



**MISSION PERMANENTE
DE LA REPUBLIQUE DU
BELARUS AUPRES DE
L'OFFICE DES NATIONS UNIES
ET DES AUTRES
ORGANISATIONS
INTERNATIONALES A GENEVE**

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The Permanent Mission of the Republic of Belarus to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the UN High Commissioner for Human Rights and, with reference to the joint urgent appeal from the special procedures of 3 September 2021 UA BLR 9/2021, has the honour to forward an information (see enclosure) of the competent Belarusian authorities on the situation on the borders between Belarus and Latvia, Lithuania and Poland.

The Permanent Mission also recalls its Notes Verbales No 02-16/870 of 3 September 2021 and No 02-17/1043/4 of 28 October 2021, which should be considered as part of this response to the aforementioned appeal.

The Permanent Mission additionally notes the following.

It is obvious that Poland has an intransigent attitude towards migrants who try to enter the country by the northern route, using the territory of Belarus for this purpose. Their security services' methods are punitive – several people have been killed in fact at the Polish side of the border. The Polish side refuses any contact to investigate these cases.

Facts of cruel and inhuman treatment by the Polish, Lithuanian and Latvian sides of the migrants and asylum seekers are abundant and well recorded. Those acts constitute grave violations of their international obligation under the 1951 UN Convention on the status of refugees.

Our conclusions are shared by numerous citizens, NGOs and media of Poland, Lithuania and Latvia. For the sake of brevity, we provide here only few examples from Poland.

In late October, the newspaper "Gazeta Wyborcza" published a statement by human rights activists claiming that dozens of migrant people stranded at the border were in need of urgent medical care. The Polish authorities do not allow medics from nongovernmental human rights organisations to examine migrants

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stuck at the border. Even an attempt at mediation by a high-ranking representative of the Catholic Church has not affected Warsaw's position on this issue.

According to "Doctors Without Borders", Archbishop of Gniezno and Primate of Poland Wojciech Polak (a cleric with supreme spiritual jurisdiction over other bishops in the country) has requested the Interior Ministry to allow medics to visit the migrants. However, the archbishop was refused. The organization "Doctors Without Borders" notes that the Polish border authorities also refuse to cooperate with them, citing the state of emergency in the border zone, which has been in force since 2 September 2021.

To justify the imposition of a state of emergency, various restrictions on rights and freedoms, the denial of access to medical and other assistance and their cruel policies towards migrants and asylum seekers, Poland, Lithuania and Latvia have fantasised about the so-called "hybrid war" unleashed by the Republic of Belarus. They are also beginning to shift responsibility for their actions onto migrants and asylum seekers, increasingly blaming the latter for their aggressive behaviour. The authorities of these countries prefer not to mention that it is the security services that provoke migrants and asylum seekers into such actions.

In addition, insulting and derogatory statements against migrants and asylum seekers have been documented on the part of some Lithuanian politicians. For example, it was suggested that migrants and refugees could be used as labour to build a fence on the border with Belarus. This proposal was made on 22 October 2021 by a member of the Lithuanian Seimas (Parliament) Mr. Petras Gražulis, who registered a relevant amendment to the law at the legislative assembly's secretariat. "I propose to introduce a provision in the law on the legal status of foreigners stating that migrants of working age who crossed the border illegally may be employed in the labour market, public works, including the construction of a physical barrier at the border before a decision on an asylum request is made," he told reporters. According to Mr. Gražulis, such a measure would ease the burden on the budget, which finances the maintenance of migrants, and help prevent a flow of migrants.

It is regrettable that the OHCHR and the special procedures, amid the undeniable facts of violations by the authorities of Poland, Lithuania and Latvia of their international human rights obligations, prefer to refrain from publicly commenting such actions. As Belarus has repeatedly pointed out, including during sessions of the UN Human Rights Council, this approach is unacceptable as it encourages impunity and in fact encourages further unlawful actions by security services of these countries.

In this context, the Permanent Mission once again draws attention to the inadmissibility of double standards in the activities of UN human rights mechanisms.

In light of this, the Permanent Mission considers that, with a standing invitation, the Special Rapporteur on the human rights of migrants should request urgent visits to Poland, Lithuania and Latvia as soon as possible in order to avoid further

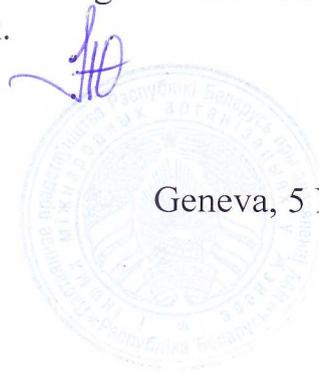
casualties among migrants and asylum seekers.

Furthermore, the Permanent Mission believes that, in accordance with the mandate, the aforementioned actions of the Polish, Lithuanian and Latvian authorities should also be brought to public attention by the UN High Commissioner for Human Rights, as she has done repeatedly in other similar instances.

The Belarusian side reserves the right to keep this issue under the public scrutiny of the international community, including the Human Rights Council, including in terms of the measures taken by human rights mechanisms to respond to the brutal actions of the authorities in Poland, Lithuania and Latvia.

The Permanent Mission of the Republic of Belarus avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its high consideration.

Encl. 2 pages in Russian



Geneva, 5 November 2021

Situation on the border of Belarus with Latvia, Lithuania and Poland

The Republic of Belarus, due to its geographical situation and openness, is a place of transit along the way for refugees heading for the countries of the European Union (EU), first and foremost Germany, France and Great Britain.

Their travel is organized by Turkish firms located in their countries of origin, but their movements, after breaching the border, are assisted by criminal gangs in the territory of the EU. This is evidenced by the multiple arrests by the law enforcement authorities of States bordering Belarus of accomplices including citizens of European countries and persons having the right of abode in countries of the European Union.

To no small extent, the illegal migration flow is largely promoted by the EU countries' avowed readiness to accept refugees. Together with the conditions created for them, this naturally prompts people who have been forced to migrate to search for new routes for entry, even unlawfully, into the territory of the European Union.

Historically, the Republic of Belarus has been a "bridge" between east and west. Objectively this is reflected by its being one of many routes into EU States.

Such situations already arose in previous years. A hefty migration flow was recorded between 2011 and 2014. During that period, all the issues related to combating illegal migration were effectively solved by Belarusian specialists in collaboration with colleagues from neighbouring EC countries and with the support of international organizations. Joint measures were taken and the border was jointly equipped with the necessary facilities. There was no question of "migration crises".

Recently, for political reasons, the European Union has imposed sanctions on Belarus and scaled back not only all cross-border cooperation on border issues but also international technical assistance, which naturally reduces the ability of Belarus jointly to protect the border.

As the bordering EU countries are unable on their own to control the situation on the border, they are aggravating the situation while ignoring the principles of bilateral cooperation in border protection. Furthermore, they are employing very radical methods to block migration flows.

The authorities of Poland and Lithuania unlawfully transport refugees who have sought asylum in Poland and Lithuania to the border and try to eject them into Belarusian territory. Often these actions are accompanied by the use of crude physical force and special equipment against the migrants.

The migrants' documents and mobile telephones are confiscated. They are intimidated by the threat of the use of weapons and police dogs, including against women and children.

The authorities of these States are attempting to cover up the real extent of these offences. This is facilitated by emergency rules introduced in the border area which severely limit visits to the border area by representatives of human rights and civil society organizations and the mass media.

The policy of expelling refugees violates international law and existing bilateral agreements.

For example, under the border regime agreement between Belarus and Lithuania, persons who have breached the border from Belarusian territory and apply for asylum, may not be returned to Belarus by Lithuania. As for the agreement with Poland, the grounds formally embodied in international law for the reception and transfer of citizens of third countries who have breached the common border do not exist.

In turn, in the absence of any evidence of the breaching of the border by migrants from the territory of Belarus, there are grounds for suggesting that the expelled groups might include migrants who have arrived in EU countries from other directions, via the Balkan overland route, etc. It cannot be ruled out that among the expelled persons there are some who are involved in terrorist activities by illegal armed groups.

In these circumstances, Belarus cannot allow the entry of such groups into its territory. All, often demonstrative, moves of the neighbouring State, are thwarted without the use of physical force, directly at the State border of the Republic of Belarus, without the penetration of Belarusian territory.

Hence, the responsibility for the plight of the "stranded" refugees on the territory of the bordering State and for possible adverse consequences lies entirely with the authorities of Latvia, Lithuania and Poland.

Belarus regularly corresponds with the border authorities of neighbouring EU States on the issue of attempts at the enforced removal of foreign citizens to the territory of the Republic of Belarus. However, the authorities of neighbouring States refuse to cooperate in the resolution of the situation which has arisen.

О ситуации на границе Беларуси с Латвией, Литвой и Польшей

Республика Беларусь, исходя из географического положения и открытости, выступает в качестве транзитного пункта на пути беженцев, а конечной точкой являются страны Европейского союза.

Прежде всего, это Германия, Франция, Великобритания. Организацией их путешествия выступают туристические фирмы, находящиеся в странах исхода, а помощь в их перемещении после нарушения границы оказывают криминальные структуры на территории ЕС. Об этом свидетельствуют многочисленные факты задержания правоохранными органами сопредельных с Беларусью государств пособников из числа граждан европейских стран, а также лиц, имеющих вид на жительство в странах Европейского союза.

В немалой степени образованию потоков незаконной миграции способствует широко декларируемая странами ЕС готовность принимать беженцев. В совокупности с создаваемыми для них условиями это закономерно подталкивает вынужденных мигрантов к поиску новых путей проникновения на территорию Евросоюза, в том числе незаконным способом.

Республика Беларусь, исторически являющаяся «мостом» между Востоком и Западом, объективно выбирается ими в качестве одного из многих маршрутов в государства ЕС.

В предыдущие годы уже возникали такие ситуации. В 2011-2014 годах отмечался серьезный миграционный поток граждан. В этот период все вопросы, связанные с борьбой с нелегальной миграцией решались эффективно белорусскими специалистами с коллегами из сопредельных стран ЕС при поддержке международных организаций. Проводились совместные мероприятия, совместно обустроивалась граница. И никаких вопросов с «миграционными кризисами» не возникало.

В текущий период по политическим мотивам Европейский союз ввел санкции против Беларуси и свернул все проекты трансграничного сотрудничества по пограничным вопросам, а также международной технической помощи, что закономерно снижает возможности белорусской стороны по обеспечению охраны совместной границы.

Сопредельные страны ЕС, не имея возможностей самостоятельно контролировать ситуацию на границе, усугубляют ситуацию, игнорируя принципы двустороннего сотрудничества по ее охране. Более того, ими применяются самые радикальные методы препятствия миграционным потокам.

Властями Польши и Литвы осуществляется незаконная доставка к границе и предпринимаются попытки силового выдавливания на белорусскую территорию беженцев, попросивших убежища в Польше и

Литве. Зачастую данные действия сопровождаются применением в отношении мигрантов грубой физической силы и специальных средств.

У беженцев изымаются документы и мобильные телефоны. Осуществляется их запугивание угрозой применения оружия и служебных собак, в том числе в отношении женщин и детей.

Власти этих государств предпринимают попытки скрыть истинные масштабы нарушений. Этому способствуют введенные на приграничной территории чрезвычайные режимы, которыми устанавливаются жесткие ограничения на посещение приграничной территории представителями правозащитных и общественных организаций, средств массовой информации.

Политика силового вытеснения беженцев, идет в разрез с нормами международного права и действующими двусторонними соглашениями.

Так, согласно договору о режиме границы между Беларусью и Литвой граждане, которые нарушили границу с белорусской территории и запросили убежище, не могут быть переданы Беларуси литовской стороной. Что касается договорной базы с Польшей, то формально закрепленных в международно-правовом отношении оснований для осуществления приема-передачи граждан третьих стран, нарушивших совместную границу нет.

В свою очередь, при отсутствии каких-либо доказательств нарушения границы мигрантами с территории Беларуси, есть основания предполагать, что в вытесняемых группах могут быть мигранты, попавшие в страны ЕС с иных направлений – балканским, средиземноморским путем и т.д. Нельзя исключать, что среди вытесняемых лиц могут оказаться те, кто причастен к террористической деятельности, незаконным вооруженным формированиям.

В этих условиях, Беларусь не может допустить захода таких групп на свою территорию. Все попытки сопредельной стороны, зачастую демонстративные, блокируются без применения физической силы непосредственно у линии государственной границы Республики Беларусь, без их захода на белорусскую территорию.

Таким образом, ответственность за состояние «застрававших» беженцев, находящихся на сопредельной территории, и возможные негативные последствия, лежит целиком на властях Латвии, Литвы и Польши.

Белорусская сторона на постоянной основе ведет переписку с пограничными ведомствами сопредельных государств ЕС по вопросу попыток силового выдворения иностранных граждан на территорию Республики Беларусь. Однако, власти сопредельных государств отказываются от взаимодействия в разрешении возникшей ситуации.