

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.

"If the act causes serious wound or injury, or was committed for the purpose of robbery, the penalty shall be imprisonment for ten to twenty-five years.

"If the act causes the death of one or more persons the penalty shall be death."

Article 265 provides, in addition, that "if a person commits any of the acts enumerated in this chapter through carelessness, negligence, culpable ignorance, or lack of skill in his trade or profession, he shall be punished by one-fifth of the penalty to which he would have been liable if he had committed the act with criminal intent.

"If the offender commits the act in the discharge of a public office or in the practice of a science or skill in which he holds professional qualification, he shall also suffer dismissal and special or professional disqualification for a period not exceeding two years.

"A person committing through imprudence an offence punishable by death shall be punished by imprisonment for six to ten years." L. Jiménez de Asúa and F. Carsi Zacarés, *Códigos penales iberoamericanos* (1946), vol. II, pp. 432, 434.

(b) REGULATIONS FOR THE CONSULS OF THE REPUBLIC, 1 NOVEMBER 1871, AS AMENDED. "MINISTERIO DE RELACIONES EXTERIORES, REGLAMENTO CONSULAR" (1913). TRANSLATION FROM A. H. FELLER AND M. O. HUDSON, "A COLLECTION OF THE DIPLOMATIC AND CONSULAR LAWS AND REGULATIONS" (WASHINGTON 1933), VOL. II, PP. 946, 952.

Article 51. In cases of offences (*delitos*) and crimes committed on the sea by Paraguayan citizens within the dominion and maritime and national jurisdiction of the place in which consuls of the Republic reside, and if the offender is apprehended, consuls shall request full particulars of the fact and shall inform their Government, forwarding the data obtained to the Minister of Foreign Relations.

Article 52. If a Paraguayan citizen is accused of any offence (*delito*) or crime committed on the sea, within the waters and the jurisdiction of the Republic (*en el mar, en aguas y jurisdicción de la República*), the consul shall claim jurisdiction over the said cause and request that jurisdiction be assumed by the tribunals of Paraguay, where the accused shall be tried; for this purpose he shall request an account of the circumstances, and that the criminal be sent to the Republic with full security, requesting the authorities of the country in which the consul resides for necessary cooperation and assistance for the safe detention of the accused. If the authorities of the country refuse the help asked, he shall inform the Government in order that the latter may take such steps as the case may warrant; the offences of forgery and piracy committed on the sea within the jurisdiction of the Republic are excepted from such requests.

44. Peru

(a) PENAL CODE, 28 JULY 1924. L. JIMÉNEZ DE ASÚA AND F. CARSI ZACARÉS, "CÓDIGOS PENALES IBEROAMERICANOS" (1946), VOL. II, P. 465. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

Article 4. Any person committing an offence in the territory of the Republic, or in national ships on the high seas, or in national warships in