

September 30, 1981

**Memorandum from John Stein to the Secretaries of
State and Defense and Director of National Security,
'[Redacted] Report'**

Citation:

"Memorandum from John Stein to the Secretaries of State and Defense and Director of National Security, '[Redacted] Report'", September 30, 1981, Wilson Center Digital Archive, CIA declassification, 2008 <https://digitalarchive.umd.edu/document/165310>

Summary:

Translation of an administrative decree for martial law, including the various organizations involved in the transition.

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

30 September 1981

MEMORANDUM FOR: The Secretary of State
The Secretary of Defense
Director, National Security Agency

FROM : John H. Stein
Deputy Director for Operations

SUBJECT : [Redacted] Report

1. Enclosed is a [Redacted] report. For convenience of reference by NFIB agencies, the codeword [Redacted] has been assigned to the product of certain extremely sensitive agent sources of CIA's Directorate of Operations. The word [Redacted] is classified [Redacted] and is to be used only among persons authorized to read and handle this material.

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[Redacted]

John H. Stein

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EXEMPTION: HR70-14
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Distribution:

- The Secretary of State
- The Secretary of Defense
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Intelligence Information Special Report

COUNTRY Poland

FRDB-312/03007-81

DATE OF INFO. September 1981

DATE 30 Sept 81

SUBJECT

Decree on Martial Law

SOURCE Documentary

Summary:

This report is a translation of a SECRET Polish document entitled "Decree on Martial Law, Dated" The Council of State is empowered by article 33, paragraph 2, of the PPR Constitution to declare martial law, but the mechanics for such action are vague. Accordingly, this decree was drafted to serve as an enabling administrative order; it is not the actual legal instrument of a declaration of martial law, which will have to be adopted in a form of a resolution by the Council of State. The attached decree specifies in detail major organizations which will be involved, procedures to be followed, and jurisdictional responsibilities emanating from a declaration of martial law, and the resulting impact on civil liberties and professional, social, cultural, and economic institutions.

End of Summary

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DECREE ON MARTIAL LAW, DATED

Guided by the need to provide stronger safeguards for the basic interests of the State and its citizens, with a view to providing for the effective defense of the sovereignty and independence of the Polish Peoples Republic and its public tranquillity, law, and order, as well as for the sake of securing the efficient operation of the state authority and administration and also the national economy during a state of martial law, [and] pursuant to article 33, paragraph 2 of the Constitution of the Polish Peoples Republic--the Council of State resolves as follows:

Section I
GENERAL PROVISIONS

Article 1

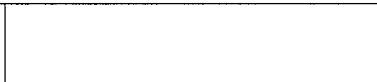
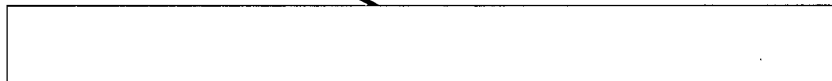
1. If required for reasons of national defense or security, the Council of State declares martial law in a part of or throughout the territory of the Polish Peoples Republic.
2. Martial law is declared throughout the territory of the Polish Peoples Republic for reasons of national defense in case of a threatened violation of the sovereignty and independence of the Polish Peoples Republic or for reasons of national security in case of a serious danger or actual violation of the public tranquillity, law, and order in Poland.
3. Martial law is declared in a part of the territory of the Polish Peoples Republic for reasons of national security within boundaries conforming to the jurisdictions of one or more provinces, cities, or townships (cities and townships) in case of a serious danger or actual violation of the public tranquillity, law, and order in a given area.

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Article 2

1. The Council of State declares martial law in the form of a resolution specifying territorial subdivisions, dates, and reasons for which martial law is declared.
2. The resolution of the Council of State on the declaration of martial law is promulgated in the DZIENNIK USTAW [Legal Gazette] of the Polish Peoples Republic and it is also announced to the public in the mass communications media.

Article 3

Provincial governors, within whose jurisdiction martial law has been declared, make arrangements for informing the public of the fact that martial law has been declared and of the consequences of this fact with respect to the rights and duties of citizens through regional mass communications media, public radio broadcasting stations, loudspeakers erected in public places, in-house radios in workplaces, and the posting of proclamations in places accessible to the general public.

Article 4

1. A declaration of martial law gives rise to the temporary:
 - 1) suspension or restriction of certain basic civil rights set forth in the Constitution of the Polish Peoples Republic, in other acts of law, and in international agreements to which the Polish Peoples Republic is a party, to wit: the right of habeas corpus (article 87, paragraph 1 of the Constitution), the prohibition against unlawful search and seizure and the right of postal privacy (article 87, paragraph 2 of the Constitution), right of association (article 84, paragraph 1 of the Constitution), freedom of speech, freedom of the press, freedom of assembly, and the freedom to hold rallies, marches, and demonstrations (article 83, paragraph 1 of the Constitution);

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- 2) amendments in the area of labor law;
 - 3) levying of special obligations upon citizens and organizational entities which are part of the socialized sector of the economy;
 - 4) subordination of the respective activities of all organs of the national government and public administration, organizational entities of the socialized sector of the economy, and social organizations to the interests of the State and people;
 - 5) determination of special liability to be incurred by citizens, including public officials, for violations of the law and for misfeasance in the discharge of their duties to the State;
- within limits and resting on principles as defined in this decree and in other acts of law pertaining to martial law.

2. The declaration of martial law also gives rise to the duty on the part of all Polish citizens to discharge their universal military service obligations as set forth in the provisions of the Law on Universal Military Service in Defense of the Polish Peoples Republic, in conformity with the provisions of the resolution of the Council of State on the declaration of martial law.

Article 5

1. A declaration of martial law engenders consequences, as defined in this decree and in other acts of law pertaining to martial law, which are applicable to all Polish citizens and their property residing (situated) within the jurisdictional boundaries of national administrative subdivisions in which martial law has been declared.
2. A declaration of martial law engenders consequences, as defined in this decree and in other acts of law pertaining to martial law, which are also applicable to foreign nationals residing within the jurisdictional boundaries of national

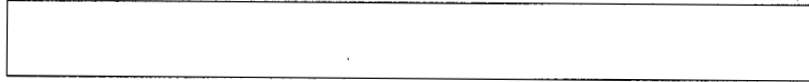
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administrative subdivisions in which martial law has been declared, in addition to being applicable to their property situated within these jurisdictional boundaries and the property of other physical and legal persons residing (headquartered) abroad unless otherwise provided for, under terms of reciprocity, by the provisions of this decree, other statutes, international agreements to which the Polish Peoples Republic is a party, or generally accepted international practices.

Article 6

1. During a state of martial law the Council of State may also issue decrees with the force of law concerning matters which fall within the sole purview of the Sejm [Parliament], with the exception of amendments to the Constitution of the Polish Peoples Republic. The Council of State will also issue decrees with the force of law during interim periods when the Sejm is not in session and then submit these decrees to the Sejm at its next session for ratification.
2. During a state of martial law, provincial governors may issue requisite law enforcement directives with a view to preserving public tranquillity, law, and order, or for the purpose of meeting defense requirements.

Article 7

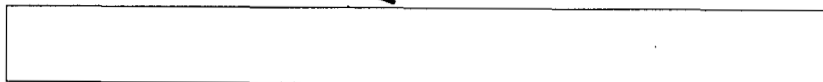
1. In time of war certain areas on the territory of the Polish Peoples Republic may be designated by the Council of State as war zones.
2. The boundaries of war zones and the rules governing the operations of state organs in such war zones are delineated by the Council of State at the instance of the Minister of National Defense.

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3. In the event that organs of state administration located in a war zone are inoperative, their functions are to be discharged by military organs designated by the Minister of National Defense.

Section II
RIGHTS AND DUTIES OF CITIZENS
DURING A STATE OF MARTIAL LAW

Article 8

1. Local organs of state administration may impose, insofar as such action is required in the interests of the national security or defense, restrictions on individual freedom of movement. Such restrictions may be based on an injunction or ban preventing persons from remaining in or leaving designated places, installations, and areas at specified times ("curfew"), as well as on a ban preventing persons from remaining in or leaving designated provinces, cities, and townships.
2. Law enforcement directives concerning matters mentioned in paragraph 1 will be issued by:
 - 1) a provincial governor, insofar as the territory affected by such an injunction or ban encompasses the area of an entire province or several contiguous cities, city districts, or townships (cities or townships) situated within the boundaries of a given province;
 - 2) a local government chief executive, insofar as the territory affected by such an injunction or ban encompasses the area of a city, city district, or township (cities and townships).

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3. Directives to which reference is made in paragraph 2 that are applicable on a nationwide scale or on a scale encompassing the area of several contiguous provinces will also be issued by the Minister of Internal Affairs.
4. In the directives to which reference is made in paragraphs 2 and 3 the appropriate organs of state administration will identify those places, installations, or areas affected by such an injunction or ban, the period of time during which they will remain in force, and the categories of persons exempted from the provisions of such injunctions and bans.

Article 9

All persons in public places are required to have in their possession an identity certification document, and school-age youth 13 years of age or older are required to have in their possession a school registration card or a temporary personal identity card.

Article 10

1. By ordinance the Minister of Internal Affairs may require:
 - 1) that a permit be obtained in advance in order to change one's place of permanent or temporary residence by relocating to another locality for a period of time exceeding 48 hours;
 - 2) that a person register within 6 hours of one's arrival in a given locality.
2. The permit, to which reference is made in paragraph 1, item 1, is issued by the appropriate local government chief executive with jurisdiction over the present place of permanent or temporary residence of a person who intends to change his place of residence, insofar as such a relocation does not pose a threat to national security or defense interests.

3. By ordinance the Minister of Internal Affairs defines the

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rules and procedures that apply in the handling of matters to which reference was made in paragraph 1, and he may also exempt certain categories of persons from these requirements.

Article 11

1. In order to take up permanent residence in a border zone for a period exceeding 48 hours it is necessary for a person to obtain a permit in advance from the appropriate local government chief executive with jurisdiction over the intended place of permanent residence.
2. In order to take up temporary residence in a border zone for a period not exceeding 48 hours it is necessary to obtain a permit in advance from the appropriate municipal commandant of the Citizens' Militia (or equivalent) with jurisdiction over the present place of permanent or temporary residence of a person who intends to travel to a border zone.
3. Laws governing the residence in and visit to a border zone are applicable in those matters to which reference is made in paragraphs 1 and 2.
4. By administrative order the Minister of Internal Affairs may exempt certain categories of persons from the requirement to obtain a permit allowing a person to take up permanent or temporary residence in a border zone.

Article 12

Tourism and sailing and rowing sports activities in inland and territorial waters are prohibited.

Article 13

1. Convocation and conduct of any type of assemblies as well as organization and holding of public meetings or artistic, entertainment or sporting shows require obtaining permission ahead of time from an appropriate state administrative organ.

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2. The regulation of paragraph 1 above does not pertain to services and religious rites of churches and confessional societies oriented toward religion and taking place (conducted) within the confines of churches, chapels, and houses of prayer dedicated solely to these purposes.
3. The Minister of Internal Affairs, using the form of decrees, may exclude totally or partially certain specific types of assemblies and public meetings as well as artistic, entertainment and sporting shows, and also offices and institutions which convoke assemblies, conduct meetings, and organize shows--all those referred to in paragraph 1 above--from the obligation to obtain permission.
4. An appropriate state administration will not give permission referred to in paragraph 1 above if the calling and the conduct of an assembly or the organization and holding of a meeting or show would be contrary to the interest of state security or defense.
5. The issuance of permits to conduct assemblies, hold public meetings, or organize artistic, entertainment or sporting shows is done in accordance with regulations on assemblies, public meetings, or public artistic, entertainment and sporting events.

Article 14

1. The workers' right to strike is herewith suspended.
2. Participation in a strike constitutes a serious violation by a worker of his basic work obligations and organization or direction of a strike may be deemed to constitute the bringing about of a serious or critical disturbance of the functioning of the national economy.

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Article 15

1. If the interests of state security or defense require it:
 - 1) the Chairman of the Council of Ministers may suspend operation of public service associations, and also national and regional trade unions, social and trade associations and organizations;
 - 2) provincial governors may suspend activities of registered and ordinary clubs and also trade unions, as well as social and trade associations and organizations active within the province.
2. Regulations referred to in paragraph 1 do not pertain to churches and religious societies.
3. Organs mentioned in paragraph 1, suspending club, union, association or organization activities, determine what to do with their property.

Article 16

Self-administrative activity of state enterprises workforces is being suspended within the realm specified by the Council of Ministers through issuance of an ordinance.

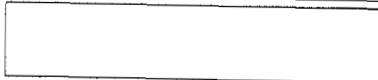
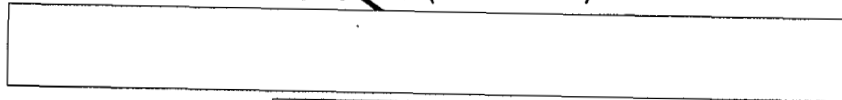
Article 17

1. Dissemination of any kind of composition or information through print, picture, or word of mouth as well as every public presentation of a literary, musical, or mimetic creation and also the use of printing establishments as well as devices producing print, illustrations and stamping by any means whatever, require obtaining permission ahead of time from the Main Office for Control of Publications and Public Performances.
2. The Main Office for Control of Publications and Public Performances does not grant permission referred to in paragraph 1 if the dissemination of the composition or

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information, performance of literary creation, reproduction of recording or utilization of an establishment or installation would threaten the interest of state security or defense.

3. The Chairman of the Main Office for Control of Publications and Public Performances with the approval of the Chairman of the Council of State determines the rules and methods for granting permission referred to in paragraph 1 and also may exclude certain types of literary creations and information as well as specified establishments and installations and also state organs from the obligation to obtain this permission.

Article 18

1. The Council of Ministers, by ordinance, may introduce censorship of packages sent by mail and telecommunications correspondence as well as monitoring of telephone conversations, specifying at the same time the censorship and control organs in charge of these matters.
2. The Minister of Internal Affairs in coordination with the Minister of Communications selects the censorship and communications control organs and defines the scope and principles of their performance.
3. The censorship and communications control organs are empowered to stop the total or partial transmittal of mail, packages and telecommunications correspondence as well as to interrupt telephone conversations if their content threatens the interest of state security or defense.
4. Confiscated mail, packages and telecommunications correspondence become the property of the State Treasury without compensation.

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Article 19

1. Owners of radio transmitters and transceivers may be obliged, if the interests of state security or defense require it, to place them in deposit.
2. The principles and method of proceeding in matters referred to in paragraph 1 are determined by the Council of Ministers by ordinance.

Article 20

Provincial governors may ban the making of photographs and films as well as TV pictures of specific installations and locations or within specific areas if this is required in the interest of state security or defense.

Article 21

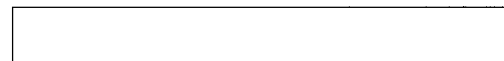
1. Owners of small firearms and hunting and sport weapons as well as the owners of ammunition and explosive materials may be required, should the interests of state security and defense demand it, to place these weapons, ammunition, and explosive materials in deposit.
2. The rules and method of proceeding in these matters, referred to in paragraph 1, are determined by the Minister of Internal Affairs.

Article 22

The Minister of Internal Affairs may ban the use of certain decorations and uniforms if this is required in the interest of state security and defense.

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Section III
RULES OF PROCEDURE IN EXCEPTIONAL
CIRCUMSTANCES CONNECTED WITH THE DEFENSE
AND SECURITY OF THE STATE

Article 23

In the understanding of this decree the following instances are regarded as exceptional circumstances:

- 1) immediate threat to life, health, and freedom of citizens;
- 2) immediate threat to public, private, and personal property of considerable value;
- 3) immediate threat to installations vital to the defense and security of the State;
- 4) immediate threat to, and occupation of, state administrative buildings and those of political and social organizations, as well as vital installations and equipment of the national economy;

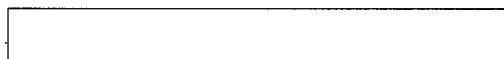
- all the above brought about by individual or collective action.

Article 24

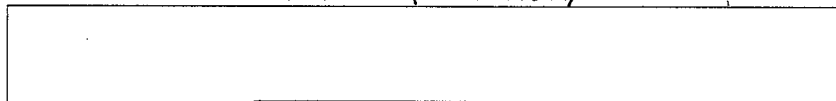
1. Assurance of public security in exceptional circumstances lies within the scope of activities of the Citizens Militia, according to binding regulations.
2. In exceptional circumstances, when actions of the Citizens Militia prove to be insufficient, units and subunits of other formations and organizations established for the protection of public order or public property, as well as the armed forces, may be used.

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Article 25

1. Citizens Militia close formation units and subunits, and other formations and organizations established for the protection of public order and public property, are used in exceptional circumstances on the basis of a decision of the provincial commander of the Citizens Militia after obtaining approval of the chairman of the provincial defense committee.
2. Units and subunits of the armed forces are used in exceptional circumstances in the proposal of the chairman of the provincial defense committee, on the basis of a decision of the district commander, after obtaining approval of the Minister of National Defense.

Article 26

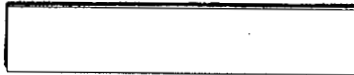
1. In exceptional circumstances direct means of force may be used, including chemical disabling agents and water-spraying devices, and in extreme cases, when a threat or assault cannot otherwise be prevented, also firearms.
2. Chemical disabling agents and water-spraying devices are used in exceptional circumstances on the basis of a decision of the provincial commander of the Citizens Militia, and, in the case of the armed forces, the military district commander.
3. Firearms are used in exceptional circumstances by Citizens Militia functionaries, employees (members) of formations (organizations) established for the protection of public order and public property, and troops according to rules specified in binding regulations concerning procedures with the use of firearms.
4. Close formation units and subunits use firearms on the basis of a decision of the Minister of Internal Affairs, and the armed forces on the basis of a decision of the Minister of National Defense. These decisions require previous approval of the chairman of the National Defense Committee.

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5. In cases where any delay would result in a direct danger to one's own life or that of other persons, or to public property of great value, decisions referred to in paragraphs 2 and 4 are made by a unit (subunit) commander, who is obligated to immediately notify his superior of each case of using these weapons.

Article 27

1. In regard to troops subordinate to the Minister of Internal Affairs, the rights of the military district commander and the Minister of National Defense, specified in article 25 paragraph 2 and article 26 paragraphs 2 and 4, are given to the appropriate troop commander and the Minister of Internal Affairs.
2. Detailed rules and methods of using close formation units and subunits, and of using means of direct force by these units and subunits in exceptional circumstances, are defined by an ordinance of the Minister of Internal Affairs and Minister of National Defense.

Article 28

1. During the time martial law is in effect, formations and organizations established for the protection of public order or public property, with the exception of the armed forces, are subordinate in operational matters to the Minister of Internal Affairs regardless of other subordinations of these formations and organizations.
2. The Council of Ministers defines the rights of the Minister of Internal Affairs regarding formations and organizations referred to in paragraph 1.

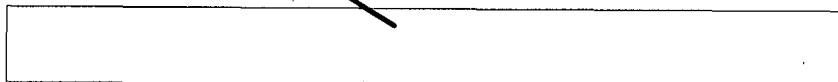
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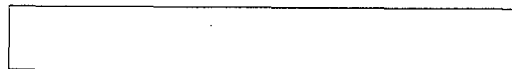
Section IV
FUNCTIONING OF STATE ADMINISTRATION
AND NATIONAL ECONOMY DURING A
PERIOD OF MARTIAL LAW

Article 29

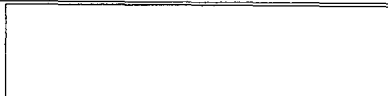
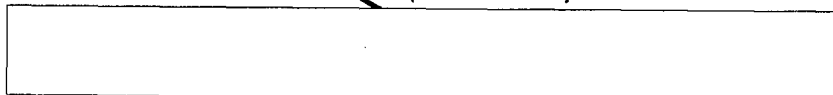
1. The Council of Ministers may impose, by ordinance, a general work obligation on persons who have reached the age of 15 years and have not reached retirement age specified in regulations regarding retirement benefits, and are capable of performing work due to their state of health and personal and family circumstances. In the case of persons who are employed, the obligation applies to the type and conditions of work specified in an established work agreement and labor law regulations; and in the case of persons who are not employed in a work establishment, or are employed in a nonsocialized work establishment performing work which does not fulfill basic needs of the population, it consists of reporting at a time and place publicly announced by an appropriate official, depending on the permanent residence, for the purpose of being assigned to a socialized work establishment, and of performing specified types of work on behalf of the work establishment designated in the assignment, under conditions specified in that assignment and by labor law regulations.
2. The chief official, by virtue of the location of the work establishment, may move workers to another establishment located in the area under his authority, and the manager of the work establishment may assign additional duties to the worker or task him with other types of work in the same or other locality, even without the worker's agreement, if the worker has the necessary qualifications and his personal and family circumstances do not interfere.
3. The worker has the right to appeal the decision referred to in paragraph 2 to a labor affairs appeal committee within 3 days from the date the decision is handed down. The initiation of an appeal does not defer the decision.

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4. The worker is obligated to perform work 6 days per week. In case the working establishment has special needs, the director of the establishment may introduce a requirement for work on legal holidays.
5. The daily work period may not exceed 8 hours in a 24-hour period. In case of special needs of the work establishment, the director may extend the daily work period to 12 hours in a 24-hour period, with the exception of legal holidays and in cases of workers employed in hardship positions or performing work hazardous to health.
6. Work performed during an extended work period counts as overtime.
7. An employee is entitled to paid recreational leave in the amount of 1 day for each month worked. Juveniles and workers engaged in particularly strenuous work or under conditions hazardous to health are entitled to 1 additional day of paid leave for each 3 months worked. An employee who has worked over an extended work period is entitled to 1 additional day of paid leave for each month of extended work periods. Granting of unpaid and emergency leave is suspended.
8. The Council of Ministers, by ordinance, determines principles and procedures in matters discussed in paragraph 1 and the category of persons not subject to general work obligations, and may also issue regulations defining work conditions, social insurance benefits, as well as social and living conditions of work establishments on behalf of employees under conditions distinct from labor law.

Article 30

1. The Council of Ministers, by ordinance, may impose upon natural persons and corporate bodies owning farms special service contributions on behalf of the food economy, consisting of:
 - 1) deliveries, on behalf of the state, of specified agricultural products;

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- 2) cultivation of certain types of crops;
- 3) use of arable land, equipment, and farm buildings for agricultural production.
2. Obligatory service resulting from the legally valid decision of the appropriate state administration, cited in paragraph 1, items 1 and 2, in case of noncompliance, is subject to administrative executive action.
3. Farms, arable land, equipment, or farm buildings which are not used for agricultural purposes, based on a decision of the appropriate state administrative organ, are subject to temporary transfer for gratuitous use by other natural persons or corporate bodies who are responsible for their proper management.
4. The Council of Ministers, by ordinance, defines the scope of obligatory service cited in paragraph 1 and the principles and method of its execution, and also the principles of carrying out administrative executive action.

Article 31

1. The Council of Ministers, by ordinance, may introduce full or partial regulation of provisioning the public with basic food items and some nonfood items.
2. The Minister of Domestic Trade and Services, in agreement with the appropriate minister in regard to the territory of the whole country, and provincial governors within the borders of particular state administrative divisions, may in justifiable cases limit or suspend the sale of articles not included in supply regulations, and also certain types of vital services for the public by socialized and nonsocialized service establishments.
3. The Council of Ministers, by ordinance, defines the scope and principles of regulations for provisioning the public.

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Article 32

1. Renting of premises and buildings is based on an administrative decision on allocation of all premises and buildings in all localities.
2. One person is entitled to 5 square meters of living space.
3. In cases justified by billeting needs of persons who have been deprived of their homes as a result of military action, the chief official may assign living premises vacated by a renter, member of a building cooperative, or owner, as well as assign quarters to a person in part of the premises which are excess living space exceeding the obligatory norms and including at least one room.
4. In cases justified by special economic or social considerations, the chief official may decide to vacate completely or partially premises occupied by a government office or institution or unit of the socialized economy, without simultaneous assignment of alternate premises, and assign the vacated premises to other users.
5. Property essential for national defense or for important socioeconomic projects may be expropriated.
6. The Council of Ministers, by ordinance, specifies the principles and procedures in matters cited in paragraphs 1, 3, 4, and 5. Regulations issued by the Council of Ministers may standardize matters of renting and expropriation in a manner different from provisions of housing law and civil law.

Article 33

The Council of Ministers is authorized by ordinance to make essential changes in the scope and principles of:

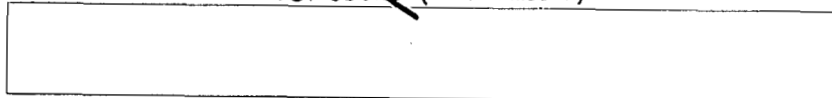
- 1) the origination, fulfillment and termination of tax obligations, as well as enforcement of tax obligations;

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- 2) collection of money, turnover of money, financial services, and granting of credit;
- 3) obligatory and voluntary property and personal insurance;
- in regard to national persons and corporate bodies who are not entities of the socialized economy and other nonsocialized organizational entities not having legal status.

Article 34

If, as a result of military action damages, registration of civil status is not possible according to regulations of the law on civil status records and family and guardianship codes, birth registration, statement acknowledging paternity, contraction of marriage, and death notification may occur under simplified rules defined by the Minister of Internal Affairs by an ordinance.

Article 35

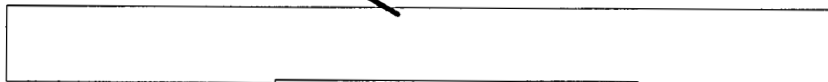
1. The creation, conversion, cancellation, and establishment of territorial boundaries and seats of organizational entities of churches and religious associations, as well as appointments to church positions require the concurrence of the Director of the Office for Religious Affairs in regard to diocesan (or equivalent) matters and the governor in regard to parish (or equivalent) matters.
2. In the event of appointment to a church position without the concurrence mentioned in paragraph 1, or the performance of church functions in a manner that threatens national security and defense, as well as in the event of reasonable suspicion of such actions, the proper organ of state administration designated in paragraph 1 can take the necessary administrative measures.
3. The principles and procedures in matters discussed in paragraphs 1 and 2 are defined in orders issued by the Chairman of the Council of Ministers.

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Article 36

The Council of Ministers can, by ordinance, totally or partially suspend or limit the operation of specified communications equipment as well as postal and telecommunications services.

Article 37

The Minister of Transportation, in regard to the territory of the entire State or an area covering several neighboring provinces, and governors within the limits of individual entities of state administration--can totally or partially limit or suspend the transport of people and freight by road, railroad, air, and water, and also issue orders on specific conditions for the acceptance of parcels for transport.

Article 38

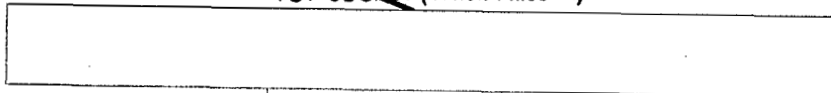
1. The Minister of National Defense may proclaim a total or partial ban or limitation of Polish flights and foreign aircraft in the airspace over land, internal waters, and territorial sea of the Polish Peoples Republic.
2. The Minister of Transportation may proclaim a total or partial ban or limitation of railroad rolling stock, public cable and funicular railways, and the travel of Polish and foreign watercraft in inland waterways.
3. The Minister-Director of the Office of Maritime Economy may proclaim a total or partial ban or limitation of Polish and foreign watercraft traveling in internal seawaters and the territorial sea.
4. The Minister of Transportation may proclaim a total or partial ban or limitation of motor vehicles on public highways of the territory of the entire country or of several neighboring provinces; provincial governors may do the same within the borders of individual administrative subdivisions.

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Article 39

1. The Minister of Internal Affairs may close completely or partially or limit the traffic of people and goods through border crossing points.
2. The Minister of Internal Affairs in coordination with the Minister of National Defense may establish, by ordinance, regulations for the issuance of documents authorizing Polish citizens to cross the state border.
3. The Minister of Foreign Affairs in coordination with the Minister of National Defense may establish, by ordinance, regulations for issuance of documents authorizing foreigners to cross the state border, regulations governing their stay in the country, and regulations for dealing with foreign diplomatic representatives accredited to the PPR as well as other individuals of equal rank on the basis of laws, international agreements to which the PPR is a party, or universally accepted practices.

Article 40

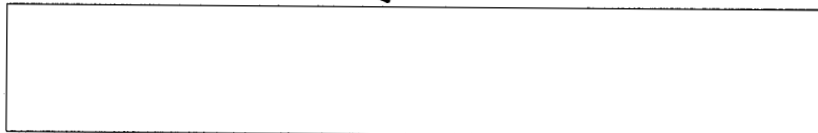
1. Road, railroad, air, and water transport means on PPR territory, belonging to countries against which a state of war has been declared, are subject to distraint and requisition.
2. The principles and procedures in matters discussed in paragraph 1 are defined in an ordinance of the Minister of Foreign Affairs in agreement with the Minister of Transportation and the Director of the Office of Maritime Economy.

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Section V
PREVENTIVE AND PENAL MEASURES
UNDER MARTIAL LAW

Article 41

1. Polish citizens who have reached the age of 17, against whom there is reasonable suspicion that if they remain free they will conduct activities which threaten national security or defense, can be interned in isolation centers on the decision of the commandant of the provincial Citizens Militia.
2. The regulation in paragraph 1 also applies to citizens of countries against which a state of war has been declared, and also citizens of other countries and stateless persons. Internment does not apply to chiefs and employees of diplomatic representations and consular offices of foreign countries and other persons of equal status based on laws and international agreements, of which the PPR is a party, or on generally accepted international practice.
3. The principles and procedures in matters of internment are defined in an ordinance of the Council of Ministers.
4. The PPR Prosecutor General and prosecutors subordinate to him supervise adherence to the law in matters of internment based on principles and procedures for supervision of adherence to the law.

Article 42

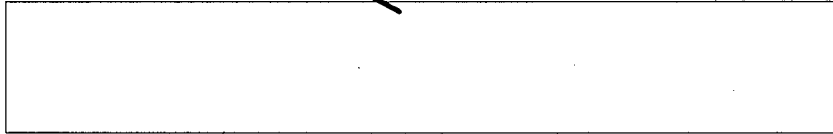
1. Accelerated proceedings discussed in chapter 45 of the penal proceedings code are applied in matters of offenses defined in chapters XXI, XXII, XXIV, XXXII, XXXIII, XXXIV, and XXXVI of the penal code, as well as in the rules of other laws pertaining to martial law, and are liable to punishment by imprisonment up to 3 years even if the offenses are not hooligan in nature.
2. The rules of article 447, section 3, second sentence and article 451 of the penal proceedings code are not applicable.

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3. If it appears during a trial that there is a need to conduct preparatory proceedings in regard to the accusation, the court transfers the matter to the prosecutor's office; the court can order temporary arrest.

Article 43

Accelerated proceedings are introduced in matters pertaining to offenses presented before a board of coworkers at the local organs of state administration.

Article 44

If considerations for ensuring efficient jurisdictional functioning in criminal matters so require, the Council of Ministers, by ordinance, can suspend the action of the board of coworkers at local organs of state administration and transfer their authority to persons designated by these organs, defining the principles and procedures in matters of offenses.

Article 45

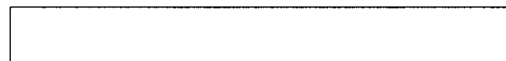
In matters of offenses liable to arrest, searches may be made in accordance with the rules of the criminal proceedings code.

Article 46

1. Whoever is a member of an association, union, or organization whose activity has been suspended, and who has not relinquished further statutory activity, is liable to punishment by imprisonment up to 3 years.
2. Whoever organizes or directs a strike which does not cause serious or vital disruptions in the functioning of the national economy is liable to imprisonment up to 5 years.
3. The court can waive the sentence of a perpetrator of the crime, defined in paragraph 2, who voluntarily withdraws from the strike and who attempts to persuade other strikers to do the same.

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4. Whoever spreads false information which can result in public unrest and disturbances is liable to imprisonment up to 5 years.
5. This same sentence is imposed on any person who, for purposes of dissemination prepares, stores, carries, or sends papers, publications, tapes, or film containing information defined in paragraph 4.
6. In the event of a conviction for an offense defined in paragraphs 4 or 5, the court can order confiscation of equipment and other items which served or were appropriated for committing the crime, even though they may not be the personal property of the perpetrator.

Article 47

Articles 256 and 257 of the criminal code are also applicable for internment in isolation centers.

Article 48

1. Whoever participates in a strike is liable to arrest up to 3 months or a fine of up to 5,000 zlotys. The rule of article 46 paragraph 3 is applied accordingly.
2. Whoever changes his place of permanent residence or temporary stay, or arrives at the border zone without the required permit or in defiance of its provisions is liable to arrest up to 3 months or a fine of up to 5,000 zlotys.
3. Whoever violates the freedom of movement limitations is liable to arrest up to 1 month or a fine of up to 5,000 zlotys.
4. Whoever engages in tourism, sailing or rowing sports in inland or territorial waters is liable to a fine up to 5,000 zlotys.

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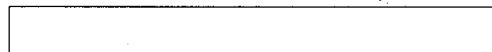
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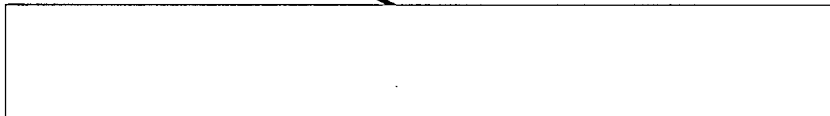
5. Whoever does not have an identity document (school identity card) while staying in a public place is liable to a fine up to 500 zlotys.
6. Whoever makes photographic or film snapshots or television pictures of restricted installations or places, or in restricted areas, is liable to a fine up to 5,000 zlotys. Regulation article 46, paragraph 6 is correspondingly applied.
7. Whoever in defiance of the general obligation to perform work does not report at the designated time and place in order to obtain direction to a socialized working place or does not undertake work in accordance with the direction given is liable to a fine up to 5,000 zlotys.
8. Whoever in defiance of the general obligation to perform work, shirks the work designated by the work relationship entered into, and the regulations of labor laws, is liable to a fine up to 5,000 zlotys.
9. Whoever does not use existing farmland, means, or installations of agriculture for purposes of agricultural production, or being obligated to this, shirks the raising of designated kinds of crops or delivery of agricultural products on behalf of the State, is liable to arrest up to 3 months and a fine up to 5,000 zlotys.
10. Whoever impedes or hinders the carrying out of obligations or raising designated kinds of crops or deliveries of designated agricultural products to the State by a person obligated to this, is liable to arrest up to 3 months and a fine up to 5,000 zlotys.
11. Whoever violates the regulating laws for supplying the population, is liable to arrest up to 3 months and a fine up to 5,000 zlotys.

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12. Whoever prevents an authorized individual from occupying an assigned dwelling or persistently makes it difficult for a person to avail himself of an assigned part of a dwelling, is liable to a fine up to 5,000 zlotys.
13. Whoever in defiance of an introduced ban or restriction transports persons or things, or accepts for transport parcels which do not meet the required conditions, is liable to a fine up to 5,000 zlotys.
14. Whoever in defiance of an introduced ban or restriction conducts air flights in Polish airspace, drives a motor vehicle on a highway, or travels by watercraft on inland waterways, internal seaways, or territorial sea, is liable to arrest up to 3 months or a fine up to 5,000 zlotys.

Article 49

Offenses designated in article 52, section 1; article 54; article 56, section 1; article 63, section 1; article 65, section 1 and 2; article 66, section 1; article 67, section 1; article 68, sections 1 and 2; and article 147 of the code of offenses are also liable to arrest up to 3 months; and offenses designated in article 54; article 61, section 1; article 66, section 1; article 118, section 1; article 122, section 2; and article 156, section 1 of the code of offenses are also liable to a fine up to 5,000 zlotys.

Section VI
TEMPORARY AND FINAL REGULATIONS

Article 50

1. Procedures in matters of crimes and offenses committed prior to the day of introducing the procedures which are mentioned in section V, are conducted to the end according to hitherto binding regulations.

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2. Administrative procedures in matters, which are discussed in sections II and IV, begun before the day of passage of the decree, are still conducted according to regulations of the decree and acts issued on its basis.

Article 51

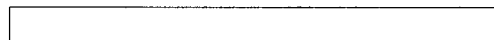
1. The consequences of introducing a state of martial law, which were described in the decree and other acts pertaining to martial law, are subject to repeal as soon as this state is terminated unless the Council of State terminating the state of martial law determines otherwise.
2. Matters concerning crimes and offenses, which have not been completed by the day of repeal of martial law and have been conducted according to the procedures mentioned in section V, are turned over for regular handling by the appropriate organ, with the exception of the case mentioned in paragraph 1.
3. Administrative procedures in matters mentioned in sections II and IV, which have not been completed by the day of repeal of martial law, are discontinued as of that day, with the exception of the case mentioned in paragraph 1.

Article 52

Regulation articles 8-15; articles 17-28; article 31; articles 36-38; article 39, paragraphs 1 and 2; article 41, paragraphs 1, 3, and 4; article 42; article 43; and articles 45-49 are put into practice when martial law is in force for reasons of national defense or security. Regulation articles 16, 29, 30, 32, and 33 are put into effect when martial law is in force for reasons of national defense. Regulation article 34; article 35; article 39, paragraph 3; article 40; article 41, paragraph 2; and article 44 are put into effect only in wartime.

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Article 53

1. In matters not regulated by decree, regulations hitherto in force are put into effect with changes and supplements resulting from regulations of the decree and acts issued on its basis.
2. If the decree anticipates issuing of lengthy or executive regulations, until the day these regulations are issued, the hitherto existing regulations are applied with changes resulting from regulations of the decree.

Article 54

The decree does not violate article 237 of the law dated 21 November 1967 on this universal obligation for defense of the Polish Peoples Republic (DZIENNIK USTAW of 1979, No 18, item III).

Article 55

In the decree whenever there is mention of:

- 1) provincial governors--it is necessary by this to understand also presidents of cities with provincial status;
- 2) chiefs--it is necessary by this to understand presidents of cities, chiefs of cities, chiefs of city districts, chiefs of townships, and chiefs of cities and townships.

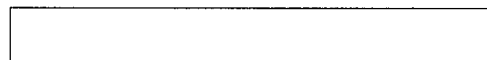
Article 56

Execution of the decree is entrusted to the Council of Ministers, President of the Council of Ministers, Minister of National Defense, Minister of Internal Affairs, Minister of Justice and other chief and central organs of state administration in reference to parts pertaining to them, Prosecutor General of the Polish Peoples Republic, and local organs of state administration.

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Article 57

The decree becomes effective as of the day of publication with enforcement from the day of passage.

SECRETARY OF THE
COUNCIL OF STATE

CHAIRMAN OF THE
COUNCIL OF STATE

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