

- (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.

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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.

In both cases prosecution proceedings shall be taken only in accordance with the conditions laid down in article 6.

Article 9. The preceding provisions shall not apply:

1. If the accused person has been tried in a foreign country for the same offence and has been acquitted.

2. If, having been convicted, he has served his sentence or it has lapsed, or he has been granted an amnesty or pardon.

Article 10. If the sentence pronounced by the foreign courts has been partly served the judges, when imposing the new sentence, shall take into account the time served by the offender.

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Note. The Decree on maritime discipline, of 22 January 1891 (Monaco, *Lois usuelles*, 1828-1907, pp. 299, 306), provides in article 39 that:

"Any person, whether on board or not, who with criminal intent causes a vessel to run aground or who causes the loss or destruction of a vessel by any means other than that of fire or explosives, shall be sentenced to a term of penal servitude.

"If the guilty person was, on any grounds, entrusted with the navigation of the vessel, the minimum penalty may not be applied."

39. Netherlands .

(a) PENAL CODE, 3 MARCH 1881, AS AMENDED. J. A. FRUIN, "DE NEDERLANDSCHE WETBOEKEN" (1947), PP. 1440-1441. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

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Article 2. The provisions of the Netherlands Penal Code shall apply to any person committing an offence within the Kingdom in Europe.

Article 3. The provisions of the Netherlands Penal Code shall apply to any person committing an offence on board a Netherlands vessel outside the Kingdom in Europe.

Article 4. The provisions of the Netherlands Penal Code shall apply to any person committing outside the Kingdom in Europe:

(1) An offence specified in articles 92-96, the first paragraph of article 97 (a), article 105 or articles 108-110;

(2) An offence in respect of coinage, paper currency, bank notes, stamps issued by the State or Government marks;

(3) Forgery of bonds or certificates of indebtedness issued by the Netherlands State or by a Netherlands province, municipality or public institution, the talons or the dividend or interest coupons belonging to, or certificates issued in lieu of, such securities, or wilfully using such forged or altered securities as though they were genuine and unaltered;

(4) An offence specified in articles 381-385.

Article 5. The provisions of the Netherlands Penal Code shall apply to any Netherlands national committing outside the Kingdom in Europe:

(1) An offence specified in title I or II of the second book or in articles 206, 237, 388 or 389;

(2) An act constituting an offence under the Netherlands Penal Code and punishable by the law of the country in which it was committed.