

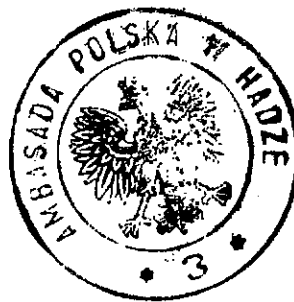
Note No. HL-A- 441- 111/09

The Embassy of the Republic of Poland presents its compliments to the International Criminal Court and with reference to the latter's Note no ICC-ASP/8/S/PA/19 of 24 April 2009 has the honour to forward attached hereto Polish answers to questionnaire regarding the measures undertaken in respect of implementing the legislation (ref. to the annex IV).

The Embassy of the Republic of Poland avails itself of this opportunity to renew to the International Criminal Court the assurances of its highest consideration. *ZS.*

The Hague, 24 August 2009

International Criminal Court
The Hague



Ad. 1

Yes. On November 23, 2004 entered into force a law concerning co-operation with the International Criminal Court.

Moreover, the draft law on the substantive criminal law has been prepared. Its aim is to complement the already existing regulations of the Criminal Code on crimes against humanity and war crimes.

Ad. 5

The regulations on co-operation with the ICC constitute a part of the Code of Criminal Procedure (Chapter 66e. *Co-operation with the International Criminal Court*), there is no specific law on co-operation with the ICC.

According to the Polish Constitution, international agreements after having been ratified by the Parliament are regarded as sources of universally binding law. They constitute a part of domestic legal order and may be applied directly. Furthermore, in the case of contradiction between the provisions of international agreement and provisions of domestic law, international law takes precedence over internal law. Hence, including international treaties within the framework of the sources of law in Poland, allows for direct application of the Rome Statute. Therefore, Chapter 66e of the Code of Criminal Procedure does not regulate the issues which are covered by the self-executory provisions of the Rome Statute and thus may be applied directly. The Chapter, in principle, deals with the issues in relation to which the Statute leaves States – Parties a certain degree of freedom as to the way of regulating them, or the regulations that enforce the Statute's provisions, e.g. the appointment of relevant authorities to execute the Court's requests for judicial assistance.

Ad. 6

The draft on substantive criminal law is aimed at incorporating crimes covered by the Statute into the Criminal Code. It is, however, limited to these crimes which has not been already covered by the Code (mainly crimes against humanity).

Ad. 7 - Yes, it does.

Ad. 8

No, it does not. However, it establishes national authorities to deal with the ICC requests for judicial assistance.