

30. Iran

- (a) CODE OF CRIMINAL PROCEDURE, 9 RAMAZAN 1330 (JULY 1912). A. A. DAFTARY, "GESCHICHTE UND SYSTEM DES IRANISCHEN STRAFRECHTS" (1935), p. 56. TRANSLATION FROM GERMAN BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 200. An Iranian, who has committed abroad a crime or a misdemeanour and is apprehended in Iran, shall be judged by the court in the district of which he has been caught.

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- (b) REGULATIONS FOR THE CONSULATES, 21 MARCH 1901. TRANSLATION FROM A. H. FELLER AND M. O. HUDSON, "A COLLECTION OF THE DIPLOMATIC AND CONSULAR LAWS AND REGULATIONS" (WASHINGTON, 1933), VOL. II, PP. 957, 963.

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Article 52. In case of crime on board a commercial vessel on the high seas, cognizance thereof belongs to the Persian courts. In this case the consul must collect all information which may serve for the examination of the case and shall send it to the Ministry of Foreign Affairs.

31. Israel

- (a) CRIMINAL PROCEDURE (TRIAL UPON INFORMATION) ORDINANCE, 1 SEPTEMBER 1924, AS AMENDED BY ORDINANCE NO. 1 OF 1937. H. KANTROVITCH, "THE LAW OF CRIMINAL PROCEDURE IN PALESTINE" (REVISED EDITION, 1946), PP. 36-37.

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Article 4. (1) The court having jurisdiction in a criminal case shall be the Court of Criminal Assize or the district court of the district within which or within the territorial waters adjacent to which the criminal act charged was wholly or in part committed.

(2) If the criminal act was not committed within the jurisdiction of any district court in Palestine, then the court having jurisdiction shall be the Court of Criminal Assize or the district court of the district within which the accused person was apprehended, or the court holden in Jerusalem, as may be determined by the Attorney General:

Provided that the Chief Justice may change the place of trial of any such case.

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Note. The following provisions of the Ottoman Code of Criminal Procedure seem to be still in force in Israel (H. Kantrovitch, *The Law of Criminal Procedure in Palestine*, Revised edition, 1946, p. 186):

"*Article 5.* Every Ottoman who has committed outside the territory of the Empire a crime against the safety of the Empire or the crime of forgery of State seals, of legal currency, of any kind of Government titles, of bonds,

of treasury bills and of bank notes authorised by the law may be prosecuted and convicted of such offence in accordance with the Ottoman Law if he has not already been convicted therefor in a foreign country.

“*Article 6.* The provisions set out in the preceding article apply to foreigners who have committed themselves or have been accomplices to the crimes mentioned, if they are arrested in Turkey or if the Government obtains their extradition.”

The Israeli Criminal Code Ordinance of 14 December 1936 (Palestine, *Ordinances, Regulations, etc.*, 1936, vol. I, pp. 285, 373), contains the following provisions with respect to destruction of vessels:

“*Article 323.* Any person who:—

“(a) Wilfully and unlawfully casts away or destroys any vessel, whether completed or not; or

“(b) Wilfully or unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress; or

“(c) With intent to bring a vessel into danger, interferes with any light, beacon, buoy, mark or signal, used for purposes of navigation, or exhibits any false light or signal;

“is guilty of a felony and is liable to imprisonment for life.

“*Article 324.* Any person who attempts unlawfully to cast away or destroy a vessel, whether completed or not, or attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress, is guilty of a felony and is liable to imprisonment for fourteen years.”

(b) EXTRADITION ORDINANCE, 1 DECEMBER 1926. R. H. DRAYTON, “THE LAWS OF PALESTINE” (1933), VOL. I, PP. 677, 678, 684.

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Article 3. Foreign State includes dependencies. For the purpose of this Ordinance, every colony, dependency, mandated territory and every constituent part of a foreign State and every vessel of that State shall be deemed to be within the jurisdiction of, and to be part of, such foreign State.

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Article 18. Jurisdiction as to offences committed at sea. Where the offence in respect of which the surrender of a fugitive criminal is sought was committed on board any vessel on the high seas which comes into any port of Palestine, the following provisions shall have effect:

(a) The criminal may be committed to any prison or other place of detention to which the person committing him has power to commit persons accused of the like offence;

(b) If the fugitive criminal is apprehended on a warrant issued without the order of the High Commissioner, he shall be brought before the magistrate issuing the warrant or having jurisdiction in the port where the vessel lies or in the place nearest to that port, who shall by warrant order him to be brought, and the prisoner shall accordingly be brought, before the magistrate in the manner provided in section 10.

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Note. The First Schedule to this Ordinance lists among extradition crimes: “Sinking or destroying a vessel at sea or attempting or conspiring to do so.” Drayton, *op. cit.*, p. 686.