

In response to alert 195/2021: *RT France Journalists Arrested for Filming at Poland-Belarus Border Zone* we would like to provide the following statement:

According to the regulation by the President of the Republic of Poland dated September 2, 2021 Poland has introduced a state of emergency in parts of the Podlaskie and Lubelskie Voivodeships for a period of 30 days. The state of emergency was introduced in connection with a particular threat to security and public order related to the artificially provoked migration crisis on the Polish-Belarusian border.

Pursuant to Art. 23 of the Act of June 21, 2002 on the State of Emergency, a person who during the state of emergency violates the orders, prohibitions or obligations indicated in this act, including staying or not leaving a designated place, facility or area at the set time – and recording by technical means the appearance or other feature of a specific place, facility or area – is subject to penalty. The examination of these cases takes place in accordance with the provisions on proceedings in cases of offenses in accelerated proceedings.

The journalists mentioned in the recalled alert No 195/2021 who were detained by the Police on September 28, 2021 in the territory where the state of emergency had been introduced, violated the abovementioned regulation. Therefore, according to the binding law, they were detained. The detained persons were informed about their rights and the reason for their detention.

Moreover, before their detention the journalists had been informed in contacts with the press officers of the Border Guard that it was not possible to produce press materials that would entail the necessity to stay in the area where the state of emergency had been introduced; as well as about any consequences resulting from staying in that area.

The II Criminal Department of the District Court in Sokółka received a request from the Poviatt (local) Police Headquarters in Sokółka for punishment in an expedited mode of:

- Maria Anna Czarnecka and another person who were accused of having stayed on September 28, 2021 around 12.00 CET in the village of Babiki, i.e. in the area where the state of emergency had been introduced, by which they breached the prohibition provided for in the Art. 18.2.1 of the regulation by the President of the Republic of Poland dated on September 2, 2021 on declaring the state of emergency in the area of a part of the Podlaskie Voivodship and part of the Lubelskie Voivodship, i.e. of an act punishable under Art. 23.1.7 of the Law of June 21, 2002 on the State of Emergency; and of
- Ulrike Elisabeth Däbler who was accused that on September 28, 2021 around 12.00 CET in the village of Babiki she did not comply with the prohibition provided for in the Art. 18.2.1 of the regulation by the President of the Republic of Poland dated on September 2, 2021 on declaring the state of emergency in the area of a part of the Podlaskie Voivodship and part of the Lubelskie Voivodship and that she stayed in the area where the state of emergency had been introduced, i.e. of a petty offence under Art. 23.1.7 of the Law of June 21, 2002 on the State of Emergency.

The case was registered under the reference number II W 605/21.

The judge being on that day on duty for the cases examined in expedited mode immediately scheduled a trial, after which the case of the above-mentioned defendants was examined at the trial. In its judgment, the District Court in Sokółka found the accused Ulrike Elisabeth Däbler, Maria Anna Czarnecka and another person guilty that by staying on September 28, 2021 around 12.00 CET in the village of Babiki they breached the prohibition of staying in the area where the state of emergency had been introduced – as provided for in the Art. 18.2.1 of the Law of June 21, 2002 on the State of Emergency, in connection with § 1.1.4 of the regulation by the Council of Ministers on dated September 2, 2021 on restrictions of rights and freedoms in connection with the introduction of the state of emergency – i.e. committed an act punishable under Art. 23.1.7 of the Law of June 21, 2002 on the State of Emergency. Therefore, based on the latter provision, the Court sentenced each of the accused persons. Based on the same provision in connection with Art. 39.1, 39.2 and 18.4 of the Code of Petty Offences, the Court imposed a sanction of reprimand. At the same time, each of the accused persons was exempt from paying court fees to the State Treasury. Neither of the parties submitted a request to justify this decision, therefore, in accordance with the provisions in force on the expedited procedure, it became final on the same day.

Since the cameraman was not specified by name in the recalled alert No. 195/2021 his name was not disclosed in the present information.