

**Poland faces a rising tide of criticism for imposing a blackout on media reporting from an area on its eastern border with Belarus where it has assumed emergency powers in response to a hostile campaign by Belarus to send thousands of unauthorised migrants from foreign countries into Poland. The Polish state of emergency was first imposed on 2 September and was extended for another 60 days on September 30**

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The current state of emergency and ban on media access is the first in Poland since the fall of communism in 1989. It is seen by critics of the government as designed in part to stop independent reporting about the tense situation on the border. It has also inhibited the efforts of NGOs to provide emergency assistance to the unauthorised migrants.

Critics say they are determined to challenge the de facto ban on media coverage because they fear it may serve as a model for other blanket limitations on media coverage in Poland. The government has faced growing protests in recent times over its attempts to tighten its control over public and private media outlets. The government claims that Belarus is conducting ‘hybrid warfare’ against Poland by orchestrating a massive hostile campaign to send migrants or would-be refugees who have been transported from various Middle Eastern and African countries across the Polish frontier illegally. Since the beginning of August about 9000 of them have been turned back. A further 1200 are being held and processed in temporary centres on Polish territory. Poland’s frontier guard has reported that four would-be immigrants have died since the crisis began.

The government has argued that the state of emergency was required because the presence of “outsiders” (the word journalists is never used) would obstruct the efforts of frontier guards, the police and the army to control the influx of unlawful immigrants. The authorities also claimed that freedom of information rights must be restricted because the flood of requests for information interfered with the ability of local frontier guards to deal with the emergency. Polish officials say Belarusian frontier guards have fired guns in the air within sight of their Polish counterparts, and tried to dazzle them with electric torches. They claim that some of the immigrants are terrorists, former soldiers and criminals. The Warsaw government’s hard line stance has played well with its own supporters, and appears to have reversed a recent slide in popular support for the ruling Law and Justice party.

The ban on access by journalists and humanitarian NGOs means that there is no way of independently verifying information provided by the government. The ban has been strongly criticised as unlawful by academics, media organisations and lawyers. Katarzyna Cichos of the Department of Law and Administration at

the Cardinal Wyszyński University in Warsaw wrote in the *Gazeta Wyborcza* newspaper on September 10 that the media blackout is not justified, because Poland's State of Emergency Act of 2002 makes no provision for a complete reporting ban and does not say that media and NGOs should be excluded from affected areas.

However, the authorities have already charged one journalist, Bartłomiej Bublewicz of Onet news, with an offence for reporting from the area. Ulrike Dassler, a veteran reporter, and her camera man from Arte and a Polish translator, were detained on September 28 for 24 hours after straying in the state of emergency area. Their camera and equipment were seized by the police who downloaded its content. The team was tried in court which found them guilty and issued an admonition (*nagana*) which is the lowest possible penalty under misdemeanours code. The police had asked for a fine of 2,000 zlotys (400 pounds).

Poland's new Ombudsman (RPO) Marcin Wiącek, has questioned the behaviour of the police in using handcuffs and downloading the content of the journalists' equipment as a possible breach of journalistic confidentiality. The RPO has also called for a system of official accreditation to allow limited access for journalists. A similar registration system is in place in Lithuania and Latvia, which have also declared states of emergency on their frontier in response to Belarus' attempts to send more foreign nationals into their territory.