

POLAND – national procedures for transfer of sentenced persons  
Updated 31/01/2025

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 62 80 949 Email: <a href="mailto:sekretariat.dwmpc@ms.gov.pl">sekretariat.dwmpc@ms.gov.pl</a>
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 47 72 133 98 fax. + 48 47 72 127 76 e-mail <a href="mailto:wk.bprew@policja.gov.pl">wk.bprew@policja.gov.pl</a> website: <a href="https://policja.pl/pol/kgp/biuro-prewencji/kontakt/34696,Kontakt.html">https://policja.pl/pol/kgp/biuro-prewencji/kontakt/34696,Kontakt.html</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 post, fax, e-mail <sup>1</sup> ):	As far as the communications mentioned in Art. 5, Art. 6.2 and 6.3 are concerned - by regular post, unless otherwise agreed in relations with the country concerned  For any other types of correspondence - e-mail or fax are acceptable
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Language requirements:	Requests for transfer and supporting documents shall be accompanied with a translation into Polish or one of the official languages of the Council of Europe (English, French)
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 if available,</li> <li>- address of the prison where the convict is serving the sentence,</li> <li>- copy of Polish ID or passport, if available.</li> </ul>
Continued enforcement or conversion of the sentence <sup>2</sup> :	Pursuant to Art. 9.1 of the Convention the authorities of the administering State shall continue enforcement of the sentence or convert the sentence through a judicial procedure into a decision of that State. Polish Supreme Court has ruled that after transfer of a sentenced person, Polish courts, in general, are obliged to follow the procedure of converting the sentence (under Art. 9.1.b of the Convention) when Poland is the administering state.  Poland may also apply the procedure described in Art. 9.1.a of the Convention, provided that the Polish Minister of Justice would make a declaration to the sentencing State that enforcement of the foreign sentence will be continued in Poland. Such a declaration applies to an individual case only.

<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.

<p>General rules on early release:</p>	<p>Prisoners in Poland are not entitled to be automatically released after having served a certain period of time in detention. Conditional release is exclusively granted by court in each individual case.</p> <p>Conditional release can only be granted if the convict meets the criteria prescribed by Polish law. Article 77 § 1 of the Penal Code provides the following criteria: a prisoner sentenced to imprisonment may be conditionally released from serving the remainder of the sentence only if their attitude, qualities and personal conditions, the circumstances of committing the crime, and their behavior after committing the crime and while serving the sentence justify the conviction that the convicted person, upon release, will comply with the imposed punitive or protective measure and observe the order of the law, in particular, will not commit a crime again.</p> <p>Pursuant to Art. 78 of the Polish Penal Code, convict may be conditionally released after serving at least half of the sentence. Persons sentenced to 25 years or longer imprisonment may be conditionally released after serving 15 years, and those sentenced to life imprisonment after serving 30 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 for conditional release than those specified in Art. 78.</p>
<p>Scope of application with regard to transfer of mentally disordered persons:</p>	<p>Transfer of mentally disordered persons to and from Poland is possible under the Convention.</p>

Scope of application with regard to nationals and/or residents:	Transfer to Poland under the Convention is only possible if the sentenced person is a Polish citizen. Poland has not made a relevant declaration under Art. 3.4 of the Convention.
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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="https://www.sw.gov.pl/strona/informator-dla-cudzoziemcow-tymczasowo-aresztowanych-skazanych-oraz-ukaranych">https://www.sw.gov.pl/strona/informator-dla-cudzoziemcow-tymczasowo-aresztowanych-skazanych-oraz-ukaranych</a>

**For Parties to the Additional Protocol**

Information on the implementation of Article 2 (e.g. interpretation of “by fleeing to”):

In accordance with Art. 91.1 of the Constitution of the Republic of Poland, after promulgation in the Journal of Laws of the Republic of Poland (*Dziennik Ustaw*), 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.

Therefore, both the mother Convention and the Additional Protocol are being applied directly in Poland and need not be implemented into the national legislation.

Interpretation of specific provisions of international agreements ratified by Poland 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, Poland requires that the expulsion decision is either imposed in a court sentence or, if it is issued afterwards, contain a reference to the sentence.

Documentation required:

For cases under Art. 2 - documents specified in Art. 6.2 of the mother Convention as well as any relevant documentation demonstrating that the sentenced person has factually fled from the sentencing State to the administering State in order to avoid the execution or further execution of the sentence in the sentencing State.

For cases under Art. 3 – documents specified in Art. 6.2 of the mother Convention as well as documents specified in Art. 3.3 of the Additional Protocol.

Other relevant information:	
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