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Counterterrorism Systems of Spain and Poland: Comparative Studies

Abstract: This paper analyses the counter-terrorism systems in Spain and Poland. This comparative study looks at legal, institutional, and conceptual solutions. In particular, criminal legal regulations and various institutions fighting terrorism are analysed, as are the main goals and tasks of these bodies. The paper shows the scale of terrorist incidents and evolution of terrorist threats in both countries.

Key words: terrorism, counterterrorism, Spain, Poland

European Community states, especially in Western and Southern Europe, have experienced both internal and international acts of terrorism. Countries of the former Eastern bloc are experienced in reacting to criminal terror incidents, though not exactly terrorism. In recent years they have sought to move away from an excessive focus on policy to form their own anti-terrorist policies through the implementation of international law, including the solutions of the European Union, the criminalisation and penalisation of acts considered to be terrorist acts, and institutionalisation of centres coordinating information flow among particular state services. From the perspective of national security, the terrorist threat in Bulgaria, Poland, Czech Republic, Romania, Hungary, Slovakia, Baltic States and Western Balkans is not so high. However, recent incidents connected to international terrorism and self-radicalisation pose potential threats and bring about the need to redefine present solutions and intensify international cooperation. Consequently, the tools, mechanisms and experience in this scope held by other European Union states and developed in the 1970s are becoming helpful.

The various facets of preventing terrorism are enormous, and include such ideas as delegalisation of groups, detaining terrorist organisations' members, safeguarding vulnerable areas, collecting and exchanging information, confiscating assets, investigation, court proceedings and preventing the renewed growth of terrorist structures. Due to the constraints of space, this paper offers only several selected elements of the complex issue of counteraction systems. The analysis concerns two states: Poland, representing Central Europe, and Spain, representing Southern Europe. These countries were selected, among others, due to their military engagement in the global anti-terrorist campaign after the terrorist attacks of 11 September 2001 under US leadership, including the ISAF mission in Afghanistan and the war in Iraq. This cooperation resulted in threats to domestic security in the case of Spain, which experienced a terrorist attack in Madrid in 2004. The two states subject to this analysis have signed the majority of anti-terrorist sectoral conven-

tions and additional protocols of the United Nations and the Council of Europe and are active in implementing European Union solutions.

There are only a few comparative works concerning states in Central and Southern Europe in terms of internal security. Despite numerous differences among those states, there are important and sometimes surprising similarities concerning, for example, political solutions and political culture, including the culture of security and economic structure (Spain and Poland especially have similar economic potential). Central European states are closer to Southern European states (Greece, Italy, Portugal and Spain, Cyprus, Malta) than Western European ones, due to the scale of political and economic transformations.

In the countries selected for this paper, it is crucial to provide an answer to the question concerning the degree of impact of terrorist incidents of varied scale on the shape of systems preventing terrorism in those countries. The initial assumption is the belief that European countries benefit from the experience of other countries, by transferring solutions which have brought the expected results. However, 'success' is often only political rhetoric, and not necessarily related to terrorist trends and activity in a given territory, and supported by the long-time perspective of reducing the threat. One more difficulty is the double competences of crisis management systems and anti-terrorist systems on the operational and territorial level (in particular in Poland, which has no experience of terrorism on its territory).

Terrorist threats

According to the report of the Australian Institute for Economics and Peace (IEP), *Global Terrorism Index 2014*, which analyses the relative threat of international terrorism of 162 states in 2013, the countries with the highest risk in the European Union are Great Britain (27th in the rankings) and Greece (29th). According to the report, medium threats are found in Bulgaria, Italy, Cyprus and Spain (69th). Poland ranks 124th, similar to other states in its region. The evaluation of the threat comprised a year-long analysis of the total number of terrorist attacks, victims and property damage resulting from attacks (*Global Terrorism Index*, 2014, pp. 8–9).

The analysis of reports by the European Police Office (EUROPOL) from recent years shows that in the group of Central and Southern Europe states, the EU states subject to the highest threat of terrorist attacks are Spain, Greece and Italy (see Table 2). Differences in the evaluation of the threat result from the fact that IEP reports do not take into account terrorist organisations operating only on the territory of one country (internal terrorism) and organisations crossing the border of one country to another. On this last point, the focus is increasingly on the nationality of the victims and perpetrators, as well as the goals and results of attacks considered as transnational terror. Similarly, the statistical data in the annual report drawn up by the American Bureau of Counterterrorism, titled *Country Reports on Terrorism*, are presented in a selective manner. The Report, for example, shows no terrorist incidents took place in Spain in 2013, ignoring 26 attacks conducted by separatist organisations, 6 attacks organised by anarchist units and one attack without any qualified category (*Country reports on terrorism*, 2013, p. 115).

Table 1

Terrorist incidents in EU states 2006–2014

| State | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
|-----------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Austria | 1 | 1 | 6 | 6 | 2 | 0 | 0 | 0 | 0 |
| Belgium | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 1 |
| Bulgaria* | – | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 |
| Croatia** | – | – | – | – | – | – | – | 0 | 0 |
| Cyprus | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Czech Republic | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Denmark | 0 | 1 | 0 | 0 | 2 | 4 | 0 | 0 | 0 |
| Estonia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| France | 294 | 267 | 147 | 95 | 84 | 85 | 125 | 63 | 52 |
| Germany | 13 | 20 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Great Britain | 5 | 2 | 74 | 0 | 40 | 26 | 24 | 35 | 109 |
| Greece | 25 | 2 | 14 | 15 | 21 | 6 | 1 | 14 | 7 |
| Hungary | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 |
| The Netherlands | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ireland | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Italy | 11 | 9 | 9 | 3 | 8 | 5 | 11 | 7 | 12 |
| Lithuania | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Luxembourg | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Latvia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Malta | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Poland | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Portugal | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Romania* | – | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Slovakia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Slovenia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Spain | 145 | 279 | 263 | 171 | 90 | 47 | 54 | 33 | 18 |
| Sweden | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Total | 498 | 583 | 515 | 294 | 249 | 174 | 219 | 152 | 199 |

Source: Based on reports of the European Police Office “TE-SAT EU”: *Terrorism Situation and Trend Report 2007–2015*, <https://www.europol.europa.eu/>.

EUROPOL’s statistics took into account attacks carried out, and those incidents which were successfully prevented or which failed, due to, for example, untimely detonation. First of all, they concern internal terrorist activity. However, the whole spectrum of *modus operandi* of terrorists has not been taken into account, such as kidnappings and cyber-attacks. To give just one example, attacks against IT communication systems in Estonia in the spring of 2007 (27 April–11 May) fail to satisfy the criteria of a terrorist offence, despite having the element of threat and causing serious interruptions in the functioning of the state (Zięba, 2014a).

The data presented in Table 1 shows that France, Spain and Great Britain are the most threatened with terrorism; in Spain there were 1,100 terrorist attacks till the end of 2014. Those attacks were mostly realised by liberation movements, and separatist or anarchist groups. Attacks connected to international terrorism in Central European states occurred rarely, e.g. a suicide attack probably by Lebanese Hezbollah in Burgas in Bulgaria on 18 July 2012. It is worth mentioning that the locking split pins and detonators used in the attack against Israeli tourists were purchased in Poland. This suggests that despite the low threat of terrorism in Central Europe, related offences such as logistics, training, financing and recruitment can occur.

During 2006–2009, over 90% of attacks were conducted by liberation movements, mainly by Basque Homeland and Freedom (*Euskadi ta Askatasuna*, ETA), dynamically operating in the territory of Spain, France and sometimes Italy. In September 2010, ETA announced a permanent ceasefire, without giving up their aspirations for the independence of the Basque country, and a year later, in October, declared a definite termination of military actions. Until now (August 2015) no attacks carried out by ETA members have been reported. However, the organisation has not stopped operating, and it is still recruiting new members (especially to its youth wing – Segi) and still carries out reconnaissance and logistics operations. At present, it is not on the list of European Union terrorist organisations. Spanish law enforcement authorities continued operations, detaining perpetrators connected to ETA and bringing them to court, and against Segi. In 2013, numerous detentions took place, members of those organisations were arrested both within the country and abroad (France, Belgium, Venezuela).

According to the Global Terrorism Database (GTD) managed by the National Consortium for the Study of Terrorism and Responses to Terrorism (START) at Maryland University, at present about a dozen international organisations operate on the territory of Spain. They include Al-Qaeda, Excommunication and Exile (*Takfir wal-Hijra*), Moroccan Islamic Combatant Group (Fr. *Groupe Islamique Combattant Marocain*, GICM), Moroccan Helpers of Islam (*Ansar al-Islam*), Islamic Group (*Jamaa al-Islamija*) and Abu Hafs Al-Masri's Brigades, which admitted to having carried out the terrorist attacks in Madrid in 2004 and in London in 2005. During recent years, the following were most active in Spain in the area of internal terrorism:

- the communist First of October Anti-Fascist Resistance Groups (*Grupos de Resistencia Antifascista Primero de Octubre*, GRAPO) up to 2007, when six members of this organisation were detained by *Guardia Civil*;
- separatist groups: Galician Resistance (*Resistência Galega*, RG) – most active in 2010–2011 and organisations which have not been active since the '90s: Catalan Free Land (*Terra Lliure*, TLL) and the Movement for the Independence and Self-determination of the Canaries Archipelago (*El Movimiento por la Autodeterminación e Independencia del Archipiélago Canario*, MP AIAC), fighting for the creation of a Berber country.

The incident in Table 1 from 2006 in Poland was connected to spreading content related to the ideology of the neo-fascist organisation *Blood & Honour* (BH). The BH server was located in the USA, but the website was updated in Poland. As part of the co-operation between the Polish police and the *Federal Bureau of Investigation* (FBI), three Polish citizens were detained (Te-Sat, 2007, p. 35). However, the threat of terrorism in

Poland is assumed to be low, in late July 2014 fourteen members of right-wing extremist group were arrested (Te-Sat, 2015, p. 34).

In the context of international terrorism, it is worth mentioning the operation code-named “Sword” (Pl. “Miecz”) led by the Internal Security Agency around the beginning of 2004 which identified several dozen foreigners residing in Poland suspected of connections with Islamic terrorism. Among others, the group “Katilea” was closed down, thanks to cooperation between the Italian secret services and the Polish police (Izak, 2014, pp. 416–417).

Between 2006–2014, most people suspected of terrorism were detained in Spain – 1167 in total. The largest number of detentions, 261, took place in 2007. Moreover, the same year, Spain witnessed the largest number of people facing court – 231. Most detainees were connected to national-separatist groups. The second largest group was made up of people suspected of acting for the benefit of Islamic terrorist movements, including people connected to Al-Qaeda. 181 detainees were sentenced. By comparison, in 2013, there were 95 (out of 161) convictions for terrorist crimes in Spain, in 2014 – 114 (out of 198). Spain is the country with the largest number of open cases connected to terrorism in the entire European Union, and it has the largest number of convictions (Te-Sat, 2007–2015). Judicial procedures in cases connected to terrorism are carried out smoothly and efficiently.

In Poland, the individual terrorist threat became real with the detention on 9 November 2012 of Brunon K., suspected of preparing a terrorist attack against key state institutions, delivering secret military training and incitement to violence. According to the findings of the Polish Internal Security Agency (*Agencja Bezpieczeństwa Wewnętrznego*, ABW) and state prosecutors, the man planned to detonate 4 tonnes of explosives packed in a car near the parliament (*Sejm*) of the Republic of Poland. For preparations for an offence under Art. 128, Section 1 of the Penal Code “removing by force the constitutional authority of the Republic of Poland” he may face a prison sentence from 3 months to 5 years. Moreover, the Appellate Prosecutor’s Office in Krakow decided, that the act was of a terrorist nature. In addition, the Prosecutor’s Office brought the following charges: inciting other people to commit a crime, illegal possession and trade in arms, causing a threat to the life or health of many people and to significant properties. The total sentence may amount to 15 years in prison. The accused admitted to the illegal possession of weapons and explosives, delivering training for people whom he recruited, and conducting trial detonations, but not to attempting to carry out an attack against key constitutional bodies (Zięba, 2014b, pp. 149–150). Detaining a person in Poland with the profile of a perpetrator in the category of *lone wolves* could signify that there is no country in the European Union where the terrorist threat is non-existent. However, the case of Brunon K. is not totally clear. There is speculation that the terrorist himself was a product of the special services (he was provoked and properly maintained) (Majewski, 2015). The alleged explosives have never been found and judicial proceedings are ongoing.

Antiterrorist systems in Spain and Poland

Spanish traditions in combating political crimes connected to the activities of anarchist organisations date back to 1894 and the act on attacks committed with the use of explosive materials and devices. It is reflected in the Criminal Code of 1928. Subsequent

legal acts and amendments of the Criminal Code took place in connection to the increasing separatist threat, generated especially in the Basque region. Presently, the binding Criminal Code of 23 November 1995 (amended on 22 June 2010) consists of the definition of a terrorist organisation, specifies penalties for belonging to such an organisation (Art. 571), and the penalties for terrorist acts aimed at either overthrowing the constitutional order or the serious disruption to public order. Chapter VII, “About terrorist organisations and groups and terrorist crimes” in articles 571 to 580. Art. 571 sets out the basic types of action which have a terrorist nature and includes crimes committed involving, for example, explosives or arson by a person who cooperates with armed gangs, organisations or groups aiming to overthrow constitutional order or create a serious disruption to public order. Such an act is subject to 15–20 years in prison, but if the act results in death, it is subject to 20–30 years in prison; if a terrorist attack is aimed at a public official, the penalty may be increased by a further half (Art. 572) (*Ley Orgánica 10/1995*). An important new provision introduced on 12 January 2000 allows for the criminal liability of minors for terrorist offences. This referred to increasing street violence (*kale borroka*) by youths connected to ETA in the ‘90s (*Ley Orgánica 5/2000*). The procedure allowing for the suspension of certain rights and freedoms for an individual accused of a terrorist act (such as membership in or supporting armed groups), pursuant to Art. 55, Section 2 of the Constitution of the Kingdom of Spain of 1978, constitutes an interesting feature distinguishing it from other states. Pursuant to the Penal Procedure Code, Art. 520, courts have the right to isolate a detainee (*incomunicado detención*), and limit the right of the suspect to contact or even choose a lawyer (*Real Decreto 14.09.1882*). This measure is designed to restrict information from reaching people outside, which could hinder an investigation (Beckman, 2008, pp. 113–123).

The World Trade Center and Pentagon attacks of 11 September 2001 and their consequences had a significant influence on the legislation and creation of the anti-terrorist system in Poland. The definition of a terrorist offence was introduced to the Polish Penal Code in Art. 115, Section 20, on 16 April 2004 (the amendment of the Penal Code came into force on 1 May 2004). It was a requirement of the framework decision of the Council of the European Union of 13 June 2002 (Official Journal L 164, 22/06/2002). The introduced article states that a terrorist offence is a directional offence (*cum dolo colorato*), committed with direct intention of a particular nature, and is subject to a custodial sentence of up to 5 years. This act is committed in order to achieve three alternative goals: 1) serious intimidation of a large group of people, 2) forcing a public body of the Republic of Poland or other states or international organisations to undertake or refrain from undertaking a given action, 3) causing serious disturbance in the political regime or economy of the Republic of Poland, another country or an international organisation, or the threat of committing such an act (Penal Code, 2011). The legislator foresaw a series of criminal sanctions for a number of intentional crimes which may result from actions of a terrorist nature, or may themselves constitute an infringement of law. They are included in chapters XVI–XXI, XXIII, XXXIX, XXX, XXXII, XXXIII and XXXV of the Penal Code. Article 65 of the Penal Code is worth emphasising (Chapter VI “Principles of the imposition of penalty and penal means”); it foresees aggravation of the penalty: penalty above the lower limit up to the upper limit increased by a further half; Art. 258, Section 2 (Chapter XXXII “Offences against Public Order”) concerns participation in a group of a mili-

tary nature, aiming at committing a crime of a terrorist nature, subject to a custodial sentence from 6 months to 8 years. Section 4 of this article foresees a penalty not shorter than 3 years for founding or managing a terrorist group. Penalisation of financing terrorism was codified in the “November amendment” of 2009¹ and Art. 165a of the Penal Code which came into force on 19 April 2010 (Chapter XX “Offences against Public Safety”). On the other hand, the definition of a terrorist act may be found already in 2000 in the *Act on Counteracting the Introduction into Financial Circulation of Property Values Originating from Illegal or Undisclosed Sources* of 16 November 2000 in Art. 2, Item 7 (Polish Journal of Laws of 2010, No. 46, Item 276). A terrorist act is understood as an offence against peace and humanity, including war crimes (reference to chapter XVI of the Penal Code), offences against general safety, an attempt on the life of the President (Art. 134 of the Penal Code), and an assault, or insulting a representative of a foreign state (Art. 136 of the Penal Code). In Poland, the General Inspector of Financial Information (*Generalny Inspektor Informacji Finansowej*, GIIF), as the body responsible for combating money laundering, constitutes a financial intelligence unit satisfying the requirements specified by the Financial Action Task Force (FATF) and the Egmont Group; Spain is also active in those groups. The GIIF operates pursuant to the mentioned act of 16 November 2000 with the assistance of the Department of Financial Information in the Ministry of Finance. This entity has the competence of a national central agency responsible for the reception, application, analysis and distribution among competent administrative bodies of information concerning revenues which may come from offences, and also for the introduction of an adequate IT system. On the other hand, in Spain, the Financial Intelligence Unit function is realised by a much older institution, having its origins in the Central Bank of the Kingdom of Spain, the *Executive Service of the Commission for the Prevention of Money Laundering and Monetary Offences* SEPBLAC (*Servicio Ejecutivo de la Comisión de Prevención de Blanqueo de Capitales e Infracciones Monetarias*). Presently, the SEBLAC operates pursuant to Law 19/1993 of 28 December 1993 on specific measures for the prevention of money laundering and its implementing regulations approved by Royal Decree 925/1995 of 9 June 1995 and is headed by the Secretary of State for Economy (*Real Decreto de 09/06/1995*). Moreover, it operates pursuant to the Act of 28 April 2010 on combating money laundering and financing terrorism (Ley 10/2010). Both units of financial intelligence draw up yearly reports, available to the public on the websites of the institutions within whose framework they operate.

Table 2 presents the anti-terrorist systems in Spain and Poland, though it does not include field level tasks where the scope of crisis management is carried out. The strategic level concerns designating the main directions of the anti-terrorist policy of the state, the operational level – coordination of the exchange of information (analysis-information function) and the tactical level – the protective function of particular services, bodies and institutions.

¹ The “November amendment” in general means a package of changes adopted in the second half of 2009: the Act of 5 November 2009 on amending the Act – Penal Code, Act – Code of Criminal Procedure, Act – The Executive Penal Code, Act – penal fiscal code and several other acts. It was a continuation of changes introduced in the second half of the year amending among others: the Act on Counteracting the Introduction into Financial Circulation of Property Values Originating from Illegal or Undisclosed Sources of 16 November 2000 (Polish Journal of Laws of 2010, No. 46, Item 276).

Table 2

Comparative analysis: antiterrorist systems of Spain and Poland

| Level | Spain | Poland |
|--------------------|--|---|
| Strategic | <p>President of the Council of Ministers (<i>Presidente del Consejo de Ministros</i>)</p> <p>Council of Ministers (<i>Ministerio</i>)</p> <p>Minister of the Interior (<i>Ministro del Interior</i>)</p> <p>Executive Committee of Unified Command (<i>Comité Ejecutivo para el Mando Unificado</i>)</p> <p>Governmental Commission of Delegates for Intelligence Affairs (<i>Comisión Delegada del Gobierno para Asuntos de Inteligencia</i>)</p> <p>Commission for Emergencies (<i>Comité de Emergencias</i>)</p> | <p>President of the Council of Ministers (<i>Prezes Rady Ministrów</i>)</p> <p>Council of Ministers (<i>Rada Ministrów</i>)</p> <p>Minister of the Interior (<i>Minister Spraw Wewnętrznych</i>)</p> <p>Interministerial Team for Terrorist Threats (<i>Międzyresortowy Zespół ds. Zagrożeń Terrorystycznych</i>)</p> <p>Committee for Special Services (<i>Kolegium ds. Służb Specjalnych</i>)</p> <p>Governmental Crisis Management Team (<i>Rządowy Zespół Zarządzania Kryzysowego</i>)</p> |
| Operational | <p>National Centre for Coordination of Combating Terrorism (<i>Centro Nacional de Coordinación Antiterrorista</i>)</p> <p>National Centre of Crisis Management (<i>Centro Nacional de Conducción de Situaciones de Crisis</i>)</p> | <p>Anti-Terrorist Centre (<i>Centrum Antyterrorystyczne</i>) within the framework of the Internal Security Agency</p> <p>Government Centre for Security (<i>Rządowe Centrum Bezpieczeństwa</i>)</p> |
| Tactical | <p>National Intelligence Centre (<i>Centro Nacional de Inteligencia</i>)</p> <p>National Police Corps (<i>Cuerpo Nacional de Policía</i>)</p> <p>Civil Guard (<i>Guardia Civil</i>)</p> <p>Autonomous Police Services: <i>Ertzaintza</i> in the Basque Country, <i>Mossos d'Esquadra</i> in Catalonia, <i>Policia Foral</i> in Navarre</p> <p>Fire Brigades (<i>Cuerpo de Bomberos</i>)</p> <p>Customs Service Supervisions (<i>Servicio de Vigilancia Aduanera</i>)</p> <p>Executive Service of Commission for the Prevention of Money Laundering and Monetary Offences (<i>Servicio Ejecutivo de la Comisión de Prevención de Blanqueo de Capitales e Infracciones Monetarias</i>)</p> <p>Committee for Supervising Financing Terrorism (<i>Comisión de Vigilancia de Actividades de Financiación del Terrorismo</i>)</p> <p>Royal Guard (<i>Guardia Real</i>)</p> <p>Ministry of Defence (<i>Ministerio de Defensa</i>)</p> <p>Ministry of Foreign Affairs and Foreign Co-operation (<i>Ministerio de Asuntos Exteriores y de Cooperación</i>) and others</p> | <p>Internal Security Agency (<i>Agencja Bezpieczeństwa Wewnętrznego</i>)</p> <p>Foreign Intelligence Agency (<i>Agencja Wywiadu</i>)</p> <p>Military Counterintelligence Service (<i>Służba Kontrwywiadu Wojskowego</i>)</p> <p>Military Intelligence Service (<i>Służba Wywiadu Wojskowego</i>)</p> <p>Police (<i>Policja</i>)</p> <p>Border Guard Service (<i>Straż Graniczna</i>)</p> <p>State Fire Brigade (<i>Państwowa Straż Pożarna</i>)</p> <p>Customs Service (<i>Służba Celna</i>)</p> <p>General Inspector of Financial Information (<i>Generalny Inspektor Informacji Finansowej</i>)</p> <p>Interministerial Committee for Financial Security (<i>Międzyresortowy Komitet Bezpieczeństwa Finansowego</i>)</p> <p>Military Police (<i>Żandarmeria Wojskowa</i>)</p> <p>Government Protection Bureau (<i>Biuro Ochrony Rządu</i>)</p> <p>Governmental Centre for Security (<i>Rządowe Centrum Bezpieczeństwa</i>)</p> <p>Ministry of National Defence (<i>Ministerstwo Obrony Narodowej</i>)</p> <p>Ministry of Foreign Affairs (<i>Ministerstwo Spraw Zagranicznych</i>) and others</p> |

Source: Own elaboration.

In Poland, as many as three teams have an opinion-advisory function: Inter-ministerial Team for Terrorist Threats (*Międzyresortowy Zespół ds. Zagrożeń Terrorystycznych*, MZZT), Committee for Special Services (*Kolegium ds. Służb Specjalnych*, KSS) and Governmental Crisis Management Team (*Rządowy Zespół Zarządzania Kryzysowego*, RZZK). The Internal Security Agency (ABW), also having investigative competences, responsible for recognition, prevention and detection of terrorist offences, and the Foreign Intelligence Agency (*Agencja Wywiadu*, AW), responsible for recognising international terrorism, occupy key positions in the anti-terrorist system pursuant to the Act of 24 May 2002 (Polish Journal of Laws of 2002, No. 74, Item 676). Since 1 October 2008, the Anti-Terrorist Centre (*Centrum Antyterrorystyczne*, CAT) at the Polish Internal Security Agency (ABW) has had the function of co-ordinating the exchange of *information among the services*. The *Government Centre for Security* (*Rządowe Centrum Bezpieczeństwa*, RCB) has had the coordinator's role (operational level) in reference to the realisation of crisis management tasks (tactical level).

In Spain, the National Intelligence Centre (*Centro Nacional de Inteligencia*, CNI) subject to the Ministry of Defence, founded pursuant to the Act of 6 May 2002 (*Ley 11/2002, de 6 de mayo*), is responsible for collecting and analysing information. Information is delivered directly to the Prime Minister by the CNI Director in the rank of the Secretary of State. Since 2004, the National Centre for Combating Terrorism Coordination (*Centro Nacional de Coordinación Antiterrorista*, CNCA) has the role of coordinator of intelligence information collected by all administrative units engaged in combating terrorism at the operational level in Spain. Moreover, the important role of the National Centre of Crisis Management (*Centro Nacional de Conducción de Situaciones de Crisis*, CNCSC), operating in a 24-hour system, needs emphasising. At this point, it is worth mentioning that in Spain there is a centralised reference database comprising the data of competent contact people and a list of good practices in the case of crisis situations, at the National Centre for the Protection of Critical Infrastructure (*Centro Nacional para la Protección de las Infraestructuras Críticas*, CNPIC).

The terrorist attack in Madrid (referred to as 11-M), due to its consequences, has very specific significance. The simultaneous explosion of ten explosive devices in four trainsets (7:39–7:42) resulted in the deaths of 191 people (including 4 Poles) along with 1,876 injured. As a consequence of the attacks, in 2004 a Special Safety Plan (*Plan Especial de Seguridad*) was drawn up, and from 9 March 2005 the Prevention and Anti-Terrorist Protection Plan (*Plan Especial de Seguridad*) has been in place. Apart from the founding in 2004 of a unit co-ordinating the exchange of information among particular institutions engaged in the system of combating terrorism, the CNCA was also founded, referred to as the Police Support Team for Managing Serious Terrorist Attack Consequences (*Equipo Policial de Apoyo ante Grandes Atentados Terroristas*) two years later. It is composed of experts from the National Police Corps (CNP) and the Civil Guard (*Guardia Civil*).

The Special Operations Team (*Grupo Especial de Operaciones*, GEO), founded in 1977 within the framework of the National Police Corps, is a specialised anti-terrorist unit counteracting ETA. On the other hand, in the framework of the Spanish Civil Guard (*Guardia Civil*, GC), a Special Operations Unit (*Unidad Especial de Intervención*, UEI) has been operating since 1978. In the same year, the Anti-Terrorist Unit in Rural Areas

was founded, presently operating under the name of the Rapid Reaction Group (*Grupo de Acción Rápida*, GAR). The creation of this unit, concentrating its actions in the three provinces of the Basque Country and in Navarra province, contributed to the detention of numerous people connected to ETA. Moreover, in counterterrorist actions, the X Battalion for Special Operations (*Bandera de operaciones especiales de La Legión*, BOEL) of the Spanish Foreign Legion (*Legión Extranjera Española*) can also be deployed. Other military units within the land forces are as follows: Special Operations Unit (*Unidad de Operaciones Especiales*, UOE) and Special Unit of Marine Corps (*Unidad Especial de Buceadores de Combate*, UEBC) (Jałoszyński, 2010, pp. 210–211). Interestingly, the GC is subject to two ministries; in issues concerning services, goals and financial means, it is subject to the ministry of the interior, and in issues concerning promotion, it is subject to the ministry of defence. Apart from the realisation of tasks on state territory, *Guardia Civil* secures all maritime and land borders of Spain.

There are also special units trained for offensive actions in Poland. On the local level they are the Independent Anti-Terrorist Sub-Units (*Samodzielne Pododdziały Antyterrorystyczne*, SPAT) of the Regional Police Headquarters in Gdansk, Bialystok, Wrocław, Łódź, Szczecin, Poznań, Kraków, Katowice and Rzeszów. The Anti-Terrorist Units of the Regional Police Headquarters are located in Lublin, Olsztyn, Bydgoszcz, Kielce, Opole, Gorzów Wielkopolski and Radom. ATK Teams (for the coordination of counteraction of terrorist attacks) have been established in all units of the Polish police. The teams are responsible for the coordination and supervision of actions in terms of operational recognition of groups of people combating acts of terror with the use of explosives in their given region. The Office for Anti-Terrorist Operations (*Biuro Operacji Antyterrorystycznych*, BOA) of the Police Headquarters in Warsaw operates on the central level. In the framework of the Internal Security Agency there is also a small tactical unit, the Department (V) for Securing Realisation and Anti-Terrorist Actions in the Department of Criminal Proceedings. Among the units specialising in counter-terrorism actions in the framework of the Polish Army Forces, there are the following: Military Unit no. 2305. The Dark and Silent Paratroopers of the Polish Army Forces Special Military Unit GROM (*Wojskowa Formacja Specjalna GROM im. Cichociemnych Spadochroniarzy Armii Krajowej*), 1st Special Forces Regiment stationed in Lubliniec and Military Unit Formoza (*Jednostka Wojskowa Formoza*). Special Platoons are operating within the framework of the Border Guard (*Straż Graniczna*, SG) and Special Troops of Military Police operating within the framework of the Military Police (*Żandarmeria Wojskowa*, ŻW) (Hołyst, 2011, pp. 1382–1413).

In line with the present “Spanish Security Strategy” (*Estrategia Nacional de Seguridad*) of 31 May 2013 (*Estrategia Nacional de Seguridad 2013*), identifying terrorism is one of the most important threats and challenges for national security, and the government is obliged to submit a yearly security report to Parliament. Apart from the updated threat evaluation and reaction plans, the report consists of potential scenarios and measures aimed at securing large metropolitan areas and reducing economic tensions, which may lead to a fascination with radical political violence or self-radicalisation. Of course issues related to international cooperation in multilateral and bilateral dimensions are also taken into account in the reports. The main intention of the Strategy is to maintain and develop the capacity to prevent and counteract threats. On the other hand, Poland adopted

a Resolution by the Council of Ministers, no. 252, belatedly introducing a National Anti-Terrorist Programme for 2015–2019 (*Narodowy Program Antyterrorystyczny na lata 2015–2019*) on 9 December 2014, despite the fact that it had been developed 5 years earlier by the former Ministry of the Interior and Administration. In the area of qualifying terrorist threats, the document distinguishes individual perpetrators, so-called *lone wolves*, and the selection of soft goals by terrorists (e.g. shopping centres, transportation means and schools). It has been indicated that possible terrorist activity in Poland may also target citizens or diplomatic representations and cultural centres of other countries. Moreover, it is also possible to use Polish territory to develop a logistics infrastructure in order to manage terrorist attacks in other European countries (Polish Journal of Laws of 24 December 2014, Item 1218). Attention was drawn to the fact that cyberspace is an important area of terrorist activities, as it may be used by terrorist organisations for both managing attacks against government servers and spreading radical ideology, as well as executing illegal financial transfers related to terrorism.

Conclusions

Anti-terrorist systems in Poland and Spain are developed as conceptions and as institutions, neither of which necessarily reflects the actual terrorist threats in both countries. This generates only costs to the budget. Spain is a country struggling not only with internal terrorism, but also external. It is the first European country which shouldered the cost of an international anti-terrorist coalition (Madrid 2004). On the other hand, the artificial creation of danger in Poland may contribute to unnecessary expenditures from the state budget and social unrest. However, in case of the occurrence of real danger, the experience of other European states and consultation mechanisms of the European Union will be priceless. It is worth mentioning that on 27 November 2000 Spain concluded an agreement with Poland to combat organised crime and other serious crimes (Journal of Laws of 2004, No. 154, Item 1621). Similar agreements have been concluded by both countries with other states, including priority agreements with neighbouring countries. The Spain-Morocco agreement of 16 November 2010 (which came into force in 2012) on forming joint Police Headquarters on both borders of the Strait of Gibraltar in Tangier and Algeciras was an important initiative (Documento BOE A-2012 6365). It is important to notice that, after France and Portugal, Morocco is the third country with which Spain concluded this form of police cooperation. However, in contrast to operations in the UE, Spanish services cannot make cross-border detentions and conduct pursuits on Moroccan territory.

Radicalisation of attitudes and behaviours leading to terrorism may result from experiencing violence, national trauma, supporting a given cause (Palestine, Iraq, Syria), recruitment in criminal circles, including penitentiary centres (common in Spain), recruitment in centres of faith/culture and other associations, and on-line recruitment (the most probable scenario in Poland). Psychological factors, especially the mechanism of frustration leading to aggression, may also generate violence, including political violence. Citizens of Central European states do not seem to be prone to this particular 'philosophy of life', but the possibility of the so-called individual jihad caused by fascination with explosives

available from the Internet is not excluded. The situation is different in southern states, where terrorist organisations with various ideological backgrounds operate, representing a whole 'range' of terrorist movements and mainly subject to migration connected to terrorist operations from North Africa and Middle East.

The membership of the analysed countries in NATO also provides information and intelligence capacities, military support and counselling. Moreover, active participation in the projects of the EU, the Council of Europe on antiterrorist laws and the UN assists national counteraction systems and also allows for the exchange of good practices.

States and their citizens also become targets of international terrorist attacks due to their participation in NATO, the European Union, peacekeeping and stabilisation missions (including participation in ISAF forces, the alliance with the USA, good relations with Israel) similarly to Spain in 2004.

States engaged in preventing terrorist attacks currently focus on the process of becoming a terrorist and the exchange of good anti-terrorist practices. The problem lies not in the anti-terrorist and legal systems of particular European states, but in the vulnerability of society and critical infrastructure to attacks. This 'sensitivity' is understood as the recognisability and ease of access for terrorist organisations. There are no ideal solutions, and the common goal both for national states and the entire European Union is the same: assuring security and protection of democratic values. All these efforts undertaken with persistence, political will and indomitability against terrorists constitute the pillars of every anti-terrorist system focused on long-term measures, and hidden from public opinion.

Bibliography

- Beckman J. (2008), *Comparative Legal Approaches to homeland security and anti-terrorism*, Ashgate Burlington.
- Country reports on terrorism* (2013), July 2014, United State Department of State Publication: Bureau of Counterterrorism, <http://www.state.gov/documents/organization/225886.pdf>, 01.01.2015.
- Documento BOE A-2012 6365 *Acuerdo entre el Gobierno del Reino de España y el Gobierno del Reino de Marruecos en materia de cooperación policial transfronteriza, hecho "ad referendum" en Madrid el 16 de noviembre de 2010*, "Boletín Oficial de Estado", http://www.boe.es/diario_boe/txt.php?id=BOE-A-2012-6365, 17.02.2015.
- Estrategia Nacional de Seguridad 2013* (2013), Ministerio de Defensa, Madrid, <http://www.seguridadparatodos.es/2013/05/estrategia-de-seguridad-nacional-2013.html>, 11.12.2014.
- Global Terrorism Index 2014: Measuring and Understanding the Impact of Terrorism* (2014), IEP, Sydney–New York–Oxford, http://www.visionofhumanity.org/sites/default/files/Global%20Terrorism%20Index%20Report%202014_0.pdf, 18.01.2015.
- Hołyst B. (2011), *Terroryzm*, t. II, Lexis Nexis, Warszawa.
- Izak K. (2014), *Leksykon organizacji i ruchów islamistycznych*, Centralny Ośrodek Szkolenia im. Gen. Stefana Roweckiego "Grota", Warszawa.
- Jałoszyński K. (2011), *Zagadnienia fizycznej walki z zagrożeniami terrorystycznymi*, Wydawnictwo Trio, Warszawa.

- Ley 10/2010, de 28 de abril, *de prevención del blanqueo de capitales y de la financiación del terrorismo*, “Boletín Oficial de Estado”, <http://www.boe.es/buscar/act.php?id=BOE-A-2010-6737>, 28.02.2015.
- Ley 11/2002, de 6 de mayo, *reguladora del Centro Nacional de Inteligencia*, “Boletín Oficial de Estado”, <https://www.boe.es/boe/dias/2002/05/07/pdfs/A16440-16444.pdf>, 02.01.2015.
- Ley Orgánica 10/1995, de 23 de noviembre, *del Código Penal*, “Boletín Oficial de Estado”, <https://www.boe.es/buscar/pdf/1995/BOE-A-1995-25444-consolidado.pdf>, 01.02.2015.
- Ley Orgánica 5/2000, de 12 de enero, *reguladora de la responsabilidad penal de los menores*, “Boletín Oficial de Estado”, <https://www.boe.es/buscar/pdf/2000/BOE-A-2000-641-consolidado.pdf>, 02.02.2015.
- Majewski A. (2015), *Kto jest większym zagrożeniem dla bezpieczeństwa państwa domniemani terroryści czy żądni łatwych sukcesów agenci*, “WPolityce.pl”, 15 February 2015.
- National Consortium for the Study of Terrorism and Responses to Terrorism (START), www.start.umd.edu/gtd/.
- “Official Journal” L 164, 22/06/2002 P. 0003 – 0007 *Council Framework Decision of 13 June 2002 on combating terrorism*.
- “Polish Journal of Laws” of 2002, No. 74, Item 676 (Dz. U. z 14.06.2002, Nr 74, poz. 676), *Ustawa z dnia 24 maja 2002 o Agencji Bezpieczeństwa Wewnętrznego oraz Agencji Wywiadu*.
- “Polish Journal of Laws” of 2004, No. 154, Item 1621 (Dz. U. z 2004, Nr 154, poz. 1621), *Umowa między Rzeczpospolitą Polską a Królestwem Hiszpanii o współpracy w zakresie zwalczania przestępczości zorganizowanej i innej poważnej przestępczości, sporządzona w Madrycie dnia 27 listopada 2000 r.*
- “Polish Journal of Laws” of 2010, No. 46, Item 276 (Dz. U. z 2010, Nr 46, poz. 276), *Ustawa o przeciwdziałaniu wprowadzaniu do obrotu finansowego wartości majątkowych pochodzących z nielegalnych lub nieujawnionych źródeł z 16 listopada 2000 roku*.
- “Polish Journal of Laws” of 24 December 2014, Item 1218 (Dz. U. z 24.12.2014, poz. 1218), *Narodowy Program Antyterrorystyczny na lata 2015–2019*.
- “Te-Sat 2007”: *EU-Terrorism Situation and Trend Report*, Europol, The Hague 2007, https://www.europol.europa.eu/sites/default/files/publications/tesat2007_1.pdf, 11.02.2015.
- “Te-Sat 2014”: *EU-Terrorism Situation and Trend Report*, Europol, The Hague 2014, <https://www.europol.europa.eu/content/te-sat-2014-european-union-terrorism-situation-and-trend-report-2014>, 13.03.2015.
- “Te-Sat 2015”: *EU-Terrorism Situation and Trend Report*, Europol, The Hague 2015, <https://www.europol.europa.eu/content/european-union-terrorism-situation-and-trend-report-2015>, 01.07.2015.
- Penal Code (2011), *Kodeks karny. Kodeks Postępowania karnego*, Beck, Warszawa.
- Real Decreto 935/1995 de fecha 09.06.1995 *Sobre traspaso de funciones y servicios de la Administración del Estado a la Comunidad de Madrid en materia de fundaciones*, http://www.cortsvalencianes.es/BASISCGI/BASIS/LEGISTA/WEB/PDF_BDLEGIS/DDD/182367758990001, 27.02.2015.
- Real decreto de 14 de septiembre de 1882 *por el que se aprueba la Ley de Enjuiciamiento Criminal*, “Boletín Oficial de Estado”, <https://www.boe.es/buscar/pdf/1882/BOE-A-1882-6036-consolidado.pdf>, 02.02.2015.
- Zięba A. (2014a), *Terroryzm w Unii Europejskiej na początku XXI wieku: wnioski dla Polski, in: Dylematy bezpieczeństwa polityki Polski, na początku XXI wieku*, eds. K. Czornik, M. Lakomy, Ośrodek Debaty Międzynarodowej Katowice, Katowice.
- Zięba A. (2014b), *Niemcy i Polska wobec problemu terroryzmu. Analiza porównawcza*, “Studia Politologiczne”, vol. 34.

Systemy antyterrorystyczne Hiszpanii i Polski: studium porównawcze

Streszczenie

W artykule została przeprowadzona analiza porównawcza systemów przeciwdziałania terroryzmowi w Hiszpanii i Polsce. Analiza ta obejmuje poziom prawny, instytucjonalny oraz operacyjny i taktyczny. Dodatkowo ukazano skalę incydentów terrorystycznych w wybranych krajach, celem ukazania skali zagrożenia.

Słowa kluczowe: terroryzm, zwalczanie terroryzmu, Hiszpania, Polska