

son who committed the act is in Switzerland and has not been extradited or when he has been extradited to the Federal Government because of such act.

This rule shall also apply to violations of provisions of an agreement concerning air navigation concluded by Switzerland, when the aircraft is not employed in commercial traffic.

The members of the crew of a Swiss aircraft employed in commercial traffic shall always be subject to the Swiss criminal law when they have committed such act on board the aircraft or in the accomplishment of their professional functions.

Article 4, second paragraph, of the Criminal Code shall apply.

Article 98

II. Jurisdiction. Crimes and felonies committed on board an aircraft shall be subject to the criminal jurisdiction of the Federal Government.

Misdemeanors mentioned in Article 91 shall be prosecuted and adjudged by the Federal Air Office in accordance with the provisions of the fifth part of the Federal Law on Criminal Procedure of June 15, 1934.

When punishable acts have been committed on board a foreign aircraft over Switzerland or on board a Swiss aircraft outside Switzerland, the authority that has jurisdiction under the Federal Law on Criminal Procedure may forego the institution of criminal proceedings.

Article 99

III. Powers of the Commander. When a crime or a felony is committed in Switzerland or outside Switzerland on board a Swiss aircraft employed in commercial traffic, the commander must obtain and assure proof thereof.

Until the arrival of the authority of jurisdiction, he shall undertake to make all inquiries that should not suffer any delay, and, if necessary, shall temporarily arrest the suspects, search the passengers and members of the crew and impound any objects that may serve as proof. Articles 62 to 64, 65, 69, and 74 to 85 of the Federal Law on Criminal Procedure of June 15, 1934 pertaining to temporary arrest, impounding, securing of papers and interrogation of witnesses shall be applicable by analogy.

When, after the facts have been established, the aircraft lands abroad, the Swiss consul at the locality of the place of landing must be informed; and instructions shall be asked of him.

After the end of the trip, the commander shall submit a written report to the Federal Air Office concerning the facts and the investigation.

Article 100

IV. Compulsory information. All police or judicial authorities shall inform the Federal Air Office of any punishable fact that may lead to withdrawal of authorizations, licenses and certificates in the sense of Article 92.