

RZECZPOSPOLITA POLSKA
STAŁE PRZEDSTAWICIELSTWO PRZY
NARODACH ZJEDNOCZONYCH



REPUBLIC OF POLAND
PERMANENT MISSION TO THE UNITED
NATIONS

750 THIRD AVENUE, NEW YORK, NY 10017
TEL.: (212) 744 2506 • FAX: (212) 517 6771

42/173/2014

The Permanent Mission of the Republic of Poland to the United Nations presents its compliments to the Secretary-General of the United Nations and according to the resolution 67/93 *Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts*, has the honour to transmit herewith the information of the Republic of Poland to be enclosed in the report of the Secretary-General on the status of the Protocols.

The Permanent Mission of the Republic of Poland to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration. *R*

New York, May 30, 2014



H.E. Mr. Ban Ki-moon
Secretary-General
of the United Nations
New York

via
Office of Legal Affairs of the United Nations
Codification Division
New York

REPUBLIC OF POLAND

In connection with the report of UN Secretary General on the Status of Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, I present information about actions undertaken by the Republic of Poland for the implementation and dissemination of the provisions of the said Protocols Additional.

According to Articles 1, 48 and 49 of the Geneva Conventions, Article 83 of the First Protocol Additional to the Geneva Conventions concerning the protection of victims of international armed conflicts and Article 30 of the Second Protocol Additional to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, we disseminate in the Armed Forces of the Republic of Poland the content of the Geneva Conventions, the Hague Conventions and Protocols Additional to these Conventions. The introduction of the law of armed conflict (international humanitarian law – IHL) to the education and training curriculum for the staff of the Armed Forces of the Republic of Poland constitutes a practical implementation of the provisions included also in item 11 of the Resolution of UN Assembly General no. 67/93 *Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts* adopted on 14 December 2013.

IHL education in the Armed Forces of the Republic of Poland is based on decision no. 184/MON of the Minister of National Defence of 13 June 2012 on the organisation of the education and training system concerning ‘the law of armed conflict’ in the national defence department (Official Journal of the Ministry of National Defence of 2012 item 221 and of 2013 item 360), which implements the provisions of NATO standardisation agreement STANAG 2449 – TRAINING IN THE LAW OF ARMED CONFLICT. Its provisions are applied to ensure proper organisation, coordination and functioning of the education and training system for the staff of the Armed Forces of the Republic of Poland in IHL. The above system applies to all soldiers and employees of the Ministry of National Defence in all corps of the Polish Army.

In accordance with the provisions of the aforementioned agreement, in the area supervised by the General Commander of the Armed Forces, a system of education and training in IHL is currently being created that will provide for training within 5 subsystems, i.e.

1. Training of legal advisors;
2. Education in training centres;
3. Training for commanders and staff at the level of battalion and higher;
4. Training for military elements;
5. Education of personnel reserves.

The training also includes the principles of liability for the breach of IHL standards. This topic has been introduced as a fixed element of routine training (e.g. basic training programme, training programmes for professional elements) and plans of supplementary training for the staff of military units: organisational departments of the Ministry of National Defence, as well as the education and professional training in military education units.

The topics are presented during classes, which take the form of lectures, seminars and knowledge tests. Education in IHL is implemented in training centres and training schools for non-commissioned officers, mainly during the preparation of soldiers (non-commissioned officers and regular privates) to take up new positions. The scope and duration of education in particular corps vary. Notwithstanding the corps, it ends with an exam. Training in IHL also covers commanders and staff at all levels of command and organisational units of the Ministry of National Defence, which practice practical implementation of IHL issues during exercises or staff training.

The main purposes of education include:

- to provide the staff and employees of the army with necessary knowledge of IHL required in the execution of military tasks;
- to raise awareness of criminal liability for the infringement of IHL;
- to provide soldiers and employees of the Ministry of National Defence with skills necessary for the proper application of IHL and relevant response;
- to prepare commanders to solve problems concerning proper observance of IHL and the constraints resulting from it, as well as precautions while planning, preparing and conducting operations.

IHL dissemination, in turn, is executed in the Armed Forces of the Republic of Poland within civic education, in accordance with the methodology of soldier training as part of 'civic training' and 'prevention and military discipline', introduced by virtue of decision no. 397/MON of the Minister of National Defence of 18 December 2013 (Official Journal of the Ministry of National Defence item 348).

General Staff of the Polish Armed Forces controls and supervises the units of the Armed Forces of the Republic of Poland and evaluates familiarity with IHL issues by testing knowledge.

In connection with a change in 2014 in the system of command and management of the Armed Forces of the Republic of Poland, decision no. 72/MON of the Minister of National Defence of 6 March 2014 has been introduced on compliance with the principles of protection of cultural property in the national defence department (Official Journal of the Ministry of National Defence of 2014 item 83). In order to ensure proper protection of cultural property in the operations of the Armed Forces, a document prepared by the Infrastructure Department of the Ministry of National Defence is implemented containing '*Guidelines regarding the protection of military real estate of historical value,*' which includes detailed measures for the protection of cultural property and competencies of persons holding managerial positions in the Ministry of National Defence and administrators being permanently in charge of military real estate of historical value.

The organisational structure of the Ministry of National Defence includes a representative responsible for the dissemination of IHL in the Armed Forces of the Republic of Poland, who is also involved in the protection of cultural property and the Red Cross emblem. The Ministry of National Defence also has its representative in the 'Armed Conflict Law Dissemination Team' and the 'Protection of the Red Cross Emblem Team', operating under the Main Management Board of the Polish Red Cross. as well as in the 'Programme Board for the protection of cultural property in the event of specific hazards', which reports to the Chief Commandant of the State Fire Service.

IHL issues are also included in the training in elements as part of 'legal training' based on 'basic training programme for the Armed Forces of the Republic of Poland' and the 'Tactical training', supplementary training and in different forms of operational and tactical training (in particular command and staff exercises and tactical exercises with armies), preparing commanders and the army for the implementation of military tasks.

Additionally, specialist courses and training sessions are organised in the field of the law of armed conflict:

- specialist course in the field of the law of armed conflict for commanders of elements organised by the Navy in Gdynia,
- specialist courses in the field of the law of armed conflict for the commanders of companies and platoons of the Land Forces organised in the S. Czarniecki Land Forces Training Centre in Poznań and courses organised in the Centre for Preparations to Foreign Missions in Kielce,
- specialist course in the field of the law of armed conflict for the commanders of battalions, squadrons (equivalent) and other officers, in the Centre for Course Improvement of Officers at the National Defence University of Warsaw,

- supplementary course in the field of the law of armed conflict for non-commissioned officers carried out in the Military Centre for Civic Education in Warsaw,
- supplementary course in the field of international humanitarian law – protection of cultural property in armed conflicts in the event of crisis and missions of the Polish Armed Forces outside the borders of the state.

A series of training sessions in the field of IHL are held as part of ‘Civic education’ with the staff of units and central institutions of the Ministry of National Defence and with the sets of ‘Orlik’ Polish Military Contingent and NATO Response Force. Additionally, since 2012 the Military Centre for Civic Education has run an e-learning course in the field of IHL. In cooperation with the National Defence University, the Military Centre for Civic Education opened postgraduate studies in the area of IHL.

At the same time, the Department for Education and Promotion of Defence Policy of the Ministry of National Defence prepared training materials for the participants of military missions outside the borders of Poland:

- ‘The law of armed conflict – principles of using force – KOSOVO’,
- ‘Guide to mines, traps and explosives’,
- ‘Fight according to the rules’ CD,
- ‘Guide to the rights and obligations of soldiers participating military operations’,
- ‘Principles of monument protection in the domestic and international law’,
- ‘A soldier's handbook – Afghanistan’ (a supplement) GHAZNI,
- ‘A soldier's handbook – MALI’,
- ‘A soldier's handbook – Central African Republic’,
- ‘Afghanistan – principles of using force’,
- Protective signs and designations in the international humanitarian law of armed conflict’
- ‘International humanitarian law of armed conflict – training materials for privates’.

Additionally, the Director of the Education and Promotion of Defence Policy Department, as a representative of the Minister of National Defence, participates in meetings of the ‘Advisory Committee’, which is an auxiliary body of the Council of Ministers for the coordination of measures for the protection of historical sites and monuments in the event of an armed conflict.

The Ministry of National Defence also initiated works on the development of legal grounds enabling treatment of casualties accidentally injured as a result of operations of Polish soldiers in areas of conflicts within the Polish health care system. The Military Health Service Inspectorate prepares a draft ordinance of the Council of Ministers enabling the allocation of funds for this purpose (co-financing of treatment of the injured parties).