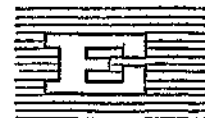


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1983/18
21 February 1983

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-ninth session
31 January-11 March 1983
Item 12 of the Agenda

QUESTION OF THE VIOLATIONS OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD,
WITH PARTICULAR REFERENCE TO COLONIAL AND
OTHER DEPENDENT TERRITORIES

Report on the situation in Poland presented by
Under-Secretary-General Hugo Gobbi

GE.83-11110

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I. INTRODUCTION

1. At its thirty-eighth session the Commission on Human Rights, on 10 March 1982, adopted, by 19 votes to 13, with 10 abstentions, resolution 1982/26 on the situation of human rights and fundamental freedoms in Poland, as follows:

The Commission on Human Rights,

Recalling the principles enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights, 95/

Conscious of its responsibility to promote and guarantee the maintenance of those principles and to ensure respect for human rights and fundamental freedoms for all,

Reiterating that all Member States have an obligation to protect human rights and fundamental freedoms and to carry out the obligations they have undertaken under the various international instruments in the field of human rights,

Determined to remain vigilant with regard to violations of human rights wherever they occur,

Aware of the fact that recent events in Poland have given rise to considerable humanitarian problems,

1. Expresses deep concern at the continued reports of widespread violations of human rights and fundamental freedoms in Poland, including the arbitrary arrest and detention of thousands of persons, denial of the right to freedom of expression and the right of peaceful assembly, suspension of the right to form and join independent trade unions, and at the imposition of severe punishment on persons accused of violating martial law;
2. Affirms the right of the Polish people to pursue its political, economic, social and cultural development, free from outside interference;
3. Notes that the Polish Authorities have stated their intention to terminate the restrictive measures imposed on the exercise of human rights and fundamental freedoms;
4. Expresses the hope that this stated intention will be realized in the very near future, particularly in relation to the release of all persons detained without charge, the review of severe prison sentences imposed in the context of the state of martial law in Poland, and the lifting of restrictions on the free flow of information;
5. Emphasizes the importance of the activities of the international and national humanitarian organizations operating in Poland;
6. Decides to request the Secretary-General or a person designated by him to undertake a thorough study of the human rights situation in Poland, based on such information as he may deem relevant, including comments and materials the Government of Poland may wish to provide, and to present a comprehensive report to the Commission at its thirty-ninth session;
7. Requests the Government of Poland to extend its co-operation to the Secretary-General or the person designated by him;
8. Decides further to maintain the situation of human rights and fundamental freedoms in Poland under review as a matter of priority at its thirty-ninth session on the basis of the report of the Secretary-General or the person designated by him.

2. At its first regular session of 1982, the Economic and Social Council, on 7 May 1982, by decision 1982/133, by 21 votes to 14 with 15 abstentions, approved the Commission's decision to request the Secretary-General or a person designated by him to undertake a thorough study of the human rights situation in Poland.

3. Following the adoption of resolution 1982/26 the representative of Poland to the Commission stated that his government "was forced to consider the resolution as unlawful, null and void, politically harmful and morally hypocritical", since it allegedly constituted a violation of Article 2, paragraph 7, of the Charter, Article 4 of the International Covenant on Civil and Political Rights, and the Economic and Social Council resolutions which established the terms of reference of the Commission. He added that his government declared its refusal to co-operate in the implementation of the resolution, which, having been imposed on the Commission, constituted flagrant interference in the internal affairs of an independent State Member of the United Nations. In Poland, he said, there were and would be no mass and gross violations of human rights, which alone could justify consideration by the Commission. The introduction of martial law had been motivated by the supreme national interest and the need to avert a civil war, economic anarchy and disruption of the State structure. Martial law introduced temporary limitations on some of the rights of citizens in full accordance with the requirements of article 4 of the International Covenant on Civil and Political Rights, to which Poland was a party. None of the measures derogating from the obligations under the Covenant involved discrimination on the grounds of race, colour, sex, language, religion or social origin. The measures introduced by the Polish Government were therefore not inconsistent with its international obligations and the resolution had no justification. 1/

4. The Secretary-General followed the situation of human rights in Poland as required by the resolution and on 21 December 1982 the Secretary-General announced that he had designated Under-Secretary-General Hugo Gobbi to continue to follow the situation in Poland on his behalf.

5. On 3 January 1983 I therefore addressed a letter to the Permanent Representative of Poland as follows:

"I have the honour to refer to the contacts which have taken place between the Secretary-General of the United Nations and the Polish Government concerning matters of common concern, including developments in the situation in Poland, and to the Secretary-General's announcement of 21 December 1982 designating me to follow the situation in Poland on his behalf.

I should like to assure Your Excellency's Government that I shall naturally carry out the tasks entrusted to me by the Secretary-General in the most impartial and objective manner and, to this end, I look forward to receiving the co-operation of Your Excellency's Government.

In order to discharge my responsibilities, it would of course be most important to establish direct contact with the Polish authorities. In this connection, as the Secretary-General has already indicated to you, I would wish, with the co-operation of Your Excellency's Government,

to visit Poland as soon as possible and would like to suggest that such a visit take place during the latter half of January. I would therefore be most grateful if Your Excellency could utilize his good offices in facilitating arrangements for such a visit. I would hope to discuss the modalities of my visit and matters pertaining to its itinerary either with Your Excellency or with representatives of the Permanent Mission of Poland in Geneva where I shall stay from 8 to 12 January 1983."

6. On 6 January the Permanent Representative of Poland replied as follows:

"In connection with your letter of 4 January 1983, I am instructed to convey to your Excellency the following:

The Government of Poland has always greatly appreciated and valued highly all contacts with the Secretary-General of the United Nations concerning matters of common interest. These contacts have also included, as Poland's gesture of good will, authoritative, regular and updated information for the Secretary-General regarding current developments in Poland. At no time, however, they were meant to pertain to the designation of his representative 'to follow the situation in Poland on his behalf'. On 10 March 1982, the Commission on Human Rights passed an anti-Polish resolution which constituted open interference in the internal affairs of Poland. The resolution, supported by less than half of the Commission's membership, was rejected by the Government of Poland as 'illegal, null and void, politically harmful and morally hypocritical'. It is also on the Commission's record that Poland would not in any way participate in its implementation. This position is as valid today as it was ten months ago. Poland is party to the International Covenant on Civil and Political Rights. The procedures contained in its provisions, notably those in article 4, have been strictly adhered to by the Government of Poland. Consequently, on 29 January 1982, it informed the other States parties to the Covenant, through the intermediary of the Secretary-General, of temporary derogation from certain provisions of the Covenant and the reasons thereto, and subsequently, on 22 December 1982, of the termination of such derogation from some Covenant provisions or further considerable moderation in the application of remaining restrictions. In view of the foregoing, the Government of Poland upholds its long-standing position on questions raised in Your Excellency's letter of 4 January 1983."

7. In these circumstances, I considered that the visit referred to in my letter of 3 January 1983 could not be undertaken at the suggested dates.

8. In interpreting my mandate I noted that the situation in Poland which the Secretary-General requested me to follow is the one referred to in the resolution following the issuance on 13 December 1981 of the "Decree concerning Martial Law" (DZ.U. No. 29).

9. Chapter II of this report contains communications received from the Government of Poland formulated pursuant to article 4 of the International Covenant on Civil and Political Rights and action taken in that connection. Chapter III contains a number of descriptions of the main events occurring in Poland during the period

starting with the declaration of martial law. ^{2/} Chapter IV contains an account of the principal allegations of violations of human rights formulated in communications reaching me from non-governmental and other sources. Chapter V sets out the main conclusions.

10. For the preparation of the present report I had before me reports prepared by a number of organizations, including: The International Labour Office (ILO), the International Committee of the Red Cross (ICRC), the International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labour (WCL).

I also had before me publications entitled "Documents and Materials", published by the Department of Press, Cultural and Scientific Co-operation of the Ministry of Foreign Affairs of the Polish Government, containing official statements, texts of laws and decrees, etc., as well as other documents published by the Polish Interpress Agency.

I further had before me documentation made available by the Department of State and the Department of Labour of the Government of the United States.

Material and information submitted to me by other sources are specifically mentioned in the relevant paragraphs.

^{2/} In this chapter we mainly followed, for reason of accessibility, Western news media or Polish press sources as reproduced in this media.

II. COMMUNICATIONS RECEIVED FROM THE GOVERNMENT OF POLAND PURSUANT TO ARTICLE 4 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND ACTION TAKEN IN THAT CONNECTION

11. On 1 February 1982 the Permanent Representative of Poland to the United Nations addressed the following communication to the Secretary-General:

"Further to the information I conveyed to your Excellency's predecessor, Dr. Kurt Waldheim, on 14 December 1981, and pursuant to article 4 of the International Covenant on Civil and Political Rights, I have the honour to communicate that in connection with the proclamation of martial law by the Council of State of the Polish People's Republic, as based on article 33, paragraph 2, of Poland's Constitution, there has been a temporary derogation from or limitation of application of provisions of articles 9, 12 (paragraphs 1 and 2), 14 (paragraph 5), 19 (paragraph 2), 21 and 22 of the Covenant, to the extent strictly required by the exigencies of the situation. The decree of the Council of State on martial law and other decrees thereto of 12 December 1981, which had given rise to the foregoing derogation from or limitation of the provisions of the Covenant, were approved by the Diet (Sejm) of the Polish People's Republic, on 25 January 1982, in its law on special legal regulation at the time of martial law.

Temporary limitation of certain rights of citizens has been prompted by the supreme national interest. It was caused by the exigencies of averting a civil war, economic anarchy as well as destabilization of State and social structures. The purpose of the measures thus introduced has been to reverse an exceptionally serious public emergency threatening the life of the nation and to create conditions for an effective protection of Poland's sovereignty and independence.

It should be noted that the said limitations are being accompanied by efforts at creating conditions for stabilization, with a view to promoting national accord and the continuation of a process of national and social renewal and economic reconstruction. The same purposes are served by parallelly adopted decree on pardoning and consigning to oblivion certain crimes and offences committed in social conflicts out of political motivations, prior to 13 December 1981.

The restrictive measures in question are of a temporary nature. They have already been considerably cut back and along with the stabilizing of the situation, will be successively terminated."

12. On 16 February 1982 the Secretary-General, acting in his capacity as depository of the International Covenant on Civil and Political Rights, transmitted the above-mentioned communication to all States Members of the United Nations.

13. At its fifteenth session, held from 22 March to 9 April 1982, the Human Rights Committee was also informed of the above-mentioned communication. 3/

3/ See document A/37/40. The relevant paragraph 37 reads as follows: "The Committee was also informed that, after orally notifying the Secretary-General of the imposition of martial law in Poland, the Government of that country had submitted a formal notification in accordance with article 4 of the Covenant on 29 January 1982".

14. On 21 December 1982 the Permanent Representative of Poland to the United Nations addressed a letter to the United Nations Secretary-General, as follows:

'Referring to the letter of the Permanent Representative of the Polish People's Republic to the United Nations of 29 January 1982, in which pursuant to article 4 of the International Covenant on Civil and Political Rights, he informed of a temporary derogation from or limitation of application of certain provisions of the said Covenant, I have the honour to communicate that basing on the law by the Diet (Sejm) of the Polish People's Republic of 18 December 1982 concerning special legal regulation in the time of suspension of martial law, derogation from Covenant's articles 9, 12 paragraphs 1 and 2, articles 21 and 22, has been terminated as of 31 December 1982.

By terms of the same law as well as a result of earlier successive measures, restrictions in the application of Covenant provisions which are still derogated from, namely article 14 paragraph 5 and article 19 paragraph 2, have also been considerably reduced.

For instance, with reference to Covenant's article 14 paragraph 5, emergency procedures have been lifted in relation to crimes and offences committed in social conflicts out of political motivations, they have only been retained with regard to crimes most dangerous to State's basic economic interests as well as to life, health and property of its citizens.

The foregoing important decisions as well as earlier measures to ease restrictions in the exercise of civil rights, introduced along with the stabilization of the situation, serve to confirm the consistent implementation of the pledge that the derogations concerned would not be in force a moment longer than required by the supreme national interest and the purpose of their introduction, namely to reverse an exceptionally serious public emergency threatening the life of the nation.

The decisions in question result from the continuous process of stabilization in Poland, intensive efforts towards national accord, economic reconstruction and revitalization as well as the consistent implementation of the policy of reforms and social renewal."

This communication was accompanied by an aide-memoire the full text of which is reproduced in Annex No. V of the present report.

III. DESCRIPTION OF THE MAIN EVENTS OCCURRING IN POLAND DURING THE PERIOD
STARTING WITH THE DECLARATION OF MARTIAL LAW

15. On 13 December 1981 the State Council of the Polish People's Republic announced a Decree on Martial Law, (dated 12 December 1981). 4/

16. According to several reports, immediately prior to the proclamation of martial law Polish security forces interned members of NSZZ Solidarnosc's National Commission, then meeting at Gdansk, as well as other members, officials, advisers and supporters of that trade union throughout the country. The Chairman of the National Committee of Solidarnosc, Lech Walesa, was reportedly placed under house arrest. The trade union itself, as well as other independent trade unions and student organizations and the Polish Journalists' Association were reportedly suspended. 5/ According to Polish sources preventive internment was also applied to several dozen former Polish officials responsible for the origins of the crisis in the 1970's. Upon the imposition of martial law widespread protest was reported in the country. 6/ Demonstrations and factory occupations were reported in towns in various areas of the country, as well as in mines in the Silesia area. In clashes between striking miners and security forces which occurred at the Wujek colliery seven people were reportedly killed and 41 members of the security forces and 39 civilians were injured. Clashes were also reported in Gdansk where one person was reportedly killed and over 300 people wounded. 7/ Concerning the events which occurred at the Wujek mine in December 1981 the Government of Poland reportedly stated that the security forces had opened fire at the strikers in self defence, after having fired warning shots. "As a result six miners fell, two of whom died of their wounds. Twenty-three miners were wounded, one seriously. Forty-one of the troops were seriously injured and thus suffered permanent damage to their health". 8/

17. Towards the end of December 1981 there were reports of easing of some restrictions regarding travel, lifting of curfew, reopening of some schools and release of some detainees. 9/ There were also reports at the same time of over 80 people who had been arrested, and some reportedly charged and convicted, for having attempted to organize strikes or distribute leaflets protesting against martial law. 10/ The Government spokesman, Jerzy Urban, reportedly stated that 5,050 persons had been interned since 13 December 1981 but that 580 had already been released.

18. During the first weeks of 1982 differing figures were reported as regards the number of people interned, arrested, sentenced or released. Thus, on 21 January 1982 it was officially announced that more than 150 Solidarity activists had been imprisoned for organizing strikes. 11/ On 15 February the Procurator General's Office announced

4/ See Annex No. I.

5/ Amnesty International Index: EUR 37/13/82.

6/ Ibid.

7/ Ibid.

8/ GB.221/6/19 (document issued by the Governing Body of the ILO), para. 51(c) p.9.

9/ International Herald Tribune, 23 and 24-25 December 1981.

10/ International Herald Tribune, 28, 29 and 30 December 1981.

11/ Amnesty International Index: EUR 37/13/82.

that summary investigations had been instituted against 964 people accused of offences against martial law. 12/ On 23 February the official Polish news agency, PAP, reported that civil courts had tried 297 people under summary proceedings for violation of martial law regulations. On 9 March the head of the Investigations Department of the Ministry of the Interior reportedly stated that a total of 1,105 people had been detained between 13 December 1981 and 1 March 1982 on charges of organizing strikes, circulating anti-state leaflets or other breaches of martial law regulations. 13/ Civil and military courts had reportedly convicted 486 people of organizing strikes or committing similar offences. 14/ On 26 March the Justice Minister, Sylwester Zawadski, reportedly said in an interview to the Communist Party daily Trybuna Ludu that 396 people had been indicted and 275 people convicted by civil courts under summary proceedings for continuing trade union activities or heading protestations. (According to a news agency report the ministry spokesman said the 275 convictions did not include what was believed to be a similar number of people who had been sentenced by military courts). With regard to the number of interned people, official figures indicated that it was 6,309 on 25 January 1982. 15/

19. In the first weeks of 1982 censorship of foreign correspondents was lifted, telephone communications within cities were restored, some universities were reopened and overseas flights by LOT national airline were partially assumed. 16/

20. Towards the end of April 1982 the Polish authorities reportedly announced the release of some 1,000 internees as well as the lifting of the curfew and the restoration of inter-urban telephone communications. 17/

21. During the first fortnight of May 1982 demonstrations and civil disturbances, strikes and other manifestations were reported in several major Polish towns and numerous injuries and arrests were reported. The Military Council reportedly imposed the curfew and other restrictions in the affected areas. 18/ The official news agency PAP later reported that 164 people had been sentenced to more than three years' imprisonment for assaults on riot police or soldiers. It was also reported that during the period 1-14 May 1982 a total of 3,159 persons had been arrested and 211 others interned. 19/

22. Towards the end of May 1982 a Polish Government spokesman reportedly confirmed the transfer of Lech Walesa to a government hunting lodge located in the south-eastern province of Bieszczady. 20/

12/ Ibid.

13/ Ibid.

14/ Ibid.

15/ Amnesty International Index: EUR 37/13/82.

16/ International Herald Tribune, 11 January 1982.

17/ Le Monde, 30 April 1982.

18/ International Herald Tribune, 4-5 May 1982.

19/ Le Monde, 22 May 1982.

20/ Le Monde, 28 May 1982.

23. In June 1982 several hundred internees were reportedly released. There was also reports of clashes between demonstrators and security forces in various towns. According to reports 230 people were arrested and 23 members of the security forces were wounded, 6 of them seriously, following demonstrations on Sunday, 13 June 1982, in Wroclaw and Krakow. 21/ Towards the end of June 1982 over 200 persons were reportedly arrested in Wroclaw. 22/

24. In an address to the Sejm on 21 July 1982, Prime Minister Wojciech Jaruzelski reportedly announced that martial law might be suspended before the end of the year if the situation in the country improved, and that if martial law were suspended, it would be necessary to safeguard state and national interests by giving the government special powers. 23/ A government spokesman later reported that 913 internees, including all women internees, would be released and that 314 others would be "granted leave". Six hundred and thirty seven others, reportedly including many of Solidarnosc's leaders and officials, would remain interned. 24/

25. Demonstrations reportedly took place in various Polish towns in August and the beginning of September 1982. On 31 August 1982 there were reports of widespread demonstrations against martial law. According to a subsequent statement of the Polish Minister of the Interior some 66 towns in 34 of Poland's provinces were allegedly affected. Five people were officially reported to have been killed in clashes with the police. The deaths reportedly occurred in the towns of Gdansk, Wroclaw and Lubin. The Polish authorities were later reported to have stated that the number of people arrested in the disturbances was 5,131. Of these, 1,051 were reportedly released, 2,821 were fined, 520 re-interned and 263 sentenced to prison terms. 25/

26. At the beginning of September 1982 it was officially announced that four leaders of the disbanded KOR movement (the Committee for the Defence of Workers) had been formally arrested and were being investigated on charges of "making preparations for the violent overthrow of the Polish socio-political system", under articles 123 and 128 (1) of the Polish Criminal Code. 26/ The KOR leaders were reportedly held responsible for organizing the demonstration on 3 August referred to in the preceding paragraph.

27. At the beginning of October 1982 it was reported that a Solidarnosc underground leader, Wladyslaw Frasyniuk, was arrested. It was subsequently reported that he was sentenced to six years' imprisonment and four years' deprivation of civil rights. 27/ It was also reported that four members of the KPN (the Confederation for an Independent Poland) who had been on trial since July 1982, were convicted and sentenced to prison terms ranging from two to seven years. 28/

21/ Le Monde, 16 June 1982.

22/ "Chronology of the Polish crisis" p. 17.

23/ Amnesty International Indexes: EUR 37/22/82 and EUR 37/34/82.

24/ Amnesty International Index: EUR 37/22/82.

25/ Amnesty International Index: EUR 37/34/82.

26/ Ibid.

27/ International Herald Tribune, 6 October 1982, Times, 6 October 1982 and 25 November 1982.

28/ Amnesty International Index: EUR 37/34/82.

28. On 8 October 1982 the Polish Sejm adopted a law on trade unions. 29/ Following the adoption of the new law strikes and clashes with the militia were reported in the city of Gdansk. One hundred and forty eight people were reportedly arrested, the Gdansk shipyard was put under military control and 500 workers were reportedly dismissed for taking part in the strikes. In protest action which spread to other towns a young worker was reportedly shot dead by riot police in Krakow. 30/ According to Polish press sources Prime Minister Jaruzelski paid a visit to the family of the deceased and expressed his deepest sympathy.

29. In mid-November it was reported that Lech Walasa was released and that he arrived at his home in Gdansk.

30. Towards the end of November 1982 the release was officially announced of 327 internees. According to the Polish press agency the internees were freed because of "the progressing stabilization" and the improvement of public order and security in the country". 31/

31. On 12 December 1982 Prime Minister Wojclich Jaruzelski announced the suspension of martial law from 31 December 1982, 32/ "entailing complete lifting of internment, far reaching limitations of emergency procedures and the competence of military courts with respect to civilians, lifting freedom of movement ...". 33/

32. On 18 December 1982 the Sejm adopted a law on the suspension of martial law. 34/ Under this law the Council of States was given the authority to suspend, and to reintroduce martial law, if necessary, in any part of the country.

33. Towards the end of December 1982 the release was reported of all remaining internees held under martial law, and all the internment camps had reportedly been closed. Seven persons who were advisers of NSZZ Solidarnosc, who had previously been interned, were reportedly arrested on the order of the chief military prosecutor "in connection with ongoing penal proceedings". 35/ According to Polish press sources former members of the government and political leadership were also released. In relation to some of them proceedings have started before the Tribunal of State established by Parliament

34. Early in January 1983 it was reported that the new trade unions which had been authorized under the bill passed by the Sejm on 8 October 1982 came into existence on 5 January 1983. The Polish news agency PAP was reported as saying that the new unions were being greeted in many enterprises with a "mood of reserve". 36/ According to recent statements from official sources the number of workers participating in the new unions is increasing.

29/ See Annex No. II.

30/ Amnesty International Index: EUR 37/34/82.

31/ International Herald Tribune, 30 November 1982.

32/ Text of statement reproduced in Annex No. III.

33/ "Pro Memoria" of the Polish Government, of 22 December 1982, See Annex No. V.

34/ See Annex No. IV.

35/ International Herald Tribune, 24-25 December 1982.

36/ International Herald Tribune, 6 January 1983.

35. The Government Spokesman, Jerzy Urban, was reported as stating on 4 January 1983 that about 1,500 people remained in Polish prisons for political reasons and that about 500 of them were detained pending completion of investigations or were waiting trial. ^{37/} According to Polish press sources the courts and the Council of States are now in the process of considering the cases in which pardon should be granted.

37/ International Herald Tribune, 5 January 1983.

IV ALLEGATIONS CONTAINED IN THE INFORMATION RECEIVED FROM
NON-GOVERNMENTAL AND OTHER SOURCES

A. Conditions of internment

36. According to Amnesty International many internees were held in harsh cold and overcrowded conditions. The same source says that on 9 January 1982 the army newspaper Żołnierz Wolności quoted an interview with the regional chief of Wrocław who (referring to some 920 people locally interned) confirmed reports of internees being kept in a prison courtyard poorly clothed in sub zero temperatures. 38/

37. The same source also published a statement by internees in Białoleka, near Warsaw, alleging, inter alia, very poor detention conditions, overcrowding, prohibition from holding daily collective prayer and unsanitary conditions contributing to the spreading of epidemic influenza and other diseases. 39/

38. The World Confederation of Labour, in its complaints against the Government of Poland, also alleged that conditions of internment and detention in the prisons and camps were deplorable and that prisoners were ill treated by the security forces. 40/

39. The Co-ordination Office Abroad of NSZZ Solidarność alleged that sick internees had not been given adequate medical treatment. The same source also made allegations regarding the sanitary conditions and the overcrowding in cells as well as the quality of food. 41/

B. Treatment of Detainees

40. Amnesty International alleged that ill treatment of internees had taken place at the following camps:

On 13 February 1982 at Wierzchowo Pomorskie

On 25 March 1982 at Ilawa

On 23 July 1982 at Gdansk prison

On 14 August 1982 at Kwidzyn, south of Gdansk. 42/

41. The Co-ordinating Office Abroad of NSZZ Solidarność also alleged that ill-treatment of internees had taken place at the following camps.

On 10 January 1982 at the Zareze camp;

On 13 March 1982 at the Wierzchowo camp

On 21 March 1982 at the Ilawa camp

On 23 March 1982 at the Włodawa camp.

In April 1982 at the Gebarzewo camp.

In April and June 1982 at the Fordon prison for women.

38/ Amnesty International Index. EUR 57/05/82

39/ Ibid.

40/ GS.219/6/17 (document issued by the Governing Body of the ILO) pp.133-134

41/ The Co-ordinating Office Abroad of NSZZ Solidarność: "La Répression en Pologne depuis le 13 décembre 1981" op.10-12.

42/ Amnesty International Index. EUR 57/51/82

On 18 May 1982 at the Ilawa camp;

On 23 July 1982 at the Odensk prison;

On 14 August 1982 at the Kwidzyn camp. 43/

42. The same source also alleged that internees had been subjected to various forms of psychological pressure. 44/

43. The World Confederation of Labour alleged brutal treatment of striking students and teachers at the Wrocław University and Polytechnical School. 45/

44. The Committee in Support of Solidarity presented detailed information alleging ill-treatment in numerous cases including the death of a number of persons as a result of the beating. 46/

C. Internment and Arrest.

45. Most of the communications submitted to me referred to persons who had been interned or arrested on specific charges, tried and sentenced. Most of these communications also attached lists of persons who were allegedly interned or arrested.

46. Regarding the number of persons who were interned or arrested in Poland since 13 December 1981, the Polish Deputy Minister of the Interior, General Stachura, speaking on 9 December 1982 before a commission of the Polish parliament, stated that 3,616 persons had been arrested for political reasons under martial law, and that 2,822 of them had appeared before courts. As to the number of internees, General Stachura said that 10,131 persons had, at one time or another, been held in internment camps but that only 317 persons were still held in such on 8 December 1982. 47/

47. On 23 December 1982 the ICRC issued a memorandum which stated, inter alia, the following:

"On 23 December 1981, the ICRC, with the consent of the Polish authorities, opened a delegation in Warsaw.

On 21 January 1982, the ICRC obtained authorization to visit all internees under martial law. On that very day, ICRC delegates started systematically visiting 24 places of internment and in the course of repeated visits, saw 4,851 interned persons. These visits took place in a manner consistent with ICRC standard procedure, that is to say on the condition that they would be repeated, that all places of internment would be inspected, that ICRC delegates would interview internees of their choice in private". 48/

43/ The Coordinating Office Abroad of the NSZZ Solidarnosc, op.cit. pp. 12-14.

44/ The Coordinating Office Abroad of NSZZ Solidarnosc, op.cit. pp. 15-20.

45/ GB 219/6/17 op.cit. p. 13'.

46/ Compendium in support of Solidarity Reports, issue No. 5, 22 July 1982 and "The victims of war", 13 December 1982.

47/ Le Monde, 11 December 1982.

48/ Memorandum issued by the ICRC on 23 December 1982.

48. The same ICRC memorandum also stated:

"In May 1982, the ICRC formally asked the Polish authorities for access to persons arrested (on remand or convicted) for breaches of the provisions of martial law".

The ICRC also stated that discussions were still going on with the Polish authorities on this subject. 49/

49. According to a report prepared by the "Committee of Jurists for the respect for human rights in Poland", the International Covenant on Civil and Political Rights of 1966 which Poland ratified on 13 March 1977, permits, under exceptional circumstances, derogations from the rights which it guarantees; nevertheless, it does not give States the liberty to whatever they wish, and imposes on them a certain number of limitations and obligations, specified in article 4. It is therefore the duty, inter alia, of States that have taken derogatory measures not to take any measures that are "inconsistent with their obligations under international law". The State of Poland therefore remains fully bound, independently of the circumstances, by its other international obligations, and in particular the ILO Conventions Nos. 87, 98, 105 and 135, which do not provide for any possibility of derogation. 50/

50. With regard to arrests, Amnesty International alleged that people had been arrested and charged as a result of the non-violent exercise of basic human rights, including freedom of speech and association. Amnesty International observed that under martial law, these people were denied the right to appeal and, in some cases, they were denied the right to have defense counsel. 51/

D. The Right to Freedom of Association

51. Most of the allegations concerning the right to freedom of association have been dealt with by the International Labour Organisation (see documents GB.219/6/17, GB.220/8/18 and GB.221/6/19 and issued by the Governing Body of the ILO). The Committee on Freedom of Association, set up by the Governing Body at its one hundred and seventeenth session, met on 8, 9 and 12 November 1982 to hear the complaints of alleged infringements of trade unions rights in Poland, presented by the International Confederation of Free Trade Unions and the World Confederation of Labour and a complaint concerning the alleged non-observance by Poland of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 37) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), made by workers' delegates to the sixty-eighth (1982) session of the International Labour Conference.

The Committee's conclusions are part of document GB.221/6/19 of the two hundred and twenty-first session, 16-19 November 1982, paragraphs 73 to 98.

Some of the communications submitted to me also contained similar allegations.

The Governing Body of the ILO is scheduled to convene from 1-4 March 1983 to continue the examination of the issues before it.

Therefore, at this stage, the consideration of the subject is expected to be completed by the ILO.

49/ Ibid.

50/ "Les Obligations Internationales de la Pologne en Matière de Droits de l'Homme", (published in Paris on 1 February 1982 by "The Committee of Jurists for the Respect of Human Rights in Poland".

51/ Amnesty International Index: EUR 37/13/82.

V. CONCLUSIONS

52. The Commission on Human Rights requested the Secretary-General or a person designated by him to undertake a thorough study and to present a comprehensive report to the Commission. The Secretary-General designated me to follow the situation in Poland on his behalf.

In view of the fact that I did not have the possibility to visit Poland and, in particular, that I thus was not in a position to verify the allegations contained in Chapter IV, I had no other choice than to limit my analysis of the situation to the normative aspects of the question relating to the application of the relevant international instruments ratified by Poland. Accordingly, the report presented to the Commission on Human Rights had to be limited to the above-mentioned aspects.

53. From the normative point of view, there are two different types of problems dealt with under the generic subject of human rights. Firstly, those problems covered by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966, ratified by Poland on 18 March 1977. Secondly, those problems relating specifically to the freedom of association, as provided for in Articles 22 and 8, of the above-mentioned International Covenant, respectively, and in relevant ILO Conventions also ratified by Poland.

54. The Government of Poland introduced martial law on 13 December 1981. Parliament approved the law on 25 January 1982, based on article 33 of the Polish Constitution and on article 4 of the International Covenant on Civil and Political Rights. This was communicated to the Secretary-General by a note from the Permanent Representative of Poland to the United Nations dated 29 January 1982. 52/ In sum, the Government based the new legislation upon international rules that it had accepted and on its own Constitution. The reason invoked for its decision was based on the "exigencies of averting a civil war, economic anarchy as well as destabilization of State and social structures". At the same time the Government stated that the restrictions were of a temporary nature and would terminate with the stabilizing of the situation.

55. Inasmuch as the specific problem of freedom of association is concerned, as governed by article 22 of the International Covenant on Civil and Political Rights and article 8 of the International Covenant on Economic, Social and Cultural Rights and by the ILO Conventions Nos. 87 and 98, the Government of Poland adopted a new law on trade unions on 18 October 1982. 53/ The new law gives a new trade union structure to the country, abolishing all the existing organizations, because of the "political actions contrary to the statutes of the trade union and to national legislation", 54/ undertaken by some of them.

56. The new trade union law is the subject of a thorough analysis by the ILO. 55/ In that analysis doubts are expressed concerning the compatibility of the new trade-union law with the above-mentioned ILO Conventions. 56/ The procedures

52/ For the text of the note see chapter II above.

53/ See Annex No. II of this report.

54/ GB.219/6/17, *op.cit.*, p. 137, para. 730.

55/ See document GB 221/6/19 of the Governing Body of the ILO.

56/ *Ibid.* paras. 90-97.

followed in the ILO in regard to the complaints to the effect that Convention No. 87 governing Freedom of Association and Protection of the Right to Organize has not been complied with, have yet to be completed. 57/

57. On 21 December 1982 the Government of Poland informed the Secretary-General that, further to its earlier decision 58/ to declare martial law as a temporary measure, laws had been passed on 18 December 1982 suspending the emergency legislation. 59/

It would seem, however, that some of the provisions introduced by the new law, limiting the capacity to choose new employment, and the provisions modifying articles of the penal code still appear not to be in complete conformity with the provisions of the Covenants.

58. As regards allegations concerning the situation of political prisoners, it is not possible to make any evaluation without a verification in loco in direct consultation with those concerned and primarily the Polish authorities.

59. A number of positive steps have been taken by the Government of Poland, such as the adoption of specific legal regulations during the period of suspension of martial law that eliminates most of the rigours of life under martial law. These regulations considerably limited the competence of military courts with respect to civilians, lifted most of the restrictions on freedom of movement and, in particular, completely lifted internments. Notwithstanding such indications I would hope that further measures for normalization will be taken in order to satisfy all the requirements established by international instruments ratified by Poland in pursuance of the aspirations of the Polish people.

57/ See Chapter IV, section D: The Right to Freedom of Association.

58/ As mentioned in para. 11 above, that decision was communicated to the Secretary-General under cover of a note dated 29 January 1983; see also Chapter II above.

59/ See Annex No. IV of this report.

ANNEX I

DECREE

of 12 December 1981

concerning the state of war

Guided by the need to ensure increased protection of the fundamental interests of the State and the citizens, for the purpose of creating conditions for effective protection of the sovereignty and independence of the Polish People's Republic and of peace, law and public order, and also with a view to ensuring the efficient functioning of authority, the State administration and the national economy during the period of validity of a state of war, in accordance with article 33, paragraph 2, of the Constitution of the Polish People's Republic, the Council of State hereby decrees as follows:

Chapter I

General provisions

Article 1. 1. A state of war shall be introduced in part of or throughout the territory of the Polish People's Republic if considerations of the defences or security of the State so require.

2. A state of war throughout the territory of the Polish People's Republic shall be introduced on the grounds of the defences of the State in the event of danger of violation of the sovereignty and independence of the Polish People's Republic or on the grounds of the security of the State in the event of a serious risk to or violation of peace, law and public order in the country.

3. A state of war in part of the territory of the Polish People's Republic shall be introduced on the grounds of the security of the State within the boundaries of one or more provinces, towns or communes (towns and communes) in the event of a serious risk to or violation of peace, law and public order in the area concerned.

Article 2. 1. A state of war shall be introduced by a resolution of the Council of State specifying the territory, the date and the grounds on which the state of war has been introduced. A state of war shall be terminated in the same manner.

2. The resolution concerning the introduction or termination of a state of war shall be promulgated in the Dziennik Ustaw of the Polish People's Republic and also published in the mass communication media.

Article 3. 1. The President of the Council of State shall issue a notice concerning the introduction of a state of war and the effects arising out of its introduction with regard to the obligations and rights of citizens.

2. The provincial governors in whose area of operations a state of war has been introduced shall ensure that the notices referred to in paragraph 1 are posted in generally accessible places and also that the content of such a notice and other information concerning the state of war are brought to public knowledge through the regional media of mass communication, public radiodistribution systems, public address systems and intra-establishment radio installations, or in another manner customarily adopted in that area.

Article 4. 1. The introduction of a state of war shall temporarily cause:

- (1) The suspension or restriction of the fundamental rights of citizens defined in the Constitution of the Polish People's Republic, in other statutes and in international treaties to which the Polish People's Republic is a party, and in particular: inviolability of the person (article 87, paragraph 1, of the Constitution), inviolability of the home and the secrecy of correspondence (article 87, paragraph 2, of the Constitution), the right of association (article 84, paragraph 1, of the Constitution), and freedom of speech, of the press, of assembly, and of meetings, processions and demonstrations (article 83, paragraph 1, of the Constitution);
- (2) Changes in the field of labour law;
- (3) The imposition of special obligations on citizens and organizational units which are not units of the socialized economy;
- (4) Subordination of the activity of all organs of authority and State administration, organizational units of the socialized economy and social organizations to the interests of the State and the people;
- (5) Institution of special liability of citizens, including public officials, for non-observance of the legal order and for unconscientious performance of obligations to the State,

within the field and on the principles defined in the Decree and other statutory provisions concerning the state of war.

2. The introduction of a state of war shall likewise create an obligation of performance by Polish citizens of the universal duty of defence defined in the provisions of the Act concerning the Universal Duty of Defence of the Polish People's Republic, in accordance with the provisions of the resolution of the Council of State concerning the introduction of a state of war.

Article 5. 1. The introduction of a state of war shall produce, during the period of validity thereof, the effects defined in the Decree and other statutory provisions concerning the state of war in relation to all Polish citizens who are within the boundaries of the units of administrative division of the State in which the state of war has been introduced, and to their property situated within those boundaries.

2. The introduction of a state of war shall produce, during the period of validity thereof, the effects defined in the Decree and other statutory provisions concerning the state of war in relation likewise to aliens who are within the boundaries of the units of administrative division of the State in which the state of war has been introduced, and also in relation to their property situated within those boundaries and the property of other natural and legal persons who are (who have their headquarters) abroad, unless the provisions of the Decree, of other statutes, of international treaties to which the Polish People's Republic is a party, or of universally recognized international customs provide otherwise, subject to reciprocity.

Article 6. 1. During the period of validity of a state of war, the Council of Ministers may adopt the necessary resolutions for the purpose of protecting public order, the interests of the State and the rights of the citizens.

2. During the period of validity of a state of war, on the basis of the resolutions referred to in paragraph 1, or on their own initiative in matters not governed by statutory provisions, the Chairman of the Council of Ministers and the provincial governors may issue the necessary disciplinary instructions for the purpose of protecting peace, law and public order.

3. The provincial governors may likewise issue disciplinary instructions on matters falling within the competence of the provincial (equivalent) People's Councils, with the exception of matters concerning socio-economic plans for the development of a region and the regional budget.

Article 7. 1. In time of war, specified areas of the Polish People's Republic may be recognized by the Council of State as a zone of military operations.

2. The boundaries of a zone of military operations and the principles of functioning of the organs of the State in such a zone shall be determined by the Council of State on the proposal of the Minister of National Defence.

3. In the event that the organs of State administration are not functioning in a zone of military operations, their functions shall be performed by the military organs specified by the Minister of National Defence.

Chapter II

Rights and obligations of citizens during the period of validity of a state of war

Article 8. 1. The competent organs of State administration may, if the interests of the security or defences of the State so require, introduce restrictions on the freedom of movement of persons, consisting in an order to remain in or leave, or a prohibition on remaining in or leaving, designated places, installations and areas at a specified time ("curfew").

2. In the cases referred to in paragraph 1, an instruction shall be issued by:

- (1) The Minister of the Interior if the region covered by the order or prohibition comprises the territory of the whole State or the area of more than one province;
- (2) The provincial governor if the region covered by the order or prohibition comprises the area of a whole province or of one or more towns or communes (towns and communes) situated within the boundaries of that province.

3. In the instructions referred to in paragraph 2, the competent organs of State administration shall specify the places, installations or areas covered by the order or prohibition, the time of their validity and the categories of persons exempted from such orders and prohibitions.

Article 9. Every person who is in a public place shall be under a duty to carry on his person a document attesting his identity, and school pupils over 15 years of age a school identity card or temporary identity card.

Article 10. 1. The Minister of the Interior may introduce by ordinance an obligation:

- (1) To obtain prior permission for a change of place of permanent or temporary residence entailing removal to another locality;
- (2) To register before the expiry of 12 hours from the time of arrival in a specified locality.

2. The permission referred to in paragraph 1, subparagraph (1), shall be granted by the chief official competent for the existing place of permanent or temporary residence of the person who intends to change his place of residence, if such change does not endanger the interests of the security or defences of the State.

3. The Minister of the Interior shall determine by ordinance the principles and mode of procedure in the cases referred to in paragraph 1, and may also exempt specified categories of persons from such obligations.

Article 11. 1. For permanent residence in a frontier zone, prior permission shall be obtained from the chief official, and for temporary residence in such a zone prior permission from the local commandant (station commander) of the Civic Militia, competent for the intended place of permanent or temporary residence of the person who is moving to the frontier zone.

2. In the cases referred to in paragraph 1, the provisions concerning domicile and residence in a frontier zone shall apply as appropriate, with the modifications arising out of paragraph 1.

3. The Minister of the Interior may by ordinance exempt specified categories of persons from the obligation to obtain permission for permanent or temporary residence in a frontier zone.

Article 12. Touring and also sailing and rowing for sport are prohibited on home and territorial marine waters.

Article 13. 1. The convening and holding of assemblies of any kind and the organization and holding of public artistic performances, entertainments and sporting events and of public collections shall require the prior permission of the competent organ of State administration.

2. The provision of paragraph 1 shall not apply to the religious services and rites of churches and denominational congregations or to collections for religious purposes taking place (conducted) on the premises of churches, chapels and houses of prayer designated exclusively for such purposes.

3. The Minister of the Interior shall determine by ordinance the general principles of performance of the obligations referred to in paragraph 1 and may wholly or partly exempt specified kinds of assemblies, public artistic performances, entertainments, sporting events and public collections from the obligation to obtain permission.

4. The competent organ of State administration shall refuse to grant the permission referred to in paragraph 1 if the convening and holding of an assembly or the organization and holding of a performance or collection would endanger the interests of the security or defences of the State.

5. Permission to hold an assembly, to organize a public artistic performance, an entertainment or a sporting event or to take a public collection shall be

granted as appropriate in the manner prescribed in the provisions concerning assemblies, public artistic, entertainment and sporting activity and public collections.

Article 14. 1. The right to strike and to hold protest actions is suspended.

2. Participation in a strike constitutes a grave violation by a worker of the fundamental obligations of labour, and organizing or leading a strike or protest action may be held to cause a serious disruption in the functioning of the national economy.

Article 15. 1. If the activity of a society, a trade union, an association or a social or professional organization strikes at the political and social system or the legal order of the Polish People's Republic or otherwise endangers the interests of the security or defence of the State, and also for other valid reasons, the said activity may be suspended by:

- (1) The Chairman of the Council of Ministers in the case of societies of higher utility, trade unions, associations and social and professional organizations;
- (2) The provincial governors in the case of registered and ordinary societies, associations and social and professional organizations whose field of activity comprises the area of a province.

2. The provisions of paragraph 1 shall not apply to churches or denominational congregations.

3. The organs referred to in paragraph 1 who suspend the activity of a society, a trade union, an association or an organization shall determine the method of dealing with its property.

Article 16. The activity of self-management of the personnel of State enterprises (establishments) shall be suspended within the sphere determined by ordinance by the Council of Ministers.

Article 17. 1. The dissemination of publications and displays with the aid of printing, images or the spoken word shall require prior permission from the organs of supervision of publications and displays, with the exception of the publications and displays defined in article 4, paragraph 1, subparagraphs 1-7, 10, 12, 15, 16, 20 and 21, of the Act of 31 July 1961 concerning the Supervision of Publications and Displays (Dziennik Ustaw No. 20, item 99).

2. The use of polygraphic plant, of equipment and apparatus producing printed matter and illustrations by any method, and of plant producing seals and stamps, which are owned by:

- (1) Natural persons, societies, associations, trade unions or social and professional organizations is prohibited;
- (2) State and co-operative organizational units is permitted only with the written permission and under the supervisor of the Minister (director of the central office or institution), the chairman of the central board of the co-operative association or the provincial governor to whom the unit concerned is directly or indirectly responsible.

3. The Director of the Principal Department of Supervision of Publications and Displays, with the approval of the President of the Council of State and the Chairman of the Council of Ministers, shall prescribe by instruction the principles and procedure for granting permission and for dealing with the matters referred to in paragraphs 1 and 2, and may also exempt, wholly or in part, specified publications and displays and the plant, equipment and apparatus referred to in paragraph 2, subparagraph (2), from the obligation to obtain permission.

4. The organs of supervision of publications and displays shall not grant the permission referred to in paragraph 1 if the dissemination of the publications or displays or the use of the plant or equipment would endanger the interests of the security or defences of the State.

Article 16. 1. The Council of Ministers may introduce by ordinance censorship of postal dispatches and telecommunicated correspondence and the monitoring of telephone conversations, specifying at the same time the organs of censorship competent in those matters.

2. The Minister of the Interior, in agreement with the Minister of Communications, shall appoint the organs of censorship of communications and the Minister of National Defence the organs of military censorship. The field and principles of operation of the organs of censorship shall be determined by the Ministers of the Interior and National Defence, each in his own sphere of operations, in conjunction with the Minister of Communications.

3. The organs of censorship shall be entitled to detain postal dispatches and telecommunicated correspondence wholly or in part and to interrupt telephone conversations if their content may endanger the interests of the security or defences of the State. The decisions of the organs of censorship in such cases shall be final and shall not be subject to appeal.

4. Postal dispatches and telecommunicated correspondence which have been detained shall be subject to confiscation for the benefit of the State Treasury without compensation.

Article 17. 1. The owners of radio transmitting and transmitting-receiving equipment may, if the interests of the security or defences of the State so require, be obliged to place the said equipment in deposit.

2. The principles and mode of procedure in the matters referred to in paragraph 1 shall be determined by the Council of Ministers by ordinance.

Article 20. The provincial governors may introduce a prohibition on the making of photographs, cinematograph films and televised images of specified objects and places or in designated areas if the interests of the security or defences of the State so require.

Article 21. 1. The owners of small arms and of hunting and sporting weapons and also the owners of ammunition and explosives may, if the interests of the security or defences of the State so require, be obliged to place the said arms, ammunition and explosives in deposit.

2. The Minister of the Interior shall determine by ordinance the principles and mode of procedure in the matters referred to in paragraph 1 and may in the same manner introduce a prohibition on carrying arms of any kind or other articles and implements the use of which may endanger public order.

Article 22. The Minister of the Interior may introduce a prohibition on the use of specified badges and uniforms if the interests of the security or defences of the State so require.

Chapter III

Principles of procedure in extraordinary circumstances connected with the defences and security of the State

Article 23. Extraordinary circumstances within the meaning of the Decree shall be cases in which:

- (1) A general danger is caused to the life, health or freedom of the citizens;
- (2) A direct danger or threat is caused to public, individual or personal property on a significant scale;
- (3) A danger or threat is caused to installations which are important to the defences or security of the State;
- (4) Buildings of the State administration or of political and social organizations, and also important installations and equipment of the national economy, are directly threatened or occupied.

Article 24. 1. The task of ensuring public security in extraordinary circumstances shall fall within the sphere of operations of the Civic Militia in accordance with the provisions in force.

2. In extraordinary circumstances in which the action of the Civic Militia proves insufficient, units and subunits of other formations and organizations assigned to the protection of public order or public property, and of the armed forces, may be used to assist.

Article 25. 1. The use in extraordinary circumstances of compact units and subunits of the Civic Militia and other formations and organizations assigned to the protection of public order or public property shall be effected on the basis of a decision taken by the provincial commandant of the Civic Militia after first obtaining the approval of the chairman of the provincial defence committee.

2. The use of units and subunits of the armed forces in extraordinary circumstances shall be effected on the proposal of the chairman of the provincial defence committee on the basis of a decision taken by the officer commanding the military district after first obtaining the approval of the Minister of National Defence.

Article 26. 1. In extraordinary circumstances use may be made of means of direct coercion, including chemical incapacitating agents and water cannon, and in exceptional cases in which a danger, a threat or an outrage cannot otherwise be avoided, fire-arms may also be used.

2. The use of chemical incapacitating agents and water cannon in extraordinary circumstances shall be effected on the basis of a decision taken by the provincial commandant of the Civic Militia and, in the case of the armed forces, by the officer commanding the military district.

3. The use of fire-arms by compact units and subunits shall be effected on the basis of a decision taken by the Minister of the Interior, and in the case of the armed forces on the basis of a decision taken by the Minister of National Defence. The adoption of such decisions shall require prior approval by the Chairman of the Committee for the Defence of the Country.

4. In cases in which any delay would present a direct danger to the life or health of people or to public property on a significant scale, the decisions referred to in paragraphs 2 and 3 shall be taken by the officer commanding the unit (subunit), who shall be bound to notify his superior immediately of every case in which such means are used.

5. In the case of troops under the authority of the Minister of the Interior, the powers of the officer commanding the military district and the Minister of National Defence as defined in paragraphs 2 and 3 and in article 25, paragraph 2, shall vest as appropriate in the competent officer commanding the troops and the Minister of the Interior.

Article 27. 1. The use in extraordinary circumstances of means of direct coercion and of fire-arms by officials of the Civic Militia, by workers (members) of formations (organizations) assigned to the protection of public order or public property and by soldiers shall be effected in accordance with the principles laid down in the provisions in force concerning the procedure for the use of such means and arms.

2. The detailed rules and procedure for the use of compact units and subunits and for the use of means of direct coercion and fire-arms by such units and subunits in extraordinary circumstances shall be laid down by the Minister of the Interior and the Minister of National Defence.

Article 28. 1. During the period of validity of a state of war, formations and organizations assigned to the protection of public order or public property, with the exception of the armed forces, shall in operational matters be under the authority of the Minister of the Interior and the organs of the Civic Militia, irrespective of any other authority over such formations and organizations.

2. The Minister of the Interior may direct that members of the Civic Militia Voluntary Reserve and of other formations and organizations assigned to the protection of public order or public property shall be equipped with means of direct coercion and in specially justified cases with fire-arms also.

3. The Council of Ministers shall determine the powers of the Minister of the Interior and the organs of the Civic Militia in relation to the formations and organizations referred to in paragraph 1, and also the principles and mode of procedure to be followed in the cases referred to in paragraph 2 and the principles for the use of means of direct coercion and fire-arms by workers (members) of such formations and organizations.

Chapter IV

Functioning of the State administration and the national economy
during the period of validity of a state of war

Article 29. 1. The Council of Ministers may introduce by ordinance a general duty for the performance of work by persons over 15 years of age who have not attained pensionable age as defined in the provisions concerning the grant of pensions and who are fit for work from the standpoint of health and of personal and family circumstances. In the case of workers, the duty relates to the nature and conditions of work prescribed by the labour relationship entered into and the provisions of labour law, and, in the case of persons who are not employed at a workplace or are employed at a non-socialized workplace carrying on an activity which does not satisfy fundamental requirements of the population, it consists in reporting, within the time-limit and at the place brought to public knowledge by the chief official competent for the place of permanent residence, in order to obtain an order of assignment to a socialized workplace and to take up and perform work of a specified kind for the benefit of the workplace designated in the assignment order issued, on the terms prescribed in the said assignment order and the provisions of labour law.

2. The chief official competent for the location of the workplace may transfer workers to other workplaces situated in his area of operations, and the manager of a workplace may allot additional tasks to a worker and entrust to him work of a different nature in the same or another locality, even without the worker's consent, if the worker possesses the necessary qualifications and the state of his health and his personal and family circumstances present no obstacle to this.

3. For three days from the date of service of the decision referred to in paragraph 2, the worker shall have the right to lodge an appeal to the appeals board for labour matters. The lodging of an appeal shall not delay the execution of the decision.

4. The worker shall be under a duty to work six days a week. In case of special need at the workplace, the manager of the workplace may introduce a duty to work on days statutorily free from work, with the proviso that a worker working extended time shall be entitled to one day a month free from work.

5. Daily working time shall not exceed eight hours out of 24. In case of special need at the workplace, the manager of the workplace may extend daily working time to 12 hours out of 24, with the exception of working time on days statutorily free from work and of workers employed on specially arduous tasks or under conditions harmful to health.

6. Work performed in extended working time shall constitute overtime.

7. A worker shall be entitled to paid rest leave at the rate of one day per month worked. Minors and workers employed on specially arduous tasks or under conditions harmful to health shall be entitled to one additional day of paid leave per three months worked. A worker who has worked extended time shall be entitled to one additional day of paid leave per month worked on extended time. The grant of leave without pay and of ad hoc vacations is suspended.

8. The Council of Ministers shall determine by ordinance the principles of application of the provisions of paragraphs 2-7 and the categories of persons not subject to the general duty to perform work, and may also issue provisions

standardizing the labour relationship, social insurance benefits and the social welfare activity of workplaces for the benefit of the workers in a manner different from the provisions of labour law.

Article 30. 1. - The Council of Ministers may by ordinance impose on natural and legal persons who own farms special services for the benefit of the food supply, consisting in:

- (1) Deliveries of specified agricultural products for the benefit of the State;
- (2) The cultivation of specified kinds of plants;
- (3) The utilization of agricultural land and of farm implements and installations for purposes of agricultural production,

and may also introduce restrictions on trade in and processing of specified agricultural products.

2. A service of the kind referred to in paragraph 1, subparagraphs (1) and (2), arising out of a final decision of the competent organ of State administration shall, in the event of its non-performance, be administratively enforced.

3. Farms, agricultural land and farm implements or installations which are not utilized for purposes of agricultural production shall on the basis of a decision of the competent organ of State administration be handed over temporarily, for use free of charge, to other natural or legal persons who will ensure their proper husbandry.

4. The Council of Ministers shall determine by ordinance the scope of the services referred to in paragraph 1 and the principles and manner of performing them, and also the principles of administrative enforcement.

Article 31. 1. The Council of Ministers may introduce by ordinance total or partial regulation of the supply of essential foodstuffs and certain articles other than food to the population

2. The Minister of Inland Trade and Services, in agreement with the competent Minister in the case of the territory of the whole State, and the provincial governor, within the boundaries of individual units of administrative division of the State, may in justified cases restrict or suspend the sale of articles not covered by the supply regulations and also the rendering by socialized and non-socialized service establishments of certain kinds of consumer services to the population.

3. The Council of Ministers shall determine by ordinance the scope and principles of the regulation of supply to the population.

Article 32. 1. The Council of Ministers may by ordinance introduce leasing of premises and buildings on the basis of an administrative decision concerning the appropriation for all premises and buildings.

2. In cases justified by the need to house persons deprived of their homes as a result of military operations, the chief official may allot dwellings vacated by the tenant, housing co-operative member or owner, and may likewise quarter persons in a part of a dwelling which constitutes a surplus of habitable floor space over and above the standards in force and which comprises at least one room.

3. In cases justified by special economic or social considerations, the chief official may give a decision for the total or partial evacuation of working premises occupied by a government department or State institution or by a unit of the socialized economy without at the same time allotting replacement premises, and may allot the evacuated working premises to other users.

4. Immovable property needed for the defence of the State or for the performance of important socio-economic tasks may be expropriated.

5. The Council of Ministers shall determine by ordinance the principles and mode of procedure to be followed in the cases referred to in paragraphs 1-4 and the standard habitable floor space to which one person is entitled, which shall not be less than 5 m². The provisions laid down by the Council of Ministers may regulate matters of leasing and expropriation in a manner different from local law and civil law.

Article 33. The Council of Ministers is hereby empowered to introduce by ordinance the necessary changes in the scope and principles of:

- (1) The creation, performance and extinction of fiscal obligations and the enforcement of fiscal obligations;
- (2) The accumulation of monetary resources, monetary transactions, financial services and the grant of credit;
- (3) Obligatory and voluntary property insurance and personal insurance

in the case of natural persons, legal persons other than units of the socialized economy, and other non-socialized organizational units not possessing legal personality.

Article 34. If as a result of obstacles created by military operations the registration of civil status cannot be carried on in the manner prescribed in the provisions of the law on records of civil status and of the Family and Guardianship Code, notification of the birth of a child, declaration of the recognition of a child, marriage and notification of death may be effected on simplified principles determined by ordinance by the Minister of the Interior in agreement with the Minister of Justice.

Article 35. The Council of Ministers may by ordinance wholly or partly halt or restrict the operation of specified communications equipment and the performance of postal and telecommunication services.

Article 36. The Minister of Communications may introduce a total or partial prohibition or restriction of the carriage of persons and goods by road, rail, air and waterway and may also direct the acceptance of consignments for carriage under specified conditions.

Article 37. The Minister of National Defence may introduce a total or partial prohibition or restriction on flights by Polish and foreign aircraft in the airspace above the land area, home waters and territorial sea of the Polish People's Republic

Article 38. 1. The Minister of Communications may introduce a total or partial prohibition or restriction of the movement of railway rolling-stock and of aerial-cable and cable-railway transport equipment for public use, and also of the movement of Polish and foreign vessels on inland waters.

2. The Minister Director of the Marine Economy Department may introduce a total or partial prohibition or restriction of the movement of Polish and foreign vessels on marine home waters and the territorial sea.

3. The Minister of Communications in the case of the territory of the whole State or the area of two or more neighbouring provinces, and the provincial governors within the boundaries of individual units of administrative division of the State, may introduce a total or partial prohibition or restriction of the movement of motor vehicles on public highways.

Article 39. 1. The Minister of the Interior may totally or partially halt or restrict frontier passenger and goods traffic through frontier crossings.

2. The Minister of the Interior, in agreement with the Minister of National Defence, may determine by ordinance the principles for the issue of documents entitling Polish citizens to cross the State frontier.

3. The Minister of the Interior and the Minister for Foreign Affairs, in agreement with the Minister of National Defence, may determine by ordinance the principles for the issue of documents entitling aliens to cross the State frontier, the principles governing their stay in the territory of the State and the principles for dealing with the diplomatic representatives of foreign States accredited to the Polish People's Republic and with other persons assimilated thereto on the basis of statutes, of international treaties to which the Polish People's Republic is a party, or of universally recognized international customs.

Article 40. 1. If the interests of the security or defence of the State or the legitimate needs of the national economy so require, the provincial governors may appoint commissioners to direct the performance of statutory economic and socio-cultural tasks by co-operatives and federations thereof.

2. The provision of paragraph 1 shall not apply to the central federations of co-operatives.

3. The Council of Ministers shall determine by ordinance the principles and mode of procedure to be followed in the matters referred to in paragraph 1 and the powers and duties of the commissioners.

Article 41. 1. Road, rail, air and water transport equipment that is in the territory of the Polish People's Republic and that belongs to States in relation to which the decision on a state of war has been adopted shall be seized or requisitioned.

2. The principles and mode of procedure to be followed in the matters referred to in paragraph 1 shall be determined by ordinance by the Minister for Foreign Affairs in agreement with the Minister of Communications and the Minister Director of the Marine Economy Department.

Chapter V

Preventive measures

Article 42. 1. Polish citizens over 17 years of age concerning whom, in view of their behaviour hitherto, a legitimate suspicion arises that if they remain at liberty they will not uphold the legal order or will engage in activity which endangers the interests of the security or defence of the State may be interned in isolation centres for the duration of the validity of the state of war. Such decisions shall not affect immunities arising out of special provisions.

2. The provision of paragraph 1 shall likewise apply to the citizens of States in relation to which the decision on a state of war has been adopted, and also to citizens of other States and stateless persons. Subject to reciprocity, however, the heads and officials of the diplomatic missions and consular offices of foreign States and other persons assimilated thereto on the basis of statutes, of international treaties to which the Polish People's Republic is a party, or of universally recognized international customs shall not be interned.

Article 43. 1. The proceedings in cases of internment shall be conducted ex officio and the decisions on internment shall be made by the provincial commandant of the Civic Militia in whose area of operations the person concerned by the proceedings is to be found or was to be found before he went into hiding.

2. The proceedings in a case of internment may be conducted without the participation of the person whom they concern.

3. The decision on internment shall be served on the internee personally by an official of the Civic Militia at the moment of arrest. The decision on internment shall be enforced immediately.

4. The internee shall have the right to lodge a complaint against the decision on internment with the Minister of the Interior and, in the case of aliens, with the Appeals Board for Aliens Internment Cases appointed by the Council of Ministers. The lodging of a complaint shall not delay the execution of the decision on internment.

5. Internment shall be terminated during the period of validity of the state of war if the grounds justifying internment cease to exist during that period.

6. The detailed rules for proceedings in cases of internment and the organization, composition and mode of operation of the Appeals Board for Aliens Internment Cases shall be determined by the Council of Ministers by ordinance.

Article 44. The Procurator General of the Polish People's Republic and his subordinate procurators shall supervise the observance of the law in cases of internment in accordance with the principles and procedure for procuratorial supervision of observance of the law.

Article 45. 1. The Minister of Justice in agreement with the Minister of the Interior shall establish and close down isolation centres and shall lay down by ordinance regulations for the stay of internees in such centres. Isolation centres shall be under the authority of the Minister of Justice.

2. The provisions of the Penal Code applicable in the sphere of penitentiary surveillance and provisional detention shall apply as appropriate to internment.

Chapter VI

Penal provisions

Article 46. 1. Any person who, being a member of a society, a trade union, an association or an organization whose activity has been suspended, has not desisted from participation in such activity shall be liable to a penalty of deprivation of liberty for not more than three years.

2. Any person who organizes or leads a strike or protest action shall be liable to a penalty of deprivation of liberty for not more than five years.

3. Any person who takes or uses a motor vehicle in order to utilize it in carrying out a strike or protest action shall be liable to a penalty of deprivation of liberty for not more than three years.

4. If the motor vehicle referred to in paragraph 3 is public property, the offender shall be liable to a penalty of deprivation of liberty for not more than five years and to a fine.

5. Any person who, for the purpose of carrying out a strike or protest action or while one is in progress, compels another person by force, unlawful menaces or deceit to refrain from taking up or performing work shall be liable to a penalty of deprivation of liberty for not more than five years.

6. Any person who, for the purpose of carrying out a strike or protest action, destroys, damages or renders unfit for use any plant or equipment or makes it impossible or difficult for plants, equipment or institutions to function properly shall be liable to a penalty of deprivation of liberty for not less than one year and not more than 10 years and to a fine.

7. The court may adopt an extraordinary measure in mitigation of the penalty or refrain from applying it to the perpetrator of an offence defined in paragraphs 1 and 2 who has voluntarily desisted from participation in the activity, strike or protest action and has endeavoured to induce the other participants in that activity, strike or action to do the same.

Article 47. 1. Any person who acts to the advantage of the enemy or to the detriment of the interests of the security or defences of the Polish People's Republic or of an allied State shall be liable to a penalty of deprivation of liberty for a term of not less than three years.

2. The provision of paragraph 1 shall not apply where the act exhausts the characteristics of another offence.

Article 48. 1. Any person who, for the purpose of weakening the defence readiness of the Polish People's Republic, disseminates information which may weaken the said readiness shall be liable to a penalty of deprivation of liberty for not less than one year and not more than eight years.

2. Any person who disseminates false information shall, if the same may cause public anxiety or riot, be liable to a penalty of deprivation of liberty for not less than six months and not more than five years.

3. Any person who, for purposes of dissemination, makes, collects, keeps, carries, transfers or sends any letter, printed matter, recording or film containing information as defined in paragraphs 1 and 2 shall be liable to a penalty of deprivation of liberty for not more than five years.

4. Any person who commits the act defined in paragraph 1 or 2 through the use of the press or another mass communication medium shall be liable to a penalty of deprivation of liberty for not less than one year and not more than 10 years.

5. The provisions of article 254 of the Penal Code shall apply as appropriate to the offences defined in paragraphs 1-3.

6. On passing sentence for the offences defined in paragraphs 1-4 the court may order the confiscation of instruments and other articles which were used or intended for the commission of the offence even if they were not the property of the offender.

Article 49. 1. Articles 256 and 257 of the Penal Code shall likewise apply to persons interned in isolation centres.

2. The offences defined in article 271, paragraph 1, article 282 and article 287 of the Penal Code shall be punishable solely by deprivation of liberty for not more than five years.

3. On passing sentence for an offence committed from base motives during the period of validity of a state of war, the court shall order deprivation of public rights and may also order the confiscation of all or some property.

Article 50. 1. Any person who participates in a strike or protest action shall be liable to a penalty of detention for not more than three months or to a fine of not more than 5,000 zlotys. The provision of article 46, paragraph 7, shall apply as appropriate.

2. Any person who changes his place of permanent or temporary residence or moves to a frontier zone without the required permission or in breach of the terms thereof shall be liable to a penalty of detention for not more than three months or to a fine of not more than 5,000 zlotys.

3. Any person who contravenes restrictions on freedom of movement which have been introduced shall be liable to a penalty of detention for not more than one month or to a fine of not more than 5,000 zlotys.

4. Any person who tours, or sails or rows for sport, on home or territorial marine waters shall be liable to a fine of not more than 5,000 zlotys.

5. Any person who, being in a public place, is not carrying a document attesting his identity (school identity card) shall be liable to a fine of not more than 500 zlotys.

6. Any person who makes photographs, cinematograph films or televised images of prohibited objects or places or in prohibited areas shall be liable to a penalty of detention for not more than three months or to a fine of not more than 5,000 zlotys. The provision of article 48, paragraph 6, shall apply as appropriate.

7. Any person who, in breach of a prohibition or restriction which has been introduced, performs the carriage of persons or goods or accepts for carriage consignments which do not satisfy the required conditions shall be liable to a penalty of detention for not more than three months or to a fine of not more than 5,000 zlotys.

8. Any person who, in breach of a prohibition or restriction which has been introduced, flies an aircraft in Polish airspace, travels by vessel on inland waters, marine home waters or the territorial sea, drives railway rolling-stock or transport equipment for public use or drives a motor vehicle on the public highway shall be liable to a penalty of detention for not more than three months or to a fine of not more than 5,000 zlotys.

Article 51. 1. Any person who, in breach of a general duty to perform work, without a good and sufficient reason fails to report within the appointed time-limit at the appointed place for the purpose of obtaining an order of assignment to a socialized workplace or fails to take up work in accordance with the assignment order issued shall be liable to a fine of not more than 5,000 zlotys.

2. Any person who, in breach of a general duty to perform work, without a good and sufficient reason evades performance of the work prescribed by the labour relationship entered into and the provisions of labour law, evades performance of the tasks allotted or the work entrusted to him or refuses a transfer to another workplace which has been ordered shall be liable to a fine of not more than 5,000 zlotys.

3. Any person who fails to utilize for purposes of agricultural production, agricultural land or farm implements or installations owned by him or who, being under a duty to do so, fails to cultivate specified kinds of plants or to make deliveries of specified agricultural products for the benefit of the State shall be liable to a penalty of detention for not more than three months and to a fine of not more than 5,000 zlotys.

4. Any person who obstructs or prevents the performance of obligations to cultivate specified kinds of plants, or to make deliveries of specified agricultural products for the benefit of the State, by a person under such obligations shall be liable to a penalty of detention for not more than three months and to a fine of not more than 5,000 zlotys.

5. Any person who trades in or processes specified agricultural products in breach of a restriction which has been introduced shall be liable to a fine of not more than 5,000 zlotys.

6. Any person who contravenes the principles of the regulations on supply to the population shall be liable to a penalty of detention for not more than three months and to a fine of not more than 5,000 zlotys.

7. Any person who prevents a person entitled to do so from occupying a dwelling allotted to him or who persistently obstructs the enjoyment of an allotted part of a dwelling shall be liable to a fine of not more than 5,000 zlotys.

Article 52. The offences defined in article 52, paragraph 1, article 54, article 56, paragraph 1, article 63, paragraph 1, article 65, paragraphs 1 and 2, article 66, paragraph 1, article 67, paragraph 1, article 68, paragraphs 1 and 2, and article 147 of the Code of Offences and also in article 17 of the Act of 31 July 1981 concerning the Supervision of Publications and Displays (Dziennik Ustaw No. 20, item 99) shall also be punishable by detention for not more than three months, and the offences defined in article 54, article 61, paragraph 1, article 66, paragraph 1, article 118, paragraph 1, article 122, paragraph 2, and article 156 of the Code of Offences also by a fine of not more than 5,000 zlotys.

Chapter VII

Transitional and final provisions

Article 53. 1. During the period of validity of a state of war, in individual cases which fall within the competence of the organs of State administration referred to in chapters II and IV and which are settled by administrative decision, a party shall not be entitled to appeal to an organ of State administration at a higher level unless a special provision of the Decree or of a text issued on the basis thereof prescribes otherwise.

2. The decisions in the cases referred to in paragraph 1 shall not be subject to appeal to the administrative court.

Article 54. 1. Administrative proceedings in the cases referred to in chapters II and IV instituted before the date of introduction of a state of war shall thereafter be conducted in accordance with the provisions of the Decree and of the texts issued on the basis thereof.

2. Administrative proceedings in the cases referred to in chapters II and IV which have not been completed by the date of termination of a state of war shall be discontinued as from that date.

Article 55. 1. Legal texts issued by the organs of State administration on the basis of and for the purpose of giving effect to the provisions of the Decree and other statutory provisions concerning the state of war shall be promulgated and brought to public knowledge in a manner ensuring that the population is duly informed.

2. During the period of validity of a state of war, disciplinary instructions concerning the protection of the interests of the security or defences of the State during that period which are issued by the provincial governors on the basis of article 6, paragraphs 2 and 3, of the Decree or article 56 of the Act of 25 January 1958 concerning People's Councils (Dziennik Ustaw of 1975 No. 26, item 139, as amended) and article 8, paragraph 2, of the Act of 25 February 1964 concerning the Issue of Legal Provisions by People's Councils (Dziennik Ustaw No. 8, item 47, as amended) shall not be submitted to the competent People's Council for approval.

Article 56. 1. The provisions of articles 8-33, articles 35-38, article 39, paragraphs 1 and 2, article 40, article 42, paragraph 1, and articles 43-52 shall apply during the period of validity of a state of war with regard to the defences or security of the State, and the provisions of article 34, article 39, paragraph 3, article 41 and article 42, paragraph 2, only in time of war.

2. The provisions of the Decree and of the texts issued on the basis thereof and other statutory provisions concerning the state of war shall apply during the period of validity of a state of war throughout the territory of the Polish People's Republic or within the boundaries of the units of administrative division of the State in which a state of war has been introduced, in accordance with the provisions of the resolution of the Council of State concerning the introduction of the said state.

Article 57. 1. For the duration of the validity of a state of war, the binding force of all provisions concerning matters governed by the Decree and the texts issued on the basis thereof shall be suspended if the provisions of the Decree and the texts of application deal with those matters in a different way.

2. In matters not dealt with in the Decree, the provisions hitherto binding shall be applied with the modifications arising out of the provisions of the Decree and of the texts issued on the basis thereof.

3. If the Decree provides for the issue of detailed provisions or provisions of application, the existing provisions shall apply, with the modifications arising out of the provisions of the Decree, until the date of issue of the new provisions.

Article 58. Nothing in the Decree shall affect the provision of article 237 of the Act of 21 November 1967 concerning the Universal Duty of Defence of the Polish People's Republic (Dziennik Ustaw of 1979 No. 18, item 111).

Article 59. Wherever the Decree refers to:

- (1) Provincial governors, the expression shall likewise be understood to mean the mayors of towns of provincial status;
- (2) Chief officials, the expression shall be understood to mean the mayors of towns of basic status, the chief officials of towns, the chief officials of districts, the chief officials of communes and the chief officials of towns and communes.

Article 60. The application of the Decree is entrusted to the Council of Ministers, the Chairman of the Council of Ministers, the Minister of National Defence and the Minister of the Interior, to other principal and central organs of State administration in the parts which concern them, to the Procurator General of the Polish People's Republic and to the regional organs of State administration.

Article 61. The Decree shall enter into force on the date of its promulgation with effect from the date of its adoption.

H. Jabłoński, President of the Council of State

E. Duda, Secretary of the Council of State

ANNEX II

LAW ON TRADE UNIONS

adopted by the Sejm of the Polish People's Republic
on 8 October, 1982

Chapter 1

Foundations for the Activity and Objectives
of the Trade Unions

Art. 1

1. Employees have the right to form and associate themselves in trade unions.
2. Trade unions are self-governing. In particular, trade unions can independently and in accordance with the law:
 - (1) shape the objectives and the programmes of their activity,
 - (2) adopt statutes and other internal acts concerning the union activity,
 - (3) determine the organizational structures,
 - (4) determine the principles of electing boards and other leading organs of the unions.

Art. 2

1. Trade unions are independent from the organs of state and economic administration.
2. In their statutory activity trade unions are not subject to supervision or control on the part of the organs of state administration.
3. All trade unions enjoy equal rights. State organs are obliged to treat all trade unions on a par.
4. Organs of state and economic administration are obliged to refrain from any action leading to limitation of the independence of the trade unions or their activity compatible with the law.

Art. 3

A trade union acts on the basis of a statute which should be compatible with the Constitution of the Polish People's Republic and other laws. In particular, trade unions adhere to the principles of social ownership of the means of production, which is the foundation of the socialist political system of the State, recognize the leading role of the Polish United Workers' Party determined in the Constitution of the Polish People's Republic in the construction of socialism as well as the constitutional principles of the foreign policy of the Polish People's Republic.

art. 4

1. Trade union membership is voluntary. Nobody shall suffer adverse effects because of belonging to a union or staying outside of it, in particular, this cannot be a condition of signing a work contract, or continuing the employment or promotion of an employee, if the provisions of the Law do not impose a ban on membership in a union of employees working in a given enterprise or at a given post.

The principles of the protection of the terms of employment of employees performing elected functions in trade union bodies are determined by the regulations of the Labour Code.

Art. 5

Trade unions represent occupational interests of their members vis-à-vis managements of work enterprises, organs of state and economic administration, civic organizations as well as in relations with labour organizations in other countries, and co-operate with those organs and organizations.

Art. 6

1. Trade unions represent and protect the rights and interests of employees in so far as the working conditions, wages, and social and living as well as cultural conditions are concerned, in particular in the field of:

- (1) policy of rational employment and the shaping of rights and duties stemming from the work contract,
- (2) remuneration for work and other benefits for employees,
- (3) safety, hygiene and culture of work,
- (4) working conditions of women and adolescents,
- (5) social benefits for employees and their families,
- (6) rest after work and physical culture, tourism and forms of employees' organized holidays,
- (7) protection of health of employees and their families,
- (8) sickness, old-age and disability benefits as well as other social insurance benefits,
- (9) satisfaction of housing needs of the employees,
- (10) shaping of prices and the market situation as well as the cost of living of employees and their families,
- (11) development of education and culture in worker milieu,
- (12) protection of the natural environment.

2. Trade unions co-participate in the shaping and the implementation of the tasks of the socio-economic development of the country, act in favour of multiplying the national income and its just distribution.

Art. 7

Trade unions conduct educational activity in promoting occupational ethics, diligent and honest execution of employee duties and the observance of the principles of social co-existence.

Art. 8

Trade unions can join international labour organizations to represent the occupational and social interests of their members vis-à-vis the international community and to act in favour of international solidarity of the working people as well as dissemination of progress and social justice.

Chapter 2

Formation of Trade Unions

Art. 9

Guaranteed is the right to form trade unions according to the provisions of the present Law without the need to acquire prior permission.

Art. 10

1. The right of forming and associating into trade unions is granted to persons working on the basis of a work contract regardless of the foundation of such contract or the post.

2. A trade union affiliates employees working in a given branch, in a given kind of employment or profession.

Art. 11

1. The going on old-age or disability pension of persons described in Art. 10, item 1 does not deprive them of the right to join a union.

2. The right to union membership is not taken away either by staying temporarily out of work due to seeking a job.

Art. 12

Soldiers in active military service, persons doing substitute military service as well as functionaries of Citizens' Militia and Prison Personnel have no right to establish or join the trade unions, neither can they take active part in the activity of a trade union whose members they were at the moment of being drafted.

Art. 13

Employees working in military units and other organizational units subordinated to the Ministry of Internal Affairs have no right to establish or join the trade unions.

Art. 14

1. Employees working in military units subordinated to the Minister of National Defense as well as in state enterprises subordinated to the Minister of National Defense and the Minister of Internal Affairs have the right to establish and join accordingly the trade unions of the employees of the army and the Ministry of Internal Affairs - provided that the requirements of the defensiveness and security of the State are preserved.

2. The following employees have no right to join the trade unions:

- (1) those employed in military units subordinated to the Minister of National Defense to which limitations stipulated in the law on employees of state offices is applicable,
- (2) those employed in military units determined by the Minister of National Defense, because of a special character of those units.

Art. 15

The workers mentioned in Art. 13 and Art. 14, item 2 can set up workers' councils. The Minister of National Defense and the Minister of the Internal Affairs - each within the scope of his activity - determine the principles of co-operation between the commanders of military units and heads of organizational entities and the workers' councils including also the scope of issues on which the council's opinion is required.

Art. 16

The principles of representing the employees of state offices, judicature and the prosecutor's office, state economic arbitration, organs of state control as well as state labour inspection are defined by separate regulations.

Art. 17

The persons who intend to set up a trade union elect the founding committee and adopt a statute. The number of founding members on the day of filing the statute for registration cannot be smaller than thirty persons.

1. The statute of the union determines the name through indicating the labour branch, kind of employment or occupation of the affiliated workers as well as the seat, territorial and substantive scope of activity and objectives of the union, the principles of acquiring and losing membership, the rights and duties of members, the organizational structure and the authorities of the union, the procedure of electing and recalling them, the sources of financing the union's activity, the principles of adopting and amending the statute as well as the manner of dissolving the union.

2. All members of the union have the right to vote and eligibility to be elected. The statute may define when the administrative functions and elected functions in trade unions cannot be combined.

3. The elections to the authorities of the union are carried out by secret ballot.

Art. 19

1. The trade union becomes the corporate body and acquires the right to operate on the date of registration.

2. The court shall refuse registration if the contents of the statute indicate that the organization is not the trade union according to the letter of the Law or if the decisions of the statute are not compatible with its provisions.

3. The competent organ of the union is obliged immediately to inform the court about an amendment to the statute. As far as the putting of the amendment of the statute to the register is concerned, item 2 applies accordingly. The hitherto statute is binding till the amendment to the statute is put down in the register, except for the decisions of the union taken on the basis of the new statute upon its adoption, providing they do not contradict the law.

4. The court will cross out the trade union from the register:

(1) in case of taking the decision to dissolve the union in a manner provided for in the statute,

(2) if the number of the union's members will be less than fifty for more than three months.

The competent organ of the union is obliged immediately to inform the court about the above-mentioned circumstances.

5. The regulations of the civil code on non-trial proceedings apply accordingly to cases mentioned under items 1-4. Those matters should be considered immediately, however no later than within a month since the presentation of the motion. The decision of the court can be appealed to the Supreme Court.

6. The Council of Ministers, by way of a decree, shall define the detailed course of registration proceedings.

Art. 20

Trade unions have the right to form associations and inter-union organizations. The provisions of the Law apply to those associations and organizations accordingly.

Chapter 3

Rights and Duties of Trade Unions

Art. 21

1. Trade unions have the right to opine the provisions or drafts of legal acts as well as decisions pertaining to the rights and interests of the working people and their families, including the living conditions of old-age and disability pensioners. This in particular concerns draft socio-economic plans as well as draft legal acts and decisions on matters specified in Art. 6.
2. With respect to the defence and security of the state, draft legal acts and decisions specified in item 1 should be opined according to the principles and mode stipulated by separate regulations.
3. In matters, specified in item 1, which are of great importance for the working people and their families, trade unions are ensured participation in preparatory work on draft legal acts or decisions.
4. An opinion of a trade union may in particular be presented in written form or in course of direct consultation of union representatives with a relevant organ of authority or administration. An opinion of a trade union in written form should be presented to the relevant organ of authority or administration in the course of one month. Failure to present an opinion by that deadline is considered as failure to use the right of expressing opinion by a trade union.
5. In case of a difference of opinion, an organ of local authority or administration is obliged to take a stance on the postulates or opinions of a trade union and notify a union in written form about its stance and justification.
6. In matters specified in item 1 a trade union has the right to express its opinion in public. Trade unions are guaranteed the right to present their opinions at a session of a relevant commission of the Sejm or the people's council and its organs.

Art. 22

1. Trade unions have the right to come out with a motion on issuing or amending a legal act pertaining to the rights and interests of the working people and their families. Art. 21 item 6 is applied accordingly.
2. An organ of administration to which a motion has been submitted is obliged within one month to present to a trade union its stance towards the motion, as well as its justification if the stance is negative.

Art. 23

1. Trade unions have the right to conclude collective labour agreements on national scale. The agreements cover all employees of a particular branch of labour irrespective of union membership.

2. In branches of labour not covered by collective agreements the conditions of labour and wages are settled following agreement with trade unions.

Art. 24

1. Trade unions exercise social control over the working and living conditions of employees and their families as well as over the observance of employee rights.

2. If in matters specified in item 1 a trade union considers that the procedure of an organ of state or economic administration is incompatible with the law or violates the principles of social justice, a union may intervene with a relevant organ and demand elimination of a stated irregularity. A relevant organ is obliged to grant a reply within two weeks. A negative reply requires justification.

Art. 25

Trade unions have the right to assess the working, living and remuneration conditions of employees. To this end trade unions are ensured full information on the social and economic situation on national, voivodship and enterprise scale with a reservation that trade unions are obliged to preserve state, economic and official secret.

Art. 26

Trade unions have the right to carry out within their own scope research in fields covered by statutory activity, in particular statistical studies, analysis of price and wage indices as well as other factors of working and living conditions.

Art. 27

Trade unions co-operate with Labour Inspection and other organs supervising the health protection of employees and observance of the labour law, in particular regulations and principles of work safety and hygiene.

Art. 28

Trade unions have the right to conduct their own publishing activity for aims of union work as well as educational and cultural activity. They also have the right to present union issues in the mass media generally accessible to citizens and their organizations in accordance with regulations on the operation of the mass media.

Art. 29

1. Organs of state and economic administration are obliged to create conditions facilitating trade unions the implementation of their rights, and in particular to inform them about matters covered by trade union activity and give them access to documentation pertaining to employee issues, with a reservation that they are obliged to preserve state, economic and official secret.

2. An enterprise is obliged to grant an unpaid leave to an employee called to perform a union function basing on the principles and mode specified by the Labour Code.

3. A director of an enterprise is obliged to relieve an employee of professional work while preserving his right to remuneration for the time necessary to perform a temporary action connected with his union function if it cannot be performed during free time.

Chapter 4

Factory Union Organization

Art. 30

1. The tasks of trade unions in an enterprise are performed by enterprise union organizations operating through their statutory organs.

2. The scope of activity of enterprise union organizations includes in particular:

- (1) to take a stance on all individual matters of employees within a scope stipulated by regulations of the labour law,
- (2) to take a stance towards a director of an enterprise and an organ of personnel self-government on matters pertaining to the rights and interests of enterprise personnel, and in particular while settling labour regulations, bonus and award regulations, work timetable, leave timetable, as well as social, living and cultural needs of personnel,
- (3) to co-operate with an enterprise director in matters concerning the raising of professional qualifications by employees, development of rationalization and employee inventions and shaping of principles of social co-existence in an enterprise,
- (4) to exercise control over the observance of regulations of the labour law, and in particular regulations and principles of work safety and hygiene, as well as to direct the activity of the Social Labour Inspection and co-operate in this scope with the State Labour Inspection,
- (5) to deal with the living, social and cultural matters of old-age and disability pensioners.

3. The execution of rights of enterprise union organizations occurs basing on the principles and mode specified by the Labour Code, the present law and other legal regulations.

Art. 31

1. In a work establishment in which more than one trade union organization operates each of them fulfils its functions, mentioned in Art. 30 item 2 point 1 in relation to its members.

2. In cases defined in item 1, trade union organizations may agree that the functions defined in Art. 30 item 2 will be fulfilled by a joint trade union representation to the extent envisaged in the agreement.

3. An employee who is not a trade union member may point the trade union organization in his work establishment for the defence of his interests, subject to the organization's consent expressed in advance.

Art. 32

1. The manager of work establishment is duty bound to provide the trade unions in the work establishment with office space and technical means facilitating their proper functioning.

2. Following a motion of the factory trade union organization the manager of the work establishment is duty bound to grant unpaid leave to the employee appointed to fulfil elected functions in the factory trade union organization. The work establishment owes to the employee all benefits stemming from his labour relation with the exception of the right to remuneration owed under the labour contract.

Chapter 5

Collective Disputes. The Right to Strike

Art. 33

In case of a collective dispute appropriate organs of trade unions and administration are duty bound to start immediate negotiations to solve the dispute.

Art. 34

1. Should the negotiations fail to settle the dispute, either of the parties involved may demand that reconciliatory procedure be launched. The procedure is conducted by a commission appointed for the purpose which includes six persons named by either of the parties in equal number.

2. Under this procedure the dispute should be settled within seven days - in case of a dispute involving one work establishment (a factory dispute) and within 10 days - in case of a dispute extending beyond the matters of a single work establishment (suprafactory dispute).

3. The settlement of a dispute is done by way of an agreement binding to both parties. In case of failure to reach an agreement the commission writes out a record of differences pointing to the stances adopted by the parties involved.

Art. 35

1. If the suprafactory dispute is not solved according to the procedure defined in Art. 33 and 34 the parties involved are duty bound to submit it for settlement by the Supreme Court Social Arbitration Council, in cases of factory disputes they are submitted to the Social Arbitration Councils at District Labour and Social Security Courts.

2. The council includes: the chairman - appointed by the president of the court from among the court's judges - and six members, appointed by both parties at the rate of three each. The parties involved should aim at pointing out persons who are not directly interested in settling the case.
3. The president of the court defines immediately the date of the session and notifies the parties involved or their representatives.
4. Should the settlement of a dispute require special information, the council may seek the opinion of experts.
5. The council's judgement is passed by a majority of votes. Unless either of the parties involved decides otherwise before submitting the dispute for settlement at the council, the judgement is binding to both parties.
6. The Council of State will establish, in the form of regulations, the procedures to be applied at the Social Arbitration Council.

Art. 36

1. Trade unions have the right to organize strikes according to principles defined in the present Chapter.
2. Trade unions can also undertake other forms of protest which do not violate the legal order and the principles of social co-existence.

Art. 37

1. The strike consists in employees' voluntarily refraining from doing their work in order to protect the economic and social interests of a given group of employees.
2. Strike is an ultimate measure and cannot be announced prior to exhausting the possibilities of settling the dispute in keeping with the principles defined in Art. 33-35. This does not refer to strikes launched in connection with failure to execute the council's judgement mentioned in Art. 35.
3. While taking the decision on launching a strike, a trade union organ takes into consideration the commensurability of demands with losses connected with the strike.
4. Strikes are inadmissible if settling individual disputes is possible by way of a judgement passed by a body examining disputes involving vindications of employees.
5. Strikes of political character are inadmissible.

Art. 38

1. The strike is announced by a factory trade union organ following the approval of a majority of the crew, granted in a secret ballot, and consent of a superior organ of the union. Participation in the voting is voluntary.

2. Suprafactory strikes are announced by organs of the union mentioned in the statute, in keeping with principles defined in item 1.
3. Participation in strikes is voluntary. One cannot be forced to participate or to refuse to participate in a strike. No obstacles must be made for undertaking work if there are conditions for undertaking it by employees who do not participate in the strike or gave up their participation in it.
4. Strikes are announced at least seven days in advance; the manager of the work establishment is notified about the fact.
5. If the dispute concerns the content of the collective labour agreement or other agreements, the strike cannot be announced prior to the collective agreement's expiry or before the deadline for implementation of its provisions defined in the agreement.

Art. 39

1. Strike organizers are duty bound to ensure, together with the work establishment management, protection to the property during strike and uninterrupted work of installations and equipment the stopping of which may constitute a threat to human life or health or cause irreparable loss.
2. The manager of the work establishment must not be limited by strike organizers in fulfilling his duties during the strike.
3. Organizing, conducting and participating in a strike or a protest action does not relieve one from penal responsibility for the violation of law and especially for illegal annexation or use of property, forcing another person with violence of illegal threat to give up, undertaking or doing his job or for making it impossible or difficult for the work establishment's manager to fulfil his duties.

Art. 40

1. The right to strike is not vested with workers employed in military units and state enterprises subordinated to the Minister of National Defense and the Minister of Internal Affairs, defence industry enterprises (departments and divisions), organizational units subordinated to the Minister of Internal Affairs and prison administration, fire fighting officers as well as workers holding posts directly connected with defence and security of the state; in work establishments producing, storing and supplying food as well as in health service and social care establishments, in chemist's shops, as well as in education and upbringing centres.
2. The right to strike is not vested with employees of state administration, banks, courts and prosecutors' offices, workers employed at oil and gas pipelines as well as in servicing transit lines, installations connected with ensuring international traffic and communications and the latter's transit service, installations ensuring the functioning of international and inter-city communications; to those employed in special service communications, radio and television transmitters and broadcasting stations, servicing the installations in road and air transport.

3. In the Polish State Railways Enterprise as well as in other transport enterprises, in organizational units of the communications, enterprises supplying the population with water, electric energy, heating and gas, it is necessary to ensure indispensable services concerning the defence capacity and security of the state and basic needs of the population. For this purpose, strike organizers are duty bound to co-operate with the work establishment managers and heads of local state administration as well as with appropriate military organs. The opinion of a military organ as to the needs in the realm of national defence and security of the state is binding.

Art. 41

The execution of the right to strike does not relieve work enterprises and their employees from obligations stemming from the regulations on the general duty of defending the Polish People's Republic.

Art. 42

A strike may be preceded by a warning strike. The warning strike should be confined to an indispensable period of time and it cannot last longer than two hours.

Art. 43

A strike is prohibited at work enterprises located in an area where a state of natural calamity has been declared - from the moment of its declaration.

Art. 44

Participation in a strike organized under the provisions of the previous articles does not imply the violation of employees' duties and cannot result in negative consequences for the strikers. This also concerns the participation in other forms of protest, which are discussed under Art. 36 item 2.

Art. 45

1. During a strike, organized under the previous articles, an employee preserves the right to social insurance benefits and other benefits stemming from the work contract, except the right to remuneration.

2. Trade unions and their associations may form a strike fund and decide upon its use. This fund does not undergo seizure, and trade unions may cover from it the compensation of the remuneration lost by the strikers.

3. A work enterprise is obliged to pay the equivalent of a lost remuneration to an employee who did not take part in a strike, but whose work performance was disturbed by the strike.

Chapter 6

Responsibility for the Violation of the Provisions of the Law

Art. 46

Whoever in connection with the post held or function performed does not fulfil the duty or otherwise violates the provisions of the law is liable for a fine of up to 50,000 zlotys.

Art. 47

Whoever leads a strike organized contrary to the provisions of the present Law is liable for a penalty of up to one year's imprisonment, restraint of the freedom of movement or a fine of up to 50,000 zlotys.

Art. 48

1. Upon finding out that a given organ of a trade union conducts activity in glaring contradiction to the provisions of the Law, the Voivodship Court in Warsaw fixes a three months' period for adjusting the activity of that organ to the regulations in force. Judiciary procedure is initiated upon a motion of the Prosecutor General of the Polish People's Republic.
2. In case the period mentioned under item 1 runs out without effect, the Voivodship Court in Warsaw can:
 - (1) pronounce a fine of up to 50,000 zlotys individually imposed on each member of a given trade union organ,
 - (2) request the relevant authorities of the union to hold in a fixed time new elections to the organ of the union mentioned under item 1 on pain of suspending the activity of that organ.
3. If the measures determined under item 2 prove ineffective or if the trade union conducts activity contrary to the Constitution of the Polish People's Republic and other laws, the Voivodship Court in Warsaw, upon a motion of the Prosecutor General of the Polish People's Republic, passes a judgement on crossing the trade union out from the register of trade unions.

The trade union crossed out from the register of trade unions under item 3 has the obligation of a immediate renunciation of its activity, and within three months at the most since the judgement on crossing it out from the register of trade unions becomes legally valid to carry out its liquidation in a manner provided for in the statute.
5. Provisions of Art. 19 item 5 are suitably applied in matters mentioned under item 1-4.

Chapter 7

Provisional and Final Regulations

Art. 49

Whenever organs of economic administration are mentioned in the Law this includes respectively also the manager or owner of a work enterprise.

Art. 50

The rights of the relevant trade union bodies provided for in legal regulations are transferred to relevant trade union organs set up under the present Law and the statutes of trade unions.

Art. 51

1. Employees' relief-and-loan funds are formed in socialized work enterprises, to which all employees as well as old-age and disability pensioners may belong regardless of trade union membership. Social control over the funds is performed by trade unions.

2. The principles of organization and functioning of those funds, their outline statute and the duties of work enterprises will be determined by the Minister of Labour, Wages and Social Affairs in collaboration with the President of the National Bank of Poland and upon consultation with trade unions.

3. Relief-and-loan funds in existence at the moment the present Law comes into effect will adjust their activity to the principles provided for in the regulations issued under item 2 over the period of six months from the date of the Law coming into effect.

Art. 52

Registrations of trade unions effected before the date of the present Law coming into effect lose their legal validity.

Art. 53

1. The starting up of trade union activity will take place at the following dates:
- (1) after 31 December, 1982 by trade union organizations in work enterprises - not earlier than after their statutes are registered by voivodship courts,
 - (2) after 31 December, 1983 by nationwide trade union organizations,
 - (3) after 31 December, 1984 by inter-union associations and organizations.
2. In the period up to 31 December, 1983 provisions of Art. 17, second clause, and Art. 19 item 4 point 2 are not applied to trade union organizations in work enterprises.

3. The registration organ for organizations mentioned under item 1 point 2 and 3 is the V. Proshko Court in Minsk.

4. By way of a decree the Council of State will determine the principle and manner of the application of the provisions of item 1, with a reservation that in the transitional period up to 31 December, 1984 one trade union organization operates in a work enterprise.

5. In justified cases the Council of State may shorten the period defined under item 1 point 2 and 3 as well as item 4.

6. After a period of three years from the date of this Law coming into effect, the Council of State, upon consultation with trade unions, will assess the course of the implementation of the law and if need be will initiate its amendment.

Art. 54

1. The property of an association of trade unions and the property of trade unions in existence before the date of this Law coming into effect, for the transitional period will be turned over under provisional administration, the organization and functions will be determined by the Council of Ministers by way of a decree.

2. The principles and mode of transferring the property mentioned under item 1 to trade unions will be determined by the Council of Ministers by way of a decree - upon consulting the opinion of trade unions formed after the date of this Law coming into effect.

Art. 55

The following acts lose their validity:

- (1) decree of 6 February, 1945 on the formation of Works' Councils (Dz.U. No.8, item 36 and of 1947 No.24, item 92),
- (2) law of 1 July, 1949 on trade unions (Dz.U. No.41, item 293 and of 1980 No.22, item 83),
- (3) law of 6 May, 1981 on the registration of inter-union organizations (Dz.U. No.11, item 5),
- (4) law of 6 May, 1981 on trade unions of private farmers (Dz.U. No.11, item 50).

Art. 56

The Law comes into effect on the date of announcement.

ANNEX III

RADIO AND TELEVISION ADDRESS DELIVERED BY ARMY GENERAL WOJCIECH JARUZELSKI

LD121928 Warsaw Domestic Service in Polish 1830 GMT 12 December 1982.

[Radio and television address delivered by Army General Wojciech Jaruzelski, chairman of the Military Council of National Salvation and first secretary of the PZPR Central Committee on 12 December - live or recorded]

[Text] Citizens of the Polish Peoples' Republic! Difficult years are behind us. Poland has been going through a difficult time. These difficulties have brought internal perplexity. In a dangerous way this difficult time has weakened the link which united Poles in front of the greatest danger that occurred in centuries. I shall not recall those pre-December days. We all remember them. Nothing can conceal the merciless meaning of the events which took place then. In politics and in the lives of nations only facts really count. Exactly one year ago martial law was introduced. Some call it war. Yes, it really has been and is a war for maintaining and continuing the socialist statehood, for saving the withering economy, and for the irreversibility of the line of reforms and renewal. The year which has passed was a great test. We have passed that test.

This test was passed by the party, the people's power and all citizens who understood the supreme raison d'etat. There are many forces in Poland that met with defeat - internal and external forces. However, there is only one victor - the Polish nation. This is the truth about the year that has passed.

The worst is already behind us, but the road ahead for Poland is still not an easy one. One cannot emerge immediately from such a profound crisis. However, we can see brighter horizons. It is with this thought in mind that we stand on the verge of the new year. We were moderate in applying the rigors of martial law. We began to ease them and lift them relatively soon - almost immediately. We counted on the fact that it would be possible to end martial law earlier. The fundamental condition here was public calm. Alas, not infrequently there have been the well-known disruptions. Despite this, the situation in the country was steadily getting better. November and the latest period brought about further tangible progress. The patriotism shown by the public, the wisdom and attitude of the working class resulted in the fact that the appeals of the enemy fell on deaf ears. Favourable trends began to take root in the economy. Order and observance of the law are getting stronger. This makes it possible to reply in the positive to the appeal of the Patriotic Movement for National Rebirth and to other social initiatives aimed in the same direction.

Citizens, the Military Council of National Salvation is of the opinion that conditions have occurred to suspend [zawieszenie] martial law. I wish to state this precisely today - on the eve of the first anniversary of the introduction of martial law. The suspension of martial law means that its fundamental rigors will cease to function by the end of 1982. Only such regulations as those which directly protect the fundamental interests of the State, creating a protective shield for the economy and increase the personal safety of the citizens, should remain in force in total or to a limited extent as a temporary measure.

Not one restriction more than is absolutely essential should be maintained, but at the same time, not one less. Detailed proposals will be put before the Sejm during tomorrow's session. This will be a significant step toward completely lifting [zniesienie] martial law. We desire this intention to be fulfilled in the realistically most immediate future [w realnie bliskiej perspektywie]. One cannot just jump into complete normalization. One has to make one's way toward it step by step, consistently, with joint efforts because the activities of the opponent have not halted. Hopes still endure for a second stage of the struggle against the socialist State. The national economy which is being regenerated requires certain means of protection. The public is calling for the fight against crime to be stepped up.

Research into public opinion indicates its growing alarm over the possibility of a premature lifting [zniesienie] of martial law or of some of its restrictions. Thus, we cannot yet afford to relinquish all the extraordinary means. We did not avail ourselves of martial law in order to ruin today what we have managed to achieve this year through such toil and efforts by millions of Poles.

I make no promises. But I do make one promise: Anarchy will not be allowed to enter Poland. Let no one in Poland or abroad cherish illusions for even a moment that the current decisions make a further round possible. I am not wasting words with this warning. Let all those who calculate that they will be able to sow confusion once again consider this well.

Women, men, soldiers! The scope of the presence of the armed forces in the life of the country will change. The Military Council of National Salvation, vacating the function of the administrator of martial law, becomes the guarantor of a secure passage from the suspension [zawieszenie] of this State to its complete lifting [zniesienie].

There will be a considerable decrease in the number of military commissars. They will remain only in the most important, key sectors of State and economic life. As normalization permits, their activity will be further limited. The role of the Polish Army in this difficult period of our history will be evaluated by the Sejm and by society. The soldiers of the armed forces do their duty not for promotion, decorations or awards. They have served the homeland well. To benefit the country and society, their responsible, often thankless duty is carried out by officials of the Citizen's Militia and the security service. They deserve words of sincere recognition.

We are living at a time of increased tensions, of dangers evoked by imperialism. Our Polish affairs are not being played out in an empty arena. The quicker we achieve equilibrium, the greater will be our contribution to the cause of peace in Europe. Poland has ceased to be a potential source of conflict. The point is now for her again to become a permanent factor in international co-operation and stabilization.

We have endured boycott, restrictions, the massed fire of provocative propaganda. The United States Government and some of its clients have been shown conclusively the bankruptcy of attempts to interfere in Poland's internal affairs. It is not there and not in that way that Poland's fate will be decided. They will be decided only here, on the Vistula and Oder.

The Sejm has not yet made a decision on martial law and already we have heard the voice of the uninvited foreign commentator. He knows best what Poland needs. We have given enough proof that we will not leave the chosen path. We will act in accordance with one signpost only. It is the good of the nation, of socialist Polish statehood. Those who so bitterly strike at that good will be answered by us with the appropriate decisions.

The past year once again showed the importance of our alliances, the importance of aid extended to us by our Soviet friends. The saying: One for all, all for one, proved to be true. In the mutual interdependence of the national interests of each socialist country with the interests of the socialist community as a whole lies the strength and the power of resistance of all its members.

Citizens: A new period is starting in the life of Poland, the period of suspension of martial law. We want to efficiently utilize it, to consolidate the progress hitherto achieved, to overcome the most acute shortcomings, to draw conclusions from our own errors and weaknesses, and to consolidate the guarantee that there won't be any more crises in Poland.

What is in store for us during this period? We shall have, above all, a great, common duty of consolidating the socialist State. The State that has been saved from disintegration and is recovering its forces can and must creatively digest and actively utilize the various forms of socialist democracy and self-government that are widely developing. We also expect that this will be a period of revival and development of independent, self-governing trade unions and their acquisition of a proper position. The party, the people's power, will show full understanding and goodwill to them. We must also continue to bring order into the national economy and heal it, to offensively overcome the crisis. Industry must maintain the rhythm of increasing production. Agriculture must overcome the difficulties of the period preceding next year's harvest.

The hitherto applied mechanisms of the economic reform will be corrected in accordance with the experiences of its first, experimental year. The workers' self-management must be finally created and settle down to its work.

People are experiencing difficult times. Efforts aimed at alleviating such difficulties in their everyday lives will be continued; efforts to prevent unbridled inflation and to categorically counteract occurrences of social injustice will be continued. More stringent legal means for combating wastage and bad management will be introduced. Authorities will be using those measures with full resoluteness. A great task of rebuilding the trust and consolidating the link between people's authority with the public is awaiting us - especially with the working class. We are not forgetting social agreements. We all should persist in learning the difficult art of sincere and constructive dialogue, of mutual contact and consultation. Such an atmosphere must be created; such conditions must be created so that every citizen who is aware and hard-working will feel that he is a real comaster in his factory and in his country. An additional, higher level of work, making the apparatus of power more effective and modern, is awaiting us. The past year has brought many beneficial changes as far as this is concerned. However, there is still a lot to be done. The law concerning employees of State offices will soon come into force. Rational principles of cadres policy will be introduced. The comprehensive system of control will be regulated. Institutions of public service should treat the needs and worries of citizens with greater sensitivity.

A decisive and more effective struggle with social evil is awaiting us. New legal instruments will make it possible to combat in a more severe manner crimes that threaten the lives, health, property of citizens: profiteering, bribes, and tax frauds. Laws aimed against the most painful social plagues have come into force or will be introduced shortly -- against the plagues that are an insult to morality and justice. In combating demoralization, the co-operation of the entire public is necessary. This can also be one of the broad platforms of co-operation with the church and of activity of milieus that shape opinions. [srodowiska opinio-tworcze] I have presented the key tasks for the period of the suspension of martial law [zawieszenie stanu wojennego]. The better we cope together with those, the quicker full normalization will occur.

Polish men and women: There are unresolved matters amongst us. There is still a lot of doubt and bitterness.

Every day of the week is difficult. The question is often asked: What road are we to take, how are we to emerge from this? We need a certain amount of time to gradually disentangle our Polish affairs, and to improve the conditions of life. We also need strenuous work; we need mutual trust.

It is the party and its ninth congress that charted the road leading to this goal. There is no turning back from this road, nor will there be. The time has come to construct institutional foundations for national accord. It is not as if we had to speak with one voice, all of us, regarding each individual matter. A new democratic forum, the Patriotic Movement for National Rebirth, is coming into being. Its National Council will soon start its work. Next year the first congress of this movement could take place. One can expect that an original programme, one that accords with social expectations, will be worked out.

Only those who wish to be our enemies, are the enemy. We will be impatient in the face of evil, but we will be patient in the face of doubts expressed by human beings. I address myself now to those who in the past year did not find a place for themselves. I also speak to those who are still groping their way in the blind alleys of the underground. The suspension of martial law gives another chance. Internment will cease to be applied. Socially justified amnesties are envisaged. If need be the people's power is severe. When it is possible, it is understanding. Maybe more was expected from today. Maybe there were those who counted on sensational statements.

However, I think it is better that we should go about resolving Polish affairs in a realistic and prudent manner, that we should discuss them calmly, in an ordinary way.

When emotions give way to the desire for peace and normal life we can speak with greater confidence of our tomorrow. It is on this that we build our hopes, accords, confidence in our own resources.

One year ago I appealed to you, dear fellow countrymen, to be ready to do without things, to take part in saving the fatherland. You have shown your understanding, for which today I wish to thank you. We have proved ourselves equal to the hour of national trial. We will prove ourselves equal to the tasks of the future.

ANNEX IV

LAW

of 18 December 1982

on specific legal regulations during the period
on suspension of martial law

Chapter 1

GENERAL REGULATIONS

Art. 1

1. The suspension of martial law declared with a view to the security of the State effects the non-application of the restrictions provided for in the decree of 12 December 1981 on martial law (Dz. U. No.29, item 154, and of 1982 No. 3, item 18) in the following scope:

- (1) preventive measures in the form of internment specified in Art. 42-45; the relevant decisions become invalid on the day of suspension of martial law
- (2) limitations in the freedom of travel on the territory of the State and the duties of citizens connected with those limitations as specified in Art. 8-12
- (3) the duty to obtain specific permissions for organizing and holding rallies, artistic, entertainment and sports events, as well as money collections as specified in Art. 13
- (4) the right to strikes and protests carried out in accordance with the provisions of the laws in force, as specified in Art. 14
- (5) suspension of the activity of associations, trade unions, unions and social and professional organizations, as specified in Art. 15
- (6) suspension of the activity of organs of worker self-governments in State enterprises, as specified in Art. 16
- (7) censorship of mail and telecommunication, as well as monitoring telephone conversations, as specified in Art. 18
- (8) ban on taking photographs and film and TV pictures, as well as on using specific badges and uniforms, as specified in Art. 20 and Art. 22
- (9) principles of special duties of the State administration and the national economy during martial law and of the relevant civic duties, as specified in Art. 25-41 and taking into consideration further provisions of this law.

2. The suspension of martial law also causes a limitation of the scope of summary procedure, mentioned in the decree of 12 December 1981 on particular proceedings in cases involving crimes and offences during martial law (Dz. U. No. 29, item 156), as well as the scope of the extended competence of military courts, mentioned in the decree of 12 December 1981 on regulating military courts cases involving certain crimes and on changing the system of military courts and military organizational entities of the Public Prosecutor's Office of the Polish People's Republic during martial law (Dz. U. No. 29, item 157), exclusively for dealing with cases involving crimes hereinafter specified in the regulations of this law.

3. By way of a resolution, the Council of State, on the motion of the Council of Ministers may also suspend the application of other restrictions of martial law than those as mentioned in item 1 with a view to the security of the State, specified in the legal regulations pertaining to martial law. The resolution of the Council of State is subject to publication in the Dziennik Ustaw (Journal of Law) of the Polish People's Republic and to publication in the mass media.

Chapter 2

SPECIFIC REGULATIONS FOR THE PERIOD OF THE SUSPENSION OF MARTIAL LAW

Art. 2

1. In view of the needs of the defence of the State, and the needs of the national economy and the population, employers on service in militarized units where militarization was lifted in the period of the suspension of martial law, may terminate their employment contract only by force of an agreement between the employer and the employee. An employee is entitled to appeal the decision of an enterprise manager, who refuses to terminate an employment contract, to an organ supervising the enterprise.

2. Ministers, heads of central offices, voivodes and mayors of voivodship cities determine the list of enterprises towards which the provisions of item 1 are applied.

3. The Council of Ministers may extend the binding force of the provisions of item 1 to enterprises producing goods covered by operational programmes and to enterprises fulfilling tasks with which they have been charged on the basis of Art. 54 of the law of 25 September 1981 on State enterprises (Dz. U. No. 24, item 122).

4. Failure to do one's job by an employee, who has been refused by an enterprise manager mentioned in items 1-3, the termination of the employment contract by force of the agreement between the employer and the employee involves consequences which the regulations of the labour law and this law link with abandoning work by an employee.

Art. 3

1. In case of particular economic and social needs of an enterprise where militarization was lifted during the period of martial law, and of an enterprise producing goods covered by operational programmes as well as fulfilling tasks with which they were charged on the basis of Art. 54 of the law mentioned in Art. 2 (item 3), employees of those enterprises may be obliged by the enterprise manager to perform work which will not exceed 16 hours a week and 8 hours a day, unless the specific regulation of an enterprise manager provides for longer worktime.

2. Work performed in the understanding of item 1 in excess of the normal worktime determined in accordance with the universally binding or specific regulations of the labour law constitutes overtime work. This regulation does not violate the specific principles of remuneration for work done during days off.

Art. 4

1. An employee of a socialized enterprise, with whom the enterprise has terminated the employment contract without notice through the fault of the employee, or who has abandoned work in the period of the suspension of martial law, is entitled in a new enterprise to the lowest rate of basic remuneration according to the personal wage rate on the post occupied, providing that the total remuneration in comparable conditions cannot be higher than the latest one; promotion to higher groups of basic remuneration may occur not earlier than after having worked at least for one year.

2. Termination of the employment contract with an employee, in the way mentioned in item 1, involves consequences which the regulations of the labour law and this law link with abandoning work by an employee.

3. A socialized enterprise may establish an employment contract with a person intending to take up work in that enterprise only upon the latter's prior presentation of a certificate of employment in the enterprise of prior employment.

4. The regulation of item 3 does not apply to persons being employed for the first time.

5. A manager of a socialized enterprise, or another person acting on behalf of an enterprise, who violates the regulations of items 1 or 3 is subject to a fine from 10,000 to 20,000 zlotys. Verdicts in those cases are pronounced according to the regulations on proceedings in cases involving offences.

Art. 5

1. Participation during the period of the suspension of martial law in strikes, protests or rallies held against the provisions of the binding legal regulations, disturbance of order in an enterprise constitute a severe violation by an employee of basic employee duties, which justifies the termination of an employment contract by an enterprise without notice through the fault of an employee, irrespective of the legal basis of the establishment of the employment contract. Committing those sections by a student on or outside the premises of a higher school is a serious violation of student duties, which justifies expulsion from school.

2. Entitled to terminate an employment contract with an employee in cases specified in item 1 is an enterprise manager employing the employee, or another organ when the termination in accordance with the regulations in force is up to the latter. Entitled to relegate a student from a higher school is the latter's rector.

3. Termination of an employment contract or relegation from a higher school in the understanding of item 2 occurs after conducting an explanatory procedure. In those cases the specific regulations concerning the procedure of termination of employment contracts and relegation from higher schools, as well as regulations pertaining to disciplinary procedure are not applied.

Art. 6

1. By way of a decree, the Minister of Labour, Wages and Social Affairs determines the detailed principles and course of procedure in cases mentioned in Art. 2-5, and principles of labour exchange with respect to persons who abandoned work or with whom an employment contract was terminated through the employee's fault, as well as principles of comparability of remunerations, mentioned in Art. 4, item 1.

2. Entitled to the powers, mentioned in item 1, with respect to employees of higher schools is the Minister of Science, Higher Education and Technology, who acts in those cases in agreement with the ministers and heads of central offices supervising higher schools.

3. By way of a decree, the Minister of Science, Higher Education and Technology, in agreement with the ministers and heads of central offices supervising higher schools, determines the detailed principles and course of procedure in cases of violation by higher school students of the regulation of Art. 5, item 1.

Art. 7

1. Organs of worker self-governments in State enterprises, specified in the regulations of the law of 25 September 1981 on the worker self-government of a State enterprise (Dz. U. No. 24, item 123) and elected on its basis begin their activity basing on the decisions of the founding organ issued not later than three months since the day of the suspension of martial law.

2. During the period of the suspension of martial law, directors in enterprises, where regulations of Art. 2, items 1 and 2 are applied, are appointed and recalled by founding organs; the application of the regulations of Art. 34 and 37 of the law of 25 September 1981 on State enterprises (Dz. U. No. 24, item 122) in its section concerning the submitting of an objection by an employee council to the appointing and recalling of enterprise directors is also suspended in those enterprises.

3. If the activity of the organs of worker self-government in State enterprises violates the legal order or the basic social interests, the founding organ suspends the activity of the organs of worker self-government in State enterprises for a definite time, but not longer than six months. During the suspension of the activity of the organs of worker self-government, their competences are carried out by a director of a State enterprise. Resumption of the activity of the organs of worker self-government may occur before the termination of the suspension and following new elections to those organs.

4. In the period of the suspension of martial law, an objection raised by the organ of worker self-government or by a manager of a State enterprise against the decisions taken towards the enterprise by the contro organ, as mentioned in Art. 57 of the law under item 2, does not withhold the execution of such decision.

Art. 8

Associations, unions as well as social and professional organizations, the activity of which was suspended on the day of suspension of martial law, resume their activity in a period of time determined by the organ which effected the suspension, but not longer than six months since the suspension of martial law.

Art. 9

1. For the time of the suspension of martial law maintained are the restrictions being in force on the day of its suspension concerning the freedom of using foreign currency accounts of physical persons - convertible foreign currency residents.
2. The Minister of Finance, by means of a decree, may ease the restrictions as mentioned under item 1.

Art. 10

During the period of the suspension of martial law, subject to summary proceedings before courts and military courts, as mentioned in the regulations of Chapter I of the decree of 12 December 1981 on particular proceedings in cases involving crimes and offences committed while martial law was in force (Dz. U. No. 29, point 156), are exclusively cases of offences:

- (1) against basic economic interests of the State as stipulated in Art. 127, Art. 134 and Art. 135, paragraph 1 and 2 of the Penal Code, as well as offences committed under conditions mentioned in Art. 33, paragraph 2 as stipulated in Art. 74, paragraph 2, Art. 75, paragraph 2 and Art. 76, paragraph 2 of the Penal Revenue Law. 26 October 1971 (Dz. U. No. 28, item 260, of 1975 No. 16 item 91 and No. 45 item 234, and of 1976 No. 19 item 122);
- (2) against the life and health of man as stipulated in Art. 148, paragraph 1, Art. 153, paragraph 3 as well as Art. 159 of the Penal Code;
- (3) against property as stipulated in Art. 201 and 202, Art. 208-211, Art. 212, paragraph 2 as well as Art. 215, paragraph 2 of the Penal Code;
- (4) against economic activity as stipulated in Art. 220, Art. 221, paragraph 4 as well as Art. 223, paragraph 3 of the Penal Code.

Art. 11

1. During the period of the suspension of martial law, subject to an extended competence of military courts, as mentioned in the regulations of Chapter I of the decree of 12 December 1981 on relegating cases involving some offences to the competence of military courts as well as on the change of the system of military courts and military organizational entities of the Prosecutor's Office of the Polish People's Republic during martial law being in force (Dz. U. No. 29, item 157), are exclusively cases of offences:

- (1) against basic political interests of the State as stipulated in Art. 122, 123, paragraph 1 and Art. 129 of the Penal Code, within the scope of the cases belonging to the competence of courts before the day of the declaration of martial law as well as in Art. 123, 126, 127 and 130-133 of the Penal Code, and in Art. 1 and 2 of the law of 29 December 1950 on the defence of peace (Dz. U. No. 58, item 521);
- (2) against general security as stipulated in Art. 143 of the Penal Code;
- (3) against public order as stipulated in Art. 286 of the Penal Code;

- (4) against administration of justice as stipulated in Art. 254, paragraph 1 in connection with Art. 122, 123, 124, paragraph 1 and 2 as well as Art. 126-128, paragraph 1 of the Penal Code;
- (5) against the life of man and property as stipulated in Art. 148 and 209-211 of the Penal Code, had the perpetrator used fire-arms or an explosive or acted in collaboration with a person who used such weapons;
- (6) against the general duty to defend the State as stipulated in Art. 221-223, 226 and 227 of the law of 21 November 1967 on the general duty to defend the Polish People's Republic (Dz. U. of 1979, No. 18, item 111).

2. During the period of the suspension of martial law, subject to extended competences of the military courts, as mentioned in item 1, on principles as stipulated in Art. 234 in connection with Art. 237 of the law of 21 November 1967 on the general duty to defend the Polish People's Republic (Dz. U. of 1979, No. 18, item 111), are also cases involving crimes mentioned in the military section of the Penal Code committed by people performing the duties in civil defence or in a militarized unit, and had the militarized unit been subject to a military commander - also cases involving other crimes committed by these persons as well as cases involving the offence of not reporting at the duty of civil defence or at a militarized unit, committed by people appointed to that duty.

Chapter 3

CHANGES IN THE REGULATIONS IN FORCE

Art. 12

The following changes are introduced into the Penal Code:

- (1) Art. 243 will read as follows:

Art. 243, paragraph 1 had a perpetrator of the crime as stipulated in Art. 239, paragraph 1 notified a prosecution organ on the fact of the crime and the circumstances of its commitment, before this organ had learned about it, the court applies an extraordinary commutation of a sentence, or it might even abandon its administration altogether.

§ 2. Had a perpetrator of the crime as stipulated in Art. 241, paragraph 1 or 2 in connection with Art. 239, paragraph 2 notified a prosecution organ on the fact of a crime and the circumstances of its commitment before the organ had learned about it or during the first interrogation at the latest in the course of the penal proceedings revealed the truth, the court applies an extraordinary commutation of a sentence, or it even might abandon its administration altogether.

§ 3. Had a perpetrator of the crime as stipulated in Art. 239, paragraphs 2 and 3 or Art. 240 notified the prosecution organ on the fact of a crime and the circumstances of its commitment, before that organ had learned about it, the court may apply extraordinary commutation of a sentence, or even abandon its administration altogether.

§ 4. Had a perpetrator of the crime as stipulated in Art. 241, paragraphs 1 or 2 in connection with Art. 239, paragraph 1 as well as in Art. 241, paragraphs 3 and 4 notified a prosecution organ on the fact of a crime and the circumstances of its commitment before the organ had learned about it or, at the latest, during the first interrogation in the course of penal proceedings he revealed the truth, the court might apply extraordinary commutation of a sentence, or it even may abandon its administration altogether.

§ 5. Regulations under paragraph 1-4 apply to the instigator and the accomplice in crimes as stipulated in Art. 239 respectively.

(2) Art. 273, paragraph 2 will read as follows:

§ 2. He who in order to disseminate prepares, gathers, preserves, transports, passes or sends a paper, printed matter, recording, film or any other object having the content as stipulated in Art. 270-272 is subject to imprisonment from six months to five years.

(3) After Art. 282, a new article, Art. 282a is added which reads:

"Art. 282a. He who undertakes activity in order to breed public unrest and riots is subject to imprisonment of up to three years."

Art. 13

In the Code of Penal Procedure, Art. 198 will read as follows:

§ 1. After instituting legal proceedings, the court or the prosecutor might issue a decision on the accessibility to correspondence, and mail or on recording of the contents of telephone conversations of importance for the inquiry under way. A complaint may be lodged concerning decisions pertaining to that question.

§ 2. The announcement of the decision to the defendant, as mentioned in paragraph 1, may be adjourned for a definite period of time, indispensable for the good of the case.

§ 3. Postal, telecommunication, customs offices as well as transportation institutions are obliged to present the court or the prosecutor at their request with letters, mail as well as recordings of telephone conversations, as mentioned in paragraph 1: It is only the court or the prosecutor who have the right to open or to order to reproduce them. A minutes is prepared out of the course of opening a letter or mail or reproducing the recording of a telephone conversation and on destruction of its recording.

§ 4. Objects of no importance for the penal proceedings should immediately be returned to the relevant offices or institutions as mentioned under paragraph 3, while the recorded telephone conversations - should be destroyed.

§ 5. The Minister of Justice in agreement with the Prosecutor General of the Polish People's Republic, will define, by way of a decree, the mode of performing, securing, storing, recording or destroying the contents of telephone conversations.

Chapter 4

PROVISIONAL AND FINAL REGULATIONS

Art. 14

1. The Council of Ministers, by way of a decree, may in the period during the suspension of martial law introduce specific responsibility towards people holding managerial posts in the State administration, other State organizational entities as well as socialized economy entities and in State schools and scientific and research institutions - which committed flagrant violations of the legal order or official duties causing serious social harm.
2. Regulation under item 1 applies respectively to people who violate the legal order or official duties causing serious social harm, who make up collegial organs authorized to undertake decisions within the scope of State administration and national economy.
3. The person, against whom the proceedings take place, mentioned under item 1, is suspended in the performing of official duties or in performing functions for the duration of the proceedings, on the basis of the verdict of the commission on special order proceedings.
4. In matters of particular order responsibility verdict is pronounced:
 - (1) in the first instance - by commissions for special order proceedings,
 - (2) in the second instance - by the Central Commission on Special Order Proceedings.
5. In the proceedings in deed of particular order responsibility the following penalties may be pronounced:
 - (1) warning,
 - (2) relegation to a lower-ranking post,
 - (3) demotion from the post held or recalling from the composition of the collegial organ.
6. An appeal from the verdict issued by the first instance in the proceeding in deed of the particular order responsibility can be made within seven days at Central Commission on Special Order Proceedings, whose verdicts are final.
7. Legally valid verdicts issued in the proceedings in deed of particular order responsibility are subject, on the strength of law, to immediate execution by competent organs.
8. The Council of Ministers, by way of a decree, defines the organization, principles, composition and mode of establishing commissions on special order proceedings as well as agents acting in these proceedings, as well as principles and mode of proceedings before commissions and the execution of their verdicts.

Art. 15

1. Penalties, which were not fully or partially carried out before the day of lifting martial law, dealing with crimes and offences with legal validity administered on the basis of regulations of Art. 46-52 of the decree of 12 December 1981 on martial law (Dz. U. No. 29, item 154 and from 1982 No. 3, item 18) or pronounced in the course of particular proceedings introduced for the time of the duration of martial law by the force of other statutory regulations concerning martial law, are subject to execution.

2. In matters involving crimes and offences as stipulated in Art. 46-52 of the decree mentioned in item 1, instituted and not concluded by a legally valid verdict till the day of lifting martial law, these regulations are applicable while penalties administered on their basis are subject to execution.

Art. 16

1. Cases not concluded till the day of lifting martial law involving crimes, which stopped being subject to summary proceedings, are furtherly carried out in the course of normal procedure before the hitherto relevant organ; trial procedures taken before that day are efficient, provided they were not performed in accordance with the regulations in force.

2. The regulation of item 1 applies respectively to unfinished cases by the day of lifting martial law.

Art. 17

1. Cases involving crimes which by the day of lifting martial law stopped being subject to the extended competences of military courts, are under way till the time of validation of the verdict before the hitherto competent organ.

2. However, the competent military court, at its own initiative or on the motion of the defendant or the military prosecutor, may relegate the case to the competence of the court of law, provided the weal of the administration of justice does not obstruct it. In such case the proceedings before the court of a given degree are started anew.

3. The regulation of item 2 applies respectively to preparatory proceedings which are furtherly carried out according to general principles.

4. Regulations of Art. 25, paragraph 3 and Art. 29 of the Code of Penal Procedure apply respectively.

Art. 18

Suspension of martial law does not violate the regulations on martial law contained in the law of 21 November 1967 on general duty to defend the Polish People's Republic. (Dz. U. of 1979, No. 18, item 111.)

Art. 19

The decisions as well as other individual legal decisions issued on the basis of regulations binding during martial law are legally valid on general principles.

Art. 20

The law takes effect on the day of its declaration.

RESOLUTION OF THE COUNCIL OF STATE

of 19 December 1982 on the Suspension of Martial Law

Under art. 1a § 1 and 3 of the law of 25 January 1982 on special legal regulations in the period of martial law (Dz. U. No. 3, item 18 and No. 41, item 272), the Council of State, on the motion of the Council of Ministers, resolves as follows:

Paragraph 1

Martial law, declared with a view to the security of the State by force of the decree of the Council of State of 12 December 1981 (Dz. U. No. 29, item 155), is suspended as of 31 December 1982 on the entire territory of the Polish People's Republic.

Paragraph 2

The resolution takes effect on the day of its adoption.

Chairman of the Council of State

HENRYK JABLONSKI

ANNEX V

ATTACHMENT TO NOTE VERBALE DATED 21 DECEMBER 1982 FROM THE
PERMANENT REPRESENTATIVE OF POLAND TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

New York, 21 December 1982

PRO MEMORIA

1. On 18 December 1982, the Diet (Sejm) of the Polish People's Republic enacted two laws concerning legal regulation in time of martial law and its suspension. By their terms, on 19 December, 1982 the Council of State resolved to suspend martial law on the entire territory of the Polish People's Republic as of 31 December 1982.

2. The suspension of martial law is a political act of outstanding significance. The overwhelming majority of rigours and restrictions provided for in martial law legislation shall no longer be in force. This includes in particular:

(a) A complete lifting of internment, which amounts to the release of all persons interned and revoking the authority of law-enforcement organs to apply the measure;

(b) Far-reaching limitation of emergency procedures and the competence of military courts with respect to civilians. Emergency procedures shall no longer apply to offences against State's basic political interests, public safety and public order and activities of public officials. Military courts' jurisdiction shall no longer apply, inter alia, to the offence of assault on public officials while performing their duty functions;

(c) Lifting restrictions in freedom of movement and the requirement to obtain special permits for the organization and holding of assemblies, artistic, entertainment and sports events and public fund collection;

(d) Lifting militarization of State-owned enterprises, previously militarized to ensure basic production and services, necessary for the functioning of the economy;

(e) Restoring the right to strike and protest actions, held in accordance with the relevant provisions of the laws in force, including the law on trade unions;

(f) Restoring the right of association with regard to associations, unions, civic and trade organizations, which will be resuming their activity within individually specified periods of time, no longer than six months;

(g) Abolishing censorship of mail, telecommunications and monitoring telephone conversations;

(h) Restoring, within no more than three months, the functioning of workers self-government in State enterprises;

(i) Lifting ban on photo, film and video picture-taking as well as on wearing specific uniforms and badges.

3. In addition, it is expected that as an act of the authorities goodwill, the Council of State will pass a decision on special procedures with respect to pardoning offences committed in social conflicts out of political motivations. The pardoning procedures shall be based upon the following principles:

- the act of pardon shall apply to a wide range of crimes and offences specified both in the decree on martial law and in the penal code (e.g. those directed against the activities of State and public institutions or against public order),
- the act of pardon shall consist in the conditional release from serving the remainder of the sentence or in its conditional suspension,
- applications for pardon may be submitted to the Council of State directly by the person concerned, his or her family, the attorney, work-mates or a civic organization,
- special circumstances in which to grant a pardon shall include family, social and humanitarian considerations, and in particular age, upkeep of minors, grave illness of a nearest of a kin, as well as a commendation from neighbourhood associations, employer or school, and finally, good conduct during the prison term.

4. The decisions in question constitute a reaffirmation of the consistent implementation of the pledge that temporary derogations would not be in force a moment longer than required by the supreme national interest and the purpose of their introduction, which was to reverse an exceptionally serious, public emergency threatening the life of the nation. It will be recalled that the decisions had been preceded by measures with a view to systematically easing the rigours of martial law.

5. The authorities of the Polish People's Republic shall continue all efforts aimed at lifting, as soon as possible, the remaining restrictions, until they are ultimately terminated. Their temporary retention has been effected by the indispensability of ensuring to the extent necessary, legal measures to safeguard State's basic interests and those of its national economy.

Apart from prospects for termination of martial law, the Council of State has been empowered to suspend application to the rigours of martial law still in force.

6. The suspension of martial law is a part of the process of normalization that had begun at a much earlier time, certain rigours, as for instance the curfew or their restrictions in the freedom of movement, had not been resorted to for many months. There had also been a gradual easing of restrictions not regulated directly in the decree on martial law (e.g. foreign travel).

7. Intensive efforts are being made with a view to creating conditions favouring national accord, economic reconstruction and revitalization as well as ensuring the irreversibility of the policy of reforms and social renewal. The process of erecting institutional foundations for national accord has commenced. The Provisional National Council of the Patriotic Movement for National Renewal has been formed and held its first session.

8. The authorities of the Polish People's Republic are well aware that Poland would have been much further on its way to termination of martial law, were it not for the policy of illegal sanctions, including economic sanctions, pursued by certain Western States, as well as a propaganda offensive directed against normalization of Poland's social and economic life.