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COMMISSIONER FOR HUMAN RIGHTS

Marcin Wiącek

VII.531.23.2021.DZ

Ms. Dunja Mijatović

**Council of Europe
Commissioner for
Human Rights**

Dear Ms. Commissioner,

Polish Commissioner for Human Rights as a Constitution-based National Human Rights Institution for the protection of human rights and freedoms is deeply concerned about the situation of the Polish minority in Belarus, whose persecution by the Belarusian authorities has been increasing constantly. Polish citizens living in Belarus are exposed to numerous repressions. Their rights and freedoms are not being respected, especially in terms of freedom of assembly and freedom of speech.

In March 2021, public opinion received an information about the arrest of the chairwoman of the Union of Poles in Belarus - Angelika Borys, charged for incitement to hatred. The case was reported by the journalist Andrzej Poczobut, who a few days later was arrested. The detainee was refused to contact with his lawyer, what lead to the serious concerns regarding his fundamental human rights. Moreover, the media were regularly reporting on the deteriorating health condition of the detainees and the limited access to medical care.

Office of the Commissioner for Human Rights
of the Republic of Poland
al. Solidarności 77
00-090 Warsaw

Tel. centr. (+48 22) 55 17 700
Infolinia obywatelska 800 676 676
biurorzecznika@brpo.gov.pl
bip.brpo.gov.pl

On the basis of disturbing information concerning violations of detainee's rights, the Commissioner decided to undertake relevant measures and cooperate with Polish authorities – Ministry of Foreign Affairs and the diplomatic services in Belarus.

Polish diplomatic and consular services, as well as the authorities of the Republic of Poland, have taken all possible measures to secure the rights of the Polish national minority in Belarus, especially their representatives who have become victims of political repression. Consuls of the Republic of Poland in Belarus remain in constant contact with the families and lawyers of detainees, to whom they declared their support. They monitor on an ongoing basis the activities of local services.

Despite the efforts of the Polish authorities, the Belarusian side consistently refused to allow the Polish consular services to provide information about the case and to see the detained persons. What's more, the criminal proceedings were conducted at non-public sittings, what limit the possibility of contact with lawyers significantly.

The issue became more complicated by the difficult political relations between Belarus and Poland and the entire transatlantic community, caused by the rigged presidential elections in 2020, massive human rights violations, a wave of violent repression, and the triggered immigration crisis on the eastern border of the European Union.

It is also worth noticing that the Polish authorities, including the President, the Prime Minister and the Parliament, have repeatedly called publicly for an immediate suspension of the repression against the Polish minority and for the release of arrested. President Andrzej Duda discussed the situation of imprisoned persons with OSCE Secretary General Helga Schmid, High Commissioner for National Minorities Kajrat Äbdyrachmanow, Secretary General of the Council of Europe Marija Pejčinović Burić, President of the Human Rights Council Michelle Bachelet and President EE (currently serving as a non-permanent member of the UNSC). Meanwhile, Prime Minister Mateusz Morawiecki raised the issue during the EUCO, and Foreign Minister Zbigniew Rau at NATO and EU meetings. The actions resulted in a statement on the

persecution of Poles by the head of EU diplomacy Josep Borrel. The European Commission called on the Belarusian authorities to immediately release Angelika Borys and Andrzej Poczobut. The actions of the Belarusian authorities were also condemned by the U.S. State Department and numerous capitals of democratic countries. Polish organizations from all over the world joined the support for the repressed Poles. Statements in this case were issued by the Polish Community Council of the World, the European Union of Polish Diaspora Communities and many other organizations and Polish associations abroad.

Furthermore, to express support, on the first anniversary of the unlawful imprisonment of Angelika Borys and Andrzej Poczobut, on 8th March 2022, the Polish Parliament adopted a resolution on the release of the illegally detained, emphasizing at the same time solidarity with the compatriots persecuted by the Belarusian regime, and demanding their immediate release and respect for the rights of the Polish national minority¹.

Shortly afterwards, the Polish authorities received an information about the release of Angelika Borys from a Belarusian prison. According to media reports, the release has been taken as a result of Alexander Lukashenko's personal decision. This information proves the weakness of the implemented measures and diplomatic efforts undertaken during the negotiations with the Belarusian authorities. At the same time, the release of Angelika Borys brings hope for the freedom of another detainee – Andrzej Poczobut.

The case of Andrzej Poczobut remains a priority for the Polish authorities. We strongly believe that the efforts of Polish diplomacy, the internationalization of the issue, as well as the protest of Belarusians demanding to live in dignified conditions will lead to the desired changes, including the release of Andrzej Poczobut as well as all political prisoners in Belarus.

¹ https://orka.sejm.gov.pl/proc9.nsf/uchwaly/1832_u.htm

Therefore, I kindly request Ms. Commissioner to provide support to the Polish authorities in the struggle for the release of Anadrzej Poczobut as well as respect for human and civil rights and freedoms in Belarus.

Yours sincerely

Marcin Wiącek
Rzecznik Praw Obywatelskich
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