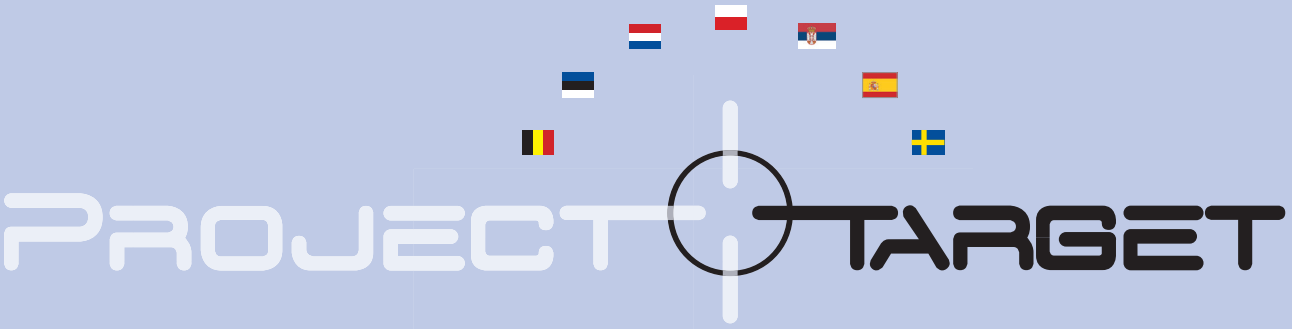
COUNTRY REPORTS



Pulling the trigger: gun violence in Europe

Nils Duquet (ed.)

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The Flemish Peace Institute is a para-parliamentary institution within the Flemish Parliament. It provides thorough analyses, informs and organizes the debate and promotes peace and the prevention of violence. Quitterie De Labbey worked on the Institute's programme 'Arms Trade and Arms Production' where she has done research on illicit firearms in Europe and gun violence. Dennis Vanden Auweele is researcher at the Flemish Peace Institute for firearm violence and firearm trafficking (Project TARGET and INSIGHT). He was previously doctoral and postdoctoral researcher at KU Leuven, and held positions at RU Groningen. Nils Duquet has been working at the Flemish Peace Institute since 2006 and has authored more than 50 policy-oriented and academic publications on illicit firearms trafficking and gun violence in Europe, domestic gun policies and European arms export controls.

Estonia

Arquebus

Arquebus is a UK based organisation that works with Governments, Law Enforcement Agencies, and other institutions such as the United Nations and the EU to develop strategies to combat the illegal trafficking and use of firearms internationally. Arquebus has worked in over 50 different countries over the past decade providing policy support, managed forensic services and implementation of firearms lifecycle and registration software. The Arquebus team have contributed to a wide range of firearms related research projects including EU project EFFECT, Project SAFTE and Project FOCAL-SF and are currently a partner in Project REGISYNC which is focused on the firearms registration capability of 37 countries.
Paul James served as a Police Officer for 30 years and was Unit Head of the UK's National Ballistics Intelligence Service before becoming a joint founder of Arquebus in 2012. He is currently the Chief Executive Officer. Declan Hillier obtained a First-Class Honours Degree in International Security at Bristol University and worked for two years as a specialist researcher at Arquebus.

The Netherlands

The University of Leiden

At Leiden University, the research group Violence and Public Order takes an interdisciplinary perspective, in which we use and adapt concepts from sociology, public health and public policy, criminology, victimology, forensic psychology and pedagogy – moving past mono-disciplinary approaches to research into violence and public order. In our data-driven research, we seek to help design evidence-based, tailored interventions and to aid efforts to reduce the violence burden on society. Professor Marieke Liem is involved in a range of (internationally comparative) studies on interpersonal violence; Katharina Krüsselmann is conducting PhD research on the prevalence and impact of gun violence in Europe.

Poland

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The Department of Criminology and Forensic Science of the Faculty of Law and Administration of the University Warmia and Mazury in Olsztyn (UWM) is one of the national leaders in the implementation of research grants in the field of criminology and criminal policy in Poland. Prof. Piotr Chlebowicz has been working at the UWM since 2005 as a lecturer and researcher. He has authored more than 90 academic publications and expert's reports in the fields of organized crime, criminal law and criminology. Szymon Buczyński is an experienced researcher in the field of criminology. He is an assistant at the Department of Criminology and Forensic Science (Faculty of Law and Administration of the University of Warmia and Mazury in Olsztyn). In his research, he focuses on the issue of white-collar crimes, the phenomenon of illegal markets (with particular emphasis on the illegal arms trade), big data, eco-criminology, and cultural heritage protection. Author of several dozen publications, including works awarded by the Polish Forensic Society. A scholarship holder of the Fulbright Commission, the Ministry of Science, and the Lesław A. Paga Foundation. Author of numerous research grants. Tomasz Safjański Phd, external expert on Public Safety and Law Enforcement for European Court of Auditors in Luxemburg, researcher, investigator with practical experience, former Deputy Director of the Criminal Intelligence Bureau of Polish National Police HQ, Head of Europol National Unit, Director of Interpol National Central Bureau, Expert of Central Bureau of Investigation, Specialist of Warsaw Metropolitan Police (1994 – 2009). Prof. J. Moszczyński was an outstanding expert in forensic science.

Serbia

Victimology Society of Serbia

Victimology Society of Serbia-VDS is an independent, not-for-profit, and non-governmental organization, founded in 1997 with the goal of developing the field of victimology, improving the position of victims of crime, war and human rights violations, and increasing the protection of victims' rights regardless of their gender, religion, ethnicity and other personal features. VDS's mandate includes policy-oriented and feminist action research, drafting of laws and advocacy, victim support, awareness raising, education, and truth and reconciliation. Its purpose is to use its research to create evidence-based and viable policy solutions for Serbian law makers in the field of victims' rights, particularly of women victims of gender related violence, and to stand up for victims' rights. Dr Sanja Ćopić is a researcher and president of the Executive Board of the Victimology Society of Serbia and associate professor of criminology, victimology, juvenile delinquency and child abuse at the Faculty for Special Education and Rehabilitation, University of Belgrade. She was involved in numerous action-oriented, comparative and experimental research on victims of crime, mostly focusing on different forms of gender related violence, and has published extensively on these topics. Dr Mirjana Dokmanović is a researcher at the Institute of Social Sciences, Belgrade, and a member of the Executive Board of Victimology Society of Serbia, and has authored more than 60 academic and policy-oriented articles on human rights, gender-based violence and armed domestic violence.

Spain

Flemish Peace Institute

The Flemish Peace Institute is a para-parliamentary institution within the Flemish Parliament. It provides thorough analyses, informs and organizes the debate and promotes peace and the prevention of violence. Matteo Dressler worked on the Arms Trade & Arms Production Programme of the institute with focus on the diversion of firearms from legal into illegal markets in the European Union and gun violence. His previous research focused on post-conflict governance reform, inclusivity in peace processes, European Union peacebuilding policy and armed social violence.

Sweden

Arquebus

Arquebus is a UK based organisation that works with Governments, Law Enforcement Agencies, and other institutions such as the United Nations and the EU to develop strategies to combat the illegal trafficking and use of firearms internationally. Arquebus has worked in over 50 different countries over the past decade providing policy support, managed forensic services and implementation of firearms lifecycle and registration software. The Arquebus team have contributed to a wide range of firearms related research projects including EU project EFFECT, Project SAFTE and Project FOCAL-SF and are currently a partner in Project REGISYNC which is focused on the firearms registration capability of 37 countries.
Matt Lewis was the Head of Knowledge and Communication for the UK's National Ballistics Intelligence Service before becoming a joint founder of Arquebus in 2012. He is currently the Chief Executive Officer. Declan Hillier obtained a First-Class Honours Degree in International Security at Bristol University and worked for two years as a specialist researcher at Arquebus.

Introduction

Firearm trafficking and gun violence go hand in hand in Europe. An important reason for this is that criminals generally do not have access to legally-held firearms and thus need to resort to illicit gun markets – either locally or internationally - to acquire firearms. Yet, while all European countries are confronted with a certain degree of firearm trafficking, the levels of gun violence and the availability of firearms on criminal markets differ substantially across Europe. In recent years firearm trafficking has fuelled criminal gun violence and even terrorism in several European countries, but other countries seem to be much less affected. This book contains chapters on gun violence and firearm trafficking in seven different European countries: Belgium, Estonia, the Netherlands, Poland, Serbia, Spain and Sweden. While the reader will be able to observe interesting similarities between the situations in these countries, it is clear that gun violence in Europe is not a homogenous phenomenon.

The country-specific analyses in this book were undertaken as part of Project TARGET, a large-scale research project on the linkages between gun violence and firearm trafficking in Europe. This project was coordinated by the Flemish Peace Institute, an independent research institute affiliated to the Flemish Parliament (Belgium), and co-funded by the European Union's Internal Security Fund. The research partners in this project were Leiden University, Arquebus Solutions, Stockholm International Peace Research Institute (SIPRI), the University of Warmia and Mazury in Olsztyn, and the Victimology Society of Serbia. The project was supported by Europol, the Dutch National Police, the UN Office on Drugs and Crime (UNODC), the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (UNDP's SEESAC) and the European Centre for Drugs
and Drugs Addiction (EMCDDA).

In the first phase of Project TARGET quantitative and qualitative data on gun violence and firearm trafficking was collected in 34 European countries (27 Member States of the European Union, the United Kingdom, and six countries in the Western Balkans). In a second phase, dedicated research teams analysed the situation in seven European countries in depth. This is done in attempt to describe the dynamics of gun violence, firearm trafficking and the possible linkages between both phenomena. In a third phase various interviews were undertaken to complement the collected data. The results of the comparative analysis of all the data collected during the different phases of Project TARGET were published in the report "Targeting gun violence and trafficking in Europe" that was published by the Flemish Peace Institute in December 2021. This book

contains the country studies that were undertaken as part of the second phase of the project.

The first chapter of this book focuses on **Belgium**, a European country that is traditionally known for its history and passion for firearms. Although no reliable estimates of the illegal firearms possession rate in Belgium exist, law enforcement agencies in the country believe the availability of firearms on the criminal market has increased in recent years. Belgium has a reputation as a hotspot for illicit firearm trafficking in Europe, with criminal demand driven by drugs traffickers and armed robbers. Yet, different types of criminals tend to possess and use different types of firearms in Belgium. While armed robbers tend to use handguns, including blank firing weapons and modified firearms to threaten their victims, drugs criminals more often use their firearms in shootings. Military-grade firearms - very often smuggled conflict legacy weapons from the Western Balkans but also reactivated firearms - are more often used in the drugs context than in other criminal contexts. These types of weapons have also ended up in the hands of terrorists after being trafficked via Belgium. While clear linkages can be observed between firearm trafficking and criminal and terrorist violence, the impact of firearm trafficking on domestic violence is quite limited since this type of violence is generally carried out with firearms that are available to the perpetrator at that time, including legally-held firearms and 'non-regularized' firearms that are not trafficked.

In **Estonia**, the focus of the second chapter of this book, firearm trafficking and gun violence are rather rare phenomena, and a clear-cut connection between them has not been observed in recent years. While both phenomena were significant security problems in Estonia in the decade after the country regained its independence from the Soviet regime, this is no longer the case. Firearm trafficking is quite limited and often involves the reactivation of firearms. Organised crime groups are not frequently involved in firearm trafficking; it is mainly carried out by opportunistic individuals on an ad hoc basis. Criminal gun violence is rather exceptional since the use of firearms by criminals is marginal. Incidents of gun violence largely occur in the family context and involve the consumption of alcohol. The perpetrators in such incidents are generally not criminals and lack access to trafficked firearms. Unsurprisingly, almost 40% of the firearms homicides are committed with a legally-held firearms. The other firearm homicides were committed with an illegally-held firearm, but these firearms are generally not trafficked weapons. Instead, often non-regularised firearms, which have been held illegally since the Second World War or since the proliferation of firearms after the collapse of the Soviet Union in the early 1990s are being used.

The third chapter of this book analyses gun violence and firearm trafficking in **The Netherlands**. Like in Belgium, a strong nexus between firearm trafficking and drug-related criminal violence can be observed in The Netherlands. The very lucrative character of cocaine-trafficking, but also the presence of synthetic drug production and trafficking in the country, has increased criminal demand for firearms and boosted firearm trafficking, including in military-grade firearms. This has fuelled violent competition between organised crime groups, resulted in an arms race between

criminals and boosted shootings in the criminal milieu. This criminal gun violence has also spilled over to other parts of society with recent high-profile shootings of a lawyer and a crime journalist. Over the years, The Netherlands has become an important destination and transit country for the various types of firearm trafficking in Europe, including the smuggling of conflict legacy weapons from the Western Balkans and reactivated firearms from Slovakia.

The fourth chapter of this book focuses on **Poland**, which has one of the lowest firearms homicide rates in Europe. The low level of gun violence in the country is strongly connected to the low levels of firearm trafficking and the low criminal demand for firearms in the country. Yet, like in Estonia, this was not always the case: after the collapse of the Soviet Union, firearm trafficking increased substantially with emerging criminal groups fighting each other for control over lucrative criminal markets. Since the mid-1990s the number of firearms seizures increased and reached its peak around 2000, with a significant portion of the firearms being smuggled into the country from Czechia and Slovakia. Although firearms seizures have gradually decreased afterwards, these two countries can still be considered key source countries. Poland has also become more of a transit country than a destination country with regard to firearm trafficking. In recent years the number of firearm seizures at the border has increased strongly. Especially firearm trafficking at the border with Ukraine has become a key concern for Polish law enforcement agencies, who warn about the future risk for increased trafficking in conflict-legacy weapons from Ukraine.

In the fifth chapter gun violence and firearm trafficking in **Serbia** are analysed. Serbia is characterised by a high rate of both legal as well as illegal firearms possession, resulting from a cultural and historical tradition of firearms possession and production, and from its recent history of armed conflict and political instability. Firearms possession is dominated by young and middle-aged men and largely motivated by tradition, hunting and self-defence. Although the scope of illicit firearm possession is difficult to estimate, this possession is widely believed to be significant. The armed conflicts in the region have fuelled gun violence within Serbia and in other European countries. During these armed conflicts large amounts of firearms have ended up in the hands of civilians, where many of them have stayed for numerous years. An unknown share of these conflict legacy weapons have in recent decades, however, also been smuggled to other parts of Europe, where they are being used in the criminal milieu. Illegally-held conflict legacy firearms are not only trafficked out of the country, but also used by criminals – especially armed robbers – within the country. Gun violence in Serbia is mainly a 'male phenomenon' with male perpetrators and victims, with the exception of gun violence in a family context in which most victims are women. Gun violence in this context also tends to be far more lethal than in the criminal context and, like in other countries, frequently involve legally-held firearms.

The sixth chapter of this book focuses on **Spain**, where the scope of both lethal and non-lethal gun violence has strongly decreased over the years. Yet, in the southern part of Spain gun violence, strongly connected to drug trafficking, is a significant security issue. Criminal gun violence in Spain mainly consists of (often lethal) incidents related

to score-settling between crime groups involved in drug trafficking and the (generally non-lethal) use of firearms in armed robberies. In the criminal milieu especially handguns are used. The criminal acquisition of these firearms is clearly linked to international firearm trafficking, and especially the trafficking in reactivated and converted firearms. While high-level criminal groups, especially those in the south of the country, tend to have access to wide range of firearms, including automatic rifles, lower-end criminals tend to rely on lesser quality firearms. Domestic gun violence on the other hand, is not clearly linked to firearm trafficking. In such incidents of gun violence especially long guns are used, which are believed to be mainly legally held.

In the final chapter the situation in **Sweden** is analysed. Gun violence in Sweden has increased dramatically in the last decade and this evolution is strongly connected to firearm trafficking. Increased firearm trafficking into the country has led to a greater supply of firearms in general but also automatic firearms in particular. For a long time, most of the firearms trafficked into Sweden came from the Western Balkans. Yet, since the mid-2010s the supply of firearms diversified with, next to the steady supply of firearms from the Balkans, also the increased supply of reactivated firearms and (converted) blank firing weapons. This diversification has opened up new pathways for criminals to access firearms, which in turn lowered the threshold for gun violence especially by younger criminals. As a result, the profile of gun violence in the country in recent decades has shifted away from incidents in the family context, which tend to take place in private settings and often involve legally-held firearms, towards more incidents in the criminal context, which generally take place in public settings and involve illegally-held firearms. Resorting to gun violence has become an established norm in the criminal milieu in Sweden and has, in turn, boosted firearm trafficking since criminal groups are now often involved in a miniature arms race. Consequently, Sweden has become one of the most important hotspots for gun violence in Europe.

In a global perspective, levels of gun violence and firearm trafficking in Europe can be considered relatively low. Yet, both phenomena continue to have serious security implications in Europe. Policy initiatives to prevent gun violence and combat firearm trafficking are hindered by the lack of a clear intelligence picture. With this book we aim to contribute to a better understanding of the dynamics of both gun violence and firearms trafficking across Europe, and to a better understanding of the dynamics between these two phenomena. Even in a region with relatively low levels of gun violence and firearm trafficking, the lack of a sound understanding of these phenomena can have far-reaching consequences for peace and security in our societies.

Nils Duquet
Director Flemish Peace Institute

REPORT

PROJECT TARGET

Firearm Trafficking and Gun Violence in Belgium

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flemish peaceinstitute

Abbreviations

AEW	Acoustic expansion weapons
AZG	Agentschap Zorg en Gezondheid (*Agency for Care and Health*)
ANG	Algemene Nationale Gegevensdatabank (*General National Database)*
CWR	Centraal Wapenregister (*Central Weapons Registry)*
CZ	Česká zbrojovka
dCSG	dienst Controle Strategische Goederen (*department for the control of strategic goods*)
DJSOC	De directie van de bestrijding van de zware en georganiseerde criminaliteit (*directory for combatting serious and organized crime*)
EU	Europese Unie (*European Union*)
FGP	Federale gerechtelijke politie (*federal judiciary police*)
FN Herstal	Fabrique National de Herstal
HFD-List	Lijst van vuurwapens met een historische, folkloristische of decoratieve waarde (*list of firearms with historic, folkloric or decorative value*)
NATO	*North Atlantic Treaty Organization*
NICC	Nationaal Instituut voor criminalistiek en criminologie (*national institute for criminalistics and criminology*)
OCG	Organized criminal groups
OMG	Outlaw Motorcycle Gangs
PZ	Police zone
SMG	Sub-machinegun
Statbel	General directory for Statistics Belgium
UNODC	United Nations Office on Drugs and Crime
Weapons Act	Law of 8 June 2006 concerning the regulation of economic and individual activities with weapons
WHO	World Health Organization

Introduction

Belgium has acquired an internationally-acclaimed reputation as a gun producing country, including worldrenowned arms manufacturers like the *Fabrique National de Herstal* (FN Herstal). Yet, Belgium has also become known as a hub for the movement of illicit firearms. The spotlight was first put on the illicit firearms market in Belgium when in the 2010s it turned out that terrorists had made use of that market to arm themselves so as to carry out several deadly assaults in France and Belgium. Belgium's bad reputation with regard to firearms is exacerbated by various export scandals and Belgium's lenient weapons legislation until 2006. Illicitly-held firearms and trafficking became a salient issue in political debates over the last decade. While current research reports have documented the scope and characteristics of illicit firearms trafficking and the overall availability of guns in the country, little to no research actually documents gun violence and the impact thereupon of illicit firearms trafficking.

The purpose of this chapter is to close that intelligence gap – to the extent that it is possible – and examine the impact of illicit firearms trafficking on the scope and dynamics of gun violence in Belgium. After outlining the general scope and characteristics of firearms holdings in Belgium (section 1), we turn specifically to the scope (section 2), characteristics (section 3) and contexts (section 4) of gun violence in Belgium. We conclude with a discussion of the challenges Belgium faces with regards to firearms trafficking and violence (section 5).

Box 1: Research methodology

Data for this study was gathered using predominantly desk research and semi-structured interviews. We analyzed both publicly-available and internal police data (provided by the relevant authorities), which includes crime statistics, academic studies, police statistics and an internal police analysis of gun violence made available by *the Directory for Combatting Serious and Organized Crime* in Belgium (DJSOC). We also analysed (1) ballistics data made available by the National Institute for Criminalistics and Criminology (NICC) covering firearm incidents in Belgium between 2006 and 2020 as our 'Ballistics-Analysis' and (2) media articles that mention lethal gun violence (2010-2020) and other violent firearm incidents (2018-2020) in our 'Media-Analysis'. We received medical data from both national (Statbel) and regional (AZG) agencies to document firearm mortality. To complement our analysis of this data, we reviewed the existing literature and the findings from earlier studies, international reports, policy and legal documents, and open-source media reports. The research team also conducted semi-structured, in-depth interviews with experts from key authorities in Belgium involved in the fight against illicit firearms trafficking and gun violence:

1 April 2021 and **9 March 2022**: Interview with representatives of **DJSOC**

29 April 2021 and **25 March 2022**: Interview with representatives of the **Federal Judicial Police** (FGP) **Liège**

10 March 2022: Interview with a representative of the **FGP Brussels**

10 March 2022: Interview with a representative of the **NICC**

11 March 2022: Interview with representatives of **FGP Antwerp**

11 March 2022: Interview with **Prof. Antoinette Verhage** (UGent)

Next to publicly accessible sources, this study also uses two unique resources, namely a media-analysis (referenced as 'Media-Analysis') and an analysis of ballistics data provided by the NICC (referenced as 'Ballistics-Analysis'). These sources are not publicly available, but saved as internal documents by the Flemish Peace Institute. They are described in more detail in **Box 2** and **Box 3**.

Box 2: Special resources (1): media analysis (referenced as: 'Media-Analysis')

We built a database of all cases of lethal gun violence reported in the Dutch-speaking media in Flanders and Brussels for 2010-2020 and all cases of non-lethal gun violence for 2018-2020. We omitted all reports of firearm incidents in Wallonia since media articles from Dutch-speaking media were less likely to report these. We located a total of 2,606 media articles that covered 1,167 incidents of gun violence.[1] These articles were coded systematically using the following four variables:

Information on the case: case reference, description of the incident, date and location of the incident.

Context of the case: type of target, number of non-lethal and lethal victims, number of perpetrators, type of violence, month and year of the incident, time of day, type of crime scene, whether the area was urban or rural, arrondissement where the crime occurred, motive for the incident.

Firearms: number of firearms used, type of firearm, technical information on the gun, firearm modifications, how did the perpetrator acquire the firearm, legal status and type of license, whether the firearm was shot or used to threaten, reasons as to why the perpetrator possessed a firearm.

Information on the source: name and type of the media outlet.

This media-analysis complements data provided through official statistics. In particular, media articles provide much more information on the perpetrators, their motives, the victims, the type of violence and the spatial–temporal characteristics of the event. The drawback of a media analysis is fourfold: (1) the information in the newspapers is usually not verified against official sources and so tends to be less reliable; (2) media articles are also most often published before a final judicial decision is taken in court, which makes the exact legal classification of the incident unclear (official decisions on cases are rarely reported in the media); (3) media articles mostly lack more precise information about firearms and, when it is indeed available, it is mostly unreliable; (4) media attention is not given to events objectively, but on that basis of what a society deems to be of interest.

Therefore, the media-analysis is used mostly to detail the contexts of firearm violence, rather than more technical details about firearms or legal classifications. We will have also to bear in mind that the information gathered from screening media articles is not an objective representation of reality.

[1] Much of the work coding these articles were done by interns at the Flemish Peace Institute. In particular, Our gratitude goes to Kobe Hautekiet, Eva-Luna Yperman and Solana Onzia for their assistance.

Box 3: Special resources (1): analysis of ballistic data provided by the NICC (referenced as: 'Ballistics-Analysis')

The National Institute for Criminalistics and Criminology (NICC) made their database of ballistic analyses of firearm incidents between 2006 and 2020 available to the research team. The NICC can be requested to perform a ballistics analysis on a firearm in the context of a court proceeding by a public official. Far from all firearm incidents are subjected to ballistics analysis and, occasionally, non-state experts can provide a (competing) ballistics analysis. This means that this database is far from a comprehensive analysis of all firearm incidents in Belgium.

We requested information and analyzed the database according to the following categories.

Context of ballistics analysis. A ballistic analysis is run in the context of a certain legal classification (detailed through the 'notitienummer'), including most importantly offences against the Weapons Act, various forms of armed robbery, threat, injuries and deaths by firearm, terrorism, family violence, violence against public authorities.

Police zone. The ballistics analysis is requested by an actor from within one of Belgium's 185 police zones (PZ). These can coincide with a town/city, be comprised of multiple towns or be part of a city.

Weapon type. The firearm is classified according to weapon type, including artisanal, carbine, machine gun, pistol, revolver, rifle, shotgun and submachine gun.

Trademark, manufacturer and type. The firearm is, when possible, classified under a certain trademark, manufacturer and sub-type. For instance, an FN GP-35 is a pistol of the trademark FN and produced by the Fabrique National de Herstal in Belgium.

Calibre. The calibre of firearm is determined, which is the internal diameter or bore of a gun barrel. This determines what type of ammunition can be fired from the firearm.

Loading mechanism. The loading mechanism of the firearm is determined, which can include single-shot, repeater, semi-automatic or fully automatic. The ballistics analysis also includes whether automatic firearms have a selector function to switch between automatic and semi-automatic firing.

Legal classification. The legal classification of the firearm is determined, which can include a firearm subject to license (classification 1), a firearm that is free-to-acquire (classification 2) and a firearm that is forbidden (classification 3).

Modification. It is determined whether the firearm has been modified in any way, which can include alarm_transf (a modified alarm gun), caliber_changed (the caliber of the firearm has been altered), canon_crosse_sciee (the butt and barrel are shortened),

canon_scie (the barrel has been shortened), crosse_sciee (the butt has been shortened), neutralized (the firearm has been neutralized), original (unmodified), reactivated (the firearm has been reactivated after been deactivated) and remontage (the firearm has been assembled).

The information afforded through this ballistics analysis is performed by experts and is thus highly reliable, where all sort of information can be connected to the context of the ballistics analysis. There are two major issues to bear in mind when using this database.

First, the a large group of ballistic analyses (47%) are requested under the heading of 'Offences against the Weapons Act.' This context signals that the firearm was held illegally or transported illegally. It does, however, not exclude that the firearm was involved in a different offense. It could be that the firearm was seized in the context of a drugs operation, but that the request for analysis was made under 'Offences against the Weapons Act.'. It is impossible to gather which firearm analyzed under this context were actually complicit in other kinds of offences.

Second, not all offences are subjected to ballistic analysis, especially not when a public official finds this to be unnecessary or impossible. Public officials usually request ballistic analyses in order to connect a gun to a shooting, where the striae on various bullets or casings are compared. In cases where a firearm incident is believed to be unconnected to other incidents, it would be deemed unnecessary. This can happen predominantly in cases of domestic violence. In other cases where there would be no useable marks on the bullets or casings, such as with smoothbore firearms, a ballistic analysis will usually not be requested. Smoothbore firearms are typically held by hunters. This means that the (sort of) firearms analyzed ballistically go through a *selection process*, which can skew statistics towards certain types of firearms and certain contexts. For instance, we found that long guns were likely to be underrepresented as they can have a smoothbore; firearms that are encountered less commonly, such as forbidden or modified firearms, will be more likely to be submitted for ballistics analysis.

1 Firearm Holdings in Belgium

1.1 Legal firearm holdings

Belgium's effective firearms law (in full: Law of July 8th, 2006 concerning the regulation of economic and individual activities with weapons), hereafter Weapons Act, was adopted in 2006 in order to domesticate the EU Firearms directive of 1991 (91/477/EC). The new law replaced the outdated and more lenient law of 1933. Although the process of enacting the Weapons Act had already begun in 2001,[1] it took until a fatal shooting in the Flemish city of Antwerp in 2006 to accelerate the process of adopting the new law. This incident sparked particular controversy because a young man could purchase a hunting shotgun upon the mere presentation of his identifying papers, a gun he used later that day to kill one women and a toddler, and injure one more person.[2]

The new Weapons Act did not merely regulate firearms but all weapons. When we hone in on its relevance for firearms, we note that it made the conditions for acquiring and owning a firearm considerably stricter than before. Next to introducing several generic criteria for firearm possession, it also introduced an obligation for gun-owners to prove that they have a legal reason for possessing a firearm, such as hunting, sports shooting or collecting weapons.[3] The new law thus made prior authorisation mandatory to purchase certain firearms which were previously freely available, such as certain types of shotgun and sport weapons.[4]

The new Weapons Act introduced three categories of firearm:

- ⇨ those which civilians are prohibited from owning or using as they are purposed for military use (such as automatic assault rifles)
- ⇨ those for which no license is required (such as deactivated firearms[I] and alarm pistols)
- ⇨ those for which authorisation or a license is required (all other firearms).[5]

[I] An amendment to the law in 2019 made deactivated firearms in Belgium subject to declaration.

Before obtaining a firearm in the third category, prior authorisation must be obtained from the licensing authority.[6] The licensing authority will look at several generic criteria:

- ⇨ be at least 18 years old
- ⇨ not be convicted of a defined set of crimes
- ⇨ provide a certificate of good health, physically and mentally
- ⇨ prove their knowledge of the firearm legislation and of the use of firearms.
- ⇨ do not live with someone who objects to their firearm possession.

Applicants must also prove that have a legitimate reason, which include:

- ⇨ hunting and management of fauna
- ⇨ sports and recreational shooting
- ⇨ exercising a riskful profession
- ⇨ personal defence
- ⇨ the intention to start a collection of historical firearms
- ⇨ participating in historical, folkloric, cultural or scientific activities.[7]

The adoption of the new Weapons Act was in line with European Directive 91/477/EEC of the Council of the European Union (EU) of 18 June 1991, which regulates the acquisition and possession of weapons by civilian actors (hereafter, the EU Firearms Directive). The Weapons Act also called to improve the system of registering firearms in the Central Weapons Registry (CWR), centralise the executive powers regarding firearms in the person of the Minister of Justice and transfer the competency to issue such licenses from local police zones to provincial governors. All firearm-owners had to comply with the new rules and register their weapons if necessary. Those who did not fulfil the new rules or did not want to go through the regularisation procedures were offered the possibility of surrendering or transferring their – now illegal – firearms as part of a weapons amnesty which ran, after being extended twice, until October 2008, and in which at least 198.000 firearms were surrendered.[8] A large majority of these were surrendered in the northern part of the country.[9]

Given the new and improved system of firearm registration in Belgium, we can assess the levels of legal firearm possession in Belgium. With an estimated 7 firearms per 100 of the population in 2019, legal possession of firearms in Belgium is roughly around the EU average.[10] We do note strong regional differences in firearm possession across the different regions of Belgium: Wallonia, Flanders and Brussels.[I]

[I] Belgium is a federal state that is made up of three regions, Flanders in the north, Wallonia in the south and the capital region of Brussels roughly in the center of the country surrounded by Flanders. The population is spread unevenly across these regions, with 58% in Flanders, 32% in Wallonia en 10% in Brussels.

Table 1: Legal Firearm Holdings in Belgium, 2006–2019

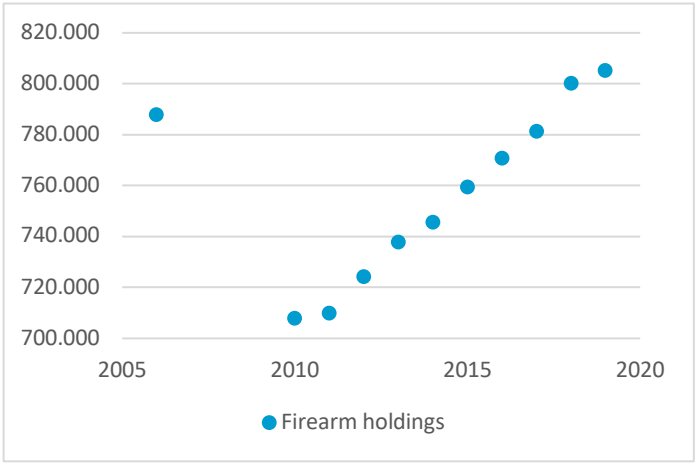
Registered firearms	2006	2010	2013	2016	2017	2018	2019
Wallonia	–	–	–	–	–	–	351,375
Flanders	–	–	–	326,018	323,694	335,866	335,210
Brussels	–	–	–	–	–	–	76,754
Proof House	–	–	–	–	–	–	41,809
Total	787,858	707,869	737,971	770,644	781,419	800,301	805,148

Sources: de Labbey (2021),[11] Cops & Duquet (2020),[12] Duquet & Van Alstein (2012),[13] Duquet & Van Alstein (2011)[14]

On 1 August 2019, 805,148 firearms[I] were registered in the CWR, which is the national repository that keeps records of registered firearms in civilian possession.[15] These are spread unevenly over the population, with at the time, 44% registered in Wallonia (9.8 per 100 of the population), 42% in Flanders (5.1 per 100 of the population) and 10% in Brussels (6.4 per 100 of the population)

The levels of registered guns have fluctuated over the years. **Figure 1** shows their evolution since 2006.

Figure 1: Legal firearm holdings in Belgium, 2006-2019



Source: CWR

This figure shows first a steep decline in 2006–2010 after which the number of registered firearms increased annually by roughly 10,000 to 15,000. The 2006–2010 decrease can be attributed to the regularisation period that followed the adoption of the new Weapons

I This number includes 76,754 firearms which were stored at the national Proof House awaiting destruction.

Act in 2006. Previously free-to-own firearms had to be regulated through the proper licencing; numerous firearm owners decided to surrender their firearms rather than get the proper licencing.

When we compare the evolution of registered firearms to registered licenses, we note that the situation is rather different. In 2006-2010, we note that the number of registered firearms decreased impressively but the number of license holders increased by about 4% (from 393,704 to 409,062). This makes sense since numerous firearm owners did apply for proper licencing following the new Weapons Act.[16] When looking at the most recent data, we note that the number of active firearm license holders in Flanders alone has doubled in 2010-2019 (from 41,986 to 94,947), which is mostly due to the increasing popularity of sports shooting.[17] The increase in license holders is stronger than the increase in registered firearms, which means that the average number of firearms per license is decreasing: more individuals own a firearm, but firearm owners tend to own fewer firearms (in 2019, the average Flemish firearm owner kept 3.5 firearms).

Privately-owned firearms are usually imported into Belgium by arms dealers. The Flemish department that coordinates strategic goods (*dienst Controle Strategische Goederen (dCSG)*) oversees and grants the licenses for these imports. Their data suggests that the number of licenses for the import of firearms, munitions and essential components had more than doubled between 2005 and 2018 (from 228 in 2005 to 481 in 2018). The value of licenses for importing firearms and ammunition increased markedly between 2005 and 2018 from €1,3 million in 2005 to €10,3 in 2018 for firearms and €1,7 million in 2005 to €24,6 million in 2018 for munition. However, this does not mean that there imports are actually that much higher since one can acquire a license to import a certain value of firearms but not actually import that many firearms. Recent research shows that the actual imports are significantly lower than the amount licensed by dCSG.[18]

Firearm ownership in Belgium is driven primarily by hunting, sports and recreational shooting; with sport shooting being more prominent in the north and hunting more prominent in the south. **Table 2** below gives an overview of the types of license registered in the CWR, excluding firearms stored at the Proof House awaiting destruction.

Table 2: Firearms by type of license in CWR (1 August 2019)

License	Flanders	Wallonia	Brussels	Total
Recreational and sports shooting	129,470	101,610	9,037	240,117
Hunting and management of fauna	74,635	79,174	7,059	160,868
Other license[I]	66,795	83,607	5,261	155,663
Service weapon, government	20,689	18,228	46,586	85,503
Old defence and war weapons	18,289	50,850	4,821	73,960
Collection	24,880	16,837	3,360	45,077
Historical, folkloric, cultural activities	311	987	38	1,336
Negligible (risk activities, scientific activities, self-defence, private security)	141	82	592	815
Total	**335,210**	**351,375**	**76,754**	**763,339**

Source: CWR[19]

The main types of license granted to firearm-owners in Belgium are for recreational and sports shooting (31%) and hunting (21%). Service weapons registered by government actors such as law enforcement agencies (excluding the armed forces) represent 11% of all firearms registered. Firearm collections represent 6% of all licenses.[20]

What this table shows is that some firearms are registered in the current system under categories which no longer exist. Under a license for old defence and weapons of war 73,960 firearms are registered, which represents 10% of all firearms registered. This category of firearms, which existed under the previous legislation, was, however, deleted with the adoption of the Weapons Act in 2006. Similarly, although the HFD list of firearms was deleted in 2013, some 1,336 firearms (0,2%) are still registered in the CWR as firearms with a historic, folkloric or decorative character. The category 'other license', which represents 20% of firearms, also holds a number of types of licenses past their expiration date. Three factors can explain how such a large amounts of firearms are registered problematically.

I The CWR also records certain categories of firearm without providing information on the motive for which they are held, which we classified under 'other license' for the purposes of the analysis above. These licenses are: possession without ammunition, no motivation old CWR, found weapons, one-year license under the new Weapons Act, model 6 other, article 44.2 transition measures, seizure and voluntary surrender.

(1) After the adoption of the Weapons Act in 2006, the provincial weapons administration in charge of the new registration of firearms was faced with serious administrative backlogs. Many firearm-owners who had applied for the correct authorisations did not receive their new documents immediately and their firearms remained registered under the former categories for several years.[21] In the meantime, it is unclear to what extent the administration has caught up with the backlog and reduced the delays. Neither is it clear how many firearms that were regularised by their owners in 2006–2008 are still incorrectly registered under former categories.
(2) Some firearm-owners who held their weapons legally under the former legislation have not applied for a new authorisation or have failed to surrender their – now illegal – weapons. These firearms are still listed under outdated categories.[22] This implies that some of the firearms listed under these outdated categories are now held illegally. This creates the paradoxical situation that a firearm that is held illegally is registered in the national database.
(3) Interviews with law enforcement officials suggest that the CWR database is inaccurate and outdated. A good number of firearms registered under outdated these categories could then in reality already be destroyed or regularized.[23]

There are marked regional differences in the types of license between the three Belgian regions. First, more firearms are registered under outdated categories in Wallonia than in the other regions. Two-thirds of the outdated category of old defence weapons are registered in Wallonia, as are three-quarters of the outdated HFD-listed firearms. Although there may have been some administrative delay in the registration of regularised firearms, it is likely that some of these firearms are now owned by people who failed to regularise their firearms in 2006–2008 and 2013. Second, more than half of the licenses for recreational and sports shooting are registered in Flanders (54%), whereas nearly half of the licenses for hunting are registered in Wallonia (49%). More than half of all service weapons owned by the police are registered in the region of Brussels (54%). Third, collecting firearms is more prevalent in Flanders than in the other regions. This suggest some regional differences with regard to gun culture.

Research has shown that the effective reason for owning a firearm can differ from the legal reason for owning a firearm. Although only 0.019% of registered firearms are under a defence license in Flanders (for a total of 65 firearms), a household survey conducted by the Flemish Peace Institute in 2019 showed that 13% of the firearm-owners that responded to the survey stated to own a firearm for self-defence or self-protection.[I][24] The survey also noted that an increased feeling of insecurity can affect a person's willingness to purchase a firearm. In the immediate aftermath of the terrorist attacks in Paris in November 2015 and in Brussels in March 2016, the number of requests for firearm authorisations increased significantly.[25] Although self-defence is legally

[I] Other differences concerned hunting (22% firearms officially registered for hunting in Flanders, as against 4,9% of respondents to the survey), collection (7% in the CWR as against 5,8% in the survey) and sports shooting (39% in the CWR against 41,4% in the survey). These differences may be explained by the fact that hunters, sports shooters and collectors tend to possess more than one firearm.

permitted as a reason for firearm possession in Belgium, very few people qualify for this legal reason as it is interpreted very restrictively. This can create an incentive for these people to turn to other legal reasons, such as sports or recreational shooting, for which it is easier to obtain a license. For those who feel insecure and wish to protect themselves with a firearm, membership of a shooting club is often the easiest route to legal possession.[26]

The Belgian firearm sector consists of a limited number of manufacturers and a larger group of arms dealers. The main manufacturer of firearms is FN Herstal, which specialises in the export of military firearms to law enforcement and armed forces. In addition, a number of smaller artisanal workshops specialise in the manufacture of firearms, mainly luxury hunting weapons.[27] Data from the Ministry of Economic Affairs indicated that there were 121 retailers dealing in firearms in Belgium in 2019. This number had decreased from 144 in 2008.[28] These dealers have diverse profiles. A small number of specialised arms dealers focus on the market for the armed forces and the law enforcement agencies. Most Belgian firearms dealers, however, focus on the civilian market. These dealers specialise in firearms for hunting and recreational and sports shooting. Some dealers are also dedicated to the trade in historical weapons and a small number of retailers deal in weapons for collectors.[29]

Legal firearm holdings in Belgium are thus, in conclusion, regionally diverse. With the south more saturated with firearms primarily for hunting, the north has a firearm culture mostly centred around sport shooting. Firearm registers appear to be less up to date in the southern part of the country, where more firearms are found in outdated categories.

1.2 Illegal Firearm Holdings

Legal firearm holdings are only one part of the story. There are an unknown amount of firearms held illegally in Belgium. We begin this chapter by outlining how these slowly became a policy issue in Belgium. After this, we turn to estimates of the scope, characteristics and sources of illegally held firearms in Belgium.

1.2.1 Attention to Illegal Firearms in Belgium

Illegally held firearms and firearm trafficking became a policy focus in Belgium mostly over the last decade. The attention given to that phenomenon appears to be event-driven. Certain violent events, especially in 2010-2011 and 2015-2016, caused for legislative, policy and policing changes to the way illegal firearms were treated. In this section, we will give an overview of those changes in order to understand Belgium's peculiar rapport to the illegal firearms market.

We begin by outlining the actors involved in seizing and registering illegal firearms in Belgium in **Box 4**.

Box 4: Actors involved in registering illegal firearms

Multiple actors are involved in combatting firearm violence in Belgium, which they do from their own perspective. Most fundamentally, the local and federal police are charged with registering gun offenses and confiscating firearm that are held or used illegally. When a firearm is seized, they register this in their general national database (ANG) and the system that registers all pieces of court evidence (PaCos-database). Next to that, they are supposed to – although this is not done consistently – register the seizure in the Central Weapons Registry (CWR) using a document called a Model 10 (which is also used to communicate the surrendering of a firearm).

During the ensuing legal procedure, the firearm(s) can be submitted to ballistic analysis by the prosecutor or the judge overseeing the investigation. This is often done at the request of a police officer. This can be done by the National Institute for Criminalistics and Criminology (NICC) or a private expert. This analysis not only compares the striae on the bullets and cases to a large database, but it also gathers information about the firearm (such as type, brand, caliber, whether it is modified in any way, etc.). If the procedure determines that the firearms is forfeit, it will be send to the Proof House in Liège for destruction (also called the CIP, or *Commission Internationale Permanente pour l'épreuve des armes à feu portatives*. This means that several databases – the ANG, PaCos, CWR, NICC database, CIP database –register a firearm involved in a legal procedure, but do so so from their own perspective and can offer complementary data. However, because the information is then also spread over various databases, this offers problems with regard to developing a comprehensive view with regard to all problems concerning firearms in the country.

Different police officers are involved in policing firearm violence. Belgium has a unitary police that is structured both locally and federally. There are a total of 185 local police zones, which can consist of one town/city, part of a city or multiple towns. At the federal level, there is one centralized office (the *Commissariaat-generaal*), which consists of the directory of the administrative (DGA), judiciary (FGP or DGJ) and managerial and information (DGR) police. The judiciary police has one central directory and twelve deconcentrated directories, one in each judiciary arrondissement. At the federal level, the judiciary police has a special directory, which is geared to combatting organized crime (DJSOC), which has a special subdivision that specializes in weapons (*DJSOC/wapens*). As such, there is, in principle, a structure to register and combat firearm violence.

Starting early in 2010, there were a series of criminal events involving military-grade, automatic firearms that sparked high levels of public outcry. In January, a police officer was seriously hurt by an automatic firearm while trying to stop a robbery;[30] in April, three masked men robbed a supermarket with automatic firearms;[31] in July, the police of Brussels intercepted two inhabitants of Liège travelling in a stolen vehicle with a Kalashnikov-type automatic rifle in their possession;[32] in August, two men armed with

Kalashnikov-type rifles robbed a supermarket in Kraainem.[33] The presence of Kalashniknov-type firearms can be traced to smuggling of conflict legacy firearms out of former Yugoslavia that made their way to the illegal firearms market after the economic crisis of 2008.[34]

Responding to these events, the Federal Government drew up an eight-point programme to deal with security in Brussels, including (1) a better tracking tool for lost, stolen and seized firearms; (2) a task force to fight illicit firearms trafficking by criminal groups in Brussels.[35] Belgium also made use of its presidency of the European Council at the time to formulate an European Action Plan against so-called 'heavy' firearms used in criminal activities. The Action Plan included three objectives, namely to improve the existing crime image, to strengthen cooperation between national and EU law enforcement agencies, and strengthen control over the sources of illegal trafficking.[36]

The focus on illegal firearms was heightened after a shooting at the Christmas market in Liège in December 2011. This event, the perpetrator and his firearms became a symbol of the country's problematic way of dealing with illegal firearms. The perpetrator had been convicted of a sexual assault in 2003 and received a two-year suspended sentence. In 2007, police raided his home in the context of a drugs operation, where they found a cannabis plantation, an AK47-type rifle, a MP40 machine pistol, a FN FAL assault rifle, a riot gun, several handguns, a rocket launcher, a silencer, large amount of ammunition and over 9,000 firearm parts. Given the nature and the quantity of firearms and firearm parts, it seems obvious that perpetrator trafficked in firearms. Yet, he was indicted only for illegal possession of firearms (next to drugs possession with the intent to trade). He would finally be convicted – including the suspended sentence – for 6 years in prison, where the initial case of illegal firearm possession (16 months) was later dropped by the appeal's court. The perpetrator's lawyer had argued that since a weapon's amnesty ran in Belgian at the time, he could not be convicted for illegal possession. He would be released early in 2010.[37] In December 2011, the perpetrator was summoned to appear for a police hearing in connection to a sexual assault. Instead of answering the summons, he had shot a 48-year-old neighbour and walked to the city centre in Liège, where he took up position on the roof of a building and started shooting and throwing hand grenades. He killed five individuals - two teenagers, a one-and-a-half-year-old toddler, a 75-year-old woman and a 20- year-old man – and injure 123 more. He was armed with an FN FAL assault rifle and a Smith & Wesson revolver. When one of his grenades exploded prematurely, he used the revolver on himself.[38] Police investigations revealed that the firearms were likely acquired on the illicit market. The revolver had been part of a gun shop heist in Verviers in 2009; the assault rifle was composed of several parts, and had been decommissioned by the Israeli army after which every trace of it went lost.[39]

This case became illustrative for Belgium's poor policy attention to illegal firearms and firearm trafficking. In his arrest in 2007, the perpetrator's collection of illegal firearms seemed to have been viewed as of secondary importance to his drugs trafficking. This event resulted in a number of policy and politional changes. In March 2012, a Weapons Action Plan was adopted that included: (1) to establish a new committee to coordinate the fight against illicit firearms and firearm trafficking; (2) to scrap the HFD-list (which

will be done in 2013).[40] The national security plan 2012–2015 would include fighting firearm trafficking as an operational priority, which included improving the intelligence picture of illicit firearms trafficking and the misuse of heavy firearms in criminal activities.[41] In a confidential circular (COL 14/2012) issued by the Minister of Justice and the Board of Public Prosecutors at the Courts of Appeal, further priorities for the judicial approach to illicit firearms trafficking were set out aiming to improve the operational and tactical intelligence picture, improve information-sharing among the police and with the public prosecutor's office, and a better division of roles and responsibilities in the fight against illicit firearms trafficking.

The fight against illicit firearms trafficking was given a new impetus after the 2015 Paris attacks and the 2016 Brussel terrorist attacks. Several studies have shown how the firearms that were used in the Paris terror attacks were acquired on, or had passed through, the Belgian illicit firearms market. The same appeared to be true for the foiled terror attack on the Thalys train in August 2015 and the shooting between terrorists and police officers in Verviers in January 2015.[42] One political intervention included the parliamentary bill of 27 April 2016 that allowed phone taps in order to detect infractions on the weapons regulation.[43] Again, measures were taking to improve information-sharing between police, such as: an inter-federal advisory committee on illicit firearms trafficking;[44] a working group of police experts from the local and federal level;[45] a plan to combat radicalism, violent extremism and terrorism which specific attention for firearm trafficking (the 'kanaalplan').[46]

The fight against firearms trafficking remained a priority in the national security plan of 2016–2019 (still in effect today). With regard to firearms trafficking, this plans specifically aims to improve the monitoring of illicit firearm possession and trafficking in Belgium. Further key objectives were to enhance the expertise of the actors involved, their coordination and operational cooperation against illicit firearms. *To improve the intelligence picture*, the national security plan aspired to a better recording of registered, lost, stolen and seized firearms. It encouraged police to crosscheck their data with the CWR in order to identify points of diversion.[47] *To improve cooperation and expertise*, the national security plan encouraged the development of expertise and information-exchange in a more harmonised context of cooperation within the country and the EU. This included a (1) network of firearm experts within the police; (2) better exchange of information between all law enforcement agencies; (3) to use efficiently the existing European and international information-exchange systems and platforms, such as SIENA, iArms, EMPACT Firearms, the European Firearms Group, Europol and Interpol; (4) to harmonise national legislative frameworks with the EU Firearms Directive to close the legislative loopholes and variations that create opportunities for trafficking.[48] *To improve operational work against illicit firearms*, the national security plan proposed for the search of illicit firearms to be systematised (including through phone tapping). It also required better monitoring of legal firearms so as to detect and prevent diversion and, more specifically, non-regularisation.[49]

At the time of publishing this report, the government had not yet released a new National Security Plan 2022–2025. We cannot therefore judge whether illegal firearms will remain

a priority and, if so, where the focus will lie. The government agreement 2020 – which does not have legal weight – did name the fight against illicit firearms and drug-trafficking as one of the security priorities of the Belgian policies.[50]

1.2.2 Illegal firearm possession in Belgium

Estimates of illegal firearm holdings in Belgium are wildly divergent. They range from several ten thousands[51] over a good 100,000[52] to over one million.[53] When the Belgian government enacted the Weapons Act in 2006, they estimated a range between 1.5 and 2 million firearms in Belgium. At the end of the amnesty period, some 1.1 million were accounted for, which could mean that up to 900,000 firearms were held illegally. It is unclear how the Belgium government arrived at its estimates, but existing research does suggest that the levels of illegally held firearms are high in Belgium.[54]

The best proxy for estimating the scope of illegal possession in a national context is through detailed information on firearm seizures. Seizures are, however, an imperfect tool for two reasons. First, seizures can occur for different reasons, which need not necessarily refer to illegal holdings or trafficking. For instance, they can occur because of criminal misuse of legally held firearms or as preventive measures. Second, seizure levels are also a measure of policing activity as low levels of firearm seizures can signal low policy attention to illegal firearms.[55]

The normal procedure for a firearm seizure in the context of illegal possession is where the local or federal police will register a firearm offense against the Weapons Act in the national database (ANG) and the database for judiciary exhibits (PaCos). The latter allows for very detailed description, while the former has several problems with registering firearm offences. Looking at cases of illicit possession of a weapon, registered in the ANG, we can show its evolution in **Table 3.**[1]

[1] The numbers in the crime statistics are regularly, and occasionally retroactively, updated. This means that there can be some variance on the basis of when the statistics are consulted. The variances are however usually below one percent. We extracted the table on 20 October 2020.

Table 3: Records of offences for possession of illicit firearms in Belgium (ANG), 2009–2019

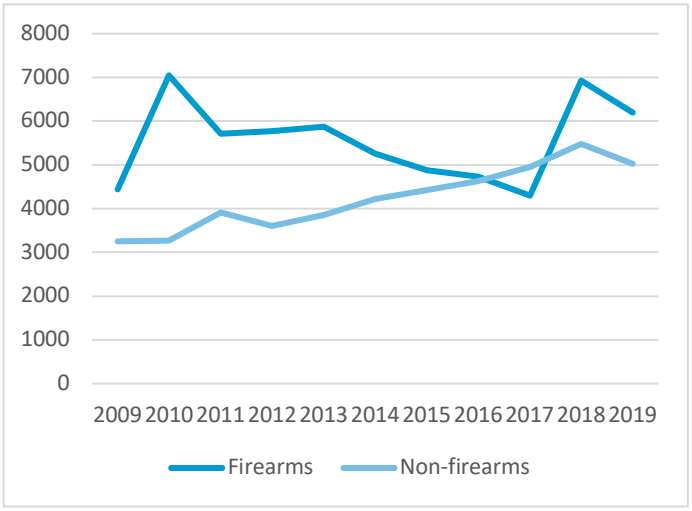
Records of illegal possession	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Firearms	4,443	7,047	5,772	5,773	5,876	5,260	4,886	4,735	4,282	6,796	5,925
Bladed weapons/ non-firearms	3,252	3,262	3,915	3,611	3,848	4,213	4,422	4,629	4,952	5,460	4,937
Ammunition	298	352	426	400	502	599	641	643	637	670	774
Parts/ components	44	67	66	60	77	64	80	71	65	99	123
Unknown type	271	497	225	168	226	103	129	137	135	198	453
Total	8,308	11,225	10,404	10,012	10,529	10,239	10,158	10,215	10,071	13,223	12,212

Source: Belgian Federal Police (2019)[56]

The above numbers represent *cases* of illegal possession, which implies at least one illegally held firearm. If we take the average of the last five years with data available, we get at least 5,300 registries of illegally possessed firearms in Belgium.

Figure 2 shows the evolution of seizures in the period 2009–2019.

Figure 2: Firearm seizures ANG, 2009-2019



After the amnesty period of 2006–2008, police started to look more expressly for illegally held firearms, which could explain the peak in 2010. Generally, most registrations of illegal possession in the ANG occur in Wallonia and Brussels rather than Flanders. In

2019, for instance, most instances of illicit firearm possession were recorded in Charleroi (1,654), Mons (1,517), Liège (1,462), Brussels (including Brussels-Capital (1,200) and Brussels-Halle-Vilvoorde (916)), and Antwerp (954).[57] The types of firearms that were registered as possessed illegally were largely category C, or subject to license, firearms (88%), where category A, or prohibited, firearms made up only about 8% of cases. According to the police, most cases of illegal possession regard administrative violations rather than criminals contexts.[58]
Interviews with various (police) experts mention difficulties with the ANG regarding registering firearm offenses. First, not all firearm violations are registered in practice, especially when they occur in contexts that are considered to be more important (such as drug offences).[59] There might then not be a registration of illegal firearm possession, while a firearm is held illegally. Second, the quality of the registration is not guaranteed as this depends upon the expertise of the individual police officer. The federal police mentions a occasional lack of expertise and a large amount of incorrect registrations.[60] Third, the ANG, according to the police, is not particularly user-friendly as it is very difficult to connect guns, their origin and their possible connections with illicit firearms trafficking activities.[61]

Firearms can be seized for other reasons than illegal possession, including illegal use and preventive measures. Whenever a firearm is seized, the law enforcement officer assigned to the case communicates the seizure to the CWR with a document called 'Model 10' (the same document is used for a surrender of a firearm). The CWR can then be checked whether the firearm is held under a valid license or whether it is held illegally. The CWR holds information on all firearms that are held legally, lost, found or seized and can be checked by police officers. This means that, in theory, more firearms would have to be registered in the CWR as seized than the number that are registered in the ANG as possessed illegally. This is, however, not the case: the ANG registers a total of 56,758 cases of illegal possession of firearms in 2010-2019; the CWR only has, in that period, a total of 23,144 registered as seized. **Table 4** shows the firearms registered in the CWR as seized for 2010-2019 by firearm type.

Table 4: CWR data on seized firearms, 2010–2019

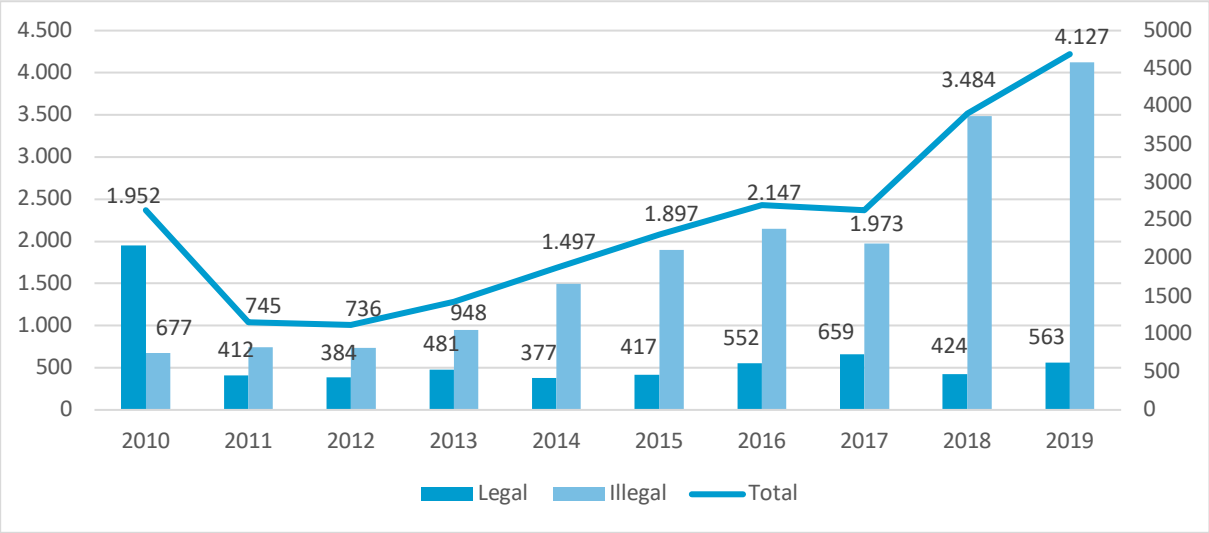
Types of firearm seized	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total
Long smoothbore barrel firearm	539	281	252	368	494	647	750	652	1,210	943	6,136
Long rifled-barrel firearm	304	296	238	305	460	585	757	779	1,056	819	5,599
Pistol	553	214	247	273	332	426	494	560	658	535	4,292
Old CWR	826	215	215	288	278	272	291	279	553	449	3,666
Revolver	364	126	138	173	242	288	308	294	355	318	2,606
Other	17	16	13	11	39	61	55	49	97	90	448
Machine pistol	20	4	5	5	19	17	20	56	53	21	220
Machine gun	3	3	5	0	4	14	11	23	31	21	115
Mixed weapon	3	2	7	6	6	4	13	9	9	3	62
Total	2,629	1,157	1,120	1,429	1,874	2,314	2,699	2,701	4,022	3,199	23,144

Source: CWR[62]

The CWR indicates that most firearms seized in Belgium between 2010 and 2019 were consistently rifles, including long smoothbore barrel firearms (27%) and long rifled barrel firearms (24%). Handguns represent another important share of seizures, with more pistols (19%) seized than revolvers (11%). The number of automatic pistols and rifles was very low. It is also noteworthy that firearms registered under outdated categories that were deleted with the introduction of the new Weapons Act in 2006 continue to be seized by the authorities. Of all seizures in 2010–2019, 16% involved firearms categorised as 'old CWR'.

Next to the types of firearms, the CWR also registers whether the seized firearm was held illegally. The legal status of firearms seized over the years has undergone some peculiar evolutions, as evidenced from **Figure 3.**

Figure 3: Legal status of firearms seized CWR, 2010-2019



Source: Figures for 2010–2016 were retrieved from de Labbey (2021) and are based on a written communication with the Belgian Police.[63] Figures for 2017–2019 are from Van Quickenborne (2020)[64]

Four things can be noted about the evolution of the repartition of legal and illegal firearms.

(1) 2010-anomaly and the sudden decline afterwards. The year 2010 is the only one with more legal than illegal firearms seized. What is more, after 2010 the total amount of firearms registered as seized in the CWR dropped from 2,629 to 1,157. That decline is wholly caused by a steep decline in legal firearms seized. The CWR only started to register illegally held firearms systematically from 2010 onwards. In 2000-2009, a total of 38 illegally held firearms were registered in the CWR as seized (and 6,554 legally held ones).[65] The high amount of legally held registered firearms might be a residue of this period where, at the time legally held, firearms surrendered during the amnesty were finally being registered.

(2) After 2012, there is a consistent increase in the total number of firearms seized. As we discussed above, certain violent events caused increased attention to illegally held firearms after 2011, which resulted in increasing politional attention to illegally held firearms.

(3) The share of illegally held firearms increases consistently. This is likely caused by increasing attention to illegally held firearms (and less of a focus on abuses with legally held firearms).

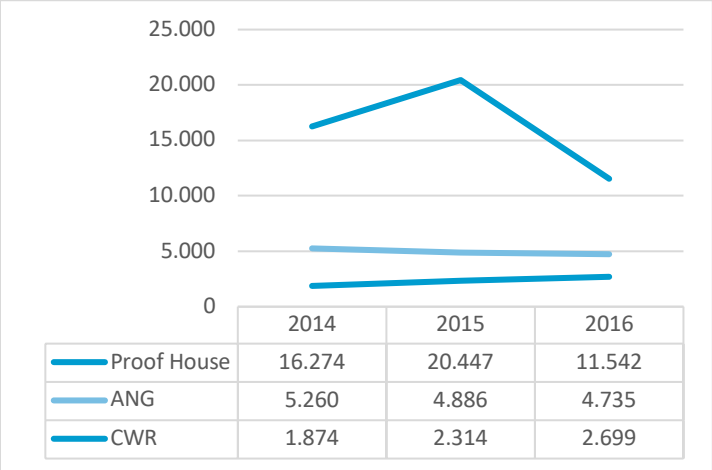
(4) Increases after 2017. There was an amnesty period in 2018-2019.[66] Many of the firearms surrendered would have been submitted to the CWR.

While the CWR testifies to several evolutions to policing firearms in Belgium, we note that only a small share of firearms registered as held illegally in the ANG are actually registered in the CWR. This makes it difficult to assess the scope and characteristics of illegal possession in Belgium. Comparatively, we can say – on the basis of a 2020 UNODC report – that Belgium had the seventh highest number of seized firearms (in absolute numbers) among the European countries that responded to the survey.[67] Most of the

countries ahead of Belgium in the list are significantly larger and higher in population than Belgium.

When a firearm is judged to be held illegally, it will be send to the Proof House in Liège for destruction. We have data for the total amount of firearms destroyed by the Proof House in 2014-2016, which could also occur for other reasons (such as surrendered or surplus firearms).[68] The numbers are shown in **Figure 4** next to the amounts registered in the ANG as held illegally and the total amount of firearms registered as seized/surrendered in the CWR for those years.

Figure 4: Firearms destroyed by the Proof House compared to data from CWR and ANG, 2014-2016



	2014	2015	2016
Proof House	16.274	20.447	11.542
ANG	5.260	4.886	4.735
CWR	1.874	2.314	2.699

When we compare the amounts from the Proof House with the ANG and CWR, we note the Proof House destroys many more firearms than are registered in the CWR. If we assume that all *cases* of illegal possession are registered in the ANG, then we are given to believe that each cases concerns many firearms. There is, however, usually a delay on the destruction of a firearm, which can be stored for some time at the Proof House.

1.2.3 Illicit firearms trafficking in Belgium

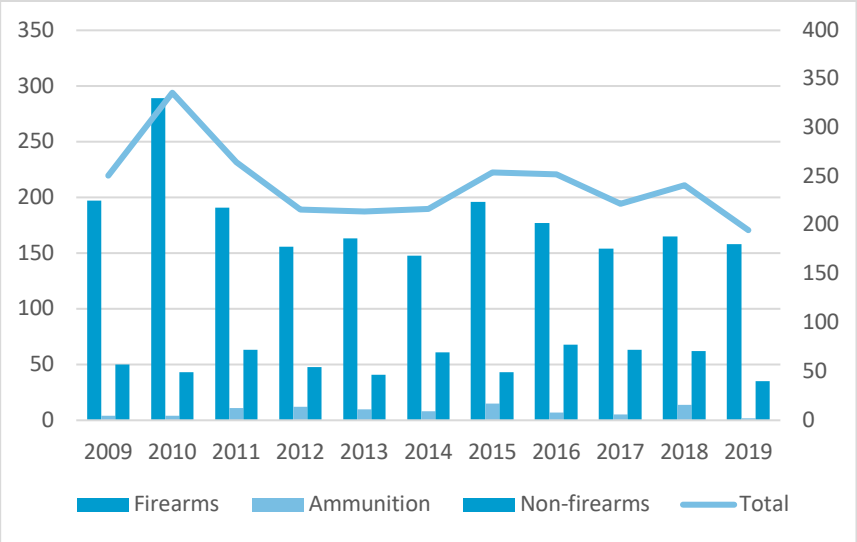
Various forms of illicit firearms trafficking make Belgium function as a source, transit and destination country for firearm trafficking. The three most abiding methods are smuggling, conversion and reactivation, but we will also discuss a number of less extensive methods of trafficking.

There is not a lot of detailed, publicly-available information to describe the scope of firearms trafficking in Belgium. For instance, data from the ANG and CWR do not allow us to determine the origin of a firearm or whether or not it had been modified. We requested ballistics data from the National Institute for Criminalistics and Criminology (NICC), which examines a firearm in more detail in the context of a court proceedings. These allow us to make some additional determinations on the topic of trafficking, but

these analyses represent only a fraction of firearms moving illicitly in Belgium. We can therefore not assess the scope of firearm trafficking determinatively in Belgium, but can say some things about its characteristics.

When we want to approximate a view of the scope of firearm trafficking, we can look at the police data on records of cases of illicit weapons trade in the ANG. There, we note that – with the exception of 2010 – the number of cases of illegal trade in firearms has been holding fairly steady between 150 and 200 cases per year (which can involve more than one firearm). **Figure 5** shows the evolution of the illicit trade in firearms, other weapons and ammunition.[69]

Figure 5: Illicit trade in Weapons (ANG), 2009-2019



Police statistics also indicate that illicit trade in weapons in 2010-2019 occurred mostly in Brussels – including Brussels-Halle-Vilvoorde (753) and Brussels-Capital (335) – as well as in the Walloon regions of Liège (321) and Namur (245), and in the Flemish regions of Limburg (315) and Antwerp (269).[70] Older studies suggest that the types of firearms involved in illicit trade tend to be those subject to license. When looking at the evolution of this, we note that the share of firearms subject to license is decreasing (from 82% in 2009 to 68% in 2015) whereas the share of prohibited weapons in increasing (from 9% in 2009 to 14% in 2015). A 2017 report by the Flemish Peace Institute clarifies that this increase in prohibited firearms reflects both an increased availability in military-grade firearms as well as an increased demand for these firearms in the illicit milieus in Belgium.[71]

It is important to note that many cases of firearm trafficking will be registered by the police as cases of illegal possession. The burden of proof for trafficking is significantly larger than that of illegal possession. Either of these will get the firearm 'off the streets.' Lack of firearm tracing and intensive attention to trafficking networks thwarts a comprehensive view of firearm trafficking in Belgium. We note that this is a complex

phenomenon that can take on multiple guises. In the Belgian context, we note predominantly smuggling, conversion, reactivation and a number of less extant modi operandi. We will describes these in turn.

Firearm smuggling

Firearms can be smuggled into Belgium from outside (mainly Western Balkans) and inside (mainly Eastern Europe) the EU. These tend to be conflict legacy firearms, stolen firearms or military surplus firearms (ie firearms decommissioned by the military). There is a real possibility that new founts of firearms will be exploited in the near feature, including conflict legacy firearms from Ukraine, North Africa and the Middle East.[72]

In Europe, firearm smuggling tends to move from South-East to North and North-West Europe. The smuggling routes for firearms tend to be the same as those for illegal drugs. Traffickers can take the land route via Slovenia/Hungary or the sea route via Italy, where relatively small amounts of firearms tend to accompany larger amounts of narcotics through a constant stream (so-called 'ant-trade').[73] Whenever firearms make it into the EU, it is deemed relatively easy to move them around within the EU.[74] Another port of entry is the Antwerp harbour, where shipments of drugs (mostly cocaine) can be accompanied by smaller shipments of firearms. This route is, however, used less intensively for firearm smuggling. According to customs data for 2014-2017, a total of 1,378 weapons were seized at custom location where firearms and ammunition represented a minority of seizures (respectively 3% and 9%), followed by tasers (10%) and bladed weapons (74%).[75]

We can get a view of the types of firearms that enter Belgium through smuggling by means of the NICC database of ballistic analyses. When we look at firearms that are in category A ('prohibited firearms'), we note a significant amount of fully-automatic pistols and rifles from former Yugoslavia (mainly Zastava), Romania (mainly Romtehnica) and Bulgaria (mainly Arsenal). The former one tend to be conflict legacy firearms from the conflicts in the Western Balkans, the latter two tend to be surplus firearms. These fully automatic firearms tend to stand out among ballistic analyses, as they are in original form ('Ballistics-Analysis'). Firearm trafficked through different means tend to be modified in some way (such as reactivated – see below). With regard to firearms subject to license, it is much more difficult to determine whether they were smuggled into Belgium or purchased legally.

Firearm reactivation

Firearms can be reactivated in a number of ways: (1) firearms that have been deactivated improperly can be reactivated; (2) firearms that have been converted into acoustic expansion weapons (AEW) can be reconverted into live-firing firearms; (3) firearms that have been converted into Flobert-caliber firearms can be reconverted into higher-caliber firearms. After such deactivation, the firearms were subjected to no or fewer legal checks and could be sold fairly easily, especially in countries that were slow to domesticate the

amendments of 2008 and 2017 to the firearm directive. These amendments sought, among others, to address the trafficking in these firearms. Especially Czech and Slovak arms traders have been known to sell easy-to-reconvert or reactivated firearms.[I]

Fiream reactivation is known to take place in Belgium.[76] There are media reports of even small 'businesses' of firearm reactivation. In 2015, for example, the police seized more than 250 firearms, weapon parts and rounds of ammunition in Lennik (in Flemish Brabant) for which the owner did not have a license. These included handguns, semi-automatic rifles and assault rifles.[77] On several previous occasions, large stocks of unlicensed firearms had been discovered at his home. The police had suspected the man of years-long activities of reactivating deactivated firearms.[78] In 2017, 11 people from Liège and Verviers were found guilty in a scheme involving the illicit reactivation and assemblage of firearms. They would acquire deactivated firearms, reactivate them and sell them to unauthorised users. Some of them were former employees of the FN Herstal who would use their expertise and knowledge to reactivate the guns. Police found 100 handguns and rifles, approximately 1,000 pieces of ammunition and hand grenades.[79]

The ballistics database of NICC mentions this form of firearm reactivation as the most common form of firearm modification. In their ballistics database, the category 'firearm reactivation' refers to the reactivation of deactivated firearms only. A total of 211 reactivated firearms were analysed in 2006-2020, which were mostly pistols (78%) then SMGs (9%) then carbines and rifles (7%) and finally revolvers (3%). The most common trademarks for all categories (except revolvers, which is Smith & Wesson) are FN (Belgian) and CZ (Czech). These concern firearms that were inadequately deactivated in Belgium or Czechia. These firearms are subjected to ballistics analyses mostly in the context of offences against the Weapons Act (42%), organized crime (19%) and other criminal contexts, such as armed robberies (5%) and drugs (6%) ('Ballistics-analysis').

Illicit reactivation can also involve surplus firearms from Central or Eastern Europe that were converted into AEW.[80] In Slovakia, these firearms could be sold to adults upon the presentation of an identity card. For many criminals and weapons enthusiasts, it is, however, fairly easy to reactivate them. As a result, many firearms deactivated in Slovakia have circulated in the Belgian criminal underworld in recent years.[81] In 2021, Czechia has changed its law to curtail this problem and Slovakia followed suit in 2022. Some estimates put the amount of AEW and converted Flobert firearms that have been sold in this manner throughout Europe well above 10,000.[82]

Reactivated AEW would be registered in the ballistics database of the NICC as a transformed alarm weapon. This category, as discussed below, also holds original alarm weapons that have been converted to live-firing firearms. When we filter these from the analysis, we note ballistics analyses on particularly Czech firearms, usually the VZ 61 or

[I] A fourth form of firearm reactivation that has not been observed in Belgium concerns fully-automatic firearms that are converted to fire semi-automatically only. According to the original version of the firearm directive (1991), these could be sold as subject to license. These could then be reconverted to fire automatically. The 2017 amendment determined that these firearms remains in their original category (ie prohibited firearms).

the VZ 58, that have been submitted for analysis from the area of Liège or Brussels, usually in the context of organized crime ('Ballistics-analysis').

Illicit reactivation of converted Flobert-caliber firearms has also been observed in Belgium. Flobert-caliber firearms are normally low-velocity firearms between 4mm-6mm in caliber, and are deemed to hold very few safety risks in some countries. Since these could be sold with little or no restrictions in some countries, some firearm dealers would convert surplus firearms into Flobert-caliber firearms. These could, however, be reactivated through reconverting them to higher-caliber, higher-velocity firearms. Such firearms are registered in the NICC database under the heading of caliber change, a category that holds some other kinds of modifications. When we focus on those firearms that are most likely reactivated firearms that were converted into Flobert-caliber firearms, we note that all of these are analysed in the context of organized crime and were submitted for analysis from the regions of Mons, Charleroi, Brussels and Antwerp. These concern a number of Glock pistols, ZVS Slovakian pistols (P20 en P21) and Czech automatic firearms VZ 58 and VZ 61. Most recently, a trend is observed in Europe were original Flobert firearms (often of Turkish brands) are converted into higher-caliber, higher-velocity firearms.[83]

Firearm conversion

Firearm conversion refers to the act by which a blank-firing weapon is converted into a live-firing firearm. The most common way for this to occur is through converting alarm pistols into live-firing pistols. Belgium's Weapons Act states that alarm and signal weapons are free to obtain, but it follows the EU Firearm Directive in that certain alarm and signal weapons that are of such a nature that they can be converted using normal tools into live-firing firearms are to be regarded as firearms subject to license. The most common converted firearms in Belgium are Italian (Tanfoglio and Bruni) and Turkish (Zoraki), with the latter increasing preciptiously in recent years.

The illicit conversion of alarm and gas pistols has shown a sharp increase in Belgium since the 2000s.[84] In the past, alarm pistols of Italian origin were often found in Belgium, especially Tanfoglio alarm pistols (more specifically the GT 28 model), which were often converted and used in certain branches of the Belgian criminal environment. The Italian company, however, stopped the production of the GT 28 model some years ago, precisely because they were frequently converted in various European countries.[85] The converted alarm and gas pistols currently encountered in Belgium are primarily manufactured in Turkey, such as the Atak Zoraki and Ekol ASI.[86] These weapons, which are often sold on the internet, are cheap and easy to convert.[87] Converted alarm pistols are often encountered in the drug milieu and among petty offenders. They are often converted by their owners, perhaps aided by training videos on the internet. In other cases, they are smuggled into Belgium and converted in workshops before being sold.[88]

While most police services claim that converted blank-firing firearms are on the rise in Belgium, it is quite difficult to estimate its scope for a number of reasons. One of the

reasons for this is that alarm pistols can be rebranded after conversion in order to increase their recognizability. These alarm pistols – even if not converted – are popular among street robbers as they are very difficult to distinguish from live-firing firearms. There have been 128 ballistic analysis on converted alarm pistols, most of which originated in Italy (84), Turkey (27) and Germany (17) ('Ballistics-Analysis').

Other methods

Other ways of acquiring or trading illegal firearms that need to be mentioned are illicit manufacture, fraud, theft and the HFD-list.

The illicit production of firearms takes place in Belgium, although it is not considered a major source of illicit firearms trafficking. In 2010–2019, the Belgian police recorded 126 cases of the illicit production or repair of firearms. No information was available on the types of firearm involved. During the same period, there were 15 cases of the illicit manufacture or repair of ammunition and 12 cases involving components and accessories.[89] A possible emerging threat is the 3D-printing of firearms. Europol has warned that technological progress will make 3D printing widely available, and this will also offer opportunities for the illicit production of firearms. Because of the technical complexity of printing and the availability of relatively cheap firearms in Belgium, they did not believe – in 2015 – that 3D printing of firearms would soon grow into an important source of weapons.[90] While 3D printing of firearms has not been observed in Belgium so far, the exponential increase in cases of 3D printing – especially connected to right-wing extremism – might see this turn around soon. Recent cases in the UK, the Netherlands and Sapin attest to this.[91]

Trafficking in firearms has been helped along in Belgium through fraudulent activities, by providing false information or forging documents in order to trade firearms. The police have pointed out the practice of people using forged transfer licenses to purchase firearms abroad and leak them onto the illicit firearm market. In 2015, for example, Belgian residents pretended to be certified firearms dealers and ordered firearms directly from a German manufacturer using forged documents. Around 200–250 firearms were diverted this way.[92] Licensed firearm dealers can play a role in fraudulent activities, often precisely because of their expertise in firearms and their knowledge of the legislation and procedures.[93] Although the exact scope of this (very discrete) phenomenon is unknown, there is the potential for many firearms being trafficked each year through fraud.[94]

Firearms that are stolen can also be offered on the illicit market. On average, the Belgian police record around 790 thefts of firearms each year.[95] The main types of firearm stolen in Belgium are pistols (34%), followed by revolvers (19%). Rifles (adding up long smooth-bore-barrels and rifled-barrels) represent 30% of all firearm thefts. Thefts of military-grade firearms are negligible. The owners of some firearms which belong to outdated categories (eg recorded under the category 'old CWR') sometimes still declare them stolen to the police. Consequently, non-regularised firearms continue to circulate

in the illicit firearm milieu in Belgium. Although most thefts target private homes, they can also occur at other locations, such as shooting ranges or firearm shops. The theft of firearms from weapons manufacturers in Belgium has been a problem in the past. Firearms stolen from particulars are generally hunting weapons and can be found occasionally by police during public disputes or cases of domestic violence.[96] In the 2000s, FN Herstal was targeted by a gang of thieves, who stole at least three rifles, 15 pistols and tens of thousands of cartridges. They were sold to illicit users.[97] Nowadays, according to the FGP Liège, thanks to increased security measures, it is almost impossible to steal fully assembled firearms from the manufacturer, although they do not exclude the possibility of stealing smaller components and assembling them illicitly at home.[98] Burglaries at police stations or military barracks occur more rarely; they tend to involve handguns, assault rifles and ammunition. Several cases have been reported where dozens of weapons stored insecurely at police stations were stolen and sold among criminal circles.[99]

A final source of illegal firearms and trafficking in Belgium stems from a legal loophole in the 2006 Weapons Act, namely the list of firearms with historical, folkloric or decorative value (HFD-list). It was believed that firearms on this list were relatively rare and their ammunition was not available. One antique firearm concerned the Nagant 1895 revolver, designed by Léon Nagant and favoured in Russia of the early 20th century. It is believed that Nagant revolvers were involved in the assassination of Russian imperial family, Tsar Nicholas II of Russia, his wife and their five children by Bolshevik revolutionaries. The Russian наган (nagan) would become a synonym for revolver.[100] While ammunition for the Nagant 1895 revolver might not have been particular prevalent in Belgium, the ammunition was readily available throughout Eastern Europe.[101]

This resulted in the situation that Nagant revolvers could be sold legally to anyone in Belgium, which is why many criminals from other Member States purchased these in Belgium (especially, Dutch criminals). In 2012, a person was shot dead in the Netherlands with a revolver of this kind. In 2013, the HFD-list would be scrapped and firearm-owners were given one year to surrender their firearms. About 6,000 firearms on the HFD list were regularised as part of this campaign compared to the many more of such firearms sold in Belgium between 2007 and 2013. [102]

These Nagant revolvers are encountered mostly outside of Belgium, but they are seized not infrequently in Belgium. According to the NICC database, 64 of them have been subjected to ballistic analyses in 2006-2020. Most of these analyses were done in the context of organized crime (31%), illegal possession (22%) and armed robberies (9%). Of these analyzed in the context of organization crime (in total: 20), 18 were seized in one police operation – a confiscation in Brussel sent in to the NICC in February of 2019. Over forty firearms were confiscated in this operation, most of which were reactivated – except for the Nagant revolvers ('Ballistics Database'). It is safe to assume that most of the Nagant revolvers sold legally in 2006-2013 are likely transported out of Belgium. They could be purchased rather cheaply (around €170) and one was in the possession of the perpetrator of the Hypercacher supermarket terror attack in Paris 2015.[103]

2 The Scope of Gun Violence in Belgium

Guns are more than instruments of sport or hunting, collection or export items. They are uniquely suitable as instruments for all sorts of incidents: from administrative violations to illicit carrying over to accidental harm to threats and injuries so as to end in lethal events such as suicide or even homicide. In this chapter, we will discuss three forms of harmful events with firearms, excluding accidents, namely suicide by firearm, homicide by firearm and non-lethal firearm violence.

Our discussion of lethal and non-lethal gun incidents (excluding accidents) is based on four sources, namely mortality statistics, internal police statistics and analyses, ballistics analyses, and a media-analysis of gun violence in Flanders and Brussels for 2010-2020. These sources can complement each other, but they have to be approached carefully.

Mortality statistics can give us the most objective elements of gun violence in Belgium (scope, evolution, demography). We use official mortality statistics from Statbel and data – for Flanders – from the agency for care and health (AZG). This will also allow us to say more about the spread of gun violence across Belgium. These statistics do differentiate between cases of suicide, accidental death and homicide, but these assessments are usually made by medical professionals during autopsies and are not necessarily updated after a criminal trial. Also, a certain amount of cases of 'justified killing' (such as lethal force during police interventions) will be taken up as firearm homicide in these statistics, but are not cases of lethal gun *violence*.

A special division within the Belgian Federal Police – DJSOC weapons – ran an *analysis of gun violence in Belgium in 2019*, which is based on cases of gun violence registered in the national police database (ANG). While limited to just one year, this analysis is very reliable and helpful towards assessing gun violence in Belgium. Their analysis uses standard categories of police offences which, as we discuss above, do not always align with the terminology we use throughout this and the next chapters. Furthermore, the ANG is not well-suited to registering gun offences (as we will note throughout this chapter).

Our analysis of the *NICC database* offers insight into the kind of firearms that are used in various contexts of gun violence. During a criminal or a judicial investigation, the public prosecutor or the investigating judge may resort to using a ballistics expert. This expert analyses the weapons, bullets and/or cartridges found at crime scenes. For this report, we produced our own analysis of the ballistics data collected and processed by the NICC between 2006 and 2020. During ballistics examinations led by the NICC, all the technical parameters of bullets and shells found on crime scenes are listed by ballistics experts. The data are then compared to those of unsolved shooting incidents in Belgium (so-called 'cold-hits'). To identify cold hits, NICC experts consult the ballistics database kept by the NICC, which contains a few thousand bullets and shells.[104] Moreover, if a firearm is found at a crime scene, police shoot a few test shots to compare the bullets and shells found (so-called 'hot hits'). The Mechanical Department of Ballistics is also involved in restoring erased serial numbers.[105] The ballistics database our research team accessed for the purposes of compiling this report was at the time composed of 4,169 ballistics analyses conducted between 2006 and 2020. The NICC keeps data on different types of weapon but also on all components analysed, for example, crossbows, barrels, breeches or drilling – although in this report we focus on live-firing firearms. We have outlined the methodology for composing our analysis of these ballistics data in **Box 2.**

Finally, we find further information on gun violence by an analysis of *media articles* in the period 2010-2020 that mention lethal gun violence and for 2018-2020 for non-lethal gun violence. While this does not paint an exhaustive picture of gun violence, and is generally less reliable, it does offer information that is not readily available from other sources, namely context, location, motives, etc. we have outlined the methodology for composing this media analysis in **Box 2.**

2.1 Lethal firearm incidents

National mortality statistics for 2003-2017 show that gun mortality – both suicide and homicide – has declined impressively. **Table 5** gives an overview of all mortality by gun shot for that period.

Table 5: Firearm-related deaths, Belgium, 2003–2017

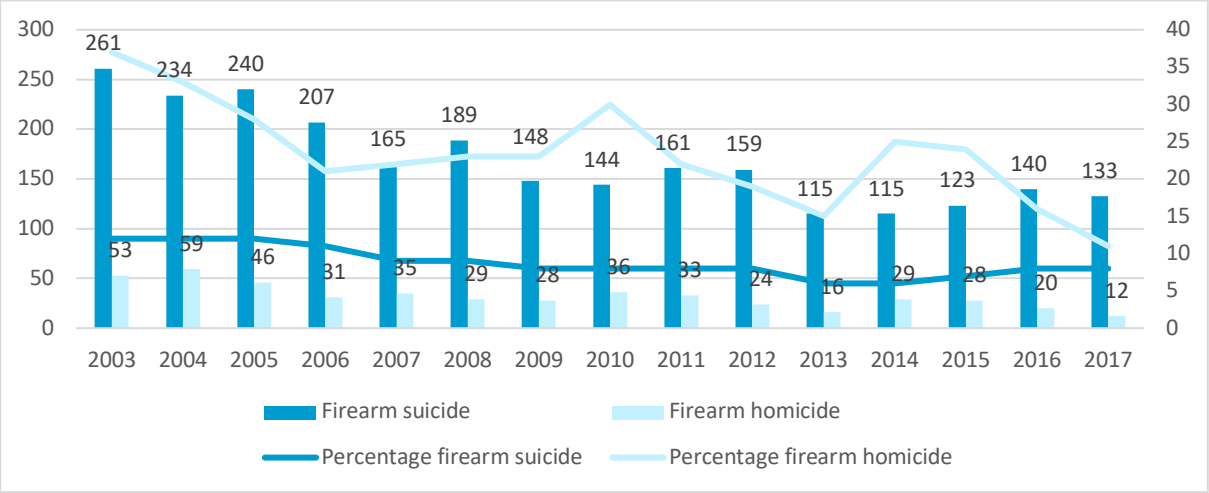
	Suicides		Homicides		Other		Total
	With firearm	Total	With firearm	Total	Death by gunshot, intent undetermined	Accident with firearm	Gun-related deaths
2003	261	2,091	53	144	-	-	330
2004	234	1,986	59	178	-	-	309
2005	240	2,028	46	163	-	-	315
2006	207	1,934	31	146	-	-	256
2007	165	1,856	35	157	-	-	210
2008	189	2,000	29	128	-	-	231
2009	148	1821	28	122	2	1	179
2010	144	1877	36	122	15	2	197
2011	161	1957	33	151	5	3	202
2012	159	1979	24	128	18	0	201
2013	115	1781	16	108	6	0	137
2014	115	1775	29	114	19	2	165
2015	123	1816	28	117	3	5	159
2016	140	1851	20	125	6	7	173
2017	133	1668	12	112	12	3	160
Total	1,238	16,525	226	1,099	86	23	1,573

Source: The figures for 2003–2008 are based on WHO data and were retrieved from Duquet & Van Alstein (2015),[106] the figures for 2009–2017 were retrieved from Statbel (2021)[107]

Total gun mortality has decreased from 330 firearm death in 2003 to less than half of that – 160 –in 2017. This decrease is mostly attributable to a decrease in gun suicides, which have halved over that time frame. After a strong and steady decrease during 2003–2007 (by 36%), the number of gun deaths fluctuated following an irregular but overall downward trend in 2008–2017 (by 31%).

Let us look at the evolution of firearm homicides and suicides vis-à-vis the total amount of homicides and suicides. **Figure 6** shows the evolution of firearm suicides and homicide, as well as the percentage of suicides of homicide committed by firearm in 2003-2017.

Figure 6: (Firearm) homicide and (firearm) suicide in Belgium (Statbel), 2003–2017



Source: The figures for 2003–2008 are based on WHO figures and were retrieved from Duquet & Van Alstein (2015)[108]; figures for 2009–2017 were retrieved from Statbel (2021)[109]

There is a overall decrease in suicides and homicides, but the decrease is more marked when it comes to firearm suicides and firearm homicides. Suicides with firearms and suicides overall have decreased in 2003-2017, but where suicides overall have decreased by 20%, firearm suicides have almost halved in that timeframe. Similarly, homicides overall have decreased by 22% while firearm homicides have decreased by 77%. Admittedly, there were very few firearm homicides in 2017, but if one takes the average amount of firearm homicides for the last three years with data, the decrease in firearm homicides is still 62%. This shows that lethal gun violence followed the downward trend of lethal violence, but at a much faster pace. Given that the population in Belgium has increased in that timeframe, the standardized rates of lethal firearm incidents has decreased even more impressively.

This means that while lethal incidents have decreased generally, the decrease is significantly more marked when it concerns firearm lethal events. Particularly of interest is the sudden acceleration in and after 2006, which likely does not coincidentally line up with Belgium's introduction of the Weapons Act. One does have to approach this data cautiously, as it is based on medical statistics. In medical statistics, it can be difficult to ascertain whether the wounds are self-inflicted or other-inflicted, and whether the dead was intentional or accidental. Police statistics, for instance, mention a total of 1,627

deadly assaults in 2003-2017[110] while Statbel only mentions a total of 1,099 in that timeframe.[111] This would suggest that a number of almost 600 cases of lethal violence are likely listed as 'unknown intent' (other accident/suicide) in medical statistics that more properly belong under the category homicide. When we then look at the category 'unknown intent', which has 84 cases in 2009-2017, this could signal that up to 10 cases of firearm homicides would have to be added to the total number of firearm homicides each year, which – given the generally low amounts of firearm homicides – could have a fairly extensive impact on the statistics.

If we focus on Flanders, we notice that the decrease in firearm homicides has decreased more potently in this region than in Brussels or Wallonia. **Table 6** shows all firearm-related deaths in Flanders in 2000-2017.

Table 6: Firearm-related deaths, Flemish region, 2000–2017[l]

Year	Suicides		Homicides		Total mortality with firearm*
	With firearm	General	With firearm	General	
2000	110	1,774	24	70	138
2001	113	1,139	16	85	133
2002	115	1,100	20	76	136
2003	104	1,074	18	51	125
2004	101	1,085	32	90	135
2005	111	1,115	22	71	134
2006	76	980	10	57	89
2007	64	984	6	56	70
2008	64	1,027	7	51	73
2009	65	1,102	19	62	84
2010	50	1,066	17	53	57

l The total mortality rate involving a firearm also includes, besides suicides and homicides, a number of accidents (on average 1.3 per year during 2004–2017) and deaths in which the cause is unclear (on average 4.6 per year during 2004–2018).

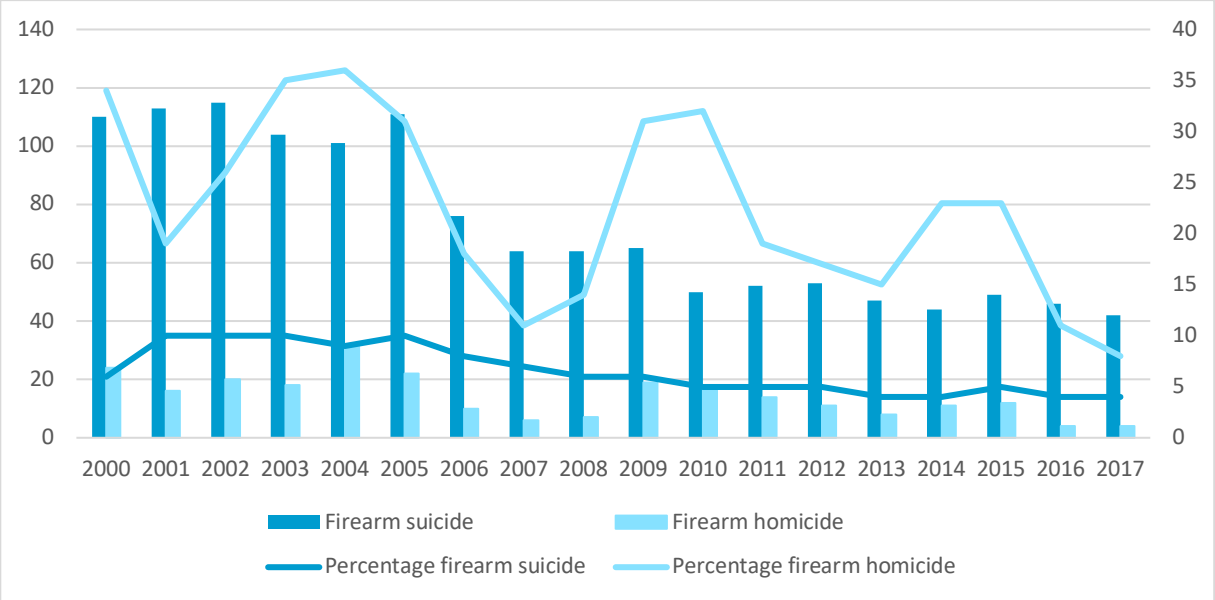
2011	52	1,152	14	75	67
2012	53	1,112	11	64	70
2013	47	1,052	8	55	56
2014	44	1,065	11	47	59
2015	49	1,050	12	52	63
2016	46	1,055	4	38	55
2017	42	978	4	49	53

Sources: The figures for 2000–2003 are based on data from the AZG retrieved from Duquet & Van Alstein (2015);[112] the figures for 2004–2017 were retrieved from the website of the AZG[113]

We note the same decreasing trend in (firearm) homicides and (firearm) suicides. While homicides have decreased in 2000–2017 by 30%, firearm homicides have decreased by 83%; while suicides have decreased in that period by 44% (a decrease mostly achieved between 2000 and 2003), firearm suicides have decreased by 62%. While there is thus less homicide and suicide generally in Flanders, the rates of firearm homicides and firearm suicides have dropped more impressively. Given that the population in Flanders has also increased in that timeframe, the standardized rates of lethal firearm incidents has decreased even more impressively.

Figure 7 shows the evolution of firearm homicides and firearm suicides in Flanders, as well as their part in homicides and suicides generally.

Figure 7: (Firearm) homicide and suicide in Flanders (AZG), 2000–2017



Sources: The figures for 2000–2003 are based on data from the AZG retrieved from Duquet & Van Alstein (2015); the figures for 2004–2017 were retrieved from the website of the AZG

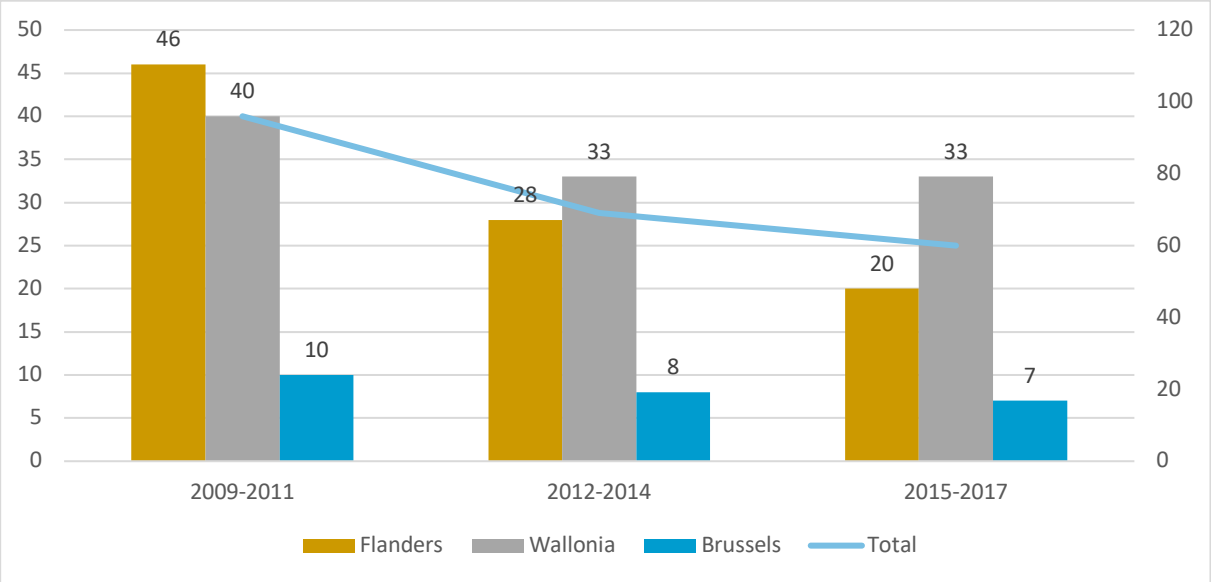
The number of gun deaths decreased by 47% during the period 2007–2012 compared to the period 2000–2005. After 2012, the decrease continued, but at a slower pace: by 18% during the period 2013–2017 compared to the period 2000–2005. While the annual number of firearm-related deaths stood at 801 in 2000–2005, it fell to 421 in 2007–2012 and 354 in 2013–2018. This decrease reflected a decrease both in the number of firearm-related suicides and in the number of firearm-related homicides.

The percentage of gun suicides in total suicides stayed at 7-9% prior to 2006 and then dropped below 5% afterwards. Every year, an average of more than 1,100 suicides are recorded in Flanders, among which 6% are committed with a firearm. The statistics show a remarkable decrease in the number of gun-related suicides during the period 2007–2012 compared to the period 2000–2005: from an average of 109 suicides by gunshot during 2000–2005 to 62 during 2006–2021. The decrease continued after 2011, with an average of 46 suicides by gunshots during 2012–2018. The total number of suicides decreased significantly between 2000 and 2018 (7%), but the decrease in gun suicides was even more significant (59%). Interestingly, the total number of suicides first experienced a decrease, before increasing again. Compared to the period 2000–2005, the annual average of suicides decreased by 13% in the second period, 2006–2011. It then increased by 2% during the period 2012–2018. In contrast, gun suicides experienced a strong decrease directly after the legislative change in 2006, and the decrease continued, although to a slower pace in the years after that. Compared to the period 2000–2005, the average number of gun suicides decreased by 43% during the period 2006–2011. It then decreased by 26% during the next period, from 2012–2018. Because of this specific timing (a strong decrease in gun suicides in the year following the 2006 legislative change), we

can conjecture that the change in legislation – which restricted legal access to guns – had a positive impact on the reduction of guns used in suicides in Flanders, perhaps even on the total amount of suicides.

When we compare firearm homicides in the different regions of Belgium, we notice that the decrease in firearm homicides overall is caused mostly by a decrease in Flanders. The numbers for Wallonia and Brussels are holding more or less steady, while the number of firearm homicides has more than halved in Flanders between 2009 and 2017.

Figure 8: Firearm homicides in 2009-2011, 2012-2014 and 2015-2017



Bron: AZG en Statbel

There are no final official statistics to describe lethal gun violence after 2017. When we look at lethal firearm incidents in 2018-2020 according to our media-analysis, we note a total of 17 mortalities by firearm violence in Flanders and Brussels – of which four occur in the context of police interventions ('Media-Analysis'). This would result in around five firearm homicides per year in 2018-2020, which is consonant with the amounts in 2016-2017.

There is another source of information for lethal firearm incidents in the year 2019, namely an extensive analysis of firearm incidents registered in the ANG by DJSOC/weapons. In that year, their analysis records only one case (and 34 attempts) of firearm homicides, with a total of three casualties, for the whole of Belgium.[114] The other cases from the media-analysis could not be located in the ANG. DJSOC/weapons offered the following explanations. Cases of mortality during police interventions will not be registered as homicides and police officers have to register a 'firearm' as a 'relevant object' in the ANG for it to be registered as a firearm homicide. The latter is often difficult – as discussed in chapter five – if there is insufficient information about the firearm at

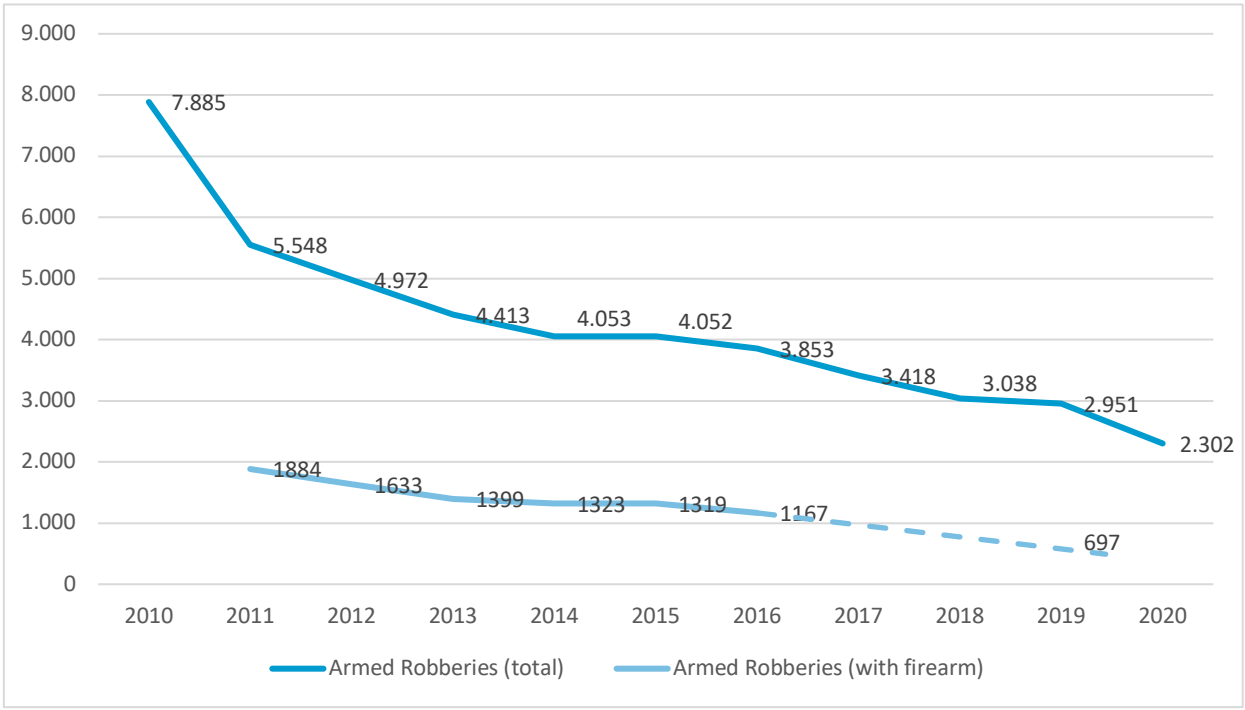
the time of registering the offense. All of this suggests that the scope of firearm homicide might be significantly larger than declared in police statistics.

2.2 Non-lethal firearm incidents

There are fewer sources to describe non-lethal firearm incidents. Such incidents concern events where firearms are used illegally without killing, such as to threaten (firearm threat) or wound (firearm injury).

One of the most extensive contexts of non-lethal firearm incidents are armed robberies. Official crime statistics on these in Belgium do not separate firearm from non-firearm armed robberies. It is therefore difficult to tell what proportion of armed robberies involves firearms. When we consult those statistics, we note that the amount of armed robberies has been decreasing steadily since 2010. Earlier analyses of gun use in armed robberies allow us to add armed robberies with a firearm in the years 2011-2016 and 2019. This is shown in **Figure 9**.

Figure 9: Armed Robberies, 2010-2019



Source: Belgian Federal Police, European Sourcebook of Crime and Criminal Justice Statistics and DJSOC. [115]

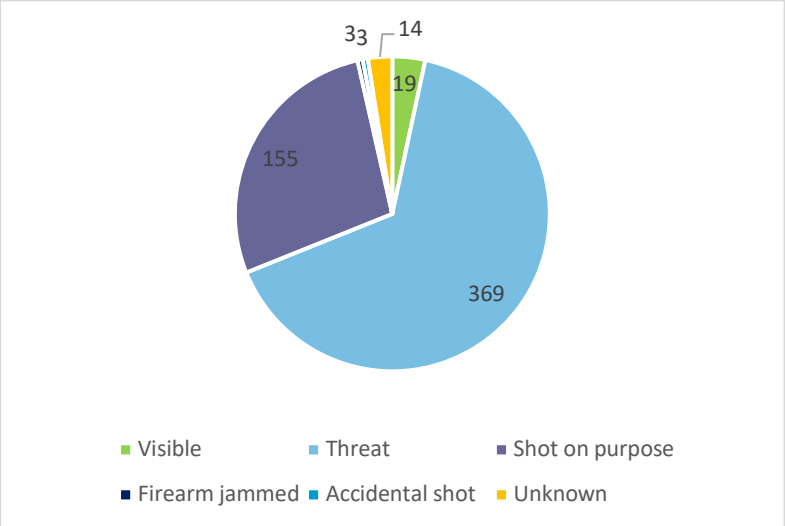
Belgian crime statistics do not disambiguate between armed robberies committed with and without a firearm. We located specific information in this regard in *European Sourcebook of Crime and Criminal Justice Statistics* (2011-2016) and from DJSOC/weapons (2019). Comparing this information, we note that the part of firearm robberies in armed robberies stays relatively stable in the range of 25-33%. DJSOC/weapons notes that most

of the armed robberies with firearms are classified as aggravated theft (66%), then extorsion (15%), car theft (6%) and burglary with a firearm (6%). Most robberies take place in low-profile target, such as convenience stores, pharmacies, gas stations, restaurant or bars.[116]

In order to locate the number of armed robberies that involved a firearm, one has to scan the ANG for all robberies that mention a firearm as a 'relevant object.' As we have noted in the above discussion of lethal violence, there can be a number of cases of lethal gun violence where the gun is not mentioned as 'relevant object' (for instance, when the gun cannot be registered easily). In order to register a 'relevant object' meaningfully in the ANG, one has to be able to add a serial number. When this is not known or present, it could be that the firearm is not registered as 'relevant object.' As such, the amount of armed robberies with a firearm could be, and most likely is, significantly higher than can be ascertained from a survey of the ANG.

While armed robberies are a major context for non-lethal firearm violence, they are not the only context. Based on our media-analysis for 2018-2020, we can show a rough distribution of the ways that firearms are used in non-lethal incidents. We have isolated 563 mentions of non-lethal firearm use in 2018-2020 that targeted a person. The use of the firearm is shown in **Figure 10.**

Figure 10: Non-lethal firearm use, 2018-2020



The media-analysis thus shows that the majority of cases of non-lethal firearm use are firearm threats (74%). Media reports have to be approached carefully when assessing the scope of incidents, as they are more likely to report on incidents that are believed to have high societal impact.

When we look at the legal category of firearm threats and injures, we can assess the non-criminal contexts in which these have occurred. If a criminal threatens another person during an armed robbery, this will be registered as a violent theft rather than a threat. This legal category thus holds totally different events than our media-analysis. We can gather information from the aforementioned DJSOC-analysis for 2019.

- ⇨ Firearm threats. There are 307 cases of firearm threats in 2019 registered in the ANG. Most of these occur in the context of domestic violence, public disputes or in the context of road aggression.[117] Very few of the cases are mentioned in our media-analysis, which sees firearm threats almost exclusively in the context of armed robberies. This suggests that firearm threats in the context of domestic disputes are seldom reported in the media.
- ⇨ Firearm injuries. There are 34 cases of firearm injuries ('slagen en verwondingen') in 2019 registered in the ANG. Only in 30 cases were the injuries inflicted by the firearm. This concerned almost exclusively short firearms. These occur mostly within the domestic context, but also in – both criminal and non-criminal – instances of taking revenge.[118] This roughly accords with our findings in our media-analysis (see next section).

3 The characteristics of firearm violence in Belgium

Firearm violence has a number of distinctive features, discussed in this chapter, namely the victims of firearm violence, the locations and contexts of firearm violence, and the types of firearms used in different forms of firearm violence. In the next chapter, we will zoom in more closely on the contexts of firearm violence.

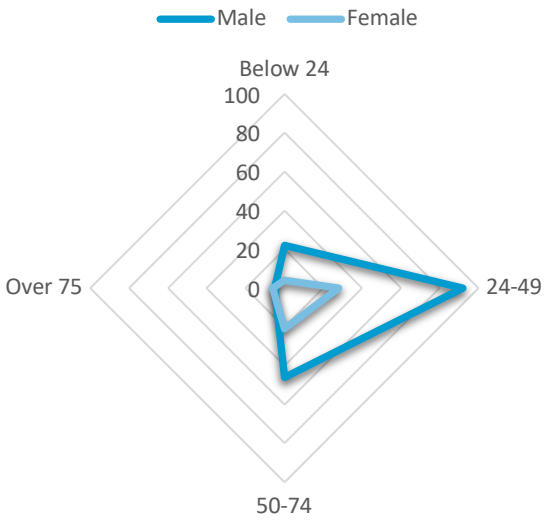
3.1 Victims of firearm violence

Young men (below 40) tend to be the primary victims and perpetrators of firearm violence globally.[119] This seems to apply to Belgium as well, even though a good portion of the victims of lethal firearm violence tend to be rather old. Older men tend to be victimized more in the context of domestic or other disputes while younger men tend to be victimized mostly in the context of criminal violence.

Mortality statistics from Statbel for 2009-2017 show a total of 1,238 suicides by gunshot in Belgium, with 95% of victims being men, and 226 firearm homicides, with 75% of the victims being men. For suicides, most of the victims were middle-aged (45–74 years old: 586 cases) with 25% between 25 and 44 years of age (326 cases) and slightly less than 25% above 75 years of age (275 cases). Young victims were rare in comparison (51 cases, or 4%).

If we focus on firearm homicide, we get a somewhat different picture. **Figure 11** shows the age and gender repartition of firearm homicide victims.

Figure 11: Age and gender of firearm homicide victims, 2009-2017



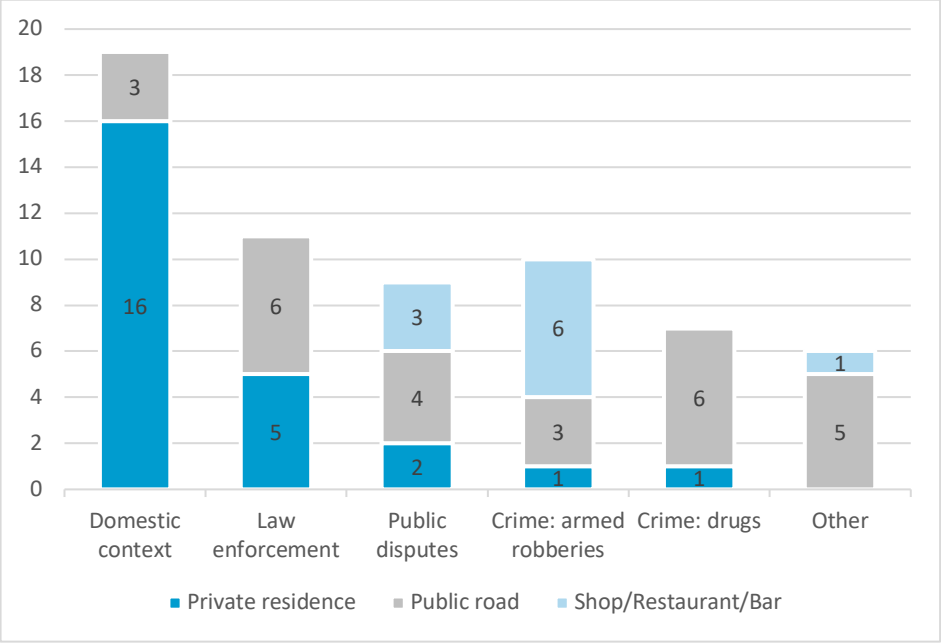
This shows that (1) women are relatively more likely to be victimized by gunshot than to commit suicide by gunshot; (2) that the victims of firearm homicide are generally younger than those of firearm suicide. Based on the data from Stabel, we notice that victims are generally more likely to be male and young in Brussel (80% of victims were male, and 70% was between 25 and 44 years old).[120] While there are generally more homicides and suicides in Flanders (9,610 in total) compared to Wallonia (6,720 in total) and Brussels (1,294 in total) in 2009-2017, there are significantly more gun homicides and suicides in Wallonia (836 in total) than in Flanders (577 in total). This surplus of gun lethality in Wallonia is accounted for by higher rates of gun ownership. This is especially evident with regard to higher rates of firearm suicide.

3.2 Contexts and locations of firearm violence in Belgium

We can proceed beyond the statistical information registered by the AZG to the cases of lethal gun violence identified by our media-analysis for 2010-2020. Normally, these would need to involve the same cases – barring mistakes by the media or incorrect registration by the AZG. This allows us to connect the more basic bits of information on gun deaths to the contexts and locations offered by media articles.

We conducted a screening of lethal gun violence incidents in 2010-2020 ('Media-analysis') and located 65 cases of lethal gun incidents totalling at 79 lethal victims (12 victims could be cases of legal self-defence). We were able to determine the context and location in 62 cases, which is shown in **Figure 12.**

Figure 12: Context and location of lethal firearm incidents in Flanders and Brussels, 2010-2020



Source: Media-analysis

The domestic context – construed broadly – is the most prominent context for lethal firearm incidents in Flanders and Brussels (30%) followed by the criminal contexts of drugs and armed robberies (27%), law enforcement (17%) and public disputes (15%).[I] The location of lethal gun incidents is connected strongly to its contexts: domestic incidents tend to occur in private residences; criminal incidents tend to occur in shops, restaurants and bars if they are robberies and on a public road if they are drug-related; public disputes, as a fairly broad category, can occur in a myriad of locations. Mind: a firearm homicide in the domestic context does not exclude the possibility that the perpetrator is active in the criminal milieu. In fact, it is easy to imagine that someone inflicts harm upon someone within his domestic circle by means of a firearm acquired for the purposes of certain criminal activities.

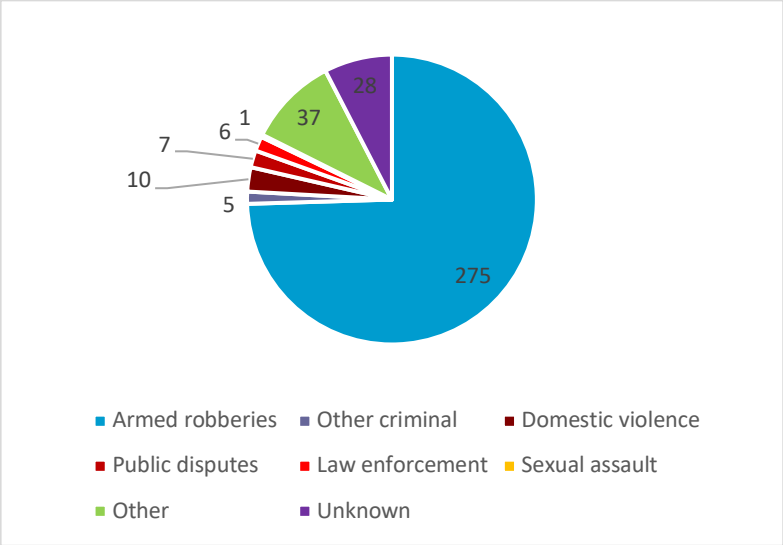
When we look at the evolution of cases throughout the years, we notice that the share of criminal lethal incidents decreases markedly from 32% of cases in 2010-2013 to 20% in 2017-2020. The share of domestic lethal incidents moves in the reverse direction from 24% of cases in 2010-2013 to 36% in 2017-2020. This is congruent with findings from other studies that suggest that lethal gun violence decreases more markedly in the EU in

[I] In 2010-2017, the AZG registers and our media-analysis found respectively a total of 78 and 63 victims of lethal firearm violence. This means that almost two individuals per year that die from firearm violence are not reported in the media. If these victims die in the same context, such as public disputes, it would have a very significant impact on the division in the main text. Since we have no information about these cases, we have to proceed on the basis of the information we do have. The context of 'other' is made up mostly by a singular terrorist shooting (four lethal victims) at the Jewish museum in Brussels in May, 2014.

the criminal context and less so in the domestic context. This is consistent with, among others, that the share of female victims increases while the share of male victims decreases.[121]

When looking specifically at non-lethal gun violence, we count a total of 563 cases which are made up of 369 firearm threats and 155 firearm injuries (we could not identify the consequence in the remaining cases). When looking specifically at the contexts of firearm threats, we note these happening predominantly (almost 75%) in armed robberies. This division is shown in **Figure 13.**

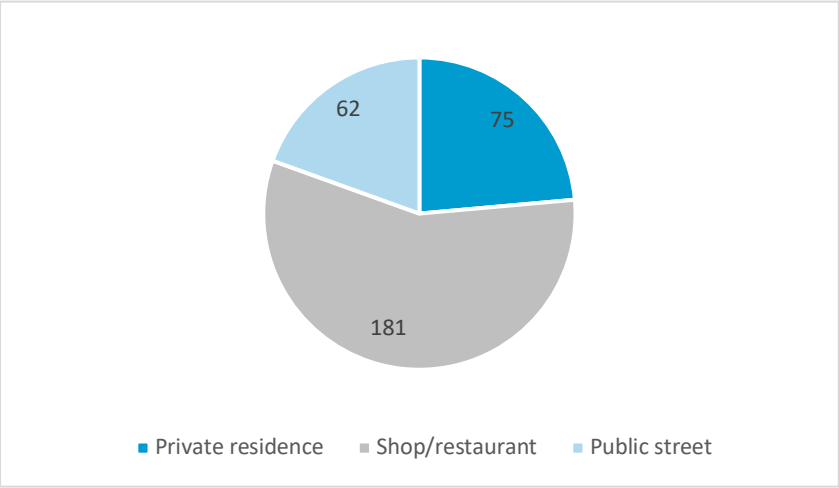
Figure 13: Contexts of firearm threats in Flanders and Brussels, 2018-2020



Source: Media-analysis

While lethal firearm incidents occur predominantly in the domestic contexts, firearm threats in that context – as reported by the media – are fairly rare. Yet, the police registry shows that the legal category of 'firearm threats' (which does not cover armed robberies) largely occur in the context of domestic and public disputes.[122] As such, we must assume that firearm threats in the domestic context are simply not reported as extensively in the media while lethal cases of firearm incidents in that context are reported in the media. Still, the high rate of lethal casualties in the domestic context does suggest that firearm violence in that context is significantly more deadly than firearm use in the criminal context. In **Figure 14** we show the locations of firearm threats, where we note that – where we could identify the locations – they are congruent with the contextual logic. That means, they occur mostly in more public places, such as streets and shops, rather than in private homes. When they do occur in private residences, they tend still to be linked to armed robberies (home burglaries etc.).

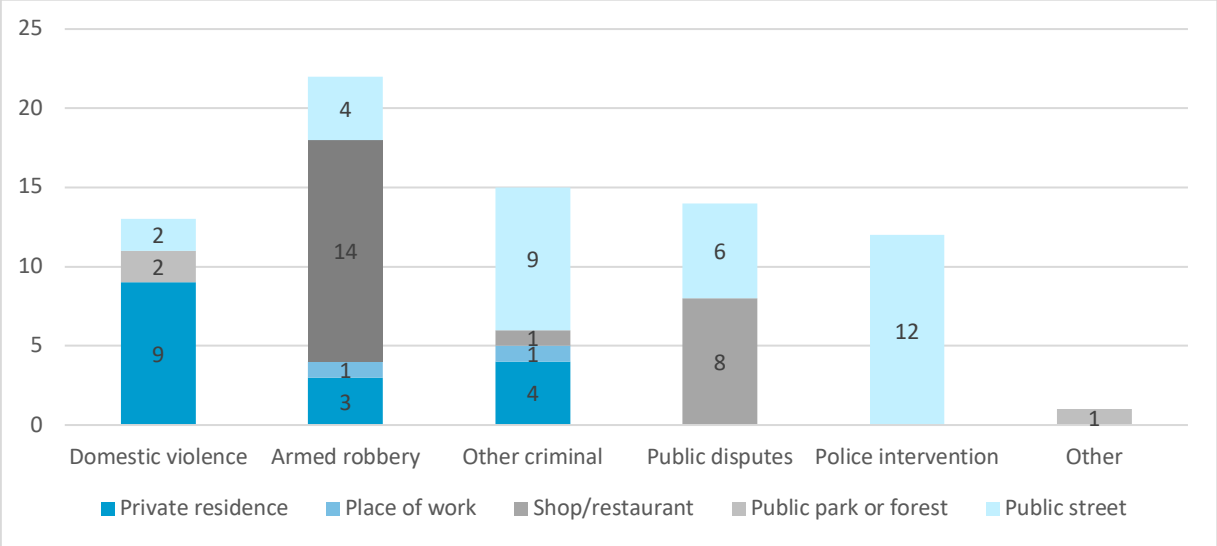
Figure 14: Firearm threats by location in Flanders and Brussels, 2018-2020



Source: Media-analysis

Since firearm threats in the domestic context, or between criminals, are not often reported in the media, this would suggest that the amount of firearm threats in private residences is likely significantly higher than shown in the figure above. We do note, however, that firearm incidents in private residences have a higher lethality than those occurring in shops, restaurants or on public streets. We can compare this information with information about **firearm injuries**, of which we have identified 155 cases causing a total of 197 injured persons, in Flanders and Brussels in 2018-2020. **Figure 15** shows the locations and contexts of firearm injuries (where both could be identified).

Figure 15: Location and context of firearm injuries in Flanders and Brussels, 2018-2020



Source: Media-analysis

This figures shows a marked difference between firearm threats and injuries. Whereas firearm threats overwhelmingly occur in public places in the context of armed robberies, firearm injuries are sustained in a myriad of locations and contexts. Firearm injuries are sustained respectively during armed robberies (29%) and other criminal activities (19%), in disputes public (18%) and domestic (17%), and during police interventions (16%). Admittedly, we were only able to determine the context and location of 77 out of 155 cases. A good number of cases where the context and/or location could not be determined are cases where a firearm injury is sustained but the victim does not offer information with regard to the origin of the injury. One could then speculate that this suggests either criminal activities or domestic violence.

What is noticeable about our discussion of threats, injuries and lethal violence is that the component part of domestic violence increases and criminal violence decreases as the violence gets more severe. This suggests that firearms are used by criminals in Belgium not primarily to kill or injure, but to threaten so as to facilitate criminal activities (robbery, drug trade, etc.). In the domestic context, firearms are then used not so much as to threaten, but rather to injure or even kill.

In rare cases, media articles make mention of some specifics about a firearm. This information is generally incomplete and highly unreliable. Better information about firearm typology can be gathered from our **analysis of the ballistics database of the NICC**, which covers the whole of Belgium and will be discussed in detail in the next section (section 3.3). However, this database could also be used to shine a light on the sort of contexts wherein a ballistics analysis is run. A ballistics analysis is usually requested through criminal proceedings by a district attorney (*procureur*) or a judge that overseas the criminal investigation (*onderzoeksrechter*), which is often in response to requests from the local or federal police. Ballistics analyses are usually requested so as to compare striae or linear grooves on the bullets to such grooves on other bullets. This ties a gun to an other offense. In cases where such a comparison is impossible (as with smoothbore barrel rifles) or unnecessary, a ballistics-analysis will rarely be done. This analysis will, however, register a wealth of other information about a firearm.

In the period 2006-2020, the NICC ran a total of 4.169 ballistics analyses of which 50% were sent in from Wallonia, 33% from Flanders and 17% from Brussels. The individual cities with the highest rates of requests for ballistics analyses are respectively Charleroi (18%), Brussels (17%), Antwerp (15%), Mons (10%) and Liège (10%). Some of these cities have official guidelines (such as Brussels in the context of the 'Kanaalplan'), or a more general practice (such as Antwerp), to regularly or even always submit firearms used in firearm incidents for analysis. The context of analysis is mentioned in 3.421 analyses, which follows certain legal definitions formalized in standardized police report numbers. **Table 7** shows the division of ballistics analysis over the contexts.

Table 7: Context of ballistic analysis in Belgium, 2006-2020

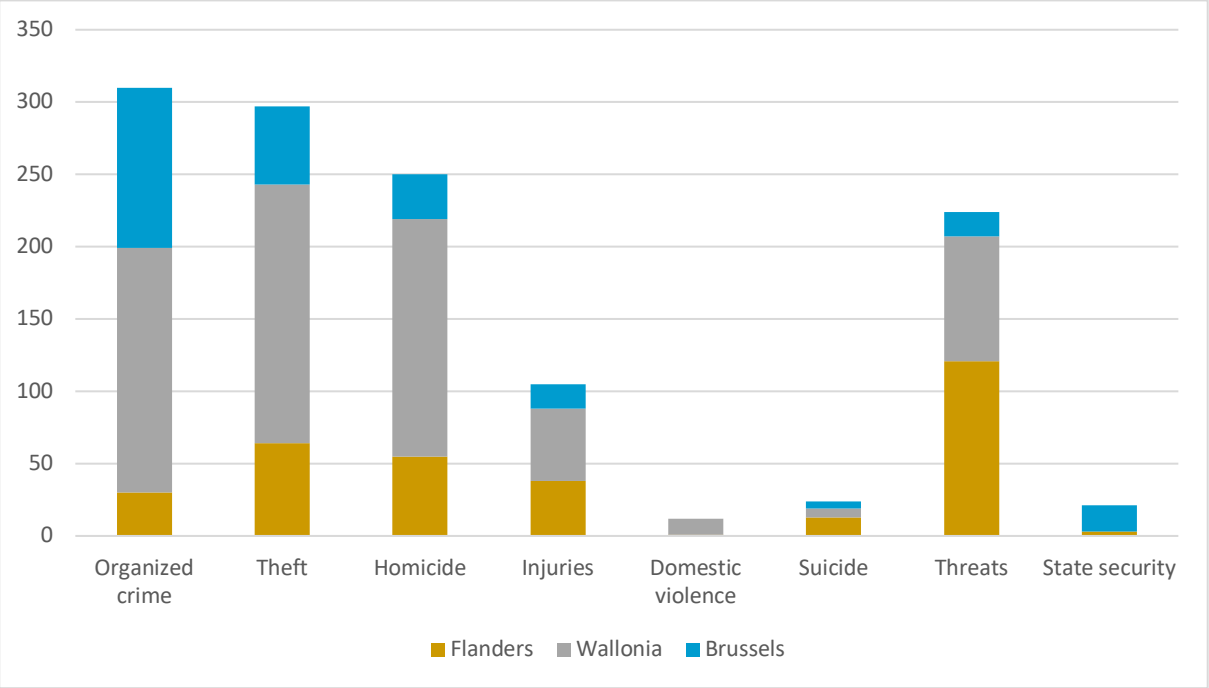
	Type of offence	Number of analyses
Infractions against the Weapons Act	Illegal possession, carrying or trade	1.615
Criminal violence	Organized crime	310
	Violent theft	232
	Aggravated theft	42
	Simple theft	18
	Domestic disturbance	6
	Drugrelated infractions	171
Threats, Injuries and lethality with a firearm	Homicide	300
	Suicide	24
	Injuries	105
	Threats	224
Terrorism	Terrorism	21
Domestic violence	Domestic violence	12
State Authority	Attacks of public authority figures	4
Other	Other	337
Total		3.421

Source: NICC-analysis

The predominant context for ballistic analysis is 'infractions against the Weapons Act' with close to half of the analyses. This category, however, is a sort of catch-all category where a firearm that is carried, held or used illegally can always be submitted for analysis. This does not mean that the firearm was not used in a different context, such as drug-crime or domestic violence. It is impossible to gather what part of these analysis actually do occur in other contexts. As such, we will disregard them throughout our analysis.

The contexts for ballistic analysis are not spread evenly across Belgium. As **Figure 16** shows, Wallonia has a much higher concentration of ballistic analyses in criminal contexts, such as organized crime and theft. Wallonia also has a much higher rate of ballistic analysis in the context of homicide. It is striking that only one in three firearm homicides in Flanders were submitted for analysis in 2006-2020 (93 out of 256). There is also a higher rate of analyses in the context of organized crime in Brussels (36% of all analyses)

Figure 16: Contexts for ballistic analysis per region, 2006-2020



Source: NICC-analysis

If we compare the data from our media- and ballistics-analysis with the aforementioned analysis ran by DJSOC, we confirm that most homicides and homicide attempts occur in the family context.[123] They note that handguns (pistols or revolvers) are used most often in homicides and homicide attempts (77%) compared to rifles and carbines (23%). Although the authorities were unable to seize most firearms in these cases, the police were able to check a small number of the firearms seized from crime scenes (seven firearms). Six of them were not registered in the CWR. This suggests that most cases of homicide and attempted homicide were committed with firearms which either did not require registration or that were owned illegally. Most homicides and attempted homicides occurred in Wallonia and Brussels, including five cases in Charleroi, four cases in Mons and three cases in the southern communes of Brussels (Anderlecht, Vorst and Saint Gillis). The perpetrators of homicides and attempted homicides were young adults. They were mainly aged 25 to 34 years of age.[124]

3.3 Firearm types

Neither official mortality statistics nor our media-analysis are particularly helpful in identifying the kind of firearms that are used in different forms and contexts of firearm violence. Rarely are firearms described in much detail, and reliably, in media rapports. Mortality statistics from the WHO do include a distinction between 'short' and 'long' firearms in homicide, but for Belgium some 91.8% of cases are unknown.[125] Instead, we

will rely almost entirely on our analysis of the database of ballistic analyses made available through the NICC ('Ballistics-analysis').[126]
The ballistic analysis allows us to gather information about the type, brand, calibre and origin of the firearm, connect this to a specific context for ballistic analysis and gather whether the firearm has been altered in any way. There were a total of 4,169 ballisic analyses in 2006-2020. Only a small amount of firearm incidents are subjected to ballistic analysis. Ballistic tests are expensive and time-consuming, and therefore according to the police of Liège, they are done more in more serious criminal contexts.[127] In court cases, some ballistics analyses are done by private experts and so not shared with the national ballistic database.[128]

We will first give a general overview of the types of firearms that were subjected for ballistic analysis on the basis of the context wherein they were submitted. This is shown in **Table 8,** which disambiguates the firearm types further with regard to context.

Table 8: Types of firearm or bullets according to context, 2006–2020

	Pistol	Revolver	Carbine	Shotgun	Rifle	Sub-machine gun	Artisanal	Machine gun	Total
Weapons offences	805	251	159	170	105	68	11	6	1,575
Organised crime	156	57	18	23	30	19	2	1	306
Violent theft	136	43	11	12	25	5			232
Aggravated theft	30	8	1	1	2				42
Simple thefts	7	7		1	3				18
Home violations	4		1	1					6
Drug offences	93	28	12	19	4	10		4	170
Manslaughter and murder	159	59	18	19	20	11	2		288
Suicides	16	3	3	2					24
Beatings and injuries	57	17	11	12	2	5			104
Threats	112	39	19	21	10	15	1	5	222
Offences against the state security (incl. terrorism)	6	3	5	3	3	1			21
Familial offences	3	2	4	1	2				12
Offences against public authorities	4								4

Total	2,010	681	408	405	254	176	19	22	3.975

Source: 'Ballistics-analysis'

Handguns, and especially pistols, are generally the preferred types of firearm used in most firearm incidents (on average: 51%), most notably in aggravated thefts (71%), home violations and suicides (each 67%). We see relatively high revolver use in simple thefts (39%) compared to their average uses in other offences (17%). Long guns are not submitted for analysis often, and shotguns and carbines each only constitute roughly 10% of analysed firearms each, but they are analysed more in home violations (carbines 17% and shotguns 17%), offences against public security (carbines 24% and shotguns 14%) and, particularly, in family violence (carbines 33%). Again, it is important to note that certain types of firearms (smoothbore barrel) do not lend themselves to ballistic comparison and will not be sent in for analysis.

NICC data does not disclose whether the firearm was held legally or illegally, but it does show the legal classification of a firearm. As such, it shows whether a firearm was subject to license, freely obtainable or forbidden (or whether this is unknown). According to our analysis of the database, almost 66% of the cases in the database were firearms subject to license, freely-obtainable weapons were only 6% and forbidden firearms were 19% of the ballistic analyses (the remainder are unknown).[I] **Table 9** shows the legal classification on the basis of the type of firearm.

[I] That 19% of firearms subjected for ballistic analysis are prohibited, does not mean that almost one in five firearms would be prohibited firearms. It is very likely that prosecutors will be more inclined to submit prohibited firearms for ballistic analysis.

Table 9: Legal classification of firearm types analysed by the NICC, 2006–2020

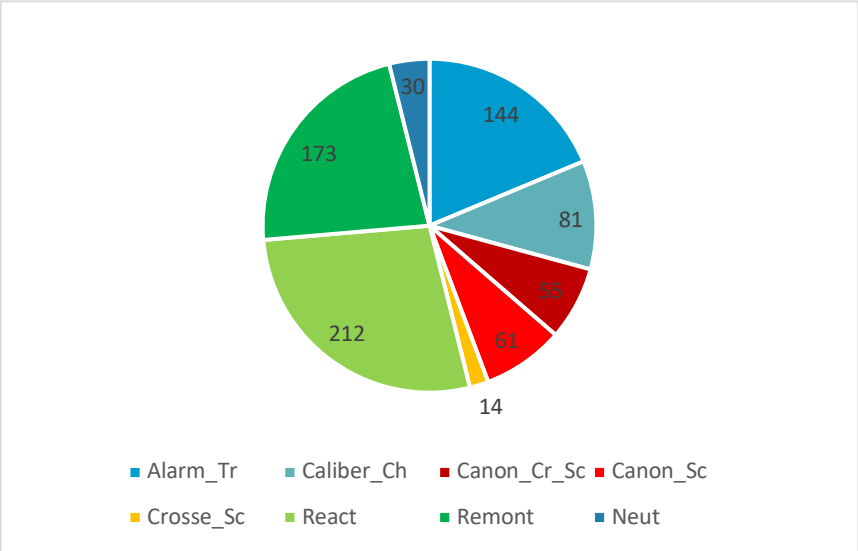
Legal classification	Artisanal	Carbine	Machine gun	Pistol	Revolver	Rifle	Shotgun	Sub-machine gun	Total
Authorisation	3	229		1,263	462	81	231	10	2,279
Freely obtainable		18	3	139	49	12	4	1	226
Prohibited	12	67	12	261	29	100	70	130	681
Unknown		47	6	193	99	19	55	18	437
Total	15	314	15	1,663	540	193	305	159	3,186

Source: 'Ballistics-analysis'

When we connect the legal requirement of firearms to the context, we find, unsurprisingly, that prohibited firearms are used most often in the criminal context: 29% in organized crime, 31% in the drug milieu and 48% in offences against state security. Freely obtainable weapons are relatively more prevalent in theft – aggravated (17%), simple (17%) and violent (12%) theft. Close to all of the firearms used for suicide (92%) were subject to license.

The NICC ballistics database also details whether a firearm has been modified in any way. We note that 82% of firearms had not been modified in any way. **Figure 17** shows the distribution of types of modification (based on 'Ballistics-analysis').

Figure 17: Firearm modifications



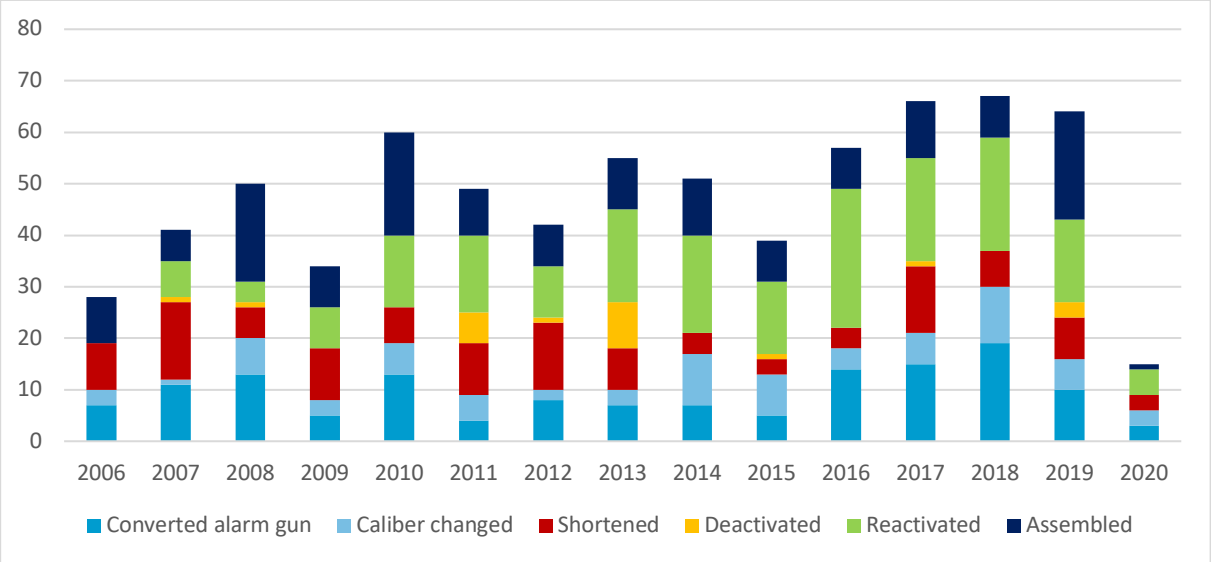
The most common modification (28%) are reactivated firearms (React), where a neutralized firearm has been so modified that it can, again, shoot. After this, firearm re-

assembling (Remont) is not uncommon (22%). Converting blank-firing, alarm guns (Alarm_Tr) is also not uncommon (19%). The caliber of a firearm can be changed (11% of alterations), which can refer to the reconversion of converted Flobert guns (Caliber_Ch). Next to this, there are various alterations to the firearms, such as a shortening of the barrel (8%), the butt (2%) or both (7%), which is usually done to facilitate the handling and hiding of the firearm.

Over 80% of firearms analysed by the NICC are unaltered. A majority of unaltered firearms originate in the United States or Belgium. Mind: a large part of these unaltered firearms are submitted to the NICC in cases designated as weapon offences. The prevalence of firearm modification is higher if we focus merely on criminal offences. For instance, in organized crime we note firearm reactivation twice as often as on average and assembled firearms are found almost twice as often in all sorts of thefts. Comparatively, in suicides or family disputes – although we do not have a large sampling of the latter – we note very few firearm modification.

The NICC analysed more cases involving a modified firearm from 2006 onwards, as shown in **Figure 18**.

Figure 18: Evolution of types of modification made to firearms analysed by the NICC, 2006–2020



Source: 'Ballistics-analysis'

The increase in modified firearms can be due to an actual increase in modified firearms or an increase in attention to the problematic of modified firearms. The above trends do follow, roughly, the European trends: reactivated firearms become more prominent from the early 2010s onwards; modified alarm weapons take off particularly after 2015.[129] There is no explanation for the small sampling of 2020.

Our discussion of the nature and characteristics of gun violence in Belgium allows us to add four intermediate conclusions. *First*, where lethal firearm violence is predominantly

committed in the context of domestic disputes, non-lethal firearm violence is overwhelmingly committed in the context of armed robberies and drug crime. Armed robberies are seldom injurious and even more rarely lethal; firearm violence in the context of drug crime tends to be more injurious. *Second, t*here is a convergence of firearm availability and firearm violence. This is shown in two important ways. First, increased holdings of firearms in Brussels and Wallonia have resulted in increased gun violence in these regions. Second, typical firearm holdings in a domestic setting are also typically used in domestic violence. *Third,* young men tend to be victimized more by firearm violence, especially of the lethal kind. Insofar as crime represents a higher portion of lethal firearm violence, the more young men are victimized in lethal firearm violence. Women, generally, are victimized more in domestic disputes and have roughly the same chance of being victimized by firearm violence throughout their lives. *Fourth,* firearm modifications are particularly prevalent in criminal contexts, where firearm reactivation generates military-grade firearms that is performed mostly in organized crime; the conversion of alarm weapons is particularly prevalent in the context of armed robberies.

4 Contexts of Firearm Violence in Belgium

Firearms are used differently in different contexts. We have noted above that lethal firearm violence in Belgium occurs mostly in the domestic context while non-lethal firearm violence happens predominantly in the criminal context. In the present chapter, we will look in more detail at the four most prevalent different contexts of firearm violence in Belgium, namely crime, domestic violence, terrorism violence and shooting incidents in the context of police interventions.

4.1 Criminal firearm violence

Based on the set of data we have, we can venture a general description of certain nomological characteristics of firearm use in the criminal context. That context is particularly broad and ranges from highly-organized, mafia-styled criminal groups to solitary, ill-prepared burglars, from international networks of cocaine smugglers to common street dealers, and from trigger-happy young thugs to restrained career criminals. It would make sense that these three elements – organization, context and temperament – impact firearm use extensively.[1] We will here focus on the three predominant criminal contexts of firearm use, ie armed robberies, drug crime and outlaw motorcycle gangs.

4.1.1 Armed robberies

Official crime statistics indicate that on average some 4,000 armed robberies are registered by the Belgian police yearly in 2010-2020, with the annual amount decreasing steadily from a high of 7.885 in 2010 to only 2.302 in 2020.[130] Previous research has shown

[1] The TARGET-rapport found that in Europe criminal organization is a strong predicter for lethal and non-lethal gun use, and that armed robbers tend to use firearms more in order to threaten than criminals connected to the drugs milieu. With the exception of some countries such as The Netherlands, Sweden and Denmark, most criminal groups are apprehensive about using guns. For more: Duquet, N & Vanden Auweele, D (2021), *Targeting Gun Violence and Trafficking in Europe,* Brussel, Vlaams Vredesinstituut), 80-94.

that in the period 2009-2015, a total of 11,262 firearms were used in armed robberies, which were predominantly handguns.[131] Armed robbers tend to prefer handguns which are easy to conceal and transport, they are user-friendly and can function very well as a means for threatening.[132]

An internal analysis by DJSOC analysed 697 cases of armed robbery committed in Belgium in 2019, in which a total of 789 firearms were used. Most of them were handguns. **Table 10** shows the types of firearms used in these cases of armed robberies.

Table 10: Types of firearm used in police records of armed thefts, 2019

Type of firearm – thefts and extortions (2019)	No. of firearms
Pistol/revolver (live-firing)	389
Pistol/revolver (unspecified)	266
Other	40
Rifle/carbine (live-firing)	31
Alarm pistol/revolver	27
Sub-machine gun/machine pistol	18
Machine gun	9
Riot gun	5
Anaesthetic weapon	1
Slaughter weapon	1
Alarm rifle/carbine	1
Air/gas pistol/revolver	1
Total	789

Source: DJSOC[133]

This analysis confirms that handguns, either live-firing or unspecified, were by far the main types of gun used in armed thefts in 2019 (83%). Automatic weapons – such as machine guns and sub-machine guns – are used, but not very frequently.

We can complement the above with data from our media-analysis and analysis of the NICC database. Our dataset of media articles indicates that armed robberies have

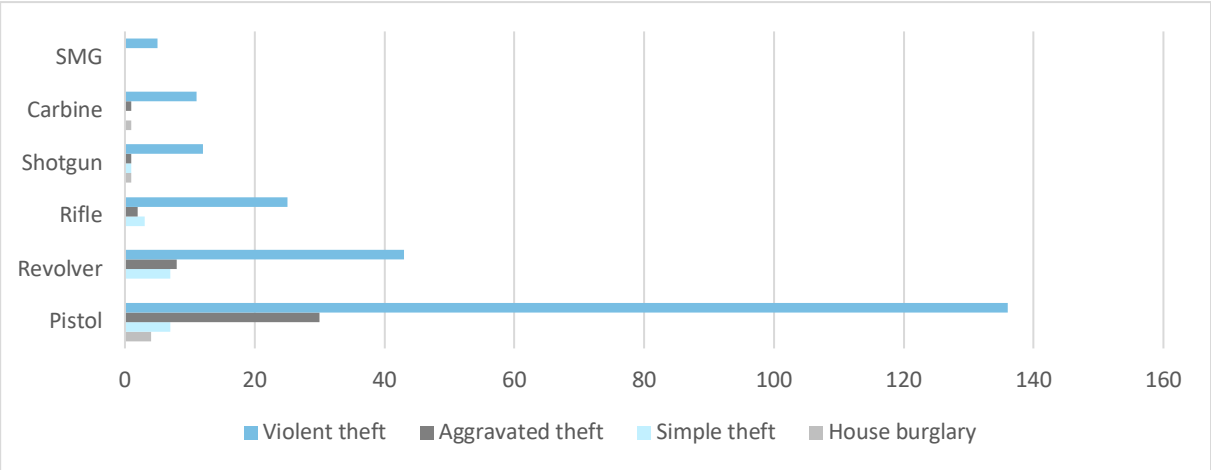
accounted for the most frequent type of gun violence as reported in Dutch-speaking newspapers in Belgium between 2018 and 2020 (346 of 843 cases of gun violence). Descriptions of firearms used in these robberies are not particularly reliable,[134] but we do note that armed robbers generally use handguns, but can also make use of assault rifles, especially in attacks against heavily secured targets. Examples include: a spectacular diamond heist at the airport of Brussels in 2013;[135] a robbery of a jewellery store in Oostakker in 2018 (see **Box 5**).

Box 5: Jewellery heist gone awry

July 2018, Oostakker. Two men, armed with a **Kalashnikov-type rifle** and a **pistol**, walked into a **jewellery store**. On location: the manager, his sister and their 88-year-old father. All three were physically assaulted. The manager at one point had the assault rifle to his temple. The thieves took the loot and fled on a motorcycle. The manager took up his own firearm and **shot at the fleeing robbers**. He hit one of them, who was mortally injured and fell off the motorcycle some two kilometres down the road. The other robber was soon arrested and convicted to an eight year prison sentence. The jeweller is still being investigated whether his actions were in **self-defense**.[136]

The NICC database has 298 ballistics analyses in connection with armed thefts between 2006 and 2020 ('Ballistics-Analysis'). More than 75% of these cases involved handguns, whereas rifles, carbines, shotguns and sub-machine guns were used more rarely. This confirms the findings of DJSOC and our media-analysis. We connect the firearm type to the specific type of armed theft in **Figure 19.**

Figure 19: Types of firearm analysed by the NICC in connection with thefts, 2006–2020



Source: Ballistics-analysis

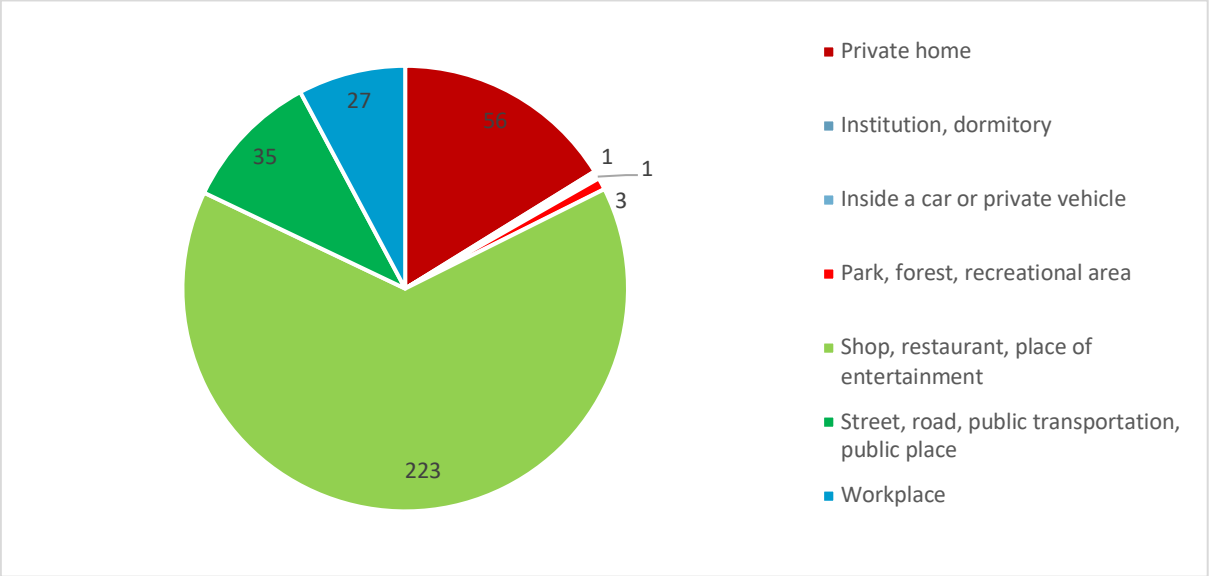
In more violent forms of theft – violent and aggravated – firearms are more prominent. Additionally, 25% of the firearms used in shootings were modified, which were mainly assembled (8% of the cases), reactivated (5%) and shortened (4%) firearms. This is a relatively higher percentage of modified firearms relative to the total amount of modified firearms (18%).[I]
Police experts suggest that common armed robbers do not often possess or use lethal-purpose firearms, and rely mostly on alarm pistols or fake guns. This is because armed robbers do not necessarily intend to use their firearms to shoot but rather to intimidate or threaten.[137] Some types of alarm pistols in particular are virtually impossible to distinguish from live-firing pistols. When robbers want to use the firearm for self-defence, they tend to acquire alarm pistols or, when they have more intricate criminal connections, they can acquire live-firing pistols or revolvers of a higher quality.

Many armed robberies are committed by young and less experienced offenders, who often lack the right criminal connections to acquire quality firearms. According to the police, 50% of armed robbers are aged between 18 and 24 years and 20% are even below 18 years of age.[138] For these young offenders, it tends to be easier to obtain a fake or a blank-firing gun which can be legally purchased by adults without prior authorisation.[139] The firearms used in shootings in connection to armed robberies in Belgium more often involve freely available firearms and less often firearms subject to authorisation than in other contexts of gun violence. Of the firearms used in armed thefts and analysed by the NICC, 66% were weapons subject to authorisation and 13% were freely available ('Ballistics-analysis'). In other contexts, the proportion of firearms subject to authorisation was higher (75%) and that of weapons freely available was lower (6%).[140]

FJP Liège reports that the main targets of armed robbers used to be banks and jewellers, but more recently less secure targets such as supermarkets, post offices, smaller shops and nightclubs have also been targeted.[141] The DJSOC data agree and further indicate that at a national level armed robberies have mostly targeted supermarkets, grocery stores, night shops, pharmacies, libraries, bakeries and petrol stations. In addition, cafés and restaurants are important targets of armed robberies.[142] Our media analysis confirmed – as shown in **Figure 20** – that most armed robberies occurred in restaurants, cafés and shops ('Media-analysis'). According to various sources in the police[143] and our media analysis, armed robberies also occur, though to a lesser extent, in private homes and in the street.

[I] The legal classification of these ballistic analyses is somewhat quaint: 78% are violent theft, 14% aggravated theft, 6% simple theft and 2% are house burglaries. When looking at the relevant sections of Belgium's penal code (art. 463-476 of the criminal code), this is confusing. These sections define a violent theft as one wherein violence is used or threats are uttered (art. 468). Aggravated circumstances include: breaking and entering, nighttime robbery or ganging (art. 471). According to art. 472, the use of a weapon – or an object with the appearance of a weapon – automatically classifies a robbery as violent as well counts as an aggravating circumstance. This does seem to suggest that any robbery with a firearm automatically is an aggravated theft.

Figure 20: Location of armed robberies (as reported in Dutch-speaking media, 2018–2020)



Source: 'Media-analysis'

Box 6: Armed robberies at commercial businesses

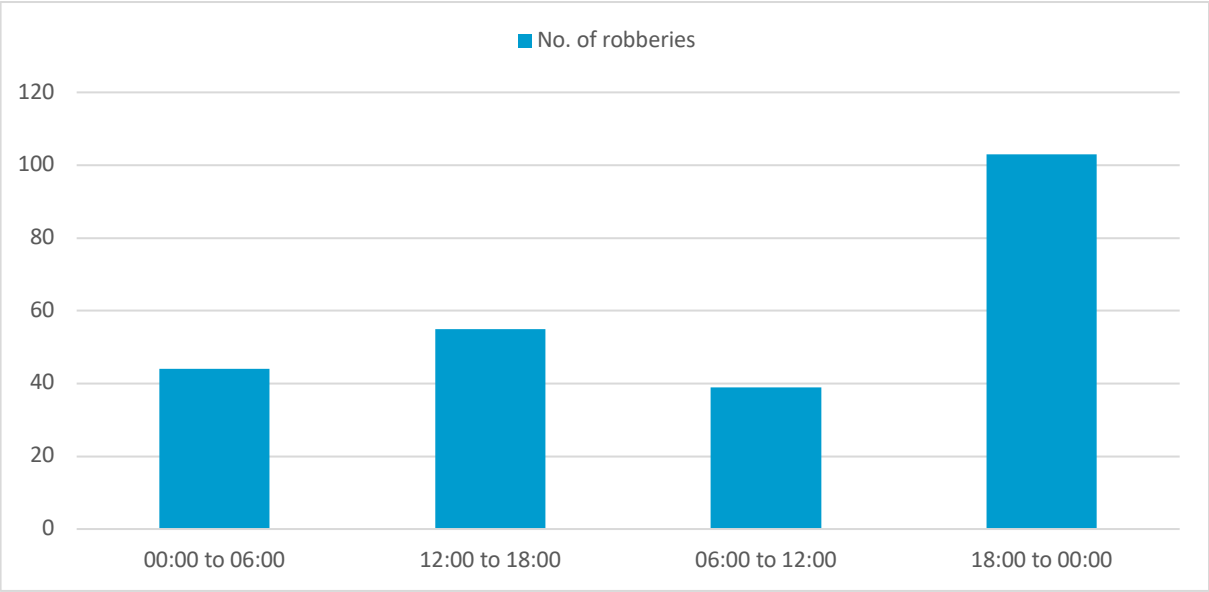
September 2019, Mechelen. Two men were sentenced to five years in prison for committing **seven armed robberies** in the greater Mechelen area. They raided an electronics shop, a bakery, a pharmacy and another ph**armacy four times**. They were planning an eight robbery, of a supermarket, but were arrested by the police.[144]

February 2020, Borgloon, Two robbers forced their way into the office of a **health insurance fund** at opening time. They **hit** the employee on the head several times. As the money was in a safe – not the cash register – they had to retreat without their loot. The victim was severely wounded and the perpetrators were convicted to four years in prison.[145]

In the case of armed robberies, guns are used mainly to threaten rather than to injure or kill people.[146] Not surprisingly, our dataset also indicates that very few armed robberies were lethal: of 346 cases of armed robbery, 22 persons were injured and only person was killed (which was even the perpetrator of the robbery, not the victim – see box 4).

Robberies tend to be committed under the cloak of darkness. In the cases where we could identify the time of robbery, 43% of robberies occurred between 6 PM and midnight. This is a characteristic of all forms of theft, not just armed robberies.

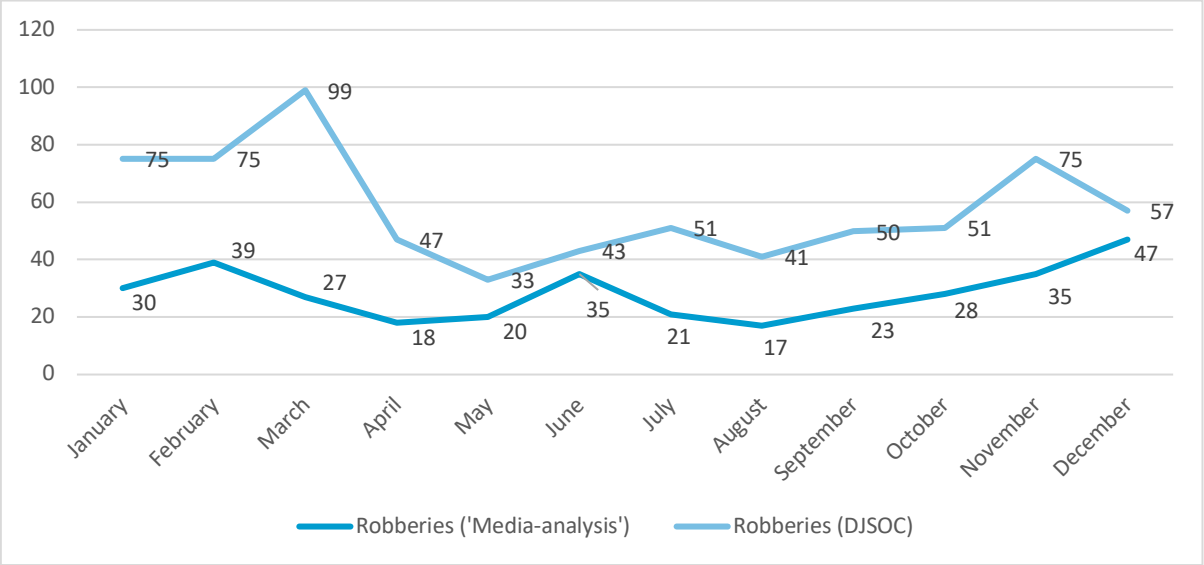
Figure 21: Hours of armed robberies, 2018-2020



Source: 'Media-analysis'

As pointed out also in the DJSOC report,[147] darkness in the evening can be an asset for thieves, because it allows them to approach their target undetected, not be recognized easily and flee the scene more ably. This may also explain why armed thefts, as reported in the Dutch-speaking media, have occurred mainly during the first and fourth trimester of the year, which correspond to the seasons of autumn and winter. These months are characterised by more dark hours. **Figure 22** shows the number of armed thefts per month in Flanders and Brussels reported in the media for 2018-2020 and for the whole of Belgium registered in the police registry for 2019.

Figure 22: Months of armed robberies, 'Media-analysis' for Flanders and Brussels (2018-2020) and DJSOC for Belgium (2019)



Sources: 'Media-analysis' and DJSOC

Our media-analysis covers three years of reports about armed robberies in Flanders and Brussels; DJSOC covers only one year, but for the whole of Belgium. It goes without saying that the police registries consulted by the latter would be far more comprehensive than reports of armed robberies in the media. While the exact amounts are therefore not congruent, what is telling is how most armed robberies do take place in the first and last quarter of the calendar year, corresponding to those days with the longest nights.

4.1.2 Drug milieu

The criminal demand for illegal firearms often originates in the drug milieu. Older research in the Netherlands, for example, links around half of the illegal firearm holdings in the country to the drugs milieu.[148] In Belgium, too, those who are active in the trade if drugs are often found to be armed.[149] In an internal study from 2019, the DJSOC recorded 34 cases of illicit firearm possession which were uncovered during house searches during drug investigations.[150] Belgium is considered a major manufacturing country for cannabis, amphetamine and ecstasy, with production often taking place in intensive cross-border connections with Dutch criminal environments. Owing to the increased pressure on professional cannabis cultivation in the Netherlands, the production has partly shifted to Belgium in recent years. Most of this large-scale production is therefore destined for the Dutch drug market.[151] In the production of synthetic drugs such as amphetamines and ecstasy, the Belgian and Dutch criminal environments are also connected. The synthetic drug laboratories in Belgium and the Netherlands are located mainly at the border area.[152] The central location of Belgium and the presence of the seaport of Antwerp[153] contribute to Belgium being one of the main European entry points of hard drugs (such as cocaine) and cannabis. Within the country, there is also an illicit retail drug market.[154]

Firearms are often found as part of drug investigations. For example, after the police cracked a code used by drug-dealers and their customers on the messaging app 'Sky ECC', they conducted a major operation in March 2021.[155] Over 200 house searches in Antwerp, Brussels, Limburg and in Wallonia resulted in the seizure of 21 illegal weapons, including at least six firearms, 17 tons of cocaine and €1,2 million in cash.[156] In parallel, the Dutch police also cracked a code on 'Sky ECC' and seized 28 firearms and large quantities of drugs.[157] In another seizure, in December 2020, the anti-banditry police squad from Brussels West found several weapons (including six firearms, seven magazines for prohibited weapons and other magazines, a silencer and military-grade ammunition) in a house in Etterbeek, a commune of Brussels. They also seized several kilograms of drugs (hashish, cocaine, cannabis and XTC) and almost €150,000 in cash hidden behind a false wall. Five persons were put under suspicion of illicit drug-trafficking.[158] These examples show that some criminals involved in the drug trade have acquired heavy firearms.

According to Europol,

> *The use of violence related to the trade in drugs has escalated notably in recent years. The trade in cocaine and cannabis in particular triggered a significant number of violent incidents, which included killings, shootings, bombings, arsons, kidnappings, torture and intimidation.*[159]

In some Member States, competition between drug suppliers has intensified, leading to an increase in the number of violent clashes. In addition, the nature of violent incidents also appears to be changing and the growing availability of firearms and explosives is a key enabler of the increase in violence in this milieu.[160] In the Belgian criminal drug world, too, the issuing of threats and the use of violence are commonplace. People involved are very often armed and shootings occur regularly.[161] According to the judicial police of Liège, people in the drug milieu usually carry firearms to protect themselves and to secure their cargoes of drugs or their cannabis plantations. Guns are often held as an instrumental tool to deter competitors or rival gangs from attacking them or their stockpiles and cargoes of drugs.[162]

Firearms trafficking is often a subsidiary activity to drug-trafficking.[163] Several analyses by DJSOC indicate that criminals involved in illicit firearms trafficking are often active in other criminal areas, including the drug milieu.[164] The Liège police have also noted that people engaged in arms trafficking also sometimes possess and use drugs.[165] There is often a close link between the illicit supply of drugs and the presence of firearms, and the trafficking routes of both types of illicit goods are often the same.[166] In addition, drugs are sometimes used as a currency to make (partial) payments for weapons.[167]

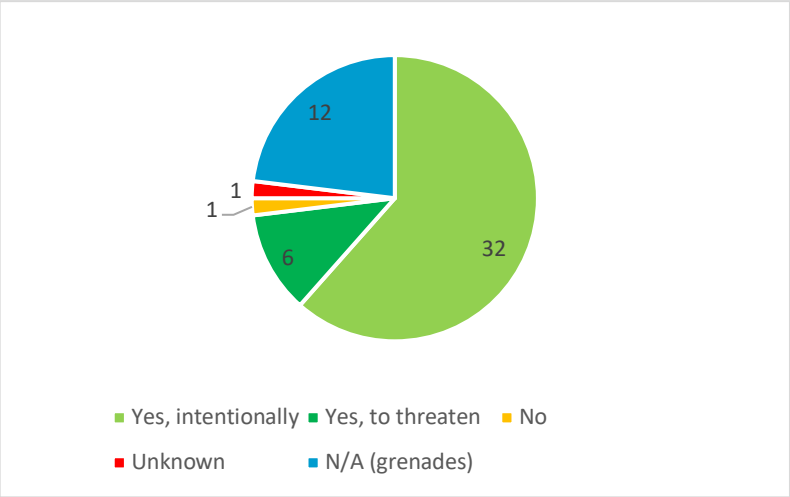
Nevertheless, drug-traffickers do not seem to be systematically involved in the business of arms trafficking. According to investigators from the DGP Liège, the illicit trade in firearms is not regarded as a lucrative activity in Belgium and drug dealers do not

typically use firearms as commodities in drug-trafficking activities. This also explains why illicit firearms trafficking is often not the sole activity of the OCGs involved.[168]

Unsurprisingly, incidents of gun violence connected to the drug milieu in Flanders are concentrated in one of the main entry points of drugs in the country: Antwerp. Many incidents of gun violence connected to the drug milieu have occurred in the city and its neighbourhood. Through our media database, we identified 52 cases of criminal gun violence, including mostly narcotic affairs and rip-deals, in Brussels and Flanders. Half of them (27 cases) occurred in Antwerp and in its direct neighbourhood (including Borgerhout, Deurne, Wilrijk, Berchem, Schoten and Wommelgem).

In contrast to armed robberies, in which firearms are very rarely fired, in the case of gun violence associated with the illegal trade in narcotics, our media-analysis suggests that firearms were almost always fired with the intention to threaten or injure others ('Media-analysis').

Figure 23: Gunshots and threats in the drug milieu (as reported in Dutch-speaking media, 2018–2020)



The incidence of the casualties in the drug milieu is relatively high. According to internal DJSOC data, it is not unusual for murders and assassination to occur in the drug sector.[169] Through our media analysis, we identified five lethal cases of gun violence in the drug milieu, 19 injuries and only one case of threats in 2010-2020. Of course, if threats occur between criminals during for instance rip-deals, it is highly unlikely for these to be reported in the media if no shots were fired or if no one was injured.

Our media analysis also shows that gun violence in the drug milieu is often triggered by gang rivalries, disputes and so called 'rip-deals.' **Box 7** gives three examples of gun violence in the drug milieu..

Box 7: Examples of gun violence in the drug milieu

March 2019, Genk. Three drug criminals suspect another of **stealing a batch of drugs**. They break in and **torture** him to **death** with a Kalashnikov-type rifle and Bunsen burner. His body was later found in a holiday house in Forzée.[170]

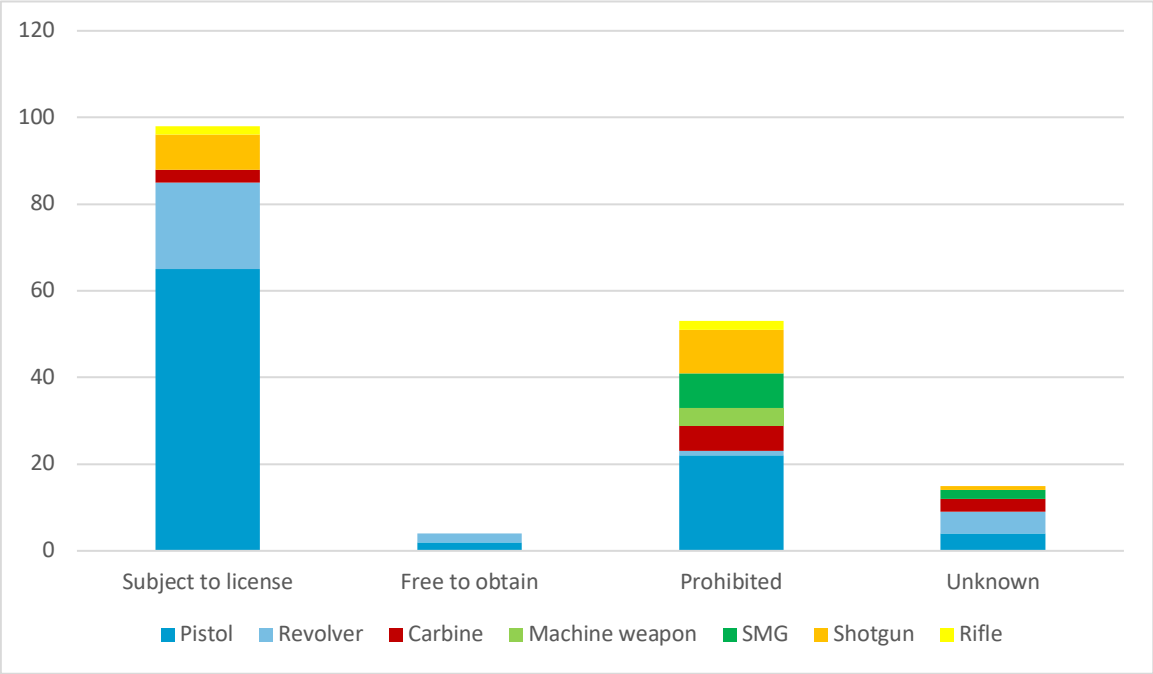
June 2019, Snaaskerke. A **rip-deal** fails and turns violent when two young attempt to fool a **Dutch** drug courier. When the Dutchman became aware of the fraud, the two others fired an **alarm pistol** at him. The victim escaped and was later arrested by the police.[171]

November 2018-February 2019, Oostende. In November at the Dutch border, **two Dutch drug couriers** were **robbed** of their cargo. They heard **gunfire** as they fled. They returned in February: they entered the home of one of the robbers and beat him. They also threatened another man by putting a gun to his head. They threatened to cut his fingers off before leaving the scene.[172]

According to the police, street dealers mainly possess easy-to-conceal handguns and alarm weapons rather than long guns. Yet not all the people involved in drug-trafficking possess a gun in Belgium: firearm possession is mostly widespread among those involved in the production and wholesale trade in drugs.[173] The prevalence of handguns in the drug milieu can be confirmed by ballistics analyses conducted by the NICC. Of 170 ballistics analyses connected to drug offences, 55% involved pistols and 16% involved revolvers. Heavier weaponry has also been identified: SMGs and machine guns appeared relatively more frequently in ballistics analyses connected to drug offences (respectively 6% and 2%) compared to all ballistics analyses (respectively 4% and less than 1%) ('Ballistics-analysis').

Although most firearms used in the drug milieu are subject to authorisation (mainly handguns), narcotics-traffickers also use prohibited firearms. These include prohibited handguns but also sub-machine guns. The fact that prohibited firearms are more typically used by drug dealers than other criminals indicates that, despite the legal restrictions applied to those firearms, they are still available to the 'more advanced' drug offenders who have the right connections and status that give them access to heavier weaponry. These firearms usually then move into Belgium through the various trafficking methods outlined in section 1.2.3.

Figure 24: Types and legal classification of firearms featuring in ballistics analyses in drug offences , 2006–2020



Source: 'Ballistics-analysis'

The ballistics database indicates that firearms which have been modified are more prevalent among drug traffickers than among other criminals and non-criminals (38% of firearms were modified to 18% of ballistics analyses overall). Even though previous research has suggested that converted alarm pistols are particularly prevalent among drug-traffickers, this is not reflected in the ballistics data, since only 5% of firearms used in the drug milieu were transformed alarm pistols. It could be, however, that many converted firearms are not submitted for ballistics analysis if the law enforcement official does not believe it is relevant for the investigation. The striae on bullets and casings of converted alarm guns are often inconsistent and do not allow for a sufficient level of comparison.[174]

4.1.3 Outlaw motorcycle gangs

Outlaw motorcycle gangs (OMGs) are proliferating in Europe.[175] A gang war has been raging in the Netherlands near the Belgian border that is believed might spread to Belgium. The border region – Flemish and Dutch Limburg – is known to serve as host to a number of OMGs. Because of the increase in the activities of these gangs in Belgium in recent years, the police have been expecting an increase in gun violence in connection with territorial disputes.[176] The most recognizable OMGs in Belgium are the Hells Angels, the Outlaws, Satudarah, No Surrender and Bandidos. Their activities have become more focussed on the trade in illegal drugs; the Federal Police estimate that there are currently more than a thousand of these groups and support clubs in Belgium.[177]

The activities of these OMGs in Belgium are mostly connected to the production of and trafficking in illicit drugs. In recent years, the Belgian police found large quantities of drugs in separate investigations targeting OMGs or their support clubs: for instance, they uncovered cannabis plantations[178] and a trafficking scheme of cocaine from Latin America.[179] Motorcycle gangs are also involved in other criminal activities such as prostitution, extortion and theft.[180] According to the Belgian police, about 80% of all Belgian members of OMGs have a criminal record.[181]

Firearms are also often found by the police during house searches that target members of OMGs. They often include handguns, shotguns with sawn-off barrels and hand grenades. In March 2018, several house searches targeted members of the Hells Angels in Mouscron during which four firearms were seized, including an FN-FAL assault rifle with an optic sight and a large quantity of calibre 7.62 NATO ammunition, a Mauser rifle and two handguns. Drugs were also found as part of the operation, including 20 packs of cocaine, 50 g of speed, and an unknown amount of cannabis.[182] In November 2018, after a former member of the motorcycle gang, Blue Angels, was stabbed by other members of the gang, the police carried out several house searches in East and West Flanders, Antwerp and Flemish Brabant. They found several prohibited weapons, firearms and ammunition and arrested six of the gang members.[183] These cases illustrate the great variety of firearms, ammunition and other weapons to which OMGs have access in Belgium.

Box 8: Examples of incidents involving OMG

April 2018, Buizingen. A **clash** happened between **No Surrender** and **Immortal MC**. Members of both groups were drinking in the latter's club house in Buizingen. Someone **shot a firearm**, which led to an escalation of violence where four members were injured, two of which seriously. The court's verdict stated that the members of No Surrender had planned to inebriate the members of the Immortal MC in order to beat them and **steal** their valuables (including the cash register, a television set and two motorcycle vests).[184]

In May 2011, there was a **confrontation** between members of **Outlaws** and **Hell's Angels**. Three individuals were **shot and killed**. They were put in a Citroën Berlingo and driven into the canal.[185]

OMGs are known for their propensity towards extreme forms of violence, including the use of firearms and occasionally explosives. **Box 8** gives two examples. The use of threat and violence is intrinsic to the subculture of OMGs and serves to exert control over group members, rival gangs and victims of extortion.[186] There is evidence of many previous violent incidents in the biker scene; these often occur in disputes between rival groups.

OMGs in Belgium are known to use firearms as commodities. They are involved in smuggling firearms, drugs and people, so it should not be surprising that the police often come across members of motorcycle gangs when investigating cases of arms smuggling.

For example, the Croatian police arrested a man from Poppel in Belgium in early 2015. He had a small arsenal of weapons in his van, including dozens of small arms, Kalashnikov-type rifles, ammunition, dozens of hand grenades and six rocket launchers. The man was suspected of smuggling these weapons on behalf of No Surrender.[187]

4.2 Terrorist firearm violence

Like several other EU Member States, Belgium has experienced several Jihadi terrorist attacks and threats in recent years. Firearms, explosives, but also easy-to-obtain weapons such as bladed weapons, have been used in some of the recent terrorist attacks. Other, left- and right-wing terrorist groups have also been active since the early 1980s in Belgium. But not all terrorists have access to and use firearms. Firearm possession and use among contemporary terrorist groups in Belgium is limited to Islamist and right-wing terrorists, whereas left-wing terrorist groups use mainly arson, letter bombs, sabotage and intimidation.[188] The Federal Department of Justice (*FOD Justitie*) officially recognizes seven attacks since 2012 on Belgian soil as terrorist events, which occurred mainly in Brussels (2017, 2016, 2014 and 2012) or in the area around Brussels (Schaarbeek 2016), but also one in Liège (2018) and one in Charleroi (2016).[189] We will add two events that can be labelled as terrorist events prior to 2012, which occurred in Schaarbeek (2002) and Antwerp (2006). Four of these involved firearms, namely Liège 2018, Brussels 2014, Antwerp 2006 and Schaarbeek 2002, but in some other cases (importantly, Brussels 2016) the terrorists were also in the possession of firearms.

The most lethal terrorist attack in Belgium was the Brussels 2016-attack on the metro station Maalbeek and the Zaventem airport. This attack was carried out by the same terrorist cell that had committed the Paris attacks of 2015. This Jihadist group acquired their firearms mainly through accessing the criminal market – making use of members with criminal connections – and so managed to acquire, among others, automatic guns, such as Kalashnikov-type rifles and SMGs.[190] The Brussels 2016-attack was, however, not committed with firearms but rather through explosives (suicide bombing), where a total of 32 people were killed (and many more injured). In a picture recovered from a dumped personal computer, the perpetrators are seen in the possession of many firearms, including three Vz.58 automatic assault rifles, a Kalashnikov-type rifle, two pistols and a pump-action shotgun.[191] One week prior to the attack, Belgian police had raided several houses in the Brussels area in connection to the Paris attacks. This resulted in a number of injured police officers (and one dead terrorist). On the aforementioned computer, police also found an audio message to Emir Abu Ahmed of Raqqa, where one of the perpetrators of the attack communicated that they felt like the police were on their heels and were going to attack Zaventem soon.[192]

The Belgian cell of this terrorist group is suspected to have provided the firearms for the 2015-attacks in Paris.[193] At least six Kalashnikov-type rifles were used in the Paris attacks (Zastava M70 AB2, AKS47 and Norinco 56-1),[194] which were provided through the criminal connections of some members of the terrorist group.[195] These individuals had a history of criminal activities involving Kalashnikov-type assault rifles and were part of

a network of violent criminals that used firearms to carry out armed robberies and carjackings. They converted to a radical version of Islam in prison.[196] In an event one week after the attack on Charlie Hebdo in Paris (7 January, 2015), the Belgian police raided the house of a Jihadist group in Verviers (15 January 2015). Three suspects were returning ISIS-fighters.[197] Two terrorists were killed during the raid,[198] after which the police found three Kalashnikov-type assault rifles (Zastava M70 AB2, FEG S90 and a WIESA-brand assault rifle), three pistols (BUL M-5, CZ M88A and a Tanfoglio 9 mm Parabellum) and one revolver (Hammerless Velo-Dog).[199]

Another Jihadist terror attack occurred in Brussels in 2014 at the Jewish museum, when a French citizen used an assault rifle and revolver to kill four individuals (two Israeli visitors of the museum, a young French woman and an employee of the museum). The perpetrator had been active as a robber and likely radicalized in prison while serving a prison sentence in 2007-2012.[200] His assault rifle was a Zastava from Croatia, the revolver was a Llama that had been reactivated. The revolver had been registered as deactivated and was sold to someone using a fake identity in a Spanish gun shop in La Jonquera (near the French border).[201] The Zastava was purchased in Croatia in 1998.[202] These weapons most likely were offered on the criminal market. The perpetrator of the attack was later arrested in Marseille, where custom officers found the revolver (and 57 rounds of ammunition) and rifle (and 270 cartridges).[203]

Belgium has been implicated in other cases of terrorist attacks. The jihadist that attacked the kosher supermarket in Paris on 9 January 2015 acquired some of his firearms through connections with Belgium. For one, a Nagant M1895 was found in his apartment.[204] This firearm could be acquired freely in Belgium between 2006 and 2013 (see Section 1.2.3). The attacker used four firearms during the attack: two Tokarev TT33 and two Vz.58 assault rifles. All of these were sold legally by a Slovakian company (AFG Security) as deactivated firearms. One of the assault rifles was purchased by a Belgian citizen, the others were purchased by a French citizen living in Belgium. The latter was known as a right-wing militant involved in firearm trafficking.[205]

Next to networks of terrorist cells sustained by ISIS, Europe also suffered a number of 'lone actor' terrorist attacks. These are terrorists who plan, prepare and commit their acts without direction from a wider organisation. Their attacks are often claimed by IS (or another terrorist group) after the fact. Lone-actor terrorism is an emerging threat in Europe as these attacks are often near-spontaneous and aimed at causing a large number of civilian casualties.[206] Most lone actors lack the criminal connections to acquire firearms and use bladed weapons instead.[207] One attack, in Liège on 29 May 2018, was perpetrated by a firearm acquired more opportunistically. The perpetrator assaulted two police officers with a knife. He managed to steal their service weapon, kill the officers, and continue his attack by shooting at several cars (killing one person). He then fired shots in a school until he was cornered by police officers. He managed to injure four more officers before being killed.[208]

Next to Jihadi terrorists, there are also right-wing extremist groups in Belgium. Their activities seem to have intensified as a response to Jihadi terrorist attacks.[209] There have

not been any right-wing terror attacks, though the 2006 shooting in Antwerp could be classified as one. The shooter seemed motivated by nationalist and racist considerations. More recently, right-wing extremist groups have been found in the possession of firearms and their ideology is spreading mainly online.[210] Calls for action have been detected on right-wing extremist forums, in which partisans are invited to arm themselves and train physically.[211] This seems to happen in tandem with the rise of citizen vigilantes in the EU, which are increasingly looking for firearms.[212]

One example of a right-wing extremist group in Belgium is a splinter group of Blood & Honour, namely *Bloed, Bodem, Eer en Trouw*. Some members of this group were arrested in 2006 and sentenced in 2014 for being members of a terrorist organisation and for illegal possession of weapons. The leader of the group was a professional soldier who was stationed in the local army barracks and who had been recruiting people with right-wing extremist ideas, often in the army barracks or other units where he worked. He also organised paramilitary activities, survival weekends and firearm training, some of which took place on army property without the knowledge of his superiors. An investigation conducted by the police in September 2007 found more than a hundred weapons, including assault rifles, riot guns, pistols, components, large quantities of ammunition, detonators for landmines, explosives, a homemade bomb and a template letter for claiming attacks. In total, 17 people, including ten soldiers, were arrested.[213] The soldier was sentenced to ten months in prison for supplying firearms from Belgium to various members of the Dutch right-wing extremist group Ulfhednar, a breakaway group from Blood & Honour. Various firearms were found as part of the investigation. The soldier and one of his associates were dealing in illegal firearms in order to fund their activities.[214]

A recent case of right-wing extremism occurred in May 2021, when a soldier stationed in Leopoldsburg stole, among others, an FN P90 machine pistol, four rocket launchers and several grenades from the barracks in Leopoldsburg. He left a farewell letter in which he threatened a virologist that had been central in Belgium's response to the Covid epidemic. He was a long-term military soldier (since 1992) who had recently been demoted because of threats uttered online at the virologist. He was also flagged as a potential threat by the Coordination Unit for Threat Analysis (Coördinatieorgaan voor de Dreigingsanalyse, short OCAD). After he stole the weapons, he tried to assassinate the virologist but did not fall through. He boobytrapped his own car with grenades and hide in the Dilserbos in Dilsen-Stokkem. His body was found a few weeks later by the mayor of neighbouring Maaseik. He seemed to have killed himself.[215] This affair shed light on several security issues. First, the security system of the weapons depot where the soldier was working was defective. The camera recording system was broken and had never been repaired. Second, the suspect was known by the intelligence services and by the Coordination Unit for Threat Analysis (Coördinatieorgaan voor de Dreigingsanalyse, short OCAD) as a right-wing extremist. In reaction to these events, the Ministry of Defence announced stricter control, such as the limitation of access to weapons depots and the dismissal of soldiers whose behaviour is not compatible with their status.[216] Eleven soldiers who had been monitored by the intelligence services for their radical right-wing views were denied access to weapons depots and other sensitive places.[217] At the time of writing this report,

a Consultative Committee for Intelligence and Security was compiling an action plan to improve the monitoring of radicalised personnel in the army.[218]

4.3 Domestic Firearm Violence

In the previous chapters, we have identified domestic violence as the primary context for lethal gun violence in Belgium. Police crime statistics record approximately 28,000 cases of physical violence within the family each year with, on average, 75% of these cases between partners and 25% directed at offspring or other family members.[219] Police statistics do not indicate to what extent domestic violence is committed with firearms. Given the paucity of official statistics and a lack existing research on gun violence in the domestic sphere in Belgium, we rely on three main sources for sketching its nature: the national ballistics database, our selection of media articles of gun violence in the Dutch-speaking media and the DJSOC data on the misuse of guns in Belgium in 2019.

The information available in the NICC database is rather scarce. There is a specific subsection of analyses devoted to 'family violence' (PV 42), but there have been only 12 ballistics analyses in this context between 2006 and 2020 ('Ballistics-analysis').[220] This is explained by that, on the one hand, ballistic analyses are not conducted systematically in Belgium, especially when they are not felt to be relevant and, on the other hand, the legal category of family violence does not cover certain offences such as homicides, injuries and beatings or threats. It is impossible to determine on the basis of the NICC database which part of these groups do occur in the domestic context.

The analyses done by the NICC in the family context are then not to be taken as representative for domestic gun violence. It can be illuminating though to look at the firearms that were analysed. Some of these were typical hunting rifles, such as a Dumoulin M98 carbine (7mm) and Blaser K95 rifle (7mm), other were target-shooting or sporting guns, such as a Walther Carbine Match pistol, Smith & Wesson 48 revolver and a Ruger Blackhawk revolver .357. There were also a number of older weapons, likely stemming from the interbellum or WWII, such as an FN Kapitain 9mm pistol, a British .303 repeating Enfield rifle and a Hermanos 1906 pistol 6.35. These could be non-regularized firearms that came into civilian hands during or before WWII (or that were passed on through inheritance). Two firearms could be owned legally, but are not typically found in Belgian households, such as a Armi Jäger AP 74 (a rimfire copy of the M16) and a Mossberg 500 ATP shotgun. There was also one alarm gun (Bruni GAP) and one prohibited firearm, namely a Polish AKMs with a selector function for automatic/semi-automatic shooting. It could be that law enforcement officials are more inclined to submit firearms they do not encounter for ballistic analysis, which explains the unusual blend of firearms analyzed in the context of domestic violence. It could also be that they tried to connect the firearms seized in the context of domestic violence to other incidents with firearms.

Our media-analysis found 41 cases of gun violence that tie up specifically to the context of domestic violence. These cases had a high likelihood to result in injury or death as only one in four cases resulted in non-injurious threats. We can discuss the specifics of

domestic gun violence most extensively on the basis of this media-analysis, though we have to keep in mind that media reporting on these incidents tends to be more extensive when it causes injury (see Section 2.2). The main motivation (half of those cases where we could determine the motivation) for gun violence in the domestic context was some sort of family separation. **Box 9** offers an example

Box 9: Intra-family killing in the context of a separation

April 2019, Wijnegem. Family tragedy. After several years of problems, a woman announced her desire to **divorce** to her husband. The husband, a police offer, used his **service weapon** to kill **both of their children** at their residence and then kill his **wife** at her place of work (a coffee shop). He killed himself with the same firearm. The man had been dismissed from his detective position and transferred because he was caught taking his service weapon to a container park. He was allowed, however, to keep his service weapon although he was not allowed to take it home.[221]

Most cases of gun violence in the family context are directed towards a partner or ex-partner (66%), often most often motivated by separation or sudden feelings of jealousy. This is illustrated by the examples in **Box 10**.

Box 10: Two examples of intra-partner gun violence

June 2019, Oostende. Man beats his partner repeatedly between 2014 and 2017. After they **break up**, he would not accept that she had a **new partner** and set fire to the woman's front door. He dragged her out by her hair and **placed a loaded gun to her head**. He continued to threaten to kill her. He was sentenced to four year in prison in 2019.[222]

October 2019, Lievegem. A man attempts to shoot his ex-girlfriend to **avenge their break-up**. The first shot was at a **window** of her parental home. Then, he shot at his ex's **moving car**, with her and her mother inside. The mother was shot in the forearm. The perpetrator had several prohibited weapons with him during the shooting. The man was sentenced to 11 years in prison in 2020.[223]

According to crime statistics, other members of the domestic circle than (ex-)partners are the victims of domestic violence in roughly 25% of cases. These include such as parents, parents-in-law, grandparents or close family friends. In this context, gun violence was often committed during family disputes that involve money.

Box 11: Two cases of gun violence involving other family members

November 2020, Tongeren. A man threatened his mother with an **air gun** during a family dispute. The dispute got heated as the man started punching the wall, **threatening his mother** with the air gun and pushing her. She fell and her head hit a kitchen cupboard. The man was known by the authorities for another incident: he had shot **a pistol in the air** at a friend's house. The weapon was retrieved on the bed of the six-year-old son of the family where he was staying. For both offences, the man was sentenced to a total of 22 months in prison and a fine of €1,600.[224]

2018, Antwerpen. A man repeatedly **blackmails** his 82-year-old grandfather so as to buy **drugs**. He would visit his grandfather and **threaten him with a firearm**, asking for sums of money between €150 and €300. When the grandfather eventually refused, the perpetrator would destroy the furniture. The family finally became aware of the extortion and filed a complaint with the police. The man was arrested and spent several months in prison.[225]

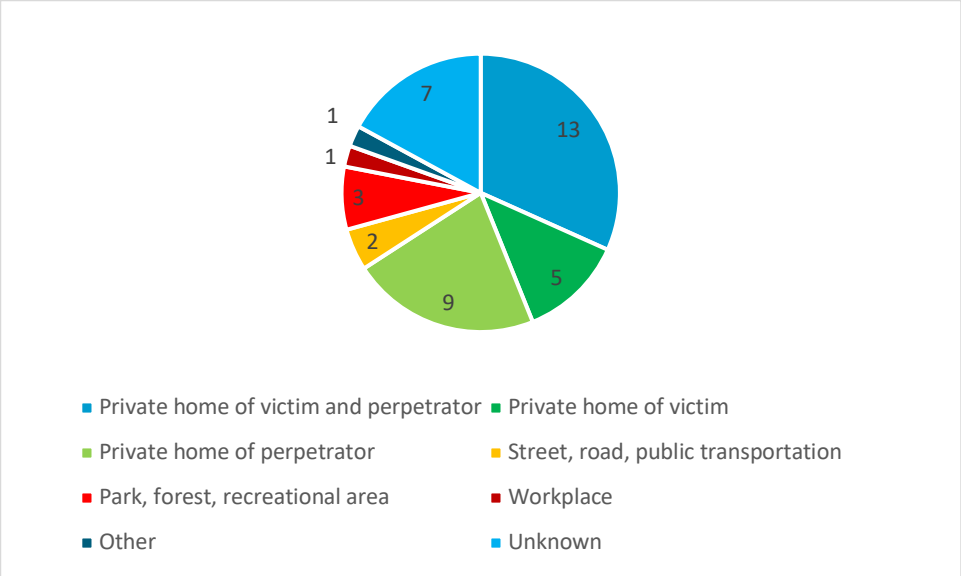
Occassionaly, we find cases of gun violence within the family where offspring were the victims (our media-analysis located three cases). These cases were either motivated by the separation of the couple (see also Box 10) or triggered by an underlying family dispute.

Box 12: Gun violence against offspring during a family dispute

Summer 2019, Slyskapelle. A barbecue at the family home turns violent. A **father** and his 33-year-old **son** get into a **dispute**. The son threatens the father with a brass knuckle duster and shovel. The father grabs a **shotgun** and **fires at his son's feet**. The bullet shattered on the shovel, but the son was uninjured. The father was accused of attempted manslaughter.[226]

Unsurprisingly, gun violence in the domestic sphere occurred mainly in private homes. Two-thirds of the cases of violence in the domestic sphere identified in our media screening occurred in the homes of the victim and/or the perpetrator. A minority of cases occurred in the street or in public transportation, in parks, forests or other recreational areas, or at workplace.

Figure 25: Locations of domestic gun violence in Flanders and Brussels, 2018–2020



Source: 'Media-analysis'

The fact that domestic violence occurs mainly in private homes could contribute to an explanation of why cases of domestic violence are particularly lethal. Indeed, almost all lethal cases of gun violence we identified occurred in private homes (12 out of 14). A private home is a controlled and confided environment for a perpetrator to execute an attack, which is unlikely to be heckled by third parties.

Some domestic shootings have altogether different motives, as shown in **Box 13.**

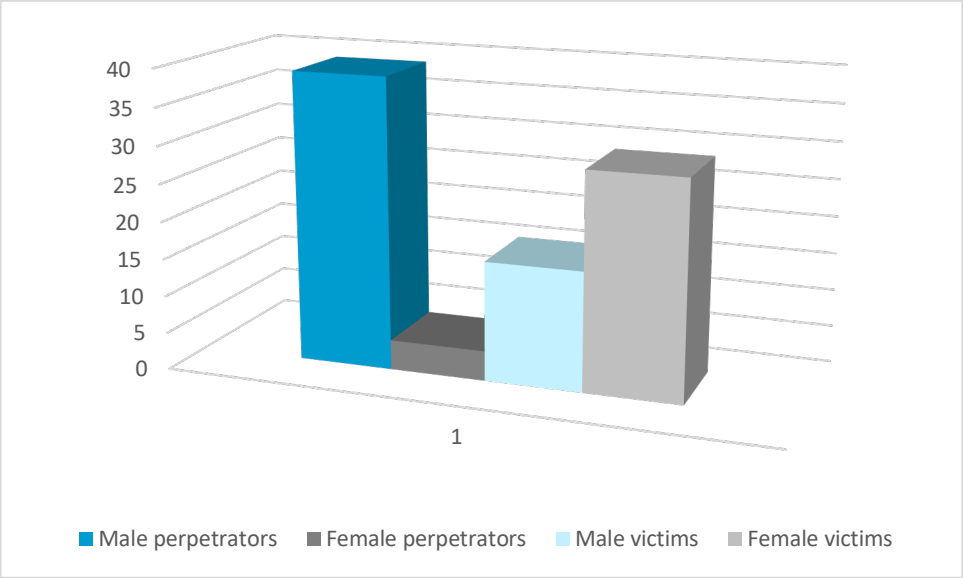
Box 13: Other motives

April 2019, Everbeek. An elderly man shot and killed his 85-year-old wife in their house. Then, he killed himself with the same weapon. Both of them were deteriorating physically and mentally. The woman was paralysed on one side and suffering from dementia; the man was diagnosed with prostate cancer. He did not want his wife to be left all alone.[227]

According to official police statistics, approximately 90% of the suspects of perpetrating physical violence within the family, including between couples and against other family members, are men.[228] Unfortunately, police statistics do not provide data on the victims of physical violence in the domestic sphere. Older data from the Institute for Gender Equality based on a Health Survey conducted in 2013 indicated that approximately 70% of the victims of intra-family violence, including between couples, were women, whereas about 30% were men.[229] This concerns *all types of* violence, not merely gun violence.

In the absence of such statistics in the context of gun violence, we must rely on our screening of media articles for Flanders and Brussels. Among the cases identified, we found that most of the perpetrators of gun violence in the family context are men (90%). The gender balance was not as asymmetric when it comes to the victims: 66% of the victims were women, whereas 33% were men. This implies that similar gender dynamics are at play in the context of domestic violence, including intimate partner violence, regardless of the presence of guns.

Figure 26: Gender of perpetrators and victims of gun violence in Flanders and Brussels, 2018–2020



Source: 'Media-analysis'

Early analyses from the COVID-19 pandemic suggest that domestic violence has increased during the lockdown periods. This is not surprising, since several factors that can play a role in domestic violence were enhanced during the lockdown: stress, the consumption of alcohol (a known factor for loss of control) and financial problems. Most international COVID-19 studies show an increase in alcohol consumption. This increase was connected to several stress factors, including fear of contamination, personal afflictions (grieving, lack of routine, and isolation) and financial insecurity (eg uncertainty or unemployment).[230] In Belgium, the number of telephone calls to the greenline for domestic violence has increased during the pandemic.[231] During the first six months of the lockdown in Belgium, between March and August 2020, an average 136 calls per month were registered on this line. This is an increase of 58% compared to previous years.[232] Although it is not clear how many of these cases involved firearms, we can suspect that some of them would have.

Interlude: Firearm violence in the context of law enforcement interventions

There are two official registries for cases of physical violence that occur during law enforcement interventions. First, there is the general national database (ANG) of the police, which records, among others, such things as assaults against police officers. Second, the police has its own database which records the number of injuries sustained by police officers – either by accident or intentional – during interventions (MISI-*Melding Incidenten Signalement Incidents*).

The ANG and MISI are not publicly accessible. We have two sources, however, that disclose ANG and MISI data regarding physical violence against police officers. First, a written question to the Minister of the Interior in 2020 shows that in 2017-2019, 2,426 cases of assaults *against* police officer were recorded, most of which occurred in Antwerp (537 cases), followed by Brussels (381 cases).[233] In the same timespan, a total of 420 cases of injuries sustained by police officers (accidental or intentional) were registered, most of which occurred in the context of controls of identity, during specific interventions (eg involving migrants, family disputes, seizure, house-sharing) and while managing public places (eg football matches, demonstrations, festivities).[234] According to the Ministry of Interior, the number of declared accidents and injuries linked to assaults against the police increased in 2016, among other reasons because of the terrorist attacks of 22 March 2016. They have decreased since 2017.[235] A second source of information is an internal analysis of police data by DJSOC for the year 2019. These have focussed on the number of assaults against police officers committed with guns. Through a screening of PVs recorded in the ANG, the DJSOC identified only two cases of gun violence against the police in 2019.[236] In 2020, three cases of gunshots being fired at the police were recorded in MISI.[237]

Though police are regularly victimized by physical violence, firearms are rarely used against police officers. Law enforcement officers, however, do use firearms during their service. In most cases, this would not fall under the heading of firearm violence as the gun use is justifiable (such as in cases of self-defence). Police ought to register every time they use a firearm. On average, these registries shows that there are 78 cases of gunshot by police officers, with the amount decreasing slightly from 83 in 2016 to 70 in 2020.[238] These statistics do not show the result of the gunshot (treat, injury or lethality). A 2020 report by Comité P does suggest that police rarely use firearms as a means for coercion (only about 10% of means of coercion).[239]

Police can use their firearms outside of the legal scope of their service. There have been cases – one of which is mentioned under domestic firearm violence (section 4.3) – where law enforcement officers use their service weapon and/or weapon skill to cause harm unlawfully. **Box 14** offers another example.

Box 14: Violent misuse of firearms by police officer

July 2021. An **inspector** of the **Federal Police** is convicted for several acts of violence, including vandalising a car, assault and battery with premeditation, and for theft and illegal possession of weapons. A number of his violent acts were addressed at his colleagues (he pointed a loaded gun in 2008, for instance, at the head of a colleague). The day after being convicted, he showed up at work waving a **Kalashnikov-type** rifle. During a house search, police found two bolt-action rifles, a semi-automatic weapon, ammunition, a teargas grenade, two brass knuckle dusters, a baton and two jump knives.[240]

When looking further at our database of media-articles for Flanders and Brussels in 2018-2020, we note that the dynamics of firearm use are very different whether they are used by or against police officers. We note a total of 48 cases of gun violence during law enforcement interventions with 45 cases of these targeting people. In 20 cases, police officers were the victims of gun violence; in 25 cases, police officers used firearms as a means to threaten or injure. Of the cases where the consequences could be identified, seven resulted in fatalities, 17 in injury and 16 in non-injurious threat.

These results are not spread evenly among cases where police are victims of firearm violence or use firearms themselves. When police officers were victimized by firearm violence (and we could identify the consequences), there were no lethal casualties, three cases of injury and 12 cases of threat. Most of the firearms used in gun violence against the police, as reported in our database of media articles, were non-live-firing, including alarm pistols, air guns and imitation firearms with only three live-firing firearms (one revolver, one pistol and one long gun). Motives for assaulting a police officer with a firearm were diverse: four cases of refusal to cooperate, two cases of 'suicide by cop' and three cases of mental illness or substance abuse. **Box 15** offers two examples.

Box 15: Two examples of firearm violence against the police

2018, Sint-Genesius-Rode. A **landlord** got into a **conflict** with his **tenants** after raising the rent, which the tenant refused to pay. In retaliation, the landlord cut off the electricity and threatened to beat the tenant. When the police arrived and they explained to the landlord that he would have to follow proper procedure for recovering his money, the **landlord pointed** a **firearm** at the police. The landlord was taken into custody and faced a prison sentence for the illegal possession of his firearm (which belonged to his deceased father), threats and insubordination.[241]

2018, Vrijsbeke. A man threatened a police officer with an alarm weapon in the hopes the officer would kill him (**attempt at suicide by cop**). The man suffered from psychological disorders and alcohol addiction. The incident ended without injury. The man was indicted for threatening a police officer.[242]

When police officers used firearms themselves (and we could identify the consequences) as mentioned in media articles in 2018-2020, there were seven fatalities, 14 injuries and four cases of non-injurious threats. In two thirds of cases, the motive was self-defence and, in the other cases, it usually related to facilitating an arrest, preventing an escape or halting the threatening of others ('Media-analysis'). Almost all lethal incidents (six out of seven) occurred in self-defense. **Box 16** offers three examples of gun use by police officers during law enforcement interventions.

Box 16: Examples of gun use by police

2017, Melle. A man attempted to **rob a restaurant** armed with a firearm. When police officers arrived, he threatened them and the officers responded by **shooting the suspect** and wounding him mortally. The suspect died shortly after the incident. The officer who fired the lethal shot was deemed to have acted out of **self-defence**.[243]

2019, Wervik. A group of three French thieves were **attempting a robbery** (at 10 AM) of a jewellery store. The owner acted swiftly and trapped the thieves in the store using the security system. The thieves were attempting to force their way out. Police arrived on the scene and **drew their guns to force the thieves to surrender**.[244]

2020, Ghent. A woman injured four people with a knife on the streets. **Police fired at the woman** and injured her **non-lethally**. They acted to **protect bystanders** from harm.[245]

Our discussion of the four predominant contexts of firearm use in Belgium shows that firearms are used very differently in these different contexts. While criminals tend to use firearms instrumentally to facilitate their criminal activities, guns are used in the domestic setting mostly to injure or kill. And yet, the criminal context is far from homogenous and certain typical ways of using firearms can be associated with firearm robberies, mostly threats with (alarm/fake) pistols, and the drug trade, more injuries and more availability of higher-quality firearms. In the domestic setting, firearms are used that are available to the perpetrator, either as a licensed firearm, an unlicensed/unregistered firearm (usually a non-regularized firearm) or as a service weapon.

While terrorists mostly seem to make use of their pre-existing criminal connections to acquire firearms, they turn to firearms to maximize casualties. In this, they behave very differently from cases of criminal firearm violence (which are usually non-lethal) and cases of domestic firearm violence (where the firearms are usually not acquired on the illegal market).

A final context in which firearms cause lethal incidents is the police context, where most lethal casualties occur when police officers use firearms in their self-defence. With a few exceptions, police officers tend not to be victimized by firearm violence. When this does happen, it can occur, on the one hand, when criminals attempt to escape capture or, on the other hand, when police intervene in a heated domestic discussion and one of the parties reaches for a firearm.

5 Conclusions and challenges

Belgium is a country with a history and passion for firearms. This results in a rich industry of producing world-renowned firearms, an age-old tradition of hunting with firearms, the popular pastime of sports shooting and a passionate group of collectors of historical firearms. Firearms are, regrettably, not merely export goods, hunting tools, sporting equipment and collectibles; they are also items that inherently possess certain security risks and lend themselves to abuse. As such, Belgium's legislative and policing attention to firearms has to weight these legitimate uses of firearms against their security risks in order to minimalise firearm diversion, firearm violence and firearm trafficking.

This study focused predominantly on firearm violence. We note that lethal firearm violence has followed a downward trajectory, especially since the enactment of the Weapons Act in 2006. While in 2004, roughly one in three homicides were committed by firearm (with a total of about 60 firearm homicides), the last few years only one in five homicides are committed with a firearm (with a total of about 20 firearm homicides per year). Firearm violence is however not merely lethal violence. We found that the majority of gun violence is non-lethal (including threats and injuries), which are much more difficult to assess in scope. While some cases of non-lethal firearm violence would be registered by police and published in media articles, other cases – such as inter-criminal gun violence and many forms of domestic firearm violence – will not come on the radar. Most police services interviewed in the context of this report make mention of an increased availability of firearms in the criminal context, which are used predominantly to threaten. This increased criminal availability of firearms is in itself problematic but can also, on the one hand, have spill-over effects to private citizens, who live in fear of armed criminals and, on the other hand, can result in access to firearms by terrorists, who are known to access the criminal market to acquire (semi-)automatic firearms.

This study has shown that lethal firearm incidents occurs mostly in the domestic sphere. In the period 2010-2020 in Flanders and Brussels, 30% of firearm homicides happened in the broader domestic context, 27% happenned during armed robberies and in drug crime, 17% happenned during police interventions and 15% occurred during non-

domestic, non-criminal disputes. The victims of lethal firearm incidents tend to be men (75%), younger than 50 (53% of victims are between 25 and 49 years old). The firearms that are used in the domestic context are those that are available to the perpetrator, either a registered firearm, a non-regularized firearm (possibly through inheritance), the service weapon of a police officer or a firearm acquired on the illegal market (if the perpetrator has criminal connections). The firearms that are used in the criminal context are very diverse. They can be (converted) alarm pistols, which are used frequently by armed robbers and common street dealers, but also reactivated firearms (often from Central or East Europe) or smuggled conflict legacy firearms (mostly from the West-Balkan).

When researching this report, we found a number of challenges to counteracting gun violence in Belgium. We end this report with enumerating the three major ones.

A first challenge in Belgium concerns the consistent application of the laws regarding weapons. The Belgian Weapons Act has been revised multiple times since its enaction in 2006 – often in response to changes in the EU Firearm Directive – though its application could be improved. For one, we note that a high number of firearms are listed in the CWR under non-existent or otherwise problematic categories (see section 1.1). These could be mistakes in the registry or illegal holdings of firearms. Police officers mention that the information in the CWR is often outdated and they accordingly loathe to make optimal use of this registry.[246]

A second challenge in Belgium concerns acquiring a good intelligence picture of illegal firearm holdings, illegal trafficking in firearms and firearm violence. We have noted above that the relevant information on these topics is spread across multiple services that thus produce fragmentary, and occasionally conflicting, bits of information. Properly and comprehensively registering firearm offenses seems not to be a high priority in Belgium.[247] Firearm seizures are not often traced to their origins, and so smuggling and trafficking networks can continue to operate. This is evidenced, for one, by that few international tracings requests for firearms are made in Belgium.

A third challenge concerns the operational capacity to combat firearm violence and firearms trafficking. We note that illicit trafficking in firearms has been named a security priority in the national security plans in the last ten years, though this has resulted mostly in legislative initiatives. The operational capacity to combat trafficking has not increased and, in some cases, has even decreased. This reduces the operative capacity to address these problems.

Endnotes

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REPORT

PROJECT TARGET

Firearm-related violence and trafficking in Estonia

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ARQUEBUS™

Introduction

Estonia has experienced a drastic reduction in firearm-trafficking and gun violence since the country regained independence after the collapse of the Soviet Union. Estonian society faced upheaval during the early years of the transition to democracy, with a rise in crime and organised criminal groups (OCGs), the proliferation of weapons and a significant increase in violence, including gun violence. The country has since developed socio-economically but has also developed stringent firearm regulations and strong legal institutions. Firearm-trafficking and violence have decreased to minimal levels, although gun violence in Estonia, where it does occur, is often marked by specific characteristics.

This chapter will develop an understanding of the scope and characteristics of firearm-trafficking and violence, and the interplay between them, as well as describe the evolution of these phenomena. First, a brief overview of the firearm regulatory framework in Estonia provides an understanding of the dynamics of the legal market and possession. The next section explores the scope and characteristics of illicit firearms in Estonia and of firearm-trafficking, and their evolution. The section that follows explores gun violence in Estonia, examining the scope and nature of such incidents. The specific contexts of gun violence and its perpetrators and victims are detailed, along with the dynamics of firearms used in violence. Finally, this article investigates national policy and initiatives used in combatting firearm-trafficking and violence, as well as shortcomings such as the challenges with data-collection and analysis.

Box 1: Research Methodology

This study used a research methodology based on various methods. First, desk research was conducted through a literature review and an analysis of existing relevant open-source documents in English and Estonian from studies conducted previously, international reports, legislative materials and media documents. Little research has previously been conducted on firearms in Estonia. This open-source information was supplemented by an analysis of internal data helpfully provided by the competent authorities.

Second, the research team conducted in-depth interviews with experts from key authorities in Estonia involved in tackling firearm-trafficking and violence. These included individuals from the Police and Border Guard Board, the Internal Security Service (KAPO), the Tax and Customs Board and the Ministry of Interior. Further written communication with representatives of the Ministry of Interior, the Estonian Forensic Science Institute and the Ministry of Justice also followed and assisted the research process.

1 Regulatory framework and legal firearm possession and market

The first weapons Act which codified firearm regulations in Estonia after the country regained independence was introduced in 1995. A second Act, which was more comprehensive and stricter, entered into force in 2002. This replaced the first Act and continues to be the basis for the regulation of weapons in Estonia. It was last amended in 2020 (Weapons Act/ Relvaseadus). The Estonian Police and Border Guard Board is the competent authority responsible for the enforcement of the law and the administration of permits for natural persons and legal persons, such as shooting ranges, arms dealers and security companies.

Firearms in Estonia may be obtained by Estonian citizens, foreign citizens with a residency permit or those who reside in Estonia based on a right of residence. As a minimum requirement, applicants applying for ownership of a firearm must be above the age of 18, although for some firearms the legal threshold is 21 years of age. A civilian firearm may be held by a natural person for the corresponding activities of hunting, sports, self-protection and the protection of property, the pursuing of a profession and collection. A legal person, or entity, can acquire or own a firearm similarly for protection, hunting, sports, studying subjects related to weapons and collection but also for providing security services and the sale, manufacture, storage, conversion or repair of weapons permitted by such a licence.[1]

Weapon permits and acquisition permits are issued solely in a digital format in Estonia. A weapon acquisition permit is valid for three months, although extensions can be obtained. A firearm permit is valid for a maximum of five years, but no longer than the validity of the owner's medical certificate, and it allows an individual to handle a weapon that has been acquired. After the five years, the permit must be renewed; however, firearm permits which are specified solely for self-defence require a re-examination of firearm handling and usage. An individual applying for the first time must pass a weapons examination, a medical examination by a general practitioner and first aid training. Health certificates must be no older than three months at the time of applying. Moreover, supporting documents are required such as

a hunting certificate if the weapon is for hunting, a certified sports membership if the weapon is for sports or a weapons collection permit for collecting.[I] The Estonian Police will check the individual against grounds for denial, which include:

- mental/behavioural disorder caused by narcotic drugs;
- severe mental disorders;
- a physical disability which precludes the adequate handling of the weapon;
- evasion of service in the Defence Forces;
- a restricted legal capacity; and
- a criminal record.[2]

Moreover, the police may still deny and/or revoke a permit if a background check provides the grounds for assuming an individual intends to commit a crime against the state or an act of terrorism.[3] Re-taking the weapons examination is required when extending a weapons permit for the purposes of self-protection to ensure safe handling and to reduce risk.

Some 74,000 firearms in Estonia are registered to approximately 26,000 firearm-owners or about 2.1% of the population as at spring 2019.[4] [5] The number of new firearm permits has remained largely stable over the past few years, with 950 new permits issued in 2015, 1,400 in 2016, 948 in 2017, 849 in 2018 and 841 in 2019. The most commonly held firearms are shotguns and handguns, followed by rifles; of the handguns, the most common are Makarov pistols, Glock-19s and Glock-17s.[6] Self-protection is the most popular purpose for registering a firearm at 45%, closely followed by hunting at 44% with sports and other reasons comprising 10% and 1% respectively.[7] Harju county, which includes the capital Tallinn, has the most registered firearm-owners, with more than 10,000, followed by Tartu, Pärnu and Ida-Viru counties, all with around 2,000 firearm-owners.[8]

Estonia has a small firearms industry: only seven companies in Estonia are licensed to manufacture weapons, essential components of firearms or ammunition. However, none of these companies is actively involved in manufacturing. In addition, two companies are involved in assembling firearms but also have no industrial factory activity. Similarly, Estonia also has very few firearm dealers, with 35 licensed to engage in commercial activity, less than the other Baltic states.[9] While successive governments have encouraged growth in the Estonian defence industry,[10] the firearms industry has remained marginal.[II]

I Owners engaged in hunting and sports shooting are required to certify their skills regularly.

II For an in-depth study of firearms regulations in Estonia see Baltic Briefings: firearms regulation and diversion in Lithuania, Latvia and Estonia, in the DIVERT study.

2 Illicit firearm trafficking and possession

2.1 Scope and characteristics of illegal possession

The illicit firearm-trafficking scene in Estonia is very quiet and inactive; the number of illegally possessed firearms in the country is understood to be low, while this number is estimated not have grown.[1] Owing to the low level of firearm-trafficking activity in Estonia and, at least partly as a consequence, the low levels of firearm violence in the country, no significant research has been conducted into the illicit firearm scene.

Before exploring the scope and characteristics of illicit firearm-trafficking in Estonia, it is worth developing an understanding of the pre-existing pool of illicit firearms held in the country that comprises the basis of illicit firearms. As mentioned, it is not possible to get the full picture of illegal firearm possession, but inferences can be drawn from data that are collected which can enable an insight into the trends and patterns of illicit firearms. Data provided by Estonian authorities displayed in Table 1 show the number of offences related to the handling of firearms or their essential components and ammunition from 2010 to 4 October 2020.

[1] Given the inherently opaque nature of illicit firearms, knowing with certainty the numbers of illegally possessed firearms is an impossible task. At best, estimates may provide some degree of understanding which can help to highlight trends, although they should be used and interpreted with the utmost caution nonetheless. Aaron Karp of the Small Arms Survey estimated that in 2017 some 18,000 firearms were possessed illegally in Estonia. A similar 2007 estimate suggested there were some 76,000 illegally possessed firearms. However, this earlier number is likely an overestimate; while firearms have been removed from illegal possession, this has not been to the same extent as the reduction in numbers.

Karp, A. (2018) Civilian Firearms Holdings, 2017. *Estimating Global Civilian-Held Firearms Numbers*. Geneva: Small Arms Survey, the Graduate Institute of International and Development Studies.

Karp, A. (2007). Completing the Count: Civilian Firearms, *Small Arms Survey 2007: Guns and the City, Small Arms Survey*, Annexure 4.

The table shows that the annual level of unlawful possession offences is low and has decreased slightly over the period. Although the data for 2020 do not comprise a full year, the figures are lower and likely to remain lower than at the start of the 2010s. The period from 2014 to 2016 saw the lowest levels of unlawful possession in what was a clear downward trend, whereas towards the end of the decade there was a slight fluctuation back to previously higher numbers of unlawful possession offences. Nonetheless, these levels remained lower than they had been at the start of the decade and are altogether low in absolute terms. The table also shows that the number of offences for the unlawful possession of firearms or their essential components and ammunition prohibited for civilian possession is very low and has continued to decrease since 2010. There were only five cases in 2019, the last full year of data available, which is a 75% reduction from 2010. Although the numbers available for 2020 highlight an increase, they are nonetheless likely to fall to within the low teens, as has been the general pattern.

Table 1: Offences related to the handling of firearms

Weapons offences	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*
§ 418. Unlawful handling of firearms or essential components thereof or ammunition	99	118	107	82	74	67	66	85	92	85	88
§ 4181. Unlawful handling of firearms prohibited for civilian use or essential components thereof or ammunition	20	13	14	12	10	12	11	15	10	5	10
§ 419. Negligent storage of firearms	2	1	1	0	2	0	1	0	1	1	1
§ 420. Unlawful handling of silencers, laser sights or night sights of firearms	12	3	12	10	5	15	3	8	7	4	6

Source: data provided by the Estonian authorities
*Data to 4 October 2020

These data show that levels of illegal firearm possession have generally decreased slightly or remained stable over recent years. In absolute terms, the levels of unlawful

possession remain very low. In addition, it should be highlighted that the data do not just include firearms but also their essential parts and ammunition and therefore each offence does not necessarily indicate a firearm per se but could instead be ammunition or firearm parts. Therefore, an inference can be drawn that the level of illegal firearms in circulation in Estonia is low; this is especially apparent in the case of firearms prohibited from civilian ownership. This analysis concurs with interviews conducted with Estonian officials, who have consistently highlighted the low levels of illegal firearms in Estonia and the lack of a firearm problem in the country.[11] [12] [13]

Illegally held firearms in Estonia are largely a legacy of the Second World War and the collapse of the Soviet Union, when firearms proliferated rapidly from Soviet military personnel. That collapse resulted in a significant and systematic diversion of firearms from Soviet military forces based in Estonia to Estonian private citizens and, more specifically, to OCGs in the country. For Soviet personnel, the sale of their firearms and weapons provided a rare means of obtaining money. Firearms such as Kalashnikov rifles and Makarov pistols were sold at a fraction of their legal cost and such sales led to Estonia gaining a reputation during the 1990s as a supplier of weapons to both East and West. Simultaneously, Estonians, for whom firearms had largely been unobtainable while under Soviet occupation, sought firearms for self-defence during the period of political and social upheaval and tumult.[14] [15]

However, interviews with the Estonian Internal Security Service have highlighted that there was also a systematic effort on the part of the Soviet forces in Estonia to supply weapons to local criminals and Russian crime groups operating in the country in what is understood to have been an attempt to bolster Russian-friendly actors. As a result, it is understood that OCGs in Estonia often have weapons caches that include various Soviet firearms, grenades and rocket-propelled grenade launchers. These caches of weapons are not used by OCGs but held in reserve in case a conflict arises in which they may be needed. The Estonian authorities have targeted these groups and their stockpiles heavily since the 1990s to remove their access to firearms, and these raids have resulted in the discovery and seizure of such weapons. One raid against an organised crime leader resulted in his arrest and the seizure of several Kalashnikov-type firearms, silencers, optics, grenades and RPGs.[16]

There are also older weapons from the Second World War as well as weapons that have been hidden or passed down over generations and which were never legalised. According to Estonian police, it is not uncommon for such old firearms to be found: 'it is common for an old man to have an old firearm.'[17] A sub-section of these older illegal firearms and their owners are firearm collectors who possess illegal firearms, often Second World War weapons, in their collections. A recent significant problem flagged in KAPO annual reports, most recently the 2019 report, highlights the popularity of 'dirty archaeology' or 'black digging' – the illicit excavation of weaponry or explosives

from former battlefield sites.[I] In 2019, KAPO seized the highest quantity of explosives in two decades, most of them from one individual with an obsession for Second World War munitions who was found with 200 kg of explosives, 10 kg of explosive charges and hundreds of units of ammunition and firearm components.[18]

Interviews with authorities also indicated that the supply of illicit firearms, as previously discussed, has been dwindling. This is partly as a result of Estonian authorities investigating, seizing and removing firearms from illicit circulation, but also the evolution and development of the Estonian state, with citizens no longer facing the dangers of the 1990s after the country regained its independence and underwent a transition. Citizens therefore no longer required illegal firearms for self-protection but were instead using legal means to surrender illegal firearms.

The Estonian Internal Security Services highlighted the case of an individual long known to Estonian authorities for his association with illegal firearms. Historically, the individual has been known to have a ready supply of illegal firearms; however, more recent engagement with the individual has revealed that his access to firearms has decreased, while he was found in possession of replica firearms.[19] This serves as anecdotal evidence that supports our understanding that the level of illegal firearms in circulation has dropped.

Interviews also suggest that there is not a problem with the supply of ammunition for OCGs. Here, gun dealers and legal firearm-owners offer a route of diversion, as ammunition is not traced. A possible scenario described during an interview was that of a legal firearm-owner who could claim to have shot 100 units of ammunition at a shooting club but instead fired only 50 and could sell the other 50 on the black market.[20]

2.2 Scope and characteristics of firearm trafficking

Trafficking in firearms in Estonia is a story in two parts since Estonia regained independence in the early 1990s. The country has transitioned from a country notorious for its easy flow of illicit firearms in the immediate aftermath of independence to a state that has largely stamped out systematic firearm-trafficking, to the point where this can be described largely as a non-issue.

Table 2 below shows the number of firearms and firearm parts and the amount ammunition seized by Estonian Customs from 2014 up to the first half of 2020. Similarly to our understanding of the number of firearms possessed illegally, it is not possible to obtain a full picture of the firearms trafficked into Estonia due to its very

I 'Black digging' of firearms in neighbouring Latvia from old battlefield sites is a known significant source of illicit firearms. The black digging of firearms in Estonia appears to be far less common than in Latvia, although, as KAPO reports have highlighted, black digging of explosives is a known and dangerous phenomenon.

nature.[I] Moreover, customs data show only those firearms seized by customs; weapons seized by KAPO, for example, believed to have been trafficked, are not included. Customs data, however, provide a strong inference as to the levels of firearms being trafficked into and out of Estonia. The table clearly shows that firearm-trafficking is a marginal problem in Estonia and not a significant source of the supply of illicit firearms. The numbers of firearms seized is generally in the low single figures, which, according to interviews with customs, is around the routine level of seizures.[21] In comparison, the years 2015 and 2016[II] stand out for their high levels of seizure, although these figures are driven by two separate criminal cases in each year – which have contributed the vast majority of the firearms. In the 2015 case which is covered below, Estonia was largely a transit state that intercepted the trafficked firearms.

Table 2: Firearms, ammunition and parts seized by Customs, 2014–2020

Year	Total number of firearms seized	Number of essential components seized.	Quantity of ammunition seized
2014	0	N/A	103
2015	51	N/A	57
2016	34	8	1,725
2017	3	8	17
2018	2	2	161
2019	3	0	265
2020*	2	2	0

Source: data provided by the Estonian authorities / *Up to the first six months of 2020

I In addition, no law in the body of Estonian legislation covers firearm-trafficking as an act in itself and therefore it is not possible to provide data on the number of cases brought against arms trafficking. Instead, the penalties that cover firearm-trafficking are found in the penal code, which includes offences against the handling of weapons, namely, the unlawful possession of firearms, including sub-sections of firearms prohibited for civilians and military firearms.

II Customs received a cargo delivery from Germany in 2016, with the German exporting company wishing to make an export declaration and to export the cargo to Norway. The cargo was initially declared as airsoft guns, with no fake invoice. But instead the cargo contained 27 Walter pistols, magazines and weapon parts. The case was handed to the Internal Security Service, who closed the case and had the firearms sent back to Germany.

Written communication with a representative of Estonian Customs.

It is certain that the trafficking in firearms in Estonia is not a major problem. The 2017 KAPO annual report highlights that the number of arrests made during recent years suggests that, although the black market still exists, the trade in illicit firearms is dwindling.[22] The risk of firearms being trafficked across the border in Estonia is said to be low.[23] Although these cases often involve small quantities, they are nonetheless still a security concern and pose a risk to society. There have been cases of concerted firearm-trafficking in Estonia by groups driven by criminal motives, while at times Estonia has been a transit state for trafficked firearms. These cases often share similar characteristics, namely, they are focused on the reactivation or conversion of firearms which have been brought into Estonia before their conversion, although Estonia is often not the final destination for the now live-firing weapons. KAPO's 2017 annual review highlighted an increased threat factor for reactivated firearms,[24] but there is little evidence currently for the actualisation of this threat. The following cases provide an insight into and a description of this kind of illicit firearm-trafficking.

In 2017, the Internal Security Service investigated a group involved in the reactivation of firearms, charging the participants with the unlawful possession, storage and transfer of firearms, ammunition, explosives and explosive devices. The investigation resulted in the seizure 'of more than 19,000 cartridges of various calibres, 73 firearms, 42 barrels, 1,056 fixed ammunition projectiles, gunpowder and 12 electric detonators' from one of the key participants in the criminal endeavour.[25] Unfortunately, no information is available about where the weapons came from and the types of weapon.

A group of six were caught by KAPO reactivating deactivated firearms in Estonia in 2016 and selling the firearms on the black market. The weapons, which were largely Kalashnikov-type rifles, were purchased online before being sent via the post to Estonia, where they were reactivated. One of the individuals involved was from the Estonian Defence Forces, where he worked as an armourer, responsible for the repair and maintenance of weapons, skills that he used in the reactivation of firearms. Moreover, the individual was also accused of stealing weapon parts from the Defence Forces to restore them to a live-firing condition. During the search, the authorities found numerous weapons, weapon parts and ammunition.[26] [27]

A case from 2015 highlights such an instance of concerted organised criminal effort to reactivate and traffic firearms. A total of 11 individuals working in two groups were arrested during investigations which found that the groups had been acquiring weapons in Estonia and Finland as well as purchasing some weapons online from the Czechia, Slovakia and Germany and receiving them via the post. The group then reactivated the weapons in a barn in Raasiku before selling them on. It is known that some of the reactivated weapons were trafficked into Russia, while others were sold on in Scandinavia, although the total number of firearms sold is not known. Countries in which they sold on weapon were Sweden, where there is a high demand for firearms, and Estonia. The authorities seized 11 firearms prohibited for civilian purposes (automatic firearms, machine guns and a semi-automatic pistol), 18 essential components of firearms prohibited for civilian purposes, 26 firearms in restricted

commerce (rifles, pistols and hunting guns), 16 essential components of firearms in restricted commerce, 6,631 cartridges, five silencers and explosives. Reportedly, reactivated Kalashnikovs sold for €1,200, Uzi's sold for €500, a rifle with an optical sight for €1,300 and a rifle with a silencer fetched €1,000. This case of trafficking and reactivation was massive in Estonian terms.[I] [28] [29]

Also in 2015, Estonian Customs intercepted a Land Rover on its eastern border with Russia that had been flagged for control from intelligence, which suspected the vehicle was being used to smuggle narcotics. An X-ray scan of the car revealed that many firearms had been hidden in the car – a total of 51, the majority being pistols, although there were also five machine guns.[II] The weapons were deactivated firearms that had been purchased in Slovakia. An interview with customs highlighted that the weapons had been reactivated but they had most likely not been reactivated in Estonia, their final destination being Russia. Valerii Sergeev, the Russian citizen trafficking the firearms, received a five-year sentence of imprisonment, of which five months was served immediately and the rest was conditional, while he was also deported from Estonia and given a five-year prohibition of entry.[30] [31]

In 2013 Estonia's North Regional Prosecutor's Office brought charges against three men in connection with unlawful handling of firearms. They belonged to an OCG aiming to profit from firearm-trafficking. As with the cases mentioned previously, they purchased deactivated firearms from central European arms dealers which were reactivated in Estonia before being sold on. The weapons included ten CZ submachine guns and two pistols, while an unregistered firearm and further weapon parts were discovered during investigations.[32]

The organised trafficking in firearms is a relatively rare phenomenon in Estonia, the above cases highlighting the rare instances in which it occurs. These cases all share similar characteristics that were supported by interviews with Estonian authorities, namely, that they focus on the reactivation of weapons. It is rare to find cases of the smuggling of manufactured live-firing weapons. Moreover, these deactivated firearms are generally sourced from European countries outside of Estonia, with groups often receiving the firearms by post. An instructive characteristic is that the reactivated firearms are often trafficked outside of Estonia, sometimes to Russia but also other European countries. This tends to highlight the lack of demand for firearms from inside Estonia. Accordingly, a 2015 report suggests that about two-thirds of the weapons reactivated illegally in Estonia are trafficked out of the country.[33] Estonian authorities, including the Internal Security Service, emphasised that they keep constant vigilance for evidence of illegal gunsmiths in the country who are producing reactivated or converted firearms and will target the individual or group immediately

I Sergei Olar, a leader in the group who had a previous weapons charge, was sentenced to 12 years' imprisonment, a Russian courier received eight years, a mediator six years, while the rest of the members received lower penalties.

II Customs seized 40 TT pistols, six unidentified smaller pistols, five submachine guns, 25 magazines of ammunition, five cartridge pouches and seven packages of weapon parts according to interviews with Estonian Customs.

when there is evidence.[I] However, according to interviews, there are currently no ongoing cases or evidence of firearm reactivation or conversion in Estonia. Moreover, the authorities indicate that some have tried to *convert* firearms but have been unsuccessful, and that poor conversion standards may make the firearm more dangerous to the perpetrator than the victim.[34]

A potential concern raised in interviews with the police and the Internal Security Service, although one not yet manifested in Estonia, is the role of biker gangs. The Estonian authorities are concerned that biker gangs such as Bandidos and Hell's Angels appear to be trying to establish themselves in the country. There is concern that should this potential be realised, then the gangs would possibly be involved in drug-smuggling but also in firearm-smuggling, as has been seen in neighbouring Scandinavian countries; they could also possibly pose an increased risk of conflict. It was also noted that there is already a strong relationship between Estonian and Finnish gangs.[35] [36]

While there have been a few limited cases of organised firearm-trafficking in Estonia in recent years, there have also been attempts at arms-smuggling at the other end of the spectrum that are ad hoc or opportunistic. Interviews with the police highlighted another form of cross-border firearm-smuggling that occurs into Estonia: the smuggling of firearms stolen from private homes and property in Latvia into Estonia. Certainly, this *modus operandi* is based wholly on opportunism and is not seen as a systematic approach to supplying firearms. Instead, it is the result of low-level criminals who commit burglaries, finding and stealing firearms during a burglary which had the general purpose of stealing valuable items.

According to police, this phenomenon of smuggling stolen firearms can be seen in the twin town of Valga–Valka, a town which straddles both sides of the Estonian–Latvian border. Reportedly, the town is popular among smugglers who, among other items, may smuggle people, drugs and firearms. Firearms are said to be kept on both sides of the border on an ad hoc basis. The direction of the smuggling is generally from Latvia to Estonia, and it includes low levels of firearms, which are often believed to be stolen goods. These firearms generally have their serial numbers removed and are of various types, in line with the opportunism leading to their theft.[37]

Similarly, the Estonian authorities may discover illicit firearms when investigating and intercepting the smuggling of narcotics. However, these firearms are said often to be present for self-protection in case of conflict instead of as other goods being smuggled.[38]

Estonian Customs may also seize older firearms from the Second World War. Often rusty, they are being kept for individual collection purposes illicitly but not connected

[I] Interviews with the Internal Security Service highlighted that it was operationally harder to combat arms traffickers working alone as opposed to in groups because it is significantly harder to gain intelligence on the operations and workings of individual traffickers, whereas groups are more easily penetrated.

to other criminal activities or intents.[39] Neighbouring Latvia is also known to have a moderate level of non-regulated war firearms that have been illegally found and dug up. It would not be surprising if some of these firearms ended up being smuggled to collectors in Estonia.

Interestingly, the police noted that a number of smuggling groups or individuals are active on the Estonian–Russian border; they smuggle a wide variety of items, including drugs, cigarettes and people, yet the police do not detect any firearm-smuggling.[40] This is despite the known demand for firearms from Russia, as seen in the previous case studies.

The Estonian authorities also highlighted the case from a few years previously when it was still legal to sell unregistered firearm parts. A Chechen from Belgium had been trying to acquire firearm parts in Estonia, most likely to take back to Belgium. The individual had driven to Estonia in a rented car from Belgium and attempted to purchase three Glock frames and a trigger mechanism from an arms dealer, without buying other essential components. The gun dealer believed the order to be suspicious and alerted the authorities, who arrested the individual at the border. There they found the firearms parts hidden in the petrol tank. He was as a result prohibited from entering Estonia for five years.[41]

Given the low levels of firearm-trafficking in Estonia and the opportunism that is often associated with the smuggling of firearms, there is generally no pattern or general characteristic to the types of firearm smuggled. In the cases of organised reactivation, though, the weapons have tended to be pistols and Kalashnikov-type weapons that are readily available in their deactivated form. There is no demand for illegal firearms in Estonia[42] and, as a resultant, there is no systematic supply of illegal firearms. Even with the rare cases of OCGs' trafficking firearms, these have often been trafficked out of Estonia after reactivation.

2.3 Evolution of firearm trafficking

The absence of illicit firearm-trafficking in Estonia as currently witnessed has not always been the case, however. Following the collapse of the Soviet Union and the years of transition following Estonia's regaining of independence, firearm-trafficking was rife, and Estonia developed a notorious reputation for the illicit supply of firearms as a result.

The 1990s saw Estonia become a significant source of illicit firearms, among other goods such as metal, following the collapse of the Soviet Union and the weakened Estonian state being in transition. After regaining independence, Estonia was not a member of any arms control treaties and did not have sufficient arms regulations in place, either legislatively or institutionally, to stop the illicit trade.[43] Throughout the 1990s, large illicit transfers of firearms occurred against the backdrop of weak state enforcement and supervision capacity. The collapse of the Soviet Union saw the

proliferation of Soviet military weaponry in Estonia, which fell into the hands of Estonian criminal groups and citizens. This made it possible to traffic arms to both the East and the West. Moreover, in addition to the supply of weapons, Estonia became a popular transit state for trafficking in both directions. According to a report by Paul Holtom, an article in the Russian media in the 1990s claimed that 90 per cent of the illicit firearms trafficked into Russia originated in Estonia.[44]

This period of trafficking also saw corrupt generals and high-ranking officials facilitate and enable the trafficking in firearms. One of the most well-known cases occurring between 1994 and 1995 involved the transfer of 1,421 handguns, rifles, shotguns and ammunition from a Finnish company to Estonia, where they were supposed to be received by the Estonian Civil Guard. However, only 109 firearms were officially received, whereas some of the weapons were believed to have been sold by Saluste and Smirnov, the high-ranking officials involved, 'within the armed forces, although the majority of the sales were to criminal gangs in Estonia, Russia and beyond.' In another case, the head of the Information Bureau at the Estonian General Staff was caught using a false guard unit to cover his trafficking in small-calibre weapons. Politicians were also accused of being involved in illicit firearms shipments to illegal end-users in Russia and Estonia: in 1994, the Minister of Interior granted a permit for 25,000 Kalashnikov assault rifles and 40,000 Tokarev handguns which were diverted.[45]

Towards the latter half of the 1990s and thereafter, the Estonian authorities began to take control of illicit firearm-trafficking and introduced measures to roll back the proliferation of weapons as the Estonian state re-emerged and asserted its sovereignty over its borders and territory. The re-establishment of the state reduced both the supply and the demand of illicit firearms because both the illegal supply of firearms was curtailed and the internal demand for firearms, driven by the desire to own a weapon for self-protection, was also reduced.[46]

Nonetheless, there were occasional incidents in the following decade that involved the trafficking in substantial numbers of firearms, although by then the Estonian authorities were much more effective in dealing with them. For example, in 2005 a consignment of 2,000 PPS submachine guns was trafficked into Estonia and the authorities managed to intercept 500 of them.[47] In 2007, a criminal group involved in the large-scale trafficking in drugs and firearms was intercepted and arrested, which resulted in the seizure of very large quantities of narcotics, 4.5 million cigarettes, 103 machine guns and eight other firearms, and more than 4,000 rounds of ammunition. Reportedly, the group smuggled from Latvia to Estonia and then from Estonia to Russia. The operation was the outcome of cooperation between the Estonian and the Latvian authorities.[48] Another report highlights that in 2007 the Dutch National Crime Squad received information about firearms possibly being trafficked from a military base in Estonia to a harbour in Rotterdam. This operation involved the Revolutionary Armed Forces of Columbia, with an estimated 25,000 Kalashnikov and HK-G4-type assault rifles being implicated.[49] However, there is no further evidence that this trafficking materialised.

The 2000s marked a much lower level of illicit firearms movement in and through Estonia compared to the 1990s as the state began to clamp down on firearm-trafficking. As mentioned, though, there were some high-profile cases involving the movement of substantial numbers of firearms, but this was also the last time manufactured live-firing firearms were smuggled in a concerted and significant way. Since the end of the 2000s there has been little evidence of the trafficking in manufactured live-firing weapons; instead, trafficked firearms have tended towards modifying firearms, namely, reactivated firearms.

The Estonian Internal Security Service's 2011 annual review highlighted a reactivated firearm-trafficking group that they had shut down; it had been in operation from spring 2009 to March 2011. The group had trafficked a number of firearms as well as silencers, ammunition, grenades and explosives from Estonia to Latvia. At least 14 firearms had been delivered, including six reactivated firearms, two converted firearms (from airguns) and four self-manufactured guns.[50] After that, reactivated firearm cases are mentioned in several KAPO annual reviews. The 2013 review, for example, contains a warning that a significant risk was posed by criminals reactivating deactivated weapons.[51] This warning was echoed in 2015, during which year there were high-profile cases in Estonia of reactivated firearms, as mentioned earlier.[52] The last mention of reactivated firearms in KAPO's annual reviews was in its 2019 edition: although there was no mention of any specific cases, there was a repeated warning about the continued problem of reactivated firearms.[53] Interviews with the Internal Security Service highlighted that over the past five years there had been no cases involving significant numbers of firearms and there were no ongoing cases of firearms being trafficked into Estonia.[54]

The conversion of firearms is rare in Estonia. The Estonian authorities emphasise that there have not been many cases of converted firearms and that the conversion of firearms is not a problem in Estonia. This is perhaps notable, given the proliferation of converted firearms in nearby Lithuania from the 2000s to the early 2010s. Instead, the Estonian authorities say that while some people have tried to convert firearms, they have often been unsuccessful.[I] Moreover, such poorly converted firearms are a danger to the user due to their tendency to backfire. The interviews did nevertheless highlight that in the case of converted firearms there has been a shift in the preferred models for conversion. The current models of choice are Turkish-made blank-firers, such as Zorakis, whereas previously Baikals were preferred. The authorities were unable to suggest where Zorakis were being sourced from before being converted.[55] [56]

I A double homicide case in which the victims were stabbed and beaten to death that involved a conflict between two criminal groups highlights the fact that, during the fight, one of the perpetrators pulled out a 'rebuilt' weapon and attempted to shoot the victim in the head, but the gun did not fire.

Lamp, D. (18 June 2020) EESTI ROIMAD ⟩ Poseidoni ööklubi topeltmõrv: Kemerovo grupi brigadirid maeti lõpuks saunapõranda alla, elu24.ee, https://www.elu24.ee/6999633/poseidoni-ooklubi-topeltmorv-kemerovo-grupi-brigadirid-maeti-lopuks-saunaporanda-alla, consulted 18 November 2020.

The scope and characteristics of firearm-trafficking in Estonia have changed drastically since Estonia regained independence from the Soviet Union. As the country rebuilt its institutions and codified new firearms legislation and regulations, the trafficking in firearms has been greatly diminished from being a significant regional source of and a transit state for illicit firearms to a situation where the trafficking in firearms is no longer a significant problem and the supply of illicit firearms, in general, has diminished significantly. This evolution and change in the supply of firearms are reflected in the scope and characteristics of gun violence, as seen below.

3 Gun violence

3.1 Scope and nature of gun violence

Mirroring the scope and nature of Estonia's firearm-trafficking, the level of gun violence in Estonia is also low and is not considered as a major threat. Since regaining its independence, Estonia has experienced a significant decrease in the overall level of homicides over the past few decades. For example, from 2000 to 2017, Estonia recorded the joint largest decrease in homicides globally with a 78% reduction,[57] while the number of violent deaths per 100,000 halved from 2008 to 2018 (from 7.3 to 3.9).[58] Moreover, as the total level of homicides has decreased, the absolute number of firearm homicides has also decreased, although not at the same rate. Naghavi et al, in a global study of firearm mortality from 1990 to 2016, found that Estonia had the largest annualised decrease in firearm-related deaths globally during the period, with an average annual decrease of 6.2%.[59]

Table 3 shows the annual numbers for manslaughter and murder from Statistics Estonia data and the number of firearm homicides using data from gunpolicy.org from 2003 to 2009 to provide a wider perspective.[60] Table 4 shows the annual number for manslaughter and murder using data from Statistics Estonia and the number of firearm homicide cases[I] using data from the Estonian authorities. It must be emphasised that this data should be approached with a degree of caution,[II] as the police

[I] Data from the Estonian authorities from 2010 to 2020* cover only the number of cases, although a representative from the Ministry of Interior highlighted that, while it is possible for there to be more than one victim in a case, it is very rare.

[II] It should also be highlighted that these police data are registered immediately after the incident and not changed afterwards, while the prosecutor's office makes the final decision on what the suspect is charged with. This means that the police data can end up being inaccurate depending on the circumstances. For example, the 2020 shooting case described later in which a woman shot her husband is entered as a case of manslaughter, although the victim survived being shot in the head and recovered and the woman was then charged with attempted murder. As a result, the table shows four incidents of firearm homicide (two murders and two manslaughter cases) when in fact only three firearm homicides had

data provided show differing levels of firearm homicide than UNODC data from 2010 to 2015 (the most recent data provided by the UNODC), as well as divergence from data collected through open-source research.[I] Nevertheless, the official statistics provided by the Estonian authorities remain the primary and most direct and reliable source of information available.

The tables clearly show the overall decrease in homicides, from a total of 188 in 2003 to 34 in 2019. The level of total homicides has decreased almost annually except for a few years. The decreasing levels of violence and lethal violence generally in Estonia are an important context for understanding the levels of and reductions in firearm violence. Estonian society has become safer and firearm violence has followed this trend.

The tables show that, since 2003, the highest number of firearm homicides was 14 in 2003, comprising 7.4% of all homicides. The level of firearm homicides has generally held stable, with a very slight decrease over time. Many years recorded the same number of firearm homicides back-to-back. On average, there are around five firearms homicides a year, although some years see fluctuations above or below that figure – for example, 2003, 2006, 2009 and 2016 saw higher than average rates, whereas 2015, 2017 and 2019 saw below average rates.

Table 3: Homicides and firearm homicides, 2003–2009

Type of offence	2003	2004	2005	2006	2007	2008	2009
Manslaughter	147	104	137	107	90	88	64
Murder	41	23	19	12	20	16	31
Total homicides	188	127	156	119	110	104	95
Firearm homicides	14	5	5	9	5	3	7
Percentage of firearm homicides	7.4%	4%	3.2%	7.6%	4.5%	2.9%	7.4%

Source: Statistics Estonia for manslaughter and murder, and gunpolicy.org for firearms homicides

occurred in the partial year of 2020. For the sake of consistency, and lacking any other recent data relating to firearms homicides, this report has made use of the unedited police data.

I For comparison, UNODC, gunpolicy.org data from amalgamated sources and open-source data are shown in the annexure along with the police data used.

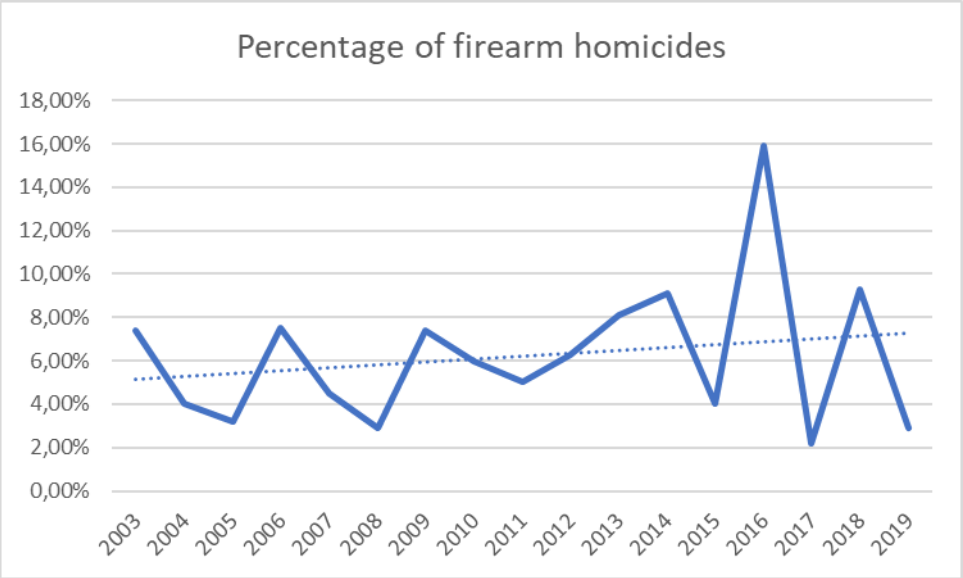
Table 4: Homicides and firearm homicide cases, 2010–2020

Type of offence	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*
Manslaughter	62	81	59	50	42	38	35	37	36	29	-
Cases using a firearm	4	2	4	4	4	2	6	0	4	1	2
Murder	22	19	21	12	13	12	9	8	7	5	-
Cases using a firearm	1	3	1	1	1	0	1	1	0	0	2
Total with firearm	5	5	5	5	5	2	7	1	4	1	4
Percentage of homicides with a firearm	6%	5%	6.3%	8.1%	9.1%	4%	15.9%	2.2%	9.3%	2.9%	-

Source: Statistics Estonia for manslaughter and murder data from 2010 to 2019 and data provided by Estonian authorities for firearms cases from 2010 to 2019 and data for 2020
* up to 4 October 2020

Looking at the percentage of firearm homicides in overall homicides, there has been a slight increase over time, as shown in the trendline in Figure 1 below. During the 2003–2019 period covered in the tables, the trendline has shifted from around 5% to more than 7%. The more recent period of 2010 to 2019, the last full year, which uses the previous police data of firearm homicide cases, has an average of 6.7% of total homicides cases comprising firearm homicides (40 firearm homicide cases and 597 homicide cases in total). Salla et al's study on homicides in Estonia from 2007 to 2010 found firearms were used in 6% of homicides,[61] a finding that largely mirrors these more recent findings.

Figure 1: Percentage of homicides committed with a firearm



It is important to note that, as mentioned above, the decrease in overall homicides has significantly outpaced the marginal decrease in firearm homicides. Therefore, although the percentage of firearm homicides has marginally increased, firearm homicides are themselves not increasing. Moreover, as the tables show, the number of firearm homicides is already low which may also make fluctuations look more significant. Figure 2 below displays these developments.

Figure 2: Homicides and firearm homicides, 2003–2019

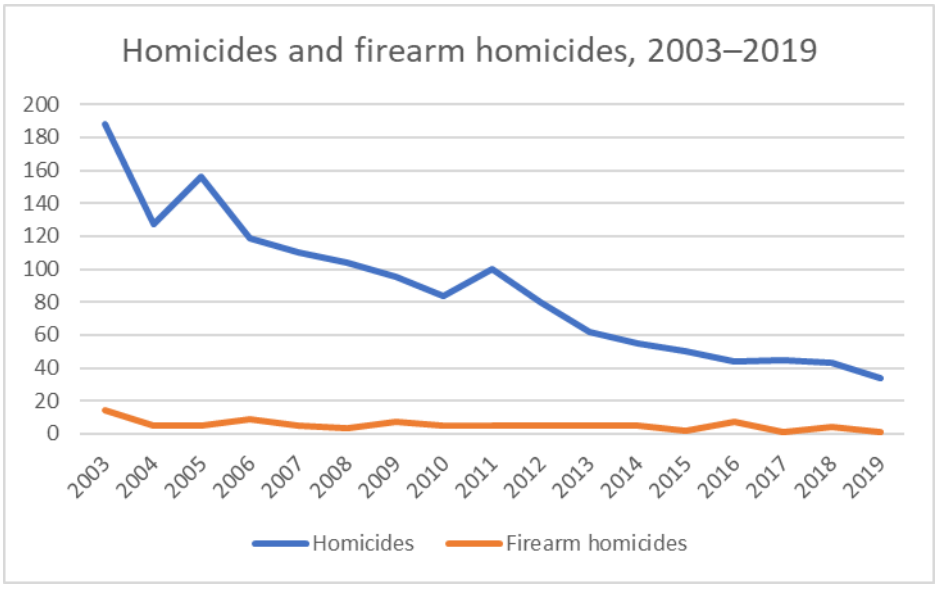


Table 5 below shows cases of negligent homicide and negligent serious health damage cases with firearms from the same police data, not included in the above analysis. Over the period covered from 2010 to 4 October 2020, there were 12 cases of negligent

homicide by firearm and six cases of serious health damage from negligent firearm use. The table shows clearly the incident rate of negligent firearm cases is low with just a few cases per year registered at the maximum.

Table 5: Negligent homicide and serious harm with firearms

Penal Code	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*
§ 117 (Negligent homicide)	1	3	1	0	0	3	0	1	2	0	1
§ 119 (Causing serious health damage through negligence)	0	1	0	0	0	2	1	0	1	1	0

Source: data provided by the Estonian authorities
*Data to 4 October 2020

Table 6 shows an overview of other cases of firearm crimes committed over the 2010–2020 period. The table shows that in general, firearm crimes and violence is low in Estonia. Moreover, the table also shows that for most acts, there is not an increasing or decreasing trend or pattern in the number of incidents, but instead slight fluctuations around similar levels. For the penal code of causing serious health damage, firearm cases were registered only seven times over the period. There was no year with more than two cases of firearms causing serious harm, while generally there was either one incident or none. Notably, the number of firearm-related robbery cases is extremely limited, with only three incidents reported. Furthermore, there was only one reported case of violence against representatives of state authority which occurred in 2018.

There were more incidents of firearms being used in relation to the penal code of threatening behaviour, with a total of 27 over the period. There is no noticeable trend in the incident rate of this act, with the number of such incidents fluctuating between zero to four throughout.

The number of cases related to physical abuse which involved a firearm from 2010 to October 2020 totalled 15 cases. It appears that such cases were frontloaded towards the first half of the 2010s while the second half has experienced fewer cases. However, with data from 2017 missing, this is not certain. Moreover, given such low numbers are involved, the significance of any such trend is likely negligible.

Aggravated breach of public order with a firearm was the most reported offence overall other than manslaughter with a firearm, which had the same number of incidents. Similar to incidents of threat (see § 120 below), these cases occurred slightly more commonly in the first half of the decade, though again, the significance thereof is limited.

Table 6: Offences that took place using a firearm

Penal Code	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*	Total
§ 118 (Causing serious health damage)	0	2	1	1	1	0	0	1	0	1	0	7
§ 120 (Threat)	2	4	2	0	4	3	1	3	4	1	3	27
§ 121 (Physical abuse)	0	2	2	2	4	1	2	*-	1	0	1	15
§ 200 (Robbery)	0	0	0	0	2	0	0	1	0	0	0	3
§ 263 (Aggravated breach of public order)	6	1	6	5	1	2	0	4	5	2	1	33
§ 274 (Violence against representative of state authority)	0	0	0	0	0	0	0	0	1	0	0	1

Source: data provided by the Estonian authorities
*Data to 4 November 2020

The data show that overall firearm violence and usage in criminal incidents in Estonia is low. The implication from this is that criminals in Estonia, either by choice or a lack of availability, opt to not use firearms when carrying out criminal acts. This was highlighted in interviews with Estonian authorities who stated that criminals in Estonia do not use firearms as it would bring greater focus and attention to their activities, therefore creating greater personal risk and risk to their criminal activities. A representative of the Internal Security Service stated that criminals know 'blood is bad for business'.[62] [63] Though criminal structures remain in Estonia, they are no longer marked by the hooliganism and violence of the 1990s.[64] The Estonian experience of gun violence has not always been as limited as it is in contemporary Estonia, the 1990s was significantly bloodier with criminals and others using firearms to a greater degree.

3.2 Evolution of gun violence

Estonia during the 1990s was a state in transition after regaining independence from the Soviet Union but not yet with its own developed institutions and regulations. The authority of the state was quite often weak, with law and order occasionally absent and the justice system in disrepair, providing rife conditions for criminals to flourish. As a result, there was a significant increase in criminality and violence as criminals and individuals alike exploited the new freedoms and opportunities that had not been possible under the Soviet regime, which notably included, among other factors, a free market and the supply of alcohol.[65] Russian and Chechen OCGs rushed to Estonia after the country regained its independence in order to take advantage of such opportunities – clashing with existing Estonian OCGs in the process.[66] Thefts of cars and apartments increased, as well as robberies and homicides in general as budget deficits hampered attempts to reform the police and provide security.[67]

During the so-called 'metal age', criminal conflicts in Estonia reached their zenith. Between 1992–1994 there was a boom in the illicit trade of metal, fed by stolen non-ferrous metal that came from Russian military–industrial plants, which passed through Estonia where they were sold on the black market. Owing to the illicit trade Estonia became the sixth-largest metal exporter in the world despite lacking any non-ferrous resources.[68] The trade initiated the increased conflict between OCGs who fought over control. The criminal conflict also saw Estonian groups fighting Russian and international groups who tried to seize territory. This occurred concurrently with the proliferation of firearms previously mentioned, with OCGs finding themselves with capable weaponry. Homicides, including shootings and bombings, were endemic in Tallinn, nicknamed Metallinn, due to its role in the metal trade. Tallinn in the early 1990s became one of the most violent capital cities in the world.[69] [70]

The level of homicides in Estonia peaked in 1994 at 426 deaths, with homicides having risen precipitously, in 1991, 170 homicides had been recorded. The autumn of 1994 saw more than 100 gang-related homicides alone.[71] The violence began to wane in the second half of the 1990s, though by 2001 the homicide level was still above 200.[72] As homicides peaked in 1994, so did firearm homicides with a high of 121 comprising more than a quarter of all homicides. The number of firearm homicides gradually decreased throughout the 1990s until reaching the single figures from the mid-2000s onwards.[I] [73]

From 1994, Estonia and Russia passed legislation and regulation to control the trade in metal and increased cooperation to tackle organised crime. At the same time OCGs moved towards more profitable businesses that had less conflict volatility. At the same time, the Estonian criminal landscape settled, with Estonian groups not welcoming newcomers but having established links with OCGs in neighbouring countries.[74] Estonia's economy stabilised and law-enforcement reforms came to fruition and began

[I] Firearm homicides in the intervening years, according to gunpolicy.org, are 1995: 91, 1996: 55, 1997: 31, 1998: 40, 1999: 31, 2000: 23, 2001: 18 and 2002: 21.

tackling OCGs successfully.[I] Accordingly, by the early 2000s, most of the violent OCGs operating in Estonia, as well as the foreign groups such as Russian and Chechen groups, had been tackled. Interviews highlighted that law enforcement has heavily targeted and disrupted these serious OCGs, with half in jail or otherwise disrupted.[75] According to Mark Galeotti, a second wave of Russian criminal groups entered Estonia from the late 2000s, however, this time their focus was on supply of illicit goods and financing, not controlling street crimes but instead working with local Estonian groups. Their new operations have foregone the use of violence for a lower profile.[76] Some 20 OCGs are now reported to be operating in Estonia, of which seven or eight are considered dangerous.[77] Interviews with police reported there were six groups in Estonia with significant power.[78]

As Salla et al highlight, despite criminals playing a significant role in the increased homicide rate in the 1990s, they comprised only 20% of homicides. The greatest contribution to the increased homicide rate was cases of murder committed by family or acquaintances after drinking, comprising around two-thirds of homicides during the 1990s.[79] Although no data are available providing a breakdown of the number of firearms homicides vis-à-vis criminal conflicts and between family or acquaintances, it is likely both contributed to the increase in the firearm homicide rate. The proportion of overall homicides committed using firearms during the 1990s was around 32%, significantly higher than near 6–7% Estonia has experienced over the past decade, especially considering the homicide rate was so much higher.

3.3 The contexts of incidents of gun violence

3.3.1 Alcohol consumption

The biggest risk factor and most common contextual element in gun violence in Estonia is the consumption of alcohol. The connection between alcohol consumption and lethal violence and criminal acts has been a societal problem in Estonia, according to Salla et al, since at least the Soviet occupation from the 1940s. Accordingly, the high consumption of alcohol has been something of a cultural tradition – one shared with neighbouring Russia and Finland. Alcohol consumption increased markedly in the 1960s and has stayed high ever since, despite anti-alcohol campaigns conducted under both the Soviet regime and by Estonian governments. The easing of alcohol restrictions after Estonia regained independence also increased consumption. A study of Estonian homicides from 2007 to 2010 found that nine-tenths of homicides involved the perpetrator, victim, or both, being under the influence of alcohol.[80]

[I] Interviews highlighted that the development of investigative tools, such as technical means and DNA, played a significant role in dealing with the violent and organised groups. Law enforcement stringently imposed penalties on criminals, such as for extortion, and made sure that criminals knew that violence would result in strong measures against everyone involved.

According to interviews with representatives from the Estonian Police and the Ministry of Interior, alcohol is the factor endemic in lethal violence, including firearm violence. The consumption of alcohol can lead to arguments between family members, friends and acquaintances, which can escalate into cases of lethal violence. Although such acts of violence are more often conducted with knives or sharp objects, firearms are also used. From the beginning of 2020 until May 2020, Estonia recorded double the number of homicides that were recorded over the same period in the previous year. The homicides were mainly domestic cases that had arisen after the consumption of alcohol.[81] Of the shooting incidents that had occurred in 2020 as at the time of the interviews in November, alcohol had been consumed in every firearm homicide case and in most of, if not all, the cases of firearm violence.[82] [83]

For example, in June 2020 in Elva Parish, Tartu County, a 59-year-old male was shot dead by one of the two 53-year-old twins he was drinking with in his garden. The twins were reportedly his drinking friends, and the lethal shooting was with a hunting rifle. Although the exact circumstances are not yet known, it is said that there was probably an argument in the lead-up to the shooting. The twins are said to have been hobby hunters.[84]

The June 2020 Lihula shooting which shook Estonia was also connected to the consumption of alcohol. The shooter, Mikk Tarraste, was initially involved in a crash at a petrol station in Lihula from which he fled. Virgot Rägastik, a motorcyclist in the vicinity of the crash, followed Tarraste, who was driving suspiciously, in an attempt to prevent a further crash while he contacted the police. Tarraste stopped his car and shot and killed Rägastik. He then opened fire on another car that happened to be passing the scene. That vehicle contained three children and their two grandparents. Tarraste killed the 61-year-old grandmother and injured two of the children. He also returned fire with the police who arrived at the scene, hitting but not injuring a police officer, before he surrendered.

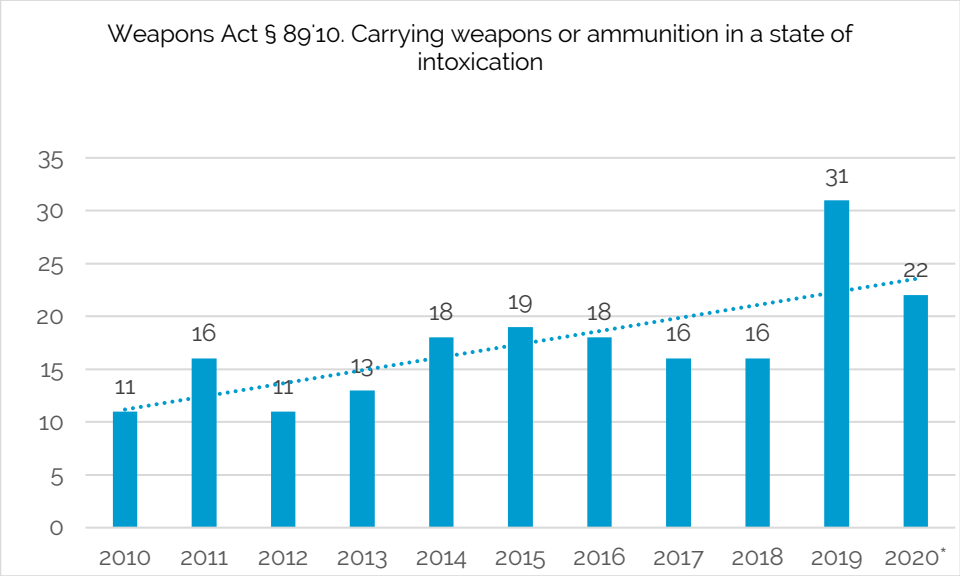
A former member of the Estonian Defence League until 2013, Tarraste had a valid weapons licence for the four firearms he possessed, of which three were in the car at the time, though it is not yet known what type of firearms they were. And although the circumstances which led to Tarraste's shooting spree are as yet unknown, it is known that he was under the influence of alcohol at the time.[85] [86] [87]

In May 2020, in Kuusalu municipality, a 44-year-old woman shot and seriously injured her husband, a firearms dealer and well-known shooting instructor who, among other things, had been helping the Ministry of Interior negotiate new firearm legislation. The perpetrator and victim were both under the influence of alcohol, the woman being described as being intoxicated when the police arrived at the scene. The woman has been charged with attempted murder. Moreover, the police found 12 firearms during a search of the premises, three of which were illegal.[88] [89]

In 2018, a 67-year-old man, who was reportedly drunk at the time, fired his air rifle at his 55-year-old neighbour in Raigla village, Räpina municipality, hitting him on the shoulder. The two neighbours are known to have had a long-running dispute.[90]

Figure 3 below shows the number of cases related to the possession of a weapon or ammunition under the Weapons Act[I] while intoxicated from 2010 to 4 October 2020. It should be noted that not every case may involve the possession of a firearm, but it is nonetheless a helpful indicator of trends. The table indicates that there has been a gradual increase in the number of cases registered since 2010, whereas since 2014 there have been annual cases recorded in the higher teens. The most recent years of 2019 and the partial year of 2020 stand out for their significant increases.

Figure 3: Cases of handling of firearms while intoxicated



Source: data provided by the Estonian authorities

To be sure, the presence of alcohol consumption is one of the most common contexts in firearm violence in Estonia, as well as lethal violence more broadly.[II] [91] The rate of both firearm violence and the overall level of alcohol consumption has decreased over the longer term, although registered cases of possession of weapons while intoxicated have increased in the 2010s. The influence of alcohol remains one of the most prevalent characteristics of Estonian gun violence.

I See the annexure for the full table of weapons offences from 2010 to 2020*.

II According to an analysis by the Ministry of Justice, in 2017 most homicides involved both the perpetrator and the victim being under the influence of alcohol.

3.3.2 Family; friends; partners and acquaintances

A second characteristic, which often coincides with the consumption of alcohol, is the high proportion of firearms violence that occurs between perpetrators and victims who know each other. Homicides, in general, are characterised by the close relationships between those involved, often lacking a clear motive. Salla et al found that homicides in Estonia were often the result of an argument, with domestic cases being preceded by a heated argument.[92] This dynamic is compounded by the involvement of alcohol. Three of the four previous cases mentioned involved persons who knew each other as either family, friends or (hostile) neighbours.

In 2018, a drunk male in Narva went to his ex-girlfriend's house with a legal Glock 19 pistol, where he declared his intention to kill her. There was a struggle during the incident in which the man assaulted the woman, who struggled to escape before eventually managing to run away. The man was sentenced to imprisonment for attempted murder. In another case in 2018, Heiki Hansalu shot at his brother five times through the door and twice through the window with a Makarov pistol. The brothers had been in a disagreement over an inheritance which saw the perpetrator visit his brothers' house. His brother refused him entry, which resulting in his being shot. The victim died from his injuries and the perpetrator was sentenced to nine years' imprisonment.[93] A third case from 2014 highlights the case of a 15-year-old schoolboy who fatally shot his German-language teacher during class. The incident reportedly occurred after an ongoing dispute with his teacher and with the boy having previously threatened to kill the teacher. The boy had stolen the firearm from his father's safe.[94]

A case from 2018 involved a man who stole a revolver from a friend to shoot his stepfather. However, he was disturbed by the noise coming from the apartment above his own before he could conduct his planned shooting and instead shot through the door of the apartment above, missing a mother and her child. He then shot at a man and a woman walking in the corridor, hitting the man in the back and killing him.[95] Although this incident resulted in the death of a man unknown to the perpetrator, the event was driven by the intention to shoot his stepfather.

Interviews with representatives of the Police and the Ministry of Interior highlighted the fact that Estonia still had a significant domestic violence problem, although the violence involves all kinds of weapon.[96] [97] This finding reflects that found in the case of alcohol, while the two are compounding factors: that firearm violence follows general societal trends without having any unique characteristics specific to gun violence. Homicides in Estonia are carried out mainly by perpetrators and suspects who know each other and/or are in close relationships. This is likely because firearms often represent one weapon among many that could be reached for during the heat of an argument when in the perpetrators' or the victims' home or property.

3.3.3 Criminal groups

Firearm violence is rare in Estonia in the context of OCGs or criminal conflicts. OCGs have moved away from violence since the 1990s as law enforcement made violent groups their target and began dismantling such groups. The use of violence became untenable because of the legal consequences and their impact on criminal activities. Moreover, the conflict between indigenous local OCGs and foreign or international groups largely ended in the 1990s. The conflict between Estonian OCGs had mostly been minimised by changes in their operations and law-enforcement pressures. This occurred partly because of the role played by Nikolai Tarankov, a leading crime figure born in Belarus with past connections to the KGB. Tarankov created and ran the "Common Fund", an umbrella group which received a fixed sum from criminals and in return helped criminals and their families when needed, but also helped to settle disagreements between criminals and criminal groups.[98] The criminal use of firearms is not a defining characteristic of contemporary Estonian gun violence and is currently a marginal concern for law enforcement. Ongoing concerted efforts are still being made to deal with criminal groups' supply of illicit firearms as intentions could change. But this is currently unlikely because these groups still retain significant arsenals. The authorities stressed that they had no reason or indication to believe that OCGs would return to or use violence in any meaningful way.[99]

In September 2016, Nikolai Tarankov was killed in a shooting incident at a lake while fishing. Yuri Vorobei, the son of one of Tarankov's friends and who was involved in the crime scene himself, reportedly had had a conflict and fallen out with Tarankov over a previous business at the start of 2016. Vorobei had reportedly heard that Tarankov had been disparaging him and, despite having a legal firearm licence, he acquired an illicit firearm before approaching Tarankov at his usual fishing place. It is reported that Vorobei had asked Tarankov to talk but had been threatened instead, which he inferred to be a threat to have him killed. Vorobei then decided to kill Tarankov, shooting him seven times – the last shot to the head – before hiding the pistol.[100] [101] The killing shook Estonia's criminal underworld, of which Tarankov had been a stable figurehead for years. No new leader has emerged in his place.

Another case of gun violence in the criminal underworld occurred in 2017. Reports suggest that it may have been a consequence of the vacuum following Tarankov's death. In February of that year, a conflict between two groups who knew each other arose in a hotel bar where they met coincidentally. During this altercation, one Paata Sakhokia shot another man in the leg. The shooter is believed to have been connected to a Georgian gang attempting to gain a foothold in Estonia. The victim had previously been Sakhokia's superior until a disagreement arose between his former gang and the Georgian gang.[102] [103]

Gun violence cases may also occur in contexts which are not related to *serious organised crime*. For example, in July 2017, an elderly Russian male broke into an empty house to look for any valuable goods left behind and triggered the security alarm, which called two security guards to the site. Upon being found and approached by the guards, the

man pulled out an illegally held Makarov pistol, shooting one guard twice and the other once in their lower torsos. Both survived. The shooter was allegedly a shooting champion during the Soviet Union period and had long worked in and shot with shooting clubs. He also claimed to have intentionally fired non-fatal shots. The pistol had been converted by the individual at some time around 2000. The police seized a number of firearm parts and ammunition during their searches.[I] [104] [105]

One pattern that bucks the trend is Lithuanian car thieves operating in Estonia. According to a report in the media, these Lithuanian groups are becoming more "brutal" and some are armed with firearms.[106] It does not appear that the firearms are actively used, no cases having been reported of a thief using a firearm during a robbery.

The criminal use of firearms is very limited in Estonia, with cases few and far between. Criminal behaviour has shifted away from violence and those few cases that occur, as seen above, are the result of individual-level behaviour, such as in the Tarankov killing case or the coincidental bar fight in the second case. No systematic or routine use of firearms is orchestrated by criminal groups. Estonian authorities have a greater concern over tackling and removing the remaining arsenals of firearms held by OCGs, because they provide an ongoing capability of gun violence, even as current criminal behaviour suggests using firearms has been disparaged.

3.4 Locations of gun violence

Salla et al found in their 2012 study that homicides in Estonia generally happen in private property and rarely occur in public places, but when they do happen in public places, they are more likely to be the result of a stabbing or a beating.[107] There has not been any research into the spatial characteristics of firearm homicides or gun violence more generally in Estonia. Nonetheless, it is apparent from an analysis of firearm homicide and violence cases covered in the media that these incidents mirror general homicide trends, namely, that they often occur in private residences or on private property. This tallies, given the other characteristics of firearm violence in Estonia being linked to alcohol consumption and violence between individuals in close relationships. Firearms are more easily accessed from homes where the combination of alcohol consumption and arguments with persons in close relationships are also present, posing a greater risk factor.

Many of the cases mentioned thus far have occurred on private property. There are, however, a few instances of gun violence in public areas. For example, in 2018, following an argument between two men in the centre of Tallinn, Taavi Sõnajalg picked up a Sig Sauer pistol and shot the other man through the arm, before aiming

[I] Among other items, the police found 25 firearm locks, 54 Kalashnikov parts, 13 Mosin rifle parts, 20 Nagi rifle parts, six TT pistol parts, 53 Margolin pistol parts plus 7,652 cartridges or cartridge parts. The man claimed to have received these when working at Tallinn Central Prison after they had been 'written off'.

the gun at other people nearby. Sõnajalg had consumed cocaine before the incident.[108] In 2019, a man who had previously been a taxi driver shot at two taxis in Telliskivi, apparently at random. The shooter killed one person and seriously injured the second, with a total of 11 shots being fired from a legally owned TT pistol. The shooter, who had no connections with alcohol or drugs and a clean criminal record, fled the scene. He was traced down to a bus stop, where a patrol approached him, upon which he committed suicide with his gun. In a 2018 *Delfi* article published after the 2018 case just mentioned, it was highlighted that over the previous seven years, at least 12 shootings had occurred in public places in Tallinn. These include an incident in which the shooting was conducted by police, while some incidents could be classified as occurring in a private place.[109] The higher prevalence of shootings in and around the Tallinn area is not surprising, given that Tallinn comprises just under a third of Estonia's population.

Interviews with the Estonian authorities highlighted that there was no significant geographic pattern of the occurrence of firearm violence across the country. Instead, they commented that firearm violence occurs generally throughout the country, regardless of urban or rural, regional or other factors.[110] [111]

3.5 Characteristics of the perpetrators and the victims of gun violence

The demographic characteristics of firearm perpetrators and victims are similarly understudied. An analysis from 2007 to 2016 shows 632 *homicide* victims, among which three times more men died than women. The declining murder rate has been greatest among male victims. There were similar dominant traits in the ages of victims of homicide: two-thirds of those killed were between the ages of 30–59. Within that range, the 40–49 age group comprised the largest strata of homicide victims, followed by 50–59 and then 30–39. One-fifth of victims were older than 60. Overall, there has been little significant change in the age proportions of homicide victims because the general number has decreased. These data highlight that young people have not tended to be victims of homicide. Understanding the overall homicide demographic trends helps to make the characteristics of the perpetrators and victims of gun violence more comprehensible. The characteristics of firearm homicides have generally been the same as those of homicides in general.

Interviews and analyses of media reports and case studies have highlighted the fact that, in Estonia, firearm violence is male-dominated – that is, both perpetrators and victims are more likely to be male.[I] Males appear to be more likely to be the perpetrator of a shooting incident than a victim, although they are predominant in

[I] According to the Estonian authorities, it is very difficult to obtain breakdowns of data from the police database regarding to sex, age or other characteristics of perpetrators and victims of firearm violence. Every case in the database would have to be searched manually, placing a high demand on time and resources.

both categories.[112] Male–male firearm violence appears to occur across different contexts and is the most common form of violence. These incidents are often linked to alcohol or drug consumption, but also take the form of disputes not induced by the abuse of a substance. Criminal cases are heavily male dominated. Male–female firearm violence is much more closely connected to domestic abuse cases between intimate partners or previously intimate partners. Cases of female gun violence perpetrators are considerably rarer, while no examples of female–female shootings have been found. The Geneva Declaration Secretariat 2015 report provides one of the only gender breakdowns of firearm violence in Estonia: it highlights that from 2007 to 2012, the average proportion of female firearm-homicide victims was around 10%.[113]

No data are available about the ages of firearm perpetrators or victims. Of the cases of gun violence reported in the media, a broad range of ages are involved in the perpetration of gun violence and victimhood, mirroring that seen in overall homicides. There is, however, a notable absence of shooting perpetrators below the age of 30. This is supported by comments during an interview which speculated that young persons in Estonia do not appear to have much interest in firearms.[114]

Concerning ethnicity, there does not appear to be any significant differences in the perpetrators or victims of gun violence. Salla et al noted that, in the 1990s, ethnic Russians were three times more likely to be found guilty or be the victim of a homicide.[115] Interviews with the Estonian authorities highlighted the phenomenon there were no notable patterns or trends in contemporary cases. At the time of the interviews, every firearm violence case in 2020 had been committed by an ethnic Estonian.

4 Characteristics of firearms used in gun violence

4.1 Types of firearm uses gun violence

According to interviews with the Estonian authorities, there are no significant patterns or defining characteristics of the types of firearm used in gun violence in Estonia. Instead, police emphasised that firearm crimes mostly make use of whatever firearm the individual has at hand, whether that is a pistol or a hunting weapon such as a rifle. These firearms are generally old – for example, Tokarev pistols from the 1980s which were later diverted during the years after Estonia regained independence.[116]

Unfortunately, there is no available official analysis of the types of firearm that have been used in firearm homicides or firearm violence more generally. From an analysis of firearm cases covered in Estonian media reports, pistols appear to be the most common firearm used in shootings. In those cases involving pistols, the firearms have been used in a variety of contexts, commonly in shootings after arguments and/or alcohol consumption, but also in violence between intimate or previously intimate partners and in criminal contexts. Not every shooting case reported in the media contains specific information related to the type of gun used, and in the case of pistols there does not appear to be a common model.

Given the characteristics of firearm violence in Estonia – namely, rash and unpremeditated as a result of alcohol consumption and usually following arguments – it follows that the types of firearm used do not have a specific pattern. The firearms used in gun violence are instead those at hand found in Estonian society. They have largely not been acquired to commit a shooting but are circumstantial to the violent event.

A notable trend reported during interviews has been the increasingly common use or possession of fake or replica firearms by criminals. This reflects the limited supply of illicit firearms and firearm-trafficking.[117] A replica or fake firearm may be sufficient for

achieving criminal goals anyway, because for those otherwise unaware, it still has the same level of threat and psychological trauma.

4.2 Legal status of the firearms used in gun violence

Similarly, no official analysis is available of the legal status of firearms used in gun violence. The Estonian Forensic Science Institute suggested that based only on their own experience with firearms, concerning violence committed with firearms, there was around a 50–50 split between legal and illegal firearms.[118] Data provided by Estonian authorities on the number of *cases* that occurred with an unregistered firearm allow for further analysis, as shown in Tables 8 and 9. Table 8 shows the number of unregistered firearms used in homicides and cases of serious harm. It should be noted again that owing to the small numbers of firearm-related incidents in Estonia, fluctuations can appear dramatic.

Homicides committed with an unregistered firearm comprise 61% of all cases from 2010 to 2020. For most years, especially in the early 2010s, unregistered firearms accounted for nearly all of the firearm homicides recorded. The only years where registered firearms accounted for more than 50% of homicides were 2016 and the partial year of 2020. Similarly, acts of serious harm committed with an unregistered firearm comprised 71% of all acts of serious harm with a firearm.

Table 7: Unregistered firearms

Type of offence	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*	Total
Homicide committed with an unregistered firearm**	5 (5)	4 (5)	4 (5)	4 (5)	3 (5)	1 (2)	3 (7)	1 (1)	1 (4)	1 (1)	0 (4)	27(44)
Proportion committed with an unregistered firearm	100%	80%	80%	80%	60%	50%	42.9%	100%	25%	100%	0%	61.4%
Serious harm committed with an unregistered firearm	0 (0)	1 (2)	1 (1)	1 (1)	1 (1)	0 (0)	0 (0)	1 (1)	0 (0)	0 (1)	0 (0)	5 (7)

Source: data provided by the Estonian authorities
*Data to 4 October 2020
**Total number of all firearm cases in brackets

Table 8 shows the number of incidents of negligent homicide and the causing of serious health damage through negligence with unregistered firearms. Of the 12 cases of negligent firearm homicide overall, five cases or 42% were accounted for by unregistered firearms. The incident rate for causing serious health damage with firearms through negligence was lower, with six cases, of which one used an illicit firearm.

Table 8: Negligent homicide and serious health damage with unregistered firearms

Penal Code	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*	Total
§ 117 (Negligent homicide)	0 (1)	1 (3)	0 (1)	0 (0)	0 (0)	1 (3)	0 (0)	1 (1)	1 (2)	0 (0)	1 (1)	5 (12)
§ 119 (Causing serious health damage through negligence)	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)	0 (2)	0 (1)	0 (0)	0 (1)	0 (1)	0 (0)	1 (6)

Source: data provided by the Estonian authorities
*Data to 4 October 2020
**Total number of all firearm cases in brackets

Table 9 shows the number of acts committed with illicit firearms, according to the remaining penal codes, from 2010 to 4 October 2020. The table shows that in incidents of threat with a firearm, unregistered firearms accounted for 44% of cases. The code which saw the smallest proportion of cases committed with illicit firearms was physical abuse with a firearm, only 27% of which were unregistered. Incidents of aggravated breach of public order with unregistered firearms accounted for 52% of all cases.

Table 9: Acts involving the use of unregistered firearms

Penal code with an unregistered firearm	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*	Total
§ 120 (Threat)	2 (2)	1 (4)	1 (2)	0 (0)	1 (4)	0 (3)	1 (1)	1 (3)	3 (4)	0 (1)	2 (3)	12 (27)

§ 121 (Physical abuse)	0 (0)	0 (2)	1 (2)	0 (2)	1 (4)	0 (1)	2 (2)	–	0 (1)	0 (0)	0 (1)	4 (15)
§ 200 (Robbery)	0 (0)	0 (0)	0 (0)	0 (0)	2 (2)	0 (0)	0 (0)	0 (1)	0 (0)	0 (0)	0 (0)	2 (3)
§ 263 (Aggravated breach of public order)	4 (6)	0 (1)	3 (6)	3 (5)	1 (1)	0 (2)	0	3 (4)	1 (5)	1 (2)	1 (1)	17 (33)
§ 274 (Violence against representative of state authority)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (1)	0 (0)	0 (0)	0 (1)

Source: data provided by the Estonian authorities
*Data to 4 October 2020
**Total number of all firearm cases in brackets

According to the data supplied by the Estonian authorities from 2010 to 4 October 2020, as has been shown in this report, overall, there were 148 registered cases using firearms. Of these, 73 or 49% were accounted for by unregistered firearms.

Our analyses indicate that trafficked firearms do not contribute significantly to the number of firearms used in violence. Firearm-trafficking is largely marginal to the occurrence of contemporary firearm violence in Estonia. This is a result of the low levels of firearm-trafficking experienced in the country, in combination with the low level of firearm violence. From 2010 to 2020, 61.4% of firearm homicides and serious health damage cases, and just under 50% of overall gun cases, have involved unregistered firearms. These firearms have generally been possessed illicitly in Estonia for a long time. Very little evidence connects firearm-trafficking with firearm violence. The characteristics and supply of these firearms, as has been described in the illicit firearm possession section, were largely diverted and have remained unregulated since the period around when Estonia regained its independence and the period of transition began, or even before that. The firearms may have been hidden in houses or passed down through the generations, but for the most part these weapons have not moved around in or through any trafficking or supply systems. This is a driving factor behind the Estonian authorities' efforts to reduce the pre-existing supply of illicit firearms by encouraging their voluntary surrender through amnesty and awareness campaigns.

5 National policy and initiatives to combat illicit firearm trafficking and gun violence

Estonia has sought to combat illicit firearm-trafficking and gun violence through various measures since the 1990s, while efforts continue to decrease their incidence further. According to Sven Põierpaas from the Criminal Policy Department of the Ministry of Interior, legislative, preventive and supervisory measures have been effective in reducing the levels of gun violence.[119]

Estonia's strict firearm regulation and enforcement are seen as central to combatting firearm violence. The firearm application procedure requires applicants to show their understanding of firearms, both in practice and in theory, therefore screening out those unsuitable to possess a firearm. The process also encompasses checks against criminal records, medical history and any ongoing investigations or previous activities which may suggest it is not appropriate for that individual to hold a firearm licence. Furthermore, the electronic firearm database has enabled the police to enforce the firearm regulations more effectively. The digital registry has allowed for greater scrutiny in the course of firearm applications, ensuring that firearm permits are not granted to those who may otherwise pose a threat or danger. The Estonian authorities impose these regulations stringently to keep firearms out of the wrong hands.[120] In addition to the strict firearm regulations and their enforcement, the number of legal gun-owners has not been high in Estonia, which has reduced the likelihood of gun violence.[121]

The 2020 Lihula shooting has resulted in the Estonian authorities conducting a proactive extensive check against all registered firearm-owners, of which there are around 26,000, to make sure there are not any firearm permit-holders who have been granted a permit but who should not have. The perpetrator in the Lihula shooting had a previous firearm conviction but had been wrongly granted a firearm licence that enabled him to own four legal firearms, of which three were in his car and used during the shooting. Police are now conducting an extensive re-check against all firearm-owners for criminal records and intelligence which indicate that the individual should not have a permit. These criteria are those that apply during the routine procedure for

granting or extending a firearm permit, including participation in past crimes, driving under the influence, domestic abuse and mental health. Where police do find firearm permit-holders who are not appropriate gun-owners, firearm licences are revoked, and firearms are removed.[122]

Estonian legislation has developed markedly since the years following the collapse of the Soviet Union in the 1990s. Moreover, since joining the European Union, Estonia has adopted European Union Firearms Directives and, in some instances, adopted measures beyond European legislation. The Estonian authorities are satisfied that the firearms legislation in place provides an effective deterrent against gun crime and there are no plans to change the sentencing regime. An interesting facet of Estonian legislation is the lack of any specific legislation or sentencing for firearm-trafficking. Instead, firearm-trafficking is covered in the penal code under the same penalties as illicit firearm-handling.[I] [123]

As at 2013, Estonia has in amendments to the Code of Criminal Procedure codified the process for the voluntary surrender of firearms, explosives, ammunition and essential parts. Estonian civilians are therefore able to surrender and remove from illicit circulation illegal firearms that they may possess without fear of facing prosecution, provided the firearms are not connected to any crimes. Estonia had previously employed amnesty campaigns run with awareness-raising measures as a means of tackling the illicit supply of firearms. However, the programme was discontinued as it lacked clear legality until the 2013 amendment. Currently, civilians can surrender a firearm at any time of the year by contacting the police, who will go to the individuals' property to remove the firearm. Estonian authorities run annual awareness campaigns to emphasise and encourage opportunities to legally surrender an illicit firearm and also to stress the dangers of illegal firearms.[124] [125] The October 2020 annual awareness campaign, for example, resulted in the surrender of 49 firearms, 31,000 units of ammunition, 17.5 kg of explosives as well as gunpowder, detonators, grenades and an anti-tank mine.[II] [126] These campaigns are planned to continue to reduce further the number of illicit firearms held and limit the possibility of gun violence.

More generally, Estonia's economic and social development since the 1990s has played a significant role in the decline of lethal violence overall, including gun violence. Societal changes in values and attitudes, such as corporal punishment of children, has shifted overall norms and understanding of the acceptance of violence. The use of violence as a problem-solving tool has consequently been heavily marginalised.[127] [128]

I The illicit handling of firearms, essential parts of them and ammunition is punishable by up to three years' imprisonment, although if it is the second case, or involving large quantities, or committed by a group, it is punishable by up to five years. In cases concerning the illicit handling of firearms, their essential parts and ammunition prohibited for civilian use, it is punishable by from one to five years. Similarly, for a second time, or in large quantities, punishment increases to between 5 and 15 years. The unlawful handling of military weapons, essential components of them and military ammunition is punishable by 2–10 years, and for the second time, or committed by a group, or in large quantities, it is punishable by 5–15 years.

II The Rescue Board has run awareness campaigns before in 2008–2010, 2013, 2014, and 2019. The 2019 campaign collected 124 firearms, 12,400 units of ammunition, gunpowder, detonators and various missiles. Overall, the explosive collections throughout all the campaigns total 140 kg of explosives and 1,447 detonators.

Likewise, Estonia's institutions such as the police and the judiciary have developed with time, with significant strides having been made in the late 1990s and early 2000s. These efforts saw criminals, and with them firearms and violence, dealt with more effectively. Following the adoption of the Police Law in 1990, law enforcement has developed from the militia system (a Russian-speaking military organisation under the Soviet system) into a police force grounded as a civilian organisation in a democracy. These institutional developments happened at a rapid pace, with expertise and knowledge being acquired in the process.[129] These developments helped to tackle and reduce the crime rate and build trust in the police. This resulted in the creation of a safer and more secure environment in which crime was combatted and the demand among civilians for firearms for self-protection reduced. Moreover, law enforcement has transitioned to focus on preventive measures, seen in the enforcement of the strict firearm regulation, investigations against illicit firearms supply and a focus on removing non-regulated firearms from ordinary citizens. Similar developments have been taking place in the judicial system. For example, during interviews, it was stated that judges had been lenient on criminals and suspects until after 2000, when the societal impact of criminals and their groups came to be fully realised. Judges have since imposed greater penalties, which have helped to reinforce the deterrence of crime and the use of violence, including gun violence.[130]

During the research, a few challenges relating to data-collection and analysis were highlighted. First, data collected by police relating to firearms and unregistered firearms used in crimes are entered immediately after a crime has taken place and are not later amended with the final information related to the case. Yet it is possible for the details in a case to change, such as a victim recovering or not. As a result, the data are not fully accurate and, consequently, any analysis drawn, or overviews taken from the data may not be truly representative. Another issue raised during interviews was the challenge of recording data related to lost or stolen firearms. Reportedly, the data collected about these firearms are not very clear and therefore it has been hard to say how many weapons or what type of weapons have been lost or stolen.[131]

Another challenge relating to firearm data-collection and analysis is that police data are very hard to use for analysis. Estonian police input all data available in a firearm-related criminal case, including as much information about the firearm as possible, however, this information is entered manually. As a resultant, any analysis of the data, such as analysis of firearm-related violence by gender, must be conducted by searching through each case manually, which is time-intensive and has been described as 'almost impossible to do easily'.[132] This makes analysis and continuing up-to-date analysis of firearms violence and crime more difficult and impedes the ability to obtain an accurate understanding of the dynamics and characteristics of firearm crime and violence.

6 Conclusion

This report has shown that firearm-trafficking and firearm-related violence are relatively rare phenomena in Estonia. The scope and characteristics of both firearm-trafficking and gun violence have changed drastically in Estonia since the country regained its independence from the Soviet regime. It is apparent that Estonia does not face a significant security and safety threat from firearms.

Firearm-trafficking, though rife in the years of transition during the early to mid-1990s, has dwindled to a state of almost non-existence. Where there have been contemporary cases of trafficking, these have been conducted by groups engaged in the reactivation of firearms. Notably, many of the firearms that have been reactivated in the various cases were then trafficked out of Estonia, highlighting the low levels of demand from within the country. No cases of OCGs involved in firearm-trafficking have been reported since 2017, and with it no evidence of any recent or ongoing systematic attempts at firearm-trafficking. Whereas there may be occasional incidents related to the trafficking in one or two firearms, these are generally ad hoc and driven by opportunism and conducted at an individual level – for example, in the smuggling of stolen firearms from Latvia. Overall, it is clear from the data and cases available, and from interviews with the Estonian authorities, that firearm-trafficking is not a significant problem in Estonia.

Perhaps of greater concern to the authorities, though still limited in scope, is the number of illicit firearms in Estonia already possessed by civilians. As previously mentioned, these guns have often been held illicitly for a long period. Often these are firearms that have been held since the Second World War or since the proliferation of firearms after the collapse of the Soviet Union. These guns are held by criminal groups and civilians alike, although criminal groups are said to have larger caches of former Soviet Union-supplied hardware. These non-regulated firearms are largely static that is, they do not move around like trafficked firearms, but often remain in the same place, perhaps hidden or forgotten about for long periods. The Estonian authorities' increasing experience of firearm replicas and fake guns suggests that the pool of illicit

firearms is continuing to shrink and that obtaining firearms has become increasingly difficult.

Firearm violence in Estonia has declined dramatically since the 1990s to the very low levels seen in contemporary Estonia. The use of violence, including firearm violence, by criminals in Estonia is marginal as criminals have moved away from violence and publicity. Firearm violence largely follows broader societal patterns of violence. It is characterised by the consumption of alcohol by the perpetrator and often by the victim too. Another common characteristic, compounded by alcohol consumption, is the close relationships between perpetrator and victim, whether family, friends, partners or acquaintances. Shootings often occur on private property where both the risk factors of individuals in close relationships – the consumption of alcohol and the presence of firearms – are present. These are characteristics found in homicides more broadly, while the problem of alcohol consumption is also acknowledged.

Estonia has managed successfully to counter firearm-trafficking and firearm violence, although it is difficult to differentiate between the effectiveness of specific policies and the drastic overall change in Estonian society. Since the mid-1990s, there has been a "remarkable" decrease in the number of homicides and a marked improvement in overall safety.[133] It is perhaps more accurate to describe such measures as dovetailing with the socio-economic development of Estonia. As has been seen, the rates of both homicides and firearm homicides have decreased steeply, mirroring Estonia's development and the marginalisation of violent crime. The specific countermeasures employed by Estonian authorities are largely preventive, aimed at further stymieing the availability of illicit firearms and working to ensure that firearms are kept out of the hands of those who may pose a threat.

There is not a significant connection between firearm-trafficking and firearm violence in Estonia. This report found that from 2010 to the partial year of 2020, 61.4% of firearm homicides were committed with an unregistered firearm and therefore just under 40% were committed with a legal firearm. These unregistered firearms are generally those that had been diverted for some time and not the product of firearm-trafficking. Given the very low levels of firearm-trafficking, it is not surprising that trafficked firearms are not a common source of firearm violence, especially since many of the perpetrators are not criminals and would lack the connections for acquiring a trafficked firearm.

Estonia has successfully reduced the levels of firearm-trafficking and firearm violence since the country regained its independence. This has been both a result of broader socio-economic development and of measures put in place to deal with the availability of illicit firearms and denying firearms to those who may pose a threat. Estonia continues to focus on preventive measures concerning firearms, specifically by targeting the continuing pool of unregistered firearms and stringently enforcing its strict firearm regulations. Further broader societal changes relating to alcohol consumption and violence between individuals in close relationships are required to reduce firearm violence further.

Annexure

Variable data for all possible times and offences, 2010–2020

Table 10: Offences related to the handling of firearms

Offences related to the handling of firearms	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 (until 4.10)
§ 418. Unlawful handling of firearms or essential components thereof or ammunition	99	118	107	82	74	67	66	85	92	85	88
§ 418¹. Unlawful handling of firearms prohibited for civilian use or essential components thereof or ammunition	20	13	14	12	10	12	11	15	10	5	10
§ 419. Negligent storage of firearms	2	1	1	0	2	0	1	0	1	1	1
§ 420. Unlawful handling of silencers, laser sights or night sights of firearms	12	3	12	10	5	15	3	8	7	4	6
Registered firearms used in crimes	133	135	134	104	91	94	81	108	110	95	105
Registered misdemeanours (Weapons Act)	337	276	262	310	408	498	510	427	417	421	202
Total offences related to the handling of weapons	470	411	396	414	499	592	591	535	527	516	307
the proportion of crimes in them	28%	33%	34%	25%	18%	16%	14%	20%	21%	18%	34%
Crimes committed using or threatening to use a weapon, an object used as a weapon or a weapon-like object	423	455	445	437	409	468	424	414	431	439	353

Source: data provided by the Estonian authorities

Weapons Act	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 (until 4.10)
§ 89¹1. Violation of requirements for handling of or procedure for keeping records and registration of weapons, essential components of firearms or ammunition, or requirements for handling deactivated weapons which do not meet requirements	101	67	58	64	76	61	55	59	46	64	50
§ 89¹2. Unlawful handling of electric shock weapons and cut-and-thrust weapons use of which for civilian purposes is prohibited	113	109	100	136	220	331	331	295	274	260	101
§ 89¹3. Unlawful handling of gas, pneumatic, projectile and cut-and-thrust weapons	44	31	47	30	32	43	51	32	46	29	18
§ 89¹4. Violation of requirements for handing over weapons and ammunition	45	7	7	9	27	8	1	1	1	6	0
§ 89¹10. Carrying weapons or ammunition in state of intoxication	11	16	11	13	18	19	18	16	16	31	22
§ 89¹13. Handling of insignificant quantities of ammunition	14	40	39	54	23	36	55	31	34	31	11
Total	328	270	262	306	396	498	511	434	417	421	202

Source: data provided by the Estonian authorities

Table 11: Homicide data and sources

Homicide data and sources												
Source	Classification	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*
Police data	**§ 114 Murder- firearm was used (Cases)**	1	3	1	1	1	0	1	1	0	0	2
	§ 113 Manslaughter: firearm was used (Cases)	4	2	4	4	4	2	6	0	4	1	2
	Total firearm homicides (Cases)	5	5	5	5	5	2	7	1	4	1	4
UNODC	**Homicide by firearm**	5	9	2	3	2	0	N/A	N/A	N/A	N/A	N/A
Gunpolicy.org**	**Gun Homicides**	5	9	2	3	2	0	N/A	N/A	N/A	N/A	N/A
Open source***	**Media cases of gun homicide†**	N/A	N/A	N/A	N/A	N/A	N/A	3	0	1	1	3
Range of difference		0	4	3	2	3	2	4	1	3	1	1‡

*Up to 4 November 2020

**Gunpolicy.org uses an amalgamation of sources

***Open-source research of media documents was largely extensive, although language differences may have stopped some cases being found despite extensive searches in Estonia

† Number of homicide victims overall, not cases

‡ Actual number of firearm homicides is three – to 4 November 2020

There are discrepancies in the data on firearm homicides in Estonia. The police data are known to contain inaccuracies, as footnoted on page 20 and as shown in ‡ above; moreover, the Lihula shooting is entered as two separate cases. Whereas the 2020* police data show four cases, there have been only two lethal shootings with three fatalities overall.

Endnotes

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REPORT

PROJECT TARGET

The Way of the Gun: Firearm trafficking and its impact on violence in the Netherlands

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Introduction

On 3 May 2017, the Dutch National Police had to respond to several violent incidents involving firearms: in Rotterdam; a 24-year-old criminal was shot and killed during an illegal arms deal. Police arrested four suspects;[1] in Amsterdam, at least ten shots were fired at a car and its two drivers. Fortunately, both victims survived, yet neither they nor the suspected shooter is providing more information about the context of the shooting, possibly due to their criminal records and involvement in criminal activities;[2] that same day in Arnhem, employees of a local municipal centre were held hostage for several hours by a 57-year-old man with a fake bomb vest, an imitation firearm and a deep resentment against the government.[3] Moreover, news reports covered at least four different robberies throughout that day in which the perpetrators used (imitation) firearms to threaten their victims.[4]

Although such a high number of daily incidents involving a firearm might be unusual in the Netherlands, the examples above reflect the diverse nature of gun violence in the country. Still, the public debate about gun violence is centred mainly on specific events, such as the two public mass shootings in recent Dutch history: in 2011, 24-year-old Tristan van der Vlis shot and killed six individuals in a shopping mall in Alphen aan den Rijn, wounding 17 more. Van der Vlis used a semi-automatic Smith & Wesson M&P15 rifle, a Colt.45 pistol and a Taurus 66 revolver in the shooting – all of the firearms being registered in his name as a member of a local shooting club. Before the police could arrest him, Van der Vlis shot himself. In the aftermath of the shooting, the Dutch National Police were scrutinised in the public debate, as the shooter should not have received a firearm licence owing to previous incidents and psychological issues.[5] Eight years later, in March 2019, 38-year-old Gökmen Tanis entered a Utrecht tram, shooting and killing four passengers and wounding six others in and around the tram. Tanis used a pistol with a silencer during the attack. Owing to the wording on the silencer and statements made by Tanis himself, the public prosecution office determined the shooting to have had an Islamist terrorist motive. A year later, Tanis was sentenced to life imprisonment.[6]

While these events, associated media reports and information based on investigations by law enforcement have resulted in the development of a body of information about the perpetrators and their victims, a knowledge vacuum exists with regard to the scope, dynamics and evolution of gun violence in the Netherlands in general, and about the firearms used in these acts of violence in particular. This chapter aims to fill this information vacuum by gathering recent primary data on shootings and bringing together information from various sources in order to assess the impact of firearm-trafficking on gun violence in the Netherlands.

The data landscape regarding firearm-trafficking and firearm violence in the Netherlands is fractured. The most complete reliable sources – police records – are not publicly accessible. News reports may be incomplete or unreliable if not confirmed by official sources, and academic studies and previously published reports are largely outdated or have focused on only one specific aspect of firearm violence, such as organised crime.

In this study, we aim to bring together and synthesise information from these different sources so as to examine and discuss the prevalence and nature of gun violence between 2015 and 2019. We also examine and discuss the types of firearm used in these violent acts, their origins and their routes to the Netherlands.

1 Background

Based on sources available publicly, it is not possible to determine the impact of firearm-trafficking on gun violence. This is due mainly to the fragmented landscape of data sources that each hold valuable information about aspects of gun violence and firearm-trafficking yet have not been brought together in a single corpus for thorough analysis. Based on these publicly available sources, we will provide a short overview of the current state of knowledge regarding gun violence and the firearms used in these violent incidents up to 2015. Data related to gun violence incidents after 2015, specifically gathered in the context of this research, are presented in the following sections.

1.1 Firearm regulation and (legal) possession

Compared to the European average, the Netherlands has a relatively low rate of legal firearm possession. This might be related to restrictive regulation: civilian firearm possession is permitted only for members of sport shooting clubs, hunters and professional use. Based on media reports, we are able to provide a rough estimate of licence-holders and registered firearms (see Table 1). While the number of licence-holders fluctuated between 60,000 and 70,000 during the period 2009–2018, the number of registered firearms decreased constantly from more than 217,000 in 2009 to 197,000 in 2018. The Dutch National Police data, as reported on by journalists, show that legal firearm possession is relatively high on the sparsely populated Dutch northern islands and also in some rural municipalities on the mainland. The possession of firearms is particularly low in the larger cities of the country: Utrecht, Amsterdam and Rotterdam.[7]

Table 1: Licence-holders and legally registered firearms in the Netherlands, 2009–2018

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Licence-holders	61,663	61,299	59,299			72,645	72,086			About 60,000
Firearms	217,330	222,288	213,126	215,034	209,922	205,347	206,231		205,347	197,357

Sources: KRO-NCRV(2019), Vermeer (2016), Vermanen (2015), Dutch Safety Board (2011)[8]

The possession of illegal firearms is difficult to measure. Using a combination of estimates from population surveys, experts and analogous comparison with other countries, the Small Arms Survey estimates that civilians in the Netherlands held 236,653 unregistered – therefore illegal – firearms in 2017, which is more than the 205,347 legally registered firearms[9]. Although this estimate provides some context for understanding the nature of firearm-trafficking and violence in the Netherlands, detailed information about the use of firearms in violent acts, their legality and origin is not accessible in public sources. The Dutch National Police, as well as institutes conducting research on firearms commissioned by the police, such as the Nederlands Forensisch Instituut (NFI – Dutch Forensic Institute), administer such information for internal purposes. It is only sometimes that statistics are published when required by journalists or when researchers are granted individual permissions.

1.2 Firearm violence

Information regarding the prevalence and nature of gun violence can be derived from various studies and reports from academic scholars and other (governmental and non-governmental) research institutes. Of particular value is a series of four reports commissioned by the Dutch Ministry of Justice after the introduction of the uniform registration of firearm-related incidents across regional police offices in the Netherlands in 2001.[10] These reports provide an insight into the prevalence and nature of gun violence from 1998 to 2003.[11] A number of studies and reports that included information regarding gun violence followed in the years after 2003, although most did not focus exclusively on gun violence specifically but rather on (organised) crime,[12] or on homicides. In 2020, a Dutch research institute published a report on the societal impact of illegal firearms, using news reports and expert interview as a source[13].

Overall, the World Health Organization's (WHO) official statistics report a decline in lethal gun violence since the early 2000s as measured by absolute numbers of individuals shot and killed with a firearm:[14] in 2000, 0.4 individuals per 100,000 (n = 68) as opposed to 0.2 (n = 28) in 2016. A national study on homicide by Aarten and

colleagues shows that between 1992 and 2016, 35.1% of all homicides in the Netherlands were committed with a firearm.[15] As homicides in the Netherlands are relatively rare, several publicly accessible sources, such as newspaper reports and police statements, provide details of these firearm homicides, including the location, context and individuals involved. However, the majority of firearm violence remains non-lethal. Spapens & Bruinsma estimated that about 90% of all shootings between 1998 and 2000 did not result in a fatality.[16] Other reliable statistics on non-fatal shootings in the Netherlands until 2015 do not exist and detailed information about non-fatal cases that is accessible publicly is rare. As a result, a proper estimation of the prevalence of in particular non-lethal firearm violence is difficult. The most reliable data lie with the Dutch National Police, who have registered firearm-related fatal and non-fatal shootings in a separate database since 2018. Yet those data are not publicly accessible. Some details of incidents of firearm violence might also be derived from news reports, yet the reliability and completeness of those accounts are inferior to those of police records. Based on such news reports, as well as expert interviews, a Dutch research institute estimated that media report on average about 0.78 firearm-related incidents a day, which should be regarded as an underestimation of the total number of incidents[17].

1.3 Organised crime and firearms

Because of its geographic setting and the number of sizeable ports the Netherlands possesses, the country has been an entry point to Europe for international drug-traffickers.[18] Where the smuggling of drugs in the 1990s and before that included mostly cannabis from Morocco or Afghanistan, cocaine has become a more lucrative business in the 21st century.[19] The Dutch border police, the Royal Netherlands Marechaussee and customs officers regularly seize large amounts of drugs in the various ports of the country. In 2020 alone, Dutch law enforcement seized more than 40,000 kg of cocaine in the port of Rotterdam, a little over 6,000 kg in the port of Vlissingen and almost 1,000 kg in Moerdijk port, in addition to another 1,000 kg seized at Schiphol airport in Amsterdam. More than 60,000 kg of this drug were seized even before the consignments reached the Dutch border.[20] With a street value of several billion euro, these drugs are trafficked illicitly by many criminals in the Netherlands who are either directly or indirectly involved. Among their number could be corrupt customs employees facilitating the entry of drugs into the country or kingpin criminals organising and planning trafficking routes from Latin America and other places into the Netherlands. Although the consumption of cocaine or other drugs might lead to violence, the vast majority of violence related to drug-trafficking in the Netherlands is so-called "systemic violence": violence originating from the dynamics associated with the production or distribution of drugs.[21]

In the public debate, gun violence in the Netherlands is typically equated with such drug-related violence. Targeted killings of high-profile criminals receive considerable media attention and public interest in these criminal activities has only increased in recent years, spurred on by the coverage of several major court cases against some of the main players in the criminal milieu. In a national threat assessment of organised

crime, Boerman and colleagues report that 98 (attempted) targeted shootings that are related to organised crime activities took place between 2013 and 2015.[22] In support of that, Ferwerda and colleagues report a strong interconnectedness between illegal firearms and organised crime groups (OCGs), that lure in young criminals and introduce them to illegal firearms.[23] Of particular concern for law enforcement is the assumed arms race among OCGs, both for personal protection and for (retaliatory) violence against the competition.[24] Yet, while (attempted) targeted killings frequently take place in public spaces, it must be assumed that other crimes in the criminal milieu involving firearms, such as threats, remain unreported and invisible both to the public, and presumably, to a large extent to law enforcement

2 Research Design

In attempting to fill the knowledge vacuum on the scope, dynamics and evolution of lethal and non-lethal gun violence in the Netherlands, we have made use of a total of four data sources: the Dutch National Police; data on firearms provided by the national forensic institute; a newly established Dutch Firearm Violence Monitor for non-lethal incidents of gun violence and – for lethal cases – information captured in the Dutch Homicide Monitor (see Table 2 below); finally, we made use of expert interviews to delve deeper into the dynamics underlying the relationship between illegal firearm-trafficking and gun violence.

Table 2: Available information per source and assessment of reliability, completeness and detail

	Dutch Homicide Monitor	Dutch Firearm Violence Monitor	Police data	NFI data
Non-lethal threats	–	X	–	–
Non-lethal shootings	–	X	X	X
Lethal shootings	X	X	X	X
Quality assessment				
Trustworthiness	+	/	+	+
Completeness	+	–	+	/
Detail	+	+	/	+

2.1 Dutch National Police data

In 2001, the uniform registration of firearm incidents was introduced across all regional police units. In 2013, these units were further merged into the Dutch National Police. With these institutional changes, the registration of firearm incidents has become increasingly structured. Since 2018, statistics on firearm-related incidents have been gathered in the police-maintained 'Firearm Dashboard', which provides information regarding individual cases of fatal and non-fatal shootings against human targets, animals or objects since 1 January 2018. It also provides information on national and regional statistics on the number of shootings, their locations and firearm seizures. Although this dashboard exemplifies the Dutch National Police's attention to and interest in structural data-gathering concerning gun violence in the Netherlands, it is not accessible to the public. Only a few statistics derived from this firearm dashboard are made public via newspapers or online news outlets, or through the Government Information Act (Wet openbaarheid van bestuur).[25] In the context of this research, we were granted permission to access the Firearm Dashboard in April 2021. We retrieved data from this source to triangulate and validate the data captured in the Dutch Homicide Monitor and the Dutch Firearm Violence Monitor, and as a source of information regarding firearm-trafficking.

2.2 Dutch Forensic Institute Data

The work conducted by the Dutch Forensic Institute (Nederlands Forensisch Instituut) (NFI) focuses on forensics: once a shooting is registered and the remnants of these shootings, such as a firearm, bullet fragments or shells, are recovered, firearm experts working at the NFI conduct research on the gathered evidence, if commissioned to do so by the police. The results of such investigations can reveal the types of firearm used during the shooting (if the firearm itself was not recovered), the calibre used, the range of shooting and whether the firearm used during an incident was registered in connection with previous incidents.[26] This information can, in turn, be used by the police and the public prosecutor to find suspects and to match firearms to specific suspects and specific incidents. Information on firearms gathered by the NFI is registered with the Integrated Ballistics Information System (IBIS), a European database for evidence related to firearms. This enables international comparisons, for example to identify whether a particular firearm has been used in several incidents across different countries.[27] Unfortunately, data resulting from investigations at the NFI are generally not publicly available. Moreover, it should be noted that the NFI conducts only investigations commissioned by the Dutch police. Therefore, if an incident is not considered relevant enough to be investigated further by the NFI – for example if firearms have been seized but there is no concrete evidence that a violent offence was committed with any of these firearms – information regarding those weapons might be lost. Such decisions are influenced by available resources, both the labour force and the time constraints and financial aspects.[28] In the context of this research, we have been able to receive an overview of anonymised case-level data for

2015–2019. Owing to anonymisation, it was not possible to link specific types of firearm to individual cases captured in the other three datasets.

2.3 Dutch Homicide Monitor

A third data source we used for this study – particularly for lethal cases – includes the Dutch Homicide Monitor (DHM), set up by one of the researchers of this study.[29] In its current form, the DHM contains relevant and detailed data on all homicides committed between 1992 and 2019, including homicides committed with firearms. Data derived from the monitor are based on a combination and triangulation of news reports, police data and, where available, prosecution data, individual criminal justice case files and forensic mental health reports.

2.4 Dutch Firearm Violence Monitor

The Dutch data sources discussed above each offer valuable insights, yet they all suffer to some degree from shortcomings. To paint a reliable and detailed picture of gun violence and illicit firearm-trafficking in the Netherlands, we set up a database of violent firearm-related incidents. The aim of this database, the DFVM, is to describe and compare detailed data on incidents of gun violence. We did so by combining quantitative and qualitative data from various sources: for example, from newspapers. Put simply, we have converted text into numbers that can be analysed statistically to enable us to draw comparable conclusions. To this end, we created a coding manual that served as a guide for quantifying text into numerical codes and which ensured the homogeneity of data collection. The coding manual used to establish the DFVM consists of 51 variables that collect information about the case in general (such as time and location), the firearm(s) used in the violent incident and the characteristics of the perpetrator(s) and victim(s).[30] The validated coding manual for the European Homicide Monitor (EHM)[31] served as a starting point for this manual. We adapted this manual to include both fatal and non-fatal violent incidents of gun violence. The final codebook for the DFVM can be accessed online.[32]

Our aim was to include all violent firearm-related incidents, including threats with (even imitation) firearms and fatal and non-fatal shootings that took place in the Netherlands between January 2015 and December 2019. Incidents were excluded when they included (even imitation) firearms that were used as a blunt object, for example to hit someone over the head. We used a broad definition of firearm that includes live-firing pistols, revolvers, rifles, shotguns, (sub-)machine guns, as well as Flauberts, air guns, alarm or gas guns, antique guns, imitation firearms or toy guns.

Initially, information derived from media sources built the basis for the DFVM. Although they are less reliable than data from police or court files, media reports have the advantage of being easily accessible and including – at least in a decent number of cases – detailed information. To systematically find all relevant news reports depicting gun-violence cases between 2015 and 2019 we used LexisNexis, a search engine for the

most relevant national, regional and local newspapers in the Netherlands. Searching with keywords such as 'shooting' (schietincident, schietpartij), 'shots fired' (geschoten, beschoten) or synonyms of (types of) 'firearm' (vuurwapen, pistool, geweer) resulted in more than 130,000 possibly relevant news reports being identified. These news reports were systematically evaluated for their importance in this research. Information from the remaining 3,527 news reports was then entered into the database using the coding manual. Wherever possible, information in the database was verified with information captured in court proceedings. The final result is a database that provides the opportunity for comparable, in-depth research on the phenomenon of guns and related violence in the Netherlands. Table 3 displays the type of gun violence included for each year in the Dutch Firearm Violence Monitor.

Table 3: Inclusion of data on firearms and related gun violence in this study

	Non-lethal threats	Non-lethal shootings	Lethal shootings
2015	X	X	X
2016	X	X	X
2017	X	X	X
2018		X	X
2019		X	X

2.5 Expert interviews

The DFVM offers the first unique opportunity to investigate the prevalence and, in particular, the characteristics of firearm violence incidents in addition to the victims and perpetrators of them. However, findings from the DFVM must be placed in the context in which law enforcement operates to fight gun violence and illicit firearm-trafficking in the Netherlands. Expert interviews with representatives from law enforcement (n = 4), firearm experts working at the NFI (n = 2) and a criminologist (n = 1) therefore proved invaluable to verifying findings, contextual insights and individual commentary regarding combatting the phenomena being studied.

All of the interviewees provided their consent to use the information derived from the interviews, albeit in anonymised forms. A final draft of the chapter was sent to every interviewee to ensure that the study represented their perspectives accurately.

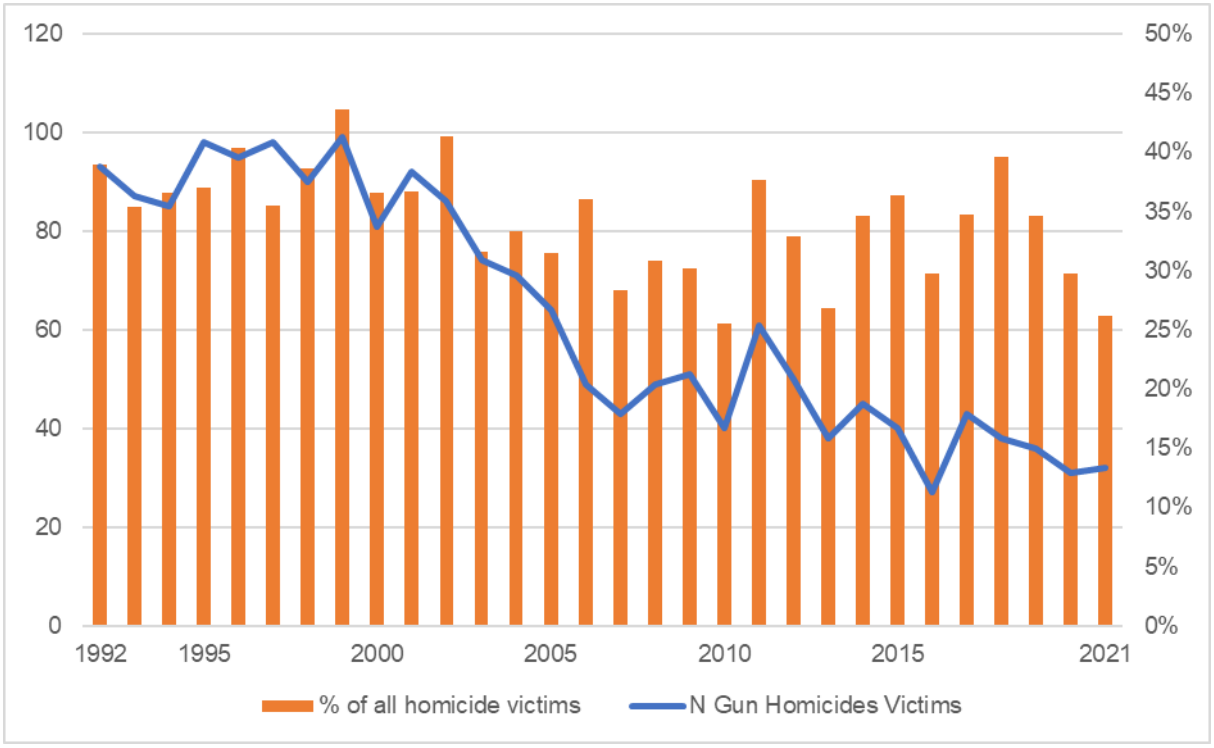
3 Prevalence of gun violence

3.1 Gun homicides

Unlike other crimes, homicides leave a body behind, making this type of crime more visible and detectable by the authorities,[33] regardless of reporting trends.[34] Other categories of crime data, including firearm data, are thought to suffer from considerable validity problems.[35] To name a few examples, gun violence is not defined in the same way in different countries and police also do not use the same thresholds of aggravation in classifying such offences in different countries.[36] Against this backdrop, homicide data are believed to have a greater external validity when compared to other types of crime.[37] Therefore, in what follows, we first provide an overview of gun homicides in the Netherlands in the period 1992–2019.

In doing so, we used data from the Dutch Homicide Monitor (DHM), which combines information from police reports, court data and news reports on all homicides in the Netherlands since the early 1990s. As Figure 1 below indicates, a clear declining trend in the number of victims of gun homicides can be observed. More specifically, the number of gun homicide victims in 2020 (n = 31) is only one-third of the number recorded in 1992 (n = 93). A notable exemption to this trend is the year 2011, in which Tristan van der Vlis shot and killed visitors to a mall in Alphen aan den Rijn, one of only two mass shootings recorded in the Netherlands since the start of the century.[38] Zooming in on the time frame 2015–2019, a total of 167 homicides in which a firearm was used took place in the Netherlands.

Figure 1: Number of firearm homicides and percentages of all homicide victims



Source: Dutch Homicide Monitor (Leiden University, 2021)

The significant decline in the number of firearm homicides does not imply that firearms have become less prevalent as a modus operandi in homicides: of all the homicides committed in the Netherlands each year, gunshot wounds were the main cause of death for on average 34.6% of all homicide victims between 1992 and 2020. In contrast with the total number of homicide victims, which has declined markedly in these years, the percentage of homicide victims killed with firearms has remained relatively stable (see Figure 1). Taking all of these years together, firearms were the most prevalent modus operandi, responsible for 35.1% of all deaths in the recorded 29 years, followed by knives at 33.4%. Looking only at the most recent years (2015–2020), however, more victims are killed with knives than with firearms.

3.2 Shootings

At a national level, the systematic registration of shootings started only in 2018. For this reason, it is not possible to determine any long-term trends regarding non-lethal shootings in the Netherlands. In 2018, police registered 577 shootings, with 120 of these cases resulting in an injury. One year later, police reported 646 shootings and 131 cases with injuries (see Table 4). Another increase in shootings occurred the following year, with 668 registered shootings in 2020, followed by a decrease to 594 shootings in

2021. The number of shootings resulting in injuries, however, did not increase proportionately.

Table 4: Shootings in the Netherlands, 2018–2019

	2018	2019	2020	2021
Number of shootings	577	646	668	594
Number of cases of human target with injuries	120	132	133	103

Source: Firearm Dashboard (Dutch National Police, 2022)

Other shooting-related information was available only at the local level, as reported by local police to newspapers. In Amsterdam, local police registered 37 firearm 'incidents' in 2017, which more than doubled to 75 incidents in the first nine months of 2019. Whether those incidents included only shootings remains unclear in the news report. The police unit in the region of Greater Rotterdam registered a similar increase from 71 shootings in 2018 to 108 shootings by mid-December 2020. Of these 108 shootings, 74 took place in the city of Rotterdam, whereas the remaining 34 occurred in surrounding areas that also fall under the jurisdiction of the police unit in Rotterdam. In total, 24 cases resulted in one or more individuals with non-lethal injuries.

Based on combined sources, our DFVM captured information on 637 non-lethal shootings for the years 2015–2019. When comparing these figures to the number of police-registered shootings for the years 2018 and 2019, it must be assumed that the DFVM includes around one-fifth of all shootings during these years. In 535 cases, shots were fired at an individual or shots were fired to threaten an individual directly. Objects such as houses or shops were targeted in 85 cases.[1] For the remaining 37 cases, a specific target could not be determined. Those cases might include incidents in which shots were fired in the air, for example to try out a firearm, or shots fired at animals.

3.3 Threats

The DFVM registered 606 threats involving firearms during the years 2015–2017, which translates into around 200 firearm-related threats each year. However, we must assume that the actual number of threats with firearms is significantly higher. Non-lethal threats involving firearms might be the most difficult type of gun violence to identify. There are several reasons for this: first, the National Police are not systematically registering these threats – to the extent that they are reported to the police – as firearm-related incidents. Whether or not a police officer registers that a

[1] When a house was shot at and police was able to determine that the shooting was meant as a threat against a specific resident in the house, the case was coded as a shooting against an individual. If police were not able to make such a determination, the case remained registered in the DFVM as a shooting against an object. If both an individual and a house were targeted, we coded the case as a shooting against an individual.

gun was part of the crime is dependent on the individual police officer. Although such registration would help to enhance the information on non-lethal gun violence in particular, practical reasons impede this mission. Whereas shootings usually leave behind evidence on the victim or at the crime scene – for example in the form of gunshot wounds, a bullet (fragment) or cartridge cases – it can be difficult to determine for victims, witnesses and police whether an actual (even imitation) firearm was used during a threat or whether a perpetrator used another object with a similar shape. Registering such cases as either firearm- or non-firearm-related incidents could inflate the official statistics on gun violence in the Netherlands, leading to a reduction in their comparability with other countries. Newspapers reporting on such non-lethal threats opt to report on incidents involving 'something looking like a firearm'.[39] A second problem regarding the measurement of non-lethal threats with firearms is the possibly of low degree of reporting rates to the police, in particular when such crimes occur in the domestic sphere, where the victim might try to protect the perpetrator or between criminals who are not interested in involving the police. Such incidents would also rarely be reported in the media unless they occurred in a public space.

3.4 Location of gun violence

3.4.1 Geographic location

Both lethal and non-lethal firearm violence in the Netherlands is concentrated mainly in the largest cities of the country: Amsterdam, Rotterdam, Utrecht and the Hague. Figures 2–5 show the locations of gun homicides, non-lethal shootings and threats involving firearms. As these figures reflect, Amsterdam and Rotterdam (22.2% and 14.4% of all gun homicides, respectively) stand out in particular, with the vast majority of all homicide cases taking place in only these two cities. Relatively few lethal shootings have been registered in the northern regions of the Netherlands. Groningen, for example, the main city of the most northern Dutch province Groningen, registered only one gun homicide during this period.

Figure 2: Gun homicides (n = 167) in the Netherlands, 2015–2019

Source: Dutch Homicide Monitor (Leiden University, 2021)

Focusing on non-lethal shootings in Figure 2 specifically, similar concentrations are registered in Amsterdam and Rotterdam. Even more so, with 20.4 per 100,000 residents, Rotterdam counts relatively more non-lethal shootings than Amsterdam (20 per 100,000 residents). Those cities are followed by the Hague (8.7 per 100,000 residents), Utrecht (10.4 per 100,000 residents) and Nijmegen (9.4 per 100,000 residents), the last of these three a city close to the border with Germany.

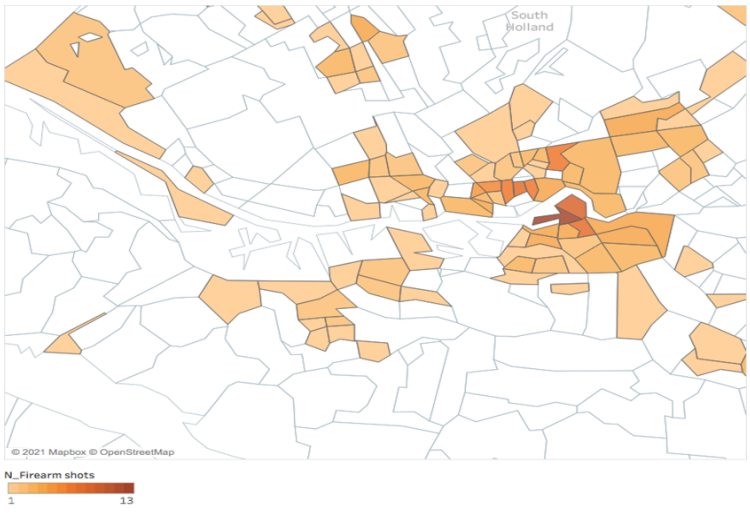
Figures 3 and 4 highlight further clusters of gun violence in the south of the country. Although not comparable in size to those of Amsterdam or Rotterdam, in particular non-lethal shootings occur in middle-sized and small cities close to the Belgian border. In 2015, following several drug-related homicides, the (former) regional chief of criminal investigations in Brabant called the region around the border "the crime hotspot" in the Netherlands (emphasis in original).[40] A possible explanation for this pattern might be the association between these shootings and cross-national criminal activities, such as drug trafficking. We probe deeper into this issue in section 5.2 on gun violence within the criminal milieu.

Figure 3: Non-lethal shootings (n = 167) in the Netherlands, 2015–2019

Source: Dutch Firearm Violence Monitor (Leiden University, 2021)

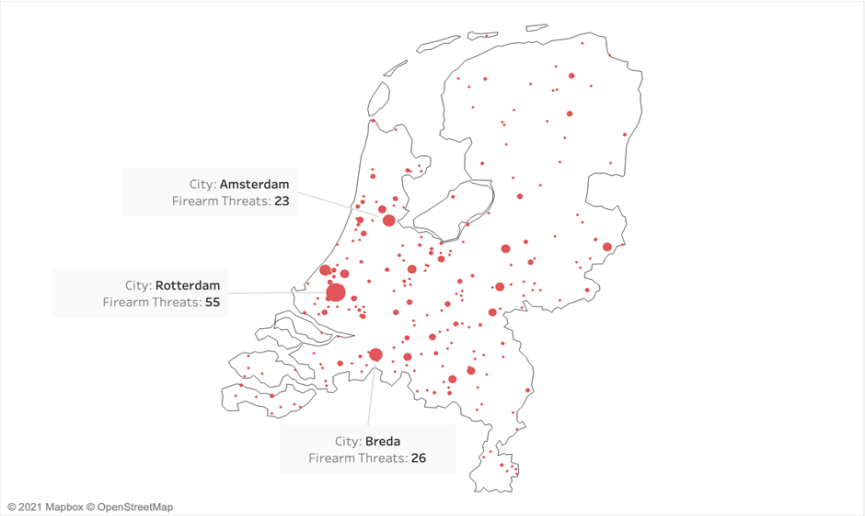
Zooming in on the concentration of non-lethal firearm violence in cities equally shows a concentration in specific neighbourhoods (measured by levels of postal code), as can be indicated in the map of Rotterdam (Figure 4). So far, ongoing research suggests that such a concentration of shootings co-occurs in spaces with other types of drug-related violence, such as the use of hand grenades, or other types of crimes[41].

Figure 4: Non-lethal shootings (n = 156) in Rotterdam, 2015–2019



Source: Dutch Firearm Violence Monitor (Leiden University, 2021)

Figure 5: Threats with firearms (n = 606) in the Netherlands, 2015–2019



Source: Dutch Firearm Violence Monitor (Leiden University, 2021)

Firearm-related threats reveal a slightly different spatial pattern. The largest Dutch cities still register more incidents, yet incidents are spread all over the country, including middle- to small-sized cities. A possible explanation might be the context of the threats as opposed to lethal and non-lethal shootings: threats with firearms often occur in the context of robberies of shops, restaurants or private homes all over the country. This is as opposed to shootings that can be connected to activities in the criminal milieu, which is concentrated in specific places.

3.4.2 Crime Scene

In addition to information on the spatial location and the specific context of incidents of gun violence, our data sources provide information on the type of crime scene (see Table 5).

Table 5: Crime scene for lethal and non-lethal shootings, 2015–2019, and firearm-related threats, 2015–2017 – percentage of known cases

	Private homes	Inside vehicle	Shop, restaurant, place of entertainment	Street, park, public transportation, recreational area	Workplace & other
Gun homicide (n = 166)	29.4	16.3	7.2	45.2	1.9
Non-lethal shooting (n = 612)	27.1	4.6	10.5	55.4	2.4
Threats (n = 577)	24.4	2.4	34.3	35.7	3.2

Sources: Dutch Homicide Monitor, Dutch Firearm Violence Monitor (Leiden University, 2021)

Approximately one-quarter to one-third of all lethal (29.4%) and non-lethal (27.1%) shootings, and threats (24.4%), take place in or directly around private homes. This category includes the private homes of perpetrators, victims or another person. The majority of domestic cases take place in these private spaces, and also a significant share of criminal activities that might result in violence involving firearms, for example rip deals.

Gun homicides in cars seem to be related mostly to targeted killings in the criminal milieu where the perpetrator or perpetrators follow the victim around for some time, sometimes with spyware attached to the victim's car.[42] In several instances between 2015 and 2019, criminals did not shy away from shooting at a victim sitting in a car while others were present in the same car as the victim.

Shootings or threats in restaurants, shops or other places of entertainment, such as bars, are relatively rare. Some of these incidents are related to nightlife violence or robberies, others to the criminal milieu, as discussed in a previous section.

Overall, a large proportion of incidents of gun violence in the Netherlands take place in urban, public spaces that are frequented by many people. Law-enforcement officials and criminologists are worried about shootings occurring in these places, as they involve many individuals who could possibly be affected directly as victims or indirectly as witnesses of a shooting or threat with a firearm, because of their public nature.[43]

4 Contexts of gun violence

Of particular interest to this study is the context in which firearms are used, as this information might allow us to paint a picture of the legality of weapons and, in return, of the impact of illicit firearm-trafficking on gun violence. In general, providing an overview of case characteristics for non-lethal shootings and threats was difficult, given the issues of reporting in news articles and the lack of other, reliable sources. As a result, the context in which these events take place remains to some extent undetermined.

Table 6: Type of violence for lethal and non-lethal shootings 2015–2019 and threats 2015–2017 in the Netherlands: percentage of known cases

	Intimate partner violence	Other domestic violence	Criminal milieu	Robbery	Nightlife	Other
Gun homicide (n = 148)	8.1	5.5	58.8	2.0	4.1	21.5
Non-lethal shooting (n = 305)	3.6	2.6	29.6	14.7	5.6	43.9
Threats (n = 541)	3.0	0.7	2.4	74.3	2.0	17.5

Source: Dutch Homicide Monitor, Dutch Firearm Violence Monitor (Leiden University, 2021)

4.1 Domestic violence

Reports on domestic violence incidents involving firearms are relatively rare. About one in seven gun homicides between 2015 and 2019 took place in the domestic sphere. The

majority of these homicides involved intimate partners former partners. Relatively few non-lethal domestic violence incidents have been reported in the DFVM, which may be attributable to reporting bias by both the media and the police. It can be assumed, in short, that the actual prevalence of such incidents is significantly higher than those reported here or elsewhere.

Even though domestic incidents involving a firearm usually gain less public attention due to their private nature, a number of cases in the five years under study have piqued the interest of the public and the media. In 2015, for example, a 36-year-old man shot and killed his ex-girlfriend with several shots after a physical fight in public in front of her house. The perpetrator had numerous licences for firearms and was considered a trained shooter.[44] In Rotterdam, a 16-year-old student was shot dead at her school by her then 29-year-old ex-boyfriend whom she reported several times to the police for stalking, prior to her death.[45] Both perpetrators of these gun homicides were sentenced to more than ten years in prison. A particularly stirring case of a lethal domestic incident involves the shooting of a family in Dordrecht: the 35-year-old father, a police officer, used his service weapon to kill his two daughters (eight and 12) and his wife (27), before committing suicide.[46] The latter is also an example of a homicide and a suicide committed with a firearm. Previous studies in Europe and abroad have shown that homicide-suicides are more likely to involve firearms than other types of lethal violence.[47]

4.2 Criminal milieu

More than half (58.8%) of all gun homicides, and almost 30% of non-lethal shootings were associated with the criminal milieu, in particular targeted shootings of criminals involved in drug-related activities. Violence in the criminal milieu is connected to activities of (semi-) organized crime groups, that are involved in drugs-trafficking or other illegal endeavours, such as rip deals. There are many examples of such (lethal) violence in the Netherlands: in June 2016, a 70-year-old man was shot dead in front of his house. He was thought to have been involved in transporting cocaine in collaboration with others. One of his business partners would later commission the man's killing after he suspected that the man had kept several kilos cocaine from a larger transport to the United Kingdom for himself.[48] This assassination is not a stand-alone case: the man suspected to have commissioned the murder is part of one of the biggest court cases against organised crime in the Netherlands, the Marengo matter, which started in March 2021. In that court case, a total of 17 suspects were tried for at least six targeted killings, several attempted assassinations and membership of an organised crime group. Law enforcement and journalists have linked more than 15 homicide victims to the head of the group, ranging from his close acquaintances to rivals, as well as the brother and the lawyer in the crown witness.[49] All of these victims were killed with firearms. Many victims were shot in public spaces, such as on the street, or in their own cars, which might explain the high percentage of lethal shootings occurring in those places (see Table 5 crime scene).

In many of the cases of gun violence within the criminal milieu, both offender and victim(s) are usually involved in illegal activities. Yet, in recent years, violence has spilled over beyond the groups, for example in the targeted killings of Derk Wiersum, the lawyer of a crown witness, and Peter R. de Vries, a crime journalist.[50] Although some have claimed that such incidents showcase an increase in lethal gun violence, the annual number of gun homicides have not increased significantly so far. Rather, this spill over of violence could indicate a change in how gun violence is utilized by members of criminal groups.[51]

While most of these public assassinations are well recorded by news outlets and usually lead to the generation of official police statements, non-lethal shootings among criminals may remain largely unknown. This is because neither the victims nor the perpetrators of such crimes, if captured, are willing to provide information to either police or the media. What remains of such events are typically only witness reports of shots being fired, people running away from the crime scene, and (fired) bullets.

More recently, hand grenades have been used in combination with shootings. A spatial comparison of incidents where lethal and non-lethal shootings occurred and hand grenades were found shows an overlap in the same areas, both on a national and on a local scale.[52] Although the connection between firearms and hand grenades has not been studied extensively in the Netherlands yet, anecdotal evidence would suggest that hand grenades are used in the criminal milieu and as an extortion tool, similarly to targeted shootings at the houses of rivals.[53]

4.3 Robberies

Robberies account for a large percentage of threats with (imitation) firearms (74.3%), some non-lethal shootings (14.7%) and very few lethal shootings (2%). This category includes robberies of shops, supermarkets, restaurants, private homes and. Accounts of such events are found frequently in the media as they usually involve several victims or witnesses, such as shop owners, customers or other bystanders who are willing to recount details of the event to journalists. For example, in February 2016, a 28-year-old man with a previous record of theft, burglary and robberies threatened a cashier, a customer and a young child with a firearm when he robbed a local textile store. Police arrested the perpetrator later, confiscating a firearm and various types of drug during the arrest.[54] In another attempted robbery, six youngsters between 13 and 16 years old attempted to rob a 30-year-old woman in Arnhem using an imitation firearm. They were arrested by police later that night.[55]

Shootings during robberies are relatively rare but they do occur. In 2019, a jewellery store in Breda was robbed. Four perpetrators entered the store, fired several shots and attacked the security guard and a customer. No one was injured by the gunshots. The perpetrators were able to escape.[56] Although official statistics covering robberies with firearms do not exist (in particular, when no shots were fired), based on our

observations we may argue that a fraction of these crimes are committed with imitation firearms, gas pistols or other objects with a similar shape and look like real firearms.

4.4 Nightlife violence, accidents and other types of shooting

Many shootings and threats with firearms do not fit the categories given above, such as threats between non-criminal business partners, longstanding rivalries between families or groups of youngsters that culminate in violence. For example, in 2018, a fight over a woman ended in a shooting that led to two individuals being seriously injured in Roermond. The shooter had previously received a firearm from one of his friends, who was later also arrested by the police.[57] In another case, a woman was shot and injured her arm when her upstairs neighbour tried to hide his firearm under his girlfriend's bed, accidentally pulling the trigger in the process.[58]

Whereas these previous examples include human targets, a significant proportion of shootings in the Netherlands are directed at buildings, mainly bars, shisha lounges, coffee shops or shops. These shootings appear to be used as a means of extortion or threat: the perpetrators may not be interested in causing physical harm to their victims, yet they intend to send a clear message. Furthermore, such shootings tend to result in financial consequences for the victim, as local government representatives tend to close businesses or ban individuals after repeated incidents of violence aimed at them.

The following case illustrates how effective this criminal method can be. A jewellery store in Utrecht opened its doors in July 2019 and was shot at three times between the end of July and mid-September. In all three incidents, a shooter arrived on a bicycle at night and fired several shots at the façade of the house before escaping. The local authority ordered the mandatory closure of the store for five weeks after the second and third shootings in an attempt to restore calm in the neighbourhood, but the owners decided to close the store after the third shooting.[59] The perpetrator(s) of these shootings were not found, as is often the case.

Private homes are shot at less frequently. Based on witness statements of neighbours, journalists typically connect such shootings to a criminal background of the resident living in the house that was shot at. Such suspicions can rarely be proven, as police avoid making statements so as to protect the privacy of individuals and the victims are reluctant to speak.

5 Victims of gun violence

Lethal gun violence resulted in the loss of 184 lives between 2015 and 2019. More than 93% of all these gun homicide cases included only one victim. Two cases involved four victims, the highest number of victims per case recorded in those years: the terrorist attack in Utrecht and the homicide of four men in a grow-shop[1] in Enschede.[60]

Table 7: Gender and age of victims of lethal and non-lethal shootings, 2015–2019, and threats, 2015–2019 in the Netherlands – percentage of known individual victims

		<18	18–24	25–39	40–59	60+	Total: type of gun violence
Gun homicide (n = 179)	Male (n = 155)	1.1	9.5	44.2	28	4.1	86.6
	Female (n = 24)	4.2	1.2	5.7	1.8	1.2	13.4
Non-lethal shooting (n = 186)	Male (n = 160)	6.3	22.1	35.7	16.1	5.2	86.0
	Female (n = 26)	3.6	1.0	5.1	2.0	1.5	14.0
Threats (n = 224)	Male (n = 170)	13.4	23.7	15.8	14.4	7.6	75.9
	Female (n = 54)	3.0	3.9	7.7			24.1

Sources: Dutch Homicide Monitor, Dutch Firearm Violence Monitor (Leiden University, 2021)

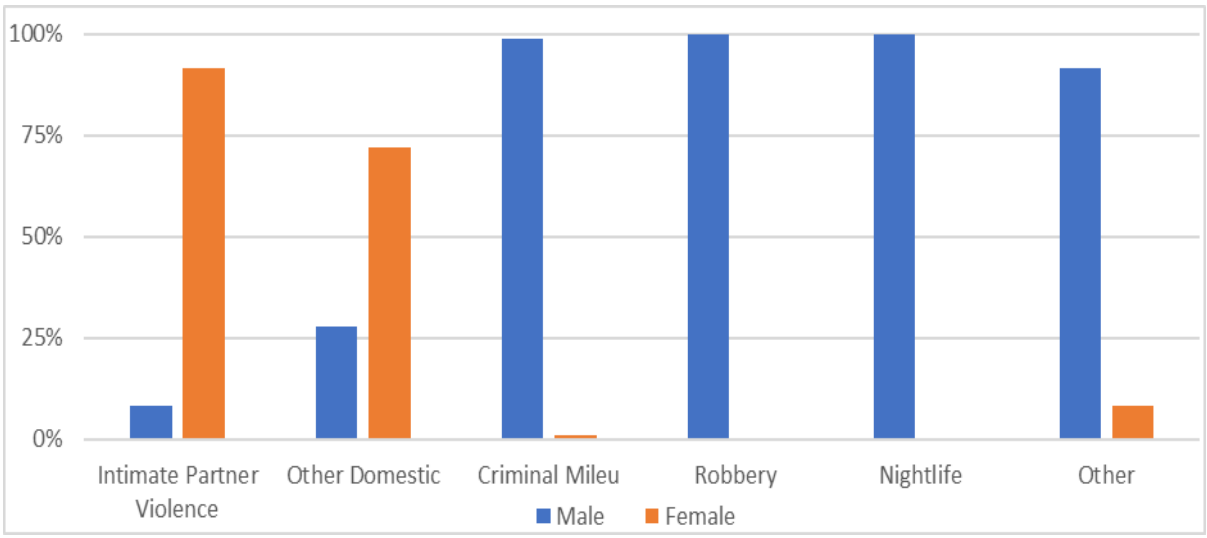
[1] A grow-shop is a retail store that sells equipment and supplies for growing plants indoors; included are stores selling hydroponic systems for horticulture and those devoted to cannabis cultivation.

5.1 Gender

The majority of gun violence victims are men across all types of gun violence registered: 86,6% (n = 155) of gun homicide victims between 2015 and 2019 are men, which is similar to the 86% of victims of non-lethal shootings registered in the DFVM. The fraction of male victims is slightly lower in the case of non-lethal threats involving firearms, at 75.9%. Women make up between 13% and 24% of gun violence victims.

One explanation for this significant difference in victim gender may lie in the context of gun violence. In all types except domestic gun homicides, men dominate as victims; but more than 91% of all victims of gun homicides involving intimate partners and 72% of other domestic homicides are women.

Figure 6: Gender of gun homicide victims by type of lethal gun violence in the Netherlands, 2015–2019



Source: Dutch Homicide Monitor (Leiden University, 2021)

A similar distribution across different contexts of gun violence is visible. The slightly higher percentage of female victims of threats can be explained by the presence of robberies of shops and street robberies which involved female employees or customers.

5.2 Age

Almost half (44%) of all male victims of lethal gun violence were aged between 25 and 39 (see Table 8). The youngest victim killed with a gun between 2015 and 2019 was only five years old; the oldest 74. The average age of gun homicide victims is almost 36 years. Non-lethal shootings registered in the DFVM seem to involve younger individuals in their 20s, which sets the average age of non-lethal gun violence victims at 32.5 years. More than one in five surviving victims are aged between 18 and 24. The

youngest victim involved in a non-lethal shooting was a two-year-old toddler girl, who was grazed by a bullet when two groups of young men shot at each other on the street after a drug-related fight.[61] Fortunately, she was not seriously injured. The age of victims of threats with (even imitation) firearms does not follow a specific pattern.

5.3 Other characteristics

In addition to victim age and gender, both the DHM and the DFVM aim to gather information about the personal background of perpetrators and victims. These include civil status, country of birth, whether the victim was intoxicated or under the influence of drugs during the crime and beforehand, and whether the individual has a criminal, if not violent, past.

An initial analysis of the information regarding the country of birth of gun violence victims confirms the findings of previous studies:[62] victims of Turkish and Moroccan decent are over-represented as victims of both lethal and non-lethal shootings, compared to their share of the national population. Other information regarding the victims' backgrounds was not available from media reports.

In conclusion, in line with previous studies,[63] lethal and non-lethal gun violence in the Netherlands is mainly a male problem. In general, however, it must be noted that the number of individuals affected by gun violence in the Netherlands is higher than any official statistic will show: not only individuals with lethal or non-lethal gunshot wounds must be considered victims, but also individuals who were threatened with a (even an imitation) firearm, possibly fearing for their lives.

6 Offenders of gun violence

For the 167 gun homicides recorded in the Netherlands between 2015 and 2019 a total of 254 perpetrators were identified. These include not only the individuals who fired the lethal shots, but also those who were also associated in the crime, such as the driver of a getaway car or the individual who planned or commissioned the homicide. In a little more than half (58.1%) of all gun homicides in the five years under review, only one perpetrator committed the crime; almost one-quarter of all cases (23.5%) involved two perpetrators. Three incidents during the same period involved five or more perpetrators – all of which are the result of drug-related conflicts.

A little less than half (47.2%) of all non-lethal shootings (n = 255) recorded in the DFVM[1] were committed by one individual and around one-quarter (24.3%) were committed by two perpetrators. A similar distribution can be seen in the category of threats including firearms, although the maximum number of perpetrators (12) is higher than that for lethal and non-lethal shootings (five each). It should be noted here that number of perpetrators does not necessarily equal the number of firearms present during the event. Some perpetrators might participate in street robberies with a firearm or shootings without holding a gun – for example, as the driver of the getaway car. For the purposes of this research, we nevertheless counted them as perpetrators of a firearm-related incident.

[1] The distinction between perpetrator and victim is less clear in the context of non-lethal gun violence, in particular in the category of threats. Some individuals listed in the DFVM as either might be considered both a victim and a perpetrator at the same time. It is not rare that, for example, two groups of young men encounter each other in the street, which leads to both sides shooting at each other. As it is not always possible to determine who shot first, the number of victims and perpetrators should not be considered fully reliable, not even for the partial number of shootings and threats included in the DFVM. If such a determination were possible, we coded the individual taking the first shot or threatening someone else first as the perpetrator. In cases in which such information was not available and a determination as victim or perpetrator could not be made based on the severity of the injuries, we randomly assigned roles.

Table 8: Gender and age of perpetrators of lethal and non-lethal shootings, 2015–2019, and threats, 2015–2017 – percentage of known cases

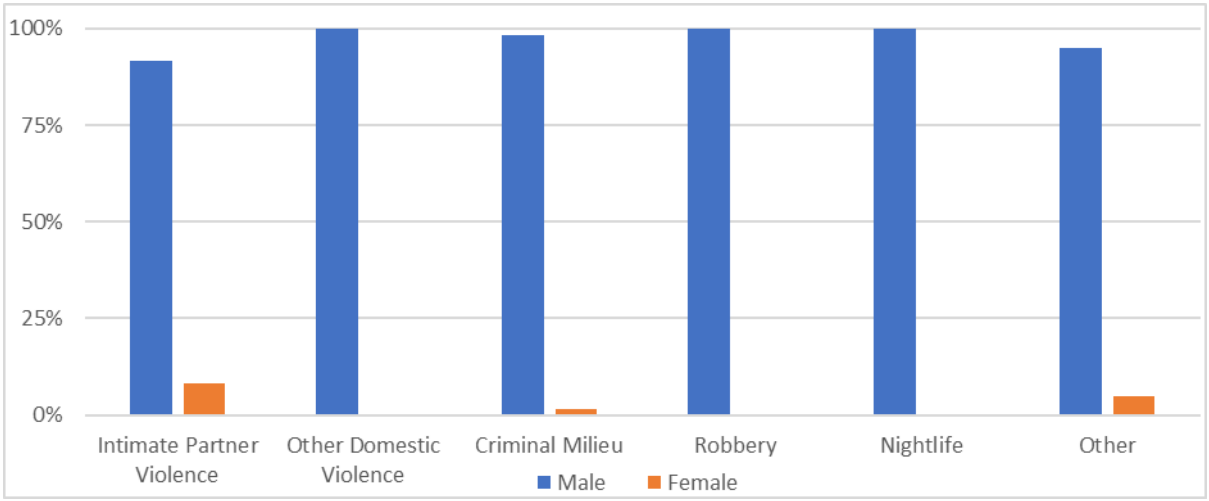
		<18	18–24	25–39	40–59	60+	Total: type gun violence
Gun homicide (n = 187)	Male (n = 181)	n/a	29.9	47.7	19.0	2.3	96.8
	Female (n = 6)	n/a	0.0	66.7	16.7	16.7	3.2
Non-lethal shooting	Male (n = 234)	7.6	30.8	38.3	20.3	3.9	98.3
	Female (n = 4)	0.0	0.0	75.0	25.0	0.0	1.7
Threats (n = 355)	Male (n = 343)	24.8	31.9	30.6	12.2	0.6	96.6
	Female (n = 4)	33.8	41.6	8.3	16.6	0.0	1.7

Sources: Dutch Homicide Monitor, Dutch Firearm Violence Monitor (Leiden University, 2021)

6.1 Gender

Similarly to the victims of gun violence in the Netherlands, men also dominate as perpetrators of these (see Table 8). For lethal shootings, non-lethal shootings and threats, the percentage of male as opposed to female perpetrators is well above 95%. Female perpetrators are almost exclusively connected to homicides against their current or former partners (see Figure 7), yet not in other domestic homicides – for example, against their own children or other family members. Furthermore, homicides occurring in the context of robberies or nightlife violence did not involve women as perpetrators in the years studied.

Figure 7: Gender of gun homicide perpetrators by type of lethal gun violence in the Netherlands, 2015–2019



Source: Dutch Homicide Monitor (Leiden University, 2021)

6.2 Age

Perpetrators of lethal gun violence in the Netherlands are on average 32.7 years old at the time of the offence, with an age range between 18 and 75. Perpetrators of non-lethal shootings average 30.7 years at the time of the offence. The youngest perpetrator of a non-lethal violent crime between 2015 and 2019 was a 12-year-old boy.[64] The oldest perpetrator, a mentally disturbed 79-year-old man, shot his neighbour, who was seriously injured, before committing suicide with that same firearm.[65] Perpetrators of threats involving firearms are the youngest, with an average age of 25.7 years.

Comparing these ages with those of the victims of gun violence, perpetrators seem to be on average younger than their victims. Unfortunately, the data do not allow for further analysis of potential reasons for age differences between perpetrators and victims of gun violence. Moreover, given the low number of female perpetrators, these findings should be applied only to male perpetrators.

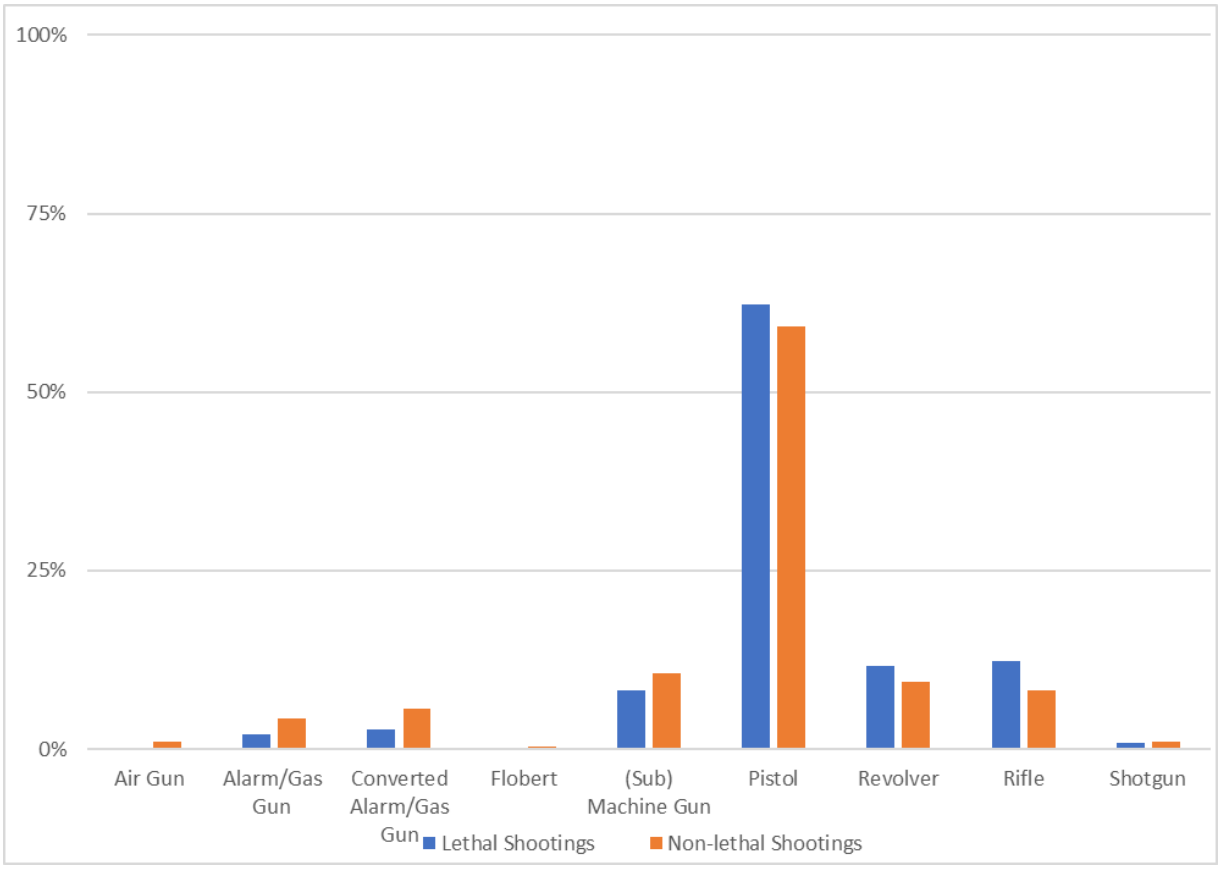
7 Firearms used in gun violence

For the years 2015 to 2019, the NFI has conducted more than 2,200 investigations for the Dutch police into the remaining evidence of shootings. A little more than 180 of these investigations were related to lethal shootings involving human victims. Another 670 investigations examined evidence of non-lethal shootings that were directed at people. For almost all (n = 146) the lethal shootings and about half (n = 373) of the non-lethal shootings, experts were able to determine a (possible) type and brand of firearm used (see Figure 8). The following analysis is therefore based on the estimations of researchers at the NFI, whose level of reliability is considered high.

7.1 Types of firearm

More than half of all lethal (62.3%, n = 91) and non-lethal (59.2%, n = 221) shootings involved pistols. Although NFI experts registered a broad range of types, possible brands or models of pistols used, a number of them stand out due to their prevalence: the Glock, Zastava and so-called CZ pistols.

Figure 8: Types of firearm used in lethal (n = 146) and non-lethal shootings (n = 373) in the Netherlands, 2015–2019



Source: Firearms used in shootings against individuals, 2015–2019 (Nederlands Forensisch Instituut, 2021)

The Glock pistol of Austrian production is the most commonly used in both lethal and non-lethal shootings in the Netherlands.[66] Between 2015 and 2019, it was used in about 20% of shootings against individuals for which a type of weapon could be determined. Other types of pistol often (about 15%) used in lethal and non-lethal shootings include pistols produced by the Serbian manufacturer Zastava Arms, formerly known as Crvena Zastava. Another East-European brand of pistols used in shootings involving human targets in the Netherlands are those produced by Ceska Zbrojovka (CZ) in Czechia. Many of their pistol models were originally produced as firearms for the Czech military and police.[67] Common types of pistol produced in South- and Central Europe that came up during investigations by the NFI originate from Beretta (Italy), which has an almost 500-year-old tradition of producing firearms, and the Carl Walther GmbH in Germany, which produced several models of the well-known Walther PP ("Police Pistol") between 1929 and 1999. Pistols were used in a variety of incidents between 2015 and 2019, including targeted killings in the criminal milieu,[68] drunken fights in a club on New Year's Eve that ended in fatal shots,[69] or escalated road-rage incidents.[70]

Rifles and (sub-)machine guns, on the other hand, are almost exclusively used in shootings occurring in the criminal milieu, as described in a previous section. Among the group of rifles, the AK-47 or similar types of automatic rifle are the most common, accounting for about 10% of shootings between 2015 and 2019 for which a type of firearm could be determined.[71] With regard to (sub-)machine guns, the NFI also registered the use of Samopal vzor 61 machine guns, commonly known under the name "Škorpion", or similar models. This type of firearm is also produced by Czech arms producer Ceska zbrojovka, and is known for its use in the Vietnam War and also in the Yugoslav Wars, besides other conflicts. Another type of (sub-)machine gun used in the Dutch context of gun violence is the Uzi, which originated in Israel but is used by a number of law-enforcement agencies across Europe, such as in Lithuania or Romania.

In the category of revolvers, various models by producers Smith & Wesson dominate other brands. Experts from the NFI estimate that Smith & Wesson revolvers were used in at least 25 shootings between 2015 and 2019.

The use of (converted) gas or alarm pistols is of particular interest: the conversion of de-activated or gas and alarm pistols appears to be one of the main routes through which guns enter the illegal market.[72] In the Dutch context, gas or alarm pistols accounted for at least 30 shootings and 4.7% of fatal and 9.9% of non-fatal shootings between 2015 and 2019 that involved a human target, and for which a type of firearm could be determined by the NFI. Converted gas or alarm pistols in particular were used in three (2.8%) fatal and 21 (5.6%) non-fatal shootings. Other types of gun, such as air guns, Floberts or shotguns, account for only a very small percentage of firearm violence in the Netherlands, based on the fraction of cases for which the NFI was able to estimate the type of firearm.

Finally, although not registered as types of firearm with the NFI but nevertheless noteworthy are the imitation firearms.[73] According to the current Dutch laws, the possession of imitation firearms is allowed, yet carrying them in public is not. As previously discussed, such firearms are used frequently during robberies and threats in which the perpetrator does not require a live-firing weapon. Although such imitation firearms are not lethal, they can cause the same psychological damage to victims, because it is often not possible to distinguish an imitation from a live-firearm gun. Police have also emphasised the danger to the carrier of these imitation firearms, as police must assume that any object resembling a firearm might be live-firing, which could trigger protocols for these situations that allow the police to shoot at an armed individual when necessary. To inform the public about the dangers of imitation firearms, police conducted an information campaign in July 2018.[74]

7.2 Loading mechanisms

Estimates of the type of firearm used in a specific incident also allow for an estimation of whether firearm can be categorised as (1) a single-shot, (2) a semi-automatic or (3) an automatic firearm. Ignoring possible individual modifications to guns used in

criminal shootings, the results of our estimate based on the type of firearm used in 406 fatal and non-fatal shootings involving a human target between 2015 and 2019 are presented in Table 9. When a firearm is capable of performing in any of the three categories listed above, we have chosen the highest possible category.

Figure 9: Loading mechanisms of firearms used in selected lethal (n = 114) and non-lethal (n = 292) shootings in the Netherlands, 2015–2019

	Lethal shootings (n = 114)	Non-lethal shootings (n = 292)
Single-shot	19.3%	17.1%
Semi-automatic	57.0%	60.6%
Automatic	23.7%	22.3%

Source: Firearms used in shootings against individuals, 2015–2019 (Nederlands Forensisch Instituut, 2021)

The patterns of loading mechanisms of firearms used in lethal and non-lethal shootings with a human target are similar. This implies that similar firearms are used and that the outcome of a shooting might not be dependent on the type of firearm, but could depend on other factors, such as intent or experience of the perpetrator. More than half of all the shootings involved a semi-automatic gun, most of which are pistols. The second most prevalent category entails automatic firearms, including rifles such as the AK-47 or (sub-)machine guns such as the Uzi or the Škorpion. Together, both categories make up between 75% and 80% of all shootings registered with an estimated type and loading mechanism. Single-shot firearms, accounting for 19% and 17% of lethal and non-lethal shootings respectively, almost exclusively entail incidents in which a revolver was used (n = 42), and also a small number of incidents in which a shotgun was used (n = 5). This division is of particular interest with regard to determining the legality of these weapons. This matter is discussed in a forthcoming section.

7.3 Calibre

Between 2015 and 2019, the NFI investigated the forensic evidence of more than 2,200 shootings, including lethal and non-lethal shootings at human beings, but also at animals, objects or unspecified areas, such as shootings in the air. For each of these incidents, the calibre of the bullets fired was determined by forensic experts based on the remaining evidence in the form of fired (fragments of) bullets, fired cartridge cases

or other identifiable forensic evidence. In the five years under review, 51 different calibre types were used in shooting incidents in the Netherlands. Taking into account the whole period since the start of registration in 2009 until the end of 2020, 72 different types were identified in total. The five most prevalent types of calibre are listed in Table 10. Of particular interest here might be the calibre type of the 6.35 × 15 mm Browning, which is commonly used in converted gas or alarm pistols. The prevalence of this calibre as the fifth most-common type encountered between 2015 and 2019 might be another indicator of the widespread occurrence of these types of firearm.

Table 9: Types of calibre used in registered shootings (n = 2,215) in the Netherlands, 2015–2019

Type	Cases investigated	% all calibres
9 mm Parabellum	755	34.1
7.65 mm Browning	470	21.2
9 mm PA Knal	187	8.4
7.62 × 39 mm	123	5.6
6.35 mm Browning	107	4.8

Source: Calibres of firearms used in shootings against individuals, 2015–2019 (Nederlands Forensisch Instituut, 2021)

7.4 Legal status

None of the sources used in this report provides reliable and complete statistics about the legality of firearms used in incidents of gun violence between 2015 and 2019 in the Netherlands. However, official data provided by the NFI about the types of firearm used and the legal context of firearm regulations allows for a careful estimation of the legality of the firearms used.

One category of firearms whose possession is illegal under the current law in all circumstances is automatic firearms. Of the 406 lethal and non-lethal shootings at human beings that were registered with the NFI in the years under study, and for which a type and loading mechanism could be determined, 22.7% (n = 92) fell within the illegal category. The National Police are particularly worried about the growing incidents involving automatic firearms. These have been observed for several years: in their National Threat Assessment Organised Crime, published in 2017 and based on

confidential law-enforcement reports, Boerman and colleagues indicate that an arms race occurred among organised criminal groups (OCGs) or individuals involved in organised crime. Where automatic firearms were once rare, criminals may now feel the need to acquire increasingly more dangerous firearms for personal protection against rivals, who are also arming up.[75] Law-enforcement officials and firearm experts interviewed in the context of this research voiced similar concerns.[76]

More complicated is the estimation of legality for semi-automatic and single-shot firearms, which is the largest category, accounting for 59.6% and 17.7% of known cases of shootings respectively during the period. The current *Wet Wapens en Munitie* prohibits the possession and use of semi-automatic firearms for the general population, but leaves room for special permissions – for example, for hunters, sport shooters or collectors under specific circumstances. Given the relatively low rate of legal firearm ownership[77] and our earlier conclusion that most of the gun violence in the Netherlands takes place in the context of the criminal milieu, it must be assumed that many semi-automatic firearms – mostly pistols – are in the illegal possession of their owners[I]. How many of these firearms were trafficked from abroad is unknown.

I Legally owned firearms, for example by sport shooters, may also be semi-automatic. The available data unfortunately does not allow an estimation how any semi-automatic firearms are owned legally, opposed to illegally.

8 Firearm-trafficking and trade

The Netherlands is not a producer of firearms, but manufacturers are registered in the country. Consequently, it can be assumed that a large percentage of firearms used in criminal activities must have been (illicitly) trafficked into the country. But hard – empirical – data on firearm-trafficking are not publicly accessible. This overview of information regarding firearm-trafficking is therefore based on previous (academic), although sometimes outdated (2002–2008), studies and reports regularly commissioned or directly published by law-enforcement agencies, otherwise publicly accessible sources, interviews with law-enforcement representatives and also data on firearm seizures provided by the Dutch National Police in the context of this research.

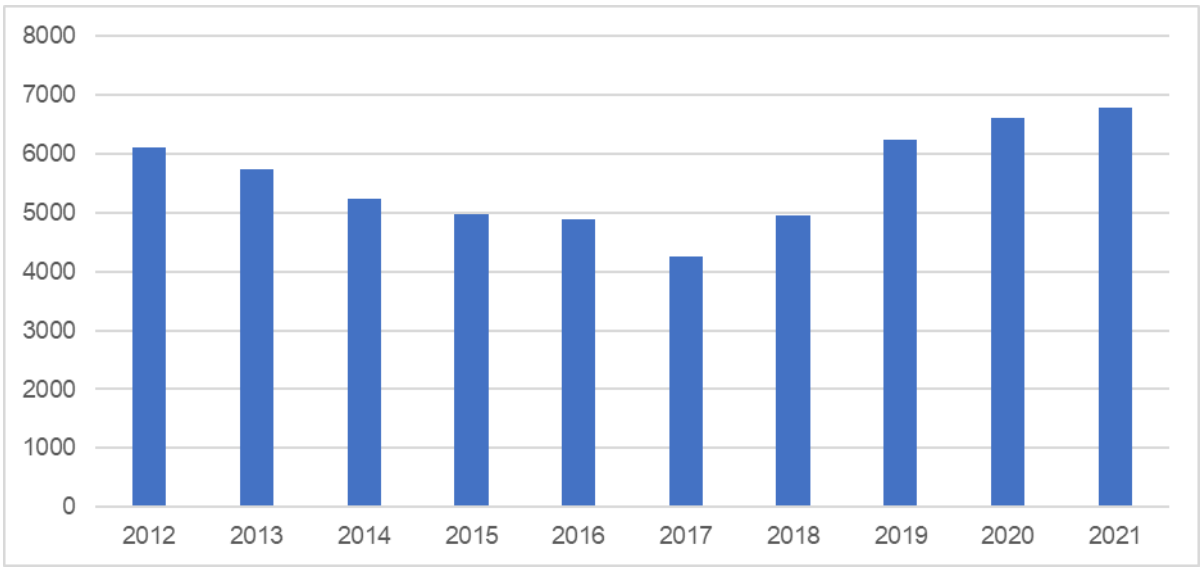
8.1 Prevalence

Measuring the prevalence of firearm-trafficking is difficult, owing to the illegal nature of the phenomenon. As mentioned briefly in a previous section, the Small Arms Survey estimated that more than 230,000 illegal firearms circulated in the Netherlands in 2017, based on self-reporting surveys, expert opinions and analogous comparisons with other similar countries.[78] In 2004, Spapens and Bruinsma estimated the Dutch market in illegal firearms to have a net worth of approximately €10 to €15 million annually, based on the assumption that 10,000–15,000 firearms are trafficked into the country each year.[79] More concrete evidence of illicit firearm-trafficking might be derived from the number of criminal cases related to the arms trade and also the number of firearms seized by law enforcement.

Police statistics regarding annual criminal cases connected to the illicit arms trade are accessible on a public data portal covering the period from 2012 until 2020 (see Figure 10).[80] The illegal category of arms trade entails both the illicit possession of and the trade in firearms. The maximum sentence for illicit trade in firearms in the Netherlands is eight years.[81] In the first five years of reporting, the annual number of criminal cases of illicit arms trade decreased by 30%, from 6,109 registered cases in

2012 to 4,252 in 2017. After 2017, the number increased again to more than 6,500 cases by the end of 2021, which translates into 37.9 cases per 100,000 of the population. Although the latest statistics indicate an increase in the illicit trade in and the illicit possession of arms, including firearms, previous studies and interviews with law-enforcement officials suggest that structural issues with registration or changes in the enforcement of laws might influence these annual numbers.[82] Furthermore, the official statistics do not allow a disaggregation of illicit possession or illicit trade in firearms.

Figure 10: Annual number of cases of criminal arms trade, including possession of and trade in firearms and other weapons in the Netherlands, 2012–2020 (n total = 48,935)



Source: Registered crimes and reports by type of crime and municipality (National Dutch Police, 2022)[83]

8.2 Types of firearm seized

Information regarding the actual number of firearms seized is not as publicly accessible as statistics on the number of arms trade cases. In 2015, based on police statistics, media reported that police seized almost 24,000 firearms between January 2013 and August 2015, including imitation firearms and firearm parts (see Table 11).[84] Approximately one-third of the seized firearms could be classified as pistols and revolvers, followed by imitation firearms and alarm or gas pistols. Machine pistols constitute the smallest category.

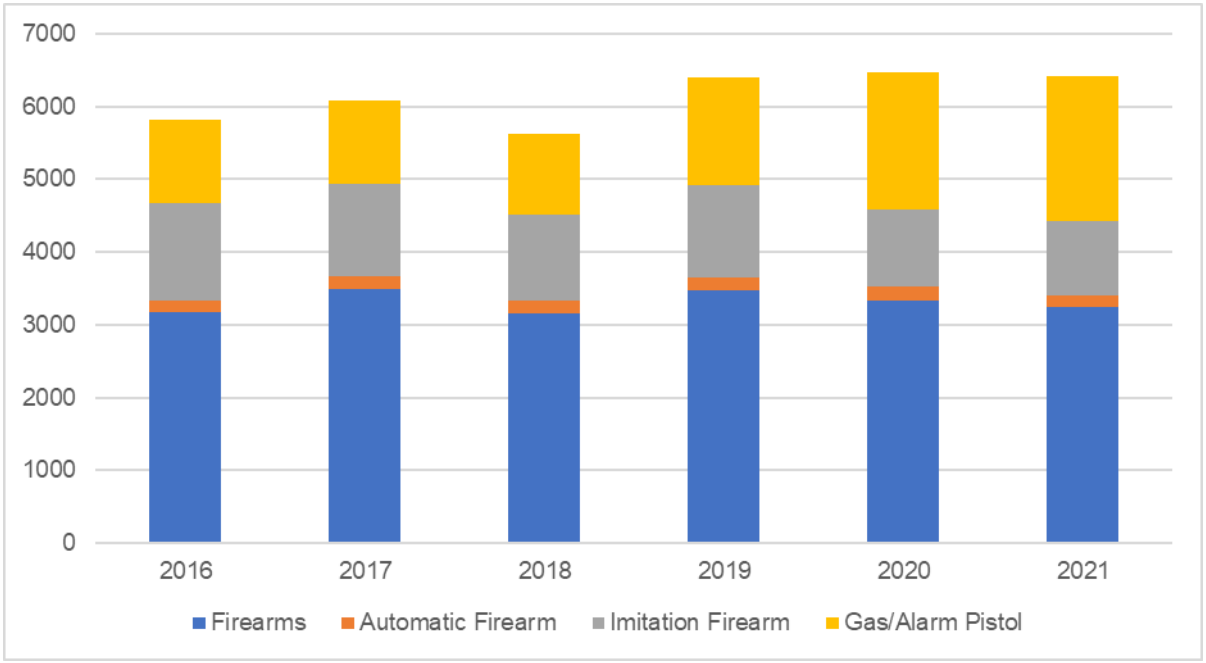
Table 10: Number of seized firearms by type in the Netherlands, 2013–August 2015

	Pistols and revolvers	Rifles	Machine pistol	Imitation firearm	Alarm/gas pistol	Firearm parts	Firearm parts
	7,264	3,706	546	4,344	4,316	1,874	1,676

Source: National Dutch Police, as reported by NOS[85]

In the context of this research, the Dutch National Police provided us with data for the period 2016–2021 from their Firearm Dashboard (see Figure 10). In the five years under review, the Dutch National Police seized between 5,621 (in 2018) and 6,472 (in 2020) firearms from individuals, for example during an arrest after a violent incident or after searching a house.

Figure 11: Types of firearm seized in the Netherlands, 2016–2020



Source: Firearm Dashboard (Dutch National Police, 2021)

The data also allow a distinction to be made between the types of firearm seized: the number of firearms (including pistols, revolvers, rifles and shotguns) seized has remained relatively stable at on average 3,300 each year. Seizures of automatic firearms have increased by almost 20% between 2016 and 2019, from 166 to 199. Even more significant is the 64% increase of seized (converted) gas and alarm pistols. These numbers support previous warnings by law-enforcement officials and other firearm experts of an arms race with an increasing presence of automatic firearms[86] and innovative new ways for OCGs to bypass regulations regarding firearms possession.[87]

It must be noted here that the numbers of seized firearms differ significantly between police districts. For example, the regional police team in Rotterdam seized almost twice as many firearms (n = 442) in 2020 as the team in Amsterdam (n = 252). From interviews with law-enforcement officials and a criminologist we learned that such a difference might be explained by the varying degrees of importance ascribed to the issue of illegal firearms and, with that, different administrative approaches.[88]

8.3 Routes of firearm-trafficking

Because of its geographical position, the Netherlands appears to be both a country of destination and a transfer country for firearm-traffickers. Firearm experts interviewed for this research estimate that firearms entering the country for transfer might be further trafficked to Belgium and the United Kingdom.[89] Most firearms entering the country from abroad, however, remain in the Netherlands.

Countries of production of the trafficked firearms vary: many illicit firearms in the European market originate from Belgium, Germany and Italy. In 2010, 50% of seized pistols, 25% of revolvers and 13% of automatic firearms originated in those three countries.[90] Police experts then assessed that the importation of firearms from these countries of production had remained relatively stable since 2000. Other firearms used in violent incidents in the Netherlands were produced in former European conflict areas, mainly the Balkan states and the former Soviet states.[91] Several studies published between 2002 and 2012 discuss the origins of firearms seized in the Netherlands specifically. Their results, in combination with interviews conducted with law-enforcement officials and firearm experts for this study, show that similar points of origin existed in the early 2000s as now.[92] According to a 2002 report by Spapens and Bruinsma, live-firing firearms later seized on the Dutch market had been produced in former Balkan states, specifically countries now known as Serbia and Montenegro as well as in Croatia.[93] Although the violent conflicts in the region ended in the 1990s, it is estimated that there are still thousands of firearms circulating in the region, well after the end of the conflicts in the late 1990s.[94] The authors suggested that the flow of firearms from the Balkans might decrease after the end of the conflict, yet all other relevant studies until 2012 still indicate the Balkan as an importance country of origin in the European firearm-trafficking system. [95] Even 20 years later, in the 2020 report by Ferwerda and colleagues and our interviews held with firearm experts suggest little change to this pattern[96].

Other countries in Eastern Europe, in particular Slovakia, play an important role for firearm-traffickers: previous studies have noted that many firearms originating from Slovakia enter the market legally before being de-regularised via theft or criminal brokering.[97] Investigations into shootings within the criminal milieu, and tracing of these firearms, have led Dutch law enforcement to one particular arms seller in Slovakia, who sold 'more than 10,000 de-activated firearms throughout Europe'.[98] De-activated firearms are particularly prevalent in Slovakia. However, owing to the lack of regulations to standardise the de-activation of firearms at the EU level, such firearms are easily re-activated into live-firing guns by individuals of the criminal circuit in the Netherlands.[99] The same holds true for alarm and gas pistols that are legally bought abroad and enter the illegal market by being converted into live-firing firearms in the Netherlands or elsewhere.[100] Whereas a report published in 2008 still pinpointed Portugal as a main country where these gas and alarm pistols are converted,[101] a more recent report from 2017 and interviews with law enforcement now suggest that a large number of these pistols originate from Turkey, are bought in Bulgaria and converted in the Netherlands, where they are then used in illegal activities.[102]

In 2017, the European Union addressed both issues of deactivated firearms and alarm and gas pistols in the newest Firearm Directive (Directive 2017/853/EC). Since then, the possession of deactivated weapons is included in the scope of the directive, and thus regulated. The 2017 Firearm Directive also includes a definition for gas and alarm pistols, simplifying their classification and regulation. Nonetheless, deactivated weapons and gas and alarm pistols that came into legal possession before the implementation of the 2017 Firearm Directive may still impact the illegal use of firearms today.

8.4 Modus operandi

Firearm-trafficking in the Netherlands may be described as a so-called 'ant-trade': small-scale and on-demand. Traffickers make use of the open borders within the Schengen Area of the European Union to smuggle small amounts of firearms over borders, often via inconspicuous cars or hidden in the cargo of trucks.[103] In 2019, for example, police arrested a 33-year-old man who attempted to smuggle 303 kg of cocaine, two Kalashnikovs and three pistols across the Belgian border into the Netherlands using a hidden compartment in his van.[104] An anonymous tip led to his arrest by the Dutch police immediately after he crossed the border and, subsequently, to his being sentenced to seven years in prison.

A relatively new way of smuggling firearms into the Netherlands is the use of parcel shipments from abroad, mainly from the United States, ordered through the darknet or so-called 'strawmen'.[105] Firearms are shipped in parts and shipments are concealed, which impedes detection by Dutch customs at Schiphol Airport or other entry points into the country. When asked about this particular type of trafficking, a law-enforcement official suggested that such parcels might be used more frequently to receive firearms for non-criminal purposes, such as for suicides. Criminals, he added, would rather use personal connections to receive firearms trafficked via European roads, which are less prone to detection.[106]

Little is known about the brokering of illicit firearms once they have entered the country. In a national assessment of the threat originating from organised crime, Boerman and colleagues argue that the social network of firearm-traffickers in the Netherlands is loose and works together only occasionally.[107] Furthermore, owing to the relatively small size of the network, members know how to find each other easily so as to cooperate, whenever necessary. That same report also suggests that the lines between brokers and the 'end-users' of firearms have become less formal and more diverse. Although earlier reports proposed that OCGs had close relationships with particular firearm-traffickers,[108] criminals now seem to rely on several sources at the same time.

8.5 Offender characteristics

Firearm-trafficking offenders can be categorised into different groups, based on the role that they fulfil: for instance, couriers who smuggle firearms from abroad into the Netherlands; those responsible for the conversion of alarm and gas pistols or the re-activation of firearms within the Netherlands, and the brokers who sell these firearms on to criminals.[109]

Earlier research reports suggest that the group of couriers is ethnically diverse and linked to the country of origin of the trafficked weapons. Spapens and Moors, for example, noted in 2005 that criminals prefer hiring traffickers in the country of origin of the firearms, owing to their contacts with producers or sellers there.[110] De Vries, on the other hand, notes the relatively large percentage of Dutch nationals, in particular those of Moroccan descent,[111] whereas Spapens and Bruinsma explicitly mention OCGs from former Balkan countries being actively involved in the trafficking of firearms in the late 1990s and the early 2000s.[112] Although the nationalities of couriers of firearms may differ, several studies report that couriers are involved not only in the illicit smuggling of firearms, but also in other criminal activities.[113]

Whereas little is known about the individuals who are involved in the conversion or re-activation of firearms and gas or alarm pistols, the latest publicly available reports on firearm-trafficking and trade in the Netherlands provide some information about brokers. Boerman and colleagues suggest that specific population groups seem to be over-represented as potential suspects or proven perpetrators in the police registers, namely, 'trailer park residents, members of outlaw motor-cycle gangs, OCGs of Antillean or former Yugoslavian descent and matured criminal youth groups'.[114] The last group of youth criminals is, according to the authors, involved not only as brokers, but also as end-users of firearms.

9 Obstacles for analysing the impact of firearms trafficking on gun violence

In the previous sections, we have presented synthesised data from various sources, including publicly accessible news articles, academic studies and other reports, and also not aggregated data that is not publicly accessible but which was provided by law enforcement and the NFI in the context of this research, and also that gleaned from individual interviews. Based on this information, we set up the Dutch Firearm Violence Monitor, from which can draw some conclusions about the prevalence, dynamics and nature of gun violence in the Netherlands between 2015 and 2019. We found that between 570 and 670 shootings occurred in the Netherlands annually, resulting in on average 35 lethally and non-lethally wounded victims each year. The number firearm homicides has been declining since the early 1990s. More than half of all lethal and around 30 percent of non-lethal shootings are related to activities in the criminal milieu, such as targeted killings of rivals, rip deals or other often narcotic-related criminal activities. Furthermore, gun violence is very locally concentrated, not only in the largest cities in the Netherlands – Amsterdam, Rotterdam, the Hague and Utrecht – but also in specific neighbourhoods and streets within these cities. We also provided an impression of the types of firearm used in such violent incidents, and the existing knowledge about firearm seizures, the routes of firearm-trafficking and the individuals involved in such criminal activities. As the rate of legal firearm ownership is relatively low compared to other European countries and we did not come across many reports of incidents with legally owned firearms, we must assume that the vast majority of shootings in the Netherlands is committed with illegal firearms. This fits with our estimation that a large percentage of gun violence occurs within the criminal milieu and other illegal activities. Although the origin of these illegal firearms remains largely undetermined, experts suggest that many stem from the Balkan countries or Slovakia and are being trafficked to the Netherlands through small-scale shipments via cars.

Still, it is difficult to determine the actual impact of firearm-trafficking on gun violence in the Netherlands. That is due mainly to a lack of availability and quality of data, and a lack of prioritisation of these issues on several levels.

9.1 Issues regarding data availability and quality

Although the synthesis of information presented in the previous sections provides a unique insight into the phenomena of gun violence and illicit firearm-trafficking, there are several shortcomings that should be discussed. Simply put, available data are not reliable or complete enough to evaluate such an impact definitively.

Empirical data that we collected and coded for the Dutch Firearm Violence Monitor may provide a representative sample of incidents of gun violence, yet it remains incomplete. The use of newspapers as a primary source decreases its trustworthiness, due to possible sensational selection bias and unverified information from newspapers. Through triangulation with police data and public court records, we tried to increase the trustworthiness as much as possible by comparing information gathered via news articles with these trustworthy sources. Whenever we found contradictory information across sources, we precedented information from court records in preference to police data and police data in preference to news articles. Furthermore, our findings are comparable with a recent empirical study conducted in Dutch,[115] which increases the validity of our results.

Open sources, such as news articles provide very little to no information on the (types of) firearms used during violent incidents. The data received from the NFI are invaluable in this research, due to the technical expertise of their staff and the high quality of their data. Investigations of firearms by the NFI are commissioned by the police, with the objective of matching a suspect to a firearm or possibly to a lethal incident, to find information that could lead to a possible suspect or to find the firearm used. As a result, research on bullets or firearms by the NFI is focused on aspects that could aid these police investigations, such as determinations of calibre or possible types and brands of firearm involved in an incident. At the same time, the police might not commission each firearm seized or used during a shooting to be examined by the NFI. As a result, the dataset given by the NFI does not provide full coverage of the firearms used or seized between 2015 and 2019. Furthermore, it might not always be possible for firearm experts at the NFI to determine the type of firearm based on the available evidence. Consequently, we do not have information regarding the firearm available for each shooting registered by the Dutch National Police.

The most complete and trustworthy data source regarding gun violence and firearm-trafficking is the Dutch National Police. Nevertheless, changes in the structure of the institution, including the merger of 25 regional and one national police team into one organisation in 2013 impeded the comparable registration of firearm-related crimes at a national level until the creation of the Firearm Dashboard in 2018. The Dashboard includes aggregated statistics on registered shootings and firearm seizures, and also detailed information on each individual case. While this Firearm Dashboard is a significant step in the right direction in gathering information about the phenomena of firearm violence and seizures, the type of information currently gathered in the Dashboard is meant for operational use rather than for research purposes, including the research at hand. Furthermore, the level of detail of the data included in the Dashboard

by the Dutch National Police largely depends on the willingness of individual police officers attending crime scenes involving incidents of gun violence to document their observations. Consequently, the quality of the data varies case by case. Moreover, the Firearm Dashboard does not synthesise individual case information with details on firearms used in each case supplied by the NFI.

9.2 Investigation of a firearm's track record

These data sources, taken together, result in a fragmented landscape of sources that each contain valuable information. However, the main impediment to assessing the impact of firearm-trafficking on gun violence is the lack of information regarding the track record of an individual firearm. While investigations by the NFI focus on aspects that could aid these police investigations, investigating the origin of a firearm, the previous owner or its pathway into illegality is not part of the remit of the NFI. Consequently, there is no estimate of the number of firearms used during gun violence incidents presented in the previous sections that were previously trafficked into the Netherlands, based on NFI data.

Investigating the potential history and origin of a firearm lies with the Dutch National Police, yet interviews with law-enforcement experts reveal several practical reasons for a lack of data regarding this issue.

First, as mentioned by several interviewees, in many firearm-related crimes (including homicide), the gun is never recovered. In such cases, perpetrators take the firearms with them when escaping the crime scene in order to avoid leaving any evidence or to keep the firearm for its material worth or possibly a future crime. The NFI reports that they investigate around 300 cases each year in which police collected evidence from a shooting without a firearm being recovered, as opposed to an additional 200 cases in which a firearm involved in a shooting (at some point) could be located by police.[116] In other words, for the majority of shootings, a firearm cannot be recovered and therefore not undergo investigation into its origin and history.

A second practical problem that the Dutch National Police face regarding the investigation of firearm-trafficking is the immense investment in time and other resources that this kind of crime demands, as pointed out by several law-enforcement officials during our interviews and prior public statements.[117] If the origin of a firearm cannot be tracked down via a serial number or other direct indicators on the firearm, police officers are dependent on other evidence that could showcase a firearm's history, including:

- DNA evidence on a firearm (which was used in the case of the 2012 double assassination in Amsterdam);
- analysis of the social and professional networks of a suspect; or
- statements of a suspect or other individual involved in a case.

In addition to this, firearms have a long lifespan, can change users regularly and potentially cross borders several times. As a consequence, police investigations into a firearm's track record are time-consuming and require significant financial as well as human resources. In addition, such investigations might also be dependent on cooperation with other European countries, countries in which the European firearm legislation might differ slightly or those that prioritise gun violence even less.

9.3 Lack of institutional prioritisation at the EU and national levels

Underlying each of these practical impediments, however, is the lack of structural prioritisation of this topic among law-enforcement agencies. While three interviewees working in law enforcement reveal that the issue of trafficked firearms is a much-discussed item in working groups focused on gun violence and related topics, it received less prioritisation in the broader national agenda on the fight against crime in the Netherlands. Even more so, the lack of prioritisation is a structural issue, which was already noted in reports published in the early 2000s, and several others since then.[118] Furthermore, the lack of prioritisation is felt at several levels, as pointed out by our interviewees.

At the level of the EU, firearm-trafficking has long been treated as a subjugated topic to other related topics such as organised crime or human-trafficking. In the 2017 Serious and Organized Crime Threat Assessment (SOCTA) by Europol, for example, the trafficking in firearms was discussed briefly and mainly in relation to terrorist attacks in Europe in which firearms were used.[119] Although such events are impactful and must be dealt with, everyday firearm-trafficking within the EU is more diverse and complex and, for this reason, requires specific focus. The hope is that the 2020–2025 EU action plan on firearm-trafficking will renew the attention by national law-enforcement entities to the issue of firearm-trafficking, resulting in increased investments and consequently a greater impact on gun violence across the continent and beyond. The 2021 SOCTA report did not indicate evidence of a focus on firearm-trafficking specifically, as it was described as a 'subsidiary activity to drug-trafficking'.[120]

Nationally in the Netherlands, the lack of prioritisation is based on a number of additional factors that were mentioned throughout interviews held with law-enforcement officials and external firearm experts: first, gun violence in the Netherlands is not felt evenly across the country. As discussed previously, gun violence in the form of lethal or non-lethal shootings is concentrated in a handful of cities, where the impact on neighbourhoods and law enforcement is greater than in, for example, the northern regions in the Netherlands, where incidents of gun-related violence are relatively rare and other types of (violent) crime may be more prevalent and prioritised by authorities. Secondly, our interviewees pointed out that the practical impediments to investigations into firearm-trafficking mentioned previously require structural investments in human and financial resources that are scarce to begin with.

In the light of the complexity of such investigations, a cost–benefit analysis may not speak in favour of such investments.

9.4 Focus on national illegal firearm-trafficking

That is not to say that Dutch law enforcement is not trying to limit the impact of firearm-trafficking on the Netherlands. Dutch Minister of Justice Ferd Grappenhaus labelled the combat against illegal firearms a "top priority" and in a 2020 statement, Dick Schouten, head of the illegal firearm portfolio at the National Police, expressed the dedication of law enforcement to intensifying and increasing the number of investigations into illicit firearm-trafficking.[121] However, the main focus currently is on seizing firearms that have already entered the country instead of investing resources in investigations leading to information on the transportation routes used, the individuals involved in firms' trafficking and brokering, and the origins of firearms. These efforts resulted in a number of large-scale seizures in recent years[I].

The total and exact impact of the number of firearms imported into the Netherlands via illicit routes cannot be measured. In 2020, Dirk-Jan Schouten, then responsible for firearm-related criminal offences at the Dutch National Police, voiced his concern at the continuous flow of guns into the country that are in return being used to commit serious crimes.

Even though much is still to be known about the prevalence and nature of gun violence, we know that is one of the most extreme and most lethal forms of violence that has a ripple effect: it impacts not just the direct victims, but also witnesses or whole neighbourhoods. There should be no doubt that potential causes, such as the trafficking of illicit firearms into the Netherlands, require attention at all levels of society: from researchers who can fill the vacuum of knowledge on the phenomenon to law enforcement and (local) government that are responsible for finding effective ways to combat firearm-trafficking and gun violence at a national, regional and local level, and transnational organisations, such as the EU or the UN, to support the efforts to combat it.

I For example, in February of 2020, police arrested ten suspects and searched 17 locations in the Netherlands after a months-long investigation into the group's illegal trade in firearms. Another large-scale trade in firearms was discovered in the follow-up investigation after a double assassination in Amsterdam in 2012, which exemplified the increased violence among OCGs at that point in time. Evidence of a firearm used during that lethal shooting led authorities to five men. During the search of the 66-year-old main suspect's home and office (partly located in Belgium), the authorities found one Kalashnikov, 46 revolvers, one machine pistol, eight semi-automatic pistols and several rifles, ammunition, parts of firearms, two hand grenades and 35 kg of amphetamines. For the illicit trade in firearms in the Netherlands, the suspect was sentenced to five-and-a-half years in prison, taking into account previous offences.

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REPORT

PROJECT TARGET

The success story? An in-depth analysis of illicit firearm-trafficking and gun violence in Poland

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W OLSZTYNIE

Introduction

Accessibility to and the possession and use of illegal firearms must be considered a significant socially destabilising factor. Therefore, this phenomenon has social and economic consequences which are wider than what is generally perceived. Illicit trade not only happens between criminal groups, as confirmed in the present study, but also flows from organised crime towards extremist and terrorist groups.[1] The illegal firearm trade is a complex phenomenon. Apart from the sale of single weapons to poachers, perpetrators of racketeering and extortion, drug-dealers or traders within the organised crime structures, there are also other forms. These forms are characterised by many cooperating perpetrators functioning in complex organisational structures using broad logistical, financial and intellectual support.[I]

According to data collected in the project www.gunpolicy.org hosted by the Sydney School of Public Health, University of Sydney, it should be assumed that the level of firearm and ammunition smuggling in Poland is moderate. A similar estimate is made for Poland's European Union (EU) neighbours: Germany, Lithuania and Slovakia.

The Study to Support an Impact Assessment on Options for Combatting Illicit Firearms Trafficking in the EU of 2014 indicated that Europe faces a serious illicit firearm-trafficking problem. This is a problem in its own right, but also an important factor contributing to other criminal activities, such as drug-smuggling and human-trafficking and, in addition, terrorist-related activities that threaten the security of EU Member States and their citizens. According to the report, the main sources of illegal weapons in the EU are:

- the reactivation of neutralised weapons;
- burglaries and thefts;
- the embezzlement of legal arms;
- legal arms diverted to the illegal market;
- firearms retired from service by the army or the police; and
- the conversion of gas pistols.

[I] The most important research on this phenomenon in Poland is currently being conducted by criminologists from Olsztyn.

As with other kinds of contraband, the geographic location of Poland makes it both a destination and a transit area for trafficking.[2] Caches of weapons and explosives from every armed force that operated in Poland during and after the Second World War are still being found in Poland, also as a result of illegal prospecting. These items are often found in a state which allows persons with the proper knowledge, experience and equipment to restore them as collector's items or even convert them into fully functional weapons.

1 Research methodology

The research team assumed that obtaining the data required within the scope of the Target Project demanded research based on a wide range of data sources and information of both a quantitative and a qualitative nature.. Requests for assistance were addressed to:

- the police (including the specialised formation of the Central Bureau of Investigation);
- the Polish Border Guard;
- the National Revenue Administration;
- the Ministry of Justice;
- the National Prosecutor's Office;
- the Central Forensic Laboratory of the Police;
- the Military Gendarmerie;
- the State Forests; and
- the Polish Forensic Association.

The research was directed at collecting information and data for the grant, both through the use of the information resources of these institutions (documents, analyses, statistics and reports) and through the use of a diagnostic survey and semi-structured interviews. The diagnostic survey took the form of a questionnaire addressed to the officers and employees of the institutions indicated above. The questionnaire provided respondents with an opportunity to answer the questions at a time convenient to them and also gave them a sense of anonymity. It should be stressed that different versions of the questionnaire were developed for each institution, as they had to take into account the special nature of each organisation. As a result, the opinions of the respondents on gun violence in Poland, the illicit arms trade and the connections between these phenomena were collected.

The crucial sources of information constitute semi-structured interviews conducted with 100 former and current police officers who have fought illegal arms trafficking to understand the issue of gun violence (in terms of the main research questions 1 and 2

and the resulting specific questions). Their observations were relevant and contributed to an understanding of the mechanisms of illicit trade and the violence committed using illegally acquired weapons. The main objective of conducting the semi-structured interviews was to obtain rich and detailed factual data and the meaning that interviewees attach to them. The interviews were used as a cross-validation tool of the data obtained from open sources.

In addition, in the course of the research, 13 interviews were conducted with retired police officers who were part of the managerial staff of these institutions and also with two forensic experts from the Polish Forensic Association.

At this point, it must be emphasised that the insights of these people proved to be relevant. They contributed not only to our understanding of the mechanisms of illicit trafficking and violence committed with illegally acquired weapons but also to the formulation of conclusions about improving the fight against these phenomena.

During the research, it was noted that the statistical data obtained from the resources of the Ministry of Justice regarding individuals convicted of offences involving the use of firearms took into account only the basic legal qualifications.[3]

During the course of the research, the team also gained access to data compiled by the Supreme Audit Office (SAO) and Statistics Poland. It is important to note the SAO document used widely in this research, entitled 'SAO information on the results of the audit "Firearm usage by selected services and guards and the supervision of state authorities over its regulation"' (Ref No 167/2015/P/15/041/KPB). The audit covered the period between 1 January 2014 and 30 June 2015.[4]

In the course of the project implementation, a unique database on gun violence in Poland was built, with data covering the period 2009–2020. The basic source of knowledge were reports archived by the Central Police Headquarters (CPH) (176 cases). The information obtained from this resource was cross-checked with collected media reports. Because of their specificity, traditional and digital local media proved to be the most significant source of additional or missing data. But data on victims available in the indicated sources are limited. The reasons for this are that the CPH adopted a particular methodology for disseminating information aimed at avoiding secondary victimisation; in addition, journalistic rules prohibit social stigmatisation (a principle particularly important in the case of smaller or strongly consolidated communities). Obtaining such information would require an analysis of the court records of final cases. The victimological perspective is therefore one of the important directions for future analyses. Information about the context of an incident quite often lacked details regarding the types of firearm used or their origin. In fact, no additional technical information about the firearms used to perpetrate violent acts was available. Again, this gap could be filled by the ballistics reports contained in court records. In addition, accounts of the same event sometimes contain discrepancies that are difficult to verify without reviewing court records, and specialised terminology is sometimes incorrectly applied. The collection obtained was coded in accordance with the guidelines adopted

by the project that refer to the validated coding manual for the European Homicide Monitor. Reports in which the firearms were not indicated as the means of committing a crime ultimately disclosed their identity, among other way, as a result of a search for the perpetrator, their vehicle or place of residence.[I] The database is an important tool supporting qualitative research, but it has to be supplemented to enable general conclusions to be drawn about the phenomenon.

In addition to these resources, the LEX Legal Information System available at the University of Warmia and Mazury was used. It is worth noting that the system contains a collection of court decisions (of both common courts in criminal cases and administrative courts in cases regarding issuing or withdrawing firearm licences) that contain complete descriptions of the facts of the cases. Examination of this database enabled cases regarding illicit firearm possession and trade to be analysed. For instance, justifications for the judgments made include information on the types of firearm and, occasionally, the circumstances of purchasing or losing a weapon. It appears that the contents of this database can be used successfully in further research.

Literature reviews also play a critical role in academia because science remains, first and foremost, a cumulative endeavour. In the first stage of the project, it was necessary to conduct an enquiry into academic centres and electronic databases. The period 1989–2020 was demarcated for this purpose. The method of analysis and criticism of the literature is aimed at supporting the research problem with existing knowledge and scientific theories (searching the literature, screening for inclusion, assessing the quality of primary studies and extracting and analysing data). A literature review in its most comprehensive form includes a synthesis of quantitative findings stemming from quantitative research studies and qualitative findings arising from qualitative research studies. Synthesising both quantitative and qualitative findings in the same literature review automatically renders the literature review process a mixed research study.

An important point in the research programme was the use of national results of studies conducted by Polish research centres.[II] It was concluded that it is worth taking into account the partial findings of criminology research conducted at Polish universities in the area of organised crime. Although some of those studies did not specifically concern themselves with the issue of illicit arms-trafficking, the results of these studies provide valuable information on the black market in firearms, in particular on the sources of arms acquired by OCGs. Attention should especially be paid to the research on criminal careers conducted by M Kotowska between 2012 and 2016. She interviewed 157 members of OCGs who were serving prison sentences. During these interviews, some of them referred to the criminal activities carried out by criminal groups and commented on how the groups of which they were members obtained weapons. This information has not yet been published.

I These cases enriched a set of case studies collected for the purposes of the project and refer to firearms seized by particular services.

II A number of interesting studies on illicit arms-trafficking have been published in the past decade in Poland, but mostly in the Polish language. See eg W Pływaczewski & P Chlebowicz (eds), Nielegalne Rynki. Geneza, Przejawy, Przeciwdziałanie [Illegal Markets. Genesis, Manifestations, Counteracting]. (Olsztyn 2012).

Moreover, the data collected by Chlebowicz as part of his research on the illegal arms trade in Poland has been used. The results were published in the book *Nielegalny handel bronią. Studium kryminologiczne*.[5] This study provides a comprehensive criminological analysis of the phenomenon; it:

- paints a criminological picture of the phenomenon and trends in this illegal market;
- systematises knowledge in this area;
- evaluates legal regulations; and
- indicates further research directions.

The author uses methods of theoretical criminology – in particular the so-called economic model of organised crime. In addition, the information contained in the doctoral dissertation by Rejmaniak in the Faculty of Law of the University in Białystok proved to be of great value.

Furthermore, the project used a unique set of data collected by the research team (Chlebowicz & Buczyński) during research on the Polish illegal arms market, the results of which will be disseminated in a forthcoming paper entitled 'Between illicit supply and criminal demand. The patchwork European black market of firearms. The Polish perspective'.[I] In the project, data were retrieved from state databases and official reports and statements. Curated press materials regarding trafficking, seizing, manufacturing, converting and searching for firearms provided another source of data. This research material was bolstered with a search of court cases from the period 2010–2017. Depending on the segment, data from periods spanning from seven to 16 years were compiled and analysed. The purpose of the study was to show how quantitative and qualitative changes in the supply of firearms and ammunition, driven, among other things, by international influences, may affect the public safety of states participating in the Schengen Agreement in the context of organised crime, extremism and terrorism. The research also used the preliminary results of the analyses conducted under a research project[6] that refers directly to the effect of destabilised states and legal twilight areas on European safety.

[I] The article is one of the means of publicising the results of research conducted by the University Analytical Research Team for Illicit Markets, founded in 2012.

2 Regulation of legally possessed firearms

In Poland, the issue of the possession of firearms is governed comprehensively by the Weapons and Munitions Act of 21 May 1999, which has been amended several times[1]. The legal solutions contained in this Act are based on the rationing model.[7]

The main principle governing the legal order regarding firearm possession has been specified in article 2 of the Act:

> *Apart from the exceptions specified in the Act, it is prohibited to purchase, possess or sell firearms or ammunition (art 2 of the Act).*

The regulatory model has been functioning in the Polish legal system continuously since Poland regained its independence in the 1920s. Despite the political and systemic changes that have taken place in the country, the norms governing access to firearms remain restrictive. Both the jurisprudence and the doctrine emphasise that the right to possess arms in Poland is not a civil right guaranteed by the Constitution of the Republic of Poland; on the contrary, it is subject to far-reaching limitations in the Polish legal system. The decision of the Supreme Administrative Court of 13 October 2005, II OSK 97/05, for example, stated:

> *possessing and using firearms traditionally constitutes a zone of far-reaching administrative and legal regulations. The right to possess a weapon cannot be included in the category of freedoms and personal rights of a citizen according to the Constitution of the Republic of Poland. Thus, access to weapons by the citizen is subject to significant restrictions, which is the result of both the state monopoly on the use of violent means and the need to ensure public safety and order.*

[1] Journal of Laws 1999 No.53, item. 549

The Act on Weapons and Ammunition uses a wide definition of weapons, including firearms, pneumatic weapons, incapacitating gas dischargers and other tools. The Act distinguishes three categories of weapon:

- Prohibited weapons, which are considered particularly dangerous. Any weapon from this list is excluded from civil-law transactions. This category includes:
    - firearms capable of striking targets at a distance;
    - automatic firearms produced or converted in a manner that allows their intended purpose to be concealed and weapons that imitate other items;
    - firearms equipped with a silencer or adapted for shooting with noise suppression;
    - firearms that cannot be detected by equipment intended to control luggage and persons.
- Weapons which can be possessed without holding a licence. This category is internally diversified and includes weapons in museum collections based on separate regulations, pneumatic weapons (which must be registered) or hand-held incapacitating gas dischargers.
- Weapons that require the possessor to hold a permit.

In Poland different procedures exist for firearms possession by private citizens and the private firearms possession of professional soldiers. Administrative proceedings for obtaining a firearm licence by private citizens are conducted by the local Provincial Commander of the Police. It is possible to appeal a decision of the Provincial Commander to the Commander-in-Chief of the Police and then to challenge the final decision in an administrative court. Therefore, it is the police who decide who can possess firearms. In the case of private firearms possession by soldiers, however, the administrative procedure for obtaining a licence to possess firearms is conducted by the commanding officer of the Military Gendarmerie unit and by the Commander-in-Chief of the Military Gendarmerie as the appeal body; it is also possible to appeal against the final decision to the administrative court.

The regulatory model adopted in the Polish legal order means that compliance with the rules for the possession of firearms by individuals is additionally secured by criminal-law provisions. Criminal-law regulations are widely dispersed. It is therefore possible to indicate both the regulations contained in the Criminal Code and the criminal provisions contained in the Act on Weapons and Ammunition. In practice, the provisions contained in the Criminal Code are the most significant:

- Article 263.1 of the Criminal Code defines the crime of illegal manufacturing or trading in firearms.
- Article 263.2 of the Criminal Code defines the crime of illegal possession of a firearm.
- Article 263.3 of the Criminal Code defines the offence of making weapons or ammunition available or transferring them to an unauthorised person.
- Article 263.4 of the Criminal Code defines the offence of unintentionally causing the loss of firearms or ammunition by a person at whose disposal the weapon was lawfully placed.

- Article 358.2 of the Criminal Code criminalises the removal of arms and ammunition from a military unit. The subject of this crime can only be a soldier.
- Article 50 of the Act on Weapon and Ammunition defines as an offence the abandonment of a weapon or ammunition.

In the case of offences under article 263 of the Criminal Code and article 50 of the Act on Weapon and Ammunition, they are included in the so-called offences of abstract exposure to danger. This means that they are criminalised behaviours that form part of a criminal act. The point is that, to a certain extent, the legislator anticipates the infringement of legal rights by prohibiting behaviour that may or may not lead to the infringement of other legal rights.[8] This formulation of criminal provisions regarding the criminalisation of the possession of and the trade in arms in civil-law transactions means that the legislator applies broad prevention. This broad prevention is intended to prevent weapons from entering the black market from the legal sphere.[9] From the point of view of security and law enforcement, these are effective normative solutions.

2.1 Possession of firearms by private citizens

The competent authority issues a weapon licence if the applicant does not pose a threat to themself, public order or safety and presents a valid reason for having the weapon (art 10.1 of the Act). A weapon licence is issued, in particular, for the following purposes:

- self-defence
- protection of people and property
- hunting
- sport
- historical re-enactments
- collecting
- memorial
- training (art 10.2 of the Act).

In article 10.4 of the Act, the legislator has specified in detail which types of weapon, depending on the declared purpose, are authorised under the weapon licence issued.

It is worth pointing out the view that the right to possess firearms constitutes a special entitlement available to those persons who meet the conditions set out in the law. This view has been expressed by the Province Administrative Court in Warsaw. The right is closely related to the protection of public safety and order, which, in turn, determines that the person obtaining the firearm licence must remain free from any suspicion as to the likelihood of their committing an act that may violate public safety and order.[10] Under the current law, a citizen may apply for a gun permit only in strictly defined situations and after fulfilling a number of conditions. According to article 15 of the Act, a weapon permit is not issued to persons under 21 years of age, persons with mental disorders, those showing significant disturbances in psychological functioning, persons addicted to alcohol or drugs and persons convicted of crimes.

The administrative practice shows that the provincial police apply regulations in a restrictive manner[11] and try to limit the number of firearm licences issued to the minimum. The legal literature emphasises that the decision to issue a gun licence should be a binding decision, which means that if the conditions contained in the Act on Weapons and Ammunition are met, such a decision should be honoured. However, in reality, the police retain a high degree of discretion. Considering the current state of affairs, it can be concluded that the police have what is known as 'administrative discretion' in this area. Rejmaniak describes an example where police authorities

> *many times refused to issue a weapon permit for sport purposes, justifying it with the possibility of the applicant to use a weapon held by the club, and his or her achievements are not outstanding nor is he or she a shooting instructor, therefore there is no need for this person to possess a weapon.*[12]

The judicial practice of the courts is also an important factor influencing the accessibility of firearms in Poland. For example, according to an established precedent, fully automatic firearms capable of striking targets at a distance cannot be owned as collectables.

2.1.1 Number of firearms held by individuals

A report of the Supreme Audit Office (SAO) of 30 June 2015 notes that 392,927 weapons held under a weapon licence or certificate were in the possession of 199,379 individuals.[13] The largest number of firearms in private hands was recorded in Masovian Province, where 38,034 persons held 74,190 firearms. The lowest number of weapons in private hands was recorded in Opole Province: 4,127 persons and 9,625 weapons, respectively.

Hunting is the most important reason for private firearms possession in Poland. In 2015 most permits were obtained by individuals for hunting guns: in total 119,006 persons possessed 280,348 firearms. Licences for firearms required for self-defence were obtained by 58,430 persons (64,690 firearms), while a licence for sport purposes was obtained by 17,074 persons (34,060 firearms).[14]

A similar picture emerges in the reasons for private firearms possession by soldiers. In the HEFAJSTOS II register, maintained by the Commander-in-Chief of the Military Gendarmerie, in the first half of 2015, 8,151 registered private weapons were held by 1,791 professional soldiers. The largest number of professional soldiers obtained a licence for hunting purposes: 1,038 soldiers possessed 3,808 firearms. Firearm licences for self-defence purposes were obtained by 372 soldiers (1,714 firearms) and licences for practising sport were held by 252 soldiers (2,085 weapons).[15]

According to statistical data provided by the Central Police Headquarters (CPH)[I], 152 firearm licences held for personal defence were issued in 2015, 244 such licences were issued in 2016 and, 323 licences were issued in 2017. In the same years, 5,084, 5,007 and 4,801 hunting firearm licences and 2,824, 4,835 and 4,928 sporting firearm licences were issued, respectively. During this period, licences for collecting purposes were approved in 1,619, 3,605 and 5,043 cases, respectively.[16]

Official statistics indicate that as at 31 December 2017, 206,124 persons in Poland held firearms licences for all purposes, while the number of registered firearms owned by licence-holders reached 463,768. This indicates a 6.5% increase compared to 2015 (192,819). According to the data[17] gathered for the project, in 2017 the ratio of the number of firearm licence-holders was 0.5016 per 100 residents and the ratio of registered firearms was 1.2070 per 100 residents.[II] Statistically, in 2017 only 1 in 186 residents held a firearm licence.[III]

As at 1 January 2019, 131 black-powder shooting ranges and 75 hunting shooting ranges were operating in Poland. Another 84 were administered by the League of National Defence association. Legal black-powder firearms were offered for sale by 224 stores. The repair, conservation and regulation of firearms was provided by 46 service centres.

2.1.2 Withdrawal of a weapon licence

The right to possess arms is an exceptional right and is not granted to everyone who applies for it. Consequently, the holder of a weapon licence should take into account that in the event of an infringement of the provisions of the Act on Weapons and Ammunition, the permit granted may be withdrawn.[18] The administrative authority has ultimate control over weapon possession: it may withdraw a weapon licence if the holder breaches the regulations issued under the Act on Weapon and Ammunition. And when the licence holder breaches the principles regarding the safe storage of weapons, this is a particular ground for withdrawing licence. The conditions for the withdrawal of a licence are worded descriptively so as to make their wide interpretation possible.

The operation of the regulatory model can be illustrated by one of the cases examined by the Provincial Administrative Court in Warsaw.[19] In the facts of this case, a gun owner, in Warsaw in August 2017, while packing his hunting gear into his car, leaned the gun against the rear wheel of the car and then drove away. After travelling a few kilometres, he realised that he had not taken the weapon, but when he returned to the

I These numbers do not include persons whose licences were changed regarding the number of permitted firearms or persons who renewed their licence for the same purpose.

II The mean number of licence-holders fluctuated from 0.5135 per 100 residents in 2014, through 0.5016 in 2015, to 0.5150 in 2016.

III The study indicates that this ratio may not reflect the real distribution of gun licences. Police statistics record only the number of licence-holders, whereas one person can request and obtain several licences with different stated purposes. Therefore, the number of licence-holders should not be mistaken for the actual number of people holding firearm licences. Another class absent from this list are firearms purchased and owned by economic operators or sport clubs based on weapon registry cards.

site he could not find it. His mistakenly leaving the weapon behind led to proceedings for the withdrawal of his weapon licence being started. His licence was subsequently withdrawn. In addition, the public prosecutor's office initiated criminal proceedings under article 263.4 of the Criminal Code. The owner was found to have failed to exercise due diligence in properly securing the weapon. By his behaviour, he caused its loss and, however unintentional, it was the result of his failure to observe the required conditions for securing the weapon which was to be transported for hunting. The District Court conditionally discontinued the proceedings in this case for a period of one year of probation, holding that the conduct of the party exhausted the elements of the offence under article 263.4 of the Criminal Code (that is, the offence was committed).

In 2014, the police withdrew 10,457 firearm licences issued to individuals and 63 licences issued to entities. In the first half of 2015, 5,974 licences for individuals and 29 licences for entities were withdrawn. The most frequent reasons for withdrawing a firearm licence included:

- failure to undergo a medical or psychological examination;
- a lack of physical or mental capacity to be in possession of a weapon;
- demonstration of a disturbance of psychological functioning; or
- a change in the grounds for granting the licence.

In 2014, authorities of the Military Gendarmerie withdrew 20 licences for private weapons for professional soldiers and a further four licences in the first half of 2015.

According to the SAO, the small number of appeals against the decisions of first instance authorities and the negligible number of court decisions confirm the appropriate decisions of the authorised bodies in matters regarding weapon licences.[20] In 2014, 103 judgments were passed in the Provincial Administrative Court in Warsaw in cases of appeals against decisions of the Commander-in-Chief of the Police and on refusal to issue or revoke weapon licences, including 68 final judgments. Among the 103 cases examined, in 95 cases the court dismissed the complaints, in six cases the decision of the Commander-in-Chief of the Police was revoked and in two cases the court declared the decisions invalid. In 2014, the Supreme Administrative Court in Warsaw examined 31 cassation appeals against the Provincial Administrative Court in Warsaw regarding the refusal to issue or withdraw a weapon licence and in 27 cases it decided in line with the previous decision of the Commander-in-Chief of the Police. In the first half of 2015, 37 rulings were issued in the Provincial Administrative Court in Warsaw regarding complaints against decisions.

2.2 Possession of firearms by legal persons

In terms of article 9 of the Act on Weapon and Ammunition, firearms and ammunition for a weapon can be held under a bearer weapon licence, referred to as a 'weapon certificate', issued by the Provincial Commander responsible for the entity concerned. In practice, this regulation makes it possible for persons employed by legal entities in the Specialist Armed Security Formations (SUFO) sector to hold weapons. For instance,

guarding services, which were created under the Act on Protection of Persons and Property as private enterprises by persons who have obtained a concession from the minister in charge of interior affairs to conduct business activity in the area of person and property security. SUFO have a firearms bearer licence that was issued under the Act on Weapon and Ammunition.

Article 9 of the Act legalises the possession of weapons by internal security services, entrepreneurs licensed to protect persons or property, entities operating shooting ranges, sports and hunting organisations, and associations that organise historical re-enactments. Data from SAO indicate that as of June 30, 2015 2,559 entities held 58,635 firearms, with 690 entities who obtained weapon licences for personal or property protection and for this reason purchased 23,373 firearms.[21]

3 Illicit firearms trafficking

The growth of the domestic illicit trade in firearms occurred after the collapse of the communist system. It was derived from the development of various forms of violence, as well as organised crime, which was particularly dangerous in the 1990s. In particular, emerging OCGs fought among themselves over the distribution of markets and influence, which led to the emergence of what are known as 'retaliation crimes'.[22] These manifested themselves, among other ways, in the use of weapons and explosives against competing criminal groups. Such a situation meant the emergence of a demand for weapons.[1] Historical PBG data concerning the phenomenon in question show the attempted trafficking of 46 firearms and 38 gas weapons on the eastern border of Poland in the entire period of 1999–2008. In the same period, 30 firearms and 74 gas weapons were seized on the western border. As described above, at that time, the major trafficking channels for firearms and ammunition were located on the southern Polish border – from 1999 to 2008, 226 illicit arms were seized on the Polish-Czech border, and 161 on the Polish-Slovak border. In total, 141 firearms and 44 gas weapons were seized on the southern border, putting firearms at 36.43% of the prevented arms contraband.

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

[1] Notably, trading even single firearms, especially automatic, was profitable for OCGs. For example, in the late 1990s, the price of a German PM-5 submachine gun on the black market reached PLN6,000. (In comparison, the average monthly salary at that time, as reported by the Central Statistical Office, was nearly a fifth of that amount, at PLN1,239.5.)

state regulations regarding firearms ownership are among the most restrictive in Europe.

More light on the scale and dynamic of this phenomenon is shed by prosecution and court files. In 2016, prosecutors initiated 283 pre-trial proceedings in cases of trafficking and illicit trade of firearms, ammunition, and explosives (194 in 2015, and 158 in 2014). In the same year, 150 cases were dismissed (2015: 116, 2014: 132), and 53 were suspended (2015:16, 2014: 35). Charges were laid against 154 persons (2015: 174, 2014: 179), 23 persons were placed in temporary custody (2015:10, 2014: 22). 62 indictments were filed against 74 persons (2015: 64 indictments against 76 persons, 2014: 78 indictments against 106 persons). 92 cases ended with a sentencing (2015: 90, 2014: 77). 104 defendants were sentenced (2015:109, 2014: 91).

3.1 Official data on offences with firearms and ammunition[23]

Law enforcement data indicates that between 2014–2019 in total 10,564 offences related to the illegal possession, manufacturing or trade in firearms and ammunition (CC art 263.1–2) and 104 offences of making available or transferring firearms or ammunition to unauthorized persons (CC art 263.3) were recorded (see Table 1). In addition, the police also recorded 678 cases of unintentional loss of firearms (CC art 263.4).

Table 1: *Number of crimes under art 263 of the Criminal Code recorded, 2014–2019*

Legal provision	Recorded crimes 2014	Recorded crimes 2015	Recorded crimes 2016	Recorded crimes 2017	Recorded crimes 2018	Recorded crimes 2019	Total 2014-2019
Article 263.1	177	256	175	125	118	97	948
Article 263.2	1,742	1,659	1,632	1,569	1,471	1,543	9,616
Article 263.3	20	19	14	16	19	16	104
Article 263.4	133	112	122	91	97	123	678

Source: Own compilation based on data of the Central Police Headquarters

[1] The analysis of this statistical data is not simple as statistics kept by the CPH regarding offences under article 263.1 of the Criminal Code regard perpetrators producing firearms or ammunition and trading in these items jointly. This results from the structure of the provision of article 263.1 of the Criminal Code, which criminalises two behaviours: one consisting of the manufacturing of weapons and the other of its trade. At the same time, it should be noted that 'arms trade' in the meaning of this regulation means making at least one sale-purchase transaction without a required permit.

This available data indicates that the criminological image of crime related to weapons and ammunition is dominated by the offence of illegal possession of weapons or ammunition (CC art 263.2). This is in line with the results of a study by Brywczyński and Kasprzak that noted that '*crimes under art 263.1 of the Criminal Code occur occasionally*'.[24] Similar conclusions were derived from the research conducted by Rejmaniak, who established that '*illegal possession of firearms or ammunition dominates in the structure of crimes related to access to weapon or ammunition and, in the examined scope, this percentage ranged from 86% to 95%*'.[25] It should also be emphasised that sentencing under article 263.2 of the Criminal Code often involved only those perpetrators possessing ammunition. The research conducted by Rejmaniak indicates that perpetrators as a rule possessed only ammunition, but when they possessed weapons, it was a gas or a home-made weapon.[26]

Offences related to access to weapons and ammunition represent only a fraction of the total number of offences committed in Poland (see table 2).

Table 2: Percentage of offences of the total number of offences related to access to firearms (CC art 263.1–4)

	2014	2015	2016	2017	2018	2019	2014-2019
Offences related to access to firearms	2,072	2,046	1,943	1,801	1,705	1,779	11,346
Total number of offences	867,855	799,779	748,459	753,963	768,049	796,557	4,734,662
%	0.23	0.25	0.25	0.23	0.22	0.22	0.23

Source: Own compilation based on data of the Central Police Headquarters

The offence of illicit trafficking in firearms falls into this category of crimes in which the initiative for disclosure rests with the law-enforcement authorities and their involvement is a key contributor to its reduction. However, police data alone show only a part of this crime, as it is characterised by a large dark crime figures. Therefore, larger dark crime figures result in less reliable data regarding the status of criminality. In addition, in the case of offences connected with the illicit trade in firearms, the phenomenon of the so-called 'victimisation of offenders' often occurs. This consists of committing offences against persons illegally possessing firearms or engaged in the illegal manufacture or trade in firearms (theft of firearms or extortion aimed at obtaining firearms). This practice is evolving, as the victim usually does not report the crime or seek the prosecution of offenders for fear of being punished for their offence of illicit trade in firearms.

According to the data of the Central Police Headquarters, the number of suspects of firearms offences in 2014–2019 amounted to:

- 4,813 persons in relation to illegal manufacturing, trade or possession of firearms and ammunition (CC art 263.1–2);
- 48 persons in relation to making available or transferring firearms or ammunition to unauthorised persons (CC art 263.3);
- 348 persons in relation to unintended loss of firearms (CC art 263.4).

The relative high number of persons suspected of illegally possessing firearms and ammunition confirms the thesis that firearms crime in Poland mainly takes the form of the illegal possession of firearms or ammunition.

Table 3: Number of suspects under article 263 of the Criminal Code, 2014–2019

Legal provision	Suspects 2014	Suspects 2015	Suspects 2016	Suspects 2017	Suspects 2018	Suspects 2019	Total 2014-2019
Article 263.1	65	73	65	42	49	28	322
Article 263.2	874	801	788	744	672	612	4.491
Article 263.3	8	9	9	8	6	6	48
Article 263.4	75	62	62	30	69	69	348

Source: Own compilation based on data of the Central Police Headquarters

According to the data of the Ministry of Justice[27], 4,427 persons were convicted for offences related to access to firearms in 2014–2018 (see Table 4).

Table 4: Number of convicted persons under article 263 of the Criminal Code, 2014–2018

	2014	2015	2016	2017	2018
CC art 263.1 and 263.2	879	793	928	869	839
CC art 263.3	5	5	6	4	2
CC art 263.4	26	18	29	11	13
Total	910	816	963	884	854

Source: Own compilation based on the data provided by the Ministry of Justice

The Internal Security Agency (ISA) assesses that the most prevalent transnational crimes in Poland involving manufacturing and trading in arms and military equipment are:

- business activities without a licence;
- trading internationally without a permit or exceeding the terms of the permit (eg releasing the merchandise to an undeclared party – a so-called 'end-user change');
- exporting greater quantities than declared in export documentation;
- falsifying documentation at facilities producing firearms or their components in order to hide 'surplus production';
- collaboration between Polish citizens and international arms traffickers to procure and deliver military equipment to organisations or states under international sanctions;
- illegal consultancy or brokering in firearms and ammunition trade in third countries.

3.2 Seizures of firearms and ammunition

The aggregated data show that during 2014–2019 Polish law-enforcement authorities secured a total number of 8,264 firearms in Poland, with large majority of seizures by the police (92%). The Polish Border Guard and Customs agency only seizes a small fraction of the firearms (see Table 5). While the number of seized firearms by the police has declined significantly between 2016-2019, the number of of seizures by the Polish Border Guard did not decrease. In 2019 the number of firearms seizures by the Polish Border Guard even increased spectacularly.

Table 5: The number of firearms seized in Poland in 20014–2019

	2014	2015	2016	2017	2018	2019	Total
Police	1,338	1,346	1,859	1,341	941	802	7,627
Polish Border Guard	27	81	36	50	12	181	387
National Revenue Administration	123	0	30	3	63	31	250
Total	1,488	1,427	1,925	1,394	1,016	1,014	8,264

Source: Own compilation based on the data provided by the Central Police Headquarters, Border Guard Headquarters and National Revenue Administration

The main police force whose competences include combating cross-border crime, and specifically firearms, ammunition, and explosives trafficking, is the Polish Border Guard. Its statistical data is the primary source presenting the picture of the size and

character of firearms trafficking to and from Poland. Data published by the PBG define arms quite broadly, including such categories as firearms, gas weapons, and sporting weapons. In addition, the category of "other" includes pellet guns, grenade launchers, hunting guns, blank-firing pistols and even black powder, TNT, and electric fuses. In 2016, the Polish Border Guard (PBG) seized a total of 190 arms (firearms, gas weapons, and others), 74.31% more than in 2015 (109) and 265.38% more than in the years 2014 (52) and 2013 (50). Those years in the presented period are the only years approaching the record (although outlier) years of 2012 (217 seized arms) and 2001 (240). Firearms constituted 348% of the 2016 contraband. In 2017, a 219.47% increase was reported compared to the previous reporting year (607 arms seized), which represented a more than eleven-fold increase (1,067.31%) in comparison to 2014 and 2013. The estimated value of contraband in this category was US$104,000 in 2016 and US$726,000 in 2017. [28]

Between 2014-2019 Polish law-enforcement authorities also seized a total of 708,421 rounds of ammunition in Poland (see Table 6). Between 2014 and 2015, a surge in seized ammunition was observed, reaching a record level of 279,543 rounds. After 2015 a decrease in the volume of seized ammunition can be observed.

Table 6: Volume of ammunition seized in Poland, 2014–2019

	2014	2015	2016	2017	2018	2019	**Total**
Police	68,015	159,437	103,650	108,284	64,031	77,055	**580,472**
Polish Border Guard	14	106	478	354	38	16	**1,006**
National Revenue Administration	917	120,000	1,321	810	1,789	2106	**126,943**
Total	68,946	279,543	105,449	109,448	65,858	79,177	**708,421**

Source: Own compilation based on the data provided by Central Police Headquarters, Polish Border Guard Headquarters and the National Revenue Administration

In 2016, the PBG seized a total 28,264 rounds of ammunition (live rounds, gas rounds, and others), 559% more than were seized in 2015 (4,290 rounds), and more than 45 times more than in 2014 (617 rounds). This was also more than 16 times greater than in the reporting year 2013 (1,714). Of the described contraband, 68% was live ammunition. The year 2017 saw an 89% increase in this particular contraband over the previous year (53,462 rounds of ammunition seized) and a more than 86-fold increase from 2014. Comparing the level of the uncovered ammunition trafficking in 2017 to the record numbers from the entire period under review, it ranks second, between 2004 (157,145 rounds) and 2005 (10,827 rounds seized). The estimated value of the contraband in this category was only US$8,000. [29]

3.3 Types of firearms seized by police

Data from the General Police Headquarters indicates that between 2014–2019, the police seized a total of 7,627 firearms, 2,489 essential components of firearms and 580,472 rounds of ammunition (see Table 7). Handguns (32%) and rifles (28%) are seized frequently, while machine guns account for 4% of the seizures.

Table 7: Number of firearms and elements of firearms seized by the police, 2004–2014

Type of weapon	2014	2015	2016	2017	2018	2019	**Total**
Hand guns[I]	349	410	684	466	342	182	**2,433**
Rifles[II]	402	395	507	366	211	272	**2,153**
Machinee guns	14	115	52	56	9	69	**315**
Signal weapons	31	21	46	13	14	6	**131**
Blank-firing guns[III]	49	20	48	97	24	15	**253**
Gas guns	380	288	387	241	300	217	**1,813**
Firearms converted from gas guns	16	6	18	3	3	5	**51**
Home-made firearms	70	56	84	68	22	17	**317**
Other firearms[IV]	27	35	33	31	16	19	**161**
Firearms in total	1,338	1,346	1,859	1,341	941	802	**7,627**
Essential components[V]	444	601	412	680	281	371	**2,489**

Source: Own compilation based on data of the General Police Headquarters

I Pistols and revolvers.
II Automatic, semi-automatic, repeating, single-shot (carbines, rifles, shotguns).
III Calibre above 6 mm.
IV For example, hand cannons.
V Weapon framework, bascule, barrel, lock, breech chamber and cartridge drum.

Interestingly, a large share of the seized firearms (29%) are various types of blank firing weapons (e.g. signal weapons, gas guns, etc). Some of these seized firearms are also converted blank firing weapons. Homemade weapons have also been seized in Poland (4%). These results are in line with the 2013 study from Brywczyński and Kasprzak that examined 1,926 cases and found that a significant share of illegal weapons were short gas weapons – 600 pistols and revolvers (26.9%) – and home-made weapons – 342 pieces (15.3%), which included both precisely manufactured weapons and those made in a primitive manner.[30]

According to information obtained from interviews with forensic experts, the number of seized and examined weapon specimens has significantly changed over the years. The prevailing types dominating in the 1990s included home-made weapons (eg shooting pens), gas and alarm guns and converted gas and alarm guns (most often for 6.35 mm Browning-type bullets). At the end of 1990s and the beginning of the 2000s, when OCGs from Pruszków and Wołomin were involved in retaliation activities against each other, weapons smuggled from Czechia and Slovakia dominated, including SKORPION submachine guns and CZ 1975- and 1985-type pistols. These were the years. In subsequent years, an increased number of weapons transferred from the former USSR states was recorded. The forensic experts also noted that since 2011, a large number of blank-firing 9 mm pistols PA of Turkish production have appeared on the Polish market. Based on an erroneous opinion, these were sold as weapons up to 6 mm calibre for which no licence is required. Several thousand of these guns were distributed on the Polish market.

3.4 Sources of illegal firearms

The sources of weapons supplying the domestic black market are an important issue. The literature on the subject assumes that weapons originate from:

- external sources in foreign black markets (smuggling);
- theft of weapons from private individuals or from state stockpiles or shooting ranges;
- loss of weapons by persons legally in possession of them;
- illegal production; and
- the conversion of weapons previously deprived of their key elements ('deactivated' weapons).[31]

Although the phenomenon of weapons being manufactured illegally by individual gunsmiths exists, the majority of arms offered on the black market were produced legally. Most often, illegal weapons are acquired through purchase from foreign OCGs. Domestic acquisition of firearms through theft occurs less often. Occasionally, OCGs also purchase – either for the purposes of the group or for smuggling – large quantities of ammunition previously acquired in a legal way by firearm licence-holders, security and safety schools, sports clubs or hunting clubs.

Firearms are increasingly being purchased via the internet. In 2020, officers from the Cybercrime Department of the Regional Police Headquarters in Rzeszów noticed an offer posted on one of the advertising portals for the sale of firearms with 9 mm PAK cartridges. Under Polish law, pursuant to the Weapons and Ammunition Act, the possession of such firearms requires a licence. The weapon was sold by a store legally operating in Czechia. The goods purchased – blasting guns and blank-firing guns – were sent via courier services to customers all over Poland. Coordinated action was taken, at one time, in the territory of 16 provinces. In that operation, almost 300 police officers from various departments, primarily those fighting cybercrime and criminal crime, supported by police explosive technicians, counter-terrorist personnel and experts in weapons examination and ballistics, searched about 100 locations. During this search, 74 illegal small and long firearms of various calibre were found, some of which had been adapted for shooting with live ammunition. The items seized included 3,500 rounds of ammunition of various calibres, 9 mm PAK blank and flash-bang ammunition, as well as gunpowder, three weapon components and two fuses for artillery shells. A significant factor stimulating the development of the illegal arms market using this medium and, at the same time, facilitating the financing of extremist and terrorist groups, is the largely unregulated and difficult-to-control trade in cryptocurrencies.[32]

Some firearms are also acquired in the United States and then transferred through the mail or concealed in property imported from that country. In the first six months of 2017, the National Revenue Chamber uncovered 28 attempts to smuggle weapons and ammunition without the required permits. Twenty-five weapons were seized, along with more than 1,500 rounds of ammunition and more than 40 weapon parts. Crossbows, rifles, air guns, stun guns, incapacitating gas dispensers, cartridges, bolts, various parts of armament and white weapons are detected mainly in the so-called general cargo trade handled by courier companies. In the first six months of 2017 alone, more weapons and ammunition were found in the mail than during the previous two years. In 2018, the Masovian Tax and Customs Service found, among other items, crossbows, rifles, revolvers, pneumatic weapons, bullets, bolts and several key weapon elements regarded as weapons in the legal regulations.[I] The senders of the goods falsely declared the contents to be, for example, sweets or toys. The seized items were handed over to the police authorities for further investigation. On 18 April 2019, officers from the Tax and Customs Service for the Masovia Region seized packages sent from the United States containing three pistols, weapon elements, ammunition and more than 80 telescopic batons and crossbows.[33]

[I] Poczta Polska, the Polish national postal operator, points out that it is prohibited, among other things, to send weapons, ammunition and disarmed bullets, which are often considered collectibles. It is also forbidden to send replicas of these devices.

3.4.1 Firearms and ammunition trafficking

Firearms trafficking occurs in Poland. In June 2022, for example, an organized armed crime group was neutralized in Poland (81 suspects were detained, and over 300 sites were searched). About 250 various types of firearms and several thousand items of ammunition were seized. Among the secured weapons, there are hunting rifles and handguns. In total, the National Public Prosecutor's Office presented over 100 charges. The OCG smuggled weapons from Germany, France, Belgium, the Czech Republic, and the Netherlands.

Firearms trafficking in Poland is impacted by the armed conflict in Ukraine because it causes an increase in the demand for weapons and ammunition supplies from both sides of the conflict, but also because it provides a source of weapons and explosives for criminals within Poland. In addition, the liberal regulations governing the possession of firearms in Slovakia, in particular with reference to blank-firing pistols and reconstruction weapons, has impacted firearms trafficking since some of these weapons can easily be modfied into live-firing weapons. This has been facilitated by a lack of harmonised procedures in the EU for permanently deactivating weapons and for the intra-Community transfer of such weapons. Also the the ease of movement within the EU has facilitated firearms trafficking into Poland: for example, a significant source of illegal firearms reaching the criminal market in Poland is the organised firearm trade in Belgium.[I]

Based on the information contained in the State Security Reports, it can be concluded that a permanent feature of the geography of arms and ammunition smuggling routes is the so-called 'southerly direction': Czechia and Slovakia are the predominant countries of origin of illegal arms.[34] An interview with a forensic expert confirmed that the main smuggling routes are located on the borders with Czechia and Slovakia: the expert noted that between 2014 and 2016, several large shipments of illegally imported weapons from Czechia and Slovakia were seized and examined in police laboratories.[35]

Information enabling the reconstruction of trafficking routes was provided for the research by the PBG.[36] Survey studies conducted among the PBG officers confirmed that the greatest risk of weapons smuggling was along the southern border of Poland. One of the PBG officers surveyed for our study indicated that it was possible to identify organised criminal groups which were exclusively involved in illegal trade in firearms. In his opinion, these are 'Polish–Slovak groups, Polish–Czech, Polish–Ukrainian, organising smuggling from Ukraine, Slovakia and the Czech Republic'. Another PBG officer interviewed provided the following information on the nationality structure of the group and their smuggling directions: 'Citizens of Russia smuggling weapons from the Czech Republic through Poland and Baltic states to Russia.'

I In the 2012 report on the state of Polish security, prepared by the Ministry of the Interior, it was confirmed that wholesale quantities of Russian-made revolvers (about 100 pieces) were purchased on collectors' exchanges in the EU. These weapons, after a reassembly in gunsmiths in the EU (probably in Belgium), were transported to Poland in several tranches for sale to criminal groups. In June 2022, an organized armed crime group was neutralized in Poland (81 suspects were detained, and over 300 sites were searched). About 250 various types of firearms and several thousand items of ammunition were seized. Among the secured weapons, there are hunting rifles and handguns. In total, the National Public Prosecutor's Office presented over 100 charges. The OCG smuggled weapons from Germany, France, Belgium, the Czech Republic, and the Netherlands.

Data provided by the PBG indicates that between 2014–2019 this service exposed the trafficking of 387 illegal firearms and 1,006 rounds of ammunition (see Table 8).

Table 8: Number of seized firearms, parts and ammunition in illegal traffic by the PBG, 2004–2019

Year	Number of firearms	Number of firearm parts	Rounds of ammunition
2014	27	1	14
2015	81	1	106
2016	36	3	478
2017	50	5	354
2018	12	0	38
2019	181	15	16
Total	387	25	1,006

Source: Own compilation based on data of the Polish Border Guard Headquarters

In the same period, the PBG initiated 956 pre-trial proceedings relating to firearm and ammunition smuggling, and 254 persons were charged under pre-trial proceedings conducted by the border guards with weapons and ammunition smuggling (see Table 9).

Table 9: Number of criminal proceedings and suspects in cases of weapon smuggling recorded by the PBG, 2014–2019

Year	Number of criminal proceedings	Number of suspects
2014	99	31
2015	133	53
2016	151	59
2017	188	36
2018	190	36
2019	195	39
Total	956	254

Source: Own compilation based on data of the Polish Border Guard Headquarters

The National Revenue Administration (NRA)[I] provided information regarding seized firearms and ammunition during 2014–2019.[37] During this period, the NRA sezied 250 firearms, 91 firearm components and 126,946 rounds of ammunition. A record number of smuggled ammunition was uncovered in 2015 (120,000 rounds).

Table 10: Number of firearms, components and rounds of ammunition in illegal traffic seized by the NRA, 2004–2019

Year	Number of firearms	Number of firearm components	Rounds of ammunition
2014	123	–	917
2015	0	–	120,000
2016	30	22	1,321
2017	3	14	810
2018	63	49	1,789
2019	31	6	2,106
Total	**250**	**91**	**126,943**

Source: Own compilation based on the data provided by the National Revenue Administration

Data regarding the status of crimes related to access to firearms and ammunition in the armed forces are not published. For the research conducted as part of the Target project, the Commander-in-Chief of the Military Gendarmerie provided relevant data.[38] In 2014–2019, the Military Gendarmerie seized 49 illegal firearms and 6,734 rounds of ammunition (see Table 11).

Table 11: Number of firearms, parts and ammunition seized by Military Gendarmerie, 2014–2019

Year	Number of firearms	Number of firearm parts	Rounds of ammunition
2014	3	0	302
2015	2	12	247
2016	16	9	3,370

I Until 28 February 2017 referred to as the Customs Service

2017	2	0	1,196
2018	4	2	183
2019	22	5	1,436
Total	**49**	**27**	**6,734**

Source: Own compilation based on data of the Military Gendarmerie Headquarters

An analysis of the statistical data from the period 2014–2019 suggests that firearms, firearm components and ammunition are smuggled separately, using different smuggling channels (see chapter 4.4.4).

The conflict in Ukraine has exacerbated risks of firearms trafficking in the region and the already imperfect Ukrainian legal system involving the arms trade and its problematic execution of the implemented solutions. In the past decades various initiatives were taken to counter the illicit proliferation of weapons in Ukraine. In 2006, for example, Poland co-financed NATO/ Partnership for Peace / Maintenance and Supply Organisation Trust Funds to fund projects that included one to eliminate 1.5 million SALW and 133,000 tonnes of ammunition in Ukraine. In 2006, Poland also supported the reconversion[1] of the armed forces staff of Serbia, Montenegro and Ukraine and also the process of social and professional reintegration of members of the former armed forces in Bosnia and Herzegovina. An equally significant initiative was financed by a US programme: the Regional Approach to Stockpile Reduction of 2009. The positive, although still unsatisfactory, effects on the availability of SALW in Ukraine were almost entirely lost as a result of the armed conflict there in 2014. It should be emphasised that, in the case of weapon and ammunition smuggling into the territory of Poland and via Poland towards other states in the Schengen Area, the threat does not lie directly in the amount or value of those goods, but is related to their potential availability on the black market. An individual or a small but highly motivated group with a relatively modest arsenal can become a destabilising factor, even on a transnational scale. One of the most notorious examples of the attempted exploitation of the unstable internal situation in Ukraine was the arrest of a French national on the Polish–Ukrainian border, who attempted to bring five Kalashnikov-type assault rifles, 5,000 bullets, two anti-tank grenade launchers, detonators and 125 kg of TNT into the EU. The NRA reported that on the night of 3–4 January 2019, at the border crossing in Dorohusk, guards discovered components of a 122 mm howitzer worth approximately US$100,000 hidden in wooden crates in the load compartment of a light commercial vehicle. The attempt at trafficking into the Schengen zone was made by a Ukrainian citizen. This seizure suggests that criminal, extremist and terrorist organisations may attempt to procure not only large numbers of firearms but also heavier weaponry from

[1] Personnel reconversion - element of social security for professional soldiers and their families, which gave the discharged military personnel an opportunity to prepare for work on the civilian labor market. It was implemented on the basis of the initiated restructuring of the Polish Armed Forces. The next stage in 2010 involved the introduction of a fully professional army in Poland.

Ukrainian sources. In January 2018, one RPG-22 and six RPG-18 grenade launchers were seized at the border crossing in Hrebenne. On the night of January 3, 2019, parts of the 122 mm howitzer were transported without the required permit again in Dorohusk.[39] The proceedings in these cases were taken over and classified by the Internal Security Agency.

3.4.2 Thefts and losses of firearms and ammunition

Firearms theft is not considered an important source of illegal firearms on the black market in Poland. Between 2014–2019 only 163 cases of stealing firearms were recorded (see Table 12).

Table 12: Number of firearm thefts, 2014–2019

Year	Number of thefts
2014	36
2015	37
2016	25
2017	25
2018	30
2019	10
Total	**163**

Source: Own compilation based on data of the General Police Headquarters

The diversion of weapons from the legal to the illegal sphere also includes the loss of weapons by institutions that are authorised to use firearms in their operations. Yet, in Poland, the number of persons legally holding firearms is rather low (see section 3.2). Institutions having weapons at their disposal seem to have implemented efficient security systems which protect firearms against theft and loss. The SAO Audit report notes that, in the period covered by the audit, 3,762 firearms were lost. It seems that firearms held by police officers are well protected. For example, in 2014 and the first half of 2015, only ten cases were reported in the police involving the loss of a service weapon by officers and in nine cases, the loss of the weapon was temporary (in four cases it resulted from the negligence of police officers and in five cases, the temporary loss of weapon occurred during interventions). Only one case of permanent loss of a weapon was reported as a result of a break-in at a police officer's apartment and the theft of a gun safe which was attached to the wall. For other services and institutions, the SAO did not find any irregularities which would result in a loss of a weapon or

ammunition. The SAO report explicitly states: '*In all formations, service weapons were properly stored and secured.*'

In April 2018, Polish police in the region of Wielkopolska were notified of the theft of firearms (including Rak PM-63 submachine guns), ammunition and grenades from a warehouse of a private firm cooperating with the military, which was located at the former military airfield in Debrzno.[40] Thefts and losses of firearms from military depots are recorded in the literature as an important source supplying the illicit firearms trade in weapons. In the past years in Poland, however, thefts of weapons from military depots were not often recorded (see Table 13).[41] Data collected from the Military Gendarmerie indicates that between 2014–2019 only eight crimes of theft of a weapon or ammunition from military resources were recorded and 11 illegal transfers of weapons or ammunition to an unauthorised person were recorded. Unintentional losses of weapons or ammunition are also very rare: during the same period only ten crimes under article 263.4 of the Criminal Code were recorded by the Military Gendarmerie.

Table 13: Military Gendarmerie data regarding crimes related to access to weapon and ammunition, 2014–2019

Year	Number of crimes under CC art 263.3 (transfer of firearms/ammunition to an unauthorised person)	Number of crimes under CC art 263.4 (unintentional loss of firearms/ammunition to an unauthorised person)	Number of crimes under CC art 278 (theft of firearms/ammunition)
2014	0	3	4
2015	2	1	0
2016	0	3	0
2017	4	1	4
2018	1	1	0
2019	4	1	0
Total	**11**	**10**	**8**

Source: Own compilation based on data of the Military Gendarmerie Headquarters

3.4.3 Conversion of gas pistols and restoring of deactived weapons

In the 1990s, a new trend appeared of converting gas pistols to firearms. Hołyst proposes that the factors contributing to this phenomenon were accessibility, cost and safety. Obtaining gas weapons was simpler as the 1990s were also a period of intensive import of these weapons and the price of gas weapons was much lower than that of firearms, while the cost of conversion was small. Furthermore, the findings of law enforcement showed that, to ensure safety for the perpetrator, criminals would use such firearms only once and then destroy or otherwise dispose of them after the act.[42] Most often, gas weapons undergoing conversion were trafficked or imported from

Germany[1]. The popularity of gas weapons resulted in the appearance of a network of illicit gunsmithing workshops, which offered their services to organised crime circles. For instance, in 1995, a workshop was uncovered in the Warsaw district of Żoliborz, which occupied four apartments. A raid yielded 40 converted firearms, another 30 gas weapons meant to be converted and over 2,000 rounds of ammunition. According to police findings, the manufacturers produced firearms to order for OCGs as part of a large-scale operation. A 2011 report on Polish state security mentions the fact that firearms converted from gas weapons are still being uncovered, and anticipates an increased threat from converted gas weapons originating in Turkey, because their design is easily amenable to conversion.

As was already mentioned, a significant source of firearms, firearm components, and ammunition are those dating back to World War I and II. Kasprzak notes that in the communist period, approximately 80% of illicit firearms came from the wars or were home-made. After 1990, "the criminal world received an influx of firearms left by the Red Army, trafficked from former Czechoslovakia and Soviet Union, as well as Germany".[43] However, even after so many years, firearms retrieved from battlefields still function in illicit trade. Research by Brywczyński and Kasprzak shows that in Poland there is a practice of procuring and renovating such firearms as collectibles or for sale. The authors point out that, firstly, this practice is seasonal, since illegal prospecting and excavation of firearms usually takes place from April until October. The subsequent autumn and winter months are spent renovating and selling firearms, but also other finds (e.g. buttons, helmets, decorations, etc.). Secondly, the potential monthly income from this practice has been found to exceed 1000 USD. Geographically, regions with high unemployment usually coincide with areas rich in specimens which, according to the authors, often makes the problem endemic. The available data shows that often militaria collectors are closely monitored by the police, who view their activities as a potential cover for the illicit firearms trade. In recent years, several investigations have been conducted in that community by the CBI. For example, the operation code-named "Pepesza" led to a countrywide series of arrests in 2009 . In 2011 in Poznań, the CBI disrupted firearms trade among collectors. The 2009 Report on the security of Poland states that over 40% of firearms seized by CBI were those belonging to militaria collectors who did not have proper licenses. OCGs also attempted to procure firearms which were deactivated or intended for scrapping. For example, in 2000, CBI officers uncovered a criminal organisation which had infiltrated Huta Stalowa Wola. Data presented by the National Public Prosecutor's office also reveal awareness of this trafficking direction. Deactivated firearms make it into the possession of criminal groups, including those labelled as so-called "deko", or as movie props. It should be noted that in 2015 journalists from, among others, the Czech newspaper "Novy Čas", revealed that the weapons used in the attack on the Paris offices of the magazine "Charlie Hebdo" had been legally purchased in Slovakia as deactivated weapons. In

[1] The illicit arms trade has been dominated by 3.35 mm calibre Browning-type pistols, which were made as home conversions of Roehm and Walther 8 and 9 mm gas pistols. Gas weapons, including the mentioned pistols, are brought in great numbers into our country, both legally and illegally. Converted gas pistols with attached silencers are also distributed in packaging.

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

Acquis Schengen, of which Poland has been an active member since 21 December 2007, has removed the borders separating areas with different business environments resulting from distinct policies in each state regarding – for example, macro-economics (especially tax and monetary policy) and business regulations (eg labour or commercial code). One of the drawbacks of these processes is the easier illicit flow of firearms within the EU as a result of differences in legislation. The lack of common deactivation guidelines within the EU resulted in a situation in which a number of EU Member States implemented deactivation procedures that were insufficiently invasive or permanent. Improperly deactivated firearms can easily be reactived and these reactivated firearms have in recent years have been used in shootings throughout Europe, including in terrorist attacks. After the 2015 terrorist attacks in Paris common deactivation guidelines were put in place. In the meantime, however, large quantities of improperly deactivated firearms have been sold and many of them ended up on illicit gun markets across Europe.[44] In reporting periods beginning with 2012, the numbers seized by the Police deactivated firearms were, respectively: 0, 19, 25, 35, and 18. Another important category are firearm components, such as the frame, break-action, barrel, lock, receiver and cylinder. In reporting periods starting with 2012, respective 934, 397, 440, 574 and 340 such components were seized.

The conversion of deactivated firearms also takes place in Poland. According to the National Crime Agency, in August 2015 the UK authorities seized 22 converted Czech-made vz.58 automatic rifles, nine vz.61 submachine guns (Skorpion), two silencers, 58 magazines and 1,500 rounds of ammunition in Kent in the United Kingdom (one of the largest seizures of automatic weapons ever made on the UK mainland). The weapons had been purchased in Slovakia and converted in Poland before reaching Boulogne-sur-Mer, France, from where they were transported by ship to the United Kingdom.

In October 2016, the Central Bureau of Investigation (CBI) uncovered a workshop for manufacturing and converting weapons in Upper Silesia. Officers seized 36 firearms, long and small weapons, including nine machine guns of the Skorpion, Kałasznikow and Rak types, as well as a PK carbine. In addition, 3,500 rounds of ammunition for small and long arms were seized, as were many key elements of firearms and ammunition. The CBI officers also found several dozen homemade silencers at this site. While searching the gunsmithing workshop, they uncovered a warehouse of technically faulty weapons illegally imported to Poland.

3.5 Criminal involvement in illicit firearms trafficking

In Poland, the fight against organised crime is primarily the responsibility of the Central Bureau of Investigation (CBI). Reports by the CB indicate that between 2014-2019this agency seized 2,100 firearms from by OCGs. Between 2016-2019 these seizures included 575 handguns, 328 long firearms, 372 gas guns and 281 other arms[I] (see Table 15). While the number of seized by the CBIhandguns and long firearms decreased in recent years, the number of seized gas guns remained rather stable. This suggest gas guns have become relatively more important for OCGs and these guns have likely become the main firearm type possessed by OCGs.

Table 14: Data regarding organised crime, 2014–2019

Year	Number of firearms seized by CBI	Handguns	Long firearms	Gas	Other
2014	232	No data	No data	No data	No data
2015	312	No data	No data	No data	No data
2016	552	192	135	126	99
2017	363	143	73	17	130
2018	391	169	86	110	26
2019	250	71	34	119	26
Total	**2,100**	**575**	**328**	**372**	**281**

Source: Own compilation based on the CBI data

Data published by the CBI showed 126 international crime groups being investigated by this specialised police unit in 2016. In 2017, Polish crime groups were led by 684 identified leaders, international groups by 125, Russian-speaking groups by 6, and other foreign groups by 5. As of 31 December 2017, the total number of criminal leaders on CBI record was 820. In the reporting year 2017, CBI efforts against organised crime, including diversified cross-border OCGs, focused on combating organised groups involved in illicit production, trafficking, and trade of firearms and ammunition, luxury car theft, and abductions for ransom. In 2017, a total of 363 firearms were seized, including: 143 SALW, 73 rifles, 17 gas weapons, and 30 others. The record of firearms seized by this unit was a year earlier, totalling 552 firearms and 44 thousand items of ammunition. That total exceeded that of 2015 by 76.92% (312 firearms), 2014 by

[I] This category includes machine guns, blank-firing pistols, alarm guns, home-made firearms and hand cannons

137.93% (232), and 2013 by 156.74% (215)[I]. In 2018, there were 391 illicit firearms seized: 169 SALW, 86 rifles, 110 gas weapons, and 26 others. In July 2017 alone, after dismantling a single criminal group specialising in illicit arms trade, approximately 100 short, long, automatic, and vintage firearms were seized (including pistols: Parabellum, Steyer, Mauser, Burnett, Walther, VIS, Colt, Heckler Koch, HS9, TT, CZ, SIG, submachine guns: Skorpion, INTRATEC TEC-9, PM 63 RAK, PPS, WZ 41 and 43 PPSZ, PPRT, rifles: KBK AKMS and AKM "Kalashnikov", SIG, Heckler Koch, Schmit Rubin, Mauser, Mosin, shotguns: Leppo, Bronko, Bolk, Sabatti, revolvers: H. Schmidt, Buldog, Smith Wesson and a Maxim heavy machine gun). Apart from that, 7,500 items of various ammunition, rifle and pistol components, including barrels and locks, unexploded munitions from World War II and gunsmithing equipment were secured. The operation uncovered a number of illicit gunsmithing workshops[II].

Based on the information published in the yearly national security reports from the Ministry of the Interior, it can be established that a relatively constant feature of firearms trafficking routes is the so-called southerly direction. Reposts from 2009–2013 clearly identify the Czech Republic and Slovakia as the dominant countries of origin of illicit firearms. This is probably due to the fact that rules for deactivating firearms in the former Czechoslovakia are liberal. In practice, this makes it relatively easy to both purchase firearms and legally "deactivated" firearms, making these markets a fertile ground for traffickers[III].

Files from criminal procedures obtained from courts and interviews with members of OCGs gathered in the Department of Criminology and Forensic Science of the Faculty of Law and Administration UWM in Olsztyn as well as materials obtained by Prof Chlebowicz, which were acquired as part of the research on weapon trafficking in 2012–2015, provide insight into the various types of criminal use of firearms and their involvement in firearms trafficking.

In the materials collected by Prof Kotowska[45] (the research involved 157 persons convicted of organised crime) information referring to firearm-trafficking by OCGs was sporadic. Fragments of statements and information about the motivation for sentences related to illegal arms are presented below. At the same time, it should be emphasised again that data regarding weapons are scarce.

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

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

III Czech and Slovak regulations define the deactivation of a firearm primarily as the welding shut of the barrel and other key components. According to the official position of Polish Ministry of Foreign Affairs, a welded weapon can be easily restored to functionality.

- A criminal group operating in the area of Gdańsk, Gdynia and Sopot concentrated on operating gambling machines, drug distribution and extorting protection money from other criminals in the Tricity area:

  Defendant Y, in anticipation of a conflict with other criminal groups, also started to purchase arms, ammunition and explosives. At the time when he was still cooperating with XX, he bought from unidentified persons three 'CZ75' guns, a 'Makarov' gun and an explosive device in the form of a trinitrotoluene charge with an electric fuse. After he started to lead the group on his own, he continued to increase its arsenal. In 1999, he purchased, from unidentified persons three 'RPG 76' anti-tank grenade launchers in the training version with neutral heads, and through YY (a former police antiterrorist, he purchased a carbine and a sniper telescope. Arms were stored by the defendant CC, and afterwards in the premises of solarium xxxxx. After the shooting at the 'Relax' club in 2000, Y purchased from RR a vial of nitro-glycerine.[46]

- An armed OCG operating in central Poland, the main area of their activity included drug-trafficking and extortion among their activities. The group monopolised drug-trafficking in a town near Warsaw. In pursuit of its activities, firearms were used to extort dealers and ensure a monopoly on drug-trafficking:

  The group had about 40 pieces of firearms, stored in a warehouse in Konstancin. Arsenal: 7.62 mm machine guns, 'Skorpion' submachine guns, TT type, CZ guns, and others. The leaders of the group: XX, YY, had access to the weapons. Additionally, the above-listed persons had at their disposal their own weapons, including small calibre 6.35 mm guns.[47]

Some OCG not only used firearms as an instrument of force in their criminal activities, but also traffick them:

- Interviewee X was sentenced to life imprisonment. He was a leader of an armed OCG operating in central Poland, which was dismantled in 2006. The crime group he led focused on extortion, prostitution and drug-trafficking. Weapons were used to kill members of rival criminal groups and threaten victims:

  We had guns from former soldiers, who got them from their military units, they were also charged, one was arrested; in our group, one man took care of weapons, he cooperated with his friends but later on, when he was arrested, he sold out his friends who had cooperated with him, but we only bought arms from him. Our group was equipped with 2 kalashnikovs, 3 CZs, one rifle with a scope, one scorpion machine gun, colt, two grenades, hexogen explosives, and an infinite amount of ammunition – this is what they wrote because they didn't want to count it.

  We also sold weapons to other groups, with whom we were in good relations – first of all Cz 75, they were relatively cheap and good, they did not jam; Kalachnikovs, if anybody wanted. Kalachnikovs were for killing, also CZs, but after Kalachnikovs nobody can get up, this is the most reliable weapon, even bulletproof vests cannot help, as bandits often wear them. I also wore them, sometimes when I had the feeling that my life is at risk, I was shot

once, several times they set traps, but unsuccessfully, e.g. my car was raked by fire, once we went to beat up some bodyguards and a shootout started, a colleague was shot. After this shooting I was more careful, I could be dead as well, I had many enemies, including my former boss, with whom we quarrelled about money and parted, he is also serving a life sentence, his brother is dead, I also had enemies from other groups, a lot of people wished me dead.

We often went shooting, in our fortress we had several shooting ranges, I liked shooting, this is a great feeling, it makes me excited. I am a good shooter, and I can shoot with anything, as I practised a lot, you shoot with any gun in the same way, but with a Kalashnikov, it is difficult to move. Firearms wholesale is profitable, but retail is not, how much would you earn on a single weapon? 1–2 thousand, groups bought from us no more than several items, so it wasn't a great deal. After the shooting, when I got shot in my leg, I always carried a gun with me, as I was afraid they would kill me. And for meetings, I always wore a vest.

It should be emphasised that, based on the case file research, it is not always possible to determine the source of a weapon. In the course of criminal proceedings, it was often not possible to establish from whom the weapon had been purchased; therefore the description of criminal charges usually included the statement 'acquired from an unidentified person'. An exception is the case of so-called 'pistol fraud'. During 1992–1996, six Polish citizens were charged with this offence: using legal commercial-law companies which traded illegally on a large scale in weapons (particularly small arms) originating from military depots. This practice was uncovered by the Office for State Protection. Some of the TT guns smuggled from Poland were found in various regions of the world. For example, TT gun number AR 09971 was found and seized by the police in Japan in September 1996. The proceedings were conducted by the Firearms Department of the National Police Agency in Tokyo.[48]

The examples above illustrate that the arsenals of OCG are often relatively small and that profits from the sale of single items of arms to friendly groups were low in comparison to the income acquired from drug-trafficking, extortion or sums obtained as ransom for kidnapped persons. It is clear that weapon transactions were not a permanent activity for OCG in Poland, since the criminal demand for firearms was not high.

In 2014, the CBI uncovered an OCG operating in Łódź. Its members trafficked firearms into Poland and sold them on the national black market. Their merchandise included modern firearms equipped with silencers. On 7 December 2018, the CBI announced a joint operation with other Polish services and their counterparts in Germany, Netherlands and France, including the participation of Europol and Eurojust. This operation resulted in the dismantling of an OCG whose members sold explosives in the form of licensed class F4, T2 and P2 pyrotechnic articles with an approximate value of €5 million. Thirty-five suspects were detained and approximately 80 tonnes of explosives were seized. As part of dismantling the same cross-border group, 50 individuals were detained in Germany and pyrotechnics, firearms and ammunition were seized. During preparatory activities in Poland, police officers intercepted mail

packages containing more than 500 kg of explosives in the form of pyrotechnic materials, some of class F4, T2 and P2. Furthermore, in Germany and the Netherlands, police and customs officers intercepted other mail packages with explosives of those classes. Altogether, the officers secured more than 200 packages. The criminal activity was supposed to be masked by a legal trade in pyrotechnic materials via an internet store: websites in the Polish language offering pyrotechnic products had duplicates meant only for international clients. In parallel with this operation, the Tax and Customs Office in Łódź investigated money-laundering and the attendant loss of tax revenue. In June 2017, the CBI announced the dismantling of an OCG specialising in trafficking in, converting and selling firearms. Twenty-two firearms were seized, including 17 rifles, as well as five silencers, 16 key firearm components and almost 8,000 rounds of ammunition.[49]

4 Firearm violence in Poland

The SAO carried out an analysis based on publicly available data[I]. Based on the data obtained on the number of firearms in private hands and events connected with their use, Poland appears to be a generally safe country compared to other countries. In terms of the nominal number of weapons, Poland was ranked 78th out of 176 states, whereas after converting the number of weapons per 100 inhabitants it was 142nd. According to the nominal number of homicides committed with the use of firearms, Poland was ranked 57th out of 107 states and it was 98th after converting the number of weapons per 100 inhabitants. In a global perspective, Poland is characterised by low levels of gun possession and low levels of gun homicides.

The SAO analysis further shows that in Poland firearms are used to a minimal extent in criminal activities. The number of crimes committed using a weapon (firearms, gas guns, pneumatic weapons and others)[II] from 2002 to 2014 decreased from 2,443 to 875 and their contribution to the number of recorded crimes fell from 0.2% to 0.1%.[III] The data provided by the police on the number of crimes recorded using weapons *sensu largo* in 2019 amounted to 0.2% of the total number of crimes recorded in Poland (according to the methodology of calculating the rate adopted by the SAO).[IV] The same rate referring to firearms *sensu scricto* (according to the classification used by the police to generate statistical data) amounted to 0.08%. During 2014–2019, the picture of organised crime in Poland is dominated by organised business crime groups, while the number of crimes of a violent nature is consistently decreasing.[50] During this same period, the number of 'criminal' offences committed using violence systematically decreased.

I Particularly UNDOC56 and those from the Central Police Headquarters

II The SAO in the quoted description committed an error in the description of the method. The police, in generating statistical data used in the report and in the Target Project, actually use a broad definition of a weapon, including, among other things, incapacitating gas dischargers, explosives, dangerous tools or animals. In order to obtain the results referred to in the SAO report, these variables must be reduced according to the description included in the main text.

III In the subsequent years, this rate, calculated in accordance with assumptions adopted in the SAO report (excluding incapacitating gas dischargers, explosives, dangerous tools or animals), amounts to 2015 – 0.1%, 2016 – 0.3%, 2017 – 0.3% and 2018 – 0.2%.

IV Assuming a broad definition of a weapon as applied by the police to generate statistical data, in 2014 the number of crimes sensu largo amounted to 0.5% of the total number of crimes recorded in Poland. The rate in 2019 amounted to 0.7%.

4.1 The use of firearms in homicides

Data from the General Police Headquarters indicates that 108 homicides were recorded using firearms[I] (CC art. 148.1-3) between 2014–2019. This includes:

- 87 homicides of the basic type (CC art 148.1);
- three homicides of the qualified type resulting from particular cruelty (CC art 148.2.1);
- eight homicides of the qualified type involving hostage-taking, rape or robbery (CC art 148.2.2);
- five homicides of the qualified type due to motives deserving particular condemnation (CC art 148.2.3),
- five homicides of the qualified type due to killing more than one person, a previous final conviction for homicide, or killing a public officer in connection with the performance of their official duties related to the protection of human safety or security or public order (CC art 148.3).

On average, 18 firearm homicides are registered annually in Poland. The number of firearm homicides fluctuates strongly. A detailed compilation is presented in Table 15.

Table 15: Number of homicides with the use of firearms (CC art 148.1–3), 2014–2019

Legal provision	Recorded crimes 2014	Recorded crimes 2015	Recorded crimes 2016	Recorded crimes 2017	Recorded crimes 2018	Recorded crimes 2019	Total 2014-2019
Article 148.1	24	10	11	14	20	8	87
Article 148.2.1	2	1	0	0	0	0	3
Article 148.2.2	1	2	1	3	1	0	8
Article 148.2.3	0	3	0	1	0	1	5
Article 148.3	1	0	0	1	2	1	5
All firearm homicides	28	16	12	19	23	10	108
Total offences	**867,855**	**799,779**	**748,459**	**753,963**	**768,049**	**796,557**	**4,734,662**
% of firearm homicides in total offences	0.0032%	0.0020%	0.0016%	0.0025%	0.0029%	0.0012%	0.0022%

Source: Own compilation based on data of the Central Police Headquarters

I CC art 148.1 3

The number of firearm homicides is much lower than the number of successful suicdes with the use of a firearm in Poland. In 2014–2019, 64,308 suicide attempts were recorded and 467 attempts with the use of firearms were recorded (0.72%) of which 423 ended with a death by suicide (see Table 16). This suggests firearm homicides take up only about 20% of all gun deaths in Poland.

Table 16: Suicides with the use of firearms in Poland, 2014–2019

Year	Total number of persons attempting suicide	Use of firearms	Shooting oneself (death of a person as a result of a suicide attempt)
2014	10,207	86	63
2015	9,973	79	53
2016	9,861	104	70
2017	11,139	90	72
2018	11,167	96	79
2019	11,961	102	86
Total	**64,308**	**467**	**423**

Source: Own compilation based on data of the Central Police Headquarters

4.2 The use of firearms in brawls or assaults

Data from the General Police Headquarters indicates only 29 cases of the use of firearms in a brawl or an assault (CC art 159) were recorded in 2014–2019. These are detailed in Table 17.

Table 17: Number of brawls or assault with the use of firearms, 2014–2019

Year	Number of incidents
2014	9
2015	7
2016	4
2017	3
2018	5
2019	1
Total	**29**

Source: Own compilation based on data of the Central Police Headquarters

4.3 The use of firearms in armed robberies

Data from the General Police Headquarters indicates that 455 cases of robberies with the use of firearms (CC art 278.1) were recorded in 2014–2019 and that this number has decreased (see Table 18). Only 1,5% of all recorded robberies in Poland in this period involved the use of a firearm.

Table 18: Number of armed robberies involving the use of firearms, 2014–2019

Year	Number of armed robberies with firearms	Total number of robberies
2014	91	7673
2015	83	5995
2016	111	5647
2017	68	4452
2018	49	3711
2019	53	3398
Total	**455**	**30876**

Source: Own compilation based on data of the Central Police Headquarters

4.4 The use of firearms poaching

A specific feature of the black arms market in Poland is the acquisition or theft of weapons for poaching purposes. From this perspective, it was considered as important to establish the number of thefts of hunting weapons, the number of incidents involving the illegal use of weapons during hunting events and the assessment of poaching in Poland, with particular emphasis on the sources of weapons used for poaching purposes. With this aim in mind, a request was submitted to the Regional Directorates of State Forests (RDSF) to provide information about acts of violence among foresters and the Forest Guard.

The Regional Directorates of State Forests in Zielona Góra,[51] Toruń,[52] Łódź,[53] Katowice,[54] Gdańsk,[55] Poznań,[56] and Krosno[57] neither recorded any incidents with the use of firearms in the areas under their jurisdiction nor seized any illegal weapons or ammunition. Other directorates recorded the following incidents:

- RDSF in Olsztyn[58] – in 2014–2019, 59 cases of poaching were recorded here. Of this number, poachers used firearms in 30 cases, while hunting the animals.
- RDSF in Szczecin[59] – in 2014–2019, foresters seized three illegal firearms and 25 rounds of ammunition. One forester committed suicide with a firearm.
- RDSF in Białystok[60] – the Forest Guard seized two illegal weapons used for poaching.
- RDSF in Radom[61] – one hunting weapon and 'Breneka'-type shotgun ammunition were seized. In total, six firearms were secured.

4.5 Animal abuse and gun violence

Unfortunately, the Central Police Headquarters, in statistical compilations generated from the National Police Information System referring to penal regulations (both basic and qualified type) contained in the Act on Animal Protection (art 35.1–2 of this legal Act), does not differentiate between variables referring to the modus operandi of the perpetrators.

In the gun violence database compiled for this project, one case was recorded in 2019 in which this type of behaviour was directed against the welfare of an animal. In reports from 2020, the Central Police Headquarters recorded four events of this type. An analysis of these case studies indicates that the perpetrators of those crimes were men, usually above 50 years of age, using legally purchased firearms for this purpose. The perpetrators used air guns or hunting rifles purchased for non-professional hobbies or hunting. On 4 May 2019, during an evening walk in a village in the Wisznice Commune, a German shepherd dog was shot dead. The owner of the animal was not injured. The perpetrator was a 57-year-old inhabitant of the Bielsko-Biała District; he used a legally possessed hunting weapon.

Another specific category of events identified by the analysis of the police and media reports included in the database are acts of violence. Criminal behaviours against property are most often committed by perpetrators below 30 years of age. The perpetrators usually use air guns, which they possess legally. This violent behaviour often occurs on days off. In addition, there are some indications that the perpetrator or perpetrators acted under the influence of alcohol or psychoactive substances. During the night of Saturday and Sunday, 19 April 2020, 30 cars were damaged in the town of Rydułtowy. The damage was caused by two offenders aged 22 and 24, using legally possessed, unconverted air guns. While under the influence of alcohol, the perpetrators had held a shooting competition.

5 The use of firearms against and by police officers

When analysing statistics and official documents, it is important to take into account two terms used in the Act on Direct Coercive Means and Firearms referring to situations in which public officers use their weapon. The term 'use of firearms' means firing a shot at a person. The term 'application of firearms' means firing a shot at an animal, object or in any direction which does not pose a threat to a person.

5.1 The use of firearms by Polish law enforcement agencies

Polish police officers sometimes need to use their firearms. On the night of 4–5 January 2021, for example, police officers were called to a workers' hotel in Leśnica. The offender had injured his roommate with a sharp object. The man did not respond to orders and threatened officers with a knife. When he attacked, police officers fired their service weapons. The man was wounded in the leg and arm and was then overpowered. Another use of firearms occurred when, on 10 December 2015, policemen from Bytom went to Zabrze to apprehend a 38-year-old man wanted on an arrest warrant. The suspect attempted to flee in a car, hitting one of the police officers. The second officer, responding to the situation, fired three shots at the vehicle. Nobody was injured as a result of the officer's using the firearm, although the wanted man's car collided with a parked vehicle. He then attempted to escape on foot but was apprehended.

Data from the Central Police Headquarters indicates that the police carried out 879 operations involving service firearms in 2014–2019 (see Table 20).

Table 19: Statistics regarding cases of the police using and applying service weapons, 2014–2019

Years	Use of service weapon/ Application of service weapon Without effects	Use of service weapon/ Application of service weapon Injury	Use of service weapon/ Application of service weapon Resulting in death	Use of service weapon/ Application of service weapon Without effects	Use of service weapon/ Application of service weapon injury	Use of service weapon/ Application of service weapon Resulting in death	Total cases involving service weapons, 2014–2019
2014	6	17	2	113	2	-	140
2015	4	13	1	124	-	-	142
2016	5	17	2	142	3	1	170
2017	8	7	3	106	2	-	126
2018	3	11	3	110	-	-	127
2019	3	16	4	147	4	-	174
2014-2019	**29**	**81**	**15**	**742**	**11**	**1**	**879**

Source: Own compilation based on data of the Central Police Headquarters

In this period the use of firearms by police officers resulted in 15 lethal victims and injured 81 persons. In cases involving the use of service weapons to fire a shot at a person, incidents are prevalent in which there was no fatal outcome despite a shot or shots being fired. This may indicate that service weapons are used only as a last resort and the police officers, as a rule, first fire warning shots and shoot to incapacitate the person being detained. As the data in Table 20 indicate, the number of injuries as a result of using service weapons significantly exceeds the number of deaths caused by firing a shot.[I]

Not only the Polish police, but also other types of law enforcement agencies occasionally use their firearms. Data from the the Central Police Headquarters indicates that PBG officers fired 14 shots at persons, most often smugglers, between 2014–2019. The use of service firearms by the guards did not result in deaths or injuries. In 2014–2015, no incidents involving the Forest Guard officers using a weapon against persons were recorded, while eight cases of using firearms to incapacitate an animal occurred (pursuant to art 47.5 of the Act on Direct Coercive Measures and

[I] It should be emphasized that Polish law distinguishes between the use of a service weapon (the use of a weapon to counter an unlawful attack on human life and health) and the application (utilization) of a service weapon (e.g., shooting at a car's tires during a chase).

Firearms of 24 May 2013). In 2014–2015, there were also six recorded cases[I] of the use of service firearms by Railway Security Guard officers, which included five cases in situations that posed a threat to the life and health of police officers. In the five cases, seven warning shots were fired, in three cases, three shots were fired at a vehicle which was used in an attempt to run over the Railway Security Guard officers. A weapon was used during operations against perpetrators stealing railway infrastructure (rails, telephone cables) and in one case during an attempt to stop tobacco products being smuggled. No cases of using a weapon resulted in the death or injury of a person.

Our research also confirmed cases of suicides committed by police officers on duty with the use of firearms. On the morning of 7 July 2014, at the police station in Gardna Wielka (Smołdzino Commune, Słupsk District), a policeman was found dead with a gunshot wound to his head. No third-party involvement was identified. A similar incident occurred on the afternoon of 9 December 2016 at the police station in Piekary Śląskie at ul Kalwaryjska: a police officer shot himself fatally in the abdomen with a service weapon. On the afternoon of 29 May 2020, at the District Police Station in Koło, a 32-year-old policeman shot himself in the head. He died in hospital the next day. Between 2011 and 2020, three cases were found of suicide committed by a police officer using their service firearms and one case in which a hunting weapon was used for this purpose. In addition, another event was recorded on 9 March 2015 in which a 59-year-old retired police officer in Odrano-Wola near Grodzisk Mazowiecki shot his wife with his legally possessed gun and then committed suicide. A similar event occurred on the morning of 19 April in 2011 in Jagiellońska Street, Sieradz: a retired police officer shot his wife and then himself.

In addition, during the period under review, events occurred that were the result of a failure to comply with the accepted norms of safety. On 20 May 2019, at the shooting range in the Higher Police School in Szczytno, a shooting instructor in charge of the safety of users of the indoor shooting range used a loaded firearm with a connected magazine and live ammunition. By doing so he broke the rules while conducting shooting classes with basic course officers. He fired a shot towards a group of 19 class participants, injuring two of them – a woman in the hip and a man in the abdomen. Through his behaviour, the instructor also unintentionally put one of the course participants in immediate danger of losing her life or seriously injuring her health.

5.2 Firearm violence towards law enforcement agencies

Firearm violence in Poland is sometimes directed against police officers. On 21 December 2016, for example, police officers were called to attend to a 21-year-old man who was committing an assault at home. According to the reporting person, the young man was allegedly hitting a family member. When policemen entered his home,

I Four cases in 2014 and two in the first half of 2015

they saw him running down the stairs, holding an object resembling a firearm. The 21-year-old fired several shots at the officers and ran into a room. He then jumped out of a window and started running away. At one point, his gun jammed, and the police officers overpowered the aggressor and wrested the weapon from him. The 21-year-old was aggressive and threatened the officers. He was detained in police custody. A breathalyser indicated an approximately 0.1 per cent alcohol concentration in his body; in addition, blood was taken from him for further testing. While searching the room of the man, police officers found and seized ammunition for gas weapons and almost 200 flash grenades. The magazine of the automatic gun seized held 16 gas bullets. The police officers established that the young man had purchased weapons and ammunition illegally online from Slovakia. He was charged with assaulting officers, possessing a gas weapon and ammunition without the required licence and with domestic abuse. Following the decision of the District Court in Ustrzyki Dolne, he was detained temporarily for two months.

Between 2011 and 2020, there was one case of killing a police officer while he was performing his official duties related to the protection of human safety or security or public order. The incident occurred on the night of 3 December 2017 in Wisznia Mała (Trzebnica District). A police officer was fatally shot while apprehending criminals in the act of breaking into an ATM. The perpetrator, who died on the spot, was using a machine gun and his accomplice was arrested. In the exchange of fire, three other police officers were also injured. On the night of 31 August 2014, a police officer was shot in Bydgoszcz by his service weapon after the perpetrator snatched it from him. The injured officer's condition after the shooting was reported as critical.

In the same period, at least two legally concluded cases of attempted murder of a police officer were recorded. These cases came under the jurisdiction of the Regional Court in Płock and Białystok. Firearms were not used in any of these cases by the perpetrator or perpetrators.[1]This does not mean that potentially dangerous events, classified in criminal procedure as acts of a lower level of gravity than homicide or attempted homicide, are not recorded. During an intervention in Gałczyńskiego Street, Bielsko-Biała, on the afternoon of 12 December 2016 a drunken assailant fired two shots at police officers from an unlicensed gas weapon. In the apartment of the perpetrator, one more start gun was found, together with 823 rounds of ammunition for paralysing and gas guns and blast guns, and almost a thousand doses of amphetamine.

The most well-known event of this type after 1989 occurred in Magdalenka on the night of 6 March 2003. During an attempt to detain two high-level criminals, two police officers were killed and another 17 were injured. The perpetrators, who died of carbon monoxide poisoning, had gathered a substantial arsenal. They used 29 firearms, repeating guns (Glock 17, pw wz.33, CZ-75 Full Auto), machine guns (Sa vz.61, Uzi

[1] For the purposes of Project Target, the information about cases of the attempted homicide of a police officer on duty was obtained from the set of data compiled by Natalia Dąbkowska as part of her research work. Information obtained in this way was cross-validated with the data provided by the Central Police Headquarters and published press releases gathered in a gun-violence database.

Mk.3, PM-98 and PM-84P), automatic rifles (AKMS and AKS-74U), a hunting rifle and a shotgun (Franchi SPAS-12). The criminals, using fougasses, mines, grenades and improvised explosive devices, mined the garden at a house in at Środkowa Street, Magdalenka, where they were hiding.

A catalyst for changes to the existing criminal laws, resulting in harsher penalties for the violation of physical integrity, was the assault and murder of a police officer of the Patrol and Intelligence Department of the Warsaw Metropolitan Police Headquarters. In Warsaw on 10 February 2010, the police officer, during his holiday leave, intervened when he witnessed municipal property being destroyed and actions that were endangering the health and lives of residents. In response, two perpetrators stabbed him several times with knives.

Between 2014-2019 no acts of violence with the use of a weapon by third persons towards the PBG officers were reported. No case of injury to or the killing of a PBG officer was recorded.

6 A relationship between illicit trade in firearms and gun violence

The relationship between the prevalence of firearms and violent crime has been the topic of lively academic debate, one that has generated numerous research projects. The US criminological literature is particularly extensive on this topic. An analysis of the data collected about weapons and ammunition uncovered in the black market during 2014–2019 does not demonstrate any clear relationship between the illicit trade in firearms and gun violence in Poland.[1] However, in view of the increases in both seizures and incidents observed in 2013 and in the years 2016–2020 (total number of armed crime recorded by the police), the possible relationship between the major categories of criminal behaviour and the phenomenon of gun violence requires continuous in-depth scientific research.[62]

1 In the gun violence database, most criminal offences that were recorded with the use of weapons sensu largo, including items resembling firearms, can be included in the category of robbery offences. Polish jurisprudence indicates that the use of an object resembling a firearm by the perpetrator should be interpreted as a threat of immediate use of violence. Most often, witnesses to such incidents, are unable to determine whether the perpetrator is using a device dangerous to life or health, let alone to indicate its type. This is due not only to a lack of knowledge but also to the abnormal emotional situation they find themselves in.

Table 20: Attempt to determine relationship between number of established illegal firearms and phenomenon of gun violence, 2014–2019

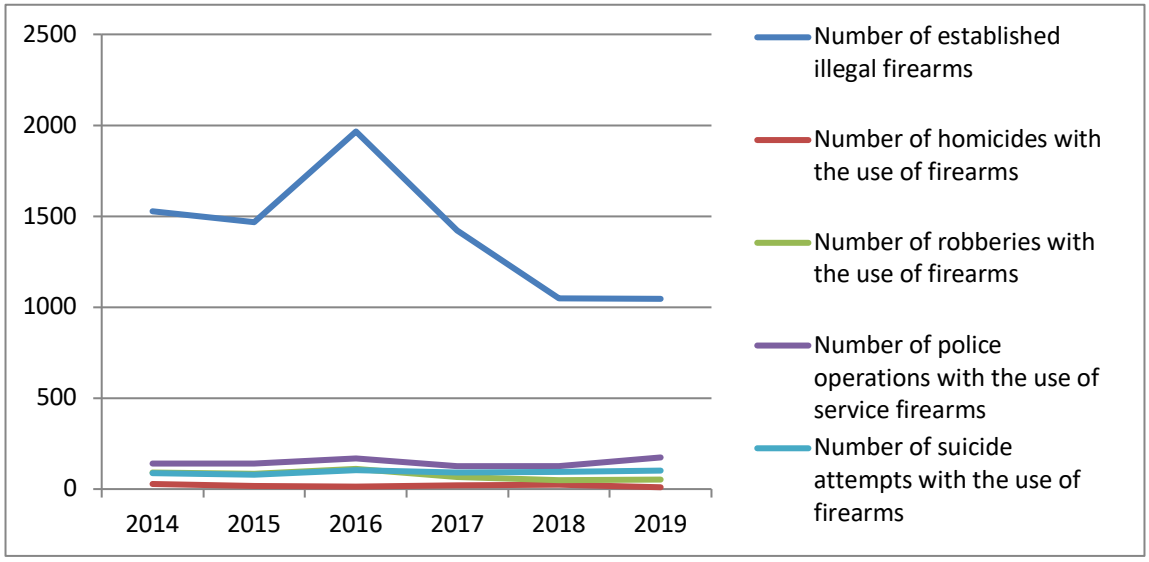
Phenomenon	Number of cases 2014	Number of cases 2015	Number of cases 2016	Number of cases 2017	Number of cases 2018	Number of cases 2019
1. Number of illegal firearms seized by the police and MG	1,341	1,348	1,875	1,343	945	824
2. Rounds of illegal ammunition seized by the police and MG	68,317	159,684	107,020	109,480	64,214	78,491
3. Number of smuggled firearms uncovered by PBG and NRA	150	81	66	53	75	212
4. Pieces of smuggled ammunition uncovered by PBG and NRA	931	120,106	1,799	1,164	1,827	2,122
5. Number of firearm thefts	36	37	25	25	30	10
Number of established illegal firearms in trade (total of 1+3+5)	**1,527**	**1,466**	**1,966**	**1,421**	**1,050**	**1,046**
6. Number of homicides with the use of firearms	28	16	12	19	23	10
7. Number of robberies with the use of firearms	91	83	111	68	49	53
8. Number of police operations with the use of service firearms	140	142	170	126	127	174
9. Number of suicide attempts with the use of firearms	860	79	104	90	96	102
Number of incidents with the use of firearms (total of 6–9)	**345**	**320**	**397**	**303**	**295**	**339**

Source: Own compilation based on the entirety of the data obtained by the research team

As shown in Table 20, the number of exposed firearms circulating in illicit trade amounted in 2014 to only 1,527 pieces. A clear increase was recorded in 2016, when the police, the Military Gendarmerie and the PBG services found almost 2,000 weapons.

This number decreased in the following two years. However, it must be emphasised that it is difficult to see any correlation between the number of weapons seized by the police services and the number of crimes committed using firearms. Crimes committed involving violence, including crimes committed with the use of a weapon, are a decreasing group of acts in the total number of offences. This seems to have been an increasingly consistent trend over the past ten years. The change in the nature of Polish criminality is clearly illustrated by the seven-fold decrease in homicides with the use of firearms and a reduction of 86.28% in the number of robberies perpetrated with such weapons during the period 2002–2015. The statistics provided by the police show that the interruption of the trend in crimes committed with the use of weapons, including firearms, which occurred in 2016 did not change the general tendency.[I]

Figure 1: Attempt to determine relationship between number of seized illegal firearms identified and phenomenon of gun violence



Source: Own compilation based on data of the Central Police Headquarters

Figure 1 illustrates the absence of a statistical correlation between the number of seized illegal firearms in Poland and the incidents of violence with the use of firearms.

Unfortunately, the available law-enforcement data is not detailed enough to enable us to differentiate between the various contexts of gun homicide in Poland or to analyse the type, legal status and trafficking route of firearms used in gun violence in the country. As a result it is very difficult to quantitively analyse the possible linkages between firearms trafficking and gun violence in the country.

[I] In 2016, 140 crimes involving racketeering with the use of firearms were recorded. This was 59% more than in 2015 (88 crimes) and 41.41% more than in 2014 (99). In 2016, in comparison to 2015, the general number of crimes committed with the use of gas weapons increased more than four times (208 crimes) and more the three times with the use of firearms (996 crimes). Within this time frame, the number of crimes committed with the use of pneumatic weapons increased by 162.41%.

7 Combating illicit arms trafficking and gun violence

The available data on the level and scale of crime with the use of violence indicate clearly that this type of crime is decreasing systematically, which should be linked to social and economic changes in Poland. Acts of violence committed with the use of firearms are rare. This is illustrated by the low number of robberies committed using firearms. During the period 2014–2019, 455 robberies were committed. The number of homicides in the period under review, when the victim died as a result of the use of firearms, amounted to 108.

An important dimension of investigations into the illegal trade in weapons is the efficiency of the databases, which help to establish the source of weapons used in a crime or illegal trade. For forensic laboratories in specific provincial police headquarters there is no uniform practice for archiving forensic data collected during the examination of specific weapons. For instance, one of the laboratories indicated that '*... since no collective qualitative statistics are maintained, it is not possible to determine the share of firearms in the total number of examined items*'. In addition, the same laboratory explained that during the examination procedure experts do not gather or process information relating to the reasons for commissioning a specific task to them.[63] Another laboratory indicated that the EDK IT system does not store information about the legal qualification of orders and does not collect data regarding the number of firearms examined, their type or the purpose of the examination. All the information obtained as a result of the examination of a specific weapon is included in the forensic opinion that is provided to the ordering authority, most often as evidence in the criminal proceedings. As it turned out, the laboratory did not store a copy of the prepared opinion.[64]

A serious shortcoming of the policy on fighting the illicit trade in weapons is the lack of a central database to ensure the effective functioning of the weapon registration system. Currently, in Poland, the Broń system is in use; this system records data related to the origin of a weapon and its status. According to the SAO, it was found that the data registered in the Broń police register are burdened with serious errors, for

example regarding address data, which may lead to errors while locating a weapon. The register does not reliably document the fact of weapon-scrapping. Moreover, it does not provide continuity in recording the history of a weapon belonging to a person who has died. The data in the records are inconsistent, come from different periods of time and concern different administrative divisions of the country and different legal statuses, and are not up to date. A new system is currently being developed.

In the surveys conducted for this study, officers of the PBG and the Military Gendarmerie and also retired officers of the police and other institutions, have emphasised the importance of international cooperation in combating illicit firearm-trafficking and the coordination of weapon-related data-sharing. Given the criminal nature of the illicit trade in weapons, an important dimension of combating this crime is international police cooperation, in which information exchange is an important part. As one of the surveyed persons observed, the illicit trade in weapons and ammunition is an international crime, one that requires close cooperation. This cooperation should be improved based on the active role of Europol and, in particular, by creating an Analysis Work File (AWF) or implementing principles of cooperation between police authorities of the EU states modelled on the Assets Recovery Office (ARO).It was proposed that permanent joint working groups should be established to exchange analytical data and cooperate in non-prosecution activities continuously. A clear need has been observed to educate police officers in the subject of arms-trafficking, legal regulations and the *modus operandi* of smuggling, which is constantly changing,

In the domestic dimension, attention is drawn to the fact that the illicit trade in weapons is combated by various services. In Poland, there are several institutions that combat crime. Apart from the police (within which various organisational units exist), those institutions include the PBG, the NRA and the Military Gendarmerie. Crime-fighting, in its narrower range, is the responsibility of special services, such as the Central Anti-Corruption Bureau, the Internal Security Agency (ISA) and the Military Counter-intelligence Service. As regards combating crime with the use of violence, the main authority is undoubtedly the police, particularly the criminal service operating within the police, and the CBI, which specialise in combating organised crime. Combating illegal weapon-trafficking is the responsibility of the CBI if the illegal trade is carried out by OCGs, and by the ISA, particularly when the trade in weapons is related to terrorism or poses a threat to State security. Both police services (the police, including the CBI, the PBG, the Tax and Customs Service under the NRA) and special services (the ISA and the Military Counter-intelligence Service) are thus responsible for cobating firearms trafficking. This raises the problem of coordination between these institutions. This is particularly observable in cooperation between special and political forces, which has a legal basis but is also governed by the need to protect information sources. A consequence of this situation is that the EU does not receive comprehensive information in the Schengen Information System (such as weapons lost or stolen or the sale of 'deactivated' weapons, which can easily be converted into firearms, etc).

At the same time, emphasis is placed on the need to transfer information about firearms among EU security services in order to update data in the common customs risk management system. Difficulties in this respect could be significantly reduced by creating a common database accessible by all the services and institutions involved in combating the black weapons market. However, there is no currently no legal framework for creating such a database.

8 Conclusions

Comparative research into gun-related violence is hindered by the lack of local and regional programmes and the unavailability of detailed quantitative data, including methodological details. Understanding the overall picture of the phenomenon would facilitate taking coordinated preventive action and provide stimulus to strengthening transnational cooperation between the competent authorities. In contrast, US studies do not (because they simply cannot) take into account the complexity of the social, economic and political relations and the historical background of Europe.

In Poland, gun violence is a marginal phenomenon and is not treated as a priority in the State's criminal policy, which does not mean that the police ignore it. In the case of incidents involving weapons (in particular, homicides and robberies), in view of the gravity of these acts and the public perception of them, considerable resources are devoted to finding the perpetrators and bringing them to book.

Because of the low level of saturation of firearms in society and a restrictive policy regarding trade in weapons in civil-law transactions, the availability of weapons is low, both in the legal and in the black markets. In the case of the illicit arms trade, owing to dispersed databases and limited access for researchers, the laconic forms of official reports and the nature of the trade, it is difficult to determine the real extent of the phenomenon. From this perspective, only file research regarding cases that ended with final convictions and the development of strategic criminal analysis based on updated and interoperative databases could lead to a quantitative description of this practice.

Claims have been made that OCGs trade in weapons but our findings suggest that there is no data to indicate that illicit firearm-trafficking is the main area of activities of such groups in Poland. Even if only a secondary activity, the illicit firearm trade undertaken by OCGs makes use of their organisational resources, structures, contacts, trafficking routes and formal and informal connections made in the course of other criminal activities. A review of the cases investigated by the CBI supports the conjecture that, for most OCGs, the illegal arms trade is only one of many operations.

Furthermore, the financial means gained in other areas of criminal activity are also reinvested in the illicit firearms market. There are regional speciality groups which combine trade in illicit firearms and counterfeit goods with the illicit amber trade (the so-called 'amber mafia').

Based on the information gathered through surveys conducted among the PBG officers and interviews with retired police officers, the following conclusions arise as regards combating the illegal firearms trade and, indirectly, violence with the use of firearms. The legal solutions in the area of criminalising the illicit firearm trade and violence with the use of firearms do not raise any issues. The criminal and administrative provisions are detailed and introduce severe penalties for violations of the regulations regarding the possession and storage of weapons. The police carry out inspections according to the rules for weapon storage by individuals and institutions and the possession of firearms. Any deficiencies in weapon storage are subject to corrective action.[65] Problems arise, however, in applying certain legal institutions and in implementing actual, rather than declared, international cooperation. For example, one of the persons surveyed proposed introducing a provision to the Criminal Code which would aim at releasing a person from criminal liability who voluntarily surrenders illegal firearms and provides information on the circumstances of its acquisition or purchase.

Poland's geographic location puts it at the crossroads of trafficking routes used by OCGs. Depending on the illicit goods in question, it is either a country of destination, of transit or of origin for contraband, as dictated by the supply and demand in illicit, mainly European, markets.

Currently, two smuggling trails, as part of the European illicit weapon market, intersect in the area of Poland: the northern and the eastern routes. In summary, trafficking is one of the main elements among the various phenomena of the illicit trade in firearms. Since new forms of trafficking appear constantly, this phenomenon should be investigated by regular, in-depth research. As indicated by the data collected for this report, the main source of illegal weapons is smuggling, particularly from Czechia and Slovakia. It must be noted that the threat of firearms and ammunition trafficked into Poland, and subsequently into other Schengen countries, is not directly due to their number or value, but as a consequence of their accessibility.

Several elements hinder a good intelligence picture on firerms trafficking and firearm violence in Poland. Until 2020, for example, the police were not obliged to include the *modus operandi* variable when recording a crime in the National Information System. As a result, a number of recorded crimes provided by the operator of this system (based on searches that include the value of *modus operandi*) will not be included in the discussion. This system is used to generate compilations of data in response to requests sent requiring access to public information. Anyone analysing the research material gathered in this manner must be aware of the presence of such a bias. In addition, the Department of Intelligence and Criminal Information of the Central Police Headquarters does not differentiate between statistical data regarding homicides committed with

legally or illegally possessed firearms or those registered to third persons. The fact of not distinguishing the category of crimes committed with the use of a black market weapon could indicate that it was used to commit any of a significant number of such acts.

The tendency of OCGs, including those of a terrorist or extremist character, to exploit the benefits brought about by the convergence of scientific progress, globalisation and integration processes can be expected to persist in the coming years. Regarding these developments, particular attention should be given to metal printing technology applied to weapons and their elements, encrypted communication technologies and non-supervised alternative monetary systems.

This research fills a gap in the European literature on the illicit arms market in Poland and, what is even more important, the specifics of gun violence in the local circumstances. The research discussed will provide a starting point for future analyses.

Endnotes

1 Buczyński, S. (2014) Finansowanie organizacji ekstremistycznych na przykładzie funkcjonowania rynku towarów podrabianych [Financing extremist organisations on the example of the functioning of the counterfeit goods market]. In W Plywaczewski & P Lubiewski (eds), *Współczesne Ekstremizmy. Geneza, Przejawy, Przeciwdziałanie* [*Contemporary Extremisms. Genesis, Manifestations, Counteracting*], Olsztyn, s 158.

2 Buczyński, S. (2014) Przemyt towarów podrabianych perspektywa kryminologiczna [The smuggling of counterfeit goods – a criminological perspective]. *Journal of Modern Science*, 20: 263–285.

3 The Ministry of Justice provided the data concerning persons convicted for offences under CC art 148 (homicide), CC art 159 (use of a dangerous instrument in a fight), CC art 263, CC art 278, CC art 280. However, at the same time, it noted that the relevant unit collecting statistical data does not have the capacity to extract from the statistical data all the information requested by the research team. This concerned, among other things, the data of such legal qualifications as CC art 159 in conjunction with CC art 263.2 – the crime of taking part in a fight related to the use of an illegally possessed firearm, CC art 148 in conjunction with CC art 263.2 – homicide with the use of an illegally possessed firearm. Source: Letter from the Ministry of Justice dated 2 November 2020, File Ref No DSF-II.082.257.2020.

4 The SAO published a report on its audit, which in the period from 2014 to the first half of 2015 covered 40 organisational units of services and institutions, including: the Central Police Headquarters, five Provincial Police Headquarters, the Warsaw Metropolitan Police Headquarters and all five Police Schools, the Central Headquarters of the PKP PLK SA Railway Security Guard, and five Regional Headquarters of the PKP PLK SA Railway Security Guard, the General Directorate of State Forests and five Regional Directorates of State Forests, five Provincial Headquarters of the State Fishery Guard, four Directorates of National Park (regarding the Park Guard), three Provincial Offices (regarding the State Hunting Guard), two Provincial Inspectorates of Road Transport, and the Municipal Guards in Warsaw. It should be pointed out here that the SAO audit aimed at: assessing the use of official firearms of police officers and officers of the controlled services and guards in the course of performance of their official tasks in terms of safety, assessing whether the officers' weapons are properly stored and protected against loss. In particular, the principles of weapon storage, especially the protection against loss or unauthorised access, and the principles of shooting training were examined. The findings that are particularly important concern the level of security of firearms in the depots of the police services and other authorities against loss and theft.

5 P Chlebowicz, *Illegal Arms Trade. Criminological Study.* (Wolters Kluwer 2015).

6 Buczyński S. (2021), The ring of fire, kryzys ukraiński z perspektywy badań nad europejskim czarnym rynkiem broni [The ring of fire, the Ukrainian crisis from the perspective of the research on the European black market of firearm]. In, E W Pływaczewski, D Dajnowicz-Piesiecka, E Jurgielewicz-Delegacz (eds), *Badania kryminologiczne a praktyka. Perspektywa krajowa i międzynarodowa* [*Criminological research and practice. National and international perspective*], Warszawa 2021, 160.

7 Dz. U. 1999 Nr 53 poz. 549

8 Rejmaniak, R. (2017) *Wyrabianie, handel i posiadanie broni palnej oraz amunicji w Polsce. Aspekty karnoprawne i kryminologiczne* [*Manufacturing, Trade and Possession of Firearms and Ammunition in Poland. Criminal Law and Criminological Aspects*], Toruń, 174.

9 As R Rejmaniak observes: 'A consequence of the restricted access to weapons and ammunition in Poland is security of these objects under criminal law. The safeguarding of these objects includes the criminalisation of acts involving both possession of firearms and ammunition without the required authorisation and their handling in a manner contrary to the regulations governing weapon and ammunition and affecting the change of the entity holding firearms and ammunition. Such a change includes the transfer or making available those items to another, unauthorised person, and the loss of possession of those items, ie their abandonment or unintentional loss.'R Rejmaniak.(2016) Doctoral dissertation titled *Wyrabianie, handel i posiadanie broni palnej oraz amunicji w Polsce w ujęciu karnoprawnym i kryminologicznym* [*Manufacturing, Trade and Possession of Firearms and Ammunition in Poland in Criminal Law and Criminological Perspective*], Faculty of Law, The University in Białystok, 2016, 227.

10 See the decision of the Provincial Administrative Court in Warsaw, File Ref No II Sa/Wa 1473/09.

11 Bialystok. (2013) '… The police authorities issuing the licenses, feeling supported by the case law of the Supreme Administrative Court, have adopted a restrictive practice in this respect. An exception to the licensing statistics are hunting weapons, for which the licensing mechanism in Poland is relatively efficient.' J Kasprzak & W Brywczyński, *Nielegalne posiadanie broni i amunicji. Studium prawno-kryminalistyczne* [*Illegal Possession of Arms and Ammunition. A Legal and Forensic Study*], 55.

12 Rejmaniak, R. (2017) *Wyrabianie, handel i posiadanie broni palnej oraz amunicji w Polsce. Aspekty karnoprawne i kryminologiczne* [*Manufacturing, Trade and Possession of Firearms and Ammunition in Poland. Criminal Law and Criminological Aspects*], Toruń, 155.

13 The information from the SAO on the result of audit 'The use of weapon by selected services and guards and supervision of state authorities over its restrictions', No 167/2015/P/15/041/KPB. Period covered by the audit: 1 January 2014–30 June 2015.

14 The information from the SAO on the result of audit 'The use of weapon by selected services and guards and supervision of state authorities over its restrictions', No 167/2015/P/15/041/KPB. Period covered by the audit: 1 January 2014–30 June 2015.

15 The information from the SAO on the result of audit 'The use of weapon by selected services and guards and supervision of state authorities over its restrictions', No 167/2015/P/15/041/KPB. Period covered by the audit: 1 January 2014–30 June 2015.

16 Letter from the Police Headquarters dated 29 October 2020, File Ref No L Dz Gak – 944/914/20/MG.

17 https://statystyka.policja.pl/st/wybrane-statystyki/bron/bron-pozwolenia

18 See the decision of the Provincial Administrative Court in Warsaw, of 23 February 2006, VI SA/Wa 2041/05. LEX No 220023.

19 See the decision of the Provincial Administrative Court in Warsaw, File Ref No II SA/Wa 818/20 of 28.10.2020.

20 The information from the SAO on the result of the audit 'The use of weapon by selected services and guards and supervision of state authorities over its restrictions', No 167/2015/P/15/041/KPB. Period covered by the audit: 1 January 2014–30 June 2015.

21 The information from the SAO on the result of audit 'The use of weapon by selected services and guards and supervision of state authorities over its restrictions', No 167/2015/P/15/041/KPB. Period covered by the audit: 1 January 2014–30 June 2015

22 Chlebowicz, P. (2015) *Nielegalny handel bronią. Studium kryminologiczne [Illicit Arms Trade. Criminological Study]*, Warszawa, 110.

23 Letter from the Police Headquarters dated 29 October 2020, File Ref No L Dz Gak – 944/914/20/MG.

24 Kasprzak, J & Brywczyński, W. (2013) *Nielegalne posiadanie broni i amunicji. Studium prawno-kryminalistyczne* [*Illegal Possession of Arms and Ammunition. A Legal and Forensic Study*], Białystok, 103.

25 The research conducted by R Rejmaniak was limited by the territorial extent to only one province – the Podlasie Province. However, it was comprehensive as it covered the years 1998–2014, with a total of 379 cases examined, where 414 perpetrators of offences related to access to weapons or ammunition were convicted with final sentences.

26 The resarch by R Rejmaniak.

27 Letter from the Ministry of Justice dated 2 November 2020, File Ref No DSF-II.082.257.2020.

28 Buczyński S. The ring of fire..., op.cit, 169.

29 Buczyński S. The ring of fire..., op.cit, 170.

30 Kasprzak, J & Brywczyński, W. (2013) *Nielegalne posiadanie broni i amunicji. Studium prawno-kryminalistyczne* [*Illegal Possession of Arms and Ammunition. A Legal and Forensic Study*], Białystok, 134.

31 Chlebowicz, P. (2012) Nielegalny rynek broni z perspektywy kryminologicznej [Illicit weapon market from the criminological perspective]. In W Pływaczewski & P Chlebowicz (eds), *Nielegalne rynki. Geneza, skala zjawiska i możliwości przeciwdziałania* [*Illicit Markets. Genesis, the Scale of the Phenomenon and Counteracting Possibilities*], Olsztyn 2012, 174.

32 https://policja.pl/pol/aktualnosci/195011,Wpadli-bo-kupowali-bron-hukowa-przez-Internet.html

33 https://www.mazowieckie.kas.gov.pl/urzad-skarbowy-w-przasnyszu/wiadomosci/aktualnosci/-/asset_publisher/ApR1/content/id/7236079

34 See Raporty o stanie bezpieczeństwa państwa za lata … [Reports on the state security for years ...].

35 Interview with a forensic expert conducted in February 2021 in Warsaw.

36 Letter from the General Headquarters of the PBG dated 4 November 2020, File Ref No KG-OI-VIII.0180.95.2020.PS.

37 Letter from the Director of the Department for Combating Financial Crime of the Ministry of Finance, File Ref No DZP9.K4111.7.2020.Z079.6, dated 18 December 2020.

38 Letter from the Commander-in-Chief of the Military Gendarmerie dated 27 November 2020, File Ref No 14225/ZD-Ś/2020.

39 Buczyński, S. (2022) Projekt TARGET. Fenomen przemocy z użyciem broni w Unii Europejskiej – wybrane zagadnienia [Project TARGET. The phenomenon of gun violence in the European Union - selected issues]. In D Dajnowicz-Piesiecka, E Jurgielewicz-Delegacz, E Pływaczewski (eds), *Prawo karne i kryminologia wobec kryzysow XXI w.* [*Criminal law and criminology in the face of crises of the 21st century*], Warszawa, 2022, pp. 40-57.

40 https://epoznan.pl/news-news-85025-w_magazynie_z_bronia_doszlo_do_wlamania_zginelo_kilkadziesiat_pistoletow_maszynowych

41 Chlebowicz described, among others, a case of the theft of 26 pistols from a weapons depot on the *Grunwald* warship in December 1995. See Chlebowicz, P. (2012) *Nielegalne posiadanie broni i amunicji. Studium prawno-kryminalistyczne* [*Illegal Possession of Arms and Ammunition. A Legal and Forensic Study*], 119–121.

42 Hołyst, B. (2007). *Kryminalistyka* [*Forensics science*]. Warszawa, p. 319.

43 Kasprzak, J. (2000) Wybrane problemy prawno-kryminalistyczne związane z posiadaniem i użyciem broni palnej w Polsce w latach 1990–2000 [Selected legal and forensic problems related to the possession and use of firearms in Poland in the years 1990–2000]. In W Bednarek S Pikulski (eds), *Prawne i administracyjne aspekty bezpieczeństwa osób i porządku publicznego w okresie transformacji ustrojowo-gospodarczej* [*Legal and administrative aspects of people's safety and public order in the period of political and economic transformation*].Olsztyn 2000, 156.

44 Duquet, N. & Vanden Auweele, D. (2021), Targeting gun violence and trafficking in Europe, Brussels: Flemish Peace Institute, 132-134.

45 Kotowska, M. (2019) *Kariery kryminalne członków zorganizowanych grup przestępczych* [*Criminal Careers of Members of Organised Crime Groups*], Warszawa.

46 Files of a criminal case in the Regional Court in Gdańsk, file Ref No IV K 183/07

47 Files of a criminal case in the Regional Court in Warsaw, file Ref No XVIII K 77/15

48 Chlebowicz, P. (2012) *Nielegalne posiadanie broni i amunicji. Studium prawno-kryminalistyczne* [*Illegal Possession of Arms and Ammunition. A Legal and Forensic Study*], 142.

49 https://cbsp.policja.pl/cbs/aktualnosci/167041,Miedzynarodowa-akcja-sluzb-wymierzona-w-nielegalny-rynek-materialow-pirotechnicz.html

50 Currently, organised crime of a criminal nature poses a relatively lower threat in comparison to economic or drug crime …. At present, in comparison to the 1990s, broadly understood reprisals between criminal groups are taken in a more discrete manner. See more in Raport o stanie bezpieczeństwa w Polsce w 2015 r. [Report on the state of safety in Poland in 2015], Ministry of Interior and Administration, 86.

51 Letter from the Director of RDSF in Zielona Góra, File Ref No DS 2506.22.20, dated 22 December 2020.

52 Letter from the Director of RDSF in Toruń, File Ref No DR 0172.73.2020, dated 8 December 2020.

53 Letter from the RDSF in Łódź, File Ref No DS 2500.6.2020, dated 21 December 2020.

54 Letter from the RDSF in Katowice, File Ref No 5001.1.2020, dated 15 December 2020.

55 Letter from the RDSF in Gdańsk, File Ref No DS 2506.27.2020, dated 22 December 2020.

56 Letter from the RDSF in Poznań, File Ref No DK 2500.3.2020, dated 22 December 2020.

57 Letter from the RDSF in Krosno, File Ref No DS 2502.7.2020, dated 29 December 2020.

58 Letter from the RDSF in Olsztyn, File Ref No DS 2506.27.2020, dated 3 December 2020.

59 Letter from the RDSF in Szczecin, File Ref No D. 0172.19.2020, dated 16 December 2020.

60 Letter from the RDSF in Białystok, File Ref No DS 2500.6.2020, dated 14 December 2020.

61 Letter from RDSF in Radom, File Ref No 2506. 2500.9.2020, dated 16 December 2020.

62 Buczyński S. The ring of fire…, *op.cit*, 160.

63 Letter from the Provincial Police Headquarters in Szczecin, File Ref No WKS-076-577/20, dated 2 December 2020.

64 Letter from the Provincial Police Headquarters in Wrocław, File Ref No L Dz H-0151-351/20, dated 2 December 2020.

65 For instance, according to the previously quoted information from the SAO, in one of the national parks it was established that the weapon depot was not provided with an alarm system, which was contrary to the regulation concerning the Park Guard's firearms. After the end of the audit, the Director of the National Park gave notice about installing an alarm system, as advised by the SAO in the post-audit statement.

REPORT

PROJECT TARGET

A snapshot of illicit firearm-trafficking and gun violence in Serbia

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VDS

Introduction

The uncontrolled spread and misuse of firearms challenges and threatens both State and human security. According to the Small Arms Survey estimates, there are more than one billion firearms in the world, the vast majority of which are in the possession of civilians.[1] Although Serbia is among the top-ranked countries according to the estimated rate of civilian firearm holdings,[2] the country is not characterised by high levels of conventional crime or violence with firearms. As suggested by the *Small Arms and Light Weapons* (SALW) survey, the period 2012–2016 saw a 34% decrease in criminal offences committed with the use of firearms.[3] In the period from 2010 to 2015, approximately 260 deaths in Serbia annually resulted from firearms[4] which include approximately 52 firearm homicides annually (an annual average of 0.73 firearm homicides per 100,000 population).

On the other hand, the problem of trafficking in and illicit possession of firearms is also present in Serbia: most cases of homicide and other violent crimes are committed using illicit firearms. However, apart from some studies of small arms and light weapons (SALW) and domestic violence,[5] no specific studies have been undertaken to analyse the impact of illicit firearm-trafficking – particularly as a form of organised crime – on gun violence in Serbia in general. Consequently, little is known about the scope and dynamics of the impact of illicit firearm-trafficking on gun violence. Taking that as a starting point, the objective of the present study is to analyse the impact of illicit firearm-trafficking on gun violence in Serbia. The study has three main aims:

- to analyse the scope and nature of gun violence in Serbia;
- to analyse the characteristics of firearms used in gun violence in Serbia, and
- to map out existing policy and practice related to collecting and recording data in this area, preventing gun violence, combating illicit firearm-trafficking and limiting the impact of illicit firearm-trafficking on gun violence.

Box: Research design

This chapter was prepared by triangulating data collected through quantitative and qualitative research methods, which comprised:

qualitative analysis of the relevant literature, including academic articles, previous research studies and reports, reports of state institutions and civil society organisations (CSOs), relevant legislation and policy documents;

collecting quantitative data on incidents of gun violence in Serbia and the firearms used in these incidents; and

in-depth interviews with key actors in Serbia.

Qualitative analysis of the relevant literature was performed in order to investigate the existing legal framework, policy and practice related to the illicit firearm-trafficking and gun violence and their relationship so as to provide a basis for the empirical part of the research.

Quantitative data on gun violence for the five-year period 2015–2019 were collected primarily from the Ministry of the Interior of the Republic of Serbia (MoI) on the basis of the Law on Free Access to Information of Public Importance.[6] The starting point was 2015 because it was in that year that the Law on the Weapons and Ammunition[7] was enacted. The data were based on previously defined variables derived from a literature review.

In addition, statistical data on firearm-related violence were collected from the Armed Violence Monitoring Platform, which is managed by the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC[1]).

In-depth interviews were conducted with SEESAC representatives, the UN Office for Drugs and Crime (UNODC) in Serbia and the Customs Administration's Department for Suppressing Smuggling. Interviews were conducted by a means of a semi-structured questionnaire. The MoI allowed us to submit a questionnaire to be distributed to certain police units. We subsequently received a joint document from the MoI containing the requested data related to firearm-trafficking. The data were processed using both qualitative and quantitative methods

[1] SEESAC operates under a mandate from the United Nations Development Programme (UNDP) and the Regional Cooperation Council (RCC) to enhance control over SALW. More information can be found at https://www.seesac.org/AVMP/.

This chapter begins with a brief analysis of the regulatory framework for firearm possession and trade and the scope and characteristics of legal firearm possession and trade. This provides a basis for a better understanding of the dynamics of legal firearm possession and the firearms market in the country. This is followed by an analysis of the scope and characteristics of illegal firearm possession and illicit firearm-trafficking into, within and from the country. The main part of the chapter focuses on the scope and nature of gun violence in Serbia. The final part provides insights into the national policy and initiatives to combat illicit firearm-trafficking and gun violence. In the concluding part we provide some recommendations for the improvement of policy and practice in preventing and responding to gun violence and illicit firearm-trafficking in Serbia, as well as for the improvement of data-collection on these issues.

1 Regulatory framework for firearm possession and trade

1.1 International regulatory framework

The Republic of Serbia has developed its regulatory framework for firearm possession and trade on the basis of its commitments confirmed by signing relevant international instruments. As a member of the United Nations (UN), the State has accepted a range of resolutions and agreements related to arms control, such as the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA),[8] the UN Firearms Protocol,[9] and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.[I] In 2001, Serbia ratified the UN Convention against Transnational Organised Crime[10] and in 2005 it signed its supplementing Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.[11] In 2013 Serbia signed and in 2014 it ratified the Arms Trade Treaty.[II]

At the regional level, the country is committed to implementing the goals defined in the Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW/firearms and their ammunition in the Western Balkans (the 'Roadmap').[12] This instrument serves as a guiding and consensual document developed and adopted by the states in the Western Balkans in 2018 under the auspices of the German Federal Foreign Office, the European Union (EU) and the Regional Cooperation Council, with the support of SEESAC. The Roadmap is built on the political commitments to the UN PoA and legal obligations stemming from the UN Firearms Protocol. This regional instrument provides an overall platform for commonly agreed levels of performance in achieving the following goals:

I Adopted by the United Nations General Assembly on 8 December 2005.

II The Treaty was adopted on 2 April 2013 by resolution 67/234B during the 67th session of the General Assembly of the United Nations, and entered into force on 24 December 2014.

- By 2023, ensure that arms control legislation is in place, fully harmonised with the EU regulatory framework and other related international obligations and standardised across the region.
- By 2024, ensure that arms control policies and practices in the Western Balkans are evidence-based and intelligence-led.
- By 2024, significantly reduce illicit flows of firearms, ammunition and explosives into, within and beyond the Western Balkans.
- By 2024, significantly reduce the supply, demand and misuse of firearms through increased awareness, education, outreach and advocacy.
- By 2024, substantially decrease the estimated number of firearms in illicit possession in the Western Balkans.
- Systematically decrease the surplus and destroy seized SALW.
- Significantly decrease the risk of the proliferation and diversion of firearms, ammunition and explosives.

In 2019, the UNDP, the UNODC and the Multi-Partner Trust Fund (MPTF) Office established the Western Balkans SALW Control Roadmap MPTF as a key funding mechanism for implementing the Roadmap. The periodic monitoring of progress against the agreed goals and the key performance indicators is regularly conducted and reported on by SEESAC.[13]

As a member of the Organisation for Security and Co-operation in Europe (OSCE), the State has been fully implementing the Vienna Document 2011, the Document on Small Arms and Light Weapons[14] and the Document on Stockpiles of Conventional Ammunition.[15]

Serbia has joined almost all the major non-proliferation, disarmament and arms control treaties promoted by the EU. The State has accepted the criteria under the 1998 EU Code of Conduct on Arms Export and aligned itself with the Common Position 2008/944 on common rules governing arms exports.

1.2 National regulatory framework

On the basis of these international documents related to SALW, the Republic of Serbia has developed a normative framework that consists of the following legislation:

- Law on Weapons and Ammunition;[16]
- Law on Export and Import of Dual-Use Goods;[17]
- Law on Export and Import of Arms and Military Equipment;[18]
- Law on Testing, Stamping and Marking of Weapons, Devices and Ammunition;[19]
- Law on Production and Transfers of Weapons and Military Equipment;[20]
- Law on Trade of Explosive Materials;[21]
- Law on Private Security;[22]
- Law on Detective Activity;[23]

- Criminal Code;[24]
- Code on Criminal Procedure;[25]
- Law on Police;[26]
- Law on Game and Hunting.[27]

Important to stress is that the Serbian legal framework on the civilian use of firearms and ammunition is only partially harmonised with the EU regulations (see Table 1).

Table 1: Level of harmonisation of Serbian legislation with EU directives/regulations

EU directives/regulations	**Legal framework** Law on Weapons and Ammunition Law on Testing, Stamping and Marking of Weapons, Devices and Ammunition Rulebook on Weapon Deactivation Law on Export and Import of Arms and Military Equipment
Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons	Partially harmonised
Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons	Partially harmonised
Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive91/477/EEC on control of the acquisition and possession of weapons	Partially harmonised
Regulation 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the UN' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the UN Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation and import and transit measures for firearms, their parts and components and ammunition	Fully harmonised
Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable	Partially harmonised

Commission Implementing Regulation (EU) 2018/337 of 5 March 2018 amending Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable	Not harmonised
Commission Implementing Directive (EU) 2019/68 of 16 January 2019 establishing technical specifications for the marking of firearms and their essential components under Directive 91/477/EEC on control of the acquisition and possession of weapons	N/A
Commission Implementing Directive (EU) 2019/69 of 16 January 2019 laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons	N/A

Source: SEESAC. Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW and their ammunition in the Western Balkans by 2024. Key Performance Indicators (KPI) Regional Reporting Framework, 23 November 2020

The legislation in this field is regulated in greater depth in the relevant by-laws[I]. The majority of the listed laws have been adopted under the Strategy on SALW during the period 2010–2015 that has envisaged introducing stricter control over trade in weapons and preventing and eliminating their illicit possession and trade.

The acquisition, holding, carrying, collecting, repairing and converting, trade in, brokering and transportation of weapons and ammunition are regulated by the Law on Weapons and Ammunition. Under this Law, the weapons are divided into four categories (see Table 2) with respect to the level of permission and prohibition to acquire, hold and carry them as regulated in article 5.

I Such as the Rulebook on Keeping the Registry of Persons Authorised to Perform Export and Import of Weapons and Military Equipment, Brokering Services and Technical Assistance (Official Gazette of RoS, Nos 28/2015 and 44/2018) and the Rulebook on the Form and Content Requirements for Licence, the Licence Form, the Form and Content of the Certificates Accompanying the Export and Import of Arms and Military Equipment (Official Gazette of RoS, No 28/2015).

Table 2: Categories of weapon according to the Law on Weapons and Ammunition

Category	Type of weapons	Permission and prohibition to acquire, hold and carry
A	Mines and explosive devices, automatic short and long firearms, weapons disguised as other objects and firearms with silencers.	May not be acquired, held or carried by natural persons, legal entities and entrepreneurs, except in cases envisaged by this and other laws.
B	All types of firearm (short, long, semi-automatic, repeating, single-action, double-action, with rifled or smooth-bore barrels, other than those listed in categories A and C) and convertible weapons.	May be acquired, held and carried against a document of the competent authority (MoI).
C	Deactivated firearms, antique weapons and their modern copies that do not use central or rim fire bullets, air weapons with the kinetic energy equal to or greater than 10.5 J, with projectile velocity equal to or greater than 200 m/s, and of calibre larger than 4.5 mm and, finally, string weapons with the tension force exceeding 450 N, or whose drawing weight is more than 101 libras.	May be freely acquired in the cases specified in this Law and may be held provided they have been declared to the competent authority.
D	Cold weapons, gas sprays, electroshock weapons, air weapons with kinetic energy below 10.5 J or with projectile velocity below 200 m/s, and of calibre equal to or smaller than 4.5 mm and, finally, string weapons with the tension force below 450 N, or whose drawing weight is up to 101 libras.	May be acquired and held without any document and declaration to the competent authority.

Under the Law on Weapons and Ammunition, weapons and ammunition that may be acquired and registered may be transported across the border when importing and exporting. Such transportation will be in line with the regulation related to the export and import of weapons and ammunition, foreign trade change and transport of dangerous goods and with application to the border-control authority. In this case, the owners of imported weapons are obliged to submit the application for a weapon licence within eight days of its importation. Licensed weapon-owners – or their agents, if the weapon is owned by a legal entity or an entrepreneur – may transport the weapon and ammunition across the State border on condition that they declare them to the border-control authority. Violation of these provisions is considered a misdemeanour that is sanctioned by imprisonment of up to 60 days or a fine. A fine is prescribed in the case of an offence committed by legal entities and entrepreneurs. Apart from these sanctions, a protection measure of weapon and ammunition confiscation may be imposed. In the amendments to the Law in March 2020, additional efforts have been made to prevent persons linked to terrorism from obtaining possession of the means of carrying out terrorist acts.

Trafficking in weapons is not criminalised as an explicit criminal offence but is prohibited under a general provision of the Criminal Code that prohibits the illegal

manufacturing, possession, carrying and sale of firearms (art 348). A person who or an entity which transfers SALW requires a licence of authorisation to transfer SALW from or into the country. SALW trade without a licence or authorisation, or doing so in a manner that is in contradiction of the terms of a licence or authorisation, is a criminal offence. The unlawful manufacture, possession, carrying and sale of firearms and explosives are sanctioned by imprisonment ranging from six months to five years and a fine. If the subjects of the offence are firearms, ammunition or weapons whose sale, procurement, exchange, or possession is forbidden to citizens, the sanctions are imprisonment of between one and eight years and a fine. If the subject of the offence is a larger quantity of weapons, ammunition or weapons and other devices of large destructive power or the act is committed contrary to the rules of international law, the offender will be punished by imprisonment of from one to eight years. A person who carries the above-mentioned objects may be sentenced to imprisonment of between two and 12 years. Unlawful sale in prohibited weapons is sanctioned under the article 377 by imprisonment of from one to eight years.

It is important to stress that the Criminal Code and the Code on Criminal Procedure contain certain shortcomings that prevent the illicit trade in firearms being combated effectively. Owing to the State's having omitted to criminalise trafficking in weapons as a specific criminal offence, the judiciary classifies these cases as illicit sales under general article 348 of the Criminal Code. This is also the case even if the subject of the offence is a larger quantity of illicit trade in weapons and/or ammunition. Consequently, it is not possible to obtain the real data of cases of trafficking in weapons that have been prosecuted, are currently in a criminal procedure or where sentence has been passed, because these data are hidden in the court statistics within the overall cases of illegal acts related to firearms.

Moreover, in the case of gun violence perpetrated using an illicit firearm, a prosecutor is not obliged to investigate the origin of the firearm used. It is seized, but no further investigation is carried out to uncover the chain of the trafficking in weapons or/and detecting links with other types of trafficking such as trafficking in narcotics. This is a significant shortcoming of the criminal procedure and in the prevention of trafficking in firearms, as it has been proved that firearm-smugglers often use the same channels as smugglers of narcotics.[I]

Another problem is that the unlawful removal and/or change of markings or a serial number on the weapon or one of its components is not viewed as a criminal offence. Article 41 of the Law on Testing, Stamping and Marking of Weapons, Devices and Ammunition prescribes that whoever makes false stamps or markings for testing, stamping and marking of weapons, devices and ammunition with the intention to use them as genuine, or who, with the same intent, alters such genuine stamps or markings or uses false or altered stamps or markings as genuine, must be punished with a fine or imprisonment of up to three years.

I Interview with the National Programme Officer, UN Office for Drugs and Crime in Serbia, 18 February 2021.

However, the act of removing markings is not criminalised under this law as required by article 5 of the UN Firearms Protocol. Furthermore, if gun violence is carried out using such a weapon, a prosecutor is not obliged to investigate further how and from whom such a weapon has been acquired. This is also a shortcoming of the criminal procedure, because a firearm from which the markings and/or a serial number are removed or changed is usually purchased on the illegal market with the intention to use it in a criminal activity (robbery, homicide, etc).[28]

As a result of these legal shortcomings, few cases of trafficking in firearms are prosecuted and sentenced, and the criminal sanctions are less onerous than the sanctions for trafficking in narcotics. For example, the prescribed sanction for the unlawful trade in a firearm is imprisonment of from six months to five years and a fine (art 348.1), while in the case of the unlawful trade in narcotics the prescribed sanction is imprisonment of from three to 12 years (art 246.1).

It is expected that by 2023 the Republic of Serbia will have fully harmonised its legislation with the UN Firearm Protocol and have adopted legislative and other measures that will eliminate the above-mentioned shortcomings. This means that Serbia should qualify the following acts as criminal offences if they are committed with intent:

- the illicit production of firearms, their parts, assemblies and ammunition;
- the illicit trade in firearms, their parts, assemblies and ammunition;
- forgery or the unlawful deletion, removal or altering the markings on firearms.

A working group was set up to draft amendments to the national legislation in this sphere in accordance with the EU *Acquis*.

2 Legal firearm possession and trade

Civilian possession of firearms has traditionally been high in Serbia due to the cultural and historical tradition of owning a gun, but also due to its legacy of a large weapons industry and string armed forces.[29] In addition, the number of firearms in civilian possession is particularly an issue of concern as a result of its recent history of wars and other conflicts, which resulted in an atmosphere of general insecurity, and the high level of availability of weapons.

According to the SALW survey implemented in jurisdictions in the Western Balkans countries, a steady increase of 9.3% in the total number of firearms held by civilians and private entities in Serbia was observed between 2012 and 2016: from 587,192 in 2012 to 641,600 in 2016.[30] Almost all of these firearms were held by civilians (96.3%), with a vast majority of male firearm licence-holders (94.7%), who were often middle-aged and older. The most common reasons for legal firearms possession are self-protection and/or defence (39.5%) and hunting (41.8%).[31] The number of firearm licence applicants fluctuated but increased overall from 12,379 applicants in 2012 to 13,125 in 2016, an increase of 6%, with a peak in 2015 at 17,060 (likely connected to the introduction of the Law on Weapons and Ammunition in 2015, which tightened civilian firearm-licensing conditions).[32] In this period a growing interest among younger citizens (18 to 35) in legally acquiring firearms was observed.[33]

The findings of the online SALW perception survey conducted by SEESAC in 2017 suggested that 63% of the respondents in Serbia reported that they had not experienced the use of a gun at all;[34] 43% of men reported to have had some form of direct personal experience with a gun (used a gun, had a gun directed at them, or both) compared to 14% of women. Male respondents were more likely to experience gun use in "armed conflict" and "other" situations, whereas female respondents reported that they had had more experience with gun use in situations of "intimidation and threats" and "celebratory shootings".[35] Men were twice as likely as women to own a gun.[36] The most frequent reasons stated for gun ownership were not linked to tradition and customs, but rather to a desire for protection or safety, previous experience of gun use and

hunting. Both male and female respondents generally believed that more police or a greater presence of authorities, violence awareness campaigns and stricter gun control regulations are the most effective ways of making a community safer. Only 7% of the respondents believed that more people owning guns to protect themselves would be the most effective way to make communities safer.[37]

The 105 private security companies operating in Serbia held 52.1% of all private-entity firearms in 2016. These companies employed 7,041 personnel, the majority of them male (98.3%), who were authorised to carry firearms. They collectively held 12,265 firearms, an increase of 12.7% in comparison to 2012.

Sales shops held 27.8% of all private-entity firearms in 2016. The number of shops selling firearms increased from 142 in 2012 to 151 by 2016.[38] In the same year, a total of 9,843 firearms were sold to civilians, the majority of which were category B firearms; 6,224 firearms were sold to legal entities.[39]

Shooting ranges held 14.9% and shooting associations 5.2% of all private-entity firearms in 2016.[40] The number of shooting associations in Serbia fell from 97 in 2012 to 90 in 2016. They collectively had approximately 6,500 members, half of whom were women.[41]

The production of and the legal trade in firearms in the Republic of Serbia are considered to be the most significant in the Western Balkans region. The Serbian arms industry has experienced significant growth in recent years, including the arms exports that tripled between 2011 and 2018.[42] In 2016 the country had approximately 60 companies producing arms and military equipment, while only three companies were authorised to produce firearms.[43] No illegal firearm production was reported in Serbia during this period.

3 Illicit possession of firearms

The break-up of the Socialist Federal Republic of Yugoslavia, the wars on the territory of the former Yugoslavia and the political instability in the region of the Western Balkans during the 1990s resulted in the accumulation and stockpiling of the millions of weapons in this region, and facilitated the spread of firearms among the Serbian population.[44] The developed weapons industry in the former Yugoslavia and its legacy of a large army also contributed to the accumulation and proliferation of firearms.[45] Following the political and social changes in 2000, Serbia has witnessed increasing political stability; nevertheless, the number of illicit firearms in civilian possession remains high.

The exact scope of illegal firearm possession in Serbia is difficult to assess due to the hidden nature of the phenomenon of crime and the lack of a clear methodology for estimating the number of illicit firearms held by civilians and circulating in the country. For example, the Small Arms Survey estimated that by the end of 2017 there were approximately 2,719,000 civilian-held firearms in Serbia, of which only 1,186,086 were registered, leaving 1,532,914 illicit firearms.[46] From these estimates it can be concluded that the number of illegal firearms has increased over the years despite the relative success of several legislative campaigns and weapons amnesties organised in Serbia over the past two decades.

After the adoption of the Law on Weapons and Ammunition in 2015, a three-month firearm legalisation campaign was organised in Serbia (March–June 2015). During the campaign, civilians could hand in illicit firearms without having to prove their origin and without facing criminal and misdemeanour charges. This resulted in the legalisation of 8,955 firearms, with 7,545 having been legalised in 2015 and a further 1,410 in 2016.[47] No data were available regarding whether domestic or international tracing was undertaken for these firearms. Between 2012 and 2016, a total of 42,568 firearms were surrendered voluntarily, with 5,379 surrendered in 2012, a peak number of 12,128 being handed over in 2015 and 8,396 surrendered in 2016.[48] As pointed out in the SALW survey report, domestic tracing with matches and hits was carried out for all

firearms, while information was not available regarding international tracing carried out on firearms that were surrendered voluntarily.

Between 2012 and 2016 a total of 7,048 firearms were seized throughout the country; the majority of them were pistols and revolvers (52%) and rifles (21%).[49] According to the Illicit Arms Flows Questionnaire, in 2016 and 2017 a total of 3,148 firearms were seized in Serbia (1,451 rifles and 1,215 pistols), both from criminals and from individuals who do not have connections with the criminal milieu.[50] According to the regional narrative progress reports on the implementation of the Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW and their ammunition in the Western Balkans, in 2018, a total of 1,567 pieces of firearms, 59,957 pieces of ammunition of different calibre and 119 bombs and explosive devices that were in illegal possession were seized.[51] During 2019, 1,061 firearms, 15,187 pieces of ammunition of different calibres, 58 hand grenades, 184 explosive devices and 42 kg of explosives found in illegal possession were seized in Serbia.[52] Therefore, as pointed out in a recent report on illicit trade in south-eastern Europe, during the period between 2018 and 2020 seizures of firearms in Serbia have increased, which coincides with the adoption of the Regional roadmap on combating illicit arms trafficking in the Western Balkans.[53]

4 Illicit trafficking in firearms

Illicit trafficking in firearms is a global phenomenon that is closely connected to organised crime groups (OCGs) and terrorism.[54] However, as different research suggested, it is more concentrated in the areas affected by conflicts and in post-conflict countries, regions and territories.[55] Consequently, owing to its recent history of armed conflicts and political instabilities, the Western Balkans is considered to be one of the main sources of firearms.[56] As indicated by a recent UNODC Global Study on Firearms, the Western Balkans is primarily characterised by intra-regional illicit trade in firearms. However, the high price of weapons in the markets outside of the region also contributes to illicit trade in firearms from the Western Balkans to other parts of Europe, Western Asia and North America,[57] and their sale on the international weapons market.[58] Firearms produced in the Balkans were used in several terrorist attacks in 2015 and 2016,[59] but they also continue to be used in the region itself.[60]

Serbia has been a hub of illicit firearm-trafficking for a long time. Large numbers of weapons were smuggled out of the country to Croatia and later to Bosnia and Herzegovina in exchange for scarce goods (particularly fuel) during the 1990s and the embargo imposed by the UN after the collapse of the former Yugoslavia.[61] Improved border control, a certain degree of market saturation and an increase in law-enforcement capacity have led to a significant decrease in trafficking levels, as witnessed by a decrease in the number of firearms and the amount of ammunition intercepted at the border.[62] Data received from the Customs Administration, Department for Suppressing Smuggling confirms this trend (see Table 3).

Table 3: Units of firearms seized by customs' officials at Serbian borders, 2014–2020

Year	Number of firearms seized	Pieces of ammunition seized
2014	103	2,597 pieces and 49 boxes of ammunition
2015	98	24,530 pieces
2016	54	6,220 pieces and 7.5 kg of ammunition
2017	27	9,835 pieces
2018	44	two packages and 709 pieces
2019	36	2,373 pieces and six packages
2020	474	33,851 pieces of ammunition and 11 kg of gunpowder

A steady decrease in the number of firearms seized by customs officials at the borders from 2014 to 2019 is observed. However, a sharp increase in 2020 is visible. A similar trend is seen in connection with ammunition seized. It can be estimated that this trend is a result of the adoption of the Regional roadmap on combating illicit arms trafficking in the Western Balkans and the commitment of Serbia and its authorities to comply with its aims.

Being on the Balkans route,[I] [63] Serbia is primarily a transit country for illicit trade, including illicit trade in firearms, while to a lesser extent it is a source of or a destination country for trafficked firearms.[64] There have been numerous cases of police raids and street shootings using illegal guns in connection with drug-trafficking or the smuggling of migrants.[II] [65] However, as recently pointed out in one research report, in Serbia and other countries of south-eastern Europe 'illegal possession and trade of weapons is perceived more as a public safety, rather than organised crime or national security, threat'.[66]

Rather limited quantitative information is available on the various modes of illicit firearm trafficking in Serbia. The SALW survey noted that a total of 264 firearms[III] were

I The geographic location of the Western Balkans region makes it attractive for various forms of illicit trade in drugs, weapons and people. This includes both human-trafficking and the smuggling of migrants.

II For example, in December 2020, police seized various types of firearm, ammunition and explosive from a criminal group of 12 that was arrested and suspected of organised illegal border crossings and trafficking in migrants. They were suspected of organising the illegal crossing of more than 310 migrants across the border with Croatia and Bosnia and Herzegovina on their way to the EU countries. Pistols and ammunition have also been found during a police raid on a group suspected of trafficking in human beings in Serbia and Belgium. A man injured in a street shooting in December 2019 was suspected of having connections with OCGs and drug-trafficking.

III 22 in 2012, 44 in 2013, 105 in 2014, 41 in 2015 and 52 in 2016

recorded as having been trafficked along Serbia's borders between 2012 and 2016.[67] 202 of these firearms (76.5%) were trafficked at border-crossing points; 33 firearms (12.5%) were trafficked via airports and 19 (7.2%) across the green borders.[68] In the same period a total of 43,825 units of ammunition[I] were reported trafficked across Serbian borders.[69] However, as pointed out in the survey report, no data were available for the number of indictments for firearm- and ammunition-trafficking during the given period or for the types of firearm trafficked.

The routes used for illicit trafficking in firearms through Serbia are similar to those used for drug-trafficking or human-trafficking and smuggling of migrants. They mainly go from east to west, but also vice versa. From the east, the routes of firearm smuggling mainly proceed from Turkey and Kosovo towards Western Europe (Belgium, Austria and Switzerland) and the Scandinavian countries. These routes are also used in cases of illicit trade in firearms produced in Serbia. From the west to the east, the routes of illicit trafficking in firearms go from the Western European countries towards Kosovo, Turkey and Montenegro, and further afield. These directions are mainly used for more sophisticated and expensive weapons.[II]

In recent years, Serbia has also become a transit country in the flow of convertible weapons through the Western Balkans region. Several converted weapons have been seized at Serbia's borders, in particular at the border with Bosnia and Herzegovina and Montenegro, and at the administration line with Kosovo.[III] This is illustrated by the following example: on 21 April 2020, it was reported that the Serbian Customs Administration had intercepted 80 Grizzly 83-2 5.5 mm and Grizzly Striker 4.5 mm air rifle barrels, 80 rifle stocks, ten Zoraki 9 mm air pistols, 4,000 pieces of ammunition for gas pistols and 70 optical rifle scopes, found hidden in a truck entering Serbia at the Gradina border crossing with Bulgaria. The truck, driven by a 27-year-old Serbian man, was travelling from Turkey to Montenegro, where the weapons would have been converted into conventional small-calibre firearms.[70] Among the converted firearms seized were also some that appear to have been destined for the domestic market.[IV]

Serbia is, to a lesser extent, also a source country for the illegal trafficking in firearms to Western Europe: revolvers, automatic rifles, hand grenades, mines and ammunition of various calibres in particular are routinely smuggled from Serbia into the EU.[71] As pointed out by some researchers, 'this is primarily the result of the large state-owned and civilian stockpiles (registered and unregistered) and the prevalence of organised crime in the region.'[72] OCGs smuggle the weapons first into the central European states such as Croatia, Hungary, Slovakia and Austria, and from there to countries such France, Belgium, the Netherlands, Denmark, Sweden and Norway.[73]

I 74 in 2012, 6,284 in 2013, 18,303 in 2014, 7,415 in 2015 and 11,749 in 2016

II Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

III Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

IV Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

90% of seizures take place at the road border crossings, rarely at the airports[I] and on the river. The largest and most frequent seizures of illicit firearms occur at the major road-crossing points: Batrovci (Croatia), Horgoš (Hungary), Gradina (Bulgaria) and the administrative crossing point of Merdare (Kosovo).[II] Traffickers usually follow the highway – it is faster and has fewer controls. In addition, there were seizures of firearms at the crossing points of Gostun (Montenegro) and Preševo (North Macedonia), mainly on exiting from Serbia, and at Strazimirovce and Ribarci (Bulgaria), mainly on entry to Serbia. This is illustrated by several examples.

In November 2020, at the Batrovci crossing point (with Croatia) at the entrance to Serbia, a BMW with Belgian licence plates was pulled over for a detailed inspection. Three men were in the car: a Belgian, an Albanian and a citizen of Kosovo – all of them, however, were Albanian nationals. The driver was a 42-year-old man who said they had nothing to declare to customs' officials except personal luggage. He added that they were travelling to the territory of Kosovo, because, allegedly, as the owner of a private company in Belgium, he needs workers, saying that his two companions were also employed by him. But a detailed inspection of the travel bags and suitcases in the trunk revealed two Hawke Endurance 30WA optical sights, one ND3 SubZero laser sight, two Warrior Turbo Kit Olight tactical LED lamps and one thermal imager Xeye E3 Pro camera. Again in November 2020, a 7.62 mm 'Zastava' pistol with 400 associated bullets was seized at the Gostun crossing point (with Montenegro) and a 52-year-old Montenegrin citizen was convicted of smuggling. The gun was found in a plastic bag on the floor in front of the passenger seat, and a bag with 401 TT-7.62 mm bullets was found among the clothes in the suitcase.[74]

These and other examples of weapons' seizures at the border-crossing points described by the interviewee from the Customs Administration, Department for Suppressing Smuggling, as well as additional data received from the MoI, suggest that different types of firearm and ammunition are transferred via Serbian borders, at the border-crossing points. Among the most frequently smuggled models of weapon are the Tokarev TT and the Crvena Zastava M70, M57, M70A and M88 pistols.

Weapons are mostly smuggled by individuals – citizens of Serbia, Kosovo, Turkey, Albania and also citizens of Western European countries who originate from the Western Balkans countries and Turkey. The smugglers are usually young or middle-aged men. Women are rarely involved in smuggling firearms, and children are almost never recruited for this form of illicit trade. The trafficking operation usually involves a few well-connected individuals, who often have links to OCGs that coordinate the purchase and transfer of firearms. In addition, as suggested by the data received from the MoI, OCGs involved in the illicit trade and smuggling of firearms are usually well connected to other criminal groups in Serbia and the Western Balkans region. However,

I The case discovered at the Nikola Tesla airport in Belgrade, when a Serbian citizen arriving from Canada tried to smuggle a hunting rifle, is a rare example. The hunting rifle was disassembled, hidden in bars that were put in a suitcase with the clothes. The bars were detected on the scanner, the luggage was inspected and parts of the rifle were found in the bars. Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

II Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

these criminal groups are often formed ad hoc, while individuals who smuggle firearms are usually already involved in a criminal milieu.

The trafficking in firearms usually takes the form of an 'ant trade': firearms, parts, components and ammunition are hidden inside cars, vans and trucks, rarely in larger vehicles such as buses and trains, and moved across the border in small quantities.[75] Weapons are smuggled in whole or in parts, at once or over several trips. They are hidden in different parts of the vehicle, but have also been found in frozen chicken, a dish with cheese, a fuel reservoir, a bucket of paint, etc. Firearms are usually trafficked together with other illicit goods. They are also smuggled among other (declared or undeclared) goods, which are often transferred in large amounts, which makes inspection difficult. Firearms, as with other illicit goods or illicit trade, are usually smuggled in the periods when the frequency of passengers through Serbia increases (e.g. during holidays), at night or in the early morning, as smugglers count on the reduced attention of the border services.[I]

Serbia is rarely a country of final destination for the illicit trade in firearms,[II] but reliable data on this issue are still lacking. The data received through the questionnaire from MoI for the purpose of this study also suggest that a certain number of firearms sold on the illegal markets in Serbia originate from property-based crimes, mostly thefts from flats, houses, cottages and arms depots. Firearms available on illegal markets in Serbia are used both by OCGs and individuals to commit other criminal offences, including homicides, robbery and bodily injuries. In addition, there are also cases where owners in legal possession of firearms sell them on the illegal market for financial reasons, and then report the theft or loss of firearms.

Finally, as pointed out in the interviews, novel ways of communication enable new forms of trafficking in firearms that have recently been developed. Owing to its anonymity, the dark web is appealing to a number of actors, illegal activities and black markets, including those for firearms. No official data or statistics on the number of firearms acquired using the dark web are available. It is also difficult to prevent, track and detect the illicit trade in firearms carried out by successive shipments in parts by mail and courier services. One can only assume a high frequency of trafficking in firearms using these methods. Nevertheless, this is only speculation, which means that this field is still under-researched and needs to be explored further in order to obtain reliable data.

I Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

II Interview with the representative of the Customs Administration, Department for Suppressing Smuggling.

5 Firearm related violence

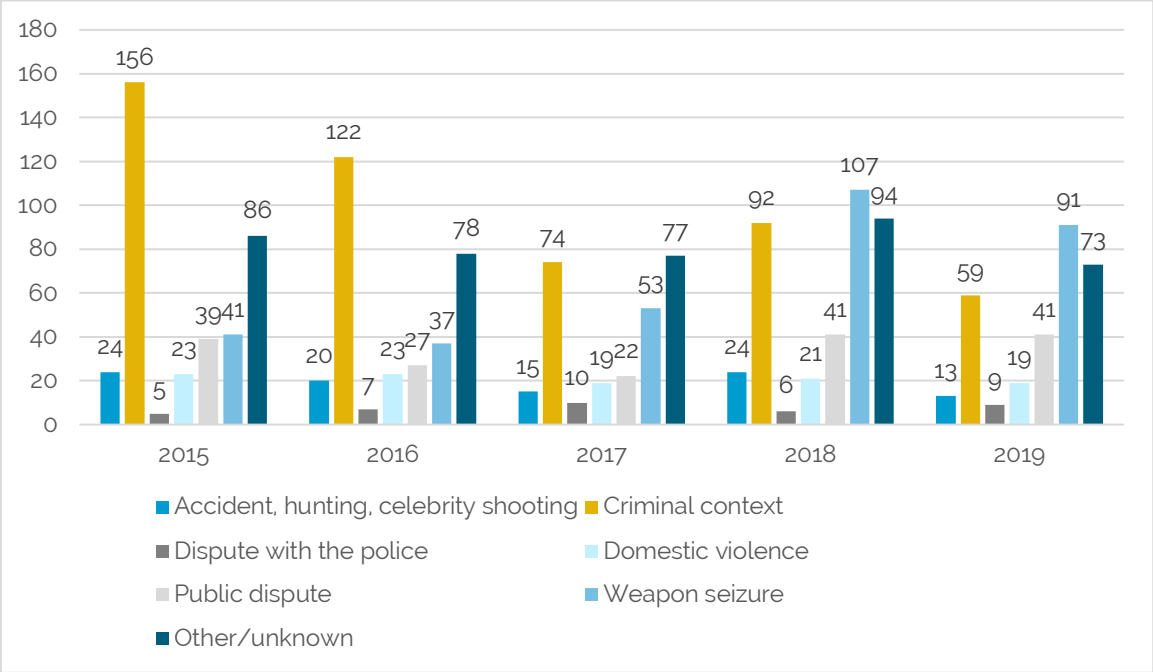
This section is based on the data collected from two main sources: the Armed Violence Monitoring Platform and the MoI. A significant amount of statistical data on firearm-related violence in Serbia is publicly available at the Armed Violence Monitoring Platform, which is managed by SEESAC.[76] The data collected and presented on the Armed Violence Monitoring Platform are based mainly on media reports, but also stem from law-enforcement agencies through their official websites or daily reports. Firearm-related incidents include: accidents, hunting, celebrity shootings, criminal context, disputes with the police, domestic violence, public disputes and weapon seizures. Therefore, the platform provides broader insight into firearm-related violence which goes beyond criminal offences. Apart from the type of incident, the platform provides data on the firearms used, the sex of the victim and perpetrator and geographic references of the incident.

To obtain more detailed insight into the scope and characteristics of firearm-related violence, data from the MoI were also collected. Police statistics are often considered to provide the most accurate picture of real crime, which is particularly relevant in connection with firearm-related criminal offences. The MoI continuously collects data on firearm-related incidents, including data on the age and sex of persons who commit firearm-related criminal offences, that is, a criminal offence under article 348 of the Criminal Code of the Republic of Serbia – Unlawful Manufacture, Possession, Carrying, and Sale of Firearms and Explosives or other criminal offences involving the use of firearms. It also keeps data on the number of persons involved in the lethal and non-lethal consequences of firearm use, the type of firearms used and the place where the homicide took place. Since 2017, it has also provided data on the type of ownership of the firearms (legal or illegal) used for committing crimes. In addition to this, the MoI collects and records separate data on domestic violence cases, including those committed with a firearm. Therefore, in this part of the section the focus is narrowed to the firearm-related incidents in the context of criminal offences defined by the Criminal Code of the Republic of Serbia only.

5.1 Scope and nature of firearm related incidents based on data available at the Armed Violence Monitoring Platform

During the period 2015–2019, a total of 1,648 firearm-related incidents were reported in Serbia: 374 in 2015, 314 in 2016, 270 in 2017, 385 in 2018 and 305 in 2019.

Figure 1: Firearm-related incidents, 2015–2019



Source: Armed Violence Monitoring Platform, Serbia, 2015–2019

In the first three years studied (2015-2017) firearm-related incidents in the criminal context[1] comprised the highest number of these incidents, whereas in 2018 and 2019 the highest number of firearm-related incidents referred to weapon seizure. A stable decline has been observed in the number and share of firearm-related incidents in the criminal context and in the total number of recorded firearm-related incidents in the five-year period: from 42% of the total number of firearm-related incidents in 2015 to 19% in 2019.

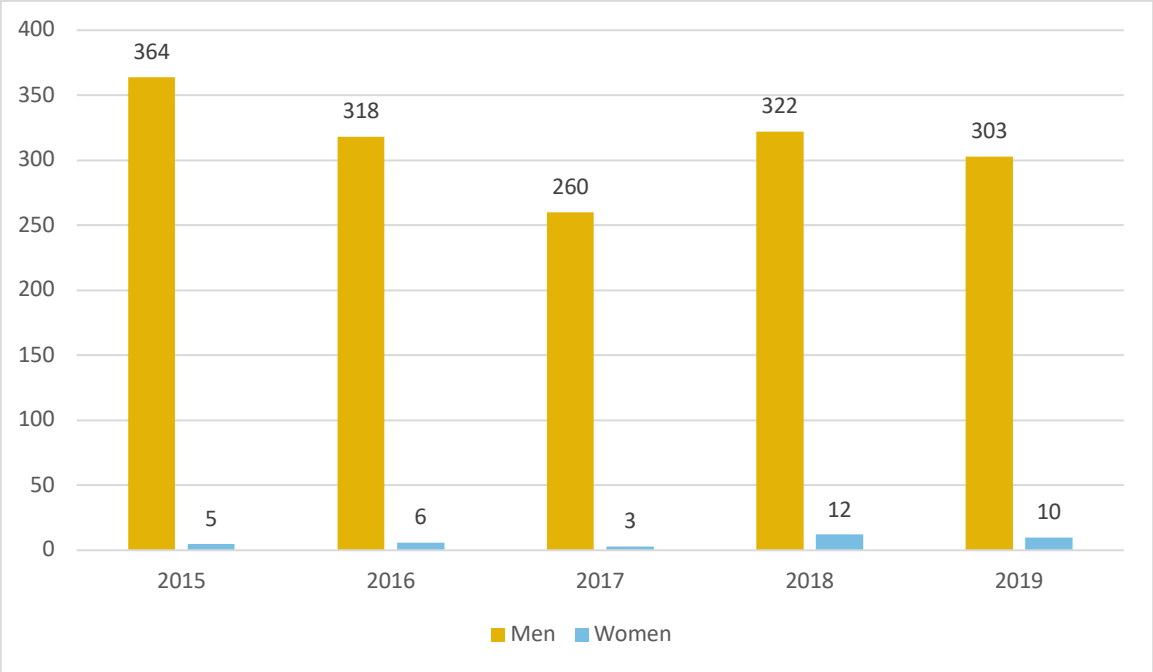
With some fluctuations, incidents involving the use of a firearm in the family context remained at almost the same level throughout the observed period (around 6.4% of the recorded firearm-related incidents in the five-year period).

1 Included under the category of 'criminal context' are primarily incidents related to armed robberies and those specified as being connected to organsed crime.

As for weapon seizure, an increasing trend has been observed: from 11% of the total number of recorded firearm-related incidents in 2015 to 30% in 2019.

Finally, it can be seen that the category other/unknown remains rather stable throughout the observed period. This category refers to suicides, shootings under undetermined circumstances, shooting of animals not related to hunting, explosions, weapons used for defence, weapon surrender, and any other incidents that cannot be classified under any of the main categories.

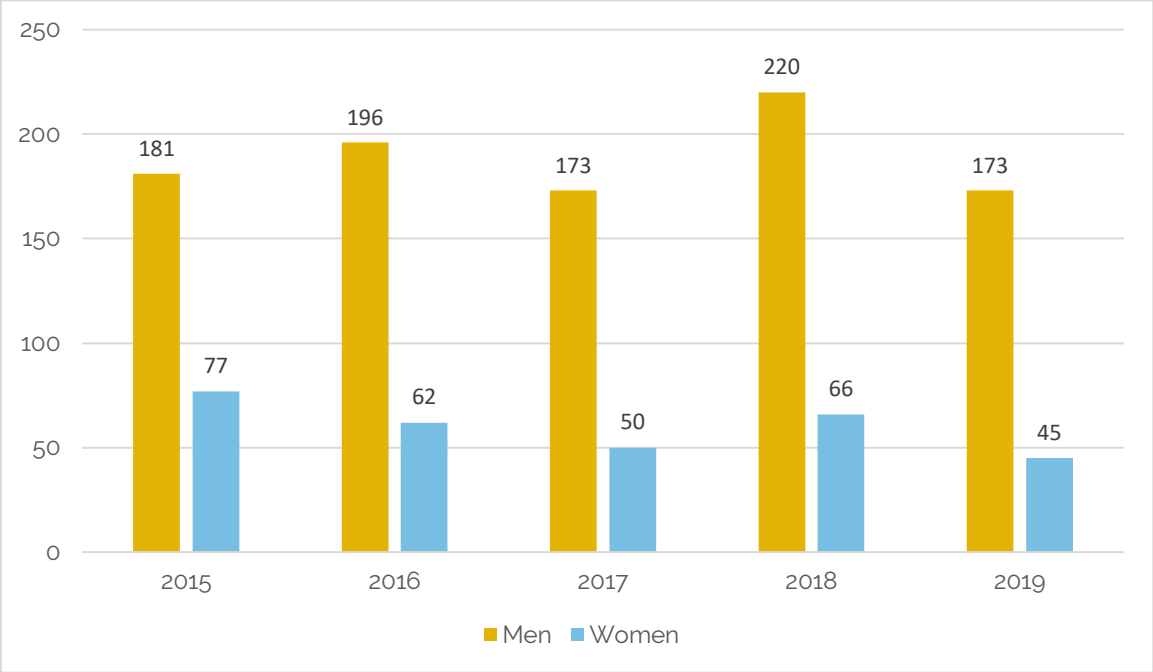
Figure 2: Perpetrators of firearm-related violence by sex, 2015–2019



Source: Armed Violence Monitoring Platform, Serbia, 2015–2019

On average, men accounted for 98% of the perpetrators of firearm-related incidents in the observed period (Figure 2).

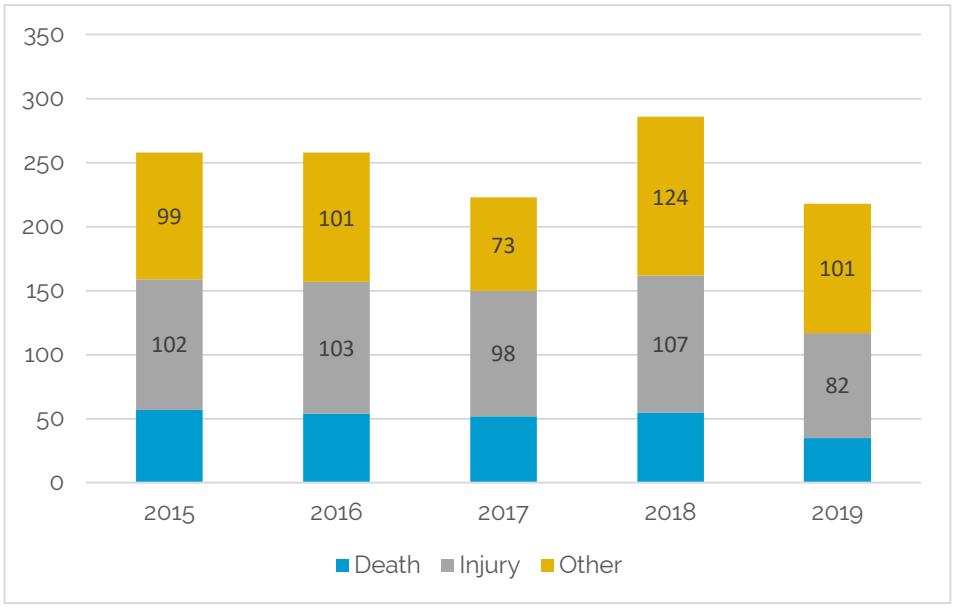
Figure 3: Victims of firearm-related violence by sex, 2015–2019



Source: Armed Violence Monitoring Platform, Serbia, 2015–2019

The majority of victims of firearm-related incidents were also men: approximately 76% of victims are men, whereas women are victims in 24% of cases (Figure 3).

Figure 4: Victims of firearm-related incidents by the type of consequence, 2015–2019



Source: Armed Violence Monitoring Platform, Serbia, 2015–2019

As the data in Figure 4 suggest, a significant decrease in the number of deaths can be noticed during the observed period, with the lowest number of lethal outcomes occurring in 2019 (40% less in comparison to 2015). The same trend can be observed for non-lethal injuries caused by firearms.

Finally, the available data from the Armed Violence Monitoring Platform indicates that most firearm-related incidents took place in urban areas (77% on average in the five-year period).

5.2 Scope and nature of firearm related violence based on police statistics

For the purposes of collecting data from the police, the firearm-related incidents referred to criminal offences in which a firearm was either used to commit an offence or was a subject of an offence. Criminal offences in which a firearm was used to commit an offence included the following criminal offences defined in the Criminal Code of the Republic of Serbia:

- homicide (art 113), including attempted homicide;
- aggravated homicide (art 114), including attempted aggravated homicide;
- light bodily injury (art 122);
- serious bodily injury (art 121);
- domestic violence (art 194);
- aggravated larceny/theft (art 204);
- grand larceny (art 205);
- robbery (art 206);
- causing general danger (art 278);
- attack on an official in performance of their duty (art 323);
- preventing an official from discharging their duty (art 322);
- threat using a dangerous implement in a brawl or quarrel (art 124);
- illegal trade (art 235);
- illegal production (art 234);
- making and obtaining weapons and tools intended for committing an offence (art 347).

Firearm-related offences in which a firearm was a subject of an offence referred to the unlawful manufacture, possession, carrying and sale of firearms and explosives (art 348).

5.2.1 Different types and characteristics of firearm related criminal offences

In the observed five-year period (2015–2019), 3,957 firearm-related criminal offences in total were recorded by the police in Serbia. As the data in Table 4 suggest, a steadily decreasing tendency in the number of reported firearm-related criminal offences has been observed. In 2019, the number of firearm-related criminal offences was more than halved in comparison to 2015.

Table 4: Firearm-related criminal offences, 2015–2019

Year	Number of firearm-related offences	Offences in which a firearm was use	Offences with firearm as subject
2015	1,248	604	644
2016	881	427	454
2017	694	336	358
2018	604	291	313
2019	530	253	277
Total	3.957	1,911	2,046

It is important to make a distinction in firearms-related criminal offences in which a firearm was used to commit an offence and offences in which a firearm was the subject of the offence. Both types of offences have decreased significantly between 2015 and 2019.

Table 5 indicates that, with regard to criminal offences for which firearms were used, a majority of these cases refer to the misuse of firearms for committing robbery (65% out of total number of offences committed using a firearm). The number of offences of robberies with firearms decreased very strongly: from 475 in 2015 to 98 in 2019.

Firearms were also frequently used to commit the offence of the unlawful manufacture, possession, carrying and sale of firearms and explosives (16%) and these cases have increased between 2015 and 2019.

Homicides, including both completed and attempted homicides and aggravated homicides, accounted for almost 10% of the total number of reported firearm-related criminal offences in the period observed. The number of offences of (attempted) homicides with a firearm has also increase between 2015 and 2019. Other offences, such

as causing general danger (4.8%) and domestic violence cases (1.2%), were not often recorded.

Table 5: Structure of criminal offences in which a firearm was used to commit an offence, 2015–2019

Criminal offence	2015	2016	2017	2018	2019	Total 2015–2019 N°	Total 2015–2019 %
Homicide	5	4	8	19	12	**48**	**2.5**
Attempted homicide	13	5	7	10	12	**47**	**2.5**
Aggravated homicide	8	9	18	21	10	**66**	**3.5**
Attempted aggravated homicide	5	6	5	3	5	**24**	**1.3**
Aggravated larceny/theft	3	0	0	2	2	**7**	**0.4**
Grand larceny	2	2	1	2	2	**9**	**0.5**
Robbery	475	311	202	164	98	**1,250**	**65.4**
Light bodily injury	4	3	8	0	3	**18**	**0.9**
Serious bodily injury	1	5	2	0	4	**12**	
Threat by dangerous implement in brawl or quarrel	1	0	1	0	1	**3**	**0.2**
Domestic violence	5	6	5	3	4	**23**	**1.2**
Causing of general danger	33	18	12	10	19	**92**	**4.8**
Preventing an official in	0	0	0	1	0	**1**	**0.1**

discharge of duty							
Attack on an official in performance of duty	0	1	0	0	1	**2**	**0.1**
Making and obtaining weapons and tools intended for committing an offence	0	0	0	0	0	**0**	**0**
Unlawful manufacture, possession, carrying and sale of firearms and explosives	49	57	67	56	80	**309**	**16.2**
Total	**604**	**427**	**336**	**291**	**253**	**1,911**	**100**

5.2.2 Legal status of firearms used to commit criminal offences

Armed robberies with firearms are the most-often reported criminal offences with firearms. Previous analyses indicate that armed robberies at petrol stations, shops, betting shops, banks and post offices have often been carried out using illegal guns.[77] Since 2017, the MoI collects data on the type of ownership of the firearms used for committing criminal offences. However, for most of the cases of firearm-related criminal offences given in Table 5 these data were not recorded by the police. For example, in 2017, out of 202 cases of robbery with the use of a firearm, data on the type of ownership of firearms were recorded in one case only. Unfortunately, a similar picture can be observed for other years and other firearms related offences. This means it remains difficult to estimate the extent to which illegal firearms represent a risk to the safety of citizens.

5.2.3 Lethality and victims of firearms related criminal offences

In the period 2015–2019, firearm-related incidents which caused physical injuries resulted in 125 (42.1%) lethal[1] and 172 (57.9%) non-lethal outcomes (see Table 6). As observed above, the number of lethal victims has increased between 2015 and 2019. During the same period the number of victims of offences with non-lethal injuries fluctuated and no specific increasing or decreasing trend could be observed. Of 172 victims of non-lethal injuries 92 persons (53.5%) sustained serious and 80 (46.5%) light bodily injuries.

Table 6: Victims of firearm-related criminal offences by the type of consequence

	Death	Non-lethal injury	Serious bodily injury	Light bodily injury
2015	14	36	18	18
2016	13	34	20	14
2017	31	40	17	23
2018	41	28	17	11
2019	26	34	20	14
Total	**125**	**172**	**92**	**80**

The data from the MoI further indicates that in the observed period, most victims of non-lethal firearms incidents were men – 142 (83%) (see Table 7). In four cases, children under the age of 14 sustained bodily injuries and in five cases victims were between 14 and 17 years of age. Approximately 50% of all injured men were young (18 to 30 years of age). Equal numbers of women between 18 and 30 and 31 and 60 years of age sustained injuries from firearms during this period.

1 Lethal outcomes, that is, deaths, refers only to cases of homicide and aggravated homicide as defined in the Criminal Code of Serbia under articles 113 and 114.

Table 7: Victims of non-lethal incidents by sex and age, 2015–2019

	2015		2016		2017		2018		2019		Total 2015–2019	
Age/sex	**M**	**W**	**M**	**W**	**M**	**W**	**M**	**W**	**M**	**W**	**M**	**W**
Under 14	0	1	1	0	1	0	0	0	1	0	3	1
14–17	2	0	2	0	0	0	0	0	1	0	5	0
18–30	11	3	11	4	20	3	11	1	17	2	70	13
31–60	15	3	11	4	13	2	10	2	9	2	58	13
Over 60	1	0	0	1	0	1	2	1	2	0	5	3
Unknown	0	0	0	0	0	0	1	0	0	0	1	0
Total M/W	**29**	**7**	**25**	**9**	**34**	**6**	**24**	**4**	**30**	**4**	**142**	**30**

5.2.4 Firearm related homicides

As the data presented in Table 8 suggest on average a quarter of total number of 483 homicides[1] was committed with a firearm in the observed five-year period. Similar to the data presented above, we can observe an increase in the number of firearm related homicides between 2015 and 2019. The share of firearm-related homicide victims of the total number of homicide victims in 2019 even doubled compared to 2015.

1 Including the criminal offences of homicide and aggravated homicide as defined in the Criminal Code of Serbia under articles 113 and 114.

Table 8: Number of victims of firearm-related homicides and aggravated homicides, 2015–2019

Year	Total number of homicide victim	Firearm-related homicide victims (N)	Firearm-related homicide victims (%)
2015	96	14	14.6
2016	112	13	11.6
2017	83	31	37.4
2018	105	41	39.1
2019	87	26	29.9
Total	**483**	**125**	**25.9**

Not surprisingly, men prevail as both perpetrators and victims of homicides committed with a firearm. In the observed five-year period, 95% of the total number of perpetrators who used a firearm in committing homicide were males (see Table 9).

Table 9: Perpetrators of firearm-related homicides by sex

Year	Total number of perpetrators	Women	Men
2015	16	0	16
2016	27	0	27
2017	25	0	25
2018	41	4	37
2019	24	3	21
Total	**133**	**7**	**126**

The majority of perpetrators who used a firearm in committing homicide were young people between 18 and 30 years of age (43%) and those aged between 31 and 40 (23%). As per the data provided by MoI, five minors aged 14–17 misused a firearm and committed a homicide (see Table 10).

Table 10: Perpetrators of firearm-related homicides by age

Year	Below 14	14–17	18–30	31–40	41–50	51–60	Over 60
2015	0	1	5	5	0	2	3
2016	0	0	14	7	2	2	2
2017	0	1	10	6	6	1	1
2018	0	0	21	7	6	1	6
2019	0	3	7	6	3	1	4
Total	**0**	**5**	**57**	**31**	**17**	**7**	**16**

During the period 2015–2019, a total of 125 persons were killed with firearms (see Table 11); the majority of whom were males (82%). The number of women killed with a firearm remains rather stable throughout the observed period, ranging between three and six homicides per year.

Table 11: Victims of firearm-related homicides by sex

Year	Total number of victims	Women	Men
2015	14	4	10
2016	13	3	10
2017	31	6	25
2018	41	4	37
2019	26	5	21
Total	**125**	**22**	**103**

The majority of victims of firearm-related homicides were aged between 18 and 50 years (74.4%) (see Table 12). Young people prevail among the victims of this type of the criminal offence: one in three persons killed was young (aged 18–30) and one in four was aged 41–50. Only one underage victim was registered in the observed period.

Table 12: Victims of firearm-related homicides by age

Year	Below 14	14–17	18–30	31–40	41–50	51–60	Over 60
2015	0	0	3	1	4	3	3
2016	0	0	7	1	3	0	2
2017	0	0	8	10	8	3	2
2018	0	0	10	14	8	5	4
2019	0	1	9	4	3	6	3
Total	**0**	**1**	**37**	**30**	**26**	**17**	**14**

During the observed five-year period, a little more than half of firearm-related homicides with a lethal outcome (51%) took place in a public space[I], especially in the 'street' (see Table 13). It is worth mentioning here that many incidents of shootings on streets or other public places, including those with lethal outcomes, are connected to organised crime, while the majority of the victims have been suspected to have connections with OCGs.[78] On the other hand, in approximately 26% of cases incidents with lethal outcomes happened in private spaces[II].

Table 13: Victims of firearm-related homicides by the place where the homicide was committed

	Exchange office	Petrol station	Road	Street	Garage, parking lot	Yard	Flat, house, other living place	Other
2015	0	0	0	5	1	1	4	4
2016	0	0	0	6	0	1	3	3
2017	0	1	5	9	1	0	8	7
2018	0	0	0	24	2	0	10	5
2019	1	0	0	10	0	2	4	10
Total	**1**	**1**	**5**	**54**	**4**	**4**	**29**	**29**

I This includes streets, roads, exchange offices, petrol stations, garages or parking lots.

II This includes flats, houses or other living places, or in yards

In most homicide cases the perpetrators used pistols (72%). In 11% of the homicides hunting rifles (carabines or shotguns) were used and in another 10% rifles (including automatic rifles) were used. The other types of firearm (revolvers, and gas pistols) were used in less than five cases each (see Table 14).

Table 14: Victims of homicides by the type of firearm

	Hunting rifle, carabine	Pistol	Rifle	Revolver	Hunting rifle, shotguns	Gas pistols	Automatic rifles
2015	1	9	0	1	1	1	2
2016	1	8	0	2	3	0	1
2017	1	27	0	0	2	0	1
2018	1	34	4	1	1	0	1
2019	0	19	5	0	4	0	3
Total	**4**	**97**	**9**	**4**	**11**	**1**	**8**

The legal status of firearm homicides was in most cases not available. The available data for 2017–2019, however, suggests that the firearms used to commit homicides in Serbia were mainly in legal possession (19 cases compared to only six cases with firearms that were possessed illegally).

Table 15: Victims of firearm-related homicides by the legal status of the firearms

	Firearms in legal possession	Firearms possessed illegally	Data on the legal status of firearms not recorded
2015	-	-	15
2016	-	-	13
2017	6	1	24
2018	3	3	35
2019	10	2	15
Total	**19**	**6**	**102**

5.2.5 Firearm misuse in the context of domestic violence

The data for the cases of firearm misuse in the context of domestic violence were delivered by MoI separately from the aggregated data on other forms of violence, including homicides, with the use of firearms analysed above.[I] [79]According to the data received from the MoI, in total 249 persons were killed in a context of domestic violence in the period 2015–2019. With some slight fluctuations, this number remains at almost the same level throughout the observed period, albeit the fact that in 2017 the Law on the Suppression of Domestic Violence[80] got into effect.

As the data in Table 16 suggest, homicides in the context of domestic violence affect women disproportionately: almost two-thirds of victims killed in the family context were women – 169 (67.9%). The highest number of women killed in a context of domestic violence was in 2016 (38), but it can be seen that, annually, the number of women killed remains rather stable. A share of women killed in a family context of the total number of family homicides fluctuated annually, but decreased from 2015 to 2019. This is, however, not the result of more lethal female victims of violence in the family context, but the result of an increase in the number of lethal male victims. In 2019, almost twice as many men were killed in a family context in comparison to 2015.

Table 16: Victims killed in the context of domestic violence

	Total	Women N	Women %	Men N	Men %
2015	47	35	74.5	12	25.5
2016	54	38	70.4	16	29.6
2017	47	31	66.0	16	34.0
2018	47	34	72.3	13	27.7
2019	54	31	57.4	23	42.6
Total	**249**	**169**	**67.9**	**80**	**32.1**

I Unlike data on homicide and aggravated homicide, including those committed with the use of firearms, which are collected through the MoI Unified Information System, the data on domestic violence cases, including homicides in a family context, are recorded separately according to the Law on the Prevention of Domestic Violence. Therefore it is not possible to compare the data on homicides in a family context with the data on homicides classified under articles 113 and 114. Nor is it possible to sum up these data as the data on some cases of family homicides could already exist in the data on homicides under articles 113 or 114, but in the case of the other data not because the perpetrator, for example, committed suicide and there is no criminal report; consequently, the case is recorded as an incident and not as a criminal offence. Therefore, as already pointed out in recent studies, 'such data incoherence hinders the analysis and comprehensive understanding of the share of homicides committed in a domestic context in the total number of homicides.'

Table 17 indicates that more than a quarter of the 249 persons killed in a context of domestic violence were killed with a firearm. The share of firearm family homicides fluctuated, being the highest in 2015 – almost 40% – and the lowest in 2018 – around 13%.

Table 17: Share of persons killed with a firearm of the total number of those killed in a context of domestic violence

	Total	Firearm homicides No	Firearm homicides %
2015	47	17	38.6
2016	54	16	29.6
2017	47	16	34.0
2018	47	6	12.8
2019	54	11	20.4
Total	**249**	**66**	**26.5**

While three quarters of the victims of homicides are men (see table 11), an opposite picture can be observed with regard to the victims of firearm-related homicides in a context of domestic violence: 70% of these victims were women (see table 18). In total more than one quarter of the women killed by a family member (27%) was killed with a firearm (46 out of 169 homicides in a family context).[I] This suggests that the home is not a safe place for women.

I In addition, we can see that the number of women killed with a firearm by a family member is higher than the total number of women killed with a firearm, as suggested by the data in Table 9 above; this is due to different methods of data-collection.

Table 18: Victims of firearm-related homicides in the context of domestic violence by sex

	Total	Women	Men
2015	17	11	6
2016	16	11	5
2017	16	12	4
2018	6	6	0
2019	11	6	5
Total	**66**	**46**	**20**

In most cases of firearm-related homicides in a family context the victims were killed by their (former) partners[I] (37 out of 66 cases). These victims were, with the exception of one case, always women. Partner-perpetrated firearm-related homicide is therefore highly gendered.

Table 19: Victims of partner-perpetrated firearm-related homicides

	Total	Women	Men
2015	7	7	0
2016	8	8	0
2017	10	10	0
2018	6	6	0
2019	6	5	1
Total	**37**	**36**	**1**

Table 20 summarizes these findings and demonstrates that while the lethal use of firearms in the family context were equally frequent for both women (27%) and men (25%) compared to all homicides committed in the family context, 78% of the female

[I] The term 'partner' refers to marital partner (wife/husband), extramarital partner, former marital partner (former wife/husband), former extramarital partner, present or former boyfriend/girlfriend.

victims of family firearm-related homicides were killed by their partners compared to only 5% of the male victims.

Table 20: Victims of homicides in the family context, 2015–2019

	Women	Men	Total
Total number of persons killed in the family context	169	80	249
Total number of persons killed in the family context by firearm	46	20	66
Total number of victims of partner-perpetrated firearm-related homicides	36	1	37

It is important to stress that MoI has issued a document on the conduct of all police officers in cases of temporary seizure of firearms during domestic violence in order to provide better protection to domestic violence victims, particularly women. Based on such a policy, in the period from July to December 2019, 40 illegal weapon pieces were seized in criminal proceedings following events involving elements of domestic violence.[81]

Such a response seems particularly important when keeping in mind cases of mass shootings[I] [82] related to family and domestic violence context. Based on media reports, in the period between 2000 and 2018, five out of the six mass shootings that have occurred in Serbia were a direct consequence of the misuse of firearms either in the context of domestic violence or they involved the killing of a family member or a former or current partner or wife.[83] In each of these five cases, the perpetrator was a man. Forty people in total were killed and 30 wounded in these cases. Most of the lethal victims were women. In at least three cases there was evidence that, prior to the shooting, the perpetrator had a history of committing domestic violence.[84] In four cases rifles were used (Crvena Zastava M70 assault rifle, hunting rifles, and the Kalashnikov-type automatic assault rifle), and in one case the perpetrator used Tokarev-style pistol. Available data suggest that in two cases the perpetrator legally owed the weapons.

I Mass shooting defined as 'an incident in which several people are killed by one or more perpetrators in a relatively short time frame (usually within a few hours) and within a very limited geographical area'.

6 National policy and initiatives to combat illicit firearm trafficking and prevent gun violence

In its Annual Progress Report 2020 for Serbia,[85] the European Commission stated that Serbia had made some progress on meeting 2019's recommendations related to implementing the EU *Acquis* on justice, freedom and security, notably the adoption of the Strategy for Small Arms and Light Weapons Control for 2019–2024, with its accompanying action plan for 2019–2020. They provide for continuing the activities aimed at strengthening the effectiveness and efficiency of all stakeholders in this field, harmonising national legislation with international standards and multilateral cooperation.

Serbia continued to improve its international police cooperation and significantly contributed, as a transit country, to the management of the mixed migration flows to the EU. In February 2017, the Strategy for Integrated Border Management for 2017–2020 and its implementation Action Plan were adopted. The country's implementation of the integrated border management strategy and its action plan were also evaluated as being effective.

The Strategy for Small Arms and Light Weapons Control for 2019–2024 has been developed on the basis of the evaluation of the previous Strategy for 2010–2015 and the 'Roadmap'. The elements of the strategy (vision, goal, specific objectives and the measures) are defined in accordance with the EU *Acquis* and good practice in order to continue the efforts to improve national operational capacities; further harmonise the national legislation in this field with relevant EU *Acquis*; establish a system for registering confiscated weapons; better exchange of information; and more the efficient destruction of confiscated weapons.[86]

The strategy envisages the establishment of an expert advisory body and Firearms Focal Points. In December 2019, a team for monitoring and exchanging all operational data regarding weapons was formed and a national coordinator for the control of small arms and light weapons was appointed. The strategy defines five strategic goals for improving the control of weapons:

- harmonised and improved legal framework in the area of control of SALW;
- improved national mechanisms for reducing SALW for civilian use in illegal possession;
- improved national capacities for managing the supply of SALW for civilian use;
- improved national capacities for controlling, testing, marking and monitoring SALW, and for record-keeping;
- strengthened cooperation at the international, regional and national level and with the civil society sector.

The Action Plan for the implementation of the strategy in the period 2019–2020 envisaged several activities and measures related to improving national mechanisms, such as preparing a comprehensive analysis on the impact of illegal SALW on society, the security and safety of citizens and implementing an awareness-raising campaign on the risks related to illegal arms possession. SALW controls aimed at weapon collection (amnesty) or their seizure and destruction are foreseen as regular activities. The Action Plan seeks to improve cooperation with civil society aimed at preventing the misuse and prevalence of SALW. Recognising the gender dimension of SALW, this policy document has integrated a gender perspective into some activities and measures. In this respect, it is envisaged to work on increasing awareness about and decreasing the abuse of firearms in cases of domestic violence and other forms of gender-based violence. In addition, the Action Plan underlines the necessity to ensure the *de facto* participation of women in the control of SALW.

The continuous and permanent activities include increasing control of the state borders in order to prevent and eradicate cross-border criminal activities related to SALW. These activities are linked to the national policies related to the fight against organised crime.[87] The process for collecting and destroying illegally possessed weapons and ammunition continues. The Action Plan for the coming period 2021–2024 has not yet been adopted.

Serbia continues with its efforts to regulate arms control effectively and facilitate a response to relevant threats that is fully harmonised with the EU framework and overall targets defined in the 'Roadmap' for a sustainable solution to the illegal possession of and trade in SALW. By 2023, Serbia is committed to ensuring the standardisation of procedures and practices in the area of arms control, including annual qualitative and quantitative overviews of the implementation of procedures and practices yet to be initiated. To prevent gun violence, combat illicit firearm-trafficking and limit the impact of illicit firearm-trafficking on gun violence, the following activities are envisaged to be achieved by 2024:

- Significantly reduce illicit flows of SALW by ensuring the full implementation and monitoring of legal, policy and procedural frameworks on the trafficking of SALW, preventing trafficking through improved procedures, and strengthening the control, monitoring and prevention of the diversion of legal trade through improved capacities, procedures and transparency.

- Ensure that arms control policies and practices are evidence-based, including standardising and institutionalising the data-collection of SALW by sex and age, regarding legal and illegal SALW interdictions, gun violence incidence and other related data; that sex and age concerns in SALW control policies are fully integrated; that the meaningful participation of women in SALW control is in place.
- Increase national analytical capacities related to SALW data analysis.
- Institutionalise the systematic collection of criminal justice data across the criminal justice sector.

7 Conclusions

The Republic of Serbia has defined and implemented measures to prevent gun violence, to combat illicit firearm-trafficking and to limit the impact of illicit firearm-trafficking on gun violence under a broad legal and policy framework for firearm possession and trade. This regulatory framework is mostly in line with the State's commitments to the relevant ratified UN instruments and the OSCE documents.

Laws and by-laws adopted during the existence of the Strategy on SALW in the period 2010–2015 have introduced stricter control of the trade in weapons and the prevention and elimination of their illicit possession and trade. However, they are still not fully harmonised with the UN and the EU regulatory framework. Trafficking in firearms is not yet criminalised as a specific criminal offence but is prosecuted under the general provision of the Criminal Code that prohibits the illegal manufacturing, possessing, carrying and sale of firearms. Forgery or the unlawful deletion, removal or alteration of the markings on firearms are also not prescribed as criminal offences. These legal shortcomings undermine the State's efforts to prevent and combat firearm-trafficking effectively. Therefore, Serbia should criminalise these acts as specific criminal offences as required by the UN Firearm Protocol. In addition, in the case of gun violence carried out using an illicit firearm or a firearm in which markings are unlawfully removed, a prosecutor is not obliged to investigate its origin and how and from whom was such a firearm acquired. Introducing such the instruction to prosecutors would contribute to detecting, identifying and eliminating channels of trafficking in weapons that are often linked to other forms of trafficking such as those in drugs and human beings.

The institutional framework has recently been developed by establishing an expert advisory body, Firearms Focal Points and a team for monitoring and exchanging all operational data regarding weapons. In addition, a national coordinator for the control of SALW has been appointed. The policy framework is strengthened by adopting the Strategy for SALW for 2019–2024, but the accompanying Action Plan for its implementation in the current period is still not in place. However, it is encouraging that Serbia is committed to fully implementing the activities defined by the Roadmap

for a sustainable solution to the illegal possession, misuse and trafficking of SALW in the Western Balkans by 2024. The most effective measures in this field up to now relate to strengthened cooperation at the international, regional and national levels, an effective integrated border management strategy and measures for the seizure and destruction of confiscated illegal weapons. The national mechanisms for the reduction of SALW for civilian use in illegal possession and for managing the supply of SALW have been also improved. Cooperation with civil society aimed at preventing the misuse and prevalence of SALW has been introduced. The MoI and police have raised their awareness with respect to the abuse of firearms in cases of violence within a family and intimate partner relationships.[I] [88] The necessity to increase the participation of women in the SALW control has been recognised and included among the measures in the strategic documents.

Nevertheless, owing to the recent history of armed conflicts and political instability, the developed weapons industry in the former Yugoslavia and the legacy of a large army, as well as the cultural and historical tradition of owning a gun, Serbia is still among those countries with a high rate of civilian possession of firearms. An increased demand for firearms in Serbia has been reflected in the increased number of registered firearms and firearm licence-holders. Civilian ownership of firearms is highly gendered: it is dominated by young and middle-aged men. This can be explained by the impact of culture and tradition, while, along with hunting, self-protection or defence is stated as one of the main reasons for firearm possession. Therefore, it is of the utmost importance to work further at raising awareness and developing programmes that will target men in general and young men in particular related to the possession and (mis)use of firearms. Despite various legal reforms, the established institutional framework, legalisation campaigns and the adoption of the Regional Roadmap on combating illicit arm-trafficking in the Western Balkans, a significant number of illicit firearms are still in circulation in Serbia. However, assessing the scope of illegal firearm possession is difficult because of its hidden nature and the lack of a clear methodology for estimating the number of illicit firearms held by civilians and circulating within the country. Therefore, it is also important to put more effort into developing a sound method for collecting data on the issue and providing reliable estimates that would provide a basis for developing evidence-based programmes for reducing the number of (illicit) firearms in the hands of civilians.

Owing to its geographic location, Serbia – together with other countries of the Western Balkans – is attractive to various forms of illicit trade, including illicit trafficking in firearms. Being on the Western Balkans route, Serbia is primarily a transit country for illicit trade, including illicit trade in firearms, while to a lesser extent it is a source or

I UNDP Serbia is supporting MoI on this issue through the project, 'Reduce risk, increase safety', that aims to reduce the risk of firearm misuse and ensure the safety of victims of domestic violence and intimate partner violence. The project is being implemented in cooperation with police officers, the judiciary, multisectoral groups for coordination and cooperation that process reported cases of domestic violence and intimate partner violence, women's NGOs providing support to victims of violence and the 'Journalists Against Violence' group. The 'Reduce risk, increase safety' project contributes to the achievement of Goal 4 of the Western Balkans SALW Control Roadmap: by 2024, to significantly reduce the supply, demand and misuse of firearms through increased awareness, education, outreach and advocacy. This project is supported by the Government of Germany.

destination country for trafficked firearms.[89] The most relevant and accurate indicators of illicit trade in firearms are the data on the seizures of weapons. Although different data are available from different sources, it can be observed that during the past years (2018–2020) seizures of firearms in Serbia have increased, which coincides with policy reforms and the adoption of the Regional Roadmap on combating illicit arms-trafficking in the Western Balkans in 2018. However, as correctly observed elsewhere, one must be careful when interpreting this data as it 'remains unclear to what extent this would suggest an increase in illicit flows or an increase in efforts to control arms proliferation'.[90]

Although rather scarce information is available on illicit firearm-trafficking in Serbia, it seems that this phenomenon should be reviewed in conjunction of other forms of trafficking, since usually the same routes and infrastructures are used for various forms of illicit trade.[91] What can be concluded from the available data is that the illicit trade in firearms is male-dominated since women are rarely involved, while children are almost never recruited to transfer firearms. In addition, as pointed out in this study, new forms of illicit trade in firearms with the use of contemporary channels of communication have been recorded recently. However, official or other statistical data on the number of firearms ordered using the dark web is lacking. These purchases, however, still need to be physically transported, while another threat would be the purchase of knowledge or blueprints; this therefore opens up a new space for research.

Despite the high rate of firearm possession by civilians, Serbia is not characterised by high levels of conventional crime or violence. In general, from 2015 onwards there has been a steady decrease in the number of incidents involving firearms. As for criminal offences, a firearm was most frequently misused in cases of robbery and the unlawful manufacture, possession, carrying and sale of firearms and explosives. The number of robberies committed with a firearm decreased strongly in recent years. The firearms used in these offences are believed to be generally held illegally. Homicides and attempted homicides account for about 10% in the total number of reported firearm-related criminal offences. This type of offence has increased in recent years and the available data suggests that mainly legally-held firearms have been used in these offences. While the criminal misuse of firearms seems to be connected to illegally held firearms, this is not necessarily the cases for other types of offences. The trends related to firearm misuse in criminal offences, particularly robbery and homicides seem to be interesting when keeping in mind that in most European countries gun homicides decreased, while non-lethal incidents (e.g. robberies) have not such huge declines as in Serbia. However, more in-depth study would be needed to explore the causes and explain such tendency in Serbia.

The data presented in this study confirm general trends that firearm-related violence, including firearm homicides is 'generally a "male" phenomenon – with male perpetrators victimising males'.[92] However, in the family context, men still present a majority of perpetrators, but most victims of such firearm-related incidents are women; therefore, 'women continue to bear the greatest burden of victimisation in the context of intimate partner violence'.[93] The data presented in this study further confirm

that the misuse of firearms is far more fatal in the context of domestic violence than in the criminal context. Therefore, access to a firearm by abusers in families and intimate partner relationships creates a high risk that the firearm will be misused and result in extremely severe consequences. The incidence of firearm-related homicides in the family context remains rather stable, which also reflects global trends.[94] It is important to consider these differences more broadly since diverse factors affect male-to-male homicides, on the one hand, and femicides in the family context, on the other. The former is mainly affected by 'socio-political developments, drug markets and other volatile factors that cause spikes in killings', whereas the latter results from persistent social and gender norms that produce and support gender inequalities and discrimination and affect the overall status of women in the society. Because 'these factors are less volatile', they contribute to rather stable rates of women being killed by their partners or another family member.[95] These data call for further work on strengthening the capacities of the relevant institutions for coordinated work, implementing norms and responding to domestic violence cases in a timely, effective and efficient way in order to prevent lethal outcomes. It is also important to work on fostering changes in attitudes to gender roles, eliminating gender stereotypes and promoting zero tolerance towards violence against women. In addition, it is important to develop and ensure the sustainability of programmes for perpetrators. But it is equally necessary to engage men actively in programmes to prevent and suppress intimate and family violence.

The Republic of Serbia still faces many challenges for data-collection on the impact of illicit firearm-trafficking on gun violence in the country. The court statistics are deficient, because the number of cases of trafficking in firearms is hidden within a general court statistic on other illegal acts related to firearms. Since 2017, the MoI has been recording data on the ownership of firearms used for criminal acts; nevertheless, as the analysis provided in this study suggests, this data is mostly missing. This makes it difficult to estimate the extent to which illegal firearms present a risk to the safety of citizens, particularly in the case of homicides, including family-related homicides. Therefore, there is still a need to ensure that criminal-justice data-collection is both institutionalised and rendered more systematic across the criminal justice sector. These data must also capture fully both the type of firearm and the type of ownership of firearms (legal/illegal) used to commit firearm-related criminal offences. Greater effort should also be devoted to standardising and institutionalising data-collection on SALW – by sex and age, regarding legal and illegal SALW interdictions, gun violence incidence and other related data. Gender and age considerations in SALW control policies must also become fully integrated. Standardising the collection and recording of data is a prerequisite for increasing the national analytical capacities related to SALW data analysis. In addition, as also suggested by previous research, it is important to ensure that data on the firearm-related homicides and firearm-related homicides in the family context are collected with a coherent methodology so that these data are comparable. Finally, it is recommended that public access to most of these data should be made possible, particularly to the police statistics. Achieving this would enable permanent monitoring and the evidence-based development of programmes aimed at preventing and suppressing gun violence in Serbia.

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Endnotes

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REPORT

PROJECT TARGET

Gun violence in Spain: analysing the nexus of firearms and drugs trafficking

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Introduction

According to comparative research into homicide and the detailed Mortality Database of the World Health Organization (WHO), Spain has a strongly declining gun homicide rate, which is also one of the lowest in Europe.[1] In recent years, however, this 'peaceful' picture has been marred by increased gun violence, especially in the drug-trafficking milieu along the country's southern coasts. In this context, law-enforcement agencies are stepping up their crackdown on illegal arms dealers who supply, among other criminals, organised gangs in the south. This report takes these seemingly contradictory observations of generally low gun violence rates coupled with regional outbreaks of criminal violence as a starting point to examine the influence of illegal gun-trafficking on gun violence in Spain. To the best of the author's knowledge, no previous studies provide a systematic analysis of this topic. Therefore, the present investigation contributes to the sparsely studied field of the legal possession of firearms, illegal firearms trafficking and gun violence in Spain.

The research followed several steps. As a basis for understanding the use of legal firearms in violent acts and the risks of firearm diversion, we first describe the firearm laws and the general characteristics of the legal firearm market in Spain (chapter 1). Next, we analyse the scope, main features and dynamics of the illegal firearm market (chapter 2). Then we examine the extent and characteristics of gun violence (Chapter 3.1 and 3.2). Finally, we combine our analyses to ascertain which firearms are used in gun crime in Spain (Chapter 3.3). The report ends with a section on Spain's national initiatives to combat illicit firearms trafficking and gun violence (chapter 4) and a conclusion (chapter 5).

Box 1: Research design

This study used various research methods. First, we analysed official statistics, government reports on gun violence and firearms trafficking and academic studies through desk research. Media reports on the legal and illegal firearm market and gun violence were also consulted. The bulk of the review concentrated on information from 2015–2020, complemented by some long-term statistics covering data from 2000 to 2020.

Desk research was supplemented by information acquired in interviews with firearm experts from five public agencies. Interviews were conducted as part of Project TARGET (2020–2021) and Project DIVERT (2019–2020).[1] In total, 13 people were interviewed, both in individual conversations and in focus groups.

Interviews conducted for Project TARGET and Project DIVERT

Date (place)	Organisation
October 2019 (Madrid	Spanish Customs (experts on legal control and investigations into firearms trafficking)
October 2019 (Madrid), October 2021 (online)	Civil Guard (*Guardia Civil*) (experts on legal control, investigators of firearms trafficking, experts on international affairs, experts on gun violence)
October 2019 (Madrid)	Ministry of Foreign Affairs (expert on firearms exports and import)
October 2019 (Madrid), May 2021 (online)	National Police (experts on firearm-related investigations)

[1] For more information on these research projects, see: https://vlaamsvredesinstituut.eu/en/target/ & https://vlaamsvredesinstituut.eu/en/divert/.

1 Legal firearms possession in Spain

1.1 Regulatory framework for firearm possession and trade

Spanish firearms legislation can generally be divided into dedicated laws setting out rules on the overall life cycle of firearms and in regulations that focus on their trade. A large part of the legal rules regarding firearms is consolidated in the Spanish Arms Regulation (*El Reglamento de Armas*).[2] The law covers many aspects of the life cycle of civilian firearms, such as their production, trade, ownership, penalties and firearm deactivation or destruction. Furthermore, it defines the ministries responsible for different aspects of the regulation of weapons and the authorities tasked with enforcing them. A law on citizen security specifies the administrative violations regarding firearms.[3]

Generally speaking, Spanish police experts judge their firearm legislation as being strict. Among other reasons, this view is rooted historically in the fight against the terrorist group, *Euskadi Ta Askatasuna* (ETA), which had made restrictive firearm regulation a priority in previous decades.[4]

The most common legal justification for owning firearms in Spain is hunting. The country has a complex system of categorising weapons and licences to allow civilians to own firearms or to prohibit them from owning firearms. It includes a nine-part categorisation of firearms (and knives) and an additional nine-part classification of licences to possess them (see also the Annexure).[5]

In order to apply for or renew a licence, an applicant needs an identity card, a clean criminal record, a mental-health certificate and a proven aptitude for handling and conserving a weapon. A hunting permit and membership of a hunting federation are

also required for weapons owned for hunting purposes. For sports shooting, firearm-owners need to demonstrate that they practice the particular sport regularly.[6] Depending on the type of weapon, a licence will be reviewed and renewed every three to five years. When this happens, the gun needs to be presented to the relevant state authority during the review.[7] This physical check-up is used to ensure that the firearms have not been modified or their serial numbers erased.[8] If two attempts to review a licence fail, the licence will be withdrawn.[9] Collectors' licences are valid permanently if the requirements are fulfilled.

The rules on the acquisition, storage, trade and possession of ammunition are linked to the legal possession of the weapons for which they can be used.[10] The number of rounds of ammunition a person is allowed to purchase varies according to the licences and the weapon owned. For example, a person who has a licence to own a hunting rifle may buy up to 1,000 rounds a year. The fixed amount of ammunition that a person can buy per year can be increased only through an official allowance granted by the responsible authorities. Some sports shooting ranges sell unlimited amounts of ammunition, as long as it is used for target shooting on their premises.[11]

Various ministries, law-enforcement agencies and specialised authorities are involved in legal gun control and the investigation and prosecution of offences that violate the firearm legislation.

- The Ministry of Interior is the main agency responsible for the legislative procedures regarding the Arms Regulation. In addition, it is the superior of the two main national police forces: the *Guardia Civil* and the National Police.
- The Ministry of Defence is involved in matters relating to the export and import of defence goods. Its General Directorate of Armament and Material oversees the authorisation of factories producing weapons of war and granting permission for such weapons.
- The Ministry of Industry of Trade and Tourism (*Ministerio de Industria Comercio y Turismo*) coordinates the licensing process for the legal import and export of firearms. It is also in charge of authorising (civilian) arms production.
- Through the Directorate-General for International Economic Relations, the Ministry of Foreign Affairs is responsible for approving the transit of goods through Spanish territory. It is also involved in the licensing procedures regarding the import and export of firearms and acts as an international contact for firearm-related treaties.[12]

The distribution of policing in Spain is complex. It is divided into national, sub-national and local forces but also distinguishes between rural and urban areas and specific core competencies such as the control of legal weapons. The *Guardia Civil* has exclusive competence to exercise legal control throughout the country. It is also deals with gun crime in rural areas. Responsibilities regarding firearms within the agency are divided roughly into three units that cooperate to resolve crimes:[13]

- The intelligence unit is in charge of investigations regarding illicit trafficking and schemes of diversion.

- The judiciary police (JPJ) are responsible when firearms are used to commit crimes (eg murder, manslaughter, etc).
- The Central Inspectorate for Arms and Explosives (*Intervención Central de Armas y Explosivos* (ICAE)) is in charge of the administrative control of weapons and explosives. In other words, it is in charge of preventing, stopping and combating illicit trafficking in arms and explosives through legal and administrative controls. This encompasses, for example, controlling the manufacture and repair of weapons, their imitations and replicas, and their fundamental components. It also includes controlling the legal circulation, storage, trade, acquisition, disposal, possession and use of regulated weapons, including the safe storage of firearms.[14]

In its work on legal gun control, the ICAE is supported by the National Proof Bank (*Banco Oficial de Pruebas de Armas de Fuego*) based in Eibar in the north of Spain. Some of the tasks carried out by the National Proof Bank are the certified deactivation of firearms, the marking of weapons, issuing certificates for replica weapons and certifying the antiquity of firearms.[15]

The second major national police force is the National Police. In contrast to the *Guardia Civil*, whose investigative activities focus mainly on rural areas, the National Police are concerned primarily with gun crime in Spain's large urban centres. Two separate units within the National Police deal with firearm crimes. An illicit firearms trafficking unit, which is part of its counter-terrorism division, is responsible for providing threat assessments, collecting data and analysing trends to establish the National Police's strategy for fighting illicit firearms trafficking in urban areas. It also represents the National Police in international forums on the topic of firearms.[16] As is the case with the *Guardia Civil*, the National Police also has a Judicial Police division that investigates violent crimes, including those committed using firearms.[17]

The work of the different police forces in Spain is coordinated through a Ministry of Interior-led intelligence centre (*Centro de Inteligencia contra el Terrorismo y el Crimen Organizado* (CITCO)).

Local police forces are not generally involved in work on firearms. If they encounter them during the course of their work (eg a coincidental seizure), they cooperate with one of the national police forces. Sub-national police forces in the autonomous regions of the Basque Country, Cataluña and Navarra are an exception to this rule, because they are responsible for investigations and public security in their respective regions, including investigations into firearms.[18]

In addition to the police forces, the Spanish Customs Agency (*La Aduana*) plays a vital role in the legal control of firearms. The agency, which falls under the Ministry of Economy and Finance, acts in two capacities. First, it controls all weapon exports and imports leaving and entering Spain from outside the European Union (EU). This entails checking licence applications, the validity of customs declarations and physical check-ups, if necessary.[19] Second, the customs agency has investigative capacities that are

carried out by a dedicated unit, the Customs Surveillance Service (*Servicio de Vigilancia Aduanera*). The unit's work focuses on three key areas: smuggling, money laundering and fiscal crimes. Investigations by the surveillance service are concerned mainly with border and cross-border matters. Yet, they can also occur in any other part of Spain – for example, if firearms are smuggled through Spanish territory. If firearms are involved, the customs' investigative teams will often cooperate with another police force in Spain that is competent in the area in which an operation takes place (eg National Police in urban areas, *Guardia Civil* in rural areas).[20]

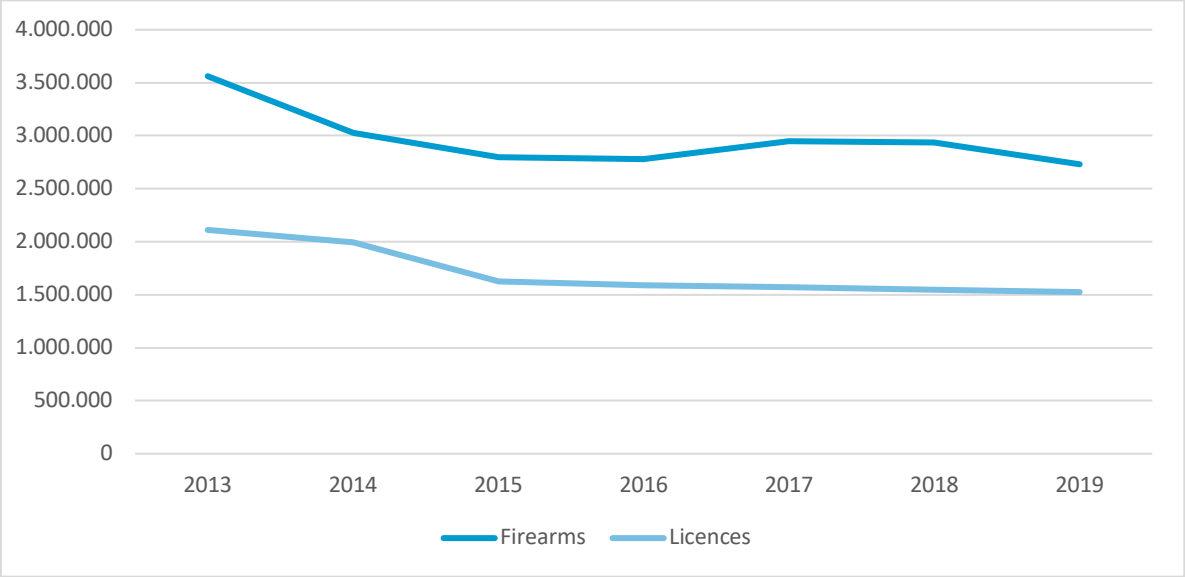
1.2 Scope and characteristics of legal firearm possession and trade

Equipped with a basic understanding of regulations on the legal possession of firearms and the actors who legislate and enforce it, we now examine the scope and characteristics of the legal possession of firearms and trade. Knowing the nature of the legal firearm market is critical to understanding the supply and demand for illicit firearms in a country. On the one hand, the characteristics of legally possessed firearms often indicate which firearms are diverted in a country and end up in the illegal market (eg via theft or loose regulations). On the other hand, strict legislation and a national 'firearm culture' can influence the demand for illegal goods. This goes about, for example, the demand for illegal ammunition for hunting or the wish to own weapons for self-protection illegally if they are not available legally.

Data of the Ministry of Interior suggests a strong decline in legal firearms possession in Spain: the number of legally held firearms decreased from more than 3.5 million in 2013 to about 2.9 million firearms in 2019. However, the statistics in this section must be read against the backdrop of a process aimed at improving the databases on firearms during 2014–2015. During this process, errors (eg double entries, expired licences which were still registered) were corrected. This data-cleaning makes it challenging to compare data from 2014–2015 and earlier with data from 2015–2016 onwards.[21] [I]

[I] The statistical reports of the Ministry of Interior do not disaggregate between all categories of firearm. It must be assumed that a range of blank-firing firearms are among them.

Figure 1: Firearms owned legally by civilians in Spain, 2013–2019



Source: 2013–2019 Annual Statistical Reports, Ministry of Interior[22]

A survey by Eurobarometer estimates gun ownership among the Spanish population at 5% in 2013.[23] Given the decline in licences since 2013, this number may now be slightly lower. Without taking into account data prior to 2015, the number of firearms held in Spain remained relatively stable between 2015 and 2019. Regarding firearm licences, a slight but steady decrease can be observed between 2015 and 2019. These numbers suggest that in 2019 fewer firearm-owners possessed (on average) slightly more firearms than they did in 2015. In 2019 law enforcement experts estimate that all licences and registered weapons belonged to roughly 1.1 million citizens.[24]

Hunting, sport shooting, collection purposes and self-defence are legally permitted reasons for gun possession in Spain. Spain's gun culture is one of hunting, driven by its popularity in rural areas of the country. Table 1 below also reflects this. It provides a breakdown of the different categories of firearm licences between 2015 and 2019.[I]

[I] The table excludes data on licences held by security and surveillance guards (C licences) and those held privately by members of security forces (A Licence).

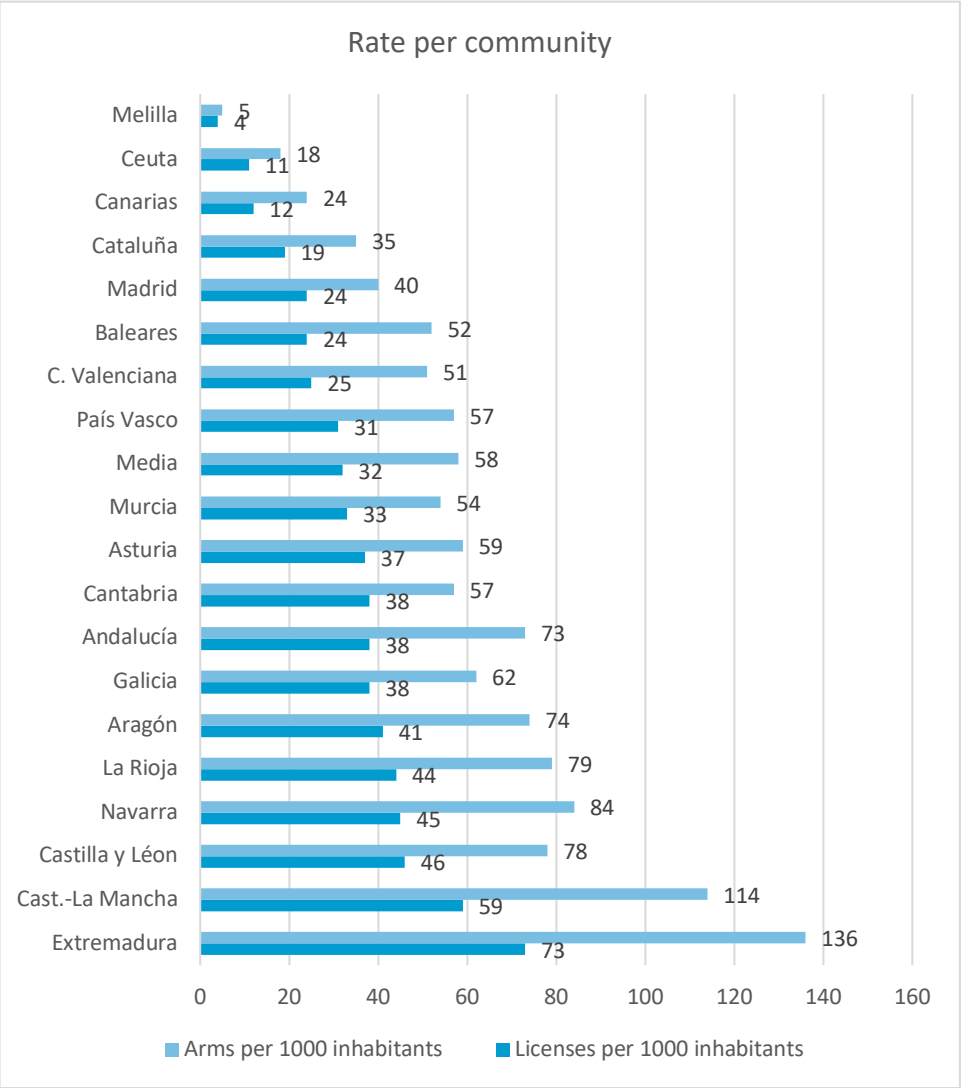
Table 1: : Licences for legal firearm possession, 2015–2019

Licences	2015	2016	2017	2018	2019
B. Private short firearms (self-protection)	8,638	8,459	8,514	8,476	8,501
D. Long firearms (big-hunting licence)	365,868	370,224	372,874	378,301	382,828
E. Long firearms (shotguns) (small hunting licence)	1,043,538	1,007,895	974,238	953,328	929,246
F. Sport shooting	35,301	33,689	34,404	35,152	35,340
AE. Muzzle-loading, antique/historical and Flobert weapons	31,275	32,236	38,446	39,490	39,913
L. Special authorisation collector's book	10,149	9,663	9,754	10,747	11,091
AEM. Special authorisation for use of weapons for minors	3,812	3,739	3,949	3,917	3,952
Te. European Firearms Pass	11,457	11,384	11,541	10,747	11,895
Total	**1,510,038**	**1,477,289**	**1,453,720**	**1,441,080**	**1,422,766**

Source: Ministry of Interior;[25] licences held in Spain for legal firearm possession. Note that one individual may possess multiple licences

From the table it emerges that 92% of all firearm licences were held for hunting purposes in 2019, 2,5% for sports shooting, 0.7% for collection purposes and 0.6% for self-defence. Those numbers remained relatively stable between 2015 and 2019.
In addition to knowing who holds firearms and for what reasons, it is also interesting to observe where and by whom firearms are owned. There are clear differences between the regions of Spain regarding the possession rate of weapons. There is also a variance between the types of weapon owned in different areas, as depicted in Figures 2 and 3 .[26]

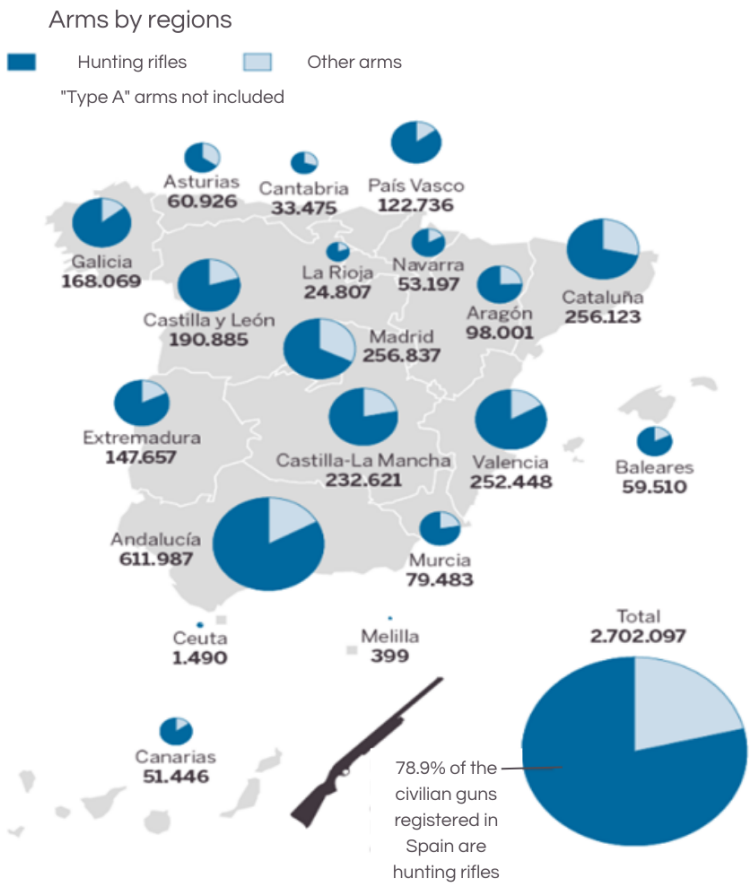
Figure 2: Licences for legal firearm possession in different regions in Spain "



Calculated per population 1 January 2016

Source: El País[27]

Figure 3: Licences for legal firearm possession in different regions in Spain



Source: El País[28]

The list of firearms possessed per citizen is led by Extremadura, one of the country's most rural areas. In contrast, the city enclaves of Melilla and Ceuta have very low per capita ownership of weapons (Figure 2). In general, possession rates seem much lower in the country's major urban agglomerations than in other places. This is exemplified by a low per capita ownership in two major cities: Madrid and Valencia. Figure 3 shows that most licensed weapons in Spain are hunting shotguns (79%). This matches our observation that hunters own most firearms in Spain. The popularity of these weapons applies to the whole country, although there are differences between regions (see Figure 3). Madrid, for example, has the highest per capita share of guns registered as self-defence licences, which, according to interviewed police experts, is due to the high number of public employees and licences related to security.[29]

2 Illegal firearm market

2.1 Scope of illicit firearm possession

In 2017 the Small Arms Survey estimated that civilians in Spain held a total of 3,464,000 firearms, of which approximately 780,000 are believed to be illegally held. Compared to previous estimates of illicit possession by the same organisation, this would mean a steep downward trend in illegal firearms possession in the country took place in the past two decades (see Table 2). The estimated current rate of illegal gun possession is relatively low when compared to that of other EU Member States covered by the same estimation method.[30] Estimates of illegal firearms possession should, however, always be treated with caution due to a lack of accurate data.

Table 2: Estimates of illicit firearm holdings in Spain, 1998–2002, 2007, 2017

Firearm holdings	1998–2002	2007	2017
Civilian	4,552,000	4,500,000	3,464,000
– registered	3,051,588	3,051,588	2,683,542
– unregistered	1,500,000	n/a	780,458
Law enforcement	n/a	n/a	264,196
Military	n/a	n/a	333,660
Total	–	–	4,061,856

Source: Small Arms Survey[31]

Data such as the number of surrendered, seized and confiscated firearms can also be used to gain insight into the extent of illegal firearm possession in Spain. Before starting our analysis, it must be noted that while seizure data are one of the best indicators for the illicit possession of firearms, it is no perfect marker. Indeed, analysis by Spain's National Firearms Focal Point shows that in 2019 and 2020, well below 25% of the guns seized were possessed illegally.[32] In total, about 9% of firearms seized during 2016 to 2020 were seized on the ground of illicit possession.[33] The majority of weapons that are seized are held legally at the time of seizure. Many of these seizures of legal firearms involve preventive measures because the legal holder committed other crimes unrelated to the use of firearms.[34] With these cautionary remarks in mind, Table 3 below still represents the best data on seizures of firearms available to us.

Table 3: Live-firing firearms seized[1] in Spain , 2008–2018

Types	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Pistols	–	971	801	878	2,249	1,590	1,480	1,262	1,549	4,389	2,235	2,726	–
Revolvers	–	356	261	315	1,022	692	561	507	1,216	1,185	653	963	777
Rifles	–	1,092	990	1,061	1,302	1,268	1,305	1,177	1,563*	1,597*	1,458*	2007	1,684
Shotguns	–	4,079	3,667	3,731	4,595	3,951	3,525	3,177	4,657	3,303	2,794	2,947	2,775
Sub-machine guns	–	59	4	24	208	14	18	36	17	125	24	55	41
Machine guns	–	0	0	4	2	0	8	2	1	3	1	6	6
Other	–	–	–	–	–	–	–	–	1,534	1,550	53	20	9
Total	**3.528**	**6,557**	**5,723**	**6,013**	**9,378**	**7,515**	**6,897**	**6,161**	**9,003**	**10,602**	**7,194**	**8,724**	**7,782**

Sources: *Guardia Civil*;[35] National Report on the Implementation of the Programme of Action on SALW (PoA) and the International Tracing Instrument (ITI);[36] UNODC;[37] numbers with an * include assault rifles: in 2016: 29, 2017: 47 and 2018: 24

The total number of seizures in Spain varies widely from 3,528 in 2008 to 10,602 in 2017 (see Table 3). Overall, the number of seizures increases over time; however, not in a linear fashion. The increase in firearm seizures can be attributed in part to a stronger focus on detecting, seizing and investigating illicit supply channels following the 2015 introduction of the *Guardia Civil*'s Comprehensive Firearms Control Plan (*Plan Integral para el Control de las Armas de Fuego* (PICAF)). Increased efforts by law-enforcement

[1] The original numbers include blank-firing firearms and a category named 'other' (these amounts have been subtracted for the sake of this mapping).

agencies to improve the reporting of seizures, especially since 2014, have also probably led to improved reporting of firearms seized.[38]

The seizure data show that in 2018, 40% of all firearms seized were handguns (revolvers and pistols). This number has increased significantly in recent years. In the same year, 39% of the firearms seized were shotguns, a type of weapon for which seizures are strongly declining over time. Rifles accounted for 20% of the firearms seized in 2018, and their share has increased slightly in recent years. Finally, few sub-machine guns and very few machine guns are seized each year.[I39]

The fact that increasing numbers of handgun have been seized over the past decade deserves close attention. We showed above that only very few handguns are held legally by civilian firearm-owners in Spain. By way of contrast, it is known that criminals prefer easily concealable handguns over rifles and shotguns in many contexts.[40] This suggests that strongly increasing handgun seizure numbers can be attributed largely to the criminal milieu. However, as mentioned above, it is difficult to say whether this surge in seizures is due to the higher availability of these guns or increased law-enforcement attention being given to the illicit possession of firearms in the criminal milieu.
From data provided by Spain to the UN PoA it is clear that the overwhelming majority of firearms seized in 2018 were legally manufactured (96%), with converted (2.4%), modified (1%) and reactivated firearms (0,6%) accounting for the minority of seizures.[41] As we shall see in later sections, the conversion, modification and reactivation of weapons seem to occur almost exclusively in the criminal milieu, where they make up a substantial part of the seized weapons.

Data on the number of parts or components of firearms and rounds of ammunition seized in Spain were available only for 2016 and 2017. According to data submitted by Spain to the 2020 United Nations Office on Drugs and Crime (UNODC) study on illegal firearms trafficking, 2,270 parts and components were seized in Spain in 2016 and 118 in 2017. Likewise, 8,813 rounds of ammunition were seized in 2016 and 10,191 in 2017.[42]

In addition to data on seizures, the Ministry of Interior's annual statistical reports provide a broader dataset that display the numbers of surrendered, seized and confiscated firearms as part of a single figure. This figure is relevant to assessing illicit possession in Spain because it must be assumed that a major proportion of the firearms that are handed in are illicitly possessed. This is because no substantive weapons amnesties have been held in Spain in the recent past. Instead, 'found' firearms can be handed to the authorities at any time. Firearms that remained in the possession of families and have never been registered, for instance, can be reported to the authorities as having been found without any punitive measures being applied, unless the authorities suspect that the weapon was used in a crime. A ballistics check to determine whether this suspicion is correct is carried out subsequently. Nevertheless, no punitive

I See the Annexure for a comprehensive overview of types of firearm seized in the past ten years.

measures are taken unless it is proven that the crime had been committed by the individual who surrendered the firearm and not, for instance, by a deceased relative. Holders of unregistered firearms are therefore encouraged to hand them in and not destroy or sell them illegally on the black market.[43]

Table 4: Firearms surrendered, seized and confiscated in Spain, 2013–2019

Types	2013	2014	2015	2016	2017	2018	2019
Revolvers	15,771	14,691	14,333	15,763	17,813	15,472	16,299
Pistols	26,303	26,156	28,388	28,890	35,020	35,415	38,122
Carbines	9,472	9,416	12,733	13,220	14,530	14,017	15,818
Rifles	6,484	6,574	8,795	8,990	9,336	7,823	8,213
Shotguns	74,528	74,213	140,477	143,625	150,413	114,701	117,423
Blank-firing weapons	93,397	90,152	1,088	929	1,322	6,373	19,933
Total	**225,955**	**221,202**	**205,814**	**211,417**	**228,434**	**193,801**	**215,808**

Source: Ministry of Interior (2015–2019);[44] the category 'other weapons', which presumably includes crossbows, harpoons and other non-firearms, has been omitted

From this table it emerges that the proportion of surrendered, seized and confiscated shotguns decreased steadily from 68% in 2015 to 54% in 2019, whereas the proportion of handguns grew from 21% to 25% during the same period. The proportion of carbines and rifles remained relatively constant around 11% during this period. The proportion of blank-firing weapons fluctuated substantially over this period, from 41% in 2013 to 0.5% in 2015 and up to 9% in 2019. The high number of blank-firing weapons handed in during 2013 and 2014 may have been influenced by a new law that made it obligatory in 2015 to register such weapons with a licence. A transition period in which to hand over firearms before the law went into effect had been organised by the authorities before 2015.[45]

In summary, although it is not possible currently to estimate the number of illegal firearms in Spain accurately, the number of surrendered, confiscated and seized firearms suggests that a sizeable number of illegal firearms are circulating in Spain. However, according to estimates by the Small Arms Survey, the rate of illicit gun possession is believed to be significantly lower than the rate of legal firearm possession and relatively low by European standards. On the other hand, press reports have expressed concern at the growing black market for firearms in Spain in recent years.[46] For some regions, notably in the south of Spain, the police also reported an increase in the use of "automatic firearms" by drug criminals.[47] This raises the questions, first, of the extent to which illegally possessed firearms are trafficked within Spain and, second, the degree to which illegal firearms are smuggled into Spain.

2.2 Scope of illicit firearm trafficking

According to a firearms expert of the *Guardia Civil*, the level of firearms trafficking and diversion can be considered moderate in Spain and is not perceived to be one of the most critical public-safety problems.[48] The same experts explain that Spain is predominantly a transit country for the international trafficking of firearms due to its geographic position in the Mediterranean and its sea borders with North Africa.[49] This involves, in particular, guns trafficked to the African continent and Arab countries which pass through Spanish harbours.[50]

However, frequent law-enforcement operations within Spain, particularly against clandestine workshops reactivating and re-converting firearms and selling them to criminal end-users, suggest that a fair share of trafficking occurs within Spain's borders. Finally, firearms reactivated in clandestine workshops in Spain have also been smuggled to destinations in Europe, which suggests that Spain is also a country of origin for illegal guns.[51]

Given the clandestine nature of illicit firearms trafficking, it is challenging to verify expert assessments of the phenomenon's scope with reliable quantitative data. Regarding illegal cross-border trade, the number of weapons seized by Spanish Customs is relatively low compared to the total number of firearms seized in Spain.[I] Moreover, the number of border-control seizures fluctuates considerably every year. This is related to the fact that these numbers are influenced by significant individual seizures.

Table 5: Firearms seized by Spanish Customs at the borders, 2014–2019

Year	2014	2015	2016	2017	2018	2019[II]
Firearms	114	189	827	43	34	24

Source: For 2014–2015,;[52] for 2016–2019, Spanish Customs[53]

Although in most cases the legal grounds for firearms seizure is unknown[III], a breakdown of the number of firearms seized in Spain between 2016 and 2017 on legal grounds can provide insight into the extent of the illegal firearms trade (see Table 6).

I This is true even if one assumes that almost all weapons seized by Spanish Customs are possessed illegally and if one compares them with approximately 25% of the overall firearms seizures that involve illegally held firearms in Spain.

II The number for 2019 is only for the period January to October.

III The very large group of firearms that are seized with a legal justification that is unknown can be attributed to the observation that not all of the law-enforcement agencies collected or reported on detailed data regarding firearm seizures. Moreover, most firearms seizures in Spain are preventive measures and do not relate to the abuse of firearms. Therefore, it can be concluded that a large part of the 'unknown' category can be assigned to this type of preventive seizure. The Spanish National Focal Point on firearms is currently improving data-collection across the law-enforcement agencies in Spain and integrating all data in one central database. It can be expected that this will radically diminish the number of seizures labelled without being assigned a legal category.

Table 6: Legal justification for seizure of firearms in Spain, 2016–2017[54]

Spain	2016		2017	
	Seized firearms	% of total	Seized firearms	% of total
Illicit possession	568	6	429	4
Illicit use	301	3	332	3
Illicit trafficking	936	10	98	1
Illicit manufacture	4	0.04	–	–
Altered markings	–	–	–	–
Unknown	6,858	76	9,394	89
Other	336	4	349	3
Total	**9,003**	**100%**	**10,602**	**100%**

Source: *Guardia Civil*[55]

From these data, it emerges that 10% of all seizures in 2016 and only 1% in 2017 can be attributed to illegal firearms trafficking. But this table should be interpreted with caution since previous research has shown that offences are often recorded as illegal possession rather than illegal trafficking in firearms because the former is easier for law enforcement to prove. This can lead to overestimating the number of offences related to illegal possession and underestimating the number of offences related to illegal trafficking.

As previously mentioned, the significant difference in the number of firearms seized due to illicit trafficking in 2016 and 2017 can be attributed to single seizures of large weapon arsenals.[56] The overall assessment that illicit trafficking activities have remained consistent over the past few years is supported by the relatively stable prices of illegal firearms between 2014 and 2020 (see the next section).

According to the law-enforcement experts interviewed, various factors contribute to the observation that Spain does not have a significant problem with illegal firearms trafficking. First, there is no major local firearm manufacturing sector from which firearms could be diverted on a large scale or through which potentially fraudulent shipping could occur to other countries. Spanish manufacturers currently specialise in manufacturing moderate numbers of high-end hunting weapons and, more generally, ammunition.[I] In particular, the artisanal hunting weapons now produced are not

[I] Firearm production in Spain has declined significantly over the past three decades, as the once important commercial Spanish firearm manufacturers (Llama, Astra, Star) ceased production towards the end of the last century. Currently, production is carried out in smaller quantities and focuses mainly on high-end hunting rifles. The manufacturers of these firearms are located primarily in the north of the country, particularly in the Basque Country. (Interview with Guardia Civil expert on international matters relating to firearms, Madrid and Brussels, 24 and 28 October 2019)

typically used by organised criminal groups (OCGs), terrorists or armed groups in Spain or abroad.[57]

Second, there are no significant armed conflicts within Spain's or on the adjacent mainland that could be a substantial source of firearms being trafficked to Spain from other countries. The only noteworthy conflict-related firearms found on the Spanish black market that were trafficked from abroad come from the Balkans. Firearms from conflict areas in North Africa, such as Libya, are potential sources of illicit firearms but are not currently circulating in Spain.[58] The terrorist group, ETA, which has played a significant role in firearms trafficking in previous decades, is no longer a significant factor.[59]

Third, Spain has a restrictive firearm law preventing diversion avenues that could lead to further trafficking (such as large-scale theft.[60]

According to the authorities, illegal firearms are not a significant security issue in Spain, but it must be noted that this assessment is put partly into perspective by a concentration of illegal firearms trafficking in the south of Spain, and by a large number of illegal workshops that reactivate weapons and sell them to criminals. The next section is devoted to describing these and other features of the Spanish illicit arms trade.

2.3 Demand for illicit firearms[I]

Even though experts judge the level of firearms trafficking as being moderate, several criminals and non-criminal milieu actors are in the business of purchasing illegal firearms. The authorities believe that the market for illegal firearms in Spain is driven mainly by demand from different criminal environments.

In the case of OCGs, it is well known that the purchase and sale of firearms is closely related to organised illicit drug-trafficking and its milieu. In this milieu, weapons are used to settle disputes but also for self-protection. The most popular weapons among OCGs are handguns and, to a lesser extent, rifles.[61] In some regions, especially in the south of Spain, police also report the increased use of military-grade weapons among drug criminals. This is due to an arms race-like scenario between antagonistic OCGs, including groups of non-Spanish nationality who bring with them a different culture of military grade firearms.[62]

Lower-level and petty criminals such as armed robbers and thieves also have a strong need and desire for owning firearms. As later sections show, they rely mostly on lower-level types of gun, such as converted blank-firing guns.

I This section excludes a detailed analysis of the actors who possess firearms illicitly but who do not plan to sell them or to buy additional illicit firearms (eg heirs of illicit firearms, persons who own firearms from a previous armed conflict).

Armed political groups have traditionally also played a role in the illegal arms market in Spain. With ETA's disarmament (2017) and its dissolution (2018), the longest-running terrorist group in the illicit arms market has ceased its activities.[63] However, there is still a threat from 'jihadist lone wolves', who try to buy whatever firearms are available, often on the internet, and who have no connection to illicit arms dealers. In addition, some isolated operations during the past 15 years have uncovered the possession of firearms by small radical independent movements.[64] However, overall, the demand for illicit firearms by terrorist groups has played a minor role in recent years.[65]

Besides criminals and terrorists, some illegal collectors and hunters are also involved in the illicit firearm market. Some hunters acquire rifles illegally, some with silencers and prohibited military night-vision accessories.[66] Firearm collectors (some of them recognised legally) are also involved in purchasing and selling illegal firearms. The cross-border trafficking in historical firearms between France and Spain and the unlawful sale of deactivated guns are examples.[67] [I] Whereas these actors are typically not connected to the criminal milieu, there is a constant risk that they try to sell illicit firearms to the highest bidder (criminal or not) in a moment of financial crisis. Such sales can, for example, take place through online platforms. Law-enforcement authorities have observed this phenomenon in the aftermath of the 2008 global economic recession, and it remains an issue to this day.[68]

Finally, there is concern by the Spain's National Rifle Association (ANARMA) that some civilians purchase weapons for target-shooting legally while concealing their intent of using them for self-defence.[69] Although self-defence is permitted legally as a reason for possession of a gun in Spain, B licences are granted only if the applicants can prove that they are at risk of being attacked. Therefore, very few people hold firearms for self-defence in Spain, the majority of them being politicians, jewellers, arms dealers, judges, magistrates and former military personnel. In total, in 2019, only 8,501 licences to own handguns for self-protection were valid in Spain.[70] Owing to the rigorous licensing conditions for firearms held for self-defence, ANARMA believes that some Spaniards who have been refused a B licence have resorted to buying a target-shooting pistol in order to use it for self-defence.[71]

2.4 Supply of illicit firearms

The main source of illegal firearms in Spain is the re-activation of de-activated firearms and the conversion of alarm firearms. Trafficking in conflict legacy firearms and stolen firearms also contribute to the illegal firearms market, but to a lesser extent.

To better understand the source of illicitly trafficked weapons and who is involved in supplying them, we can refer to the analysis of seized weapons by a *Guardia Civil* unit

I See Box 2 Case study – Operation Alpes.

that specialises in combating illicit trafficking.[72] It should be borne in mind that the following paragraphs are based mainly on the law-enforcement analysis of firearms seizures in the criminal milieu; therefore, the figures in this section do not match precisely the seizure data mentioned in the previous paragraphs, which also included many seizures of legal firearms.

Before we examine the different forms of illicit firearm supply, it is essential to point out that firearms are not one of the primary sources of income for the players in Spain's criminal underworld. This role is mainly reserved for drug-trafficking, with firearms trafficking being a side business at best for most criminals. In other words, only very few individuals are strictly focused on the trafficking and sale of illicit firearms.[73]

2.4.1 Reactivation of deactivated firearms and acoustic expansion firearms

Reactivated firearms and acoustic expansion firearms (AEW)[I] make up 50% of the seizures analysed by the *Guardia Civil*'s unit specialised in combating illicit firearms trafficking. As subsequent sections on gun violence show, reactivated firearms are used by common criminals and increasingly also in the drug-trafficking milieu in Spain's south.

Deactivated firearms that can be reactivated can be obtained illegally in Spain, although deactivation standards were tightened in 2011 to prevent this. This is because the new standards apply only to deactivated firearms intended for sale.[II] As a result, thousands of deactivated firearms are still held in Spain that have not been updated to the new standards. This involves many types of firearm.[74] For example, forensic experts point out the popularity of reactivated Glock pistols that were deactivated by pre 2010 standards. These firearms have also been trafficked abroad.[75]

Operation Portu, a large-scale police operation in 2017, seemed to reveal that legal collectors and sellers were involved in the illegal sale and possible reactivation of deactivated firearms in large quantities. Police suspected that the individuals involved were motivated by the plummeting profit margins on the legal sale of deactivated weapons following the 2011 amendments to the law. The dwindling profits were due to the high cost of updating firearms to the new reactivation standards and the simultaneous decline in popularity of such newly deactivated firearms among customers. While this police action has been called one of the toughest blows against arms trafficking in Europe, a Spanish court found in March 2021 that not enough evidence had been presented to sustain the charges. All 11,000 firearms and weapons parts seized had to be returned to the former defendants. Even after this ruling, the

I Live-firing weapons that were modified to prevent their use with regular ammunition but which allow the discharge of blank cartridges.

II See above for details.

example highlights the significant amount of circulating firearms that have not yet been deactivated according to European standards.[76]
The method of reactivating weapons is also made possible by ordering essential components through the internet (sometimes the darknet) and parcel delivery services. These components can be used to replace parts of deactivated weapons that would prevent the guns from firing.[77] The following case illustrates this.

Box 2: Case study – Operation Alpes

In 2018, as part of Operation ALPES, the Spanish authorities arrested an individual who had been trafficking different models of Glock frame from Austria to Sevilla since 2016. He imported parts and components illegally and used some of these to reactivate firearms that were deactivated. The purchaser ordered the components online from several suppliers and used different strategies to conceal his identity, such as using a straw email address and making payments via PayPal or using straw individuals as receivers of the shipments. The firearms were later sold on the local black market. Two house searches were conducted that led to the confiscation of two automatic sub-machine guns together with several pieces to be reactivated, different types of rifle, 14 Glock frames, other parts and components, 5.56 calibre ammunition and more than 5,000 9 mm cartridges.[78]

In addition to the sale of reactivated firearms, there has been a well-known influx of AEWs, which have reached Spain through international trafficking routes, often originating in Slovakia.[79] Similarly to reactivation, these firearms are usually converted into live-firing firearms before they are sold. Opinions on whether these firearms are mainly converted before or after they reach Spain differ. However, in recent years, the police have closed down several illegal workshops in Spain that reactivate and re-convert weapons into live-firing guns to sell them on the criminal market. It is not always clear whether those involved are directly linked to other illegal sectors such as the drug business or specialise in the firearm reactivation niche.[80] Interestingly, the police have also uncovered isolated cases of people illegally reactivating and converting firearms in Spain in order to sell them abroad for profit.[81]

Box 3: Case study of arms traffickers specialising in reactivation and conversion

In June 2020, the Spanish National Police dismantled one of the largest arms trafficking networks involved in the reactivation and conversion of weapons. During the operation, 32 house searches were carried out in 15 provinces, resulting in the confiscation of 731 firearms, a large amount of ammunition, hand grenades and anti-tank mines, and 21 people were arrested. The trafficking operation came to light after an arms dealer in Costa del Sol's Malaga was brought to the attention of the police. During the subsequent investigation, the National Police discovered that the dealer was connected to a large network of arms dealers spanning the country.[82]

2.4.2 Conversion of blank-firing firearms and Flobert firearms

Approximately 25% of the seizures analysed by the *Guardia Civil*'s investigative unit can be attributed to the conversion of blank-firing firearms and Flobert firearms. A trend towards using these weapons increasingly has been observed since 2011, when the law made it more challenging to purchase deactivated weapons that are easy to reactivate.[83] These weapons are in high demand because they are easy to convert. Several models of popular Turkish-made blank-firing weapons are even near-replicas of existing models of live-firing firearms.[84] Legislative amendments were therefore introduced in 2017, requiring the registration of blank-firing weapons.

The law-enforcement experts interviewed suggest that the actors involved in selling (converted) blank-firing guns, as both buyers and sellers, are common and petty criminals. This type of firearm is often trafficked in specific neighbourhoods known in criminal circles for small-scale firearm- trafficking in urban areas.[85] The popularity of those guns among lower-end criminals is partially connected to their low prices on the illicit market.

Table 7: Black market prices of different types of firearm, Spain, 2014, 2016–2017, 2020

Type of firearm	Model	Prices in 2014	Prices in 2016–2017	Prices in 2020
Pistol	Unspecified	€1,500–2,000	€1,500 (for Glock model unspecified)	€1,500–2,000
Sub-machine gun	Uzi vz.61	from €3,500	€3,500[l]	€3,500–5,000
Blank-firing weapon	Ekol	unknown	€250	unknown
Converted weapon	Unspecified	€300–500	unknown	unknown

Sources: *El Pais* (2020), UNODC (2016–2017), *La Sexta* (2014)[86]

Table 7 suggests that blank-firing and converted weapons are generally the cheapest and most readily available guns, while original pistols and sub-machine guns tend to be more expensive.[87] A recent UNODC report on the firearm trafficking notes that 'a converted pistol in Spain was about six times cheaper than a reactivated pistol'.[88]

It is also interesting to note that the conversion of blank-firing weapons, primarily Turkish-made handguns, often occurs together with the manufacture of homemade ammunition. The following example illustrates the trafficking patterns of blank-firing guns.

Box 4: Case study – Operation Bosphorus

As part of Operation Bosphorus, a series of international actions focused on the trafficking of alarm weapons, particularly Turkish-manufactured models that were obtained legally in Bulgaria and smuggled to other European countries where their possession is regulated. The Spanish Police arrested 46 individuals and seized 247 alarm weapons and more than 22,750 rounds of ammunition. One of the cases involved an Italian national who imported 129 alarm weapons from Bulgaria via express parcel services between January 2017 and March 2018 and converted them in Spain. He was also converting blank ammunition (9 mm PAK) into lethal ammunition. He was caught after making tutorial videos about converting alarm weapons and posting them on YouTube.[89] At least four illicit workshops about converting blank-firing weapons and ammunition production were identified and dismantled.[90]

[l] The source states '€350', but other sources state that the price for sub-machine guns was €3,500 before and after 2016–2017; the authors have assumed that this was a typographical error in the UNODC report.

The range of converted weapons also includes so-called 'Flobert' firearms. They were initially developed in the 19th century for indoor shooting and they shoot percussion caps filled with a small projectile instead of traditional cartridge-based ammunition. However, Flobert-calibre weapons can easily be converted to fire more lethal ammunition, mainly if live-firing firearms which have been downgraded (converted) to shoot Flobert ammunition are involved. These firearms can be purchased legally in several EU Member States, including Slovakia. Since a legislative change in Slovakia regarding the deactivation standards of firearms, the companies that previously manufactured these weapons shifted their production to Flobert-calibre weapons.[91] Criminals have accordingly made a business of buying these firearms (legally) and re-converting and trafficking them across the EU illegally.[92]

2.4.3 Local conflict legacy weapons and other historical firearms

The third category of firearms circulating on the Spanish black market are those diverted from Spanish Civil War stocks and other unspecified, non-regularised historical firearms. They account for about 15% of the seizures analysed. These firearms emerge mostly when their owners die. With the advent of internet sales, these firearms are also increasingly sold on secondhand and collector websites and social media forums. It is often claimed that those firearms are deactivated either knowingly or unknowingly, misleading the buyer because they often have the capacity to fire live ammunition. But it is also known that (illegal) collectors buy and sell them, well aware of their live-firing capacity.[93]

2.4.4 Other sources of illicit firearm supply

In addition to the three leading illicit supply chains, there are also a range of other, minor sources. According to the firearm expert interviewed, approximately 5% of all firearms analysed have been stolen. Firearm theft in Spain mainly involves home burglaries in which usually small quantities of firearms are taken as a by-product, in addition to other valuable goods.[94] Legal gun-dealers, shooting ranges, and police and army facilities are affected by theft to a much lesser extent. However, cases from past years have shown that large numbers of firearms can be diverted if these actors are successfully targeted by thieves.[95]

If stolen firearms end up on the illegal market, they are often sold by middlemen. In urban areas, this takes place in specific neighbourhoods known for illicit trading.[96] Stolen firearms are also known to be possessed and traded by groups involved in the drug trade. In 2019, for instance, police forces dismantled a criminal group in Andalusia involved in selling firearms stolen from private homes and other OCGs. During the operation, the police uncovered several firearms in a clandestine workshop where the serial numbers of the weapons had been erased and ammunition was being produced illegally. The firearms and ammunition were sold to criminals involved in drug-trafficking.[97] Moreover, it is known that hunters have also been identified as customers

for firearms stolen from private homes (for the most part shotguns and hunting rifles, which are of limited value to criminals) and also illegally manufactured ammunition.[98]

An additional source of illicit possession is those firearms entering Spain from the Western Balkans. These are often legacy firearms related to the armed conflicts in the region in the 1990s. They account for about 5% of the firearms analysed.[99] This method is used primarily by OCGs involved in drug-trafficking in order to access pistols, revolvers and assault rifles.[100] Lower-level criminals often do not have connections to those involved in trafficking these firearms.[101]

Lenient firearm legislation in other EU Member States has also lead to the entry of illicit firearms into Spanish territory. Besides Slovakia, this involves two of Spain's neighbouring countries. France, for example, has weaker laws than Spain regarding historical firearms. These firearms are occasionally trafficked by collectors and end up on the Spanish black market. In Andorra, it is easier than in Spain to acquire ammunition and shotguns. According to a criminal investigator of the Guardia Civil such weapons are, on occasion, brought illicitly to Spain.[102]

In April 2021 Spanish security forces, for the first time, dismantled an illicit workshop that produced 3D-printed components for assembling illicit firearms. During the raid, the National Police confiscated two 3D printers, gun parts, and a replica assault rifle. The authorities also found manuals on terrorism, urban guerrilla warfare, and white supremacist material with the accused.[103] The law-enforcement officers interviewed in 2021 for this report stated that the threat of printed 3D-printed firearm components is increasing but is not yet a big issue. They stated that from the known cases, it seems that criminals in Spain cannot print fully functioning rifles. Instead, they can print some firearm components (frame, trigger) but not other parts (barrel).[104]

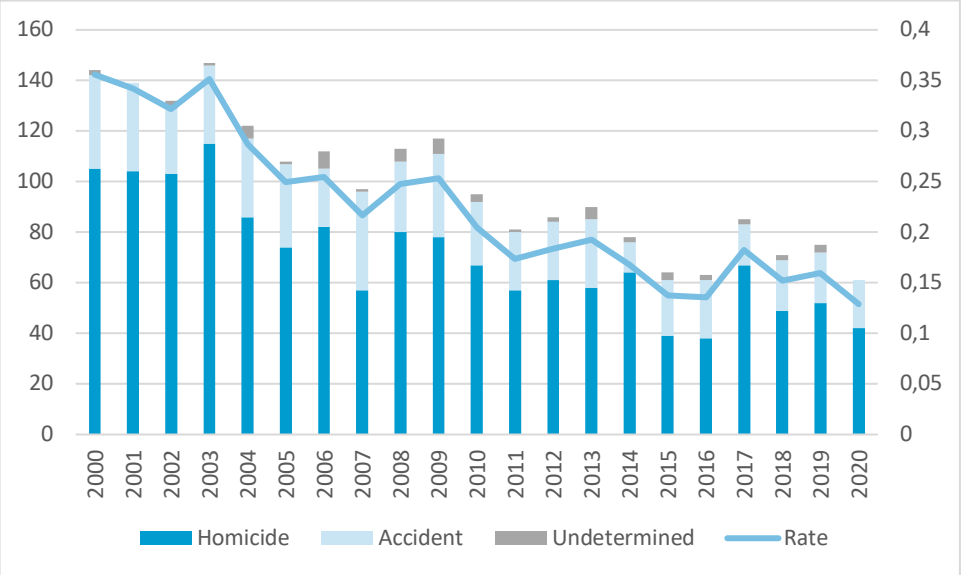
3 Gun violence

In this section, we elaborate on the phenomenon of gun violence in Spain. We turn first to describing the scope and nature of gun violence. Then, we describe the guns used in crimes in Spain. We focus particularly on their licit and illicit origins.

3.1 Scope of gun violence

Lethal and non-lethal firearm-related violence has strongly decreased in Spain. Official statistics of the Spanish National Institute for Statistics (INE) show that the number of lethal outcomes due to gunshot wounds, including homicides, accidents and undetermined deaths, was more than halved between 2000 and 2020 (see Figure 4). Homicidal deaths, in particular, have decreased even more: from 105 cases of firearm homicide in 2000 to 42 cases in 2020. This amounts to a decrease of 60%.[105] In comparison to other European countries, the firearm death rate in Spain is one of the lowest.[106]

Figure 4: Lethal gun violence by type, Spain, 2000–2020

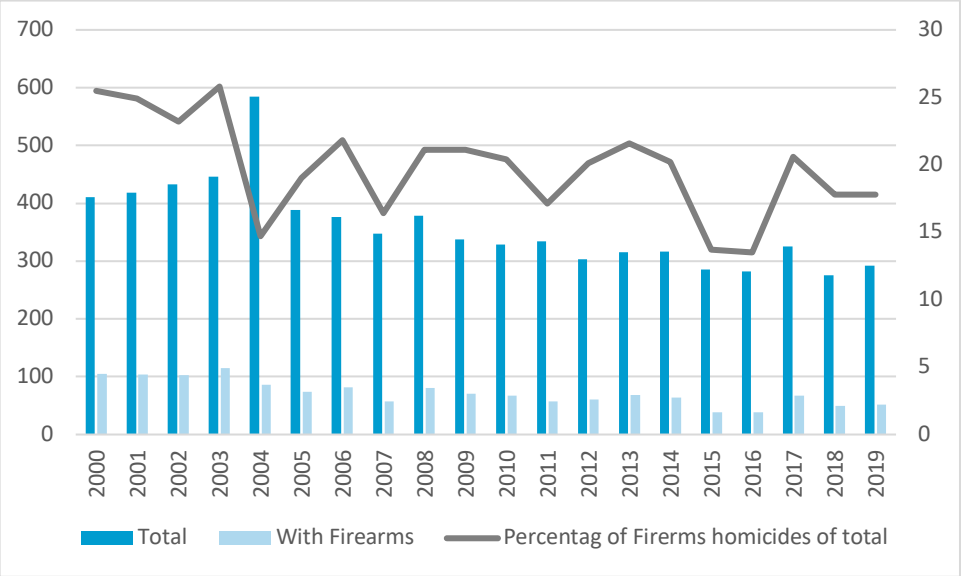


Source: National Institute of Statistics;[107] firearms death captured by the number of deceased persons. Firearms rate captures firearms death per 100.000 inhabitants.

The downward trend in homicides with firearms is reflected in the overall downward trend in homicides in Spain over the past 20 years. Interestingly, gun homicides have declined at a steeper rate than general homicidesI. The spectacular downward trend in gun homicides in Spain, however, seems to have halted around 2015-2016. At the moment it is unclear whether the recent figures represent a normal fluctuation or a trend change.

[I] This does not include 2004, when the terrorist attacks of 11 March in Madrid resulted in a high number of homicides.

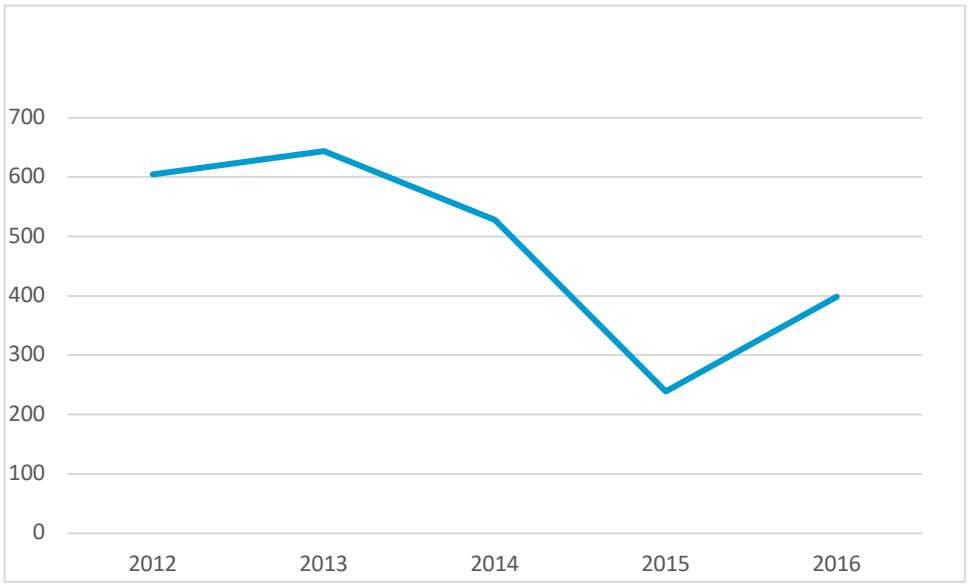
Figure 5: Intentional firearm homicides as a percentage of overall intentional homicides, Spain, 2000–2019



Source: National Institute of Statistics;[108] homicides and firearms homicides captured by the number of deceased persons. Percentage of firearms homicides of all homicides in per cent (green line)

Similarly to lethal gun violence, non-lethal gun violence has decreased drastically. For example, between 2012 and 2016, cases of non-lethal firearms injuries decreased by 33%. [109] However, these numbers are slightly less informative as they combine instances of assault, accidents and attempted suicides. A 2019 publication of forensic experts in Spain noted that firearms are responsible for 2% of all cases of injury to people in Spain. In general terms, it can be said that there is about one incident per day in which firearms cause wounds.[110]

Figure 6: Instances of injuries due to gun violence, Spain, 2012–2016



Source: Data provided to the Spanish Senate after a formal question raised at government level; they are based on a combination of sources from Spanish Security Forces (National Police Corps, *Guardia Civil*, Chartered Police of Navarre, Local Police); data include incomplete information from the Basque Country and Cataluña;[111] overview of non-lethal GV incidents (accounting for both minor and severe injuries by gunshot), according to the number of people injured; includes cases of assault, attempted suicides and accidents

More recent data on injuries, which are also disaggregated for gun assaults, are available through the Ministry of Health. The data show that, on average, between 2016 and 2019, 60 initial hospital admissions for assault-related gunshot wounds occurred every year. These data are informative for understanding the approximate scope of injuries caused by gun assaults. However, they also come with several challenges. First, detailed hospitalisation data on injuries due to gun assaults seem to be available only since 2016 – this impedes the analysis of long-term trends. Second, comparing injuries due to gun assault to the data on firearm homicides shown above seems to challenge the validity of the hospitalisation data. In other words, the previous statistics showed that on average 51 firearm-related homicides occurred annually between 2016 and 2019. This is in contrast to hospitalisation data suggesting that, on average, during the same period, only two people have died of injuries caused by gun assault in hospitals annually. Whereas gunshots are lethal, and gun-shot victims might die on the spot and not in hospitals, it still seems likely that such low numbers have to do with under-reporting. We can only speculate that a lack of disaggregation for the intent or cause of an injury (such as assault or an accident) during hospitalisation has led to the low numbers. Despite the stated shortcomings of the data, the figures suggest significantly more non-lethal than lethal gun shootings. For example, the average of 51 homicides involving firearms between 2016 and 2019 contrasts with an average of 60 hospitalisations involving firearms over the same period. As discussed, the latter is likely an underestimate that only reinforces our assumption.

Table 8: Hospital admissions due to assault-related gunshot wounds, Spain, 2016–2019

	2016	2017	2018	2019
Hospitalisation	59	70	72	40
Died during hospitalisation	4	0	5	0

Source: Ministerio de Sanidad. Subdirección General de Información Sanitaria. Registro de Actividad de Atención Especializada – RAE-CMBD;[112] the hospitalisation was due to assault with live-firing firearms and non-live-firing guns (including gas pistols, air pistols, etc)

In addition to first-time hospital admissions, data on the long-term effects of assault-related gunshot wounds are available publicly through the Ministry of Health website. According to these data, between 2016 and 2019, only three individuals who incurred gunshot wounds due to assault were transferred to a socio-health centre where patients receive stationary long-term rehabilitation or palliative care. In contrast, an average of seven hospitalisations occurred between 2016 and 2019 for treatment for the long-term effects of injuries sustained by assault-type shootings. [113] Whereas capturing such data and making them publicly available is laudable, the very low numbers of long-term treatment of gunshot wounds suggest that under-reporting may be a challenge.

In sum, even limited data available suggest a monetary cost of treating physical wounds of non-lethal gunshots in Spain that cannot be ignored. The immense cost of physical treatment of firearm injuries has previously been discussed in the case of the United States.[114] In addition, it can be assumed that costs may also arise for psychological support in the aftermath of the trauma of being shot, for both victims and their families.[115]

3.2 Characteristics of gun violence

After reviewing the scope of firearm-related violence in Spain, we now examine the characteristics of the phenomenon under the following headings: use of firearms versus other weapons; gun violence in the criminal and private spheres; geography and location of gun crimes; location of crime; and demographic characteristics.

3.2.1 Use of firearms versus other weapons

Firearms are the second most common modus operandi for committing homicides in Spain. Data from 2013 to 2017, which are limited to the analysis of data from regions under the control of the *Guardia Civil*, indicates that knives are used in 38% of homicide cases and firearms while firearms are used in 18%.[116] This is in line with data on homicides between 2010-2012 that shows that knives were used in 41% of homicides while firearms account for 16% of all cases during that same period.[117]

The *Guardia Civil* data shed further light on the context in which perpetrators favour firearms over other modi operandi to kill their victims. Table 9 shows that firearms are most commonly used in lethal incidents related to arguments (11), gender-based violence (11) and score-settling (9). It also shows that firearms are the most common homicide method only in score-settling, while other weapons dominate in other contexts.

Table 9: Context in which firearms are used to kill, Spain, 2015–2017

Typology[l]	Firearms	Cold weapon	Suffocation	Blunt object	Other	Total
Arguments	11	33	4	7	23	**78**
Gender violence	11	22	12	4	9	**58**
Economic motives	2	10	4	7	9	**32**
Without obvious rational reason	3	13	3	3	5	**27**
Revenge	4	6	3	2	2	**17**
Score-settling	9	0	1	0	2	**12**
Sexual delicts	0	1	3	1	0	**5**
Total	**40**	**85**	**30**	**24**	**50**	**229**

Source: Santos Hermoso et al 2020;[118] these represent homicides investigated by the *Guardia Civil* between 2015 and 2017 for which sufficient information was available

3.2.2 Differences between the criminal and domestic spheres

In general, homicides in Spain are typically committed in the domestic sphere. Older data show that 78% of lethal violence in Spain between 2010 and 2012 has been categorised as violence within the domestic sphere. This includes homicides among intimate partners, other family members or acquaintances. Less prevalent are cases of criminal violence (18%).[119] Yet, when firearms are used to commit homicides, this seems to happen relatively more often in the criminal sphere when compared to homicide cases overall. Data on homicides committed in areas under the control of the *Guardia Civil* show, for example, that in 2019 of 116 homicides, 24 were committed with firearms (21%). Of these, half were linked to activities in the criminal milieu. These cases were about homicides related to score-settling in the criminal milieu (eight

[l] Some notes on the typology: In Spain, the legal concept of gender-based violence is more restricted than what is understood at the international level, as it refers specifically to violence by men against women in intimate partner relationships (according to Organic Law 1/2004). The category 'without obvious reason' includes those homicides where no material or psychological gain from the commission of the act was identified. These tend to occur in cases where the perpetrators registered some kind of severe mental disorder (such as schizophrenia or borderline personality disorder). The categories of revenge and score-settling both cover revenge-related crimes: the former takes place in the non-criminal milieu, whereas revenge acts in the criminal milieu have been coded as score-settling.

cases), homicides during drug robberies between criminals (on marijuana plantations) (three cases) and one deadly shooting during an attempted theft of a car. The cases unrelated to the criminal milieu included gender violence (seven cases), (other) domestic violence (one), brawls (one) and cases of unknown motivation (three).[120] Yet, to substantiate the assertion that the majority of gun homicides can be attributed to the criminal milieu rather than domestic violence or public violence (such as shootings after arguments) more comprehensive data is needed (preferably for multiple years and for the whole territory of Spain).

Unlike homicides, the data tell a much clearer story regarding non-lethal crimes committed with guns. Here, a criminal background is clearly predominant. A 2020 *Guardia Civil* report on gun crime, for example, points out that in Spain most of these crimes are committed during armed robberies and in the drug milieu. Whereas the former instances of gun violence often serve to intimidate regular citizens, the latter are usually limited to crime within the criminal milieu.[121] This assessment, which is based mainly on data from rural areas under the control of the *Guardia Civil*, is also shared by the National Police, who are responsible for fighting crime in urban areas.[122]

Data provided by the government in response to a formal question posed to the responsible government minister in the Spanish Senate illustrate these assessments numerically. The data show that in 2012 more than 67% of all assault-type crimes committed with live-firing firearms were related to thefts and armed robberies. The armed robberies involved either intimidation by or the use of violence with guns. Live-firing firearms seem to be used much less in other crimes that can be directly attributed to the private sphere. These involve, for example, cases of domestic violence or sexual aggression (see Table 10 below).

These statistics from 2012 also show that only very few offences committed with live firearms ended deadly (130 of 2,743) or in a non-lethal injury (159 of 2,743). According to a recent *Guardia Civil* report on gun crimes, this is related to criminals involved in property crime, which commit most offences involving a gun, use them almost exclusively as a form of intimidation.[123] Furthermore, the same report demonstrates that in high-crime groups engaged in, for example, drug-trafficking, the use of violence is often directed primarily against rival groups. However, the total number of homicides in that milieu is also relatively low, as we have shown above.[124]

Table 10: Live-firing firearms used in different crimes, Spain, 2012

Type of crime/offence	Total
Murder	10
Homicide	130
Injuries	159
Thefts and armed robberies (involving intimidation or violence)	1,672
Domestic violence	79
Sexual aggression	10
Kidnapping and illegal detention	67
Quarrels	11
Pet abuse and abandonment	57
Threat	495
Damage to objects	58
Total	**2,748**

Sources from Spanish Security Forces (National Police Corps, *Guardia Civil*, Chartered Police of Navarre, Local Police);[125] types of firearm used in acts of gun violence; unit = number of specific perpetrations committed by a specific type of weapon

3.2.3 Geography and location of gun crimes

In addition to the criminal and domestic contexts, we have also analysed data on the geographical and physical location of gun crime in Spain.

An analysis of the data from *Guardia Civil*-controlled areas in 2019 reveals that, in absolute terms, Andalucía records the highest number of gun crimes. The region also encounters a disproportionate number of gun crimes compared to its population size: whereas approximately 18% of the Spanish population live in Andalucía, slightly more than 31% of all gun crimes are committed in the region. This situation can be attributed to the concentration of drug-trafficking and related OCGs in the South of Spain[I]. Several experts interviewed for this report pointed out that these groups are often involved in firearms trafficking and that shootouts between them regularly occur.[126]

[I] Our analysis of the situation included a search of the *Guardia Civil* news portal, which led us to news items providing information on 30 different operations against firearm-trafficking between 2015 and 2020, which are often concentrated in the South of the country.

Table 11: Crimes committed using firearms, communes of Spain, 2019

Total	Autonomous communes	Percentage of population (%)	Gun crime as share of all gun crimes (%)
1	Andalucía	17.84	31.16
2	Cataluña	16.40	1.17
3	Comunidad de Madrid	14.29	8.37
4	Comunidad Valenciana	10.64	14.12
5	Galicia	5.69	5.11
6	Castilla y León	5.05	6.44
7	País Vasco	4.69	–
8	Canarias	4.59	2.59
9	Castilla-La Mancha	4.31	9.24
10	Región de Murcia	3.18	6.55
11	Aragón	2.80	2.88
12	Islas Baleares	2.47	2.61
13	Extremadura	2.24	3.98
14	Principado de Asturias	2.15	1.33
15	Navarra	1.39	0.64
16	Cantabria	1.23	2.68
17	La Rioja	0.67	0.42
19	Ceuta	0.18	0.23
18	Melilla	0.18	0.42

Source: *Guardia Civil* (on gun crime);[127] National Institute of Statistics (on population)[128]; firearms offences committed in areas policed by the *Guardia Civil* (predominantly rural areas) in 2019. The statistics depict the aggregation of various crimes, including illicit possession and armed robberies and poaching in areas under the control of the *Guardia Civil* in 2019. Numbers are provided per region. No data were available for the Basque Country. Owing to the very low rate of crimes in Cataluña, numbers from this region must also be considered incomplete.[129]

Other regions that seem to have relatively major problems with gun violence (compared to their population size) are the region of Valencia, Castilla-La Mancha and Murcia. On the other hand, the regions of Madrid and Cataluña seem to face more minor gun-violence issues relative to their population. However, these latter observations have to be read with caution – the information in the above table represents crimes only recorded by the *Guardia Civil* and not, for example, those by the National Police or the

police forces in the autonomous communities. For example, the relatively low number of gun crimes in Madrid probably reflects the fact that data from the National Police, which polices the city of Madrid, are not included. Similarly, data from the autonomous police forces of Cataluña – which, for example, are responsible for policing Barcelona – are not part of these numbers. In other words, better nationally aggregated data would be needed to analyse differences in gun crime between different regions in Spain with greater accuracy and certainty.

Analysis of the national statistics shows that most lethal gun assaults in Spain occur at home (likely often associated with domestic violence) and on streets and highways (likely often related to criminal violence or escalating arguments). A substantial minority of cases also occur on farms and in trade and service areas. Few incidents occur in other settings, such as schools or administrative buildings and industrial sites. It must be noted that a significant number of lethal assaults are not assigned a specific location in the national statistics.

Table 12: Location of lethal assaults using firearms, Spain, 2014–2018

Location/Year	2014	2015	2016	2017	2018	Total
Home	19	12	14	21	16	**82**
School, other institution and public administrative area	0	1	2	1	3	**7**
Sports and athletics areas	0	0	0	0	1	**1**
Streets and highways	16	8	12	7	11	**54**
Trade and service area	5	2	1	3	1	**12**
Industrial and construction areas	0	1	0	2	0	**3**
Farms	5	1	0	11	2	**19**
Unspecified places	19	11	9	12	14	**65**
Total	**64**	**36**	**38**	**57**	**48**	**243**

Source: National Institute of Statistics: causes of death[130]

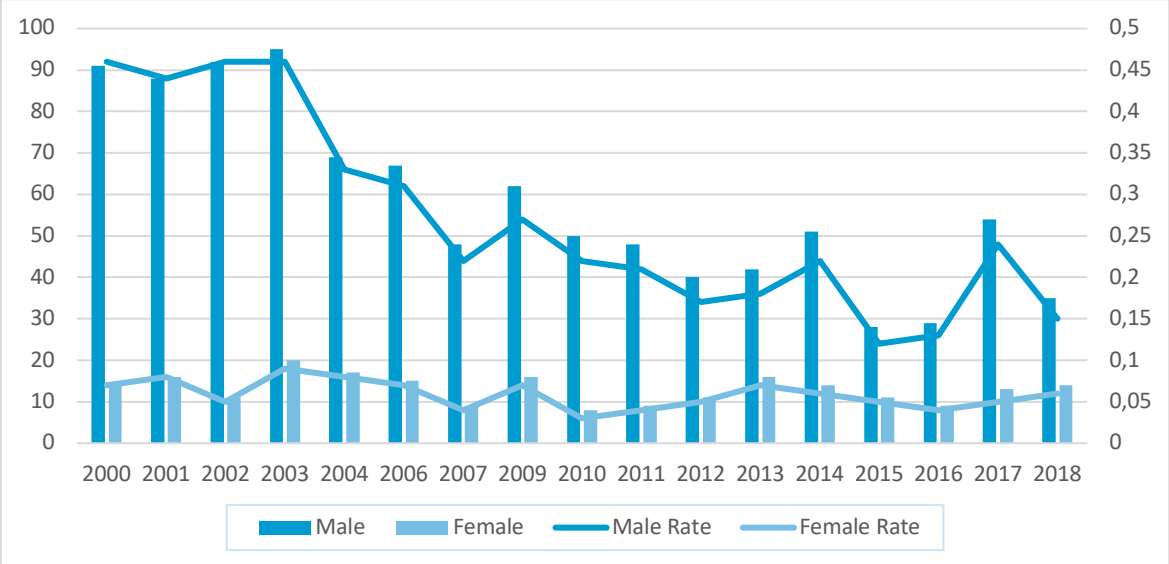
3.2.4 Perpetrators and victims

Apart from understanding the context in which firearm crimes occur, it is also critical to examine the profiles of the victims and the perpetrators of gun crime. As in many

other European countries, gun violence in Spain is considered to be a male problem, as most perpetrators and victims of lethal gun violence are males.

Data on the causes of death of the National Institute for Statistics indicate that between 2014 and 2018, on average, 17% of homicides were carried out using a firearm. During the same period, 21% of homicides with men as a victim were perpetrated with a gun compared to 11% of female victims.[131] At its peak in 2000, Spain recorded around 6.5 times as many male victims killed as female victims. Since then, however, the firearm death rate among males has declined from 0.46 male firearm deaths per 100,000 inhabitants in 2000 to 0.15 in 2018.[132] A comparable decline is not visible in female firearm deaths, which remained relatively stable at around 0.06, with only slight fluctuations.

Figure 7: Death by firearm assault by gender, Spain, 2000–2018



Source: National Institute of Statistics;[133] lethal firearms death by assault aggregated by gender: total numbers (0–100) and rate per 100,000 inhabitants (0.0–0.5)

The observation that firearm violence is a 'male problem' also holds for the perpetrators. An analysis of homicides in *Guardia Civil* territory between 2010 and 2012 found, for example, a statistically significant relationship between the sex of the perpetrator and the means used to commit homicides. Men were reported using firearms more often than women (18% vs 9% respectively). Women resorted relatively more to suffocation as a method than men (17% vs 4%). No differences were observed in the other categories, with men and women equally using bladed weapons, blunt objects and their physical bodily force.[134]

In addition to the victims' and perpetrators' gender, the national statistics also cover the age of gun homicide victims. Interestingly, female victims of gun homicide are on average older than the male victims. Almost 70% of the male victims is aged between

20–39 years old. Among women, the age distribution is spread out more evenly. Almost 30% of the female victims of gun homicide are aged 60 or older compared to less than 15% of the male victims.

Table 13: Age and gender of gun homicide victims, Spain, 2012–2018

Gender/Age	0–9	10–19	20–29	30–39	40–49	50–59	60–69	70–79	80–89	90–99+	Total
Men	1	9 3.1%	51 7.7%	84 29.1%	65 22.5%	36 12.5%	25 8.7%	16 5.5%	2 0.7%	0 0%	289
Women	2 2.3%	3 3.5%	18 20.7%	15 17.2%	15 17.2%	9 10.3%	13 14.9%	10 11.5%	1 1.2%	1 1.2%	87
Total	3 0.8%	12 3.2%	69 18.4%	99 26.3%	80 21.3%	45 12.0%	38 10.1%	26 6.9%	3 0.8%	1 0.3%	376

Source: National Institute of Statistics: causes of death;[135] number and total of deceased victims from 2012 until 2018, by age and gender, death due to assault with firearms (excluding accidents and self-harm)

3.3 Firearms used in gun violence

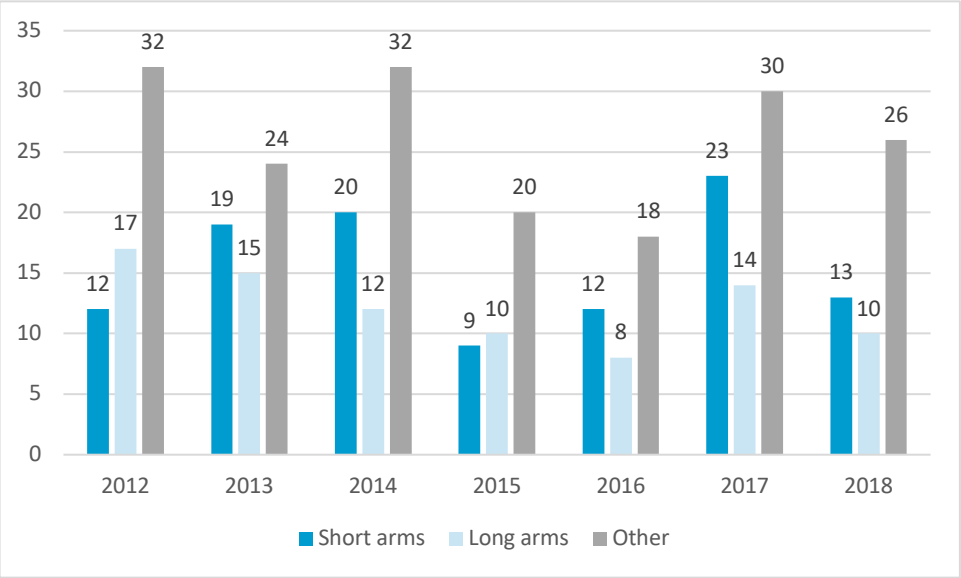
After analysing the scope and characteristics of the legal and illegal firearm market and the nature of gun violence, we now turn to the two central questions of this report: Which types of firearm are used in different contexts of gun violence and where do these guns originate? To answer this question we can used data collected and analysed by the *Guardia Civil*.[136] It must be noted that this data focuses on crimes committed by professional criminals and not opportunistic crimes or administrative offences. In addition, the *Guardia Civil* analysis encompasses both committed and attempted crimes that may either have been solved or not. In any case, the weapon constitutes the means or instrument for their commission. The accuracy of the data is affected by several factors. For example, the weapon may have been seized, leading to a clear assessment of its type. On the other hand, the data have also considered complaints by victims, which were based on the evaluation of the victim, who may not have been able to differentiate the type of weapon correctly.

3.3.1 Type of firearms

The use of handguns stands out among all the offences committed with a gun in the jurisdiction of the *Guardia Civil* in 2019: 39% (1,037 incidents) of all gun crimes were committed with handguns in this year, followed by 792 incidents involving long weapons (28% of total).[137] The predominance of handguns in various contexts of gun crime seems to present a common thread. For example, lethal assaults involving firearms were committed with handguns in 55% of all cases between 2012 and 2018. In

45% of all cases, long guns were identified as the weapon of choice. It is also notable that the use of handguns in homicides has increased relative to the use of long guns over the years. However, caution should be exercised when interpreting these figures, as this calculation excludes cases where the type of weapon was not reported (the 'other' category in Figure 10 below).

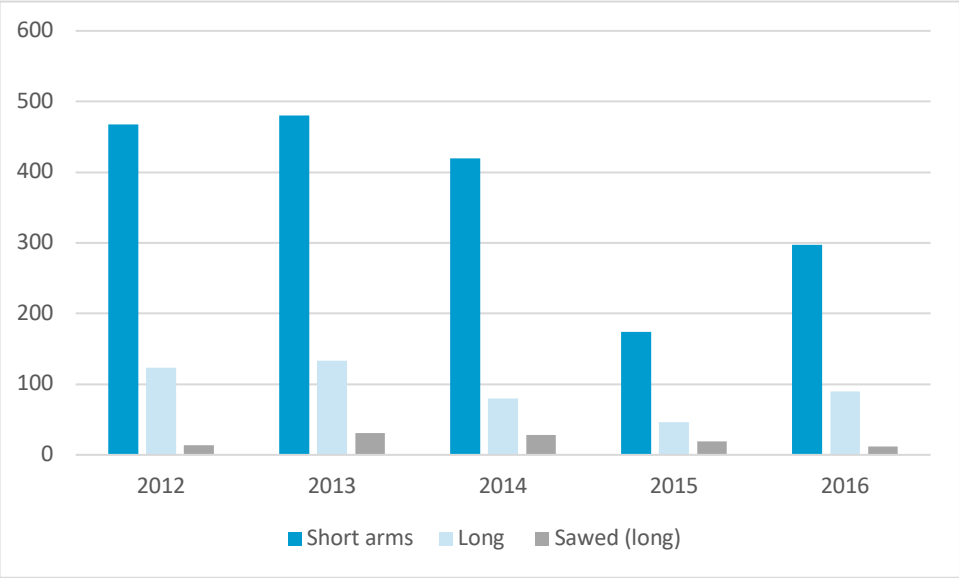
Figure 8: Lethal incidents of gun violence, Spain, 2012–2018



Source: National Institute of Statistics: causes of death;[138] lethal assaults with guns (excluding accidents, self-harm, fatal injuries due to legal interventions). The category 'other' may also include guns that are not considered 'firearms' according to the definition set out in the introduction, such as air guns or gas-powered guns

The predominant use of handguns is even more pertinent in non-lethal incidents in which people are injured by a gun. For example, between January 2012 and October 2016, handguns were used in 76% of these cases. Long arms were used in only 19.5% of the cases – sawed-off long guns were used in 4.5% of incidents. However, these results have to be treated with caution because they include attempted suicides and accidents in addition to assaults.

Figure 9: Non-lethal incidents of firearm use leading to injury, Spain, 2012–2016



Source: Answer by the government to a formal question posed to the government in the Spanish Senate. The original sources of information for these statistics are various security force databases (National Police Corps, *Guardia Civil*, the Chartered Police of Navarre, Local Police);[139] overview of non-lethal gun-violence incidents (accounting for injuries by gunshot), according to the number of people injured between 2012 and 2016; includes cases of assault, attempted suicides and accidents

Live-firing handguns are rarely held legally in Spain, as we have seen above. Consequently, we must assume that the overwhelming majority of handguns used in professional crimes reflected in the above two tables have been committed with illegally held handguns. These guns are known to be one of the most popular weapons with criminals in Spain (and globally) due to their concealability. This assessment is emphasised by the observed use of sawn-off long rifles in incidents leading to injury. This type of gun is unlikely to be held by many citizens who are not active in the criminal milieu.

More detailed data on the use of different types of firearms in various types incidents of gun violence in 2012 confirms that mainly live-firing handguns are used in acts of gun violence, and especially in incidents of thefts and armed robberies, threats and incidents of kidnap and/or illegal detention. Live-firing handguns are thus clearly associated with activities that are predominantly committed by criminals.

Table 14: Types of weapon used in different crimes, Spain, 2012

Type of weapon used| Type of crime/ offence	Short barrel	Long barrel	Sawn-off	Total live-firing	Gas/compressed air
Murder	5	5	0	***10***	0
Homicide	88	40	2	***130***	0
Injuries	87	70	2	***159***	142
Thefts and armed robberies (involving intimidation or violence)	1,577	65	30	***1,672***	42
Domestic violence	43	33	3	***79***	21
Sexual aggression	7	2	1	***10***	2
Kidnap and illegal detention	61	4	2	***67***	4
Quarrels	6	5	0	***11***	0
Pet abuse+ abandonment	2	54	1	***57***	58
Threat	306	177	12	***495***	70
Damage to objects	28	29	1	***58***	182
Total	**2,210**	**484**	**54**	***2,748***	**521**

Source: Data provided to the Spanish Senate in answer to a formal question posed to the government; they are based on a combination of sources from various Security Forces databases (National Police Corps, *Guardia Civil*, Chartered Police of Navarre, Local Police);[140] unit = number of specific offences committed with a specific type of gun.

Also in cases of murder, homicide and injuries, which are not necessarily associated with criminal activities, handguns are more often used than long barrelled guns, but the difference is much smaller.

The available data suggests that different types of homicides are committed with different types of firearms. More recent data on the location of lethal gun assaults , for example, indicates that handguns are most frequently used in gun homicides on streets and highways (see Table 15 below). Again, this suggests criminal rather than domestic motives for the lethal use of handguns.

Table 15: Location of deaths caused by lethal gun violence through assault

Location	Handgun	Rifle, shotgun and larger firearm	Other and unspecified firearms (includes airguns, BB guns and flare guns)	Total
Home	23	22	37	82
School, other institutions and public administrative area	2	1	3	6
Sports and athletics area	0	0	1	1
Street and highway	29	8	27	64
Trade and service area	3	1	8	12
Industrial and construction area	1	1	1	3
Farm	5	11	3	19
Other specified places (not declared) and unspecified places	12	10	43	65
Total	**75**	**54**	**123**	**252**

Source: National Institute of Statistics: causes of death;[141] unit = number of victims deceased through gun violence assaults between 2014 and 2018 (excluding self-harm, accidents, acts of unclear intent)

Long guns seem relatively more prevalent in contexts of domestic gun violence. About 75% of all homicides committed with long guns for which a location could be identified were committed at homes or farms, suggesting a domestic background of the crime (table 15). This is underlined by the fact that long guns are used in 43 % of all domestic violence cases (Table 14). Proportionally, this is a much larger number than is the case, for example, with armed robbery. In addition to long-guns, the use of gas-pistols is relatively more prominent in domestic settings, accounting for 21% of incidents in 2012 (table 14). This is a lot when comparing it, for example, to the 2,5% used in armed robberies.[I] The fact that long-guns and gas pistols are relatively prominent in domestic violence concurs with the assessment of interviewed law enforcement experts who confirm that legal firearms are frequently seized in domestic crime contexts. As we

[I] The actual use of non-live firing guns is probably much higher in incidents of domestic violence and armed robberies. However, the available statistics have aggregated non-live firing guns under categories such as fake weapons and imitation weapons that potentially include bladed weapons. We could therefore not use those numbers for our analysis. Furthermore, it must be assumed that not all weapons listed in the statistics have been correctly identified. Especially in cases of armed robberies, security authorities often have to rely on the description of the victims, who do not necessarily have firearms knowledge to distinguish between gas guns and live firearms.

have seen before, long-guns (particularly hunting shotguns) are by far the most legally possessed type of firearms in Spain.[142] Nevertheless, the question remains where individuals from the non-criminal milieu acquire the significant proportion of handguns used in domestic violence. This is something we were unable to establish with the data available.

Finally, the choice of firearm may also be related to the geographical location of a crime. Statistics on lethal gun assaults tell us that the vast majority of all lethal assaults with a firearm that take place on farms are committed with a long gun. We can only speculate about the motivations for such crimes (eg criminal vs domestic). However, it seems likely that the greater availability of hunting shotguns and rifles in rural areas characterised by a hunting tradition may explain why long guns are used more frequently for homicides on farms.

What also stands out in the above statistics is that almost half of all cases of non-lethal injuries are resulting from gas-pistols in 2012 (47%) (see Table 14 above).[I] Yet, the original source for these statistics does not make clear if these numbers exclude non-assault-related incidents such as accidents. Data on hospital admissions resulting from assault-related gunshot wounds are better suited to help us understand which firearms are used in assault-type incidents.

Table 16: Firearms used in assaults leading to hospitalisation (first admission), Spain, 2016–2019

Type of gun/Year	2016	2017	2018	2019	Total
Handgun	13	12	16	5	46
Shotgun	7	5	7	4	23
Other large firearms	3	0	3	0	6
Other firearms	34	38	38	29	139
Air gun	0	6	4	3	13
Total	57	61	68	41	227

Source: Ministerio de Sanidad. Subdirección General de Información Sanitaria. Registro de Actividad de Atención Especializada – RAE-CMBD;[143] categories 'other' combine values that are indicated as 'specified' and 'unspecified' in the database (the category 'specified' is not disaggregated in the database).

[I] The data limitations mentioned in the previous footnote also apply here.

These statistics show that most gun assaults leading to hospitalisations are committed with handguns. Fewer assaults are committed with shotguns, other large firearms and air guns. This observation, of course, is based on only those incidents for which a firearm was specified (excluding the category 'other firearms'). This further supports our argument that most gun offences, including assaults in which firearms are discharged and lead to injuries, are committed by criminal actors.

3.3.2 Sources and supply chains

Following the analysis of the types of weapon used in gun violence in Spain, the question that remains to be answered is how offenders in Spain come to possess their firearms.

Criminal violence

Criminals commit most acts of gun violence in Spain. However, in the previous sections, we were able to show differences between criminal groups. These differences are about the types of violent crime committed with weapons, the types of weapon used and the methods by which these weapons are illegally obtained.

High-level criminal groups, particularly those involved in the drug trade in the south of the country, use firearms for different purposes, including for *vuelcos* (drug thefts between rival groups), score-settling and to protect warehouses in which illegal products are stored. Our research in previous sections has shown that OCGs involved in drug-trafficking are commonly the only ones with access to all types of firearm, including assault rifles. Which gun such groups use and in which context tends to differ depending upon circumstances. Media sources suggest that shotguns and rifles are often used to protect warehouses, while handguns and assault rifles are mainly used in score-settling and when criminals rob other criminals of their drugs.[144] Yet the data analysed in previous sections suggest that handguns are the most possessed and used firearm types in these circles. Yet, to make a generalisation regarding the criminal use of firearms, a larger amount of data would be required.

Box 5: The Mocro Mafia and violence along the Costa del Sol

Acts of score-settling with firearms have been on the rise in recent years in Spain's south, specifically in the area of the Costa del Sol and the Strait of Gibraltar. A police officer interviewed for a newspaper report sheds some light on the groups involved in driving up gun violence in the area:

Many of these deaths are due to open warfare in Holland and Belgium for control of territory. These are wars between Moroccan clans known as the Mocro-Mafia, taking place in various parts of Europe, especially in Amsterdam, Brussels and Stockholm neighbourhoods. These battles for control of the business have also spilt over into Spain. We collaborate very closely with the Dutch police because some of these leaders are located in the Malaga area. We have recently arrested six people who are hitmen connected to these groups.[145]

While we can hardly generalise on the ways in which organised drug-traffickers and drug wholesalers obtain their weapons, a few general observations can be summarised. Police experts have stated that such groups are typically the only ones with access to international traffickers who smuggle firearms from the Western Balkans, which may explain their access to assault-type rifles from the region.[146] Yet, these groups also access weapons through other channels. A 2018–2020 spike in gun crime in the drug-trafficking milieu of Spain's south can, for example, be attributed to a reactivation scheme. Typically, deactivated weapons are sourced in Spain, whereas Flobert and acoustic firearms that are re-converted illicitly often come from Eastern Europe.[147]

As the following case illustrates, such trafficking schemes are often carried out by individuals with previous connections in illicit firearm- and drug-trafficking, allowing them to gain access to guns and establish connections with the buyers in the drug milieu.

Box 6: Operation Nongreta

In December 2020, Spanish police dismantled an international arms trafficking network involved in reactivating weapons from Eastern Europe and supplying weapons to drug-trafficking organisations in the south of Spain. Three suspects, a British national (who had previously been arrested for drug-trafficking) and two German nationals (one of whom was wanted for arms trafficking in Germany) were arrested in Malaga and charged with several related crimes.

For three years, the group had been importing deactivated weapons from Eastern European countries into Spain and reactivating them in what has been described by the police as 'a sophisticated clandestine workshop'. The workshop was discovered in the home of one of the German nationals. The police investigations revealed that the gangsters stored the reactivated firearms on a rented industrial ship in Alhaurín el Grande, where they awaited their distribution.

The group's third member, the British national, acted as an intermediary, arranging transactions with drug-trafficking networks in the Costa del Sol and Campo de Gibraltar in southern Spain and hiding the weapons in double bottoms of high-end vehicles for transactions. Police investigations began late in 2018, after a sudden sharp increase in gun violence among drug-dealers in the Costa del Sol and Campo de Gibraltar areas, including several murders committed with AK-47 assault rifles.

During the operation, the police discovered 160 firearms, including 121 hand guns, 22 AK-47 assault rifles and eight sub-machine guns, more than 10,000 rounds of ammunition, an anti-tank grenade with 1.5 kg of military explosives, eight silencers and 273 magazines.[148]

Besides OCGs, lower-level criminal groups also employ firearms.[I] These firearms are mostly used in armed robberies. Some of the weapons most commonly used by these criminals are reactivated firearms, often originating in Spain, converted blank-firing arms of Turkish origin or converted Flobert or acoustic expansion weapons (AEW) that are often smuggled from Slovakia.[149] These firearms are often brought into the country by land or through fast parcel delivery. If they reach Spain and are not yet prepared for live-firing, they are often modified in specialised workshops. Criminals may run these workshops as a side business or some specialised handymen may make this their main business.[150] After they are prepared for live firing, these firearms can often be acquired through intermediaries. In urban areas, these transactions often occur in specific areas known to the National Police.[151] Yet, as the case below shows, they can also be sold directly through encrypted messaging services or via the internet.

I For a more detailed analysis and references see above.

The following case illustrates a law-enforcement operation that brought down a trafficking scheme that was supplying common criminals with re-converted AEW. In line with our arguments above, the *Guardia Civil* highlights the value of this operation in stopping the supply of such firearms to common criminals, who frequently use them in 'violent acts' (such as robberies).

Box 7: Operation Treta

As part of Operation Treta, the *Guardia Civil* carried out house searches in various parts of the country. As a result, nine people were arrested and six others were investigated, among other reasons, for the alleged offences of arms trafficking, the possession of prohibited weapons and the storage of ammunition.

The operation began with a suspicion of firearms trafficking involving a Romanian citizen with residency in Alicante. The investigations revealed that the man had actively acquired firearms from abroad for several years. He then sold them in Spain through the internet and encrypted instant messaging applications. Based on these initial findings, the investigation dismantled an organised criminal structure that imported AEW, which are easily convertible into real firearms. The criminal network had acquired the arms in Eastern European countries before manipulating them to fire live ammunition in a clandestine workshop in the province of Alicante. These firearms were distributed to buyers throughout the national territory.

Among the items seized were 26 handguns (pistols and revolvers), ten long guns and 9,928 metal cartridges of various calibres (including war ammunition), machines and tools for weapon modification, three machines for the artisanal manufacture of metal ammunition, 42 kg of marijuana and falsified police and military identifications.[152]

Non-criminal violence

Evidence collected throughout this report suggests that lethal gun assaults unrelated to the criminal milieu can be attributed to two categories: the domestic sphere, especially gender-based violence, most often perpetrated by male (ex-)partners, plays a substantial role; and killings after disputes or in brawls. We have not found data that show explicitly which types of gun were used in lethal, non-criminal milieu assaults. In domestic incidents, long-barrelled guns are used only slightly less often than handguns. This observation highlights a considerable difference from the criminal milieu, where handguns dominate.

Experts interviewed for this report suggest that firearms seized in domestic crime are relatively more often legally possessed than in instances of criminal violence.[153] However, we were not able to acquire seizure data to back up this assertion. Future research should focus on analysing the legal or illegal origin of handguns used in domestic gun violence. For example, even though handguns make up a minority in

domestic crimes, they were nevertheless used in 43% of the analysed cases (see, for instance, Table 16 above). Because few people legally own handguns, the questions that arise are how and where the perpetrators of domestic crimes acquire them and what their quality is (eg type, models live-firing, converted).

4 National initiatives to combat illicit firearm trafficking and prevent gun violence

This section elaborates briefly on the strategies of the Spanish law-enforcement community to gather intelligence on firearms-related incidents, to use this intelligence to deal with fire arms trafficking and to combat and prevent gun violence.

4.1 Improving the intelligence picture on gun crime

During the research for this report, the impression was created that the law-enforcement agencies in Spain have a good grasp of the possession, use and misuse of firearms in their country. Their intelligence picture is built on prioritising firearms, which allowed the authorities to construct a good base of quantitative data for internal analysis.

4.1.1 Firearms trafficking

The *Guardia Civil*'s efforts to make access to illegal firearms more difficult are pooled in the Comprehensive Firearms Control Plan (*Plan Integral para el Control de las Armas de Fuego* (PICAF)). PICAF's main objectives are to improve the *Guardia Civil*'s capacities to detect, investigate and eradicate illicit firearm supply channels.[154]

One cornerstone of the PICAF is to understand the scope and characteristics of arms trafficking and the use of trafficked arms in criminal activities.[155] A central aspect of generating more fine-grained knowledge on firearms trafficking is investigating the guns that are seized in the investigation of crimes. The *Guardia Civil*'s Judicial Police elaborates on this need in their operating procedures and a recent report on gun crime. They state that it is essential to record the (criminal) context in which a gun is seized and register detailed data on the seized weapon (make, model, serial number and type). This helps the authorities to trace the origin and to investigate possible (illicit) distribution channels of firearms.[156] The importance and prioritisation of analysing

seizures and systematically collecting data was also pointed out to the author by various Spanish law-enforcement officers who specialise in combating illicit firearms who were interviewed for both this report and a previous research project.[157]

The *Guardia Civil* collects data on firearms seizures and violent gun crime via the Integrated Operational Management System (*Sistema Integral de Gestión Operativa – SIGO)*. This database is used to record most operational activities, including inspections, arrests and seizures of all types of object. [158] Data relevant to investigations of serious crime and terrorism are collected through the SINVES database. This repository is part of the wider SIGO environment but accessible only to units combating the crime types indicated above.[159] Finally, once a firearms is seized, its status and exact location (eg police station) is also updated in the national register for legal firearms (RNA).[160]

Data reviewed for this report show that Spanish law-enforcement authorities collect a wealth of information on seized firearms. Tracing and detailed analysis of seized guns is made possible by a well-functioning data system on legal firearms (as most guns seized in Spain have a legal history in the country). In addition, the *Guardia Civil* unit that investigates trafficking also analyses seized weapons for different methods of trafficking, firearm diversion and modification. The types of data that are collected by authorities in the national context include:

- the recording of criminal contexts in which guns are seized;
- the types of gun that are seized;
- the country of manufacture;
- the trafficking routes (if firearms are seized in connection with international trafficking);
- the legal status of a gun;
- markings (eg altered, no markings, accurate markings); and
- if guns seized were modified (eg reactivated).[161]

The scope of this report does not allow for a comprehensive analysis of the strengths and weaknesses of Spain's data-collection mechanisms on firearms trafficking. A brief comparison of national datasets delivered to the UNODC as part of a multinational exercise to study illicit firearms trafficking suggests that Spain's quantitative data on firearms trafficking are among the most complete in Europe.[162] In addition, it is worth noting that the Guardia Civil's intelligence division distributes four annual intelligence bulletins on illicit firearms trafficking. These reports are for internal use only. They contain information on national and international firearms trafficking trends, approaches for combating these new phenomena (including examples of recent operations), and current legislative initiatives and amendments. [163]

However, in an interview in late 2019, the Spanish Focal Point on Firearms also pointed out some of the challenges faced by the authority with generating an intelligence picture on illicit firearm trade based on the available data.

Box 8: The Spanish National Focal Point on Firearms

The National Firearms Focal Point is an important place where expertise and communication on firearms are concentrated. It is hosted by the *Guardia Civil*'s agency on legal gun control (ICAE). Nationally, the focal point is the main contact for firearm-related matters and is responsible for resolving overarching issues such as improving firearm databases and improving the processes for seizing firearms. The focal point is also involved in tracing firearms and patrolling the internet and the darknet to prevent and combat illicit trafficking.

Internationally, it is the central body to represent Spain, at the law-enforcement level, in all forums that deal with firearms and are not directly concerned with the political decision-making on international treaties (which is the responsibility of the Foreign Ministry). It also needs to brief national actors on relevant global developments (eg new trafficking routes or methods, regulatory changes at the EU level). This may include producing strategic analysis products when needed.

Owing to its embeddedness in the *Guardia Civil*, the focal point can integrate both a legal control and an investigative perspective into its work. It also benefits from drawing on the administrative and technical expertise in its host organisation, the ICAE. This involves, for example, drawing on expertise in document fraud.[164] Finally, the focal point is responsible for providing statistics on firearms at both a national and an international level.[165]

One of the current challenges of data-collection and -analyses is developing processes that make it easier for field officers to register correctly the often complex information on seized firearms (eg type, serial numbers, reactivated or modified gun). In addition, it is vital to raise awareness of the importance of such information for combating firearm crime.[166] A review of the data used for this report shows that such improvements are necessary: many of the statistics on trafficking that we reviewed for this report contain large numbers under categories such as 'seized in unknown criminal contexts' or 'unknown seizure locations' (eg harbour, street).[167] A second challenge is improving the way in which the SIGO database, designed mainly for operational purposes, can be adapted to allow for easier data extraction. Such extraction is needed to generate broader intelligence pictures on trafficking and information exchange internationally (eg via Eurostat or for various international surveys on firearms).[168]

4.1.2 Gun violence

Data-collection is also essential in the realm of gun violence. It provides authorities with the basis on which to judge the impact of firearm crime on public health and security, for instance.

Our analysis has revealed the availability of data on various characteristics of lethal gun crimes. These numbers are often publicly accessible through Spain's National Institute of Statistics. They include, for example, statistics on the victims and perpetrators of deadly gun violence (eg age, gender), the location of crimes and the types of gun used in crimes. The intelligence picture is complemented by answers to parliamentary interpellations (formal questions raised with the government) and public and non-public reports on homicides and gun crimes by national security agencies. This includes an annual situation report on the use of firearms in the commission of crimes (including violent crimes).[169]

For example, these sources provided data on the context of different types of assault carried out with guns (eg robberies, gender violence, score-settling among criminals). Finally, publicly available hospital data include numbers on the frequency of admissions to emergency and rehabilitation facilities as a result of gun violence. Based on the above data and the information provided by interviewed experts, it was possible to draw a relatively detailed picture of gun violence in Spain for this report.

The challenges arising from the intelligence picture on gun violence seem to arise from the lack of detail for some data. For example, the authors of a recent (2018) study on homicides point out the need for more systematic data-gathering. They urge that further details of the characteristics of the act, perpetrator and victim of homicide cases, and for the whole national territory, should be more systematically gathered.[170] In addition, they stress the need to create a better data-processing component that is able to analyse this homicide data more accurately and efficiently so as to develop better results for predictive policing that can be used in complicated homicide investigations.[171]

Another challenge we encountered pertains to the partly scattered data on gun violence, which impedes painting a more comprehensive national picture of the phenomenon. As mentioned above, some of the data on gun violence are available at a national level through the National Institute of Statistics. But we found that two of the three major reports by security agencies dealing with homicide (two) and gun violence (one) rely solely on data from the *Guardia Civil*'s areas of responsibility. To the best of the author's knowledge, no similar reports exist for the National Police-controlled areas. This creates a serious lacuna in the national picture. Moreover, data analysis of answers to interpellations regarding gun violence shows that data from some autonomous regions of Spain seem to be incomplete.

Of course, there are valid operational reasons for individual police authorities to analyse homicide and/or gun violence exclusively in the areas in which they are responsible for policing. But since perpetrators do not care much for borders, there would be equally good reasons to generate intelligence reports on gun crime for the whole national territory.

In the result, cooperation and data-sharing issues between different police authorities in Spain may be impeding national scale data analysis – a topic we cannot expand upon

at any length in this report. Generally speaking, operational cooperation is channelled through the digital multi-agency platform, the Intelligence Centre for Counter-Terrorism and Organised Crime (CITCO).

Box 9: CITCO – Operational Cooperation

Regarding investigations, an interagency platform – CITCO – managed by the Ministry of Interior, exists to alert agencies if and when they are looking into the same case. For example, if one agency starts an investigation, including into specific individuals or objects (eg known criminals, firearms), this has to be entered into a data system run by CITCO. The system will then raise a flag if another agency (eg National Police or *Guardia Civil*) is already investigating the individual or the object. Those agencies then have to coordinate their investigations accordingly.[172] Having said that, the *Guardia Civil* often cooperates closely with other agencies on firearms. For example, a joint operation with the customs department's investigative unit that targets import- and export-related smuggling or fraud is a common way of working together.[173]

However, as pointed out by an National Police expert interviewed in 2021 about the international trafficking of firearms, it may help to extend the current National Firearms Focal Point on firearms by integrating a member of the National Police. Currently, the body is operated solely by the Guardia Civil, which, according to the interviewee, can impede or slow down information-sharing (regarding data and operational information).[174]

4.2 Operational measures to combat illicit firearms trafficking and gun crime

The 2019 report of the Judicial Police of the *Guardia Civil* on gun crime summarises the national task of limiting criminal access to legal and illegal firearms to prevent their misuse in (violent) crimes:
It is a national and international priority to establish preventive and regulatory measures to prevent criminals, criminal groups or terrorists from taking undue advantage of legitimate channels for the acquisition and possession of firearms. It is also a priority to limit or close illegal channels (trafficking) for the acquisition of firearms (especially so-called small arms and light weapons), their parts or ammunition.[175]

4.2.1 Firearms trafficking

As mentioned in the previous section, the overarching strategic plan against firearms trafficking for the *Guardia Civil* is the PICAF, whose stated objective is detecting, investigating and eradicating illicit firearm supply channels.[176]
Regarding operations against firearms trafficking, it is evident that the security forces act against illegal arms trafficking with great regularity. The frequency has increased significantly since the introduction of the PICAF. According to information provided in December 2020 by a unit of the *Guardia Civil* specialised in combating firearms trafficking, the agency carried out more than 87 operations against arms trafficking networks between 2016 and 2020. The operations resulted in the arrest of 422 people, the confiscation of 4,737 firearms (for the most part weapons of war), 581,281 metallic cartridges, 185 kg of explosives and more than €700,000, and the dismantling of 20 clandestine workshops.[177] In comparison: between 2010 and 2014, the *Guardia Civil* carried out 13 macro-operations against illegal firearms trafficking, arrested 63 people and seized 479 firearms (primarily handguns) and 60,000 rounds of ammunition.[178] This listing refers only to the *Guardia Civil*. The National Police have also successfully carried out significant strikes against arms dealers in recent years.[179]

The nature of investigations can be diverse. Of particular interest to this report are operations targeting illicit supply channels linked to cases of gun violence or the criminal milieu. In the case of the criminal milieu, it is likely that firearms will eventually be used in gun crime.

Law-enforcement agencies use two general operational approaches to combine their investigations against gun violence and illegal arms trafficking. First, if a murder is committed with a firearm, this firearm is systematically traced and sent for examination by ballistics experts. A DNA analysis of the gun is conducted. This analysis may be used to find the perpetrator of the murder and link guns to ongoing or closed trafficking cases. Given the dominance of reactivation and (re-)conversion as supply modes for criminals in Spain, this may either happen through identifying markers of the ways guns are modified or, on occasion, also through identifying the DNA of the person who reactivates or (re-)converts these firearms.[180]

Similarly, the *Guardia Civil*'s unit that specialises in trafficking is systematically transferring guns they seize in anti-trafficking operations to their ballistics unit. Their experts will then establish whether seized guns can be linked to ongoing or closed cases of firearms trafficking and/or reactivation or (re-) conversion or gun crime. Such information is vital from an operational point of view as the penalties for gun-trafficking are not very high in Spain. If a trafficked or modified gun can be linked to another (capital) crime, the punishment for traffickers is more severe.[181] Another important process for improving the intelligence base for action against illicit trafficking is the collection of ballistics reports at the National Focal Point. The agency uses this data to provide an up-to-date overview of the techniques used to modify and illegally manufacture firearms, their essential parts or ammunition.[182]

In Box 7 we described in detail the *Guardia Civil*'s Operation Nongreta, which investigated a group of illicit handymen supplying the drug milieu in Spain's south with reactivated and re-converted firearms. This operation is also exemplary of linking gun violence and the supply of illegal firearms to the criminal milieu. The investigation began when the *Guardia Civil* detected an alarming increase in firearms used in *vuelcos* - drug robberies - and the violent settling of scores between drug-traffickers on the Costa del Sol and Campo de Gibraltar. In many of those incidents, similar guns were used, which seemed to come from the same supplier. This initial discovery led to investigations which revealed that the guns were all connected to the same criminal group. These in turn led to further investigations into supply modes. As described previously, the operation ultimately led to dismantling a professional group of international firearm-traffickers with previous links to the drug milieu.[183]

4.2.2 Gun violence

According to the law-enforcement experts interviewed for this report, gun violence is not tackled as part of a single dedicated policy or strategic plan.[184] One of the reasons for the absence of such a dedicated plan is the low levels of threats of gun violence in most regions of Spain. As described in the previous section, most gun violence in which firearms are discharged to kill or hurt is concentrated in the drug-trafficking milieu on the Costa del Sol, between Malaga and Gibraltar. In this context, automatic and semi-automatic rifles are also used more often. Such firearms are very rarely used in the criminal underworld in the rest of the country.[185]

To respond to the increase in narco-trafficking and (gun) violence within and around the drug-trafficking milieu in the country's south, the Secretary of State for Interior launched a Special Security Plan in 2018. The plan is implemented separately (but in a coordinated manner) by the National Police and the *Guardia Civil*. The National Police's response is formulated in its Southern Security Plan. The *Guardia Civil* uses a two-pronged approach. On the one hand, it uses its coordinating body against narco-trafficking *Órgano de Coordinación Contra el Narcotráfico* (OCON SUR) to combine different units in the area. It is used, for example, to mobilise rapid response units such as the *Grupos de acción rápida* (GAR) to investigate or raid drug-trafficking outfits. OCON is supported by the *Centro Regional de Análisis e Inteligencia contra el Narcotráfico* (CRAIN), an intelligence centre that focuses on drug-trafficking in the southern provinces.[186] The strategies of both national police forces led to reinforced police capacities and tighter cooperation between different police units to disrupt the drug networks in the region. Regarding firearms, the collaboration of the OCON and CRAIN with the firearms trafficking unit of the Intelligence Headquarters of the *Guardia Civil* and its local intelligence units stands out. This cooperation is crucial to detect and dismantle possible supply chains for illegal firearms used by drug trafficking organisations.[187]

According to police officers of both the *Guardia Civil* and National Police, three years of a focused combat against the networks in the south has helped to weaken the drug networks in the area. Many have been dismantled based on increased intelligence and police capacity and also through better cooperation with the justice system. In addition,

it is becoming increasingly difficult for the traffickers to ship their illicit goods, as the authorities have become better at monitoring the most popular trafficking routes. However, the police officers interviewed in the press are also fully aware that they will not stop drug-trafficking completely. Instead, the goal is to decrease the volume of drug-trafficking and both the (gun) violence and the corruption linked to it.[188]
In addition to focused efforts to combat drug-related crime in southern Spain, Spanish police forces also follow more generic investigating approaches. Homicide research on the Spanish context has shown that homicides are a priority for police forces around the country, resulting in great efforts and resources being put into their investigation. Consequently, the resolution rates of homicides are around 85–90% in national areas investigated by the *Guardia Civil*.[189] [I] Unfortunately, we have not found similar information for homicides related to gun deaths. In addition to classical investigation strategies to resolve homicides, recent reports on homicides commissioned by law-enforcement agencies have highlighted the potential of predictive policing. Regarding homicide investigations, they can help investigators to create perpetrator profiles if insufficient clues exist to solve a case.[190]

In addition to investigating crimes already committed, Spanish police forces also use more general approaches to prevent firearms from falling into the wrong hands or being used in crime. For example, Spain's 2020 UNPoA report explains that relatively low percentages of seizures overall can be attributed to illicit possession, illicit use and illegal firearms trafficking. Instead, large numbers of firearms were seized as a preventive measure because the legal holder committed other violent crimes.[191]

Preventively seizing firearms or revoking licences seems a particularly pertinent practice to prevent gender violence. According to a *Guardia Civil* officer interviewed for a newspaper article, 33% of withdrawn or denied firearm licences can be traced back to ongoing or previous judicial procedures for gender violence. In Cataluña , for example, such preventive interventions are based on a system of real-time information-sharing between police authorities, which allows the authorities to seize weapons as quickly as possible and protect potential victims.[II] Firearms can also be temporarily taken from alleged perpetrators while judicial proceedings are ongoing. Besides gender violence, another common reason to revoke licences is if individuals who own a firearm threaten or injure another individual.[192]

[I] No similar data were found for homicides investigated by the National Police.

[II] Through an inter-police coordination room, the *Guardia Civil* is notified automatically about ongoing processes of gender violence.

5 Conclusions

In order to assess the impact of illegal firearms trafficking on gun violence, we described the scope, characteristics and context of firearm violence in Spain, and the extent and nature of firearms trafficking.

In general, both lethal and non-lethal firearm-related violence has strongly decreased in Spain. This has led to a situation where the death rate from firearms in Spain is low compared to other European countries. The observed decrease in lethal firearm violence, however, seems to have halted around 2015-2016. At the moment it is unclear whether the recent figures represent a real trend change.

The data we have collected indicate that firearm-related homicides in Spain are predominantly committed in the criminal milieu. More specifically, they often occur in the context of score-settling between OCGs in the drug-trafficking milieu. In the domestic sphere gender-based violence perpetrated most often perpetrated by male (ex-)partners in particular plays a substantial role. Killings after disputes or in brawls form another, albeit less significant, category. In situations of violent firearm use with a non-lethal outcome the context of armed robberies predominates.

Our analyses also provided some answers to the question of which guns are used in violent crime. In lethal violence, the ratio between short and long live-fire guns is 55% to 45%. The use of handguns is even more pertinent in non-lethal assaults in which live firearms are used to injure people, according to hospitalisation data (61% of cases). In addition, gas pistols play a significant role in causing injuries. Handgun use also strongly predominates in armed robberies. In these cases, robbers usually use guns in order to intimidate victims without anybody being injured.

The analysed data suggest that in the criminal milieu handguns are most commonly possessed and used. One of the most critical features of the restrictively regulated legal firearm market is that few handguns are in circulation legally. Since it is difficult for violent criminals to obtain firearms legally, they resort to various illegal methods of

firearms trafficking. First and foremost, criminals in Spain are supplied with reactivated and converted firearms. These are reactivated firearms from Spain, converted Flobert and AEW from Eastern Europe (mainly from Slovakia) and converted gas pistols. These firearms are frequently modified and converted in Spain, as evidenced by several arrests of criminals operating illegal workshops. In addition to reactivation and conversion, firearms are shipped from the Balkans in smaller quantities. Other smaller supply channels include non-legalised weapons (especially from the Spanish Civil War) and stolen firearms.

Different groups of criminals generally have access either to all or only to some of these trafficking channels. High-level criminal groups, particularly those involved in drug-trafficking in the south of the country, have access to all types of weapon, including assault rifles. They often use reactivation and international trafficking routes to obtain weapons. Which weapons these groups use and in which context can vary. For example, we found indications of the use of shotguns and rifles to protect warehouses and the use of handguns and assault rifles in drug robberies and score-settling. A more detailed analysis based on more data is needed to make stronger claims on this issue.

In addition to OCGs, lower-end criminal groups also use firearms, primarily in armed robberies. Some of the weapons most commonly used by petty criminals are converted alarm guns of Turkish origin, which have less fire power than weapons used by OCGs. However, they also use reactivated and/or converted (Flobert and AEW) firearms.

If live-firing firearms are used in gun violence unrelated to the criminal milieu, long-barrelled guns play a more prominent role than in the criminal milieu (however, handguns are still the most used). Data that do not distinguish between lethal and non-lethal attacks suggests that an important minority of domestic violence is perpetrated with gas pistols. In line with the fact that hunting rifles and gas pistols are often owned legally in Spain, experts interviewed for this report suggest that firearms seized in domestic crime are more likely to be legally possessed than in instances of criminal violence.

To limit access to illegal weapons and therefore prevent acts of violence, the Spanish authorities have prioritised the fight against illicit arms trafficking in recent years. The authorities' approach includes improving the information about illegal gun-trafficking and instituting numerous police operations against illegal gun-traffickers and the drug milieu.

The amount of data collected by the Spanish police authorities on illegal weapons is considerable by European standards. Nevertheless, there is still room for improvement, as too many statistics include categories such as 'other firearms' and 'other legal grounds for weapons offences'. However, the police focus on raising awareness and training local police officers in correct gun registration to improve the situation. Regarding gun violence, the National Institute of Statistics and law-enforcement reports contain considerable data and evidence. What appears problematic about the data about gun violence is that it is not sufficiently detailed. Most of the more detailed

information we found was available only for those geographical areas controlled by the *Guardia Civil*. Moreover, not all of these data are published systematically or annually.

Creating a better intelligence picture also supports anti-trafficking operations. Such operations have increased significantly in frequency over the past few years. Strikes by national police authorities are directed against various types of illegal arm-trafficking. One of the priorities has been to dismantle illegal workshops that reactivate or convert weapons and arrest dealers who resell such weapons to illegal drug-traffickers.

A key feature of police work in Spain is the systematic analysis of firearms seized in the fight against illicit trafficking and cases of violence involving guns. This strategy allows the authorities to investigate illicit trafficking based on the weapons seized during violent crimes. Similarly, weapons seized in the fight against illicit trafficking can sometimes be linked to violent crimes that were committed using them.

In contrast to illegal firearms trafficking, there is no overarching strategic plan for combating gun violence. This also has to do with the relatively low number of violent crimes committed using firearms. The strong decreasing trend in lethal incidents of gun violence, however, seems to have halted in 2015-2016 and criminals have access to firearms. In recent years, the authorities have focused on hot spots of gun violence by redoubling their efforts to combat drug-trafficking in the south of the country. Drug-trafficking in this area is also responsible for a significant portion of homicide-related gun violence and the demand for illegal weapons. Finally, a considerable focus of the authorities has been on preventive firearm confiscation. This is particularly relevant to, but not limited to, the perpetrators of violence against women (eg ex-partners).

The Spanish authorities' efforts to restrict the supply of illegal weapons also face challenges. One of these is the cooperation required between the different (national) police agencies, the National Police and the *Guardia Civil*. In general, collaboration and coordination are governed by a national digital system. However, the absence of the National Police in the National Focal Point for firearms and the lack of national (public) reports on firearm violence, among other factors, show that there is still room for improvement.

In summary, Spain generally does not have a significant problem with gun violence. The only exception is the rampant violence associated with drug-trafficking on the country's southern coast. We identified the most explicit link between illicit firearms trafficking and gun violence for the criminal milieu and its various illegal chains of supply. In contrast, the data that could connect gun-trafficking and 'non-criminal' violence are much more sparse. In general, however, it seems that legal weapons are used much more frequently in cases of domestic violence. In any case, further research is needed to investigate the extent to which illegal weapons are used outside of the criminal milieu and the means by which the perpetrators obtain them.

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REPORT

PROJECT TARGET

A Deadly Cocktail: Firearm Violence and Trafficking in Sweden

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ARQUEBUS™

Introduction

Sweden has experienced a significant increase in the levels and callousness of shootings since the 2010s. Firearm-related violence has continued to grow, with firearms becoming preferred for homicides in the country. The nature of the violence and its perpetrators and victims have some unique characteristics in Europe, while the trend in firearm-related violence continues to hold strong. This trend is something that looks set to be a continuing source of insecurity in Swedish society for the foreseeable future. As a result, firearm-related violence has become a salient political issue.

Firearm-trafficking in Sweden is a multifaceted phenomenon that has provided a continuous source of firearms; this has helped to intensify and promote the occurrence of firearm-related violence in the country and beyond. This chapter will provide a brief overview of the Swedish regulatory framework for firearms before delving into illicit firearm-trafficking. The chapter will examine the nature and characteristics of the illicit supply of firearms and ammunition and its evolution.

The main body of this report examines gun violence in Sweden. A description of the scope and characteristics of firearm violence is offered before similarly exploring the evolution of firearm violence. Following that, a detailed overview of contemporary firearm violence examines:

- the spatio-temporal nature of gun violence;
- the particular criminal characteristics endemic within firearm violence;
- the demographic composition of perpetrators and suspects; and
- the contributing factors behind the rise in firearm violence.

The last analysis of gun violence in the chapter investigates the characteristics of the firearms used in gun violence. The final section of this chapter examines national policy and initiatives to deal with and control firearm violence and trafficking, and their shortcomings, along with the main challenges relating to data-collection and analysis pertaining to firearms.

Box 1: Reserach methodology

This study used a research methodology based on various methods. First, desk research was conducted through a literature review and an analysis of existing relevant open-source documents in English and Swedish from previously conducted studies, international reports, legislative documents and media documents. The Swedish National Council for Crime Prevention (Brottsförebyggande rådet or 'Brå') has a wealth of information and analysis about firearm violence in Sweden. This open-source information was supplemented by an analysis of internal data helpfully provided by the competent authorities.

Secondly, the research team conducted in-depth interviews with experts from key authorities in Sweden involved in tackling firearm violence and trafficking. These included individuals from the Police Authority Department of National Operations (NOA) and Development Centre, and representatives from the National Forensic Centre (NFC) and Swedish Customs. In addition, given the significance of Denmark as a transit state for firearms being trafficked into Sweden, written communication was conducted with a representative of the Danish National Police.

1 Regulatory framework and legal firearm possession and market

The Swedish Police Authority is responsible for overseeing firearm legislation and issuing the corresponding permits and authorisations, such as a permit for the possession of a firearm. Swedish firearm regulation is codified in the Weapons Act (Vapenlagen 1996: 67) and the Weapons Ordinance (Vapenförordning 1996: 70).

In Sweden, an individual must be older than 18 years of age – with some exceptions – to be permitted to hold a licence for a weapon. A firearm licence covers one firearm only; additional firearms require further licences. In addition, the individual must be law-abiding and well behaved; the police may reject an application if the individual has a criminal record or is considered unsuitable for other reasons. An individual must also be able to certify their reason for possessing a firearm. Individuals may be granted a licence only if it is for a valid purpose.

The most common grounds for holding a weapon licence are for hunting and target-shooting. A permit for hunting requires the individual to have a hunting certificate, whereas for target-shooting an individual must have been an active member of an approved shooting club for at least six months prior to their application.[I] Moreover, the club must conduct shooting activities using the type of weapon stated in the application. Finally, individuals are able to obtain a firearm licence as collectors of firearms,[II] although a serious interest in collecting is required and in the case of memorial weapons, they must have significant sentimental value.[1] The possession of firearms for self-defence purposes is generally forbidden and/or denied in Sweden. A licence also requires owners to store their firearm(s) safely in accordance with regulations.

I For handguns, an applicant must have passed a special shooting test organised by their shooting association. Handgun permits are limited to a duration of five years.

II Collections should have a particular focus and be limited. A firearm licence is required for each individual weapon in a collection and they must not be used for shooting without special permission.

The levels of legal firearm ownership have decreased significantly in Sweden, from a high point of 781,521[2] in 1999 to currently around 580,000 people with a firearm licence – amounting to approximately 6% of the population. Accordingly, the number of firearms held has also declined from a reported 2,096,798[3] in 2005 to 1,900,000[4] in 2015.[I] Brå has also reported that firearm licence levels decreased by around 20% from the mid-1990s to 2010s.[5] Nonetheless, at around 31.6 per 100 people, Sweden still has one of the highest rates of legal firearm ownership per capita in the world.[6] The levels of legal firearm possession vary around the country. For example, in Arjeplog, Lapland, more than one in three people have a firearm licence; in contrast in Malmö, around one in 50 people have a licence. Given that hunting is the most common purpose for having a weapon licence (at about 80% of all gun licences), it is not surprising that some areas of the country witness a greater level of firearm ownership than others.[7]

Sweden's domestic market is, however, quite small, especially when considering the number of legal guns possessed. According to a 2014 European Commission report, some 220 arms dealers or brokers were operating in Sweden.[8] Furthermore, there appears to be no significant active firearm production in Sweden.[9] [II]

I Aaron Karp's 2017 survey based on an expert estimate suggests a number of 1,955,478 legally held firearms. Karp, Aaron. (2018) 'Civilian Firearms Holdings, 2017.' Estimating Global Civilian-Held Firearms Numbers. Geneva: Small Arms Survey, the Graduate Institute of International and Development Studies.

II For an in-depth study of the firearm regulations in Sweden see the Project DIVERT Sweden case study.

2 Illicit firearm trafficking

The illicit firearm scene in Sweden is very active and well supplied, and the number of illegal firearms in circulation is said to be increasing.[I] [10] Automatic firearms are seen as the currency of power within the various criminal milieus, and many in these networks are well armed. Moreover, for those within or connected to criminal networks, firearms are very easily accessed. Table 1 gives a breakdown of the various firearms seized by the police from 2010 to June 2020. The predominant firearms seized are handguns, whereas the most common military-type weapons the NFC receives are submachine guns and Kalashnikov-type rifles. In addition, the 2020 UNODC Global Study on Firearms Trafficking noted that Sweden, among other things, stood out for the significant proportion of submachine guns among seized firearms[II]. A breakdown of the types seized in 2016 and 2017 from the UNODC report is shown in Table 2.

The table shows that, over the time period, the most common firearm type seized by the police are handguns, including converted handguns, comprising between 62–75% of firearms seized by the police per year up to 2019. The number of handguns in circulation has clearly risen over the period from the low of 266 seized in 2010 to a peak of 816 in 2018. Although data on firearms seized are not a direct translation into numbers in the illicit sphere, they enable a strong inference to be made as to the dynamics of illicit firearms. The number of military weapons, such as machine guns and submachine guns, in circulation has also risen significantly, although these are still less commonly seized than rifles and shotguns. However, it should be highlighted

I The strong supply of firearms in Sweden contrasts markedly with neighbouring Denmark, where the Danish NaNCI assesses that illicit firearms pose only a limited threat to Danish society while the supply of illicit firearms has decreased in recent years. Danish intelligence from criminal environments indicates shortages and, simultaneously, a significant rise in prices for illicit firearms on the criminal market. Moreover, police have noticed an increased reuse of firearms, even after serious cases, whereas previously they would have been discarded after use. The decrease in supply has come from increased legislative measures, EU Firearms Directives and increased law-enforcement efforts. (From written communication with a Danish National Police representative.)

II The UNODC reported that Northern European countries (Denmark, Norway, Sweden), Croatia and the Netherlands stood out in terms of the proportions of machine or submachine guns. However, in each of the mentioned countries the proportion of machine guns or submachine guns (separately) did not exceed 16% of the total arms seized in that country over 2016-17. UNODC, (2020). Global Study on Firearms Trafficking, United Nations publication, Sales No. E.20.IV.1, pp.28

that rifles and shotguns have a legal basis for ownership and are commonly owned, and for this reason seizures are less likely to be the result of violent criminal activity.

Table 1: Firearms seized by the police, 2010–2020

Type	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*
Handguns	266	498	563	472	539	544	629	556	816	680	338
Rifles	50	87	107	85	110	90	92	76	113	99	53
Shotguns	58	76	109	89	130	122	158	106	111	110	37
Military weapons	16	40	40	50	78	81	69	71	102	62	46
Other	8	5	5	15	4	2	9	3	18	11	9
Total	398	706	819	711	861	839	957	812	1,180	962	453

Source: Police/NFC data from SVT – Polisens vapenbeslag har minskat – trots Rimfrost (28 August 2020)
*Up to June 2020

Table 2: Seizures of weapons by type in 2016 and 2017

Year	Machine gun	Pistol	Revolver	Rifle	Shotgun	Sub-machine gun	Other	Total
2016	39	430	106	92	158	30	102	957
2017	42	401	77	76	106	29	81	812

Source: UNODC Global Study on Firearms Trafficking 2020

2.1 Scope of illegal firearm possession

Figure 1 below shows the number of violations of the Weapons Law from 2010 to 2019 and gives an insight into the scope and trend of the possession of illegal weapons.[I] The total number of violations has increased nearly every year: there has been an increase of more than 50% from 4,844 in 2010 to 7,427 in 2019. Among the largest increases in

[I] See appendix for chart data.

violations for illegal possession are handguns: these have almost tripled from 909 in 2010 to 2,494 in 2019. This mirrors the data seen above regarding firearms seized. Other weapons, which include military-style firearms, among other weapons, have similarly increased from 814 to 2,199. By way of contrast, the levels of firearm violation involving hunting weapons have remained largely consistent, due largely to the lack of demand for hunting weapons within the criminal milieu.

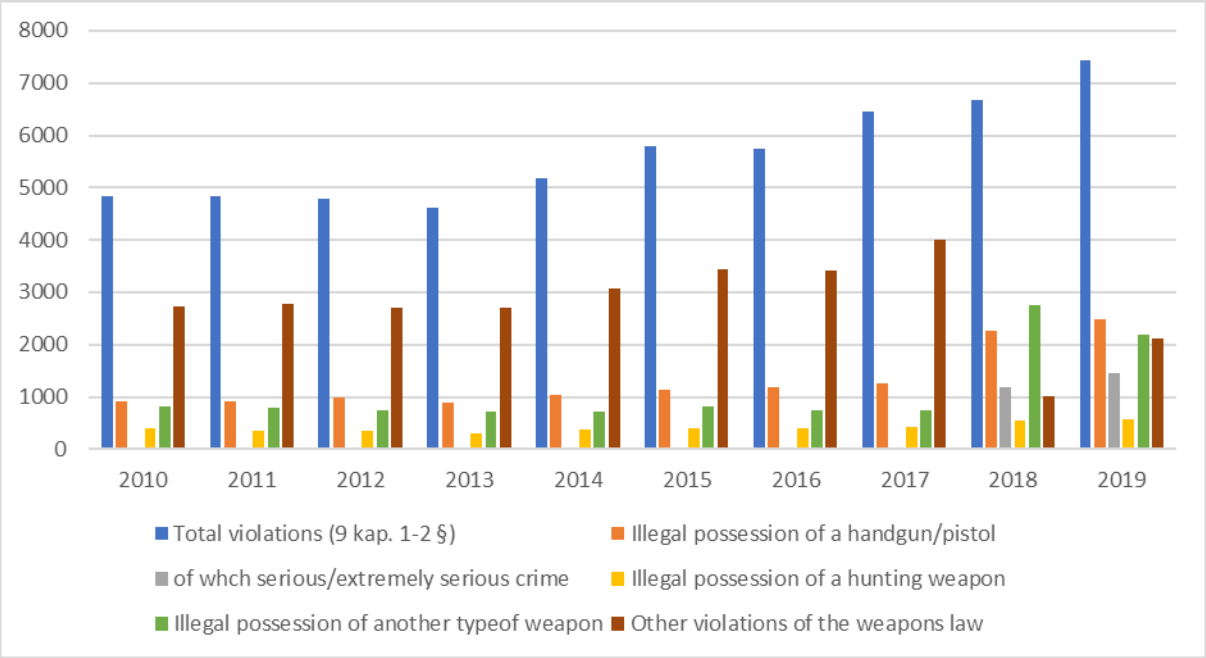
Among Sweden's criminals, particular weapons, such as Glock pistols, have gained a cult status – they are both sought after and provide the owner with a level of status.[11] Brå research based on interviews with police officers suggests that old firearms from Eastern Bloc countries are readily available. Criminals, however, are reported to be tired of such older weapons – for example, old Kalashnikov weapons that have been buried for a number of years and have become temperamental from rust. Instead, criminals desire weapons from Western Europe and the United States.[12]

At the beginning of 2018, Sweden adopted regulations that set out serious or extremely serious weapons violations. These regulations cover incidents in which firearms pose a heightened risk to public safety, with rulings contextually based on:

- the location of possession;
- the relative danger of the weapon;
- the number of weapons; and
- the danger of possession, such as the influence of drugs or alcohol.

As the graph shows, a large proportion of handgun violations in 2019 were incidents of serious or extremely serious violations; for the other types of firearm the proportion of serious cases was less significant. This is the result of criminals favouring handguns which has the effect of meeting the criteria for serious violations.

Figure 1: Violations of the Weapons Law



Source: Statistics Database of reported crimes – Brå

The price of illicit firearms remains largely opaque. It is known that the prices for illicit firearms in Sweden are generally high due to the significant demand for firearms, despite the strong supply.

Sweden has experienced increasing levels of converted firearms in recent years, with converted firearms being described as one of the greatest firearm-trafficking and supply problems.[13] Several reports comment on the increasing commonality of converted weapons. The 2020 UNODC report emphasises that Sweden reported a comparatively high number of converted firearms (from starter pistols), and of all the countries which supplied statistics, Sweden was second only to the United Kingdom in the proportion of converted weapons reported. Converted handguns are reported to cost between US$870–1,750 (€736–1,480), whereas an original pistol may cost around US$1,170–2,340 (€990–1,980).[14]

In addition to the recent proliferation of higher-grade illegal firearms, Sweden has also experienced, perhaps uniquely, growth in the use and supply of explosives such as hand grenades, bangers/firecrackers and improvised devices, often using Thermos flasks. Previously, Malmö had been the epicentre of the use of explosives in Sweden; however, this phenomenon has now percolated throughout the rest of the country, with Malmö having experienced a decline in their use. The vast majority of hand grenades found in Malmö are old and originate from the former Yugoslavia; the most common is the M75.[15] One report from 2015 cites a police commissioner stating that hand grenades are cheaper to buy in Sweden on the black market than ice cream, with street prices of SEK20 or €1–2 each.[16]

Since the mid-2010s, the demand for illegal firearms in Sweden has grown to unprecedented levels. With the demand for firearms continuing from inside Sweden, the supply of illegal firearms has largely come through illicit firearm-trafficking. The demand has come from actors linked to local organised criminal groups (OCGs) geographically located in areas which the Swedish Police describe as 'vulnerable areas',[I] with firearm violence often linked to drug-trafficking, among other motivators, as is discussed below.[17]

2.2 Characteristics of firearm trafficking

The trafficking of live-firing firearms into Sweden, generally using ant-type trafficking methods, is one of the most common and well-known firearm-trafficking phenomena in the country. This method sees low quantities of firearms being smuggled at a time in transportation, most commonly in the flow of cars or buses into Sweden, for example, Eurolines and Flixbus buses.[18] Occasionally, though, they are trafficked in the flow of heavy traffic where firearms are illegally smuggled alongside legal imports. The quantities involved are low – usually between one and three firearms – whereas exposures of 10–15 firearms would be considered high and the frequency of smuggling is high, ultimately providing a steady stream of illegal firearms.[19] As mentioned, the supply of trafficked firearms is considered to be good; moreover, a 2017 assessment highlighted the view that weapon-trafficking was considered to be 'low risk' for criminals because of the relatively low penalties.[20]

The Balkans have traditionally been one of the main sources of illegal firearms trafficked into Sweden. Following the conflicts in that region, many of the firearms trafficked into Sweden have come from there, and more specifically the Western Balkans. Interestingly, Sweden experiences a large number of weapons used in shootings that have originated in the Balkans, whereas, in contrast, in neighbouring Denmark, the weapons used in shootings are seldom sourced from the Balkans. This difference is especially marked when considering that a large proportion of Balkan guns travel through Denmark, only to cross the Öresund Bridge into Sweden. Dr Lina Grip suggests that this disjuncture may be the result of the large diaspora from the various Balkan states in Sweden and their connections which enable the trafficking of firearms from this area into Sweden.[21] Danish sources tend to confirm this: they indicate that traffickers operating through Denmark into Sweden tend to be of Balkan nationality.[22] Many of the arms circulating within Sweden's criminal milieu have been trafficked from the Balkans facilitated by Balkan criminals living in Sweden, while sellers in Bosnia and Serbia are known to be keen to move their firearms on.[23] [24] This is supported by the UNODC 2020 report, which notes that Sweden is a relative outlier in receiving firearms from the Balkans as trafficked firearms from the area moving outside of the sub-region are otherwise limited and tend to be restricted to

I 'Vulnerable area' is a term used by Swedish Police to describe locations with a low socio-economic status where local criminals have an impact on the community.

neighbouring countries.[25] For example, a Serbian group trafficked ten automatic rifles, 59 pistols and 105 hand grenades by car through Serbia, Bosnia and Herzegovina, transiting Austria, Hungary and Germany en route to Sweden.[26]

In addition, it has been identified that along with firearms being smuggled from the Balkans, explosives are also smuggled, often from the same supplier. For example, reports indicate that when purchasing an automatic weapon from Serbia, hand grenades are included free of charge as sellers are eager to move rusting hand grenades that have been in storage for decades. In one incident, police stopped a shipment of automatic weapons containing 100 hand grenades.[27] [28]

As mentioned, the Öresund Bridge connecting Malmö with Copenhagen is the most common land route for firearm-trafficking through which significant numbers of firearms transit. With an open border between Sweden and Denmark and without the personnel and the motivation to check every vehicle crossing, the Öresund Bridge will probably continue to be the main artery for the flow of trafficked arms and other goods into Sweden, along with any trafficking movements in the reverse direction.[I] Danish sources nonetheless emphasise that seizures in Denmark of firearms bound for Sweden are uncommon, with quantities ranging from single firearms up to bulk seizures of five or more. These seizures often comprise short firearms, but Kalashnikov-type weapons and notably hand grenades are also seized; these are rarely used in the Danish environment. Traffickers often travel from Germany through Denmark to Sweden via the motorway using the bridge, or otherwise they travel by ferry to Helsingborg, although the ferry from Frederikshavn to Göteborg has also been used. In 2012, three-quarters of firearms seized in Sweden were uncovered on the Öresund Bridge or at the Malmö docks. Lina Grip also adds that due to the location of and local demand in Malmö, the city has been used as a firearm depot for trafficked firearms.[29] [30]

Other countries from which firearms are smuggled to Sweden from include Germany, Slovakia, Bulgaria and Czechia. An arms dealer in Norway had for many years been popular among Swedes wanting to purchase gas guns for conversion, despite the higher purchase prices. However, since Norwegian legislation has required gas guns to be registered, this problem has stopped.[II] [31] A *Svenska Dagbladet* investigation followed a police investigation into a Scorpion vz 61 used in a shooting in 2015. They reported the existence of a firearm-trafficking group based in Skåne, known as the Skåne Network. The group travelled regularly to Slovakia to buy deactivated firearms over the counter before travelling back to Germany and taking a ferry from Puttgarden to Rödby in Denmark and then crossing back to Sweden over the Öresund Bridge. The group would then reactivate the firearms in a workshop in Vellinge, having the live-firing weapons

I 'Investigations and source intelligence have shown that a number of firearms used in the Danish gang environment, mostly short firearms, have been acquired from criminals in Sweden.' This is also apparent in hits from the IBIS database, where ballistic matches are occasionally found between firearms used in shootings in Sweden and later gang shootings in Denmark. Written communication with a Danish National Police representative.

II The arms shop in Norway, 'Game On', which was selling gas guns, was previously popular among Swedes almost certainly looking to convert the weapons. However, pressure from the Swedish authorities has resulted in Norway changing its firearm legislation to require gas guns to be registered. Operation End Game saw a number of house searches aimed at those who had purchased gas guns from the shop.

on the streets after only a few weeks. The group conducted the same activity several times without being noticed by the authorities, buying a mixture of deactivated Scorpion submachine guns, military pistols and automatic rifles. The group of three[I] managed to smuggle 236 weapons into Sweden before being caught,[II] in one instance, having 174 weapons in their vehicle. As at the publication date, the police had yet to find 160 of the firearms that had been smuggled and reactivated, but it is known that some of these weapons ended up on different sides of gang conflicts.[III] [32]

A second common *modus operandi* of firearm-trafficking operates through mail and courier flows. These weapons may often be sent in individual parts to reduce the chances of detection, although it is common for one to three firearms to be found in a package. Blank-firing guns in particular have been associated with the mail flow as they are purchased and sent from gun shops in Europe where registration is not required. It has been reported that the illegal movement of firearms through the mail is commonly linked to Eastern European arms dealers.[33] One of the reports covered by *Svenska Dagbladet*'s 'Weapons review' highlights the case of a 44-year-old man who purchased and shipped gas pistols from Bulgaria to Sweden, where he converted them before selling the now live-firing weapons. The individual was discovered after Europol's Operation Bosphorus.

The smuggler is known to have paid SEK44,000 for 98 pistols and received some SEK220,000 for the converted weapons. Police believe the individual was not acting alone but have not been able to build on his network. These weapons have been connected to 17 criminal cases, mainly in Stockholm, and were often equipped with silencers.[34] In another instance in 2019, police targeted and stopped two workshops converting firearms, one of which contained 30 firearms.[35]

The newspaper, *Svenska Dagbladet*, conducted an in-depth investigation into weapon-trafficking at the end of 2019. In addition to international trafficking routes, they also highlighted the internal diversion of firearms at a Swedish hunting/shooting store. The dealer had purchased more than 300 weapons from other dealers using his arms dealer licence before reselling most of them on the black market, including 72 Glocks. He had not filled out his arms registry for the previous years, purchasing firearms with cash because other arms dealers did not trust his credit. At the time of the publication of the *Svenska Dagbladet* article, 289 firearms were still missing. [36]

About half of the weapon seizures by Swedish Customs have been in connection with house searches during a criminal investigation, whereas the remaining cases of seizure

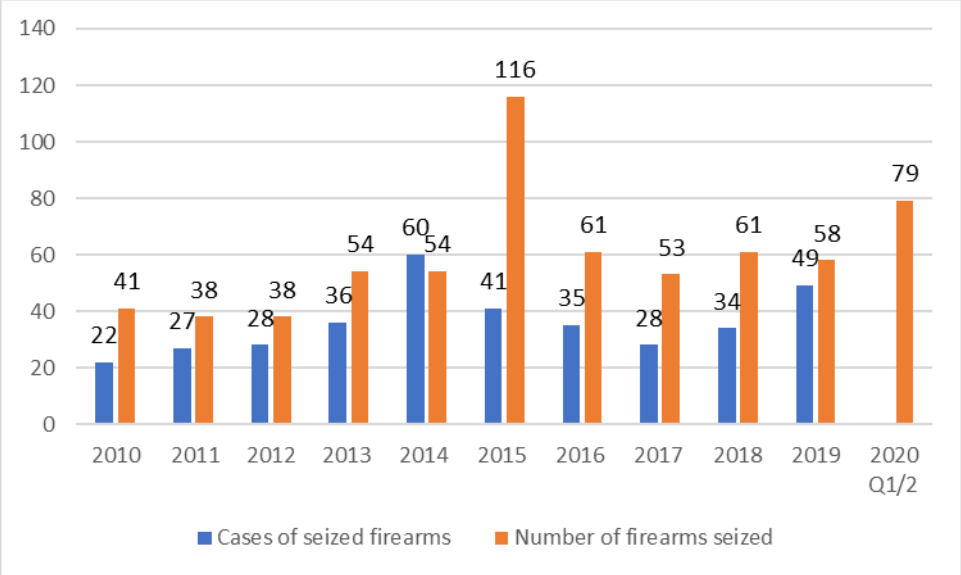
I The group consisted of three men aged 33, 34 and 36. The 33-year-old is described as an entrepreneur from Skåne who was very interested in weapons and had a gun licence; he received four years and four months in prison for aggravated smuggling and extremely serious gun crime. The 34-year-old was a known drug-related criminal with connections to Malmö's largest criminal networks; he received six years in prison for aggravated smuggling and extremely serious gun crime. The 36-year-old was an unemployed salesman with previous convictions for drug and theft offences; he received two years in prison for aiding and abetting a particularly serious gun crime.

II The store's sales list indicates that they bought 108 Scorpions, 100 Bell Pistols and about 20 other firearms of mixed makes.

III The weapons found were discovered in 40 different locations in Scandinavia, from Copenhagen to Kramfors, while there were also ten in Malmö, 17 in Gothenburg and seven in Stockholm.

have occurred largely in the mail and in passenger flow.[37] Figure 2 shows the number of cases of firearms seized and the absolute number of firearms seized annually by Swedish Customs, according to their annual reports. The graph shows that there has been a general trend of slightly increasing seizures, in both cases and absolute numbers, from 2010 until 2020. The number of firearms seized in relation to the number of seizure cases is suggestive evidence of ant trafficking. From the years with complete data, 2010–2019, 574 firearms were seized and 360 cases of firearm seizures, with a firearms per case seizure rate of around 1.6. Moreover, if 2015 is discounted from the data with its anomalously high level of firearms seized, the rate of firearms seized per seizure case is about 1.4. These numbers are in line with the understanding of the small-quantity, high-frequency characteristics of firearm-trafficking.

Figure 2: Swedish Customs annual firearms seized: cases and absolute seizures



Source: Tullverkets årsredovisning, 2010–2019

The supply of ammunition among criminals in Sweden is known to be good, although the exact methods by which it is obtained is unknown. According to interviews, ammunition is very easily obtained at the same time as firearms are acquired.[38] Moreover, the trend of high and increasing levels of ammunition expenditure during shootings, as will be covered below, indicates that the supply of ammunition is not a problem for perpetrators. In addition, reloaded ammunition is very rare in Sweden, suggesting that the supply of manufactured ammunition is strong. The sale of ammunition is not registered in Sweden and therefore enables the potential for domestic diversion, a gap in state control that may be exploited.[39] For example, in August 2020, 52,000 rounds of ammunition were stolen from a truck stopped in Skåne, an occurrence capable of fuelling yet further firearm violence.[40]

2.3 Trends in firearm trafficking

The traditional view has been that substantial numbers of firearms trafficked into Sweden have come from the Balkans. For example, a 2013 report from the Swedish police noted that most firearms used in gun violence were illegal and came from the Balkans.[41] This was especially the case from the mid-2010s, when there was an influx of high-grade firearms from the Balkans, which made for easy access to firearms and significantly changed the dynamics of the illicit firearms scene.[42] To be sure, this route of trafficking is no less relevant: Swedish Customs anticipate the trafficking of live-firing firearms from the Balkans to continue. However, police intelligence and Swedish Customs' experience suggests the picture has increasingly become more multifaceted in recent years as different routes and methods of trafficking have opened up.

During the period 2000–2010, common weapons trafficked and used by criminals in Sweden in connection with robberies and murders were semi-automatic pistols, which often came from Eastern Europe. Although various types were smuggled, Glocks and Smith and Wesson handguns carried a higher status among criminals and were more sought after. Automatic firearms were previously uncommon in Sweden. Moreover, reports of automatic weapons being used, which were often connected to high-profile cases, often turned out to be replica firearms or airsoft guns. This has perhaps been the area with the greatest disjuncture, because since the mid-2010s automatic firearms and shootings connected to automatic firearms have become common.[43]

An interview with a representative of the National Forensic Laboratory highlighted a previous trend from 2010 to 2015 of 'puzzle Glocks'. These firearms often consisted of Glock frames matched with Lone Wolf barrels and naked slides, the parts being sourced locally. In the case of the previously mentioned Skåne network, they had purchased enough Glock parts to cover the maintenance demands for all Glock pistols in service in the Swedish military, coast guard and customs for five years.[44] [45]

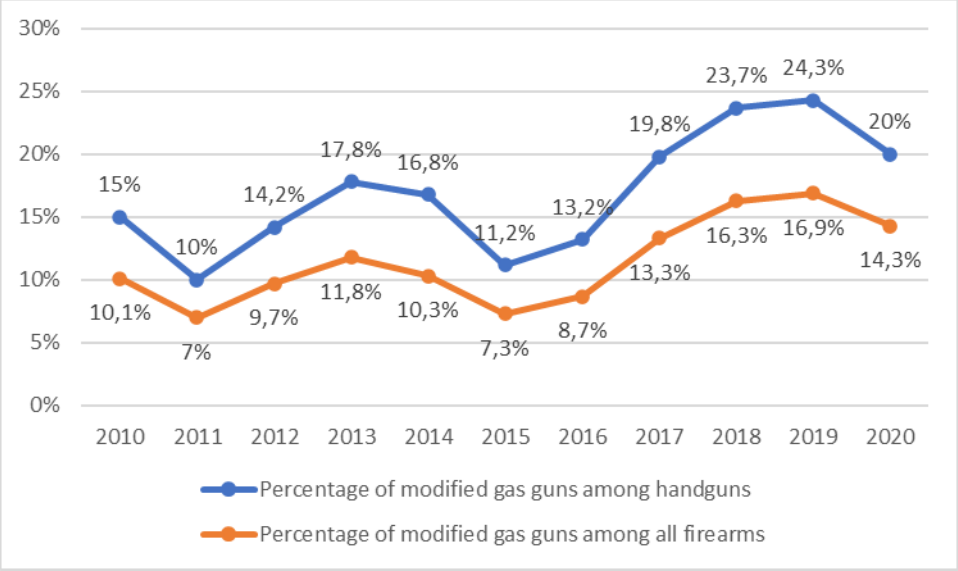
The mid-2010s saw the reactivation of deactivated firearms from Slovakia become popular in Sweden, a trend which reflected the picture seen across the rest of Europe. These firearms included Kalashnikov-type firearms and Scorpion machine pistols, which were used in shootings in Sweden. Swedish Customs found that these firearms were commonly received through the postal service, with at least half of the recipients being convicted criminals. Slovakian deactivated firearms have become less significant in Sweden following European action to tackle the problem.[46] The issue of flobert conversions[I] has been raised in Europe as a possible new stream for diversion. In Sweden, though, there are only a trickle of known flobert live-firing conversion cases, but their numbers are increasing slightly. In addition, there are known cases of Turkish blank-firers being converted into floberts before being fully converted.[47] These firearms make use of the same trafficking patterns, but they are nonetheless marginal compared to the overall firearm-trafficking picture.

[I] Floberts are low-calibre pistols that can be easily converted to fire live ammunition.

Converted gas or starter firearms have also become increasingly common in Sweden over the past two to three years according to Swedish Customs, although they have been an ongoing source of diversion for some time.[48] These firearms are frequently Turkish-origin blank-firers and have often been purchased in Eastern European countries where differences in firearm legislation are exploited; they can be purchased without registration and easily shipped to Sweden.

Recent Swedish Customs annual reports have highlighted the growing levels of converted gas and starter weapons in addition to reactivated weapons, which have become increasingly common in shootings.[49] In 2010, the National Forensics Centre examined 40 converted firearms which comprised 15% of all handguns and 10% of the total firearms examined. By 2018, 153 converted weapons were examined, accounting for 22.6% of handguns and 15.7% of all firearms examined.[50] There was a slight increase from 2018 to 2019, when the share of converted guns for both handguns and firearms peaked before dropping off in 2020 (as of data up to 23 October). Figure 3 shows the percentages of converted handguns among all handguns and all firearms.

Figure 3: Converted handguns as a percentage of seized handguns and all firearms



Source: Data provided by the National Forensics Laboratory

Interviews highlight that there has been a shift in the characteristics of converted weapons from smaller guns, such as the Ekol Tuna, towards larger models, such as the Ekol 99 Special or the Zoraki 917. These come as conversions that increasingly favour larger calibres, from 6.35 mm to 7.65 mm to 9 mm Browning or Makarov. There has been a clear increase in converted firearms firing 7.35 mm ammunition and a slower increase in converted firearms firing 9 mm variants. Moreover, certain converted firearm models may be sold to unknowing criminals as genuine Glocks due to their copycat appearance. Finally, it has been reported that an easy source of ammunition for

converted firearms comes from modified blank cartridges which have a ball bearing added to the cartridge. Registered arms dealers are able to sell blank-firing cartridges unregulated; they can be sold to anyone and are frequently sold over the internet.[1] [51] [52]

It could be argued that Swedish legislation has helped to incentivise the development of a domestic market for the conversion of firearms. Previously, such weapons would be converted before being trafficked into Sweden, as most converted firearms trafficked into other European countries still are; however, the conversion now occurs mainly after being smuggled into the country. This development may well have occurred because Swedish legislation provides for harsher penalties for those caught smuggling a live-firing weapon in comparison to an as yet unconverted firearm.

There are also no legislative measures in Sweden that cover how readily convertible a firearm is or the intention behind converting such a firearm. This is also against the backdrop, as highlighted in interviews, that the prevalence of converted firearms among criminals is well known and that there are no realistic possible explanations for the trafficking in, for example, gas guns, other than to convert them into live-firing weapons. Swedish law interprets gas guns as not live-firing and therefore not dangerous, despite the ease and high likelihood of their conversion if not seized and the lethal consequences that follow.

This is highlighted by the case of three young men who received comparatively short sentences after smuggling 31 unconverted firearms into Sweden from Hamburg. They were held in custody for three days before being released for a court date two years later, where they received sentences for minor felonies. Attempts from within the Swedish authorities have been made to change the legislation to equate convertible firearms with live-firing firearms. But these have failed to gain traction, allowing the problem to continue in perpetuity.[53] [54] [55] This is compounded by the fact that converting this particular type of firearm is relatively easy. It is apparent that a number of people in Sweden have gained the skills and knowledge to conduct this conversion, something that will undoubtedly persist and proliferate. Under these circumstances, it is likely that there are a number of illegal gunsmiths in Sweden who, unless apprehended, will provide a continuous supply of firearms both inside Sweden and potentially to markets beyond its borders.

Objectively, firearm-trafficking generally has also faced little deterrence in Sweden. Swedish Customs, who operate under the Smuggling Act and not the Firearms Act, have clearly been hampered by the leniency afforded to firearm-traffickers under the legislation they have to enforce. Because the penalties for blank-firers are so low, it has been difficult, against competing demands, to justify investigations and house searches, which are a way of dealing with the firearm supply and the distribution network. Penalties for live-firing weapons being trafficked are also considered to be comparatively low. Likewise, this has undermined Customs' operations aimed at

[1] Recent changes in Turkish legislation have revised the technical requirements for the manufacture of blank-firers to make them harder to convert.

exposing and prosecuting firearm-traffickers. Swedish Customs was not aware of the discrepancy between lower penalties for arms smuggling compared to illegal firearm possession; but after two years of attempting to remedy this, legislation eventually came into force in December 2020 that equates the smuggling of firearms to illegal possession and therefore introduces the possibility of two-year minimum sentences for firearm-smuggling. Two-year penalties trigger the possibility of using a larger investigative 'toolbox' such as wiretaps to conduct investigations.[56] But whereas the sentences for firearm-trafficking have been increased, they remain comparatively low, with most sentences expected to involve around two years' imprisonment. This sentence may be reduced further by youth discounts and early parole release.[I]

There is, to an extent, a debate over the current state of the supply of and demand for firearms in Sweden. A number of incidents in 2019 saw firearms reused in shootings instead of the usual practice of disposing of a used firearm. One police officer stated in a report that this may be because it takes too long to replace the firearm. This, in combination with the increase in converted firearms, it has been suggested, leads to the conclusion of a decrease in the supply of firearms.[57] According to the Swedish Customs' 2019 annual report, as police and customs seize more firearms, the demand for firearms increases to replace and replenish firearm supplies.[58] A 2017 report from the Swedish Police's National Intelligence Centre, however, has noted that firearm reuse has increased compared to previous years, the supply of illegal firearms remains good and criminals continue to use firearms to an increasing extent.[59] However, it has been suggested that the greater reuse of firearms is not the result of diminishing supply but because criminals do not fear being apprehended as the rate of success in prosecuting firearm offences is low.[60] Interviews with experts in Sweden have also reiterated the point that the supply of firearms remains strong and, moreover, weaknesses have been noted in the control of the domestic firearm market which could enable domestic diversion; yet the fact that this has not occurred suggests the continuing strength of trafficked firearms.[61]

Experts interviewed also highlighted the fact that the Covid-19 pandemic was viewed as a potential circuit breaker for firearm-trafficking, given its impact on international travel. However, the pandemic does not appear to have had any such impact on the supply of firearms or ammunition, although there has been an increase in the number of seizures of firearms by Swedish Customs – the first half of 2020 saw 79 firearms seized. This represents a substantial increase over the 20 firearms seized during the same period in 2019 and is greater than the overall level of seizures in 2019 at 58.[62] This was the result of previous operations unrelated to the pandemic. Instead, it is said that the trafficking in firearms (and firearm violence) has continued largely unabated.

I Sentences may also be lower due to the provision of youth discounts in sentencing. In Sweden, youth offenders are treated differently under criminal law. The youth discount applies at a greater rate for those between the ages of 15 and 17, but also applies to those aged 18–20, the discount decreasing the closer to 21 years of age the individual is. According the current procedure, those aged 15 will receive one-fifth of the penalty time, those aged 18 will receive half of the sentence, and a 20-year-old will receive three-quarters of the sentence. In addition, no one below the age of 21 can receive more than a 14-year sentence.

Moreover, according to Swedish law, any person who is sentenced to a minimum of 30 days' imprisonment must be released on parole after two-thirds of their sentence has been served, unless there are special reasons against releasing the person on parole.

3 Gun violence

3.1 Scope and nature of gun violence

Lethal and non-lethal firearm-related violence has increased drastically over recent years in Sweden. The country has one of the highest rates of shootings in Europe: Sweden's firearm-homicide rate is significantly higher in comparison to European averages. A comparison of firearm-related homicides from 2005–2010 to 2011–2016 shows that, at 52%, Sweden also had the second highest global increase in incidents. Sweden is also a clear outlier in comparison to its Scandinavian neighbours.[1] [63] [64] [65] While historically the country has seen consistently low and stable levels of shootings, this was reversed during the 2010s, when firearms-related violence became a significant national and political issue. It should be noted that Sweden's level of non-firearm-related homicides remains very low.

Table 3 provides an overview of the homicides in Sweden from 2011 to 2019, including those committed with firearms along with the gender of the victims. It can clearly be seen that Sweden has experienced a significant growth in the levels of firearm-related homicides. At the same time, the level of non-firearm homicides has remained mainly constant over the past decade, fluctuating between 50 and 70 per annum, with recent years showing a slight decrease. In contrast, firearm homicides have, in the main, consistently increased year-on-year from a low of 17 cases in 2011 and 2012. Cases have risen significantly to the current peak at 45 cases in 2019, a near tripling of the cases during this period. This divergence between non-firearm homicides and firearm homicides is marked clearly by the growing proportion of firearm homicides in recorded homicide data across all crime types, similarly reaching a peak of 41% in 2019,

[1] According to the Nordic Homicide Report (covering 2007–2016), Sweden's divergence from its neighbours is greater still when compared to developments since the 1990s. The firearm homicide rate has decreased in Norway by 67%, in Denmark by 46% and in Finland by 81%. On the other hand, Sweden has seen an increase of 43%. Furthermore, Norway, Denmark and Finland have all seen decreases in the proportion of homicides committed with firearms, whereas Sweden has seen an increase.

up from 21% in 2011. In addition, the proportion of firearm-related homicides from 1990 to 2011 was approximately 20%,[66] illustrating the recent divergence of firearm homicide over more historical trends.

Moreover, the table illustrates a clear pattern in the victims of firearm homicide, with the number of male victims having more than doubled from 16 to 40, males comprising the vast proportion of victims. The number of female victims has fluctuated around the low single figures, although 2019 registered a slightly higher than average number of female victims.

Table 3: Homicides in Sweden, 2011–2019, including those with firearms

	2011	2012	2013	2014	2015	2016	2017	2018	2019
Murder or manslaughter	81	68	87	87	112	106	113	108	111
With firearms	17	17	25	28	33	30	40	43	45
Female victims	1	3	4	3	2	2	1	1	5
Male victims	16	14	21	25	31	28	39	42	40
Without firearms	64	51	62	59	79	76	73	65	66
Percentage with firearm	21%	25%	29%	32%	29%	28%	35%	40%	41%

Source: Statistics Database of reported crimes – Brå

Despite the rising number of firearm homicides, Sweden has seen a decrease since the 1990s in the number of firearm homicides linked to intimate partner and child homicides, homicides by individuals with a psychosis, homicide suicides and alcohol-related suicides.[67]

Table 4 shows the number of attempted homicides in Sweden, including those carried out using a firearm. Similarly to cases of murder and manslaughter, the total number of attempted murder and manslaughter cases has increased during the 2010–2019 period. This increase can be attributed largely to the increase in firearm-related attempts. When firearm incidents are discounted from the overall total, the average attempts annually fluctuate around 600 cases per year. Similarly, the increase in attempted firearm homicides has largely been driven by attempts against males, with the number of male victims increasing by more than 100 in 2019 compared to 2010 and having steadily increased annually. Attempted homicides against females overall, and

with firearms, has largely remained stable, fluctuating around similar levels. The years 2017 and 2018 present slightly higher numbers before dropping to a low of 12 in 2019, notably contrasting with the peak of five firearm homicides recorded in the same year. In the same year, two women were killed with firearms in the same week – a very rare occurrence in Sweden. It has been speculated that these deaths were either collateral murders, the intended target being close to the victim. Another theory posits that a previous code of conduct – one of the few in existence – of not targeting women and children has collapsed as part of the greater ruthlessness of firearm-related violence.[68]

Table 4: Attempted homicides, 2010–2019, including with firearms

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Attempted murder or manslaughter	792	842	798	728	792	838	879	909	868	983
Against males	590	641	615	559	636	658	697	723	697	785
with a firearm	162	187	189	177	185	204	221	248	246	274
Against females	202	201	183	169	156	180	182	186	171	44
with a firearm	33	42	28	32	25	27	27	40	44	12
Total firearm attempts	195	229	217	209	210	231	248	288	290	286

Source: Statistics Database of reported crimes – Brå

It should also be noted that historically the most common *modus operandi* for homicides and attempted homicides in Sweden, though now about equal to firearms, has been the use of knives or sharp objects. Whereas knives have been more common, firearms have been much more lethal.[69] See Table 5 below for an overview of homicide *modus operandi* from 1990 to 2016. As mentioned above and highlighted in Table 3 for recent years, the longer-term trend has seen a shift from domestic homicides often using knives, to public settings which use firearms, as will be discussed.[70]

Interviews highlighted that there has been a slight increase among OCGs in knife violence and carrying knives for self-protection over recent years, possibly because of more stringent sanctions for illegal firearms possession. Some may carry a screwdriver instead of a knife as screwdrivers are not covered by legislation.[71]

Table 5: Homicide modus operandi, 1990–2016

	1990–1996 (n = 719)	1997–2003 (n = 659)	2004--2010 (n = 607)	2011–2016 (n = 469)
Stabbing	42%	39%	45%	45%
Blunt force trauma	23%	16%	14%	13%
Firearm	17%	22%	19%	30%
Asphyxiation	12%	11%	9%	8%
Other	6%	12%	13%	4%
Total	**100%**	**100%**	**100%**	**100%**

Source: Junuzovic, M. (2018) Firearm deaths in Sweden: Epidemiology with emphasis on accidental deaths and prevention (Doctoral dissertation, Umeå universitet), 14

An article in *SVT Nyheter* highlights the fact that the Trauma Centre at Karolinska Hospital has calculated that the cost of treating gunshot wounds in 2020 (up to publication date) was SEK10,106,306 or about €1,000,000 (38 patients). This translates into an average cost of SEK266,000 or €26,000 per person and an estimated SEK100 million plus over the previous ten years. In addition, the number of patients that have been treated for gunshot wounds in Stockholm County has increased nearly fourfold from 16 in 2009 to 61 in 2018 and more than threefold 54 in 2019.[1] [72]

In addition, hand grenades and explosives more broadly have become an increasingly popular instrument for perpetrating violence in Sweden, a trend that appears uniquely in Sweden when compared to European nations. According to Sturup et al's study on repeat hand-grenade attacks and shootings, there were 77 hand-grenade attacks overall in Sweden from 2011 to 2016, resulting in one fatality and nine injuries. It is noted that most hand grenades are used in attacks on property and not on people. Nonetheless, there is a casualty rate of 0.4 per hand-grenade detonation, equivalent to one of the worst periods in Mexican grenade violence.[73]

While a full exploration of the scope and nature of explosives is outside the parameters of this study, and indeed warrants a further study in itself, the development of the phenomenon of explosives in Sweden occurred concurrently with the increase in shootings. Sweden is unique in its experience of the use of explosives in public places for a country not at war or in a post-conflict setting. It is not clear what has caused the initiation and resulting increases in the use of explosives in Sweden, although the

[1] It costs approximately SEK250,000 to treat each patient. As at 21 September 2020, Karolinska Hospital had treated 38 patients for gunshot wounds.

increased and easy availability is one likely factor. The use of explosives has become something of a norm, with OCGs intimidating each other with further uses of explosives – bombs and explosives often being used in ways not intended to produce a fatal outcome but with the aim of intimidation. An explosive may also be used for the purposes of extortion, along with other criminal intentions, or may otherwise be used in retaliation for minor slights, relationship problems such as a problem with an ex-partner, or perceived insults. For example, a group given the name the 'Thermos League' because of their practice of building explosives in Thermos flasks would leave the explosives at the doors of people they were attempting to extort money from.[I] [74] In another instance, a nightclub was bombed because the perpetrator had previously been denied entry.[75] Swedish police have concluded that, in general, if an individual wants to kill, they will use a firearm, and if they want to threaten or intimidate, they will use an explosive, although there is a degree of overlap.[76]

3.2 Evolution of gun violence

The increase in firearm-related violence has been driven by local OCGs. Street gangs are reported to have flourished in Sweden since the late-1990s and 2000s. However, their threshold for and tendency towards violence, especially firearm-related and explosives-related violence, which are the favoured *modi operandi*, increased markedly only in the mid-2010s. Arguably, firearm-related and explosives-related violence is now *the* biggest threat to contemporary Swedish security.[77] Interviews indicate that the shift largely occurred around 2014/2015, with an increase in shootings and the use of explosives since then, such cases usually developing together.[78]

A 2015 Brå report of a study on lethal violence in Sweden between 1990 and 2014 highlights the fact that there was a general reduction in lethal violence in the 1990s and 2000s, whereas firearm-related lethal violence held stable at about 20 victims per year until the early 2010s. These numbers reveal that there was, nonetheless, what has been described as a clear structural change in firearm homicides during the period. Sweden has experienced a decrease in firearm-related violence that occurs outside of a criminal context, such as domestic violence, in violence that occurs outside of major metropolitan areas and in firearm violence with hunting weapons. The number of homicides that occur with a legal weapon decreased by almost half during the same period. This has been driven partly by the decrease in legal firearm ownership and the reduced rate of alcohol-related homicides and domestic homicides, in which contexts legal firearms are often used.[79] The rate of domestic homicide cases or male-perpetrated lethal firearm violence against a current or former partner has decreased drastically.[80] According to Brå, about 5% of all firearm homicides between 2014 and 2017 were related to domestic cases.[81] Moreover, legal weapons such as hunting rifles and shotguns are very rare within the criminal milieu – the weapons sought after and

[I] During a raid on the group, a cache of 30 firearms was also uncovered.

in demand by such criminals, and often used in lethal firearms violence, are not available legally in Sweden.[82]

Simultaneously, the country has experienced an increase in both absolute and relative terms of lethal firearm-related violence within the criminal milieu and in major cities, namely, Stockholm, Malmö and Gothenburg. Recent reports indicate that firearm violence has proliferated to an increasing extent outside the main cities. The study suggested that one reason behind the structural change was the variations in licit and illicit firearms. As mentioned previously, the Balkan conflicts and the collapse of the Soviet Union provided new paths for criminals to obtain illegal weapons while successive Swedish firearms regulation has become stricter, reducing the availability and accessibility of legal firearms.[83]

Throughout the 1990s and 2000s, men were most commonly the victims of homicide violence, comprising around 66% of victims during the period. As cases of violence and homicide within the OCGs have increased, including firearm-related violence, the proportion of male homicide victims has increased to three-quarters of all homicide victims and such homicides account for 94% of homicide perpetrators. In the criminal community, men account for 97% of homicide victims.[84]

Interestingly, despite the increase in firearms and firearm-related violence, which indicate an increase in the capacity and will for firearm violence, the incidents of armed robbery have remained stable throughout the 2010s. Table 5 below details the various forms of robbery. The number of robberies using a firearm have generally fluctuated around the mid-800s to the mid-1,000s, while years which saw a decrease in the total number of robberies also saw a decrease in robberies using firearms. From 2015 to 2019 there was, however, a marked drop-off in bank robberies committed with a firearm, with the incident rate dropping to around half compared to 2010–2014. The one area in which firearm robberies have increased is in incidents that occur outdoors, which have increased significantly between 2017 and 2019. This mirrors the growing trend of firearm-related violence occurring outdoors or in public areas in Sweden, as is discussed next. Many of these outside robberies occur between young criminals, who are often targeting each other as part of inward-facing crime. In such cases, there have been instances of individuals being forced to transfer money at gunpoint through the Swedish Swish money transfer app.[85]

Table 6: Robberies and armed robberies, 2010–2019

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total robbery cases	9,219	9,719	9,213	8,361	8,364	8,461	8,562	8,649	8,646	9,035
Using firearms	1,068	1,019	865	862	867	996	983	1,095	980	931
Bank robbery with a firearm	18	33	16	16	18	8	8	5	6	9
Robbery outdoors with a firearm	339	389	324	282	324	344	331	418	479	517

Source: Statistics Database of reported crimes – Brå

3.3 Characteristics of contemporary firearm related violence

Despite the changes in firearms-related violence in the 1990s and 2000s, the characteristics and nature of contemporary firearm violence from the mid-2010s onwards are qualitatively different, whereas Tables 3 and 4 have shown the quantitative divergence. The wave of criminal violence and firearm-related violence in particular since the mid-2010s is callous in character, with not only greater levels of violence, but also what appears to be a greater appetite and desire for violence, with scant regard for the lives and safety of others. The violence is dominated by street gangs who are often loosely organised and connected with a local geographical area, with no rules of the road and often rapidly changing loyalties or sides in conflicts. Conflicts themselves often occur over control of the local drug trade; however, shootings can occur and new conflicts can begin over often trivial incidents, such as perceived slights or a look in the wrong direction. The participants are increasingly young men, teenagers and children. This section provides an overview of the characteristics and dynamics before providing some illustrative cases.

3.3.1 Spatio temporal characteristics

The spatial characteristics of firearm-related violence are, first, that it is largely concentrated in the three main cities of Stockholm, Malmö and Gothenburg. During the period 2011–2016, 68% of firearm homicides in Sweden occurred in these three metropolitan areas. Firearm homicides over this period accounted for more than 50% of all homicides in Malmö and Gothenburg and 40% in Stockholm.[86] Between the three cities, 2019 saw a combined total of 32 firearm homicides or 71% of the total of 45 firearm homicides in the country. Stockholm experienced an increase of seven cases of lethal firearm violence whereas the south (Malmö) and west (Gothenburg) saw a decrease of six and two respectively, when compared to 2018.[87] The highest combined total between the three cities was in 2017, when they comprised 85% of all firearm homicides. However, as

noted, in recent years a slight increase in the number of firearm homicides occurring outside of the main metropolitan areas hase been recorded.[88] Violence has permeated urban areas such as Helsingborg, Uppsala, Linköping and Västerås, including more affluent areas.[89] It should be noted that the firearm violence in Malmö has been decreasing following police efforts to tackle violence and street gangs, as is covered in a section below.

In comparative annual data from January to the end of September 2020– the latest comparable data available – Stockholm County matched its worst yearly rate for shooting deaths and injuries, as shown in Table 5. There were 93 shootings up to September in 2020, six higher than the previous comparative peak of 87 in 2017, while there were two additional killings and ten more injured. Police declared a special event, 'Portia', in the summer of 2020 to break the cycle of violence with conflicts escalating: resources were channelled into the district of Rinkeby, long associated with firearm-related violence, as discussed in Box 2 below. The conflict, which began in July 2020, was between the extremely well-armed Husby's Hyenas (HH), a group who have built a strong network and have a high capacity for violence, and Rinkeby's Filterless Guys (FLG), a new group who have also been called Shottaz Younger, a splinter group from the now largely defunct Shottaz (see Boxes 3 and 4). FLG has grown rapidly in strength from drug-trafficking, while police intelligence indicates that they have given children money and weapons to conduct violent crimes and to gather information on rivals. At the time of the publication of the article, the conflict had resulted in four young men being shot dead in two months, including an FLG leader being shot dead in August in a park full of mothers and prams.[90] [91] [I] [92]

Table 7: Annual shootings in Stockholm county to the end of September 2020

Time period	Shootings	Killed	Injured
Start of 2020 to the end of September	93	15	38
Start of 2019 to the end of September	63	14	32
Start of 2018 to the end of September	69	7	30
Start of 2017 to the end of September	87	12	28
Start of 2016 to the end of September	62	5	21

Source: SVT (5 October 2020) 'Skjutningar i Stockholms län 2020'

I In 2018, some 50 gangs were operating in Stockholm with around 1,500 members. It has been reported that new gangs, sometimes formed along ethnic lines, such as the Nigerian Ax group, have established themselves and challenged other groups. Meanwhile, the recruitment or socialisation of individuals into the groups through family and other social networks, such as at places of worship, makes it difficult for the police to gather intelligence.

In the cities and in general, firearm violence is heavily linked to areas that the Swedish Police describe as 'vulnerable areas', typified by high levels of unemployment, social benefits, lower school results and the presence of OGCs. They have a high degree of socio-economic vulnerability compared to other parts of Sweden. These areas are also more likely to be associated with a high proportion of people with immigrant backgrounds as residents.[93] Many have pointed out that this represents a failure of integration practices. A Swedish Deputy National Police Chief stated that such areas lack integration, leading to associated problems in housing, labour markets, schools and the broad social situation.[94] Sturup et al 2017 note that it is not clear which specific characteristics make vulnerable areas more prone to firearm violence, but they add that they often have similar physical characteristics. This means they were mostly built in the 1960s and 1970s and, apart from small centres, are almost exclusively residential, while they were not designed internally for vehicle use, which hinders police work.[95] According to the previously mentioned 2015 Brå figures, shootings were five times more likely to happen in these vulnerable areas. More recent reports indicate that shootings in vulnerable areas are now eight times more likely to occur when compared to the rest of the country.[96] Between 2010 and 2015, the area of Järva (Rinkeby/Tensta/Husby) in Stockholm experienced 15% of all shootings in Stockholm despite comprising only 2% of the population.[97] Swedish police have identified 60 vulnerable areas around the country where unemployment is high, incomes are low and local OCGs and their drug trade have been entrenched.[98]

Local gangs can have a significant influence or impact on their local communities. In August 2020, in residential areas of Gothenburg, OCGs urged citizens not to leave their houses and to stay indoors. At this time, masked and armed men with protective gear and communications equipment from the Ali Khan criminal network set up temporary roadblocks and controlled entrances to the area they were operating in. This followed a shooting at a petrol station which ignited a conflict between two rival dominant gangs, the Ali Khan network and the Backa network, with other criminal networks linked to the main participants. Although Gothenburg had been largely calm before the shooting, the conflict affected much of the city. The shooting by two men at a group of other men near a petrol station was followed by a revenge killing and a subsequent shooting in retaliation to that. While the gang roadblocks retreated in the face of the police presence, their will and capacity to act showed a significant degree of power.[99] [100]

As mentioned previously, shootings in Sweden are notable for being perpetrated in public areas. Firearm homicides often take place in public settings such as streets, parks and squares. A study from 2006–2017 shows that 46% of homicides that take place in public places involve the use of a firearm, whereas only 15% of homicides in a private home involve the use of a firearm.[101] A police analysis of shootings in Stockholm from 2013 to 2018 highlights the fact that during 2015–2017 more than 70% of shootings occurred in a public place; moreover, this proportion of public shootings has remained largely consistent as shootings have increased. The same report emphasises that both lethal and non-lethal firearm violence are said to occur commonly in environments that the victim is familiar with or visits often, or when the victim is in the location to meet the perpetrators. Moreover, shootings generally occur at close

proximity, usually at around a couple of metres, with the perpetrators aiming for the head, because it is common for individuals to wear protective vests.[102] Firearm violence can, therefore, be said to be mostly premeditated, with perpetrators planning hits, although incidents do occur following arguments or disagreements. It is rarer for shooting scenarios to consist of an exchange of fire or other violence between the perpetrator and the victim. [103]

According to the Stockholm police report, shootings generally occur when it is dark – regardless of the time of year. This has also been confirmed by individuals who have been active participants in crime, as the dark helps to aid their activities. Furthermore, its noted that milder winters provide an increased risk factor for shootings as they provide the combination of increased hours of darkness while discounting the impact of cold weather on shootings – which is often a dampener, especially in the case of shootings occurring outdoors. It should be noted, however, that the report highlighted the fact that the statistical correlation behind the data is slightly weak.[104] Nonetheless, a Brå study from 2005–2017 on homicide in the criminal milieu supports these findings, noting a shift to increasing night/dark shootings over the time period. In addition, interviews highlighted the trend that shootings occur mainly between 21:00 and 03:00, although there is a regional disparity. It is also common for shootings to occur between 18:00 and 21:00, notably when there is an increased risk to third parties who are more likely to be present at this time.[105]

Shootings also commonly target property and residential housing; they are often linked to cases of criminal coercion, such as blackmail or intimidation. According to the Stockholm 2013–2018 police report, these incidents occur in 15–20% of cases.[106]

The extent to which Swedish gun violence is conducted in public areas, often with a callous disregard for any innocent third parties, increases the risk and danger to the general public from stray bullets or projectiles. This occurs especially when automatic weapons are used and a significant quantity of ammunition is fired. An article from 2018 highlights the fact that, since 2010, ten innocent third parties have been killed by stray bullets or explosives.[107] There have been more cases since its publication. This was sadly the case in August 2020, when a 12-year-old girl, who had left her house to walk her dog, was shot dead during a drive-by shooting at a petrol station in South Stockholm. The gunman had reportedly been aiming at two rival gang members nearby.[108]

3.3.2 Criminal characteristics

Firearm violence is commonly associated with control over local drug-dealing activities and trading by local groups habitually engaged in the narcotics trade, running small operations in their local area.[109] [110] An article indicates that 2019 saw a 60% increase in bomb blasts, a *modus operandi* that dovetails with firearm violence and is driven by a surge in drug-linked gang conflict.[111] Firearm-related violence is closely connected to the drug trade as drugs account for a large proportion of OCGs' income.[112]

As mentioned above, it is also common for conflicts within the criminal milieu to be sparked by trivial incidents unrelated to criminal motives but driven by what are often taken as personal slights and affronts. Street gangs comprise individuals who may often instigate individually driven conflict over perceived injustices or offences. The status and prestige of OCGs and individuals mandate retaliation aimed at maintaining them, which inevitably draws more people into a conflict.[I] According to police officers, many criminal individuals have a low tolerance of perceived slights, are easily offended[113] and are inclined to resort to violence.

The pursuit of status within the criminal milieu and within the broader local area is one driving factor behind the increased levels of firearm violence, where such violence is the currency. This is because individuals see gun violence as a self-investment in their future, providing them with a reputation and respect.[114] Moreover, emergent OCGs seeking status, prestige and fear-based power are more likely to be inclined to establish themselves through acts of violence.[115]

Local OCGs are considered to account for a large amount of the criminal violence and shootings that occur in Sweden, especially in the case of violence in public areas. Across the criminal milieu, but particularly for these loosely organised local groups, there is a low threshold for violence and a high-level of readiness for it, with criminals increasingly making use of firearms.[116] According to a 2014 report by the police intelligence section, these local criminal groups are often formed through economic or social motives,[II] they often lack a clear or permanent structure and they may have fluid loyalties depending on the action being taken. The *Aftonbladet* article on Stockholm's gang members highlights the mobility in gang memberships, with some individuals being linked to two different gangs.[117] These groups are temporally and structurally fluid in nature, although increasingly territorially bound, while recruitment into them is rapid and flexible. Owing to the nature of these groups, there is increased room for the arbitrary and impulsive use of violence. Police officers have described a new unhesitant attitude towards the use of violence. The police have suggested this may be one reason why local violent conflicts occur so frequently among local-level criminal networks.[118] [119] [120]

A recent *Aftonbladet* report highlights the case of a 28-year-old gang member who had been engaged in a gang conflict with a rival South Stockholm gang for five years. In 2014 the individual was the intended target of a shooting; although he survived, the driver of the car was killed while another person was injured. The police suspect the conflict has been the cause of several murders and attempted murders. These include a murder at Vårby Gård's school in 2017, a double attempted murder in Rågsved in 2019 and the killing of a 22-year-old student teacher who resembled the intended target, the 28-year-old man.

I This is also the case with family-based OCGs, where a family forms at least the nucleus of the organisation. The reputation of the group, especially when connected to a family name, also requires groups to resort to violence in order to uphold its reputation.

II Groups may be formed around common social experiences, such as common environments, family and friends (Grip & Anthony 2017: 130).

Box 2: The rise of the Husby Hyenas

While new OCGs are formed occasionally in Stockholm, often made up of teenagers, most tend not to have much impact or influence on the drug scene. The Husby Hyenas, however, have managed to emerge as a powerful actor in Stockholm's criminal milieu, with a reported high capacity for violence.

The group developed from 2017, originally functioning as support for more powerful criminals, running drugs, weapons and committing theft and shoplifting, largely comprising young teenagers. From the beginning they had clear intentions to stamp their mark on the criminal scene and build a career in crime, surviving a police attempt to disrupt the group and their activities in 2017.

According to an *Aftonbladet* report, the group became influential by being sympathetic to 'those deprived of their liberty linked to various networks'. They also made it clear that they had significant firearms and proceeds from crime, which they openly displayed. The group is said to consist of between 15 and 20 teenagers and men, aged between 17 and 30. It is likely, though, that the group may be larger, because the affiliation of some of the additional members is unknown and they are not yet established members. Two of their members are well-known rappers, one of whom is one of Sweden's most well-known popular artists, who is suspected of serious weapon crimes.

The group has two leaders, aged 20 and 21, both of whom have long criminal records. The 21-year-old was the group front leader in 2017 and has continued to hold this position. The 20-year-old has been involved win drugs from an early age and has since 2015 been suspected of 34 crimes and convicted of nine.

The group is largely funded by drug sales, mostly marijuana and hashish. They have sought to expand their control over the drug market and, as a result, their goals have led them into conflict with other gangs. Throughout the summer of 2020 they clashed with Shottaz Younger, as described above. A reported theory suggests that the Husby Hyenas were behind every Shottaz murder in the summer of 2020 and a major reason for the wave of murders during the summer, although preliminary investigations have not been able to lead to any Husby Hyenas members being prosecuted.[121]

The boundaries of various types of OCG in Sweden are loose, with a high degree of crossover and interplay due to the fluid state of Sweden's criminal networks. Nonetheless, it is worth exploring another form of criminal group with a similar tendency towards violence.

Family- or clan-based OCGs have received considerable attention in Sweden of late. According to a newspaper interview with a Deputy National Police Chief, family-based networks operate around the goal of organising and systematising crime for power and wealth, while these groups have a high proclivity for violence, including firearm

violence. They may operationally resemble the same loose structures as street gangs; however, they have the differentiating factor of being organised around a family nucleus. About 40 family-based OCGs are reported to exist in Sweden. Areas with a strong presence of family gangs include Stockholm, Södertälje, Malmö, Landskrona, Jönköping and Gothenburg.[122]

Outlaw motorcycle gangs (OMGs) also enjoy a degree of the same fluidity and boundary-crossing as the other groups, although internally they are more structured and perhaps slightly more rare, especially given their international status and networks. OMGs, which were once a priority focus, especially during the biker wars, have dropped in priority since the level of shooting and violence across Sweden driven by the previously mentioned groups has increased. While OMG levels of violence are generally below those of other criminal groups, they are known to have been involved in violence, including the use of firearms and explosives. Moreover, in 2019, a Swedish National Police Officer when testifying about a hideout containing an extensive weapons and explosives arsenal, stated that Bandidos MC was increasing in power in Stockholm. In line with this, the group is said to have expanded its membership and has a large capacity for violence. OMGs have a presence in the main three cities as well as in Norrköping and Linköping.[123]

It is also the case that these criminal groups and the individuals within them, keen to cement their reputation and gain status and power, often seek and obtain firearms for the purposes of acquiring o maintaining their status and prestige. These factors have become a central part and symbol of criminal life. Therefore firearms are not seen as being solely for the purpose of self-defence or the perpetration of violence, although is it often seen as a requirement to have a firearm. As noted in the previous section, particular weapons – especially rarer weapons such as Glocks, Lugers and Smith and Wesson handguns – carry significant symbolic value and have become cult symbols. [124] Nonetheless, once a firearm is obtained by such groups or individuals, in combination with the nature of local street gangs and the tendency towards violence, it does not take much for the weapon to become a tool of homicide.

Victims and perpetrators of violence involving firearms in Stockholm and Sweden generally often have criminal records with multiple entries of charges and/or suspicions. The perpetrators are also likely to have been previously suspected or convicted of weapon-related offences involving either firearms or knives.[125] [126] A recent report by *Aftonbladet* in association with a secret survey by the police highlights the fact that there are about 676 individuals[I] connected to 30 gangs in Stockholm. Of these, nine out of ten have a criminal record, with many serious crimes to their name.[127] Criminal conflicts can result in multiple incidents of shootings and retaliation. Network analysis conducted by Brå shows that towards the end of their 2005–2017 study, it was more likely for suspects to be linked together through different cases, reappearing as either a perpetrator or a victim. Ultimately, a cluster of 30 cases was identified through

I Thirty-six minors are members of Stockholm's gangs, the youngest of whom is 13.

the reappearance of the suspects and persons involved.[128] Overall, the duration of a criminal conflict depends on the outcome of violence: some conflicts may start and finish quickly, while some notoriously vicious conflicts have lasted for years.

3.3.3 Demographic characteristics

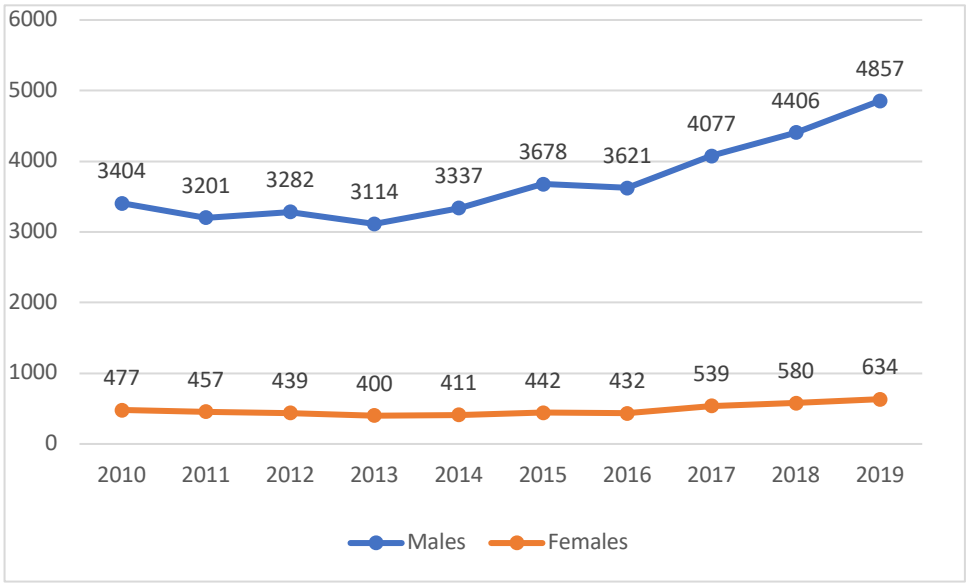
As previously mentioned, many of those suspected of firearm violence are reported to have an immigrant background, though some have been born and brought up in Sweden. Henrik Tham, a professor at the University of Stockholm, writes that there is a significant degree of segregation in Sweden, with those from immigrant backgrounds becoming trapped in poverty, while those who become involved in crime become socialised into it as their futures look bleak otherwise.[129] *The Economist* highlights the fact that most (75%) gang members are first- or second-generation immigrants, although most have not immigrated recently. From the 1990s, Sweden accepted refugees and asylum-seekers from Iraq, Somalia and the former Yugoslavia. Although efforts were made to provide housing and language courses for them, many failed to enter the labour market successfully, many of those becoming stuck due to their lack of social mobility.[I] OCGs offer a means to income and status which are otherwise frustrated or denied.[130]

As has already been discussed, men are both the main perpetrators and victims of firearm crime. During the past two decades, an increasing degree of both lethal and non-lethal firearm violence among men has occurred.[131] Given that men are the predominant participants within the criminal milieu which has been the main battleground for gun violence, this is not surprising. Sturup et al's 2011–2015 study of firearms in Sweden showed that during that period there was a 2% annual increase in males shot to death and a 4% annual increase in males hospitalised as a result of a firearm injury.[132] The Stockholm study on firearm violence from January 2013 to April 2018 draws attention to the fact that more than 66% of men shot and injured during this period were known to be involved in local street crime or organised crime.[133] Overall in Sweden, from 2011 to 2019, the proportion of male victims of lethal firearm violence has fluctuated between 82% and 98%.[134]

Figure 4 shows the gender distribution of suspected gun criminals and shows clearly that the increase in gun crime – and with it firearm-related violence – has been driven by males. The increase began during the mid-2010s before rising precipitously during the past few years. Notably, while the number of females suspected of gun crime is largely minor in comparison, the trend over recent years also shows an increase in female gun-crime suspects. Whereas perpetrators of firearm violence and victims are predominantly male, they are also characteristically young.

I At the time of publication, 16% of people in Sweden who had been born abroad were unemployed, one of the highest rates in the OECD countries.

Figure 4: Gender distribution of gun crime suspects, 2010–2019



Source: Brå

The young ages of those participants and perpetrators may be a factor contributing to the higher levels of shootings and violence being experienced in Sweden. One article highlights the criminological research which indicates that tendencies towards violence and ruthlessness are strongest at a young age; there is also a higher tolerance of risk and more impulsive behaviour in youths. The most violent ages in criminal circles are 16–24, which an analyst and criminologist in the police suggested may lead to greater chances of collateral killings, such as those of innocent citizens or of the friends and families of intended targets.[135] Police describe young people as the greatest at-risk group for joining OCGs. According to Brå, violence is increasingly exclusive to males in the 18–24 age bracket. There has been a shift towards younger perpetrators and victims. For example, in September 2020, a 16-year-old shot and killed another boy of the same age at a small centre in a residential area in Eskilstuna where there were reported to be many people around. The suspect was known to social services and is believed to have been acting as a 'runner' for older gang members.[136] Historically, perpetrators were more likely to be older and either working or unemployed and receiving state benefits. Instead, contemporary perpetrators and victims are more likely to be living at home with their parents while unemployed or still studying.[137] Victims of homicide within the criminal milieu are different from victims of homicide outside of the criminal environment as they are generally younger.

Sturup et al found in their research of the period 1996–2015 that males over the age of 15 faced a significantly increased risk of both lethal and non-lethal firearm victimisation. The male age group of 15–29 faces an increase in their risk of being the victim of a lethal shooting from 0.3 to 1.5 per 100,000 and from 0.8 to 3.7 per 100,000 of being a non-lethal victim. The study also found similar drastic trends among perpetrators: the same male age group experienced an increase of 1.0 to 7.0 per 100,000 in lethal gun perpetration and from 3.0 to 12.0 as a non-lethal firearm perpetrator.

Sweden can claim the unfortunate statistic of having the highest rate of gun violence between 15- and 29-year-olds in Europe, about 30+ on average. The study finds that increasing gun violence in Sweden is being driven by young males, generally those from 'vulnerable areas', while these areas are also commonly over-represented in forms of extremism and social unrest.[I] [138] [139]

Sweden's problem of young males being involved in firearm-related violence and criminality is seen in the recruitment efforts of criminal groups. Individuals are generally socialised into groups instead of being explicitly recruited.[140] Large numbers of young men are eager for the opportunity to join a criminal group and prove themselves. In a 2020 article, Mats Löfving, head of the National Operations Department, stated there were some 5,000 young men in Sweden identified as being part of OCGs. These individuals, often from vulnerable areas, are generally those who have dropped out of school or who otherwise have not achieved the required grades necessary to continue with their studies. Many young males fall into this group and see crime as their only prospect. Gangs may recruit boys as young as 12 to be couriers for drugs and firearms, especially as younger people receive discounted penalties if caught. Yet these boys and young men also seek the opportunity show themselves as useful, to gain status and become part of the group's core. They are often willing and prepared to shoot and murder to lay claim to a more prominent position in the group, even accepting the risk that they might receive time in jail as a worthy investment because the group will welcome them back once they are released.[141] [142]

It should be noted that it is also known for individuals to be coerced into membership of and involvement in local OCGs. Many groups engage in extortion and seek to enforce the payment of debts, although these debts are also often fabricated as a way of forcing the individual to become involved to 'pay off' these imagined debts.[143]

Swedish police are concerned that, because firearm-related perpetrators of violence and suspects are characteristically young, with a large proportion being of school age, violence and shooting may proliferate into school shootings. While fortunately this has not been the case in Sweden (with no cases of school shootings having occurred yet), the Swedish authorities have nevertheless prevented some incidents occurring.[144]

An offender characteristics study of 23 perpetrators convicted of murder and/or manslaughter by Khoshnood and Väfors in 2017 highlighted the common characteristics of perpetrators who were young, mainly had a primary education, did not work,[II] had been previously convicted of violent offences and had used a firearm in their criminal cases, which were often gang-related.[145]

[I] Half of those who have travelled from Sweden to join overseas extremist groups have come from vulnerable areas.

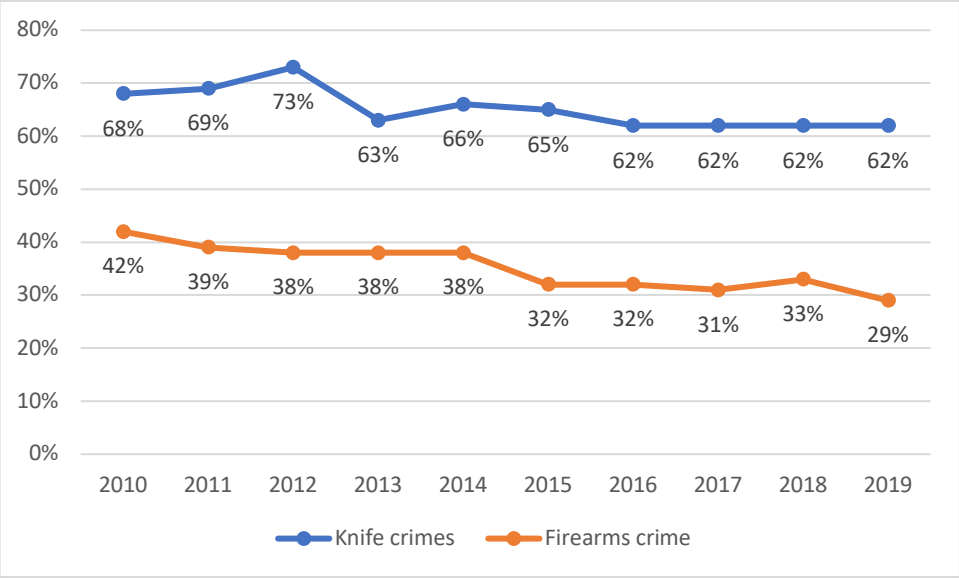
[II] They were either a student, unemployed and/or supported by social welfare.

3.3.4 Falling firearms clearance rate

One phenomenon associated with the firearm violence in Sweden, which has further deteriorated with the increase in shootings, has been the corresponding decrease in the clearance rate of firearm-related crimes: there has been a decline since the 1990s. Understandably, police have often struggled to obtain information from migrant neighbourhoods.[146] Moreover, a culture of witness intimidation, either directly or indirectly, surrounds firearm cases and often prevents the police from being able to pursue these cases. According to the police, there have been several incidents in which witnesses have seen attempted shootings against individuals without calling the police to report them. On the other hand, victims of shootings or attempted shootings, often criminals themselves, do not want to engage with police.[147] As a result, Sweden's firearm homicide clearance rate has declined drastically: the late 1990s saw a firearm-homicide clearance rate of 95%, but this decreased to about 50% by the early 2010s.[148]

The decrease in firearm homicide clearances has also been complicated by the environments lethal shootings often occur in, namely, outdoors and without physical contact between the perpetrator and victim, making the collection of evidence difficult.[149] Figure 4 shows the annual clearance rate of firearms and knife crimes. The level of clearances for firearm-related crime had fallen from the already low level of 42% in 2010 to 29% in 2019. Sweden's homicide clearance rate has also fallen due to the difficulties related to firearms. In 2016, not a single firearm homicide case was solved in Stockholm.[150]

Figure 5: Solved violations of the Knife Act and the Weapons Act, 2010–2019



Source: Brå

Lina Grip and Ian Anthony, of the Stockholm International Peace Research Institute, suggest that there has been a polarisation of violence in Sweden. The general trend in Sweden has been a decrease in the number of people who have been a victim of crime

and also a decrease in the number of people aged 15–20 suspected of crimes, as was also previously mentioned in the decrease of various other forms of gun violence. In contrast, in the metropolitan areas young men have experienced the opposite, with violence and gun violence becoming increasingly geographically and socio-economically, and partly ethnically and gender, exclusive.[151]

Box 3: The evolution of a gang conflict: Shottaz and Death

The conflict between Shottaz and Death Patrol, one of the deadliest gang conflicts in Sweden, originated in Rinkeby in 2014 with a group of armed youths committing petty crimes and slashing the tyres of police vehicles. In 2015, the group committed an armed robbery, stealing SEK2 million (around €200,000). However, the action created anger among the friends of one of the participants, a 19-year-old, called Izzy, after they were not invited to participate. Feeling betrayed and having missed out on the financial rewards, they tricked Izzy into attending a fake forest party where he was shot and later died in hospital. The following day retaliation occurred when a 16-year-old, already with a strong criminal reputation, was shot dead in a petrol station in Bromma.

The two murders split the group, although attempts were made at reconciliation. Izzy sympathisers formed the Shottaz group while the opposing members, named the 'Gang of Four' by police and Death Patrol by the media, went their own way. After that, the two rival groups engaged in a long and brutal conflict, with at least ten known murders being committed. In 2016, two brothers were killed in a café, one of whom had ties to Shottaz. Following the café murders, two incidents saw Death Patrol members shot. In the first case the perpetrator fired a full Kalashnikov magazine into a car, hitting the victim multiple times, although he survived. In the second incident, a man was shot ten times and later died of his injuries. In December 2017, a 20-year-old man linked to Death Patrol was shot dead in a parking garage, having receiving shots from various weapons. In 2018, a 17-year-old was jailed for executing a Shottaz member who was believed to have been involved in the garage murder. Police believe the perpetrator was previously involved with drugs for Death Patrol but wanted to show his loyalty to the group by attacking Shottaz. In 2019, Death Patrol conducted a callous double murder in Copenhagen against a Shottaz member and one other, with a third surviving, after setting up an ambush. The unsuspecting victims were waiting in a car for a false meeting Death Patrol had set up when the Death Patrol members, of which the youngest assailant was 17, ran up to the car with Kalashnikov weapons, shooting and murdering the occupants. The 22-year-old leader of Death Patrol was filmed reloading his rifle before firing another 14 shots into one of the victims lying on the floor after having already been shot.

Backgrounds: SVD identified 20 individuals from both sides of the conflict, although, as noted, sides can change quickly and trivial offences can see friends murdering friends. At the time of SVD's publication, the individuals had collectively been convicted of 330 crimes, which include drug crimes, serious firearm offences, robberies, beatings, aggravated rape and murders. Similarly, at the time of publication, the men were between the ages of 17 and 24, with 16 out of 20 having been born in Sweden. In addition,

most of the 20 individuals have received assistance from Swedish social services, with resources being exhausted and few to none of the individuals going under the radar.

Death Patrol was led by four males born between 1996 and 1997. They ran and controlled their local drug trade and used violence against rivals. The groups had numbers of young persons waiting for an opportunity to become involved, many of them used for low-level crime such as drug-couriering but with a desire to become violently active. As a result, the conflict was continued by younger members while elder members were behind bars. Since the double murder in Copenhagen, all four Death Patrol leaders have now either been sentenced or detained, with the three other members having been detained for various drug offences.

The Shottaz group no longer exists, their leadership having left Sweden following long prison sentences for serious crimes. A splinter group of younger members variously known as Shottaz Younger are now active and in conflict with a number of other OCGs.[152] [153] [154]

3.3.5 Factors contributing to the increase in violence

Sweden has seen a qualitative and quantitative shift in firearm-related violence since the mid-2010s. What is less clear, however, is what the causes are that underlie the increasing resort to gun violence. A few hypotheses have been advanced in an attempt to understand the new firearm phenomenon. Some of the variables that are likely to have influenced the use of firearms include:

- an increase in the availability and access of firearms to local criminal actors, including automatic weapons;
- the looser composition of local OCGs and their greater inclination to violence;
- the development of the use of violence and the capacity to use violence as a marker of status and reputation; and finally
- the escalatory dynamics of gang warfare driving further shootings.

One theory for the increase in firearm-related violence has been the increased supply and easy availability of firearms, although, as many have noted, this does not in itself account for the sudden increase in gun violence.[155] There has, for example, been an increased level of illegal firearms in Sweden, most notably in the availability of and access to automatic firearms. Automatic firearms were not freely available or commonly used before 2012; however, in more recent years automatic firearms were used in almost 25% of cases.[156] Perhaps more importantly, interviews suggest that the ready availability of firearms online – that is, Turkish-origin blank-firing pistols – may be significant because it has reduced the need for criminal connections to acquire a firearm. Whereas previously to access a trafficked firearm, language, familial, cultural or other connections were necessary, the playing field has now been levelled.[157]

It has also been suggested that there is now a greater concentration of criminals and violent gangs in smaller areas. The close proximity of numerous OCGs creates tension over competing claims of territory for criminal enterprises such as drug-dealing.[158] As a result, the use of violence to compel a territorial claim offers a solution, especially when the nature of contemporary criminal groups without clear avenues for conflict resolution, or the desire for it, is concerned. This explanation may indicate why, during the earlier years of increased gun violence, Malmö, which is considerably smaller than Gothenburg and Stockholm, experienced disproportionate levels of gun violence.[159] This dynamic is similarly seen in Stockholm's Järva area, which includes Rinkeby, Tensta and Husby; these contain a considerable number of violent and particularly violent groups. As mentioned earlier, shootings here are highly disproportionate when compared to the areas' population.

It has also been suggested, and has previously been commented on with regard to firearm-trafficking, that the low penalties and low levels of perpetrators being sentenced for firearm crimes meant there was no effective deterrent.[160] It was not until 2018 that legislation was introduced that increased the penalties for firearm possession and added clauses for serious and extremely serious offences with increased minimum and maximum sentences.[I] Moreover, interviews have highlighted that Swedish police authorities have lacked the knowledge pertaining to prosecutorial requirements to secure more substantial convictions, such as aggravating circumstances that can increase a case to a serious charge, while delays in obtaining firearm analysis also meant that some cases go to court without even being able to prove that a firearm is live-firing. Whereas extremely serious crimes have largely been underused as the courts have not wanted to set a benchmark for the number of firearms needed to satisfy the condition, attempts are now being made at remedying this.[161] From 2009 to 2014, for example, only a quarter of firearms cases went to court.[162] It has been found, for example, when prosecuting for attempted murder cases using a firearm, an illegal firearm charge is often not included in the prosecution despite the investigation having concluded that it is an illegal firearm. Therefore, if the attempted murder conviction fails, there is no conviction at all. In addition, there are not enough resources or there is insufficient knowledge to push back against firearm-trafficking and so the supply of trafficked firearms remains largely untouched.[163] Without any significant consequences for participation in firearm violence, OCGs have probably felt emboldened to continue and then increase their use of firearm violence.

Similarly, the concurrent development of shootings and the use of explosives may suggest that a spiral of conflict was created with greater levels of violence leading to a further deterioration of the threshold for violence and a greater acceptance and normalisation of firearm and explosive violence. Sturup et al's 2017 study on near-repeat shootings in Sweden during the period 2011–2015 showed that across the three cities of Stockholm, Malmö and Gothenburg incidents of secondary or retaliatory

[I] Penalties were increased to a minimum of one year and a maximum of three years for illegal possession, a minimum of two years and a maximum of four years for serious illegal possession, and a minimum of four and a maximum of six for extremely serious illegal possession. Forthcoming changes are likely to extend the penalties again.

shootings are likely to follow an initial shooting incident. There were reported differences in the strength of the near-repeat incidents: for example, Stockholm and Malmö registered a fourfold increase in the likelihood of a repeat shooting at 100 m proximity to the first shooting within two weeks, while Gothenburg was over-represented in incidents of near-repeat shootings at 100–200 m within the first two weeks. Ultimately, near-repeat analysis showed that there was a strong likelihood of a follow-up shooting in each of the cities, although it was less likely in Gothenburg.[164] The study indicates that there are escalatory dynamics to some extent at play in firearm violence in Sweden, with incidents of shootings being responded to by further shootings in retaliation.

3.4 The firearms used in gun violence

3.4.1 Types of firearm

As mentioned above, handguns and automatic weapons have become commonplace within the criminal milieu and, as a result, they have become the weapons of choice for gun violence in Sweden. The supply of pistols is known to be especially strong whereas Kalashnikov-type weapons are readily available on the black market.[165] [166] From the latter years of a Brå study up to 2017, automatic firearms were being used in 25% of criminal shootings.[167] [I] Interviews with the Police Authority reveal that over the past five to six years the most commonly seized firearms are interchangeably converted Ekols and Zorakis. These are followed by Glocks and Kalashnikov-type firearms interchangeably as the third and fourth most common type.[168]

From 2015 to 2019, about 40% of the shootings that occurred in Stockholm were carried out with weapons that had been used in shootings previously. These weapons were largely reused exclusively in Stockholm; it was rare for such weapons to be reused elsewhere in Sweden. Police analysis shows that between 2015 and 2019 there were 563 shootings in Stockholm, of which there were 478 cases that were possible to analyse using ballistic analysis, with 449 cases actually having been analysed. Of the weapons that were analysed, 20% had been used in at least two shootings and therefore 40% of shootings had occurred with a firearm that had been used in another shooting during the time-period. The reused firearms were typically used in two shootings (62 cases out of 91 reuse cases), although 29 firearms were reused between three and five times. Moreover, of the 44 firearms connected to murder cases, five had been reused after the incident; this low level of reuse applies to both handguns and automatic weapons. About 33% of firearms used in murders had been used in shootings previously. Analysis showed that, at 25% of all cases, automatic firearms had a greater representation in murder cases compared to general shooting incidents, in which they were used in 13%

[I] In comparison, neighbouring Denmark rarely sees automatic weapons used in the criminal environment. Criminals prefer short weapons which can be concealed, while the penalties for automatic weapons are significantly more severe.

of cases. Conversely, rebuilt firearms are more likely to be used in non-lethal shootings and less likely to be used for murder. Over time, there was little change in the number of times firearms were reused in shootings. These numbers have remained largely consistent and independent of fluctuations in the average number of shootings. The report also described the 146 firearms that were seized in connection with the shootings (247 weapons connected to these shootings were not seized), detailed below in Tables 6, 7 and 8.[169]

Table 8: Analysis of types of pistol used in shootings in Stockholm, 2015–2019

Semi-automatic pistols	Country of manufacture	Total	Of which were reused
Zastava	Yugoslavia	26	12
Glock	Austria	13	1
CZ	Czechia	7	2
Beretta	Italy	5	1
Tanfoglio	Italy	4	0
Other	–	32	9
Total		**87**	**25**

Source: Polisen. (2020) Illegal vapenanvändning i polisregion Stockholm

Semi-automatic pistols comprise 60% of all the seized weapons analysed in the report. Table 8 shows that Zastava pistols were the most commonly used at about 32%, although they accounted for 48% of reused firearms. Glocks accounted for 15% of the pistols but only 4% of reused weapons.

Table 9: Analysis of types of automatic weapon used in Stockholm, 2015–2019

Weapon	Total	Of which reused
Zastava M70 (automatic carbine)	19	3
Scorpio vz 61	6	2
AG Strojnica ERO	1	1

AKS-47	1	0
CZ vz 58	1	0
Total	**28**	**6**

Source: Polisen. (2020) Illegal vapenanvändning i polisregion Stockholm

Of the types of automatic weapon analysed, the Zastava M70 was by far the most common firearm at 68%, and 50% of the cases of weapon reuse. The Scorpio vz 61 was the second most common firearm used and reused, although significantly less so than the Zastava M70.

Table 10: Analysis of other types of weapon used in Stockholm, 2015–2019

Other weapons	Total	Of which reused
Converted starter/gas weapons	11	6
Revolvers	7	2
Shotguns	8	0
Antique weapons	2	0
Starting and gas weapons	3	0
Total	**31**	**8**

Source: Polisen. (2020) Illegal vapenanvändning i polisregion Stockholm

Ultimately, these data show that a large number of the firearms seized in Stockholm in shooting cases at least originated from the Balkans, although they do not indicate to what extent they were trafficked directly from the region.

A different study of shootings in Stockholm between 2011 and 2018 found that the number of automatic rifles used had increased by 50% during the period. Moreover, the study found that the average number of cartridge cases found at crime scenes increased from six to 12 by the end of the study in 2018. Interviews with the National Forensic Centre have also revealed that, nationally, shootings are occurring more frequently, but are also increasingly likely to see most or all of the ammunition contained in the magazine fired.[170] Automatic weapons provide a far greater firing capacity, and they are apparently being used by perpetrators; they also correspond to understandings of the increased callousness with which firearms are being used. This is mirrored in a third

finding from the study: that the average number of wounds from a shooting increased from four gunshot wounds in 2011 to 11 in 2018.

3.4.2 Sources and supply chains of trafficked firearms used in gun violence

The vast majority of guns used in violent attacks are illegal, a significant proportion of them originating in the Balkans.[171] A 2017 report on OCGs highlighted the fact that illegal firearms remain just as common, while they are also increasingly being reused.[172] As described in the characteristics of firearm perpetrators, most participants in firearm violence are from the criminal milieu. Therefore, they are largely limited to using illegally accessed firearms, given their criminal convictions, associations and age that prohibit them from accessing legal firearms. Moreover, the types of legal firearm commonly available, and which are legally possible to own, are not desired among criminals. Illegal firearms, although they are quite highly priced, are in plentiful supply and easy to access.

As mentioned in the firearm-trafficking section, firearms are trafficked into Sweden from overseas into the hands of criminals. Swedish criminals are said to have ready access to older Eastern Bloc firearms, although they are not necessarily the weapons of choice.[173] Swedish OCGs are known to have collaborated with Danish criminal groups in trafficking firearms into Sweden. These collaborations are often based on cultural or ethnic similarities, family connections or geographic location.[174]

A network analysis conducted in the previously mentioned Stockholm study of the period 2015–2019 found that firearms tend to stay within their respective criminal networks. This indicates that gangs often have their own arsenals available for when they are required. Furthermore, the analysis shows that during serious conflict firearms can and will be shared between allied networks. Firearms usually follow the lines of conflict, moving between socially and geographically linked groups.[175] A 2014 police overview of criminal networks similarly highlights the fact that groups build relationships with other organisations that have access to firearms,[176] indicating the networked characteristics of firearms in Sweden.

Akin to the way groups use younger members for drug-couriering to reduce risk and the exposure of older members while benefiting from reduced youth-offender penalties, OCGs also use younger members for firearms-couriering and storage. Weapons are often kept with younger and/or lesser-known members to hide them from the police and also for transporting them as they are less likely to be intercepted by police than older and more well-known members. Weapons being hidden are often kept in family members' or acquaintances' houses or storage areas.[177] For younger members, this is an opportunity to become more closely involved in a group's operations and to prove themselves. With their high proclivity to violence, these OCGs may need firearms to be readily accessible, especially if the group is in a conflict. For instance, criminals

may use an accompanying motorbiker holding a firearm to fire shots, while the motorbike offers the additional benefits of a enabling quick getaway and the removal of the firearm from the crime scene. Likewise, street gangs may also make use of parked vehicles with firearms hidden in them as tactical depots.[178]

In contrast, OMGs are said commonly to have individuals who act as armourers for their whole organisation securing their supply of firearms – it is rare for the police to find firearms being carried by motorcycle gang members. Police officers believe that the OMGs may also make use of tactical firearm depots, perhaps near clubhouses or other strategic locations where they are easily accessible if required. Such depots may contain only as few as two-three firearms, though. It is also suggested that OMGs may use sub-groups as weapon-holders, especially those members without a criminal record.[179]

A report based on interviews with police officers includes one statement from an officer who suggests that very few criminals will dispose of a firearm after a shooting, except after a murder. The corollary is that this may be because criminals do not have enough money to switch firearms repeatedly after use.[180] One way in which firearms may be disposed of without taking a financial hit involves selling a used firearm on to other criminals, on occasion even within different networks. Moreover, this makes it harder for police to tie a weapon to a crime when different sides and networks have used it.[181]

Cases

A Scorpion vz 61 submachine gun was used in a lethal shooting incident in a restaurant in Vårväderstorget in 2015. This resulted in two young men being killed and three receiving life-threatening injuries. The Scorpion, one of the weapons used by the shooters, was the firearm that police traced back to reveal the Skåne network's trafficking activity. This firearm had come from Slovakia before being reactivated. In another instance concerning the Skåne network's trafficked firearms, an 18-year-old boy was kidnapped in Nacka and forced to call his mother and ask for money to pay off a supposed debt. During the incident the boy was shot three times in the leg before being left badly injured.[182]

In the case of the arms-trafficker caught during Operation Bosphorus, who had been converting firearms, these firearms had been connected to 17 criminal cases at the time of the article's publication. Of these, most cases were found in Stockholm and included weapons found with silencers or suppressors, while some were connected to known violent criminals.[183]

4 National policy and initiatives to combat illicit firearm trafficking and gun violence

4.1 Legislative and policy efforts

The Swedish government has acted previously on recommendations from the Swedish Police Authority to develop more stringent firearm penalties. This resulted in the introduction in 2018 of serious and extremely serious firearm offences with increased penalties for illegal firearm possession. The Swedish government has also released a 34-point plan for countering gang and firearm-related crimes, including, among other measures, expanding the Police Authority by 10,000 personnel by 2024. The plan also includes measures for more firearm offences to be processed as serious or extremely serious crimes and to increase opportunities to conduct house searches related to gangs (so as to prevent revenge shootings).

From 1 December 2020, revisions to the Swedish Firearms Act have changed the qualifying criteria in order to expand the number of seized firearms that would qualify as a serious crime and therefore receive a higher penalty. For example, 'any pistol or revolver in 9 mm parabellum, or in a calibre of equal/higher energy level, will now qualify.' Given that in 2019, firearms in 9 mm parabellum accounted for more than 20% of all firearms seized, this new provision is expected to have a significant impact.[184] Regarding the powers of Swedish Customs, it includes enhanced coercive capacities and the ability to stop suspected consignments. Measures are also included which aim to increase penalties related to the intimidation of juries and the abuse of justice.[185]

Swedish police officers, along with staff from forensics, have worked closely with foreign law enforcement, specialist companies and forensics counterparts to develop more efficient methods for investigations, specifically those related to firearm and ballistics investigations. This is especially relevant in relation to long waiting times for forensic ballistics reporting.[186] Interviewees suggested that the waiting time for the results of firearm analysis has been reducing. New measures for reporting firearm analysis have also been introduced, with initial reports being used to ensure there is a level of analysis available for investigations and more extensive reports being available

on request. Nonetheless, interviewees highlighted the fact that the process was still taking far too long, while logistical problems and a lack of resources hampered analysis and investigations.[187]

Overall, it is apparent to the authors that there has been little disincentive to deter firearm-traffickers legislatively and marginal evidence of any proactive or systematic approach in policy towards tackling firearm-trafficking. For example, as the conversion market has continued to flourish, no commensurate policy has been put in place to counter converters, such as requiring the extensive DNA swabbing of all converted or suspected converted firearms to enable the investigation of firearm-converters. According to interviewees, commonly converted firearms such as Ekols and Zorakis ought to be swab-tested as a matter of course to expose firearm-converters in Sweden and hinder the progress of this growing market. However, without proactively tackling firearm-trafficking as a policy, the NFC cannot justify the extra resources required for such analysis, especially against a backlog of cases; this consequently compounds the missed investigative opportunities inherent in the current law-enforcement approach.[188] As mentioned in the firearm-trafficking section, there has been no legislative movement towards strengthening penalties against smuggling gas guns or readily convertible firearms. The penalties for trafficking in live-firing guns also remain comparatively low.

Furthermore, interviewees indicated that the few cases where investigations did successfully trace the firearm supply chain – such as the Skåne network trafficking case – were the result of a serendipitous combination of investigators and prosecutors who, on the basis of their own initiative, took proactive measures to investigate the supply chains behind a firearm incident. These investigations provide exemplar cases of how firearm-trafficking investigations should work and highlight the intelligence and impact to be gained from such activities; but these remain ad hoc instances of individual initiatives.

Interviewees also highlighted the lack of a national framework, policy and vision for dealing effectively with firearm-trafficking in order to 'turn off the tap' of illicit firearms. In one incident, the authorities had a list of 200 names connected to illicitly purchased firearms, but no attempt was made to follow up on the purchasers.[189] At the police level, the focus is on tackling violent criminals and gang-related crime but there is no similar emphasis on tackling the weapons and associated weapons supply that enables their behaviour.[190] This has often been the result of priority demands to investigate shooting and lethal shooting incidents that take precedence over the investigation of the firearms themselves. This approach has to be viewed against the backdrop of an apparent lack of resources. Based on the evidence, it is clear that Sweden currently lacks a systematic and encompassing national approach to countering the illicit firearm trade.[I]

[I] Experts stress that the knowledge and experience for tackling firearm-trafficking already exist within the authorities, because the drug trade is treated as a priority and investigations into drug supply and distribution provide a strong basis for the way in which firearm investigations should be conducted.

4.2 Special events:-Operation Rimfrost

In an attempt to break the spiral of conflict, Swedish police have used 'special events' to increase the level of resources into areas where violence is increasing. During such operations, all the Swedish police regions work within the framework of a national special event. Decision-making processes are framed around the use of the available resources and particular regional situations.

Operation Rimfrost was a special event launched in 2019; it ended in June 2020. It began in Malmö and was then extended nationally following the murder of a 15-year-old in a pizzeria in Malmö. The operation had four goals:

1) reduce the number of murders and explosions in the gang environment;
2) reduce the number of people active in the gang environment by neutralising gang criminals;
3) increase the seizures of firearms and explosives; and
4) increase public safety.[191]

The operation enabled the deployment of additional personnel from investigators, civilian specialists and additional front-line police officers in Malmö/Police Region South. These personnel came from other police regions across Sweden. The aim was to bring about greater levels of arrests and stronger investigations into cases.[192] In addition to supplementing routine operations such as investigations, reconnaissance and uniformed work, the additional human resources would allow for targeted measures focused on specific areas or targets. One such measure was Operation Hagelstorm, an operation within the Rimfrost framework. Operation Hagelstorm activity in Malmö occurred over three days during which a number of raids were conducted targeting criminal groups; they involved more than 100 police and customs officers with the goal of seizing firearms, explosives and drugs.[I] The actions were focused on areas in Malmö that intelligence considered to have the highest probability of resulting in arms seizures and arrests. Thirty-nine firearms were seized during the operation.[193] [194]

While special event Rimfrost did result in the seizures of firearms, explosives and drugs, it has been a controversial operation that has come in for a fair amount of criticism. First, the number of shooting incidents in Sweden has not been noticeably affected. Notably, although the operation focused on seizing as many firearms as possible, it did not have the goal of building on firearm seizures through investigations to target firearm-trafficking.[195] Stefan Holgersson, a Swedish police officer and author of a report on Rimfrost, suggests it was an operation governed more by the need to appear to be doing something rather than one specifically guided by a coherent

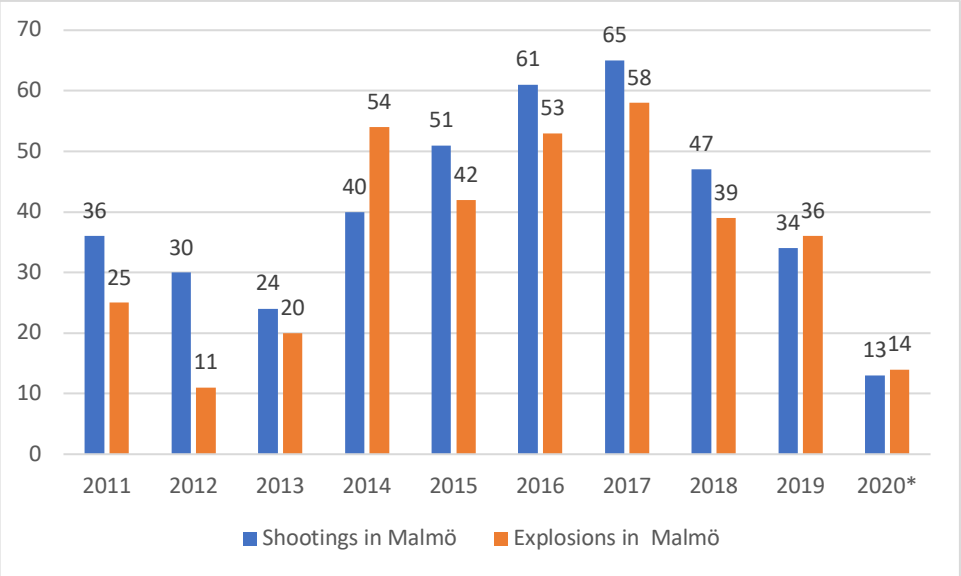
I It is reported that a goal of the raids was to inject panic into criminals, who would then make mistakes such as moving their firearms, which the police could then intercept.

strategy;[I] in the event, it was a collection of arrests and seizures that had little significant impact on gangs and violence. He went on to say that these results would be the usual outcome of routine police work. Holgersson also highlighted that the number of arrests and seizures in Malmö was linear before and after the beginning of Rimfrost. Moreover, providing additional resources in Malmö came at the cost of fewer resources in other parts of the country.[196]

4.3 Sluta skjut programme in Malmö

As mentioned above, Malmö was one of the three metropolitan areas where shootings and the use of explosives had increased markedly, as is shown in Table 7. Between 2013 and 2014 a sharp increase was recorded in the number of shootings and cases involving explosions. This increase peaked in 2017 before the beginning of the current decrease in cases that have occurred concurrently with various police activities, including Sluta skjut or the 'Stop Shooting' pilot programme.

Figure 6: Shootings and explosions in Malmö



Source: Swedish Police data

The City of Malmö launched an initiative in February 2018 named 'Stop Shooting' with the objective of decreasing the level of firearm-related violence and dealing with OCGs. Although the pilot period has ended, the Malmö authorities are continuing the programme while the evaluation phase is being completed. The authorities are expected to continue the initiative after that. The programme was based on Group Violence

[I] For example, there was a list of 300 suspects to be arrested during an 'action week' when extra police resources were made available, yet there was a legal basis for coercive measures against only one of 300 individuals on the list.

Intervention (GVI), a method developed and used by US law enforcement in the 1990s in cities such as Chicago to tackle gang conflict. This approach involved applying pressure on whole groups associated with violence to make the use of violence or membership of a violent group untenable. It is a whole-city approach which combines the efforts of various authorities in the City of Malmö and committed citizens ultimately to make it more difficult for people to be involved in shootings and easier for them to access support in order to start a non-violent life.

The first six-months of the project were dedicated to a detailed mapping and analysis of the groups active in Malmö and their memberships, the lines of conflict, the dynamics of the violence and the alliances between groups. This (continuous) mapping provided the basis for police to pursue targeted and tailored pressure against groups and their members collectively. Whereas previously the police had targeted individuals, this would often result in temporary decreases in shootings, only to be undone once the individual was released from jail and conflict resumed. Instead, following GVI principles, whole groups could be targeted and punished instead. The mapping also included a review of violent incidents over the previous four years to establish the drivers of conflict. The drivers that the police found were not only conflict over the control of drugs, as expected, but also that over trivial incidents related to honour, jealousy, revenge and perceived violations.

The Malmö authorities conducted call-in meetings with representatives of the various groups, with one or two representatives from each group in attendance. These individuals were expected to relay the message to their groups. The individuals chosen to attend were those already under supervision by probation services and could therefore be compelled to attend. Four such meetings have taken place to date.[I] The meetings enable the city authorities to exchange information with the group representatives. During the meetings, various authorities give presentations, such as the police highlighting the consequences of violence and also informing the representatives that full pressure will be applied to the groups that use violence. In addition, social services have discussed and offered exit opportunities while medics have described the effects of being shot and the costs for other people who are de-prioritised as a result of the shooting. A person from the community may, for example, describe the anguish of losing a son at a young age. The common theme throughout the call-ins is that society cares about the gang members, but they have to stop using violence, with emphasis placed on the 'moral voice of society'. It is made clear that the next violent act will result in the most violent groups being subjected to sustained intense pressure from the authorities and therefore deterring groups from using violence and being the first to resort to violence.

Moreover, after the call-ins there is an opportunity for group representatives to meet and speak to the representatives of the city authorities and community, who reaffirm the same messages of support and the need to end violence. These meetings have also

I None have taken place as at October 2020 due to the Covid-19 pandemic.

enabled trust to be built between Malmö's authorities and OCGs. The development of trust between the authorities and gang members has been an essential feature of the programme.

The authorities have also been conducting custom notification meetings at which individuals in groups are met with at home or in hospital following an incident and where similar messages from the call-ins are repeated. The representatives of the authorities usually comprise two police officers, one of whom knows the individual involved, and also social services personnel, who again offer the opportunity to leave the criminal life. These custom notification meetings are also by nature more personalised to the individual involved.

The programme therefore inverts the previous group dynamics of peer pressure, where the need to uphold individual and group honour and status leads to individuals feeling pressured into shooting, into a peer pressure that discourages acts of violence due to the collective pressure that will be applied to everyone in the group connected with the individual. In addition, it offers the individual a means of saving face by not using violence to avoid group punishment, ultimately encouraging resolution by non-violent means.

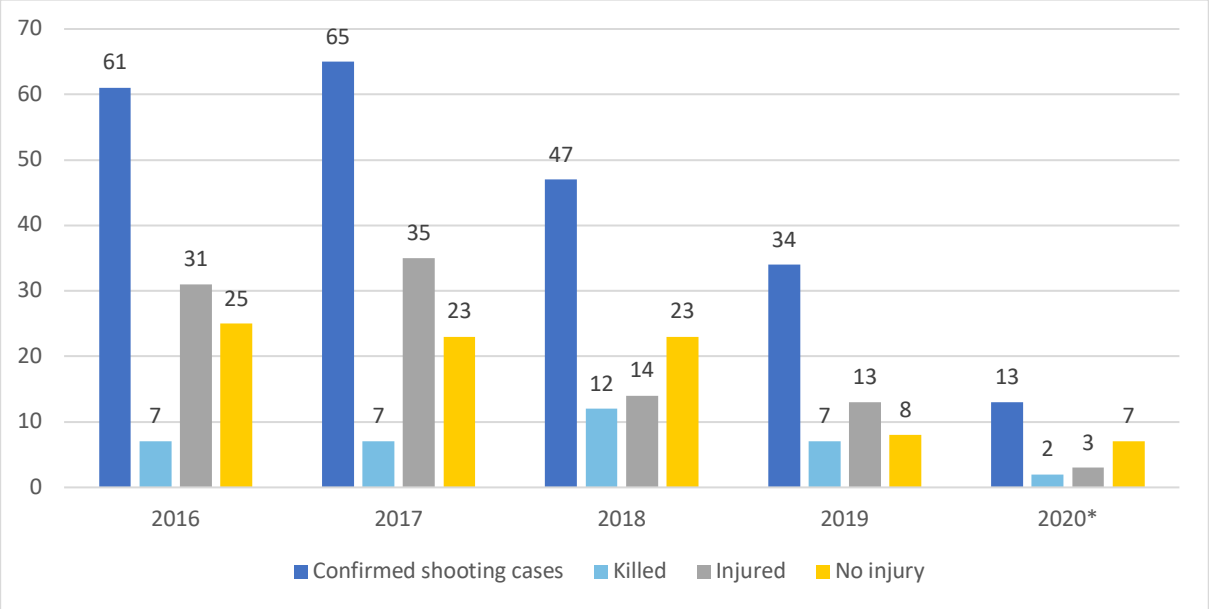
The coercive high-pressure tactics used by the Malmö authorities are designed to make membership of a violent group, connection to a violent individual, and ultimately the use of violence, untenable. All the city authorities collaborate to ensure that pressure is being tailored and targeted at the right groups. The police will use higher levels of controls, interceptions, arrests and any other available tools. For example, one article reveals how a 30-year-old gang member's bulletproof car was stopped so frequently by police that he reported it to the Swedish Parliamentary Ombudsman.[197] Concurrently with police activity, agencies such as the tax authorities can place individuals under greater scrutiny, prison probation and parole criteria can be made more stringent, and debt-collection can be targeted. These sanctions occur as part of routine work, with weekly shooting and intelligence reviews highlighting who to focus on and if there are any investigations linked to the individuals that can be leveraged and prioritised for maximum pressure.[I]

The result has been that OCGs have found it difficult to operate and continue their use of violence. For example, an interview highlighted the case of two brothers in Malmö known for their use of explosives but who have found it nearly impossible to recruit anyone into their group because the pressure applied to them and their associates is known to be too intense. A number of individuals are also known to have accepted the help offered them to leave criminal life and start afresh. A significant factor behind criminal individuals taking the opportunity to leave has been the fear of losing their lives due to the brazen and unpredictable nature of violence.[198]

I It should be noted that this programme is designed to target specifically the occurrence of violence, including firearm-related violence, and not to reduce firearm-trafficking. It is evident that attempts to deal with firearm-trafficking are few and far between.

The efforts to counteract firearm violence in Malmö have been noticeably successful, as shown in Figure 6. Since the initiation of the programme in 2018 the levels of shootings have decreased significantly year on year.[I] Although the evaluation of the pilot programme is ongoing and other programmes and activities were active concurrently, it is clear from the interviews and the continuation of the project after its pilot period that it has been a significant contributor. The previous high number of 65 shootings in 2017 that left seven dead and 35 injured has fallen to 13 confirmed shootings with two killed and three injured as at 30 September 2020. According to a report of August 2020, ten serious criminals had been convinced to relocate within Sweden and start new lives.[199] [200] [201]

Figure 7: Shooting incidents in Malmö



Source: Swedish Police data

I In addition to shootings, the number of explosives has also decreased significantly over recent years. See Table 5.

5 Challenges for data collection on firearm trafficking and gun violence

The Swedish authorities keep good data records about the levels of shootings and the use of explosives in Sweden, with shooting incidents having to be verified. The National Council on Crime Prevention produces detailed and thorough analyses of the characteristics and trends relating to gun violence and the actors involved in firearm violence. Other authorities, such as the Stockholm Police, have similarly produced detailed analyses of firearm violence. The Swedish authorities also conduct thorough mapping and analysis of those involved in gangs and violence, including the lines of conflict and alliances. This enables a strong understanding of the use of firearm violence.

According to interviewees, a consistent problem with the collection and analysis of data pertaining to illicit firearm-trafficking and gun violence has been the lack of any organised and systematic approach at a national level focused on firearms. There is also little cooperation between the various authorities and a distinct lack of a national firearm-focused policy. There is also no joint information-sharing system between authorities: as a result, firearms data are spread across different databases and held in different formats without any methodological approach towards collecting, collating and analysing the data. The result is variable information that results in discrepancies.

For example, quarterly reports are produced in the NFC analysing recent patterns and these reports are passed up the chain of command in the NFC and to the Police Authority; however, organisationally there is very little feedback or demand for such analysis and no process for such information to be subsumed in a broader level analysis.

On the other hand, Swedish Customs are reported to have little understanding of what the police are seeing and doing regarding firearms and therefore cannot prepare for what to expect or what to be looking for. There is also a lack of structured communication and coordination between Customs and the NFC – instead, information is exchanged on an ad hoc basis, driven at the individual and not at the organisational level. The lack of a specific mandate to engage in such analysis and cooperation, compounded by resource restraints, has restricted the capacity to act – for example, by

the NFC – beyond individual-driven ad hoc initiatives.[202] [203] Instead, within the Swedish authorities, knowledge and expertise are siloed, disjointed and uncoordinated and attempts at bridging the gaps are often built on individual initiative and a personal commitment to doing the right thing.

One interviewee highlighted the need for geodata or metadata for seized firearms, cartridges or accompanying objects to be available throughout the whole process to allow for a better overall analysis of the situation.

Various interviewees highlighted the need for better record-keeping in firearm-dealers' registries. These are currently paper-based and inadequate for monitoring the flow of firearms between dealers. The only opportunity police have to gain insight into the movement of firearms between dealers is during annual inspections of their firearm registry; otherwise the police are notified only when a firearm enters private ownership. This offers an opportunity for diversion, which has previously been exploited. This problem should be resolved when dealers are moved onto an electronic registry system, which is currently in the pipeline; however, no one was able to provide details of the new registry system. In addition, the sale of ammunition and silencers or suppressors is also not required to be registered, although permits are required, which also creates the opportunity for diversion.[204] [205]

A common theme among interviewees was the need for a National Firearms Focal Point (FFP), a National Gun Crime Intelligence Centre or a variant such a facility. Such a facility could act as the hub for firearm intelligence analysis, drawing in firearm-relevant data from the various authorities and agencies working with firearms to enable analysis and an understanding of the illicit firearm scene and violence that is not currently conducted. Such a function would make possible the collation of firearm data that is otherwise disjointed. In addition, this function ought to be mandated with the vision, resources and expertise to conduct and coordinate thorough analyses of trends and patterns of firearm-trafficking and use across Sweden. Without a competent firearm body collecting, developing and disseminating information and intelligence in combination with best practices across all authorities, there is, and will probably continue to be, a lack of knowledge about firearms. This situation will serve to undermine investigations, prosecutions and attempts to deal with firearm-trafficking proactively. Moreover, such a facility and function should includee the various firearm-facing authorities such as the Police and Customs, but also prosecutors. It should also have the capacity to conduct or coordinate investigations into firearms and firearm-trafficking nationally and internationally. The placement in a National FFP/National Gun Crime Intelligence Centre of prosecutors who can provide prosecutorial advice was highlighted as a possible way to bridge the gap between prosecutorial demands for firearm convictions and police investigations which have hampered prosecutions.

Ultimately, a national firearm-focused function would provide the emphasis, mandate and resources needed to tackle the problem of firearms themselves. Currently, Sweden lacks such a national function. Firearm violence is the product of both the dynamics of violence and the supply of firearms. The current Swedish approach largely ignores that latter driver, which is something a national firearms function could remedy. [206] [207] [208]

6 Conclusions

Throughout the 2010s and particularly towards the end of the decade, Sweden experienced a qualitative and quantitative shift in gun violence. The levels of gun violence have risen drastically, while the acts of gun violence, driven by an increasingly callous criminal milieu, have become more brutal and unpredictable. Firearm violence and the use of explosives have grown to become the biggest security threat in Sweden.

One of the most significant factors behind the increased levels of gun violence has been a greater supply of firearms through trafficking. The trafficking in firearms in Sweden has become increasingly multifaceted, while the firearms that trafficking supplies have shifted towards higher-capacity weaponry such as automatic firearms and explosives in addition to a strong and steady stream of handguns. These weapons provide the perfect tools for initiating and proliferating criminal conflict.

The supply of trafficked firearms includes those smuggled from the Balkans; they form the mainstay of the illicit supply over the longer term. This supply chain is probably the result of the unique familial, cultural, lingual and social connections between criminals in Sweden. These criminals have both a great demand for firearms and explosive and the sources of them in the Balkans. These firearms have generally been smuggled through ant trafficking, which is a modus operandi that provides for the long-term continuous supply of firearms unless concerted action is taken to disrupt the supply and distribution networks.

The supply of illicit firearms diversified during the mid-2010s in Sweden. This opened new pathways for obtaining firearms and levelled the playing field by removing the need for criminal connections and the social connections mentioned previously. The purchasing of firearms online not only enabled anyone with access to the internet to tap into an illicit route to firearms but in effect reduced the time taken to obtain a firearm to the postage and delivery time. This simultaneous opening and flattening of the supply chain significantly reduced the threshold for obtaining firearms and, with it, reduced the threshold for gun violence.

These firearms are often converted or reactivated weapons, sourced from European arms dealers who exploit differences in legislation, before being modified in Sweden. Converted firearms pose one of the greatest challenges to combating the supply of illicit firearms. Unlike the patterns seen in many other European countries, blank-firers are trafficked to Sweden, where there is a capable and growing illicit firearm-conversion industry, before being converted. Converted firearms have become increasingly common, but because no significant attempts have been made at the legislative or operational level to clamp down on the supply, the problem looks set to continue unabated. Moreover, with the proliferation of conversion knowledge and expertise, Swedish converted firearms could pose a continuing and future challenge to regional security.

Firearm violence in Sweden has faced a structural change over the past couple of decades. Gun violence has shifted away from violence between perpetrators and victims who have close relationships, such as intimate partner violence, which had generally occurred in private property with a greater share of legal firearms. The quantitative share of such violence has reduced substantially in both absolute and relative terms. Instead, there has been a drastic shift towards, and an increase in, gun violence within the criminal milieu, where violence generally occurs in public settings and involves the use of illegal firearms.

Contemporary firearm violence within the criminal milieu has become increasingly callous and unpredictable. While conflicts between groups occur over control of the drug trade, the threshold for violence has largely collapsed, along with any notions of rules of the road, as gun violence and spiralling conflicts also occur over trivial matters. These OCGs and individuals often have little inhibition to resort to gun violence and display a blatant disregard for the danger this poses to third parties. As a result, Sweden has seen substantial and near-annual increases in firearm homicides and attempted homicides with firearms.

The ready supply of firearms, together with a substantial increase in the number of automatic weapons available, has certainly enabled and led to greater levels of gun violence. The combination of easy access to dangerous weapons among individuals and groups with a low threshold for violence has been a deadly cocktail. Moreover, there has been something of a miniature arms race between OCGs, who seek higher-capacity firearms and explosives in order to outgun their rivals. In the process, gun violence has become an established norm within the criminal milieu: resorting to violence is not only accepted but expected among groups and individuals who are concerned about their status and prestige. And the possession and use of firearms are necessary to maintain their position. Against this backdrop, criminals often have a constant fear of being shot and suspect others of planning to shoot them, which results in pre-emptive shootings and a constant lowering of the threshold to violence.

As the scope and nature of firearm-trafficking and violence have changed and increased, counter-measures in Sweden have largely failed to keep pace. This is seen most starkly in the failure to control the supply of converted firearms. There is a severe lack of vision, policy and framework at the national level to target firearm-trafficking.

Swedish legislation has arguably incentivised the domestic conversion of firearms owing to the very low penalties in place for trafficking in unconverted blank-firers. While there have been attempts by some authorities to close the gap, these have failed to gain traction. This one example is perhaps indicative of Sweden's lacklustre approach to tackling arms trafficking. There have been and continue to be movements and initiatives from inside authorities, often based on individual initiative, to focus on and help bring the firearm supply problem under control. These initiatives have not been matched at the policy level or received sufficient support and, therefore, the major problem of illicit firearm-trafficking continues unabated. Overall, Swedish efforts to bring the illicit supply of firearms under control can be described as non-existent.

Swedish efforts have instead focused on reducing firearm violence by focusing on the gangs engaged in the violence. These measures can be described as producing a mixed bag of results. The recent national operation named Special Event Rimfrost had been proposed as a means of combatting and reducing gun violence while at the same time restoring security. The operation has, however, been controversial and does not appear to have had any significant impact on firearm violence.

A notable success has been Project 'Stop Shooting' or Sluta skjut in Malmö. The project, based on group violence intervention, has managed to create a deterrence of violence by making the lives of criminals in targeted groups untenable. The result has been a significant reduction in the levels of shootings, including firearm homicides, and the use of explosives since the start of the programme. And even though evaluations of the programme have not yet been completed, it is expected that the programme will continue.

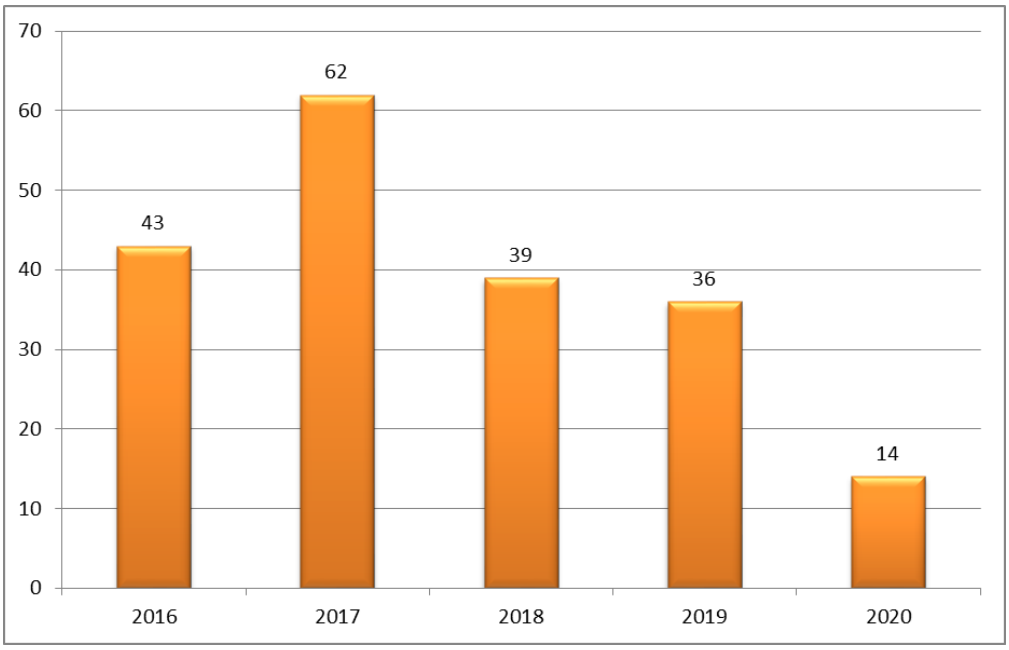
7 Annexure

Table 11: Illegal firearm possession cases, of which some are serious/extremely serious

Firearms law	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total violations (9 kap. 1–2 §)	4,844	4,839	4,797	4,619	5,176	5,801	5,751	6,460	6,678	7,427
Illegal possession of a handgun/pistol	909	921	986	898	1,037	1,138	1,178	1,266	2,268	2,494
of which serious/ extremely serious crime								20	1,188	1,452
Illegal possession of a hunting weapon	391	351	361	301	364	411	406	435	555	573
of which serious/extremely serious crime								6	102	119
Illegal possession of another type of weapon	814	790	748	718	713	805	751	749	2,749	2,199
of which serious/extremely serious crime								3	283	337
Other violations of the weapons law	2,730	2,777	2,702	2,702	3,062	3,447	3,416	4,004	1,025	2,118

Source: Statistics Database of reported crimes – Brå

Figure 8: Annual levels of confirmed explosions in Malmö



Source: Data provided by Swedish Police

Endnotes

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