

POLAND – national procedures for transfer of sentenced persons  
Updated 17/09/2015

The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for the transfer of sentenced persons:	Ministry of Justice Department of International Cooperation and Human Rights Al. Ujazdowskie 11 00-950 Warsaw Poland Tel. + 48 22 23 90 870 Fax. + 48 22 628 09 49, + 48 22 897 05 41
If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	-
If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned (name of the institutions, address, telephone, fax and e-mail where available):	Komenda Główna Policji / General Headquarters of Police Wydział Konwojowy / Convoy Section ul. Puławska 148/150, 02-624 Warsaw Poland tel.+ 48 22 601 33 98 fax. + 48 22 601 27 76 e-mail <a href="mailto:k.bpird@policja.gov.pl">k.bpird@policja.gov.pl</a> website: <a href="http://www.policja.pl/pol/kgp/biuro-prewencji-i-ruch/wydzial-konwojowy">http://www.policja.pl/pol/kgp/biuro-prewencji-i-ruch/wydzial-konwojowy</a>
Channels of communication for the request for the transfer of sentenced persons (directly, through diplomatic channels or other):	directly
Means of communication (e.g. by	As far as the documents specified in Art. 5, Art. 6.2 and 6. 3 are

post, fax, e-mail <sup>1</sup> ):	concerned - by regular post  For other types of correspondence - fax or e-mail are acceptable

Language requirements:	Requests for transfer and supporting documents shall be accompanied by a translation into Polish or one of the official languages of the Council of Europe
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Documentation required:	Documents specified in Art. 6 of the Convention.  In addition the sentencing State should provide us with personal details of a sentenced person (Polish citizen) such as: <ul style="list-style-type: none"> <li>- date and place of birth,</li> <li>- parents' names,</li> <li>- last address in Poland,</li> <li>- or with a copy of Polish ID or passport, if available</li> </ul> and the address of the prison where the sentenced person is serving the sentence
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Continued enforcement or conversion of the sentence <sup>2</sup> :	According to Art. 9.1 of the Convention the authorities of the administering State shall continue the enforcement of the sentence or convert the sentence through a judicial procedure into a decision of that State. The Polish Supreme Court decided in 1996 that after the transfer of a sentenced person, the Polish courts, in general, are obliged to follow the procedure of converting the sentence (according to Art. 9.1.b of the Convention) when Poland is the administering state.  Polish authorities may also apply the procedure described in Art. 9.1.a of the Convention, provided that the Polish Minister of Justice declares that the enforcement of the foreign sentence will be continued. Such declaration made by the Minister of
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<sup>1</sup> Please indicate if encryption or electronic signature is required.

<sup>2</sup> In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

	Justice applies to an individual case only.
General rules on early release:	<p>According to Art. 78 of the Polish Penal code, the sentenced person may be conditionally released after serving at least half of the sentence.</p> <p>Persons sentenced to 25 years imprisonment may be conditionally released after serving 15 years of the sentence, and those sentenced to life imprisonment after serving 25 years.</p> <p>Moreover, Art. 77 § 2 of the Penal code provides that in particularly justified cases the court, imposing the penalty of deprivation of liberty, may determine more rigorous restrictions to prevent the possibility of a prisoner benefiting from the conditional release under conditions other than those specified in Art. 78.</p>
Scope of application with regard to transfer of mentally disordered persons:	The transfer of mentally disordered persons to and from Poland is possible on the basis of the Convention.
Scope of application with regard to nationals and/or residents:	<p>In exceptional cases Polish law allows the transfer of non-Polish citizens e.g. persons with the right of asylum.</p> <p>Art. 609 § 1 of the Polish Penal code mentions also permanent residents as far as the execution in Poland of a penalty of deprivation of liberty imposed abroad is concerned.</p> <p><i>Article 609. § 1. In the event that a motion has been received, for execution of a validly and finally decided penalty of deprivation of liberty or a measure involving deprivation of liberty, with respect to a Polish national or a person permanently residing within the territory of the Republic of Poland, the Minister of Justice shall motion the court having jurisdiction, to issue an order regarding the admissibility of taking over the decision to be executed in the Republic of Poland.</i></p>

Other particularly relevant information (such as practice regarding time limits or revocation of consent):	There is no time limit prescribed by law for the revocation of consent.

Links to national legislation, national guides on procedure:	-

Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS <sup>o</sup> 112 and PC-OC INF 12):	<a href="http://www.sw.gov.pl/pl/rzecznik-prasowy/informator-dla-cudzoziemcow/">http://www.sw.gov.pl/pl/rzecznik-prasowy/informator-dla-cudzoziemcow/</a>
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#### **For Parties to the Additional Protocol**

Information on the implementation of Article 2 (e.g. interpretation of “by fleeing to”):	<p>In accordance with Art. 91 s. 1 of the Constitution of the Republic of Poland, after promulgation in the Journal of Laws of the Republic of Poland (<i>Dziennik Ustaw</i>), a ratified international agreement shall constitute part of the domestic legal order and shall be applied directly, unless its application depends on the enactment of a statute.</p> <p>Therefore, both the mother Convention and the Additional Protocol are being applied directly in Poland and need not be implemented into the national legislation.</p> <p>Interpretation of specific provisions of the international</p>
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	agreement lies with the courts. In practice, Polish courts tend to interpret the notion “by fleeing to” in Art. 2 of the Additional Protocol rather broadly.
Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence):	As regards the interpretation of the requirement of a consequential link between the decision on expulsion and the sentence, the expulsion decision should either be imposed in a conviction itself or must be taken after the conviction and contain a reference to the sentence, which is the basis of the transfer.
Documentation required:	<p>In the cases on the basis of Art. 2 - documents specified in Art. 6.2 of the mother Convention as well as any relevant documents demonstrating that the sentenced person had factually fled</p> <p>In the cases on the basis of Art. 3 – documents specified in Art. 6.2 of the mother Convention as well as documents specified in Art. 3 of the Additional Protocol</p>
Other relevant information:	