



# ARCHIWUM KRYMINOLOGII

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## Tracing the shadows: Inside the European illegal arms market – the case of Poland

### Rozpraszając mrok. Nielegalny rynek broni w Europie na przykładzie Polski

**Abstract:** Each year approximately 600–700 homicides are committed with firearms in the EU. Despite this, the subject of the illicit arms market in Europe has only recently become the focus of in-depth criminological study. Moreover, so far, few studies have been conducted to analyse in-depth the impact of illicit firearms trafficking on gun violence in Europe. This situation is hindered by a lack of relevant, detailed quantitative data in many European countries. At the same time, it had been unequivocally stated in the literature that this type of crime is a key area of criminal activity for organised groups and associations. The study of the illicit arms market is difficult, since, first of all, there are few sources of reliable information and data, and secondly, the relevant law enforcement organisations usually refuse to assist on the grounds of protecting classified information. The police and intelligence agencies consider the illicit arms market to be an especially sensitive issue. In this research data was retrieved from state databases, as well as official reports and statements. Public entities released their data under the Act on Access to Public Information. The essential data source was court cases from 2010–2017. This research material was supplemented with press materials concerning trafficking, seizing, manufacturing and converting firearms, which offered a high level of detail and a large number of variables. Depending on the segment, data from periods encompassing from 7 to 19 years were compiled and analysed. The purpose of the study was to demonstrate quantitative and qualitative changes in the supply of firearms and ammunition on the Polish illicit firearms market, driven by various factors, including international influences, primarily the Ukraine factor after 2014. Due to Poland's unique location and other reasons, these fluctuations may have an impact on the public safety of states participating in the Schengen Agreement in relation to organised crime, extremism and terrorism. A better intelligence picture of the illicit firearms market in Europe is crucial for developing adequate policy responses to combat illegal firearms trafficking and for enhancing operational cooperation between law enforcement

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agencies and other relevant agencies. The article presents a valid baseline for further research on the phenomenon, e.g. related to the projected increase in weapons saturation in the region. The paper is one means of publicising the results of research conducted by the Analytical Research Team for Illicit Markets, founded in 2012. The research was completed in 2021.

**Keywords:** illicit arms trafficking, Ukraine conflict, organised crime, the Schengen Agreement, terrorism, European crime, underground markets

**Abstrakt:** Każdego roku w UE popełnianych jest ponad 600 zabójstw z użyciem broni palnej. Mimo to temat nielegalnego handlu bronią w Europie dopiero niedawno stał się przedmiotem pogłębionych badań kryminologicznych. Ponadto, jak dotąd jedynie nieliczne inicjatywy badawcze koncentrowały się na dogłębnym przeanalizowaniu wpływu nielegalnego handlu bronią palną na przemoc z użyciem broni w Europie. Równie niekorzystny jest brak dostępnych szczegółowych danych ilościowych, wzbogaconych o opis metodyczny, dotyczących specyfiki fenomenu dla poszczególnych państw. Jednocześnie w literaturze tematu wskazuje się, że proceder ten stanowi jeden z podstawowych obszarów działania zorganizowanych grup i związków przestępczych. Badania dotyczące nielegalnego handlu bronią są trudne, gdyż po pierwsze istnieje niewiele wiarygodnych źródeł informacji i danych, po drugie organy właściwe w sprawach porządku i bezpieczeństwa publicznego z reguły odmawiają jakiegokolwiek pomocy, motywując to potrzebą ochrony informacji niejawnych. Ponadto służby policyjne i specjalne postrzegają nielegalny obrót bronią jako wyjątkowo wrażliwą materię. W ramach projektu zmienne pozyskano z państwowych baz danych, oficjalnych raportów i oświadczeń. Informacje zostały przekazane zgodnie z ustawą o dostępie do informacji publicznej. Istotnym źródłem danych były sprawy sądowe z lat 2010–2017. Materiał badawczy uzupełniono doniesieniami prasowymi dotyczącymi handlu, ujawniania, wytwarzania i przetwarzania broni palnej. W zależności od badanej płaszczyzny zjawiska zestawiono i przeanalizowano dane z okresu od 7 do 19 lat. Celem badania było pokazanie ilościowych i jakościowych zmian w dostępie do broni palnej oraz amunicji na polskim nielegalnym rynku broni, wynikających z różnych czynników, w tym wpływów międzynarodowych (przede wszystkim czynnika ukraińskiego po 2014 r.). Ze względu między innymi na unikalne położenie Polski, fluktuacje te mogą mieć wpływ na bezpieczeństwo publiczne państw uczestniczących w Umowie Schengen w kontekście funkcjonowania zorganizowanych grup przestępczych, organizacji ekstremistycznych oraz terrorystycznych. Dokładniejszy obraz zjawiska nielegalnego handlu bronią w Europie ma kluczowe znaczenie dla opracowania trafnej polityki kryminalnej oraz jest istotny w kontekście budowania ponadnarodowej współpracy operacyjnej. Artykuł jest jedną z metod upowszechniania wyników badań prowadzonych przez powołany w 2012 r. Zespół Analityczno-Badawczy do Spraw Nielegalnych Rynków. Ten komponent badawczy projektu zakończony został w roku 2021.

**Słowa kluczowe:** nielegalny handel bronią, konflikt na Ukrainie, przestępczość zorganizowana, układ z Schengen, terroryzm, przestępczość europejska, nielegalne rynki

## Introduction

Poland exemplifies the changes which the entire region has undergone in the last 30 years, and was their primary internal catalyst.<sup>1</sup> It made a remarkable transition

<sup>1</sup> The authors of this article argue that the socio-political transformations in Poland constituted the most significant internal factor within the entire region, leading to the liberation of Central European states from the devastating and brutal Soviet dependency. These changes, combined with the opportunities created by global factors, significantly contributed to the dismantling of the post-war division of the continent.

from a client state dominated by the USSR and constituting the second largest military force in the Warsaw Pact in terms of numbers and combat value, to the eighth largest economy in the European Union (EU) in aggregate gross domestic product at market prices. The proposed research perspective allows for the examination of offenders and their actions within the framework of particular exogenous factors, such as the shift from a centrally planned to a capitalist economy, from a developing to a developed country, and from a prevalence of common/violent crime<sup>2</sup> to economic crime.<sup>3</sup> Poland is positioned as a border country of the EU bloc (bordering Russia, Belarus and Ukraine), and therefore is responsible in large measure for the eastern border security of that economic and political body and is also the home of the European Border and Coast Guard Agency. It also borders a country ravaged by an undeclared secessionist armed conflict (the annexation of Crimea and the war in Donbas) and is thus directly impacted by the effects of the so-called Ukrainian crisis,<sup>4</sup> including the movement of populations.

Given its shared border with three non-EU states, Poland serves as a transit country for the trafficking of drugs, migrants and illegal firearms into the EU. However, the illegal weapons market in Poland is rarely discussed in international research discourse (the most significant sources are referenced in the article). Moreover, the results of previous research conducted in Poland have not often been published in conference languages.<sup>5</sup> The article attempts to partially fill this

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<sup>2</sup> Research indicates that in Poland, there has been a significant change in the nature of criminal activity. Specifically, there is increasing evidence to suggest that economic crime, including organized economic crime, is becoming more prominent. This shift represents a departure from the previous dominance of conventional criminal behaviour, underscoring the growing importance of economic offenses. Consequently, this transformation necessitates the adjustment and development of institutional frameworks to effectively combat and prevent such crimes.

<sup>3</sup> Poland's growing exports of military equipment and armaments are another indicator of robust economic development over this period. According to the Ministry of Foreign Affairs, in 2017 these exports amounted to 561.8 million USD, over 23% more than in the previous reporting period (MSZ 2018: 4). In 2018, a growing trend was maintained in terms of the value of Polish defence-sector exports (3% compared to the previous year). The largest portion of these goods were sent to the USA (36%), followed by Chile (18.8%), France (6.1%), South Africa (6%) and Ukraine (5.5%) (MSZ 2019: 5).

<sup>4</sup> Approximately 2 million Ukrainian citizens stayed in Poland in 2018 (both legally and without legal basis). According to Social Insurance Institution data, at the end of 2020, about 532,500 Ukrainians were covered by social insurance in Poland (retirement and disability pension). The Polish National Bank estimates that in 2018, approximately 900,000 Ukrainian citizens were employed in Poland, and that in the first 9 months of that year they transferred over 2.4 billion USD back to their country. According to data gathered for our study, organised crime groups also make use of this flow.

<sup>5</sup> It should be emphasized that in many scientific fields, the concept of “congressional languages,” which includes not only English but also French, German, and Russian, has purely historical significance. English has become the contemporary lingua franca (for example, in Poland, the most important research funding agency accepts applications exclusively in English, regardless of the research area). The reasons for the dominance of the English language are, of course, historical and are linked to the former hegemony of the British Empire and the growing power of the United States in the 20th century. At the same time, it is worth noting that we are witnessing efforts to weaken this dominance. Locally, the language of international exchange may be influenced to some extent by factors such as the inclusion of journals in point-based lists.

defined gap in the research literature. At the same time, the nature of the illegal weapons market in Poland makes it an interesting subject for comparative research (one of the lowest rates of legal gun possession in Europe, strict gun legislation, collectors of weapons, links between illicit firearms trafficking and other criminal phenomena, relatively low gun violence and threats associated with the proximity of a full-scale armed conflict).

Ukraine has long been a hotspot in the global arms market, a situation that has intensified since the 2014 Russian-backed conflict in the east of the country. Crime prevention is additionally complicated by a lack of regional and central registries for civilian firearms. In the armed forces, which have their share of social divides, there have been cases of embezzlement of firearms. Furthermore, the flow of firearms in separatist regions is beyond the central authorities' control. This state of affairs may lead to a renewed importance of the Chechnya route (Arsovska, Zabyelina 2014). The literature on the subject notes that the uncontrolled arms flows, including contraband, create movement of firearms between illicit markets that depends on the current supply and demand. This model is borne out by the findings of this study. Some pistols trafficked out of Poland were found in distant regions of the world (even in Japan), and some returned to Poland, this time to the black market. The EU's eastern neighbourhood is also destabilised by the unresolved/frozen conflicts in Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh. The affected neighbouring states have been kept in a state of controlled instability by external forces (legal twilight areas). The quasi-states created in this way are excluded from substantive international control, thus implementing the Russian revisionist geopolitical agenda. Our research suggests that such a neighbourhood may constitute an additional factor that influences the security of states connected by the freedom of movement.

Official statistics indicate that as the EU was expanded in 2004, removing the final remnants of the cold-war divisions in this part of the continent and rewarding the post-war generations' efforts towards independence, rates of firearm homicides and non-fatal firearm violence differed between the old and new Member States.<sup>6</sup> Moreover, reports such as Europol's Organized Crime Report of 2005 indicated that the expansion could increase the supply of illegally trafficked firearms.<sup>7</sup> Historical analysis shows that the legislative reactions of individual Member States, both old and new, on the issue of citizen firearm possession and acquisition varied and could be placed on a spectrum ranging from liberal to restrictive. Vestiges of those differences were visible even after the implementa-

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<sup>6</sup> Before the integration (when the Union was enlarged by 10 countries, the greatest in the history of European communities and the EU), Western Europe had some of the lowest rates of firearm homicide and non-fatal firearm violence in the world, while rates of firearm suicide were unacceptably high in comparison with the global average (Small Arms Survey 2004: 178).

<sup>7</sup> The report pointed to the problem, *inter alia*, of handmade Bulgarian weapons smuggled along the so-called Balkan route, and the profitability of this trade reaching several hundred per cent (e.g. Antoliš 2007; Arsovska, Kostakos 2008).

tion of Directive 2008/51/EC and Regulation (EU) No. 258/2012.<sup>8</sup> As evident in the cases of Monzer al Kassar or Viktor Bout, illicit arms trade is a phenomenon which also occurs within the EU. Europe has not been spared the epidemic of mass killings, either.<sup>9</sup>

The evolution of the collective body of the EU (a political actor under construction), in spite of the influence of sceptical and anti-integration movements (the EU as an open-ended process), tied with the deepening internationalisation of economy management processes and unrestricted movement of goods, capital, services and labour, ensures the optimal use of resources and secures the greatest increase in prosperity for the states participating in the exchange. Economic and legal changes are accompanied by actions to shape a multifaceted identity, the primary vectors of which are locality and regionality (exemplifying the role of ideas in building the Union's normative power). The Schengen acquis, of which Poland has been an active member since 21 December 2007, has removed borders separating areas with different business environments resulting from distinct policies in each state on, for example, macroeconomics (especially tax and monetary policy) and business regulations (e.g. the labour code or the commercial code).

The introduction of a common currency (Union as an actor, process, and project) can also contribute to the blurring of cultural and civilizational distinctiveness, as well as market-based differences. One drawback of these processes is illicit arms flow within the EU.<sup>10</sup> The availability of firearms during violent incidents tends to substantially increase the lethality of injuries. Moreover, illegally possessed firearms are a constant element of criminal terror. Overall, the accessibility, possession and use of illegal firearms must be considered a significant destabilising factor for society. Therefore, the phenomenon has social and economic consequences which are wider than what is generally perceived. Illicit trade happens not only between criminal groups, as confirmed herein, but also flows from organised crime towards extremist and terrorist groups (Buczyński 2014: 158). According to the findings of the Report on Threats to National Security adopted by the Council of Ministers on 15 September 2015, Poland is currently not a priority target for a terrorist attack. However, due to the participation in international efforts, including involvement in Afghanistan and the policy of

<sup>8</sup> Directive (EU) 2017/853 is an expression of a pro-unification policy for the illicit use of firearms in crime. Polish authorities often opposed the direction of changes in the law which this legislation sets.

<sup>9</sup> To mention only a few: the shootings in Jokela (Finland, 2007), Kauhajokki (Finland, 2008), Winnenden (Germany, 2009), Cumbria (United Kingdom, 2010), Alphen aan de Rijn (the Netherlands, 2011), Oslo/Utøya (Norway, 2011), Liège (Belgium, 2011), Brussels (Belgium, 2014), Munich (Germany, 2016), Istanbul (Turkey, 2017), Kerch (Ukraine, 2018) (Miller, Hayward 2019).

<sup>10</sup> According to the National Crime Agency, in August 2015 the British authorities seized 22 converted Czech-made vz.58 automatic rifles, nine vz.61 submachine guns (Skorpion), two silencers, 58 magazines and 1,500 rounds of ammunition in Kent, United Kingdom (so-called largest seizure of automatic weapons ever made on the UK mainland). The weapons had been purchased in Slovakia and converted in Poland before reaching Boulogne-sur-Mer, France, from where they were transported by ship to the UK (Florquin, King 2018: 40).

cooperation with the United States, the risk of a terrorist attack against people/facilities on Polish soil or facilities/Polish citizens abroad cannot be entirely ignored.<sup>11</sup> Among the potential targets of such an act, the report lists military installations – including arms and ammunition depots – and armament production facilities. The choice of such targets may be dictated by a desire to strike a symbolic blow, to cause local environmental contamination (using an arsenal or production plant as a so-called chemical mine) (Buczyński 2017: 105), or to acquire weaponry for further criminal activities, including outside of Polish borders. Explosives thus acquired may become a medium for the dispersal of radioactive particles (a so-called dirty bomb). Even with very limited casualties and material damage, the political, social and psychological effects of such an attack would be significant.

Creating a system of trade and conducting transactions is facilitated by forms of communication that have been adapted and exploited by criminal groups, spanning from subnetworks to gaming social services. Such systems range from subnets to gaming social networks (Paoli et al. 2017). Our research concludes that one of the factors stimulating the growth of the illegal firearms market on the internet and facilitating the funding of extremist and terrorist groups, is the largely unregulated and uncontrolled cryptocurrency trade. Another area requiring more monitoring is that of new weapons manufacturing technologies, especially those relying on 3D printing (Thierer, Marcus 2016: 805). The research nevertheless suggests that the technology is currently limited by its fragility, unreliability, required gunsmithing modifications, the need to strengthen or replace elements with metal equivalents and the range and accuracy of the product (Jacobs, Haberman 2017). At the current stage of development, the significance of 3D-printed firearms is minimal, especially in countries highly saturated with illegal firearms, or in places where legal access to firearms enables their acquisition by criminal groups (Little 2013).

Gun culture is expressed in Poland through hunting associations (including the Polish Hunting Association), sport associations (e.g. Polish Sport Shooting Federation), paramilitary organisations (e.g. the League of National Defence) and national organisations advocating liberalisation of gun ownership law (e.g. Civic Movement of Arms Lovers or the Foundation for the Development of Shooting in Poland). Data gathered for our study indicates that in 2015, 152 firearms licences were issued for personal defence, 244 such licences were issued in 2016 and 323 in 2017. In the same years 5,084, 5,007 and 4,801 hunting firearms licenses and 2,824, 4,835 and 4,928 sporting firearms licences were issued,

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<sup>11</sup> Some are of the opinion that political actions such as the Middle East conference which took place in Warsaw on 13 and 14 February 2019 may have a similar effect. Furthermore, it should be remembered that – according to many sources – during the period of Soviet domination the Polish People's Republic was, if not downright friendly, then at least neutral towards extremist and terrorist organisations from the Middle East (e.g. Fatah, the Revolutionary Council or the Muslim Brotherhood). Monzer Al Kassar and Abu Daud resided in Warsaw at one time or another (Gasztold-Señ 2013).



respectively. Licences for collecting purposes were approved in 1,619, 3,605 and 5,043 cases in respective years. These numbers do not include persons whose licences were changed regarding the number of firearms permitted or those who renewed a licence for the same purpose. Official statistics indicate that as of 31 December 2017, there were 206,124 individuals in Poland holding firearms licences for all purposes, while the number of registered firearms owned by licence holders was 463,768. This indicates a 3.8% increase in firearms licences issued compared to 2016 (197,929 licences), a 6.46% increase compared to 2015 (192,819) and a 4.14% increase compared to 2014, which is the baseline for the present research project.<sup>12</sup> According to this data, in 2017 the number of firearm licence holders was 0.5016 per 100 residents, and the ratio of registered firearms was 1.2070 per 100 residents. The mean number of licence holders fluctuated from 0.5135 per 100 residents in 2014, through 0.5016 in 2015, to 0.5150 in 2016. Statistically, in 2017 only 1 in 186 residents held a firearm licence.<sup>13</sup>

The judicial practice of the courts is also an important factor that influences firearms accessibility in Poland. For example, according to an established precedent, fully automatic firearms capable of striking targets at a distance cannot be owned as collectibles. The opposite tendency can also be seen, for example, in a government initiative to construct a shooting range in every municipality (*gmina*). Moreover, on 1 January 2017, a fifth, semi-professional branch of the Armed Forces of the Republic of Poland – the Territorial Defence Force – was officially established; the organisation is often likened to the United States National Guard in public discourse (Chlebowicz et al. 2022: 216).

The particular aim of this paper was to investigate, based on the limited data available, how the historical and social conditions inflicted on the unstable region have affected the Polish and European illegal arms market (war as a force for ensuring the indiscriminate dissemination of firearms). Requests submitted under the Act on Access to Public Information were filed with the police (including the specialised Central Bureau of Investigation [CBI]), the Polish Border Guard, the National Revenue Administration, the National Prosecutor's Office, the Central Forensic Laboratory of the Police and the Military Gendarmerie. Analogous demands were submitted to the Ministry of the Interior, the Ministry of Defence and the Ministry of Justice. Furthermore, we utilized data gathered by the Supreme Audit Office and the Central Statistical Office. We compiled a unique database on illicit firearm trafficking and seizure in Poland concerning

<sup>12</sup> From what we can gather from our project, as of 1 January 2019, 131 black-powder shooting ranges and 75 hunting shooting ranges were operating in Poland. Another 84 were administered by the League of National Defence. Legal black powder firearms were offered by 224 stores. The repair, maintenance and adjustment of firearms was offered by 46 service centres.

<sup>13</sup> The research done for our study suggests that this ratio may not reflect the real saturation of gun licences. Police statistics record only the number of licence holders, whereas one person can request and obtain several licences with different stated purposes. Therefore, the number of licence holders should not be mistaken for the true number of people holding firearms licences. Another class absent from this list are firearms purchased and owned by economic operators or sport clubs based on weapons registry cards.

the period 2009–2020. The primary source of knowledge was reports archived by law enforcement agencies. Unmistakably, crime rates are predominantly a measure of police activity, not of crime (Black 1970). Thus, police reports should be approached with caution (crime rates as a social product).

The information obtained from official centralised databases was cross-checked with Polish-language media reports (keyword media analysis 2012–2020). The drawback of a media analysis is fourfold. The information in the media is usually not verified against official sources, and so tends to be less reliable. Media reports are also most often published before a final judicial decision is taken in court. Moreover, media attention is not given to events objectively, but based on what a society deems to be of interest. We also have to bear in mind that the information gathered from screening media articles is not an objective representation of reality. Due to their nature, traditional and digital local media have proved to be the most significant source of additional or missing data. Data on victims available in the indicated sources is limited. Furthermore, information about the context of an incident quite often lacks details regarding the type of firearms used or their origin.

The gap in technical information about the firearms was filled by the ballistics reports contained in court records. Additionally, the Legal Information System was used. Literature reviews also play a critical role in academia because science remains, first and foremost, a cumulative endeavour. The method of analysis and criticism of the literature is aimed at supporting the research problem with existing knowledge and scientific theories (searching the literature, screening for inclusion, assessing the quality of primary studies and extracting and analysing data).

## **1. Actors involved in the illicit firearms market in Poland**

Our analysis of the historical context suggests that the domestic illicit firearms market in Poland developed after the fall of the communist regime.<sup>14</sup> The illegal arms market seems to have been a consequence of the rapid expansion of various

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<sup>14</sup> Cases of illicit weapons trade were rare in the Polish People's Republic due to strict controls on society. However, it is possible to track down isolated incidents of firearms being stolen from storage.



forms of violent crime,<sup>15</sup> drug-related crime<sup>16</sup> and organised crime.<sup>17</sup> Criminal groups both generated the demand for firearms and secured the supply.<sup>18</sup> This may suggest that this new type of black market was formed as a consequence of the birth of a new criminal environment.<sup>19</sup>

Rivalry between criminal groups additionally resulted in a new type of criminal activity: retaliation crime.<sup>20</sup> One way it manifested was attacks using firearms and explosives against members of competing groups or persons who, for one reason or another, were considered inconvenient. Notably, the use of firearms as homicide weapons is a characteristic feature of contract killings. For instance, research conducted in 1998 and 1999 showed firearms being used in 49 out of 59 contract killings (Gajerski, Styk 2000: 240).

There were many causes for the demand for firearms in criminal circles. Firstly, racketeering required an appropriate *modus operandi*, which included the use of firearms. Apart from retaliation crimes, there was the psychological need for personal safety (self-defence), as well as for prestige and influence.

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<sup>15</sup> The relationship between firearm prevalence and violent crime has been the topic of lively academic debate, generating numerous research projects (e.g. Kesteren 2013). The conclusions of the 2004 report, *Firearms and Violence Report*, prepared under the auspices of the American National Research Council, show that existing research studies and data include a wealth of descriptive information on homicides, suicides and firearms, but because of the limitations of existing data and methods, they do not credibly demonstrate a causal relationship between firearm ownership and the causes or prevention of criminal violence or suicide. The lack of such a statistically significant correlation was shown in a study of the period 1979–2003 from 46 large US cities investigating intimate partner homicide rates and firearm intimate partner homicide rates (Zeoli, Webster 2010: 90–95). Firearm prevalence was negatively associated with total and firearm homicides in research based on an instrumental-variable approach to analysing cross-sectional data from large US counties in 1990 (Kovandzic, Schaffer, Kleck 2013). Other American studies published after the report (analysing total, firearm and non-firearm homicide rates, firearm homicide rates by race of decedent and homicides committed by youths) prove the prevalence of firearms to be significantly and positively associated with homicide rates (e.g. Cook, Ludwig 2006; Parker et al. 2011; Chauhan et al. 2011; Siegel, Ross, King 2014). The most important limiting factor for all cited studies is a lack of direct measures of gun prevalence.

<sup>16</sup> The problem of correlation between the illicit firearms market, violence and other types of criminal activity – as well as the “arms race” phenomenon – are prominently featured in the literature. Blumstein was one of the first researchers to empirically link the rise in youth violence to guns and the illegal drug industry (1995: 10).

<sup>17</sup> In the case of Poland, this mechanism is well-exemplified in the appearance and growth of so-called stadium crime (Chlebowicz 2009: 212).

<sup>18</sup> Notably, trading even single firearms, especially automatic ones, was profitable for OCGs. Jasiński reports that in 1998 Polish police retrieved 2,571 firearms. At that time, the price of a German PM-5 submachine gun on the black market was 6,000 PLN (Jasiński 2001: 20). For comparison, the average monthly salary at that time, reported by the Central Statistical Office, was nearly a fifth of that amount: 1,239.50 PLN.

<sup>19</sup> This dependency, as well as intersecting market roles on the European black market of firearms, is well-illustrated by the activities of Italian crime groups, which also operate in Poland (Massari 2013).

<sup>20</sup> Mariusz Kulicki defined retaliation crime as a criminal offence penalised by criminal legislation and aimed against a person or property which is retaliation for legal or illegal action or omission which brought real or only subjectively perceived harm or damage to the perpetrator (or commissioning party) (2000: 237).

On the other hand, firearms were not only an indispensable accessory in the life of a gangster, but also goods intended for trade. Weapons, like narcotics, constituted a source of illegal income for organised crime groups (OCGs).<sup>21</sup> Even if only a secondary activity, OCGs trading in illicit firearms<sup>22</sup> make use of their organisational resources, structures, contacts, trafficking routes and formal and informal connections made in the course of other criminal activities (Hales, Lewis, Silverston 2006). Such diversification of business, income and – above all – risk is especially important for groups operating under a business model (Buczyński, Snopek 2014). Some data suggest that another source of income is exporting firearms to other European crime groups. One interesting case is of an illegal weapons cache discovered in Italy and provided by a Polish crime group known as the Mokotów group. This event confirms suspicions concerning the international connections of Polish organised crime.<sup>23</sup>

Our research suggests that among Polish organised groups there are those who specialise in procuring weapons for trade and diversified crime groups for whom the illegal firearms market is ancillary to other types of criminal activity. A review of cases investigated by the CBI supports the conjecture that for most groups, the illegal arms trade is only one of many operations. A classic example was a crime group from Szczecin led by “Goryl”. Its activities included racketeering and extortion, kidnapping for ransom, organising the trafficking and distribution of drugs, firearms, explosives, cigarettes, spirits, profiting from prostitution and money laundering (Misiuk 2010: 111).

The activities of the Mokotów group are also worth mentioning. A CBI report from 2006 identified this crime group as the main player in the firearms black market in Warsaw (CBŚ Policji 2007: 11). In 2014, the CBI uncovered a criminal

<sup>21</sup> The scholarly literature lists the following as the main sources of income for organised crime, including transnational organisations: the black market of narcotics and psychotropics, diamonds, migrant smuggling, human trafficking, money laundering, firearms trafficking, illegal gambling, extortion, counterfeit goods, wildlife and cultural property smuggling, cybercrime and oil smuggling (Schneider 2012: 31). Our project concludes that a Polish, or rather regional, speciality is groups which combine the trade of illicit firearms and counterfeit goods with the illicit amber trade (the so-called amber mafia). The Ukrainian regions of Volyn and Polesie are described as a zone in an amber war. These goods are mostly trafficked by land, but sea and air routes are also used. In July of 2016, the Security Service of Ukraine intercepted an AN-2 aircraft in Volyn which was used by an OCG to transport goods into the Schengen zone.

<sup>22</sup> Europol's European Migrant Smuggling Centre (EMSC) aims, among other things, to identify and analyze connections between the facilitation of illegal migration and various other criminal activities, including firearms trafficking.

<sup>23</sup> While investigating OCGs in the Warsaw area, the CBI discovered information about a weapons cache located in Italy. The CBI reports that the weapons seized in Italy had been smuggled from Poland and were going to be handed off to one of the Italian OCGs. About 2 months earlier, CBI officers had uncovered two weapons and ammunition caches in Warsaw, which belonged to criminal groups. Several machine guns and dozens of pistols were seized. These weapons were intended for distribution among Polish criminal groups and for trade with criminal groups from other European countries. The police had kept the information about the weapons secret, since they intended to dismantle the entire network and shut down the trafficking route. The discovery of the weapons cache near Milan is the result of this operation (CBŚ 2008).

organisation operating in Łódź. Its members trafficked firearms into Poland and sold them on the black market there. Their merchandise included modern firearms equipped with silencers.

The illegal firearms market is a complex phenomenon (Braga et al. 2002: 319; Savona, Mancuso 2017: 27). Apart from the sale of single weapons to poachers, perpetrators of racketeering and extortion, drug dealers and firearm traders within organised crime groups, there are also other forms, characterised by many cooperating perpetrators functioning in complex organisational structures, utilising broad logistical, financial and intellectual support (Rosiak 2013: 377).

A specific kind of illicit firearms and ammunition trade is transactions arranged by perpetrators who were previously associated with state security forces. The illicit arms market was likely in operation both in communist Poland and after 1989. The mechanism of illegal transactions in the 1970s was partly uncovered in 1982, in the trial of Eugeniusz Dostojewski, former commander of Border Troops and former president of the Customs Board.<sup>24</sup> Complicity in the illegal arms market by security service officers in breach of their duty has been recorded in countries all over the world.<sup>25</sup>

According to data collected in the project [www.gunpolicy.org](http://www.gunpolicy.org), hosted by the Sydney School of Public Health, University of Sydney, it should be assumed that the level of firearm and ammunition smuggling in Poland is moderate. A similar estimate has been made for Poland's EU neighbours: Germany, Lithuania, and Slovakia. According to the report, the problem is least serious in Czechia. The unreliability of such estimates is demonstrated by the fact that in this project, between the reports for 2014 and for 2017 the total number of guns (both licit and illicit) held by civilians in Poland was increased/updated/corrected by 68.34% (from 575,000 to 968,000). Notably, no regulatory developments could explain how such an increase occurred over that period. The authors defined in the introduction factors which may have a bearing on the factual state. In a classification of the world's small, medium and major firearm manufacturers, Poland was ranked in the middle.

The "Study to Support an Impact Assessment on Options for Combatting Illicit Firearms Trafficking in the EU" from 2014 indicates that Europe faces a serious problem from illicit firearms trafficking. This is a problem in its own right, but also an important factor that contributes to other criminal activities, such as drug smuggling and human trafficking, as well as terrorist-related activities that threaten the security of EU Member States and their citizens. It is estimated that illicit firearms trafficking was directly responsible for at least 10,000 firearms-related

<sup>24</sup> The case involved high-ranking communist officials attempting to buy specialised weapons. According to Mirosław Hakiel, the heads of the Ministry of the Interior rejected the transaction because one of the participants of the trade was suspected of using his right to trade in foreign currencies for his own benefit, rather than the state's (Hakiel 2012).

<sup>25</sup> A case in point is that of the head of Peruvian intelligence, Vladimiro Montesinos, who was involved in illegally trading arms to FARC, a left-wing Colombian guerrilla group considered to be a terrorist organisation. In Europe, the Romanian intelligence was an active player in the black markets during the reign of Ceausescu (Pacepa 1990).

deaths in EU Member States between 2004 and 2014. According to the study, the main sources of illegal weapons in the EU are reactivated neutralised weapons, burglaries and thefts, embezzled legal arms,<sup>26</sup> legal arms diverted to the black market, firearms retired from service by the army or the police and converted gas pistols. Illicit firearms trafficking is one of the EU's priorities in the fight against serious and organised crime as part of EMPACT 2022–2025.

According to the data gathered for the “UNODC Study on Firearms 2015”, Polish law enforcement confiscated 90,810 pieces of ammunition in 2013, and 136,131 in the previous year. In the respective years, 1,567 and 1,850 firearms as well as 367 and 1,001 parts and components of firearms were secured. Between 2010 and 2013, the annual rate of firearms seizure reported by the police was 4.7 per 100,000 residents.<sup>27</sup> Poland is classified alongside Chile, Costa Rica, and Guatemala as a country with seizures of handcrafted/homemade or rudimentary firearms (referred to as craft guns in UNDOC questionnaires) exceeding 5% of all seizures. Research conducted for project FIRE (Savona, Mancuso 2017: 51), the final version of which was published in 2017 and whose purpose was to analyse the illicit firearms market in 28 EU Member States, indicates that the largest number of cases of firearm seizures (2010–2015) within Eastern Europe occurred in Poland (36.11% of cases). In addition, Poland accounted for the largest number of firearms seized within Eastern Europe (16% of firearms). The report also cites literature indicating a penetration of the Polish black market of firearms by Italian (Busuncian 2007), Russian (Antoliš 2007: 71) and Georgian (Cheloukhine, Haberfeld 2011) OCGs. Proceeds acquired through other criminal activity are also reinvested in the illicit firearms market, connecting it to the illicit art market, among others (Pływaczewski 2012: 81). The report entitled “The Illicit Trafficking in Firearms, their Parts, Components and Ammunition to, from and across the European Union” (UNODC 2020) contains less detailed data on firearms seized in Poland than what was collected through our research. It should be emphasised that a significant number of Member States have not reported their seizure data. Moreover, not all EU Member States report the same type of seizure data,<sup>28</sup> making it impossible to adequately compare the available national numbers on firearms seized across the EU. Interestingly, during the period from 2010 to 2013, Poland, Latvia, and Lithuania reported proportions of seized machine guns ranging from seven to ten percent. According to the report, all EU Member States granted firearms export licences in 2018. Poland was among the most important exporting countries in terms of value (102 million EUR). The report also indicates that Poland was among the countries reporting significant amounts of seized parts and components, especially in 2012.

<sup>26</sup> This term is utilized, among others, by Europol (Europol 2013:31). The aforementioned report prepared by the Centre for Strategy and Evaluation Services references the analysis findings of this EU law enforcement cooperation agency.

<sup>27</sup> According to data gathered for our project, the rates of illegally owned firearms per 100,000 inhabitants between 2014 and 2016 were 3.23, 3.49 and 4.34, respectively.

<sup>28</sup> The aim of the report was to analyse illicit firearms trafficking and related forms of crime from a specific geographical angle, namely the European Union region, and to deepen the understanding of the illicit firearms trafficking situation in the region and its interconnection to the rest of the world.

Project TARGET is an international, EU-funded research project designed to determine the impact of gun trafficking on gun violence in the EU through an exploratory study of 34 countries (27 EU Member States, the UK and six countries of the Western Balkans). The project's associate partners are Europol, the Dutch National Police, UNDP-SEESAC, the United Nations Office on Drugs and Crime (UNODC) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). These associate partners provide data to the research consortium and facilitate information-sharing between the researchers, national law enforcement agencies and other key stakeholders. Phase 2 of the project consists of in-depth analyses of gun violence and the impact of illicit firearms trafficking on gun violence in 7 countries (Belgium, Estonia, the Netherlands, Poland, Serbia, Spain and Sweden). In these national studies the impact of illicit firearms trafficking on gun violence will be analysed by collecting detailed data on (firearms used in) incidents of gun violence through various quantitative and qualitative research methods from various sources. The study indicates that gun trafficking is a multifaceted phenomenon that predominantly impacts criminal and terrorist gun violence (rather than domestic violence or other sorts of disputes). The in-depth analysis shows that homicides have been in general decline across Europe (-64% in Poland from 2000 to 2015). However, that downward trend in homicide rates since 2000 seems to have at least stalled since 2012. In two European countries, the increase in homicides can be linked to an increase in firearm homicides: the Netherlands and Sweden (Duquet, Auweele 2021: 27–33).

## 2. Sources of illicit firearms in Poland

The research done for our study regarding Poland indicated that, as in other European states, the sources of firearms entering the black market vary greatly. Weapons may originate from a number of places: trafficked from abroad, legally purchased in a country with easier access and sent to Poland or stolen from individual owners or from storage left after Russian troops. It is worth remembering that the availability of black market firearms is a dynamic category (Chlebowicz 2012). For instance, in the 1990s, there was a large market segment of gas pistols being converted to use live ammunition. Conversion was a major problem within the EU Member States (de Vries 2012). A report entitled “From Legal to Lethal: Converted Firearms in Europe” from 2018 perfectly illustrates the reactive nature of the current formal response. As new regulations are implemented, new types of firearm conversions appear. The policy challenges have been notably complex in Europe, given the free movement policy and the variations in national firearms legislation (Florquin, King 2018: 58).

During the Balkan conflict, firearms were being trafficked in from former Yugoslavia. The Russian military presence allowed weapons to be procured from military



personnel, who were exhibiting signs of lax discipline during their withdrawal from Poland, in turn encouraging illegal transactions.<sup>29</sup> In the EU, firearms theft from military, police and individual storage is relatively rare, yet serious – especially in the context of forces being penetrated by criminal organisations, or extremist and terrorist organisations spreading their influence (Buczyński, Bobiński 2014). In January 2009, weapons and ammunition were stolen from a Danish army base in Zealand, Denmark by three armed men. In June 2017, an inspection revealed severe negligence in security at the Portuguese military base in Tancos. The stock was short 120 grenades, 44 grenade launchers and over 1,450 rounds of ammunition, for example. In the same year, 57 Glock pistols were stolen from the Portuguese police headquarters. In April 2018, Polish police in the region of Wielkopolska were notified of the theft of firearms (including Rak PM-63 submachine guns), ammunition and grenades from the warehouse of a private firm contracted by the military and located in a former military airfield in Debrzno. Programmes for decommissioning surplus firearms by eastern neighbours of Poland (Ukraine, Belarus and the Kaliningrad Oblast), as well as in the Balkans, are of great importance to Polish security. Poland has co-financed NATO/PfP/NAMSA Trust Funds, including a programme (co-sponsored by the EU) for decommissioning 1.5 million SALW and 133,000 tonnes of ammunition in Ukraine. Moreover, in 2006 Poland gave financial support for reconverting military personnel in Serbia, Montenegro and Ukraine, and for reintegrating members of the former military in Bosnia and Herzegovina.

What seems to be a Polish peculiarity is the community of militaria collectors (Brennan, Moore 2009) who procure firearms by searching battlefields from WWI and WWII and restore them to a working state, sometimes selling them to third parties (the enduring market value of firearms) (see Arsovska 2014). According to Maciej Trzciński, the factors that facilitate the growth of this practice include the availability of specialist detectors, dedicated guidebooks published on the subject and the ubiquity of the Internet. He notes that the rise in illegal explorations in search of militaria is a sort of fad, which should be classified as a criminal threat to Poland's material historical heritage (Trzciński 2010: 365).

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<sup>29</sup> Our study concludes that the loss of control over governmental or military arms depots due to the dissolution of the Eastern Bloc was less prevalent in Poland than in most other countries of the region (Belarus, Kazakhstan, Russia and Ukraine); even more importantly for institutional control over the arms market, it occurred for a much shorter time, since Poland was not stuck in the limbo of transition between the socialist and democratic systems. This problem is being tackled at the EU level by a number of international, governmental and non-governmental initiatives, such as the Regional Approach to Stockpile Reduction (RASR), funded by the USA government in 2009. In Poland, the greatest hopes were pinned on EU- and NATO-backed programmes involving Ukraine (2004–2006). The positive, although still insufficient results of these programmes have since been almost entirely nullified by the present armed conflict (Griffiths, Karp 2009; Gobinet, Carapic 2015).



## 2.1. Illicit firearms production

One of the sources of illicitly traded firearms is their illegal production. As noted by Jerzy Kasprzak, illicit firearms production can be distinguished into factory-style manufacturing and home fabrication. In the former, firearms are made “in well-equipped illegal mini-factories or gunsmithing workshops by persons with relevant qualifications”. This type of production can consist in manufacturing new firearms, sometimes utilising elements of mass-produced weapons, converting other types of weapons to firearms or repairing damaged or deactivated firearms (Kasprzak 2013: 59). In the latter case, in spite of primitive manufacturing methods the design solutions of some firearms are notably inventive. As Kasprzak notes, the purpose of over 90% of firearms made this way is poaching (2013: 68).

In the 1990s, a new trend appeared of converting gas pistols to firearms. Brunon Hołyst proposes that the factors contributing to this phenomenon were accessibility, cost and safety. Obtaining gas weapons was simpler, as they were imported en masse in the 1990s and the price was much lower than that of firearms, while the cost of conversion was low. Furthermore, the statistics from law enforcement showed that in order to ensure the safety of the perpetrator, criminals would use such firearms only once and then destroy or otherwise dispose of them afterwards (Hołyst 2007: 319–320). Most often, gas weapons undergoing conversion were trafficked or imported from Germany (Juszczuk 1997: 89).<sup>30</sup>

The popularity of gas weapons resulted in the appearance of a network of illicit gunsmithing workshops, which offered their services to organised crime circles. For instance, in 1995, a workshop was uncovered in the Warsaw district of Żoliborz, which occupied four flats. A raid yielded 40 converted firearms, another 30 gas weapons intended for conversion and over 2,000 rounds of ammunition. According to police findings, the manufacturers produced firearms to order for OCGs as part of a large-scale operation (Nowak 1995: 3). The 2011 report on Polish state security mentions the fact that firearms converted from gas weapons are still being uncovered, and anticipates an increased threat from converted gas weapons originating in Turkey because their design is easily amenable to conversion (MSW 2011:134). Kasprzak notably observes that the threat of illicit manufacture “consists in the numbers of firearms reaching mass-production levels being delivered to OCGs, and subsequently found as instruments of many serious crimes” (Kasprzak 2013: 59).

As mentioned above, a significant source of firearms, firearm components and ammunition are those dating back to WWI and WWII. Jerzy Kasprzak notes that in the communist period, approximately 80% of illicit firearms came from the wars

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<sup>30</sup> The illicit arms market has been dominated by 3.35-mm-calibre Browning-type pistols, which were made as home conversions of Roehm and Walther 8- and 9-mm gas pistols. Gas weapons, including these pistols, are brought into Poland in great numbers, both legally and illegally. Converted gas pistols with attached silencers are also distributed. Since the arrival of such pistols, police officers have seized several hundred (Juszczuk 1997).

or were home-made. After 1990, “the criminal world received an influx of firearms left by the Red Army, trafficked from former Czechoslovakia and the Soviet Union, as well as Germany” (Kasprzak 2000: 156). However, even after so many years, firearms retrieved from battlefields can still be found on the black market. Research by Wiesław Brywczyński and Jerzy Kasprzak unequivocally shows that in Poland there is a practice of procuring and renovating such firearms as collectibles or for sale (Kasprzak, Brywczyński 2013: 139). The authors point out that, firstly, this practice is seasonal, since illegal prospecting and excavation of firearms usually takes place from April until October. The subsequent autumn and winter months are spent renovating and selling firearms, as well as other finds (e.g. buttons, helmets, decorations, etc.). Secondly, the potential monthly income from this practice has been found to exceed 1,000 USD.<sup>31</sup> Geographically, regions with high unemployment usually coincide with areas rich in specimens which, according to the authors, often makes the problem endemic (Kasprzak, Brywczyński 2013: 140).

From what we can gather from our research, it is also worth mentioning that prospectors with an interest in militaria are capable of amassing large numbers of firearms, creating arsenals. This was the case in the region of Podkarpacie, where a group managed to gather several hundred firearms made in France, Germany, the USA, Finland, Belgium, Switzerland and Czechia (including Mauser and PPSH-41 submachine guns), over 11,000 rounds of ammunition and grenades.<sup>32</sup> Some items were unique enough that forensic experts appointed for the case requested that the firearms be donated to a museum. Finally, it should be added that prospecting with the use of a metal detector is illegal and constitutes a misdemeanour.

The available data shows that militaria collectors are often closely monitored by the police, who view their activities as a potential cover for illicit firearms trade. In recent years, several investigations of that community have been conducted by the CBI. For example, the operation code-named “Pepesza” led to a nationwide series of arrests in 2009.<sup>33</sup> In 2011 in Poznań, the CBI disrupted firearms trade among collectors. The 2009 “Report on the Security of Poland” states that over 40% of firearms seized by the CBI were those belonging to militaria collectors who did not have proper licences (MSWiA 2009: 83).

OCGs also attempt to procure firearms which have been deactivated or are intended to be scrapped. For example, in 2000, CBI officers uncovered a criminal organisation which had infiltrated Huta Stalowa Wola [a defence contractor and

<sup>31</sup> To provide a socioeconomic context for this income, this was double the minimum wage, equivalent to the median earnings and approximately 200 USD short of the average monthly salary in Poland in 2013.

<sup>32</sup> Twenty-five people, aged 19 to 82, were charged with [illegal] possession of firearms, ammunition and explosives. The militaria was kept in buckets and concealed in forests and ponds. Three people were indicted for making this their regular source of income (Handlarze 2010).

<sup>33</sup> CBI officers detained seven inhabitants of Podkarpacie, Pomorze, Małopolska, Górny Śląsk and Lubelskie voivodeship. Their main occupation was prospecting for firearms, which they sold to order. The men sold mainly active firearms which were several decades old. Nine pistols were secured (including Steyr M1911s and Walther P-38s), two revolvers, three submachine guns and 26 rifles (Akcja “Pepesza” 2009).

steel mill] and appropriated police and military firearms which were to be scrapped (Misiuk 2010: 103).

## 2.2. Firearms theft

During the 1990s, several large thefts of firearms were reported, such as the theft of pistols from a military depot in the Warsaw district of Bemowo.<sup>34</sup> The naval magazine in Gdynia was also exposed to theft of ammunition and grenades.<sup>35</sup> According to data from the Polish General Police Headquarters, approximately 500 firearms of various types are stolen by criminals each year<sup>36</sup> from various groups: hunters,<sup>37</sup> private citizens, guards and security staff and public institutions.

Our research suggests that apart from such incidents, there are cases of organised efforts to steal large numbers of firearms from their place of production. In 2006, the Internal Security Agency (ISA) branch in Radom prevented the organised theft of 170 firearm components from the “Archer” Radom Arms Factory. Components produced at the factory, including barrels and locks, were purposely hidden and prepared to be removed (they included parts of models such as the P-99 pistol, the Glauberyt submachine gun and the Beryl assault rifle). The components, taken from the production floor, were hidden inside the cladding of the production hall supports and in tool cabinets.

The system was organised, as evidenced by the fact that the production records kept by the factory showed no discrepancies. The official ISA communication voiced suspicion of collaboration between employees of the factory and the supervision departments. The ISA also determined that the components were intended for delivery to criminal groups from central Poland. In the Agency’s opinion, weapons which have not been used and were never test-fired are attractive for criminal groups since they lack characteristic features, rendering them completely anonymous for law enforcement should they be used in a crime.

According to the Regional Prosecutor’s Office in Radom, this group was active between 1998 and 2005, and managed in the course of their activity to assemble from stolen parts at least 17 Glauberyt submachine guns, 15 of which were sold. Five of the accused were employed at the factory (ABW 2006).

<sup>34</sup> The theft was committed by a criminal group led by Mirosław “Szczer” J—.

<sup>35</sup> In 2003, the Garrison Military Prosecutor’s Office in Gdynia charged 65 soldiers with stealing ammunition. A warehouse inspection found 500 grenades and 10,000 rounds of ammunition missing. According to the prosecutor, they stole because they were bored, stupid or wanted souvenirs. Having a pendant made out of a cartridge may remind one of time spent in the army. They only sold the items on occasion, to have money for cigarettes and liquor (Ogdowski 2003).

<sup>36</sup> A comparative analysis shows that the scale of this phenomenon and its results in firearms supply to the local/regional black market varied significantly (Kleck, Wang 2009).

<sup>37</sup> “This Tuesday, CBI police officers entered two apartments in Bydgoszcz.... They detained 32-year-old Sebastian S—. ... who had been convicted of racketeering in the past. In the operation, officers secured three hunting firearms, including two rifles.... Officers identified the weapons and ammunition as having been stolen from one of the hunting clubs in Koronowo” (Nielegalny handel 2012).

Publications on the subject emphasise the need to securely store firearms in military or police armouries. Theft from police warehouses sometimes happens even in spite of proper procedures. For instance, in Katowice, four warehouse workers from the Regional Police Headquarters were prosecuted for removing from stock approximately 100 firearms, ammunition and police equipment. They also falsified records (Policjanci 2010).

### 2.3. Firearms trafficking

An important source of illicit firearms is external providers. According to analysts from the Ministry of the Interior, most illicit firearms are purchased from foreign criminal groups (MSWiA 2009: 82). For this reason, arms trafficking should be considered a major channel supplying the black market in Poland. From a forensic point of view, arms and ammunition trafficking is categorised as cross-border crime.<sup>38</sup> Despite the fragmentary nature of the data concerning this type of crime, one can attempt a tentative description of trends and certain characteristics of firearms trafficking, based on the available official reports, public records and statements from members of institutions responsible for public safety. According to the “White Paper on National Security in the Republic of Poland” of 2013, an open-access publication intended to popularise the findings of the Strategic National Security Review, internal military threats (a mutiny or putsch) can be definitely ruled out in forecasting the internal security conditions in Poland, a member of EU and NATO. However, the threat does exist of growing organised crime (especially that of a transnational character) and armed crime (involving a large-scale use of firearms, e.g. in retaliation between crime groups). The document points out that the process of globalisation also involves organised crime and corruption. The illicit drug trade, goods and raw materials with high profit margins (e.g. gold, precious stones, works of art, firearms and cigarettes), human trafficking (of both immigrants and forced labour), organ trafficking, illicit money flows (including money laundering) and cybercrime (computer fraud and forgery, phishing, data theft, destruction, or erasure, industrial espionage, copyright infringement, child pornography, gambling, etc.) are becoming the domain of transnational groups. Meanwhile, the fundamental objectives of the state, resulting from established global and regional standards of human and civil rights, or from the principles of democracy and the rule of law, encompass the organisation and coordination of measures to combat serious crime, especially those against life and health, or armed and aggravated crime.

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<sup>38</sup> The data collected during our research suggests that some criminal groups involved in trafficking can be described as international. For instance, the CBI in Katowice, in tandem with the Śląsk Border Guard Unit in Racibórz, detained eight members of a group posing as legal importers of clothes from Turkey, but involved in the illicit arms trade. The group members came from Libya, Turkey and Poland.

Our research indicates that the CBI reported having investigated 126 international crime groups in 2016. In 2017, Polish crime groups were led by 684 identified leaders, international groups by 125, Russian-speaking groups by 6 and other foreign groups by 5. As of 31 December 2017, the total number of criminal leaders on CBI record was 820. In the reporting year 2017, CBI efforts against organised crime, including diversified cross-border OCGs, focussed on combating organised groups involved in the illicit production, trafficking and trade of firearms and ammunition, luxury car theft and abductions for ransom. In 2017, a total of 363 firearms were seized, including 143 small arms and light weapons (SALW), 73 rifles, 17 gas weapons and 30 others. The record for firearms seized by this unit was one year earlier, totalling 552 firearms and 44,000 pieces of ammunition, which exceeded the figures for 2015 by 76.92% (312 firearms), for 2014 by 137.93% (232) and for 2013 by 156.74% (215).<sup>39</sup> In 2018 391 illicit firearms were seized: 169 SALW, 86 rifles, 110 gas weapons and 26 others. In July 2017 alone, after dismantling a single criminal group specialising in illicit arms trade, approximately 100 short, long, automatic and vintage firearms were seized (including Parabellum, Steyer, Mauser, Burnett, Walther, VIS, Colt, Heckler Koch, HS9, TT, CZ and SIG pistols; Skorpion, INTRATEC TEC-9, PM 63 RAK, PPS, WZ 41 and 43 PPSZ and PPRT submachine guns; KBK AKMS and AKM “Kalashnikov”, SIG, Heckler Koch, Schmit Rubin, Mauser and Mosin rifles; Leppo, Bronko, Bolk and Sabatti shotguns; H. Schmidt, Bull Dog and Smith & Wesson revolvers; and a Maxim heavy machine gun). Apart from that, 7,500 pieces of various ammunition, rifle and pistol components – including barrels and locks – unexploded munitions from World War II and gunsmithing equipment were secured. The operation uncovered a number of illicit gunsmithing workshops.<sup>40</sup>

Our research concludes that, as with other kinds of contraband, the geographic location of Poland makes it both a destination and a transit area for trafficking.<sup>41</sup> Based on the information published in the annual national security reports from the Ministry of the Interior, it can be established that a relatively constant feature of firearms trafficking routes is a southerly direction. Reports from 2009–2013 clearly identify Czechia and Slovakia as the main countries of origin of illicit firearms. This is probably due to the fact that rules for deactivating firearms in

<sup>39</sup> In spite of alarming reports by the media, it must be said that the reported increase is an important (but not the only) metric and does not determine the general tendency. That will be discussed later in this paper. The Bureau is a specialised unit, conceived as elite, and is very well-equipped to be an investigative branch of the police force to combat cross-border, drug-related and financial organised crime, as well as terrorism. Thus, it deals with an extremely important fragment of the criminal landscape, but a fragment nonetheless. In 2015, police seized a total of 1,340 illicitly held firearms (6.7% more than in 2014, in which they seized 1,256).

<sup>40</sup> Caches with weapons and explosives from every armed force that operated in Poland during and after World War II are still being found in Poland, also as a result of illegal prospecting. These items are often found in a state which allows persons with the proper knowledge, experience and equipment to restore them as collector's items, or even into fully functional weapons.

<sup>41</sup> In March 2012, the ISA opened an investigation concerning two sniper rifles, approximately 340 rounds of ammunition and 1,000 electric fuses, transported into Poland by a Russian Federation citizen of Chechen nationality. The investigation revealed that the firearms and fuses were purchased in Western Europe, while the destination of the contraband was the Russian Federation (ABW 2012: 18).



the former Czechoslovakia are liberal. In practice, this makes it relatively easy to purchase both firearms and legally “deactivated” firearms, making these markets a fertile ground for traffickers.<sup>42</sup> In addition, research by the Polish police and intelligence forces has shown that Czech and Slovak businesses with licences for trading in firearms operate webpages in Polish and stores in the border area. The firearms are transported into Poland, which is facilitated by the fact that Poland, Czechia and Slovakia are part of the Schengen zone. Subsequently, firearms are mailed from Polish post offices near the border farther into the country.<sup>43</sup> Special operations organised both by the CBI and the ISA have addressed this problem. Data presented by the National Public Prosecutor’s Office also indicate an awareness of this trafficking direction. Deactivated firearms make it into the possession of criminal groups, including those described as “deko”<sup>44</sup> or as movie props.

The authors of the “Report on the State of Security in Poland” presented a forecast in 2015 which is confirmed by the analysis presented herein. It described the attempts to create trafficking routes for firearms and ammunition from Ukraine into Poland, and their subsequent distribution throughout the EU. The lack of internal borders within the EU allows OCG members justifiably suspected of trafficking firearms to move freely throughout Europe, harming the freedom and security of the European community.

One group dealing in firearms trafficked from Slovakia was dismantled thanks to an operation by the CBI. The Regional Headquarters of the Police in Krakow announced that the group had been operating for a number of years, purchasing firearms, ammunition and explosives in Slovakia, trafficking them into Poland and then selling them to other criminal groups. Firearms and ammunition were also traded for women, who were then trafficked to escort agencies. During the arrest of 10 gang members, a total of 19 firearms were seized, including Kalashnikov-type assault rifles, Skorpion submachine guns and smooth-bore shotguns (Handlowali ludźmi 2010).

<sup>42</sup> Czech and Slovak regulations define the deactivation of a firearm primarily as the welding shut of the barrel and other key components. According to the official position of the Polish Ministry of Foreign Affairs, a welded weapon can be easily restored to functionality (MSW 2012: 144).

<sup>43</sup> Weapons can be bought at [www.aukro.cz](http://www.aukro.cz), a Czech auction website. Every few days, one can find offers of CZ pistols with silencers, Kalashnikov rifles and Skorpion submachine guns. Czech law allows this because the firearms being auctioned have damaged locks or barrels. The Śląsk CBI Office found that auctions on the Czech website are increasingly frequented by Polish gangsters, who buy weapons through third parties. For them, it is the perfect deal: they do not have to organise a smuggling operation or fear police provocation. CBI informants claim that all the large gangs from Śląsk to Pomorze arm themselves this way. Czechs transport the weapons across the border in parts, pack them in boxes and mail them from the post office in nearby Cieszyń (Pietraszewski 2007).

<sup>44</sup> According to Polish law, firearms can be permanently rendered inoperable by an authorized entrepreneur, in accordance with technical specifications that specify the detailed method of rendering a particular type, model, and make of firearm inoperable. Independent modifications of firearms, even if they aim to permanently render them inoperable, are prohibited and treated as firearms manufacturing. Such deactivated firearms (deko) must be permanently rendered inoperable. In order for the changes to be considered permanent, they must be irreversible using commonly available tools.



On 7 December 2018, the CBI announced a joint operation with other Polish forces and their counterparts in Germany, the Netherlands and France, as well as with the participation of Europol and Eurojust, resulting in the dismantling of an OCG whose members sold explosives in the form of licenced class F4, T2 and P2 pyrotechnic articles with an approximate value of 5 million EUR. In total, 35 suspects were detained and approximately 80 tonnes of explosives were seized. In dismantling the same cross-border group, 50 individuals were detained in Germany, while pyrotechnics, firearms and ammunition were seized. During the investigation in Poland, police officers intercepted postal packages containing over 500 kg of explosives in the form of pyrotechnic materials, some of class F4, T2 and P2. Furthermore, in Germany and the Netherlands, police and customs officers intercepted other parcels with explosives of those classes. Altogether, officers secured over 200 parcels. The criminal activity was supposed to be masked by legal trade in pyrotechnic materials by means of an online store. Websites in the Polish language that offered pyrotechnic products had duplicates meant only for international clients.

In parallel, the Tax and Customs Office in Łódź investigated money laundering and the attendant loss of tax revenue. In June 2017, the CBI announced the dismantling of an OCG specialising in trafficking, converting and selling firearms. In that case, 22 firearms were seized, including 17 rifles, as well as five silencers, 16 key firearm components and almost 8,000 rounds of ammunition.

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

It is estimated that the volume of trafficked firearms is not very high. Relevant data is provided by the border authorities who deal with smuggling, including trafficking of firearms and ammunition: the Customs Service (CS) and the Polish Border Guard (PBG). The overview emerging from the information provided by these two institutions is that the illicit firearms trade is not the main activity of smugglers. In fact, compared to the current mainstays of contraband, such as tobacco products, firearms trafficking seems marginal. The official announcements of the CS management also name combating cigarette smuggling as a priority. According to CS Head Jacek Kapica, threats resulting from firearms trafficking are small.<sup>45</sup> Data from the Ministry of Finance Customs Policy Department suggest

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<sup>45</sup> In an interview, Jacek Kapica stated: "Our data does not indicate Poland as a transfer route of firearms of narcotics to western Europe in recent years.... We do, of course, work extensively with [their] law enforcement in combating all illegal activity regarding both firearms and narcotics" (Henzel 2013).

that uncovered cases of firearms smuggling are rare and rarely serious.<sup>46</sup> Nine cases from 2009–2011 are listed below:

- On 28 April 2009, an attempt was uncovered to export 8,000 Astra pistols to Thailand without a permit.<sup>47</sup>
- On 22 October 2009, an attempt was uncovered to transport parts of a DSzK heavy machine gun to the USA without a permit.
- On 8 October 2009, a Ministry of the Interior and Administration licence was missing for a shipment of 12 firearm locks from the USA.
- On 3 December 2009, a licence was missing for export to the USA of Trijicon military optical sights for small arms.
- On 20 August 2011, 10 rounds of Remington Light Magnum ammunition were uncovered, having been transported into the country hidden in a truck driver's compartment.
- On 3 August 2001, a licence was lacking for the import of four EoTech collimator sights.
- On 15 July 2011, an IWC P 800 8-mm-calibre pistol and magazine were found during a vehicle inspection inside the country.
- On 13 June 2011, 200 sights for small arms were found in a cargo container in transit through a seaport.
- On 17 and 21 February 2011, two packages were discovered in the post, each containing two night vision sights for Kalashnikov rifles.

The National Revenue Administration, which combines the competences of the tax administration and the CS, showed that since its foundation on 1 March 2017, a few serious cases can illustrate the problem of illicit firearms market in Poland from the perspective of counteracting cross-border crime. The first concerns the previously mentioned problems on the Polish–Ukrainian border, particularly the border crossing in Dorohusk, where guards discovered components of a 122-mm Howitzer worth approximately 100,000 USD hidden in wooden crates in the load compartment of a light commercial vehicle. The trafficking attempt into the Schengen zone was made by a Ukrainian citizen. The second case confirms the fact that criminal, extremist and terrorist organisations may attempt to procure not only large numbers of firearms, but also heavier weaponry from Ukrainian sources. On 31 March 2017, at the Dorohusk border crossing, an attempt to import into Poland elements of an AK-630 30-mm artillery system was prevented. The cannon with a lock, manufactured in the Soviet Union, was transported in a van with Ukrainian registration plates. The weapon was declared as a hydraulic element. Two Ukrainian citizens were detained. In January 2018, one RPG-22 and six RPG-18 grenade launchers were seized at the border crossing in Hrebenne. One of the most notorious examples of attempts to exploit the unstable internal situation of Ukraine, create and

<sup>46</sup> Data provided by the Strategic Goods Circulation Unit, Customs Policy Department, Ministry of Finance.

<sup>47</sup> This was a rather dubious success. It turned out that the owner, a proprietor of a shooting range, did hold a firearms trading licence (Kącki 2010).

recreate transit routes and penetrate Ukraine by organisations in direct defiance of European law was the arrest of Grégoire Moutaux on the Polish–Ukrainian border on 21 May 2016. This French citizen attempted to bring five Kalashnikov-type assault rifles, 5,000 bullets, two anti-tank grenade launchers, detonators and 125 kg of TNT into EU territory (Buczyński 2021: 170; Buczyński 2022: 41).

The *modus operandi* in firearms trafficking varies, and – as with the smuggling of other articles – techniques are constantly evolving. Postal trafficking is a prominent method, as illustrated in 2011 when the Mail Customs Office in Pruszcz Gdański discovered 100 components of Beryl assault rifles in a package addressed to the USA (Daczko 2013: 34). The National Tax Chamber discovered 28 attempts to transport firearms and ammunition without a licence in the first six months of 2017. Twenty-five firearms, over 1,500 pieces of ammunition and over 40 firearm components were seized. Our research has led to the conclusion that one segment of the illicit firearms market in Poland is composed of actors relying on differences in the laws regulating arms possession in different states.<sup>48</sup> Similar to other cross-border crime, research shows that a popular method of smuggling in the EU still involves so-called “mules”, i.e. individuals who, most often consciously, illegally transport firearms between state jurisdictions on their person or in their luggage.

In summary, trafficking is one of the main elements among the various phenomena of the illicit firearms market. New forms appear constantly, for example, those connected with the recent emigration of Polish citizens who smuggle firearms into Western Europe.<sup>49</sup>

### 3. Data on firearms seized in Poland

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

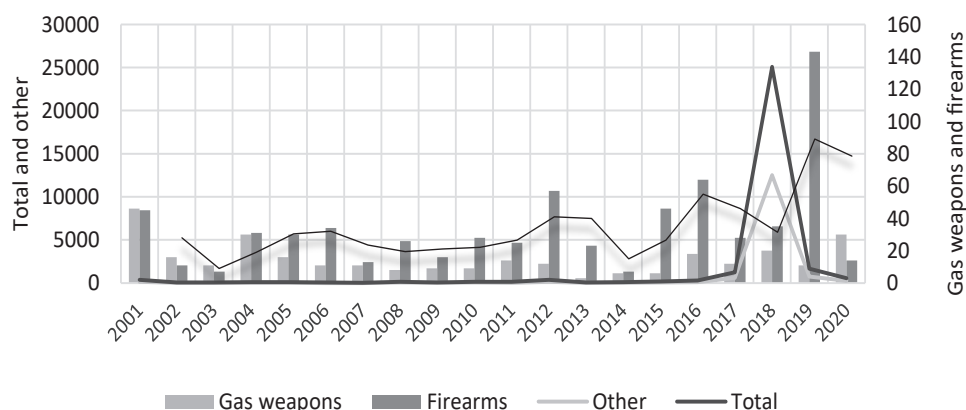
<sup>48</sup> In 2016, police and the PBG took part in a joint police–customs operation code-named ARES, which addressed the trafficking of firearms being sent via transport or courier services into EU territory.

<sup>49</sup> In 2012, two Poles were detained in Dover on suspicion of firearms and explosives trafficking into Great Britain. The perpetrators attempted to smuggle assault rifle components and explosives chemically similar to those used in anti-tank mines.

The main police force tasked with combating cross-border crime, and specifically firearms, ammunition and explosives trafficking, is the Polish Border Guard. Its statistical data is the primary source for the picture of the extent and nature of firearms trafficking to and from Poland (Figure 1). Data published by the PBG define arms quite broadly, including categories such as firearms, gas weapons and sporting weapons. In addition, the category of “Other” includes pellet guns, grenade launchers, hunting guns, blank-firing pistols and even black powder, TNT and electric fuses. For this reason, the remainder of this paper additionally separates gas weapons from firearms.

Data gathered for our research indicates that in 2016, the PBG seized a total of 190 arms, 74.31% more than in 2015 (109) and 265.38% more than in the key reporting years of 2014 (52) and 2013 (50).<sup>50</sup> Those years are the only ones in the study period coming close to the record years (although outliers) of 2012 (217 seized arms) and 2001 (240). Firearms constituted 33.68% of the 2016 contraband. In 2017, a 219.47% increase was reported compared to the previous reporting year (607 arms seized), which represented a more than tenfold increase (1067.31%) in comparison to 2014 and 2013. Worrying data from the first nine months of 2018 maintain this growth tendency, with an almost 20-fold increase (1963.59%) compared to 2017. The estimated value of contraband in this category was 104,000 USD in 2016 and 726,000 USD in 2017.

**Figure 1.** Number of arms seized by the PBG, 2001–2020



Source: Own elaboration based on PBG data.

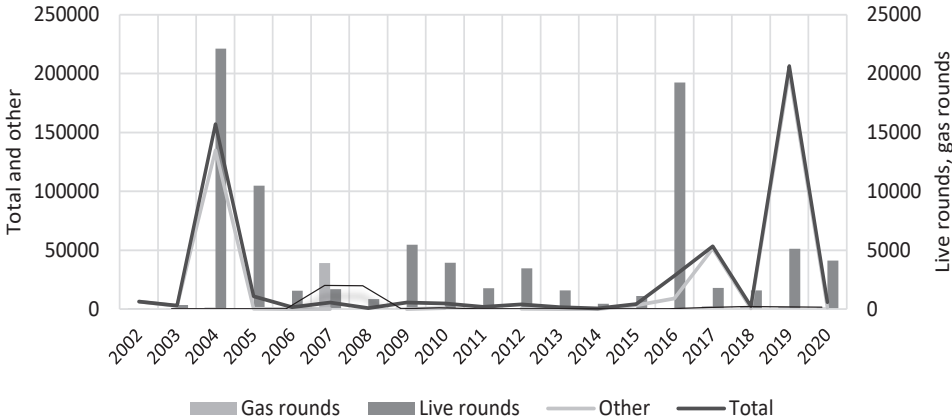
This general tendency can also be seen in the data regarding the seizures of trafficked ammunition<sup>51</sup> (Figure 2). In 2016, the PBG seized a total 28,264 pieces of ammunition, 558.83% more than were seized in 2015 (4,290) and over 45 times more than in 2014 (617). It was also over 16 times more than in the reporting year 2013 (1,714). Live ammunition represented 68.02% of the contraband. 2017 saw

<sup>50</sup> In all data presented here, the team included corrections from the following reporting years.

<sup>51</sup> Data referring to sporting ammunition in 2002–2004 were added to “Other”.

an 89.15% increase over the previous year in this particular contraband (53,462 pieces of ammunition seized) and a more than 86-fold increase in comparison to 2014. Comparing the level of uncovered ammunition trafficking in 2017 to the record numbers from the entire period under review, it ranks second, before 2005 at 10,827 pieces seized), but behind the record 157,145 pieces in 2004. The first 9 months of 2018 saw 1,909 pieces of ammunition being seized. The estimated value of the contraband in this category was only 8,000 USD. It must be noted, however, that the threat of firearms and ammunition trafficked into Poland, and subsequently towards other Schengen countries, is not directly due to their number or value, but is the consequence of their accessibility. As shown by many examples, including some already cited herein, even a small, but strongly motivated group with a relatively limited arsenal can constitute a destabilising factor even on a transnational level.

**Figure 2.** Pieces of ammunition seized by the PBG, 2002–2020



Source: Own elaboration based on PBG data.

Prosecution and court files can shed more light on the scale and dynamics of this phenomenon. Our research indicates 283 pre-trial proceedings in cases of trafficking and illicit trading of firearms, ammunition and explosives in 2016 (194 in 2015; 158 in 2014). In the same year, 150 cases were dismissed (116 in 2015; 132 in 2014) and 53 were suspended (16 in 2015; 35 in 2014). Charges were laid against 154 people (174 in 2015; 179 in 2014), and 23 were placed in temporary custody (10 in 2015; 22 in 2014). Furthermore, 62 indictments were filed against 74 people (64 indictments against 76 in 2015; 78 indictments against 106 in 2014); 92 cases ended with a sentence (90 in 2015; 77 in 2014); and 104 defendants were sentenced (109 in 2015; 91 in 2014).

Poland's geographic location puts it at the crossroads of trafficking routes used by criminal groups. Depending on the illicit goods in question, Poland is the country of destination, transit or origin for contraband, as dictated by the supply and demand on illicit, mainly European, markets. The historical PBG data gathered for our study reveal the attempted trafficking of 46 firearms and 38 gas weapons

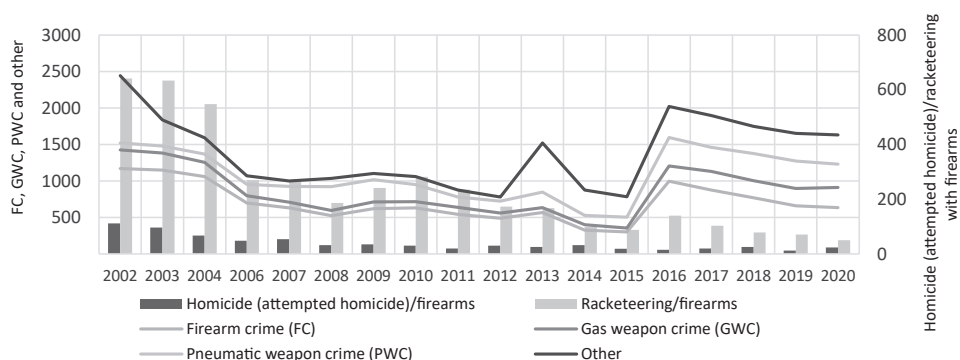
on the eastern border of Poland over the entire period from 1999 to 2008. In that same period, 30 firearms and 74 gas weapons were seized on the western border. As described above, at that time, the major trafficking channels for firearms and ammunition were located on Poland's southern border – from 1999 to 2008, 226 illicit arms were seized on the Polish–Czech border and 161 on the Polish–Slovak border. In total, 141 firearms and 44 gas weapons were seized on the southern border, making firearms 36.43% of the arms contraband seized.

### 3.1. Data on crimes committed with firearms in Poland

Establishing the extent of real and detected crime in connection with the illicit arms market is very difficult, but some databases allow for a tentative characterisation of some aspects of the black market of firearms in Poland. Classic criminological studies often rely on statistical data gathered by the state authorities. Janina Błachut outlines the process of measuring the crime rate based on police statistics – once the relevant law enforcement authority has verified that the incident for which a justified suspicion of criminal offence actually occurred. In this process, it is advisable to rely on data concerning recorded crime (Błachut 2007: 173). Thus, it seems achievable to establish the extent of illicit firearms trade based on such data.

The illicit arms market is a complex phenomenon. First of all, the behaviours related to it are penalised according to several different legal acts. In the current legal environment, the policy is shaped by the following three acts: 1) the Criminal Code, 2) the Act of 22 June 2001 on economic activity in the sphere of manufacturing of and trade in explosives, arms, ammunition and technology for military or police use and 3) the Act of 29 November 2000 on foreign trade in goods, technologies and services of strategic significance for state security, and the maintenance of international peace and security.

**Figure 3.** Police data on crimes committed with firearms, 2002–2020



Source: Own elaboration based on police data.

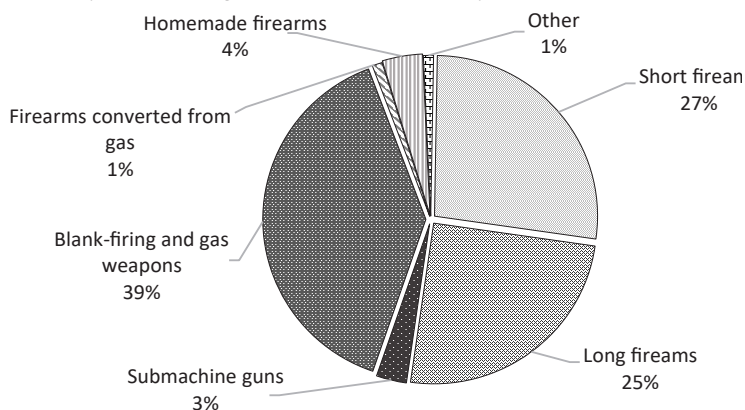


The economic model of organised crime assumes driving concepts such as supply and demand. In the case of the illicit firearms market, the demand for firearms in the criminal world is steadily decreasing due to the changing structure of criminal activity, particularly the decrease in crime committed with firearms. Our research illustrates this trend, with an almost seven-fold drop in armed homicide in the period under review and an 86.28% decrease in armed robbery between 2002 and 2015 (Figure 3). Further research is warranted into the reversal of this downward trend in 2016, when the number of armed crimes, including those involving firearms, spiked to 140 crimes of racketeering involving firearms, constituting a 59% rise compared to 2015 (88 offences) and a 41.41% increase over 2014 (99). 2016 saw a more than fourfold increase in crimes involving gas weapons (208 offences), and a more than threefold one for those involving firearms (996 offences). This period also saw a 162.41% increase in crimes involving pneumatic weapons. It should be noted that the Police Analytical System does not separate cases with respect to the legal status of the weapons used in crimes. Without such a distinction, it may be assumed that arms obtained on the black market are used in a significant number of offences.

### 3.2. Types of firearms seized by the police

Firearms as merchandise in the illicit market are not a uniform category. Depending on the needs and motivations of the buyers, firearms may be used for different purposes. For instance, perpetrators of crimes against life, health and property often use short firearms. Poachers, on the other hand, prefer long and homemade firearms. Retaliation crime most often involves automatic firearms and explosives. Research by Przemysław Palka on homicides involving firearms indicates that most homicides involve short firearms and that those weapons include pistols of the following types: TT, P-64, P-38, Steyr mod. 1912 9 mm, Parabellum and CZ (Palka 2004: 84).

**Figure 4.** Types of illegal firearms seized by the police (2007–2016), N=17802



Source: Own elaboration based on police data.

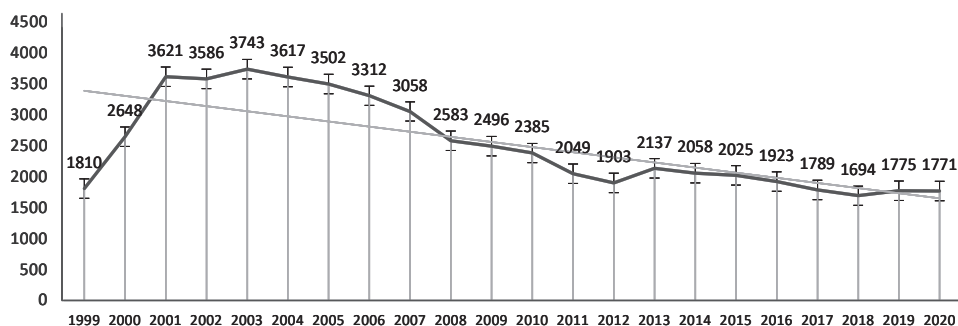
The category of long firearms includes fully automatic, semi-automatic, repeating and single-shot weapons (carbines, rifles and shotguns). Information on gas and blank-firing pistols is given together due to the database's structure. The findings from our research indicate that in 2016 the police seized 627 short firearms, 62.01% more than in 2015, when 387 were seized, and 92.92% more than in 2014 (325). The tendency is also visible in the total number of all arms seized: 1,668 in 2016, 24.29% more than in 2015 (with 1,342 seized), and 32.17% more than in 2014 (1,262). The number of firearms seized in 2016 exceeded that of 2013 by 9.95% (1,517), that of 2012 by 15.11% (1,449) and that of 2011 by 11.87% (1,491). The record year for the period under review was 2010 (with 2,178 firearms seized), which was 30.57% higher than the number of illicit firearms seized by the Polish police in 2016. Throughout the study period, the year-to-year variation in the number of seized illicit long firearms did not exceed 22.93%, except for 2014, when the difference reached 29.3%.

The analysis does not include seizures of blank-firing guns. In the reporting periods beginning with 2012, the numbers of that type of seized arms were 38, 37, 28, 20 and 40. In the same years the police also seized deactivated firearms (10, 19, 25, 35 and 18). Another important category is firearm components, such as the frame, break-action, barrel, lock, receiver and cylinder. In the reporting periods starting with 2012, 934, 397, 440, 574 and 340 such components were seized.

### 3.3. Crime statistics covered by Art. 263 of the Criminal Code<sup>52</sup>

Art. 263.1 CC states that whoever manufactures or trades in firearms or ammunition without the requisite licence shall be subject to deprivation of liberty for between 1 and 10 years. Within this legal framework, the legislator has thus included behaviours of the perpetrator that significantly differ in their characteristics. The subject matter of the offence centres on two alternative offending behaviours, i.e. manufacturing and trading. Furthermore, Art. 263.2 CC penalises the possession of firearms or ammunition without a licence.

**Figure 5.** Crimes under Art. 263.1–4 CC according to police data, 1999–2020



Source: Own elaboration based on police data.

<sup>52</sup> J.o.L. of 1997 No. 88, item 553, as amended.

Unfortunately, police statistics treat violations of Art. 263.1 and 263.2 CC jointly. This means that the single category used in statistics encompasses different behaviours involving manufacturing, trading and possession. From a criminological point of view, it seems that these individual behaviours are different, in terms of both their aetiology and phenomenology. The literature on the subject nevertheless claims that “this does not obscure the image of the phenomenon, since crimes covered by Art. 263.1 CC are sporadic and can be estimated to constitute only 2% of crimes under Art. 263.1 and 263.2 CC” (Kasprzak 2013: 49). Still, the data can be used to create at least a partial overview of the illicit firearms market. Our research indicates that in 2016, 1,805 offences against Art. 263.1–2 CC, i.e. involving the possession, manufacturing and trade of illicit firearms and ammunition (including attempted), were recorded (Figure 5). In 2015, the number of offences recorded was 1,908, and in 2014 it was 1,914. In addition, there were 14 counts of making available or passing a firearm to an unauthorised person (19 in 2015 and 20 in 2014.) The number of people suspected of illicit manufacturing, trading and possession of firearms and ammunition was 846 in 2016, 875 in 2015 and 942 in 2014. In the same years, the number of people suspected of making available or passing firearms or ammunition to unauthorised persons totalled 7, 8 and 10, respectively.

The data presented above shows conclusively that the crimes of illicit trade, manufacturing and possession of firearms and ammunition constitute a small share of registered crime in Poland.<sup>53</sup> It should be emphasised, however, that the threat caused by this type of crime is not directly caused by its prevalence, but by its seriousness. The illicit trade in and manufacture of firearms creates a threat not only to public safety, but also to the health and lives of the citizens.

## Final remarks

We hope that our research is a step towards overcoming the fragmentary character of previous European research efforts (Spapens 2007) in this field by epidemiologists, legal scholars and criminologists (Hales, Lewis, Silverston 2006). Among other factors, language barriers (the 24 official EU languages) often prevent the wider dissemination of research results.<sup>54</sup> A significant part of European analyses of the

<sup>53</sup> The ISA assesses that the most prevalent transnational crimes in Poland involving the manufacture and trade in arms and military equipment are conducting business without a licence, trading internationally without a permit or exceeding the terms of the permit – e.g. releasing merchandise to an undeclared party (end-user change) – exporting greater quantities than declared in export documentation, falsifying documentation at facilities producing firearms or their components in order to hide “surplus production”, collaborating (between Polish citizens and international arms traffickers) to procure and deliver military equipment to organisations or states under international sanctions and illegal consulting or brokering in firearms and ammunition trade in third countries.

<sup>54</sup> In Poland, for example, a number of interesting studies on illicit arms trafficking have been published in the last decade, but mostly in Polish (e.g. Pływaczewski, Chlebowicz 2012; Zachara 2013; Chlebowicz 2015).

arms market focus on political, economic or humanitarian matters (e.g. Hellstrom 2010; Minister FTDC 2017). This article also aims to facilitate an integrated interdisciplinary scholarly community that deals with gun-related issues (based on the heritage of the FIRE project, among other influences). Lastly, it is yet another effort among those undertaken by European researchers to supplement the American scholarly discourse with a European perspective, as there are a number of problems in applying research to a European context. Therefore, this contributes to future in-depth analyses which will hopefully be performed by international research teams. The authors seek to offer a more comprehensive outlook by delineating the manifold contexts in which we posit that the matter of gun control in European countries could be scrutinized. When more national studies along the lines of this research become available, a comparative approach can bring value in highlighting general observations and more context-specific aspects. In addition, the use of a methodology derived from that of Project SAFTE, which incorporates both quantitative and qualitative methods to investigate different aspects of the illicit firearms market, and which corresponds with UNODC guidelines, makes the collected dataset capable of supporting additional analyses in future, conducted by the same or a different research team (longitudinal studies). The need for further studies proving or disproving the theoretical assumptions is indicated by top researchers related to this paradigm. As it stands, the present paper's theoretical underpinnings make use of all the literature and material on the subject concerning Poland which was available to the authors and released by the end of 2022.

Our research concludes that all available data on the extent of violent crime clearly indicates that it is systematically decreasing, which should be linked to social and economic changes in Poland. Acts of violence committed with the use of firearms are scarce. This is illustrated by the low number of robberies committed with firearms: in the period 2014–2019, 455 robberies were committed. The number of homicides in the study period when the victim died from firearm violence amounted to 108.

Currently, two smuggling routes intersect in Poland in the context of the European illicit weapon market: the northern and eastern routes. In summary, trafficking is one of the main elements among the various phenomena of the illicit firearms market. Since new forms of trafficking appear constantly, this phenomenon should be covered by regular, in-depth research. As indicated by the collected data, the main source of illegal weapons is smuggling, particularly from Czechia and Slovakia. More recently, increasing levels of seizures have been noted, e.g. at the border with Ukraine. As our research has shown, the eastern route is also used to smuggle types of weapons that are relatively rarely used by OCGs but very much desired by individuals and organisations that directly threaten European values (e.g. grenade launchers).

At least until 2020, the variables intricately characterizing the *modus operandi* were not mandatory introduced during the recording of crimes in the National Information System (NIS) of the police. As a result, the number of recorded crimes

reported by this system (as the results of a search including the values related to the *modus operandi*) will most likely be only a part of the actual state of affairs. The NIS system is used to generate compilations of data in response to requests sent in the form of access to public information. Researchers analysing such study material must be aware of the potential bias.

The research findings of our study indicate that an important dimension of investigations into the illegal trade in weapons is the efficiency of databases which help to establish the source of a weapon used in a crime or illegal trade. For forensic laboratories in provincial police headquarters, there is no uniform practice to archive forensic data collected during the examination of specific weapons. For instance, one of the laboratories indicated that since no collective qualitative statistics are maintained, it is not possible to determine the share of firearms in the total number of examined items. Additionally, the same laboratory explained that during the examination procedure, experts do not gather or process the reasons a specific task was commissioned to them. Another laboratory indicated that the EDK IT system does not store information concerning the legal qualification of orders and does not collect data concerning the number or type of examined firearms, or the purpose of the examination. All information established as a result of the examination of a specific weapon is included in the forensic opinion, which is provided to the ordering authority, most often as evidence in the related criminal proceedings. However, the laboratory did not store copies of the opinions.

The illicit trade in weapons and ammunition is an international crime which requires close cooperation. This cooperation should be improved based on the active role of Europol and, in particular, by creating an Analysis Work File or implementing principles for cooperation between police authorities of EU states modelled after the Assets Recovery Office. Research done for our study suggests that better data collection is crucial, but more is required to improve the intelligence picture on firearms trafficking. In order to improve the intelligence picture on gun violence, more research is required at the regional and national levels within Europe.

Turning to future challenges, our research concludes that the tendency of criminal organisations, including those of a terrorist or extremist character, to exploit the conveniences brought about by accumulated scientific progress, globalisation and integration can be expected to persist in the coming years. The areas of criminal activity are not about to change significantly, but the role of technology in crime is predicted to increase (*vide* metal additive technologies). The coupling of globalisation mechanisms with innovations in production, finance and logistics in all criminal activity, including the illicit arms market, will allow ever greater possibilities of collaboration between criminal groups, irrespective of their ethnic or cultural differences. Another boon for the strengthening of international criminal groups is the existence of fragile states and other hotspots with weak administrations and ineffective law enforcement.

Our study has attempted to partly fill a diagnosed gap in the European literature on the illicit arms market in Poland and, even more importantly, the local nature of gun violence. Further stages of research will focus on illegal trade in firearms, which could potentially increase due to the war in Ukraine (including a potential rise in the flow of illicit weapons into the EU and changes in the types of weapons on the illicit market). Additionally, the research will explore the history of the illegal weapons market in Poland.

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