

## ABSTRACT

The dissertation describes the issues of the competitive criminal jurisdiction of NATO states: receiving and sending troops, in relation to the soldiers of the latter state. The study focuses on the provisions concerning criminal jurisdiction set out in the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, signed in London June 19, 1951 (NATO SOFA). The main area of interest is the preparatory stage of criminal procedure.

The analysis of criminal incidents with an involvement of soldiers and employees of allied forces revealed a number of interpretation problems, concerning both the meaning of the terms used in NATO SOFA, and the proper way of applying its provisions in reaction to various types of criminal offenses. Doubts regarding the scope of the jurisdiction result, among others, from the general nature of the provisions of NATO SOFA and the ambiguous terminology used in the agreement.

In order to solve the above interpretative problems, in addition to the dogmatic method, research tools of comparative legal studies and empirical method were also used. A questionnaire addressed to the military law enforcement agencies of NATO countries was developed. The questionnaire concerned issues of criminal jurisdiction in relation to allied personnel.

The main objective of the study was to determine the threshold of applicability of the provisions of Article VII of NATO SOFA (common or different) for authorities of NATO states.

"Threshold of applicability" should be understood as an appropriate amount (and type) of information necessary (and sufficient) – in the light of the provisions of international agreements and national criminal procedures – for the competent authority of the receiving state to recognize its obligation to transfer the files of criminal proceedings to the competent authorities of the sending state.

The first chapter of the dissertation presents the key concepts of the NATO SOFA, the historical outline of evolution of the current model of competitive jurisdiction, as well as non-legal factors important for the interpretation and application of the provisions of Article VII.

The second chapter presents various aspects of criminal jurisdiction on the territory of a receiving state in the light of the main theses presented in the doctrine.

Chapter three presents the admissible and justified scale of activities of military police of a sending state in the territory of a receiving state, as well as the principles of cooperation with receiving state's authorities.

Chapter four presents the genesis, methodology and thematic scope of the questionnaire addressed to law enforcement agencies of NATO countries. Then, the course of the study and the responses to the questionnaire were presented. Its questions concerned in particular the practical interpretation of the provisions of NATO SOFA, criminal jurisdiction at the pre-trial stage, as well as the scope of activities of law enforcement agencies of the host and sending states. This chapter also presents the results of the analysis of the responses obtained, as well as conclusions regarding the possibility of using the research results.

The responses received broadened the knowledge about the procedures of NATO countries. Their comparative analysis leads to interesting conclusions regarding the various location of the threshold of applicability of the provisions of Article VII of NATO SOFA.

On the basis of the analysis of the received responses, it should be emphasized that the respondents' procedures are similar in many aspects. However, it should also be noted that there are significant differences between the respondents, in particular concerning acceptable scope of activities carried out by the authorities of a sending state in the territory of a receiving state.

Chapter five presents a proposal for a flexible algorithm for law enforcement agencies of NATO states. This algorithm takes into account the responses to the questionnaire and meets the practical needs of law enforcement agencies, as well as ensures the effective implementation of the objectives of criminal proceedings.

It should be emphasized that there is a need to conduct further research on the issues of NATO SOFA criminal jurisdiction, extended to as many states as possible. The benefits of such research may be the further development of universal algorithms for the conduct of allied authorities in response to prohibited acts. Increasing the knowledge of procedures and the jurisdictional practice of NATO partners is necessary to raise the standards of cooperation between the authorities of sending and receiving states and to effectively prepare personnel before starting the performance of official tasks on the territory of an allied state. Such research may also stimulate the process of unifying the interpretative approach to Article VII of NATO SOFA of "old" and "new" NATO countries.

**Key words:** NATO SOFA, foreign troops, criminal jurisdiction, Military Police.