

With reference to the letter No. DOI AOS/Piracy2009, please find below information concerning Polish legislation with regard to piracy.

As a preliminary statement, it should be noted that the Republic of Poland is a party of the UNCLOS Convention and the SUA 88 Convention with the 88 Protocol. The Republic of Poland has also commenced the preparation process towards the ratification of the SOLAS Protocols 2005.

The above-mentioned international agreements, in accordance with the Constitution of the Republic of Poland, are a part of the domestic legal order and may be applied directly.

The Code constitutes the source of universally binding law of the Republic of Poland (full Polish version enclosed, fragments in English).

Please find below short characteristics of the Polish domestic law concerning the above-mentioned subject:

Provisions designed to combat a robbery at sea. This group includes **Article 121** (see see chapter XX, "Offences Against Public Safety") and **Article 263** (see chapter XXXII, "Offences Against Public Order").

**Article 121** is a conventional offense. It is characterized moreover by a so-called double criminality, i.e. it needs to be in violation of Polish law and international law. The use of **Article 121** is possible only after determining a violation of applicable rules of international law; it does not suffice to exclusively use the provisions of domestic law. **Article 121 § 2** foresees criminal responsibility for the production or spreading of means of mass extermination. These provisions, in turn, do not counteract the production and spread of these measures arising from ratified conventions or arrangements imposing certain duties on them.

**Article 170** foresees jail sentences ranging from 1 to 10 years for arming or equipping a ship for use in the service of piracy on such a ship. In essence, this article introduces a penalty for the preparation of such an offense, punishing, for example, the delivery of arms or even being a cook on such ship.

**Article 173** foresees a penalty for anyone who, without having obtained a proper license, produces, transports, or spreads radioactive substances or instruments with devices emitting ionizing rays, or with other objects or substances that bear the character of these objects. They require a license. **Article 173 § 3** in turn limits the distribution of the above-mentioned objects.

**Article 258** prohibits joining a criminal group or association. **Article 259** of the Criminal Code...

also be noted that **Article 258** speaks of two types of structures: a criminal group and a criminal association. The organizational forms have to exist objectively, and there is an obligation on the part of the member to carry out the commands of the superiors and consequences if those commands are not carried out. A criminal association is based on organizational ties as the basis of the association, not on religious beliefs or on any one person's authority as a member of the association. The Polish Penal Code envisions heightened criminal responsibility for membership in a group or association of an armed nature.

in the Polish Penal Code, the majority of conventional offenses that may be recognized as terrorist acts, acts of piracy and armed robbery are grouped in *chapter XVI "Offences Against the Peace, Mankind, and War Crimes"*.

The provisions contained in *chapter XVI* penalize acts that in violation of common universal values and for this reason, may be prosecuted apart from the place where they are committed in accordance with **Article 113** of the Polish Penal Code, which delineates the principle of conventional repression (also sometimes called the principle of universal repression or universal jurisdiction). The Republic of Poland may prosecute such crime if the crime was committed by a Polish national abroad when such crime is also penalized by law of a state in which the crime was committed or when Poland is obliged to prosecute such crimes under international agreements and the person in question was transferred abroad. Poland may also exercise its jurisdiction when a Polish citizen or an alien committed a crime against Polish economic interests, of falsely testifying before Polish authorities, and crime which resulted in obtaining financial profit on the territory of the Republic of Poland. Individuals suspected of committing a crime where 'Polish element' does not exist can only be prosecuted if the state of which the person is a national or citizen has agreed in international agreements Poland is obliged to undertake such an action and has decided not to transfer abroad such a foreigner. The last phrase indicates that the person in question must be already held by the Polish authorities. According to Ministry of Justice, the transfer of individuals suspected of committing a crime defined in **Article 113** of Polish Penal Code to Poland for prosecution is possible only when such a transfer is based on Part XIII of the Polish Penal Procedure Code.

The prohibited offenses set forth in **Articles 166 and 167, chapter 167, "Offences Against the Peace, Mankind, and War Crimes"**

control of a vessel or aircraft. The condition of penal liability for such an act is that it be committed by the use of force or intimidation or the threat thereof. Such an act is punishable by imprisonment for from 2 to 12 years if the act results in death or serious bodily injury to multiple persons, imprisonment must be imposed for a minimum of 8 years if the act causes death or serious bodily injury to multiple persons, the perpetrator of such an act must be imprisoned for a minimum of 5 years and a maximum of 25 years. When sentencing for an offense specified in **Article 166 § 1**, a court may make a finding of extraordinary circumstances if the perpetrator transferred control of the ship or aircraft to an authorized person, however, this transfer of control must be voluntary.

Similar in character is **Article 167**, according to which a sentence of imprisonment from 3 months to 5 years may be imposed for placing on a vessel or aircraft devices or substances of considerable value.

UN Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal Hijacking Convention) of 1971

The same penalties are faced by perpetrators who would destroy, damage, or render unfit for use a navigational device or make its service impossible if this act threatens any person's safety. This provision must be read in conjunction with the Convention Concerning

of Permanent Oil Platforms Situated on the Continental Shelf of 1988

It should be stressed that the Polish Penal Code does not recognize acts against oil platforms as a separate offense; hence, prosecution of these acts must be conducted in accordance with the general principles characterized above.

The offenses described in **Article 252** are also of conventional character. According to this article, a perpetrator is threatened with imprisonment ranging from 1 to 10 years for taking or

persons to act in a specified manner. If the consequence of such an act is the death or serious bodily injury of the hostages, the perpetrator will be punished by imprisonment from 2 to 12 years

visions criminal responsibility for the killing of a human being committed in connection with taking a hostage or in connection with motives worthy of special condemnation (such as a killing for money), for murders committed with firearms or explosives, for special cruelty (such as the infliction of torture prior to killing). These are specially qualified types of killing (**Article**

**148 § 1**). It should be noted that the qualification of an offense under **Article 148 § 2** is of a particularly grave nature (e.g., it adds a maximum sentence of 25 years). For the basic crime, the maximum sentence is 12 years. The penalty of imprisonment for a minimum of 3 to 25 years and even for life. In the case of offenses qualified under this section, imprisonment must be for a minimum of 12 years

Chapter XV describes offenses against public safety, and the offense of causing a catastrophe (**Article 163**). Acts of piracy and armed robbery at sea are often committed in a manner that threatens the health or life of many human beings or threatens property damage

poisonous, suffocating, or flammable substances. These acts are punishable by imprisonment of from 1 to 10 years.

Great attention is placed on the protection of public safety what is reflected in the penal liability envisaged for offenses such as causing an immediate danger of catastrophe (**Article 164**) as well as a widespread danger (**Article 165**). In the latter article, it is not required that the danger be direct. **Article 165** prohibits acts that threaten danger to many human lives or considerable property damage or that bring about the threat of the spread of an epidemiological or contagious disease. The catalogue of acts included in **Article 165** is

of a human being or serious bodily injury to many persons, the perpetrator may be imprisoned from 2 years to 12 years (if committed intentionally) or from 6 months to 8 years

Catastrophe"). The former is based on an intentional or unintentional causing of catastrophe in land, water, or air traffic that threatens the life or health of many human beings or considerable property damage. This offense is punishable by imprisonment from 1 to 10 years (in the case of an intentional offense) and from 3 months to 5 years (in the case of an unintentional offense). Preparation to intentionally cause a catastrophe is also punishable by imprisonment from 1 month to 3 years. The intentional causing of an immediate danger is punishable by imprisonment from 6 months to 3 years whereas the unintentional causing of

perpetrator is responsible for the instigation and creation of such an arrangement of events that taken together, constitute a real and actual state of emergency, in air, water, or land traffic that may in any moment change into an actual catastrophe of considerable proportion, regardless of any further acts by the perpetrator

The act falls within the provisions of Article 190 of chapter XXIII ("Offences Against Liberty"), which forbids the deprivation of freedom. The Polish Penal Code imposes a penalty for commission of this act consisting of imprisonment from 3 months to 5 years. A more severe punishment (imprisonment from 1 to 10 years) is imposed when the deprivation of freedom is joined with acts of special cruelty or lasts more than 7 days.

It is a criminal act of piracy and armed robbery at sea (involving the use of force or an illegal threat thereof), the functioning of an organ of government administration (e.g. the Council of Ministers), other state organ (the parliament, senate, courts, province governor, etc.), or local government organ is disturbed, the perpetrator of such an act may be charged under the provisions of Article 224 and if convicted, sentenced to imprisonment from 1 month to 3 years. This same article applies in the case of using force or the illegal threat thereof for the purpose of law and a public functionary or person called on to assist him or her to obtain from performing an activity connected with such function. If the public functionary is afflicted with serious bodily injury (Article 156 § 1) or other bodily injury (Article 157 § 1), the perpetrator of the act may be punished by imprisonment from 3 months to 5 years.

It should be added that a single perpetrator, co-perpetrator, managerial perpetrator, or instigator is punished within the framework of intentional or unintentional crimes (Article 20). It should be also noted that attempt to commit one of the offenses mentioned above is also punishable (Article 13) as well as instigation and creation of such an arrangement that leads to commit crime and instigation and leadership in committing a crime (Article 19).

## Annex

of legislation in the Polish Penal Code, in regard to preventing and punishing the crimes of piracy and armed robbery at sea.

This area includes Article 121 (see Chapter XIV, "Offenses Against Peace, Mankind, and War"), Articles 170, 171, 183, and 184 (see Chapter XV, "Offenses Against Public Safety"), and Article 263 (see Chapter XXXII

Article 121 refers to a conventional offense. It is characterized moreover by so-called double illegality because, and can be applied if a wrongful act is in violation of Polish internal law as well as of international law. The application of Article 121 is possible only after determining a violation of applicable rules of international law. It does not suffice to cite provisions of domestic law only. Article 121 § 2 foresees criminal responsibility for those provisions of domestic law only which refer to "measures of mass extermination." These provisions make reference to mass murder in some of the following cases: production and spread of these measures.

Article 170 § 1 foresees penalties ranging from 1 to 10 years for arming or equipping a ship for the preparation of such an offense, punishing, for example, the delivery of arms and explosives to a cook on such ship.

Articles 171 § 1 and 171 § 2 refer to anyone who engages in, without having secured a proper license, manufacturing, collecting, processing, accumulating, and dealing with an explosive substance or instrument with devices emitting ionizing rays, or with other objects or instruments that can endanger the lives of many people to a considerable extent. This latter requirement is satisfied if the objects mentioned in Article 171 § 1 are the only objects of such a kind. The distribution of the above-indicated objects requires a license. Article 171 § 3 in turn limits the distribution of the above-indicated objects by making it punishable to possess those objects mentioned in Article 171 § 1 if received from an unauthorized person.

Article 259 of the Polish Penal Code refers to a group of persons who are organized and designed to combat both terrorist offenses and organized crime. According to accepted Polish legal interpretation, to join means "to remain in any structure." We can speak of joining a group if it can be ascertained that a person stays in a prohibited structure. It is of no legal importance whether, in fact, any of the elements of the above-mentioned act have occurred, just being in a prohibited structure is punishable. It is also possible to be a member of a group if one has not joined it, but has participated in its activities. It is also possible to be a member of a group if one has not joined it, but has participated in its activities. It is also possible to be a member of a group if one has not joined it, but has participated in its activities.





safety. This provision must be read in conjunction with the Convention Concerning Counteractions to Unlawful Acts Against the Safety of Maritime Navigation of 1988 as well as in the supplementary Protocol Concerning Counteraction to Unlawful Acts Against the Safety of Permanent Oil Platforms Situated on the Continental Shelf of 1988.

It should be stressed that the Polish Penal Code does not recognize acts against oil platforms as a separate offense, hence, prosecution of these acts must be conducted in accordance with the general principles characterized above.

The offenses described in **Article 252** are also of conventional character. According to this article, a perpetrator is threatened with imprisonment ranging from 1 to 10 years for taking or keeping an individual or individuals hostage with the aim of compelling a state or international organization to do or refrain from doing a certain act, or if the consequence of such an act is the death or serious bodily injury of the hostages, the perpetrator will be punished by imprisonment from 2 to 12 years.

Among the offenses defined against life and health (**Chapter XIX**), a characterization of acts of piracy and armed robbery at sea may be possible under **Article 148 § 2**. This article takes into account the killing of a human being committed in connection with taking a hostage or in connection with motives worthy of special condemnation (such as a killing for money), for murders committed with firearms or explosives, for special cruelty (such as the infliction of torture prior to killing), or for special cruelty (**Article 148 § 1**). It should be noted that the qualification of an offense under **Article 148 § 2** is of a cumulative nature (e.g., in addition to hostage taking under **Article 252**). For the basic crime

imprisonment must be for a minimum of 12 years.

**Chapter XX** describes offenses against public safety, and the offense of causing a danger (**Article 163**). Acts of piracy and armed robbery at sea are often committed in a manner that threatens the health or life of many human beings or threatens property damage to a great extent. Acts that may be punishable under this provision include the release of flammable, explosive material, the release of violent forms of energy, and the release of poisonous, suffocating, or flammable substances. These acts are punishable by imprisonment of from 1 to 10 years.

Great attention is placed on the protection of public safety, what is reflected in the penal (**Article 164**) as well as a widespread danger (**Article 165**) in the latter article, which states that the danger be direct. **Article 165** prohibits acts that threaten danger to many human lives or considerable property damage or that bring about the threat of the spread of an epidemic or other contagious disease.

Imprisonment from 6 months to 3 years. If the commission of such an act results in death of a human being or serious bodily injury to many persons, the perpetrator may be imprisoned from 2 years to 12 years (if committed intentionally).

Imprisonment from 6 months to 3 years (if committed with unintentional). The catalogue of prohibited activities designed to prevent danger to life or health of many persons or to property of considerable value.

years in the case of an intentional offense), and from 2 months to 5 years (in the case of an

imprisonment from 6 months to 6 years. The intentional causing of immediate dangers

punishable by imprisonment from 6 months to 6 years, whereas the unintentional causing of

of causing an immediate danger of catastrophe is deemed by Polish law to occur when a perpetrator is responsible for the instigation and creation of such an arrangement of events

involving air traffic that may in any moment change into an actual catastrophe of considerable proportion, regardless of any further acts by the perpetrator.

Chapter XXIII ("Offences Against Liberty"), which forbids the deprivation of freedom. The Polish Penal Code imposes a penalty for commission of this act consisting of imprisonment from 6 months to 3 years, or a lesser penalty if the offender is a minor, or 1 to 3 years if imposed when the deprivation of freedom is joined with acts of special cruelty or lasts more than 7 days.

If, as the result of an act of piracy and armed robbery at sea (involving the use of force or an

Article 154 of the Penal Code, which forbids the deprivation of freedom of a public functionary

thereof for the purpose of forcing a public functionary or person called on to assist him or her

to obtain from performing an activity connected with such function. If the public functionary is inflicted with serious bodily injury (Article 156 § 1) or other bodily injury (Article 157 § 1), the perpetrator of the act may be punished by imprisonment from 3 months to 5 years.

It should be added that a single perpetrator, co-perpetrator, managerial perpetrator, or soliciting perpetrator is punished within the framework of intentional or unintentional crimes independently of the punishment received by other perpetrators (Article 20). It should be also noted that attempt to commit one of the offenses mentioned above is also punishable

a crime and initiation and leadership in committing a crime (Article 18).



## Chapter XIII. Liability for offences committed abroad

Article 109 The Polish penal law shall be applied to Polish citizens who have committed an offence abroad

Article 110 § 1 The Polish penal law shall be applied to aliens who have committed abroad an offence against the interests of the Republic of Poland, a Polish citizen, a Polish local person or a Polish organizational unit not having the status of a legal person

exceeding 2 years of deprivation of liberty, and the perpetrator remains within the territory of the Republic of Poland and where no decision on his extradition has been taken

Article 111 § 1 The liability for an act committed abroad is, however, subject to the condition that the liability for such an act is likewise recognised as an offence, by a law in force in the place of its commission

Article 111 § 2 In the case where there is a difference in the laws in force in the place of commission, the court may take these differences into account in favour of the perpetrator

Article 111 § 3 The liability provided for in § 1 shall not be applied to the Polish public official who has committed an offence in exercise of his official functions, nor to a person who committed an offence in authority

Article 112 Notwithstanding the provisions in force in the place of the commission of the offence the Polish penal law shall be applied to a Polish citizen or an alien in case of the commission of

- 2) an offence against Polish offices or public officials,
- 3) an offence against essential economic interests of Poland
- 4) an offence of false deposition made before a Polish office

Article 113 Notwithstanding regulations in force in the place of commission of the offence, the Polish penal law shall be applied to a Polish citizen or an alien, when applicable, with respect to whom no decision on extradition has been taken

Poland is obligated to prosecute under circumstances of international agreements

Article 114 A judgment rendered abroad shall not bar criminal proceedings for the same offence from being instituted before a Polish court

Article 115 Where a person has been punished, taking into consideration the differences between these penalties

§ 3 The provision of § 1 shall not apply when a sentencing judgment has been transferred to be executed within the territory of the Republic of Poland, and also when the judgment rendered abroad regarding an offence has been transferred to which either a transfer of the prosecution or extradition from the Republic of Poland has occurred

Article 116 Where a sentencing judgment rendered abroad has been transferred to execute the sentence within the territory of the Republic of Poland, the court shall determine, under Polish law, the legal classification of the act, and the penalty to be executed or any measure similar to execution thereof

Article 117 Where a sentencing judgment rendered abroad has been transferred to execute the sentence within the territory of the Republic of Poland, the court shall determine, under Polish law, the period of actual

between these penalties considered to be the maximum of the sentence

penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life

§ 2 Whoever makes preparation to commit the offence specified under § 1,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.

§ 3 Whoever publicly incites to murder or to mass murder shall be subject to the penalty of

the deprivation of liberty for a term of between 3 months and 5 years

Article 119 § 1 Whoever, acting with an intent to destroy in full or in part any ethnic, racial,

or religious community or a serious document to the extent of the deprivation of liberty for a minimum term of 12 years, the

penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life

§ 2 Whoever, with the intent specified under § 1, creates, for persons belonging to such a

group, living conditions or a situation which is intended to prevent births

within the group, or seriously damages its physical or moral constitution

shall be subject to the penalty of deprivation of liberty for a minimum term of 5 years or the

penalty of deprivation of liberty for 25 years

§ 3 Whoever makes preparation to commit the offence specified under § 1 or 2,

shall be subject to the penalty

of deprivation of liberty for a term of between 1 and 10 years or the penalty of deprivation of liberty for life

Article 120 § 1 Whoever uses a means of mass extermination prohibited by international law,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 10 years, the

penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life

§ 2 The same punishment shall be imposed on anyone who incites commission of the

offence specified under § 1

Article 121 § 1 Whoever uses a means of mass extermination prohibited by international law,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 10 years, the

penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life

Article 122 § 1 Whoever, violating the prohibition contained in international law or in internal

law, manufactures, amasses, purchases, trades, stores, transports, distributes or uses, or

attempts to do so, such means, or undertakes research aimed at the manufacture or usage of

such means,

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10

years

§ 2 The same punishment shall be imposed on anyone, who allows the commission of the act

specified under § 1

Article 123 § 1 Whoever, in the course of armed conflict, attacks a defended locality or a facility,

or attacks a person or uses any other means of warfare prohibited by international law,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 5 years, or

the penalty of deprivation of liberty for 25 years

§ 2 The same punishment shall be imposed on anyone, who, in the course of warfare, uses a

means of warfare prohibited by international law

Article 124 § 1 Whoever, in violation of international law, commits the homicide of

1) persons who surrendered, laid down their arms, or are otherwise hors de combat,

2) the wounded, sick, disabled, or infirm, medical personnel or clergy,

3) prisoners of war, or

4) civilians in an occupied area, annexed or under warfare, or other persons who are

penalty of deprivation of liberty for 25 years

Article 124 Whoever, in violation of international law, forces the persons specified under Article 120 § 1 to forsake their homes, resettles them, uses corporal punishment, deprives them of the right to independent and impartial judicial proceedings, or deprives their right to defence in criminal proceedings, shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years

Article 125 § 1. Whoever, in an area occupied, taken over or under warfare, in violation of international law, destroys, damages or removes items of cultural heritage shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years

§ 2 If the act pertains to an item of particular importance to cultural heritage, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of 3 years

§ 2 The same punishment shall be imposed on any person who, in violation of international law, uses protective emblems for items of cultural heritage, or on any member of the enemy, neutral country, or an international organisation or commission

## Chapter XX

### Offences against Public Safety

Article 163 § 1. Whoever causes an event which imperils human life or the health of many persons, or property of a considerable extent, and takes the form of:

- 1) fire,
- 2) collapse of a structure, flooding, rock or landslide or snow avalanche
- 3) blast of explosives or flammable materials or any other form of a violent release of energy, or poisonous, suffocating or burning substances.

shall be subject to the penalty of the deprivation of liberty for a term of between 3 and 5 years

§ 2 If the perpetrator acts unintentionally he shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years

§ 3 If the consequence of the act specified in § 1 is the death of a human being or the grievous bodily harm of many persons, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 2 years and 12 years

§ 4 If the consequence of the act specified in § 2 is the death of a human being or the grievous bodily harm of many persons, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years

Article 164 § 1. Whoever causes the immediate possibility of an event mentioned in Article 163 § 1, shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 2 years

§ 2 If the perpetrator acts unintentionally he shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 2 years



device, radioactive material, device emitting ionising radiation or any other item or substance which may cause widespread danger to human life or health, or to property of a considerable extent shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years

§ 2 The same punishment shall be imposed on anyone, who in breach of his duty allows the commission of the act specified in § 1

§ 3 The same punishment shall be imposed on anyone, who relinquishes items specified in § 1 to an unauthorised person

shall be subject to the penalty of the deprivation of liberty for a term of between 3 months to 5 years

## Chapter XXI

### Offences Against Safety in Traffic

Article 172 § 1 Whoever causes a catastrophe on land or water or to air traffic which imperils life or health of many persons, or property of a considerable extent shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years

§ 2 If the perpetrator acts unintentionally he shall be subject to the penalty of the deprivation of liberty for a term of between 2 and 12 years

§ 4 If the consequences of the act specified in § 2 is the death of a human being or the grievous bodily harm to many persons, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years

air traffic shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years

§ 2 If the perpetrator acts unintentionally he shall be subject to the penalty of deprivation of liberty for up to 3 years

Article 175 Whoever voluntarily causes an accident in which another person has suffered a bodily injury shall be subject to the penalty of deprivation of liberty for up to 3 years

Article 176 § 1 The perpetrator of the offence specified in Article 174, who voluntarily averted the impending danger shall be subject to a penalty

§ 2 The court may apply a reduction of the penalty with respect to the perpetrator of the offence specified in Article 176 § 1, if he has voluntarily averted the impending danger to life or health of many persons

Article 177 § 1 Whoever, unintentionally causes an accident in which another person has suffered a bodily injury, specified in Article 157 § 1, by violating, even unintentionally, the safety rules for land, water or air traffic shall be subject to the penalty of deprivation of liberty for up to 3 years

Article 176 In sentencing a perpetrator who has committed the offence specified in Article 173, 174 or 177 while in a state of insobriety or under the influence of a narcotic drug or has fled from the scene of the event, the court shall impose the penalty of deprivation of liberty or the penalty of restriction of liberty, further increased by one half of the statutory limit prescribed for the offence attributed to the perpetrator.

Article 179 Whoever in spite of his special duty allows the operation of a motor vehicle or other vehicle, in a motor vehicle or other vehicle to be operated on a public road by a person who is in the state of insobriety, or under the influence of a narcotic drug or by one not having the required license shall be subject to the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

Article 180 Whoever, being in a state of insobriety, or under the influence of a narcotic drug, performs functions directly connected with ensuring the security of a road shall be subject to the penalty of restriction of liberty or the penalty of deprivation of liberty for a term of between 3 months to 5 years

## Chapter XXII

### Offences against the Environment

Article 181 § 1 Whoever destroys or causes destruction of plant or animal life of considerable dimensions shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years

§ 2 Whoever, in violation of the provisions in force in the protected area, destroys or damages plants or animals causing essential harm shall be subject to the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

§ 3 The same penalty shall be imposed on anyone who, irrespective of place of the act, destroys or damages plants or animals under protection, causing essential harm

§ 4 If the perpetrator of the act specified in § 1 acts unintentionally he shall be subject to the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

§ 5 If the perpetrator of the act specified in § 2 or 3 acts unintentionally, he shall be subject to a fine or the penalty of restriction of liberty

Article 182 § 1 Whoever pollutes the water, air or ground with a substance or contaminates persons or cause destruction to plant and animal life of considerable dimensions shall be subject to the penalty of restriction of liberty or the penalty of deprivation of liberty for a term of between 3 months and 5 years

§ 2 If the perpetrator acts unintentionally he shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

Article 183 § 1 Whoever in violation of the provisions of law, stores, disposes of, processes, renders harmless or carries waste and hazardous substances in a way which endangers the life or health of man and which causes the destruction to plant or animal life of considerable dimensions shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years

§ 2 The same punishment shall be imposed on anyone, who, in violation of the provisions of law, imports waste or substances hazardous to the environment

§ 3 The same punishment shall be imposed on anyone who despite his duty allows the commission of the act specified in § 1 or 2

§ 4 If the perpetrator of the act specified in § 1-3 acts unintentionally he shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years



Article 184 § 1 Whoever carries, accumulates, stores, abandons or neglects without properly securing; a nuclear material or other source of ionising radiation, that could endanger the life or health of human beings or cause the destruction of plant or animal life of considerable dimensions shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years

commission of the act specified in § 1  
§ 2 If the perpetrator of the act specified in § 1 or 2 acts unintentionally shall be subject to the penalty of restriction of liberty for up to 2 years

perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years

184 § 1 or 2 is the death of a human being or the serious bodily harm to many persons, the perpetrator shall be subject to the deprivation of liberty for a term of between 2 and 12 years

185 § 1 Whoever, despite his duty, does not properly maintain or use equipment protecting water, air or ground from pollution, or equipment protecting against radiation shall be subject to the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

§ 2 The same punishment shall be imposed on anyone, who commissions or, despite his duties, permits a building structure or a group of facilities not having equipment as required by law, to be used as specified in § 1

§ 3 If the perpetrator of the act specified in § 1 or 2 acts unintentionally shall be subject to a fine or the penalty of restriction of liberty

187 § 1 Whoever destroys, considerably damages or essentially reduces the natural values of a protected area or an object, causing considerable damage shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

§ 2 If the perpetrator acts unintentionally he shall be subject to a fine or the penalty of restriction of liberty

Article 188 § 1 Whoever, in violation of the law, builds a new facility or extends an existing one, or conducts business which threatens the environment shall be subject to a fine or the penalty of restriction of liberty for up to 2 years

**Offences Against Liberty**

Article 189 § 1 Whoever deprives a human being of their liberty shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years

§ 2 If the deprivation of liberty exceeded longer than seven days, or was coupled with special torment, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 2 and 5 years

§ 3 Whoever threatens another person to commit an offence detrimental

liberty for up to 2 years.

shall be subject to the penalty of deprivation of liberty for up to 3 years

§ 2 If the perpetrator acts in the manner specified in § 1 in order to extort a debt shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years

liberty for up to 2 years

§ 2 The prosecution shall occur on a motion of the injured person

liberty for up to one year

#### Chapter XXIV

#### Offences against Freedom of Conscience and Religion

Article 194 Whoever restricts another person from exercising the rights vested in the latter for the reason of his person shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

Article 195 § 1 Whoever maliciously interferes with a the public performance of a religious ceremony of a church or another religious association with regulated legal status shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

§ 2 The same punishment shall be imposed on anyone who maliciously interferes with a funeral, mourning ceremonies or rites

Article 196 Whoever offends the religious feelings of other persons by outraging in public an object of religious worship or a place dedicated to the public celebration of religious rites, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

#### Offences against Sexual Liberty and Decency

Article 197 § 1 Whoever without the consent of another person commits an act of sexual intercourse shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years

§ 2 If the perpetrator in the manner specified in § 1 makes another person submit to other sexual act or to perform such an act, he shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years

§ 3 If the perpetrator commits the rape specified in § 1 or 2 with particular cruelty or commits it in common with other person, he shall be subject to the penalty of the deprivation of liberty for a term of between 3 and 10 years

ability to recognize the significance of the act or ability to control his/her conduct, resulting from mental disability or disorder, subjects such a person to sexual intercourse or makes him/her submit to another sexual act or to perform such an act

shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years

Article 199. Whoever, abusing a relationship of dependence or by taking advantage of a superior situation, subjects such a person to sexual intercourse or makes him/her submit to another sexual act or to perform such an act

makes him/her submit to another sexual act or to perform such an act

years

§ 2 The same punishment shall be imposed on anyone who records pornographic material with the participation of such a person

Article 204. Whoever has sexual intercourse with an ascendant, descendant, or a person being an adopted, adopting relation or brother or sister

shall be subject to the penalty of restriction of liberty for a term of between 3 months and 5 years

Article 203. § 1. Whoever publicly presents pornographic material in such a manner that it is available to him/her items of this nature shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year

§ 2. Whoever presents pornographic material to a minor under 15 years of age or makes available to him/her items of this nature

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

§ 3. Whoever presents pornographic material in which minors under the age of 15 participate, or pornographic material associated with the use of violence or the use of an animal

shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 1 year

prostitution

shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years

Article 204. § 1. Whoever, in order to derive a material benefit, induces another person to prostitution or facilitates it

shall be subject to the penalty of deprivation of liberty for up to 3 years

§ 2. Whoever derives material benefits from prostitution practiced by another person shall be subject to the penalty specified in § 1

§ 3. If the person specified in § 1 or 2 is a minor, the perpetrator

years

§ 4. The punishment specified in § 3 should be imposed on anyone who entices or abducts another person with the aim of having him/her engage in prostitution abroad

Article 205. The prosecution of the offence specified in Article 197 or 199, as well as in Article 198, unless the condition of the victim specified in this provision is a result of a permanent mental disorder, shall occur on a motion of the injured person

Article 206 - Whoever contracts a marriage, despite the existence of a previous marriage, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

Article 207 - § 1 - Whoever mentally or physically mistreats a person close to him or another person being in a permanent or temporary state of dependence to the perpetrator, a minor or a person who is vulnerable because of his mental or physical condition shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years

§ 2 - If the act specified in § 1 is accompanied with a particular cruelty, the perpetrator shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 10 years

§ 3 - If the consequences of the act specified in § 1 or 2 is a suicide attempt by the injured person on his or her life, the perpetrator shall be subject to the penalty of deprivation of liberty for a term of between 2 and 12 years

liberty for up to 2 years

Article 209 - § 1 - Whoever persistently evades the duty imposed on him by law or by a court judgement to pay for the support of a next of kin or other person and exposes such a person to a situation where they cannot satisfy their essential needs shall be subject to the penalty of deprivation of liberty for up to 2 years

an appropriate institution

§ 2 - When the injured person has been granted support from an alimony fund, the prosecution shall occur ex officio

Article 210 - § 1 - Whoever despite a duty of care to a person under 15 years of age or to a person who is helpless by reason of his mental or physical condition abandons such a person shall be subject to the penalty of deprivation of liberty for up to 3 years

§ 2 - If the consequences of the act is the death of the person, the perpetrator shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years

Article 211 - § 1 - Whoever neglects the duty of the person appointed to take care of or supervising a person under 15 years of age or a person with a mental or physical condition shall be subject to the penalty of deprivation of liberty for up to 3 years

## Chapter XXVII

### Offences against Honour and Personal Inviolability

Article 212 - § 1 - Whoever imputes to another person, a group of persons, an institution or organisational unit not having the status of a legal person, such conduct or characteristics that may discredit them in the face of public opinion or result in a loss of confidence necessary for a given position, occupation or type of activity shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year

§ 2 - If the perpetrator commits the act specified in § 1 through the mass media shall be subject to the penalty of deprivation of liberty for up to 2 years

Article 213 § 1 The offence specified in Article 212 § 1 is not committed, if the allegation not made in public is true

§ 2 Whoever publishes or publicises a false allegation in defence of a justifiable public interest shall be deemed to have not committed the offence specified in Article 212 § 1 or 2, if the allegation regards private or family life, the freedom of expression or the freedom of the press, or if the allegation is necessary to prevent danger to someone's life or to prevent demoralisation of a minor

Article 214 The absence of an offence resulting from a reason specified in Article 213 does not exclude the liability of a perpetrator for the insult by reason of the manner of announcing or publicising the allegation

Article 215 § 1 Whoever publicly insults another person, the perpetrator shall be liable for a conviction to be published

Article 216 § 1 Whoever insults another person in his presence, or though in his absence but in public, or with the intention that the insult shall reach such a person

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year

§ 2 If the insult was caused by the provocative conduct of the insulted person, or if the insulted person responded with a breach of the personal inviolability or with a reciprocal insult, the court may waive the imposition of a penalty

§ 3 In the event of a conviction for the offence specified in § 2, the court may decide to award a sum of money to the benefit of the injured person, the Polish Red Cross or towards

Article 217 § 1 Whoever strikes a human being or in another manner breaches his personal inviolability,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year

§ 2 If the act was caused by the provocative conduct of the injured person or if the injured person responded with a reciprocal act, the court may waive the imposition of a penalty

§ 3 Prosecution shall be by private accusation

## Chapter XXVIII

### Offences Against the Rights of the Persons Pursuing Paid Work

Article 218 § 1 Whoever, when performing activities in the field of labour law and social contract relationship or social insurance,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

§ 2 The person specified in § 1, who refuses to reinstate in work although ordered to do so by an appropriate authority,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year

Article 219 Whoever violates provisions on social insurance by not reporting, even with the consent of the person concerned, the required data or provides false data affecting the right to

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

shall be subject to the penalty of deprivation of liberty for up to 3 years

§ 2 If the perpetrator acts unintentionally,

liberty for up to one year

the penalty

Article 221 Whoever, despite his duty, does not promptly report to the appropriate authority an  
documentation

Chapter XXIX

Offences against the Functioning of the State and Local Government Institutions

Article 222 § 1 Whoever violates the personal inviolability of a public official, or a person  
called upon to assist him, or in connection with the performance of official duties  
shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of  
liberty for up to 3 years

§ 2 If the act specified in § 1 has been in response to the inappropriate conduct of a public  
official or a person called upon to assist him, and accordingly apply, and accordingly apply,  
penalty or even renounce its imposition

Article 223 § 1 Whoever, in a connection with other persons, or using a firearm  
knife or other similarly dangerous item or weapon, or other means, commits an active assault on a public  
official or a person called upon to assist him, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of  
liberty for up to 3 years

Article 224 § 1 Whoever, by using violence or an unlawful threat, affects the official acts of a  
government authority, other public authority or local government  
shall be subject to the penalty of deprivation of liberty for up to 3 years

§ 2 If the act specified in § 1 has been in response to the inappropriate conduct of a public  
official or a person called upon to assist him, and accordingly apply, and accordingly apply,  
penalty or even renounce its imposition

Article 225 § 1 Whoever prevents a person authorised to carry out environmental inspections  
of a person called upon to assist him from performing his official duty, or makes it difficult to do so,  
shall be subject to the penalty of deprivation of liberty for up to 3 years  
§ 2 The same punishment shall be imposed on anyone, who prevents a person authorised to  
carry out environmental inspections of a person called upon to assist him from performing his official duty, or  
makes it difficult to do so

Article 226 § 1 Whoever insults a public official or a person called upon to assist him, in the  
shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of  
liberty for up to one year  
§ 2 If the act specified in § 1 has been in response to the inappropriate conduct of a public  
official or a person called upon to assist him, and accordingly apply, and accordingly apply,  
penalty or even renounce its imposition

Article 227 § 1 Whoever, in a connection with other persons, or using a firearm  
knife or other similarly dangerous item or weapon, or other means, commits an active assault on a public  
official or a person called upon to assist him, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of  
liberty for up to 3 years

§ 2 If the act specified in § 1 has been in response to the inappropriate conduct of a public  
official or a person called upon to assist him, and accordingly apply, and accordingly apply,  
penalty or even renounce its imposition



capacity

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year

Article 228 § 1 Whoever, in connection with the performance of a public function accepts a material or personal benefit or a promise thereof, or demands such a benefit

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years

§ 2 In the event that the act is of a lesser significance, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 2 years

§ 3 If the act specified in § 1 has been committed in connection with a violation of official duty, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years

§ 4 The penalty specified in § 3 shall be also be imposed on anyone who, in connection with his official capacity, makes the performance of his official duties conditional upon receiving a material benefit

§ 5 Whoever, in connection with the performance of a public function accepts a material benefit of considerable value or a promise thereof

shall be subject to the penalty of deprivation of liberty for a term of between 2 years and 12 years

Article 229 § 1 Whoever gives a material or personal benefit or promises to provide it to a person performing public functions

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years

§ 2 In the event that the act is of a lesser significance, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 1 year

§ 3 If the perpetrator gives a material or personal benefit to a person performing public functions in violation of official duty

the perpetrator shall be subject to the penalty of deprivation of liberty for a term of between 6 months

and 8 years

§ 4 The penalty specified in § 3 shall be imposed on anyone who gives a material benefit of considerable value or promises to provide it to a person performing public functions

§ 5 If the perpetrator, in violation of official duty, gives a material benefit or promises to provide it to a person performing public functions in exchange for a material or personal benefit or for a promise thereof,

shall be subject to the penalty of deprivation of liberty for up to 3 years

Article 231 § 1 Whoever, in violation of official duty, commits an act which is directed to the detriment of a public or individual interest

shall be subject to the penalty of deprivation of liberty for up to 2 years

§ 2 If the perpetrator commits the act specified in § 1 with the purpose of obtaining a material or personal benefit, he

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years

§ 3 If the perpetrator commits the act specified in § 1 with the purpose of causing damage to a public or individual interest, he shall be subject to the penalty of deprivation of liberty for up to 2

years

§ 4 If the act specified in Article 228

act specified in Article 228.

Article 202 Whoever, by using violence or threat influences the official functions of a court of justice shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years

Article 222 § 1 Whoever, giving testimony which is to serve as evidence in court the truth

competence, shall have warned the person testifying of the penal liability for false testimony or obtained a relevant pledge from the latter

§ 2 Whoever, being unaware of the right to refuse testimony or answer to questions, gives false testimony because of fear or penal liability (threatening himself or his next of kin), shall not liable to the penalty

§ 4 Whoever, acting as an expert, expert witness or translator, provides a false opinion or translation to be used as in proceedings specified in § 1 shall be subject to the penalty of deprivation of liberty for up to 3 years

§ 5 The court may apply an extraordinary mitigation of the penalty, or even waive its

(1) the false testimony, opinion or translation, concerning circumstances

decision which is not final and which has been rendered by the judge

penal liability

Article 224 Whoever, before an agency responsible for prosecution or judging offences, contraventions or disciplinary transgressions, falsely accuses another person or commences an

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

Article 225 Whoever, fabricating false evidence or by other deceitful measures, directs a contravention or a disciplinary transgression or undertakes such measures in the course of proceedings, shall be subject to the penalty of deprivation of liberty for up to 3 years

Article 226 § 1 Whoever conceals evidence of the innocence of a person suspected of committing an offence, a contravention or a disciplinary transgression shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of

liberty for up to 2 years

§ 2 Whoever, concealing evidence, himself or his next of kin, shall not be subjected to a penalty

Article 237 The provisions of Article 233 § 5 section 2 shall be applied accordingly to the offences specified in Article 204, Article 225 and in Article 226 § 1

Article 238 Whoever, before an agency responsible for the prosecution of an offence knowing that the offence has not been committed

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

Article 239 Whoever, in the course of a penal proceedings by aiding a perpetrator

§ 3. The court may apply an extraordinary mitigation of the penalty and even waive its imposition if the perpetrator has rendered assistance to a person who is his next of kin, or acted on account of fear of a penal liability threatening himself or his next of kin.

Article 240 § 1. Whoever, having reliable information concerning a punishable preparation or attempt, or commission of a prohibited act specified in Article 118, 127, 128, 130, 134, 140, 148, 163, 166 or 352, does not promptly inform an agency responsible for prosecuting such offenses

shall be subject to the penalty of deprivation of liberty for up to 5 years.

§ 2. Whoever, obtained from informing, having sufficient knowledge to assume that an agency responsible for prosecuting such offenses of the prohibited act specified in § 1, pleaded, attempted or committed shall be deemed to have not committed an offence specified in § 1, whoever prevented the commission of a prepared or attempted prohibited act shall also be deemed to have not committed an offence specified in § 1.

§ 3. Whoever obtained from informing because of fear of a penal liability threatening himself or his next of kin, shall also not be subject to penalty.

Article 241 § 1. Whoever publicly disseminates, without permission, information from preparatory proceedings before they have been disclosed in court proceedings

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The same punishment shall be imposed on anyone who publicly disseminates information from a court trial conducted in camera.

Article 242 § 1. Whoever, having been deprived of liberty by virtue of a court decision or by a lawful order issued by another state agency, regains his liberty illegally shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. Whoever, utilizing a ticket of leave from a penal establishment or from custody without supervision, does not return, without a justifiable reason, within three days at the latest of the prescribed deadline

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 3. Whoever, utilizing a leave from the serving of the penalty of deprivation of liberty, does not return to the penal establishment without a justifiable cause, within three days at the latest of the prescribed deadline,

shall be subject to the penalty specified in § 2.

§ 4. If the perpetrator of the act specified in § 1 acts in co-operation with other persons, uses violence or threatens to use it, or damages the place of confinement, shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 243. Whoever liberates or otherwise facilitates the escape of a person deprived of liberty by virtue of a court decision or by a lawful order issued by another state agency shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 244. Whoever does not comply with a court's interdiction on occupying specified post or other place, or who, in violation of a court's interdiction, does not comply with a court's order concerning the possession or use of a specified instrument

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

Article 245. Whoever uses violence or unlawful threat with a purpose of influencing a witness, expert witness, translator, prosecutor or the accused or consequently breaches personal inviolability of

torments another person either physically or psychologically

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years

liberty

shall be subject to the penalty of deprivation of liberty for a term of between 2 months to 5

years

§ 2 If the perpetrator acts with particular cruelty, he

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years

§ 3 A public official who despite his duties allows the act specified in § 1 or 2 to be

permitted shall be subject to the penalty specified in these provisions

purpose the commission of offences

shall be subject to the penalty of deprivation of liberty for up to 3 years

§ 2 If the group specified in § 1 has the characteristic of an armed

association, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 2 months and 5

years

§ 3 Whoever sets up the group or association specified in § 1 or 2 or leads such a group or

association

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 9

years