

Abstract

Jurisdictional Aspects of Repression of Piracy

The purpose of this thesis is to analyse the jurisdictional aspects of repression of piracy in modern international law. The main reason for my research was to find out, whether there were sufficient legal instruments to be used while fighting piracy off the coast of Somalia. The thesis is composed of an introduction, five chapters and a summary. After an introductory chapter, which sets out the goals of this thesis, chapter one gives a brief insight into piracy's role throughout the history and shows the main causes of the Somalia piracy crisis and the answer of the international community. Moreover, this chapter explains that while piracy off the coast of Somalia seems to be a problem of the past, new piracy epicentre seems to have emerged near the coasts of Nigeria. Chapter two gives a deeper insight into the problem of defining piracy. It gives examples of the different definitions as used in various legal and also supporting documents and further follows up on the definition of piracy *iure gentium* as is stipulated in the UN Convention on the Law of the Seas. Chapter three sets out the theoretical grounds for asserting jurisdiction. At first, it concerns itself with territorial jurisdiction, as the most common and well established base, and after that it introduces various bases for asserting extraterritorial jurisdiction. Chapter four then looks into the problem of apprehending the alleged pirates on the sea. This chapter is divided into two parts. Part one deals with the procedure on high seas, whereas part two addresses territorial waters. And last but not least, chapter five introduces all possible approaches to adjudicating piracy cases. In its six parts, it covers all the possibilities given by international law and includes also the possibility of adjudicating piracy at the ICC and in Czech Republic. In the last part of this thesis, conclusions are drawn, showing that international law provides the international community with sufficient legal instruments to fight piracy. However, recodification that would take into account the aspects of modern piracy would probably be very helpful.