

Dariusz Sielicki

The contemporary maritime piracy in Somalia.

The criminological and phenomenological study

summary of the doctoral dissertation

written under the supervision of Prof. Maciej Szostak, PhD.

The subject of the dissertation is the problems of selected criminological issues related to the aetiology, phenomenology, and the prevention and prosecution of crimes defined by the international community as 'Somali piracy'. The author intends to present the most critical criminological aspects characterizing the phenomenon of Somali piracy and the criminal justice system's response it causes. The author's interest in piracy is related to his professional experience gained during a 3-year stay in Somalia as a legal advisor in the European Union's capacity-building mission.

The primary goal of the dissertation is to draw attention to the need to revise the existing criminological knowledge on the so-called 'maritime piracy' using the example of the so-called Somali piracy. The interdisciplinary presentation of this phenomenon achieves this goal through the prism of general and selected (specific) research problems.

To achieve the primary goal, the author describes selected criminological aspects of pirate crime, discusses the legal dogmatics' considerations that determine the criminal justice response, and finally presents and evaluates the effectiveness of this response.

The research material was collected using various research methods used in criminology. They include legal-dogmatic analysis, historical law analysis, and qualitative research based on participant observation consisting of in-depth interviews with perpetrators and witnesses of piracy.

The first chapter explains the research subject, including the definition of the term 'Somali piracy' and a reference to its legal denotation. Furthermore, the author indicates the sources of factual findings showed in the study.

In the second chapter, the author focused on geopolitical and sociological conditions, including cultural ones, of piracy, pointing to the analysis of the social and environmental situation that influenced the criminal motivation of a large group of perpetrators and the existence of conditions conducive to the commission of a crime.

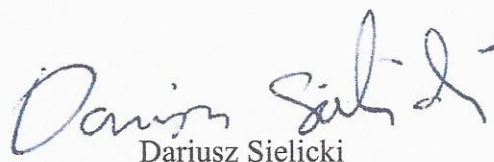
The third chapter discusses the characteristics of the crimes in question. It seems that not only is the presentation of the pirates' modus operandi at a critical time is of particular cognitive value but, above all, the indication of its criminological and environmental determinants. Knowing and understanding these determinants can help identify directions for action to be taken by the international community in Somalia to build statehood and stimulate social change that will prevent the return of piracy.

The fourth chapter is dedicated to activities aimed at combating piracy, undertaken within the framework of military and state-building international cooperation. It presents naval operations carried out by the fleets of particular countries and activities undertaken by intergovernmental organizations. The latter include developing the institutional capacity of Somali law enforcement and justice in the fight against piracy.

The subject of the fifth and thus the last chapter is the issues of the criminal law response to piracy, undertaken by both the international community and Somali police, prosecution, and the judiciary.

Based on the research and findings on 'Somali piracy' presented in the dissertation, the author formulated inferences on the general and specific research problems related to the phenomenological and criminological characteristics of the phenomenon of maritime piracy in the broad sense, with particular emphasis on the so-called Somali piracy.

The conclusions and assessments presented in the dissertation may prove helpful in developing a strategy to combat other criminal activities that originate in the Horn of Africa and whose adverse effects materialize mainly in the European Union countries, such as trafficking in human beings and the smuggling of illegal immigrants.


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