



# Legal Alert

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## Can Poles join the Ukrainian army?

The President of Ukraine has announced the creation of an international legion for foreigners wishing to join the war in Ukraine. This has met with a positive response from some countries that want to allow their citizens to participate in the war. Media reports indicate that Latvia has already introduced legislation to allow people to join the organised legion.

### Is it legal under Polish law to participate in a war in a foreign country?

Under current regulations, to join a foreign army, it is necessary to obtain the consent of the Minister of Internal Affairs and Administration. For former professional soldiers, the consent of the Minister of National Defence is needed. Consent is granted only upon a Polish citizen's written application.

### Who may be granted consent?

- A citizen with a regulated relationship to military service (in Poland).
- A citizen who is not a soldier in active military service.
- A citizen who has not been military assigned (as defined in the respective act) in case of:
  - ✓ crises;
  - ✓ mobilisation;
  - ✓ employee mobilisation; or
  - ✓ organisational mobilisation, and

- The relevant military chief is not conducting proceedings to grant the citizen any of these assignments.
- If such military service does not infringe the interests of the Republic of Poland, is not prohibited by international law, and will not affect the tasks performed by the Polish Armed Forces.

Currently, no regulations simplifying this procedure have been introduced. Also, Polish law does not provide for the issuance of a subsequent consent.

### What are the consequences of joining the war without obtaining consent?

A person who fails to obtain the required consent, in particular, may be held criminally liable under Article 141(1) of the Criminal Code. This provision criminalises the acceptance of military duties in a foreign army without the consent of the competent authority. This act constitutes an offence punishable by imprisonment from 3 months to 5 years.

However, under current regulations in Poland, it is illegal and a crime for a Polish citizen to join a foreign army without obtaining the required consent.



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