

POLAND
PENAL CODE
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GENERAL PART

Chapter I

Principles of penal responsibility

Art. 1 § 1. Penalized shall be only a person who perpetrates a forbidden act threatened with penalty by the law in force at the time of its perpetration.

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Art. 5. The Polish penal law shall be applied to the perpetrator who committed a forbidden act within the territory of the Republic of Poland, as well as on board of a Polish water or air craft, provided that an international treaty to which Poland is a party stipulates otherwise.

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Art. 7. § 1. An offence may be a crime or a misdemeanor.

§ 2. A crime is a forbidden act threatened with a penalty of imprisonment for a time not shorter than three years or with a more severe penalty.

§ 3. A misdemeanor is a forbidden act threatened with a money fine over 30 daily rates, with a penalty of limitation of liberty or a penalty of imprisonment for more than one month.

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Chapter II

Forms of perpetration of an offence

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Art. 14. § 1. The court shall inflict the punishment for an attempt within the limits of the punishment for the given offence.

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Art. 16. § 1.

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§ 2. Preparation is punishable only when the law so decides.

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Art. 19. § 1. The court shall inflict the punishment for inciting or helping within the limits of the punishment foreseen for the perpetration.

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Chapter IV

Penalties

Art. 32. The penalties are:

- (1) money fine;
- (2) limitation of liberty;
- (3) imprisonment;
- (4) imprisonment for twenty-five years;
- (5) imprisonment for life.

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Chapter XI

Statutory Limitations

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Art. 105. § 1. The provisions of Articles 101-103 [on statutory limitations] shall not apply to crimes against peace, humanity and to war offences.

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Chapter XIII

Responsibility for offences committed abroad

Art. 109. The Polish penal law shall be applied to a Polish citizen who committed an offence abroad.

Art. 110. § 1. The Polish penal law shall be applied to a foreigner who committed abroad an offence directed against the interests of the Republic of Poland, of a Polish citizen, of a Polish legal person or of a Polish organizational unit not possessing legal personality.

§ 2. The Polish penal law shall be applied to a foreigner who committed abroad an offence other than that mentioned in § 1, if the offence is threatened with a punishment exceeding two years of imprisonment and the perpetrator is within the territory of the Republic of Poland and it has been decided not to extradite him.

Art. 111. § 1. The responsibility for an act committed abroad depends on the recognition of that act as an offence also by the law in force in the place of its commission.

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Art. 112. Notwithstanding the law in force in the place of the commission of the offence, the Polish penal law shall be applied to a Polish citizen and a foreigner in the case of the perpetration:

- (1) of an offence directed against the internal and external security of the Republic of Poland;

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Art. 113. Notwithstanding the law in force in the place of the commission of the offence, the Polish penal law shall be applied to a Polish citizen and to a foreigner in

respect to whom it has been decided not to be extradited, when he committed abroad an offence the Republic of Poland is obliged to prosecute under international treaties.

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Chapter XIV

Definitions

Art. 115. § 1. A forbidden act is a behaviour characterized by the penal law.

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SPECIFIC PART

Chapter XVI

Offences Against Peace, Humanity and War Offences

Art. 117. § 1. Any person who initiates or wages a war of aggression, shall be punished with imprisonment for a time not shorter than twelve years, with imprisonment for twenty-five years, or with imprisonment for life.

§ 2. Any person who prepares the committing of the offence mentioned in § 1, shall be punished with imprisonment for a time not shorter than three years.

§ 3. Any person who publicly incites the initiation of a war of aggression, shall be punished with imprisonment for a time from three months to five years.

Art. 118. § 1. Any person who, with the intent to destroy, in whole or in part, a national, ethnic, racial, political or religious group or a group of persons with a definite philosophical conviction, kills a member of the group or causes serious harm to the health of a member of the group, shall be punished with imprisonment for a time not shorter than twelve years, with imprisonment for twenty-five years, or with imprisonment for life.

§ 2. Any person who, with the intent mentioned in § 1, inflicts on persons belonging to such a group conditions of life calculated to bring about its biological destruction, or imposes measures intended to prevent births within the group, or forcibly transfers children of the group to another group, shall be punished with imprisonment for a time not shorter than five years, or with imprisonment for twenty-five years.

§ 3. Any person who attempts to commit the offence mentioned in § 1 or 2, shall be punished with imprisonment for a time not shorter than three years.

Art. 119. § 1. Any person who uses violence or unlawful threat against a group of persons or a particular person because of their belonging to a national, ethnic, racial, political or religious group, or because of their atheism, shall be punished with imprisonment for a time from three months to five years.

§ 2. The same punishment shall be inflicted upon any person who publicly incites the commission of the offence mentioned in § 1.

Art. 120. Any person who uses a means of mass destruction prohibited by international law, shall be punished with imprisonment for a time not shorter than ten

years, with imprisonment for for a time not shorter than ten years, with imprisonment for twenty-five years, or with imprisonment for life.

Art. 121. § 1. Any person who, against the prohibition by international law or by the provisions of law, produces, stockpiles, acquires, sells, retains, transports or sends means of mass destruction or means of combat, or conducts research aimed at the production or use of such means, shall be punished with imprisonment for a time from one year to ten years.

§ 2. The same punishment shall be inflicted upon any person who allows the offence mentioned in § 1 to be committed.

Art. 122. § 1. Any person who, during hostilities, attacks a non-defended locality or object, a hospital or neutralized zone, or applies another method of combat prohibited by international law, shall be punished with imprisonment for a time not shorter than five years or with imprisonment for twenty-five years.

§ 2. The same punishment shall be inflicted upon any person who, during hostilities, applies means of combat prohibited by international law.

Art. 123. § 1. Any person who, in violation of international law, kills:

- 1) persons who, having laid down their arms or having no longer means of defence, have surrendered at discretion;
- 2) wounded, sick, shipwrecked, medical personnel or clergymen;
- 3) prisoners of war;
- 4) civilian population of occupied or controlled territory or in the combat area, or other persons who, during hostilities, enjoy international protection,

shall be punished with imprisonment for a time not shorter than twelve years, with imprisonment for twenty-five years, or with imprisonment for life.

§ 2. Any person who, in violation of international law, causes to persons mentioned in § 1 serious harm to their health, subjects them to torture or cruel or inhuman treatment, carries out on them, even with their consent, scientific experiments, uses them to shield with their presence an area or an object or his own troops from attacks, or takes hostages, shall be punished with imprisonment for a time not shorter than five years or with imprisonment for twenty-five years.

Art. 124. Any person who, in violation of international law, compels persons mentioned in Art. 123 § 1 to serve in hostile armed forces, transfers them, subjects them to corporal punishment, deprives them of liberty or of the rights of fair and impartial trial, or limits their right of defence in criminal proceedings, shall be punished with imprisonment for a time not shorter than three years.

Art. 125. § 1. Any person who, in violation of international law, destroys, damages or pillages cultural property in occupied or controlled territory or in the combat area, shall be punished with imprisonment for a time from one year to ten years.

§ 2. If the offence is directed against cultural property of particular importance, the perpetrator shall be punished with imprisonment for a time not shorter than three years.

Art. 126. § 1. Any person who, during hostilities, uses the sign of the Red Cross or of the Red Crescent in contravention of international law, shall be punished with imprisonment for a time of up to three years.

§ 2. The same punishment shall be inflicted upon any person who, during hostilities, uses the protective sign of cultural property or any other sign protected by international law, or flags or military emblems of an enemy or neutral State, or of an international organization or commission in contravention of international law.

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MILITARY PART

Chapter XXXVIII

General provisions applicable to soldiers

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Art. 318. A soldier who performs a forbidden act in execution of an order does not commit an offence, provided that in execution of that order he deliberately commits an offence.

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Chapter XL

Offences against the principles of military discipline

Art. 343. § 1. A soldier who does not execute or refuses to execute an order or executes an order in a way inconsistent with its contents, shall be punished with military arrest or deprivation of liberty for a time of up to three years.

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Art. 344. § 1. A soldier who refuses to execute an order consisting in committing an offence or does not execute it, does not commit an offence described in Art. 343.

§ 2. In case of the execution of an order mentioned in § 1 in a way inconsistent with its contents in order to diminish the harmfulness of the act, the court may apply an extraordinary mitigation of punishment or desist from inflicting it.

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