

- (b) CODE OF CRIMINAL PROCEDURE, 1 JULY 1887, AS AMENDED BY LAW No. 12, 22 MAY 1902. "NORGES LOVER, 1682-1946", p. 251. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 136. An offence shall be tried in the jurisdiction where it was committed or, in case of doubt, in one of the jurisdictions where it is presumed to have been committed.

An offence committed on board a Norwegian ship situated abroad or on the high seas shall be prosecuted in the jurisdiction where the ship is registered or where it first puts in or where investigation is first commenced.

If there is no such jurisdiction or a trial there would entail material inconvenience for the accused or witnesses, the offence may be prosecuted in the place of domicile or, in default thereof, in the place of residence of the accused.

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42. Panama

- (a) PENAL CODE, 17 NOVEMBER 1922. L. JIMÉNEZ DE ASÚA AND F. CARSI ZACARÉS, "CÓDIGOS PENALES IBEROAMERICANOS" (1946), VOL. II, PP. 333-334. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 5. The penal law of Panama applies to any offender inhabiting Panamanian territory, irrespective of nationality, subject to the immunities recognized by international law.

The offences of smuggling and electoral and fiscal fraud are also excepted from the sanctions of this Code.

Article 6. The following persons are punishable in Panama in accordance with Panamanian penal law: nationals and aliens committing, outside the territory of the Republic, offences against the internal or external security of the Republic, or counterfeiting metal money, documents of Panamanian public credit, or foreign currency of legal tender in Panama, provided that in the latter case they have the intention to introduce it into Panamanian territory.

This provision applies also to the counterfeiting of bank notes issued by authority of the Republic.

Article 7. The following persons may not be tried in Panama according to the provisions of the preceding articles: a national or alien for an offence committed outside the country, if he has already been tried in the territory in which the offence was committed and has served a sentence or suffered a penalty equal to or greater than that prescribed by Panamanian law.

Article 8. The following persons are punishable in Panama: diplomatic agents of the Republic who commit offences on foreign territory, and the commanders or masters of Panamanian vessels and members of their crews who commit offences on the high seas or in the territorial

waters of any other country, when—in accordance with the practice accepted by international law—they may not be tried there.

A Panamanian public official abroad, other than a member of the diplomatic corps of the Republic, shall remain subject to Panamanian jurisdiction in respect of any punishable act which he commits in the performance of his duties.

Cases of piracy shall be governed by the provisions of international law regarding jurisdiction.

Note. The Panamanian Penal Code contains the following provisions with respect to the sinking of ships:

“*Article 258.* Any person who wilfully causes by any means the burning, sinking or shipwreck of a ship or vessel (*embarcación*) shall for that act alone be punished by imprisonment for two to six years.

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“*Article 262.* If any act mentioned in the preceding articles endangers human life, the penalty therefore shall be increased by one-half.

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“*Article 264.* Any person who through impudence, negligence or lack of skill in his trade or profession, or through failure to comply with regulations, causes fire, explosion, flood, sinking, shipwreck, destruction or any other disaster causing general damage shall be punished by imprisonment (*prisión*) for 15 days to 10 months and a fine of 10 to 100 balboas.

“If the act endangers human life, the term of imprisonment shall be 1 to 18 months and the fine 30 to 300 balboas; if it causes the death of any person, the period of imprisonment shall be 2 months to 2 years and the fine 100 to 500 balboas.” L. Jiménez de Asúa and F. Carsi Zacarés, *Códigos penales iberoamericanos* (1946), vol. II, pp. 374-375.

When a homicide has been committed by means of sinking, shipwreck, etc., article 313(*d*) provides for its punishment by imprisonment for twenty years. *Ibid.*, p. 382.

(*b*) JUDICIAL CODE, 22 AUGUST 1916. “REPÚBLICA DE PANAMA, CÓDIGO JUDICIAL” (OFFICIAL EDITION, 1926), p. 385. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 1988. Cases falling within the jurisdiction of circuit or municipal judges shall be dealt with only by the judge of the district in which the offence was committed.

Article 1989. If the place where the offence was committed is not known, the matter or case shall be dealt with by:

1. The judge of the district or circuit in which material evidence of the offence has been found;
2. The judge of the district or circuit in which the accused was arrested;
3. The judge of the place of residence of the accused;
4. Any judge informed of the offence.

Questions of competence between such judges shall be decided according to the foregoing order of priority.

As soon as the place where the offence was committed is determined, the papers in the case shall be forwarded and persons in custody and impounded objects shall be handed over to the court of the proper district.

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43. Paraguay

(a) PENAL CODE, 22 FEBRUARY 1910, AS AMENDED BY LAW NO. 78, 18 JULY 1914. L. JIMÉNEZ DE ASÚA AND F. CARSI ZACARÉS, "CÓDIGOS PENALES IBEROAMERICANOS" (1946), VOL. II, P. 402. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 8. Offences committed in the territory of the Republic, whether by citizens or by aliens, shall be punished in conformity with this Code.

Where a person has already been sentenced abroad for an offence committed in the Republic, the penalty already suffered shall be deducted from the fresh penalty.

Article 9. Offences committed outside the territory of the Republic, whether by citizens or by aliens, shall be punished in conformity with this Code only if:

1. The citizen or alien commits on foreign territory an offence against the security of Paraguay, or counterfeits Paraguayan official seals, State bonds or public credit documents.

2. A citizen commits, in cases other than those specified in the foregoing paragraph, on foreign territory an offence punishable under the law both of the Republic and of the State in which it was committed, and enters the Republic in any manner.

In such cases, subject to existing treaties, the less severe law shall be applied and public prosecution shall be instituted only for offences punishable by imprisonment exceeding two years.

3. A citizen commits on foreign territory an act intended to take effect in the Republic only.

In this case, and if the act committed in the foreign country was not punishable under the law of that country, the offender may be judged in conformity with the provisions of this Code only when he enters within the territorial jurisdiction of the Republic.

Article 10. The provisions of the foregoing article shall not apply if criminal proceedings are barred in conformity with the law of either country, or if the offence is political, or if the accused has been acquitted in the foreign country, or has been convicted there and suffered the penalty, or the penalty has been barred by lapse of time.

If the offender has not suffered the full penalty, the case may be reopened in a court of the Republic, but due allowance shall be made for the portion of the penalty suffered.

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Note. Article 252 of the Paraguayan Penal Code provides that "a person who causes damage by sinking or stranding a vessel . . . and thereby gravely endangers human life or health, shall be punished by imprisonment for two to twelve years according to the degree of the danger and the amount of the damage.