

place of residence, of the place where he may be found or of the place of landing, or in their default by the public prosecutor of Luxembourg City.

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Note. Article 32 of the Luxembourg Act regulating air navigation contains the following provisions:

"Anyone who, involuntarily, or through negligence or lack of due care, does anything likely to endanger the persons on board an aircraft shall be sentenced to a term of imprisonment of eight days to six months and to a fine of 501 francs to 3,000 francs, or to one of those penalties only.

"If the accident results in bodily injury the offender shall be sentenced to a term of imprisonment of one month to three years and to a fine of 501 francs to 10,000 francs.

"If the accident results in death, the term of imprisonment shall be from six months to five years and the fine from 1,000 francs to 10,000 francs."

37. Mexico

(a) PENAL CODE, 13 AUGUST 1931. L. JIMÉNEZ DE ASÚA AND F. CARSI ZACARÉS, "CÓDIGOS PENALES IBEROAMERICANOS" 1946), VOL. II, P. 161. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

Article 1. This Code shall apply in the Federal District and Territories to offences within the jurisdiction of the ordinary courts, and throughout the territory of the Republic to offences within the jurisdiction of the federal courts.

Article 2. It shall likewise apply:

I. To offences commenced, prepared or committed abroad and producing or intended to produce effects in the territory of the Republic, and

II. To offences committed in Mexican consulates or against members of consulate staffs and not judged in the country in which they are committed.

Article 3. A continuing offence committed first abroad and later in the Republic, whether by a Mexican or an alien, shall be prosecuted under the laws of the Republic.

Article 4. An offence committed abroad by a Mexican against a Mexican or an alien, or by an alien against a Mexican, shall be punished in the Republic in conformity with Federal law, provided that the following conditions are fulfilled:

I. The accused person is found in the Republic;

II. He has not been finally judged in the country in which his offence was committed; and

III. The act of which he is accused is an offence in the country in which it was committed and also in the Republic.

Article 5. The following offences shall be deemed to have been committed in the territory of the Republic:

I. Offences committed by Mexicans or aliens on the high seas on board Mexican vessels.

II. Offences committed on board Mexican warships in foreign ports or foreign territorial waters. This provision shall apply also to Mexican merchant vessels, if the offender has not been judged in the country to which the port belongs.

III. Offences committed on board foreign vessels in Mexican ports or in territorial waters of the Republic, if the offence causes a breach of the peace or if the offender or the aggrieved person is not a member of the crew. The converse case shall be governed by the law of reciprocity.

IV. Offences committed on board Mexican or foreign aircraft in Mexican or foreign territory, air space or territorial waters in circumstances similar to those specified in the foregoing paragraphs with respect to vessels.

V. Offences committed in Mexican embassies and legations.

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Note. Article 167 of the Penal Code of Mexico provides for the punishment, by imprisonment from three days to four years and by fine from 50 to 500 pesos, of persons who have destroyed a ship in whole or in part. M. Andrade, *Legislación Penal Mexicana* (3rd edition, 1946), p. 44.

(b) FEDERAL CODE OF PENAL PROCEDURE, 28 AUGUST 1934. "DIARIO OFICIAL", 30 AUGUST 1934; M. ANDRADE, "LEGISLACIÓN PENAL MEXICANA" (3RD EDITION, 1946), PP. 235-237. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 6. The court competent to try an offence shall be that of the place where it was committed.

Article 7. In a case referred to in articles 2, 4 and 5, paragraph V, of the Penal Code, the competent court shall be that in whose area the accused is found; and if he is abroad, in order to obtain extradition the case shall be heard and determined in a court of equal rank in the Federal District before which the Public Ministry brings the criminal action.

Article 8. In a case referred to in paragraphs I and II of article 5 of the Penal Code, the competent court shall be that having jurisdiction over the vessel's first port of call in national territory, and, in a case referred to in sub-section III of the same article, that having jurisdiction over the port in which the vessel is lying or at which it calls.

Article 9. The provisions of the preceding article shall apply as appropriate to the offences referred to in sub-section IV of article 5 of the Penal Code.

Article 10. A continuing offence may be tried by a court having jurisdiction over any area in which acts have been committed which by themselves constitute the offence or offences charged.

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- (c) DECREE TO AMEND BOOK IV OF THE ACT ON GENERAL MEANS OF COMMUNICATION, 30 DECEMBER 1949. "DIARIO OFICIAL", VOL. 178, NO. 19 (23 JANUARY 1950), P. 6.

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Article 309. The following shall be governed by Mexican law:

I. Any event or juridical act occurring on board a Mexican aircraft in flight whether over Mexican territory or over non-territorial waters, as well as any such event or act occurring on board a Mexican aircraft flying over foreign territory, unless the event or act is of such a nature that it endangers the security or public order of the foreign State over which the aircraft is flying.

II. Any offence committed on board any aircraft over foreign territory, if the offence produces or is alleged to produce effects in Mexican territory.

38. Monaco

- (a) CODE OF CRIMINAL PROCEDURE, 25 OCTOBER 1904. "PRINCIPAUTÉ DE MONACO, CODE DE PROCÉDURE PÉNALE" (1904), PP. 6-8. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 5. A citizen of Monaco who commits an act abroad which is a crime under the law of Monaco, may be prosecuted and tried in the Principality.

Article 6. A citizen of Monaco who commits an act abroad which is an offence (*délit*) under the law of Monaco may be prosecuted and tried in Monaco, when he is found in the Principality and if the act is punishable under the laws of the State where it was committed.

In those circumstances prosecution proceedings shall only be taken at the request of the Public Prosecutor and only if a complaint is made by the injured party or an official accusation is lodged with the Monegasque authorities by the authorities of the country where the offence was committed.

Article 7. The following persons may be prosecuted and tried in the Principality if they are arrested there or if their extradition has been obtained:

1. An alien who commits a crime against the security of the State, or who commits a crime involving the counterfeiting of the seals or currency of the State, national papers, monies or paper money received by the State Treasury.

2. An alien who is co-author of, or accomplice in, any other crime committed abroad by a citizen of Monaco, if the latter is prosecuted or has already been sentenced in the Principality for the said crime.

Article 8. An alien who commits the following crimes or offences abroad may also be prosecuted and tried in the Principality:

1. A crime or offence committed against a citizen of Monaco;

2. A crime or offence committed against another alien, if the goods acquired by breaking the law are found in his possession in the Principality.