

**Information by the Republic of Poland  
on the status of the Protocols Additional to the Geneva Conventions of 1949  
and relating to the protection of victims of armed conflicts**

1. The Republic of Poland ratified the Geneva Conventions of 1949 in 1955 and the Two Additional Protocols in 1991. Furthermore, Poland - while ratifying Additional Protocol I - has made a declaration pursuant to its Article 90 on the recognition of competences of the International Fact-Finding Commission. Poland signed Additional Protocol III Relating to the Adoption of an Additional Distinctive Emblem on 20 June 2006 and the ratification procedure of that agreement will be initiated shortly.

2. The Geneva Conventions of 1949 and their Additional Protocols constitute a part of Polish domestic legal order as ratified international agreements and they have precedence over domestic laws. That prevailing status of international agreements in the Polish legal order is particularly important in case of obligations stemming from international humanitarian law, since Polish Penal Code contains frequent references to international law.

3. The reforms of the penal law system conducted in 1997 have introduced into the Penal Code a new chapter on crimes against peace, humanity and war crimes (Chapter XVI). The crimes referred to in that chapter concern international peace (Article 117), basic human rights (Articles 118 and 119), rules of manufacturing and handling of the means of mass destruction and other means of warfare (Article 121), as well as the fundamental principles of conducting warfare during armed conflicts (Articles 120 and 122-126 of the Penal Code). In principle the relevant provisions of Chapter XVI of the Penal Code envisage severe penalties for the acts defined as crimes in the very same way as it is provided for in the relevant international agreements (including Additional Protocols). All procedural guarantees specified in Article 6 of Protocol II are ensured by the Polish Constitution and other relevant laws, prominently including the Code of Penal Proceedings.

4. The following bodies have been established with a view to implement and disseminate international humanitarian law within internal Polish order:

- inter-ministerial Commission on International Humanitarian Law, that came into being at the Ministry of Foreign Affairs, pursuant to Regulation No.51 of 20 May 2004 signed by the Prime Minister;
- Commission for the Dissemination of International Humanitarian Law, affiliated to the Governing Board of the Polish Red Cross;

- inter-ministerial Programming Council on the protection of cultural goods in the event of special threats, affiliated to the Chief Commander of the State Fire Service.

5. Since 1997 the Ministry of National Defense has disseminated knowledge relating to international humanitarian law within the Polish Armed Forces (including Additional Protocols) by organizing:

- specific courses for battalion and company commanders (twice a year);
- courses on the protection of cultural goods in the event of armed conflicts (once a year);
- specialist training for units designated to serve with the NATO Response Force (training each year for two Response Force components).

6. In 2008, the system of vocational training in international humanitarian law for battalion commanders was established at the Academy of National Defense. Company and platoon leaders are to get similar courses at the Land Forces Training Center. It is planned that in 2009 the system will include professional soldiers of the Air Force and Navy.

7. Handbooks on international humanitarian law are being made available to the members of the Polish Military Contingents to be deployed on missions abroad. Handbooks regarding the following missions have been published so far: Iraq, Afghanistan, Pakistan, Chad, Syria, Lebanon, Congo and Kosovo. The content of these publications is being updated on a periodic basis.

8. In 2006, the Ministry of National Defense published the "Textbook for Teaching International Humanitarian Law in the Armed Forces". In 1993, with the consent of the International Red Cross, the Ministry twice reissued the "Handbook of the Law of War for Armed Forces" by Frederic de Mulinen.

9. On 20 October 2006, the Minister of National Defense issued Decision No. 419/MON concerning the establishment of a legal service within the Ministry. The basic task of the Military Legal Service is to protect the interests of the Polish Armed Forces and support military commanders in the fulfillment of their duties, in accordance with the law. For that purpose, the legal advisers provide commanders with professional legal support, in the meaning of Article 82 of Additional Protocol I, with particular reference to operational law (including principles of the use of force) and international humanitarian law of armed conflicts. The legal advisers are also tasked with the mission of dissemination of the law, particularly international humanitarian law of armed conflicts.

10. In 2005, the Minister of National Defense signed Decision No.250/MON concerning the observance of the principles of protection of cultural goods in the operations of the Polish Armed Forces.

11. At present the Ministry of Internal Affairs and Administration is in the course of preparation of a draft law on the protection of civilian population and civil defense system. The draft law is going to be submitted to the Council of Ministers for approval and then the legislative procedure in the Parliament will be initiated. It is estimated that the Parliament will put this draft law on its agenda at the end of this year. The draft law is designated to implement in a more detailed way the obligations of Poland stemming from Chapter VI of Additional Protocol I of 1977.