

Article 95

V. Criminal Code. The provisions of the Criminal Code shall be additionally applicable.

CHAPTER II—APPLICATION AND CRIMINAL PROCEEDINGS

Article 96

I. Applicability of the criminal provisions as to place. 1. Principle. Except for Articles 89, fourth paragraph, and 97, or Articles 4 to 6 of the Criminal Code, the criminal provisions shall be applicable only to a person who has committed a punishable act in Switzerland.

Article 97

2. Aircraft outside Switzerland. The provisions of the Swiss criminal law shall apply to acts committed outside Switzerland on board a Swiss aircraft employed in commercial traffic, when the person 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