

POLISH AUTHORITIES CONTINUE TO ATTACK HUMAN RIGHTS DEFENDERS NEAR THE BELARUS BORDER

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June 2023

Introduction

Polish authorities continue to target Human Rights Defenders (HRDs) providing humanitarian and legal aid to refugees crossing the border from Belarus, say local activists, who fear attacks on them could increase as the country's general election approaches in the fall.

They report being judicially harassed, criminalized, threatened, and physically attacked. They say that in an ominous new development this year, the Internal Security Agency has summoned nine people for questioning in relation to human rights work at the border. Some are accused of conspiring with the Belarussian authorities.

Since 2021, when large numbers of people began to cross from Belarus into Poland, Human Rights First has been documenting attacks on local activists providing humanitarian and other aid to refugees.¹

Tens of thousands of people have attempted to cross from Belarus into Poland over the last two years. Most come from the Middle East or Africa and are often fleeing conflict. Many are women and small children.

The Belarussian government, a close ally of Russia's Vladimir Putin, has lured many of them with promises of taking them to the border of the European Union. Belarus aims to cause problems for the European Union by pushing people across its borders with Poland (and, less frequently, into Latvia and Lithuania.)

People attempting to come into Poland from Belarus - unlike those fleeing the war in Ukraine - have often been met with hostility and violence by Polish border guards and other security forces. Polish authorities also continue to target local human rights activists who give humanitarian aid to those crossing.

Accounts from Activists at the Border

In 2022, Human Rights First presented Grupa Granica - a network of human rights activists working near the border - with the William D. Zabel Human Rights Award in recognition of their work providing humanitarian, medical, and legal aid to migrants stranded in the forests.²

Yet intimidation by the authorities continues. This month, during a Human Rights First research visit to the border area, activists from Grupa Granica and elsewhere gave detailed accounts of the harassment and attacks they constantly face from Polish authorities.

- Ola Ziemińska of the Szpila Collective told Human Rights First that “The authorities are targeting the activists helping those at the border in three main

¹ Human Rights First. “Belarus-Poland Border: U.S. Should Stand for Human Rights and Human Lives.” Human Rights First, November 10, 2021. <https://humanrightsfirst.org/library/belarus-poland-border-u-s-should-stand-for-human-rights-and-human-lives/>; Dooley, Brian. “Poland’s Secret Heroes.” Human Rights First, April 11, 2022. <https://humanrightsfirst.org/library/polands-secret-heroes/>; Dooley, Brian. “The Polish Catholic Group Taking Risks to Help Refugees.” Human Rights First, April 15, 2022. <https://humanrightsfirst.org/library/the-polish-catholic-group-taking-risks-to-help-refugees/>; Dooley, Brian. “In Alliance with Poland, U.S. Must Emphasize Refugee Protection.” Just Security, May 11, 2022. <https://www.justsecurity.org/81457/in-alliance-with-poland-u-s-must-emphasize-refugee-protection/>.

² Human Rights First. “Human Rights First to Present Poland’s Grupa Granica with 2022 William D. Zabel Human Rights Award,” September 19, 2022. <https://humanrightsfirst.org/library/human-rights-first-to-present-polands-grupa-granica-with-2022-william-d-zabel-human-rights-award/>.

ways: first by constantly fining people, hoping to exhaust them with repeated court procedures; second by bringing very serious fake charges against some of the activists which could end up in long jail sentences; and third by targeting the activist leaders with judicial harassment, including being summoned for interrogation."

- Aleksandra Chrzanowska of Grupa Granica and the Association for Legal Intervention is currently facing legal cases for her humanitarian work at the border. She says "the security presence along the border is everywhere. This constant stopping and questioning of people - *Where are you going? What are you doing?* It's not normal in a European democracy. We're stopped virtually every day. The goal is to scare us or annoy us. The questioning can be aggressive - the implication is that we're helping people stay illegally in the country."

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Activists at the border wall between Poland and Belarus.

Attacks on activists trying to help refugees have become a worldwide phenomenon. In her report to the United Nations General Assembly in 2022, UN Special Rapporteur on Human Rights Defenders Mary Lawlor told member states that "compassion is not a crime," and noted that many Human Rights Defenders helping migrants, refugees and those seeking asylum come to this work not because they intended to establish a career in human rights, but decided to act when confronted with families, including children, dying in their localities."³

³ <https://www.ohchr.org/en/documents/thematic-reports/ahrc4635-final-warning-death-threats-and-killings-human-rights-defenders>

This is certainly true in Poland, where many locals living near the border have become HRDs in recent years, bringing food and clothes to those in need, or providing shelter, sometimes in their own homes, to those making dangerous journeys.

Lawlor's report cited the November 2021 case of photojournalists Maciej Moskwa, Maciej Nabrdalik, and another person who were documenting the human rights situation of migrants in Poland close to the border with Belarus. Their car was reportedly surrounded by eight armed soldiers in balaclavas who handcuffed, threatened them, and photographed messages on their telephones.⁴

Local activists say that such experiences are far from uncommon. A January 2023 report from Grupa Granica noted that "court decisions in the past year have shown that the main purpose of repression by uniformed services against humanitarian activists in the Polish-Belarusian border area is to create a so-called 'chilling effect' aimed at intimidation or discouragement of activists." The report highlights that in the vast majority of cases, the courts dismiss charges against activists and emphasize that providing help is not illegal.⁵

On May 31, 2023, the District Court in Hajnówka ruled that an Iraq man living in Germany who had come to help his family in the forest in October 2021 was not acting unlawfully. The court recognized that he had helped several family members, including children, who were freezing, tired, hungry, on the verge of physical exhaustion, and in a situation threatening their health and perhaps life.

The court ruled that what he did in helping them "was not socially harmful and therefore did not constitute a crime," and that his action "deserves neither condemnation nor criminal penalization." The prosecutor is appealing the verdict.⁶

"The courts have again sensibly ruled that helping people in need is a good thing, not something to be prosecuted," said Marta Górczyńska, a lawyer with Warsaw-based NGO the Helsinki Foundation. "The police and prosecutors should stop bringing these cases, wasting court time and harassing people who are showing compassion."

Authorities and far-right groups in Poland have constantly vilified and attacked HRDs working in the border area for nearly two years. Reported attacks include in October 2021 when police detained activists Paweł Wrabec and Justyna Wolniewicz-Wrabec, near Hajnówka. They reportedly had two Iraqis in their car and were charged with organizing illegal border crossings.⁷

A month later, the Territorial Defense Force (TDF), an armed force connected with the far-right, attacked a translator from Grupa Granica outside of Michalow. Activists reported that the officer behaved aggressively, threatened them, and tried to force the driver out of the car.⁸

⁴ <https://www.ohchr.org/en/documents/thematic-reports/ahrc4635-final-warning-death-threats-and-killings-human-rights-defenders>
Grupa Granica. "Periodic Report of Grupa Granica on the Situation at the Polish Belarusian Border." Grupa Granica, December 2022.
<https://hfhr.pl/upload/2023/02/report-of-grupa-granica-december-january.pdf>.

⁵ Helsińska Fundacja Praw Człowieka. "Przyjechał Pomóc Siostrze, Która Utknęła w Lesie Na Pograniczu. Sąd Potwierdził, Że Pomaganie Jest Legalne | Helsińska Fundacja Praw Człowieka," June 1, 2023. <https://hfhr.pl/aktualnosci/wyrok-sadu-potwierdza-ze-pomaganie-jest-legalne>.
BOCZEK, KRZYSZTOF. "Policja Zatrzymała Aktywistów Wspierających Uchodźców. Postawiła Im Poważne Zarzuty." OKO.press, October 29, 2021.
<https://oko.press/policja-zatrzymala-aktywistow-wspierajacych-uchodzcow-postawila-im-powazne-zarzuty>.
GŁOWACKI, WITOLD, and HANNAN SZUKALSKI. "Tłumacz Grupy Granica: Zostałem Napadnięty Przez WOT. Rzecznik WOT: Próbował Wjechać w Żołnierzy," November 26, 2021. <https://oko.press/tlumacz-grupy-granica-zostalem-napadniete-przez-wot-rzecznik-wot-probowal-wjehac-w-zolnierzy>.

Also in November 2021, Medycy na Granicy Group - a volunteer group providing medical aid to refugees - reported that several of their vehicles were attacked by far-right individuals from Białystok.⁹

In January 2022, activists from the Ocalenia group said they were detained by unknown armed persons who later turned out to be from the Polish security forces outside Mielnik before they could assist an 18-year-old Syrian in a state of hypothermia.¹⁰

In an alarming escalation in March 2022, Polish authorities arrested four activists from Grupa Granica on suspicion of illegally smuggling people over the border. The organization said the activists were providing humanitarian aid to a family with seven children who had been stuck at the border for three months. The case is still ongoing and if convicted the activists face up to eight years in prison.^{11,12}

That same month, the Polish police detained a 21-year-old activist for 72 hours who was working for the Catholic Intelligentsia Club (KIK) and charged her with organizing illegal border crossings. The charges were later dropped.¹³ In December, police raided 2021 KIK's center near the border, which held humanitarian supplies for those in the forest.¹⁴

Local activists predict that this year's general election campaign in the fall will likely see a rise in far-right rhetoric aimed at refugees and those who assist them. The U.S. government is among those who have criticized a new Polish law that would effectively ban people deemed to have acted under Russian influence from holding public office without providing proper judicial review. Activists fear that smearing opposition figures as pro-Russian will also encourage further attacks on HRDs as willing or unwilling puppets of the Kremlin.¹⁵

Until July 2022, the authorities imposed a 5 kilometer (3.1-mile) exclusion zone on the Polish side of the border, into which medics and others providing humanitarian aid were not allowed to enter.¹⁶ A huge fence has now been built just inside the Polish side of the border to prevent people from crossing, and the No Go zone has now been reduced to about 15 yards. The fence has failed to prevent people from attempting to cross.¹⁷

Although it is now possible for activists to get much closer to the border, it is forbidden to pass food or water to those on the other side unless given exceptional permission by the border guards.

⁹ Medycy na granicy. "Medycy Na Granicy on Instagram." Instagram, November 18, 2021. <https://www.instagram.com/p/CWa2tT8oUGP/>.

¹⁰ CHRZCZONOWICZ, MAGDALENA. "Niezidentyfikowane i Zamaskowane Służby Zatrzymały Aktywistów Na Granicy. Jest Postanowienie Sądu: 'Unidentified and Masked Services Detained the Activists at the Border. There Is a Court Order.'" OKO.press, January 23, 2023. <https://oko.press/niezidentyfikowane-i-zamaskowane-sluzby-zatrzymaly-aktywistow-na-granicy-jest-postanowienie-sadu>.

¹¹ Strzyżyńska, Weronika. "Poland Detains Activists Accused of Smuggling Migrants over Belarus Border." The Guardian, March 25, 2022, sec. Global development. <https://www.theguardian.com/global-development/2022/mar/25/poland-detains-activists-accused-of-smuggling-migrants-over-belarus-border>.

¹² European Crime Prevention Network. "Crime Prevention Policy (Poland)." EUCPN, 2019. <https://eucpn.org/sites/default/files/document/files/Poland.pdf>.

¹³ RUMIEŃCZYK, BARTOSZ. "Zatrzymana działaczka Klubu Inteligencji Katolickiej na Podlasiu." OKO.press, March 29, 2022. <https://oko.press/aktywistka-przesluchana-w-kajdankach-kik-dlaczego-sa-dwie-kategorie-uchodzcow-i-pomagajacych>.

¹⁴ The First News. "Police Raid Humanitarian Group's Offices near Border," December 16, 2021. <https://www.thefirstnews.com/article/police-raid-humanitarian-groups-offices-near-border-26799>.

¹⁵ Reuters. "EU, US Concerned New Polish Law on Russian Influence to Affect Election | Reuters." Reuters, May 30, 2023. <https://www.reuters.com/world/europe/eu-concerned-about-polish-law-banning-people-public-office-2023-05-30/>.

¹⁶ Wądołowska, Agnieszka. "Poland to Lift Exclusion Zone on Belarus Border as Anti-Migrant Wall Nears Completion." Notes From Poland (blog), June 14, 2022. <https://notesfrompoland.com/2022/06/14/poland-to-lift-exclusion-zone-on-belarus-border-as-anti-migrant-wall-nears-completion/>.

¹⁷ Wielinski, Claudia Ciobanu, Bartosz T. "Polish-Belarus Border: From Migration Crisis to 'Routinization' of Eastern Land Route." Balkan Insight (blog), April 19, 2023. <https://balkaninsight.com/2023/04/19/polish-belarus-border-from-migration-crisis-to-routinization-of-eastern-land-route/>.

“Drones and guards constantly patrol the fence, and activists are often fined 500 zloty (\$120) for getting too near the fence and another 500 zloty for passing food or medicine to people on the other side,” said Ola Ziemianska. “Since the fence went up, we’re seeing more cases of broken bones and cuts to people’s bodies when they’re tried to climb over. Some pregnant women have also lost their pregnancies trying to get across the fence.”



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Children and families are forced to endure inhumane conditions while they wait to seek asylum.

Many of those attempting to cross through the forest don’t make it, and dozens have died trying. Piotr Czaban is one of those trying to help survivors in the forests, and he reports of constant harassment by border guards. He also searches for those who have gone missing in the forest, where dead bodies are regularly discovered.¹⁸

“In February 2023 we were looking for a boy from Yemen who was missing,” he said. “But instead we found another body, of an Ethiopian boy. We’re trying to identify him through DNA testing.”

In May 2023 Human Rights First visited the border area in the Bialowieza forest and met HRDs camped 15 yards from the fence. On the other side of the barrier, a group of around 30 people, originally from Afghanistan, Iraq, Syria, Yemen and other places, had congregated hoping to be allowed through the fence and to be granted an asylum hearing, as is their right. About a dozen of them were children.

¹⁸ Hall, Bogumila. “Death and Solidarity in the ‘Graveyard’ at the EU’s Border.” openDemocracy, February 2, 2023. <https://www.opendemocracy.net/en/odr/yemen-refugees-belarus-poland-border-eu-death-solidarity/>; European Council on Refugees and Exiles. “EU Eastern Borders: More Deaths at Poland Belarus Border as Reports of Pushbacks, Detention and Crack-down on Solidarity Continue, Council of Europe Concerned over Pushbacks and Criminalisation in Latvia | European Council on Refugees and Exiles (ECRE),” February 17, 2023. <https://ecre.org/eu-eastern-borders-more-deaths-at-poland-belarus-border-as-reports-of-pushbacks-detention-and-crack-down-on-solidarity-continue-council-of-europe-concerned-over-pushbacks-and-criminalisation-in-lat/>.

Kids on the other side pushed their hands through the bars hoping for food or water, and the adults pleaded in broken English for legal and medical help. "We've clearly heard them through the fence, dozens of times, ask for asylum in Poland," said Aleksandra Chrzanowska, who was at the scene. **"They're desperate and exhausted. And they're already on Polish soil if they're up against the fence. According to the law if they are applying for asylum they should be allowed to make a claim and have their case heard."**¹⁹

Human Rights First was questioned by security forces about our presence there. Activists sleeping overnight at the site told us they were regularly harassed by security forces, and that during the night security force vehicles would turn their lights onto them to disrupt and prevent them sleeping. The authorities failed to allow the group hoping to access the asylum process to cross the barrier.

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Refugees make camp in the woods by the border fence.

TDF and the Far Right

Local activists say they are frequently stopped and sometimes physically attacked by members of the Territorial Defense Force (TDF). The armed force, made up partly of volunteers, was set up in 2016. According to the Polish Ministry of Defense, it is designed

¹⁹ Dooley, Brian <https://humanrightsfirst.org/library/trapped-in-a-forest-about-30-people-try-to-apply-for-asylum-in-poland/>

to help strengthen Poland's 'patriotic and Christian foundations,' and it operates outside the normal military chain of command.²⁰

Activists say that it is typical for armed members of the TDF to stop them and hold them for several hours before a police officer or border guards comes to check their ID and let them go.

The TDF has been a source of controversy since its creation, partly due to the connection between the far-right and the new armed force. Far-right organizations and citizens' militias, including Falanga, the National Radical Camp, and the Krakow Association of Rifle Unit 2039, all encouraged their members to join the TDF in 2016.²¹

Despite this concern, **the Law and Justice Party (PiS) defends the right of far-right members to join the TDF.** PiS politician and Ministry of National Defense spokesman, Bartłomiej Misiewicz, told a Polish newspaper, "Organizational affiliation and ideological issues are not a criterion taken into account when recruiting for military structures."²²

TDF intimidation and aggression against HRDs at the border is not uncommon. In November 2021, Jakub Sypiński, a volunteer translator working for Grupa Granica, was attacked by the TDF outside of Michalow in Podlasie. **He reported being pulled over by unidentified masked men, who proceeded to aggressively force him out of his car and yell insults.**²³

That same month, Olivia Kortas, a freelance journalist working with German-language media, captured significant portions of an encounter she had with the TDF while reporting on an assignment near the emergency zone the border. Twelve armed TDF soldiers surrounded Kortas and her team, in an effort to restrict their reporting and intimidate them.²⁴

On December 3, 2021, Monika Matus, a press contact with Grupa Granica, described an incident where the TDF arrived at a Grupa Granica operations base. Matus said the TDF members wrote down the license plate numbers of cars parked at the house and even aimed their rifles at volunteers.²⁵

TDF usually defends its actions by posting its own version of events on social media. In response to these incidents, TDF spokesperson, Marek Pietrzak, denied and questioned the claims made by HRDs. He emphasized that TDF has approached Grupa Granica to build a cooperative relationship as part of TDF outreach efforts in the border area.²⁶

²⁰ Davies, Christian. "New Polish Military Force Worries Political Opposition." POLITICO (blog), November 16, 2016. <https://www.politico.eu/article/new-polish-military-force-worries-political-opposition/>.

²¹ SZCZYGIEL, KONRAD. "Falanga i Zmiana idą do wojska. Jedna faszystowska, druga prokremlowska." OKO.press, November 7, 2016. <https://oko.press/falanga-zmiana-ida-wojska-jedna-faszystowska-druga-prokremlowska>.

²² GRELA, SZYMON. "ONR w mundurach. Czy nacjonałści mogą wstępować do armii." OKO.press, August 8, 2016. <https://oko.press/onr-front-nacjonaliscie-mozna-dac-karabin>.

²³ Kranz, Michael. "Poland's Territorials Face Accusations of Abusing Journalists and Aid Workers at Belarus Border." Notes From Poland (blog), December 18, 2021. <https://notesfrompoland.com/2021/12/18/polands-territorials-face-accusations-of-abusing-journalists-and-aid-workers-at-belarus-border/>.

²⁴ Kranz. "Poland's Territorials Face Accusations."

²⁵ Kranz. "Poland's Territorials Face Accusations."

²⁶ Kranz. "Poland's Territorials Face Accusations."

Activists and journalists have been regularly threatened online for their work. In November 2021 activist Maciej Stuhr, involved in refugee rights at the border, received death threats from far-right individuals online.²⁷

That same month prominent Polish journalist Rafal A. Ziemkiewicz tweeted "Since we have an open war with Belarus, why have open supporters and subversives operating in Poland still not been interned? Why haven't the media involved in the hybrid war, controlled from Minsk, been closed down?"²⁸

In October 2022 Member of the European Parliament Joanna Ochojska received threats online from far-right users after speaking in support of refugees at the border.²⁹ Twitter abuse against Ochojska included, "And this c*nt Ochojska writes complaints about the Republic of Poland. PL will never be sovereign as long as there are no punishments for traitors."³⁰ One Twitter user called Ochojska a "Russian prostitute" after she condemned the treatment of migrants at the border.³¹

Activist Piotr Czaban is another frequent target of threatening online abuse. In response to his Tweet on May 27, 2023, calling for the humane treatment of migrants at the border, Czaban received hateful responses. He is regularly accused of conspiring with Russian and Belarusian forces. One tweet suggested he is a pedophile working on the side of the Russians: "Can't you tell them to go to the border crossing? What? Will you lose money from smugglers? Or maybe you 'liked' one of the children? Russian bandit!!!"³² Other tweets called for Czaban's arrest and encouraged sexual violence against him.³³

Grupa Granica also receives hateful online abuse. In response to Grupa Granica's Tweet on May 27, 2023 about a group of migrants trapped at the border, a Twitter user called for Grupa Granica's arrest: "Who tipped you off where they are. You need to be arrested and interrogated, connections and funding checked, etc."³⁴ Grupa Granica is regularly accused of working for Belarus and Russia, a recurring theme in online abuse against HRDs working at the border.³⁵

Conclusion

A. Attacks on Human Rights Defenders providing legal, medical and other humanitarian aid to those trying to cross the border are illegal. While the Polish court system often

²⁷ Never Again Association. "Brown Book." "NEVER AGAIN" ASSOCIATION, 2023. <https://www.nigdywiecej.org/en/brown-book>.

²⁸ Rafał A. Ziemkiewicz [@R_A_Ziemkiewicz]. "Skoro mamy otwartą wojnę z Białorusią, dlaczego jej otwarci stronnicy i dywersanci działający w Polsce wciąż jeszcze nie zostali internowani? Dlaczego nie zamknięto uczestniczących w wojnie hybrydowej, sterowanych z Mińska mediów?" Tweet. Twitter, November 8, 2021. https://twitter.com/R_A_Ziemkiewicz/status/1457731327290130434.

²⁹ Never Again Association. "Brown Book."

³⁰ Never Again Association. "Brown Book."

³¹ Never Again Association. "Brown Book."

³² @Dermot04383578. "Can't you tell them to go to the border crossing? What? Will you lose money from smugglers? Or maybe you 'liked' one of the children? Russian bandit!!!" Twitter, May 29, 2023.

³³ Gritt And Grind [@AndGritty]. "@CzabanPiotr @Hanna_Machinska Może ktoś tego Czabana aresztować, ale chociaż mu przypierdolić w ten głupi ryj, za nakręcanie nielegalnej emigracji?" Tweet. Twitter, May 28, 2023. <https://twitter.com/AndGritty/status/1662898785549164544>.

³⁴ E. Tomaszek [@ETomaszek]. "@GrupaGranica Kto wam dał cynk w którym miejscu oni są. Trzeba was aresztować i przesłuchać, sprawdzić połączenia i finansowanie, itd." Tweet. Twitter, May 28, 2023. <https://twitter.com/ETomaszek/status/1662808522499715075>.

³⁵ M A R C I N [@Marcin_Soc]. "@GrupaGranica Ruscy was sponsorują że takie treści wrzucacie?" Tweet. Twitter, May 28, 2023. https://twitter.com/Marcin_Soc/status/1662884824774737922.

throws out cases brought by the police against activists, some serious charges have yet to be dismissed, and cases continue to be brought. Activists fear the situation will get worse as the election approaches.

- B. The Polish authorities have a responsibility to prosecute those making physical threats against activists, and the U.S. and other governments have a responsibility to remind Poland of its international obligations. Social media companies should also do much more to prevent online smears and threats of HRDs.

Recommendations

The Polish authorities should:

- Immediately desist from attacking HRDs, and enable and publicly celebrate the human rights work they undertake;
- Vet its security forces for extremist elements;
- Prosecute those who make physical threats online or offline against HRDs.

The U.S. government should:

- Publicly condemn the intimidation and harassment of HRDs in Poland;
- The U.S. embassy in Poland should fully and vigorously implement the Guidelines for U.S. Diplomatic Mission Support to Civil Society and Human Rights, issued by the Department of State in 2021.³⁶

Social media companies, in consultation with HRDs, should:

- Establish and publicize easy to access, public, rapid response mechanisms to remove threatening context;
- Close down accounts of those making the threats;
- Provide all necessary data to assist legal investigations into online threats;
- Nominate points of contact for HRDs to easily access when they have requests to remove content.

³⁶ U.S. Department of State. "Guidelines for U.S. Diplomatic Mission Support to Civil Society and Human Rights Defenders," November 2021. <https://www.state.gov/wp-content/uploads/2021/11/Human-Rights-Defenders-Guidance.pdf>

Mission

Human Rights First works to create a just world in which every person's intrinsic human rights are respected and protected, to build societies that value and invest in all their people. To reach that goal demands assisting victims of injustice, bringing perpetrators of abuse to justice, and building institutions that ensure universal rights.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in Los Angeles, New York, and Washington D.C.

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