

Addendum No. 3

attached to the application for conducting the habilitation procedure

PhD, Piotr Chlebowicz, Assistant Professor
Department of Criminology and Criminal Policy
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Olsztyn, 4st March, 2015

**The summary
of professional accomplishments and scientific achievements**

Name and surmane:

Piotr Chlebowicz

Diplomas held, academic degrees:

Doctor of Juridical Science, the degree awarded by the decision of the Department Board of Law and Administration of University of Lodz on the 19th September, 2008.

The title of the doctoral dissertation: 'Football hooliganism. A criminological study.'

Academic supervision of Professor Wiesław Pływaczewski, PhD, UWM

Reviewer: Professor Jerzy Kasprzak, PhD, UWM and Professor Krzysztof Indeck, PhD, UŁ

Master's degree in Law awarded at the Faculty of Law and Administration of Nicolas Copernicus University in Toruń on 11th June, 2002. The title of the thesis: 'Psychopathy in the light of criminology'.

Information on employment in scientific entities:

2012 - Assistant Professor at the Department of Criminology and Criminal Politics,
Faculty of Law and Administration at the University of Warmia and Mazury in Olsztyn

2009 – 2012 Assistant Professor at the Institute of Criminology, Victimology and Organised
Crime Issues, Faculty of Law and Administration at the University of Warmia and Mazury in
Olsztyn

(Chlebowicz)

2005 – 2008 Assistant Lecturer at the Institute of Criminology, Victimology and Organised Crime Issues, Faculty of Law and Administration at the University of Warmia and Mazury in Olsztyn

Indication of the achievements resulting from the article 16 (2) of the Act of 14 March 2003 on academic degrees / title and the degrees / title in the area of fine arts (Journal of Laws No. 65, item 595 as amended):

Piotr Chlebowicz, *Illegal trade in firearms. A criminological study*, Wolters Kluwer Publishing House, Warsaw 2015, 280 (monograph)

Overview of the scientific purpose of the above mentioned publication and the results achieved, together with an overview of any possible application thereof:

The issue of illegal trade in firearms is an interesting social phenomenon which has not been scientifically investigated yet. In Polish criminological literature, this phenomenon is not described or explained. Likewise, European criminology frequently disregards this problem. The authors usually perceive illegal arms trafficking as a manifestation of organised crime. It is particularly emphasised that such an activity generates large financial resources. However, that is merely a signal information, without references and attempts to describe the etiology, phenomenology or the strategy to fight this illpractice. There have been no attempt to use the criminological theories to describe and explain this phenomenon. Therefore, there is no complex monograph on this issue, in particular, there have been no empirical or theoretical studies conducted yet. Thus, this issue constitutes a ‘blank spot’ on the map of Polish and European criminology.

The above mentioned situation fully justifies the need to conduct research in this area. Therefore, this publication shows that there is every reason to believe that the requirement laid down in the Act on academic degrees / title and the degrees / title in the area of fine arts (Journal of Laws No. 65, item 595 as amended), i.e. the paper constituting a major contribution to the development of a particular discipline (Art. 16 Para. 1 and 2 item 1 of the Act) has been satisfied.

Simultaneously, there has been an increased worldwide interest in the problem of illegal trade in firearms since 1990. Legal as well as illegal trade in SALW armament (*Small Arms Light Weapons* – for Polish BSiL - Broń strzelecka i lekka) should be indicated as part of contemporary trends in arms trade. It should be emphasized at this point that this area of illegal trafficking in arms is the subject matter of this thesis.

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The negative consequences of SALW trade evoked a strong response from international community and the institution of civil society. To give an example, it was the activity of non-governmental organisations that mobilised public opinion to exert pressure on governments which started implementing various regulations in the area of arms trade. It is worth noting at this point that according to the UN it is the so-called uncontrolled arms transfer that constitutes the major factor contributing to the destabilisation in a number of world regions. It is believed that it supports organised crime and terrorism as well as significantly contributes to the victimisation of both individuals and social groups.

The aim of the thesis is a comprehensive criminological analysis of illegal trade in firearms, i.e. to obtain the criminological image of this phenomenon, identify the trends in illegal arms trafficking, as well as systematise the knowledge in this area, indicate new research directions and assess regulations which relate to illicit arms trade.

There has been an attempt to use the output of theoretical criminology, particularly the so-called economic model of organized crime. It seems that the abovementioned notion and its conceptual network create scope for criminological analysis of the phenomenon of illegal trade in firearms.

Undoubtedly, translating this issue to the area of criminology allows to describe the structure and mechanism of the functioning of illegal arms market as well as the motivation of the subjects conducting black market transactions. However, it should be noted that owing to the fact that weapon is a specific object of trade, the analysis of the phenomenon of the illegal trade goes beyond the classically defined criminology and, in a sense, forces us to consider other research perspectives, in particular political science and international relations as well as international law.

Thus, it should be assumed that the complexity and multidimensional nature of the phenomenon of illegal arms trade shows the need for employing the output of a variety of disciplines, including the findings of criminological as well as those of economic, sociological and political sciences.

Two intertwining research perspectives can be distinguished. On the one hand, it is about perceiving the illegal arms trade in terms of arms control and disarmament, on the other hand, as an issue connected with combating and counteracting crime.

In the first instance, the issue of international security which belongs to the sphere of international politics is at stake. The second perspective falls into the area of widely understood criminal policy essentially relating to the internal security of the country.

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The analysis of the strategy of combating this phenomenon requires performing the analysis of normative acts which contain appropriate regulations.

The content of the monograph is briefly discussed below.

Chapter 1 'The etiology of illegal trade' contains a discussion on the causes of illegal transactions. Particular attention is paid to the so-called economic model of organized crime within which it is possible to make an attempt at indicating the most important factors underlying the illegal trade.

Chapter 2 'Legal and illegal arms markets' contains the characteristics of various arms markets. Three different types of transactions have been distinguished and classified. The market has been divided into white, grey and black. In the case of the last one, the elements creating the structure of the market have been described. Moreover, I have also indicated the subjects who are on the side of the supply as well as the demand (such as terrorist groups or terrorist organisations). The attempt at indicating the elements typical for black market in Europe has also been made.

Chapter 3 'The link between legal and illegal markets' focuses on the impact of the legal market on the illegal arms transactions. The mechanisms of weapon transfer from legal to black market have been discussed. Furthermore, the issues of illegal arms production, smuggling, the loss of control over a country's armoury and firearms theft in civil circulation have also been covered.

Chapter 4 'Illegal arms trade against the selected criminological categories of crimes' concentrates on theoretical deliberations on the arms trade as a criminological category and, secondly, it contains the analysis of firearms trade as a sign of organised crime.

Chapter 5 'Illegal trade in firearms in Poland' contains the assessment of illegal arms market in Poland. On the basis of the source material and the literature, I have described the sources of illegal weapons in Poland. I have also indicated the most important smuggling routes and discussed the statistics concerning the amount of weapon intercepted. This chapter also includes case studies of the so-called rifle case, pistol case and the handgun theft on the Grunwald warship.

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Chapter 6 'Illegal arms trade versus terrorism'. This chapter develops issues addressing the role of arms trade from the perspective of terrorist activities. Apart from theoretical deliberations concerning the links between organised crime and terrorism, I have also covered such topics like the importance of SALW for terrorist action, the source of terrorist weapon and new trends in the modus operandi of terrorist organizations. On the basis of the available information, I have described the operations carried out by IRA and ETA on the arms black market.

Chapter 7 'Victimological aspects of illegal arms trade'. The UN repeatedly drew attention to the fact that the uncontrolled spread of SALW sustains conflicts, increases violence and constitutes one of the major causes of humanitarian disaster. Chapter 7 concentrates on the implications of illegal trade, with the impact on the victimisation of both individuals and social groups.

Chapter 8 'The ethical issues of arms trade'. As it is indicated, the subject of trade, that is weapons and ammunition, are the tools designed to kill people. It creates an obligation on the part of the producers and traders whose activity significantly influences international relations and in particular regional and global security. Therefore, international trade in weapons is an area of frequent conflict between political, legal, economic and ethical premises.

Chapter 9 'The UN initiative in the area of combating and counteracting illegal arms trade'. Chapter 9 describes the most important UN initiatives, such as the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons, in All Its Aspects, UN resolutions concerning embargoes on arms trade, the UN Register of Conventional Arms. The chapter also thoroughly discusses regulations contained in the Protocol against illegal production and trade in firearms, their parts and components and ammunition which complements the UN Convention against Transnational Organised Crime. I have also described the International Instrument on the Identification and Tracing of Small Arms and Light Weapons.

Chapter 10 'The European Union initiatives in the area of combating and counteracting illegal arms trade'. The last chapter focuses on the description of the directions of combating illegal arms trade in the European Union, with particular attention drawn to the

increasing interest of individual EU agendas in the problem of illegal trade in arms. The following issues are presented in the last chapter: illegal trade in firearms in the light of TREVI, Schengen and the Treaties acquis and the role of Europol in combating the illpractice in the EU, the characteristics of the EU strategy on combating the arms trade on the black market using such documents as the 2003 European Security Strategy, the EU strategy to combat illicit accumulation and trafficking of small arms and light weapons and their ammunition 5319/06 of 15th-16th December, 2005.

Overview of other research and scientific achievements

Over 60 publications constitute my hitherto scientific achievements. They cover such areas as football hooliganism, operational and strategic crime analysis, crime against the Republic of Poland, illegal markets and illegal arms trade. My scientific output includes the authorship of two monographs, co-authorship of one monograph, editorship of two books, co-editorship of one book, articles in magazines and collective works, reviews and reports.

After being awarded the degree of Doctor of Juridical Science I have participated in approximately 50 scientific conferences, actively in most cases (presentations, input into the discussion, panel moderator).

Addendum No.4 attached to the application for conducting the habilitation procedure contains the list of my publications. The following publications represent a larger group of works which present the directions of my scientific research.

My scientific activities encompass a variety of research areas. The first is an issue connected with football hooliganism. A number of findings are presented in the book 'Football hooliganism. A criminological study', Warsaw 2009, which has its origins in my doctoral dissertation.

In some cases I continued writing papers focusing on the above mentioned issue. The deliberations concerning the international law aspects are contained in the article entitled 'International regulation of the so-called football hooliganism', *The State and the Law*, No.8, 2009. The selected normative issues referring to the legal order in Poland were raised in the article entitled 'The institution of the so-called stadium ban in Polish criminal law', *The Police Review* No.1 (97), 2010.

The criminal policy issues in the area of football hooliganism were covered in the following publications: *The strategy of counteracting football hooliganism*, [in:] *Criminology*

in the face of contemporary challenges of civilisation, ed. G. Kędzierska, W. Pływaczewski, Olsztyn 2010, *The extremism and football hooliganism- reciprocal interaction* [in:] Contemporary extremism. Genesis. Symptoms. Prevention. ed. W. Pływaczewski, P. Lubiewski, Olsztyn 2014.

The criminalistic issues of football hooligans' modus operandi are discussed in *Criminalistic aspects of so-called football hooliganism*, [in:] What is new in criminalistics – the overview of crime prevention issues, ed. E. Gruza, M. Goc, T. Tomaszewski, Warsaw 2010.

Intelligence criminal analysis is the second area of research. In the years 2009-2011 together with W. Filipkowski, PhD I conducted research concerning the practices of the functioning of operational crime analysis in the Polish Police and special services as well as the application of its results in the prosecution and judiciary. It is worth noting that the research programme included over 1000 people. The outcome of these works was published in *Criminal analysis. Criminalistic and legal-evidence aspects*. The paper was a subject of discussion in the research community (e.g. the review by B. Sygita in *Prokuratura i Prawo*) as well as among practitioners. It should be highlighted here that the results were presented to the Police (seminar at the Bureau of Criminal Intelligence in Warsaw), Border Guard Service (seminar at the Training Centre for Border Guard Service in Kętrzyn), the Central Anti-Corruption Bureau (Polish CBA) (meeting at the CBA headquarters in Warsaw) and the Internal Security Agency (Polish ABW) (lecture at the ABW Central Training Centre in Emowo).

I also attempted to make theoretical generalisations regarding the institution of criminal intelligence within the Polish Police: *A series of remarks concerning the notion of criminal intelligence*, *The Police Review* No.1 (105), 2012.

Moreover, apart from the research on the operational crime analysis, I have also carried out studies on strategic crime analysis. Similarly as in the case of operational crime analysis, together with W. Filipkowski, PhD I have undertaken research in such institutions like CBA, Border Guard Service and Customs Service.

The study on the criminal intelligence analysis provided the stimulus for the research on the so-called open source intelligence. I discuss it in the paper entitled *Open source intelligence from the viewpoint of criminalistics* [in:] *Open source intelligence. Open source information – on theory and practice*, ed. W. Filipkowski, W. Mądrzejowski, C. H. Beck Publishing House, 2012. It is worth emphasising that it was the first study of the issue in Polish literature concerning this subject.

Illegal markets serve as another area of research. It is one of the directions of research carried out in the Department of Criminology and Criminal Politics at the Faculty of Law and Administration at the University of Warmia and Mazury in Olsztyn. It is worth to mention the book by W. Pływaczewski, P. Chlebowicz (ed.), *Illegal markets*, Olsztyn 2012. Apart from being the coauthor of this volume, I also wrote an article *Illegal arms market from the criminological perspective*.

My interests also encompass crimes against the Republic of Poland. I critically addressed the postulate of design changes of the notion of espionage activity presented in Internal Security Review, *Espionage from the viewpoint of criminal law and criminology* [in:] *Identity of the Polish Criminal Law*, ed. S. Pikulski, M. Romańczuk-Grącka, B. Orłowska-Zielińska, Olsztyn 2011. This issue has also been raised by S. Hoc, *Article 130 of the Penal Code – is there a need for the amendment?* [in:] *Degree of criminalization and penalization*, ed. S. Pikulski, M. Romańczuk-Grącka, Olsztyn 2013. I also examined the issue of the interpretation of the intelligence disinformation elements: *Interpretation of the disinformation notion in the light of Art. 132 of the penal Code* (Legal System Studies 15/2012).

Furthermore, in the area of substantive criminal law, I focused my attention on the regulation contained in Art. 258 of the Penal Code: *The selected issues of interpretation of Art.258 of the Penal Code* [in:] *Interdependence of substantive and procedural criminal law in the light of criminal law codification from 1997 and proposals for amendments*, ed. Z. Cwiakalski, G. Arytmiak, Warsaw 2009.

Within the framework of my research, I touched upon such areas as terrorism in the paper *Criminological aspects of ecoterrorism* [in:] *Criminology in the face of contemporary ecological threats*, ed. W. Pływaczewski, M. Kotowska, Olsztyn 2011, the review of the book by K. Liedl *Information management in the fight against terrorism*, Warsaw 2010, *The Police Review* 4(100), 2010.

Moreover, I wrote a paper on the history of Polish criminological thought: *The criminological thought of Leon Radzinowicz*. I addressed the issues of the so-called penal populism: *The manifestation of penal populism in Polish criminal politics*, Legal system studies 9/2009 and destructive sects: the review of the book by M. Romańczuk-Grącka, Criminological aspects of destructive sects, Olsztyn 2008, Prokuratura i Prawo No. 7-8, 2010.

As far as the participation in national and international research projects is concerned, I would like to underline that I have actively participated in the grants programmes from the Ministry of Science and Higher Education:

In the years 2009-2011 I took part in the development project of Polish Platform for Homeland Security LLC and University of Białystok entitled '**Legal and criminological aspects of implementation and use of modern technologies aimed to protect the homeland security**' – No. OR00003707.

In the years 2011-2014 I participated in the development project of University of Białystok (leader) and AGH University of Science and Technology in Cracow, Military University of Technology in Warsaw, Polish Platform for Homeland Security LLC '**Modern technologies for/in the criminal proceedings and their application – technical, criminalistic, criminological and legal aspects**', the decision of the Director of the National Centre for Research and Development No. 0021/R/ID2/2011/01.

My participation in the aforementioned projects involved developing the research tools, analysing the obtained data and interpreting the achieved results, preparing study reports, analysing legal regulations, as well as participating in conferences and consultation meetings.

I have been taking part in the work of research network of 'Podlasie - Warmia i Mazury' science forum which is an innovative research project integrating the research communities of the north-eastern Poland: University of Warmia and Mazury in Olsztyn (the Department of Criminology and Criminal Politics at the Faculty of Law and Administration), University of Białystok (the Faculty of Law – Department of Criminal Law) and Police Academy in Szczytno.

I have participated in the work undertaken in the framework of the Polish Platform for Homeland Security which involved, among other things, participation in conferences in Będlewo and as a consultant in the work on 'Link', the IT tool.

I would also like to indicate that I partook in the summer course at the College of Higher Education of Saxon Administration (Sommerfakultät 2011 der Fachhochschule der Sächsischen Verwaltung, Meissen) where I gave a talk entitled 'Hooliganism in Poland' (*'Hooliganismus in Polen'*).

I was a co-organiser of a scientific seminar 'Illegal financial transfers' with Professor Ch. Eskridge, the secretary of *American Society of Criminology*, Olsztyn 25th May, 2013.

As part of the activities at the Department of Criminology and Criminal Politics at the Faculty of Law and Administration of University of Warmia and Mazury, I was involved in organising scientific conferences, e.g. 'Threat in the banking sector. Crime analysis of phenomena and possibilities of counteracting', 13th June, 2013, Olsztyn and the scientific conference 'Modern extremisms – genesis, manifestations, counteracting', 05th December, , 2013 Olsztyn.

As part of the expert activities, I drew up three opinions: the opinion on football hooliganism for the Department of Surveillance and Analysis at the Ministry of Interior and Administration and, together with W. Filipkowski, the opinion on criminal intelligence analysis for the Central Training Centre of The Internal Security Agency.

In 2013, I prepared an opinion on organised crime in Poland for the purpose of the project financed by the European Union (commissioned by the European Commission) entitled: '*Study on paving the way for future policy initiatives in the field of fight against organised crime-effectiveness of specific criminal law measures targeting organised crime*' carried out by RAND Europe consortium (leader), University of Trento, Italy (Faculty of law and eCrime) and *Center for the Study of Democracy* (Bulgaria).

In November, 2014 I took part in a training conference organized by the General Prosecutor's Office in Warsaw during which I presented the issues concerning the operational crime analysis and the problems connected with creating analytical units in the structures of the prosecutor's office.

Presently, I am a member of a group focusing on the development of information analysis techniques where I am involved in activities aimed at finding the solutions to improve the effectiveness of analytical work in the area of internal security.

I have been awarded twice in Professor Hanausek competition by the Polish Forensic Association.

After being awarded the degree of Doctor of Juridical Science, I have participated in approximately 50 conferences and scientific seminars. The detailed list can be found in addendum No.4.

I am a member of Stanislaw Batawia's Polish Society of Criminology and a member of Warminsko-Mazurski branch of Polish Forensic Association.

The information on my didactic achievements and the popularisation of science is presented in Addendum No.4.

