

**Decree of the Polish Committee for National Liberation
of 31 August 1944
concerning the punishment of Fascist-Hitlerite criminals guilty of homicide and
ill-treatment of civilian population and of prisoners of war, and the
punishment of traitors to the Polish Nation.
Journal of Laws 1944, No. 4, item 16**

Pursuant to the Law of the State National Council of 15 August 1944 on the provisional procedure for issuing decree-laws (Journal of Laws of the Republic of Poland, No. 1, item 3), the Polish Committee for National Liberation resolves, and the Praesidium of the State National Council approves, as follows:

Article 1.

Whosoever, in accommodating the German occupying power:

- a) has participated, or is participating, in homicide, ill-treatment or persecution of persons among the civilian population or prisoners of war,
- b) has acted, or is acting, to the detriment of persons residing in the territory of the Polish State, in particular by capturing or deporting persons wanted or persecuted by the occupying power for any reason (excluding prosecution for the committing common offences), shall be liable to the penalty of death.

[keywords: homicide, ill-treatment, collaboration with the occupier]
[rulings]

Article 2.

Whosoever has extorted extorts, or is extorting, benefits from such persons or their relatives under the threat of their capture and surrender to the occupation authorities shall be liable to a penalty of imprisonment for up to 15 years or for life.

[keywords: extortion, collaboration with the occupier]
[rulings]

Article 3.

Committing the crimes provided for in Articles 1 and 2 while in the service of the hostile occupying power or by its order or under its coercion shall not exempt from criminal

liability.

[keywords: compulsion, vis compulsiva]

[rulings]

Article 4.

Attempting, inciting and aiding and abetting shall be punishable on a par with committing the offences provided for in this Decree.

[keywords: attempting, inciting, aiding and abetting]

[rulings]

Article 5.

§ 1. In the event of a conviction for the offences provided for in Articles 1, 2 and 4 of this Decree, the court shall further rule:

- (a) loss of public rights and honorary civic rights,
- b) confiscation of all of the convicted person's property, and may also rule confiscation of the property of the accused person's spouse and children, excluding, however, the latter's property deriving from their own property or inheritance or donation, provided that the testator or donor has not committed the acts punishable under this Decree.

§ 2. Exclusion from confiscation under § 1 (b) shall be ruled by ordinary general civil courts in accordance with the provisions of the Code of Civil Procedure concerning exclusion from enforcement (Article 567 et. seq. of the Code of Civil Procedure).

[keywords: additional penalty, loss of public rights, confiscation]

[rulings]

Article 6.

The provisions of the General Part of the Penal Code shall apply to the offences provided for in this Decree.

[keywords: general part of the Penal Code]

[rulings]

Article 7.

The offences provided for in this Decree shall be subject to the jurisdiction of special criminal courts.

[keywords: court jurisdiction, special courts]

[rulings]

Article 8.

The implementation of this Decree shall be entrusted to the Head of the Ministry of Justice.

[keywords: Ministry of Justice, PKWN]

[rulings]

Article 9.

This Decree shall enter into force on the date of its promulgation and shall apply to all offences, as provided for in this Decree, committed after 31 August 1939.

[keywords: lex retro non agit, retroactivity of law, nullum crimen sine lege, nulla poena sine lege]

[judgments]

President of the State National Council:

Bolesław Bierut

President of the Polish Committee for National Liberation:

Edward Bolesław Osóbka-Morawski

Head of the Ministry of Justice:

Jan Czechowski