

term of imprisonment has been served or the penalty has lapsed owing to prescription or pardon, he shall not in such a case be prosecuted for the offence of which he is accused.

Public Prosecutors shall not prosecute any inhabitant of Transjordan who is accused of the commission of a *Finayet* or *Junha* outside Transjordan, unless he returns to Transjordan, provided that the charge brought against him is not one of the *Finayets* specified in articles 5 and 6 of the Code of Criminal Procedure.

The taking of legal proceedings regarding the above depends upon a complaint being preferred by the person against whom the crime was committed, or an intimation from the Government of the country in which the *Finayet* or *Junha* was committed, being addressed to the Transjordan Government requesting that the offender be punished.

35. Lebanon

(a) PENAL CODE, ENACTED BY LEGISLATIVE DECREE NO. 340/NI, 1 MARCH 1943. "JOURNAL OFFICIEL", No. 4104 (27 OCTOBER 1943); SUPPL., PP. 2-3. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

CHAPTER II. THE APPLICATION OF PENAL LAW IN SPACE

I. Territorial jurisdiction

Article 15. Lebanese law applies to all offences committed in Lebanese territory.

The offence shall be deemed to have been committed in Lebanese territory:

1. When one of the acts constituting an offence, an act constituting an indivisible offence, or an act of principal or accessory participation has been committed in that territory;

2. When the results occur or are intended to occur in that territory.

Article 16. Lebanese territory includes the layer of the atmosphere which lies over it, or its air space.

Article 17. For the purposes of the application of penal law, the following shall be assimilated to Lebanese territory:

1. The territorial sea to the distance of twenty kilometres from the shore, measured from the line of the low tide;

2. The air space over the territorial sea;

3. Lebanese vessels and aircraft;

4. Foreign territory occupied by a Lebanese army, to the extent to which the offences committed endanger the security of the army or its interests.

Article 18. Lebanese law does not apply:

1. To offences committed on board an alien aircraft in Lebanese air space, if they are committed wholly within the confines of that aircraft;

Nevertheless, offences committed wholly within the confines of the aircraft shall be subject to Lebanese law, if the author or the victim is a

Lebanese national, or if the aircraft lands in Lebanon after the offence has been committed.

2. To offences committed on board a foreign vessel or aircraft in Lebanese territorial sea, or in the air space over it, if they are committed wholly within the confines of the said vessel or aircraft.

3. To offences committed in Lebanese territory which endanger the security or interests of the French [Lebanese] army or, in general, under the laws in force, are subject to French [Lebanese] military jurisdiction.

II. Substantive jurisdiction

Article 19. Lebanese law shall apply to any Lebanese or alien who is guilty outside the territory of Lebanon, either as a principal or as an instigator or accomplice, of a crime against the security of the State, of counterfeiting the State seal, or of counterfeiting or falsifying any Lebanese or foreign paper money or banknotes which are regarded as legal or customary tender in Lebanon.

Nevertheless, this provision shall not apply to an alien whose action is not contrary to the rules of international law.

III. Personal jurisdiction

Article 20. Lebanese law shall apply to any Lebanese who is guilty, outside the territory of Lebanon, either as a principal or as an instigator or accomplice, of a crime or offence punishable by Lebanese law.

This provision shall also apply if the accused has lost or acquired Lebanese nationality after perpetrating the crime or offence.

Article 21. Lebanese law shall apply, outside the territory of Lebanon:

1. To offences committed by Lebanese officials in the exercise of their duties or in connexion with such exercise;

2. To offences committed by Lebanese diplomatic officials and consuls, to the extent to which they enjoy immunities recognized by public international law.

Article 22. Lebanese law shall not apply in Lebanese territory to offences committed by foreign diplomatic officials and consuls to the extent to which they enjoy immunities recognized by public international law.

IV. Universal jurisdiction

Article 23. Lebanese law shall apply to any alien found in Lebanese territory who has committed abroad, either as a principal or as an instigator or accomplice, a crime or offence not covered by articles 19, 20 and 21, if his extradition has not been requested or granted.

V. The authority of foreign law

Article 24. Lebanese law shall not apply to offences covered by article 20 which are punishable by imprisonment for less than three years, or to any offences covered by article 23, unless such offences are

punishable under the law of the State in the territory of which they were committed.

Article 25. If there is any divergence between Lebanese law and the law of the place where the offence is committed, the judge may, in applying Lebanese law in accordance with articles 20 and 23, take this divergence into account for the benefit of the accused.

The security or educational measures and the disqualifications and forfeitures provided for by Lebanese law shall apply irrespective of the law of the place where the offence was committed.

Article 26. In the case of offences committed both in Lebanon and abroad, the personal law of the accused shall be taken into account, in bringing the charge:

1. When one of the constitutive elements of the offence is governed by legislation on status or capacity;
2. When aggravating circumstances or a statutory defence other than minority in respect of penal law arise out of legislation on status or capacity.

VI. The effect of foreign sentences

Article 27. With the exception of the crimes provided for in article 19 and offences committed in Lebanese territory, no proceedings shall be instituted in Lebanon against a Lebanese or alien if such person has been judged definitively abroad and, in case of sentence, if he has served his sentence, if it is barred by lapse of time, or if he has been pardoned.

Article 28. Sentences passed abroad shall not prevent Lebanon from instituting proceedings in respect of any offence provided for in article 19 or committed in Lebanese territory, unless the verdict of the foreign court was given as the result of an official denunciation by the Lebanese authorities.

Nevertheless, any sentence or preventive detention served abroad shall be taken into account in the penalty imposed by the judge, to the extent fixed by him.

Article 29. Penal sentences passed by foreign courts in respect of acts which are deemed to be crimes or offences under Lebanese law may be taken into account:

1. In order to give effect to security measures and the disqualifications and forfeitures they involve, in so far as they are in conformity with Lebanese law, or to an award relating to damages, restitution of property and other consequences under civil law;
2. With a view to laying down security measures and disqualifications and forfeitures provided for by Lebanese law, or damages, restitution of property and other consequences under civil law;
3. With a view to applying the provisions of Lebanese law in respect of recidivism, habitual delinquency, concurrent offences, stay of proceedings, conditional release and rehabilitation.

The Lebanese judge shall be responsible for verifying the regularity of the foreign verdict with respect to form and substance, by referring to the documents in the case.

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