



CR Art. 6

Ne Bis in Idem

TITLE 01 — GENERAL PROVISIONS · CHAPTER 02 — FUNDAMENTAL PRINCIPLES

- 1** No person shall be tried or sanctioned a second time under Kaharagian law for an offence in respect of which that person has already been finally convicted or acquitted by a Kaharagian tribunal, in accordance with [Article 35\(11\)](#) of the Fundamental Laws. A conviction or acquittal is final when it is no longer subject to ordinary appeal.
 - 2** Where a person has been finally convicted or acquitted by a competent tribunal of a host jurisdiction for conduct that also constitutes an offence under this Code, Kaharagian criminal proceedings in respect of the same conduct are barred. For the purposes of this paragraph, "the same conduct" means the same material acts or omissions, irrespective of the legal characterisation given to those acts or omissions by the host jurisdiction.
 - 3** Notwithstanding paragraph 2, Kaharagian criminal proceedings may proceed where all of the following conditions are satisfied:
 - a. the offence under Kaharagian law protects a distinct and essential interest of the State that was not addressed, directly or substantially, by the host-jurisdiction proceedings;
 - b. the distinct interest is one that, by its nature, can only be protected through Kaharagian proceedings — such as the integrity of State instruments, the security of Kaharagian digital systems, or the authenticity of entries in State registers; and
 - c. the proceedings are proportionate, having regard to the totality of sanctions already imposed on the person and the seriousness of the harm to the State interest.
 - 4** Where Kaharagian proceedings are permitted under paragraph 3, the competent authority shall take into account any sanction already imposed by the host jurisdiction when determining the appropriate Kaharagian sanction, so as to ensure that the cumulative burden on the person is not disproportionate.
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- 5 The protection afforded by this Article extends equally to proceedings for the same conduct that were terminated by a final decision of a prosecuting authority not to proceed, provided that the decision was taken on the merits and is irrevocable under the law of the jurisdiction that rendered it.

DOCUMENT INFORMATION	
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