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Ladies and Gentlemen!

Supporting the process of building resilience to terrorist attacks and sabotage activities is now a priority task for NATO members exposed to hybrid threats from countries hostile to the idea of a Euro-Atlantic security system. Today, the physical security of strategic facilities, critical infrastructure, government offices, headquarters of international institutions and public spaces is at the top of the new EU anti-terrorism agenda and has a strong influence on the shape of legislation to strengthen the internal security of EU Member States. In the 3rd issue of *Terrorism - Studies, Analysis, Prevention (T-SAP)*, we publish a comprehensive article on what hard security design looks like in these types of facilities, what modern technical solutions are used for this purpose and how the immediate environment of protected facilities can be shaped to protect them from the effects of terrorist attacks using explosives or cars as battering rams.

In addition, in the issue you will find articles on the legal aspects of the hijacking of a Polish plane in Belarus (flight no. FR 4978) in May 2021, the legal perspective of securing special conferences, events, celebrations and other events from terrorist activity, the correlation between psychoactive substance abuse and the process of radicalisation to terrorism, the determinants of the secret relations of the Soviet bloc secret services with international terrorists during the Cold War, as well as the second part of the case study of the perpetrator of the terrorist attacks on the Norwegian island of Utøya. I also encourage you to read a review of a recent book by Gilles Kepel, a French political scientist and expert on Islam, in which he analyses the processes currently taking place in

the Middle East and North Africa, also showing the changes that are taking place within the phenomenon of terrorism.

Inviting you to read on, I hope that the materials herein will become the subject of further analysis and discussion at each of the three levels of the counter-terrorism system of the Republic of Poland, in the EU working groups on building the resilience of EU countries to terrorist attacks and sabotage activities, as well as providing a starting point for many new scientific initiatives.

Editor-in-Chief
Damian Szlachter, PhD

DARIUSZ POŻAROSZCZYK

Ryanair flight no. FR 4978. Legal aspects of the hijacking of a Polish plane in Belarus on 23 May 2021

Abstract

This article is devoted to a legal analysis of the events of 23 May 2021 involving a Polish Boeing 737-800 with registration number SP-RSM, performing a flight from Athens to Vilnius, specifically the actions of the Belarusian authorities (air traffic services and special services) that led to the forced landing of this aircraft in Minsk, which allowed the arrest of Roman Protasevich and his partner. The basis of the considerations in the first part of the article is the interpretation of the relevant international and Belarusian law in the context of the revealed circumstances surrounding the incident under investigation. The author's aim was to answer the question of whether the actions of the Belarusian authorities were legal. Ultimately, it was shown that on 23 May 2021, a number of legal rules governing air navigation were violated in relation to the Polish aircraft, which raises the question of who should bear responsibility for it and on the basis of which legal norms. The second part of the article is devoted to this issue. The conclusion is that under international law, the responsibility for the illegal forced landing of Boeing 737-800 should be borne by the Belarusian state, and under internal criminal law regulations - by individual Belarusian officials.

Keywords:

Ryanair flight
no. FR 4978, flight,
aircraft, hijacking,
Chicago Convention,
Roman Protasevich

The article is devoted to a legal analysis of the events that occurred on 23 May 2021 involving a Polish Boeing 737-800¹, SP-RSM operating a Ryanair flight no. FR 4978 from Athens to Vilnius via Belarus, specifically the actions of the Belarusian authorities (air traffic control and probably the special services of the Republic of Belarus) that led to the unscheduled landing of the aforementioned plane in Minsk. This, in turn, made possible the detention of Roman Protasevich², an anti-Lukashenko opposition activist, and his partner Sofia Sapiiega.

The primary objective of the deliberations was to answer the question of whether the actions of the Belarusian authorities, resulting in the landing of Boeing 737-800, SP-RSM in Minsk, were legal, i.e. whether and which legal norms were or could have been violated. Subsequently, an analysis was carried out with the aim of indicating whether, in the present case, a breach of the law results in liability and, if so, whose and what liability. The research objective was realised on the basis of an analysis of the relevant legislation and the available academic literature on aviation and international law, the journalistic literature on the described incident, as well as official documents, i.e. the indictment filed by the US against the Belarusian officials involved in the incident on 23 May 2021³, and

¹ The number given indicates the model of the aircraft. The aircraft involved in the 23 May 2021 incident was on that date and is still registered in Poland (flight FR 4978 was operated by Ryanair Sun S.A., registered in Poland (RYS) on behalf of Ryanair Designated Activity Company (RYR) based in Ireland - both are part of the Ryanair Group) and marked with the letters SP-RSM. This designation is a code used in aviation registries. It is unique to the aircraft in question and, in accordance with the convention provisions (Article 20 of the *Convention on International Civil Aviation, signed at Chicago on 7 December 1944*, hereinafter: the Chicago Convention), must be applied to the exterior of the aircraft. The code indicates the country of registration and has a function analogous to a car licence plate. The letters FR stand for Ryanair.

² Belarusian journalist and opposition activist, currently a political prisoner. He was editor-in-chief of the Nexta channel - one of the few independent media outlets available in Belarus.

³ *Indictment USA vs. Leonid Mikalaevich Churo, Oleg Kazyuchits, Andrey Anatolievich LNU (last name unknown), and FNU LNU (first name unknown, last name unknown)*. Churo is currently the director of Belaeronavigatsia, a state enterprise providing air navigation services in Belarus. According to US authorities, he was the one who personally passed information to Belarusian controllers about the bomb on board the plane coded SP-RSM. Kazjuczic is Chura's deputy. His role, according to the cited indictment, in the 23 May 2021 incident was to instruct the Belarusian air traffic authorities on how to falsify reports about the events of 21 May 2021, in order to conceal the fabrication of the bomb threat and the involvement of the Belarusian security services. Anatolyevich and Doe are, according to the US

the *Report of the ICAO⁴ Fact-Finding Investigation, Event involving Ryanair flight FR4978 in Belarus airspace on 23 May 2021* (the ICAO Report).

In order to determine the relevant provisions for flight FR 4978, reference must first be made to its nature. As already indicated, the aircraft performing this flight was registered in Poland. Pursuant to Article 17 of the Chicago Convention, aircraft have the nationality of the state in which they are registered. In view of the above, the provisions of, *inter alia*⁵, the Polish *Act of 3 July 2002 Aviation Law* (hereinafter: u.p.l.) will apply to Boeing 737-800, SP-RSM. Pursuant to Article 1(3) of the cited act, (...) *civil aviation includes all types of aviation, with the exception of state aviation, i.e. state aircraft, the crews of such aircraft and state airports used exclusively for take-offs and landings of state aircraft*. It can be inferred from the above provision that a civil aircraft is any aircraft that is not state-owned. Given that flight no. FR 4978 was operated by a Polish private commercial company, there is no doubt that the aircraft operating the flight cannot be treated as a state aircraft. An additional argument, also based on the content of Article 1(3) of the u.p.l. and confirming the civil nature of flight FR 4978, is that it started and ended at a civil airport. The civil nature of flight FR 4978 also follows from Article 2(2) of the u.p.l. The cited provision provides a legal definition of a Polish state aircraft. It is: *a) an aircraft used by the Armed Forces of the Republic of Poland (military aircraft), b) an aircraft used by organisational units of the Border Guard, the Police and the State Fire Service (law enforcement aircraft)*. *A contrario*⁶, an aircraft that is used by private legal entities

authorities, officers of the Belarusian secret services. Doe, together with Chura, conveyed false information about the bomb threat to Belarusian controllers and personally directed radio messages from the Minsk air traffic control tower to the crew of Boeing 737-800, SP-RSM, to induce them to land at that airport. Doe kept Anatolievich, who was his superior in the Belarusian special services, informed of the course of events.

- ⁴ A specialised UN organisation dedicated to developing and implementing international regulations governing the safety of international air navigation and to promoting the development of air transport for safe and orderly development. It was established under the Chicago Convention.
- ⁵ The use of the phrase 'inter alia' is due to the complexity and multilevel nature of the sources of aviation law, which results in certain events and related legal relations being regulated by many different norms, the scopes of which often partly overlap.. See: K. Myszona-Kostrzewa, in: *Prawo lotnicze. Komentarz* (Eng. Aviation Law. Commentary), M. Żylicz (ed.), Warszawa 2016, p. 33.
- ⁶ *Argumentum a contrario* (from Latin 'argument from contradiction') - an inference based on the principle that if a legal norm binds consequences only to the facts mentioned in it, then these consequences do not bind to other facts. After: Encyklopedia PWN,

in the form of commercial law companies cannot be treated as a state aircraft under any circumstances. The statement concerning the nature of flight FR 4978 is of crucial importance in the context of determining the relevant rules of international law. The civilian nature of the flight under consideration makes the Chicago Convention the primary piece of international law governing the most important issues relating to its organisation, conduct, safety and status. The demonstration of the civilian status of Boeing 737-800, SP-RSM on the basis of the provisions of Polish law falls, importantly, within the norms contained in this convention. Indeed, pursuant to Article 3 of that act, only aircraft used in military, customs and police service are deemed to be state aircraft. With a view to further considerations, it is worth stressing that the Chicago Convention, while distinguishing state aircraft from civil aircraft, grants the latter greater privileges, which is justified mainly on grounds of safety⁷.

In analysing the actions taken by the Belarusian authorities with respect to flight FR 4978 operating in Belarusian airspace, it is of paramount importance to correctly reconstruct the scope of Belarus' sovereign powers over this part of its territory⁸. With regard to this issue, Article 1 of the Chicago Convention states: *The contracting States recognize that each State has complete and exclusive sovereignty over the airspace above its territory. Airspace extends to the entire atmosphere around the Earth from its surface to outer space*⁹. The use of the word „recognize”¹⁰ in the original English version leads to the conclusion that the Chicago Convention does not create a new right with

<https://encyklopedia.pwn.pl/haslo/argumentum-a-contrario;3871009.html> [accessed: 18 X 2022] - editor's note.

⁷ See, for example, Article 5 of the Chicago Convention, which, inter alia, creates the right to enter or overfly the territory of a State Party without landing and the right to land for non-commercial purposes without prior authorisation for any other civil aircraft of the contracting States not engaged in scheduled international air service.

⁸ The airspace above the land surface or territorial waters of a specific country constitutes the state space of that country. See: W. Góralczyk, S. Sawicki, *Prawo międzynarodowe publiczne w zarysie* (Eng. Public international law in outline), 10th edition, Warszawa 2004, pp. 236–237.

⁹ Currently, the norms of international law do not precisely define the upper limit of airspace and therefore do not state where space begins. See: W. Góralczyk, S. Sawicki, *Prawo międzynarodowe...*, p. 176.

¹⁰ In addition to English, the original languages of the Convention are Russian, French and Spanish. Due to inaccuracies in the translation of a normative act, its interpretation should be made on the basis of the original language. See: W. Góralczyk, S. Sawicki, *Prawo międzynarodowe...*, p. 93.

regard to airspace, but is declaratory in nature and confirms the existence of a customary norm¹¹. This thesis is supported by the fact that a State's sovereignty over its airspace was already defined in the *Convention Relating to the Regulation of Aerial Navigation signed at Paris on 13 October 1919*¹². The recognition of sovereignty over the airspace of the States Parties to the Chicago Convention in accordance with the principle of sovereignty¹³ is in line with the fact that this principle is a fundamental norm of international law, recognised by the entire international community and conditions its functioning¹⁴. Pursuant to Article 2(2) of the UN Charter, it is on the principle of sovereign equality of all its members that the United Nations is based. As Wojciech Góralczyk and Stefan Sawicki note: *The authority of a state over its territory is referred to as sovereignty or territorial sovereignty. (...) All persons and things within the territory of a state are subject to its authority and law, and the presumption supports the idea that each state may act on its own territory as it wishes, i.e. as its interests dictate*¹⁵. Territorial sovereignty also extends to a state's airspace. The confirmation or reflection of the cited international norms in the Belarusian legal order is the provision contained in Article 2 of the *Aviation Code of the Republic of Belarus dated 16 May 2006*,

¹¹ B. Hartzenberg, *The rights and obligations of a state under article 3bis of the Chicago Convention pursuant to an intrusion of its sovereign air space by civilian aircraft (during peace time)*, University of Pretoria 2019, pp. 12–13.

¹² Article 1 of the Convention stated: “The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory”.

¹³ It is worth pointing out that in the early period of the development of aviation law, coinciding with the beginning of the twentieth century, two concepts competed for the guiding principle governing the airspace: the principle of sovereignty and the principle of freedom of the airspace referring to the principle of freedom of the high seas advocated by the United States. See: A. Engvers, *The Principle of Sovereignty in the Air. To what extent can it be upheld against aerial intruders*, University of Lund 2001, Master's thesis, pp. 8-11. Later on, i.e. during the work towards the enactment of the Chicago Convention, the United States also opted for the principle of freedom of the airspace in order to ensure favourable conditions for its aviation industry. As a result of American efforts, the Chicago Convention was supplemented by the *International Air Services Transit Agreement, opened for signature at Chicago on 7 December 1944*, and the *International Air Transport Agreement of 7 December 1944*, in which states granted themselves a number of aviation privileges. On the development of rules governing the use of airspace, see also: A.I. Moon Jr., *A Look at Airspace Sovereignty*, “Journal of Air Law and Commerce” 1963, vol. 29, no. 4, pp. 330–333.

¹⁴ B. Hartzenberg, *The rights and obligations...*, p. 1.

¹⁵ W. Góralczyk, S. Sawicki, *Prawo międzynarodowe...*, p. 126.

no. FR 117-Z¹⁶ (hereinafter: Aviation Code of the Republic of Belarus), which states that: *The Republic of Belarus shall have full and exclusive sovereignty over the airspace of the Republic of Belarus*¹⁷.

It follows from the norms that can be reconstructed from the provisions cited above that Belarus' sovereign power over its airspace is an exclusive and total power, which theoretically suggests (Góralczyk and Sawicki use the term "presumption" in their definition of sovereignty) that, with regard to this space, the Belarusian authorities can do whatever they deem right or useful, according to the Roman *paremia*: *Quidquid est in territorio, est etiam de territorio* (all things within the territory of a state are subject to its authority and law).

Such a conclusion, however, is not appropriate and does not take into account the fact that no state functions in a vacuum, but in the environment of other sovereign states with which it must arrange its relations¹⁸. These relations are shaped by international law¹⁹, also known as the law of nations²⁰, whose primary and undisputed sources are international agreements and international custom²¹. The binding

¹⁶ The Code is available at: <https://etalonline.by/kodeksy/> [accessed: 6 VIII 2022].

¹⁷ In Poland, too, Article 4 of the u.p.l. grants the Republic of Poland complete and exclusive sovereignty over its airspace. (For translations from Russian, the author used Google Translate) - editor's note.

¹⁸ R. Bierzanek, J. Symonides, *Prawo międzynarodowe publiczne* (Eng. Public international law), 8th edition, Warszawa 2004, pp. 200–201.

¹⁹ The term "international law" appeared in the literature in the 18th century. Janusz Symonides reports that it was first used in 1780 by Jeremy Bentham and introduced into the Polish language by Franciszek Kasperek. See: R. Bierzanek, J. Symonides, *Prawo międzynarodowe...*, p. 19.

²⁰ The term 'law of nations' is a literal translation of the Latin term '*ius gentium*'. On the other names that have been used or proposed to be used for the branch of law in question, see: R. Bierzanek, J. Symonides, *Prawo międzynarodowe...*, p. 19; W. Góralczyk, S. Sawicki, *Prawo międzynarodowe...*, p. 18.

²¹ R. Bierzanek, J. Symonides, *Prawo międzynarodowe...*, pp. 76–77; W. Góralczyk, S. Sawicki, *Prawo międzynarodowe...*, p. 62. According to Article 38 of the Statute of the International Court of Justice (hereinafter: the ICJ Statute), the Court, which is charged with ruling on the basis of international law in disputes referred to it, will apply: (1) international conventions, either general or special, establishing rules expressly recognised by States; (2) international custom, as evidence of the existence of a common practice accepted as law; (3) general principles of law, recognised by civilised nations. In addition, and subject to the provisions of Article 59 of the ICJ Statute, the ICJ takes into account, in its judgements, judicial decisions and the opinions of the most eminent experts in the public law of various nations as a means of assisting in the determination of legal rules. Some representatives

of a state by the norms of international law limits its sovereignty²² and raises the question of the interrelation of domestic and international law²³. This issue is subject to the regulation of a country's domestic laws²⁴.

of the doctrine of international law point out that the sources of international law are one thing, and the grounds on which the ICJ bases its judgments are another. See: R. Bierzanek, J. Symonides, *Prawo międzynarodowe...*, pp. 76–77; W. Góralczyk, S. Sawicki, *Prawo międzynarodowe...*, pp. 62–63. In support of their position, the aforementioned authors cite the argument that Article 38(3) of the ICJ Statute refers to general principles of law, not just general principles of international law, and that even in the wording of Article 38, court judgments and opinions of legal experts are not considered as separate sources of law, but only as a means of assisting in the knowledge of the law. The cited authors also point out that the ICJ also has the power to rule on the basis of the principle of equity if the states involved in the dispute being decided agree to this. With regard to general principles of law, a different position, i.e. granting them the role of an independent source of international law, is adopted, inter alia, by Tadeusz Jasudowicz, see *ibid.* *O zasadach ogólnych prawa uznanych przez narody cywilizowane – garść refleksji* (Eng. On the general principles of law recognised by civilised nations - a handful of reflections), in: *Pokój i sprawiedliwość przez prawo międzynarodowe. Zbiór studiów z okazji 60 rocznicy urodzin Profesora Janusza Gilasa* (Eng. Peace and Justice through International Law. A collection of studies on the occasion of the 60th anniversary of the birth of Professor Janusz Gilas), C. Mik (ed.), Toruń 1997, pp. 143–144; Stanisław E. Nahlik, see *ibid.*, *Wstęp do nauki prawa międzynarodowego*, Warszawa 1967, p. 373, quoted by: T. Jasudowicz, *O zasadach ogólnych prawa...*, p. 144; Anna Kociołek-Pęksa and Jerzy Menkes, see the same, *Problematyka sankcji i countermeasures w prawie międzynarodowym publicznym – wymiar filozoficzno prawny* (Eng. The issue of sanctions and countermeasures in public international law - a philosophical and legal dimension), Wrocław 2017, p. 88.

²² B. Hartzenberg, *The rights and obligations...*, pp. 13–14, 20, 38. According to Hans Aufricht, states that are dependent on international law but independent of other actors are to be considered relatively sovereign. On the difference between relative and absolute sovereignty see: H. Aufricht, *On Relative Sovereignty*, "Cornell Law Review" 1944, no. 137, p. 141. As to why states are obliged to comply with the norms of international law, there are various theories: normativist, solidarityist, naturalist (sometimes referred to as the doctrine of basic fundamental rights of states and referring to the law of nature), positivist (voluntarist, indicating that the foundation on which the existence of international law is based is the will of states as expressed either in customary norms, i.e. common practice recognised by states, or in convention norms). See further: R. Bierzanek, J. Symonides, *Prawo międzynarodowe...*, pp. 21–22. The voluntarist theory found expression in the judgment of the Permanent Court of International Justice of 7 September 1927 in the Lotus ship case: "The rules of law binding upon States (...) emanate from their own free will. (...) Restrictions upon the independence of States cannot (...) be presumed". The judgment is available at: http://www.worldcourts.com/pcij/eng/decisions/1927.09.07_lotus.htm [accessed: 14 VIII 2022].

²³ In this context, the question of the hierarchy of the two systems becomes particularly important.

²⁴ R. Bierzanek, J. Symonides, *Prawo międzynarodowe...*, p. 27.

The influence of international law in determining the scope of Belarus' sovereignty over its airspace and its de facto overriding role is set out in Article 4 of the Aviation Code of the Republic of Belarus. Pursuant to it: *The legislation of the Republic of Belarus on the use of airspace and aviation is based on the Constitution of the Republic of Belarus and consists of the Aviation Code, other laws of the Republic of Belarus, acts of the President of the Republic of Belarus, rules for the use of the airspace of the Republic of Belarus, aviation regulations and other legal acts.* What is particularly important in the context of the considerations carried out in this article, it follows from Article 4(2) of the cited act that if an international agreement lays down rules other than those provided for by domestic legislation on the use of airspace and aviation, the provisions of the international agreement shall apply. The supremacy of international law vis-à-vis national airspace regulations is also confirmed by the constitutional regulations of Belarus, notably Article 8 of the Belarusian Constitution, which states: *The Republic of Belarus recognises the supremacy of the generally recognised principles of international law and ensures that its legislation complies with them.* This provision is of great importance if one considers that, in principle, each state is free to determine the relationship between its domestic law and international law²⁵. For it is evidence of a voluntary decision by Belarus to recognise the supremacy of international law.

In addition to the rules and international custom generally accepted by civilised nations, the bulk of international law binding on sovereign states derives from treaties concluded by those states, which are a fundamental and, moreover, an increasingly important source of the law under consideration²⁶. The basic issues concerning the conclusion of international treaties by states are regulated by the *Vienna Convention on the Law of Treaties drawn up in Vienna on 23 May 1969* (hereinafter: the Vienna Convention). Pursuant to Article 6 of this act, every State has the capacity to conclude treaties. The consent of a State

²⁵ Ibid.

²⁶ See: M. Olesiuk-Okomska, *Umowa międzynarodowa jako źródło polskiego prawa karnego* (Eng. An international agreement as a source of Polish criminal law), in: *Umiejdzynarodowienie krajowego obrotu prawnego* (Eng. Internationalisation of national legal transactions), vol. 2, I. Kraśnicka, W. Hryniewicka-Filipkowska (eds.), Białystok 2017, p. 33; R. Bierzanek, J. Symonides, *Prawo międzynarodowe...*, p. 106; W. Góralczyk, S. Sawicki, *Prawo międzynarodowe...*, p. 66. The increased importance of international agreements as a source of international law is also indicated by the preamble to the Vienna Convention.

to be bound by a treaty implies that the State entering into it voluntarily assumes the obligations arising therefrom, which must be fulfilled in good faith by the State party²⁷. Moreover, it follows from Article 27 of the Vienna Convention that (...) *a party may not invoke provisions of its domestic law to justify its failure to implement a treaty.*

The arguments carried out lead to a conclusion which is the most important for the assessment of the behaviour of the Belarusian authorities in relation to flight no. FR 4978. Well, the scope of Belarus' authority over its airspace does not derive only from the principle of sovereignty and, therefore, is not of an absolute, unlimited character. The territorial sovereignty of Belarus over the airspace belonging to this country (the catalogue and the manner of implementation of specific and permissible actions) is co-shaped by many additional norms of international law. They have both the character of customary law and result from the provisions of positive law in the form of international agreements, among which the Chicago Convention should be mentioned in the first place, as well as from the law-making resolutions of the ICAO²⁸. In the context of these considerations, Article 3 bis of the Chicago Convention (hereinafter: Article 3 bis) is of fundamental importance. The provisions it contains were not included in the original version of the Convention. Article 3 bis was not enacted until an extraordinary session of the ICAO Assembly²⁹ in 1984. This was in response to the downing by the USSR of Korean passenger aircraft KAL 007 (269 persons on board), which had inadvertently violated the territorial space of the USSR³⁰. The Republic of Belarus ratified the article in question in 1996. It formally entered into force in 1998, when it was adopted by

²⁷ See in this regard Article 26 of the Vienna Convention. In the aforementioned judgment delivered on 7 September 1927 in the Lotus ship case, the Permanent Court of International Justice stated: "(...) every State remains free to adopt the principles which it regards as best and most suitable".

²⁸ The ICAO Council adopts, by a two-thirds majority, international standards and recommended practices on a number of civil aviation issues, known as SARPs (*Standards and Recommended Practices*). They become binding on states three months after their adoption, unless a majority of states object. See: W. Góralczyk, S. Sawicki, *Prawo międzynarodowe...*, p. 109.

²⁹ It is one of the organs of ICAO. The modus operandi and tasks of the ICAO Assembly are derived from Articles 48 and 49 of the Chicago Convention.

³⁰ A. Engvers, *The Principle of Sovereignty...*, p. 35; B. Hartzenberg, *The rights and obligations...*, pp. 8–9.

the required number of States³¹. The cited article codifies a number of norms concerning the powers of a State vis-à-vis an aircraft flying through its airspace. It implies, firstly, the right to intercept a civilian aircraft, in which case the lives of those on board and the safety of the aircraft must not be endangered, and secondly, a relative prohibition on resorting to the use of weapons against a civilian aircraft in flight.

The applicable rules and specific procedures for the interception of aircraft are set out in Annex 2 to the Chicago Convention (*Rules of the Air*), issued under Article 37 of that Act, in international standards and recommended methods and rules of practice (SARPs), as well as in national Aeronautical Information Files³². Interception of civil aircraft can only be carried out under specific circumstances. These include, for example, failure to maintain communications, in particular failure to respond to calls, and entry into the airspace concerned without explicit or implicit consent, in particular into prohibited space, restricted airspace or active danger zone³³. The reference of the examples indicated to flight FR 4978 leads to the conclusion that no circumstance permitting the interception of the Polish aircraft occurred. At the same time, for the sake of argument, it should be added that no such interception took place. It is true that a Belarusian military MIG was scrambled in connection with the events of 23 May 2021, but it took no action against the Boeing 737-800, SP-RSM. According to the ICAO Report, its pilots were unaware that a Belarusian fighter jet was flying towards them³⁴.

³¹ Given the fact that Belarus is formally bound by Article 3 bis, it should be pointed out only in passing that, insofar as it defines a norm in the form of a prohibition on the use of weapons against civilian aircraft, it is generally regarded by international law doctrine as a declaratory provision that does not create new norms (already functioning as customary law), but merely confirms their existence. See: A. Engvers, *The Principle of Sovereignty...*, p. 43; B. Hartzenberg, *The rights and obligations...*, pp. 24–25.

³² *Aeronautical Information Publication (AIP)* - documents issued with the participation of the national administration of a country, which constitute a collection of aeronautical information of a permanent nature. They contain, inter alia, data on aerodromes, airways and procedures in force, which are relevant to air navigation. In Belarus, the publication of AIPs is handled by Belaeonavigatsia.

³³ See also: *Zasady przechwytywania cywilnych statków powietrznych* (Eng. Rules for the interception of civil aircraft), Dla pilota, 26 V 2021, <https://dlapilota.pl/wiadomosci/dlapilota/zasady-przechwytywania-cywilnych-statkow-powietrznych-przez-wojskowe-konstrukcj> [accessed: 1 VIII 2022].

³⁴ ICAO Report, p. 43.

On the question of the relative prohibition of the use of weapons against civilian aircraft, it should be noted that, according to Article 3 bis(a), the relativity of this prohibition stems from the fact that: *This provision should not be interpreted so as to alter in any way the rights and obligations of States established by the UN Charter.* Of particular relevance here is Article 51 of the Charter defining the natural right of any Member of the United Nations against whom an armed aggression has been committed to individual or collective self-defence. Article 3 bis's inclusion of the right to self-defence in the context of civilian flights makes it possible to interpret the State's right to take defensive action if a civilian aircraft commits an armed aggression. This concept is not defined in the UN Charter³⁵. Nevertheless, its intuitive understanding leads to the irresistible conclusion that none of the actions of the crew of Boeing 737-800, SP-RSM taken on 23 May 2021 can be considered the commission of an armed aggression within the meaning of Article 51 of the UN Charter. This, in turn, implies that there are no grounds for invoking Article 3 bis of the Chicago Convention in order to possibly justify the actions taken by the Belarusian authorities with respect to flight no. FR 4978. Guided by the fairness of the considerations, however, it should be noted that they did not explain their actions by the need to repel an armed aggression.

A more in-depth discussion is required of the provisions contained in Article 3 bis(b)³⁶. Pursuant to them, the Contracting States recognise that each of them, in the exercise of the rights of its sovereignty, has the right to require a civil aircraft flying over its territory to land at a designated airport without permission or when there are reasonable grounds for believing that it is being used for any purpose incompatible with the Convention³⁷. Since the Boeing operating flight no. FR 4978 had the appropriate authorisation to enter Belarusian airspace, there is therefore no basis for concluding that

³⁵ On the difficulties involved in defining precisely the concept of armed robbery, see: P. Łaski, *Uwagi na temat siły i jej stosowania w prawie międzynarodowym* (Eng. Observations on force and its application in international law), "Zeszyty Naukowe Uniwersytetu Szczecińskiego. Acta Juris Stetinensis" 2015, no. 4, pp. 66–67.

³⁶ Belinda Hartzenberg reports that paragraphs b, c and d were added to Article 3 bis largely on the initiative of the USSR to relax the prohibition on the use of weapons against civilian aircraft. See also: *The rights and obligations...*, p. 24.

³⁷ ICAO now recognises that the phrase "use for a purpose incompatible with the Convention" means any activity that poses a risk to safety. See: M.T. Huttunen, *The right of the overflown state to divert or intercept civil aircraft under a bomb threat: an analysis with regard to Ryanair flight 4978*, "Journal of Transportation Security" 2021, no. 14, p. 298.

the legality of forcing it to land could be based on the absence of that authorisation. The most important question in the context of assessing the conduct of the Belarusian authorities is therefore whether, in the circumstances, there was a reasonable basis for concluding that the aircraft operating flight FR 4978 was being used for a purpose incompatible with the Chicago Convention. In order to answer this question, it is first necessary to ascertain the consequences in terms of compliance with international law of the placement of an explosive on board a civilian aircraft by a terrorist organisation. Further argument will show that at least two positions can be argued with regard to this question. In Mikko T. Huttunen's view, such an act does not render the aircraft incompatible with the purpose of the Convention. According to him, the unlawful act is the placement of the bomb, while the aircraft itself, on which the explosive is placed, is still used in accordance with the relevant legal regulations, assuming that the crew does not know about the bomb and performs the flight in good faith. If we consider, in Huttunen's view, that the placement of the bomb implies that the aircraft is being used in contravention of the Convention, then we would also have to consider that it is being used in violation of the Convention when it is hit by a missile. The conclusion to be drawn from the reasoning presented is that Article 3 bis does not confer on a State in whose space an aircraft with an explosive on board is located the power to require that aircraft to land at a designated aerodrome. This view becomes even more correct if it is seen that the *ratio legis* of the introduction of Article 3 bis was to lay down rules for dealing with an unrecognised aircraft entering the airspace concerned without authorisation. This argues that the powers conferred by Article 3 bis should not be applied to recognised aircraft (in particular when their civil nature is confirmed) and those which enter the airspace in question with the appropriate authorisation³⁸. On the other hand, the comparison between shooting down an aircraft by a missile and blowing it up by detonating the payload placed in it raises some doubts. It seems that the two situations cannot be equated. Hitting an aircraft with a missile is an event completely external to it and in such a case there is no justification - as artificial and incompatible with linguistic convention - for considering that the aircraft was used as a tool to provide a target for the missile hitting it. The situation is different when an explosive is placed on board an aircraft, in which case the aircraft becomes a tool for the transfer

³⁸ Ibid., p. 300.

of the charge. A transfer that makes it possible to detonate the explosive at the right time. For a particular terrorist group, depending on its objectives and strategy, the moment of detonation will be decisive. There is no doubt that blowing up an empty aircraft on the runway and destroying it in flight, with innocent civilians on board, will have completely different overtones. In view of the above, it must be considered that there are arguments to assume that if there was indeed an explosive charge on board Boeing 737-800, SP-RSM, which was about to explode over Vilnius, then there was nevertheless a use of the aircraft in a manner inconsistent with the Chicago Convention. Obviously, in such a hypothetical situation, the use incompatible with the purpose of the Chicago Convention was not made by the crew of the aircraft, but by the terrorists who placed the bomb on board. This, in turn, would lead to the conclusion that the Belarusian authorities, pursuant to Article 3 bis(b), had the right to demand that the aircraft carrying flight FR 4978 land in Minsk. When interpreting that Article 3 bis can be applied to aircraft with an explosive on board, it is of fundamental importance to analyse the circumstances that occurred, and therefore to determine whether there was indeed an explosive on board Boeing 737-800, SP-RSM. The events of 23 May 2021 are described in the most detail in the ICAO Report on the incident and in the indictment filed by the US authorities against the Belarusian officials. A reading of these documents leads to the conclusion that there was no bomb on board the Polish aircraft and that its alleged existence was an operation by Belarusian special services. A number of identified circumstances support the above statement. First and foremost, no explosives, traces of explosives or devices that could serve or be part of an explosive device were found during checks of the aircraft both at the Athens airport before take-off and, very importantly, in Minsk after the forced landing, as well as at the destination airport in Vilnius³⁹. Also, the content of the e-mail⁴⁰ with the information about the bomb, as well as the circumstances of its sending, suggest that the whole incident was an operation of the Belarusian special services. In the context of the content of the analysed message, it is significant that the Hamas allegedly responsible for sending it

³⁹ ICAO Report, p. 40.

⁴⁰ The e-mail contained the following: "We, Hamas soldiers, demand that Israel cease fire in the Gaza Strip. We demand that the European Union abandon its support for Israel in this war. We know that the participants of Delphi Economic Forum are returning home on May 23 via flight FR 4978. A bomb has been planted onto this aircraft. If you don't meet our demands the bomb will explode on May 23 over Vilnius. Allahu Akbar".

categorically denied having any connection with its creation and sending⁴¹. Moreover, the ceasefire demand contained in it referred to a conflict in which a ceasefire had taken place two days earlier⁴². The information provided by the Lithuanian aviation authorities during the ICAO investigation of the incident under review shows, in turn, that the email in question was sent at 09:25 UTC⁴³ (12:25 local time) to Vilnius airport, at 09:26 UTC (12:26 local time) to Athens airport, at . 09:27 UTC (12:27 local time) to Sofia airport, at 09:28 UTC (12:28 local time) to Bucharest airport, at 09:34 UTC (12:34 local time) to Kiev airport and only at 09:56 UTC (12:56 local time) to Minsk airport. Meanwhile, the Belarusian air traffic controller informed the crew of Boeing No. 737-800, SP-RSM of the bomb threat as early as 09:30 UTC. This raises the question of how the Belarusian authorities knew about the bomb nearly half an hour before being informed of it. During the ICAO investigation, the Belarusian authorities, in order to clarify this inconsistency, reported that they had already received the first email at 09:26 UTC. However, information obtained from Switzerland via the Lithuanian authorities shows that only one e-mail was sent to Minsk airport (to info@airport.by) at exactly 09:56:45 (12:56:45 local time)⁴⁴. While it is true that Belarus showed the Fact-Finding Investigation Team (FFIT)⁴⁵ a copy of the email received at 09:25 UTC (12:25 local time) to the Minsk airport mailbox (address: info@airport.by), the FFIT was not provided with saved electronic copies of this correspondence in its original format. This was explained by the fact that it was automatically overwritten. FFIT was only provided with an image

⁴¹ *Hamas denies its role in incident with Ryanair jet*, Tass, 25 V 2021, <https://tass.com/world/1293399> [accessed: 28 VIII 2022].

⁴² The content of the e-mail referred to the conflict that erupted in the Gaza Strip on 10 May 2021. For more on these events, see: *Israel strikes in Gaza after fire balloons launched*, BBC, 16 VI 2021, <https://www.bbc.com/news/world-middle-east-57492745> [accessed: 28 VIII 2022]. A ceasefire was reached on 21 May 2021, see: V. Pietromarchi, M. Gadzo, C. Newton, *Israel and Hamas claim victory as fragile ceasefire holds*, Al Jazeera, 21 V 2021, <https://www.aljazeera.com/news/2021/5/21/jubilation-in-gaza-as-ceasefire-takes-effect-palestine-israel-live> [accessed: 28 VIII 2022].

⁴³ *Coordinated Universal Time, Universal Time Coordinated* – a standard time established on the basis of TAI (International Atomic Time - an international standard of time measurement created in 1955, based on the averaging of time measured by many caesium atomic clocks around the world), taking into account the irregularity of the Earth's rotation and coordinated with solar time.

⁴⁴ ICAO Report, p. 19.

⁴⁵ Unit set up by ICAO to investigate the events of 23 May 2021.

(screenshot) of the email, which meant that the metadata was not available for review. It is significant that, according to the US authorities, representatives of the Belarusian special services were already at Minsk airport at 6:45 UTC, i.e. even before the take-off of Boeing 737-800, SP-RSM⁴⁶. Another piece of evidence confirming the orchestration of the incident under review by the Belarusian authorities is that during the communication between the crew of Boeing 737-800, SP-RSM and the Belarusian control tower, Belarusian officials relayed that emails with the bomb message had been sent to a number of airports. They could not have known this, as the e-mails in question to individual airports were sent separately. FFIT has not received sufficient explanations about this⁴⁷.

In conclusion, if there were reasonable grounds to believe that a Polish aircraft was used to carry an explosive device in order to detonate it at a place and in circumstances chosen by terrorists and therefore for an objective incompatible with international law, then there are substantive arguments, as set out above, to assume that the Belarusian authorities had the right under Article 3 bis to require the Boeing operating the flight in question to land in Minsk. Assuming, and in the light of the information available this is the only acceptable conclusion, that there were no such grounds, one concludes that the Belarusian authorities and the officials acting on their behalf committed a violation of a number of rules under international law. It is also worth noting that even with, as shown, the counterfactual assumption of the presence of an explosive on board Boeing 737-800, SP-RSM, the actions of the Belarusian authorities taken on 23 May 2021 must still be considered to be in breach of many rules of the law of nations concerning the provision of safe air navigation.

The state's obligation to ensure the smooth operation of air traffic is part of the premise that from sovereignty over airspace derive not only powers but also duties for countries. Among them is the obligation to provide assistance to aircraft in their territory and in distress. The expression of this obligation is first and foremost Article 25 of the Chicago Convention, which provides, *inter alia*, that: *Each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find*

⁴⁶ *Indictment USA vs. Leonid Mikalaevich Churo...*, p. 5.

⁴⁷ M.T. Huttunen, *The right of the overflown state...*, p. 292; ICAO Report, pp. 11–12. In the US authorities' indictment of Belarusian officials, the fact that they were aware of the bomb threat e-mails being sent to other airports was identified as one of the most important pieces of evidence proving that the threat was fabricated by Belarusian special services.

practicable, and to permit, subject to the control by its own authorities, the owners of the aircraft or the authorities of the State in which the aircraft is registered to provide such measures of assistance as may be required by the circumstances. It follows from the aforementioned standard that air traffic control is obliged to provide the aircraft with a bomb on board with the maximum possible assistance. It is to respond promptly to all its requests, to notify the competent authority designated by the State of the aircraft at risk and to exchange the necessary information with the operator or his designated representative, as well as to take action to expedite all phases of the flight and, in particular, to ensure that the aircraft lands as soon as possible at a safe airport⁴⁸. An analysis of the events of 23 May 2021 clearly shows that these requirements were not met. The information cited both in the ICAO Report and in the US indictment against the Belarusian officials indicates that the Belarusian authorities did not provide the crew of the Polish aircraft with reliable information, nor did they ensure the exchange of information and communication between the aircraft and its operator, i.e. representatives of the RYR or RYS companies. The available information further shows that the crew, when asked about the reliability of the bomb information, received the answer that the threat code was red, which in aviation nomenclature means the highest degree and certainty of danger. Although in the first minutes after receiving the warning, the Boeing 737-800, SP-RSM did not change course, it turned back to Minsk after assessing the degree of danger. At the same time, representatives of the RYR and RYS⁴⁹ contacted Minsk airport at least twelve times to obtain more detailed information. In particular, they demanded that a copy of the e-mail be sent, which did not happen. The failure to send the e-mail is crucial, because already after the incident, in the course of investigating it and after receiving more data, the representatives of the mentioned companies stated that if they had had the e-mail in their possession, they would not have marked the threat with a code red⁵⁰. It should also be noted that the Minsk airport to which the Polish plane was diverted was not the nearest available⁵¹.

⁴⁸ These issues are specifically addressed in Annex 11 (entitled *Air Traffic Services*) to the Chicago Convention in Section 2.23 *Handling of Aircraft in Emergency Situations*.

⁴⁹ ICAO Report, p. 13

⁵⁰ *Ibid.*, pp. 23–24

⁵¹ *Indictment USA vs. Leonid Mikalaeovich Churo...*, p. 9.

In conclusion, it has to be said that what has been said so far has shown that the actions of the Belarusian authorities in connection with flight FR 4978 were contrary to international law. This leads to the question of who should be held responsible for this action and on the basis of which regulations. These issues will be discussed later in this article.

Under the norms of international law, it will be possible to attribute liability directly to the Belarusian state, which is due to the fact that all states, as members of the international community, are obliged to comply with the norms of international law and perform the obligations assumed⁵². International liability is in the nature of a legal relationship that generally arises from an international tort or international crime. This relationship will in principle exist between, on the one hand, the offending state and, on the other hand, the state or states whose interest has been violated. Where a State, by its conduct, violates a norm of an *erga omnes* nature, i.e. concerning an issue of importance for the entire community (such an issue is undoubtedly air navigation safety), liability may be extended⁵³.

The issue of state responsibility, and in particular the codification of the most important rules, was the subject of many years of work by the UN International Law Commission (ILC) since the 1950s. Finally, the draft articles on the responsibility of states for internationally wrongful acts were adopted at the 53rd session of the ILC in 2001 and endorsed by the UN General Assembly by resolution FR 56/83 of 12 December 2001⁵⁴. The articles of the ILC are based on the general premise that (...) *any conduct of a state that is recognised as wrongful under international law gives rise to international responsibility* (Article 1). The source of state responsibility is a breach of an international legal obligation, an international crime or an international tort⁵⁵. The derivation of Belarus' responsibility

⁵² W. Góralczyk, S. Sawicki, *Prawo międzynarodowe...*, p. 165.

⁵³ A. Zbaraszewska, *Dylematy międzynarodowej odpowiedzialności państw* (Eng. Dilemmas of international responsibilities of states), "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 2007, book 1, pp. 47–48.

⁵⁴ *Responsibility of States for Internationally Wrongful Acts 2001. Text adopted by the Commission at its fifty-third session, in 2001, and submitted to the General Assembly as a part of the Commission's report covering the work of that session.* (Articles on the Responsibility of States for Internationally Unlawful Acts. Text adopted by the ILC at its 53rd session in 2001 and submitted to the General Assembly as part of the Commission's report of the said session; hereinafter: Articles of the ILC).

⁵⁵ The issue of state responsibility is a central and at the same time one of the more contentious issues in international law. Janusz Symonides points out that the source

for the actions of 23 May 2021 is also part of the trend of changes in international legal consciousness, manifested in the fact that the concept of sovereignty is evolving along with the development of international law. The responsibility of the state to guarantee the values recognised by the international community is now increasingly emphasised as the most important element of this principle⁵⁶. State responsibility can take the form of restitution, i.e. restoration, payment of compensation, satisfaction and sanctions⁵⁷. A claim for payment of compensation or restitution is available to any subject of international law who has been injured. An international tort (like an international crime) may cause damage to another state, an international organisation or an individual. In the latter case, the state's liability vis-à-vis the individual is generally exercised at the level of domestic law⁵⁸.

In addition to the obligation to repair the damage caused, the state may also be liable in the form of sanctions for its unlawful actions. The principle of sovereign equality governing relations between states means that there is no single supreme authority over states establishing norms and upholding them. The rules of international law are made and enforced by individual states and it is up to them to use coercion if necessary - it can be applied

of state responsibility is a breach of an international legal duty, an international crime or an international tort. This author states that it is not always possible to put an equal sign between a breach of international law and a tort. See: R. Bierzanek, J. Symonides, *Prawo międzynarodowe...*, pp. 150–151.

⁵⁶ A. Seibert-Fohr, *Die völkerrechtliche Verantwortung des Staats für das Handeln von Privaten: Bedarf nach Neuorientierung?* (Eng. The responsibility of the state under international law for the actions of private individuals: Need for Reorientation?), "Zeitschrift für ausländisches öffentliches Recht und Völkerrecht" 2013, no. 73, p. 38.

⁵⁷ R. Bierzanek, J. Symonides, *Prawo międzynarodowe...*, p. 155; W. Góralczyk, S. Sawicki, *Prawo międzynarodowe...*, p. 170. According to Stanislaw Nahlik, three types of sanctions typical of international law can be distinguished: sanctions of a psychological nature, sanctions of a retaliatory nature and organised sanctions. See: S.E. Nahlik, *Wstęp do nauki praw międzynarodowego* (Eng. Introduction to the study of international law), Warszawa 1964, p. 34 and later, after: W. Góralczyk, S. Sawicki, *Prawo międzynarodowe...*, p. 24.

⁵⁸ Sometimes it can develop into international liability. The prerequisite for this is that the offending state denies the injured individual redress or a judicial avenue to seek compensation. In such a situation, the state exercising diplomatic protection may transfer the dispute to the international arena. However, given that both Protasevich and his partner are not citizens of the Republic of Poland, in the situation at hand, the solution presented is not an option. At the same time, given the current situation in Belarus, it is only theoretically possible to assume that both of the aforementioned have the right to personally pursue justice before the Belarusian judicial authorities.

individually or collectively⁵⁹. The fact that the application of sanctions is decided on a case-by-case basis by individual states, groups of states or international organisations means that in international law sanctions are referred to as a volitional means of exerting pressure⁶⁰. Sanctions in international law can be organised, when they are based on international agreements that precisely define the situation, type, nature, manner (collectively or individually) and the authority competent to implement them, and unorganised (not resulting, i.e. not directly provided for in the agreement). Non-organised sanctions can range from public reaction to retaliatory measures⁶¹.

In relation to the Minsk incident under review, on 4 June 2021, Council of the European Union⁶² (on the basis of the conclusions of the European Council⁶³ of 24-25 May 2021, in which EU leaders strongly condemned the unlawful forcing of the Ryanair aircraft to land in Minsk as a threat to aviation safety, condemned the detention of Protasevich and Sapega by the Belarusian authorities and called for the adoption of necessary measures, including the extension, on the basis of the relevant legislation, of the list of sanctioned persons and entities and the announcement of further targeted economic sanctions) strengthened sanctions by banning all Belarusian carriers from flying through EU airspace and from accessing EU airports. Member States were thus obliged to deny landing, take-off or overflight permits through their territory to all aircraft used by Belarusian carriers, including contract carriers. On 21 June 2021, a fourth package of sanctions was imposed on Belarus due to the escalation of serious human rights violations there and the violent repression of civil society,

⁵⁹ R. Bierzanek, J. Symonides, *Prawo międzynarodowe...*, pp. 23–24.

⁶⁰ M. Nowicki, *Sankcje jako wolicjonalny środek wywierania presji na państwa naruszające ład międzynarodowy* (Eng. Sanctions as a volitional means of exerting pressure on states that violate the international order), "Prace Naukowe Uniwersytetu Ekonomicznego we Wrocławiu" 2015, no. 406, p. 392; A. Kociołek-Pęksa, J. Menkes, *Problematyka sankcji i countermeasures...*, p. 93.

⁶¹ R. Bierzanek, J. Symonides, *Prawo międzynarodowe...*, p. 25.

⁶² Council of the European Union - the main decision-making body of the European Union, based in Brussels. Only in April, June and October do meetings take place in Luxembourg. It was formerly called the Council of Ministers or the Council of Ministers of the European Union.

⁶³ European Council - the institution of the European Union tasked with setting the direction of its development and policy. It is made up of the Heads of State or Government of the Member States.

the democratic opposition and journalists. As part of this package, a further 78 individuals and eight entities from Belarus were sanctioned, with seven individuals and one entity placed on the sanctions list for unlawfully forcing a Ryanair plane to land in Minsk⁶⁴. Also, the US, in coordination with Canada and the UK, imposed sanctions on Belarus for actions taken against Boeing 737-800, SP-RSM⁶⁵. On 9 August 2021, the anniversary of the rigging of the 2020 presidential election in Belarus, US President Joe Biden signed an *Executive Order Imposing Costs⁶⁶ on Alyaksandr Lukashenka and Belarusian Authorities for Ongoing Attacks Against Democratic Freedoms, Human Rights, and International Norms⁶⁷*.

The consequences of the actions taken against Boeing 737-800, SP-RSM do not merely exhaust state responsibility for the breach of international law norms, but could in theory give rise to the liability of specific individuals. In this case, however, the basis for the attribution of liability will not be the law of nations, as individuals are not liable under international law. The exceptions are international crimes, which are crimes against peace, war crimes and crimes against humanity⁶⁸ (which we are not dealing with in the present case). In contrast, the source of liability of individuals

⁶⁴ The timeline of sanctions imposed by the European Union on Belarus is posted on the official website of the Council of the European Union and the Council of the European Union. See: <https://www.consilium.europa.eu/pl/policies/sanctions/restrictive-measures-against-belarus/belarus-timeline/> [accessed: 27 VIII 2022].

⁶⁵ For a comprehensive description of the actions of the US authorities, as well as those of the EU, see the article: *United States Sanctions Belarus for Diversion of Ryanair Flight and Ongoing Repression (2021)*, "American Journal of International Law" 2021, vol. 115, no. 4, pp. 722–728, <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/united-states-sanctions-belarus-for-diversion-of-ryanair-flight-and-ongoing-repression/C547945B8EA10AC004760B8CA22BF543> [accessed: 27 VIII 2022].

⁶⁶ Under the cited act, the US authorities froze assets and banned transactions for a number of individuals operating in key sectors of the Belarusian economy for the Lukashenko regime, including defence, security, energy, potassium chloride (potash), tobacco, construction, transport, as well as members of the Belarusian Olympic Committee. The Executive Order of 9 August 2021 is an extension of the sanctions that were imposed on 16 July 2006 under Executive Order 13405.

⁶⁷ *Fact Sheet: Executive Order Imposing Costs on Alyaksandr Lukashenka and Belarusian Authorities for Ongoing Attacks Against Democratic Freedoms, Human Rights, and International Norms*, The White House, 9 VIII 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/09/fact-sheet-executive-order-imposing-costs-on-alyaksandr-lukashenka-and-belarusian-authorities-for-ongoing-attacks-against-democratic-freedoms-human-rights-and-international-norms/> [accessed: 27 VIII 2022].

⁶⁸ An exceptionally reprehensible example of a crime against humanity is genocide.

for acts contrary to international law may be internal law, provided that the actions taken, in addition to violating the norms of international law, also fulfil the elements of specific criminal acts set out in internal law⁶⁹. An example of such proceedings is the US indictment against Belarusian officials, in which four citizens of the Republic of Belarus were charged with the offence of air piracy, regulated under Title 49 of the United States Code, Section 46502. Criminal proceedings have also been initiated by Lithuania and Poland in connection with the incident under review. In Lithuania, it is conducted under Article 100 (enforced disappearance) and Article 251 (hijacking of an aircraft, ship or other public or cargo vehicle or fixed platform on the shelf) of the Lithuanian Criminal Code. In Poland, the proceedings are conducted on suspicion of an offence under Article 166 of the Criminal Code (seizure of a ship or aircraft) and Article 189 of the Criminal Code (unlawful deprivation of liberty)⁷⁰.

Conducting criminal proceedings for an act committed abroad, in addition to demonstrating that the conduct in question fulfils the elements of a prohibited act criminalised in the domestic legal order, also requires the demonstration of domestic jurisdiction. In the case of Poland, the application of Polish criminal law to offences committed abroad is regulated in Chapter XIII of the Criminal Code. In order to determine whether the Republic of Poland may prosecute acts committed by Belarusian officials on the territory of Belarus, it is necessary, in the context of the case under consideration, to refer to the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, concluded in Montreal on 23 September 1971* (hereinafter: Montreal Convention). Article 1(e). of the cited act states that (...) *an offence is committed by any person who unlawfully and intentionally communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight*. Applying the content of this provision to the events of 23 May 2021 and the information gathered, it can be concluded with a high degree of probability that, as required by Article 303

⁶⁹ The twentieth century saw the beginning of the evolution of the traditional principle of the law of nations, which assumes that only states and international organisations are subject to international law liability. As a result, the view has developed that individuals can now also be directly liable under this law. So far, however, the liability of individuals under international law is limited to the most serious violations - the commission of crimes against peace, war crimes and crimes against humanity.

⁷⁰ ICAO Report, pp. 39-40. From the knowledge available to the author, investigations into the 23 May 2021 incident are also underway in Ireland, Greece and Latvia. Belarus has also initiated criminal proceedings (ICAO Report, p. 38).

of the Code of Criminal Procedure, there is at least a reasonable suspicion (which is a condition for the initiation of criminal proceedings) that the Belarusian officials involved in the actions taken against Boeing 737-800, SP-RSM fulfilled the elements of the prohibited act codified in Article 1 of the Montreal Convention. The implementation of the norms arising from the above provision is served in the Polish legal order by, inter alia, Article 166 of the Criminal Code⁷¹. Poland ratified the aforementioned agreement on 14 November 1974, and therefore, pursuant to the content of Article 113 of the Criminal Code, which states that (...) *irrespective of the provisions in force in the place where the offence was committed, the Polish criminal law shall apply to a Polish citizen and to a foreigner who has not been ordered to surrender, if he or she committed abroad an offence which the Republic of Poland is obliged to prosecute under an international agreement*, the Polish prosecutor's office was entitled and obliged to initiate criminal proceedings. The jurisdiction of the Republic of Poland over Belarusian officials can also be derived from the content of Article 110 of the Criminal Code, which states: *The Polish Criminal Law shall be applied to a foreigner who has committed abroad a criminal act directed against the interests of the Republic of Poland, a Polish citizen, a Polish legal person or a Polish organisational unit without legal personality, and to a foreigner who has committed abroad a terrorist offence*. At this point, however, it should be noted that in the doctrine of criminal law, basing the obligation to prosecute terrorist offences on Article 110 of the Criminal Code (which became possible in connection with the amendment of this provision in 2004⁷²) raises significant objections. Firstly, they stem from the fact that Polish jurisdiction in such cases already existed earlier⁷³ and resulted precisely from the above-cited Article 113 of the Criminal Code, codifying the obligation to prosecute and punish terrorist offences under international agreements. Secondly, in order to prosecute acts committed abroad on the basis of Article 109 of the Criminal Code, pursuant to

⁷¹ The methods of implementing international legal norms into the domestic order are discussed in detail by Jarosław Sozański. See the same: *Implementacja umów międzynarodowych do systemów prawa krajowego ze szczególnym uwzględnieniem Włoch (w tym statusu regionów)* (Eng. Implementation of international agreements into national law systems with particular reference to Italy (including the status of regions)), "Rocznik Nauk Prawnych" 2007, vol. 17, no. 2, pp. 38-42.

⁷² Article 110 of the Criminal Code, defining the so-called subject-matter principle of liability, in the original version did not include terrorist offences within its scope.

⁷³ The 2004 amendment of Article 110 of the Criminal Code thus led to a statutory *superfluum*, i.e. a situation of unnecessary regulation of an already regulated issue.

the regulation contained in Article 111 of the Criminal Code, it is required to fulfil the condition of the so-called double criminality, which does not exist with regard to acts prosecuted on the basis of Article 113 of the Criminal Code. It is true that in the case at hand, the above condition can be easily met⁷⁴, however, due to the objections raised, Polish criminal jurisdiction with regard to the unlawful interference with flight FR 4978 is better derived on the basis of Article 113 of the Criminal Code.

Summarising the considerations, it should be concluded that the analysis of the actions taken on 23 May 2021 by the Belarusian authorities with respect to Boeing 737-800, SP-RSM (reconstructed on the basis of the available materials, primarily the ICAO Report) and assessed through the lens of the relevant provisions of international law and the relevant national legislation leads to the unequivocal conclusion that the behaviour analysed was unlawful and, in the case of the Belarusian State (responsible for the actions of all its authorities pursuant to Art. 4 of the Articles of the ILC) should result in international liability and, as regards individuals, criminal liability. The latter, being internal in nature, will be pursued through domestic criminal proceedings. In the course of these, the circle of persons whose conduct has exhausted the elements of the relevant criminal provisions and to whom guilt will be attributable should be precisely established. Of course, taking into account the current practice of the Belarusian state, one should unfortunately expect that the attribution of criminal responsibility will not be the same as its enforcement, at least until the change of Belarusian authorities. Indeed, it is difficult to expect the current authorities to extradite those involved in the 23 May 2021 incident.

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⁷⁴ See, for example, Article 309 of the Criminal Code of the Republic of Belarus, criminalising, inter alia, the hijacking of an aircraft or seizure for the purpose of hijacking. This act is punishable by restriction of liberty for up to five years or imprisonment for the same period.

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Securing conferences, events, ceremonies and other events, including in the context of terrorist threats. A statutory perspective

Abstract

In the current legal status, during the organisation in Poland of conferences, events, ceremonies or other events, significant due to their scale or rank, especially those of international character, security activities are carried out on the basis of general provisions - primarily pragmatic acts of services and other institutions carrying out these activities or episodic acts. Polish legislation, however, has not introduced regulations permanently defining detailed principles of conduct and the subject and object scope of responsibility for the preparation and security of such events, unless they are qualified as mass events. This article is an attempt to provide a comprehensive overview of the specific legal instruments used in the case of securing this type of events. Based on the analysis carried out, *de lege ferenda* conclusions have been formulated, including the introduction of a new legal institution permanently into the Polish legal order, referred to for the purposes of this article as a 'special event'. As a result of granting a given event or celebration the status of a special event, it would be possible to apply legal instruments hitherto found only in episodic acts, but which are of significant importance from the perspective of ensuring a security standard adequate to the threat.

Keywords:

terrorist threats, events, conferences, celebrations, special event, mass event, security, episodic laws

For many years, Poland has been the venue for numerous conferences, events, ceremonies and other cultural, sporting, religious and political events, significant in regional terms (such as the 2017 Summit of the Three Seas Initiative), European terms (such as events related to the Polish Presidency of the Council of the European Union in the second half of 2011 or the co-organisation of the final tournament of the UEFA EURO 2012 European Football Championship), and global terms (such as the XXVII meeting of the leaders of the North Atlantic Alliance member states in 2016, World Youth Day in 2016, the Ministerial Conference on Peacebuilding and Security in the Middle East in 2019, the three United Nations Climate Conferences, the UNESCO World Heritage Committee Office meeting and the 41st session of the World Heritage Committee in 2017, the 2021 Internet Governance Forum or the Eleventh Session of the World Urban Forum). The aforementioned events are not exhaustive of all those whose significance should be considered from the perspective of the aforementioned - cultural, sporting, religious or political - nature of the event, but they all share a common denominator, which is the social and above-standard manner in which they are organised, including security at the level of both typical security and public order threats and anti-terrorist security.

The organisation of high-ranking international mass events (sporting, religious, political) on the territory of our country is a great distinction, but also a challenge. The credit of trust they receive requires their organisers to take care of every detail, even the smallest ones. One of the most important issues is to ensure safety, and to do so in such a way that the measures taken are as little inconvenient as possible for the participants¹.

The above-mentioned supra-standard character of security should be understood as the requirement to apply specific statutory instruments going beyond the framework of typical security and public order activities and dependent on the occurrence of a specific type of premises (e.g. the use of the Armed Forces of the Republic of Poland to assist the Police or the introduction of an alert level in the event of an increase

¹ J. Struniawski, *Planowanie operacji policyjnych z wykorzystaniem komponentu antyterrorystycznego* (Eng. Planning police operations with an anti-terrorist component), in: W. Zubrzycki, K. Jałoszyński, A. Babiński, *Polska ustawa antyterrorystyczna – odpowiedź na zagrożenia współczesnym terroryzmem*, Szczytno 2016, p. 484.

in the terrorist threat). In the case of these events, the application of the typical solutions set out in the *Act of 20 March 2009 on security of mass events* or the *Act of 20 June 1997 - Traffic Law* (in relation to events that cause traffic obstructions or require the use of the road in a special manner) is impossible due to the nature of the event or is insufficient for its security and requires additional measures. In this context, it should be noted that according to Art. 3(1), (2) and (3) of the Law on the security of mass events, a “mass event” should be understood to mean a mass artistic and entertainment event that meets certain statutory criteria (i.e. an event of an artistic entertainment or organised public viewing of television broadcasts on screens or devices enabling the acquisition of images with a diagonal of more than 3 m) and a mass sports event (a mass event aimed at sports competition or popularisation of physical culture) - which means that in a significant number of cases the very nature of the events discussed in this article does not allow them to be qualified as a mass event.

The specific nature of some of these types of events necessitated the adoption of comprehensive and permanent legal solutions relevant from a security perspective. More often than not, however, episodic legislation was introduced against them, so that the solutions applied took on a temporary character.

The pace of the legislative process related to the preparation of the Act on anti-terrorist activities², as well as the date on which the Act entered into force, (...) were related to the desire of the drafter, in this case the Council of Ministers, to introduce new solutions before specific events held in Poland in 2016: the NATO summit in Warsaw and the 31st World Youth Day in Kraków. These events, which were particularly difficult in terms of guaranteeing the necessary security measures, were not only organised on the basis of specific and episodic legislation, but also required specific solutions of a systemic nature. The aforementioned events therefore became a catalyst for the implementation of a comprehensive reorganisation of legal solutions with regard to the Polish anti-terrorist system³.

² *Act of 10 June 2016 on anti-terrorist activities.*

³ M. Cichomski, I. Idzikowska-Słężak, *Stopnie alarmowe – praktyczny i prawny wymiar ich stosowania* (Eng. Alert levels - practical and legal dimensions of their use), “Terroryzm – studia, analizy, prewencja” 2022, no. 2, pp. 58–59.

The subject of this study is to balance the typical legal instruments used to secure such events. The analysis was made on the basis of selected conferences, events, ceremonies and other significant events (these terms for editorial reasons are used together or interchangeably throughout the text in the same sense) of international dimension and organised in Poland. This juxtaposition serves to verify the research hypothesis according to which, if the same specific security measures are used to secure conferences, events, ceremonies and other events of a cultural, sporting, religious or political nature organised or co-organised by state bodies, and some of these measures are adopted in the form of episodic laws, then recurring measures may be permanently introduced into national legislation. Positive verification of this research hypothesis will form the basis for *de lege ferenda* proposals at the level of national legislation. The assumed comparison will be made from the perspective of statutory solutions, including episodic laws used to ensure the security of this type of events; therefore, it will remain beyond the scope of this article to analyse detailed security plans prepared by voivodes or designated services, and in some cases also by ministries and international organisations that are the organiser of events held in Poland on the basis of relevant agreements. In the selection of events subjected to the analysis, the year 2016 was adopted as the caesura, or more precisely: the date after the entry into force of the Act on anti-terrorist activities (10 June), which means that it was of fundamental importance for the shaping of Poland's current anti-terrorist system. On the basis of the legal instruments specified in this Act, anti-terrorist security measures are carried out for all events taking place in Poland.

Legal measures to be taken on the basis of general and episodic legislation (special laws) for special conferences, events, ceremonies and other events to be held in Poland between 2016 and 2022⁴

Between 2016 and 2022, Poland hosted numerous events of an international nature, which, due to the scale or rank of the participants, required not

⁴ The chapter was prepared in cooperation with Ms Aneta Suda, in charge of matters related to the coordination of activities within the Ministry of the Interior and Administration in connection with the organisation in Poland of events and conferences requiring special forms of security.

only additional involvement of the services responsible for security and public order, but also the introduction of additional legal solutions aimed at temporarily increasing the level of security. A brief characterisation of these events is presented below, so that it will be possible to analyse the decisions made concerning the selection of security measures for them.

Characteristics of selected conferences, events, celebrations and other events

The first such event was the **XXVII meeting of the leaders of the North Atlantic Alliance member states, hereafter referred to as the NATO Summit**, which took place on **8-9 July 2016 in Warsaw**⁵. The main venue was the National Stadium in Warsaw, but many meetings, including bilateral ones, were also held in other locations.

This was the first time an event of this kind was held in Poland and, due to the nature and prominence of the participants, it was an unprecedented challenge in terms of ensuring security. Members of the Polish delegation assessed the event as follows: *The NATO summit in Warsaw, (...) was groundbreaking. The decisions made at it were an appropriate response to the fundamental change in the security conditions in the Alliance's immediate vicinity, including especially on its eastern flank, where Russia's aggressive policy has become a real threat to the security and stability of NATO member states*⁶.

Numerous high-level delegations representing Member States, Partner States and international organisations, the European Union and the United Nations attended. According to the then Government Protection Bureau, responsible for ensuring the security of the most important delegates, the Summit was attended by 17 foreign presidents, 20 prime ministers, 2 deputy prime ministers and 36 foreign ministers⁷.

A few days after the end of the NATO Summit, Poland once again hosted a global celebration. From **26-31 July 2016, World Youth Day**, presided over by Pope Francis, took place **in Kraków**. This was not only a momentous

⁵ All distinctions in the text are from the author (editor's note).

⁶ P. Soloch, P. Pietrzak, *Szczyt NATO w Warszawie: uwarunkowania, rezultaty, wnioski dla Polski* (Eng. NATO Warsaw Summit: conditions, outcomes, lessons for Poland), "Bezpieczeństwo Narodowe" 2016, no. 37-40, p. 13.

⁷ *Działania Biura Ochrony Rządu w kontekście zabezpieczenia Szczytu NATO i ŚDM* (Eng. Activities of the Government Protection Bureau in the context of securing the NATO Summit and the WYD), "Kwartalnik Policyjny" 2016, no. 4, <https://kwartalnik.csp.edu.pl/kp/archiwum-1/2016/nr-42016/3312,Dzialania-Biura-Ochrony-Rzadu-w-kontekscie-zabezpieczenia-Szczytu-NATO-i-SDM.html> [accessed: 1 X 2022].

religious event, but, due to its scale, also a significant challenge for the Polish state and its services responsible for security and public order. World Youth Day was attended primarily by young people from all over the world, and so (...) *it was poles apart from the (...) Warsaw NATO Summit (both in the nature of security and the different distribution of its emphasis). The key task of the Government Protection Bureau (BOR) was to provide security for the special guest, Pope Francis. During the celebrations, protective activities were also carried out with regard to three foreign delegations and representatives of the highest state authorities of the Republic of Poland*⁸. The scale and, above all, the nature of this undertaking required the individual services to prepare accordingly, including increasing their forces and resources. As the Government Protection Bureau indicated: *For all services and formations, securing World Youth Day was a real challenge - due to the large number of participants, their anonymity and difficult-to-verify identity, as well as the heavily 'stretched' timeframe of the celebrations (many pilgrims arrived in Poland much earlier). In addition, the specific nature of this type of celebration multiplies the reactions that are not easy to predict and the potential danger, as possible threats increase*⁹.

Another international event organised in Poland was the **41st meeting of the Office of the UNESCO World Heritage Committee and the 41st session of the World Heritage Committee held in Kraków from 2 to 12 July 2017, hereafter referred to as the UNESCO Conference**. As reported by the Ministry of Culture and National Heritage on its website, the more than 10-day-long deliberations were attended by representatives of 21 member states of the UNESCO World Heritage Committee, with delegations from another 170 countries and delegations representing non-governmental organisations present as observers. The Ministry of Culture reported that some 3,000 people attended these events¹⁰.

The official organiser of this event was the United Nations Educational, Scientific and Cultural Organisation - UNESCO. It was therefore necessary to conclude an appropriate agreement for the occasion, the so-called *Host Country Agreement*¹¹, between the Government of the Republic of Poland

⁸ Ibid.

⁹ Ibid.

¹⁰ <http://www.mkidn.gov.pl/pages/posts/41.-sesja-komitetu-swiatowego-dziedzictwa-unesco-w-krakowie-7463.php> [accessed: 1 X 2022].

¹¹ *Agreement between the Government of the Republic of Poland and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on the 41st Session of the World Heritage Committee, signed in Paris on 19 April 2017.*

and the international partner. The agreement regulated, among other things, the responsibility of the Polish side for: (...) *ensuring security and covering related costs, such as police and security protection needed for the smooth running of all meetings taking place before the commencement of the session, as well as during the 41st session of the World Heritage Committee, and all other meetings accompanying the event, so that they can proceed in a peaceful and friendly atmosphere without any disruptions*¹². The document did not envisage the organisation of a so-called extraterritorial zone, in which the responsibility for ensuring security and public order on the part of the services and institutions would be excluded or at least limited.

Independently of the UNESCO conference taking place in Kraków, Poland simultaneously hosted the participants of the **2nd Summit of the Three Seas Initiative**, which took place on **6-7 July 2017 in Warsaw**. According to the Ministry of Foreign Affairs, the summit gathering 12 leaders of Central and Eastern European countries was co-hosted by the Presidents of Poland and Croatia, with the President of the United States of America as a special guest. A side event was the Global Forum providing a platform for the exchange of information between representatives of governments, business, media and major experts in transatlantic affairs and Europe-America relations¹³.

Poland also hosted a climate summit. On **3-15 December 2018**, the **24th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP24) (UNFCCC COP24)**, the **14th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP14)** and the resumed **first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA1.3)**, generally referred to as the **COP24 Conference or Climate Summit**, took place in **Katowice**. Such events are held annually in a country designated by the Parties to the Climate Convention. In 2018, Poland was the host for the third time¹⁴, however - from the point of view of securing this event - for the first time in a new legal version, i.e. after the implementation of systemic solutions for anti-terrorist activities into Polish legislation.

¹² Ibid., p. 3.

¹³ <https://www.gov.pl/web/dyplomacja/trojmorze> [accessed: 1 X 2022].

¹⁴ Previous COP conferences organised in Poland were held in 2008 in Poznan and in 2013 in Warsaw.

The 2018 Climate Summit was momentous in terms of its purpose. The assumption was that during the sessions planned in Poland, a package of important decisions on climate policy would be reached. According to the Ministry of the Environment's website, approximately 26,000 people from all over the world - representatives of states and international institutions, NGOs and business - came to Katowice for the duration of the Summit¹⁵. In addition to the official sessions, the Summit also included a number of additional meetings, known as pre-sessions, and side events which, although not on the official agenda, were equally important in terms of ensuring the safety of their participants.

As a result, individual services, especially the Police, were forced to increase their forces and resources beyond the standard. During the Climate Summit, police officers carried out nearly 400 police escorts, over 1,250 bus transit security measures and nearly 90 pyrotechnic checks. According to the Police, the COP24 Conference (...) *was, next to the World Youth Day and the NATO Summit in Warsaw, the biggest challenge for the services in recent years*¹⁶.

Prior to the start of the conference, the services conducted a number of exercises, including staff drills, to ensure smooth cooperation and information flow both within their formation and between all the formations involved. The services were responsible for the proper security of the event in terms of staffing, anti-terrorism, logistics, information technology and road safety¹⁷.

The Climate Summit was organised by the Secretariat of the United Nations Framework Convention on Climate Change, the Kyoto Protocol and the Paris Agreement. Consequently, in order to organise the event, it was necessary to conclude an appropriate agreement¹⁸ in the nature of an international agreement between the Government of the Republic of Poland, representing the host country, and the aforementioned United

¹⁵ <https://www.gov.pl/web/klimat/szczyt-klimatyczny-w-katowicach-uroczyscie-rozpoczety> [accessed: 1 X 2022].

¹⁶ <https://www.policja.pl/pol/aktualnosci/167686,Policyjne-podsumowanie-zabezpieczenia-COP24.html> [accessed: 1 X 2022].

¹⁷ Ibid.

¹⁸ *Agreement between the Government of the Republic of Poland and the Secretariat of the United Nations Framework Convention on Climate Change, the Kyoto Protocol and the Paris Agreement on the twenty-fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, the fourteenth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol, the third part of the first session of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement and the sessions of the subsidiary bodies.*

Nations agency acting as host, i.e. the *Host Country Agreement* already mentioned at the UNESCO conference. The document in question was signed in Warsaw on 31 October 2018. Pursuant to its Article 10, the Government of the Republic of Poland was responsible for ensuring security and safety to the extent that the meetings could be conducted as planned and without any disruption. At the same time, the concluded agreement separated the responsibility for ensuring direct security, establishing a kind of division into zones 'inside the Conference Facilities' and 'outside the Conference Facilities'. The services of the Polish state were responsible for ensuring security and public order outside the 'zone of the Conference Facilities' itself, which was thus recognised as extraterritorial due to its exclusion for the duration of the conference from the authority of the Polish authorities. This place during the conference was managed exclusively by UN services. The detailed division of tasks, as well as the cooperation between the UN services and the Polish services were to be specified in an additional agreement. Pursuant to this agreement, both parties undertook to develop a comprehensive protection plan, created on the basis of the UN's security assessment. The plan was to form the basis for the performance of all security-related tasks in the extraterritorial zone.

In 2019, two further events of an international nature took place in Poland. The first was the **Ministerial Conference on Peacebuilding and Security in the Middle East**, held in Warsaw on 13-14 February 2019. Poland was the host and organiser of this meeting. States from all parts of the world and representatives of international organisations, including NATO and the European Union, were invited to participate. The main conference venues were the Royal Castle, where the conference's inauguration ceremony took place on 13 February 2019, and the National Stadium, where the deliberations continued¹⁹. According to the Ministry of Foreign Affairs, the conference was attended by more than 60 official foreign delegations, a significant number of them of a statutory rank to be protected by the State Protection Service²⁰. The conference addressed topics that were both crucial and sensitive to the stability of the Middle East, including terrorism and extremism, missile proliferation, maritime and aviation trade security,

¹⁹ <https://www.gov.pl/web/dyplomacja/spotkanie-ministerialne-poswiecone-budowaniu-pokoju-i-bezpieczenstwa-na-bliskim-wschodzie-program-medialny> [accessed: 1 X 2022].

²⁰ <https://www.gov.pl/web/dyplomacja/oswiadczenie-wspolprzewodniczacych-po-spotkaniu-ministerialnym-poswieconym-budowaniu-pokoju-i-bezpieczenstwa-na-bliskim-wschodzie> [accessed: 1 X 2022].

energy security, and cybersecurity, among others. The Chancellery of the President of the Republic of Poland considered the meeting to be (...) *the most important diplomatic event in Warsaw since the NATO summit*²¹.

Another important event organised in 2019 was the **commemoration of the 80th anniversary of the outbreak of World War II**. The main celebrations, hosted by the President of the Republic of Poland, took place in Wieluń and Warsaw on 1 September 2019. Among others, leaders of the North Atlantic Alliance member states, presidents of parliaments and heads of international organisations were invited to attend. The Chancellery of the President of the Republic of Poland reported that around 40 foreign delegations with the rank of heads of state, heads of government, presidents of parliaments, foreign ministers, ministers of national defence, as well as special envoys of royal families from Europe attended the celebrations²². The main highlight of the programme was the central celebration at Piłsudski Square at the Tomb of the Unknown Soldier, followed by a meeting at the Royal Castle and a concert at the Grand Theatre. The event was also an opportunity to hold numerous high-level bilateral meetings and more or less formal talks.

In 2020, Poland and the rest of the world were affected by the SARS-CoV-2 virus pandemic, which meant the immediate closure of borders and the reduction of direct contacts between people. Most meetings, including those of an international nature, moved online. Taking into account the rigours of sanitation, Poland managed to organise two important events of an international nature. The first of these was the **Internet Governance Forum 2021 (IGF 2021)**, which took place on **6-10 December 2021 in Katowice**. According to the Chancellery of the Prime Minister responsible for the preparation of the conference, the Forum is an international meeting organised periodically on the initiative of the United Nations, enabling a global discussion on the development of the Internet. It is attended by representatives of various sectors and backgrounds, including government representatives, entrepreneurs, representatives of the world of science and non-governmental organisations²³. It provides a platform

²¹ <https://www.prezydent.pl/kancelaria/aktywnosc-ministrow/konferencja-bliskowschodnia-najwazniejszym-wydarzeniem-w-warszawie-od-czasu-szczytu-nato-,11087> [accessed: 1 X 2022].

²² <https://www.prezydent.pl/aktualnosci/wydarzenia/obchody-80-rocznicy-wybuchu-ii-wojny-swiatowej,1480> [accessed: 1 X 2022].

²³ <https://www.gov.pl/web/republikakorei/xvi-swiatowy-szczyt-cyfrowy-onz--forum-zarzadzania-internetem-w-katowicach-igf-2021> [accessed: 1 X 2022].

for discussing the opportunities and challenges posed by the Internet, which, in the age of pandemics, has gained added value in human contact and ways of communicating information.

Due to the prevailing epidemic, the conference was held in a hybrid format, i.e. with the possibility to participate onsite and remotely via electronic means of communication. Several thousand participants were willing to take part in the event in question, but it was essentially remote participation. The Forum was attended by some 30 ministers responsible for digital issues, representatives of the European Commission, the World Bank, the European Bank for Reconstruction and Development, NGOs and business. The event was organised by the United Nations, represented by the UN Department of Economic and Social Affairs. A *Host Country Agreement* was concluded between the organiser and the Government of the Republic of Poland²⁴, under which the principles of cooperation and division of responsibilities related to the organisation of the event were defined. On the same basis as during the Climate Summit, a division was introduced into a zone 'inside the Meeting Venue' under the authority of UN services for the duration of the conference, and 'outside the Meeting Venue', where responsibility for ensuring security and public order rested with the services of the host country. The detailed division of tasks and the principles of cooperation in this regard were the subject of a separate agreement, an annex to which was the security plan developed by the UN in consultation with the Government of Poland and on the basis of the organiser's assessment of the security of the conference venue.

Another international event organised by the United Nations, the **Eleventh Session of the World Urban Forum 11 (WUF11)**, took place in Katowice, on 26-30 June 2022. The World Urban Forum, considered one of the most important events in the world, is dedicated to urban development. It is held biennially under the chairmanship of the United Nations Human Settlements Programme (UN Habitat), an agency of the United Nations, and brings together representatives of government and local authorities, academia, intergovernmental and non-governmental organisations, as well as entrepreneurs and urban planning experts. The session held in Poland was at the same time the first one organised in Central and Eastern Europe. According to the Ministry of Funds and Regional Policy, the conference

²⁴ *Resolution of the Council of Ministers on binding the Republic of Poland to the Host Country Agreement between the Government of the Republic of Poland and the United Nations on the organisation of the Internet Governance Forum 2021, by signing (unpublished).*

was directly attended by more than 10,000 people from 174 countries, and more than 6,000 participated in a remote format.

The organiser of the event was again an agenda of the United Nations, so it was necessary to conclude an international agreement (*Host Country Agreement*), which defined the division of responsibilities and the principles of cooperation. In this case, however, it was decided to conclude two agreements: the Host Country Agreement between the Government of the Republic of Poland and the United Nations concerning the Eleventh Session of the World Urban Forum in 2022 in Katowice²⁵ and the Agreement between the Government of the Republic of Poland and the United Nations concerning preparations for the Eleventh Session of the World Urban Forum in 2022 in Katowice²⁶.

The first agreement was of a more general nature, while the second agreement contained many annexes and referred primarily to technical and organisational matters. In contrast, the responsibility for ensuring public safety and order was discussed in both documents. In principle, the provisions of both agreements did not deviate from the standards already adopted for the organisation of this type of event.

Legal remedies under general law

As indicated at the beginning of the text, the subject of the analysis of this article is the supra-standard legal instruments used to secure special events. For the most part, the provisions on security of mass events will not apply to these events. However, taking into account the fact that security and public order are the responsibility of the services, each within the statutory scope, the leading legal acts in this area will undoubtedly be the competence acts of each of these formations, also called pragmatic acts. Given the vastness of the matter contained therein, a detailed analysis of each of the agreements in terms of their application *in extenso* seems to miss the purpose of this article. Assuming *a priori* their comprehensive applicability, interest was shifted to those provisions that served as instruments of a specific nature. With regard to the securing of the events and activities in question, the pragmatic laws were important in obtaining support from other formations. This area is regulated most extensively in the **Act of 6 April 1990 on the Police**, which is related to the fact that

²⁵ M.P. of 2022, item 129.

²⁶ M.P. of 2022, item 131.

the Police remain the leading service in ensuring public safety and order, including during the organisation of all kinds of events.

The use of branches and subdivisions of the Armed Forces of the Republic of Poland may take place on the basis of Article 18 of the Act on the Police (although this is not the only provision regulating the possibility of providing assistance to the Police by the Armed Forces of the Republic of Poland), however, after fulfilling the conditions specified by the Act. The first of these is the existence of a threat to public safety or a disturbance of public order, particularly in statutorily designated situations. However, the construction of this provision gives it considerable flexibility. The catalogue of cases contained in Article 18(1) of the Act on the Police is open, and their enumeration is only exemplary²⁷. The second condition for the use of the Armed Forces is the prior use of police squads and subdivisions that have proved insufficient, or a prior assessment has been made that such a situation may arise.

Between 2016 and 2022, Article 18 of the Act on the Police was triggered four times, three of which were related to the organisation of important events and activities in Poland. In 2016. On two occasions, the President of the Republic of Poland issued orders for the use of troops and subdivisions of the Polish Armed Forces to assist the police troops and subdivisions. In the first case - from 6 to 9 July 2016. - the military provided assistance to counter threats related to the organisation of the NATO Summit²⁸.

In the second case, police forces were provided with military support from 25 July to 1 August 2016 in connection with World Youth Day and the Pope's visit to Poland²⁹. The President of the Republic of Poland issued a similar order back in 2018³⁰, in which he decided to use troops and

²⁷ B. Opaliński, *Rozdzielenie kompetencji władzy wykonawczej między Prezydenta RP oraz Radę Ministrów na tle Konstytucji Rzeczypospolitej Polskiej z 1997 roku* (Eng. Division of executive powers between the President of the Republic of Poland and the Council of Ministers against the background of the 1997 Constitution of the Republic of Poland), Lex 2012.

²⁸ *Order of the President of the Republic of Poland of 5 July 2016 on the use of branches and subdivisions of the Armed Forces of the Republic of Poland to provide assistance to branches and subdivisions of the Police* (M.P. of 2016, item 623).

²⁹ *Order of the President of the Republic of Poland of 7 July 2016 on the use of branches and subdivisions of the Armed Forces of the Republic of Poland to provide assistance to branches and subdivisions of the Police* (M.P. of 2016, item 626).

³⁰ *Order of the President of the Republic of Poland of 28 November 2018 on the use of branches and subdivisions of the Armed Forces of the Republic of Poland to provide assistance to branches and subdivisions of the Police* (M.P. of 2018, item 1167).

subdivisions of the Armed Forces from 3 to 14 December 2018 to assist police troops and subdivisions in countering threats related to the Climate Summit being held in Katowice.

The Act on the Police separately regulates the provision of assistance to the Police by soldiers of the Military Police. Pursuant to Article 18a(1) of this Act, support may be provided in the event of a threat to public safety and order if the Police forces are insufficient or may prove insufficient to perform their tasks in protecting public safety and order. Between 2016 and 2022, the Prime Minister issued the relevant Orders on four occasions. The first of these was *Order No. 98 of the Prime Minister of 21 July 2016 on the use of soldiers of the Military Police to provide assistance to the Police*, under which, in connection with World Youth Day, which was organised between 24 July and 1 August 2016, soldiers of the Military Police provided assistance to the Police in protecting public security and order. Another was *Order No. 51 of the Prime Minister of 29 June 2017 on the use of soldiers of the Military Police to provide assistance to the Police*. It was in force from 2 to 12 July 2017, and the need for military support arose from the UNESCO conference being organised in Kraków at the time. Soldiers of the Military Police, on the basis of *Order No. 211 of the Prime Minister of 20 November 2018 on the use of soldiers of the Military Police to provide assistance to the Police*, also assisted branches and subdivisions of the Police during the 2018 Climate Summit (from 30 November to 16 December 2018) and - pursuant to *Order No. 143 of the Prime Minister of 28 August 2019 on the use of soldiers of the Military Police to provide assistance to the Police* - also during the solemn celebrations of the 80th anniversary of the outbreak of World War II in 2019 (1 and 2 September 2019).

The Act on the Police also provides for the possibility of providing support to this formation by the forces of the Border Guard. This is provided for in Article 18b of the Act in question. A relevant order in this matter is issued by the minister in charge of internal affairs. However, this measure, although used in the past, was not applied during the analysed events.

In addition to the Act on the Police, analogous provisions enabling the deployment of forces of other formations are found in the pragmatic acts of the State Protection Service and the Border Guard. In the **Act of 8 December 2017 on the State Protection Service**, Article 38 contains a provision on the support mechanism in the event of a threat to the implementation of the protective tasks of this service in relation to heads of state, heads of government or their deputies, presidents of parliaments or ministers of foreign affairs, being part of foreign delegations residing

on the territory of the Republic of Poland, or in relation to other persons to whom the protection of the State Protection Service has been granted by the minister in charge of internal affairs due to the good of the state. If for the performance of the aforementioned tasks the forces of this formation are or may turn out to be insufficient, the Prime Minister, on the motion of the minister in charge of internal affairs agreed with the minister of national defence, may order the use of soldiers of the Military Police, in turn the minister in charge of internal affairs may order the use of officers of the Police or the Border Guard.

So far, the assistance of the Military Police to the State Protection Service (SOP) has proved necessary only twice - from 2 to 6 December 2018 in connection with the then ongoing Climate Summit³¹ and from 30 August to 2 September 2019 during the preparations for and celebrations of the 80th anniversary of the outbreak of World War II in 2019³². In contrast, the use of Border Guard officers to assist the SOP occurred much more frequently and was always linked to important events taking place in Poland with the participation of high-ranking delegations. In 2018, the Minister of Internal Affairs and Administration ordered such support from 21 May to 10 December 2018³³. This was linked to the events organised in 2018. This included not only the Climate Summit, but also the earlier meeting of the Presidents within the framework of the Bucharest Nine (B9) and the celebration of the 550th anniversary of the Polish Sejm. The Border Guard also provided support to the SOP during the Ministerial Conference on Peacebuilding and Security in the Middle East organised in Warsaw in 2019³⁴ and the celebrations of the 80th anniversary of the outbreak of World War II taking place in the same year³⁵. In the latter case, the Minister of the Interior and Administration also ordered the support of the SOP with police forces. The Border Guard provided assistance to SOP officers

³¹ Order No. 220 of the Prime Minister of 29 November 2018 on the use of soldiers of the Military Police to provide assistance to the State Protection Service.

³² Order No. 142 of the Prime Minister of 28 August 2019 on the use of soldiers of the Military Police to provide assistance to the State Protection Service.

³³ Order No. 20 of the Minister of Internal Affairs and Administration of 21 May 2018 on the use of Border Guard officers to provide assistance to the State Protection Service.

³⁴ Order No. 4 of the Minister of Internal Affairs and Administration of 7 February 2019 on the use of Border Guard officers to provide assistance to the State Protection Service.

³⁵ Order No. 17 of the Minister of Internal Affairs and Administration of 23 August 2019 on the use of Police and Border Guard officers to provide assistance to the State Protection Service.

on two more occasions - in 2019 in connection with the Western Balkans Summit organised in Poznań and in 2020 during the commemoration of the 75th anniversary of the liberation of the German Nazi concentration and extermination camp Auschwitz-Birkenau.

Although the **Act of 12 October 1990 on the Border Guard** also provides for the possibility of using military support mechanisms analogous to the Act on the Police, they have not yet been applied during special events or events organised in Poland. It is worth noting, however, that Articles 11b and 11d of the Act on the Border Guard provide for the possibility of using the Armed Forces of the Republic of Poland and soldiers of the Military Police to assist this formation, respectively, and the mechanisms established in this respect have been.

In addition to pragmatic laws, equally important in terms of ensuring the security of the events described are the provisions of the Act on anti-terrorist activities. Due to the division of responsibility indicated in Article 3 of this Act³⁶, the solutions adopted therein primarily expose the role of the Head of the Internal Security Agency and the minister responsible for internal affairs, as well as the Police subordinate to him, responsible for directing anti-terrorist actions, including counter-terrorist actions. However, as the subject of the analysis of this article is the legal measures adopted for special events and developments in the context of the Act on anti-terrorist activities, it is necessary to draw attention primarily to those solutions which relate to this.

The legal instrument implemented by the Act on anti-terrorist activities are the orders of the Prime Minister on the introduction of alert levels issued pursuant to Article 16(1) of the Act in question³⁷. Alert levels, including CRP alert levels, were repeatedly introduced in connection with the organisation of important events in Poland. Their introduction was preventive in nature and was directly related to the possibility of the occurrence of an event of a terrorist nature or the existence of an increased and foreseeable threat of the occurrence of such an event.

³⁶ Pursuant to Article 3 of the Act on anti-terrorist activities, the Head of the Internal Security Agency is responsible for the prevention of terrorist incidents, while the Minister responsible for internal affairs is responsible for preparing to take control of terrorist incidents through planned undertakings, responding in the event of the occurrence of such incidents and reconstituting resources for responding to such incidents.

³⁷ A detailed analysis of this topic is undertaken in the article M. Cichomski, I. Idzikowska-Słęzak, *Stopnie alarmowe – praktyczny i prawny...*, pp. 31–70.

During the NATO Summit, the first ALFA alert level was in force in the Warsaw area from 7 to 10 July 2016, the first ALFA alert level from 20 July to 1 August 2016 and the second CRP (BRAVO-CRP) alert level from 20 July to 1 August 2016, which was related to the World Youth Day organised at that time. The first ALFA alert level was also introduced by the Prime Minister for the duration of the Climate Summit. It was in force from 26 November to 15 December 2018 and applied to the Silesian Voivodeship and the city of Kraków. On the other hand, during the Ministerial Conference on Peacebuilding and Security in the Middle East, alert levels were ordered analogous to those during World Youth Day, i.e. the first ALFA alert level and the second CRP (BRAVO-CRP) alert level. These were only in force in the area of the capital city of Warsaw from 11 to 15 February 2019. Alert levels were also introduced during the celebrations of the 80th anniversary of the outbreak of World War II in 2019 and during the 2021 Internet Governance Forum organised in Katowice. In the former case, a first ALFA alert level and a first CRP alert level (ALFA-CRP) were established nationwide from 28 August to 3 September 2019, and a first CRP alert level (ALFA-CRP) was in place for the so-called digital summit, from 5 to 10 December 2021³⁸.

It is also worth mentioning that during the Eleventh Session of the World Urban Forum (Katowice, 2022), due to the geopolitical situation, the previously introduced alert levels were in force throughout the country: the second BRAVO alert level and the third CRP alert level (CHARLIE-CRP)³⁹. There was therefore no need to issue additional orders in this regard solely for the occasion of the conference being held.

Another legal act, the solutions of which were applicable in the context of the security measures taken, is the **Act of 12 October 1990 on the Protection of the State Border**. Pursuant to the wording of Article 17a of this Act, the minister in charge of internal affairs, by means of an ordinance, may temporarily reinstate border control of persons crossing a state border that is an internal border within the meaning of *Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on an EU Code on the rules governing the movement of persons across borders (Schengen Borders Code)*. This provision has been applied several times since its establishment, including for special events and activities organised in Poland. Temporary

³⁸ <https://www.gov.pl/web/mswia/dotyhczas-wprowadzane-stopnie-alarmowe-i-stopnie-alarmowe-crp-na-terytorium-rp> [accessed: 1 X 2022].

³⁹ Ibid.

control at all sections of the internal border and at air and sea border crossing points was introduced in connection with the NATO Summit organised in Warsaw in 2016 and the World Youth Day held in Kraków a few days later. Border control at the EU's internal borders was in force from 4 July to 2 August 2016⁴⁰. A similar solution was adopted for the Climate Summit (22 November - 16 December 2018⁴¹) and the Ministerial Conference on Peacebuilding and Security in the Middle East (10-16 February 2019). In the case of the Climate Summit, the rationale for introducing such a legal measure was to ensure public order and security for the event, the persistently high terrorist threat in Europe, and possible attempts by anti-globalisation groups to disrupt the proceedings⁴². With regard to the so-called Middle East Conference, the temporary reintroduction of border control took place in accordance with the special procedure set out in Article 28 of the Schengen Borders Code, which is implemented in situations requiring immediate action. As the Explanatory Memorandum to the Regulation states: *The temporary reintroduction of border control (...) shall take place (...) in view of information of a classified nature in the possession of the relevant services concerning a possible real and serious threat to public policy or internal security*⁴³.

Another solution, which, in order to increase the level of security, has often been applied during organised events and activities, is to impose a temporary ban on carrying weapons and moving them in an unloaded state. In this case, the legal basis is the **Act of 21 May 1999 on arms and ammunition**. Pursuant to Article 33 (1) of this Act, if the interests of state security or public order so require, the minister responsible for internal affairs may introduce, by regulation, a temporary ban on carrying weapons or moving them in an unloaded state.

⁴⁰ Ordinance of the Minister of Interior and Administration of 1 June 2016 on the reintroduction of temporary border control of persons crossing the state border constituting an internal border.

⁴¹ Ordinance of the Minister of the Interior and Administration of 18 October 2018 on the temporary reintroduction of border control of persons crossing the state border constituting an internal border.

⁴² Explanatory Memorandum to the Draft Regulation of the Minister of Interior and Administration on the temporary reintroduction of border control of persons crossing the state border constituting an internal border, <https://legislacja.rcl.gov.pl/projekt/12315506> [accessed: 1 X 2022].

⁴³ Explanatory Memorandum to the Draft Regulation of the Minister of Interior and Administration on the temporary reintroduction of border control of persons crossing the state border constituting an internal border, <https://legislacja.rcl.gov.pl/projekt/12320762/katalog/12567618#12567618> [accessed: 1 X 2022].

The ban on carrying weapons was a measure that was introduced during almost all the analysed operations⁴⁴. It was, however, each time limited in time and territory. As a rule, it was valid for several days during the event, as well as immediately before and after its conclusion, exclusively in the area (usually a province or a city) directly related to the event in question.

In the context of the legal measures taken, one should also mention the **Act of 8 August 1996 on the Council of Ministers**, which in Article 5(6) empowers the Prime Minister to delegate, *ex officio* or on application, a matter falling within the competence of more than one minister or head of a central office to be handled by a minister indicated by him/her. Since the events analysed required the involvement of numerous entities and services, often of an above-standard dimension, the designation of a leading entity seems to be of no small importance here, if only to improve the flow of information or the decision-making process itself. Given the indisputable role of the Police in this respect, resulting, moreover, from the tasks ascribed to it by law, the application of the above-mentioned prerogative of the Prime Minister to this formation seems justified from the perspective of providing the necessary ordering mechanism.

Referring to the aforementioned provision of the Act on the Council of Ministers, in connection with Article 3(2) of the Act on anti-terrorist activities, the Prime Minister, when planning the security of an important event, may issue an order to other authorities and their subordinate services to perform their tasks taking into account the leading role - each time indicated by the minister in charge of internal affairs - of the commander of the police operation. The role of the commander sanctioned by such an order streamlines the decision-making process and responds to

⁴⁴ The ban on carrying weapons was in force during the NATO Summit in Warsaw and World Youth Day (*Ordinance of the Minister of the Interior and Administration of 20 May 2016 on the introduction of a temporary ban on carrying weapons and moving them in an unloaded state*), the UNESCO Conference in Kraków and the Summit of the Three Seas Initiative (*Ordinance of the Minister of the Interior and Administration of 28 June 2017 on the introduction of a temporary ban on carrying weapons and moving them in an unloaded state*), the Climate Summit in Katowice (*Ordinance of the Minister of Interior and Administration of 11 October 2018 on the introduction of a temporary ban on carrying weapons and moving them in an unloaded state*), the Ministerial Conference on Peacebuilding and Security in the Middle East in Warsaw (*Ordinance of the Minister of Interior and Administration of 5 February 2019 on the introduction of a temporary ban on carrying weapons and moving them in an unloaded state*) and during the commemoration of the 80th anniversary of the outbreak of World War II in Warsaw (*Ordinance of the Minister of Interior and Administration of 20 August 2019 on the introduction of a temporary ban on carrying weapons and moving them in an unloaded state*).

the challenges faced each time by services and other entities responsible for ensuring security and public order.

The above mechanism was used in connection with securing World Youth Day, the UNESCO Conference, the Climate Summit, the Ministerial Conference on Peacebuilding and Security in the Middle East and the commemoration of the 80th anniversary of the outbreak of the Second World War, among others.

Legal remedies specified in specific legislation (episodic laws)

The second subject of the compilation of norms related to the security of special conferences, events and ceremonies is episodic legislation (special laws). Although these types of solutions were not introduced in relation to all analysed events, they are of rudimentary importance both from the perspective of the actual basis for supra-standard activities related to ensuring security of events, and from a purely analytical perspective in terms of formulating possible *de lege ferenda* postulates, described further on in the article. The basic assumptions of the special laws on security are indicated below.

- *Act of 16 March 2016 on special solutions related to the organisation of the 2016 Summit of the North Atlantic Treaty Organisation in the Republic of Poland in Warsaw*, known as the NATO special law.

The NATO special law was developed because of the need to strengthen the security of the participants in the NATO Summit and to maintain proper security conditions afterwards⁴⁵. This was the first law of its kind to be implemented in the period under review and at the same time the narrowest in scope compared to subsequent laws of this type.

In the explanatory memorandum to the NATO special law, the legislator acknowledged that due to the involvement of the Republic of Poland in international relations, while at the same time its geographical location and accessibility, Poland may be a convenient place to prepare and undertake actions - including terrorist actions - directed also against citizens and institutions of other countries⁴⁶.

In view of the increase in the terrorist threat within the European Union, in order to strengthen security during the NATO Summit and immediately

⁴⁵ Explanatory Memorandum to the *Government draft Act on special solutions related to the organisation of the North Atlantic Treaty Organisation Summit in the Republic of Poland in Warsaw in 2016*, Draft No. 314, p. 1; <https://www.sejm.gov.pl/Sejm8.nsf/druk.xsp?nr=314> [accessed: 1 X 2022].

⁴⁶ Ibid.

after its conclusion, several special solutions of an episodic nature were provided for in the NATO special law. One of them was the creation of a legal basis for the recording by the Government Protection Bureau, with the use of technical means, of images and sound, of events within the framework of the implementation of activities specified in the competence act, i.e. in the then Article 16 and Article 17 of the *Act of 16 March 2001 on the Government Protection Bureau*. Recorded images or sound that did not contain evidence of the commission of a crime or an offence were subject to destruction no later than after 30 days from the date of their recording.

Another solution was the introduction of a temporary ban on participation in spontaneous assemblies referred to in Article 3(2) of the *Act of 24 July 2015 - Law on Assemblies*, i.e. assemblies that take place in connection with an emergency event that occurred and was impossible to predict in advance, related to the public sphere. The ban covered the area of the capital city of Warsaw and was in force from 7 to 10 July 2016, i.e. for the duration of the NATO Summit, and one day before and one day after its conclusion.

At the same time, due to the above-standard commitment of officers and soldiers, the NATO special law introduced a legal basis enabling the extension of the service time of officers of the following formations: Police, the Internal Security Agency, the State Fire Service, the Border Guard, the Government Protection Bureau, as well as professional soldiers, with simultaneous granting them the possibility to pay a lump-sum cash equivalent for serving in excess of the statutorily defined standard time of such service.

On the basis of the general provisions of the time (competence laws), the officers' extended duty hours were compensated by giving them paid time off. Raising the level of security for the duration of the NATO Summit required the services to intensify their activities and thus extend the service hours of their officers. The granting of time off to officers could have resulted in some formations facing staffing inefficiencies after the conference due to the massive withdrawal by officers and soldiers of their due entitlement. The proposal to pay a lump sum cash equivalent contained in the NATO special law was intended to prevent this by reducing the pressure to implement it⁴⁷.

⁴⁷ Ibid., p. 2.

Provisions giving a legal basis for the extension of service time and the payment of cash equivalents to officers and soldiers in this respect also appeared in various versions in later special laws of this kind.⁴⁸

- *Act of 18 March 2016 on special solutions related to the organisation of the visit of His Holiness Pope Francis to the Republic of Poland and World Youth Day - Kraków 2016*, referred to as the WYD special law.

Expecting a very large group of participants in World Youth Day from all over the world, the legislator deemed it necessary to supplement the current legal order with legal solutions that will strengthen the safety of participants in this event, including medical care, ensuring public order and additional support for entities carrying out tasks related to the organisation of the event⁴⁹. The above was reflected in Article 1 of the WYD special law. It defined the scope of the Act and indicated, first of all, the tasks of the public administration bodies that were directly related to the organisation of the Pope's visit and the World Youth Day. These related primarily to ensuring public safety and order and medical security. Subsequently, the WYD special law defined the principles of covering the costs of these additional tasks, as well as the principles of cooperation between all entities involved in the preparation of World Youth Day, including the public administration bodies and the organiser of the event.

⁴⁸ Similar provisions were included in the *Act of 18 March 2016 on special solutions connected with the organisation of the visit of His Holiness Pope Francis to the Republic of Poland and World Youth Day - Kraków 2016* (WYD Act) and the *Act of 10 January 2018 on special solutions connected with the organisation in the Republic of Poland of the session of the Conference of the Parties to the United Nations Framework Convention on Climate Change* (COP24 Act). In the *Act of 24 June 2021 on special solutions related to the organisation of the 11th session of the World Urban Forum in Katowice in 2022* (WUF11 special law), these provisions already had a slightly different wording, as the legal context had changed at that time through amendments to the competence acts of the individual services. In a nutshell, it can be said that, on the basis of the general provisions, in the event of an extension of service time, officers gained the right to paid time off in the same amount or, at the end of the pay period, to monetary compensation in a statutorily determined amount. This type of solution was not only provided for professional soldiers. The WUF11 special law provided a legal basis for the payment to soldiers of the Military Police of appropriate monetary equivalents for performing service in excess of the statutory time, while with regard to the services of the Ministry of Internal Affairs, competence regulations were in force.

⁴⁹ Explanatory Memorandum to the *Government draft Act on special solutions connected with the organisation of the visit of His Holiness Pope Francis to the Republic of Poland and World Youth Day - Kraków 2016*, Print No. 332, p. 1, <https://www.sejm.gov.pl/Sejm8.nsf/druk.xsp?nr=332> [accessed: 1 X 2022].

The WYD special law was therefore far more comprehensive than its predecessor. It also contained more precise regulations, including those relating directly to the provision of security and public order. The provisions in this respect were contained in a separate chapter and provided for special solutions, which, as indicated in the justification of this act, resulted from the fact that in the case of events of a religious nature, even if they were as numerous and organisationally complex as World Youth Day, the provisions of the Act on the security of mass events did not apply.

As a result, Article 4 of the WYD special law required the voivode to draw up (in agreement with the organiser of World Youth Day, which was the Archdiocese of Kraków) a plan for ensuring security and public order during the event. The plan included, among other things, a graphic plan of the venue (area), drawn up separately for each of the venues (areas) where the various events were to take place, together with their description. The description included, among other things, the marking of access and dispersal routes for participants, evacuation routes and access routes for emergency vehicles and the Police, the marking of medical assistance points, fire water points and information points, as well as the points of deployment of the security services. In addition, the plan included instructions on how to proceed in the event of a fire or other local emergency, as well as information on the number of places for people participating in each event, the anticipated threats to public safety and order, the number, organisation, marking and equipment of the order service and the information service.

The voivode submitted the drawn up plan within the statutory deadline to the Commander-in-Chief of the Police, the Commander-in-Chief of the State Fire Service, the Head of the Internal Security Agency and the Head of the Government Protection Bureau. The legislator acknowledged that the organisation of World Youth Day would involve not only the services of the city of Kraków or the Małopolska Voivodeship, but also services from other parts of Poland, which meant it was necessary to ensure the proper flow of information both between the services and the units of each of these formations. In such a situation, the coordination of these activities could only be ensured at the level of central authorities, while taking into account the leading role of the Police.

The WYD special law granted specific powers to the Police, in this case to collect, obtain, collect, verify, process and use information, including personal data, also obtained or processed by other authorities and services, without the knowledge and consent of the data subjects. However, this

power was severely limited both in terms of time and subject matter, as in principle it could be exercised against persons posing a threat to public safety and order and only for the purpose of ensuring public safety and order during World Youth Day, as well as for the purpose of preventing the commission of offences and offences related to the event and for the detection and prosecution of their perpetrators.

The provisions of the WYD special law also provided for the possibility for the Police to check persons registered as volunteers due to the possibility of these persons posing a threat to security and public order during the event in question. These checks could only be carried out at the request of the organiser of World Youth Day and with the proviso that checks for the posing of a terrorist threat by these persons were carried out directly by the Internal Security Agency at the request of the Police. The legislator took into account, in this respect, the powers that this service already had, if only on the basis of the Act on anti-terrorist activities, which in Article 3(1) indicates the Head of the Internal Security Agency as the body responsible for the prevention of terrorist incidents.

The WYD special law also recognised the need to strengthen the powers of the Railway Guard by granting it the right to record incidents with the use of technical means of image and sound, as well as the right to inspect the contents of luggage in railway areas, trains and other railway vehicles. These powers - like the above-mentioned police powers - were time-limited and, in principle, could only be exercised in the event of the commission or reasonable suspicion of an offence or misdemeanour and on analogous terms to those exercised by the police. Powers of this type were not subsequently regulated by subsequent special laws. They were introduced by the WYD special law due to the specificity of this particular event.

The analysed law also provided for the possibility of the Ministry of National Defence to provide support in the field of logistics, transport, communications or medical and sanitary security⁵⁰. This support could be provided at the request of the World Youth Day organiser and after consultation with the territorially relevant voivode.

An issue regulated in the WYD special law that is also worth mentioning is the organisation of medical security. Although it does not strictly refer to the provision of public safety and order, it is undoubtedly strongly related to it and is of vital importance, especially in the event of a threat, including

⁵⁰ Ibid., p. 14.

the threat of a terrorist event. The legislator, recognising the importance of this topic, has devoted an entire chapter to it. It has defined in great detail the activities concerning the organisation of medical security, assigning responsibility for their implementation in the first instance to the Małopolska voivode. It is worth mentioning that the main duties of the voivode included: creating a plan of medical security, ensuring coordination of the activities of individual entities providing medical security by, among other things, setting up a headquarters, increasing the readiness of medical entities to provide medical services, and organising additional structures in the places of the celebrations. This security covered all participants in the event, including those with VIP status. Although the organisation of World Youth Day took place before the SARS-CoV-2 pandemic, additional sanitary-epidemiological protection was also introduced, including the reduction to 2 hours of reporting a suspicion or diagnosis of infection, infectious disease, death due to infection or infectious disease, as well as in the case of a positive test result for biological pathogens in a person living in the area covered by the protection. A simplified procedure for making these notifications has also been introduced. Failure to comply with the obligations to report such cases within the indicated timeframe constituted an offence punishable by a fine.

The provisions of the WYD special law relating to the organization of medical security also became the starting point for regulating this issue in subsequent special laws⁵¹. However, they were no longer as comprehensively structured, as they were limited to indicating only the competence of the voivode with territorial jurisdiction over the location of the main event in this regard.

- *Act of 10 January 2018 on special solutions related to the organisation in the Republic of Poland of the session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, referred to as the COP24 special law.*

Another special law was the Act on Special Solutions Concerning the Organisation in the Republic of Poland of the Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, which entered into force in February 2018. As indicated in the explanatory memorandum to it, this was to be a normative act that would create conditions enabling the proper organisation of the Climate Summit and proper conditions for Poland to perform the functions

⁵¹ That is, in the COP24 special law and in the WUF11 special law.

of the Presidency of the Conference of the Parties to the United Nations Framework Convention on Climate Change, the Presidency of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol and the Presidency of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement in 2018 and 2019, referred to in short as the Presidency of the Conference of the Parties⁵².

During previous editions of the Climate Summit organised in Poland (COP14 in Poznań in 2008 and COP19 in Warsaw in 2013), the legislator did not choose to introduce special provisions in the form of a special law. The Climate Summit taking place in Poland for the third time in 2018 had - for the first time - a special legal basis. For the solutions introduced by the COP24 special law, the path was paved by the experience gained in 2016 during the NATO Summit and the World Youth Day. Hence, the law adopted for the Climate Summit to be held at the end of 2018 was largely modelled on those specs that had been in force two years earlier, primarily the World Youth Day special law.

It was impossible to reproduce them faithfully, if only for the reason that the Climate Summit was not organised solely by the Polish government, but in agreement with the Secretariat of the United Nations Framework Convention on Climate Change, which was responsible, among other things, for security in the extraterritorial zone, i.e. the conference venue itself. At the same time, the international organiser could not be the addressee of norms arising from acts of national law, which are undoubtedly all kinds of special laws. The division of duties and responsibilities, also in the area of security, between the Polish government as host and the international partner as organiser was regulated by the international agreement (*Host Country Agreement*) already mentioned. In turn, the Polish legislator, when adopting legal solutions for the Climate Summit, had to ensure that they remained consistent with these international obligations. As a result, a number of new provisions appeared in the 2018 special law, which directly resulted from the organisation of the event jointly with an international entity.

The COP24 special law repeated some of the solutions adopted in previous documents of this kind. One solution was to impose an obligation on the voivode, in this case the Silesian voivode, to draw up a security plan.

⁵² Explanatory Memorandum to the *Government draft Act on special solutions connected with the organization in the Republic of Poland of a session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in the Republic of Poland*, Print No. 2120, <https://www.sejm.gov.pl/Sejm8.nsf/druk.xsp?nr=2120> [accessed: 1 X 2022].

The COP24 special law was also modelled on the WYD special law in granting the Police specific powers to collect, obtain, collect, check, process and use information, including personal data, also collected or processed by other authorities and services, without the consent and knowledge of the persons concerned, as well as to carry out checks on persons cooperating in the organisation of the conference.

The next and at the same time the last element, which is a repetition of the solutions adopted so far in the special laws, is the introduction of a temporary ban on spontaneous assemblies. It was already introduced by the NATO special law and, analogous to the solutions already analysed, was assessed by the legislator as extremely important from the point of view of ensuring security and, above all, public order.

However, the COP24 special law introduced several completely new regulations, which resulted from the adopted formula of the conference and, in fact, from the division of tasks between its organisers. Unlike previous special laws, additional provisions appeared in it, specifying the tasks of each of the government administration bodies, including the minister in charge of internal affairs. According to them, the minister in charge of internal affairs first coordinated the activities of all services involved in ensuring security and public order during the Climate Summit. Moreover, in justified cases, he could dispose of appropriate forces and resources to support the UN services responsible for security in the extraterritorial zone. He was also responsible for smooth cooperation with both the international partner and the local government authorities, in this case the Mayor of the City of Katowice, on security matters.

One may wonder whether the introduction of this provision was necessary and therefore ask whether, in its absence, the minister responsible for internal affairs would still be able to fulfil the tasks of the leading authority in ensuring public security and order. It seems that it would, as indicated, for example, by the experience of analogous events, the organisation of which was not regulated by the special law. The provision defining the tasks of the minister in charge of internal affairs in the wording of the COP24 special law slightly increased their competences, leaving them responsible for coordinating the activities not only of the services subordinate to them and supervised by them, but also of other entities involved in securing the conference, including special services and uniformed formations subordinate to individual governmental and self-governmental bodies. At the same time, the provision clarified who (which

ministry) bears the responsibility and plays the leading role in dealing with the international partner in the area of ensuring security and public order.

In the context of the regulations that were introduced by the COP24 special law, it is also worth noting the provision defining the principles of cooperation in the extraterritorial zone. As a matter of principle, this was a topic that was primarily subject to detailed regulations contained in an international agreement (*Host Country Agreement*). In the COP24 special law itself, it was also mentioned that the activities of the Polish services, more specifically the Police and the Internal Security Agency, were permissible (they were included in the international agreement itself), but only in agreement with the UN services. In this way, the legislator indicated that while the Polish services, and in particular the Police, are in principle responsible for the protection of people and the maintenance of security and public order on the territory of the Republic of Poland, in the case of events such as the Climate Summit the responsibility in the extraterritorial zone is limited and to a large extent results from the agreements concluded with the international partner in this regard.

- *Act of 24 June 2021 on special solutions related to the organisation of the 11th session of the World Urban Forum in Katowice in 2022*, referred to as the WUF11 special law.

In principle, the WUF11 special law did not introduce any new solutions in the area of security and practically adopted solutions already implemented previously and applied primarily on the basis of the COP24 special law. As in the case of the Climate Summit, the organiser of WUF11 was a United Nations agency, i.e. the United Nations Human Settlements Programme, and the conference venue was covered by an extraterritorial zone for which UN services were responsible. Recognising, therefore, that the specific solutions adopted in 2018 had fulfilled their preventive purpose, the legislator repeated them with only minor modifications.

As a result, a provision was introduced in the WUF11 special law requiring the voivode to develop, in consultation with the services, a plan to ensure public security and order. The possibility for the Police and the Internal Security Agency to take action in the extraterritorial zone, as well as the possibility to organise assemblies by temporarily banning spontaneous assemblies, was also regulated in an identical manner.

The tasks of the minister responsible for internal affairs and the powers of the Police have been slightly modified in the WUF11 special law. In the former case, the most important difference consisted in emphasising

the more monitoring, rather than coordinating, role of the minister in charge of internal affairs with regard to the activities of the services, which undoubtedly seems to be closer to the actual function performed by this body under other laws. By contrast, the catalogue of its tasks did not mention its cooperation with the mayor of the city in the area of security and public order, which should also be perceived as a task that, in the case of this type of event, the minister can *de facto* perform on the basis of general provisions, without having to include it in episodic provisions.

In the context of the powers of the Police to collect, obtain, collect, check, process and use information, including personal data, concerning persons participating in or cooperating with the organisation of the conference, the WUF11 special law only hinted at such powers with regard to the processing of such data, so the provision was much less developed in its construction. This was primarily due to the emergence of a new legal context, as in 2019, i.e. already after the end of the Climate Summit, Poland - as well as other EU Member States - was obliged to implement into national law the new solutions adopted in this regard in the EU law⁵³. Poland fulfilled this obligation with the *Act of 14 December 2018 on the protection of personal data processed in connection with preventing and combating crime*, which - by amending the Act on the Police - permanently introduced new powers for the Police in this area. These provisions are reflected in the very explanatory memorandum to the WUF special law, which indicates that the provision authorising police officers to process personal data does not constitute a competence standard to exclude the application of the provisions of the Act on the protection of personal data processed in connection with the prevention and combating of crime. As a result, it was no longer necessary to introduce episodic provisions in the circumstances of the preparations for WUF11 as extensively as was previously applied.

Summary of the analysis of legal measures used at conferences, events, celebrations and other events

The table summarises the events in question in the context of the legal and legislative initiatives taken regarding their safety.

⁵³ This refers to *Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection and prosecution of criminal offences and the execution of criminal penalties, on the free movement of such data and repealing Council Framework Decision 2008/977/JHA*.

Table. Summary of legal measures used in securing individual events.

Event	Legal measures								
	Use of Armed Forces to assist the Police	Use of Military Police to assist the Police	Use of Military Police to assist the SOP	Use of Border Guard/Police to assist the SOP	Introduction of an alert level	Introduction of temporary border control	Ban on carrying of weapons	Recognition of the leading role of the Police Operations Commander	Implementation of a special law
NATO summit	X				X	X	X		X
World Youth Day	X	X			X	X	X	X	X
UNESCO conference		X					X	X	
Three Seas Initiative							X		
Climate summit (COP24)	X	X		X	X	X	X	X	X
Conference on security in the Middle East				X	X	X	X	X	
80th anniversary of World War II		X		X	X		X	X	
Internet Governance Forum (IGF 2021)					X		X	X	
World Urban Forum (WUF11)					X*				X

Source: Own elaboration.

* At the time of the WUF11 World Urban Forum, the BRAVO second alert level and the CHARLIE-CRP third alert level were in place. However, the levels were put in place prior to the start of the Forum, on unrelated grounds

Having analysed the table, it can be seen that all the events listed - regardless of the legal solutions adopted - are linked by the presence of a cross-border element, albeit to varying levels and with varying degrees of internationalisation. The other factors to be taken into account here already seem to be more diverse. These are in particular:

- the geopolitical situation of the country and region at the time of the event,
- format of the event (closed - for a close circle of invitees, semi-open - for registered persons, open to the public),
- the rank of participants (number of persons or delegations protected),
- the theme of the event (unifying nature of the participants, controversial and stirring up emotions difficult to control),
- the location of the main events and their multiplicity (punctual - focusing on a single site, area-wide),
- media coverage (level of public interest at home and abroad),
- the duration of the event.

From episodic laws to *de lege ferenda* postulates - 'special events'

In the current state of the law, in the case of organisation in Poland of conferences, events, ceremonies or other events that are important due to their scale or importance, especially those of an international character, all activities undertaken to provide security for these events are carried out by services or institutions on the basis of general provisions (pragmatic laws), unless specific solutions have been introduced in the form of episodic laws. As a result, some issues, such as the determination of responsibility for the development of a plan for ensuring security and public order for an event (including the resulting evacuation plan) and for the provision of medical security, require separate agreements and arrangements regarding the obligations of each of the institutions and services involved. In some cases, it also becomes a problem to verify personal data of the personnel preparing or servicing the event or the participants themselves, which is of fundamental importance from the perspective of security, including anti-terrorist security. For in Polish legislation there are no regulations specifying in detail the principles of conduct and the subjective and

personal scope of responsibility for the preparation and security of such events, events or ceremonies in a manner analogous to the organisation of mass events, which in relation to the need to ensure an appropriate level of security against the occurrence of an event of a terrorist nature may constitute a legislative omission. For there is no doubt that in the context of the current level of terrorist threat in Europe and worldwide, so-called soft targets are becoming increasingly popular among terrorists, and the effectiveness of an attack is measured both in the number of its victims and in media publicity. As the literature points out: *mass events attended by hundreds of thousands of people provide a convenient pretext for carrying out a spectacular terrorist attack. Terrorism is a peculiar message, a process of communication and social influence, and therefore a media phenomenon, intended by design to attract public attention*⁵⁴.

Events, events or celebrations, especially those of an international nature, receive a great deal of media attention due to their scale or the prominence of the participants, and their disruption, without even looking at the potential number of victims, would be extremely effective propaganda for terrorist organisations. Therefore, when planning such events, it is essential to adopt specific preventive solutions to temporarily increase the level of security and public order. In the case of international events whose right to organise is granted well in advance (as was the case with World Youth Day, the NATO Summit, the Climate Summit or the World Urban Forum), it is possible to prepare and introduce such solutions in the form of a special law. However, due to the time-consuming legislative process, the implementation of such a legal instrument is not possible in a situation where the decision to organise an international event is taken only a short time in advance or where the preparation schedule undergoes significant changes at subsequent planning stages. The repetitive nature of the episodic laws introduced implies the question of whether it would not make more sense to introduce permanently included solutions that would be triggered for the event in question. Especially since, as the experience of the preparation of specific legislation shows, the sources of legislative initiatives in this area were financial, tendering or organisational matters, while security issues were complementary to them (there have been no special laws so far exclusively covering security provision). If the legislator did not decide to introduce solutions at the financial or organisational

⁵⁴ J. Struniawski, *Planowanie operacji policyjnych...*, p. 483.

level for a given project, no legislative initiative was taken at all. *Episodic regulations are distinguished from other regulations by a clearly indicated specific goal, which is to achieve a state of affairs treated by the legislator as unique (...). In this type of regulation, what comes to the fore, therefore, is not the creation of permanent organisational structures or the establishment of repetitive behaviour, but some specific goal, which - in the opinion of the legislator - cannot be achieved by means of regulations already in force⁵⁵.* Episodic rules are thus laid down for a precisely defined period of time, introducing a derogation from existing rules. They may also be established if there are no other, less onerous, means of achieving a well-defined objective.

In the context of the described specific statutory solutions included in special acts, their scope covering the sphere of security, and also taking into account their recurrence, it is difficult to treat successive regulations adopted for specific events as meeting the criterion of achieving (...) *a state of affairs treated by the legislator as unique⁵⁶*, which is the essence of episodic solutions. This repetitiveness of episodic solutions indicates the possibility of creating permanent solutions functioning in relation to events, events or celebrations which meet the statutory criteria and are not, at the same time, mass events. Although experience shows that it would be rather impossible to completely abandon episodic legislation - if only due to the financial solutions adopted depending on the status of the event or the specifics of the organiser's position, i.e. in the overall organisational context of the event - in the area of security solutions, above all in the context of potential terrorist threats, such legislation would serve its purpose.

On the basis of the assumptions indicated, proposals have been formulated, the essence of which is to abandon the adoption of episodic legislation in favour of the introduction of statutory provisions that would enable - depending on the assessment of the risk of the occurrence of threats to the security of events, parties or celebrations taking place, and in particular threats of a terrorist nature - the introduction of additional, non-standard instruments ensuring security and public order. They would also make it possible to clearly define the responsibilities and rules of interaction of entities and services by defining their tasks in this respect.

⁵⁵ S. Wronkowska, M. Zieliński, *Komentarz do zasad techniki prawodawczej* (Eng. Commentary on the principles of legislative technique), Warszawa 2021, p. 76.

⁵⁶ Ibid.

The proposed directions of change presuppose the introduction into Polish legislation of a legal institution called, for the purposes of this study, a 'special event' - together with the definition of the conditions that must be met for its application⁵⁷. Based on the peculiarities of past events and events to which episodic legislation has been introduced, it can be assumed that **special event status could be granted to specific events of a cultural, sporting, religious or political nature, especially those with an international dimension, organised or co-organised by central state bodies. These events, due to the prominence of the participants, scale or nature, require separate measures to ensure an adequate level of security and public order, including in the context of terrorist threats.**

In discussing the proposed rationale for the introduction of special event status, it is important to clarify the very subject matter of the proposed legal institution, which is: 'a special event of a cultural, sporting religious or political nature, especially of an international character'. The proposed construction is based on the statutory premises for the use of the Armed Forces of the Republic of Poland to assist the Police, contained in Article 18(1)(4) of the Act on the Police:

In the event of a threat to public safety or a disturbance of public order, in particular by bringing (...) a threat of an offence of a terrorist nature that may result in a danger to the life or health of **participants in cultural, sports or religious events**, including gatherings or mass events - if the use of divisions or subdivisions of the Police proves or may prove insufficient, divisions and subdivisions of the Armed Forces of the Republic of Poland may be used to assist the divisions and subdivisions of the Police.

To the events very broadly defined as 'events of a cultural, sporting or religious nature', 'events of a political nature' were added to include such events as the NATO Summit, the Ministerial Conference on Peacebuilding and Security in the Middle East or the Climate Summit in Katowice under the term 'special event'.

The second conceptual element requiring comment is the proposed subject limitation of a special event, i.e. the requirement that it be **organised or co-organised by central state bodies**. On the one hand, only

⁵⁷ This proposal for systemic changes in terms of legislative details was developed jointly with Ms Aneta Suda (see footnote 3).

official state events would be covered by this status; on the other hand, this would help safeguard against its abuse, e.g. the inclusion of commercial events. On the other hand, the premise of 'co-organising' stems from the fact that the actual organisers of some events were international organisations (United Nations agencies), while Poland was the host country and the venue itself was of a quasi-extraterritorial nature (e.g. the Climate Summit, the World Urban Forum or the Internet Governance Forum 2021, held in Katowice).

The next suggested grounds are of a clarifying nature and indicate the subsidiary nature of the proposed legal institution - events, **due to the rank of the participants, the scale or the nature, require specific measures to ensure an adequate level of security and public order, in particular in the context of terrorist threats.** Thus, the 'prominence of the participants, scale or nature of the event' is intended to render ordinary statutory measures insufficient to ensure an adequate level of security and public order, especially in the context of terrorist threats. Broad in scope and flexible from a functional perspective, the rationale of 'the rank of the participants, scale or nature of the event' corresponds to the different nature of events as described above ('events of a cultural, sporting religious or political nature').

The construction described implies arbitrariness in the attribution of special event status, but, as it appears, this is unavoidable both from the perspective of the varied nature of each event and the requirement for flexibility in the application of the construction, and the very nature of security determinations, the effectiveness of which requires an unambiguous identification of the authority responsible for making it.

In the current state of the law, pursuant to Article 3(2) of the Act on anti-terrorist activities, (...) *the minister responsible for internal affairs is responsible for preparing to take control of terrorist events through planned undertakings, responding in the event of the occurrence of such events and reconstituting the resources intended for responding to such events.* Therefore - taking into account his constitutional responsibility for the governmental department of internal affairs - it is reasonable for him to be the one to decide on the status of a special event.

From a systemic perspective, however, the discretion should be limited. In the case of events organised by the Chancellery of the President of the Republic of Poland, the Chancellery of the Sejm, the Chancellery of the Senate, the Chancellery of the Prime Minister or the Minister

of National Defence, the granting of special event status to an event or event could only take place at the request of the organiser. An alternative body that could be equipped with the competence to grant this status could be the Prime Minister (in this case, the decision to grant the status would obviously not require a request from the Chancellery of the Prime Minister). The proposal to limit the discretion of the body equipped with the authority to grant the status of a special event for events whose organiser would be the Chancellery of the President of the Republic of Poland, the Chancellery of the Sejm, the Chancellery of the Senate, the Chancellery of the Prime Minister or the Minister of National Defence, results from the legal and constitutional position of the President of the Republic of Poland, the Sejm and the Senate. In this case, this power is linked to the constitutional principle of the tripartite division of power⁵⁸, in the case of the Prime Minister - to the constitutional supremacy over ministers, while in the case of the Minister of National Defence - to his or her disposal of his or her own resources enabling the securing of undertakings and their very nature, resulting, inter alia, from allied commitments, as was the case with the organisation of the aforementioned NATO Summit held in Warsaw in 2016.

From a procedural perspective, the final decision of the competent authority could be preceded by the obligation to obtain opinions, in particular of the Head of the Internal Security Agency as the authority responsible for the prevention of terrorist incidents (Article 3(1) of the Act on anti-terrorist activities) and of the Commander-in-Chief of the Police as the central authority of government administration competent in matters of protection of human security and maintenance of public security and order (Article 5(1) of the Act on the Police).

Further proposals for standardisation as a consequence of granting the status of a special event, which are directly based on solutions taken from the special acts, concern the unambiguous determination of the scope of responsibility and principles of cooperation of entities in the process of planning and preparing such an event, including the preparation of a safety and public order plan and providing medical security. The proposal is to identify the organiser of the event (Polish co-organiser) as the leading entity, supported by the voivode competent for the location of the event. It should be the organiser's responsibility to

⁵⁸ Article 10 of the *Constitution of the Republic of Poland of 2 April 1997*.

provide the appropriate infrastructure and resources, including financial resources, necessary to guarantee an adequate level of security.

The activities in this respect should be carried out in close cooperation with the voivode responsible for the location of the event. The voivode - as a representative of the Council of Ministers in a voivodeship and at the same time the head of a joint administration in a voivodeship - is competent to direct, coordinate and control the activities of this administration, and thus ensures the effectiveness of its actions and is responsible for the results achieved. It therefore seems reasonable that it should be the voivode who is responsible for the preparation of the plan for ensuring security and public order during events or ceremonies that have been granted the status of a special event. It should be noted that the organisation of such events also requires increased and effective cooperation with many other local entities that do not belong to the governmental unitary administration. The voivode, on the other hand, while supervising the activities of local government units and their associations and cooperating with them in important matters, is competent to ensure an effective flow of information also in this respect. This solution has been adopted in previous speculations and from a legal and organisational perspective seems optimal.

One of the most common problems that comes to light when organising and securing such events is the provision of medical cover. The problem here is not only the adequate financing of medical services or the designation of appropriate medical facilities in case of an event, but also the coordination of the whole process. However, there are no permanent legal solutions here apart from the responsibility - narrowly defined - assigned to the State Protection Service with regard to persons statutorily defined as protected who would take part in such an event. Pursuant to Article 5a of the *Act of 31 July 1981 on the Remuneration of Persons Holding Executive State Positions*, the President of the Republic of Poland, the Marshal of the Sejm, the Marshal of the Senate, the Prime Minister, the spouses of these persons and their dependent family members are entitled to health care benefits in the event of sudden illness or injury, accident, poisoning or the need for immediate hospital treatment. In addition, the President of the Republic of Poland, the Prime Minister and the family members accompanying them, as well as the Marshal of the Sejm and the Marshal of the Senate, are also entitled to health care benefits in the above-mentioned scope during official domestic and foreign trips and official foreign visits. The persons indicated in Article 5a of this

Act also include members of diplomatic and consular staff accredited in the Republic of Poland and their families, with the proviso that they are entitled to health care services included in the agreements on the provision of medical services that have been signed with their countries. Therefore, when creating target solutions, it seems optimal to indicate that the body responsible for the organisation of the special event or the national body cooperating in the organisation of the event is responsible for the medical protection of the event, if the main organiser is an international entity, for example the United Nations.

Therefore, it is proposed to introduce provisions according to which the voivode competent for the location of the special event will provide medical assistance to the participants, unless otherwise provided by separate regulations. As indicated by the existing special laws, medical security provided by the voivode should include the provision of healthcare services to the participants of the special event and its accompanying events by indicating entities performing medical activity that are ready to provide an increased number of healthcare services, including services provided against payment, organising medical assistance points, providing qualified medical personnel to provide first aid to persons in a state of emergency and organising transport of such persons to hospital. It would also be the duty of the voivode to appoint a medical coordinator and define his/her duties in order to ensure the most efficient provision of medical assistance. In practice, it is important to make it legally possible to provide security for the event on the basis of a contract concluded by the voivode with entities performing medical activities. Assigning this kind of responsibility to the voivode requires each time to guarantee not only adequate financial resources, but also flexibility in their disbursement. The voivode should also have the possibility to obtain funding from voluntary contributions, bequests and benefits in kind or from the budget of the European Union or from non-refundable foreign sources, depending on the specifics of the event, primarily in the context of international events.

Previous special laws often imposed an obligation on organisers or voivodes to prepare a security plan for the entire event. Given the potential risks associated with the described events, it seems that a similar obligation should also be introduced for the organiser of a special event. The organiser should be responsible for the preparation of a plan to ensure security and public order during the special event, the preparation of which, in agreement with the Police, the State Fire Service, the Border Guard,

the Internal Security Agency and the State Protection Service, could be commissioned by the voivode with jurisdiction over the place of the special event.

As was included in the previous special laws, the operation's security plan should include:

- a graphic plan of the facility or area where or on which the events to be held as part of the special event are to be located, together with their description, including the designation of access roads and routes for persons participating in the event, evacuation routes and access roads for vehicles of the emergency services, the Police and other services responsible for ensuring safety during the event, and in the case of the establishment of the extraterritorial zone - also the precise designation of this zone;
- the instruction to be followed in the event of fire or any other emergency occurring at the place and time of particular events taking place within the framework of the special event; the instruction should meet the requirements specified in the provisions issued pursuant to Art. 6(5) of the Act on the security of mass events;
- the instruction on how to act in emergency situations other than those mentioned above;
- detailed division of tasks of services and other entities involved in ensuring public safety and order;
- the methods of monitoring threats and warning and alarming about threats;
- the manner of providing medical and social security.

This plan should be submitted by the organiser to the minister in charge of internal affairs and for information to the Commander-in-Chief of the Police, the Commander-in-Chief of the State Fire Service, the Commander-in-Chief of the Border Guard, the head of the Internal Security Agency and the commander of the State Protection Service, as well as, within the scope of jurisdiction, to the manager of the roads located in the area covered by this plan, while observing the provisions on the protection of classified information.

Bearing in mind the necessity to provide an appropriate mechanism for ordering and streamlining the decision-making process at the level of central administration bodies, the proposed solutions provide for the determination of the competences of the minister in charge of internal affairs in the scope of coordinating and monitoring the state of preparations

in terms of ensuring security and public order in connection with the organisation of an event having a special status. It should be noted that this solution, taken from some of the existing specs, which imposes coordination and monitoring tasks on the minister in charge of internal affairs, combines with the above proposed introduction of the competences of this minister in the field of granting the status of a special event and constitutes him as the most important body at the strategic level in the implementation of this task.

It also seems reasonable, in order to increase the level of security, to introduce a statutory ban on participation in spontaneous assemblies referred to in Article 3(2) of the Act - Law on Assemblies, for the duration of the special event. This solution has already been introduced within the framework of special acts - as indicated in the justification to the *Government draft act on special solutions related to the organisation of the session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in the Republic of Poland* (pp. 14-15):

It must be emphasised that this prohibition only applies to spontaneous assemblies, i.e. those organised without prior notice. Thus, the draft does not exclude the possibility to organise assemblies with prior notice and under the conditions set out in Article 7 et seq. of the Act of 24 July 2015 - Law on Assemblies, as the regulations of this law allow to define such conditions for organising an assembly that will not endanger public safety and order. Thus, it should be emphasised that the draft does not introduce a restriction on the organisation of public assemblies with prior notice and under the conditions set out in Articles 7 and following of the Act of 24 July 2015 - Law on Assemblies.

The indicated norm cannot be *lex imperfecta*, therefore it is necessary to secure its enforcement with an appropriate sanction. Adjudication in this type of case would take place under the provisions of the misdemeanour procedure, with the sanction of the misdemeanour being defined as a custodial sentence or a fine.

In view of the need to ensure the safety of the participants of the event and public order during the event, it is also important to grant the Police temporary, special powers regarding the processing of data on persons posing a threat to safety and public order, including those obtained and processed by other authorities and services, also as a result of the performance of operational and exploratory activities,

as well as those obtained and processed by law enforcement authorities of other countries. In order to ensure security and public order during the special event, as well as to prevent the commission of crimes and offences and to detect and prosecute their perpetrators, it is also important to grant the Police temporary, special powers regarding the processing of data on persons registered as participants in the special event or cooperating in its organisation - also without the knowledge and consent of the persons concerned. The necessity to provide guarantee mechanisms for such solutions requires the introduction of maximum time limits for the processing of such data, e.g. up to 90 days from the date of the end of the special event, with the exception of information relevant to ongoing proceedings. Such a solution was introduced, inter alia, in the Act on special solutions related to the organisation in the Republic of Poland of the 11th session of the World Urban Forum in Katowice in 2022, and omitted in the *Act of 2 December 2021 on support for the preparation of the 3rd European Games in 2023*, which later became one of the amendment demands on the part of the organiser.

The release of data held by the Police to the authorities should be subject to a purpose-related premise, such as ensuring security and public order during a special event, as well as preventing the commission of crimes and offences and the detection and prosecution of their perpetrators. The right to obtain data should be subjectively limited and should be exercised on the basis of the principles resulting from the Act on the protection of personal data processed in connection with preventing and combating crime, from the *Act of 5 August 2010 on the protection of classified information* and from the Act on the Police, as well as from international agreements to which the Republic of Poland is a party. In the case of obtaining information, including personal data, from another body, service or institution, the Police could share it with other bodies, services and institutions after obtaining the consent of the body, service or institution from which it obtained the information.

The problem remains the guarantee of the possibility for the Police, at the request of an authorised representative of the organiser, to check a person for the possibility of that person posing a threat to security and public order during the event, whereby a check of a person for the possibility of that person posing a terrorist threat should be carried out - at the request of the Police - by the Internal Security Agency.

Summary

The compilation of typical legal instruments used in the case of securing conferences, events, ceremonies and other internationally significant events organised in Poland allowed for a positive verification of the research hypothesis assuming the possibility of introducing on a permanent basis, at the level of national legislation, security solutions adopted so far in the form of episodic legislation. This verification then made it possible to formulate *de lege ferenda* conclusions.

The essence of the proposed solutions lies not in the presentation of completely new and unfamiliar instruments to the Polish legal order, but, on the contrary, in the introduction on a permanent basis of selected solutions that have so far been of a temporary nature. Examples include the proposed tasks assigned to the voivode with regard to the preparation of plans for securing the event, as well as statutory restrictions on spontaneous assemblies, additional powers of the Police with regard to data processing in connection with the event or the coordinating role of the minister responsible for internal affairs, which have already been introduced several times as an episodic solution.

The proposed solutions could be applied to events, events or ceremonies of a special nature, primarily of an international nature, organised or co-organised by central state bodies. The prominence of the participants, the scale or the nature of such events requires exceptional measures needed to ensure an adequate level of security and public order, including, in particular, in the context of terrorist threats.

Proposed solutions could be found in the Act on anti-terrorist activities in the form of a separate systematisation unit (chapter). An alternative solution could be the creation of a separate law, but the relatively narrow scope of the regulation and the direct link, from a targeting perspective, with anti-terrorist security seem to favour the first of these solutions.

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The People's Republic of Poland, the Soviet bloc and international terrorism: the determinants of secret relations in the Cold War period

Abstract

During the Cold War, Western states repeatedly accused the Soviet bloc of supporting international terrorism. The declassification of many documents from the archives of the former intelligence services in Central and Eastern Europe has made it possible to verify these accusations and has also made it possible to take a broader look at the links between the socialist states and terrorist groups. The aim of the article is to present the factors determining the establishment and maintenance of secret contacts between the Soviet bloc states and terrorist organisations, to indicate the genesis of these contacts and to present their actual course, and in this context also the experience of the People's Republic of Poland against the background of other communist countries.

Keywords:

People's Republic of Poland, terrorism, the Cold War, the USSR, the PLO

From the beginning of the Cold War until the collapse of the Eastern Bloc, terrorism was a phenomenon that became a permanent feature of political life on both sides of the Iron Curtain. It also entered political discourse, becoming an indispensable element of propaganda and disinformation.

The term 'terrorism' functioned as a key word, an element of information warfare affecting public emotions. Both Moscow and Washington have sought to exploit the phenomenon to further their own interests. Terrorism is defined in many ways, with differences in approach due to political, ideological as well as religious reasons¹. During the Cold War, the two blocs accused each other of using terrorism and of supporting terrorist groups. Moscow tended to accuse Washington of pursuing terrorist policies against Cuba, Nicaragua, and of supporting Israel, which used terrorist methods against the Palestinians². In turn, the United States and its allies accused the Communist bloc states, especially Moscow, of supporting Middle Eastern terrorist organisations³.

Claire Sterling's book, entitled *The Terror Network*, which received much publicity in the American media, played an important role in creating the image of the Soviet Union as a patron of terrorist groups. In it, the author wrote that almost all the threads of international terrorism led to Eastern Europe and, more specifically, to Moscow, which, using both its own service (the KGB) and the services of communist states, supported various terrorist organisations, including: Red Army Faction (German: Rote Armee Fraktion, RAF), Red Brigades (Italian: Brigade Rosse, BR), Irish Republican Army (IRA), Basque Country and Freedom (Basque: Euskadi Ta Askatasuna, ETA), and the group of Ilich Ramírez Sánchez (known as 'Carlos'). According to Sterling, the Kremlin's main objective was to cause destabilisation in the West, aided by terrorist attacks that would cause chaos and panic in Western societies⁴. Despite the lack of convincing evidence, Sterling's arguments about the USSR's role as the centre of global terrorism controlling the terrorist international gained many supporters. The contents of the book even impressed William Casey, then head of the CIA, who is reported to have said to an officer not particularly convinced by Sterling's theses: *I paid USD 13.95 for the book and learned more from it than from you,*

¹ S. Wojciechowski, *Terroryzm. Analiza pojęcia* (Eng. Terrorism. An analysis of the concept), "Przegląd Bezpieczeństwa Wewnętrznego" 2009, no. 1, pp. 54–60.

² V. Bolchakov, *Le terrorisme à l'américaine* (Eng. American-style terrorism), Moscou 1986.

³ R.S. Cline, Y. Alexander, *Terrorism: The Soviet Connection*, New York 1984; S.T. Possony, L.F. Bouchey, *International Terrorism – The Communist Connection – With a Case Study of West German Terrorist Ulrike Meinhof*, Washington 1978; S. Elad, A. Merari, *The Soviet Bloc and World Terrorism*, series: Paper no. 26, Tel Aviv 1984.

⁴ C. Sterling, *Sieć terroru* (Eng. Web of terror), Warszawa 1990, pp. 313–325.

to whom I pay USD 50,000 a year⁵. However, as it later turned out, many of the revelations in the book were not based in reality and were the result of American, British, French and Israeli disinformation⁶.

The collapse of communism in Eastern Europe and the systemic transformation resulted in the gradual declassification of documents hitherto held in closed archives. The declassification also applied to materials produced by the security apparatuses of the former communist states, which contained important information on the links of these services with international terrorist organisations. These documents are incredibly important for understanding the history of terrorism in the context of the Cold War, as they make it possible to re-examine contacts between the Eastern Bloc and terrorist groups. At the same time, a number of publications appeared in the West, which - on the basis of declassified documents and the recollections of former secret service personnel - showed the approach of the services there to the phenomenon of terrorism in a new light. In these works, their authors drew attention primarily to the terrorist threat posed by Western policy towards the Middle East (e.g. the Austrian case⁷), the origins of cooperation between Western services in the fight against terrorism⁸ and behind-the-scenes agreements made by Western states with terrorist groups. Examples include the French services' secret deals with the Abu Nidal Organisation (ANO)⁹ or the agreement between the Swiss authorities and the Palestine Liberation Organisation (PLO)¹⁰. In both cases, the aim was to stop the terrorist

⁵ B. Woodward, *Veil. The Secret Wars of the CIA, 1981-1987*, New York 2005, p. 100.

⁶ Cf. A. Hänni, *Terrorismus als Konstrukt. Schwarze Propaganda, politische Bedrohungsängste und der Krieg gegen den Terrorismus in Reagans Amerika* (Eng. Terrorism as a construct. Black Propaganda, Political Threat Fears and the War on Terror in Reagan's America), Essen 2018.

⁷ T. Riegler, *Im Fadenkreuz: Österreich und der Nahostterrorismus 1973-1985* (Eng. In the Crosshairs: Austria and Middle East Terrorism 1973-1985), Göttingen 2011.

⁸ A. Guttman, *The Origins of International Counterterrorism: Switzerland at the Forefront of Crisis Negotiations, Multilateral Diplomacy, and Intelligence Cooperation (1969-1977)*, London 2017.

⁹ *Les espions français parlent* (Eng. French spies talk), S. Laurent (ed.), Paris 2013, pp. 490-491; M. Lammert, *Der neue Terrorismus: Terrorismus bekämpfung in Frankreich in den 1980er Jahren* (Eng. The New Terrorism: Counterterrorism in France in the 1980s), Berlin-Boston 2017, pp. 139-141.

¹⁰ M. Gyr, *Schweizer Terrorjahre. Das geheime Abkommen mit der PLO* (Eng. Swiss terror years. The secret agreement with the PLO), Zurich 2016; M. Gyr, *The Secret 1970 Moratorium*

activities of the groups in question in exchange for specific benefits, such as the release of prisoners or diplomatic support. New documents from the archives of both eastern and western states make it possible to revise the knowledge of their relations with terrorists and, in particular, to highlight the diverse dimensions of cooperation: ideological, political, economic and intelligence. Recent research shows that there was no single, established approach to the phenomenon of terrorism in the Soviet bloc, and that individual countries pursued independent policies in this regard, which, however, did not in any way infringe upon Moscow's interests. Moreover, anti-terrorist cooperation within the Warsaw Pact was severely limited, and the communist services did not usually share information about their own contacts with terrorist groups¹¹.

The purpose of this article is to present the secret links of the Soviet bloc states with international terrorist organisations, to discuss the sources and backstage of their cooperation and to point out the factors conditioning them. In this context, it is legitimate to find an answer to the question whether the People's Republic of Poland can be treated as a sponsor of international terrorism¹². The first part of the article discusses

Agreement Between Switzerland and the PLO, in: Terrorism in the Cold War. State Support in the West, Middle East and Latin America, vol. 2, A. Hänni, T. Riegler, P. Gasztold (eds.), London–New York 2021, pp. 63–87.

¹¹ Cf. P. Žáček, "Our solidarity in the struggle is the guarantee of our victory". *The Counterintelligence Anti-Terrorist Apparatus in the East Bloc in the 1980s. A Czechoslovak Perspective*, "Pamięć i Sprawiedliwość" 2020, no. 2, pp. 449–482.

¹² On the subject of the People's Republic of Poland and international terrorism, see in more detail: P. Gasztold, *Zabójcze układy. Szuszy PRL i międzynarodowy terroryzm* (Eng. Lethal arrangements. The services of the People's Republic of Poland and international terrorism), Warszawa 2017; idem, *Polish Military Intelligence and Its Secret Relationship with the Abu Nidal Organization*, in: *Terrorism in the Cold War. State Support in Eastern Europe and the Soviet Sphere of Influence*, vol. 1, A. Hänni, T. Riegler, P. Gasztold (eds.), London–New York 2020, pp. 85–106; idem, *Biznes z terrorystami. Brudne interesy wywiadu wojskowego PRL z bliskowschodnimi organizacjami terrorystycznymi* (Eng. Business with terrorists. The dirty business of communist Poland's military intelligence with Middle Eastern terrorist organisations), "Pamięć i Sprawiedliwość" 2014, no. 1, pp. 165–216; idem, *Międzynarodowi terroryści w PRL – historia niewymuszonej współpracy* (Eng. International terrorists in the People's Republic of Poland - a story of unforced cooperation), "Pamięć i Sprawiedliwość" 2013, no. 1, pp. 275–315; idem, *Between Geopolitics and National Security. Polish Intelligence and International Terrorism during the Cold War*, in: *Need to know. Western and Eastern Perspectives*, W. Bułhak, T.W. Friis (eds.), Odense 2014, pp. 137–162; idem, *Międzynarodowi terroryści w Warszawie (lata siedemdziesiąte i osiemdziesiąte XX wieku)* (Eng. International terrorists in Warsaw (1970s and 1980s)), in: *Cudzoziemcy w Warszawie*

the relations of communist states with terrorist groups, followed by a presentation of the relations of the services of the People's Republic of Poland with terrorists. The article makes use of historical materials from the Archives of the Institute of National Remembrance, the Archives of the Modern Files, the Archives of the Ministry of Foreign Affairs, the Central Military Archives, documents of the East German services from the Bundesarchiv (German: Das Stasi-Unterlagen-Archiv) in Berlin, additionally documents from the National Security Archive in Washington, D.C., the Archives of the American University in Beirut and the Institute of Palestinian Studies in Beirut were also used.

The Soviet bloc and international terrorism - determinants of cooperation

The declassification of documents of the former intelligence services in communist states has meant that quite a lot is now known about their behind-the-scenes contacts with international terrorist organisations. This knowledge is certainly broader and more accurate than about such relationships established by the Soviet Union. Due to the lack of access to the Soviet Union's archival documents, they still largely remain *terra incognita* when it comes to researching the relations of terrorist states and organisations.

From the analysis so far, it is clear that the relationship of communist states with transnational terrorist groups does not fit into the division proposed by Daniel Byman, who presented the support given to terrorist groups by states on the following scale: strong, medium, small, ambivalent and passive¹³. In drawing up this division, Byman focused primarily on the contacts of the state authorities, but did not take into account the behind-the-scenes activities carried out by the intelligence services. He also neglected the importance of links of an economic nature, resulting, for example, from the arms trade, which were a characteristic element

1945–1989. *Studia i materiały*, P. Pleskot (ed.), Warszawa 2012, pp. 115–134; W. Gadowski, P. Wojciechowski, *Tragarze śmierci. Polskie związki ze światowym terroryzmem* (Eng. Porters of death. Polish links with global terrorism), Warszawa 2010.

¹³ D. Byman, *Deadly Connections. States that Sponsor Terrorism*, New York 2005, p. 15; cf. A. Wejksznier, *Terroryzm sponsorowany przez państwa. Casus bliskowschodnich państw-sponsorów* (Eng. State-sponsored terrorism. The casus of Middle Eastern sponsor states), "Przegląd Politologiczny" 2010, no. 2, pp. 56–57.

of, among other things, the cooperation of the Polish People's Republic's services with international terrorism.

In the public sphere, Moscow always condemned terrorist acts and was quite wary of the revolutionary concepts of *guerilla warfare* used by many leftist, anarchist and communist groups in the Third World and Western Europe. The Soviet authorities sought to draw a line between legitimate national liberation struggles, such as those of the IRA, and illegitimate actions, such as those of the RAF, which carried out terrorist acts. In Moscow's view, the latter actions in no way approximated the introduction of communism in Western Europe¹⁴. The Kremlin took a similar position with regard to aircraft hijackings, incidents which did not gain the approval of the CPSU mainly because they also occurred in the USSR. An example is the hijacking of an Aeroflot plane in October 1970 by two Lithuanians, who, after terrorising the crew, forced the pilots to land in Turkey¹⁵.

Before the 1967 Six-Day War between the Arab states and Israel, Moscow's policy towards the Palestinian movement was ambivalent. The Soviet Union was cautious about the Fedayeen's anti-Israeli rhetoric, just as it was cautious about their political course, which had little to do with the tenets of Marxism-Leninism. Hence, for example, in 1966 Soviet Russia, the party organ of the CPSU, even proclaimed that the fedayeen were a fictitious creation created by Israel to justify aggression against Syria. The Kremlin only changed its attitude towards the PLO after 1967, at which time, in the face of Israeli aggression, the struggle of the Palestinians was considered 'just'. The change in position became even more noticeable in 1969, when CPSU Politburo member Alexander Shelepin said that the Soviet Union considered the Palestinian struggle "just, anti-imperialist and of national liberation"¹⁶. Such a statement was written explicitly in late 1969 in the Soviet "Pravda"¹⁷. The Kremlin's change of attitude towards

¹⁴ G. Golan, *The Soviet Union and the Palestine Liberation Organization. An Uneasy Alliance*, New York 1980, pp. 210–227; cf. M. Fredholm, *Soviet Approaches to Muslim Extremism and Terrorism*, in: *Terrorism in the Cold War. State Support in the West, Middle East and Latin America*, vol. 2, A. Hänni, T. Riegler, P. Gasztold (eds.), London–New York 2021, pp. 42–60.

¹⁵ E.R. Scott, *The Hijacking of Aeroflot Flight 244: States and Statelessness in the Late Cold War, "Past & Present"* 2019, vol. 243, no. 1, pp. 213–245.

¹⁶ A.R. Norton, *Moscow and the Palestinians. A New Tool of Soviet Policy in the Middle East*, Coral Gables 1974, pp. 7–8.

¹⁷ P.T. Chamberlin, *The Global Offensive. The United States, The Palestine Liberation Organization, and the Making of the Post-Cold War Order*, New York 2012, p. 51.

the PLO was largely due to Beijing's policy of supporting the Palestinians and supplying them with arms as early as 1964¹⁸. Moscow did not want to lose its influence on PLO policy, hence it modified its previous approach. By the end of the 1960s, the Soviet services already had a good overview of the situation inside the Palestinian movement, and cooperation was unofficially established with some groups¹⁹.

Declassified documents from the resources of the so-called Mitrokhin archive show evidence of Soviet support for the Popular Front for the Liberation of Palestine (PFLP), and specifically, the faction led by Wadie Haddad. He had worked closely with the KGB since 1968 and was recruited two years later as a source with the pseudonym 'The Nationalist'. Thanks to its close contacts with the Soviets, Haddad's group received large quantities of modern weaponry, financial aid and support for intelligence and sabotage training²⁰. The Kremlin's particular interest in the activities of the PFLP stemmed from the political line adopted by this organisation, which was clearly Marxist-Leninist, in contrast to Al-Fatah led by Yasser Arafat²¹.

However, the KGB's assistance to the PFLP was not altruistic and Moscow, in exchange for arms supplies, planned to use Palestinian terrorists to kidnap, among others, Lewis V. Sevier, a CIA officer from the Beirut station. Ultimately, this task did not materialise, mainly due to the PFLP leadership's disagreement with such a risky operation²². According to Ronen Bergman, however, the group's fighters were involved in liquidating Soviet defectors and people suspected of having contacts with the CIA. They were supposed to be acting on behalf of the KGB, which did not want to be identified

¹⁸ W. Laquer, *The Age of Terrorism*, Boston 1987, p. 276.

¹⁹ R. Bergman, *The KGB's Middle East Files: Palestinians in the service of Mother Russia*, Middle East Transparent, 11 IV 2016, <https://www.ynetnews.com/articles/0,7340,L-4874089,00.html> [accessed: 13 IX 2022].

²⁰ Ch. Andrew, W. Mitrochin, *Archiwum Mitrochina II. KGB i świat* (Eng. Mitrokhin Archive II. The KGB and the world), Poznań 2014, pp. 280–284.

²¹ Archive of the American University of Beirut, Middle East Ephemera Collection, *Die Feinde Der Palästinensischen Revolution* (Eng. The Enemies of the Palestinian Revolution), Amman 1970.

²² I. Ginor, G. Remez, *The KGB's Abduction Programme and the PFLP on the Cusp Between Intelligence and Terrorism*, in: *Terrorism in the Cold War. State Support in Eastern Europe and the Soviet Sphere of Influence*, vol. 1, A. Hänni, T. Riegler, P. Gasztold (eds.), London–New York 2020, pp. 21–39.

with the murders²³. After Haddad's death in 1978, the Soviet services found it difficult to continue their favourable relationship with the PFLP mainly because of rifts within the organisation²⁴. At the time, Moscow was increasingly actively supporting the Democratic Front for the Liberation of Palestine (DFLP), a strictly Marxist grouping that also used terrorist methods, although no longer on such a spectacular scale as the PFLP²⁵. The KGB's Beirut station maintained regular contact with the DFLP leader, who was Nayef Hawatmeh and used his group to carry out disinformation operations²⁶. The DFLP also received assistance in the form of armaments, training, medical treatment and scholarships for its members²⁷.

While internationally Moscow recognised the PLO as the sole representative of the Palestinian movement, behind the scenes the CPSU leadership was quite sceptical of Arafat's political activities. Although the PLO received military support from the Soviet Union, the authorities in the Kremlin had limited confidence in Arafat and his closest associates²⁸. The Soviet services also maintained secret relations with Arafat's opponents in the Palestinian movement, including the ANO, which carried out a number of terrorist attacks targeting Israel and the more liberal-minded PLO leaders²⁹. According to declassified East German service documents, contacts with the ANO were maintained through the USSR Military Attaché Office in Damascus, so presumably through a GRU station. In turn, the ANO sought to acquire the latest weaponry from the Soviets. For a while Moscow did not want to develop contacts at the political level, but in March 1984 it was decided to step up cooperation with the terrorists, as they were said to represent a pro-socialist approach³⁰. Abu Nidal is

²³ R. Bergman, *Rise and Kill First. The Secret History of Israel's Targeted Assassinations*, New York 2018, p. 196.

²⁴ A. Hänni, *Introduction. State support for terrorist actors in the Cold War – myths and reality (Part 1)*, in: *Terrorism in the Cold War. State Support in Eastern Europe and the Soviet Sphere of Influence*, vol. 1, A. Hänni, T. Riegler, P. Gasztold (eds.), London–New York 2020, p. 6.

²⁵ Y. Alexander, *Palestinian Secular Terrorism*, Ardsley 2003, pp. 45–48.

²⁶ Ch. Andrew, W. Mitrochin, *Archiwum Mitrochina...*, p. 287.

²⁷ H.W. Kushner, *Encyclopedia of Terrorism*, Thousand Oaks 2003, p. 164.

²⁸ Cf. R. Dannreuther, *The Soviet Union and the PLO*, New York 1998.

²⁹ P. Seale, *Abu Nidal: A Gun For Hire*, London 1992; Y. Melman, *The Master Terrorist. The True Story Behind Abu Nidal*, New York 1986.

³⁰ Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik (BStU), MfS HA XXII, sygn. 5193/1, Abteilung XXII/8

believed to have maintained relations with the KGB using meetings with KGB officers in Sofia and in Warsaw, although the scale of these contacts is difficult to determine³¹. Unfortunately, Russian intelligence archives are still inaccessible to foreign researchers, making it impossible to draw new conclusions about the Kremlin's links to terrorist organisations.

Thanks to the declassification of East German documents, it is clear how international terrorism was used by the services there. In this case, a great deal of material has been preserved that clearly shows the collaboration of the GDR with various extremist groups operating in the Middle East and Western Europe³². The GDR authorities pursued an active policy in Third World countries, thus seeking international legitimacy for their rule. East Berlin therefore maintained close ties with various national liberation groups³³, to whom arms were supplied, financial support, training and scholarships were provided. From 1970 to 1989, the Stasi trained almost 1,900 fighters and security apparatus personnel from 15 countries. The scale of cooperation was enormous, but this was not the only thing that distinguished East Berlin's attitude to the national liberation movements from other Soviet bloc countries. Above all, the services there worked closely with the RAF, a terrorist group with a far-left profile that was wreaking havoc in Western Europe. The Stasi maintained regular contact with some RAF members, who were allowed to settle in the GDR, facilitated transit, and provided paramilitary training³⁴.

(Eng. Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic (BStU), MfS HA XXII, ref. 5193/1, Division XXII/8), *Zur palastinensichen Organisation Fatah-RC – bekannt als Gruppe "Abu Nidal"* (Eng. On the Palestinian organisation Fatah-RC - known as the "Abu Nidal" group), Berlin, 4 XII 1984, c. 1.

³¹ T. Wunschik, *Palestinian Terrorism and the State Security of the GDR. Abu Nidal Between East Berlin, Moscow and Washington 1973–89*, in: *Terrorism in the Cold War. State Support in Eastern Europe and the Soviet Sphere of Influence*, vol. 1, A. Hänni, T. Riegler, P. Gasztold (eds.), London–New York 2020, p. 67.

³² Cf. M. Bengtson-Krallert, *Die DDR und der internationale Terrorismus* (Eng. The GDR and international terrorism), Berlin 2016; T. Riegler, „*Es muß ein gegenseitiges Geben und Nehmen sein*“. *Warschauer-Pakt-Staaten und Terrorismusbekämpfung am Beispiel der DDR* (Eng. "It must be a mutual give and take". Warsaw Pact states and counter-terrorism using the example of the GDR), in: *Terrorismusbekämpfung in Westeuropa: Demokratie Und Sicherheit in Den 1970er Und 1980er Jahrens*, J. Hürter (ed.), Berlin–München–Boston 2014, pp. 289–315.

³³ Among others, with the African National Congress (ANC), the South West Africa People's Organisation (SWAPO), the Zimbabwe African People's Union (ZAPU).

³⁴ J. Gieseke, *Stasi. Historia* (Eng. Stasi. History), Kraków 2010, pp. 254–257; J.C. Schmeidel, *Stasi. Shield and Sword of the Party*, New York 2008, pp. 142–162; M. Jander, *Die Stasi und*

The German service also maintained contact with far-right terrorists, the best example of which was its secret relationship with Odfried Hepp³⁵.

Close relations existed between the GDR authorities and various Palestinian groups³⁶, including the organisation of training for PLO fighters in the use of explosives, mines and small arms with silencers³⁷. They also established contacts with the ANO, which like the PLO was a beneficiary of paramilitary training³⁸. In addition, ANO members received scholarships and business opportunities, including those related to the arms trade. In return, the organisation promised not to carry out terrorist activities from within the GDR and not to attack communist countries. The Stasi's cooperation with the ANO continued until 1986, when the company linked with the terrorists was closed down³⁹.

During the Cold War, the West very often accused Bulgarian services of working closely with international terrorism. However, recent research of archival material has not confirmed these assumptions. No evidence has been found to show that the Bulgarian security services maintained direct contacts with the Red Brigades, a terrorist organisation operating mainly in Italy, which represented the far-left current⁴⁰. Moreover, the authorities in Sofia arrested four RAF members in 1978 and handed them over to the West German services, an unprecedented decision in the Soviet bloc related to the upcoming visit of Chancellor Helmut Schmidt. In retaliation,

die RAF. Raunen statt Fakten: Regine Igels "Terrorismus-Lügen" (Eng. The Stasi and the RAF. Whispers instead of facts: Regine Igel's "Terrorism Lies"), "Osteuropa" 2013, vol. 63, no. 5/6, pp. 367–374; K. Storkmann, *Geheime Solidarität. Militärbeziehungen und Militärhilfen der DDR in die »Dritte Welt«* (Eng. Secret Solidarity. Military Relations and Military Aid of the GDR to the "Third World"), Berlin 2012.

³⁵ B. Blumenau, *Unholy Alliance: The Connection between the East German Stasi and the Right-Wing Terrorist Odfried Hepp*, "Studies in Conflict & Terrorism" 2020, vol. 43, no. 1, pp. 47–68.

³⁶ L. Maeke, *DDR und PLO – Die Palästinapolitik des SED-Staates* (Eng. GDR and PLO – The Palestine Policy of the SED State), Berlin–Boston 2017.

³⁷ Ch. Andrew, W. Mitrochin, *Archiwum Mitrochina...*, p. 292.

³⁸ M. Wolf, A. McElvoy, *Człowiek bez twarzy. Autobiografia szefa STASI* (Eng. The man without a face. Autobiography of a STASI chief), Warszawa 1999, p. 353.

³⁹ T. Wunschik, *Palestinian Terrorism...*, p. 66–75.

⁴⁰ On the Red Brigades, see in more detail: A. Orsini, *Anatomy of the Red Brigades: The Religious Mind-Set of Modern Terrorists*, Ithaca–London 2011; R. Bartali, *Red Brigades (1969–1974): An Italian Phenomenon and a Product of the Cold War*, "Modern Italy" 2007, vol. 12, no. 3, pp. 349–369; M. Re, *The Red Brigades' Communiqués: An Analysis of the Terrorist Group's Propaganda*, "Terrorism and Political Violence" 2020, vol. 32, no. 2, pp. 275–292.

RAF terrorists blew up two offices of the Bulgarian trade delegation located in Western Europe. By contrast, it is known that Bulgarian services hosted at least one member of the Black Panthers and maintained secret relations with some Palestinian organisations, including the ANO. The joint meetings served, among other things, to gain intelligence on the situation in the Middle East. In addition, a number of wanted terrorists, such as 'Carlos', who used falsified passports, were in Bulgaria. Some of them were able to move freely in the country, but were subject to discreet surveillance⁴¹.

When Ali Ağca shot Pope John Paul II on 13 May 1981, one of the themes of the Italian investigation was the involvement of Bulgarian services in the attack. The would-be assassin was said to have received support from Sergei Antonov, an employee of the Bulgarian airline. There were even hypotheses that Lech Wałęsa, who had planned to visit Rome in January 1981, was also the target of the assassination⁴². It is assumed that the Bulgarian services, probably acting on orders from the KGB, planned the assassination of the Pope, which would have had the effect of weakening the growing role of the Catholic Church in Poland during the Solidarity era, as well as getting rid of a person with a clearly anti-communist orientation from the Holy See. On the one hand, some documents clearly indicate that the Bulgarian services may have been involved in the assassination attempt⁴³, while on the other hand, it has not been possible to find direct evidence in the Bulgarian archives clearly confirming that these very services ordered the Pope's assassination. It is known, however, that Ağca was in Sofia in 1980 using a forged passport. On the other hand, after analysing the declassified documents, there is no doubt that the Bulgarian services organised a vast disinformation campaign shortly after the assassination attempt to divert attention from Sofia's role in the would-be assassination of John Paul II⁴⁴.

Until 1968, Czechoslovakia was very active in providing assistance to Third World national liberation movements. The country also maintained

⁴¹ J. Baev, *Bulgarian State Security and International Terrorism*, in: *Terrorism in the Cold War. State Support in Eastern Europe and the Soviet Sphere of Influence*, vol. 1, A. Hänni, T. Riegler, P. Gasztold (eds.), London–New York 2020, pp. 143–166; cf. *International Terrorism in the Bulgarian State Security Files. Documentary Volume*, Sofia 2010.

⁴² S. Elad, A. Merari, *The Soviet Bloc...*, pp. 42–43.

⁴³ Cf. A. Grajewski, M. Skwara, *Agca nie był sam. Wokół udziału komunistycznych służb specjalnych w zamachu na Jana Pawła II* (Eng. Ağca was not alone. Around the involvement of the communist secret services in the assassination of John Paul II), Katowice 2015.

⁴⁴ J. Baev, *Bulgarian State Security...*, pp. 153–156.

contacts with groups carrying out terrorist activities. It supplied them with weapons and also provided paramilitary and intelligence training at the Antonín Zápotocke Military Academy in Brno. Between 1959 and 1966, fighters of the Popular Movement for the Liberation of Angola - Labour Party (Movimento Popular de Libertação de Angola - Partido do Trabalho, MPLA), the African Party for the Independence of Guinea and Cape Verde (PAIGC), Zimbabwe African People's Union (ZAPU), Union des Populations du Cameroun (UPC), Mozambique Liberation Front (Frente de Libertação de Moçambique, FRELIMO), as well as members of the Nigerian Action Front benefited from such support'. The Czechoslovak services were very active in infiltrating the liberation movements and recruited, among others, Amilcar Cabral, co-founder of the PAIGC⁴⁵, Virato da Cruz, secretary of the MPLA, and Mehdi Ben Barka Moroccan oppositionist⁴⁶. The authorities in Prague have also worked closely with states that sponsor international terrorism, a shining example being the relationship between Prague and Libya ruled by Muammar Gaddafi⁴⁷. They also maintained contacts with various Palestinian groups, to whom they supplied arms, provided training and cooperated in business ventures involving, among other things, the arms trade. In 1981, one of the PLO leaders Salah Khalaf alias Abu Ijad even proposed the assassination of Czechoslovakian émigré Jiří Pelikán, and this plan was reportedly accepted by the Interior Ministry. However, it was not carried out due to opposition from the Czechoslovak security services fearing international repercussions if the truth about Prague's collaboration with the PLO came to light. Recent archival research, however, indicates that known terrorists such as 'Carlos' or Abu Daud (born Mohammad Oudeh), who came frequently to Czechoslovakia, were not treated as allies but as a serious security threat. It is true that their stays in Prague were not made too difficult, but their arrivals, of which the services knew in advance, were discreetly monitored by counter-intelligence.

⁴⁵ N. Telepneva, 'Code Name SEKRETÁŘ': Amilcar Cabral, Czechoslovakia and the Role of Human Intelligence during the Cold War, "The International History Review" 2020, vol. 42, no. 6, pp. 1257–1273.

⁴⁶ J. Koura, A prominent spy: Mehdi Ben Barka, Czechoslovak intelligence, and Eastern Bloc espionage in the Third World during the Cold War, "Intelligence and National Security" 2021, vol. 36, no. 3, pp. 318–339.

⁴⁷ P. Žáček, Military Intelligence from Libya and Terrorism – The 'Oil' residency in the materials of the Main Military Counterintelligence Directorate, "Behind the Iron Curtain" 2012, vol. 2, pp. 139–151.

At the same time, the authorities in Prague were doing what they could to discourage terrorists from using Czechoslovakia as a logistical centre and holiday retreat⁴⁸. An example of this are 'Carlos' frequent visits to Prague, which kept the local counter-intelligence services busy, as he always used false documents and diplomatic passports. Although they never decided to arrest him because of fears of possible reprisals in the form of an attack on Czechoslovakian targets, in 1986 the security services tricked him into leaving the country and since then the terrorist has not returned to Eastern Europe⁴⁹.

For many years, there were allegations that the Czechoslovak services supported the activities of the Red Brigades. Accusations directed towards Prague arose when weapons manufactured in Czechoslovakia and passports with Czechoslovak stamps were found in the detained terrorists. This was a clear indication that they had crossed the Czechoslovak border, and so there was speculation that they had benefited from support from the services there, including training at a secret centre in Karlovy Vary. There is a lack of reliable documentation on the subject, but recent research suggests that Prague's close collaboration with Italian terrorists is doubtful. Behind-the-scenes contacts may have been established in the early 1970s, but in the later period the Czechoslovak services probably did not have any relations with the Red Brigades, let alone support their terrorist activities⁵⁰.

A lot is known about Romania's links with terrorist organisations. Under Nicolae Ceaușescu, the country had a very active policy in the Third World and was even involved in various mediation missions in the Middle

⁴⁸ M. Pešta, *Reluctant revolutionaries: Czechoslovak support of revolutionary violence between decolonization and détente*, "Intelligence and National Security" 2022, vol. 37, no. 7, pp. 1009–1010.

⁴⁹ D. Richterová, *The anxious host: Czechoslovakia and Carlos the Jackal 1978–1986*, "The International History Review" 2018, vol. 40, no. 1, pp. 108–132; P. Žáček, *Carlos the Jackal in Prague. Communist Czechoslovakia and International Terrorism. A Case Study*, in: *Terrorism in the Cold War. State Support in Eastern Europe and the Soviet Sphere of Influence*, vol. 1, A. Hänni, T. Riegler, P. Gasztold (eds.), London–New York 2020, pp. 107–122; idem, *Ruce světové retuce. Carlos a Státní bezpečnost, 1976–1989. Edice dokumentů* (Eng. *The hands of the world revolution. Carlos and the State Security, 1976–1989. Documentary edition*), vol. I–II, Praga 2022.

⁵⁰ J. Petlák, M. Mareš, *The Red Brigades and communist Czechoslovakia: a troubling legacy full of ambiguities*, "Intelligence and National Security" 2020, vol. 3, no. 6, pp. 870–884.

East⁵¹. It also worked closely with the PLO, which it recognised as a national liberation structure, although in this case Bucharest had to be cautious as it still maintained diplomatic relations with Israel after the Six Day War⁵². The Romanian services also made a secret agreement with ‘Carlos’, who was used to carry out a terrorist attack on Radio Free Europe in Munich on 21 February 1981⁵³. The background to this collaboration is known in outline, but many documents proving the involvement of the Securitate in the preparation of the attack have been destroyed⁵⁴.

Hungary, which became a safe haven for many radical organisations during the Cold War, played a special role on the terrorist map of the world. Among others, Basque, Turkish, Kurdish, Irish, Japanese, French, Italian and Armenian terrorists used to come to Budapest. Hungarian services tried to monitor the arrivals of suspicious visitors, but did not make it too difficult for them to cross the border. Budapest was a particularly favourite destination for ‘Carlos’, who often came there both to relax and to meet other terrorists. Various Palestinian groups were also active, including the PLO and ANO. There was close co-operation with some groups by Hungarian services, such as Abu Abbas’s Palestine Liberation Front (born Muhammad Zaidan), whose members received weapons free of charge and took part in military training. The Hungarian approach to international terrorism changed in the mid-1980s, when the ‘Carlos’ group and Abu Abbas were expelled, and it was also decided to dismantle Abu Nidal’s bases⁵⁵.

Yugoslavia’s involvement in the Non-Aligned Movement meant that it had a special relationship with Third World countries. This had a bearing on the approach of the authorities in Belgrade towards terrorist organisations,

⁵¹ Cf. I.M. Pacepa, *Czerwone horyzonty. Prawdziwa historia zbrodni, życia i upadku Nicolae Ceaușescu* (Eng. Red Horizons. The true story of the crimes, life and downfall of Nicolae Ceaușescu), Warszawa 1990.

⁵² E. Gheorghe, *Communists and Terrorists: Brothers in Arms or Allies of Convenience?*, Wilson Center, 13 IV 2020, <https://www.wilsoncenter.org/blog-post/communists-and-terrorists-brothers-arms-or-allies-convenience> [accessed: 20 IX 2022].

⁵³ L. Tofan, *Sacalul Securitatii. Teroristul Carlos in solda spionajului romanesc* (Eng. Security Jackal. The terrorist Carlos in the pay of Romanian espionage), București 2013.

⁵⁴ V. Gheonea, *Carlos Șacalul și politica antiteroristă a României în anii '70* (Eng. Carlos The Jackal and Romania’s anti-terrorist policy in the 1970s), “Arhivele Totalitarismului” 2021, vol. 29, no. 1–2, pp. 154–181.

⁵⁵ B. Orbán-Schwarzkopf, *Hungarian State Security and International Terrorism in the 1980s*, in: *Terrorism in the Cold War. State Support in Eastern Europe and the Soviet Sphere of Influence*, vol. 1, A. Hänni, T. Riegler, P. Gasztold (eds.), London–New York 2020, pp. 123–142.

which in many cases were treated as national liberation organisations. And they not only tolerated the stay of their members, but also provided them with support in the form of weapons and training. Yugoslavia also played an important role as a transit country for many groups, although the services there tried to control the arrival of terrorists and the activities they carried out. An example of this is 'Carlos' and his group, who repeatedly asked to cooperate with the Yugoslav services, but such requests were rejected, and in 1983 the terrorists were even forced to leave the country⁵⁶. It is also worth adding that Yugoslavia was facing terrorism from radical emigration groups⁵⁷.

Albania took a unique stance towards the activities of Palestinian armed organisations. The authorities there supported their struggle for self-determination, but explicitly condemned terrorist activities. This may have been due to the fact that Albania worked closely with China and was therefore quite wary of the PLO's relations with countries under Moscow's control. The authorities in Tirana also did not agree to the transfer of arms to the Palestinians⁵⁸.

A country that had a specific attitude towards terrorism was the Democratic People's Republic of Korea (DPRK). The authorities in Pyongyang had an active policy in the Third World and supported various liberation organisations, including those that used terrorist methods⁵⁹. Between 1968 and 1988, there are believed to have been around 30 training bases on DPRK soil, where more than 5,000 fighters from 25 countries were trained in sabotage and guerilla warfare. The DPRK secret service also supported some Palestinian terrorist groups⁶⁰ and the far-left Japanese Red Army⁶¹. Its members hijacked a Japanese plane on 30 March 1970 and landed

⁵⁶ G. Akrap, *Yugoslavia, Carlos "The Jackal" and International Terrorism During the Cold War*, in: *Terrorism in the Cold War. State Support in Eastern Europe and the Soviet Sphere of Influence*, vol. 1, A. Hänni, T. Riegler, P. Gasztold (eds.), London–New York 2020, pp. 167–184.

⁵⁷ M.N. Tokić, *Croatian Radical Separatism and Diaspora Terrorism During the Cold War*, West Lafayette 2020.

⁵⁸ K. Këlliçi, *The PLO and Communist Albania: Cold War Relations*, "Journal of Palestine Studies" 2021, vol. 50, no. 4, pp. 53–66.

⁵⁹ B.R. Young, *Guns, Guerillas and the Great Leader. North Korea and the Third World*, Stanford 2021; J.T. Kim, *North Korean Terrorism: Trends, Characteristics, and Deterrence*, "Terrorism" 1988, vol. 11, no. 4, pp. 309–322.

⁶⁰ B.E. Bechtol, Jr., *North Korea and Support to Terrorism: An Evolving History*, "Journal of Strategic Studies" 2010, vol. 3, no. 2, pp. 45–54.

⁶¹ D.H. Chang, M. Yajima, *The Japanese Sekigun Terrorists: Red Army Samurai Warriors*, "International Journal of Comparative and Applied Criminal Justice" 1989, vol. 13, no. 1,

in Pyongyang. There they were warmly welcomed by Kim Il Sung, who hosted them. He later used them in operations to kidnap Japanese citizens⁶². North Korean services have also carried out terrorist attacks themselves, including a bomb planted in Rangoon in October 1983 that killed 21 South Korean officials who were in Burma on an official visit. In November 1987, two DPRK intelligence officers planted a bomb on a KAL airline plane that crashed over the Andaman Sea. The crash killed 115 passengers and crew members. The bombing was intended to disorganise preparations for the upcoming Seoul Olympics⁶³. Since 1988 (with the exception of 2008-2017), the DPRK has been listed by the US State Department as a country supporting international terrorism⁶⁴. In this context, it is worth noting that some of the Japanese Red Army terrorists are still in the DPRK and under the protection of North Korean intelligence services⁶⁵.

After analysing the examples cited, it must be concluded that the Soviet bloc countries' approach to international terrorism differed from the concept presented in Claire Sterling's book. Moscow did not supervise a terrorist 'international', well-known terrorists such as 'Carlos' were not usually welcome in the capitals of communist countries, and some organisations, such as the Red Brigades, were unlikely to have cooperated with the intelligence services of Czechoslovakia and Bulgaria. This does not mean, however, that allegations of support for international terrorism levelled against the Soviet bloc are exaggerated and without source basis. Thanks to recent research, it is possible to identify motivations other than those mentioned so far that guided individual countries in establishing secret relationships with terrorists, the best example being the People's Republic of Poland.

pp. 1-22; Ch. Gerteis, *Mobilizing Japanese Youth. The Cold War and the Making of the Sixties Generation*, Ithaca-London 2021, pp. 42-67.

⁶² P.G. Steinhoff, *Kidnapped Japanese in North Korea: The New Left Connection*, "The Journal of Japanese Studies" 2004, vol. 30, no. 1, pp. 123-142.

⁶³ A. DiFilippo, *North Korea as a State Sponsor of Terrorism: Views from Tokyo and Pyongyang*, "International Journal of Korean Unification Studies" 2008, vol. 17, no. 1, pp. 1-40; *Terrorism by the Democratic People's Republic of Korea (North Korea)*, in: *The Oncoming Threat of Terrorism: The Growing Severity of the International Terrorism Situation*, Tokyo 2005, <https://www.npa.go.jp/archive/keibi/syouten/syouten271/english/pdf/sec04.pdf> [accessed: 14 IX 2022].

⁶⁴ *State Sponsors of Terrorism*, U.S. Department of State, <https://www.state.gov/state-sponsors-of-terrorism/> [accessed: 14 IX 2022].

⁶⁵ B.R. Young, *Guns, Guerillas and...*, p. 53.

The People's Republic of Poland as a sponsor of international terrorism

The approach of the People's Republic of Poland to international terrorism was to some extent no different from that of other communist countries, although Warsaw was not as frequent a destination for members of terrorist organisations as Budapest, Prague or East Berlin. Perhaps they did not feel very safe here, especially after the assassination attempt on Abu Daud carried out on 1 August 1981 in Warsaw's Victoria Hotel⁶⁶. The PZPR authorities never publicly condoned terrorist acts, and propaganda cautiously reported on attacks in the West⁶⁷. The security apparatus of the People's Republic of Poland had been collecting information on the phenomenon of terrorism since the early 1970s, and the data of terrorists were transferred to special files. Some of them (e.g. members of the RAF) were later put on an index of undesirable persons, which in theory was supposed to prevent them from coming to the People's Republic of Poland. However, as these people often used forged passports, this type of tool was not very effective in restricting their arrivals.

Behind the scenes of the official policy of the Polish authorities, however, some radical groups could count on the favour and support of the communist regime's services. Such clandestine relationships were entered into for a variety of reasons. The predominant factors determining Warsaw's cooperation with terrorist organisations include political, ideological and economic reasons.

Political conditions determined that the People's Republic of Poland recognised the PLO as the only organisation representing the Palestinian national liberation movement and provided it with support in the international arena. However, the genesis of these contacts is interesting, as they were initiated in 1968 in Beirut by the station of the Directorate II of the General Staff of the Polish Army⁶⁸. It was the military intelligence services of the People's Republic of Poland that made the first contacts with Palestinian militants, influenced by developments in the region,

⁶⁶ On the assassination, see in more detail: P. Gasztold, *Zabójcze układy...*, pp. 279–348.

⁶⁷ J. Szumski, *Międzynarodowy terroryzm w polskiej literaturze i prasie lat siedemdziesiątych XX wieku (wybrane przykłady)* (Eng. International terrorism in Polish literature and press in the 1970s (selected examples)), "Polska 1944/45–1989. Studia i Materiały" 2015, no. 14, pp. 161–187.

⁶⁸ P. Gasztold, *Wars, Weapons and Terrorists: Clandestine Operations of the Polish Military Intelligence Station in Beirut, 1965–1982*, "The International History Review" 2021, vol. 43, no. 1, pp. 122–135.

particularly the 1967 Six-Day War, which resulted in the severance of diplomatic relations between the communist states (except Romania) and Israel⁶⁹. The defeat of Syria and Egypt in 1967 came as a huge shock to the Palestinians⁷⁰. They could no longer rely on the armies of the Arab states, so they decided to fight for independence on their own. The Palestinians did not want financial assistance, as they had a lot of cash received from the richer Arab states. However, they lacked modern weapons. Since they could not buy them in the West, they turned to the Soviet bloc states, which had been supplying arms to the 'progressive' Arab states since 1955. During this period, the Kremlin authorities were also changing their tactics towards the Palestinian movement, as exemplified by the establishment of the KGB's secret cooperation with the PFLP and Arafat's visit to Moscow in 1970⁷¹.

Talks with the Palestinians, initiated by the Beirut station of Directorate II, led to the conclusion of the first agreements for the sale of arms: *'The Palestine Liberation Organisation is interested in purchasing, as soon as possible, 1,000 AK-47s with metal flasks, 200 RPG-7 grenade launchers and 6,000 PG-7W grenades'*, wrote the director of the Central Engineering Board (Cenzin)⁷² Col. Kazimierz Mazurek⁷³, in November 1968. The first contract was successfully signed in January/February 1969 and concerned the delivery of 1,300 AK-47 rifles worth USD 110,000⁷⁴. In the following years, Cenzin concluded a number of contracts with Palestinian organisations for the sale of arms. Among them were: Al-Fatah, PFLP, As-Saika and

⁶⁹ See in more detail: P. Gasztold, *Zabójcze układy...*, pp. 19–64.

⁷⁰ J. Jarzabek, *Palestyńczycy na drodze do niepodległości. Rozwój, przemiany i kryzys ruchu narodowego* (Eng. Palestinians on the road to independence. The development, transformation and crisis of the national movement), Warszawa 2012, p. 41.

⁷¹ R. Ginat, U. Bar-Noi, *Tacit support for terrorism. The rapprochement between the USSR and Palestinian guerilla organizations following the 1967 war*, "Journal of Strategic Studies" 2007, vol. 30, no. 2, p. 267.

⁷² From 1955, located in the Ministry of Foreign Trade, the Central Engineering Board was responsible for the export of armaments and military services.

⁷³ Military Historical Bureau-Central Military Archives (WBH-CAW), Head of Procurement and Supply of Military Technology, ref. 248/91/600, letter from the director of the Central Engineering Board of the MHZ, Col. Kazimierz Mazurek, to the head of the Bureau of Import and Export of the General Staff, Col. Boratyński, Warszawa, 6 XI 1968, c. 45.

⁷⁴ WBH-CAW, Head of Procurement and Supply of Military Technology, ref. 248/91/600, report on business trip to the Republic of Lebanon, 19 II 1969, c. 83.

the Palestine Liberation Front⁷⁵. Certain weapons (e.g. PM-63 submachine gun, the so-called RAK) were particularly cherished by terrorists, who often used them in assassinations.

Arms supply agreements were followed by relations of a political nature, an example of which was the opening of the PLO Permanent Representation in Warsaw in 1976⁷⁶. Shortly thereafter, the Security Service also made unofficial contact with PLO security officers, exchanging information on the activities of groups opposed to Arafat. This was important from an intelligence point of view, as it allowed both the pre-emptive identification of suspicious individuals coming from the Middle East and the recognition of the current position of Arafat's team. In 1983, Abu Iyad, one of the PLO's leaders, proposed officially establishing cooperation between the Polish services and Palestine, although it is not known whether a formal agreement was signed to this effect⁷⁷. At the time, the Palestinian movement was strongly differentiated. The leadership of the PZPR had the closest relations with the current subordinate to Yasir Arafat called Al-Fatah. Less intimate contacts were established with groups that represented the Marxist-Leninist current and were therefore ideologically closest to the Polish United Workers' Party (PZPR), namely the PFLP and DFLP⁷⁸.

According to declassified documents, the PFLP bought large quantities of armaments in Poland, especially in the early 1970s⁷⁹. The organisation's fighters admitted that weapons produced in socialist countries allowed them to offset to some extent the advantage of Israel, which was steadily

⁷⁵ P. Gasztold, *Wars, Weapons...*, p. 129.

⁷⁶ *Stosunki dyplomatyczne Polski. Informator* (Eng. Poland's diplomatic relations. Guide), vol. 4: *Afryka i Bliski Wschód 1918-2009*, K. Szczepanik, A. Herman-Łukasik, B. Janicka (eds.), Warszawa 2010, p. 226.

⁷⁷ Archive of New Records (hereinafter: AAN), Central Committee of the Polish United Workers' Party (PZPR), file LXXVI-624, *Excerpt from a note of a meeting held on 15 July 1983 between Mirosław Milewski, member of the Political Bureau and Secretary of the Central Committee of the PZPR, and a delegation of the PLO leadership led by Abu Iyad /SalahChalaf/, member of the Fatah Central Committee, visiting Poland at the invitation of the Ministry of Foreign Affairs*, [n.p].

⁷⁸ Archives of the Ministry of Foreign Affairs (hereinafter: AMSZ), Department V, ref. 26/86, w-2, 023-1-82, letter of the Commercial Counsellor Chargé D'affaires a. i. in Beirut Tadeusz Lisek to the Director of Department V of the Ministry of Foreign Affairs Stanisław Turbański, Beirut, 1 II 1982, [b.p].

⁷⁹ In November 1970, for example, the PFLP purchased 1,000 Kalashnikovs for USD 79,000. WBH-CAW, Head of Procurement and Supply of Military Technology, 248/91/475, specification of goods supplied under contract no. 12021, [November 1970], p. 5.

expanding its military-industrial complex⁸⁰. The weapons purchased by the PFLP could also have been used in terrorist attacks or given to other extremist groups, such as the Red Army Faction. So far, however, no circumstantial evidence has been confirmed to indicate any agreement between the PRL services and the PFLP. At least until 1980, Poland was the only socialist country with which the PFLP did not establish official cooperation⁸¹. The leadership structures of the PZPR did not maintain closer relations with the PFLP, and delegations from this organisation visiting the People's Republic of Poland were later invited only by the Polish Committee for Solidarity with the Peoples of Asia, Africa and Latin America. The grouping did, however, receive support in the form of four scholarships granted annually⁸². DFLP could also count on similar assistance⁸³. Both groups were able to operate freely in the People's Republic of Poland, and the subsidies they received could be treated as rewards for trusted or experienced fighters. They could also count on the favour and tolerance of the communist services. Nevertheless, they were actively infiltrated by the communist counterintelligence, which together with PLO services tried to monitor the situation in the Palestinian diaspora. When one of the Polish sources located inside the DFLP milieu received a proposal to go to Israel and carry out a terrorist attack there, the Security Service carried out a thorough analysis of the benefits and risks associated with the offer. In the end, it was decided that the participation of a Pole in terrorist activities would bring more damage internationally than the benefits, which would be the information coming from the organisation itself⁸⁴.

There is also a lack of documents confirming the cooperation of the People's Republic of Poland's services with the extreme left-wing RAF. It is known that in the internal studies of the Ministry of the Interior,

⁸⁰ Institute of Palestine Studies, PF-P831mi, *Military Strategy of the PFLP*, Beirut 1970, pp. 40–42.

⁸¹ AMSZ, Directorate V, ref. 25/85, w-4, 22-5-80, memo by Janusz Zabłocki, Ambassador of the People's Republic of Poland to Lebanon, from a conversation with a member of the Political Bureau of the Popular Front for the Liberation of Palestine - Taysir Khuba, Beirut, 31 I 1980, [n.p].

⁸² AAN, Central Committee of the Polish United Workers' Party (PZPR), ref. LXXVII-38, Popular Front for the Liberation of Palestine - a study by the Department-Secretariat of the International Commission of the Central Committee of the PZPR, Warsaw, April 1989, [n.p].

⁸³ Cf. P. Gasztold, *Zabójcze układy...*, pp. 92–96.

⁸⁴ Idem, *Międzynarodowi terroryści w PRL...*, pp. 307–308.

the terrorism of this organisation was strongly criticised as ineffective and even working in favour of the authorities in Bonn, who used it to increase the powers for West-German counterintelligence. Members of the RAF travelled all over Europe, using false documents, and also visited Poland. In 1978, one of them was even recognised, prompting a nationwide search, which, however, did not lead to anything specific. It is known that East German services supported the RAF, but there are no documents that would allow the thesis of a similar role for the Polish security apparatus⁸⁵. However, some circumstantial evidence suggests that such cooperation may also have taken place⁸⁶. It is also known that 'Carlos', who used false documents, came to Poland several times, however, he was not always subjected to surveillance. It is also not known whether he maintained contacts with Polish services⁸⁷.

Instead, there is no shortage of documents confirming the long-standing cooperation of the Polish services with the ANO and the Monzer al-Kassar group. In both of these cases, the main plane of operation was economic and intelligence, not ideological. The terrorists' partners on the Polish side were the military intelligence services and Cenzin employees. Closer contacts were established after the outbreak of the Iraq-Iran war, when the regime in Baghdad began to buy large quantities of armaments in Poland. The intermediary in the contracts concluded between Cenzin and Iraq was Samir Najmeddin, an arms dealer and head of the financial wing of the ANO⁸⁸. Andrzej Urbaniak, an employee of Cenzin and an asset of the military intelligence of the People's Republic of Poland, reported on the behind-the-scenes establishment of the relationship with ANO:

⁸⁵ Idem, *Der Sicherheitsapparat der Volksrepublik Polen und die Rote Armee Fraktion* (Eng. The Security Apparatus of the People's Republic of Poland and the Red Army Faction), "Inter Finitimos. Jahrbuch zur deutsch-polnischen Beziehungsgeschichte" 2011, no. 9, pp. 144–154.

⁸⁶ *O współpracy komunistycznych służb specjalnych ze światowym terroryzmem – z Witoldem Gadowskim rozmawiał Tomasz Plaskota* (Eng. On the cooperation of the communist secret services with global terrorism - Witold Gadowski interviewed by Tomasz Plaskota), "Glaukopis" 2013, no. 28, pp. 238–239.

⁸⁷ P. Gasztold-Seń, „Szakal” w Warszawie (Eng. „The Jackal” in Warsaw), "Pamięć.pl - Biuletyn IPN" 2012, no. 2; idem, „Szakal” na Starym Mieście (Eng. “The Jackal” in the Old Town), "Historia", a supplement to "Uważam Rze" 2017, no. 9, [n.p].

⁸⁸ Archive of the Institute of National Remembrance (hereinafter: AIPN), sign. 1405/23, memo of the Head of the Military Internal Service concerning trade talks with the Iraqi representative, Warsaw, 2 VII 1981, p. 23.

In 1980-82, the value of completed contracts amounted to approximately USD 550 million. What is worth emphasising is that the above cooperation took place in an atmosphere of mutual trust, without any irritations or misunderstandings. The aforementioned secured us very favourable prices, timely payments often ahead of actual delivery dates, which is unique in this business. Through their influence in Iraq, they inspired certain forms of assistance to our country, such as the placement of Iraqi deposits in BH (Bank Handlowy - author's note) in Warsaw to the tune of approximately USD 350 million. At the same time, with the help of the PLF (Abu Nidal - author's note), NATO armament patterns were delivered to the country in 1981, including components of the M-60 Chieftain tank⁸⁹.

The cooperation was going so well that the terrorists proposed to take it to the next level. To this end, a meeting was organised late in the evening on 18 May 1983 at Cenzin's headquarters. On behalf of the ANO, it was attended by Najmeddin, Mohammed Al-Bitar and a certain Mr 'Hani'; on the part of the hosts, Urbaniak, among others, was present. In addition to cooperation in the arms trade, Abu Nidal's men offered to share political and intelligence information⁹⁰. An unwritten agreement was made and thanks to it, the terrorists obtained many advantages related to their stays in Poland. The ANO leader also came to Poland many times for rest and recovery, using falsified passports, of course. His people were able to count on visa facilitation, received scholarships, and legalised their business activities by setting up two companies together with Cenzin and Directorate II of the General Staff⁹¹. The first (S.A.S.) was located in Warsaw's Intraco skyscraper, the second (Intermador) in Zurich. Both companies made huge amounts of money from legal and illegal arms trafficking. In exchange for hospitality, the terrorists shared information and also supplied the military intelligence of the People's Republic of Poland with goods embargoed by the West, especially weapons and military materials (e.g. bulletproof vests)⁹². The fruitful cooperation lasted

⁸⁹ AIPN, ref. 2602/27782, memo from "Urban" concerning a proposal for cooperation on information exchange, 24 V 1983, c. 221-222.

⁹⁰ Ibidem, c. 223-225.

⁹¹ Cf. P. Seale, *Abu Nidal...*, pp. 275-278.

⁹² AIPN, ref. 2602/17400, note on the possible possibility of supplying copies of arms and equipment produced by various countries through Palestinian groups with offices in Damascus, 10 VIII 1984, c. 50-51.

until the late 1980s and was not even interrupted by pressure from the US State Department. The Americans repeatedly reported to the communist authorities that a terrorist-controlled company was operating in Warsaw⁹³. Although S.A.S was closed down in 1987, Cenzin continued to cooperate with its representatives. According to the East German services, the CIA had a very good understanding of terrorist activities, thanks to the fact that Najmeddin had betrayed Nidal in the late 1980s, turned himself in to the Americans and can be guessed to have given them all the details of the terrorists' business ventures in the People's Republic of Poland and the GDR⁹⁴. Such a scenario is very likely, as evidenced by the cessation of ANO activities in Poland after 1990.

The relationship of the Polish People's Republic's services with Al-Kassar and his group has a similar genesis to its contacts with the ANO. In the 1980s, Al-Kassar ranked among the world's most important arms dealers. He also worked closely with Abu Abbas's Palestine Liberation Front and helped prepare terrorist attacks on, among others, the Italian ship Achille Lauro in October 1985. His cooperation with the People's Republic of Poland had a purely economic dimension. In 1983, Directorate II and Cenzin, together with Al-Kassar, set up the Alkastronic company in Vienna. It operated until December 1985, i.e. until the Austrian police raided its office and suspected Al-Kassar of illegal arms trafficking, drug smuggling and terrorist activities. Two Poles employed by Alkastronic - Tadeusz Koperwas and Henryk Majorczyk - were also arrested in Vienna and charged with terrorist activities. Both had worked for Cenzin and the military intelligence service of the People's Republic of Poland. In 1986, Al-Kassar opened his office in Warsaw, where he could count on the favour of military services and Cenzin employees, with whom he cooperated until 1990 and even later, as shown by declassified documents of the Military Information Services⁹⁵.

The contacts of the services of the People's Republic of Poland with the ANO and the Al-Kassar group differed from those with other groups. Firstly, the bilateral cooperation, based on the economic factor, concerned the arms trade. It was thus a business relationship in which ideological

⁹³ National Security Archive, TE00925, *The Abu Nidal Terror Network*, July 1987, c. 12–15.

⁹⁴ BStU, MfS HA XXII, ref. 1031/1, CIA activities in connection with the Abu Nidal group, Berlin, January 1990, c. 8.

⁹⁵ See in more detail: P. Gasztold, *Strange bedfellows in the arms trade: Polish intelligence, Monzer al-Kassar and the Iran-Contra affair*, "Intelligence and National Security" 2022, vol. 37, no. 5, pp. 627–650.

considerations were not paramount. Secondly, both ANO and Al-Kassar provided embargoed goods and information to the services of the People's Republic of Poland in exchange for favour from the services, visa facilitation, scholarships received and the possibility of legitimate political and business activities. Thirdly, the authorities in Warsaw were aware that both ANO and the Al-Kassar group were involved in terrorist activities, for which they also used the profits from the arms trade. However, this was not an obstacle to maintaining long-term cooperation. It can also be deduced from the available documents that the terrorists may have used corruption as a method of gaining favour from the communist services. Taken together, all these factors make it clear that the People's Republic of Poland was a state sponsoring international terrorism.

Conclusions

First of all, it is worth considering the question of why the Soviet bloc supported international terrorism. The policy of the Eastern Bloc states towards international terrorist organisations was of a varied nature. It resulted essentially from the interests of individual governments, their fears and ambitions, rather than from Moscow's deliberate strategy. The authorities in the Kremlin were not in a position to control the behind-the-scenes contacts of the GDR, Czechoslovakia or the Polish People's Republic with terrorists, although they obviously tried to monitor them. Besides, the KGB also supported Middle Eastern terrorists and planned to use them for covert operations. Having analysed the cooperation of communist states with terrorist groups, it can be concluded that its basis is ideological, political, economic and operational.

The ideological reasons stemmed from the political line of the group in question, which had to be Marxist-Leninist in nature and approved by the Kremlin. Hence, the socialist states maintained contacts with the PFLP and DFLP, which they assisted to a greater or lesser extent.

The political reasons were a consequence of international developments and the decolonisation process taking place in the world. An example is the cooperation with the PLO, which was recognised by the Soviet bloc as the only legitimate political representation of the Palestinians. Despite the official condemnation by the socialist countries of the terrorist acts committed by the PLO, the military and political activities of this

organisation were actively supported by them, precisely because they were located in the concept of the 'national liberation struggle' associated with the decolonisation process.

An important reason of a political nature was also the fear of assassinations. The authorities of the communist states were genuinely concerned about whether known terrorist groups, such as the 'Carlos' group, would carry out an attack behind the Iron Curtain. In order to counter such threats, very often agreements were made with terrorists that, in exchange for hospitality and facilitation of their activities, they would not attack targets in these countries. Hence, for example, the policy of tolerance of Czechoslovakia and Hungary towards 'Carlos'. Fear of assassination also influenced the cooperation of East German and communist services with the PLO and, to some extent, with the ANO. Visa facilitation and the favour of the local services made it possible to use the territories of the communist states for the peaceful and safe preparation of assassinations, which the services (e.g. of the GDR and Hungary) were aware of⁹⁶.

The operational reasons were related to the use of radical groups for various covert operations. The Soviet services planned to use the PFLP to kidnap a CIA officer and may have used terrorists in similar operations. The Romanian services commissioned the 'Carlos' group to carry out a terrorist attack on Radio Free Europe in Munich. It cannot be ruled out that other socialist countries also jointly planned or collaborated with terrorists to carry out covert attacks or assassinations, although this level of relationship is the least well-known. Contrary to widespread opinion, however, terrorist organisations were not seriously considered as a tool for inciting chaos at the outbreak of the World War III. Although initial concepts of preparing a plan to use members of the RAF or 'Carlos' at the outbreak of a war appeared in the GDR, among others, they were rejected because of the unpredictability of terrorist behaviour. It was difficult to control them effectively in East Berlin and Budapest, let alone during a global armed conflict. It is noteworthy, however, that the GDR services regarded the RAF's activities as a useful tool to destabilise West Germany. Despite the fact that the terrorists' political line was judged to be anarchist, the East German services gave them active support precisely because of their

⁹⁶ Cf. *Minutes of Meeting Between Czechoslovak and Hungarian Interior Ministry Officials on the Carlos Terrorist Group and Radio Free Europe Bomb Attack*, Wilson Center, 25 IV 1981, <https://digitalarchive.wilsoncenter.org/document/121525> [accessed: 20 IX 2022].

tactical usefulness in achieving their long-term goal of weakening their western neighbour.

The economic factor played an important role in maintaining the Soviet bloc's contacts with terrorists. This was particularly true of Warsaw's links with the Abu Nidal groups and with Al-Kassar, in which economic cooperation formed the core of the clandestine relationship. In this case, the terrorists were business partners of the services and state-owned companies responsible for the arms trade. In return, the terrorists reciprocated by supplying embargoed goods, mainly Western armaments and electronics. They also provided intelligence on, among other things, the situation in the Middle East.

Thus, it can be said that, regardless of the motivation behind the communist states' cooperation with terrorist groups, such clandestine contacts were usually mutually beneficial. Hence, there is no doubt that during the Cold War, the Soviet bloc states collaborated with various organisations and can be counted *ex post* as sponsors of international terrorism.

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JAROSŁAW JAŻWIŃSKI

Anti-terrorist protection of public facilities and critical infrastructure against attacks with motor vehicles

Abstract

The use of vehicles as tools for terrorist attacks, which has been occurring over the past few years, has led to the increasing use of anti-terrorist blockades around critical infrastructure buildings and in public spaces. This process has progressed as awareness and knowledge of the existence of this type of threat has increased among decision-makers. The variety of devices used to protect against attacks and their selection is not obvious and easy to implement. In this article, the author attempts to describe the occurrence of risks to critical infrastructure facilities from road vehicles used as weapons to carry out attacks. He describes the possibilities of preventing this type of event and recommends solutions to help in the design and implementation of external building security systems. The guidelines contained in the article can be a source of knowledge for those responsible for the security of facilities, but in addition to the theoretical basis in the design of external security of facilities, it is necessary in each case to carry out a specialised risk assessment, carried out by a qualified consultant.

Keywords:

protection of public spaces and critical infrastructure, anti-terrorist barriers, VSB, reducing the risk of attack with hostile vehicles, HVM, vehicle used as a weapon, VAW, standards: PAS 68, IWA 14, ASTM F2656, DOS (SD STD-02.1)

This paper presents the basic issues concerning the topic of anti-terrorist roadblocks as part of hostile vehicle mitigation (HVM). The author has attempted to organise information on the specifics of barrier and vehicle behaviour during a crash, as there are several standards for conducting such tests, known as crash tests or colloquially as standards. Being aware of the differences between them is very important when it comes to choosing a product that is appropriate to the level of risk posed by using a vehicle as an attack tool. Decision-makers may choose products from different suppliers that have been tested to different types of standards, as the results of such tests are not mutually exclusive and may be comparable. However, standards may not be used interchangeably in all cases, so expert knowledge in this area is important. For example, it is inappropriate to directly compare an 'American' vehicle, with an engine compartment design in front of the cab, with a 'European' vehicle where the engine is located under the driver's cab. The American DOS assessment standard (SD STD-02.1) was one of the first standards for crash tests, in use since April 1985. It was the basis for other standards in use today, which vary according to country of origin and local requirements.

There are a number of factors involved in analysing the risk of a vehicle-based attack, the most important of which is determining the likelihood of such an event due to political, religious and racial considerations and selecting appropriate preventive measures. The remainder of this article presents, among other things, an analysis of the possibility of carrying out preventive action against a potential threat, regardless of the genesis of its origin.

The main role of vehicle security barriers (VSBs) is to create pedestrian-friendly zones in city centres, to control the flow of traffic, to manage road and street traffic, to manage vehicle access to protected areas and public buildings, including critical infrastructure, and to protect these places from vehicle attacks. To fulfil their purpose, the barriers are constructed in a specific way and to strict standards, which distinguishes them from other roadblock devices. In comparison, road barriers used on public roads between lanes or at the edges of bends have a protective function, i.e. they reduce the magnitude of unintentional road traffic collisions involving vehicles travelling on public roads. They are tested according to different parameters and standards than anti-terrorist barriers. Therefore, the results obtained after testing road barriers cannot be considered as a basis for using this type of device as a protection against a vehicle-based attack. Various solutions are used to create anti-terrorist protection against

an attack, ranging from simple parking posts without a specific security level, considered as orderly protection, to certified road barrier systems with the highest level of protection (stopping vehicles weighing up to 30 t and with a speed of 80 kph).

Historical background to the development of HVM road safety features

Technological progress is inextricably linked to changes in the nature of human safety risks. As motorisation has developed, there has also been an increase in the number of different types of incidents occurring as a result of the intentional or unintentional actions of vehicle drivers. The twentieth century, which saw a marked increase in terrorist activities around the world, brought a new type of threat to people. These are attacks using Vehicle bomb, known in English as VBIEDs (vehicle-borne improvised explosive device). Another type of vehicle-borne attack is (vehicle as a weapon): running people over. This has emerged in the 2010s.

The European country that experienced the earliest trauma of counter-terrorism in the 20th century was the UK. The first widely known and widely reported incident was the bomb attack carried out by the Irish Republican Army (IRA) on 25 August 1939. The attack was carried out by planting a charge in a bicycle basket in the Broadgate area of Coventry (Image 1). The incident left five people dead, 10 seriously injured and 40 hospitalised.



Image 1. The area around Astley's shop in Coventry after the bomb explosion.

Source: <https://www.historiccoventry.co.uk/articles/content.php?pg=not-forgotten> [accessed: 24 IX 2022].

Over the years, adequate methods of preventing and mitigating such attacks have developed in response to various terrorist threats. As technology has advanced, devices have also been developed to prevent vehicle-based attacks. In various parts of the globe, security experts, engineers and manufacturers, drawing on their own experience and the results of analysis of potential threats, have developed a basis for classifying and selecting devices to prevent attacks. In the design of today's anti-terrorist barriers, consideration must be given to the threats posed not only by light passenger vehicles, but also by heavy goods vehicles. This, in turn, results in the continuous development of new technological solutions used to make security systems more resistant to vehicle attack¹.

Fundamentals of risk analysis in facilities

The analysis of threats in public facilities clearly indicates that the design of technical anti-terrorist security systems cannot only refer to the area inside the facilities and selected types of incidents, such as the planting of an explosive charge. Terrorist attacks carried out with motor vehicles and unintentional traffic accidents endanger both the occupants inside buildings and those in the immediate vicinity, including pedestrian and vehicular routes. The use of various types of anti-terrorist barriers aims to minimise the risk to human life and damage to facilities. Events where the use of VSBs could minimise the impact of an attack are listed below (the description also includes information on the vehicle used in the attack).

- Nice, July 2016 - 87 killed, 434 injured,
vehicle: 20 t truck, speed approx. 80 kph, distance travelled approx. 1,800 m;
- Berlin, December 2016 - 12 killed, 56 injured,
vehicle: truck 40 t, speed 80 kph, distance travelled - 80 m;
- Barcelona, March 2017 - 13 killed, 130 injured,
vehicle: delivery van 3.5 t, speed 60 kph, distance travelled - 500 m;

¹ See: J. Jaźwiński, *Blokady drogowe i zapory antyterrorystyczne jako elementy zapewniania bezpieczeństwa w obiektach użyteczności publicznej* (Eng. Roadblocks and anti-terrorist barriers as elements of providing security in public facilities), in: *Zabezpieczenia Techniczne w Bezpieczeństwie Antyterrorystycznym Budynków Użyteczności Publicznej* (Eng. Technical Security in the Anti-Terrorism Security of Public Buildings), J. Stelmach, P. Szczuka, M. Kożuszek (eds.), Wrocław 2021, p. 206.

- Westminster, March 2017 - 5 killed, 50 injured,
vehicle: passenger vehicle 1.5 t, speed approx. 110 kph, distance travelled - 300 m;
- Stockholm, April 2017 - 5 killed, 15 injured,
vehicle: truck 12.5 t, speed 60 kph, distance travelled - 500 m;
- London Bridge, June 2017 - 5 killed, 15 injured,
vehicle: van 2 t, speed approx. 80 kph, distance travelled - 300 m;
- New York, October 2017 - 8 killed, 15 injured,
vehicle: delivery van 3 t, speed approx. 100 kph, distance travelled - 1500 m;
- Toronto, April 2018 - 10 killed, 16 injured,
vehicle: van 2.5 t, speed approx. 70 kph, distance travelled - 2,300 m².

Of the above-mentioned incidents, due to their magnitude and consequences, the most notorious is the one that occurred in Nice. During France's national Bastille Day celebrations, after a fireworks display, at around 10.40 pm, a truck driven by an assassin rammed barriers and drove onto the promenade. The car was driven by Mohamed Lahouaiej Bouhlel, a 31-year-old Tunisian national who was legally in France and held a permanent residence card. He deliberately drove into people on the promenade. Unstopped, he covered a distance of approximately 1,800 metres. It was only in the vicinity of the Palais de la Méditerranée hotel that the vehicle was fired upon by police, resulting in the perpetrator's death (image 2).



Image 2. Perpetrator's car after immobilisation.

Source: <https://www.nbcnews.com/news/us-news/tsa-report-warns-against-truck-ramming-attacks-terrorists-n754576> [accessed: 24 IX 2022].

² <https://hvmhub.com/> [accessed: 24 IX 2022].

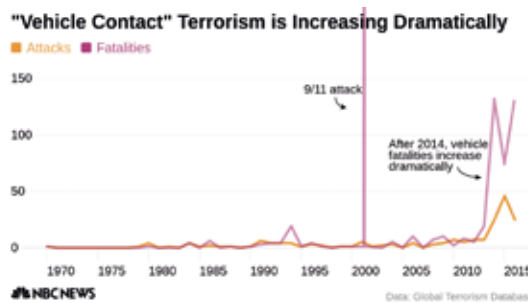
The course of the attack in Nice and the route taken by the vehicle driven by the bomber are shown in Figure 1³.



Figure 1. The course of the incident in Nice (first point marked on the map - lorry drives onto the pavement - first victims; second point marked on the map - lorry continues to deliberately drive through the crowd; third point marked on the map - lorry stops, police fire ensues; perpetrator is killed).

Source: <https://www.politico.eu/article/nice-bastille-day-attack-live-blog/> [accessed: 24 IX 2022].

After 2014, there was a significant increase in the number of attacks carried out using vehicles and a significant increase in the number of fatalities from these attacks, as illustrated in the graph. The events cited have had a huge impact on the increase in the number of anti-terrorist barriers being installed as an effective means of reducing the impact of a VAW attack.



Graph. Attacks carried out between 1970 and 2015 using vehicles, including fatalities caused by these attacks (the number of victims of the 11 September 2000 attacks is marked for comparison).

Source: S. Petula, *Vehicles Are Becoming the Weapons of Choice for Terrorists*, <https://www.nbcnews.com/news/world/vehicles-are-becoming-weapons-choice-terrorists-n768846> [accessed: 24 IX 2022].

³ <https://www.reuters.com/article/us-europe-attacks-nice-killings-idUSKCN0ZV1VG> [accessed: 24 IX 2022].

The use of anti-terrorist security devices is of great preventive importance and deters possible perpetrators from carrying out attacks using vehicles in areas where such devices have been installed. Effective security can be said to be effective when it prevents penetration, i.e. the movement of a vehicle beyond a predetermined line of protection. Figure 2 illustrates the potential threat posed by inadequate security.

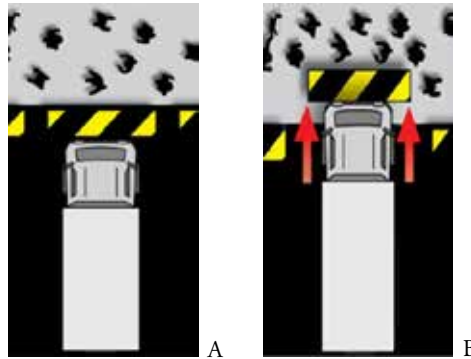


Figure 2. Risks resulting from improperly installed or ill-fitting safety devices: impact of a truck (A), displacement of a safety barrier (B).

Source: ATG Access materials.

The causes of the potential danger could be: concrete blocks that provide protection against attack not being bound to the ground, the use of uncertified barriers, the use of barriers inappropriately selected for the magnitude of the danger. In these situations, the barrier will not stop the vehicle and will allow it to continue moving, sliding along with it. This will result in a danger that is difficult to quantify, as it is not known how long the vehicle will continue to move and what distance it will cover before it stops. During crash tests, one of the parameters taken into account when checking the effectiveness of the protection is the so-called penetration distance. This determines how far beyond the barrier line a vehicle can travel. Knowing this parameter, it should be taken into account when designing the distance of the barrier from the protected objects or footpaths to stand-off distance.

During mass events, it is common practice to use concrete blocks as public space barriers. If they are not connected to ground, or each other, or are not heavy enough, these barriers are ineffective, ad hoc protection

against a possibly planned VAW attack. An example of this is shown in Image 3 A - although the concrete blocks have their policing use here (preventing the entry of passenger vehicles), they do not provide protection against heavier vehicles.

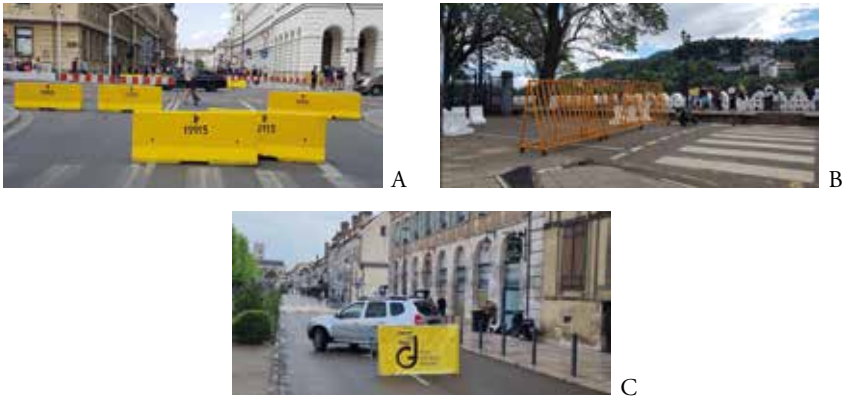


Image 3. Use of inadequate security features: uncertified temporary blockades (Poland, Warsaw, Nowy Świat Street - A, Sri Lanka, city of Kandy - B), use of vehicle as anti-terrorist blockade (France, Auxerre - C).

Source: own elaboration.

To understand how ineffective such protection is, it is useful to see a video of crash tests carried out by one of the DEKRA testing institutes (access to the video - Figure 3). After a collision with this type of barrier, the vehicle continues to move and can travel a considerable distance, even more than 100 m.



Figure 3. QR code with link to DEKRA tests.

Source: DEKRA materials, <https://youtu.be/V33fbmAgTo> [accessed: 24 IX 2022].

Image 4 shows an example of the correct installation of barriers to protect against attacks made by vehicles.



Image 4. Example of the correct use of automatic and fixed post security (France, Paris, Rue des Petits Carreaux).

Source: own elaboration.

Steps in assessing the risks associated with using a vehicle as an attack tool

The risk assessment process can be divided into three steps that can help decision-makers (including national security institutions) to prioritise security using VSBs. This is done by defining and understanding the interrelated factors that influence the choice of devices used as preventive measures.

When determining the type of risk for a specific site, the three phases associated with it should be considered: threat, consequences and vulnerability. The additional identification of assumptions at each phase allows the selection of devices from a wide range of different certified products that can effectively prevent or reduce the effects of vehicle ramming attacks. It is also important to consider the cost of the solutions adopted, as by applying preventive measures appropriate to the likelihood of a particular type of risk occurring, the most appropriate and also least costly device can be selected.

It is not justifiable for an external security system to include oversized barriers protecting, for example, against attack by a vehicle weighing 7.5 tonnes [t] travelling at 80 kph, in an area where the analyses carried out indicate that only vehicles weighing up to 3.5 t and capable of speeds of up to 50 kph are likely to move. It is imperative that the choice of equipment corresponds to the real needs of the site to be protected.

Stage one: identification of potential terrorist threats relevant for the target under consideration

Estimates of the likelihood of an attack using a vehicle as a battering ram should be made on the basis of statistics on this type of attack, taking into account the preferred modus operandi of terrorists. Information can be obtained from sources such as the internet, bulletins and analyses from public institutions, reports from law enforcement and intelligence services or counter-terrorism units. However, the most valuable information is not publicly available. They can only be consulted by authorised persons, including security consultants. Data obtained independently by facility managers is insufficient to carry out the analysis properly. Preparing a correct assessment of the threat level is possible primarily by using the knowledge of security consultants and experts.

The modus operandi and attack locations chosen by terrorists are constantly changing. They are determined by many factors, including: their skills and knowledge, the availability of adequate financial and human resources, and the area of operation. It is therefore important to check whether similar incidents have occurred in the geographically closest areas. After analysing attacks carried out using vehicles over the last few years, it can be seen that attacks on civilians have been more frequent in public spaces, as they have a low level of security. It is easier to both carry out an attack in them and to obtain the attack tool, i.e. the vehicle⁴.

Stage two: impact assessment

In recent years, the majority of attacks have been carried out against so-called soft targets, i.e. places characterised by high concentrations of people and a lack of security, unprotected or less protected. These are in contrast to so-called hard targets, which include high-security areas and facilities that are subject to monitoring. The attractiveness of a place to a perpetrator of a potential attack depends on many different factors, including the symbolic nature of the place. Symbolism may attract terrorist groups who, by attacking a widely recognised and popular site, attempt to attract media attention and intimidate the public. Such terrorist targets may include religious sites or cultural centres considered to promote Western lifestyles, capitalism and/or democracy. Popular tourist sites, outdoor

⁴ See: M. Larcher, V. Karlos, *Protection Of Public Spaces*, in: V. Karlos, M. Larcher, G. Solomos, *Review on Soft target/Public space protection guidance*, European Commission Joint Research Centre, <https://www.researchgate.net/publication/330221013> [accessed: 12 VIII 2022].

festivals, sporting events, landmarks (habitual meeting places) and areas where many people are present are also attractive to bombers.

Terrorists with different motivations may also attack facilities that represent government jurisdictions, taxation, law enforcement, financial institutions, etc. The consequences of an attack are directly related to the type of target chosen by the aggressors and the population density of the area at the time of the attack.

In the case of a pedestrian area or a city square, the consequences of an attack will be very different if it is carried out during rush hour or during social events when the crowd is at its largest. When estimating the occurrence of a terrorist attack affecting people (deaths, injuries, reduced morale, etc.) and the economy (cost of repairs, disruption of services, etc.), the worst-case scenario should be used as a reference point, as terrorists most often strike during popular events or peak hours. The assessment of the consequences of an attack carried out may vary depending on the stakeholder carrying out the analysis, but the primary priority during the assessment process should be the protection of human life. This should be followed by attention to the damage to infrastructure, the economic impact, and the psychological impact on society⁵.

Stage three: vulnerability assessment

Security vulnerabilities can be exploited by perpetrators when planning or executing an attack, so it is necessary to identify optimal strategies to minimise the vulnerability of a facility, increase its resilience and apply effective mitigation measures. Vulnerability assessment requires a detailed preparation of the scenario, revealing weaknesses and security flaws that would encourage aggressors to develop an attack plan. The fewer security measures in place, the more attractive - in the eyes of the perpetrators - a site or area is as a target, as the chances of success increase significantly.

An analysis of the site by experienced professionals allows weaknesses in the security system to be identified and appropriate measures to be taken to minimise these weaknesses and the resulting danger. A thorough visual inspection of the site layout and familiarisation with the characteristics of the security system during the operational phase can effectively reveal deficiencies in the security design, which should be addressed in an updated mitigation plan. Drawing up an objective assessment of the vulnerability

⁵ Ibid.

of a public space is a difficult task, as many different factors need to be taken into account, such as the accessibility of the target, its location, its importance, the shape of the public space - current security arrangements, etc. The following are examples of vulnerability categorisation for public spaces:

- **low vulnerability:** the public space under consideration is equipped with adequate countermeasures (to deter potential aggressors): controlled access, security personnel, perimeter protection. The space is unattractive as a potential target for attack;
- **moderate vulnerability:** the public space under study may be equipped with some security measures and is only locally known (no controlled access, limited number of security personnel, partial perimeter protection, etc.);
- **high vulnerability:** the surveyed public space is characterised by insufficient security measures and is nationally known and recognisable;
- **very high vulnerability:** the examined public space is characterised by insufficient countermeasures, is internationally known⁶.

Partial conclusions: the role of prevention and deterrence

The most effective counter-terrorism measure is to prevent an attack from occurring in the first place. If the attack is prevented, there will be neither casualties nor damage to the environment. The presence of security barriers, even with less blocking capability, can potentially deter a perpetrator from carrying out an attack, as his or her chances of successful action appear limited. However, if such an incident does occur, the installed security barriers will minimise any kind of damage resulting from it.

Fundamentals of the use of roadblocks and anti-terrorist barriers

The selection of suitable anti-terrorist road barriers is not a simple and obvious task. During the arrangements for the preparation of such devices, their suppliers pose the following questions to the decision-makers responsible for the security of the facility:

- What mass of a vehicle can be a source of danger?
- At what maximum speed can the vehicle travel?

⁶ Ibid.

- What is the permissible penetration range, i.e. how far behind the interlock line can the vehicle move?
- Does the penetration have to be zero or is a greater range acceptable (e.g. 1 metre)?

If you don't know the answers to the above questions, then to be sure of the right choice of security solutions against a vehicle attack, you should order an engineering study by certified specialists with industry knowledge beyond that of those on the list of qualified technical security personnel⁷.

The current situation in the anti-terrorist security market in Poland is quite complicated due to the shortage of qualified HVM experts. In the case of e.g. the UK, such services are quite commonly provided by design offices. Advice and designs are carried out by a combination of trained Police Counter Terrorism Security Advisors, the Register of Security Engineers and Specialists⁸, Chartered Security Professionals⁹, and vehicle security barrier manufacturers. The Government's Centre for the Protection of National Infrastructure and National Counter Terrorism Security Office¹⁰ (NaCTSO) provide support to these groups.

The situation becomes easier for Polish decision-makers if the design office performing the design of the facility including technical and anti-terrorist security systems employs engineers with foreign qualifications. This is most often the case in design offices originating from Western European countries or the USA, where - as part of the commissioned service - it is the practice to prepare an engineering study as an integral part of the design. When designing and implementing technical security systems, it is very important to take into account that the designer is dealing with access to classified information, including but not limited to security procedures, e.g. procedures for emergency opening of crossings for the relevant services or the location and operation of controllers.

⁷ J. Stelmach, M. Kożuszek, *Założenia i rekomendacje do wykonywania planów ochrony w obiektach podlegających obowiązkowej ochronie* (Eng. Assumptions and recommendations for the execution of security plans in facilities subject to mandatory protection), in: *Bezpieczeństwo antyterrorystyczne budynków użyteczności publicznej* (Eng. Anti-terrorism security of public buildings), vol. 4: *Założenia i rekomendacje do prowadzenia działań antyterrorystycznych w wybranych kategoriach obiektów* (Eng. Assumptions and recommendations for conducting anti-terrorist activities in selected categories of facilities), B. Wiśniewska-Paź, J. Stelmach (eds.), Toruń 2019.

⁸ <https://www.rses.org.uk>.

⁹ <https://security-institute.org/csyp/>.

¹⁰ <https://www.protepy.pl>.

As classified information should be protected, companies involved in the project should have an industrial security clearance and their employees should have security clearance of the appropriate level. The developer should determine already at the project initiation stage which levels of access to classified information are required and in which design and implementation areas they are necessary¹¹.

Current standards for testing barriers against vehicle attacks

Vehicle crash barrier test standards are applied to a number of factors that influence the classification of a device. In order to properly select and install a barrier, several parameters need to be taken into account, which are included in the results of the crash tests carried out. These are:

- **the test object** - the vehicle (V), i.e. the motor vehicle,
- **vehicle mass** (class) - expressed in kilograms [kg] or pounds [lbs] depending on the country of origin of the standard,
- **impact speed** - expressed in kilometres per hour [kph] or miles [mph], depending on the country of origin of the standard,
- **angle of impact** - expressed in degrees; for the standards listed below it is 90°, i.e. impact perpendicular to the barrier under test (reference line of the barrier under test),
- **penetration**- expressed in metres [m] or feet [ft] depending on the country of origin of the standard or local requirements. When measuring this parameter, the location of the reference line of measurement (datum line) is important, i.e. determining the difference between the distance of vehicle displacement and the barrier (how far the vehicle has travelled beyond the reference line).
- **dispersion** (according to PAS 68:2013) - expressed in metres [m] or feet [ft]. This measurement relates to the dispersion distance of detached components of the test vehicle or its ballast. The measurement is taken from the reference line to the furthest edge of the detached component. Only elements whose mass is ≥ 25 kg are considered¹².

An important measurement criterion is to determine the position of the measurement reference line, which may be at the initial or final

¹¹ See: J. Jaźwiński, *Blokady drogowe i zapory antyterrorystyczne...*

¹² Based on: *BSI PAS 68:2013 - Impact test specifications for vehicle security barrier systems.*

edge of the barrier. In the case of bollards (i.e. posts) this difference is insignificant, approx. 20-30 cm, but in the case of roadblocks the difference can be up to approx. 1 m. Figure 4 shows the reference line for PAS 68, IWA 14-1 and ASTM F2656.

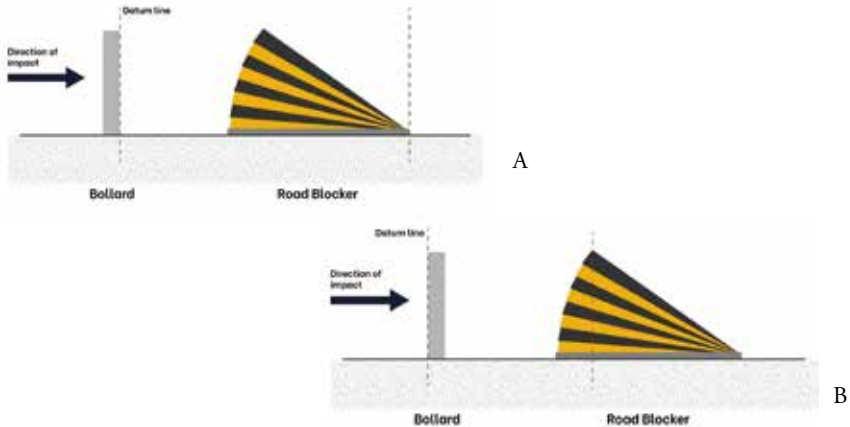


Figure 4. Reference lines (Datum lines): for PAS 68:2013 (A), for IWA 14-1:2013 and ASTM F2656-20 (B).

Source: own elaboration based on ATG Access materials, <https://www.atgaccess.com/news/guides/what-is-iwa-14>, <https://atgaccess.com/what-is-pas-68/> [accessed: 24 IX 2022].

Another important criterion is to identify the measuring points located on the vehicles and measure the distance between this point and the reference line. For passenger cars, the measuring point is located at the bottom of the front pillar of the vehicle body. For trucks and vans, the measuring point is located behind the rear bulkhead of the driver's cab (Figure 5).

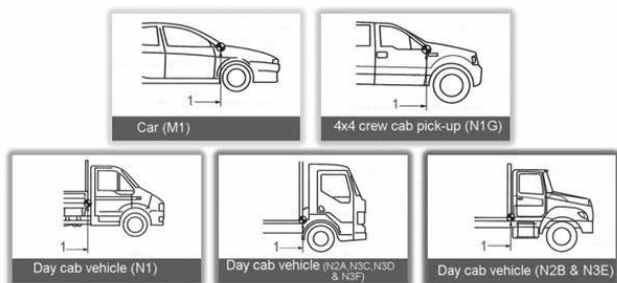


Figure 5. Location of the measuring point for cars and trucks.

Source: own elaboration based on <https://www.cpni.gov.uk/resources/impact-testing-vehicle-security-barriers> [accessed: 24 IX 2022].

Comparison of existing global standards for VSB

The leading standards relating to the parameters of anti-terrorist barriers are PAS 68 and PAS 69, developed in the UK, and the American ASTM F2656-20 standard, as well as the global standards IWA14-1 and IWA14-2, which have been developed through a commonality of provisions found in these standards. In the European market, parameters relating to these standards are sometimes quoted interchangeably, so it is important to know their characteristics. In the following section, the main assumptions and criteria from the area of VSB standardisation are presented.

UK - Standards: PAS 68 and PAS 69

PAS 68 provides the results and specifications of crash tests for VSB equipment, while PAS 69 sets out guidelines for the selection, installation and use of VSB systems. Barrier tests were performed using the following criteria:

- six vehicle categories,
- range of impact speeds tested: 16-112 kph,
- penetration measured from the end of the interlock (in the ASTM standard, measurement is from the beginning of the interlock).

An example of product classification according to PAS 68:2013: test result V/7500(N2)/80/90:0.0/3.6 indicates an N2 vehicle (7500 kg) travelling at 80 kph, impact angle 90°, penetration 0.0 m, dispersion 3.6 m¹³. The following criteria are taken into account in the results: test object (vehicle type), vehicle mass [kg], impact speed [kph], impact angle, penetration behind the barrier reference line [m] and debris dispersion [m].

Vehicle classes for PAS 68 (class):

- 1500 kg - passenger car (M1),
- 2500 kg - 4×4 pick-up (N1G),
- 3500 kg - van (N1),
- 7500 kg - 2 axle truck (N2),
- 18 000 kg - truck with 2 axles (N3),
- 30 000 kg - truck with 4 axles (N3).

¹³ See: *Impact Testing of Vehicle Security Barriers*, August 2020, <https://www.cpni.gov.uk/hostile-vehicle-mitigation> [accessed: 24 IX 2022].

North and South America - Standard ASTM F2656-20.

America had a DOS standard (SD STD-02.1) for many years, which was withdrawn in April 1985¹⁴. In 2007, it was replaced by ASTM F2656, which provided more test details. The following criteria are used for standardisation:

- six vehicle categories,
- range of impact speeds tested: 48-100 kph,
- penetration measured from the end of the interlock, penetration rating 'P' 1, 2, 3 and 4.

Example of product classification according to ASTM F2656: test result C7:50-P3 means C7 vehicle (7200 kg) travelling at 50 mph, penetration P3 between 23 ft and 98 ft. The following criteria are considered in the test results: vehicle category, impact speed [mph], penetration range scale from P1 to P4 [ft].

Vehicle classes for ASTM F2656 (class):

- 1100 kg - car (S.C),
- 2100 kg - car (FS),
- 2300 kg - pickup truck (PU),
- 6800 kg - truck with 2 axles (US type M),
- 7200 kg - truck with 2 axles (EU type C7),
- 29 500 kg - truck with 4 axles (H).

Penetration size:

- P1 - less than 3 ft,
- P2 - between 3.3 ft and 23 ft,
- P3 - between 23 ft and 98 ft,
- P4 - above 98 ft.

North and South America - DOS standard withdrawn (SD STD-02.1)

As many anti-terrorist devices have been tested to the DOS standard (SD STD-02.1), it is still possible to find products that have such approvals. Of course, such tested barriers may be appropriate on a par with other barriers that have been classified according to the other standards already mentioned.

The classification of products according to this standard implies only three categories and therefore only one of them is given when describing the products:

- 1) K12 = M50 - medium truck, 15 000 lbs (6.8 t), tests at 50 mph (≈80 kph),

¹⁴ <https://hvmhub.com/> [accessed: 24 IX 2022].

- 2) K8 = M40 - medium truck, 15,000 lbs (6.8 t), testing at 40 mph (≈ 64 kph),
- 3) K4 = M30 - medium truck, 15,000 lbs (6.8 t), test at 30 mph (≈ 50 kph).

World Standards: IWA 14-1 and IWA 14-2

The IWA 14-1 standard does not negate previous testing of products meeting ASTM, DOS or PAS 68 and 69 standards; it aims to internationalise and combine previous risk assessment standards common to all continents. The IWA 14-2 standard provides guidance on the selection, installation and use of vehicle safety barriers and describes the requirements to be taken into account for testing, which are:

- nine vehicle categories - this is primarily due to the specific design of US and European vehicles,
- the range of impact speeds tested: 16-112 kph,
- penetration measured from the beginning of the blockade,
- debris dispersion measurements; these are omitted from the classification of results (table), but are recorded in the full test report.

Example of product classification according to IWA 14-1: test result V/7200(N2A)/80/90:0.0 indicates an N2A vehicle (7200 kg) travelling at 80 kph, impact angle 90° , penetration 0.0 m.

Vehicle classes for IWA 14-1 (class):

- 1500 kg - passenger car (M1),
- 2500 kg - 4×4 pick-up (N1G),
- 3500 kg - van (N1),
- 7200 kg - truck with 2 axles (N2A),
- 7200 kg - truck with 2 axles (N2B),
- 7200 kg - truck with 2 axles (N3C),
- 12 000 kg - truck with 2 axles (N2D),
- 24 000 kg - truck with 3 axles (N3E),
- 30 000 kg - truck with 4 axles (N3F).

Comparison of vehicle categories by weight for all cited standards

The summary shown in Figures 6 and 7 allows the results of crash tests carried out to different standards to be compared. This makes it possible to

determine whether the devices proposed by different manufacturers meet the requirements outlined in the building security concept. This gives decision-makers a much greater opportunity to select equipment from manufacturers who have tested and certified their products to different standards, depending on the country of origin.

PAS 68:2013		IWA14-1:2013		ASTM F2656-18	
	1500 M1		1500 M1		1100 SC
					2100 F5
	2500 N1G		2500 N1G		2300 PU
	3500 N1		3500 N1		
	7500 N2		7200 N2A		

Figure 6. Comparison of standards for: cars and vans.

Source: <https://hvmhub.com/wp-content/uploads/2018/09/HVMhub-Crash-Testing-Standards-Explained-v1.2.pdf> [accessed: 24 IX 2022].

PAS 68:2013		IWA14-1:2013		ASTM F2656-18	
			7200 N2B		6800 M
	7500 N3		7200 N3C		7200 C7
			12000 N3D		
			24000 N3E		29500 H
	30000 N3		30000 N3F		

Figure 7. Comparison of standards for: for trucks (B).

Source: <https://hvmhub.com/wp-content/uploads/2018/09/HVMhub-Crash-Testing-Standards-Explained-v1.2.pdf> [accessed: 24 IX 2022].

Tables and descriptions can sometimes be inadequate and may raise doubts about the equivalence of the devices classified in them. To check whether a device will do the job, a mathematical formula can be used for calculations, comparing the kinetic energy magnitudes arising from the movement of the vehicles included in the tests.

$$\text{Kinetic energy} = \frac{\text{mass} \times \text{velocity}^2}{2}$$

where: kinetic energy is expressed in kJ, mass in t, velocity in m/s.

The following are examples of calculations of kinetic energy values for cars of different masses.

A 7.5 t vehicle (e.g. N2 according to PAS 68) travelling at 40 mph (≈ 64 kph) achieves a kinetic energy value of 1185 kJ on impact with the barrier:

$$\frac{7,5 \times (64 \times 1000 \div 3600)^2}{2} = \mathbf{1185 \text{ kJ}}$$

A 12 t vehicle (e.g. N3D according to IWA 14-1) travelling at 32 mph (≈ 50 kph) achieves a kinetic energy value of 1157 kJ on impact with the barrier:

$$\frac{12 \times (50 \times 1000 \div 3600)^2}{2} = \mathbf{1157 \text{ kJ}}$$

As can be seen from the kinetic energy calculation examples for the two vehicles having different masses and travelling at different speeds, it is similar, so a barrier that has been tested successfully for a kinetic energy of 1185 kJ can probably effectively stop both vehicles with the parameters indicated. However, the kinetic energy calculation is not a substitute for the crash test that should be carried out for these vehicles. Vehicles have different structures and heights, so will test barriers in different ways. It should not be assumed that similar kinetic energy means a similar vehicle impact test result.

Most frequently compared vehicles classified according to different standards

Table compares the kinetic energy values calculated according to the formula presented earlier for different categories of cars with different weights, allowing a quick comparison between vehicles classified according to different standards.

Table. Comparison of kinetic energy for vehicles of different weights and travelling at different speeds, calculated according to each standard.

Standard	PAS 68	IWA 14-1	ASTM F2656	ASTM F 2566	DOS SC /STD2.01
Vehicle category	N2	N2A	Truck (M)	Truck (C7)	N2A
Vehicle weight [kg]	7500	7200	6800	7200	6800
Velocity [km/h]	48	48	50 (30 mph/h)	50 (30 mph/h)	50 (30 mph/h)
Kinetic energy [kJ]	667	640	656	694	656
Velocity [km/h]	64	64	65 (40 mph/h)	65 (40 mph/h)	65 (40 mph/h)
Kinetic energy [kJ]	1185	1138	1108	1174	1108
Velocity [km/h]	Unclassified	80	80 (50 mph/h)	80 (50 mph/h)	80 (50 mph/h)
Kinetic energy [kJ]		1778	1679	1778	1679

Source: own elaboration based on: <https://hvmhub.com> [accessed: 24 IX 2022].

Research results and product testing. Conclusions

A very important element in the equipment selection process is to obtain test results from a potential supplier from an accredited testing body. Many companies report that they have so-called engineered solutions products, which means that they have been designed according to good engineering practice, but have not been tested. In order to be tested, destructive tests have to be carried out for different categories of vehicles, which is costly, but provides a guarantee that the device on offer will protect the object in the desired way. The tests are carried out under specific conditions and the installation of the barriers should replicate the actual conditions. All these guidelines, e.g. what time must elapse between the pouring of the concrete with reinforcement and the installation of the barrier and the crash test, are described in the individual standards, Crash tests are very costly not only in terms of the cost for the testing laboratory to perform the test, but also in terms of the cost of the tested barriers themselves, which will be destroyed, and the vehicle, which must meet the standards of an approved vehicle. This means that the vehicle must have a functioning suspension, brakes, naturally acceptable tyres and many other features that are similarly described in the standards of each standard. The maximum

age of the vehicle that can be tested is also specified. All of this combined means that installed barriers and constructed foundations will be damaged or compromised during the test trials and will be impossible to reuse for subsequent tests. Therefore, usually only a small number of possible attack scenarios are assessed, i.e. one barrier length or a minimum number of bollards is chosen.

In recent years, numerical computational methods have been successfully used to assess and verify what happens to structural and non-structural elements during various dynamic events, such as vehicle or aircraft collisions (crash simulations). The use of numerical models can occur in the case of vehicle-barrier impact interactions. Achieving a high level of confidence in numerical solutions requires the use of reliable and efficient computational element algorithms, which are being considered by researchers as an alternative to physical experiments. Computer models should be used as part of barrier design development, and not as the only method to prove if the barrier will stop a vehicle. Figure 8 shows a QR code under which a video of a test using a 7.2 t vehicle travelling at 48 kph is available¹⁵.



Figure 8. QR code with link leading to Horiba-Mira test.

Source: Horiba-Mira laboratory materials, <https://www.youtube.com/watch?v=Rq4IPZu7nv8> [accessed: 24 IX 2022].

Standards for intrusion resistance

In addition to the threat posed by the use of a vehicle, there are other risks arising from, for example, an attempt to forcefully penetrate the perimeter of the protected area. Such risks and the ability of technical security devices to prevent them are classified according to standards testing resistance to

¹⁵ The test was performed by the Horiba Mira research laboratory, <https://www.horiba-mira.com/> [accessed: 24 IX 2022].

break-ins. Intrusion tests are carried out to determine the resistance time of the security device when an intruder attempts to force it through. If VSBs, such as sliding or swinging gates, are required, additional parameters for burglary resistance can also be determined. This is particularly the case where intrusion resistance is a parameter that occurs as a requirement for a fixed fence that is a perimeter security line.

EN 1627 defines intrusion resistance as a property of the following products: doors, windows, curtain walls, grilles and blinds. The tests examine the time (in minutes [min]) taken to resist attempts to forcibly enter the protected room or area through the use of physical force and specific tools. The degree of resistance of the security device determines its assignment to the appropriate intrusion resistance class. In EN 1627, **6 classes of intrusion resistance** (denoted by the RC symbol) are taken into account for building products, including windows and doors, depending on the level of resistance to attempted break-ins, and the expected methods and attempts to gain access, i.e. the time it takes to force an obstruction, are also specified for them:

- RC1 - RC3: for the assumption of the “casual burglar” - the variable is the tools used; the test result determines the intrusion resistance time (respectively: RC1 - 0 min, RC2 - 3 min, RC3 - 5 min),
- RC4: for the “skilled burglar” assumption - the variable is the tools used; the test result determines the intrusion resistance time (RC4 - 10 min),
- RC5 - RC6: for the assumption of an “experienced burglar”, the variable is the tools used; the test result determines the intrusion resistance time, respectively RC5 - 15 min, RC6 - 20 min.

The test result is the assignment of resistance classes from RC1 to RC6 to the products, which corresponds to the time of penetration of the partition from 0 to 20 min¹⁶.

Another standard describing categories of resistance to forced entry, practically unknown in Poland, is the British LPS standard¹⁷ 1175, version 8, created and implemented by BRE Global. Part of this organisation is the LPCB research office¹⁸. The result of testing and certification according to this standard is the assignment of resistance to products in **48 classes**,

¹⁶ See: <https://badaniaokien.pl/> [accessed: 24 IX 2022].

¹⁷ Loss Prevention Standards, LPS.

¹⁸ Loss Prevention Certification Board.

which corresponds to an intrusion time of 0 to 20 min, depending on the type of tools used and the experience and qualifications of the intruder.

The LPS 1175 standard covers a wide range of assessments of physical security products. It deals with scenarios of possible threats caused by the entry of intruders who do not pay attention to the noise that accompanies an attempt to gain access to assets, property and people. The development of the standard is the result of many years of partnership working with government, insurers and police and other services. LPS standards are now widely recognised and used in the fire and security sectors around the world. The LPCB offers certification as an independent certification body.

The latest version of LPS 1175 (8) defines intruder resistance indicators consisting of two elements:

- 1) threat level - denoted by the letters A to H corresponding to the toolkit - used to assess the product's resistance to intruders and the number of people involved,
- 2) delay - denoted by letters: 1, 3, 5, 10, 15 or 20 corresponding to the minimum delay (in min) guaranteed by the product - tested after lockout.

Products certified according to LPS 1175 take into account in the test:

- amateur attacks with hand-held, small and easily concealed tools, with an attempted forced entry of approximately 1 min (Class A1),
- professional attacks with a wide range of mechanical, electrical and thermal tools, with an intrusion attempt lasting approximately 20 minutes (security class H20).

The test results obtained enable products to be assigned a corresponding resistance class, which corresponds to the time taken to force a partition from 0 to 20 min¹⁹.

Partial conclusions on intrusion resistance standards

Products tested to the above-mentioned standards are not fully resistant to burglary and the active actions of perpetrators. Their function is to resist an intruder forcing a given security measure for a certain period of time. EN 1627 deals with the testing and certification of doors, windows, partition walls, grilles and shutters. LPS 1175 (8) focuses on the testing and certification of a much broader range of products that are not covered by

¹⁹ www.bregroup.co.uk [accessed: 24 IX 2022].

EN 1627. Therefore, the use of LPS 1175 (8) classified products together with VSB classified products is an excellent complement used in the design of comprehensive perimeter security.

Classification of anti-terrorist barriers - breakdown by type of control and type of mounting

The basic characteristics of the various types of external technical security equipment are presented below.

Fixed bollards

Fixed bollards are the units with the simplest design and the most commonly used. A steel tube is installed in a reinforced concrete foundation (image 5). The depth of the foundation does not usually exceed 1 400 mm and the height above ground level does not exceed 1 200 mm. The foundation is designed with engineering care and then subjected to crash tests to determine the actual resistance according to previously described standards.



Image 5. Fixed bollards installed at a London underground station.

Source: ATG Access marketing materials.

Removable bollards

The design of removable bollards is the same as fixed bollards in terms of foundation size, pipe diameter and materials used. The main difference is that they can be temporarily dismantled. In practice, this means that

the upper part of the pipe is attached to the lower part of the pipe and to the foundation using bolts or specialised 'snaps' (Figure 9). This type of bollard is installed, for example, in areas where mass events are periodically held, which requires part of the area to be temporarily cordoned off. In addition to the economic advantage of this solution, which is cheaper than automatic bollards, the undoubted benefit is that once the barriers are removed, the place where they are installed is not a traffic obstacle for vehicular or pedestrian traffic. On the other hand, the disadvantage is the need to transport the dismantled posts, their storage and the cost of employing an installation team.

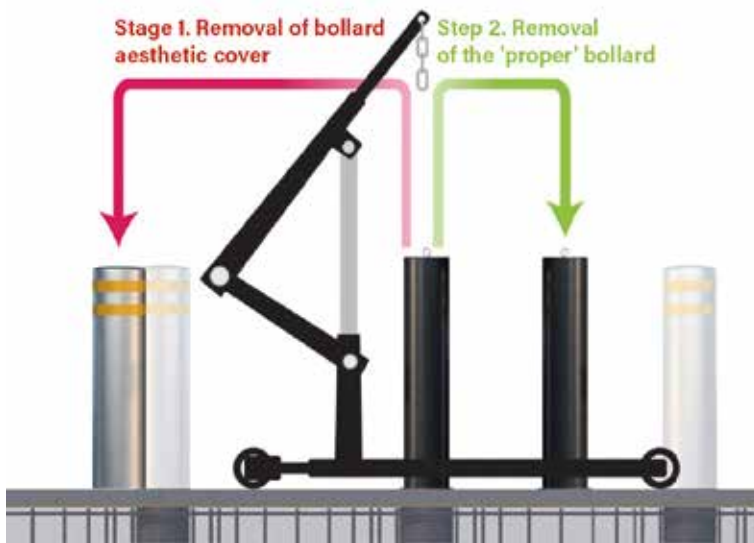


Figure 9. Diagram of bollard removal.

Source: <https://www.frontierpitts.com/products/bollards/hvm-static-bollards/pas68-removable-jupiter-7550/> [accessed: 24 IX 2022].

Fixed bollards - shallow installation

In city centres, where the probability of vehicle collisions with urban installations is very high, shallow bollard structures are used. This type of static bollard solution is characterised by the absence of a traditional foundation with reinforcement (Figures 10 and 11).

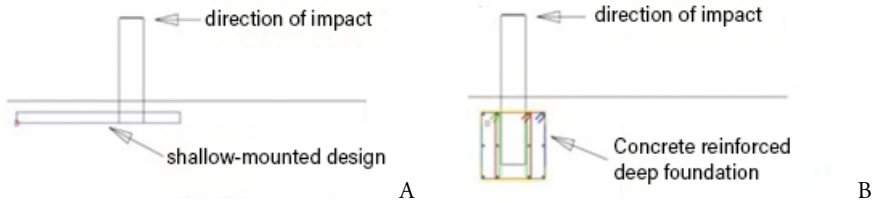


Figure 10. Comparison of bollard foundations: shallow installation (A), standard deep installation (B).

Source: ATG Access marketing material.

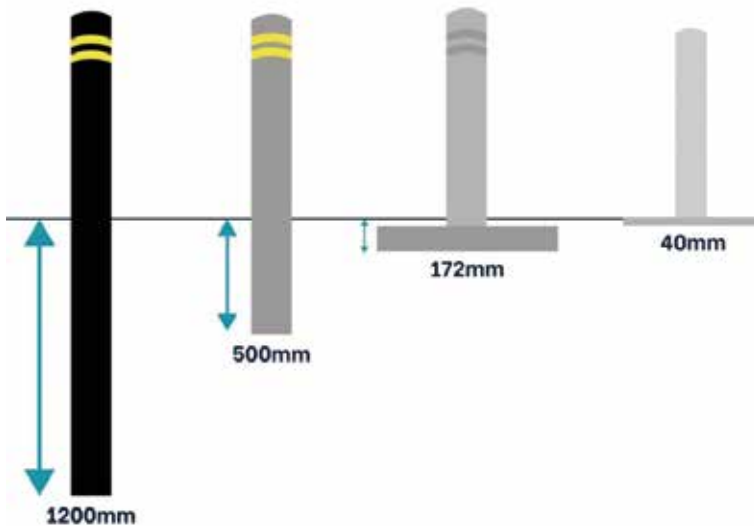


Figure 11. Comparison of different bollard installation depths.

Source: ATG Access marketing material.

The installation of the equipment is carried out directly on the prepared substrate by joining the prefabricated elements in a line, which does not have to be straight (Figure 12). During design, the bollard installation line is established according to risk assessment parameters, e.g. the distance from the object due to penetration and the dispersion of waste.

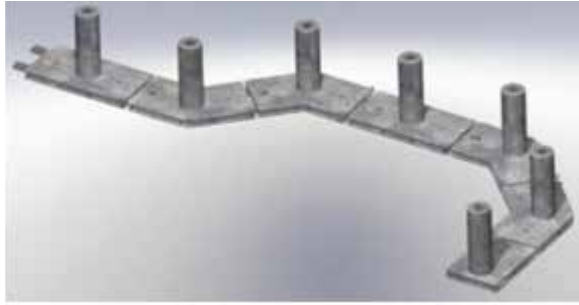


Figure 12. Shallow mount bollards fitted in accordance with risk assessment parameters.

Source: ATG Access marketing material.

Automatic bollards

The structure of automatic bollards is, in simple terms, a movable steel tube with a drive installed in a concrete and reinforced foundation (image 6). The depth of the foundation usually does not exceed 2 300 mm, the height above ground level does not exceed 1 200 mm. A smaller-diameter pipe is placed in the larger-diameter pipe, which moves inside using the telescopic principle. It is retracted or extended above ground level as required. In these units, a hydraulic drive with control electronics is most desirable. The hydraulic drive allows the barriers to open or close very smoothly and quickly.



Image 6. Automatic bollards.

Source: ATG Access marketing material.

The automatic version of the bollard offers great opportunities to protect selected zones, allowing unrestricted pedestrian traffic with limited vehicle admittance. The lock allows a large number of bollard movement operations, so it is ideal for high-traffic areas. It can be a component of a larger access control system, an entire remote security management system or operate as a stand-alone system. For specific requirements, a fast opening or emergency closing function is also possible. In addition to the above-mentioned advantages, it should be noted that the price of automatic units relative to fixed bollards is higher.

A very important option is the Emergency Fast Operation (EFO). Such a system allows the automatic barrier to be extended almost immediately, even in less than 2 s. This is an additional function that must be foreseen before production starts, i.e. at the order placement stage. When assessing the risk of overcoming an obstacle, the consultant can recommend the use of EFO as an element of safety enhancement.

Automatic bollards for shallow installation

An example of an unusual solution is the automatic shallow-mount bollard, which has an original double retractable design based on the telescope principle (image 7). The bollard is constructed with a casing tube and two moving tubes moving inside. The whole is installed in a concrete reinforced foundation.



Image 7. Shallow-mounted automatic bollards.

Source: ATG Access marketing material.

Most certified automatic posts have a foundation approximately 1 500 mm deep. This innovative product has a foundation of just 900 mm,

or less than 1 m. This solution allows installation in areas where deep excavation is not possible or there is a risk of damage to underground utilities.

Bollards without an automatic drive - manually operated

The design of these bollards is similar to that of automatic bollards, except that the role of the automatic electric-hydraulic drives is taken over by a human operator. Using muscle power or screwdrivers with patented adapters, the extension of the bollard tube can be adjusted. The steel pipe is installed in a reinforced concrete foundation. The depth of the foundation usually does not exceed 1 400 mm, the height above ground level does not exceed 1 200 mm. A smaller-diameter pipe is placed in the larger-diameter pipe, which moves inside using the telescopic principle and is either hidden or extended above ground level as required (image 8).



Image 8. Manually controlled bollard.

Source: ATG Access marketing material.

These types of barriers are installed at access points to permanently protected areas where there is an occasional need for vehicles to enter, such

as exhibition centres or galleries requiring periodic change of exhibitions. The advantage over automatic devices is the lower price, the inconvenience is the need for staff to be present on site. An additional advantage over demountable bollards is that there is no need to transport the units or hire installation crews.

Automatic and manual roadblocks

Roadblocks are typically used to secure sites with wide entrances, where functionality and level of security are the most important criteria rather than aesthetics. They will be most effective when used as the ultimate control point (image 9). Roadblocks can be classified as follows:

- automatic blockades with hydraulic drive,
- manual blockades to be used for occasional opening of the passageway,
- shallow or surface mounted blockades,
- deep mount blockades.



A



B

Image 9. Automatic road bollards: shallow mounting (A), surface mounting (B).

Source: ATG Access marketing material.

Barriers

Barriers are used where it is impractical and unnecessary to place foundations on the road surface. Image 10 shows a barrier with foundations on both sides of the road. The depth of the foundations ranges from 500 mm to 1 500 mm.



Image 10. Barrier as VSB security.

Source: <https://www.jacksons-security.co.uk/crash-rated-products/crash-rated-manual-arm-barrier> [accessed: 24 IX 2022].

This is an aesthetically pleasing alternative to entrance gates, as it provides a faster opening of the entrance than most gates available on the market. The barriers can also be equipped with additional infills mounted below the moving arm to prevent pedestrians, cyclists or motorcyclists from bypassing the barrier.

Different types of products are available on the market - with manual or automatic drive, depending on the number of daily cycles of the crossing opening. They are tested even for vehicles weighing 7.5 t travelling at 80 kph.

Gates

The anti-terrorist gates tested are used as the ultimate physical access control for both vehicles and pedestrians. They can provide effective protection against VAW attacks and attempted intrusions by individuals. Gates also complement the perimeter protection of the site as a whole and are integrated into the permanent fence. A very common argument for the use of gates is that they are trouble-free, easy to maintain and operate, and reputable manufacturers guarantee trouble-free operation for a long time.

When testing the products, the same principles apply as for bollards, and for these devices too, results of high resistance to attack are obtained even for vehicles weighing 7.5 t travelling at 80 kph.

The name 'gate' refers to a whole diverse range of solutions, including: sliding gates, folding double-sided gates, double-leaf swing gates and gates

for temporary installation. The choice of gate type depends on the opening possibilities, e.g. whether there is enough space to move the gate, the so-called return track for the sliding leaf, and in the case of folding gates, whether there is enough space to open them (Figure 13).



Figure 13. Shallow-mounted gate as VSB.

Source: Bakers Fencing, <https://bakersfencing.com/product/vulcan-rcs/> [accessed: 24 IX 2022].

Gates are often chosen as a very effective solution due to their low penetration, as low as 0.0 m for some designs. An effective safeguard - in line with safety procedures - is the use of a gate in combination with other types of interlocking. The most common solution is to create a lock for vehicle control. The airlock can consist of automatic bollards mounted in front of the perimeter zone, which is the gate including the fence. This solution allows a two-stage verification level: in front of the lock and inside the lock area. A vehicle stopped at the lock can be subjected to a detailed inspection, including scanning the underside for explosives.

Fixed wire fences

Protecting only the access roads without supplementing it with an effective perimeter fence is often insufficient. The construction of a permanent barrier is often not possible due to considerable costs and installation difficulties, e.g. installation time, size of excavations, foundation work and collisions. For this reason, complementary systems are available on the product market, which are rope fences.

Rope fences are a system of tensioned steel ropes fed through intermediate posts that can be mounted at a distance of more than 1 200 mm from each other and a height of approximately 1 200 mm (image 11). The ropes pass through the intermediate posts and the posts

proper anchored in a deep foundation, which are an important element in the strength of the overall rope fence. The depth of the foundations depends on the type of posts - intermediate and proper - with a much greater depth for the proper posts. Crash tests have shown the resistance of this type of fencing to attack by vehicles weighing 7.5 t travelling at 80 kph.



Image 11. Bristorm wire fencing.

Source: <https://hill-smith.co.uk/what-we-do/bristorm-hostile-vehicle-mitigation/> [accessed: 24 IX 2022].

Art & design blockades - street furniture

These types of solutions are installed in city centres and have been created to ensure architectural coherence. These types of blockades introduce a certain visual lightness, coupled at the same time with a high degree of protection in the event of a vehicle attack. They take a variety of forms, such as benches, flowerbeds, flower pots, handrails or bollards with special art & design external covers placed over them. Another solution used by space architects is the design of complete landscaping devices, which are tested according to previously described standards. Their installation uses an integrated structural element such as a foundation sunk below ground level. Images 12 and 13 show examples of solutions that, in addition to their utilitarian functions, are an effective anti-terrorist protection.



Image 12. Examples of blockades in the form of street furniture.

Source: ATG Access marketing material.



Image 13. Use of a blockade consisting of flowerbeds and permanent bollards.

Source: ATG Access marketing material.

Another interesting example of the practical application of the art & design concept is the ‘City of London’ fixed bollard, styled on historic city posts. This type of security can be found throughout London. It is a unique solution combining traditional design with the highest safety requirements and is crash certified.



Image 14. 'City of London' type bollards.

Source: ATG Access marketing material.

Temporary blockades

Surface-mounted barrier systems, i.e. barriers not permanently tied to the ground, are designed to temporarily protect selected areas, especially during mass events and various types of gatherings. They are installed for a limited period of time and their design allows both installation in a very short time and easy transport by light vehicles. The barriers are supplied in separate modules that are stacked several at a time, allowing transport on a pallet and facilitating storage, loading and unloading.

Installation of the barrier on a road of standard width can be done in just a few minutes with a small installation team, without the use of a forklift. The advantage of the system is the use of fewer vehicles required to deliver all the elements of the blockade compared to the transport of traditional barriers (such as concrete or steel blocks) and the complete abandonment of the use of a forklift truck. The blockade is supplied with a wide variety of prefabricated components and adaptors to allow installation at different surface levels and in areas restricted by kerbs or existing landscaping. The barrier is designed to be aesthetically pleasing for users of urban public spaces. The barrier surfaces can be used as advertising media, which bring additional marketing or financial benefits to the event organiser if a sponsor is attracted.

A temporary barrier allows free access for pedestrians and cyclists only. In order to allow emergency services to pass through, a so-called vehicle access point can additionally be installed, which will be integrated into the standard barrier layout. Barriers of this type are crash tested with, for example, 7.5 t vehicles and are guaranteed to withstand impacts of up to 50 kph. As this system lacks a permanent connection to the ground,

in the event of an impact the protected area can be penetrated by up to several metres. It is therefore necessary to plan the installation of the barriers so that they are positioned at a greater distance from the protected area than the penetration obtained in the tests (image 15).



Image 15. An example of a temporary barrier.

Source: <https://www.pitagone.com/en/home/gallery> [accessed: 24 IX 2022].

Earth blocks - embankments and ditches

Protected facilities can be secured by naturally formed barriers or by slight modification of existing landscaping, which can be part of effective perimeter protection against HVM. Natural barriers include rivers, ponds, lakes, densely wooded areas, steep slopes or unlevelled land surfaces. These types of barriers allow preventive measures to be carried out that result in the abandonment of an attack due to the lack of vehicular access. If such natural barriers do not exist in the perimeter protection area, it is possible to design them. The recommended solution is the construction of a ditch, embankment or a combination of these elements. Indications for the use of natural barriers may include:

- financial considerations - simple earthwork designs reduce the cost of installing expensive steel-built perimeter solutions,
- local availability of earthwork materials,
- ground considerations - potential for clashes with underground utilities that prevent the deep excavations needed for VSB installation;
- architectural correctness - the need to integrate the designed barriers into the existing landscape.

The design of natural barriers is not arbitrary and must be created based on guidelines, which are an important part of the HVM protection design. This type of protection should also be designed by an authorised, qualified designer. The ability of earth structures or landscape features to stop an attack will depend on their structure and dimensions. The main parameters to be analysed when creating this type of protection are:

- the strength of the material used, e.g. reinforcing embankments with additional stone filling,
- height, width, length, angle of slope of the edge - steepness in the case of a dike, depth in the case of a ditch.

Figures 14 and 15 illustrate which parameters need to be taken into account in order to use the terrain as protection against attack.

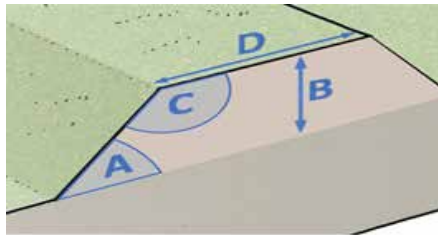


Figure 14. Parameters required for bund design: angles of inclination, length and height.

Source: *Guidance Note – HVM Earthworks and Landscaping Guidance Note*, <https://www.cpni.gov.uk/resources/hvm-earthworks-and-landscaping>, p. 11 [accessed: 24 IX 2022].

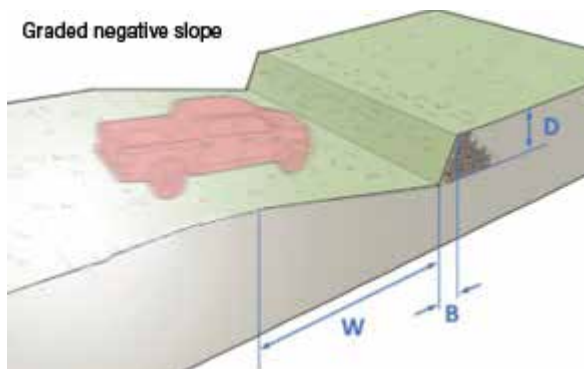


Figure 15. Parameters required for ditch design: slope angles, length, height, road over-run lengths.

Source: *Guidance Note – HVM Earthworks and Landscaping Guidance Note*, <https://www.cpni.gov.uk/resources/hvm-earthworks-and-landscaping>, p. 8 [accessed: 24 IX 2022].

Author's experience in security design

The author of this article has extensive knowledge of security design using VSBs. He points out that at the stage of developing the assumptions for VSBs, there are two conditions arising from the terrain that affect the implementation of the design.

The first case occurs when there are limited or no opportunities to influence the design of access roads. In this situation, there are likely to be many versions of possible security scenarios, and preparing a design suitable for the site requires the preparer to have the expertise to analyse many aspects resulting from the risk assessment of the attack. Therefore, only a qualified consultant is able to propose an optimal solution, which takes into account both the security features appropriate to the threat and optimises the costs of implementation. The following are examples of typical safeguards that can be applied to an access road. Figure 16 A shows an unprotected access road to a facility that is being protected, and the following figures show possible security measures under the same conditions.

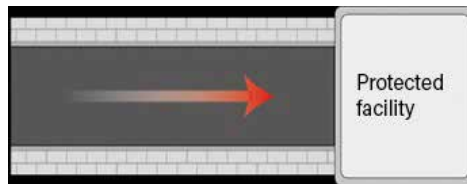


Figure 16. A protected building with no barriers.

Source: own elaboration based on ATG Access marketing material.

Figures 17-22 show the use of barriers matched to the estimated vehicle mass and speed obtained from the vehicle dynamic assessment (VDA) as protection for buildings. Based on the parameters described in the certificate for the selected bollards, they were installed at an appropriate distance from the building, taking into account the penetration and displacement of crash debris. The bollards were only installed in the carriageway area of the access road (Figure 17).

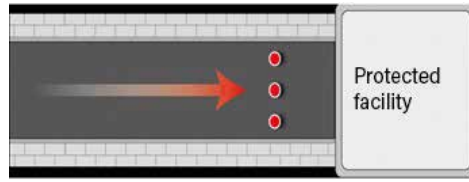


Figure 17. Automatic bollards only in the carriageway zone.

Source: own elaboration based on ATG Access marketing material.

Figure 18 illustrates the placement of additional bollards in the pedestrian walkway area. This is a complete and correct design example, as this is the only way to secure the entire façade of a protected building. The perpetrator will most likely not only move along the carriageway, but may also try to bypass the installed protection. After an analysis in a real-life situation, it may be necessary to use yet other, additional interlocks.

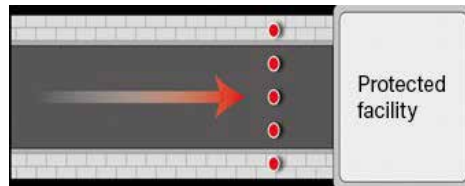


Figure 18. Fixed bollards in the carriageway zone and the pedestrian route zone.

Source: own elaboration based on ATG Access marketing material.

By placing chicanes in front of the anti-terrorist barrier, the cost of installing the products can be optimised. By limiting the speed of the vehicle used for the attack, barriers that are resistant to an attack by a vehicle travelling at 80 kph can be used instead of barriers that are resistant to an attack by a vehicle travelling at 50 kph or less (Figure 19).

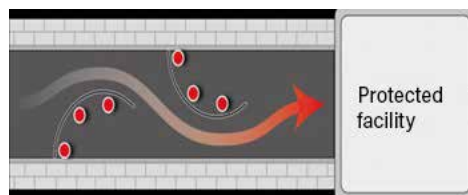


Figure 19. Chicanes to reduce vehicle speed in the carriageway zone only.

Source: own elaboration based on ATG Access marketing material.

The placement of additional chicanes in the pedestrian thoroughfare area creates a complete and correct example of HVM protection design (Figures 20 and 21).

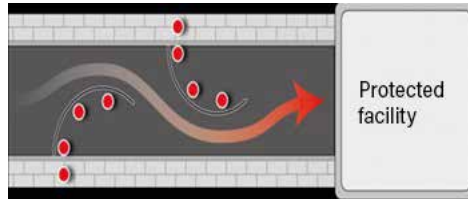


Figure 20. Chicanes reducing vehicle speed in the carriageway zone and the pedestrian route zone.

Source: own elaboration based on ATG Access marketing material.

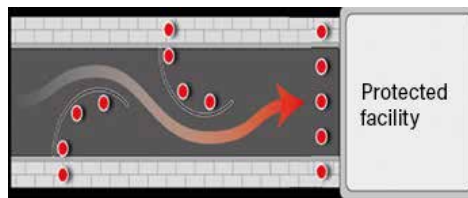


Figure 21. Correctly and cost-optimally designed installation of chicanes and bollards.

Source: own elaboration based on ATG Access marketing material.

The figures presented show examples of solutions used as preventive measures following a risk analysis. A qualified designer will not only correctly determine the required security levels for the various perimeter zones of a building, but will also be able to optimise the costs associated with the choice of specific products. Preparing the designs will allow a blockade system to be planned around the building with a consistent appearance, but with different attack resistance parameters and therefore different installation costs. The basis for doing this properly is to carry out a VDA to define which vehicles (weight and type) and at what maximum speed can be used during an attack.

The second case of conditions influencing project implementation is where designers have influence over the design of access roads at the design stage, so that they can limit the speed and size of moving vehicles. Figure 22 shows the solutions used in the design of access roads.

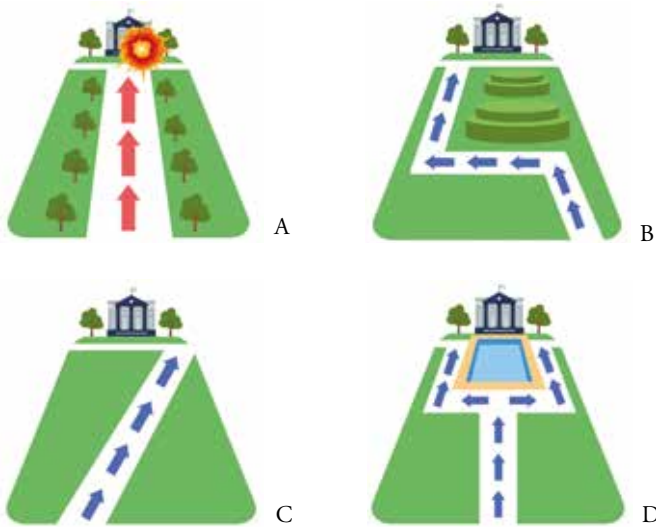


Figure 22. Preventing VAW attacks through access road design. Access road runs straight ahead (A), twisting access road and natural obstacles placed on the axis of the road (B), offsetting the access road in a ‘diagonal’ position (C), placing an obstacle, such as a body of water, on the axis of the access road (D).

Source: own elaboration based on: <https://www.cpni.gov.uk/resources/integrated-security> [accessed: 24 IX 2022].

The examples shown in the figure are for the following situations:

A – the access road to the protected site runs straight ahead, giving the VAW vehicle the opportunity to accelerate,

B – an access chicane in the form of a twisting access road and natural obstacles reduce the speed at which the vehicle can travel,

C – moving the access road ‘diagonally’ allows the direct access to the site to be offset organically,

D – pointing the access road in a different direction and placing an obstacle, such as a body of water, in front of the building on the road allows access to be obstructed, effectively reducing the possibility of an attack.

The examples cited above illustrate the variety of cases depending on the situation at the project site. Regardless of the landscaping possibilities around the protected area, there are solutions to secure any type of site.

Design guidelines and good practices

One very important parameter that must always be taken into account when designing safety features is the distance between barriers - this must not be greater than 1200 mm. This applies to all types of posts mounted in parallel next to each other and to road blocker barriers. This recommendation follows directly from the provisions of the standards for test conditions, which include also foundation testing as part of the certification process. Indirectly, it is due to the fact that there are passenger cars on the automotive market with a short wheelbase (e.g. the Fiat 500 has a wheelbase of 1414 mm). Figure 23 shows the distance that must be maintained between: cylindrical posts, street furniture in the form of concrete blocks, street furniture with irregular shapes and cone-shaped posts.

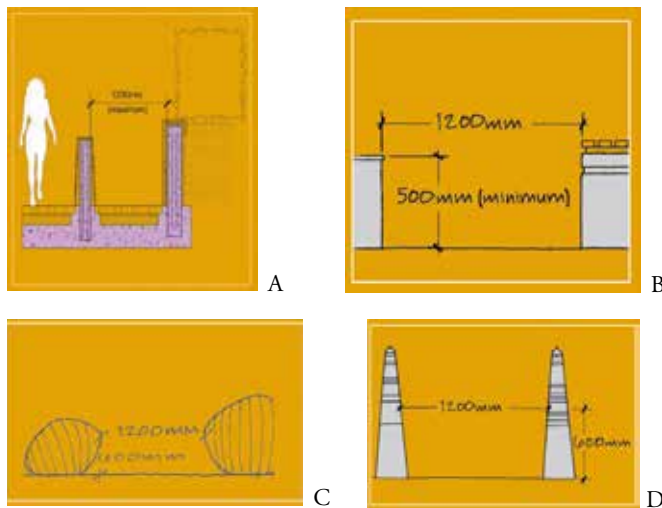


Figure 23. Maximum recommended distances between barriers: cylindrical posts (A), concrete block street furniture (B); irregularly shaped street furniture (C), 600-1200 mm spaced obstacles, cone-shaped posts (D).

Source: own elaboration based on: <https://www.cpni.gov.uk/hostile-vehicle-mitigation> [accessed: 24 IX 2022].

Further recommendations that affect the proper installation of safety barriers, trouble-free operation and effective protection in the event of an attack are:

- making the correct size and depth of foundation with reinforcement and taking into account the concrete class, amount

- and density of reinforcement, according to the manufacturer's recommendations and the results of crash tests,
- construction of the drainage with the proper slope for automatic and manually controlled systems,
 - levelling equipment, installing feeders in conduit covers to ensure their exchangeability in case of failure,
 - establishment and implementation of a security procedure for emergency opening of the equipment in case of the need to enter the secured area by services such as ambulance, fire brigade and police or other authorised persons,
 - agreeing service procedures, response times and maintaining continuity of VSB equipment.

An important role in the correct implementation of the project is played by supervision and knowledge of the technological details that determine the effectiveness of the safeguards installed (image 16). If the developer is unable to secure the cooperation of a qualified specialist, the use of independent experts in the area of anti-terrorist security is recommended.



A



B

Image 16. Examples of correct installation of automatic bollards (A and B).

Source: own elaboration.

Implementation of projects

Nowadays, increasing importance is being placed around the world on the installation of proper technical security measures in places particularly vulnerable to attacks. One example of this is France and the anti-terrorist barriers near public places. One such site is the Gare de Lyon station, which is one of the six main stations in Paris, serving around 110 million passengers per year²⁰. The possibility of a terrorist attack on the station building is very high, which is why, in addition to many security measures, VSBs have found their application there. In order to impede access to the site of a potential attack, automatic and fixed barriers were installed in front of the building, with resistance adapted to the anticipated threat. The designer used a cost-effective solution in this case, choosing devices that were appropriate to the size and speed of the vehicle that could be used as an attack tool in this particular case (image 17).



Image 17. Security at Gare de Lyon station in Paris.

Source: own elaboration.

Another example of the proper implementation of a ‘hostile vehicle attack’ project is securing the entrance to the security zone around the Élysée Palace, which is the official residence of the French President and the venue for government meetings. The vulnerability to terrorist attack for this facility is very high due to the constant presence of VIPs, important for the proper functioning of the state, and the organisation of mass events related to French national holidays. The solutions seen in image 18 were chosen and implemented in accordance with good engineering practice based on extensive knowledge of the protection of this type of facility.

²⁰ See: <https://en.parisinfo.com/transport/73400/Gare-de-Lyon> [accessed: 24 IX 2022].

The standard security measures against vehicle attack in this case are shallow-mounted automatic barriers and fixed locks, with very high resistance to attack. Complementing the installed blockades are temporary barriers used during mass events. The installation of the additional temporary barriers seen in the photo is linked to Bastille Day, a national holiday celebrated in France on 14 July (the day the photograph was taken). An additional security measure is a chain barrier that prevents single-track vehicles from entering the protected area.



Image 18. Access street to the Élysée Palace.

Source: own elaboration.

Summary

The description of the different types of anti-terrorist barriers and the principles of installation and good design practices presented in this article can serve as an introduction to the vast subject of securing facilities or grounds against vehicle attack. Terrorist attacks that have occurred in European Union countries have raised awareness among the public and made it possible to apply preventive measures, which is why services have started installing VSBs in many countries. The discussed solutions introduced in Paris are very good examples.

When considering the issues concerning VSBs, it should be remembered that knowledge about them is a new topic in Poland due to the initial stage of development and popularisation of installing this type of devices. This situation is directly related to the level and type of defined threats in our country, which determine such and not other dynamics

of the emergence of anti-terrorist protections. When it is necessary to supply and install barriers, care and attention should always be paid to the professional execution of the project. It is recommended to take measures such as:

- carrying out a vehicle dynamics assessment, i.e. assessing which vehicle and its speed is the maximum risk for specific locations within the protected site,
- consulting a certified expert for studies and projects,
- establishing - in cooperation with the consultant and the services: ambulance, fire brigade and police - the emergency opening procedure for the blockades in the event of various threats,
- selecting suppliers of products and installations which are licensed by the Ministry of the Interior and Administration and have a facility security clearance issued by the Internal Security Agency;
- introduction of control of access to information for contractor's employees only to authorised persons and, in the case of classified documentation, admitting only employees with security clearance adequate to the level of classification,
- establishing maintenance procedures for periodic inspections and failures: response time, time for removal of failures and maintenance scopes in accordance with the original manufacturer's instructions.

It is very important during meetings related to this type of investment to share the knowledge of the investor and the equipment supplier. The following is a suggestion of questions to ask when discussing the preparation of a vehicle attack protection project. The answers will help create a vision of the needs, requirements and an assessment of the feasibility. Example questions:

- Has a VDA vehicle dynamics assessment been carried out?
- What is the required level of protection according to standards: PAS 68, IWA 14-1, ASTM F2656?
- What is the planned access control procedure for authorised vehicles, e.g. ambulance, fire brigade, police?
- What is the infrastructure of the site: power supply, internet network, access to water?
- What are the hours during which disruptive and non-disruptive installation work can be carried out?
- Are there any limits on the depth of foundation of the equipment (collisions)?

- What is the assumed number of opening/closing operations per day and night (frequency of operation of the device)?
- What is the average number of opening/closing operations during peak hours? When are the peak hours?
- How are the units supposed to operate in the event of power loss? Are they to remain in the open or closed position?
- Are there requirements for the appearance of the security (design aesthetics, art & design)?
- Will vehicles move in one direction or in both directions?
- Are static devices planned, in addition to the automatic devices to be installed?
- Has a Real System Cost analysis been carried out - advice to the customer on service and maintenance of the equipment?
- Is only the delivery of the equipment required or full construction work including electrical installations?

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**Anders Behring Breivik.
A case study of a far-right terrorist – a lone wolf
(Part II)**

Abstract

In the second part of the article on the case of Anders Behring Breivik, the author answers the questions of whether the attack could have been prevented and what impact it had on public sentiment, the nature of the changes to internal security policy in Norway and the performance of the country's security services. In addition, he analyses Breivik's actions in terms of whether he meets the criteria of a lone wolf terrorist, as well as describing terrorist attacks prepared or carried out by his imitators.

Keywords:

active shooter,
manifesto,
imitators,
lone wolf,
terrorist

In the first part of the article, the author presented a profile and a short biography of Anders Breivik. It shows that severely disturbed family ties had a major influence on the formation of his personality. The emotional deprivation, narcissism and misogyny that characterised Breivik became the source of his inner transformation. This, combined with a sense of social alienation, the influence of computer games and far-right ideology, led him to commit crimes on an unprecedented scale. With his actions, Breivik wanted to stimulate the national and Christian consciousness

of modern Europeans, or at least he thought he would be able to do so. His actions were to become the inspiration for further heroes, purging Europe of Islamists and supporters of multiculturalism and liberalism. In order to get his message across to the largest possible audience, the bomber published a manifesto of more than 1,500 pages on the internet, in which he described his motivations and goals. Breivik prepared the attack meticulously, with determination, fitting the definition of a lone wolf terrorist (active shooter). These preparations culminated in two attacks carried out on 22 July 2011. One of them took place in Oslo. The detonation of explosives in front of the residence of the Prime Minister of Norway, a politician of the left-wing Labour Party, left eight people dead. The second attack was carried out on the island of Utøya, where the party's youth camp was being held. Breivik shot 67 people there and contributed to the deaths of two others - one fell off a cliff and the other drowned.

Consequences of the terrorist attack of 22 July 2011

In the aftermath of the attack carried out by Breivik, four themes ran through the media reports and publications on the events. These stemmed, it should be emphasised, from the peculiarities of Norway as a state and the nature of its society. One focused on the perpetrator, the second on the police's conduct on the critical day, the third on the justice system that Anders Breivik faced, and the fourth focused on the public's perception of the attack. The limited volume of the article does not allow for a thorough analysis of all four elements, but in the author's opinion a brief discussion of three of them is necessary in order to move on to a description of the perpetrator as a case of a far-right lone-wolf terrorist.

Shortly after the attack, there was much criticism of the police and other institutions in the country. In August 2012, a ten-member committee chaired by Alexandra Bech Gjørøv, which had investigated the circumstances of the attack and the actions of the services at the request of the parliament and the prime minister, completed its work. The committee prepared a detailed report¹, clearly indicating that the attack on 22 July could have been prevented by effectively implementing the security procedures

¹ *Rapport fra 22. juli-kommisjonen* (Eng. Report from the 22nd of July Committee), <https://www.regjeringen.no/contentassets/bb3dc76229c64735b4f6eb4dbfcd8bfe8/no/pdfs/nou201220120014000dddpdfs.pdf> [accessed: 16 VIII 2016].

already in place. A much quicker police response to protect the people gathered at Utøi and the application of many more security measures that were available but ignored would have been possible. The document was 482 pages long and contained six parts. The last one formulated the most important conclusions and 31 recommendations for the future. Significant was the finding that the Police Security Service (Politiets sikkerhetstjeneste, PST, in Norway) could have detected Breivik's actions as early as seven months before the assassination had it reacted to information from customs officials signalling a suspicious purchase of chemicals in Poland. By failing to react to these reports, the would-be assassin was not included in the list of people whose activities should have been monitored. His online activity was also not tracked, an activity that indicated progressive radicalisation. The report recommended limiting the availability of semi-automatic weapons and, in some cases, banning their sale altogether, introducing stricter controls on weapons and the sale of chemical substances, penalising terrorist training and participation, amending data protection legislation, improving the activities of police forces in terms of the implementation of procedures, the exchange of information and the organisation of work. The need to put a helicopter at the disposal of the anti-terrorist squad was also pointed out². Following the publication of the report, Prime Minister Jens Stoltenberg said he deeply regretted the mistakes made and took responsibility for what happened, but refrained from approving the resignation of ministers. Norwegian police chief Øystein Mæland said he accepted the main findings of the report. He added that it is a difficult read for those who did their best on that day. But it is most difficult for those who heard that their loved ones could have been saved if the police had reacted better and more efficiently. On 16 August 2012, Mæland resigned as he felt that his continued service was impossible due to a lack of trust from Justice Minister Grete Faremo and other members of the government³.

It should be noted that in Norway, due to the low terrorist threat, the counter-radicalisation plan was minimalist in nature. It drew on experiences with the far right, which had committed violence in the 1990s. The Norwegians adapted elements of the 'Exit' programme, designed to

² 22 July (Gjorv) Commission Report: Recommendations. Preliminary English Version of Selected Chapters, Oslo 2012, <https://famous-trials.com/breivik/2578-22-july-gjorv-commission-report-summary-in-english> [accessed: 16 VIII 2016].

³ PAP, *Norweska policja bez szefa* (Eng. Norwegian police without a chief), TVP Info, 16 VIII 2012, <https://www.tvp.info/8276676/norweska-policja-bez-szefa> [accessed: 17 VIII 2012].

help radicalised individuals leave neo-Nazi groups. At the time, a wide range of measures were developed to combat neo-Nazis, weaken their recruitment capacity and encourage members of extremist groups to leave them. In 2003, the Norwegian police organised a six-week operation against the far-right group Vigrid⁴. The hard work of police officers interviewing radicalised young people produced excellent results. More than half of the young people left Vigrid. By 2010, neo-Nazi structures had disintegrated and the violence inspired by this ideology had disappeared. Breivik was motivated by a right-wing, nationalist ideology, but not in the neo-Nazi edition. In December 2010, a new project to prevent radicalisation was presented in Norway. It consisted of compiling and describing long-term activities in this area. It was inspired by similar programmes in the UK, Denmark and the Netherlands, but adapted to Norwegian needs. The programme involved inter-ministerial cooperation between different ministries, with the participation of the PST and the police, and addressed all types of extremism. Its main element was the so-called reinforcement conversations, conducted with young people by police representatives⁵.

Anders Breivik as a lone wolf escaped the attention of the security services. After the 22 July 2011 attack, the de-radicalisation programme no longer fulfilled the hopes placed in it. The activity of radicals on the right side of the political scene increased and their activities were subjected to closer monitoring. In 2019, however, their numbers were much smaller than in neighbouring Sweden or Denmark⁶. On the other hand, Salafists from the organisations Islam Net and Profetens Ummah have become more active. According to the Islamic Council of Norway, only 56 per cent of the approximately 200,000 Muslims are registered. The remainder do not

⁴ In Norse mythology, Vigrid is the name of the place where the battle of the gods took place.

⁵ B. Pasamonik, *Deradykalizacja „po skandynawsku”* (Eng. Deradicalisation “the Scandinavian way”), in: *Zderadykalizować radykała* (Eng. De-radicalise the radical), K. Górak-Sosnowska (ed.), Warszawa 2018, pp. 146–147.

⁶ The Norwegian branches of the Nordic Resistance Movement and Soldiers of Odin and the Norwegian Defence League are active. An important role in communication, exchange of experiences and promotion of anti-immigration and anti-Muslim ideology is played by the online forum Nordisk. See: T. Bjørgo, *Right-Wing Extremism in Norway: Changes and Challenges*, Center for Research on Extremism, 25 II 2019, <https://www.sv.uio.no/c-rer/english/news-and-events/right-now/2019/right-wing-extremism-in-norway.html> [accessed: 27 II 2019].

attend mosques or have secularised and adopted the Norwegian lifestyle⁷. In addition, between 2015 and 2016, during the period of the increased influx of immigrants, Muslim-Norwegian non-governmental organisations (NGOs) were established, promoting the principles of humanism and seeking a common platform of values with Norwegians⁸. After 2011, PST began to monitor more closely than before the activities and narrative of Nadjmuddin Faraj Ahmed - the notorious mullah Krekar, founder of the Ansar al-Islam organisation in Iraq - and the Norwegian justice system stopped treating him leniently. In 2012, he was sentenced to five years in prison for making death threats against Norwegian politicians who demanded his deportation to Iraq. He was released from prison in January 2015 and was re-arrested the following year and released a few months later. In July 2019, he was arrested in connection with a 12-year prison sentence handed down in absentia by a Bolzano court and deported to Italy the following March⁹.

Norway has an extremely liberal justice system with a strong emphasis on rehabilitating the convicted person rather than punishing them. Extremists are seen as inherently good people who have temporarily gone astray and should therefore be given a chance to improve¹⁰. This strategy also applies to the perpetrators of the most serious crimes. The aim is not so much to rehabilitate the derailed individual as to reform him. Paradoxically, the more serious the crime, the more special treatment the perpetrator receives. He is provided with a multi-room cell with a bathroom, access to a gym, TV, computer and many other amenities. It is not uncommon for him to receive more attention than those in need but enjoying their freedom¹¹. The Breivik case highlighted this anomaly in

⁷ M. Czarnecki, *Skandynawia halal. Islam w krainie białych nocy* (Eng. Scandinavia halal. Islam in the land of white nights), Warszawa 2019, p. 122; *Muzułmanie w Norwegii* (Eng. Muslims in Norway), Rita Kubyliś Consulting, 4 VI 2021, <https://rkconsulting.com.pl/2021/06/04/hello-world/> [accessed: 6 VI 2021].

⁸ N. Witoszek, *Najlepszy kraj na świecie* (Eng. The best country in the world), Wołowiec 2021, p. 156.

⁹ AFP, *Norway jails controversial Iraqi preacher*, France24, 17 VII 2019, <https://www.france24.com/en/20190717-norway-jails-controversial-iraqi-preacher> [accessed: 18 VII 2019]; AFP, *Norway extradites Islamist preacher to Italy*, France24, 26 III 2020, <https://www.france24.com/en/20200326-norway-extradites-islamist-preacher-to-italy> [accessed: 27 III 2020].

¹⁰ B. Pasamonik, *Deradykalizacja „po skandynawsku”...*, p. 147.

¹¹ Norway is considered one of the safest countries in the world. Only one in five prisoners is a repeat offender. In 2011, 69 out of 100,000 Norwegians were in luxury prisons. In the USA

the way the Norwegian justice system thinks and acts. In the case of this perpetrator, it was also morally reprehensible, as more care was shown to a multiple killer than to his victims. While their loved ones have to live with a sense of loss and suffering, the mass murderer was able to sue the state that allegedly violated his human rights. The violation of these rights would allegedly be the banning of conversations and contacts with others (and thus preventing the convict from preaching criminal ideas)¹². In April 2016, the Norwegian authorities lost a lawsuit brought by Breivik, who accused them of inhumane treatment. The court ruled that keeping the convict in solitary confinement (three-room cell, computer, weight training equipment) was inhumane treatment. According to the judiciary, this is contrary to Article 3 of the European Convention on Human Rights, which states: No one shall be subjected to torture or to inhuman or degrading treatment or punishment. In contrast, the court rejected the claimant's complaint about the lack of respect for his private life, which was allegedly reflected in the monitoring of his correspondence by prison staff. The terrorist was awarded damages of 331,000 kroner (approximately PLN 155,000)¹³. Breivik used the trial to deliver an ideological tirade. He left the courtroom after exchanging handshakes with the judge.

The verdict was appealed by both sides. The Norwegian government argued that Breivik was being treated humanely and that separating him from other prisoners was for security reasons. According to the Norwegian state, there was a fear of contact between Breivik and others with extreme views. It was argued that the prisoner has access to video games in prison, can watch TV and is provided with physical exercise. The prisoner complained not only about the isolation and control of his correspondence, but also about the quality of the prison food and the need to use plastic cutlery. Before the higher court, he requested permission to receive visitors. He argued that he wanted to start a family. In a judgment published on 1 March

and the UK, more than half of convicts reoffend, and the number of inmates is several times higher than in Norway. From a social point of view, it is important that the punishment is effective, not large or small. Cf. J. Żakowski, *Czas popatrzeć w lustro* (Eng. Time to look in the mirror), *Wyborcza.pl*, 25 VII 2011, <https://wyborcza.pl/7,7598,10003298,czas-popatrzec-w-lustro.html> [accessed: 27 VII 2011].

¹² N. Witoszek, *Najlepszy kraj...*, p. 162.

¹³ PAP, *Narzekał na zimną kawę i starą konsolę. Breivik wygrał proces* (Eng. He complained about cold coffee and an old game console. Breivik won the trial), *TVP Info*, 20 IV 2016, <https://www.tvp.info/24974655/anders-breivik-wygral-proces-przeciwno-norwegii> [accessed: 21 IV 2016].

2017, the Court of Appeal stressed that strict measures were necessary for security reasons. Isolating the convict from other prisoners was indicated as appropriate. It emphasised that the convict's general mental health and behaviour had not changed significantly since he started serving his sentence¹⁴. In the same year, Breivik changed his identity to Fjotolf Hansen.

After the lifting of the ban on access to the site of the Oslo bombing, people started to bring flowers, candles and national flags there, which they attached to the security barriers set up by the police. They attached condolence cards to them (about 15,000 in total). Their subsequent analysis showed how the public perceived the attack. In terms of content, the statements mentioned can be broadly divided into three groups: 1. The attack made no sense and could not be rationally understood. It was a manifestation of madness and therefore does not force a discussion about the idea of multiculturalism. 2. The assault was directed against the state, which is democratically governed, and therefore against the entire political class. 3. The personification of the state and the nation (the use of phrases such as mother Norway, blow to the heart, the nation weeps over its children, we hug you, motherland) and thus the complete depoliticisation of the descriptive language. The marginality of other messages is evidenced by the fact that only two condolence cards mentioned the word 'fascism'. There was also an incidental mention of the assassin's involvement in a secret Masonic lodge or his brief membership of the Progress Party. This narrative was framed by the words of Prime Minister Stoltenberg, who in a television interview broadcast on the second day after the attack stressed that the lesson to be learned from the attacks must be (...) *to use language more carefully so that it is not hateful and chauvinistic, because (...) Norwegian virtues such as openness and democracy were the target of the attack*¹⁵. Few politicians and journalists explicitly pointed to the Progress Party as

¹⁴ PAP, *Breivik przegrał w procesie wytoczonym państwu. Wyrok liczy 55 stron* (Eng. Breivik lost in a lawsuit brought against the state. The verdict is 55 pages long), RMF, 1 III 2017, https://www.rmf24.pl/fakty/swiat/news-breivik-przegral-w-procesie-wytoczonym-panstwu-wyrok-liczy-5,nId,2361487#utm_source=www.rmf24.pl&utm_medium=relatedBottom&utm_campaign=2404525&crp_state=1 [accessed: 2 III 2017].

¹⁵ For: A. Kozicki, *Władze cywilne wobec ataków terrorystycznych w Norwegii w 2011 r. Przywództwo, zasoby kulturowe i język politycznego opisu* (Eng. Civilian authorities in the face of the 2011 terrorist attacks in Norway. Leadership, cultural resources and the language of political description), in: *Reagowanie na zamachy terrorystyczne. Wybrane zagadnienia* (Eng. Responding to terrorist attacks. Selected issues), J. Stelmach (ed.), Warszawa 2016, p. 111.

the culprit of the events, but the mainstream public statements were nevertheless those calling for an increased emphasis on integration, multiculturalism, diversity, openness, democracy and tolerance. An alarmist (a term used by Mette Wiggen, a researcher on the far right) poll report was published in the media, which showed that up to 40 per cent of Norwegians did not wish to live door to door with Somalis and 30 per cent with Arabs. It should be noted, however, that Norwegians do not like racial discrimination, but neither do black jobseekers. The degree of social pressure to pursue an inclusive policy was evidenced by the consensus view of the columnists of the main conservative weekly *Morgenbladet*. In their view, it was wrong to honour Norway's national heroes by naming oil rigs in the North Sea after them, six months before Breivik's attack. An unprecedented event was when the Prime Minister visited a mosque and gave a speech there about creating a community ignorant of religious, racial, gender and class differences. In the days that followed, there was already talk of assimilation, i.e. adopting the Norwegian way of life. This lifestyle, however, was to be not the old ethnocentric Norwegianness, but its modern variant - an attitude of openness. This was expressed at a memorial service in Oslo led by the Bishop. Representatives of all religions and non-believers were invited to the mass. Rabbis and imams were most likely absent¹⁶.

One year after the attacks, Trond Henry Blattmann, chairman of the support group for victims and their families, who lost a son at Utøya, expressed the opinion that Norway had not visibly increased security or restricted public access to government institutions and people in them. Instead, proposals for legal changes have been made, including strengthening protection for senior politicians and centres of power. Laws were also drafted to tighten security measures in centres for the mentally ill, especially dangerous ones. Thorough control of the Internet was also considered¹⁷. The largest chains of shops selling music CDs, films and computer games, i.e. Coop Norge and Platekompaniet, withdrew the entire range of violent games from the market. This was a reaction to the news that Breivik regularly played 'World of Warcraft'¹⁸. There have also been

¹⁶ A. Kozicki, *Władze cywilne...*, pp. 112–113.

¹⁷ A. Bylica, *Norwegia rok po zamachach* (Eng. Norway one year after the attacks), "e-Terroryzm. pl" 2012, no. 9, p. 7.

¹⁸ PAP, *Gry komputerowe na cenzurowanym w Norwegii. To przez Breivika* (Eng. Computer games under censure in Norway. It's because of Breivik), "Newsweek Polska", 30 VII 2011,

changes in the attitudes displayed by young people, who have shown an increase in social engagement. There has been a 40 per cent increase in the number of people signing up to the Labour Party youth group, whose members were targeted in the Utøya attack. More people also joined the youth branches of other parties, including the Progress Party, which, after a drop in popularity following the 22 July tragedy and its historic defeat in the local elections in autumn 2011, recovered a year later and could count on the support of 22.8 per cent of voters. The public had forgotten the close links between the party's rhetoric and Breivik's ideology. In addition, 40 per cent of Norwegians were in favour of a more restrictive migration policy¹⁹. After the elections in September 2013, the Progress Party, which had traditionally called for restrictions on immigration, entered a centre-right government and toned down its rhetoric, asserting a commitment to Christian and humanist values, low taxes and higher education. It also reassured the electorate that Norway was and would remain a 'regime of goodness' (with a built-in safety valve). The Progress Party elites adopted a more cooperative attitude and showed a greater willingness to dialogue than in the past, becoming part of the process of building consensus and compromise²⁰. An expression of the new government's maintenance of left-wing policies was Norway's acceptance of as many as 31,000 asylum applications in 2015²¹. Thus, Breivik did not achieve the ideological goal of his attack. He failed to mobilise the far right into an anti-immigrant and anti-Muslim uprising. Not only did he fail to get the public to adopt his way of thinking, he actually turned them against him. Instead of showing rage and hatred towards strangers, people organised rose processions and ceremonies of solidarity with the victims. The founding traditions of Norway shone through in the reactions to the terrorist attack: reason, pragmatism,

<https://www.newsweek.pl/swiat/gry-komputerowe-zakazy-w-norwegii-przez-zamach-breivika/ds7bv55> [accessed: 15 II 2017].

¹⁹ PAP, *Norwegia: była partia Breivika rośnie w siłę. „Kraj się nie zmienił”* (Eng. Norway: Breivik's former party is growing in strength. "The country has not changed"), "Wprost", 22 VII 2012, <https://www.wprost.pl/swiat/335084/norwegia-byla-partia-breivika-rosnie-w-sile-kraj-sie-nie-zmien.html> [accessed: 23 VII 2012].

²⁰ N. Witoszek, *Najlepszy kraj...*, p. 149.

²¹ *Skandynawia ochładza stosunek do uchodźców* (Eng. Scandinavia cools its attitude to refugees), "Biuletyn Migracyjny" 2016, no. 54, <http://biuletynmigracyjny.uw.edu.pl/54-czerwiec-2016/skandynawia-ochladza-stosunek-do-uchodzcow> [accessed: 22 XI 2016].

moderation and an unwavering belief in the human capacity to cooperate²². At the same time, it should be remembered that the people of Norway show respect for the institutions of the state and that the authorities there are highly trusted. This is a phenomenon rarely seen in the rest of Europe. Norwegians, apart from the families and friends of the victims, were mostly relieved by Breivik's sentence of 21 years in prison, with the possibility of his imprisonment being extended for further years.

Polls conducted by Kantar ten years after the attacks show, among other things, that according to around 75 per cent of respondents, the attacks of 22 July 2011 were perpetrated by an unbalanced and fanatical young man motivated by right-wing extremism. His action was directed against democracy. According to those surveyed, the state had dealt well with the aftermath of the attacks, and they had increased concern for the basic values of Norwegian society. Right-wing supporters believed that Breivik was prompted to attack by left-wing policies pursuing multiculturalism. This view was expressed by around 25 per cent of respondents - supporters of the Progress Party and, above all, opponents of immigration to Norway. The distribution of responses regarding remembrance of the attacks and sympathy for the victims and their families also depended on political affiliation. Regardless of political option, however, trust in the government and parliament remained high. The narrative of their representatives on the events of ten years ago was received unreservedly by the public. Respondents also felt that the sentence handed down to Breivik should not raise objections to the justice system. The analysis of the survey data also showed a growing polarisation between supporters of the left and the right, which may deepen in the next few years, especially as the far-right narrative has more clout. The divisions in the Norwegian political scene may in future make it more difficult to maintain the sense of unity and harmony in society for which Norway is famous²³. Other studies have shown that the collective memory of the 22 July 2011 tragedy is declining - in 2013, 13 per cent of the public remembered it, in 2020 only 1 per cent. - In the same period, there was also an increase from 55 per cent to 80 per cent in the number of people who rarely or never thought about the event.

²² N. Witoszek, *Najlepszy kraj...*, p. 159.

²³ Ø.B. Solheim, A.R. Jupskås, *Consensus or Conflict? A Survey Analysis of How Norwegians Interpret the July 22, 2011 Attacks a Decade Later*, "Perspectives on Terrorism" 2021, vol. 15, no. 3, pp. 121-123, <https://www.universiteitleiden.nl/binaries/content/assets/customsites/perspectives-on-terrorism/2021/issue-3/solheim-and-jupskas.pdf> [accessed: 4 II 2022].

The result of this research may come as a surprise, as there is a belief that three factors associated with terrorist attacks have a lasting impact on society. These are: severity, response and innovation²⁴. Undoubtedly, these three factors characterise the 22 July attack, but the results of the sociological research do not indicate that it has had a lasting impact on the collective memory of Norwegians.

Anders Breivik as a lone wolf

Breivik is a classic case of a lone wolf terrorist. He has all the characteristics of one: he radicalised himself, he planned and carried out the terrorist operation on his own, he had no operational or personal relationships with specific terrorist organisations, and in his manifesto he formulated a goal of action with a political connotation²⁵. He also had a deep sense of mission, which in his eyes justified the violence. Some researchers have referred to Breivik as an active shooter. They have pointed out that terrorist actions carried out by such individuals most often end in their death, either by suicide or as a result of a confrontation with security forces. Mental illness, anxiety, psychological trauma, feelings of loneliness and isolation, depression, chronic severe stress, unmet needs, desire to punish other people, fear of punishment are identified as factors shaping the personality of this type of perpetrator²⁶. Breivik belongs to this group of lone gunmen who survived his attack. The terrorist did not plan his death, but already at the stage of preparing for the attack he took this possibility into account. He feared that he would be killed in the process of constructing the bomb, and

²⁴ T. Bjørgo, A.R. Jupskås, *The Long-Term Impacts of Attacks: The Case of the July 22, 2011 Attacks in Norway*, „Perspectives on Terrorism” 2021, vol. 15, no. 3, p. 4, <https://www.universiteitleiden.nl/binaries/content/assets/customsites/perspectives-on-terrorism/2021/issue-3/bjorgo-and-jupskas.pdf> [accessed: 4 II 2022].

²⁵ A. Wejksznier, *Globalna sieć Al-Kaidy. Nowe Państwo Islamskie* (Eng. Al-Qaeda’s global network. The new Islamic State), Warszawa 2017, p. 245; the same, *Samotne wilki kalifatu? Państwo Islamskie i indywidualny terroryzm dżihadystyczny w Europie Zachodniej* (Eng. Lone wolves of the caliphate? The Islamic State and individual jihadist terrorism in Western Europe), Warszawa 2018, p. 37.

²⁶ A. Korolewski, „Active shooter” – jedna z metod wykorzystywanych przez terrorystów (Eng. “Active shooter” - one of the methods used by terrorists), in: *Reagowanie na zamachy terrorystyczne. Wybrane zagadnienia* (Eng. Responding to terrorist attacks. Selected issues), J. Stelmach (ed.), Warszawa 2016, p. 88.

tried to take into account a number of likely scenarios for how the situation might unfold. His complex, labour-intensive and difficult plan of attack was well thought out, perfectly prepared and largely executed. Breivik did nothing that went beyond this plan or was inexpedient. He tried to keep his emotions in check and this emotional coolness and perfectionism set him apart as a lone wolf. Even in terms of the technical issues involved in constructing the bomb, he had no one to advise him. His advisor was the Internet. Then there is the problem of authority. Breivik was inspired by the views of right-wing extremists active online, but he placed himself above them all in his criminal actions. He killed one person after another on Utøya (while filming everything at the same time) and waited for the police to arrive, before calmly handing himself over to the Delta officers. He knew that they would not use weapons against someone who voluntarily surrendered. He was also aware that the death penalty does not exist in Norway. He therefore could not have wanted it²⁷.

Anders Breivik used the courtroom to articulate his ideology in a half-hour speech, summarising what he had included in his manifesto (the trial ran from 16 April to 24 August 2012). He wanted, he claimed, to save his nation from cultural Marxism and Muslim immigrants. However, they were not the target of his attack, but the left-wing government of Norway and members of the youth branch of the ruling left-wing party, because it was the policies it pursued that led, in his view, to the presence of thousands of Muslims in a Christian country. He wanted to be remembered as a fighter against Marxism, Islamic invasion and multiculturalism. He argued that Christians were being persecuted and that indigenous Norwegians had become a minority in their own country. He complained about a biased media favouring multiculturalism. He said that Europe was ruled by Marxists and supporters of multiculturalism. As in the manifesto, he accused Muslims of shedding blood, referring to the terrorist attacks - in Madrid (11 March 2004) and in London (7 July 2005). He argued that aggressive cultures such as Islam would grow as expansively as cancer. He also compared himself with Indian chiefs Sitting Bull and Black Horse (who fought against whites in the Wild West in the second half of the 19th century), who he claimed were heroes, not terrorists. Breivik argued that the dropping of the atomic bomb on Japan was just as violent as his attacks, but was due to good

²⁷ E. Czykwin, *Anders Breivik. Między dumą a wstydem* (Eng. Anders Breivik. Between pride and shame), Warszawa 2019, pp. 229–230.

intentions. He explained that people who call him an evil man do not understand the difference between evil and brutality. For the first time, he apologised for his actions. In the television broadcast of the trial, Breivik saw an opportunity to implement the second instalment of his plan. He did not want to appear as a person who was ashamed, but as a man proud of his achievements. So when entering the courtroom, he would place his right hand over his heart and then raise it upright with a clenched fist in a salute that he felt symbolised strength and honour. To this day, he has shown no sympathy either for the victims or their families. He only showed emotion at the screening of his own film of the Utøya attack. He addressed his apology only to the families of the accidental victims - passers-by in the centre of Oslo who were killed by the explosion. In doing so, he distinguished them from activists from the Labour Party youth camp, whom he had previously compared to the Hitlerjugend. In his view, they were not innocent children, but naive and indoctrinated activists. He admitted that when shooting at Utøya, he chose those who looked more left-wing than others. Earlier in the trial, however, he said that he had hoped that none of the 564 people on the island would survive. Those who were not reached by bullets were expected to drown, escaping the gunshots. He praised his crime, describing it as the most showboating political attack after the World War II. He assured that he would do it again. He asked to be acquitted because he had allegedly saved Norway from civil war²⁸.

Breivik gave his testimony calmly and logically. What was striking was the freedom with which he incorporated anti-immigrant, far-right content into his own doctrine of fighting multiculturalism, setting it in the reality of the crusade against Islam and invoking Norse mythology. He claimed to be a Templar and a defender of the white race. He hoped that his manifesto would become the bible of ultranationalists across Europe. He tried to play the role of defender of Western civilisation before the court. During the trial, he referred to the work of Peter Mangs, calling him with acclaim the greatest opposition figure in Scandinavia before 22 July 2011²⁹. He described how, in 2002, he had met other Templars in London

²⁸ J. Pawlicki, *Świat według Breivika* (Eng. The world according to Breivik), "Gazeta Wyborcza", 18 IV 2012; the same, *Piekło Andersa Breivika* (Eng. Anders Breivik's hell), "Gazeta Wyborcza", 24 IV 2012.

²⁹ Between 2003 and 2010, Peter Mangs searched for dark-skinned immigrants, whom he shot at from a concealed position, usually after nightfall. His area of operation was Malmö. He intensified his activities in October 2009 after shooting a 20-year-old dark-skinned woman

who appeared in fancy uniforms and white gloves. He claimed that two years later he was in the Baltics, where he attended training courses with leaders of other Templar cells. Prosecutor Inga Bejer Engh consistently and factually verified the content of Breivik's statements, contrasting facts with his made-up stories. These included his education, his assertions about the number of books he had read on economic issues, his successful business activities. Unfortunately, the accused was unable to name the title of any of the books he had read, and finally confessed that he had gleaned most of his allegedly extensive knowledge not only of economics, but also of religion and history from Wikipedia. Prosecutor Engh showed that his businesses were loss-making, with the exception of one that produced and sold fake diplomas. Breivik also had to admit that there was no European network of the Knights Templar, and that he himself had not taken any courses in the organisation. In the crossfire of questions from prosecutor Engh and second accuser Svein Holden, Breivik was exposed as a liar, a loser with a big ego and a man full of complexes³⁰.

Before Breivik stood trial, he was subjected to a psychiatric examination. In a first expert report drawn up in December 2011, the experts concluded that he was suffering from paranoid schizophrenia and therefore could not be tried. The assassin absolutely disagreed with this opinion. He considered himself to be a person of full mental capacity. This was demonstrated by a second expert opinion, in which he was declared sane.

who was sitting in a car parked near a mosque. A 21-year-old man sitting next to her was also injured. In the year since that incident, Mangs has shot at more than a dozen people, wounding 13 of them. His list of targets included prominent Swedes whom he considered to be Jews and friends of Israel. During the trial against Mangs, prosecutors, who charged him with three murders and 13 attempted murders, argued that the defendant was obsessed with guns and hated immigrants. Mangs was inspired by John Ausonius, who terrorised immigrants in Stockholm for racist reasons in the early 1990s. Ausonius was captured after nearly a year of searching and sentenced to life imprisonment for murder and nine counts of attempted murder. Peter Mangs, John Ausonius and Anders Breivik were lone wolves and harboured a hatred of multicultural society. Unlike Breivik, Mangs had received psychiatric care in the past, then tried to destroy medical records. Mangs was an active member of a shooting association and was therefore granted gun permits and access to weapons. He was sentenced to life imprisonment in November 2012. See: M. Gardell, *Urban Terror: The Case of Lone Wolf Peter Mangs*, "Terrorism and Political Violence" 2018, vol. 30, no. 5, pp. 793–811, <https://www.tandfonline.com/doi/pdf/10.1080/09546553.2018.1444796> [accessed: 4 II 2022].

³⁰ K. Kęciek, *Prokurator miażdży Breivika* (Eng. Prosecutor crushes Breivik), "Przegląd", May 2012, <https://www.tygodnikprzegląd.pl/prokurator-miazdzy-breivika/> [accessed: 20 V 2012].

This was relied upon by the court, which on 24 August 2012 pronounced the highest sentence in Norway, sentencing the bomber to 21 years in prison. In doing so, the court reserved the right to extend the sentence indefinitely if the convict continued to be perceived as a danger to society. After ten years, the prisoner could apply for early release, which he did on 18 January 2022. Breivik was satisfied with the sentence. He was keen to be found sane. He decided not to appeal the verdict, especially as, he explained, it would legitimise a court he did not recognise³¹.

The European media tried to avoid referring to Breivik as a terrorist. For the French press, he was usually the 'author of the massacre' on the island of Utøya. The German and Anglo-Saxon media used the term 'mass murderer', which was supposed to imply the commission of many murders, but without a political context. However, Breivik's act was a terrorist act in its pure form and it did not matter that this could valorise the perpetrator and his crime. During the ongoing trial, the myth of the self-appointed defender of 'white Europe' was only partially destroyed. During his imprisonment, Breivik received a plethora of letters containing expressions of support not only for his ideology, but also for the acts he committed. Many of these included marriage proposals. It was estimated that Breivik had around 15,000 supporters in Norway alone. On 6 June 2012, Eivind Berge, an extremist blogger who encouraged the killing of police officers as collaborators, was arrested. In turn, Norwegian neo-Nazis grouped in the Nordfront organisation distributed propaganda leaflets in Bergen in support of the 22 July bomber, and there were clashes between neo-Nazis and anti-racists in Trondheim. Breivik was also able to influence the psyche of the prison guards. There was a fear that they would fall victim to Stockholm syndrome, even though they were often replaced. This was reported by, among others, the My Norway portal³². Breivik's place of confinement was also initially changed, and he was moved several times between Ila and Skien prisons. The convict had two faces. On the one hand, he was polite, gracious and friendly, while on the other, he was preoccupied with his mission and talked incessantly about how he saw the world order.

³¹ E. Czykwin, *Anders Breivik...*, p. 171.

³² A. Kajka, *Stróże więzienni są wykończeni pilnowaniem Breivika* (Eng. Prison guards are exhausted from guarding Breivik), *MojaNorwegia*, 14 XI 2014, <https://www.mojanorwegia.pl/zycie-w-norwegii/stroze-wiezienni-sa-wykonczeni-pilnowaniem-breivika-8947.html> [accessed: 15 XI 2014].

Breivik's imitators

Anders Breivik ushered in a new kind of terrorist threat not only in Europe, but also worldwide, and had a major impact on the activities of the secret services and police of EU countries. After 11 September 2001, the interest of the services in political extremism declined in favour of the threat from radical Islam. The fight against Al-Qaeda and its affiliated organisations came to the fore. However, the activities of Islamic extremists increasingly drew the attention of the right side of the political scene, nationalist organisations, journalists and independent authors. Their narrative provoked a fierce reaction from the left and NGOs defending the policy of multiculturalism, even though it had failed, as had the integration policy pursued previously. Substantive criticism of Islamic radicalism has also been consistently fought against, being seen as a manifestation of Islamophobia, racism and hatred. This attitude of politicians and the pro-government media must have triggered the emergence of anti-immigrant and anti-Muslim organisations, some of which did not shy away from brutal violence. Examples include the German Nationalsozialistischer Untergrund (National Socialist Underground) or the English Defence League in the UK. Breivik and his attitude in court have aroused a great deal of interest among terrorism experts, secret services and psychologists. The latter have begun to emphasise the need to profile those at risk of radicalisation and to counter extremist violence. Deradicalisation programmes have been revisited in Norway, Denmark and Germany, and other countries have proceeded, with varying degrees of success, to introduce them. At EU level, the Radicalisation Awareness Network was established in 2011.

The Norwegian services highlighted several distinctive elements of Breivik's activity that needed to be analysed. The conclusions drawn from this would provide an agenda for counter-terrorism activities. First and foremost, the need to monitor all extremist content - both political and religious - in cyberspace was emphasised. Publications containing terms, symbolism or descriptions of rituals that may indicate a transformation of the author's personality or his radicalisation (in Breivik's case, this included calling himself a Templar) should be of interest. Such terms and the context of their use should inspire preventive action. Since the internet provides anonymity and does not expose one to social stigma, the services should have the ability to efficiently analyse the information exchanged in cyberspace and the content hidden in it. Another important conclusion came from assessing the attitude of Fjordman, Breivik's mentor, who was in

Cairo on 11 September 2001 and was shocked to see young people cheering in the streets of the Egyptian capital for the attack on the US. The subsequent violent content that Fjordman posted on the internet may provide a clue as to how to solve similar problems without resorting to violence. It was also pointed out, with reference to other cases of active shooters, the need for a swift and decisive response from the anti-terrorist services, with whom active shooters refuse to negotiate and commit suicide³³.

Despite all these recommendations, it was predicted that sooner or later Breivik would find imitators fascinated by his crime. One of them turned out to be Brunon Kwiecień, a researcher at the University of Agriculture in Kraków, a chemist with a doctorate and a pyrotechnician by hobby. He formed a four-person group, which included two undercover ABW officers ('Operation Eligiusz'). The aim of the group was to attack the Sejm during its December 2012 session with the participation of the President and Prime Minister of the Republic of Poland, devoted to work on the draft budget. To carry out the attack, Kwiecień wanted to use a specially prepared SKOT armoured personnel carrier loaded with 4 tonnes of ammonium nitrate-based explosives. On 9 November 2012, he was arrested and charged with preparing a terrorist attack. Kwiecień acted from nationalist, xenophobic and anti-Semitic motives. He considered those in power to be alien. In his posts on internet forums, where he appeared under the nickname "borazol", he appealed to users who wanted to change something in the country by deed, to get in touch with him. He believed that Poland needed a radical clean-up. This appeal was answered by the Internal Security Agency, which put two young officers into contact with him. Kwiecień wrote that it was possible to avoid the mistakes made by Breivik, who had parked his car incorrectly in Oslo and had prepared an explosive charge that was too small, so that the scale of the damage was limited³⁴. During the investigation into Kwiecień, only a small amount of explosives were found, despite the fact that he had ordered a large amount of ammonium nitrate. In contrast, more than a dozen illegally possessed firearms and more than 1,100 rounds of ammunition were discovered in the premises searched. Kwiecień

³³ M. Ranstorp, "Lone Wolf Terrorism". *The Case of Anders Breivik*, "Sicherheit und Frieden" 2013, vol. 31, no. 2, p. 92, https://www.nomos-elibrary.de/10.5771/0175-274x-2013-2-87.pdf?download_full_pdf=1 [accessed: 11 XII 2016].

³⁴ W. Czuchnowski, *Operacja Brunon K.* (Eng. Operation Brunon K), "Gazeta Wyborcza", 21 XI 2012; M. Kozubal, I. Kacprzak, *Chemik zafascynowany Breivikiem* (Eng. Chemist fascinated by Breivik), "Rzeczpospolita", 21 XI 2012.

travelled to Belgium for the weapons, as the police in Poland refused to issue him with a permit. There was also no armoured personnel carrier³⁵. Before the court, he only admitted to organising training courses on explosives. On 1 December 2015, the Regional Court of Kraków sentenced Kwiecień to 13 years' imprisonment. Following an appeal in April 2017, the court reduced the prison sentence to nine years. The following April, the Supreme Court dismissed the cassation. Kwiecień died in prison in August 2019³⁶.

In November 2012, the famous US think tank Strategic Forecasting Inc. (Stratfor) published an analysis entitled *Mimicking Breivik in Poland*. Its author Ben West highlighted the purely technical issues of Kwiecień's preparations for the attack. The analyst noted that the Kraków lecturer was, by virtue of his education, much better prepared to carry out the attack than Breivik. He questioned the amount of explosive used for the test detonation visible in the video made by Kwiecień. The explosion shown must have been caused by a much smaller amount of explosives than the Polish investigators maintained. West pointed out the obvious mistakes that Kwiecień had made. In his view, he could have been a great 'bomber', but as a terrorist he was not well prepared. Despite trying to eliminate Breivik's mistakes, the Pole behaved very carelessly. The Norwegian took care to keep the plot secret, meanwhile, Kwiecień bragged about his ability to construct explosives and propagated his ideology, which made him suspicious. The Stratfor employee had no doubt that more terrorists would learn from the thwarted action of the Polish chemist. For this is a kind of relay of generations³⁷.

On 22 July 2016, the fifth anniversary of the attacks carried out by Breivik, a shooting took place at the McDonald's restaurant and Olympia-Einkaufszentrum shopping mall in Munich, killing nine people and wounding 37. The perpetrator was 18-year-old Ali Sonboly from a family of Iranian immigrants in Germany, who was fascinated by Breivik's crimes

³⁵ A. Szulc, *Niewidoczność. Portret zamachowca* (Eng. Invisibility. Portrait of an attacker), "Newsweek" 2012, no. 48, p. 15.

³⁶ *Nie żyje Brunon Kwiecień. Był skazany za organizowanie zamachu na Sejm* (Eng. Brunon Kwiecień is dead. He was convicted of organising an attack on the Sejm), Wirtualna Polska, 6 VIII 2019, <https://wiadomosci.wp.pl/nie-zyje-brunon-kwiecien-byl-skazany-za-organizowanie-zamachu-na-sejm-6410664238418049a> [accessed: 7 VIII 2019].

³⁷ B. West., *Mimicking Breivik in Poland*, Stratfor, 29 XI 2012, <https://worldview.stratfor.com/article/mimicking-breivik-poland> [accessed: 3 XII 2012].

and school shootings in the United States. Two months before the attack, he had changed his name from Ali to David and converted to Christianity. He most likely wanted to break with his Islamic identity. Sonboly, using a Glock calibre 9 mm pistol, first opened fire in a McDonald's located in the aforementioned mall. He chose people with dark skin, who might be from the Middle East. He killed most of his victims in this very restaurant. After carrying out the attack, the terrorist fled the scene to a residential area, where he hid in the bicycle storage room of one of the blocks of flats. At 8.25 pm, he came out in front of the police officers and, in front of them, committed suicide by shooting himself in the head with a pistol³⁸.

In February 2019, 49-year-old Christopher Paul Hasson, a white supremacist who was planning a Breivik-style attack, was arrested in the United States. To this end, he had been stockpiling weapons and ammunition since 2017, gathering information on the targets of future assassinations, who were to be Democratic Party politicians and journalists. He analysed the likelihood of individuals being killed by creating a special hit list spreadsheet. He studied letters and manifestos left by multiple killers, including Breivik's manifesto. The fanatic also planned to use biological weapons, including the Spanish flu virus, sausage venom (botulinum) and anthrax, to poison food. In preparation for the series of attacks, he deployed weapons, ammunition, food and military uniforms in five different locations. He also purchased three houses to serve as bases for the attacks. Hasson was arrested on 15 February 2019 in the car park of the Coast Guard Headquarters in Washington DC (he was an officer in the service). Seven rifles, two shotguns, four pistols, two revolvers and two silencers, as well as magazines and ammunition, were found in his home. The following year he was sentenced to 13 years' imprisonment for illegal possession of weapons and drugs. He was not charged with preparing a terrorist attack, although the prosecutor had no doubts about this, as there was ample evidence to support it³⁹.

³⁸ B.T. Wieliński, *Atak szaleńca, nie kalifatu* (Eng. An attack by a madman, not a caliphate), "Gazeta Wyborcza", 25 VII 2016.

³⁹ M. Choi, *Coast Guard officer accused of plotting to kill Democrats, journalists*, Politico, 20 II 2019, <https://www.politico.com/story/2019/02/20/coast-guard-officer-domestic-terror-1176806> [accessed: 21 II 2019]; R. Kalvapalle, *U.S. Coast Guard lieutenant allegedly plotted mass terror attack targeting Democrats, journalists*, Global News, 20 II 2019, <https://globalnews.ca/news/4980961/christopher-hasson-coast-guard-terrorist-plot/> [accessed: 21 II 2019].

On 15 March 2019, a radicalised 28-year-old Australian man, Brenton Tarrant, carried out two attacks on Muslims praying in mosques in the New Zealand city of Christchurch. First, at around 2.45 pm, he entered the Al-Nur mosque, where he fired at random people with an automatic weapon. When he ran out of ammunition, he left the building to change weapons in a car parked nearby. He returned to the mosque and fired shots at victims showing signs of life. Forty-eight people were killed. He broadcast this massacre live on Facebook. He then proceeded to the Linwood mosque, where he started shooting at around 4 pm. A total of 51 people were killed and 50 injured in this double attack. The perpetrator was apprehended by the police. He had placed political slogans and the names of specific individuals and historical figures, including Polish Crown Hetman Feliks Kazimierz Potocki, on his rifle magazines. He fought under the command of King Jan III Sobieski at the Battle of Vienna in 1683, and this date also appeared on the assassin's weapon. On the barrel of the rifle, the assassin had engraved Breivik's name. In 2017, Tarrant visited numerous European countries, including Poland. Inspired by Norway, he also left his manifesto with an anti-immigrant, anti-Muslim message entitled: *The Great Replacement. Towards a new Society. We march ever forwards*⁴⁰. In it, he called for, among other things, the killing of Muslims in Western Europe, as well as the killing of some politicians with pro-immigrant attitudes, including Angela Merkel. He wanted representatives of non-white races and followers of Islam to leave the lands of Western civilisation. In August 2020, Tarrant was sentenced to life imprisonment, without the possibility of seeking early release. This was the first such sentence in New Zealand's judicial history⁴¹.

On 27 April 2019, John Timothy Earnest, aged 19, fired semi-automatic rifle shots at worshippers of Judaism gathered at a synagogue in Poway, California. The attack resulted in the death of one woman (who died in hospital), who shielded the rabbi from the bullets with her own body, and

⁴⁰ B. Tarrant, *The Great Replacement*, https://img-prod.ilfoglio.it/userUpload/The_Great_Replacementconvertito.pdf [accessed: 15 III 2020].

⁴¹ *Zamachowiec z Nowej Zelandii był w Polsce. Nowe fakty* (Eng. The attacker from New Zealand was in Poland. New facts), *Wirtualna Polska*, 19 III 2019, <https://wiadomosci.wp.pl/zamachowiec-z-nowej-zelandii-byl-w-polsce-nowe-fakty-6361066902677121a> [accessed: 20 III 2019]. PAP, *Zamordował ponad 50 osób. Zamachowiec z Christchurch usłyszał wyrok* (Eng. He murdered more than 50 people. Christchurch attacker heard his sentence), *TVP Info*, 27 VIII 2020, <https://www.tvp.info/49585889/nowa-zelandia-zamachowiec-z-christchurch-brenton-tarrant-skazany-na-dozywocie-wieszwiecej> [accessed: 27 VIII 2020].

three other people were wounded. There would certainly have been more victims had it not been for the reaction of a Coast Guard officer present at the synagogue, who used shots to force the attacker to flee. He was apprehended about 3.5 km from the scene after a phone call to the police informing them of his location. It turned out that he had been questioned a month earlier. Earnest was suspected of setting fire to a mosque in San Diego. However, due to lack of evidence, he was left at large. He was the author of a manifesto posted just before the attack on 8chan⁴². In it, he expressed his anti-Semitic and racist views, stating that the Jews were preparing for the meticulously planned genocide of the white race. In the letter, he cited Brenton Tarrant and the ‘work’ of Robert Bowers, the perpetrator of the attack on the Pittsburgh synagogue on 27 October 2018. (11 people were killed and six injured in the attack). He claimed to have been inspired to act by figures such as Jesus, Paul the Apostle, Martin Luther, Adolf Hitler, among others. He also condemned President Donald Trump as a pro-Zionist traitor. At the end of September 2021. Earnest was sentenced to life imprisonment without the possibility of parole⁴³.

On 3 August 2019, a massacre took place in El-Paso, Texas, near the border with Mexico. Its perpetrator was 21-year-old Patrick Crusius, who had travelled to El-Paso from the town of Allen, 1,000 km away. In a Walmart supermarket filled with people, he shot 23 people with an AK-47 rifle and wounded more than 20. The perpetrator later admitted that he tried to choose primarily people of Hispanic appearance as victims. And he, following the example of the aforementioned terrorists, left a manifesto published on 8chan. In the five-page document, entitled *The Inconvenient Truth*, he referred directly to Tarrant’s aforementioned manifesto. He illuminated the political and economic reasons for his act, explained why he had chosen such a weapon, and projected the public reaction his act would provoke. He spoke negatively about minorities living

⁴² T. Lavin, *The San Diego shooter’s manifesto is a modern form of an old lie about Jews*, “The Washington Post”, 29 IV 2019, <https://www.washingtonpost.com/outlook/2019/04/29/san-diego-shooters-manifesto-is-modern-form-an-old-lie-about-jews/> [accessed: 12 II 2020].

⁴³ PAP, *Wszedł do synagogi i zaczął strzelać. Władze: napastnik działał sam* (Eng. He entered a synagogue and started shooting. Authorities: the attacker acted alone), TVN 24, 29 IV 2019, <https://tvn24.pl/swiat/usa-atak-na-synagoge-wladze-sprawca-dzialal-sam-ra931407-2303539> [accessed: 29 IV 2019]; “*Tchórz, zwierzę, potwór*”. *Niedoszłe ofiary nie miały litości dla 22-latka* (Eng. ‘Coward, animal, monster’. The would-be victims had no mercy for the 22-year-old), 1 X 2021, <https://www.o2.pl/informacje/tchorz-zwierze-potwor-niedoszle-ofiary-nie-mialy-litosci-dla-22-latka-6689158638774912a> [accessed: 2 X 2021].

in the United States, argued for the superiority of people with white skin, and expressed concern about illegal immigration, the multiculturalism of Western civilisation and environmental degradation. According to him, the American lifestyle, which is also pursued by Latinos residing in the USA, contributes to its destruction. He cited the claim that the Democratic Party in the States is seeking to increase the number of Hispanic immigrants in order to broaden its electorate. He also expressed his opposition to corporations employing immigrants and his belief that his action would provoke a social reaction resulting in millions of Latinos returning to their home countries⁴⁴.

On 10 August 2019, Philip Manshaus, aged 21, opened fire on people gathered at a mosque in Baerum, a suburb of Oslo. He did not seriously injure anyone as he was immediately overpowered by a retired Pakistani Air Force officer. Before carrying out the attack, he killed his 17-year-old half-sister, Chinese-born Johanna Zhangjia Ihle-Hansen. Manshaus posted racist content online and made references to Hitler's ideology, and cited Breivik as a role model. In one post, he called Breivik, Tarrant, Earnest and Crusius heroes. In June 2020, he was sentenced to 21 years in prison. By court decision, he is to spend a minimum of 14 years in prison. After this time he can apply for early release⁴⁵.

On 19 February 2020, Tobias Rathjen, aged 43, associated with the extreme right, in the German city of Hanau, killed nine people and injured six others in two attacks on Turkish bars. All the victims were of immigrant origin. He first fired a dozen shots at the Midnight water pipe smoking shop, then drove his car about 2.5 km and opened fire at the Arena Bar & Cafe before returning home, killing his mother and committing suicide. A few days before the attack, he posted a nearly hour-long video on YouTube. In it, Rathjen fantasised that the US is under the control of secret societies and that there are underground military bases where the devil is worshipped and children are abused and killed. He appealed to US citizens to wake up and resist this. The terrorist also left a 24-page letter-

⁴⁴ P. Crusius, *The Inconvenient Truth*, August 2019, <https://randallpacker.com/wp-content/uploads/2019/08/The-Inconvenient-Truth.pdf> [accessed: 20 XII 2019].

⁴⁵ *Norwegia: Philip Manshaus skazany na 21 lat pozbawienia wolności* (Eng. Norway: Philip Manshaus sentenced to 21 years imprisonment), *Interia*, 11 VI 2020, <https://wydarzenia.interia.pl/zagranica/news-norwegia-philip-manshaus-skazany-na-21-lat-pozbawienia-wolno,nId,4548675> [accessed: 12 VI 2020].

manifesto also indicating his paranoid disorder⁴⁶. In it, he wrote, among other things, that already as a child he felt watched by other people and that as an adult he suffered many insults. He explained that he had met a female friend during his studies, but at some point he began to suspect her parents of monitoring him. He accused his father of the same actions. In addition, two secret service officers were alleged to have convinced his father's employer to dismiss him from his job. The secret service was also blamed for his inability to find a wife. In the manifesto, Rathjen stated that he had complained to the public prosecutor's office in Hanau and to the Federal Public Prosecutor's Office in Karlsruhe about being under the control of a secret organisation. He also argued that it was the United States that carried out the attacks of 11 September 2001, and that humanity is being fooled by a very small elite with secret knowledge. American citizens should wake up and fight the forces of evil. He called for the total annihilation of peoples living in more than 20 countries from Morocco to the Philippines (Muslim countries and Israel), as he considered most races and cultures destructive, especially Islam.

Conclusions

In February 2022, the Telemark County Court in southern Norway did not approve Anders Breivik's early conditional release from prison because, according to a psychiatrist's opinion, there is still a serious risk that he will use violence in the future. The court's decision is part of the debatable and constantly raised view that it is extremely difficult, if not impossible, to deradicalise extremists. Although this view applies to Islamic radicals,

⁴⁶ *Sprawca strzelaniny w Hanau pozostawił po sobie list i nagrania wideo. Chciał "oczyszczyć" Niemcy* (Eng. The perpetrator of the shootings in Hanau left behind a letter and videos. He wanted to 'purify' Germany), *Gazeta.pl*, 20 II 2020, <https://wiadomosci.gazeta.pl/wiadomosci/7,114881,25714454,sprawca-strzelaniny-w-hanau-pozostawil-po-sobie-list-i-nagrania.html> [accessed: 20 II 2020]; N. Bogucka, *Niemcy. Zamach w Hanau. 35-latka o polskich korzeniach była w ciąży* (Eng. Germany. Attack in Hanau. A 35-year-old woman with Polish roots was pregnant), 21 II 2020, <https://www.o2.pl/arttykul/niemcy-zamach-w-hanau-35-latka-o-polskich-korzeniach-byla-w-ciazy-6481089085019777a> [accessed: 22 II 2020]; F. Jansen, S. Lemkemeyer, *Was über den Täter von Hanau bekannt ist* (Eng. What is known about the perpetrator from Hanau), "Der Tagesspiegel", 21 II 2020, <https://www.tagesspiegel.de/politik/wer-war-tobias-rathjen-was-ueber-den-taeter-von-hanau-bekannt-ist/25566016.html> [accessed: 22 II 2020].

it should be extended to the entire spectrum of religious and political extremism. Opponents of this view refer to the achievements of the Scandinavian countries and Germany, which pioneered the implementation of deradicalisation programmes called 'Exit' for members of neo-Nazi groups and motorbike gangs. In the case of Breivik and his followers, however, we are dealing with lone wolves who cannot be identified in the preparation phase of an attack until they share their plans or post their message or manifesto on social media. A person can be stopped from using violence, but the views within them will remain. This is because it is impossible to remove ideas from people's consciousness unless self-radicalisation occurs. This is why it is important to constantly monitor the web and social media for the propagation of radical content. On the other hand, one should not forget the sources that influence the consciousness formation of right-wing extremists. In many European countries, it is the unequal treatment of indigenous citizens and Muslim immigrants, the application of an appeasement policy, i.e. concessions and privileges, towards followers of Islam. Among other things, it involves granting special rights to Muslims at the expense of other communities and silencing critics of such policies (political correctness). This special status in many cases exempts Muslims from complying with norms whose violation by other members of the community is threatened by sanctions. Such practices are disliked by a large part of the societies of the host countries, they exacerbate public sentiment and motivate right-wing groups and individuals (lone wolves)⁴⁷.

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⁴⁷ Conclusions to the article as a whole have been published in its first part. See: K. Izak, *Anders Behring Breivik. A case study of a far-right terrorist - a lone wolf (Part I)*, "Terroryzm - studia, analizy, prewencja" 2022, no. 2, pp. 280–314.

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Legal acts

Convention for the Protection of Human Rights and Fundamental Freedoms.

DOMINIKA PACHOLSKA
TADEUSZ WOJCIECHOWSKI

Substance abuse and the radicalisation process

Abstract

Previous research on radicalisation suggests that this process is the result of an accumulation of factors that generate a person's susceptibility to extremist narratives. The authors of this article analysed the biographies of the perpetrators of terrorist attacks and, given the frequent references in these biographies to the abuse of various stimulants by the attackers, attempted to summarise the available knowledge on the relationship between psychoactive substance addiction and radicalisation. Although no simple causal relationship between addictions and radicalisation was found, the effects of addictions partly overlap with identified vulnerabilities to extremist narratives. A comprehensive approach to terrorism prevention should therefore take into account that addictions may contribute to increasing the vulnerability of some individuals to radicalisation leading to terrorism.

Keywords:

radicalisation,
extremism,
terrorism,
psychoactive
substances,
stimulants,
alcohol, drugs,
vulnerability,
prevention

Anders Behring Breivik, a 32-year-old Norwegian, killed 77 people on 22 July 2011 during attacks in Oslo and on the island of Utøya. Anis Amri, a 24-year-old Tunisian, drove a truck into a Christmas market in Berlin on

19 December 2016 and took the lives of 12 people. Alexandre Bissonnette, a 27-year-old Canadian, shot dead six people at a mosque in Québec on 29 January 2017. Safiyya Amira Shaikh, a 37-year-old British woman, was sentenced to life imprisonment in July 2020 for attempting to carry out a bombing at St Paul's Cathedral in London. What do the individuals mentioned above have in common, apart from the fact that they have become radicalised and can be labelled terrorists? Their backgrounds, life histories, psychological and social substrates of radicalisation, as well as their motivations for committing a violent crime seem quite different. A common factor appears to be the use of psychoactive substances.

In media reports, alcohol and drugs are often linked to terrorism. Alongside suggestions of religion and ethnicity, illness and mental disorders, this is one of the most common associations concerning the perpetrator or perpetrators of terrorist attacks. Harmful stereotypes are perpetuated by both traditional media and Internet users. In the absence of verified information about the perpetrator, it is not uncommon in comments made in the first hours after the attack to suggest that a Muslim, a mentally ill person or a person under the influence of psychoactive substances is responsible for the attack. The origins of the last two stereotypes reproduced by the European media are to be found in psychological mechanisms. As American researcher Nour Kteily points out¹, when the act is committed by a person from a group with which we identify, we tend to distance ourselves from the perpetrator and explain his motivation by attributing insanity to him².

The use of psychoactive substances is most often portrayed as a circumstance that impairs the psychoactive person's sanity or removes the ideological motivation of the attacker. Terrorists are thus equated with common criminals and their acts are downplayed. The operation of such stereotypes can lead, among other things, to a disregard for the potential threat posed by those who abuse or traffic in psychoactive substances. The story of Amri is a case in point. German services removed him from their list of monitored persons on the grounds that he might pose a terrorist threat, not least because his strong drug addiction and involvement in drug

¹ M. Noor et al., 'Terrorist' or 'mentally ill': motivated biases rooted in partisanship shape attributions about violent actors, "Social Psychological and Personality Science" 2019, vol. 10, no. 4, pp. 485–493.

² "New York Times" sought to demonstrate Anders Breivik's links to al-Qa'ida even after he was detained by the services. See: G. Terzis, *Media Stereotypes of Terrorism*, in: *Exchanging Terrorism Oxygen for Media Airwaves: The Age of Terroredia*, M. Eid (ed.), Ottawa 2014, p. 101.

trafficking appeared to contradict information about his commitment to the ideology of the Islamic State³.

The background to this text was an expert seminar organised by the Centre for Security Studies and Education at the University of Wrocław and ABW's Terrorism Prevention Centre of Excellence (TP CoE ABW)⁴ intended for the staff of institutions in Poland dealing with the treatment and therapy of addictions. This meeting sought to identify how addictions to psychoactive substances influence radicalisation and to initiate a discussion on the role of addiction treatment and therapy centres in identifying and counteracting this phenomenon.

According to the definition adopted by the TP CoE ABW, radicalisation should be understood as a complex process of adopting confrontational attitudes towards those perceived as different or hostile, which includes the acceptance of violence and may lead to its use. It is influenced by a number of factors (individual as well as societal), the combination of which may generate an increased vulnerability of a person to radicalisation under the influence of extremist ideologies. Individual factors often cited in the literature include: feelings of injustice and harm, experience of stigma, feelings of instability and insecurity, early experience of abandonment, isolation, emotional deprivation, propensity for violence⁵. Among the social factors contextualising the individual experience are: discrimination, authoritarian systems of power, armed conflict, social polarisation, challenges associated with the development of new technologies⁶. In parallel, radicalisation is influenced by factors

³ R. Basra, *Drugs and Terrorism: The Overlaps in Europe*, ICSR Team, 26 XI 2019, <https://icsr.info/2019/11/26/drugs-and-terrorism-the-overlaps-in-europe/>, p. 26 [accessed: 18 VIII 2022].

⁴ ABW department established in 2018.

⁵ S. Sieckelinck, A. Gielen, *Protective and promotive factors building resilience against violent radicalisation*, Radicalisation Awareness Network, April 2018, https://home-affairs.ec.europa.eu/system/files/en?file=2020-09/ran_paper_protective_factors_042018_en.pdf, p. 2 [accessed: 18 VIII 2022]; D. PISOIU, A. ZICK, F. SROWIG, *Factors of Individual Radicalization into Extremism, Violence and Terror – the German Contribution in a Context*, "International Journal of Conflict and Violence" 2020, vol. 14, no. 2, <https://www.ijcv.org/index.php/ijcv/article/view/3803>, pp. 2–5 [accessed: 18 VIII 2022].

⁶ J. Reiter, B. Doosje, A.R. Fedds, *Radicalization and Deradicalization: A qualitative analysis of parallels in relevant risk factors and trigger factors*, 2021, p. 2, 12, 49–50, <https://psyarxiv.com/yne3v/> [accessed: 27 XII 2022]; Y. Litmanovitz et al., *What are the social, economic, psychological and environmental risk factors that lead to radicalization and recruitment to terrorism?*, The Campbell Collaboration, 2017, https://campbellcollaboration.org/media/k2/attachments/CCJG_Litmanovitz_Title.pdf, p. 12 [accessed: 18 VIII 2022].

arising from the way extremist environments and narratives operate, which may seem attractive to some people and resonate with their personal experiences. These include: a sense of community, the presence of strong authority figures, an unambiguous value system and the clear identification of (enemy group) culprits⁷. It should be noted that no single factor explains why some people are more prone to radicalisation and others less so. Similarly, the presence of multiple enabling factors in a person's life does not determine their involvement in extremism.

The understanding of radicalisation presented here is relevant in the context of addressing the problem of substance abuse from the perspective of the disease's potential to generate increased vulnerability to radicalisation. This article adopts two hypotheses. Firstly, the addiction or abuse of psychoactive substances by an individual or by those in their immediate environment may be a risk factor for radicalisation. Secondly, the characteristics of extremist environments and narratives may appear attractive to individuals who struggle with psychoactive substance addiction.

For the purposes of this article, the definition of psychoactive substances adopted by the National Centre for Addiction Prevention (formerly the National Office for Drug Prevention) was used⁸. Substances covered include:

- alcohol, opiates and sedatives (mainly have relaxant, sedative, sleep-inducing effects),
- cannabinoids and other hallucinogens, volatile solvents (produce euphoria, hallucinations, delusions, among other effects),
- cocaine and other stimulants (have a stimulating effect, increase mood)⁹.

⁷ L.E. Lynch, K.V. Mason, N. Rodriguez, *Radicalization and Violent Extremism: Lessons Learned from Canada, the U.K. and the U.S.*, National Institute of Justice, 2015, <https://nij.ojp.gov/library/publications/radicalization-and-violent-extremism-lessons-learned-canada-uk-and-us-meeting>, p. 5 [accessed: 18 VIII 2022].

⁸ It has been assumed that psychoactive drugs are substances that: "affect the central nervous system; are taken for the purpose of experiencing pleasure, altering consciousness, obtaining a certain mood, experiencing extreme sensations; affect the human body, causing varying degrees of psychological changes (e.g. euphoria, altered perception of reality, illusions, hallucinations, memory disorders) and physical changes (e.g. increased blood pressure, accelerated heart rate, agitation); if taken chronically, they can lead to addiction, which is also often referred to as drug addiction or toxicomania; are of natural or synthetic origin". See: *Narkotyki* (Eng. Drugs), Krajowe Biuro do Spraw Przeciwdziałania Narkomanii, 25 X 2010, <https://www.kbpn.gov.pl/portal?id=112184> [accessed: 18 VIII 2022].

⁹ Ibid.

The few studies to date on the impact of psychoactive substance addiction on radicalisation have not provided a clear answer to the nature of these relationships. Some researchers point to the unavailability of data and incomplete diagnostics (both among perpetrators of terrorist attacks and society in general)¹⁰. Many of the factors of radicalisation described earlier are simultaneously identified as a consequence of long-term substance abuse. This article is an attempt to summarise the available knowledge in this area and to identify directions for further research into the impact of addictions on radicalisation.

Based on an analysis of the available literature and a preliminary search of the biographies of dozens of perpetrators of terrorist attacks and radicalised individuals in Europe, North America, Australia and New Zealand, three areas of correlation between psychoactive substance abuse and radicalisation were delineated. First, the issue of not only the existence of addictions among radicalised individuals was discussed, but also how addictions in the immediate family (especially being a childhood experience) can create vulnerability to radicalisation. The issue of the impact of alcohol and psychoactive substance addictions on radicalisation leading to terrorism or violent extremism is then presented, as well as the attitude of terrorist and extremist organisations towards stimulants and the potential vulnerability of alcohol and drug addicts to propaganda and recruitment into such groups. In the following section, the phenomenon of the use of psychoactive drugs by perpetrators of terrorist attacks just before committing an act of violence is discussed.

Literature and research

The impact of psychoactive substance addiction on radicalisation has been analysed by a small number of researchers working on the phenomena of extremism and terrorism. Among the works addressing this topic are studies by the Radicalisation Awareness Network (RAN). One of these is

¹⁰ P. Gill, E. Corner, *There and back again: the study of mental disorder and terrorist involvement*, "American Psychologist" 2017, vol. 72, no. 3, pp. 231–241; B. Misiak et al., *A systematic review on the relationship between mental health, radicalization and mass violence*, "European Psychiatry" 2019, vol. 56, no. 1, pp. 51–59; W. Weenink, *Behavioral Problems and Disorders among Radicals in Police Files*, "Perspectives on Terrorism" 2005, vol. 9, no. 2, p. 17.

*Substance use and violent extremism*¹¹ by Lotta Carlsson, which is the most comprehensive attempt to describe the relationship between alcohol and drug abuse and radicalisation. This theme is also addressed in the RAN report *Multi-problem target group: the influence of mental health disorders and substance abuse on Exit work*¹², on the impact of mental disorders and substance abuse by radicalised individuals on the effectiveness of deradicalisation programmes.

In The International Centre for the Study of Radicalisation and Political Violence (ICSR)'s 2019 report *Drugs and Terrorism: the Overlaps in Europe*¹³ the links between terrorism and drug trafficking in the European Union between 2012 and 2017 were in turn analysed. It concludes that it is not possible to speak of a systemic nature of this type of relationship. At the same time, the authors signalled that some personal relationships between drug trafficking and extremist communities existed in the case of perpetrators of attacks motivated by Islamist extremism and paramilitary groups in Northern Ireland.

Among the studies on the impact of psychoactive substances on radicalisation leading to terrorism in Europe, Lewis Herrington's comprehensive publication *Understanding Islamist Terrorism in Europe: Drugs, Jihad and the Pursuit of Martyrdom* published in 2022 occupies a special place. In it, the author analyses the biographies of 80 perpetrators of 48 Islamist terrorist suicide attacks carried out in Europe between 2001 and 2018, reporting that 74 per cent of the attackers had problems with drug abuse even before radicalisation¹⁴.

Zainab Al-Attar, in his article *Severe Mental Disorder and Terrorism: When Psychosis, PTSD and Addictions Become a Vulnerability*, analysed which aspects of selected disorders, i.e. psychosis, post-traumatic stress disorder (PTSD), and addictions can generate increased vulnerability to radicalisation¹⁵.

¹¹ L. Carlsson, *Substance use and violent extremism*, Radicalisation Awareness Network, 2021, https://home-affairs.ec.europa.eu/whats-new/publications/substance-use-and-violent-extremism_en, s. 5 [accessed: 18 VIII 2022].

¹² *Multi-problem target group: the influence of mental health disorders and substance abuse on Exit work*, Radicalisation Awareness Network, 2018, https://home-affairs.ec.europa.eu/system/files/2019-03/exit_hsc_paper_joint_meeting_vienna_07112018_en.pdf [accessed: 18 VIII 2022].

¹³ R. Basra, *Drugs and Terrorism: The Overlaps in Europe...*

¹⁴ L. Herrington, *Understanding Islamist Terrorism in Europe. Drugs, Jihad and the Pursuit of Martyrdom*, London 2022, p. 4.

¹⁵ Z. Al-Attar, *Severe Mental Disorder and Terrorism: When Psychosis, PTSD and Addictions Become a Vulnerability*, "The Journal of Forensic Psychiatry & Psychology" 2020, vol. 31, no. 6, p. 965.

In contrast, a group of researchers associated with The National Consortium for the Study of Terrorism and Responses to Terrorism (START) conducted biographical interviews with 44 former members of the white supremacist movement in 15 states in the US. The study recognises that substance abuse, both by family members and by the extremists themselves, is a frequently noted biographical element¹⁶. Similar conclusions were reached by researchers led by Steven Windisch, who interviewed a group of 91 former extremists from the US and Canada¹⁷. In their publication, Ryan A. Brown and co-authors identified numerous similarities between the neural, psychological and social processes that lead to psychoactive substance dependence and those that lead to radicalisation. They therefore set out to explore the extent to which institutional experiences in public health can be used to prevent and combat radicalisation. In the prevention of both addiction and radicalisation, effectiveness correlates with early recognition of the problem and early implementation of interventions. Effective addiction treatment programmes include medical, psychological and economic support and encouragement to expand contacts in new environments. Analogous interventions are suggested for working with people coming out of extremist environments¹⁸.

Impact of substance abuse among family members of a radicalised person

Although many studies on radicalisation indicate that traumatic experiences in childhood are one of the important drivers of radicalisation, relatively few have been devoted to a detailed analysis of the events that contributed to the emergence of trauma¹⁹. On the basis of the available

¹⁶ P. Simi et al., *Trauma as a precursor to violent extremism*, Start, April 2015, <https://www.start.umd.edu/publication/trauma-precursor-violent-extremism> [accessed: 18 VIII 2022].

¹⁷ S. Windisch et al., *Measuring the Extent and Nature of Adverse Childhood Experiences (ACE) among Former White Supremacists*, "Terrorism and Political Violence" 2020, vol. 34, no. 6, p. 8, https://www.researchgate.net/publication/342052130-Measuring_the_Extent_and_Nature_of_Adverse_Childhood_Experiences_ACE_among_Former_White_Supremacists [accessed: 18 VIII 2022].

¹⁸ R.A. Brown, R. Rajeev, T.C. Helmus, *What Prevention and Treatment of Substance Use Disorder Can Tell Us About Addressing Violent Extremism*, RAND Corporation, 2022, <https://www.rand.org/pubs/perspectives/PEA1071-1.html> [accessed: 18 VIII 2022].

¹⁹ P. Simi et al., *Trauma as a precursor to violent extremism...*; M. Vergani et al., *The three Ps of radicalisation: Push, pull and personal. A systematic scoping review of the scientific evidence*

literature, it can be assumed that traumatic experiences favouring the emergence of vulnerability to radicalisation may also include growing up in an environment affected by addictions. The above thesis is reflected in statistics. In interviews conducted with 44 former members of extremist groups, substance abuse was reported among family members of 49 per cent of those interviewed. In another study involving 91 former white supremacists, the percentage was 66 per cent.²⁰ At the same time, about half of the respondents experienced physical and emotional violence and felt abandoned²¹. A team led by Brown conducted the study through in-depth interviews among 36 former extremists in the US. Four of them pointed to a strong alcohol addiction and two to a strong drug addiction among family members as experiences that influenced their radicalisation²².

The critical period of human development that is childhood and adolescence is, for people from families affected by addiction, associated with the experience of traumatising experiences, including physical violence, psychological abuse or abandonment. This can affect the forming personality and result in maladaptive behavioural and psychological patterns. These result from the adoption of specific behavioural strategies under the difficult or unpredictable conditions of a dysfunctional home²³. Intense or repeated and prolonged exposure to extremely stressful situations can lead to the development of PTSD or complex post-traumatic

about radicalisation into violent extremism, "Studies in Conflict and Terrorism" 2018, vol. 43, no. 10, https://www.researchgate.net/publication/326585283_The_3_Ps_of_radicalisation_push_pull_and_personal_A_systematic_scoping_review_of_the_scientific_evidence_about_radicalisation_into_violent_extremism, p. 13–14 [accessed: 27 XII 2022]; The Center for the Study of Trauma and Radicalization, <https://thecstr.org/mission> [accessed: 18 VIII 2022].

²⁰ S. Windisch et al., *Measuring the Extent...*, p. 8.

²¹ Ibid.

²² R.A. Brown et al., *Violent Extremism in America. Interviews with Former Extremists and Their Families on Radicalization and Deradicalization*, RAND Corporation, 2021, https://www.rand.org/pubs/research_reports/RRA1071-1.html, p. 39 [accessed: 8 VIII 2022].

²³ M. Hohol, B. Brożek, *Homo fundamentalis*, "Znak", February 2016, <https://www miesiecznik.znak.com.pl/homo-fundamentalis/> [accessed: 18 VIII 2022]; M. Siaw, *Trauma-informed Approach in Countering Violent Extremism*, INITIATE.MY, 1 IV 2022, <https://initiate.my/trauma-informed-approach-in-preventing-violent-extremism-and-rehabilitating-and-reintegrating-violent-extremists/> [accessed: 18 VIII 2022]; D. Koehler, *Violent extremism, mental health and substance abuse among adolescents: towards a trauma psychological perspective on violent radicalization and deradicalization*, "The Journal of Forensic Psychiatry & Psychology" 2020, vol. 31, no. 3.

stress disorder (cPTSD). These disorders are associated with symptoms such as lowered self-esteem, chronic anxiety, feelings of helplessness and loss of control, difficulty managing anger, impulsivity, and emotional dissociation. They correspond to factors identified as vulnerability factors for radicalisation²⁴. Also relevant in this context may be the desire to identify those responsible for the suffering experienced, which may encourage the need to attribute blame to a particular group and seek revenge²⁵.

Particular attention should be paid to emotional dissociation, which can lead to desensitisation to violence and its consequences²⁶. The likelihood of using violence in adulthood is higher for those who were abused or exploited in childhood. This is relevant in the context of both functioning in an extremist environment and mobilising for violence²⁷. Such experiences were often had by offenders who came from dysfunctional families with drug or alcohol problems²⁸.

Among the types of adult children from dysfunctional families are those who have self-destructive tendencies, a disturbed sense of identity a heightened need for control, are dependent on loved ones, defensive, dependent, adopt a victim identity, persistently seek rules and answers, avoid closeness²⁹. Such people are more likely to develop mental disorders and depression³⁰. Each of the aforementioned types may show increased susceptibility to the propaganda and recruitment efforts of extremist

²⁴ Z. Al-Attar, *Severe Mental Disorder and Terrorism...*, pp. 963–966.

²⁵ Ibid, p. 963.

²⁶ Ibid; J. Rolling et al., *Violent Radicalization and Post-traumatic Dissociation: Clinical Case of a Young Adolescent Girl Radicalized*, “Frontiers in Psychiatry”, 22 III 2022, <https://www.frontiersin.org/articles/10.3389/fpsy.2022.793291/full> [accessed: 18 VIII 2022].

²⁷ J. Rolling et al., *Violent Radicalization...*; S. Windisch et al., *Measuring the Extent...*, p. 11; G.C. Curtis, *Violence Breeds Violence – Perhaps?*, „American Journal of Psychiatry” 1963, vol. 120, no. 4, pp. 386–387; C. Widom, *Long-term Consequences of Child Maltreatment*, in: *Handbook of Child Maltreatment*, J. Korbin, R. Krugman (eds.), 2014, pp. 225–247.

²⁸ B. Kałdon, *Wybrane aspekty funkcjonowania dorosłych dzieci alkoholików w życiu społecznym* (Eng. Selected aspects of the social functioning of adult children of alcoholics), “Seminarne. Poszukiwania naukowe” 2015, vol. 36, no. 3, p. 97.

²⁹ Ibid, p. 96–97.

³⁰ H.H. Lee, J.A. Cranford, *Does resilience moderate the associations between parental problem drinking and adolescents’ internalizing and externalizing behaviors? A study of Korean adolescents*, “Drug and Alcohol Dependence” 2008, vol. 96, no. 3, pp. 213–221; V.S.C. Pisinger, K. Bloomfield, J.S. Tolstrup, *Perceived parental alcohol problems, internalizing problems and impaired parent - Child relationships among 71 988 young people in Denmark*, “Addiction” 2016, vol. 111, no. 11, pp. 1966–1974.

groups that promote their agenda under the banners of restoring order, administering justice, and acting on the victimisation of their own group³¹.

People from dysfunctional homes, seeking to reduce negative emotions such as confusion, anxiety, uncertainty or helplessness, and to obtain any lasting answer, may have a high need for cognitive closure, i.e. avoiding potential ambiguity. This is because ambiguity can cause them discomfort³². As such, they may seek order and structure, which encourages the production of stereotypes and thought patterns, the selective selection of information and the construction of a simplified but predictable view of the world. Extremist organisations offer an authoritative view of the world and a clear system of valuing what is wrong and right, which such individuals may find attractive.

Families struggling with addiction often fail to fulfil their caring and nurturing functions, including failing to provide a sense of security for the householder and failing to provide positive role models for responding to difficult experiences. In such a situation, extremist movements can provide a substitute support system to meet universal needs³³, e.g. by compensating for the lack of care or unfair conditions under which a person was brought up³⁴. At the same time, they promote attitudes that reinforce conflict by presenting compromise, dialogue as betrayal and hypocrisy or, at best, as defection and weakness.

Children are influenced not only by the situation at home, but also by the stigma of families where substance abuse has led to dysfunctionality. As Emily Lowthian points out, children can face rejection and ridicule from peer groups. This leads to a worsening of problems in building lasting and close relationships with those around them, a lack of trust in themselves,

³¹ Z. Al-Attar, *Severe Mental Disorder and Terrorism...*, p. 966.

³² P. Stańczyk, *Teoria domknięcia poznawczego* (Eng. Cognitive closure theory), psyche academy, <https://psyche.academy/psychologia-osobowosci/teoria-domknienca-poznawczego/> [accessed: 18 VIII 2022]; M. Kossowska, *Różnice indywidualne w potrzebie poznawczego domknięcia* (Eng. Individual differences in the need for cognitive closure), "Przegląd Psychologiczny" 2003, vol. 46, no. 4, pp. 355–373.

³³ P. Simi, K. Sporer, B. Bubolz, *Narratives of childhood adversity and adolescent misconduct as precursors to violent extremism: a life-course criminological approach*, "Journal of Research in Crime and Delinquency" 2016, vol. 53, no. 4, pp. 1–28, https://www.researchgate.net/publication/291728185_Narratives_of_Childhood_Adversity_and_Adolescent_Misconduct_as_Precursors_to_Violent_Extremism_A_Life-Course_Criminological_Approach [accessed: 18 VIII 2022].

³⁴ S. Windisch et al., *Measuring the Extent...*, p. 15.

the world and others. Children from homes with substance abuse problems statistically have poorer grades at school, are more likely to repeat grades and be suspended, and have problems adapting among peers. This can in turn contribute to problems in finding employment to secure a satisfactory living environment in adulthood, which in turn will exacerbate frustration and negative attitudes towards the environment³⁵.

Prolonged exposure to stress or neglect in early childhood or adolescence increases the risk of alcohol and substance abuse in later life³⁶. Children growing up in homes where negative patterns of alcohol consumption are present are at increased risk of becoming addicted. Traumatic experiences in childhood and early adolescence resulting from, among other things, substance abuse by family members can create a vulnerability to imitate the behaviour of those closest to them and to start taking psychoactive substances early on³⁷.

Safiyya Amira Shaikh (born 1983) is an example of the impact that being raised by a substance-abusing parent can have on radicalisation. The woman started taking drugs in her early teens, which was due to growing up in a family with alcohol and drug problems. Her drug addiction followed her for years to come. In 2007, Shaikh converted to Islam. She cut herself off from her family and connected with a small community of female converts in London who had similar experiences. Shaikh tried to fight her addiction, as evidenced by tutorials and material she viewed on the internet, among other things³⁸. However, she was unable to cope with her addiction. In 2013, she committed theft and burglary to get money for drugs. In 2015, she was convicted of heroin possession. At the same time, she began to maintain contact with extremist individuals and to view Islamic State propaganda material online. In October 2019, she was arrested on suspicion of attempting to commit a terrorist attack. However,

³⁵ E. Lowthian, *The secondary harms of parental substance use on children's educational outcomes: a review*, „Journal of Child and Adolescent Trauma” 2022, vol. 15, p. 513.

³⁶ D. Koehler, *Violent extremism, mental health...*

³⁷ A.M. Hussong et al., *Testing whether and when parent alcoholism uniquely affects various forms of adolescent substance use*, „Journal of Abnormal Child Psychology” 2012, vol. 40, no. 8, pp. 1265–1276; M. Frąckowiak, M. Motyka, *Charakterystyka problemów społecznych związanych z nadużywaniem alkoholu* (Eng. Characteristics of social problems related to alcohol abuse), „Hygeia Public Health” 2015, vol. 50, no. 2, pp. 314–322.

³⁸ Ibid.

she was not questioned immediately due to her poor condition caused by heroin withdrawal³⁹.

It can be assumed that the background to Shaikh's radicalisation was the trauma of growing up in a dysfunctional family where substance abuse was the order of the day. Shaikh was unable to seek help either from family members or from moderate Muslims. Islamist extremism appeared to be the answer to her problems⁴⁰. In 2016, she began contacting members of Al-Muhajiroun⁴¹. During their conversations and in the Islamic State propaganda content they sent, they gave Shaikh clear guidelines and indicated the direction she should take.

During her radicalisation process, Shaikh did not stop using drugs until she was detained by forces before attempting to carry out an attack. Her involvement in extremism did not help her get rid of her addiction, but it can be seen as an expression of her desire to bring order to her life's chaos. Shaikh joined a group with clear goals and defined enemies in which she could play an important role. In the early days of her activity, she watched and distributed propaganda material online, mainly in the form of videos and graphics. Then, on encrypted messengers, she ran groups that brought together extremist individuals and Islamic State sympathisers. Her radicalisation continued - she began encouraging people to carry out attacks in the name of the Islamic State via the internet. Eventually Shaikh came to the conclusion that she had to carry out the attack herself in order, she claimed, to take revenge on the infidels⁴². From the content she uploaded online and from conversations with investigators after her arrest, it appears that by carrying out the attack, she wanted to atone for her sins (drug use and related theft and burglary) and go to heaven because she had had enough of the mortal world⁴³. Shaikh knew she could be killed during

³⁹ D. Casciani, *Safiyya Shaikh: How undercover operation caught a drug addict jihadist*, BBC, 3 VII 2020, <https://www.bbc.com/news/uk-53264640> [accessed: 18 VII 2022].

⁴⁰ The abandonment of the use of the term 'Islamic extremism' in this article in favour of 'Islamist extremism' is a deliberate effort to highlight the links between the said extremist movement and the political interpretation of the religion.

⁴¹ An extremist Islamist movement whose members have been active in the UK, among other places (editor's note).

⁴² *Sentencing remarks: R v Safiyya Shaikh*, <https://www.judiciary.uk/wp-content/uploads/2020/07/Sentencing-Remarks-R-v-Shaikh-FINAL-APPROVED.pdf> [accessed: 18 VII 2022].

⁴³ D. Casciani, *Safiyya Shaikh:...*

the attack, and even considered using a waistcoat filled with explosives in order to be as effective as possible, i.e. to maximise casualties⁴⁴.

Psychoactive substance addiction as a factor generating vulnerability to radicalisation

Substance abuse can generate vulnerability to radicalisation, accelerate and reinforce this process and make a person a target for recruitment by an extremist organisation⁴⁵. The effects of excessive stimulant use on vulnerability to radicalisation may persist even after recovery from addiction⁴⁶. It is therefore not surprising to find frequent references in the biographies of extremists to their abuse of alcohol or drugs before or during radicalisation. In the United States, approximately 23 per cent of hate crime perpetrators have abused psychoactive substances (in the US population as a whole, the figure is 8 per cent)⁴⁷. The research already described, which surveyed 44 white supremacists, found that 72 per cent of them had abused drugs or alcohol and 62 per cent had started experimenting with stimulants before the age of 16⁴⁸.

In the report *Drugs and Terrorism: the Overlaps in Europe*, which analysed the nature of the relationship between drug offences (possession, trafficking, use) and extremism, Rajan Basra pointed out that two-thirds of the 75 perpetrators of Islamist attacks in Europe had used drugs at varying intensities - from occasional intake to addiction - prior to radicalisation. For the rest, addiction also persisted while active in radical movements. Extremists mainly abused soft drugs, less frequently cocaine, heroin or

⁴⁴ Sentencing remarks: *R v Safiyya Shaikh...*

⁴⁵ L. Carlsson, *Substance use and violent extremism...*

⁴⁶ P. Simi et al., *Addicted to hate: identity residual among former white supremacists*, "American Sociological Review" 2017, vol. 82, no. 6, https://www.dhs.gov/sites/default/files/publications/1003_OPSR_TP_Addicted-to-Hate_2017-508.pdf, p. 11 [accessed: 18 VII 2022].

⁴⁷ M. Jensen, E. Yates, *A pathway approach to the study of bias crime offenders*, The National Consortium for the Study of Terrorism and Responses to Terrorism, 2015, <https://www.start.umd.edu/research-projects/pathway-approach-study-bias-crime-offenders>, p. 16 [accessed: 18 VIII 2022].

⁴⁸ P. Simi et al., *Trauma as a precursor...*, p. 1.

ecstasy. Drug addiction was often accompanied by addiction to alcohol, less often to medication⁴⁹.

In the aforementioned Herrington study dedicated to analysing the biographies of 80 perpetrators of Islamist suicide terrorist attacks in Europe⁵⁰ it was shown that 74 per cent of them abused psychoactive substances. If anabolic steroids are also taken into account, the percentage was as high as 80 per cent⁵¹. Significantly, all offenders with a problem with stimulants had started using them before the radicalisation process began. Of the group studied by Herrington, 69 per cent were addicted to cannabis and 31 per cent were regular users of hard drugs, including heroin and cocaine⁵². In an attempt to demonstrate the statistical impact of alcohol and psychoactive substances on radicalisation, a study was also carried out by Marieke Liem, who analysed the CVs of the 98 perpetrators of terrorist attacks carried out in Europe between 2000 and 2016 (including all types of attacks) acting alone. Only 21 per cent⁵³ of them regularly used alcohol or drugs⁵⁴.

Although substance abuse itself does not directly lead to extremism, many of the effects of long-term addiction to stimulants overlap with radicalisation factors. Alcohol and psychoactive substance addiction,

⁴⁹ R. Basra, *Drugs and Terrorism: The Overlaps in Europe...*, p. 18.

⁵⁰ As Herrington notes, suicide terrorism (martyrdom) should be distinguished from 'classic' terrorism, i.e. terrorism in which the perpetrator does not assume that he or she will die in the course of the attack. Some perpetrators of this type of attack have had suicidal thoughts in the past. Such attacks account for a small proportion of terrorist activity in Europe, with 'ordinary' terrorists becoming a small percentage or even a promille of radicalised individuals. Herrington's study therefore does not answer the question of the impact of substance abuse on radicalisation more broadly, but it does show that in recent years the vast majority of radicalised Islamists who have chosen to carry out a suicide attack in Europe have had a history of alcohol or drug abuse problems.

⁵¹ L. Herrington, *Understanding Islamist Terrorism in Europe...*, p. 4.

⁵² *Ibid*, p. 61.

⁵³ In the control group, which by comparison consisted of perpetrators of 'common' murders, as many as 81 per cent had previous problems with stimulants. Does this mean that terrorists are four times less likely to be addicted to such drugs than murderers? According to the authors of the article, no such conclusions can be drawn from this study. This is because too few biographies of perpetrators of terrorist attacks were analysed, whose full files and data are usually not as readily available as for other criminals. However, it is worth noting that this is another study confirming the link between alcohol and psychoactive substances and radicalisation leading to terrorism.

⁵⁴ M. Liem et al., *European lone actor terrorists versus 'common' homicide offenders: An empirical analysis*, "Homicide Studies" 2018, vol. 22, no. 1, p. 61.

especially long-term addiction, can contribute to the gradual deterioration of the person struggling with addiction. This process can occur on many levels - emotional, mental, intellectual, material - and can cause and exacerbate anxiety, disorientation, social isolation, fears, as well as exacerbating symptoms of mental disorders and illness. Researchers at the University of Sussex, after studying 71 people, found that alcohol abusers statistically showed lower levels of empathy - they may have more difficulty empathising with the pain in others compared to those living in sobriety⁵⁵. Numerous studies confirm that self-destructive tendencies and a propensity towards risky and dangerous behaviour are often reported among addicts⁵⁶. It is worth noting here the increased likelihood of co-occurrence of substance abuse and mental disorders and illnesses - however complex this relationship is (both in a causal context and as a result of the same genetic or environmental risk factors). Research on the relationship between radicalisation and mental health has yielded conflicting conclusions, but it is nevertheless assumed that extremist movements exploit vulnerabilities arising from such illnesses and disorders in order to manipulate the individual more effectively⁵⁷.

Living with an addiction can lead to building dysfunctional relationships with those around you - causing social isolation, loss of livelihoods. The impediment to social functioning exacerbates the emotional and economic deprivation of the addict⁵⁸. The perception of actual deprivation or relative deprivation, both at an individual and collective level, is often the impetus for radicalisation. It is not uncommon for an addict to feel out of control of their own destiny and to see no possibility of change. He or she may begin to perceive their situation through the prism of extremist narratives, i.e. as resulting only from belonging to a particular identity group. This arouses in him or her a sense of injustice, frustration, anger at those he or she perceives as contributing to depriving them of certain

⁵⁵ Ch.L. Rae, *Differential brain responses for perception of pain during empathic response in binge drinkers compared to non-binge drinkers*, "NeuroImage: Clinical" 2020, vol. 27, <https://www.sciencedirect.com/science/article/pii/S2213158220301595> [accessed: 27 XII 2022].

⁵⁶ Z. Al-Attar, *Severe Mental Disorder and Terrorism...*, p. 963; R. Durrant et al., *Drug use and addiction: evolutionary perspective*, "Australian and New Zealand Journal of Psychiatry" 2009, vol. 43, no. 11, pp. 1049-1056; M. Galanter, R. Castaneda, *Self-destructive behavior in the substance abuser*, "Psychiatric Clinics of North America" 1985, vol. 8, no. 2, pp. 251-261.

⁵⁷ *Multi-problem target group: the influence of mental health disorders...*

⁵⁸ Z. Al-Attar, *Severe Mental Disorder and Terrorism...*, p. 966.

goods⁵⁹. Responding to the needs of those experiencing the negative consequences of addiction, extremist movements use content in their propaganda to suggest that the actions they take are aimed at restoring control, self-discipline, order and security. They point to life in addiction as the domain of the enemy and the result of their hostile actions⁶⁰.

Awareness of the negative consequences of addiction and the difficulties of recovery can create feelings of regret, loss of meaning, identity, purpose and belonging. The heightened need to regain control, meaning and redemption that arises in such a situation can increase a person's vulnerability to extremism⁶¹. Extremism can then act as a form of distraction from addiction, structuring a person's lifestyle and values. Evoking strong emotions, extremist activity provides a sense of meaning, belonging and fighting for higher values, which is an attractive alternative to alcohol or drug addiction. In 75 per cent of the cases (60 out of 80 perpetrators) analysed by Herrington, becoming involved in extremist activity was associated with stopping the use of stimulants⁶². For example, the brothers Said and Chérif Kouachi, who carried out the 2015 attack on the editorial board of the weekly newspaper *Charlie Hebdo*, struggled with trauma caused primarily by drug abuse and criminal activity. They engaged in extremism in order to change their lifestyles and free themselves from addiction⁶³.

Bartosz Łoza and co-authors note that a person recovering from addiction is more likely to be overzealous and missionary in their adherence to certain ideologies, as this compensates for the lack of family and professional support. This is especially true for those ideologies that have contributed to his or her maintenance of sobriety⁶⁴. Essentially, all

⁵⁹ M. Obaidi et al., *Group-Based Relative Deprivation Explains Endorsement of Extremism Among Western-Born Muslims*, "Psychological Science" 2019, vol. 30, no. 4, pp. 596–605; R. Borum, *Understanding the Terrorist Mindset*, "FBI Law Enforcement Bulletin" 2003, vol. 72, no. 7, pp. 7–11.

⁶⁰ Z. Al-Attar, *Severe Mental Disorder and Terrorism...*, pp. 963–966.

⁶¹ Ibid, p. 16; K. Jaško, G. LaFree, A. Kruglański, *Quest for Significance and Violent Extremism: The Case of Domestic Radicalization*, "Political Psychology" 2017, vol. 38, no. 5.

⁶² L. Herrington, *Understanding Islamist Terrorism in Europe...*, p. 78.

⁶³ Ibid., p. 80.

⁶⁴ B. Łoza, P. Smolaga, M. Polikowska, *Zaburzenia psychiczne występujące po długotrwałej ekspozycji na narkotyki i alkohol* (Eng. Mental disorders occurring after prolonged exposure to drugs and alcohol), "Neuropsychiatria. Przegląd Kliniczny" 2017, vol. 9, no. 2, pp. 45–53.

addiction treatment programmes are based on a particular ideology that promotes a life free of stimulants (...) *by stiffening attitudes, establishing boundaries and guarding authorities, and sometimes explicitly through religion*⁶⁵.

Another important issue is the social stigmatisation of addicts, which, on the one hand, intensifies the negative consequences of the disease and, on the other, makes such individuals easier targets for recruitment by extremist movements. The lack of social support is particularly evident in the Muslim community, where the use of and dependence on psychoactive substances is culturally taboo and can lead to complete exclusion from the community. According to the most common interpretations of the Qur'an, alcohol and drugs are prohibited⁶⁶, and research indicates that substance abuse is more common among those who are not religiously committed⁶⁷. Many followers of Islam see addiction as a weakness of the faith, and knowledge that addiction is a disease requiring specialised treatment is not common. A person struggling with addiction is therefore often stigmatised and considered a sinner. The sense of exclusion, lack of belonging and loneliness in everyday life therefore also takes on a spiritual dimension⁶⁸.

In a situation of exclusion by the community, identifying with or joining a radical group may be an attractive alternative. According to most radical Islamist narratives, conversion and redemption of sins is possible, including through armed struggle or martyrdom for the defence of Islam. Extremist Islamist organisations (particularly the Islamic State) are very inclusive in this regard and joining them can be an attractive option for someone seeking help to quit, support and acceptance of the group or redemption of their sins. Herrington argues that in the cases of perpetrators

⁶⁵ Ibid, p. 51.

⁶⁶ Qur'an 5:90-91: "O you who believe! Wine, gambling, idols and arrows of divination are the vitriol of Satan's work. So beware of all of them, so that you may do well". From: *The Holy Qur'an*, Islam International Publications Ltd 1996.

⁶⁷ L.A. Ghandour, E.G. Karam, W.E. Maalouf, *Lifetime alcohol use, abuse and dependence among university students in Lebanon: exploring the role of religiosity in different religious faiths*, "Addiction" 2009, vol. 104, no. 6, p. 104; D.D. Chitwood, M.L. Weiss, C.G. Leukefeld, *A Systematic Review of Recent Literature on Religiosity and Substance Use*, "Journal of Drug Issues" 2008, vol. 38, no. 3, pp. 653-688; Z. Sanchez et al., *God Forbids or Mom Disapproves? Religious Beliefs That Prevent Drug Use Among Youth*, "Journal of Adolescent Research" 2011, vol. 26, no. 5, pp. 591-616.

⁶⁸ L. Herrington, *Understanding Islamist Terrorism in Europe...*, p. 58.

of Islamist suicide attacks in Europe that he analysed, the main reason for radicalisation and involvement in terrorist activity was a desire to escape from addiction - both physical and psychological (a desire to redeem sins or guilt)⁶⁹. The vast majority of people in the study group were not religious prior to their extremist activities within radical Islam⁷⁰. It is worth adding that one of the main symptoms of cPTSD associated with addiction is obsessive-compulsive disorder. Feelings of guilt, shame and remorse about previous behaviours associated with addiction can intensify with immersion in the rhetoric of extremist movements that reject stimulants. The cognitive dissonance between the old and new identities can lead to an emotional crisis and, in extreme cases, acceptance of the idea of martyrdom.

Self-identification with a particular ideological identity can be compared to addiction. Involvement in extremism, like being under the influence of an intoxicating substance, can, consciously or not, be used to drown out difficult emotions⁷¹ or be an expression of the identical need for increased stimulation⁷². Just as the patterns resulting from addiction make it difficult to recover from addiction, the patterns resulting from being active in a particular movement can hinder effective and sustainable deradicalisation. In either case, change is further complicated by social stigma and the associated lack of alternative support groups. Activity in extremist movements also affects cognitive and emotional processes after deradicalisation. Specific life situations (e.g. contact with a representative of a group considered hostile during the period of extremist activity or seeing a symbol) may trigger thoughts and emotions in the former extremist that are consistent with the formerly held ideology. This reaction can also be physiological in nature. In their article, Pete Simi and co-authors cite the story of a former extremist who got goosebumps when watching historical films and seeing flags with swastikas on them. Thoughts of past activity can also cause anxiety, shame and lowered self-esteem⁷³.

At this point, it is worth mentioning the story of Michael Zehaf-Bibeau (born 1982), the perpetrator of the 2014 attack in Ottawa. He was a repeat

⁶⁹ Ibid., p. 115.

⁷⁰ Ibid., p. 57.

⁷¹ Z. Al-Attar, *Severe Mental Disorder and Terrorism...*, p. 966.

⁷² Ibid.

⁷³ P. Simi et al., *Addicted to hate...*, p. 11.

offender with multiple records for drug possession, DUI, theft, robbery, threats, use of false documents, and parole violations, among others. Zehaf-Bibeau was a multi-substance addict, had no permanent residence or steady job and borrowed from friends. He frequently verbalised his desire to quit and made numerous but unsuccessful attempts to do so, including attending therapy. Zehaf-Bibeau was brought up in the Catholic faith and converted to Islam in 2004, while in prison. In the years that followed, he attended various mosques across Canada. He attempted to recover from his addiction with the help of religion and communities within the mosques. However, due to his disturbing behaviour, he did not receive help there, and he was even expelled from one mosque for criticising the activities of spiritual leaders⁷⁴. Wanting to wean himself off stimulants, Zehaf-Bibeau was deliberately sent to prison. He received a low sentence for entering a restaurant with a sharpened stick and demanding money. In his own words, his stay in prison was also intended as a form of penance for his drug use and (...) *payment for past sins*⁷⁵. Despite his attempts, Zehaf-Bibeau was unable to rid himself of his addiction and his condition was likely to worsen. As late as 2011, i.e. three years before the attack, a psychiatrist had not diagnosed him with a serious mental illness (only bipolar disorder was suspected), and the court found him sane. Zehaf-Bibeau began to maintain contact via the internet with a man convicted of terrorist offences and with a person who had travelled to Syria. He was interested in the situation in Syria and neighbouring countries. He was even said to be planning to go and join one of the groups fighting against the regime of Bashar al-Assad. Witnesses told of his strange behaviour. Zehaf-Bibeau talked to himself, spoke of supernatural forces, the imminent end of the world and claimed that demons were chasing him⁷⁶. His unsuccessful struggle with his addiction and his increasing mental problems (resulting, among other things, from drug abuse) led him to decide to carry out a terrorist attack. The denial of his Libyan passport (for formal reasons) may also have been a trigger. Fighting in the Middle East proved impossible, so he

⁷⁴ 'He said the devil is after him': What we know about Michael Zehaf-Bibeau, "The Sydney Morning Herald", 23 X 2014, <https://www.smh.com.au/world/he-said-the-devil-is-after-him-what-we-know-about-michael-zehafbibeau-20141023-11ajl.html> [accessed: 18 VIII 2022].

⁷⁵ S. Ahmed, G. Botelho, *Who is Michael Zehaf-Bibeau, the man behind the deadly Ottawa attack?*, CNN, 23 X 2014, <https://edition.cnn.com/2014/10/22/world/canada-shooter/index.html> [accessed: 18 VIII 2022].

⁷⁶ Ibid.

decided to take revenge on Canadian citizens, holding them co-responsible for the suffering of Muslims in the Middle East. Just before carrying out the attack, he recorded a short video with his mobile phone in which he stated, among other things, that *Canada has officially become our enemy because it is fighting and bombing our people*⁷⁷.

Attitudes of extremist communities towards psychoactive substances

The vast majority of radical movements present an unequivocally negative attitude towards psychoactive substance use in their official narrative. They use both soft measures (propaganda material) and hard measures (banning the use of psychoactive substances in occupied territories or self-inflicted punishment of dealers) to achieve this. Drugs are identified as contributing to the breakdown of the social order desired by extremists or as a form of sin⁷⁸.

In the Islamic State's propaganda, alcohol and drug addiction is portrayed as a problem affecting members of foreign groups - citizens of Western countries and Muslims who do not adhere to the interpretation of religion promoted by the organisation⁷⁹. Its propaganda is replete with accounts of operations against drug traffickers and executions of drug dealers and users. At the same time, biographies are published of the organisation's fighters who were drug addicts or dealers in the past and then converted. For example, in issue 11 of the *Rumiyah* magazine, the story of Macreme Abrougui aka Abu Mujahid al-Faransi, who is said to have been the leader of a drug gang in the past, was described⁸⁰. The Islamic State has criticised other terrorist organisations for taking too liberal an approach to drugs. For example, issue 12 of the online magazine *Dabiq*, used by the Islamic State for radicalisation and recruitment, mentions that al-Qa'ida has never fully banned khat (a drug popular in the south of the Arabian Peninsula,

⁷⁷ RCMP release video Michael Zehaf Bibeau made before attack on Ottawa, YouTube, <https://www.youtube.com/watch?v=PjHZLWddysA> [accessed: 18 VIII 2022].

⁷⁸ „Dabiq”, vol. 11, p. 22.

⁷⁹ “Dabiq”, vol. 12, p. 31.

⁸⁰ *Among the believers are men: Abu Mujahid al-Faransi*, “Rumiyah”, no. 11, pp. 44–52.

among other places) due to divergent opinions among Islamic scholars and muftis on the appropriate approach to the plant⁸¹.

In his 2011 manifesto *A European Declaration of Independence*, Anders Breivik (published under the pseudonym Andrew Berwick) portrayed drug trafficking as an activity of Muslims and Muslim organisations in Europe to harm non-Muslims and contribute to the weakening of white European communities in this way⁸². He also criticised the democratic system in which drug dealers, in his view, have the same electoral rights as law-abiding citizens, despite being harmful to society⁸³. He was against the regular use of psychoactive substances. Before committing the attack, however, he encouraged potential imitators to take stimulants, as they can positively affect psychophysical processes.

Modelled on Breivik, among others, Brenton Tarrant in his manifesto *The Great Replacement* (2019) also criticised the impact of drugs on European (understood as white) society. According to him, stimulants are used, among other things, to distract their users from nihilism and the gradual decline of what he sees as the values of European culture⁸⁴. He gave examples of international popular music stars (Madonna, Kurt Cobain, Freddie Mercury) who had taken drugs and led or are leading immoral lifestyles, according to him, and who are authorities on society, thus contributing to its alleged degeneration. Moreover, Tarrant encouraged the readers of his manifesto to kill drug dealers, whom he called opponents of 'our race'⁸⁵. In doing so, he accused them of causing tens of thousands of deaths worldwide each year, destroying the health, family ties, culture, wealth and future of white Europeans.

The narrative examples described above show that most extremist ideologies - as expressions of a certain vision of an ideal society - can be seen by addicts as an attractive alternative. They can fill in the gaps and point to solutions to the problems caused by the impact of a psychoactive substance on the addict's health or social functioning. Terrorist movements

⁸¹ "Dabiq", vol. 12, p. 61.

⁸² A. Berwick, *A European Declaration of Independence*, <https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWVpbnxixcmVpdmlrcnVzaW5mb3JtfGd40jM5NWY0MGJiTzAzYWY0N2E>, p. 482 [sccessed: 18 VIII 2022].

⁸³ *Ibid.*, p. 746.

⁸⁴ *The Great Replacement*, https://img-prod.ilfoglio.it/userUpload/The_Great_Replacement-convertito.pdf, p. 45 [accessed: 18 VIII 2022].

⁸⁵ *Ibid.*, p. 59.

offer a clear system of norms, moral redemption through action for a higher cause and affirm the idea of spiritual renewal - often regardless of past experiences⁸⁶. At the same time, functioning within their structures, both online and offline, provides a substitute for social acceptance and agency.

However, regardless of the official narratives of extremist groups, drug use and alcohol abuse by their members is widespread⁸⁷. For some milieus, the recruitment of new followers already takes place often in places where drugs and alcohol are an integral part of being in them (e.g. football fan circles). Although the stories of former extremists from far-right groups show that the alcohol abuse of their members can contribute to their resignation from further activity within them⁸⁸, it is the social aspect of a subculture involving violence and substance abuse that sometimes attracts new recruits more than ideology⁸⁹. At the same time, as Daniel Koehler points out, regular substance abuse by members of extremist groups can be a method of coping with social stigma and reducing the cognitive dissonance felt in relation to the violence perpetrated⁹⁰.

More or less official acquiescence to the use of stimulants by members of extremist organisations can be accompanied by an agreement to benefit materially from the drug trade. Organisations such as ISIS, al-Qa'ida, Hezbollah, the PKK, the RIRA, the Revolutionary Armed Forces of Colombia or the Taliban in Afghanistan and Pakistan⁹¹, are just a few examples of groups whose activities in the distribution of illicit psychoactive substances have been documented. On the one hand, individuals belonging to extremist and terrorist organisations may therefore come into contact with stimulants due to the criminal activity of the group in this area.

⁸⁶ Z. Al-Attar, *Severe Mental Disorder and Terrorism...*, p. 963; N. Schulten et al., *Radicalization, terrorism & psychopathology: State of affairs, gaps and priorities for future research*, University of Amsterdam - Faculty of Social and Behavioural Sciences, 2019, https://repository.wodc.nl/bitstream/handle/20.500.12832/2397/2911_Summary_tcm28-373042.pdf?sequence=3&isAllowed=y [accessed: 27 XII 2022].

⁸⁷ R.A. Brown et al., *Violent Extremism in America...*, p. 37.

⁸⁸ K. Barrelle, *Pro-integration: disengagement from and life after extremism*, "Behavioral Sciences of Terrorism and Political Aggression" 2014, vol. 7, no. 2.

⁸⁹ L. Carlsson, *Substance use and violent extremism...*, p. 6; D. Koehler, *Violent extremism, mental health...*, p. 10.

⁹⁰ D. Koehler, *Violent extremism, mental health...*, p. 13.

⁹¹ J.A. Piazza, *The illicit drug trade, counternarcotics strategies and terrorism*, "Public Choice" 2011, vol. 149, no. 3-4, pp. 297-314; C.P. Clarke, *Drugs & thugs: funding terrorism through narcotics trafficking*, "Journal of Strategic Security" 2016, vol. 9, no. 3, pp. 1-15.

On the other hand, individuals involved in drug production or trafficking may be exposed to extremist groups for this reason. There are known cases of people convicted of, inter alia, drug offences, who became radicalised while in prison and went from being criminals to perpetrators of attacks⁹². Drug addiction and trafficking can therefore be a reason for contact with criminal or extremist communities.

Taking drugs before committing an attack

Perpetrators of the attacks: in Berlin in 2016. (Anis Amri), at Orly airport in Paris in 2017 (Ziyed Ben Belgacem), in Hamburg in 2017 (Ahmad Alhaw), in Marseille in 2017 (Ahmed Hanachi) and in Carcassonne and Trèbes in 2018 (Redouane Lakdim) took psychoactive drugs a few, several hours before carrying out the attacks. They represent 7 per cent of the 75 perpetrators who carried out Islamist-motivated attacks in Europe between 2012 and 2018⁹³. Breivik took a combination of ephedrine, caffeine and aspirin before the attack. Seifeddine Rezgui, the perpetrator of the 2015 attack in Susa (Tunisia), took a substance to increase his level of aggression and improve his focus during the attack⁹⁴. The authors of this article do not have complete data to determine how often, globally, terrorists use drugs before committing an act of violence. In Europe and the United States, the number of such perpetrators can be estimated - on the basis of available studies - to be at least a few per cent⁹⁵.

Although there are sensationalist headlines in journalistic articles suggesting widespread use of psychoactive substances by terrorists⁹⁶,

⁹² For example, Anis Amri - the perpetrator of the 2016 Berlin Christmas market attack.

⁹³ R. Basra, *Drugs and Terrorism:...*, p. 25.

⁹⁴ *Ibid.*, p. 29.

⁹⁵ An analysis of 119 attacks carried out between 1990 and 2014 in Europe and the United States by perpetrators who acted alone showed that 4.2 per cent of them had taken drugs or drank alcohol immediately before committing the attack. See: P. Gill, J. Horgan, P. Deckert, *Bombing Alone: Tracing the Motivations and Antecedent Behaviors of Lone-Actor Terrorists*, "Journal of Forensic Sciences" 2014, vol. 59, no. 2, p. 430.

⁹⁶ F. Forsyth, *Terrorism attracts failures and losers, says Frederick Forsyth*, Express, 31 III 2017, <https://www.express.co.uk/comment/columnists/frederick-forsyth/786150/london-terror-attack-Terrorism-jihad-attracts-failures-losers-low-iq> [accessed: 18 VIII 2022]; I. Firdous, *What goes into the making of a suicide bomber*, Tribune, 19 VII 2010, <https://tribune.com.pk/story/28976/what-goes-into-the-making-of-a-suicide-bomber> [accessed: 18 VIII 2022];

the true scale of this phenomenon has not been estimated⁹⁷. Numerous media reports have indicated the use by fighters fighting in Syria of a drug called Captagon, an amphetamine derivative with psychostimulant effects, enhancing concentration and inducing insomnia and emotional detachment. The use of psychoactive substances with such effects can be seen as having operational and strategic benefits. Other psychoactive substances are also widespread both in Syria and in other regions of armed conflict where terrorist organisations are active. Participants in armed conflict may use them to, among other things, strengthen the body, suppress stress or recover more quickly from injuries⁹⁸. Alcohol and drugs impair judgement and thus increase the likelihood of engaging in risky behaviour and reduce inhibitions against violence. Research suggests that the use of certain psychoactive substances increases the likelihood of violence⁹⁹, including in the context of an armed conflict¹⁰⁰.

The use of psychoactive drugs immediately prior to the violent act is not always linked to the radicalisation process of the perpetrator. It is already a stage at which a radicalised person decides to carry out an attack. Although the authors of this article rely on a scarcity of relevant research and data, the case studies they analysed indicate that psychoactive drugs were used prior to the attack by perpetrators with a history of alcohol and drug abuse, as well as by those who had no previous problems with stimulants¹⁰¹. In the case of the former, it is often difficult to determine whether the intake of psychoactive substances shortly before the violent

N. Andruszko, *Biorą go walczący i cywile. Ten narkotyk przeobraża Syrię w narkopanstwo* (Eng. It is taken by fighters and civilians. This drug is transforming Syria into a narco-state), NOIZZ, 10 VIII 2021, <https://noizz.pl/spoleczenstwo/ten-narkotyk-przeobraza-syrie-w-narko-panstwo-czym-jest-captagon/9vk1.php> [accessed: 18 VIII 2022].

⁹⁷ J. El Khoury, *The use of stimulants in the ranks of Islamic State: myth or reality of the Syrian conflict*, "Studies in Conflict & Terrorism" 2020, vol. 43, no. 8, pp. 679–687.

⁹⁸ P. Khan, *This is your jihad on drugs*, War on Rocks, 7 III 2016, <https://warontherocks.com/2016/03/this-is-your-jihad-on-drugs/> [accessed: 18 VIII 2022].

⁹⁹ S.M. Boles, K. Miotto, *Substance abuse and violence. A review of the literature*, "Aggression and Violent Behavior" 2003, vol. 8, no. 2, pp. 155–174.

¹⁰⁰ S.E. Cornell, *Narcotics and Armed Conflict: Interaction and Implications*, "Studies in Conflict and Terrorism" 2007, vol. 30, no. 3, pp. 207–227; T. Hecker, R. Haer, *Drugs boosting conflict? A micro-level test of the linkage between substance use and violence*, "Terrorism and Political Violence" 2014, vol. 27, no. 2, pp. 205–224.

¹⁰¹ Amri abused drugs, Bissonnette alcohol. Breivik was not an addict and did not abuse psychoactive substances.

act was intentional, a continuation of addictive behaviour or an addiction-driven way of coping with a stressful situation. Some perpetrators who take such substances before an attack do so consciously in order to influence their bodies in a certain way. They may be trying to suppress fear, guilt, fear of failure, indecision or lack of conviction that it is right to harm others¹⁰².

Taking psychoactive substances before committing an attack is also supposed to be a way of strengthening the perpetrators mentally or physically - suppressing emotions and stimulating the body for action, e.g. by increasing concentration, physical strength, reaction speed, resistance to pain. Breivik took a combination of ephedrine, caffeine and aspirin¹⁰³, to be more effective. According to the expert opinion, at the time of the attack he was under the influence of a central nervous system stimulant, the effect of which can be compared to taking 10-30 mg of amphetamine¹⁰⁴. In his manifesto, the attacker described what he believes is the optimal process for preparing for an attack. Among other things, it consists of exercising in the gym¹⁰⁵, taking anabolic steroids¹⁰⁶ and taking stimulants in the form of ephedrine, caffeine and aspirin shortly before the attack. Breivik stressed that such a mixture cannot be taken regularly, as the body can become accustomed to it and then the effects will be weaker¹⁰⁷.

The use of a psychoactive substance before carrying out a terrorist attack can also represent the continued behaviour of an addict or regular user of such substances. Bissonnette, who had been struggling with alcohol problems for several years, had been consuming sake since the midday hours on the day of the attack and had had another canned drink a few minutes before the shooting. According to the investigators' findings and Bissonnette's own testimony, the alcohol did not affect his motivation or consciousness, but only supposedly lowered his level of empathy and inhibition¹⁰⁸. Similarly, a regular user of cannabis and cocaine, Amri was

¹⁰² Z. Al-Attar, *Severe Mental Disorder and Terrorism...*, p. 966.

¹⁰³ In Norway and the United States, among others, this combination of substances is considered illegal. It is sometimes used by bodybuilders as a stimulant and as a means of rapid fat burning.

¹⁰⁴ <https://web.archive.org/web/20150724210028/https://lovdata.no/static/file/834/toslo-2011-188627-24e.pdf> [accessed: 18 VIII 2022].

¹⁰⁵ A. Berwick, *A European Declaration of Independence...*, p. 892.

¹⁰⁶ *Ibid.*, p. 896.

¹⁰⁷ *Ibid.*, p. 897.

¹⁰⁸ R. c. Bissonnette, 2019 QCCS 354 (*CanLII*)...

allegedly under the influence of drugs on the day of the assassination, according to the autopsy results¹⁰⁹. However, it has not been possible to ascertain what effect their use had, as Amri fled after carrying out the attack. Four days later, he was shot dead in Milan by Italian police officers.

Summary

A significant proportion of the perpetrators of terrorist attacks carried out in recent years were addicts or substance abusers. After analysing the life stories of the perpetrators of the attacks, it can be assumed that the traumas experienced in childhood, including substance abuse by immediate family members, as well as the perpetrators' own substance abuse problems, may be experiences that contribute to an extremist world view.

Psychoactive substance addiction or abuse can contribute to a deterioration in quality of life on many levels - health, emotional, economic. There are two main reasons why an addicted person may be more vulnerable to the influence of radicalising narratives or recruitment into a terrorist organisation. Firstly, long-term use of psychoactive substances can have a negative impact on cognitive abilities. This can make such a person more susceptible to manipulation and less able to critically assess the radical content they encounter. Secondly, to a person struggling with addiction problems, the narrative of extremist movements may seem attractive because it explains individual failures as the result of hostile groups. Extremist organisations may also offer direct material and spiritual support.

Thus, it can be concluded that the effects of alcohol and drug addiction partly overlap with the identified vulnerabilities to radicalisation. However, this correlation does not imply a cause-and-effect relationship and the fact of abuse or addiction to psychoactive substances should not be taken as an indicator of radicalisation. This correlation should be the subject of further qualitative and quantitative research to enable more precise theses to be made, including taking into account geographical variation. The research should also include a biographical analysis, taking into account childhood, early adolescence and the individual's family history.

¹⁰⁹ R. Basra, *Drugs and Terrorism: The Overlaps in Europe...*, p. 26.

Drugs influence the functioning not only of radicalised individuals, but also of extremist and terrorist organisations. Addiction to or involvement in the trafficking of psychoactive substances can directly or indirectly catalyse contact with radical circles, as well as provide motivation to engage in extremist activities and, in extreme cases, contribute to an individual's decision to carry out a terrorist attack. Terrorism, and especially martyrdom terrorism, can be a means of liberation from addiction and chaotic lifestyles caused by, among other things, substance abuse. Activity within an extremist organisation (including terrorism) is presented by its members as a form of redemption of guilt and mistakes, and for a believer it can be a kind of atonement for sins.

In the context of stimulants as a catalyst for radicalisation, it is also worth noting the problem of radicalisation in prisons. In the biographies of the perpetrators of attacks analysed, it was repeatedly reported that they succumbed to it while serving sentences for minor drug offences. This risk should be taken into account when creating drug policies and programmes to prevent and counteract radicalisation in prisons.

The use and trafficking of psychoactive substances is, and is likely to continue to be, an important theme in a significant proportion of extremist narratives - irrespective of the strand and background (political, religious or ideological). This is because it creates a semblance of moral superiority for extremists promoting a life of purity and, at the same time, is used to formulate accusations against foreign groups portrayed as responsible for addictions.

The problem of substance abuse should therefore not be overlooked in the discussion on the prevention of terrorism. A broad approach to terrorist prevention should also include measures to minimise the negative impact of phenomena that can create vulnerabilities to radicalising narratives. Public health - including addiction prevention, treatment and prevention - should be identified as an area for such action, among others. Radicalisation can be one of many secondary negative effects of addiction, although this relationship is not direct and straightforward - the effects of addiction are often factors that increase vulnerability to radicalisation.

From the perspective of radicalisation prevention, which is a very important element of terrorist prevention, there is a need to raise public awareness of the impact of adverse public health phenomena on the emergence of vulnerability to radicalisation. Educational measures should also pay attention to the problem of stigmatisation in society

of addicts. Addiction to psychoactive substances is a disease. Its destructive effects (and thus the drivers of radicalisation) are reinforced by the negative social perception of those affected, who therefore do not receive adequate support. There is therefore a need to take action at the level of local communities, including religious communities, as they can play a very important role in protecting individuals from the impact of extremist propaganda. Indeed, the cases of perpetrators of terrorist attacks discussed in the article show that experiencing exclusion due to addiction can lead to extremism.

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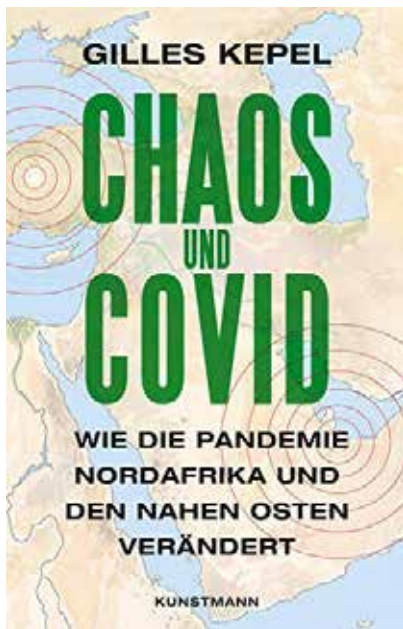
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KATARZYNA MANISZEWSKA

**Book review: Gilles Kepel,
*Chaos und Covid. Wie die Pandemie Nordafrika
und den Nahen Osten verändert*¹**



Gilles Kepel (born 1955 in Paris) is a French sociologist, political scientist, professor at the Institut d'études politiques de Paris (Paris Institute of Political Science) and author of numerous publications. He is considered one of the most important sociologists in France and an outstanding expert on Islam, and his expert comments are often quoted in the media. Among other things, his famous book *The Revenge of God* has been published in Poland (French edition in 1991, Polish in 2010).

The book under review is not available (at the time of preparing this review, i.e. December 2022) in Polish,

¹ G. Kepel, *Chaos und Covid. Wie die Pandemie Nordafrika und den Nahen Osten verändert* (Eng. Chaos and Covid. How the pandemic is changing North Africa and the Middle East), München 2021, published by: Antje Kunstmann GmbH. Original title: *Le prophète et la pandémie. Du Moyen-Orient au jihadisme d'atmosphère* (Eng. The prophet and the pandemic. The Middle East on the path of atmospheric jihad), Paris 2021, published by: Gallimard. Translation from French into German by Jörn Pinnow.

nor has it been published in English. It was reviewed in its German edition entitled *Chaos und Covid. Wie die Pandemie Nordafrika und den Nahen Osten verändert* (in English: *Chaos and Covid. How the pandemic is changing North Africa and the Middle East*). It should be noted that the German translation does not fully convey the meaning of the French title: *Le prophète et la pandémie. Du Moyen-Orient au jihadisme d'atmosphère* (in English: *The prophet and the pandemic. The Middle East on the path of atmospheric jihad*). The term *jihadisme d'atmosphère* appears in the title of the original, which needs clarification as it is a new concept presented in Kepel's book. In Polish, it can be translated as follows: *dżihad atmosferyczny* (atmospheric jihad), *dżihad atmosfery* (jihad of the atmosphere), *dżihad wynikający z atmosfery* (jihad arising from the atmosphere), *dżihad nastrojów* (jihad of moods; and this is the term the author will use later in the review which has been originally written in Polish) or *dżihad ambientowy* (ambient jihad).

To some extent, the publication under review is a continuation of Kepel's earlier book *Away from Chaos. The Middle East and the Challenge to the West*, the English edition of which was published in 2020 by Columbia University Press. In that publication, the author took a look at the regional and global consequences of the Arab Spring, with a particular focus on the political processes leading to - broadly defined - radicalisation. In his latest book, Kepel looks again at the processes taking place in the Middle East. Contrary to the German translation of the title, however, it is not the pandemic that is its main thematic focus. The author shows the interconnectedness of various global events and processes, which are focused as if through a lens in the regions of the world under discussion, i.e. the Middle East and North Africa. Kepel guides the reader through the meanderings of politics in the region towards a global view, showing how the changes taking place there affect Europe, especially Western Europe. Not only the SARS-CoV-2 coronavirus pandemic, but also, and perhaps most importantly, the oil market collapse underpinned the upheaval in the Middle East in 2020. Among other things, Kepel discusses the building of new alliances in the region, describing the Abraham Accords and the Turkey-Iran-Qatar axis and the role of the Muslim Brotherhood, and analyses the interests and actions of Russia and China. It shows that the geopolitical situation in the Middle East and North Africa is also contributing to a paradigm shift in terrorism. The section of the publication devoted to the phenomenon that

Kepel identified and called the mood jihad will probably be of most interest to readers of the journal "Terrorism - Studies, Analysis, Prevention".

The book under review contains 335 pages, and consists of a prologue entitled *2020: pandemic, petrol and prophet*, three chapters (subdivided into subsections) sequentially titled *Divided in the Gulf Region*, *The Very Middle East*, *From North Africa to the Suburbs of Europe*, and an epilogue entitled *Sentiment Terrorism and Islamic Separatism in the Light of World Politics*. It also includes an afterword to the German edition entitled *From Gaza to Wurzburg*, as well as appendices: a timeline, an acknowledgement and an index of names.

The chapters are arranged in a coherent and logical manner, guiding the reader along the author's path of reasoning and showing the causes and roots of terrorist sentiment. Noteworthy are the previously unpublished political maps by Fabrice Balanche, correlating with the content presented in the chapters of the book. They clearly illustrate the issues of alliances and conflicts in the region. The publication opens with a map on the Abraham Accords (map 1), showing their supporters and opponents, the interests of the Muslim Brotherhood, as well as the attitudes of Russia, China and the European Union to the agreement. Further maps were devoted to Turkey (maps 2 and 3), its interests and expansion in the Mediterranean, the health consequences of the pandemic (map 4), the economic impact of the oil crisis (map 5), Saudi Arabia and Vision 2030 (map 6) in relation to King Abdullah's development programme (2005-2015), Qatar (map 7), Iraq (map 8), Iran (map 9), Russia's military and economic activities in the region (map 10), Syria (maps 11 and 12), Lebanon and the religious division by region (map 13), Israel and the threats to it (map 14), the Maghreb and migration (map 15), Libya (map 16), and China and its interventions in the region (map 17). The publication concludes with a map showing jihadist attacks in Europe (map 18). It presents the numbers of terrorists in Europe, with a particular focus on the situation in France nationwide and in relation to Paris and the surrounding areas of the capital. Interestingly, the map indicates which of the attacks carried out on French soil have been claimed by the so-called Islamic State. This is important because sentiment terrorism is sometimes - as the example of France shows - used by ISIS, even though it is not directly linked to the organisation.

The reviewed publication presents the hypothesis that there is now a new type of dynamic within the phenomenon of terrorism. The author calls it a mood jihad, and considers the absence of the need

for any organisational structure, even networked and loosely connected, as a characteristic feature. At the same time, the jihad of moods needs its 'representatives' (inspirers) on the Internet, but their online activities are, as a rule, not supposed to break the law. To refer to them, Kepel uses the term *entrepreneurs de colère*, coined by Bernard Rougier, another French researcher (similar in meaning to hater, it can be translated literally into Polish as 'entrepreneurs' or more appropriately as 'constructors' of anger, rage, fury). According to the hypothesis under discussion, 'constructors' attack, but in a way that is acceptable within the principles of democracy and freedom of speech. For example, they do not directly call for someone to be killed, but consistently vilify and gradually dehumanise the victim, thus carrying out an initial 'targeting'. At the same time, due to the circulation of this content on the Internet, there are those who, being radicalised and ready to use violence, decide to be executioners - executors of self-righteousness. This hypothesis is supported in the book by examples. They discuss in detail the dynamics of moods fuelled on the Internet, leading over time to terrorist attacks. The events surrounding the murder of teacher Samuel Paty, for example, are described in detail. Kepel analyses the content published online, the false information that intensified violent sentiments, profiles the authors of this content and the role of the Collectif contre l'islamophobie en France (CCIF), an organisation disbanded after Paty's murder. The researcher highlights the importance of victimisation in the strategy of the 'constructors of anger' to portray Muslims as victims of Islamophobia and used deliberately to incite hatred.

In his latest publication, Kepel consistently develops his theory of the dialectic of jihadist development. He is one of those scholars who believe that jihadist terrorism is not a finished concept but an evolving phenomenon. Each of its successive phases is, to some extent, a response to the previous one (or, more precisely, a response to the ineffectiveness of the previous one). In earlier publications, Kepel identified three phases in the development of modern jihadism, starting with the Afghan jihad. According to him, sentiment terrorism is the fourth stage. Analysis of these stages and reflection on Kepel's hypotheses may lead to interesting conclusions in the context of the fight against terrorism. For it is undoubtedly the case that Kepel's thought brings a lot of valuable content to the study of terrorism, even if there are researchers expressing a different view (the most famous opponent of Kepel is the French political scientist Olivier Roy).

The publication under review is not a classic scholarly monograph (note the almost complete lack of footnotes), it is essayistic in nature. Nevertheless, it is worth reading because of its author's achievements and his well-established position in the world of science, as well as the presentation of the innovative concept of jihadist sentiments in an analytical and evidence-based manner. The book may be of interest not only to scholars of the phenomenon of terrorism, but also to students of security studies, political science and international relations. It is therefore to be hoped that the book will be translated into Polish and that the translator will find terms that are fully adequate to the concepts used by the French scholar and that these terms will be able to enter the Polish scientific circuit. For Kepel's ideas are certainly worth critical reflection, especially since, as the author stated in an interview with the Europe 1 radio station², the key to countering jihad in Europe lies in knowledge supported by research, thanks to which we can gain a deeper understanding of the phenomenon and develop more effective preventive methods.

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² *Qu'est-ce que le «djihadisme d'atmosphère» ? Les explications de Gilles Kepel* (Eng. What is «atmospheric jihadism»? Gilles Kepel's explanations), Europe 1, 10 II 2021, <https://www.europe1.fr/politique/quest-ce-que-le-djihadisme-datmosphere-les-explications-de-gilles-kepel-4024277> [accessed: 12 XII 2022].