

1952 年關於船舶碰撞或其他航行意外事故之 統一刑事管轄公約

1952 年 5 月 10 日 訂於布魯塞爾，1955 年 11 月 20 日生效

International Convention for the Unification of Certain Rules Relating to Penal Jurisdiction in Matters of Collision or Other Incidents of Navigation, 1952

Signed At Brussels, May 10, 1952 ; Entered into Force November 20, 1955

Collision-Penal-1952

The High Contracting Parties,

Having recognised the advisability of establishing by agreement certain uniform rules relating to penal jurisdiction in matters of collision or other incidents of navigation, have decided to conclude a Convention for this purpose and thereto have agreed as follows:

各締約國，

體認有關船舶碰撞及其他航行意外事故之刑事管轄權有統一規定之需要，為此目的，同意制訂公約如下：

Article 1

In the event of a collision or any other incident of navigation concerning a sea-going ship and involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, criminal or disciplinary proceedings may be instituted only before the judicial or administrative authorities of the State of which the ship was flying the flag at the time of the collision or other incident of navigation.

第 1 條

因任一海船之碰撞或任何其他航行意外事故，致引起船長或服務於該船舶上任何其他人員負有刑事或懲處責任者，其控訴僅能向碰撞或意外事故發生時，該船所懸國旗國家之司法或行政機關提起之。

Article 2

In the case provided for in the preceding Article, no arrest or detention of the vessel shall be ordered, even as a measure of investigation, by any authorities other than those whose flag the ship was flying.

第 2 條

前條規定之事項，除屬該船所懸國旗之國家外，其他任何機關對該船不得下令扣留或留置，即使施行調查，亦不得為之。

Article 3

Nothing contained in this Convention shall prevent any State from permitting its own authorities, in cases of collision or other incidents of navigation, to take any action in respect of certificates of competence or licences issued by that State or to prosecute its own nationals for offences committed while on board a ship flying the flag of another State.

第 3 條

於船舶碰撞或其他航行意外事件中，本公約並不禁止任何國家機構對於資格證明或該國所發證書採取任何行動或對在懸他國國旗船上之本國國民為犯罪之追訴。

Article 4

This Convention does not apply to collisions or other incidents of navigation occurring within the limits of a port or in inland waters. Furthermore the High Contracting Parties shall be at liberty, at the time of signature, ratification or accession to the Convention, to reserve to themselves the right to take proceedings in respect of offences committed within their own territorial waters.

Article 5

The High Contracting Parties undertake to submit to arbitration any disputes between States arising out of the interpretation or application of this Convention, but this shall be without prejudice to the obligations of those High Contracting Parties who have agreed to submit their disputes to the International Court of Justice.

Article 6

This Convention shall be open for signature by the States represented at the Ninth Diplomatic Conference on Maritime Law. The protocol of signature shall be drawn up through the good offices of the Belgian Ministry of Foreign Affairs.

Article 7

This Convention shall be ratified and the instruments of ratification shall be deposited with the Belgian Ministry of Foreign Affairs which shall notify all signatory and acceding States of the deposit of any such instruments.

Article 8

- (a) This Convention shall come into force between the two States which first ratify it, six months after the date of the deposit of the second instrument of ratification.
- (b) This Convention shall come into force in respect of each signatory State which ratifies it after the deposit of the second instrument of ratification six months after the date of the deposit of the instrument of ratification of that State.

Article 9

Any State not represented at the Ninth Diplomatic Conference on Maritime Law may accede to this Convention. The accession of any State shall be notified to the Belgian Ministry of Foreign Affairs which shall inform through diplomatic channels all signatory and acceding States of such notification. The Convention shall come into force in respect of the acceding State six months after the date of the receipt of such notification but not before the Convention has come into force in accordance with the provisions of Article 8 (a).

第 4 條

本公約對於港口區域內或內水中所發生之船舶碰撞或其他航行意外事故不適用之。
各締約國於簽字、批准或加入本公約時，得自由保留對於在本國領水內之犯罪，有追訴之權。

第 5 條

締約國對於本公約因解釋或適用所生任何爭端，同意交付仲裁。然本規定不應損及締約國同意將爭訟提交國際法院審理之義務。

第 6 條

本公約對於出席第九屆外交海事法會議之各國，應隨時任聽其簽署。簽署應經由比利時政府外交部為之。

第 7 條

本公約應予批准，其批准書存放於比利時政府外交部，該外交部並應將此項存放通知各簽署國及加入國。

第 8 條

- (a) 本公約經最初兩國批准，自存放第一批批准書之日起六個月後，對該兩國生效。
- (b) 本公約對於任一簽字國之批准，在其次一批批准書存放之日起六個月後對該國生效。

第 9 條

未經出席第九屆外交海事法會議之任一國家，得加入本公約。
任一國家之加入，應通知比利時政府外交部，並由其經由外交途徑將其加入轉知所有簽署國及加入國。
本公約自收到通知加入之日起六個月後對該國家生效，然其生效不得在依第 8 條第 1 項生效之前。

Article 10

Any High Contracting Party may three years after the coming into force of this Convention in respect of such High Contracting Party or at any time thereafter request that a conference be convened in order to consider amendments to the Convention.

Any High Contracting Party proposing to avail itself of this right shall notify the Belgian Government which shall convene the conference within six months thereafter.

Article 11

Any High Contracting Party shall have the right to denounce this Convention at any time after the coming into force thereof in respect of such High Contracting Party. This denunciation shall take effect one year after the date on which notification thereof has been received by the Belgian Government which shall inform through diplomatic channels all the other High Contracting Parties of such notification.

Article 12

- (a) Any High Contracting Party may at the time of its ratification of or accession to this Convention or at any time thereafter declare by written notification to the Belgian Ministry of Foreign Affairs that the Convention shall extend to any of the territories for whose international relations it is responsible. The Convention shall six months after the date of the receipt of such notification by the Belgian Ministry of Foreign Affairs extend to the territories named therein, but not before the date of the coming into force of the Convention in respect of such High Contracting Party.
- (b) A High Contracting Party which has made a declaration under paragraph (a) of this Article extending the Convention to any territory for whose international relations it is responsible may at any time thereafter declare by notification given to the Belgian Ministry of Foreign Affairs that the Convention shall cease to extend to such territory and the Convention shall one year after the receipt of the notification by the Belgian Ministry of Foreign Affairs cease to extend thereto.
- (c) The Belgian Ministry of Foreign Affairs shall inform through diplomatic channels all signatory and acceding States of any notification received by it under this Article.

Done at Brussels, in a single copy, May 10, 1952, in the French and English languages, the two texts being equally authentic.

第 10 條

任一締約國在本公約對其生效三年後，得隨時提請召開會議修正本公約。

任一締約國實施此項權利時，應通知比利時政府。比國政府應於此後六個月內召集會議。

第 11 條

任一締約國在本公約對其生效後，有聲明退出之權。此項退出自比利時政府收到通知之日起一年後生效。並由比利時政府經由外交途徑將其通知轉知所有其他各締約國。

第 12 條

- (a) 任一締約國得於批准或加入時，或此後任何時間，以書面通知比利時政府外交部，將本公約之效力，聲明擴及於其負責外交事務之任何領域。自比利時政府外交部收到此項通知之日起六個月後，對其所聲明領域生效，然不得在本公約對該締約國生效之日以前。
- (b) 任一締約國已為前項通知者，得於此後隨時通知比利時外交部，本公約對該領域停止適用。自比利時政府外交部收到該項通知一年後生效。
- (c) 比利時政府外交部對於依本條所規定之任何通知，於收到後應經由外交途徑轉知所有簽署國及加入國。

1952 年 5 月 10 日訂於布魯塞爾。用法文及英文各繕一份，兩份均具同一效力。