

WE HAVE ONLY ONE WAR, WHICH IS IMMIGRATION, WHICH IS YOU

The Policy of Pushbacks and
border forces violence on the
Polish-Belarusian Border



Thank you to everyone who shared their stories with us, as well as to the translators and all those providing humanitarian assistance in the Polish forests.

GRUPAGRANICA



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Foreword. The Humanitarian Crisis at the Polish–Belarusian Border

The deepening humanitarian crisis on the Polish-Belarusian border highlights the state's failure to respond appropriately, which has led to and continues to escalate the crisis. Although the crisis began in 2021, it is also crucial to acknowledge earlier events. From 2015 onwards, families from Chechnya have appeared at the Polish-Belarusian border and been denied entry into Poland despite seeking international protection. In the summer of 2021, a major crisis unfolded when a group from Afghanistan was refused entry into Poland and denied assistance, despite an order for interim measures by the European Court of Human Rights. These individuals, stranded near Usnarz Górny, had been subjected to a practice known as 'pushback,' which involves being forcibly returned to the border, effectively an expulsion.

The European Court of Human Rights clearly outlined Poland's duty to assist this group of people. Although assistance was not provided in effect, the authorities claimed that they complied with the Court's protective measures. Since 2021, the situation has progressively deteriorated. While the media referred to the situation as a migration crisis, many experts, activists, and NGOs pointed out that poor crisis management related to the influx of migrants at the border created a significant humanitarian crisis, sometimes leading to cases of migrants' deaths on Polish territory. Torture and degrading treatment have been inflicted on a massive scale on individuals crossing the border seeking refuge and safety. Observers, activists, experts, and politicians identified the obvious origin of the crisis. It was the Belarusian and Russian leaders' efforts to destabilise the situation in Poland. The situation was designed to exploit Poland's weakness in its

unpreparedness for large-scale migration. The Supreme Audit Office had already highlighted the inefficiency of the state's refugee policy back in 2015. The year 2021 brought new challenges, which were met by the ruling Law and Justice party with strong political messaging, waves of migrant-stigmatising propaganda and increasingly oppressive measures by the Border Guard and other border-protecting forces like the Territorial Defense Forces, the Police, and the Polish Army. This propaganda was meant to influence the attitude of Poles, fostering anti-immigrant sentiments. The declaration of a state of emergency by the President of Poland was an attempt to cut off aid to migrants and access to reliable information from the border. This was associated with a drastic restriction of civil rights and freedoms. Many NGOs considered these measures a violation of the Polish Constitution and a disproportionate limitation of civil liberties. Additionally, legal instruments aimed at immigrants were created, with the regulation from the Ministry of the Interior and Administration regarding the temporary suspension or restriction of border traffic at certain crossings at the forefront, which included an illegal provision on pushbacks. An amendment to the Act on Foreigners also created a new, essentially illusory procedure obliging foreigners to leave Poland, stripping them of the right to an effective appeal.

It must be emphatically stated that the so-called pushbacks (turning people back to the state border, i.e. expulsions), aside from any moral assessment of the procedure, violate the Constitution, the Geneva Convention, the European Convention on Human Rights, and EU law, including the Charter of Fundamental Rights. The Commissioner for Human Rights of the Council of Europe emphasised in a published recommendation that pushbacks are illegal. Polish courts unequivocally recognize that the application of the regulations by the Ministry of the Interior and Administration violates national and international law.

The political agenda was further served by the decision to build a barrier at the border. Completed in 2022, this barrier symbolises Poland's separation from migrants. All of them included, without considering their individual circumstances, health needs, or even without fulfilling the international obligations requiring a personalised approach for each person that crosses

the border. These apply even if the crossing was illegal. Pushbacks, the practice of turning people back at the border, became a hallmark of the state's oppressive policy towards migrants.

Faced with the crisis, activist communities mobilised, effectively stepping in to perform rescue operations that should have been the state's responsibility. Thanks to the tremendous efforts of NGOs and individuals, hundreds of migrants were saved.

While the state wields significant power, it must unconditionally respect the law, including the Constitution and international law. During the fourth summit of the Council of Europe in Reykjavik, the President of Poland signed the declaration summarising the summit. It obliged 46 countries to unconditionally respect the standards of the Council of Europe, including the European Convention on Human Rights and Fundamental Freedoms. However, Poland has yet to comply with the rulings of the European Court of Human Rights regarding migration issues.

Today, we are witnessing the new government repeating the same mistakes. A regulation by the Ministry of the Interior and Administration is set to reintroduce a prohibition on entering a designated area of the border zone adjacent to the state border. The similarity to the Law and Justice government's state of emergency regulation is clear. Is the goal to prevent NGOs and activists from saving lives? Is it to cut off media access to information about the situation at the border?

The accounts of human tragedies at the border detailed in this report are a disgrace to the Polish authorities and the state. We have witnessed suffering women and children left without care, thrown behind the wall by the state, even though the land beyond the wall is also within Polish territory. Have the officers who used violence against migrants been punished? Is the current government, which was supposed to restore our trust and faith in the democratic state, acting the same as the previous one?

Testimonies of oppression are essential. Many victims are reluctant to appear in the media or speak publicly about their encounters with officers or Territorial Defence soldiers. They are in the process of seeking international protection and fear that public statements could worsen their

situation. Those who have found the strength and courage to speak out deserve special recognition. They endured violence that should not occur in a democratic state governed by the rule of law and one that adheres to international standards.

As the Greek poet Menander said, “Where force rules, law is powerless.” I wish for the law to be strong through its values and the respect for human rights.

Hanna Machińska, Ph.D.

About the report

The report was based on interviews with individuals who crossed the Polish-Belarusian border between January and June 2023. During this time, the border situation was seemingly stable, with the barrier mostly functional and the state of emergency zone lifted. This study focuses on the violence against migrants trying to cross the eastern borders of the European Union along the so-called green border between Belarus and Poland. The most common form this violence takes are pushbacks – apprehension by the Polish authorities and forcible return to the border line. The pushback experience is set in the broader context of the journey to Europe: from preparation in Belarus, through their stay in the Belarusian border zone, involving contact with Belarusian officials and the military, to crossing a barrier (either artificial, such as the wall, or natural, like a river) at the Polish-Belarusian border, interaction with Polish authorities, to the consequences of pushbacks, particularly their return to Belarus. Our interviews and analysis highlighted the additional violence associated with border crossings and pushbacks from both Polish and Belarusian authorities.

A separate chapter addresses the administrative and legal issues and the legality of the Polish state's practices in response to the border crisis, particularly in the light of the court rulings on the compliance of the regulations introduced in autumn 2021 with national and international law.

The report also includes a glossary, a list of abbreviations, and a methodological section discussing the linguistic and ethical challenges faced during the preparation of the report.

Report summary

The testimonies gathered by the team working on the report, and the ongoing monitoring reveal that the practice of tracking, capturing, and pushing back individuals crossing the Polish-Belarusian border remains a standard procedure.

The analysis of the collected material indicates that:

- » practices described not only violate the principle of the rule of law but also breach numerous international laws, including the Geneva Convention on the Status of Refugees, the EU Charter of Fundamental Rights, the European Convention on Human Rights, EU law, and national law, including the Constitution of the Republic of Poland. This is supported by a consistent line of Polish court rulings.
- » pushbacks involve violations of the basic rights guaranteed by the Code of Criminal Procedure to detainees and failures to fulfil statutory duties by Border Guard officers towards foreigners suspected of illegal stay in Poland and those expressing the intention to seek international protection.
- » pushbacks violate the prohibition of collective expulsion in international law (in none of the cases we examined was the procedure individualised as required by law, nor did it have the characteristics of investigative proceedings), and the principle of *non-refoulement*, which forbids returning individuals to countries where they risk torture and inhuman or degrading treatment.
- » numerous accounts of formal procedures during apprehensions and pushbacks reveal instances of migrants being coerced into signing statements under duress, threat, or as a result of deliberate misinformation.

- » pushbacks are routinely accompanied by psychological violence (verbal aggression, insults, threats of using weapons and of direct coercion) and physical violence (beatings, unjustified use of pepper spray, invasive searches). There are also instances of detainment, destroying property and documents, extortion, and abandoning individuals in conditions that are health- and life-threatening.
- » this violence occurs not only in Border Guard facilities but primarily in the forests near the border, in locations difficult to monitor and with no eyewitnesses. The consistency and frequency of these accounts suggest that these are not isolated incidents, but widespread practices designed to obstruct or prevent further travel, return, or re-crossing of the border, to discourage such attempts, and to dissuade migrants from seeking international protection in Poland.

About the Authors

As Grupa Granica, we have been involved in the border events almost from the beginning. We started providing humanitarian aid in August 2021 and began documenting human rights violations two weeks later. Over time, the team responsible for documenting and archiving the crisis formalised into the We Are Monitoring Association.

In our documentation efforts, we have been inspired by the Border Violence Monitoring Network, which documents human rights violations at other European borders. The material we have collected, when read alongside BVMN publications, clearly demonstrates the widespread and systemic nature of human rights violations and violence at all external borders of the European Union. A community of countries, founded on human dignity, has become a fortress brutally cracking down on those seeking refuge within it.

Glossary

Glossary of the terms used in this report.

Asylum – a national category of protection, distinct from international protection. Asylum is granted based on the criteria specified in the Act of June 13, 2003, on granting protection to foreigners within the territory of the Republic of Poland. In public debate, these two terms are often confused, possibly due to loan translation (in English, “asylum” refers to protection under the Geneva Convention, including refugee status). Individuals crossing the border in an unregulated manner, who provided interviews in various languages, often used the word “asylum” to express their intention to apply for international protection. In such instances, we retained the term “asylum” in the quoted statements.

Concertina – barbed wire or razor wire formed into large coils, used as an additional component of the border infrastructure.

Muharrama – a shortened form of the Arabic expression “muntaqa muharrama”, meaning “no man’s land.” This term is used by Arabic-speaking individuals to describe the militarised strip of land between the Polish barrier and the Belarusian barrier (referred to as the “sistiema”), which ranges from a few dozen metres to up to 2 kilometres into Belarusian territory. On the eastern side, only Belarusian officers, mainly the border guard, officially have access to this area. While most of this zone belongs to Belarus, a strip up to a few metres wide behind the Polish barrier remains in Polish territory. Nevertheless, in the report, we chose to use the word “muharrama” as it was used by the interviewees to most accurately convey their experiences in this zone.

International Protection – is a form of protection for individuals escaping their home country due to fears of persecution based on race, religion,

nationality, membership in a particular social group, or political beliefs. It also extends to those facing severe threats upon return, such as the death penalty, execution, torture, inhumane treatment, or risks to their lives from widespread violence or armed conflict. Polish law and European Union law distinguish two types of international protection: refugee status and subsidiary protection. According to the Act on Granting Protection in the Territory of the Republic of Poland, a formal (written) application for protection must be submitted at a Border Guard office or branch. However, this requirement does not apply to declaring the intention to submit such an application, which can be done anywhere. This declaration makes the person an applicant in the refugee procedure, protecting them from expulsion or return from Polish territory.

Pushback (also: expulsion, forced return) – the forced return of irregular migrants to the border line and/or compelling them to leave the territory of Poland without properly examining their individual circumstances, regardless of whether they received a decision to leave Poland or explicitly expressed their intention to seek international protection in Poland.

Experts monitoring human rights violations at the southern borders of the European Union highlight that pushbacks constitute a form of violence per se, often accompanied by other forms of physical and verbal violence.^[1]

Sistiema – the Belarusian border protection system, established during the Soviet era as part of the USSR's border security, comprises of barbed wire, a strip of ploughed land, and a monitoring system separating the border zone from the rest of Belarus.

[1] K. Augustová, J. Sapoch, *Border Violence as Border Deterrence. Condensed Analysis of Violent Push-Backs from the Ground*, „Journal for Critical Migration and Border Regime Studies” 5 (1), <https://movements-journal.org/issues/08.balkan-route/12.augustova,sapoch--border-violence-as-border-deterrence.html> [access date: 8 April 2024].

[Border] barrier – also known as wall, barrier, or fence. This fortification on the Polish-Belarusian border consists of a steel fence topped with coils of razor wire and barbed wire entanglements. The barrier extends several metres into Polish territory; the border line runs behind it, between border posts (in the form of obelisks) along border markers (in the form of small monoliths), as defined by an agreement between Poland and Belarus. The barrier includes around 20 gates for animals (sized for large mammals) and approximately a hundred service gates through which individuals pushed back to Belarus must pass.

Introduction. The Polish–Belarusian border crisis – yesterday, today, tomorrow

I couldn't believe this is Europe... like we are travelling all this distance from war, trying to get a better life in this civilised world, but what I found there was totally different from the image that was in my head about Europe.

Hamza from Yemen

Walls, wires, pushbacks. The aftermath of the United Right Government

In the summer of 2021, European media headlines featured images of a group of Afghan refugees trapped in a camp between Polish and Belarusian border forces. The scene occurred on a clearing on the Polish-Belarusian border, on the outskirts of the village of Usnierz Górny in the Podlaskie Voivodeship. An Amnesty International^[2] analysis published in September 2021 unequivocally demonstrated that the events witnessed by the Polish public were a clear example of the practice known as pushbacks: the illegal, forced return of migrants beyond the state's external borders^[3]. The stalemate in Usnierz was the opening act of the migration crisis and, more importantly, the humanitarian crisis caused by the Law and Justice government's crisis response policy.

[2] *Polska: Cyfrowe śledztwo dowodzi, że Polska naruszyła prawa uchodźców*, Amnesty International (English: Poland: Digital investigation proves Poland to violate refugee rights), <https://www.amnesty.org.pl/sledztwo-dowodzi-ze-polska-naruszy-la-prawa-uchodzcow/> [access date: 8 April 2024].

[3] See in the glossary on page 15.

This policy became synonymous with pushbacks, a practice referred to by the Border Guard as the “return procedure”.

In practice, the “return procedure” became the primary means of border protection. This involved tracking down individuals crossing the Polish-Belarusian border, capturing them in border areas, and pushing them back onto Belarusian territory at undesignated places without considering their situations.

The practice of pushbacks without any legal basis, which has been applied at the Polish-Belarusian border since at least early August 2021, was given a veneer of legality through two legal acts: an amendment to the so-called border regulation, which has governed border traffic since March 2020, and an amendment to the law on foreigners.

One of the cited legal bases is the Regulation of the Minister of the Interior and Administration of March 13, 2020, on the temporary suspension or restriction of traffic at certain border crossings (specifically, § 3 para. 2b of the regulation). The originally adopted version of the regulation^[4] unconstitutionally excluded individuals seeking international protection in Poland from the group of people entitled to cross the border. The regulation’s initial aim was to temporarily limit border traffic during the COVID-19 pandemic by specifying categories of individuals (migrants) who retained the right to enter Polish territory – foreign nationals seeking protection were not included in this group.

In August 2021, a new provision was added to the regulation^[5], allowing for the return of a foreign national deemed to be illegally staying in Poland to the state border – regardless of whether they were apprehended at a border crossing, at the border line, or within the country. The newly introduced regulations did not clearly define the “return procedure” in

[4] Regulation of the Minister of the Interior and Administration of March 13, 2020, on the temporary suspension or restriction of border traffic at certain border crossings (Journal of Laws 2023, item 1403 consolidated text).

[5] Regulation of the Minister of the Interior and Administration of August 20, 2021, amending the regulation on the temporary suspension or restriction of border traffic at certain border crossings (Journal of Laws 2021, item 1536).

any way, including the responsibilities of the authorities, their duties, or the rights of the individuals being returned. According to the Border Guard's declarations, the regulation is currently applied during subsequent instances of apprehending a foreigner on Polish territory. The foreigner does not receive any documents and does not have to be taken to a Border Guard facility.

A month later, an amendment to the law on foreigners came into force^[6] (specifically: art. 303b in connection with art. 303 para. 1 item 9a of the law), introducing the procedure of issuing the so-called decisions on leaving the territory of Poland^[7]. In practice, this also led to the expedited removal of foreigners from the country without any guarantees: neither those related to administrative proceedings nor to the protection of human rights and freedoms. According to Border Guard representatives, after the first apprehension, a foreigner is “returned to the border line” based on the provisions of the law. The foreigner then receives a decision to leave the territory of Poland – they should be taken to a Border Guard facility and receive a document ordering them to leave Poland.

In a statement given to OKO.press in January this year^[8], the Border Guard spokesperson at the time, Anna Michalska, confirmed the use of two different practices, also stating that the decision is handed to the foreigner during the first apprehension. A detailed analysis of these regulations and their criticism in the light of the rulings of Polish courts can be found in an appendix to this report.

From early September to the end of November 2021, a state of emergency was declared in 183 border towns in the Podlaskie and Lublin Voivodeships. In practice, it restricted access and movement in these areas for anyone

[6] Act of December 12, 2013, on Foreigners (Journal of Laws 2023, item 519 consolidated text).

[7] Act of October 14, 2021, amending the Act on Foreigners and certain other acts (Journal of Laws 2021, item 1918).

[8] M. Tomczak, *Ile naprawdę było pushbacków? Analizujemy raport Straży Granicznej* (English: *How Many Pushbacks Were There Really? Analyzing the Border Guard Report*), “OKO.press” from January 4, 2024, <https://oko.press/ile-bylo-pushbackow-raport-strazy-granicznej-analiza> [access date: 26 March 2024].

other than state representatives until the end of June 2022. Until January 2023, it was prohibited to stay within 200 metres of the Polish-Belarusian border. These legal restrictions hindered or even prevented the monitoring and oversight of forces activities and contributed to the criminalisation of aid efforts, effectively making it impossible to assess the extent of violence and legal violations during this period.

As a continuation and a complement to the adopted policy, infrastructure was created to hinder border crossings and, above all, to facilitate the detection and return of migrants. This increased the detection of crossings, delayed them, and accelerated arrests. In late October 2021, the Sejm [English: lower house of Parliament] urgently passed the Act on the Construction of State Border Security^[9]. The steel fence, which cost 1.6 billion zlotys, was the largest construction investment in the history of the Border Guard. Due to the omission of public procurement regulations, the detailed specifications of the construction remain unknown. According to publicly available information and communications from the Border Guard, the barrier is just over 5 metres high and spans 186 kilometres^[10] (with a total of 206 kilometres of the border being monitored). It consists of steel spans made of 2 mm thick profiles, hollow inside^[11].

The barrier is topped with razor wire (concertina), slanted towards Belarus in some sections to make climbing from that side more difficult. In spring and summer 2023, concertina wire was also laid along the western side of the barrier so that anyone jumping off the wall or emerging from

[9] Act of October 29, 2021, on the Construction of State Border Security (Journal of Laws 2023, item 1390 consolidated text).

[10] E. Szczepańska, Ruszyła budowa bariery na granicy polsko-białoruskiej (English: Construction of the Barrier on the Polish-Belarusian Border Has Begun), Border Guard Headquarters, 26 January 2022, <https://www.strazgraniczna.pl/pl/aktualnosci/9752,Ruszyła-budowa-bariery-na-granicy-polsko-białoruskiej.html> [access date: 26 March 2024].

[11] W. Czuchnowski, Dziurawa zaporą na granicy. Ujawniamy raport, którego według PiS nie było (English: The Leaky Barrier on the Border. We Reveal the Report That PiS Claims Doesn't Exist), "Gazeta Wyborcza" from 2 January 2024, <https://wyborcza.pl/7,75398,30546175,dziurawa-zapora-na-granicy-ujawniamy-raport-ktorego-wedlug.html> [access date: 27 March 2024].

a tunnel under it would land directly into the tangled razor wire. In the autumn of the same year, additional razor wire obstacles were set up a few metres from the fence, often just behind the service road, creating a corridor between the barriers.

The construction of the barrier officially began in January 2022 and was completed in June 2023. At that time, the Border Guard also announced the final acceptance of an electronic system designed to support the physical barrier by detecting crossings and movement near the border^[12].

In September 2023, “Gazeta Wyborcza” published an article about the leak of a report from the Border Guard leadership, prepared by the Analytical and Situational Office of the Border Guard^[13]. In January 2024, scans of this document were also published. The report indicated that the fence was being crossed in many places and on a large scale: “German authorities detained 22,902 migrants on German territory near the border with Poland between January 1, 2023, and September 17, 2023. [...] It was established that at least 12,971 of these people had previously been in Belarus and/or Russia.”^[14] Findings by journalists and NGOs suggest that the barrier does not stop migration but merely slows it down, exposing those who attempt to cross it to physical injuries and facilitating their detection and subsequent expulsion.

[12] K. Szwed, Zakończenie odbioru bariery elektronicznej na granicy polsko-białoruskiej, (English: Completion of the electronic barrier acceptance at the Polish-Belarusian border), Border Guard Headquarters, 15 June 2023, <https://www.strazgraniczna.pl/pl/aktualnosci/11875,Zakonczenie-odbioru-bariery-elektronicznej-na-granicy-polsko-bialoruskiej.html> [access date: 27 March 2024].

[13] Czuchnowski, „Wyborcza” ujawnia raport Straży Granicznej: Dziurawa zapora PiS na granicy z Białorusią (English: Wyborcza reveals Border Guard report: The PiS’s leaky barrier at the Belarus border), „Gazeta Wyborcza” dated 29 September 2023, <https://wyborcza.pl/7,75398,30239168,wyborcza-ujawnia-dziurawa-zapora-pis-na-granicy-z-bialorusia.html> [access date: 27 March 2024].

[14] Ibid.

The toll of pushbacks. The stance of courts and international organisations

Despite the obstacles, restrictions, and repressions associated with the state of emergency zone, monitoring by non-governmental and humanitarian organisations has resulted in the creation of a knowledge base regarding the border situation, alternative to the government narrative. This archive includes quantitative data, visual materials, and testimonies from people on the move, encountered during interventions, and detained in centres. Collected over nearly three years by humanitarian organisations and residents of the border areas, the material provides a coherent picture of the routine use of pushbacks and violence on the Polish-Belarusian border.

The pushback policy and the barrier implemented by the United Right government have resulted in tragic outcomes, including over fifty confirmed deaths and numerous hospitalisations of migrants in Polish hospitals due to the dangerous conditions in the border zone. This policy has also led to cases of forced disappearances, further complicating efforts to determine the exact number of missing persons, partly due to the failure to register the personal data of those turned back^[15].

These practices have drawn significant criticism towards the Polish government at the time from national NGOs monitoring the border situation, such as the Helsinki Foundation for Human Rights and organisations associated in Grupa Granica^[16], as well as from international human rights organisations. Poland has been cited for poor practices in

[15] Helsinki Foundation for Human Rights, *Zaginiecia na granicy polsko-bialoruskiej – dzialania HFPC* (English: *Disappearances at the Polish-Belarusian Border – HFHR Actions*), 23 November 2023, <https://hfhr.pl/aktualnosci/zaginiecia-na-granicy-dzialania-hfpc> [access date: 28 March 2024].

[16] Report *Kryzys humanitarny na pograniczu polsko-bialoruskim* (English: *Humanitarian Crisis at the Polish-Belarusian Border*) published by Grupa Granica in December 2021, and the report *Gdzie prawo nie siega – 11 miesiacy kryzysu humanitarnego na polsko-bialoruskim pograniczu* (English: *Where the Law Does Not Reach – 11 Months of Humanitarian Crisis at the Polish-Belarusian Border*) from June 2022 by the Helsinki Foundation for Human Rights, HFHR Report [access date: 28 March 2024].

reports by Amnesty International, Doctors Without Borders, the European Council on Refugees and Exiles, and Protecting Rights at Borders^[17], and has faced scrutiny from international bodies such as UNHCR and OSCE^[18].

Reports from organisations have highlighted the violence and cruelty associated with pushbacks, the inhumane and degrading treatment and the risk of violating international law. The authors have mostly recommended repealing the 2021 regulations enabling pushbacks, ensuring the safety and dignity of individuals crossing the Polish-Belarusian border, providing access to effective and individualised international protection procedures, investigating allegations of unlawful practices and permitting NGOs to monitor border protection, especially in areas that are difficult to reach by observers.

[17] Report Polska: Okrucieństwo zamiast współczucia na granicy z Białorusią (English: Poland: Cruelty Instead of Compassion at the Border with Belarus), Amnesty International Polska from April 2022, <https://www.amnesty.org.pl/wp-content/uploads/2022/04/Raport-Amnesty-Intrnational-POLSKA-OKRUCIENSTWO-ZAMIAST-WSPOLCZUCIA-NA-GRANICY-Z-BIALORUSIA.pdf> [access date: 28 March 2024], ECRE (European Council on Refugees and Exiles) report Seeking refuge in Poland: a fact-finding report on access to asylum and reception conditions for asylum seekers from April 2023, https://hflr.pl/upload/2023/04/seeking_refuge_in_poland.pdf [access date: 28 March 2024], report by the Protecting Rights at Borders Coalition, Pushbacks at Europe's borders: a continuously ignored crisis, from January 2024, https://interwencjaprawna.pl/wp-content/uploads/2021/01/PRAB-Report-September-to-December-2023_-_final.pdf [access date: 28 March 2024], report by Doctors Without Borders – MSF, Śmierć, cierpienie, brak środków do życia: ludzkie koszty polityki migracyjnej UE (English: Death, Despair, and Destitution: The Human Costs of the EU's Migration Policy), <https://lekarze-bez-granic.pl/wp-content/uploads/death-despair-and-destitution-msf-report.pdf> [access date: 28 March 2024].

[18] 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, UNHCR (United Nations High Commissioner for Refugees), <https://www.refworld.org/legal/natlegcomments/unhcr/2021/en/92188> [access date: 28.03.2024], Urgent Opinion on Draft Amendments to the Aliens 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, Office for Democratic Institutions and Human Rights, https://www.osce.org/files/f/documents/3/3/498252_0.pdf [access date: 28 March 2024].

The critical evaluation of the situation at the border has been confirmed by court rulings. An appendix to this report, prepared by Marcin Sośniak of the Helsinki Foundation for Human Rights, includes an analysis of the 2021 legal acts enabling the so-called “returning of foreigners to the border line”, and a review of Polish court rulings on complaints by individuals subjected to pushbacks to Belarus. Although pushbacks are carried out in a way that obstructs the initiation of any appeal procedures, and the two-instance process is mostly illusory, thanks to the determination of those subjected to expulsions and the involvement of NGO lawyers, 19 such cases have continued in Polish courts. 5 of these cases involve stories described in the main part of this report.^[19]

The analysis presents an established line of jurisprudence in this matter, which is unequivocally negative in its assessment of the regulations and actions of the Border Guard. According to this jurisprudence, the practice of pushbacks violates the principles of legality and the rule of law, as it is based on a legal act that contradicts existing (national, EU, and international) law. Furthermore, it violates several international legal instruments, including the Convention Relating to the Status of Refugees, the EU Charter of Fundamental Rights, and the European Convention on Human Rights, along with the directives derived from them, as well as national law, including the Polish Constitution.

The identified violations were primarily associated with:

- » violating the prohibition of collective expulsions, which mandates an individual assessment of each foreigner’s situation when being returned to the border or even when being refused entry. This also includes ignoring individual circumstances such as age, health

[19] Since the regulation enabling pushbacks and the amendment introducing the procedure for issuing decisions on leaving the territory of Poland came into force, 19 cases have been filed with Polish courts. Some of these cases resulted from the cooperation of WAM and the Helsinki Foundation for Human Rights. In these 6 cases, the evidentiary material used were the interviews conducted for this report in all of these cases, the court accepted the interviews as reliable evidence.

- condition, willingness and ability to seek international protection, or the risk of violence from Belarusian authorities,
- » violating regulations that guarantee foreigners the right to apply for international protection and to stay in Poland until their application is processed, even if they only verbally express their intention to apply,
 - » commonplace violation of the principle of non-refoulement, which prohibits returning foreigners to a country where they face risks such as torture or inhumane or degrading treatment; The Border Guard ignored reports of violence by Belarusian authorities and military and did not investigate whether returning migrants to Belarus exposed them to the risk of such violence and inhumane treatment.

The author's conclusion states that the regulations were introduced "to the detriment not only of the quality of protection of human rights and freedoms in Poland but also of the respect for the principles of the rule of law and legality", with "judicial criticism of the regulation being uniform, and the scale of legal violations observed by the court so serious that it should result in the immediate repeal of this act"^[20].

Nothing new in the East: Continuation of the United Right's policy and the migration pact

Despite criticism from human rights monitoring organisations and devastating legal opinions, the practice of pushbacks against migrants crossing the border between Belarus and Poland, dating back to at least early August 2021, continues to this day. None of the recommendations from organisations that have monitored and critically analysed Poland's border policy since 2021 have been implemented, and the regulations underlying the adopted policy have not been revised or repealed.

[20] See chapter *M. SOŚNIAK: The Pushback as an illegal practice in the light of Polish court rulings*, p. 171 of this report.

Only in 2023, we recorded 2800 cases of pushbacks from Poland to Belarus during our monitoring activities, involving a total of 1775 irregular migrants. 1682 occurred after the government change – from December 13, 2023, to now [as of May 31, 2024].

The parliamentary elections in the autumn of 2023 and the swearing-in of the new government in December last year did not result in significant changes in the operations of state officers at the border. The types of violent practices described in this report continue to this day, as regularly reported by Grupa Granica and the We Are Monitoring Association in periodic reports. None of the officers have faced criminal consequences, and despite the change at the highest level of government, the same people as at the beginning of the crisis are working “in the field”.

Statements by politicians from the currently ruling KO-Third Way-Left coalition during the election campaign aligned with the approach adopted by Law and Justice (PiS)^[21]. More than four months after the inauguration, the government of Donald Tusk continues the policies of its predecessors regarding the border situation, aligning with the same xenophobic approach not only rhetorically^[22] but also through tangible actions. The Deputy Minister responsible for creating migration policy, Maciej Duszczyk, admitted in mid-January that in the first month of the new coalition’s rule, pushbacks were used against almost 100 people.^[23]

According to Border Guard data, between December 13 and April 4 the Border Guard returned over 7317 people to the border line. This information

[21] jos, *Tusk: We need to build a wall on the border with Belarus because there isn't one*, Polish Press Agency, 20 September 2023, <https://www.pap.pl/aktualnosci/tusk-musimy-zbudowac-mur-na-granicy-z-bialorusia-bo-go-nie-ma> [access date: 8 April 2024].

[22] K. Kostrzewa, *The first task of the state is to protect the border*, Polish Press Agency, 11 February 2024, <https://www.pap.pl/aktualnosci/premier-pierwszym-zadaniem-panstwa-polskiego-jest-ochrona-granicy-0> [access date: 8 April 2024].

[23] J. Klimowicz, *The expulsions continue. At least 93 foreigners have been expelled to Belarus under Tusk's government*, “Gazeta Wyborcza” dated 17 January 2024, <https://bialystok.wyborcza.pl/bialystok/7,35241,30603994,trwaja-wywozki-za-rzadu-tuska-wyrzucono-do-bialorusi-juz-co.html> [access date: 8 April 2024].

comes from a response of the Border Guard to a public information request^[24].

The expulsion regulations have not been repealed, despite the Prime Minister openly acknowledging their illegal nature:

“There is no legal consent for the so-called pushbacks, because it is an illegal activity, but there is a boundary between what is a necessary action by the Border Guard to prevent people from crossing our border if they have no right to do so, and actions that many will consider brutal or illegal. [...] No front-line, border country has found a perfect solution.”^[25]

The lack of willingness to abandon the practice of pushbacks and repeal the regulations allowing for them was confirmed in subsequent statements by Deputy Minister Duszczuk, who assured of there being a plan to “restore elements of humanitarianism”^[26] and also to amend the adopted regulation to strengthen the legal basis for the Border Guard to carry out pushbacks.

- [24] Response dated April 17 sent by the Border Guard Headquarters to a question submitted under the Public Information Access procedure. The methodological difficulties in interpreting the data provided by the Border Guard are discussed in the 2023 annual report; see Grupa Granica and We Are Monitoring Association, Annual Report 2023 [in preparation].
- [25] M. Chołodowski, *Kryzys na granicy polsko-białoruskiej. Premier Donald Tusk: Pushbacki to działalność nielegalna*. (English: *Crisis at the Polish-Belarusian Border. Prime Minister Donald Tusk: Pushbacks are Illegal Activity*), „Gazeta Wyborcza” dated 4 January 2024, <https://bialystok.wyborcza.pl/bialystok/7,35241,30561569,kryzys-na-granicy-polsko-bialoruskiej-premier-tusk-pushbacki.html> [access date: 8 April 2024].
- [26] A. Lichnerowicz, *Pushbacki pod znakiem zapytania, „mur trzeba wzmocnić” – wiceszef MSWiA o planach rządu* (English: *Pushbacks Questioned, ‘the wall needs to be strengthened’ – Deputy Minister of the Ministry of the Interior and Administration on Government Plans*), «Światopogląd» broadcast, 12 January 2024, TOK FM, <https://audycje.tokfm.pl/podcast/151627,Pushbacki-pod-znakiem-zapytania-mur-trzeba-wzmocnic-wiceszef-MSWiA-o-planach-rzadu>, M. Czarnecki, B. T. Wieliński, *Wiceminister Duszczuk: Nie będzie więcej śmierci przy granicy z Białorusią* (English: *Deputy Minister Duszczuk: There Will Be No More Deaths at the Border with Belarus*), “Gazeta Wyborcza,” 14 February 2024,

In mid-February, Donald Tusk discussed the need to reform European asylum law, arguing that “the current legal environment is inadequate to the threats created by the policies of Russia and Belarus in this matter”, signalling the potential direction for Poland’s international lobbying^[27]. The international reports mentioned in the previous chapter, published in 2024 (Doctors Without Borders, etc.), address the EU Asylum and Migration Pact, negotiations on which concluded on 20 December 2023, a week after the inauguration of the Civic Coalition (KO), Left, and Third Way coalition government. These reports emphasise that the provisions of the pact in its proposed form “are unlikely to end or even limit the widespread and systematic use of pushbacks and rights violations at the EU’s internal or external borders, nor will they ensure justice for the victims”^[28]. According to MSF, the adopted consensus “further tightens the web of violence aimed at deterring and excluding those seeking safety (...) [and]^[29] provides a cover for legitimising practices involving pushbacks, physical violence, and denial of assistance to those arriving at the EU’s borders”^[30], with the situations in Poland highlighted as a stark example of the consequences of such practices. Meanwhile, Tusk’s government argues that “the solutions provided in the Pact [...] do not sufficiently address the specific situation

<https://wyborcza.pl/7,75399,30694187,wiceminister-duszczyk-nie-bedzie-wiecej-smierci-przy-granicy.html> [access date: 8 February 2024].

- [27] K. Broda, *Tusk: Konieczna reforma prawa azylowego i wsparcie regionów przygranicznych* (English: *Necessary reform of asylum law and support for border regions*), “Dziennik Gazeta Prawna,” 16 February 2024, <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/9434003,tusk-konieczna-reforma-prawa-azylowego-i-wsparcie-regionow-przygranic.html> [access date: 8 April 2024].
- [28] Protecting Rights at Borders, *Pushbacks at Europe’s borders: continuously ignored crisis* of January 2024, p. 18, https://www.asgi.it/wp-content/uploads/2024/02/PRAB-Report-September-to-December-2023-_-final.pdf [access date: 27 April 2024].
- [29] All square bracketed inserts, both in quotes from publications and conducted interviews, are from the editors.
- [30] B. Benvenuti, C. Marshall-Denton, S. McCann, *Death, Despair and Destitution: The Human Costs of The EU’s Migrations Policies*, Medecins Sans Frontieres, 21 February 2024, p.

of countries bordering Russia and Belarus,” without specifying what the adequate solutions would be^[31].

At the time of preparing this report for publication, no specific information was available regarding the fate of the pushback regulation or the plan to “humanise” pushbacks. In February 2024, the Border Guard announced the strengthening of the existing security measures with a 172-kilometre section of electronic security along border rivers, and the Prime Minister along with the Ministry of the Interior and Administration announced the allocation of funds for “rapid modernization”^[32]. In March, the National Defense Committee and the Administration and Internal Affairs Committee received information about ongoing actions to expand the border barriers, including reinforcing the fence with crossbars, building 70-metre tall observation towers, and using vertical takeoff drones^[33]. Thus, the ruling coalition of the Civic Coalition, the Third Way, and the Left has inherited PiS’s policy, continuing its ruthless actions with a softened rhetoric and with a seemingly more pro-European approach.

- [31] See Communication on the Migration and Asylum Pact, 8 February 2024, <https://www.gov.pl/web/mswia/komunikat-prasowy-w-sprawie-paktu-o-migracji-i-azy-lu2> [access date: 8 April 2024] and numerous press statements by Prime Minister D. Tusk.
- [32] mar, *Premier: Podjęliśmy decyzję o szybkiej modernizacji zapory granicznej z Białorusią* (English: *Prime Minister: We have decided on the rapid modernization of the border barrier with Belarus*), Polish Press Agency, 16 February 2024, <https://www.pap.pl/aktualnosci/premier-podjelismy-decyzje-o-szybkiej-modernizacji-zapory-granicznej-z-bialorusia> [access date: 8 April 2024].
- [33] Full record of the meeting of the Administration and Internal Affairs Committee and the National Defense Committee, 20 March 2024, Chancellery of the Sejm, Office of the Sejm Committees, p. 13 <https://orka.sejm.gov.pl/zapisy10.nsf/0/4EB-4F954D40591B0C1258AEE0027EFD1/%24File/0033710.pdf> [access date: 8 April 2024].

Methodology

Since December 2022, we have been conducting interviews with individuals who were forcibly pushed back from Polish territory to the border with Belarus. The collected testimonies form an archive used for advocacy and media activities. Along with quantitative data, these interviews serve as a tool for monitoring the scale of human rights violations at the Polish-Belarusian border. They also constitute evidence in ongoing administrative court cases^[34].

The interview questionnaire was based on a template provided by the Border Violence Monitoring Network. It focuses on open-ended questions about the individual's experiences while crossing the Polish-Belarusian border, especially their encounters with violence from Polish and Belarusian authorities, and whether these authorities allowed them access to legal procedures.

The responses recorded during the interviews include hard data (times, dates, locations, descriptions of officers, vehicles, etc., and photos of injuries and medical reports if submitted during the interview) as well as narrative accounts.

The adopted methodology for collecting testimonies involves obtaining informed consent from the respondent, informing them about the purpose of the interview, and clearly stating that sharing their story does not equate to receiving legal or economic assistance from the Grupa Granica organisation in terms of changing their legal or economic situation.

Requests for interviews were directed at individuals who had at least once sought humanitarian aid from organisations operating in the Podlaskie

[34] See chapter M. Sośniak, p. 171.

Voivodship and who reported having experienced a pushback during interventions or via a communicator.

The interviews are conducted online by employees of the We Are Monitoring association and, with the respondents' consent, recorded in audio format. They take place in the presence of a translator in the respondent's language, except in cases where the individual prefers to speak in English. Each conversation is anonymised, and excerpts are published only with consent.

We understand the experience of a pushback as an event that, in many cases, can be traumatic. Such events have a strong impact on memory functions and can affect the accuracy of recollections. Therefore, we strive to conduct interviews as soon as possible after the pushback is reported.

In this report, we analyse 38 interviews collected between January and June 2023. All respondents crossed the Polish-Belarusian border in the first half of 2023, with two additional interviews covering pushbacks from the end of 2022. We also decided to include one interview conducted with a witness to violence by Polish officers who was not subjected to a pushback himself. The appendix to the report contains five full interview transcripts.

Of the 38 interviews we conducted, 25 were in Arabic, 7 in English, 3 in Amharic, 1 in Somali, 1 in Tigrinya, and 1 in French. Among these, five Arabic interviews and one English interview were conducted in written form.

The interviews conducted in English did not require the support of external translators and were carried out by members of our team proficient in English.

Written interviews were translated using online translators.

The remaining interviews, conducted live via online connections, required consecutive translation from the respondent's language into Polish or English (depending on the second language of the interpreter).

Quoted excerpts in the report were rechecked by translators.

Terminology regarding actors in the described events

Officers

The terminology used in the report regarding uniformed officers present at the border also requires a separate explanation. In the report, we refer to various authorities that, according to the accounts of our respondents, participated in apprehensions and pushbacks.

Based on the descriptions of uniform details, we tried to determine which formation the described officers belonged to. However, most often, due to insufficiently detailed descriptions, we were unable to specify which authorities were involved in a given event. In such cases, we adhered to the terms used by our respondents. However, it should be noted that for individuals unfamiliar with the structure of formations present at the Polish-Belarusian border, distinguishing between types of uniforms is often impossible. For example, our respondents refer to Border Guard officers as “soldiers” (probably due to their uniforms and armaments) or refer to all formations operating in the border area as “border guards”.

The situation is further complicated by the fact that, according to the accounts of our respondents, and residents of border areas, officers involved in detaining migrants and conducting pushbacks often cover elements of their uniforms, making identification difficult.

Migrants

Most of our respondents describe themselves as “migrants”. In the report, we use this term interchangeably with the phrase “people on the move,” which avoids potential inquiries about whether a person is a refugee or a voluntary migrant, putting emphasis on their humanity and the situation they are in^[35]. This term is free from the negative connotation often associated with the word “migrants” in public debate in Poland. In contexts requiring

[35] More on the concept: A. Pijnenburg, C. Rijken, *Moving beyond refugees and migrants: reconceptualising the rights of people on the move*, „Interventions, International Journal of Postcolonial Studies”, 2021, vol. 23, p. 283.

clarification of the legal situation of people on the move, we use the term “foreigners”, particularly where it concerns regulations governing their situation and the practices and procedures applied to them^[36].

[36] The key legislation in this context, the Act on Foreigners, uses a so-called negative definition, according to which a foreigner is anyone who does not have Polish citizenship (thus citizens of other countries and stateless persons).

Summary

In the analytical work for this report, we focused on four main issues related to the topics discussed in the introduction: the general violent nature of pushback practices and three specific legal concerns considered by Polish courts regarding the legality of actions of Polish authorities towards migrants:

- » violation of the prohibition on collective expulsion of migrants,
- » violation of the right to seek international protection,
- » violation of the principle of *non-refoulement*.

The structure of the report includes the following sections that address the above issues:

The journey – this section features quotes from interviews that did not focus on the actual moment the pushback happened. These quotes illustrate the situation of migrants at the border, their preparations for the journey, interactions with smugglers (including smugglers’ interactions with Belarusian authorities), the logistics of crossing the border (with or without the “support” of the Belarusian Border Guards), crossing the barrier, the river, or moving further into Polish territory.

Lack of access to the asylum procedure – this section details the systemic failures in implementing the rights of individuals detained by Polish authorities. It includes depriving migrants of the opportunity to apply for international protection and the failure to individually assess their situations (*non-assistance*).

Anatomy of a pushback – this section is dedicated to the stories of respondents, describing their capture by the authorities, their return to the Belarusian border (collective expulsion), and the violence accompanying this practice as part of a *deterrence* strategy.

Consequences of pushbacks – this section explores the experiences related to staying in the Belarusian border zone, detailing the dangers faced by migrants before crossing the border and after being pushed back by the Polish authorities, thus violating the principle of *non-refoulement*. It highlights the threats migrants encounter, especially when dealing with Belarusian security forces and the violence they use. The analysis of testimonies in the main part of the report clearly shows that in none of the cases did the pushback procedure comply with the legally required individualised approach or include any investigative process: all respondents were pushed back without an examination of their situation or an assessment of the risks that the pushback procedures involved.

The testimonies indicate that officers did not consider the individual circumstances of any of our interviewees who were caught after crossing the border from Belarus. Both Border Guard^[37] statistics and data from GG^[38] indicate that most of these individuals come from countries with significant human rights violations, and sometimes from regions affected by war or humanitarian crises.

Finally, the testimonies regarding the actions of Belarusian authorities clearly show that each return to Belarus violated the principle of *non-refoulement*, exposing the expelled individuals to the risk of torture or inhuman treatment by Belarusian officials. Border Guard officers did not consider the situation on the Belarusian side of the border, operating solely within the paradigm of a “hybrid war” – although, as respondents’ stories indicate, the situation is much more complex and ambiguous.

[37] *Sytuacja na granicy z Republiką Białorusi* (English: *Situation at the Poland-Belarus border*), gov.pl, <https://dane.gov.pl/pl/dataset/3121,sytuacja-na-granicy-z-republika-bialorusi> [access date: 4 April 2024].

[38] We Are Monitoring Association, *Kraje pochodzenia* (English: *Countries of origin*), <https://wearemonitoring.org.pl/statystki/interaktywne-dashboardy/> [access date: 4 April 2024].



The journey

Introduction

This section aims to inform the reader about the various stages of a migrant's journey across the green border between Belarus and Poland. It also updates the current knowledge regarding the involvement of Belarusian officers in controlling this route. Furthermore, it provides the background for the next chapter, which addresses the violence migrants experience from Polish officers engaged in pushbacks.

The crisis began in 2021 with the “establishment” of the route by cooperation between Lukashenko's administration and groups of smugglers^[39]. This cooperation was well-organised. Both the administration and companies associated with it, including travel agencies linked to regime officials, as well as the authorities and the military, were focused on bringing as many people as possible to the Polish-Belarusian border and enabling them to cross it. Experts refer to this movement as the “weaponization” of migration. From that point on, those reaching the border could rely on the “assistance” of the Belarusian border guard.^[40]

By 2023, the situation had evolved. The “Belarusian route” has become a well-known path to Europe. Initially, a few tourism firms linked to Belarusian authorities and state officers controlled the route. However, as its popularity

[39] J. Dauksza, A. Morozova, P. Reszka, *Zobaczyć Mińsk i umrzeć. Jak białoruski firma handlują migrantami* (English: *See Minsk and Die: How Belarusian Companies Trade Migrants*). “Frontstory.pl”, 9 December 2021, <https://frontstory.pl/zobaczyc-minsk-i-umrzec-jak-bialoruskie-firmy-handluja-migrantami/> [access date: 9 April 2024].

[40] J. Dauksza, *Udaremnieni. Co dzieje się na granicy?* (English: *Foiled: What Happens at the Border?*), “Frontstory.pl”, 4 November 2021, <https://frontstory.pl/udaremnieni-polsko-bialoruska-granica-kryzys-migracyjny/>, M. Sepiolo, A. Morozova et al., *Kto zarabia na uchodźcach?* (English: *Who Profits from Refugees?*), “Frontstory.pl”, 7 June 2023, <https://frontstory.pl/mur-uchodzczy-migranci-granica-bialorus-przemyt-przestepcy/> [access date: 9 April 2024].

grew, both these companies and the Belarusian authorities seemingly lost control. The relationship between smugglers and the Belarusian regime also became more complicated, leading to the arrests of some government-associated individuals (documents related to their cases include wiretap extracts: “We’re chasing our Iraqis all over Belarus. They are scattered like fucking ants. We’re not having a good time, we’re screwed”)^[41].

These changes might explain the varied and unpredictable treatment of migrants by Belarusian officers, as described in interviews.

Crossing the border and the role of Belarusian authorities

Some testimonies describe individuals involved in smuggling who engage in transporting people to the border, either in agreement with the Belarusian authorities or in secret. Respondents refer to these individuals in various ways (depending on the language of the interview) – sometimes as “guides”, “leaders,” etc. Sometimes, these individuals accompany groups throughout the journey on both Belarusian and Polish territory. In other cases, their role ends when they drop people off at the border.

First, we were 21 guys, with 5 leaders, let’s say. Leaders were not Arab, not immigrants. That’s how they work. And then we separated. 9 of the immigrants went with two leaders and they took my food with them. They took my food once we entered Polish land, and we, 11 immigrants, with the second group. Our group had three leaders. They were, I think, a Turkish guy, and two Turkmen. The 11 of us kept walking, the other group were caught the same day at 9am.

Abdelfattah z Syrii

[41] M. Sepiolo, A. Morozova et al., *Kto zarabia na uchodźcach?* (English: *Who Profits from Refugees?*), [access date: 9 April 2024].

The depiction of the Belarusian authorities' involvement in smuggling activities, as described by the migrants themselves, is ambiguous. They are neither fully engaged in combating migration nor entirely involved in organising the crossings. However, they appear to be in contact with smugglers or at least have some awareness of their activities, which can impact the fate of migrants using the services of a specific smuggler.

Belarusians with dogs caught us. There were four of them. They were insulting us, they took our phones, checked our documents. They asked who the smuggler responsible for us was... They forced us to stay in a severe cold for 10 hours. They gave us a lighter after they left us in the *muharrama*. We found a ladder along the way. We waited for 10 more hours to cross the Polish fence... About 5 minutes after we crossed, a Polish patrol appeared. There were 13 people in our group. 5 of them were Syrians, they had 2 children with them and 2 older men. We ran away, the patrols stayed behind. The group split. There were 5 people left in our group.

Mohammad from Morocco

In some accounts, the authorities are almost absent, or respondents explicitly mention avoiding them during their journey toward the border. This “avoidance” can pertain to the travel from a city (most commonly Minsk or Grodno) to the border, as well as movement along the Belarusian border area. Migrant testimonies suggest that the currently operating smuggling networks in Belarus (or at least some of them) instruct migrants to avoid encounters with the authorities. Sometimes this takes the form of organised actions, such as sending out “lookouts.”

Ok, the smuggler brought cars to pick us up in front of our apartment. There was another car driving in front of us, a “scout”, checking out the road ahead. We reached an area called Brest where the forests begin, the smuggler gave all the points to the drivers [...] So, after the car dropped us off, we walked

about 8 kilometres to the border, then we dug a hole under the Belarusian fence. It was at night, around 10PM After we made the hole, we went through it under the fence, pulling each other.

Fahd from Syria

Another interviewee, Bashir, who travelled in May 2023 with a group of six Syrians, recounts how they tried to reach the vicinity of the border with the help of a “driver” (smuggler), manoeuvring to evade checks. Being stopped by the Belarusian police and admitting their intention to cross the border resulted in them being beaten and turned back. Accounts indicate that those travelling from Belarus to the Polish border often find themselves lost and confused, with violence against them frequently starting even before they cross the border.

When I was in Minsk, I arranged for a car. The car took me to the Belarusian-Polish border, ok? The car trip lasted about 4 hours. When we went off the main road to an area with side roads, the driver slowed down a bit and started talking with another person. It seems that this person was scouting the road for him, so the driver could stop if there were any patrols or bad things on the road. We arrived at a point where we couldn't go further, there was a sign in English saying: “forbidden to approach”. There were patrols, Belarusian patrols. [...] We couldn't go further, I told you, we couldn't go further on this road. They took us out of the car. They spoke to us and told us “Go back to Minsk”. The driver went on the road back to Minsk. He called another person, who told him that there was another road. Another road, which was passable and there were no patrols. [...] We were all in cars. Yes, we had two cars. We arrived at a point about 4 to 5 km before the border. The driver asked us to get out of the car. We asked: “Why? Bring us to some point closer to the border, why should we walk? The forest isn't thick here, we cannot walk. If there are cars passing by, they will call the police when they see us”. The driver continued driving until we arrived 500 metres before the border. Suddenly, a Belarusian police car appeared. [...] The car's number was 7273. Two Belarusians came out of

it, soldiers, they came out of the car and they started beating us. They had batons, these black sticks. They started to beat us, to hit, to hit. One of them asked: "Do you speak English?". I'm a doctor, so I do speak some English, quite well, actually, so I told him: "I do". He asked me why we came here. I said: "Go to Poland, Germany". He started yelling at me and throwing personal insults at me. He was stepping on our toes with his military boots. He would trample on them for 5 to 6 minutes, stepping back and pressing hard on them again. One of them pulled his gun and pointed it at my neck, and said: "Go to Minsk, no return here!". He started yelling, he held my hand and started to twist it, trying to break it. He was very angry. The driver, I don't know why he said that, he said: "They didn't give me any money, they are thieves!". I don't know why he said that, we paid him in advance. "Go back to Minsk", he [one of the soldiers] said, "never come back here, if you come back here, I will kill you".

Bashir from Syria

This story continues in a separate section of the report. The violence perpetrated by the Belarusian authorities is so widespread that we have dedicated a separate chapter to documenting the repression against those who have already reached the muharrama. Belarusian authorities subject migrants to violence – depending on the circumstances – to either deter them from crossing the border or to force them to re-cross it. This seemingly contradictory behaviour might be an attempt to maintain control over unregulated migration along this route (violence as a “punishment” for approaching the Belarusian border infrastructure), but also to use it as a tool to destabilise the border area (forcing people to cross the border at specific times or violence as a “punishment” for being caught by the Polish Border Guard). We analyse this inconsistency more broadly in the chapter dedicated to the muharrama.

In some accounts from those who managed to reach the border zone, the Belarusian authorities play an active role in directing and physically “pushing” migrants across the border. Testimonies also highlight the Belarusian officers’ involvement in preparing migrants to cross, including providing

equipment like ladders, tunnel-digging tools, and fence-cutting instruments, and organising migrants into groups scheduled to cross at specific times. Some migrants recount crossing the border independently, through walls or rivers. The process of overcoming the various security measures, traversing the entire muharrama zone, and attempting to breach the fence takes several hours and isn't always successful. Failure or interception by the Belarusian authorities can extend their stay in the muharrama for many days or even weeks before they manage to set foot on Polish soil.

I was walking on crutches. I crossed the fence as usual, using a ladder. There were other groups with us, we met other groups in the forest. I was the last one to cross. The Belarusian army gathers the groups. We crossed and we met. We crossed the border from above, with a group which had a ladder. We put the ladder up and we crossed.

Rahul from Syria

By 2023, the border fence was in place and was being gradually enhanced with a perimeter system and additional lines of concertina wire. This, along with the presence of military forces, made migrants acutely aware of the high likelihood of being spotted quickly. Consequently, many accounts mention the interviewees' desire to cross the fence and immediately run as far west as possible.

Fahd, a Syrian who was pushed back twice from Poland to Belarus, shares his experience of crossing the border with a smuggler in April 2023. At that time, he was travelling in a group of 16 people, which included 4 women and 2 children aged 8 to 13. On April 27, around 10PM, the group was supposed to pass through a tunnel dug under the Belarusian barrier (part of the Sistema). After traversing the muharrama, around 4AM, the Syrians attempted to cross the barrier into Poland.

Then they left the ladder for us, but the observation wasn't very good. We stopped and we observed how much time passes between one patrol and the next. We put the ladder up, and the ladder made noise, because it was made out of iron, and it was put against a wall that was also made of iron. So there was a noise when we put the ladder up, quite a loud noise, because we were in the forest. It was night. Okay, we put the ladder up, a guy who worked for the smuggler jumped first, then I jumped after him, then my brother jumped. After we jumped, the rest of the group wanted to jump, but a car appeared about 700 m or less from us. It was coming towards us. It was dark, so we could see the car's lights from afar, coming towards us. When we jumped, we had to cut the fence at the top, because there were wires. More than one wire, and it was full of razors, there were 3 wires on top of one another and there were razors. We jumped down, and after we jumped we ran towards the forest. The forest was very dense, there were a lot of fallen trees, so we got injured. We had to sit down, very close to the wall, we were less than 10m away from the wall. So, yes, yes. It was cold, but it wasn't raining.

Fahd from Syria

Fahd describes how, after crossing the wall, he hid in the forest with his brother and another man. Lying close to the border road, they could hear the shouts of Border Guard officers and see the beams of their flashlights.

Sorry, they didn't shoot. They were using torchlights to find us. When they found us they started to shout at us to come out. There were both young guys and girls in the patrol. They shouted at us very loudly. They didn't keep their weapons on their backs, they had them in their hands, pointing at us.

Fahd from Syria

According to the respondent, the Border Guard officers fired shots into the air. When they found the hiding men, they began shouting and aiming

their weapons at them. Meanwhile, one of the men who had stayed on the Belarusian side of the wall tried to take the ladder used by the respondent and his companions to cross to the Polish side. However, the officers noticed this and, according to the respondent, fired into the air and threw a flashbang grenade at the feet of the man trying to take the ladder.

Migrants who cross the border often report that after crossing the barrier, they are forced to split up while trying to evade patrols. This leads them to losing their companions and wandering in the forest, which increases the risk of getting lost, which sometimes leads to fatal consequences.

At first I was alone and then I met people in the forest who also wanted to cross. We crossed [the border] together the third time. We crossed together and there was a girl with us who was not very strong and she could not run. As soon as the officers saw us, they fired shots. And then three guys stopped and the four of us ran deeper into the forest. A few minutes later they found us deep in the forest because they had surrounded the road which leads into the forest and we did not escape. We lay under a tree and then they found us and they took us away. At the time nobody said a word to us, nobody said anything, they came, they took our telephones, they broke the phones and after that they split us up between their cars, and they took us back to the border. One person or two per car: they split us up like that.

Tarig from Sudan

These excerpts from interviews represent a small sample of stories about reaching the Polish-Belarusian border. Their purpose is to provide context for the violence faced by migrants on Polish territory while highlighting that the experience of the journey to the border is highly varied. Currently, it is difficult to provide a straightforward assessment of the Belarusian officers' involvement in "controlling migration." The interviewees emphasise that migrants themselves lack knowledge about what might determine the success of crossing the border, and their attempts are more reliant on luck than on precise calculations or Belarusian support.

Okay, but there is one more thing, when we went through the Belarusian wall, we were walking in one group, ok? Then, we split up into two groups. The group that I was with crossed after one week, but we got caught. The other group crossed two days after we crossed the Belarusian wall. They crossed in the same place as I did. [...] I tried to cross one day after they did but I couldn't, it was hard, on the third day... On the second day, I couldn't and on the third day and the fourth day, same thing. I crossed after some 4 or 5 days, but then my group got apprehended.

Ahmed from Syria

Lack of access to asylum procedures

Each of our interviewees successfully crossed the border after staying in the muharrama only to be detained by the Polish authorities – immediately after crossing the border, while moving through the border area, or later – and subsequently deprived of their freedom before being taken back to the border line. Those that were caught while being transported by smugglers were also subjected to pushbacks. Most of our interviewees declared their intention to apply for international protection in Poland, yet all were sent back to the border.

The return of the detained foreigners to Belarus without an individual assessment of their situation (known as collective expulsion) and the disregard of their declared intent to seek international protection were key factors indicating the illegal nature of the Border Guard's actions, according to Polish courts. Therefore, we have dedicated a separate chapter to the administrative actions (or lack thereof) that accompany apprehension and pushbacks. Particularly important is the context of the obligations imposed on the authorities towards detained foreigners. In this section, we describe how the Polish authorities systemically prevent foreigners from crossing the border from exercising their fundamental right to apply for international protection.

Standards during detention

In some cases, we could not determine with complete certainty which formation was involved in the capture of the foreigner. According to the

Border Guard Act^[42], the main formation responsible for preventing unregulated migration is the Border Guard. However, in specific situations, they may be supported by units and subunits of the Armed Forces^[43]. Based on the accounts of those we provided humanitarian assistance to, and their descriptions of officers' uniforms and vehicles, it is often likely that patrols consisted of soldiers from various units of the Polish Army and mixed patrols of soldiers and border guards.

In situations where the Polish Army apprehended migrants, they always waited for the Border Guard to arrive. Therefore, we infer that the Border Guard was involved in every pushback.

Although the Border Guard often uses the term “apprehension” for actions taken against migrants, Polish law does not define the “apprehension” of a person. Foreigners who cross the Polish-Belarusian border and effectively are caught by the Border Guard are de facto detained and deprived of their liberty. In situations where the Polish Army captured migrants, they always waited for the Border Guard to arrive. This suggests that the Border Guard was involved in every pushback. Although the Border Guard frequently uses the term “apprehension” to describe their actions toward migrants, Polish law does not provide a specific definition for the “apprehension” of individuals. Foreigners who cross the Polish-Belarusian border and are effectively caught by the Border Guard are, in practice, detained and deprived of their liberty.

Detention and deprivation of liberty can only occur in specific situations based on particular regulations. Polish law permits the detention of a foreigner and their deprivation of liberty by the Border Guard based on specific legal grounds: the Act on Foreigners and the Act on Granting Protection to Foreigners in the Republic of Poland. Both acts refer to the Code of Criminal Procedure regarding the procedure for deprivation of liberty. The Code regulates, for example, the rules for searches and handling the belongings of detainees, which is significant in the context of practices

[42] Act of October 12, 1990, on the Border Guard (Journal of Laws 2023, item 1080, uniform text).

[43] Act of October 12, 1990, on the Border Guard (Journal of Laws 2023, item 1080, uniform text), Article 11b.

described later in the report, such as the confiscation of migrants' property. After each detention of a foreigner, the Border Guard is obliged to prepare a detention report, ensuring that the procedure of deprivation of liberty is in accordance with the law. The regulations do not provide for any other legal form of deprivation of liberty that the Border Guard could apply to a foreigner.

After detaining a foreigner suspected of having entered and to be residing in Poland illegally, Border Guard officers are required to conduct a check of the foreigner's legal status, which must conclude with a formal report. If this check confirms that the foreigner's entry and stay in Poland were illegal, and the individual does not express an intention to apply for international protection, the appropriate Border Guard station commander must initiate administrative proceedings to mandate the foreigner's return to their country of origin. However, for foreigners detained at the Polish-Belarusian border, an exception applies, legally established through an amendment to the Act on Foreigners (detailed in the legal analysis chapter)^[44]. According to this provision, proceedings to mandate return are not initiated for foreigners detained immediately after crossing the EU's external border against the regulations. In such cases, pursuant to Article 303b of the Act, the commander of the relevant Border Guard station prepares a border crossing report and issues an order for the foreigner to leave the territory of Poland. Foreigners have the right to appeal this order to the Chief Commander of the Border Guard. Nonetheless, this does not absolve Border Guard officers of their obligation to ensure the rights guaranteed to detained foreigners by the Code of Criminal Procedure, nor does it strip foreigners of their right to apply for international protection.

[44] See page 171, Chapter by M. Sośniak "Pushback as an illegal practice in the light of Polish court rulings".

Obligations of the Border Guard towards foreigners

The assumption of Border Guard officers' involvement in each incident is crucial because the law imposes specific obligations on the Border Guard towards any foreigner declaring the intent to seek international protection. Most importantly, according to the law, the Border Guard is required to protect the foreigner from being turned back or expelled from the territory of Poland.

The declaration of intent to apply for international protection should be accepted by the Border Guard officer who first comes into contact with the foreigner, regardless of where this contact occurs. If a foreigner is discovered after crossing the border at an unauthorised point and, during subsequent actions, declares their intention to apply for international protection in the presence of a Border Guard officer, this declaration should be accepted and recorded. The formal application can only be submitted at a Border Guard station, but the oral declaration holds legal force, and the foreigner should be treated as an applicant. Practically, this means that a person declaring their intent to seek protection should be transported to a Border Guard station to formally submit the application on the appropriate form. The application process includes verifying the applicant's identity, language proficiency, taking photographs, fingerprinting (for individuals over 14), medical examinations, and necessary sanitary measures for the applicant's body and clothing.

In summary, any Border Guard officer dealing with a foreigner who, in their presence, declares their intention to apply for international protection is obligated to record or register such a declaration and ensure that the foreigner has a genuine opportunity to submit a formal application as soon as possible. The foreigner making the declaration should be protected from being returned or expelled until their application is reviewed.

Practical implementation

In practice, each of our interviewees, whether they declared their intention to seek international protection or not, and regardless of where they were detained (even deep within the country long after crossing the border), were deprived of their freedom, returned to the border, and forced to cross into Belarus.

In most cases^[45], the practice of pushbacks was coercive, accompanied by actions from the authorities aimed at deterring or hindering-crossing of the border: intimidation, violence, and destruction of migrants' property, etc.

Detained individuals often do not understand the legal basis for the actions taken against them. When they try to describe the pushback process to us (return directly from the forest or a station, the documents issued by the Border Guard or the lack thereof), we see that the Border Guard's claims that the first pushback of an individual is being based on the Act, with procedures conducted at a Border Guard station, are untrue.

Regardless of the legal basis used by the Border Guard (discussed on page 171), the process of being returned looks the same: the detained person is escorted from the Border Guard station or another location to the border line. Often, they are forced to sign documents presented by the Border Guard. Then, officers force the person to cross the border into Belarus again. In locations with a barrier, service gates installed in the barrier (referred to as "gates" by respondents) are used for this purpose. According to the accounts we collected, this practice is accompanied by threats and physical violence.

[45] Since the autumn of 2021, Grupa Granica has recorded only a few instances of voluntary compliance with pushbacks. This mainly involved individuals who had been separated from their relatives who remained in Belarus and wished to reunite with them. In several cases, those detained by Polish authorities realised that successfully entering the asylum procedure in Poland would result in being placed in a guarded centre. Faced with this, they preferred to risk attempting to reach Western European countries again. Additionally, some of these individuals were "guides" for groups crossing the green border and sought to return to Belarus for another group.

According to the correspondence between the Minister of the Interior and Administration and the Ombudsman, conducted from December 2023 to March 2024, as of creation of this report (spring 2024), the Border Guard now requires every foreigner who is issued a decision to leave the territory of the Republic of Poland to sign a written statement. This statement, provided in a language understandable to the foreigner, confirms that the foreigner has been informed by Border Guard officers about the possibility of applying for international protection in Poland, that they have no intention of submitting such an application, details of the foreigner's intended travel destination (country) [...] [46].

The accounts we gathered indicate that the signing of documents often occurred through manipulation, blackmail, or coercion, which raises serious doubts about the credibility of the statements collected in this manner.

Refusal to accept applications for international protection

Many individuals who managed to cross the border frequently^[47] declared to the officers their intention to apply for international protection in Poland. However, in the testimonies we collected, none of these declarations prevented the individuals from being pushed back to Belarus. This suggests that contacting the Border Guard, although necessary for those seeking protection, posed a significant risk for potential applicants.

[46] Ł. Starzewski, *Sprawa pushbacków: MSWiA informuje RPO o swych działaniach*, (English: *Pushback case: Ministry of Internal Affairs and Administration informs the ombudsman about its actions*), “Public Information Bulletin of the Ombudsman,” <https://bip.brpo.gov.pl/pl/content/rpo-pushbacki-dopuszczalnosc-uchylenie-mswia-odpowiedz-nastepna> [access date: 8 April 2024].

[47] Of the 71 interviews conducted by the We Are Monitoring Association in 2023, only 15 interviewees did not express a desire to apply for international protection. See: Grupa Granica and the We Are Monitoring Association, *Annual Report 2023* [in preparation].

In some cases, interviewees indicated that the lack of an interpreter and the officers' inability or unwillingness to speak English were the direct reasons for their inability to express their intention to apply for international protection in Poland:

Did you ask them for international protection, you or your friends?

No, never, because they didn't understand us. Because none of them spoke English, they only spoke Polish. We didn't expect them to understand us or take us to a camp. Because, when we were walking through the muharrama, we met [another] group and one of them was bitten by a dog.

Mansour from Syria

In other instances, the absence of translation services led to foreigners being coerced into signing documents they did not understand. Below we present selected accounts of individuals who tried to assert their rights but were pushed back to Belarus despite declaring their intention to seek protection in Poland.

Mahmoud, interviewed in January 2023, recalls four instances over five months where he was detained in Poland and then pushed back to Belarus by Polish officers.

He claims that in most cases, he was captured by groups of 7 or 8 officers dressed in black clothing with their faces covered. In two instances, they were border guards, and in the other two, they were police officers. Soldiers also participated in the apprehensions, some of them did not cover their faces.

I told them that in my country, Iraq, my life is in danger and that I am seeking international protection in any state, just to protect myself from death. With these people I spoke in English. They started to laugh and said: "Poland is not good, go back to your country". I told them that it is good for me, as I am just seeking international protection. They talked with me in English.

I asked the border guard for asylum and international protection twice and I asked the police twice. No one answered me, they just started to laugh and said "go back to your country", not aware of the situation in my country.

Mahmoud from Iraq

After being beaten and mocked immediately following his apprehension and pleading for international protection, Mahmoud was driven to the border fence with Belarus, where the officers opened a gate and ordered him to cross to the other side.

Yussuf, who was pushed back from Poland at the end of 2022, recounts the capturing of the three-person group he was travelling with. Unlike Mahmoud's experience, his group was to be taken to a facility and interrogated. Yussuf recalls hoping he would be allowed to enter the protection procedure in Poland:

It was far. The centre had something like "camp" written on it, so I thought they would take our fingerprints or something. There was one guy with us who knew the foreign letters and he said the word "camp" was written on it. So, when the paperwork began, they took photos of us and our signatures, we hoped they would take our fingerprints. It took only about half an hour.

Yussuf from Syria

During the interrogation at the Border Guard facility, the men were asked where they had been and where they had wanted to go. One of them responded that they had been in Poland, wanted to stay there, and did not want to be pushed back:

Did any of you ask, I mean, told them “I want asylum or international protection in Poland”?

Yes, yes, I told him and I begged him many times. He drove me to the Belarusian fence and I begged him. He was an officer not a soldier. When the officer came to push us back I begged him to take my fingerprints, he said “no”. I begged him...

Yussuf from Syria

Others also spoke of their determination to express their intention to apply for international protection. Among the various strategies adopted by individuals on their journey there were direct requests to the Border Guard for access to legal assistance:

I said to them: “I am now in your land, I can apply for asylum now. I have been in contact with organisations”. They were like: „Sign now, and we will talk about it later”. I discussed the issue with them maybe seven times. Even when I was being deported, they took about seven photos of each one of us, I was telling them all the time: „I ask for asylum, I have the right, maybe if you can call a lawyer, anything, I can pay, it is okay”.

(...)

I tried three or four times. Even when they were asking me about the journey, about who the leader is, they used a Polish translator, I asked them why they were using a Polish translator. I translated some English to Polish „I am asking for asylum and in case I need a lawyer, I can pay”. I had 200 euros with me, hidden in my clothes. But they said: „No, take your money, we will discuss it later”. They brought the papers, the moment I saw the papers, they forced me to sign them. I was well aware that I won't get asylum.

Abdelfattah from Syria

Only one account mentions that, upon request, an individual on their journey was given the opportunity to start the procedure. Hussein, travelling in a group of seven people, including two unaccompanied minors, describes the situation. The request for protection was preceded by a search during which officers destroyed the group's clothing, beat the detainees, and used pepper spray on them. About an hour after the detention, when the effects of the pepper spray had somewhat subsided, the border guards informed an English-speaking person in the group that they would soon be "on the other side, behind the wires." At that point, everyone in the group tried to apply for protection in Poland:

Did you ask for asylum or for international protection when they caught you?

Exactly, that's what happened. We told them we wanted asylum in Poland, but they rejected all of us. Only one person was accepted. He was from Afghanistan and he had a diplomatic passport and was a civil servant.

So, from the 8 Afghani people, they took only one?

No, he refused because his relatives and friends were with him. He was the only one with a diplomatic passport and he asked them to accept his relatives and friends as well. They didn't agree so he refused.

Hussein from Iraq

All members of the group were returned beyond the wall. These incidents occurred in the Podlaskie Voivodeship. In interventions conducted in the border areas, the Border Guard frequently justified their actions with the pushback regulation, which according to them, justified returning people to Belarus after they crossed the border in an unregulated manner. However, the testimonies we received also include accounts from individuals apprehended in other parts of the country. The actions taken by the officers against these individuals had the same result:

Initially, I entered Polish territory three times, starting in October 2022. The first time, we arrived in the capital of Poland and were apprehended there. I asked them for international protection as I was in Polish territory, but they refused. They took me to a police station, where I signed papers. I was then transferred beyond the fence to the territory of the muharrama between Belarus and Poland. That was the first time. The second time, we were apprehended about 10 kilometres into Polish territory. They followed the same procedures, and I was returned to Belarus.

Rahul from Syria

Regardless of the various situations in which interviewees were apprehended and regardless of the form in which they requested international protection, officers regularly and intentionally denied them access to the procedure and subsequently returned them to Belarus. As shown by the interviewees' statements, officers often mentioned that migrants were not welcome in Poland or directly suggested returning to their countries of origin, including war-torn Syria and Yemen:

Yes, I asked for asylum in Poland, but one of the soldiers hit me and said: "We don't want refugees".

Nasir from Syria

They told me: "You cannot go to Germany or to Poland, go to Yemen". They said that in English. Yes, I asked for it [asylum], but they forced me to sign that I don't have the right to apply for asylum in Poland.

Omar from Yemen

Did they assault you and speak to you aggressively at the police station?

No, it was just an interrogation. They asked us why we chose this route, and we explained our situation in Syria, how we live. Their response was that they wouldn't give us asylum and wouldn't allow us to cross the border. They told us to return to our country.

Jamal from Syria

Coerced signing of documents

I was arrested by the Polish police while crossing the forest and they took my clothes and my phone was destroyed. And I was forced to sign a document which stated that I am not asking for international migration assistance.

(fragment of a message, June 2023)

Interviews and archived photos sent to the Grupa Granica intervention line indicate that people taken to a facility were often forced to sign a decision to leave the territory of Poland. The issuance of such decisions, which inevitably leads to pushbacks for those apprehended after crossing the Polish-Belarusian border, has been criticised by the Ombudsman. He has deemed both procedures (returning to the border line and issuing decisions to leave Poland) as not compliant with various national and international legal regulations^[48].

[48] M. Okrasa, *Wstrzymać stosowanie pushbacków i wydawanie postanowień o opuszczeniu terytorium RP na granicy polsko-białoruskiej. RPO pisze do MSWiA* (English: *Stop the pushbacks and issuance of decisions to leave the territory of Poland at the Polish-Belarusian border. The Ombudsman writes to the Ministry of Internal Affairs and Administration*), "Public Information Bulletin of the Ombudsman" of 5 March 2022, <https://bip.brpo.gov.pl/pl/node/23900/revisions/25236/view> [access date: 19 March 2024].

As mentioned earlier, since the spring of this year (exact timing unknown), the Border Guard has routinely presented a statement for foreigners to sign. This statement asserts that the foreigner has been informed about the possibility of applying for international protection and has chosen not to do so, along with a question about the intended destination country. The exact content of this statement is unknown.

Mujeeb, an Afghan who was pushed back in April 2023, was travelling with men he knew from Belarus, and his brother-in-law. There were seven of them in total, all from Afghanistan, aged 21 to 32. After crossing the border, they split up; three stayed behind and were captured by the authorities, while Mujeeb and the remaining group members moved away from the border. Mujeeb reports that around 10AM that same day, the men got into a “taxi”, and after about 20 minutes of driving, they were stopped by a blue car marked “Police”. There were two officers in the car: a woman and a man, both dressed in dark blue/black uniforms. According to Mujeeb, the officer detained the driver while the policewoman stayed with him and his companions in the parking lot of a nearby supermarket. After about 5–10 minutes, another car arrived. Three officers in civilian clothes got out, each carrying a weapon attached to their trousers or a chest strap. This trio approached Mujeeb and his companions, who were in a locked car.

What did the people from the second car do?

They said something about having conducted an investigation and brought the papers for us to sign. I signed papers in their car. I signed the papers in two places, once in the parking lot and once in a Border Guard land rover after they took us to a second Border Guard car.

What kind of papers did you sign in the second car?

I don't know, they just forced us to sign them. One of the officers, he was about 35–40 years old, I said to him: “Please, if you have a [incomprehensible] of human rights or a court, call them, I want to defend myself. He replied: “Ok, I will take care of it.” But when the Border Guard arrived they took this man to the side.

How did they force you to sign the papers?

The police used a language I didn't understand. Words like: "dobra, kobra", something like that. Just sign! They didn't use any better language.

They didn't speak English?

The lady spoke English, but not fluently. I think she could maybe understand about 60%.

Did she tell you what you were signing?

When I tried to refuse to sign she told me: "Please sign and I will explain it to you then", but she never did. When I told her I won't sign she said: "sign it I will explain once we're done".

Did all your friends sign?

They didn't take signatures from the other guys, I signed for them. I asked why and she [the officer] told me it was my job.

So you signed for all the other people in your group?

They didn't show me what was in the paper, they didn't tell me. I think they made me sign all of them.

Mujeeb from Afghanistan

Mujeeb and his companions were then taken by another car, driven by different officers, to a place he later recognized from a photo as one of the Border Guard stations. The other three companions who crossed the border with him and were apprehended earlier were also there. The entire group was then taken to the bathroom by a male officer. The officer conducted a full body search on each of them, requiring them to get completely naked, including intimate areas. The rest waited in another room during this time. Their food, water, and other belongings, including phone chargers and lighters, were confiscated. According to Mujeeb, their money was not stolen at the time. He also mentioned that another officer wrote down their names and took their photographs, after which they were given documents to sign.

Did you understand the papers you were made to sign at the Border Guard facility?

I think they said: "don't enter Schengen countries", something like that.

Did they write down your details for these papers?

Yes, father and mother's names, and our names.

They got your names from your phones?

Yes, they checked all our mobile phones, they took the SIM cards and the SIM card jackets.

Mujeeb from Afghanistan

Mujeeb reports that the detained trio was then interrogated with the use of unspecified violence, which he described as “punishment”. Their phones were checked, and they were brutally interrogated. As a result, they provided the amount of people with whom they crossed the border and the location where they were supposed to be picked up by the so-called “taxi”.

Kofi's group, after being caught, was also transported to a facility, where he and the other detainees were given documents to sign, the content of which none of them understood.

Ok, I understand. And did they bring you any documents to sign?

Yes. They brought documents, some papers that were written in Polish language, I think. Because it wasn't English. So it was Polish, I think. They brought all these papers for us to sign. And two of my friends were willing to sign, but I wasn't. “Ok, no problem. We will see what happens”, one of the border guards said to me. “If you don't sign these, you will face some like... prosecution”. He said that to me and then I had no choice but to sign. And I signed them. And, the final paper that we were given was in English and it said we cannot enter Poland or any European, Schengen areas for three years. The paper said that.

Kofi from Ethiopia

Ultimately, under pressure, the respondent signed the documents. He recounted that he felt he had no other choice. The documents contained his personal information, but he did not use his real signature.

And then „What is the paper saying?“ I asked him. „None of your business“, he replied. And wanted me to sign on it, “just sign on it”, he told me, forcibly, that I’m going to do that. I was told that there are going to be some consequences if I’m not signing these papers. Prosecution maybe, he said. And I had no choice except signing. And I signed it. It was fake, not my real signature. It was somebody else’s signature. I mean I randomly just signed it.

Ok. But is there your name on it or just your signature?

Yes, there was my name on the paper.

Kofi from Ethiopia

After signing the documents, the group was ordered to get into a car and driven to the border, to a location described by the respondent as swampy and surrounded by water. According to Kofi’s account, the officers then destroyed all of the group’s confiscated phones, power banks, and cables right in front of them, and threw the phones into the water. The group members begged the officers not to destroy their phones but were sprayed with tear gas in their faces. Kofi recalls this being accompanied by the Border Guard officers’ laughter and insults.

Jamal’s account details how he and the other eight people detained with him in Poland repeatedly requested protection during the intervention. Their first plea was directed at individuals who claimed they were military personnel and that it was not up to them what would happen to the apprehended. The entire group was then transported to a Border Guard facility.

Well, when you were at the facility you were telling me about, the military base, where they gave you some papers to sign or something like that. Did they give you any papers to fill in? Did they ask questions? Did they interrogate you? What was it like at the facility?

(incomprehensible) They gave us documents, which we signed, which said that we should stay away from Polish territory for 3 years.

Ok, did they take your pictures? Did they take your fingerprints?

Yes, they took pictures of our faces, pictures of us holding our passports next to our faces, and a picture from the side as well.

(...)

Ok, was there an interpreter present? Was there an interrogation when you signed the documents?

No, but they gave us a copy in Arabic and a copy in Polish.

So there was no interpreter present?

No, there was no one.

Ok, when you were there, did they give you food and something to drink? Did you drink something? Did they give you something to eat? And did they give you new clothes, because yours must have been soaked?

No. And even in the room, there was no AC, no furnace, no heating, nothing.

Jamal from Syria

The detainees also requested international protection while at the facility. They spoke about the situation in Syria and the recent earthquake, but the officers only told them to go back where they had come from.

Did they assault you and speak to you aggressively at the police station?

No, it was just an interrogation. They asked us why we chose this route, and we explained our situation in Syria, how we live. Their response was that they wouldn't give us asylum and wouldn't allow us to cross the border. They told us to return to our country.

Jamal from Syria

Misleading and coercion

Interviews also revealed instances where law enforcement representatives engaged in manipulating the information provided by the interviewees or deliberately misleading them. In every account that mentioned such

deception, it was connected to the interviewees' attempts to apply for international protection in Poland. In some cases, officers manipulated the migrants' statements regarding their intentions and goals of staying in Poland. Such manipulation also involved exerting pressure or coercing them to sign documents with content different from what was told to the apprehended.

In an account from March 2023, Hussein describes being apprehended and searched along with his seven-person group, as well as experiencing various forms of violence (e.g., beating with a baton, use of pepper spray, destruction of property) by individuals he identified as Border Guard officers. Despite this, both he and the group decided to request international protection in Poland. After an initial refusal from the officers, they were transported to a Border Guard facility. According to Hussein, they waited in a car for about two hours to sign papers while they watched through the window other groups of apprehended people being led into the building.

How long did you stay in the car? And what happened next?

Approximately, since the car arrived they forced us to sign and drove us back, it was about an hour and a half.

You mean, the 7 of you were in the car for about an hour and a half?

An hour and a half to two hours, because we were waiting for someone to bring the documents.

So you waited for an hour and a half to two hours for them to bring you the documents and then you signed them, is that right?

Yes, exactly. A detective came with the officer who caught us in the forest. They interrogated us: "What's your name? How old are you? Where did you come from? Where are you going?"

In Arabic or in English?

No, in English. There was this Afghani guy who was translating, and we had another person who understood a bit of English and was trying to translate for us. There was even a guy whom

they asked: "Where are you going?". He answered: "To Poland". They replied to him: "No Poland, you are going to Germany not to Poland". Then, after the interrogation, they brought the documents, we signed them, and so on.

Hussein from Iraq

After the situation described above, the group members were given four-page documents translated into Arabic. However, as the respondent mentioned, they were not allowed to read the documents and were made to sign them immediately.

So they put you in the jeep, and drove you straight to the border or did they take you to a facility?

No, they took us to, what it's called, a location, made us sign... It wasn't a centre, there were books and papers, I mean, they didn't let us in. It was next to a building but they didn't let us out [from the car], they let some people inside the building and took their signature there, that's what I understood from some friends. We signed the documents. It was translated, we tried to read it, but they didn't let us. I mean, "Just sign and that's it" and we signed 4 or 5 documents.

How many of you stayed in the car?

The 7 of us stayed in the car, they took our signatures and went on. The people who were taken to the centre weren't taken with the 7 of us.

Hussein from Iraq

The contents of these documents are unknown to the respondent. The entire group was then transported back to Belarus.

Salim, who had experienced three pushbacks from Poland to Belarus by the time of his interview, recounted a similar situation. During one intervention that ended with a pushback, he was taken to a Border Guard facility where he and others were given a stack of documents to sign. The officers did not explain the contents of the documents. Salim, who knew a little English, tried to ask if the documents said he would stay in Poland.

The officers nodded affirmatively, after which he and his companions decided to sign the documents.

They took our phones and IDs, they took everything. They gave us some documents to sign. I asked them, I told them that I wanted to stay in Poland and to claim asylum and to have a simple and peaceful life. They assured me: "No problem, we will help you". Then we gave them the signed documents and they took us by car back to the fence and pushed us back to the muharrama. They took our phones, and this time, we were left with nothing. (...)

Did they tell you anything at the moment they gave you the documents to sign? Did they tell you what the documents said?

I asked before signing: "What are these papers saying? What am I signing?". They were talking in Polish, and we couldn't understand them. I talked with them in English, but my English is not very strong, and I couldn't understand much of what they were saying. I asked them: "Do these documents allow me to stay in Poland?". They said: "Yes, sign here and that's all".

Salim from Iraq

Kofi, recounting his story from May 2023, also described one of the many pushbacks that he experienced in the months preceding the interview. He describes the contents of the documents that were presented to him for signing:

So... I think I don't have any more questions about this pushback. I want to ask if they also gave you some documents to sign during the previous pushback or was it the first time?

The same paper. I signed. During my second pushback.

Ok, so the same paper. But they didn't see any of your documents? They couldn't put your name on it? It was just a signature?

What differed the previous paper from this one is that the previous paper had written in English: „I want legal protection in Germany, not in Poland“.

Kofi from Ethiopia

Cumar, detained in Poland in May 2023, describes an intervention during which he and five other detainees were taken to a car and transported to the Border Guard facility. At the facility, he was interviewed in English, which he could communicate in as the only one among the detainees. He was asked what they wanted and where they had come from:

They took us back, they took videos and pictures of us and they asked us: “Where are you going? Who are you?” We told them our nationality, that we are Somali and that we are going to Poland. They said: “Are you guys going to Germany?” We said: “No, we are going to Poland, we don’t have a preference as long as any country in Europe accepts us”. So they said: “In the video say you want Poland”. We were very happy to hear that, we thought they had accepted us as immigrants. Later we found ourselves taken back to the border. We were told to go to Minsk.

Cumar from Somalia

According to Cumar, none of the detained individuals received any documents to sign. He claims that during two previous pushbacks, it did not happen either. From the facility, the entire group was taken to the border fence, which Cumar estimated took about two hours. The guards opened a gate around 7AM and ordered him and his group to cross to the other side.

After being detained in February 2023, Abdelfattah’s group was transported to a facility where, according to him, they were subjected to humiliating treatment, including being forced to strip completely and having their phones and passports confiscated. He was denied access to the toilet. The officers tried to force the migrants to sign documents stating they had no interest in applying for international protection in Poland (in

English, which most of the group did not understand) under the threat of not receiving food:

The first thing is the „Sign to eat. Sign to live“. I was talking with the number of the organisation, they told me that I can ask for asylum. So I told them that I want to apply for asylum. They were forcing me: „You should sign, so we can bring you food“. They knew I was starving and that I was thirsty. They treated us like animals. You should die, or sign the papers so you can eat. So everyone must go outside and take off all of their clothes. They searched them very well, they took the data of us, they took the password, and then they sent us to the cell wearing only our underwear.

Abdelfattah from Syria

The man testifying explicitly described that the pressure exerted on him by the officers eventually made him sign the documents.

They took them [personal belongings] from us and made us sign some documents. We didn't know what the documents said. One of the soldiers was holding a baton and they made us sign these documents. We didn't know what was in these documents. We don't understand English or Polish.

Mustafa from Syria



Anatomy of pushbacks

Actually, from what I've learnt from talking to people, to my friends, it is random (..) there is no system. Which makes us feel that there is a lousy accountability system at the top. Yeah, so no one is held accountable, so everyone is acting based on his own behaviour, the one that you got from home. So many friends (...) they found them, they pushed them back, no humiliation, no bad words, nothing. And many other people, including me, were beaten during the pushback. I was hit with an iron stick more than 25 times, all over my body.

Hamza from Yemen

In the subsequent parts of the report, we describe practices accompanying pushbacks that keep recurring in a number of accounts – actions aimed to hinder or prevent people from going further, returning, or re-crossing the border, or to deter them from doing so. Such actions include psychological and physical violence, seizure of belongings, extortion, detention and abandonment in health- and life-threatening conditions, and all other types of behaviour reported by respondents as they recounted their experiences at the Polish-Belarusian border to us.

We considered any experience described by our interviewees that they have perceived as causing them physical and/or psychological pain as an “experience of violence”, including behaviour of the border control officers that made the detained person feel scared or degraded, or the purpose of which was to demonstrate strength, etc. In this chapter, we do not consider whether a given action has been within the limits of the powers conferred upon the authorities or if it has met the criteria of justified application of direct coercion measures.

An exhaustive typology of practices applied by the border control officers has been developed for this report in order to reflect as closely as possible the experiences described by our respondents and to duly categorise the collected material. Even though the starting point for the present report

was the Istanbul Protocol, we did not intend or attempt to improve, expand, or copy it. The Istanbul Protocol distinguishes between torture and other cruel, inhuman, and degrading treatment or punishment, although a clear boundary between the two categories is not always present.

Based on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, one may identify typical actions that may meet the criteria of inhuman or degrading treatment or punishment. They include:

- » physical violence – such as beating, electric shocks, obstructing the ability to breathe, sleep deprivation, detention in positions causing pain;
- » psychological abuse – such as threatening with death or torture of the victim or their next of kin, long-term isolation, humiliation, psychological manipulation and other actions aimed to instil fear or inflict mental suffering;
- » degrading treatment – actions that humiliate the victim, such as coercing them into nakedness, detention in inhumane conditions, disrespect for one's culture, religion, or personal dignity;
- » violation of sexual integrity – including sexual violence, rape, sexual harassment, or coercion into sexual acts under a threat of violence;
- » deprivation of the ability to meet basic needs – such as starvation, involuntary dehydration, limiting or denying access to basic healthcare, and non-satisfactory sanitary conditions.

The above list is not complete and the Istanbul Protocol provides that any situation should be evaluated individually, considering all circumstances, particular features of the victim, and the wider social and political context. It emphasizes, however, that any torture or atrocious, inhumane or degrading treatment is completely prohibited and cannot be justified under any circumstances, including a state of war, a national security threat, fighting terrorism, or other states of emergency.

We cite these definitions to highlight how many situations reported by the interviewees seem to fall within their limits and should therefore be thoroughly analysed. When considering the whole context of the interviews,

it was frequent for descriptions of multiple abusive practices to occur at the same time i.e. it was rarely the case that a given person was subject only to beating or only to destruction of personal property. Therefore, we conclude that these types of practices tend to be interconnected elements of pushbacks.

Our analysis coincides with observations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In its 2022 report, the Committee identified and specified clear patterns of physical abuse used by member states of the Council of Europe towards foreigners that were subjected to involuntary expulsion. As the Committee noted, its delegation “has met with many foreign nationals who have given credible allegations of deliberate physical ill-treatment by police and border guards, which have been supported by the findings of the delegation’s medical doctors, in particular on the outside borders of the European Union. Such accusations also include pushbacks of foreign nationals across borders without prior review of a given person’s individual situation and effective access to means of protection to ensure that the person in question would not be sent back to the country with an actual risk of ill treatment”^[49].

They treated us in an inhumane way. We, I mean, you know, when a human meets a human, they try to talk, I mean, we ask, where is humanity? Because we came here wanting to be treated like humans! You are from Iraq [the translator is from Iraq], you know the situation there! We’re tired of this suffering. We didn’t come here for money, we came for humanity, for human rights. We don’t want money. We want dignity, we want to live like humans. But we weren’t met with even a tiny bit of humanity. They don’t respect human rights at all. To us, the expression “human rights” is a lie, I swear, it’s a lie.

Hussein from Iraq

[49] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Council of Europe, 32nd General Report of the CPT, 2022, s. 5, <https://rm.coe.int/32nd-general-report-of-the-cpt-1-january-31-december-2022-/1680aabe2b> [access date: 27 April 2024].

Intimidation and threats

But they used violence to put you to the ground, when they found you?

Yes, they used violence, they used arrogance and verbal humiliation.

Do you remember the words?

Yes. "Why did you come here?" And I told him: "We are running away from war". He said "Why can't you fight?" I said "It's a civil war. In Yemen, if I want to fight, I will fight with my brother, with my uncle, my cousin... It's not like there's a country that has attacked us... it is a civil war... And even if it is not a civil war, I am an engineer, I am not a military guy, so I am not going to fight, I am not ready to kill or harm another human. I just want to do my job, I want a normal life".

Hamza from Yemen

Intimidation

The reported actions by the guards that consisted of intimidation and verbal abuse may be categorised as follows:

- » verbal aggression, understood as using words with an aggressive tone (irrespective of whether the language was understood) and hostile meaning towards the recipient, including swear words, as well as yelling and giving orders;
- » dehumanisation, understood as any disdainful form of communication by the officers towards the detained that categorised them as enemies or even non-human;
- » verbal mocking, including aggressive communications presented as a joke or any form of communication in which the officers show their ignorance towards the apprehended or have fun at their expense;
- » threats, including threats of torture, death, or using weapon against the apprehended persons.

Verbal aggression is one of the most frequently reported forms of intimidation experienced by the migrants – to some extent, it accompanies every pushback. Both the detained and the guards have various levels of command of the English language, which makes it more difficult to determine how often words that could be deemed intimidating or dehumanising were used during interventions. Regardless, our interviewees regularly pointed to the fact that the communications of the officers were very aggressive and usually expressed in the form of shouting.

We were walking towards the road, towards the bridge. It was about 50 metres away. We saw them and we tried to turn back, but they noticed us. You know, we were shocked, we tried to turn back, but suddenly 3 or 4 soldiers jumped on us and one of them was shouting loudly at us. He was terrifying. The word, as I remember it, was "kurwa", with a loud voice. We surrendered to them, we were scared.

Hussein from Iraq

It was in English, I don't understand English, I understood the tone of the voice. There were words that I know from movies, "fuck you", words like that. Words that are pronounced in a tone suggesting that a man wants to insult another man. I don't understand English. He spoke English, I don't understand.

Tarig from Sudan

Did they say anything to you? In what language were they speaking?

They were repeating one word. I think it was an insult. But I don't remember it.

Azad from Syria

A number of the reports we provide below indicate that from the very first moments of an intervention, the officers tend to deliberately communicate in such a manner as to evoke fear and disorientation. The officers use verbal aggression to intimidate the detained persons so that they do not even think about exercising the rights they are entitled to. As reported by the interviewees, insults and yelling were often used to coerce persons into taking a certain action (handing over personal belongings, going to a given place) or refraining from taking a certain action (ceasing to speak, attempting to escape or asking for international protection).

Raman, apprehended on 15 June 2023, was immediately handcuffed in such a manner that blood flow to his fingers was stopped. He frequently indicated that the handcuffs hurt his hands. And each time he was urged to “shut up” and insulted. When he was being transported by car to the border, Raman tried to explain his situation to the officers, he told them that he would be killed if he got back to Yemen. He was insulted all the way there. Although he experienced lots of physical violence and feared that he would lose his finger in this traumatic situation, Raman said that it was “insults” and “curses” that hurt the most. The officers aggressively responded to his requests to apply for protection in Poland.

They handcuffed me the moment they found me and insulted me, insulted me with the worst of words. I was crying and they did not respond to me and they were cursing me and saying: “Shut up”. They insulted me. O my dear, the insults are more painful than the beating. I was telling them not to take me back to Yemen, but they insulted me and took me back behind the fence after [they] put on the masks and destroyed the charging port for my phone.

Did it happen at the police station or in the jungle?

They never took me to a police station. I told them I wanted asylum in Poland. And he cursed me and said “shut up”.

Raman from Yemen

Fahd, apprehended on 28 April 2023, also has vivid memories of verbal aggression. He was apprehended along with his brother and one more person. He had his own water in his backpack and asked only to be allowed to have a sip of it. A female officer did not allow him to do that, he was reprimanded for speaking up at all.

We asked you whether you asked for asylum or something, but you said you didn't, right?

No, I didn't ask for asylum, because the people with whom I talked before told me that there was no asylum in Poland. I was afraid of the pepper spray and also, when I wanted to say something to the person who had a ladder, they told me: "Shut up!" (...) Of course, I told the girl that I was thirsty, so I asked her for water. And the answer was that I should shut up, that there is no water. I mean, if they didn't give me water, I thought, and the guys also told me: "If you say anything to them, they will beat you and they won't give you anything. So the best thing for you is to keep quiet."

Fahd from Syria

Pushbacks as a deterrence strategy begin with the dehumanisation of the persons subjected to it upon their capture. Dehumanisation is reflected in the words and actions of the officers who treat the apprehended persons – as the interviewees put it – “like animals”. In other situations, the officers mocked and ridiculed the very procedure of pushbacks and the violence it entailed as well as the suffering of the migrants.

I just have one question. Why this deal with immigrants? We are also human, not animals. We're not monsters or terrorists. Why do they not have mercy? When he pushed me back into the woods, I told him I will die if you don't give me my phone, my food and my drink. Do you know what he said? He told me: "Go, I don't care". Is human life now worthless?

Salim from Iraq

No, no. They don't touch you. They wear gloves and they mistreat you because they talk as if we were sick, [as if] we carried viruses, and they do not touch us. They wear gloves, and they tell you "Go, go!". Those who don't manage to get in, they wait [until] they get in, and then they drive off.

Tarig from Sudan

Tarig, a man of Sudanese and Chadian origin, apprehended in the early hours of 14 June 2023, was hurt – he had an inflammation in his foot and his head was bleeding. He asked for medical assistance and to be taken to a hospital. His requests were ignored and he was forced to sign documents that he did not understand, and then pushed back. During his interaction with the officers, Tarig noticed that his skin colour influenced the way that some of the officers treated him.

I recognise all the officers. Those who harmed me and those who were kind to me. There was one woman who was really acting fine, she was genuinely human. The rest – there was one of the officers, quite strong, with a dog. He was cursing, he didn't want any blacks, that I understood.

Tarig from Sudan

Three persons from Ethiopia, one of them being Kofi, were apprehended in the car of a smuggler near Zambrów. The Polish officers subjected them to various forms of violence – from forcing them to sign incomprehensible documents to spraying their faces with pepper spray. Violence was used as a response to the migrants' plea not to destroy their phones. After their apprehension, the group, consisting of 2 men and a woman was transported to the Border Guard station, and afterwards to the border wall. Having realised that pushback was inevitable, the members of the group asked the guards to return them to a safe place, yet in reply they only heard that they were not welcome here, there was no place for them, and that they needed to "go back to their country".

Yeah. And they were laughing and you know... Making fun of us. „Hey, gentlemen, come here, get in the swamp and go back to where you came from. We have no place for you.” They say things like that.

Ok. If you remember more of what they said you can also tell me if it's ok with you.

The words that came out of their mouths?

Mhm.

Yeah. „We have no place for you”, „You are our enemies”. I told him: “We are not your enemies. We only want to go through... You know, we are seeking freedom. We cannot go back to the place where we face danger. That's the only reason why we are here. Not for anything, not for violence.” We explained this, but they were making fun of us. „Get back to your country, we don't need you here.” And insults. I am sure that they were insulting us in Polish. They were insults, yes.

Kofi from Ethiopia

Hamza, apprehended on 7 January 2023 around 5AM, travelled in a group consisting of 7 Yemenis. One man in the group was in a particularly bad shape and was not able to walk without help. The group split up, 3 of its members walked on to get medical help for their companion while the rest stayed with him. In the vicinity of Czerlonka Leśna, the 3 people that were looking for help were apprehended. They asked the officers to send doctors to their companion and provided his exact location. The apprehension lasted 2–3 hours. The members of the group were soaking wet after crossing the river and the temperature dropped below freezing. As Hamza reported, the mobile phones of two of the group members did not work after having been soaked in the water. The only working phone belonged to the interviewee who was asked by the officer to unlock it. The man recalled that its contents were thoroughly inspected. According to Hamza, the officers passed the phone around, opening all folders, including pictures and videos:

They were speaking mostly in Polish. Then they made us stand up, one by one, and they started searching us for phones, powerbanks, papers... for everything, like a detailed search.

And they took your phones, right?

Actually, they were my friend's phones, two of them were damaged by the water while we were crossing the river, so the only phone that was working was my phone. They took my phone and then he [one of the officers] asked for my password. I gave him the password. He started looking through everything. They were handing over the phone, from one to one. They went through the videos, they went through the pictures, through everything. One of them was even showing me my daughter's photo. He was saying "Is this your daughter?". I said: "Yes". Then he showed me a picture of a guy who tried to cross before and his foot was so damaged, so injured... and he was looking at this photo with some kind of admiration, or something like that.. He was saying: "Very nice, is that you?" I said: "No, that's somebody else". (...)

Do you remember any of their words? Swear words?

When I was talking about war and said that war can start anytime, he said: "We have only one war here, which is immigration, which is you".

Hamza from Yemen

The respondent noted that during the over two hour intervention the officers mocked the migrants, including when they expressed their intent to seek international protection in Poland:

Did you ask for asylum?

Yes. He asked: "Where do you want to go? You want to go to Germany, right?" I said: "Actually, I am coming to Poland, I want to stay in Poland". He asked my friend too: "You want to get to Germany?", he said: "No, I want to stay in Poland". He said: "So, you are not lucky tonight, you are not lucky, we are pushing you back".

So, they were speaking English with you?

Yes, yes.

Hamza from Yemen

Abdelfattah, who also shared his story, recalled the moment when he was apprehended in February 2023 and taken to a place that he described as a “prison”. During the intervention, the members of the group were, among other things, searched while naked, forced to kneel down and cough and to sign documents that the migrants did not understand under the threat of not being given any food or drink should they refuse. The officers assigned a number to each migrant. The interviewee summed up the behaviour of the officers in the following way: “They treated us like animals”.

I woke up when they were deporting us. They gave us numbers, I was number 9. Even my clothes, my mobile, my wallet was number 9.

Abdelfattah from Syria

The following day, along with 11 other persons, the interviewee was supposed to be transported to the border barrier. He recalls that 2 officers participated in the pushback and accompanied the migrants in the car; soldiers were also waiting on the spot. Among them there was a female soldier with a long gun. When the members of the group were forced to go over the fence, she mockingly encouraged them to re-cross the border:

Do you remember anything else about this whole situation? Do you have any more details that maybe you now remember after telling me this story, and that I didn't ask about?

On the day when we were deported they asked us to come again.

They asked you to come again?

Yeah, a female soldier said this.

Was it a joke?

Yeah, I think so. We took it as a joke. We were afraid. We had to take it as a joke.

Abdelfattah from Syria

Threats with weapons

The Border Guard has various types of firearms at their disposal – pistols, revolvers, smoothbore weapons, rifles, non-lethal weapons, as well as direct coercion measures, such as pepper spray or tasers ^[50]. The interviewees often recall a number of instances where they were threatened with the above.

This is a matter I forgot to tell you about. When they caught us, they had sonic weapons. When they found us, they used them. They fired towards the sky, to scare us and to make us stop.

Mansour from Syria

There were two men. One of them immediately had his finger on the trigger of his weapon, he had a pistol, we did not move, we kept sitting in our spot and we didn't do anything.

Mustafa from Syria

Nasir, who was pushed back in March 2023, was one of the people that reported to have been threatened with a firearm. The described incident took place at night and lasted around half an hour. The interviewed man was together with his sister in a large group of people. He was not sure about the exact size of the group. Right after apprehension, the officers confiscated and then destroyed the group's mobile phones. They also used pepper spray against one of the persons from the group. The respondent himself expressed his intention to seek international protection and tried to explain to the officers his situation in Syria. He got the following reply:

They told me: "Go back to Belarus, you don't have the right to pass through Poland. If we see you again, we will shoot you".

Nasir from Syria

[50] Regulation of the Minister of Interior of 9 May 2014 on Border Guard equipment (Journal of Laws of 2022, item 156, unified text).

A group consisting of three Yemeni men was also threatened with a gun, one of the group members being the above-quoted Hamza. The group members were pushed back in January 2023 – they were insulted, beaten, their personal belongings were seized and they were kept out in the cold for many hours. During the detention, the men informed the officers about the poor health condition of one of their companions who was in a different location. Their requests for help were ignored and the man was found dead around noon the same day (the same story is also cited in the chapter about death).

He said: “If I shoot you now, will other immigrants stop coming to Poland?” and there was another thing that he said: “I got a job for you”, I asked “What is it?”, he said “Go shoot Belarusian soldiers”.

Hamza from Yemen

Abdelfattah, who crossed the Polish border in a group of 14 people, describes a situation in which he found himself after a resident of the Podlaskie Voivodeship that happened to be passing by allegedly informed the Border Guard about the group’s whereabouts:

He called the police, or the border guards [...]. Two men came, they were dressed regularly, not army suits or anything, they had guns. They directly aimed their guns toward us, we raised our hands, like usual, and they took us [...].

Abdelfattah from Syria

Afterwards, the man was taken to a place where, as he recalls, the members of his group were humiliated, stripped naked during body searches and forced to sign documents that he described as an “agreement of no asylum”. Their mobile phones and passports were taken. The apprehension he describes took place after they crossed the Polish border for the third time. Both previous attempts ended in a pushback to Belarus. The situation described above took place when some of the group members were asleep.

The thing I remember is the sound of the guns and their voices. I directly look[ed] towards our leader. He was asleep. I was afraid to sleep, because I heard a lot of stories that people sleep and their group leaves them in the forest, so I panicked a lot. I raised my hands, because I was afraid for my life, the leader did the same.

Abdelfattah from Syria

Measures meant to instil fear and inflict pain were taken against the migrants for no apparent reason. Even if they were not used, migrants who previously experienced certain practices employed by the officers are frequently under the threat that similar measures will be used again.

What procedures did the border guard use after they stopped you? The first time, what was their approach and what did they say to you?

We had to lie down on the ground and put our hands on our heads. If you didn't do that they would spray pepper spray in your face. They were carrying firearms to intimidate us. It was a small pistol at that time.

Yussuf from Syria

Raman, who was pushed back in July 2022 with a 4-person group of his countrymen that he joined after an initial period of travelling alone, recalls that he was threatened with a taser. They were in the woods, near the backwaters. It was raining. The apprehension supposedly took place around 7AM. From the very beginning, the officers insulted the detainees. The insults were meant to stop them from crying. The detainees were then handcuffed. The officers put on balaclavas and then started destroying the charging ports of the mobile phones that belonged to the group members and throwing their personal belongings over the border wall. The detainees were threatened with tasers after they had been handcuffed and forced to lie on the ground.

Do you remember how many police officers came? What was the colour of their uniforms?

The thing I remember most is the policeman standing next to the car, in front of us. He pulled something out of his pocket and he put it to the neck of my brown friend. He was cursing him and cursing him and asking him how much you and my friend told him. This scared us all while we were lying on the ground (...). Because of the terror I can no longer remember the colour of their clothes.

Raman from Yemen

Recollections of direct threats of torture or death appear in a number of reports. Azad describes his pushback that took place in the early hours in March 2023. He was captured near some buildings with a group of 5 travel companions, including two minors. They came, among other countries, from Syria and Yemen. As he reports, the group members were verbally abused, had their documents and mobile phones confiscated, their clothes were destroyed, and they were sprayed with pepper spray. They were prevented from filing applications for protection and initially denied access to water. The officers supposedly kicked the detainees. As reported, the intervention lasted some 2.5 hours.

In the detailed account of the pushback that the interviewee shared with us he recalled a threat addressed to the group which can be taken to be supposed to discourage the detainees from subsequent attempts at crossing the border:

And what happened after that?

They took all our stuff, put us in a small Focus Sedan car and they took us to the fence. They sprayed our eyes with pepper spray again and they threw us out of the car one by one, each person 5km away from the previous one. Without water, food, bags and phones. I told them that without phones we would be lost. That we will die from thirst and hunger. They said: "It is not our problem", and sprayed us with pepper spray again. One of them pointed his gun towards me. I uncovered my chest and

told him: "Kill me, if you want. You killed me when you treated me badly, when you took my belongings, my passport, my mobile, my bag, my watch and all the rest". They told me: "If you try again, we will torture you more".

Azad from Syria

Mujeeb, captured in a car in April 2023, was travelling in a 7-person group that decided to split up after crossing the fence. One of the men fell from the fence and broke his leg. 2 other people stayed with him and were soon captured by the Polish border guards. The other 4 walked on, leaving them behind. Soon afterwards, all members of the original group were reunited at the Border Guard station in Czeremcha where they were transported after apprehension, including the man with the broken leg. Even though one of the detainees required immediate medical assistance, none of the detainees requested it. Mujeeb explains why:

Did you ask for any help? For medical help for the guy with the broken leg?

They didn't think about help, they just want to hurt. If I was a prisoner and I called you: "Please, give me a glass of water", and you told me: "Shut your fucking mouth", how would you ask them for medical help?

And this happened? You asked for a glass of water and they told you to "shut your fucking mouth"?

Yes.

What else did they say?

They used bad language, like "fuck you" and similar.

At the border police station?

Yes, but these three people were such bad people.

Were they the same that took you to the facility?

Yes, they drove so fast, they hit me on the head two times in the car. He said things like: "Fuck your mother, fuck your sister", just like that.

Mujeeb from Afghanistan

As it later turned out, during his apprehension, the man with the broken leg was deliberately kicked by the officer in his broken limb – having been previously dragged to a place beyond the reach of the security cameras. The officers were verbally abusive during the apprehension. Mujeeb reports that the entire group was moved to a Border Guard station and then taken to the forest where they were brutally beaten, searched (including rectal inspection^[51]), and robbed by the officers right before they got pushed back to Belarus. The group members also received death threats.

They told us: “We will do more, give me money. Please, be silent because if you tell anyone that they took money from you, next time if we catch you, we will shoot you in the head. If you tell someone that the Polish border police took money from you, we will shoot you in the head and throw you in the forest. It’s a big forest, no one will find you”.

They said it in English?

Yes, in English. They shoot you or not, they’re telling the lie but they use their... they take the money.

Mujeeb from Afghanistan

Seizure and destruction of property

Good evening. I am one of those harmed in Polish territory. They made us undress on the Polish territory. I want to complain about the mistreatment I was subjected to. I am in Belarus. The Polish soldiers took our phones, passports and all our papers, our money and even our hand watches and shoes and clothes. And they threw us on the Belarusian fence without water, food and phones. They took everything from us. I want my rights as a human escaping war and destruction. I experienced abuse in Poland, they took all our belongings. I don’t have a problem

[51] The report is also analyzed as an instance of sexual harassment in the relevant chapter.

with this, but I just want my rights to be respected. I lost 1000 dollars and 6 of my friends who were with me lost their money as well. We experienced abuse. They treated us like slaves. I am a Kurd from Syria, from the town of Qamishli.

Azad from Syria

The most common form of violence used by the officers that reappears in the reports of the migrants we interviewed was extortion, understood as seizure and destruction of personal property.

As per all accounts included in this report, any contact with the Polish officers entailed at least a forceful seizure of mobile phones, in most cases a thorough body search, followed by the seizure or destruction of some of the detainees' personal items. In the typology of violence developed for the purpose of this report, based on the accounts provided by the respondents, the following forms of extortion were identified:

- » seizure and destruction of property;
- » seizure or destruction of clothes following the body search, including shoes (described in the chapter on exposure to low temperatures – *Weaponizing landscape*);
- » taking compulsory photographs of the migrating persons.

It needs to be highlighted that both picture-taking and fingerprinting are procedural actions required upon applying for international protection in Poland. Taking pictures was listed next to other forms of extortion because the persons who shared their stories with us were denied access to the above-mentioned procedure, but the officers still recorded their image. None of the interviewees had their fingerprints taken. Therefore, there seem to be no grounds for taking pictures of the detainees in order to complete additional procedures that accompany the process of application for international protection. Yet, it is worth drawing attention to the arbitrary nature of the decisions taken by the officers to collect certain detailed information from persons who were then pushed back to the border.

One of them took my phone and said: "Unlock it". I told him the password and he was searching, searching, searching and then he broke it into two parts.

What happened after you were searched?

They took our phones, they broke it and then they said: "Ok, go, go to Belarus".

Did they take pictures of you?

Yes, they were taking pictures, yes.

Hamza from Yemen

If they just feel that you are looking at them... We didn't even manage to say a word to them. When they took our phones, when they took our bags, we told them: "You take our water, food and everything. How are we going to survive? We don't want our phones, no problem, take our passports. But, we won't survive 2 days without food and water". They didn't give us anything back. They used pepper spray, they sprayed it in our eyes.

Amir from Syria

As the gathered reports suggest, an integral element of the interventions by the officers towards the persons who crossed the Polish-Belorussian border is a body search performed with varying degrees of thoroughness. Some interviewees indicate that they were subjected to a thorough body search which included an inspection of their underwear.

I wore two shirts, two jackets, three shirts and around three pants. Because of the winter, you know, and the cold. We wore such things and we also had our bags. In the bags we had drinks, food, our powerbanks, our money, our telephones, all of this with us. So when they were trying to search us, first of all they told us to throw away your shirt and we want to search you. So we tried to... I can say that we tried to take off our jackets and pants and after that, only on our bodies, only one pair of pants and one shirt was left. And they tried to search us. They

searched us, searched us ... but they told us to show us our naker as well, 'cause some of our guys have got a pocket in the underwear as well. So they told them to search these things as well and they searched them.

Abdullah from Afghanistan

More often than not, detainees' personal belongings are seized during a body search, including mobile phones, food, water, medicines and other items indispensable for survival in the difficult conditions that the persons stuck in the borderland forest are exposed to. The accounts suggest that there is no clear logic when it comes to whether the items seized during the search are returned to their owners or not and that the decisions made by the officers are arbitrary. And if such a logic does exist, the detainees do not understand it.

What happened when the first group stopped you?

They searched us. They made us take off our shoes and jackets. They took our belongings, our phones, our passports and watches. (...)

Did you have anything left with you after they forced you to cross the border?

No, they took the entire bag, my passport, my phone, my watch and all the money I had.

Azad from Syria

They caught us and lined us up next to each other by the fence. They took our phones and searched us really thoroughly, of course. They took all our stuff, they even took the money. I had 150 dollars on me and all the guys had some money on them as well, altogether we had about 900 to 1000 dollars. We were left only with cigarettes, they also gave us back our passports.

Mansour from Syria

Many accounts mention a large number of items being seized. The interviewees report that all of their baggage was confiscated (bags and backpacks, with all of their contents), that the baggage was often destroyed and that they had their passports, mobile phones, clothes, as well as water and food, charging cables and power banks, money (usually a few hundred dollars), documents other than passports (ID cards, driver's licences, diplomatic, educational, and medical documentation) taken. Sometimes sleeping bags, lighters, cigarettes, SIM cards, watches, medicines, personal memorabilia and items used for prayer are confiscated as well.

It needs to be noted that it is impossible to precisely pinpoint how frequently particular items were confiscated. It was neither our intention nor did we ask about this directly.

The interviewees' accounts and the messages received by the intervention helpline indicate that the seizure of luggage by the officers frequently causes a lot of stress as the persons who experience it know that without the stolen items, their health and life will be in danger when they get pushed back to Belarus. The confiscated items are often referred to as "necessary". The above list shows that the seized items tend to be the absolute minimum indispensable for survival, communicating with others, and getting out of the borderland.

They stripped us out of our clothes in the forest. They ripped off our clothes and took our passports, ID cards and driving licences. They broke our phones, took our money and all of our clothes. We came back only with light jackets.

Najib from Syria

One of the previously cited interviewees recounted that he was caught in a car some 50 kilometres away from the Polish border when he was travelling with other members of his group and a smuggler. They were stopped by the police for a roadside inspection:

Then, they tested them for alcohol, and then they saw us, and then, you know, they called border guards, and took all our phones. You know, searching, taking our jackets, searching the jackets, every single thing. They took power banks, all the necessary materials. You know. The phones, power banks, cables, everything, they took everything, and then called for the border guards. After like an hour, the border guards come with the car, this car is like a prison, it looks like a prison inside the car.

Kofi from Ethiopia

The testimonies suggest that the search is the moment when migrants start to realise that no guarantees or no standards of treatment of detained persons or their personal property will be applied to them. Many reports indicate that during the search one or many of the following intimidation and humiliation techniques were used:

Taking away personal items that are allegedly “deposited” for the duration of the intervention. In certain cases, some items were returned to the interviewees, but they were never informed which items will be given back. There is no record of a case of the interviewees being provided with a list of the items taken from them or of being informed about the procedure to reclaim the items.

Ostentatious destruction of property during the search, violent treatment of personal belongings and brutal treatment of the detained persons.

Destruction of personal items in front of their owners after the search or pushback to Belarus.

Najib, a Syrian man travelling with 4 other companions, who was pushed back in March 2023, provides a lengthy description of the items stolen and destroyed that belonged to him and other members of his group:

After they searched us, they left us our sleeping bags, clothes, our spare shoes and water bottles. We had things like that in our bags. Bottled water, we packed it in our bags. There was this woman who gave us the water. A soldier came and he kicked my bag like this with his leg. We were sitting on the ground,

of course. He kicked the water bottle and said: „Stand up”, I mean, „Stand up and get in the car”. We climbed into the car. In the car we thought they were going to bring us back our bags, passports and phones. We were surprised that we were back at the Polish–Belarusian fence, I mean, the Polish fence. They pushed me back first, they left me stranded in the forest.

Najib from Syria

The interviewee stressed that none of the seized items, including clothes, had been returned to him or his companions.

Identification documents were taken from all of them (one person lost their driver’s licence, others – passports). At this point it is worth emphasising that confiscating a passport prevents a person from being able to confirm their identity, which, for a foreigner, may cause additional problems with their stay in a particular country. If a person applying for international protection does not hold a passport, the procedure is hindered and the applicant may be detained for many months, in severe conditions, and at risk of further violations of their rights^[52]. A person without a passport cannot easily go back to their homeland, even if they wanted to:

Najib, so is there anything else that we didn’t ask you about and that you think is important to add?

Nothing really important, but the question is, did you ever manage to get somebody’s passport or an ID card back?

Like, for example, after submitting a complaint. I really need it. Because I can’t go anywhere, if I think about going back anywhere, nobody will recognize me. You know, it’s very hard for us to get a Syrian passport from the Syrian state, I mean,

[52] Starzewski Ł., KMPT diagnozuje sytuację cudzoziemców w strzeżonych ośrodkach i przedstawia zalecenia dla władz (English: National Preventive Mechanism for the Prevention of Torture (KMPT) diagnoses situation of foreigners in guarded centres and presents recommendations for the authorities) Biuletyn Informacji Publicznej RPO, 2023, <https://bip.brpo.gov.pl/pl/content/kmpt-cudzoziemcy-strzezone-osrodki-raport> [accessed on: 05.04.2023].

because of the situation. The army ordered us not to leave, we cannot go back. A passport is very, very important. Now nobody will recognize where I come from. If they caught me they would put me in jail, they wouldn't release me unless I show my passport. And it is impossible for me to get a passport, because I have to go to the army...

Najib from Syria

The recurring reports of seizing and destroying ID documents by the officers may suggest that such conduct is deliberate. At the same time, the effectiveness of this conduct might be questioned. It may be meant to prevent the asylum-seekers from starting the procedure on the territory of Poland or, more broadly, to reduce non-regulated migration. Yet, at the same time, it by no means hampers entrance to the EU, but merely makes it more complicated to officially regulate one's situation. As some accounts indicate, sometimes documents were returned to their owners, depending on the sole discretion of the officers and on the thoroughness of the search.

And they put their hands in the pockets down there, in our underwear. And they... We hid our money in the underwear pockets, so they took all the money from us as well. They took all the drinks from us. They took our passports from us, which are our identity.

Abdullah from Afghanistan

Here you can add anything else that you remember and that you think is important.

They robbed all of us. They took our passports, phones and money. Now I don't have my passport because of them.

Mahmoud from Iraq

They caught us. The first thing they did after they stopped us, they told us to sit on the ground. They took our phones, IDs and passports, if someone had a passport, they would take it from them. They didn't take anything from our bags, they put them on the side.

Salim from Iraq

Aside from instances of items being taken away and “lost”, the interviewees also often recall their property being destroyed and the violence inflicted upon them during the search as well as personal items being destroyed in front of their owners. Qasim describes being searched after having been detained and trying to talk to the officers in the following way:

And I talked to them through Google translate, but they didn't respond. They didn't respond to me, they treated me very badly. Even when they tried to search my backpack, they tried to open it, but the zip was stuck, so one of them shook it, shook it and all my stuff, passport and clothes, everything that was inside fell out.

Qasim from Yemen

Qasim was one of the persons who were given back their passports before being pushed back to Belarus. He was, however, deprived of water, food, and other items without which his stay in the muharrama would be a risk to his life and health. After the pushback he was robbed again, this time by the Belarusian guards.

They didn't even give me back the water I had in my bag. Neither the power bank or the charger. They only gave me back my passport. I had another phone with me, but they didn't give it back either. On the Belarusian side they took my iPhone too and didn't give it back.

Qasim from Yemen

As Fahd reports, the officers fought over who would get his belongings that had been dumped from his backpack. The interviewee observed that they inspected in detail the sports shoes that he had in his luggage and were surprised that they belonged to a migrant. They allegedly closely examined his watch that he had bought in Jordan.

Of course, they dumped the stuff from the bag on the ground. I think that one person grabbed my watch with his hand and the other one was pulling at it and saying: "This is mine, not yours".

Fahd from Syria

Tarig, who was pushed back from Poland 3 times in 4 days in June 2023, was detained and transported to the facility twice; on the third occasion he was pushed back to Belarus directly from the forest. The following report describes the second time when he was apprehended. His belongings were taken from him at the time in a manner that made it obvious he will not be getting them back:

And so then about 7 o'clock I woke up, I walked towards the town. And there was a man who was coming from the village, and he saw me. In his car, he stopped for a bit in front of me and then he drove off; he informed the police and the police came. One man arrived. He demanded that I show him my phone. I had to show my phone to him, which was broken, I told him who broke it, I told him [it was] the Polish police. He put me in his car and he took me to the station, and as soon as the people... when these guys saw me, because they knew me already, I've been through this before, they said: "Shit!" They started talking in English a lot, and from what I understood what they said was: "You, you were also here yesterday!". At least that's how I understood it. And [one of them] dumped my bag outside. At the entrance to the station there is a trash can. He dumped my bag in there, and they arrested me, they took me inside, to the cell. They locked me there and some hours later, two hours I think, they came, the guy I told you about, the

stocky one. He came and put me in the car, he took me to the forest. Without my bag, because they had taken my bag away. My food, everything I had. Even the money in the bag that I had hidden, which they will not find, because I had torn the bag open and sewed in 800 dollars, I also had that in the bag. They also took two broken phones.

Tarig from Sudan

Before he was locked in a cell he had been stripped naked. After a thorough body search he was given back only the soaking clothes that he had had on before. Tarig makes a list of all the items that were thrown into the trash in front of the station along with his backpack:

You said that some of your clothes were wet, right?

Yes, my clothes [were] wet, they did not tell me to change, they told me to wear these, I only put on these [exact] clothes. They only brought me my wet clothes.

And you had [some other] clothes in your bag?

Yes, I had a lot. I had 5 pairs of pants and 5 shirts, and a jacket, and I had shoes. I also [had] my pills, my medication in general, an ointment...

Was this really important medication of yours?

Yes, the [medication] that I had bought. My back hurts, the doctor had prescribed them for me, so I take this medication and I have an ointment that I have to rub [my] back [with].. That, too. And [I had] some papers and a memory card [with a] photo of my family and of my friends as well. (...) And the prayer beads as well, and the food, the rest was food.

Oh, alright, thank you. So after that you [were] left without any food as all the food was in the bag?

Yes, I told you that they took everything, they took my bag.

Right.

I told you that I had nothing [left]. I was left with only the torn clothes. I was pushed back in torn clothing. I told you that I found some worn clothes in the forest, abandoned by some people. So I had nothing, for the time being, I had nothing.

Tarig from Sudan

Other respondents also described how their vital food supply, important memorabilia, or even all of their belongings were taken away in an ostentatious manner; the officers then destroyed their property as if for show:

Did you experience any violence?

No, but when we returned to the restricted area, they sprayed pepper gas on us at the border fence. They also destroyed our phones. They made a fire, opened our bags, emptied them and threw the contents into the fire. They returned the bags to us after stealing our food and water and breaking our phones.

Jamal from Syria

When we asked them not to break our phones, we were begging them not to break our phones, because that's the only thing that makes it possible to go back where we want. And if somebody wants to go back to Minsk, the only thing that can save your life is your phone. You know that, right?

I know, of course.

And they broke them in front of us, they broke all the phones in front of us and they used this spray, this burning spray on our eyes.

Kofi from Ethiopia

I was crying while he was cursing me, him and the girl next to him, I remember that he said: "Sit". I remember now that I was carrying this bag and I wanted the officer to accept me as a refugee in Poland, but he took my belongings and threw them over the fence, including this bag that had my school documents inside. I left without it, I didn't know where he threw it because it was dark.

Raman from Yemen

Humiliation and exposure to suffering

I asked them for medical assistance and [international] protection. They didn't give me protection or anything. They abandoned me in the muharrama. I told them: "You won't help me? You won't give me medical aid? At least give me food and drink, give me water, just water!". And they sprayed me with pepper spray.

Rahul from Syria

The people who crossed the system of Polish and Belarusian border barriers are usually exhausted, thirsty and hungry and often require medical attention. In this chapter, we describe practices that can be jointly referred to as intimidation and deliberate, systemic exposure to suffering – both physical and psychological – as well as to loss of health (as a result of denying access to medical assistance, food, and water).

Humiliation

Yeah, they opened the fence. They opened the gates of the fence and dumped us in the swamp, in a deep swamp. There are dry places – gates in dry places, we saw them. We saw all the gates when we were walking. But they choose to dump us in a swamp. Humiliation, you know, degradation.

Kofi from Ethiopia

Our interviewees described situations in which they felt humiliated or intimidated directly as a result of the officers' actions. In his account, Hamza, a Yemeni man detained several times on the Polish side of the border, described his experiences of intimidation. Apart from the threats described in the chapter on verbal aggression, being searched when he reached the barrier was a particularly degrading experience for him:

Then we drove around for about an hour, then they dragged me out of the car with a group of people. They put us on the ground again and they searched us like... they took our bags, they just dumped everything on the ground. They saw some needles in my bag, they were laughing, they asked: "What are you going to use it for?" They found toothpaste and a toothbrush and one of them tried to put the toothbrush inside my mouth.

Hamza from Yemen

After reaching the line of the border, all members of the respondent's group had their pictures taken. In the very last moments of their stay on the territory of Poland, right before the detainees went through the service gate in the fence and reached the muharrama, one of the respondent's travel companions asked the officer for water:

(...) Then, one of my friends asked them for water and one guy said: "Ok". We thought he was going to give him water but when my friend approached him, he sprayed my friend with pepper spray into his eyes, into his face and they were all laughing... We thought they will give us water.

Hamza from Yemen

On numerous occasions, the interviewees mentioned that the border guards, aside from failing to provide medical assistance to the apprehended persons, also often exploited the migrants' weaknesses and their poor health condition during the interventions. Persons, who reported a broken or injured limb or having difficulty walking, were humiliated, frequently in a manner that caused them even more physical pain.

Wissam recalls that in November 2022 he fell from the wall and hurt his leg. He managed to walk about one kilometre from the barrier when he got caught by the Border Guard with other members of a 8-person group. As he reports, immediately before they were apprehended, the group spotted a drone flying over their heads. They lay on the ground to hide. The officers

found them laying on the ground. The interviewee recalls that the officers walked over all members of the group. One older man, who, according to Wissam, also had an injured leg after jumping from the fence, had the officer walk over his injured limb. Afterwards, the officers continued to abuse the respondent, even though they were already aware of his injury:

They asked me, they said: "Where are you from?". One of them knew a bit of English, so we told them we're from Syria. Once they realised we were from Syria, they started to laugh at us. At that time, I couldn't walk properly, my leg hurt because it was broken, and they were spraying pepper spray on it and laughing. They were hitting me from behind on my back while I was sitting on the ground. There was a guy who helped me get in the car, then he helped me get out of the car and helped me walk for a bit. The Polish soldiers did not offer any help.

Wissam from Syria

Aziz, who was allegedly locked in a cell for 2 days (some parts of his account are included in the chapter on denial of access to water and food), told us that during his stay in the station he felt ill and his clothes were wet and sticky with mud after crossing the river. Despite this, he was forced to sleep on the floor and his requests for painkillers and sleeping pills were ignored. The interviewee emphasised that his physical condition was ridiculed by the officers who gave him humiliating orders just for fun.

No, no. They were really torturing me. They were forcing me to climb trees just like them, they were telling me to walk faster, they were pushing me, and they didn't even give me any medicine. They didn't even give me painkillers. When I told them: "I am sick, my leg hurts, please give me some painkillers". They said "No". And even later, at night, I asked for a sleeping pill because I couldn't sleep because of the pain and they said "No". They didn't give me any food or anything.

Aziz from Ethiopia

The four Border Guard officers who transported the interviewee to the borderline and pushed him back to Belarus made fun of his suffering and health issues.

You know, they laughed at me when they first saw me. They didn't have any kind of humanity. When I was having trouble walking, they would laugh and stuff. I know they were talking about me, even though I don't know the language. You would understand if they were talking about you.

Aziz from Ethiopia

Denial of access to water and food

Testimony given by Abdelfattah, who, after being apprehended, was transported to the Border Guard station where he was forced to sign documents in exchange for food and water, was described in detail in several of the previous chapters. At this point it is worth emphasising that many interviewees recalled that on many occasions the officers ignored their basic needs (thirst, hunger) and took away their food supplies that the interviewees needed to survive. The Syrian man reports that upon his apprehension he was suffering from hallucinations due to the lack of food and water and together with his travel companions he was taken to a place he described as a “prison”. Before he was apprehended, he was in touch with a humanitarian organisation that had informed him that if he encountered border guards, he could express his intention to seek international protection, which he did. The officers ignored his requests and kept on pushing him to sign the documents presented to him:

When I saw the agreement for no asylum inside I told her: “I ask you for asylum, I don't want to sign this paper”. Then another girl came beside her, and told me: “You should sign it.” I was afraid, because maybe if I don't sign the paper, they won't give me water. The moment we signed the papers, they, individually,

when we finished signing the papers, asked if we needed water or if we needed to pee, so, I don't know how to say it.

Abdelfattah from Syria

The interviewee also recounts that he could not use the toilet when he was at the Border Guard facility:

I had a bit of water while I was signing papers and I needed to go to the toilet. They kept me there for one hour. I told them: "I want to go to the toilet". Every time I asked them they opened this small window and asked me to wait.

Abdelfattah from Syria

Aziz, apprehended with a 6-person group in January 2023, also recalls that he was detained by the authorities for 2 days. He claims to have been transported to a police station. As per his account, the building was modern, had a mirror facade and automatic doors. There were numerous computers, weapons hanging on the walls, and officers in black uniforms, different from those worn by the Border Guards [the interviewee recognized the Border Guard uniforms in the reference pictures]. As he recalls, he was first briefly searched by a female officer. She gave him a banana, a half-litre water bottle, and a plastic sleeping mat. These were supposedly the only food and drink he received for 2 days.

Did the officers give you food or water?

They didn't, but I told you about the officer who examined me. He gave me a banana and half a litre of water. But they didn't give me anything. When they pushed me back to the Belarusian border the day after, when I was begging them for food he gave me his water and said "Go, go to Belarus" and closed the gate.

Aziz from Ethiopia

As we described in the chapters on verbal abuse, the migrants who had previously experienced violence from the Polish authorities are often discouraged or afraid to voice their needs to persons who they expect to be violent towards them. Sometimes they decide to ask the officers for help anyway. The interviewee from Syria quoted below (and in the quotation opening this chapter) claimed to have been asking the officers for water and food till the very last moments before he was pushed back to Belarus:

No, no, two people came in a car, an officer with a soldier. They picked me up and put me in the car, in the back, I mean in the trunk. When we reached the border fence, there was a patrol standing there. They helped to move me. They picked me up and opened the border fence. I told them: "Give me water, give me something to eat and to drink at least. If you don't help me, give me food and drink. Won't you help me at all?". Then, they pointed me in the direction of a river that leads to Belarusian territory and they sprayed me with pepper spray.

Rahul from Syria

Descriptions of situations when no access to water and food was provided, frequently associated with the seizure and destruction of personal property of the detainees, often appeared when the interviewees were recounting the consequences of pushbacks and survival in the muharrama:

In which direction did you go? [after the pushback to Belarus]

I was walking along the fence.

With the fence on your right or on your left?

I was walking with the fence on my left and I met my friends. There was a young African guy with them who had a phone. He was the one that saved us. We were drinking from the swamp, because the Poles didn't leave us any water.

Azad from Syria

Denial of access to medicines and medical assistance

A gross negligence on the part of the Polish authorities, often mentioned by our interviewees, is the denial of access to medicine and medical assistance to people on the move. As the quotes below indicate, failure to provide access to medical care rarely meant a direct refusal. However, we were told a number of stories in which the officers ignored the health condition of the people on the move, as well as their requests for medical assistance or medicines.

A Syrian man travelling with 2 other men recounts the story of one of his companions – a Yemeni shot during the civil war in Yemen. The interviewee said that the man was visibly disabled and that he was the only person to assist the man in walking:

Did they take you in one car or did they split you up?

No, they took the three of us together. The Yemeni guy was injured in the war in Yemen, he had three bullets in his leg from the war in Yemen and he couldn't walk. Honestly, I was carrying him all the way, and they saw me putting him on my shoulder and walking. But they didn't sympathise...They saw his leg, when he was in prison, but it didn't change anything. (...)

While you were at the facility, as you said, the Yemeni guy had a broken leg or he had bullets in his leg. Did they bring a doctor or do anything? Or did you ask for medical help?

No no no. They have seen his leg because he took off his clothes and showed it to them, but they did not care at all.

Yussuf from Syria

Another significant issue worth mentioning concerning negligence in providing access to medical assistance is the fact that it is very common for the migrants to sustain injuries upon crossing the border barrier and its additional fortifications^[53]. One of the interviewees from Syria we spoke to in May 2023

[53] Between January and September 2023, almost 40% of the 187 patients treated by MSF had injuries that they had sustained while attempting to climb the wall or

fell from the wall during his third attempt at crossing the Polish border and broke his right heel. The group that the Syrian had crossed the border with left him behind as he was moving too slowly. The respondent recalls that he was crawling through the forest for some 4 or 5 days and covered approximately 5 kilometres. He was apprehended after an accidental encounter with some strollers picking mushrooms in the forest. He asked them for help and tried to persuade them not to report the encounter. However, one of them called the Border Guard who apprehended the man. He recalls that upon his apprehension it was clearly visible that his foot was broken:

I broke my foot when I was crossing. My foot was broken, it was obvious that it was fractured. I sent pictures of my foot to a [humanitarian aid] organisation and called them. Later, my phone ran out of battery, and I couldn't communicate with them anymore. I was apprehended, and I asked the Polish officers for medical aid. They didn't provide me with any medical aid despite my difficult situation.

Rahul from Syria

The man was transported to a car by the officers and taken to the border wall where he was reportedly carried through a service gate in the fence to the other side. He was operated on in Belarus. He was provided with medicines and additional medical assistance by Doctors without Borders. Despite the treatment received, the leg injury still bothers him: his muscles are in pain and he finds it difficult to move his toes.

In April 2023, another interviewee who decided to recount the abuse he suffered told us how he broke his leg after falling from the border wall. As he recalled, he crawled some 3 metres into the forest where he spent approximately 6 hours. He was able to precisely track the time as he had a working mobile phone on him.

falling off it. – see: Doctors without Borders, Death, despair, and destitution. Human Costs of the EU's Migration Policies, of February 2024, <https://lekarze-bez-granic.pl/wp-content/uploads/death-despair-and-destitution-msf-report.pdf> [accessed on: 28.02.2024].

At one point he reportedly spotted a drone flying over his head and started waving his arms so that the camera installed on the drone could detect him. When the Border Guard patrol arrived, the respondent immediately reported his injury and requested to be taken to a hospital. It was raining and the man's clothes were soaking wet and cold. The interviewee tried to communicate with the guards via a translation application, yet to no effect.

I signalled towards them until they came to me, I told them: "My leg is broken", they told me: "This is your problem, you have to manage on your own". I told them: "You can see that I can't walk. Maybe you can take me away from the muharrama". It was the same thing with the Russians. I told them: [incomprehensible]. He said: "No". I told him: "Now you will throw me into a Polish prison and the Poles will throw me back to you". He said: "No". Everyone was trying to shift responsibility to the other side. The treatment was the same on both sides. When the Polish Border Guard came to take me in the car, of course they didn't even lend me a hand, I had to crawl, I had to crawl in the rain. It was the first time in my life I experienced such a terrible situation. When I was sitting in the car, we were there for about an hour, I asked them: "Take me to the hospital", they said: "No". They made me wait another hour, then they moved me to another car. Of course, the car wasn't really moving, because of the rain.

Qasim from Yemen

While waiting for another car to arrive, the officers reportedly dumped the contents of the interviewee's backpack on the ground. When the vehicle came, the man was ordered to step inside. As he recounts, he could not stand up without support due to his injury. As he was not given any assistance, the interviewee reportedly crawled into the car. During the 3 hour ride that ended with a pushback to Belarus, the officers took bumpy roads which made the car shake; as a result the man experienced strong pain.

Another report details a situation which took place in April 2023 during which a man was denied access to his personal medicines, even though he had them with him upon his apprehension. Ahmed, along with

other members of a 10-person group, was apprehended in the territory of Poland. One of the group members was an older man (over 50 years old) and there was also a person with a pacemaker. During a violent search right after the apprehension, the officers reportedly confiscated all luggage and personal belongings, including mobile phones and shoes. As the interviewee reported, he and other group members tried to explain that one of the persons had a weak heart and had a pacemaker, and therefore needed to take the medicines that were in his bag which had been taken by the guards. The respondent recounts that the detainees tried to gesture to communicate to the officers that one of them had a scar on his chest and that he suffers from a heart condition. According to the interviewee, all these actions and communications were persistently disregarded, and the bag with the medicines was not returned.

First, when they caught us, we couldn't do anything but scream because of the pepper spray. There was a sick guy with us, he had a hole in his heart, his heart runs on a battery. I told them: "His heart works battery", and he laughed and told me: "Kurwa!" ["Fuck"!]. I don't know what else, and he laughed and said: "No, go back to the fence". I told him and begged him, I mean, I told him: "His heart works on battery, there is medicine in his bag, I mean, in his backpack". Oh, and they put all our stuff, the backpacks, phones, power banks and wallets in the trunk of the land cruiser. Then the car left, and we stayed next to two other cars waiting for the big truck.

Ahmed from Syria

When asked if he or anyone else from the group expressed their intention to seek protection in Poland, he replied that they did not because right after being apprehended, they were attacked with pepper spray, threatened with shots fired in the air, and all of their requests were consistently ignored.

Weaponizing the landscape

The particular character of the landscape near the eastern border, with its numerous riverbeds (mainly the Bug river, but also the Wołkuszanka and the Świsłocz) as well as the vast marshes and wetlands, makes the Polish-Belarusian borderland more dangerous than it may seem. Migrants that cross the barrier in the Białowieża Forest need to go through the Narewka and Hwoźna rivers. Their riverbeds and tributaries are swampy, covered with peats and silts^[54]. In milder winters and in the spring, even small rivers pose a hazard – the water level is high, the ground is uneven and boggy and floodplains make the river much wider.

After this, I mean, you stayed about 4 days in the forest, right?

Yes.

Okay, and then, what happened?

We found ourselves in a very desperate situation, it was terribly cold and the forest was really harsh. We couldn't even walk because of the swamps, we were in a desperate situation. We spoke with an organisation and then they came to us, they gave us water, food, soup, clothes and shoes, then they left. They left us and went away.

Khaled from Syria

Many people try to cross the river border or arrive in the wetlands after reaching the Polish side of the border. As a result they end up walking through the woods in wet clothes and water-damaged shoes. In addition, due to the razor wire installed on the top of the fence and on the bottom along the entire barrier, the migrants frequently cross to the Polish side in torn jackets or shoes.

[54] Material published at the website of the Polish Geological Institute, no data on the authors, the title, or the date of publication is available, <https://www.pgi.gov.pl/docman-tree/publikacje-2/mapy-1/635-bialowieski-park-narodowy-objasnienia/file.html> [accessed on: 9 April 2024].

Our hands were injured because on the top of the wall there is a military wire [barbed wire]. We damaged our pants and jackets, our hands were bleeding. One person broke his leg because he threw himself down from the wall when he saw the police.

Mujeeb from Afghanistan

The number of reported border crossings is lower during autumn and winter than during summer and spring^[55]. Many people wait for the weather conditions to improve before setting out. Yet, the persons that either decide to or are forced to start their journey in cold weather are at risk of losing their health and life due to hypothermia or frostbites.

In their report on the medical situation at the Polish-Belarusian border, Doctors without Borders (MSF) point to the fact that during winter months the persons left in the forest are particularly exposed to frostbites^[56]. The risk of hypothermia persists all year long due to the low temperature at night and the high humidity in the wetlands and in the forest. From January to September in 2023, the organisation recorded 10 patients that required urgent medical assistance due to hypothermia, general exhaustion and/or dehydration, which made up nearly 40% of all cases that required emergency hospitalisation in this period^[57].

Mohammad, a student from Morocco, started his journey towards the Polish-Belarusian border in January. Before he attempted to cross the Polish border barrier, he was apprehended in the cold by the Belarusian authorities along with his entire group. After crossing the barrier, the group split up while running away from the border patrol. Mohammad recalls his experience in the following words:

[55] Conclusions based on the We Are Monitoring association's operating data of September 2021-April 2024.

[56] Doctors without Borders, *Death...*, s. 43.

[57] *Ibid*

There were 5 people left in our group. We dug a hole and slept inside it for about 6 hours. I don't remember... There was a mixture of cold, rain and snow. I swear, we were so exhausted that we hated our lives. Everyone of us was hoping for death.

Mohammad from Morocco

A couple of hours later, the group was apprehended by a man in a uniform^[58] and later transported to a Border Guard station. Mohammad told us that as he was jumping from the fence he fell on his hand and suffered a visible injury. He informed the border guards of his condition on numerous occasions, but his cries for help were ignored.

After about an hour they pushed us back to the muharrama. And at that time we became a ball which Belarus and Poland were throwing at each other. The former were saying: "Go to Poland", and the latter: "Go to [Belarus]". The Polish threw us out through a small gate. We stayed in the forest for 10 days. We were freezing from the cold and our clothes were completely soaked.

Mohammad from Morocco

In such circumstances, conducting searches during which the detainees are stripped down to their underwear or stripped completely naked, forcing them to stay in low temperatures for many hours, deliberately destroying their shoes (by cutting them with a knife) or taking their outerwear puts the detainees at the risk of hypothermia, which can lead to severe health problems or even death.

Hussein, an Iraqi pushed back around 10 March 2023 in a group of seven, reported being apprehended by the Border Guards after he had managed to cross the barrier and walk some 5 kilometres into the country. The members of the group, adult men and two minor boys (one of them 16 years old),

[58] It was presumably a Border Guard officer (judging from the context).

were forced to kneel on the ground for nearly an hour. At the time, sleet was falling in the Podlasie region and the temperature dropped to -2°C ^[59].

As soon as they caught us, they made us sit in the snow, waiting for the soldiers. Then, their supervisor came with pepper spray in his hand and sprayed our eyes. We waited for two minutes, then he returned, he was holding our heads and forcefully spraying the pepper spray directly in our faces. Then, we stayed there for about half an hour, putting snow on our eyes to ease the pain, which was very strong. Then, they came back, commanded us to stand up, made us take off our clothes and shoes and searched us from head to toe. We were wearing only our underwear, it was a thorough military search. They took our bags, in which we had money, and they took our phones and passports, I mean, they took everything. The supervisor returned, holding my shoes and a knife. He made holes in the shoes, so the water could enter.

Hussein from Iraq

The interviewees often mentioned a practice that involved the destruction of their clothes, including shoes, that intentionally caused the migrants' body parts to be exposed to cold and moisture.

And they didn't give you back your shoes?

No, they gave us our shoes, but they were torn with a knife, they tore them with a knife, so we were all like...

Ok, they destroyed the shoes?

Yeah, they're totally destroyed and then later on in the jungle, you wore some shoes, but they were also unusable.

I understand.

We came back in the same shoes and we sent a photo of our shoes to the helpline as well.

Abdullah from Afghanistan

[59] Weather forecast for towns in the Podlaskie province in March 2023: <https://www.timeanddate.com/weather/@858789/historic?month=3&year=2023> [accessed on: 2 May 2024].

We observed a practice used by the Border Guards that consisted of pushing back the apprehended migrants to the swamps near the border or near the rivers; the aim of this practice might be to discourage individuals and groups from further attempts at crossing the border. This includes deliberately directing migrants to dangerous terrain that is hard to cross in order to use natural geographical barriers as an element of pushbacks and – more broadly – as a deterrence technique. As indicated in the previous chapter, the seizure and destruction of personal property often accompanies pushbacks. When pushed back to the borderline, the migrants are exhausted and cold, and very often deprived of items necessary for survival in severe terrain and difficult weather conditions, such as mobile phones, clothes and shoes. What is more, persons forced to cross rivers or swamps as a result of pushbacks in order to get back to the muharrama without a possibility to get medical assistance or find shelter, are directly exposed to a risk to their health and life.

When they pushed me back, they left me alone, the area was full of swamps. I could see nothing but swamps. The water was reaching up to my neck and I was completely soaked. I couldn't go right or left, I had to move forward, towards the Belarusian fence. The terrain was very difficult, I was just trying to reach the road next to the Belarusian fence to get out of the swamp. But before I reached the fence, I started to feel pain in my ankle for the first time since the beginning of my route. I reached the fence and I couldn't move anymore because of the pain in my ankle.

Amir from Syria

The above quote comes from a report by Amir, a Syrian who describes his experience during one of the pushbacks he had experienced. Before their pushback to the swamps, Amir and other men from his group were apprehended by the officers, had their mobile phones destroyed, their backpacks with their personal belongings taken away and never returned.

Kofi from Ethiopia, that we spoke to a month later, directly calls this recurring action of the officers “violence”:

The violence took place when they pushed us back, they took us to the fence to drop us off on the Belarusian side. There was some violence because they dropped us on the side with the water [...] And [I asked] „Can you drop us somewhere safe please? Ok, you can push us back, but can you do it in a safe place?“ “That’s none of your business, just get out of here”, they said. And they, you know, pushed us and then somebody, someone hit me in the back. (...) and then later they pushed us back into the water. Into the water area. And it was a little deep and it was very cold.

Kofi from Ethiopia

Using the unique character of the terrain during compulsory pushbacks is also illustrated in Aisha’s story, who shared it with us in the second half of May 2023. The Ethiopian woman had made six attempts to cross the green border. She managed to reach Polish territory three times – every time she was pushed back to a swampy terrain or near the river. She shared her story of two pushbacks she had experienced in the span of 2 weeks. After a successful arrival at the Polish side of the border, her group split up when running from the guard patrol and she continued the journey on her own for a while. She came across an Ethiopian man on her way and they were walking through the forest together. After three days, when they had run out of food and drinking water, they decided to cross the river with the water level reaching up to their necks.

We ran out of food and water, and we didn’t have sleeping bags, we drank any water we could get. At the end, we met two Afghans. We tried to cross the river and it was up to my neck. We crossed the river; we didn’t have any spare clothes, and it was extremely cold, and it was then that we called for humanitarian aid.

Aisha from Ethiopia

At night, after having crossed the deep river, they decided to call for help using Grupa Granica's helpline. They were given dry clothes, food, and drinks by the humanitarian groups' volunteers. After getting humanitarian aid, they continued on foot. Some time later, they were apprehended by – as the interviewee reports – police officers who called for the Border Guards. The Border Guard officers took Aisha and her companion to the borderline. Before pushing them back, the authorities used pepper spray, damaged the migrants' telephones, and threw the broken phones into the river.

And then they dragged us out of the car. I almost broke my leg when I was getting out of the car because my hands were handcuffed and I lost my balance. And then they threw us out of the car and an Ethiopian who was tied up, it was kind of a plastic handcuff, he cut his hand.

He cut his hand! What do you mean, how?

The handcuffs were plastic, and they were too tight. When he tried to cut the handcuffs, he cut his hand, there was a lot of blood. They were speaking in their language. We didn't understand anything. They took my phone and my bag, there was a river there and they forced us to cross.

Sorry, where did you cross?

They forced us to cross this river on the Belarusian side. The river was knee-deep. And so that we wouldn't be able to see, the female officer sprayed something in our eyes, what do you call it?

Pepper spray.

They broke all our phones and threw them in the river. Our bags as well. I was only able to use one of my eyes to cross the river because of the spray. We waited for like two hours for our eyes to see again.

Aisha from Ethiopia

During another attempt to reach Polish territory, Aisha, with a group of five men and three women from Ethiopia, jumped over the wall and soon after was apprehended by the Polish Border Guard patrol. Using English

words and expressions, the detainees asked the officers not to push them back to the borderline, as they feared the violence they might suffer in Belarus. Despite their pleas, Aisha and the rest of the group were transported some 10–11 kilometres from the place where they were apprehended and – once again – forced to cross back to the Belarusian side through the difficult terrain near the river.

After that they sent us out through the little door in the wall, there was a huge river there.

Aisha from Ethiopia

Exposure to the risk of disappearance

Our interview questionnaire was designed first and foremost to record the violence and the experiences of the migrants on the Polish side of the wall. Therefore, it does not always provide the full image of our interviewees' journey. We have managed to partially record the varying character of the travel conditions. Some migrants travel in a group of people they meet on the Belarusian side, in a town or at the borderland. Others try to reach EU territory with their family members. Migrants from one group may be separated at different stages of their journey, depending on the difficulties they experience, such as challenging route conditions, attempts to run away or hide from a patrol in the woods for a fear of a pushback, or other actions of the authorities (e.g. separating the group during pushbacks). Hussein, an Iraqi travelling with a group of seven men, experienced and reported a compulsory separation of his group. Two of the men in the group were brothers and Hussein shared with us a story of their forceful separation during the pushback.

My dear, I want to stress I want to tell you the truth. I don't want to make anything up to convince you. No, I want to tell you what really happened to us.

That is the first thing, and the second is, I want you to understand that every person was thrown out alone. Every person, do you understand me? They separated us in an unnatural way, each person alone. It was impossible, because, because this is a forest, and you... He threw us out at sunset, which means the day was over, understand me! Yeah, they threw each person out alone, and I remember that we were the last three. I mean, I won't lie to you that I was a little bit... I am not telling you that I was not afraid, and I am not telling you... No, because I tried... I mean... it's the fifth attempt (unclear)... I was a little bit experienced, I mean, I showed people that I wasn't afraid, just to give them some motivation, because they... There were three people with me who cried, cried. When they saw that they threw each person out alone they started crying. There was a person who was thrown out through the gate as he cried. He told them: "I want to stay with this person, this person is my brother, this person there". They told him: "No, no way." He started screaming, he started crying. So what that driver did, he and this senior officer who caught us, they took out pepper spray and sprayed it in his face and hit him on the head and forced him to cross alone, that's it, he was alone, understand me!

Hussein from Iraq

Hussein emphasised that the situation described above took place near the swamps, and once separated, the group found it even more difficult to find their way around in the muharrama once they had been pushed back.

(...) they took us to the swamp, each one of us separately.
That place was all swamps and water.

Hussein from Iraq

This is how the moment of forced separation from his companions is described by the previously quoted Abdullah, who, after having been pushed back and having sustained abuse from the Polish Border Guard

officers, tried to escape the muharrama in damaged shoes. A 7-member group of migrants was taken in a single car and reportedly transported some 20–30 kilometres away from the place where they had been apprehended. As Abdullah recounts, the officers deliberately divided the group during the pushback, by forcing the men to cross to the Belarusian side one by one.

So they took us into a car and abandoned us one by one, each person in a different location. There was a gap between each person. (...) They were saying: "You should stay here and we will not take you from here". And after that, they told us that we have to enter the jungle again, one person at a time. And they took six people with them. So one by one they told them that they have to enter the jungle, one by one, and they were pushing each of them back. (...) They even beat us, they beat us very badly, so we were not able to do anything, and they took us 20 or 30 kilometres from our location. So they took us there and left one by one and I'm not [incomprehensible]... At least we [incomprehensible] joined each other again.

Abdullah from Afghanistan

Separating the group during pushbacks was mentioned in several other reports, i.e. by Tarig from Sudan who pointed out that before separating the group and pushing back its members, the officers first destroyed their mobile phones. The interviewees who shared similar stories emphasised that they could not contact other members of their group as their mobile phones were missing or had been destroyed, and it was difficult to find their companions or family members in the woods at the Belarusian side. As a result of such actions by the Border Guard officials, people may wander at the borderland alone before attempting to cross the border or return to Minsk, which may in turn lead to disappearances. In its report entitled "Migranci i migrantki zaginieni na granicach Polski – diagnoza sytuacji, analiza prawna, mechanizmy działania i rekomendacje zmian" (English: The migrants disappeared at the Polish borders – diagnosis, legal analysis, mode

of action, and recommendations for change)^[60] Helsinki Foundation for Human Rights draws attention to missing persons and the issues concerning search procedures.

Maltreatment

We just can't say anything, not even a single word, we can't say in front of them, because if you say, as I said, if I say a simple word, a "Hi", they will think that you are the guide and they start beating you very badly... 'cause as I told you, he sprayed one of our guys and he just said: "I know English". He asked... The soldiers asked us who knows English and none of us told him (...). That guy told him that: "I can", so they started beating him very badly and sprayed him in the eyes. So then he was very scared.

Abdullah from Afghanistan

Accounts of measures of direct coercion being used in a way that causes pain and puts the migrants' health at risk reoccur in the migrants' testimonies. Descriptions of intentionally violating the physical integrity of the people on the move are presented in the report in order to create a fuller picture of the pushback procedure. The officers often inflict brutal physical violence on the migrants moving through Belarus. The interview excerpts cited below call into question the proportionality of the measures of direct coercion used on migrants by officers.

No, they didn't handcuff us but one of them put a gun on my hand. How to say it, he put my hand on the ground and then he put the gun on my hand. I even have a small mark on my

[60] Helsinki Foundation for Human Rights, *Zaginieni na pograniczu polsko-białoruskim – pomoc prawna i asysta HFPC* (English: *The disappeared at the Polish-Belarusian Border – HFHR legal aid and assistance*), <https://hfhr.pl/pomoc-prawna/zaginieni-na-pograniczu-pomoc-prawna-i-asysta-hfpc> [accessed on: 7 April 2024].

hand. He put the gun on my hand like he was clutching it. He put my hand on the ground and pressed the gun to my hand, he pressed it to the ground. He was one of the soldiers, he was one of them. Maybe it was because his legs got stuck in the mud in the swamp. Maybe he put the gun to my hand and pressed it in the middle because he got covered in mud because of me.

Najib from Syria

During the interviews, interviewees reported that they either experienced or witnessed the following forms of violence inflicted by the Polish officers:

- » beatings (more than half of the interviewees^[61]), including using batons and other tools such as rocks and barrels of firearms;
- » using pepper spray (more than half of the interviewees^[62]);
- » limiting the freedom to move and act by using steel handcuffs or plastic tourniquets (colloq. tie-wraps)^[63];
- » sexual violence (two interviewees).

The interviewees reported being hit on the head, chest, abdomen, the kidney area, back, buttocks, shoulders, hands, thighs, shanks, and feet. The interviews included descriptions of situations in which the authorities allegedly fractured the migrants limbs by hitting them or by kicking them in the teeth. Three interviewees reported their fractured limbs being hit by the officers (these three migrants suffered injuries as a result of falling from the wall), even though they were not able to get up, and have asked for medical assistance.

[61] Twenty-five out of thirty-eight interviewees reported that they, or those they travelled with, were beaten by the Polish authorities, nine out of thirty-nine of them reported being beaten with a baton.

[62] Twenty-two out of thirty-eight interviewees reported that they, or those they travelled with, were pepper sprayed by the Polish authorities.

[63] Five out of thirty-eight interviewees reported that they, or those they travelled with, were bound by handcuffs or cable ties.

Importantly – at the end of the state of emergency enforced in some areas of the Podlaskie Voivodeship and the Lubelskie Voivodeship (in November 2021), an amendment to the Regulation of the Ministry of the Interior and Administration on arming the Border Guard was published^[64]. The amendment allows the officers to use chemical incapacitating agents, including a hand-held or backpack disabling gas thrower.

The main objective was to “ensure the safety of Border Guard officers”^[65]. However, the reports of our interviewees point to a routine use of pepper spray against people on the move at every stage of their interactions with the authorities (not only during direct attempts to stop them from crossing the border). Situations in which the interviewees were pepper sprayed occurred during the apprehension, search, and transport to Border Guard facilities, or during their stay in it. This also happened while they were being transported to the border line and at the exact moment of being pushed back to Belarus. The physical attacks committed by the officers – often with the use of pepper spray – can occur regardless of the behaviour of the migrants, and they seem to be carried out interchangeably with, or with an addition to, other practices of intimidation and domination enforced on the apprehended individuals.

We crossed over, there were about 10 of us. We walked in the forest for about 7 km. Then, while crossing a dirt road, a land cruiser car caught us. When we saw the car we thought that they didn't see us so we turned back and ran about 50m. But

[64] The legal act in question is the Regulation of the Minister of the Interior and Administration of 9 May 2014 on Border Guard equipment (Journal of Laws of 2022, item 156, unified text).

[65] The justification of the project of the regulation of the Interior and Administration amending the regulation on arming Border Guard officers, project of 30 November 2021, list of the Minister of the Interior and Administration, no. 746 on the list, <https://legislacja.rcl.gov.pl/projekt/12353909/katalog/12833676#12833676> [access date: 27 April 2024]. The justification states that:

“Granting the right to use this measure of direct coercion is an adequate and responsible solution – the lack of such possibility may require the Border Guard to use more invasive measures, such as firearms.”

it turned out that they saw us. Then 4 of them got out and they ran towards us. They opened fire just when they caught up with us.

Where did they shoot?

They shot in the air. Then they opened the pepper spray and began to spray on us like if it was a perfume, like that, they sprayed it in our eyes.

Ahmed from Syria

According to the interviewees' reports, they were often attacked by the officers at the moment of their apprehension – before an attempt was made to make contact with the people on the move or to assess their health condition. Hussein from Iraq, while describing his apprehension on the Polish territory in March 2023 with a group of seven other migrants, recounted trying to cross a bridge over a river—they thought the river current was too fast to attempt swimming through the river. The group reportedly noticed officers standing next to the bridge. Four of them started approaching the group. They were shouting. The migrants were were frightened and stopped in their tracks.

What happened after they caught you?

As soon as they caught us, they made us sit on the snow, waiting for the soldiers. Then, their superior came with pepper spray in his hand and sprayed it into our eyes. We waited for two minutes, then he returned, he was holding our heads and spraying the pepper spray directly in our faces, forcefully. Then, we stayed there for about half an hour, putting snow on our eyes to ease the pain, which was very strong.

Hussein from Iraq

The officer described by Hussein as the superior used pepper spray and did not stop at that. He left the group for a bit but came back shortly and

started to beat the persons held. He ordered another officer present at the scene to join in the abuse of the men from Hussein's group; the maltreatment continued during the search.

Did they beat you during the search, or something?

Let me clarify in detail. Right after they detained us, they sprayed pepper spray on us. Then they searched us, and during the search, they were kicking us. They told us to put our clothes on while still beating us. After we put our clothes on, they were beating us with batons.

Do you remember how many of them were beating you? Did they use their legs or pepper spray or batons? Was it the same person?

No, the person spraying the pepper spray was the superior, and there were two other people.

Hussein from Iraq

Mahmoud from Iraq, who crossed the border alone on a January night, recounted his apprehension by the Polish authorities. The situation described below reportedly lasted between an hour and an hour and a half.

When they caught me, they kicked me very hard and beat me with their sticks. They only hit my head and stomach. They hit me hard. At that time they hit me on the head with a stick and my head started to bleed badly, but they didn't stop, they kept on beating me badly. When they stopped the beating they sprayed my eyes with pepper spray. I couldn't see anything. They took my phone [...]. They didn't return it to me, the soldier kept it. They took my bag, in which I had my passport, all my documents and about 450 dollars. I begged him to at least give me back the passport, but he insulted me, hit me, and took all my stuff.

Mahmoud from Iraq

As of the time of the interview, Mahmoud experienced being turned back to the border four times in total. During the interview he recalled his other attempts at crossing the border during which he was also beaten:

When they saw me, they started to shout in my face, insult me and beat me badly. They kicked hard. And at that time they broke a leg of a person in front of me while they beat him badly. He started to scream, but they didn't give him anything. They took him back to the muharrama and he wasn't able to walk because of the broken leg. They use black sticks and a spray for eyes with pepper, or something like that.

Mahmoud from Iraq

The apprehension of Bashir from Syria, who experienced a pushback in May 2023 also began with a brutal act of violence. Bashir's group was apprehended by two officers after walking approximately 500 metres away from the fence. The officer immediately started to hit the first apprehended person.

They started to beat him, they hit his hands, they hit his cheeks and his eyes, his eyes turned blue, they hit his lips and he started bleeding. They beat him in a terrifying way. They also hit him a lot in the stomach, they beat him in a frightening way, very harshly.

There were two of them, right?

There were two of them, but only one of them was doing the beating and the other didn't do anything.

Bashir from Syria

After the officers called for reinforcements, five or six vehicles arrived to take the group to the pushback area. After about fifteen minutes, the car the respondent was being transported in stopped.

The same one that was beating my companion before dragged us out of the car. First, he dragged me out. He asked: "Who

was the first person to cross the fence?”. And he took us out of the car, he took me first and he sprayed pepper spray, it’s internationally banned, you know. He sprayed pepper spray in my eyes and on my neck, ok? And then he pushed me through the gate. (...) I walked for 5 minutes and I started to feel the effects of the pepper spray. I wasn’t able to see anything at all, like a blind person. It was raining, it was raining hard. I opened my eyes just to the length of the eyelashes, I couldn’t... It was very painful, it was difficult. I felt something you cannot describe, when a person suddenly loses their sight. (...) I spent four hours not being able to see anything at all.

Bashir from Syria

The 2 people who left the car first were sprayed with pepper spray. Then they were beaten with a baton.

We got out of the car. He had a baton. The one who beat us had a baton. He beat everyone, there were eight of us. He hit some people in their knees, he hit some people in their elbows. He hit everyone. He opened the hand of one person and hit them in their palm.

Bashir from Syria

According to Bashir’s testimony, the whole sequence of events took from around half an hour to forty-five minutes. The full transcript of his testimony is included in the annex to this report. The respondent repeatedly described the practice of pepper spraying the eyes of the people who were about to be forced to go through a service gate. Fahd recalls being warned by a member of his group that he needs to hide as fast as possible when the Border Guards open the gate.

After we walked for about 5 minutes, before we were caught, a guy who was with us told us: “When they drag you out of the car and open the gate in the fence, run fast to the muharrama,

because they will spray pepper spray in your eyes and you won't be able to see for two days".

Fahd from Syria

Some interviewees reported incidents of Polish uniformed officers using pepper spray not only on held individuals, but also on people trapped in the muharrama on the other side of the border. Adam from Syria, who didn't experience any pushbacks, reported such a situation. When he found himself on Polish territory, he did not come into contact with the Polish authorities. However, he did encounter them before, when he was still in the muharrama.

Did you see the situation you told us about, did you see the police, the Polish Border Guard, spray pepper spray in migrants' faces, or did they tell you about it?

I was among those who had pepper spray sprayed in their faces. We were walking behind the fence and they sprayed pepper spray on us. I mean, we were walking in the muharrama and they were standing there, spraying pepper spray on us and shouting at us to scare us.

Adam from Syria

Azad waited for the possibility to cross the fence with twenty-one other individuals. At 4.30 AM on 25 March 2023 only seven individuals managed to cross the border, one of whom got lost soon after. Among the six individuals two were minors. They were apprehended a few hours later. The presence of minors didn't have any impact on the treatment. The group of officers who captured them consisted of eight individuals. They did not start with beating or pepper spraying them, instead they ordered the persons held to take off their shoes and jackets and requisitioned their passports, phones, watches, and other personal belongings. After about ten minutes a group of ten officers arrived. They pepper sprayed the migrants, and started beating them and ripping their clothes apart.

Did they beat you?

Yes, with the soles of their shoes, with their legs. And they tore our clothes.

Azad from Syria

Azad described a rare moment in which an officer expressed his sympathy and understanding towards the people on the move. At the same time, his colleagues were carrying out a brutal beating.

Do you know if they were talking to you in English or Polish?

Polish. There was one nice guy who spoke English. He was annoyed by the behaviour of his colleagues.

Did you understand what he said?

Yes, he said: "Forgive me, I'm a soldier and I cannot help you. But I don't like the behaviour of my colleagues. If only I could help you... but I'm just a soldier. I don't have any power. I feel for you, I know that your country is destroyed. We should take you in instead of this bad treatment". His colleagues were beating us, spraying pepper spray in our eyes and tearing our bags and clothes.

Azad from Syria

During the intervention, Azad asked for the possibility to apply for international protection in Poland.

I told them: "If you want to, give us asylum in Poland. Or if you want, let us go to another country". But they laughed at us and beat us.

Azad from Syria

The interviewees often struggle with identifying the affiliation of the officers to a certain formation or unit. The analysis of the interview contents revealed that officers of the Border Guard and the Polish Army were described most frequently. The interviewees also pointed out that the officers divide

responsibilities among themselves during physical attacks on the people on the move. In the beginning of March, a group of eight, consisting of citizens of Iraq, Afghanistan, and Syria, crossed the border. They managed to walk 1.5 km away from the fence before they got surrounded by the vehicles of the Polish Border Guard.

The first patrol, which we surrendered to, they were soldiers. Their car was a small white sedan, it had a blue or green stripe. They started to beat us until an officer came. They were beating us until many cars arrived. There was one woman among the soldiers, she approached us and sprayed pepper gas in our faces.

Salim from Iraq

During the beating, the officers of the Polish Border Guard were joined by two individuals. One of them, as the respondent reckoned, was their superior. It was implied by his behaviour and by the emblems on his uniform – two stars – which our interviewee interpreted as a sign of a higher rank.

Can you describe how they beat you? Did they beat you with sticks, with legs or with hands? Did they use pepper spray on your faces?

They were beating us with their hands. One of them was beating us with a baton, it was the same as in the picture you showed me. He wasn't a soldier, but an officer. He was dressed differently from the rest of them. He was dressed in black. He carried a black baton, and he was beating us. I remember what he looked like. That officer had two stars, I mean, two stars in military rank. He was a bit fat, and he had prescription glasses.

Salim from Iraq

Cumar was a part of a fourteen-person group which split up after crossing the fence. One woman suffered open fractures while crossing the fence and was transported to a Polish hospital. All apprehended migrants were brutally beaten.

As of our conversation with Cumar, he has already been pushed back three times. The last pushback happened a week before our interview. He describes the moment of apprehension as follows:

First, we went into the forest. When you go into the forest, they come to you, they catch you and they spray poison on you, they beat you with their hands and legs and also use batons.

Do they do this immediately when they catch you?

Yes, and after they beat you, they ask for money.

Cumar from Somalia

Cumar describes in detail the behavior of the individuals he identified as Border Guard officers:

The border guards, we know them, we know the kind of uniform they wear, because we see them every day when we stand near the fence. We even know the cars they have, three cars, one of them is red, the car that protects the border and belongs to the "police army". The people who caught and beat us were mostly young. The older ones will only hit you with their baton, they are also near the river.

Please, tell us about your experience.

I was beaten up by three policemen, because when you cross the border, everybody starts running. Everyone has their phone out and uses it to navigate. So I was alone and the three men, they all beat me. Two were holding torches while one beat me. They took turns.

Cumar from Somali

Tarig, a Sudanese citizen, described the experience of three instances of being pushed back that took place over three days in June 2023. He experienced many types of violence. We included his testimony, among others, in the chapters on verbal aggression, dehumanisation and

intimidation. During his second apprehension he was taken to a Border Guard facility and put in a cell.

Thank you. As I said, I crossed three times. The first time on the 11th of June. They stopped me on the 12th, about 1 or 2PM. They didn't stop me, I came out to surrender myself to the police. I knew that the police saves people if they are in danger. So, because I was alone, I thought they would maybe save me. I surrendered to the police and it turned out it was the other way round. It wasn't like what we saw in documentaries or movies back in Africa. On the basis of European movies we believe that Europeans are people who really protect others, who are good. But when I arrived here, I realised that it was not so. I surrendered to the police myself, but the police did things to me which were... Actually, I would prefer to stay in the forest, even if I was to die in (unclear), than to surrender to them.

That was the first time, right?

Yes, the first. (...) The second time, I was in the forest, I was a bit annoyed, alone, without a phone. There was nothing, again I (unclear) and I left. The next day, on the 14th, they found me at 6 AM. I did go out to (unclear) again. I walked and I had (unclear) in my hand. Then, someone passed by me in a car, he was looking at me. After a few minutes he called the police. They came and took me to the police station again. At the station everyone was screaming at me, insulting me. They made me go inside, I was tired, they locked me in a cell and I fell asleep. A man came and kicked me with his boot in my knees to wake me up. It still hurts me to this day. They took me again on the 14th at 9 or 10AM...

Tarig from Sudan

However, Tarig stresses that most of the acts of brutal aggression and humiliation occurred in the forest, outside of the facilities. All other testimonies also point to that.

No. At the station they do not say anything. They make it very simple. When they step out to take you [back], then they do all that, in the back.

So the insults — that took place in the forest?

Yes, in the forest. As soon as they open the door to take you back to the border, they start insulting you. And they break the phones in the forest as well, not at the station. At the station, they search the phones and if there's nothing there, they give you [back] the phone. But when they come to the border, already in the forest, they break the phone and then they give it [back] to you. And then you go back.

Tarig from Sudan

Beatings of individuals in need of a medical assistance

Wissam, who was pushed back from the border in November 2022, describes his interaction with the Polish officers just after he fractured his leg after falling from the barrier:

They asked me, they said: "Where are you from?". One of them knew a bit of English, so we told them we're from Syria. Once they realised we were from Syria, they started to laugh at us. At that time, I couldn't walk, my leg hurt because it was broken, and they were spraying pepper spray on it and laughing. They were hitting me from behind on my back while I was sitting on the ground. There was a guy who helped me get in the car, then he helped me get out of the car and helped me walk for a bit. The Polish soldiers did not offer any help.

(...)

Other than you, was there anyone else that was ill, male or female? Did anyone have any fractures?

There was this one guy with me. He's about 45 years old, he is here with me. We were in the same group. He jumped from the fence and nothing happened, but a Polish woman stepped on his leg and his leg got fractured.

You mean, it broke, broke or...?

It didn't break. They took him to the hospital when we returned. We went to the hospital and they told him his ligament was torn. I mean, the Polish woman stepped on his leg and then he wasn't able to walk anymore.

Wissam from Syria

The interviewee also pointed out differing methods of using physical violence towards women and men by the officers.

And they did also beat the girls who were with you?

No, the women, no... No, the women, no, they didn't hit them. They hit us. I mean, they beat the guys. No, no, right, there were some women whom they pushed. The women, they were behind them and they pushed them on their backs. You know, but like a simple push, not a beating.

Wissam from Syria

Ali from Yemen describes a pushback which occurred in January 2023. The man fell from the barrier which resulted in a leg fracture. The rest of the group walked away. Half an hour later, a Border Guard patrol arrived. At the same time, the respondent managed to crawl only a few metres forward. The officers asked the respondent in English about the details regarding the crossing of the border and the group he was with. He was then searched, and his phone and backpack were confiscated.

How did they catch you? I mean, when you saw the car lights, you asked for help and then what happened? What did they do with you?

After I asked them for help, they asked me how many people (unclear) crossed the fence, like, at what time (unclear). I gave them the full information and then they called the second car that came for me. They tried to force me to get up. I couldn't get up. So one of them kicked me in my broken leg... (unclear) and I shouted loudly... (unclear)... there was an injury.

Could you...could you come closer to the microphone?

I'm telling you, they came and they interrogated me. They asked how many people and when...

And then?

Then they tried to force me to get up, and I couldn't. I was getting up and falling to the ground and then one of them kicked me, like he kicked me in my injured leg.

Ali from Yemen

According to Ali's testimony, none of the officers helped him get in the car. He had to crawl to the car while the officers watched. The respondent was then taken to a facility. Despite his requests, he didn't receive any medical assistance. He was then searched and interrogated again. Later, the respondent and other migrants were driven out to the wall to be pushed back. During crossing/crawling through the gate, the Polish officers sprayed the group with pepper spray.

Qasim, whose limbs were fractured after he fell from the barrier while crossing the border, described a similar situation. Since he couldn't stand up, he crawled towards a camera to seek help and to try to inform the officers about his situation. He was alone. The rest of his group crossed before him and was not aware of the state he was in. When the Polish Border Guard officers arrived, he informed them about his injury and asked for medical assistance and to be transported to a hospital. The officers ignored him and proceeded to confiscate his personal belongings. Afterwards they ordered him to get into a car, which he had to crawl into. After a few hours of driving, they stopped by the fence and ordered Qasim to leave the car. He refused. The officers threatened him, including threats with firearms. When it didn't work, one of the officers hit him in the fractured place.

When they wanted to throw me out, I didn't agree to get off, I told them: "If I get out of Poland, I will die alone". He pulled, pulled his gun on me, he was pointing the gun at me, so I pushed his hand down and he raised it up again. I told him:

"Whatever you do, it won't make any difference to me". So, we were there sitting like this for half an hour and then the policewoman started dragging me out, she was dragging me out by force in order to get me out [of the car], and I didn't agree to that. In the end she pulled my leg and that hurt me a lot, so I immediately got out.

Qasim from Yemen

Injuries caused by the use of coercive measures

The analyses formulated by the interviewees indicate that many individuals that cross the border are convinced that the violence they experience is intentional. The goal is not only to intimidate individuals who had already arrived in Poland, but also to inflict serious injuries, which will prevent them from further attempts to cross the border after finding themselves in the muharrama. The interviewees often testified that their legs were hit in a manner that was meant to cause injury and prevent further movement.

Let's focus on the time when they caught you. We know they used pepper spray, but prior to that, did they do anything else?

The man who was with me was lying on his stomach when a drone was flying above us. We were lying on our stomachs. Then, the soldiers arrived and attacked us. Among them were four female soldiers and two young men. They began beating us. The man who was with me was kicked in such a way that he couldn't walk. My leg was broken, so I was unable to walk either. We stayed like that for about half an hour. Then they sprayed us with pepper spray. A car came, it was a ZIL [a Soviet car brand], a truck for transporting soldiers. They took us in that truck. I told them that my leg was broken, but they didn't care. One of them hit me and forced me out of the vehicle.

Wissam from Syria

Hisham from Syria witnessed a group of migrants that he didn't know being beaten on the Polish side of the border while he was on the Belarusian side. The physical violence occurred directly before the pushback, and, according to the respondent's observations, the injuries were inflicted in order to make further attempts to cross the border difficult or impossible. The brutality of the Polish officers towards the migrants observed by the interviewee and his group made them afraid of crossing the barrier.

We waited in the forest, close to the border, for about 2 days. There were many Polish patrols passing in cars. We didn't cross immediately because we had seen other people crossing and getting caught by the Poles. And the Poles were more brutal than the Belarusians. They even hit them in areas like the knees, joints and shoulders in order to injure them, so that they wouldn't be able to try to cross again. They broke their mobile phones immediately, they smashed the phones, I mean, so they wouldn't be able to use them anymore. They tore their bags and then they pushed them back behind the fence to the Belarusian side. Because of that, we were afraid and we didn't cross immediately, so they wouldn't catch us. If they caught us, I mean, the Poles were more brutal. I've seen them use their guns and batons to beat people on their knees and shoulders to injure them, so that you wouldn't be able to cross the border again.

Hisham from Syria

Nasir from Syria, who was pushed back at night in March 2023, reported a drastic account of causing injuries meant to prevent further attempts at crossing the border.

Yes, they were breaking people's hands by throwing stones on them. And they would put a leg between two stones and step on it.

Nasir from Syria

The interviewee reported that he refused to sign the documents he was given, which resulted in him being hit so hard that he suffered serious health consequences.

Yes, I asked for asylum in Poland, but one of the soldiers hit me and told me: "We don't want refugees".

(...)

They sprayed our faces with pepper spray. They broke the hands and the legs of my friends. They gave me some documents and told me to sign them. I refused to sign without a translator. He hit me in the face with his hand and broke my tooth.

Nasir from Syria

Hamza is running away from the war in Yemen. He was pushed back to Belarus a few times. He told us about the two times that he was turned back to the border: in November 2022 and in January 2023. While reporting what happened in the beginning of November, he recalls a brutal beating with a baton that he received from the officers. It left him wounded. The apprehension occurred allegedly after the officers were notified by a local resident. He was one of fifteen men, ten of whom managed to escape. The remaining ones were apprehended, handcuffed and beaten.

Two of them, they handcuffed me, they took my hands behind my back... He was literally standing on my neck.

And the handcuffs, were they real handcuffs?

Yes, the iron handcuffs.

Did they say anything to you?

They were shouting and speaking a different language, not english. They put me to the ground, they handcuffed me, and they said: "Ok, walk", like in a very humiliating way. One of them was short, I remember and the other one was so tall, the muscular one, he was the one who was beating me. The other one no, he hit me two or three times and then he stopped, but the other one was beating me from his heart, and I was thinking

what did I do to you, to beat me this much? I didn't hit, I didn't beat anyone, yes, I am an illegal immigrant, but I didn't come here to hurt anyone, why this brutality, I don't know.

After they put you to the ground, that's when they started beating you?

Yes, and while walking to the car he was speaking to me and beating me.

And what kind of weapon was it?

He had an iron stick. I had three wounds.

Ok, so did they use any other weapon to beat any of your friends?

We were all beaten, no firearms, only the iron stick. When the guy was beating me so hard, I told the man "You are so brave, you are beating a handcuffed man, what is so special about it? You know that I am not going to defend myself. So, stop beating me. What are you waiting for?"

Hamza from Yemen

Hamza pointed out that he was brutally beaten, even though he didn't pose any threat to the officers. Two months later, during another apprehension after crossing the border, Hamza was hit by an officer with a metal baton over 25 times.

Many other people, including me, I was pushed back one time, I was hit, I was beaten with an iron stick, more than 25 times, all over my body.

Hamza from Yemen

Many interviewees reported being handcuffed during the intervention. A few of them reported their hands being bound so tightly that they bruised, bled or went numb, which continued long after their hands were unbound. Raman told us how he partially lost feeling in his hand as a result of being tied with a plastic tourniquet.

The [border] police arrested us and took us back beyond the border. My hand is still numb from the handcuffs [used] by the Polish officers. Maybe my thumbs will stop working. Look, it doesn't look like there are any marks on the surface, but here it looks like it's numb or the blood no longer reaches the top of the thumb.

Do you have any feeling in this thumb?

I can move it, but it looks like he's asleep or numb, maybe because the handcuffs cut off the blood supply.

Were they normal handcuffs or cable ties? How long did you have them on?

They handcuffed me the moment they found me and they insulted me, they insulted me with the worst of words, I was crying and they did not react at all. They were cursing me and telling me to shut up. They insulted me. O my dear, the insults were more painful than the beating.

Raman from Yemen

Sexual violence

In order to avoid a possible re-traumatization of the interviewees who shared their testimonies we did not ask any direct questions regarding sexual violence during the interview as we were not able to provide the interviewees' with psychological support. We obtained the stories presented below thanks to our interviewees who trusted us with their accounts of the cruel abuse they suffered at the hands of the officers. It's impossible to establish how many similar situations have been omitted from the stories of other interviewees. However, research studies and investigations focused on this specific issue indicate that brutal searches violating the migrants' sexual autonomy are a common deterrent practice used at the external borders of the European Union^[66].

[66] *Przemoc seksualna i przemoc związana z płcią w miejscach pozbawienia wolności – zapobieganie i reagowanie. Standardy, rozwiązania, przykłady z regionu OBWE, (Sexual violence and sex-related violence in places of deprivation of liberty – prevention and reaction. Standards, solutions and examples from OSCE region)*

Six of the interviewees reported that they were stripped naked by Polish law enforcement officers during an intervention. Two responders decided to share their experience of sexual violence which was preceded by brutal beatings received from the Polish officers. We classified forced nudity as an act of sexual violence, following the definition of sexual humiliation and sexual abuse in the context of public officers' actions, as proposed by the Organization for Security and Co-operation in Europe:

Representatives of law enforcement or penitentiary entities cause sexual humiliation, commit harassment and acts of sexual abuse, if, for example they force someone to strip naked, act inappropriately during the inspection or conduct invasive and unnecessary searches^[67].

All situations in which the detained individuals were stripped naked occurred in the facilities. It is also worth noting that many individuals reported being stripped down to their underwear while being searched outdoors, also during colder months. This issue was described in the chapter concerning the exposure of pushed back migrants to low temperatures.

Tarig was one of the respondents who described being forced to strip naked by the officers during the first of the three pushbacks he experienced. He was transported to a station where he was thoroughly and invasively searched.

| The first time was critical. They undressed me, they...

| **The first time?**

Organization for Security and Co-operation in Europe, Warsaw 2023, p. 2, <https://www.osce.org/files/f/documents/4/1/559935.pdf> [access date: 7 April 2024].

[67] A team of journalists supported by the International Press Institute created an interesting investigative project on sexual violence towards migrants on the external borders of the EU, see: B. Hindrichs, H. Rodríguez, S. Abdelbaki, *Giving Up Your Body to Enter Europe*, "Investigative Journalism for Europe", 2023, <https://www.investigativejournalismforeu.net/projects/giving-up-your-body-to-enter-europe/> [accessed on: 7 April 2024].

The first time it was as if I [were] someone who poses a threat. I can't understand [why]. They cuffed me. [LAUGH] Tough luck.

Tarig from Sudan

The stay in the facility allegedly lasted approximately four hours. During that time Tarig was forced to sign documents the contents of which he didn't understand. The officers also seized all of his belongings except for the ripped, muddied clothing Tarig was wearing when he was detained. After stripping him naked, the officers ordered him to squat and cough. The respondent believes that the aim of this procedure was to check if he was not hiding anything in his anus. After the search, when the man was ordered to return to his cell, he was given back his clothes, but they were still wet from crossing the lake.

Were you naked? With no underwear?

[LAUGH] No clothes, no underpants, nothing. Nothing was left. They tell you to put your hands up, you raise your hands, you turn from left to right. [The guy] examines you, he tells you to remain sitting, you remain sitting. They tell you to cough, you do it. They tell you to put clothes on... They take your clothes, they search the clothes; even below the waist, they check if you have something hidden or not. They do a total search as if [in the case of] someone who poses a threat, I don't understand... [UNINTELLIGIBLE] Why would I ever carry dangerous things?

But after the search, [they] returned your [clothes], is that right?

Yes, so they tell you... after that, they tell you to get dressed, you get dressed, you get taken to the cell to be locked there. (...)

You were [put] in the cell with your clothes [on]?

Yes, with my clothes [on]. After they conduct the search, they tell you to put the clothes on, you put them on, you get taken to the cell and they lock you there.

Tarig from Sudan

In an interview about the pushback of three Syrians in April 2023, Fahd describes the last pushback he had experienced. Similar to Tarig, he spent a few hours in a facility and asked for international protection in Poland. During the aforementioned intervention, which he recalled after answering everything in the questionnaire, the officers forced him and the others from his group to strip naked. Allegedly, the officers also invasively touched the individuals.

When they caught me and unlocked my phone and changed the phone's password. And when they were searching us at the security centre, they made us take off all of our clothes, I mean, all of it, even the underwear. Earlier they were even checking the skin, like they pressed on your skin, checking if there is something in your body. When I was at the security centre, brother, when I was at the security centre, they kept us there for five hours. [unclear] Poland, I asked for asylum. He said: "No... Belarus, you are going back to Belarus".

Fahd from Syria

As stated in the introduction, two interviewees recounted experiencing sexual violence, which was accompanied by cruel beatings received from the officers. Following his apprehension in April 2023, Mujeeb and his group were transported to a Border Guard facility, where he and three other individuals were stripped naked to be searched.

What happened after you arrived at the station?

One by one we went to the toilet and they checked everything.

Was it a man or a woman?

A man. He went to the toilet with each of us separately. (...)

Did he check your private parts?

Yes, everything. They touched our testicles and penises as well.

Mujeeb from Afghanistan

After an hour to an hour and a half, at the Border Guard station, Mujeeb was led by three fully masked officers to a car along with the same three individuals he was apprehended with. The remaining three migrants with whom Mujeeb crossed the border had already been taken to the fence by the same Border Guard officers. The respondent was clearly in distress during this part of the interview. He reported that the car drove “fast, very fast”. Two men sat in the front, one in the back. According to the respondent’s report, he was also hit on the head twice while in the car. After approximately 15 minutes of driving the car stopped in a secluded place in the middle of the forest. The four detained individuals were dragged out of the car. As reported by Mujeeb, the officers took them one by one: one of the officers stood in front of him as Mujeeb had to put his hands on the officer’s shoulders. Then a second officer approached him from behind and hit him on the back, buttocks and legs using something the respondent described as “a metal rod”. Each of the detained men experienced the same beating.

This, I am sorry to say, they put one person down and there were steel rods, sticks. One of them took our hands back person after person. There was no house, no village, there was nobody to see when they stopped the car on the road. It was before the border, somewhere in the forest. They put us down one by one.

Outside the car?

One of the guards would take our hands and standing face to face, put our hands on their arms. And the other would stand behind you and they would punch you.

Were you standing?

Yes, I was standing.

And one of the guards was in front of you and you put your hands on his arms?

Yes.

And then the other guard was behind you?

Yes.

Using metal stick to hit you?

Yes, metal stick that is just like very hard. They hit us on the seats (buttocks), legs, and they just look how they can beat us. They didn't think that there's a hand or that there's a finger they can break, they didn't think. (...) Yes, we were crying, we were saying "Please, please, please, don't do it, don't do it, for God's sake don't do it". They didn't have a heart in their chest. Punching human or animal, what kind of people are they?

Mujeeb from Afghanistan

Later on, after approximately ten minutes of the beating, as the detainees' were lying on the ground, too wounded to get up, the officers started squeezing their testicles and genitals through their clothing "at the tip of the penis", causing them a great deal of pain. Mujeeb states that when they started begging for mercy, the officers "used their fingers" and put something (Mujeeb believes the officers used their fingers) in the anuses of all four men.

After they punched four people, we were crying, we had no strength to stand up. They kicked us, they squeezed our testicles strongly and the part where the [unintelligible] is where the zip is, on the top of the penis.

Were you dressed at the time?

Yes, but after that, when we still had pain on the back they took their hands to our asses.

They put their fingers in your ass?

[a moment of silence] Yes.

Mujeeb from Afghanistan

After that the officers allegedly demanded that Mujeeb and his friends give them all their money. The detained individuals had the "payment for the taxi" on them, they were terrified and gave the officers a total of 400 dollars. The officers supposedly threatened the respondent that if he tells anyone about what happened, they will kill him.

Mujeeb relates that he was later thrown into the car with the other individuals and driven to the fence, where they were pushed back to

Belarus through a gate for animals. The respondent reported that he angrily confronted one of the perpetrators, but as a result, he was insulted again.

They told me: "Go, go motherfucker, go, fuck you!" Just like this. (...) They act like animals. We are such a peaceful people, we didn't want to break any laws, destroy anything. That's why we came from Afghanistan.

Mujeeb from Afghanistan

Cumar was brutally sprayed with pepper spray and beaten by the three officers who apprehended him. He describes the moment in which he was held by his arms and legs and the officer sprayed pepper spray between his buttocks.

It was a very painful substance, they sprayed my face, eyes and mouth. At first they are afraid that you might run away or start defending yourself so they spray it on you and beat you. When they see that you are in a group, it's a must, they spray it on you so that they get a chance to beat you. (...)

When did they undress you?

They do not undress you. They spray your eyes, it hurts, and you fall down. Then they pull your trousers down or put you sideways and they spray the pepper spray on your butt. (...)

They don't remove your clothes completely. They pull your clothes up. You wouldn't let them undress you, so they use strong men to do it. They approach you in a group, two of them hold you and then they turn you on the side. Then they pull your clothes up and spray you with the pepper spray.

Cumar from Somalia

The interviewee has no doubts that the violence was a part of the deterrence strategy used on the detained individuals to prevent them from crossing the Polish border again. He describes that the officers told the attacked individuals in English that they are in Poland and threatened them that if they return to this country, they will experience more cruelty.

The three of them beat you?

Yes, they also said "This is Poland, you must know. Jump over the wall again and every time you jump, we will beat you and push you back. We will always be waiting here".

Cumar from Somalia



Consequences of pushbacks

No one may be removed, expelled, or extradited to a state where there is a serious risk that they would face the death penalty, torture, or other inhuman or degrading treatment or punishment^[68].

[...] every day at 6 at night, the Belarusian officer would come and give us a ladder. One day he would put us by the river, the other day he would direct us to the swamps. He gave us the understanding that even if we die he will not bring us back to Minsk, we have to go to Poland.

Ahmed from Syria

The purpose of this chapter is to supplement the testimonies described in the section on the violence experienced in Poland and to highlight the consequences of pushbacks, which, regardless of the circumstances, result in migrants being sent back to Belarus. The stories of the individuals mentioned in the previous chapters do not end with crossing a service gate or a river. Their experiences continue in areas inaccessible to independent human rights organisations – in the so-called muharrama.

I mean, there are areas where it's 1 km, and sometimes 2 km, I cannot exactly tell you, there are areas 2 kilometres and the area that we were in was 2 kilometres wide.

So, it wasn't 10 or 5 m?

No, no, there are areas with 1 km, 2 km and sometimes 50 m.

Mustafa from Syria

[68] Charter of Fundamental Rights of the European Union, Article 19, paragraph 2, https://fra.europa.eu/sites/default/files/charter-of-fundamental-rights-of-the-european-union-2007-c_303-01_pl.pdf [access date: 8 April 2024].

In the last two years, this area has occasionally been referred to as the “sistema”, which is misleading and imprecise. The term generally refers to the barriers built during the Soviet Union era, which today form a part of Belarusian fortifications. It is important to note that the concept of “no man’s land” does not refer to legal ownership or lack thereof under Polish and international law^[69]. The border between Poland and Belarus is strictly defined^[70].

Legally, the strip of land between the fortifications of both countries is precisely divided into Polish and Belarusian territory. However, the term *muharrama* – “no man’s land” – aptly describes the experience of those trapped there due to pushbacks, isolated by the military infrastructure designed to prevent migration from the actual territories of both countries. Testimonies indicate that individuals in the *muharrama* are at the mercy of the Belarusian border guard and potentially other uniformed services, with no access to any kind of legal procedures, medical care, or humanitarian aid.^[71]

[69] Article 1 of the Act of October 12, 1990, on the protection of the state border (Journal of Laws 2024, item 388 as amended) specifies that the border is a vertical surface separating the territory of Poland from other countries.

[70] Key provisions and expert statements on this issue were gathered by the fact-checking portal demagog.org, verifying a statement by the Deputy Minister of Internal Affairs and Administration at the time, Błażej Poboży. See: *Czy istnieje coś takiego jak pas ziemi niczyjej pomiędzy granicami państw?* [English: *Is there such a thing as a strip of no man’s land between state borders?*], demagog.org, 8.09.2021, <https://demagog.org.pl/wypowiedzi/czy-istnieje-cos-takiego-jak-pas-ziemi-niczyjej-pomiedzy-granicami-panstw/>, access date: 30 March 2024].

[71] Similar issues are also highlighted in a short paper published by Human Rights Watch in March: “After being returned to Belarus, migrants experience serious abuses by the Belarusian border guard, including beatings, restrictions on food and water, and being prevented from leaving a forested and closed military area near the border”. L. Gall, *To Really Help Migrants, Poland Should Stop Pushbacks at Belarus Border*, [hrw.org](https://www.hrw.org) of 13.03.2024, <https://www.hrw.org/news/2024/03/13/really-help-migrants-poland-should-stop-pushbacks-belarus-border> [accessed on: 29.03.2024].

Since the autumn of 2021, Grupa Granica has been receiving requests for help from the “no man’s land.”^[72] Requests for help often come from people in poor health, often requiring hospitalisation due to hypothermia, exhaustion and limb fractures.

When we were detained by the Belarusian soldiers, they put us in a metre-deep hole and started jumping on us. And they told us: “Go to a hospital in Poland or die here”. After they released us, we dug under the Belarusian fence and returned to Belarus. And we are waiting for our wounds to heal and we will return to the forest.

(part of a message, January 2023)

Activists’ attempts to deliver humanitarian aid to the muharrama were criminalised^[73].

In the 2023 annual report, Grupa Granica and the We Are Monitoring Association stated that during the previous year, “(...) humanitarian organisations recorded reports from 3055 people contacting from the eastern side of the border barrier. During conversations, 2582 people reported being stuck in the strip between the Polish barrier and the Belarusian fortifications (in the muharrama).

The most common medical problems included:

- » General body weakness caused by prolonged stay in the forest (up to 40 days);
- » Gastrointestinal problems (stomach pain, diarrhoea, vomiting) caused by consuming contaminated water from sources such as rivers and swamps;
- » Injuries related to dog bites;

[72] The detailed statistical data on reports from the strip between the fortifications can be found on the We Are Monitoring Association website: <https://wearemonitoring.org.pl/statystki/interaktywne-dashboardy/> [access date: 2 May 2024].

[73] Source: Grupa Granica and the We Are Monitoring Association, Annual Report 2023.

- » Lacerations caused by razor wire;
- » Injuries caused by beatings by Belarusian and Polish service officers;
- » Irritations caused by contact with irritants, such as pepper spray”^[74].

Below, we present the consequences of pushbacks as they appear in the accounts of the same people whose testimonies were referred to in the report concerning the acts of violence experienced in Poland. Although the events described below took place on the eastern side of the barrier, it is the Polish officials carrying out the pushbacks who are responsible for exposing people to health- and life-threatening conditions by returning them to Belarus.

Imprisonment in the muharrama

For respondents, being returned to Belarus is the worst-case scenario, which is associated with the ongoing exposure to a lack of access to shelter, water, and food, as well as being trapped in the muharrama. They become stuck in a cycle of crossing the border, pushbacks, and being forced to cross the border again by the Belarusian services.

The Belarusian soldiers were angry at us. They forced us to either cross the Polish border or to record a video in which we were supposed to say that we were beaten up by the Polish authorities. (...) We were scared that if the Belarusian soldiers caught us, they would beat us again.

Abdelfattah from Syria

Bashir, whose story is cited multiple times in this report, describes in detail what survival on the eastern side of the barrier entailed following a pushback.

[74] Source: Grupa Granica and the We Are Monitoring Association, *Annual Report 2023*.

They took us to the military camp and we stayed there. The camp was in the forest, you can do anything there. They took our phones and kept them. We made a fire, because it was quite cold. We made a fire on the second day so we would sleep a bit, because we were very tired. We slept until the second morning. This camp is a place where you can stay until the evening. They would capture everybody who was in the muharrama from the morning until the evening. Then, an officer would come, an officer would come to search our bags, search our pockets. Then, they would put us in cars and they would take us to a place near to the Polish fence.

Bashir from Syria

The interviewee emphasises that his actions as well as those of other persons who were brought to the gathering place for migrants by the Belarusian uniformed services after a pushback from Poland were dependent on the orders and the will of the Belarusian services, from whom they could not expect any help.

They would give us instructions, they would give us instructions. The officer would come to tell us: "Go to Poland, you have ladders, you have tools". He would tell us when... He would tell us that at 5AM the patrols will be sleeping, that no one will be keeping watch. "Go, go together, you are one group". He was cursing Germany and Poland. Ok? Everyday they would treat us like this. I mean, they don't have, I don't know, they don't have any humanity whatsoever. The officer would tell us the route and we would walk in the night, after the day was over. We walked in the night and there was no light, there was no moonlight. We walked with great difficulty, because there were tree branches, there were swamps and the route was very difficult.

Bashir from Syria

He continues to describe how he and others, with whom he was grouped together in the camp, tried to build a ladder at night, using the wood found in the forest, to cross the barrier. Migrants monitored the activities on the western side of the barrier and analysed the actions of the Polish border services to find opportunities to escape from the muharrama, a task they were forced into.

Suddenly, a Belarusian dog appeared and along with it, two Belarusian soldiers. They took us back to the military camp. We stayed in this situation for 5 days. In the morning they would take us from the muharrama to the camp. At night they would take us in the same manner someplace and tell us: "You are one group, go to Poland, I don't want to see you here". (...) Of course, in the camp we wouldn't get anything, no water, nothing. They wouldn't give us anything.

Bashir from Syria

Attempts to escape from the muharrama, including trying to return to Minsk, are often thwarted by the Belarusian military or border guards, resulting in imprisonment in the strip of land between the fortifications, where those on the move cannot expect support from any independent humanitarian or human rights organisations. While the interviews do not reveal a clear pattern of the actions of the Belarusian services, testimonies indicate that those subjected to pushbacks from Poland are captured along the border and kept under constant supervision in places from which they are forced to attempt crossing into Poland again. This coercion is accompanied by threats, the denial of basic needs and maltreatment.

I couldn't walk anymore. They took us to a place where there were about 500 people gathered. Everyone was next to the Belarusian fence. They didn't let anyone go back to Minsk. If you asked them to allow you to go back, they would beat you with metal batons and they wouldn't stop until your body would become swollen.

Amir from Syria

I was so exhausted, I just wanted to go back to Minsk... Even if there is no fence on the Polish side we will not go to Poland, because we are so tired, we had no GPS, no phones. They said again "Go to Poland, if we see you again we will break your legs. You will walk 500 metres, you will see only a small fence, you will dig under it". They gave us a shovel, one shovel for 40 men. Because they were collecting people, anyone who got pushed back from Poland.

Hamza from Yemen

After the pushback to Belarus we found ourselves in the muharrama. We made a fire and spent the night near the swamp. We woke up around 9AM. My leg was broken, and there was another person accompanying me who also had a broken leg. There were some young men in our group who helped us. We were looking for a path we could use and when we found it we walked about two to three kilometres until we reached the Belarusian border fence. Then, we shook the fence to alert the border guards to our presence. A patrol arrived, and took us to a facility. They held us there for approximately ten minutes before they took us to another facility. We were kept there until nightfall. Then, they took us to the forest and told us: "Prepare and go to Poland". I pleaded with them: "Please, my leg is broken. I cannot walk. I want to return to Minsk to get medical treatment for my leg." They responded, "No, you cannot return to Minsk. You have to go to Poland." We were left with no choice; we had to go. The man accompanying me and I were crawling on our knees as we weren't able to walk.

Wissam from Syria

The strategies of the Belarusian services are perplexing not only to organisations monitoring border violence, who struggle to document human rights violations in the zone controlled by the authoritarian Lukashenko government, but also to the migrants themselves. Decisions depend on the unpredictable behaviour of the officials, who in some cases insist on the

migrants' return to Minsk, while in others they order migrants to continue attempting to cross the Polish border until they succeed. In every case, disobedience is met with violence which threatens the lives and health of those trapped in the militarised, isolated zone.

The first time, when we were walking, a police patrol arrived. That was the first time we were caught. They told us: "Go back to Minsk".

They caught us before the Belarusian fence. The patrol told us "Go back to Minsk, if I see you again today, you will be in big trouble and I will beat you". (...) If you get caught twice in the same day, they will beat you. And you will have to go back and try another day, so a misfortune won't fall upon you.

Adam from Syria

After the Belarusian border guard apprehended you, did they physically assault you or beat you?

No, they didn't assault us, actually, they just welcomed us. As I said before, they took us to a facility, where we remained until nightfall. Then, they transported us to the forest in a military vehicle. We sat there in the forest for approximately half an hour, and then they took us to Poland. I told them that my leg was broken, but they didn't believe me. I showed them my leg, which changed colour and was clearly broken. Then they believed me. This was the second time. I mean, initially they took us to the centre and then led us to the Polish wall. Then we returned to the Belarusian border. They [the Belarusian officers] told us: "We'll make a video, where you say: <<we want to return to Belarus and we don't want to return to Poland>>" Some of us refused, but the three of us agreed to make this video. Now another group is headed to Poland. They won't let them stay in Belarus.

Wissam from Syria

Testimonies clearly indicate that those trapped in the muharrama are deprived of access to water, food, weather-appropriate clothing, shelter, and heating. Many are also deprived of phones, documents, and other belongings that were stolen and destroyed by Polish officers during the pushbacks. This results in exposure to very low temperatures and prolonged cold, with no help available for medical problems. Regardless of the treatment experienced at the hands of the Belarusian services, all of our interviewees suffered while trying to survive in extremely difficult conditions; waiting to escape the muharrama, where migrants stay for several days or even weeks.

I swear to God, I saw them, I had been walking for almost an hour in the forest. I was left alone without a phone or anything. I saw that they were also without food or water. We were drinking from the swamps between the trees. I swear to God, we remained without food for 10–15 days. We were in the forest and every time we tried to escape they beat us and brought us back. The girl was also very tired. I mean, the one who was with me and her father were also very tired, we stayed together in the forest.

What did you eat during these ten days?

I swear to God, mister, we were just drinking water, we didn't have anything left to eat.

Hassan from Syria

**How long did you stay between the borders
[in the muharrama]?**

I stayed between the borders for approximately four or five days until I found another person there who was also injured. We crawled together towards Belarus. When they returned us, they had damaged our phones so we wouldn't be able to return. They broke the battery charging socket so we wouldn't be able to charge our phones and contact anyone. It took about four or five days, I mean ten days since I broke my leg until I reached the Belarusian officers.

Rahul from Syria

Interviewees often describe situations in which, as a result of being separated from their group during a pushback, they found themselves alone in the muharrama, often without any equipment to communicate or to determine their location, and sometimes in a state requiring hospitalisation. In the absence of help from either of the border countries and the barring of aid organisations from entering the fortifications, migrants are forced to rely on self-help for survival.

As I said, I was carrying the Iraqi man as we were crossing the fences. There were about ten fences, more or less. A lot. I didn't concentrate on counting them, but we were crossing them along the way. Me, the Iraqi, the Egyptian and our group, it was five people... We were following my friend, who was finding the way with a GPS device. I was still carrying the Iraqi. He was saying: "Don't leave me alone!". He was kissing my hands, shouting: "Don't leave me!". I told him: "Don't shout, or they will find us".

I continued carrying the Iraqi and then we reached a river. We crossed the river together. After a moment, we reached another fence and we crossed it after passing the first river and the second river. I was scared that something would happen to him, more than I was concerned about my life. I was afraid for his life, more than I cared for myself.

Essam from Iraq

Interviewees frequently described their attempts to find individuals with a working phone, which would allow them to escape the muharrama and organise transport to Minsk or another city where they could recover and regain their health.

When they brought you back to the Belarusian side, what happened, and how was the situation after they broke your mobile phones? Did they also take your passports?

They returned our passports, but they broke our phones. We didn't know how to return to the Belarusian border because our phones were broken. We waited for another group to come so we could ask them how to return to the Belarusian border and where the sensors are on the fence.

Jamal from Syria

So when we came back to the Belarus side, we spent around two days there. We didn't have anything with us, there's no phone, nothing. We were wondering what to do. But after they, Belarus soldiers, caught us, we met a person there, he was also a refugee. So through that person, he had telephone and we contacted our friends and we came back to here, to Minsk.

Abdullah from Afghanistan

It is important to note that successfully escaping the muharrama and returning to Minsk does not guarantee lasting safety. Messages from Minsk to the Grupa Granica hotline report a lack of access to healthcare, overcrowded living conditions, and constant threats from the Belarusian regime, including the possibility of detention on the grounds of unregistered stay or deportation to the migrants' country of origin.

I ask for help from Minsk because I don't have any clothes, any bag, any power bank or money with me, the Polish police took all these things from us.

(part of a message, February 2023)

I am in Minsk, I am in danger of deportation to Syria and forced participation in the war there. I am 23 years old. I told you previously about what happened to me and that the Polish border guards took my passport and sprayed pepper spray on my face, and dumped me alone in the forest. Without a phone, without food or drink, they took everything from me.

(part of a message, March 2023)

The situation faced by the migrants in Belarus, who have often experienced multiple pushbacks from Poland, is a direct result of the pushback practices described in the previous chapters. People who were already vulnerable to numerous abuses upon arrival in Belarus find themselves in a much worse situation after experiencing repeated pushbacks from the Polish border. Many of these individuals are aware that their survival depends on escaping Belarus and reaching a safe country within the European Union.

They tortured us, they took our phones. I am talking to you now through my friend's phone. If they take your phone, that's it, you're finished. I swear to God, you're finished. Now I am talking to you through my friend's phone. I don't have a phone, I don't have money, I don't have any other place to stay, but with him. I don't have a passport. When I look at myself, I mean, my life has finished. I mean, I suppose now I will either die or I reach a country where I could live. That's all we can do now. We will go to the forest, we will suffer hunger, thirst and cold and we won't be able to sleep. Many people died, I swear to you. A month ago a person who was sitting with me died from the cold in front of my eyes, really. Where are human rights?

Hussein from Iraq

In many cases, the situation is exacerbated by the lack of an exit visa from Belarus – a document required to leave the country. This visa is necessary both during land crossings (including leaving for Poland at the Terespol border crossing) and when returning to the country of origin^[75].

[75] Basic information on exit visas in Belarus have been provided by an independent Belarusian organisation Human Constanta – see *Exit visa from Belarus: what is that and who needs it*, Human Constanta of 13.02.2019, <https://humanconstanta.org/en/exit-visa-belarus/> [accessed on: 1.04.2024].

Violence from Belarusian services

There were soldiers with us, they took us to a military point. A Belarusian soldier came and he was saying: "Ukraine, Ukraine, do you understand? We will send you to the Ukraine".

Adam from Syria

The testimonies provided describe various acts of violence experienced and observed by migrants at the hands of the Belarusian officials. Belarusian border guards engage in cruel and inhumane treatment of all individuals forced to stay in the muharrama against their will without the ability to meet their basic needs. Migrants are compelled to cross the Polish border by threats or by force. Reports of brutal violence by the Belarusian services include not only situations in which officials aggressively forced the migrants to attempt to cross the Polish border or to return to Minsk, but also instances in which simply encountering a Belarusian border patrol involved severe mistreatment. This includes being attacked by dogs, being kicked, and being beaten with electric batons. Witnesses highlight that the Belarusian services patrol the road along the Polish border barrier with dogs, which they use to attack migrants captured and gathered in camps within the muharrama.

In many cases, these aggressive dogs are unleashed and unsupervised by the officials.

We reached the fence, we shook it, and the Belarusian patrol arrived. We talked with them a bit, then their dog attacked us. We stayed with them for a day and a half in the forest in front of the Belarusian facility. They didn't let us enter the facility, and we had no food or drink. When we asked for water to drink, they told us: "Go drink from the snow".

Jamal from Syria

I said that when it was already morning, the Belarusian military caught us, and the dog that they had with them bit me, like this... They were letting it go loose.

Mustafa from Syria

Reports that dogs belonging to the Belarusian uniformed services have attacked and severely bitten migrants in the muharrama also reach the Grupa Granica hotline.

Yes, I just tried [to cross the border] today morning but soldiers came and let their dog bite us. They said: "No more returning to Minsk, just go to Poland".

(part of a message, January 2023)

The Belarusian police attacked me and the police dog bit my leg. This is an example. One of my friends experienced violence from the Belarusian police about two days ago.

(part of a message, June 2023)

Ahmed, a Syrian who was pushed back from Poland to Belarus in April 2023, describes an attempt he made with other migrants met in the muharrama to dig under the fence on Belarusian territory to return to Minsk. While digging, he heard the sound of a car. Knowing that he might face violence from the Belarusian services, he started to run.

I've been here since December. The moment when the Belarusians caught me was the most difficult moment in my life. At that time, I not only wished for death, I wished... Seriously, it was the worst and most difficult moment I had in my life. How can I recount it in the right order?!

When the car came, I ran towards the forest for about 400 metres. Here I lost my breath. The dog ran at me and caught me, then the soldier came and began asking me where the group was. We were many and they were looking for the rest of us. I

said: "I'm not with them, I'm not with them. There is a group here and there". Here the dog caught me. And I was afraid of the dog. I started to push the dog away with my hands, and when he saw me, he put me on the ground and started beating me. I mean, he was kicking. He didn't know where he was going to hit me. His boots hit my eyes, my nose, my head, my chest. Here I lost my breath even more. Then he said: "Go! Get up and go to the car", and the dog was hanging on my hand and wouldn't let go and the dog's leash was tied to a tree, and he wanted me to walk. And how could I explain to him that the dog was hanging on my hand, and I couldn't walk, and I couldn't breathe? And he came back running at me and hit me again. He was so young, like my age, I mean. Anyway, I started speaking in Arabic, I said: "For God's sake, just let me take a minute to breathe". I can no longer speak because of how much has happened to me. Anyway, we walked 500 metres for about half an hour until we reached the car. You know, it was in the forest and there were fallen trees and what was I supposed to do with the dog? He said: "Carry it" (unclear). I felt myself running out of blood. You know, and my body became like fire after the bite. When we got to the car, he made me take off my jacket, because the dog's teeth were stuck on my jacket. He told me to take off my clothes. I took off the jacket but that didn't help. Then, he told me to take off the sweater, so I would only be wearing a T-shirt. I told him: "I don't want to take off the sweater". He started beating the dog and beating me. He went crazy like he got mad at both of us. In the end, he pulled at the jacket and it stayed with the dog (unclear).

Ahmed from Syria

Ahmed then describes being taken by the Belarusian border guards to a camp where he and others were detained for the next six days. He shared with us the location where he believed the camp was situated.

During this time, his health deteriorated significantly, and he suffered from a fever following the dog bite. According to his account, the officials overseeing the camp mocked his suffering and his health condition. For the

next six days, the Belarusian officials reportedly took him and others in the camp to the barrier on the Polish border every day, giving them ladders and leaving them in the swamp all night, without access to water or food. Ahmed recalls drinking black, dirty water from the swamp, which the migrants filtered through their clothes. Due to the poisoning he suffered because of drinking dirty water and the lack of food, he developed a severe stomach pain. The officials ignored his condition and were dismissive when he explained his symptoms and begged to return to Minsk.

Ahmed, in the first part of his interview about the journey from Minsk towards the border, which preceded the crossing of the barrier and the pushback, recounts the beatings and electric shocks that he and his group experienced upon reaching the muharrama. Sources concerning the instruments of torture used by the Belarusian services (including electric prods)^{[76],[77]} confirm Ahmed's account, in which he describes being beaten and shocked with a baton, not a taser.

At that time, after we got out of the car that took us from Minsk to the border, we walked for 15 kilometres and reached the Belarusian fence. Then the Belarusian soldiers caught us and started beating us.

They came out carrying weapons. They used electric batons and were hitting all of us with their legs and hands. I'm not sure if they were officers or soldiers. (...) I got beaten up: they hit my thighs, my back and my head.

With the electric batons?

[76] I. Kapustin, *They Said They Could Break My Legs and Dump Me in the Woods*, Anarchist Black Cross of 27.01.2018, <https://abc-belarus.org/en/2018/02/01/ilya-kapustin-they-said-they-could-break-my-legs-and-dump-me-in-the-woods/?lang=en>

[77] (...) *They beat him and prodded him with an electroshock weapon. (...) I was saying I was only there to pray for Belarus, he would hit me with an electric shocker on my arms, legs, and back.* See: *Belarus Systematic Beatings, Torture of Protesters*, Human Rights Watch of 15.08.2020, <https://www.hrw.org/news/2020/09/15/belarus-systematic-beatings-torture-protesters> [accessed on: 31.03.2024].

The electric batons, they used them to beat us. There is electricity in it, if they wanted to torture someone they would electrocute him.

Ahmed from Syria

Amir was pushed back to Belarus multiple times. Describing a pushback he experienced alone in April 2023, he recalls the swampy terrain beyond the Polish barrier, where he was dumped from the trunk of a Polish official's car.

When they pushed me back, they abandoned me, the area was full of swamps. I could see nothing but swamps. The water was reaching up my neck and I was completely soaked. I couldn't go right or left, I had to move forward, towards the Belarusian fence. The terrain was very difficult, I was just trying to reach the road next to the Belarusian fence. But before I reached the fence, I started to feel pain in my ankle for the first time since the beginning of my journey. I reached the fence and I couldn't move anymore because of the pain in my ankle. As soon as I reached the border fence, I put my things on the ground and lay down on them to sleep, because I was unable to walk any more. After about 15 to 30 minutes, a Belarusian patrol car arrived, and two people came out of it. They were not nice at all. They woke me up with their screams and told me to move to the side of the road. But I couldn't walk. I told them: "I cannot walk" and they said: "Move, fast!". "My leg hurts a lot", I said and they answered: "We cannot help you".

Amir from Syria

Exhausted and unable to walk, he asked the military for medical help, but they refused. The officials took him to a car full of people of various nationalities, many of whom required medical assistance due to the injuries sustained while trying to cross the border and falling from the barrier.

When I saw them, they opened the door of their car. They took me to another place. They opened the car's door. That car would fit eight people at most. But despite that there were 20 people of different nationalities inside the car, there were Afghans, Syrians and Iraqis.

There were also women among them. They didn't listen if they were women, or men. Everyone was cramped inside the car. There were also people in a critical condition, some people who fell down from the fence. I saw them with my own eyes, I was talking to them. Then, they took us to a point and they didn't ask if we were hungry, or thirsty, if you needed something or where you want to go. And there were a lot of people gathered there.

Amir from Syria

They were then transported to a camp near Brest, where Amir estimates several hundred migrants were being detained. He repeatedly asked the Belarusian officials for medical help and was severely beaten in response. He also requested permission to sit or lie on the ground, as he could not walk. Amir and a group of six people, including three women, were taken into the forest. The group was allegedly beaten by the Belarusian military personnel and left near an asphalt road. Amir eventually returned to Minsk with the help of a paid transporter.

Risk of death

Some accounts convey a sense of the proximity and realness of death as a consequence of crossing the border. Such reflections appear when narrating witnessing someone's death or when describing particularly harsh, inhumane conditions.

The accounts suggest that the people staying in Belarus, before their journey to the border or in its early stages, often share information about those who have died in the forest between themselves. Sometimes the deceased are their acquaintances or people they met on their journey:

I am really sorry that you saw that.

There was one Yemeni, we were in the same hostel in Belarus. And he showed us a picture of an Ethiopian travelling to go to Poland and he was asking if we knew him.

He was found dead?

Yes, he was found dead.

Was he your friend?

I didn't know him, but he was staying in the same hostel that we were. He left a few days before us and he was found dead two months later.

Aziz from Ethiopia

During the period when the interviews were conducted, we collected several testimonies in which respondents mentioned that they or their companions witnessed someone's death or saw bodies in the forest at the border or in the camps on the Belarusian side. One example can be seen in the written account of a man who described a situation in a camp right by the fence line in a series of short messages. He witnessed the death of a sick man who had died the previous day:

The person from Sudan died today. I was there myself, I was the first one to see that he was dead. He's had an operation and he needed food with no sugar, but no one wanted to give it to him. We asked the Polish Border Guard and soldiers. They said: "We can't give you anything, go back". He was suffering for hours before he passed away. He died yesterday at midnight. We tried to bury his soul, but Belarusian police came and took the body.

(part of a message, January 2023)

Another man, in a conversation in a conversation via online communicator, described the moment of the possible death of a group member. The message is from the winter of 2023. The group was wandering in the forest on the Polish side. The man explained that they did not know what to do when one of their companions developed hypothermia. The short account suggests

that either the group split up or the sick man was left behind in the forest, as the interviewees did not know his further fate:

Another day we were in the forest in Poland and someone that was with us was freezing from the cold and we didn't know what to do. I don't know the location, we were lost in the Polish forest. I don't know where we were. And maybe the person who was there with us died.

(part of a message, January 2023)

One of the men we interviewed, who, at the time of the interview, was in a city in Belarus (he already experienced pushbacks and he knew that he will attempt to cross the border again) stated the following: “A month and half ago one of my friends died on the border. He died from the cold. I experienced someone dying right in front of my eyes. Will the same thing happen to me? I don't know.”

Accounts provided by migrants, who lack the precise location data of the place of death or the identity of the deceased, have minimal judicial utility but are an important element in building the overall narrative of the experience of crossing the border from the perspective of our interviewees. The reports also indicate the possibility of a significant underestimation of the actual death toll resulting from the militarisation of the Polish-Belarusian border.

Until this report's publication we have collected verified information about 82 cases of death^[78]. The cases, where corpses were found on

[78] An inter-organizational team consisting of members associated with the Researchers at the Border network, the We Are Monitoring Association, and the Ocalenie Foundation is dealing with the issue of counting and verifying deaths resulting from the militarization of the border. This topic was initially outlined in the 2023 report by the Grupa Granica and the We Are Monitoring Association and is presented in more detail in a publication by the Ocalenie Foundation, No Safe Passage, Migrants' Deaths at the European Union Border with Belarus. https://en.ocalenie.org.pl/wp-content/uploads/2024/07/ENG_No-Safe-Passage.-Migrants-deaths-at-the-European-Union-Belarusian-border.pdf [accessed 14.09.2024]

the western side of the wall (before – of the razor wire obstacles) and a preliminary proceedings were started by the prosecutor’s office, are the most unequivocal. In some cases the circumstances in which the corpses are found point to a probability of death as a result of hypothermia. It is definitely more challenging to establish the fact and the circumstances of death on the Belarusian side of the border – the cases of death after which we have been in direct contact with the family of the deceased and we obtained photographic documentation undoubtedly proving the deceased identity, should be considered the most credible. Unfortunately, a confirmation in both of these forms was not always possible to obtain. Announcements of the Belarusian authorities (primarily the State Border Committee of the Republic of Belarus) should be treated with decisively bigger amount of caution – if there is no other confirmation in a form of witness accounts of relations of the deceased’s family, it is difficult to determine the circumstances and causes of death^[79]. Some accounts point towards a connection between the cases of death discussed here and the practise of pushbacks – the case of death was preceded by a pushback or a failure to undertake a search operation by the Border Guard.

On 7 January 2023, the media reported^[80] that the body of a 33-year old man from Yemen, Ibrahim Jaber Ahmed, was found in the vicinity of Przewłoki (Hajnowski County). A person travelling in his group was one of our interviewees. According to the testimony of Ibrahim’s companion, they crossed the Belarusian-Polish border in a group of seven. Since one of

[79] An example can be seen in the announcement from 29 December 2023: Gosudarstwiennyj pogranicznyj komitet Rjespubliki Bielarus, *Polskije siłowiki pierietaszczili trup bieżeńca w Bielarus czeriez kalitku dla żywotnych* of 29.12.2023, <https://gpk.gov.by/news/gpk/157124/> [access date: 8.04.2024].

[80] J. Klimowicz, “Nie potrzebujemy lekarzy. Wolimy mieć trupy”. Zmarły znalezione przed tygodniem pod granicą to lekarz z Jemenu, [English: “We don’t need doctors, we prefer dead bodies.” A doctor from Yemen found dead the the border a week ago.] “Gazeta Wyborcza” of 14.01.2023, <https://bialystok.wyborcza.pl/bialystok/7,35241,29356398,nie-potrzebujemy-lekarzy-wolimy-miec-trupy-zmarly-znalezioney.html> [access date: 13.01.2024].

them (Ibrahim) felt unwell, was cold, and could not walk, the group split up – three people stayed with the sick man, and three went to look for help.

According to the respondent, it was around 3AM. The group went towards the nearest village to get medical help. Around 5AM, near Czerlonka Leśna, the respondent saw the lights of a car. According to him, three vehicles arrived: two military vehicles and an unmarked pickup truck. The group tried to hide, but the vehicles stopped. According to their statement, three individuals in dark green uniforms exited the cars. The respondent informed the officers in English about his friend in poor health who needed urgent medical help, providing his exact location. The guards assured him they would go to the specified place and provide assistance. The respondent gave them the details of the man in need of help.

After a 2.5-hour detention, the entire group was taken to the wall and forced to cross to the other side. After crossing through the gate, the respondent and the other two men decided to wait near the fence in case their companions appeared. They did not yet know that the three colleagues who had stayed with the sick man had also decided to head towards the village and were also caught. The sick man died alone in the woods on the same day.

One interviewee recounted the death of a 23-year-old woman in the last days of December 2022. According to his account, the woman was pushed back from Poland in a group of 12 people, including her father. The respondent saw her when she was still alive. Afterwards, he recognized her in a postmortem picture presented by her companions. According to his testimony, she died three days after the pushback from Poland in the strip between the Polish and the Belarusian fortifications. This is most likely the death reported by the Belarusian Border Committee, the Polish Border Guard, and subsequently by the Polish media^[81]. The Belarusians did not provide her personal details; it is only known that she was from Syria.

[81] M. Chołodowski, *Koszmar na granicy polsko-białoruskiej. Śmierć 30-letniej Syryjki i propagandowy ping-pong służb* [English: *Nightmare on the Polish-Belarusian Border: The Death of a 30-Year-Old Syrian Woman and the Propaganda Ping-Pong of Services*], „Gazeta Wyborcza Białystok” dated 18 December 2022,

There was a girl with us, she died in the forest on the Russian-Polish border, in the muharrama. She was 23 years old. (...)

When did she die?

She died after three days, they stayed in the muharrama, we came back to Russia and they stayed in the muharrama. She died three days after we left. (...) Yes, yes. She entered the Polish territory, the Polish army pushed her back and dumped them into the muharrama between the Polish and Belarusian territories. She couldn't bear the weather, she died, unfortunately.

Khaled from Syria

APPENDIX



M. SOŚNIAK: The Pushback as an illegal practice in the light of Polish court rulings

Marcin Sośniak, Helsinki Foundation for Human Rights

Border regulation

In September 2021, amendments were made to the Regulation of the Minister of the Interior and Administration of March 13, 2020, concerning the temporary suspension or restriction of border traffic at certain border crossings (hereinafter referred to as the border regulation). These amendments introduced provisions allowing for the return of a foreigner who had, against the law, entered Polish territory to the state border line.

The original purpose of the border regulation, which came into effect in March 2020, was to limit traffic at border crossings in response to the SARS-CoV-2 pandemic. Paragraph 3, section 2 of this regulation included a list of entities that retained the right to cross the border and enter Poland during the pandemic. However, this list did not include foreigners intending to apply for international protection in Poland, despite the fact that the right to submit such an application is directly derived from the Act of June 13, 2003, on Granting Protection to Foreigners on the Territory of the Republic of Poland, and its guarantees are enshrined in Article 56, section 2 of the Constitution of the Republic of Poland and Article 18 of the Charter of Fundamental Rights of the European Union.

According to the newly added Paragraph 3, section 2b of the border regulation in September 2021, individuals found on Polish territory who are not included in the list of entities authorised to enter must be returned to the state border line, regardless of whether they were found at a border crossing where traffic has been suspended or restricted, or outside the territorial scope of the border crossing. The regulation does not include

any other provisions regarding the procedure for such returns – it does not specify the authority responsible for carrying out such returns (the fact that the Border Guard conducts these returns is based only on the presumption of their competence), does not define the obligations of this authority, nor does it list the rights of the individuals being returned. Paragraph 3, section 2b of the border regulation is the only legal provision concerning the return to the border line in the Polish legal system.

The application of Paragraph 3, section 2b of the border regulation in each case involves the Border Guard escorting the foreigner to the border line and forcing them to leave Poland based on the alleged (because it is arbitrarily determined by Border Guard officers without any evidentiary procedure or factual investigation) affiliation with a group not listed in the regulation's catalogue. While performing the return, the Border Guard does not ascertain or record the foreigner's identity or country of origin. Even if officers obtain such information during the return process, e.g., by inspecting an identity document (if the foreigner has one), this information is not processed or entered into any documentation or information system. The Border Guard does not examine the individual situation of the foreigner, does not allow them to present arguments against expulsion, and does not provide access to an interpreter during the return process. Therefore, the provisions of the border regulation are designed in a way that prevents compliance with the prohibition of collective expulsion of foreigners, as stipulated in Article 4 of Protocol No. 4 to the European Convention on Human Rights.

A complaint against the act of returning to the border line, as regulated in Paragraph 3, section 2b of the border regulation, can be lodged with the competent administrative court. However, such a complaint can only be filed after the return has been carried out, and thus does not suspend the act itself. The foreigner being returned to the border line is not informed by the Border Guard about the right to use this legal remedy. Moreover, the possibility of filing a complaint against the return does not arise from the provisions of the border regulation or any regulations related to migration law (e.g., the Act on Foreigners), but from the Law on Proceedings Before Administrative Courts, which covers the so-called material and technical

actions of public administration bodies. The classification of the act of returning a foreigner to the border line as a material and technical action within the meaning of the Law on Proceedings Before Administrative Courts is based not on substantive law provisions, but on court rulings and the jurisprudentially developed definition of such actions.

Act on foreigners – procedure for issuing orders to leave the territory of Poland

In October 2021, the Act on Foreigners was amended to introduce a new procedure for issuing orders to leave the territory of Poland. While this procedure seems to follow a two-instance process and aims at maintaining formality, it effectively accelerates the removal of foreigners from the country's territory without respecting the guarantees associated with the party to the proceedings status or broader human rights and freedoms.

According to the newly introduced Article 303b of the Act on Foreigners (in connection with Article 303, section 1, point 9a), orders to leave the territory of Poland are issued to foreigners who are detained immediately after crossing the external EU border against the regulations. In such cases, along with the order to leave the territory of Poland, the Border Guard prepares a border crossing protocol. The regulation does not specify what should be included in the protocol. An appeal against the order to leave the territory of Poland can be filed with the Chief Commander of the Border Guard within 7 days of receiving the order. The order is executed immediately, and even the exercise of the right to appeal does not suspend its execution. The execution of the order is carried out in the same manner as the act of returning a foreigner to the border line, as described in Paragraph 3, section 2b of the border regulation. A foreigner who receives the order is escorted to the border line and forced to cross it, i.e., to go to the Belarusian side at a non-designated location, outside an official border crossing.

The amendment to the Act on Foreigners did not eliminate the provisions of the border regulation concerning the act of returning to the border line. As a result, both procedures – the procedure for issuing orders to leave the

territory of Poland and the procedure for executing the act of returning to the border line – exist simultaneously and are applied by the Border Guard in similar situations. The discretionary choice of procedure undermines the principle of legal certainty and makes the Border Guard's actions in individual cases even more arbitrary. No national legal provision explicitly resolves the conflict between the two procedures.

Criticism of both regulations

Both regulations, introduced in response to the humanitarian crisis, have been criticised from the outset by non-governmental organisations, including the Helsinki Foundation for Human Rights, the Ombudsman, and international organisations such as UNHCR^[82] and OSCE^[83].

The inconsistency of these regulations with national law, including the Constitution of the Republic of Poland, and international legal standards, particularly with the prohibition of collective expulsion of foreigners and the principle of non-refoulement, has been noted. Importantly, all legal inconsistencies highlighted in the critical assessments have been confirmed in the rulings of administrative courts^[84]. The jurisprudence is now well-established, and although court rulings are binding only in the cases in which they are issued, the unequivocally negative assessment of both regulations contained within them is unmistakable. This is particularly evident in the case of the border regulation, which, according to the court, cannot

[82] UNHCR Opinion available at: <https://www.refworld.org/legal/natlegcomments/unhcr/2021/en/92188> [access date: 2 May 2024].

[83] OSCE Opinion available at: https://www.osce.org/files/f/documents/3/3/498252_0.pdf [access date: 2 May 2024].

[84] See primarily: the judgments of the Administrative Court in Białystok with reference numbers II SA/Bk 492/22, II SA Bk 493/22 i II SA/Bk 494/22, II SA/Bk 145/23, II SA/Bk 244/23, II SA/Bk 664/23 and the voivodeship Administrative Court in Warsaw with reference numbers IV SA/Wa 471/22, IV SA/Wa 615/22, and IV SA/Wa 772/22. Whenever general court jurisprudence concerning the Polish-Belarusian border is cited in this opinion, it refers to the aforementioned judgments.

be effectively invoked by the Border Guard as a legal basis for returning foreigners to the border line^[85].

Despite identified flaws that, in a democratic state governed by the rule of law, should lead to the elimination of both regulations from the legal system, the contested provisions remain in force and are applied by the Border Guard. It is important to know that both regulations are not an integral part of the national migration law system, without which this law would become dysfunctional. It is worth noting that the existing laws, namely the Act on Foreigners and the Act on Granting Protection to Foreigners on the territory of the Republic of Poland, before the amendments introduced in August and October 2021, comprehensively regulated – and still regulate – the manner in which the Border Guard should and can handle individuals who crossed the state border illegally and reside in Poland without legal grounds, depending on whether they declare their intention to seek international protection or not.

It can therefore be assumed that the regulations adopted in 2021 were intended solely to facilitate the actions of the Border Guard and relieve this formation from the formalities associated with conducting proceedings resulting in the return of foreigners from the territory of Poland. However, this was done at the expense of not only the level of protection of human rights and freedoms in Poland but also of the respect for the principles of the rule of law and legality.

Court judgments – a summary regarding the border regulation

The judgments of the Voivodeship Administrative Court in Białystok unequivocally highlight the flaws in the border regulation and the act of returning individuals to the border line as defined therein. Although

[85] This was decided by the voivodeship Administrative Court in Białystok, among others, in its judgement of 18 January 2024, with reference number II SA/Bk 664/23. More about this judgement: <https://hfhr.pl/aktualnosci/rozporzadzenie-mswia-jako-podstawa-pushbackow-jest-prawnie-nieskuteczne> [accessed on: 2 May 2024].

administrative court rulings are binding only in the specific cases for which they are issued and do not establish legal precedents, the critical jurisprudence against the regulation is consistent. The extent of the legal violations identified by the court is so severe that it should lead to the immediate repeal of the regulation.

The legal violations identified by the court can be categorised into two types. Point 1 will outline violations of international law provisions and standards related to the broad protection of human rights. Point 2 will address violations of the principles of legality/rule of law and the hierarchy of legal sources.

1. Violations of international law provisions and established standards.

- a) Violation of the principle of *non-refoulement*

According to the principle of *non-refoulement*, whose primary source is Article 33, section 1 of the 1951 UN Convention Relating to the Status of Refugees, no state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where their life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group, or political opinion. This principle is also expressed in Article 19, section 2 of the EU Charter of Fundamental Rights, which states that no one may be removed, expelled, or extradited to a state where there is a serious risk that they would face the death penalty, torture, or other inhuman or degrading treatment or punishment. The principle of *non-refoulement* is also referenced in Article 5 of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Official Journal of the EU, L.2008.348.98, known as the Return Directive) and Article 9, section 1 of the Procedural Directive, which obliges Member States to allow applicants to remain on the state's territory for the purpose of the procedure until a decision on international protection is made in the first instance. The obligation to respect the principle of *non-refoulement* is also embedded in Regulation (EU) 2016/399 of the European

Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), which underpins the actions of state authorities, including primarily the Border Guard, at the external borders of the EU (Article 3(b), Article 4, and recital 36 of the Schengen Borders Code).

The principle of *non-refoulement* is also invoked in Article 3, section 1 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 December 1984. According to this provision, no state party shall expel, return, or extradite a person to another state where there are substantial grounds for believing that they would be in danger of being subjected to torture. The European Court of Human Rights derives this principle from Article 3 of the European Convention on Human Rights. Consistently, the *Istanbul Protocol. A manual for the effective investigation and documentation of torture and other cruel, inhuman, or degrading treatment or punishment*, elaborated in 2004 by the Office of the United Nations High Commissioner for Human Rights^[86], also references this principle as a significant international legal standard. Additionally, the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence refers to it in Article 61.

It is sufficient to recall that in the judgments of 15 September 2022, in cases II SA/Bk 492/22, II SA/Bk 493/22, and II SA/Bk 494/22; the judgement of 13 April 2023, in case II SA/Bk 145/23; the judgement of 30 May 2023, in case II SA/Bk 244/23; and the judgement of 18 January 2024, in case II SA/Bk 664/23, the Voivodeship Administrative Court in Białystok found that a state party to the Geneva Convention is obligated to adhere to the principle of *non-refoulement* wherever its jurisdiction extends, meaning wherever a person is under the effective control of the state authorities. In each of

[86] *Istanbul Protocol. A manual for the effective investigation and documentation of torture and other cruel, inhuman, or degrading treatment or punishment*, Office of the United Nations High Commissioner for Human Rights, United Nations, New York – Geneva, 2004, https://bip.brpo.gov.pl/sites/default/files/protokol_stambulski_fin.pdf [access date: 2 May 2024].

the cases examined, the court held that the act of returning individuals to the border line as specified in Paragraph 3, section 2b of the border regulation violated this principle and contravened Article 33, section 1 of the Geneva Convention.

The court also determined that each instance of the Border Guard's failure to consider relevant circumstances related to the situation in Belarus and the humanitarian crisis at the Polish-Belarusian border constituted a violation of the principle of *non-refoulement*. The deficiencies of the Border Guard in the aforementioned cases included not investigating the situation at the border, particularly ignoring information on how migrants are treated by the Belarusian authorities and the military, whether they are subjected to violence, and whether returning them to Belarus would endanger their right to life or expose them to torture or inhuman treatment. The court further emphasised that it is irrelevant whether the foreigner had previously entered Belarus legally.

b) Violation of the prohibition of collective expulsion of foreigners, established in Article 4 of Protocol No. 4 to the European Convention on Human Rights

Although the European Court of Human Rights (ECHR) has never defined “pushbacks,” it has specified in many rulings what actions taken by states in the context of border protection and migration control can be considered contrary to the Convention's provisions. In every ruling concerning border situations, the ECHR starts by reminding that a state's right to regulate the entry and stay of individuals on its territory is not absolute and can be subject to various limitations (*Soering v. Great Britain*, § 90–91; *Vilvarajah and others v. Great Britain*,

§ 103; *Jabari v. Turkey*, § 38; *Hirsi Jamaa and others v. Italy*, § 113–114). These limitations primarily arise from states' accession to international human rights treaties, which obligate them to certain ways of acting. In the context of the ECHR and its protocols, these limitations are related to the fact that expelling a foreigner or refusing them entry to a state's territory can expose them to treatment contrary to the prohibition of torture and

inhuman treatment (Article 3 ECHR) or unjustified interruption of family life (Article 8 ECHR). Another limitation, increasingly emphasised by the Court, is the prohibition of collective expulsion of foreigners, which may apply in cases related to border crossing.

The prohibition of collective expulsion of foreigners, as outlined in Article 4 of Protocol No. 4 to the ECHR, essentially requires appropriate due process for the expelled foreigner. The definition of “collective expulsion” remains consistent and coherent in the Court’s jurisprudence. According to the Court, collective expulsion refers to any measure compelling a group of foreigners to leave a state’s territory, except when such a measure is based on a reasonable and objective examination of each individual’s case (see the judgment in *Čonka v. Belgium*, § 59).

In the judgement of *Hirsi Jamaa and others v. Italy*, the Court first indicated that “expulsion” also includes the refusal of entry or the return of a foreigner from the border. Therefore, both intercepting foreigners on the high seas and escorting them to the borders of the state from which they departed (*Hirsi Jamaa and others v. Italy*, § 180, *Sharifi v. Italy and Greece*, § 212), as well as refusing entry to foreigners presenting themselves at a border checkpoint for passport control (*M.K. and others v. Poland*, § 200) and forcibly removing them from the territory in connection with irregular land border crossing (*N.D. and N.T. v. Spain*, § 124, *Shahzad v. Hungary*, § 48), are considered expulsion and are subject to review for possible violations of Article 4 of Protocol No. 4. In subsequent rulings, the Court clarified that the number of people being expelled at a given time or their shared characteristics, such as nationality, ethnicity, or religion, are irrelevant for determining whether the expulsion is collective. The decisive criterion necessary for a violation of the prohibition of collective expulsions is the execution of such expulsion without an individualised assessment of each case (*N.D. and N.T. v. Spain*, § 194–195), aimed at determining the actual situation of each expelled person (*M.K. and others v. Poland*, § 174).

The Voivodeship Administrative Court in Białystok, in all its issued rulings, noted that the Border Guard authority, during the process of

returning a foreigner to the border line, does not examine the individual's situation, does not collect evidence, and does not verify the factual circumstances of the case. It also does not consider the situation in the Polish-Belarusian border zone or factors such as the health condition or age of the foreigner. The court had no doubts that such actions by the Border Guard violate the obligation to individually assess each case, particularly considering the situation in the country to which the foreigners are to be returned (i.e. Belarus). Thus, the application of Paragraph 3, Section 2b of the border regulation leads to a violation of the prohibition of collective expulsion of foreigners, as stated in Article 4 of Protocol No. 4 to the ECHR.

It is worth mentioning that there are currently 18 cases before the European Court of Human Rights in which the complainants, i.e., foreigners returned to Belarus under the provisions of the border regulation or the amended Act on Foreigners, allege that the Polish authorities violated the prohibition of collective expulsions of foreigners.

c) Acceptance of the application for international protection and violation of Article 56, Section 2 of the Constitution of the Republic of Poland and Article 18 of the EU Charter of Fundamental Rights

In none of the cases did the administrative courts leave any doubt that each, even verbal, declaration by a foreigner regarding the intention to apply for international protection should be accepted by the Border Guard officer who first comes into contact with the foreigner. The foreigner making such a declaration to the officer should be provided with the opportunity to submit a formal application for protection as quickly as possible and should be treated as an asylum seeker from the beginning, enjoying the right to remain in Poland until their application is processed. Importantly, the court concluded that the very procedure of returning to the border line, as it does not guarantee the acceptance of an international protection application from the migrant, is inconsistent with Article 56, Section 2 of the Constitution of the Republic of Poland and Article 18 of the EU Charter of Fundamental Rights. Both of these provisions guarantee foreigners the right to apply for international protection.

2. Violations related to the principle of the rule of law

- a) Violation of Article 92, Section 1 of the Constitution of the Republic of Poland – the border regulation issued beyond the scope of statutory authorization.

The Voivodeship Administrative Court in Białystok holds that Paragraph 3, Section 2b of the border regulation is inconsistent with Article 16, Section 3, Point 2 of the Act of October 12, 1990, on the Protection of the State Border (Journal of Laws of 2022, item 295, as amended, hereinafter: the Act on the Protection of the State Border), which constituted the basis for the Minister of the Interior and Administration to issue the aforementioned regulation. According to the court, Paragraph 3, Section 2b of the border regulation exceeds the statutory authorization. The court also found that the cited provision of the regulation is inconsistent with applicable laws (the Act on Foreigners and the Act on Granting Protection to Foreigners within the Territory of the Republic of Poland), EU law, and the provisions of international agreements binding on Poland, which, according to the court, makes this provision unenforceable.

Article 16, Section 3, Point 2 of the Act on the Protection of the State Border authorises the Minister of the Interior only to issue regulations for temporarily suspending or restricting traffic at specific border crossings, considering the necessity of ensuring national security, public safety, or protection against threats to human life or health, as well as preventing the spread of animal diseases. The wording of the provision clearly indicates that the scope of the statutory delegation includes only the management of traffic at specific border crossings, such as closing crossings, reducing their capacity, or temporarily modifying the types of permissible traffic. Article 16, Section 3, Point 2 of the Act on the Protection of the State Border cannot, therefore, serve as the basis for introducing any regulations concerning the rights of foreigners to enter or stay in Poland. These rights are comprehensively regulated at the statutory level in the Act on Foreigners and the Act on Granting Protection to Foreigners within the Territory of the Republic of Poland. Furthermore, the mentioned provision does not

authorise the Minister of the Interior to introduce any procedure related to returning foreigners to the border line in the form of a regulation.

In the court's opinion, the border regulation thus violates Article 92, Section 1 of the Constitution of the Republic of Poland, which states that regulations are issued based on specific authorization contained in a law and solely for its implementation, within the scope of matters assigned for regulation and guidelines concerning the content of the act.

- b) Violation of Articles 7 and 87, Section 1 of the Constitution of the Republic of Poland – the application of the border regulation contradicts the principle of legality and violates the hierarchy of legal sources

According to the court, the automatic and arbitrary application by the Border Guard of a lower-order provision (the regulation), which does not exclude the application of national laws, EU law, or the provisions of international agreements binding Poland, and above all the Constitution of the Republic of Poland, constitutes a violation of Article 7 (the principle of the rule of law) and Article 87, Section 1 (the principle of the hierarchy of legal sources) of the Constitution of the Republic of Poland. In the court's view, the Border Guard cannot apply the border regulation in place of existing laws that comprehensively regulate the same matter as the regulation. The court unequivocally states that the Border Guard's invocation of Paragraph 3, Section 2b of the border regulation as a valid legal basis for the act of returning a foreigner to the border line is legally ineffective.

- c) Violation of the principle of legality – lack of authorization for Border Guard to return foreigners to the border line

According to the principle of legality, established in Article 7 of the Constitution of the Republic of Poland, public authorities can act only on the basis of and within the limits of the law. This principle is meant to prevent arbitrary and discretionary actions by state authorities. Under this principle, a public administration body, including the Border Guard, can only act if a specific legal provision permits it to undertake a particular action and only

within the boundaries defined by that provision. The provisions defining the authority's competencies and their scope should be statutory. Actions by authorities without a legal basis or beyond the law, or in violation of these boundaries, will always be illegal and may result in constitutional accountability of the authority, criminal liability of individuals (Border Guard officers) who undertake such actions on behalf of the authority, and state liability for damages. Neither § 3 sec. 2b of the border regulation, which directly regulates the action of returning to the border line, nor any other provision of this act explicitly and unambiguously indicates that the Border Guard is competent to perform return actions. The existence of the Border Guard's competence to perform the action of returning foreigners cannot be implied or inferred from other legal provisions, including statutory provisions that do not directly address this action. Due to the principle of legality, it cannot be presumed that the right to perform return actions derives from the general nature of the tasks performed by the Border Guard.

Although the court does not directly address this issue, it is worth noting it as an additional argument pointing to the violation of the principle of legality.

Judgments – a summary regarding the procedure for issuing decisions on leaving the territory of the Republic of Poland

The procedure described in Article 303b of the Act on Foreigners has also been critically assessed by administrative courts. The courts have found similar legal violations in this procedure as in the case of actions of returning to the border line.

The Voivodeship Administrative Court in Warsaw, in its judgement of April 26, 2022, case file IV SA/Wa 420/22, found that the actions taken by the Border Guard before issuing a decision on leaving Poland, limited to drawing up a protocol of crossing the border by a foreigner, are insufficient to determine all the essential circumstances of the case. The court noted that the protocol drawn up by the Border Guard only indicates when and in

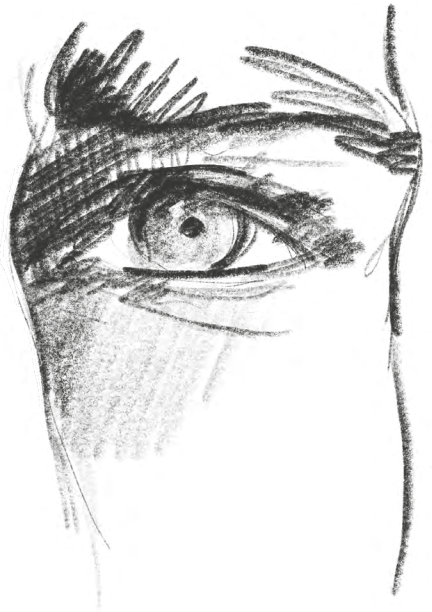
what area of the border (without specifying the exact location) the foreigner crossed the state border. This document does not specify the circumstances or reasons for crossing the border. This protocol is not an evidentiary act within the meaning of the provisions of the Act of June 14, 1960 – Code of Administrative Procedure (Journal of Laws of 2023, item 775, as amended, hereinafter: Code of Administrative Procedure) and does not fulfil the principle of official nature of administrative proceedings nor the obligation to take all actions necessary to fully clarify the state of affairs. According to the Court, the procedural deficiencies concluded with the aforementioned decision also violate the foreigner's right to obtain international protection and may violate the state's obligations resulting from the principle of *non-refoulement*. This principle applies to both foreigners staying on the territory of the state, and those at its border, regardless of how they arrived there. The application of the principle of *non-refoulement* cannot be excluded or suspended by state authorities even in a border crisis situation.

The Voivodeship Administrative Court in Warsaw ruled similarly in judgments on 27 April 2022, case file IV SA 471/22, 20 May 2022, case file IV SA/Wa 615/22, and 27 May 2022, case file IV SA/Wa 772/22. In these cases, the Court also noted that the evidence collected by the Border Guard in proceedings resulting in decisions for foreigners to leave Poland was insufficient to determine whether the foreigners intended to apply for international protection in Poland. According to the Court, the information contained in the border crossing protocols was inadequate. The shortcomings identified by the Court also included the failure to consider the situation on the Polish-Belarusian border, especially the treatment of migrants by the Belarusian authorities and the military. Examining such information is essential to determine whether issuing and executing the order to leave Poland in each individual case does not violate the foreigner's right to life and freedom from torture and inhuman treatment (i.e., Articles 2 and 3 of the European Convention on Human Rights). The Court emphasised that it does not matter whether the foreigner entered Belarus legally. What is crucial is that the border crisis exposed foreigners to extreme conditions that violated their dignity and endangered their life or health. A similar

opinion was upheld by the Voivodeship Administrative Court in Warsaw in its judgement of 5 October 2022, case file IV SA/Wa 1031/22. In this judgement, the Court listed the Border Guard's errors, including the lack of any investigative procedure and factual findings regarding the subject and object of the case. The Border Guard entirely neglected to conduct evidentiary proceedings, particularly the evidence from the party's testimony.

In another case concerning a decision for a foreigner to leave Poland, also ruled the Voivodeship Administrative Court in Białystok. This case involved a complaint from the Ombudsman regarding the return to Belarus of an unaccompanied minor who was arbitrarily added by the Border Guard to the decision issued against an unrelated adult foreigner, who was a complete stranger to the minor. In its judgement of 27 October 2022, case file II SA/Bk 558/22, the Court found that the lack of factual findings, which led to the unjustified inclusion of the minor in the decision concerning another person, violated the prohibition of collective expulsion of foreigners contained in Article 4 of Protocol No. 4 to the ECHR. In this case, not all of the Ombudsman's objections were upheld by the Court; therefore, despite the annulment of the decision, the Ombudsman decided to file a cassation appeal to the Supreme Administrative Court. The appeal was dismissed by the Supreme Administrative Court in its judgement of 9 January 2024, case file II OSK 165/23. In this judgement, the Supreme Administrative Court (NSA) presented a clear position on the flaws in the procedure described in Article 303b of the Act on Foreigners. Firstly, the Supreme Administrative Court expressed surprise at the decision form adopted by the legislature for ordering a foreigner to leave Poland. Typically, decisions in administrative procedures are reserved for incidental procedural issues arising during the main proceedings, which should be concluded with an administrative decision. However, the Supreme Administrative Court acknowledged the legislature's intention to create an expedited procedure for obliging a foreigner to return and noted that such a simplified process is permissible under EU law, such as in Article 2 paragraph 1 letter A of the Return Directive. The Supreme Administrative Court emphasised that the simplified procedure should be an exception to the rule of resolving the substance of the case

through an administrative decision. It should only be used “in situations where, despite the simplified explanatory procedure, the established facts do not raise doubts about the manner of entry and purpose of the foreigner’s stay.” Moreover, “the conduct of the simplified procedure must not lead to a violation of the principle of *non-refoulement* (Article 9 paragraph 2 letter A of the Return Directive).” According to the Supreme Administrative Court, the possibility of conducting a simplified procedure does not relieve the authority from justifying its decision. Each decision should contain factual and legal justification if an appeal or complaint to the administrative court is available (Article 124 § 2 of the Code of Administrative Procedure). This means that the Border Guard authority, even when ruling in a simplified procedure, must still specify in its decision the facts it considered proven, the evidence on which it relied, and the reasons for rejecting other evidence as unreliable and without probative value. The Supreme Administrative Court also made it clear that regardless of the simplified procedure and the adopted decision form, issuing a decision must always be preceded by an explanatory procedure, the scope of which is determined by substantive law provisions.



Interviews

The annex contains 5 anonymised interview transcriptions. The other respondents did not agree to publish complete transcriptions of conversations with them. The transcriptions below contain the parts of interviews held in Arabic language and translated to Polish.

1. Hisham from Syria

Translator: How was the situation when they caught you in Belarus, and for how many days were you detained there, and how many times were you captured?

Respondent: When we crossed the Belarusian border through the Belarusian fence, to the *muharrama* between the Belarusian and the Polish borders, there were two Belarusian soldiers. They captured us, we were a group of nine people. Even though we were just sitting in the forest, they beat us with their fists, with their legs and even with the butts of their guns. I was hit on my head with the butt of a soldier's gun. After that they took us to their military camp. We stayed there from 6 AM until 8 PM. Then they left us, they put us in their cars and brought us back to the border and left us. But as I said, first they arrested us and beat us in the forest, while we were sitting. We didn't resist at all, but they started to beat us.

T: Can you give us the exact location where you were captured?

R: Near the river, between the Belarusian and the Polish borders.

T: Was it a natural area or was it a border?

R: No, we crossed the Belarusian border to the area which is called the *muharrama*. This area belongs neither to Poland nor to Belarus. But the Belarusian soldiers enter it and are active there.

- T:** So when you were in the *muharrama*, they came and captured you even though it is not their responsibility to do that?
- R:** No, no, we were on the Belarusian side of the border, we crossed it.
- T:** What happened after the Belarusian police caught you, I mean, after the beating?
- R:** They took us by car to their military camp, but we did not enter the camp, because then we would be back in Belarus. They left us in the forest, but we were surrounded by their soldiers. We couldn't run or go anywhere. We stayed for two days with no water or food. After about 15–16 hours after that they put us in cars. They took us to the border, and left us there, by the Polish border.
- T:** Could you describe the military base? How was it? Was it a building or a natural base? Was it a big, organised base? Was it heavily armed or something like that?
- R:** In the camp there were soldiers armed with guns. It was a military area. There was a fence and stuff like that. There were buildings and cars, there was a doghouse. We didn't go inside, that's what I could see from the outside. There were cars and there was also a radar and an alarm system so if anybody touched the fence the alarm would go off.
- T:** Were there any migrants inside the base? Or only outside the base?
- R:** No no, only outside the base, nobody was inside the base. We were surrounded by the trees in the forest.
- T:** How many migrants were with you?
- R:** We were nine people, and after that they brought, I mean, they caught everybody, a big number, about 15 people, then they brought four more people. We waited until 8 PM. Then, they took everybody, and they dumped everyone in a different location, far from each other.
- T:** Until dawn, right?
- R:** They captured us at dawn, around 6 AM, and we were held until 8 PM, that's about 15 hours.
- T:** How many guards caught you, those who surrounded you, I mean, that you couldn't go anywhere?

- R:** There were three guards, and behind us there was a trench, I mean, you couldn't run away.
- T:** There were three of them?
- R:** Yes, there were three of them and they were armed. And behind us there was a trench dug in the earth, so nobody would be able to run, I mean, there was only one possible route.
- T:** How did those who surrounded you behave? Did they beat you? How was the situation?
- R:** No, no, when they took us near the base, we didn't have any communication with these soldiers. They didn't talk to us or do anything. We asked them for water, we spent two days without water, but they didn't respond, they only said that it was not allowed.
- T:** When they took you from the military base to the Polish border, was it by car or on foot? Can you give us some details, and do you know how many hours or how long did it take you to reach the Polish border?
- R:** They took us in closed cars with no windows, we didn't see the road. It only took us about 15 minutes by car, after that they dumped us in the forest.
- T:** Do you remember the location where they left you? Was it where you crossed, or did you have some distance left to the border?
- R:** They dropped us about 300m away from the Polish border.
- T:** How long did you stay in the forest until you crossed the border?
- R:** We waited in the forest, close to the border, for about 2 days. There were many Polish patrols passing in cars. We didn't cross immediately because we had seen other people crossing and getting caught by the Poles. And the Poles were more brutal than the Belarusians. They even hit them in areas like the knees, joints and shoulders in order to injure them, so that they wouldn't be able to try to cross again. They broke their mobile phones immediately, they smashed the phones, I mean, so they wouldn't be able to use them anymore. They tore their bags and then they pushed them back behind the fence to the Belarusian side. Because of that, we were afraid and we didn't cross immediately, so they wouldn't catch us. If they caught us, I mean, the Poles were more brutal. I've seen them use

their guns and batons to beat people on their knees and shoulders to injure them, so that you wouldn't be able to cross the border again. They immediately broke their phones, the first thing they did was break their phones to cut them off from the world. You wouldn't be able to talk to anyone. And you wouldn't know the direction and the locations if you were using GPS to know where to go. You wouldn't know where north and east are. They would leave you with nothing.

T: Were you with those who were beaten up? Or did you just see some other people who were beaten?

R: Yes, we saw them, there were a lot of people waiting there with our group. Some of them put the ladder up and jumped over the fence, you could see everything clearly, when they saw them, I mean, when we saw them, they caught them and beat them harshly. As I told you, they wanted to cause them dangerous injuries, so they wouldn't be able to cross again.

T: Did you see any Polish forces using pepper spray on the eyes?

R: I didn't see that, but one of the people that was with me, there was one person from Africa, his eyes were red and his skin was irritated. We asked him what happened to him and he answered that they beat him up first and then sprayed his eyes with pepper spray. I didn't see that, but there was a person in the forest, who was lying on his back and told us that they did it to him. They sprayed pepper spray on his eyes and he got an allergic reaction, even on his skin.

T: Do you remember the time and date when you crossed the border?

R: It was on the 8th of this month. I crossed to Poland and I walked for about two days. I continued walking in the forest. Of course, when I crossed, I crossed alone, because just as I was climbing down from the wall, a Polish patrol came. I ran into the forest at the Polish border, I mean, after crossing the wall. I ran and two Polish policemen ran after me, but they didn't catch me, I mean, I ran away from them in the forest and I was alone, I mean, I stayed alone in the forest for two days. It was the 8th of this month, between 5 PM and 6 PM, more or less.

T: So, you spent two days on the Belarusian side and two days on the Polish side of the border?

R: Yes, in Poland I was alone and in Belarus I was in a group. But in Poland I was alone, I mean, nobody crossed except me, because the Polish car came immediately and I stayed in the forest for two days.

T: Do you remember the exact place where you crossed the border?

R: To be honest I don't remember the place. The border is very long and I, I mean, we were just looking for a way, I mean, a place without patrols, without cars. We were waiting and watching the place in order to cross. But the cars, I mean, 5 minutes wouldn't pass between one car and another. So, I don't remember the exact place. I mean, we were moving from one place to another. Just to see the best route without the police.

T: Could you please give us more details about the Belarusian border, about the military base they took you to? The people with whom you were, the two days that you were on the way, can you give us more details?

R: As I told you, we were a group of nine guys. Of course, we stayed together, but after the Belarusians took us back to the forest, there were a lot of people there: women, children and older men, above 50. They were in the area when we were taken back to the forest. We stayed there, I mean, the group split up. Every group went somewhere, I mean, my friends and I and the other groups each went their own way.

T: So after the Belarusian border you separated?

R: Yes, when we got out of the cars and they left us, every group went on its way. Me and my friends, and those men with the women and with the children. We split up this way.

T: Did they give you any food or water at the Belarusian border?

R: No, no, they didn't give us anything at all. We even asked them for water because we've been left without water for two days already, but they didn't give us anything.

T: Were there Belarusian guards next to the border?

R: Yes, they were patrolling, searching the area, and if they saw anyone, I mean, there were also some people who were arrested by the Belarusians more than once.

T: After they caught those people, did they take them or did they return them to the same...?

- R:** The same base, they would arrest them and take them to the base. Sometimes they would detain them the entire day. They would sit in the forest without food, without water and then again. They would put them in cars and dump them close to the Polish border. I mean, they would arrest them more than once. The same thing, they would just take them to the base and from the base they would take them back to the forest. But this is their duty, to arrest them, to patrol and search.
- T:** Thank you so much for the time you gave us, all the details you provided are very valuable. If you have any pictures that you can send to us, please do. Everything is important for us, so we can see what the situation on the Belarusian border is like. If you have any questions, please, ask.
- R:** First of all, I don't have any pictures or videos, I didn't save anything, even the pictures that I took together with my friends. When the Belarusian soldiers captured us they searched our phones. After that I deleted everything from my phone, I mean, pictures and WhatsApp conversations, everything. Because they searched everything and I was scared that... Even the Belarusian officer told me that if I have locations saved, or if I use the GPS, they would put me in prison, because that would mean that I was smuggling the others, you know. That's why I deleted everything on my phone, because if he caught me again... He told me: "If I catch you again, I will put you in prison".
- T:** He's [the interviewer] wishing you good luck, and he also said that it's good that you deleted the pictures, but if your friends have any pictures which are related to your story, we will be thankful to get these from you.
- R:** As I told you earlier, I deleted all the pictures and I deleted everything on my phone. I don't have anything left. I mean, when I arrived at the camp in Germany, I arrived only with one person. I mean, I don't even know anything about the rest of my friends, I don't know where they went, where they ended up. They arrived, they all arrived, but I don't know which city. And the numbers, we all had Belarusian numbers and I cannot contact them anymore. I won't send you any pictures. I would, if I could.

2. Najib from Syria

Translator: Once again, thank you. Do you remember the last time you crossed the border in detail? I mean, what time was it and what was the date? Was it morning or evening?

Respondent: I remember, I remember, I crossed the border in a group of seven people. We crossed between 4 and 5 AM. An hour after we crossed the sun started to rise, so you could see what was in front of you.

T: Your group of seven people, were you all the same nationality? Were there children and women with you?

R: To be honest there weren't any women with us, but there were two teenagers. And two Yemenis and we... I mean, the teenagers were Syrians, there were two Yemenis and the rest were Syrians. I mean, the rest of the group.

T: Do you remember the date?

R: It was on the 26th of March.

T: Do you remember the location? I mean, do you have it saved on your phone on the map?

R: No, I don't have the location, but the area is called Brest, and the number that was written on the wall was 325.

T: 125?

R: (at the same time) I saved the numbers of two police cars.

R: Yes, it was written on the wall, every 500 metres or 1 kilometre there was a number written inside Belarus and outside... on the column.

T: 125.

R: 325!

T: 325.

T: Do you remember the number on the Polish side?

R: The number on the Polish and on the Belarusian side is the same.

T: Okay.

R: In the muharrama...

T: Could you please tell us more about how you crossed the border?

- R:** We crossed the border using a wooden ladder that we made in the forest. We put the ladder against the fence and we jumped over it. They caught us between 10 AM and 11 AM. I was caught at 11 AM but my friends were caught at 10 AM.
- T:** So after you crossed the border and jumped off the fence you walked for about 5–6 hours, right?
- R:** We didn't manage to walk far, how to explain it to you? The moment we were jumping off the fence, a patrol came, we saw the lights of the car from a distance, so we ran into the forest. You know, we ran away and we started walking, but we just walked along the fence. You know, this forest is big and you get lost. We thought that we ran a very long distance, but we were 2 to 3 km away from the fence, 3 kilometres exactly. But we had walked a lot and we were very tired. Our bodies were hurt and scratched from the trees and so on. But we were walking along the fence, we were lost in the forest.
- T:** Did you get any help from the Belarusian border guards, before jumping off the fence?
- R:** No, they didn't help us, the border guards didn't see us.
- T:** So the moment you jumped off the wall, you saw the car's lights and you split up? I mean, did every one of you go in a different direction?
- R:** To be honest I was alone, I ran in one direction and got lost, and the rest of my six friends got lost running in a different direction. As I told you, they were caught at 10 AM and I was caught between 11 AM and 11:15 AM. At 11 AM to be exact. At 12 they stripped us off of our clothes in the forest. They ripped off our clothes and took our passports, ID cards and driving licences. They broke our phones, took our money and all of our clothes. We came back only with light jackets. The soldiers had knives in the military jeep. They had knives. They made holes in our jackets and our shoes. They made holes in the shoes.
- T:** Do you remember the time when they caught you? How many of them were there? Did they have a car? Do you remember what they looked like?
- R:** Yes, they had two police cars, it was a Jeep car and I saved its number. It was HY, the first police car's number was HYAS410.

- T:** What number was it?
- R:** 410, it was a police car and it looked like a Jeep.
- T:** Do you remember the number of the second car? Or just this one?
- R:** No, I don't have the other number. They also had another car, what's it called, a military car. A military car, it was a military ZIL [Russian word for a truck], you know, the big one.
- R:** And the other car's number is HY, sorry I meant W. I don't speak English well. It was W, HW.
- R:** Yes it is W, but I pronounced it wrong.
- R:** HWAV in big letters, 267.
- R:** The car was a van, I believe.
- T:** 267, right?
- R:** Yes it was a van, a Van Comfort, maybe.
- T:** We will show you some cars on the screen, and you tell us "like this", please.
- R:** Ok.
- T:** Not like this, right?
- R:** No, not like this.
- R:** No.
- R:** Yes, a van like this one.^[87]
- T:** Did you mean a ZIL like this one?
- R:** The ZIL looked like the one on the bottom left side.^[88]
- T:** Yes, this one.
- R:** The Jeep looked like a private car, but it was a police car.
- R:** Yes, down, down, exactly, but not like this one, but like that one to the back, neither the first nor the second, the one that is only partly visible, exactly, that one.^[89]
- T:** So there were three cars, right?
- R:** Yes, three cars, and a lot of soldiers, maybe 20 or 30.

[87] The picture was not saved.

[88] The picture was not saved.

[89] The picture was not saved.

- T:** And the clothes, were they similar to this officer, the soldier?
- R:** Yes, like this, like this, military clothes.^[90] Most of them had military clothes. You know, some of them looked a little bit different. And their guns were yellow, some of them had yellow weapons and some of them had black guns.
- T:** How many of them were there?
- R:** There were... the police cars that I gave you the numbers of, in each one of them there were 3 of them. But in the military ZIL there were 20 or 30 soldiers and there were two women with them. The two women were nice and were the only ones that gave us water from their bags.
- T:** You said that the uniform was a military uniform, did it have any military insignia or was it plain?
- R:** Brother, these soldiers, some of them had a partial military uniform, others had a full military uniform, and others had a jacket on top of the uniform, but you could see they were wearing military trousers underneath it. They didn't have a unified uniform, but definitely all of their clothes were from military uniforms. Some of them had plain clothes, we call them... you are Syrian aren't you?
- T:** One colour, right?
- R:** Yes, it looked like an olive green.
- T:** Olive green?
- R:** Yes.
- T:** Do you remember what they looked like?
- R:** Yes, they all had white skin and coloured eyes, most of them. All of them like that. I remember one of them had a beard. I was surprised that a soldier, that a Polish soldier had a beard like this. It wasn't thick or long, you could see that he wasn't old, he was about 25 years old.
- T:** Could you please let us know what time they caught you? And can you please just say a little bit and then give me some time to translate?
- R:** As I told you, I was the last to be caught. To be honest, they caught me while I was lost in the forest. I was walking through the swamp, you can

[90] The picture was not saved.

summarise it, I was walking in the swamp, and suddenly three soldiers appeared walking towards me and three others were approaching from the other side and I was surrounded between them. I stood still and called the soldier. They came towards me, and they made me sit on the ground on my knees, they searched me and they took me with them to a place where they caught the rest of my friends.

T: Okay, go ahead, how did they talk to you and in what language, did you understand what they were saying?

R: No, no, I'm not good with languages, but they spoke in Polish. They didn't talk to me. I don't even understand English, I am really bad at this. So, I don't know which language they were speaking.

T: So they gestured to you to lay on the ground and take off your clothes?

R: Yes, they gestured, they signalled something like, "stand up" or "sleep" or something like that. We have memorised these words, because they used them a lot while torturing us.

T: Did they handcuff you?

R: No, they didn't handcuff us but one of them put a gun on my hand. How to say it, he put my hand on the ground and then he put the gun on my hand. I even have a small mark on my hand. He put the gun on my hand like he was clutching it. He put my hand on the ground and pressed the gun to my hand, he pressed it to the ground. He was one of the soldiers, he was one of them. Maybe it was because his legs got stuck in the mud in the swamp. Maybe he put the gun to my hand and pressed it in the middle because he got covered in mud because of me.

T: Sorry, I don't understand, how did he do that with the gun? [asking about the word that the respondent used]

R: He took the gun out from the holster, put my hand on the ground and pressed the tip of the gun, we call it a muzzle, he pressed my hand with the muzzle.

T: Do you mean the weapon?

R: Yes, the weapon, his rifle.

T: You said that you got lost in the forest. I mean, you were running, but got lost. And you moved about 3 kilometres away from the border, is that right?

- R:** Yes, I opened my GPS, and I measured the distance to the border. It was exactly 3 km. I was going through swamps in that area, I was all wet up to my testicles, to be honest. I got lost. I walked using the GPS without the internet. We always hide our SIM cards from the Poles, because every time they see a phone, they break it. Sometimes they break it, sometimes they take it. This time they took the phone, but I had the SIM card hidden. I came back and I wanted to put the SIM card in, but I realised I lost it.
- T:** Did anything else happen to you, before they took you to the car?
- R:** No, as I told you, I couldn't understand them and when I said I was Syrian they laughed at me. There were three of them, three people stayed with me. Three left, I don't know, maybe they were looking for other people, and three stayed with me. Then, I walked with them for about half an hour until we got to the road, then we walked for about a kilometre or...
- T:** On foot?
- R:** Yes, on foot, on foot. We left the forest and after about half an hour of walking, we reached a dirt road. Then, we walked for half an hour. We reached, as I told you, the military ZIL, the police car and my seven friends on the ground. Sorry, six of my companions. They made them sit and wait for me to come, because they saw on the thermal cameras that there were seven people who crossed.
- T:** When they searched you, did they take your passports? Did they take anything else aside from your phones?
- T:** Hello, are you there?
- R:** I hear you, I hear you well.
- T:** When they searched you, did they take anything other than your phones? Did they take your documents or passports or anything else?
- R:** Yes, they took everything, our passports, they took my passport and my ID card and a driving licence that belongs to another person, who sent it with me to his brother in Germany. They took our money. In the end they didn't leave us anything, not even our clothes, nothing. They pushed us back only with the clothes that we were wearing. It was cold...
- T:** Did you ask them for asylum or international protection?

R: We did ask, we did. We said we wanted asylum here in Poland and protection or anything. We told them that we were in the forest for six days and that we walked all this time and were very hungry and thirsty. They didn't even give us any food. They separated us, I mean, there were seven of us, but they sent each one of us in a different direction. We didn't have anything with us and they separated us.

T: What did they say when you asked them for asylum?

R: We asked them... We told them, we had a person that spoke English. I don't know what they told him exactly, only one person spoke good English. But: "No, no, Belarus" they showed us: "No, go to Belarus", I mean.

T: Did they give you back your passports, ID cards and driving licences?

T: So, did they give you back the passports, ID cards and driving licences?

T: Hello? Maybe you could use another phone? Did you hear the question?

R: No, I didn't hear the question, I didn't have reception.

T: Did they give you back your passports, ID cards and driving licences or not?

R: Nothing at all, neither me nor my friends got anything back. I told the organisation that I sent them an email asking for their help. The most important thing is my passport.

T: So they didn't give you back these things?

R: No, no, no, they didn't even give us back our phones. They took our phones, they took everything, even our clothes. They didn't give them back. They didn't even give us any food, we were very hungry and they didn't give us anything.

T: Did they give you any documents to sign?

R: No, nothing.

T: They didn't give you anything to sign?

R: No, no, we asked, we asked for food because we were very hungry.

T: Go on.

R: As I told you, only the woman gave us a bottle of water. When they came with the car, they kicked our stuff away. After they searched us, they left us our sleeping bags, clothes, our spare shoes and water bottles. We had

things like that in our bags. Bottled water, we packed it in our bags. There was this woman who gave us the water. A soldier came and he kicked my bag like this with his leg. We were sitting on the ground, of course. He kicked the water bottle and said: „Stand up”, I mean, „Stand up and get in the car”. We climbed into the car. In the car we thought they were going to bring us back our bags, passports and phones. We were surprised that we were back at the Polish-Belarusian fence, I mean, the Polish fence. They pushed me back first, they left me stranded in the forest. Then they went one kilometre further and pushed back another person. They made an opening in the fence every one kilometre, I am not sure about the distance, though.

T: So, they pushed back every person alone, in a different direction?

R: Yes, one by one, we kept walking for about four hours. We agreed that we would walk along the Polish fence. We walked for about four hours before we were able to gather everyone.

T: How long did it take from the moment you got into the military ZIL car until you got to the fence?

R: About half an hour, not more than that.

R: Half an hour, because when they took our things away it was 2 PM. When they pushed us back to the forest, there was “132” written on the fence, I mean “332”, this was written on a pole there.

T: 332.

T: 300 and what?

R: 32.

T: How did they cut your clothes and boots?

R: With their knives, brother. Everyone in the military jeep had a military knife. With knives they cut our clothes, even my only jacket, I have it here. They left it for me to wear, it was torn. I sewed it up and I still have it. Do you want me to take pictures of it? How I repaired it and how they tore it with their knives?

T: Yes, please take a picture and send it to us.

- R: Okay, after the call I will take a picture and send it to you,^[91] I'll show you how they made holes in my jacket, and how I had to sew it up, because honestly, I have no money to buy another jacket. Because I have no money, I had to sew it up.
- T: I believe you sent us a picture of the injuries on your body,^[92] was this injury caused by the border guards or how?
- R: Yes, a mark... Just the mark on my hand was caused by the rifle. The rest of the injuries were because they took off my shoes, sorry, my boots. My body was soaked with water. The boots we wear have an insulating layer, it protects your feet. They took away this insulating layer from me. They only let us wear these shoes. I mean, these boots made of nylon, on our wet feet. When we walked back, my feet got wrecked. My legs were so tired at that point. I can show you here and now how they look, no problem.
- T: Could you please send us a picture of your feet later as well?^[93]
- R: Okay.
- T: At what time, more or less, were you pushed back?
- R: Around 12 to 12:30AM.
- T: And what happened to you on the Belarusian side?
- R: As I told you, on the Belarusian side, we went into the forest, and we had absolutely nothing with us. At that moment it started raining, in the afternoon it started raining and we were walking towards the Belarusian fence. We crossed it, then we started walking towards Minsk. We walked around 30 km until someone sent us... There, in the forest, we met three Afghans, three people from Afghanistan or somewhere. They had black skin. Two of them had the same thing happen to them as we did. One of them was in the forest, but didn't cross the fence. He was the only person who had a phone. He talked to someone to come with cars and take us to Minsk.

[91] The picture was not sent.

[92] The picture was not saved.

[93] The picture was not sent.

- T:** So after that you...
- T:** Najib, so is there anything else that we didn't ask you about and that you think is important to add?
- R:** Nothing really important, but the question is, did you ever manage to get somebody's passport or an ID card back? Like, for example, after submitting a complaint. I really need it. Because I can't go anywhere, if I think about going back anywhere, nobody will recognize me. You know, it's very hard for us to get a Syrian passport from the Syrian state, I mean, because of the situation. The army ordered us not to leave, we cannot go back. A passport is very, very important. Now nobody will recognize where I come from. If they caught me they would put me in jail, they wouldn't release me unless I show my passport. And it is impossible for me to get a passport, because I have to go to the army...

3. Bashir from Syria

Respondent: Hello.

Translator: First of all, good morning and thank you for being with us.

(At the same time) Good morning.

- T:** Secondly, we want to ask you about the last time that you crossed the border and were pushed back to Belarus, we are interested in the last time it happened.
- R:** Okay, okay.
- T:** I mean, if...
- R:** Okay, I'll tell you.
- T:** Yes, he will ask and you answer.
- R:** I'll tell you about the experience in detail, okay?
- T:** Yes, okay.
- T:** Yes. At the beginning, if you agree, we will record this interview (voice only), so we can transcribe it later. You are free not to answer any of the

questions and if you want to stop, we can end the interview at any time. You are completely free [to choose].

R: Okay.

T: I mean, this is something that is not obligatory, the decision is yours.

R: Ok, ok, ok, I have no problem with my voice being recorded, but without mentioning my name, as we agreed at the beginning. Without mentioning my name, there is no problem. Tell me whether you want me to talk in detail or just briefly, I'm ready.

R: Do you want me to start from the beginning?

T: This interview... The goal of this interview which we are conducting with you and the people that already arrived or will arrive after you...

R: Yes.

T: Its goal is basically to create a report, a summarising report, a detailed report, about the conditions that you go through and the illegal stuff... when you ask for asylum and it is not proceeded... That's the goal, maybe such a report could be published in newspapers or on TV in the future, but of course without names... your names wouldn't be mentioned there.

R: Okay, okay.

T: One more thing, the more detailed it is, the better it will be.

R: Okay.

T: When was the last time you were pushed back from Poland to Belarus? When was it, if you remember the time and the place and how many people were with you? Please.

R: All right, should I start?

T: Yes, please.

R: On the day... (cut recording) I went to Russia. I left Syria on the 11th of April 2023, ok? I left Syria and went to Russia. I stayed in Russia for 15 days, then I moved to Belarus and I also stayed 14 days in Belarusian capital, Minsk. 14 days in Minsk and 15 days in Russia.

T: Please give me some time every now and then to translate so I won't forget what you said.

R: Dates?

- T:** No, no, in order not to forget please give me some time every now and then so I can translate. Don't speak for too long, so I don't forget anything.
- R:** All right, I'll speak slower.
- T:** Slower and please give me some space to translate as well.
- T:** So, you left Syria on the 11th of April 2023?
- R:** Yes, yes, I went to Russia.
- T:** Ok, go ahead.
- R:** (unclear)
- T:** Sorry, I didn't hear.
- R:** I stayed in Russia for 15 days.
- T:** There is a problem, there is a problem.
- T:** Excuse me, because your voice was breaking up a lot, I didn't hear anything you said.
- R:** All right, should I repeat?
- T:** Yes please, so when you went to the border after being in Minsk...
- R:** When I was in Minsk, I arranged for a car. The car took me to the Belarusian-Polish border, ok? The car trip lasted about 4 hours. When we went off the main road to an area with side roads, the driver slowed down a bit and started talking with another person. It seems that that person was scouting the road for him, so the driver could stop if there were any patrols or bad things on the road. We arrived at a point where we couldn't go further, there was a sign in English saying: "forbidden to approach". There were patrols, Belarusian patrols.
- T:** Yes.
- T:** Yes, I heard you, now I will translate.
- T:** Yes, go ahead.
- R:** We stopped at a certain point. The driver couldn't continue. We stopped for an hour. There were some rural houses, some houses, and some people were looking at us. When they found out that we were foreigners, they complained about us and called the police. The police came.
- T:** This is on the Belarusian side, right?
- R:** Yes, that was in Belarus. They called the police and the police were there in two or three minutes. They took us out of the car. "Stop! Stop! Where

are you from?” We told them: “Syria, we’re from Syria”. “What are you doing here?”, we said: “Go to Poland”. “No Poland! No Poland!”. They started cursing, repeating a word I heard a lot in Belarus. It was “sumka”, “subka”...

T: “Suka”?

R: “Suka”, the insult, yes. I’ve heard this word a lot, “suka, suka”. “Dog, dog Poland, dog Poland, people no good Poland”, “People there aren’t good”, right?

R: They took our passports, and they told us: “Go back to Minsk, go back to Minsk”, the driver...

T: Let’s stop here, so I can translate.

R: Okay.

T: When you stopped in the village were you in the car or were you walking?

R: Yes? We were in the car, they took us out. We were in the car, they took us out of the car. We couldn’t go further, I told you, we couldn’t go further on the road. They took us out of the car. They spoke to us and told us “Go back to Minsk”. The driver went on the road back to Minsk. He called another person, who told him that there was another road. Another road, which was passable and there were no patrols. Yes?

T: Ok, ok, excuse me.

T: Yes, go ahead.

R: He took this other road, his friend came with him. His friend went one or two kilometres ahead, telling him: “Go, there is nobody”.

T: Was he ahead of you in the car?

R: We were all in cars. Yes, we had two cars. We arrived at a point about 4 to 5 km before the border. The driver asked us to get out of the car. We asked: “Why? Bring us to some point closer to the border, why should we walk? The forest isn’t thick here, we cannot walk. If there are cars passing by, they will call the police when they see us”. The driver continued driving until we arrived 500 metres before the border. Suddenly, a Belarusian police car appeared. The car’s number was 7273.

T: Okay, let’s stop here, at the car number, so I won’t forget it.

R: Yes.

T: What was the car number?

R: The car's number was 7273. Two Belarusians came out of it, soldiers, they came out of the car and they started beating us. They had batons, these black sticks. They started to beat us, to hit, to hit. One of them asked: "Do you speak English?" I'm a doctor, so I do speak some English, quite well, actually, so I told him: "I do". He asked me why we came here. I said: "Go to Poland, Germany". He started yelling at me and throwing personal insults at me. He was stepping on our toes with his military boots. He would trample on them for 5 to 6 minutes, stepping back and pressing hard on them again. One of them pulled his gun and pointed it at my neck, and said: "Go to Minsk, no return here!". He started yelling, he held my hand and started to twist it, trying to break it. He was very angry. The driver, I don't know why he said that, he said: "They didn't give me any money, they are thieves!". I don't know why he said that, we paid him in advance. "Go back to Minsk", he [one of the soldiers] said, "never come back here, if you come back here, I will kill you". And he put his hand on his neck like this...

T: Yes, and then?

T: How many of you were in the car?

R: We were six, six people. Together with the driver we were seven.

T: Yes, and what happened next?

R: What happened... We went back to Minsk. Of course, we were feeling very down. We felt like, I don't know, they treated us like animals or something, no humanity, nothing. We went back to Minsk for a week to prepare ourselves for another try. We changed the driver. That driver was very bad, so after about a week we left with another driver. The driver... We also started at dawn and we arrived around 8 AM. He also dropped us off 5 kilometres before the border, ok? We told him that we understand that he wants us to get out because there were more Belarusian patrols there. We told him: "Ok". He left us 5 kilometres away from the border, we got out in the forest and we were walking for about... This was on the 11th of May. We were walking for...

T: So, this was a few days ago?

R: Yeah, yeah. Yes. On the 11th of May we got out in the forest, we walked about 18 km. We walked for about 12 hours. There were a lot of terrible swamps on our route. We were well prepared, every one of us had four and a half litres of water. Everyone, we were six, everyone took four and a half litres of water. The rest was tools, we had a saw and ropes, we needed it to make a wooden ladder in the forest, ok? We arrived at the Belarusian fence around 9 PM. We didn't see anybody, no patrols, nothing. On the way there were a lot of swamps.

T: Okay, okay. Let's stop at the Belarusian fence, and continue later.

R: Okay, okay.

R: We arrived at the Belarusian fence around 9 PM. The fence is about 2 m high and there are sensors in it. We cannot touch the wires at all. If we would only touch the wires, a very loud alarm would go off and the patrols would come. So, we had to dig under the fence to go to the other side. This road, there is a road, I mean, just after the fence there is a dirt road where the patrols pass. So we would dig a bit and go back, dig again and go back, while the Belarusian patrols would pass. We were digging for about 50 minutes. We all crossed the fence and entered the area they call the *muharrama*, you must have heard of it.

T: Yes, of course, of course.

T: Yes, yes.

R: We crossed the fence and we made a mistake, but we didn't know about it until later. We were tired, we did not rest along the way, we were walking like crazy, without rest. We walked for about 500 metres inside the forest in the *muharrama*. We wanted to rest, we had sleeping bags with us, we took them out and we fell asleep. Half an hour, not even half an hour later, I woke up as a dog was biting my back and somebody was pointing a laser light on my face. I didn't know where I was, that was a big shock for me, I was in a big shock. I looked at the Belarusian soldier. He was masked, only his eyes were visible. He was pointing a laser light in my face. There was a dog by his side, a very big dog. It was black and it looked terrifying. They woke us up and they started beating us and saying: "Fast, fast!". We dressed up quickly and went with them. We were following

them, we walked behind them and I was imagining the bite on my back. We were walking behind them, following the same path we came by. Our mistake was that we didn't fill the hole behind us. The dog felt our scent and came by the same path, following our traces.

We walked until we got to the Belarusian car, they put us in the car and took us to a military camp.

T: Okay, let's wait here at the military camp.

R: Okay.

T: Ok, and what next?

R: They took us to the military camp and we stayed there. The camp was in the forest, you can do anything there. They took our phones and kept them. We made a fire, because it was quite cold. We made a fire on the second day so we would sleep a bit, because we were very tired. We slept until the second morning. This camp is a place where you can stay until the evening. They would capture everybody who was in the muharrama from the morning until the evening. Then, an officer would come, an officer would come to search our bags, search our pockets. Then, they would put us in cars and they would take us to a place near to the Polish fence.

T: Okay.

R: They would give us instructions, they would give us instructions. The officer would come to tell us: "Go to Poland, you have ladders, you have tools". He would tell us when... He would tell us that at 5 AM the patrols will be sleeping, that no one will be keeping watch. "Go, go together, you are one group". He was cursing Germany and Poland. Ok? Everyday they would treat us like this. I mean, they don't have, I don't know, they don't have any humanity whatsoever. The officer would tell us the route and we would walk in the night, after the day was over. We walked in the night and there was no light, there was no moonlight. We walked with great difficulty, because there were tree branches, there were swamps and the route was very difficult. We decided to sleep until it would be light out. We slept almost until dawn, until 4 or 5AM, when it got light out. We started walking again and then we decided to build a wooden ladder. We

started to cut trees next to the Polish fence in order to make the ladder. The Polish fence is about 6 metres high, so we needed a high ladder. We were determined to build a ladder, we cut the trees. We wanted to lift the ladder and it was very heavy, I mean, its weight was very big.

R: We waited a bit. We wanted to come closer to the fence, to cut the trees next to the fence. We noticed patrols, every 16 minutes a patrol would pass, a Polish patrol. So we made... We came closer, wanting to cut the trees next to the fence. Suddenly, a Belarusian dog appeared and along with it, two Belarusian soldiers. They took us back to the military camp. We stayed in this situation for 5 days. In the morning they would take us from the muharrama to the camp. At night they would take us in the same manner someplace and tell us: "You are one group, go to Poland, I don't want to see you here". (...) Of course, in the camp we wouldn't get anything, no water, nothing. They wouldn't give us anything.

T: The last time when they took you to the military camp, how many of you were there? Were there six of you or more?

R: No, in the camp there were many people, sometimes 50 and sometimes 100 people. Many different nationalities, Afghans, Syrians, Indians.

T: And it was the entire group of 50 people that they would tell to go, and at night they would take you back, right?

R: Yes.

T: Okay thanks.

R: Yes, exactly.

T: Yes, and then?

R: Hello?

T: Hello, and what happened next?

R: Okay, where were we?

T: We got to the point where you spent five days in that situation, you were walking, getting caught and being taken back. To this situation, these 5 days.

R: Ok, ok, at the Belarusian camp we met an Egyptian guy, who was crying all the time. We were so sad about his situation. He walked in Poland for 30 km... 30 km after the wall the Polish patrol caught him. They broke

his phone. He didn't have anything, no food, no clothes. He had nothing, his clothes were dirty. He didn't know how he's going to go back. He had no phone, no GPS, nothing. People from a Polish village helped him, they gave him food and water. And then a Polish car came and they took him back to the forest in the *muharrama*. We walked with this Egyptian guy after the soldiers left us at point 384. You know, along the border there are numbers.

T: Yes, yes, there are columns with numbers on them. 380, right?

R: Between each column there is 1 or 2 [kilometres]. Yes, 384. There is a stream of water there, a stream of water like a swamp. That water wasn't fit for drinking, but we had 4 and a half litres of water each and we ran out of it during these 5 days, we ran out of it. Because everyday the Belarusians would leave us, we had to walk with them for about 10 kilometres to reach a certain point where they would instruct us to cross from, ok? There weren't any patrols there, it was a safe point. We didn't have water anymore, we ran out of water. So, when going there, we would fill up on water. Filling up on the water, I used medical gauze in order to filter the water, in order to clean it. To sterilise it, something like sterilise.

T: To filter the water?

R: To filter the water, yes, yes. Because there was a lot of dirt in it, even animals, like worms or something, ok? The colour of water was like urine, excuse me, it was like urine. So, we filtered the water in this way. We were trying with that Egyptian guy. He was going to help us climb up the fence. We had two saws with us, but my friend forgot them in the forest, and we lost them. So, we couldn't climb in that place. We waited until the morning. We went to the military... We went to the camp. There were many people, Syrians, Indians, Bangladeshis, Somalians, all nationalities. There was one experienced guy who had complete ladder equipment. We made a deal with him that we would try to climb the fence, the Polish fence. Each person 100 euros, 100 dollars.

T: Each person 100 dollars?

R: 100 dollars, each person paid a hundred, there were six of us, so we paid 600 dollars for the ladder and we jumped to the other side.

T: Let's hold it here at the ladder and 600 dollars, please don't forget, we'll get back to it.

R: All right.

T: Ok, what happened when you took the ladder and gave him 600 dollars?

R: 100 dollars, we gave him 100 dollars.

R: We gave him 600 dollars. And he told us: "Okay, today you will cross, in about an hour, in an hour you will cross". But, I don't know, something weird happened, the Belarusian army came, in spite of that man saying that no one would come there, that we would be protected there. Like, no one would come to us, no dogs or nothing, because there were swamps there and the dogs don't like water. The army came, they demolished the entire camp, they destroyed the tents, they destroyed everything and they took us to the military camp.

T: The same military camp you were in before? It wasn't a military camp...

R: No, no.

T: Ok, ok.

R: No, this was a camp of my friends, a camp of my friends. Those, whom I met in the camp, I mean, in the military camp. The Belarusian army came, destroyed this camp and took us to the military camp. We would wound up at the same military camp.

T: Yes, yes.

R: They took us to the military camp, we waited until the evening to talk to that guy. He told us: "In the evening I will give you the tools and you will climb the Polish fence".

T: Ok, ok. And then what?

R: In the evening this guy was put in a different car, and they took him somewhere else, we didn't know where they took him to. We lost him. We waited until the next day and we went with other people. A person from Algeria, we made a deal with a person from Algeria. 200 dollars per person. We paid him 1,200 dollars.

T: And you also paid these 600 dollars?

R: No, we didn't pay, we didn't pay. It didn't happen, it was just an agreement. A guy from Turkmenistan had a ladder and this guy with the ladder

proposed the time, at 2 o'clock, precisely. 16th of May, the date was exactly the 16th of May 2023.

T: You crossed the border?

R: He put up the ladder for us, yes, he put up the ladder for us, exactly at 2 in the afternoon. He put up the ladder for us, the 6 of us climbed and we ran. We ran, we ran into the Polish territories, but there was a trap. There was a trap, we couldn't go further. We ran 500 metres and two Polish soldiers surprised us.

T: Let's stop at the point when you crossed the border and got caught by the Polish Border Guard, so I won't forget.

T: At what time did you cross the Polish border?

R: At 2:30PM

T: 2:30PM And how far did you go inside Polish territory?

R: Only 500 metres.

T: 500 metres.

T: Ok, and what happened after you got caught by the border guard?

R: We had an agreement, the six of us. If one of us gets caught, all of us get caught. Despite the fact there were only two of the guards. There were only two of them, I could have escaped. If I could have run, they wouldn't have caught me, ok? They caught one of us and we stopped. All of us stopped. We wanted to be caught. They started to beat him, they hit his hands, they hit his cheeks and his eyes, his eyes turned blue, they hit his lips and he started bleeding. They beat him in a terrifying way. They also hit him a lot in the stomach, they beat him in a frightening way, very harshly.

T: There were two of them, right?

R: There were two of them, but only one of them was doing the beating and the other didn't do anything. He said: "Phone, phone!". There was one thing that helped me, there were six of us, I had a phone with a broken screen, ok? And a phone which was working. The guys who were with me gave them all their phones, but I gave them the phone with the broken screen. I hid the phone which was working in my bag. If they opened my bag and searched me thoroughly, he would have found my

phone. He took the phones and he took the passports. They took us back to the same place where we crossed. We stopped by the Polish fence, ok? We stopped by the Polish fence and they put our passports and phones on the ground, on the road. There were cars passing in that place, there were patrols passing. They put our passports and phones on the ground and it was raining. I mean, that could destroy our passports. Some five or six Polish cars passed, one of them was a truck, and they were driving over our phones, ok? They were driving over our phones and they broke all our phones.

T: Were these service cars?

R: Yes, all of them were Polish police cars.

T: All right, all police.

T: Yes, go ahead.

T: I forgot the day, was it the 16th of May?

R: Yes?

T: I forgot what date it was.

R: Aaaa! The date! It was the 16th of May.

T: The 16th of May.

R: Yes, the 16th of May.

T: Ok, and what happened then?

R: They put us in the Polish army car, they took us in the car and those two were with us. The space was very small, so we were crammed one on top of another. We drove, we drove, we drove for about 10 to 15 minutes. The same one that was beating my companion before dragged us out of the car. First, he dragged me out. He asked: "Who was the first person to cross the fence?". And he took us out of the car, he took me first and he sprayed pepper spray, it's internationally banned, you know. He sprayed pepper spray in my eyes and on my neck, ok? And then he pushed me through the gate.

R: In the Polish fence there are...

T: There are small doors.

R: There is something like a lock, yes small doors... He opened it with a key and we passed through. I went there, not feeling anything, because of the

problems with the pepper spray. I walked for 5 minutes, for 5 minutes, it was exactly at point 354. That's the point they pushed us through. I walked for 5 minutes not being able to see. My eyes were burning.

T: 354?

R: Yes, and 54. I walked for 5 minutes and I started to feel the effects of the pepper spray. I wasn't able to see anything at all, like a blind person. It was raining, it was raining hard. I opened my eyes just to the length of the eyelashes, I couldn't... It was very painful, it was difficult. I felt something you cannot describe, when a person suddenly loses their sight. I sat on my knees and that's it. I was tired. "I'm tired", I told the guys, "I shouldn't have come here. In Syria I was a doctor, why did I take this path? If I knew the conditions here were so difficult, I wouldn't have come". I felt regret, the feelings of regret and despair. I spent four hours not being able to see anything at all. I started to walk along the Polish fence. That path by the point 354, it's all swamps, just swamps. For 4 or 5 kilometres just swamps. 5 kilometres of swamps, you sink, you need two hours, to pass just one kilometre you need two hours.

T: First of all we are very sorry for what you have been through, the violence, the beating, and the pepper spray. We are very sorry, sorry, that you experienced it. But, did you ask them for asylum in any way?

R: Yes, of course, I told them: "I go to Germany, I am doctor". I started talking to the Belarusian soldier, when they lined us up, I'm sorry, the Polish soldier, when they lined us up by the Polish fence, and they took our phones and smashed them... I told him: "I'm a human and you are a human, both of us, I am a human like you and you are a human like me". I don't know what... I asked him: "Why the beating? Why the violence? I love peace, I came here running from the war in Syria". I don't know, he wasn't convinced. That's it, it was as if I was talking to a brick wall.

T: And there were only six of you?

R: Yes.

T: Did your group of six know each other back in Syria as well, or did you get to know each other somewhere else?

R: The six of us? Yes, we are all from one area, we are all from one area.

- T:** So, the border guard asked you who can speak English, right? And you answered.
- R:** Yes, yes.
- T:** Did they push all of you back in the same place, or did they divide you in smaller groups?
- R:** Yes, yes. They did not divide us, no, no, no, they didn't divide us. Now, there are groups...
- R:** There are groups that they divide, there are groups that they divide. But they didn't divide us.
- T:** And the rest went with you, of course? But they didn't get sprayed with the gas?
- R:** No, no, only I got sprayed. But there were some people with us in the car who were not my friends. There were 2 who also got sprayed. The 2 of us, who got out of the car first, were sprayed.
- T:** So, were you six or eight?
- R:** There were six of us. Our group was six people, but two people were in the car before us, in the end there were eight of us. I was the first one to get out of the car, they sprayed me, the second person to get out was sprayed too, he wasn't from my group. The third one, also not from my group, got sprayed too, ok? Three, three of us.
- T:** When you crossed the border, when the Polish Border Guard got you, they caught two other people first, not you, but two other people?
- T:** Yes, yes, yes.
- T:** And the other four, you returned of your own will, because you had an agreement that if one of you gets caught, all of you will be caught?
- R:** Yes, exactly, exactly.
- T:** When they caught you, what did they do? Of course, they asked you where you were from, or...?
- R:** I did not hear you well, can you repeat the question?
- T:** How was it? We know that they beat you, but what did they say at the beginning? What was the first question?
- R:** What did they do before they beat us?
- T:** Yes, when they caught you.

- R: When we were caught, as I told you, we just heard: “Stop!” and we stopped. We didn’t move. We all stopped. “Stop, stop! Passports, passports!” and they attacked us. They beat just one of us. But they beat him in a really horrifying manner. They beat him in his stomach, in his face...
- T: He beat one of your friends, just one?
- R: Yes, yes.
- T: When he beat him, did he beat him with a baton? I mean, how?
- R: With his hand, with his hand.
- T: Did the guards wear masks? What did their clothes look like, if you saw them?
- R: Yes, that one who beat my comrade was masked, only his eyes were visible. He was tall. Do you want his body description?
- T: Yes, go ahead.
- R: He had an athletic body, he was tall, muscular, He was blond with green or blue eyes.
- T: And the other?
- T: And the other?
- R: The other one was not masked, he wasn’t masked and he also wasn’t athletic. He was shorter than that one, ok? And he was a bit chubby, I mean, he had a paunch. But he didn’t do anything, the other one didn’t say anything, we didn’t hear his voice. Just the tall one was talking, frightening us and yelling.
- T: What did their clothes look like?
- R: Yes?
- T: Their clothes. What did their clothes look like?
- R: The clothes... were navy blue, and there were yellow lines and I think the word “police” was written on them. I don’t remember exactly what the colour was. But I do remember that it was navy blue, the uniform. They were wearing navy blue uniforms.
- T: Navy blue, I don’t know, does that mean black?
- R: Black... Not black-black. It’s a bit lighter, ok?
- T: Ok.
- T: Do you remember the colour of the car or its plate number?

R: The car was silver, the number, no.

T: What was it like?

R: I didn't see it, the colour was silver, the colour was silver.

T: Silver colour.

T: This car was like a jeep? How was it?

R: Jeep, jeep.

T: Did they beat you in the car or not?

R: They did not beat us in the car, they just put us in the back, they just put us in the car, they didn't beat us.

T: So after they beat you and searched you they took your phones and put you in the car, right?

R: Yes, yes, we were standing there, I was talking to them, I began talking to them in English asking them to leave us alone, to let us go. There were also women. There were two women standing there too. The group became about six or seven people. There were two women, one was older, above 40, and the other one was under 30. They were standing there.

T: So, they called a car, right?

R: Yes, they called a car, yes.

T: When you left in the car, were those two people already in the car or did they catch them later?

R: Yes, the two of them, the two of them were in the car, they were caught before us.

T: How far did you go by car?

R: Go by car?

T: Yes, for how long?

R: We were driving for about 10 to 15 minutes.

T: 5 to 10 minutes?

R: No, no, it was more than 10 minutes, 10 to 15 minutes.

T: Yes?

R: From 368 to 354.

T: You crossed from point 362, right?

R: 68.

- T:** Okay, 68.
- T:** And they took you to 354, right?
- R:** 54. We got out of the car. He had a baton. The one who beat us had a baton. He beat everyone, there were eight of us. He hit some people in their knees, he hit some people in their elbows. He hit everyone. He opened the hand of one person and hit them in their palm.
- T:** How much time passed from the moment you got caught to the moment you crossed the border?
- R:** Do you mean after how many days did we try to cross again after they pushed us back?
- T:** No, no, how much time passed from the moment you were caught to the moment you were pushed back to Belarus, I mean, was it an hour, an hour and a half?
- R:** Ok, ok, you mean from the moment we climbed the wall, to the moment we were pushed back?
- T:** Yes, from the moment you got caught.
- R:** From the moment they caught us, to the moment we were pushed back through the door, right?
- T:** Yes, yes.
- R:** It was about half an hour. Or 45 minutes, more or less. From half an hour to 45 minutes.
- T:** Did they search you?
- R:** No, no, they didn't search us, if they searched me, they would have taken the phone. We were left with only one phone.
- T:** Okay, that means no.
- T:** Did they give you any documents to sign?
- R:** No.
- T:** After they pushed you back, what happened on the Belarusian side? But please, be brief, because I have a doctor's appointment.
- R:** Okay, okay, as I told you, after they sprayed me, I couldn't see for four hours. We slept at night and it was raining a lot. We threw away our sleeping bags. We didn't keep even one sleeping bag. We threw away all of them and we slept really badly.

- R: We didn't have phones, we didn't have sleeping bags. It was cold. We didn't have water, we didn't have any water left. We walked for about 15 km. On the second day, we waited until morning and we walked and walked for about 4 to 5 km. A Polish soldier saw us and he asked us if we had any tools. We told him that we had two saws, he said: "Give me the saws and I will give you food". We said: "Ok". We gave him the saws and he gave us some bread and canned food and 2 litres of water. We took it and continued walking, until we arrived at an official border, I mean, a road for cars on the Belarusian-Polish border.
- R: Of course, that border was closed. We walked and there were Belarusian soldiers who saw us and took us to the military camp, they put us in a car and took us to the military camp. We stayed there for about six to seven days. But we didn't have any food, we ran out of water, we didn't have anything. At the beginning we only took chocolate and almonds with us, but we ran out of these after six days. We weren't able to walk. We were so tired, our faces were pale. Each one of us lost about seven to eight kilograms.
- R: We told one person that we didn't have anything but one phone. We spoke with that person and he promised to bring us some food the following day. The situation continued for about six to seven days, until a new group came and gave us food. They didn't give us much, just a package of cheese, cream cheese, about half a package, because they threw away their food on the way.
- R: We were there until the 24th of the month, sorry, until the 23rd, until we got a location from which we could cross. We went there, but there was a Polish soldier there, inside the *muharrama*, with a weapon and an infrared camera. He was sitting there prepared with his weapon, so we couldn't cross from there. We were forced to change the location. We walked for 15 minutes or half an hour. We walked and then we put the ladder up and we climbed, we climbed the fence. We were 11 people and there was a pregnant woman among us. I don't know how she managed to walk all that way, because it was very difficult.

- R:** We jumped over the fence and we walked for 1 kilometre, then we hid between the trees to rest for a while. We ran for about half an hour, stopped to rest for an hour, then continued on our way. The first day we didn't see anybody at all, not a single Polish soldier, nothing. On the second day we continued walking. We walked and we walked. There also were swamps, for some 5 km. We arrived at the area, the area of the car. We were eleven people and we split up into three groups. The first group left, there were five people in it, these five people left and they arrived in Germany safely, without any problem. The second group, we were part of this one, there were two people that left before us, because we all split up.
- R:** Two people left before us. There were people in the village who called the police, when they realised that there were strangers around. The police came and took them, ok? I waited until the next day. I didn't have anything at all, anything. My clothes were dirty, all my clothes were dirty and smelled bad 16 days without a shower, without anything. I drank water from the swamps, and I feared I would get cholera, cholera causes diarrhoea. What else? I called the organisation, I was forced to call the organisation. I called the organisation at 6 in the morning and I told them: "Help me, no water, no anything".
- R:** They brought us bread, they brought us clothes. I'm very thankful for it. They were very kind to me and they helped us. They brought us clothes and shoes, because we only had rain boots, we were wearing just rain boots. Our feet were very bad, they looked bad, they were in the water and they were swollen. We waited until 2 in the afternoon when the car driver arrived. We got in the car very fast, because of the neighbours, we ran to the car and jumped in. The journey lasted about 10 hours. The driver was angry. When we said just a word to him, he said: "Shut up, don't talk!". We arrived in Warsaw. We are safe.
- T:** How many kilometres did you walk inside Polish territory? In Poland, after you crossed the border?
- R:** We walked 30 to 35 km.

T: Thank you very much, as you know, I have an appointment in 6 minutes, I have an appointment with a doctor.

R: Ok.

T: If we have any questions, we will write to you.

R: Ok, ok, if you need anything you can write me, it's alright.

4. Qasim from Yemen

Translator: First question: how many times did they push you back?

Respondent: They pushed me back...

T: Yes.

R: They pushed me back three times.

T: Three times. When was the last time?

R: The last time... around 2 months ago, about 60 days ago.

T: Do you remember the date or the time? Was it morning, evening or night?

R: Once during the day, I broke my leg, the date... Can you please give me this bag, the black bag [talking to somebody in a room with him]? I have the date, in which I checked in at the hospital. I'll show it to you.

T: If you don't have it on hand, you can send it later.

R: This is the date, this is the date of the hospital, this means 4 days earlier, so you can say it was the 22nd.

T: The 22nd of March, all right.

T: How many...

R: Go ahead.

T: How many people were in your group when you crossed the border? And how many were left before you were pushed back?

R: The last time?

T: The last time. The last time.

R: The last time there were five of us, we entered and we returned.

T: On the same day?

- R: This is the date I entered the hospital. I'll show you, I fell down four days earlier. Does this program have something like a front camera or not?
- T: It's all right, just tell us a date.
- R: This is the date, 26th of March
- T: The 26th?
- R: This is the day I entered the hospital, three or four days earlier I was there...
- T: This means that 22nd of March is almost right.
- R: Yes, yes.
- R: This is it.
- T: Yes, we see it. Okay, the 26th of March.^[94]
- T: Were you all men in this group of five? Or were there children or women with you?
- R: (The voice is not clear)
- T: Yes?
- R: (The voice is not clear)
- T: No, no, just with you.
- R: With us? We were all guys.
- T: Were you all Yemenis?
- R: Yes, yes, we have seen other groups that Poland pushed back when we were also pushed back. There were women and children with them.
- T: Yes, but were you all Yemenis?
- T: You all were from Yemen, right?
- R: But the other groups that we met on the way, some of them were from Iraq and some of them were from Syria. There were other people before us, people that managed to cross and escape the army.
- T: All right, but your group of five people, you all were Yemenis, right?
- R: Yes, the last time, but the time before we also had someone from Syria with us.
- T: We are only talking about the last time.

[94] The document was not saved.

- T:** We have information that you broke your leg, could you please tell us how that happened?
- R:** Of course. Currently it looks like this, first of all it is swollen, the front is swollen, but it was bandaged like this.
- T:** Yes, yes, sorry, but how did this happen?
- R:** It was an accident. We climbed the fence, I turned around to climb down, but my jacket got stuck in the fence.
- T:** Yes.
- R:** I tried to pull it out, but of course it was stuck. I was holding it with my left hand and when I was pulling it, I was pulling and pulling and my hand went numb. And when the jacket got released from the fence, because I couldn't get it out and I had to let go of my other hand and the other [...] from the fence and I fell from above. It was cold, and maybe that's why my bones got broken, my knee, the problem is in my knee.
- T:** Yes ... I'm sorry for you.
- T:** So, you broke one leg, right?
- R:** When... my body was all bruised. But, when you feel strong pain in one place, you don't feel anything else.
- T:** Yes, that's right.
- R:** But the problem is, and please let her know about this, I waited, I waited four days with my leg broken, ok?
- T:** Four days in the muharrama or on this side of the border?
- R:** Yes, four days, the first day we were walking from Poland to the muharrama, and we got lost along the way. Of course, I couldn't walk, and the problem was, the place where they put us in in Belarus, it was a cold place and I swear, it was dirty. I told them that my leg was fractured, broken and if I moved it even one centimetre, the pain was like an electric shock in my head. They made us wait for a long time, they didn't give us anything and they didn't care, brother, I told them: "At least if you have any painkillers or medicine". I had to wait with my leg broken for four days.
- T:** Yes, four days, so these four days, one day you were in Poland and three in Belarus, right? One day in Poland and three in Belarus?

R: When I fell down I crawled a little bit to the road, ok? Then I stopped by the cameras, because I gave up. I felt that it's the end, I couldn't continue. I waited for a few hours until the Border Guard came. I pointed to the border guard with a torchlight.

T: Yes.

R: I signalled towards them until they came to me, I told them: "My leg is broken", they told me: "This is your problem, you have to manage on your own". I told them: "You can see that I can't walk. Maybe you can take me away from the muharrama". It was the same thing with the Russians. I told them: [incomprehensible]. He said: "No". I told him: "Now you will throw me into a Polish prison and the Poles will throw me back to you". He said: "No". Everyone was trying to shift responsibility to the other side. The treatment was the same on both sides. When the Polish Border Guard came to take me in the car, of course they didn't even lend me a hand, I had to crawl, I had to crawl in the rain. It was the first time in my life I experienced such a terrible situation. When I was sitting in the car, we were there for about an hour, I asked them: "Take me to the hospital", they said: "No". They made me wait another hour, then they moved me to another car. Of course, the car wasn't really moving, because of the rain.

T: I'm sorry for interrupting, but when you speak for too long, I forget a lot.

R: No problem, I'm so sorry.

T: A few questions, the most important questions first. When you fell off the fence, how far were you able to move away from the road? And how did you walk? You said you were crawling, right? How long did you wait for the border guards to come? And the four friends who were with you, did they leave you alone? Did they escape?

R: First, I was crawling, I crawled on my hands for about 3 m.

T: 3 m.

R: I just got closer to the road, because the fence was high. It was about 6 to 7 m high.

T: Yes.

R: I crawled for about three metres, that's all.

T: And your friends, what happened to them?

R: I was the last one to cross, my friends crossed before me, so they didn't see me, we crossed at night.

T: You mean, they crossed before you, ran away and that's it?

R: Yes, everyone went through the fence and ran away. They couldn't see anything because of the trees.

T: Right, and how long did you wait until the border guards came?

R: I waited there for maybe six hours.

T: All right, 6 hours, I'll ask you more questions, but let me translate.

T: You said earlier that when they arrived, you had to crawl on your hands to get into the car, this is very important. Could you please describe in detail what they told you and how they failed to help you?

R: One more thing, I had internet on my phone.

T: Yes.

R: And I talked to them through Google translate, but they didn't respond.

T: Yes.

R: They didn't respond to me, they treated me very badly. Even when they tried to search my backpack, they tried to open it, but the zip was stuck, so one of them shook it, shook it and all my stuff, passport and clothes, everything that was inside fell out.

T: Yes.

R: And in regards to the... May God bless the prophet Muhammad.

T: May God bless Muhammad, all right, just let me translate and maybe you will remember.

T: When you spoke to them using the translator, did you ask them for help? Did you ask for asylum?

R: I told him to translate, and I was using the few English words I know to talk to them, such as hospital, painkillers, doctor, etc. They didn't talk to me. Then, they picked up my stuff and threw it away without humanity, without mercy. At the time I had been in the rain for five hours. My clothes were soaked and I was shaking from the cold. I was shaking, my leg was broken, I was in pain. And when they came they didn't even help me get in the car.

- T:** How did you make sure that they were border guards? Could you describe their clothes and how they looked?
- R:** Sure, usually those who are by the border line are border guards. Their clothes and tools, everything. Those who came at the beginning were 2, they were a woman and a man.
- T:** Yes.
- R:** Judging from their clothes and their car, as I told you, those who are stationed by the border are border guards. Later they transferred me to another car. The car was driving on the Polish side for almost 3 hours. When they let me out of the car, I told them: "I am alone. How are you going to leave me alone in the muharrama?". They said: "That's not our problem". Then they kept driving for three or four hours until the morning came. And they brought three or four others they caught.
- T:** So it was 3 hours until the morning, around what time did they come to you?
- R:** They kept driving until the morning and speeding up on the road bumps, which caused me terrible pain, terrible. And when I was telling them in English to slow down a bit, she told me: "Shut up!"
- T:** Okay, okay.
- R:** I told them: "Ok, that's it, I will write to the organisation". I wrote to the organisation while riding in the car with them. They were late when responding to me before. And they wrote me back asking me to stay inside the Polish territory and saying that they would come to me. I told them: "Leave me and the organisation will come for me, understand me, the Polish organisation, they are good people". But they kept driving until they brought three or four other people. One of them spoke English and he was translating for the border guards. He told them: "Ok, it's fine, you can push us back, but this guy, take him to hospital, or anything, because his leg is swollen and he is in a lot of pain. They said: "No". Then, morning came, after three or four hours, I'm not quite sure.
- T:** Ok.

- R: I told them: “Just please, leave me here, the organisation will come for me. If you take me to muharrama I won’t be able to walk and I will be lost”. When they were about to dump me... should I continue or not?
- T: You said you were in the car for almost three hours, do you remember at what time you crossed the border and fell down?
- R: I fell down around 09–10 PM, something like that. The moment it became dark, our guide told us “Let’s go, go!”. That was around 8–9 PM.
- T: That means it was between 9–10 PM.
- R: Yes.
- T: So from 10 PM you stayed for 5 – 6 hours alone in the forest from 9–10 PM to 1–2 AM right?
- R: When did I start? When did I cross the fence? It was 9 PM and they threw us behind the Polish fence at 8 or 9 AM
- T: 8 AM.
- T: Another thing...
- T: When you climbed into the car and then got out of it, they didn’t help you at all, right? What did you do? Did you crawl on your hands?
- R: Yes, I was crawling, crawling.
- R: They didn’t even give me back the water I had in my bag. Neither the power bank or the charger. They only gave me back my passport. I had another phone with me, but they didn’t give it back either. On the Belarusian side they took my iPhone too and didn’t give it back.
- R: Regarding the backpack, I had food and water there. I didn’t see it afterwards. When they were about to drop us by the fence, and push us back to muharrama, the other three or four, I don’t remember, they told me: “Look, we are not going to be responsible, we can’t carry you, we are tired and we are barely able to carry ourselves”. I didn’t know them and some of them didn’t speak Arabic. When they wanted to throw me out, I didn’t agree to get off, I told them: “If I get out of Poland, I will die alone”. He pulled, pulled his gun on me, he was pointing the gun at me, so I pushed his hand down and he raised it up again. I told him: “Whatever you do, it won’t make any difference to me”.
- T: And after that how did you go down?

- R:** So, we were there sitting like this for half an hour and then the policewoman started dragging me out, she was dragging me out by force in order to get me out [of the car], and I didn't agree to that.
- T:** Ok.
- R:** In the end she pulled my leg and that hurt me a lot, so I immediately got out.
- T:** I'm sorry, so she stepped on your leg, which hurt?
- R:** I mean, she hit me.
- T:** Do you remember the pole number by which you were pushed out back? Because there are always numbers.
- R:** About 200. The pole where they dropped me was about 200. And they caught me by pole 260. They took me about 10 to 15 km and dropped me off by pole number 200, more or less, ok?
- T:** So you were caught by pole 260 and pushed back by pole 200 more or less?
- R:** I don't remember very well to be honest, but I was dropped off by pole number 200, and in the direction where I was caught the numbers were higher, 220, 240, something like that, you know what I mean?
- T:** All right, so the place they dropped you off was 200, right? Then they took you...
- R:** They dropped me off by 200, but the place I was caught in had a higher number, 240 , 260 or something like that. They took my phone, if I had the phone with me I could have given you the exact location, because I sent it to the organisation, but the phone...
- T:** Do you have the location on your phone, on the map? Could you please send it if you still have it?
- R:** The Belarusians took the phone that had the location saved on it.
- T:** That's too bad, okay.
- T:** Other than the clothes, they took your phone, did they only give you back your passport? What about the other things?
- R:** I had clothes, a memory stick that had some old pictures on it, a power bank, and personal belongings.
- T:** Yes.

R: Documents, things like that. But about the exact location where I was caught, I can talk to one of my friends, maybe he has it, I will send it to you, no problem.^[95]

T: Ok.

T: Can you make a copy of this medical paper that you have? And also the x-ray, can you take a photo of it and send it to us?

R: Look, I have an appointment at the hospital in five days.

T: In five days.

R: No, sorry, not in five days. On the 25th.

T: On the 25th, so that is the day after tomorrow, right?

R: Yes, the day after tomorrow.

T: All right.

R: I will send you the X-ray pictures then.

T: Yes?

R: The X-ray, I'll send it to you.^[96]

R: Regarding these documents, I will send you pictures.^[97]

T: All right, please send us copies of these documents, and also the X-ray when you get it. Please send it to us.

R: The X-ray, as I told you, is in two days.

T: Yes,, yes, when you receive it.

T: When you went to the hospital for the first time, didn't they give you an x-ray?

R: No, of course they did an x-ray, but I was in so much pain that when I reached the hospital, I asked them to give me painkillers before anything else.

T: Yes, I mean...

R: They said: "Ok, we will give you painkillers, but you made a mistake by coming here late". I said: "It wasn't up to me".

T: Ok. But the X-ray picture, didn't they give it to you then?

[95] The location was not sent.

[96] The picture was not sent.

[97] The pictures were not sent.

- R: No, they didn't. To be honest, I didn't ask for it.
- T: Could you please go back to the hospital, and ask them to give you the X-ray picture if they still have it? Because it has been two months and your broken knee is probably healed now, thank God. The first x-ray is very important to us, if you can get it, please send it to us or send us a copy of it. That's the first thing. And the other thing, we've talked for almost an hour, but after you returned to Belarus... (unclear)
- T: I know that you must be exhausted after talking for an hour, but could you please tell us a bit about Belarus?
- R: No, not at all, it's no problem. First of all, thank you so much for your efforts. And if I had known, I would have kept the x-ray, I will go to the hospital on the 25th and if I can get a certificate, I will send it to you, okay? I also have the number of the doctor who connected us. If you want I can give you his number. The doctor that helped me in the *muharrama*, he is from Doctors Without Borders.^[98]
- T: I'll get back to you in a moment.
- T: I have a question, you said that you were in the car for three hours, were you just driving around? Why do you think they did that? And how was it? Did they look for other people or was it just to torture you?
- R: I don't accuse them, but I don't know, this thing, this thing, it's just what they did.
- T: And in Belarus how did they treat you? What happened when they pushed you back?
- T: Are you there?
- R: Do you hear me?
- T: I hear you, did you hear the question? How was it in Belarus when they pushed you back, when you went to the other side? What happened to you there?
- R: First of all, of course, when they pushed us by force to the other side of the fence, she hit my leg. I was in the forest for two days.
- T: Two days in the forest.

[98] The picture and the number were not sent.

R: Yes, yes.

T: And two days later, what happened? Could you please tell us?

R: Then, because the people helped me... Of course, the people that were pushed back with me, just one of them stayed with me, ok? I got out together with him and he stayed with me, just one guy, ok? When they pushed us back behind the fence, ok? We stayed there for something like half an hour pushing each other, me and her, while three of them got out. Two of them went their way and just one stayed with me. When they pulled me out of the car, they took off one of my shoes and I was left only with one.

T: Yes, go ahead.

R: As I told you, just one of them stayed with me. While the other two saw that it was taking me too long, they went their way. One of them was an old man.

T: Yes, and then?

R: Then, one of them stayed with me. After we crossed I was leaning on his shoulder while walking, because of my leg. The area was just swamps, I swear to God, it was a disaster, it was a tragedy. While walking, when my leg moved, I would tell him: "Enough, stop, I'm tired". He would answer: "I'm the one who's carrying you, how are you feeling tired?"

T: Yes, go ahead.

R: After that he was walking a bit, he got tired, for some time he was carrying me on his shoulder and for some time he was carrying me on his back. He got tired. Finally, we found a sleeping bag in the *muharrama*.

T: A sleeping bag, okay.

R: I sat on it and he was pulling it, but it was still very painful and tiring.

T: May God reward him.

T: Yes, go ahead.

R: We spent a long time there, two days or more. The problem was that the things I had in my bag were soaked in water. I told you, we were there for two days and it was raining. It rained on our clothes and I was shaking. And my broken leg was also shaking. I held it with my hand, so it wouldn't shake, because when it shook the pain increased. For some

time he was pulling me, for some time we walked. When we came to an area where there were swamps, it was hard, hard, hard. We walked and we were lost, we didn't know where we were going, because the phone that I still had with me didn't have an internet SIM card. The one they took from me in Poland had an internet SIM card. They also took my power bank. The guy who was with me, his phone was broken and they took his SIM card and broke the charging port. My phone didn't have a SIM card. After three days all the food we bought was gone and we were left with nothing.

- T:** What happened after these two days? Did the Belarusian border guards come to you?
- R:** Two days later we met a big group that had internet. We met a group which was very big. They were new, they just arrived. They had stuff, they helped us. Of course, the guy that was with me was very tired and drank water from the swamps.
- T:** Yes.
- R:** This guy who helped me, I didn't know him, actually.
- T:** Was he an Arab?
- R:** Yes, he was an Arab.
- T:** What happened after you met this group that helped you?
- R:** As I told you, the guy who helped me, I didn't know him before, he was thirsty and he was drinking water from the swamps. Then we met this group, they gave us some food and water. They were very generous. Then, two of them said: "We will take you to Belarus, that's the only solution". They took us to a Belarusian hospital, they helped us a lot.
- T:** Thank you very much for sharing this information with us, as well as the difficult experience that you had to go through. What happened after you reached the road? Did the Belarusian guards come? Did they take you to a car? How was it?
- R:** These guys said: "That's enough". They helped us get to the Belarussian fence, and when we arrived there, they told us to touch the wires after they went back. There were sensors, of course. The migrants who helped us went back and then, after some 40 minutes, a Belarusian car arrived

and took us to a very dirty place which looked like a cowshed. They treated us really badly, and I didn't even get painkillers when I asked for them. And the pain was getting stronger, I was suffering from the pain, which was getting stronger, as I was shaking because of the rain. I waited there for 15 hours until they took us back, so it was at night. They took us inside a car and they treated us... As I told you, they treated us very badly.

R: At the same time the Belarusians told me: "Don't scream", that was inhumane. When I reached that terrible place, I met Afghans with broken noses and beat up Syrians in a bad condition. A tragedy, a tragedy which I didn't expect. The treatment was very bad. Their senior officer came and told me: "I will take you back to the muharrama and you go to Poland". I asked him: "How do I cross?" But he was talking like that so other people wouldn't try to sneak in. After that a car came and picked up a big group of people, who were all in a very bad condition, more than 10 people. They made us sit together, one on top of the other.

T: Yes.

R: They made us all sit in one place, and I discovered that they were saying: "We will send you back to muharrama", so that other people wouldn't come back to get caught, do you understand? So if somebody is tired, doesn't have a battery and a passport, they wouldn't want to get caught. After that they sent them all to the muharrama.

T: Were you also with them?

R: No, they took me later, maybe after 12 or 1 at night, they put me inside the car after they dropped off those who were inside the car before. They kept driving around collecting people in the same manner. When he was halfway there, he went to sleep, he slept around three hours. We told him that there were more than 10 people inside the car. We said: "Ok, that's it, let us out of the car while you are not moving". He said: "No, no way". They treated us very badly and we kept going for about six hours.

T: Thank you very much, I asked because we wanted to know about it, but Belarus is another country and we cannot do anything about it. The most

important information for us is what happened on the Polish side, at the Polish border and inside Poland. Belarus is another country and we cannot do anything. Again, thank you very much and good luck.

R: Thank you, thank you all for what you're doing. Hopefully your efforts are not going to be in vain, God bless you.

5. Mustafa from Syria

Translator: How many people were in your group? Were there old people, children and women?

Respondent: No, no, we were a group of seven people, three of us crossed and went into the forest, we looked behind us and there were none of our friends and there was a police car by the fence, so three of us crossed.

T: So you were seven, seven young men?

R: Yes, seven young men.

T: You crossed together with two of your friends, and you didn't see the rest of the group?

R: The rest went back to the *muharrama*.

T: So they didn't cross the fence?

R: They did cross, but from another place, They changed their route and went somewhere else. They crossed and they arrived in Germany.

T: So, what was the situation like when they captured you? Did you only walk 1 km after you crossed?

R: Yes, only 1 km.

T: How was it exactly, how did they spot you, how did they capture you? And how many of them were there?

R: There were two of them, those who caught us. They were wearing black jackets. I don't know who they were exactly. I mean, whether they were soldiers or police, the trousers were military. We felt very frustrated when we were caught.

- T:** What happened first when they captured you, what did they say, what was their first reaction, their first move, what did they do? Were they two men or a man and a woman?
- R:** There were two men. One of them immediately had his finger on the trigger of his weapon, he had a pistol, we did not move, we kept sitting in our spot and we didn't do anything.
- T:** He put his hand on his gun and that's it, he didn't talk to you?
- R:** Yes, he put his hand on his gun, he didn't say anything to us.
- T:** What did this gun look like, was it a pistol or something else?
- R:** A pistol, a pistol.
- T:** Did they have masks on their faces or could you see their faces normally?
- R:** No, they were normal, they didn't have masks on their faces.
- T:** Do you remember what they looked like?
- R:** I don't remember because it was a month ago.
- T:** Were they tall, thin, short, fat?
- R:** Tall and thin, this I know, but I don't know anything else, I don't remember their facial features.
- T:** How did they talk to you?
- R:** They didn't tell us anything, they just asked us questions: "How many were you?" and "How many of you crossed?"
- T:** In English or in Polish?
- R:** In Polish, but just signs, they made gestures by hand so we told them by hand – we talked only like this – that we are just three people.
- T:** So, did they just put their hands on the pistols, or did they pull them out?
- R:** No, no, he just put his hand on his gun, which was on his waist. He just put his hand on his gun.
- T:** Both of them?
- R:** Just one of them.
- T:** What happened next?
- R:** They took us back towards the fence, they called a police patrol, probably, a car came, they put us in the car and took us to a facility I don't know what facility it was, maybe a security facility or something else.
- T:** After how much time did they take you?

- R: About 15 minutes later a car came and they put us in the car and took us away.
- T: What did the car they took you in look like? Big? Small? Black? Green?
- R: The car was green and it was big, not very small, big.
- T: What do you mean big? How big? Was it five seats, six seats?
- R: Seven, seven, it had about seven seats, we call it a bus in Syria, maybe you know it.
- T: Do you remember any sign or writing on it?
- R: No.
- T: Was the colour dark green?
- R: Light green.
- T: Light green?
- R: Something like that.
- T: Did they handcuff you?
- R: No, no.
- T: When you were captured by these two and then the car came, did you, let's say, get beaten up or insulted or...
- R: No, no, this time we were not beaten, they didn't do anything to us.
- T: And when you reached the facility that they took you to, what happened there?
- R: They put us someplace, in a room. They made us take off our shoes and jackets that we were wearing. They searched us, our bags were kept outside the room. They put us in a room, we had nothing on us but the clothes that we were wearing. They took our passports, our phones and everything.
- T: Did you have to take everything off and stay naked?
- R: No, we had our clothes on, just [without] the jacket and the shoes.
- T: So, you did not take off your pants and shirts?
- R: No, no, we did not, just jackets and shoes.
- T: When they searched you, did they search you thoroughly? Did they take anything from you?
- R: Well, when we went out, we saw that they took from our bags the power banks and the phone chargers, and other things like cookies and food.

- T:** And they took your passports and documents?
- R:** They took them [personal belongings] from us and made us sign some documents. We didn't know what the documents said. One of the soldiers was holding a baton and they made us sign these documents. We didn't know what was in these documents. We don't understand English or Polish.
- T:** Did they take your phones?
- R:** When we left they gave us back the phones.
- T:** At this facility you were in, did they take pictures of you? Or did they take your fingerprints?
- R:** They took pictures of us, and they made us sign papers also.
- T:** And fingerprints?
- R:** No, just a signature.
- T:** Do you have the papers that you signed, do you have a copy of them?
- R:** No, no, no, I tore them up, when they pushed us back. I threw them in the fire, after they pushed us back to the *muharrama*.
- T:** And you don't have a picture of them and neither do your two other friends?
- R:** One of my friends has the pictures, he still has the papers.
- T:** Can you send me a picture of these papers later?
- R:** I can, I will take a picture of them now and send it, no problem.^[99]
- T:** Thank you very much.
- T:** Did you ask for asylum at the facility you were in?
- R:** Yes, I did ask for asylum.
- T:** And what did they tell you?
- R:** I don't understand.
- T:** In what language did you ask them? Surely not in Arabic.
- R:** Well, he asked us where we are going, I mean, he started naming countries like Germany, France, Poland. I said: "Poland", the guys who were with me said: "Germany".

[99] The picture was not sent.

- T:** The place you were taken to, do you remember what it looked like? Was it big, small? Do you remember the colour of the building?
- R:** It was big, I don't remember the colour of the building, but it was big. They took us underground. Not the ground floor, but underground, it was like...
- T:** What was the room like, I mean, was it big or small, did it have windows, how was it?
- R:** There was one window, a table with two chairs and two beds.
- T:** How many of you were there? Only three?
- R:** Only three.
- T:** How long did you stay there?
- R:** About five hours, probably.
- T:** Did you get food or water?
- R:** They gave us two bottles of water and cookies.
- T:** What happened after they took you from the room five hours later?
- R:** They gave us back our backpacks, shoes and jackets, they gave us our passports, put us in the car and pushed us back to the *muharrama* behind the Polish fence. They threw us into the *muharrama*.
- T:** What kind of a car did they take you back in this time?
- R:** They took us back in the same car.
- T:** Those who took you were the same people who caught you or somebody else?
- R:** We didn't pay attention to them, but I think it was a different group, because this time there were three of them.
- T:** What did their clothes look like?
- R:** They were dressed all in green.
- T:** It was green.
- R:** They also had a woman with them, I mean, they were two men and one woman.
- T:** Other than the power banks from your bags, did they take anything else?
- R:** They took the power banks, the telephone chargers. We also had cookies and they took them, they didn't take all the cookies but they took some of them.

- T:** What was the time?
- R:** I don't remember the time exactly, I turned on my phone but I didn't pay attention to the time, to be honest.
- T:** Was it night, morning, afternoon?
- R:** At night, it was night. I believe it was after midnight.
- T:** Did you notice any number that was written on a pole or something like that at this time?
- R:** We didn't notice any numbers. It was night, there wasn't any light or anything. No one was focused.
- T:** You said they took the power bank and the phone battery, I mean how, did you have another telephone battery or something?
- R:** Power banks and the phone chargers only.
- T:** Power bank and the phone chargers.
- R:** Phone chargers.
- T:** How much time did it take you to arrive from the time you were put in the car until you reached the border, how much time more or less?
- R:** About 20 to 30 minutes.
- T:** What happened after you left the car?
- R:** We turned on our phones, we started walking in the forest, we walked for a long distance trying to find if... We were looking for our friends, looking if there was anybody in the forest.
- T:** And how did they push you back, was it through this little door? Did they open it and from it...?
- R:** Yes, yes, they threw us out through this little door, I mean they made us go through it.
- T:** When you turned on the phone, what was the time? Did you check the map? I mean, did you try to find your friends using the map or not?
- R:** Well, I don't exactly remember the time, I swear, you know, when you feel frustrated, you don't pay attention to the time.
- T:** Did you check the map? Did you try to find your friends with the map?
- R:** We checked the map, we spoke with our friends, they made it, they were about to reach Germany, because we received messages that they have already crossed and arrived, I mean.

- T:** When they took you back to the border by car, did you see anything? Was there a window in the car? Did you see anything? Did you go through a forest or through villages?
- R:** There were villages on the way, we went through some villages. Then we drove through the forest but not for a long time, until we reached the fence.
- T:** The place where they dropped you off and told you to cross the border, was it in the forest or an agricultural area, how to say it, like wheat fields and or something like that?
- R:** It was close to the forest, but I remember that we also passed by a church very close to the border, we passed by it.
- T:** And when you left the car?
- R:** It was in the forest.
- T:** The forest?
- R:** Yes, the forest.
- T:** After you contacted your friends and they told you that they have left, what happened later, on the other side in Belarus?
- R:** We stayed in the *muharrama* between Belarus and Poland. We walked about 10 km until we found a group of people making a fire, sitting around a fire. We sat with them until the world revealed itself, I mean, until morning.
- T:** How wide is the *muharrama*, more or less?
- R:** I mean, there are areas where it's 1 km, and sometimes 2 km, I cannot exactly tell you, there are areas 2 kilometres and the area that we were in was 2 kilometres wide.
- T:** So, it wasn't 10 or 5 m?
- R:** No, no, there are areas with 1 km, 2 km and sometimes 50 m.
- T:** While walking this 10 km distance, have you seen the Belarusian border guards or did they notice you?
- R:** No, no, we were walking by the Polish fence, I mean we went 10 m in and then we walked along the Polish fence.
- T:** Is there anything important that we didn't ask you yet?

- R: They caught us, when the Belarusian guards caught us in the *muharrama* in the morning, the dog bit me, the dog was loose.
- T: I didn't hear you, your voice was breaking off.
- R: I said that when it was already morning, the Belarusian military caught us, and the dog that they had with them bit me, like this... They were letting it go loose.
- T: Do you mean it bit you for real?
- R: Yes, it bit me, it bit me in my hand here, but it healed, that's why you can't see it.
- T: Other than what you just said, is there anything else you remember?
- R: No, there is not, that's all what happened to us.
- T: They'll show you on the screen pictures of different facilities, if you remember in which one you were, say it. And if you remember how many rooms were in the facility that you were in, because you said the place was big?
- R: There were many rooms, I don't remember exactly how many. They gave us... They took us underground, there were maybe five rooms there, I might be mistaken, but this was underground.
- T: Do you see anything on the screen?
- R: No, there's nothing, nothing appears.
- T: Do you see now?
- R: Yes, I see, it's not this one.
- T: I will show you a few pictures, if you recognize something, let me know.
- R: Okay, no problem.
- T: None of these?
- R: No, none of these.
- T: Let me know even if you think it is similar, if you feel like one of these places is similar, but you're not sure 100%.
- R: One of these pictures that passed was similar.
- R: Go back again.
- R: Again, go back.
- R: Again, again.
- R: Again.

- R: It was very similar to this building, there was a wall around the building, but very similar to this one.^[100]
- T: You said “mur”, it means “wall” in Polish, you mean there was a “mur” around the building?
- R: Around the building.
- R: A wall like a fence, not a concrete wall, do you understand?
- T: We will show you more pictures that might look similar.
- R: All right.
- T: This is all that we have, we don't have anything else.
- R: The picture I pointed to earlier was very similar to it.
- T: Do you have for example a pin, if you sent the map, or anything? If you do, please send it to us.
- R: I don't have any pictures or a place on the map, I don't save anything. I immediately delete anything I have.
- T: And your friends that were with you?
- R: What about them?
- T: Did your friends that went with you keep any location on the map, a picture or anything?
- R: No, I don't think they have.
- T: But please, remember to send a picture of this document that your friend has.
- R: Okay, I will take a picture and send it immediately.^[101]
- T: Do you remember the colour of the church, what was it?
- R: No, no, it was night, I only saw it on the map, and we passed it by in the car, it was close to the Polish fence.
- T: I will show you a picture of the church.
- R: We were far from it, I don't think I will recognize it, we were far from it.
- T: Wasn't it this church?
- R: It was about 500 m away, it was night, I mean, we didn't see anything and that's it.

[100] The picture was not saved.

[101] The picture was not sent.

T: Thank you very much, I believe these are all the questions that we had.

R: No problem, you're welcome.

T: Thank you very much for your time, and for answering our questions.

R: No problem at all, thank you very much.

T: We have recorded your voice, only your voice, if you ask us to delete it, we will, so don't worry about it and if you have no problem with it, we will keep it.^[102]

R: You can keep it, no problem.

T: Thank you very much and thank you for the time you've given us.

R: No problem at all, I'm the one who is thankful to you.

[102] The recording was deleted after editing the transcription.