

## **Explosives and arms trade in the cyberspace**

### **Summary**

Arms trade is a serious problem in the modern world, especially when conducted through the internet. Huge profits derived from this type of transaction and the ever-growing demand for unofficial access to the means of inflicting death make this practice still valid. The international community is constantly taking new steps to limit this phenomenon, but in many cases, these are ineffective. The reasons lie on the one hand in the idea of the Internet itself, which in essence is not subject to control, and on the other, in the fact that people with weapons on offer make every effort to keep their activities hidden. In the internet itself, methods for additional concealment of activity, have been developed; namely Darknet. Therefore, all illegal transactions are carried out via dark websites.

**Keywords:** illegal arms trade, internet portals, Darknet, European Union, police statistics

### **1. Introduction to the arms trade issue on the Internet**

On February 6, 1999, Pope John Paul II proclaimed St. Isidore the patron of the Internet. Why this church doctor and bishop living in the Middle Ages [554-633] was chosen as the patron of the virtual world, which was created hundreds of years after his death. Isidore wrote *The Etymologies*, a kind of the first scientific encyclopedia of the general synthesis of knowledge in his time. The work contains 7500 entries and has been arranged in a similar way to today's databases, hence the idea for the announcement of St. Isidore as the patron of the Internet<sup>1</sup>.

Was this enlightened man with the gift of predicting the direction of science development able to imagine what tools of communication on a global scale will be given to people living in the 20th and 21st centuries. One can venture to say that the saint's imagination did not reach that far because even modern living people are not aware of all the possibilities or threats of virtual reality, and above all we are

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<sup>1</sup> [www.isidorus.net](http://www.isidorus.net) accessed [accessed: 10.01.2019 r.].

not able to predict what effects such rapid development of information technology will bring in the future. On the one hand, this technology makes our lives easier, provides information on events from around the world almost immediately, took over the performance of many jobs requiring precision of repetition or those dangerous for humans, replaces us in many daily tasks, allows us to learn phenomena inaccessible by other methods, but on the other hand it creates the possibility of committing crimes very often in a way difficult to detect, and what is extremely important, creates the conditions of apparent „invisibility“.

The Internet has also become a place of huge, impossible to accurately estimate, trade exchange, guaranteeing speed and ease of reaching a potential customer with little investment in advertising or marketing. On the part of the customer, it is easy to compare prices and descriptions of a given product, and it guarantees the omission of additional costs accompanying products purchased on the traditional market in stores, shopping centers or bazaars, such as costs of renting premises or service. At the same time, the apparent anonymity mentioned above encourages attempts to use networks for trafficking drugs, crime items or illegally produced items.

Here is a problem of arms trade, which should be considered in terms of trade permitted by law as well as prohibited. To begin with, it is worth quoting the well-known saying: “if something is not on the Internet, it means it does not exist”. This briefly and concisely explains why weapons appeared on the network. Arms trade ranks high on the scale of revenues from this source for many countries; it is enough to look at the site <http://nisatapps.prio.org/armsglobe/> where in the form of an interactive globe you can track the export and import of weapons of all countries participating in the arms trade, both as seller and buyer. Over 74 percent of the world production of weapons is carried out by 6 countries, the USA 34.84%, Russia 14.86%, the United Kingdom 6.57%, China 6.29% and France 4%. It is interesting that all these countries except Germany are permanent members of the UN Security Council<sup>2</sup>. Amnesty International data shows that about 1,500 people die as a result of using weapons every day, while according to the organization's estimated data, there are 28 people with injuries per person killed. There are many grim statistics about adverse phenomena associated with the use of weapons, for example, child soldiers, displaced people living in extreme poverty due to armed conflicts in their area of residence.

The European Union is not free from the threats of the illegal use of weapons either. In the first 10 years of the 21st century there were about 10,000 victims as a result of the illegal use of weapons in 28 EU countries<sup>3</sup>. In addition, Union citizens

<sup>2</sup> <http://amnesty.org.pl/index.php?id=224> [accessed: 12.01.2019].

<sup>3</sup> Years 2000 – 2009. Source: UNODOC „Global Study on Homicide”, 2011. These are partial

may be concerned about killings and suicides per 100,000 citizens, which is 0.24 and 0.9, respectively, from firearms<sup>4</sup>. There are about 80 million pieces of legally owned weapons in the EU. Legal trade is, unfortunately, a short route to illegal trade or import from third countries or the conversion of non-firearms into products that meet the criteria. According to the Schengen Information System enabling Member States to use data on lost or stolen weapons by type or serial number, there is no information on about 500,000 thousand weapons from legal trade that have been lost or stolen. Another source of weapons' origin are places of conflicts or events related to the movement of a large number of troops. And so heavy military weapons in the mid-90s went to the European market from the Balkans and the countries of the former Soviet Union<sup>5</sup>. For example, in Bosnia and Herzegovina, which has a population of around 3.9 million, around 750,000 families possess weapons illegally. According to data, nearly 90% of crimes in this country are committed using illegal weapons. Despite the fact that the return of illegally owned weapons to security authorities is not punished, the amount in private hands is still growing. Low prices are an incentive to buy; the Israeli pistol "Desert Eagle" costs around 2500 PLN. Additional concern may be the data on the number of suicides among former soldiers in this country using weapons from illegal sources amounting to 4,000 deaths since the end of hostilities in the Balkans. The possession of a weapon in Bosnia and Herzegovina by a private person is not regulated by law, and in the Republika Srpska it may be possessed by a citizen who is 21 years old, has no criminal record and is applying for a weapon to defend himself or is a member of a shooting club or hunting club. It is forbidden to have weapons without serial numbers, semi-automatic or automatic weapons and explosives<sup>6</sup>. Current events in North Africa and the Middle East may suggest that these sites will be another source of origin for illegal weapons in Europe. Increasingly, weapons without combat characteristics are also returned to combat use, constituting a large percentage of weapons used illegally. Based on data provided by Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Ireland, Estonia, Germany, Greece, Hungary, the Netherlands, Poland, Portugal, Slovakia, Spain, Sweden and Great Britain there has been created a map of trafficking routes in Europe.

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data because in most Member States statistics for the whole period are not available.

<sup>4</sup> There are huge differences between Member States from zero killings using firearms in Malta to around 71 in 100,000 in Italy and from 0.7 firearms per 100 inhabitants in Lithuania and Romania to 45 in Finland. Source UNODC, Small Arms Survey, Gun policy.org

<sup>5</sup> There is no exact data on this and the available data is divergent. Bosnia and Herzegovina's defense resources in 2011 were estimated at 76,000 small arms and light weapons and 100,000 metric tons of ammunition; in the same year in Montenegro 28,000 weapons and 7,000 metric ammunition.

<sup>6</sup> <http://balkanekspres.blog.pl/2014/01/03/bih-nielegalny-handel-bronia-wciaz-kwitnie/> [accessed: 11.01.2019].

New players are constantly appearing on the arms and explosives trade market, and export from Belarus has been increasing for several years. The International Peace Research Institute, basing on data from 2008-2012, assessed the increase in sales from this country by 165%, compared to the years 2003 – 2007. The list of recipients of this production, which includes Syria, Iran and North Korea, is worrying. Belarus is among the top three arms suppliers for the Assad regime. Cooperation with Damascus is not only trade but also technical support, for example in the modernization of the Syrian air defense. According to experts, the Belarusian company Alewkurp improved the 48 Syrian defense systems 'Buk'. The US Treasury Department in September 2013 accused Belwnewszpromservis from Belarus of selling fuses for air bombs to Syria. Earlier, this plant cooperated with Iran. Sudan also took possession of Belarusian aircraft and rockets in violation of international sanctions. According to charter97.org, the chassis of North Korean missile systems are strikingly similar to those produced at the Minsk tractor factory. As of March 2013 Belarus has had new rules for issuing permissions and licenses for dual-use goods and technologies. The Operations and Analysis Center under the President of the Republic of Belarus is a supervisory body, while licenses are issued directly by the State Military and Industrial Committee<sup>7</sup>.

### Map of firearms smuggling routes

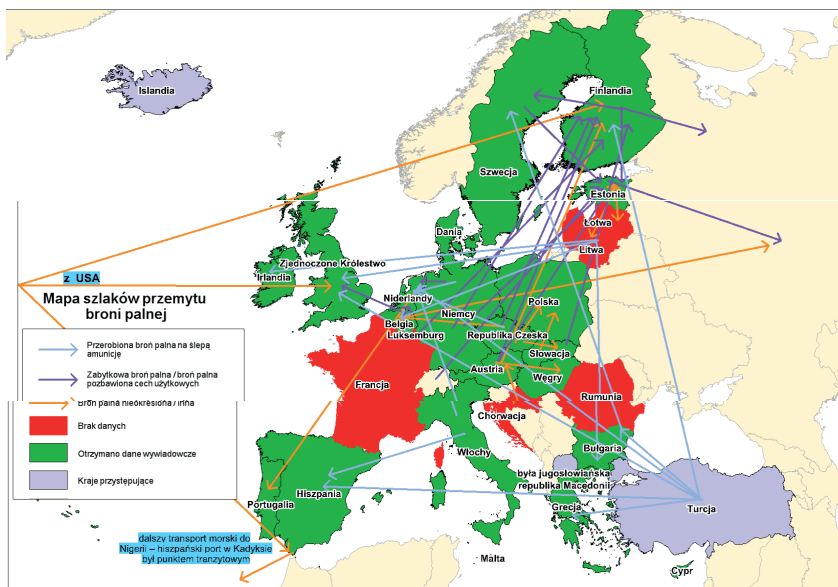


Fig. Communication from the Commission to the Council and the European Parliament, *Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking*, Brussels 21.10.2013.

<sup>7</sup> <http://kresy24.pl/37197/bialorus-wsrod-liderow-handlu-bronia/> [accessed: 12.01.2019].

## 2. Methods of arms trade using the Internet

Unfortunately, the role of the Internet in the arms trade is also growing. How is it possible since it is controlled by the police and special services of many countries? The form of illegal trade goes to the so-called Darknet, which is a form of "underground network" in which there are no traditional browsers, but kind of catalogs that do not contain data on pages visited, which makes navigating in this "dark" world really anonymous. The second important feature of Darknet is decentralization, unlike the standard network, where logging in to Facebook servers, for example, hits the data bank that is the servers in this case. And here everyone who gains access to these servers will gain access to the mentioned banks containing full knowledge about our activity in this case on Facebook. Servers form the central structure of the Internet. Darknet does not have a centralized structure to avoid such control. Here, each computer is a kind of server that encrypts a small portion of the information sent from it. This is about the part that remains on the computer's disk, and hence this information after use becomes useless when trying to reach the author of the activity. In the traditional network, receiving and sending data, we leave traces in the form of metadata that are the source of full information about "traffic" in the network. For Darknet users, this situation is unacceptable, so they found a way to hide this information. In Darknet, each data packet is transmitted by randomly selected computers. In this way, data packets receive a different sender address at each intermediate station – and the true recipient cannot be detected. The only drawback of this solution is the slower pace of Darknet's work, but it is not as important to its users as full anonymity. An anonymous payment system based on the Bitcoin digital currency was also invented here. Files are exchanged anonymously, the currency consists only of those files that cannot be freely reproduced, but can be legally exchanged for real money. The police and other services are also trying to follow solutions to reach those who commit crimes in Darknet. Since it is difficult to work on a database from the web, more traditional methods are used to impersonate potential customers and thanks to the goods sent by sellers they get access to further tips that help in their tracking. At a later stage, they try to gain the seller's trust and ask for personal delivery of the goods<sup>8</sup>. In this case the following steps are obvious.

The desire to profit and reach the largest possible group of potential recipients resulted in the appearance of arms dealers on Facebook. That is why, under pressure from law enforcement agencies and organizations working to limit trade in arms

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<sup>8</sup> <http://wiadomosci.onet.pl/darknet-mroczne-zaulki-internetu/rzkhl> [accessed 12.01.2019].

and explosives, Facebook has taken the first steps to regulate the arms market on its website and on Instagram, a photo exchange website. Facebook does not want to deter users with the image of a private arms trade center; on the other hand, it does not want to interfere with the right to freedom of expression. Awareness of difficulties in reconciling these two challenges means that the portal's activities are limited for now. In the meantime, DoubleStar AR-15 can be purchased for \$ 650 without much trouble. You can become an owner of raspberry-colored Taurus pistol for \$ 239.95, and "brand new Bushmaster M4" has been put up for sale for \$ 1,200. dollars. Daniel Gross, president of Brady Campaign to Prevent Gun Violence, the largest gun control organization, provides simple advice for Facebook operators – in his opinion, they should prohibit the possibility to open on their pages any websites advertising the unlicensed sale or transfer of firearms in the United States.

Some large websites have found a solution to this problem, such as Craigslist, an informal broker of various transactions, explicitly prohibiting the sale of firearms. In 1999, eBay issued a trade ban. Facebook does not mediate in trade, however, due to the huge popularity it gives the opportunity to make numerous contacts, which is convenient for people looking for buyers for their goods, including weapons and explosives. An official lack of commercial activity may lead to the conclusion that there are no rules on Facebook. Facebook is put under pressure by various groups with often conflicting interests. 250,000 people have signed the Moms Demand Action petition demanding that the platform cease brokering the illegal sale of weapons. In turn, the National Rifle Association is trying to bring down the demands to defend the second amendment of the constitution. Siva Vaidhyanathan from the University of Virginia casts a little more light on the whole problem. He claims: „Facebook has just entered puberty, during which it must solve the moral and political problems facing it and develop appropriate standards." He adds: "Linguists and crowds of lawyers will be needed to develop a strategy that will allow access to some portals that offer weapons, while preventing access to others"<sup>9</sup>.

### **3. Arms trade through the Internet network in Poland**

In Poland, steps have been taken to normalize the provisions enabling the acquisition of weapons or ammunition via the Internet. The provisions are included in the amendment to two acts: on weapons and ammunition and on the performance

<sup>9</sup> <http://dziennikzwiazkowy.com/spoleczenstwo/handel-bronia-na-facebooku-pozza-kontrola/> [accessed 13.01.2019].

of economic activities in the field of production and trade in explosives, weapons, ammunition as well as products and technology for military or police purposes. The changes were introduced to adapt national law to the European Parliament directives of May 2008. The definition of trade in ammunition has been changed and expanded to include brokerage consisting in negotiation, commercial consulting and assistance in concluding contracts. On the other hand, non-functional weapons were excluded from the obligation to obtain license to trade in arms.

The new regulations prohibit alteration of weapons that change their type, caliber or intended use. This is particularly about reworking gas firearms intended for long range throwing of incapacitating substances<sup>10</sup>. To meet the rights of foreigners, citizens of an EU Member State living in Poland were allowed to possess hunting or sporting weapons, including ammunition, on the basis of a European Firearms Pass, provided that the possession of a certain type of weapon is not prohibited in Poland. New provisions have also been introduced for the issuing of a European Firearms Pass. It will be a personal document (issued by the competent authority of an EU member state) confirming the right to possess a firearm, which will allow legal possession and use of a weapon in another member state. The European card will contain the name, surname, date of birth, permanent residence address of the person holding the gun permit and identification of the firearm, information about the purpose or conditions of the permit. The card will also show the expiry date of the pass. The amendment also prohibits the possession of non-factory manufactured ammunition, unless it has been produced for personal use by persons having license for hunting, sporting or collector's weapons.

It also gives a year to apply for a weapon license for collectors' purposes to persons who already have a firearm with an integrated cartridge manufactured before 1850 (or a replica of it). Moreover, people who already possess such weapons will not have to belong to collectors' associations, and under the amendment, such a requirement must be met by other persons applying for this type of permit<sup>11</sup>.

Police statistics in our country do not include data on arms trafficking in the Internet or offenses committed using weapons purchased through it. However, data analysis indicates a decreasing number of crimes in general, including the use of weapons; the numbers show fluctuations, although a tendency to decrease in the number of these crimes can also be observed. The data do not give grounds to raise an alarm, but they do not evoke a sense of optimism either.

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<sup>10</sup> <http://www.lex.pl/czytaj/-/artykul/handel-bronia-takze-w-internecie> [accessed 13.01.2019].

<sup>11</sup> *Ibidem*.

**Number of ascertained crimes in 2012**

	Firearm	Gas pistol	Pneumatic weapons	Other	Gas throwing and incapacitants	Explosive materials	Dangerous tools	Dog or other animal
<b>Murder (including attempts)</b>	30	0	0	4	0	0	271	2
<b>Bodily harm</b>	33	8	33	2	5	2	606	26
<b>Participation in fighting or battery</b>	5	0	1	3	3	0	370	2
<b>Rape</b>	6	1	2	0	0		16	2
<b>Mugging</b>	173	35	8	38	53	1	1105	9
<b>All crimes*</b>	490	70	162	57	102	22	3 053	114

Tab. General Police Headquarters <http://statystyka.policja.pl/st/wybrane-statystyki/bron/bron-przestepstwa/50844,Przestepstwa-przy-uzyciu-broni.html>

**Number of ascertained crimes in 2011**

	Firearm	Gas pistol	Pneumatic weapons	Other	Gas throwing and incapacitants	Explosive materials	Dangerous tools	Dog or other animal
<b>Murder (including attempts)</b>	20	0	1	8	0	1	323	0
<b>Bodily harm</b>	40	6	29	3	9	0	573	24
<b>Participation in fighting or battery</b>	3	1	1	2	2	0	346	3
<b>Rape</b>	2	7	0	0	3	0	27	2
<b>Mugging</b>	235	33	15	53	72	1	1 220	7
<b>All crimes*</b>	541	96	141	98	161	25	3 196	95

Tab. General Police Headquarters <http://statystyka.policja.pl/st/wybrane-statystyki/bron/bron-przestepstwa/50844,Przestepstwa-przy-uzyciu-broni.html>

However, according to the data of the National Police Headquarters, the number of permits issued to possess various types of weapons is growing. It is difficult to conclude the reasons for this state of affairs, whether it is the result of an increased sense of threat to citizens or a reduction of discipline in issuing permits because the principles themselves have not changed significantly recently.



**NATURAL PERSONS – 2013**

KIND OF WEAPON	AS OF 31ST DECEMBER 2013	
	WEAPON UNITS	LICENSES
COMBAT FIREARMS	25 064	21 333
HUNTING FIREARMS	292 989	150 816
SPORT FIREARMS	35 148	18 832
ALARM GUNS	608	442
GAS PISTOLS	151 043	149 781
OBJECTS INCAPACITATING WITH ELECTRIC POWER	167	253
CROSSBOWS	152	163
COLD WEAPON	0	30
<b>TOTAL</b>	<b>505 171</b>	<b>341 420</b>

Tab. General Police Headquarters <http://statystyka.policja.pl/st/wybrane-statystyki/bron/bron-przestepstwa/50844,Przestepstwa-przy-uzyciu-broni.html>

**NATURAL PERSONS – 2012**

KIND OF WEAPON	AS OF 31ST DECEMBER 2012	
	WEAPON UNITS	LICENSES
COMBAT FIREARMS	24 872	20 738
HUNTING FIREARMS	286 181	145 726
SPORT FIREARMS	32 637	17 113
ALARM GUNS	608	438
GAS PISTOLS	151 033	149 678
OBJECTS INCAPACITATING WITH ELECTRIC POWER	167	253
CROSSBOWS	152	163
COLD WEAPON	0	30
<b>TOTAL</b>	<b>495 650</b>	<b>334 109</b>

Tab. General Police Headquarters <http://statystyka.policja.pl/st/wybrane-statystyki/bron/bron-przestepstwa/50844,Przestepstwa-przy-uzyciu-broni.html>

**4. International efforts in the fight against arms trafficking on the Internet**

The problem of arms and explosives trafficking is often discussed in national and international fora. Less often, Internet-based trade is discussed. In 2013, the United Nations General Assembly adopted the first ever treaty regulating the trade in conventional arms<sup>12</sup>. After the entry into force, the new law will be the

<sup>12</sup> <http://wiadomosci.onet.pl/swiat/onz-przyjela-bezprecedensowy-traktat-o-handlu-bronia-konwencjonalna/vfqdh>, [accessed 13.01.2019].

first international document that sets the standards for international arms trade in accordance with respect for human rights, so as to – at least in theory – counter war crimes and protect civilians. But it only concerns international flows, it does not touch national legislation and does not impose any new obligations on domestic arms trade and exporters<sup>13</sup>.

During the voting in 2013, 154 countries voted in favor of the treaty, three – Syria, North Korea and Iran – were against and 22 abstained from voting. Among them was Russia, which described the document as "underdeveloped." The reason was, *inter alia*, the failure to adopt the Russian amendment prohibiting the supply of various weapons to partisans and other illegal (in the countries of operation) organizations.

As the *Kommersant* reports, the authorities in Moscow do not currently want to ratify the treaty, although they do not exclude such a possibility in a few years. The economic consequences of this decision will be the decisive argument. The treaty covers all conventional weapons, including the sale of tanks, armored vehicles, large-caliber artillery systems, combat aircraft and helicopters, warships, missiles and rocket launchers, small arms and light weapons<sup>14</sup>.

According to the document, it would be impossible to sell weapons to conflict countries, governments accused of crimes against the population, but also in cases where there is a risk of them being transferred to terrorist organizations or used for genocide. Among the recipients of the Russian arms industry, which is the second largest in terms of export value after the US, is India, but also countries such as Syria or African and Asian authoritarian states. In addition, the document covers not only sales, but also transit, transshipment and brokering<sup>15</sup>.

After seven years of efforts, the treaty was accepted despite the fiasco of negotiations last July as well as the failure to accept the document in a consensus among 193 UN members. The treaty was still opposed by the same three countries: Iran, North Korea and Syria. Not agreeing to this blockade, around 100 countries proposed to adopt the document in the General Assembly as part of a treaty resolution that opens the way for its signature since June 2014. This vote no longer required unanimity; every country also has a free hand to sign the treaty. To enter into force, the treaty must be ratified by 50 states. The document assumes that countries will adopt national regulations to control the flow of weapons, as well as parts of it.

<sup>13</sup> [http://wiadomosci.gazeta.pl/wiadomosci/1,114871,13668080,ONZ\\_przyjela\\_pierwszy\\_w\\_historii\\_traktat\\_regulujacy.html](http://wiadomosci.gazeta.pl/wiadomosci/1,114871,13668080,ONZ_przyjela_pierwszy_w_historii_traktat_regulujacy.html), [accessed 13.01.2019].

<sup>14</sup> [https://www.defence24.pl/wyszukiwanie/?search=news\\_rosja-nie-podpisze-traktatu-onz-regulujacego-handel-bronia](https://www.defence24.pl/wyszukiwanie/?search=news_rosja-nie-podpisze-traktatu-onz-regulujacego-handel-bronia) [accessed 13.01.2019].

<sup>15</sup> *Ibidem*.

Highly developed countries already have them, but over 100 countries still do not have such regulations<sup>16</sup>.

Threats to unregulated arms trade are also noticed by the European Commission, which in a special communication to the European Council and Parliament indicated four priorities important from the point of view of the security of arms trade:

1. *Protection of the market for legal civilian firearms* through new EU standards regarding the types of firearms that can be sold for civil use, methods of marking and granting licenses for people who want to own and use firearms.
2. *Restricting passing of firearms* into the hands of criminals by developing effective standards for the safe storage of firearms for civil use and depriving civil and military firearms of utility, as well as through increased efforts to reduce the illegal trade in non-civilian (non-civil or military) firearms coming from outside of the EU.
3. *Increasing pressure on criminal markets* through better cross-border cooperation between police, customs and border guards, as well as by assessing the need for common EU rules on the criminalization of firearms offenses and the level of criminal sanctions imposed by Member States.
4. *Building better intelligence capabilities* by collecting and exchanging information on firearm crime and through targeted training of law enforcement officers<sup>17</sup>.

## Summary

Trafficking of weapons and explosives is a phenomenon that has accompanied mankind practically since specialized plants or individuals began to produce weapons. Earlier, everyone produced it for their own needs, hence this problem probably did not exist. With the development of digital and telecommunications technologies, this very lucrative and profitable business has found its way to places where it is easy to reach the recipient with relatively low financial outlays. International and national institutions see the need to regulate this market in terms of legal trading

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<sup>16</sup> [http://wiadomosci.gazeta.pl/wiadomosci/1,114871,13668080,ONZ\\_przyjela\\_pierwszy\\_w\\_historii\\_traktat\\_regulujacy.html](http://wiadomosci.gazeta.pl/wiadomosci/1,114871,13668080,ONZ_przyjela_pierwszy_w_historii_traktat_regulujacy.html), [accessed 13.012019].

<sup>17</sup> Communication from the Commission to the Council and the European Parliament, Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking, Brussels 21.10.2013, p. 7.

and attempt to liquidate or at least limit its illegal form. Unfortunately, it must be admitted that the above-mentioned lucrative nature of this phenomenon dominates over other considerations and the proposed changes are only apparent or very limited. On the other hand, if more radical provisions appear, they are not respected by those countries whose business in the area of the problem in question could suffer. It is difficult to predict in which direction further work will be conducted on the normalization of the online market of weapons and explosives, however, there is a big fear that Saint. Izydor, if he had the opportunity, probably would not want to patronize the part of cyberspace in which arms, drugs and human trafficking take place.

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