

REPORT 

PROJECT TARGET

The success story? An in-depth analysis of illicit firearm-trafficking and gun violence in Poland

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Colophon

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In memory of an outstanding scientist, a valued forensic expert and a recognised educator, Prof Jarosław Moszczyński.

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Introduction

Accessibility to and the possession and use of illegal firearms must be considered a significant socially destabilising factor. Therefore, this phenomenon has social and economic consequences which are wider than what is generally perceived. Illicit trade not only happens between criminal groups, as confirmed in the present study, but also flows from organised crime towards extremist and terrorist groups.¹ The illegal firearm trade is a complex phenomenon. Apart from the sale of single weapons to poachers, perpetrators of racketeering and extortion, drug-dealers or traders within the organised crime structures, there are also other forms. These forms are characterised by many cooperating perpetrators functioning in complex organisational structures using broad logistical, financial and intellectual support.¹

According to data collected in the project www.gunpolicy.org hosted by the Sydney School of Public Health, University of Sydney, it should be assumed that the level of firearm and ammunition smuggling in Poland is moderate. A similar estimate is made for Poland's European Union (EU) neighbours: Germany, Lithuania and Slovakia.

The Study to Support an Impact Assessment on Options for Combatting Illicit Firearms Trafficking in the EU of 2014 indicated that Europe faces a serious illicit firearm-trafficking problem. This is a problem in its own right, but also an important factor contributing to other criminal activities, such as drug-smuggling and human-trafficking and, in addition, terrorist-related activities that threaten the security of EU Member States and their citizens. According to the report, the main sources of illegal weapons in the EU are:

- the reactivation of neutralised weapons;
- burglaries and thefts;
- the embezzlement of legal arms;
- legal arms diverted to the illegal market;
- firearms retired from service by the army or the police; and
- the conversion of gas pistols.

¹ The most important research on this phenomenon in Poland is currently being conducted by criminologists from Olsztyn.

As with other kinds of contraband, the geographic location of Poland makes it both a destination and a transit area for trafficking.² Caches of weapons and explosives from every armed force that operated in Poland during and after the Second World War are still being found in Poland, also as a result of illegal prospecting. These items are often found in a state which allows persons with the proper knowledge, experience and equipment to restore them as collector's items or even convert them into fully functional weapons.

1

Research methodology

The research team assumed that obtaining the data required within the scope of the Target Project demanded research based on a wide range of data sources and information of both a quantitative and a qualitative nature.. Requests for assistance were addressed to:

- the police (including the specialised formation of the Central Bureau of Investigation);
- the Polish Border Guard;
- the National Revenue Administration;
- the Ministry of Justice;
- the National Prosecutor's Office;
- the Central Forensic Laboratory of the Police;
- the Military Gendarmerie;
- the State Forests; and
- the Polish Forensic Association.

The research was directed at collecting information and data for the grant, both through the use of the information resources of these institutions (documents, analyses, statistics and reports) and through the use of a diagnostic survey and semi-structured interviews. The diagnostic survey took the form of a questionnaire addressed to the officers and employees of the institutions indicated above. The questionnaire provided respondents with an opportunity to answer the questions at a time convenient to them and also gave them a sense of anonymity. It should be stressed that different versions of the questionnaire were developed for each institution, as they had to take into account the special nature of each organisation. As a result, the opinions of the respondents on gun violence in Poland, the illicit arms trade and the connections between these phenomena were collected.

The crucial sources of information constitute semi-structured interviews conducted with 100 former and current police officers who have fought illegal arms trafficking to understand the issue of gun violence (in terms of the main research questions 1 and 2

and the resulting specific questions). Their observations were relevant and contributed to an understanding of the mechanisms of illicit trade and the violence committed using illegally acquired weapons. The main objective of conducting the semi-structured interviews was to obtain rich and detailed factual data and the meaning that interviewees attach to them. The interviews were used as a cross-validation tool of the data obtained from open sources.

In addition, in the course of the research, 13 interviews were conducted with retired police officers who were part of the managerial staff of these institutions and also with two forensic experts from the Polish Forensic Association.

At this point, it must be emphasised that the insights of these people proved to be relevant. They contributed not only to our understanding of the mechanisms of illicit trafficking and violence committed with illegally acquired weapons but also to the formulation of conclusions about improving the fight against these phenomena.

During the research, it was noted that the statistical data obtained from the resources of the Ministry of Justice regarding individuals convicted of offences involving the use of firearms took into account only the basic legal qualifications.³

During the course of the research, the team also gained access to data compiled by the Supreme Audit Office (SAO) and Statistics Poland. It is important to note the SAO document used widely in this research, entitled 'SAO information on the results of the audit "Firearm usage by selected services and guards and the supervision of state authorities over its regulation"' (Ref No 167/2015/P/15/041/KPB). The audit covered the period between 1 January 2014 and 30 June 2015.⁴

In the course of the project implementation, a unique database on gun violence in Poland was built, with data covering the period 2009–2020. The basic source of knowledge were reports archived by the Central Police Headquarters (CPH) (176 cases). The information obtained from this resource was cross-checked with collected media reports. Because of their specificity, traditional and digital local media proved to be the most significant source of additional or missing data. But data on victims available in the indicated sources are limited. The reasons for this are that the CPH adopted a particular methodology for disseminating information aimed at avoiding secondary victimisation; in addition, journalistic rules prohibit social stigmatisation (a principle particularly important in the case of smaller or strongly consolidated communities). Obtaining such information would require an analysis of the court records of final cases. The victimological perspective is therefore one of the important directions for future analyses. Information about the context of an incident quite often lacked details regarding the types of firearm used or their origin. In fact, no additional technical information about the firearms used to perpetrate violent acts was available. Again, this gap could be filled by the ballistics reports contained in court records. In addition, accounts of the same event sometimes contain discrepancies that are difficult to verify without reviewing court records, and specialised terminology is sometimes incorrectly applied. The collection obtained was coded in accordance with the guidelines adopted

by the project that refer to the validated coding manual for the European Homicide Monitor. Reports in which the firearms were not indicated as the means of committing a crime ultimately disclosed their identity, among other way, as a result of a search for the perpetrator, their vehicle or place of residence.¹ The database is an important tool supporting qualitative research, but it has to be supplemented to enable general conclusions to be drawn about the phenomenon.

In addition to these resources, the LEX Legal Information System available at the University of Warmia and Mazury was used. It is worth noting that the system contains a collection of court decisions (of both common courts in criminal cases and administrative courts in cases regarding issuing or withdrawing firearm licences) that contain complete descriptions of the facts of the cases. Examination of this database enabled cases regarding illicit firearm possession and trade to be analysed. For instance, justifications for the judgments made include information on the types of firearm and, occasionally, the circumstances of purchasing or losing a weapon. It appears that the contents of this database can be used successfully in further research.

Literature reviews also play a critical role in academia because science remains, first and foremost, a cumulative endeavour. In the first stage of the project, it was necessary to conduct an enquiry into academic centres and electronic databases. The period 1989–2020 was demarcated for this purpose. The method of analysis and criticism of the literature is aimed at supporting the research problem with existing knowledge and scientific theories (searching the literature, screening for inclusion, assessing the quality of primary studies and extracting and analysing data). A literature review in its most comprehensive form includes a synthesis of quantitative findings stemming from quantitative research studies and qualitative findings arising from qualitative research studies. Synthesising both quantitative and qualitative findings in the same literature review automatically renders the literature review process a mixed research study.

An important point in the research programme was the use of national results of studies conducted by Polish research centres.¹¹ It was concluded that it is worth taking into account the partial findings of criminology research conducted at Polish universities in the area of organised crime. Although some of those studies did not specifically concern themselves with the issue of illicit arms-trafficking, the results of these studies provide valuable information on the black market in firearms, in particular on the sources of arms acquired by OCGs. Attention should especially be paid to the research on criminal careers conducted by M Kotowska between 2012 and 2016. She interviewed 157 members of OCGs who were serving prison sentences. During these interviews, some of them referred to the criminal activities carried out by criminal groups and commented on how the groups of which they were members obtained weapons. This information has not yet been published.

¹ These cases enriched a set of case studies collected for the purposes of the project and refer to firearms seized by particular services.

¹¹ A number of interesting studies on illicit arms-trafficking have been published in the past decade in Poland, but mostly in the Polish language. See eg W Ptywaczewski & P Chlebowicz (eds), *Nielegalne Rynki. Geneza. Przejawy. Przeciwdziałanie* [Illegal Markets. Genesis, Manifestations, Counteracting]. (Olsztyn 2012).

Moreover, the data collected by Chlebowicz as part of his research on the illegal arms trade in Poland has been used. The results were published in the book *Nielegalny handel bronią. Studium kryminologiczne*.⁵ This study provides a comprehensive criminological analysis of the phenomenon; it:

- paints a criminological picture of the phenomenon and trends in this illegal market;
- systematises knowledge in this area;
- evaluates legal regulations; and
- indicates further research directions.

The author uses methods of theoretical criminology – in particular the so-called economic model of organised crime. In addition, the information contained in the doctoral dissertation by Rejmianiak in the Faculty of Law of the University in Białystok proved to be of great value.

Furthermore, the project used a unique set of data collected by the research team (Chlebowicz & Buczyński) during research on the Polish illegal arms market, the results of which will be disseminated in a forthcoming paper entitled ‘Between illicit supply and criminal demand. The patchwork European black market of firearms. The Polish perspective’.¹ In the project, data were retrieved from state databases and official reports and statements. Curated press materials regarding trafficking, seizing, manufacturing, converting and searching for firearms provided another source of data. This research material was bolstered with a search of court cases from the period 2010–2017. Depending on the segment, data from periods spanning from seven to 16 years were compiled and analysed. The purpose of the study was to show how quantitative and qualitative changes in the supply of firearms and ammunition, driven, among other things, by international influences, may affect the public safety of states participating in the Schengen Agreement in the context of organised crime, extremism and terrorism. The research also used the preliminary results of the analyses conducted under a research project⁶ that refers directly to the effect of destabilised states and legal twilight areas on European safety.

¹ The article is one of the means of publicising the results of research conducted by the University Analytical Research Team for Illicit Markets, founded in 2012.

2



Regulation of legally possessed firearms

In Poland, the issue of the possession of firearms is governed comprehensively by the Weapons and Munitions Act of 21 May 1999, which has been amended several times¹. The legal solutions contained in this Act are based on the rationing model.⁷

The main principle governing the legal order regarding firearm possession has been specified in article 2 of the Act:

Apart from the exceptions specified in the Act, it is prohibited to purchase, possess or sell firearms or ammunition (art 2 of the Act).

The regulatory model has been functioning in the Polish legal system continuously since Poland regained its independence in the 1920s. Despite the political and systemic changes that have taken place in the country, the norms governing access to firearms remain restrictive. Both the jurisprudence and the doctrine emphasise that the right to possess arms in Poland is not a civil right guaranteed by the Constitution of the Republic of Poland; on the contrary, it is subject to far-reaching limitations in the Polish legal system. The decision of the Supreme Administrative Court of 13 October 2005, II OSK 97/05, for example, stated:

possessing and using firearms traditionally constitutes a zone of far-reaching administrative and legal regulations. The right to possess a weapon cannot be included in the category of freedoms and personal rights of a citizen according to the Constitution of the Republic of Poland. Thus, access to weapons by the citizen is subject to significant restrictions, which is the result of both the state monopoly on the use of violent means and the need to ensure public safety and order.

¹ Journal of Laws 1999 No.53, item. 549

The Act on Weapons and Ammunition uses a wide definition of weapons, including firearms, pneumatic weapons, incapacitating gas dischargers and other tools. The Act distinguishes three categories of weapon:

- Prohibited weapons, which are considered particularly dangerous. Any weapon from this list is excluded from civil-law transactions. This category includes:
 - firearms capable of striking targets at a distance;
 - automatic firearms produced or converted in a manner that allows their intended purpose to be concealed and weapons that imitate other items;
 - firearms equipped with a silencer or adapted for shooting with noise suppression;
 - firearms that cannot be detected by equipment intended to control luggage and persons.
- Weapons which can be possessed without holding a licence. This category is internally diversified and includes weapons in museum collections based on separate regulations, pneumatic weapons (which must be registered) or hand-held incapacitating gas dischargers.
- Weapons that require the possessor to hold a permit.

In Poland different procedures exist for firearms possession by private citizens and the private firearms possession of professional soldiers. Administrative proceedings for obtaining a firearm licence by private citizens are conducted by the local Provincial Commander of the Police. It is possible to appeal a decision of the Provincial Commander to the Commander-in-Chief of the Police and then to challenge the final decision in an administrative court. Therefore, it is the police who decide who can possess firearms. In the case of private firearms possession by soldiers, however, the administrative procedure for obtaining a licence to possess firearms is conducted by the commanding officer of the Military Gendarmerie unit and by the Commander-in-Chief of the Military Gendarmerie as the appeal body; it is also possible to appeal against the final decision to the administrative court.

The regulatory model adopted in the Polish legal order means that compliance with the rules for the possession of firearms by individuals is additionally secured by criminal-law provisions. Criminal-law regulations are widely dispersed. It is therefore possible to indicate both the regulations contained in the Criminal Code and the criminal provisions contained in the Act on Weapons and Ammunition. In practice, the provisions contained in the Criminal Code are the most significant:

- Article 263.1 of the Criminal Code defines the crime of illegal manufacturing or trading in firearms.
- Article 263.2 of the Criminal Code defines the crime of illegal possession of a firearm.
- Article 263.3 of the Criminal Code defines the offence of making weapons or ammunition available or transferring them to an unauthorised person.
- Article 263.4 of the Criminal Code defines the offence of unintentionally causing the loss of firearms or ammunition by a person at whose disposal the weapon was lawfully placed.

- Article 358.2 of the Criminal Code criminalises the removal of arms and ammunition from a military unit. The subject of this crime can only be a soldier.
- Article 50 of the Act on Weapon and Ammunition defines as an offence the abandonment of a weapon or ammunition.

In the case of offences under article 263 of the Criminal Code and article 50 of the Act on Weapon and Ammunition, they are included in the so-called offences of abstract exposure to danger. This means that they are criminalised behaviours that form part of a criminal act. The point is that, to a certain extent, the legislator anticipates the infringement of legal rights by prohibiting behaviour that may or may not lead to the infringement of other legal rights.⁸ This formulation of criminal provisions regarding the criminalisation of the possession of and the trade in arms in civil-law transactions means that the legislator applies broad prevention. This broad prevention is intended to prevent weapons from entering the black market from the legal sphere.⁹ From the point of view of security and law enforcement, these are effective normative solutions.

2.1 Possession of firearms by private citizens

The competent authority issues a weapon licence if the applicant does not pose a threat to themselves, public order or safety and presents a valid reason for having the weapon (art 10.1 of the Act). A weapon licence is issued, in particular, for the following purposes:

- self-defence
- protection of people and property
- hunting
- sport
- historical re-enactments
- collecting
- memorial
- training (art 10.2 of the Act).

In article 10.4 of the Act, the legislator has specified in detail which types of weapon, depending on the declared purpose, are authorised under the weapon licence issued.

It is worth pointing out the view that the right to possess firearms constitutes a special entitlement available to those persons who meet the conditions set out in the law. This view has been expressed by the Province Administrative Court in Warsaw. The right is closely related to the protection of public safety and order, which, in turn, determines that the person obtaining the firearm licence must remain free from any suspicion as to the likelihood of their committing an act that may violate public safety and order.¹⁰ Under the current law, a citizen may apply for a gun permit only in strictly defined situations and after fulfilling a number of conditions. According to article 15 of the Act, a weapon permit is not issued to persons under 21 years of age, persons with mental disorders, those showing significant disturbances in psychological functioning, persons addicted to alcohol or drugs and persons convicted of crimes.

The administrative practice shows that the provincial police apply regulations in a restrictive manner¹¹ and try to limit the number of firearm licences issued to the minimum. The legal literature emphasises that the decision to issue a gun licence should be a binding decision, which means that if the conditions contained in the Act on Weapons and Ammunition are met, such a decision should be honoured. However, in reality, the police retain a high degree of discretion. Considering the current state of affairs, it can be concluded that the police have what is known as ‘administrative discretion’ in this area. Rejmaniak describes an example where police authorities

*many times refused to issue a weapon permit for sport purposes, justifying it with the possibility of the applicant to use a weapon held by the club, and his or her achievements are not outstanding nor is he or she a shooting instructor, therefore there is no need for this person to possess a weapon.*¹²

The judicial practice of the courts is also an important factor influencing the accessibility of firearms in Poland. For example, according to an established precedent, fully automatic firearms capable of striking targets at a distance cannot be owned as collectables.

2.1.1 Number of firearms held by individuals

A report of the Supreme Audit Office (SAO) of 30 June 2015 notes that 392,927 weapons held under a weapon licence or certificate were in the possession of 199,379 individuals.¹³ The largest number of firearms in private hands was recorded in Masovian Province, where 38,034 persons held 74,190 firearms. The lowest number of weapons in private hands was recorded in Opole Province: 4,127 persons and 9,625 weapons, respectively.

Hunting is the most important reason for private firearms possession in Poland. In 2015 most permits were obtained by individuals for hunting guns: in total 119,006 persons possessed 280,348 firearms. Licences for firearms required for self-defence were obtained by 58,430 persons (64,690 firearms), while a licence for sport purposes was obtained by 17,074 persons (34,060 firearms).¹⁴

A similar picture emerges in the reasons for private firearms possession by soldiers. In the HEFAJSTOS II register, maintained by the Commander-in-Chief of the Military Gendarmerie, in the first half of 2015, 8,151 registered private weapons were held by 1,791 professional soldiers. The largest number of professional soldiers obtained a licence for hunting purposes: 1,038 soldiers possessed 3,808 firearms. Firearm licences for self-defence purposes were obtained by 372 soldiers (1,714 firearms) and licences for practising sport were held by 252 soldiers (2,085 weapons).¹⁵

According to statistical data provided by the Central Police Headquarters (CPH)^I, 152 firearm licences held for personal defence were issued in 2015, 244 such licences were issued in 2016 and, 323 licences were issued in 2017. In the same years, 5,084, 5,007 and 4,801 hunting firearm licences and 2,824, 4,835 and 4,928 sporting firearm licences were issued, respectively. During this period, licences for collecting purposes were approved in 1,619, 3,605 and 5,043 cases, respectively.¹⁶

Official statistics indicate that as at 31 December 2017, 206,124 persons in Poland held firearms licences for all purposes, while the number of registered firearms owned by licence-holders reached 463,768. This indicates a 6.5% increase compared to 2015 (192,819). According to the data¹⁷ gathered for the project, in 2017 the ratio of the number of firearm licence-holders was 0.5016 per 100 residents and the ratio of registered firearms was 1.2070 per 100 residents.^{II} Statistically, in 2017 only 1 in 186 residents held a firearm licence.^{III}

As at 1 January 2019, 131 black-powder shooting ranges and 75 hunting shooting ranges were operating in Poland. Another 84 were administered by the League of National Defence association. Legal black-powder firearms were offered for sale by 224 stores. The repair, conservation and regulation of firearms was provided by 46 service centres.

2.1.2 Withdrawal of a weapon licence

The right to possess arms is an exceptional right and is not granted to everyone who applies for it. Consequently, the holder of a weapon licence should take into account that in the event of an infringement of the provisions of the Act on Weapons and Ammunition, the permit granted may be withdrawn.¹⁸ The administrative authority has ultimate control over weapon possession: it may withdraw a weapon licence if the holder breaches the regulations issued under the Act on Weapon and Ammunition. And when the licence holder breaches the principles regarding the safe storage of weapons, this is a particular ground for withdrawing licence. The conditions for the withdrawal of a licence are worded descriptively so as to make their wide interpretation possible.

The operation of the regulatory model can be illustrated by one of the cases examined by the Provincial Administrative Court in Warsaw.¹⁹ In the facts of this case, a gun owner, in Warsaw in August 2017, while packing his hunting gear into his car, leaned the gun against the rear wheel of the car and then drove away. After travelling a few kilometres, he realised that he had not taken the weapon, but when he returned to the

^I These numbers do not include persons whose licences were changed regarding the number of permitted firearms or persons who renewed their licence for the same purpose.

^{II} The mean number of licence-holders fluctuated from 0.5135 per 100 residents in 2014, through 0.5016 in 2015, to 0.5150 in 2016.

^{III} The study indicates that this ratio may not reflect the real distribution of gun licences. Police statistics record only the number of licence-holders, whereas one person can request and obtain several licences with different stated purposes. Therefore, the number of licence-holders should not be mistaken for the actual number of people holding firearm licences. Another class absent from this list are firearms purchased and owned by economic operators or sport clubs based on weapon registry cards.

site he could not find it. His mistakenly leaving the weapon behind led to proceedings for the withdrawal of his weapon licence being started. His licence was subsequently withdrawn. In addition, the public prosecutor's office initiated criminal proceedings under article 263.4 of the Criminal Code. The owner was found to have failed to exercise due diligence in properly securing the weapon. By his behaviour, he caused its loss and, however unintentional, it was the result of his failure to observe the required conditions for securing the weapon which was to be transported for hunting. The District Court conditionally discontinued the proceedings in this case for a period of one year of probation, holding that the conduct of the party exhausted the elements of the offence under article 263.4 of the Criminal Code (that is, the offence was committed).

In 2014, the police withdrew 10,457 firearm licences issued to individuals and 63 licences issued to entities. In the first half of 2015, 5,974 licences for individuals and 29 licences for entities were withdrawn. The most frequent reasons for withdrawing a firearm licence included:

- failure to undergo a medical or psychological examination;
- a lack of physical or mental capacity to be in possession of a weapon;
- demonstration of a disturbance of psychological functioning; or
- a change in the grounds for granting the licence.

In 2014, authorities of the Military Gendarmerie withdrew 20 licences for private weapons for professional soldiers and a further four licences in the first half of 2015.

According to the SAO, the small number of appeals against the decisions of first instance authorities and the negligible number of court decisions confirm the appropriate decisions of the authorised bodies in matters regarding weapon licences.²⁰ In 2014, 103 judgments were passed in the Provincial Administrative Court in Warsaw in cases of appeals against decisions of the Commander-in-Chief of the Police and on refusal to issue or revoke weapon licences, including 68 final judgments. Among the 103 cases examined, in 95 cases the court dismissed the complaints, in six cases the decision of the Commander-in-Chief of the Police was revoked and in two cases the court declared the decisions invalid. In 2014, the Supreme Administrative Court in Warsaw examined 31 cassation appeals against the Provincial Administrative Court in Warsaw regarding the refusal to issue or withdraw a weapon licence and in 27 cases it decided in line with the previous decision of the Commander-in-Chief of the Police. In the first half of 2015, 37 rulings were issued in the Provincial Administrative Court in Warsaw regarding complaints against decisions.

2.2 Possession of firearms by legal persons

In terms of article 9 of the Act on Weapon and Ammunition, firearms and ammunition for a weapon can be held under a bearer weapon licence, referred to as a 'weapon certificate', issued by the Provincial Commander responsible for the entity concerned. In practice, this regulation makes it possible for persons employed by legal entities in the Specialist Armed Security Formations (SUFO) sector to hold weapons. For instance,

guarding services, which were created under the Act on Protection of Persons and Property as private enterprises by persons who have obtained a concession from the minister in charge of interior affairs to conduct business activity in the area of person and property security. SUFO have a firearms bearer licence that was issued under the Act on Weapon and Ammunition.

Article 9 of the Act legalises the possession of weapons by internal security services, entrepreneurs licensed to protect persons or property, entities operating shooting ranges, sports and hunting organisations, and associations that organise historical re-enactments. Data from SAO indicate that as of June 30, 2015 2,559 entities held 58,635 firearms, with 690 entities who obtained weapon licences for personal or property protection and for this reason purchased 23,373 firearms.²¹



3

Illicit firearms trafficking

The growth of the domestic illicit trade in firearms occurred after the collapse of the communist system. It was derived from the development of various forms of violence, as well as organised crime, which was particularly dangerous in the 1990s. In particular, emerging OCGs fought among themselves over the distribution of markets and influence, which led to the emergence of what are known as ‘retaliation crimes’.²² These manifested themselves, among other ways, in the use of weapons and explosives against competing criminal groups. Such a situation meant the emergence of a demand for weapons.¹ Historical PBG data concerning the phenomenon in question show the attempted trafficking of 46 firearms and 38 gas weapons on the eastern border of Poland in the entire period of 1999–2008. In the same period, 30 firearms and 74 gas weapons were seized on the western border. As described above, at that time, the major trafficking channels for firearms and ammunition were located on the southern Polish border – from 1999 to 2008, 226 illicit arms were seized on the Polish–Czech border, and 161 on the Polish–Slovak border. In total, 141 firearms and 44 gas weapons were seized on the southern border, putting firearms at 36.43% of the prevented arms contraband.

Arms trafficking should be discussed in connection with its economic, political, and social aspects. The armed conflict in Ukraine, as well as increased terrorist threat linked to attacks in France, Tunisia and other countries and coupled with large migration flows due to armed conflicts in the Middle East, have caused an increased demand for commodities, technologies and services with a strategic importance for state security, i.e. firearms, ammunition, explosives, uniforms (including special gear, such as bulletproof vests, helmets, etc.), heavy machinery (trucks, construction equipment – which can be used for military purposes). As for Poland, it can be said that

¹ Notably, trading even single firearms, especially automatic, was profitable for OCGs. For example, in the late 1990s, the price of a German PM-5 submachine gun on the black market reached PLN6,000. (In comparison, the average monthly salary at that time, as reported by the Central Statistical Office, was nearly a fifth of that amount, at PLN1,239.5.)

state regulations regarding firearms ownership are among the most restrictive in Europe.

More light on the scale and dynamic of this phenomenon is shed by prosecution and court files. In 2016, prosecutors initiated 283 pre-trial proceedings in cases of trafficking and illicit trade of firearms, ammunition, and explosives (194 in 2015, and 158 in 2014). In the same year, 150 cases were dismissed (2015: 116, 2014: 132), and 53 were suspended (2015:16, 2014: 35). Charges were laid against 154 persons (2015: 174, 2014: 179), 23 persons were placed in temporary custody (2015:10, 2014: 22). 62 indictments were filed against 74 persons (2015: 64 indictments against 76 persons, 2014: 78 indictments against 106 persons). 92 cases ended with a sentencing (2015: 90, 2014: 77). 104 defendants were sentenced (2015:109, 2014: 91).

3.1 Official data on offences with firearms and ammunition²³

Law enforcement data indicates that between 2014–2019 in total 10,564 offences related to the illegal possession, manufacturing or trade in firearms and ammunition (CC art 263.1–2) and 104 offences of making available or transferring firearms or ammunition to unauthorized persons (CC art 263.3) were recorded (see Table 1). In addition, the police also recorded 678 cases of unintentional loss of firearms (CC art 263.4).

Table 1: Number of crimes under art 263 of the Criminal Code recorded, 2014–2019

Legal provision	Recorded crimes 2014	Recorded crimes 2015	Recorded crimes 2016	Recorded crimes 2017	Recorded crimes 2018	Recorded crimes 2019	Total 2014-2019
Article 263.1	177	256	175	125	118	97	948
Article 263.2	1,742	1,659	1,632	1,569	1,471	1,543	9,616
Article 263.3	20	19	14	16	19	16	104
Article 263.4	133	112	122	91	97	123	678

Source: Own compilation based on data of the Central Police Headquarters

¹ The analysis of this statistical data is not simple as statistics kept by the CPH regarding offences under article 263.1 of the Criminal Code regard perpetrators producing firearms or ammunition and trading in these items jointly. This results from the structure of the provision of article 263.1 of the Criminal Code, which criminalises two behaviours: one consisting of the manufacturing of weapons and the other of its trade. At the same time, it should be noted that 'arms trade' in the meaning of this regulation means making at least one sale–purchase transaction without a required permit.

This available data indicates that the criminological image of crime related to weapons and ammunition is dominated by the offence of illegal possession of weapons or ammunition (CC art 263.2). This is in line with the results of a study by Brywczyński and Kasprzak that noted that ‘*crimes under art 263.1 of the Criminal Code occur occasionally*’.²⁴ Similar conclusions were derived from the research conducted by Rejmanskiak, who established that ‘*illegal possession of firearms or ammunition dominates in the structure of crimes related to access to weapon or ammunition and, in the examined scope, this percentage ranged from 86% to 95%*’.²⁵ It should also be emphasised that sentencing under article 263.2 of the Criminal Code often involved only those perpetrators possessing ammunition. The research conducted by Rejmanskiak indicates that perpetrators as a rule possessed only ammunition, but when they possessed weapons, it was a gas or a home-made weapon.²⁶

Offences related to access to weapons and ammunition represent only a fraction of the total number of offences committed in Poland (see table 2).

Table 2: Percentage of offences of the total number of offences related to access to firearms (CC art 263.1-4)

	2014	2015	2016	2017	2018	2019	2014-2019
Offences related to access to firearms	2,072	2,046	1,943	1,801	1,705	1,779	11,346
Total number of offences	867,855	799,779	748,459	753,963	768,049	796,557	4,734,662
%	0.23	0.25	0.25	0.23	0.22	0.22	0.23

Source: Own compilation based on data of the Central Police Headquarters

The offence of illicit trafficking in firearms falls into this category of crimes in which the initiative for disclosure rests with the law-enforcement authorities and their involvement is a key contributor to its reduction. However, police data alone show only a part of this crime, as it is characterised by a large dark crime figures. Therefore, larger dark crime figures result in less reliable data regarding the status of criminality. In addition, in the case of offences connected with the illicit trade in firearms, the phenomenon of the so-called ‘victimisation of offenders’ often occurs. This consists of committing offences against persons illegally possessing firearms or engaged in the illegal manufacture or trade in firearms (theft of firearms or extortion aimed at obtaining firearms). This practice is evolving, as the victim usually does not report the crime or seek the prosecution of offenders for fear of being punished for their offence of illicit trade in firearms.

According to the data of the Central Police Headquarters, the number of suspects of firearms offences in 2014-2019 amounted to:

- 4,813 persons in relation to illegal manufacturing, trade or possession of firearms and ammunition (CC art 263.1–2);
- 48 persons in relation to making available or transferring firearms or ammunition to unauthorised persons (CC art 263.3);
- 348 persons in relation to unintended loss of firearms (CC art 263.4).

The relative high number of persons suspected of illegally possessing firearms and ammunition confirms the thesis that firearms crime in Poland mainly takes the form of the illegal possession of firearms or ammunition.

Table 3: Number of suspects under article 263 of the Criminal Code, 2014–2019

Legal provision	Suspects 2014	Suspects 2015	Suspects 2016	Suspects 2017	Suspects 2018	Suspects 2019	Total 2014-2019
Article 263.1	65	73	65	42	49	28	322
Article 263.2	874	801	788	744	672	612	4,491
Article 263.3	8	9	9	8	6	6	48
Article 263.4	75	62	62	30	69	69	348

Source: Own compilation based on data of the Central Police Headquarters

According to the data of the Ministry of Justice²⁷, 4,427 persons were convicted for offences related to access to firearms in 2014–2018 (see Table 4).

Table 4: Number of convicted persons under article 263 of the Criminal Code, 2014–2018

	2014	2015	2016	2017	2018
CC art 263.1 and 263.2	879	793	928	869	839
CC art 263.3	5	5	6	4	2
CC art 263.4	26	18	29	11	13
Total	910	816	963	884	854

Source: Own compilation based on the data provided by the Ministry of Justice

The Internal Security Agency (ISA) assesses that the most prevalent transnational crimes in Poland involving manufacturing and trading in arms and military equipment are:

- business activities without a licence;
- trading internationally without a permit or exceeding the terms of the permit (eg releasing the merchandise to an undeclared party – a so-called ‘end-user change’);
- exporting greater quantities than declared in export documentation;
- falsifying documentation at facilities producing firearms or their components in order to hide ‘surplus production’;
- collaboration between Polish citizens and international arms traffickers to procure and deliver military equipment to organisations or states under international sanctions;
- illegal consultancy or brokering in firearms and ammunition trade in third countries.

3.2 Seizures of firearms and ammunition

The aggregated data show that during 2014–2019 Polish law-enforcement authorities secured a total number of 8,264 firearms in Poland, with large majority of seizures by the police (92%). The Polish Border Guard and Customs agency only seizes a small fraction of the firearms (see Table 5). While the number of seized firearms by the police has declined significantly between 2016–2019, the number of seizures by the Polish Border Guard did not decrease. In 2019 the number of firearms seizures by the Polish Border Guard even increased spectacularly.

Table 5: The number of firearms seized in Poland in 2014–2019

	2014	2015	2016	2017	2018	2019	Total
Police	1,338	1,346	1,859	1,341	941	802	7,627
Polish Border Guard	27	81	36	50	12	181	387
National Revenue Administration	123	0	30	3	63	31	250
Total	1,488	1,427	1,925	1,394	1,016	1,014	8,264

Source: Own compilation based on the data provided by the Central Police Headquarters, Border Guard Headquarters and National Revenue Administration

The main police force whose competences include combating cross-border crime, and specifically firearms, ammunition, and explosives trafficking, is the Polish Border Guard. Its statistical data is the primary source presenting the picture of the size and

character of firearms trafficking to and from Poland. Data published by the PBG define arms quite broadly, including such categories as firearms, gas weapons, and sporting weapons. In addition, the category of “other” includes pellet guns, grenade launchers, hunting guns, blank-firing pistols and even black powder, TNT, and electric fuses. In 2016, the Polish Border Guard (PBG) seized a total of 190 arms (firearms, gas weapons, and others), 74.31% more than in 2015 (109) and 265.38% more than in the years 2014 (52) and 2013 (50). Those years in the presented period are the only years approaching the record (although outlier) years of 2012 (217 seized arms) and 2001 (240). Firearms constituted 348% of the 2016 contraband. In 2017, a 219.47% increase was reported compared to the previous reporting year (607 arms seized), which represented a more than eleven-fold increase (1,067.31%) in comparison to 2014 and 2013. The estimated value of contraband in this category was US\$104,000 in 2016 and US\$726,000 in 2017. ²⁸

Between 2014–2019 Polish law-enforcement authorities also seized a total of 708,421 rounds of ammunition in Poland (see Table 6). Between 2014 and 2015, a surge in seized ammunition was observed, reaching a record level of 279,543 rounds. After 2015 a decrease in the volume of seized ammunition can be observed.

Table 6: Volume of ammunition seized in Poland, 2014–2019

	2014	2015	2016	2017	2018	2019	Total
Police	68,015	159,437	103,650	108,284	64,031	77,055	580,472
Polish Border Guard	14	106	478	354	38	16	1,006
National Revenue Administration	917	120,000	1,321	810	1,789	2106	126,943
Total	68,946	279,543	105,449	109,448	65,858	79,177	708,421

Source: Own compilation based on the data provided by Central Police Headquarters, Polish Border Guard Headquarters and the National Revenue Administration

In 2016, the PBG seized a total 28,264 rounds of ammunition (live rounds, gas rounds, and others), 559% more than were seized in 2015 (4,290 rounds), and more than 45 times more than in 2014 (617 rounds). This was also more than 16 times greater than in the reporting year 2013 (1,714). Of the described contraband, 68% was live ammunition. The year 2017 saw an 89% increase in this particular contraband over the previous year (53,462 rounds of ammunition seized) and a more than 86-fold increase from 2014. Comparing the level of the uncovered ammunition trafficking in 2017 to the record numbers from the entire period under review, it ranks second, between 2004 (157,145 rounds) and 2005 (10,827 rounds seized). The estimated value of the contraband in this category was only US\$8,000. ²⁹

3.3 Types of firearms seized by police

Data from the General Police Headquarters indicates that between 2014–2019, the police seized a total of 7,627 firearms, 2,489 essential components of firearms and 580,472 rounds of ammunition (see Table 7). Handguns (32%) and rifles (28%) are seized frequently, while machine guns account for 4% of the seizures.

Table 7: Number of firearms and elements of firearms seized by the police, 2004–2014

Type of weapon	2014	2015	2016	2017	2018	2019	Total
Hand guns ^I	349	410	684	466	342	182	2,433
Rifles ^{II}	402	395	507	366	211	272	2,153
Machinee guns	14	115	52	56	9	69	315
Signal weapons	31	21	46	13	14	6	131
Blank-firing guns ^{III}	49	20	48	97	24	15	253
Gas guns	380	288	387	241	300	217	1,813
Firearms converted from gas guns	16	6	18	3	3	5	51
Home-made firearms	70	56	84	68	22	17	317
Other firearms ^{IV}	27	35	33	31	16	19	161
Firearms in total	1,338	1,346	1,859	1,341	941	802	7,627
Essential components ^V	444	601	412	680	281	371	2,489

Source: Own compilation based on data of the General Police Headquarters

^I Pistols and revolvers.

^{II} Automatic, semi-automatic, repeating, single-shot (carbines, rifles, shotguns).

^{III} Calibre above 6 mm.

^{IV} For example, hand cannons.

^V Weapon framework, bascule, barrel, lock, breech chamber and cartridge drum.

Interestingly, a large share of the seized firearms (29%) are various types of blank firing weapons (e.g. signal weapons, gas guns, etc). Some of these seized firearms are also converted blank firing weapons. Homemade weapons have also been seized in Poland (4%). These results are in line with the 2013 study from Brywczyński and Kasprzak that examined 1,926 cases and found that a significant share of illegal weapons were short gas weapons – 600 pistols and revolvers (26.9%) – and home-made weapons – 342 pieces (15.3%), which included both precisely manufactured weapons and those made in a primitive manner.³⁰

According to information obtained from interviews with forensic experts, the number of seized and examined weapon specimens has significantly changed over the years. The prevailing types dominating in the 1990s included home-made weapons (eg shooting pens), gas and alarm guns and converted gas and alarm guns (most often for 6.35 mm Browning-type bullets). At the end of 1990s and the beginning of the 2000s, when OCGs from Pruszków and Wołomin were involved in retaliation activities against each other, weapons smuggled from Czechia and Slovakia dominated, including SKORPION submachine guns and CZ 1975- and 1985-type pistols. These were the years. In subsequent years, an increased number of weapons transferred from the former USSR states was recorded. The forensic experts also noted that since 2011, a large number of blank-firing 9 mm pistols PA of Turkish production have appeared on the Polish market. Based on an erroneous opinion, these were sold as weapons up to 6 mm calibre for which no licence is required. Several thousand of these guns were distributed on the Polish market.

3.4 Sources of illegal firearms

The sources of weapons supplying the domestic black market are an important issue. The literature on the subject assumes that weapons originate from:

- external sources in foreign black markets (smuggling);
- theft of weapons from private individuals or from state stockpiles or shooting ranges;
- loss of weapons by persons legally in possession of them;
- illegal production; and
- the conversion of weapons previously deprived of their key elements ('deactivated' weapons).³¹

Although the phenomenon of weapons being manufactured illegally by individual gunsmiths exists, the majority of arms offered on the black market were produced legally. Most often, illegal weapons are acquired through purchase from foreign OCGs. Domestic acquisition of firearms through theft occurs less often. Occasionally, OCGs also purchase – either for the purposes of the group or for smuggling – large quantities of ammunition previously acquired in a legal way by firearm licence-holders, security and safety schools, sports clubs or hunting clubs.

Firearms are increasingly being purchased via the internet. In 2020, officers from the Cybercrime Department of the Regional Police Headquarters in Rzeszów noticed an offer posted on one of the advertising portals for the sale of firearms with 9 mm PAK cartridges. Under Polish law, pursuant to the Weapons and Ammunition Act, the possession of such firearms requires a licence. The weapon was sold by a store legally operating in Czechia. The goods purchased – blasting guns and blank-firing guns – were sent via courier services to customers all over Poland. Coordinated action was taken, at one time, in the territory of 16 provinces. In that operation, almost 300 police officers from various departments, primarily those fighting cybercrime and criminal crime, supported by police explosive technicians, counter-terrorist personnel and experts in weapons examination and ballistics, searched about 100 locations. During this search, 74 illegal small and long firearms of various calibre were found, some of which had been adapted for shooting with live ammunition. The items seized included 3,500 rounds of ammunition of various calibres, 9 mm PAK blank and flash-bang ammunition, as well as gunpowder, three weapon components and two fuses for artillery shells. A significant factor stimulating the development of the illegal arms market using this medium and, at the same time, facilitating the financing of extremist and terrorist groups, is the largely unregulated and difficult-to-control trade in cryptocurrencies.³²

Some firearms are also acquired in the United States and then transferred through the mail or concealed in property imported from that country. In the first six months of 2017, the National Revenue Chamber uncovered 28 attempts to smuggle weapons and ammunition without the required permits. Twenty-five weapons were seized, along with more than 1,500 rounds of ammunition and more than 40 weapon parts. Crossbows, rifles, air guns, stun guns, incapacitating gas dispensers, cartridges, bolts, various parts of armament and white weapons are detected mainly in the so-called general cargo trade handled by courier companies. In the first six months of 2017 alone, more weapons and ammunition were found in the mail than during the previous two years. In 2018, the Masovian Tax and Customs Service found, among other items, crossbows, rifles, revolvers, pneumatic weapons, bullets, bolts and several key weapon elements regarded as weapons in the legal regulations.¹ The senders of the goods falsely declared the contents to be, for example, sweets or toys. The seized items were handed over to the police authorities for further investigation. On 18 April 2019, officers from the Tax and Customs Service for the Masovia Region seized packages sent from the United States containing three pistols, weapon elements, ammunition and more than 80 telescopic batons and crossbows.³³

¹ Poczta Polska, the Polish national postal operator, points out that it is prohibited, among other things, to send weapons, ammunition and disarmed bullets, which are often considered collectibles. It is also forbidden to send replicas of these devices.

3.4.1 Firearms and ammunition trafficking

Firearms trafficking occurs in Poland. In June 2022, for example, an organized armed crime group was neutralized in Poland (81 suspects were detained, and over 300 sites were searched). About 250 various types of firearms and several thousand items of ammunition were seized. Among the secured weapons, there are hunting rifles and handguns. In total, the National Public Prosecutor's Office presented over 100 charges. The OCG smuggled weapons from Germany, France, Belgium, the Czech Republic, and the Netherlands.

Firearms trafficking in Poland is impacted by the armed conflict in Ukraine because it causes an increase in the demand for weapons and ammunition supplies from both sides of the conflict, but also because it provides a source of weapons and explosives for criminals within Poland. In addition, the liberal regulations governing the possession of firearms in Slovakia, in particular with reference to blank-firing pistols and reconstruction weapons, has impacted firearms trafficking since some of these weapons can easily be modified into live-firing weapons. This has been facilitated by a lack of harmonised procedures in the EU for permanently deactivating weapons and for the intra-Community transfer of such weapons. Also the ease of movement within the EU has facilitated firearms trafficking into Poland: for example, a significant source of illegal firearms reaching the criminal market in Poland is the organised firearm trade in Belgium.¹

Based on the information contained in the State Security Reports, it can be concluded that a permanent feature of the geography of arms and ammunition smuggling routes is the so-called 'southerly direction': Czechia and Slovakia are the predominant countries of origin of illegal arms.³⁴ An interview with a forensic expert confirmed that the main smuggling routes are located on the borders with Czechia and Slovakia: the expert noted that between 2014 and 2016, several large shipments of illegally imported weapons from Czechia and Slovakia were seized and examined in police laboratories.³⁵

Information enabling the reconstruction of trafficking routes was provided for the research by the PBG.³⁶ Survey studies conducted among the PBG officers confirmed that the greatest risk of weapons smuggling was along the southern border of Poland. One of the PBG officers surveyed for our study indicated that it was possible to identify organised criminal groups which were exclusively involved in illegal trade in firearms. In his opinion, these are 'Polish-Slovak groups, Polish-Czech, Polish-Ukrainian, organising smuggling from Ukraine, Slovakia and the Czech Republic'. Another PBG officer interviewed provided the following information on the nationality structure of the group and their smuggling directions: 'Citizens of Russia smuggling weapons from the Czech Republic through Poland and Baltic states to Russia.'

¹ In the 2012 report on the state of Polish security, prepared by the Ministry of the Interior, it was confirmed that wholesale quantities of Russian-made revolvers (about 100 pieces) were purchased on collectors' exchanges in the EU. These weapons, after a reassembly in gunsmiths in the EU (probably in Belgium), were transported to Poland in several tranches for sale to criminal groups. In June 2022, an organized armed crime group was neutralized in Poland (81 suspects were detained, and over 300 sites were searched). About 250 various types of firearms and several thousand items of ammunition were seized. Among the secured weapons, there are hunting rifles and handguns. In total, the National Public Prosecutor's Office presented over 100 charges. The OCG smuggled weapons from Germany, France, Belgium, the Czech Republic, and the Netherlands.

Data provided by the PBG indicates that between 2014–2019 this service exposed the trafficking of 387 illegal firearms and 1,006 rounds of ammunition (see Table 8).

Table 8: Number of seized firearms, parts and ammunition in illegal traffic by the PBG, 2004–2019

Year	Number of firearms	Number of firearm parts	Rounds of ammunition
2014	27	1	14
2015	81	1	106
2016	36	3	478
2017	50	5	354
2018	12	0	38
2019	181	15	16
Total	387	25	1,006

Source: Own compilation based on data of the Polish Border Guard Headquarters

In the same period, the PBG initiated 956 pre-trial proceedings relating to firearm and ammunition smuggling, and 254 persons were charged under pre-trial proceedings conducted by the border guards with weapons and ammunition smuggling (see Table 9).

Table 9: Number of criminal proceedings and suspects in cases of weapon smuggling recorded by the PBG, 2014–2019

Year	Number of criminal proceedings	Number of suspects
2014	99	31
2015	133	53
2016	151	59
2017	188	36
2018	190	36
2019	195	39
Total	956	254

Source: Own compilation based on data of the Polish Border Guard Headquarters

The National Revenue Administration (NRA)^I provided information regarding seized firearms and ammunition during 2014–2019.³⁷ During this period, the NRA seized 250 firearms, 91 firearm components and 126,946 rounds of ammunition. A record number of smuggled ammunition was uncovered in 2015 (120,000 rounds).

Table 10: Number of firearms, components and rounds of ammunition in illegal traffic seized by the NRA, 2004–2019

Year	Number of firearms	Number of firearm components	Rounds of ammunition
2014	123	–	917
2015	0	–	120,000
2016	30	22	1,321
2017	3	14	810
2018	63	49	1,789
2019	31	6	2,106
Total	250	91	126,943

Source: Own compilation based on the data provided by the National Revenue Administration

Data regarding the status of crimes related to access to firearms and ammunition in the armed forces are not published. For the research conducted as part of the Target project, the Commander-in-Chief of the Military Gendarmerie provided relevant data.³⁸ In 2014–2019, the Military Gendarmerie seized 49 illegal firearms and 6,734 rounds of ammunition (see Table 11).

Table 11: Number of firearms, parts and ammunition seized by Military Gendarmerie, 2014–2019

Year	Number of firearms	Number of firearm parts	Rounds of ammunition
2014	3	0	302
2015	2	12	247
2016	16	9	3,370

I Until 28 February 2017 referred to as the Customs Service

2017	2	0	1.196
2018	4	2	183
2019	22	5	1.436
Total	49	27	6.734

Source: Own compilation based on data of the Military Gendarmerie Headquarters

An analysis of the statistical data from the period 2014–2019 suggests that firearms, firearm components and ammunition are smuggled separately, using different smuggling channels (see chapter 4.4.4).

The conflict in Ukraine has exacerbated risks of firearms trafficking in the region and the already imperfect Ukrainian legal system involving the arms trade and its problematic execution of the implemented solutions. In the past decades various initiatives were taken to counter the illicit proliferation of weapons in Ukraine. In 2006, for example, Poland co-financed NATO/ Partnership for Peace / Maintenance and Supply Organisation Trust Funds to fund projects that included one to eliminate 1.5 million SALW and 133,000 tonnes of ammunition in Ukraine. In 2006, Poland also supported the reconversion¹ of the armed forces staff of Serbia, Montenegro and Ukraine and also the process of social and professional reintegration of members of the former armed forces in Bosnia and Herzegovina. An equally significant initiative was financed by a US programme: the Regional Approach to Stockpile Reduction of 2009. The positive, although still unsatisfactory, effects on the availability of SALW in Ukraine were almost entirely lost as a result of the armed conflict there in 2014. It should be emphasised that, in the case of weapon and ammunition smuggling into the territory of Poland and via Poland towards other states in the Schengen Area, the threat does not lie directly in the amount or value of those goods, but is related to their potential availability on the black market. An individual or a small but highly motivated group with a relatively modest arsenal can become a destabilising factor, even on a transnational scale. One of the most notorious examples of the attempted exploitation of the unstable internal situation in Ukraine was the arrest of a French national on the Polish–Ukrainian border, who attempted to bring five Kalashnikov-type assault rifles, 5,000 bullets, two anti-tank grenade launchers, detonators and 125 kg of TNT into the EU. The NRA reported that on the night of 3–4 January 2019, at the border crossing in Dorohusk, guards discovered components of a 122 mm howitzer worth approximately US\$100,000 hidden in wooden crates in the load compartment of a light commercial vehicle. The attempt at trafficking into the Schengen zone was made by a Ukrainian citizen. This seizure suggests that criminal, extremist and terrorist organisations may attempt to procure not only large numbers of firearms but also heavier weaponry from

¹ Personnel reconversion - element of social security for professional soldiers and their families, which gave the discharged military personnel an opportunity to prepare for work on the civilian labor market. It was implemented on the basis of the initiated restructuring of the Polish Armed Forces. The next stage in 2010 involved the introduction of a fully professional army in Poland.

Ukrainian sources. In January 2018, one RPG-22 and six RPG-18 grenade launchers were seized at the border crossing in Hrebenne. On the night of January 3, 2019, parts of the 122 mm howitzer were transported without the required permit again in Dorohusk.³⁹ The proceedings in these cases were taken over and classified by the Internal Security Agency.

3.4.2 Thefts and losses of firearms and ammunition

Firearms theft is not considered an important source of illegal firearms on the black market in Poland. Between 2014–2019 only 163 cases of stealing firearms were recorded (see Table 12).

Table 12: Number of firearm thefts, 2014–2019

Year	Number of thefts
2014	36
2015	37
2016	25
2017	25
2018	30
2019	10
Total	163

Source: Own compilation based on data of the General Police Headquarters

The diversion of weapons from the legal to the illegal sphere also includes the loss of weapons by institutions that are authorised to use firearms in their operations. Yet, in Poland, the number of persons legally holding firearms is rather low (see section 3.2). Institutions having weapons at their disposal seem to have implemented efficient security systems which protect firearms against theft and loss. The SAO Audit report notes that, in the period covered by the audit, 3,762 firearms were lost. It seems that firearms held by police officers are well protected. For example, in 2014 and the first half of 2015, only ten cases were reported in the police involving the loss of a service weapon by officers and in nine cases, the loss of the weapon was temporary (in four cases it resulted from the negligence of police officers and in five cases, the temporary loss of weapon occurred during interventions). Only one case of permanent loss of a weapon was reported as a result of a break-in at a police officer’s apartment and the theft of a gun safe which was attached to the wall. For other services and institutions, the SAO did not find any irregularities which would result in a loss of a weapon or

ammunition. The SAO report explicitly states: ‘In all formations, service weapons were properly stored and secured.’

In April 2018, Polish police in the region of Wielkopolska were notified of the theft of firearms (including Rak PM-63 submachine guns), ammunition and grenades from a warehouse of a private firm cooperating with the military, which was located at the former military airfield in Debrzno.⁴⁰ Thefts and losses of firearms from military depots are recorded in the literature as an important source supplying the illicit firearms trade in weapons. In the past years in Poland, however, thefts of weapons from military depots were not often recorded (see Table 13).⁴¹ Data collected from the Military Gendarmerie indicates that between 2014–2019 only eight crimes of theft of a weapon or ammunition from military resources were recorded and 11 illegal transfers of weapons or ammunition to an unauthorised person were recorded. Unintentional losses of weapons or ammunition are also very rare: during the same period only ten crimes under article 263.4 of the Criminal Code were recorded by the Military Gendarmerie.

Table 13: Military Gendarmerie data regarding crimes related to access to weapon and ammunition, 2014–2019

Year	Number of crimes under CC art 263.3 (transfer of firearms/ammunition to an unauthorised person)	Number of crimes under CC art 263.4 (unintentional loss of firearms/ammunition to an unauthorised person)	Number of crimes under CC art 278 (theft of firearms/ammunition)
2014	0	3	4
2015	2	1	0
2016	0	3	0
2017	4	1	4
2018	1	1	0
2019	4	1	0
Total	11	10	8

Source: Own compilation based on data of the Military Gendarmerie Headquarters

3.4.3 Conversion of gas pistols and restoring of deactivated weapons

In the 1990s, a new trend appeared of converting gas pistols to firearms. Hołyst proposes that the factors contributing to this phenomenon were accessibility, cost and safety. Obtaining gas weapons was simpler as the 1990s were also a period of intensive import of these weapons and the price of gas weapons was much lower than that of firearms, while the cost of conversion was small. Furthermore, the findings of law enforcement showed that, to ensure safety for the perpetrator, criminals would use such firearms only once and then destroy or otherwise dispose of them after the act.⁴² Most often, gas weapons undergoing conversion were trafficked or imported from

Germany¹. The popularity of gas weapons resulted in the appearance of a network of illicit gunsmithing workshops, which offered their services to organised crime circles. For instance, in 1995, a workshop was uncovered in the Warsaw district of Żoliborz, which occupied four apartments. A raid yielded 40 converted firearms, another 30 gas weapons meant to be converted and over 2,000 rounds of ammunition. According to police findings, the manufacturers produced firearms to order for OCGs as part of a large-scale operation. A 2011 report on Polish state security mentions the fact that firearms converted from gas weapons are still being uncovered, and anticipates an increased threat from converted gas weapons originating in Turkey, because their design is easily amenable to conversion.

As was already mentioned, a significant source of firearms, firearm components, and ammunition are those dating back to World War I and II. Kasprzak notes that in the communist period, approximately 80% of illicit firearms came from the wars or were home-made. After 1990, “the criminal world received an influx of firearms left by the Red Army, trafficked from former Czechoslovakia and Soviet Union, as well as Germany”.⁴³ However, even after so many years, firearms retrieved from battlefields still function in illicit trade. Research by Brywczyński and Kasprzak shows that in Poland there is a practice of procuring and renovating such firearms as collectibles or for sale. The authors point out that, firstly, this practice is seasonal, since illegal prospecting and excavation of firearms usually takes place from April until October. The subsequent autumn and winter months are spent renovating and selling firearms, but also other finds (e.g. buttons, helmets, decorations, etc.). Secondly, the potential monthly income from this practice has been found to exceed 1000 USD. Geographically, regions with high unemployment usually coincide with areas rich in specimens which, according to the authors, often makes the problem endemic. The available data shows that often militaria collectors are closely monitored by the police, who view their activities as a potential cover for the illicit firearms trade. In recent years, several investigations have been conducted in that community by the CBI. For example, the operation code-named “Pepesza” led to a countrywide series of arrests in 2009. In 2011 in Poznań, the CBI disrupted firearms trade among collectors. The 2009 Report on the security of Poland states that over 40% of firearms seized by CBI were those belonging to militaria collectors who did not have proper licenses. OCGs also attempted to procure firearms which were deactivated or intended for scrapping. For example, in 2000, CBI officers uncovered a criminal organisation which had infiltrated Huta Stalowa Wola. Data presented by the National Public Prosecutor’s office also reveal awareness of this trafficking direction. Deactivated firearms make it into the possession of criminal groups, including those labelled as so-called “deko”, or as movie props. It should be noted that in 2015 journalists from, among others, the Czech newspaper “Novy Čas”, revealed that the weapons used in the attack on the Paris offices of the magazine “Charlie Hebdo” had been legally purchased in Slovakia as deactivated weapons. In

¹ The illicit arms trade has been dominated by 3.35 mm calibre Browning-type pistols, which were made as home conversions of Roehm and Walther 8 and 9 mm gas pistols. Gas weapons, including the mentioned pistols, are brought in great numbers into our country, both legally and illegally. Converted gas pistols with attached silencers are also distributed in packaging.

2012, in a collaboration between ISA and the Czech Police Unit for Combating Organized Crime (ÚOOZ), a transit route for illicit firearms and ammunition was shut down. The Czech police uncovered a group offering to sell a large shipment of firearms, ammunition, and explosives. The firearms were procured as deactivated, and the group specialised in reactivating them. The price of a single rifle was about 1,000 euros. Considering that the offer was meant for illicit foreign markets, including Poland, the ÚOOZ notified the ISA and proposed a joint operation, which resulted in the perpetrators' apprehension.

Acquis Schengen, of which Poland has been an active member since 21 December 2007, has removed the borders separating areas with different business environments resulting from distinct policies in each state regarding – for example, macro-economics (especially tax and monetary policy) and business regulations (eg labour or commercial code). One of the drawbacks of these processes is the easier illicit flow of firearms within the EU as a result of differences in legislation. The lack of common deactivation guidelines within the EU resulted in a situation in which a number of EU Member States implemented deactivation procedures that were insufficiently invasive or permanent. Improperly deactivated firearms can easily be reactivated and these reactivated firearms have in recent years have been used in shootings throughout Europe, including in terrorist attacks. After the 2015 terrorist attacks in Paris common deactivation guidelines were put in place. In the meantime, however, large quantities of improperly deactivated firearms have been sold and many of them ended up on illicit gun markets across Europe.⁴⁴ In reporting periods beginning with 2012, the numbers seized by the Police deactivated firearms were, respectively: 0, 19, 25, 35, and 18. Another important category are firearm components, such as the frame, break-action, barrel, lock, receiver and cylinder. In reporting periods starting with 2012, respective 934, 397, 440, 574 and 340 such components were seized.

The conversion of deactivated firearms also takes place in Poland. According to the National Crime Agency, in August 2015 the UK authorities seized 22 converted Czech-made vz.58 automatic rifles, nine vz.61 submachine guns (Skorpion), two silencers, 58 magazines and 1,500 rounds of ammunition in Kent in the United Kingdom (one of the largest seizures of automatic weapons ever made on the UK mainland). The weapons had been purchased in Slovakia and converted in Poland before reaching Boulogne-sur-Mer, France, from where they were transported by ship to the United Kingdom.

In October 2016, the Central Bureau of Investigation (CBI) uncovered a workshop for manufacturing and converting weapons in Upper Silesia. Officers seized 36 firearms, long and small weapons, including nine machine guns of the Skorpion, Kałasznikow and Rak types, as well as a PK carbine. In addition, 3,500 rounds of ammunition for small and long arms were seized, as were many key elements of firearms and ammunition. The CBI officers also found several dozen homemade silencers at this site. While searching the gunsmithing workshop, they uncovered a warehouse of technically faulty weapons illegally imported to Poland.

3.5 Criminal involvement in illicit firearms trafficking

In Poland, the fight against organised crime is primarily the responsibility of the Central Bureau of Investigation (CBI). Reports by the CB indicate that between 2014–2019 this agency seized 2,100 firearms from by OCGs. Between 2016–2019 these seizures included 575 handguns, 328 long firearms, 372 gas guns and 281 other arms¹ (see Table 15). While the number of seized by the CBI handguns and long firearms decreased in recent years, the number of seized gas guns remained rather stable. This suggest gas guns have become relatively more important for OCGs and these guns have likely become the main firearm type possessed by OCGs.

Table 14: Data regarding organised crime, 2014–2019

Year	Number of firearms seized by CBI	Handguns	Long firearms	Gas	Other
2014	232	No data	No data	No data	No data
2015	312	No data	No data	No data	No data
2016	552	192	135	126	99
2017	363	143	73	17	130
2018	391	169	86	110	26
2019	250	71	34	119	26
Total	2,100	575	328	372	281

Source: Own compilation based on the CBI data

Data published by the CBI showed 126 international crime groups being investigated by this specialised police unit in 2016. In 2017, Polish crime groups were led by 684 identified leaders, international groups by 125, Russian-speaking groups by 6, and other foreign groups by 5. As of 31 December 2017, the total number of criminal leaders on CBI record was 820. In the reporting year 2017, CBI efforts against organised crime, including diversified cross-border OCGs, focused on combating organised groups involved in illicit production, trafficking, and trade of firearms and ammunition, luxury car theft, and abductions for ransom. In 2017, a total of 363 firearms were seized, including: 143 SALW, 73 rifles, 17 gas weapons, and 30 others. The record of firearms seized by this unit was a year earlier, totalling 552 firearms and 44 thousand items of ammunition. That total exceeded that of 2015 by 76.92% (312 firearms), 2014 by

¹ This category includes machine guns, blank-firing pistols, alarm guns, home-made firearms and hand cannons

137.93% (232), and 2013 by 156.74% (215)^I. In 2018, there were 391 illicit firearms seized: 169 SALW, 86 rifles, 110 gas weapons, and 26 others. In July 2017 alone, after dismantling a single criminal group specialising in illicit arms trade, approximately 100 short, long, automatic, and vintage firearms were seized (including pistols: Parabellum, Steyer, Mauser, Burnett, Walther, VIS, Colt, Heckler Koch, HS9, TT, CZ, SIG, submachine guns: Skorpion, INTRATEC TEC-9, PM 63 RAK, PPS, WZ 41 and 43 PPSZ, PPRT, rifles: KBK AKMS and AKM “Kalashnikov”, SIG, Heckler Koch, Schmit Rubin, Mauser, Mosin, shotguns: Leppo, Bronko, Bolk, Sabatti, revolvers: H. Schmidt, Bulldog, Smith Wesson and a Maxim heavy machine gun). Apart from that, 7,500 items of various ammunition, rifle and pistol components, including barrels and locks, unexploded munitions from World War II and gunsmithing equipment were secured. The operation uncovered a number of illicit gunsmithing workshops^{II}.

Based on the information published in the yearly national security reports from the Ministry of the Interior, it can be established that a relatively constant feature of firearms trafficking routes is the so-called southerly direction. Reports from 2009–2013 clearly identify the Czech Republic and Slovakia as the dominant countries of origin of illicit firearms. This is probably due to the fact that rules for deactivating firearms in the former Czechoslovakia are liberal. In practice, this makes it relatively easy to both purchase firearms and legally “deactivated” firearms, making these markets a fertile ground for traffickers^{III}.

Files from criminal procedures obtained from courts and interviews with members of OCGs gathered in the Department of Criminology and Forensic Science of the Faculty of Law and Administration UWM in Olsztyn as well as materials obtained by Prof Chlebowicz, which were acquired as part of the research on weapon trafficking in 2012–2015, provide insight into the various types of criminal use of firearms and their involvement in firearms trafficking.

In the materials collected by Prof Kotowska⁴⁵ (the research involved 157 persons convicted of organised crime) information referring to firearm-trafficking by OCGs was sporadic. Fragments of statements and information about the motivation for sentences related to illegal arms are presented below. At the same time, it should be emphasised again that data regarding weapons are scarce.

^I In spite of alarming reports by the media, it must be said that the described increase is an important (but not the only) metric and does not determine the general tendency. That will be discussed in due course of this paper. The Bureau is a specialised unit, conceived as elite, and is very well-equipped to be an investigative branch of the police force combating cross-border, drug-related and financial organised crime, as well as terrorism. Hence, it deals with an extremely important fragment of the criminal landscape, but a fragment nonetheless. In 2015, police seized a total of 1,340 illicitly held firearms (6.7% more than in 2014, in which they seized 1,256).

^{II} Caches with weapons and explosives from every armed force that operated in Poland during and after World War II are still being found in Poland, also as a result of illegal prospecting. These items are often found in a state which allows persons with the proper knowledge, experience and equipment to restore them as collector's items or even into fully functional weapons.

^{III} Czech and Slovak regulations define the deactivation of a firearm primarily as the welding shut of the barrel and other key components. According to the official position of Polish Ministry of Foreign Affairs, a welded weapon can be easily restored to functionality.

- A criminal group operating in the area of Gdańsk, Gdynia and Sopot concentrated on operating gambling machines, drug distribution and extorting protection money from other criminals in the Tricity area:

Defendant Y, in anticipation of a conflict with other criminal groups, also started to purchase arms, ammunition and explosives. At the time when he was still cooperating with XX, he bought from unidentified persons three 'CZ75' guns, a 'Makarov' gun and an explosive device in the form of a trinitrotoluene charge with an electric fuse. After he started to lead the group on his own, he continued to increase its arsenal. In 1999, he purchased, from unidentified persons three 'RPG 76' anti-tank grenade launchers in the training version with neutral heads, and through YY (a former police antiterrorist, he purchased a carbine and a sniper telescope. Arms were stored by the defendant CC, and afterwards in the premises of solarium xxxxx. After the shooting at the 'Relax' club in 2000, Y purchased from RR a vial of nitro-glycerine.⁴⁶

- An armed OCG operating in central Poland, the main area of their activity included drug-trafficking and extortion among their activities. The group monopolised drug-trafficking in a town near Warsaw. In pursuit of its activities, firearms were used to extort dealers and ensure a monopoly on drug-trafficking:

The group had about 40 pieces of firearms, stored in a warehouse in Konstancin. Arsenal: 7.62 mm machine guns, 'Skorpion' submachine guns, TT type, CZ guns, and others. The leaders of the group: XX, YY, had access to the weapons. Additionally, the above-listed persons had at their disposal their own weapons, including small calibre 6.35 mm guns.⁴⁷

Some OCG not only used firearms as an instrument of force in their criminal activities, but also traffick them:

- Interviewee X was sentenced to life imprisonment. He was a leader of an armed OCG operating in central Poland, which was dismantled in 2006. The crime group he led focused on extortion, prostitution and drug-trafficking. Weapons were used to kill members of rival criminal groups and threaten victims:

We had guns from former soldiers, who got them from their military units, they were also charged, one was arrested; in our group, one man took care of weapons, he cooperated with his friends but later on, when he was arrested, he sold out his friends who had cooperated with him, but we only bought arms from him. Our group was equipped with 2 kalashnikovs, 3 CZs, one rifle with a scope, one scorpion machine gun, colt, two grenades, hexogen explosives, and an infinite amount of ammunition – this is what they wrote because they didn't want to count it.

We also sold weapons to other groups, with whom we were in good relations – first of all Cz 75, they were relatively cheap and good, they did not jam; Kalachnikovs, if anybody wanted. Kalachnikovs were for killing, also CZs, but after Kalachnikovs nobody can get up, this is the most reliable weapon, even bulletproof vests cannot help, as bandits often wear them. I also wore them, sometimes when I had the feeling that my life is at risk, I was shot

once, several times they set traps, but unsuccessfully, e.g. my car was raked by fire, once we went to beat up some bodyguards and a shootout started, a colleague was shot. After this shooting I was more careful, I could be dead as well, I had many enemies, including my former boss, with whom we quarrelled about money and parted, he is also serving a life sentence, his brother is dead, I also had enemies from other groups, a lot of people wished me dead.

We often went shooting, in our fortress we had several shooting ranges, I liked shooting, this is a great feeling, it makes me excited. I am a good shooter, and I can shoot with anything, as I practised a lot, you shoot with any gun in the same way, but with a Kalashnikov, it is difficult to move. Firearms wholesale is profitable, but retail is not, how much would you earn on a single weapon? 1–2 thousand, groups bought from us no more than several items, so it wasn't a great deal. After the shooting, when I got shot in my leg, I always carried a gun with me, as I was afraid they would kill me. And for meetings, I always wore a vest.

It should be emphasised that, based on the case file research, it is not always possible to determine the source of a weapon. In the course of criminal proceedings, it was often not possible to establish from whom the weapon had been purchased; therefore the description of criminal charges usually included the statement 'acquired from an unidentified person'. An exception is the case of so-called 'pistol fraud'. During 1992–1996, six Polish citizens were charged with this offence: using legal commercial-law companies which traded illegally on a large scale in weapons (particularly small arms) originating from military depots. This practice was uncovered by the Office for State Protection. Some of the TT guns smuggled from Poland were found in various regions of the world. For example, TT gun number AR 09971 was found and seized by the police in Japan in September 1996. The proceedings were conducted by the Firearms Department of the National Police Agency in Tokyo.⁴⁸

The examples above illustrate that the arsenals of OCG are often relatively small and that profits from the sale of single items of arms to friendly groups were low in comparison to the income acquired from drug-trafficking, extortion or sums obtained as ransom for kidnapped persons. It is clear that weapon transactions were not a permanent activity for OCG in Poland, since the criminal demand for firearms was not high.

In 2014, the CBI uncovered an OCG operating in Łódź. Its members trafficked firearms into Poland and sold them on the national black market. Their merchandise included modern firearms equipped with silencers. On 7 December 2018, the CBI announced a joint operation with other Polish services and their counterparts in Germany, Netherlands and France, including the participation of Europol and Eurojust. This operation resulted in the dismantling of an OCG whose members sold explosives in the form of licensed class F4, T2 and P2 pyrotechnic articles with an approximate value of €5 million. Thirty-five suspects were detained and approximately 80 tonnes of explosives were seized. As part of dismantling the same cross-border group, 50 individuals were detained in Germany and pyrotechnics, firearms and ammunition were seized. During preparatory activities in Poland, police officers intercepted mail

packages containing more than 500 kg of explosives in the form of pyrotechnic materials, some of class F4, T2 and P2. Furthermore, in Germany and the Netherlands, police and customs officers intercepted other mail packages with explosives of those classes. Altogether, the officers secured more than 200 packages. The criminal activity was supposed to be masked by a legal trade in pyrotechnic materials via an internet store: websites in the Polish language offering pyrotechnic products had duplicates meant only for international clients. In parallel with this operation, the Tax and Customs Office in Łódź investigated money-laundering and the attendant loss of tax revenue. In June 2017, the CBI announced the dismantling of an OCG specialising in trafficking in, converting and selling firearms. Twenty-two firearms were seized, including 17 rifles, as well as five silencers, 16 key firearm components and almost 8,000 rounds of ammunition.⁴⁹

4



Firearm violence in Poland

The SAO carried out an analysis based on publicly available data^I. Based on the data obtained on the number of firearms in private hands and events connected with their use, Poland appears to be a generally safe country compared to other countries. In terms of the nominal number of weapons, Poland was ranked 78th out of 176 states, whereas after converting the number of weapons per 100 inhabitants it was 142nd. According to the nominal number of homicides committed with the use of firearms, Poland was ranked 57th out of 107 states and it was 98th after converting the number of weapons per 100 inhabitants. In a global perspective, Poland is characterised by low levels of gun possession and low levels of gun homicides.

The SAO analysis further shows that in Poland firearms are used to a minimal extent in criminal activities. The number of crimes committed using a weapon (firearms, gas guns, pneumatic weapons and others)^{II} from 2002 to 2014 decreased from 2,443 to 875 and their contribution to the number of recorded crimes fell from 0.2% to 0.1%.^{III} The data provided by the police on the number of crimes recorded using weapons *sensu largo* in 2019 amounted to 0.2% of the total number of crimes recorded in Poland (according to the methodology of calculating the rate adopted by the SAO).^{IV} The same rate referring to firearms *sensu scripto* (according to the classification used by the police to generate statistical data) amounted to 0.08%. During 2014–2019, the picture of organised crime in Poland is dominated by organised business crime groups, while the number of crimes of a violent nature is consistently decreasing.⁵⁰ During this same period, the number of ‘criminal’ offences committed using violence systematically decreased.

^I Particularly UNDOC56 and those from the Central Police Headquarters

^{II} The SAO in the quoted description committed an error in the description of the method. The police, in generating statistical data used in the report and in the Target Project, actually use a broad definition of a weapon, including, among other things, incapacitating gas dischargers, explosives, dangerous tools or animals. In order to obtain the results referred to in the SAO report, these variables must be reduced according to the description included in the main text.

^{III} In the subsequent years, this rate, calculated in accordance with assumptions adopted in the SAO report (excluding incapacitating gas dischargers, explosives, dangerous tools or animals), amounts to 2015 – 0.1%, 2016 – 0.3%, 2017 – 0.3% and 2018 – 0.2%.

^{IV} Assuming a broad definition of a weapon as applied by the police to generate statistical data, in 2014 the number of crimes *sensu largo* amounted to 0.5% of the total number of crimes recorded in Poland. The rate in 2019 amounted to 0.7%.

4.1 The use of firearms in homicides

Data from the General Police Headquarters indicates that 108 homicides were recorded using firearms¹ (CC art. 148.1-3) between 2014–2019. This includes:

- 87 homicides of the basic type (CC art 148.1);
- three homicides of the qualified type resulting from particular cruelty (CC art 148.2.1);
- eight homicides of the qualified type involving hostage-taking, rape or robbery (CC art 148.2.2);
- five homicides of the qualified type due to motives deserving particular condemnation (CC art 148.2.3),
- five homicides of the qualified type due to killing more than one person, a previous final conviction for homicide, or killing a public officer in connection with the performance of their official duties related to the protection of human safety or security or public order (CC art 148.3).

On average, 18 firearm homicides are registered annually in Poland. The number of firearm homicides fluctuates strongly. A detailed compilation is presented in Table 15.

Table 15: Number of homicides with the use of firearms (CC art 148.1-3), 2014–2019

Legal provision	Recorded crimes 2014	Recorded crimes 2015	Recorded crimes 2016	Recorded crimes 2017	Recorded crimes 2018	Recorded crimes 2019	Total 2014-2019
Article 148.1	24	10	11	14	20	8	87
Article 148.2.1	2	1	0	0	0	0	3
Article 148.2.2	1	2	1	3	1	0	8
Article 148.2.3	0	3	0	1	0	1	5
Article 148.3	1	0	0	1	2	1	5
All firearm homicides	28	16	12	19	23	10	108
Total offences	867,855	799,779	748,459	753,963	768,049	796,557	4,734,662
% of firearm homicides in total offences	0.0032%	0.0020%	0.0016%	0.0025%	0.0029%	0.0012%	0.0022%

Source: Own compilation based on data of the Central Police Headquarters

¹ CC art 148.1-3

The number of firearm homicides is much lower than the number of successful suicides with the use of a firearm in Poland. In 2014–2019, 64,308 suicide attempts were recorded and 467 attempts with the use of firearms were recorded (0.72%) of which 423 ended with a death by suicide (see Table 16). This suggests firearm homicides take up only about 20% of all gun deaths in Poland.

Table 16: Suicides with the use of firearms in Poland, 2014–2019

Year	Total number of persons attempting suicide	Use of firearms	Shooting oneself (death of a person as a result of a suicide attempt)
2014	10,207	86	63
2015	9,973	79	53
2016	9,861	104	70
2017	11,139	90	72
2018	11,167	96	79
2019	11,961	102	86
Total	64,308	467	423

Source: Own compilation based on data of the Central Police Headquarters

4.2 The use of firearms in brawls or assaults

Data from the General Police Headquarters indicates only 29 cases of the use of firearms in a brawl or an assault (CC art 159) were recorded in 2014–2019. These are detailed in Table 17.

Table 17: Number of brawls or assault with the use of firearms, 2014–2019

Year	Number of incidents
2014	9
2015	7
2016	4
2017	3
2018	5
2019	1
Total	29

Source: Own compilation based on data of the Central Police Headquarters

4.3 The use of firearms in armed robberies

Data from the General Police Headquarters indicates that 455 cases of robberies with the use of firearms (CC art 278.1) were recorded in 2014–2019 and that this number has decreased (see Table 18). Only 1,5% of all recorded robberies in Poland in this period involved the use of a firearm.

Table 18: Number of armed robberies involving the use of firearms, 2014–2019

Year	Number of armed robberies with firearms	Total number of robberies
2014	91	7673
2015	83	5995
2016	111	5647
2017	68	4452
2018	49	3711
2019	53	3398
Total	455	30876

Source: Own compilation based on data of the Central Police Headquarters

4.4 The use of firearms poaching

A specific feature of the black arms market in Poland is the acquisition or theft of weapons for poaching purposes. From this perspective, it was considered as important to establish the number of thefts of hunting weapons, the number of incidents involving the illegal use of weapons during hunting events and the assessment of poaching in Poland, with particular emphasis on the sources of weapons used for poaching purposes. With this aim in mind, a request was submitted to the Regional Directorates of State Forests (RDSF) to provide information about acts of violence among foresters and the Forest Guard.

The Regional Directorates of State Forests in Zielona Góra,⁵¹ Toruń,⁵² Łódź,⁵³ Katowice,⁵⁴ Gdańsk,⁵⁵ Poznań,⁵⁶ and Krosno⁵⁷ neither recorded any incidents with the use of firearms in the areas under their jurisdiction nor seized any illegal weapons or ammunition. Other directorates recorded the following incidents:

- RDSF in Olsztyn⁵⁸ – in 2014–2019, 59 cases of poaching were recorded here. Of this number, poachers used firearms in 30 cases, while hunting the animals.
- RDSF in Szczecin⁵⁹ – in 2014–2019, foresters seized three illegal firearms and 25 rounds of ammunition. One forester committed suicide with a firearm.
- RDSF in Białystok⁶⁰ – the Forest Guard seized two illegal weapons used for poaching.
- RDSF in Radom⁶¹ – one hunting weapon and ‘Breneka’-type shotgun ammunition were seized. In total, six firearms were secured.

4.5 Animal abuse and gun violence

Unfortunately, the Central Police Headquarters, in statistical compilations generated from the National Police Information System referring to penal regulations (both basic and qualified type) contained in the Act on Animal Protection (art 35.1–2 of this legal Act), does not differentiate between variables referring to the modus operandi of the perpetrators.

In the gun violence database compiled for this project, one case was recorded in 2019 in which this type of behaviour was directed against the welfare of an animal. In reports from 2020, the Central Police Headquarters recorded four events of this type. An analysis of these case studies indicates that the perpetrators of those crimes were men, usually above 50 years of age, using legally purchased firearms for this purpose. The perpetrators used air guns or hunting rifles purchased for non-professional hobbies or hunting. On 4 May 2019, during an evening walk in a village in the Wisznice Commune, a German shepherd dog was shot dead. The owner of the animal was not injured. The perpetrator was a 57-year-old inhabitant of the Bielsko-Biała District; he used a legally possessed hunting weapon.

Another specific category of events identified by the analysis of the police and media reports included in the database are acts of violence. Criminal behaviours against property are most often committed by perpetrators below 30 years of age. The perpetrators usually use air guns, which they possess legally. This violent behaviour often occurs on days off. In addition, there are some indications that the perpetrator or perpetrators acted under the influence of alcohol or psychoactive substances. During the night of Saturday and Sunday, 19 April 2020, 30 cars were damaged in the town of Rydułtowy. The damage was caused by two offenders aged 22 and 24, using legally possessed, unconverted air guns. While under the influence of alcohol, the perpetrators had held a shooting competition.

5



The use of firearms against and by police officers

When analysing statistics and official documents, it is important to take into account two terms used in the Act on Direct Coercive Means and Firearms referring to situations in which public officers use their weapon. The term ‘use of firearms’ means firing a shot at a person. The term ‘application of firearms’ means firing a shot at an animal, object or in any direction which does not pose a threat to a person.

5.1 The use of firearms by Polish law enforcement agencies

Polish police officers sometimes need to use their firearms. On the night of 4–5 January 2021, for example, police officers were called to a workers’ hotel in Leśnica. The offender had injured his roommate with a sharp object. The man did not respond to orders and threatened officers with a knife. When he attacked, police officers fired their service weapons. The man was wounded in the leg and arm and was then overpowered. Another use of firearms occurred when, on 10 December 2015, policemen from Bytom went to Zabrze to apprehend a 38-year-old man wanted on an arrest warrant. The suspect attempted to flee in a car, hitting one of the police officers. The second officer, responding to the situation, fired three shots at the vehicle. Nobody was injured as a result of the officer’s using the firearm, although the wanted man’s car collided with a parked vehicle. He then attempted to escape on foot but was apprehended.

Data from the Central Police Headquarters indicates that the police carried out 879 operations involving service firearms in 2014–2019 (see Table 20).

Table 19: Statistics regarding cases of the police using and applying service weapons, 2014–2019

Years	Use of service weapon/ Application of service weapon Without effects	Use of service weapon/ Application of service weapon Injury	Use of service weapon/ Application of service weapon Resulting in death	Use of service weapon/ Application of service weapon Without effects	Use of service weapon/ Application of service weapon injury	Use of service weapon/ Application of service weapon Resulting in death	Total cases involving service weapons, 2014–2019
2014	6	17	2	113	2	-	140
2015	4	13	1	124	-	-	142
2016	5	17	2	142	3	1	170
2017	8	7	3	106	2	-	126
2018	3	11	3	110	-	-	127
2019	3	16	4	147	4	-	174
2014-2019	29	81	15	742	11	1	879

Source: Own compilation based on data of the Central Police Headquarters

In this period the use of firearms by police officers resulted in 15 lethal victims and injured 81 persons. In cases involving the use of service weapons to fire a shot at a person, incidents are prevalent in which there was no fatal outcome despite a shot or shots being fired. This may indicate that service weapons are used only as a last resort and the police officers, as a rule, first fire warning shots and shoot to incapacitate the person being detained. As the data in Table 20 indicate, the number of injuries as a result of using service weapons significantly exceeds the number of deaths caused by firing a shot.¹

Not only the Polish police, but also other types of law enforcement agencies occasionally use their firearms. Data from the the Central Police Headquarters indicates that PBG officers fired 14 shots at persons, most often smugglers, between 2014–2019. The use of service firearms by the guards did not result in deaths or injuries. In 2014–2015, no incidents involving the Forest Guard officers using a weapon against persons were recorded, while eight cases of using firearms to incapacitate an animal occurred (pursuant to art 47.5 of the Act on Direct Coercive Measures and

¹ It should be emphasized that Polish law distinguishes between the use of a service weapon (the use of a weapon to counter an unlawful attack on human life and health) and the application (utilization) of a service weapon (e.g., shooting at a car's tires during a chase).

Firearms of 24 May 2013). In 2014–2015, there were also six recorded cases¹ of the use of service firearms by Railway Security Guard officers, which included five cases in situations that posed a threat to the life and health of police officers. In the five cases, seven warning shots were fired, in three cases, three shots were fired at a vehicle which was used in an attempt to run over the Railway Security Guard officers. A weapon was used during operations against perpetrators stealing railway infrastructure (rails, telephone cables) and in one case during an attempt to stop tobacco products being smuggled. No cases of using a weapon resulted in the death or injury of a person.

Our research also confirmed cases of suicides committed by police officers on duty with the use of firearms. On the morning of 7 July 2014, at the police station in Gardna Wielka (Smółdzino Commune, Słupsk District), a policeman was found dead with a gunshot wound to his head. No third-party involvement was identified. A similar incident occurred on the afternoon of 9 December 2016 at the police station in Piekary Śląskie at ul Kalwaryjska: a police officer shot himself fatally in the abdomen with a service weapon. On the afternoon of 29 May 2020, at the District Police Station in Koło, a 32-year-old policeman shot himself in the head. He died in hospital the next day. Between 2011 and 2020, three cases were found of suicide committed by a police officer using their service firearms and one case in which a hunting weapon was used for this purpose. In addition, another event was recorded on 9 March 2015 in which a 59-year-old retired police officer in Odrano-Wola near Grodzisk Mazowiecki shot his wife with his legally possessed gun and then committed suicide. A similar event occurred on the morning of 19 April in 2011 in Jagiellońska Street, Sieradz: a retired police officer shot his wife and then himself.

In addition, during the period under review, events occurred that were the result of a failure to comply with the accepted norms of safety. On 20 May 2019, at the shooting range in the Higher Police School in Szczytno, a shooting instructor in charge of the safety of users of the indoor shooting range used a loaded firearm with a connected magazine and live ammunition. By doing so he broke the rules while conducting shooting classes with basic course officers. He fired a shot towards a group of 19 class participants, injuring two of them – a woman in the hip and a man in the abdomen. Through his behaviour, the instructor also unintentionally put one of the course participants in immediate danger of losing her life or seriously injuring her health.

5.2 Firearm violence towards law enforcement agencies

Firearm violence in Poland is sometimes directed against police officers. On 21 December 2016, for example, police officers were called to attend to a 21-year-old man who was committing an assault at home. According to the reporting person, the young man was allegedly hitting a family member. When policemen entered his home,

¹ Four cases in 2014 and two in the first half of 2015

they saw him running down the stairs, holding an object resembling a firearm. The 21-year-old fired several shots at the officers and ran into a room. He then jumped out of a window and started running away. At one point, his gun jammed, and the police officers overpowered the aggressor and wrested the weapon from him. The 21-year-old was aggressive and threatened the officers. He was detained in police custody. A breathalyser indicated an approximately 0.1 per cent alcohol concentration in his body; in addition, blood was taken from him for further testing. While searching the room of the man, police officers found and seized ammunition for gas weapons and almost 200 flash grenades. The magazine of the automatic gun seized held 16 gas bullets. The police officers established that the young man had purchased weapons and ammunition illegally online from Slovakia. He was charged with assaulting officers, possessing a gas weapon and ammunition without the required licence and with domestic abuse. Following the decision of the District Court in Ustrzyki Dolne, he was detained temporarily for two months.

Between 2011 and 2020, there was one case of killing a police officer while he was performing his official duties related to the protection of human safety or security or public order. The incident occurred on the night of 3 December 2017 in Wisznia Mała (Trzebnica District). A police officer was fatally shot while apprehending criminals in the act of breaking into an ATM. The perpetrator, who died on the spot, was using a machine gun and his accomplice was arrested. In the exchange of fire, three other police officers were also injured. On the night of 31 August 2014, a police officer was shot in Bydgoszcz by his service weapon after the perpetrator snatched it from him. The injured officer's condition after the shooting was reported as critical.

In the same period, at least two legally concluded cases of attempted murder of a police officer were recorded. These cases came under the jurisdiction of the Regional Court in Płock and Białystok. Firearms were not used in any of these cases by the perpetrator or perpetrators.¹ This does not mean that potentially dangerous events, classified in criminal procedure as acts of a lower level of gravity than homicide or attempted homicide, are not recorded. During an intervention in Gałczyńskiego Street, Bielsko-Biała, on the afternoon of 12 December 2016 a drunken assailant fired two shots at police officers from an unlicensed gas weapon. In the apartment of the perpetrator, one more start gun was found, together with 823 rounds of ammunition for paralysing and gas guns and blast guns, and almost a thousand doses of amphetamine.

The most well-known event of this type after 1989 occurred in Magdalenka on the night of 6 March 2003. During an attempt to detain two high-level criminals, two police officers were killed and another 17 were injured. The perpetrators, who died of carbon monoxide poisoning, had gathered a substantial arsenal. They used 29 firearms, repeating guns (Glock 17, pw wz.33, CZ-75 Full Auto), machine guns (Sa vz.61, Uzi

¹ For the purposes of Project Target, the information about cases of the attempted homicide of a police officer on duty was obtained from the set of data compiled by Natalia Dąbkowska as part of her research work. Information obtained in this way was cross-validated with the data provided by the Central Police Headquarters and published press releases gathered in a gun-violence database.

Mk.3, PM-98 and PM-84P), automatic rifles (AKMS and AKS-74U), a hunting rifle and a shotgun (Franchi SPAS-12). The criminals, using fougasses, mines, grenades and improvised explosive devices, mined the garden at a house in at Środkowa Street, Magdalenka, where they were hiding.

A catalyst for changes to the existing criminal laws, resulting in harsher penalties for the violation of physical integrity, was the assault and murder of a police officer of the Patrol and Intelligence Department of the Warsaw Metropolitan Police Headquarters. In Warsaw on 10 February 2010, the police officer, during his holiday leave, intervened when he witnessed municipal property being destroyed and actions that were endangering the health and lives of residents. In response, two perpetrators stabbed him several times with knives.

Between 2014-2019 no acts of violence with the use of a weapon by third persons towards the PBG officers were reported. No case of injury to or the killing of a PBG officer was recorded.

6

A relationship between illicit trade in firearms and gun violence

The relationship between the prevalence of firearms and violent crime has been the topic of lively academic debate, one that has generated numerous research projects. The US criminological literature is particularly extensive on this topic. An analysis of the data collected about weapons and ammunition uncovered in the black market during 2014–2019 does not demonstrate any clear relationship between the illicit trade in firearms and gun violence in Poland.¹ However, in view of the increases in both seizures and incidents observed in 2013 and in the years 2016–2020 (total number of armed crime recorded by the police), the possible relationship between the major categories of criminal behaviour and the phenomenon of gun violence requires continuous in-depth scientific research.⁶²

1 In the gun violence database, most criminal offences that were recorded with the use of weapons *sensu largo*, including items resembling firearms, can be included in the category of robbery offences. Polish jurisprudence indicates that the use of an object resembling a firearm by the perpetrator should be interpreted as a threat of immediate use of violence. Most often, witnesses to such incidents, are unable to determine whether the perpetrator is using a device dangerous to life or health, let alone to indicate its type. This is due not only to a lack of knowledge but also to the abnormal emotional situation they find themselves in.

Table 20: Attempt to determine relationship between number of established illegal firearms and phenomenon of gun violence, 2014–2019

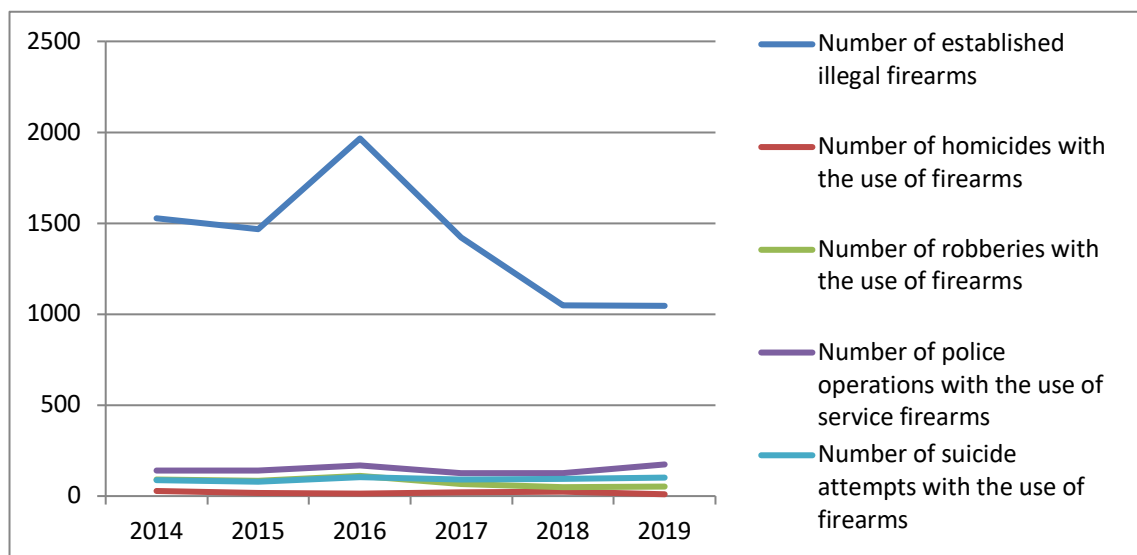
Phenomenon	Number of cases 2014	Number of cases 2015	Number of cases 2016	Number of cases 2017	Number of cases 2018	Number of cases 2019
1. Number of illegal firearms seized by the police and MG	1,341	1,348	1,875	1,343	945	824
2. Rounds of illegal ammunition seized by the police and MG	68,317	159,684	107,020	109,480	64,214	78,491
3. Number of smuggled firearms uncovered by PBG and NRA	150	81	66	53	75	212
4. Pieces of smuggled ammunition uncovered by PBG and NRA	931	120,106	1,799	1,164	1,827	2,122
5. Number of firearm thefts	36	37	25	25	30	10
Number of established illegal firearms in trade (total of 1+3+5)	1,527	1,466	1,966	1,421	1,050	1,046
6. Number of homicides with the use of firearms	28	16	12	19	23	10
7. Number of robberies with the use of firearms	91	83	111	68	49	53
8. Number of police operations with the use of service firearms	140	142	170	126	127	174
9. Number of suicide attempts with the use of firearms	860	79	104	90	96	102
Number of incidents with the use of firearms (total of 6–9)	345	320	397	303	295	339

Source: Own compilation based on the entirety of the data obtained by the research team

As shown in Table 20, the number of exposed firearms circulating in illicit trade amounted in 2014 to only 1,527 pieces. A clear increase was recorded in 2016, when the police, the Military Gendarmerie and the PBG services found almost 2,000 weapons.

This number decreased in the following two years. However, it must be emphasised that it is difficult to see any correlation between the number of weapons seized by the police services and the number of crimes committed using firearms. Crimes committed involving violence, including crimes committed with the use of a weapon, are a decreasing group of acts in the total number of offences. This seems to have been an increasingly consistent trend over the past ten years. The change in the nature of Polish criminality is clearly illustrated by the seven-fold decrease in homicides with the use of firearms and a reduction of 86.28% in the number of robberies perpetrated with such weapons during the period 2002–2015. The statistics provided by the police show that the interruption of the trend in crimes committed with the use of weapons, including firearms, which occurred in 2016 did not change the general tendency.¹

Figure 1: Attempt to determine relationship between number of seized illegal firearms identified and phenomenon of gun violence



Source: Own compilation based on data of the Central Police Headquarters

Figure 1 illustrates the absence of a statistical correlation between the number of seized illegal firearms in Poland and the incidents of violence with the use of firearms.

Unfortunately, the available law-enforcement data is not detailed enough to enable us to differentiate between the various contexts of gun homicide in Poland or to analyse the type, legal status and trafficking route of firearms used in gun violence in the country. As a result it is very difficult to quantitatively analyse the possible linkages between firearms trafficking and gun violence in the country.

¹ In 2016, 140 crimes involving racketeering with the use of firearms were recorded. This was 59% more than in 2015 (88 crimes) and 41.41% more than in 2014 (99). In 2016, in comparison to 2015, the general number of crimes committed with the use of gas weapons increased more than four times (208 crimes) and more the three times with the use of firearms (996 crimes). Within this time frame, the number of crimes committed with the use of pneumatic weapons increased by 162.41%.

7

Combating illicit arms trafficking and gun violence

The available data on the level and scale of crime with the use of violence indicate clearly that this type of crime is decreasing systematically, which should be linked to social and economic changes in Poland. Acts of violence committed with the use of firearms are rare. This is illustrated by the low number of robberies committed using firearms. During the period 2014–2019, 455 robberies were committed. The number of homicides in the period under review, when the victim died as a result of the use of firearms, amounted to 108.

An important dimension of investigations into the illegal trade in weapons is the efficiency of the databases, which help to establish the source of weapons used in a crime or illegal trade. For forensic laboratories in specific provincial police headquarters there is no uniform practice for archiving forensic data collected during the examination of specific weapons. For instance, one of the laboratories indicated that *'... since no collective qualitative statistics are maintained, it is not possible to determine the share of firearms in the total number of examined items'*. In addition, the same laboratory explained that during the examination procedure experts do not gather or process information relating to the reasons for commissioning a specific task to them.⁶³ Another laboratory indicated that the EDK IT system does not store information about the legal qualification of orders and does not collect data regarding the number of firearms examined, their type or the purpose of the examination. All the information obtained as a result of the examination of a specific weapon is included in the forensic opinion that is provided to the ordering authority, most often as evidence in the criminal proceedings. As it turned out, the laboratory did not store a copy of the prepared opinion.⁶⁴

A serious shortcoming of the policy on fighting the illicit trade in weapons is the lack of a central database to ensure the effective functioning of the weapon registration system. Currently, in Poland, the Broń system is in use; this system records data related to the origin of a weapon and its status. According to the SAO, it was found that the data registered in the Broń police register are burdened with serious errors, for

example regarding address data, which may lead to errors while locating a weapon. The register does not reliably document the fact of weapon-scraping. Moreover, it does not provide continuity in recording the history of a weapon belonging to a person who has died. The data in the records are inconsistent, come from different periods of time and concern different administrative divisions of the country and different legal statuses, and are not up to date. A new system is currently being developed.

In the surveys conducted for this study, officers of the PBG and the Military Gendarmerie and also retired officers of the police and other institutions, have emphasised the importance of international cooperation in combating illicit firearm-trafficking and the coordination of weapon-related data-sharing. Given the criminal nature of the illicit trade in weapons, an important dimension of combating this crime is international police cooperation, in which information exchange is an important part. As one of the surveyed persons observed, the illicit trade in weapons and ammunition is an international crime, one that requires close cooperation. This cooperation should be improved based on the active role of Europol and, in particular, by creating an Analysis Work File (AWF) or implementing principles of cooperation between police authorities of the EU states modelled on the Assets Recovery Office (ARO). It was proposed that permanent joint working groups should be established to exchange analytical data and cooperate in non-prosecution activities continuously. A clear need has been observed to educate police officers in the subject of arms-trafficking, legal regulations and the *modus operandi* of smuggling, which is constantly changing,

In the domestic dimension, attention is drawn to the fact that the illicit trade in weapons is combated by various services. In Poland, there are several institutions that combat crime. Apart from the police (within which various organisational units exist), those institutions include the PBG, the NRA and the Military Gendarmerie. Crime-fighting, in its narrower range, is the responsibility of special services, such as the Central Anti-Corruption Bureau, the Internal Security Agency (ISA) and the Military Counter-intelligence Service. As regards combating crime with the use of violence, the main authority is undoubtedly the police, particularly the criminal service operating within the police, and the CBI, which specialise in combating organised crime. Combating illegal weapon-trafficking is the responsibility of the CBI if the illegal trade is carried out by OCGs, and by the ISA, particularly when the trade in weapons is related to terrorism or poses a threat to State security. Both police services (the police, including the CBI, the PBG, the Tax and Customs Service under the NRA) and special services (the ISA and the Military Counter-intelligence Service) are thus responsible for combating firearms trafficking. This raises the problem of coordination between these institutions. This is particularly observable in cooperation between special and political forces, which has a legal basis but is also governed by the need to protect information sources. A consequence of this situation is that the EU does not receive comprehensive information in the Schengen Information System (such as weapons lost or stolen or the sale of 'deactivated' weapons, which can easily be converted into firearms, etc).

At the same time, emphasis is placed on the need to transfer information about firearms among EU security services in order to update data in the common customs risk management system. Difficulties in this respect could be significantly reduced by creating a common database accessible by all the services and institutions involved in combating the black weapons market. However, there is currently no legal framework for creating such a database.

8

Conclusions

Comparative research into gun-related violence is hindered by the lack of local and regional programmes and the unavailability of detailed quantitative data, including methodological details. Understanding the overall picture of the phenomenon would facilitate taking coordinated preventive action and provide stimulus to strengthening transnational cooperation between the competent authorities. In contrast, US studies do not (because they simply cannot) take into account the complexity of the social, economic and political relations and the historical background of Europe.

In Poland, gun violence is a marginal phenomenon and is not treated as a priority in the State's criminal policy, which does not mean that the police ignore it. In the case of incidents involving weapons (in particular, homicides and robberies), in view of the gravity of these acts and the public perception of them, considerable resources are devoted to finding the perpetrators and bringing them to book.

Because of the low level of saturation of firearms in society and a restrictive policy regarding trade in weapons in civil-law transactions, the availability of weapons is low, both in the legal and in the black markets. In the case of the illicit arms trade, owing to dispersed databases and limited access for researchers, the laconic forms of official reports and the nature of the trade, it is difficult to determine the real extent of the phenomenon. From this perspective, only file research regarding cases that ended with final convictions and the development of strategic criminal analysis based on updated and interoperative databases could lead to a quantitative description of this practice.

Claims have been made that OCGs trade in weapons but our findings suggest that there is no data to indicate that illicit firearm-trafficking is the main area of activities of such groups in Poland. Even if only a secondary activity, the illicit firearm trade undertaken by OCGs makes use of their organisational resources, structures, contacts, trafficking routes and formal and informal connections made in the course of other criminal activities. A review of the cases investigated by the CBI supports the conjecture that, for most OCGs, the illegal arms trade is only one of many operations.

Furthermore, the financial means gained in other areas of criminal activity are also reinvested in the illicit firearms market. There are regional speciality groups which combine trade in illicit firearms and counterfeit goods with the illicit amber trade (the so-called 'amber mafia').

Based on the information gathered through surveys conducted among the PBG officers and interviews with retired police officers, the following conclusions arise as regards combating the illegal firearms trade and, indirectly, violence with the use of firearms. The legal solutions in the area of criminalising the illicit firearm trade and violence with the use of firearms do not raise any issues. The criminal and administrative provisions are detailed and introduce severe penalties for violations of the regulations regarding the possession and storage of weapons. The police carry out inspections according to the rules for weapon storage by individuals and institutions and the possession of firearms. Any deficiencies in weapon storage are subject to corrective action.⁶⁵ Problems arise, however, in applying certain legal institutions and in implementing actual, rather than declared, international cooperation. For example, one of the persons surveyed proposed introducing a provision to the Criminal Code which would aim at releasing a person from criminal liability who voluntarily surrenders illegal firearms and provides information on the circumstances of its acquisition or purchase.

Poland's geographic location puts it at the crossroads of trafficking routes used by OCGs. Depending on the illicit goods in question, it is either a country of destination, of transit or of origin for contraband, as dictated by the supply and demand in illicit, mainly European, markets.

Currently, two smuggling trails, as part of the European illicit weapon market, intersect in the area of Poland: the northern and the eastern routes. In summary, trafficking is one of the main elements among the various phenomena of the illicit trade in firearms. Since new forms of trafficking appear constantly, this phenomenon should be investigated by regular, in-depth research. As indicated by the data collected for this report, the main source of illegal weapons is smuggling, particularly from Czechia and Slovakia. It must be noted that the threat of firearms and ammunition trafficked into Poland, and subsequently into other Schengen countries, is not directly due to their number or value, but as a consequence of their accessibility.

Several elements hinder a good intelligence picture on firearms trafficking and firearm violence in Poland. Until 2020, for example, the police were not obliged to include the *modus operandi* variable when recording a crime in the National Information System. As a result, a number of recorded crimes provided by the operator of this system (based on searches that include the value of *modus operandi*) will not be included in the discussion. This system is used to generate compilations of data in response to requests sent requiring access to public information. Anyone analysing the research material gathered in this manner must be aware of the presence of such a bias. In addition, the Department of Intelligence and Criminal Information of the Central Police Headquarters does not differentiate between statistical data regarding homicides committed with

legally or illegally possessed firearms or those registered to third persons. The fact of not distinguishing the category of crimes committed with the use of a black market weapon could indicate that it was used to commit any of a significant number of such acts.

The tendency of OCGs, including those of a terrorist or extremist character, to exploit the benefits brought about by the convergence of scientific progress, globalisation and integration processes can be expected to persist in the coming years. Regarding these developments, particular attention should be given to metal printing technology applied to weapons and their elements, encrypted communication technologies and non-supervised alternative monetary systems.

This research fills a gap in the European literature on the illicit arms market in Poland and, what is even more important, the specifics of gun violence in the local circumstances. The research discussed will provide a starting point for future analyses.



Endnotes

- ¹ Buczyński, S. (2014) Finansowanie organizacji ekstremistycznych na przykładzie funkcjonowania rynku towarów podrabianych [Financing extremist organisations on the example of the functioning of the counterfeit goods market]. In W Pływaczewski & P Lubiewski (eds), *Współczesne Ekstremizmy. Geneza, Przejawy, Przeciwdziałanie* [Contemporary Extremisms. Genesis, Manifestations, Counteracting], Olsztyn, s 158.
- ² Buczyński, S. (2014) Przemysł towarów podrabianych perspektywa kryminologiczna [The smuggling of counterfeit goods – a criminological perspective]. *Journal of Modern Science*, 20: 263–285.
- ³ The Ministry of Justice provided the data concerning persons convicted for offences under CC art 148 (homicide), CC art 159 (use of a dangerous instrument in a fight), CC art 263, CC art 278, CC art 280. However, at the same time, it noted that the relevant unit collecting statistical data does not have the capacity to extract from the statistical data all the information requested by the research team. This concerned, among other things, the data of such legal qualifications as CC art 159 in conjunction with CC art 263.2 – the crime of taking part in a fight related to the use of an illegally possessed firearm, CC art 148 in conjunction with CC art 263.2 – homicide with the use of an illegally possessed firearm. Source: Letter from the Ministry of Justice dated 2 November 2020, File Ref No DSF-II.082.257.2020.
- ⁴ The SAO published a report on its audit, which in the period from 2014 to the first half of 2015 covered 40 organisational units of services and institutions, including: the Central Police Headquarters, five Provincial Police Headquarters, the Warsaw Metropolitan Police Headquarters and all five Police Schools, the Central Headquarters of the PKP PLK SA Railway Security Guard, and five Regional Headquarters of the PKP PLK SA Railway Security Guard, the General Directorate of State Forests and five Regional Directorates of State Forests, five Provincial Headquarters of the State Fishery Guard, four Directorates of National Park (regarding the Park Guard), three Provincial Offices (regarding the State Hunting Guard), two Provincial Inspectorates of Road Transport, and the Municipal Guards in Warsaw. It should be pointed out here that the SAO audit aimed at: assessing the use of official firearms of police officers and officers of the controlled services and guards in the course of performance of their official tasks in terms of safety, assessing whether the officers' weapons are properly stored and protected against loss. In particular, the principles of weapon storage, especially the protection against loss or unauthorised access, and the principles of shooting training were examined. The findings that are particularly important concern the level of security of firearms in the depots of the police services and other authorities against loss and theft.
- ⁵ P Chlebowicz, *Illegal Arms Trade. Criminological Study*, (Wolters Kluwer 2015).
- ⁶ Buczyński S. (2021), The ring of fire, kryzys ukraiński z perspektywy badań nad europejskim czarnym rynkiem broni [The ring of fire, the Ukrainian crisis from the perspective of the research on the European black market of firearm]. In, E W Pływaczewski, D Dąjnowicz-Piesiecka, E Jurgielewicz-Delegacz (eds), *Badania kryminologiczne a praktyka. Perspektywa krajowa i międzynarodowa* [Criminological research and practice. National and international perspective], Warszawa 2021, 160.
- ⁷ Dz. U. 1999 Nr 53 poz. 549
- ⁸ Rejmaniak, R. (2017) *Wyrabianie, handel i posiadanie broni palnej oraz amunicji w Polsce. Aspekty karnoprawne i kryminologiczne* [Manufacturing, Trade and Possession of Firearms and Ammunition in Poland. Criminal Law and Criminological Aspects], Toruń, 174.
- ⁹ As R Rejmaniak observes: 'A consequence of the restricted access to weapons and ammunition in Poland is security of these objects under criminal law. The safeguarding of these objects includes the criminalisation of acts involving both possession of firearms and ammunition without the required authorisation and their handling in a manner contrary to the regulations governing weapon and ammunition and affecting the change of the entity holding firearms and ammunition. Such a change includes the transfer or making available those items to another, unauthorised person, and the loss of possession of those items, ie their abandonment or unintentional loss.' R Rejmaniak.(2016) Doctoral dissertation titled *Wyrabianie, handel i posiadanie broni palnej oraz amunicji w Polsce w ujęciu karnoprawnym i kryminologicznym* [Manufacturing, Trade and Possession of Firearms and Ammunition in Poland in Criminal Law and Criminological Perspective], Faculty of Law, The University in Białystok, 2016, 227.
- ¹⁰ See the decision of the Provincial Administrative Court in Warsaw, File Ref No II Sa/Wa 1473/09.
- ¹¹ Białystok. (2013) '... The police authorities issuing the licenses, feeling supported by the case law of the Supreme Administrative Court, have adopted a restrictive practice in this respect. An exception to the licensing statistics are hunting weapons, for which the licensing mechanism in Poland is relatively efficient!' J Kasprzak & W Brywczyński, *Nielegalne posiadanie broni i amunicji. Studium prawno-kryminologiczne* [Illegal Possession of Arms and Ammunition. A Legal and Forensic Study], 55.
- ¹² Rejmaniak, R. (2017) *Wyrabianie, handel i posiadanie broni palnej oraz amunicji w Polsce. Aspekty karnoprawne i kryminologiczne* [Manufacturing, Trade and Possession of Firearms and Ammunition in Poland. Criminal Law and Criminological Aspects], Toruń, 155.
- ¹³ The information from the SAO on the result of audit 'The use of weapon by selected services and guards and supervision of state authorities over its restrictions', No 167/2015/P/15/041/KPB. Period covered by the audit: 1 January 2014–30 June 2015.
- ¹⁴ The information from the SAO on the result of audit 'The use of weapon by selected services and guards and supervision of state authorities over its restrictions', No 167/2015/P/15/041/KPB. Period covered by the audit: 1 January 2014–30 June 2015.

- ¹⁵ The information from the SAO on the result of audit 'The use of weapon by selected services and guards and supervision of state authorities over its restrictions', No 167/2015/P/15/041/KPB. Period covered by the audit: 1 January 2014–30 June 2015.
- ¹⁶ Letter from the Police Headquarters dated 29 October 2020, File Ref No L Dz Gak – 944/914/20/MG.
- ¹⁷ <https://statystyka.policja.pl/st/wybrane-statystyki/bron/bron-pozwolenia>
- ¹⁸ See the decision of the Provincial Administrative Court in Warsaw, of 23 February 2006, VI SA/Wa 2041/05. LEX No 220023.
- ¹⁹ See the decision of the Provincial Administrative Court in Warsaw, File Ref No II SA/Wa 818/20 of 28.10.2020.
- ²⁰ The information from the SAO on the result of the audit 'The use of weapon by selected services and guards and supervision of state authorities over its restrictions', No 167/2015/P/15/041/KPB. Period covered by the audit: 1 January 2014–30 June 2015.
- ²¹ The information from the SAO on the result of audit 'The use of weapon by selected services and guards and supervision of state authorities over its restrictions', No 167/2015/P/15/041/KPB. Period covered by the audit: 1 January 2014–30 June 2015
- ²² Chlebowicz, P. (2015) *Nielegalny handel bronią. Studium kryminologiczne Illicit Arms Trade. Criminological Study*, Warszawa, 110.
- ²³ Letter from the Police Headquarters dated 29 October 2020, File Ref No L Dz Gak – 944/914/20/MG.
- ²⁴ Kasprzak, J & Brywczyński, W. (2013) *Nielegalne posiadanie broni i amunicji. Studium prawno-kryminalistyczne Illegal Possession of Arms and Ammunition. A Legal and Forensic Study*, Białystok, 103.
- ²⁵ The research conducted by R Rejmaniak was limited by the territorial extent to only one province – the Podlasie Province. However, it was comprehensive as it covered the years 1998–2014, with a total of 379 cases examined, where 414 perpetrators of offences related to access to weapons or ammunition were convicted with final sentences.
- ²⁶ The research by R Rejmaniak.
- ²⁷ Letter from the Ministry of Justice dated 2 November 2020, File Ref No DSF-II.082.257.2020.
- ²⁸ Buczyński S. The ring of fire..., op.cit, 169.
- ²⁹ Buczyński S. The ring of fire..., op.cit, 170.
- ³⁰ Kasprzak, J & Brywczyński, W. (2013) *Nielegalne posiadanie broni i amunicji. Studium prawno-kryminalistyczne Illegal Possession of Arms and Ammunition. A Legal and Forensic Study*, Białystok, 134.
- ³¹ Chlebowicz, P. (2012) Nielegalny rynek broni z perspektywy kryminologicznej Illicit weapon market from the criminological perspective. In W Pływaczewski & P Chlebowicz (eds), *Nielegalne rynki. Geneza, skala zjawiska i możliwości przeciwdziałania Illicit Markets. Genesis, the Scale of the Phenomenon and Counteracting Possibilities*, Olsztyn 2012, 174.
- ³² <https://policja.pl/pol/aktualnosci/195011.Wpadli-bo-kupowali-bron-hukowa-przez-Internet.html>
- ³³ https://www.mazowieckie.kas.gov.pl/urząd-skarbowy-w-przasnyszu/wiadomosci/aktualnosci-/asset_publisher/ApR1/content/id/7236079
- ³⁴ See Raporty o stanie bezpieczeństwa państwa za lata ... [Reports on the state security for years ...].
- ³⁵ Interview with a forensic expert conducted in February 2021 in Warsaw.
- ³⁶ Letter from the General Headquarters of the PBG dated 4 November 2020, File Ref No KG-OI-VIII.0180.95.2020.PS.
- ³⁷ Letter from the Director of the Department for Combating Financial Crime of the Ministry of Finance, File Ref No DZPg.K4111.7.2020.Z079.6, dated 18 December 2020.
- ³⁸ Letter from the Commander-in-Chief of the Military Gendarmerie dated 27 November 2020, File Ref No 14225/ZD-Ś/2020.
- ³⁹ Buczyński, S. (2022) Projekt TARGET. Fenomen przemocy z użyciem broni w Unii Europejskiej – wybrane zagadnienia [Project TARGET. The phenomenon of gun violence in the European Union - selected issues]. In D Dajnowicz-Piesiecka, E Jurgielewicz-Delegacz, E Pływaczewski (eds), *Prawo karne i kryminologia wobec kryzysów XXI w. [Criminal law and criminology in the face of crises of the 21st century]*, Warszawa, 2022, pp. 40-57.
- ⁴⁰ <https://epoznan.pl/news-news-85025-w-magazynie-z-bronia-doszlo-do-wlamania-zginelo-kilkadziesiat-pistoletow-maszynowych>
- ⁴¹ Chlebowicz described, among others, a case of the theft of 26 pistols from a weapons depot on the *Grunwald* warship in December 1995. See Chlebowicz, P. (2012) *Nielegalne posiadanie broni i amunicji. Studium prawno-kryminalistyczne Illegal Possession of Arms and Ammunition. A Legal and Forensic Study*, 119–121.
- ⁴² Hołyst, B. (2007). *Kryminalistyka [Forensics science]*, Warszawa, p. 319.
- ⁴³ Kasprzak, J. (2000) Wybrane problemy prawno-kryminalistyczne związane z posiadaniem i użyciem broni palnej w Polsce w latach 1990–2000 [Selected legal and forensic problems related to the possession and use of firearms in Poland in the years 1990–2000]. In W Bednarek S Pikulski (eds), *Prawne i administracyjne aspekty bezpieczeństwa osób i porządku publicznego w okresie transformacji ustrojowo-gospodarczej [Legal and administrative aspects of people's safety and public order in the period of political and economic transformation]*, Olsztyn 2000, 156.
- ⁴⁴ Duquet, N. & Vanden Auweele, D. (2021), Targeting gun violence and trafficking in Europe, Brussels: Flemish Peace Institute, 132-134.
- ⁴⁵ Kołowska, M. (2019) *Kariery kryminalne członków zorganizowanych grup przestępczych [Criminal Careers of Members of Organised Crime Groups]*, Warszawa.
- ⁴⁶ Files of a criminal case in the Regional Court in Gdańsk, file Ref No IV K 183/07

- 47 Files of a criminal case in the Regional Court in Warsaw, file Ref No XVIII K 77/15
- 48 Chlebowicz, P. (2012) *Nielegalne posiadanie broni i amunicji. Studium prawno-kryminalistyczne (Illegal Possession of Arms and Ammunition. A Legal and Forensic Study)*, 142.
- 49 <https://cbasp.policja.pl/cbs/aktualnosci/167041.Miedzynarodowa-akcja-sluzb-wymierzona-w-nielegalny-rynek-materialow-pirotechnicz.html>
- 50 Currently, organised crime of a criminal nature poses a relatively lower threat in comparison to economic or drug crime ... At present, in comparison to the 1990s, broadly understood reprisals between criminal groups are taken in a more discrete manner. See more in Raport o stanie bezpieczeństwa w Polsce w 2015 r. [Report on the state of safety in Poland in 2015], Ministry of Interior and Administration, 86.
- 51 Letter from the Director of RDSF in Zielona Góra, File Ref No DS 2506.22.20, dated 22 December 2020.
- 52 Letter from the Director of RDSF in Toruń, File Ref No DR 0172.73.2020, dated 8 December 2020.
- 53 Letter from the RDSF in Łódź, File Ref No DS 2500.6.2020, dated 21 December 2020.
- 54 Letter from the RDSF in Katowice, File Ref No 5001.1.2020, dated 15 December 2020.
- 55 Letter from the RDSF in Gdańsk, File Ref No DS 2506.27.2020, dated 22 December 2020.
- 56 Letter from the RDSF in Poznań, File Ref No DK 2500.3.2020, dated 22 December 2020.
- 57 Letter from the RDSF in Krosno, File Ref No DS 2502.7.2020, dated 29 December 2020.
- 58 Letter from the RDSF in Olsztyn, File Ref No DS 2506.27.2020, dated 3 December 2020.
- 59 Letter from the RDSF in Szczecin, File Ref No D. 0172.19.2020, dated 16 December 2020.
- 60 Letter from the RDSF in Białystok, File Ref No DS 2500.6.2020, dated 14 December 2020.
- 61 Letter from RDSF in Radom, File Ref No 2506. 2500.9.2020, dated 16 December 2020.
- 62 Buczyński S. The ring of fire..., *op.cit.*, 160.
- 63 Letter from the Provincial Police Headquarters in Szczecin, File Ref No WKS-076-577/20, dated 2 December 2020.
- 64 Letter from the Provincial Police Headquarters in Wrocław, File Ref No L Dz H-0151-351/20, dated 2 December 2020.
- 65 For instance, according to the previously quoted information from the SAO, in one of the national parks it was established that the weapon depot was not provided with an alarm system, which was contrary to the regulation concerning the Park Guard's firearms. After the end of the audit, the Director of the National Park gave notice about installing an alarm system, as advised by the SAO in the post-audit statement.

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