

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

As a preliminary statement, it is necessary to underline 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 SUA Protocols 2005.

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

Please be informed that the provisions to prevent and punish the crimes of piracy and armed robbery at sea are regulated in the Polish Penal Code published in the Official Journal of Laws. 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 chapter XVI, "Offences Against Peace, Mankind, and War"), **Articles 170, 171, 183, and 184** (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 illegality because, in order to be applied, wrongful act needs to be in violation of Polish internal law as well as international law. Thus, in practice, 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 those persons "who allow the accumulation or spreading of means of mass extermination." Those provisions make reference to those who in spite of the consequences arising from ratified conventions or arrangements imposing certain duties on them, do not counteract the production and spread of these measures.

Article 170 foresees jail sentences ranging from 1 to 10 years for arming or equipping a ship for a robbery at sea or undertaking service 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 171 § 1 forbids anyone to engage 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 substances that can endanger the lives of many people, their health, or their property to a considerable extent. This latter requirement determines the character of these objects. They are the only objects for which the production, processing, accumulation, or possession requires a license. **Article 171 § 3** in turn limits the distribution of the above-indicated objects by making it punishable to possess the objects mentioned in **Article 171 § 1** if received from an unauthorized person.

Article 258 prohibits joining a criminal group or association. **Article 258** of the Polish Penal Code does not classify the criminal group or association. The construction of **Article 258** of the Polish Penal Code is 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 one "joining" when it can be proved that a person stays in a prohibited structure. It is of no legal importance whether, in fact, any of the elements of an illicit act have

occurred; just being in a prohibited structure is punishable, even though the perpetrator has not committed any offense and even if he or she is deemed to be ready to commit. It should 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 must be 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 exercise jurisdiction when crime was committed either by 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 Polish citizen or an alien committed a crime against the security of the Republic of Poland, against representatives of the Polish State, 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 - on the basis of the Polish Penal Code - if in accordance with 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 Polish authorities will enable Polish Courts to exercise their jurisdiction 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 XX, "Offences Against Public Safety"*) are also considered to be conventional offenses. **Article 166** forbids taking 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 punishable act causes an immediate danger to the life and health of multiple persons, imprisonment must be imposed for a minimum of 3 years; in the event 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 mitigation 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 imperiling the safety of human beings or property of considerable value.

The provisions of **Articles 166 and 167** make reference to regional and global conventions connected with the development of so-called antihijacking acts (in particular, the UN Convention on the Law of the Sea, the UN Convention on Offences and Certain Acts Committed on Board Aircraft (Tokyo Hijacking Convention) of 1963, the UN Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Hijacking Convention) of 1970, the

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 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 governmental organ, institution, organization, physical person, legal entity, or a group of 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

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 envisions 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 cumulative nature (e.g., in addition to hostage taking under **Article 252**). For the basic crime of murder, the Polish Penal Code envisions the imposition of imprisonment for a minimum of 8 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 XX 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 to a great extent. Acts that may be punished under this article include the exploding 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 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 relatively wide and is not closed. These acts are punishable - if committed intentionally - by imprisonment from 6 months to 8 years. If the commission of such an act results in the 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) or from 6 months to 8 years (if committed unintentionally). This catalogue of offenses also includes the offense of interfering with activities designed to prevent danger to the life or health of many persons or to property of considerable value.

The offenses described in *chapter XXI* ("*Offences Against Transportation Safety*") may also be of piratical nature. In particular, this may be true of acts falling within the scope of **Article 173** ("*Causing a Catastrophe in Traffic*") and **Article 174** ("*Causing a Danger of*")

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 8 years, whereas the unintentional causing of an immediate danger is punishable by imprisonment from 1 month to 3. The offense 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 that taken together, constitute a real and actual state of emergency for the safety of 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 of depriving another person of liberty falls within the provisions of **Article 189** 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.

If as the result of an 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 forcing a public functionary or person called on to assist him or her to abstain 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 independent 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 (**Article 13**) as well as instigation and creation of such an arrangement that leads to commit a crime and initiation and leadership in committing a crime (**Article 18**).

Annex

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

Provisions designed to combat robbery at sea This group includes **Article 121** (see Chapter XVI, "Offences Against Peace, Mankind, and War"), **Articles 170, 171, 183, and 184** (see Chapter XX, "Offences Against Public Safety"), and **Article 263** (see Chapter XXXII, "Offences Against Public Order").

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 international law. Thus, in practice, the use of **Article 121** is possible only after determining a violation of applicable rules of international law, it does not suffice to use the provisions of domestic law only. **Article 121 § 2** foresees criminal responsibility for those persons "who allow the accumulation or spreading of means of mass extermination." Those provisions make reference to those who in spite of the consequences arising from ratified conventions or arrangements imposing certain duties on them, do not counteract the production and spread of these measures.

Article 170 foresees jail sentences ranging from 1 to 10 years for arming or equipping a ship for a robbery at sea or undertaking service 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 serving as a cook on such ship.

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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 a 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 relatively wide and is not closed. These acts are punishable - if committed intentionally - by imprisonment from 6 months to 8 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) or from 6 months to 8 years (if committed unintentionally). This catalogue of offenses also includes the offense of interfering with activities designed to prevent danger to life or health of many persons or to property of considerable value.

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The act of depriving another person of liberty falls within the provisions of **Article 189** 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.

If, as the result of an 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 forcing a public functionary or person called on to assist him or her to abstain 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 (**Article 13**) as well as instigation and creation of such an arrangement that leads to commit 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 legal person or a Polish organisational unit not having the status of a legal person

§ 2. The Polish penal law shall be applied to aliens in the case of the commission abroad of an offence other than listed in § 1. if. under the Polish penal law such an offence is subject to a penalty 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

§2. If there are differences between the Polish penal law and the law in force in the place of commission, the court may take these differences into account in favour in the perpetrator

§ 3 The condition provided for in § 1 shall not be applied to the Polish public official who, while performing his duties abroad has committed an offence there in connection with performing his functions, nor to a person who committed an offence in a place not under the jurisdiction of any state 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.

- 1) an offence against the internal or external security of the Republic of Poland,
- 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, with respect to whom no decision on extradition has been taken, in the case of the commission abroad of an offence which the Republic of Poland is obligated to prosecute under international agreements

Article 114. § 1. A sentencing judgement rendered abroad shall not bar criminal proceedings for the same offence from being instituted before a Polish court

§ 2 The court shall credit to the penalty, imposed the period of deprivation of liberty actually served abroad and the penalty there executed, taking into consideration the differences between these penalties

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

§ 4 If a Polish citizen validly and finally sentenced by a court in a foreign country. 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 other penal measure provided for in this Act, the basis for determination of the penalty or other measure subject to execution shall be provided by the sentencing judgement rendered by a court of a foreign country. the penalty prescribed for such an act under Polish law, the period of actual deprivation of liberty abroad, the penalty or other measure executed there, and the differences between these penalties considered to the favour of the sentenced person

Chapter XVI Offences against peace, and humanity, and war crimes

Article 117 § 1 Whoever initiates or wages a war of aggression shall be subject to the penalty 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 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 initiate a war of aggression shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years

Article 118 § 1 Whoever, acting with an intent to destroy in full or in part, any ethnic, racial, political or religious group, or a group with a different perspective on life, commits homicide or causes a serious detriment to the health of a person belonging to such a group,

shall be subject to the penalty 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 threatening its biological destruction, applies means aimed at preventing births within this group, or forcibly removes children from the persons constituting it,

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

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

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

Article 119 § 1 Whoever uses violence or makes unlawful threat towards a group of person or a particular individual because of their national, ethnic, political or religious affiliation, or because of their lack of religious beliefs,

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 incites commission of the offence specified under § 1

Article 120 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 121 § 1 Whoever, violating the prohibition contained in international law or in internal law, manufactures, amasses, purchases, trades, stores, carries or dispatches the means of mass extermination or means of warfare, or undertakes research aimed at the manufacture or usage of such means,

shall be subject to the penalty of the 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 122 § 1 Whoever, in the course of warfare, attack an undefended locality or a facility, hospital zone 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 123 § 1. Whoever, in violation of international law, commits the homicide of

1) persons who surrendered, laid down their arms or lacked any means of defence,

2) the wounded, sick, shipwrecked persons, medical personnel or clergy,

3) prisoners of war,

4) civilians in an occupied area, annexed or under warfare, or other persons who are protected by international law during warfare,

shall be subject to the penalty 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, in violation of international law, causes the persons specified under § 1 to suffer serious detriment to health, subjects such persons to torture, cruel or inhumane treatment, makes them even with their consent the objects of cognitive experiments, , uses their presence to protect a certain area or facility, or armed units from warfare, or keeps such persons as hostages

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

Article 124 Whoever, in violation of international law, forces the persons specified under Article 123 § 1 to serve in enemy armed forces, resettles them, uses corporal punishment, deprives them of liberty or of the right to independent and impartial judicial proceedings, or restricts 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 minimum term of 3 years

Article 126 § 1 Whoever, in the course of warfare, illegally uses the emblem of the Red Cross or Red Crescent,
shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years

§ 2 The same punishment shall be imposed on anyone, who, in the course of warfare, illegally uses protective emblems for items of cultural heritage or other emblems protected under international law, or uses a national flag or the military markings 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,
 - 4) violent release of nuclear energy or of ionising radiation
- 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 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 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 165 § 1 Whoever causes danger to the life or health of many persons or property of a considerable value by:

- 1) causing an epidemiological hazard or spread of a contagious disease or an animal or plant disease (pest),

- 2) producing or marketing substances, foodstuffs or other commonly used goods harmful to health or pharmaceutical preparations which do not conform to binding quality standards,
- 3) causing damage to or preventing the operations of a public service equipment. in particular the equipment supplying water, light, heat or energy or equipment averting the occurrence of public danger or serving to prevent it,
- 4) interfering, preventing or otherwise affecting the automatic processing, collecting or transmitting of data,
- 5) acting in another manner in especially dangerous circumstances
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

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

§ 4 If the consequence of act specified in § 2 is the death of a person, or 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

Article 166 § 1 Whoever, using a deceit or violence, or a threat to use such violence, takes control of a ship or an aircraft. shall be subject to the penalty of the deprivation of liberty for a term of between 2 and 12 years

§ 2 Whoever, acting in the manner specified in § 1. brings about a direct danger to the life or health of many persons

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

§ 3 If the consequence of the act specified in § 2 is the death of a person, or grievous bodily harm to many persons, the perpetrator 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

Article 167 § 1 Whoever places on a ship or aircraft a device or substance threatening the safety of persons or a property of high value 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 destroys, damages or renders unfit for use a navigational equipment or prevents operating thereof, when this may threaten the safety of persons

Article 168 Whoever makes preparations for the offence specified in Article 163 § 1. Article 165 § 1, Article 166 § 1 or in Article 167 § 1, shall be subject to the penalty of deprivation of liberty for up to 3 years

Article 169 § 1 Whoever voluntarily removed the impending danger shall not be subject to the penalty for the offence specified in Article 164 or 167

§ 2 If the perpetrator of the offence specified in Article 163 § 1 or 2. Article 165 § 1 or 2 or in Article 166 § 2. voluntarily averted the impending danger to the life and health of many persons. the court may apply an extraordinary mitigation of the penalty

§ 3 The court may apply an extraordinary mitigation of the penalty to the perpetrator of the offence specified in Article 166 § 1, if he transferred the control of vessel to an authorised person

Article 170 Whoever arms or adapts a sea vessel designed to perform an act of piracy on the high seas, or agrees to serve on such a vessel shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years

Article 171 § 1 Whoever, without a required permit, or in breach of the conditions thereof, manufactures, processes, accumulates, possesses, uses or trades in an explosive substance or

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.

Article 172 Whoever obstructs an action aimed at averting widespread danger to the life or health of many persons or to property of a considerable extent 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 173 § 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 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 to many persons, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 2 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 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

Article 174 § 1 Whoever causes an immediate danger of a catastrophe on land or water or to 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 makes preparations for the offence specified in Article 173 § 1, 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 not be subject to a penalty

§ 2 The court may apply an extraordinary mitigation of the penalty with respect to the perpetrator of the offence specified in Article 173 § 1 or 2 who 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

§ 2 If the consequence of the accident is the death or a serious bodily injury to another person, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years

§ 3 If the injured person is a next of kin of the perpetrator, the prosecution of the offence specified in § 1 shall occur on a motion from the former

Article 178 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 to the level of the upper statutory limit prescribed for the offence attributed to the perpetrator, further increased by one-half

Article 179 Whoever in spite of his special duty allows the operation of a motor vehicle or other vehicle, in a condition which directly endangers the safety of land, water or air traffic or allows 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 a fine, 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 safety of motorised traffic shall be subject to the penalty of the deprivation of liberty for a term of between 3 months to 5 years

Chapter XXII

Offences against the Environment

Article 181 § 1 Whoever 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 serious harm

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 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 a fine, 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 with ionising radiation in such quantities or form that it could endanger the life or health of many persons or cause destruction to plant and 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 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 or substances under such conditions or in such a manner that could endanger the life or health of human beings or cause 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 commitment 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

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

§ 3 If the perpetrator of the act specified in § 1 or 2 acts unintentionally 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 185 § 1 If the consequence of the act specified in Article 182 § 1. Article 183 § 1 or 3 or Article 184 § 1 or 2 is the destruction of plant or animal life of considerable dimensions, the perpetrator

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

§ 2 If the consequence of the act specified in Article 182 § 1. Article 183 § 1 or 3 or in Article 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 penalty of the deprivation of liberty for a term of between 2 and 12 years

Article 186 § 1 Whoever, despite his duty, does not properly maintain or use equipment protecting water, air or ground from pollution, or equipment protecting against radioactive or ionising radiation

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 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

Article 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 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, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

Chapter XXIII

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 1 and 10 years

Article 190. § 1 Whoever makes a threat to another person to commit an offence detrimental to that person or detrimental to his next of kin, and if the threat causes in the threatened person a justified fear that it will be carried out

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 prosecution shall occur on a motion of the injured person

Article 191 § 1 Whoever uses force or an illegal threat with the purpose of compelling another person to conduct himself in a specified manner, or to resist from or to submit to a certain conduct 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

Article 192 § 1 Whoever performs a medical operation without the consent of the patient 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 prosecution shall occur on a motion of the injured person

Article 193 Whoever breaks into someone else's house, apartment, premises, quarters, or a fenced plot of land, or despite a demand from an authorised person does not leave such a place shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of 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 this person affiliation to a certain faith or their religious indifference

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

Chapter XXV

Offences against Sexual Liberty and Decency

Article 197 § 1 Whoever, by force, illegal threat or deceit subjects another person to 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 2 and 12 years

Article 198 Whoever, taking advantage of the vulnerability of another person, or of the lack of

ability to recognise 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 critical situation, 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 deprivation of liberty for up to 3 years.

Article 200 § 1 Whoever subjects a minor under 15 years of age 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 1 and 10 years

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

Article 201 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 the deprivation of liberty for a term of between 3 months and 5 years

Article 202 § 1 Whoever publicly presents pornographic material in such a manner that it is imposed upon a person who may not wish so

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 produces, for the purpose of dissemination or imports or propagates 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 5 years

Article 203 Whoever, by force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation, subjects another person to practice 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 practice 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

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

Chapter XXVI

Offences against the Family and Guardianship

Article 206 Whoever contracts a marriage, despite the fact that he is already married 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 compounded with a particular cruelty, the perpetrator shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years

§ 3 If the consequence 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

Article 208 Whoever induces a minor to become an inveterate drinker by supplying him with alcoholic beverages, or by facilitating or by urging him to drink such beverages 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 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 a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

§ 2 The prosecution shall occur on a motion of the injured person, social welfare authority or an appropriate institution

§ 3 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 consequence of the act is the death of the person specified in § 1 the perpetrator shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years

Article 211 Whoever, contrary to the will of the person appointed to take care of or supervise, abducts or detains a minor person under 15 years of age or a person who is helpless by reason of his 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 to 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 a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years

§ 3 When sentencing for an offence specified in § 1 or 2, the court may adjudge a supplementary payment in favour of the injured person or of the Polish Red Cross, or of another social purpose designated by the injured person a supplementary payment (nawiązka)

§ 4. The prosecution of the offence specified in § 1 or 2 shall occur upon a private charge

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

§ 2 Whoever raises or publicises a true 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 evidence of truth shall only be carried out when it serves to prevent a 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 On the motion of the injured person the court may order the judgement of 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 or the penalty of restriction of liberty

§ 2 Whoever insults another person using the mass media, 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 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

§ 4 In the event of a conviction for the offence specified in § 2, the court may decide to impose a compensatory payment to the benefit of the injured person, the Polish Red Cross or towards another social cause indicated by the injured person

§ 5 Prosecution shall be by private accusation

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 an act of the same kind, 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 insurance, maliciously or persistently infringes on the rights of the employee resulting from a work-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 benefits or the amount thereof

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 220 § 1 Whoever, being responsible for occupational safety and hygiene, does not fulfil the duties involved and by this, exposes an employee to an immediate danger of loss of life or a serious detriment to health,

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

§ 2 If the perpetrator acts unintentionally,

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 The perpetrator who has voluntarily averted the impending danger shall not be subject to the penalty

Article 221 Whoever, despite his duty does not promptly report to the appropriate authority an accident at work or a case of occupational disease or fails to prepare or present the required documentation

shall be subject to a maximum of 180 times the daily fine or the penalty of restriction of liberty

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, the court may apply an extraordinary mitigation of the penalty or even renounce its imposition

Article 223 Whoever, acting jointly and in co-operation with other persons, or using a firearm, knife or other similarly dangerous item or forceful means, commits an active assault on a public functionary or a person called upon to assist him, during or in connection with the performance of official duties

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 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 The same punishment shall be imposed on anyone, who uses violence or an illegal threat with the purpose of forcing a public official or a person called upon to assist him, to abstain from a lawful official activity

§ 3 When the consequence of the act specified in § 2 is the one specified in Article 156 § 1 or in Article 157 § 1, the perpetrator

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

Article 225. § 1 Whoever prevents a person authorised to carry out environmental inspections or 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 labour inspection or 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 course of and 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 one year

§ 2 The provision of Article 222 § 2 shall be applied accordingly.

§ 3 Whoever publicly insults or humiliates a constitutional authority of the Republic of Poland 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 227 Whoever, by purporting to be a public official or by taking advantage of an erroneous belief of another person concerning this, performs an act connected with a relevant official

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

§ 3 If the act specified in § 1 has been committed in connection with a violation of law, 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 a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year

§ 3 Whoever gives a material or personal benefit to a person performing public functions in order to induce him to disregard his official duties or provides such a benefit for disregarding such a duty

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 any-one who gives a material benefit of considerable value or promises to provide it to a person performing public functions

Article 230 Whoever, claiming to have influence on a state or local government, undertakes to intercede in the settling of a matter 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 A public official who, exceeding his authority, or not performing his duty, acts to the detriment of a public or individual interest

shall be subject to the penalty of deprivation of liberty for up to 3 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 of the act specified in § 1 acts unintentionally and causes an essential damage

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

§ 4 The provision of § 2 shall not be applied when the act has the features of the prohibited act specified in Article 228

Chapter XXX

Offences against the Administration of Justice

Article 232 Whoever, by using violence or an illegal 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 233 § 1 Whoever, in giving testimony which is to serve as evidence in court proceedings or other proceedings conducted on the basis of a law, gives false testimony or conceals the truth

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

§ 2 The prerequisite to this liability is that the person obtaining the testimony, acting within his competence, shall have warned the person testifying of the penal liability for false testimony or obtained a relevant pledge from the latter

§ 3 Whoever, being unaware of the right to refuse testimony or answer to questions, gives false testimony because of fear of penal liability threatening himself or his next of kin, shall not be 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 imposition if:

- 1) the false testimony, opinion or translation concerns circumstances which cannot affect the outcome of the case.
- 2) the perpetrator voluntarily corrects the false testimony, opinion or translation before even a decision which is not final and valid has been rendered in the case

§ 6 The provisions of § 1-3 and 5 shall be applied accordingly to a person providing a false statement if a provision of a law provides for the possibility of obtaining a statement under the threat of penal liability

Article 234 Whoever, before an agency responsible for prosecuting or judging offences, contraventions or disciplinary transgressions, falsely accuses another person 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

Article 235 Whoever, by fabricating false evidence or by other deceitful measures, directs a prosecution against a specific person for an offence, 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 236 § 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 conceals evidence of innocence because of fear of penal liability threatening 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 234, Article 235 and in Article 236 § 1

Article 238 Whoever informs 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 § 1 Whoever obstructs or frustrates a penal proceedings by aiding a perpetrator to evade penal liability, and especially whoever hides the perpetrator, or obliterates physical evidence of the offence or undergoes a penalty for a sentenced person

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

§ 2 Whoever hides a person who is his next of kin, shall not be subject to a penalty.

§ 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 252, does not promptly inform an agency responsible for prosecuting such offences

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

§ 2 Whoever abstained from informing, having sufficient knowledge to assume that an agency competent to prosecute knew of the prohibited act specified in § 1, planned, 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 abstained 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, utilising 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, utilising 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, pursuing specified profession or activity or operating motor vehicles, or does not carry out a court's order concerning the publication of a decision in the manner prescribed in such order

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 such a person

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

Article 246 A public official or anyone acting under his orders for the purpose of obtaining specific testimony, explanations, information or a statement, uses force, unlawful threat, or otherwise

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

Article 247 § 1 Whoever torments either physically or psychologically a person deprived of liberty shall be subject to the penalty of deprivation of liberty for a term of between 3 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 committed, shall be subject to the penalty specified in these provisions

Article 258 § 1 Whoever participates in an organised group or association having for its purpose the commission of offences

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

§ 2 If the group or association specified in § 1 has the characteristics of an armed organisation, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 3 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 8 years