

Law of 31 May 1999

reinforcing measures against trafficking in human beings and sexual exploitation of children, amending the Criminal Code and the Code of Criminal Procedure.

(...)

Section 8- Article 5, para. 2 of the Code of Criminal procedure reads as follows:

Any Luxembourg national who commits an offence under the laws of Luxembourg outside the Grand Duchy may be prosecuted and tried in the Grand Duchy of Luxembourg if the offence is punished under the laws of the country where it was committed.

Section 9 -Article 5 para. 7 of the Code of Criminal Procedure is deleted.

Section 10 -The following Article 5-1 is added to the Code of Criminal Procedure:

Art. 5-1 -Any Luxembourg national and any foreigner found in the Grand Duchy of Luxembourg who, in another country , committed one of the offences covered by Articles 198, 199, 199bis and 368 to 382 of the Criminal Code may be prosecuted and tried in the Grand Duchy even though the offence is not punished under the laws of the country where it was committed and the Luxembourg authorities have received no complaint from the offended party or the authorities of the country where the offence was committed.

Section 11 -The following Article 48-1 is added to the Code of Criminal Procedure:

Art. 48-1 -Audio or audio-visual recordings may be made of hearings of minors or witnesses subject to the authorisation of the State Prosecutor.

The recordings shall be made once the consent of the witness or minor has been obtained or, if the minor is unable to give informed consent, that of the minor's legal representative. Where there is a duly established risk of conflicting interests between the minor and his/her legal representative, the recording may be made only with the express, duly reasoned authorisation of the State Prosecutor.

The recordings may be used as evidence. The original recordings shall be kept under official seal.

Copies shall be numbered and filed as evidence.

The recordings may be viewed or listened to, but not removed, by the parties and an expert, with the authorisation of the State Prosecutor, at a place designated by the latter.

Section 12 -The following Article 79-1 is added to the Code of Criminal Procedure:

Art. 79-1 -The investigating judge may make or have made an audio or audio-visual recording of the hearing of a minor or a witness.

The recording shall be made once the consent of the witness or minor has been obtained or, if the minor is unable to give informed consent, that of the minor's legal representative. Where there is a duly established risk of conflicting interests between the minor and his/her legal representative, the recording may be made only with the express, duly reasoned authorisation of the investigating judge.

The recordings may be used as evidence. The original recordings shall be kept under official seal.

Copies shall be numbered and filed as evidence.

The recordings may be viewed or listened to, but not removed, by the parties, under the conditions stipulated in Article 85, and by an expert, with the authorisation of the investigating judge, at a place designated by the latter.

Section 13 -The following paragraph (4) is added to Article 158-1 of the Code of Criminal Procedure:

If the statement of a witness or a minor is recorded as provided for in Articles 48-1 or 79-1, it may be played back at the hearing. No further hearing of the witness or minor concerned may take place without the express authorisation of the court.