ensure that the standard applied is in line with European Committee for the Prevention of Torture recommended standards.
- Ensure that people in closed centres have access to proper toilet facilities and a good standard of hygiene in line with international standards.
- Remove as a matter of urgency all persons from the closed centre in Wędrzyn and refrain from sending new detainees to the centre as the conditions there are not suited for temporary or long-term accommodation
- Increase the number of doctors, nurses, and psychologists in closed centres to ensure that those who require medical care are able to access it in a timely fashion and that the medical professionals are able to conduct adequate assessments of people's conditions and assign appropriate treatment.
- Establish a protocol for full and thorough medical examination of people admitted to the closed centres to ensure that they are screened for transmissible diseases and appropriately treated.

- Identify in an appropriate and sensitive manner possible victims of torture and people with other vulnerabilities who require specialized accommodation and care.
- Ensure that the people who are detained in closed centres have access to information about asylum procedures and their rights and obligations and that such information is provided in a language that they understand.
- Ensure that NGOs and lawyers assisting refugees and migrants have unhindered access to detention and reception places, and other places where refugees and migrants are located, including in the border zone.
- Provide people detained in the closed centres with up-to-date information about the status of their asylum applications and the timeline/duration of their detention.
- Ensure that abusive practices, including disrespectful behaviour, racist remarks, harassment and intimidation, and strip-searches are halted without delay and that the guards and staff in the closed centres treat people detained there in a respectful manner.
- Hold accountable any state actor who engages in such abusive practices within detention centres or at the borders.
- Investigate all reports of possible use of excessive force, including force that could amount to torture, inhuman or degrading treatment, during forcible returns and ensure that those responsible are brought to justice.

REGARDING CRIMINALIZATION OF HUMANITARIAN ASSISTANCE

- Immediately restore humanitarian access to the people on the Polish border with Belarus to allow humanitarian organisations to reach them and provide life-saving assistance.
- Ensure that law enforcement officers behave according to the highest standards of policing conduct, including by refraining from unlawful acts of violence, arbitrary detention and intimidation and harassment of humanitarian actors and human rights defenders.
- Thoroughly investigate any attack against humanitarian actors and human rights defenders and bring those responsible to justice.
- Provide an effective remedy to any humanitarian actor or human rights defender who has suffered a human rights violation at the hands of Polish state actors or agents.

TO THE EUROPEAN COMMISSION

- Demand that Poland provide humanitarian and human rights organizations, journalists, lawyers and other independent observers, access to the restricted border area and step up delivery of humanitarian aid to the area.
- Initiate without delay infringement proceedings against Poland in relation to the elements introduced in its national legislation to stop spontaneous arrivals of refugees and migrants from Belarus that contravene EU and international human rights and refugee law.
- Assess the legality of the automatic and prolonged detention of asylum seekers in Poland and the compliance of detention conditions with EU standards.
- Refrain from provision of any further border management assistance to Poland until the authorities end illegal pushbacks of refugees and migrants to Belarus; demand that Poland restore access to the border area for humanitarian aid, human rights and civil society groups, journalists and other independent observers; and establish an independent and effective monitoring mechanism for human rights oversight of operations on Poland's border with Belarus.

- Ensure that any identification and repatriation measures and actions agreed with third countries, such as Iraq, Turkey or Lebanon are in line with international human rights law and standards, principally with the non-refoulement obligation.

TO THE GOVERNMENT OF BELARUS

- Ensure compliance with the right to seek asylum, including the ability to make a formal application for asylum in Belarus without fear of arbitrary detention and forcible return.
- Ensure that asylum procedures are fair and effective, with appropriate information on rights, obligations, and procedures provided to applicants.
- Stop all deportations of Syrian nationals and all others at real risk of serious human rights violations upon return, in line with the principle of *non-refoulement*.
- Immediately halt violent treatment of refugees and migrants in the border regions, and investigate abuses perpetrated by border agents, police officers, and other authorities.
- Provide an effective remedy for any refugee or migrant subjected to human rights violations in Belarus and hold perpetrators of such violations accountable.

END/