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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

6 November 1981

MEMORANDUM FOR: The Director of Central Intelligence
FROM : John H. Stein
Deputy Director for Operations
SUBJECT : [] Report

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[]
John H. Stein

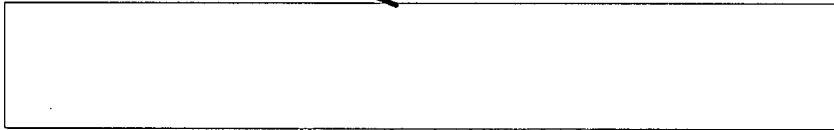
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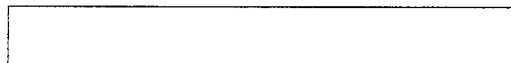
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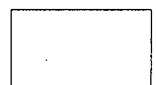
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Intelligence Information Special Report

COUNTRY Poland

FIRDB 312/03273-81

DATE OF INFO. 1981

DATE 6 November 1981

SUBJECT

Procedures for Internment of Polish Citizens

SOURCE Documentary

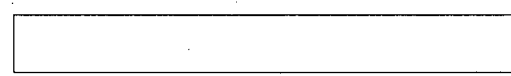
Summary:

This report is a translation of an ordinance of the Polish Council of Ministers, classified SECRET, entitled "Rules of Procedure in Cases Involving Internment of Polish Citizens." This ordinance was prepared without a date, to be effective upon declaration of a state of martial law; it defines procedures and jurisdictions connected with internment of citizens, and forms the legal base for internment action. It specifies appeal rights, criminal proceedings against internees, and the legal responsibility for the case and support of dependents of the internee.

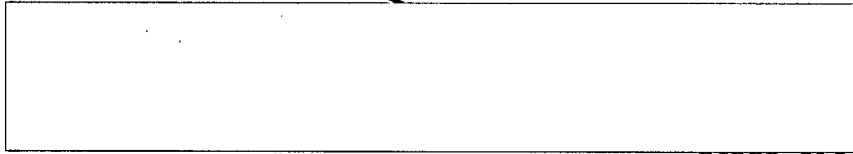
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ORDINANCE
OF THE COUNCIL OF MINISTERS

Rules of Procedure in Cases Involving Internment of
Polish Citizens

Dated

Pursuant to article 43, paragraph 6 of the Decree on Martial Law [Official Gazette] No . . . , item . . .) it is hereby ordered as follows:

Section 1

The provisions of this ordinance apply to Polish citizens who are residing on the territory of the Polish Peoples Republic during a state of martial law, or within the boundaries of a national political-administrative subdivision in which martial law has been declared, or who are fugitives from such a jurisdiction with the intention of going into hiding, in accordance with the provisions of the resolution of the Council of State on the declaration of said law.

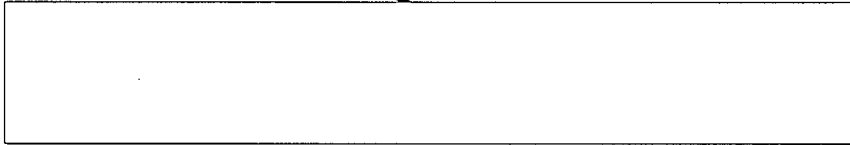
Section 2

1. Official action is to be taken to initiate internment proceedings if, in view of the past conduct of a person referred to in section 1, there are reasonable grounds to suspect that if he were to remain at liberty said persons would disobey the law or engage in activities prejudicial to the interests of national security or national defense.

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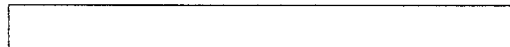


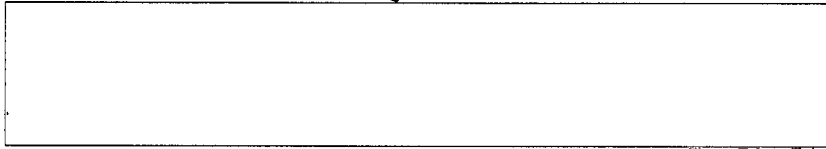
2. Internment proceedings may be conducted without the participation of the person concerned.
3. Internment proceedings may be initiated against any person over the age of 17 years.

Section 3

1. If the facts extant at the time when [internment] proceedings are initiated and the facts gathered during the course of such proceedings provide sufficient grounds to assume that, by remaining at liberty, a person referred to in section 1 would disobey the law or engage in activities prejudicial to the interests of national security or the national defense, an internment order will be issued unless said facts constitute grounds for filing criminal charges and enforcing a temporary detention order in accordance with article 217 section 1 of the Criminal Procedure Code or grounds for making an arrest and filing a deposition attesting to the commission of a crime before a court of law under the rules of accelerated proceedings or filing a petition for punitive relief with a collegium for a review of misdemeanors under the rules of accelerated proceedings.
2. An internment order should contain:
 - 1) designation of the organ which issued the order;
 - 2) the date and venue of the order;
 - 3) facts affirming the identity of the person who is the subject of the order;
 - 4) a statement of the legal grounds for the order;

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- 5) the disposition of the case;
 - 6) a statement of the factual circumstances supporting said disposition;
 - 7) immediate feasibility clause;
 - 8) instructions on the exercise of due appeal rights;
 - 9) signature of the person issuing the order.
3. The internee is to be served with an internment order in person at the moment of his arrest by officers of the Citizens Militia.
 4. An internment order is subject to immediate execution.

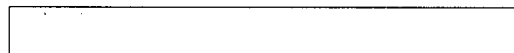
Section 4

Internment proceedings are to be conducted and internment orders are to be issued by the provincial commandant of the Citizens Militia within whose jurisdiction the person affected by these proceedings resides or formerly resided before going into hiding.

Section 5

1. Concurrently with the issuance of an internment order, the provincial commandant of the Citizens Militia is to draw up a warrant ordering confinement in a detention center.
2. Persons who have been served with an internment order are subject to arrest and transfer to detention centers.
3. Internment orders and warrants ordering confinement in a detention center are to be forwarded to the detention center administration.

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4. The arrest and transfer duties referred to in sections 2 and 3 are to be performed by officers of the Citizens Militia on the strength of the warrant ordering confinement in a detention center.

Section 6

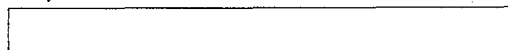
1. An internee is entitled to file an appeal against an internment order with the Minister of Internal Affairs through the offices of the organ which issued said order.
2. The filing of an appeal does not stay the execution of an internment order.
3. An appeal is to be filed within 7 days of the date on which an internment order is served. A new appeal may not be filed until 1 month after the date on which notice was served as to disposition of the previous appeal.
4. An organ which has issued an internment order shall refuse to accept an appeal if it was filed by an unauthorized person, or after the prescribed filing deadline in the case of an original appeal, whereas a new appeal filed prematurely will not be reviewed until after the prescribed interval has elapsed.
5. If the provincial commandant of the Citizens Militia whose internment order has been appealed acknowledges that the appeal at issue deserves consideration in its entirety, he may rescind the previously issued internment order.

Section 7

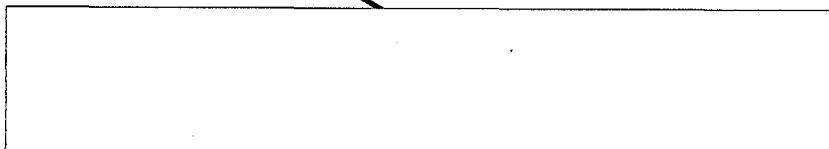
1. An internment order becomes null and void in the event of:
 - 1) the enforcement of a temporary detention order by a court or public prosecutor under the rules of article 217 section 1 or article 451 of the Criminal Procedure Code;

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- 2) a prison sentence, in compliance with the enforcement of article 217 section 3 of the Criminal Procedure Code, or a detention sentence if said sentence is immediately executed;
 - 3) the ordering of a person to a penal institution for the purpose of serving a prison or detention sentence;
 - 4) the discontinuance of criminal proceedings, a verdict which acquits the accused, discontinuance of misdemeanor proceedings, or handing down a ruling which finds the accused not guilty of charges on the grounds of which he was interned.
2. A provincial commandant of the Citizens Militia shall officially rescind an internment order if the reasons justifying its enforcement cease to apply.
 3. Internment will cease as of the date on which martial law is repealed.

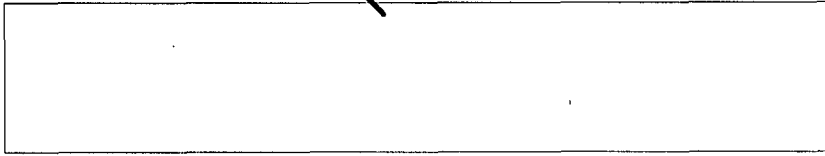
Section 8

Notwithstanding the issuance of an internment order, the Citizens Militia should take action to gather evidence that would constitute sufficient grounds for filing criminal charges against a given person or evidence that would be essential for drafting a petition for punitive relief under the rules of procedure in misdemeanor cases.

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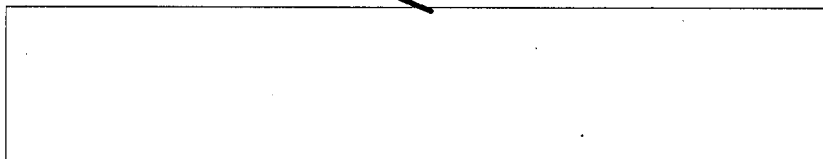
Section 9

1. If an internee has minor children or provides the sole means of support for adult relatives who, as a result of internment, will be left without a guardian and with no means of support, the provincial commandant of the Citizens Militia who issued the internment order shall request that the internee submit a written statement naming a person who will act as a guardian or provide means of support. The organ receiving said statement is to ensure that the person so named is informed of the necessity of assuming guardianship or providing means of support.
2. If an internee does not name a person who will act as a guardian, and the welfare of a minor child so requires, the provincial commandant of the Citizens Militia who issued the internment order is to apply to the appropriate guardianship court for appointment of a guardian in accordance with the provisions of Title III, Part I of the Family and Guardianship Code and of Book II Title II, Part II, Chapter 2, Subchapters 1 and 4 of the Civil Procedure Code.
3. If an internee has not named a person who will provide means of support and if such support is required in order to meet the basic needs of adult relatives who had been relying on the internee for their sole means of support, the provincial commandant of the Citizens Militia who issued the internment order shall apply to the appropriate basic local governmental organ and request that it furnish the necessary assistance in accordance with the provisions of the Law on Social Welfare of 16 August 1923 (Dziennik Ustaw No 92, entry 726, with subsequent amendments).
4. If the need arises to place a lien against the property of an internee, the provincial commandant of the Citizens Militia who issued the internment order shall apply to the appropriate primary local governmental organ and request that a lien be placed against said property in accordance with the provisions of the Law on Administrative Executive Proceedings of 17 June 1966 (Dziennik Ustaw No 24, entry 151 with subsequent amendments).

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Section 10

In matters not governed by this ordinance, the provisions of the Administrative Procedure Code, together with amendments and appendices arising from this ordinance, are to be enforced accordingly.

Section 11

This ordinance enters into force on the date of its promulgation and its provisions are binding retroactively to the date on which it was issued.

CHAIRMAN OF THE COUNCIL OF MINISTERS

Wojciech JARUZELSKI

General of the Army

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