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## Counter-Terrorism in Poland

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**Abstract** The low level of terrorist activity in Poland has not stopped it legislating in the wake of the recent terror attacks in Europe. This chapter begins with an outline of the historical development of counter-terrorism law and policy in Poland prior to 9/11, before providing a synopsis of post-9/11 domestic and European Union legislation. The final section examines the types of contagion according to the categories set out in Chap. 1. Recent years have seen a series of dramatic reforms of the Polish criminal justice system on the basis of the terrorist threat creating conditions for violations of the rights to liberty, privacy, and so on. In this more recent legislation, the chapter finds strong evidence in support of the ‘contagion’ thesis, particularly in a political context where core democratic guarantees appear under threat.

### Introduction

In sharp contradistinction to France and the UK, Poland has never experienced serious terrorist threats. Prior to the end of Communist rule in 1989, Polish resistance movements advocated for non-violent methods of action, and did not resort to terrorist activities against the communist government (Gogolewska, 2005). While, more recently, a few incidents have reached international news (such as the case of Brunon Kwiecień’s arrest for a planned attack on the Polish parliament) (BBC, 2012), the terrorist threat has remained relatively low in the country, even after Poland’s participation in the global ‘war on terror’ and the deployment of Polish troops in Afghanistan and Iraq (Adameczak, 2007; Zieba, 2015).<sup>1</sup> As will be discussed further below, however, this low level of terrorist activity has not stopped Poland legislating in the wake of the recent terror attacks in Europe, ostensibly with a view to delivering efficiencies in countering terror. As with the

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<sup>1</sup> Poland ranks 110th in the 2017 Global Terrorism Index published by the Institute for Economics and Peace (2017). The index is based on data from the Global Terrorism Database, which are collected by the National Consortium for the Study of Terrorism and Responses to Terrorism (START), and analyses the threat of international terrorism in 163 countries. In 2017, France ranked 23rd and the UK ranked 35th in the index.

previous chapter, we begin with an outline of the historical development of counter-terrorism law and policy in Poland prior to 9/11, before providing a synopsis of post-9/11 domestic and European Union legislation. The final section examines the types of contagion according to the categories set out in Chap. 1.

## Background

Poland's relative lack of experience in the fight against terrorism, together with a process of sovietisation of the criminal justice system in the decades before the fall of communism, help us understand the legislative framework and penal climate in which government agencies involved in counter-terrorism activities operate today. The unfamiliarity with the phenomenon has meant the Polish government has been particularly open to US/European influence in this area and has traditionally shied away from identifying country-specific solutions (Gogolewska, 2005). New counter-terrorism measures, however, had to be implemented by a criminal justice system which still retained vestiges of the communist era.

The Polish criminal justice system is still influenced by the punitiveness inherited from the communist past to the extent that, according to Krajewski (2013), today's repression-based, exclusionary crime control policies in Poland seem to be more a continuation of the old-style punitiveness rather than a 'punitive turn' or a new punitiveness as experienced by Western European countries in the last 20 years (Pratt, 2007; Snacken, 2010). The dominance of the Soviet Union had a substantial impact not only on the political, cultural and economic life of Polish people but also on penal culture and the administration of justice. During the Stalinist era, the communist ruling elite used the criminal justice system to deal with opponents. This was made possible by reforms of the pre-war criminal justice system which introduced special courts and expanded the use of military ones, for example, by empowering them to judge civilians charged with any of the loosely defined offences against the state (Frankowski and Wasek, 1993). By November 1945, procedural rules for these crimes had been simplified, and for many of them emergency proceedings applied.<sup>2</sup> According to Frankowski and Wasek (1993: 145), these 'legislative changes [...] infused many typical Soviet concepts into the Polish criminal justice system'. This was particularly evident in the key role of prosecutors in investigations and pre-trial proceedings, and in their de facto dependence on their political masters. Thus, the Polish procuracy has never obtained real independence from external influences decades after the fall of communism, and was until 2010 still subordinate to the Ministry of Justice, facts which may not be without relevance in understanding its heavy use of the European Arrest Warrant (Krajewski, 2012). The communist regime also had an influence on criminal sanctions, which reached unprecedented levels in the early 1950s. Again, although

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<sup>2</sup> Dekret o postępowaniu doraźnym [Decree on Emergency Proceedings]. Dziennik Ustaw, No. 53, Location 301, 16 November 1945.

post-communist reforms led to changes in sentencing policies and in major prison reform, and the imprisonment rate fell sharply in the early 1990s, the prison population still remains high in comparison with other European countries (Frankowski and Wasek, 1993; Krajewski, 2004).

In the post-Stalinist period, many of these features of the Polish criminal justice system remain undisturbed by the enactment of a new criminal code in 1969. The new code, however, explicitly stated the duty to prosecute foreign terrorist offenders within the Polish legal system as a result of international agreements (Daranowski, 2015; Frankowski and Wasek, 1993). This is the first time we see the influence of other countries and international organisations on Polish counter-terrorism legislation. Indeed, in the same period Poland ratified five UN conventions on terrorism, although their implementation was delayed (Daranowski, 2015).<sup>3</sup> The adoption of UN conventions on terrorism continued in the postcommunist period after 1989.<sup>4</sup> Membership of the Council of Europe in 1991 and in

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<sup>3</sup> Konwencja w sprawie przestępstw i niektórych innych czynów popełnionych na pokładzie statków powietrznych, sporządzona w Tokio dnia 14 września 1963 r. [Convention on Offences and Certain Other Acts Committed on Board of Aircraft, Tokyo, 14 September 1963]. Dziennik Ustaw, No. 15, Location 147, 1971; Konwencja o zwalczaniu bezprawnego zawładnięcia statkami powietrznymi, sporządzona w Hadze dnia 16 grudnia 1970 r. [Convention for the Suppression of Unlawful Seizure of Aircraft, The Hague, 16 December 1970]. Dziennik Ustaw, No. 25, Location 181, 1972; Konwencja o zwalczaniu bezprawnych czynów skierowanych przeciwko bezpieczeństwu lotnictwa cywilnego, sporządzona w Montrealu dnia 23 września 1971 r. [Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 23 September 1971]. Dziennik Ustaw, No. 8, Location 37, 1976; Konwencja o zapobieganiu przestępstwom i karaniu sprawców przestępstw przeciwko osobom korzystającym z ochrony międzynarodowej, w tym przeciwko dyplomatom, sporządzona w Nowym Jorku dnia 14 grudnia 1973 r. [Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomats Agents, New York, 14 December 1973]. Dziennik Ustaw, No. 37, Location 168, 1983; Oświadczenie Rządowe z dnia 3 marca 1989 r. w sprawie wejścia w życie konwencji o ochronie fizycznej materiałów jądrowych wraz z załącznikami I i II, otwartej do podpisu w Wiedniu i w Nowym Jorku w dniu 3 marca 1980 r. [Convention on the Physical Protection of Nuclear Material, Vienna, 3 March 1980]. Dziennik Ustaw, No. 17, Location 94, 1989.

<sup>4</sup> Protokół W Sprawie Przeciwdziałania Bezprawnym Czynom Przeciwko Bezpieczeństwu Stałych Platform Umieszczonych Na Szelfie Kontynentalnym, Sporządzony W Rzymie Dnia 10 Marca 1988 R. [Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, Rome, 10 March 1988]. Dziennik Ustaw, No. 22, Location 211, 1992; Oświadczenie Rządowe z dnia 19 sierpnia 1994 r. w sprawie ratyfikacji przez Rzeczpospolitą Polską Konwencji w sprawie przeciwdziałania bezprawnym czynom przeciwko bezpieczeństwu żeglugi morskiej, sporządzonej w Rzymie dnia 10 marca 1988 r. [Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Rome, 10 March 1988]. Dziennik Ustaw, No. 129, Location 636, 1994; Międzynarodowa Konwencja przeciwko braniu

NATO in 1999, respectively, further contributed to the development of national counter-terrorism legislation to fulfil international obligations (Daranowski, 2015; Gogolewska, 2005).<sup>5</sup>

In the post-communist period, penal law reform efforts aimed to introduce in Poland a system based on the rule of law and the separation of powers (Frankowski and Wasek, 1993). Many provisions in the 1969 criminal code, as well as in other laws dealing with criminal justice matters, were modified or even repealed. New safeguards for defendants in criminal cases were introduced or enhanced (e.g. right to legal assistance, provisions on pre-trial detention), aligning Poland with international human rights standards. The Polish government introduced broad guarantees of due process and civil liberties, which led to a reduction in the punitive character of criminal law (Frankowski and Wasek, 1993; Krajewski, 2004). However, the growth of crime (particularly organized crime) in the 1990s induced high levels of fear of crime in the population, and public attitudes became more punitive. In the late 1990s this, in turn, became an obstacle to the approval of liberal criminal law reforms (Krajewski, 2004), with elements of this more punitive approach perhaps also discernible in the enactment of harsh immigration and counter-terrorism laws, even in the period prior to 2015 (see below).

## Counter-Terrorism After 9/11

As we shall see below, it is important to distinguish between the 2001–2015 period in Polish counter-terrorism law and policy and legislative changes which have ensued since 2016. The election of the far-right Law and Justice party (PiS) in November 2015 has seen Polish criminal justice move in a decidedly illiberal direction, with counter-terrorism being used to justify a series of dramatic reforms to the Criminal Procedural Code, and so on. The combined effect of these provisions, according to Amnesty International (2017: 18) is to create ‘conditions for violations of the rights to liberty, privacy, fair trial, expression, peaceful assembly and nondiscrimination’. This section will first discuss legislative changes between 2001 and 2015, which were mainly influenced by the EU. It will then provide an overview of the domestic counter-terrorism legislation including the 2016 reforms.

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zakładników, sporządzona w Nowym Jorku dnia 8 grudnia 1979 r. [International Convention against the Taking of Hostages New York, 17 December 1979]. Dziennik Ustaw, No. 106, Location 1123, 2000.

<sup>5</sup> Europejska konwencja o zwalczaniu terroryzmu, sporządzona w Strasburgu dnia 27 stycznia 1977 r. [European Convention on the Suppression of Terrorism, 27 January 1977]. Dziennik Ustaw, No. 117, Location 557, 1996.

### ***European Legislation***

The implementation of UN and, since 2004, EU regulations have contributed significantly to the development of counter-terrorism law and policy in the Polish legal system (Daranowski, 2015; Gogolewska, 2005). The bilateral relationship with the US was strengthened by Poland's political and military support of the 'war on terror' to the extent that the country has been described as the American 'Trojan horse' in Europe (Adamczak, 2007; Dunn, 2002; Koblan, 2014). Reports of the presence of secret detention sites for the benefit of the CIA's interrogation programme from 2002 to 2005 brought the relations between the two countries to the attention of world public opinion. The Polish government has ultimately acknowledged the presence of such detention sites on their territory, subsequent to a finding by the European Court of Human Rights that Poland was complicit in the US's rendition, secret detention and torture of alleged terrorism suspects.<sup>6</sup> However, the domestic investigation against high level officials involved in the controversy has been pending since 2008 and appears to be ongoing (Amnesty International, 2016a; Carey, 2013a, 2013b; Gruszczak, 2009).

Whilst the US influence was particularly evident in Poland's foreign policy and military response to 9/11, the EU influence manifested itself in changes in the legal system, enhanced intelligence sharing and increased cooperation on security issues (Gogolewska, 2005). The Polish government started the process of harmonisation of national legislation with EU regulations years before accession in 2004, and was later one of the most active newcomers concerning counter-terrorism (Daranowski, 2015; Karolewski, 2015). For instance, Poland anticipated the EU regulations on money laundering with a 2000 Act that qualified terrorist acts as a money laundering activity and criminalised them.<sup>7</sup> The adequacy of the provisions of the Act was later reassessed when Poland implemented UN Resolution 1373 (Daranowski, 2015; United Nations Security Council, 2001, 2002, 2003, 2004, 2006)<sup>8</sup> leading to amendments in 2002 to the national legislation on money laundering and the inclusion of measures that aim to prevent terrorism financing.<sup>9</sup> Further changes were introduced in 2009, when a terrorism financing offence was added to the Polish criminal code (Daranowski, 2015; Filipkowski, 2011; Michalska-Warias, 2011).<sup>10</sup>

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<sup>6</sup> *Al Nashiri v. Poland* (application no. 28761/11) and *Husayn (Abu Zubaydah) v. Poland* (no. 7511/13).

<sup>7</sup> Ustawa o przeciwdziałaniu wprowadzaniu do obrotu finansowego wartości majątkowych pochodzących z nielegalnych lub nieujawnionych źródeł. Dziennik Ustaw, No. 116, Location 1216, 2000.

<sup>8</sup> United Nations Security Council Resolution S/RES/1373, 28 September 2001.

<sup>9</sup> Ustawa o zmianie ustawy o przeciwdziałaniu wprowadzaniu do obrotu finansowego wartości majątkowych pochodzących z nielegalnych lub nieujawnionych źródeł. Dziennik Ustaw, No. 180, Location 1500, 2002.

<sup>10</sup> Ustawa o zmianie ustawy o przeciwdziałaniu wprowadzaniu do obrotu finansowego wartości majątkowych pochodzących z nielegalnych lub nieujawnionych źródeł oraz o

The revision of the 2000 Act also represented the first attempt to define terrorism in the Polish law, although the 2002 Act merely stated that a terrorist act included offences against peace and humanity, war crimes, and crimes against general safety (Daranowski, 2015; Zieba, 2015). According to Daranowski (2015) the first real attempt to define terrorism in the Polish legislation occurred in 2004, this time as a result of the 2002 European Council framework decision on combating terrorism.<sup>11</sup> The Polish criminal code (Article 115 § 20) was thus amended to include a legal definition of terrorism as follows:<sup>12</sup>

*An act subject to punishment of deprivation of liberty, with the upper limit of at least five years, committed in order to:*

- 1. Seriously intimidate many persons, or;*
- 2. Compel the public authority of the Republic of Poland, or of another state, or of an international organisation to undertake or abandon specific actions, or;*
- 3. Cause serious disturbance to the constitutional system or the economy of the Republic of Poland, or of another state, or of an international organisation;*

*And a threat to commit such an act.*

It must be noted that, whilst the Council Framework Decision includes a list of specific offences that can be defined as terrorism, the Polish criminal code does not include any exhaustive list of terrorist offences. Instead it adumbrates a broad concept of a terrorist offence committed via any criminal offence with an upper limit of at least five years (Libront, 2014; Michalska-Warias, 2011). According to Oleksiewicz (2014), this choice eliminated the need to regularly update the definition to include, for instance, new terrorists' *modi operandi*. However, as several commentators have pointed out (Daranowski, 2015; Libront, 2014; Michalska-Warias, 2011; Oleksiewicz, 2014; Zieba, 2015), as a consequence of this decision the Polish criminal code does not penalise terrorism directly. Furthermore, the definition of terrorism is vague, difficult to interpret and much broader than the EU definition in that a particular aim and an upper limit of at least five years' imprisonment are the only two criteria required to prove a terrorist offence.

Another EU regulation that had a considerable impact on the workings of the Polish criminal justice system is the 2002 Council Framework Decision concerning the European arrest warrant (EAW).<sup>13</sup> In 2004, Poland modified its criminal

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przeciwdziałaniu finansowaniu terroryzmu oraz o zmianie niektórych innych ustaw. Dziennik Ustaw, No. 166, Location 1317, 2009.

<sup>11</sup> Council Framework Decision of 13 June 2002 on Combating Terrorism (2002/475/JHA).

<sup>12</sup> Ustawa o zmianie ustawy—Kodeks karny oraz niektórych innych ustaw. Dziennik Ustaw, No. 93, Location 889, 2004.

<sup>13</sup> Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures between Member States (2002/584/JHA).

procedure to implement the EU regulations on the EAW and surrender procedures, and, as noted in the previous chapter, has made liberal use of the EAW procedures against Polish citizens living in the UK and other European countries in the ensuing period (Daranowski, 2015; European Commission, 2017; House of Commons, 2015). The influence of the EU is also evident in the criminalisation of new acts. For example, a 2011 Act added Art. 255a to the Polish criminal code which envisages up to five years' imprisonment for a person involved in the public presentation and dissemination of content that could facilitate the perpetration of a terrorist offence (Libront, 2014). This provision was the result of the approval of a 2008 Council framework decision amending the previous 2002 framework decision on combating terrorism.<sup>14</sup>

### ***Domestic Legislation***

Besides policy and legislation changes dictated by the UN and EU, Poland also put forward domestic solutions to terrorist threats. These include changes to the law on the state of emergency, martial law and law on the state of natural disaster, which now include terrorist acts as one of the circumstances that justify the declaration of an emergency by the President of the Republic of Poland. The Polish government also created new collective bodies to improve coordination and information sharing among government institutions and services (Daranowski, 2015; Gogolewska, 2005). A reorganisation of law enforcement agencies in the country had started in the 1990s, when the Police Act replaced the Citizens' Militia with the national police, and introduced anti-terrorist units.<sup>15</sup> While the police are usually in charge of investigations, other armed forces such as the Military Gendarmerie often participate in counter-terrorism activities (Daranowski, 2015; Jalszynski, 2010; Tomaszewski, 2014). In 2002 intelligence services were also reorganized and two government agencies—the Internal Security Agency (Agencja Bezpieczeństwa Wewnętrznego, ABW) and the Foreign Intelligence Agency (Agencja Wywiadu, AW)—were set up under the authority of the Prime Minister with the task of 'preventing and eliminating terrorism' (Gruszczak, 2009; Rihackova, 2006; Zieba, 2015).<sup>16</sup>

The 2003 Law on Foreigners is another example of national legislation used to introduce counter-terrorism provisions, this time through amendments to immigration law. The Act, later amended in 2010, lists 'national security' and the 'protection of security and public order' as reasons to refuse to grant fixed-term resident

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<sup>14</sup> Council Framework Decision of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism (2008/919/JHA).

<sup>15</sup> Ustawa o Policji. Dziennik Ustaw, No. 30, Location 179, 1990; Ustawa o zmianie ustaw: o Urzędzie Ministra Spraw Wewnętrznych, o Policji, o Urzędzie Ochrony Państwa, o Straży Granicznej Oraz Niektórych Innych Ustaw. Dziennik Ustaw, No. 104, Location 515, 1995.

<sup>16</sup> Ustawa o Agencji Bezpieczeństwa Wewnętrznego oraz Agencji Wywiadu. Dziennik Ustaw, No. 74, Location 676, 2002.

permits to non-Polish citizens who are suspected of being involved in terrorist-related activities.<sup>17</sup> The law also provides that information on suspects who are denied access to the country is entered in a national information system as well as in the EU Schengen Information System (SIS). Such information can be stored for a maximum of five years if a threat to national security was the main reason to refuse access to the country (Daranowski, 2015). The most controversial provision of the Law on Foreigners concerns the fact that the reasons for inclusion in the two information systems can remain undisclosed to the applicant who is therefore denied entry to the country but cannot access the evidence collected against him or her (Daranowski, 2015; Helsinki Foundation for Human Rights, 2010; UN Human Rights Committee, 2010).

With the exception of such immigration provisions, which are possibly in contravention of international human rights standards, until 2015 Poland seemed to have developed an incoherent, yet fair, body of counter-terrorism legislation (Daranowski, 2015; Gogolewska, 2005). Unlike some other countries, Poland does not have specialised courts for terrorism prosecution, and all procedural regulations established for other criminal cases continue to apply to terrorism offences. Such was the state of the law until recently that Daranowski (2015: 456) was able to conclude that '[t]he adopted regulations and their application do not indicate any disregard of human rights'. Unfortunately, however, the position has changed dramatically in the last few years, with Poland's ruling party, the right-wing Law and Justice Party (PiS), embarking on a series of reforms with some very significant developments for counter-terrorism legislation (Human Rights Watch, 2017).

The first major change introduced in 2016 was the amendment to the Police Act, which was approved by the Parliament on 4 February.<sup>18</sup> The Act introduced significant changes to the procedural rules on matters such as access to telecommunication data by security services and the police. According to the new legislation, courts can extend surveillance for a maximum of 12 months if new circumstances to prevent or detect a crime, or identify a perpetrator or obtain evidence, have emerged, without a requirement to consider proportionality (Commissioner for Human Rights, 2016a). Electronic metadata can be accessed by the police and other law enforcement agencies without the knowledge and consent of the suspect and with courts only exercising an optional, follow-up control over such data, described by the Commission for Human Rights and other stakeholders as 'illusory' in nature (Amnesty International, 2016d; Council of Europe, 2016; Commissioner for Human Rights, 2016a). Confidentiality of information covered by professional privilege is also jeopardised as secret surveillance of lawyers' communication is no longer prohibited (Amnesty International, 2017; Kulesza, 2016). These changes to the rules governing evidence gathering assume particular significance in light of

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<sup>17</sup> Ustawa o cudzoziemcach. Dziennik Ustaw, No. 128, Location 1175, 2003; Ustawa o zmianie ustawy o cudzoziemcach oraz niektórych innych ustaw. Dziennik Ustaw, No. 239, Location 1593, 2010.

<sup>18</sup> Ustawa o zmianie ustawy o Policji oraz niektórych innych ustaw. Dziennik Ustaw, No. 0, Location 147, 2016.

the amendment to the Criminal Procedural Code introduced in March 2016.<sup>19</sup> The new Art. 168a provides that illegally obtained evidence (e.g. evidence obtained through illegal surveillance) can be considered admissible in criminal proceedings unless it was obtained under a very limited number of circumstances (e.g. homicide, deprivation of liberty) (Amnesty International, 2016a).

The centrepiece of PiS's reforms in this area, however, was the Counter-Terrorism Act enacted in June 2016.<sup>20</sup> The Act consolidated sweeping powers in the hands of the Internal Security Agency (ABW), with no independent oversight mechanism, and, according to Amnesty International (2017: 34), 'includes some of the most draconian surveillance powers in the EU' (see also Amnesty International, 2016a, 2016b, 2016c). Powers given to the ABW under the Act include powers to access personal data recorded by government/private agencies (such as bank statements and tax reports) and to block specific websites without prior judicial authorisation to prevent a terrorist attack. The Act also increased surveillance powers, particularly the use of covert surveillance measures (e.g. wire-tapping, monitoring of electronic communications, telecommunication networks and devices). While surveillance activities targeting Polish citizens require prior judicial authorisation, those targeting nonnationals can be carried out without any judicial oversight for the first three months (after which a court order is needed). These powers may be deployed in any situation where there is a 'fear' that a foreigner may be involved in terrorist activities, rather than a 'reasonable suspicion' (Amnesty International, 2016a, 2017).

Similar to France (see Chap. 4), the Polish government in the 2016 Act reviewed the safeguards around the use of lethal force by law enforcement agents, and now provide for specific occasions in which 'special use of force' can be part of counter-terrorism-related activities. The Counter-Terrorism Act also increased the number of days suspects can be detained by the police without charge—now 14 days—and made arrests possible based on reasonable suspicion that they intend to commit or committed a terrorist act. Suspicion that a terrorist act may occur is also the ground for limitations on freedom of assembly and the power to search individuals (Amnesty International, 2016a; Human Rights First, 2016). Finally, the Act introduced the concept of 'terrorist incidents' in the Polish criminal code, which are defined as 'situations suspected of having occurred as a result of a terrorism-related crime, or threats of such a crime occurring' (Art. 2 § 7). As we will discuss in the next section, this broad definition has been the subject of much criticism, from the Polish Commissioner for Human Rights (2016b, 2016c), the UN Human Rights Committee (2016) and Amnesty International (2016a).

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<sup>19</sup> Ustawa o zmianie ustawy – Kodeks postępowania karnego oraz niektórych innych ustaw. Dziennik Ustaw, No. 0, Location 437, 2016.

<sup>20</sup> Ustawa o działaniach antyterrorystycznych. Dziennik Ustaw, No. 0, Location 904, 2016.

## Forms of Contagion in Poland

As is evident from the above discussion, in the period between 2001 and 2015, the ‘contagion’ phenomenon was less in evidence in Poland than in other countries, including the UK and France, probably because of the relatively low level of legislative activity in this area (in turn reflecting the low threat levels). In contrast, the period between 2015 and 2017 provides ample evidence in support of the ‘contagion’ thesis, not least as a result of the trifecta of recent legislation outlined above (namely, the Police Act, Criminal Procedure Act and Counter-Terrorism Act). The analysis below examines these developments in line with the categories of contagion outlined in Chap. 1.

### *Use of Terrorism as a ‘Picklock’*

The period following the commission of a terrorist attack may represent a ‘window of opportunity’ for governments with the heat of the emergency providing convenient political cover for controversial legislative measures (Cesoni, 2007; Kostakopoulou, 2008). Relevant to the discussion here is Poland’s implementation of the EAW, presented by the EU in the aftermath of 9/11 as a critical counter-terrorism measure (Mackarel, 2007; Murphy, 2012) but applied by Poland to all manner of minor offences, including theft of very low value items. According to the reports of the Council of the European Union (2008, 2010a, 2010b, 2011, 2013, 2014), Poland has consistently issued the highest number of requests to other countries. This has led to complaints by other Member States, particularly the UK, and the British House of Commons (2015, 2017) has specifically identified some countries such as Poland, who have used the EAW to request the extradition of individuals for relatively minor crimes as particularly problematic due to lack of prosecutorial discretion. In July 2015 a new Act came into force in Poland to reduce the number of warrants issued by Polish courts.<sup>21</sup> Despite these legislative changes, the number of EAWs issued by Poland remains much higher than the EU average (European Commission, 2017), illustrating how a previously controversial and politically sensitive measure, legitimated in the aftermath of 9/11 as a key weapon in the fight against terror, has consistently been applied, by Poland and other EU Member States, to a range of minor offences (see further Hamilton, 2018).

As noted in Chap. 1, moreover, the more recent spate of terrorist attacks in Europe has provided abundant opportunities for authoritarian states to pass their repression off as ‘counter-terrorism’. This is unfortunately true of Poland where the election of the right-wing, Eurosceptic Law and Justice Party (PiS) in November 2015 has witnessed a flurry of reforms on counter-terrorism, against the backdrop of other decidedly undemocratic measures, including direct attacks on the inde-

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<sup>21</sup> Ustawa o rzeczach znalezionych. Dziennik Ustaw, No. 0, Location 397, 2015.

pendence of the judiciary and other state institutions.<sup>22</sup> Between January 2016 and February 2017, the Sejm (Polish Parliament) approved a series of counter-terrorism measures that profoundly weakened fundamental rights such as privacy and due process. In March 2016, for example, important amendments to the Criminal Procedure Code were introduced, notably, on counter-terrorism grounds, which rendered it permissible to use illegally obtained evidence at all criminal trials (Human Rights Watch, 2017). As observed by Kusak (2016) these changes open up a broad possibility to use evidence gathered by intelligence services in criminal proceedings and should be understood in the context of reforms to the Police Act (discussed below) which significantly expanded the surveillance powers of the security services and the police. Thus, for example, surveillance of a Polish citizen without a court order would be admissible in court, in violation of fair trial rights, equality of arms and the right to privacy.

The attacks in Paris and Brussels in 2015 and 2016 were also used by Polish authorities to justify the introduction of a key act on counter-terrorism in June 2016 (Deutsche Welle, 2016; The Warsaw Voice, 2016). In the legal and political justification of the provisions that accompanied the main text, the Act was presented as the result of an increased terrorist threat after the Paris and Brussels terrorist attacks, Poland's participation in the international anti-terrorism coalition as well as Poland being mentioned as a potential target in terrorists' documents. The need to improve efficiencies in the Polish counter-terrorism apparatus and the (then) impending World Youth Day in Krakow in July 2016 were also mentioned as reasons why new counter-terrorism legislation was needed. Interestingly, the government sought to emphasise that some of the measures introduced by the Act such as the prolongation of pre-trial detention, were already in place in other European countries, including the UK and France.<sup>23</sup> The urgency of the security situation was even relied on by the President of Poland when requested by the Polish Commissioner for Human Rights to submit the Act for review before the Constitutional Tribunal. Rejecting his request, the Chancellery of the President reported that 'due to unquestionable threats of international terrorism, the improvement of Poland's security [...] has become necessary, and for this reason the President of Poland signed the act' (Commissioner for Human Rights, 2016c). The Commissioner subsequently challenged the law before the Constitutional Tribunal in July 2016 (Polskie Radio, 2016).<sup>24</sup>

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<sup>22</sup> This is described by the Law and Justice party as the 'good change,' which is characterised by a reorientation in foreign policy based on pessimism as regards the future of European integration, the protection of national sovereignty, and the opposition between traditional Polish values and those typical of Western European liberal democracies (see further Balcer et al., 2016).

<sup>23</sup> The justification of the provisions of the Counter-Terrorism Act, as well as the main text, can be accessed at:[this link](#).

<sup>24</sup> As result of recent reforms of the administration of justice and the following Constitutional Tribunal crisis, the Commissioner has withdrawn the motion against the Counter-

Despite these official pronouncements, the attempt to invoke the jihadi terrorist threat as a justification for the legislation was overwhelmingly dismissed by interviewees we spoke to as a pretext or ‘Trojan Horse’.<sup>25</sup> As averred above, the Act consolidates sweeping powers in the hands of the Internal Security Agency (ABW), with no independent oversight mechanism. The Act, described by Amnesty International (2017: 34) as containing ‘some of the most draconian surveillance powers in the EU’, allows the ABW to maintain a list of persons suspected of being involved in terrorism-related activities for the purposes of accessing data held by government agencies and provides for very wide surveillance powers in relation to non-Polish citizens (Panoptikon Foundation, 2016). There is no provision contained within the Act for notifying people of their placement on the list nor is there any process outlined in order to get one’s name removed from it. There was a striking level of consensus amongst the experts we spoke to in Poland that these provisions would likely be used for political purposes.<sup>26</sup>

### ***‘Blank Cheque’ Legislation***

The Counter-Terrorism Act of June 2016 is a paradigmatic example of counter-terrorism provisions which, despite targeting terrorism and terrorism-related behaviour, are very broadly drafted and therefore susceptible to abuse (Donohue, 2008, 2012). As mentioned above, the Act extended the definition of terrorism to include ‘terrorist incidents’, described by the government as including occasions in which: a Polish citizen ‘comes into contact’ with a person ‘feared’ to be involved in terrorism-related activities; travels to or from regions where an armed conflict involving organisations deemed to be engaged in terrorism-related activities is ongoing; or simply loses his or her ID documents while abroad.<sup>27</sup> Amnesty International (2017: 25) has argued that these activities, ‘taken alone, could hardly be considered credible and sufficient evidence that a person was involved in terrorist activities’ Similarly, the Polish Commissioner for Human Rights (2016b, 2016c), in his application to the Constitutional Tribunal, highlighted the vague and imprecise nature of the provisions, particularly the fact that the definition includes the ‘threat of such crimes’. Given that these very loose definitions underpin the exercise of surveillance powers and powers of pre-trial detention under the Act it is arguable that the provisions do not comply with the principle of legal certainty. Indeed, this was the view taken by the UN Human Rights Committee (2016: 2), who described it as ‘broad and imprecise,’ and suggested a revision of the definition that does not give law enforcement agencies such excessive discretion.

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terrorist Act of June 2016 (Commissioner for Human Rights, 2018; Human Rights Watch, 2017).

<sup>25</sup> Interviews held on 16, 17, 18 and 19 January 2017.

<sup>26</sup> Ibid.

<sup>27</sup> Rozporządzenie Ministra Spraw Wewnętrznych i Administracji w sprawie katalogu incydentów o charakterze terrorystycznym. Dziennik Ustaw, No. 0, Location 1092, 2016.

Before the Counter-Terrorism Act of June 2016, the legal definition of terrorism introduced by the amendment of the criminal code in 2004 had received similar criticisms including from the UN Human Rights Committee (2010), who urged Poland to define such terrorist offences narrowly and in terms of their purpose. As noted, using the upper limit of at least five years' imprisonment as one of the criteria to identify a terrorist act, the Polish definition includes offences which are not listed in the EU definition of terrorism (Daranowski, 2015; Zieba, 2015). For instance, the Polish criminal code punishes the disclosure of information designated as 'top secret' or 'secret' with a term of imprisonment from three months to five years so that, if the aim of the disclosure is among those listed in Art. 115 § 20, the act could potentially be considered a terrorist offence. Daranowski (2015) notes that these provisions may apply, for instance, to a person who reveals a secret document about the use of illegal surveillance methods or torture by public authorities, even if his or her only aim is to ensure that such malpractice will be addressed effectively.

The same 2004 Act that introduced a legal definition of terrorism also amended Art. 258 of the Polish criminal code to introduce a new type of aggravated participation in a criminal organisation, that is, the participation in an 'organised terrorist group or association'. The amendment builds on the criminalisation of the participation in a criminal group, which was already part of the Polish criminal code. The new Art. 258 punishes anyone who participates in an organised criminal group or association, including those 'of military character' or which 'aim to commit an offence of terrorist character' (Daranowski, 2015; Zubrzycki, 2010). While the punishment is harsher for those involved in terrorist groups (from six months to eight years of imprisonment) than for those involved in organised criminal groups (from three months to five years of imprisonment), some authors noted that the difference between the two types of criminal association is not clarified, particularly with reference to their structure (Filipkowski, 2011; Michalska-Warias, 2011; Wiak, 2012).

### ***The 'New Normal'***

The June 2016 law on counter-terrorism has been described by Amnesty International (2017: 18) as embedding 'powers in permanent law that would typically be invoked during an exceptional state of emergency'. A number of new departures in terms of criminal procedure can be observed within this Act, such as the introduction of a 14 day detention period (one of the highest in the EU) and the removal of certain safeguards around permissible use of lethal force in the context of counter-terrorism (possibly in breach of international standards; see Amnesty International, FIDH, Human Rights Watch, Open Society European Policy Institute, Reporters without Borders, 2017).

Perhaps most concerning, however, is the extent to which the Police Act of February 2016 and the Counter-Terrorism Act of June 2016 represent a consolidation of sweeping powers in the intelligence services, without the usual requirement of a priori judicial oversight. Under the Police Act, for example, electronic

metadata, which can be as or more revealing of personal information than content, can be accessed directly by police without a court order. While a court order is required for secret surveillance for a period of three months, which can be extended to 18, the list of crimes that allow courts to authorise secret surveillance activities was considered by the Venice Commission to be overly broad, and the procedural safeguards for covert surveillance were described as ‘insufficient’ (Venice Commission, 2016: 31; see also International Commission of Jurists, 2016). It is noteworthy that confidentiality of information covered by professional privilege is also not guaranteed as secret surveillance of lawyer’s communications is not prohibited and may be introduced as evidence in court whenever deemed necessary in the ‘interests of justice’ (Kulesza, 2016). The June 2016 law similarly breaks new ground by granting security agents in the ABW virtually unimpeded access to citizens’ personal data such as bank statements, tax reports and vehicle information Rydzak (2016).<sup>28</sup> Foreign nationals are particularly vulnerable under the Act. Under Article 9(1), they can be subjected to a range of covert surveillance measures, including wire-tapping, monitoring of electronic communications, and so on where there is a ‘fear’, not even a reasonable suspicion, that they may be involved in terrorism-related activities. The ABW is also given a mandate under the Act to block websites deemed a threat to national security for up to four months and even, in the event that a state of emergency is declared, the power to disable all telecommunications. This development has been described by Rydzak (2016: np) as ‘a first in the democratic world ... blurring the boundary between the legitimate, democratic enforcement of state security and outright digital repression’. All of these actions may be taken without prior judicial approval, making for a very significant enhancement of administrative powers.<sup>29</sup>

## Conclusions

Given the recent changes in Polish counter-terrorism legislation, and the extent to which they impacted on the rights to liberty, privacy and fair trial (among others), Daranowski’s (2015: 456) conclusion that ‘[t]he adopted regulations and their application do not indicate any disregard of human rights’ no longer appears accurate. 2016 has been a crucial year for Poland as it experienced a series of reforms of its criminal justice system, including amendments to the Police Act and Criminal Procedural Code, and the Counter-Terrorism Act of June 2016. The surveillance powers of the police and of intelligence agencies have dramatically in-

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<sup>28</sup> These reforms should be considered alongside legislative changes to criminal procedure in March 2016 permitting evidence found illegally to be used in court. These changes open up the broad possibility that evidence gathered illegally by intelligence services will be used in criminal proceedings (Kusak, 2016; Amnesty International, 2017).

<sup>29</sup> Ustawa o zmianie ustawy o Policji oraz niektórych innych ustaw. Dziennik Ustaw, No. 0, Location 147, 2016.

creased, often invoking terrorism as a justification, whilst suspects' rights have been impacted by increased periods of detention in police custody, limited access to evidence and lowered standards for criminal liability. These changes provide strong evidence in support of the 'contagion' thesis, particularly in a political context where democratic guarantees such as the organisational and functional independence of the judiciary themselves appear under threat (Human Rights Watch, 2017). As some of our interviewees pointed out, 'terrorism' seems to have played a crucial role in the deep reform of the state pursued by the Law and Justice Party since 2015, highlighting the need for careful attention to vague counter-terrorism laws as gateways to abuse, as well as deeper reflection on contemporary uses and abuses of the terrorism problem.

## References

- Adamczak, J. (2007). *Poland's Engagement in the Global War on Terrorism: Strategic Level Political and Military Implications*. Carlisle, PA: US Army War College.
- Amnesty International. (2016a). *Poland* (Submission to the United Nations Human Rights Committee, 118th Session, 17 Oct.–04 Nov. 2016 No. EUR 37/4849/2016). London: Amnesty International.
- Amnesty International. (2016b). *Poland: Counter-terrorism bill would give security service unchecked power* (Amnesty International Public Statement No. EUR 37/4263/2016). London: Amnesty International.
- Amnesty International. (2016c). *Poland: Dismantling rule of law?* (Amnesty International submission for the UN Universal Periodic Review – 27th session of the UPR Working Group, April/May 2017 No. EUR 37/5069/2016). London: Amnesty International.
- Amnesty International. (2016d). *Poland: New surveillance law a major blow to human rights* (Amnesty International Public Statement No. EUR 37/3357/2016). London: Amnesty International.
- Amnesty International. (2017). *Dangerously Disproportionate: The ever-expanding national security state in Europe*. London: Amnesty International.
- Amnesty International, FIDH, Human Rights Watch, Open Society European Policy Institute, Reporters without Borders (2017) Open Letter to the College of Commissioners regarding the situation in Poland, 16 February. Retrieved from: <https://www.amnesty.org/download/Documents/EUR3756842017ENGLISH.PDF>.
- Balcer, A., Buras, P., Gromadzki, G., & Smolar, E. (2016). *Change in Poland, but what change? Assumptions of Law and Justice party foreign policy*. Warsaw: Stefan Batory Foundation.
- BBC. (2012, November 20). Polish man "planned to blow up parliament." Retrieved from <http://www.bbc.com/news/world-europe-20405741>.
- Carey, H. F. (2013a). European Supranational Monitoring of Intelligence Agency Collaboration in Counterterrorism in the Balkans and Eastern Europe. In G. Andreopoulos (Ed.), *Policing Across Borders: Law Enforcement Networks and the Challenges of Crime Control* (pp. 69–88). New York, NY: Springer.
- Carey, H. F. (2013b). The Domestic Politics of Protecting Human Rights in Counter-Terrorism: Poland's, Lithuania's, and Romania's Secret Detention Centers and Other East European Collaboration in Extraordinary Rendition. *East European Politics & Societies*, 27(3), 429–465.
- Cesoni, M. L. (Ed.). (2007). *Nouvelles méthodes de lutte contre la criminalité. La normalisation de l'exception*. Brussels: Bruylant.

- Commissioner for Human Rights. (2016a). *Wniosek do Trybunał Konstytucyjny w sprawie ustawy o zmianie ustawy o Policji oraz niektórych innych ustaw*. Warsaw: Rzecznik Praw Obywatelskich.
- Commissioner for Human Rights. (2016b). *Wniosek do Trybunał Konstytucyjny w sprawie ustawy antyterrorystycznej*. Warsaw: Rzecznik Praw Obywatelskich.
- Commissioner for Human Rights. (2016c, July 11). The Commissioner for Human Rights Challenges the Anti-Terrorism Act before the Constitutional Tribunal. Retrieved from <https://www.rpo.gov.pl/en/content/commissionerhuman-rights-challenges-anti-terrorism-act-constitutional-tribunal>.
- Commissioner for Human Rights. (2018, May 2). Adam Bodnar withdrew form the Constitutional Tribunal motion regarding the Act of 10 June 2017 on Counter-Terrorism Measures. Retrieved from <https://www.rpo.gov.pl/en/content/adam-bodnar-withdrew-form-constitutional-tribunal-motion-regarding-act-10-june-2017-counter>.
- Council of Europe: Commissioner for Human Rights, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following His Visit to Poland From 9 to 12 February 2016, 15 June 2016, CommDH(2016)23.
- Council of the European Union. (2008). *Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2007* (No. 10330/2/08 REV 2). Brussels: Council of the European Union.
- Council of the European Union. (2010a). *Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2008* (No. 9734/6/09 REV 6). Brussels: Council of the European Union.
- Council of the European Union. (2010b). *Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2009* (No. 7551/7/10 REV 7). Brussels: Council of the European Union.
- Council of the European Union. (2011). *Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2010* (No. 9120/2/11 REV 2). Brussels: Council of the European Union.
- Council of the European Union. (2013). *Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2011* (No. 9200/7/12 REV 7). Brussels: Council of the European Union.
- Council of the European Union. (2014). *Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2012* (No. 11500/14). Brussels: Council of the European Union.
- Daranowski, P. (2015). Poland. In K. Roach (Ed.), *Comparative Counter-Terrorism Law* (pp. 425–456). Cambridge: Cambridge University Press. Retrieved from <http://lib.myilibrary.com/Open.aspx?id=811314>.
- Deutsche Welle. (2016, March 24). Poland joins Hungary in planning stringent anti-terrorism laws in wake of Brussels attacks. Retrieved from <http://www.dw.com/en/poland-joins-hungary-in-planning-stringent-anti-terrorislaws-in-wake-of-brussels-attacks/a-19141781>.
- Donohue, L. K. (2008). *The Cost of Counterterrorism: Power, Politics, and Liberty*. Cambridge: Cambridge University Press.
- Donohue, L. K. (2012). Transplantation. In V. V. Ramraj, M. Hor, K. Roach, & G. Williams (Eds.), *Global Anti-Terrorism Law and Policy* (pp. 67–87). Cambridge: Cambridge University Press.
- Dunn, D. H. (2002). Poland: America's new model ally. *Defence Studies*, 2(2), 63–86.
- European Commission. (2017). *Replies to questionnaire on quantitative information on the practical operation of the European arrest warrant – Year 2015* (Commission staff working document No. SWD(2017) 320 final). Brussels: European Commission.
- Filipkowski, W. (2011). Anti-Terrorist Financing Regulations in Poland – Past and Present Issues. *Białostockie Studia Prawnicze*, 10, 81–94.
- Frankowski, S., & Wasek, A. (1993). Evolution of the Polish Criminal Justice System After World War Two – An Overview. *European Journal of Crime, Criminal Law and Criminal Justice*, 1(2), 143–166.

- Gogolewska, A. (2005, April). *Polish War on Terror: External Roots, Internal Dynamics and Ambitions to Become a Global Player*. Presented at the Security sector governance and the war on terror, Moscow.
- Gruszczak, A. (2009). The Polish Intelligence Services. In T. Jäger & A. Daun (Eds.), *Geheimdienste in Europa* (pp. 126–151). Wiesbaden: VS Verlag für Sozialwissenschaften. [https://doi.org/10.1007/978-3-531-91491-6\\_6](https://doi.org/10.1007/978-3-531-91491-6_6).
- Hamilton, C. (2018). The European Union: Swords or shield? Comparing counterterrorism law in the EU and the USA after 9/11. *Theoretical Criminology*, 22(2), 206–225.
- Helsinki Foundation for Human Rights. (2010). *Comments of Helsinki Foundation for Human Rights on the replies provided by the Government of Poland to the list of issues (CCPR/C/POL/Q/6) raised by the Human Rights Committee to be taken up with the consideration of the sixth period report on Poland (CCPR/C/POL/6) regarding the implementation of the International Covenant on Civil and Political Rights (Submission to the 100th Session of the Human Rights Committee)*. Warsaw: Helsinki Foundation for Human Rights.
- House of Commons. (2015). *The European Arrest Warrant* (No. Briefing Paper No. 07016). London: House of Commons.
- House of Commons. (2017). *The European Arrest Warrant* (No. Briefing Paper No. 07016). London: House of Commons.
- Human Rights First. (2016). *Poland's Anti-Terror Law*. New York, NY: Human Rights First.
- Human Rights Watch. (2017). *Eroding Checks and Balances: Rule of Law and Human Rights Under Attack in Poland*. New York: Human Rights Watch. Retrieved from <https://www.hrw.org/report/2017/10/24/eroding-checksand-balances/rule-law-and-human-rights-under-attack-poland>.
- Institute for Economics and Peace. (2017). *Global Terrorism Index 2017: Measuring and understanding the impact of terrorism*. Sydney: Institute for Economics and Peace.
- International Commission of Jurists. (2016). Bulletin: counter-terrorism and human rights. *European Human Rights Law Review*, E.H.R.L.R. 487.
- Jaloszynski, K. (2010). Bureau of Antiterrorist Operations – the Polish Police Counter Terrorist Unit as Compared to European Units. *Internal Security*, 1(2), 53–63.
- Karolewski, I. P. (2015). The transformation of EU governance, identity making and the counterterrorism policies of the EU. In I. P. Karolewski & M. Sus (Eds.), *The Transformative Power of Europe* (pp. 111–138). Wrocław: Nomos.
- Koblan, A. (2014). Political Aspects of CEE-Countries Participation in American Anti-Terrorism Campaign (2001–2011). *Czech-Polish Historical and Pedagogical Journal*, 6(1), 98–111.
- Kostakopoulou, D. (2008). How to do Things with Security Post 9/11. *Oxford Journal of Legal Studies*, 28(2), 317–342.
- Krajewski, K. (2004). Crime and Criminal Justice in Poland. *European Journal of Criminology*, 1(3), 377–407.
- Krajewski, K. (2012). Prosecution and Prosecutors in Poland: In quest of independence. *Crime and Justice*, 41, 75–116.
- Krajewski, K. (2013). Penal Development in Poland: New or Old Punitiveness? In T. Daems, van Zyl Smit, & S. Snacken (Eds.), *European Penology?* (pp. 377–407). Oxford: Hart Publishing.
- Kulesza, J. (2016, April 25). As Poles shift right, democracy runs scarce. *OpenDemocracy*. Available at: <https://www.opendemocracy.net/digital liberties/joanna-kulesza/as-poles-shift-right-democracy-runs-scarce>.
- Kusak, M. (2016). *Mutual admissibility of evidence in criminal matters in the EU: A study of telephone tapping and house search*. IRCP Research Series. Volume 53. Available at: [https://prawo.amu.edu.pl/\\_data/assets/pdf\\_file/0011/326909/IRCP-53-M-Kusak-Mutual-admissibility-E-version.pdf](https://prawo.amu.edu.pl/_data/assets/pdf_file/0011/326909/IRCP-53-M-Kusak-Mutual-admissibility-E-version.pdf).
- Lazerges, C. (2003). La dérive de la procédure pénale. *Revue de Science Criminelle*, 644.
- Libront, K. (2014). Definition of Terrorist Act in International Law and Polish Criminal Law. Problems and Policy Implications. In M. Milosevic & K. Rekawek (Eds.) (pp. 14–26). Amsterdam: IOS Press.

- Mackarel, M. (2007). 'Surrendering' the Fugitive—The European Arrest Warrant and the United Kingdom. *The Journal of Criminal Law*, 71(4), 362–381.
- Michalska-Warias, A. (2011). Fighting terrorism in Polish criminal law – the influence of EU legislation. *Białostockie Studia Prawnicze*, 10, 157–170.
- Murphy, C. C. (2012). *EU Counter-Terrorism Law: Pre-emption and the Rule of Law*. Oxford: Hart Publishing.
- Oleksiewicz, I. (2014). The crime of terrorism in the Polish law. *Zeszyty Naukowe WSIZiA*, 1(16), 176–188.
- Panoptykon Foundation. (2016, April 28). New Polish Anti-terrorism Law: every foreigner is a potential threat. Retrieved from <https://en.panoptykon.org/articles/new-polish-anti-terrorism-law-every-foreigner-potential-threat>.
- Polskie Radio. (2016, July 12). Ombudsman lodges complaint against new anti-terror law to Poland's top court. Retrieved from <http://www.dw.com/en/poland-joins-hungary-in-planning-stringent-anti-terrorism-laws-in-wake-ofbrussels-attacks/a-19141781>.
- Pratt, J. (2007). *Penal Populism*. London: Routledge.
- Rihackova, V. (2006). *Counterterrorism policies in Central Europe*. Prague: EUROPEUM Institute for European Policy.
- Rydzak, J. (2016). 'Now Poland's Government is Coming after the Internet', *Foreign Policy*, 10th June. Available at: <https://foreignpolicy.com/2016/06/10/now-polands-government-is-coming-after-the-internet/>.
- Snacken, S. (2010). Resisting punitiveness in Europe? *Theoretical Criminology*, 14(3), 273–292.
- The Warsaw Voice. (2016, June 13). Poland's lower house adopts anti-terrorism bill. Retrieved from <http://www.warsawvoice.pl/WVpage/pages/article.php/35708/news>.
- Tomaszewski, P. (2014). Participation of the Military Gendarmerie in the Fight against Terrorism. *Historia i Polityka*, 12(19), 77–81.
- UN Human Rights Committee. (2010). *Consideration of reports submitted by States parties under article 40 of the Covenant. Concluding observations of the Human Rights Committee on Poland* (No. CCPR/C/POL/CO/6). Geneva: United Nations Human Rights Committee.
- UN Human Rights Committee. (2016). *Concluding observations on the seventh periodic report of Poland* (No. CCPR/C/POL/CO/7). Geneva: United Nations Human Rights Committee.
- United Nations Security Council. (2001). *Report to the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism* (No. S/2001/1275). New York, NY: United Nations.
- United Nations Security Council. (2002). *Information additional to the report on the implementation by Poland of Security Council resolution 1373 (2001) submitted to the Counter-Terrorism Committee on 21 December 2001* (No. S/2002/677). New York, NY: United Nations.
- United Nations Security Council. (2003). *Second supplementary report of Poland on the implementation of resolution 1373 (2001) submitted to the Counter-Terrorism Committee* (No. S/2003/271). New York, NY: United Nations.
- United Nations Security Council. (2004). *Fourth report on the implementation by Poland of Security Council resolution 1373 (2001) submitted to the Counter-Terrorism Committee* (No. S/2004/919). New York, NY: United Nations.
- United Nations Security Council. (2006). *Report of the republic of Poland to the Counter-Terrorism Committee* (No. S/2006/284). New York, NY: United Nations.
- Venice Commission. (2016). *Poland. Opinion on the Act of 15 January 2016 amending the Police Act and certain other acts* (No. CDL-AD(2016)012). Strasbourg: European Commission for Democracy through Law, Council of Europe.
- Wiak, K. (2012). Offence of a Terrorist Nature in Polish Penal Law. In K. Wiak (Ed.), *Terrorism and Criminal Law* (pp. 125–186). Lublin: Wydawnictwo KUL.
- Zieba, A. (2015). Counterterrorism Systems of Spain and Poland: Comparative Studies. *Przegląd Politologiczny*, 3, 65–78.
- Zubrzycki, W. (2010). Poland in the System of the International Cooperation in the Scope of Physical Elimination of Terrorism in the European Union. *Internal Security*, 1(2), 65–74.