

(b) EXTRADITION ACT, WITH AMENDMENTS TO 1927. "REVISED STATUTES OF CANADA", 1927, VOL. I, PP. 1083, 1092.

. . .

Section 2. In this Act, unless the context otherwise requires,

. . .

(d) "Foreign State" includes every colony, dependency and constituent part of the foreign State; and every vessel of any such State shall be deemed to be within the jurisdiction of and to be part of the State;

. . .

FIRST SCHEDULE

*List of crimes*

. . .

20. Piracy by municipal law or law of nations, committed on board of or against a vessel of a foreign State;

21. Criminal scuttling or destroying such a vessel at sea, whether on the high seas or on the great lakes of North America, or attempting or conspiring to do so;

. . .

**9. Chile**

(a) PENAL CODE, 12 NOVEMBER 1874. L. JIMÉNEZ DE ASÚA AND F. CARSI ZACARÉS, "CÓDIGOS PENALES IBEROAMERICANOS" (1946), VOL. I, P. 1031. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

. . .

Article 5. Chilean penal law shall apply to all inhabitants of the Republic, including aliens. Offences committed in territorial or adjacent waters shall be subject to the provisions of this Code.

Article 6. Crimes or offences (*simples delitos*) committed outside the territory of the Republic by Chileans or aliens shall not be punished in Chile save in the cases specified by law.

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Note: Article 480 of the Chilean Penal Code provides for the punishment of "any person who causes damage by sinking or stranding a vessel". *Ibid*, p. 1110.

(b) CODE OF PENAL PROCEDURE, 30 AUGUST 1944. "CÓDIGOS DE LA REPÚBLICA DE CHILE" (OFFICIAL EDITION, 1949), VOL. I, CÓDIGO DE PROCEDIMIENTO PENAL, P. 29. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

. . .

Article 1. The courts of the Republic shall have jurisdiction to try offences committed within the territory of the Republic, whether by a

Chilean citizen or an alien, with the exception of cases provided for in generally recognized rules of international law.

. . .

(c) CODE RELATING TO THE ORGANIZATION OF TRIBUNALS, ENACTED BY LAW NO. 7421 OF 15 JUNE 1943, AS MODIFIED BY LAW NO. 8987 OF 3 SEPTEMBER 1948. "CÓDIGOS DE LA REPÚBLICA DE CHILE" (OFFICIAL EDITION, 1949), VOL. II, CÓDIGO ORGÁNICO DE TRIBUNALES, PP. 8-9, 57. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

. . .

*Article 6.* The following categories of crimes and offences committed outside the territory of the Republic are subject to Chilean jurisdiction:

1. Those committed by a diplomatic or consular agent of the Republic in the exercise of his duties;
2. The misappropriation of public funds, fraud and illegal extortion, breach of trust in the custody of documents, violation of secrecy or bribery, when committed by Chilean public officials or aliens in the service of the Republic;
3. Offences against the sovereignty or the external security of the State, committed by Chilean citizens, whether nationals by birth or by naturalization ;
4. Offences committed by Chileans or aliens on board a Chilean vessel on the high seas or on board a Chilean warship at anchor in the territorial waters of another Power;
5. The counterfeiting of the State seal, of the national currency, of credit documents of the State, the municipalities or public establishments, committed by Chilean nationals or by aliens arrested on the territory of the Republic;
6. Offences committed by Chilean nationals against other Chilean nationals if the offender returns to Chile without trial by the authorities of the country in which the offence was committed;
7. Piracy;
8. Offences specified in treaties concluded with other Powers;
9. Offences punishable under title I of Decree No. 5839 of 30 September 1948, which established the definitive text of the Law for the Permanent Defence of Democracy, whether committed by Chilean nationals or by aliens in the service of the Republic.

. . .

*Article 167.* The crimes mentioned in article 6 shall be adjudged by the courts of Santiago.

. . .

*Note.* Article 6 of this Code is almost identical with article 21 of the Law for the Defence of Democracy, No. 8987 of 3 September 1948, as amended by Decree No. 5839 of 30 September 1948. Chile, *Diario Oficial*, No. 21,180 (18 October 1948), pp. 1854, 1857. The crimes mentioned in no. 9 of article 6 of this Code and punishable under title I of the Law for the Defence of Democracy are the following: crimes connected with attempts to establish a régime opposed to democracy, crimes against the exercise of the freedom of the press and crimes relating to the entry of certain foreigners into Chile.

Subparagraph (1) of article 18 of the revised Law for the Defence of Democracy provides that the "crimes punishable under this Law which have been committed outside the territory of the Republic by Chilean citizens, whether nationals by birth or by naturalization, shall come under the jurisdiction, in the first instance, of a judge of the Court of Appeals of Santiago, in accordance with a system of rotation to be established by the Court, and shall be judged, in the second instance, by the Court itself, with the exclusion of the above-mentioned judge". *Ibid.*, p. 1856.

- (d) LEGISLATIVE DECREE NO. 675, CONCERNING AIR NAVIGATION, 17 OCTOBER 1925, AS REVISED BY THE DECREE WITH FORCE OF LAW, OF 20 MAY 1931. "BOLETÍN DE LEYES Y DECRETOS DEL GOBIERNO" VOL. 100 (1931), PP. 1215, 1231-1232.

. . .

*Article 47.* Juridical acts occurring on board an aircraft in the course of a journey shall be governed by Chilean law if the aircraft is travelling over national territory or territorial waters . . .

*Article 48.* The legislation relating to shipwreck and to saving of life [at sea] and to the duty to render assistance to ships in distress shall apply to aircraft, whether this happens at sea or on land.

Persons who render assistance and services in the circumstances described above shall be entitled to reasonable compensation.

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## 10. China

- (a) CRIMINAL CODE, 1 JANUARY 1935. TRANSLATION BY THE LEGAL DEPARTMENT OF THE SHANGHAI MUNICIPAL COUNCIL (1935), PP. 2-3.

. . .

*Article 3.* This Code shall apply to any offence committed within the territorial limits of the Republic of China. Offences committed on any Chinese vessel or aircraft beyond the territorial limits of the Republic of China shall be deemed to have been committed within the territorial limits of the Republic of China.

*Article 4.* An offence which is committed or the effect of which takes place within the territorial limits of the Republic of China shall be deemed to have been committed within the territorial limits of the Republic of China.

*Article 5.* This Code shall apply to any one of the following offences committed beyond the territorial limits of the Republic of China:

- (1) Offences against the internal security of the State;
- (2) Offences against the external security of the State;
- (3) Offences relating to counterfeit currency;
- (4) Offences relating to counterfeiting of valuable securities, as specified in articles 201 and 202;
- (5) Offences relating to false documents and seals, as specified in articles 211, 214, 216 and 218;
- (6) Offences against personal liberty, as specified in article 296;
- (7) Piracy, as specified in articles 333 and 334.