



## IMO

INTERNATIONAL CONFERENCE ON  
THE SUPPRESSION OF UNLAWFUL  
ACTS AGAINST THE SAFETY OF  
MARITIME NAVIGATION -

Drafting Committee

CONSIDERATION OF THE DRAFT CONVENTION FOR THE SUPPRESSION OF  
UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION  
AND THE DRAFT PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL  
ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED  
ON THE CONTINENTAL SHELF

DRAFT CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST  
THE SAFETY OF MARITIME NAVIGATION

Texts approved by the Drafting Committee

### ARTICLE 2

- 1 This Convention does not apply to:
  - (a) a warship; or
  - (b) a ship owned or operated by a State when being used as a naval auxiliary or for customs or police purposes; or
  - (c) a ship which has been withdrawn from navigation or laid up.
- 2 Nothing in this Convention affects the immunities of warships and other government ships operated for non-commercial purposes.

### ARTICLE 3

- 1 Any person commits an offence if that person unlawfully and intentionally:
  - (a) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or

- (b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or
- (c) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or
- (d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or
- (e) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or
- (f) communicates information which he knows to be false, thereby endangering the safe navigation of a ship; or
- (g) 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 (f).

**2 Any person also commits an offence if that person:**

- (a) attempt to commit any of the offences set forth in paragraph 1; or
- (b) abets the commission of any of the offences set forth in paragraph 1 perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or
- (c) threatens to commit any of the offences set forth in paragraph 1, subparagraph (b) and (c), if that threat is likely to endanger the safe navigation of the ship in question.

**ARTICLE 6**

Each State Party shall make the offences set forth in article 3 punishable by appropriate penalties which take into account the grave nature of those offences.

ARTICLE 7

1 Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 3 when the offence is committed:

(a) against or on board a ship flying the flag of the State at the time the offence is committed; or

...

(c) by a national of that State.

ARTICLE 8

1 Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present, shall, in accordance with its law, take him into custody or take other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceeding to be instituted.

2 Such State shall immediately make a preliminary enquiry into the facts, in accordance with its own legislation.

3 Any person regarding whom the measures referred to in paragraph 1 are being taken shall be entitled to:

(a) communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to establish such communication or, if he is a stateless person, the State in the territory of which he has his habitual residence;

(b) be visited by a representative of that State.

4 The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or the alleged offender is present, subject to the proviso that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5 When a State Party, pursuant to this article, has taken a person into custody, it shall immediately notify the States which have established jurisdiction in accordance with article 7, paragraph 1 and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

#### ARTICLE 9

Nothing in this Convention shall affect in any way the rules of international law pertaining to the competence of States to exercise investigative or enforcement jurisdiction on board ships not flying their flag.

#### ARTICLE 10

1 The State Party in the territory of which the offender or the alleged offender is found shall, in cases to which article 7 applies, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2 Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 3 shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided for such proceedings by the law of the State in the territory of which he is present.

#### ARTICLE 12

1 States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 3, including the supply of the evidence at their disposal necessary for the proceedings.

ARTICLE 13

1 States Parties shall co-operate in the prevention of the offences set forth in article 3, particularly by:

- (a) taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories;
- (b) exchanging information in accordance with their national law, and co-ordinating administrative and other measures taken as appropriate to prevent the commission of offences set forth in article 3.

2 When, due to the commission of an offence set forth in article 3, the passage of a ship has been delayed or interrupted, any State Party in whose territory the ship or passengers or crew are present shall be bound to exercise all possible efforts to avoid a ship, its passengers, crew or cargo being unduly detained or delayed.

ARTICLE 14

Any State Party having reason to believe that an offence set forth in article 3 will be committed shall, in accordance with its national law, furnish as promptly as possible, any relevant information in its possession to those States which it believes would be the States establishing jurisdiction in accordance with article 7.

ARTICLE 17

1 This Convention shall be open for signature in Rome on 10 March 1988 by States participating in the International Conference on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and at the Headquarters of the Organization by all States from 14 March 1988 to 9 March 1989. It shall thereafter remain open for accession.

2 States may express their consent to be bound by this Convention 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.

#### ARTICLE 18

1 This Convention shall enter into force ninety days following the date on which [ ten ] 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.

2 For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Convention 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 19

1 This Convention may be denounced by any State Party at any time after the expiry of one year from the date on which this Convention 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.

ARTICLE 20

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

ARTICLE 21

- 1 This Convention shall be deposited with the Secretary-General.
- 2 The Secretary-General shall:
  - (a) inform all States which have signed this Convention 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 the entry into force of this Convention;
    - (iii) the deposit of any instrument of denunciation of this Convention 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 articles [ 5 and ] 16;

(b) transmit certified true copies of this Convention to all States which have signed this Convention or acceded thereto.

3 As soon as this Convention 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 22

This Convention 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 Convention.

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

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