



IMO
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**IMPLEMENTATION OF THE 2005 PROTOCOL RELATING TO
THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE
SAFETY OF MARITIME NAVIGATION INTO THE LEGAL
SYSTEM OF ALGERIA**

**A Legislation Drafting Project submitted in partial fulfillment of the
requirements for the award of the Degree of Master of Laws (LL.M.) at
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DEDICATION

*TO THE COMMANDER OF THE ALGERIAN NAVAL FORCES
who as a result of his selection I was nominated to be the first military woman receiving
training abroad*

ACKNOWLEDGEMENTS

I will always remember what my mother told me during my first days in Malta “happiness is something you choose in advance, whether or not you like your room does not depend on the furniture or the décor rather it depends on how you decide to see it, every day is a gift and as long as you can open your eyes you should focus on the new day and all the memories that you have built up during your life,... life is like a bank account where you withdraw later what you have deposited along the way, so my advice to you is to deposit all the happiness you can in your bank account of memories.”

Thank you, for your part in filling my account with happy memories, which I am still continuing to fill....

Professor David.J. Attard, my lecturers Mr. Norman Martinez, Ms Adrina Padovan and my supervisor Mr. Ruben Maceda

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INTRODUCTION

Concern about unlawful acts that threaten the safety of ships and the security of their passengers and crew during the 1980's motivated states to negotiate and subsequently adopt a legal instrument capable to prevent and repress acts of maritime terrorism, this concern stemmed from reports of crews being kidnapped, ships being hijacked deliberately run ground, or blown up by explosives, and especially the 1985 hijacking of the Achille Lauro¹. This resulted in the adoption in March 1988 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988 (SUA), later Protocol of the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf², extended the provisions of the convention to offences committed on, or against "fixed platforms". Both the instruments entered into force on 1st March 1992.

The principal purpose of the SUA treaties is to ensure that anyone committing unlawful acts against the safety of navigation will not only be given shelter in any country but also will either be prosecuted or extradited to a requesting State where they will stand trial. However the events of 11th September 2001, have further increased the awareness of the global community of the serious threat terrorism can pose for any interest, the international transport system, in consequence it has been agreed to have another look at the 1988 SUA Convention in order to identify the changes that need to be made in order to address new problems that have emerged as a result of the said events, the changes taken in consideration formed the 2005 protocols to SUA convention and to the 1988 SUA Protocol adopted on 14 October 2005.

The objective of this draft legislation is to incorporate the 2005 Protocol to SUA Convention into the domestic legislation of People's Democratic Republic of Algeria.

1 Four heavily armed Palestinian terrorists hijack the Italian cruise ship Achille Lauro carrying more than 400 passengers and crew, off Egypt, the hijackers demand that Israel free 50 Palestinian prisoners, the terrorists killed a disabled 69 years old American tourist Achille Lauro October, 7th, 1985, <http://www.terrorismvictims.org>,

2 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988.

THE MAIN FEATURES OF THE PROTOCOL 2005 RELATING TO SUA CONVENTION

The principal purpose of the SUA treaties is to ensure that anyone committing unlawful acts against the safety of navigation will not be given shelter in any country but will either be prosecuted or extradited to a State where they will stand trial³. The 2005 Protocol broadens the list of offences made unlawful under the treaty; it now includes the offence of using a ship itself in a manner that causes death or serious injury or damage and the transport of weapons or equipment that could be used for weapons of mass destruction. The 2005 SUA Protocol introduces provisions for the boarding of ships where there are reasonable grounds to suspect that the ship or a person on board the ship is, has been, or is about to be involved in, the commission of an offence under the Convention.

The unlawful acts covered by the SUA Convention in Article 3⁴ are the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it.

The 2005 Protocol to the SUA Convention adds a new Article 3bis which states that a person commits an offence within the meaning of the Convention if that person unlawfully and intentionally:

- when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from any act: § uses against or on a ship or discharging from a ship any explosive, radioactive material or BCN (biological, chemical, nuclear) weapon in a manner that causes or is likely to cause death or serious injury or damage; § discharges, from a ship, oil, liquefied natural gas, or other hazardous or noxious substance, in such quantity or concentration that causes or is likely to cause death or serious injury or damage; § uses a ship in a manner that causes death or serious injury or damage;*
- transports on board a ship any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death or serious injury or damage for the purpose of intimidating a population, or compelling a Government or an international organization to do or to abstain from doing any act;*
- transports on board a ship any BCN weapon, knowing it to be a BCN weapon;*

³ [Http://www.cargosecurityinternational.com](http://www.cargosecurityinternational.com),

⁴ [Http://www.imo.org/](http://www.imo.org/).

- *any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an IAEA comprehensive safeguards agreement; and*
- *transports on board a ship any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCN weapon, with the intention that it will be used for such purpose. The transportation of nuclear material is not considered an offence if such item or material is transported to or from the territory of, or is otherwise transported under the control of, a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (Subject to conditions).*

-Under the new instrument, a person commits an offence within the meaning of the Convention if that person unlawfully and intentionally transports another person on board a ship knowing that the person has committed an act that constitutes an offence under the SUA Convention or an offence set forth in any treaty listed in the Annex. The Annex lists nine such treaties.

-The new instrument also makes it an offence to unlawfully and intentionally injure or kill any person in connection with the commission of any of the offences in the Convention; to attempt to commit an offence; to participate as an accomplice; to organize or direct others to commit an offence; or to contribute to the commissioning of an offence.

-A new Article requires Parties to take necessary measures to enable a legal entity (this could be a company or organization, for example) to be made liable and to face sanctions when a person responsible for management or control of that legal entity has, in that capacity, committed an offence under the Convention.

BOARDING PROVISIONS:

-Article 8 of the SUA Convention covers the responsibilities and roles of the master of the ship, flag State and receiving State in delivering to the authorities of any State Party any person believed to have committed an offence under the Convention, including the furnishing of evidence pertaining to the alleged offence.

-A new Article 8bis in the 2005 Protocol covers co-operation and procedures to be followed if a State Party desires to board a ship flying the flag of a State Party when the requesting Party has reasonable grounds to suspect that the ship or a person on board the ship is, has been, or is about to be involved in, the commission of an offence under the Convention.

The authorization and co-operation of the flag State is required before such a boarding. A State Party may notify the IMO Secretary-General that it would allow authorization to board and search a ship flying its flag, its cargo and persons on board if there is no response from the flag State within four hours. A State Party can also notify that it authorizes a requesting Party to board and search the ship, its cargo and persons on board, and to question the persons on board to determine if an offence has been, or is about to be committed.

The use of force is to be avoided except when necessary to ensure the safety of officials and persons on board, or where the officials are obstructed in the execution of authorized actions.

Article 8bis includes important safeguards when a State Party takes measures against a ship, including boarding. The safeguards include: not endangering the safety of life at sea; ensuring that all persons on board are treated in a manner which preserves human dignity and in keeping with human rights law; taking due account of safety and security of the ship and its cargo; ensuring that measures taken are environmentally sound; and taking reasonable efforts to avoid a ship being unduly detained or delayed.

EXTRADITION

Article 11 covers extradition procedures. A new Article 11bis states that none of the offences should be considered for the purposes of extradition as a political offence. New Article 11ter states that the obligation to extradite or afford mutual legal assistance need not apply if the request for extradition is believed to have been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinion or gender, or that compliance with the request would cause prejudice to that person's position for any of these reasons

Article 12 of the Convention requires States Parties to afford one another assistance in connection with criminal proceedings brought in respect of the offences. A new Article 12bis cover the conditions under which a person who is being detained or is serving a sentence in the territory of one State Party may be transferred to another State Party for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences.

AMENDMENT PROCEDURE

Amendments to the Articles in the Convention require acceptance by a requisite number of States. However, the Annex, which lists the treaties under which offences can be considered for the purpose of the SUA Convention, has a special amendment procedure.

THE TREATIES LISTED ARE:

1- *Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970.*

2- *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971.*

3- *Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.*

4- *International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979.*

5- *Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979.*

6- *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988.*

7- *Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988.*

8- *International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.*

9- *International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.*

THE ENTRY INTO FORCE:

The amended Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation will enter into force⁵ ninety days after the date on which twelve States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession with the Secretary-General. The amended Protocol requires ratification from three States which are also parties to the SUA Convention but it cannot come into force unless the 2005 SUA Convention is already in force.

⁵ Art 18 of the Protocol 2005 to SUA Convention.

**THE POLICY OF ALGERIA IN FIGHTING UNLAWFUL ACTS COMMITTED
AGAINST THE SAFETY OF MARITIME NAVIGATION**

As a member of the maritime nations, Algeria, like all members of the maritime nations share the concern over the spread of acts of terrorism and other unlawful acts that cause serious injury and death to innocent peoples and population everywhere on the planet. Algeria realizes that as a member of this international community, it has a role to play in the effort to thwart, suppress and eliminate any forms of terrorist activities that continue to threaten the freedoms of peace loving societies, an integrated approach to fighting this scourge is the best course of action, as the failure of a state to carry out its obligations not only leaves a gap that can be exploited, but leaves the state itself vulnerable to these threats. It is therefore a matter for the government to see to it that state obligations under international law with respect to terrorism issues are duly fulfilled.

Algeria is deeply committed to the implementation of the international rules and regulations, both onboard ships under its flag and in waters under its jurisdiction. Being a member of the International Maritime Organization (IMO) since 1963, the Democratic Republic of Algeria has participated energetically in the activities of the IMO and perseveres to play a dynamic role in the attainment of the Organization's objectives. To this end, Algeria has acceded to all major Conventions and Protocols adopted by the IMO, including SOLAS⁶, MARPOL⁷, SAR⁸, STCW⁹, SALVAGE¹⁰, while at the same time, ratification procedures are underway for other important Conventions and Protocols.

Algeria following the example of the other maritime nations¹¹ proceeded to the ratification of the International Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation adopted in Rome on March 10th 1988, by presidential decree n°97-373¹² of 28 Jomada el Oula 1418 corresponding on September 30th, 1997 and the ratification of its related protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf adopted in Rome on April

6 In accordance with the Presidential Decree № 63-345 of September 11th, 1963 carrying adhesion of the Democratic and Popular Republic of Algeria to the different International Conventions for the Safety of Life at Sea.

7 In accordance with the Presidential Decree № 88-108 of May 31st, 1988 carrying adhesion of the Democratic and Popular Republic of Algeria to the International Convention of 1973 on the Prevention of Ships Pollution and the Protocol of 1978 relating to it.

8 In accordance with the Presidential Decree № 82-340 of November 13th, 1982 carrying adhesion of the Democratic and Popular Republic of Algeria to the International Convention of 1979 on Maritime Search and Rescue, done at Hamburg on April 27th, 1979.

9 In accordance with the Presidential Decree № 88-88 of April 26th, 1988 carrying adhesion of the Democratic and Popular Republic of Algeria to the International Convention of 1978 on Standards of Training, Certification and Watch Keeping of Seafarers, done at London on July 7th, 1978.

10 In accordance with the Presidential Decree N°64-70 of March 2nd 1964 ,relating to Accession, with reservation, of People's Democratic Republic of Algeria to the International Convention on Salvage adopted in London on April 28th, 1989.

11 Annex (01)

12 Annex (02).

10th March 1988, by presidential decree n°06-135¹³ of 11 Rabie el Aoual corresponding on April 10th 2006.

During the last decade, the Algerian State took all the necessary measures to insure the safety of waters under national jurisdiction according to the legal regime of every maritime zone and to intervene in high seas in case of terrorist attack against ships flying its national flag or the other ships passing in transit in the zone of responsibility according to the provisions of the 1982 United Nation Convention on the Law of the Sea¹⁴ and the national legislation.

It set up the National Service of Coast Guard¹⁵ by virtue of the law n° 73-12 of April 14th 1973, integral part of the Naval Forces responsible for the application of the laws and rules regarding the maritime navigation and the coordination of the offshore actions. At the national and local level, the harbour's safety plan approved by the Maritime Administration according to the provisions of the International Ship and Port facility Security code (ISPS code)¹⁶, stipulates that the task of the safety of ships at ports, in the moistening or in transit is the mission of the National Service of Coast Guard with the assistance of the harbour's forces specially created for that reason.

The ratification of the new protocol 2005 related to SUA convention constitutes an opportunity of strategic reach to the international plan aiming at the coherence of its legal arsenal in fighting against all forms and nature of unlawful acts which threaten the safety of maritime navigation. It is important to indicate that the reservation of Algeria concerning the article 16, paragraph (1)¹⁷ of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 should be seen out in the same conditions for its new Protocol.

According to changes in the rules and regulations of maritime activities adopted by appropriate International Organization, the importance and the sensitivity of the security within the sea transport seems as utmost issue in this field. The different sectors of the shipping and maritime administrations of the States are required to take necessary measures to deal with the security needed for the navigation.

With this regard and with due to what has been mentioned in this work, there is no doubt that the democratic republic of Algeria should consider the ratification of the 2005 protocol relating SUA Convention a high priority for legislative procedure in relevant bodies of the State.

13 Annex (03),

14 Algeria has ratified 1982 UNCLOS since 11th June 1996,

15 According to Art (1) of the law creating The National Service of Coast Guard (JORADP n°36/2001),

16 By virtue of executive decree n°2001-286 of 24th September 2001(JORDAP n°56/2001),

17 Art 16/1 of SUA convention 1988(With regard to interpretation of the Convention there can be a dispute between the State parties. In this case if the dispute cannot be settled through negotiation within a reasonable time, article 16 provides that the dispute should be settled to arbitration, and if within six months the parties have not reached the agreement on the process of arbitration, they may have resources to international court of justice).

THE LEGISLATIVE POWER IN ALGERIA

The legislative power¹⁸ in Algeria is exercised by a bicameral Parliament¹⁹ consisted of the National Popular Assembly and the Council of the Nation. The Algerian Constitution states that “to be adopted, any project or private bill has to be the object of a consideration successively by the National Popular Assembly and by the Council of the Nation”²⁰.

The Parliament legislates²¹ in domains enumerated notably by:

- *the article 122 of the Constitution – for the subjects concerning the common laws,*
- *The article 123 of the Constitution - for the subjects concerning the organic laws.*

The initiative of adopting laws belongs jointly to the head of the government and to the deputies²². The law is examined and voted by the Assembly according to the procedures determined by the Constitution and the organic texts governing the national popular Assembly:

A) The deposit:

The process of elaboration of the law begins with the deposit in the office of the national popular Assembly of the projects of drafts emanating from the Government or the projects presented by the deputies. These projects are subjected to relative conditions of admissibility:

- To the numbers of deputies required for the deposit of these initiatives,*
- To their financial incidence on the resources or the public spending,*
- And on other conditions fixed by the law and the internal regulation.*

The project or private bill that is declared acceptable, is deposited in the office of the national popular Assembly, and registered by the services of the Secretariat General of the Assembly (SGA), it is codified, printed and distributed to all the deputies then it is sent back by the president of the national popular assembly for examination to one of 12 permanent commissions. This commission examines the text and submits a preliminary report.

¹⁸ [Http://www.apn.dz](http://www.apn.dz).

¹⁹ Art 98 of the Algerian Constitution of December 8th, 1996,

²⁰ Art 120 of the Algerian Constitution of December 8th, 1996,

²¹ Art 122 of the Algerian Constitution of December 8th, 1996,

²² Art 119 of the Algerian Constitution of December 8th, 1996

B) The examination of the text by the competent Commission:

The examination of the text by the Commission takes place in two stages:

1 °-the first stage is dedicated to the detailed examination of the project or the private bill, the works of the commission open generally by the audition of the representative of the Government, when the text in discussion is a project, or of the delegate of the authors, when it is about a private bill. The commission can summon any expert or other personalities who can supply the necessary clarifications on examination of the text with which it is seized.

At the conclusion of the discussion, the preliminary report of the commission is elaborated then transmitted to its members for adoption. This procedure ends the first stage of the examination of the text by the commission. The preliminary report is passed on by the president of the commission to the office of the Assembly. It is printed, communicated to the Government and distributed to all deputies.

After that general debate takes place where amendments can be introduced to the text in question. The deputies have 24 hours from the beginning of the opening of the general debate to deposit their amendments in written according to the procedures fixed by the internal regulation of the Assembly. However the amendments presented by the Government and the commission can be deposited at any time before the vote of the article to which they relate, the possibility of presenting in plenary session, an oral amendment, can also be given by the Government.

2 °-The second stage of examination in the commission takes place after the deposit of the amendments. The president of the assembly passes on the amendments declared acceptable by the office and those deposited by the Government to the commission. The commission examines and rules on the amendments, the adoption of the additional report ends the examination of the text subjected to the commission. The additional report is printed, distributed to all deputies and communicated to the Government.

C) Discussion and adoption of the text in plenary session:

The common procedure of examination and adoption of the projects or the private bills is, according to the article 32 of the organic law fixing the organization and the functioning of the national popular Assembly and the Council of the nation is effected by the vote of 2/3 majority of the members of the General Assembly.

D) Transmission of the text voted by the National Popular Assembly to the Council of the Nation.

Any text voted by the National Popular Assembly is passed on within 10 days, by the President of the Assembly to the President of Council of the Nation. The Government is informed about this transmission.

E) The Joint Commission:

The Council of the Nation deliberates on the text voted by the national popular Assembly. In case of refusal of this chamber of one or several measures of the text which was subjected to it or of the text in general, the head of the government, and after a single reading by each of both chambers, gathers the joint commission and asked it to propose a text on the measures which would not have collected the majority of $\frac{3}{4}$ required for the adoption of texts by the council of the nation. The text elaborated by the Joint Commission is subjected by the head of the government to the approval successively of the national popular Assembly then the council of the nation. If the text is adopted by both chambers, it is passed on to the President of the Republic for its promulgation. Should the opposite occur, the head of the government proceeds to its withdrawal.

F) The promulgation and publication:

The laws adopted by the Parliament are passed on by the President of Council of the Nation to the President of the Republic for their promulgation²³. The President of the Assembly and the Head of the Government are informed about this transmission. The President of the Republic promulgates the law within 30 days except in the cases where he asks for a second reading. The laws promulgated are in force once published in the Official Gazette of People's Democratic Republic of Algeria.

²³ Art 126 of the Algerian Constitution of December 8th, 1996

RATIFICATION OF INTERNATIONAL CONVENTIONS

The President of the Republic, directly elected in the grown-up universal suffrage²⁴, is Head of State, Leader of Armed Forces and responsible for the national defense. He must be Algerian, Muslim, and has to be more than 40 years old²⁵. The term of its mandate is of 5 years, and can be reelected for another 5 years. The President chairs the meetings of the Cabinet. He drafts, coordinates and implements the program of his government that he has to present to the Assembly for ratification. The President also chairs the High Security Council, which is in charge of advising on everything the subjects concerning the national security.

The presidency of the State was awarded by the High Committee of Security (HCS) at the conclusion of the “National Conference of Consensus” of January 1994, to the general “Liamine Zéroual”, his mandate was confirmed by the presidential election of November, 1995

The constitutional revision of November, 1996, approved by referendum considerably widened the presidential powers. Since the presidential elections of 1999, the presidency is assumed by Abdelaziz Bouteflika, whose mandate was renewed in April, 2004.

Pursuant to article 77/9 of the constitution 1996, the President of the Republic shall conclude and ratify treaties. The President of the Republic has the power to negotiate treaties, however in practice the President delegates his negotiating power, he may also do so by signing a document called “une lettre de plein pouvoir” which permits the President’s delegate to negotiate a treaty on his behalf.

The president has also the power to sign treaties but in practice he rarely signs treaties himself, he usually designates a representative for that purpose.

As the head of foreign affairs²⁶ (art 77/3), the President of the Republic has the power to ratify treaties, the mere act of signing a treaty is not sufficient to bind the state only the President’s ratification which expresses the consent of the state to be bound can do so. However treaties in the legal system of Algeria need not to be enacted into Algerian Domestic Law in order to have binding force.

Letters of ratification take the form of document in which the President declares his approval of the treaty and agrees to bind the state to its provisions. After the president signs the document the Seal of the Republic is affixed to it, and the text of the treaty is attached.

²⁴ Art 71 of the Algerian Constitution of December 8th, 1996,

²⁵ Art 73 of the Algerian Constitution of December 8th, 1996,

²⁶ Art 77/3 of the Algerian Constitution of December 8th, 1996.

Algerian Constitution Articles²⁷, dealing with the Ratification of the International Conventions:

Art. 77 - In addition to the powers bestowed, explicitly, upon him by other provisions of the Constitution, the President of the Republic has the following powers and prerogatives:

“xxxxx 9 - He concludes and ratifies International Treaties;”

Art. 132 - Treaties ratified by the President of the Republic in accordance with the conditions provided for by the Constitution are superior to the Law.

Art. 165 - In addition to the prerogatives explicitly bestowed upon it by other provisions of the Constitution, the Constitutional Council pronounces on the constitutionality of Treaties, Laws and Regulations, either through an opinion if these are not enforced or, otherwise, through a decision.

27 The Algerian Constitution of December 8th, 1996 (JORADP N°76) modified by the Law 20-03 of April 10th, 2002. (JORADP N°25 of April 10th 2002.)



Presidential decree n° (year-number) of (day-month-year hegira) corresponding to (day-month-year Gregorian) relating to accession, of People's Democratic Republic of Algeria to the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted on 14th October 2005

The President of the Republic,

-On the report of State Minister, Minister of Foreign Affairs,

-According to the Constitution, notably Article 77 Paragraph 9,

-Considering the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted on 14th October 2005.

Decrees:

1st Article: *–The People's Democratic Republic of Algeria accedes to the 2005 Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, adopted on 14th October 2005.*

This Protocol will be published in the Official Gazette of the People's Democratic Republic of Algeria.

2nd Article: *–This Decree will be published in the Official Gazette of the People's Democratic Republic of Algeria.*

Done in Algiers, on (Day-Month-Year Hegira) corresponding to (Day- Month-Gregorian Year)

Full Name of the President of the Republic

(The text of the Protocol)

***PROTOCOL OF 2005 TO THE CONVENTION FOR THE SUPPRESSION OF
UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME***

ARTICLE 1

For the purposes of this Protocol:

1- “Convention” means the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988.

2- “Organization” means the International Maritime Organization (IMO).

3- “Secretary-General” means the Secretary-General of the Organization.

ARTICLE 2

Article 1 of the Convention is amended to read as follows:

Article 1

1-For the purposes of this Convention:

(a) - “ship” means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles, or any other floating craft.

(b)- “transport” means to initiate, arrange or exercise effective control, including decision-making authority, over the movement of a person or item.

(c)- “serious injury or damage” means:

- (i) -serious bodily injury; or
- (ii)-extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss; or
- (iii)-substantial damage to the environment, including air, soil, water, fauna, or flora.

(d)- “BCN weapon” means:

- (i)- “biological weapons”, which are:

(1)-microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; or

(2)-weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

(ii- “chemical weapons”, which are, together or separately:

(1)-toxic chemicals and their precursors, except where intended for:

(A) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes; or

(B) Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons; or

(C) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

(D) law enforcement including domestic riot control purposes, as long as the types and quantities are consistent with such purposes;

(2) -munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (ii)(1), which would be released as a result of the employment of such munitions and devices;

(3) -any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (ii) (2).

(iii) Nuclear weapons and other nuclear explosive devices.

(e) “Toxic chemical” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(f) “Precursor” means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system.

(g) “Organization” means the International Maritime Organization (IMO).

(h) “Secretary-General” means the Secretary-General of the Organization.

2 For the purposes of this Convention:

(a) the terms “place of public use”, “State or government facility”, “infrastructure facility”, and “public transportation system” have the same meaning as given to those terms in the International Convention for the Suppression of Terrorist Bombings, done at New York on 15 December 1997; and

(b) the terms “source material” and “special fissionable material” have the same meaning as given to those terms in the Statute of the International Atomic Energy Agency (IAEA), done at New York on 26 October 1956.

ARTICLE 3

The following text is added as article 2bis of the Convention

Article 2bis

1 -Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international human rights, refugee and humanitarian law.

2 -This Convention does not apply to the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law.

3-Nothing in this Convention shall affect the rights, obligations and responsibilities under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London and Moscow on 1 July 1968, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, done at Washington, London and Moscow on 10 April 1972, or the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris on 13 January 1993, of States Parties to such treaties.

ARTICLE 4

1 -The chapeau of article 3, paragraph 1 of the Convention is replaced by the following text:

Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

2-Article 3, paragraph 1(f) of the Convention is replaced by the following text:

(f) Communicates information which that person knows to be false, thereby endangering the safe navigation of a ship.

3-Article 3, paragraph 1(g) of the Convention is deleted.

4-Article 3, paragraph 2 of the Convention is replaced by the following text:

-Any person also commits an offence if that person 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 paragraphs 1 (b), (c), and (e), if that threat is likely to endanger the safe navigation of the ship in question.

5-The following text is added as article 3bis of the Convention:

Article 3bis

1 -Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

(a)when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act:

(i) -uses against or on a ship or discharges from a ship any explosive, radioactive material or BCN weapon in a manner that causes or is likely to cause death or serious injury or damage; or

(ii) -discharges, from a ship, oil, liquefied natural gas, or other hazardous or noxious substance, which is not covered by subparagraph (a)(i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage; or

(iii)-uses a ship in a manner that causes death or serious injury or damage; or

(iv)-threatens, with or without a condition, as is provided for under national law, to commit an offence set forth in subparagraph (a)(i),(ii) or (iii); or

(b) -transports on board a ship:

(i) -any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, with or without a condition, as is provided for under national law, death or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act; or

(ii)-any BCN weapon, knowing it to be a BCN weapon as defined in article 1; or

(iii)-any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an IAEA comprehensive safeguards agreement; or

(iv)-any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCN weapon, with the intention that it will be used for such purpose.

2 -It shall not be an offence within the meaning of this Convention to transport an item or material covered by paragraph 1(b)(iii) or, insofar as it relates to a nuclear weapon or other nuclear explosive device, paragraph 1(b) (iv), if such item or material is transported to or from the territory of, or is otherwise transported under the control of, a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons where:

(a) the resulting transfer or receipt, including internal to a State, of the item or material is not contrary to such State Party's obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and,

(b) -if the item or material is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, the holding of such weapon or device is not contrary to that State Party's obligations under that Treaty.

6-The following text is added as article 3ter of the Convention:

Article 3ter

Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally transports another person on board a ship knowing that the person has committed an act that constitutes an offence set forth in article 3, 3bis or 3quater or an offence set forth in any treaty listed in the Annex, and intending to assist that person to evade criminal prosecution.

7 -The following text is added as article 3quater of the Convention:

Article 3quater

Any person also commits an offence within the meaning of this Convention if that person:

(a)unlawfully and intentionally injures or kills any person in connection with the commission of any of the offences set forth in article 3, paragraph 1, article 3bis, or article 3ter; or

(b) attempts to commit an offence set forth in article 3, paragraph 1, article 3bis, paragraph 1(a)(i), (ii) or (iii) , or subparagraph (a) of this article; or

(c) participates as an accomplice in an offence set forth in article 3, article 3bis, article 3ter, or subparagraph (a) or (b) of this article; or

(d) organizes or directs others to commit an offence set forth in article 3, article 3bis, article 3ter, or subparagraph (a) or (b) of this article; or

(e) contributes to the commission of one or more offences set forth in article 3, article 3bis, article 3ter or subparagraph (a) or (b) of this article, by a group of persons acting with a common purpose, intentionally and either:

(i) with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence set forth in article 3, 3bis or 3ter; or

(ii) in the knowledge of the intention of the group to commit an offence set forth in article 3, 3bis or 3ter.

ARTICLE 5

1 -Article 5 of the Convention is replaced by the following text:

Each State Party shall make the offences set forth in articles 3, 3bis, 3ter and 3quater punishable by appropriate penalties which take into account the grave nature of those offences.

2 -The following text is added as article 5bis of the Convention:

Article 5bis

1 -Each State Party, in accordance with its domestic legal principles, shall take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for management or control of that legal entity has, in that capacity, committed an offence set forth in this Convention. Such liability may be criminal, civil or administrative.

2 -Such liability is incurred without prejudice to the criminal liability of individuals having committed the offences.

3 -Each State Party shall ensure, in particular, that legal entities liable in accordance with paragraph 1 are subject to effective, proportionate and dissuasive criminal, civil or administrative sanctions. Such sanctions may include monetary sanctions.

ARTICLE 6

1 -The chapeau of article 6, paragraph 1 of the Convention is replaced by the following text:

Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in articles 3, 3bis, 3ter and 3quater when the offence is committed:

2-Article 6, paragraph 3 of the Convention is replaced by the following text:

Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General.

3 -Article 6, paragraph 4 of the Convention is replaced by the following text:

Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in articles 3, 3bis, 3ter and 3quater in cases where the alleged offender is present in its territory and it does not extradite the alleged offender to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.

ARTICLE 7

The following text is added as the Annex to the Convention:

ANNEX

1 -Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970.

2 -Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971.

3-Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.

4-International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979.

5-Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979.

6 -Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988.

7-Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988.

8-International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

9-International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

ARTICLE 8

1 -Article 8, paragraph 1 of the Convention is replaced by the following text:

The master of a ship of a State Party (the “flag State”) may deliver to the authorities of any other State Party (the “receiving State”) any person who the master has reasonable grounds to believe has committed an offence set forth in article 3, 3bis, 3ter, or 3quater.

2 -The following text is added as article 8bis of the Convention:

1-States Parties shall co-operate to the fullest extent possible to prevent and suppress unlawful acts covered by this Convention, in conformity with international law, and shall respond to requests pursuant to this article as expeditiously as possible.

2 -Each request pursuant to this article should, if possible, contain the name of the suspect ship, the IMO ship identification number, the port of registry, the ports of origin and destination, and any other relevant information. If a request is conveyed orally, the requesting Party shall confirm the request in writing as soon as possible. The requested Party shall acknowledge its receipt of any written or oral request immediately.

3 -States Parties shall take into account the dangers and difficulties involved in boarding a ship at sea and searching its cargo, and give consideration to whether other appropriate measures agreed between the States concerned could be more safely taken in the next port of call or elsewhere.

4 -A State Party that has reasonable grounds to suspect that an offence set forth in article 3, 3bis, 3ter or 3quater has been, is being or is about to be committed involving a ship flying its flag, may request the assistance of other States Parties in preventing or suppressing that offence. The States Parties so requested shall use their best endeavors to render such assistance within the means available to them.

5 -Whenever law enforcement or other authorized officials of a State Party (“the requesting Party”) encounter a ship flying the flag or displaying marks of registry of another State Party (“the first Party”) located seaward of any State’s territorial sea, and the requesting Party has reasonable grounds to suspect that the ship or a person on board the ship has been, is or is about to be involved in the commission of an offence set forth in article 3, 3bis, 3ter or 3quater, and the requesting Party desires to board,

(a) It shall request, in accordance with paragraphs 1 and 2 that the first Party confirm the claim of nationality, and

(b) if nationality is confirmed, the requesting Party shall ask the first Party (hereinafter referred to as “the flag State”) for authorization to board and to take appropriate measures with regard to that ship which may include stopping, boarding and searching the ship, its cargo and persons on board, and questioning the persons on board in order

to determine if an offence set forth in article 3, 3bis, 3ter or 3quater has been, is being or is about to be committed, and

(c) The flag State shall either:

(i) -authorize the requesting Party to board and to take appropriate measures set out in subparagraph (b), subject to any conditions it may impose in accordance with paragraph 7; or

(ii)-conduct the boarding and search with its own law enforcement or other officials; or (iii)-conduct the boarding and search together with the requesting Party, subject to any conditions it may impose in accordance with paragraph 7; or

(iv) -decline to authorize a boarding and search.

The requesting Party shall not board the ship or take measures set out in subparagraph (b) without the express authorization of the flag State.

(d)-Upon or after depositing its instrument of ratification, acceptance, approval or accession, a State Party may notify the Secretary-General that, with respect to ships flying its flag or displaying its mark of registry, the requesting Party is granted authorization to board and search the ship, its cargo and persons on board, and to question the persons on board in order to locate and examine documentation of its nationality and determine if an offence set forth in article 3, 3bis, 3ter or 3quater has been, is being or is about to be committed, if there is no response from the first Party within four hours of acknowledgement of receipt of a request to confirm nationality.

(e) -Upon or after depositing its instrument of ratification, acceptance, approval or accession, a State Party may notify the Secretary-General that, with respect to ships flying its flag or displaying its mark of registry, the requesting Party is authorized to board and search a ship, its cargo and persons on board, and to question the persons on board in order to determine if an offence set forth in article 3, 3bis, 3ter or 3quater has been, is being or is about to be committed.

The notifications made pursuant to this paragraph can be withdrawn at any time.

6- When evidence of conduct described in article 3, 3bis, 3ter or 3quater is found as the result of any boarding conducted pursuant to this article, the flag State may authorize the requesting Party to detain the ship, cargo and persons on board pending receipt of disposition instructions from the flag State. The requesting Party shall promptly inform the flag State of the results of a boarding, search, and detention conducted pursuant to this article. The requesting Party shall also promptly inform the flag State of the discovery of evidence of illegal conduct that is not subject to this Convention.

7 -The flag State, consistent with the other provisions of this Convention, may subject its authorization under paragraph 5 or 6 to conditions, including obtaining additional information from the requesting Party, and conditions relating to responsibility for and the extent of measures to be taken. No additional measures may be taken without the express authorization of the flag State, except when necessary to relieve imminent danger to the lives of persons or where those measures derive from relevant bilateral or multilateral agreements.

8 -For all boarding pursuant to this article, the flag State has the right to exercise jurisdiction over a detained ship, cargo or other items and persons on board, including seizure, forfeiture, arrest and prosecution. However, the flag State may, subject to its constitution and laws, consent to the exercise of jurisdiction by another State having jurisdiction under article 6.

9 -When carrying out the authorized actions under this article, the use of force shall be avoided except when necessary to ensure the safety of its officials and persons on board, or where the officials are obstructed in the execution of the authorized actions. Any use of force pursuant to this article shall not exceed the minimum degree of force which is necessary and reasonable in the circumstances.

10 -Safeguards:

(a) Where a State Party takes measures against a ship in accordance with this article, it shall:

(i) -take due account of the need not to endanger the safety of life at sea;

(ii)-ensure that all persons on board are treated in a manner which preserves their basic human dignity, and in compliance with the applicable provisions of international law, including international human rights law;

(iii) -ensure that a boarding and search pursuant to this article shall be conducted in accordance with applicable international law;

(iv) -take due account of the safety and security of the ship and its cargo;

(v) -take due account of the need not to prejudice the commercial or legal interests of the flag State;

(vi)-ensure, within available means, that any measure taken with regard to the ship or its cargo is environmentally sound under the circumstances;

- (vii)-ensure that persons on board against whom proceedings may be commenced in connection with any of the offences set forth in article 3, 3bis, 3ter or 3quater are afforded the protections of paragraph 2 of article 10, regardless of location;*
- (viii)-ensure that the master of a ship is advised of its intention to board, and is, or has been, afforded the opportunity to contact the ship's owner and the flag State at the earliest opportunity; and*
- (ix) -take reasonable efforts to avoid a ship being unduly detained or delayed.*
- (b) Provided that authorization to board by a flag State shall not per se give rise to its liability, States Parties shall be liable for any damage, harm or loss attributable to them arising from measures taken pursuant to this article when:*
- (i) -the grounds for such measures prove to be unfounded, provided that the ship has not committed any act justifying the measures taken; or*
- (ii) -such measures are unlawful or exceed those reasonably required in light of available information to implement the provisions of this article.*
- States Parties shall provide effective recourse in respect of such damage, harm or loss.*
- (c) Where a State Party takes measures against a ship in accordance with this Convention, it shall take due account of the need not to interfere with or to affect:*
- (i)-the rights and obligations and the exercise of jurisdiction of coastal States in accordance with the international law of the sea; or*
- (ii)-the authority of the flag State to exercise jurisdiction and control in administrative, technical and social matters involving the ship.*
- (d) Any measure taken pursuant to this article shall be carried out by law enforcement or other authorized officials from warships or military aircraft, or from other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect and, notwithstanding articles 2 and 2bis, the provisions of this article shall apply.*
- (e) For the purposes of this article "law enforcement or other authorized officials" means a uniformed or otherwise clearly identifiable member of law enforcement or other government authorities duly authorized by their government. For the specific purpose of law enforcement under this Convention, law enforcement or other authorized officials shall provide appropriate government-issued identification documents for examination by the master of the ship upon boarding.*

11 -This article does not apply to or limit boarding of ships conducted by any State Party in accordance with international law, seaward of any State's territorial sea, including boarding based upon the right of visit, the rendering of assistance to persons, ships and property in distress or peril, or an authorization from the flag State to take law enforcement or other action.

12 -States Parties are encouraged to develop standard operating procedures for joint operations pursuant to this article and consult, as appropriate, with other States Parties with a view to harmonizing such standard operating procedures for the conduct of operations.

13 -States Parties may conclude agreements or arrangements between them to facilitate law enforcement operations carried out in accordance with this article.

14-Each State Party shall take appropriate measures to ensure that its law enforcement or other authorized officials, and law enforcement or other authorized officials of other States Parties acting on its behalf, are empowered to act pursuant to this article.

15 -Upon or after depositing its instrument of ratification, acceptance, approval or accession, each State Party shall designate the authority, or, where necessary, authorities to receive and respond to requests for assistance, for confirmation of nationality, and for authorization to take appropriate measures. Such designation, including contact information, shall be notified to the Secretary-General within one month of becoming a Party, who shall inform all other States Parties within one month of the designation. Each State Party is responsible for providing prompt notice through the Secretary-General of any changes in the designation or contact information.

ARTICLE 9

Article 10, paragraph 2 is replaced by the following text:

Any person who is taken into custody, or regarding whom any other measures are taken or proceedings are being carried out pursuant to this Convention, shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international human rights law.

ARTICLE 10

Article 11, paragraphs 1, 2, 3 and 4 are replaced by the following text:

1 -The offences set forth in articles 3, 3bis, 3ter and 3quater shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2 -If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in articles 3, 3bis, 3ter and 3quater. Extradition shall be subject to the other conditions provided by the law of the requested State Party.

3-States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in articles 3, 3bis, 3ter and 3quater as extraditable offences between themselves, subject to the conditions provided by the law of the requested State Party.

4 -If necessary, the offences set forth in articles 3, 3bis, 3ter and 3quater shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in a place within the jurisdiction of the State Party requesting extradition.

The following text is added as article 11bis, of the Convention:

Article 11bis

None of the offences set forth in article 3, 3bis, 3ter or 3quater shall be regarded for the purposes of extradition or mutual legal assistance as a political offence or as an offence connected with a political offence or as an offence inspired by political motives.

Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

The following text is added as article 11ter of the Convention:

Article 11ter

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 3, 3bis, 3ter or 3quater or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinion or gender, or that compliance with the request would cause prejudice to that person's position for any of these reasons.

ARTICLE 11

Article 12, paragraph 1 of the Convention is replaced by the following text:

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 articles 3, 3bis, 3ter and 3quater, including assistance in obtaining evidence at their disposal necessary for the proceedings.

The following text is added as article 12bis of the Convention:

Article 12bis

1 -A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences set forth in article 3, 3bis, 3ter or 3quater may be transferred if the following conditions are met:

- (a) the person freely gives informed consent; and*
- (b) the competent authorities of both States agree, subject to such conditions as those States may deem appropriate.*

2 -For the purposes of this article:

- (a) the State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;*

(b) the State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) the State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) the person transferred shall receive credit for service of the sentence being served in the State from which the person was transferred for time spent in the custody of the State to which the person was transferred.

3 -Unless the State Party from which a person is to be transferred in accordance with this article so agrees, that person, whatever that person's nationality, shall not be prosecuted or detained or subjected to any other restriction of personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to that person's departure from the territory of the State from which such person was transferred.

ARTICLE 12

Article 13 of the Convention is replaced by the following text:

1 -States Parties shall co-operate in the prevention of the offences set forth in articles 3, 3bis, 3ter and 3quater, particularly by:

(a) Taking all practicable measures to prevent preparation 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-coordinating administrative and other measures taken as appropriate to prevent the commission of offences set forth in articles 3, 3bis, 3ter and 3quater.

2 -When, due to the commission of an offence set forth in article 3, 3bis, 3ter or 3quater, 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 13

Article 14 of the Convention is replaced by the following text:

Any State Party having reason to believe that an offence set forth in article 3, 3bis, 3ter or 3quater 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 having established jurisdiction in accordance with article 6.

ARTICLE 14

Article 15, paragraph 3 of the Convention is replaced by the following text:

The information transmitted in accordance with paragraphs 1 and 2 shall be communicated by the Secretary-General to all States Parties, to Members of the Organization, to other States concerned, and to the appropriate international intergovernmental organizations.

ARTICLE 15

Interpretation and application

1 -The Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.

2 -Articles 1 to 16 of the Convention, as revised by this Protocol, together with articles 17 to 24 of this Protocol and the Annex thereto, shall constitute and be called the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005 (2005 SUA Convention).

ARTICLE 16

The following text is added as article 16bis of the Convention:

Final clauses of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005 The final clauses of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005 shall be articles 17 to 24 of the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. References in this Convention to States Parties shall be taken to mean references to States Parties to that Protocol.

FINAL CLAUSES

ARTICLE 17

Signature, ratification, acceptance, approval and accession

1 -This Protocol shall be open for signature at the Headquarters of the Organization from 14 February 2006 to 13 February 2007 and 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 18

Entry into force

1 -This Protocol shall enter into force ninety days following the date on which twelve States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession with the Secretary-General.

2 -For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Protocol after the conditions in paragraph 1 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

Denunciation

1 -This Protocol may be denounced by any State Party at any time after 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 deposit of the instrument with the Secretary-General.

ARTICLE 20

Revision and amendment

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 States Parties to this Protocol for revising or amending the Protocol, 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 entry into force of an amendment to this Protocol shall be deemed to apply to the Protocol as amended.

ARTICLE 21

Declarations

1-Upon depositing its instrument of ratification, acceptance, approval or accession, a State Party which is not a party to a treaty listed in the Annex may declare that, in the application of this Protocol to the State Party, the treaty shall be deemed not to be included in article 3ter. The declaration shall cease to have effect as soon as the treaty enters into force for the State Party, which shall notify the Secretary-General of this fact.

2 -When a State Party ceases to be a party to a treaty listed in the Annex, it may make a declaration as provided for in this article, with respect to that treaty.

3 -Upon depositing its instrument of ratification, acceptance, approval or accession, a State Party may declare that it will apply the provisions of article 3ter in accordance with the principles of its criminal law concerning family exemptions of liability.

ARTICLE 22

Amendments to the Annex

1 -The Annex may be amended by the addition of relevant treaties that:

- (a) Are open to the participation of all States;*
- (b) Have entered into force; and*
- (c) Have been ratified, accepted, approved or acceded to by at least twelve States Parties to this Protocol.*

2 -After the entry into force of this Protocol, any State Party thereto may propose such an amendment to the Annex. Any proposal for an amendment shall be communicated to the Secretary-General in written form. The Secretary-General shall circulate any proposed amendment that meets the requirements of paragraph 1 to all members of the Organization and seek from States Parties to this Protocol their consent to the adoption of the proposed amendment.

3 -The proposed amendment to the Annex shall be deemed adopted after more than twelve of the States Parties to this Protocol consent to it by written notification to the Secretary-General.

4 -The adopted amendment to the Annex shall enter into force thirty days after the deposit with the Secretary-General of the twelfth instrument of ratification, acceptance or approval of such amendment for those States Parties to this Protocol that have deposited such an instrument. For each State Party to this Protocol ratifying, accepting or approving the amendment after the deposit of the twelfth instrument with the Secretary-General, the amendment shall enter into force on the thirtieth day after deposit by such State Party of its instrument of ratification, acceptance or approval.

ARTICLE 23

Depositary

1-This Protocol and any amendments adopted under articles 20 and 22 shall be deposited with the Secretary-General.

2 -The Secretary-General shall:

(a) Inform all States which have signed this Protocol or acceded to this Protocol 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 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) Any communication called for by any article of this Protocol;*
- (v) Any proposal to amend the Annex which has been made in accordance with article 22, paragraph 2;*
- (vi) Any amendment deemed to have been adopted in accordance with article 22, paragraph 3;*
- (vii) any amendment ratified, accepted or approved in accordance with article 22, paragraph 4, together with the date on which that amendment shall enter into force; and*

(b) Transmit certified true copies of this Protocol to all States which have signed or acceded to this Protocol.

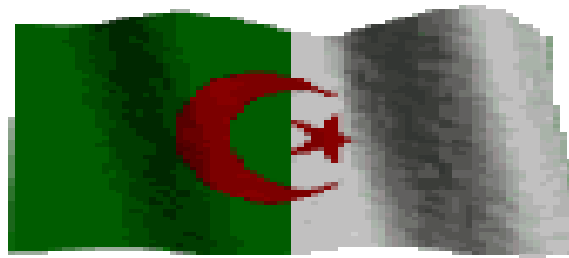
3-As soon as this Protocol enters into force, a certified true copy of the text shall be transmitted by the Secretary-General to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 24 **Languages**

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

DONE AT LONDON this fourteenth day of October two thousand and five.

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



***LAW TO GIVE EFFECT TO THE CONVENTION FOR SUPPRESSION OF
UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION
2005 (2005 SUA CONVENTION)***

Law N° (Year-Number) of (Day-Month-Year Hegira) corresponding to (Day-Month-Year Gregorian) to amend and to Complete the Law N°66-155 of June 8th, 1966 enacting the Algerian Penal Code

The President of the Republic,

-According to the Constitution, notably Articles 77-7, 120, 122 and 126;

-Considering the International Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation adopted in Rome, on 10 March 1988;

-Considering the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted on 14th October 2005;

-Considering the Presidential Decree N° 97-373 of 28th jourada el ouala 1418 corresponding to 30th September 1997 Relating to adhesion, with reservation, of People's Democratic Republic of Algeria to the International Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation done at Rome on 10 March 1988;

-In accordance with the Law N° 66-155 of 8 June, 1966 of the Algerian Penal Procedural Code;

-In accordance with the Law N° 98-05 of 25 June, 1998 of the Algerian Maritime Code;

-In accordance with the Law N° 73-12 of 3 April, 1973 of the Creation of the Algerian Coast-Guard Service.

After adoption by the Parliament:

Promulgate the Law by which content follows:

Article 1: *the Present Law has as an object to amend and to complete the dispositions of the Law N°66-155 of 8 June 1966 enacting the Algerian Penal Code.*

Article 2: *it shall be inserted in this code, chapter VII, Title I, and this chapter may be called the Unlawful Acts committed Against the Safety of Maritime Navigation.*

“GENERAL PROVISIONS”

Article 3: *in this law, unless the context otherwise requires, the following expressions shall have the following meaning:*

“Convention” means the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988;

“Convention state” means any state which is state party to the Convention or to the amending Protocol;

“Ship” means any ship, as so defined in article 13 of the Law N 98-05 of 25 June 1998 of the Algerian Maritime Code;

“Minister” means the Minister responsible for the National Defense;

“Authorized person” means the officers of the Algerian Coast Guard and any person authorized by the Commander of the Algerian Naval Forces;

“BCN weapon” means:

(i) “biological weapons”, which are:

(1) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; or

(2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

(ii) “chemical weapons”, which are, together or separately:

(1) toxic chemicals and their precursors, except where intended for:

(A) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes; or

(B) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons; or

(C) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

(D) law enforcement including domestic riot control purposes, as long as the types and quantities are consistent with such purposes;

(2) munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (ii)(1), which would be released as a result of the employment of such munitions and devices;

(3) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (ii)(2).

(iii) nuclear weapons and other nuclear explosive devices;

“Precursor” means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multi-component chemical system.

“Toxic chemical” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

“Transport” means to initiate, arrange or exercise effective control, including decision-making authority, over the movement of a person or item.

- For the purposes of this Law:

(a) the terms “place of public use”, “State or government facility”, “infrastructure facility”, and “public transportation system” have the same meaning as given to those terms in the International Convention for the Suppression of Terrorist Bombings, done at New York on 15 December 1997; and

(b) the terms “source material” and “special fissionable material” have the same meaning as given to those terms in the Statute of the International Atomic Energy Agency (IAEA), done at New York on 26 October 1956.

SECTION (1)
“OFFENCES AND PUNISHMENT”

Article 4: *whoever 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 for any offences under this article, or*
- (h) with intent to compel the commission or omission of any act ,by a physical or judicial person ,threatens to danger the safe navigation of a ship by doing any of acts referred to under this article ; or*
- (i) attempts to do any of the acts mentioned herein.*

Is guilty of an offence under this article and shall be liable on conviction on indictment to imprisonment for life.

Article 5: *whoever unlawfully and intentionally –*

1-(a) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act:

(i) uses against or on a ship or discharges from a ship any explosive, radioactive material or prohibited weapon in a manner that causes or is likely to cause death or serious injury or damage; or

(ii) discharges, from a ship, oil, liquefied natural gas, or other hazardous or noxious substance, which is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage; or

(iii) uses a ship in a manner that causes death or serious injury or damage; or;

(iv) threatens, to commit any of the aforementioned offences referred to in this article .

(b) transport on board a ship:

(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, or threatens to cause death or serious injury or damage for the purpose of intimidating a population, or compelling a Government or an international organization to do or to abstain from doing any act; or

(ii) any prohibited weapon, knowing it to be a prohibited weapon.

(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not subject to a comprehensive safeguards agreement] [any other nuclear activity not under safeguards pursuant to an IAEA comprehensive safeguards agreement; or

(iv) any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCN weapon, with the intention that it will be used for such purpose.

(c) kills or injures any in connection with the commission of any offences referred to in this article.

(d) attempts to commit any of the offences referred to in article 4 (a) (i), (ii), (iii) or subsection (c) of this article.

(e) participates as an accomplice in any of the offences referred to in article 3, article 4 and article 5.

Shall on conviction be liable to life imprisonment or to such lesser punishment being not less than 10 years, as the court may deem fit.

2- It shall not be an offence to transport an item or material covered by article 4 (b) (iii) or, insofar as it relates to a nuclear weapon or other nuclear explosive device, paragraph 1(b) (iv), if such item or material is transported to or from the territory of, or is otherwise under the control of, a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, where:

(a) the resulting transfer or receipt, including internal to a state ,of the item or materiel is not contrary to such state party 's obligations under the treaty on the non-proliferation of Nuclear Weapons and

(b) if the item or material is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, the holding of such weapon or device is not contrary to that State Party's obligations under that Treaty,

3- for the purpose of this law "participate as an accomplice "means any act referred to under article 30 and 31 of this code.

Article 6: *Whoever unlawfully and intentionally transports another person on board a ship knowing that the person has committed and act that constitutes an offense under this law and intending to assist that person to evade criminal proceeding, shall on conviction be liable to life imprisonment or to such lesser punishment, being not less than imprisonment for 5 years .*

Article 7: *Whoever contributes to the commission of one or more offences referred to in these articles, by a group of persons acting with a common purpose, shall on conviction be liable to imprisonment for life.*

SECTION (2)
“JURISDICTION”

Article 8: *No court shall take cognizance of an offence punishable under this law which is committed outside Algeria unless-*

- (a) such offence is committed on board or against an Algerian flag;*
- (b) such offence is committed by or against an Algerian citizen.*

Provided that, the Court shall have jurisdiction to take cognizance of an offence committed outside Algeria in circumstances other than those mentioned in sub-section 2(a), and (b), if the Ministry of Home Affairs is satisfied—

- (a) in case a request for the person surrender for the purpose of trying him or her for such an offence has been made by a Convention country under the extradition law, and that request has been given a final refusal, or*
- (b) in any other case that because of a special circumstance, including but not limited to, the fact that the suspect is a stateless person, it is expedient that proceedings be taken against the person for such an offence.*

SECTION (3)
“ARREST AND DETENTION”

Article 9: *1-An authorised person may on grounds urgency and without warrant, proceed with the arrest any person, where there is a reasonable cause to suspect that, any of the offences referred to under this law has been committed or is about to be committed.*

2-Where an authorised person suspects, with reasonable cause that a person who is about to board, or is on board, a ship intends to commit any of the offences under this law and or in relation to a ship, such authorised person may-

- (a) prevent the person from boarding the ship or from traveling on board the ship,*
- (b) without warrant board the ship and remove the person from it, or*
- (c) Without warrant arrest the person.*

3- The master of the ship or person for the time being in charge of a ship may arrest and detain any person where there is a reasonable cause to suspect that such person is guilty of an offence under this law.

4- Such a person may be so detained only until he or she can be delivered to--

- (a) an authorised person, or
- (b) the appropriate authorities of a Convention State.

Provided that a person so delivered to a member of the Coast Guard shall be delivered as soon as practicable, to the police authorities and shall there upon be treated as a person arrested without warrant by the police authorities, unless the person is brought as soon as practicable, but in all cases not later than 48 hours after being so delivered to the police authorities, before the Court of Magistrate.

Provided further, that the magistrate before whom such a person is brought shall, in considering any application for bail, take into account the need of the presence of such person in Algeria for such time as is necessary to enable any proceedings against the person to be instituted, including any extradition proceedings under the Extradition law.

5- A master of a ship or person for the time being in charge of a ship is not liable to—

- (a) conviction in any criminal prosecution, or
- (b) damages in civil proceedings.

brought in respect of any action reasonably taken by either of them under this law against any other person.

SECTION 4 **“DELIVERY OF DETAINED PERSONS”**

Article 10: 1- A master of a ship may deliver to the appropriate authorities of a Convention State any person detained by him or her under section 6.

2- A master of a ship who intends to deliver such a person shall notify the authorities concerned of the intention to do so and the reasons there for such delivery.

3- The notification must be given whenever practicable and, if possible, before the ship enters the territorial sea of the Convention State.

4- On delivery of a person under sub-section (1) the master shall—

(a) make to the appropriate authorities of the Convention State such oral or written statements relating to the alleged offence as they may be reasonably require, and

(b) give them any other evidence in his or her possession relating to that offence.

5- A master who without, reasonable cause, does not comply with sub-section (3), (4) of this article shall on conviction be guilty of an offence and liable to a fine not exceeding 10000 DA or imprisonment for a term not exceeding 2 years or both.

SECTION 5

“SEARCH AND SEIZURE”

Article 11: *1- An authorised person may search without warrant a ship if there is reasonable cause to suspect that;*

(a) any offence under this law has been committed on board the ship, or

(b) a person who has committed such an offence is on the ship;

Provided that such authorised person may, seize any object believed to be related to or connection with the commission of an offence. Such officer of member may further remove or take copies of any record or extracts from records which may be so related.

2- Any person who obstructs or attempts to obstruct, a police officer or Coast Guard while searching a ship shall on conviction liable for a fine not exceeding 10000 DA or imprisonment for a term not exceeding one year or both.

3- The authorised person may arrest without warrant any person who is committing an offence under sub-section (2) of this article.

SECTION 6
“EXTRADITION”

Article 12: 1- For the purposes of the application of the Extradition law, to offences under this law, any ship registered in a Convention State or Protocol State shall, at any time while that ship is plying, be deemed to be within the jurisdiction of that Convention State or Protocol State, whether or not it is for the time being also within the jurisdiction of any other country.

2- For the purpose of the Extradition law, extradition shall not be refused solely on the ground, that any of the offences set forth in the law, concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Provided that nothing in this law shall be interpreted as an obligation to extradite if there are substantial grounds for believing that the request for extradition for any of the offences set forth in this law has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinion or gender, or that compliance with the request would cause prejudice to that person's position for any of these reasons mentioned in this proviso.”

FINAL PROVISIONS

Article 13: This law will be published in the Official Gazette of People's Democratic Republic of Algeria.

Done in Algiers, on (Day-Month-Year Hegira) corresponding to (Day- Month- Gregorian Year).

Full Name of the President of the Republic

Annex-01-

<p><i>Convention internationale pour la répression d'actes illicites contre la sécurité de la navigation maritime</i></p> <p align="center"><i>SUA 1988</i></p> <p align="center"><i>Signée a Rome le 10 mars 1988 Entrée en vigueur: 1 mars 1992</i></p>		<p><i>International convention for the suppression of unlawful acts against the safety of maritime navigation</i></p> <p align="center"><i>SUA 1988</i></p> <p align="center"><i>Rome, 10th march, 1988 Entered into force: 1 March 1992 (Translation)</i></p>	
		<i>Date of deposit of instrument</i>	<i>Date of entry in force</i>
<i>Afghanistan</i>	<i>A</i>	<i>23.09.2003</i>	<i>22.12.2003</i>
<i>Albania</i>	<i>A</i>	<i>19.06.2002</i>	<i>17.09.2002</i>
<i>Algeria</i>	<i>A</i>	<i>11.02.1998</i>	<i>12.05.1998</i>
<i>Argentina</i>	<i>R</i>	<i>17.08.1993</i>	<i>15.11.1993</i>
<i>Armenia</i>	<i>A</i>	<i>08.06.2005</i>	<i>06.09.2005</i>
<i>Australia</i>	<i>A</i>	<i>19.02.1993</i>	<i>20.05.1993</i>
<i>Austria</i>	<i>R</i>	<i>28.12.1989</i>	<i>01.03.1992</i>
<i>Azerbaijan</i>	<i>A</i>	<i>26.01.2004</i>	<i>25.04.2004</i>
<i>Bahamas</i>	<i>A</i>	<i>25.10.2005</i>	<i>23.01.2006</i>
<i>Bahrain</i>	<i>A</i>	<i>21.10.2005</i>	<i>19.01.2006</i>
<i>Bangladesh</i>	<i>A</i>	<i>09.06.2005</i>	<i>07.09.2005</i>
<i>Barbados</i>	<i>A</i>	<i>06.05.1994</i>	<i>04.08.1994</i>
<i>Belarus</i>	<i>A</i>	<i>04.12.2002</i>	<i>04.03.2003</i>
<i>Belgium</i>	<i>A</i>	<i>11.04.2005</i>	<i>10.09.2005</i>
<i>Bolivia</i>	<i>A</i>	<i>13.02.2002</i>	<i>14.05.2002</i>
<i>Bosnia and Herzegovina</i>	<i>A</i>	<i>28.07.2003</i>	<i>26.10.2003</i>
<i>Botswana</i>	<i>A</i>	<i>14.09.2000</i>	<i>13.12.2000</i>
<i>Brazil</i>	<i>R</i>	<i>25.10.2005</i>	<i>23.01.2006</i>
<i>Brunei and Darussalam</i>	<i>R</i>	<i>04.12.2003</i>	<i>03.03.2004</i>
<i>Bulgaria</i>	<i>R</i>	<i>08.11.1999</i>	<i>06.10.1999</i>
<i>Burkina Faso</i>	<i>A</i>	<i>15.01.2004</i>	<i>14.04.2004</i>
<i>Canada</i>	<i>R</i>	<i>18.06.1993</i>	<i>16.09.1993</i>
<i>Cap Verde</i>	<i>A</i>	<i>03.01.2003</i>	<i>03.04.2003</i>
<i>Chile</i>	<i>R</i>	<i>22.04.1994</i>	<i>21.07.1994</i>
<i>China</i>	<i>R</i>	<i>20.08.1991</i>	<i>01.03.1992</i>
<i>Costa Rica</i>	<i>R</i>	<i>23.03.2003</i>	<i>23.06.2003</i>
<i>Croatia</i>	<i>A</i>	<i>18.08.2005</i>	<i>16.11.2005</i>

<i>Cuba</i>	<i>A</i>	<i>20.11.2001</i>	<i>18.02.2002</i>
<i>Cyprus</i>	<i>A</i>	<i>02.02.2000</i>	<i>02.05.2000</i>
<i>Czech republic</i>	<i>A</i>	<i>10.12.2004</i>	<i>10.03.2005</i>
<i>Denmark</i>	<i>R</i>	<i>25.07.1995</i>	<i>23.11.1995</i>
<i>Djibouti</i>	<i>A</i>	<i>09.06.2004</i>	<i>07.09.2004</i>
<i>Dominica</i>	<i>A</i>	<i>31.08.2001</i>	<i>29.11.2001</i>
<i>Ecuador</i>	<i>A</i>	<i>10.03.2003</i>	<i>08.06.2003</i>
<i>Egypt</i>	<i>R</i>	<i>08.01.1993</i>	<i>08.04.1993</i>
<i>El Salvador</i>	<i>A</i>	<i>07.12.2000</i>	<i>07.03.2001</i>
<i>Equatorial Guinea</i>	<i>A</i>	<i>15.01.2004</i>	<i>14.04.2004</i>
<i>Estonia</i>	<i>A</i>	<i>15.02.2002</i>	<i>16.05.2002</i>
<i>Finland</i>	<i>R</i>	<i>12.11.1998</i>	<i>10.02.1999</i>
<i>France</i>	<i>AP</i>	<i>02.12.1991</i>	<i>01.03.1992</i>
<i>Gambia</i>	<i>A</i>	<i>01.11.1991</i>	<i>01.03.1992</i>
<i>Germany</i>	<i>A</i>	<i>06.11.1990</i>	<i>01.03.1992</i>
<i>Ghana</i>	<i>A</i>	<i>01.11.2002</i>	<i>30.01.2003</i>
<i>Greece</i>	<i>R</i>	<i>11.06.1993</i>	<i>0909.1993</i>
<i>Grenada</i>	<i>A</i>	<i>09.01.2002</i>	<i>09.04.2002</i>
<i>Guinea</i>	<i>A</i>	<i>01.02.2005</i>	<i>02.02.2005</i>
<i>Guyana</i>	<i>A</i>	<i>30.02.2003</i>	<i>30.04.2003</i>
<i>Honduras</i>	<i>A</i>	<i>17.05.2005</i>	<i>15.08.2005</i>
<i>Hungary</i>	<i>R</i>	<i>09.11.1989</i>	<i>01.03.1992</i>
<i>Iceland</i>	<i>A</i>	<i>28.05.2002</i>	<i>06.08.2002</i>
<i>India</i>	<i>A</i>	<i>15.10.1999</i>	<i>13.01.2002</i>
<i>Ireland</i>	<i>A</i>	<i>10.09.2004</i>	<i>09.12.2004</i>
<i>Italy</i>	<i>R</i>	<i>26.01.1989</i>	<i>01.03.1992</i>
<i>Jamaica</i>	<i>A</i>	<i>17.08.2005</i>	<i>15.11.2005</i>
<i>Japan</i>	<i>A</i>	<i>24.04.1998</i>	<i>23.07.1998</i>
<i>Jordan</i>	<i>A</i>	<i>02.07.2004</i>	<i>30.09.2004</i>
<i>Kazakhstan</i>	<i>A</i>	<i>24.11.2003</i>	<i>22.11.2004</i>
<i>Kenya</i>	<i>A</i>	<i>21.01.2002</i>	<i>21.04.2002</i>
<i>Kiribati</i>	<i>A</i>	<i>17.11.2005</i>	<i>16.02.2006</i>
<i>Kuwait</i>	<i>A</i>	<i>30.06.2003</i>	<i>28.09.2003</i>
<i>Latvia</i>	<i>A</i>	<i>04.12.2002</i>	<i>4.03.2003</i>
<i>Lebanon</i>	<i>A</i>	<i>16.12.1994</i>	<i>16.03.1995</i>
<i>Liberia</i>	<i>R</i>	<i>05.10.1995</i>	<i>03.01.1996</i>
<i>Libyan Arab Jamahiriya</i>	<i>A</i>	<i>08.08.2002</i>	<i>06.11.2002</i>
<i>Lichtenstein</i>	<i>A</i>	<i>08.11.2002</i>	<i>06.11.2003</i>
<i>Lithuania</i>	<i>A</i>	<i>30.01.2003</i>	<i>30.04.2003</i>

<i>Mali</i>	<i>A</i>	<i>29.04.2002</i>	<i>28.07.2002</i>
<i>Malta</i>	<i>A</i>	<i>20.11.2001</i>	<i>18.02.2002</i>
<i>Marshall island</i>	<i>A</i>	<i>29.11.1994</i>	<i>27.11.1995</i>
<i>Mauritius</i>	<i>A</i>	<i>03.08.2004</i>	<i>01.11.2004</i>
<i>Mexico</i>	<i>A</i>	<i>13.05.1994</i>	<i>11.08.1994</i>
<i>Micronesia</i>	<i>A</i>	<i>10.02.2003</i>	<i>11.05.2003</i>
<i>Moldova</i>	<i>A</i>	<i>11.10.2001</i>	<i>09.01.2006</i>
<i>Monaco</i>	<i>A</i>	<i>25.01.2002</i>	<i>25.04.2002</i>
<i>Mongolia</i>	<i>A</i>	<i>22.11.2005</i>	<i>20.02.2006</i>
<i>Morocco</i>	<i>R</i>	<i>08.01.2002</i>	<i>08.04.2002</i>
<i>Mozambique</i>	<i>A</i>	<i>08.01.2003</i>	<i>08.04.2003</i>
<i>Myanmar</i>	<i>A</i>	<i>19.09.2003</i>	<i>18.12.2003</i>
<i>Namibia</i>	<i>A</i>	<i>10.07.2004</i>	<i>18.10.2004</i>
<i>Nauru</i>	<i>A</i>	<i>11.08.2005</i>	<i>09.11.2005</i>
<i>Netherlands</i>	<i>AC</i>	<i>05.03.1992</i>	<i>03.06.1992</i>
<i>New Zealand</i>	<i>R</i>	<i>10.05.1999</i>	<i>08.09.1999</i>
<i>Nigeria</i>	<i>R</i>	<i>24.02.2004</i>	<i>24.05.2004</i>
<i>Norway</i>	<i>R</i>	<i>18.04.1991</i>	<i>01.03.1992</i>
<i>Oman</i>	<i>A</i>	<i>24.09.1990</i>	<i>01.03.1992</i>
<i>Pakistan</i>	<i>A</i>	<i>20.09.2000</i>	<i>19.09.2000</i>
<i>Palau</i>	<i>A</i>	<i>04.12.2001</i>	<i>04.03.2002</i>
<i>Panama</i>	<i>A</i>	<i>03.07.2002</i>	<i>01.10.2002</i>
<i>Paraguay</i>	<i>A</i>	<i>12.11.2004</i>	<i>10.11.2002</i>
<i>Peru</i>	<i>A</i>	<i>19.07.2001</i>	<i>17.10.2001</i>
<i>Philippines</i>	<i>R</i>	<i>06.01.2004</i>	<i>05.04.2004</i>
<i>Poland</i>	<i>R</i>	<i>25.06.1991</i>	<i>01.03.1992</i>
<i>Portugal</i>	<i>A</i>	<i>05.01.1996</i>	<i>04.04.1996</i>
<i>Qatar</i>	<i>A</i>	<i>18.09.2003</i>	<i>17.12.2003</i>
<i>Republic of Korea</i>	<i>A</i>	<i>04.05.2003</i>	<i>12.08.2003</i>
<i>Romania</i>	<i>A</i>	<i>02.06.1993</i>	<i>31.08.1993</i>
<i>Russian federation</i>	<i>A</i>	<i>04.05.2002</i>	<i>02.08.2001</i>
<i>St kits and Nevis</i>	<i>A</i>	<i>17.01.2002</i>	<i>17.04.2002</i>
<i>St Lucia</i>	<i>A</i>	<i>20.05.2004</i>	<i>18.08.2004</i>
<i>saint Vincent and the grenadines</i>	<i>A</i>	<i>09.10.2001</i>	<i>07.01.2002</i>
<i>Samoa</i>	<i>A</i>	<i>18.05.2004</i>	<i>16.08.2004</i>
<i>Sao tome and Principe</i>	<i>A</i>	<i>05.05.2006</i>	<i>03.08.2006</i>
<i>Saudi Arabia</i>	<i>A</i>	<i>02.02.2006</i>	<i>03.05.2006</i>
<i>Senegal</i>	<i>A</i>	<i>09.08.2004</i>	<i>07.11.2004</i>
<i>Serbia and Montenegro</i>	<i>A</i>	<i>10.05.2004</i>	<i>08.08.2004</i>

<i>Seychelles</i>	<i>R</i>	<i>24.01.1989</i>	<i>01.03.1992</i>
<i>Singapore</i>	<i>A</i>	<i>03.02.2004</i>	<i>03.05.2004</i>
<i>Slovakia</i>	<i>A</i>	<i>08.12.2000</i>	<i>08.03.2001</i>
<i>Slovenia</i>	<i>A</i>	<i>18.07.2003</i>	<i>16.10.2003</i>
<i>South Africa</i>	<i>A</i>	<i>08.07.2005</i>	<i>06.10.2005</i>
<i>Spain</i>	<i>R</i>	<i>07.07.1989</i>	<i>01.03.1992</i>
<i>Sri lanka</i>	<i>A</i>	<i>04.09.2000</i>	<i>03.12.2000</i>
<i>Sudan</i>	<i>A</i>	<i>22.05.2000</i>	<i>20.08.2000</i>
<i>Swaziland</i>	<i>A</i>	<i>17.04.2003</i>	<i>16.07.2003</i>
<i>Sweden</i>	<i>R</i>	<i>13.09.1990</i>	<i>01.03.1992</i>
<i>Switzerland</i>	<i>A</i>	<i>12.03.1993</i>	<i>10.06.1993</i>
<i>Syrian Arab republic</i>	<i>A</i>	<i>24.03.2003</i>	<i>22.06.2003</i>
<i>Tajikistan</i>	<i>A</i>	<i>12.08.2005</i>	<i>10.11.2005</i>
<i>Togo</i>	<i>A</i>	<i>10.03.2003</i>	<i>08.06.2003</i>
<i>Tango</i>	<i>A</i>	<i>06.12.2002</i>	<i>03.03.2003</i>
<i>Trinidad and Tobago</i>	<i>A</i>	<i>27.07.1989</i>	<i>01.03.1992</i>
<i>Tunisia</i>	<i>A</i>	<i>06.03.1998</i>	<i>04.05.1998</i>
<i>Turkey</i>	<i>A</i>	<i>06.03.1998</i>	<i>04.05.1998</i>
<i>Turkmenistan</i>	<i>A</i>	<i>08.05.1999</i>	<i>06.09.1999</i>
<i>Tuvalu</i>	<i>A</i>	<i>02.12.2005</i>	<i>02.03.2006</i>
<i>Uganda</i>	<i>A</i>	<i>11.11.2003</i>	<i>09.02.2004</i>
<i>Ukraine</i>	<i>R</i>	<i>21.04.1994</i>	<i>20.07.1994</i>
<i>United Arab emirates</i>	<i>A</i>	<i>15.09.2005</i>	<i>14.12.2005</i>
<i>United kingdom</i>	<i>R</i>	<i>03.05.1991</i>	<i>01.03.1992</i>
<i>united republic Tanzania</i>	<i>A</i>	<i>11.05.2005</i>	<i>09.08.2005</i>
<i>United states</i>	<i>R</i>	<i>06.12.1994</i>	<i>06.03.1995</i>
<i>Uruguay</i>	<i>A</i>	<i>10.08.2001</i>	<i>08.11.2001</i>
<i>Uzbekistan</i>	<i>A</i>	<i>25.09.2000</i>	<i>24.12.2000</i>
<i>Vanuatu</i>	<i>A</i>	<i>18.02.1999</i>	<i>19.05.1999</i>
<i>Viet Nam</i>	<i>A</i>	<i>12.07.2002</i>	<i>10.10.2002</i>
<i>Yemen</i>	<i>A</i>	<i>30.06.2000</i>	<i>28.09.2000</i>

-Number of contracting states 136, representing 91.76% of the gross tonnage of the world's merchant shipping.

-NOTICE:

- * *A*: accession
- * *R*: ratification
- * *AC*: acceptance
- * *AP*: approval



ANNEX-02-

Presidential Decree N° 97-373 of 28th jourmada el ouala 1418 corresponding to 30th September 1997 Relating to adhesion, with reservation, of People's Democratic Republic of Algeria to the International Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation adopted in Rome on 10th March 1988

The President of the Republic,

-On the report of State Minister, Minister of Foreign Affairs,

-According to the Constitution, notably Article 77 Paragraphs 9;

-Considering the International Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation adopted in Rome on 10th March 1988;

Decrees:

Article 1: *–The People's Democratic Republic of Algeria adheres, with reservation, to the International Convention for the Suppression of unlawful acts against the Safety of Maritime Navigation, adopted in Rome on April 10th March 1988.*

This Convention will be published in the Official Gazette of the People's Democratic Republic of Algeria.

Article 2: *– This Decree will be published in the Official Gazette of the People's Democratic Republic of Algeria.*

Done in Algiers, on 28th jourmada el ouala 1418 corresponding to 30th September 1997.

Mr. Liamine ZEROUAL

(The text of the Convention)



ANNEX-03-

Presidential Decree N° 06-135 of 11th Rabie el oual 1418 corresponding to 10th April 2006 Relating to ratification of People's Democratic Republic of Algeria of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf adopted in Rome on 10th March 1988

The President of the Republic,

-On the report of State Minister, Minister of Foreign Affairs,

-According to the Constitution, notably Article 77 Paragraphs 9;

-Considering the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf adopted in Rome on 10th March 1988;

Decrees:

Article1: –*The People's Democratic Republic of Algeria ratifies the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf adopted in Rome on 10th March 1988;*

This protocol will be published in the Official Gazette of the People's Democratic Republic of Algeria.

Article2: – *This Decree will be published in the Official Gazette of People's Democratic Republic of Algeria.*

Done in Algiers, on 11th Rabie el oual 1418 corresponding to 10TH April 2006.

Mr. Liamine ZEROUAL

(The text of the Protocol)

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CONVENTIONS

- *the Convention for the Suppression of Unlawful Acts the Safety of Maritime Navigation adopted in Rome on 10th March 1988 ,*
- *Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf adopted in Rome on 10th March 1988 ,*
- *The 2005 Protocol to the Convention for the Suppression of Unlawful Acts the Safety of Maritime Navigation adopted on 14th October 2005.*

ALGERIAN LEGISLATION

- *Algerian Constitution of 8 December, 1996 (JORADP N°76).*
- *Algerian Maritime Code (CMA),*
- *Presidential Decree N°(97-373) of 28 jourmada el ouala 1418 corresponding to 30 September 1997 Relating to adhesion, with reservation, of the People's Democratic Republic of Algeria to the International Convention for the Suppression of Unlawful Acts the Safety of Maritime Navigation adopted in Rome on 10 March 1988 ,*
- *Presidential Decree N° (06-135) of 11 Rabie el Aual 1418 corresponding to 10 April 2006 Relating to ratification of People's Democratic Republic of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf adopted in Rome on 10 March 1988 .*

INTERNET SITES

- *[http:// www.imo.org](http://www.imo.org)*
- *[http:// www.cargosecurityinternational.com](http://www.cargosecurityinternational.com)*
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