

**I SAID "I WANT TO STAY IN POLAND"
BUT THEY PUSHED ME BACK:
12 MONTHS OF THE NEW GOVERNMENT
ON THE POLISH-BELARUSIAN BORDER**



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December 13, 2024

WAW WE ARE
WAW MONITORING

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Introduction



Photo from the Egala Association archives

December 13th, 2024 marked one year since the new government had been established. Just a few weeks after the power shift, at a session of the joint parliamentary committees, the Border Guard announced the sealing of the border through the development of infrastructure with horizontal spans. This included the installation of cameras facing the Belarusian side and strengthening the vertical spans of the fence, which tend to be cut and bent by people seeking to cross to the western side of the fence¹.

In late March/early April 2024, the number of border crossing attempts increased, which was evident in the data published by both We Are Monitoring and the Border Guard. At that time, images from the border area circulated in the Polish media – the Border Guard was spraying tear gas towards the fence, and people behind it were throwing stones and tree branches at the officers. Prime Minister Donald Tusk visited the border area and announced that he would provide all necessary support to the Border Guard officers and soldiers. The war-like and anti-migrant rhetoric in the government has escalated.

On May 18th, the plan to build the East Shield was announced. Any mention of the humanitarian component of the border situation vanished from the statements of government representatives. At the end of May, a Polish soldier was transported to the hospital with a knife wound (to date, no one has been charged in this case). Despite the efforts of doctors, he passed away after a few days. His death became the fuel for an unprecedented campaign against migrants crossing the border and humanitarian organisations. Politicians from both the government coalition and the opposition launched attacks on foreigners. It had real implications on the safety of migrants and refugees, as well as non-white people living in Poland. A striking example of the consequences of the politicians' narrative was the September incident in Żyrardów, when a

¹ Transcript of the meeting of the Administration and Internal Affairs Committee and the Committee on National Defence (No. 9), 20.03.2024, accessed online: <https://www.sejm.gov.pl/sejm10.nsf/biuletyn.xsp?documentId=24E25FFD79DA749BC1258AF9003EAE01>, 8.12.2024.

self-proclaimed 'civic patrol' attacked a hostel in which foreigners, working in the town, lived. The activities of similar groups have been noticed in many parts of Poland, including the border areas. Today we already know that the escalation of hateful attitudes towards migrants, in which the Polish media and politicians were actively involved, was inspired by Russia².

In June, a buffer zone was established on the western side of the border fence. Its purpose, according to the government, was to protect soldiers and border officials from 'assault' from the east and to limit migration³. Despite the zone being in effect, border crossings began to increase again in August and September. The failure to achieve the intended goal did not stop the government from the decision to renew the established zone. At the same time, a law on supporting the activities of soldiers and officers defending the border was adopted in the summer. Due to the extension of the powers of border guards and soldiers to use weapons and coercive measures, as well as exempting them from liability for the use of weapons in violation of the rules, several non-governmental organisations called the law a 'licence to kill'⁴.

On October 12th, at the Civic Coalition convention, Donald Tusk unexpectedly announced a plan to adopt a new migration strategy at the forthcoming meeting of the Council of Ministers together with its most controversial element – the possibility of temporary, territorial suspension of the right to asylum (international protection). A few days later, the strategy was adopted and published. Its content and the way in which it was proceeded were met with criticism from academics, NGOs and migrant organisations, as well as employers' unions⁵.

2 Anna Mierzyńska, *We should be afraid and hate one another. What Russian propaganda infects Poles with*, 'Oko.press', 6.07.2024, accessed online: <https://oko.press/zobacz-czym-infekuje-polakow-rosyjska-propaganda>, 8.12.2024.

3 Izabela Próchnicka, Sylwia Wieczeryńska, Marcin Chomiuk, Iwona Żurek, *Buffer zone at the border with Belarus. The government adopted a resolution*, Polish Press Agency, 10.06.2024, accessed online: <https://www.pap.pl/aktualnosci/strefa-buforowa-przy-granicy-z-bialorusia-rzad-przyjal-uchwale>, 8.12.2024.

4 Standpoint of civil society organisations on the law to improve the activities of the Polish Armed Forces, the Police and the Border Guard in case of a threat to state security, online access: <https://www.batory.org.pl/oswiadczenie/stanowisko-w-spr-ustawy-majacej-na-celu-usprawnienia-dzialan-sil-zbrojnych-rp-policji-i-strazy-granicznejstwa/>, [8.12.2024].

5 In addition to a number of open letters, appeals and media statements, an assessment of the strategy was expressed at a public hearing. See Stocznia Foundation, *Public hearing on the objectives of migration policy and its means of implementation*, 25.11.2024, accessed online: https://www.youtube.com/watch?v=5nyePtoz_Ec, 8.12.2024.

In November 2024, a public hearing on the objectives of migration policy and its means of implementation was held. In the context of the dangers posed by the systematic restriction of the rights of those seeking protection and the rhetoric portrayal of non-white people as a threat, the following words spoken by Agnieszka Kosowicz, President of the Polish Migration Forum, have particularly resonated with us:

It is also worth, in my opinion, to say a few words about the Poles. Because in today's discussion we put forward a duality: there are migrants and there are Poles. Meanwhile, every year around 10,000 people gain Polish citizenship. And these are people who have come to us from Nepal, Bangladesh, Nigeria, Belarus, Ukraine and many other countries. There are also citizens who have different roots, different skin colour, or practice different religions. By creating a migration policy, which puts people in inequality and generates a first, second, third category of citizens, we are also affecting the condition and quality of life of Polish citizens, to whom we have given a passport ourselves. Five percent of children born in Poland are of immigrant descent. 50,000 people over the last few years have married someone who has a foreign background. And let's remember that when we are talking about the rights of migrants, we are talking about the rights of our families. Our children, our grandchildren, our neighbours, our loved ones. It seems to me that in this narrative, we should remember that the rights we grant to others are always the same rights we will exercise ourselves. It is easy for us to limit the welfare or rights of others when we think they do not apply to us. And yet these are our own rights⁶.

The draft law announced on December 9th, 2024 intends to introduce a temporary restriction on the right to apply for international protection. The exception is to be made for individuals from certain vulnerable groups, but only if they do not cross the border by force or 'in association with others'⁷. This means that in the case of people migrating irregularly across Poland's increasingly fortified 'green border' with Belarus, the grounds for considering them as members of vulnerable groups, such as age, health or risk of persecution or death in their country of origin, will in practice be entirely disregarded.

6 Statement by Agnieszka Kosowicz, President of the Polish Migration Forum during the public hearing. See Stocznia Foundation, *Public hearing on the objectives of migration policy and its means of implementation*, 25.11.2024, accessed online: https://www.youtube.com/watch?v=5nyePtoz_Ec, 8.12.2024.

7 Cf. Name of the Act, accessed online: <https://dziennikustaw.gov.pl/D2024000181001.pdf>, [12.12.2024].

Furthermore, the announced draft law leaves the decision to classify a migrant as a member of a vulnerable group to the Border Guard's judgement. Whether a person who intends to apply for international protection is entitled to do so is thus to be decided on a case-by-case basis by officers of a formation whose unlawful actions have been extensively documented both in the testimonies of the migrants themselves and through the rulings of courts which have found these testimonies credible⁸.

Throughout 2024, NGOs documented instances in which people seeking international protection were prevented from applying for it at the border crossings⁹. Since the end of May, there have also been recorded cases of people pushed back to Belarus who, having crossed the 'green border', have expressed their intention to apply for international protection in the presence of the Border Guard and humanitarian workers¹⁰. In the narrative of the Border Guard and politicians, people crossing the Polish-Belarusian border are not interested in international protection in Poland. At the same time, they claim in their statements that the tightening of migration policy is due to significant changes in demography and an increasing daily number of crossings in comparison to previous years, among other things¹¹. It is difficult to have a substantive discussion here, since for three years official data on the demographics of people arriving in Poland through the 'green border' with Belarus have not been made publicly available¹².

8 Cf. Helsinki Foundation for Human Rights, Court finds refugee's account to be credible confirmation of pushback, accessed online: <https://hfhr.pl/aktualnosci/sad-uznal-relacje-uchodzacy-za-wiarogodne-potwierdzenie-pushback-u>, [12.12.2024].

9 Cf. Public Information Bulletin of the Ombudsperson, a 4-person family from Afghanistan allowed into Poland after applying for international protection. Border Guard response, 30.08.2024, accessed online: <https://bip.brpo.gov.pl/pl/content/rpo-rodzina-afganistanu-zawrocona-przejscie-graniczne-sg>, [date of access].

10 The Assisted Asylum Request is an operational procedure adopted by NGOs operating at the Polish-Belarusian border. Its aim is to reduce the risk of pushback from an applicant for international protection, and the process is based on an assumption known as 'protection through presence', according to which the presence of humanitarian organisations can deter the potential risk of abuse and, in this particular context, denial of access to asylum procedures. Migrants expressing their intention to seek protection to humanitarian workers may choose to assist them when they meet with the Border Guard. Outreach workers support asylum seekers during the process by providing information on the legal consequences of applying for refugee status in Poland, informing the Border Guard of their intention to apply for international protection, waiting with migrants for officers to arrive, documenting their willingness to submit an application and then accompanying them at subsequent stages. Each person seeking to apply for international protection also has the option of choosing a proxy to support them during the administrative procedure until the risk of pushback has been resolved. This is done by granting a power of attorney to a designated person.

11 See: Adam Bodnar on accountability, Mr Giertych and restoring the rule of law, 'Kontrapunkt' programme, TVP Info, 10.07.2024, accessed online: <https://www.tvp.info/79238850/kontrapunkt-adam-bodnar-o-rozliczeniach-giertychu-i-przywracaniu-praworzadnosci>, 3.12.2024.

12 We talked on the issues related to the methodology and reliability of the data collected by the Border Guard until the end of 2023 in the report 'Pepper Spray in a Bottle of Water', pp.98--113, accessed online: https://wearemonitoring.org.pl/wp-content/uploads/2024/09/raport-WAM-ONLINE_2023.pdf, 2.12.2024.

At the beginning of this report, we present a summary of the figures collected over the last few years. These largely stand in contrast to the narrative of the security forces and those in power. We hope that, together with the chapter *Pushbacks Under the Law* by Marcin Sosniak of the Helsinki Foundation for Human Rights and the section written by the Border Violence Monitoring Network, which sets the situation on the Polish border in the broader context of migration to Europe, these data will complement and structure the picture of the situation on the Polish-Belarusian border and facilitate the understanding of the core part of this publication.

It was created through the testimonies of the migrants themselves. It consists of quotes selected from the statements of thirteen people who crossed the Polish-Belarusian border and experienced pushbacks between December 2023 and October 2024. These testimonies were collected during in-depth interviews conducted by the We Are Monitoring team. Of the interviews compiled in this report, eight were conducted in Arabic. The quotes derived from them are accurate translations from Arabic transcripts. The rest of the interviews were conducted by consecutive translation from Amharic and Somali. All interviews have been anonymised, people's names have been changed.

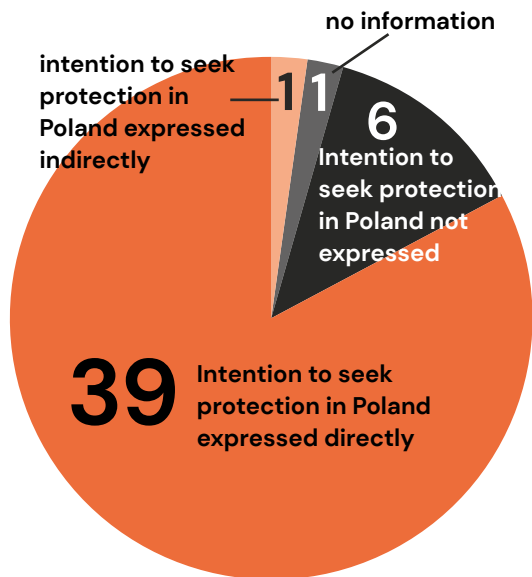
Not all of the in-depth interviews collected by We Are Monitoring in 2024 were used in this report. By early December, a total of forty-seven individuals had been interviewed. Of these, as many as forty, during the interaction with Polish officers leading up to the pushback, wanted to apply for international protection¹³. Six people chose not to seek protection in Poland. In the case of one interviewee, it could not be established whether they expressed the will to apply for international protection or not¹⁴.

In this report, we have chosen to combine migrants' testimonies about experienced violence and pushbacks directly with quotes from decision-makers who have had a real impact on shaping migration policy in Poland for the past year. That way, the voices of those who often speak to us from the media and those who are not given a platform to speak were brought together in one place, revealing the gap between the narrative of politicians and the reality of migrants' experiences at the Polish-Belarusian border.

13 In the case of one respondent, her will to apply for protection was expressed indirectly. She did not verbally express her willingness to apply for international protection in Poland but was afraid of returning to Belarus and addressed the border guards with the words 'Please, help me' immediately before the gate at the border fence opened.

14 Diagram on page 10 of this report

Intention to seek international protection expressed in the presence of Polish border guards before pushback, according to data collected during interviews conducted by We Are Monitoring



They don't allow you to talk to them. We are trying to discuss... Yes, I tried, but they said it was forbidden. [I tried] from outside the fence.

When they see us, do they even ask? They beat us right away. They don't even let us speak English or French. Not a word is allowed, they beat right away.

You cannot say anything to them, you can't say anything, they won't answer you.

There is a conviction amongst us that it is better not to ask [for protection], because when you do there is more violence. But also, it's logical – if they themselves sometimes say that here in Poland there is no [protection]. Or we ask them for water – they don't give it, we ask them for medicine – they don't give it. So what's the point of asking for international protection? Sometimes even when we talk [to the Polish officers] from behind the posts we ask for protection, we say we want to stay in Poland, then they say there is no such thing in Poland.

They didn't give me a chance to talk to them. They started to beat us immediately after they found us.

- What did they say to you and in what language?
- They were repeating only one word in Polish, 'kurwa'.
- Did you ask for asylum in Poland?
- They didn't give me a chance to ask for anything at all.

They wouldn't ever give us a chance to speak. Every time [inaudible] with a word, they shouted at us and they beat us.

Although our publication aims to show the reality under the new government, we decided to begin with testimony of a pushback from the first half of December 2023, before the change of power. By doing so, we wanted to demonstrate with a particular case the lack of change announced by the Coalition politicians on October 15th. Below we compile two quotes from the testimonies collected. The events described are six months apart.

They were recording us with their phones, making fun of us. They had food. They had food and we were starving. They threw food at us. They forced us to eat cigarettes, cigarettes! They forced us to eat them and they recorded us, while laughing.

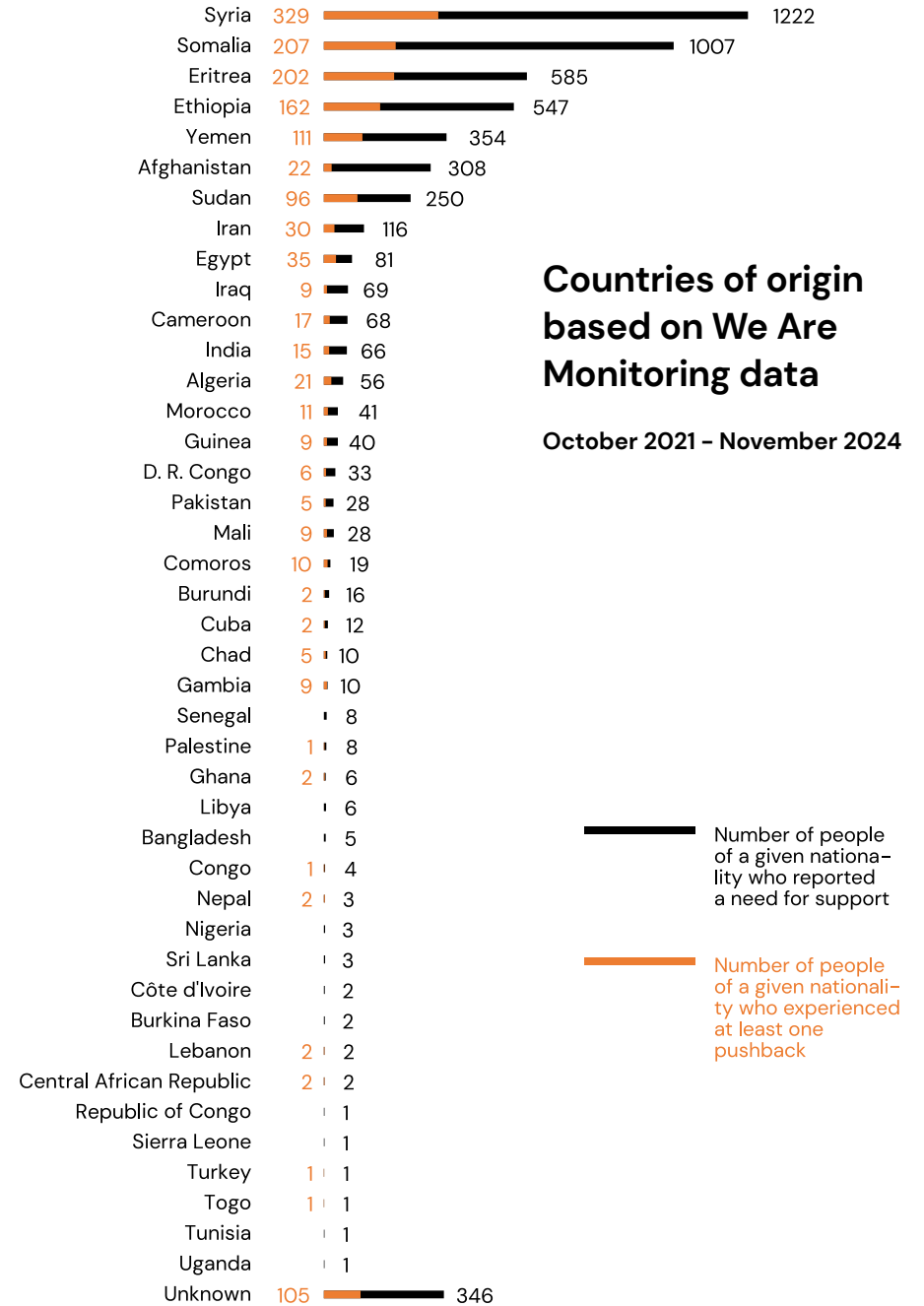
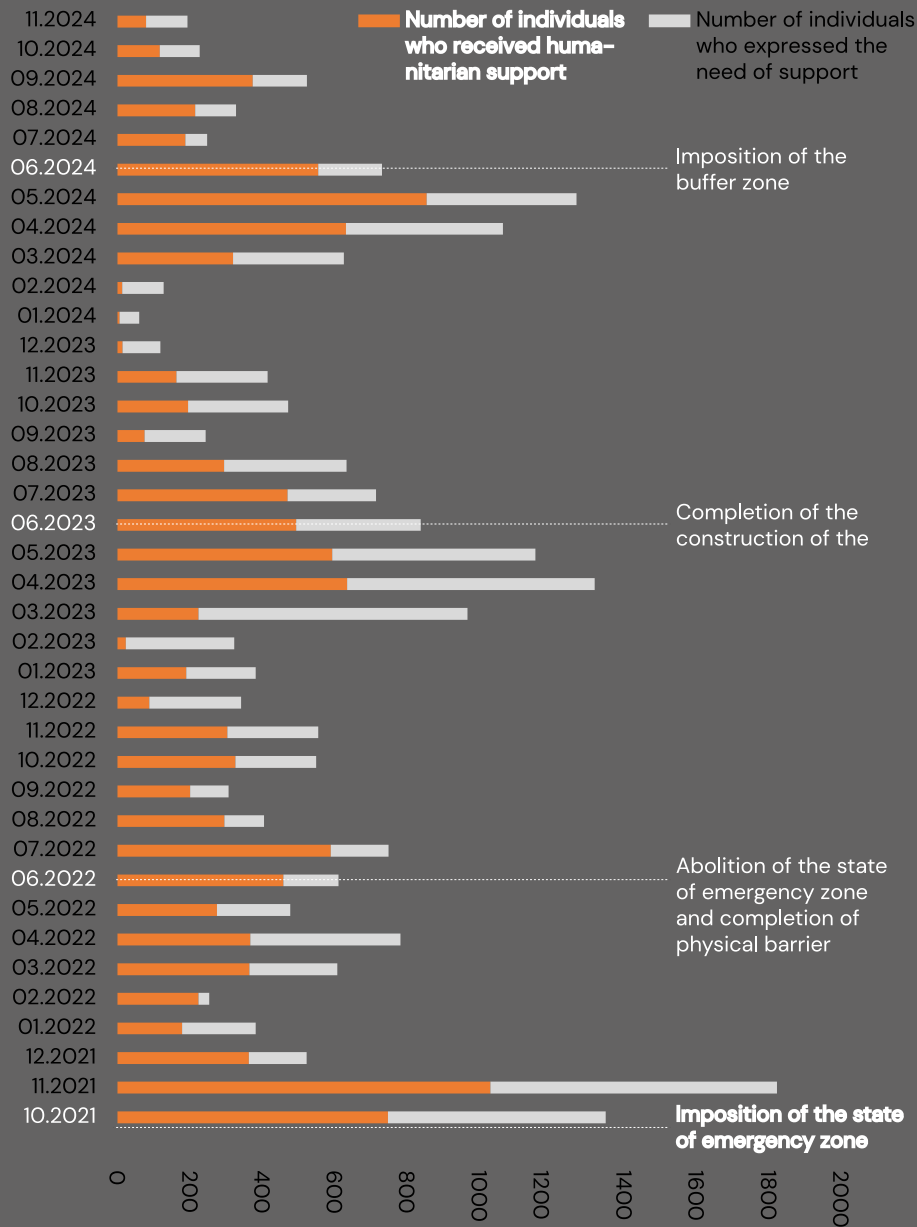
Hamid from Yemen, pushback in December 2023

They started searching us, they searched our belongings. And what did we have with us? Everyone had a bottle of water and some dates and we had a pack of cigarettes. He kept the cigarettes and force-fed them to us as we stood. [...] Tobacco as it is, he would shove it in our mouths, force-feed it to us and beat us all over. In the nose, in the face and in the [inaudible] too. My nose was bleeding from the beating. Yes, he beat us cruelly in an indescribable way.

Zahir from Syria, pushback in June 2024

The border in numbers based on We Are Monitoring data

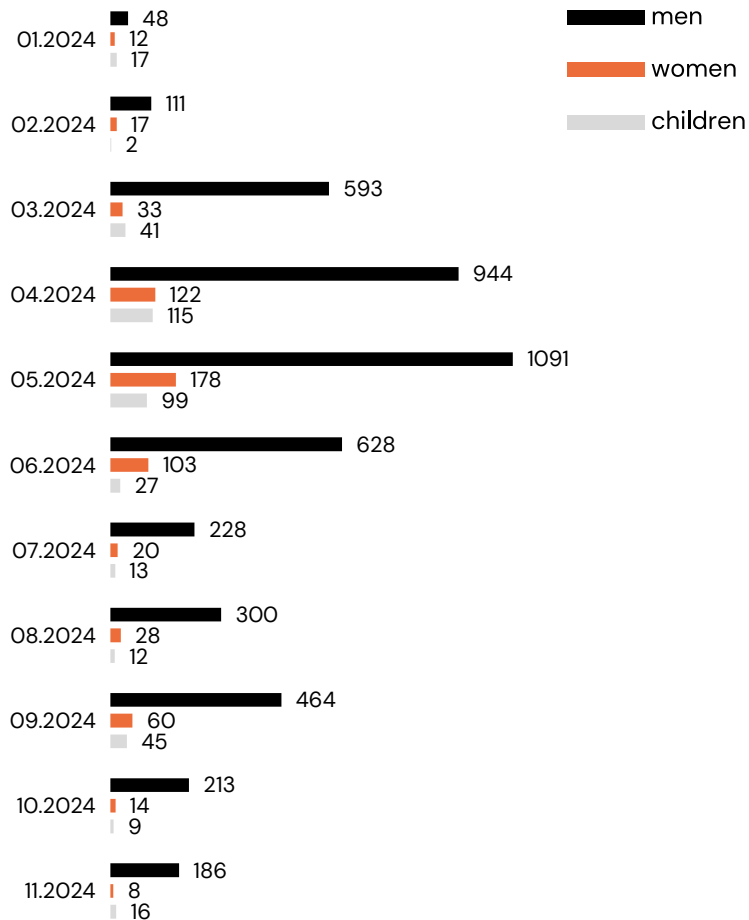
October 2021 – November 2024



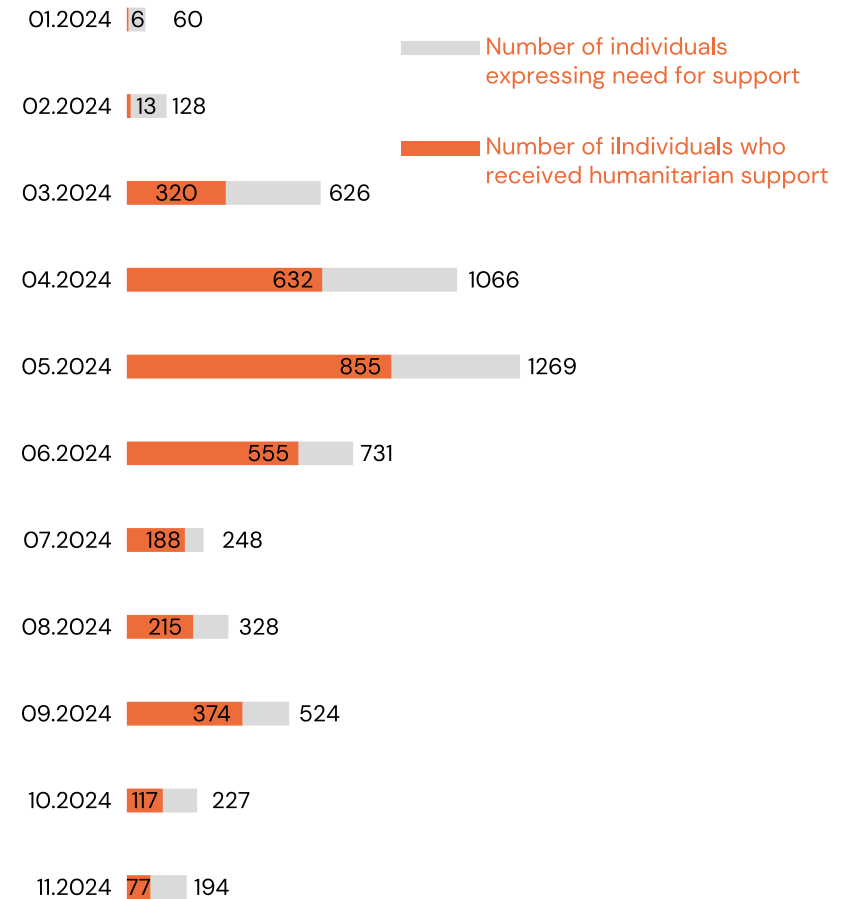
Countries of origin based on We Are Monitoring data

October 2021 – November 2024

Demographics of Individuals Expressing a Need for Support at the Border registered by We Are Monitoring January– November 2024



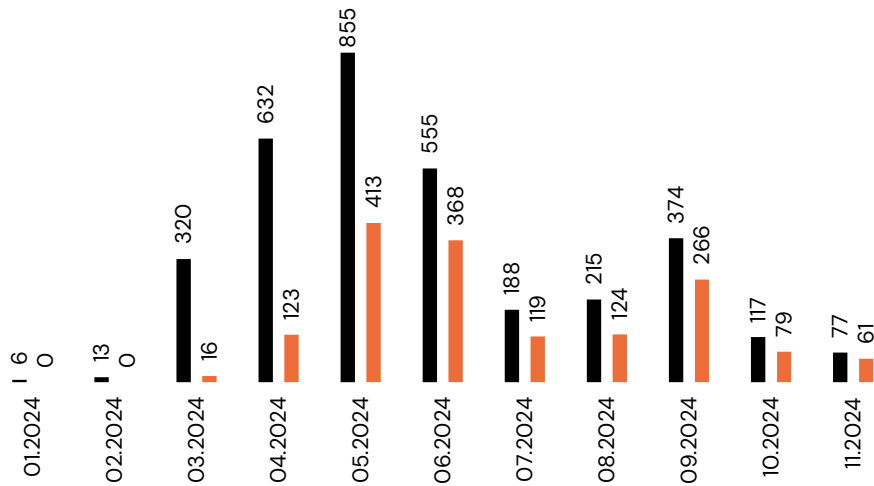
Number of individuals provided with humanitarian support registered by We Are Monitoring January–November 2024



The number of individuals provided with support is always significantly lower than the number of support requests due to factors such as: requests from Muharrama and Belarus, where providing support is not feasible; challenging terrain conditions that sometimes make it impossible to reach people on the Move; pushbacks in cases when individuals are apprehended by border services before meeting with humanitarian workers.

Number of Assisted Asylum Requests registered by We Are Monitoring January– November 2024

- Number of individuals who received humanitarian support
- Assisted asylum request

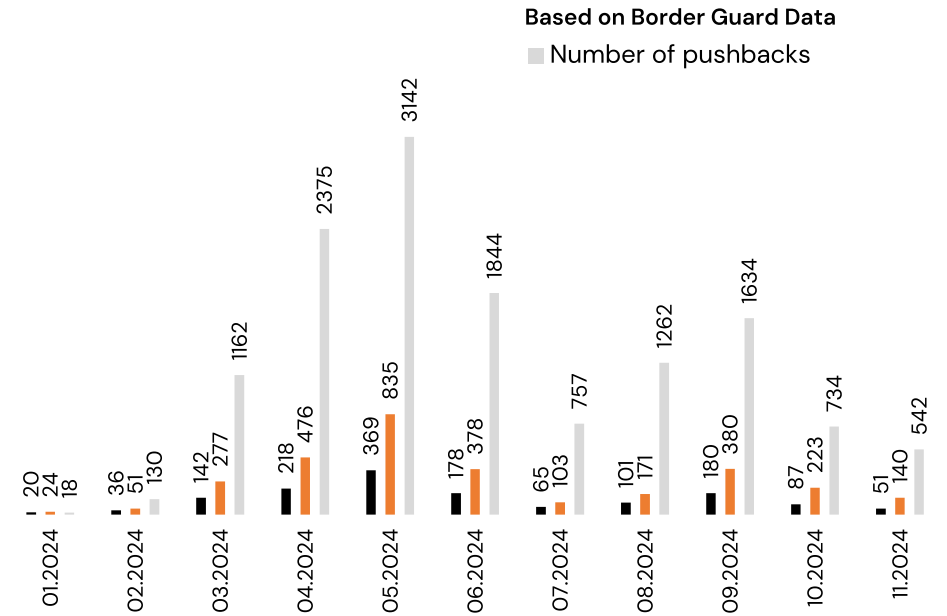


The Assisted Asylum Request is an operational procedure adopted by non-governmental organizations operating at the Polish-Belarusian border. Its goal is to reduce the risk of pushbacks for individuals seeking international protection. This process is based on the principle known as „protection through presence,” according to which the presence of humanitarian organizations can help prevent potential abuse and, in this specific context, the denial of access to asylum procedures.

Number of pushbacks based on We Are Monitoring and Border January– November 2024

Based on WAM Data

- Number of individuals reporting at least one pushback
- Total number of pushbacks reported by individual persons



Number of pushbacks despite Assisted Asylum Request registered by We Are Monitoring

January- November 2024

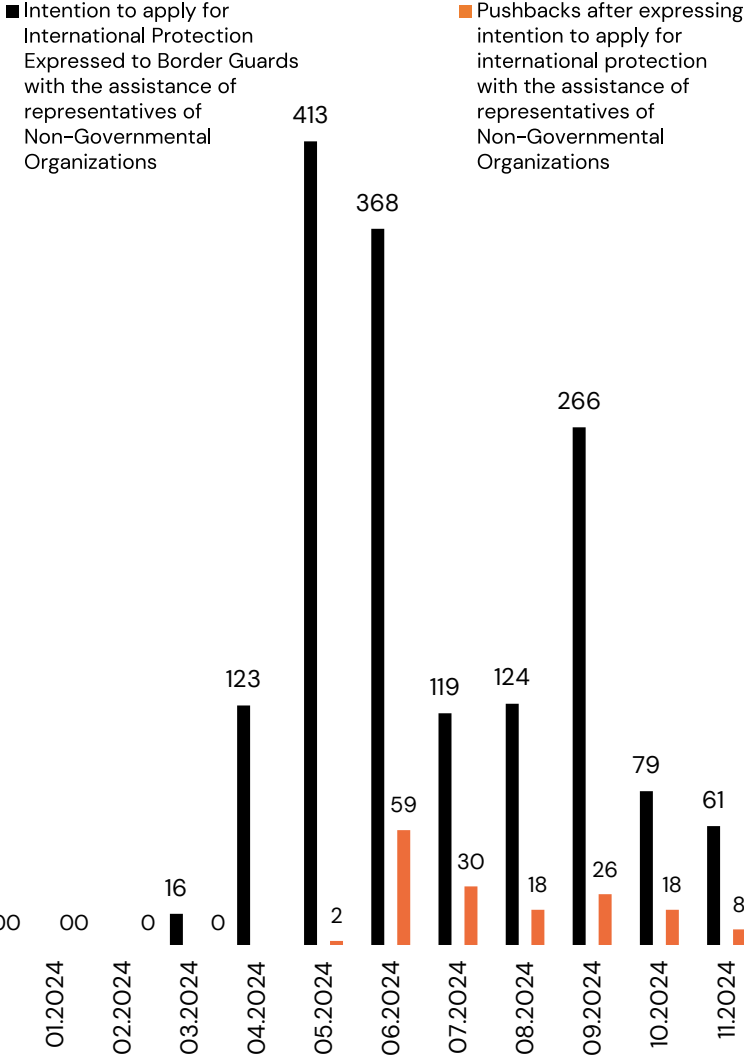


Photo from the Egala Association archives

Pushbacks under the law

Marcin Sośniak

Pushbacks, i.e. forcing back people crossing the Polish-Belarusian border to Belarus, have become an everyday practice of the Polish Border Guard. Meanwhile, only a year ago, it might have seemed that the new Polish government, for the sake of restoring the rule of law, would repeal a provision added by the Law and Justice government to the Regulation of the Minister of Interior and Administration of March 13th, 2020 on the temporary suspension or restriction of border traffic at certain border crossings (the so-called Border Regulation). This is the very provision that introduced the institution of pushback into Polish law. Arguments in favour of the repeal of this provision were provided to the current government not only by human rights NGOs, which expressed negative opinions unequivocally, but also by voivodeship administrative courts, which presented uniform case law. They found gross violations of law in the Border Guard pushbacks and in the Border Regulation itself, including Article 7 of the Polish Constitution (principle of the rule of law) or Article 56(2) of the Constitution (guaranteeing everyone the right to seek international protection). Unfortunately, the government did not listen to these arguments.

It is worth recalling the main theses included in the case law. In the opinion of the administrative courts, Article 16(3)(2) of the Act on the Protection of the State Border, which constituted the basis for the Minister of the Interior and Administration to issue the Border Regulation, does not authorise the Minister in any way to establish any procedure concerning the return of foreigners from the territory of Poland. In this respect, the Border Regulation therefore exceeds the limits of statutory authorisation, which in turn makes it incompatible with Article 92(1) of the Constitution of the Republic of Poland. This constitutional provision states that regulations may only be issued on the basis of a specific authorisation contained in law and only for the purpose of implementing the law.

In the opinion of courts, the Border Regulation also unlawfully addresses matters which should be regulated in acts of statutory rank (in the Act on foreigners and the Act on granting protection to foreigners within the territory of the Republic of Poland), in EU law and in acts of international law binding Poland. The rulings leave no doubt that for this reason the Regulation, which partially concerns the activities of returning foreigners to the border line, is not enforceable at all and cannot be treated as a legal basis for any actions of the Border Guard. On the other hand, the automatic and arbitrary application of the above-mentioned Regulation by the Border Guard, instead of Acts and other legal acts of a higher rank than the Regulation, constitutes a violation of Article 7 (principle of the rule of law) and Article 87(1) (principle of hierarchy of sources of law) of the Constitution of the Republic of Poland. This is a serious allegation against the Border Guard – it is not often that courts find a gross violation of the Basic Law in the activities of the services.

The pushbacks used by the Border Guard also violate the principle of *non-refoulement*, which originates from Article 33(1) of the Geneva Convention Relating to the Status of Refugees, according to which no contracting 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 their race, religion, nationality, membership of a particular social group or political opinion. According to the courts, pushbacks also constitute the practice of collective expulsion of foreigners, which is prohibited under international law (see Article 4 of Protocol No. 4 to the European Convention on Human Rights). As pushbacks are carried out outside of any procedure that would give returnees a chance to present their position and challenge the very act of pushback, the courts found the Border Regulation and the practice of the Border Guard itself to be incompatible with Article 13 of the European Convention on Human Rights. This provision grants anyone whose

rights and freedoms guaranteed in the Convention are violated the right to an effective remedy. As defined in the Convention, an effective remedy is one that leads to the suspension of the implementation of the challenged act or action until the case is heard by a higher authority or court. Significantly, in pushback cases, the courts link the violation of Article 13 of the Convention to a potential violation of Article 3 of the Convention stating that no one shall be subjected to torture or other forms of inhuman or degrading treatment.

As we can see, the scale of violations of the law found by the courts is serious: from non-compliance with the Polish Constitution to violations of fundamental human rights and freedoms, including freedom from torture and inhuman treatment. However, the decisions of the courts are ignored by both the government and the Border Guard. It is known, of course, that the judgements of provincial administrative courts are binding only in the cases in which they were issued. However, this does not change the fact that the line of jurisprudence is uniform and each subsequent pushback duplicates the infringements of the law found by the courts. It also exposes Border Guard officers to possible criminal liability for exceeding their powers and failing to fulfil their duties (i.e. an offence under Article 231 of the Criminal Code). This is because by performing a pushback, officers consciously apply a provision which, in the opinion of the courts, cannot be treated as an effective legal basis for performing such action. As a result, further offence notifications are being submitted to the Public Prosecutor's Office and it can be assumed that law enforcement agencies are pursuing these cases accordingly.

It is therefore difficult to determine what guides the Polish government in its pursuit of the unlawful pushback procedure. It is certainly not motivated by the safety of those crossing the border. Pushbacks, due to the conditions under which they take place, the risks involved in returning to Belarus, and the lack of any procedures to examine the individual situation or even establish the identity of those being returned, are extremely dangerous for migrants. This practice, as it potentially exposes the Border Guard officers to possible criminal liability, does not create safe conditions for performing their duties at the border either. It is also not safe for the Polish state – pushing back unidentified people to Belarus by the Border Guard under any available procedure is far from what should be understood by effective migration management or state border protection.

Pushbacks carried out on the basis of a defective provision of the Border Guard Regulation are obviously not the only measure leading to turning back a migrant to the border line currently used by the Border Guard. Simultaneously, in identical factual state, the Border Guard also makes use of Article 303b of the Act on Foreigners, on the basis of which decisions to leave the territory of Poland are issued to foreigners. Although this provision formally establishes a certain procedure – the proceedings are finalised by a decision of the commanding officer of the Border Guard facility, against which a complaint may be lodged with the Commander-in-Chief of the Border Guard – the differences with the pushback implemented under the Border Guard Regulation are rather apparent. Although the decisions are issued by name, the personal data of foreigners included in them are not confirmed by the Border Guard in any credible way. A complaint, which should be lodged within seven days, does not constitute an effective appeal. This is because decisions are executed immediately after being issued and even submitting a complaint within the relevant deadline, which is practically impossible anyway, does not stop such execution. Most importantly, the practical implementation of the decision is no different from a pushback: the foreigner is deprived of freedom, and then the Border Guard escorts them to the border line and forces them to cross the border in a place not intended for this purpose.

The migration strategy adopted by the Council of Ministers on October 15th, 2024 entitled 'Taking Back Control. Ensuring security' does not give hope for the restoration of the rule of law at the border. The issue of pushbacks is not addressed at all by the government's strategy. In one sentence, it only mentions that protecting the border requires 'a comprehensive approach, based on [...] an efficient system for returning migrants who have crossed the border illegally to their countries of transit and origin'. However, an efficient return system must not be an inhumane system. It must be based on a stable pillar of law, in line with the Polish Constitution and a binding international law. No system will be efficient if the regulations creating it are flawed and challenged by national or international courts.

The risk of serious violations of the law is also linked to the 'temporary and territorial suspension of the right to apply for asylum' or the suspension of the 'acceptance of [such] applications' announced in the government strategy. This is accompanied by a call for the state to grant the right to 'deny access to its territory to a foreigner who uses the submission of an application for international protection to do so'. Although the government document

is rather laconic and vague, and confuses national protection with international protection, the announcement is clear enough to conclude that its implementation may be incompatible with national and international law. In practice, such a solution will probably result in refusal of the right to enter the territory of Poland to people who declare their intention to apply for international protection during check-in at border crossings or in turning back to the border line those who cross the border in a place not intended for this purpose, but with the intention to apply for the international protection. In both cases, the implementation of the government's promise means, in short, a continuation of the policy of pushbacks, and therefore a consent to further violations of the Polish Constitution (Article 56(2)) and the EU Charter of Fundamental Rights (Article 18) and a violation of the principle of non-refoulement.

New arguments against the use of pushbacks are provided by the UN *International Convention for the Protection of All Persons from Enforced Disappearance*, recently ratified by Poland. According to the Convention's definition, an 'enforced disappearance' is the detention, arrest, abduction or any other form of deprivation of liberty of a person by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

Without prejudging whether pushbacks involve a risk of enforced disappearance, it is worth noting those elements of the Border Guard's practice that might lead one to accept this thesis.

The execution by the Border Guard of the act of turning back to the border line in each case involves the actual, even if short-term, deprivation of liberty of the migrant. In doing so, no existing detention procedures are implemented, no detention protocol is drawn up, the detainee is not informed about their rights, etc. When returning the migrant to the fence, the Border Guard neither establishes nor records the identity of the foreigner. Even if, in practice, the Border Guard officers may become acquainted with such information, e.g. by looking at a document, the information is not processed by the Border Guard in any way and is not entered into any official documentation or IT system. This makes it virtually impossible to officially confirm a pushback, or even the mere fact that a person was ever in the hands of the

Border Guard. Thus, if the person was considered missing and was sought as such, the Polish officers would not be able to confirm the fact that they had taken action against the missing person leading to their return to Belarus. Of course, the absence of this information is not the same as deliberately hiding the fate of the missing person, but it is certainly the result of their deliberate 'undocumentation'.

In addition, pushbacks are a systemic element of the Polish state's activities on the Polish-Belarusian border, as confirmed by numerous representatives of the Polish government in their statements.

Without prejudging the qualification of pushback as enforced disappearance, we should keep in mind that according to Article 5 of the Convention, which was recently ratified, the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and should have the consequences under the law.



Photo from the Egala Association archives

Border Violence Monitoring Network: European context

Accessing protection in Europe has become an obstacle course. Visa restrictions, heightened border surveillance and agreements with third countries are deliberately designed to obstruct movement, forcing people on the move to take dangerous and deadly routes in their pursuit of a safe place. In this context, pushbacks are the habitual and systemic practice across borders that further hinder access to protection in direct violation of international law. Since 2017, The Border Violence Monitoring Network (BVMN) and its Member Organisations have documented illegal pushbacks, collective expulsions, and police violence at and within the EU's borders in Greece and the Western Balkans. By 2020, it was clear to BVMN that pushbacks, torture and arbitrary detention were systematic to the management of the EU's external borders. Now the BVMN maintains a database of thousands of testimonies collected in the Western Balkans, Greece but also Italy, Austria, France, Hungary and Turkey. The testimonies provide substantial evidence alongside numerous reports and investigations conducted by NGOs and CSOs¹⁵. Nonetheless, pushbacks remain systemic and routine, with perpetrators consistently evading accountability.

BVMN's documented abuses include beatings, humiliation, confiscation of personal belongings, and exposure to extreme conditions. In addition, verbal abuse is used, often laced with ethnic slurs and further dehumanisation. All these actions are echoed in the testimonies collected from We Are Monitoring along the Polish border, further underlining the structural nature of pushbacks in border enforcement replicated across all EU borders. The systemic use of pushbacks and the growing militarisation of borders are

¹⁵ See: Border Violence Monitoring Network, Testimonies, accessed online: <https://borderviolence.eu/testimonies/>, 10.12.2024.

two facets of the same restrictive approach to migration in Europe. While pushbacks violently enforce exclusion, the fortification of borders reflects a broader policy of securitisation. The militarisation and fortification of borders has become a central feature of European migration policies. Between all its Member States, the EU has almost 1000 km of walls and fences¹⁶. This is ironic seeing as it has only been 35 years from the fall of the Berlin Wall and the Iron Curtain, while now the European Union and the Schengen area have constructed the equivalent of more than six times the total length of the Berlin Wall – and in the process they have increased their use of surveillance and militarised technologies with implications for citizens within these walls¹⁷.

Poland, too, has its own share of fortifications, with a 5.5-meter-high wall stretching over 186 kilometers. Poland justifies its fortified borders and military investments as necessary to counter external threats, framing migration as a strategic weapon used by Belarus and by extension Russia¹⁸. This narrative of 'hybrid warfare' has been used to legitimise heightened border controls and securitisation measures. The European Commission has cautioned against compromising on human rights, even in response to security threats, but no real opposition has come so far from the European Commission¹⁹. On

¹⁶ Benedicto, A. R., & Brunet, P. (2018). Building walls: Fear and securitization in the European Union. *Transnational Institute*, accessed online: <https://www.tni.org/en/publication/building-walls>, 10.12.2024.

¹⁷ *Idem*

¹⁸ Gabriel Gavin, Poland to suspend right to asylum as 'hybrid war' escalates on Belarus border, „Politico”, 12.10.2024, accessed online: <https://www.politico.eu/article/poland-donald-tusk-asylum-right-border-migration-belarus-russia-hybrid-war-eu/>, 10.12.2024.

¹⁹ Gabriel Gavin, EU warns Poland over bombshell plan to suspend asylum claims, „Politico”, 14.10.2021, accessed online: <https://www.politico.eu/article/eu-warns-poland-asylum-claim-suspension/>, 10.12.2024.

the other hand, some EU leaders have expressed support for exceptional measures in cases of perceived hybrid attacks. Even the spokesperson for Charles Michel, President of the European Council, has expressed solidarity to Poland shortly after the Polish prime minister Donald Tusk's announcement to temporarily suspend asylum, stating that „Russia and Belarus, or any other country, cannot be allowed to abuse our values, including the right to asylum, and undermine our democracies”²⁰. Nonetheless, suspending asylum would itself be a direct undermining of the EU *acquis* and the Rule of Law.

The appeal to instrumentalisation – where third countries allegedly use migrant flows as leverage in geopolitical disputes – is not new to the EU. In May 2021, Spanish Prime Minister Pedro Sánchez vowed to „restore order” after thousands of people on the move entered the Spanish enclave of Ceuta during a diplomatic spat with Morocco, asserting that Europe „will not be intimidated by anyone” on migration²¹. Similarly, in February 2020, Turkish President Recep Tayyip Erdoğan had leveraged migration in negotiations with the EU, urging it to „keep its promises”²². All instances highlight how migration is weaponised in foreign policy games at the expense of people on the move.

In response, the EU's New Pact on Migration and Asylum, set to take effect in July 2026, includes provisions for derogations from the asylum *acquis* in cases of alleged instrumentalization²³. However, cases of using migration as political leverage cannot be solved by securitised migration policies²⁴. Milita-

rised responses exacerbate the humanitarian crisis, stripping people of access to basic human rights and protection owed to them under international law, leaving them to bear the brunt of foreign policy conflicts. The European Union was supposedly built on the principles of humanity and solidarity, and the right to asylum enshrined in the fundamental human rights recognised within our treaties. Yet, the reality of today's practices could not be further from these principles.

20 Ecaterina Casinge, #EUCO conclusions on migration adopted, X, accessed online: <https://x.com/ecasinge/status/1846993693913608319>, 10.12.2024.

21 Ceuta: Europe 'will not be intimidated' on issue of migration, says EU, Euronews, 18.05.2021, accessed online: <https://www.euronews.com/2021/05/18/scores-of-migrants-swim-to-spain-s-ceuta-enclave-from-morocco>, 10.12.2024.

22 Erdogan vows to keep doors open for refugees heading to Europe, Aljazeera, 29.02.2020, accessed online: <https://www.aljazeera.com/news/2020/2/29/erdogan-vows-to-keep-doors-open-for-refugees-heading-to-europe>, 10.12.2024.

23 The Crisis and Force Majeure Regulation was adopted on 14 May 2024 as part of the EU's New Pact on Migration and Asylum; new rules will apply as of 1 July 2026. In response to calls for provisional emergency measures to address Belarus' alleged instrumentalisation of unauthorised border crossings by TCNs, the EU Council moved to include 'situations of instrumentalisation' into the Regulation, permitting derogations from the asylum *acquis en masse* (EPRS Briefing). In the December 2021 Instrumentalisation Proposal, the EU Commission directly referenced its commitment to counter 'Belarus' hybrid warfare attack' at the EU external borders and to support Latvia, Lithuania, and Poland.

24 Border Violence Monitoring Network, "Instrumentalisation at the Finnish-Russian border: A race to the Bottom in EU Migration Policy". Joint Statement with Stephen Philips, Project researcher at Mobile Futures, Åbo Akademi University, Institute for Human Rights accessed online: https://borderviolence.eu/app/uploads/Finland_Joint-Statement-1.pdf, 10.12.2024.



Photo from the Egala Association archives

DECEMBER 2023

I haven't come across anyone among police officers, Border Guard officers or soldiers who takes satisfaction in having to use force¹.

Donald Tusk, Prime Minister of Poland
May 2024

¹ Tusk on pushbacks and the situation at the border. He speaks of an 'obvious conflict', Fakty po Faktach, TVN24, 20.05.2024, accessed online: <https://tvn24.pl/polska/tusk-o-pushbackach-i-sytuacji-na-granicy-mowi-o-oczywistym-konflikcie-st7925500,02.12.2024>.

They were filming us while they were mocking us. They had food. There was food and we were starving to death. They threw food at us. They forced us to eat cigarettes. They forced us to eat them while they were filming us and laughing.

Hamid from Yemen

In the first half of December 2023, Hamid from Yemen was pushed back from Poland twice over the course of six days. During the last crossing, which he describes, his travel companions and him managed to walk about one and a half kilometres from the border line at night¹. Hamid recalls the moment of their encounter with the Border Guard. The unit making the arrest consisted of about fifteen officers, but the interviewee points out that the number was changing and at various times there were between ten and twenty-five officers.

[inaudible] First thing when they caught us, there was one of them, who spoke English. He came upon us and first thing, he raised his weapon, took out his weapon [inaudible], a small gun and he pointed it at our heads. And he said one thing: "If any one of you runs, I will shoot". Then, after they finished talking to us and beating us, he said: "If I see you again, I will kill you".

Hamid recognised the words he heard as Polish swear words and remembered the word 'kurwa'. He also described the beating and the humiliating treatment he experienced:

When they caught us, they beat violently with metal batons and they made us wait [inaudible] for 2 hours, until a car came. Before the car came, they beat us and put our heads on the ground. They threw snow at us, I mean, they gathered snow into something like stones and threw this at us and at our faces. There were insults and raised voices. They tied our hands with plastic handcuffs very hard [inaudible] and it stopped the blood flow of one of my friends.

When asked if he or any of his companions had asked for international protection, Hamid replied:

They wouldn't ever give us a chance to speak. Every time [inaudible] with a word, they shouted at us and they beat us. When they caught my friend, they tied his hands so hard that his blood stopped flowing. I tried to complain to the officers, I told them that his blood stopped flowing. They took batons and they started to hit his hands. I mean, I complained and the answer [inaudible] and the answer was beating him with a metal baton [inaudible]. We didn't try to speak.

¹ Hamid asked for some details of his testimony to be anonymised, including the number of people he was travelling with.

Two men from the group tried to inform the officers of their health problems. The officers used violence.

One of my friends had a problem with his [leg] which had been operated [on]. When they found us, he took off his trousers in order to show it to the Polish, and they hit him in that place with metal [sticks].

After one and a half to two hours in the cold, around ten officers were expected to arrive at the scene. According to the interviewee, a total of around twenty-five people were involved in the incident.

Then, the car came and they put us inside it. The guards inside the car had a knife and they cut our clothes and jackets. They took from my friend, he had some money, they took from him 200 dollars [inaudible]. They were filming us while they were mocking us. They had food. There was food and we were starving to death. They threw food at us. They forced us to eat cigarettes, cigarettes. They forced us to eat it and they were filming us and laughing.

Hamid also recalls that the officers recognised them from the photographs. He thinks that they were taken during the first pushback.

They took pictures of us both times, the first and the second. I mean, when we entered the second time, they recognised us and they showed us pictures of us.

The detained men were transported several kilometres along the border. According to Hamid's account, the officers took away their water and lighters and smashed the screens of their phones, from which they removed the SIM cards. After reaching the border, the migrants were held in the cold for about an hour. Their hands were tied with zip ties the whole time.

When they brought us there, I mean... We didn't escape injustice. We spent an hour there and they were talking with each other. We don't know what they were talking about. And then they took our shoes and cut them, they took our socks and cut them. They didn't even cut all of the handcuffs. They left them on the hands of one of my friends. They made us cross, they said 'thank you' and went away.

JANUARY 2024

Taking foreigners back to the border line is undertaken by the Border Guard as a last resort and results from the requirements of protecting the safety of Poland and the Schengen States. It is only carried out with regard to those who have crossed the border illegally, are in good health and do not express the will to apply for international protection in Poland¹.

Ministry of the Interior's answer to Gazeta Prawna's question
June 2024

¹ Weronika Szkwerek, *Pushbacks in Polish. These are the plans of the Ministry of Internal Affairs and Administration*, Gazeta Prawna, 3.07.2024, accessed online: <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/9537986,pushbacki-po-polsku-takie-plany-ma-mswia.html>, 2.12.2024.

I thought.. yes... I was so happy and [I] thought maybe they took [me] to detention, because the distance was long, when [we were] moving. And then [I] realised , [I'm] back to the Belarus section. [...] When I was at the gate, [I] held on to the gate. I didn't want to move. So they turned around and said: „why are you still staring at us?” They pushed me hardly, and before pushing hardly, the[y] sprayed me with pepper spray, and then they pushed me by force. So I fell down. So...

Idil from Somalia

Idil was forcibly pushed back to Belarus in early January 2024. She crossed the border with a large group of people from the Middle East, Ethiopia, Eritrea and Somalia.

After crossing the border infrastructure, they all ran off in different directions and Idil, who did not know any of them well, was left alone. The woman recounts the total time she spent in the forest on the Polish and Belarusian sides: between ten and fifteen days. She said that it was cold and that it rained on some days.

At around seven o'clock in the evening, she spotted a car which she identified as belonging to the Border Guard. She suspected that the patrol arrived because she had previously been spotted by a drone monitoring the border forests. When three officers got out of the car, she started to run away.

So they followed me, and asked me: „why are you running away?“ and he was holding a stick or something. He beat my back with the [police] stick.

Idil recalled that they were all masked and identically dressed.

So the guys, the tall guys who took me out of the [Polish] territory, were wearing military clothes. The green one that the military [inaudible] normally wears. And they were also matching with their mask, it was the same color, all of them.

The officers spoke to Idil in English.

That's a normal thing, that they will take phones from people. So they ask me: „what are you holding? Do you have a phone?“ I said „yes“, and then I added: „my phone is not working“, but still they took my phone, and broke it in front of me. Then, they asked me: „what are you doing here?“ and I said: „I came here to look for a life.“ [...]
They asked me: „why did you come to our country the illegal way?“ and I told them: „I came here so that I can have a good life, and I want to stay here“ and then they asked: „why did you leave your country?“ and I said: „I left my country because there is war.“ When I thought, the conversation is going well... but they did not respect

me. So they still opened the gate and made me go, despite me saying: „I want [a] life here“.

Idil further recounts the details of the search, which the men carried out despite the absence of a female officer. They used force against her while conducting the search.

When I was being searched, they were being aggressive. When they told me to remove my jacket to search me, they were insulting me: „why are you coming here, you are bringing us problems, why don't you just stay where you are from“. They were all angry all the time, and when I was trying to open my cardigan, they couldn't wait for me to open, so they just reaped it quickly. Not to help, but they were aggressive in the process. And then they open it. But no bodily harm they did to me, just that they were being aggressive in the process. [...]
The person who did [the] body search was a man. A man. [...]
They search[ed] all my body, and they found I had nothing. Then they said „wear all your clothes and go away“.

Idil was then taken to the border with Belarus. She thought she was being transported to one of the centres for foreigners.

I thought... I thought: yes!... I was so happy and I thought maybe they took me to detention, because the distance was long, when I was moving. And then I realised, I am back to the Belarus section.

When they arrived, at around ten o'clock in the evening, the officers opened the gate in the border barrier. Idil clung to the fence spans, protecting herself from being pushed back to Belarus.

When I was at the gate, I held on to the gate. I didn't want to move. So they turn[ed] around and said: „why are you still staring at us?“ They pushed me hard, and before pushing hard, the[y] sprayed me with the pepper spray, and then they push[ed] me by force. So I fell down. So...

Idil felt the effects of the gas sprayed into her eyes for almost twelve hours. She was detained on the Belarusian side by the local services.

I met somebody who was facing the same situation like me, she was [also] thrown from the Polish border, and the Belarus police guard took them somewhere else, where they spent three days without water, without anything.

[...]

When the[y] caught me, they ask[ed] us: „Why did you came back? why you don't go to the Polish section?“, and then they do not beat us, but this is what they asked us. And then I said that the Polish guard didn't want us, so they threw us back. So because of that, the Belarus guards got mad and took me and my friend somewhere else, where they were lost for three days.

FEBRUARY 2024

The priority of my government is border security, protection of the border, including against attempts to cross it illegally. But more effective border protection will also help eliminate situations which are unacceptable as well, when those who find themselves on our side of the border die in Polish forests in front of our eyes. In all cases where human life and health are in danger, we will look for ways to treat them in a humane manner¹.

Donald Tusk, Prime Minister of Poland
Press Conference of the Chancellery of the Prime Minister,
January 2024

¹ Recording of press conference following the Council of Ministers meeting at the Cabinet Office, 9.01.2024, accessed online: <https://www.youtube.com/watch?v=iyUa7g44zH8>, 2.12.2024.

It is as if he was telling you, 'Go and die, but you are not allowed to die on my land'.

Anwar from Syria

Pushback on Christmas Eve

The first time, in December, when we entered, they hadn't built the second fence yet, I mean they were extending the second fence. The barbed wire, not the wall.

[...] after we entered a little bit, the snow started to fall on us, so they came after us on the snow tracks. They caught, they beat us, there were 11 of us at the time... A full search, of course they strip all your clothes for the search, you stay in your boxers only, even your shoes, even your socks, they strip everything, it's forbidden. Even though it's snowing, the ground is full of snow. And with the spray, which is pepper [spray] you know... And the batons, the iron ones, not the rubber [on]es, and they beat us, broke our phones and sent us back.

[...] when they returned us and let us in through a gate, [t]hey call it the animals gate [...]. We walked back barefoot, with snow and water and rain on us, we returned to our point because we were forced to return to the point we were in, so that the person responsible for us would decide if he wants us to continue, or to go back and he said, "Enough, you no longer have phones" [and] we returned to Minsk.

Pushback in February

We came back [...] You know, the first month there was snow, we went in the second month, in the middle of the second, same thing... [...]

We also entered 12 people, after about 2 km, at the beginning of the road... We were also surprised by the army, that it had set up an ambush for us inside, I mean, when we entered they saw us but no one ran after us, but 2 km inside, about 2 to 3 km they caught us. They came out like, surrounded us from all sides and caught us.

Now I was the oldest one there. and they were the ones wearing black, this black outfit, they call it the commandos. Like, there is an army, a border guard and a commando. So the ones wearing black suits are the ones who did this... meaning they lined us up in one line on the road next to each other. Of course kneeling on the ground. He came [a soldier], chose me from among all of them, pulled me aside.

He wanted to know who was the leader and who was the Rybari. I told him we were going by GPS, meaning we don't have a Rybari or anything. So they weren't convinced by my talk, I speak a little English, so they weren't convinced by my talk...

They dragged me into the heart of the forest and started beating me with the Ranger, they only beat me with the boots on my head, until I confess[ed]. Of course my hands were tied, my hands were tied behind my back, of course everyone was tied with plastic ties. I was so beaten that I was able to cut it [the zip-ties]. I started to block the hits on my face as there were too many. When they made sure that I didn't know anything, they left me. They took me back to where I was, they handcuffed me again. Then it was almost two hours of interrogation and we were on the road, and it's raining on us.

They took us back to the point... We went back in cars. Like, we walked a distance to the camp, they put us in the car, it was one car, it was a regular jeep. Where they put the dog in the back, they put 12 of us in this space which can't hold more than 2 or 3. They loaded 12 of us in this jeep, not on the seats they sit on, but on the cargo from behind. We were 12. We got in and they took us [...] they divided us up and didn't let us stay together, of course with breaking phones. And some threw us, like I was among those thrown in the river.

They threw us straight into the water, like they took us, opened the door and threw us, and straight into the water. Straight into the water. It's as if he's telling you, „Go and die, but you're not allowed to die on my land. Go die in..." There are witnesses to this talk, so I'm not exaggerating or criticizing them, but I'm telling the reality and what happened to us.

We stayed, we tried to walk as we wanted... but like someone who is walking, you know, no phone, no food, no drink, nothing. I mean, even the food that we brought with us, they gathered it all with one person, and the first 6 who were dropped down, the food and drink with them, the second 6 of us did not have anything with us at all, we only had small lighters.

We walked in the middle of the river, we walked and walked and walked, the water got deeper and deeper, the water was almost waist deep and it was night, we thought if we continued we would die here, and it was raining on us.

I said to the guys with us, "What do you think?" They said, "You are the oldest among us, what do you decide?" I told them, "We need to try to find a place that is a little dry. We will stay until morning, but when the light comes out, we will go and surrender ourselves to the Belarusian. It is the safest thing for us."

So we went back, we found a tall tree, we tried to light a fire but we couldn't at first, then one of the guys with us, the inside flannel was still dry on him, he lit the flannel and lit the fire and we stayed all night sitting next to the fire just to be able to stay alive.

In the morning we went and surrendered ourselves to the Belarusian, I mean the road was next to us, the Belarusian took us. They also kept torturing us until the sunset, but of course not this torture, I mean, washing the car, feeding the pigs, leaving the dirt here, removing it, and so on... In the evening, they gathered us again with the other 6, and there was another group. They gathered us together, gave us tools and told us to go back and break in, to enter Poland again. [...] I told him we couldn't break in because we didn't have phones. He said there are three Iraqis with you who have phones. I told him that now we are 20 people, so it is like suicide. We go there and they will beat us again so hard, and we don't have phones. He said, "I don't want to see you here."

The guys with us were Iraqis, there were Syrians, there were Afghans. The Afghans fled straight away and returned to Minsk. The Iraqis, of course, before they fled, they led us in a river, because they were the ones with the phones. We were in the river for about 3 hours before we were able to get out of it. The water carried us away. The water was up to our necks.

I mean, we didn't expect any of us will get out alive. We reached a point where our legs were completely paralyzed because our bodies were completely numb. The temperature was approximately more

than 10, about 16 below zero. Thank God, I don't know how we got out of the river. We got out of the water and withdrew towards Minsk.

Pushback on Ramadan

We went back in Ramadan, and the same thing happened. [...] We also went almost to the first road, the second road they caught us, drones came out after us and they caught us based on that. They also broke phones and they sent us back. I kept trying until about the 25th of Ramadan, I couldn't get in, meaning every time I got close to the wall they immediately attacked us with gas and rubber bullets.

I mean, the hardest thing about the Polish border guards is the gas that they spray on the immigrants. There are times, for example, at 330 there is no internet, so people are forced to go to 335 because there they get a little internet. So, we go there to talk to our family, to check up on others [...] They don't let you [Polish guards], even if they know you're not doing anything. You just came to talk on the phone. However, in the end, they brought in big pumps [pepper spray] that reach 5 meters. It didn't happen to me, but some of my friends stripped completely naked and pepper-sprayed their sensitive areas. It didn't happen to me, but they pepper-sprayed my face twice. [...]

Okay, did you ever ask to apply for asylum in Poland?

They don't allow you to talk to them. We are trying to discuss... Now, from outside the fence, they are talking to you... and sometimes they chat with us... They tell us that you are paying a lot of money to come... They say, "Well, why don't you fly to the country you want?" We said that Syrians are not given visas, and we are not allowed to come to Europe. They were surprised.

MARCH 2024

Foreigners found on the territory of Poland after illegally crossing the border are provided with humanitarian help whenever it is needed. The border guards provide medical assistance (in the form of emergency aid, calling ambulances, hospitalisation), essential items (medication, food, water, hygiene products, clothes, blankets), carry out rescue operations (search and rescue from land, water and air in cooperation with other services, e.g. the Medical Air Rescue, fire brigade, the Polish Armed Forces)¹.

Maciej Duszczyk,
Undersecretary of State in the Ministry of Interior and
Administration
March 2024

¹ Response from the Ministry of Interior and Administration to the Ombudsman, correspondence published on the website of the Public Information Bulletin of the Ombudsman's Office, accessed online: <https://bip.brpo.gov.pl/pl/content/rpo-pushbacki-dopuszczalnosc-uchylenie-mswia-odpowiedz-nastepna,02.12.2024>.

This soldier with him was hitting with a rifle heel from below, he wanted to hit... he was hitting on the head [...] he wanted to hit [me] on the head, while I put my left hand in front of me, the blow came on the joint of my hand, and the joint broke.

- The joint broke?

- *The joint of my hand broke. [...] But when he saw me in pain, he started telling me to put some snow from the ground on it, [inaudible], like: "just put snow from the ground", and it was very casual for him.*

Omer from Syria

Omer was caught twice on Polish territory. The first time he crossed the border in a group of nine people was back in 2023, between the 25th and 27th of November, at around 2 p.m. He remembered that it was very cold on that day, it was snowing. While crossing the border, his group divided, and they were supposed to reunite on the west side of the border. Together they walked approximately two kilometres. At one point they saw officers in their way and ran off in different directions. Omer remembered that there were six officers, including one who was of higher rank, in his opinion.

You told me there was an officer and five soldiers. How did you know that there was an officer among the soldiers?

[It] was obvious from his look, those looked like soldiers, and he was old and [he was] wearing professional clothing. He was wearing badges. I don't know what it looked like. I mean, the uniform is different, and it is obvious that he is an officer, giving orders and so on.

Omer was stopped along with one other person from his group. He believes they were tracked down by footprints in the snow. He also recalls, as mentioned earlier, that at the beginning of the incident one of the officers tried to hit him on the head with butt of a gun.

This soldier with him was hitting with a rifle heel from below, he wanted to hit... he was hitting on the head [...] he wanted to hit [me] on the head, while I put my left hand in front of me, the blow came on the joint of my hand, and the joint broke.

The joint broke?

The joint of my hand broke. [...] But when he saw me in pain, he started telling me to put some snow from the ground on it, [inaudible], like: "just put snow from the ground", and it was very casual for him.

According to Omer's account, the officers took away their power banks and phones and tied their hands with zip ties. They also destroyed their mobile charging ports with a knife, and one of the officers smashed the smartphone screens with the iron part of a gun handle. Omer's travel companion was strip searched. He was carrying money which, according to Omer's account, was taken away from him.

They raise [the officers] their voices and they scare you [...] and they start pushing you, and he walks in front of us and such and other things like you know, the treatment, pushing and kicking until you reach the soil road, they don't leave you in the place where you are in the forest. They put you on the dirt road so the car could come, so you sit on the side of the road and they start undressing you... Of course, they undressed my friend almost completely, in the snow outside in the forest. They search us and they undress him completely. Now, because he hit my hand, he didn't make me take off all my clothes.

The men were then taken to a car, driven to the border barrier and pushed back to the eastern side, where they met the other people from their group. Omer managed to return to Minsk, where he spent the winter. There he sought help from the Red Cross and was referred to a hospital. Doctors put a splint on his arm.

In the first week of March 2024, still with the splint on his arm, Omer decided to cross the border again. This time he crossed it in a group of ten and was the last to jump off the fence. Before him, there was a young man and a married couple. All four, just like during the attempts Omer made in November 2023, were stopped after walking approximately two kilometres. This time the officers did not destroy their phones – according to Omer, it was due to the presence of a woman in the group:

The rest were all men, the woman was with her husband. Of course in this attempt I got caught with them and they didn't break our phones because she was there with us. Oh, and they went back, also the woman.

And she was pregnant?

She said so, but I don't know, but they went back and never tried again.

The rest of the incident was similar to the one in November. According to Omer's account, the officers used zip ties to connect people in pairs, then placed them in a car and drove them to the border barrier.

[...] they handcuffed us, you know. Like, all the attempts, when they catch you and they handcuff you along with your companion. Like my friend and I, they put this strong plastic in our hands, also the girl and her husband as well. They tied us together, and took us. All four of us were placed on top of each other in the car's back, you get me. It didn't fit, but this is how it goes. So we arrived there and they threw us into Muharrama.

Omer was not taken to a Border Guard facility during either of the two pushbacks described. Instead, he mentions that he heard from others in his group that they were forced to sign documents that, among other things, were forcing them to leave the territory of Poland within seven days or a declaration which waives the right to apply for international protection in Poland.

The guys who were with me, the same who were caught next to the river, they made them sign but like against their will, it's like you want to go, your destination in Germany, it was written in the papers that your destination is Germany and you don't want asylum in Poland, sign here and that's it like forceful. One of my friends was telling them: 'I don't want to sign, it doesn't work like that and I don't agree with what's happening now'. So a soldier went to him, and spoke with a tone, 'you will sign or else' and or else means there will be a beating so we have to sign. Maybe it was written that the person has the right to leave the territory within 7 days or something, and of course they push him back to Muharrama.

When asked if he had asked for asylum during any of the pushbacks, Omer said:

You can't tell them anything, you can't say anything, they won't respond to you.

APRIL 2024

However, please note that even without laws and regulations, by issuing instructions to the Border Guard and the Police, by creating search and rescue teams, we have led to a situation where people basically stopped dying at the border¹.

Maciej Duszczyk,
Undersecretary of State in the Ministry of Interior and
Administration
Tygodnik Powszechny, October 2024

¹ M. Okoński Maciej Duszczyk: *talking about the situation at the border, we need to see the whole context*, interview with Maciej Duszczyk, 29.10.2024, accessed online: <https://www.tygodnikpowszechny.pl/maciej-duszczyk-o-sytuacji-na-granicy-polsko-bialoruskiej-188745>, 2.12.2024.

I swear to God, we have seen something... after the Polish fence, I mean you cross the Muharrama, maybe between the Muharrama and the Polish fence there are not 100 meters, and Wallah, a corpse, a corpse, I swear to God there was not even a bit of flesh left. That means the corpse was... I see he was wearing his clothes but there was only a corpse left, I mean bones.

Nasser from Yemen

Nasser was pushed back from Poland to Belarus twice. The following testimony refers to the events of April 2024. At that time, he crossed the border in a group of seven men and two women. About three kilometres from the fence, they were spotted by officers¹:

About 3 km away. We were close to the street, the main street, we were close to it, I mean I could see it. [...] We entered, crossed and maybe walked a little after we crossed the fence. And two soldiers saw us. Two soldiers came in the car and saw us and reported us.

Nasser was detained by the officers along with two women and two men from the group. The others had managed to get away earlier.

There were two soldiers, but we had girls and men who couldn't run. So those two soldiers caught everyone. They caught the five. The four they didn't manage because we were running fast into the forest, so they brought soldiers and chased us into the forest. Each person was chased from one direction... and dogs and drones, like it went up in flames.

Nasser says that there were between nine and eleven officers at the scene, as well as a dog. After some time, the other four members of the group were also detained.

[There were] more than 9 [servicemen], and they come like... He brings the dog to scare you, I mean, tries to terrify you. [...] When they catch one, they screw him, beating and hitting with the rifle, with the stick in their hands like they made us miserable. Then it rained and we were lying on the ground facing it. It rained a little bit. We told them it's raining, they said, "No, take a shower." They undressed us totally, we stayed only in boxers.

¹ The interviewee did not explicitly confirm to which formation the arresting officers belonged. During the interview, he described their equipment and type of vehicles as 'military'.

Nasser reports that officers used rifle butts to hit them:

[Y]es, with the back of the rifle, they hit on the belly, on the neck like they don't care, the only important [thing] is to hit you. [They hit me] on my back, my belly, and I got trampled on the neck while being on the ground, like it was a mistreatment and abuse.

He also mentions that they did not treat all members of the group equally:

He saw that one guy is christian, he asked him, "christian?", he said "yes", thinking that he will let him go or something, and then three held him and beaten him a lot, like with the back of the rifle, with the rifle, with the stick like the guy was yelling, yelling, and he is so young, still 18.

[...] They were masked. I mean, even if he removed the mask and you saw him, he would hit you, like why are you looking? If you say one word to him, he will start to beat you up, saying, "Don't look at me, no." Only if he asks you, say, "Yes" or "No." Even if he speaks wrong, say, "Yes," so you can get out. It is forbidden, forbidden, forbidden. Raise your head.

According to his account, after being searched and beaten, Nasser and the others were told to lay down on the ground for two hours. They were allowed to put their trousers and T-shirts back on. The rest of their clothes were either damaged or thrown away by the officers.

[T]hey put us down after we got dressed, each one wearing pants and a T-shirt. I undressed when he told me. I was wearing 4 pants and 4 T-shirts, I took it all off, I threw everything but a T-shirt, like a pajama, what I was wearing going back to Belarus.

After sunset, all nine people were taken to a building that Nasser identified as a Border Guard facility. When they went inside, the Yemeni man noticed a change in the officers' behaviour:

[...] In the center, they became respectful.

[...] Then they took us to prison and took our phones and we had no food so they brought us food.

They spent about six hours in small cells separated from each other:

They took us in that big army car of theirs. They took us to their police station, and they put us in prison. [It was] an isolation cell, it doesn't open [...] like on... proper prison. [...] each person alone.

The officers then instructed Nasser to sign documents. As he describes, these were documents indicating that he does not want to apply for international protection in Poland. The detainees were told to hold the documents in their hands while the officers took pictures of them.

We signed papers saying that we don't seek asylum in Poland so that they could deport us.

[...] They took pictures of us while we were holding the paper and every now and then... they brought us maybe 20 papers like that to sign. Every now and then sign, sign, they don't let you know anything, just sign. If you don't sign, they'll beat you.

The Yemeni man stresses that he expressed his will to apply for international protection, but none of the officers responded:

Of course, you can't ask about anything. I told them while I was in Poland. I want to apply for asylum in Poland.

The documents were only translated into English, which was not spoken by the majority of the group:

Someone told me that the papers are translated into English. Of course, I don't speak English, but our friend, there was someone with us who knew how to speak and read English, but he didn't tell them

[uniform services] that. [Uniform services] asks him to speak English, and he says, "No, I don't speak English." He read a little bit of the paper, and it meant that we don't want asylum in Poland and stuff like that.

Nasser was afraid to refuse to sign the documents:

Of course I am forced. If I don't sign, I think in my head that something might happen to me, I might get knocked over. I said I will sign and that's it. We don't want to be forced.

After signing the documents, he did not receive a confirmation or a copy. He was then taken to the forest with the others. He remembers the number of the border post. The officers opened the gate in the steel border fence, and forced the group to cross the border and enter the swampy area on the Belarusian side, by beating and poking them. Nasser also reports that their phones were destroyed.

Wallah, they took us to a point, maybe 220, a point far from where we came from, so that we wouldn't be able to get back quickly. They threw us there. As soon as they opened the fence, there was a hole with a lock. They opened it and threw us, may God protect you, into a swamp that was above our knees. We didn't have clothes, we didn't have boots, we didn't have drinks, we didn't have anything.

[...]

The Polish fence, they have [a] gate in there, they brought us in a car from the station after we signed and they took everything, we arrived there, he had our phones, he stabbed it with a knife, I mean he broke it. and he opened like a square hole in the fence, and immediately took one person and threw him there one by one. While going through, you need to bend your head because it's a small hole, and while doing that you get a hit, and you're going through swamp.

[...]

They left us with only a small part of our clothes, and it was cold. They took our jackets and boots, and they took our phones and broke them. I mean, we didn't even have any drinks. The day they threw us into the swamp, the day they returned us to the forest, we didn't have any drinks with us and it was cold. The end of the cold days.

They took the shoes, Wallah. They took my shoes that were in the bag and that I was wearing. I asked him to return them, and he said, "No."

While in Muharrama, Nasser also spotted what he thought were human remains:

I swear to God, we have seen something... after the Polish fence, I mean you cross the Muharrama, maybe between the Muharrama and the Polish fence there are not 100 meters, and Wallah, a corpse, a corpse, I swear to God there was not even a bit of flesh left. That means the corpse was... I see he was wearing his clothes but there was only a corpse left, I mean bones.

MAY 2024

If we have a person who is not interested in international protection then the question is what the procedure should be in this case. [...] Since the beginning of the year, more than two thousand people have been granted international protection, while the majority are not interested in protection in the Republic of Poland, but just want to get to Germany¹.

Adam Bodnar, Minister of Justice
July 2024

¹ Adam Bodnar in the 'Kontrapunkt' programme on TVP Info, 10.07.2024, accessed online: <https://www.tvp.info/79238850/kontrapunkt-adam-bodnar-o-rozliczeniach-giertychu-i-przywracaniu-praworzadnosci>, 03.12.2024.

On every pushback, on every of the 6 pushbacks, I asked them for international protection, and they said: "you want to go to Germany" and I said: "no, I want to stay in Poland" but they pushed her back.

Netsanet from Ethiopia

** This interview was interpreted consecutively. The interpreter often used the third person to relate the events as told by Netsanet.*

Netsanet experienced a total of six pushbacks to Belarus. All of them took place over a period of two months. The woman was not taken to a Border Guard facility during any of the detentions, nor did she sign any documents. Netsanet's last pushback took place on May 13th, 2024.

Netsanet begins her story by describing a moment when she and two other women were looking for a suitable place to cross the border barrier. One of her companions was pregnant at the time, the other 'had previously had a surgery, so she had a surgical wound and was seriously ill'. The women were looking for a place where the fence had already been bent. All three managed to cross the border barrier after 10 p.m. They were caught by a Polish Border Guard patrol soon after.

There was no light before they entered, and when they entered, the border [guards] flashed their lights and the only one word that they were hearing was "kurwa, kurwa" [...] He [officer] touched her head with a stick, she immediately took her hoodie off then, trying to show them that she is a woman and that's how they were caught [...]

Netsanet goes on to describe the uniforms of the officers who made the arrests:

[...] They [officers] were wearing black t-shirts and Border Guard was written on their t-shirt so that's how I know that they are the border guards [...] and you know, people who are on the border, who are not border guards, the maximum they would [do], they would handcuff you and then make you sit and that's it. But the problem starts when the border guards start to arrive, that's when the real problem starts.

Comparing this pushback with previous ones, the woman describes it as 'peaceful'. She recounts that the officers did not use violence against her. Instead, they used zip ties and searched the women, previously asking for permission to conduct the search. The officers did not destroy or take any of the detainees' personal belongings.

On the previous pushback they [border guards] break a lot of phones, a lot of items and belongings as well. So this pushback they didn't experience this sort of thing.

When asked if she consented to the search, Netsanet said:

Yeah, because we fear them too much, we can't say 'no' at the time, we were scared of them.

She was not provided with any documents to sign. Instead, the Border Guards checked the documents she had on her. Netsanet mentioned that the woman with the surgery scars was feeling unwell due to her condition and lack of food and water. The guards called an ambulance, which transported her to hospital. Meanwhile, Netsanet and her pregnant travel companion were pushed back to Belarus, despite their will to apply for international protection:

[...] The pregnant woman was pushed back like 8 times, and then she was showing her baby and showing that she is pregnant and she begged them too [unclear] to be accepted for international protection [...]. But they refused and they pushed them back at the point 358 they pushed both of them back.

During the events described, Netsanet suffered from a leg injury. She informed the Border Guards making the arrest about it and showed them the injury. According to her account, one of the officers told her not to worry and added that she will be taken to the hospital when other officers arrive.

[...] She showed them her leg and her condition [...] and she even begged them by showing them her pain. And the one who was in the front, the one before [other] border guards arrived, he was telling her: "don't worry, they will come and take you to the hospital", but still they pushed her back 6th [time], the last push back.

Netsanet emphasises that she tried to ask for international protection each time she managed to cross the barrier and was detained by the officers.

On every pushback, on every of the 6 pushbacks, I asked them for international protection, and they said: "you want to go to Germany"

and she say: "no, I want to stay in Poland" but they pushed her back. She told them in English, and she even tried to tell them in Russian because there was one person [officer] who spoke Russian and she also speaks Russian, so she asked them to apply for asylum.

During the interview, Netsanet also spoke about previous pushbacks, during which she experienced much more violence from the Border Guard. She talked about the use of pepper spray and physical violence, as well as being forcibly pushed back through a gate in the border barrier.

She was pushed back 6 times, they returned her to Belarus. The first time, they broke her power bank and her phone, and pepper sprayed her eye and then he pushed them back and told them to never return, never come back to Poland. [...] for long hours she couldn't see.

They use pepper spray, instead of beating [...] it's so hot and it burns eyes. She still has scars and wounds from the spray that they flashed on her.

She also said that her friend [inaudible] her entire back was bruised, you know what I mean, her entire back was scratched and bruised and then there was a lot of blood and scratches on her back. She said she didn't see her friend when they pulled her but when she came back there were a lot of scratches and [inaudible] on her back. [...]

When it comes to males, they would not only push them, they would throw them. Even if you're slow and even if you're a woman and [...] and not walking fast [enough] they would push you, and will say: "hurry up, get out!".

After each of the pushbacks she experienced, Netsanet tried to avoid Belarusian officers.

We were always careful for them not to catch us, sometimes they push you back to the Polish border and sometimes they take you to another point of the border and they push you back there. If you're a female with the Belarusian soldiers, they don't beat you, but if you're a man you will get some beating. She says they would really beat them up when they're males, they really beat them up, the Belarussian soldiers.

At the end of the interview, when asked if there was anything else she wanted to mention, Netsanet shared a story of sexual assault she experienced shortly after one of the pushbacks, when she was pushed back on her own to a location she did not know.

She was alone and they pushed her back to a different point and God saved her that...

When they return you, you stay on the edge [of Muharrama], you don't wanna go too deep because you don't want the Belarusian soldiers to catch you. She was on the edge and she met one guy, and he was fighting with her, and he was trying to get, I don't know... something...

So there was this guy trying to rape her, because she was alone and when he saw a Belarusian soldier, he ran away. So if there is any way to stop it... especially when it comes to pushback, if you have to push [them] back, just push them back with dignity, not with beating, not with any kind of violence. [...] To push back, especially a woman or a lady at night alone, in a place where there is no one, that's really difficult. On that day, God saved me.

A woman with surgical scars, with the help of NGO representatives, applied for international protection during or after her hospitalization. Netsanet's second companion, the pregnant woman, crossed the border once again on May 13th, and this time successfully applied for international protection. At the time of the interview, Netsanet was still in Belarus.

They do not flee across the Polish border. [...] Syrian women from under bombs, nor Afghan women from the Taliban. We are dealing with a Russian-Belarusian operation. The gender composition of the refugees has changed. [...] I understand the desperation of a man who wants to get to Germany to get 1,200 euros of welfare a month, but he also has to calculate and bear some responsibility for his own actions!

Bartłomiej Sienkiewicz, Member of the European Parliament
October 2024

1 „Odklejeni od rzeczywistości”. Bartłomiej Sienkiewicz o obronach praw człowieka, Polsatnews.pl, 14.09.2024, dostęp online: <https://www.polsatnews.pl/wiadomosc/2024-10-14/bartlomiej-sienkiewicz-w-programie-graffiti-ogladaj-od-740/>, 3.12.2024.

- Out of the 20 [24] people who were with you, there were two girls?

- Exactly.

- And where were there any elderly people?

- There was an old man with us, just one. Syrian nationality.

- Generally, were the 24 people mixed, or were all of them Syrian?

- No, it was the majority, but perhaps there were two Algerians, I think.

- What was the majority?

- Syrian and Yemeni.

- And the two girls were Syrian?

- Yes.

Saleh from Syria

Saleh crossed the Polish border on May 20th between 1.30am and 2.30am in a group of 24 people, mostly men from Syria and Yemen, as well as Algeria. They all managed to pass through a hole in the border barrier. One of them, a young Yemeni man, had a torn ligament and was only moving with the help of other people in the group. Saleh and his companions moved about 800 metres away from the fence before they were spotted by the drone. Shortly afterwards, about fifteen uniformed men arrived at the scene. Saleh was detained together with 18 people from his group.

[...] they [Border Guard] let the dog out, or they fly a drone, you know. They let the drone out. The drone comes and catches, I mean it sees us. It hovers over us until the soldiers come, or [until] the dog comes and holds you until the soldiers get to you. But the dog doesn't bite you at first. He [officer] says some word to the dog to let him bite you. This is what happened to my friend, this Yemeni.

They ran to us, as soon as they arrived. We were lying on the ground, facing the ground. [...] The first thing they ran towards you was, they spray pepper on your face, so you can't see anything, right! And they start hitting. They hit you on the ribs, on your stomach, like a strong beating, not that [inaudible]. of course with insults, for example: "Suka", or "Kurwa"! And they start hitting you... They beat you, they hit, hit, hit, hit, they beat you until you scream louder, until they see you seriously in pain, [then] they leave you..

Saleh added that the Yemeni man with leg injury suffered the worst violence:

While catching us, they were beating him, like, the soldier gave an order for the dog to bite him.

At first Saleh could not see the uniforms the officers were wearing. It was too dark, he reports, and it was only when the cars arrived that he could see the details.

It was night light.[...] But when the rest of the cars came to take us to the points, [I saw that] some of them were wearing black and some of them were wearing military clothing, like army clothing.

At first, Saleh asked for international protection in Poland.

I was talking to them [Border Guard] in English. I told them that I have international protection for Poland, and they did not agree... that I want to seek asylum in Poland. [...] When I asked, I told them that my wound was still there and bleeding. I told them [to] take me to a hospital or call a doctor for me. They said: "it's not our job" and they beat us, sprayed us with gas, and broke our mobile phones. That day there were 12 people with mobile phones. They broke the mobile phones, sprayed us with gas, and put on us this black handcuffs.

[...] They handcuff us in pairs, put their left hand and the other person's left hand so we walk behind each other.

All detained people were taken to the vehicles, which were about a kilometre away. After that, they were told to sit on the ground. They were also given water. An officer, whom Saleh described as being in charge, recorded the incident with a camera.

They filmed us with a video camera, not a regular camera or a mobile phone. They filmed us with a video camera. They were shooting a video. The officer opened the car, brought a video camera, a Sony video camera, and started shooting a video while he was saying that... look I don't understand their language, [but] because a lot of his words are close to Russian, I understood that he was giving the number of people. He said that these people are partly Syrian and partly Yemeni. And he mentioned the number of the point where we got caught, and then I don't know, he said something and turned off the video.

He even filmed the soldiers who were with him. I understood that there are soldiers who are given a reward if they catch immigrants. Because they [...] started running and saying: "it was me", like raising hands.

All detainees were searched and asked to prove their identity.

[...] I felt the ones with darker skin get more checking. They check the darker ones more accurately, like they undress them, search them and then they let them dress again.

Saleh estimates that the search and video recording lasted about an hour and a half. Throughout this time, the migrants were sitting on the ground next to the vehicles. According to his account, the officers cut their shoes and clothes with knives.

[...] They take you with your shoes to the car, they tore it and they put you into the car and threw you in Muharrama. If someone is wearing a jacket, they also tore it up or they would take it and leave it on the ground.

Before the pushback, the group was split into two or three cars. Saleh was pushed back to Belarus in a group of seven, including the Yemeni man, and a Syrian family – a 16-year-old girl, her older brother and her elderly father. The other Syrian girl and her older brother were pushed back separately. This time Saleh was not beaten, but his Yemeni friend spoke up to the guards, who responded with violence:

They don't beat you. They open the car door. If you talk to them, they beat you. Like, if anyone said to them and said, "I need a doctor or a hospital," they would beat him up. Even this person I told you that the Yemeni was with me and he couldn't walk. We were carrying him. [At the gate] they started trampling on his leg, you know. The leg that is hurting him, they start trampling on it.

It was Saleh's third pushback that month. The previous two took place on May 12th and 15th.

Sound of a girl crying. I stopped for a while and I saw her. I tried to help her, see if I could help or walk her with me to the car. I was surprised that the girl was very injured, I mean, there were many wounds on her hands and feet and so on, so I couldn't help her, and the army came and caught us. They treated us very nicely, they didn't do anything to us at the first time. They took the girl to the hospital, and I injured my leg... seriously injured. I had an open wound on my thumb... They didn't help me, and I had a sprained ankle on my other leg. They didn't help me, and they let me in through the animal's gate... They took me inside the Belarusian Muharrama. I asked them to take me and help me, and I even asked for asylum. But the Polish officer said that it's impossible for me to help you. [...]

of course, not to mention that they saw the mobile phone, broke it, and put it aside.

The interviewee also described the treatment he experienced from the Polish officers in the zone between the Polish and Belarusian barriers.

Even if they [Polish officers] see you close to the Polish fence, close to [...] the steel wall, [...] or when they see you walking close to it, they immediately pepper [spray] you or hit you with rubber bullets. I mean, they're beating you, not because... I mean, how can I tell you that you would be doing nothing. You know that there are water swamps. Sometimes people go and drink water from them. So soldiers come and they keep shooting and laughing. [...] They start hitting and laughing. Or they would throw these firecrackers at you. [...]

Once, I was drinking water and there was a female soldier, not a male. She started shooting, shooting, shooting, until she got me. I shouted. Then she turned to her friend and started laughing along with her.

[...]

They would bargain with you. Like, they tell you that if you want, for example, a power bank, we will give you a power bank, but you want to give us \$50 in exchange. You want cigarettes, we will give you cigarettes, but you give us a power bank in exchange, or for example \$10. You want water, or you want oranges or apples.

He also talked about the practices of the Belarusian services.

The Belarusian come to check, they search if you have weapons, if you have a knife, they would immediately take it, they tell [you] that you are in a dangerous zone, The Polish could beat you up. Of course there were Russian speaking people so they speak with the officer and explain us, they told us that you are now in forbidden area and you're not allowed to go back to the city or the capital. If you try to go back, there will be beating. and most probably if they see your stuff around here and there, some of them could burn it, the backpack and the stuff.

JUNE 2024

The first border crossings were organised like this: in the front, there were actually women with children and behind them there were men, at times aggressive. Now there are no more women, no more children. Let us be clear: they are criminals who want to force their way into Poland at any cost!

Jacek Dobrzyński,
spokesman for the coordinator of the special services
June 2024

¹ No more families with children among the migrants? 'Now the bandits are storming in', TVP INFO, 13.06.2024, accessed online: <https://www.tvp.info/78083035/wciaz-niespokojnie-na-granicy-polsko-bialoruskiej>, 03.12.2024.

Yes, they beat you and don't let you go without beating... No... No... not every time they beat me. Once they asked me how old I was, I told them I was 14. They let me and didn't beat me, but they broke my phone.

Are you 14 years old?

I am 14 years old, but in my passport I am older. I explained to the army that this passport is wrong. In Sudan, if you are not 18 years old, it is impossible for you to get a passport unless your father is present, and my father is dead. That is why I was registered as older than I am.

Adil from Sudan

Adil experienced at least four pushbacks. He does not remember the exact number because he spent a total of about four months in the border area. In the interview, he described two memorable pushbacks. One of them took place after Adil approached an NGO for help in applying for international protection. The organisation's representatives provided him with humanitarian assistance and then, as he requested, called the Border Guard to the site so that he could declare his will to apply for protection in Poland in their presence.

We don't know the exact date of the first pushback described by Adil, but the interviewee remembers that it happened around two in the morning. Adil, who was travelling in a group of five men and two women from Sudan, was caught after crossing the border barrier.

They set up an ambush for us in front, and came with dogs from behind. They came and found us hiding, and it was raining... sleeping in the rain... they caught us. They beat us, beat us, beat us, and pushed us back. They broke all our phones.

He reports that they were stopped by four officers, who used pepper spray on them and started beating them with branches broken off the trees.

*With sticks, they broke some trees and hit us with them, and they sprayed pepper.
[...] They hit you in the head, in the leg... wherever the hit comes, it comes.*

All seven people were tied up with zip ties and then placed in a cramped car that, according to Adil, could safely fit a maximum of three people in the back seat.

A small, narrow car. They put us all and crush us in one place like that. In the package, it can hold maybe 3 people. Even my friend's hand was injured from the pressure.

They were taken to the border fence. Then more officers arrived at the spot. When the second car arrived, Adil estimates that there were around eight or nine officers in total.

[...] When we got there, we found about 8-9 people. They beat us, they beat us next to the fence until the car comes and they give us pepper [spray] and tell us to go... meaning they beat us until we reach the fence.

Presumably their phones were destroyed at that time too.

They don't beat people when the officer comes. When the officer comes, they just break phones. [silence] And they beat up the adults.

Pushback despite trying to apply for international protection in the presence of NGO representatives

At the end of June, Adil crossed the border alone. Around midnight, he approached one of the NGOs providing humanitarian assistance in the border areas. The people involved in the intervention later shared their account of the events. When they reached Adil around six or seven in the morning, he expressed the will to apply for international protection on Polish territory. He signed documents granting power of attorney to one of the humanitarian workers present and signed the UNHCR-recommended form for applying for international protection, translated into Arabic. A Border Guard unit was called to register him at their office where, according to the law, the above-mentioned declaration should allow him to submit the relevant application.

The humanitarian workers present at the scene describe the meeting with the officers as follows:

The Border Guards who picked him up were not friendly. They searched him insensitively and handcuffed him. The officer said he didn't trust us or him.

Adil's words confirm this account:

*[...] the organization came to me in the forest. They gave me two papers to sign stating that I wanted asylum in Poland. After that, of course, they would hand me over to the border guards.
[...] The army soldiers took me, they put me in an iron handcuffs. Then they put me in the car... and he pressed, like, on my knee. He*

wanted to fasten the car seat belt, like he was pressing me like this in the car. Violently, I felt that the guards didn't want me to come. I kept quiet.

At the Border Guard facility, they conducted a full body search on Adil, during which he had to undress completely.

They took off my clothes and searched me.

The officers presented the teenager with documents to sign. As he recalls, the documents were written in a language he did not understand, so he refused to sign them and asked for a translation.

They brought me a paper and told me to sign it, but I refused to sign it... They brought me a translator who speaks Arabic and told me to sign the papers. I told him that if the papers are for the camp, I can sign them, but if they are not for the camp, I cannot sign them.

The translator did not give Adil time to read the contents of the translated documents.

*The translator told me to just sign, I told him, 'I don't know, these papers are written in Polish, I don't know'. I told him to bring it in Arabic. So he brought it in Arabic, and told me to read. I started reading, then suddenly he pulled the paper from me and told me not to read.
I told him, 'Why?'. He told me 'Do not read, if you want to sign. If you don't want to sign, leave'. I told him, 'Okay, can I call my friend in the camp?' Because I don't know the details here. [...] I told him, 'This phone doesn't have a SIM card. Can you turn on the Wi-Fi for me?' He took the phone from me and said, 'There isn't any.' I told him, 'Okay, I can't sign because I'm afraid you'll get me into trouble.'*

Under these circumstances, Adil also refused to be fingerprinted.

They gave us a paper [the border guards] saying sign it, if you sign the paper they will send you back because it says in the paper I don't want to apply for asylum. And we want asylum. So they gave us a paper and I refused to sign, they also took me for fingerprints, I refused to sign my fingerprint. So they didn't find a way...

After he refused to sign the documents and give his fingerprints, Adil was photographed holding a piece of paper with a text he did not understand.

They brought a regular paper, they told me to hold it and they wanted to take a picture of me, I told them I wouldn't hold it because I don't know what that is. One of the soldiers took it, they put it next to me and took a picture of me with it for no reason and sent me back.

According to Adil's estimates, he spent around eight to ten hours at the office. After this time, he was taken to the fence.

They took me back to the swamp. Of course, the swamp has barbed wire. They have barbed wire that they put over the swamp like in the water. There you can't walk with your boots on. I took off my boots and walked. They injure you a lot. There are a lot of wires and they injure you. And they say... they throw you and say go back to your country.

His belongings were given back to him, along with his phone, which had been destroyed by the officers. Then he was pushed back through the fence. During the pushback, Adil was allegedly beaten and pepper sprayed.

They threw me in the swamp and so on. They told me to go back to my country, and they beat me with sticks and pepper sprayed me for no reason. Wallah, I didn't do anything.

Staying in Muharrama

Adil estimates that he spent about four months in Muharrama and the towns in the heart of Belarus where he fled to resupply and recover.

We bring food with us in the backpacks, and when it's finished we try to go back to Belarus and come back again, and so on... That is, we stay in the forest for a month, unable to cross, and when we cross they catch us, beat us, and send us back...

During this time, he watched Polish officers attack the people gathered on the other side of the fence.

When we're walking next to the fence, they pepper spray us... Sometimes they drop sound bombs on us or I don't know what that is. When you're walking next to the fence from the Belarusian side... without you entering or doing anything.

Adil says he also saw Polish officers pass through the gates in the barrier to the eastern side.

They come to [the other side of the fence], but they don't walk far, maybe 50 meters. If they catch you, they hit you, they hit you and go back. If there is a door next to you, they can come in through it, they hit you, they hit you and go back.

[...]

When we walk next to the fence they beat us, we don't do anything, they just beat us up. And if we reach a place next to a gate, for example 54 or 65 or a place at a gate... They open the gate, come inside the Muharrama, catch us, beat us and go back. And if you have a phone, they break your phone so you can't film, and you can't communicate with your family and you can't go back.

Adil also mentions the brutality of his encounters with the Belarusian officers.

They [Belarusians] caught us, they beat us, and they did what is undescrivable.

[...]

I went to our camp. There is a big house belonging to the Belarusians, on the international street. There the Belarusians catch us and take us to their camp. There they beat and torture us and then they tell us to go.

I was at the border four weeks ago, at the Podlasie Border Guard facility. [...] Border Guard officers do a fantastic job, they protect Polish security. They are there to defend Poland. [...] They do a fantastic job, I am proud that I had the opportunity to supervise them for five months. [...] The Border Guard has organised search and rescue teams that actually rescue people who need help, whose lives are in danger, and those who are sick. They take them to hospitals. [...] They are good people because they are patriots and they are defending the Polish border and I have no doubts about that. [...] We make it very clear that those who need to be assisted, we will help them!

**Marcin Kierwiński,
former head of the Ministry of the Interior and Administration
May 2024**

1 Magdalena Rigamonti 's interview with Marcin Kierwiński, "Program wieczorny", Onet.pl, 17.05.2024, accessed online: <https://www.onet.pl/informacje/onetwiadomosci/program-wieczorny-1705/vwb5h67,79cfc278,2.12.2024>.

They took us there, and they got us out of the cars... and we were unable. This guy with the broken leg is not able to walk at all, and the one who was bitten by the dog... they should have at least treated him or given him medicine, or at least given us water so we could drink like we are dying of thirst.

Zahir from Syria

Zahir, a man from Syria, has experienced four pushbacks. During the interview, he gives the approximate dates of the last two: June 10th and 15th, 2024. Both happened around five o'clock in the morning. In the interview he focuses on the pushback on June 15th.

On that day, around five o'clock in the morning, a group of ten Syrians attempted to get to the western side of the border barrier using a ladder, near Bialowieza. Five of them, including him, managed to cross.

[...] we entered, we opened the Polish wall... The Rybari' was the one responsible for this matter, and the soldier was about 50 meters away, 50 meters to the right and 50 meters to the left... And so, we entered: first me with another guy. Me and the guy who was with me took the ladder and put it on the barbed wire, and we jumped over the barbed wire. We reached the Polish territory, and the other guys jumped behind me, 3 people and they passed. But the rest, the remaining 5, didn't get to pass because the Polish soldiers came with pepper spray, and started spraying my friends inside. He started spraying pepper on them and hitting them with batons until they went back.

The four men and one underage boy who managed to get through the barrier moved further into the forest. While crossing the barrier, one of them seriously injured his leg. According to Zahir's account, it might have been broken near the ankle. The rest of the group assisted him, trying to get as far away from the border line as possible. Zahir describes that they managed to cross two forest roads before they got exhausted and decided to hide.

We continued, even [though] one of the guys with me had his leg broken and could no longer walk on it. [...] His leg was broken at the ankle... or I don't know, but he couldn't walk at all. So, with our help, he was able to cross the first road and the second, and we couldn't move anymore... We hid for a while and it started raining. We stayed hidden for about half an hour, waiting.

1 Rybari - a word used by people crossing the Polish-Belarusian border to describe guides who are in contact with the smuggling organisers

After a half an hour break, the men were tracked down by a dog.

We could only hear the dog's voice from afar. When we hear the dog's voice from afar, we know that we have been caught. We remained hidden, and the dog's voice began to get closer and closer until the soldiers were over our heads. As soon as he saw us, he started cursing us in Polish. He started cursing and shouting, and the dog's voice was next to us. The dog reached the lap of one of the guys with us and bit him in the belly. When we saw it bite our friend, we all went out and they started beating us with sticks and rifle's back. I was hit with the back of the rifle on the middle of my head, and one of my friends, they started beating him very brutally and with batons. Even the broken one wasn't safe from them.

The man with a leg injury was also allegedly beaten. According to Zahir's account, the Polish officers hit harder when asked for mercy. Allegedly, they were punching and kicking the man's injured leg and stomach.

He says, "I am injured, my leg is broken." They started hitting him even more. They hit him where it hurts. They started hitting him where it hurts, and they kicked him in the stomach, kicked in the stomach. We all got kicked.

The men were then taken to a nearby road and lined up.

They took us out of the forest, took us to the street, lined us up next to each other like criminals, and started beating us. The broken guy started telling him that he was broken, so he started beating him. He was the one who was beaten the most. He said to him, „Take off your clothes.“ He took off his sweater, took off his pants, and said, 'Take off your boxers.' He said to him, 'I can't take off my boxers.' He said, 'You will take them off' and took off his boxers in front of us.

Later in the interview, Zahir recounts that water bottles, dates and cigarettes were found with them during the search. He later reports how the Polish officers forced tobacco into their mouths and then punched them in the face. As a result of these punches, Zahir's nose started to bleed.

Started searching us, even searched our belongings. And what did we have with us? Each one had a bottle of water and a few dates, and we had a pack of cigarettes. He started holding the cigarettes and feeding us the tobacco while we were standing. [...] the tobacco as it is, stuffing it in our mouths, feeds us with it and hits us everywhere, on our face, on my nose, and on... and the guys too. My nose started bleeding from the beating. Yes, he started beating us severely to an indescribable point.

After some time, a car was called to the scene. Zahir says it arrived very quickly and everyone was immediately pushed into it.

The car came like, within two or three minutes, the car came. They put us in the car, and started beating us up and down all the way until they dropped us out. They dropped us down in 360... 360 is full of swamps and the water reaches our chests.

[...]

The car looks like a van, a big van. Like, we can stand while in the car, because the car is high. But we were sitting on the floor of the car, and there were two soldiers with us. And all the way beating us, beating, beating, until we reached the gate in the wall.

They took us there, and they got us out of the cars.. and we were unable. This guy with the broken leg is not able to walk at all, and the one who was bitten by the dog. They should have at least treated him or given him medicine, or at least given us water so we could drink like we are dying of thirst... They took our cell phones and broke them all. And as soon as they broke the cell phone they gave it to us, they said, „This is your cell phone, take it with you.“ One of the guys, they took the money from him and didn't give it back. When they searched and saw what we had of food and drink, one of the guys had \$300 with him. They took the \$300 from him and didn't give it back. He kept asking, 'you have my money', the soldier would say, 'No, no.' Before the car came, he said to us, 'No, you don't have money.' We didn't dare to ask for the money again because we were afraid of getting beaten up even more.

Later in the interview, Zahir specifies that his hands, as well as those of the other four men, were tied with zip ties before they were placed in the car. They were tied so tightly that blood did not flow to their hands. The officers didn't cut the zip ties before the pushback, but random people who they met in Muharrama.

[...] after they beat us and subjected us to great insults... They handcuffed us with plastic belts, and tightened them until the end so that the palms of our hands turned blue... to the point that the blood no longer reached the palms of my hands.

[...] they kept it [plastic belts] on our hands. They pushed us to the other side, handcuffed and in the swamps. Until we found another group while we were walking, so they helped us to untie the ties.

After being pushed back to the eastern side of the fence, the men found themselves in a swampy area from which it was difficult to get out. Because of this, they walked along the fence, and as they marched, Polish officers pepper-sprayed them. According to Zahir, they did not want to move away from the fence, but not just because of the swamp. They were also afraid of encountering Belarusian officers, who, as he said, brutally beat the people pushed back by the Poles. After walking approximately eight kilometres, the men managed to reach a place that Zahir described in the interview as 'a camp'.

We reached the wall, we were in an area full of swamps, the side... behind the wall, there was no soil or anything like that, just swamps. They grab us and throw us, the first one stand would be kicked and thrown into the middle of the swamp, the second, the third, the fourth, the fifth, that's all of us.

And they threw us inside... [...]

While we were walking, the border guards kept seeing us until we reached the camp. This one pepper-sprays you, the other... Some of them talk to you and don't come near you at all. And some of them, as soon as they see you, pepper-spray you, while you're walking in the swamp, they pepper-spray us. Because we can't walk from the other side because the Belarusian becomes... if the Belarusian sees us, we can't get rid of him. They grab us and beat us, and put us at another point.

JULY 2024

It is important to underline the fact that Border Guard officers, according to the law, are obliged to respect human dignity and to respect and protect human rights¹.

**Czesław Mroczek,
Deputy Minister of the Interior and Administration
July 2024**

¹ Correspondence between the Ombudsman and Ministry of Interior and Administration, published on the BRPO Public Information Bulletin website, 06.08.2024, accessed online: <https://bip.brpo.gov.pl/pl/content/rpo-stanowisko-strefa-buforowa-granica-mswia-odpowiedz>, 03.12.2024.

Because we said, 'We are human beings, we won't sign a document we don't agree with, we can read'. Because of what we said to them, they were angry with us and that's why they beat us so badly.

Negash from Ethiopia

Negash recalls crossing the Polish border in late July 2024, just before noon. He points out that he is not sure where he crossed. On the Belarusian side, he was in a group of around fifteen people of different nationalities. After he used a ladder to cross the fence, five of them remained: two men from Ethiopia, a woman from Eritrea and two people whose nationality he is not sure of. He met them along the way and was unable to fully communicate with them due to the language barrier. From what he understood, one was from Congo and the other was from Burundi. One of them was sixteen years old.

The Eritrean woman suffered a leg injury when jumping from the ladder, which left her unable to move independently. The men supported her and helped her to go forward.

She was okay before she jumped, and when she tried to jump from a ladder, that's when she got injured. And because we know her from the past, we can not let her go because she's a woman and that's why it took us all day until night. But the forest was not...If it was just us, we would've crossed instantly, like really quickly. But the reason why it took us too long was that she was injured.

Negash remembers that they walked in the rain all day until the evening. During this time, he estimates that they walked about two kilometres away from the border fence. Between ten and eleven o'clock in the evening, they decided to call an NGO providing humanitarian aid, whose representatives soon arrived at the scene. They gave clothes and food to members of the group, and provided medical assistance to the Eritrean woman.

According to Negash, all people in the group wanted to ask for international protection in Poland. In line with their wishes, the representatives of the organisation called the Border Guard to the site. Shortly afterwards, a patrol arrived at the spot: a female officer and two male officers in one car. All three were wearing masks covering their faces. The whole group was taken to the Border Guard facility.

When we first arrived at the station, they put us all naked. We were just naked, and they test[ed] us. They start intimidating us, threatening us to sign the documents. [...] We were all together except for the lady, except for the woman. And they were laughing at us, even when we were naked they were taunting us.

After they took us there, they [guards] were forcing us to sign documents and we requested for Amharic translation and in the Amharic translation it says: „I don't want any kind of asylum in Poland.” And we refused to sign it, I refused to sign it, and they were hitting the table. And you know, pounding the desk, [using] every kind of intimidation, they were changing between [each other].

As Negash describes, the officers forcibly fingerprinted him. He was also forced to sign the documents. Afterwards, his hands were tied with zip ties.

[...] They put us [in] plastic handcuffs, those tiny plastic handcuffs. And they... I thought they were taking us to the camp, but no, they were like police officers, their faces were covered, with glasses on. And they started beating us. When they were beating us, I lost consciousness, because of the beating that I received.

The beating allegedly took place after Negash, the second man from Ethiopia and a woman from Eritrea had already left the Border Guard facility. They were taken to the forest by car. Negash and the second man were taken to a different location in the forest than the woman with a leg injury, who was pushed back elsewhere.

When they were taking us out of the station, there were two people. One male and one female. They stopped in the middle of the road and they ordered us to get into the forest. We thought that they were taking us to camp. After that, we cannot remember anything, they were groups and they beat us severely. And I was left unconscious.

Negash is not sure of the number of officers. He only mentioned that they were all masked. Negash reports that he was kicked in the back and neck, and hit on the lower back with the butt of a gun. There was also a dog at the scene.

As he was showing on his ear, dog bit him on his ear. Also, all over his leg. And most of the beating from the neck down was using...They were using their feet to beat them. And one on his waist, got down on his waist, he was beaten by a gun. [...] The backside of the gun, exactly. And they broke my back.

Allegedly, the masked officers were threatening both men.

And they were threatening us, if we came back again, they would kill us. [...] They were saying „I kill you, I kill you.”

Negash is unable to estimate how long the events described above lasted.

They beat me for [a] very long time, it was not like for a couple of minutes. [...] I cannot put an estimate, it felt like a day for me.

The Ethiopians were then transported to the border barrier. According to Negash, the officers destroyed their phones and then forced them into the water. They were waist deep in the water. Negash remembers that it was green and full of seaweed. Both men passed through the gate to the territory of Belarus. They did not encounter Belarusian officers and returned to Minsk with people they met on the way, for which they paid \$200. In Minsk, they met an Eritrean woman who was caught with them and then separated after their visit to the Border Guard facility. Due to the injuries caused by the beating by the Polish services, Negash suffers from severe back pain and cannot walk.

I feel like my back is broken, and I don't need any other help, I'm really not walking.

He seeks healthcare, but he has no access to it in Belarus. Going to a public hospital in Belarus puts him at risk of deportation to his country of origin.

AUGUST 2024

Individuals who have been arrested while crossing the border illegally, who are fleeing persecution and want to apply for international protection in Poland, have the possibility to do so!

**Ministry of the Interior and Administration Press Office
May 2024**

¹ Reply of the press office of the Ministry of Interior and Administration to questions of the wp.pl portal, quoted by Sebastian Lupa, Drink, eat and return to Belarus. It's a "humanitarian" pushback, wp.pl, 12.05.2024, accessed online: <https://wiadomosci.wp.pl/napij-sie-zjedz-i-wracaj-na-bialorus-to-pushback-humanitarny-7025664157346304a,03.12.2024>.

They gave us a blank piece of paper, they covered up the papers, they covered up all the words and at the end of the page there are two lines.. "Write your name and sign". I told them I wanted to read the paper.. No, they refused. But I took the paper, I pulled the paper.. written: "The suspect does not want asylum in Poland."

Nashwan from Yemen

Nashwan experienced a total of five pushbacks over the course of a year. He chose to describe two of them, but points out that all the other pushbacks were just as brutal as the ones he recounts in detail.

*As for me, I have been here for a year trying, a whole year. We were caught...we were caught 5 times, they beat us severely and I have pictures of the beating... they beat us severely, they don't have mercy on women or young men, and we came to apply for asylum, nothing more. [...]
But they treat us brutally here... It's not like I came here to apply for asylum, fleeing from feuds, fleeing from problems, fleeing from many things.*

He begins his account with a description of the last pushback he experienced. He crossed the fence at the Polish border at about ten o'clock in the morning, in the last week of August. There were about fifteen people of different nationalities with him. Immediately after crossing the border, they separated and ran off in different directions. Nashwan estimates that he walked about three kilometres into Poland before he and five other people were caught around midday.

They arrested us and tied us tightly. We were telling them we wanted water. We had been without water for 3 days. There was no mercy. They took us in a car full of water and didn't even give us a little to drink.

Nashwan recalls that during the arrest, he and his travel companions were searched and beaten before the officers led them into the car. According to his account, after a short drive through the forest, the car stopped. Nashwan and the others were joined by an Iraqi family who had been caught nearby: a mother and her two underage daughters. Together they were driven to a Border Guard facility. The journey took about forty-five minutes. In the meantime, the other people with whom Nashwan had crossed the border were caught and transported to the same place. They included people from Yemen, Syria, Iraq and Morocco.

Upon arrival at the facility, they were all searched again.

They took our cell phones, they broke most of the phones so that when we return, when we return we get lost and don't know how to get back.

They were also presented with documents to sign.

They would take us one by one to the room on the upper floor... I mean pressure, they would put pressure on us to make us sign on blank papers that we did not want asylum in Poland.

Did they bring you a translator?

They didn't bring us anything. I was speaking to them in English a little and they would tell me, „Sign, sign, by force.“ I told them I want asylum in Poland, and they would say, „Sign, by force... sign.“ I told them I need asylum in Poland because I have cases, I have a problem and I don't want to go back to Yemen because I will die. But no, no... Their treatment is not good.

According to Nashwan's description, the officers shouted and used swear words all the time. In addition to intimidation, they attempted to cover up the contents of the documents he was given to sign:

They gave us a blank piece of paper, they covered up the papers, they covered up all the words and at the end of the page there are two lines.. "Write your name and sign". I told them I wanted to read the paper.. No, they refused. But I took the paper, I pulled the paper.. written: "The suspect does not want asylum in Poland."

According to Nashwan, the six pages of documents he was given were written in Arabic, which he understood, but the officers would not allow him to read the contents. The document according to which he was supposed to waive his wish to apply for protection in Poland was only handed to him a few hours later, at around seven in the evening, when he was being pushed back to Belarus with other detainees.

Nashwan also describes one of the previous pushbacks, which he experienced about three months earlier. In mid-May, he tried to cross the Polish border in a group of seven people. Nashwan, three women, and one underage boy managed to get through the barrier. They separated immediately after crossing the border.

The girls ran to the forest, because 3 armored vehicles came to us at the crossing... so, we were arrested. They showed us no mercy at all.

Nashwan was caught along with the underage boy who ran off with him. Both were beaten with batons by ten officers who found them.

We were two people... The first was a minor, and they beat him lightly. As for me, they beat me severely.. 10 soldiers beat us severely, they showed us no mercy.. They took my money, they took my powerbank, they took my water. They took everything from me. And they cut off my boot so I wouldn't come back. I mean, they did everything brutally.

Nashwan recalls that during the beating, he tried to inform the officers about his health problems, but they ignored him and did not stop hitting him in the thighs, arms and knees.

I told them to stop, stop, stop. I have asthma. I don't have oxygen. Anyway they beat and beat and don't stop. They cut my shoes so that I would walk in places inside the forest in the thorns, and get hurt. [...] They beat us on the knees to the point that the blood, like my skin was black, like the color of my pants. We were treated, thank God. And the last time they beat us on the kidneys. I told them "I'm sick, I'm sick." I told them I need oxygen, but they didn't answer.

According to Nashwan, the two hundred dollars he was carrying were taken from him, as well as his food and water.

He was also taken to an officer, whom he described as a senior officer, and was forced to undress, despite having already been thoroughly searched. He did not get his clothes back.

They took my clothes so the mosquitoes would bite me. There are a lot of mosquitoes in the forest. Then it rained. They made me lay down on the ground. My head was on the ground and the rain was [falling] on me.

At the end of the interview, Nashwan asked:

What can we do? Like it's not worth it, but it's hard for us to go back to a country where we die. I mean, our souls are cheap. If I go back to Yemen, I'm going to die. Here they play with people, the Polish play and the Belarusian helps... I mean, you would expect there to be humanity, but apparently there isn't... I mean, they treat the dog better than the people. We expect that there is humanity in Europe, but we did not see anything.. Maybe those inside will see, but we did not see anything.

SEPTEMBER 2024

Zdanowicz reports that the Border Guard is accepting relevant applications from persons who wish to apply for international protection on the territory of Poland.

This is an individual decision of each foreigner. She does not confirm information about irregularities in accepting applications and inducing foreigners to resign from submitting them¹.

Major SG Katarzyna Zdanowicz, rzecznik prasowy POSG
July 2024

¹ Regina Skibińska, The right to apply for refugee status is sometimes fiction. They tell us: "Withdraw the application." „Oko.press”, 01.07.2024, accessed online: <https://oko.press/prawo-do-ubiegania-sie-o-status-uchodzcy-fikcja>, 3.12.2024.

He said we wouldn't get food if we didn't sign documents.

Taye from Ethiopia

Taye stayed in the Polish–Belarusian border region from July to September 2024. During this period, he was pushed back from Poland five times. The first four times, he was spotted by Border Guard officers shortly after crossing the border and then returned to the eastern side without being taken to the Border Guard facility or signing any documents. During some pushbacks he experienced violence. He reports that he was beaten with hands and batons, kicked and sprayed with tear gas. The man says that in the presence of officers he stated that he wants to apply for international protection in Poland, but the officers laughed at his declaration:

Yeah, at first we said "I want asylum in Poland", and most of the time you say that they will just laugh at you, they will laugh and they will not consider you seriously, and they will push you back. And that's what happened during the first four attempts.

During the fifth border crossing, Taye was in a group of seven men from Ethiopia, Eritrea and Somalia. At around three o'clock in the morning, they managed to cross the fence. A few hours later, they were reached by people from a non-governmental humanitarian organisation. Taye recounts that in their presence the men once again declared that they want to apply for international protection in Poland. After signing the power of attorney and according to the will of Taye, the Border Guard was called to the site and arrived within an hour.

The entire group was taken to a Border Guard facility. When they arrived, Taye reports that they were first searched and then separated. Three people, including him, were put in one room and the other four were put in another. Taye does not know the fate of the rest of the group.

According to his account, the Border Guard presented five documents written in Amharic to those gathered in the room. Taye had no objection to four of them. They were comprehensible and appeared to be a part of a standard procedure for applying for international protection in Poland. According to Taye's account, the fifth document, the content of which the officer initially refused to disclose, concerned a three-year entry ban to the Schengen area and a declaration of intention to leave Poland. The officer allegedly pressured the men to sign the document immediately, without reading its contents. Afterwards, he attempted to coerce the men to sign the document by placing food in front of them and telling them that they would only receive it

once they had signed the document. In addition, they were handcuffed with zip ties, which caused them pain and circulation problems.

There were like five papers that he brought, five documents, and then the four papers you'd read it, you'd understand it, and you'd agree to it, so the four papers there it was no problem, but the fifth paper he would not allow you to read it, he wouldn't even show you the contents of it, he'd just say sign here [...] and the language that was used in these documents was Amharic. [...] So after we arrived at the BG station, the soldier there, he brought us food first and then he gave us the wrong paper, the wrong documentation saying that I don't want to stay in Poland, I want to leave Poland, and things that we disagree on, he said sign this paper and when we refused to sign he said he will not give us the food that he brought if we don't sign, and he tried to force us and manipulate to sign this paper. [...] Yeah, you know, the papers that they gave us later at the fifth attempt, out of the three of us they made us sign the paper that says for three years you cannot enter the Schengen areas.

Taye and the others eventually signed all the documents presented to them. After some time, the men were taken from the facility to the border fence. They were given back the documents that had been confiscated during the interrogation, and a phone in which the charging socket had previously been destroyed. According to Taye's account, they cut their zip ties and then pushed them through a gate in the barrier.

the humanitarians were nice and they helped us, we were hungry and they gave us clothes, they gave us everything and they were helping us, but after we arrived at the BG station and later when we were being taken from the border guard station to the border, we didn't know where we were going, we were just told to get into the car, and after we get into the car they grab our phones and broke our phones and they cut the plastic handcuffs that were on us, and they open this gate and they push us back. That's how it went. [...] They [the border guards] were more like laughing at each other, they were laughing at us and at the time we were angry because you know, we were pushed back and about the situation that was happening at the time. and they were laughing, they were making fun of us.

After the pushback, Taye contacted the humanitarian organisation that had previously helped him in the forest. He informed the organisation's staff about the pushback, but shortly after his phone disconnected. While walking along with two other men who had been pushed back, he encountered Belarusian soldiers who brutally beat them and then drove them out of the border area.

The charge on my phone was only like 10% so because it was only 10% the battery got low and my phone shut down. And then after my phone shut down we met the Belarusian soldiers, and they were very harsh, they beat us up, there was a lot of beating, a lot of violence from the Belarusian side, and after they beat us up, they took us away, and that is pretty much what happened.

During the interview, Taye compared the behaviour of Polish and Belarusian officers.

But we experienced a lot of bad things both from the Belarusian and the Polish side, and both of them were unfair to us, and Polish was much better, but even despite that, you know, the way he used food as a bargaining chip, a bargaining thing, you know, depriving of the most basic human right as simple as food, this is unacceptable and like we suffered before we arrived at the fifth pushbacks, because we tried four times before that and what they did was unfair, but it is what it is, and we are past that, and now I am in a different position, thank god for that.

OCTOBER 2024

The soldiers show great responsibility. They use weapons to fire warning shots. [...] They use weapons in emergency and warning situations. They are very responsible. And they need to be strengthened. And today they are getting it from the government!

Władysław Kosiniak-Kamysz,
Deputy Prime Minister and Minister of Defence
July 2024

¹ Żakowski vs Kosiniak-Kamysz. "Will you shoot at hooligans too?", Radio TOK FM, 26.07.2024, accessed online: <https://www.youtube.com/watch?v=ceC2kVA4REo>, 3.12.2024.

I started running, and I was shot with rubber bullets, and they came and they sent the dog on the Syrian guy. Also the Somali boy didn't run, he was lying where he was, and they came and they started beating him [...] They shot me with two rubber bullets to the back and I fell over and didn't manage to get up from where I fell, so they came to me and immediately they didn't stand me up but rather they started kicking and stepping on me.

Dahir from Somalia

Originally from Somalia, 17-year-old Dahir was pushed back from Poland to Belarus seven times, as well as twice from Latvia to Belarus. He made his last attempt to cross the border on the night of October 20th. He was caught and pushed back by Polish officers on the morning of October 21st. He describes this pushback in detail in his account.

Dahir had been making attempts to get to the Polish side of the border since October 16th together with eight other people. His group consisted of five people from Somalia and four people from Syria. Most of the people in the group were between sixteen and eighteen years old. Two underage girls from Somalia and one woman from Syria were travelling with them.

According to Dahir's account, the group was stopped by Belarusian services and forced to cross to the Polish side of the border during the night of October 20th-21st:

We walked to the Belarusian border, and the Belarusian guards caught us, and immediately the[y] started beating us and they sprayed us with pepper spray and they put us in a small vehicle that fits probably three people, the all 9 of us. They drove us then for 40 to 50 minutes, later they let us out from the vehicle and ... they asked us, "where you guys going?" We told them that we are going to the Polish border, and after driving for 40 minutes they let us out from the car and they told us, "Ok, run and there's Poland." We ran, and there was a river and cold water, and we crossed over to Poland, and our group kinda divided. I only went with one Somali boy and one Syrian guy and we ran...

On the morning of October 21st, after separating from the rest of the group, Dahir and two travel companions who stayed with him decided to call for assistance. The Syrian sent their location to a humanitarian organisation. Five minutes later, Dahir spotted a drone above him. Moments later, the group was caught by eight or nine officers, whom Dahir recognised as Polish Border Guards:

When the Syrian boy shared his live location, shortly a drone came to where we were, and it was... it stood still, facing us for a while and I realised that they found us, this is when I started running, and I was

shot with rubber bullets, and they came and they sent the dog on the Syrian guy. Also the Somali boy didn't run, he was lying where he was, and they came and they started beating him. Starting from the beginning when they came, I ran and they shot me with two rubber bullets to the back and I fell over and didn't manage to get up from where I fell, So they came to me and immediately they didn't stand me up but rather they started kicking and stepping on me. While they were doing that, there is one word that I can remember from what they were saying, it was the word 'kurwa' and they kept kicking and stepping on me. And from what I could guess, the number of people hitting me was 3 individuals. And after a bit they stood me up and started talking to me but I couldn't understand what they were saying to me. Then they began punching me on the cheek and after on the belly. This whole process I fell over from a branch and injured my hand, and this is the main reason why I haven't been able to attempt another travel, I haven't been able to find good medical assistance for my hand and it still has issues till now. Soon over, what I would guess to be the EU guards came and they confronted the Polish guards because they've seen what they were doing to us, and they seemed to have an argument over their actions.

The second group of officers allegedly consisted of seven people. The interviewee describes that before the pushback, his group was searched and the officers stripped the detainees down to their underwear. When they were done, only one layer of clothing was returned to them. The officers also took away their shoes and destroyed their phones:

We didn't have any food or money, we only had our phones and our clothes which they took, and just gave us back the clothes that I described, they took our shoes, they didn't give us our shoes back. And when we met our previous group mates, their shoes were just torn up, and it was no longer capable of function as shoes, for so they took our shoes and the other group they torn their shoes.

Dahir and his companions tried to talk to the officers who detained them and told them that they wanted to apply for international protection in Poland. At first, the officers ignored the detainees, but eventually began to beat them. This led Dahir to give up trying to engage in conversation:

When they were bringing us back over the border, we told them that we were asylum seekers and we explained that we weren't attending to cause any trouble, and that we are people in need for help and assistance and some of them who spoke English, we were explaining them, but they were not interested in hearing this. Initially they would say, "come to the country legally or come to the country the correct way."

We told them that we are poor people who do not have good enough passports to come to the country, or who are not able to cover the expenses of the whole process. We told them that you are aware of the situation of these countries that we came from and there's no hope or future for us there and we are just looking to get a future for us in Poland.

They were talking to us initially but after when we attempted to ask them a question or to explain a situation or try to appeal to them.

They would hit us or punch us or kick us and this led us not to bring up a conversation with them further.

According to Dahir's account, the group was forced to cross the border back into Belarus in a swampy area, about twenty-thirty steps from the river¹:

When they were dropping us into the Belarusian side, there was a river nearby, and that body were lying there. I would guess the individual to be an Arab as his skin was lighter. And when they drop you, they take your clothes, your coat, and they take away your shoes as well, and this even worse than beating as when it's cold... this can be the cause of your death, it's like they are dropping you to your death. And we didn't have any phones as the guards had took and broken our phones.

But members who we had split up with and we have been able to meet in that area, also they saw the body and they had a phone and they [took a] picture of that body...

I would also like to share that there's one Somali boy who I had started this journey with and who also attempted to cross many times with. His body was found in Latvia. [...] I also have a picture of the dead body of the Somali boy as I have pictures of the body in the river we saw. When the Belarusian guards catch you sometimes,

¹ At the location where the interviewee was pushed back, the river does not run along the border but crosses it. It is not clear whether the interviewee had to cross the river or not.

they would throw you on the Latvian border which is far from crossing and at this time we haven't ate for 7-8 days and you're hungry and tired and this [is] what they would do to you.

Dahir also talks about a case involving Polish officers forcing detainees to move an unconscious woman from Somalia to the Belarusian side of the border²:

Also there is a Somali woman who was thrown from the metal fence at Polish border crossing, and when she fell she basically broke her hands and fell into a coma, and the Polish guards gave her body to the people who they had caught and they asked them to take her back with them to Belarus. But she was in a coma and she had broken hand. And they asked these guys to carry her on their backs to Belarus and also on the other side.

What I would also further like to share is that... what is more than founded people is the people who we are not sure where they are, people who are uncouncted if they are dead or alive. Also there are countless women with young children, and they constantly try to ask for help but nobody would help them. Even when the Belarusian guards catch them, they would not care that they have kids and they would still beat them.

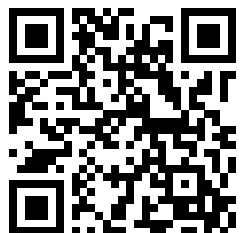
There are countless young girls, who don't know how to fund themselves or where to find items to live on.



² It is not clear whether the interviewee witnessed the incident or whether it is a story they heard from someone.

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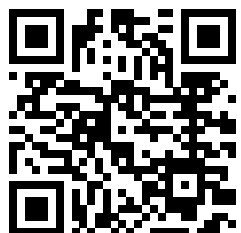
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The We Are Monitoring Association is part of the Granica Group coalition. Together with other organizations, informal initiatives and local residents, we co-create a solidarity network of humanitarian aid on the Polish-Belarusian border. Since 2021, we have been working for human rights by collecting, analyzing and sharing data on the scale of movement, provision of support, abuses of power and various forms of violence, including institutional, experienced by people on the move. We also collect testimonies from those who experienced pushbacks.

Our work also aims to complement the public discourse on migration by creating a space for expression for people whose rights to freedom of movement and seeking safety have been denied.

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GRUPA GRANICA

Grupa Granica is a coalition of Podlasie residents, humanitarian workers, aid workers and activists from all over Poland and abroad. It brings humanitarian aid to people on the move who are seeking a safe and dignified life for themselves and their loved ones. It creates a broad social movement born in response to the ongoing crisis on the Belarusian border since the summer of 2021. It helps people in the most difficult situation – when they are deprived of the most basic human rights, including right to health and life protection. It also works in hospitals and centers for foreigners. It organizes legal aid, psychological support and material support.



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