

No. 6223

**POLAND
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement concerning mutual legal assistance in matters
relating to the temporary stationing of Soviet forces
in Poland. Signed at Warsaw, on 26 October 1957**

Official texts: Polish and Russian.

Registered by Poland on 10 July 1962.

**POLOGNE
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

**Accord d'assistance juridique pour les affaires résultant de
la présence temporaire de troupes soviétiques en
Pologne. Signé à Varsovie, le 26 octobre 1957**

Textes officiels polonais et russe.

Enregistré par la Pologne le 10 juillet 1962.

[TRANSLATION — TRADUCTION]

No. 6223. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING MUTUAL LEGAL ASSISTANCE IN MATTERS RELATING TO THE TEMPORARY STATIONING OF SOVIET FORCES IN POLAND. SIGNED AT WARSAW, ON 26 OCTOBER 1957

The Government of the Polish People's Republic and the Government of the Union of Soviet Socialist Republics, in conformity with the provisions of the Treaty concerning the legal status of Soviet forces temporarily stationed in Poland, signed at Warsaw on 17 December 1956,² have resolved to conclude this Agreement and for this purpose have appointed as their Plenipotentiaries :

The Government of the Polish People's Republic :

M. Rybicki, Minister of Justice of the Polish People's Republic;

The Government of the Union of Soviet Socialist Republics :

V. N. Sukhodrev, Vice-Chairman of the Legal Commission of the Council of Ministers of the USSR;

who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1

1. The competent authorities of the Contracting Parties shall render each other assistance in matters relating to the prosecution of persons who have committed the serious or lesser offences referred to in the Treaty of 17 December 1956 concerning the legal status of Soviet forces temporarily stationed in Poland.

2. Assistance in matters relating to the prosecution of persons who have committed serious or lesser offences shall include :

(1) Co-operation with the competent authorities of the other Contracting Party in the performance by such authorities of acts required in connexion with judicial proceedings in cases subject to the jurisdiction of that Party;

¹ Came into force on 8 May 1958 by the exchange of the instruments of ratification at Moscow, in accordance with article 17.

² United Nations, *Treaty Series*, Vol. 266, p. 179.

- (2) The performance, as legal assistance, of acts required in connexion with judicial proceedings in cases subject to the jurisdiction of the other Party at the request of the competent authorities of that Party.

Legal assistance may, in particular, take the form of the serving of summonses on and the interrogation of accused persons, witnesses and experts, searches, inspection of places and articles, the collection of material evidence, the seizure of articles which may serve to establish the facts of the case, the identity of the offender, etc.;

3. For the purposes of this Agreement, the term “ competent authorities ” means :

On the Polish side—the courts of law and the organs of the Procurator’s Office, the civil police, and the organs of State administration having jurisdiction in the matters covered by this Agreement;

On the Soviet side—the military tribunals, organs of the Military Procurator’s Office and the military commandants of garrisons.

Article 2

1. The competent authorities of either of the Contracting Parties shall immediately inform the competent authorities of the other Party whenever they learn that a serious or lesser offence subject to the jurisdiction of such other Party has been committed by an individual serving with the Soviet forces or by a member of the family of such individual; in such cases, the Polish authorities shall also inform the military commandant of the nearest Soviet garrison.

2. In the circumstances referred to in paragraph 1 of this article, the competent authorities of either of the Contracting Parties shall detain any person suspected of having committed an offence if requested to do so by the competent authorities of the Party to whose jurisdiction the case is subject, and they may also take such action without being requested to do so in cases where a person who has committed an offence has been apprehended at the scene of the offence or in flight; the person detained shall be handed over immediately to the nearest competent authorities of the Party to whose jurisdiction the case is subject. Pending the arrival of a representative of the competent authorities of the Party to whose jurisdiction the case is subject, the competent authorities of the other Party shall take the required steps to preserve clues and evidence relating to the offence and, where necessary, to identify and detain the person by whom it was committed.

3. In cases subject to the jurisdiction of the Polish authorities, the competent Polish authorities shall immediately inform the Military Procurator of the Soviet forces in Poland and the military commandant of the nearest garrison of such forces whenever an individual serving with the Soviet forces or a member of the family of such an individual is the subject of criminal proceedings or is detained or arrested.

Article 3

If information is received that a person not serving with the Soviet forces has committed an offence against the Soviet forces temporarily stationed in the territory of the Polish People's Republic, individuals serving therewith or members of their families, the competent Soviet authorities :

- (1) Shall immediately inform the competent Polish authorities of the matter;
- (2) Shall take all the necessary steps at the duty stations of the Soviet forces, pending the arrival of a representative of the competent Polish authorities, to preserve clues and evidence relating to the offence and, where necessary, to identify the person by whom it was committed;
- (3) May detain the offender if he was apprehended at the scene of the offence if there is a danger that he might abscond and if there is no representative of the competent Polish authorities at the scene of the offence; the detained person shall be handed over immediately to the nearest competent Polish authorities.

Article 4

1. With the consent of the competent Soviet authorities, the competent Polish authorities may perform acts required for the purpose of judicial proceedings at the duty stations of Soviet forces or in connexion with the incoming or outgoing mail of Soviet military units.

2. At the request of the competent Polish authorities, the acts referred to in paragraph 1 of this article shall be performed by the competent Soviet authorities as legal assistance.

3. The arrest of an individual serving with the Soviet forces or a member of the family of such an individual at a duty station of the Soviet forces shall be effected by the Military Procurator of the Soviet forces on the basis of a warrant issued by a Polish court or Procurator; the warrant of arrest shall contain a short statement of the circumstances of the offence and, if possible, an indication of where and when it was committed.

Article 5

In cases where offences subject to the jurisdiction of the Polish Party are committed by members of the Soviet forces, the legislation concerning the criminal liability of members of the Polish armed forces shall apply.

In the event of the arrest of and preferral of criminal charges against members of the Soviet forces, the principles and procedures applicable to members of the Polish armed forces shall be observed.

Article 6

During the consideration by the competent Polish authorities of cases against individuals serving with the Soviet forces temporarily stationed in the Polish