

## RISK FACTORS IN HOSTAGE SITUATIONS

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### **Abstract:**

*The article aims to analyse problems associated with making decision in situations of the terrorist threat. Today, the problem of a risk especially relates to “renegade” situations and similar ones which raise a number of issues related to a risk in moral, social, political and tactical terms. In this context an important element is to minimise the risk of the latter type by creating conditions for proper development of special forces capable of performing operations to rescue hostages.*

### **Keywords:**

*terrorism, a hostage situation, special forces, special operations*

## INTRODUCTION

The object of this article is to analyse problems associated with making decision in situations of a terrorist threat, in particular hostage-taking in static objects, means of transport and abductions, hereinafter referred to as hostage situations. Particularly, due to the limited space of the article, decision-making problems in the context of a risk during the hostage rescue operations are the main analysed aspect herein. An important problem is the Polish context of this issue as well.

These situations may be defined as events during which the “a person or persons are held by a perpetrator or perpetrators against their will, the perpetrators make certain demands addressed to entities being able to fulfill them (public administration, the police, international organisations, legal and natural persons - for example hostages' fam-



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ilies). The fulfillment or non-fulfillment of these demands determines freedom, health and lives of the hostages<sup>1</sup>.”

The above definition does not include any further distinction into types of such events, in particular as regards the motives of the perpetrator or the perpetrators. However, it should be remembered that perpetrators can act from political motives<sup>2</sup> which means that the event should be considered a terrorist attack, a criminal offense (e.g. in order to extort a ransom) or caused by mental disorders, and these latter two groups of perpetrators are to be classified as cases of the so-called criminal terror.

There may also be different specific objectives of hostage situations, and therefore demands made by perpetrators. One can distinguish two major sets of cases. The hostage situation may be an end in itself or be part of a broader plan. In the first of the cases, taking a hostage or hostages is intended to force concessions directly leading to the achievement of objectives which perpetrators set themselves. The classic case is the demand of a ransom or political concessions - such as the release of persons imprisoned for terrorist or criminal activity.

Secondly, the hostage situation can only be a means to carry out more actions. This may be, for example, hijacking of an aircraft or a watercraft with the aim to use it as a tool for an attack (the “renegade” scenario). There can also be more complex scenarios, such as kidnapping to force a particular behaviour or to obtain information which enables a proper attack or some other criminal act. An example of such behaviour may be the abduction of random or selected people to extort access to the protected object. This group of events also comprises cases of hostage-taking to ensure themselves the possibility to escape under the hostages' cover.

A special case of hostage situations are those which defy the above outlined scheme of “demands for freedom”. There have been observed such events when the abduction of a person or persons was only to deprive them of life (as in Iraq) and the already mentioned cases of “renegade” (as was the terrorist attack of September 11th, 2001) fit into this category as well. Because the perpetrators did not put forward any demands, they just sought only to hit buildings with hijacked airplanes, and as they had mastered adequately pilotage skills, they did not need to enforce obedience on air-crew members.

Another distinction of hostage situations can be the division of more technical nature between the perpetrators' tactical modus operandi and cases of the abduction of a person (kidnapping), the abduction of a vehicle (hijacking), finally seizing a static object (barricade situation). It should be noted that within one hostage situation these types of incidents may occur together (at the same time or one following another).

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<sup>1</sup> M.Piekarski *Funkcjonowanie systemu jednostek antyterrorystycznych Policji a ewolucja sytuacji zakładniczych* [In:] W. Grabowski, M.J Malinowski, R. Ożarowski (ed.) *Ewolucja terroryzmu na przełomie XX i XXI wieku*, Gdańsk 2009, p. 497

<sup>2</sup> That also contains a special case of perpetrators acting for religious reasons.

## 1. KINDS OF RISK IN A HOSTAGE SITUATION

The first step to evaluate these issues is to define risk factors. They can be divided into tactical, legal, political, moral and existential ones. The most fundamental factor is the last of them which, for the purposes of this work, is dubbed as existential one. It defines a threat to hostages' life and health (as well as other people's) which is an essential element of a hostage situation. This threat determines the direction of all activities undertaken by the government departments whose goal should be postponing this threat. Taking these actions implies more risk.

Moral, legal and political factors are closely linked together. From the democratic state point of view, two rules are fundamental here: not to give way to the lawlessness and to protect citizens' life, health and freedom. Even in the most rudimentary analysis of the problem a conflict is evident. In the classic hostage situation, where the perpetrators demand certain concessions (or a ransom) there are two clear options of proceedings.

The first option is to meet the perpetrators' demands. That means leading to the removal of the danger to hostages' lives by fulfilling perpetrators' demands which are illegal as a rule. Thereby the state is forced in this way to essentially legally questionable behaviour (like the release of prisoners), the obvious risk factor is also a threat of the recurrence of similar incidents in the future.

In turn, the second option, that is the lack of concessions, is a threat to the hostages' lives and constitutes the acceptance of the fact of their illegal restraint. Thus, in each of these cases there is moral, legal, and finally political conflict.

Even stronger conflict takes place in a "renegade" situation. Then concessions mean the consent to the execution of the terrorists' plan (the use of an aircraft or a vessel) and the death of hostages and detainees in an attacked object. Whilst the destruction of an abducted craft (especially an aircraft) means the acceptance of hostages' death. This raises a serious dilemma concerning the most basic human rights.

This situation is complicated by the fact that from the state point of view and its interests, depending on who the hostage or hostages and the perpetrators are and what the context of the political situation is, the perception of the value, which can be sacrificed, may vary. It is easier to accept the payment of a ransom to abductors of diplomats in a distant region (even on another continent) which is insignificant for the policy of the state than yield to the perpetrators acting from political motives. Another complicating factor is the situation in which the perpetrators' demands are addressed to several entities. Finally, the combination of the aforementioned factors can lead to a situation where none of those options is possible to be chosen.

This was the case during the Olympic Games in Munich, on 5th September 1972, where the group of eight Palestinian terrorists from the organisation "Black September" took a group of eleven Israeli athletes hostage and in exchange for their release they demanded the release of terrorists imprisoned in Germany and Israel. Neither the German nor the Israeli governments for political reasons could agree to the demands of terrorists, even at the cost of lives of the hostages.

Given the stalemate the Bavarian police forces attempted to rescue the hostages through the use of the ad hoc organised group of policemen but they ended in defeat. During several hours of the fire contact at the Furstenfeldbruck military airport where an ambush had been prepared for the terrorists, all the hostages and five terrorists were killed<sup>3</sup>.

Such a result of the operation was caused by the lack of suitably competent forces capable of carrying out hostage rescue operations. The ad hoc gathered policemen did not have adequate training, equipment, some of them even had left their positions before the operation, convinced that the operation could not succeed.

Police officers who were expected to perform the operation at the airport were equipped with G3 rifles, but they were devoid of optical sights or night vision sights (even though the ambush was arranged at night). Shooters were not able to eliminate all the terrorists, even worse, some of their bullets injured the hostages<sup>4</sup>.

The Munich case illustrates the risks associated with a chance other than negotiations to release the hostages, that is a rescue operation. It is a chance for a double success for the state authorities achieved in the confrontation with the perpetrators of hostage-taking, not only does it allow not to fulfil their demands but also have the hostages released. However, this means accepting the need for another type of risk, for purposes of this article defined as a tactical risk.

The tactical risk is intended to comprise a set of factors that influence the effectiveness of hostage rescue operations arising from the specificity of rules of conducting such operations. Persons who take decisions regarding to hostage rescue operations, both the most general decisions (and therefore strategic - mostly concerning issuing an order, giving or rejecting a consent to carry them out) as well as more detailed ones, must strive to minimise any risk as far as possible and acceptance to the extent necessary to the effective completion of operations.

It is obvious that the main risk factor is the survival of the hostages. The rescue operation, especially when the shots are fired or the operation is aborted it poses a risk to hostages' lives, as shown by the Munich case. This, in turn, means that these operations may only be performed by properly prepared units, trained and equipped differently from conventional army or police forces. Thus, from the military terminology point of view, these operations should be included to specific activity (operations), accepting rules applied to them. They constitute a number of criteria that the American doctrine boils down to the five general principles (SOF Truths) which are as follows:

- people are more important than the equipment;
- quality is better than quantity;

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<sup>3</sup> [online]. [available: 15.06.2014]. Available on the Internet: <http://www.terrorism.com/tragedia-podczas-igrzysk-olimpijskich-w-monachium-1972/>

<sup>4</sup> Compare: C. M Perez, *Anatomy of a rescue: what makes hostage rescue operation successful?* Monterey 2004 p. 156 – 160

- special forces<sup>5</sup> cannot be a mass product;
- competent special forces cannot be created after the occurrence of crisis situations;
- most special operations require support from other forces<sup>6</sup>.

According to the concept developed by Admiral W. McRaven<sup>7</sup>, special operations are characterised by six basic rules. These are: simplicity, speed, desirability, security, repetition<sup>8</sup> and surprise. It should be noted, however, that the hostage rescue operations are among the most complex operations. It was proved by the Israeli hostage rescue operation conducted on 15th May 1974 at a school in the Maalot kibbutz where as a result of the attack carried out by special units but in accordance with typically military methods 26 people, mostly children, were killed. This means, therefore, that such operations should be considered as a special kind of a subset in a larger set of special operations.

In addition, which is clear, the possibility of undertaking a rescue operation and its course are affected by such fundamental factors as:

- the number of persons unlawfully deprived of their freedom;
- the place or places of their detention (especially if it is an own or a foreign territory);
- the perpetrators' number, motivation, determination, training and arming as well as people who help them.

Historical experience indicates that two equivalent elements are required to minimise risk in hostage rescue operations. They are a unit or units specialised in conducting these operations (hereinafter referred to as counterterrorist) and support forces.

A counterterrorist unit must be particularly able to:

- precisely use forces necessary to neutralise terrorists - mainly firearms and specialised incapacitating measures (e.g. flashbang grenades);
- reach the place of hostages' detention by land, water and air, as appropriate;
- overcome technical barriers (doors, windows, walls, barricades) in a way that ensures fast access to places of detention of hostages;
- provide first aid to the injured (wounded);
- neutralise explosive devices;
- conduct tactical reconnaissance for needs of actions.

<sup>5</sup> In the American terminology it is common to use the term "special operations forces" as the equivalent of the Polish term "special forces" or "special military forces". Due to the specificity of the subject in the study the Polish term is used.

<sup>6</sup> [online]. [available: 15.09.2014]. Available on the Internet: [http://www.socom.mil/Pages/SOFT\\_ruths.aspx](http://www.socom.mil/Pages/SOFT_ruths.aspx)

<sup>7</sup> W. H McRaven, *The theory of special operations* Monterey, 1993, p. 11 – 37.

<sup>8</sup> This concerns exercises preceding the operation.

In contrast, support forces must be able to provide:

- comprehensive reconnaissance support, with the use of both technical and personal sources of information concerning the site of the incident, perpetrators, hostages, persons or forces cooperating with the perpetrators and the overall situation at the time and place of the operation;
- transport support, especially to transport counterterrorist units to the site and evacuate these forces and hostages;
- communication and command support;
- kinetic (fire) support, if such a need arises;
- logistic (including medical) support.

It is worth noting that the scope of required capabilities varies depending on the nature of a hostage situation, particularly whether it takes place in a friendly, controlled by an opponent territory or where there is an ambiguous situation (especially resulted from the absence of the effectively functioning state power). Moreover, requirements in the case of actions on land and at sea differ significantly.

The hostage situation can be resolved by means of properly prepared, trained and equipped forces, acting with the use of the surprise effect and based on precise intelligence information allows to minimise the risk associated with carrying out the rescue operation. They do not mean the complete tactical risk reduction while political consequences of an unsuccessful operation can be very serious, as illustrated by the failed attempt to rescue American hostages in Iran in 1980.

Another tactical risk factor is the actual ability to use forces which are the most appropriate to the needs. Due to the fact that counterterrorist units and forces supporting them should be considered a „rare commodity” and hostage situations can be dynamic, it may be necessary to use less well-prepared forces but with partial competence in this area.

This kind of solution, forming a multi-level system of units capable of rescuing hostages, can be regard reasonable particularly in countries that are highly vulnerable to terrorist actions.

The example of such a system are American special forces. In their structure there is the operational command in charge of counterterrorist activities - Joint Special Operations Command, which units designed to rescue hostages are subordinated to. These are the 1<sup>st</sup> Special Operations Operational Detachment – Delta<sup>9</sup> detached from land forces and the Naval Special Warfare Development Group forming part of marine special forces<sup>10</sup> and extensive support components,, especially including intelligence<sup>11</sup> and

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<sup>9</sup> There is also used the name of the Army Compartmented Element or Combat Applications Group, compare: [online]. [available: 16.09.2014]. Available on the Internet: <http://www.globalsecurity.org/military/agency/army/sfod-d.html>

<sup>10</sup> Formerly known as Seal Team 6, compare [online]. [available: 16.09.2014]. Available on the Internet: <http://www.special-ops.pl/leksykon/id131,devgru-united-states-naval-special-warfare-development-group-seal-team-6>.



communication ones. The important component of kinetic support is the 75<sup>th</sup> Ranger Regiment having the character of an assault unit.

In addition to the hostage rescue tasks in emergency situations other elements of special forces are trained, in particular, the selected companies of Special Forces Groups („Green Berets”) known as „Commander In-extremis Force” (CIF) and units of naval special forces (SEAL). This potential is supplemented by extensive air support structures of air forces, land forces and naval air forces and components of conventional forces used when required. One also cannot ignore the non-military elements including the HRT units of the Federal Bureau of Investigation specialised in hostage rescue operations which are, in turn, supplemented by the selected (enhanced) SWAT units of the FBI field offices.

The system constructed in that manner and having strong support structures minimises the risk taken during the hostage rescue operation, which in recent years has been proven during several such operations, among others in Somalia and Afghanistan. Although they are not risk free, especially in terms of reconnaissance support, as the recent case of the operation carried out in Syria has shown.<sup>12</sup>

At the same time, the attention should be paid to the existence of another risk factor, that is the threat of the use of insufficiently prepared forces for the hostage rescue operation. This applies both to the use of only units which are not trained in this area (as was the case in Munich) as well as the systemic failure, as illustrated by the already mentioned operation in Iran in 1980.

Then, in order to release the hostages held at the American Embassy in Tehran, the 1<sup>st</sup> Special Operations Operational Detachment – Delta was deployed being supported by extensive support forces detached from different kinds of armed forces. This ad hoc formed structure, highly enlarged both because of the complexity of the operation and the desire of all kinds of armed forces to participate in the prestigious and politically important operation turned out to be tragically ineffective. The operation was aborted in the first phase at the desert helipad in Iran due to losses in the air equipment incurred as a result of the sandstorm.<sup>13</sup>

Both cases from Munich and Iran are events in which political pressure clearly prevailed over the rational risk calculation and necessitated the use of inadequately prepared forces, despite the knowledge allowing to define the principles of organising these forces and the criteria on the basis of which it could be considered if the task was feasible for the available forces. It is enough to recall the experience of the rally at the Son Tay conducted in 1970 in North Vietnam which was comparable to the opera-

<sup>11</sup> Including the unit known as the Intelligence Support Activity as well as the JSOC Intelligence Brigade. The unverified information also indicates the involvement of the reconnaissance company 75<sup>th</sup> Ranger Regiment.

<sup>12</sup> See: [online]. [available: 16.09.2014]. Available on the Internet: <http://www.special-ops.pl/aktualnosc/id2080,bliski-wschod-nieudana-proba-odbicia-amerykanskich-zakladnikow>.

<sup>13</sup> Compare: C.M. Perez *op.cit.* p. 127 – 149, R. Marcinko *Komandos* Kraków 2012 p. 294 – 305, E. Haney *Delta Force* Zielonka 2010 p. 223 – 245.

tion in Iran. It was a textbook case, although missing reconnaissance information contributed to the negative result of the operation (there were no prisoners in the camp, only guards).<sup>14</sup> In other words, it can be observed that despite the progress made in the units (in 1970 there was no counterterrorist unit appointed, but in 1980 there was one established), however, their system environment was clearly worse.<sup>15</sup>

## 2. RISK FACTORS IN THE POLISH CONTEXT

While analysing these numerous problems from the Polish perspective, it seems that Poland is a country where the risk taken in hostage rescue operations is minimised by the large number of units assigned to conduct such operations. In particular:

- Special Forces Units, and especially the Military Unit GROM designated to carry out the hostage rescue operations,
- the Police Special Forces (anti-terrorist), with particular emphasis on the Office of Counterterrorist Operations of the Police Headquarters and the Independent Antiterrorist Units of some of the Provincial Police Headquarters,<sup>16</sup>
- some special units of other services, including the Military Police, the Internal Security Agency and the Border Guard.

To this potential should also be added special units (tactical), operating in the Police (i.e. the Executive Department of the Police Metropolitan Headquarters, the Anti-terrorist Sections of some Provincial Commands, executive groups in other Police units in the Police Central Bureau of Investigation) and other state services (i.e. the Prison Service), some of which are able to perform tasks related to rescue the hostages, particularly in simpler hostage situations.<sup>17</sup>

One should take into account the very changeable and non-equivalent situation of those units in terms of filling the slots, training opportunities, equipment availability. Another factor is the diversity of their formal status (in particular, in the case of military units including the possibility of using them in the country) as well as the status and capabilities of the mentioned support units. These differences greatly hinder the evaluation of the degree of preparedness of Polish special units to perform such tasks.

What is more, there is a clear disproportion between the nature of possible threats and the formal legitimacy and actual capacity of individual units. An example of this situation is the Military Unit GROM, which despite its nature distinguishing it from other military units, is formally treated like any other unit or sub-unit of the Armed

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<sup>14</sup> Compare: W. H McRaven, *op.cit.*, p. 441 – 511.

<sup>15</sup> Partially this can be attributed to the strategic situation - in 1970 the conflict in Vietnam had been lasting for a long time. Iran the recent ally was the new territory for the Americans, which influenced e.g. the quality of the available air support. In the operation in Iran there were used helicopters RH-53D Sea, originally intended for minesweeping, while in Vietnam the helicopters of combat rescue squadrons operating for several years in the region.

<sup>16</sup> Of the Pomorska, Zachodniopomorska, Podlaska, Wielkopolska, Łódzka, Dolnośląska, Śląska, Małopolska and Podkarpacka Provincial Police Headquarters.

<sup>17</sup> More: M., Piekarski *Bezpieczeństwo wewnętrzne w Polsce w latach 1989 – 2013. Wybrane aspekty.* Warszawa 2013, p. 116 – 164.



Forces, in accordance with regulations<sup>18</sup> which are adequate to other than terrorist threat situations.<sup>19</sup> This imbalance should be considered as a significant risk factor as it may lead to a situation in which it can be impossible to use forces most adequately prepared to perform a given task.

The risk is also seriously increased by the lack of clear regulations concerning the engagement of state services in cases of a terrorist threat. It cannot be ruled out that phenomena of negative cooperation (rivalry) between individual elements of state services, especially in particularly media situations, may come out. Provisions contained in the crisis management legislation<sup>20</sup> are only of a very general nature.

It should also be noted that the current provisions governing<sup>21</sup> the use of firearms and coercive measures only partially remain consistent with the requirements in this respect which involve terrorist threat situations, mainly hostage situations. Despite many years of discussion the use of weapons by snipers and other uses of weapons in special situations have not been regulated. This raises a particular risk, as soldiers and officers are supposed to act in accordance with applicable provisions / regulations, which may lead to a situation when the firearms usage in a manner appropriate to the situation will not be possible.

In the case of a „renegade” situation both moral and political risk is multiplied by the lack of clear legal solutions. In 2004 the legal act of statutory rank<sup>22</sup> allowed the possibility of destruction (on the order of the Ministry of National Defense) an aircraft used as a means of a terrorist air attack, also with hostages on board. Four years later this provision was repealed by the Constitutional Court as contrary to the constitutional principle of protection of human life.<sup>23</sup> Currently, the Act on the Protection of the State Borders distinguishes de facto hostage and non- hostage situations and it forbids the destruction of an aircraft used in a terrorist attack if there are hostages on board.

However, such action is possible in the „maritime renegade” situation, as in accordance with the Act on Protection of Maritime Traffic and Sea Ports<sup>24</sup> it is acceptable to engage military forces in order to neutralise a floating object used as a means of a terrorist attack, including sinking it. The situation should be considered even more ambiguous when it is necessary to carry out operations beyond the Polish territory. Taking into account the constraints on national resources - especially in terms of the potential of naval forces and air transport as well as other factors (including intelligence information gathering capabilities) it can be assumed that any potential operation of this kind outside Poland is possible to be carried out only providing the extensive allied support.

<sup>18</sup> In particular the Act on the Police.

<sup>19</sup> See: I. Chloupek, *GROM a Euro 2012*, „Special-ops”, 2/2012.

<sup>20</sup> See: *Ustawa z dnia 26 kwietnia 2007 roku o zarządzaniu kryzysowym*, Dz.U. of 2007, No. 89 Item 590 as amended.

<sup>21</sup> *Ustawa z dnia 24 maja 2013 r. o środkach przymusu bezpośredniego i broni palnej* Dz.U. of 2013 Item 628.

<sup>22</sup> *Ustawa z 2 lipca 2004 o zmianie Ustawy o ochronie granicy państwowej* Dz.U of 2004 No. 172 Item 1805.

<sup>23</sup> The decision of the Constitutional Court of 20<sup>th</sup> September 2008, K 44/07 Dz. U of 2008 No. 177 Item 1095.

<sup>24</sup> *Ustawa z dnia 4 września 2008 roku o ochronie żeglugi i portów morskich* Dz.U of 2008 No. 171 Item 1055.

So far, Poland has faced the problem of hostage situations mainly through the prism of criminal terror acts, mostly abductions for ransom or events caused by emotionally impaired persons.

In addition, one can identify situations of a higher degree of complexity including the event in Jelenia Góra in 2000 (taking of hostages at the courthouse by members of an organised criminal group), transporting abducted persons by car from Germany to Ukraine in 2002, the hostage situation in the building of the Polish Television in 2003 and to some extent the incident in Sanok in January 2013 ended with the suicide of the perpetrator and the person staying with him. Polish citizens were also held hostage abroad. These cases include, in particular, the execution of the kidnapped and held hostage Polish engineer in Pakistan in 2008<sup>25</sup>. It cannot be regarded as rational behaviour to maintain status quo resulting mainly from provisional and partial activities that make the state security system highly fragmented and if it has the characteristics of efficient and effective activity, this can be attributed to factors other than substantive ones.

At present the main and noticeable issue that is highlighted by the inconsistent systemic framework is the ability to accept the risk. Although the problem goes beyond the scope of this text, but striving to avoid making risky decisions can be seen in the practice of activity of Polish services responsible for national security that in the case of complex hostage situations may result in the lack of taking any action which, in turn, could have irreversible and tragic consequences.

### CONCLUSION

As it is apparent from the above analysis, the issue of hostage situations requires the interdisciplinary research approach. It can be considered that the risk occurring in such situations, with particular emphasis on the tactical risk, can be minimised by the existence of effective forces (units) able to carry out operations to rescue hostages. The efficiency and reducing risk factors are measured both by trained soldiers or officers of these units, quality and relevance of their equipment and weapons to the needs but also the presence of supporting structures acting adequately to the needs. The relevant legal legislation and effectiveness of taking decisions at the political level are significant as well. As particularly important directions for further research should be considered:

- the Polish context of the discussed issues, primarily further research on special military units in terms of the role they play in the state security system;
- the issue of support and security of special operations, particularly hostage rescue operations;
- the evolution of hostage situations in terms of challenges which they pose to forces and structures responsible for solving this kind of situations.

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<sup>25</sup> See: K. Liedel, A Mroczek *Terror w Polsce – analiza wybranych przypadków*, Warszawa, 2013, p. 160 - 167

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