

punished by a foreign court and, in the latter case, suffered the penalty, proceedings shall not be instituted in the Republic; if he has not suffered the whole penalty, proceedings shall be instituted in the Republic and due allowance shall be made for the portion of the penalty suffered abroad and the appropriate penalty shall be commensurately reduced.

Article 8. The provisions of the foregoing two articles shall not apply:

1. To persons enjoying immunity under existing rules of international law, who shall, if they commit offences in Guatemalan territory, be delivered to their governments.

2. When, in the cases referred to in paragraphs 5 and 6 of article 6, penal proceedings for an offence have been barred by lapse of time in conformity with Guatemalan law or the law of the country in which the offence was committed.

3. In the cases referred to in paragraphs 5 and 6 of article 6 the penalties prescribed by the foreign law shall be imposed, if less severe than those prescribed by Guatemalan law. In case of doubt, the court shall decide the matter in its discretion.

Note. Article 439 of the Guatemalan Penal Code provides for the punishment of "any person who causes damage by sinking or stranding a vessel", or "by wrecking an aircraft". L. Jiménez de Asúa and F. Carsi Zacarés, *Códigos penales iberoamericanos* (1946), vol. I, p. 1359.

(b) CODE OF CRIMINAL PROCEDURE, PROMULGATED BY DECREE NO. 551 OF 7 JANUARY 1898. SECRETARIA DE GOBERNACIÓN Y JUSTICIA, "CÓDIGO PENAL Y DE PROCEDIMIENTOS PENALES DE LA REPÚBLICA DE GUATEMALA" (1941), pp. 127, 132-133. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

Article 33. Judges of the first instance are the only persons in their respective departments empowered to try all criminal cases instituted for offences committed in the territory under their jurisdiction, with the exception of cases within the competence of special or exclusive courts.

Article 36. Judges in the capital of the Republic, or in the place where delinquents are apprehended, are empowered to try offences committed outside the territory of the Republic and punishable therein under article 6 of the Penal Code.

25. Haiti

(a) CODE OF CRIMINAL PROCEDURE, 31 JULY 1835, AS REVISED. A. RIGAL, "CODE D'INSTRUCTION CRIMINELLE AVEC LES DERNIÈRES MODIFICATIONS" (1943), pp. 8-9, 12. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

Article 5. Any Haitian who commits, outside the territory of Haiti, a crime against the security of the State, counterfeits national currency

in legal tender, national papers, or bank notes authorized by law, shall, immediately upon being apprehended, be prosecuted, tried and punished in Haiti, according to the provisions of Haitian laws.

Article 6. This provision shall extend to aliens who, being principals or accessories in the same crimes, are arrested in Haiti, or whose extradition has been obtained by the Haitian Government.

Article 7. Any Haitian who commits, outside the territory of the Republic, a crime against a Haitian, shall, upon his return to Haiti, be prosecuted and tried, if he has not already been prosecuted and tried abroad, and if the Haitian against whom the offence was committed, lays a complaint against him.

. . .

Article 15. These functions,¹ in the case of crimes or offences committed outside Haitian territory, as set forth in articles 5, 6 and 7 above, shall be carried out by the public prosecutor of the place in which the accused resides, or the prosecutor of the place in which he is found, or of his known place of residence.

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26. Honduras

(a) LAW CONCERNING THE ORGANIZATION AND POWERS OF COURTS, 8 FEBRUARY 1906. HONDURAS, "LEY DE ORGANIZACIÓN Y ATRIBUCIONES DE LOS TRIBUNALES" (1906), PP. 41-43. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

. . .

Article 163. When the place of an offence or petty offence (*falta*) is unknown, the following judges and courts shall be competent to investigate and try the case:

1. The judge or court of the district in which material evidence of the offence was discovered;
2. The judge or court of the district in which the person accused of the offence was arrested;
3. The judge or court of the district of residence of the person accused of the offence;
4. Any judge or court that has been notified of the offence.

If there is any dispute as to which of these judges or courts shall have jurisdiction, the matter shall be decided in accordance with the above order of priority.

As soon as the place in which the offence was committed is on record, all the documents of the case shall be transmitted to the judge or court of that district, the arrested persons and impounded objects being placed at the disposal of the judge or court.

. . .

Article 170. Aliens who commit offences or minor offences in Honduras shall be tried by the competent authorities.

¹ The investigation and prosecution of all the offences or crimes which fall within the jurisdiction of the correctional or criminal civil courts (article 13).