

in legal tender, national papers, or bank notes authorized by law, shall, immediately upon being apprehended, be prosecuted, tried and punished in Haiti, according to the provisions of Haitian laws.

Article 6. This provision shall extend to aliens who, being principals or accessories in the same crimes, are arrested in Haiti, or whose extradition has been obtained by the Haitian Government.

Article 7. Any Haitian who commits, outside the territory of the Republic, a crime against a Haitian, shall, upon his return to Haiti, be prosecuted and tried, if he has not already been prosecuted and tried abroad, and if the Haitian against whom the offence was committed, lays a complaint against him.

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Article 15. These functions,¹ in the case of crimes or offences committed outside Haitian territory, as set forth in articles 5, 6 and 7 above, shall be carried out by the public prosecutor of the place in which the accused resides, or the prosecutor of the place in which he is found, or of his known place of residence.

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26. Honduras

(a) LAW CONCERNING THE ORGANIZATION AND POWERS OF COURTS, 8 FEBRUARY 1906. HONDURAS, "LEY DE ORGANIZACIÓN Y ATRIBUCIONES DE LOS TRIBUNALES" (1906), PP. 41-43. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 163. When the place of an offence or petty offence (*falta*) is unknown, the following judges and courts shall be competent to investigate and try the case:

1. The judge or court of the district in which material evidence of the offence was discovered;
2. The judge or court of the district in which the person accused of the offence was arrested;
3. The judge or court of the district of residence of the person accused of the offence;
4. Any judge or court that has been notified of the offence.

If there is any dispute as to which of these judges or courts shall have jurisdiction, the matter shall be decided in accordance with the above order of priority.

As soon as the place in which the offence was committed is on record, all the documents of the case shall be transmitted to the judge or court of that district, the arrested persons and impounded objects being placed at the disposal of the judge or court.

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Article 170. Aliens who commit offences or minor offences in Honduras shall be tried by the competent authorities.

¹ The investigation and prosecution of all the offences or crimes which fall within the jurisdiction of the correctional or criminal civil courts (article 13).

Article 171. The provisions of the preceding article shall not apply in the case of offences committed by Heads of other States, and their deputies, ministers plenipotentiary, resident ministers, chargés d'affaires and aliens employed on the permanent staff of legations, who shall in such cases be placed at the disposal of their respective governments.

Article 172. Offences the commission of which was begun in Honduras, but which were accomplished or thwarted abroad, shall fall within the cognizance of Honduran judges and courts only in so far as the acts committed in Honduras constitute offences, and only with respect to them.

Article 173. Judges and courts of the Republic, in the order prescribed in article 163, shall be competent to try Honduran or foreign nationals who have committed any of the following offences outside Honduran territory:

- Offences against the internal or external security of the State.
- Offences against the President of the Republic.
- Rebellion.
- Forging the signature or counterfeiting the personal seal of the President of the Republic.
- Forging the signatures of ministers.
- Counterfeiting public seals.
- Forgeries directly prejudicial to the credit or interests of the State, and the introduction or circulation of such forgeries.
- Counterfeiting currency or banknotes, issue of which is authorized by law, and the introduction or circulation of such counterfeit currency.
- Any offences committed in the course of their duties by public officials employed abroad.

Article 174. If the persons who have committed any of the offences listed in the preceding article have been acquitted or convicted abroad, and provided that in the latter case they have served their sentence, the case shall not be re-opened.

The same shall apply in the case of persons who have been pardoned, except in respect of offences against the external security of the State or against the President of the Republic.

If part of the sentence has already been served, this shall be taken into account and the sentence to which such person would otherwise be liable shall be reduced in proportion.

Article 175. The provisions of the two preceding articles shall apply in respect of aliens who have committed any of the offences listed therein, if they are arrested on the territory of Honduras or if they have been extradited.

Article 176. A Honduran national committing an offence abroad against another Honduran national shall be tried in Honduras by the judges and courts designated in article 163, in the order listed, in the following cases:

1. If the victim of the offence or any person legally entitled to do so institutes proceedings;
2. If the offender is on Honduran territory;
3. If the offender has not been acquitted, pardoned or sentenced abroad, having served the full sentence in the latter case.

If part of the sentence has been served, the provisions of article 174 will apply.

Article 177. Any Honduran national committing a serious offence under the Honduran Penal Code against a foreign national abroad shall, if the three conditions indicated in the preceding article are fulfilled, be tried in Honduras by the judges designated in that article.

Article 178. No criminal proceedings may be instituted in the cases referred to in the preceding article if the act in question is not an offence under the laws of the country in which it was committed, even when it is an offence under the laws of Honduras.

Article 179. Honduran nationals committing offences abroad and handed over to Honduran consuls shall be tried in accordance with the provisions of this law, in so far as local conditions permit.

The preliminary examination shall be carried out by the consul, or if he does not possess the necessary legal qualifications, by his deputy, with the assistance of an assessor, or, in the absence of the latter, of two Honduran nationals chosen as assistants; these shall be appointed by him each year and shall serve in all cases pending or initiated during that year.

When the case is complete, and the documents prepared have been duly certified in the presence of the accused person or persons, the documentation shall be transmitted to the Honduran court competent to deal with offences of such a nature and nearest to the consulate in which the case was prepared.

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Note. Article 552 of the Honduran Penal Code of 8 February 1906 provides for the punishment of those who have caused a disaster by means of "sinking or stranding a ship". L. Jiménez de Asúa and F. Carsi Zacarés, *Códigos penales iberoamericanos* (1946), vol. II, p. 144.

(b) AVIATION LAW, PROMULGATED BY LEGISLATIVE DECREE NO. 121, 17 MARCH 1950. "LA GACETA", VOL. 75, NO. 14,114 (29 MAY 1950), PP. 1,8. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 184. Juridical events and acts which occur on board Honduran aircraft during a flight, whether over national territory or the high seas, are subject to Honduran laws.

Article 185. Juridical events and acts which occur on board Honduran aircraft during a flight over foreign territory shall be considered as events or acts occurring in national territory and shall be subject to the laws of the Republic, except when they are of such a character that they endanger the security and public order of the underlying foreign State.

Article 186. Criminal events and acts which occur on board any aircraft flying over foreign territory shall be subject to Honduran laws when they produce or are claimed to have produced criminal effects in national territory.

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