

11. Colombia

- (a) PENAL CODE, 14 SEPTEMBER 1936. L. JIMÉNEZ DE ASÚA AND F. CARSI ZACARÉS, "CÓDIGOS PENALES IBEROAMERICANOS" (1946), VOL. I, PP. 683-684. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

Article 4. Subject to the exceptions recognized under international law, Colombian penal law shall apply to all offenders inhabiting the national territory.

An offence commenced abroad and completed or frustrated in the territory of Colombia shall be deemed to have been committed in Colombia.

Article 5. Colombian penal law shall apply both to nationals of Colombia and to aliens who commit outside the territory of the Republic offences against the internal or external security thereof, or who counterfeit currency having legal tender in Colombia, or Colombian public securities, sealed paper or national stamps.

Where foreign currency having legal tender in Colombia is counterfeited with the intent to introduce it into the national territory, Colombian law shall apply.

Article 6. Colombian law shall apply in conformity with the provisions of the foregoing article to any national of Colombia or alien who has been judged abroad and acquitted or sentenced to a lesser penalty than that to which he would be liable under Colombian law.

Where the penalty served abroad is less than the penalty fixed for the offence in Colombia, it shall be deducted from the latter penalty.

Article 7. Colombian penal law shall apply:

1. To a national of Colombia who, otherwise than in the cases referred to in article 5, is found in Colombia after committing on foreign territory an offence punishable under Colombian law by restriction of personal liberty for not less than two years.

If the offence is punishable by a lesser penalty, proceedings shall be instituted only on private prosecution or at the request of the chief law officer (*procurador general*) of the nation.

The restrictions specified in the foregoing paragraphs shall in no circumstances apply to the diplomatic and consular agents of Colombia, or to other public officers who commit offences in the performance of their duties.

2. To an alien who, save in the cases referred to in article 5, is found in Colombia after having committed abroad an offence directed against the Colombian State or a national of Colombia and punishable under Colombian law by restriction of personal liberty for not less than two years.

3. To aliens who have committed abroad offences against aliens, subject to the following conditions:

(a) The offender must be found in the territory of Colombia;

(b) The offence must be punishable by restriction of personal liberty for not less than four years;

(c) The offence must not be of a political or social character, and

(d) Extradition must not have been applied for or, if offered, must not have been accepted by the government of the country having jurisdiction over the offender.

In the cases referred to in the foregoing paragraphs proceedings shall be instituted only on private prosecution or at the request of the chief law officer (*procurador general*) of the nation.

Article 8. In the cases referred to in the foregoing article proceedings shall not be instituted against a person who has been judged abroad.

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Note. Article 253 of the Colombian Penal Code provides that "a person who causes the burning, sinking or shipwreck of a ship or other vessel or causes an aircraft owned by another person to fall or to suffer damage shall be punished by imprisonment (*prisión*) for not less than one or more than seven years and by a fine of not less than fifty or more than 5,000 pesos". L. Jiménez de Asúa and F. Carsi Zacarés, *Códigos penales iberoamericanos* (1946), vol. I, pp. 715.

When a murder has been committed by means of sinking, shipwreck, etc., article 362, paragraph 8, provides for its punishment by imprisonment from fifteen to twenty-four years. *Ibid.*, p. 728.

(b) CODE OF CRIMINAL PROCEDURE, 13 JUNE 1938. REPÚBLICA DE COLOMBIA, "CÓDIGO DE PROCEDIMIENTO PENAL" (1938), p. 11. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 57. If the place where the offence was committed is unknown, or if the offence was committed abroad, or in two or more places, jurisdiction shall be exercised by the court which, according to the nature of the act, is competent in the place where the complaint was first made, or where the investigation was first begun, and, *ceteris paribus*, the court of the place where the accused was first apprehended.

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12. Costa Rica

(a) PENAL CODE, 21 AUGUST 1941. L. JIMÉNEZ DE ASÚA AND F. CARSI ZACARÉS, "CÓDIGOS PENALES IBEROAMERICANOS" (1946), VOL. I, PP. 743-744. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 3. Costa Rican penal law shall apply to any person committing a punishable act in the national territory, which includes the air space and territorial waters, Costa Rican legations, naval vessels and military aircraft as well as Costa Rican merchant vessels and aircraft on the high seas or in free air space, subject to the exceptions with respect to immunity and extra-territoriality recognized by international law.

Article 4. Costa Rican law shall likewise apply:

1. To diplomatic agents and other officials of the Republic enjoying extra-territoriality, with respect to punishable offences committed by them abroad.