

ALEKSANDER OLECH

FRENCH AND POLISH

FIGHT AGAINST

TERRORISM



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SUMMARY

Terrorism has no borders. Over the past ten years nearly 10 000 terrorist suspects have been apprehended in the European Union and 2 000 attacks have been foiled. Terrorist threats are closely connected to the historical experience of individual states, their geopolitical situation, domestic and foreign policy, cooperation with international organisations and involvement in military missions. Typically, states become targets of terrorist attacks because terrorists have deliberately chosen them based on a specific motivation, using violent and unlawful methods. In many cases, the actions of radicalised individuals are supported by terrorist groups that use hybrid warfare tactics, including disinformation. The publication presents the most effective counter-terrorism strategies, drawing on the experience of France, the most frequently attacked EU member state in the 21st century, as well as on the solutions adopted by Poland, which is the eastern border of NATO and the EU.

KEY WORDS

Terrorism, France, Poland, antiterrorism, terrorists

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«La sévérité prévient plus de fautes qu'elle n'en réprime»

“Severity anticipates more faults than it represses”

Napoleon Bonaparte
emperor, general, statesman, military (1769-1821)

“One experienced minute sometimes teaches us more than a lifetime”

Władysław Sikorski
general of the Polish Army, commander-in-chief of the Polish Armed Forces
and Prime Minister of the Polish government-in-exile (1881-1943)

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Introduction

Terrorist threats in Europe have remained at the same level for many years, posing a threat to all the European Union member states, including Poland. The reasons for this state of affairs lie in the ongoing competition between state and non-state actors, driven by decades of conflicts and the emergence of new ones, as well as the involvement of international organisations in military activities. It is, additionally, related to changing religious, political and social beliefs in some countries. Consequently, structures of various groups unfold which, in order to achieve their goals, undertake terrorist activities and pose a threat to all countries on the continent.

Terrorism, as a destructive phenomenon, has been observed since the dawn of history, as it directly affects state and non-state actors. However, it was not until the 20th century that it was characterised on the basis of acts of aggression perpetrated in the past. They were originally defined as attacks against a state carried out by a non-state actor. Nowadays, the general definition holds that it is a form of warfare used to achieve specific goals, aimed at forcing changes proclaimed by terrorists in a state. Terrorist acts against civilians feature violence and aggression; they cause destabilisation, confusion and anxiety in society.

Terrorist threats are closely related to the historical experience of individual states, their geopolitical situation, national and foreign policies, cooperation with international organisations and participation in military missions. It is very common for the pursuit of security to result in competition between individuals, groups, nations and organisations. There are numerous dependencies in such relationships, the consequence of which may be an attack. Typically, states become the target of a terrorist attack because terrorists have consciously chosen them on political, ideological or religious grounds, in order to effect the changes they have proclaimed. Moreover, the attack may also be motivated by a single cause they fight for, or even by the perpetrators' mental disorders. Terrorists'

beliefs are so strong that they choose to use violence against a state actor applying brutal and unlawful methods. On numerous occasions, the actions of those who decide to carry out an attack (referred to as radicalised persons) are supported by terrorist groups.

It is assumed that the threat of international terrorism posed by organisations originating from the Middle East and Africa only became apparent in the EU member states after the 2004 and 2005 terrorist attacks in Madrid, Amsterdam and London. Nevertheless, already in the second half of the 20th century, some nationalist or Islamist groups¹ operating within states carried out terrorist attacks in, among others, France, Spain, Italy, Germany, the United Kingdom and Ireland. Consequently, the nature of dangers has changed – today they have a global reach, whereas previously they involved only individual states on account of their own domestic issues.

In the wake of the attacks in the United States of America and then on the Old Continent, the need to redefine modern threats arose. The danger in the form of an increasing number of terrorist organisations and groups in Europe became all too apparent and necessitated reorganisation, as well as newly developed systems to counter terrorism. Initially, numerous restrictions were introduced, the security services were on constant alert and international cooperation in terms of controlling and monitoring threats at the borders, including the external borders of the European Union, was effective. Afterwards, however, there was a relaxation of the anti-terrorist structures due to the temporary absence of increased activity by terrorist organisations. Terrorists took advantage of this situation and attacked several times in the European Union member states, in particular in the French Republic. Over the past six years, the successive terrorist attacks have been carried out in, among others: Paris (2015, 2017, 2019, 2020, 2021), Brussels (2016, 2017), Nice (2016), Berlin (2016), London (2017, 2019), Lyon (2019) Stockholm (2017), Barcelona (2017), Turku (2017), Hamburg (2017), Carcassonne (2018), Strasbourg (2018), Utrecht (2019), Nice (2020) and Vienna (2020) and Leigh-on-Sea (2011).

Today, terrorism represents a phenomenon that is permanently present in international environment. France is constantly struggling with terrorist threats and is the most frequently attacked country in the European Union during the 21st century. Since the 1950s, it has faced practically all kinds of terrorism: anti-colonial in the 1950s, right-wing in the 1960s, left-wing and separatist in Corsica and the Basque Country in the 1970s and 1980s, then jihadism (Islamic terrorism), which was recognised as a separate threat in 1980², followed by nationalist since the 1990s, up to the contemporary times of religious terrorism³. Today, two stages of the expansion of terrorist threats in the

¹ K. Izak, *Leksykon organizacji i ruchów islamistycznych*, Wyd. Dialog, Warszawa 2014.

² G. Kepel, *Sortir du chaos. Les crises en méditerranée et au Moyen-Orient* (Paris: Editions Gallimard, 2018), pp. 23-69.

³ International Institute for Counter-Terrorism, *The Paris Black Friday 13/11/2015 Attacks – What do we know? What should we do?*, Special Report, 15 November 2015, p. 2.

French Republic can be distinguished. The first one is of domestic nature and the second stage, ongoing since 2015, is international. Despite the decline in the number of terrorist attacks motivated by religion in 2021, it is necessary to note that far-right movements also constitute a threat and in some EU countries, including Germany, are considered to be as alarming as jihadism⁴.

So far, the Republic of Poland has not been a target of terrorist attacks and is not a place where terrorists operate on a permanent and active basis, although they pass through the country, while in transit to other locations. Still, there are certain reasons that prompt reflections on a potential threat also in Central and Eastern Europe. It is closely linked to foreign policy and involvement in international alliances. There are some arguments which indicate that Poland could become a target for terrorists, taking into account, among others, the following issues: being a member of the North Atlantic Treaty Organisation (NATO) and the European Union, participation of Polish armed forces and police in missions abroad, permanent military cooperation with the USA (one of the greatest enemies of terrorist organisations, but its position as a terrorism-fighting superpower weakened considerably after leaving Afghanistan and handing over power to the Taliban), participation in missions in territories controlled by terrorists, geographical location near Ukraine (where the conflict is ongoing), assuming the role of the Eastern Flank of the EU and NATO, as well as ongoing internal disputes between groups with different views and opinions.

Although the terrorist threat in Poland is not as high as in the French Republic, it does not mean that organisational forms, methods and measures to maintain a high level of security should not be reinforced. Drawing on the solutions applied in France, it is possible for Poland not only to improve its anti-terrorist systems and the way counter-terrorism units operate, but also to continuously educate and make the society aware of emerging threats and challenges. Continuous cooperation and supervision of all entities that may be exposed to terrorist threats are essential for the proper development of security structures in the state. Therefore, it would seem extremely important for Poland to draw on the experience of France with regard to the fight against terrorism, not only in terms of strengthening its own security, but also with respect to building anti-terrorist capacity in all the European Union member states. The most effective way to fight terrorism is prevention, which is why it would be appropriate to use the well-proven methods that the French Republic has been constantly improving since 2015.

The aim of the submitted monograph is to analyse and verify the system to counter terrorist threats in the French Republic and the Republic of Poland and to present a strategy for combating these threats that could be employed in other countries as well. Consideration should be given to the organisation of structures created to fight terrorist threats, which primarily include national and international legislation, institutions and

⁴ J. Follorou, J-P. Stroobants, *L'EI ne dispose plus de capacité de projection sur le sol européen*, Le Monde, 17 July 2021.

bodies established to carry out anti-terrorist and counter-terrorism activities, as well as the entirety of forms, methods and measures contained in national security strategies. Currently, the two countries are different in terms of the level of terrorist threat, but they belong to a number of common alliances in which they perform security and defence tasks and, what is more, they are in the Schengen Area, where border controls have been abolished. It is therefore necessary to analyse the solutions employed by the French Republic and Poland, where some of the most recent legislation on the fight against terrorism in the world has been established and where there is a focus on the continuous development of security services and authorities. The use of the anti-terrorist methodology in France and Poland is essential to improve the system to counter terrorist threats in the European Union and NATO states.

The fight against terrorism, including anti-terrorist and counter-terrorism activities, as well as the emerging challenges and threats, are discussed throughout the book, and their definition is the result of analysing, in particular, Polish and French scientific studies. Nevertheless, the issue of the distinction between describing terrorist threats and fighting them should be emphasised. The French approach emphasises a general form of eliminating danger. On the other hand, the Polish approach separates the anti-terrorism measures taken from the counter-terrorism ones. The author also takes a closer look at the issues of reacting (to threats and terrorist attacks) and reorganising (the system to counter terrorism), as these activities differ due to the varying level of threats in the two states. The French Republic is constantly confronted with terrorism on its territory and during missions abroad, while Poland eliminates emerging threats through the active operation of delegated services, preventing attacks or increased risk of danger. As far as the EU member states are concerned, the threat is lower in Central and Eastern Europe than in Western Europe.

No detailed comparative study of the French and Polish systems to counter terrorist threats has been conducted to date in Polish, French, English or Russian. Although numerous studies (both Polish and foreign ones) have addressed the issue of terrorism in Europe, so far no paper has been published on how to combat terrorism with the methods and resources available in the French Republic. There are a great many articles relating to the Polish system to counter terrorism (mainly in Polish) that the author has drawn on, but very few point to specific changes or improvements that could be implemented in the short term. It is therefore necessary to compare the two systems to counter terrorism and to identify the most relevant solutions employed in France, which have proven to be effective, as well as to highlight the emerging threats facing Poland and the European Union, which are of fundamental importance to security in Europe.

The choice of the topic was inspired by events that the author witnessed during his research visits abroad. The author was in the French Republic when a series of terrorist attacks took place on 13 November 2015 in Paris. In 2020, he was conducting research at the Institute for Peace Support and Conflict Management in Vienna when the attack

was carried out in the Austrian capital (2 November). In view of these events, the author decided not only to analyse and review the threats themselves, but, most importantly, the ways to counter them.

It should be noted that there are certain flaws in the Polish system to counter terrorism, which can be exploited by terrorists and lead to the destabilisation of various state entities. The solutions proposed by the author to improve anti-terrorist activities in Poland and other European Union states, as well as the analysis of threats on the continent, will provide a kind of guidance that decision-makers at the national and international level should make use of. Thus, the author chose to describe the systems to counter terrorist threats in France and Poland, which can form the basis for the development of anti-terrorist strategies also in other democratic states of Europe.

Field research was carried out between 2015 and 2021 in the following foreign localities: Ajaccio, Amsterdam, Annecy, Barcelona, Berlin, Bordeaux, Lisbon, Lyon, Lviv, Kiev, Madrid, Marseille, Istanbul, Paris, Prague, Vienna and Vilnius. Additionally, expert opinion surveys were conducted among 24 respondents from, among others, the French Republic, the Republic of Poland, the Federal Republic of Germany, Norway, Denmark, the United States of America, Canada and the United Kingdom. Moreover, experts from Austria, the Czech Republic, Finland, Russia, Turkey and Ukraine provided plenty of substantive advice. The research made it possible to accurately identify and verify the methods, structures and actors relevant to the anti-terrorist system. This was essential for determining which tactical and procedural approaches could be applied not only in the Republic of Poland, but also in other states.

The monograph comprises four chapters in which, within the system to counter terrorist threats, the following elements are distinguished: national and international legislative solutions, structures and forms of conducting activities by entities assigned to fight terrorism, identification of contemporary threats and challenges on the basis of expert opinions and presentation of possible systemic solutions. The author intentionally first describes the legislation and services responsible for fighting terrorism, only to present the threats from the perspective of specialists invited and to offer his own system afterwards.

Chapter One characterises the legislation concerning fighting terrorist threats in the French Republic and the Republic of Poland. The research involved the most significant and recent legislative changes introduced in both states. Similarities and differences in terms of criminalisation of terrorist activities are also noted. In addition to the above, European Union law is analysed and the importance of human rights in the system to counter terrorism is emphasised.

The second chapter analyses the activities of entities set up to counter terrorist threats. The key services operating in both states are identified, describing in particular the police, secret service, counter terrorism units and the armed forces. Structures and institutions that work together against terrorism at both national and international level are characterised.

The third chapter, on the other hand, provides a descriptive account of interviews with experts on terrorism, security and international relations. They were essential for verifying contemporary challenges and threats not only in Poland and France, but also in other European Union and NATO states. Furthermore, projected changes in the security environment are indicated.

Chapter Four, which is the main part of the paper, presents the anti-terrorist systems of both states and selects the most significant methods of fighting terrorism, which are applied in the French Republic but could also be used in the Republic of Poland and other European states. Finally, the research process is summarised presenting a suitable and coherent organisation of the system to counter terrorism, which is necessary to prevent threats in Poland and in the European Union states.

The conclusion of the dissertation offers a kind of assessment of the functioning of the systems to counter terrorist threats and the emerging challenges. Changes required to improve anti-terrorist activities are also identified, as the process of improving structures should be permanent. The evolution of terrorist threats requires a continuous response. Consequently, future publications on anti-terrorism or counter-terrorism should further elaborate on this issue and constantly point to solutions that can be effective in countering terrorism.

The author has not attempted to analyse the religious beliefs and convictions that may motivate the perpetrators of terrorist attacks. There is no account given of particular books, doctrines, dogmas or documents which, as part of faith formation, may serve as a basis for taking terrorist action⁵. However, the author rejects the claim that all terrorists who carry out attacks in Europe are Islamist⁶. The dissertation focuses on systems for combating terrorist threats and only partially considers the characteristics of contemporary terrorists. The paper does not discuss processes or transformations that are relevant to the evolution of the actions of fundamentalist believers, be they monotheistic, polytheistic or animistic religions.

Given the extensive literature on the subject, the research is limited to selected normative acts, chosen literature, relevant publications and articles in the field of combating terrorism, as well as examples and events described in media discourse.

The author is aware that his subjective evaluation of the anti-terrorism legislation in France and Poland, the activities undertaken by counter-terrorism services, the applicable systems to counter terrorism and the changes offered in anti-terrorist programmes cannot address the entirety of counter-terrorism issues, some aspects have been merely

⁵ M. Toumi, *Wprowadzenie do ustroju i prawa państw arabskich* (Lublin: Wydawnictwo KUL [The Publishing House of the Catholic University of Lublin], 2015), pp. 19-23.

⁶ T. Michalczak, *Islam – religia współczesny terrorystów*, in *Bezpieczeństwo państwa a zagrożenie terroryzmem na przełomie XX i XXI wieku* ed. by K. Jałoszyński, T. Aleksandrowicz, K. Wiciak (Szczytno: Wyższa Szkoła Policji w Szczytynie [The Police Academy in Szczytno], 2016), pp. 117-160.

touched upon, and the discussion should be continued in view of the changing global situation. The book is intended to serve as a basis for further research on terrorism and anti-terrorism, which will contribute to improving systems to counter terrorism and enhancing the security of citizens.

Credits and acknowledgements

The development of the research findings, as well as the analysis of current terrorist threats, would not have been possible without the tremendous help of people from all over the world. My gratitude for the scientific support goes to all the experts who provided answers to questions on security, terrorism and international relations. I would like to thank all the people I have had the opportunity to meet throughout the research, both at national scientific conferences and foreign symposia, events and academic placements, including in Austria, the Czech Republic, Estonia, the French Republic, the United Kingdom, Turkey and Ukraine.

I dedicate this monograph to Aga, Pola, Kasia and Luna. The paper is also a tribute to the scientific achievements of Krzysztof Olech, MD, PhD.

Counter-terrorism legislation in the French Republic and the Republic of Poland

1.1. The Act to Reinforce Domestic Security and the Fight Against Terrorism in the French Republic

No one in the French Republic ignores the terrorist attacks that have taken place in recent years. Located in Western Europe, the country is now one of the main targets of jihadist violence that has erupted across the Middle East. The defeats of French troops in Syria, Iraq and the Sahel countries in the fight against the Islamic State as well as the presence of several thousand troops in the territories of the warring states pose additional danger as the troops are constantly in a state of defence readiness due to the threats received continuously from the leaders of the Islamic State⁷. Hence, the president and the government have passed a new counter-terrorism law (renforçant la sécurité intérieure et la lutte contre le terrorisme)⁸.

Since the attacks of 13 November 2015, France had been under constant pressure for nearly two years due to the continuing state of exception⁹. The terrorist threat,

⁷ R. McGuinness, *France terror threat: Warning issued as 'homegrown jihadis' remain huge concern*, Express UK, 19 September 2019. <<https://www.express.co.uk/news/world/1180146/france-news-france-terror-threat-ISIS-france-islamic-extremism-terrorist>> [accessed: 13 July 2021].

⁸ Loi n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme (1), JORF n°0255 du 31 octobre 2017 texte n° 1.

⁹ Loi n° 55-385 du 3 avril 1955 relative à l'état d'urgence, Dernière modification: 30 juin 2018. The state of exception may be declared in the entire French territory, in the overseas departments subject to Article 74 of the Constitution and in New Caledonia in any case of immediate danger resulting from serious breaches of public order for events which, by their nature and significance, have the character of a public space disaster. The phrases "state of exception" and "state of emergency" in relation to the situation in the French Republic can be used interchangeably.

permanently present on the territory of the country, obliged the French government to respond at all times¹⁰. Despite the fact that the state of exception had been extended several times, there were still no adequate measures to counter terrorism. Finally, a new law was formulated which is a kind of prolonged state of exception, but makes it possible to fight terrorist threats more effectively¹¹.

The state of exception, in accordance with recent provisions of French law, is an element of the legislation that serves to combat emerging threats to state security. Terrorists have been detained several times under these restrictions. Yet, if the threat is persistent (and terrorism in the French Republic has this feature), a state of emergency is not an effective solution. Before the Act No. 2017-1510 came into force, its main objectives had been to grant special powers to the government in the event of exceptional circumstances threatening the national interest (*raison d'État*), to restrict public freedoms such as freedom of association and demonstration, and to take action within the scope of existing law, but it is not the legislation specifically aimed at combating terrorism. The state of exception, which had lasted continuously for two years, was thus a kind of preliminary phase before the introduction of the new counter-terrorism law. Previously, it had not been possible to respond adequately to threats of this nature¹².

To date, the following laws on combating terrorist threats and penalising terrorists, among others, have been enacted in the French Republic:

- The Act No. 2006-64 of 23 January 2006 on action against terrorism, containing various provisions on security and border checks¹³;
- The Act No. 2007-1160 of 1 August 2007 authorising the ratification of the Treaty between the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain and the Republic of Austria on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration¹⁴;

¹⁰ J. Brzezińska, J. Gola, Stan wyjątkowy jako przykład stanu nadzwyczajnego w doktrynie francuskiej. Interpretacja pojęcia, "Przegląd Prawa i Administracji", 2016, Vol. 106, pp. 69-80.

¹¹ O. Duhamel, *Terrorism and Constitutional Amendment in France*, "European Constitutional Law Review", 2016, Vol. 12, No. 1, pp. 1-5.

¹² Ministère de l'Intérieur, L'essentiel de la Loi renforçant la sécurité intérieure et la lutte contre le terrorisme, Service de presse de M. Gérard Collomb, ministre d'Etat, ministre de l'Intérieur, 30 October 2017.

¹³ Loi n° 2006-64 du 23 janvier 2006 relative à la lutte contre le terrorisme et portant dispositions diverses relatives à la sécurité et aux contrôles frontaliers, NOR: INTX0500242L.

¹⁴ Loi n° 2007-1160 du 1er août 2007 autorisant la ratification du traité entre le Royaume de Belgique, la République fédérale d'Allemagne, le Royaume d'Espagne, la République française, le Grand-Duché de Luxembourg, le Royaume des Pays-Bas et la République d'Autriche, relatif à l'approfondissement de la coopération transfrontalière, notamment en vue de lutter contre le terrorisme, la criminalité transfrontalière et la migration illégale (1), JORF n°177 du 2 août 2007 page 12987 texte n°9.

- The Act No. 2007-1474 of 17 October 2007 authorising the ratification of the Amending Protocol to the European Convention on the Suppression of Terrorism¹⁵;
- The Act No. 2011-392 of 14 April 2011 on police custody¹⁶;
- The Act No. 2012-1432 of 21 December 2012 on security and action against terrorism¹⁷.

The government initiated a fast-track procedure on the new Act on 28 June 2017, when the Foreign Affairs, Defence and Armed Forces Committees recommended its provisions. The continuing state of exception reached the highest possible level envisaged for states of emergency allowing the state and its citizens to function. The minister asked rhetorically the assembled MPs, proposing, among others, the declaration of a state of siege (*l'état de siège*). Independent administrative bodies also expressed their opinions: On 6 July 2017 – Commission nationale consultative des droits de l'homme¹⁸ (CNCDH, the National Consultative Commission on Human Rights) and on 17 July 2017 – Défenseur des droits (the Defender of Rights)¹⁹.

Members of the National Assembly of France passed a new anti-terrorism law on 3 October 2017. The session opened with a moment of silence in memory of the victims of the attacks in Marseille and Las Vegas²⁰. As many as 561 deputies participated in the vote, 415 voted in favour, 127 voted against and 19 abstained from voting²¹. The bill on strengthening internal security and the fight against terrorism was passed at first reading. Although the situation in the French Republic was tense, it was still far from the national unity that had prevailed more than two years earlier, when as many as 551 MPs voted in favour of maintaining the state of exception declared on 13 November

¹⁵ Loi n° 2007-1474 du 17 octobre 2007 autorisant la ratification du protocole portant amendement à la convention européenne pour la répression du terrorisme (1), JORF n°242 du 18 octobre 2007 page 17169 texte n° 1.

¹⁶ Loi n° 2011-392 du 14 avril 2011 relative à la garde à vue (1), JORF n°0089 du 15 avril 2011 page 6610 texte n° 1.

¹⁷ Loi n° 2012-1432 du 21 décembre 2012 relative à la sécurité et à la lutte contre le terrorisme (1), NOR: INTX1232040L.

¹⁸ The national institution for the protection and promotion of human rights. It is an independent administrative body whose mission is to advise public decision-makers on human rights, international humanitarian law and to monitor the international obligations of France in this area.

¹⁹ An independent administrative body responsible for defending citizens' rights not only before administrative bodies (the Ombudsman) but also in promoting children's rights, combating discrimination, respecting ethics while performing steps to address security.

²⁰ Assemblée nationale XVe législature Session ordinaire de 2017-2018. Compte rendu intégral <<http://www.assemblee-nationale.fr/15/cri/2017-2018/20180001.asp>> [accessed: 13 October 2019].

²¹ Assemblée Nationale, *Analyse du scrutin n° 138 Première séance du 03/10/2017 – projet de loi renforçant la sécurité intérieure et la lutte contre le terrorisme* <<http://www2.assemblee-nationale.fr/scrutins/detail/%28legislature%29/15/%28num%29/138#G2>> [accessed: 25 March 2021].

2015 by President F. Hollande²². The new anti-terrorism Act was signed and presented on 30 October 2017 in Paris.

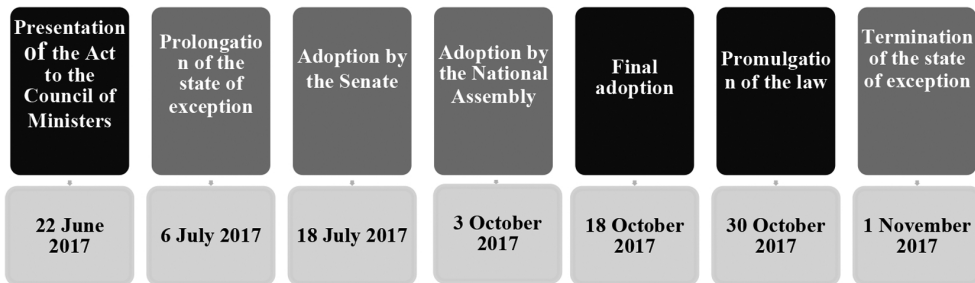


Figure 1. Chronology of the adoption of the Act

Source: own study.

1.1.1. Key assumptions of the Act

A prerequisite for the proper functioning of the security authorities that ensure the security of citizens is the proper application of the provisions of the Act. Although a number of provisions are similar to those applicable during the state of exception, the major ones fundamentally change the manner and system of countering terrorism in the French Republic. The contemporary functioning of state authorities provides for broader jurisdiction over suspects and the securing of potentially sensitive spots within the country. Operating under the legislation requires increased cooperation between the services with acceptance of the new conditions for maintaining security by the French population. The key provisions of the Act are set forth below.

1) **The possibility of establishing the limits of protection to ensure the safety of major events - protective zones**

Protective zones may be established by securing places or mass events which may be vulnerable to terrorist threats²³. Supervision is carried out by prefects (defence and security officers seconded by designated departments) who implement measures to control and verify persons entering the designated area. The necessary operations will be carried out by seconded officers (of various services) or municipal police officers. It is the government's intention to maintain a high level of security during sports, cultural and holiday events

²² M. Rescan, *Le projet de loi antiterroriste approuvé en première lecture par les députés*, "Le Monde", 3 October 2017.

²³ Loi n° 2017-1510..., op.cit. Art. 1.

or during public gatherings (demonstrations), as these are primarily targets of terrorist attacks. The Act permits prefects to verify and infiltrate people before they are allowed to enter designated areas²⁴.

2) **The possibility of closing selected places of worship**

The prefects seconded (the Act authorises selected representatives to take such action) have the power to administratively close a place of worship if it supports acts of terrorism or propaganda as part of the spreading of the word of faith in that place²⁵. The motives behind such actions will be proven on the basis of letters, documents, declarations, as well as ideas and theories that are disseminated by temple supervisors with a view to supporting terrorism. The Senate found that these are ideas and theories that provoke the commission of acts of terrorism or glorify such acts²⁶.

The procedure of closure will last 48 hours. During this time, the representative of the place of worship may appeal to the administrative court, which will decide the case before any appropriate action is taken by the authorities. The period of closure may last up to six months and the penalty for removing the lock amounts to EUR 45 000²⁷. The place of worship may be closed for the entire period of the state of exception²⁸.

3) **Individual supervision system – more than just a home detention**

Article 3 of the Act allows the Minister of the Interior to take action against persons suspected of being associated with terrorists, terrorist organisations, persons supporting or proclaiming terrorism. Such persons will be required to remain in the commune (without violating their right to work and maintain contact with their families). They will be obligated to report daily to the police or gendarmerie²⁹, and their situation will be reviewed every three months. The suspects are to provide all telephone numbers they use and the media they rely on when communicating (including social networks data). The period of monitoring is to last for a minimum of three months, with the possibility of being extended up to one year. In the event of suspicion of fleeing or non-compliance, this form of detention may be combined with electronic tagging.

²⁴ Commission nationale consultative des droits de l'Homme, *Avis sur le projet de loi renforçant les dispositions relatives à la lutte contre le terrorisme*, Assemblée plénière – 25 septembre 2014 <<https://www.ldh-france.org/wp-content/uploads/2014/09/14.09.25-Avis-projet-de-loi-terrorisme-version-JORF.pdf>> [accessed: 05 May 2019].

²⁵ Loi n° 2017-1510..., op.cit. Art. 2.

²⁶ Ministère de l'Intérieur, *L'essentiel...*, op.cit., p. 4.

²⁷ Commission nationale consultative des droits de l'Homme, *Avis...*, op.cit.

²⁸ Ministère de l'Intérieur, *L'essentiel...*, op.cit.

²⁹ The person concerned may be exempted from this obligation if they consent to be placed on electronic monitoring.

These measures may be taken against any person whose conduct is of concern and whose actions may constitute a threat. In September 2017, 39 persons were subjected to this form of detention³⁰.

During the state of exception, such people were controlled up to three times a day and had to stay in their homes overnight³¹.

4) **The new search and seizure system**

Prefects and seconded persons, having obtained a warrant from a judge of the Judicial Court of Paris (Tribunal de grande instance de Paris), may search commercial and residential premises, premises owned by an organisation or a company³². The person whose premises are searched may be detained for four hours. The search may not be conducted in the premises of lawyers, judges and journalists. Actions are taken to prevent dangerous behaviour of a terrorist nature, without the need to install operational technology equipment in the suspect's place of residence, and in order to verify the threat quickly, also after receiving information from a foreign secret service about a possible threat posed by the suspect³³.

During the state of exception, searches could be carried out due to public disorder without prior authorisation issued by a judge.

5) **The possibility of conducting investigations into radicalisation**

Article 11 alters the way in which action is taken to ensure internal security. The fight against radicalisation, which is not included in the state of exception, is a novelty in the Act. The official (officer) carrying out their mission or profession related to security and defence may be transferred or even dismissed if, as a result of an administrative investigation, a tendency towards radicalisation is found. The procedure also applies to military and prison officers. The new law permits action to be taken on mere suspicion and not, as previously, as part of an already open investigation. It also involves the suspect having certain permits revoked. Any disputes are resolved by a dedicated committee³⁴.

The legislator, in Article 10 of the Act, also set forth a new sanction – penalties for parents who incite their children to commit acts of terrorism or travel abroad for that purpose. Defining a new offence and imposing a sanction in the form of: 15 years imprisonment, a fine of EUR 225 000 for

³⁰ J. Sulzer, *Loi Renforçant La Securite Interieure Et La Lutte Contre Le Terrorisme, Analyse juridique critique – Mise en œuvre – Suivi du contentieux constitutionnel, 30 octobre 2017 – 29 octobre 2018*, ed. by H. Decoeur (Paris, 2018).

³¹ Ministère de l'Intérieur, *L'essentiel...*, op. cit., p. 5.

³² Loi n° 2017-1510..., op.cit., Art. 4.

³³ Ministère de l'Intérieur, *L'essentiel...*, op.cit., p. 6.

³⁴ *Ibid.*, p. 7.

the parents and the potential loss of parental rights³⁵ – sets a precedent on a European scale³⁶.

6) **Passenger Name Record (PNR)**

The Anti-Terrorism Act allows security services to use passenger name records (provided by a person, organisation or travel agent) of airlines and sea travellers (data entered at registration and during boarding will be directly transmitted to services that will require certain information for counter-terrorism purposes)³⁷.

These are measures taken as part of the development of the “PNR France system”³⁸. Code de la sécurité intérieure (The Internal Security Code) was amended by Article 14 of the Act, which harmonised French legislation with the European Union law on obtaining passenger name records³⁹ as airports are one of the most sensitive spots in the national security structure.

Every year, millions of passengers from all over the world increase the likelihood of a terrorist presence on the territory of a state. Flawless selection is not possible, and there are indications that suggest someone may be a potential threat. First of all, in the Internet era, most payments are effected by card or bank transfer. When someone pays for a product (ticket, travel), the operator automatically obtains their personal details. Even if they do not use their personal card, it also leaves a trail of sorts. Booking of single and transit tickets is visible in the airport service systems. It is within the competence of terminal services to properly assess the passenger and their travel history.

7) **Monitoring techniques - wireless communication surveillance**

Articles 15 to 18 establish the legal framework for the surveillance of wireless communication conducted by designated services (including secret services which have already been given increased statutory powers on 24 July 2014 as part of the Intelligence Act⁴⁰), specified in Code de la sécurité intérieure⁴¹. The

³⁵ When an act is committed by a person exercising parental authority over a minor, the court of first instance decides on the total or partial withdrawal of parental authority in accordance with Articles 378 and 379-1 of the Civil Code. It may then rule on the withdrawal of parental authority in respect of other minor children of that person.

³⁶ R. De Massol De Rebetz, M. Van Der Woude, *Marianne's liberty in jeopardy? A French analysis on recent counterterrorism legal developments*. “Critical Studies on Terrorism” 2020, Vol. 13, No 1, pp. 1-23.

³⁷ Loi n° 2017-1510..., op.cit., Articles 12, 13.

³⁸ Ministère de l'Intérieur, *L'essentiel...*, op. cit., p. 7.

³⁹ The Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.

⁴⁰ Loi n° 2015-912 du 24 juillet 2015 relative au renseignement, NOR: PRMX1504410L Version consolidée au 30 septembre 2018.

⁴¹ Specified in Articles L. 811-2 and L. 811-4.

Act allows the use of wireless eavesdropping devices, which were banned by the Constitutional Council on 21 October 2016⁴². Their use is currently being extended, using computer algorithms in communication networks, the so-called black boxes⁴³. The aim is to detect connections that may be related to terrorist threats by transmitting specific data and information.

8) Reinforcing controls in border areas

Article 19 extends the scope of identity checks in border areas. The Schengen Agreement provides for a six-hour identity check in a 10-kilometre zone along the internal borders, as well as in ports, airports, railway and road stations open to international traffic. The French Act increases the duration of these checks to 12 hours, maintains a 10-kilometre control zone around external border crossings and the jurisdiction of services in the territories near stations, airports and ports, also within 10 kilometres. Initially, the Bill defined this zone within 20 kilometres⁴⁴. It is also a measure that should, above all, be of benefit in combating illegal immigration.

This strengthening of French law complies with the law of the European Union. The Court of Justice of the European Union allows identity checks when investigating and preventing cross-border offences. However, these checks (during the free movement of persons in the Schengen area) must not be systematic, need to comply with the requirements laid down by the French Constitutional Council and must not be carried out in a discriminatory manner⁴⁵.

The French Minister of the Interior of that time, G. Collomb, spoke out through social media about the introduction of the new legislation: “The Act strengthens internal security and counters terrorism. Its adoption by the National Assembly was very important for the French Republic. Powerful measures and new tools to deal with a permanent threat will help us protect the French people more effectively”⁴⁶.

⁴² Ministère de l’Intérieur, *L’essentiel...*, op.cit., p. 8.

⁴³ Acquiring information by intelligence services through the imposition of obligations on telecom operators to install systems on the networks enabling identifying calls that may indicate a terrorist threat. These devices analyse communication metadata in order to detect the so-called weak signals (*signaux bas*), which may exhibit certain characteristics typical of the communication methods adopted by persons carrying out terrorist activities. Furthermore, online behaviour is analysed, which may subsequently lead to the identification of a specific person who may be somehow associated with terrorist activities. Source: G. Chapeau, *Que feront les boîtes noires de la Loi Renseignement?*, 3 April 2015 <www.numerama.com/magazine/32699-que-feront-les-boites-noires-de-la-loi-renseignement.html> [accessed: 02 January 2020].

⁴⁴ Ministère de l’Intérieur, *Projet...*, op. cit.

⁴⁵ Ministère de l’Intérieur, *L’essentiel...*, op.cit., p. 8.

⁴⁶ G. Collomb [gerardcollomb] Twitter 3 October 2017 <https://twitter.com/gerardcollomb/status/915231590728568834?ref_src=twsrc%5Etfw&ref_url=https%3A%2F2Fwww.ouest-france.fr%2Fterrorisme%2Fprojet-de-loi-antiterroriste-ce-que-contient-le-texte-5288564> [accessed: 16 January 2018].

1.1.2. Controversy over the implementation of the Act

Essentially, the law is criticised for establishing a permanent state of exception (*état d'urgence permanent*) through the anti-terrorism law that grants the authorities extended powers to control citizens. According to the dissidents, they are particularly damaging to the rights and freedoms of the society. The new law is also criticised for allowing the use of certain measures of coercion or surveillance only on the basis of suspicion, in the absence of any evidence of involvement in the commission of an offence⁴⁷.

In the opinion of numerous French citizens, the strengthening of the powers of the administrative authorities (prefects and the Ministry of the Interior) is at the heart of the dispute over the controversial Act⁴⁸. Until November 2017, the majority of decisions taken by the security services required government verification or a judge's review to protect citizens from potential abuse of police authority. These days, the government, through the prefects, can decide on the use of the geolocator (electronic tagging) and on the restrictions on the freedom of movement of a suspected citizen within the territory of the French Republic. Journalists suggest that although the Act is aimed at countering terrorism, its provisions undermine the principles of protecting civil liberties that were built and consolidated after the Second World War⁴⁹.

Protective zones during large-scale and mass events are not described in detail or established permanently. The Act does not clearly specify which place or event and what number of participants may pose a high enough risk of terrorist attacks to trigger security procedures. Lawyers allege that this right can be abused, for example, in political disputes during electoral campaigns and demonstrations held by various activist groups⁵⁰.

The most serious complaint of the public to the government concerns the lack of protection of their personal data. This grievance is the result of confirmed information about the keeping of airline passenger records. Data obtained by the carrier is to be provided to judicial authorities and may be used by intelligence and police services to anticipate attacks⁵¹.

Moreover, the Act amends the Criminal Procedure Code and the Customs Code to strengthen the powers regarding border control in order to combat international crime. Opponents of the Act indicated that the inclusion of these provisions is pointless, unrelated to the fight against terrorism and only serves the purpose of migration control at borders⁵².

⁴⁷ J. Sulzer, op. cit.

⁴⁸ R. De Massol De Rebetz, M. Van Der Woude, op. cit.

⁴⁹ O. Laffargue, *Etat d'urgence dans le droit commun: les enjeux de la loi*, "Le Monde", 3 October 2017.

⁵⁰ J. Fragnon, K. Roudier, *Entre répression et prévention, retour sur l'antiterrorisme en France*, "Confluences Méditerranée", 2018, No. 3, pp. 53-67.

⁵¹ Ibid.

⁵² J. Sulzer, op.cit.

The committee monitoring the state of exception in France found that decisions taken during the state of exception served not only to counter terrorism, but also to justify various actions taken by intelligence services. The French secret service used their powers to control foreign intelligence on French territory. Amnesty International, in a report dated 31 May 2017, condemned the use of surveillance methods by French security services to suppress demonstrations that were organised, among others, because of the implementation of the new labour law⁵³.

It is worth noting that the provisions inspired by the state of exception are contained in Articles 1- 4 of the Act of 30 October 2017. They are particularly sensitive with regard to the protection of individual rights and freedoms of citizens. The law grants the parliament greater control competences to assess the implementation of the new legislation. In particular, the government is required to provide the parliament with copies of all documents relating to proceedings taken in connection with the application of these four articles⁵⁴.

1.1.3. Implication of the Act for changes in the French Criminal Code

The adopted Anti-Terrorism Act of 30 October 2017 lifted the state of exception that had been in force since 13 November 2015. Its entry into effect is closely linked to the application of other legislation applicable in France. It is solely complex jurisdiction and law enforcement that can result in a reduction of the terrorist threat. The French Criminal Code is the basis for the actions taken by the security services and sets the course for countering terrorism on the national territory. The word *terrorism* is mentioned there 61 times⁵⁵ (in the Polish Penal Code – 11 times⁵⁶).

Numerous sections were updated after the new Act had come into force. In the Criminal Code, they are mostly included in Title Two – *Du terrorism* (“Terrorism”) and Title Three – *Des atteintes à l'autorité de l'Etat* (“Attacks on the authority of the state”). The following acts of terrorist character were included in the catalogue:

- attacks on life and on the physical integrity of persons, abduction and unlawful detention as well as hijacking of aircraft, vessels or any other means of transport;
- theft, extortion, destroying, damaging or rendering property useless, as well as offences against information systems;
- offences related to weapons, explosives or nuclear material as defined;

⁵³ Amnesty International, *A right not a threat: Disproportionate restrictions on demonstrations under the State of Emergency in France* (London, 2017).

⁵⁴ *Sécurité intérieure et lutte contre le terrorisme: bilan de la loi du 30 octobre 2017*, Vie publique, 11 January 2019 <<https://www.vie-publique.fr/en-bref/20086-securite-interieure-et-lutte-contre-le-terrorisme-bilan-de-la-loi-du-3>> [accessed: 10 July 2019].

⁵⁵ Code penal, version consolidée au 16 décembre 2017.

⁵⁶ The Act of 6 June 1997 – Penal Code (Journal of Laws of 1997, No. 88, item 553).

- money laundering offences;
- use of confidential information as provided for – use of information in possession⁵⁷.

Involvement in a formation whose aim is to prepare an act of terrorist character and to finance a terrorist undertaking is punishable by ten years' imprisonment and a fine of EUR 150 000⁵⁸.

Directly provoking or inciting acts of terrorism is punishable by five years' imprisonment and a fine of EUR 75 000. The penalty will be increased to seven years' imprisonment and a fine of EUR 100 000 if the offence was committed through online instant messaging. Where offences are committed by means of the press, media or via a public communication on the Internet, specific legal provisions may apply⁵⁹.

Intentionally seeking, reproducing and transmitting information on terrorism or provoking such acts is punishable by five years' imprisonment and a fine of EUR 75 000⁶⁰.

An act of terrorism is punishable by 20 years' imprisonment and a fine of EUR 350 000. If the act resulted in the decease of one or more persons, the offender is sentenced to life imprisonment and a fine of EUR 750 000⁶¹.

Habitual and unjustified browsing of websites providing news, images or statements directly provoking acts of terrorism is punishable by two years' imprisonment and a fine of EUR 30 000. The only exception is consultation resulting from the exercise of a profession whose purpose is to inform the public or to prepare reports on the content of this site for the competent public authorities⁶².

Directing or organising a terrorist group is punishable by 30 years' imprisonment and a fine of EUR 500 000. Whoever commits a terrorist act is subject to 10 years' imprisonment and a fine of EUR 150 000⁶³.

Whoever has attempted to commit an act of terrorism is immune from punishment if, having notified an administrative or judicial authority, they have made it possible to avoid committing the offence and have identified, where appropriate, other offenders⁶⁴.

The proceeds from financial or property sanctions imposed against persons found guilty of acts of terrorism are allocated to the guarantee fund for the victims of acts of terrorism and other crimes⁶⁵.

A provision reflecting Article 33 of the Act No. 2001-1062 of 15 November 2001 relating to everyday security (Loi n° 2001-1062 du 15 novembre 2001 relative à la

⁵⁷ Code penal..., op.cit. Art. 421-1.

⁵⁸ Ibid. Art. 421-2-4.

⁵⁹ Ibid. Art. 421-2-5.

⁶⁰ Ibid. Art. 421-2-5-1.

⁶¹ Ibid. Art. 421-4.

⁶² Ibid. Art. 421-2-5-2.

⁶³ Ibid. Art. 421-5.

⁶⁴ Ibid. Art. 422-1.

⁶⁵ Ibid. Art. 422-7.

sécurité quotidienne) was also modified. The terrorist financing offence is defined as: providing, collecting, managing funds, valuables or other property or providing advice to that effect with the intention that it be used or knowing that it will be used in whole or in part to commit any terrorist act, regardless of the circumstances in which such act is actually committed⁶⁶.

1.1.4. Assessment of the implemented Act

On 12 February 2019, Minister of the Interior Ch. Castaner and Secretary of State to the Minister of the Interior L. Nuñez presented the first official assessment of the application of the new law before the Law Committee of the National Assembly (La commission des lois de l'Assemblée nationale). This was closely related to the assurances of the President of the French Republic, E. Macron, who on 22 June 2017, one month after taking office, at a cabinet meeting, supported a Bill on the fight against terrorism with appropriate tools enabling an effective response⁶⁷. At that time, the head of state already indicated that the government would never attempt to restrict individual freedom⁶⁸.

P. Bas, Chairman of the Law Committee of the National Assembly, recalled the role of the Senate during the preparation of the Act:

“The application of the measures of the Anti-Terrorism Act for a period of three years was found to be constitutional and the Committee set its sights on assessing their effectiveness. The Parliament will not renew the anti-terrorism law unless it is actually effective”⁶⁹.

Since the Act officially came into force – on 30 October 2017 – until December 2020, the French Republic suffered several terrorist attacks and a great many of them were thwarted⁷⁰. Both the Minister of the Interior and the Secretary of State to the

⁶⁶ Ibid. Art. 421-2-2.

⁶⁷ *Compte-rendu du Conseil des ministres du jeudi 22 juin 2017*, Elysee, 22 June 2017.

⁶⁸ Ministère de l'Intérieur, *Premier bilan de l'application de la loi renforçant la sécurité intérieure et la lutte contre le terrorisme*, Communiqué de Presse, 12 February 2019.

⁶⁹ “Grâce aux garanties introduites par le Sénat, l'essentiel de ces quatre mesures dont la durée de vie est de trois années seulement a été jugé conforme à la Constitution. Notre commission s'est assignée pour objectif d'évaluer leur efficacité et le Parlement ne les reconduira pas si elles ne démontrent pas leur utilité” after: M. Dubourg, *Le bilan contrasté de la loi renforçant la sécurité intérieure et la lutte contre le terrorisme (SILT) un an après son entrée en vigueur*, 19 December 2019 <<https://www.senat.fr/presse/cp20181219a.html>> [accessed: 10 July 2019].

⁷⁰ J. Wiels, *Le gouvernement défend l'utilité de la loi antiterroriste de 2017*, LCP-Assemblée nationale, 12 February 2019 <<http://www.lcp.fr/la-politique-en-video/le-gouvernement-defend-lutilite-de-la-loi-antiterroriste-de-2017>> [accessed: 10 July 2020].

Minister of the Interior gave a positive assessment of the functioning of the law and noted the operational effectiveness of the security services, which actually protects French citizens⁷¹.

For two years, 266 protective zones were introduced (including 24 in November 2017 and 35 in July 2018)⁷², to ensure the safety of 1.5 million people⁷³. Out of them, 97 percent were short-term events (lasting less than nine days) and usually of a cultural, sporting or political nature. In total, work in the protective zones mobilised over 10 000 police and gendarmerie officers and 4 000 officers of other services. Prefects called for the closure of seven mosques on French territory, and judges approved all of these decisions (for comparison: 19 places of worship were closed during the state of exception between 14 November 2015 and 31 October 2017)⁷⁴. None of the mosques reopened after the expiry of the decision to close them. There were 106 decisions on an individual surveillance system issued, in 40 cases the suspects appealed, but the judge upheld 37 decisions⁷⁵. The court granted consent for 93 searches (96 applications were filed) in designated places (during the state of exception there were nearly 4 500 applications)⁷⁶. During one such inspection, the Islamic State's staging and recruitment point was discovered⁷⁷.

Ch. Castaner and L. Nuñez stressed the importance and effectiveness of the law in force, considering the result as a positive one. They also referred to the high quality of the work of the police and intelligence services, and recalled their unwavering determination to pursue the fight against terrorism in order to ensure the safety of French citizens⁷⁸.

Importantly, in February 2020, there was a further assessment of the implementation of counter-terrorism activities under the Act. It was commissioned by the Constitutional Acts, Legislation and General Administration Committee (La commission des Lois constitutionnelles, de la Législation et de l'Administration générale de la République) often referred to as the Law Committee (La commission des Lois), which is one of the eight standing committees of the French National Assembly (Assemblée nationale). The entire evaluation of the Act of 30 October 2017 on Strengthening Internal Security and the Fight against Terrorism was developed under the leadership of M.-Ph. Daubresse. The report indicated that from 1 November 2017 to 31 December 2019, 504 protective zones were designated across the country, 7 places of worship were closed, 229

⁷¹ Ministère de l'Intérieur, *Premier...*, op.cit.

⁷² *Sécurité intérieure...*, op. cit.

⁷³ J. Wiels, op. cit.

⁷⁴ *Sécurité intérieure...*, op. cit.

⁷⁵ Ministère de l'Intérieur, *Premier...*, op.cit.

⁷⁶ J. Wiels, op. cit.

⁷⁷ Ministère de l'Intérieur, *Premier...*, op.cit.

⁷⁸ Ibid.

individual surveillance systems were implemented, and 149 searches were carried out. Furthermore, it recommended several measures to be taken, in particular: the transmission of information on the surveillance of individuals to the public prosecutor general and territorial prosecutors' offices, giving prefects the authority to close – for the same reason – places where activities may be undertaken, such as places of worship, as well as premises that belong to the same legal or natural persons, the constant control and monitoring of persons convicted of terrorism in order to verify their potential radicalisation, and facilitating the services' access to the computer data of suspects. Ultimately, there was a positive assessment of the activities carried out under the Act, which are proving effective in countering terrorist threats⁷⁹.

1.2. The Act on Anti-Terrorist Activities in the Republic of Poland

As we begin our analysis of the Act on Anti-Terrorist Activities dated 2016, it is worth noting that from the time Poland regained its independence on 11 November 1918 until 10 June 2016, there had been no uniform law that universally obliged selected entities to fight terrorism. The Polish government's response to the threats that arose in Europe in 2015⁸⁰ was to create a new law that standardises the actions necessary to take counter-terrorism measures. The new legislation also brought about important changes regarding the involvement and cooperation of several entities in the event of a threat⁸¹. The applicable law governing the elimination of terrorist threats is a key element of the entire counter-terrorism system in Poland⁸².

The multitude of attacks in the European Union member states made it necessary to take systemic measures to fight terrorism. The membership of the Republic of Poland in international organisations, and thus in anti-terrorism coalitions⁸³, in a way forced

⁷⁹ M.-Ph. Daubresse, *Rapport d'information fait au nom de la commission des lois constitutionnelles, de législation, du suffrage universel, du Règlement et d'administration générale (1) sur le contrôle et le suivi de la loi n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme*. Rapport d'information n° 348 (2019-2020) de M. Marc-Philippe Daubresse, fait au nom de la commission des lois, déposé le 26 février 2020.

⁸⁰ D. Bigo et al., *The EU Counter-Terrorism Policy Responses to the Attacks in Paris: Towards an EU Security and Liberty Agenda*, "CEPS Papers in Liberty and Security in Europe", 2015, No. 81, pp. 1-15.

⁸¹ M. Gabriel-Węglowski, *Działania antyterrorystyczne – komentarz* (Warsaw: Wolters Kluwer, 2018), p. 29.

⁸² A. Olech, *Polska ustawa antyterrorystyczna w dobie współczesnych zagrożeń*, "Myśl Suwerenna – Przegląd Spraw Publicznych", 2020, No. 1(1), pp. 105-110.

⁸³ M. Olechnowicz, *Specjalne użycie broni – "strzał ratunkowy" w krajach Unii Europejskiej*, in *Specjalne użycie broni – stan obecny, zagrożenia, propozycje rozwiązań* ed. by K. Jałoszyński, W. Zubrzycki, J. Stelmach (Szczytno: Wyższa Szkoła Policji w Szczytnie [The Police Academy in Szczytno], 2017), p. 34.

a response to emerging threats. The measures taken by Poland were aimed not only at increasing the level of security in the country, but also at strengthening the ineffective and unstable international structures that allow freedom of movement within the internal borders of the EU⁸⁴. A common anti-terrorist policy within the Community would not suffice without national solutions and a long-term counter-terrorism strategy⁸⁵.

At that time, in the Polish legislation, until the entry into force of the Act of 10 June 2016 on Anti-Terrorist Activities, there had been no single coherent legal act that would regulate the issues of undertaking anti-terrorist activities, countering them and combating already existing terrorist threats, including those of international character. The basic regulations that were applied to stop and fight terrorism, in addition to the measures taken, were the following:

- the Act of 6 June 1997 – Penal Code – containing the definition and description of terrorist offences⁸⁶,
- the Act of 16 November 2000 on Counteracting Money Laundering and Terrorism Financing, which lays down the principles, regulations and procedures for counteracting the financing of terrorism⁸⁷,
- the Act of 26 April 2007 on Crisis Management, which characterises and defines events that have the characteristics of a terrorist attack⁸⁸.

The Council of Ministers, having analysed the Bill on Anti-Terrorist Activities and having considered the comments of individual ministers, referred it to the Sejm of the Republic of Poland. On 16 May 2016, the Marshall of the Sejm referred for the first reading the Bill on Anti-Terrorist Activities and amending other acts, together with draft secondary legislation⁸⁹. After the first reading, on 20 May, the Bill was examined by the Administration and Internal Affairs Committee and, with a view to issuing an opinion, by the National Defence Committee and the Secret Service Committee. On 8 June 2016, the second reading was held and the Bill was again sent to the Administration and Internal Affairs Committee for consideration of amendments and verification of the proposals made. The third reading took place at the meeting of the Sejm of the Republic of Poland on 10 June 2016. The Act was adopted with 279 votes in favour, 173 against and 10 abstentions. The Act was referred to the Marshall of the Senate on 13 June

⁸⁴ C.E. Popa, *The Challenges of the Schengen Area*, “Expert Journal of Economics”, 2016, Vol. 4, No. 3, pp. 96-104.

⁸⁵ K. Masiul, *Bezpieczeństwo Rzeczypospolitej Polskiej wobec współczesnego zagrożenia terroryzmem* (Szczytno: Wyższa Szkoła Policji w Szczytnie [The Police Academy in Szczytno], 2015), pp. 14-16.

⁸⁶ Journal of Laws of 1997, No. 88, item 553.

⁸⁷ Journal of Laws of 2000, No. 116, item 1216, as amended.

⁸⁸ Journal of Laws of 2007, No. 89, item 590, as amended.

⁸⁹ The Bill on Anti-Terrorist Activities and amending other acts, form No. 516, Warsaw, 16 May 2016.

2016, but the Senate did not propose any amendments. The President of the Republic of Poland signed the Act on Anti-Terrorist Activities and amending other acts together with draft secondary legislation on 22 June 2016⁹⁰. It was published on 24 June 2016 in the Journal of Laws.

Attention should be drawn to the nature of the deliberations on the Bill. Their dynamics certainly surprises, especially when it comes to such an important and dangerous phenomenon as terrorism. Such a high level of involvement of various actors and the rapid completion of the legislative process after approval by the Standing Committee of the Council of Ministers was significant given the need to maintain state security in the face of the terrorist threat in Europe⁹¹. At the same time, the urgency of adopting the regulation prepared stemmed from the need to ensure safety in the activities planned at the time. As previously mentioned, international events were taking place in July 2016, so it is understandable that a special procedure could have been adopted in order to maintain security. Besides, it is worth taking into account the international situation at the time, which was rapidly changing due to the migration crisis, the conflict in Ukraine and the numerous attacks in Western Europe (especially in the French Republic). Thoroughness and meticulousness in the preparation of the anti-terrorism law should be a priority. Due to the special powers given to the services, and also in view of the nature of emerging threats, the regulation should be further developed, as it was supposed to be the basis of the system to counter terrorism in the Republic of Poland. Furthermore, as can be concluded from the regulatory impact assessment (RIA), the Bill was prepared already in 2006 within the Interministerial Team for Terrorist Threats established on the basis of the Ordinance No. 162 of the Prime Minister of 25 October 2006⁹². The proper way would be to introduce changes gradually, beginning with the implementation of the first ideas that emerged 10 years ago. The system to counter terrorist threats should then be improved and strengthened on the basis of changes in the geopolitical security environment in Europe, adapting it to current needs and requirements (by constantly observing and analysing international threats and the situation in the European Union). Contemporary legislation on defence against terrorism, despite the very rapid process of its adoption, was in fact created a decade ago, so some of its regulations will need to be amended soon. Moreover, what was missing was both scientific consultation with Polish experts and a real assessment of the situation in other countries threatened by terrorist attacks, such as France, together with the use of their experience in the fight against terrorism.

⁹⁰ A. Babiński, *Ustawa antyterrorystyczna – legislacja na rzecz bezpieczeństwa* in W. Zubrzycki, K. Jałoszyński, A. Babiński, op. cit., pp. 241–242.

⁹¹ Ibid., p. 243.

⁹² The Bill on Anti-Terrorist Activities and amending other acts..., op. cit., *Ocena skutków regulacji* <<https://www.rpo.gov.pl/sites/default/files/Projekt%20ustawy%20o%20działaniach%20antyterrorystycznych.pdf>> [accessed: 25 April 2021].

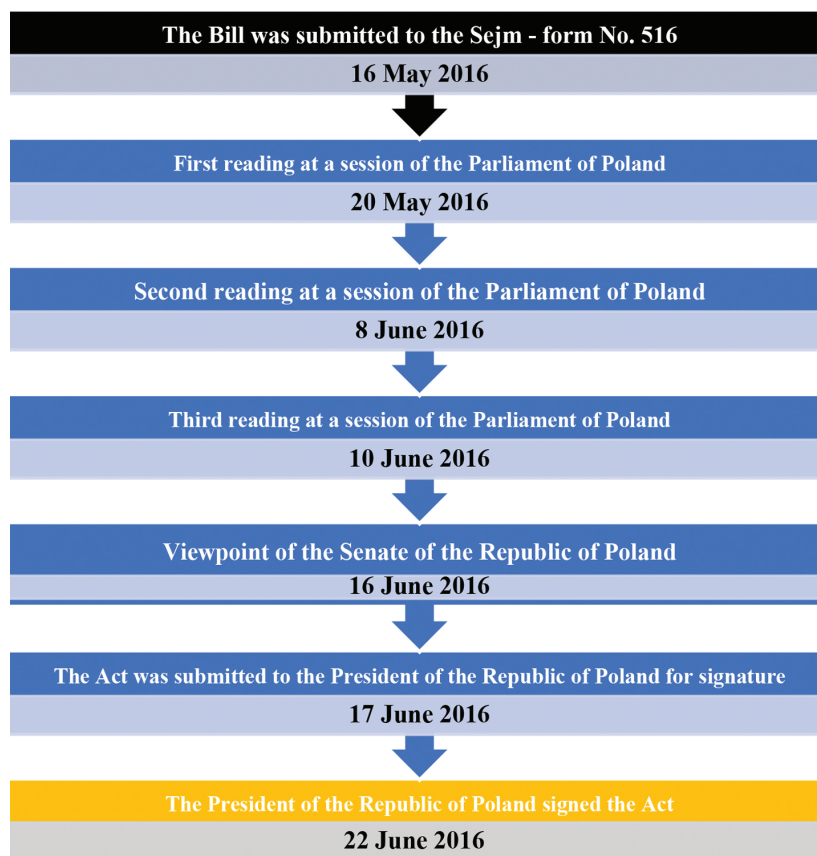


Figure 2. The course of the legislative process of the Act on Anti-Terrorist Activities
Source: <<http://www.sejm.gov.pl/Sejm8.nsf/PrzebiegProc.xsp?nr=516>> [accessed: 26 June 2019].

1.2.1. Key assumptions of the Act

The fundamental purpose of enacting the Anti-Terrorist Act was to provide relevant legal and organisational instruments in the face of growing terrorist threats. So far, the provisions in force in this area had a decentralised character and did not guarantee proper cooperation between the specified entities. In view of the intensification of terrorist acts in Europe, their cross-border nature and the variety of methods employed by terrorists, it was necessary to create adequate tools for proper identification and assessment of threats and their subsequent effective elimination⁹³. The Polish

⁹³ *European Union Terrorism Situation and Trend Report (TE-SAT) 2016*, European Police Office (The Hague, 2016), pp. 10-26.

services had to be prepared to take decisive and immediate action in the event of a terrorist attack, and to deal with its consequences. In order to achieve the right level of cooperation, it was necessary to lay the foundations for a system that would bring together all services, bodies and institutions (including local authorities, the private sector and civil society) in a multidimensional response aimed at countering terrorism⁹⁴.

Pursuant to the Act on Anti-Terrorist Activities and the National Anti-Terrorist Programme for 2015-2019, the institution delegated to provide comprehensive protection against terrorist threats to the Republic of Poland is the Internal Security Agency⁹⁵. It has statutory rights to undertake operational intelligence and information-analytical activities, as well as investigative and inquisitorial procedures. These operations are carried out with a view to identifying, detecting and preventing terrorist offences and prosecuting the persons behind them. In addition, a significant role is played by the police, whose main task is to protect human life and limb as well as property from attack, to preserve public safety and order, and to ensure peace in public places and means of public transport⁹⁶. The police carry out preventive and educational activities⁹⁷.

The legislator explicitly identified in the Act four phases of action to combat the spread of terrorism:

- 1) prevention – anticipation and sanctioning of events bearing the hallmarks of terrorism,
- 2) preparedness – development of a plan of action to take control and stop the negative events caused by terrorism,
- 3) response – organising and reorganising actors whose task is to eliminate threats and limit the negative consequences of terrorist attacks,
- 4) recovery – reconstructing systems with the necessary modifications to improve future response and to restore lost assets⁹⁸.

Although the successive phases of action against terrorism do not necessarily follow the sequence outlined, they constitute the components of anti-terrorist action and the basis for the functioning of the Polish system to counter terrorism. The Head of the Internal Security Agency⁹⁹, along with delegated entities having relevant

⁹⁴ M. Gabriel-Węglowski, op. cit., pp. 43-64.

⁹⁵ The Act of 24 May 2002 on the Internal Security Agency and the Foreign Intelligence Agency (Journal of Laws of 2016, item 904).

⁹⁶ The Act of 6 April 1990 on the Police (Journal of Laws of 1990, No. 30, item 179).

⁹⁷ More on anti-terrorist and counter-terrorism activities is provided in Chapter Two.

⁹⁸ J. Stelmach, *Działania antyterrorystyczne w kontekście identyfikacji znamion przestępstwa o charakterze terrorystycznym* in W. Zubrzycki, K. Jałoszyński, A. Babiński, op. cit., p. 464.

⁹⁹ Ibid.

competences¹⁰⁰, is responsible for the accuracy and effectiveness of the actions taken. Thus, a kind of permanent system to counter terrorism on the territory of the Republic of Poland was created.

- 1) The nature of the activities carried out is related to the area and the terrorist incident. The legislator stresses the importance of both the place of the incident and its nature. The Act identifies: the location of a terrorist event – to be construed as an open or enclosed space in which a terrorist event has taken place or in which its effect has occurred or is expected to occur, and a space in which threats related to a terrorist event exist;
- 2) terrorist event – to be construed as a situation suspected to have arisen as a result of a terrorist offence listed in Article 115 § 20 of the Penal Code¹⁰¹.

In accordance with the recommendations of the Act, the four-stage alert system in force in NATO in the event of terrorist threats was introduced, including CRP alert levels. They may be introduced by order of the Prime Minister (following consultation with the minister in charge of internal affairs and with the Head of the Internal Security Agency)¹⁰². In the event of a terrorist threat or any other danger, one of the four alert levels is introduced:

- 1) ALFA – the first alert level,
- 2) BRAVO – the second alert level,
- 3) CHARLIE – the third alert level,
- 4) DELTA – the fourth alert level¹⁰³.

If a terrorist threat that directly affects the ICT system of public administration authorities or ICT systems that form part of the critical infrastructure or an event with similar characteristics occurs, one of the four CRP alert levels is introduced:

- 1) ALFA - CRP – the first alert level,
- 2) BRAVO - CRP – the second alert level,
- 3) CHARLIE - CRP – the third alert level,
- 4) DELTA - CRP – the fourth alert level.

¹⁰⁰ The Act on Anti-Terrorist Activities. Art. 14. 1. This part discusses the following: the Internal Security Agency, the Intelligence Agency, the Military Counterintelligence Service, as part of these activities the following are also employed: the Police, the Border Guard, the Marshal's Guard of the Sejm, the State Protection Service, the State Fire Service, the National Revenue Administration, the Military Gendarmerie and the Government Centre for Security.

¹⁰¹ "Serious intimidation of a number of persons, compelling a public authority of the Republic of Poland or another state or an international organisation's authority to take or refrain from taking certain actions, inducing serious disturbances in the system or economy of the Republic of Poland, another state or an international organisation".

¹⁰² In urgent cases, the alert level may be introduced by the minister in charge of internal affairs, following consultation with the head of the Internal Security Agency, notifying immediately the Prime Minister.

¹⁰³ M. A. Kamiński, *Rola Żandarmerii Wojskowej w zwalczaniu terroryzmu po uchwaleniu ustawy o działaniach antyterrorystycznych*, "Wiedza Obronna", 2018, No. 3-4, pp. 109-110.

Higher alert and CRP levels may be activated omitting transitional levels. They can also be introduced in parallel or independently. Alert levels are to be lifted as soon as the threat which gave rise to them has been reduced or eliminated¹⁰⁴.

In the event of a terrorist attack on the territory of Poland and the lack of an appropriate and effective reaction of the Police (i.e. if forces and resources prove insufficient to combat the danger), support in the form of the Armed Forces of the Republic of Poland may be called for, adequately to their specialist preparedness, equipment and weaponry at their disposal and the needs which have arisen. This occurs when the third or fourth alert level is introduced¹⁰⁵.

The Act on Anti-Terrorist Activities is the basis for the anti-terrorist policy of the Republic of Poland. Its regulations and stipulations are the guidelines which are followed by those responsible for internal and international security. The solutions adopted in the Act are not only an initiative to counter-terrorism and an attempt to improve the effectiveness of the Polish anti-terrorist system, but also constitute a reference for the development of anti-terrorist systems in other states.

1.2.2. Major changes in the Polish law

The Act regulates amendments to 32 other acts, primarily defining new types of offences related to international terrorist activities. This is a response to increased migration to Europe and the growing threat from newcomers. Persons who are identified as foreign fighters (who do not have Polish citizenship and are suspected of terrorist activities) may be expelled from the territory of the Republic of Poland. This is particularly important for terrorists who may treat Poland as a transit country, a point of monitoring operations carried out in other countries or as a place of refuge¹⁰⁶.

The Act passed makes it possible for selected entities to take decisive action against individuals who pose a potential threat. Upon the request of the Head of the Internal Security Agency or the Military Counterintelligence Service, the Minister of Internal Affairs may expel from the country a foreigner suspected of conducting terrorist activities. Such measures were taken, among others, in relation to a 28-year-old Austrian citizen who was detained during the World Youth Day in Poland¹⁰⁷.

¹⁰⁴ *Stopnie alarmowe i stopnie alarmowe CRP*, Antyterroryzm.gov <<http://www.antyterroryzm.gov.pl/CAT/stopnie-alarmowe/858,Stopnie-alarmowe-i-stopnie-alarmowe-crp.html>> [accessed: 22 October 2019].

¹⁰⁵ The Act on Anti-Terrorist Activities. Art. 22.

¹⁰⁶ J. Potocka, *Syryjscy bracia planowali zamachy. W Polsce kupili materiały do produkcji bomb* <https://www.rmf24.pl/fakty/swiat/news-syryjscy-bracia-planowali-zamachy-w-polsce-kupili-materialy-_nid,5047622#crp_state=1> [accessed: 22 February 2021].

¹⁰⁷ *SDM: Austriak wydalony z Polski na mocy ustawy antyterrorystycznej*, Defence24, 3 August 2016 <<https://www.defence24.pl/sdm-austriak-wydalony-z-polski-na-mocy-ustawy-antyterrorystycznej>> [accessed: 08 June 2021].

It was important to establish detailed tasks for the Internal Security Agency aimed at the proper functioning of the system to counter terrorist threats in Poland and for sorting out the current organisational process of anti-terrorist and counter-terrorism activities. It is committed to permanent supervision concerning the identification, detection and prevention of threats that could undermine state security and the continuity of its proper functioning (including threats to critical infrastructure, energy, water and sewage, heating and ICT systems and networks)¹⁰⁸.

The adopted legal solutions in the Act on Anti-Terrorist Activities are to contribute to increasing the level of security of citizens of the Republic of Poland and other persons who stay on its territory.

The use of firearms under the Act on Anti-Terrorist Activities

The Act also regulates the use of firearms against the person carrying out the attack, considering that such an action may result in the decease of the person against whom the weapon is used. This is a new provision that expands the scope of activities of the services undertaking such interventions. So far, the Polish law has not regulated this issue. The current revision is important for the forces responsible for maintaining security. Even though the shot may be fatal to the terrorist, it is acceptable in order to protect defenceless individuals from unlawful violence or aggression. The decision to authorise the special use of weapons may be taken and revoked by the person in charge of the operations, communicating the decision to the commander of the counter terrorism group. Special use of arms is granted to officers of the Police, Border Guard, Internal Security Agency, soldiers of the Military Gendarmerie or the Armed Forces of the Republic of Poland¹⁰⁹. The Act does not provide a detailed definition of firearms. This provides for the use of any barrelled weapon that fires one or more bullets¹¹⁰.

To date, the use of weapons has entailed the so-called lifesaving shot against a potential terrorist. The discrepancies and doubts in the application of this measure were so considerable that the issue was reconsidered in the Act on Anti-Terrorist Activities in order to grant new competences to officers¹¹¹ undertaking counter-terrorism activities¹¹². This is a very important regulation in view of the continuing terrorist threat in Europe, making it possible to detain terrorists actively operating on the territory of Poland. Officers, when taking action in a dynamic environment,

¹⁰⁸ The Act on Anti-Terrorist Activities. Art. 4.

¹⁰⁹ The Act on Anti-Terrorist Activities. Art. 23.

¹¹⁰ M. Gabriel-Węglowski, op. cit., p. 189.

¹¹¹ B. Pawlaczyk, *Specjalne użycie broni w optyce dylematów i wniosków z wykorzystania broni in Specjalne użycie broni...*, op. cit., pp. 193-204.

¹¹² The Act on Anti-Terrorist Activities. Art. 23.1.

nowadays have the competence to react if necessary to effectively prevent offences¹¹³. This solution made it possible to give considerable competences to the formations in charge of responding to terrorist threats, with full awareness and ability to carry out high-risk operations without fear of firing a shot that could save the life and limb of dozens of citizens and the shooter himself¹¹⁴. If human life is at risk, every element of the system to counter terrorism – in this case the officer – must decide to do what is necessary and eliminate the threat¹¹⁵. These measures may be taken if the following conditions are met:

- it is necessary to prevent a direct, unlawful and violent attack on human life or limb and to secure the release of the hostage,
- a shot from a firearm that would cause minimal injury to an opponent is not possible,
- it is necessary to take action to eliminate the assailant or to free the hostage when there is no other way to carry out rescue operations,
- weapons must be used only against a person who has been identified as the aggressor, carrying out an attack or holding a hostage¹¹⁶.

However, the special use of weapons may not be applied in the case of the protection of property – even though it may be a viable terrorist target – regardless of the value of that property¹¹⁷.

What raises doubts is the decision to shoot. Determining what action should be taken against those described as terrorists needs to be done very quickly. A prolonged decision-making process can put human lives at risk. An example worth mentioning in relation to the use of weapons to fight terrorism is the response of the French services during the attack at the Bataclan theatre on 13 November 2015¹¹⁸. From the moment the terrorist attack began (9.30 pm), for over two hours, counter-terrorism measures were gradually taken, even though specialised units (the Research and Intervention Brigade, BRI and the Search, Assistance, Intervention, Deterrence, RAID¹¹⁹) arrived in front of the building after nearly 50 minutes (the attackers were finally rendered harmless at 12:20 am¹²⁰).

¹¹³ M. Olechnowicz, *op. cit.*, pp. 33-42.

¹¹⁴ The Act on Anti-Terrorist Activities. Art. 23.

¹¹⁵ J. Stelmach, *Działania...*, *op. cit.*, pp. 465-468.

¹¹⁶ M. Gabriel-Węglowski, *op. cit.*, p. 191.

¹¹⁷ *Ibid.*

¹¹⁸ N. Dupont-Aignan, *Charlie et le Bataclan: les erreurs et les fautes du ministère de l'Intérieur mises en lumière*, 13 November 2017, “Debout La France” <<http://www.debout-la-france.fr/actualite/charlie-et-le-bataclan-les-erreurs-et-les-fautes-du-ministere-de-linterieur-mises-en>> [accessed: 20 June 2021].

¹¹⁹ More on counter-terrorism activities in the French Republic is provided in Chapter Two.

¹²⁰ R. Jalabi et al., *Paris attacks: police hunt 'dangerous' suspect and brother of Isis attacker – as it happened*, 15 November 2015, “The Guardian” <<https://www.theguardian.com/world/live/2015/nov/15/paris-attacker-named-investigation-continues-live-updates>> [accessed: 13 December 2019].

The solutions adopted in the Anti-Terrorism Act are important for strengthening the competences of entities countering terrorist threats. The regulations are relevant for the initiatives that ensure the level of security needed in the country and allow the services to respond much more extensively. Putting theoretical recommendations into practice when a rapid response is needed. The use of firearms is the ultimate act in the fight against terrorists. Thus, it is recognised that the special use of firearms may occur primarily in two types of situations:

- 1) when action is taken by a “counter-terrorism group”¹²¹ against persons (terrorists) who are in a specific location,
- 2) the shooter is certain that the terrorist is carrying out an attack on human life or limb which requires an immediate response¹²².

Obligation of mobile phone subscribers to register their SIM cards

An important solution regulated by the new legislation is the statutory obligation to register a SIM card¹²³ (termination of prepaid telecommunications services)¹²⁴. The mandatory registration of a telephone number to a specific owner is an important element in containing emerging terrorist threats. On numerous occasions, terrorists in France and Belgium contacted each other using SIM cards they had just bought¹²⁵. Although the regulation was labelled by a number of critics as a form of restriction of civil liberties, it undoubtedly improves security on Polish territory. The information obtained facilitates the work of the investigating authorities and makes it possible to identify the perpetrators, which may multiply the chances of apprehending potential terrorists¹²⁶.

It is worth adding that the telecommunications undertaking is obligated to store and make available user data at its own expense for 12 months (data retention). This is of great significance for anti-terrorist operations¹²⁷.

The de-anonymisation of persons with unregistered SIM cards is not novel in most European countries. While card registration systems vary and individual operators have

¹²¹ the Police, the Border Guard, the Internal Security Agency, the Military Gendarmerie and the Armed Forces of the Republic of Poland, after: the Act on Anti-Terrorist Activities. Art. 23.

¹²² M. Gabriel-Węglowski, *op. cit.*, p. 194.

¹²³ A. Olech, *Polska ustawa antyterrorystyczna...*, *op. cit.*, pp. 105-110.

¹²⁴ The Act on Anti-Terrorist Activities. Art. 23.

¹²⁵ *Terrorisme: les cartes bancaires prépayées à nouveau dans le viseur des autorités*, “Le Figaro”, 15 May 2016 <<https://www.lefigaro.fr/argent/2016/05/15/05010-20160515ARTFIG00103-terrorisme-les-cartes-bancaires-prepayees-a-nouveau-dans-le-viseur-des-autorites.php>> [accessed: 23 October 2019].

¹²⁶ The Telecommunications Act of 16 July 2004 (Journal of Laws of 2014, item 243, as amended).

¹²⁷ Ł. Dąbrowski, *Obowiązki przedsiębiorców telekomunikacyjnych na rzecz obronności i bezpieczeństwa państwa in Meandry współczesnego bezpieczeństwa. Między regionalizacją a globalizacją* ed. by A. Gruszczak (Cracow: Wyd. UJ [Jagiellonian University Press], 2018), pp. 265-266.

their own requirements for the process itself, the policy remains the same. The purpose is to identify the SIM card owner. It should be taken into account that the restrictions introduced in no way affect the cost of using the mobile network, and registration can take place either at any point selling SIM cards, or on-line. Similar restrictions have also been introduced in Germany, the UK, Spain, Bulgaria and Hungary¹²⁸. In the French Republic, operators also require registration, but with Lycamobile, for instance, one can bypass this protection by topping up the card and using the Internet¹²⁹. As a result, it is possible to make calls using phone apps such as WhatsApp or Facebook Messenger. Therefore, the introduction of the restriction into the Polish legislation was necessary¹³⁰. The next step should definitely be to verify the effectiveness of the measures taken. According to the figures regarding the situation, six months after the introduction of the mandatory registration of SIM cards in Poland, the number of false reports concerning explosive devices placed under public institutions decreased by 46 percent (from 249 to 134 reports). Meanwhile, the number of active cards decreased, with 6 823 million deactivations recorded¹³¹.

Countering air threats – the use of unmanned aerial vehicles by terrorists

Article 39 of the Act, which confers powers on the services to destroy or seize unmanned aerial vehicles – drones – is also worth considering¹³². Nowadays, this is a less frequently used method of operation employed by terrorists in Europe, but it is extremely lethal. It allows the use of an unmanned aerial vehicle that may contain a bomb or bacteria¹³³. Therefore, this use of drones must be included in the anti-terrorist approach, as part of containing terrorist threats. The development of technology means that there are more and more dangers associated with anonymous attacks on strategic state facilities¹³⁴. Pursuant to the provisions of the Act, an unmanned aerial vehicle,

¹²⁸ *Timeline of SIM Card Registration Laws*, “Privacy International” <<https://privacyinternational.org/long-read/3018/timeline-sim-card-registration-laws>> [accessed: 28 October 2019].

¹²⁹ It is worth considering whether complete anonymity can be achieved on the Internet. See: P. Mazurek, *Anatomia internetowej anonimowości in Społeczna przestrzeń internetu* ed. by D. Batorski, M. Marody, A. Nowak (Warsaw: Wyd. SWPS [SWPS University Press], 2006).

¹³⁰ The Act of 17 February 2005 on Informatisation of the Activity of Entities Performing Public Tasks (Journal of Laws of 2005, No. 64, item 565); the Act on Anti-Terrorist Activities.

¹³¹ W. Adamska, *Czy warto było...? Rejestracja prepaidów w ustawie antyterrorystycznej*, “Panoptykon” <<https://panoptykon.org/wiadomosc/czy-warto-bylo-rejestracja-prepaidow-w-ustawie-antyterrorystycznej>> [accessed: 19 June 2019].

¹³² M. Gabriel-Węglowski, op. cit., p. 39.

¹³³ A. Fellner, A. Mańka, R. Fellner, *Drony – bezpieczeństwo i zagrożenia*. “Komunikacja Publiczna”, 2016, No. 1, pp. 35-40.

¹³⁴ M. Tanchum, *Drone Attacks on Saudi Oil Infrastructure are a Calibrated Message from Iran*, “IAI Commentaries”, 2019, No. 19/35, pp. 1-6.

including a flying model, may be destroyed, rendered inoperative or its flight may be subject to interception¹³⁵. Thus, threats to the Republic of Poland have been redefined due to the dynamically changing international situation¹³⁶.

1.2.3. Implication of the Act for changes in the Polish Penal Code

The essence of analysing the Polish legislation on countering terrorist threats is first of all to define an offence. Despite the fact that the Penal Code does not provide a definition of an offence, L. Gardocki in his studies proposes the following description of the phenomenon: “An offence is an action (act or omission) of a person, prohibited by law subject to penalty as a felony or misdemeanour, culpable intentionally or unintentionally and socially harmful to a degree greater than negligible”¹³⁷. The role of an individual whose actions are decisive in the performance of actions, including those of a terrorist nature, is worth noting here¹³⁸. Therefore, criminal liability cannot be based on a certain mental or physical characteristic of a person, in particular their propensity to commit an offence¹³⁹. The essence of penal law is to set out the rules governing the grounds for criminal liability and the reactions connected with the application of this type of legal liability¹⁴⁰.

The Anti-Terrorist Act has introduced numerous changes to the Penal Code¹⁴¹. They were necessary to maintain order in the country and were meant to provide a tool for the detention and rehabilitation of potential terrorists. The regulations mainly refer to liability for preparation of terrorist acts and complicity in the commission of such an offence. The 2016 legislation explicitly identifies organisational motives, such as, among others, crimes against humanity, terrorist financing, offences against security or freedom. These provisions, due to their specific nature, modify the rules of the Code

¹³⁵ The following officers are authorised to destroy or render inoperative an unmanned aerial vehicle or to make its flight subject to interception: of the Police, the Border Guard, the State Protection Service (formerly the Government Protection Bureau), the Internal Security Agency, the Intelligence Agency, the Central Anti-Corruption Bureau, the Military Counterintelligence Service, the Military Intelligence Service, the Customs Service and the Prison Service, guards of the Marshal's Guard of the Sejm, soldiers of the Military Gendarmerie and the Armed Forces of the Republic of Poland as well as employees of specialist armed security formations.

¹³⁶ See: A. Olech, A. Lis, *Technologia i terroryzm: sztuczna inteligencja w dobie zagrożeń terrorystycznych*, Instytut Nowej Europy, Warsaw 2020.

¹³⁷ See: L. Gardocki, *Pojęcie przestępstwa i podziały przestępstw w polskim prawie karnym*, “Annales Universitatis Mariae Curie-Skłodowska”, 2013, No. 60, pp. 29-41.

¹³⁸ The Act on Anti-Terrorist Activities. Art. 2.

¹³⁹ L. Gardocki, op. cit.

¹⁴⁰ See: R. Zawłocki, *Rozdział I. Przestępstwo i jego struktura* in *Nauka o przestępstwie. Zasady odpowiedzialności. System Prawa Karnego* ed. by R. Dębski, Vol. 3, (Warsaw: C.H. Beck, 2017), p. 44.

¹⁴¹ The Act on Anti-Terrorist Activities. Art. 2.32.

of Criminal Procedure, giving law enforcement authorities the means necessary to effectively search for perpetrators of terrorist offences¹⁴².

Article 115 § 20 of the Penal Code defines a terrorist offence as a prohibited act (including threats to commit such an act), punishable by imprisonment of at least five years, committed with intent:

- 1) to seriously intimidate a large number of people,
- 2) to force a public authority of the Republic of Poland or another state or an authority of an international organisation to take or refrain from taking a specific action,
- 3) to provoke serious disturbances in the system or economy of the Republic of Poland, another state or an international organisation.

What is worth noting is the fact that an unintentional offence cannot be defined as a terrorist one. The legislator indicates that the essence of a terrorist act is in fact a specific intent, as well as the achievement of a planned goal.

There is no doubt that a terrorist offence must have a directional intent. This implies that the perpetrator takes action to achieve a specific goal. Following this line of reasoning, according to R. Zgorzały, the following issues are not regulated by the Penal Code¹⁴³:

- 1) Whether the preparation of a terrorist offence is punishable.
- 2) Whether the instigator and abettor of an offence resulting in the commission of a terrorist attack is liable to punishment.
- 3) How to qualify and describe a terrorist offence¹⁴⁴.

Article 110 of the Penal Code addresses liability for offences committed abroad. Polish penal law is applied to foreigners who, while abroad, commit a terrorist offence

¹⁴² See: C. Golik, *Zmiany przepisów Kodeksu postępowania karnego w ustawie o działaniach antyterrorystycznych* <<https://sip.lex.pl/komentarze-i-publicacje/artykuly/zmiany-przepisow-kodeksu-postepowania-karnego-w-ustawie-o-151324216>> [accessed: 13 December 2019].

¹⁴³ See: R. Zgorzały, *Przestępstwo o charakterze terrorystycznym w polskim prawie karnym*, "Prokuratura i Prawo" 2007, Nos. 7-8, pp. 66, 78. R. Zgorzały notes that "the Polish legal system does not have a specific conceptual apparatus. Polish legislation is not adapted to fully protect the society from the essence of terrorism, which is expressed in an attack on public order and thus creating a permanent state of public threat. This implies that under the currently applicable law, both a terrorist and a common offender will be held liable on similar terms, despite the fundamentally different purposes for which they undertake their criminal activities, and thus the entirely different social harmfulness of these acts, despite their outward similarity. A specific criminal law response to terrorist offences is not possible, even if the penalties are increased, unless this dual nature is made apparent, including in the legal classification, since there are no specific regulations and only general principles are applied. However, the criminalisation of terrorism must be based on a thorough legal analysis of the phenomenon, rejecting social or political pressures, as well as fear and fascination with the phenomenon, which often lead to radical and hasty solutions."

¹⁴⁴ See: R. Zgorzały, *Przestępstwo o charakterze terrorystycznym w polskim prawie karnym*, "Prokuratura i Prawo", 2007, No. 7-8, pp. 66, 78.

against the interests of the Republic of Poland, a Polish citizen, a Polish legal person or an organisational unit without legal personality. In cases specified in the Act, the Internal Security Agency, the Police and the Border Guard will be authorised to get fingerprint images, collect biological material for the purpose of DNA analysis, as well as to take a pictorial record of the foreigner's face. This will be possible, for example, in the case of suspicion of illegal crossing of the Polish border or illegal stay in the country and suspected involvement in terrorist events or participation in terrorist training.

Due to the multistage process of combating terrorist financing, it is essential to bring those who support this activity to justice¹⁴⁵. Article 165a §1 of the Penal Code stipulates that persons who collect, transfer or offer means of payment, financial instruments, securities, foreign exchange, property rights or other movable or immovable property with the intent to finance a terrorist offence are subject to a penalty of imprisonment from 2 to 12 years.

The essence of preserving state security is also to constantly educate the community by making them aware of which acts are punishable. Furthermore, the need to involve the local community in cooperation with law enforcement agencies is worth emphasising. All persons who have reliable knowledge of the preparation, attempt or commission of a prohibited act or a terrorist offence, and who fail to promptly notify an authority appointed to prosecute offences, are subject to a penalty of imprisonment of up to three years¹⁴⁶. All information that may be of significant value to the functioning of the system to counter terrorist threats is essential in the process of taking counter-terrorist action.

In view of the contemporary accessibility of the Internet, social media and the ease of contact via ICT networks, it was important to regulate the sharing of content related to terrorist activities. Article 255 of the Penal Code stipulates that whoever disseminates or publicly presents content which may facilitate the commission of a terrorist offence with the intention that such an offence be committed is subject to a penalty of imprisonment of three months to five years¹⁴⁷. In addition, a person who, with a view to committing a terrorist offence, participates in preparations that may enable the commission of such an offence is subject to the same penalty.

Moreover, the collective nature of terrorist activity was emphasised. It is usual for terrorist bombers to be part of a larger extremist group. Undertaking terrorist activities requires the involvement of several members, and if they are in territory that is significantly distant from the country where other terrorists are based (e.g. Syria and Iraq), they will choose to travel to carry out attacks¹⁴⁸. The standardisation of the

¹⁴⁵ *Kodeks karny – komentarz* ed. by M. Filar (Warsaw: Wolters Kluwer, 2016), pp. 984-993.

¹⁴⁶ Penal Code. Art. 240.

¹⁴⁷ *Kodeks karny – komentarz*, op. cit., pp. 1443-1444.

¹⁴⁸ Ł. Lis, *Selektywny komentarz do tzw. ustawy antyterrorystycznej*, "Bezpieczeństwo. Teoria i Praktyka", 2016, No. 2, p. 58.

consequences for participation in an organised group, organisation or unit which aims to commit a terrorist offence is an important step in the legislation against terrorism. Perpetrators of such actions are subject to imprisonment from six months to eight years. A person who leads or forms such a group is punishable by imprisonment of a minimum of three years¹⁴⁹.

There are also threats in the form of open borders in the Schengen area, illegal migration and the ongoing conflict in Ukraine, which borders Poland. Pursuant to Art. 259 of the Penal Code, persons crossing the border of the Republic of Poland in order to commit a terrorist offence in the territory of another state are subject to a penalty of deprivation of liberty of three months to five years. Law enforcement authorities offer extraordinary mitigation of penalty to persons who disclose to them all the important circumstances of the commission of the act or prevent the commission of the intended offence (e.g. by operating in a terrorist group).

Under the Polish legislation, the detonation of an explosive device by an unidentified perpetrator, the purpose of which is not to force a particular conduct on the part of state authorities and society but to cause damage to the property of the insured, does not constitute an act of terrorism¹⁵⁰.

1.2.4. Assessment of the implemented Act

In view of the importance of coordinating counter-terrorism activities, some of the provisions of the Act on Anti-Terrorist Activities should be challenged:

- It does not include dispositions and guidelines on surveillance, updating and monitoring of terrorist threats. These assumptions should be the basis for the implementation of anti-terrorist activities, as they are the key function of the system to counter contemporary and future terrorist threats.
- There is no definition of coordination in the Act, which is extremely significant when implementing actions, especially under legal circumstances.
- No permanent process for coordinating the system to counter terrorist threats has been put forward in the provisions of the Act.
- There is no description of the actual and legitimate cooperation between entities in relation to the transfer of information. The legislation imposes an obligation but does not indicate procedures, methods or tools.
- No attempt has been made to identify specific methods of international cooperation to fight terrorism.

For this reason, it is so important for the security of Poland to determine the direction of action and cooperation as part of the coordination of individual elements of

¹⁴⁹ Penal Code. Art. 258.

¹⁵⁰ Judgment of the Supreme Court of 26 June 2003. V CKN 432/01 OSNC 2004/9/145, the High Court Bulletin 2003/12/15.

the system to counter terrorist threats, which are carried out by previously designated entities¹⁵¹.

M. Gabriel-Węglowski indicates that the Act on Anti-Terrorist Activities does not refer in any of its Articles to operational intelligence activities undertaken by the Police or secret service, and, at the same time, does not expand the powers of the entities on the issue of stopping or fighting terrorism. As a result, there are no changes in this field that could significantly improve the actions taken to date which are essential in countering terrorist threats¹⁵². The new law should – by extending the powers of the security services – have a positive impact on the security situation in the country¹⁵³.

The failure of the Act to specify when anti-terrorist activities begin and end has also been criticised. The concept is not equivalent to the introduction or termination of an alert level (including CRP). This is related to the ambiguous definition of the threat that can occur both when a terrorist attack takes place and when there is a risk of such an offence being committed. This varies depending on the circumstances of the event, which must be assessed and verified on an *ad hoc* basis by those appointed to command during a terrorist situation or attempted commission of an offence¹⁵⁴.

In addition to the reservations raised above, it should be noted that all coordination tasks are currently vested in the Head of the Internal Security Agency. Thus, for terrorist attacks, which are usually unexpected, sudden and dynamic, and are commonly carried out in the city centre, an immediate response is required. Therefore, the major decisions regarding the first steps to be taken in response to a threat should be delegated to the provincial police headquarters. Furthermore, training on recognising and responding to contemporary terrorist threats should be provided not only to all police officers, but also to city guards who, when patrolling the streets, are closest to potential terrorists.

Despite the abovementioned flaws in the Act, it should be pointed out that this Act is considered by many specialists to be one of the best in the world and is regarded as a model of anti-terrorist policy. The Director of the Community of Interest at the European Centre of Excellence for Countering Hybrid Threats (Hybrid CoE)¹⁵⁵, J. Savolainen, stated that the legal solutions adopted in the Polish Act deserve to be considered a model, and should constitute a contribution to the development of legislation in the European

¹⁵¹ K. Liedel, *Czy ustawa antyterrorystyczna odpowiada na wyzwania i potrzeby w obszarze koordynacji przeciwdziałania terroryzmowi?* In W. Zubrzycki, K. Jałoszyński, A. Babiński, op. cit., pp. 451-452.

¹⁵² B. Thioly, *Terrorisme: au coeur des services secrets de Daech*, “L’Express”, 15 December 2016.

¹⁵³ M. Gabriel-Węglowski, op. cit., p. 38.

¹⁵⁴ Ibid, p. 168.

¹⁵⁵ The European Centre of Excellence for Countering Hybrid Threats (Hybrid CoE; fin. *Euroopan hybriduhkien torjunnan osaamiskeskus*) is an intergovernmental think tank based in Helsinki, Finland, focusing on responding to hybrid threats under the aegis of the European Union (EU) and NATO.

Union member states¹⁵⁶. W. Zubrzycki and J. Jałoszyński indicate that the introduced changes had already been proposed 10 years earlier, and the Act itself only consolidates the dispersed legislation covering the fight against terrorist threats.

1.3. Impact of international law on taking anti-terrorism measures at national level

The fight against terrorism is mainly carried out through the instruments of domestic law due to its presence within individual countries. International law complements national legislation and provides a basis for action by several entities simultaneously, as part of a transnational involvement. It is also through global cooperation that conclusions, insights, solutions and general guidelines relating to terrorist activity are exchanged¹⁵⁷. The implementation of tasks by individual institutions and counter terrorism units are also discussed¹⁵⁸. Similar restrictions and border controls are then introduced to avoid the escalation of the terrorist threat. International cooperation strengthens the activities of the national system and improves the possibility of involving more actors who can contribute to maintaining or restoring the required level of security¹⁵⁹. However, joint action in the event of attacks is limited. It is hard to imagine counter terrorism units of the Polish Police intervening in Paris when an attack occurs there.

International security in the 21st century is defined as “a state of affairs, a set of circumstances of various kinds, occurring in its environment (international environment), characterised by the absence of negative influences of other actors, allowing for stable and harmonious development (functioning); it is a state and process of securing the values and interests of a state against negative external factors”¹⁶⁰. It is also defined as “the absence of objectively occurring threats and

¹⁵⁶ *Polska ustawa antyterrorystyczna modelowym rozwiązaniem w UE i NATO*, TVP Info <<https://www.tvp.info/40372179/polska-ustawa-antyterrorystyczna-modelowym-rozwiazaniem-w-ue-i-nato>> [accessed: 25 October 2019].

¹⁵⁷ W. Zubrzycki, *Możliwości wsparcia działań kontrterrorystycznych na terenie państw Unii Europejskiej przez partnerskie siły policyjne zrzeszone w platformie ATLAS in Kontrterroryzm – siły specjalne, działania, wydarzenia w 2016 roku* ed. by K. Jałoszyński, W. Zubrzycki, J. Jabłoński (Szczytno: Wyższa Szkoła Policji w Szczytnie [The Police Academy in Szczytno], 2017), pp.44-45.

¹⁵⁸ M. Olechnowicz, op. cit., p. 34.

¹⁵⁹ J. Zalewski, *System antyterrorystyczny w Polsce na tle regulacji prawnych Unii Europejskiej in Bezpieczeństwo narodowe Polski: zagrożenia i determinanty zmian* ed. by A. Chabasińska, Z. Czachór (Warsaw: Difin, 2016), p. 225.

¹⁶⁰ W. Kitler, *Bezpieczeństwo narodowe RP. Podstawowe kategorie, uwarunkowania, system* (Warsaw: AON, 2011), p. 62.

subjective concerns and the efforts and actions of the international community to protect certain values through norms, institutions and instruments used to settle disputes peacefully and to create a basis for stability, cooperation and the elimination of threats¹⁶¹.

The problem of terrorism has been present in international politics since the League of Nations drafted the 1937 Convention for the Prevention and Punishment of Terrorism (it never entered into force, but signalled an emerging threat). The international community has so far enacted 14 universal legal instruments relating to the prevention of terrorist acts¹⁶². The first one was the Convention on Offences and Certain Other Acts Committed on Board Aircraft, passed in 1963. Over the following decades, dozens of legal tools have been created to counter existing terrorist threats. These were, however, responses to attacks that had already occurred, without proper prior prevention. The last act adopted was the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, signed in 2010.

Nowadays, international cooperation is important for anti-terrorist activities and for maintaining a high level of national security. In view of the global threats, Poland has taken steps to minimise the risk of terrorism occurring on its territory and to share experiences and information with other countries that are struggling with terrorism or are preparing to do so. The Republic of Poland is a party to a number of international agreements on anti-terrorism. The most important of these were supported by:

- United Nations,
- European Union,
- North Atlantic Treaty Organization,
- Council of Europe,
- Organization for Security and Co-operation in Europe¹⁶³.

Moreover, global instruments have been established to respond to emerging terrorist threats¹⁶⁴:

- the Global Counterterrorism Forum (GCTF)¹⁶⁵,

¹⁶¹ A. Przyborowska-Klimczak, *Bezpieczeństwo międzynarodowe*, “Teki Komisji Prawniczej”, 2016, pp. 153-165.

¹⁶² Direction executive du Comité contre le terrorisme, *Action internationale contre le Terrorisme*, Département de l'information des Nations Unies (New York, 2005), pp. 1-3.

¹⁶³ T. Safjański, D. Szlachter, *Koordinacja działań wobec zagrożeń terroryzmem w wymiarze wewnętrznym i międzynarodowym* in *Bezpieczeństwo państwa a zagrożenie terroryzmem – instytucje państwa wobec zagrożenia terroryzmem* ed. by K. Jałoszyński, T. Aleksandrowicz, K. Wiciak, (Szczytno: Wyższa Szkoła Policji w Szczytynie [The Police Academy in Szczytin], 2016), pp. 382-394.

¹⁶⁴ Ibid.

¹⁶⁵ The Global Counterterrorism Forum <<https://www.thegctf.org>> [accessed: 05 November 2019].

- the International Criminal Police Organisation (Interpol)¹⁶⁶, which has a specialised subdivision of the Fusion Task Force – the Financial Action Task Force (FATF), coordinating the fight against terrorist financing¹⁶⁷,
- the Counter-Terrorism Action Group (CTAG), operating in the G8 countries (Canada, France, Germany, Italy, Japan, Russia, the United Kingdom and the United States of America)¹⁶⁸,
- the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL),
- the Egmont Group, an international institution committed to the fight against terrorist financing¹⁶⁹.

European Union

A number of institutions, specialised agencies and anti-terrorist initiatives have been set up to fight terrorist threats and ensure security in the European Union, including, but not limited to:

- the European Union Counter-terrorism Coordinator,
- the European Union Agency for Law Enforcement Cooperation (Europol),
- the European Union Agency for Criminal Justice Cooperation (Eurojust),
- the Counter – Terrorism Group (CTG)¹⁷⁰,
- the Working Party on Terrorism,
- the Police Working Group on Terrorism,
- the ATLAS Group,
- the Standing Committee on Operational Cooperation on Internal Security (COSI),
- the Terrorist Finance Tracking Programme (TFTP).

In order to strengthen bilateral cooperation between Europol and the United States, the Justice and Home Affairs Council called on the Director of the EU agency to make use of all possibilities offered by the Europol Convention and the relevant acts adopted by the Council with a view to establishing informal cooperation with the United States

¹⁶⁶ M. Deflem, *Interpol, The Encyclopedia of Global Studies* (Thousand Oaks, 2012), pp. 957-959.

¹⁶⁷ Interpol, *Countering Terrorism Financing* <<https://www.fatf-gafi.org/pages/interpol.html>> [accessed: 01 November 2019].

¹⁶⁸ E. Rosand, *The G8's Counterterrorism Action Group*, Center on Global Counterterrorism Cooperation, Policy Brief, May 2009, pp. 1-4.

¹⁶⁹ Council of Europe, *MONEYVAL Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism – Annual Report 2017* (Strasbourg, 2018), pp. 9-15.

¹⁷⁰ Created by the Club de Berne (which brings together the intelligence and security services of the EU member states, as well as Norway and Switzerland) in the wake of the events of 11 September 2001. It focuses on preventing international terrorism.

(pending a formal agreement). This agreement provided, among others, for the exchange of officers between Europol and the US agencies. At the same time, negotiations were undertaken with the United States to enter into an agreement that involved the transfer of personal data¹⁷¹.

United Nations

Terrorism aims, among others, to destroy the foundations of human rights, democracy and the rule of law. It attacks the values contained in the Charter of the United Nations: respect for human rights (in particular the right to life, liberty and the security of a person), the rule of law, the principles governing armed conflict and the protection of civilians, tolerance and the pacific settlement of disputes. Terrorist acts can destabilise governments, weaken civil society, threaten peace and security and undermine economic development. The destructive effects of this phenomenon have been discussed and defined by the United Nations, including its bodies: the Security Council, the General Assembly and the Human Rights Council¹⁷². Member states of the UN have declared that terrorism:

- threatens the safety and lives of people around the world, makes freedom from fear impossible, violates fundamental freedoms and aims to destroy human rights;
- has a negative impact on the establishment of the rule of law, undermines pluralistic civil society, seeks to destroy the democratic foundations of the society and destabilises legitimately established governments;
- is associated with international organised crime, which is involved in drug trafficking, money laundering, arms trafficking, illicit transfer of nuclear, chemical and biological materials, and entails serious offences such as murder, blackmail, kidnapping, assault, hostage-taking and robbery;
- has negative consequences for the economic and social development of states, undermines friendly relations between countries and has a detrimental effect on cooperation between states, including that aimed at bilateral development;
- disrupts the territorial integrity and security of states, constituting a serious violation of the principles of the United Nations. Must be eliminated¹⁷³.

The actions of the UN Security Council are very important in the fight against terrorism. Since the early 1990s, it has regularly attempted to eliminate threats of this

¹⁷¹ Conclusions adopted by the Council (Justice and Home Affairs), Brussels, 20 September 2001, *SN 3926/6/01 REV 6* <https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/ACF6BA.pdf> [accessed: 14 November 2018].

¹⁷² E. Łaźniewska (ed.), *Kompendium wiedzy o organizacjach międzynarodowych* (Warsaw: PWN, 2011), pp. 158-159, 170-171.

¹⁷³ Haut-Commissariat des Nations Unies aux droits de l'homme, *Droits de l'homme, terrorisme et lutte antiterroriste*, Fiche information No. 32, United Nations (Geneva, 2009), pp. 9111.

kind. The Council has imposed sanctions on numerous occasions against countries and ideological groups suspected of the involvement in terrorist acts, such as: Libya (1992), Sudan (1996) and the Taliban (1999, followed by an extended punishment for al-Qaeda in 2000). In 1999, the Security Council, in Resolution 1269, urged all countries to cooperate and fight all acts of terrorism. The provisions of this Resolution were a prelude to the intensification of anti-terrorism initiatives around the world¹⁷⁴.

After 11 September 2001, the UN Security Council established the Counter-Terrorism Committee, which comprised all its members. The key tasks of the newly established body were to prevent and criminalise terrorist activities and to support and promote cooperation between countries. Member states were required to regularly submit to the Committee information on actions taken to implement the provisions of the UN Security Council Resolution 1373¹⁷⁵. At the 2005 UN World Summit, the UN Security Council adopted Resolution 1624 condemning all acts of terrorism, regardless of their motivation, including incitement to commit such acts¹⁷⁶. It also called on the member states to prohibit terrorist acts, to supervise those who commit them and to refuse refuge to anyone guilty of such behaviour. Five years later, on 27 September 2010, the UN Security Council held an open debate on the threats posed by terrorism to peace and security. During the meeting, the Council members stressed the need for a comprehensive and multi-faceted approach to the problem and for the international community to work more closely together to effectively fight terrorism, recognising that terrorism will not be eliminated solely by means of military force, coercive measures and intelligence operations. The Council members emphasised the need to act decisively in an environment conducive to the spread of terrorism. In particular, they called on the international community to continue its efforts to deepen dialogue and understanding in order to prevent the critical denigration of a particular religion or culture, which could hinder counteracting forces that incite extremist activities¹⁷⁷.

Recognising the terrorist attacks of 11 September 2001 as grounds for retaliatory action under Article 51 of the UN Charter, and the subsequent adoption of the UN Security Council Resolutions 1368, 1373 and 1378, provided the basis for the development of global anti-terrorist activity. The new guidelines stated that terrorism poses a threat to international security and peace. A state under attack (or involved in an alliance) may take self-defence measures and direct them against a non-state actor (a terrorist organisation), while striking the area where the threat is located. The UN Security

¹⁷⁴ Resolution 1269 (1999) Adopted by the Security Council at its 4053rd meeting, on 19 October, 1999S/RES/1269.

¹⁷⁵ United Nations, *The United Nations Security Council Counter-Terrorism Committee* <<https://www.un.org/sc/ctc/>> [accessed: 31 October 2019].

¹⁷⁶ Resolution 1624 (2005) Adopted by the Security Council at its 5261st meeting, on 14 September 2005. S/RES/1624 (2005).

¹⁷⁷ Statement by the President of the Security Council, S/PRST/2010/19, 27 September 2010.

Council has declared that a terrorist attack is an armed aggression and in practice the possibility of a military response is acceptable¹⁷⁸.

Until the end of 2016, the most important organisation combating terrorism in the world was the Counter-Terrorism Implementation Task Force (CTITF). It was established in 2005 to strengthen the coordination of the efforts of the UN system in the fight against terrorism. Its main task was to implement the Global Counter-Terrorism Strategy in cooperation with the member states¹⁷⁹.

On 15 June 2017, the United Nations General Assembly established the Office of Counter-Terrorism¹⁸⁰. This was the first institutional reform of the new UN Secretary-General A. Guterres, in office since 1 January 2017. He appointed V. Ivanovich Voronkov of the Russian Federation as his deputy. J. Khan, a Pakistani, is the Director of the institution¹⁸¹.

The office was formed from combining the functions of the Counter – Terrorism Implementation Task Force (CTITF) and the United Nations Counter-Terrorism Centre (UNCCT). The UN General Assembly ensured that the office headed by the UN Secretary-General would receive sufficient funding to ensure security¹⁸².

The Office of Counter-Terrorism has five key competences:

- 1) the conduct, by seconded staff members, of counter-terrorism work that has been entrusted to the UN Secretary-General under a United Nations mandate;
- 2) strengthening coordination and coherence among the 43 entities belonging to the Global Counter-Terrorism Coordination Compact in order to ensure the sustainable implementation of the four pillars of the UN Global Counter-Terrorism Strategy¹⁸³;
- 3) increasing the support of the UN provided to the member states in order to intensify their methods of countering terrorism;
- 4) promoting anti-terrorist activities together with the mobilisation of resources in this field;
- 5) setting priorities in the fight against terrorism throughout the UN system and combating terrorist extremism.

¹⁷⁸ C.J. Tams, *The Use of Force against Terrorists*, “The European Journal of International Law”, 2009, Vol. 20, No. 2, pp. 359-397; A.C. Arend, *International Law and the Preemptive Use of Military Force*, “The Washington Quarterly”, 2003, 26(2), pp. 89-103.

¹⁷⁹ Haut-Commissariat des Nations Unies aux droits de l’homme, *Équipe spéciale de lutte contre le terrorisme*, Nations Unies, New York, 2015, p. 3.

¹⁸⁰ Resolution adopted by the General Assembly on 15 June 2017, A/RES/71/291.

¹⁸¹ United Nations Office of Counter-Terrorism, Office structure <<https://www.un.org/counterterrorism/office-structure>> [accessed: 31 October 2019].

¹⁸² United Nations, *L’Assemblée générale crée le Bureau de lutte contre le terrorisme* <<http://www.un.org/apps/newsFr/storyF.asp?NewsID=39670#.Wlnz8q7ibIU>> [accessed: 19 August 2021].

¹⁸³ As of August 2019, the Global Compact has 43 entities that are members or observers, source: <<https://www.un.org/counterterrorism/global-ct-compact>> [accessed: 14 January 2020].

The Office of Counter-Terrorism cooperates closely with UN Security Council bodies and the member states, strengthening existing partnerships and building new ones through regular participation in meetings related to fighting terrorism¹⁸⁴.

In order to enhance international cooperation, states should take action in the following areas: preventing the financing of terrorism, reducing the risk of terrorists obtaining weapons of mass destruction and improving the cross-border sharing of information by law enforcement officials. Regional and international strategies developed by other organisations that operate in territories particularly affected by terrorist threats will be relevant here. These are as follows: the African Union, the Arab League, the Organisation of American States, the Organisation of Islamic Cooperation, the South Asian Association for Regional Cooperation¹⁸⁵ and other entities that, by virtue of the nature of their activities, can contribute to improving international security¹⁸⁶.

Today, one of the most important tools to counter terrorism is national legislation. Both national and international legislation provide a basis for taking action by the services responsible for maintaining security. In the light of the international regulations which have been adopted and the changes which have been made to the national regulations in the Republic of Poland and in the French Republic, it is possible to undertake ad hoc counter- and anti-terrorist actions. The law in force specifies the tasks and competences of various entities, which are necessary for the performance of tasks ensuring security¹⁸⁷.

1.3.1. European Union legislation in the fight against terrorism

The attacks that took place in the USA in 2001 did not go unnoticed in Europe, even though terrorist threats were not specified in the founding treaties of the Community, which were aimed at the economic integration of countries in Western Europe¹⁸⁸. As early as 20 September 2001, the European Union presented a programme aimed at taking prompt action in the fight against terrorism. Its key principles were as follows:

- coordination of activities undertaken by all member states in order to guarantee a high level of security throughout the Community,

¹⁸⁴ United Nations, *United Nations General Assembly mandate* <<https://www.un.org/counterterrorism/about>> [accessed: 13 January 2018].

¹⁸⁵ B. Kuźniak, M. Marcinko, *Organizacje międzynarodowe*, Fourth Edition (Warsaw, 2008), pp. 121-159.

¹⁸⁶ Haut-Commissariat des Nations Unies aux droits de l'homme, *Droits...*, op. cit., p. 21.

¹⁸⁷ E. Zabłocki, *Kategorie, zagrożenia: system bezpieczeństwa narodowego* (Warsaw: Wyższa Szkoła Informatyki, Zarządzania i Administracji w Warszawie, 2013), pp. 54-55.

¹⁸⁸ P. Durys, F. Jasiński, *Zwalczanie terroryzmu w ramach Unii Europejskiej*, "Wspólnoty Europejskie", 2000, No. 6 (106), p. 53.

- urgent need to reach a common understanding, not only on a political level but also in legal terms, to define what terrorism is (this was supposed to facilitate international cooperation and taking appropriate action),
- mutual assistance between the member states in relation to criminal cases, which is also the basis for setting up international investigation teams.

The European Council requested the Police Chiefs Task Force to convene an ad hoc meeting of the Heads of the EU Counter-Terrorism Units as soon as possible and no later than 1 November 2001, in order to:

- improve operational cooperation between the member states and third countries,
- coordinate the measures implemented in the member states to ensure a high level of security, including in particular aviation security,
- consider entrusting the mission to a team of Europol anti-terrorist specialists.

The European Union was prepared to carry out immediately, together with the United States, a global terrorist threat assessment and, in particular, to identify terrorist organisations. Furthermore, meetings with the US authorities were to be intensified within the framework of the Commission for Territorial Cohesion Policy and EU Budget (COTER). The objective of the EU was closer cooperation and consultation with the United States in all relevant international fora. In particular, the need for the Union to play an active role in the United Nations was stressed.

The provisions introduced by the European Union form a coherent counter-terrorism policy applicable to all member states. Legal provisions that provide the basis for the functioning of the EU in view of contemporary terrorist threats include the following:

- Council Regulation (EC) No. 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism¹⁸⁹. It was complementary to the UN Security Council Resolution 1373 (2001) of 28 September 2001, which stated that all states should freeze the funds and other financial assets and economic resources of persons who commit, attempt to commit, participate in or facilitate terrorist acts;
- Council Decision of 28 November 2002 establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism. The purpose of enacting this law was to adapt national legal systems to the fight against terrorism and their appropriate application¹⁹⁰;
- Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences¹⁹¹;
- the European Union Counter-Terrorism Strategy of 30 November 2005. The strategy provided for a global fight against terrorism, with respect for human

¹⁸⁹ Official Journal L 344/70 of 28 December 2001.

¹⁹⁰ Official Journal L 349/1 of 24 December 2002.

¹⁹¹ Official Journal L 253/22 of 29 September 2005.

rights and making Europe safer as a place to live in a region of freedom, security and justice;

- Council Decision of 13 July 2010 on the conclusion of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for the purposes of the Terrorist Finance Tracking Program (2010/412/EU)¹⁹²;
- Council Decision 2011/429/CFSP of 18 July 2011 relating to the position of the European Union on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction (BTWC). This was to fulfil the obligations under the UN Security Council Resolutions 1540 (2004) and 1673 (2006) to address the risk of biological and toxin weapons being acquired and used for terrorist purposes¹⁹³;
- Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol)¹⁹⁴. Europol was set up on 1 July 1999 to support and strengthen activities and mutual cooperation between the competent authorities of the member states in preventing and combating organised crime, terrorism and other forms of serious crime affecting two or more member states¹⁹⁵;
- Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA¹⁹⁶;
- Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons¹⁹⁷;
- Council Decision (EU) 2018/889 of 4 June 2018 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism¹⁹⁸.

The European Parliament and the European Council on 2 December 2015 presented a draft directive on combating terrorism – Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council

¹⁹² Official Journal L 195/3, 27 July 2010.

¹⁹³ Official Journal L 188/42, 19 July 2011.

¹⁹⁴ Official Journal L 135/53, 24 May 2016.

¹⁹⁵ T. Safjański, *Europejskie Biuro Policji Europol. Geneza. Główne aspekty działania. Perspektywy rozwoju* (Warsaw, 2009).

¹⁹⁶ Official Journal L 88/6, 31 March 2017.

¹⁹⁷ Official Journal L 137/22, 24 May 2017.

¹⁹⁸ Official Journal L 159/1, 22 June 2018.

Framework Decision 2002/475/JHA on combating terrorism. The draft regulation indicated that the European Union member states would take steps to effectively prosecute terrorist offences, the most important of which were: the movement of terrorists between states, the financing of terrorist activities, the dissemination of content that encourages the commission of a terrorist offence or the travel to commence training (indoctrination). The draft also required that the member states cooperate and adopt uniform and common solutions that would make the fight against terrorism more effective.

The European Parliament specified in Article 3 of the draft directive which acts should be considered terrorist offences in the member states. This provision was already included in Article 1 of Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism and has remained unchanged since then. The main objective of the directive was to standardise the definition of terrorist offences in all member states by introducing a specific and common classification of certain acts. Accordingly, terrorist acts were defined as serious attacks that become terrorist offences due to the motivation of the perpetrator. The concept is thus a combination of two components: an objective element, since it refers to a number of serious criminal acts, as defined by reference to national law, and a subjective element, since these acts are considered terrorist offences if they are committed with a specific intent¹⁹⁹.

One of the most important developments in international cooperation within the European Union was the establishment of the Group of Five (G5), which comprised five countries: Spain, France, the UK, Germany and Italy. The main purpose of its establishment was to strengthen cooperation of an international nature, which would allow for the rapid and effective exchange of information. In 2006, Poland became a member of the group. The group is currently involved in providing information on the theft of hazardous materials and substances, providing data on illegal migration, sharing fingerprints and DNA information²⁰⁰.

The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community²⁰¹ defines the terrorism offence and characterises the actions of the perpetrators²⁰². The forms of crime indicated relate to prohibited acts such as terrorism, human trafficking and sexual exploitation of women and children, illicit

¹⁹⁹ Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism.

²⁰⁰ I. Oleksiewicz, *Polityka antyterrorystyczna Unii Europejskiej* (Lublin, 2013), p. 262.

²⁰¹ It aimed, among others, to reform the institutions of the European Union and was signed on 13 December 2007 in Lisbon. The Treaty entered into force on 1 December 2009, while in the hierarchy of sources of law of the Republic of Poland it is binding from the moment of its publication in the Journal of Laws, which took place on 2 December 2009 (Journal of Laws of 2009, No. 203, item 1569).

²⁰² J. Barcz, *Traktat z Lizbony. Główne reformy ustrojowe Unii Europejskiej* (Warsaw, 2008), pp. 219-220.

drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime. The change is mainly related to the field of international criminal law, which has been accepted by the member states²⁰³.

The European Union oversees numerous initiatives to coordinate national counter-terrorism strategies in the member states. It is therefore essential to identify internal and external terrorist threats and to create national legislation and then adapt it to the requirements and needs of the European Community. Furthermore, it is important that the proposed solutions should be coherent at the level of multilateral cooperation in order to effectively address emerging terrorist threats throughout the European Union. Member states must organise, on their own responsibility, mutual cooperation between the relevant services or institutions responsible for ensuring national and international security²⁰⁴.

1.3.2. Terrorism-related challenges facing the European Union

If terrorist attacks take place in one European Union country, it is probable that they may also occur in a neighbouring state. In order to create an effective international defence, extra costs must be accepted and concessions made. The security policies of individual European countries vary, even if they partly follow the EU guidelines. Procedural solutions and the competences of the judiciary form the basis for cooperation to fight terrorism. The differences in perceiving problems may act as a barrier to operational contacts. The operational procedure must be centralised and costs and tasks need to be shared equally among the members of the Community²⁰⁵. The system must be adapted to the international movement of people within the borders of the EU²⁰⁶, while ensuring the free movement of capital, persons and goods²⁰⁷.

The perception of European structures by D. Keohane and A. Townsend in the context of security is particularly noteworthy. International cooperation in the European Union is oriented towards counter-terrorism, which could be effective in containing the threats of the late 20th century and the attacks in the US. Contemporary terrorism is developing within both the external and internal structures of the European Union. According to the researchers, this counter-terrorism action should

²⁰³ The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, drawn up in Lisbon on 13 December 2007 (Journal of Laws of 2009, No. 203, item 1569). Art. 83.

²⁰⁴ J. Zawisza, *Organizacja i funkcjonowanie polskiego systemu bezpieczeństwa w sytuacjach transgranicznych zagrożeń – studia nad jakością bezpieczeństwa* (Słupsk: Pro Pomerania, 2017), p. 356.

²⁰⁵ R. Raczyński, *Wpływ migracji międzynarodowych na bezpieczeństwo wewnętrzne państwa*, "Bezpieczeństwo: teoria i praktyka", 2015, No. 9/2, pp. 15-30.

²⁰⁶ K. Lenaerts, P. Van Nuffel, *Podstawy prawa europejskiego* (Warsaw: Dom Wydawniczy ABC, 1998), pp. 30-31.

²⁰⁷ L. Bergkamp, M. Faure, M. Hinteregger, N. Philipsen, *Civil Liability in Europe for Terrorism-Related Risk* (Cambridge: Cambridge University Press, 2015), pp. 325-326.

be directed against terrorism (seen as a single phenomenon) and strike at the essence of its existence throughout the Community and not only in a specific territory. The problem affects the EU as a whole, not individual states, given the current freedom of movement between the Schengen countries²⁰⁸. Thus, cooperation between states both within the EU and with third countries as part of international migration is particularly important²⁰⁹.

Efficient international cooperation rests on similarly functioning systems that ensure proportional efficiency in each of the member states. There should be a similar form, in each of the parties to the agreement, of the legal system and the way in which the state authorities undertake security-related activities. The specific nature of counter-terrorism activities requires maximum involvement of actors, both inside and outside the country. In accordance with the adopted principles on fighting terrorism in international organisations, the Polish government also committed itself to adjust its strategies and guidelines. The National Anti-Terrorist Programme for 2015-2019, implemented in Poland, was compatible with the solutions and concepts in force in the European Union²¹⁰ and NATO. A common policy allows for systematic development in the field of security and to prepare future members of the Community to take an active part in the fight against terrorism, not only in countries belonging to international organisations.

Polish criminal law on terrorism is similar to that of other European countries²¹¹. Legislation is, however, constantly being modified in order to adapt to newly emerging terrorist threats²¹². The application of the provisions laid down is based on the following principles:

- territorial – the law of the land is decisive in connection with the occurrence of a terrorist act (the nationality or country of origin of the terrorist or their victim is irrelevant). The criminal law of the country where the offence was committed applies);
- nationality of the subject – the legislation in force in the terrorist's country of origin may still apply to them, even if the offence was committed abroad;

²⁰⁸ D. Keohane, A. Townsend, *A joined-up EU Security Policy*, "Centre for European Reform Bulletin", December 2003/January 2004 <<https://www.cer.eu/publications/archive/bulletin-article/2004/joined-eu-security-policy>> [accessed: 10 April 2020].

²⁰⁹ P. Marcinkowska, *Problemy bezpieczeństwa w sąsiedztwie UE – implikacje dla europejskiej polityki sąsiedztwa in Meandry współczesnego bezpieczeństwa. Między regionalizacją a globalizacją* ed. by A. Gruszczak (Cracow: Wydawnictwo UJ [Jagiellonian University Press], 2018), pp. 53-59.

²¹⁰ D. Szlachter, *Walka z terroryzmem w Unii Europejskiej*, Adam Marszałek (Toruń, 2006), pp. 9-10.

²¹¹ A decisive element in the fight against terrorism, through the inclusion of appropriate concepts in the Polish legislation, was the introduction of a legally binding definition of a terrorist offence in 2004. This was caused by the need to adapt national solutions to the European Union standards, thus to the Council Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA).

²¹² A. Michalska-Warias, *New Terrorist Offences in Polish Criminal Law*, "Annales Universitatis Mariae Curie-Skłodowska", 2018, sectio G, Vol. LXV, pp.103-113.

- protective capacity – a state that has been affected by the activities of a terrorist can prosecute and try the offender;
- nationality of the object – a state may prosecute offenders outside its borders if its citizens have suffered damage as a result of terrorist activity;
- universality – national law can be applied to foreigners (migrants) who engage in terrorist activities (or others defined as prohibited and listed in international agreements, such as the Lisbon Treaty);
- substitute repression – a foreigner (migrant) may in certain cases be held responsible for acts committed abroad according to the law of the country in which they are tried²¹³.

The biggest challenge for international law in the fight against terrorism is to take into account other existing restrictions on, for example, migration, human rights and visa-free travel²¹⁴. The threats posed by the uncontrolled movement of people (including terrorists) completely undermine the criminal justice systems. Even if legislation is effective in individual countries and results in the conviction of the terrorist, this is after the attack has taken place. Activities aimed at ensuring security must not have limits or be restricted by laws that may in any way impair defence capabilities and anti-terrorist systems. Effective management of the external borders will lead to the maintenance of internal security within the member states. For example, if, during the attacks in France, citizens are allowed, within the framework of the EU law, to leave the country and travel within the Community and the borders are not controlled, it is likely that the dangers will escalate and spread to another member state²¹⁵.

Terrorist threats must be treated with the utmost care, and any attempt to eliminate them will be in the interests of the citizens of the Union. Inconvenience and difficulties are unavoidable if governments want to maintain a high level of security or verify a potential threat. It is therefore advisable to continue cooperation among the EU actors in order to apprehend terrorist offences already at the external borders of the EU²¹⁶. This is also related to the role of Poland, whose Eastern border is also an external border of the European Union. It is believed that it could become a hideaway for terrorists who wish to travel illegally from Eastern Europe to the French Republic²¹⁷.

²¹³ S. Pikulski, *Prawne środki zwalczania terroryzmu* (Olsztyn: Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego [University of Warmia and Mazury in Olsztyn Publishing House], 2000), pp. 73-79.

²¹⁴ A. Florczak, *Migracje międzynarodowe* in *Encyklopedia politologii* ed. by T. Łoś-Nowak, Vol. 5: *Stosunki międzynarodowe* (Cracow: Wolters Kluwer, 2002), p. 215.

²¹⁵ K.A. Wojtaszczyk, *Istota i dylematy bezpieczeństwa wewnętrznego*, “Przegląd Bezpieczeństwa Wewnętrznego”, 2009, No. 1, p. 14.

²¹⁶ I. Resztak, *Zwalczanie terroryzmu w świetle dokumentów Unii Europejskiej*, “Prokuratura i Prawo”, 2013, No. 5, pp. 130-143.

²¹⁷ A. Zięba, *Terroryzm w Unii Europejskiej na początku XXI wieku: wnioski dla Polski* in *Dylematy polityki bezpieczeństwa Polski na początku drugiej dekady XXI wieku* ed. by K. Czornik, M. Lakomy (Katowice: Regionalny Ośrodek Debaty Międzynarodowej w Katowicach, 2014).

The results of cooperation between international services do not give a good impression of the methods and means used to stop terrorists. Despite the establishment of numerous international normative acts, security strategies and the creation of international organisations with a police profile, this cooperation can still be described as lacking in coherence. Although it is essential for the proper functioning of the security system in each country, a comprehensive structure of action is still missing. The activities undertaken today are rather theoretical than practical. The absence of proper coordination at national level hinders the development of security structures at international level²¹⁸. This is now noticeable in the context of maintaining security within the European Union. This trend has not changed since the 1990s, when French terrorism analyst S. Vérine described international activity to counter terrorism as chaotic²¹⁹.

The diversity of the Community is of great importance for the security in the EU. The situation of selected states directly affects the level of security of other members of the European Union. Hence, the conclusion that terrorism in the French Republic may constitute a threat to the security of the Republic of Poland²²⁰. Terrorism may be dangerous for all the EU countries at the same time, taking the form of asymmetric threats (characterised by a high degree of unpredictability), may change depending on the conditions in a given country and may pose a threat to the entire international environment.

1.3.3. Human rights and terrorism

Human rights are universal values and legal guarantees that protect individuals and groups from the actions and omissions primarily of state representatives that violate the fundamental freedoms, rights and dignity of individuals. Ensuring full legislative coverage requires respect, protection and fulfilment of civil, cultural, economic, political and social rights, as well as the opportunity for development. Human rights are universal (meaning that they inherently belong to all people), interdependent and indivisible²²¹. Their protection requires states to take appropriate measures, including legislative, judicial, administrative or educational ones, to fulfil

²¹⁸ W. Grabowski, *Terroryzm a prawo międzynarodowe in Ewolucja terroryzmu na przełomie XX i XXI wieku*. Materials from the international conference, 11-12 October 2007, Gdynia. (Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego [The Gdansk University Press], 2009), pp. 259-261.

²¹⁹ S. Vérine, *La coopération internationale en matière de lutte contre le terrorisme*, "Politique Etrangère", 1986, No. 4, p. 977.

²²⁰ I. Oleksiewicz, op. cit., pp. 55-68.

²²¹ The Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on 4 November 1950, as amended by Protocols Nos. 3, 5 and 8 and supplemented by Protocol No. 2 (Journal of Laws of 1993, No. 61, item 284).

their legal obligations. Human rights as part of customary international law are binding on all states²²².

This legal framework comprises: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and the European Convention on Human Rights. In addition, reference should be made to the case law and interpretative documents of the Human Rights Committee, the European Commission of Human Rights (until 1998) and the European Court of Human Rights. Slightly less formal, but equally important, is the role of the UN Special Rapporteur on freedom of religion or belief.

The tools used by international organisations in cooperation with states should be sufficient to control, reduce and anticipate threats to democracy and freedom. Worth adding is the fact that in a multicultural and multiethnic society such as the French Republic, these potential problems and differences (e.g. on religious grounds) in society will always be greater than, for example, in Poland. One such case is the interpretation of the obligation for women to wear a burka²²³. The French National Consultative Commission on Human Rights (Commission nationale consultative des droits de l'homme, CNCDH), an independent administrative body in the field of human rights and international humanitarian law, as well as monitoring France's international obligations in this regard, stresses that the full face veil is an affront to human dignity²²⁴. This clothing is viewed as social coercion, which can be considered a form of oppression. Furthermore, the CNCDH points out that the lack of identifiability raises a number of

²²² The Universal Declaration of Human Rights.

²²³ A. Olech, *Uchodźcy i imigranci w Republice Francuskiej a zakaz noszenia burek, hijabów i niqabów in Świat islamu w perspektywie badań arabistycznych i politologicznych* (Toruń: Wydawnictwo Adam Marszałek, 2019), pp. 110-147.

²²⁴ In order to understand the followers of Islam and their need to wear certain clothing, it is useful to analyse the history and learn about the ideas presented by the faith in this regard. The dominant motive is women's safety, respect and peace of mind, and devotion to their family or husband. The Qur'an, more specifically sura 33 verse 59, says: "O Prophet! Ask your wives, daughters, and believing women to draw their cloaks over their bodies. In this way it is more likely that they will be recognized as virtuous and not be harassed". Face veils for women also appear in the hadith (Ar. *ḥadīth*) collection of Al-Buḥārī (which Sunnis consider the most authoritative religious book after the Qur'an): "Make your wives cover themselves in front of men, because the good and the bad talk to them". The interpretation of individual passages in the context of different procedures varies each time. Depending on human behaviour, geographical region, legislation in force and religions professed by society, the understanding of the holy book of Islam will vary. Adapting the quotations it contains to the surrounding reality without respecting modern laws and values means that our perception of the world has not changed for hundreds of years. The most important point in this context seems to be to profess one's religion while respecting the rights of others and, above all, observing the legislation in force in the country of residence – France, for example. No one has the right to judge religion and its dogmas, but everyone should respect the common good.

issues that should not be present in the French Republic, a country that promotes the principles of freedom, equality and fraternity. The inability to distinguish the faces of women wearing the full face veil (burka, niqab, etc.) can therefore be perceived as a denial of their personality and a rejection of interpersonal communication. The full face veil makes women invisible to others and limits the opportunity for social relations. Burkas and veils of all kinds, according to the CNCDH, prevent women from expressing their identity. Polish legislation does not address the wearing of the burka in public²²⁵.

It is important to emphasise that terrorism affects numerous fundamental human rights. States, as institutions that protect citizens, have a duty to take effective action to counter this negative phenomenon. Effective fight against terrorism and the protection of human rights are complementary and synergistic objectives that must be pursued together, as part of the commitment of states to maintain the security of their citizens²²⁶.

Combating terrorism with respect for human rights usually revolves around protecting civil and political rights to the detriment of economic, social and cultural rights. It is therefore necessary to double efforts so that the links between terrorism and the enjoyment of economic, social and cultural rights can be understood and acted upon. Only concerted action to implement human rights can make it possible to achieve the global security goals²²⁷.

1.4. Conclusions

The anti-terrorism law passed in 2017 in the French Republic is a form of response to the threat in the form of granting new powers to many actors in the state in order to undertake a decisive fight against the terrorists. The drafting of this law is an example to other governments in Europe who may introduce their own similar legislation in the future. The essence of its application will be continuous control whilst respecting citizens' rights and freedoms. It is the latest and currently the only weapon of the French government in the war against a not fully identified and defined adversary – terrorism.

In Poland, contemporary legislation to fight terrorist threats shows a progressive change towards harmonisation of domestic and international law²²⁸. Legislative changes in other EU member states constantly affect the Polish legal system. Future international

²²⁵ See: D. Barton, *Is the French Burka Ban Compatible with International Human Rights Law Standards?*, "Essex Human Rights Review", 2012, Vol. 9, No. 1, pp. 3-4.

²²⁶ *Terroryzm a prawa człowieka. Bezpieczeństwo wewnętrzne* (Rzeszów: Konsorcjum Akademickie, 2012), pp. 631-649.

²²⁷ K. Indecki, *Stosowanie praw człowieka wobec sprawców aktów terrorystycznych*, "Terroryzm – materia ustawowa" – special edition of "Przegląd Bezpieczeństwa Wewnętrznego", 2009, pp. 85-91.

²²⁸ M. Byczyk, *Walka z terroryzmem jako zadanie prawa karnego – uwagi na marginesie wprowadzenia do kodeksu karnego Art. 259a*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny", 2017, No. 1, p. 83.

solutions will also constitute an important element in the development of Polish anti-terrorist law.

It is extremely relevant to constantly analyse the changing situation in the geopolitical environment, not only in Europe but also in other continents. Terrorist attacks and the methods employed by terrorists must be urgently scrutinised. As a result, it will be possible to implement a law in Poland which will enable the security services to take appropriate action to combat terrorist threats.

Countering terrorist threats has become one of the greatest challenges to the security of states and international organisations in the 21st century, not only because of the repetitiveness of attacks, but also due to governmental and military actions leading to the repression of individuals not associated with terrorist organisations. The test for modern governments is to ensure security in the state using available methods and means, while respecting human rights. The activities of the police, secret service, army and other bodies assigned to the fight against terrorism must be subject to legal regulation, which in the case of anti-terrorist (counter-terrorism) operations must ensure the security and fundamental rights of citizens. This is an issue that requires a re-examination of the legislation in relation to existing terrorist threats.

Development and structure of counter-terrorism services in the French Republic and the Republic of Poland

2.1. Services delegated to fight terrorism in the French Republic

In view of the activities related to the fight against terrorism implemented by the various actors in the French Republic, it is necessary to analyse the concept of combating threats. It should be pointed out that the definition of anti-terrorism (*antiterrorisme*) and counter-terrorism, also referred to as the “fight against terrorism” (*lutte contre le terrorisme*), is highly variable in the French Republic. There is also the concept of combating terrorism (*de lutte antiterroriste*), which usually refers to authorities, laws and instruments designed to suppress terrorism²²⁹. It seems that the term “anti-terrorism” refers to the entirety of organisational measures, while “counter-terrorism” concerns specific activities delegated to selected institutions²³⁰. The French definitions consider

²²⁹ M. Brunel, E. Miller, *Les mesures de lutte contre le terrorisme face aux droits de l'Homme* (Paris: Université Paris Nanterre, 2018), pp.10-24.

²³⁰ A. Colin, *La lutte contre le terrorisme dans les démocraties occidentales: état de droit et exceptionnalisme*, “Revue Internationale et Stratégique”, 2007, Vol. 2, Issue 66, pp. 9-24; J. Sulzer, op. cit., pp. 1-37 ; Loi n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme, JORF n° 0255 du 31 octobre 2017 texte n° 1, NOR: INTX1716370L; *Plan d'action contre le terrorisme*, Premier Ministre, Paris 2018, pp. 19-35; A. Debat, *Terror and the Fifth Republic*, “The National Interest” 2005/2006, No. 82, pp. 55-61; J. Bevalet, *Terrorisme – Gagner la 3^e guerre mondiale. Évolutions et conséquences du nouveau terrorisme*, L'Esprit du Livre, Scaux 2009, pp. 124-317.

anti-terrorism to be an activity based on the collection of data and the apprehension of suspects, and thus primarily concerning intelligence services, the judiciary, police and gendarmerie. Fighting terrorism involves the intervention of the police and gendarmerie (and even the armed forces) – in particular, highly specialised intervention units. However, it is important to note that these definitions are not common to all actors involved in the fight against terrorism. This is why intelligence services, and the DGSE in particular, use the term “anti-terrorism” to define all activities (from collecting information to neutralising the threat)²³¹.

Therefore, it appears that counter-terrorism and anti-terrorism in the French Republic can occur simultaneously, and are sometimes used interchangeably. However, several differences should be mentioned. Counter-terrorism is a comprehensive strategy to prevent, suppress and eliminate terrorism. It encompasses a wide range of efforts to ensure security, including the development of plans and concepts to fight terrorism, whose intended action is the use of intervention forces (e.g. counter-terrorism units). At this level, the entirety of organisational forms, methods and measures used in the fight against terrorism across the country is taken into account. Combating terrorism (*lutte antiterroriste*), on the other hand, is a specific tactical aspect of this fight, involving continuous planning and decisive intervention. It must comply with domestic law and international conventions. As A. Chouet indicates, in the next stage, which already involves anti-terrorist operations, the threat (adversary) is defined. This implies that a terrorist act has already been committed or information on the fact that it will be committed has been gathered. At this stage, therefore, the police, gendarmerie and secret service are responsible for the fight against terrorism as part of their judicial and intelligence competences. It is also the responsibility of the judiciary and, even, of the armed forces. Furthermore, in the French Republic, what is referred to as the fight against terrorism is, at the same time, the acquisition of information on suspicious persons residing in France, constant patrolling of the streets, as well as special interventions, for example, upon receiving information that someone is hoarding explosives or weapons in their home. Anti-terrorism in a general sense is therefore construed as the implementation of the tasks of individual institutions (intelligence, police, gendarmerie, special forces) and counter-terrorist activities²³². This shows that in France counter-terrorism, fight against terrorism and combating terrorism are very often components of the broader anti-terrorist activities carried out as part of countering terrorist threats.

²³¹ H. Moutouh, J. Poirot, *Dictionnaire du renseignement* (Perrin: Éditions Perrin, 2018), pp. 193-203, 848; Ministère des Armes, *Le contre-terrorisme* <<https://www.defense.gouv.fr/dgse/tout-le-site/le-contre-terrorisme>> [accessed: 20 May 2020].

²³² A. Chouet, *Au coeur des services spéciaux* (Paris: La Découverte, 2013).

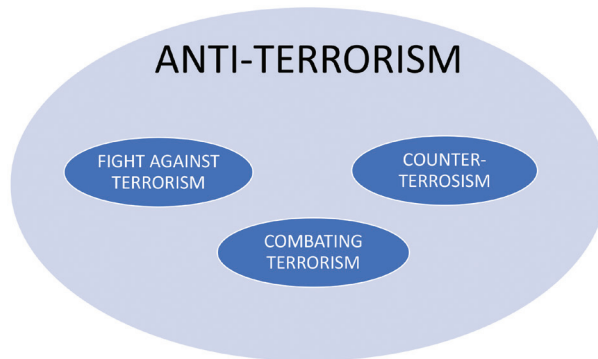


Figure 3. Activities implemented as part of the fight against terrorist threats

Source: own study.

Typically, the terms “anti-terrorism”, “counter-terrorism” and “the fight against terrorism” are used interchangeably in the French Republic²³³, because the actions taken in the various stages come down to countering the terrorist threat²³⁴. Accordingly, the detailed distinction could change considerably if one looks at the activities of individual institutions – interventions with weapons, tracking a suspected terrorist, tapping of conversations, analysis of non-cash transactions, activity on the Internet or operational arrangements aimed at verifying whether a person may have connections with terrorist or criminal organisations. The multitude of tasks to be carried out in order to eliminate threats, as well as the constant threat of attacks in France, result in actions being taken simultaneously by numerous entities. What distinguishes them is the character of their actions, methods, means and powers. Therefore, the attempt to describe the services that fight terrorism in the French Republic results in the necessity to analyse almost all the security institutions, since each of them has an important role to play in the process of taking action construed as anti-terrorist.

Of these, two basic offensive action tactics can definitely be distinguished. The first can be described as *hard* – it involves arresting or killing the leader of a terrorist organisation using certain police-military methods. It is intended to halt the expansion of the group and to deprive it of its supreme commander, who is of great importance when it comes to taking action. As a result, the group may join another organisation or simply slowly lose its influence and relevance. The second tactic is what is referred to as *soft* measures, aimed at increasing the effectiveness of anti-terrorist strategies, which are

²³³ M.-Ph. Daubresse, *op. cit.*

²³⁴ The lack of clear differences in defining the terms “anti-terrorism” and “counter-terrorism”, which mean “fighting terrorism” in France, was also pointed out by French experts: X. Raufer, J. Querry and Y. St-Pierre.

directed at: investigating suspects, educating society, responding to religious orthodoxy, using situational prevention, detaining for questioning and placing individuals under arrest. Both the first and second tactics have their shortcomings. It is impossible to stop terrorism while limiting certain measures aimed at fighting it. If the government wants to fully control potential terrorists, then the public would have to consent to increased government control and surveillance. This is part of the process of accepting and surrendering privileges at the price of greater security. When our family and friends are at risk, we would give anything to stop terrorists.

The Declaration of the Rights of Man and of the Citizen of 1789 included in the preamble of the French Constitution upholds the philosophy of police activity. It reaffirmed the fact that security is part of non-transferable and perpetual human rights and that the guarantee of human and civil rights requires the existence of a public armed force; this force is therefore established in the interests of all and not merely for the convenience of those to whom it is entrusted²³⁵.

2.1.1. Secret service

The functioning of a secret service in the structure of state security is nowadays the basis for undertaking anti-terrorist tasks. The essence of their operations is counter-intelligence, which makes it possible to carry out tasks in the country due to the threat to state security, and intelligence, which enables unofficial activities to be undertaken outside the national territory. Properly trained secret service officers look for various opportunities to obtain information. One of the most common forms of intelligence is infiltrating the structures of terrorist organisations or joining religious groups that may be extremist. In addition, they infiltrate criminal groups who may have information on specific terrorists (a number of terrorist organisations finance their activities from drug trade) because they do business with them. There are numerous methods and ways, and it all depends on the country in which the services take action, who they target and what they want to achieve in the short and long term of the anti-terrorist strategy.

Cooperation between the secret services in France is vital for a long-term security strategy. Information gathering, e.g. on economical, technological or threat-related issues, should enable an earlier and appropriate reaction by security services²³⁶.

Officers should always be one step ahead of terrorists. Both in terms of knowledge and anticipation of future events. The war caused by terrorists is not governed by any rules. They do not keep to the letter of the law, and successive attacks are a tool that builds up the power of the organisation. In fighting dangers, secret service must fully focus on anti-

²³⁵ Le Gouvernement de la République, *Texte intégral de la Constitution du 4 octobre 1958 en vigueur*, Le Président de la République, 1 janvier 2015, pp. 1-40.

²³⁶ N. Arpagian, E. Delbecque, *Pour une stratégie globale de sécurité nationale* (Paris: Dalloz, 2008), p. 9.

terrorist activities or deploy appropriate troops for counter-terrorist intervention. Lack of reaction or inaccurate analysis may lead to the incorrect identification of a suspect who, due to poor verification and anticipation by secret service, will carry out a terrorist attack in the future. This has already been the case in France, which is why the system is constantly being reinforced²³⁷.

The activities of intelligence services are of great importance in the process of acquiring information. Each of the documents and data obtained are of immense value in international competition. The French Republic has one of the most extensive intelligence networks in the world. Its agents operate in virtually every European country, acquiring valuable material. One good operation by secret service can save dozens of citizens from a terrorist attack. There are six types of secret services in France. By virtue of their competence and the way in which they operate, they are delegated to ensure internal and international security. The types of services are listed below on the basis of the powers conferred on them.

The General Directorate of Internal Security (**Direction Générale de la Sécurité Intérieure**, DGSI), established in April 2014 as a result of the transformation of the Direction Centrale du renseignement intérieur (DCRI) – the Central Directorate of Internal Intelligence, formed on 1 July 2008²³⁸. This is a counter-intelligence service whose main task is to detect threats within the state and neutralise dangers posed by foreign actors. It reports directly to the Ministry of the Interior²³⁹. The DGSI combines law enforcement capabilities with the collection of intelligence data within the country²⁴⁰. It may be compared to the Polish Internal Security Agency.

The DGSI, pursuant to Art. 2 of the Decree establishing the General Directorate of Internal Security dated 30 April 2014, performs the following tasks:

- prevents and halts any action or interference from foreign entities,
- fights acts of terrorism or acts that threaten the security and sustainability of the state or undermine the integrity of the territory,
- participates in the surveillance of radicalised individuals and groups who may turn to violence and threaten national security,

²³⁷ *Le terroriste Radouane Lakdim avait été convoqué avant les attentats pour être entendu par la DGSI – Attentats de Trèbes et de Carcassonne*, “La Depeche”, 27 March 2018 <<https://www.ladepeche.fr/article/2018/03/27/2768108-terroriste-radouane-lakdim-avait-ete-convoque-avant-attentats-etre-entendu.html>> [accessed: 20 May 2020].

²³⁸ Décret n° 2014-474 du 12 mai de l'article 6 nonies de l'ordonnance n° 58-1100 du 17 novembre 1958 relative au fonctionnement 2014 *pris pour l'application des assemblées parlementaires et portant désignation des services spécialisés de renseignement*. Article 1.

²³⁹ DGSI, *Direction generale de la seuriteinerieure, Ex-DCRI* <http://www.fil-info-france.com/dcri_dst_dgse_rg_direction_centrale_du_renseignement_interieur.htm> [accessed: 11 February 2019].

²⁴⁰ United States Department of State Publication, *Country Reports on Terrorism 2016*, July 2017, p. 118.

- contributes to preventing and fighting against acts which could result in the disclosure of national defence secrets or which could affect the economic, industrial or scientific potential of the country,
- contributes to the prevention of activities involving repression and the acquisition or production of weapons of mass destruction,
- fights against international criminal organisations that may have an impact on national security,
- contributes to preventing and fighting crime related to information and communication technologies,
- carries out surveillance of electronic and radio communications²⁴¹.

Specific activities of the DGSI include the following:

- counter-intelligence,
- fight against terrorism,
- fight against violent extremism,
- economic protection,
- preventing the proliferation of weapons of mass destruction,
- fight against cybercrime²⁴².

The DGSI covers by its administration not only the central entity, but also the local units and those that may be of a zonal nature or exist within international departments. Approximately 4 300 people serve in its ranks (in 2014, when it was founded, the figure was 3 200), and by 2024 there are expected to be 5 500. The rise in the number of agents is attributed to various threats in the country, i.e. terrorism, cyber attacks, espionage and the threat of protecting economic interests²⁴³.

The DGSI provides the results of analyses, research and investigations on trends and sudden terrorist-related phenomena that may take place on French territory. This is mainly based on monitoring events both at home and abroad, and working to identify and assess threats posed by groups and individuals. This is particularly the case for terrorists who may return to national territory from conflict areas²⁴⁴. The DGSI has seven territorial intelligence offices located in Paris, Lille, Rennes, Metz, Bordeaux, Marseille

²⁴¹ Décret n° 2014-445 du 30 avril 2014 relatif aux missions et à l'organisation de la direction générale de la sécurité intérieure, JORF n°0102 du 2 mai 2014 texte n° 23. In the French legal system, there is a distinction between Acts or Laws (*loi*) and their associated implementing acts, namely Regulations (*règlement*) and Decrees (*décrets*) issued by the Prime Minister. The government, headed by the Prime Minister, issues Decrees-Laws in matters not reserved for the parliament.

²⁴² Ministère de l'Intérieur, *DGSI – Missions* <<https://www.interieur.gouv.fr/Le-ministere/DGSI/Missions>> [accessed: 02 January 2020].

²⁴³ T. Chevillard, *Enquêteurs, analystes, techniciens... La DGSI lance une vaste campagne de recrutement*, 20 minutes, 8 November 2019.

²⁴⁴ *Quel est le rôle de La Direction Générale de la Sécurité Intérieure?*, Institut Léonard de Vinci <<https://www.ilv.fr/quel-est-le-role-de-la-direction-generale-de-la-securite-interieure/>> [accessed: 02 January 2020].

and Lyon. Cooperation in the DGSI is based on an intelligence network that is referred to as *renseignement territorial* (territorial intelligence).

The General Directorate of Internal Security, despite the secrecy of its activities due to the intelligence nature of its operations, is subject to control exercised by various authorities at several organisational levels. First of all, it is the control by the competent minister, followed by the control by independent administrative authorities (**Les autorités administratives indépendantes**, AAI), the National Commission for the Control of Intelligence Techniques (**Commission nationale de contrôle des techniques de renseignement**, CNCTR), the National Commission for Information Technology and Civil Liberties (**Commission nationale de l'informatique et des libertés**, CNIL)²⁴⁵ and the Parliamentary Delegation for Intelligence (**Délégation parlementaire au renseignement**, DPR)²⁴⁶.

It should be noted that the DGSI is the only secret service in the French Republic to cooperate directly with judicial institutions (*l'institution judiciaire*). This is to protect intelligence data that has been collected by the service and cannot appear in court proceedings because of the security classification. The essence is to protect sources, to keep secret the cooperation of third parties with the service, as well as the way in which information is acquired. Entities involved in cooperation with the DGSI are certain that they will not be referred to court. It is usually *police judiciaire* (the judicial police) that is responsible for liaising with the services and with the courts, acting as an intermediary²⁴⁷. In such a capacity, the DGSI has dual competences: in the field of intelligence and judiciary. In the intelligence field, it involves taking action for the benefit of the national interest in all areas of security, and in the judicial sphere it concerns counter-intelligence, maintaining the secrecy of national defence and combating the spread of weapons of mass destruction. In addition, the overriding task of the secret service is to cooperate with *police judiciaire*, including with the Anti-Terrorist Sub-Directorate (Sous-direction anti-terroriste, SDAT) and the Anti-Terrorist Section (Section anti-terroriste, SAT) units in combating terrorist threats. The DGSI also cooperates with specialised police and gendarmerie services in the fight against cybercrime²⁴⁸.

According to E. Darnon, the French Republic lacks the secret service adapted to contemporary challenges. There is no institution dedicated to counter-terrorism in a cultural context any more, no service has the universal operational profile that French intelligence had prior to the Second World War. These are the ways and traditions

²⁴⁵ Oversees the protection of personal data that may be collected during intelligence activities.

²⁴⁶ Supervises the activities undertaken by the French government in the field of intelligence in the broadest sense, as well as the development of public policy in this area.

²⁴⁷ C. Hennetier, *Le traitement judiciaire du terrorisme. La construction d'une justice spécialisée*, "Cahiers de la sécurité et de la justice", 2016, No. 35-36, p. 12.

²⁴⁸ Ministère de l'Intérieur, *La Direction générale de la sécurité intérieure* <<https://www.interieur.gouv.fr/Le-ministere/DGSI>> [accessed: 02 January 2020].

developed during the Cold War and then during the conflicts with al-Qaeda that should be the foundation today in dealing with jihadists (described as the third generation of threats to France). Therefore, the role of the DGSI should be revised and focus more on activities related to contemporary threats – such as terrorism – especially in the field activity consisting in obtaining information about threats on French territory, as well as where it is necessary²⁴⁹.

The General Directorate for External Security (**Direction générale de la sécurité extérieure**, DGSE) was established on 2 April 1982; it operates outside the country²⁵⁰. Its task is to search for foreign secret defence and security information. Notably, it also operates in countries with which France does not have diplomatic relations. There are currently around 7 000 officers serving in its ranks, but intensive recruitment is constantly underway²⁵¹. The service is under the authority of the Ministry of Defence²⁵². The DGSE budget for 2020 is EUR 707.19 million²⁵³. It can be compared to the Polish Intelligence Agency.

The area of operations of the service is the territory of foreign countries, where it uses specialised methods to gather intelligence. The DGSE carries out specific tasks that distinguish it from other French secret services:

- external intelligence service (*un service de renseignement extérieur*) – obtains information related to geopolitical and strategic issues as well as threats to the security of the French Republic. The materials obtained are analysed and forwarded to the DGSE. Intelligence is present in those crisis zones where the interests of the state may be at risk;
- secret service (*un service special*) – makes it possible to maintain the presence of agents in countries where diplomatic channels cannot be employed;
- integrated service (*un service intégré*) – unlike most Western intelligence services, it has mastered all methods of intelligence gathering, i.e. personal,

²⁴⁹ E. Darnon, *Terrorisme islamiste: c'est parti pour durer*, "Cahiers de la sécurité et de la justice", 2016, No. 35-36, p. 122.

²⁵⁰ In 1940, while in exile in London, General Ch. de Gaulle created the intelligence service of free France, which from 1942 was known as *Bureau Central de Renseignement et d'Action* (BCRA), then as *Direction Générale des Services Spéciaux* (DGSS), later became *Direction Générale des Etudes et Recherches* (DGER), and on 28 December 1945 the decision was taken to dissolve the DGER and replace it with *Service de Documentation Extérieure et de Contre-Espionnage* (SDECE). On 2 April 1982, the DGSE was founded. Source: Ministère des Armées, *Historique* <<https://www.defense.gouv.fr/dgse/tout-le-site/historique>> [accessed: 03 January 2020].

²⁵¹ L. Martin, *La DGSE recrute: 600 postes d'agents de renseignement, des profils variés* <<https://infos.emploipublic.fr/article/la-dgse-recrute-600-postes-d-agents-de-renseignement-des-profils-varies-eea-7844>> [accessed: 03 January 2020].

²⁵² *La communauté française du renseignement*, L'Académie du renseignement (Paris, 2014), p. 13.

²⁵³ *Comptes rendus de la commission des affaires étrangères, de la défense et des forces armées*, Mardi 19 novembre 2019 <<https://www.senat.fr/compte-rendu-commissions/20191118/etr.html#toc6>> [accessed: 03 January 2020].

technical sources (electromagnetic eavesdropping and satellite imagery), operational means and the use of open sources. The DGSE also obtains information through cooperation with other French and foreign services.

The General Directorate for External Security (DGSE) has an intelligence department, which comprises four divisions. These are as follows:

- 1) counter-proliferation service (*le service de contre-prolifération*),
- 2) counter-terrorism service (*le service de contre-terrorisme*),
- 3) economical security service (*le service de sécurité économique*),
- 4) geopolitical intelligence and counter-espionage service (*le service de renseignement géopolitique et de contre-espionnage*)²⁵⁴.

The DGSE follows a system which it refers to as LEDA. L for loyalty (*loyauté*), E for expectations (*exigence*), D for discretion (*discrétion*) and A for adaptation (*adaptabilité*). These are essential features of activities related to the ethics and management of intelligence work and in cooperation with agents, authorities and partners. The accuracy of the entire process and its compliance with the law depend on all DGSE staff²⁵⁵.

Since the publication of the Decree No. 2009-1657 on 24 December 2009, the authority to make decisions on intelligence matters has rested with the Head of State. In this respect, the DGSE is, through its establishment and involvement outside the national territory, a unique tool at the service of the authorities of the French Republic²⁵⁶.

The General Directorate for External Security (DGSE) is under the permanent control of the National Commission for the Control of Intelligence Techniques (Commission Nationale de Contrôle des Techniques de Renseignement, CNCTR), the Parliamentary Delegation on Intelligence (Délégation parlementaire au renseignement, DPR), the Consultative Commission on National Defence Secrets (Commission consultative du secret de la défense nationale, CCSDN)²⁵⁷ and the Audit Commission on special funds (Commission de vérification des fonds spéciaux, CFVS)²⁵⁸.

The fight against terrorism is based on the ability to predict events logically on the basis of the information at hand, and aims to detect, assess and neutralise threats to national security. Above all, threat perception is addressed, which requires intelligence

²⁵⁴ Arrêté du 21 décembre 2012 portant organisation de la direction générale de la sécurité extérieure, JORF n°0009 du 11 janvier 2013 texte n° 45, NOR: DEF1243577A.

²⁵⁵ Ministère des Armées, *Les valeurs de la DGSE* <<https://www.defense.gouv.fr/dgse/tout-le-site/les-valeurs-de-la-dgse>> [accessed: 03 January 2020].

²⁵⁶ Décret n° 2009-1657 du 24 décembre 2009, relatif au conseil de défense et de sécurité nationale et au secrétariat général de la défense et de la sécurité nationale, NOR: PRMX0928467D.

²⁵⁷ The Committee is responsible for giving an advisory opinion on the declassification of information that has been protected as a national defence secret.

²⁵⁸ The Commission verifies the compliance of the use of so-called special funds (for the secret service in the French Republic).

work involving the gathering and use of data to detect and identify potential perpetrators, locate their structures, understand their strategies and identify possible terrorist targets. The DGSE obtains information from a variety of sources and uses multiple modes and methods of intelligence activities (as mandated). As a result, the analysis is of high quality and the risks are accurately assessed. The functioning of the DGSE is complementary and coordinated with the activities of other national services involved in the fight against terrorism, in particular those under the authority of the Ministry of the Interior, as well as with foreign partners as part of the exchange of information. The second task of the institution is to cooperate on an ongoing basis with all national and international actors who are involved in the fight against terrorism. The essence of the work of the DGSE is to neutralise hazards at their earliest stage²⁵⁹.

From 1984 to 2019, there was the Counter-Terrorism Coordination Unit (**l'unité de coordination de la lutte anti-terroriste**, UCLAT) in the French Republic, which ensured the collaboration of all services and police units. The UCLAT was in particular responsible for making the exchange of information between law enforcement agencies, civil and military services, as well as the anti-terrorist prosecutor's office and the prison administration more coherent²⁶⁰. The UCLAT was dissolved by order dated 27 December 2019 and its duties were immediately assumed by the General Directorate of Internal Security. In other words, the formerly autonomous antiterrorist coordination staff, UCLAT, has become a department inside the DGSI²⁶¹.

The Defence Intelligence and Security Directorate (**Direction du renseignement et de la Sécurité de la Défense**, DRSD) was established on 10 October 2016 out of the Directorate for Defense Protection and Security (Direction de la Protection et de la Sécurité de la Défense, DPSD), which was founded on 20 November 1981²⁶². The DRSD is a counter-intelligence service (but part of its activities are of an intelligence nature) whose key tasks involve acquiring information of a military nature relevant to national security, protecting classified information, organising national defence, analysing threats in cyberspace and providing information support during French military missions. The service mainly focuses on combating violence, terrorism and responding to emerging

²⁵⁹ Ministère des Armées, *Le contre-terrorisme* <www.defense.gouv.fr/portail/rubriques-complementaires/mentions-legales> [accessed: 03 January 2020].

²⁶⁰ A. Deprau, *Renseignement Public et Sécurité Nationale*, Université Paris II (Paris, 2017), pp. 147, 156-157.

²⁶¹ Arrêté du 27 décembre 2019 abrogeant l'arrêté du 2 août 2018 portant organisation de l'unité de coordination de la lutte antiterroriste et portant diverses dispositions, JORF n°0301 du 28 décembre 2019 texte n° 76, NOR: INTD1928402A.

²⁶² Décret n° 2016-1337 du 7 octobre 2016, *portant changement d'appellation de la direction de la protection et de la sécurité de la défense* (NOR: DEFD1621468D7). On 7 October 2016, the institution changed its name – from Direction de la Protection et de la Sécurité de la Défense (DPSD) into Direction du Renseignement et de la Sécurité de la Défense (DRSD).

hazards in the country and in areas of wars in which France is actively involved²⁶³. Its officers also participate in countering economic crime. It reports to the Ministry of Defence²⁶⁴. The DRSD budget for 2020 amounted to EUR 145.13 million²⁶⁵, whereas employment is approximately 1 600 people. It is a service competent for counter-intelligence protection of the armed forces, with a profile similar to that of the Military Counterintelligence Service in Poland.

First and foremost, the mission of the DRSD is to protect. Thanks to its counter-intelligence and intelligence capabilities, the service has the ability to respond to the constant evolution of threats such as: direct military confrontations between foreign powers, attacks on national security, attempts to obtain secret information and interference with state interests. The service operates to detect enemy intentions by identifying and neutralising any threats that may lead to hostile action by organisations, groups or individuals²⁶⁶. In this context, the DRSD is authorised to obtain information on internal as well as external threats that are crucial for defence and influence the effectiveness of protection and security measures.

Today, according to the DRSD, terrorism, espionage, sabotage, coup d'état, organised crime and cyber threats represent the primary threats. This is why the organisation focuses its activities on the five threats represented by the TESSCo (*Terrorisme, Espionnage, Sabotage, Subversion et Crime organisé – terrorism, espionnage, sabotage, subversion and organised crime*) acronym²⁶⁷.

The Defence Intelligence and Security Directorate (DRSD) undertakes intelligence activities in three main areas. The first one is to counter foreign forces (*la contre-ingérence des forces*) at home and abroad by identifying threats related to terrorism, espionage and organised crime against the French Republic. The service contributes to the development of an independent assessment of the situation in cooperation with partner services. The second area is countering economic influence (*la contre-ingérence économique*). The service believes that economic warfare is real. This involves the seizure of foreign assets, acquisition of know-how data, information theft, influence on media and organisations, cyber attacks, sabotage, attacks on critical infrastructure, arms trafficking, embezzlement of assets, influence on the structures of arms and key state

²⁶³ J. Guisnel, B. Violet, *Services secrets: Le pouvoir et les services de renseignement sous la présidence de François Mitterrand* (Paris: La Découverte, 1988), pp. 350-368.

²⁶⁴ *La communauté...*, op. cit., p. 19.

²⁶⁵ Assemblée Nationale, *Rapport fait au nom de la commission des finances, de l'économie générale et du contrôle budgétaire sur le projet de loi de finances pour 2018 (n° 235)*, Enregistré à la Présidence de l'Assemblée nationale le 12 octobre 2017.

²⁶⁶ C. Faure, *Bref historique des services de renseignement et de sécurité français contemporains*, "Revue historique des armées", 2007, No. 247, pp. 70-81.

²⁶⁷ C. Laurent, *La DRSD – une agence de renseignement très discrète*, La Croix <<https://www.la-croix.com/France/Securite/DRSD-agence-renseignement-tres-discrete-2019-05-29-1201025379>> [accessed: 04 January 2020].

companies (through conflicts of interest) and violation of state regulations. This is also related to the infringement of national interests, including scientific and technical potential. Therefore, the role of the DRSD in protecting the technology of French companies is so crucial – so that they can maintain the right level of competitiveness in an increasingly dynamic economic world. The third area is countering cybercrime (*la contre-ingérence cyber*). The service identifies threats that may be harmful to individuals, companies and state entities (including ministries). The DRSD takes an active part in information warfare, participating in the protection of the information systems of ministries and the defence industry. In these activities, it adopts two strategies: preventive – awareness-raising, inspections and threat alerts; and precautionary – analysis of cyber attacks, support of corrective actions and supervision of the resumption of activities²⁶⁸.

The last major role of the Defence Intelligence and Security Directorate (DRSD) is to protect and grant access to classified information (*protéger pour renseigner: la protection du secret*). Pursuant to *Code de la défense*, this service reports to the Minister of Defence (of the armed forces) and fulfils its duties regarding access to classified information and material. The mission of the DRSD is to ensure the integrity of the national defence secret, guarding access to classified information for both civilian and military actors. This stems from the ordinance L'instruction générale interministérielle n° 1300 (IGI 1300) on the protection of national defence secrets, which lays down the rules for the management and use of classified information so as to guarantee sovereignty of France²⁶⁹. The DRSD controls, advises and guides entities and persons who may hold or obtain classified information²⁷⁰.

According to this service, terrorism is the systematic use of unlawful violence against the state, systems, organisations, population or property to achieve a political, subversive, ideological or religious objective. Unconventional threats to security can escalate into terrorist attacks. Terrorism at the hands of national and international groups is a real threat to France and its interests²⁷¹.

The Directorate of Military Intelligence (**Direction du Renseignement Militaire**, DRM) was established on 16 June 1992²⁷². It was formed by merging the Army Intelligence Bureau (Bureaux de Renseignement des armées) and the Military Intelligence Exploitation Centre (Centre d'exploitation du Renseignement Militaire). It obtains information for the

²⁶⁸ DRSD, *Nos Missions* <<https://www.drds.defense.gouv.fr/nosmissions#F2>> [accessed: 04 January 2020].

²⁶⁹ Arrêté du 30 novembre 2011 portant approbation de l'instruction générale interministérielle n° 1300 sur la protection du secret de la défense nationale, NOR: PRMD1132480A.

²⁷⁰ Currently, approximately 400 000 persons have access to classified information in the French Republic. In 2018, the DRSD issued 80 000 security clearances.

²⁷¹ The DRSD, *op. cit.*

²⁷² Décret n° 92-523 du 16 juin 1992 portant création de la direction du renseignement militaire, NOR: DEFD9201508D.

French army and analyses the moves of enemy organisations on land, in water and in the air²⁷³. It has two headquarters (in Paris and Creil) and eight offices abroad (Guadeloupe, Mayotte, New Caledonia, French Polynesia, Senegal, Gabon, Djibouti and the United Arab Emirates). In 2019, 2 100 individuals served in its ranks. The Director of Military Intelligence advises the Minister of Defence on matters of military importance. The DRM is comparable to the Military Intelligence Service in Poland.

The military intelligence has a double mission to fulfil. Firstly, it supports military operations by obtaining information relevant to the actions of the French army. The Directorate of Military Intelligence (DRM) provides support to the planning and execution of operations at the strategic level and contributes to the direction of manoeuvres at the tactical level. Secondly, the service is responsible for providing opinions and reports that influence decision-making by the President, the Minister of Defence, the Chief of the Defence Staff and by other commanders. Intelligence also takes an active part in the identification and monitoring of specific areas of importance for obtaining operational information. The DRM is present in major areas where significant geopolitical changes are taking place²⁷⁴.

The DRM relies on the so-called intelligence cycle (*le cycle du renseignement*), which is based on four stages²⁷⁵:

- 1) search: deploys its actors to collect raw data,
- 2) use: combines, separates, analyses and interprets the raw data collected, develops and produces detailed and objective information,
- 3) dissemination: provides intelligence to policy makers, military commanders and armed forces,
- 4) targeting: responds to requests for information from political and military authorities, prepares objectives to be achieved and communicates orders.

The DRM is active in the armed forces of the French Republic. Intelligence works in coordination with a number of authorities, centres and regiments of the army and in particular with special forces units. This cooperation makes it possible to obtain valuable intelligence. Additionally, the DRM, together with other French secret services (DGSE, DGSI, DRSD, DNRED and TRACFIN), contributes to the fight against terrorism.

The organisational structure of the DRM distinguishes the following operations centres²⁷⁶:

²⁷³ The DGSI, op. cit., *La communauté...*, op. cit., p. 17.

²⁷⁴ Ministère des Armées, Missions de la DRM <<https://www.defense.gouv.fr/ema/directions-services/direction-du-renseignement-militaire/la-drm/missions-de-la-drm/missions-de-la-drm>> [accessed: 05 January 2020].

²⁷⁵ Ibid.

²⁷⁶ Ministère des Armées, Organisation <<https://www.defense.gouv.fr/ema/directions-services/direction-du-renseignement-militaire/la-drm/organisation/organisation>> [accessed: 05 January 2020].

- C3R (*commandement, conduite, communications et renseignement* – command, control, communications, and intelligence) – intelligence coordination committee, reports directly to the Director of the DRM,
- CF3I (*Centre de formation et d'interprétation interarmées de l'imagerie*, Image training and interpretation centre of the combined forces) – conducts training in verifying data from, among others, satellite images, and provides information on the movements of foreign troops, which is crucial to the security of the French army and NATO countries,
- CF3E (*Le centre de formation et d'emploi relatif aux émissions électromagnétiques*) – electronic intelligence, operates using electromagnetic field and within the technical capabilities of the military,
- CI3RH (*Centre interarmées de recherche et de recueil du renseignement humain*, Human intelligence gathering and research centre) – collects information obtained from people during intelligence operations. It also involves preparing agents for intelligence missions during military operations,
- CRAC (*Centre de recherche et d'analyse du cyberspace*, The Centre for Cyberspace Research) – conducts special research based on algorithms and through the internet and social media. Assesses security threats posed by adversaries, including the use of military telecommunications tools,
- CRGI (*Centre de renseignement géospatial interarmées*, The Joint Geospatial Intelligence Centre) – combines the information obtained to make decisions and draw conclusions regarding the geospatial intelligence activities,
- CFIAR (*Centre de formation interarmées au renseignement*, The Joint Intelligence Training Centre) – provides national and international intelligence training of military importance and teaches skills necessary for working in intelligence.

In 2020, the Directorate of Military Intelligence (DRM) underwent a transformation. Faced with the increasingly demanding operations of the French armed forces, military intelligence is more meticulous than ever in obtaining important information. To ensure accurate and detailed data, the DRM is undergoing improvements in nine areas²⁷⁷. These are as follows:

- 1) geospatial intelligence (The Geospatial intelligence – GEONIT),
- 2) electronic intelligence,
- 3) setting targets,
- 4) human intelligence,
- 5) aspiring to become an intelligence leader in the armed forces,
- 6) internal reorganisation: acceleration of the intelligence cycle, constant analysis of emerging threats in order to respond accordingly.

²⁷⁷ Assemblée nationale, *Compte rendu – Commission de la défense nationale et des forces armées*, Jeudi 8 mars 2018, Compte rendu n° 52, pp.2-23.

- 7) human resources: recruitment of experts and individuals with specific and unique skills,
- 8) attractiveness: increasing competitiveness among intelligence services,
- 9) development of the cyber intelligence centre: the Cyberspace Research and Analysis Centre (Centre de recherche et d'analyse du cyberspace, CRAC)²⁷⁸.

The changes are also aimed at increasing engagement in the war against the Islamic State. New methods and means will make it possible to intensify operations and to fight terrorist threats more effectively. Of particular importance will be the GEOINT, with which all data can be combined: from satellite images, eavesdropping, human observation and cyberspace. This is a necessary action in the French counter-terrorism policy, for which intelligence is responsible²⁷⁹.

The National Directorate of Customs Intelligence and Investigation (**Direction nationale du renseignement et des enquêtes douanières**, DNRED), founded on 1 March 1988. It supervises the activities of officers in nearly 70 countries, also with the help of a network of customs attachés. The organisation counters smuggling, customs abuse, supervises border controls, fights customs fraud and obtains vital intelligence at the French borders. Since 2008, it has been one of the six secret services of the French Republic²⁸⁰ with 740 agents serving within its ranks²⁸¹. It reports to the Ministry for Finance and Public Accounts²⁸² and continuously cooperates with the Directorate-General of Customs and Indirect Taxes (Direction générale des douanes et droits indirects, DGDDI). This service may be compared to the National Revenue Administration in Poland.

The mission of the DNRED is to gather, centralise, process and disseminate information of customs origin. It fights large international smuggling networks (drugs, weapons, tobacco, cultural goods and counterfeits) by implementing specialised investigative techniques. It conducts investigations on a national or international scale, taking into account businesses and private undertakings. It coordinates operational activities with foreign partners and customs. Within the French intelligence network, the DNRED is primarily responsible for the following areas: the fight against criminal activities and illicit financial flows (mainly drug trafficking), the fight against terrorism

²⁷⁸ Ministère des Armées, *DRM 2020. La DRM se transforme* <<https://www.defense.gouv.fr/ema/directions-services/direction-du-renseignement-militaire/la-drm/drm-2020-la-drm-se-transforme/drm-2020.-la-drm-se-transforme>> [accessed: 05 January 2020].

²⁷⁹ A. Barluet, *Le renseignement militaire, nerf de la guerre contre Daech*, “Le Figaro”, 24 March 2017.

²⁸⁰ Arrêté du 29 octobre 2007 portant création d'un service à compétence nationale dénommé “direction nationale du renseignement et des enquêtes douanières”, NOR: BCFP0756382A.

²⁸¹ Direction nationale du renseignement et des enquêtes douanières (DNRED), *Définition de DNRED* <<https://www.glossaire-international.com/pages/tous-les-termes/direction-nationale-du-renseignement-et-des-enquetes-douanieres-dnred.html>> [accessed: 06 January 2020].

²⁸² *La communeauté...*, op. cit., p. 21.

and its financing (in cooperation with the DGSE, DGSI and TRACFIN) and the prevention of proliferation of weapons of mass destruction and their means of delivery in cooperation with the DGSE²⁸³.

The DNRED is composed of three independent directorates:

- 1) The Customs Intelligence Directorate (Direction du renseignement douanier, DRD). It is organised into three units that carry out research and analysis in response to strategic, tactical and operational problems. They are based on risk analysis methodologies and the work of qualified agents.
- 2) The Customs Investigations Directorate (Direction des enquêtes douanières, DED). It fights customs fraud. It conducts national and international investigations both at the initiative of the DNRED and other actors to fight criminal and terrorist organisations, arms trafficking and customs embezzlement and fraud. The DED consists of four investigative divisions operating across the country.
- 2) The Customs Operations Directorate (Direction des opérations douanières, DOD). It searches for and collects operational information, especially from individuals. It carries out investigations using special technical equipment, inspections, operations and infiltration of suspects. It cooperates with foreign services within the scope of its statutory powers and with French institutions reporting to the Ministry of the Interior and the Ministry of Defence. The DOD has 10 divisions in the country at its disposal.

Furthermore, the DNRED is responsible for the following areas²⁸⁴:

- supervision of regional revenue from customs and fines collection,
- coordination of cooperation with other intelligence services and protection of classified information,
- customs enforcement authorities and the representation of the DNRED before courts,
- human resource management,
- logistics and IT,
- communication and external relations,
- delegation of actors to the National Police (*Police nationale*).

The DNRED cooperates with other customs services in exchanging information and conducting joint operations. Under international mutual administrative assistance, there is special cooperation with the European Union member states to prevent and

²⁸³ Ministère de Finances et des Comptes publics, *Présentation du plan de renforcement de l'action de la douane en matière de lutte contre le terrorisme et de contrôle aux frontières*, 22 Janvier 2016, pp. 2-18.

²⁸⁴ Direction générale des douanes et droits indirects, *La Direction Nationale du Renseignement et des Enquêtes Douanières* <<https://www.douane.gouv.fr/fiche/la-direction-nationale-du-renseignement-et-des-enquetes-douanieres>> [accessed: 06 January 2020].

investigate violations of national customs legislation and to penalise and prosecute customs offences in the Community countries²⁸⁵.

There is a specialised group within the DNRED structure whose purpose is to combat the financing of terrorism. It cooperates continuously with the DGSE and DGSI²⁸⁶. The DNRED provides numerous reports on the activities of terrorist organisations seeking sources of funding. So far, the service has handled cases such as members of the Islamic State trafficking in stolen works of art, some Middle Eastern banks providing money to terrorists, the identification of a huge terrorist network on national territory or the trafficking in Paris of weapons that were used in Africa²⁸⁷. Therefore, the activities of the DNRED are of great importance for the security of the French Republic. It might seem that customs surveillance is not related to combating terrorist threats, but France recognised the need to act in this area as well. History has proven that this was a very good and wise decision. Conferring on the DNRED the powers of a secret service shows the intensity with which the system to fight terrorism is currently evolving.

The Intelligence processing and action against clandestine financial circuits (**Traitement du renseignement et action contre les circuits financiers clandestins**, TRACFIN)²⁸⁸, established on 9 May 1990²⁸⁹, just after the 15th G7 Economic Summit in Paris (July 1989). The formation of TRACFIN was a continuation of the international mobilisation initiated at the G7 summit to combat money laundering. This was in line with the recommendations of the Financial Action Task Force (FATF). TRACFIN initially operated as a coordination unit within the General Directorate of Customs and Excise (Direction générale des douanes et droits indirects, DGDDI)²⁹⁰. On 6 December 2006, the service finally became an independent unit with national jurisdiction, and in

²⁸⁵ Close cooperation between EU customs administrations (Naples II Convention), Official Journal C 024, 23/01/1998 P. 0002-0022.

²⁸⁶ Commission de la défense nationale et des forces armées, Mardi 12 février, Compte rendu n° 52. Audition de M. Jean-Paul Garcia, directeur national du renseignement et des enquêtes douanières au ministère de l'Économie et des finances (DNRED).

²⁸⁷ J.-B. d'Albaret, *Trafic d'art: comment Daesh utilise les ports francs pour écouler les œuvres d'art pillées; Terrorisme: deux banques du Qatar dans le collimateur*; K. Laske, *Armes de Coulibaly: un indic lillois à découvrir*; T. Cantaloube, *Quand Paris était le «hub» des ventes d'armes au régime sud-africain d'apartheid*, Paradis fiscaux et judiciaires <<http://paradisfj.info>> [accessed: 06 January 2020].

²⁸⁸ The detailed analysis of the TRACFIN is provided in the article: A. Olech, *Działalność antykorupcyjna TRACFIN w Republice Francuskiej i CBA w Rzeczypospolitej Polskiej – różnice, podobieństwa i rezultaty* in *Jawność życia publicznego*, ed. by J. Taczowska-Olszewska, M. Nowikowska, A. Brzostek, R. Szydłowska (Warsaw: Scriptorium, 2019).

²⁸⁹ Loi n° 90-614 du 12 juillet 1990 relative à la participation des organismes financiers à la lutte contre le blanchiment des capitaux provenant du trafic des stupéfiants, JORF n°162 du 14 juillet 1990, NOR: ECOX9000077L.

²⁹⁰ Centre Français de Recherche sur le Renseignement, *Traitement du renseignement et action contre les circuits financiers clandestin*, Montreuil 2017, p. 1.

2011 its contemporary structure was defined²⁹¹. It is now a secret service attached to the Ministry of Finance and Public Accounts (Ministère de l'Action et des Comptes publics) and its full name is La Cellule française de lutte contre le blanchiment de capitaux et le financement du terrorisme (the French Unit for Combating Money Laundering and the Financing of Terrorism)²⁹².

The main task of the Intelligence processing and action against clandestine financial circuits is to support the development of economy by combating illegal trading in financial instruments, money laundering and financing of terrorism. Additionally, the service is responsible for:

- obtaining, processing, collecting, verifying and protecting information relevant to state security and finance by making available and transmitting to relevant actors information on illicit financial flows and money laundering;
- carrying out and coordinating investigative and inquisitorial procedures at both national and international level in order to identify the perpetrators of customs or tax offences related to illicit financial flows or money laundering, also as part of cooperation with other authorities;
- cooperation with other ministries, internal and international actors in order to develop effective methods to fight illicit financial flows, money laundering and terrorist financing;
- monitoring other authorities and services combating financial crimes at national and international level²⁹³;
- developing, in cooperation with selected directorates (which report to the Ministers of the Economy and Budget), of international measures to combat illicit financial flows, money laundering and terrorist financing²⁹⁴.

As one of the secret services, the TRACFIN also carries out operational activities. The service receives information on unusual financial transactions. To this end, financial institutions and certain professions (as defined in the French Monetary and Financial Code – *Code monétaire et financier*) submit reports on operations that have raised their suspicions. These submissions are analysed and, if necessary, the TRACFIN carries out additional investigations which may lead to the case being referred to the competent prosecutor or certain specialised services.

Depending on the AML, corruption or terrorist financing operations carried out, the TRACFIN offers support in the form of information, training and awareness campaigns. The service maintains ongoing relations with financial supervisory authorities. Moreover,

²⁹¹ Arrêté du 7 janvier 2011 portant organisation du service à compétence nationale TRACFIN, JORF n°0006 du 8 janvier 2011 texte n° 35, NOR: EFIP1027335A.

²⁹² Ministère de l'Action et des Comptes publics, *Tracfin – Chiffres clés 2017*, Montreuil 2018, p. 1.

²⁹³ Ministère de l'Action et des Comptes publics, *Tracfin – Cellule de lutte contre le blanchiment de capitaux et le financement du terrorisme* <www.economie.gouv.fr> [accessed: 15 December 2019].

²⁹⁴ Code monétaire et financier. Art. D533-14.

the TRACFIN plays an active role in the development of anti-money laundering standards through the provision of legal expertise to government offices and specialists²⁹⁵.

The TRACFIN, due to its possession of financial information on reported transactions, has been granted specific powers, strictly regulated by a series of prerogatives.

- 1) The right to communicate – using reports of suspicious transactions provided to the service. The TRACFIN is entitled to ask the financial institution to make available, within a certain period of time, in an independent medium, the documents that concern the transaction or the person performing the financial operation in question.
- 2) The right to consultation – officers can directly obtain the required data by requesting information from institutions subject to the Monetary and Financial Code in France.
- 3) The right to object – the TRACFIN is allowed to block a transaction that has not yet been executed, for a period of one working day from the date of its stopping. This prerogative, unique in the French law, is difficult to implement because the organisation that made the statement of suspicion cannot warn its client of the declaration made and must justify the blocking of the transaction. Any unnecessary blocking may lead to legal liability towards the state.
- 4) The right to exchange information – applies to French and foreign units carrying out activities similar to those of the TRACFIN. The service may volunteer to share particular data that is relevant to internal and international security, and must remain in constant contact to send instructions to particular actors, such as:
 - judicial authorities, if it is relevant to ongoing proceedings,
 - state administration authorities (including other secret service) – in the event of a threat to the vital interests of the nation in matters of public and state security,
 - other units involved in financial supervision.

There are officers appointed on behalf of the service who are responsible and legally empowered to take certain required actions. They are authorised by the Minister of the Economy and Finance²⁹⁶. The service is not entitled to receive and process information provided by natural persons²⁹⁷.

As part of the cooperation of the intelligence network, of which the TRACFIN has been a member since 2008, the service has sent 685 memos to other entities on the fight against the financing of terrorism, 459 of which to specialised intelligence services (an increase of

²⁹⁵ Ministère de l'Economie, de l'Industrie et de l'Emploi, Ministère du Budget, des comptes publics, de la fonction publique et de la réforme de l'Etat, *Annual report 2008 – TRACFIN – Unit for intelligence processing and action against illicit financial network* (Montreuil, 2009), p. 6.

²⁹⁶ Code monétaire et financier, R. 561-35; Décret n°2018-284 du 18 avril 2018 – art. 51 – NOR: ECOT1808327D.

²⁹⁷ Ministère de l'Action et des Comptes publics, *Tracfin – Chiffres...*, op. cit.

73 percent compared to 2016 – 396 memos). Out of these, among others: 416 were sent to the DGSI, 37 to the DGSE, 2 to the DRM and 1 to the DRSD. In addition to intelligence, the TRACFIN provided judicial authorities with files on terrorist financing. In 2017, 226 requests were sent to administrative authorities and police services responsible for fighting terrorism (whereas in 2016 only 44 were sent). This effort enabled the prosecutor's office to open new investigations based on reports regarding financial support for jihadists present in France. The special department for fighting the financing of terrorism detected 1 379 suspicious transactions of a terrorist nature and conducted 105 investigations²⁹⁸.

The TRACFIN has had a national jurisdiction since 6 December 2006, reports to the Ministry of Budget and Public Accounts, and is structured as follows:

- 1) The Department of Analysis, Intelligence and Information (*Le département de l'analyse, du renseignement et de l'information*, DARI), charged with collecting reports on suspicious transactions, analysing their source, verifying financial data and maintaining permanent relations with other entities responsible for supervising financial operations. Furthermore, it is in charge of international relations. The department is specifically competent in maintaining relations with reporting specialists (also unrelated to the specific case) and defining future strategies for its functioning in matters involving international institutional or operational cooperation.
- 2) The Investigation Department (*Le département des enquêtes*, DE), responsible for the specific investigations carried out by the TRACFIN (gaming market, non-bank financial circuits, economic and financial frauds and comprehensive legal actions). The officers of this department work in close cooperation with specialists, civil servants and all other entities entrusted with a public service mission (in particular under the Monetary and Financial Code), as well as with other secret services.
- 3) The Anti-Terrorist Financing Division (*la division de lutte contre le financement du terrorisme*, DLFT), which carries out ad hoc and operational activities.
- 4) The Legal and Judicial Department (*le pôle juridique et judiciaire*), which offers expertise, legal and judicial support in all matters within its areas of competence. Should the case be expected to be brought to court, it issues an independent advisory opinion. The purpose of the organisational unit is to characterise and describe facts that may constitute a money laundering or terrorist financing offence. The department also has three liaison officers: from the National Police, the gendarmerie and the Major Financial Crimes Office.
- 5) The Information Systems Mission (*la mission des systèmes d'information*, MSI), which is responsible for the operation and development of the TRACFIN information systems, in accordance with user expectations and applicable regulations.

²⁹⁸ Ibid, p. 64.

- 6) The Administrative and Financial Affairs Department (*le département des affaires administratives et financières*, DAAF) provides support to the service in, among others, IT, budget planning and human resources management.
- 7) The Strategic Analysis Unit (*la cellule d'analyse stratégique*, CAS) uses available information to identify trends in money laundering and terrorist financing²⁹⁹.

The TRACFIN is a secret service with administrative responsibilities in intelligence processing. It enjoys operational autonomy in the fight against clandestine financial circuits, money laundering and terrorist financing. To this end, the TRACFIN collects, analyses, enriches and uses any information relevant to determining the origin or criminal destination of financial transactions based on statements made by officers or information received from partner and international actors. *Traitement du renseignement et action contre les circuits financiers clandestins*³⁰⁰ maintains strict confidentiality regarding reports of fraudulent transactions and never communicates information on suspicious financial transactions³⁰¹. The officers make sure that the contact source who provides the information obtained is never disclosed. All reports of such transactions received by post or facsimile are subject to inspection and verification. In the absence of certain formal elements, the statement of suspicion will not be accepted.

The internationalisation of financial flows, and thus money laundering, has necessitated the development of international cooperation with counterparts in other countries. As part of these activities, the TRACFIN communicates with its European partners and other foreign intelligence units through two secure communications networks. They make it possible to communicate information in a decentralised and encrypted manner between 28 services in the European Union and at international level with more than 154 Egmont Group partners³⁰².

Highly important for the control activities of secret services was the establishment of the National Commission for the Control of Intelligence Techniques (*Commission nationale de contrôle des techniques de renseignement*, CNCTR) on 24 July 2015. It is intended to strengthen the means of action of intelligence agencies and therefore allows the services to use newly developed techniques such as location tracking, interception of communications and covert audio recording (wiretapping). However, the activities of the CNCTR are also meant to guarantee the protection of civil liberties and the right to privacy through a precisely created legal framework. Intelligence agencies are authorized to use necessary techniques to gather intelligence, but only in a justified

²⁹⁹ Ministère de l'Action et des Comptes publics, *Tracfin – Chiffres...*, op. cit., pp. 1-2.

³⁰⁰ Arrêté du 30 juillet 2001 relatif au traitement automatisé de l'information mis en oeuvre par la cellule traitement du renseignement et action contre les circuits financiers clandestins (TRACFIN), NOR: ECOD0140006AJORF n°195 du 24 août 2001.

³⁰¹ Except for cases strictly governed by law (Code monétaire et financier, art. L.561-19).

³⁰² Ministère de l'Action et des Comptes publics, *Tracfin – Chiffres...*, op. cit., pp. 1-3.

and confirmed case. The undertakings of the commission provide a balance between enhanced citizen security and the protection of individual liberties³⁰³.

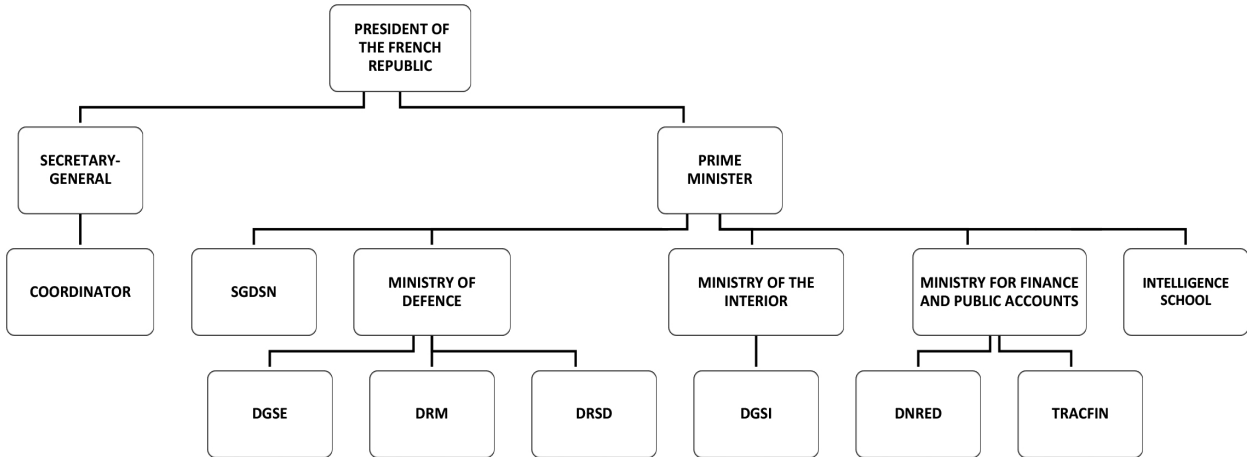


Figure 4. Schematic representation of the intelligence network in the French Republic
 Source: own study.

The introduction of an improved system for the prevention of terrorist acts to combat radical Islam in the country involves the transfer of more powers to the General Directorate of Internal Security (*Direction Générale de la Sécurité Intérieure*, DGSI). In two years (2013-2015), the organisation dismantled 13 units recruiting terrorists to Syria (including the one run by F. Mourad). In 2014, there were 3 301 officers working for the organisation, and by the end of 2017, there were as many as 4 460³⁰⁴. As a result of successful operations throughout the years, the decision was made to increase the number of officers in this unit by 13 percent in 2018 (430 agents). International activities will be handled by the General Directorate for External Security (*Direction Générale de la Sécurité Extérieure*, DGSE), whose budget has been increased, but the amount is classified³⁰⁵. The complexity of the problem of terrorist acts that cause civilian suffering means that the actions taken by the security services no longer extend only to the French Republic. Operations are conducted by officers abroad before a real threat can emerge within the country. Intelligence activities are paramount here.

³⁰³ J. Follorou, *Un an après sa création, la commission chargée du contrôle du renseignement affirme son indépendance*, “Le Monde”, 13 December 2016 <http://www.lemonde.fr/societe/article/2016/12/13/premier-bilan-de-la-commission-chargee-du-contrôle-du-renseignement_5047987_3224.html> [accessed: 15 March 2021].

³⁰⁴ Ministère de l'Intérieur, *Projet...*, op. cit.

³⁰⁵ M. Damgé, E. Ollivier, *Quels sont les moyens de l'antiterrorisme en France?*, “Le Monde”, 21 January 2015.

The activities of secret services involve acquiring valuable information about external threats and passing it on to the National Intelligence Council³⁰⁶ (Conseil national du renseignement, CNR)³⁰⁷. Moreover, years of experience have shown that the collective effectiveness of intelligence services requires coordination at the highest state level. This led to the creation of the CNR in 2008 and the position of the National Intelligence Coordinator (Coordonnateur national du renseignement). Subsequently, in 2017, the National Intelligence and Counter-Terrorism Coordination (Coordination nationale du renseignement et de la lutte contre le terrorisme, CNRLT) and National Counter-Terrorism Centre³⁰⁸ (Centre national de contre-terrorisme)³⁰⁹ were formed. The establishment of the CNRLT thereby represented an important milestone in the development of intelligence management and the fight against terrorism³¹⁰.

When undertaking research on terrorism in the French Republic, it is essential to determine how the security services operating in the country perceive the threats. Based on the nature of the 1960 attacks, indicators to flag potentially dangerous persons, or so-called S cards (*une fiche S*), were created. This is a file with the data of persons who pose a threat to state security, compiled by the General Directorate for External Security, whose main task is, as already mentioned, to detect threats within the state and neutralise dangers posed by foreigners³¹¹. The “fiche S” file is divided into different levels marked with symbols that range from S1 to S16³¹² (e.g. S14 refers to jihadist fighters returning from Iraq or Syria)³¹³. These levels correspond to actions to be taken against a suspected

³⁰⁶ Ministère des Armées, La DRM au sein des armées <<https://www.defense.gouv.fr/ema/directions-services/direction-du-renseignement-militaire/la-drm/la-drm-au-sein-des-armees/la-drm-au-sein-des-armees>> [accessed: 05 Janu-ary 2021].

³⁰⁷ The CNR was formed on 23 July 2008 as a specialized body of the High Council of National Defence (Conseil de Défense et de Sécurité nationale, CDSN), a council of ministers headed by the president to set targets and coordinate security and defence policy. The CNR coordinates the activities of the French intelligence services.

³⁰⁸ The National Counter-Terrorism Centre is also part of the intelligence network.

³⁰⁹ Décret n° 2017-1095 du 14 juin 2017 relatif au coordonnateur national du renseignement et de la lutte contre le terrorisme, à la coordination nationale du renseignement et de la lutte contre le terrorisme et au centre national de contre-terrorisme, JORF n°0139 du 15 juin 2017 texte n° 1, NOR: PRMX1716719D.

³¹⁰ A. Deprau, *op. cit.*, p. 46.

³¹¹ Décret n° 2014-474..., *op. cit.* Art. 1.

³¹² The number does not denote the level of danger. The S-card is given for a period of two years with the possibility of being extended. Some categories are no longer used. After: Sénat Session Ordinaire De 2018-2019, Rapport d’information *Fait au nom de la commission des lois constitutionnelles, de législation, du suffrage universel, du Règlement et d’administration générale (1) par le groupe de travail sur l’amélioration de l’efficacité des fiches S (2)*, Enregistré à la Présidence du Sénat le 19 décembre 2018, pp. 5-8.

³¹³ L. Verbeke, *Fiches S, FPR, et FSPRT, plongée dans les fichiers de l’antiterrorisme*, France Culture, 26 March 2018 <<https://www.franceculture.fr/droit-justice/fiches-s-fpret-fsprt-plongee-dans-les-fichiers-de-l-antiterrorisme>> [accessed: 24 November 2020].

unlawful activity³¹⁴. As of 11 December 2018, there were 29 973 people in this database regarding whom there is a need to obtain more information. Those included in the file may belong to sects, be hooligans, members of criminal organisations, far-left or right movements, or controlled by French counter-intelligence³¹⁵. It is worth noting that the police are not allowed to arrest a suspect solely because they are marked with an S card. As the French Ministry of the Interior points out, the “fiche” system is still a monitoring tool and does not prove guilt. Information on such a person may be read by the security services of all countries that belong to the Schengen Area³¹⁶.

Among those with an S card are approximately 10 500 suspected terrorists or those associated with radical Islamism. Therefore, the French government aims to improve the control system. A group has been formed to look at special cases flagged with an S card in order to streamline the functioning of the services³¹⁷.

It is worth noting the example of the lack of cooperation within the Schengen Information System (SIS). M. Nemmouche, suspected of the attack on the Jewish Museum of Belgium in 2014, was not detained by the German police. He was flagged with an S card by the French secret service – DGSI – in an international database and also appeared in the SIS system. Despite the fact that he crossed the border at Frankfurt airport, the German services did not detain him. A similar situation happened in Belgium when a terrorist, Salah Abdeslam, who supported the attacks of 13 November 2015, crossed the border with France despite being flagged by Belgian services in the SIS. It was only on 18 March 2016 in Brussels that he was apprehended³¹⁸.

The second database is the Database for the Processing of Alerts to Prevent Terrorist Radicalisation (*Le fichier des signalements pour la prévention de la radicalisation à caractère terroriste*, FSPRT)³¹⁹, in which the data of radical Islamists (for the time being only of this religion) present on the territory of the country and capable of carrying out terrorist activities is entered. It is managed by the Directorate General of the National Police (DGPN). Importantly, not all of these individuals are assigned an S card, but

³¹⁴ *Fiches S, la surveillance des Renseignements qui alimente le débat politique*, “L’ Express” <[www.lexpress.fr/actualite/societe/fiches-s-la-surveillance-des-renseignements-fiches S, la surveillance des Renseignements qui alimente le débat politique-qui-alimente-le-debat-politique_1847110.html](http://www.lexpress.fr/actualite/societe/fiches-s-la-surveillance-des-renseignements-fiches-s-la-surveillance-des-renseignements-qui-alimente-le-debat-politique-1847110.html)> [accessed: 13 December 2020].

³¹⁵ C. Simon, *Paris: des avocats affirment que des lycéens sont fichés S depuis leur interpellation*, “Le Parisien” <<http://www.leparisien.fr/yvelines-78/mantes-la-jolie-78200/au-moins-trois-jeunes-seraient-fiches-s-depuis-l-interpellation-polemique-a-mantes-la-jolie-22-03-2019-8037891.php>> [accessed: 24 November 2019].

³¹⁶ L. Verbeke, op. cit.

³¹⁷ *Le Sénat crée un groupe de travail sur les fiches «S»*, Tribune de Geneve, 16 May 2018 <<https://www.tdg.ch/monde/europe/Le-Senat-cree-un-groupe-de-travail-sur-les-fiches-S/story/2257893>> [accessed: 22 December 2020].

³¹⁸ P. Berthelet, *L’UE et la lutte antiterroriste après les attentats de Bruxelles: forces et faiblesses d’une action substantielle*, “Cahiers de la sécurité et de la justice”, 2016, No. 35-36, p. 104.

³¹⁹ The database for preventing the radicalization of terrorist suspects [own translation].

secret service officers and police officers seconded by the Directorate General of the National Police from respective departments are directly assigned to observe them³²⁰. The database contains only data on individuals undertaking or suspected of undertaking terrorist activities. As of 28 September 2018, 20 459 personal files of various individuals were included in the Database for the Processing of Alerts to Prevent Terrorist Radicalisation FSPRT³²¹. Among these suspects, 3 391 are foreigners and 619 have dual citizenship (French and foreign)³²².

As journalists J. Gatehouse and D. Chazan report, the French police stated that they needed approximately 20 officers a day to keep just one suspected terrorist under constant 24-hour surveillance, suggesting that more than 400 000 officers would be required, just for the purpose of monitoring all registered potential terrorists³²³. Despite spending USD 30 billion on security and another USD 64 billion on defence in 2018, the situation is still challenging³²⁴. As of December 2018, there were 20 500 terrorist suspects listed on the FSPRT in the French Republic. It includes both citizens and persons arriving in France³²⁵. An increase in the involvement of female French citizens fighting for the Islamic State was also noted. 382 such cases were observed in 2019, and 25 percent of women involved in wars in the Middle East converted to Islam³²⁶.

In the past, investigations into international terrorism were carried out by services such as the General Directorate of Internal Security (DGSI) or the General Directorate of the National Police (DGPN), while domestic terrorism was subject to close coordination between the National Gendarmerie and National Police services. Currently, this division seems to be disappearing and an increasing number of services operate in a multifaceted manner³²⁷. Currently, the two major actors responsible for national security are as

³²⁰ Décret n° 2019-412 du 6 mai 2019 modifiant le décret n° 2018-383 du 23 mai 2018 autorisant les traitements de données à caractère personnel relatifs au suivi des personnes en soins psychiatriques sans consentement, JORF n°0106 du 7 mai 2019 texte n° 5, NOR: SSAZ1828844D.

³²¹ There is no information, however, on how many people were in the database prior to 2015.

³²² Assemblée Nationale, *Nombre d'étrangers inscrits au FSPRT*, 15ème legislature, Question N°: 1810, M. Éric Ciotti, date de changement d'attribution: 16 October 2018.

³²³ D. Chazan, *Strasbourg attack: What is France's 'S-file' terror watch list?*, "The Telegraph", 12 December 2018 <<https://www.telegraph.co.uk/news/2018/12/12/strasbourg-attack-frances-s-file-terror-watch-list/>> [accessed: 14 December 2020].

³²⁴ J. Gatehouse, *The staggering scale of France's battle against terror; by the numbers*, CBC, 12 December 2018 <<https://www.cbc.ca/news/thenational/national-today-newsletter-terrorism-implant-registry-rice-1.4939071>> [accessed: 15 December 2020].

³²⁵ *Strasbourg: Sébastien Pietrasanta: "Il y a aujourd'hui 20.500 fiches FSPRT en France"*, BFM, 12 December 2018 <<https://rnc.bfmtv.com/mediaplayer/video/strasbourg-sebastien-pietrasanta-il-y-a-aujourd-hui-20-500-fiches-fsprt-en-france-1124653.html>> [accessed: 14 December 2019].

³²⁶ Institute for Economics & Peace, *Global Terrorism Index 2019 – Measuring the impact of terrorism* (Sydney, 2019), pp. 67-68.

³²⁷ Sénat, *Menace terroriste: pour une République juste mais plus ferme*, Rapports de commission d'enquête, 15 mai 2020.

follows: the General Directorate of the National Police (*La direction générale de la Police nationale* (DGPN) and the General Directorate of the National Gendarmerie (*La direction générale de la Gendarmerie nationale*, DGGN), both subordinate to the Minister of the Interior; notwithstanding the fact that the DGGN is part of the Ministry of Defence, its operations are managed by the Ministry of the Interior³²⁸.

2.1.2. The National Police and the National Gendarmerie

The largest formations in France to ensure public safety, protect borders, search for offenders and obtain information, but also to directly fight terrorism, are the troops of: the National Police (*Police nationale*), which had its rights granted on 9 July 1966³²⁹, the Municipal Police (*Police municipale*), established in 1999³³⁰, and the National Gendarmerie, originally formed in 1791 and operating in its current form since 2016³³¹.



Figure 5. Schematic representation of the police authorities reporting to the Ministry of the Interior of the French Republic

Source: own study.

The National Police

The National Police operates under the Act No. 95-73 of 21 January 1995 on homeland security orientation and programming³³², which identifies the priority missions of the police,

³²⁸ United States Department of State Publication, op. cit., p. 118.

³²⁹ Loi n° 66-492 du 9 juillet 1966 portant organisation de la police nationale.

³³⁰ Loi n° 99-291 du 15 avril 1999 relative aux polices municipales, JORF n°89 du 16 avril 1999 page 5607, NOR: INTX9800020L.

³³¹ Arrêté du 27 décembre 2016 modifiant l'arrêté du 12 juillet 2010 fixant les conditions d'attribution de la nouvelle bonification indiciaire pour les fonctionnaires du ministère de l'intérieur occupant certains postes relevant de la gendarmerie nationale, JORF n°0302 du 29 décembre 2016 texte n° 71.

³³² Loi n° 95-73 du 21 janvier 1995 d'orientation et de programmation relative à la sécurité, NOR: INTX9400063L.

as confirmed by the Act No. 2002-1094 of 29 August 2002 on internal security guidance and planning³³³. There are approximately 140 000 people working for the National Police. Actions of the police are undertaken on the basis of the key objectives, which are as follows:

- ensuring the safety of people, property and institutions,
- controlling migration flows and combating illegal immigration,
- fighting organised and international crime and trafficking,
- protecting the country against external threats and terrorism,
- maintaining public order.

The primary tasks of the police include:

- ensuring public safety through: law enforcement, protection of persons and property, prevention of public disorder, affray and crime;
- supporting the work of the judicial police (*police judiciaire*), whose purpose is, under the guidance and supervision of the judicial authority, to search for and detect offences, take evidence, seek perpetrators and their accomplices, arrest and refer cases to the competent judicial authorities;
- pursuing intelligence and information relevant to government administration, as well as detecting and preventing threats that could undermine public order or the sovereignty of the nation.

The National Police reports to the Ministry of the Interior and is one of its organisational units. Although the General Directorate of the National Police has been established in the Ministry of the Interior, the prefect of the Paris police is still the head of this service and the intermediary charged with ensuring security in the country. Members of the police staff fall into the following categories:

- 1) commissaires,
- 2) uniformed policemen, civilian policemen,
- 3) uniformed officers – civilian officers,
- 4) police investigators,
- 5) administrative, technical and scientific personnel.

Activities to maintain security are carried out by directorates, which have specific tasks and responsibilities. There are the following organisational units:

- 1) The Directorate of Resources and Skills of the National Police (*La Direction des ressources et des compétences de la Police nationale*, DRCPN) – it manages the police staff, develops and prepares the budget. It was established on 1 September 2010 and employs approximately 3 000 people³³⁴.

³³³ Loi n° 2002-1094 du 29 août 2002 d'orientation et de programmation pour la sécurité intérieure, NOR: INTX0200114L.

³³⁴ Arrêté du 6 mai 2019 modifiant l'arrêté du 27 décembre 2017 relatif aux missions et à l'organisation de la direction des ressources et des compétences de la police nationale, JORF n° 0109 du 11 mai 2019 texte n° 21, NOR: INTC1910399A.

- 2) The General Inspectorate of the National Police (*L'Inspection générale de la Police nationale*, IGPN) – founded by the decree of 20 December 1884 and reformed on 28 August 2013. The IGPN is in charge of controlling other police directorates and prefectures. It has eight regional offices, in Bordeaux, Fort-de-France, Lille, Lyon, Marseille, Metz, Paris and Rennes.
- 3) The Central Directorate of the Judicial Police (*La direction centrale de la police judiciaire*, DCPJ) – formed in 1907 and subsequently structured under the ordinance dated 5 August 2009. Its main tasks include: detecting criminal law violations, taking evidence and searching for perpetrators. Its powers are very wide, including: preventing attacks on persons and property, deterring trafficking in arms, cultural property and explosives, combating international criminal groups and economic offences, suppressing terrorism, eradicating money laundering and cybercrime. It operates throughout the country with its headquarters in the Ministry of the Interior and 12 regional offices. There are about 5 400 officers serving there³³⁵.
- 4) The Central Directorate of Public Security (*La Direction Centrale de la Sécurité Publique*, DCSP) – established on 23 April 1941, and its current structure operates under the Decree of 23 December 1993³³⁶. The main tasks of the unit include: fighting crime and violence, ensuring road safety, combating drug trafficking, crime prevention, surveillance of major events (sports events, protests, mass events). The activities are undertaken continuously for 24 hours, seven days a week. On French territory, there are 102 police stations in cities with a population of more than 10 000 inhabitants.
- 5) The Central Directorate of the Border Police (*La Direction centrale de la police aux frontières*, DCPAF) – monitors compliance with cross-border traffic laws and coordinates the fight against illegal immigration and the employment of illegal immigrants. It was established in 1973, on 29 January 1999 it was given its current name, and its existing organisational character was determined in 2011. Its mission also includes international border cooperation and securing border crossing areas. There are approximately 10 000 officers serving there³³⁷.
- 6) The Central Management of the Republican Security Companies (*La Direction centrale des compagnies républicaines de sécurité*, DCCRS) – consists of prevention departments dedicated to protecting the law, mass events and suppressing riots and demonstrations. They were created on 8 December 1944,

³³⁵ Arrêté du 19 avril 2019 modifiant l'arrêté du 5 août 2009 relatif aux missions et à l'organisation de la direction centrale de la police judiciaire, NOR: INTC1909989A.

³³⁶ Arrêté du 23 août 1995 portant création de sûretés départementales dans les directions départementales de la sécurité publique, NOR: INTC9500472A.

³³⁷ Arrêté du 1er février 2011 relatif aux missions et à l'organisation de la direction centrale de la police aux, NOR: IOCC1033181A.

and currently operate under the Decree of 23 February 2009 on the organisation of the Central Management of the Republican Security Companies³³⁸. Their main focus is to maintain order, but they also support other police departments. The DCCRS has seven units: in Paris, Lille, Rennes, Bordeaux, Marseille, Lyon and Metz. There are approximately 14 000 officers serving there.

- 7) The Central Directorate of Recruitment and Training of the National Police (*La Direction centrale du recrutement et de la formation de la Police nationale*, DCRFPN) – created on 27 January 2017. It is accountable for recruiting personnel as well as piloting and implementing training for all its officers³³⁹.
- 8) The International Cooperation Directorate (*La Direction de la coopération internationale*, DCI) – brings together not only policemen, but also gendarmes who carry out their tasks as part of international cooperation of security services. The DCI was established on 1 September 2010³⁴⁰. Its main tasks include the fight against crime, terrorism, illegal migration, cybercrime – also outside the country. Additionally, it represents the Ministry for Europe and Foreign Affairs. The network of cooperating attachés comprises 242 policemen and gendarmes from 153 countries.
- 9) The Protection Service (*Le Service de la Protection*, SDLP) – provides protection and security to senior officials of the Ministry of the Interior and other dignitaries. Furthermore, it ensures security in the buildings of the Ministry of the Interior. The Security Group for the Presidency of the Republic (*Groupe de Sécurité du Président de la République*, GSPR) protects the head of state. The SDLP was established on 12 August 2013³⁴¹.
- 10) The Central Service for the Technical and Scientific Police (*Le Service Central de la Police Technique et Scientifique*, SCPTS) – supports the day-to-day scientific and technical activities of the police, provides training, international cooperation, implements standards and accreditations in connection with information and communication services. It was set up on 5 April 2017. In particular, its officers participate in judicial policing activities concerning the investigation of offences, the determination of civil and criminal liability as well as the identification of perpetrators or victims of offences, and sometimes in the

³³⁸ Arrêté du 23 février 2009 relatif à l'organisation de la direction centrale des compagnies républicaines de sécurité, NOR: IOCC0829216A.

³³⁹ Arrêté du 27 janvier 2017 relatif aux missions et à l'organisation de la direction centrale du recrutement et de la formation de la police nationale, JORF n°0025 du 29 janvier 2017 texte n° 17, NOR: INT1634131A.

³⁴⁰ Arrêté du 27 août 2010 relatif aux missions et à l'organisation de la direction de la coopération internationale, JORF n°0200 du 29 août 2010 texte n° 13, NOR: IOCC1018202A.

³⁴¹ Arrêté du 12 août 2013 relatif aux missions et à l'organisation du service de la protection, NOR: INTA1319074A.

search for witnesses. The SCPTS also contributes to the fight against terrorism and organised crime³⁴².

Moreover, within the structures of the Central Directorate of the Judicial Police, there is the Anti-Terrorist Sub-Directorate (*La Sous-Direction Anti-Terroriste*, SDAT), which was founded on 19 May 2006³⁴³. It is composed of four divisions that are charged with: preventing domestic and international terrorism, fighting its financing, and collaborating within operational logistics³⁴⁴. The SDAT is not an intelligence, but investigation service. This unit, formed to fight terrorists, reports to three entities: the Ministry of the Interior, DGPN and DCPJ. The SDAT is based in the same building as the DGSI secret service. It is also part of the new plan to counter terrorism presented in January 2020 by Prime Minister É. Philippe. The anti-terrorist service collaborates directly with the intelligence service. The activities of the SDAT are aimed at eliminating all terrorist threats, including in particular:

- Basque, Corsican and Breton terrorism,
- domestic terrorist offenses associated with violent/orthodox ideological movements, such as ecoterrorism, the far-right, or the far-left,
- activities of international terrorist groups that may carry out attacks in France³⁴⁵.

The SDAT has several divisions, including:

- the National Division for the Suppression of International Terrorism (*Division Nationale pour la Répression du Terrorisme International*, DNRTI), which has eight investigation groups,
- the National Division for the Suppression of Separatist Terrorism (*La Division Nationale Pour la Répression du Terrorisme Séparatiste*, DNRTS), which has six investigation groups,
- the Financial Investigations Brigade (*La Brigade d'Investigations Financières*),
- the Operational Logistics Division (*La Division de la Logistique Opérationnelle*),
- the International Relations Group (*Le Groupe des Relations Internationales*, GRI),
- 20 anti-terrorist groups operating at the offices of Police judiciaire (*Les Groupes Anti-Terroristes*, GAT)³⁴⁶.

³⁴² Arrêté du 5 avril 2017 portant création d'un service d'administration centrale dénommé « Service central de la police technique et scientifique », JORF n°0082 du 6 avril 2017 texte n° 28, NOR: INTC1700417A.

³⁴³ Arrêté du 19 mai 2006 relatif aux missions et à l'organisation en sous-directions de la direction centrale de la police judiciaire et portant création de services à compétence nationale, NOR: INTC0600486A.

³⁴⁴ Arrêté du 5 août 2009 relatif aux missions et à l'organisation de la direction centrale de la police judiciaire, JORF n°0182 du 8 août 2009 texte n° 11, NOR: IOCC0916981A.

³⁴⁵ Cours Servais, Sous-direction Antiterroriste <<https://www.cours-servais.fr/preparation-concours/gardien-de-la-paix/sdat.htm>> [accessed: 15 February 2020].

³⁴⁶ Centre Français de Recherche sur le Renseignement, *Sous-Direction Anti-Terroriste (Sdat) De La Direction Centrale De La Police Judiciaire* (Paris, 2017), pp. 1-2.

The Intelligence Directorate of the Paris Police Prefecture (*Direction du Renseignement de la Préfecture de Police de Paris*, DR-PP) was set up on 27 June 2008³⁴⁷. The DR-PP is responsible for obtaining general information on the security situation, intelligence, fighting illegal migration and acquiring information on terrorist threats³⁴⁸. It was the officers of this unit who had wiretapped S. Kouachi before he carried out the attacks on the “Charlie Hebdo” offices. The unit employs approximately 1 100 people, a number that increased by nearly 30 percent following the January 2015 terrorist attacks³⁴⁹.

A very important body that significantly contributes to the functioning of the system to counter terrorism is the National Anti-Terrorist Prosecutor's Office (Parquet National Antiterroriste, PNAT). It was created on 1 July 2019 (the proposal originated in late 2017) and its powers are of a national character³⁵⁰. The PNAT is competent to adjudicate cases such as crimes against humanity and war crimes and specific petty offences, terrorism, proliferation of weapons of mass destruction and their means of transportation, torture, kidnapping. It is also informed of certain actions taken by the administrative authorities (in accordance with the provisions of the Anti-Terrorist Act)³⁵¹. The establishment of the PNAT was part of the strategy of E. Macron to centralise the fight against terrorism by ensuring that the services are properly coordinated by an anti-terrorist prosecutor to enable faster and more effective response to threats³⁵².

The Municipal Police

The Municipal Police (*Police municipale*) was originally formed on 14 December 1789 and its powers were modified on 5 April 1884, giving the service an administrative character. Subsequently, on 23 April 1941, fundamental reforms were introduced, establishing the Municipal Police only in communes with a population of more than 10 000 inhabitants, and in 1965 it was enacted that this service could also operate in communes with a population of more than 2 000 residents³⁵³. Its current status was

³⁴⁷ A. Deprau, op. cit., p. 168.

³⁴⁸ Arrêté du 27 juin 2008 relatif à la direction du renseignement de la préfecture de police et modifiant l'arr. du 6 juin 2006 portant règlement général d'emploi de la police nationale, art. 1, JORF, n° 0152, 1er juillet 2008, texte n° 9.

³⁴⁹ Rapport fait au nom de la commission d'enquête sur la surveillance des filières et des individus djihadistes, no 2828, Éric Ciotti (président) et Patrick Mennucci (rapporteur), enregistré à l'Assemblée nationale le 2 juin 2015.

³⁵⁰ Décret n° 2019-628 du 24 juin 2019 portant entrée en vigueur des dispositions relatives au parquet antiterroriste, JORF n° 0145 du 25 juin 2019 texte n° 4, NOR: JUSD1917754D.

³⁵¹ Code de procédure pénale: art. 628-1, art. 706-17, art. 706-169. Code de la sécurité intérieure: art. L228-2. Code de l'organisation judiciaire: art. L217-1, art. L217-5.

³⁵² J. Jacquin, *Vers la création d'un parquet national antiterroriste*, “Le Monde” 18 December 2017.

³⁵³ D. Belgacem, *Histoire de la Police Municipale*, Info-Police <<http://info-police.over-blog.com/rss>>.

established by the decree passed in 1976³⁵⁴, and the existing character was granted on the basis of the Act of 15 April 1999 on the Municipal Police³⁵⁵. It is the equivalent of the Polish City Guard (Straż Miejska).

Beginning in the 1980s, with the introduction of the decentralisation laws and the emergence of local security policies, an increasing number of communes were staffed by the municipal police forces, which were expanding all the time. In 1984, 4 000 municipal police officers served in 1 700 communes. In 2010, 20 000 officers served in 3 500 communes³⁵⁶, whereas in 2019³⁵⁷ there were already 22 780 municipal police officers in 7 982 communes³⁵⁸.

The mission of the Municipal Police is to enhance the quality of life of residents and to work with citizens in the commune in order to enforce the rules of lawful conduct, maintain order and reduce the occurrence of threats. Its officers combat minor and medium-level crime. They are an integral part of the French police force and depositaries of public authority in the same manner as national police officers and gendarmes³⁵⁹. The mayor supervises the activities of the Municipal Police in the territory of the commune administered by this mayor³⁶⁰.

The tasks of the Municipal Police involve, in particular:

- maintaining order in public places,
- responding to threats that disturb public order, such as brawls, disputes, and arguments,
- maintaining order during mass events and gatherings,
- controlling places where there are great concentrations of people,
- supporting public administration authorities and other services working for security in current operations and during crises,
- observing and taking preventive measures with respect to suspicious, dangerous or mentally ill persons,
- protecting animals and providing support in their transport or care³⁶¹.

³⁵⁴ Décret n°76-831 du 24 août 1976 fixant les modalités d'intégration des agents des polices municipales étatisées dans le corps des gradés et gardiens de la paix de la police nationale.

³⁵⁵ Loi no 99-291..., op. cit.

³⁵⁶ Police Municipale, *Histoire et présentation* <<https://www.policemunicipale.fr/connaître/histoire-presentation>> [accessed: 18 May 2019].

³⁵⁷ Currently, there is no Municipal Police in Paris, and officers from the DPSP are responsible for security. The level of employment as of 1 January 2019: 320 officers. Source: B. Hasse, *Paris: un «grand flic» prend les rênes du service de sécurité municipale*, “Le Parisien”, 17 January 2019 <<http://www.leparisien.fr/paris-75/paris-un-grand-flic-prend-les-renes-du-service-de-securite-municipal-17-01-2019-7990665.php>> [accessed: 10 March 2019].

³⁵⁸ A. Deharo, *Quelles sont les plus grosses polices municipales de France?*, Capital, 4 December 2019 <<https://www.capital.fr/economie-politique/quelles-sont-les-plus-grosses-polices-municipales-de-france-1356796>> [accessed: 10 March 2020].

³⁵⁹ V. Malochet, *Les policiers municipaux*, Presses universitaires de France (Paris, 2007), pp. 210-230.

³⁶⁰ Code général des collectivités territoriales. Art. L2122-31.

³⁶¹ Ibid. Art. L. 2212-2, Modifié par Loi n°2014-1545 du 20 décembre 2014 – art. 11.

Due to the terrorist threats present on the territory of the French Republic, more and more municipalities are choosing to train officers. This is a new strategy that started to be implemented at the end of 2019. This is due to the fact that municipal police are usually on the front line when there is danger. The mayor of the municipality of Cannes said that even if responding to terrorism is not part of the municipal police officers' mandate, everyone in the municipality will undergo training by the end of 2020. In November 2019, 200 Cannes police officers have been trained to respond in the event of a terrorist attack. Counter-terrorists from RAID (Recherche, Assistance, Intervention et Dissuasion) and BRI (Brigade de recherche et d'intervention) conducted a course based on a potential attack scenario at the Palais des Festivals et des Congrès in Cannes³⁶². This is a very important example of actions that involve basically every actor in responding to terrorist threats. It is important to note that actions taken just before or just after an attack are critical to the security situation in the area.

The involvement of municipal guards is intended to strengthen the effectiveness of the social response to crises³⁶³, as they know the situation in each municipality best. The officers could support the police and gendarmerie, as well as being a liaison officer to inform about the need to use counter-terrorist units or special forces, as they are already used during increased threats in the state under the Vigipirate plan. Importantly, police municipale officers may be authorised to carry arms (until 2016 they did not have them) at the request of the mayor of the municipality³⁶⁴. The main purpose of their involvement is to take integrated action in the fight against terrorism, so that all measures used on the national territory are coordinated. This also includes responding to other threats in the municipality, such as organised crime. In France, it is recommended that the competencies of the municipal police are further strengthened and that they work more closely with the police³⁶⁵.

The National Gendarmerie

The National Gendarmerie is one of the oldest French institutions. It is the successor to the military force – *Maréchaussée de France* – which for centuries was the sole body performing police functions in the country. In 1791, *Maréchaussée* assumed the name *Gendarmerie Nationale*. It originally functioned under the Act of 17 April 1798, which set out its operating principles and missions, specifically indicating police and

³⁶² P. Renoir, F. Azur, *Cannes forme ses policiers municipaux à intervenir en cas d'attaque terroriste*, <https://www.francebleu.fr/infos/faits-divers-justice/cannes-forme-ses-policiers-a-intervenir-en-cas-d-attaque-terroriste-1574963396>.

³⁶³ As many as 98% of municipalities in France have municipal guards.

³⁶⁴ Code de la sécurité intérieure, Version en vigueur au 19 novembre 2021. Paragraphe 1: Armes susceptibles d'être autorisées (art. R511-12 à R511-13).

³⁶⁵ L'ancrage territorial de la sécurité intérieure – Rapport final, n° 323 (2020-2021), Date de remise: 29 janvier 2021.

administrative activities³⁶⁶. In its current form, the gendarmerie operates under the Act of 3 August 2009³⁶⁷, reporting to the Ministry of the Interior³⁶⁸.

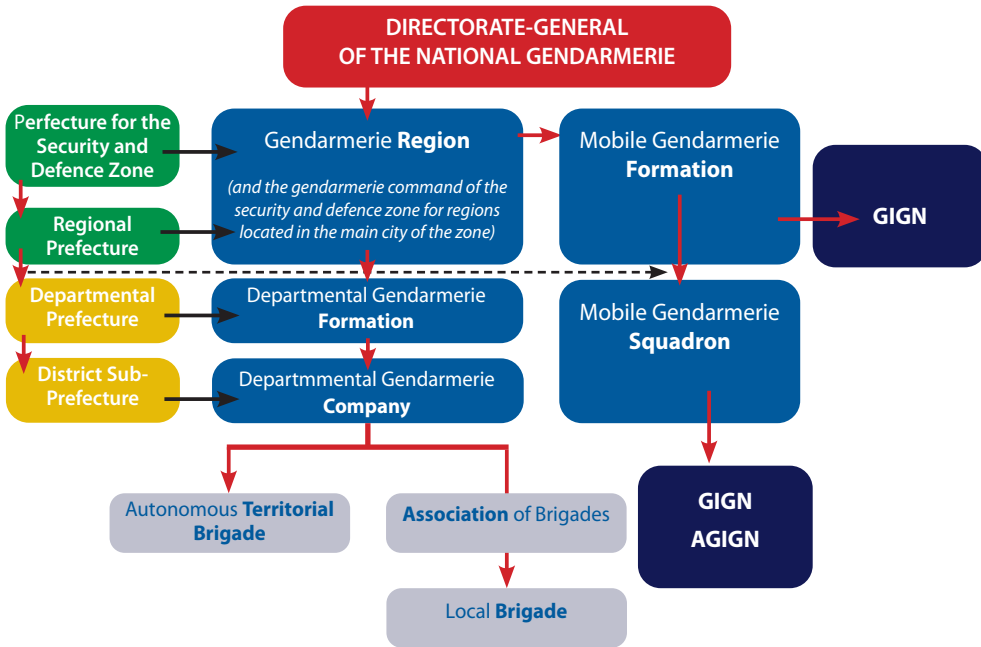


Figure 6. The National Gendarmerie with regional division: prefecture, departments and districts

Source: own study based on: Gendarmerie Nationale, *Présentation de la Gendarmerie Nationale* (Paris, 2018), pp. 6-7.

The National Gendarmerie is a separate police authority, and some of its specialised units carry out operations for the French armed forces³⁶⁹. While cooperating with the National Police, it retains its military status. It primarily performs tasks for the Judicial Police, is in charge of public security, has contact with the population and the French Armed Forces. Even in peacetime, the gendarmerie is involved in protecting particularly critical sites that may be of strategic importance to the nation. It exercises government control over nuclear weapons and provides escort for nuclear weapons convoys. Last but not least, the gendarmerie accompanies the French Armed Forces stationed abroad and participates in peacekeeping missions (both military and

³⁶⁶ Loi du 28 germinal an VI (17 avril 1798) relative à l'organisation de la gendarmerie nationale.

³⁶⁷ Loi n° 2009-971 du 3 août 2009 relative à la gendarmerie nationale, JORF n° 0180 du 6 août 2009 page 13112 texte n° 3, NOR: IOCX0814116L.

³⁶⁸ Gendarmerie Nationale, *Mémoend 2016*, Paris 2016, pp. 3-49.

³⁶⁹ Gendarmerie Nationale, *Présentation de la Gendarmerie Nationale* (Paris, 2018), pp. 4-5.

civilian) around the world when requested by the EU, UN or NATO. These activities are conducted as part of four main missions such as providing safety and protection, investigating and bringing to trial, securing and maintaining public order, as well as intervening and defending³⁷⁰.

The gendarmerie plays a major role in ensuring public safety. Gendarmes obtain information about emerging threats and protect people from danger. Their service is continuous. The gendarmerie is part of the territorial control system and aims to provide the greatest level of security for all citizens. The mission of general public safety undertaken by territorial entities sometimes requires the use of specialised services. At the same time, almost half of the tasks performed by the gendarmerie are related to the implementation of the tasks of the Judicial Police. This involves searching for offenders (rape, murder, theft, driving without a license), and obtaining evidence of their guilt. This mission is accomplished by territorial brigades and specialised units.

The National Gendarmerie is structured as follows:

- 1) the General Directorate of the National Gendarmerie,
- 2) the General Commission of the National Gendarmerie,
- 3) territorial formations constituting the Departmental Gendarmerie,
- 4) formations comprising the Mobile Gendarmerie,
- 5) the Republican Guard,
- 6) specialised formations,
- 7) the Provost Gendarmerie,
- 8) administrative and support bodies,
- 9) staff training bodies,
- 10) the National Gendarmerie Intervention Group (GIGN)³⁷¹.

There are both military and civilians serving in the National Gendarmerie. Gendarmes are soldiers – sworn non-commissioned officers. As of 31 December 2018, the total number of employees in this service was 100 488, including:

- 6 732 officers and 71 794 non-commissioned officers of the gendarmerie,
- 481 officers and 4 650 non-commissioned officers of the technical and administrative support service,
- 15 liaison officers,
- 12 852 voluntary gendarmes³⁷² and voluntary assistant gendarmes,
- 3 954 civilians – civil servants, public officials and contract labour suppliers³⁷³.

³⁷⁰ Gendarmerie Nationale, *Memogend 2018* (Paris, 2019), p. 11.

³⁷¹ Code de la défense. Art. R3225-4, Modifié par Décret n°2009-1718 du 30 décembre 2009 – Art. 1.

³⁷² Persons aspiring to work in the gendarmerie – *aspirants de gendarmerie issus du volontariat* (AGIV).

³⁷³ Gendarmerie Nationale, *Présentation...*, op. cit., p. 10.

The gendarmerie was established to ensure public safety and retains its authority in both war and peace. It has naval, air, nuclear ordinance security troops and operates in areas under French jurisdiction as well as on missions abroad³⁷⁴.

The institution is evolving at the same pace as the state, enriching itself with specialised units and adapting its organisation to changes in society (for example, due to migration and terrorist threats). For example, the emergence of the terrorist threat in the 1970s led to the creation of the The National Gendarmerie Intervention Group (GIGN) in 1974. The unit is constantly developing all methods and means dedicated to countering terrorism. Similarly, the growth of digital infrastructure resulted in the training of officers to combat cybercrime³⁷⁵.

One of the most important entities undertaking anti-terrorist activities in the French Republic is the Office of Counter-Terrorism (*Le Bureau de la lutte anti-terroriste*, BLAT), a French operational unit established in 2003³⁷⁶. The BLAT is subordinate to the Judicial Police (the branch responsible for recording criminal law violations, taking evidence and searching for offenders) and the General Directorate of the National Gendarmerie (DGGN). Special powers to fight terrorism were granted to it on 31 March 2006³⁷⁷. Since 7 April 2011, as some of the officers taking action through the BLAT work anonymously, they have been subject to special protection³⁷⁸. The Office of Counter-Terrorism is in charge of coordinating the activities of the judicial police or gendarmerie units. The BLAT cooperates closely with the Sub-Directorate for Operational Anticipation (Sous-direction 'e l'Anticipation Opérationnelle, SDAO) of the National Gendarmerie, which specialises in intelligence acquisition. The SDAO was set up on 6 December 2013³⁷⁹.

The Office of Counter-Terrorism is responsible for analysing, compiling and disseminating information on terrorist threats to authorities charged with maintaining security. The BLAT officers are also involved in the fight against terrorist financing³⁸⁰. They

³⁷⁴ Ministère de l'Intérieur, *Les forces mobiles: un engagement permanent* (Saint-Astier, 2018), pp. 3-27.

³⁷⁵ B. Priet et al., *Concours Gendarme sous-officier de Gendarmerie Externe* (Dunod, Malakoff, 2019), pp. 5-16.

³⁷⁶ Arrêté du 8 août 2003 modifiant l'arrêté du 5 mai 1995 portant organisation en bureaux de la direction générale de la gendarmerie nationale, JORF no 184 du 10 août 2003, p. 13893, texte no 2, NOR DEF0301907A.

³⁷⁷ Arrêté du 31 mars 2006 pris pour l'application de l'article 33 de la loi no 2006-64 du 23 janvier 2006 relative à la lutte contre le terrorisme et portant dispositions diverses relatives à la sécurité et aux contrôles frontaliers, JORF no 86 du 11 avril 2006, p. 5418, texte no 2, NOR INTC0600217A.

³⁷⁸ Arrêté du 7 avril 2011 relatif au respect de l'anonymat de certains fonctionnaires de police et militaires de la gendarmerie nationale, JORF no 90 du 16 avril 2011, p. 6686, texte no 10, NOR IOJ1107319A.

³⁷⁹ Arrêté du 6 décembre 2013 modifiant l'arrêté du 12 août 2013 portant organisation de la direction générale de la gendarmerie nationale, NOR: INTJ1329309A.

³⁸⁰ Nations Unies, *Rapport de la conférence de haut niveau des Nations Unies sur la lutte contre le terrorisme* (New York, 2018), p 21.

also observe radicalised individuals against whom the involvement of specialised gendarmerie units is required. Furthermore, the BLAT carries out its own investigations into terrorist threats³⁸¹.

2.1.3. Units that intervene in support of the fight against terrorism

With regard to the actions taken strictly during terrorist attacks, it is necessary to recognise several units responsible in the French Republic for the implementation of actions of an anti-terrorist (counter-terrorism) character.

Specialised police units

As part of ensuring security, the National Police also supervises other actors that respond to emergency, terrorist events and those requiring rapid response. Thus, on 31 July 2009, the National Police Intervention Force was created (*Force d'Intervention de la Police Nationale*, FIPN)³⁸². It is an operational centre aimed at coordinating the activities of the intervention groups of the National Police. It includes units that respond immediately to an emerging threat and may also be referred to as counter terrorism units.

- 1) **The Research and Intervention Brigade (*Brigade de Recherche d'Intervention*, BRI) and the Counter-Commando Brigade (*Brigade Anti-Commandos*, BAC)** – the first units were formed in 1964 and carried out their tasks under the command of the Paris prefecture. Their main objective is the fight against organised crime and terrorism. The brigades are based throughout France to support other intervening forces. They are also assigned to prevent and interrogate terrorists. The BRI officers work mainly wearing civilian clothes and rarely conduct an operation in uniforms. Anonymity is crucial in their activities. Since the wave of attacks in France in 2015, the BRI-BAC units have become competent in the field of anti-terrorist intervention³⁸³. They, therefore, monitor persons suspected of planning terrorist acts or of being part of organised crime. There are 17 units in France that report to the Judicial Police and belong to a group supervised by the Central Office for Combating Organized Crime (*L'Office central de lutte contre le crime organisé*, OCLCO), and one reporting directly to the prefecture in Paris³⁸⁴. They are often referred to as the BRI-BAC

³⁸¹ Gendarmerie Nationale, *Memogend 2018*, op. cit., pp. 27, 39.

³⁸² In practice, the FIPN is involved in informing and preparing the units reporting to it. Should they be operationally activated, these units are under the command of the head of the RAID.

³⁸³ Police Nationale, *Les Brigades de Recherche et d'Intervention de la Police Nationale Antigang* <<https://www.police-nationale.net/bri/>> [accessed: 20 December 2019].

³⁸⁴ Arrêté du 27 août 2010 relatif aux brigades de recherche et d'intervention, antennes de l'Office central de lutte contre le crime organisé, NOR: IOCC1018612A.

since, in the context of their responsibilities and subordination, they appear together³⁸⁵.

- 2) **The RAID (*Recherche, Assistance, Intervention et Dissuasion* – the Search, Assistance, Intervention, Deterrence)** – plays a priority role in the fight against terrorism. As well as being an acronym, the name also means “invasion”. This is an elite police unit founded in 1985 and now operating under the order of January 2011³⁸⁶. It deals primarily with the fight against organised crime and terrorism by providing assistance to specialist services, for example by arresting individuals or groups who may be involved in terrorist acts on the territory of France. The RAID, under the direct authority of the Director-General of the National Police, is supposed to intervene during major events, requiring the use of specific techniques and measures to neutralise dangerous individuals. Its role is, in particular, to respond to crisis situations such as: hostage taking, apprehending terrorists or arresting high-risk offenders³⁸⁷. The service has its headquarters in Bièvres, in the department of Essonne, 13 branches distributed throughout France – in Bordeaux, Lille, Lyon, Marseille, Montpellier, Nancy, Nice, Rennes, Toulouse and Strasbourg, and abroad: in Nouméa (New Caledonia), Pointe-à-Pitre (Guadeloupe) and Saint-Denis (Reunion)³⁸⁸.
- 3) **The Republican Security Companies (*Les Compagnies républicaines de sécurité, CRS*)** – specialised prevention departments of the National Police founded on 8 December 1944. The CRS is responsible for maintaining or restoring public order within the national territory. The supervisory body of this service, the Central Management of the Republican Security Companies (DCCRS), reports to the Minister of the Interior and the Director-General of the National Police³⁸⁹. The role of the CRS staff is complementary to that of other police officers. Interventions carried out by the CRS used to be the domain of the army, so their area of operations is very close to those undertaken by, for example, the gendarmerie. The Republican Security Companies are mainly involved in suppressing riots, restoring order during strikes and clashes, but

³⁸⁵ Arrêté du 5 janvier 2011 relatif aux missions et à l'organisation des services composant la force d'intervention de la police nationale et portant dispositions sur l'affectation et l'aptitude professionnelle de leurs agents, JORF n°0033 du 9 février 2011, texte n° 11, NOR: IOCC1033820A.

³⁸⁶ Arrêté du 5 janvier 2011..., op. cit.

³⁸⁷ Ibid.

³⁸⁸ Police Nationale, *Le RAID (Recherche, Assistance, Intervention et Dissuasion)* <<https://www.police-nationale.interieur.gouv.fr/Organisation/Entites-rattachees-directement-au-DGPN/RAID>> [accessed: 13 January 2020].

³⁸⁹ Arrêté du 5 août 2016 modifiant l'arrêté du 23 février 2009 relatif à l'organisation de la direction centrale des compagnies républicaines de sécurité en sous-directions et bureaux, JORF n° 0203 du 1 septembre 2016 texte n° 40, NOR: INTC1618959A.

they also supervise the protection of people and buildings. Their task is also to fight crime (human trafficking, violence, theft, looting), as well as the constant observation of people in cities and at borders, checking identity, carrying out interrogations and prosecuting people who have illegally entered the French territory³⁹⁰. Furthermore, they intervene in the event of a threat of a terrorist attack or during such an attack³⁹¹.

Specialised units of the National Gendarmerie the National Gendarmerie Intervention Group – GIGN

In the event of a threat known as *alerte attentat* (threat of an attack), almost all the services in the French Republic are involved, acting according to a specific plan in which the most important thing is to locate the perpetrators. However, the National Gendarmerie Intervention Group is particularly distinguished (*Groupement d'intervention de la gendarmerie nationale*, GIGN). It specialises in highly demanding missions in such areas as the fight against terrorism, hostage release, collecting information and evidence on dangerous people, combating organised crime, protecting people and high-risk locations. Its activities are structured in six pillars. These are as follows: intervention, observation and investigation, maintenance of security, protection of the President of the French Republic, operational support, training³⁹².

The GIGN was established in 1974 and thoroughly reorganised in 2007. It reports directly to the Director-General of the National Gendarmerie. There are more than 400 specialised soldiers serving in its ranks, 150 of them being operational³⁹³. The GIGN is a counter-terrorist unit of the gendarmerie³⁹⁴. It takes action only in exceptional situations that require the deployment of specially trained and equipped soldiers or the implementation of special techniques or measures to fight terrorism. The GIGN is also active abroad – in cooperation with the French armed forces and in particular with the Special Operations Command (*Le Commandement des Opérations Spéciales*, COS). The National Gendarmerie Intervention Group (*Le Groupement d'intervention de la gendarmerie nationale*, GIGN) has its headquarters in Versailles (Yvelines department)

³⁹⁰ Police Nationale, *Les Compagnies Républicaines de Sécurité: missions, recrutement* <<https://www.police-nationale.net/compagnies-republicaines-securite>> [accessed: 18 January 2020].

³⁹¹ J. D. Merchet, *Comment les CRS se sont adaptés à la lutte contre le terrorisme*, “l’Opinion”, 6 June 2017 <<https://www.lopinion.fr/edition/politique/comment-crs-se-sont-adaptes-a-lutte-contre-terrorisme-128227>> [accessed: 18 January 2020].

³⁹² Gendarmerie Nationale, *Présentation...*, op. cit., pp. 8-9.

³⁹³ S. Briclot, *Les confessions d'un ancien du GIGN: «On respecte la vie, même celle des preneurs d'otages»*, “Le Parisien”, 17 January 2019 <<https://www.leparisien.fr/faits-divers/philippe-b-le-gign-respecte-la-vie-meme-celle-des-preneurs-d-otages-17-01-2019-7989813.php>> [accessed: 15 January 2020].

³⁹⁴ B. Priet et al., op. cit., pp. 9-16.

and its training centre is located in Beynes. In terms of organisation, the GIGN is subdivided into “forces”³⁹⁵:

- 1) Intervention Force (*Force Intervention*) – focuses exclusively on interventions that are fundamental to the counter-terrorism activities of the GIGN. Some of the most challenging environments in which it operates include: air and water, rooftops (especially in the event of hostage-taking), trains and public transport, the premises of a nuclear power plant, prisons, as well as deserts, forests and mountains. In addition, the group is involved in arrests of particularly dangerous people, both in residential premises and on the roads.
- 2) Observation and Search Force (*La Force Observation Recherche*, FOR) – specialises in operational intelligence and research carried out to analyse counter-terrorism intelligence activities. It gathers evidence in cases of criminal intent, identification of organised groups, proving the existence of preparatory acts. There are officers working for the FOR who are qualified in a number of areas (including parachuting, diving, mountain sports, combat sports, camouflage).
- 3) Security and Protection Force (*Force Sécurité Protection*, FSP) – is primarily responsible for protecting the most important people in the country. The FSP participates in safety and security missions on national territory or abroad. Furthermore, it is involved in the protection of diplomatic personnel. The force also carries out audits of specific zones in order to protect civilian or military authority as part of its missions in France and abroad.
- 4) Formation Force (*Force Formation*, FF) – is in charge of preparing individual forces for specific interventions. Each candidate is referred for selected operational training based on the needs of the GIGN and their respective skills. Training is both of a national and international character. Those who complete it will take action during various operational activities, for example as snipers, in an intervention group, as mediators or technicians.
- 5) Operational Personnel (*l'état-major opérationnel*, EMOPS) – is responsible for the direct supervision of operations undertaken by the GIGN and for the constant observation of the evolution of the threat and of the enemy's mode of operation. It also monitors the activities of the forces and their performance of duties. The EMOPS plays an important role in the decision-making process in a crisis (terrorist) situation.
- 6) Administration and Support Personnel (*l'état-major d'administration et de soutien*, EMAS) – deals with core areas whose proper functioning, both daily and operational, is an important factor in maintaining the operational capability of the GIGN. It has two offices: the Human Resources Office (*Le bureau des*

³⁹⁵ Groupe d'intervention de la Gendarmerie Nationale, *Intervention* <<https://www.gendarmerie.interieur.gouv.fr/gign/Organisation>> [accessed: 15 January 2020].

ressources humaines) and the Operational Support Office (*le bureau du soutien opérationnel*).

7) Operational Support Unit (*Appui Opérationnel*), comprising the following sections:

- the special section (*La section “moyens spéciaux”*) – plays a major role in the technical protection of operations and the gathering of intelligence in the risk zone;
- the operational adaptation technique section (*la cellule “technique d’adaptation opérationnelle”*) – intervenes to support the forces by providing the necessary operational technology;
- the dog support section (*La section “d’appui cynophile”*) – specialises in the search for mine traps (detection of active and dangerous substances), and is subject to the same alert regime as the intervention unit;
- the assault trap disposal section (*la cellule “dépiégeage d’assaut”*) – responsible for neutralising booby traps and explosives at the site of the operation;
- the nuclear, radiological, biological and chemical section (*la cellule nationale nucléaire, radiologique, biologique et chimique*) – operates in a highly sensitive and dangerous area, particularly with regard to the threat of nuclear, radiological, bacteriological and chemical weapons;
- the forced entry section (*la cellule “effraction”*) – is in charge of overcoming obstacles and protection systems using explosives;
- the “perfect entry” section (*la cellule “ouverture fine”*) – is responsible for the discreet entry into enemy territory, without the use of explosives or conventional devices.

The GIGN has 13 specialised branches (*les antennes GIGN – AGIGN*)³⁹⁶. Local branches that deal with specialist intervention are based in six French cities (Toulouse, Reims, Dijon, Orange, Nantes and Tours) and seven overseas territories (Guadeloupe, Martinique, Guyana, Reunion, Mayotte, New Caledonia, French Polynesia). They all constitute regional response forces capable of reacting in the event of a terrorist threat³⁹⁷. They are under the operational control of the headquarters and their involvement in the field is region-specific. Currently, there are 32 gendarmes for every field unit on the French territory, a number that is to be

³⁹⁶ Assemblée Nationale, Au nom de la Commission de la Défense Nationale et Des Forces Armées sur le projet de Loi de finances pour 2019 (n. 1255), Tome VIII, Sécurité Gendarmerie Nationale (Paris, 2018), p. 25.

³⁹⁷ Gendarmerie Nationale, *Les antennes GIGN (AGIGN)* <<https://www.gendarmerie.interieur.gouv.fr/Notre-institution/Nos-composantes/Sur-le-terrain/Unites-specialisees/Les-antennes-GIGN-AGIGN>> [accessed: 03 January 2020].

increased to 50³⁹⁸. The GIGN also responds to terrorist threats abroad, where French soldiers are stationed³⁹⁹.

The gendarmerie, with its territorial network and excellent intervention system, is able to provide a rapid response in the event of a terrorist attack. At first, patrols are supposed to inform special units and put an end to mass killing. In the event that the balance of power permits, and the killing continues, they must do everything they can to neutralise the enemy. Next, the Surveillance and Intervention Platoon of the Gendarmerie (*les pelotons de surveillance et d'intervention de la gendarmerie*), whose priority task is to combat crime in dangerous areas in a preventive and dissuasive manner, respond to the threat. Officers intervene in specialised uniforms (shoulder protectors, shin guards, vests, shields, bulletproof helmets), with equipment (e.g. telescopic batons, electroshock weapons, long guns) and a communication and data transmission system.

It should be noted that the GIGN, RAID and BRI have worked together on numerous occasions in the fight against terrorism. For example, a joint intervention took place on 7 January 2015 when two terrorists, the Kouachi brothers, went to the Charlie Hebdo editorial office and killed 12 journalists. During these events, all three groups worked together to render the jihadists harmless. A few months later, in November 2015, the BRI forces once again intervened alongside the RAID during the terrorist attacks in Bataclan and Saint-Denis.

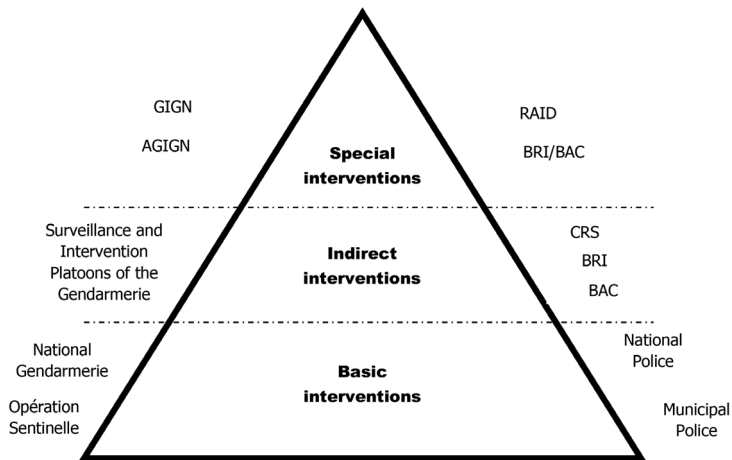


Figure 7. Taking counter-terrorism action in the French Republic in the event of a terrorist attack of various severity

Source: own study.

³⁹⁸ P.M. Giraud, *Les six antennes GIGN de métropole se musclent*, Essor, 1 October 2019 <<https://lessor.org/a-la-une/les-six-antennes-gign-de-metropole-se-musclent/>> [accessed: 03 January 2020].

³⁹⁹ J.D. Merchet, *Le GIGN dépêché en urgence au Mali*, “l’Opinion”, 20 November 2015 <<https://www.lopinion.fr/blog/secret-defense/gign-depeche-en-urgence-mali-actualise-91056>> [accessed: 03 January 2020].

Within the Ministry of the Interior, the coordination between the RAID and the GIGN is provided by the Response Force Coordination Unit (*L'unité de coordination des forces d'intervention*, UCoFI), which was formed on 1 June 2010⁴⁰⁰. Due to the high terrorist threat and in response to the 2015 attacks, the so-called absolute emergency procedure was introduced by the Minister of the Interior in April 2016 (*la procédure d'urgence absolue*, PUA). In the event of a major crisis or multiple crises, it authorises the intervention of any entity capable of responding at a particular location within the national territory (ignoring the criterion of geographical jurisdiction that is usually imposed). The new procedure is supposed to ensure greater integrity, transparency and collective efficiency of the specialised intervention forces, namely the GIGN and the RAID, but also the BRI, and other units of the police prefecture and the gendarmerie⁴⁰¹. Thus, the following counter-terrorism services may be identified: the GIGN within the National Gendarmerie, the RAID within the National Police and the BRI/BAC within the police headquarters in Paris.

In 2019, a merger of all intervention forces in the Île-de-France region was being considered at the level of the Paris Police Prefecture. The idea was to combine the BRI with the RAID and the GIGN. The reason for this was that there was competition in taking action or using resources in such a small but very challenging territory. The BRI is less frequently involved in operations, contributing to the fact that there are more and more requests for this service to be incorporated into the GIGN or the RAID⁴⁰².

Following the armed and anti-terrorist actions carried out abroad, consultations were held on counter-terrorism activities performed by the General Directorate for External Security (DGSE). Their main objective was to determine which unit would have the primacy of action during terrorist acts outside France. It was decided that the GIGN would be responsible for interventions, specific measures and support abroad⁴⁰³.

Specialised troops of the Armed Forces of the French Republic

The fight against terrorism of the French Armed Forces is primarily associated with the implementation of tasks outside the country. However, operations at home are undertaken by the Special Operations Command (*le Commandement des opérations spéciales*, COS). This is the joint staff which brings together all the special forces of

⁴⁰⁰ Ministère de l'Intérieur, *L'UCoFI: pour coordonner les forces d'intervention* <<https://www.interieur.gouv.fr/Archives/Archives-des-actualites/2010-Actualites/L-UCoFI-pour-coordonner-les-forces-d-intervention>> [accessed: 18 November 2019].

⁴⁰¹ Ministère de l'Intérieur, *Schema National d'Intervention* (Paris, 2016), pp. 2-8.

⁴⁰² G. Vaillant, *La BRI, la Brigade de recherche et d'intervention de la police à Paris, va-t-elle vraiment disparaître?*, *Le Journal du Dimanche*, 16 August 2019 <<https://www.lejdd.fr/Societe/la-bri-la-brigade-de-recherche-et-d-intervention-de-la-police-a-paris-va-t-elle-vraiment-disparaitre-3914548>> [accessed: 03 January 2020].

⁴⁰³ J. D. Merchet, *Le GIGN...*, op. cit.

the French army under the same operational authority, being subordinate to the Chief of the Defence Staff (*chef d'État-Major des armées*, CEMA) and to the President of the French Republic. The necessity for such a federation emerged after the participation of France in the first Gulf War and the observation of the US and British examples. The COS was set up on 24 June 1992⁴⁰⁴. It is based in Vélizy-Villacoublay in Yvelines.

The COS has no direct supervision over the units it associates. Nonetheless, it assumes some decision-making functions, especially in the areas of policy regarding equipment, research, development, training and operational preparedness. In order for it to carry out the missions assigned, the CEMA makes available to the COS relevant material or human resources from any unit of the French Armed Forces.

The Special Operations Command, supervised by the Chief of the Defence Staff, is charged with implementing such processes as planning, preparing, coordinating and conducting special operations. These operations are intended to achieve objectives of strategic importance, especially with regard to specific interventions, such as the acquisition of high-value targets or the fight against terrorist organisations. The officers may be assigned to participate in hostage release operations abroad. The COS contributes to intelligence gathering and utilisation, primarily in hostile environments⁴⁰⁵.

Three special Commandos Marine units, under the command of the French Navy, are deployed to undertake strictly counter-terrorism activities:

- 1) Commando Hubert – was established in 1947. It comprises combat divers specialising in submarine and maritime counter-terrorism operations. Approximately 130 soldiers serve in it⁴⁰⁶.
- 2) Commando Jaubert – conducts special operations on land or at sea to counter terrorism and to release hostages. It was created in 1944. There are about 90 people serving in its ranks.
- 3) Commando Trépel – specialises in fighting terrorism on land and at sea, assault at sea, the release of hostages and the elimination of assailants. It was set up in 1947. Approximately 90 soldiers serve in it⁴⁰⁷.

⁴⁰⁴ Arrêté du 24 juin 1992 portant création du commandement des opérations spéciales, JORF n°158 du 9 juillet 1992 page 9193, NOR: DEFD9201626A.

⁴⁰⁵ Arrêté du 5 janvier 2017 relatif au commandement des opérations spéciales, JORF n°0008 du 10 janvier 2017, texte n° 24, NOR: DEFD1700510A.

⁴⁰⁶ *Commando Hubert elite of French Special Forces in action in Burkina Faso*, Army Recognition <https://www.armyrecognition.com/may_2019_global_defense_security_army_news_industry/commando_hubert_elite_of_french_special_forces_in_action_in_burkina_faso.html> [accessed: 30 January 2020].

⁴⁰⁷ Ch. Desjardins, K. Gervais, A. Bergalasse, *Fusiliers marins et commandos. Une force engagée*, “Cols Bleus Marine Nationale”, 2017, No. 3064, pp. 22-27.

		INTELLIGENCE	INTERVENTION UNITS
ABROAD	SECRET AGENCIES	DGSE	
	PUBLIC AGENCIES	DRM	COS
AT HOME		DGSI	GIGN – RAID

Figure 8. Fight against terrorism by intelligence and intervention units

Source: own study based on: D. Reiner, J. Gautier, G. Larcher, *Rapport d'information n° 525 (2013-2014), fait au nom de la commission des affaires étrangères, de la défense et des forces armées*, déposé le 13 mai 2014, p. 21.

Currently, one of the largest anti-terrorist operations that the French Republic is conducting is Operation Barkhane (*Opération Barkhane*). It commenced on 1 August 2014 and targets Islamist groups in Africa's Sahel region. It consists of about 5 000 French soldiers, headquartered in N'Djamena, the capital of Chad. The operation is being carried out in cooperation with five countries, all of which are former French colonies that span the Sahel: Burkina Faso, Chad, Mali, Mauritania and Niger (**G5 Sahel**). First, the French army, back in 2013, intervened in Mali as part of Operation Serval, during which it successfully regained the north of the country from Islamist groups. Operation Barkhane is intended to build on this success and expand the French army's operations across the vast territory of Sahel. It aims to help G5 governments maintain control over their territory while preventing the region from becoming a safe haven for Islamist terrorist groups seeking to attack Europe. So far, France has been supported in this effort by the following countries: Estonia, the United Kingdom, Denmark, Spain and the Czech Republic. In total, more than 120 counter-terrorism operations have been carried out as part of this mission⁴⁰⁸.

2.2. Counter-terrorism services in the Republic of Poland

Ideologies, cultural and religious differences, beliefs and traditions do not recognise territorial boundaries⁴⁰⁹. Poland is still a religiously, nationally and ethnically homogenous

⁴⁰⁸ Ministère des Armées, *Dossier de presse: Opération Barkhane*, Paris, 2019, s. 3-21; Africa Center for Strategic Studies, *A Review of Major Regional Security Efforts in the Sahel*, 4 March 2019 <<https://africacenter.org/spotlight/review-regional-security-efforts-sahel/>> [accessed: 30 January 2020].

⁴⁰⁹ B. Kuc, Z. Ściborek, *Podstawy metodologiczne nauk o bezpieczeństwie* (Warsaw: PTM, 2013), p. 15.

country. However, due to migration, foreigners taking up employment, free movement of goods, services and people and the activity of international criminal groups, the likelihood of further threats, including those of a terrorist nature, is increasing.

The primary duty of the state is to ensure the security of the society within it⁴¹⁰. This is characterised, among other things, by eliminating dangers and reducing the likelihood of their occurrence in the future. Out of the many threats affecting the functioning of the state, one of the most dangerous is terrorism⁴¹¹. It is a phenomenon that, particularly in the second half of the 20th century, started to clearly mark its presence in Europe as a means of achieving objectives and influencing political decisions⁴¹². Every successful terrorist attack involves the loss of life and limb of citizens. It is therefore a priority for states to maintain security and thus combat terrorism. It is closely linked to the proper functioning of anti-terrorist and counter-terrorism systems and formations, which can take the necessary measures appropriate to the threat⁴¹³.

On the one hand, J. Dziewulski (specialist in counter-terrorism tactics and techniques, former police officer) believes that the services in Poland are not fully ready to repel a terrorist attack and have limited resources to adequately respond to it. However, such experts as K. Jałoszyński (the former commander of the anti-terrorist subdivision of the Warsaw Metropolitan Police Headquarters), K. Przepiórka (the GROM officer, the former commander of the combat unit), M. Stępiński (the police officer, the former director of the Bureau of Anti-Terrorist Operations of the National Police Headquarters) and T. Białek (the officer of the Government Protection Bureau), are of the opinion that Polish formations are excellently prepared and the Central Counter – Terrorist Police Subunit “BOA” is the leader in tactical training when compared to such units in other countries of the European Union⁴¹⁴. The Polish scientists and experts constantly conduct research on terrorist threats and categorise methods and ways of combating them⁴¹⁵. Contemporary terrorists have not yet focused on Poland, as they do not pursue any specific political goals on its territory. However, due to the international situation – attacks in the French Republic, Belgium, Spain – the terrorist threat level is high. According to American experts, an attack cannot be avoided. What can be done,

⁴¹⁰ The Constitution of the Republic of Poland, Art. 5.

⁴¹¹ K. Walczuk, M. Bożek, *Konstytucyjne i ustawowe uwarunkowania organizacji i funkcjonowania Agencji Bezpieczeństwa Wewnętrznego* (Siedlce: Unitas, 2015), p. 14.

⁴¹² *Bezpieczeństwo polityczne i wojskowe* ed. by A. Ciupiński, K. Malak (Warsaw, AON, 2004), p. 311.

⁴¹³ K. Jałoszyński, *Jednostka kontrterrorystyczna – element działań bojowych w systemie bezpieczeństwa antyterrorystycznego* (Szczytno: Wyższa Szkoła Policji w Szczytnie [The Police Academy in Szczytno], 2011), pp. 47-96.

⁴¹⁴ Participant observation by the author at the seminar: *Spojrzenia na terroryzm: pododdziały kontrterrorystyczne [Views on terrorism: counter-terrorist subunits]*, 18 January 2018 in Warsaw, organised by: the Terrorism Research Center, Collegium Civitas.

⁴¹⁵ W. Zubrzycki, K. Jałoszyński, A. Babiński, op. cit.

however, is to be well prepared for it⁴¹⁶. This is due to the lack of proper anti-terrorist practice, which prevents an adequate response to the threat. The counter-terrorism exercises prepare for a certain set of events, but, at the same time, they are not a real anti-terrorist action, only its visualisation. Training increases the chance of protection and gives an approximate knowledge of probable events. The most important thing is to create a central operational system that will provide instructions to all the actors needed to save lives. This is closely linked to the permanent cooperation that will serve as the base for the exchange of information between anti-terrorist services, hospitals and politicians. The coordination of activities is essential to limit the number of victims and minimise the consequences of the attack⁴¹⁷. It is therefore essential to take all measures to stop and combat terrorism within a functioning system.

2.2.1. Anti-terrorist services

In the research conducted by the author on anti-terrorist and counter-terrorism services, the definition of individual actions taken against the proliferation of terrorism is not without significance. What is important is a detailed description which distinguishes the measures described as *strictly* anti-terrorist, that is proactive⁴¹⁸ – preventive, prophylactic, defensive, and counter-terrorist, described as reactive⁴¹⁹ – offensive, operative, aggressive⁴²⁰.

The following stages of prevention undertaken as part of the anti-terrorism measures can be distinguished. In the first phase, one can distinguish primary prevention (proactive), which is characterised by analysing and anticipating threats in order to identify the risk factors involved and to counter the danger before it occurs. The next stage is secondary (para-active) prevention, which is characterised by stopping the spread of a threat after its first manifestations have occurred. It is oriented towards persons who undertake actions of a terrorist nature. The final stage is prevention aimed at eliminating the effects of threats that have already occurred and counteracting their recurrence (post-active). This also includes legal and penal actions and other rehabilitation and control measures against perpetrators – terrorists⁴²¹.

⁴¹⁶ T. Renard, *Fear Not: A Critical Perspective on the Terrorist Threat in Europe*, “Security Policy Brief”, No. 77, September 2016, pp. 1-8.

⁴¹⁷ J. Dziwulski, K. Pyzia, *O terrorystach w Polsce* (Warsaw: Prószyński Media, 2018), pp. 40-42.

⁴¹⁸ Setting and achieving goals, taking responsibility for decisions and demonstrating a task-oriented approach to problems and difficulties that arise.

⁴¹⁹ Actions are carried out in response to the events that take place.

⁴²⁰ K. Jałoszyński, *Działania kontrterrorystyczne w Ustawie o działaniach antyterrorystycznych* in W. Zubrzycki, K. Jałoszyński, A. Babiński, op. cit., p. 369.

⁴²¹ R. Borkowski, *Prewencja antyterrorystyczna a bezpieczeństwo przestrzeni miejskiej* in *Przeciwdziałanie i reagowanie na współczesne zamachy terrorystyczne* ed. by J. Stelmach (Wrocław: Wydawnictwo Wyższej Szkoły Oficerskiej Wojsk Lądowych im. Gen. Tadeusza Kościuszki [The Publishing House of the General Tadeusz Kościuszko Military University of Land Forces], 2017), pp. 165-166.

In this perspective, the anti-terrorist activities will involve undertaking all steps aimed at foiling terrorist attacks already at the stage of their probability, at the planning phase, during the prophylactic activities, but also during the educational and awareness-raising ones.⁴²² The police and secret services play an important role in the implementation of these actions, as they will co-create a complementary information and response system to obtain information and carry out protective measures. As a complement to multi-faceted anti-terrorist activities, they will be supported by: the Border Guard, the Marshal's Guard of the Sejm, the State Protection Service, the State Fire Service, the National Revenue Administration, the Military Gendarmerie and the Government Centre for Security.

The bodies responsible for taking anti-terrorism measures are assigned three functions. The first one is to prevent actions of a terrorist nature from being taken. The second task is to protect and maximise the security of citizens and important sites. The third role is the prosecution of perpetrators both within national borders and on a global scale⁴²³.

The Act includes a definition of the anti-terrorist activities. In accordance with Article 2, these are activities of the public administration bodies consisting in the prevention of terrorist events, preparation to take control over them by means of planned undertakings, reaction in the event of the occurrence of such incidents and elimination of their consequences by restoring the resources intended for responding to them. The legislator made the Head of the Internal Security Agency, who is responsible for the prevention of terrorist incidents, responsible for undertaking and supervising anti-terrorist activities.

Secret services

The Polish secret services – civilian and military services which organise and carry out intelligence and counter-intelligence activities – play an important role in taking pro-active measures and ensuring the security of the country by identifying and collecting information on terrorist threats⁴²⁴. Their main tasks include: maintaining the required level of security in the country, protecting national interests, countering threats posed by external and internal forces, guarding state interests, as well as acting against terrorism and terrorist attacks⁴²⁵.

⁴²² K. Jałoszyński, *Podmioty państwa odpowiedzialne za działania pro- i reaktywne wobec zagrożeń terrorystycznych w Rzeczypospolitej Polskiej in Siły Zbrojne w walce z terroryzmem* ed. by W. Wiatr, J. Stelmach, M. Busłowicz (Wrocław: Wydawnictwo Wyższej Szkoły Oficerskiej Wojsk Lądowych im. Gen. Tadeusza Kościuszki [The Publishing House of the General Tadeusz Kościuszko Military University of Land Forces], 2016), pp. 125-126.

⁴²³ M. Kopczeński, M. Liberacki, *Wyzwania i sposoby zwalczania terroryzmu in Przeciwdziałanie...*, op. cit., p. 96.

⁴²⁴ *Słownik terminów z zakresu bezpieczeństwa narodowego* ed. by J. Kaczmarek, W. Łepkowski, B. Zdrodowski, Vol. 6 (Warsaw: AON, 2008), pp. 123-124.

⁴²⁵ K. Jałoszyński, *Realizacja działań kontrterrorystycznych przez Policję zgodnie z ustawą o działaniach antyterrorystycznych* in K. Jałoszyński, W. Zubrzycki, J. Jabłoński, *Kontrterroryzm – siły specjalne, działania, wydarzenia w 2016 roku* (Szcztyno: Wyższa Szkoła Policji w Szcztynie [The Police Academy in Szcztyno], 2017), p. 11.

Thus, they will be responsible for identifying and neutralising threats that harm the social and state interest. The services operate within the competences indicated in the acts on the basis of which they function. At the same time, they act not only as intelligence and counter-intelligence services, but also as anti-terrorist bodies⁴²⁶. Supervision, control over the activities of the secret services and assistance to the Council of Ministers in shaping the main lines of government policy regarding the activities of the secret services fall within the responsibilities of the Secret Services Coordinator⁴²⁷.

The term “secret services” is granted discretionarily to five Polish services: the Internal Security Agency (Agencja Bezpieczeństwa Wewnętrznego)⁴²⁸, the Intelligence Agency (Agencja Wywiadu), the Central Anti-Corruption Bureau (Centralne Biuro Antykorupcyjne)⁴²⁹, the Military Intelligence Service (Służba Wywiadu Wojskowego)⁴³⁰ and the Military Counter-intelligence Service (Służba Kontrwywiadu Wojskowego)⁴³¹. They all play an active part in combating terrorism. However, they perform different tasks and are responsible for the distinct phases of eliminating this dangerous phenomenon. The ABW, the Intelligence Agency, the Military Counter-intelligence Service and the Military Intelligence Service undertake activities aimed at obtaining information which will make it possible to avoid a terrorist attack. Using the rights vested in them by law, the services conduct operational intelligence activities.

The Internal Security Agency plays a decisive role in detecting terrorist threats. It is primarily responsible for assessing potential threats, among other things by giving an opinion on the introduction of alert levels for taking anti-terrorism measures⁴³². The Head of the ABW has been granted powers to coordinate the activities of other services in the field of preventing and combating terrorist incidents⁴³³. Apart from co-ordinating

⁴²⁶ K. Walczuk, M. Bożek, op. cit., pp. 14-15, 22.

⁴²⁷ Regulation of the Prime Minister of 13 December 2017 on the detailed scope of activity of the Minister – Member of the Council of Ministers Mariusz Kamiński – the Secret Services Coordinator (Journal of Laws, item 2332).

⁴²⁸ The Act of 24 May 2002 on the Internal Security Agency and the Intelligence Agency (Journal of Laws of 2016, item 904).

⁴²⁹ The Act of 9 June 2006 on the Central Anti-Corruption Bureau (Journal of Laws of 2006, No. 104, item 708).

⁴³⁰ The Act of 9 June 2006 on the Military Counter-intelligence Service and the Military Intelligence Service (Journal of Laws of 2006, No. 104, item 709).

⁴³¹ M. Bożek, *Służby specjalne oraz kryteria ich klasyfikacji na gruncie polskiego ustawodawstwa* in *Zagadnienia prawnoustrojowe* ed. by M. Bożek, M. Czuryk, M. Karpiuk, J. Kostrubiec (Warsaw: Wolters Kluwer, 2014), p. 19.

⁴³² K. Liedel, P. Piasecka, *Bezpieczeństwo w czasach terroryzmu. Jak przeżyć zamach terrorystyczny* (Warsaw: Difin, 2018), p. 15.

⁴³³ A. Taracha, *Nowe regulacje dotyczące czynności operacyjno-rozpoznawczych zawarte w Ustawie z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych* in *Pozyskiwanie informacji w walce z terroryzmem* ed. by P. Herbowski, D. Słapczyńska, D. Jagiełło (Warsaw, 2017), p. 9.

the activities of the Police, the Border Guard, the National Revenue Administration and the Military Gendarmerie, it also co-ordinates the information-analytical activities undertaken by the State Protection Service, the State Fire Service, the National Revenue Administration and the Government Centre for Security in order to obtain information concerning events of a terrorist nature and individuals.

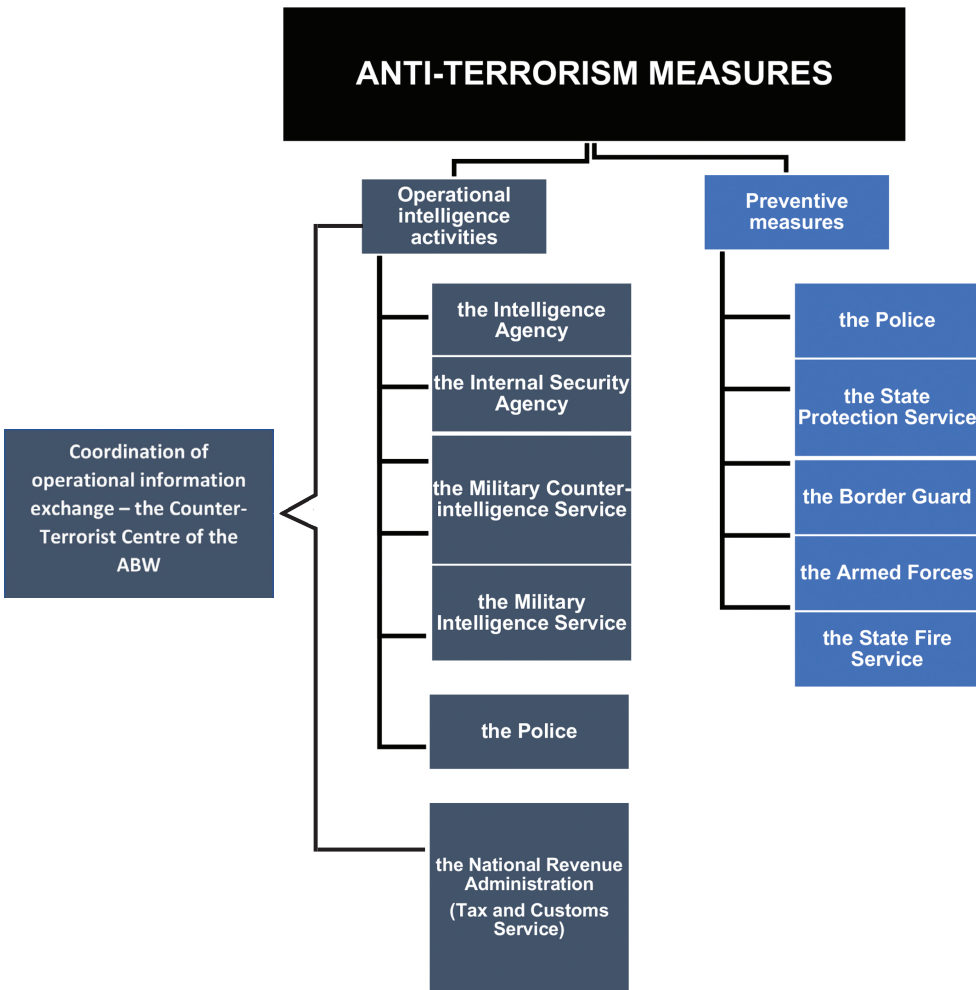


Figure 9. Anti-terrorism measures conducted in Poland

Source: own study based on: the Act of 10 June 2016 on anti-terrorism measures (Journal of Laws of 2016, item 904); K. Jałoszyński, *Działania kontrterrorystyczne w ustawie o działaniach antyterrorystycznych* in W. Zubrzycki, K. Jałoszyński, A. Babiński, *Polska ustawa antyterrorystyczna – odpowiedź na zagrożenia współczesnym terroryzmem* (Szczytno: Wyższa Szkoła Policji w Szczytnie [The Police Academy in Szczytno]), p. 369; K. Jałoszyński, *Podmioty państwa odpowiedzialne za działania pro- i reaktywne wobec zagrożeń terrorystycznych w Rzeczypospolitej Polskiej* in *Sily zbrojne w walce z terroryzmem* ed. by W. Wiatr, J. Stelmach, M. Busłowicz (Wrocław: Wydawnictwo Wyższej Szkoły Oficerskiej Wojsk Lądowych im. Gen. Tadeusza Kościuszki [The Publishing House of the General Tadeusz Kościuszko Military University of Land Forces], 2016), p. 125.

The Counter-terrorism Centre (CAT) of the ABW is a coordination and analytical unit in the field of preventing and countering terrorism, which operates on a permanent basis (seven days a week)⁴³⁴. The service in the Centre is performed by the officers of the Internal Security Agency, as well as delegated soldiers, officers and employees of other entities who perform activities within the competence of other services. The basis of functioning of the CAT is supervising the process of passing information that is important for stopping and countering terrorist threats among the participants of the anti-terrorist system. Thanks to these measures it is possible to immediately implement procedures for the benefit of security in the event of the occurrence of a specific threat, i.e.:

- 1) a terrorist event occurring on the territory of Poland, affecting the security of the Republic of Poland and its citizens;
- 2) a terrorist event occurring outside the territory of Poland, affecting the security of the Republic of Poland and its citizens;
- 3) obtaining information on potential threats on the territory of Poland, which affect the security of the Republic of Poland and its citizens;
- 4) obtaining information on threats related to money laundering, transfer of funds or financing of terrorism⁴³⁵.

The Central Anti-Corruption Bureau, although not mentioned as an active actor in the anti-terrorism measures, according to the author, also plays a very important function in the anti-terrorist system. The Bureau counteracts the financing of terrorism and combats corruption. The activity of the Central Anti-Corruption Bureau is complementary to the competences of other secret services in the framework of permanent counter-terrorism policy⁴³⁶.

In carrying out specific tasks, the secret services rely on privileges granted to them by law. They use the data they have obtained so far, apply technical means and undertake cooperation with other entities which may help them maintain the security of Poland. The effectiveness of the anti-terrorist activities depends on how the secret services perform their tasks – whether they carry out covert (secret) activities or tasks of an intelligence or counter-intelligence character. They undertake operational intelligence activities (such activities are also carried out by the police) and are given special powers to fulfil the tasks entrusted to them under the act.

Due to their nature, operational capabilities and prerogatives, the secret services may carry out activities of a covert character. They use statutory powers corresponding to the

⁴³⁴ *Centrum Antyterrorystyczne Agencji Bezpieczeństwa Wewnętrznego* [The Counter-Terrorist Centre of the Internal Security Agency] <<https://www.abw.gov.pl/pl/zadania/zwalczanie-terroryzmu/centrum-antyterrorysty/62,Centrum-Antyterrorystyczne-CAT.html>> [accessed: 22 October 2019].

⁴³⁵ M. Gabriel-Węglowski, op. cit., p. 68.

⁴³⁶ A. Olech, *Działalność antykorupcyjna TRACFIN w Republice Francuskiej i CBA w Rzeczypospolitej Polskiej – różnice, podobieństwa i rezultaty* in *Jawność życia publicznego* ed. by J. Taczowska-Olszewska, M. Nowikowska, A. Brzostek, R. Szydłowska (Warsaw, 2019), pp. 333-360.

protection of national interests, state security, as well as countering espionage, anti-Polish activities and terrorism. Depending on the capabilities and skills of the secret services, they can obtain the most important information for national and international security, especially in view of the alliances concluded, which will be decisive in stopping and eliminating the terrorist threat⁴³⁷. At present, the activity of these actors is the greatest problem in the dynamically changing situation in Europe.

Information obtained by the secret services regarding terrorist threats, incidents and forecasts is forwarded to the Interministerial Team for Terrorist Threats⁴³⁸. Subsequently, within the framework of classified activities, it is presented and discussed in order to increase the competence of particular services and to define future strategies for combating terrorism and maintaining security in the state⁴³⁹.

The Polish secret services are aware of the dangers related to the terrorist activity in view of the ongoing attacks in Europe and in the world, the risk of further attacks and the emerging threats in the form of newly recruited terrorists. Despite the years of experience, none of the services can predict when and where an attack will take place⁴⁴⁰. The only possibility is the attempt to foil the felony by getting information or by using such a high level of security that the assassin will have to change his plan. A terrorist who was prevented from entering the Stade de France because of the security of the building⁴⁴¹, detonated a bomb outside the sports venue⁴⁴². Also, in Poland there were situations where security procedures were not observed and subcontractors from small security companies were assigned to protect important facilities. These actions resulted in bringing dangerous tools and materials to mass events⁴⁴³, such as during the final concert of the Great Orchestra of Christmas Charity at Targ Węglowy in Gdańsk, which was held on 13 January 2019, when the mayor of the city, Paweł Adamowicz, was killed. The assaulter made his way through makeshift security and stabbed the victim several

⁴³⁷ A. Żebrowski, *Wywiad i kontrwywiad XXI wieku* (Lublin: WSEI, 2010), p. 256.

⁴³⁸ The Order No. 162 of the Prime Minister of 25 October 2006 on establishment of the Interministerial Team for Terrorist Threats.

⁴³⁹ Agencja Bezpieczeństwa Wewnętrznego, *Międzyresortowy Zespół do Spraw Zagrożeń Terrorystycznych* [The Internal Security Agency, *The Interministerial Team for Terrorist Threats*], <http://www.antyterrorizm.gov.pl/CAT/ochrona-antyterrorysty/międzyresortowy-zespol/408,MIE_DZYRESORTOWY-ZESPOL-DS-ZAGROZEN-TERRORYSTYCZNYCH.html> [accessed: 26 October 2019].

⁴⁴⁰ The new wave of terrorism since 2002.

⁴⁴¹ *Attentats à Paris: L'un des kamikazes aurait été refoulé à l'entrée du Stade de France*, 20 minutes <<https://www.20minutes.fr/sport/1730587-20151114-attentats-paris-kamikazes-refoule-entre-e-stade-france>> [accessed: 5 October 2018].

⁴⁴² One may also wonder whether it was not the mistake made by the terrorist who tried to enter the stadium after the match had already started. If he had tried before it, when the number of spectators is the greatest and security control is negligible, many people could have died.

⁴⁴³ K. Stanowski, *Jak co wtorek... Krzysztof Stanowski* <<http://weszlo.com/2018/05/08/wtorek-krzysztof-stanowski-54/>> [accessed: 5 October 2018].

times⁴⁴⁴. The police and the services have no influence on how a security company will secure a facility, and therefore emphasis should be placed on issuing licences only to firms that are trained and have knowledge of the dangers.

The role of the secret services is crucial in countering emerging threats. Obtaining, analysing, transmitting, creating information (including *fake news*), placing one's officers in specific environments, infiltration, multi-level involvement in different structures - all these activities are the basis of a well-functioning organisation tasked with combating terrorism. Even an apparently insignificant piece of information or an initially unimportant informant may, at some point, lead the services to a target or provide important content. The connections between terrorists and criminal organisations are not irrelevant in this respect. If the service has its informants (confidential human source – CHS, a person who cooperates with the state security authorities)⁴⁴⁵ among offenders, it may receive information on purchases of arms, explosives and other shipments of armament. The interests of criminal groups are intertwined, as they trade materials in their possession with each other. Modern extremist organisations very often finance their terrorist activities with the proceeds from drug sales. The informant's basic knowledge of the potential use of the arms makes it possible for the secret services to take preventive measures relatively early, to identify the threat and to eradicate it. In addition, in order to effectively prevent the financing of terrorism, the Head of the ABW has been granted the access to information and data covered by banking secrecy.

Thus, the secret services undertake activities aimed at obtaining information on planned terrorist activities, thereby preventing further offences by disintegrating extremist circles and identifying members of groups and persons cooperating with them⁴⁴⁶. At the same time, these actions will be complemented by the police, as it is not possible in everyday practice to distinguish between specific actions to combat terrorist threats⁴⁴⁷.

According to W. Osiatyński, some human rights may be restricted due to terrorist threats, such as freedom of movement, confidentiality in telecommunications and Internet communication, as well as the ability to participate in public life⁴⁴⁸. This is extremely important in the context of operations undertaken by the anti-terrorist formations, which must have unrestricted (but in accordance in the statutory law) capacity to take action.

⁴⁴⁴ Brancewicz M., Jelonek, *Atak na Pawła Adamowicza i walka o życie prezydenta minuta po minucie* <<https://www.trojmiasto.pl/wiadomosci/Nozownik-zaatakowal-Pawel-Adamowicza-n130914.html>> [accessed: 10 October 2020].

⁴⁴⁵ The Act of 18 October 2006 on the disclosure of information concerning documents of State security agencies between the years 1944-1990, and the content of such documents (Journal of Laws of 2006, No. 218, item 1592).

⁴⁴⁶ P. Herbowski, *Uregulowania prawne działalności funkcjonariuszy "pod przykryciem" a zagrożenia terrorystyczne* in *Pozyskiwanie informacji...*, op. cit., s. 31-32.

⁴⁴⁷ K. Walczuk, M. Bożek, op. cit., p. 55.

⁴⁴⁸ W. Osiatyński, *Prawa człowieka i ich granice* (Cracow: Znak, 2011), pp. 90-91.

When it comes to the fight against terrorism, every second may determine whether an attack is carried out or not.

According to the Polish legislator, the secret services officer may not undertake actions that would violate the law. However, it is impossible to determine which of the contemporary methods used by the services may be perceived as breaking the law in order to undertake cooperation with a person who may be useful for the service. In this case, the legal norms stating that the public authorities act based on, and within the limits, of the law shall prevail, dictating that any operation taken by a public authority should be based on a clearly defined legal norm given to the authorities⁴⁴⁹. It should be taken into account that a potential informant may commit an offence and not be punished for it because they are very important for ongoing and future operations. It is up to the legislator to define the law in a crisis situation such as a terrorist attack. If cooperation with an offender makes it possible to avoid attacks, it should be determined how this operational eventuality should be handled⁴⁵⁰. It seems important to identify certain patterns and events that could be helpful in future actions taken by the services in order to obtain information on threats, while using informants from the most dangerous criminal and terrorist groups. The use of measures that compel or persuade them to cooperate with the services, and punishing the offender only at a later stage. The acquisition of information and the use of pre-emptive tactics is the basis for foiling a terrorist attack.

Increased activity by the secret services followed the attacks of 11 September 2001. Citizens became increasingly aware of the dangers of inadequate protection and insufficient vetting of suspects. There were demands for increasing the intensity of operations, which involved operational intelligence activities to stop terrorism. Civil rights and freedoms constitute an important issue here, as states had to violate the privacy of their citizens in anti-terrorism measures, while facing a choice between security and liberty in its broadest sense. Sovereignty has been restricted in matters relating to the operations of the services in order to undertake the international fight against terrorism⁴⁵¹. The basis for such actions was the introduction of the Anti-Terrorist Act in 2016 allowing surveillance and eavesdropping in a specified mode, which has enhanced the powers of the secret services. Over time, however, citizens – one and two years after the major attacks in Europe – started to demand privacy and do not want anyone to monitor their lives, even if it is for their safety⁴⁵².

⁴⁴⁹ P. Wagłowski, *Zasada legalizmu (praworządności) w uzasadnieniach niedawnych wyroków NSA* <<http://prawo.vagla.pl/node/8970>> [accessed: 15 September 2018].

⁴⁵⁰ J. Dziewulski, K. Pyzia, op. cit., p. 234.

⁴⁵¹ U. Beck, *Władza i przeciwładza w epoce globalnej* (Warsaw: Scholar, 2005), pp. 34-35, 331-332.

⁴⁵² *Coraz więcej inwigilowanych. "Obywatele nie mają pewności, czy ich telefon nie jest obserwowany"*, TOK FM <<http://www.tokfm.pl/Tokfm/7,103094,23667135,sluzby-inwigiluja-coraz-wiecej-osob-a-jezeli-dotyczy-to-tez.html>> [accessed: 03 October 2018].

The Police

The basis for the operation of the police in Poland is the Act of 6 April 1990 on the Police⁴⁵³. This service, within the framework of its tasks and competences, has many possibilities which enable it to respond adequately to terrorist threats. The undertaken preventive and prophylactic activities support uniformity and regularity in anti-terrorist activities. The continuous raising of public awareness of the threats and the cooperation of police units in the largest cities, which may become a target for terrorists due to their urbanised area, significantly increase the level of security and reduce the possibility of an attack. The competence to undertake operational intelligence activities complements, somewhat, the activities of the secret services, creating one subsystem aimed at eliminating terrorist threats. The police carry out activities of an internal character, however international cooperation is also important, especially with the neighbouring countries of Poland⁴⁵⁴. Therefore, within the framework of the national security system, the police react both in case of an attack and for prevention and recognition of terrorist threats⁴⁵⁵.

The police are a centralised organisation, uniformed in a standard way, guarding public order and security in Poland. There are about 100 000 officers and 30 000 civilian employees in active service, which makes it the largest formation acting to stop terrorism⁴⁵⁶. Police officers have the right to execute specific tasks, including, among others, the right to carry out body search, perform an ID check, search cars and flats, as well as use weapons and direct coercion⁴⁵⁷.

Within the framework of the activities undertaken, including recognition, prevention, detection of offences and petty offences, including those of a terrorist nature, the police carry out the following activities:

- operational intelligence,
- investigative and inquisitorial,
- administrative and policing⁴⁵⁸.

According to the provisions of the act, the basic tasks of the police include:

- protection of human health, life and property against attacks,
- supervision over public safety and order,

⁴⁵³ Journal of Laws of 1990, No. 30, item 179.

⁴⁵⁴ W. Gizicki, *Polityka bezpieczeństwa i obrony Polski – wybrane aspekty* in *Polska i Ukraina w procesach bezpieczeństwa europejskiego* ed. by W. Gizicki, A. Podraza (Lublin: Wyd. KUL [the Publishing House of the Catholic University of Lublin], 2007), pp. 94-95.

⁴⁵⁵ R. Socha, K. Jałoszyński, *Obszar spraw wewnętrznych państwa wobec zagrożenia terroryzmem* in *Bezpieczeństwo państwa a zagrożenie terroryzmem – Instytucje...*, op. cit., p. 87.

⁴⁵⁶ *Ibid.*, p. 89.

⁴⁵⁷ M. Działożyński, *Informator polskiej Policji na Euro 2012*, the National Police Headquarters, Warsaw, 2012, pp. 12-13.

⁴⁵⁸ A. Urban, *Bezpieczeństwo społeczności lokalnych* (Warsaw: Łośgraf, 2009), p. 49.

- prevention against committing offences and cooperation with other state actors in this respect,
- taking counter-terrorism measures,
- constant supervision of armed formations (including those of an anti-terrorist nature),
- undertaking international cooperation in the field of security,
- acquiring data and information – processing criminal and personal data, including collecting fingerprints and DNA analysis results,
- permanent cooperation with the Military Gendarmerie and the Armed Forces of the Republic of Poland⁴⁵⁹.

Taking this into account, the tasks of the police include both anti-terrorism and counter-terrorism measures. The former ones are undertaken within the framework of prevention, education and detection of offences, whereas counteracting activity of a terrorist nature is carried out during the performance of operational intelligence activities. Counter-terrorism operations are the response to danger by counter-terrorism units and subunits.

When considering formations established to combat terrorist threats, the Central Investigation Bureau of the Police must be mentioned. It was established on 15 April 2000 as a result of merging the Bureau for Combating Organised Crime and the Anti-Drugs Bureau of the National Police Headquarters (operating since 1997)⁴⁶⁰. The main tasks of the Central Investigation Bureau of the Police include combating organised crime of criminal drug, economic or terrorist nature. Within the structure of the organisation (in the Department III), the Department for Countering Acts of Terrorism is distinguished⁴⁶¹. It consists of four units: unit 1 – terrorism and extremism, unit 2 – crime with the use of explosives, unit 3 – organised crime of foreigners, unit 4 – officers on duty⁴⁶². In a way, this makes police operations more focused on combating organised crime groups and, consequently, potential terrorist organisations. It is worth mentioning that the Bureau continuously cooperates at the international level, carrying out activities aimed at maintaining security in Europe⁴⁶³.

Preventive measures, carried out by the police as part of the anti-terrorist tasks, are aimed at securing places that could be exposed to terrorist attacks. These are public

⁴⁵⁹ The Police Act. Legal status as at 29 June 2019.

⁴⁶⁰ *Historia CBŚP* <<http://cbsp.policja.pl/cbs/o-cbsp/historia/120311,Historia-CBSP.html>> [accessed: 03 April 2019].

⁴⁶¹ R. Socha, K. Jałoszyński, op. cit., p. 92.

⁴⁶² K. Jałoszyński, *Organy administracji rządowej wobec zagrożeń terrorystycznych. Policja w walce i przeciwdziałaniu terroryzmowi* (Bielsko-Biała: Wyższa Szkoła Administracji w Bielsku-Białej [Higher School of Administration in Bielsko-Biala], 2009), p. 97.

⁴⁶³ The Internal Security Agency, *Police Working Group on Terrorism* <<https://www.antyterroryzm.gov.pl/CAT/antyterroryzm/wspolpraca-zagraniczna/pwgt/582,PWGT.html>> [accessed: 05 September 2019].

places where, due to their very nature, it could be possible for terrorists to harm large numbers of people without having to go through security. Such places include, among others: airports and seaports, railway stations, shopping malls, cinemas, theatres, discotheques, football stadiums, places of demonstrations and mass events⁴⁶⁴. This list cannot be considered as exhaustive, bearing in mind that many events take place spontaneously, and when it comes to large cities, there are several dozen concerts and events held every month. These are the places that attract large numbers of people, which is why they should be protected in a special way. It is acknowledged that in the prevention department, practically all officers of this service deal with combating terrorist threats⁴⁶⁵.

Nowadays, it is difficult to imagine that entering a supermarket is preceded by a body search and passing through the so-called pyrotechnic gate⁴⁶⁶. Interestingly, this is a solution that was used in the French Republic in most of the shopping malls after the November 2015 attacks. In some places security has been maintained and body search is still performed⁴⁶⁷, e.g. in Lyon and Paris. Such actions do not necessarily have to be carried out by the police, but can, for example, be executed by security companies.

Another category comprises places of particular political significance. An attack on one of the state's most important institutions or facilities of an international character could even lead to a shake-up of national security. This category includes, above all, diplomatic missions, government buildings, facilities important from the point of view of state defence and security. Here, however, security guards are usually positioned in front of the entrance to the building, which minimises the risk of an attack⁴⁶⁸. Another case is the aerial attack which was carried out in 2001 in the USA⁴⁶⁹. It is impossible to stop terrorists if the security services do not know that a machine has been hijacked. Such attacks are particularly damaging to the functioning of the state, which is why the preventive role of the police is so important. Therefore, in the case of a terrorist attack, the operations of the police will cover five main spheres: operational intelligence activities (e.g. identification of persons suspected of terrorist activity), policing and protection activities (e.g. reinforcing protection in selected areas and increasing the number of patrols), preparation of forces and resources for task implementation (e.g. deployment of mine and pyrotechnic teams and police negotiators to the danger zone),

⁴⁶⁴ K. Jałoszyński, *Realizacja...*, op. cit., p. 12.

⁴⁶⁵ P. Małecki, *Rola Policji w zwalczaniu i przeciwdziałaniu przestępczości terrorystycznej*, (Szczytno: Wyższa Szkoła Policji w Szczytynie [The Police Academy in Szczytno], 2007, pp. 62-64.

⁴⁶⁶ K. Jałoszyński, *Realizacja...*, op. cit., p. 12.

⁴⁶⁷ M. Battaglia, *Etat d'urgence: près de Lyon, fouilles et palpations de sécurité dès la maternelle*, 8 December 2015 <<http://delinquance.blog.lemonde.fr/2015/12/08/etat-durgence-pres-de-lyon-fouilles-et-palpations-de-securite-des-la-maternelle/>> [accessed: 29 June 2019].

⁴⁶⁸ K. Jałoszyński, *Realizacja...*, op. cit., p. 12.

⁴⁶⁹ P. Bauer, *American Airlines flight 77- terrorist hijacking, Arlington, Virginia, United States 2001* <<https://www.britannica.com/event/American-Airlines-flight-77>> [accessed: 29 June 2019].

exchange of information with other entities (e.g. maintaining a high level of functioning of all units in order to eliminate the threat through the constant transmission of messages), as well as taking action in the event of an attack (e.g. the creation of an appropriate team to analyse and monitor the situation in order to take appropriate measures in cooperation with, for example, the armed forces)⁴⁷⁰.

Within the framework of external border protection and emerging threats related to international terrorism, the minister in charge of internal affairs may order the use of the Border Guard officers to provide assistance to the police⁴⁷¹. This is extremely important for complementing counter-terrorism activities. As a homogenous, uniformed and armed formation, the Border Guard was created in order to protect the state border on land and sea, as well as to control border traffic. The Border Guard officers have the right to use means of direct coercion and firearms⁴⁷². The possibility of cooperation with the police during the implementation of tasks to combat terrorism, if necessary, increases the effectiveness in eliminating threats. From the systemic point of view, it is the most appropriate form of cooperation in order to maintain security on the territory of the Republic of Poland⁴⁷³.

The methodology of anti-terrorist activities should be based on pre-emptive tactics. Foiling an attack is nowadays the most potent weapon in the fight against terrorism. In the structure of the actors involved in the protection of human life and health, it is important to use the element of surprise, which until now has been the preserve of terrorists. The anti-terrorist services, aware of the dangers, should constantly maintain a high level of commitment to stop terrorist threats.

2.2.2. Counter-terrorism units

In order to undertake ad hoc operations, counter-terrorism units have been established in Poland. These are specialised units of the police or the armed forces. They have an organisational structure, methods and tools for fighting, specialised equipment, training facilities and a logistics base. They perform tasks in connection with emerging crisis situations of a terrorist nature and in order to ensure public safety and order⁴⁷⁴.

Counter-terrorism measures carried out by specialised units are a continuation of activities aimed at maintaining security in the state. It is an important subsystem of combating terrorist threats, being engaged after the danger has already occurred. It is

⁴⁷⁰ R. Socha, K. Jałoszyński, op. cit.

⁴⁷¹ The Act of 12 October 1990 on the Border Guard (Journal of Laws of 1990, No. 78, item 462).

⁴⁷² J.R. Truchan, *Obszar spraw wewnętrznych państwa wobec zagrożenia terroryzmem* in *Bezpieczeństwo państwa a zagrożenie terroryzmem – instytucje...*, op. cit., pp. 103, 112.

⁴⁷³ The Act on Anti-Terrorist Activities. Art. 27.

⁴⁷⁴ K. Jałoszyński, *Realizacja...*, op. cit., p. 14.

a reaction and counter-attack to stop further negative consequences of, for example, an attack. The counter-terrorism procedure requires swift and firm commitment of troops, as well as immediate elimination of threats and minimisation of losses. These are combat operations or the use of troops for security and pre-emptive operations⁴⁷⁵.

Counter-terrorism operations, in accordance with their characteristics, are regulated by the Anti-Terrorist Act. They are conducted within the framework of eliminating a direct threat to life, health or freedom (of persons or property) with the use of available forces, means and specialist tactics⁴⁷⁶. It should be understood as measures undertaken against perpetrators, persons preparing or assisting in the commission of an offence of a terrorist nature, referred to in Article 115 § 20 of the Penal Code, conducted in order to eliminate a direct threat to life, health or freedom of persons or property with the use of specialised forces and means and specialised tactics of action. The performance of counter-terrorism measures is directly supervised by the Minister of the Interior and Administration, who is responsible for the preparation to take control over terrorist events by means of planned undertakings, reaction in case of the occurrence of such events and restoration of the resources intended for responding to such events⁴⁷⁷. The Head of the Internal Security Agency is directly responsible for the prevention of terrorist incidents. These roles complement each other, designating direct supervisors of the counter-terrorism system in the Republic of Poland. It was also important to introduce changes in the Police Act, according to which, as part of anti-terrorist activities, the police also carry out counter-terrorism operations⁴⁷⁸. This is a change which clearly differentiates the division between actors delegated to conduct anti-terrorist and counter-terrorism measures, giving the police dual competences. Control activities are undertaken even before the occurrence of attacks and in response to a threat⁴⁷⁹.

The priority in counter-terrorism operations is to undertake actions in connection with: the occurrence of a crisis situation after a terrorist attack, the need to use forces and means to maintain public security and order, and stopping or eliminating a spreading threat that constitute a potential for further attacks.

The main features of counter-terrorism operations include:

- developing an operational situation – identifying an offence of a terrorist nature that may pose a threat to the safety, life, health or freedom of persons or property;
- terrorist threat – identification of the perpetrator, intermediaries, other participants in the event;
- counter-terrorism task and plan – taking action to eliminate a terrorist threat;

⁴⁷⁵ K. Jałoszyński, *Działania...*, op. cit., p. 371.

⁴⁷⁶ The Act on Anti-Terrorist Activities. Art. 2.

⁴⁷⁷ Ibid.

⁴⁷⁸ Ibid.

⁴⁷⁹ Ibid. Art. 3.

- action tactics – intervention with the use of available forces and means, planned on the basis of a previously prepared strategy⁴⁸⁰.

Actions defined as counter-terrorist are taken in response to the occurrence of a terrorist attack. In order to eliminate the threat or undertake a pre-emptive operation, military or police forces are used, delegated to:

- rescue operations – such as the release of hostages,
- arrest – the persons suspected of or undertaking terrorist activities,
- eliminate the threat – liquidating the terrorists⁴⁸¹.

The counter-terrorism units are created in order to carry out high-risk actions. Having such structures in place allows the state to react immediately, which is the most important thing in the fight against terrorism. Nowadays, terrorist attacks cannot be predicted, but it is possible to react appropriately once a danger has occurred. The main objective in maintaining units and organisational units dedicated to fighting terrorism physically is to prepare them to respond adequately to the threat⁴⁸².

The Central Counter – Terrorism Police Subunit “BOA” and independent counter-terrorism subunits

After being given new powers, the police became the main service in Poland tasked with taking counter-terrorism measures⁴⁸³. It is connected with placing it in the system of combating terrorist threats as an element of a structure of a counter-terrorism profile. Police activities are defined as conducting a fight against terrorism within the meaning of the Act on Anti-Terrorist Activities. It has been specified that the tasks of the police in this respect will be carried out by the Central Counter – Terrorism Police Subunit “BOA” and independent counter-terrorism subunits which constitute the counter-terrorist service responsible for conducting counter-terrorism operations and supporting the activities of police organisational units in conditions of particular threat or requiring the use of specialised forces and means as well as specialised tactics of operation⁴⁸⁴.

The main specialised subunit of the police which carries out counter-terrorist operations is the Bureau of Anti-Terrorist Operations of the National Police Headquarters. The unit, in its present form, was formed in May 2008 on the basis of the Order No. 372 of the

⁴⁸⁰ M. Stępiński, *Formalno-organizacyjne uwarunkowania dowodzenia działaniami kontrterrorystycznymi realizowanymi przez wyspecjalizowane siły Policji w świetle przepisów ustawy o działaniach antyterrorystycznych* in W. Zubrzycki, K. Jałoszyński, A. Babiński, op. cit., p. 383.

⁴⁸¹ K. Jałoszyński, *Podmioty...*, op. cit., p. 141.

⁴⁸² W. Zubrzycki, *Antyterrorystyczne formacje Policji w przypadku zbrojnej agresji na RP* (Szczytno: Wyższa Szkoła Policji w Szczytnie [The Police Academy in Szczytno], 2014), p. 44.

⁴⁸³ J. Raubo, *Policijni kontrterrorystyci wchodzi do gry. BOA doczekało się zmian* <www.infosecurity24.pl/policyjni-kontrterrorystyci-wchodza-do-gry-boa-doczekalo-sie-zmian> [accessed: 15 May 2019].

⁴⁸⁴ The Act on Anti-terrorist Activities. Art. 27.

Commander-in-Chief of Police of 14 April 2008 on the National Police Headquarters Regulation⁴⁸⁵. The BOA was part of the organisational units of the National Police Headquarters in the prevention service as the central counter-terrorism subdivision⁴⁸⁶.

The Central Counter – Terrorism Police Subunit, based on the Act of 9 November 2018 on amending the Police Act and certain other acts, is one of the types of police services referred to as counter-terrorist. It was distinguished from among the following types of services: criminal, investigative, internal affairs, preventive and supporting police activities in the organisational, logistics and technical areas. This unit reports directly to the Commander-in-Chief of Police and the support activities of the BOA in the organisational, personnel, logistic and technical spheres are provided by the headquarters with the assistance of which the Commander-in-Chief of Police performs his tasks⁴⁸⁷.

The main tasks of the BOA include: countering and combating terrorism, as well as organising, coordinating and supervising the actions taken by the police in the country⁴⁸⁸. The Central Counter – Terrorism Police Subunit performs its tasks within the scope of:

- undertaking combat and intelligence activities in order to counteract terrorist threats,
- using specialised forces and means in the performance of their tasks,
- carrying out security and protective measures,
- preparing and conducting combat operations in case of crisis situations, threats or offences of a terrorist nature,
- supporting other police organisational units in conditions of particular threat,
- conducting combat operations in an environment exposed to a chemical, biological, ionizing and nuclear agent,
- elaborating current analysis of information related to terrorist threats and the implementation of counter-terrorism measures in Poland and around the world,
- coordinating preparations for combat operations,
- conducting police negotiations during anti-terrorist operations,
- active participating in trainings and skills improvement courses in support of operational needs,
- analysing the conditions that have an impact on combating terrorism by the Central Counter – Terrorism Police Subunit of the National Police Headquarters,

⁴⁸⁵ Pursuant to the Police Act, Art. 7(4).

⁴⁸⁶ K. Jałoszyński, *Centralny pododdział kontrterrorystyczny Polskiej Policji – BOA KGP* (Szczytno: Wyższa Szkoła Policji w Szczytnie [The Police Academy in Szczytno], 2016), p. 254.

⁴⁸⁷ The Act of 9 November 2018 on amending the Police Act and certain other acts (Journal of Laws of 2019, item 15).

⁴⁸⁸ K. Jałoszyński, J. Struniawski, *Dowodzenie operacją antyterrorystyczną z wykorzystaniem sił kontrterrorystycznych* in *Policyjne Siły Specjalne w Polsce* ed. by K. Jałoszyński, W. Zubrzycki, A. Babiński (Szczytno: Wyższa Szkoła Policji w Szczytnie [The Police Academy in Szczytno], 2015), pp. 336-337.

- cooperating with relevant, national and international actors with the aim of combating terrorism⁴⁸⁹.

The Central Counter – Terrorism Police Subunit of the National Police Headquarters has also been obliged to undertake actions of international character on the basis of an agreement between European Union Member States. This category includes mainly operations carried out in the event of crisis situations⁴⁹⁰.

The organisational structure of the Bureau of Anti-Terrorist Operations is composed of the management (the BOA commanders and deputy commanders) and organisational units:

- 1) Combat Division I,
- 2) Combat Division II,
- 3) Combat Division III,
- 4) Combat Division IV,
- 5) Combat Division V,
- 6) Combat Training Division,
- 7) Operational Support Division,
- 8) Technical Support Division⁴⁹¹.

Independent counter-terrorism subunits of the Police are a natural support area and assistance for the BOA. They are directly subordinate to the locally competent Provincial Police Commanders or the Warsaw Metropolitan Police Commander and the support activities for these subunits in the organisational, personnel, logistic and technical spheres are provided by the headquarters at which they are located⁴⁹². The counter-terrorism subunits of the Police carry out combat operations or support rescue operations⁴⁹³. The independent counter-terrorism subunits are the police units subordinated to the Provincial Police Headquarters and the Warsaw Metropolitan Police Headquarters.

The subunits undertake activities to fight terrorism and support the tasks performed by the BOA. Apart from that, their main tasks include:

- participating in counter-terrorism operations,
- supporting other entities in carrying out anti- and counter-terrorism tasks (e.g. the State Protection Services, during anti-terrorist protective measures),
- detaining dangerous persons,
- countering threats connected with the use of explosive materials or devices, as well as combating bomb threats,

⁴⁸⁹ K. Jałoszyński, *Realizacja...*, op. cit., pp. 24-25.

⁴⁹⁰ Ibid.

⁴⁹¹ The Order No. 23 of the Commander-in-Chief of Police of 16 April 2019, on the temporary organisational regulations of the Central Counter – Terrorism Police Subunit “BOA”.

⁴⁹² The Act on amending the Police Act and certain other acts.

⁴⁹³ The Order No. 26 of the Commander-in-Chief of Police of 16 April 2019, on the methods and forms of operation of counter-terrorist subunits of the Police.

- performing specific tasks for the use of counter-terrorism forces,
- maintaining operational readiness at all times,
- responding to terrorist attacks,
- carrying out police tasks requiring specialist equipment,
- protection of critical infrastructure,
- undertaking activities commissioned by the National Police Headquarters within the framework of the system to counter terrorist threats.

The Commander of the BOA directs independent counter-terrorism subunits for operations and coordinates the preparation and use of their forces and resources to carry them out. In addition, the Commander-in-Chief of the Police or an authorised Deputy Commander-in-Chief of the Police decides to mobilise the Central Counter-Terrorism Reserve Unit of the Commander-in-Chief of the Police when the performance of tasks requires the use of forces and resources of more than one counter-terrorism subunit of the Police.⁴⁹⁴ In terms of everyday performance of their tasks, the anti-terrorist subunits are subordinate to competent provincial police commanders. However, at the moment of mobilising the Central Counter-Terrorism Reserve Unit of the Commander-in-Chief of the Police, they are included in its management system and are subordinate to the commander of the Central Counter-Terrorism Reserve Unit, who commands anti-terrorist subunits and the mine and pyrotechnic units of the police, as well as coordinates the use of their forces and resources. Apart from that, in order to carry out the tasks effectively, he recommends to the commander of a police operation, the commander of an anti-terrorist sub-operation, i.e. a person responsible for planning, preparing and carrying out activities aimed at counteracting terrorist threats. The commander of the Central Counter-Terrorism Reserve Unit of the Commander-in-Chief of the Police is the commander of the BOA or his deputy⁴⁹⁵.

Within the framework of international cooperation for the active fight against terrorism by counter-terrorism units, Poland is an active member of the ATLAS network. It is a platform of cooperation of the counter-terrorism police subunits of the Member States of the European Union. The group was established on 15 October 2001. Its main objective is to intensify international cooperation with a view to countering terrorism. The first meeting took place on 15 December 2004 during the Madrid Summit. Poland took part in it and was represented by the BOA. Officially, the Bureau of Anti-Terrorist Operations joined the network in mid-2005. The ATLAS network permanently coordinates international exchange of information, organises cooperation of units from various EU Member States and conducts simulations of terrorist events⁴⁹⁶.

⁴⁹⁴ M. Stępiński, *Centralny Odwód Antyterrorystyczny Komendanta Głównego Policji jako formuła zwiększająca sprawność wykorzystania sił i środków Policji w sytuacjach kryzysowych*, "Przedsiębiorczość i Zarządzanie", 2016, Vol. XVII, bulletin 5, part III, pp. 338-348.

⁴⁹⁵ The Order No. 26 of the Commander-in-Chief of Police of 16 April 2019, op. cit.

⁴⁹⁶ W. Zubrzycki, *Możliwości...*, op. cit., pp. 44-45.

As early as in the years 2004-2005, the National Police Headquarters established cooperation with the GIGN and the RAID in order to undertake joint exercises, including in terms of working with combat dogs, selecting tactics for counter-terrorism operations and conducting joint improvement exercises⁴⁹⁷. Within the framework of Polish-French cooperation, the BOA of the National Police Headquarters continuously cooperates with the RAID.

The Armed Forces of the Republic of Poland

The main objective of functioning of the armed forces is the protection of sovereignty, territorial integrity and inviolability of state borders⁴⁹⁸. Since the beginning of the 21st century, there has been an ever-increasing need to use military forces in countering terrorist attacks⁴⁹⁹. The legislator points out that if the use of police units or subunits to perform tasks in the area of protection of public security and order proves or may prove to be insufficient, units and subunits of the Armed Forces of the Republic of Poland may be delegated to assist these bodies. This happens if the use of police formations is not sufficient to eliminate the threat. The decision on the engagement of the army is issued by the Minister of National Defence, determining the number and tasks for the troops, indicating the area of operations undertaken, and supervising possible limitations in equipment. The President of the Republic of Poland is competent to amend or repeal the order⁵⁰⁰. Additionally, the Prime Minister, upon the motion of the minister in charge of internal affairs agreed with the Minister of National Defence, may order the use of soldiers of the Military Gendarmerie to provide assistance to the police. It will undertake, among other things, activities aimed at verifying security measures in areas covered by the alert level, conducting evacuation of people and property, stopping traffic on roads, railways and in water ports and airports, also using specialised units of the Military Gendarmerie. In particular cases, the gendarmerie may operate outside national borders⁵⁰¹.

The Armed Forces of the Republic of Poland are responsible for the internal security of Poland⁵⁰² and provide necessary military support to relevant institutions, authorities, civilian organisations and society, respond to threats, including by conducting anti-terrorist activities within the state borders⁵⁰³.

⁴⁹⁷ K. Jałoszyński, *Centralny...*, op. cit., p. 245.

⁴⁹⁸ The Constitution of the Republic of Poland. Art. 26.

⁴⁹⁹ W. Kitler, *Prawo wojskowe* (Warsaw, 2017), pp. 39-40.

⁵⁰⁰ The Act on Anti-Terrorist Activities. Art. 22.

⁵⁰¹ M.A. Kamiński, op. cit., pp. 112-118.

⁵⁰² M. Busłowicz, *Obszar obrony narodowej w państwie wobec zagrożenia terroryzmem* in *Bezpieczeństwo państwa a zagrożenie terroryzmem. Instytucje...*, op. cit., pp. 286-287.

⁵⁰³ M. Żuber, M. Mańkowska-Żuk, *Rola Sił Zbrojnych Rzeczypospolitej Polskiej w przeciwdziałaniu zagrożeniom terrorystycznym* in *Bezpieczeństwo antyterrorystyczne – świadomość społeczna i edukacja* ed. by K. Liedel, P. Piasecka (Warsaw: Difin, 2017), p. 79.

Table 1. Combating terrorism in the military model and the police model

Criteria	Military model	Police model
Terrorist	Rebels/separatists/nationalists who undertake terrorist activities may be considered soldiers	Terrorists are offenders, including those who commit criminal acts
Concept of operations	The objective of defeating terrorists determines the techniques and methods of using force	Minimisation of violence against terrorists, limitation of violence
Legislation	Human and civil rights during operations are of secondary importance	Prosecution of terrorists must be conducted with respect for human rights
Operation level	Armed forces	Police units
Operation stage	Serious terrorist threat	Permanent ad hoc operations
Assessment of response	The need to carry out a special operation to maintain the security of the state and citizens	Evaluation of the conducted operation, the need for the officer to justify the necessity to use force

Source: own study based on: M. Wiatr, *Potrzeby i możliwości współdziałania Wojska z Policją w zwalczaniu terroryzmu* in *Polska ustawa antyterrorystyczna – odpowiedź na zagrożenia współczesnym terroryzmem*, W. Zubrzycki, K. Jałoszyński, A. Babiński (Szczytno: Wyższa Szkoła Policji w Szczytynie [The Police Academy in Szczytno], 2016), p. 554.

Tasks in the field of defence of the state border against terrorist threats are performed by the Commanding Officer of individual types of Armed Forces of the Republic of Poland assisted by air defence command units. The commanding officer may decide to destroy a civilian aircraft classified as RENEGADE⁵⁰⁴, if there are no people on board or there are only assassins there (persons responsible for activities bearing the hallmarks of terrorism), who want to use the machine to carry out a terrorist attack⁵⁰⁵.

Special Troops Command in Poland form independent units and subunits consisting of trained, selected and equipped soldiers specially prepared to undertake operations in a high-risk environment. They carry out operations against a specific adversary. They

⁵⁰⁴ It should be understood as a civilian aircraft which has crossed the state air border or flies in the airspace of the Republic of Poland without permission or in contravention of the conditions of permission, has failed to comply with requests and may be used as a means of a terrorist attack.

⁵⁰⁵ Regulation of the Council of Ministers of 2 November 2011 on the determination of the air defence command authority and the procedure for the application of air defence measures against foreign aircraft not complying with the requests of the state air traffic management authority (Journal of Laws of 2011, No. 254, item 1522).

can be used to combat terrorist threats⁵⁰⁶. The troops, which are specialised in fighting terrorism by taking offensive operations, include:

- FORMOZA Military Unit (Gdynia),
- Commando Military Unit (Lubliniec),
- The Military Unit “GROM” named in honour of the Cichociemni (The Silent Unseen) Paratroopers of the Home Army (Warsaw),
- AGAT Military Unit (Gliwice),
- Nil Military Unit (Cracow),
- 7th Special Operations Squadron (Powidz)⁵⁰⁷,
- Special Branch of the Military Gendarmerie in Warsaw⁵⁰⁸

The most common unit undertaking counter-terrorism activities, mainly abroad, is the Military Unit GROM, which was established on 13 July 1990⁵⁰⁹. Its main tasks include counter-terrorism operations, evacuation of endangered persons from the battlefield, special military intelligence, direct actions, military support, unconventional activities (infiltration of encircled troops, guerrilla warfare and shock operations) and combat search operations. The GROM performs tasks independently or in cooperation with other branches of the Polish Armed Forces, as well as with other North Atlantic Treaty Organisation units. However, the leading actor in taking counter-terrorism measures will always be the police. If necessary, the Special Troops Command will support police units⁵¹⁰.

The counter-terrorism group consists of officers or soldiers of: the Police, Border Guard, Internal Security Agency, Military Gendarmerie and Armed Forces of the Republic of Poland. What is extremely important during the fight against terrorism, in the case of the occurrence of an event of a terrorist nature, counter-terrorism measures are taken by the BOA and independent counter-terrorist subunits of the police before other operations⁵¹¹. Actions of counter-terrorism units are extremely dynamic and pose a threat to everyone in the vicinity. At the same time, the methods, resources and techniques used, which have been planned in detail, are fragmented as their use is not always possible due to the volatility and uncertainty of the situation.

The provisions of the Polish anti-terrorist act do not specify a single body which would make decisions on combating terrorism. As far as the proposed solutions are concerned, the Head of the Internal Security Agency is the entity that is responsible

⁵⁰⁶ M. Busłowicz, op. cit.

⁵⁰⁷ M. Żuber, M. Mańkowska-Żuk, op. cit., pp. 84-86.

⁵⁰⁸ *Żandarmeria Wojskowa w systemie bezpieczeństwa wewnętrznego państwa*, (red.) B. Wisniewski, P. Płonka, Centrum Szkolenia Żandarmerii Wojskowej, Mińsk Mazowiecki 2010.

⁵⁰⁹ Order No. 001/90 of the Minister of Internal Affairs of 13 July 1990 on the establishment of a military anti-terrorist unit GROM.

⁵¹⁰ K. Jałoszyński, J. Struniawski, *Dowodzenie operacją antyterrorystyczną z wykorzystaniem sił kontrterrorystycznych in Policyjne siły...*, op. cit., pp. 335-336, 339.

⁵¹¹ The Act of 9 November 2018 on amending the Police Act and certain other acts (Journal of Laws of 2019, item 15). Art. 1.

and takes part in undertaking anti-terrorism measures. He is obliged to cooperate with the Commander-in-Chief of Police and is co-responsible for taking all counter-terrorist operations. Given the current state of international affairs, that is a crucial activity for the security of the Republic of Poland. The Head of the ABW is competent and obligated to prevent terrorist incidents, which is also connected with his capabilities regarding the management of an institution of a counter-intelligence character⁵¹². It seems that the most appropriate solution would be to entrust the command of the execution of the measures comprising combating and stopping terrorist threats on the territory of the Republic of Poland to one person. This is important for the swiftness and clarity of the activities undertaken. One entity, having specific competencies and at the same time being the head of both anti-terrorist and counter-terrorism services, would make it possible to intensify activities against terrorism, and thus to maintain the required level of security in Poland.

The proper functioning of counter-terrorism units requires adequate operational and logistics support. The preparation of formations involves the constant training of units, ensuring that counter-terrorism troops are effective. Another element is the proper selection of capable individuals, as they will be responsible for interim response and thus will decide on the first steps at the scene of a terrorist attack. With the appropriate equipment and technologically new facilities, they will gain an advantage over terrorists and will be able to use the necessary tools to carry out special missions. The superiors will be responsible for organising these units. They must undergo appropriate training and have knowledge of modern terrorist threats. This is why it is so important to act unconventionally. Terrorism is characterised by a sudden attack leaving little time to react. The properly prepared troops and the correct decision-making process will minimise losses⁵¹³. For this reason, practitioners and decision-makers must first go through a recruitment process⁵¹⁴. Adequate vetting of candidates and a continuous training process are the basis for the proper functioning of a system to combat terrorist threats. All the links in this structure rely on the human factor⁵¹⁵.

2.3. Conclusions

Due to the unexpected and global threat of international terrorism after the attacks of 11 September 2001, Western European states decided to re-examine the conditions

⁵¹² K. Kaj, *Ustawodawstwo Antyterrorystyczne Federacji Rosyjskiej* in W. Zubrzycki, K. Jałoszyński, A. Babiński, op. cit., p. 221.

⁵¹³ K. Jałoszyński, *Współczesny wymiar antyterroryzmu* (Warsaw: Trio, 2008), pp. 133-135).

⁵¹⁴ J. Kowalik-Gęsiak, *Policja w systemie zwalczania terroryzmu w Polsce*, "Securo", 2016, No. 3), pp. 36-37.

⁵¹⁵ J. Piwowarski, A. Czop, M. Twardosz, *Przygotowania funkcjonariuszy samodzielnego pododdziału antyterrorystycznego Policji do działania w sytuacji trudnej z uwzględnieniem wpływu treningu walki wręcz* in W. Zubrzycki, K. Jałoszyński, A. Babiński, op. cit., pp. 621-622.

and systems of operation in the event of further attacks against, among others, members of the North Atlantic Treaty Organisation. The initial rejection of the idea that an attack might occur on the Old Continent was replaced by the development of new strategies and a shift to a state of being on alert. It was an obsessive form of waiting, suspicion and terror caused by a lack of knowledge and information on terrorism. Initially, all flights, border crossing points and the preparedness of services were constantly monitored. Over time, there was a relaxation due to a lower level of threat. This continued until 2004 and 2005, when terrorism struck Western Europe with tremendous force. This prompted another threat analysis and the implementation of security measures. Then, a decade later, terrorism became the biggest threat in Western Europe as the regular terrorist attacks took place there between 2014 and 2017. By 2020, the number of attacks had decreased, but more and more terrorist threats have emerged throughout the Old Continent. They occur not only in Western Europe, but also in Central and Eastern Europe, as well as in the Balkans.

The fight against terrorist threats covers a wide spectrum of activities aimed at neutralising them. It is divided into anti-terrorist (defensive) activities – by protecting people and objects from terrorism, and counter-terrorism measures – to prevent, deter or eliminate the threat. In other words, anti-terrorism is aimed at protecting persons and property, preventing access to selected institutions, persons, materials, documents and equipment, as well as combating espionage, sabotage, damage and theft. On the other hand, counter-terrorism is an active (offensive) form of combating terrorism, which can be used by specialised units in the country or as part of external – allied activities, e.g. during a military mission abroad⁵¹⁶. The basic elements of the system to counter terrorist threats, which ensure its proper functioning, include:

- the law in force,
- the structure of entities involved in anti-terrorist activities,
- methods, tools and capabilities,
- information flow,
- monitoring and analysing threats,
- communications,
- training, education, exercises, qualification and awareness-raising,
- financial resources⁵¹⁷.

The fight against terrorism has been waged for decades because it takes various forms that each country defines differently. Committing resources and introducing new

⁵¹⁶ A. Gwadera, *Stan przygotowania służb wojskowych do przeciwdziałania terroryzmowi w Polsce in Polska wobec terroryzmu*, “Zeszyty Fundacji Międzynarodowe Centrum Rozwoju Demokracji”, 2002, bulletin 49, pp. 48-49.

⁵¹⁷ J. Szafrąński, *Główne obszary oraz elementy systemu przeciwterrorystycznego in Problemy prawno-organizacyjne zwalczania terroryzmu w Polsce* ed. by J. Szafrąński, K. Liedel (Szczytno: Wyższa Szkoła Policji w Szczytnie [The Police Academy in Szczytno], 2011), p. 101.

methods is challenging as it requires new solutions, investments and development of strategies. In many cases, the services use the methods employed by other organisations and countries or develop their own concepts on the basis of these techniques. To better combat terrorism, anti-terrorist programmes need to be constantly elaborated and improved. The security policies of the various EU Member States should include similar counter-terrorism solutions, as this is a key element in strengthening international cooperation among units fighting with it. If terrorists move within the Schengen area, supranational cooperation should be sought to apprehend them. National security policies on counter-terrorism, which are an important part of international approach, should therefore include:

- Anti-terrorism – it should be in the first place among the strategies and concepts developed by the government. It is nowadays the main factor influencing the level of security in a country.
- Secret services – their role is of great importance in terms of the information they obtain; the way they conduct their activities (classified) allows them to control many areas of life that may pose a threat to the state. This also includes control beyond the country's borders.
- Army – a properly trained army, focused on its objective and ready to take immediate action, is a guarantee of a decisive counter-offensive, and in some way deters a potential aggressor.
- Counter-terrorism – the execution of operations by troops created to combat and eliminate the terrorist threat.
- Diplomacy – the cooperation and support of other states in the international arena greatly enhances the potential to combat terrorism. For instance, membership in NATO or a common anti-terrorism policy among the European Union member states is considered as one of such measures.
- Internal security – in order to engage in international activities, peace and security must be maintained within the country. This will be achieved through adequate protection of the population and the development of structures in the country.
- Democracy in the state – community support for counter-terrorism measures enables the creation of new institutions and ensures the approval of decisive combat.
- Diversification of anti-terrorism - in addition to carrying out strictly security-related activities, it is worth educating the public about the dangers posed by terrorism, as well as not excluding national and ethnic minorities living in the country. Knowing that the government cares about them will ensure that the possibility of the emergence of terrorist organisations on the territory of the country is minimised. This also involves establishing good relations with the staff of embassies.
- Identifying threats – defining potential adversaries and the areas they come from will help determine the methods and resources needed to take action.

The changes that occurred after the attacks of 11 September 2001 have become crucial for the contemporary perception of terrorism. The formulation of a new definition of this phenomenon and, consequently, of the concept of counter-terrorism, has become the main objective of Western countries engaged in the *Global War On Terrorism*⁵¹⁸. Many countries have changed their national policies, legal regulations and identified the means and methods that would need to be engaged to maintain internal security⁵¹⁹. Between 2015 and 2020, the biggest changes were seen in Australia, the United Kingdom, France, Poland, Russia and Israel. These countries gave new powers to the services working to combat terrorism.

⁵¹⁸ D. Byman, *The Five Front War: The Better Way to Fight Global Jihad* (New Jersey: Wiley, 2007), pp. 69-72.

⁵¹⁹ J.M. Poland, *Understanding Terrorism – groups, strategies and responses* (London: California State University, 2011), p. 2.

Terrorist threats and security challenges

Modern terrorism crosses national borders. The conclusion drawn from the actions taken by terrorists between 2001 and 2019 shows that the fight against terrorism constitutes a global problem⁵²⁰. An extremist group can plan actions and implement them within a few days or even hours. Moreover, when it comes to cyberspace, the impact of terrorism can be seen in a matter of seconds. If the phenomenon expands, those fighting terrorism will find it increasingly difficult to understand what exactly they are trying to eradicate. There is no specific form of terrorism or one country that promotes and supports it. It changes its form, strength and also the way it affects people, for example when it strikes at the moment when it was thought to have been overcome for good. The question arises as to whether the annihilation of all terrorist organisations (or those recognised as such) would eliminate terrorism. Many terrorists acting individually do not belong to any group. The problem is complex, and the reasons for the development of terrorism and the difficulty in combating it, which are not fully explained, constitute a major determinant of the power of terrorists.

Terrorism is nothing new in Europe. In the 1970s, 1980s and 1990s, revolutionary political organisations resorted to the acts of violence in pursuit of their agendas. Earlier,

⁵²⁰ B. Jagiełło, *Mieszkańcy miast Zachodu jako cel ataku terrorystycznego* in *Współczesne i przyszłe zagrożenia bezpieczeństwa*, part 1 ed. by R. Bielawski, J. Solarz, D. Miszewski (Warsaw: Akademia Sztuki Wojennej [The War Studies University], 2019), pp. 198-216.

in the turbulent inter-war period, political violence in the form of paramilitary clashes occurred regularly in many European countries⁵²¹. Today, terrorism is still politically motivated, but terrorist methods vary according to the tools they have (e.g. recruiting members, obtaining weapons, access to the media) and the objectives they pursue (e.g. taking over territory or overthrowing a government)⁵²². Nowadays, kidnapping a well-known person, attacking a government official or robbing banks are no longer necessary to provoke a general panic. A single knife-wielding terrorist poses a serious threat to the security of a city, which immediately takes anti-terrorist action (examples are the attacks and the reaction of the services in Belgium, the French Republic and the United Kingdom), sounding the alarm and imposing the required state of emergency. The essence of the actions taken by the assassins is to develop methods that do not have to be expensive or involve dozens of people. Aircraft hijacking or transporting weapons and explosives across a border is no longer a prerequisite for carrying out an attack, as the main aim of terrorists is to create fear and paralyse life in a region. Only the locality of the attack is chosen and other aspects such as the selection of victims and the number of people attacked seem to be left to chance⁵²³. However, sometimes a specific ethnic, cultural or social group, as well as the environment may be the target. Often the logistics of attacks require adequate preparation and training.

The different structures of terrorist groups have changed over the past 18 years. Al-Qaeda trained people for attacks by working with specific groups, raising funds, forging documents and supplying ammunition while its members carried out attacks. The Islamic State has also changed its tactics. There is no longer a profile of terrorist groups on the territory of European countries. Instead, analyses of individuals who may potentially be involved in terrorist activities are becoming more frequent. The essence of the change in the actions of the attackers is that taking steps against each suspect requires the involvement of hundreds of well-trained officers who simply do not exist – neither in Poland nor in France. This poses a serious threat to national and international security.

It should be noted that the threats of a terrorist nature against the French Republic and the Republic of Poland are very numerous, and therefore it is impossible to include them all in this study. Therefore, due to the fact that its main topic is the system of combating terrorist threats, the author and the below-mentioned experts will only signal the most important dangers to be countered.

⁵²¹ P. O'Brien, *The Muslim Question in Europe* (Philadelphia: Temple University Press, 2016), p. 199.

⁵²² C. Heath-Kelly, *Counter-terrorism, The ends of a secular ministry* in *Critical Perspectives on Counter-Terrorism* ed. by L. Jarvis, M. Lister (Oxon: Routledge, 2015), pp. 43-44.

⁵²³ N. Benedra, *Attentat au Stade de France – Le terroriste avait sa place pour entrer*, GOAL, 14 November 2015 <<https://www.goal.com/fr/news/1729/france/2015/11/14/17330102/attentat-au-stade-de-france-le-terroriste-avait-sa-place>> [accessed: 28 September 2020].

In addition to the above, the author in his previous monograph focused on the analysis of terrorist threats in Europe. The undertaken research determines what conditions accompany terrorist attacks and where to look for terrorist threats concerning France and Poland⁵²⁴.

3.1. Expert interviews on terrorist threats and counter-terrorism measures

In the research carried out on terrorism, it is very important to identify the causes of its emergence (in different regions), its development and the conditions affecting the involvement of new members, as well as to determine the reasons for its growth. At the same time, specific anti-terrorist activities should be carried out. The awareness of threats makes it possible to react at an early stage and to define the forces and resources necessary to ensure national and international security. One of these measures, allowing the fight against terrorism to be undertaken, is to define *the terrorism related risk* (TRR)⁵²⁵. This involves forecasting (based on experience, information received and acquired, or activities of the security services – mainly secret services, certain international organisations, etc.) of terrorist events that may occur within the defined territory of a suspected terrorist or terrorist group.

Expert reflections are extremely important in the process of developing universal anti-terrorist concepts. The following research involved 24 respondents from the French Republic, the Republic of Poland, the Federal Republic of Germany, Norway, Denmark, the United States of America, Canada and the United Kingdom. Their answers are comprehensive and multi-faceted, making it possible to assess the state of the counter-terrorism resources that are available, to identify needs and to evaluate the risks of carrying out tasks by the entities delegated to combat threats⁵²⁶. In addition, the highlighted role of France and Poland in the query carried out should be emphasised, as it is the development of anti-terrorism and the way in which threats are combatted in these countries that is currently the most dynamic among EU and NATO member states. A proper analysis of the counter-terrorism systems in France and Poland should be based on multifaceted investigation which, with the correct use of sources, will enable the development of a universal concept of fighting terrorism in Europe.

The selected interviewees have extensive knowledge of security, terrorism and international relations⁵²⁷. G. Cieślak has been working in the field of terrorism and

⁵²⁴ A. Olech, P. Dutkiewicz, *Zagrożenia terrorystyczne dla Francji i Polski* (Poznań: Wyd. Kontekst, 2021).

⁵²⁵ M. Faure, J. Liu, N. Philipsen, *Liability for terrorism-related risks under international law in Civil Liability...*, op. cit., p. 15.

⁵²⁶ Interviews were conducted between 2019 and 2021 as part of the development of the doctoral dissertation.

⁵²⁷ More detailed information about the respondents is presented at the end of the dissertation.

counter-terrorism for almost 30 years. From 1990 to 2006 he worked as a uniformed officer (first in the army, and then in one of the uniformed services). Since 2007 he has worked as a researcher. **K. Kraj** first came into contact with terrorism in 1979 and has been researching it since starting work on his PhD dissertation on the role and significance of the Russian Federation in combating terrorism (2002). He is also interested in the cooperation of the countries of the Commonwealth of Independent States and the Shanghai Cooperation Organisation in the field of combating terrorism. **K. Jalożyński** has been exploring counter-terrorism since 1982. He is a former commander of the anti-terrorist subunit of the Warsaw Metropolitan Police Headquarters. **S. Zalewski** has been dealing with the problem of security for 30 years. As far as the terrorism itself is concerned, he is interested in this subject only from the broader perspective of threats to the state in the sphere of politics and information. **M. Przewoźnik** has been familiar with the subject of security and related terrorism since he began his service in a counter-terrorism unit in the 1990s. Since then, he has been analysing terrorist organisations and their methods of operation in detail, both in terms of a possible threat to Polish citizens and the adaptation of tactics and equipment to combat this type of offence. **W. Zubrzycki** has been involved in terrorism issues for 27 years. He is the Head of the Division for Counteracting Terrorist Threats of the Department for Public Order of the Ministry of the Interior and Administration. **R. Machnikowski** began his research while studying abroad in the early 1990s and has focused on Sunni terrorism since 1998. Studying terrorism has been his main area of research activity since 2001. **T. Bąk** has been dealing with security issues for 20 years. He participated in many peacekeeping missions, including the Golan Heights, Kosovo, Bosnia and Herzegovina and Iraq. **M. Styszyński** has been gaining experience for more than 10 years in academic work in Arabic Studies (since 2005) and diplomatic missions in countries such as: Algeria, Tunisia, Morocco, Mali, Turkey, Egypt, Sudan, Saudi Arabia, Kuwait, United Arab Emirates or Oman. **T. Bialek** has been studying terrorism for two decades, whereas **K. Kuska**, an analyst in the field of military, security, defence and global politics, for 10 years.

The answers were also provided by recognised foreign experts. **X. Raufer** works as the Head of the Research Department on Contemporary Criminal Threats at the University of Paris. Between 1986 and 1988 he lectured at the *École des officiers de la gendarmerie nationale* (EOGN) and took part in training courses organised for the French police. He was also a Europol advisor for 10 years. **R.-G. Querry** is a former police commissaire. His responsibilities included the disruption of criminal groups, fight against terrorism and protection of key state officials. He was in charge of the entire security system in the French Republic during the 1998 World Cup. He headed the Counter-Terrorism Coordination Unit (UCLAT). **M. Hecker** holds a PhD in political science from the University of Paris and is an expert at the French Institute of International Relations (IFRI). **A.C. Davenport** has been studying terrorism since 2005. **R. Monaghan** has been researching this subject since 1994. He is currently the President of the Society for

Terrorism Research. **L. Obertone** has stayed in touch with the best specialists in the field for seven years and relies on intelligence sources in his publications. **P. Gurski** has been involved in terrorism analysis since 1983, and over the years has been an advisor to the National Security Directorate in Canada and a senior analyst with the Canadian Security Intelligence Service. **S. Koller** gathered experience while studying in Montevideo in Uruguay (2009/2010), Regensburg in Germany and Amman in Jordan. During the latter, the researcher drew attention to the Israeli-Palestinian conflict, the Palestinian resistance and rebellion, as well as the Arab Spring and its repercussions in Syria. This prompted her to focus on international security. She has been researching terrorism and related phenomena such as extremism and radicalisation since 2015, when she began working on her MA on parliamentary debates during the state of exception in France. **P.K. Davis** has worked on terrorism issues for more than a decade as a senior manager at the US Department of Defense and as an expert at the RAND Corporation. **A. Rhoades** has been interested in international relations and security since 2008, and in terrorism and methods to combat it since 2014. He is currently an analyst and project coordinator for the RAND Center for Middle East Public Policy. **S. Lindahl** has been researching this area of study since 2011. Six years later, he received his PhD from the University of Otago. **Y. St-Pierre** admits that he has been working in this field for a quarter of a century, while **T.C. Helmus** – among others, advisor to US army commanders in Iraq (2008) and Afghanistan (2010-2011) – for 15 years.

The Polish experts – when asked whether any conclusions should be drawn from the attacks which took place in the French Republic – present similar and interesting views. They also comment (mostly sceptically) on the mistakes made by the French secret services, according to the French media. **G. Cieślak** is very clear on this point: if any country wants to fight terrorism effectively, it has to learn from the attacks that happen all over the world. This is particularly important in the age of globalisation. He is very critical about the alleged mistakes made by the officers. He argues that “La Dépêche”, despite being an extremely widely read medium, is not a source of reliable information on the activities undertaken by the French services. It does not have access to data aggregated by the Central Directorate of Internal Intelligence (DCRI), the General Directorate of the National Police (DGPN), including the Anti-Terrorist Sub-Directorate (SDAT) and the National Division for the Suppression of International Terrorism (DNRTI). Such a source also does not indicate whether and from which point in the operation the Counter-Terrorism Coordination Unit (UCLAT) was employed. **G. Cieślak** points out that although the journalistic material for the purpose of political evaluation puts forward theses, they remain journalistic opinions and have no substantive or scientific value. The researcher generalises that the current system of intelligence activities has, in a way, “come up against a brick wall”. On the one hand, bearing in mind the rights of the citizen, the services will not authorise far-reaching preventive action against persons whose intentions are known to them through operational information they have obtained. On the other hand, it is unacceptable that

immediately after an attack so much is known about the perpetrator that the public question why he had not been apprehended earlier. In addition, one can reflect on the effectiveness of cross-border operations in Europe. According to G. Cieślak, central management and the lack of a rapid exchange of information are the main obstacles in this field. However, while European police forces have several efficient platforms for cooperation, the intelligence services of European countries do not and, according to the researcher, are unlikely to have such mechanisms in the near future, even with regard to the fight against terrorism. This is due to the fact that European countries, despite being a community, often have different political interests and intelligence, and intelligence information is seen as the foundation of their defence. G. Cieślak admits that he observes mistakes both in the system and in making citizens aware that effective counter-terrorism is a “network game”, where every institution, organisation and ultimately the citizens themselves should not only know their obligations and rights, but also be able to assess the situation from the perspective of the consequences of the perpetrator’s activity. The researcher expresses his concern that not all EU countries are ready for such an honest assessment of the terrorist risk, and some governments (especially populist ones) would pay for it by losing the election. In conclusion, G. Cieślak admits that the attacks in France are thoroughly analysed by experts. The course of events at the Stade de France (Saint-Denis) and in the Bataclan became the basis for the analyses that are currently used, among others, by the Terrorism Prevention Centre of Excellence as recommendations for the public administration, both state and local government. They were established in November 2015, proving that for all the differences between Poland and the French Republic, such expert conclusions are drawn. Whether politicians will make use of them remains crucial.

K. Jałoszyński is also very cautious with regard to information provided by the media. He claims that in many cases the information is untrue, based on conjecture and it lacks credibility. Similarly to G. Cieślak, he believes that as far as errors committed by the French services are concerned, confirmation should be obtained from the officers or entities representing these services. According to K. Jałoszyński, detailed conclusions from the attacks can be drawn if the French secret services share their observations, opinions and information on terrorist threats with the Polish services. Only partnership and bilateral cooperation can improve the functioning system of combating terrorism. The researcher recalls that within the ATLAS network, French officers from the RAID shared their insights and lessons learned after the 2015 attacks in Paris.

S. Zalewski believes that all the events identified as terrorist attacks should be the subject of in-depth studies and expert analyses. It is of significance for the improvement of anti-terrorist prevention and operation of the services of the anti-terrorist subsystem of the state, which constitutes a component of the national security system. **M. Przewoźnik** corroborates this statement. Each event of this type is always analysed in detail by services not only in Poland, but also in the international environment, and conclusions are drawn from it. He adds, however, that the locality of a terrorist act is

only one element of the whole puzzle – other aspects are also analysed, e.g. the way the perpetrators act, type of weapons they use, number of perpetrators, their country of origin, connections, places of training, etc. According to M. Przewoźnik, media coverage, e.g. online transmission from the places of attacks that are appropriately “narrated” by a journalist, makes it seem that some attacks are identical. However, only a detailed analysis makes it possible to distinguish many differences between individual events. The researcher stresses that the media are more powerful in today’s world. The pursuit of terrorists in France was witnessed by millions of people and commented on by many experts and even more pseudo-experts. The desire to present sensational material causes that conclusions as to the mistakes made by the services are formulated prematurely. M. Przewoźnik emphasises that the media have no knowledge of the actions taken by the services. They do not know why certain solutions were or were not applied, which means that even before the end of the operation, there are often comments concerning mistakes. The interviewee concludes that on the basis of such subjective opinions one should not judge the correctness of the actions taken.

W. Zubrzycki shares the opinion that the events in the French Republic, as in any other place in Europe and in the world, should be carefully analysed, and constructive conclusions should be made on their basis that would translate into real actions. The researcher states that, unfortunately, these conclusions are not always acknowledged at the appropriate level. They are most easily found in the world of science or at the organisational level of the system to counter terrorism in Poland (establishment of the police, services, formations and other similar institutions). The most important thing, however, is that the ideas and concepts developed on the basis of events occurring in another country should be translated into appropriate decisions in Poland and, consequently, into desirable normative provisions – admits W. Zubrzycki. Regrettably, as the researcher notes, this is too often determined by the predominance of a populist approach over a pragmatic one. Whenever there are public expectations concerning certain measures, they are implemented – in the hope that the authorities will gain or maintain public support. However, if citizens are reluctant, as taking action aimed at combating terrorism may entail a further restriction of their freedoms, the desired changes will not occur. The Polish researcher points out the negative effects of this. The question of understanding emerging threats remains irrelevant, and the apparent geographical remoteness means that, as a consequence, recording them does not imply improving one’s own system. Some recent changes to it were proposed as long as 15 years ago. Meanwhile, the dynamics of the security environment is high and characterised by intense variability, which must be kept up with. W. Zubrzycki – like most experts – is far from describing the actions taken by the French secret services as erroneous. He justifies that with the large number of observations being made, it is difficult to constantly monitor each individual. Besides, in the case of terrorist acts, this surprise, which is what the perpetrators aim for, is fundamental. They also – in a proactive manner – pursue their goals effectively. The researcher notes that after the attack the assessment of the

situation is easy, because all its circumstances are obvious, while before its occurrence there are many unknowns. To sum up, W. Zubrzycki does not call the decisions of the French services mistakes, but rather experiences which – although unpleasant – should serve development. He recommends that, in this understanding, without experiencing attacks, Poland and other EU countries should make use of the French experience.

A slightly different perspective is adopted by **M. Styszyński**, who suggests that one of the mistakes made by France is the fact that the authorities focus on the living standards which is limited to monthly benefit payments and the social marginalisation of immigrants due to the fact they live in residential ghettos and have limited professional or educational opportunities. In addition, he mentions the lack of control and monitoring of religious ideological motivations used by jihadist groups and radical clerics. In turn, according to **T. Bialek**, the conclusions of the attacks in France should be taken into account, as the French services are very efficient and effective. Contrary to the media opinion, Bialek does not see that they made any glaring mistakes during the counter-terrorism actions. **K. Kuska** does not recommend evaluating terrorist acts in France unambiguously. He stresses that Poland is a specific country, so the vectors of a possible attack are completely different. This does not mean, however, that certain procedures, rules and solutions introduced after the attacks would not be relevant enough to be introduced in our country as well. The researcher suggests analysing what others do and choosing the elements that are the best and, at the same time, suitable for Polish conditions.

Foreign experts point out various aspects of the issue concerning the conclusions after the attacks in France and the activities of the secret services. **A.C. Davenport** is convinced that France should be better prepared for future attacks in terms of tactics. Different terrorist organisations will use slightly different techniques but are not committed to any particular strategy, although some are linked to the origin of these groups. According to the researcher, the mistakes and consequences of attacks are not just due to poor intelligence, but more to cultural distance and misunderstanding in the social environment where radicalism can flourish. He believes that opinions and conclusions about the activities undertaken by the services have more to do with the cultural reaction of France to citizens of other ethnic groups, especially those who outwardly manifest religious preferences through their attire or physical appearance. Another argument made by Davenport is that France is located in close proximity to the operations of active terrorist groups (Africa). At the same time, it does not have sufficient capacity to detect potential terrorists effectively, thus making it an attractive target for symbolic attacks against NATO, the West, US allies and historically colonising countries. **R. Monaghan** is of the opinion that there is always a lesson to be learned after terrorist attacks, not only with regard to actions that may have failed or opportunities that appear to have been lost, but also with reference to measures that worked well in post-attack mitigation. **L. Obertone** puts it briefly and ironically: The French must draw conclusions from the fact that their government does not does not learn any lessons from terrorist attacks.

S. Koller stresses the reaction of the services after the attacks. The measures applied proved to be ineffective and insufficiently sustainable. Instead, a defensive discourse prevailed (“we are at war”, “we must defend ourselves”, etc.), which enabled the prolongation of the state of exception. As one of the reasons for the ineffectiveness, the researcher indicates the highly centralised nature of the French Republic, which also manifests itself in the response to terrorism and extremism, while these phenomena are very local and context-dependent, she says. Another aspect she mentions is risk assessment, which involves a vetting process and indicating that an individual is considered by the secret services to be radicalised and perceived as a threat. Koller also sees the difficulty in the fact that it is impossible to follow every suspect all the time, and in respecting civil rights. **S. Lindahl** looks from a security perspective at what the police and security services could do differently. In his opinion, the recent attacks show that the war on terrorism is ineffective - it empirically fails and turns terrorism into a self-fulfilling prophecy. According to S. Lindahl, the attacks in France can be seen as violent manifestations of a failed and flawed anti-terrorist paradigm that paradoxically results in an increase in terrorism. The researcher from the University of Otago suggests that instead of focusing narrowly on the police or what might be called the negative aspects of counter-terrorism, we should ask: “How do our actions and policies contribute to these attacks?”. As Lindahl argues, if we are serious about preventing terrorism, we must question how French military operations in Syria and Iraq also contribute to it. **Y. St-Pierre** confirms the opinions of other researchers that Europe should draw conclusions not only from the attacks in France, but also from all terrorist attacks around the world. Each of them serves as a lesson that becomes one of the many common features of this phenomenon.

In the opinion of the author, it took the French security services too long to realise the scale of the threat posed by terrorism in the country. Despite the response capabilities in place, it was assumed that emerging threats would not escalate to such an extent that almost all formations had to be deployed. This was a mistake that resulted in allowing repeated attacks since 2015. At the same time, measures were taken very quickly to maximise the focus on terrorist threats, and countermeasures began at local, national and international levels. Today, it is the most developed system in Europe, which, despite – or rather because of – the fact that it is constantly and very intensively tested by extremists, is becoming more responsive and eliminates dangers. A valuable lesson for every country on the continent that can be drawn from the French failures is to put in place constant surveillance of circles that may become radicalised – not just religiously but also nationalistically, as well as to maintain ongoing security at meetings and events for large groups of people where there may be a risk of more individuals being attacked.

The foreign researchers also assessed how the actions of the services have changed since the terrorist threat increased in France, especially after the 2015 attacks. **M. Hecker** primarily indicates the improvement of cooperation between

services. The exchange of information, taking joint measures, as well as the coordination of undertakings is based on stable cooperation of the delegated actors, says the scientist. They also share the information they acquire in an international context, which makes action to combat terrorist threats much faster. According to the researcher, bilateral cooperation has also improved. He considers the cooperation of secret services with the police in the observation of suspects to be one of the most innovative measures. This allows more officers to be involved. Hecker notes that the law is changing under the influence of the ongoing fight against terrorism. Legislators apply controls aimed at ensuring security in the country. As the terrorist attacks in the French Republic in 2015 forced a change in the approach to emerging threats, the researcher highlights the importance of passing a new law: *La loi relative au renseignement* (the French Intelligence Act of 24 July 2015)⁵²⁸. The need for the services to be involved in the verification of threats, not only in the migrant communities, made the new legislation necessary, enabling them to take proactive measures. According to Hecker, a great responsibility lies with the secret services, which detect and apprehend terrorists preparing major attacks. They keep track of the purchase of weapons or explosives, because such transactions leave their mark. The cooperation of services and constant observation of suspects who may have links with terrorists is important here. However, the researcher points out that it is impossible to stop an individual attack with a knife in hand in a public place. He simply considers it unrealistic. Citizens' rights would have to be severely restricted, police troops would be constantly searching homes, and a state of exception would need to be introduced empowering the services to monitor citizens on a permanent basis. Here, however, the scientist stresses the issue of liberalism in France and the concept of human rights. In conclusion, the Sorbonne specialist points out that the role of the secret services has been strengthened and great emphasis has been placed on the training of counter-terrorism units. Once the information about the threat has been received (by the services), the decisive role is played by the troops, who are obliged to make strategic decisions within seconds. M. Hecker gives the example of the GIGN training with real bullets instead of target practice bullets in order to maintain a high level of concentration and to create conditions similar to those observed when there is a real threat. He also highlights the importance of the responsibilities of individual services, which play a specific role in fighting terrorism. The purpose of dividing and assigning responsibilities to the respective institutions is to undertake activities as precisely as possible, and thus to focus entirely on the tasks assigned. In the opinion of the researcher, all the services should form a single entity to analyse information and combat terrorist threats. Moreover, an analysis of radicalisation is also carried out within the secret services and police structures in order to avoid an attack within the security organisations if, for example, an officer were to become radicalised. In the

⁵²⁸ See chapter 1.

French Republic, security has been strengthened, additional powers have been given to the services, new laws have been passed and investment in new technologies has been made. M. Hecker points out, however, that there is no anti-terrorist system in the world that is 100 percent effective, therefore terrorist attacks are still to be expected in the French Republic. He emphasises that the most important thing is for both government and society to be as prepared and resilient as possible, i.e. able to react in order to minimise losses.

R.-G. Query recommends that every country should have a specialised service for combating terrorism. This is a particular area that needs to be handled by full-time police officers. He emphasises the need for continuous training and strengthening of competences. Terrorism is a dynamic threat, so the methods of combating it must improve. Officers undertaking such activities, whether as part of counter-terrorism units or intelligence gathering, must constantly develop and strive for perfection. Query sees huge progress in the development of the services in the French Republic and the way they operate. He says they are at a very high level and are considered to be one of the best in the world. After 2015, the biggest progress took place in the field of technology. Wiretapping, specialised computer analysis, drones and constant police surveillance were introduced. The specialist believes that technology is very important in the fight against terrorism. He advises to favour it, as it will help us save lives in the future. He adds that the legislation enacted in the French Republic after the 2015 attacks provides the services with the tools to take appropriate action (Intelligence Act and Counter-Terrorism Act). The existing possibilities are reasonable, and the current organisation of structures makes it possible to react appropriately. According to Query, what is most important is the constant cooperation of officers and verification of threats. This is where he sees the possibility of the biggest mistakes being made by the French services. The lack of a proper threat analysis or omission of important facts can lead a terrorist, who was previously observed by the services, to organise an attack before being apprehended. The specialist also points out that no one in Europe has taken into account the birth of endogenous terrorism, i.e. that perpetrated by people who were born in France or Belgium, grew up there and lived there permanently holding French or Belgian citizenship.

X. Raufer is of the opinion that multinational cooperation is essential in the French Republic's efforts to maintain security in the country. Nevertheless, he means only bilateral cooperation. The French criminologist has repeatedly attended working meetings of the various European Union institutions on combating terrorist threats. As he states, it was never possible to settle anything at the plenary meetings. The decisive factor was holding bilateral meetings during which all the details of such cooperation were determined. Multinational cooperation makes this process more difficult. The specialist notices that not every service wants to share its information. For example, the French Republic is very keen on cooperating with Belgian services. Such bilateral cooperation already yielded results in 2016 and 2017. The second example given by X.

Raufers is the disruption of the Spanish terrorist organisation ETA, which was destroyed thanks to close cooperation between the Spanish and French services. It was the bilateral and close cooperation that allowed the intensification of activities and weakening of the Basque group's structures. In the researcher's opinion, when 28 representatives of different countries meet to discuss terrorist threats, it will not result in such strong cooperation as from bilateral discussions. He points out that it is impossible to determine with whom the representative of Latvia or Cyprus, for example, will speak after the meeting with France and to whom he will pass on information on its national security. X. Raufers is reluctant to share information obtained by the French services with great effort with countries that are in no way able to engage in cooperation with France. At international meetings, general topics are discussed first, and only then the actual interaction takes place. The criminologist indicates that, in addition to the countries it borders with, France has established intensified international cooperation with the US, the United Kingdom, Canada, New Zealand and Australia. He believes that with regard to such a specific subject as combating the terrorist threat, cooperation must be based on bilateral relations. If Poland wishes to improve its actions in the fight against terrorism or to obtain information from the French Republic, direct and bilateral contact must take place. Moreover, X. Raufers believes that all services in the world should learn from each other. Taking advantage of the experience of another country makes it possible to re-examine the security systems of the country and evaluate their effectiveness against the events in other countries. According to the scholar, this is a very productive method of improving security. In addition to the significant legal change and constant evaluation of the actions taken, the services are aware of the threats that may arise inside their structures. Raufers recalls that the terrorist attack that occurred in the Paris police prefecture has changed the perception of emerging dangers. Despite the constant work of the French government to increase the level of security in the country, the attack was carried out by a police employee. Such actions call for a redefinition of the concept of threats posed by radicalised individuals, as they show that attacks can be carried out by officers who are appointed to combat them.

Experts have approached the question of errors or failures of the French services in a very different way. Due to the large number of terrorist threats in the French Republic, many of the dangers are eliminated at the first stages. However, if an attack does occur, it is linked to a small proportion of people who, for various organisational and legal reasons, could not be controlled. Therefore, despite the commitment and the utmost diligence of the French services, even one attack can be so destructive that it disrupts the functioning of all counter-terrorism institutions and they become the subject of criticism.

In addition, the role of the media as a purveyor rather than a creator of information has been highlighted. Therefore, the data that is made available in the public space should be approached with great caution. Not all of it is true, and it is often manipulative or publicity-seeking. The key to drawing on the media is to take advantage of its ability

to reach multiple recipients, while trying to ensure that the information made available is useful in improving the system to counter terrorist threats. If there have indeed been mistakes made by the French services, they must be corrected as soon as possible. It should also be noted that it is very often the media that is the first to report on the threat, and thus make it possible for citizens to understand the emerging danger.

Based on the analyses carried out and interviews with experts, it was concluded that after 2015 there have been many changes in the activities of security services in France, which resulted in stopping dozens of attempted terrorist attacks in the country.

A very large variety of answers was obtained with respect to the question concerning the determination, on a 10-point scale, of the level of the contemporary terrorist threat in Poland. Researchers indicated from a low level (1) to a fairly high level (7). **G. Cieślak** places Poland between point 1 and 2 on the scale, however, comparing to the level of Germany: 5, and France: 7-8. In his assessment, the researcher included attacks, and not terrorist events (i.e. only offences within the meaning of Article 115 § 20 of the Penal Code), as well as perpetrators linked to terrorist cells and organisations identified by specialised services and imitators and disturbed or ill persons. According to **K. Kraj**, this level is 3, **K. Jałoszyński** assesses it at 5. **S. Zalewski** assumes that if a terrorist attack looks like the events of the past years, the threat to Poland on a scale of 1-10 will be about 3. He points out, however, that this threat can also be identified with cyber attacks and those carried out by individual perpetrators in public space – if they are politically motivated. Then the probability is higher – approximately 8. **M. Przewoźnik** is of the opinion that, at present, the level of threat of terrorist attacks in Poland is 2. His assessment is based on many factors, including Poland's position on the international arena, ethnic homogeneity, lack of large groups and clusters of people living on the territory of Poland and not identifying themselves with their country of residence. Also of great importance is the well-developed cooperation of Polish services with the services of other countries in preventing and combating terrorism. **W. Zubrzycki** emphasises that the level of a terrorist attack threat in Poland is usually described as potential. Such an adjective would suggest a rating at the level of 1-2. He notes, however, that it would not be a complete surprise if an assassination attempt occurred at any time, since for a long time now instead of the question: "Will such an attack occur in Poland?", people ask: "When will it happen?". Such an approach, in the absence of prior information, places the threat of an attack at the level of 7-8. Because of these difficulties, the researcher is against numerical specification, but finally chooses level 5. As he indicates, he makes a choice close to the arithmetic mean. A similarly ambiguous assessment is given by **R. Machnikowski**. So far, it has been 1-2, though it rises to 4-5 when Poland hosts important mass events of international character. Finally, due to the situation around Poland (Polish-Iranian and Polish-Israeli crises), the researcher assesses the threats at level 3. **M. Styszyński** likewise – at 4 and **T. Białek** similarly – at 3. **K. Kuska's** assessment depends on the direction from which an attack may come. He assesses the

probability of an attack by the Islamic State at 1. If the range of potential attackers on Polish territory is widened, the number rises to 2. In general, the researcher does not believe that Poland is currently threatened by serious attacks, but he takes into account the possible escalation between Russia and NATO and the attacks of militants fighting against injustice specifically on the territory of the Republic of Poland. **T. Bąk** presumed the same as other experts. He believes that it is very important to draw the right conclusions from the attacks that happened in Western Europe and from the situation in Ukraine, as terrorists can also strike from there. On a scale of 10., he rates the level of terrorist threats at 4.

Most experts, that is 37 percent, indicate that the terrorist threat in Poland is at level 3 on a scale of 1 to 10. The next highest levels rated by the experts were level 2 – 27 percent, as well as levels 1 and 5 – 18 percent each. None of the Polish experts considered the threat of a terrorist attack to be currently at a level higher than average (in the middle), but they indicated that it could **dynamically rise to 7-8**.

Foreign experts were asked a slightly modified question. They were asked about the level of threats in both Poland and France. **L. Obertone** distinguishes between two types of threats. The first one is a spontaneous and isolated terrorist act almost always described as “unbalanced”, committed by an individual who acts alone. Often, the terrorist is unprepared, armed with a simple knife or gets behind the wheel of a vehicle and attempts to drive into people or objects. There are many people who can take such action. The researcher believes that the risk of this type of act is permanent and maximum. The second type described by L. Obertone is an elaborate, planned act that is undertaken by a terrorist group headed by a leader. As it is carried out on the basis of a detailed logistics plan, it causes greater and more spectacular damage. The researcher estimates the risk of this type of attack to be currently between 7 and 8. **P. Gurski** compares Poland and France. In the former, he notes extreme right-wing extremism and assesses the threat level at 1, while the threat from jihadists in the latter he evaluates at 10. **S. Koller** argues that the threat level in France is quite high, although lower than before COVID-19. He does not specify the exact position on the scale. **P.K. Davis** takes a similar view. He believes that the threat will remain at a high level for many years. He sees danger also from right-wing extremists, populist mobs and foreign offenders, not just religiously inspired terrorists. **A. Rhoades** assesses the level of threats in Poland at 3, while in France – at 9. As their possible sources he indicates the release of terrorists from prison in several countries associated with the challenge of their reintegration into society. In addition, he takes into account returning foreign fighters. **Y. St-Pierre** ranks the threats in France at level 8 on the scale and **T.C. Helmus** estimates the threat level in both Poland, France and Europe at 10.

M. Hecker justifies that assessing the level of terrorist threats in France on a scale of 1-10 is very difficult due to the multitude of different factors intertwining. He argues that nowadays it is no longer only the threat referred to as “Islamic State terrorists”, but also a whole range of other dangers. Above all, he points to individuals who have been

radicalised or have engaged in terrorist activity and have been arrested and imprisoned. In the opinion of the researcher, such offenders pose a danger because there are no tools that are fully effective in their rehabilitation. This is also due to the lack of experience of the French government in this area. Hecker stresses that the priority now should be to avoid a scenario where people in prison not only fail to be rehabilitated, but actually become even more radicalised. There is no programme in France involving working with people who leave prison and committed terrorist offences in the past. Ultimately, the assessment made by M. Hecker is short-term. On the one hand, he believes that the threat is certainly weaker than in 2015, yet it still persists. On the other hand, he notes, the threat level can be described as low (as it used to be in the United Kingdom), until the moment when a terrorist attack, such as the one on London Bridge, suddenly occurs. The researcher also recalls propaganda on the Internet. Encouraging young people to engage in terrorist activities and making available content that incites them to join the Islamic State sometimes raises the threat level to that of 7-10. **R.-G. Query** refers to police information according to which the threat level remains more or less at 5. However, he does not rule out that the activity of an independent actor (a single terrorist) will make it rise to a level of 10 within several dozen minutes. **X. Raufer** assesses the threat level in both countries at 4. As he justifies, the evaluation is based on the fact that the activities undertaken by terrorists today are mainly knife attacks. They do not represent a threat to the state as a whole and to its functioning. In addition, the researcher's assessment is due to the fact that the media make great use of every attack to promote its own ideas. In his opinion, there is a lack of hard-headed assessment and objective view of the situation. Terrorists care about publicity, which they get specifically through the media activity. X. Raufer distinguishes in particular the motivation of the person undertaking the attack. He calls the contemporary threats in the French Republic hybrid, because they no longer originate only in Islamic terrorism, although this is the most recognisable one. It is also a threat from international criminal organisations and others whose views (both right- and left-wing) are being radicalised.

The author of the study believes that in France this threat will remain at the level of 8 over the next few years (5-10, depending on the regularity of subsequent attacks, as well as those foiled by the services). When assessing Poland, and bearing in mind only the question of an attack, not terrorist activity or criminal activity of a terrorist nature, it can be assumed that it is a threat at the level of 5. An attack may take place, and the motivation of the perpetrator will be decisive, as differences and misunderstandings in Polish society are constantly escalating. These concern a range of issues, from religion through politics to civil partnerships. He assesses the danger of an assassination attempt in Germany, Austria, Italy and Spain in a similar way.

In the French Republic, the threat varies on a scale of 4 to 10. However, it should be stressed that experts most often evaluate the threat at the level of 8 and 10. In the Republic of Poland, the threat level varies from 1 to 10, and the experts' answers show that it can change.

Based on the research carried out, it was possible to create a model in the form of a level of risk of a terrorist attack in Europe. This is the result of a five-year research process on threats appearing, among others, in Western and Central Europe, the Balkans, Russia and Ukraine.

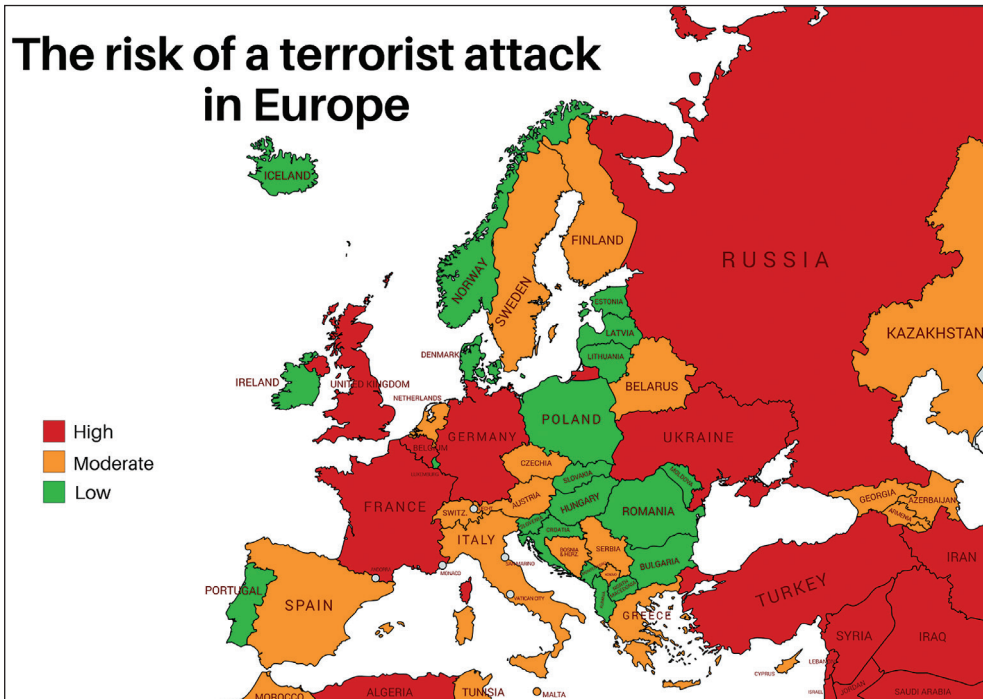


Figure 10. The risk of a terrorist attack in Europe

Source: own study.

The specialists referred to what unconventional, pioneering methods of terrorists in Europe and Poland might be. G. Cieślak admits that much of the work done by the Centre for Research on Social and Economic Risks of Collegium Civitas in 2019 focused on identifying them and attributing their social, political and economic consequences. In his opinion, the use of, for example, chemical substances or a biological contamination agent is novel or more unconventional. Until now, chemical weapons have been used rather incidentally, he says. As an example, he cites the Tokyo underground attack that took place on 20 March 1995, when a nihilist sect used homemade sarin. However, he notes that chemical weapons are still very ineffective. According to research, the number of people harmed in such attacks is low. Nonetheless, the availability of materials and know-how is completely different than in the 20th century. The situation of the perpetrators has also changed, as the researcher demonstrates on the example of France.

From his point of view, al-Qaeda would have been totally disadvantaged by the use of biological weapons in France in the 1990s. The victims would be primarily the people without health coverage and those financially vulnerable, i.e. the target group of the radicalisation process and, consequently, recruitment. G. Cieślak states that problems with acquiring an effective contamination agent would also limit the propaganda use of such an attack. If the French forces had managed to quickly isolate the focus of the contamination and limit the number of losses, this type of attack would become more difficult to carry out in the future. The availability of contamination agents after the fall of Syria has increased significantly. The researcher proves that Aleppo or Homs were known as reservoirs of chemical and biological weapons until 2011. Additionally, the Islamic State does not seek the so-called third party, i.e. random victims are indifferent to the perpetrators. Based on these premises, G. Cieślak concludes that the risk of such an attack in France has grown considerably. He also mentions another *novelty*, which could be a permanent change in the selection of the targets of an attack, i.e. based on vulnerability rather than on the criteria of target representativeness (e.g. an attack on an unprotected shopping mall is more profitable than on a protected government facility). In his opinion, this shift could soon be exploited by both right- and left-wing radicals.

K. Kraj believes that the development of civilisation, technology and engineering means that more and more technical devices can be used in two ways – for peaceful purposes and to carry out an attack. He mentions remote-controlled toys, amateur drones, 3D printers, etc. At the same time, he notes that the ingenuity of offenders is unlimited. According to **K. Jąłoszyński**, terrorists will use the simplest possible methods due to their effectiveness and ease of taking action. The use of firearms or explosives would draw the attention of law enforcement authorities. Attacks using a knife or a car – to drive into a crowd – are currently the most popular methods employed by terrorist. **S. Zalewski** argues that new forms of terrorism may be caused by a variety of reasons. One of them might be the activity of the authorities. It is possible that it creates the threat of an attack in order for the public to stop protesting against it (he uses the activities of the authorities in Russia as an illustration). However, the researcher does not call such operations terrorist, but considers them to be a manifestation of the use of a terrorist act to enslave citizens. Among the new methods of “classical” non-state terrorism (or sponsored by other states), he mentions – depending on the potential of the principal – biological terrorism, food terrorism and cyberterrorism.

M. Przewoźnik believes that commonplace materials and tools remain the most dangerous, including a knife, machete, car, pesticides and fertilizers used to make explosive devices. He justifies that these methods are conventional, even archaic, and therefore difficult to detect and stop. At the same time, they bring the effect expected by terrorists in the form of casualties, publicity and fear among the public. On the other hand, the researcher classifies all kinds of poisons and components of biological weapons as unconventional methods, expressing, at the same time, the conviction that terrorists will surprise the world more than once. **W. Zubrzycki** is of a similar opinion. According

to him, the most likely scenario in Poland are attacks of individual terrorists, who make independent decisions on the place and target of the attack, choosing the means at their own discretion. They may use the simplest methods that have worked before, such as using cars to ram a crowd, knives or improvised weapons. The researcher reasons that no specialised tools or lengthy preparations are needed for this, and that radicalised individuals will take *ad hoc* action. As he notes, this creates difficulties in anticipating and preventing attacks, and it also makes it more difficult to respond. The use of both complicated and simplest methods of action is facilitated by the rapid technological progress. **W. Zubrzycki** gives the example of Germany, where an attack took place using weapons created with the help of a 3D printer. In his opinion, the idea was simple, innovative and at the same time easy to implement. Among the pioneering methods, **R. Machnikowski** mentions: attacks using combat drones (not only flying drones), the use of weapons of mass destruction (especially radiological or biological), hacking and taking control of critical infrastructure elements. **T. Bialek**, in turn, indicates poisoning and contamination among the innovative solutions used by terrorists. **T. Bąk** considers biological and chemical weapons to be the most unprecedented methods of terrorist activity. International cooperation aimed at combating the phenomenon described is assessed as good, although he notes that there is still much to be done in this area.

The opinions of foreign experts were similar on this point. **A.C. Davenport** lists chemical and biological weapons, drugs and even genetic engineering. **R. Monaghan** has not encountered sophisticated methods of attack in other parts of Europe in recent years, apart from Northern Ireland. Attackers still use vehicles, knives or homemade explosives. **L. Obertone** considers many scenarios: grenades thrown under cars while waiting in traffic, massacres of the population of a single village or simultaneous attacks on several shopping centres by armed groups. He points out that everything depends on the imagination of terrorists and their human and technological resources. **S. Koller** notes that the coronavirus has changed the dynamics of the world – also in terms of terrorist threats. On the one hand, it was more difficult to travel and plan attacks because of the border blockade. On the other hand, the researcher has observed an increase in online activity by both extremists and the young people they target. In addition, she points out that attacking critical infrastructure and cyber attacks that destroy facilities important to many organisations using online systems are becoming more popular. Among the unprecedented methods of terrorist attacks, **A. Rhoades** cites the growing use of new technology products such as advanced cyber attack, 3D printing of weapons and the use of drones. **T.C. Helmus** considers these to be the hijacking of an aircraft and the use of chemical weapons.

The author estimates that the innovative actions taken by terrorists will depend on the tools they are able to acquire to carry out the attack. It seems that the simplest methods, such as the use of weapons or explosives, are the most effective. The mere possession of a knife makes it possible to carry out an attack. Preparing a bomb requires effort, right materials and logistics to perform an attack, yet it is possible in every country in Europe.

Importantly, weapons or their components can be printed on a 3D printer. Moreover, there have already been examples of terrorist organisations using drones and advanced computer systems. If technological developments allow attackers to use sophisticated methods to carry out attacks, the essence of the fight against them will be the immediate equipping of counter-terrorism units with the appropriate tools to eliminate the threat⁵²⁹.

Specialists addressed the issue of whether terrorist attacks that occur in Ukraine can pose a threat to Polish security and whether we should fear the threat from Eastern Europe. G. Cieślak has no doubt that the aggression policy of the Russian Federation is very noticeable. The seizure and occupation of Crimea and sponsorship of separatist terrorism in Donetsk affect the perception of stability in this part of Europe. The researcher admits that, for a long time, he has seen indications for an analytical assessment that the restoration of the Russian sphere of influence in the region of North Africa and the Middle East is based on the use of mercenaries and the establishment of relations with organisations considered by the governments of European countries as terrorist. However, the problem lies in the consequences of a political nature, and probably in a long-term sociological perspective. G. Cieślak argues that it will not be possible to count on a unified opinion of the European Union on this issue, if only due to the differences in the interests of individual states in their relations with Moscow, as the examples of Hungary, Germany, France and Poland clearly show. K. Kraj believes that the greatest threat coming from the East (specifically from Ukraine) is an uncontrolled influx of refugees, which may happen if the internal conflict in that country escalates. According to K. Jałoszyński, destabilisation in Ukraine will affect the security of Poland and other European countries. He points out that there are Islamic fundamentalists in Eastern Europe and, at the same time, there is a threat of nationalist terrorism from Ukraine, manifesting itself as political separatism, which is driven by the actions of Ukrainian neo-Banderivtsi.

According to S. Zalewski, destabilisation in a neighbouring state – especially one that lasts for many years and maintains its status of a “failed state”⁵³⁰ – is always an alarming signal for the Polish executive powers. The consequence of this state of affairs should be the introduction of undertakings strengthening the resistance of the internal security system and politically neutralising the possibility of the occurrence of a threat in our country. According to the researcher, Poland makes little use of the situation in Ukraine to strengthen its own position in the region. It is outside the political circle of states negotiating the conditions of stabilisation (which, according to Zalewski, is a failure

⁵²⁹ More on new threats from terrorist organisations in: A. Olech, A. Lis, *Technologia i terroryzm: sztuczna inteligencja w dobie zagrożeń terrorystycznych* (Warsaw: Instytut Nowej Europy [the Institute of New Europe], 2021).

⁵³⁰ According to the EU standard, it is an example of a state that does not control, in a military and non-military sense, all of its territory, citizens and tangible assets, and does not have the capacity to collect public tributes from the general population, with underdeveloped public institutions.

of foreign policy), and it does not derive any benefits from destabilisation (no significant effects in the sphere of exports and little political activity aimed at strengthening Ukrainian institutions of power). The persistent collision course between Poland and the Russian Federation must someday lead to a breakthrough, which is tantamount to recognising the threat posed by Russia to the security of the Republic of Poland. He concludes that this does not serve the interests of our country. **M. Przewoźnik** believes that the attacks in Ukraine should be viewed in a broader political context, as they are aimed at destabilising the situation in the country. As he assures, the possible threat from the East is constantly monitored by the Polish services, which is facilitated by cooperation in this area with the Ukrainian side.

W. Zubrzycki points out that nowadays many states call individual groups as terrorists in order to justify their own military actions. The situation is similar in the case of Russia and Ukraine. In the context of the events in Ukraine, it is difficult to assess whether we are dealing with terrorism at all. The researcher reminds us that not long ago, terrorism was perceived as a non-military threat, whereas nowadays it is fought by military means, which in itself gives it a different character. The lack of a single binding definition of terrorism means that there is a great degree of freedom in interpreting the phenomenon, which is conducive to attributing a terrorist character to opponents in order to discredit them in international opinion, and also to justifying the actions taken against them. Zubrzycki claims that the threat to Poland from the East is clear, although it is difficult to speak clearly about its terrorist dimension. Russian-speaking people engage in organised crime. They join mixed groups or form their own ones. The researcher emphasises that having war experiences, including the “skill” of killing developed in the course of their acquisition, they introduce a new “quality” to the activities carried out by Poles so far. As an example, he gives the “fight to the death” with the police initiated by offenders migrating from the East. The methods used to date, also during military operations, are also being adopted by Polish criminals. The researcher is also concerned about the activities of migrants. He explains that their escape from their own – e.g. war-torn – country is caused by the search for a “better life”. As a rule, however, they do not get what they expected from the government of the host country. This creates frustration, which can lead to resorting to terrorist methods. It applies both to migrants in the French Republic and in the Republic of Poland, thus posing a threat not only to the security of a single state, but also to the entire international community.

R. Machnikowski believes that in the future there may be attacks organized by Ukrainian radicals and there will be operations of Russian special services simulating such attacks (“false flag”). According to the expert, there will also be assaults undertaken by the so-called *foreign fighters* operating in that region who will enter Poland. However, this is still a potential threat. **M. Styszyński** argues that due to the proximity of Ukraine and Poland’s involvement in attempts to resolve the conflict, individual actors, especially powerful countries like Russia, may carry out various provocations, sabotage attempts and cyber attacks on Polish institutions. **T. Bialek** agrees with the concerns as to threats

from the East. He believes that Russia is approaching our borders because it has such a political concept, and the current foreign policy of the Polish government stimulates nationalist moods in Ukraine.

Foreign experts answered a slightly modified question as it concerned the whole of Europe, not solely Poland. **L. Obertone** thinks that the threat is only real provided that immigration increases. If Poland accepts refugees or immigrants from Muslim countries and is also extremely submissive towards radical clerics, it will share the fate of France. **A. Rhoades** notes the risk that the conflict and terrorist attacks in Ukraine will spread to the territory of Poland; however, they are largely related to the political conflict in Donbass, and the perpetrators usually do not pursue global or even regional ambitions that go beyond the goals of this conflict. The researcher concludes that, for this reason, the threat to Poland from Ukraine is minimal and possibly easy to contain. **Y. St-Pierre** does not directly refer to the conflict behind our Eastern border. He notes that evolving digitalisation enables misinformation activities to be carried out by extremist actors, and, because of the threat, it is of a global nature. **T.C. Helmus** believes that the threats to Poland are posed not by the attacks in Donbass, but by propaganda and misinformation.

The situation in Ukraine, whether of a terrorist or military nature, is to be of great significance to Poland. It is a neighbouring state, neither a member of the European Union nor NATO, which has been struggling with internal problems since 1991, and since 2014 has been almost constantly focused on threats from the East. Thus, due to the current political position of Poland, namely pro-Atlantic orientation, changes in Ukraine, as well as possible threats in the form of migrating militants and terrorists, should be closely monitored. The Republic of Poland is ideally situated to be used as a transit country between the East and West of Europe. Ukraine and the Balkans must be one of the priorities for the security services in Poland⁵³¹.

When asked about the profile of a contemporary European terrorist who would pose a threat to Poland's security, Polish experts present varied and interesting views. According to **G. Cieślak**, the most important issue is to understand the fact that such profiling must be carried out in a specific time and space. He argues that the simplification that divides terrorists according to the ideological motivation of their actions has nothing to do with perpetrators such as, for example, A.B. Breivik, who carried out an attack as a declared right-winger, presented himself as a fascist at a subsequent trial and, to no one's surprise, was interested in ideological communism. The researcher defines this type as the one who uses violence for mere interest, the reason for which is secondary. G. Cieślak is sceptical about the creation of such profiles and believes that most of them are created on political order or out of

⁵³¹ More: A. Olech, *Implikacje konfliktu na Ukrainie dla bezpieczeństwa Polski in Polska racja stanu w perspektywie globalnych przemian* ed. by P. Grochmalski, P. Lewandowski, P. Paszak (Warsaw: Akademia Sztuki Wojennej [The War Studies University], 2020).

ignorance. He adds that individual terrorist groups are well described in the Europol's annual EU Terrorism Situation and Trend Report (TE-SAT). **S. Zalewski** shares the view of G. Cieślak, who also argues that there is no uniform profile of a contemporary European terrorist, given the statistics of terrorist incidents in Europe in recent decades, which shows that it is not Islamic terrorism that is the most serious threat, but, on the contrary, it is separatist one. When extreme groups (not only right-, but also left-wing and populist) undergo a renaissance, it is not difficult to imagine that there will be individual attacks on the population by extremists motivated in one way or another. S. Zalewski points out that political radicalisation in many European countries must bring about an increase in aggression and, as a result, in the number of violent acts. Nevertheless, the researcher takes into account that religious and ethnic diversity, including that resulting from the influx of new groups of refugees into Europe, is also a potential threat area – posed by Islamist terrorism. **R. Machnikowski**, who argues that there is no unambiguous demographic and social profile of a terrorist that could be constructed on the basis of demographic or sociological characteristics (such as gender, age, education, etc.), also echoes the above-mentioned researchers. At the same time, he notes that there is a statistical over-representation of certain categories of people (e.g. criminals) in various conflicts. The researcher points out that terrorists do not differ significantly from the rest of the population in terms of mental disorders, or the distinction is different than commonly expected (e.g. there are fewer, not more, people with severe mental disorders among terrorists, as these make effective action difficult). The only characteristic common to most terrorists is a strong internalisation of radical political and religious ideologies and an above-average interest in politics and social issues.

K. Jałoszyński believes that due to its geopolitical location, Poland may be afraid of Islamic extremists and organisations presenting extreme – leftist and rightist – views. He indicates that the actions of nationalist right-wing groups will be an internal threat, while the actions of jihadists will constitute an external and incoming danger. **M. Przewoźnik** points to two directions of the potential threat. The first one relates to the person who operates in a small hermetic group – this may be a person with a sense of injustice and exclusion, with a tendency to radical views, prone to manipulation and ready to sacrifice himself for the sake of a greater cause. The second direction concerns a loner, isolating himself from his surroundings, often with psychological disorders, who wants to “repair” the world according to his own vision, interpreting current events in terms of his own beliefs, who wishes to appear in social opinion as the only righteous one through his actions. **W. Zubrzycki** claims that the external terrorist threat is posed almost exclusively by jihadists. In turn, intra-state terrorism is mainly the actions of separatists and extremist organisations. The researcher notes that currently in the Polish state there are hardly any aspirations to separate e.g. national minorities, and extremist groups do not seem to have social support. However, he does not believe that in the future they will not be used to support political aims, for example.

Criminal groups may also evolve, changing their activity profile. Zubrzycki does not exclude the possibility that one of them may carry out an assassination attempt “on commission”, motivated not by ideological, but material reasons. **T. Bialek** believes that the so-called European terrorist is a representative of extreme social and political views, prone to violence. According to him, the basis for the formation of such a profile are social and political disturbances within individual countries caused by demographic and economic changes.

Foreign experts make very different statements. Some give specific characteristics and expressions, others define this profile more generally, referring to human psychology and political and social conditions. **A.C. Davenport** describes such a terrorist as an intelligent, possibly lonely person without a supportive family, expressing deep cultural bias and resentment towards the ruling class. The individual also faces an overwhelming sense of hopelessness (often linked to the social and economic division) which encourages aggressive behaviour, condoning acts of violence and radicalism. **L. Obertone** describes the terrorist profile as hybrid, i.e.: half criminal, half radicalised, which makes it difficult to follow and detect them. The researcher has repeatedly observed the transformation of criminals who have only been recruited into terrorist organisations and radicalised in prison. However, he adds that many criminals also end up in mosques. Suddenly, they discover the meaning of existence and devote themselves to the service to Allah, having a good reason to live and die. **P. Gurski** does not define a general profile, but mentions specific dangerous groups such as neo-Nazis, far-right individuals and second generation Muslims living in Western Europe.

One of the most interesting perspectives is presented by **S. Koller**, who states that there is not any data yet that would make it possible to unequivocally define the profile, let alone the psychology of a contemporary European terrorist. Therefore, as the researcher says, a causal connection between mental illness and extremism has not been established to date. It has been recognised that psychological factors and mental health problems may play an important role. As S. Koller argues, practitioners largely agree that an individual’s background and personality form the basis of terrorist activities. There is some evidence that terrorists may have a different personality or psychological profile that distinguishes them from the general population. However, rather than causality, the Berlin expert recommends discussing the individual decisions of people when it comes to engaging with or withdrawing from extremist groups. She cites research that also suggest that terrorists acting alone are more likely to suffer from mental illness than those organised into groups⁵³². As indicated in other studies, there may be a link between psychological factors and the role that individuals choose to play in an extremist group:

⁵³² E. Corner, P. Gill, O. Mason, *Mental Health Disorders and the Terrorist: A Research Note Probing Selection Effects and Disorder Prevalence*, “Studies in Conflict & Terrorism”, 2016, Vol. 39, No. 6, pp. 560-568.

“Being a bomb maker may be different from being a planner. (...) Being a lone actor may be different from being a group terrorist”⁵³³.

P.K. Davis states that these profiles can be extremely varied: from knife-wielding offenders to religiously inspired fanatics who consider themselves heroes. **A. Rhoades** cites research that has shown that there is no single profile of a terrorist, but in different areas of the world there are clearly defined factors of influencing people and persuading them to radicalise. Incentives that make individuals more susceptible to radicalisation include: poverty, lack of opportunities for advancement, ignorance, strong attachment to a religion or ideology, living in a small community, mental health problems, feeling threatened or insecure, desire for power or fame or to defame someone or something, dissatisfaction with current life situation. **Y. St-Pierre** also does not define a specific profile of the modern European terrorist, but compares his motivation to that of his “predecessors”: they are driven by the need to feel a sense of belonging and to be a provocateur of change, which he describes as positive. **T.C. Helmus** considers the representatives of the Islamic State, which has many options, and right-wing extremists – from whom not many attacks have been recorded so far - to be the greatest threat.

M. Hecker acknowledges that first and foremost these will be groups that carry out acts of terrorism in the name of jihad, mainly from the Islamic State. However, he points out that if we focus too much on the Islamic State, we forget about other dangers - terrorist organisations such as al-Qaeda, for example. This is also a hazard to which constant attention must be paid. The researcher also mentions people who have spent several years in prison and are being released, as well as migrants coming to France. He also sees danger from groups that oppose the global involvement of France and its foreign policy, and from people who have gone to Ukraine to take part in the fighting there. These are usually representatives of right-wing and nationalist movements. Hecker expresses concern about the fact that returnees from war regions usually receive training and have combat experience. If they decide to take action in France, it will be difficult for the services to stop them because of their training and the way they fight. He indicates that this is also an international threat which other countries, including Poland, must take into consideration. **R.-G. Querry** distinguishes two categories of terrorists. The first one includes those who have come from the Middle East to carry out bombings and use weapons to kill, including as at the Stade de France and the Bataclan. They are fanatical and heartless killers. The second category is made up of those who were born in France, live there, and decided to attack. Three quarters of them are mentally unbalanced and have mental problems, while one quarter carry out attacks for religious reasons. The expert concludes that, at present, the biggest threat in the French Republic are people

⁵³³ O. Gøtzsche-Astrup, L. Lindekilde, *Either or? Reconciling findings on mental health and extremism using a dimensional rather than categorical paradigm*. “Journal of Forensic Sciences”, 2019, Vol. 64, Issue 4, pp. 982–988.

who were born on its territory. **X. Rauffer** is afraid of religious fights between Christian and Islamist groups. He brings to mind that thousands of religious wars have already taken place in Europe and there is no indication that there will not be more. He notes that the actions taken by the jihadists have caused ultra-right and nationalist groups whose members profess Catholicism, Orthodoxy and Protestantism to also begin to radicalise in order to defend their own values. Anti-Muslim groups are coming into being, and they may want to take retaliatory action for the attacks that happened in France. Such actions will be of a terrorist nature. However, the scientist believes that above all we should be afraid of the actions of organised criminal groups, which may cooperate with terrorist organisations. He adds that what pushes people to undertake terrorist activities is desperation. He advises to remember that if people of a certain religion or fans of a particular ideology feel threatened, they will start attacking.

The author stresses that since 2018, the trend has been changing and attacks in Europe are very often carried out by people who are citizens of the country being attacked. If, on the basis of the current situation in Poland and Europe, a terrorist profile is to be drawn up, in Poland this is more likely to be a citizen of a country with ultra-right or left-wing views (as in Central and Eastern Europe), while in Western Europe it is probably a person who is only a second or third generation inhabitant of the continent and is unable to find himself or herself in the modern world, whether due to religious or cultural beliefs.

Experts were asked to evaluate international cooperation on combating terrorism on the basis of their own experience and knowledge. **G. Cieślak** assesses it as being far from public expectations, although he notes the important role of the ATLAS platform, Europol and Interpol, as well as bilateral cooperation between individual EU states. He argues that the effects of cooperation do not meet citizens' expectations because they feel that all governments should work together in the fight against terrorism. Meanwhile, some of the procedures for transferring data are not updated and modified as perpetrators' activities change. The researcher puts the blame for this on both the human factor (often at the local level) and the lack of a developed method of action at the central or even global level. According to G. Cieślak, a relatively new area in which it will be possible to verify this is the fight against radicalisation and deradicalisation in cross-border perspective and the identification of criminogenic and terrorist phenomena in migrant groups. The researcher's opinion seems to be confirmed by **K. Kraj**, who also believes that international cooperation is not fully complete. Firstly, he argues that there is no common definition of terrorism, and secondly, that the cooperating (even allied) special services do not provide all and complete information on threats. The specialist explains that in this way they would reveal their own methods of operation and enable foreign services to identify sources, which would consequently lead to the seizure of agents in order to bypass intermediaries. According to K. Kraj, cooperation should rather focus on creating common legal and organisational solutions, exchanging experience, joint exercises, military staff exercises and analysing the mechanisms of

operation of anti-terrorist systems in individual countries. At the same time, this does not mean stopping the transfer of information and creation of common databases on terrorists and terrorist organisations.

Among the positive opinions is that of **K. Jąłoszyński**. Indeed, he believes that cooperation in the field of counter-terrorism – the ATLAS platform – takes place at an exemplary level. One can see the commitment of all partners who are oriented towards cooperation. As the researcher explains, the aim of this cooperation is to develop common, compatible procedures for the operation of counter-terrorism forces, which translate into the security of individual countries that face terrorist threats. **S. Zalewski** is positive about the fact that the scope of this cooperation has been expanding for years. He points to the use of information systems of services responsible for human and state security to exchange information on individuals who may pose a potential threat (SIS2) as an important element of this cooperation. **M. Przewoźnik** brings to mind that since the first decade of the 21st century, international cooperation has reached a new level – there are no longer services that would not maintain close cooperation with their counterparts abroad. The researcher gives the example of cooperation and exchange of experiences between counter-terrorism units associated within the ATLAS network. In addition to exchanging experience and information on actions taken and tactical solutions, officers conduct joint exercises on the territory of any EU country. The specialist explains that this is to ensure that it is possible to assist an EU country during a terrorist attack when its own forces and resources are insufficient or the event is of a cross-border nature. **M. Przewoźnik** indicates, for example, the rental of equipment or deployment of special forces for operations in another EU country.

W. Zubrzycki is of the opinion that cooperation at the global (UN) and regional (Europe) level is relatively good, although sometimes it is possible to perceive the implementation of particular interests of one of the participants in international relations. He considers the lack of an unambiguous definition of terrorism as the biggest drawback, which encourages such practices. The researcher gives the example of how the Russian Federation has often described Poland as a country conducive to terrorism because it is where Chechen “terrorists” could find asylum. He also indicates the commitment of the Counter-Terrorist Centre of the Internal Security Agency, which every day receives, also from foreign partners, a lot of information relevant to national security. The institution maintains constant contact with many foreign counterparts on the basis of international or bilateral agreements. They are the entities that – above all – provide important information on terrorist threats. **W. Zubrzycki** is supported by **R. Machnikowski**, who claims that international cooperation – bilateral and multilateral – is essential in the fight against terrorism and has a long tradition. It is implemented by states, international and non-governmental organisations both in legislative terms and at the level of authorities, services or institutions in the prevention and prosecution of terrorists. It plays a very important role in nullifying the impact of this phenomenon. **M. Styszyński**, in turn, believes that despite the particular interests that various countries may pursue in the

context of world conflicts, optimism is aroused by individual examples of effective measures taken by the international community in the face of extreme challenges, such as threats related to the activities of the Islamic State. The brutality and growing threat of this organisation prompted many countries to form the Global Coalition to Fight Daesh, which effectively eliminated the structures and fighters of this group in Syria and Iraq. According to **T. Bialek**, international cooperation is a resultant of the particular interests of individual countries. Nevertheless, he notes that the level of its effectiveness has increased over the last decade.

Foreign experts, like Polish ones, can still spot many elements that need to be improved in the field of international cooperation. **A.C. Davenport** argues that if border control cannot be maintained at 100 percent, there must be a heavy reliance on international cooperation and effective warning processes that can prevent terrorist acts or reduce their frequency and impact. **S. Koller** notes that, especially after 11 September 2001, a great effort has been made in international cooperation not only to combat terrorism (e.g. Europol, Global Internet Counter-Terrorism Forum or the Counter-Terrorism Committee by the UN Security Council), but also to prevent violent extremism (expert workshops organised by the OECD). The researcher – looking at the Sahel, the Middle East, Europe and Southeast Asia – assesses the international cooperation as working to some extent, but insufficient. In her opinion, the above-mentioned initiatives have certainly enabled a better exchange of information and good practices, improved counter-terrorism policies, etc. Nevertheless, terrorism is still not defined, which leads to the lack of understanding of the processes of radicalisation and deradicalisation and thus to inadequate evaluation of many existing initiatives and measures. In turn, **S. Lindahl** notes that international cooperation has so far focused mainly on military operations. The aim was to fight every terrorist by the use of mass violence. According to the scholar, this has led to the escalation of terrorism, so international cooperation must focus on political solutions that address the root causes of terrorism. As an example, Lindahl mentions the fact that the Islamic State was largely created during the US military invasion of Iraq in 2003. And now, having been defeated, the international community should focus on helping people in Iraq and Syria to create stable political solutions and institutions that can offer citizens an alternative to violence. Less bombs, more diplomacy is the conclusion of a researcher from Østfold University College.

Cooperation is the basis for carrying out tasks in the fight against terrorism. This should, however, be mainly in the form of exchanges of information between the services and joint training sessions, where new methods or ways of carrying out counter-terrorist operations will be identified. As long as national operations are performed only by national services (usually no support is expected from foreign forces, apart from international anti-terrorist operations like Operation Barkhane), their main task is to eliminate the threat. Therefore, further tests and training of units from 10 or 15 countries, e.g. in the Warsaw underground, will only be relevant for Polish anti-terrorists. The most

important thing is that Polish formations should be able to respond effectively within the territory of Poland and know the environment in which they operate.

Among the most effective innovative technological means of fighting terrorism, specialists often point to surveillance or infiltration. They also specify what actions, ideas and practices may be applied to combat terrorism in Poland. G. Cieślak claims that the fight against terrorism is so complicated that it can be only supported by technology, and not always with good results. He adds that perpetrators do not stand still and wait for services to react. The researcher believes that it is possible – without judging which of the specific solutions are important – to indicate the directions of technological development and its contribution to anti-terrorist activities. In his opinion, these are IT solutions aimed at combating radicalisation in social media. Among the methods of combating terrorism, G. Cieślak also mentions limiting the effects of explosion and contamination and removing the effects of the attack, as well as surveillance measures (e.g. the creation of a European facial recognition system database and legal regulations enabling the use of this data, which may be the greatest challenge). K. Kraj suggests gathering experience in the field of combating terrorism from all European and non-European countries, e.g. former republics of the Soviet Union, which cooperate with each other and with other countries – members of the Commonwealth of Independent States (CIS) and the Shanghai Cooperation Organisation (SCO). Organisational, training and legal cooperation, as well as methodological and staff exercises among the CIS states, have already lasted 21 years, and among the SCO member states – about 17.

In turn, K. Jałoszyński believes that the most effective way, apart from technologically advanced methods and the use of electronic intelligence, remains the infiltration of extremist circles. This involves the acquisition of informants and constant cooperation with agents (people who provide the security services with valuable information on the activities of terrorist organisations). A similar opinion is held by S. Zalewski, who claims that the use of methods of surveillance of people by state services should be legalised in national law. In his opinion, the syndrome of widespread surveillance should enable the services responsible for security to isolate from the supervised population those individuals who protect themselves from surveillance and subject them to scrutiny to determine the reasons for such behaviour. The researcher believes that in order to achieve this, it is necessary to have a system that monitors people's behaviour in all areas of their activity and, due to the huge scope of data collected, also the *modus operandi* of standard and abnormal behaviour. The latter are monitored at the subsequent, higher model level. According to S. Zalewski, such activities should, however, be based on the rules of commonly binding law and be subject to control by independent authorities (which, according to the researcher, is impossible in Poland). Obviously, it is also necessary to obtain the fullest possible knowledge from allies and EU states about people coming to Poland with the intention of a longer stay (which, in the opinion of the scholar, is also very limited at present). Summing up, Zalewski emphasises that the national interest should be defined in such a way that the qualities of a democratic

state under the rule of law, open to international and economic cooperation, should be accompanied by security conditions adequate to the development of technology and subject to control with a view to eliminating abuses by the security apparatus.

M. Przewoźnik thinks that at the moment Polish units are equipped relatively well – at a world level. In his opinion, the most effective is to provide counter-terrorism units with the means and opportunity to use the latest technical solutions for combating terrorism. If these units have unlimited access to new technologies and solutions, they will certainly choose whatever will most optimally complement their resources and contribute to the efficiency of their operations. **W. Zubrzycki**, in turn, notes that technological progress is so dynamic that it is certain that state institutions cannot keep up with it. He states that Poland does not invest as much in technical innovations as is required to keep up with progress. As a result, it is in possession of seemingly modern equipment, which in practice is obsolete. The researcher is far from saying that it is ineffective, but when confronted with an adversary using state-of-the-art solutions, it may prove to be less efficient. In his opinion, the problem is therefore not a lack of appropriate solutions, but the fact that there are not sufficient resources to upgrade equipment on a regular basis. Since individual perpetrators use simple tools, a key element in combating the threat is to identify people coming to Europe. Many of them are undesirable persons, often using false identities. There are many ways to recognise them, e.g. on the basis of individual anthropological characteristics. This, however, requires some additional, costly equipment, which can only be used – usually – after obtaining “top-down” permission. **R. Machnikowski** mentions satellite, IT and biometric technologies allowing identification and surveillance of persons posing a threat, as well as innovations in the field of armament (especially the use of combat drones) among innovative methods of combating terrorism. **M. Styszyński** believes that, regardless of the constant preventive actions of security services, an important role is played by the analysis and monitoring of the ideological motivations of militants. **T. Bialek**, on the other hand, claims that technology is overrated. The most important are personal sources of information and reliable analytical work. In turn, **K. Kuska** is of the opinion that we should operate as effectively as possible on the Internet. He is aware that this sometimes entails violating citizens’ privacy and one should be very cautious, as it is very easy to fall into the trap of total surveillance on the Internet, examples of which can be seen in the USA. The researcher considers that this is not the right course of action. He is in favour of provoking perpetrators online, which would then trigger mechanisms allowing increased surveillance of the individual, albeit in full legal transparency. Automatic systems would detect suspicious situations, which would then be interpreted by a multi-level assessment system in order to avoid the so-called false positives – i.e. false positive results regarding the existing threat.

Foreign experts were asked a modified question – not concerning Poland, but France and Europe. The opinions are very diversified and show the problem from different perspectives. According to **A.C. Davenport**, covert infiltrations of terrorist

groups are most effective in the short term. Long-term solutions include: eliminating the root causes of terrorist acts (e.g. radicalism – by mitigating conflicts with diasporas, educating disadvantaged or isolated immigrant populations), abolishing cultural isolation and popularising assimilation, greater social acceptance of all diversity, introducing more representation of these communities in local politics and governance, and redressing social and economic imbalances. Among these methods **P. Gurski** mentions increasing cooperation between secret services and counter-terrorism groups, as well as cooperation with society, especially with groups that may associate radicalised persons. **S. Koller** has a slightly different perspective on the problem. In her opinion, stopping terrorist financing is important. Here, the tools that analyse large data sets and visualise them, for example for security agencies or banks, can help in identifying patterns and anomalies. Another important aspect is preventing online radicalisation. An effective practice is capture technology, whereby any video or image depicting terrorist content, among others text headlines, is identified by a unique identifier and can be detected when it is (re)uploaded to the network. The researcher acknowledges that while this tool is effective, it is still not fully used by many countries and organisations. There are also initiatives and research projects that use artificial intelligence to analyse conversation patterns and data available on the Internet in order to support law enforcement authorities by capturing radicalising content. S. Koller points out, however, that there are many uncertainties, in particular regarding the development of appropriate criteria for analysing radicalisation processes and attitudes adopted, as well as the protection of the data of suspects.

A. Rhoades acknowledges that having defeated the Islamic State's caliphate, which has been recognised as the strongest terrorist organisation in history, the threat is largely apparent on the Internet. The persistence power of the Islamic State stems from its capacity to recruit – actually an endless stream of recruits enlisted online. As a result, the focus of several governments (particularly in Europe) has become to prevent radicalisation rather than to apply material counter-terrorism measures. Preventing the spread of terrorist content online also helps to curb *homegrown terrorism* which is becoming an increasing threat in Europe. According to **Y. St-Pierre**, such an innovative way to fight threats can be the development of a holistic strategy in which individuals and departments do not compete with each other, but cooperate and share their skills. This includes all sectors of public life. The scholar argues that there are already hundreds of great ideas and initiatives that are constrained by bureaucratism and power struggles. Among the pioneering methods **T.C. Helmus** mentions: using social media to identify threats, getting to know local communities to understand them, especially in Muslim populations, and conducting intelligence operations to uncover terrorist groups.

M. Hecker, R.-G. Querry and X. Raufer have explained in detail the processes related to the infiltration of immigrant communities by the French services. The former researcher recalls that already in the eighties and nineties, the French services took measures to combat terrorist threats in neighbourhoods and districts where

suspected criminals could be found. According to him, nowadays the acquisition of information through the anonymous infiltration of migrant communities by the services is the most effective form of countering threats. Although this involves a huge financial, personnel and logistics investment, the information yield is so great that it rewards all the effort. With regard to the infiltration of circles, **M. Hecker** indicates that the process of radicalising suspects is crucial. The very stage of engaging officers in getting to know people who may pose a threat and then obtaining information from them is a lengthy but most effective process. In the researcher's opinion, these are the Muslim communities that are now mainly under surveillance by the services and where the most extensive activities are carried out. This does not only involve mosques and the Muslims themselves, but also educational programmes or informal meetings, which can be an important element of radicalisation. On the one hand, the scholar is convinced that a deep analysis of the conditions is needed to stop the process of aggravation of views, which can lead to people being persuaded to undertake terrorist actions. On the other hand, he is aware that it is not possible to control every single person. He cites the Nice attack as an example of a danger that was difficult to stop⁵³⁴. This case shows that one person can undertake terrorist activities on a huge scale and disrupt the entire system of counter-terrorism operations.

R.-G. Query believes that infiltration is one of the most important methods of obtaining information. In his opinion, the most data is obtained during operations carried out at places of worship (mosques, churches, synagogues). He proves that infiltration at mosques has often made it possible to pre-empt the actions of assassins or to target radicalised individuals. The method the researcher writes about applies not only to migrants, but also to groups of people of different faiths who join together to form their own societies or even ghettos. The essence of such actions is to use the American model, according to which the most relevant information must be paid for. Other communities, such as sports groups, are also being vetted. A radicalised group of football fans can also pose a threat. R.-G. Query argues that regardless of environment, it is important to verify if there are any negative changes. Admittedly, migrants are among those particularly observed, but after the 2015 crisis it is increasingly difficult to verify everyone separately. Nevertheless, a decisive role in the process of observation and constant monitoring is played by people's religion. A group of migrants arriving, for example, from West Africa, being of a certain religion and publicly professing the faith urging others to adopt it, automatically becomes a dangerous collectivity to be investigated.

⁵³⁴ On 14 July 2016 in Nice, in the evening hours, a truck drove into a crowd that had gathered on the Promenade des Anglais to watch the fireworks. On that evening, 86 people (19 nationalities) were killed (including 10 children) and over 400 were injured. The assassin turned out to be a Tunisian citizen living in France (M. Lahouaiej-Bouhlel, aged 31). He was shot dead by the police. Source: *L'attentat de Nice sur la promenade des Anglais*, "L'Express", 14 July 2016.

X. Rauffer corroborates that nowadays the services are primarily focused on constant monitoring of threats and signals that may be of a terrorist nature. According to the expert, this is undoubtedly the result of operations that were undertaken before November 2015, when terrorists could not be apprehended. The priority of all security services in the French Republic is the constant verification of threats and analysis of conditions in the security environment, especially in the context of followers of different religions or extreme political views.

Nowadays, an important element in the fight against terrorist threats is the analysis of the threats emerging on the Internet, as it is there that one can notice symptoms of radicalisation, behaviour indicating a probable attempt to carry out an attack or interest in terrorist matters. In addition, it is important to control environments that may undertake criminal and terrorist activities.

In the author's opinion, the process of threat analysis requires the cooperation of various actors and groups at many stages. Nowadays, it is not enough to simply maintain a counter-terrorism unit. The stage of combating terrorist threats entails the involvement of entire societies. Everyone has an important role to play in the process of threat verification. This is important both for people who have already been convicted in the past and for those who may have just turned to terrorism. Undoubtedly, the following should be singled out: teachers (important because of the radicalisation of young people), psychologists, prison guards, co-workers, family, friends, clergy, and also bystanders who perceive the threat. In the system to fight terrorist threats, it is crucial to have a whole team of people who can react so that an attack can be prevented. This is such a very specific danger that it requires constant vigilance and observation.

Foreign experts were asked which countries in Europe are most vulnerable to attacks. France, Germany, Belgium and the United Kingdom were most frequently mentioned. L. Obertone mentions France, Belgium, England, the Netherlands, Italy, Spain, Sweden and Germany. He justifies that these countries receive large groups of immigrants, mainly from Muslim cultures, and that they pay a high price for this at all levels: in terms of increased criminality and terrorism, lower living standard, collapse of social capital, etc. **P. Gurski** enumerates these countries in the following order: France, Belgium, England, Germany, Spain. Among the endangered cities in Poland, he sees Warsaw or Cracow. **A. Rhoades** lists – similarly to those mentioned above – France, Great Britain, Germany and Belgium. **Y. St-Pierre** believes that the threats from extreme right-wing, left-wing, Christian or Islamist circles differ, but not a single European country is safe. **M. Hecker** is of the opinion that the first to be threatened are those countries that have already been attacked, and singles out: England, France, Belgium, the Netherlands and Germany. According to **R.-G. Querry**, the countries most vulnerable to a terrorist attack are: France, Germany, England and Belgium. **X. Rauffer** believes that if there are no large communities in a given country that are closed to integration by creating ghettos (e.g. Muslims), and its army does not participate in military missions in the Middle East, it should not fear terrorist attacks. He mentions

France, Germany, Belgium (being the seat of many international organisations), Italy and Spain as the most threatened countries today. **The author** also indicates France, Belgium, Germany and the United Kingdom, however, he further distinguishes terrorist-criminal activities that may be undertaken in Ukraine, the Balkans, the Netherlands, the Czech Republic and Hungary.

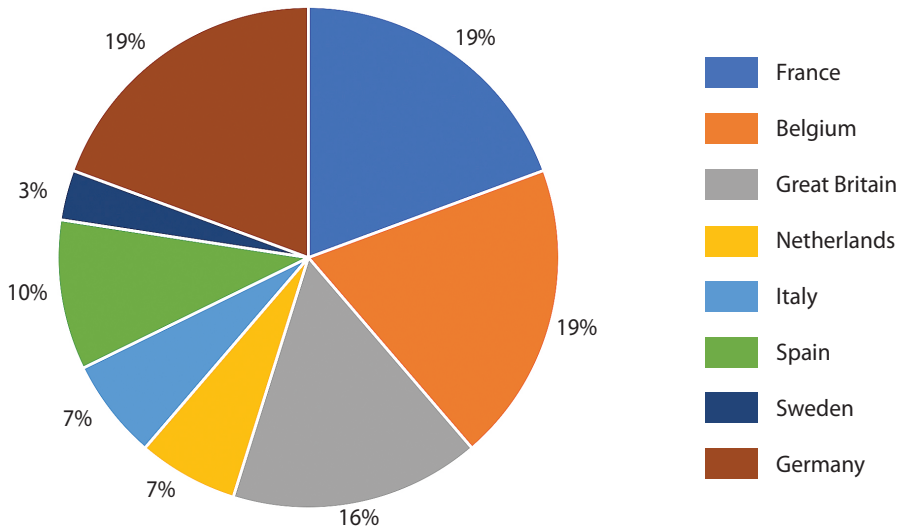


Figure 11. Countries in Europe most at risk from terrorist attacks

Source: own study.

France (19 percent), Germany (19 percent), Belgium (19 percent) and the United Kingdom (16 percent) received the highest percentage of votes as the countries most at risk of further attacks. Importantly, none of the foreign experts included Poland on their list of threatened countries.

3.2. Future security challenges for France, Poland and Europe

Every European state in its forecasts and strategies must analyse changes and dependencies based not only on events in Europe as a whole, but also beyond its borders. The free movement of terrorists and the establishment of new groups and units by them is currently the greatest threat to the functioning of individual states. Unless more intensified controls are put in place, the Islamic State or al-Qaeda terrorists arriving in France will be able to move on to, for example, Ukraine (with a stopover in Poland) in order to carry out terrorist activities. Once the attacks are over, they will return to France. This is one of the worst, but plausible and possible, scenarios. In addition, it

is likely that extremists from Eastern Ukraine, the Balkans and also the Caucasus will move towards Central and Western Europe.

Two organisations and one informal group have made their presence felt in Europe in the 21st century (in such countries as, inter alia, Austria, Belgium, the Czech Republic, Finland, France, Greece, Georgia, Spain, the Netherlands, Germany, Norway, Russia, the United Kingdom, Italy, Slovakia, Switzerland, Sweden, Ukraine), through terrorist attacks or activities.⁵³⁵ In addition, global terrorist activity against troops from European countries, was demonstrated by two more:

- 1) al-Qaeda (including Al-Shabaab, Al-Nusra Front, Al-Qaeda in the Islamic Maghreb (AQIM))⁵³⁶,
- 2) The Islamic State (The Islamic State of Iraq and the Levant)⁵³⁷ and The Islamic State of Khorasan Province⁵³⁸ – faction of the Islamic State⁵³⁹,
- 3) unidentified group – lone wolves⁵⁴⁰ (“self-styled terrorists”)⁵⁴¹,
- 4) Boko Haram⁵⁴²,
- 5) the Taliban⁵⁴³.

⁵³⁵ Institute for Economics & Peace, *Global Terrorism Index 2016 – Measuring and understanding the impact of terrorism*, University of Maryland, 2016, pp. 13, 38, 42, 43, 44, 52-57; Institute for Economics & Peace, *Global Terrorism Index 2017 – Measuring and understanding the impact of terrorism*, University of Maryland, 2017, pp. 13, 49, 72-78; Institute for Economics & Peace, *Global Terrorism Index 2018 – Measuring the impact of terrorism*, University of Maryland, 2018, pp. 3, 4, 39, 40, 45, 46, 61.

⁵³⁶ A. Stenersen, *Thirty Years after its Foundation – Where is al-Qaida going?*, “Perspectives on terrorism” 2017, Vol. 11, Issue 6, pp. 1-12.

⁵³⁷ M.A. Galang, *The Islamic State of Iraq and Syria: Profile and Strategic Assessment*, “NDCP Policy Brief”, 18 April 2015, No. 2, pp. 1-4.

⁵³⁸ The Islamic State of Khorasan Province (IS-K) is a faction of the Islamic State in Central Asia, and its origins date back to 2015. The Islamic State announced its expansion in the Khorasan region in 2015, which historically comprises modern Iran, Central Asia, Afghanistan and Pakistan. IS-K has been responsible for nearly 100 attacks on civilians in Afghanistan and Pakistan, as well as around 250 clashes with security forces from the USA, Afghanistan and Pakistan since January 2017. It has been receiving support from the main Islamic State leaders in Iraq and Syria since its establishment in 2015. As the Islamic State loses territory, the terrorist organisation's leaders have increasingly targeted Afghanistan as the headquarters of their global caliphate.

⁵³⁹ Center for Strategic & International Studies, *Islamic State Khorasan (IS-K)* <<https://www.csis.org/programs/transnational-threats-project/terrorism-backgrounders/islamic-state-khorasan-k>> [accessed: 24 November 2019].

⁵⁴⁰ It is someone who independently prepares violent (terrorist) acts and commits them himself outside any command structure and without financial assistance from any group. He may, however, be motivated by the ideology and beliefs of some group.

⁵⁴¹ A. Wejkszner, *Samotne wilki kalifatu?: Państwo Islamskie i indywidualny terroryzm dżihadystyczny w Europie Zachodniej* (Warsaw: Difin, 2018).

⁵⁴² A. Walker, *What is Boko Haram*, United States Institute of Peace, Special Report 308, June 2012, pp. 1-15.

⁵⁴³ M.K. Sheikh, M.T.J. Greenwood, *Taliban talks past, present and prospects for the US, Afghanistan and Pakistan*, DIIS Report, Copenhagen 2013, pp. 7-22.

In 2016, the terrorist groups, namely al-Qaeda, Islamic State, Boko Haram and the Taliban, were responsible for 59 percent of deaths in terrorist attacks worldwide, 65 percent in 2017 and 58 percent in 2018. In 2019 and 2020, self-radicalised individuals played a significant role in terrorist attacks in Europe.

In the future, it will be particularly important to carry out queries on terrorist threats exclusively within the European Union. The activity of the Islamic State is particularly evident, so this is undoubtedly the next challenge that the European counter-terrorism services will face.

Table 2. Terrorist attacks carried out by the Islamic State in Europe between 2013 and 2020

COUNTRY	NUMBER OF ATTACKS	NUMBER OF KILLINGS	AVERAGE NUMBER OF VICTIMS PER ATTACK
Russia	34	63	1.9
France	23	165	8.3
Belgium	8	46	5.8
The United Kingdom	3	29	9.7
Spain	3	21	7.0
Germany	1	1	1.0
Austria	1	5	5.0
Total	73	330	4.6

Source: own study based on: *Les attentats islamistes dans le monde 1979-2019* ed. by V. Delage et al., Fondation Pour L'Innovation Politique, Paris, 2019, p. 34.

Often, despite similar goals, a common ideology, and analogous methods of fighting, the Islamic State and al-Qaeda compete. Al-Qaeda believes that the immediate goal is to defeat Islam's main enemy, which is the USA. Then, a caliphate can be established. The Islamic State needs physical, political and religious power to maintain, expand and develop its territory, in order to attract new followers who will fight battles in Europe. At present, their agendas differ, but if they join forces, the whole world could be facing a terrorist "supergroup"⁵⁴⁴.

⁵⁴⁴ B. Johnson, *Are Al-Qaeda and ISIS About to Form a Terrorist Supergroup?*, "Observer" 12 March 2018 <<https://observer.com/2018/03/are-al-qaeda-and-isis-about-to-form-a-terrorist-super-group/>> [accessed: 24 November 2019].

Nearly half of those returning from countries where terrorist organisations are dominant are oriented towards orthodox jihadism⁵⁴⁵. Although they return to their country, resume work and start families, they are likely to carry out future terrorist attacks in Europe. Among them, there are also terrorists who will set up training units and carry out indoctrination among young people. This is a huge challenge for the entire European Union and NATO (after the Taliban seized power throughout Afghanistan), because this situation, as a long-term process, leads to upbringing in a culture of hatred and terrorism in the broad sense, and further to an escalation of the threat and a probable fight against the assassins for decades to come. Visa free travel in the Schengen Area makes it possible to enter the capital cities of Germany, the Czech Republic, Austria and Lithuania, among others. The Republic of Poland, as a neighbouring country to those mentioned above, is also exposed to future terrorist activity. As NATO's Eastern Flank, it is a territory of refuge, but also a kind of transit country for those moving to the east of Europe. The expansion of terrorism in Western Europe will have a huge impact on the level of international security⁵⁴⁶. Poland's future anti-terrorist actions, in addition to taking into account external threats from Ukraine and the Balkans, must also target its western border – Germany and the French Republic. Another very important category of terrorist threats will be people with ultra-right and left-wing views, as well as nationalists. In such a situation there may be a clash of cultures and views, and thus polarisation in society will grow. This can range from religion or belief, to sexual preferences (civil partnerships, LGBT⁵⁴⁷), or views on migration, family policy and education.

A country that is vulnerable to terrorist activity may be a target for extremist organisations for various reasons, including its participation in NATO missions, its proximity to a country under attack or its government's anti-immigration policies. Due to contemporary threats and unbridled global technological development, potential determinants that may influence the activation of terrorist environments are distinguished. These include:

- an increase in the number of religious believers encouraging suicide in the name of faith,
- radicalisation (which also develops in prisons – despite isolation from society, there is indoctrination in correctional institutions by other inmates)⁵⁴⁸,

⁵⁴⁵ K. Rękawek, *Człowiek z małą bombą – o terroryzmie i terrorystach* (Wołowiec: Wydawnictwo Czarne, 2017), pp. 160-161.

⁵⁴⁶ A. Chouet, op. cit.

⁵⁴⁷ Wprost, *Planowali zamach na Marszu Równości. To małżonkowie z Lublina* <<https://www.wprost.pl/zycie/10256442/planowali-zamach-na-marszu-rownosci-to-malzonkowie-z-lublina.html>> [accessed: 12 January 2020].

⁵⁴⁸ P. Gasztold, *Radycalizacja do terroryzmu w Unii Europejskiej – przyczyny i przeciwdziałanie* in *Współczesne i przyszłe zagrożenia bezpieczeństwa*, part 1, ed. by R. Bielawski, J. Solarz, D. Miśzewski (Warsaw: Akademia Sztuki Wojennej [The War Studies University], 2019), pp. 159-171.

- operational activities of members of terrorist organisations who have already infiltrated the country,
- participation in international missions in regions particularly affected by terrorism⁵⁴⁹ and civil war⁵⁵⁰,
- the lack of adequate application and use of traffic cameras. In countries such as Belgium (Brussels Airport attack), France (attack near the Stade de France) and the USA (Boston Marathon attack), terrorists were caught on cameras,
- the ease with which supporters of terrorism can communicate with each other on the Internet, developing online recruitment and providing instructions on how to build homemade bombs,
- the impact of the ideology of major terrorist organisations such as al-Qaeda and the Islamic State, which boast successful attacks in the world's most developed countries (thus encouraging support for their philosophy),
- the risks posed by cyberterrorism and repeated data leaks,
- the lack of adequate analysis of analogies and links between terrorist attacks committed in different regions of the world,
- increased recruitment into terrorist organisations, especially in poor countries where there is unemployment (members of the groups are offered remuneration which determines the life of a new member of the organisation),
- recruitment carried out in countries that are under direct attack by international coalitions,
- infiltration into terrorist organisations from neighbouring countries,
- invitations to travel in order to receive terrorist training in Africa⁵⁵¹ and the Middle East⁵⁵², where increased activity of terrorist organisations can be observed,
- disseminating information about one of the powers (e.g. the USA or France) and describing it as the world aggressor and cause of escalation of international armed conflicts. The main tool of terrorists is the mass media, through which they encourage aggression and violence in individual attacks.

⁵⁴⁹ E. Buchanan, *Mali: Terror threat spreads after Sahel groups join forces to create new jihadist alliance*, International Business Times, 3 April 2017 <<https://www.ibtimes.co.uk/mali-terror-threat-spreads-after-sahel-groups-join-forces-create-new-jihadist-alliance-1615105>> [accessed: 24 November 2020].

⁵⁵⁰ C. Convington, P. Williams, J. Arundale, J. Knox, *Terrorism and war: unconscious dynamics of political violence*, "International Journal of Applied Psychoanalytic Studies", 2007, No. 4(3), pp. 312-314.

⁵⁵¹ B. Didier, *The regionalisation of counter-terrorism strategies in the Sahel: the G5 as a challenge for transatlantic relations*, "College of Europe Policy Brief", June 2018, No. 10.18, pp. 1-5.

⁵⁵² J.C. Pinos, *The Islamic State as the Epitome of the Terrorist Parastate*, "Nationalities Papers", 2020, No. 48(1), pp. 116-129.

According to many researchers, including the authors of the study entitled *Civil Liability in Europe for Terrorism-Related Risk*, the development of terrorism in Europe has transformed it into an *enterprise-threatening* activity that poses a constant threat to global security. It develops and functions as an entity that has an organisational structure with hierarchical responsibility, as well as a system of rewards and punishments for actions taken, including the discharge of responsibilities. The expansiveness of terrorist groups indicates their potential and the number of members determines their strength. The greater the number of supporters of an action taken by a terrorist organisation, the easier it is to raise funds to sustain the group. Today's struggle of states against terrorist organisations is a fight against international actors which have a huge logistical potential and financial background⁵⁵³.

The way terrorists operate requires them to constantly adapt to the situation by familiarising themselves with the security systems and measures introduced by international security services. The main actions undertaken by groups to maintain their position and develop their terrorist potential are:

- influencing society by creating a sense of permanent fear and emotional threat – e.g. by making threats on social networking sites,
- assimilating into society by adapting easily to their environment, not standing out from others, making contacts relevant to their actions and adopting patterns (the so-called chameleon effect),
- vetting groups and individuals who are particularly susceptible to the influence of others and have a strong need for cultural and religious belonging,
- communicating information on controversial content that can stimulate people who are looking for a role model, a leader and who want immediate change,
- efficient transmission of information through social media thanks to easy access to it and its users. It is also a way to unite supporters of theory, revolution, change, who speak critically about existing limitations⁵⁵⁴,
- indoctrinating members and recruiting new ones. The search for people who, although do not support terrorism, are critical of particular countries, such as France or the USA, and their politics;
- retaliatory actions organised when operations aimed at defending a country turn into open warfare or are already initiated on the territory of the invader. French troops stationed in Africa can serve as an example. The operations they carry out cause terrorists to prepare terrorist retaliatory actions in the French Republic.

In addition, modern terrorists have changed the way they communicate. These are not officially sent letters or messages transmitted by freed hostages. The assassins have become part of an online community, taking full advantage of the goods the Internet

⁵⁵³ *Civil Liability...*, op. cit.

⁵⁵⁴ J. Zalewski, op. cit., p. 221.

offers. The groups have their own profiles on popular sites (YouTube, Facebook, Twitter, Instagram) and contact the outside world through short slogans, statements and videos. Everything that is shared is available to the whole world before it passes through the filter and evaluation of service administrators. The manner and form of transmission are dependent on the terrorists themselves. The digital evolution also applies to terrorist organisations, which are now international bodies. Confessing to an attack, live streaming an execution or videotaping threats against a NATO or EU member is now a standard mode of operation for terrorist groups. By using internet tools, they gain time in terms of the speed of information transfer, but also the use of effective misinformation⁵⁵⁵.

It is clear that terrorists use radical actions without regard for human life and even less for international politics. Operating in a given territory, they establish their own structures and strive for the authoritarian rule that will enable the terrorist organisation to grow, recruit new members, train combat skills, obtain money to buy weapons and plan the annexation of new territories. Within the structures of their own group, they are forced to function in a certain way, which involves the assignment of social roles and responsibilities. They are obliged to get food and to live in the selected area for a sufficiently long time, e.g. due to ongoing battles. Only a well-developed and properly supervised structure will adapt to the dynamic changes in the environment, which are undoubtedly constant wars and assassinations.

There is little chance of terrorists being able to use weapons of mass destruction to achieve their aims in Europe, but the possibility of using biological means, or more precisely, carrying out a terrorist attack with the aim of spreading disease⁵⁵⁶ or poison⁵⁵⁷, for example must be taken into account. There are known cases where Russian services have deliberately taken such activities. It should be assumed that they can be repeated or used by terrorist organisations, for example through the use of ricin, botulinum toxin or *Yersinia pestis*⁵⁵⁸.

In addition to the above, it should also be pointed out that nowadays it is common for criminal organisations⁵⁵⁹ to engage in terrorist activities and vice versa for terrorist

⁵⁵⁵ R. Di Resta, *How ISIS and Russia Manufactured Crowds on Social Media*, Wired, 3 August 2018 <<https://www.wired.com/story/isis-russia-manufacture-crowds/>> [accessed: 24 November 2019].

⁵⁵⁶ The phenomenon of a terrorist attack with the use of biological weapons is connected with the concept of bioterrorism. It is the use of harmful biological agents (viruses, bacteria, toxins and other materials of biological origin) against people, animals, plants in order to intimidate or coerce a certain action of governmental bodies, society, or to achieve personal goals (of a religious or social nature).

⁵⁵⁷ G. Corera, *Skripal case: Mystery of third man in Salisbury poisoning* <<https://www.bbc.com/news/uk-47174809>> [accessed: 10 January 2021].

⁵⁵⁸ M. Anszczak, Z. Ciakanowski, R. Grosset, K. Karolczak, *Zabić tysiące, przestraszyć miliony in Zagrożenia terrorystyczne i szanse na skuteczną obronę* ed. by R. Grosset (Warsaw: Wyższa Szkoła Zarządzania i Prawa im. Heleny Chodkowskiej, 2009), pp. 72-73.

⁵⁵⁹ At present, we cannot precisely define a criminal organisation or organised crime. One of the forms of combating this problem should be the deployment of security services to fight against groups that commit specific crimes.

groups to engage in criminal activities. Today, the activities of criminal organisations must be compared to those of terrorist ones. The brutalisation of acts, orders to kill, attacks using machine guns and explosives, as well as the retaliatory or targeted nature of the attacks could undoubtedly form the basis for defining them as a form of terrorism⁵⁶⁰. In addition, increased attacks on police officers can be observed in the French Republic: 7 400 such incidents were recorded in 2019 compared to 3 800 in 2004. Moreover, in 2020, police stations in France were attacked more than 60 times. Therefore, in the future, it is also important to take into account the activities of criminal groups that may collaborate with terrorist groups.

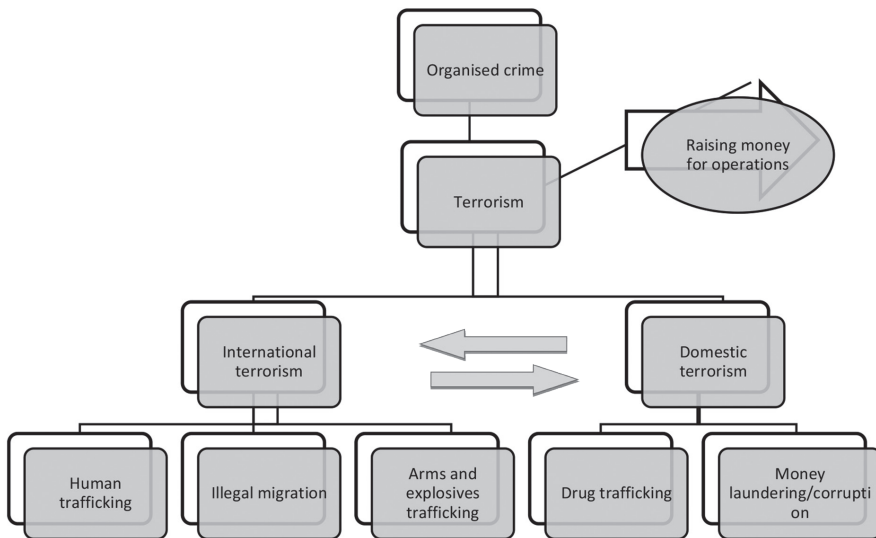


Figure 12. Organised crime in terrorist activities

Source: own study.

3.3. Forecasting in the system of fighting terrorist threats

The definition of threats occurring both on the national territory and at the international level is discretionary for each state. The decision to undertake specific procedures aimed at increasing the level of security or to activate anti-terrorist systems remains within the competence of governmental authorities. The essence of an adequate response is a proper assessment of the situation. Depending on how the variables are perceived, the threat may be false, as may the sense of security. And this is the essence of counter-terrorism – defining the scenario, accepting the risk and coordinating practical action. This is why

⁵⁶⁰ K. Jałoszyński, *Terroryzm czy terror kryminalny w Polsce* (Warsaw: AON, 2001), pp. 19-23.

a methodical foresight is so important to properly assess the situation, determine the direction of change and predict events that may affect the security environment.

It is important to understand the validity of using prediction in security research. When developing assumptions and long-term strategies, it is worth defining potential dangers, identifying opportunities and threats and verifying possible scenarios that may affect the functioning of the state. Forecasting is based on an analysis of the forces and resources needed to maintain an assumed level of security. In the context of terrorist attacks, which are unpredictable in long-term strategies, short-term forecasting allows us to respond in a specific way that does not disrupt the functioning of the state⁵⁶¹. When a long-term threat is identified, foresight allows forces and resources to be intensified in order to take preventive anti-terrorist action. The understanding of past events, contemporary conditions, the context of the national and international situation, together with the anticipation of the development of events makes it possible to take pre-emptive measures to ensure advantage over attackers⁵⁶². Forecasting includes actual and potential targets, possible forms, means and methods of action in relation to the threat, as well as potential victims and perpetrators of attacks.

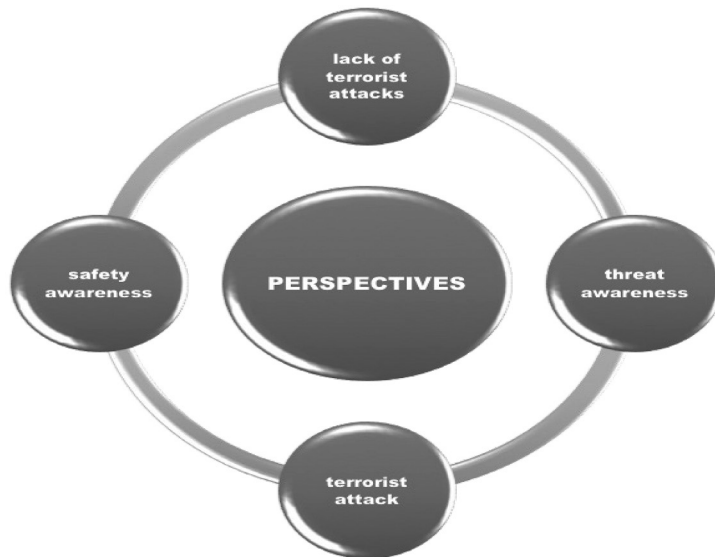


Figure 13. Awareness in the perspective of terrorist threats

Source: own study.

⁵⁶¹ S. Snehanthu, A. Harsha, A. Kurian, A. Basu, *Future Terrorist Attack Prediction using Machine Learning Techniques*, Bengaluru, 2017, pp. 1-6.

⁵⁶² W. Błażejczyk, *Prognozowanie zagrożeń bezpieczeństwa – szanse i zagrożenia* in *Metodologia badań bezpieczeństwa narodowego* ed. by P. Sienkiewicz, P. Dela, Vol. VIII (Warsaw: AON, 2016), pp. 67-68.

Identification of threats to the state is the basis for maintaining security in the 21st century. Among the important variables that affect anticipation in security is its impact on important, according to the author, environments, i.e. political, religious, economic and social ones. Among the most important values that affect anticipation, it is worth mentioning:

- unpredictability – the lack of confirmation of assumed theories,
- multifacetedness – the multiplicity of interdependencies and elements, making it difficult to verify their impact on individual actors (e.g. political conflict in the context of armed conflict),
- instability – the ephemerality of interdependencies between actors, and in particular the involvement of multiple actors in international conflicts,
- dynamism – changes occurring in a short time interval with a specific value affecting the level of security,
- long-term thinking – taking action based on past interactions among actors.

It should be emphasised that in the French Republic there are studies conducted by both governmental and non-governmental organisations on possible future terrorist threats and the number of attacks carried out. Experts highlight particular dangers and identify the next likely terrorist targets. In addition, they determine the possible number of attacks and victims that will occur on national territory⁵⁶³.

Consequently, the current anti-terrorist system must be flexible enough to respond to emerging security challenges. It must take into account all the variables that may affect its functionality, responsiveness and coordination of the actors involved in restoring the required level of security⁵⁶⁴.

The author also notes that the observation of the security environment in Europe was one of the main determinants for him to undertake research on terrorist threats in Central Europe in 2019. Accordingly, he took into account the dangers of a terrorist nature in the region, especially those motivated by religion. Then the researcher in his article presented terrorist threats also for Austria, which were confirmed by subsequent events in the region⁵⁶⁵. On 2 November 2020, there was a terrorist attack in Vienna perpetrated by a supporter of the Islamic State⁵⁶⁶. Forecasting is therefore an important element

⁵⁶³ *Les attentats islamistes dans le monde 1979– 2019* ed.by V. Delage et al. (Paris: Fondation Pour L'Innovation Politique, 2019).

⁵⁶⁴ In reference to several terrorist attacks in the French Republic in October 2020. After: *EN DIRECT – Attentat islamiste à Nice: «C'est la France qui est attaquée», dénonce Emmanuel Macron*, “Le Figaro” <<https://www.lefigaro.fr/actualite-france/en-direct-nice-l-auteur-d-une-attaque-meurtriere-interpelle-20201029>> [accessed: 1 November 2020].

⁵⁶⁵ A. Olech, *Contemporary Terrorist Threats to the Security of Central Europe in Building Military Science for the Benefit of Society* ed. by W. Peischel, C. Bilban (Berlin: Books on Demand, 2020), pp. 119-130.

⁵⁶⁶ C.F. Schuetze, M. Eddy, K. Bennhold, C. Koettl, *Terrorist Shooting in Capital of Austria* <<https://www.nytimes.com/2020/11/02/world/europe/vienna-shooting.html>> [accessed: 3 November 2020].

of the scientific query undertaken and should form the basis for the development of anti-terrorist structures in states, as part of prevention and safeguarding against terrorist threats.

Another important phenomenon that must be singled out is radicalisation and the process of resocialisation. In the French Republic, the Republic of Austria and the United Kingdom, terrorist attacks were committed by persons who had previously been sentenced to prison for terrorism. Even after having served their sentences and completing a de-radicalisation programme, they chose to resume their terrorist activities. Thus, great caution must be exercised in dealing with people leaving prison, as there is a high risk that they will try to attack again⁵⁶⁷.

In France, the lack of monitoring of terrorists coming out of prison is very concerning. By 2023, 230 of them will have left prisons: 83 convicted terrorists in 2020, 70 inmates in 2021, 50 in 2022 and 30 in 2023. Importantly, only 29 percent of those convicted will be subject to individual administrative control and surveillance measures (*mesures individuelles de contrôle administratif et de surveillance*, MICAS) for a maximum of 12 months⁵⁶⁸. So far, out of the 505 people detained to date, 273 have been finally convicted and 232 are either charged or awaiting trial⁵⁶⁹.

3.4. Conclusions

The consequence of the conducted research is the identification of methods and means to be used for effective anti-terrorist and counter-terrorism activities. The obtained results and analyses are based on interviews conducted with experts in the field of security, terrorism and international relations. The experts interviewed by the author were virtually unanimous in stating that not only should the counter-terrorism systems in Poland and France – which are still being developed – be improved, but also those in all the member states of the EU and NATO. Furthermore, it is crucial to intensify international cooperation.

⁵⁶⁷ In January 2020, F. Moreau, the first jihadist convicted of terrorism in France, was released from prison.

⁵⁶⁸ The Constitutional Council ruled on the constitutionality of the Individual measures of Administrative Control and Surveillance (MICAS) established by the Act of 30 October 2017 on strengthening internal security and combating terrorism. This is the equivalent of home detention. After: *Loi n° 2017-1510 du 30 octobre 2017...*, op. cit.; O. Cahn, J. Leblois-Happe, *Loi n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme: perseverare diabolicum*, “Actualité juridique. Pénal”, 2017, p. 468; *Loi n°55-385 du 3 avril 1955...*, op. cit.; *Décision n° 2017-624 QPC*, 16 mars 2017.

⁵⁶⁹ J. Leclerc, *L'inquiétante défaillance du suivi des terroristes sortant de prison*, “Le Figaro” <<https://www.lefigaro.fr/actualite-france/l-inquietante-defaillance-du-suivi-des-terroristes-sortant-de-prison-20201109>> [accessed: 28 November 2020].

The verification of threats and identification of the most important methods and tools in the counter-terrorism policy of individual countries enables the analysis of the problem from a broader perspective and identification of necessary initiatives to improve the implementation of the tasks of entities delegated to combat terrorism. Developed data allow to create a concept of combating terrorist threats, which can be effectively implemented not only in Poland and France, but also in other countries in Europe belonging to the North Atlantic Treaty Organization and the European Union⁵⁷⁰.

Contemporary challenges faced by countries on the Old Continent lead to the conclusion that counter-terrorism methods should be continuously analysed and constantly improved on the basis of solutions used in other countries. Currently, the Republic of Poland and the French Republic are facing completely different challenges in the context of the proliferation of terrorism, but they have the same objectives in the process of implementing the tasks set out in the newly introduced anti-terrorism laws (in 2016 and 2017, respectively) and the transformed structures of the services, where the most important thing is to prevent an attack.

In addition to the above, an important element of the anti-terrorist policy pursued is the constant analysis of emerging challenges not only in Poland or France, but also across the continent. A terrorist threat in another Schengen country should automatically increase the level of vigilance throughout the Community. Moreover, terrorism is evolving and is also present in the digital space. Proper prediction of events and preparation of the relevant services – by constantly improving their response capabilities – will make it possible to eliminate the threat effectively. The overall organisational structures should be modified evenly depending on the form of the threat. To sum up, terrorist threats are variable and very often manifest themselves as attacks coming from many directions, which is why they are so difficult to counter. It is therefore necessary to constantly analyse the threats of a terrorist nature.

⁵⁷⁰ This is important in the context of the common security policy in Europe – undertaken within the framework of NATO and the EU (the Common Security and Defence Policy, CSDP), and the use of presidential, semi-presidential and parliamentary (including parliamentary-cabinet) political systems of states.

System to counter terrorist threats

Security policy in the creation of strategies, guidelines, plans and undertakings is important for achieving the desired goals. In a properly functioning state a perspective is formed on the basis of confrontation with existing conditions. New ideas are born as a result of the analysis of contemporary needs and desires for systemic change. Knowledge of the elements that are important for determining the transformation of environments as well as the potential of the state and the behaviour of actors will be the assumption on the basis of which future solutions can be determined⁵⁷¹. The skill of foresight is therefore an important element in maintaining security, as it is directly influenced by the determinants of past and future actions, analysis of the environment and careful review of opportunities and threats. Foresight in the area of security is closely linked to national policy. Proper risk assessment and identification of threats influence foreign policy, national security and the country's defence potential.

The emergence of new methods and structures aimed at maintaining security and the strategy for their application are closely linked both to identified threats and the prediction of unspecified problems that may disrupt the integrity of the system in the future⁵⁷².

⁵⁷¹ S.R. Haynes, T.G. Kannampallil, L.L. Larson, N. Garg, *Optimizing anti-terrorism resource allocation*, "Journal of the American Society for Information Science and Technology", 2005, No. 56(3), pp. 299-309.

⁵⁷²E. Zabłocki, *Nowe zagrożenia a kierunki rozwoju lotnictwa* (Warsaw: ZN AON, 2007), pp. 32-33.

The Republic of Poland is considered as a country potentially threatened by terrorist attacks⁵⁷³. Therefore, it should have appropriate instruments for proper verification, recognition and assessment of threats, which will enable an effective response. If a terrorist threat occurs on the territory of the country, it is necessary to take immediate, predetermined actions which will remove its effects and repair the damage. To achieve these objectives, there must be constant, close and comprehensive cooperation not only between the services, bodies and institutions involved in multi-faceted anti-terrorist activities, but also with the participation of local authorities, the media, private sector, NGOs, think tanks and civil society as a whole. The complexity of the phenomenon requires constant vigilance and analysis as the basis for an appropriate response to emerging challenges. Only a long-term, global and flexible approach can adequately prepare delegated actors for an effective response. This may entail a restriction of certain civil liberties, as the services need to constantly improve their effectiveness in conducting anti-terrorism measures. However, citizens must bear in mind that the purpose of these actions is to maintain security throughout the country⁵⁷⁴.

Once again, at the end of 2020, after a series of terrorist attacks in various European Union countries, French President E. Macron called for increased cooperation within the group of countries belonging to the Schengen area. The joint initiative would consist of border security, increased migration control and enhanced cooperation between security services⁵⁷⁵.

4.1. Organisation of the anti-terrorist system in France, Poland and Europe

A system can be defined as a set of elements that interact with each other and a collection of interacting units and links between them. As such, it is a set of elements or parts that form a complex whole within a framework of rules and procedures according to which a programme or method of governance is organised⁵⁷⁶. At the same time, it is characterised by centrality, which makes it possible to create, combine, maintain and

⁵⁷³ K. Jałoszyński, *Zagrożenie bezpieczeństwa aktami terroru in Współczesne postrzeganie bezpieczeństwa* ed. by K. Jałoszyński, B. Wiśniewski, T. Wojtuszek (Bielsko-Biała: WSA, 2007), p. 231; B.M. Jenkins, *Five Years After the Death of Osama bin Laden, Is the World Safer?*, RAND Corporation, 2 May 2016.

⁵⁷⁴ W. Zubrzycki, *Dzieje ustawy antyterrorystycznej w Polsce* in W. Zubrzycki, K. Jałoszyński, A. Babiński, op. cit., pp. 241-242.

⁵⁷⁵ E. Macron, *Renforçons notre sécurité. Refondons Shengen* <<https://twitter.com/EmmanuelMacron/status/1324366986319663106>> [accessed: 27 November 2020]; *Macron Calls for EU Free Movement Reform After Attacks*, Schengen Visa Info <<https://www.schengenvisa.info.com/news/macron-calls-for-eu-free-movement-reform>> [accessed: 27 November 2020].

⁵⁷⁶ H. Sillitto et al., *Defining "System": a comprehensive approach*, 27th Annual INCOSE International Symposium (IS 2017), Adelaide, 15-20 July, 2017, pp. 5-13.

transform entities⁵⁷⁷. Its purpose, if supervised, should be the organisation of the correct functioning of the individual parts that constitute the whole.

The anti-terrorist system is understood as a set of services and institutions established to recognise threats, counteract them and fight them, having adequate powers and competences, equipped with coercive means, connected by an integrated system of communication, exchange of information and executing direct actions under the same (connected, but the only) command, while informing the society about real or potential threats and appropriate attitudes connected with it.

4.1.1. System to counter terrorism in the French Republic

The system to counter terrorism, which in the French Republic is referred to as the system for combating terrorist threats (*système français de lutte contre le terrorisme*), takes measures to combat not only terrorism (*le plan d'action contre le terrorisme*, PACT) but also radicalisation (*le plan national de prévention de la radicalisation*, PNPR). Whereby, as early as 2006, emphasis was placed in this system on threats of a jihadist nature⁵⁷⁸. Accordingly, in 2018, the General Secretariat for Defense and National Security (*Le secrétariat général de la Défense et de la Sécurité nationale*, SGDSN) was mandated by the Prime Minister to develop, in collaboration with the National Intelligence and Counter-Terrorism Coordination (*Coordination nationale du renseignement et de la lutte contre le terrorisme*, CNRLT), priorities in the system to counter terrorism. No distinction is made between bodies and institutions delegated to specific activities, but all actors cooperating with the SGDSN, i.e. all services and ministries, irrespective of their security role, are singled out⁵⁷⁹. Cooperation of an international nature is also distinguished⁵⁸⁰. The main objectives of the system to counter terrorism are to:

- learn: better identification and understanding of the terrorist threat and its development;
- interfere: preventing acts of violence by the surveillance of dangerous persons, combating the financing of terrorism and resolving conflicts that give rise to terrorist threats;
- protect: adapting the tasks of guarding persons and property in view of the risks identified. This adaptation requires in particular the development of technological capabilities and greater involvement of public and private actors;

⁵⁷⁷ J.-L. Le Moigne, *La théorie du système général* (Marseille: Presses Universitaires de France, 2006, p. 17).

⁵⁷⁸ *La France face au terrorisme Livre blanc du Gouvernement sur la sécurité intérieure face au terrorisme*, La Documentation Française, Paris, 2006, p. 11.

⁵⁷⁹ *Plan d'action contre le terrorisme*, Premier Ministre, Paris, 2018, pp. 15-16.

⁵⁸⁰ Organisation Internationale de la francophonie, *Rapport: Conférence sur la lutte contre le terrorisme et la prévention de la radicalisation violente* (Paris, 2016), pp. 35-36.

- deter: penalising perpetrators of terrorist offences and bringing jihadists of French nationality to justice;
- increase cooperation between European countries and promote French initiatives to combat terrorism more effectively within the European Union⁵⁸¹.

When analysing the counter-terrorism systems of individual states, in addition to identifying the centres, coordinators or inter-ministerial bodies, it is always necessary to recognise the level at which decisions are taken and courses of action set. The French President and Prime Minister are formally involved in the anti-terrorist security system of the country. However, actual measures are taken at the level of ministers responsible for security or for the functioning of individual areas of the state economy. An extremely important role in this system is played by the Minister of the Interior, who chairs the General Directorate for Internal Security.

It can be stated that the equivalent of the Polish system to counter terrorism is the Vigipirate plan⁵⁸², which constitutes one of the tools of the French system of combating terrorism. The origins of the plan date back to 1978, when France and Europe faced the first waves of terrorist attacks carried out by extremist organisations and separatists. The government's Vigipirate plan was officially implemented in 1995. In its current form, it has been in place since December 2016. It addresses the three stages of threat analysis, i.e. vigilance, prevention and protection⁵⁸³. Vigipirate, under the authority of the Prime Minister, is the main tool of the French system to counter terrorism as it links all national actors (state authorities, local authorities, public and private economic operators and citizens). Its functioning relies on regular reporting to the Prime Minister and all ministers. The Ministry of Interior plays an important role in its maintenance⁵⁸⁴.

The programme provides for two phases of action: a regular phase and a threat phase. The basic idea of the plan is to prevent terrorist attacks, as well as to inform the public about the degree of threat and ways to protect themselves against a possible attack. The programme also indicates specific protective measures to the police and security services. The latest version of the plan, established in 2016, is based on three pillars of operation. These include:

- 1) the development of a culture of individual and collective security, involving the entire civil society,

⁵⁸¹ *Plan...*, op. cit.

⁵⁸² “Vigipirate” is an acronym for: *vigilance et protection des installations contre les risques d'attentats terroristes à l'explosif* (“vigilance and protection of installations against the risk of terrorist attacks”).

⁵⁸³ Importantly, it can be extended to include other government plans for dealing with terrorist threats, e.g. *le plan Pirate NRBC* (nuclear, radiological, biological or chemical attack) sets out procedures for intervention in the event of a biological threat, and the Piranet plan allows intervention in the event of an IT attack – in cyberspace.

⁵⁸⁴ *Comprendre le plan Vigipirate* <<https://www.gouvernement.fr/risques/comprendre-le-plan-vigipirate>> [accessed: 10 January 2020].

- 2) the establishment of three levels of threat and their presentation on a logo visible in public spaces:
 - (a) Vigilance level (*Le niveau de «vigilance»*) – corresponds to maintaining security and implementing precautionary measures through the surveillance of certain means of transport and public places. This level may apply in a specific region.
 - (b) A higher level, reinforced security–threat risk (*Le niveau «sécurité renforcée – risque attentat»*) – should it be declared, the possible response of the state must be adapted to the high or even very high terrorist threat. In addition to the protection of particularly sensitive spots (airports, stations, places of worship, etc.), additional localities requiring enhanced surveillance may be identified. This level may apply throughout the national territory and involves special patrolling of the streets, as well as undertaking counter-terrorism measures such as residential searches. There is no time limit.
 - (c) The alert level – attack emergency (*Le troisième niveau, intitulé «urgence attentat»*) – may be established immediately after an attack or when a terrorist group is identified and there is a need to localise the threat. This level is established for a specific period of time: during a terrorist threat. It makes possible, in particular, the exceptional mobilisation of all services, closure of public places and dissemination, via websites, television and radio, of information that can protect citizens in this particular crisis situation⁵⁸⁵.
- 3) The implementation of new measures to strengthen the government’s counter-terrorism efforts⁵⁸⁶.

As part of the special Vigipirate protection programme called Autumn Winter 2019 – Spring 2020 (*Automne Hiver 2019 – Printemps 2020*), during this period (except during the organisation of special events) the threat was maintained at the second alert level throughout the French territory⁵⁸⁷. Furthermore, it is acknowledged that the second level is put in place:

- during major international events (such as Euro 2016, the United Nations Conference on Climate Change (COP 21) etc.,
- during important national events throughout the year, such as the beginning of the school year and public holidays,

⁵⁸⁵ From 2003 to 2013 there were four levels: yellow (*jaune*), orange (*orange*), red (*rouge*) and scarlet (*ecarlante*), and from 2014 to 2016 there were two levels: the vigilance level (*le niveau de vigilance*) and the attack alert level (*le niveau d’alerte attentat*).

⁵⁸⁶ L. Wicky, *Le plan Vigipirate et ses trois niveaux d’alerte*, „Le Monde” 20.12.2016 <https://www.lemonde.fr/les-decodeurs/article/2016/12/20/en-france-le-plan-vigipirate-et-ses-trois-niveaux-d-alerte_5052094_4355770.html> [accessed: 4 March 2020].

⁵⁸⁷ SGDSN, *Vigipirate* <<http://www.sgdsn.gouv.fr/plan-vigipirate>> [accessed: 04 March 2020].

- after an attack on French territory or abroad, in order to urgently adapt the national protection system.

Under the Vigipirate plan, the intelligence services assess the terrorist threat and their analyses allow the General Secretariat for Defence and National Security to adopt a specific threat level. The Vigipirate plan applies within French territory, at sea and even abroad. Some of the plan's measures can be put in place across the border if there is a proven threat to French citizens or French interests and if they are compatible with the sovereignty of the countries concerned. These measures include, for example, strengthening security measures around French diplomatic representations⁵⁸⁸.

Importantly, since 12 January 2015, the protective operations of the Vigipirate plan have been entrusted to soldiers within the Opération Sentinelle – a mission to secure particularly sensitive spots in the country. The operations are being carried out with all security services. Initially, 10 412 soldiers, 4 700 police officers and gendarmes were mobilised to protect 830 sensitive spots in France, including places of worship, schools, diplomatic and consular representations, while press offices are monitored around the clock. It is not insignificant that since the Opération Sentinelle began, there have been regular attacks (also of a terrorist nature) on soldiers who happen to be in sensitive spots⁵⁸⁹. According to the then Minister of the Armed Forces (previously the Minister of the Defence) J.-Y. Le Drian, the cost of maintaining the operation amounts to EUR 1 million per day⁵⁹⁰. Between 7 000 and 10 000 troops are currently deployed.

Similar systems of operations have been introduced by, among others:

- Belgium – following the January 2015 attacks, it launched Operation Vigilant Guardian along the lines of the French Opération Sentinelle⁵⁹¹,
- Italy – in February 2015, it deployed 4 800 soldiers on the streets to protect special public places, including the Vatican City, from possible terrorist attacks⁵⁹²,
- Israel – since 2015, it has deployed officers in particularly sensitive spots⁵⁹³,

⁵⁸⁸ *Plan Vigipirate. Foire aux Questions*, Gouvernement, Paris, 2016, p. 3.

⁵⁸⁹ *Comprendre...*, op. cit.

⁵⁹⁰ *Attentats: «L'opération Sentinelle coûte 1 million d'euros par jour»*, “Le Parisien” <<http://www.leparisien.fr/faits-divers/le-drian-l-operation-sentinelle-coute-1-million-d-euros-par-jour-08-02-2015-4515903.php>> [accessed: 08 February 2018].

⁵⁹¹ *Deux ans après: l'image de la Défense améliorée par la présence des militaires en rue*, RTBF, 17 January 2017 <https://www.rtf.be/info/dossier/explosions-a-brussels-airport/detail_deux-ans-apres-l-image-de-la-defense-amelioree-par-la-presence-des-militaires-en-rue?id=9505164> [accessed: 15 May 2019].

⁵⁹² *Rome déploie 4 800 soldats autour de sites sensibles*, *Ouest-France*, 17 February 2015 <<https://www.ouest-france.fr/europe/italie/antiterrorisme-rome-deploie-4-800-soldats-autour-de-sites-sensibles-3195080>> [accessed: 15 May 2019].

⁵⁹³ M. Bachner, *Hundreds of thousands more Israelis okayed to carry guns under new rules*, *The Times of Israel*, 20 August 2018 <<https://www.timesofisrael.com/hundreds-of-thousands-more-israelis-okayed-to-carry-guns-under-new-rules>> [accessed: 15 May 2019].

- The United Kingdom – after the Manchester bombing in May 2017 it decided to launch Operation Temperer, whereby it deployed 5 100 soldiers on the streets of cities⁵⁹⁴.

The involvement of the army in operations on national territory is supposed to be a warning signal to terrorists. In the face of a sustained terrorist threat, the involvement of soldiers in the protection of the population and territory is justified. They carry out an observation and surveillance mission⁵⁹⁵.

In addition to the above, the French Republic undertakes many missions outside its borders, mainly in North Africa in cooperation with the G5 Sahel group. The measures aimed at combating terrorism are already being taken outside French territory, as the government in Paris is aware of the threat posed by migrating terrorists. Their main objective is to strengthen the security capabilities of the countries in the region and to prevent terrorists from entering Europe. In their operations, French soldiers use the latest weaponry, applying methods as in an ongoing armed conflict⁵⁹⁶.

In view of the terrorist attacks in the French Republic, a study was carried out on public confidence in the government in the context of combating terrorist threats. In a query carried out in October 2020, after the attack that occurred at the beginning of the month (the murder of a teacher in Paris), only 26 percent of citizens considered the government effective in pursuing its counter-terrorism policy (in 2017-2019, this confidence remained at the level of 50 percent). Importantly, according to a survey conducted a week before the terrorist attack at the basilica in Nice took place (29 October 2020), 57% of French people considered the police to be insufficiently visible, especially in front of places of worship⁵⁹⁷. Therefore, it seems that the public's concerns are a vital medium of information for the authorities. If citizens feel fear, discomfort or insecurity, they should be consulted. It is society, with its constant multi-level interactions, that is able to identify the dangers that are most noticeable at the moment. It is therefore necessary to increase the dialogue between government and citizens, because only such an attitude will allow for adequate cooperation within the state and effective prevention. If there are structures, groups or places that are perceived as sensitive – this was the case for places of worship indicated by the French respondents – then the main task of the services is to secure them.

In the fight against terrorism and in preventing violent radicalisation, governments of French-speaking and cooperating countries, as well as regional and international

⁵⁹⁴ L. Lagneau, *Terrorisme: Engagée dans l'opération «Temperer», la British Army devra faire face à de nouveaux défis* <<http://www.opex360.com/2017/05/24/terrorisme-engagee-dans-loperation-temperer-la-british-army-devra-faire-face-un-defi-nouveau>> Zone Militaire, 24 May 2017 [accessed: 15 May 2019].

⁵⁹⁵ *Plan Vigipirate, Foire...*, op. cit., p. 3.

⁵⁹⁶ J.-D. Merchet, *Mali: une «cinquante de terroristes neutralisés» par l'armée française*, L'Opinion, 3 November 2020.

⁵⁹⁷ C. Cornevin, *Terrorisme: seuls 26% des Français font confiance au gouvernement*, Le Figaro, 30 October 2020.

organisations, face major challenges. However, through global cooperation they are able to respond not only to conventional but also to asymmetric threats such as terrorism and organised crime. Moreover, with the dividing line between internal and external security becoming increasingly blurred, it is necessary to re-examine the adaptation of security systems to the geopolitical situation in order to make them more effective against new threats.

4.1.2. Anti-terrorist system in the Republic of Poland

The anti-terrorist system in Poland⁵⁹⁸ has been shaped for years, and its particular development can be seen after the attacks in the world at the beginning of the 21st century and threats of a terrorist nature occurring in the country⁵⁹⁹. The anti-terrorist system is defined as a group of services and institutions established to recognise, counteract and combat threats. Each of the entities has the relevant powers and competences, is equipped with the means to carry out statutory tasks, is also connected with other services by an integrated system of communication and information exchange, and together with them carries out direct activities under the same command. Therefore, the counter-terrorism system in Poland is based on the legislation in force, state institutions combating terrorism and the society, which should be aware of the terrorist threats and actively participate in minimising the occurrence of such dangers⁶⁰⁰.

The Polish anti-terrorist system has three levels:

- 1) strategic – under which the Prime Minister and the Council of Ministers undertake key actions of a systemic nature with respect to anti-terrorist protection of the country. The creation of the state's anti-terrorist policy is also the responsibility of the consultative and advisory bodies, i.e. the Interministerial Team for Terrorist Threats, the College for Secret Services and the Government Crisis Management Team. The Minister of Interior also plays a special role in the system;
- 2) operational – under which the Counter-Terrorist Centre of the Internal Security Agency and the Government Centre for Security (RCB), coordinate the exchange of information between individual services and institutions that are part of the counter-terrorism system of the Republic of Poland, as well as monitor and

⁵⁹⁸ For the first time this phrase was used in the National Anti-Terrorist Programme for 2015-2019 <<https://www.gov.pl/web/mswia/narodowy-program-antyterrorystyczny-na-lata-20152019>> [accessed: 19 April 2020].

⁵⁹⁹ J. Stelmach, *System antyterrorystyczny Rzeczypospolitej Polskiej w obliczu zagrożenia współczesnym terroryzmem*, "Bezpieczeństwo. Teoria i Praktyka", 2017, No. 2 (XXVII) *Bezpieczeństwo antyterrorystyczne Rzeczypospolitej Polskiej*, p. 20.

⁶⁰⁰ See: W. Zubrzycki, *O polskim systemie antyterrorystycznym* in *Terroryzm. Działania antyterrorystyczne* ed. by W. Zubrzycki, T. Aleksandrowicz, J. Cymerski (Warsaw: Bellona, 2019), p.3.

analyse threats of a terrorist nature on an ongoing basis (the RCB in relation to crisis management issues);

- 3) tactical – performed by individual services, bodies and institutions within the scope of which the anti-terrorist protection of the country remains⁶⁰¹.

It is worth noting that the anti-terrorist apparatus is also created at the local level by voivodes and crisis management bodies⁶⁰².

The system to counter terrorism in Poland is based on several other subsystems of the internal security of the state. Depending on the nature of the activities undertaken, different activities may be carried out at different stages. The totality of these measures may be supplemented by specific solutions prepared only for the event of terrorist threats, and expressed mainly in the Act on Anti-Terrorist Activities in the Republic of Poland. This clearly shows that activities are not a category that can function in isolation from other areas of security across the state. The consequences of terrorist attacks are multifaceted and require actions to be taken on many levels of state activity⁶⁰³.

4.1.3. The use of strategic elements in combating terrorist threats initiated in France, Poland and Europe

There have been no terrorist attacks in Poland, but it should be pointed out that terrorism is increasingly visible in Polish society. Research on terrorist threats conducted in April 2017 indicated that more than half of Poles (59 percent) assess the emergence of terrorist threats on the country's territory as real. In 2013, the threat was assessed as likely by 43 percent of respondents. At the same time, 63 percent said that entities delegated to fight terrorist threats are not adequately prepared. Four years earlier, in 2013, 58 percent of Polish citizens held a similar view⁶⁰⁴. The results of the study show a clear increase in the awareness of the appearance of threats, as well as a growing fear of a potential terrorist attack in Poland. A similar situation, where the majority of respondents expresses fear of terrorist attacks occurs in the Czech Republic, Austria, Hungary, Lithuania, Latvia, Estonia, Slovakia, Germany, Portugal, Italy and Switzerland.

In addition to the use of methods and measures that the French Republic applies, specific actions that have been taken after the terrorist attacks should be mentioned. Examples of successful initiatives and best practices include the launch of dozens of long-term projects, such as:

- verifying factors influencing radicalisation,

⁶⁰¹ See: Resolution of the Council of Ministers No. 252..., op. cit. p. 16.

⁶⁰² J. Trubalska, *System antyterrorystyczny w Polsce – wybrane zagadnienia*, "Zeszyty Naukowe AON", 2016, No. 4 (105), p. 163.

⁶⁰³ J. Stelmach, *System...*, op. cit., p. 28.

⁶⁰⁴ I. Grabowska-Lepczak, *Rola edukacji antyterrorystycznej a świadomość społeczeństwa*, "Zeszyty Naukowe SGSP", 2017, No. 62 (Vol. 2), pp. 134-135.

- developing reintegration and rehabilitation centres for radicalised persons,
- better protection of websites containing inappropriate content on the Internet,
- strengthening intelligence and surveillance activities,
- building national resilience to terrorist attacks,
- establishing counter-radicalisation programmes in prisons,
- training the public in detecting signs of radicalisation or terrorist activity,
- regulating the content of religious instruction in schools and the way it is delivered,
- reintegrating foreign, especially juvenile, fighters returning to French society,
- establishing procedures for removing radicalised civil servants from service,
- criminalising attempts to leave France to carry out terrorist activities abroad,
- giving the government the power to censor websites that support terrorism,
- setting up aid organisations for victims of terrorist attacks.

Certain terrorist threats are much more visible in the Western countries of the European Union than in Central Europe. It would therefore be useful to make use of certain methods or ideas which would make it possible to deter terrorists, minimise the risk of attack or respond effectively to it. Selected initiatives can have a significant impact on increasing the level of security throughout the Schengen area.

An important body to be distinguished in the French system is the Interministerial Committee for the Prevention of Crime and Radicalisation (Comité interministériel de prévention de la délinquance et de la radicalisation), which, together with the Secretary General (constituting the SG-CIPDR – Secrétariat général du Comité interministériel de prévention de la délinquance et de la radicalisation), deals with prevention and the fight against radicalisation and sets guidelines for government policy within the scope of the Committee's name. It supports the work of ministries and the use of budgets to stop radicalisation, separatism⁶⁰⁵ and sectarianism⁶⁰⁶. It also assists in the preparation of information campaigns and conducts field activities. It must be underlined that the SG-CIPDR plays a key role in supporting civil society by promoting good practices and providing training to state services, local authorities, associations and citizens. Visible results of this are the organisation of training courses and workshops on, inter alia, the prevention of radicalisation, the provision of online materials for those interested in this

⁶⁰⁵ Décret n° 2020-867 du 15 juillet 2020 modifiant le décret n° 2002-1392 du 28 novembre 2002 instituant une mission interministérielle de vigilance et de lutte contre les dérives sectaires, NOR: INTX2004492D, JORF n° 0173 du 16 juillet 2020.

⁶⁰⁶ Décret n° 2020-867 du 15 juillet 2020 modifiant le décret n° 2002-1392 du 28 novembre 2002 instituant une mission interministérielle de vigilance et de lutte contre les dérives sectaires, NOR: INTX2004492D, JORF n° 0173 du 16 juillet 2020.

issue, the development of strategies for the state in informing and educating the public about the radicalisation process and the use of social media to reinforce government policies to combat crime and terrorism⁶⁰⁷.

Since 2014⁶⁰⁸, there have been two instruments at departmental level to counter radicalisation. The first – with a security profile – is the special evaluation group on Islamist radicalisation (*groupe d'évaluation départementale de la radicalisation islamiste*, GED), created by the prefect in each department to maintain the exchange of information between departmental and national authorities. The groups are above all considered to be the first operational body. They are responsible for ensuring that any person who is reported as radicalised is properly assessed and monitored. The GED cooperates with the units of the Ministry of the Interior (DGSI, police, Gendarmerie and judicial police) and, as necessary, with other institutions (prison intelligence, customs, border police, etc.). The second entity – with a social profile – is the unit for the prevention of radicalisation and family support (*Cellule de prévention de la radicalisation et d'accompagnement des familles*, CPRAF). Its main task is to provide social, educational, medical and psychological and even psychiatric support if it concerns radicalisation. CPRAF representatives, at departmental level, provide clarification to citizens in their understanding of religion, complement the legal protection of young people and the social assistance activities for children or the probation service. The unit's activities are also family-oriented, to work with the relatives of the radicalised person. The observations carried out by CPRAF are based on the indications provided by the GED.

An example of a measure aimed at convincing the public to alert the authorities of a potential threat is the initiative of the Ministry of the Interior of the French Republic, which calls on people to inform the services if a person in their environment may have become radicalised, intends to carry out an attack or faces a terrorist threat has occurred. A special telephone helpline has been set up for this purpose, so that the report is directed to a specific entity dealing with terrorist threats⁶⁰⁹.

⁶⁰⁷ An open training session on the prevention of radicalisation was organised on 4-5 November, with topics such as: the public response to preventing and combating radicalisation, key concepts of Islam, the geopolitics of the jihadist movement, the process of radicalisation: knowledge, controversies and research methods, support for deradicalisation, combating and preventing radicalisation in prisons, countering radicalisation in sport, psychiatry and radicalisation. The aim of the public events is to create a network of actors at national level, so that all potentially radicalised people can be detected in order to observe them and then provide the necessary care.

⁶⁰⁸ In the process of combating radicalisation, an individualised programme of acceptance and social readmission (*le programme d'accueil individualisé et de réaffiliation sociale*, PAIRS) should be distinguished. The author addresses this issue in the journal "Terrorism – Studies, Analyzes, Prevention", published by: Internal Security Agency (*pl. Agencja Bezpieczeństwa Wewnętrzznego*).

⁶⁰⁹ Since 3 November 2020, following the terrorist attacks, the same telephone helpline was set up in Austria.



Figure 14. Telephone helpline for persons who notice threats related to radicalisation of a terrorist nature in the French Republic

Source: Ministère de l'Intérieur <https://twitter.com/Interieur_Gouv/status/1321867408739618816>

Another solution to come to the fore is the use of social media as a form of information to the security services. Such measures are being introduced not only in France, but also in other countries such as Austria. During the terrorist attack in Vienna on 2 November 2020, while the police were in pursuit of the terrorist, bystanders reported on his movements. The Austrian Interior Ministry decided to have people who saw the terrorist share the information via a special form on the website to help the services locate the threat. The Austrian interior ministry asked people not to post the information on social media, which could lead to misinformation, but to pass the data directly to the police, who then distributed the verified information to citizens.

Another important element in strengthening the system to counter terrorist threats using social media is constant communication between the security services and the public. The use of digital tools to communicate information of importance to citizens should be the foundation for building a sense of security and stopping the growing misinformation, for example from fake profiles or terrorist groups, in the event of an emergency⁶¹⁰. This is why social media should be used to enable, for example, the police to communicate information about danger and to indicate where there has been an attack and which areas are unsafe. The use of the Internet for communication is very widespread, and the creation of an official profile for the sole purpose of reporting threats would be very helpful not only for citizens, but also for tourists or migrants who are currently in the region under threat.

A significant element in the anti-terrorist policy of the state is the analysis of the dangers associated with the profession of faith, and thus undertaking a review of possible

⁶¹⁰ S. Gliwa, A. Olech, *Republika Francuska w obliczu działalności Państwa Islamskiego. Doświadczenia płynące z ataków terrorystycznych i propagandy w mediach społecznościowych w latach 2015-2019*, "Wiedza Obronna", 2020, Vol. 271, No. 2, pp. 109-130.

clashes and tensions that may occur between people of different faiths or opponents of particular religions. Aggression by one group may lead to extremist behaviour, which may turn into terrorist attacks. It is therefore important to keep an eye on people who may become radicalised (e.g. Christian terrorism and the aggression of those professing the values of this religion in Poland) and their actions could be of a terrorist nature. A second example is the rivalry between persons professing different faith, which may lead to conflicts on the basis of religion (e.g. attacks by followers of Islam in centres of Christian faith in France). This issue is not analysed with sufficient diligence in Poland, because there is no distinction between the criminal and terrorist nature of an act. Consequently, the focus should not be on the action itself as a form of aggression, but on the motivation of those who undertake such attacks.

It is equally crucial to conduct a risk analysis in order to secure the selected zones. Based on the query conducted, after analysing terrorist attacks in the French Republic, it can be concluded that the greatest terrorist threat occurs at mass events and wherever there are large concentrations of people (e.g. festivals or sports matches, but also protests). Then, there is a risk that a terrorist will take the opportunity to attack a larger group (e.g. Paris 2015, Nice 2016) in order to hurt as many people as possible. Therefore, mass events in Poland and other EU countries should be secured very carefully, as there is a danger of an attack. This is supported by the reports prepared by the government of the French Republic following the 2015 attacks in Paris in which more than 137 people were killed and 416 injured.

Another vital part of the system to counter terrorist threats is the appropriate response to an attack. However, in addition to the activity of the security services, the most important thing in the event of an attack is the proper and prompt deployment of medical services. In the French Republic, since 2015, there have been special medical teams prepared to provide assistance in the event of a terrorist attack and to help a large number of victims. In addition, doctors, nurses, police and firefighters regularly undergo simulations and training in order to properly undertake life-saving measures in a coordinated rescue operation. Despite the brutality of the perpetrators and the horrific number of the injured in the Paris attacks in November 2015, medical services were ready for such a situation. Since January of the same year (after the attacks on the headquarters of the “Charlie Hebdo”), there had already been a danger that there could be another attack in France. Moreover, in 2013, protocols for action were introduced for Urgent Medical Aid Services (*Service d'aide médicale urgente*, SAMU), police and fire service regarding first aid and the transport of victims in the event of a terrorist attack⁶¹¹.

⁶¹¹ On the day of the attack in France, i.e. on 13 November 2015, the SAMU, police and fire service took part in exercises simulating the organisation of emergency teams in the event of a shooting in Paris. The scenario focused on attacks involving multiple locations. In the evening, when the same doctors were confronted with this situation in reality, some of them believed it was another simulation exercise. After: M. Hirsch et al., *The medical response to multisite terrorist attacks in Paris*, “The Lancet”, 2015, No. 386(10012), pp. 1-4.

Proper training of the medical team results in reducing the risk of death for the injured, and in sending patients to the units that will provide the necessary assistance (depending on the hospital's specialisation and the availability of medics and equipment). Of all the patients who arrived at the hospital after the 13 November 2015 attack in Paris (a total of 302 people), four people died, representing less than 1% of the injured⁶¹². The execution of a very efficient rescue operation was the result of previous exercises for medical services in the event of a terrorist threat.

Referring to the above operations, it should be emphasised that currently in many states in Europe there are no compulsory training for paramedics and doctors in the event of a terrorist threat. Moreover, it is not included in the planned in-service training courses. Also, there are no legal regulations or financial resources to provide such training. At the same time, there are grass-roots initiatives that provide medics with a course to prepare them for a terrorist attack so that they can respond appropriately. This is a very important initiative, which could be crucial, should an attack occur. It is therefore essential to regulate this issue and to take action at ministerial level to ensure that the majority of paramedics receive such training, or at least those who work in large cities where the terrorist threat is higher.

In addition to the actions taken against terrorism or responding to an attack, it is equally important to involve people and resources in civic assistance to those affected by attacks. In the French Republic, NGOs complement state institutions. Specially designated entities are tasked with assisting the country's counter-terrorism system and providing support to those in need. Some examples of institutions that support victims of attacks or the impact of terrorism include:

- Association française des Victimes du Terrorisme (AfVT, the French Association of Victims of Terrorism) – it is funded by the European Commission and its aim is to establish a dialogue between the victims of terrorist attacks and the general public (especially young people) in order to prevent radicalisation and to promote a sense of citizenship and camaraderie with the phenomenon of terrorism. The organisation is dedicated to helping victims of terrorism and their families. This assistance is of a moral, administrative, financial, legal, medical or other nature. Three types of missions are carried out: psychological, legal or preventive. The AfVT oversees and monitors the activities of the International Federation of Associations of Victims of Terrorism. It also provides online diversionary information to search engines such as Google to display it to people looking for extremist content⁶¹³.
- Association IMAD pour la jeunesse et la paix (IMAD, the Association for Youth and Peace) – it was set up to establish inter-religious dialogue,

⁶¹² M. Hirsch et al., *op. cit.*, pp. 1-4.

⁶¹³ Association française des Victimes du Terrorisme <<https://www.afvt.org/>> [accessed: 8 June 2019].

to prevent extremist incidents and to support secular and republican traditions⁶¹⁴.

- Fédération nationale des victimes d'attentats et d'accidents collectifs (FENVAC, the National Federation of Victims of Terrorist Attacks and Mass-Casualty Accidents) – it was founded in 1994. It brings together more than 70 associations in France and abroad (Barcelona, Le Bardo, Ouagadougou, Marrakech, etc.). Through its experience, it shares guidance based on members' testimonies and encourages victims to come together. This support can also be individual and cover legal, administrative, psychological, social, and other problems encountered by victims⁶¹⁵.
- Association 13 novembre: fraternité et vérité (13onze15, the Association November 13: Fraternity and Truth) – it supports victims of attacks in courts and other institutions. It also contributes to the commemoration of the victims of the attacks⁶¹⁶.
- Association Montjoye – offers social, legal and psychological support to victims. The Foundation strongly supported the creation of an information zone for the victims of the Nice bombing of 14 July 2016, which killed 87 people and injured 202, in order to provide assistance as soon as possible⁶¹⁷.

It is very important to use NGOs to support those vulnerable to the harmful effects of terrorist activity. However, there must be more such programmes and initiatives, as this involves not only helping the victims of attacks, but also providing support for a growing number of those in need. Police officers, soldiers, firefighters and other personnel operating in the country or returning from counter-terrorism missions should be singled out here. In addition, migrants fleeing terrorist threats they experienced in their home countries are also included in this group. In addition to the above, support programmes should distinguish the families of those affected by terrorism, where, for example, a wife and child will be affected by post-traumatic stress disorder suffered by a husband returning from a foreign counter-terrorism mission. All these groups of people are indirect victims of terrorism and must also be taken into account in further procedures for developing strategies to combat the effects of terrorism at national level.

State bodies have also been involved in financial support. Under the Law on Planning and Reform of Justice 2018-2022, victims of terrorism, i.e. French citizens and including public officials and soldiers, will be compensated. Funds may be awarded to victims

⁶¹⁴ Association IMAD pour la jeunesse et la paix <<https://association-imad.fr/en/association-for-youth-and-peace/>> [accessed: 08 June 2019].

⁶¹⁵ Fédération nationale des victimes d'attentats et d'accidents collectifs <<https://www.fenvac.com/>> [accessed: 8 June 2019].

⁶¹⁶ Association 13 novembre: fraternité et vérité [The Association November 13: Fraternity and Truth] <<http://13onze15.org/>> [accessed: 08 June 2019].

⁶¹⁷ Association Montjoye <<https://montjoye.org/>> [accessed: 08 June 2019].

of acts of terrorism committed both at home and abroad, as well as to the dependents of the victims, regardless of their nationality. Importantly, if a dangerous situation has occurred through the fault of the victim, compensation may be refused or reduced. The money will be paid from a specially created guarantee fund (Fonds de Garantie des Victimes des actes de Terrorisme et d'autres Infractions, FGTI).

The steps taken to keep the country safe can be of various kinds: more patrols on the streets, cameras in public places, posters warning of terrorist threats, lectures for children in schools, training and simulations of terrorist attacks in workplaces, the involvement of the state media in communicating relevant messages and a broad policy of providing information on terrorist threats – each of these measures can improve national security. Citizens who receive information that the government is taking preventive and precautionary measures and are adequately prepared for a potential threat are calmer and, above all, know how to react in the event of an attack⁶¹⁸. In addition, the programme of the Internal Security Agency on the appropriate reaction of citizens in the event of a threat (the principle of action in four steps: watch out, run away, hide, thwart the attack) is constantly being developed. Furthermore, educational material in the form of films, as well as an e-learning course on terrorist prevention are to be offered. The educational portal would include the following modules:

- 1) conduct in the event of a terrorist threat,
- 2) strategic communication, critical infrastructure protection, emergency call and evacuation,
- 3) cyberterrorism and cybersecurity,
- 4) radicalisation (extremism),
- 5) emergency rescue.

This is a programme that can be used to intensify counter-terrorism policy and show that the state apparatus is concerned about the security of citizens and undertakes measures to this end⁶¹⁹.

At the same, technological development and higher standards of living, referred to as civilisational progress, have both positive and negative effects on a country's defence capability and combat potential. The pace of change and the innovative use of mechanisms often means that we cannot keep up with adapting theory to practice⁶²⁰. This is vital in security operations. The lack of ability to adapt to a new situation or the ignorance of the use of new tools creates a critical area in the functioning of structures. We are confronted with a threat which forces us to take measures for security (also for

⁶¹⁸ *Interaktywnie o prewencji terrorystycznej. Nowe projekty ABW*, Infosecurity24 <<https://infosecurity24.pl/interaktywnie-o-prewencji-terrorystycznej-nowe-projekty-abw>> [accessed: 16 October 2020].

⁶¹⁹ L. Bergkamp, N. Herbatschek, *Is liability for terrorism-related risk enterprise-threatening?* in *Civil Liability...*, op. cit., p. 288.

⁶²⁰ E. Zabłocki, *Kategorie...*, op. cit., p. 9.

anti-terrorism) by trial and error. The dynamic changes in this environment make such functioning a threat to the life and health of citizens and to state integrity.

Security is a continuous social process. The services are constantly striving to improve the mechanisms that will provide citizens with a sense of security. Responding to the challenges of this process, we decide to improve security in a broad sense. Thus, emerging threats are related to the development of the modern state. On the basis of the conducted deliberations, it is necessary to indicate specific actions that should be taken in Poland on the basis of solutions introduced not only in the French Republic, but also in other countries:

Initial phase	Middle phase	Final phase
<ul style="list-style-type: none"> ✓ Prevention of dissemination of extremist content by electronic means ✓ Education, engagement and increase of community resilience and reduction of risk factors 	<ul style="list-style-type: none"> ✓ Promotion of the reporting of information about people whose behaviour is of concern ✓ Intervention 	<ul style="list-style-type: none"> ✓ Reduction of recidivism ✓ Counteracting extremism
Suggested actions	Suggested actions	Suggested actions
<ul style="list-style-type: none"> ● Removal of content promoting violence published on the Internet ● Electronic communication to encourage communities to identify radicalised individuals for intervention ● Providing materials to help families deal with the radicalisation of their members ● Coordination of the process of information exchange and cooperation between organisations ● Promotion of programmes aimed at the development of young people in the community and its economic advancement 	<ul style="list-style-type: none"> ● Raising awareness of types of behaviour of concern ● Educational campaigns for the community ● Law enforcement training ● Assessment of the threat that a reported person may pose ● Programmes aimed at increasing response capacity (intervention) at local level ● Support of existing non-governmental intervention programmes 	<ul style="list-style-type: none"> ● Programmes conducted in prisons including: <ul style="list-style-type: none"> – psychological counselling, psychological and religious counselling, – social support (family and vocational counselling) ● Support programmes for former prisoners and their families

Figure 15. Types of counter-terrorism and counter-radicalisation measures at national level

Source: own study based on: B.A. Jackson, A.L. Rhoades, J.R. Reimer, N. Lander, K. Costello, S. Beaghley, *Practical Terrorism Prevention Reexamining U.S. National Approaches to Addressing the Threat of Ideologically Motivated Violence* (Santa Monica: Homeland Security Operational Analysis Center, 2019).

4.2. The required organisation of the system to counter terrorist threats in democratic countries

In addition to the elements of the system to counter terrorist threats indicated above, consideration must also be given to its functioning before and after an attack, which is essential to maintaining a high level of security. This involves the art of making the right choices in terms of means, methods and objectives and, in particular, a correct and competitive foreign policy⁶²¹. In all systems where the management and command process are relevant (in this case it concerns counter-terrorism), the basic mechanisms of action that underpin management theory must be identified. These primarily include processes such as analysing, planning, organising, coordinating, controlling, responding⁶²², reorganising, evaluating and recommending.

The proposed concepts are subject to continuous analysis and are considered in a characteristic way, depending on the system to be managed. With regard to the character of combating terrorist threats, cooperation between the various parties responsible for maintaining security must be taken into account. It is also worth taking into account the importance of the flow of information on emerging threats. In both anti-terrorist and counter-terrorism operations, this information is particularly important in order to take action as quickly as possible. The developing structure is based on the data obtained, which is the basis for planning actions, organising cooperation, commanding troops, controlling danger zones, responding to threats, and finally reorganising if necessary to maintain a functioning system.

The analysis makes it possible to extract the individual elements which are necessary for the verification process of an emerging danger. Only a comprehensive and multifaceted identification of the threat will enable the right forces and resources to be deployed in order to combat it⁶²³. Thus, understanding the phenomenon of terrorism and determining how to achieve a state of security will allow further action to be taken. Analysis is essential for the proper execution of all the stages listed below.

The **planning** process under conditions of a terrorist threat should be conceived as the creation of a state security strategy. The created concept of counter-terrorism would be the result of the work of the government, experts and practitioners who would establish a common course of action. The proposed strategy would also define the scope of rights and responsibilities of the various entities tasked with countering terrorist threats. At the same time, it is worth creating a structure which would be held directly responsible for the preparation of such a concept on the basis of legal regulations included in the Act

⁶²¹ M. Stolarczyk, *Główne dylematy bezpieczeństwa zewnętrznego Polski w połowie drugiej dekady XXI wieku* in *Dylematy polityki bezpieczeństwa Polski...*, op. cit., p. 15.

⁶²² K. Liedel, op. cit., p. 449.

⁶²³ D.G. Arce, T. Sandler, *Strategic Analysis of Terrorism in Mathematical Methods in Counter-terrorism* ed. by N. Memon et al., Vienna, 2009, pp. 333-347.

on Anti-Terrorist Activities. Such a strategy should include specific short-, medium- and long-term objectives⁶²⁴.

Organisation, i.e. the so-called management mechanism, would be an element preceding proper undertaking of actions. It is the identification of forces and resources required to deal with emerging threats. The aim is to shape the counter-terrorism system on the basis of cooperation among delegated entities. The fundamental centre for such activities is the centre overseeing the work of the system. A comprehensive analysis of emerging threats is appropriate. The role of decision-maker is played by the supervising entity provided that it is continually informed by the other subordinate institutions about changing conditions that are relevant to state security. This involves not only the circulation of information, but also a proposal to take active measures. The assignment of tasks to these actors should also be supervised directly by the main organiser of the system.

In the assumptions concerning the correct functioning of the system to counter terrorist threats, the **coordination** of activities is carried out by an institution other than the one authorised to conduct operational intelligence activities, i.e. the secret service or the police. Its competence should be limited to monitoring, assigning tasks, supervising and delegating responsibilities. The lack of subordination to another service would not place either party in a difficult situation at the stage when certain activities are undertaken⁶²⁵. In the event of a potential threat, there would be no lengthy process of transferring responsibilities between, for example, the police and secret service. An excellent example of this would be the threat posed by terrorist organisations which could take action on Polish territory. It would be important for the coordination process to decide which of the services is responsible for removing the danger. Should the initial verification be carried out by a police patrol, it will be obliged to perform the entire undertaking aimed at eliminating the threat⁶²⁶. Unless there is a rapid and dynamic transfer of tasks because the capabilities of another entity to eliminate the danger seem more appropriate. The coordination process should therefore be a structured and harmonised part of the system, because only then will it be possible to manage all actors at the highest level of efficiency.

The **control** of emerging threats should not only consist in the annual verification of reports and statements. The supervisory body must be committed to constant monitoring, because terrorist threats, due to the dynamics of the attackers' actions, are unpredictable. It also involves risks arising from lapses and inaccuracies which, in the face of attacks, lead to errors in counter-terrorism operations, as well as to civilian deaths. It would be

⁶²⁴ K. Liedel, p. 452.

⁶²⁵ Ibid, p. 453.

⁶²⁶ *W centrum Warszawy stal samochód z flagą organizacji terrorystycznej*, Fronda.pl, 27 July 2016 <<https://www.fronda.pl/a/w-centrum-warszawy-stal-samochod-z-flaga-organizacji-terrorystycznej,75865.html>> [accessed: 11 June 2019].

appropriate for the efficiency of the system to counter terrorist threats to be controlled by a body that is also responsible for organising the activities of the services combating the threats. The awareness of entrusted tasks and a predefined required security level enables a proper verification of actions taken by delegated entities. In the event of errors or new challenges, it would be easy to adapt current operational work to the needs of the system and to delegate tasks anew⁶²⁷.

The verification of dangers on a day-to-day basis (i.e. when no alarm or threat has been declared) must be at the same high level as during attacks. Only then will it be possible to improve cooperation between the various actors provided that counter-terrorism activity is equally intensive at every stage. There cannot be a situation where only after having received information by the secret services about a threat to state security and then passing it on to airports and borders do systems of increased anti-terrorist control come into operation. This means that to date this protection has not been adequate.

Responding to threats must take place on the basis of a fixed formula. This means that each and every threat is treated with the highest priority and specialised entities are delegated for its elimination. This is related to *strictly* counter-terrorism activities, as shock troops (e.g. in Poland – the BOA, in France – the GIGN and the RAID) should respond every time, even if there is no information on the scale of the threat, while permanent protection should be provided by the police and secret services. This involves controlling and carrying out intelligence tasks aimed at combating terrorism by analysing threats and keeping police units on alert. As a whole, each of the actors comprising the security system must be aware of the terrorist threats⁶²⁸.

Reorganisation is the most difficult of all the stages, as it requires making changes on the basis of mistakes made or improving the system due to the use of solutions in other countries. Such action involves not only significant financial outlays, but above all training and organisational costs. Preparing structures to adequately protect and combat threats involves continuous improvement, therefore constant vigilance and readiness to modify are essential. Such reorganisation may involve the secondment of a new entity

⁶²⁷ K. Liedel, op. cit., p. 454.

⁶²⁸ The EU Counter Terrorism Strategy, adopted by the European Council in 2005, commits the European Union to combating terrorism worldwide while respecting human rights and allowing its citizens to live in an area of freedom, security and justice. It is based on four standards: 1) prevent: prevent people, and subsequent groups, from engaging in terrorist activities; 2) protect: protect citizens and critical infrastructure reducing vulnerability to attack; 3) pursue: pursue and investigate terrorists, impede their planning, travel, and communication, cut off access to funding and arms, and bring terrorists to justice; 4) respond: respond in a co-ordinated manner, preparing to manage and minimise the consequences of a terrorist attack improving the ability to cope with the aftermath and taking into account the needs of victims. After: Council of the European Union, *The European Union Counter-Terrorism Strategy*, Justice and Home Affairs Council meeting, Brussels, 1 December 2005, p. 3.

THE PROCESS OF THE ORGANISATION OF THE SYSTEM TO COUNTER TERRORIST THREATS

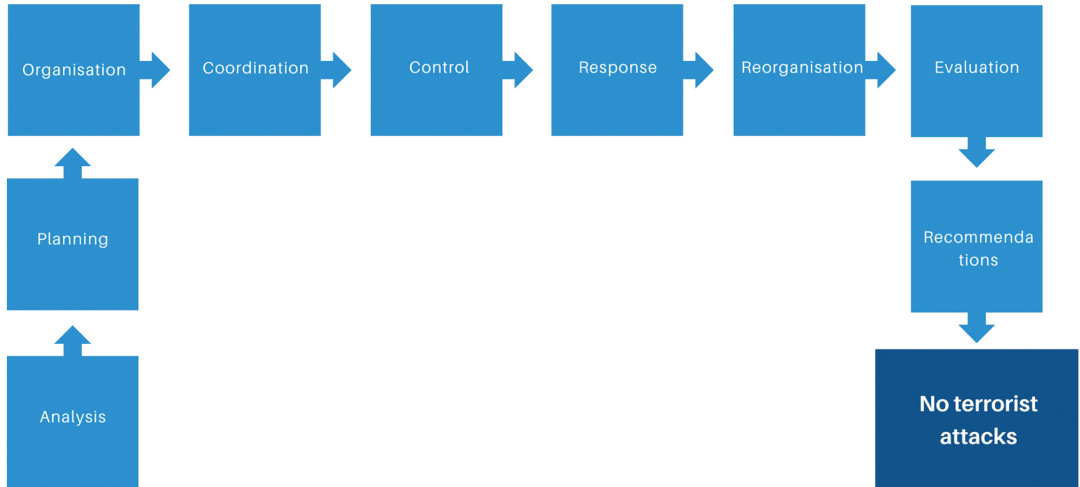


Figure 16. The process of the organisation of the system to counter terrorist threats

Source: own study.

to combat terrorism, the introduction of a new way of communicating threat information or response training⁶²⁹. This requires the involvement of the whole state apparatus, however, making it possible to strengthen structures and avoid a terrorist attack.

Evaluation is carried out continuously in order to properly assess the situation before, during and after a terrorist threat. Adequate evaluation of the actions taken, the opinions of those involved and ultimately the classification of the strengths and weaknesses of the counter-terrorism strategy implemented make it possible to improve individual links and make the required changes. Properly conducted evaluation aims to verify the methods and measures put in place in order to maximise their potential. Furthermore, it is a significant element of continuous system improvement. Importantly, evaluation also takes place within the team, which strives to achieve excellence because of the risk to human health and life that exists⁶³⁰.

⁶²⁹ Such as the idea of training city guards in Poland how to understand and analyse terrorist threats. Such measures have been undertaken in the French Republic.

⁶³⁰ G. Woo, *Terrorism Threat Assessment and Management*, “Defence against Terrorism Review”, January 2009, Vol. 2 No. 1, pp. 101-116. High Level Military Group, *Fighting terror effectively: an assessment of Israel’s experience on the home front*, Jerusalem, 2016, pp. 67-78. B. Hasisi, S. Perry, M. Wolfowicz, *Counter-Terrorism Effectiveness and Human Rights in Israel*, “International Human Rights and Counter-Terrorism”, 2019, pp. 2-16.

Recommendations are necessary to improve the system to counter terrorist threats. They are intended to provide guidance to make the system more efficient while not disrupting ongoing processes. Thanks to properly conducted evaluation it is possible to propose recommendations, which are developed on the basis of previously executed anti-terrorist activities⁶³¹. The result of the use of recommendations is the strengthening of the system to counter terrorist threats in the state.

Today there are several dysfunctions in the systems to counter terrorist threats, one of which is the lack of a uniform definition of terrorism, which does not allow:

- the development of an intercontinental agreement on combating terrorism,
- the identification of specific organisations and groups which pose a terrorist threat,
- the amendment of previous definitions of terrorism, as the phenomenon is constantly evolving,
- the verification of terms and their common elements concerning hybrid threats, war and terrorism,
- the standardisation of legal systems in international communities in relation to terrorist offences and activities, as well as those of a criminal nature,
- the maintenance of a coherent counter-terrorism policy within international alliances⁶³²,
- the revision of plans and strategies in state counter-terrorism programmes, which would facilitate target orientation and funding of relevant organisations involved in the fight against terrorism,
- the pursuit of a long-term counter-terrorism policy with ongoing funding and training of key counter-terrorism units,
- the systematisation of the process of deradicalisation and resocialisation of persons associated with terrorist activities,
- the comprehensive education of the public (in particular children and young people) on the terrorist threats that exist, as well as how to perceive and understand other religions and cultures⁶³³.

There are many ways to fight terrorism. P. Wilkinson distinguished two approaches: democratic and non-democratic. The former is a peaceful, calm, balanced elimination of terrorism, entirely in accordance with the law and international standards. The actions taken by the police, army, secret services and judicial authorities comply with the provisions and are applied according to a pre-established procedure. There are no failures, no over-the-top actions or illegal spurts by anti-terrorist groups. Own

⁶³¹ M.-Ph. Daubresse, op. cit.

⁶³² This applies to organisations that include both Poland and France.

⁶³³ This is important in view of the threat of religious terrorism, when there is a lot of information in the media space about certain religions being portrayed in a negative light. As a result, societies of different faiths lose trust in each other and are even aggressive towards each other.

initiative is kept to a minimum, and the basis for action is peace and the letter of the law. The use of torture, secret prisons, unmarked police anti-terrorist groups in Muslim neighbourhoods to incite revolts and massacre terrorists is prohibited. The essence is the criminalisation of offenders who violate order and break the law. The downside of carrying out anti-terrorist activities in this way is the lack of weapons that terrorists have. They are not afraid to cross borders. For them, there is no law, no limit to brutality and aggression, and their primary objective is to kill and spread destructive panic. The second approach is strictly efficiency-oriented. The actions taken by the police, secret services and designated entities are intended to be effective in the fight against terrorism. All activities that are not lawful are secret and information passed between services is marked as classified. The welfare of citizens and the security of the state are paramount, and the methods used to achieve this are of little importance. What matters is efficiency in operational activities and stopping dangers as quickly as possible. Terrorists are treated as the greatest evil, and the most effective way to fight them is their elimination. The measures taken by the Americans provide an example. At Guantánamo prison, which has been in existence for 16 years, only seven out of the 779 male inmates have been convicted. It is a preventive system which, through illegal detention and unfair trials, tries to stop a growing terrorist network. Many of those detained return to their home country (Afghanistan, Iraq, Syria) after several years⁶³⁴. This approach is referred to as terrorising the terrorists. The obvious lack of evidence and a certain level of security maintained in the country is sufficient to satisfy the demands of politicians who dissociate themselves from illegal activities. The disadvantage of this approach is that it is relatively easy to turn an anti-terrorist action into a military operation. Mobilisation of troops, use of the best intelligence techniques, extensive investigations and hundreds of arrests - the activities of the country's security services are completely focused on the fight against terrorists. These processes are characterised by a complete lack of rules and an increasing level of aggression that would be controlled during normal police actions, such as in the event of a fight, theft or burglary. The preparations of terrorists for attacks are also linked to crimes such as the theft of weapons, money to finance the action or cars to carry out the attack. It is necessary to distinguish which activities have the hallmarks of terrorism and are likely to lead to an attack. If there is a serious suspicion of an attack or an attack has just taken place, then the police, army, secret services, justice authorities and so on are obliged to track down and apprehend the terrorists. Only then can the methods used be assessed and verified⁶³⁵. The services must therefore do everything possible to stop terrorist activities if there is indeed a threat to security.

⁶³⁴ *Stop Torture – Guantánamo Bay: 14 years of injustice*, Amnesty International UK <<https://www.amnesty.org.uk/guantanamo-bay-human-rights>> [accessed: 05 November 2020].

⁶³⁵ K. Rękawek, *op. cit.*, p 107.

In addition, counter-terrorism activities can be divided into three categories:

- 1) Tactics and techniques for countering terrorists – this is the American school that promotes ad hoc action and combat at the point of danger. It also teaches how to handle specialised equipment such as weapons. This category includes international military missions, broad-based counter-terrorism operations at the point of danger, the use of intelligence to detect terrorists, and an emphasis on reducing the financial capacity of terrorist organisations and those suspected of funding them⁶³⁶.
- 2) Methodology of anti-terrorism measures – this is the system used in Israel, which consists of identifying the threat, analysing specific dangers and planning. It is characterised by the constant activity of the services established to maintain security in the state. The public is aware of the threats that exist and understands the methodology of the services that begin operations while still abroad. This is the practice of counteraction⁶³⁷.
- 3) Foreign counter-terrorism policy – this is Japan's method of responding to the threat of terrorism based on three pillars of foreign policy. Firstly, reinforcing international counter-terrorism measures through multilateral and bilateral agreements to ensure the safety of Japanese citizens abroad. Secondly, strengthening diplomacy to maintain stability and prosperity in the Middle East through financial aid to the region, as well as to regions particularly affected by the devastation. Thirdly, building a society resistant to radicalisation through the cooperation of representatives of different faiths and the support of international organisations (e.g. the ASEAN)⁶³⁸.

It should be pointed out that both the French Republic and the Republic of Poland use mixed methods. This seems to be the most appropriate approach to the problem, as it allows a comprehensive verification of threats and the involvement of various means of eliminating them. However, the French Republic is a constant target for terrorists and attacks on its territory are regularly repeated, while Poland is a country where no terrorist attack has taken place so far. The geographical location, geopolitical situation and international relations are of great importance in this case. However, it is worth constantly improving methods to ensure that such an attack never happens.

One very good example of the development of an anti-terrorist policy inside the country are the operations carried out in Morocco. In 2020 alone, the security services foiled more than a dozen major attacks. For instance, in September, when five Islamic State terrorists were arrested with explosives, weapons, as well as explosive jackets and

⁶³⁶ *National Strategy for Counterterrorism of the United States of America*, President of the United States, Washington, 2018, pp. 5-24.

⁶³⁷ High Level Military Group, op. cit., pp. 21-60.

⁶³⁸ Ministère des Affaires Étrangères du Japon, *Les mesures du Japon pour lutter contre le terrorisme*, <<https://www.mofa.go.jp/files/000156882.pdf>> pp. 2-5 [accessed: 23 December 2020].

belts. The approach to terrorist threats has changed completely over the last decade due to the situation in the region. It is currently twofold: make arrests to prevent attacks, and combat extremist ideology through deradicalisation, providing prisoners in the country with a rehabilitation process called *Moussalaha* (meaning “reconciliation” in Arabic)⁶³⁹.

Procedures taken following an attack account for 15% of all counter-terrorism activities. The fight against terrorists in the world has started many years ago, but as far as individual countries are concerned, it only begins when the first successful attack takes place. Not until then are preventive measures taken and the public receives the first information about other foiled attacks. Relative security is maintained at all times prior to an attack. The experience of other countries should be used as a basis for improving anti-terrorist structures. It is now 15 years since the Madrid attacks and five years since the Paris attacks. As long as the services do not try to outsmart terrorists, but only react to their activities post factum, the terrorist threat will remain high – in every country in the world, including Poland.

The most important thing is to react at the lowest level, i.e. to involve police officers in particular - intensifying training and providing them with appropriate equipment (e.g. modern rifles, helmets, bulletproof vests) - so that they will be ready to react in the event of a terrorist attack. This first action is the most relevant. A terrorist attack should be described as a Black Swan concept⁶⁴⁰. Therefore, constant control and analysis are necessary to avoid the consequences of an event that could have been foreseen⁶⁴¹.

Another important factor is the involvement of civil society. Citizens can be the first recipients and then whistleblowers of terrorist content they find on the Internet. The amount of material available online is so large that the services need the support of people browsing social media every day. Using the potential of informed citizens (terrorist threats) allows early detection of the threat and alerting the services⁶⁴².

These considerations on combating terrorist threats can be used not only in the Republic of Poland and the French Republic, but also in the countries of the North Atlantic Treaty Organisation, the European Union, the United Nations and in those states where there is a political will to improve anti-terrorist systems and undertake the fight against terrorism. The highlighted elements, to which special attention should be paid in

⁶³⁹ Africa Defense Forum, *Morocco Touts Counterterrorism Success* <<https://adf-magazine.com/2020/12/morocco-touts-counterterrorism-success>> [accessed: 23 December 2020].

⁶⁴⁰ It is an event or phenomenon that has three characteristics: it is unexpected (subjectively very unlikely); it has enormous consequences; in retrospect it appears to have been foreseeable and it is explainable.

⁶⁴¹ Z. Małysz, *Report from an expert discussion seminar entitled: “Jaka powinna być polska ustawa antyterrorystyczna?” organised by the Terrorism Research Centre of the Collegium Civitas, “Przegląd Bezpieczeństwa Wewnętrznego”*, 2016, No. 15, p. 242.

⁶⁴² A. Olech, *Preventing Terrorist Activities through Social Media* <<https://www.thedefencehorizon.org/post/preventing-terrorist-activities-through-social-media>> [accessed: 24 June 2021].

national and international security solutions, are a kind of anti-terrorist concept, which, due to its comprehensive and multifaceted nature, is suited to a democratic state with the ability to organise counter-terrorism methods and structures. Thus, the definition of threats, the introduction of appropriate legal solutions, the training of security services and the organisation of the system enable effective counter-terrorism.

4.3. Conclusions

Any attempt to prevent or anticipate specific attacks will always be only partially effective, because the fundamental aspect of terrorists' actions is surprise and creating fear. The perspective of the appearance of further threats on the territory of both the French Republic and Poland is very real. It is necessary to maintain the highest possible level of security and, at the same time, to prevent attacks. If attacks were to occur in Poland, the response system and its subordinates should be sufficiently efficient and properly trained to minimise the number of victims.

In conclusion, it should be pointed out that there is no perfect system to counter terrorist threats in any country in the world. Neither the United States, nor Japan, France or Israel have a perfect counter-terrorism strategy been created. What is more, in spite of their advanced technology, the most developed countries are unable to stop individual attackers. Counter-terrorism is a challenge that arises periodically. It is important to react and counter-attack. Other measures taken by state actors prior to an attack are designed to deter and combat any manifestation of danger. They are based on strategy (creation and implementation of anti-terrorist policy), operability (cooperation between entities, coordination of information exchange, analysis of terrorist threats, reaction and ultimately efficient counter-terrorism measures) and tactics (protection of the country during a dynamically changing international situation)⁶⁴³.

At the level of direct action, the tactics for eliminating the terrorist threat is the same as for criminal offences. The most important thing is to understand how the perpetrators operate and, moreover, the nature of terrorism (the motivation of the terrorists)⁶⁴⁴. It is psychological warfare from two sides (both counter-terrorism services and extremists), who try to surprise each other. The terrorists create panic and confusion in a destructive manner by detonating explosives or firing guns, while the officers try to prevent these attacks, neutralise them and provide assistance to the injured. Both terrorist and anti-terrorist activities are a form of gaining advantage by influencing the population. When police checks are stepped up, the number of patrols increased, and it is announced in the media that the level of security is continuing to rise, the population calms down. However, a gunshot, a small explosion or even a woman wearing a burqa puts people in

⁶⁴³ J. Zawisza, op. cit., pp. 349-350.

⁶⁴⁴ A. Górski, *Pięść Dawida. Tajne służby Izraela* (Cracow: Znak, 2015) pp. 10-12.

a state of uncertainty and causes panic. The way a person reacts to a particular situation depends on the stimuli he has experienced. If he lives in Paris, a woman with her face covered is completely normal for him. In Poland, and particularly in localities other than Warsaw, such a sight would provoke outrage and fear. Creating a negative image of individual people by terrorists is a form of weapon which has a long-term effect. Female worshippers of Allah have become a symbol of attacks and a tool for instilling fear⁶⁴⁵. Their more frequent appearance on the streets, together with the increased reports of terrorist attacks, form a conglomerate of negative associations⁶⁴⁶. At the same time, public reactions seem to be weakening in the face of repeated attacks. If the number of victims is not large and the attacker is a European citizen with no terrorist background, they no longer generate so much publicity and are becoming a kind of standard in the modern world. We live in times of psychological warfare waged by terrorists⁶⁴⁷.

A proper analysis of events in countries where terrorist attacks have taken place is essential for the development of effective methods and actions by the services combating such dangers. Therefore, media reports from the sites of attacks should also be treated with caution. It is true that journalists have extensive knowledge, access to many sources, which enables them to present the problem comprehensively. What is more, they inform the public about threats – also in real time through various media channels. However, they are not familiar with the entire process of analysing the perpetrator and the event, which prevents them from understanding all the rationale behind the decisions of the security services. Indeed, state actors also make mistakes, but they immediately seek (should seek) to correct them. Consequently, the material provided by the media should be utilised only partially, as the most important factor is a multifaceted assessment making it possible to analyse all the variables. Analysing media information, service reports and independent expert opinions will allow proper comparison. A correct depiction of the entire profile of a terrorist incident will be useful for improving systems to counter terrorism in other countries as well, which may make similar mistakes in the security strategies they pursue.

The scientific community is still not fully aware of why terrorism occurs and what forms it will eventually take. Both the causes and the consequences cannot be fully explained⁶⁴⁸. Nevertheless, finding an appropriate way or strategy to combat terrorism

⁶⁴⁵ At the same time, they repeatedly support their partners in terrorist activities. After: M. Suc, *Żony dżihadystów*, translated by K. Szeżyńska-Maćkowiak (Warsaw: Świat Książki, 2017) pp. 37-159, 235-261.

⁶⁴⁶ A. Olech, *Uchodźcy i imigranci w Republice Francuskiej a zakaz noszenia burek, hijabów i niqabów* in *Świat islamu w perspektywie badań arabistycznych i politologicznych* ed. by M. Dahl, P. Hanczewski, M. Lewicka, Vol. 2. *Spółczesność* (Toruń: Wydawnictwo Adam Marszałek, 2019), pp. 110-147.

⁶⁴⁷ J. Dziewulski, K. Pyzia, op. cit., pp. 226-227.

⁶⁴⁸ C.E. Stout, A.R. Felthous, *Introduction to this issue: terrorism*, “Behavioral Sciences & the Law”, 2005, No. 23(4), pp. 449-450.

is a fundamental objective at both national and international level. An objective assessment of the evolution of this phenomenon is closely linked to the development and coordination of a counter-terrorism policy and the raising of public awareness of it. The nature of terrorist threats determines the actions and the emergence of laws that are the government's response to the dangers. Stereotypes and misunderstandings about terrorism should be replaced by in-depth analyses aimed at recognising terrorism as an overriding threat to state security, given its diversity depending on the territory in which it occurs. Terrorism can take different forms in France, Poland and Ukraine. It is relevant to be aware of its existence, its evolution and its increasing incidence. Counter-terrorism activities must be given greater prominence in political debates and scientific research. This is the only way to reach valid conclusions and conceptualise practical actions.

ENDING

Originally, the main idea of the fight against terrorism after 2001 was to hit al-Qaeda, the elimination of which would lead to the annihilation of terrorism. A decade later, another global fight was launched – against the Islamic State. International military missions, in which Poland and France have also been taking part since 2001 and 2003, including in Afghanistan and Iraq, then the involvement of international coalitions in the conflicts in Syria and Libya, as well as the involvement of Member States of the European Union, the North Atlantic Treaty Organisation and the United Nations in Africa and the Middle East, have not brought the anticipated results in terms of preventing terrorists from attacking Europe. What is more, the military missions have shown how vast the resources of terrorist organisations are to achieve their goals. Some of them, such as the Islamic State, have developed their structures to such an extent that they are active on five continents simultaneously. Other groups, like the Taliban after the hasty withdrawal of the USA, were able to take over most of the territory of an entire country in just a few days. Fundamentalism has proved to be a new-generation weapon, used in the name of defending the traditions, culture, patterns and religions for which its followers give their lives. Furthermore, by creating similar structures but with completely different views, nationalist terrorism, ultra-right-wing terrorism, left-wing terrorism and so-called single issue terrorism, where the motivation depends on the changing situation in the state, began to develop.

The main reason for undertaking research on the system to counter terrorist threats was the high number of attacks in Western Europe, as well as the continuing level of

threat in the European Union. The analysis of the systemic solutions of the French Republic, which is constantly strengthening its potential to combat terrorism, was key to the scientific query. The materials obtained enabled the development of a concept for combating threats, which is extremely important for the security of the Republic of Poland, especially as its borders in the East are also the external borders of NATO and the EU. In addition, one should also distinguish dangers that occur in Eastern Europe, in the Balkans, and of an internal - national nature. In the author's opinion, some of the planned solutions in Poland and other EU and NATO countries should be developed on the basis of the French system.

Contemporary system solutions require improvement in order to respond effectively to the challenges posed by the security environment. Also, the changing situation not only in Europe, but also worldwide, forces a re-examination of the maintained security models. Undoubtedly, the use of methods and measures similar to those used in France will make it possible to reduce the likelihood of an attack in Poland. Although this is a very difficult issue, it should be pointed out that many systems are verified only after a terrorist attack. Therefore, it is necessary to take advantage of the fact that France has had the opportunity to improve its system due to many attacks, while Poland is not yet struggling with terrorism. This is the right time to strengthen structures for combating terrorist threats.

The essence of the fight against terrorism is a multi-faceted and comprehensive strategy that makes it possible to stop terrorists and ensure security in the state. In order to strengthen the system to counter terrorist threats, not only in the French Republic and the Republic of Poland, but also in other countries, it is necessary to continuously implement each of the elements of the process, such as: analysis, planning, organisation, coordination, control, response, reorganisation, evaluation and recommendations. At each of these stages, the risks are verified and the main objectives to be achieved are identified. All these successive actions are essential to avoid the terrorist threat or to respond appropriately during an attack. They also enable continuous improvement of the system, which will have flaws and shortcomings due to the human factor. In view of the above, the involvement of a number of actors delegated to perform tasks to strengthen anti-terrorist processes in the state should be a priority for any government.

Analysing contemporary counter-terrorism strategies, it should be pointed out that the most effective is allied cooperation at the international level, based on strengthening national programmes for combating terrorism. The nature of the threat in the European Union (the exact number of terrorists, their region of operation and their plans are unknown) means that the solutions adopted by an alliance of states that are in a way dependent on each other in the global security environment play such an important role. Thus, the development of a national anti-terrorist system should be complemented by the strategies of international organisations that will seek to establish a common security policy in all countries belonging to the European Union. Solutions on a supranational

level should cover as many subsystems as possible, which will include economic, social, political and legal aspects and will define special powers granted to anti-terrorist and counter-terrorism services. Supporting national activities with cooperation of an international character will allow conducting anti-terrorist policy adequately to emerging threats.

The current geopolitical situation brings about the necessity to make essential changes and to prepare for a possible and still not excluded terrorist attack in Poland and other EU countries in the future. Taking it into consideration, some of the most important conclusions are formulated below, which aim to indicate organisational changes in the field covered by the issues of the monograph.

1. National and international anti-terrorist legislation is fundamental to the performance of the tasks assigned to those called upon to combat terrorist threats and should be consistent in order to respond in the same way in all countries. If not within a single international organisation, such as the European Union, then at least within the territory covered by the free movement of persons, i.e. the Schengen area.
2. The analysis of the experience, methods and actions of the French Republic and the Republic of Poland in the fight against terrorism is important for the development of systems to counter terrorist threats in other countries because of the need to constantly improve counter-terrorism methods. Moreover, improvement of security in other countries, especially in Europe, is a determinant which increases the international feeling of stability and balance, which is important for the Republic of Poland.
3. The use of solutions applied in France in anti-terrorist and counter-terrorism actions taken in Poland is essential to prevent a terrorist attack. It is an extremely difficult challenge to completely secure the state and prevent an attack. However, using some of the French ideas, it is possible to develop response systems now and to identify what the contemporary threats are. In the case of Central and Eastern European countries, these are primarily internal dangers, which may lead to attacks motivated by nationalist, religious or ultra-right and ultra-left ideology.
4. There is a high probability of terrorist attacks in the French Republic and a risk of an assassination attempt in Poland due to the continuing high level of terrorist threat in Western Europe, the ongoing conflict in Eastern Europe and the unstable situation in the Balkans. Therefore, entities delegated to carry out anti-terrorist activities should be constantly employed to verify the threat. In addition, the Polish government should strengthen international cooperation by also offering its own innovative solutions to stop terrorist threats emerging in Central and Eastern Europe. The position of Poland and its active international involvement entitle it to undertake initiatives for cooperation of EU and NATO members within the framework of counteracting terrorism.

5. Emphasis should be placed on individual elements of the system to counter terrorist threats, taking into account: currently available tools for proper response to terrorist attacks, intensification of cooperation between entities delegated to carry out anti-terrorist tasks, constant analysis of threats occurring on the continent, training of counter-terrorism units and systematic improvement of the methods applied. Multi-level cooperation in the system to counter threats covers smaller elements, from verification of threats at the borders by the Border Guard (including FRONTEX), through analysis of threat symptoms by patrols of the City Guard, to providing assistance by medical services and the way terrorist threats are reported by the media. All these activities, which are usually included alongside *strictly* anti-terrorist activities, are also necessary for the system to counter terrorist threats to function effectively and without interruption.
6. The processes of progressive radicalisation or increased aggression in society must be observed. The characteristics of terrorist and criminal acts are intertwined, and it is therefore the cause and effect rather than the form of the criminal act itself that are crucial. The various forms of violence must be prevented, which is why citizens must be educated not only on how to respond to terrorist threats, but also on how to recognise that others around them may have been radicalised or support terrorist organisations (including nationalist groups acting to the detriment of the state).
7. Another important aspect is to understand the changes in society and to prepare officers to operate in new conditions. In a situation where there is increased migration from the Middle East, religious polarisation or aggression towards LGBT rights activists, training of security officers is essential. They will be obliged to respond as effectively as possible when tensions and clashes arise within the state, and therefore need to know the environments and groups between which there is rivalry. In this regard, a strategic element will be the training of officers, who should have knowledge of the views, cultures and religions of those under their watch. Mere physical preparation to react during marches or demonstrations is insufficient. Within modern security systems it is necessary to seek to understand how conflicts in the state arise, what the motivation of individuals protesting against those in power is, and whether new solutions can be put in place to prevent escalation.
8. A very important element of the planned solutions to combat terrorist threats is the inclusion of cyberterrorism. Many times, the Internet is the main place of activity of terrorist organisations, which use the web and social media to recruit, plan attacks or raise funds. Therefore, both Poland and France should take into account threats emerging in cyberspace that are closely related to terrorist activities. The author does not focus on this issue

in his dissertation, but stresses its importance in the security policy of the state⁶⁴⁹.

Due to the vastness of the subject and the desire to present it in a compact and complementary structure, there were issues or phenomena that have been described only partially in the paper. The author made an effort to analyse all problems concerning systems to counter terrorist threats, which are important and worth discussing. However, some specific issues (especially related to the emerging contemporary terrorist threats), which are too numerous, were only hinted at or discussed to a lesser extent in order to maintain the clarity and coherence of the dissertation. This was due to their dynamism in the studied international security environment.

The basis of the deliberations carried out was initially the verification of the dangers and the analysis of the attacks that occurred in the French Republic, and only later the development of a strategy to combat the threats. On the basis of anti-terrorist activities carried out in France, it was possible to indicate which solutions and plans would be compatible not only with the Polish system to counter terrorism, but also with others in place in the EU and NATO countries. As a result, it was possible to develop a universal concept, which can also be used in other countries. It is based on constant analysis and verification of threats, as well as the use of certain practices applied in the French Republic, which in the author's opinion are key to maintaining an efficient system to counter terrorist threats.

Today, France is most intensively improving its systems to counter terrorism and measures in order to stop the growing internal and external terrorism it has been facing for years. The law on the fight against terrorism enacted in the French Republic, together with the possibility of introducing a state of emergency and the operation of specialised anti-terrorist units, illustrate the expertise which should be drawn upon.

The dissertation is a fragment of a broader research undertaken by the author, carried out in two stages. One of the stages is the analysis of terrorist threats developing in European countries⁶⁵⁰, and the second one is the verification of contemporary anti-terrorist systems of individual members of the European Union and the North Atlantic Treaty Organization. Given the conduct of an international query for more than five years, some fragments of the paper, in a narrowed or expanded study, were previously published in the form of articles and analyses.

In subsequent research projects, based on this monograph, attempts will be made to develop a concept of responding to terrorist threats within the European Union. In addition, the author conducts search concerning terrorist threats, as well as the systems of combating them in the Russian Federation, states belonging to the Collective Security

⁶⁴⁹ A. Olech, *Preventing Terrorist Activities through Social Media* <<https://www.thedefencehorizon.org/post/preventing-terrorist-activities-through-social-media>> [accessed: 25 June 2021].

⁶⁵⁰ P. Dutkiewicz, A. Olech, *Zagrożenia terrorystyczne dla Francji i Polski* (Poznań: Wyd. Kontekst, 2021).

Treaty Organisation and Ukraine. This is extremely important for the security of Poland and the constantly changing relations between NATO and the Russian Federation.

The terrorist threat is permanent. There is no single effective method to counter it. Therefore, scientific research on this phenomenon should continue and practical measures should be improved in order to seek new solutions that will ensure the safety of citizens to the greatest possible extent. As presented in this book, the Republic of Poland and the French Republic have systems to counter terrorist threats, but they need to be strengthened and continuously developed. The solutions presented will also provide material for further analysis in the field of security.

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List of abbreviations

- 13onze15 – Association 13 novembre: fraternité et vérité; The Association November 13: Fraternity and Truth; Stowarzyszenie 13 Listopada: braterstwo i prawda
- AAI – Les autorités administratives indépendantes; Independent administrative authorities; Niezależne organy administracyjne
- AfVT – Association française des Victimes du Terrorisme; The French Association of Victims of Terrorism ; Francuskie Stowarzyszenie Ofiar Terroryzmu
- BAC – Brigade Anti-Commando; The Counter-Commando Brigade; Brygada Antykomandosów
- BLAT – Bureau de la lutte anti-terroriste; The Office of Counter-Terrorism; Biuro ds. Zwalczenia Terroryzmu
- BRI – Brigade de recherche et d'intervention; The Research and Intervention Brigade; Brygada Badawczo-Interwencyjna
- BTWC – Convention sur les armes biologiques et à toxines; The Biological and Toxin Weapon Convention; Konwencja o Zakazie Broni Biologicznej i Toksycznej
- CAS – La cellule d'analyse stratégique; The Strategic Analysis Unit; Komórka Analiz Strategicznych
- CCSDN – Commission consultative du secret de la défense national; The Consultative Commission on National Defence Secrets; Komisja Doradcza ds. Tajemnic Obrony Narodowej
- CEma – chef d'État-Major des armées; The Chief of the Defence Staff; Szef Sztabu Obrony
- CFVS – Commission de vérification des fonds spéciaux; The Audit Commission on special funds; Komisja Weryfikacyjna Funduszy dla Służb Specjalnych
- CNCDH – Commission nationale consultative des droits de l'homme, The National Consultative Commission on Human Rights; Francuska Narodowa Komisja ds. Konsultacji Praw Człowieka
- CNCTR – Commission Nationale de Contrôle des Techniques de Renseignement; The National Commission for the Control of Intelligence Techniques; Narodowa Komisja Kontroli Technik Wywiadowczych
- CNIL – Commission nationale de l'informatique et des libertés; The National Commission for Information Technology and Civil Liberties; Narodowa Komisja Informatyki i wolności
- CNR – Conseil national du renseignement; The National Intelligence Council; Narodowa Rada Wywiadu
- CNRLT – Centre national de contre-terrorisme; National Counter-Terrorism Centre; Narodowe Centrum Zwalczenia Terroryzmu // Coordination nationale du renseignement et de la lutte contre le terrorisme; The National Intelligence

- and Counter-Terrorism Coordination; Narodowa Koordynacja Wywiadu i Walki z Terroryzmem
- COP 21 – *the United Nations Framework Convention on Climate Change*, the 21st session of the Conference of the Parties; Konferencja Narodów Zjednoczonych w sprawie zmian klimatu
- COS – Commandement des Opérations Spéciales; The Special Operations Command; Dowództwo Operacji Specjalnych
- COSI – Comité permanent de coopération opérationnelle en matière de sécurité intérieure; The Standing Committee on Operational Cooperation on Internal Security; Stały Komitet Współpracy Operacyjnej w zakresie Bezpieczeństwa Wewnętrznego
- COTER – Commission pour la politique de cohésion territoriale et le budget de l'UE; The Commission for Territorial Cohesion Policy and EU Budget; Komisja Polityki Spójności Terytorialnej i Budżetu UE
- CRAC – Centre de recherche et d'analyse du cyberspace; The Cyberspace Research and Analysis Centre; Centrum Badań i Analiz Cyberprze-strzeni
- CRS – Compagnies républicaines de sécurité; The Republican Security Companies; Republikańskie kompanie ochroniarskie
- CTAG – Groupe d'action contre le terrorisme; The Counter-Terrorism Action Group; Grupa Działań ds. Zwalczania Terroryzmu
- CTG – Groupe antiterroriste; The Counter – Terrorism Group; Grupa Przeciwdziałania Terroryzmowi
- CTITF – L'Équipe spéciale de lutte contre le terrorisme; The Counter-Terrorism Implementation Task Force; Grupa Zadaniowa ds. Zwalczania Terroryzmu
- DAAF – Le département des affaires administratives et financières; The Administrative and Financial Affairs Department; Departament spraw administracyjnych i finansowych
- DARI – Le département de l'analyse, du renseignement et de l'information; The Department of Analysis, Intelligence and Information; Departament analiz, wywiadu i informacji
- DCCRS – La direction centrale des compagnies républicaines de sécurité; The Central Management of the Republican Security Companies; Dyrekcja Republikańskich Kompanii Bezpieczeństwa
- DCI – Direction de la coopération international; The International Cooperation Directorate; Dyrekcja Współpracy Międzynarodowej
- DCPAF – Direction centrale de la police aux frontières; The Central Directorate of the Border Police; Centralna Dyrekcja Policji Granicznej
- DCPJ – Direction Centrale de la Police Judiciaire; The Central Directorate of the Judicial Police; Centralna Dyrekcja Policji Sądowej

- DCRFPN – Direction centrale du recrutement et de la formation de la Police national; The Central Directorate of Recruitment and Training of the National Police; Dyrekcja Rekrutacji i Szkolenia Policji Narodowej
- DCRI – Direction Centrale du Renseignement Intérieur ; The Central Directorate of Internal Intelligence; Centralna Dyrekcja Wywiadu Wewnętrznego
- DCSP – Direction Centrale de la Sécurité Publique; The Central Directorate of Public Security; Dyrekcja Bezpieczeństwa Publicznego
- DE – Le département des enquêtes; The Investigation Department; Departament Dochodzeń
- DED – Direction des enquêtes douanières; The Customs Investigations Directorate; Dyrekcja Dochodzenia Celnego
- DGDDI – Direction générale des douanes et droits indirects; The General Directorate of Customs and Excise; Generalna Dyrekcja Cel i Podatków;
- DGGN – La direction générale de la Gendarmerie national; The General Directorate of the National Gendarmerie; Dyrekcja Generalna Żandarmerii Narodowej
- DGPN – Direction Générale de la Police nationale; The General Directorate of the National Police; Dyrekcja Generalna Policji Krajowej
- DGSE – Direction générale de la Sécurité Extérieure; The General Directorate for External Security; Generalna Dyrekcja Bezpieczeństwa Zewnętrznego
- DGSI – Direction Générale de la Sécurité Intérieure; The General Directorate of Internal Security; Dyrekcja Generalna Bezpieczeństwa Wewnętrznego
- DLFT – La division de lutte contre le financement du terrorisme; The Anti-Terrorist Financing Division; Wydział do walki z finansowaniem terroryzmu
- DNRED – Direction nationale du renseignement et des enquêtes douanières; The National Directorate of Customs Intelligence and Investigation; Narodowa Dyrekcja Wywiadu i Dochodzeń Celnych
- DNRTI – Division nationale de repression du terrorisme international; The National Division for the Suppression of International Terrorism; Krajowy Wydział ds. Zwalczenia Terroryzmu Międzynarodowego
- DNRTS – Division Nationale Pour la Répression du Terrorisme Séparatiste; The National Division for the Suppression of Separatist Terrorism; Narodowy oddział ds. zwalczania terroryzmu separatystycznego
- DOD – Direction des opérations douanières; The Customs Operations Directorate; Dyrekcja ds. Operacji Celnych
- DPR – Délégation parlementaire au renseignement; The Parliamentary Delegation for Intelligence; Delegacja Wywiadu Parlamentarnego
- DPSD – Direction de la Protection et de la Sécurité de la Défense; The Directorate for Defense Protection and Security; Dyrekcja Ochrony Bezpieczeństwa Sił Zbrojnych

- DRCPN – Direction des Ressources et des Compétences de la Police Nationale; The Directorate of Resources and Skills of the National Police; Dyrekcja Zasobów i Kompetencji Policji Narodowej
- DRD – Direction du renseignement douanier; The Customs Intelligence Directorate; Dyrekcja Wywiadu Celnego
- DRM – Direction du Renseignement Militaire; The Directorate of Military Intelligence; Dyrekcja Wywiadu Wojskowego
- DR-PP – Direction du Renseignement de la Préfecture de Police de Paris; The Intelligence Directorate of the Paris Police Prefecture; Dyrekcja Wywiadu Prefektury Policji w Paryżu
- DRSD – Direction du renseignement et de la Sécurité de la Défense; The Defence Intelligence and Security Directorate; Dyrekcja Wywiadu Bezpieczeństwa Sił Zbrojnych
- EMAS – L'état-major d'administration et de soutien; the Administration and Support Personnel; Personel administracyjny i pomocniczy
- EMOPS – L'état-major opérationnel; the Operational Personnel; Personel operacyjny
- EOGN – École des officiers de la gendarmerie nationale; The National Gendarmerie Officers Academy; Szkoła Oficerska Żandarmerii Narodowej
- FATF – Groupe d'action financière (GAFI); The Financial Action Task Force; Grupa Specjalna ds. Przeciwdziałania Praniu Pieniędzy
- FENVAC – Fédération nationale des victimes d'attentats et d'accidents collectifs; The National Federation of Victims of Terrorist Attacks and Mass-Casualty Accidents; Krajowa Federacja Ofiar Ataków i Wypadków Zbiorowych
- FF – Force Formation ; Formation Force; Jednostka Szkoleniowa
- FIAVT – Międzynarodowa Federacji Stowarzyszeń Ofiar Terroryzmu
- FIPN – Force d'Intervention de la Police Nationale; The National Police Intervention Force; Siły Interwencyjne Policji Narodowej
- FOR – Force Observation Recherche; The Observation and Search Force; Jednostka Obserwacyjno-Śledcza (Jednostka Bezpieczeństwa Ochrony)
- FSPRT – Le fichier des signalements pour la prévention de la radicalisation à caractère terroriste; The Database for the Processing of Alerts to Prevent Terrorist Radicalisation; Plik zawierający wpisy mające na celu zapobieganie radykalizacji postaw o charakterze terrorystycznym
- GAT – Groupes Anti-Terroristes; The Anti-Terrorist Groups; Grupy Antyterrorystyczne
- GCTF – Forum mondial sur le contre-terrorisme; The Global Counterterrorism Forum; Globalne Forum Antyterrorystyczne
- GEOINT – L'intelligence géospatiale; The Geospatial intelligence; Wywiad geo-przestrzenny

- GIGN – Groupement d'intervention de la gendarmerie nationale; The National Gendarmerie Intervention Group; Grupa Interwencyjna Żandarmerii Narodowej
- GRI – Groupe des Relations Internationales; The International Relations Group; Grupa ds. Relacji Międzynarodowych
- Hybrid CoE – Centre d'excellence hybride; The European Centre of Excellence for Countering Hybrid Threats; Europejskie Centrum Doskonalenia w dziedzinie zwalczania zagrożeń hybrydowych
- IFRI – Institut français des relations internationales; The French Institute of International Relations; Francuski Instytut Spraw Międzynarodowych
- IGPN – Inspection Générale de la Police Nationale; The General Inspectorate of the National Police; Generalny Inspektorat Policji Narodowej
- IMAD – Association pour la jeunesse et la paix; The Association for Youth and Peace; Stowarzyszenie dla młodości i pokoju
- MSI – La mission des systèmes d'information; The Information Systems Mission; Misja systemów informatycznych
- OCLCO – L'Office central de lutte contre le crime organisé; The Central Office for Combating Organized Crime; Biuro ds. Zwalczania Przestępczości Zorganizowanej
- PACT – Le plan d'action contre le terrorisme; The Action Plan Against Terrorism; Plan działań przeciwko terroryzmowi
- PNAT – Parquet National Antiterroriste; National Anti-Terrorist Prosecutor's Office; Narodowa Prokuratura Antyterrorystyczna
- PNPR – Le plan national de prévention de la radicalisation; The National Plan to Prevent Radicalization; Krajowy plan zapobiegania radykalizacji postaw
- PUA – Procédure d'urgence absolue; the absolute emergency procedure; Bezwzględna procedura awaryjna
- RAID – Recherche, Assistance, Intervention, Disissasion; The Search, Assistance, Intervention, Deterrence; Rozpoznanie, Wsparcie, Interwencja, Odstraszenie; jednostka taktyczna francuskiej policji krajowej
- SAT – Section anti-terroriste; The Anti-Terrorist Section; Sekcja antyterrorystyczna
- SCPTS – Service Central de la Police Technique et Scientifique; The Central Service for the Technical and Scientific Police; Służba Centralna Policji Naukowo-Technicznej
- SDAO – Sous-direction'e l'Anticipation Opérationnelle; The Sub-Directorate for Operational Anticipation; Wydział Prognoz Operacyjnych
- SDAT – La Sous-direction Anti-Terroriste; The Anti-Terrorist Sub-Directorate; Poddyrekcja Antyterrorystyczna
- SDLP – Service de la Protection; The Protection Service; Służba Ochrony

- SGDSN – Le secrétariat général de la Défense et de la Sécurité nationale; The General Secretariat for Defense and National Security; Sekretariat Generalny ds. Obrony i Bezpieczeństwa Narodowego
- TESSCo – Terrorisme, Espionnage, Sabotage, Subversion et Crime organise; The Terrorism, Espionage, Sabotage, Subversion and Organized Crime; Terroryzm, szpiegostwo, sabotaż, działalność wywrotowa, przestępczość zorganizowana
- TRACFIN – Cellule française de lutte contre le blanchiment de capitaux et le financement du terrorisme; The French Unit for Combating Money Laundering and the Financing of Terrorism; Francuska Jednostka ds. Przeciwdziałania Praniu Pieniędzy i Finansowaniu Terroryzmu
- Tracfin – Traitement du renseignement et action contre les circuits financiers clandestins; The Intelligence processing and action against clandestine financial circuits; Przetwarzanie danych wywiadowczych i działania przeciwko nielegalnym obiegom finansowym
- TRR – le risque lié au terrorisme; the terrorism-related risk; ryzyko związane z terroryzmem
- UCLAT – Unité de coordination de la lutte anti-terroriste; Counter-Terrorism Coordination Unit; Jednostka Koordynacyjna ds. Zwalczenia Terroryzmu
- UCoFI – Unité de coordination des forces d'intervention; Response Force Coordination Unit; Jednostka ds. Koordynacji Sił Interwencyjnych
- UNCCT – Centre antiterroriste des Nations Unies; The United Nations Counter-Terrorism Centre; Centrum ONZ do walki z terroryzmem
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- ABW – Centre de contre-terrorisme de l'Agence de sécurité intérieure; The Counter-Terrorist Centre of the Internal Security Agency; Centrum Antyterrorystyczne Agencji Bezpieczeństwa Wewnętrznego
- ASEAN – Association des nations de l'Asie du Sud-Est; the Association of South-East Asian Nations, Stowarzyszenie Narodów Azji Południowo-Wschodniej
- ATLAS – l'organisation des groupes de police AT des pays de l'Union européenne; the organization of anti-terrorist police forces of the European Union countries; organizacja policyjnych grup AT państw Unii Europejskiej
- BOA – Sous-unité centrale de la police antiterroriste "BOA"; The Central Counter – Terrorism Police Subunit "BOA"; Centralny Pododdział Kontrterrorystyczny Policji „BOA”
- CAT – Centre Antiterroriste; The Coounter-terrorism Centre; Centrum Antyterrorystyczne
- COK KGP – Réaction centrale antiterroriste du chef de la Police; The Central Counter – Terrorist Reaction Force of the Commander in Chief of Police; Centralny

- Odwód Kontrterrorystyczny (antyterrorystyczny) Komendanta Głównego Policji
- FRONTEX – Agence européenne de garde-frontières et de garde-côtes; The European Border and Coast Guard Agency; Europejska Agencja Straży Granicznej i Przybrzeżnej
- GROM – Unité militaire GROM nommée d'après les parachutistes de Cichociemni de l'Armée de l'Intérieur; The Military Unit GROM named in honour of the Cichociemni (The Silent Unseen) Paratroopers of the Home Army; Jednostka Wojskowa GROM im. Cichociemnych Spadochroniarzy Armii Krajowej
- LGBT – Lesbiennes, gays, bisexuels et transgenres; Lesbian, Gay, Bisexual, Transgender; lesbijki, geje, osoby biseksualne i transpłciowe
- OZI – source personnelle d'information; the personal source of information; osobowe źródło informacji
- RCB – Centre gouvernemental pour la securit; The Governmental Centre for Security; Rządowe Centrum Bezpieczeństwa
- RZZK – Groupe interministériel sur la menace terroriste; The Interministerial Team for Terrorist Threats; Międzyresortowy Zespół ds. Zagrożeń Terrorystycznych
- SOW – Organisation de coopération de Shanghai; The Shanghai Cooperation Organization; Szanghajska Organizacja Współpracy
- WNP – Communauté des États indépendants; The Commonwealth of Independent States; Wspólnota Niepodległych Państw

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Annexes

Annex No. 1

RÉSUMÉ OF EXPERT INTERVIEWS CONDUCTED

The idea behind conducting the interviews was to obtain information on possible methods and tools that should be used in anti-terrorist activities. The answers provided by the experts also made it possible to determine the current direction of countering terrorist threats.

Period of research conducted: the experts were interviewed between 2019 and 2021.

Course of research: the experts were interviewed in person, during a foreign query, e.g. in the French Republic, as well as by means of telephone and Internet communication. The questions were asked on the basis of a questionnaire that was matched to individuals depending on whether the expert specialised in security issues in Poland, France or the world. The dissertation quotes excerpts from the statements and uses the key theses posed by the interviewees, which are fundamental to the research. The evaluations of the systems to counter terrorism that were obtained from the experts in the research process constituted an important source of knowledge during the course of writing the book and enabled the development of the key findings.

Experts:

Grzegorz Cieślak – expert in the field of anti-terrorism and terrorism prevention at the Centre for Research on Social and Economic Risks of Collegium Civitas. Specialist in Middle Eastern and North African issues. Advisor on security in strategic facilities of critical infrastructure, transport, culture, national heritage and local government. Specialist

cooperating with the Terrorism Prevention Centre of Excellence of the Internal Security Agency. Former secret service soldier and retired Government Protection Bureau officer.

Kazimierz Kraj, PhD, DSc – PhD in Security Studies and in Political Science. Research interests: Russian Federation – secret services, counter-terrorism, security policy, security institutions, military education and special forces.

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Sławomir Zalewski, PhD, DSc – PhD in Security Sciences, Professor at Paweł Włodkowic University College in Płock. Honorary member of the Krajowe Stowarzyszenie Informacji Niejawnych [the National Association of Classified Information] and member of the Business Security Council of the Polish Chamber of Commerce.

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Conclusions

The interviews are of great scientific value due to their comprehensive coverage of threat analysis and counter-terrorism issues. In addition, they constitute an important part of the conclusions in the process of developing concepts to counter terrorist threats not only in the French Republic and the Republic of Poland, but also in other countries.

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ABOUT THE TRANSLATORS

Post Scriptum – translation agency established by Patrycja Trójca and Sandra Smyczek – two English language enthusiasts. Working together, they exchange knowledge and experience, which is reflected in the highest quality of services provided. For years, they have been expanding their knowledge by participating in numerous courses and trainings. They work with passion and dedication, approaching each project individually and taking on even the most demanding tasks.

Patrycja is a graduate of the University of Lodz, where she was awarded a master's degree in English Philology. For nearly 15 years, she has pursued her career in the field of English language teaching and translating. In September 2021, she became a sworn translator of the English language.

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Post Scriptum offers both written translation and interpreting services, as well as a wide variety of courses, during which Patrycja and Sandra share their true passion for the English language.





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Terrorism has no borders. Over the past ten years nearly 10 000 terrorist suspects have been apprehended in the European Union and 2 000 attacks have been foiled. Terrorist threats are closely connected to the historical experience of individual states, their geopolitical situation, domestic and foreign policy, cooperation with international organisations and involvement in military missions. Typically, states become targets of terrorist attacks because terrorists have deliberately chosen them based on a specific motivation, using violent and unlawful methods. In many cases, the actions of radicalised individuals are supported by terrorist groups that use hybrid warfare tactics, including disinformation. The publication presents the most effective counter-terrorism strategies, drawing on the experience of France, the most frequently attacked EU member state in the 21st century, as well as on the solutions adopted by Poland, which is the eastern border of NATO and the EU. How to stop terrorism in Europe – this is what the book is about.

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