

Article 328. Any criminal case to be adjudged according to this Law shall be tried by the Town Court of the town where the offence has been committed, but, should the offence have been committed in any town or place not provided with a Town Court, such offence shall be tried by the nearest Town Court. Any offence committed during a voyage shall be tried by the Town Court of the town at which the offender first arrives with the ship or wherever he may otherwise be met with; should the latter place be situated beyond the jurisdiction of any Town Court, the case shall nevertheless be tried by the nearest Town Court.

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(c) EXTRADITION LAW, 4 JUNE 1913, AS REVISED BY LAW OF 30 JUNE 1948. A. AFZELIUS, "SVERIGES RIKES LAG" (1950), P. 758. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 3. Extradition shall not be permitted in respect of an offence committed in Sweden or on board a Swedish vessel outside the realm. Extradition of a person accused of complicity in an offence committed abroad may, however, be granted in a particular case.

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51. Switzerland

(a) PENAL CODE, 21 DECEMBER 1937. "CHANCELLERIE FÉDÉRALE, NOUVEAU MANUEL DU DROIT SUISSE" (1946), PP. 741-742, 797-798.

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Article 3. (1) This code is applicable to anyone who commits a crime or offence in Switzerland.

If such an offender has served a sentence abroad in whole or in part, the Swiss judge shall deduct the sentence served from the sentence to be passed.

(2) No alien prosecuted abroad at the request of the Swiss authorities shall be punished in Switzerland for the same act:

If the foreign court has acquitted him by judgment that has become final;

If he has served the sentence passed on him abroad, if such sentence has been remitted, or if it is barred by lapse of time. If he has not served that sentence, it shall be enforced in Switzerland; if he has served part of it abroad the remainder shall be enforced in Switzerland.

Article 4. This code shall be applicable to anyone who commits abroad a crime or offence against the State (articles 265 to 268, 270 and 271), is guilty of espionage (articles 272 to 274) or of the offence referred to in article 275 (illegal associations), or commits an act endangering military security (articles 276 and 277).

If such an offender has served a sentence abroad wholly or partly, the Swiss judge shall deduct the sentence served from the sentence to be passed.

Article 5. This code is applicable to anyone who commits abroad a crime or offence against a Swiss national, provided that the act is also

punishable in the State where it was committed, if the offender is in Switzerland and is not extradited abroad, or if he is extradited to the Confederation because of his offence. Nevertheless, the foreign law shall be applicable if it is more favourable to the accused.

The offender may not be punished further for his act if he has served the sentence passed against him abroad, if the sentence has been remitted or if it is barred by lapse of time.

If he has not served the sentence passed against him abroad, it shall be enforced in Switzerland; if he has served a part of the sentence abroad, the remainder shall be enforced in Switzerland.

Article 6. (1) This code is applicable to any Swiss national who commits abroad a crime or offence which may give rise to extradition under Swiss law, if the act is also punishable in the State where it was committed and if the offender is in Switzerland, or if he is extradited to the Confederation because of his offence. Nevertheless, the foreign law shall be applicable if it is more favourable to the accused.

Such an offender may not be punished further in Switzerland:

If he has been acquitted abroad for the same act by a judgment that has become final;

If he has served the sentence passed against him abroad, if such penalty has been remitted or if it is barred by lapse of time.

If he has served part of the sentence passed against him abroad, that part shall be deducted from the sentence to be passed.

Article 7. A crime or an offence shall be deemed to have been committed both in the place where the accused perpetrated the act and in the place where its results take effect.

An attempt shall be deemed to have been committed both in the place where the accused made the attempt and in the place where the author intended the results to take effect.

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Article 346 (corrected by the Order of 20 November 1941). The authority of the place where the accused perpetrated the act is competent to prosecute and judge an offence. If only the place where the results took effect, or were to have taken effect, is in Switzerland, the authority of that place shall be competent.

If the accused perpetrated the act and the results took effect in different places, the competent authority shall be that of the place where the proceedings were first initiated.

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Article 348. If the offence was committed abroad, or if it is impossible to determine the place where it was committed, the competent authority shall be that of the place where the person accused of the offence resides. If he has no residence in Switzerland, the competent authority shall be that of the place where he was arrested.

If competence cannot be determined on any of these grounds, the competent authority shall be that of the canton which called for the extradition. In such cases, the government of the canton shall appoint the authority which is to have local competence.

Article 349. The authority competent to prosecute and judge the principal offender shall also be competent to prosecute and judge instigators and accomplices.

If the offence was committed by several persons jointly, the competent authority shall be that of the place where the initial proceedings were taken.

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(b) FEDERAL DECREE CONCERNING MARITIME NAVIGATION UNDER THE SWISS FLAG, 9 APRIL 1941. "RECUEIL OFFICIEL DE LOIS", VOL. 57 (1941), PP. 365, 379-382. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 57. Offences committed on board a Swiss vessel shall be tried according to the Swiss Penal Code of 21 December 1937.

However, if the offender belongs to the crew of the vessel, the provisions of the Military Penal Code of 13 June 1927 shall be applicable to offences committed on board or in connexion with the offender's service obligations; if an offence is not punished by the Military Penal Code, but is punishable under the Swiss Penal Code, the latter shall apply also to members of the crew.

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Article 62. The master of a Swiss vessel, who:

Does not lend assistance to a vessel with which his own has come into collision, and to the crew or passengers of the said vessel, whenever he may do so without exposing his own vessel, crew and passengers to serious danger,

Does not indicate to the other vessel, although in a position to do so, the name and port of registration of his vessel, together with its port of embarkation and its destination,

Does not assist persons encountered at sea whose lives are in danger wherever he may do so without exposing his own vessel, crew and passengers to serious danger,

Shall be punished by imprisonment for not more than two years or a fine of not more than 10,000 francs.

If the offender has acted through negligence, he is liable only to the fine.

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Article 70. The authorities of the Canton of Bâle-Ville are competent to prosecute and try the offences covered by this decree, even where such offences are punished by the Military Penal Code of 13 June 1927.

The jurisdiction of the military courts is reserved for offences committed on board a Swiss vessel, subject to the conditions set forth in article 2, paragraph 8, article 3, paragraph 1, article 4, paragraph 2, article 6, paragraph 1, of the Military Penal Code of 13 June 1927. In such cases, the Federal Military Department shall order the inquiry and appoint the competent military tribunal.

The authorities of the Canton of Bâle-Ville are required to transmit to the Office of the Public Prosecutor of the Confederation, immediately

and free of charge, the complete text of any judgment or order dismissing a case on the basis of the present decree.

Article 71. Offences committed on board a Swiss vessel do not fall within Swiss jurisdiction when another State has jurisdiction, or claims to have jurisdiction, to try them in virtue of the principles of international law.

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(c) FEDERAL AIR NAVIGATION ACT, 21 DECEMBER 1948. "RECUEIL OFFICIEL DE LOIS, 6 JUNE 1950", NO. 19, P. 491; "REVUE FRANÇAISE DE DROIT AÉRIEN", VOL. 3 (1949), P. 29.

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Article 89. (1) Any person intentionally flying or causing to be flown an aircraft bearing false or falsified marks or not bearing the marks prescribed in article 59 shall be punished by not more than 5 years, imprisonment or by a fine of not more than 20,000 francs.

(2) In very minor cases the judge may simply impose a fine.

(3) If the offender acted through negligence the penalty shall be not more than 6 months' imprisonment or a fine of not more than 10,000 francs.

(4) Any person flying or causing to be flown outside Switzerland an aircraft bearing Swiss marks when not entitled to do so shall also be liable to punishment. Article 4 (2) of the Penal Code shall apply.

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Article 96. Subject to articles 89 (4) and 97 of this Act or articles 4 to 6 of the Penal Code, criminal provisions shall apply only to persons committing an act punishable in Switzerland.

Article 97. (1) The provisions of the Swiss Penal Code shall apply to acts committed outside Switzerland on board a Swiss aircraft engaged in commercial traffic, when the offender is in Switzerland and has not been extradited or has been extradited to the Confederation by reason of that act.

(2) This rule shall apply also to infringements of the provisions of agreements on air navigation to which Switzerland is a party, when the aircraft is not engaged in commercial traffic.

(3) Members of the crew of a Swiss aircraft engaged in commercial traffic shall always be subject to the Swiss criminal law, if they have committed the act on board the aircraft or in the performance of their professional duties.

(4) Article 4 (2) of the Penal Code shall apply.

Article 98. (1) Crimes and offences committed on board an aircraft are subject to the criminal jurisdiction of the Confederation.

(2) The violations referred to in article 91 shall be prosecuted and tried by the Federal Aviation Office in accordance with the provisions of Part 5 of the Federal Criminal Procedure Act of 15 June 1934.

(3) Where punishable acts have been committed on board a foreign aircraft flying over Switzerland or on board a Swiss aircraft outside Switzerland, the competent authority under the Federal Criminal Procedure Act may refrain from instituting penal proceedings.

Article 99. (1) If a crime or offence has been committed in Switzerland or outside Switzerland on board a Swiss aircraft engaged in commercial traffic, the captain of the aircraft shall assemble and ascertain the evidence.

(2) Pending the arrival of the competent authority, he shall make such inquiry as brooks no delay and may, if necessary, arrest the suspected persons, search the passengers and the members of the crew, and seize any objects which may be used as evidence. Articles 62 to 64, 65, 69, and 74 to 85 of the Federal Criminal Procedure Act of 15 June 1934 which relate to provisional arrest and search, examination of papers and the hearing of witnesses shall also apply.

(3) When the aircraft lands abroad after the establishment of the facts, the Swiss consul within whose consular district the place of landing is situated, shall be notified; he shall be asked for instructions.

(4) At the end of the journey, the captain of the aircraft shall report in writing to the Federal Aviation Office on the facts and the inquiry.

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52. Syria

(a) PENAL CODE, PROMULGATED BY DECREE NO. 148, 22 JUNE 1949. PUBLICATION OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF SYRIA. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

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Article 15. (1) The laws of Syria shall be applicable to all crimes committed in the territory of Syria.

(2) A crime shall be considered as having been committed in Syrian territory,

(a) If any of the principal elements that constitute a crime, or if any of the acts that constitute an indivisible crime, or if any direct or indirect participation in the crime, took place in Syrian territory;

(b) If the result of the crime occurred in that territory or was intended to occur in that territory.

Article 16. The territory of Syria includes the air space over it.

Article 17. For the purpose of the application of this law the following shall be considered Syrian territory:

(a) The territorial waters to a distance of twenty kilometres from the shore, measured from the line of the lowest tide;

(b) The air space over territorial waters;

(c) Syrian ships and aircraft;

(d) Foreign territory occupied by Syrian armed forces, if the crimes committed affect the security or the interest of the Syrian forces.

Article 18. The laws of Syria are not applicable:

(a) Where a crime is committed on board a foreign aircraft flying over Syrian territory, if the crime does not produce effect beyond the aircraft. However, such a crime shall come within the scope of these laws if a Syrian citizen is a party to it, or if the aircraft lands on Syrian territory after the crime has been committed.