

Poland: EU Should Tackle Unsafe Returns to Belarus

Poland blocks asylum seekers at border in defiance of European Court rulings

(5 July 2017) The European Commission should take enforcement action to address Poland's summary returns of asylum seekers to Belarus, three leading rights groups have said today. Amnesty International, Helsinki Foundation for Human Rights, and Human Rights Watch highlight how Poland is in breach of human rights law, refugee law, European Union law and orders by the European Court of Human Rights.

"The Polish government is forcing asylum-seekers back to unsafe Belarus in defiance of its duties as an EU member state," Lydia Gall, Balkans and Eastern Europe researcher at Human Rights Watch said. "It's time for the European Commission to step in and address this serious breach of EU asylum law."

Since 2016, Polish authorities have been blocking entry to most asylum seekers at Brest-Terespol border crossing from Belarus by train, forcing them to return to Belarus the same day. Belarus lacks a functioning asylum system, and [there are real risks](#) that asylum seekers from Chechnya or central Asian countries could be returned to their countries of origin putting them at risk of torture or ill-treatment.

In June, the Council of Europe's European Court of Human Rights issued orders (known as interim measures) in six cases of asylum-seekers from the Russian Republic of Chechnya that the asylum seekers "should not be sent back to Belarus" until it can examine their claim, and that their asylum applications must be examined by the competent authorities in Poland. Polish border guards have refused to comply with the interim measures and would not allow the asylum seekers – three Chechen families and a single man Ruslan (not his real name) – to enter Poland and seek asylum. Most recently, on 28 June, Polish border guards again refused to allow Ruslan to enter and apply for asylum.

"What we have witnessed in the past two weeks is a blatant disregard by Polish border guards of binding orders of the European Court of Human Rights. Despite the Court's ban of the return of those asylum seekers to Belarus until the examination of their applications, Polish border guards continue denying them access to Polish territory to apply for asylum," Barbora Černušáková, Amnesty International's researcher on Poland said.

The Council of Europe's Committee of Ministers, made up of 47 member states representatives, should speak out against Poland's repeated non-compliance with the European Court's interim measures, the organizations said. At the same time, the EU's European Commission should hold Poland accountable, and EU member states should also press Poland to end the forced returns which breach the EU Procedures Directive and EU Charter of Fundamental Rights, the organizations said.

Given the imminent risk of return from Poland to Belarus, where he may face further deportation to Russia and lack of protection from ill-treatment and torture, Ruslan filed a complaint at the European Court on 28 June, with the assistance of NGOs and advocates from the Warsaw Bar Association.

"In the complaint, we argue a breach of the right to an effective remedy against the decision of the Polish border guards, as well as a violation of the principle of non-refoulement – which prohibits the return of asylum seekers to countries where they risk persecution. We are afraid that the repeated return of Ruslan

to Belarus, where his chances of receiving international protection are minimal, may expose him to the risk of being returned to Russia where he may face torture or ill-treatment," Jacek Bialas, a lawyer at Helsinki Foundation for Human Rights, said.

Ruslan, who has sought numerous times to seek asylum in Poland described his experience: "When they return me... I don't know to describe it... it feels wrong, it feels humiliating..." Ruslan said that during his last attempt to apply for asylum at the border, the Polish border guards questioned him about non-governmental organizations working with refugees in Belarus, refused his entry and subsequently escorted him to the train back to Belarus.