

23. Greece

- (a) PENAL CODE, 17 AUGUST 1950. "EPHIMARIS TIS KYVERNISEOS", 17 AUGUST 1950, No. 182, ACT No. 1492, PP. 963-964. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

Article 5. Breaches of the law committed in Greek territory. (1) Greek penal law applies to all acts committed in the territory of the State, including those committed by aliens.

(2) Greek vessels and aircraft are considered to be part of the territory of the State, wherever they may be, except when they are subject to the law of a foreign country in accordance with international law.

Article 6. Breaches of the law committed by nationals abroad. (1) Greek penal law also applies to any act which it regards as a crime or an offence, committed by a national abroad, if the act is also punishable under the legislation of the country in which it was committed, or if it was committed in a territory which is not organized politically.

(2) Criminal proceedings may also be instituted against an alien if he was a Greek citizen when the act was committed, or against an alien having acquired Greek nationality since committing the breach of law.

(3) With regard to the offences covered by the provisions of paragraphs (1) and (2) above, proceedings may be instituted only on the complaint of the injured party or on demand of the government of the country in which the offence was committed.

(4) Contraventions committed abroad are punished only in the cases expressly prescribed by law.

Article 7. Breaches of the law committed by aliens abroad.

(1) Greek penal law also applies to an alien who commits abroad an act which it regards as a crime or an offence, if the act was committed against a Greek citizen and is punishable under the legislation of the country in which it was committed, or if it was committed in a territory which is not organized politically.

(2) The provisions of paragraphs (3) and (4) of the preceding article also apply to breaches of the law covered by the present article.

Article 8. Breaches of the law committed abroad which are always punishable under Greek law. Greek penal law applies, independently of the laws of the place where the offence was committed, to nationals and aliens who commit one of the following offences abroad:

- (a) High treason or treason against the Greek State;
- (b) Offences relating to military service or military obligations (book two, chapter VIII);
- (c) A punishable act committed by an official of the Greek State in the performance of his duties;
- (d) An offence directed against a Greek official in the performance or in the course of his duties;
- (e) Perjury in proceedings before Greek authorities;
- (f) Piracy;
- (g) An offence relating to currency (book two, chapter IX);
- (h) Slave trade or traffic in women and children for immoral purposes;

- (i) Illicit traffic in narcotic drugs;
- (j) Illegal distribution and sale of obscene publications;
- (k) Any other offence in regard to which the application of Greek penal law is prescribed by special provisions or international conventions signed and ratified by the Greek State.

Article 9. Breaches of the law committed abroad in respect of which proceedings may not be instituted. (1) No criminal proceedings may be instituted in respect of an act committed abroad:

(a) If the accused, having been tried for that act abroad, was acquitted or was sentenced and served the penalty;

(b) If, under the foreign law, proceedings are barred by time limitation, or if the penalty has lapsed, or if the offender has been pardoned;

(c) If the foreign law makes proceedings subject to the laying of a complaint and no complaint has been laid or the complaint has been withdrawn.

(2) The above provisions do not apply to the acts referred to in article 8.

Article 10. Deduction of penalties served abroad. If the same act leads to a sentence in Greece, the penalty served abroad, in whole or in part, is deducted from the penalty inflicted by the Greek court.

Article 11. Recognition of judgments of foreign courts in penal matters.

(1) When a Greek has been sentenced abroad for an act which, under the terms of Greek law, entails subsidiary penalties, the competent penal court may impose such subsidiary penalties.

(2) The competent penal court may also order the application of the security measures provided by Greek law to a person sentenced or acquitted abroad.

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- (b) CODE OF CRIMINAL PROCEDURE, 17 AUGUST 1950. "EPHIMARIS TIS KYVERNISSEOS", 17 AUGUST 1950, No. 182, ACT No. 1493, pp. 1016-1017. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 122. How territorial jurisdiction is determined. (1) The jurisdiction is determined by the place where the crime was committed or where the accused is domiciled or temporarily resides at the time criminal proceedings are instituted.

(2) In regard to a crime in which publication in printed form is a constituent element, if issued within the State, the court of the place where the publication took place and the court of the domicile or temporary residence of the accused have concurrent jurisdiction. In regard to the crimes of slander or libel, the court of the place where the defamatory matter was subsequently put into circulation also has jurisdiction, provided that the defamed person is domiciled or permanently resides within the territorial limits of the jurisdiction of said court. In the event that the publication takes place outside the State, jurisdiction may be exercised by the court of the place where the publication was originally put into circulation or, if such a place cannot be determined, by the court of the place where the aggrieved person is domiciled or temporarily

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resides. The court of the capital city of the nation acquires jurisdiction in any other case.

Article 123. Crimes committed abroad. In a case where a crime was committed outside the State, but is punishable within the State, the jurisdiction is determined successively by the domicile or temporary residence of the accused within the State, or by the place (within the State) where he was apprehended or surrendered. If said place is not known or if the accused was never domiciled or never resided in the State, or if he was never apprehended in the State, or if he is a public servant in the employ of the Greek Government stationed abroad, the court of the capital city of the nation has jurisdiction. The Supreme Court, acting in special session and upon the request of one of the parties or of the Minister of Justice, may, however, designate as competent one of the courts which is near the place where the act was committed.

Article 124. Crimes committed on board a vessel or an aircraft. (1) In regard to crimes committed on board a vessel flying the Greek flag, such vessel being abroad or on the high seas, the jurisdiction of the court is determined by the port of registration of the vessel or by the first port at which it calls after the commission of the act.

(2) If the crime is committed on board a flying aircraft, the jurisdiction of the court is determined by the place from which the plane took off before the commission of the crime, or by the place where the plane landed after the commission of the crime. In the case of foreign aircraft, the investigating officers and tribunals named in article 123 have concurrent jurisdiction.

(3) In both instances provided by paragraphs (1) and (2) the court of the domicile or temporary residence of the accused also has jurisdiction.

Article 125. Preference. Among various competent tribunals or investigating officers having concurrent jurisdiction, the tribunals or the investigating officers of the place where the crime was committed have preference, and if that place is unknown, those who have first interrogated the accused or have ordered his arrest or imprisonment take preference. The Arraigning Chamber of the Appellate Court or the Supreme Court may decide, pursuant to the provisions of article 132, which one of the competent courts shall investigate and try the case.

Article 126. Objection to territorial jurisdiction. (1) Objection to territorial jurisdiction may be raised at any stage of the investigation and at any time prior to the commencement of the trial. The court or, during the investigation, the Arraigning Chamber, or, during the preliminary investigation, the district attorney, having decided on its own lack of jurisdiction shall remit the case to the court or district attorney having jurisdiction pursuant to the provisions of the previous articles. Even after such remittance is effected, the tribunals or officers which decided that they are not competent must attend to all urgent and immediately necessary investigation acts.

(2) If the motion to dismiss because of lack of territorial jurisdiction has been made at the appropriate time, it can be taken, if denied, to the Appellate Court and if entertained shall result in the reversal of the judgment appealed from, in which case the cause of action shall be remitted to a competent court for a new trial, if such a court is not situated within the territorial jurisdiction of the Appellate Court; other-

wise the Appellate Court shall try and decide the case on the merits (article 502, paragraph 3).

24. Guatemala

- (a) PENAL CODE, 25 MAY 1936. L. JIMÉNEZ DE ASÚA AND F. CARSI ZACARÉS, "CÓDIGOS PENALES IBEROAMERICANOS" (1946), VOL. I, PP. 1299-1300. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

Article 6. The provisions of this Code shall apply, save as otherwise provided in international treaties in force in the Republic:

1. To Guatemalans or aliens committing offences in Guatemalan territory or on the high seas or in free air space on board a Guatemalan vessel or aircraft.

2. To Guatemalans or aliens committing offences on board foreign merchant vessels or aircraft in Guatemalan ports or aerodromes or in the territorial waters or air space of the Republic, unless the offence is committed by a member of the crew against another member of the crew.

3. To a Guatemalan or alien member of the crew of a foreign vessel or aircraft committing offence against a member of the same crew, if the assistance of the Guatemalan authorities is requested from aboard the vessel or aircraft, or if the peace of the port or the State is disturbed by the offence.

4. To any Guatemalan or alien apprehended in or extradited to the Republic who has committed in foreign territory an offence against the independence of the Republic, the integrity of its territory, its form of government, its social institutions, public order or internal or external security or the Head of the State, or has forged the signature of the President of the Republic or of a Secretary of State, or has counterfeited public seals, fiscal, postal or telegraphic forms, Guatemalan coins or notes of lawful currency, bonds, titles or other public credit documents or State securities, or notes issued by a bank lawfully established in the Republic and authorized to issue the same, or has introduced such forgeries or counterfeits into Guatemala or passed them there.

5. To Guatemalans committing in a foreign country offences against social institutions, or arson, parricide, murder, manslaughter, robbery or any other extraditable offence, provided that charges are preferred by the aggrieved party or a request is made by the government of the country in which the offence was committed.

6. To aliens who after committing like offences against Guatemalans take up residence in the Republic, provided that charges are preferred by the department of public prosecutions (*Ministerio Público*) or by a person entitled by law to prosecute.

Article 7. When any of the persons referred to in paragraphs 1 and 2 of the foregoing article has been punished by a foreign tribunal and has suffered all or part of his sentence, due allowance shall be made therefor and the approximate penalty commensurately reduced. Where any of the persons referred to in paragraphs 3, 4, 5 and 6 has been acquitted or