Annex 22

Among the changes introduced to the Penal Code by the aforementioned Act, it is important to note the legislation defining new types of crimes responding to the actions of the so-called foreign fighters, related to the conflict in Syria and Iraq, and the adaptation domestic solutions to the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, signed by Poland on 16 May 2005 in Warsaw.

The law introduces a provision providing for a punishable stage of preparation for the commission of crimes against peace, humanity, and war crimes, including those related to the activities of terrorist organisations.[[1]](#footnote-1) The criminal penalties for the preparation of these offences are set at a level proportionate to the penalties for the underlying offence. The penalisation of logistical and organisational acts allows break apart terrorist organisations and counter terrorist threats with greater efficiency.

In addition, Article 224b was added, which establishes vindictive damages for the State Treasury in the amount of at least PLN 10,000 and a punitive measure in the form of a pecuniary benefit in the amount of at least PLN 10,000 adjudged by the court in the event of conviction for the offence specified in Article 224a[[2]](#footnote-2).The aim of this solution is to increase the severity of the penalty for acts related in particular to false notifications about planted explosives, which result in disorganising the operation of the entities included in these notifications, including public institutions, public utility facilities, as well as financial losses.

The act also introduces penal provisions resulting from the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism signed by Poland on 16 May 2005 in Warsaw (Journal of Laws of 2008, No. 161, item 998). In this respect, new types of offences concerning the acts of the so-called “foreign fighters” are introduced to the Polish Penal Code.

The first of the aforementioned types of offences, referred to in Article 255a § 2, penalises the participation - with a view to committing a terrorist offence - in training that could facilitate the commission of such an offence. Commission of the aforementioned act is punishable by imprisonment ranging from 3 months to 5 years.

In addition, Article 259a follows Article 259, penalising the crossing of the border of the Republic of Poland with an intention of committing a crime of terrorist nature on the territory of another state or acts specified in:

* Article 255a §1 (dissemination or public presentation of content likely to facilitate the commission of a terrorist offence or gaining access to them with a view to having such an offence committed);
* Article 258 § 2 (participation in an organised group or association of armed nature or intending to commit an offence of a terrorist nature);

- Article 258 § 4 (establishment or management of an organised group or association intending to commit an offence of a terrorist nature).

Commission of the above-mentioned act is punishable by imprisonment ranging from 3 months to 5 years.

At the same time, Article 259b has been added, according to which, at the request of the public prosecutor, the court applies extraordinary commutation of the sentence, or may even conditionally suspend its enforcement, in relation to a perpetrator of the offence referred to in Article 259a, who voluntarily renounced the commission of an offence of terrorist nature in another state or an offence referred to in Article 255a, Article 258 §2 or §4, and disclosed all relevant circumstances of the offence to the authority responsible for prosecuting the offence, or prevented the intended offence from being committed. The provision shall also apply to an offender who voluntarily renounces aiding and abetting in the commission of the offence referred to in Article 259a and discloses to an authority responsible for prosecuting criminal offences all the relevant circumstances surrounding the committed offence, in particular information on persons who committed the offences referred to in Article 259a.

1. Specified in: Article 117 of the Penal Code (initiation or waging a war of aggression),Article 118 of the Penal Code (genocide), Article 118a of the Penal Code (participation in a mass attack against a population group),Article 120 of the Penal Code (use of means of mass extermination),Article 122 of the Penal Code (carry out warfare in a manner violating international law),Article 123 of the Penal Code (war crimes against prisoners of war or civilians)Article 124 of the Penal Code (other violations of international law during military operations)and Article 125 of the Penal Code (destruction or misappropriation of cultural goods) [↑](#footnote-ref-1)
2. It penalises an act whereby the offender notifies of a non-existent threat to the life or health of many persons or property of a significant size, or causing a situation intended to create a belief in the existence of such a threat, which results in actions taken by a public institution or a public security, order, or health protection authority aimed at averting the threat. [↑](#footnote-ref-2)