

or is in the service of a naval squadron, the authorities of the department in whose waters the vessel on board which the offence has been committed or discovered arrives will be competent to take cognizance of the case.

If the vessel referred to in the preceding paragraph arrives at a port abroad, the competent authority will be the naval judicial authority of the Spanish port to which the diplomatic or consular agents of Spain at the vessel's point of arrival may most easily and promptly send the offender or offenders or the data of the case. If the offence is committed outside Spanish jurisdictional waters in a vessel under orders to join a naval squadron, the competent authority will be the authority possessing jurisdiction over the naval squadron.

The same rule as that laid down in the preceding paragraph will apply also to offences committed during the voyage on merchant vessels which arrive at foreign ports.

If the vessel arrives at a national port, the authority to whose jurisdiction the port belongs will be competent to deal with the case.

In so far as they may be applicable, similar standards will be valid also for aerial jurisdiction.

*Note.* No amendments in the provisions quoted above were introduced by the Law of 21 April 1949, which revised the Code of Military Justice, including some other paragraphs of article 6. *Boletín Oficial*, vol. 14, no. 113 (23 April 1949), p. 1827.

## 50. Sweden

- (a) PENAL CODE, 16 FEBRUARY 1864, AS AMENDED. A. AFZELIUS, "SVERIGES RIKES LAG" (71ST EDITION, 1950), p. 757. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

### *Chapter 1. Persons to whom Swedish criminal law applies*

*Article 1.* A Swedish national shall be judged according to Swedish law and before a Swedish court for an offence committed by him within the Kingdom or on board a Swedish vessel or committed outside the Kingdom against Sweden or a Swedish national, or for any other offence committed outside the Kingdom if his Majesty decrees that such offence may be prosecuted within the Kingdom.

An offence shall be deemed to have been committed at the place where the criminal act took place or the offence was completed, or, in the case of an attempt, where the intended offence would have been completed. (Act of 30 June 1948.)

*Article 2.* An alien within the Kingdom shall be judged according to Swedish law and before a Swedish court for an offence committed by him within the Kingdom or on board a Swedish vessel outside the Kingdom, and for any offence committed by him outside the Kingdom against Sweden or a Swedish national if his Majesty decrees that such offence may be prosecuted within the Kingdom.

*Article 3.* Except by decree of His Majesty no person may be prosecuted for an offence for which he has suffered a penalty or other consequence

outside the Kingdom. If imprisonment for a fixed term or a fine is awarded, the court may order such allowance for the penalty already suffered as appears to be reasonable. (Act of 30 June 1948).

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(b) MARITIME LAW, 12 JUNE 1891, AS AMENDED. "STATUTE BOOK FOR LEGATIONS AND CONSULATES" (1937), PP. 112, 139, 146, 150. TRANSLATION FROM SWEDISH.

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*Article 34 (a).* It shall be the duty of the master who finds anyone in distress at sea to render every assistance possible and needful for the rescue of the distressed, as far as he can do so without serious danger to his own ship, crew and passengers.

As regards the duty of the master to render assistance in case his ship has collided with another ship, provisions in such respect are contained in article 223. (Law of 16 October 1914.)

*Article 34 (b).* Where a master, otherwise than as mentioned in article 34 (a), has received knowledge that anyone is in distress at sea, or, if he has been informed of any danger threatening maritime navigation he shall be obliged to take measures for the rescue of the distressed, or the warding off of the danger in conformity with the regulations given by the King, as far as he can do so without any serious danger to his own ship, crew and passengers. (Law of 16 October 1914.)

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*Article 223.* If vessels collide, it shall be the duty of the respective shipmasters not only to render to the other ship, her crew and passengers, all possible and needful assistance to rescue them from the danger caused by the collision, as far as he can do so without serious danger to his own ship, crew and passengers, but also to give to the master of the other ship the name of his ship, the port to which she belongs, and the place or port whence she comes and to which she is bound. (Law of 13 December 1912.)

*Article 223 (a).* What has been laid down in this law with regard to collision shall also hold good in cases where, in consequence of the manœuvring of a vessel or otherwise, damage is caused by one vessel to another vessel or to persons or goods on board that vessel, even though no collision between the vessels takes place. (Law of 13 December 1912.)

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*Article 294.* Whenever a collision has taken place, or any such event as is set forth in article 223 (a) has occurred, and the master neglects to do what is incumbent on him in such cases in accordance with article 223, he shall be liable to a fine of not less than one hundred crowns, or to imprisonment. If the circumstances are particularly aggravating, hard labour may be inflicted not exceeding two years.

If a master neglects any of the duties incumbent on him in accordance with the first paragraph of article 34 (a), or article 34 (b), he shall be liable to a fine or to imprisonment. (Law of 16 October 1914.)

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*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