

1988 年制止危及大陸礁層固定平台安全非法行為公約 議定書

1988 年 10 月 3 日訂於羅馬，1992 年 3 月 1 日生效

Protocol for The Suppression of Unlawful Acts Against The Safety of Fixed Platforms Located on The Continental Shelf, 1998

Done at Rome, 10 March 1988; Entry into force 1 March 1992

SUA Protocol 1998

THE STATES PARTIES TO THIS PROTOCOL,
BEING PARTIES to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation,
RECOGNIZING that the reasons for which the Convention was elaborated also apply to fixed platforms located on the continental shelf,
TAKING ACCOUNT of the provisions of that Convention,
AFFIRMING that matters not regulated by this Protocol continue to be governed by the rules and principles of general international law,
HAVE AGREED as follows:

本議定書各締約國，
作為制止危及海上航行安全非法行為公約之締約國，
認識到制訂該公約之理由同樣地亦適用於大陸礁層固定平台，

考慮到該公約之規定，
確認本議定書未規定事項仍應依照一般國際法規則及原則處理，

經協議如下：

Article 1

1. The provisions of articles 5 and 7 and of articles 10 to 16 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (hereinafter referred to as "the Convention") shall also apply *mutatis mutandis* to the offences set forth in article 2 of this Protocol where such offences are committed on board or against fixed platforms located on the continental shelf.
2. In cases where this Protocol does not apply pursuant to paragraph 1, it nevertheless applies when the offender or the alleged offender is found in the territory of a State Party other than the State in whose internal waters or territorial sea the fixed platform is located.
3. For the purposes of this Protocol, "fixed platform" means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

第 1 條

1. 制止危及海上航行安全行為公約(以下稱公約)第 5 條、第 7 條及第 10 條至第 16 條規定於作必要修改後應同樣適用於本議定書第 2 條所載於大陸礁層固定平台上或針對大陸礁層固定平台所犯之罪行。
2. 依照第 1 項本議定書不適用之情況，如罪犯或嫌疑人於固定平台位於其內水或領海內之國家以外之另一締約國領域內被發現者，本議定書仍適用之。
3. 就本議定書而言，“固定平台”係指用於自然資源之勘探或開發或用於其他經濟目的之永久附著於海床之人工島嶼、設施或結構。

Article 2

1. Any person commits an offence if that person unlawfully and intentionally:

第 2 條

1. 任何人如非法故意從事下列活動，則構成犯罪：

- (a) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation; or
 - (b) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety; or
 - (c) destroys a fixed platform or causes damage to it which is likely to endanger its safety; or
 - (d) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety; or
 - (e) injures or kills any person in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs (a) to (d).
2. Any person also commits an offence if that person:
- (a) attempts to commit any of the offences set forth in paragraph 1; or
 - (b) abets the commission of any such offences perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or
 - (c) threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraph 1, subparagraphs (b) and (c), if that threat is likely to endanger the safety of the fixed platform.

Article 3

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when the offence is committed:
 - (a) against or on board a fixed platform while it is located on the continental shelf of that State; or
 - (b) by a national of that State.
2. A State Party may also establish its jurisdiction over any such offence when:
 - (a) it is committed by a stateless person whose habitual residence is in that State;
 - (b) during its commission a national of that State is seized, threatened, injured or killed; or
 - (c) it is committed in an attempt to compel that State to do or abstain from doing any act.
3. Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General of the International Maritime Organization (hereinafter referred to as "the Secretary-General"). If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General.
4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite him to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.
5. This Protocol does not exclude any criminal jurisdiction exercised in accordance with national law.

- (a) 以武力或武力威脅或任何其他恐嚇形式奪取或控制固定平台；或
 - (b) 對固定平台上之人員施用暴力，而該行為可能危及固定平台之安全者；或
 - (c) 毀壞固定平台或對固定平台造成可能危及其安全之損壞；或
 - (d) 以任何手段將可能毀壞固定平台或危及其安全之裝置或物質放置或使之放置於固定平台上；或
 - (e) 因從事(a)款至(d)款所載之任何罪行或從事該類罪行未遂而傷害或殺害任何人。
2. 任何人如從事下列活動，亦構成犯罪：
- (a) 從事第 1 項所載任何罪行未遂；或
 - (b) 教唆任何人從事任何是類罪行或從事該類罪行者之共謀；或
 - (c) 無論國內法對威脅是否有要件之規定，如旨在迫使某自然人或法人從事或不從事某種行為，而該威脅有可能危及該固定平台之安全者，即為從事第 1 項(b)款及(c)款所載任何罪行之威脅。

第 3 條

1. 於下列情況下，任一締約國應採取必要措施，以建立其對第 2 條所載罪行之管轄權：
 - (a) 罪行係針對位於其大陸礁層上之固定平台或罪行發生於該固定平台上；或
 - (b) 罪行係由其國民所違犯。
2. 於下列情況下，締約國亦可以對任何此罪行建立其管轄權：
 - (a) 罪行係由慣常居所在其國內之無國籍人所犯；或
 - (b) 於違犯過程中，其國民被扣押、威脅、傷害或殺害；或
 - (c) 犯罪意圖是迫使該國從事或不從事某種行為。
3. 任何締約國於建立第 2 項所載管轄權後，應通知國際海事組織秘書長（以下稱秘書長）。該締約國日後撤銷該管轄權者，亦應通知秘書長。
4. 如犯罪嫌疑人出現於某締約國領域內，而該締約國又不將其引渡給依據本條第 1 項及第 2 項建立管轄權之任何國家，該締約國仍應採取必要措施，建立其對第 2 條所載罪行之管轄權。
5. 本議定書不排除依據國內法所行使之任何刑事管轄權。

Article 4

Nothing in this Protocol shall affect in any way the rules of international law pertaining to fixed platforms located on the continental shelf.

Article 5

1. This Protocol shall be open for signature at Rome on 10 March 1988 and at the Headquarters of the International Maritime Organization (hereinafter referred to as "the Organization") from 14 March 1988 to 9 March 1989 by any State which has signed the Convention. It shall thereafter remain open for accession.
2. States may express their consent to be bound by this Protocol by:
 - (a) signature without reservation as to ratification, acceptance or approval; or
 - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - (c) accession.
3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.
4. Only a State which has signed the Convention without reservation as to ratification, acceptance or approval, or has ratified, accepted, approved or acceded to the Convention may become a Party to this Protocol.

Article 6

1. This Protocol shall enter into force ninety days following the date on which three States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession in respect thereof. However, this Protocol shall not enter into force before the Convention has entered into force.
2. For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Protocol after the conditions for entry into force thereof have been met, the ratification, acceptance, approval or accession shall take effect ninety days after the date of such deposit.

Article 7

1. This Protocol may be denounced by any State Party at any time after the expiry of one year from the date on which this Protocol enters into force for that State.
2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.
3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the Secretary-General.

第 4 條

本議定書任何規定在任何方面均不應影響有關大陸礁層固定平台之國際法規則。

第 5 條

1. 本議定書於 1988 年 3 月 10 日於羅馬並自 1988 年 3 月 14 日至 1989 年 3 月 9 日於國際海事組織(以下稱本組織)總部向任何已簽署公約之國家開放供簽字。此後繼續開放供加入。
2. 各國可以下列方式表示同意受本議定書之拘束：
 - (a) 簽字並對批准、接受或核准無保留；或
 - (b) 簽字但有待批准、接受或核准，隨後再予批准、接受或核准；或
 - (c) 加入。
3. 批准、接受、核准或加入應向秘書長交存一份相應文件。
4. 僅有對公約簽字並對批准、接受或核准無保留之國家或已批准、接受、核准或加入公約之國家可以成為本議定書之締約國。

第 6 條

1. 本議定書於三個國家簽字並對批准、接受或核准無保留或已交存有關批准、接受、核准或加入書之日後九十天生效。然本議定書不得於公約生效之前生效。
2. 對於本議定書生效條件滿足後交存有關批准、接受、核准或加入書之國家，其批准、接受、核准或加入應於交存之日後九十天生效。

第 7 條

1. 任何締約國於本議定書對其生效之日起一年後，可隨時退出本議定書。
2. 退出應向秘書長交存一份退出文件方為有效。
3. 退出本議定書，應在秘書長收到退出文件一年之後，或在退出文件所載明之較此更長之期限屆滿後生效。

4. A denunciation of the Convention by a State Party shall be deemed to be a denunciation of this Protocol by that Party.

Article 8

1. A conference for the purpose of revising or amending this Protocol may be convened by the Organization.
2. The Secretary-General shall convene a conference of the States Parties to this Protocol for revising or amending the Protocol, at the request of one third of the States Parties, or five States Parties, whichever is the higher figure.
3. Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to this Protocol shall be deemed to apply to the Protocol as amended.

Article 9

1. This Protocol shall be deposited with the Secretary-General.
2. The Secretary-General shall:
 - (a) inform all States which have signed this Protocol or acceded thereto, and all Members of the Organization, of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - (ii) the date of entry into force of this Protocol;
 - (iii) the deposit of any instrument of denunciation of this Protocol together with the date on which it is received and the date on which the denunciation takes effect;
 - (iv) the receipt of any declaration or notification made under this Protocol or under the Convention, concerning this Protocol;
 - (b) transmit certified true copies of this Protocol to all States which have signed this Protocol or acceded thereto.
3. As soon as this Protocol enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 10

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Protocol.

DONE AT ROME this tenth day of March one thousand nine hundred and eighty-eight.

4. 締約國退出公約應被視為亦退出本議定書。

第 8 條

1. 本組織可召開修訂或修正本議定書之會議。
2. 經三分之一或五個以上締約國之請求，以較多者為準，秘書長應召集修訂或修正本議定書之締約國會議。
3. 於本議定書修正案生效之日後交存之有關批准、接受、核准或加入之任何文件應被視為適用於經修正之議定書。

第 9 條

1. 本議定書由秘書長保存。
2. 秘書長應：
 - (a) 將下列事項通知所有已簽署或加入本議定書之國家以及本組織之所有會員國：
 - (i) 任一新之簽署或任一新之批准、接受、核准或加入書之交存及其日期；
 - (ii) 本議定書之生效日期；
 - (iii) 任何退出本議定書之文件之交存及收到日期及退出生效日期；
 - (iv) 收到依據本議定書或公約規定作出與本議定書有關之任何聲明或通知；
 - (b) 將本議定書核證無誤之副本分發給所有簽署或加入本議定書之國家。
3. 本議定書一經生效，其保存人應依照聯合國憲章第 102 條規定，將本議定書核證無誤之副本一份送交聯合國秘書長，俾供登記及公佈。

第十條

本議定書正本一份，用阿拉伯文、中文、英文、法文、俄文及西班牙文寫成，各種文本均具有同等效力。

下列署名者，經各自政府正式授權，特簽署本議定書，以昭信守。

1988 年 3 月 10 日訂於羅馬。