

Poland faces rising tide of criticism over blackout on media reporting from an area on its eastern border with Belarus

By Krzysztof Bobinski, Association of European Journalists (AEJ)

8 October 2021

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 Poland's unlawful pushbacks of asylum seekers who came over its border with Belarus, and alleged human rights abuses in an area three kilometers deep on the Polish side of that border. The media blackout has also inhibited the efforts of NGOs to provide emergency assistance to the unauthorised would-be migrants.

Critics say they think the restrictions 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 weaponising a massive campaign to send migrants or would-be refugees who have been transported from various Asian, Middle Eastern and African countries across the Polish frontier. During August and September the Polish authorities said about 9000 of them had attempted to enter Polish territory, and a further 1200 are being held and processed in temporary centres on Polish territory.

Amnesty International has alleged that one group of 32 Afghan asylum-seekers was unlawfully held for several weeks in „horrendous conditions” without proper access to food or shelter before apparently being forcibly returned across the border without being able to exercise their right to apply for refugee status. Poland's frontier guard has reported that four would-be immigrants have died of hypothermia and exhaustion. The United Nations has called for an investigation into the deaths and asked for “immediate access” to the area to provide emergency humanitarian aid.

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 were detained on September 28 for 24 hours after straying in the state of emergency area. Their equipment was seized and they were fined 2,000 zlotys (400 pounds) each by a local court under Poland's 2002 state of emergency act.

Poland's new Ombudsman Marcin Wiącek, has 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.