

# Swiss Criminal Law

University of Lucerne



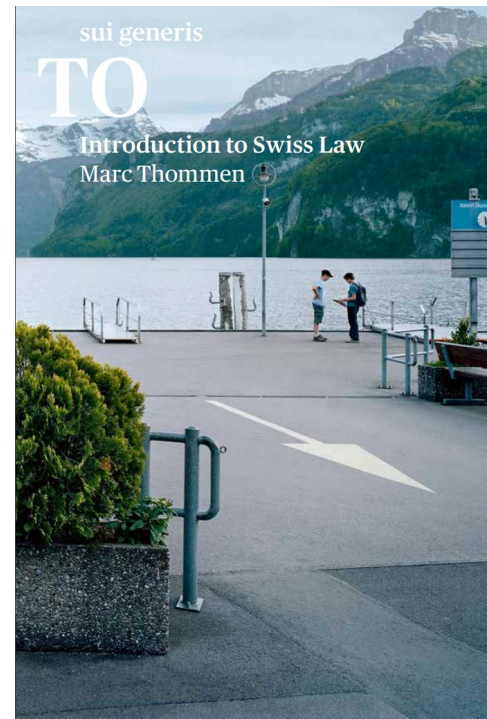


# Introduction to Swiss Law

17 March 2026: Criminal Law,  
Introduction to Swiss Law, pp. 409 ff.

24 March 2026: Criminal Procedure,  
Introduction to Swiss Law, pp. 431 ff.

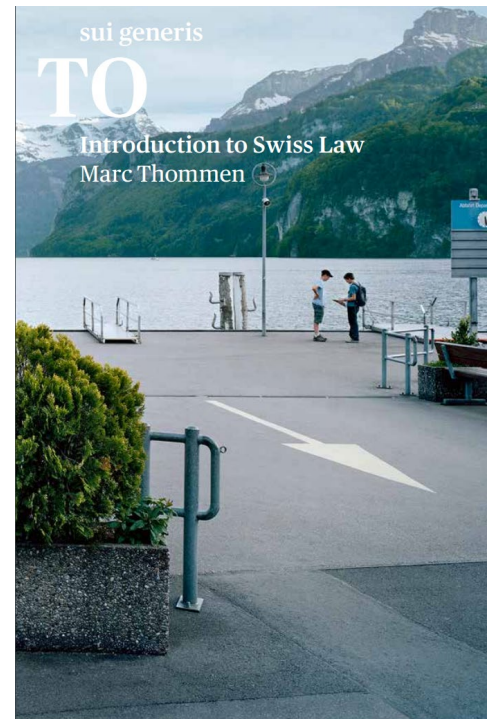
25 March 2026: Prison Zürich West







# Prison Zürich West

- **Date:** March 25, 2026, 9:45h
- **Adress:** Entrance Zurich West Prison,  
Am Kohlendreieck 11, 8010 Zurich
- **Bring:** ID card or passport



# Prison Zürich West

## Details - connection 6

Station/stop	Time		Travel with	Information
Luzern	dep 08:35	Gl. 5	IR 75 2571	InterRegio 75 Richtung: Zürich HB <i>FA RZ BZ FS</i>
Zürich HB	arr 09:25	Gl. 10		
				7' Walk 122 m
Zürich, Bahnhofplatz/HB	dep 09:36	Kante	B 31 8946	Bus 31 Richtung: Zürich, Hermetschloo <i>NF</i>
Zürich, Güterbahnhof	arr 09:44	Kante		
				4' Walk 227 m
8004 Zürich, Am Kohlendreieck 11				

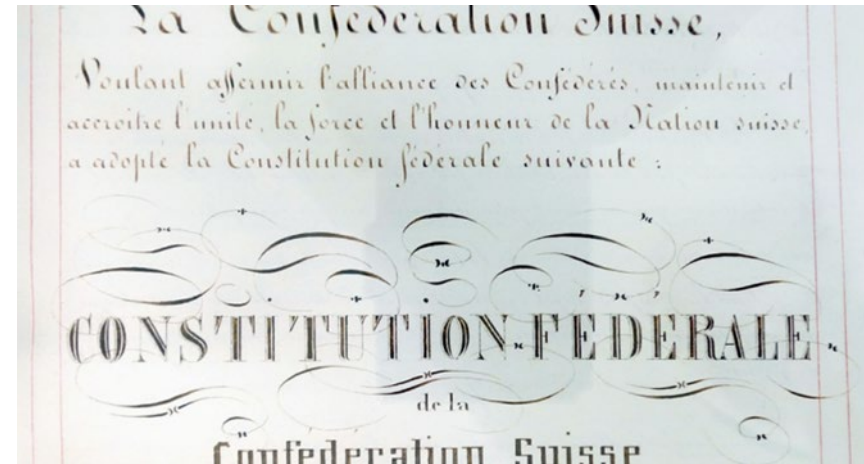
Duration: 1 h 15 min

# Criminal Law

1. Constitutional framework
2. Criminal liability
3. Sanctions
4. Discussion

# Art. 123 Cst. – Criminal law

- <sup>1</sup> The Confederation is responsible for legislation in the field of criminal law and the law of criminal procedure.
- <sup>2</sup> The Cantons are responsible for the organisation of the courts, the administration of justice in criminal cases as well as for the execution of penalties and measures, unless the law provides otherwise.
- <sup>3</sup> The Confederation may issue regulations on the execution of penalties and measures.

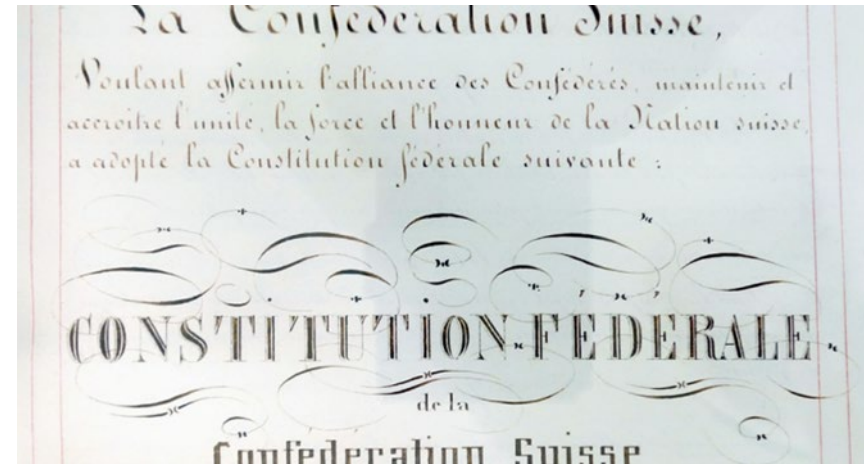


# Art. 123 Cst. – Criminal law

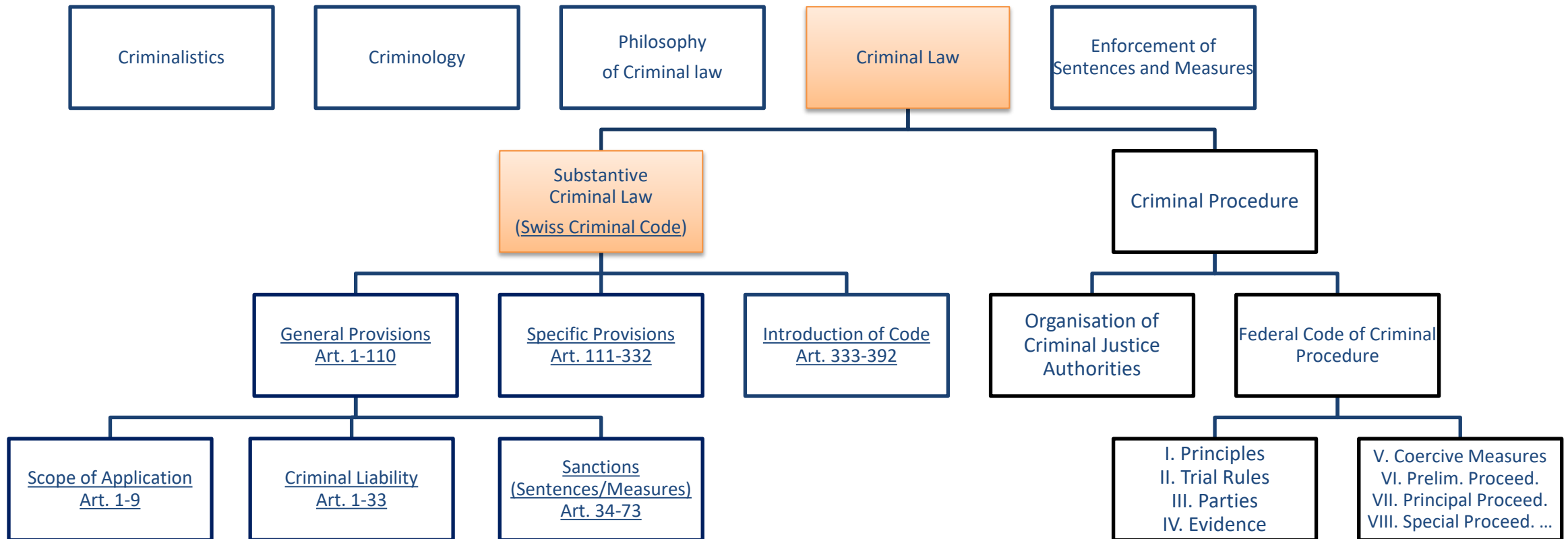
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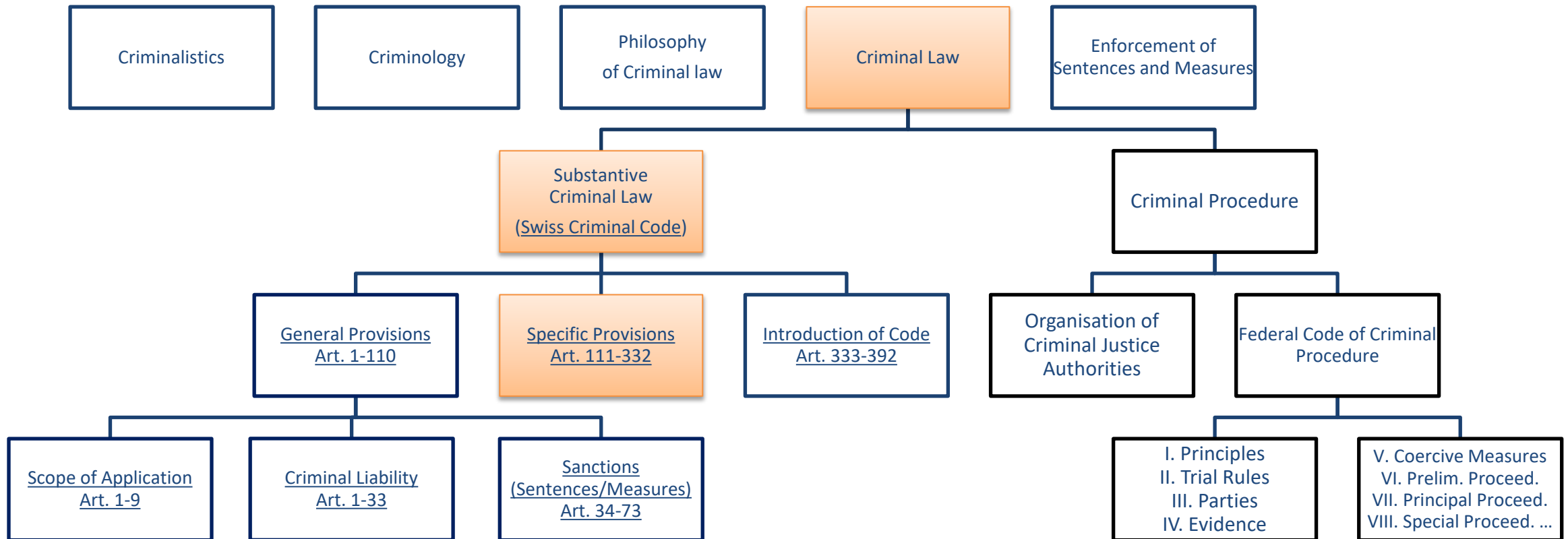
<sup>3</sup> The Confederation may issue regulations on the execution of penalties and measures.



# Swiss Criminal Law



# Swiss Criminal Law



# Specific Provisions

## 1. Book: General Provisions

1. Title: Scope of Application (Art. 1-9)
2. Title: Criminal liability (Art. 10-33)
3. Title: Sentences/Measures (Art. 34-73)
4. Title: Execution (Art. 74-92a)

## 2. Book: Specific Provisions

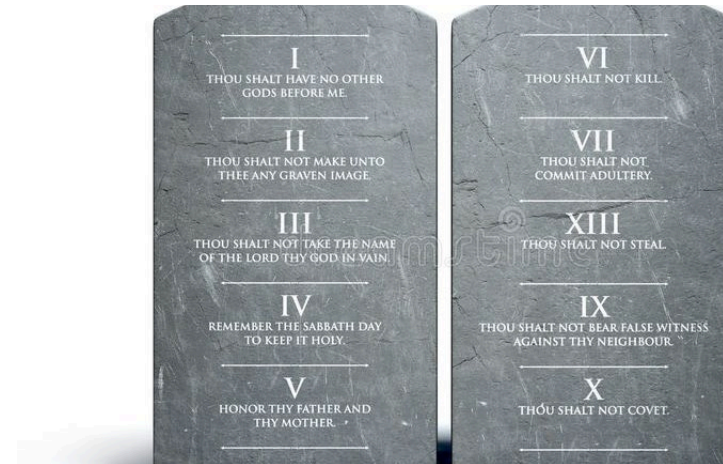
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2. Title: Property (Art. 137–172<sup>ter</sup>)
3. Title: Honour/Privacy (Art. 173–179<sup>novies</sup>)
4. Title: Liberty (Art. 180–186)
5. Title: Sex. Integrity (Art. 187–200)



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Schweizerisches  
Strafgesetzbuch

# Specific Provisions

Exodus 20:13 KJV  
«Thou shalt not kill.»



# Article 111 – Intentional homicide

Any person who kills a person intentionally,  
...shall be liable to a custodial sentence of  
not less than five years.

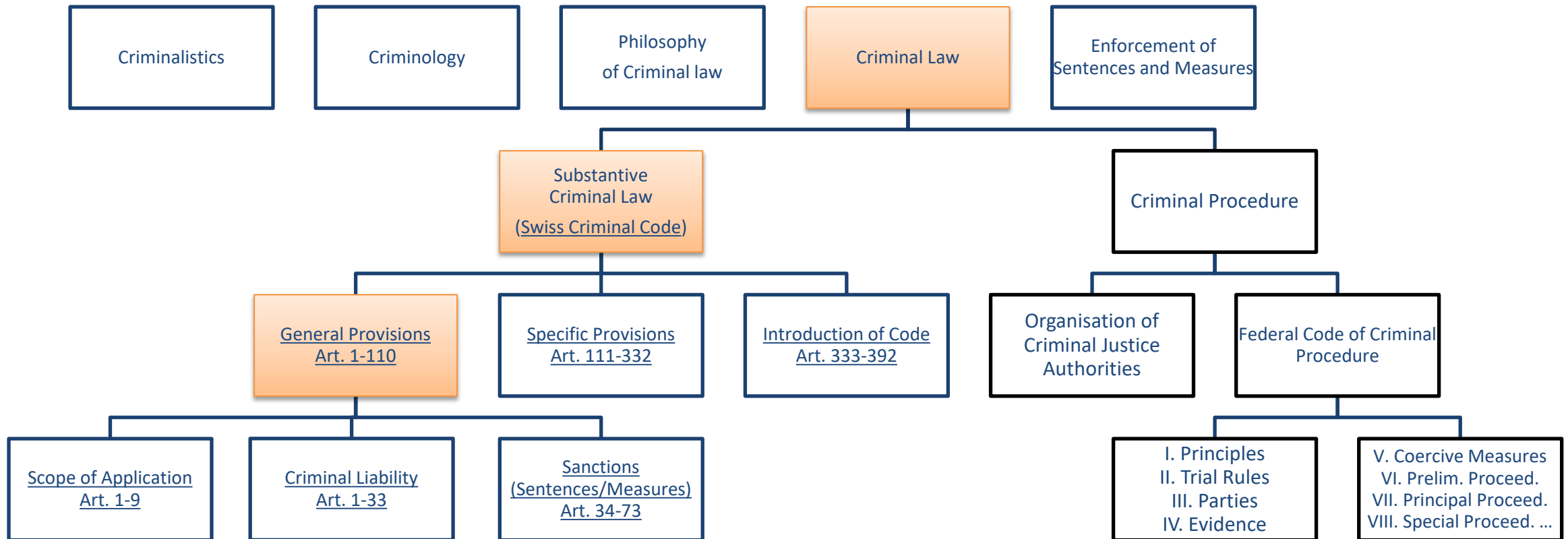
If: Requirements for criminal liability

# Article 111 – Intentional homicide

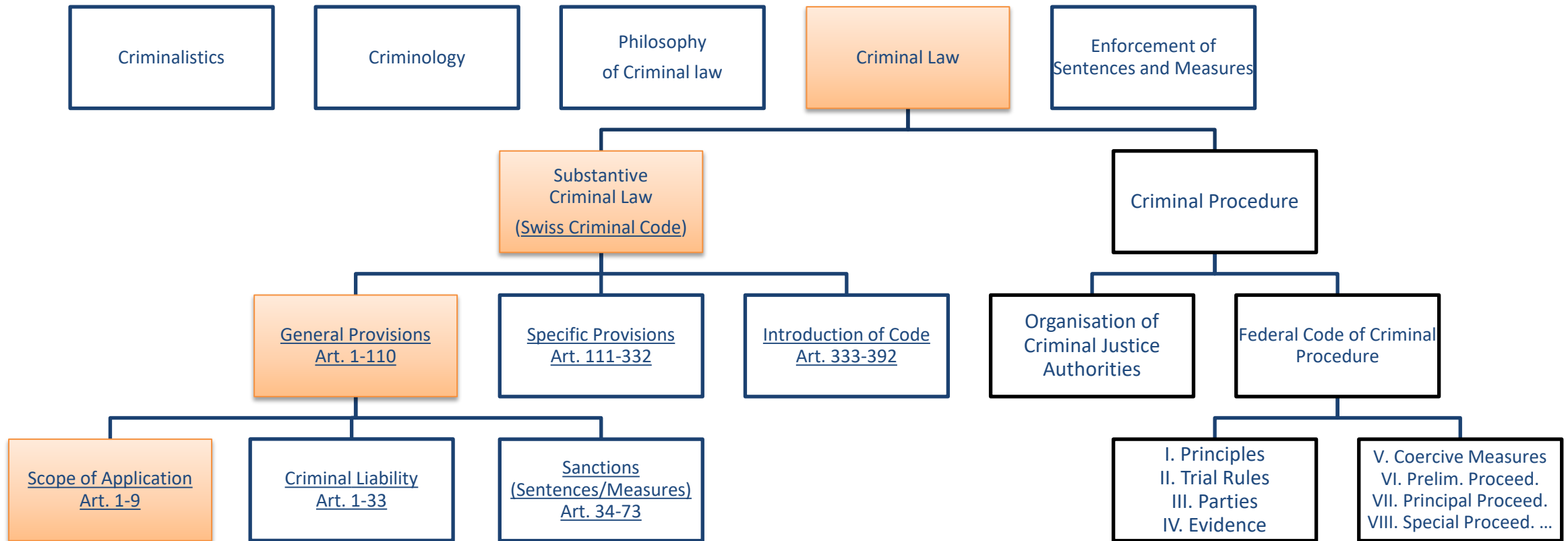
Any person who kills a person intentionally,  
...shall be liable to a custodial sentence of  
not less than five years.

If: Requirements for criminal liability  
Then: Legal consequences of the offence

# Swiss Criminal Law



# Swiss Criminal Law



# General Provisions

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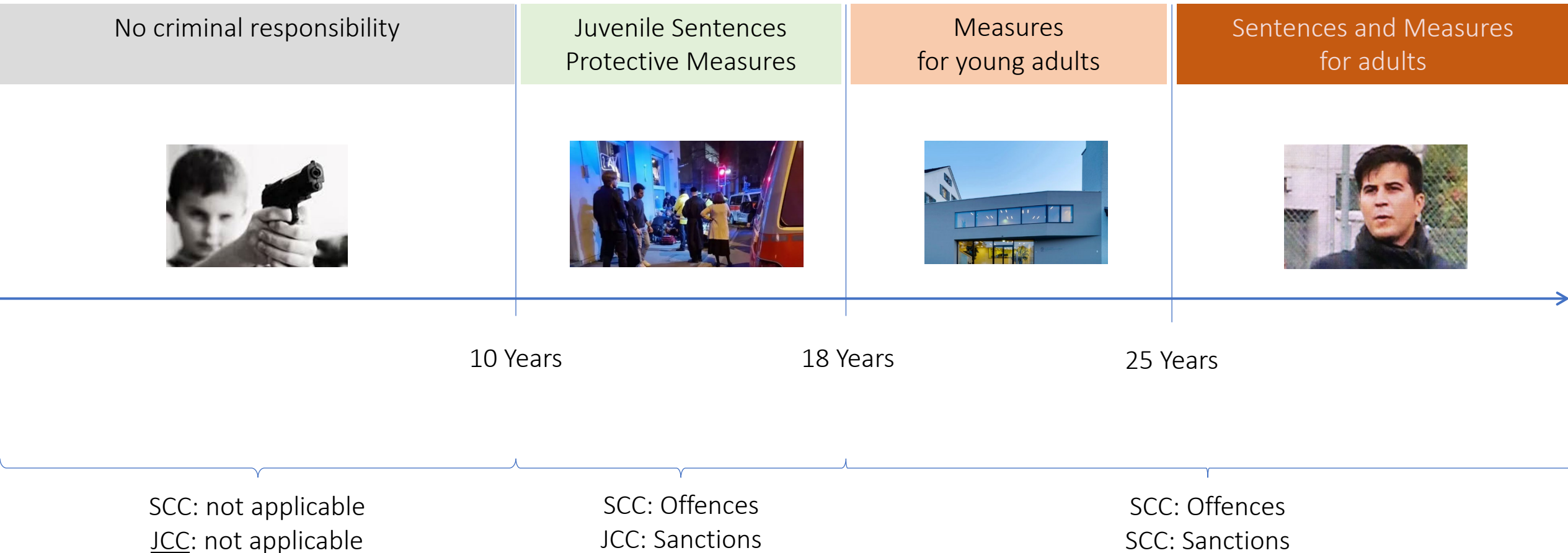
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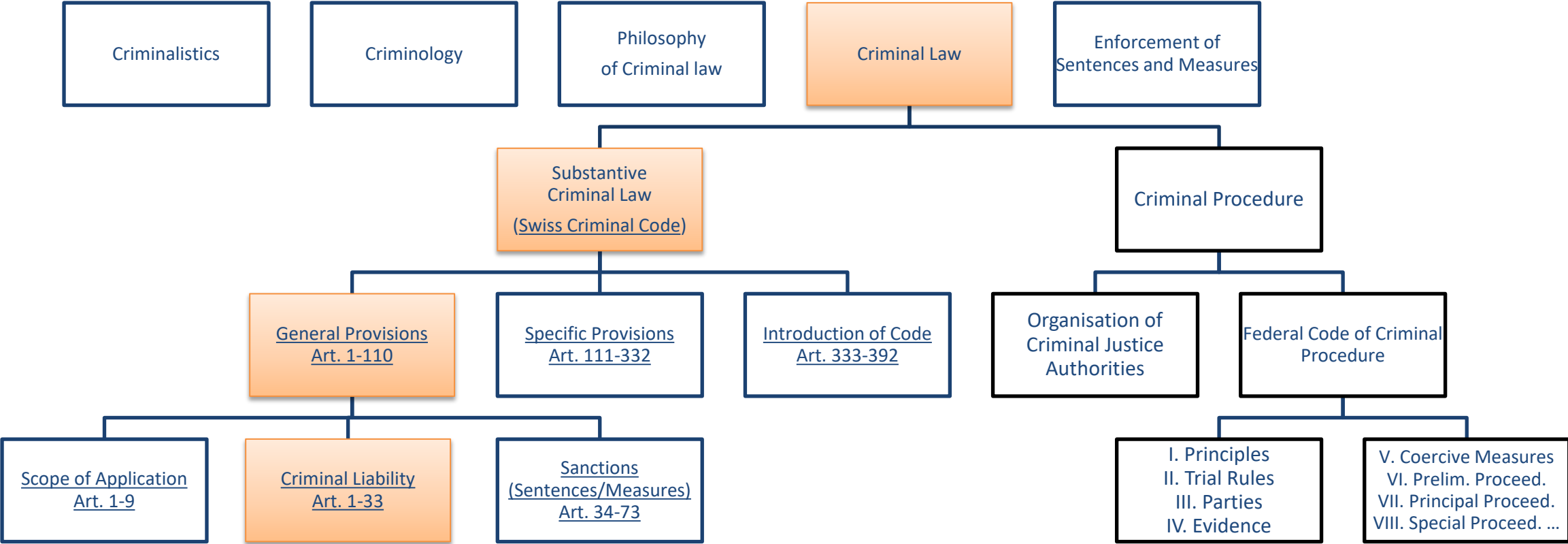


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# Personal scope of application



# Swiss Criminal Law



# General Provisions

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Any person who kills a person intentionally,  
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not less than five years.

# General Provisions

- Intention/Negligence
- Inchoate offences: Attempts
- Participation: Incitement/Assistance
- Allowing harm: Omission
- Justification: Self-defence/Necessity



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Strafgesetzbuch

# General – specific provisions

## General provisions/liability

- Intention/Negligence
- Inchoate offences: Attempts
- Participation: Incitement/Assistance
- Allowing harm: Omission
- Justification: Self-defence/Necessity



## Specific provisions/offences

- Homicide
- Assault
- Theft
- Coercion
- Rape



**Conviction**





ref



Zugestellt

## Strafbefehl

### Art. 352 StPO

Die Staatsanwaltschaft See / Oberland  
hat in Sachen

Beschuldigte  
Person



Straftatbestand **Widerhandlung UWG**  
Rechtsgrundlage Art. 352 ff. StPO

### erkannt:

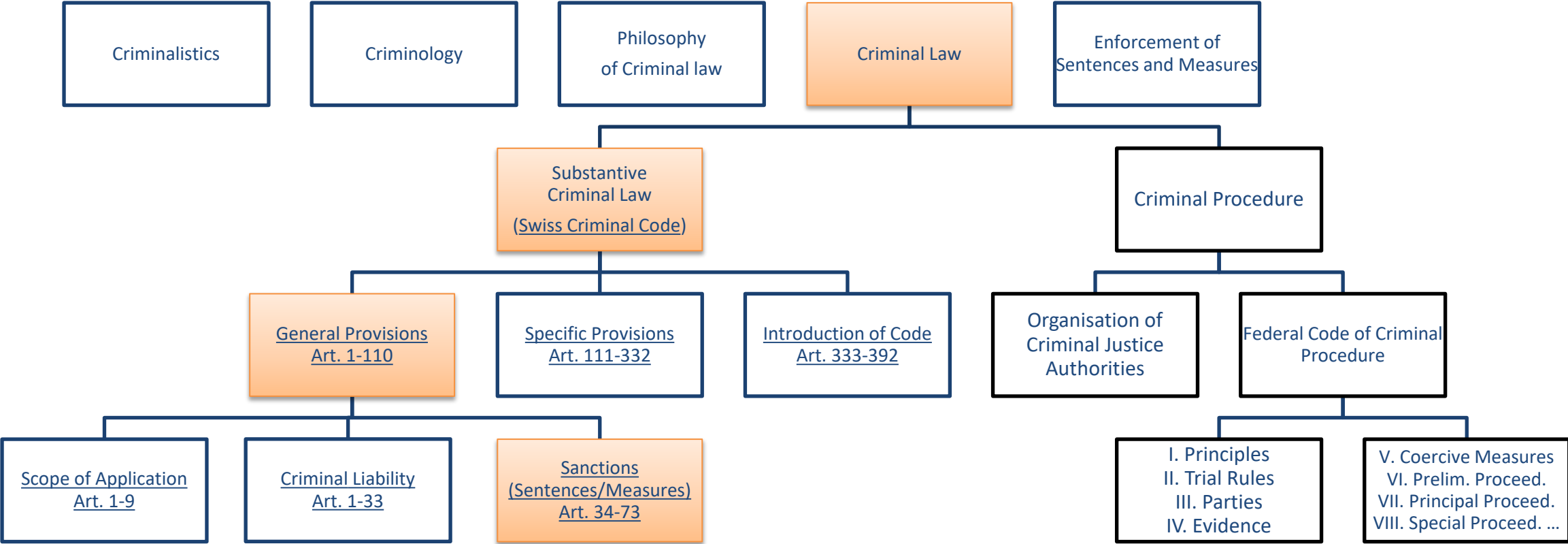
1. Der beschuldigte ist schuldig
  - ♦ des mehrfachen **Vergehens gegen das Bundesgesetz gegen den unlauteren Wettbewerb (UWG)** im Sinne von Art. 23 UWG in Verbindung mit Art. 3 Abs. 1 lit. o und lit. u UWG.
2. Der Beschuldigte wird bestraft mit einer **Geldstrafe von 20 Tagessätzen zu je CHF 80.00**, entsprechend CHF 1'600.00. Die Geldstrafe ist **zu bezahlen**.
3. Die Verfahrenskosten werden dem Beschuldigten auferlegt.
4. Diese Kosten bestehen in:
 

CHF	<u>1'600.00</u>	Geldstrafe
<b>CHF</b>	<b>1'600.00</b>	<b>Subtotal Sanktion</b>
CHF	800.00	Gebühr für das Vorverfahren
CHF	360.00	Auslagen Polizei (Datensicherung)
<b>CHF</b>	<b>1'160.00</b>	<b>Subtotal Verfahrenskosten</b>
<b>CHF</b>	<b>2'760.00</b>	<b>Total</b>
5. Allfällige Zivilforderungen werden auf den Zivilweg verwiesen.

Für Geldstrafe und auferlegte Kosten stellt die Zentrale Inkassostelle der Gerichte nach Eintritt der Rechtskraft dieses Strafbefehls Rechnung. Allfällige sich nachträglich ergebende Kosten aus Rechnungen für Auslagen der Untersuchung sind zu bezahlen und werden nachverrechnet.

Conviction (Guilty verdict)

# Swiss Criminal Law



# General Provisions

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Any person who kills a person intentionally,  
...shall be liable to a custodial sentence of  
not less than five years.

# General – specific provisions

## General provisions sanctions

- Type of Sentence: monetary/custodial
- Determination of Sentence
- Suspension/Probation
- Massnahme



## Specific provisions: offences

- Homicide (> 5 years)
- Assault (< 3 Years)
- Theft (< 5 years)
- Coercion (< 3 Years)
- Rape (1-10 Years)

**== Sanction**





ref



Zugestellt

### Strafbefehl

#### Art. 352 StPO


Die Staatsanwaltschaft See / Oberland  
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Beschuldigte  
Person



Straftatbestand **Widerhandlung UWG**  
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#### erkannt:

1. Der beschuldigte  ist schuldig
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  4. Diese Kosten bestehen in:
 

CHF	1'600.00	Geldstrafe
<b>CHF</b>	<b>1'600.00</b>	<b>Subtotal Sanktion</b>
CHF	800.00	Gebühr für das Vorverfahren
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<b>CHF</b>	<b>1'160.00</b>	<b>Subtotal Verfahrenskosten</b>
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5. Allfällige Zivilforderungen werden auf den Zivilweg verwiesen.

Sanction: Sentence

# Criminal Law

1. Constitutional framework
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# Criminal liability

- On 28 February 2018, 22:00, Lausanne train station, police attempted to arrest Mike Ben Peter after he was seen retrieving a suspicious bag.
- He resisted his arrest. Several officers restrained on the ground.
- Shortly afterwards he stopped breathing and died.



# Criminal liability

- Article 111 - Intentional homicide
- Articles 11 – Homicide by omission
- Article 117 – Negligent homicide
- Articles 123 – Assault
- Article 312 – Abuse of authority



# Criminal liability

**Question:** Did Police Officer X commit the offence of intentional homicide under Article 111 of the Swiss Criminal Code by pressing Mike Ben Peter to the ground for five minutes?



# Criminal liability

Elements of Crime			
Unlawfulness			
Culpability			

# Criminal liability

Elements of Crime	Is there a wrong?		
Unlawfulness			
Culpability			

# Criminal liability

Elements of Crime	Is there a wrong?		
Unlawfulness	Is the wrong justified?		
Culpability			

# Criminal liability

Elements of Crime	Is there a wrong?		
Unlawfulness	Is the wrong justified?		
Culpability	Can the actor be blamed for the wrong?		

# Criminal liability

Elements of Crime	Is there a wrong?	Objective wrong («Judging the act»)	
Unlawfulness	Is the wrong justified?		
Culpability	Can the actor be blamed for the wrong?	Subjective blame («Judging the actor»)	

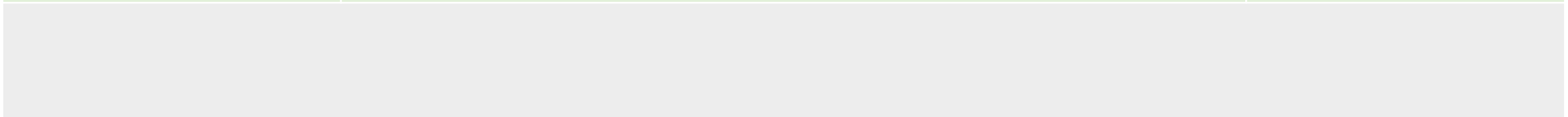
# Criminal liability

Elements of Crime	Objective elements <ul style="list-style-type: none"><li>- Actor</li><li>- Victim</li><li>- Object</li><li>- Act</li><li>- Result</li><li>- Causation</li></ul>	Subjective elements <ul style="list-style-type: none"><li>- Knowledge/Deeming possible</li><li>- Will/Acceptance</li></ul>	
Unlawfulness			
Culpability			

Outside  
«What was done?»

Inside  
«What was in the mind?»

Elements of Crime	Objective elements - Actor - Victim - Object - Act - Result - Causation	Subjective elements - Knowledge/Deeming possible - Will/Acceptance	
Unlawfulness			
Culpability			



# Criminal liability

Elements of Crime	Objective elements <ul style="list-style-type: none"><li>– Actor</li><li>– Victim</li><li>– Object</li><li>– Act</li><li>– Result</li><li>– Causation</li></ul>	Subjective elements <ul style="list-style-type: none"><li>– Knowledge/Deem possible</li><li>– Will/Acceptance</li></ul>	Is there a wrong?
Unlawfulness	<ul style="list-style-type: none"><li>– Self-Defence</li><li>– Necessity</li><li>– Consent</li></ul>	<ul style="list-style-type: none"><li>– Seeing attack</li><li>– Defence will</li></ul>	Is the wrong justified?
Culpability	<ul style="list-style-type: none"><li>– Criminal Responsibility</li><li>– Error of Law</li><li>– Unreasonableness</li></ul>		Can the actor be blamed for the wrong?

# Criminal liability

Elements of Crime	Objective elements <ul style="list-style-type: none"><li>– Actor</li><li>– Victim</li><li>– Object</li><li>– Act</li><li>– Result</li><li>– Causation</li></ul>	<ul style="list-style-type: none"><li>– Policeman X.</li><li>– Mike Ben Peter</li><li>– NA</li><li>– Forcing to the ground</li><li>– Death</li><li>– But for the pressing down of MBP, his death would not have occurred.</li></ul>
Unlawfulness	<ul style="list-style-type: none"><li>– Self-Defence</li><li>– Necessity</li><li>– Consent</li></ul>	<ul style="list-style-type: none"><li>– Policeman was not under attack</li><li>– Policeman was not in danger</li><li>– MBP did/could not consent</li></ul>
Culpability	<ul style="list-style-type: none"><li>– Criminal Responsibility</li><li>– Error of Law</li><li>– Unreasonableness</li></ul>	<ul style="list-style-type: none"><li>– X criminally responsible (understand/acting accordingly)</li><li>– X knew prohibition to kill, knew that no attack</li><li>– X. faced no threat to life.</li></ul>

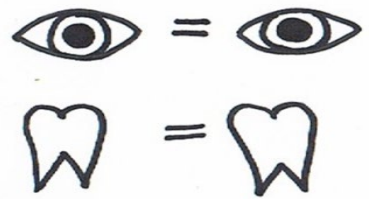
# Criminal Law

1. Constitutional framework
2. Criminal liability
3. Sanctions
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# Criminal Law

1. Constitutional framework
2. Criminal liability
3. Sanctions
  - 3.1. Theories of punishment
  - 3.2. Sentences
  - 3.3. Measures
4. Discussion

# Theories of punishment



Punitur quia peccatum

Punitur ne peccatur

Retribution

Prevention

Absolute theories

Relative theories



# Theories of punishment

## Absolute theories

- Retribution/atonement
- Restoring justice

## Relative theories

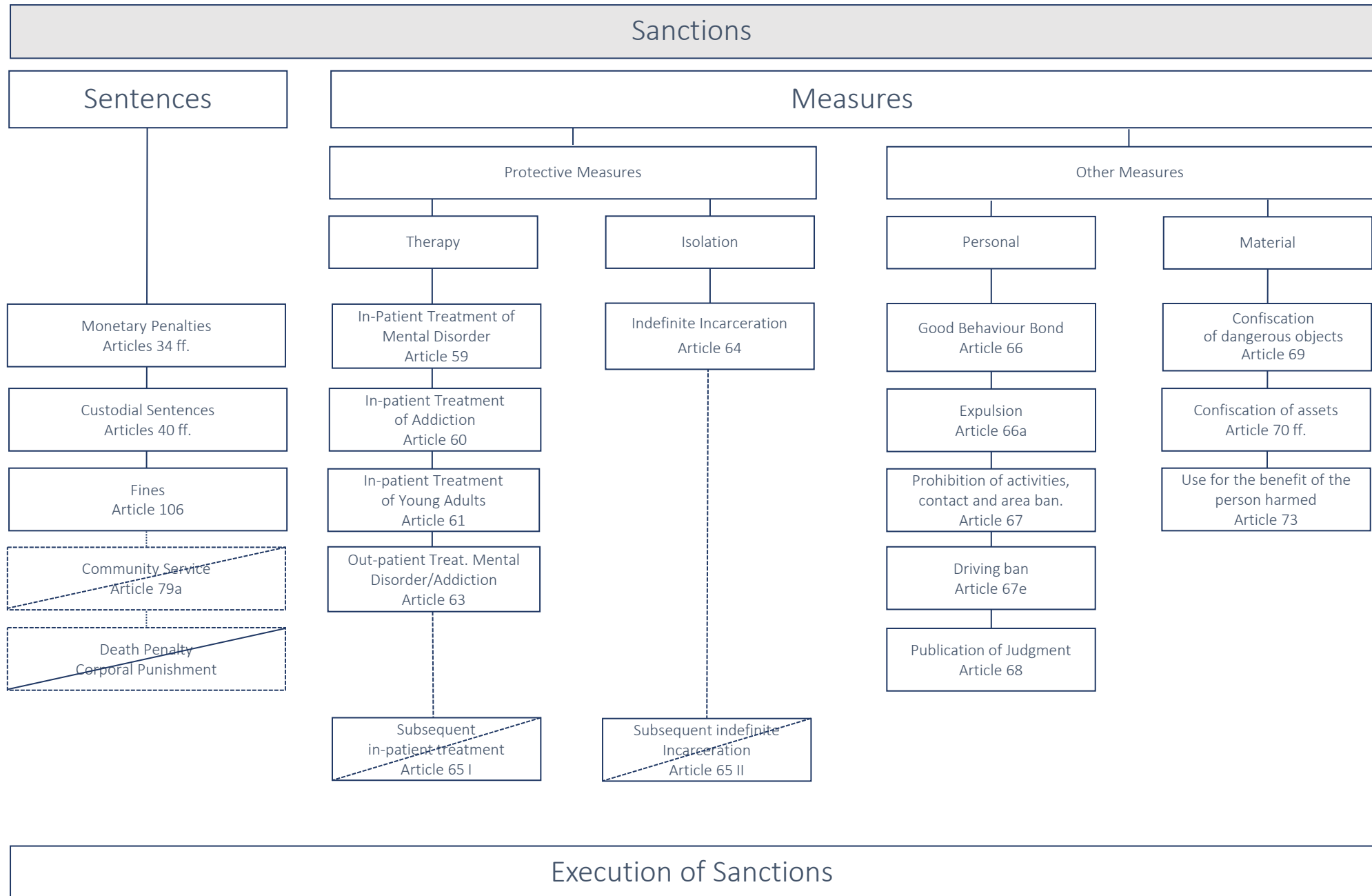
### *Special prevention*

- Negative: Deterrence of the offender:
- Negative: Incapacitation
- **Positive: Rehabilitation/Betterment [?]**

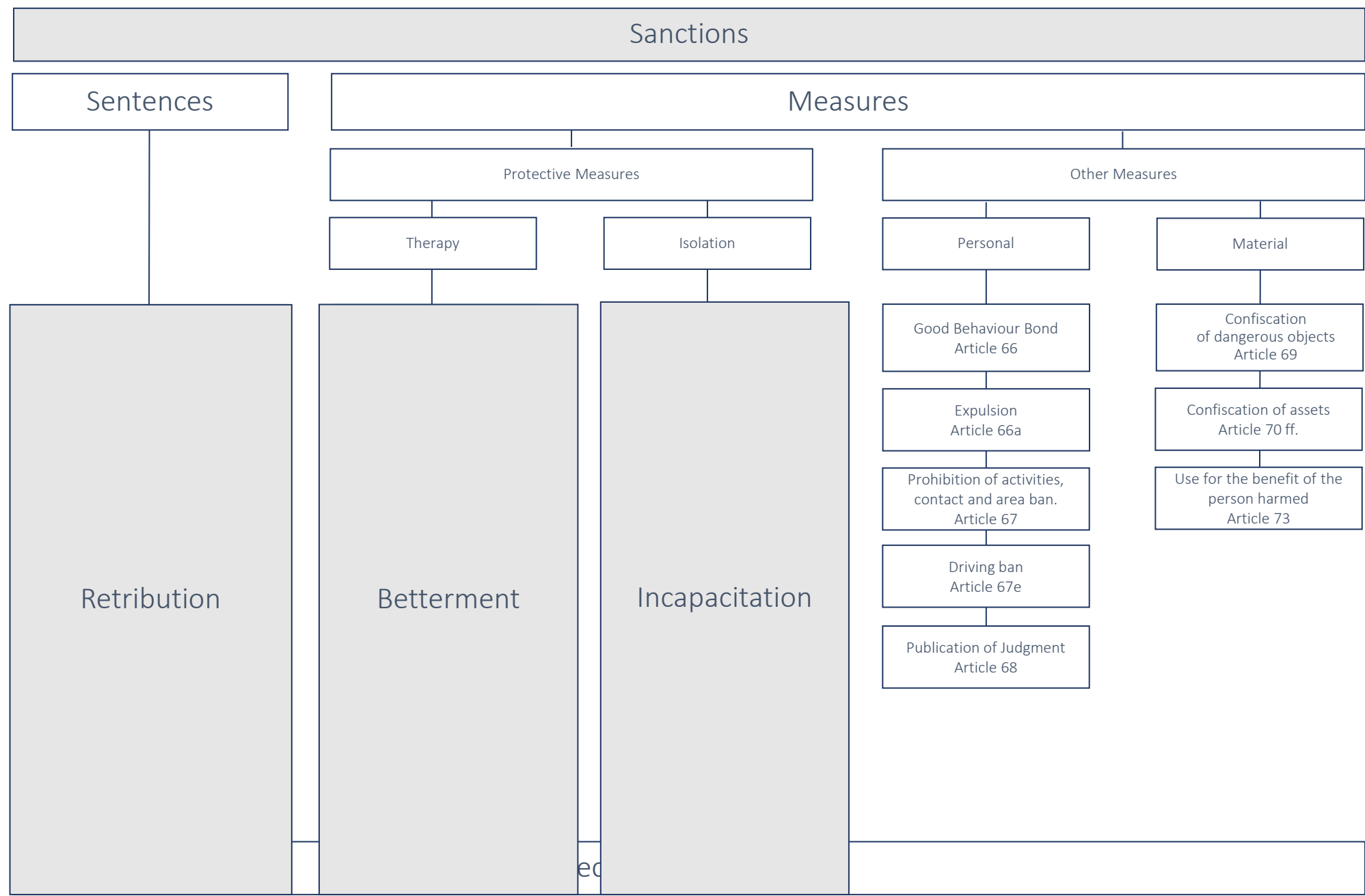
### *General prevention*

- Negative: Deterrence of the public
- Positive: Affirmation of the legal system





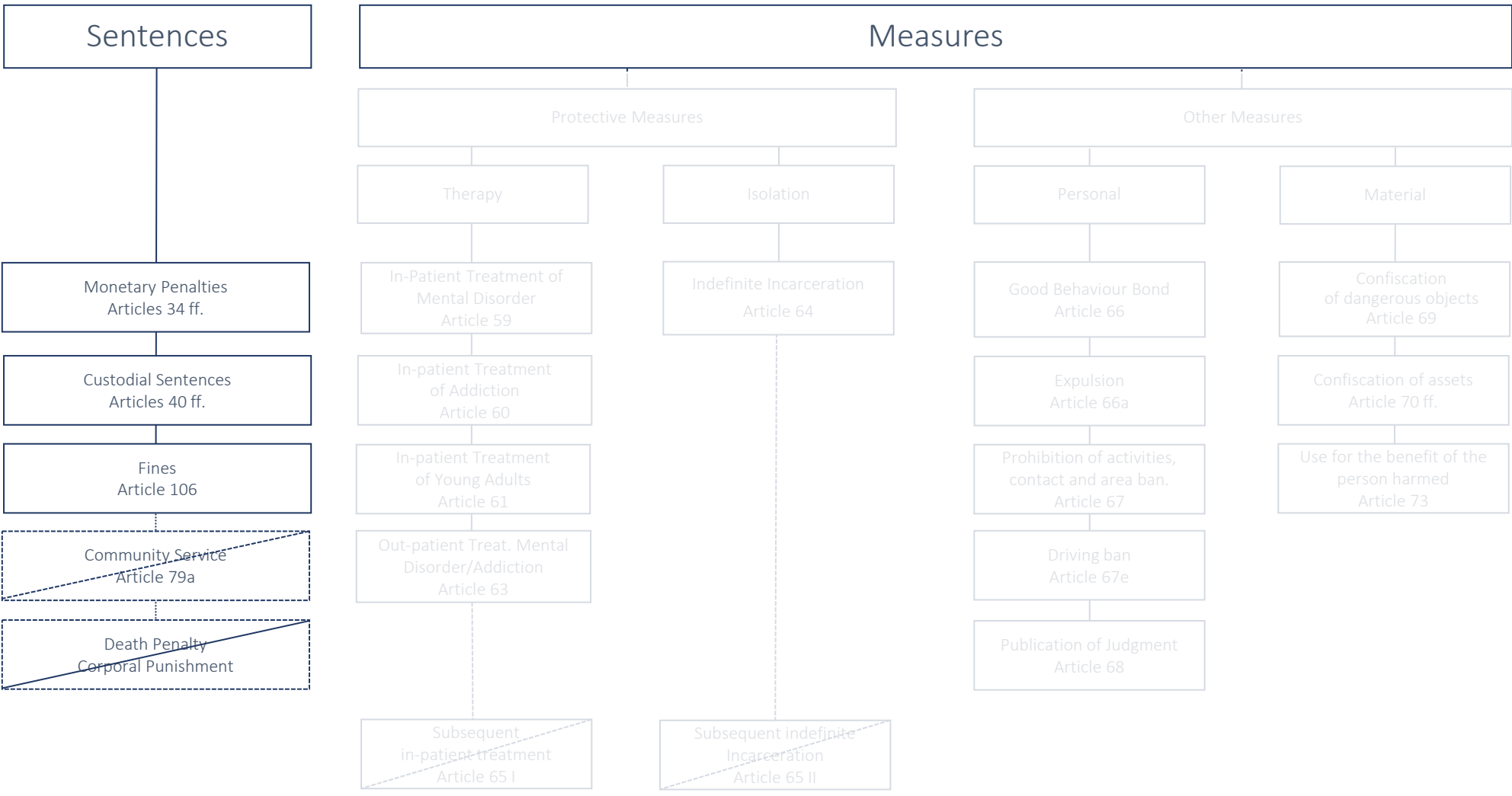
## Execution of Sanctions



# Criminal Law

1. Constitutional framework
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  - 3.1. Theories of punishment
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# Sanctions



## Execution of Sanctions

# Art. 10 – Felonies and misdemeanours

<sup>1</sup> In this Code, felonies are distinguished from misdemeanours according to the severity of the penalties that the offence carries.

<sup>2</sup> Felonies are offences that carry a custodial sentence of more than three years.

<sup>3</sup> Misdemeanours are offences that carry a custodial sentence not exceeding three years or a monetary penalty.



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# Art. 139 – Theft

1. Any person who, with the intention of securing an unlawful gain for themselves or another, appropriates moveable property belonging to another person with the object of permanently depriving the owner of it shall be liable to a **custodial sentence not exceeding five years or to a monetary penalty.**



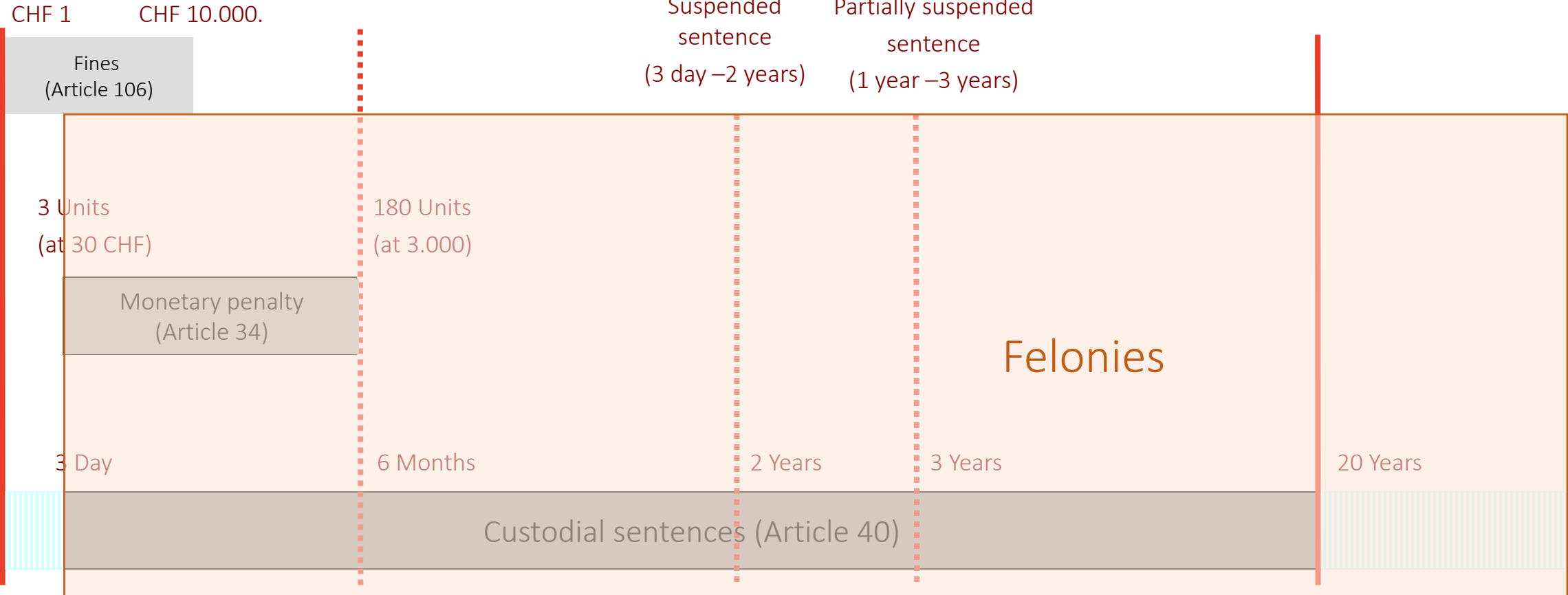
# Art. 112 – Murder

Where the offender acts in a particularly unscrupulous manner, in which the motive, the objective or the method of commission is particularly depraved, a **custodial sentence for life or a custodial sentence of not less than ten years shall be imposed.**



Former model and Miss Switzerland finalist 'pureed' in blender by husband - reports

# Sentences



# Art. 10 – Felonies and misdemeanours

<sup>1</sup> In this Code, felonies are distinguished from misdemeanours according to the severity of the penalties that the offence carries.

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The logo consists of the text 'StGB' in a large, bold, black serif font, with 'Schweizerisches' and 'Strafgesetzbuch' in a smaller, black sans-serif font below it. The text is centered within a white rounded rectangle, which is itself centered on a light gray background.

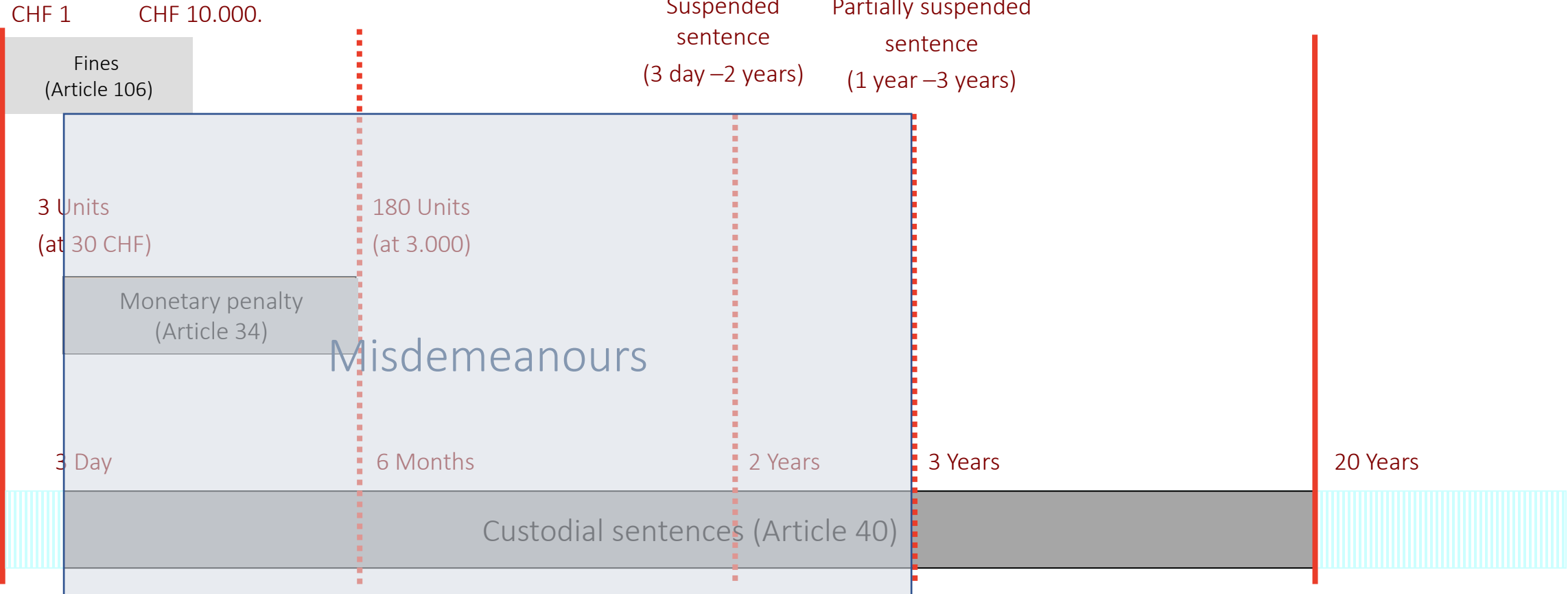
# Art. 144 – Damage to property

<sup>1</sup> Any person who damages, destroys or renders unusable property belonging to another or in respect of which another has a right of use shall be liable on complaint to a **custodial sentence not exceeding three years** or to a monetary penalty.



Pipilotti Rist

# Sentences



# Art. 103 – Contraventions

Contraventions are acts that are punishable by a **fine**.



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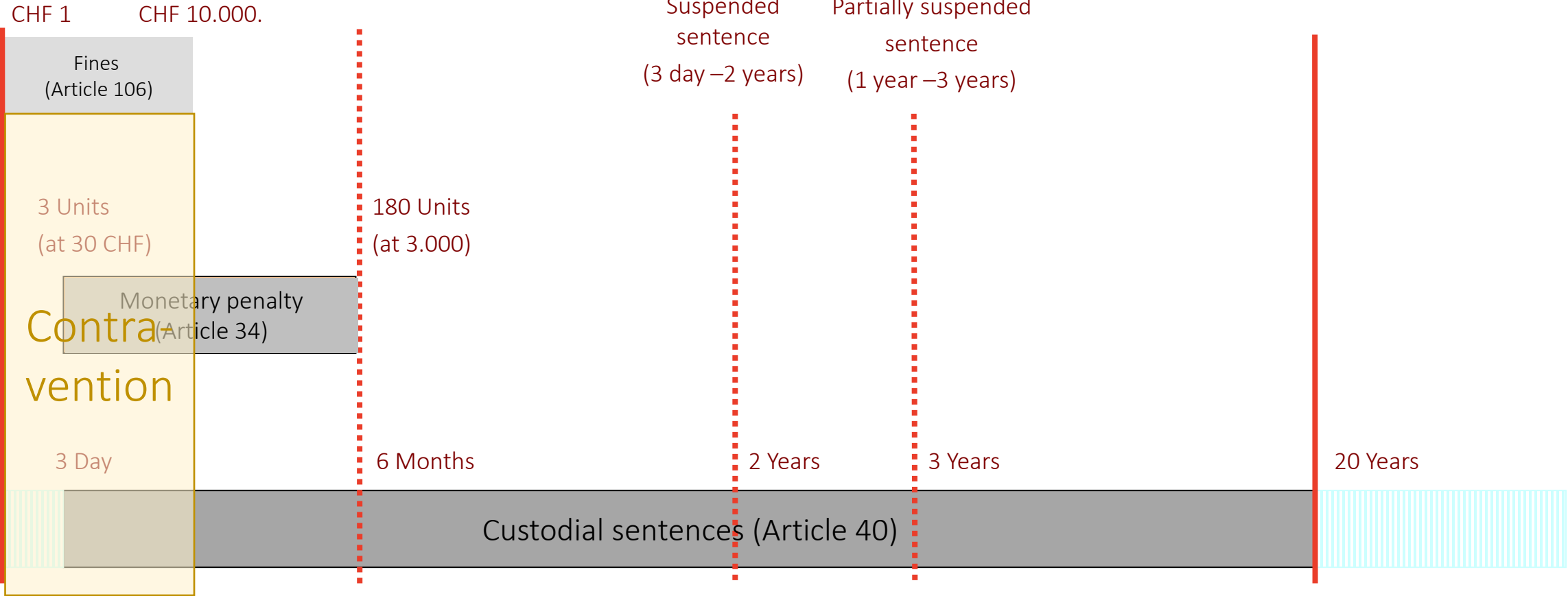
# Art. 126 – Acts of aggression

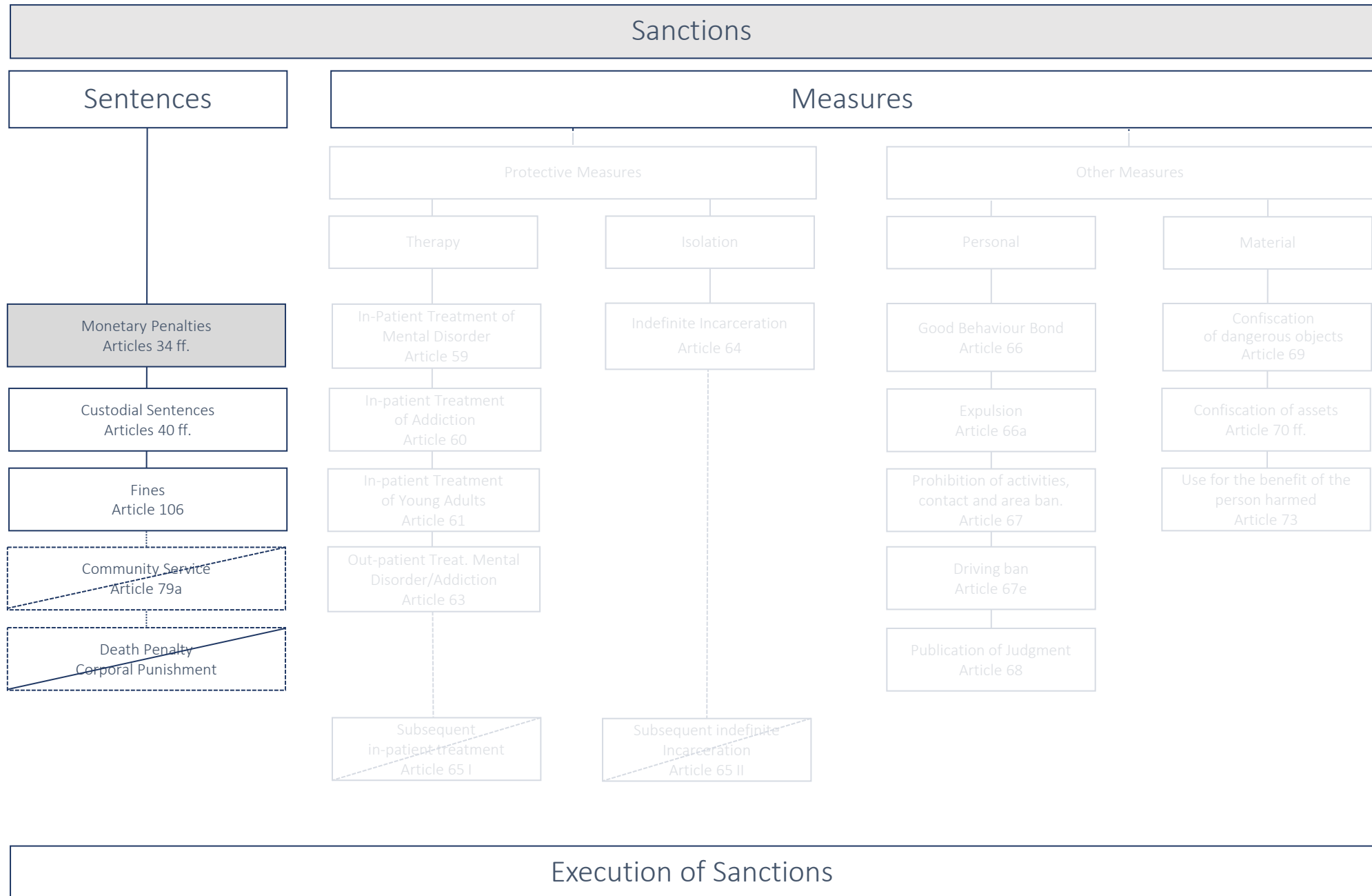
<sup>1</sup> Any person who commits acts of aggression against another that do not cause any injury to the person or health shall be liable on complaint to a fine.



Will Smith slaps Chris Rock

# Sentences





# Art. 34 – Monetary penalty

<sup>1</sup> [A] monetary penalty amounts to a minimum of three and a maximum of 180 daily penalty units. The court decides on the **number** according to the **guilt** of the offender.

<sup>2</sup> A daily penalty unit normally amounts to a minimum of 30 francs and a maximum of 3000 francs... It decides on the **amount** of the daily penalty unit according to the **personal and financial circumstances** of the offender...



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# Art. 34 – Monetary penalty

Number of penalty units  
(Guilt)

x

Amount of penalty units  
( Personal/financial circumstances)

=

Monetary penalty



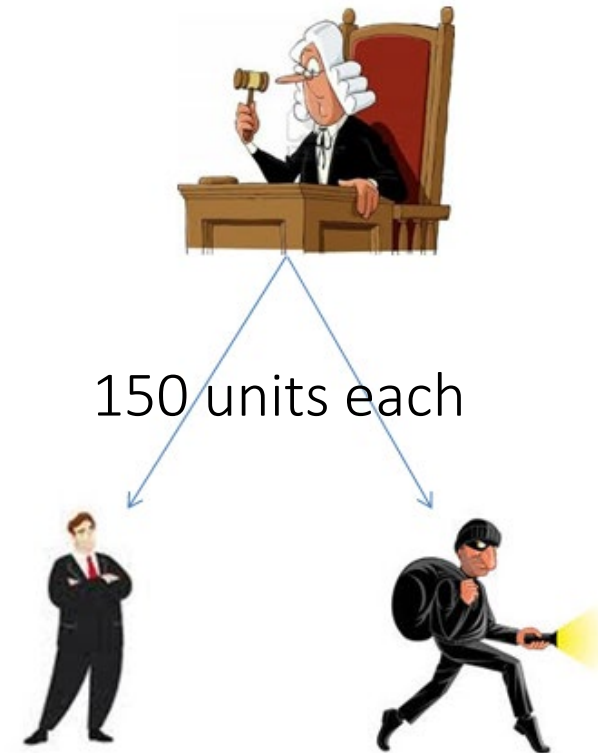
# Art. 34 – Monetary penalty

A businessman and watch enthusiast enlists a thief to break into an antique dealer's shop at night and 'procure' an expensive collector's piece.



# Art. 34 – Monetary penalty

The court decides on the **number** according to the guilt of the offender.



# Art. 34 – Monetary penalty

... It decides on the **amount** of the daily penalty unit according to the personal and financial circumstances of the offender...

KONFERENZ DER STRAFVERFOLGUNGSBEHÖRDEN DER SCHWEIZ CONFERENCE DES AUTORITES DE POURSUITE PENALE DE SUISSE CONFERENZA DELLE AUTORITA INQUIRENTI SVIZZERI			KSBS CAPS CAIS
<b>Berechnungsformular Tagessatz</b>			
(entsprechende Werte in grüne Felder einsetzen!)			
Berechnungskriterien	in %	Betrag	Resultat
Monateinkommen netto (nach Abzug von AHV/IV/EO/PK)		300.00	
Pauschalabzug (Krankenkasse, Steuern), je nach Einkommen 20 - 30%		0.00	300.00
<b>Unterstützungsabzüge:</b>			
Ehepartner (sofern nicht erwerbstätig) <b>15%</b>		0.00	
für 1. Kind: <b>15%</b>		0.00	
für 2. Kind: <b>12.5%</b>		0.00	
für 3. Kind (und weitere): <b>10%</b>		0.00	
<b>Zwischenresultat</b>			<b>300.00</b>
<b>ergibt Grundtagessatz (Wert / 30)</b>			<b>10.00</b>
Zusatzfaktoren als Korrektiv (absoluter Betrag zu Grund-TS; bei Verminderung mit "-" kennzeichnen)		Korrekturbetrag	Resultat
Vermögen			
Liegenschaft/en			
Lebensaufwand			
Schulden			
Ausbildungskosten			
weitere Faktoren (benennen)			
<b>Höhe des Tagessatzes (auf CHF 10 abgerundet)</b>		<b>10.00</b>	<b>10.00</b>
Berechnung	Anzahl TS	Höhe des TS	Resultat
<b>Geldstrafe</b>		<b>10.00</b>	<b>0.00</b>

Calculation of amount: BGE 134 IV 60.

Calculation: Form

# Art. 34 – Monetary penalty

Monthly salary: CHF 10,000

Married, wife in employment,  
one child together

Net assets: CHF 800,000 in shares.



Berechnungsformular Tagessatz			
(entsprechende Werte in grüne Felder einsetzen!)			
Berechnungskriterien	in %	Betrag	Resultat
<b>Monatseinkommen netto</b> (nach Abzug von AHV/IV/EO/PK)		10000.00	
<b>Pauschalabzug</b> (Krankenkasse, Steuern), je nach Einkommen 20 - 30%	25.00	2500.00	7500.00
<b>Unterstützungsabzüge:</b>			
Ehepartner (sofern nicht erwerbstätig) <b>15%</b>	0.00	0.00	
für 1. Kind; <b>15%</b>	15.00	1125.00	
für 2. Kind; <b>12.5 %</b>		0.00	
für 3. Kind (und weitere); <b>10 %</b>		0.00	
<b>Zwischenresultat</b>			6375.00
<b>ergibt Grundtagessatz</b> (Wert / 30)			<b>212.50</b>
<b>Zusatzfaktoren als Korrektiv</b> (absoluter Betrag zu Grund-TS; bei Verminderung mit "-" kennzeichnen)			
Vermögen		100	
Liegenschaft/en			
Lebensaufwand			
Schulden			
Ausbildungskosten			
weitere Faktoren (benennen)			
<b>Höhe des Tagessatzes (auf CHF 10 abgerundet)</b>		312.50	<b>310.00</b>
<b>Berechnung</b>			
	Anzahl TS	Höhe des TS	Resultat
<b>Geldstrafe</b>		310.00	<b>0.00</b>

# Art. 34 – Monetary penalty

Monthly salary: CHF 1,000

Divorced, receives CHF 1,000 in maintenance from his ex-wife; has three children with his current partner



## Berechnungsformular Tagessatz

(entsprechende Werte in grüne Felder einsetzen!)			
Berechnungskriterien	in %	Betrag	Resultat
<b>Monatseinkommen netto</b> (nach Abzug von AHV/IV/EO/PK)		2000.00	
<b>Pauschalabzug</b> (Krankenkasse, Steuern), je nach Einkommen 20 - 30%	25.00	500.00	1500.00
<b>Unterstützungsabzüge:</b>			
Ehepartner (sofern nicht erwerbstätig) <b>15%</b>	0.00	0.00	
für 1. Kind; <b>15%</b>	15.00	225.00	
für 2. Kind; <b>12.5 %</b>	12.50	187.50	
für 3. Kind (und weitere); <b>10 %</b>	10.00	150.00	
<b>Zwischenresultat</b>			<b>937.50</b>
<b>ergibt Grundtagessatz</b> (Wert / 30)			<b>31.25</b>
Zusatzfaktoren als Korrektiv		Korrekturbetrag	Resultat
(absoluter Betrag zu Grund-TS; bei Verminderung mit "-" kennzeichnen)			
Vermögen			
Liegenschaft/en			
Lebensaufwand			
Schulden			
Ausbildungskosten			
weitere Faktoren (benennen)			
<b>Höhe des Tagessatzes (auf CHF 10 abgerundet)</b>		31.25	<b>30.00</b>
Berechnung	Anzahl TS	Höhe des TS	Resultat
<b>Geldstrafe</b>		30.00	<b>0.00</b>

# Art. 34 – Monetary penalty



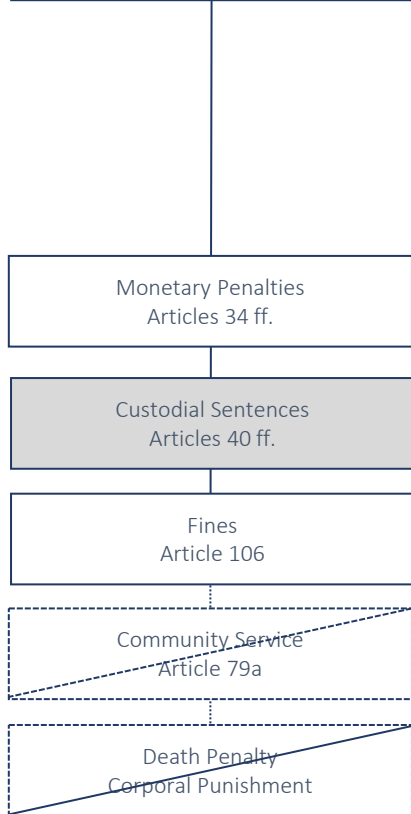
150 daily penalty units  
at CHF 310 each  
= CHF 46.500 monetary penalty



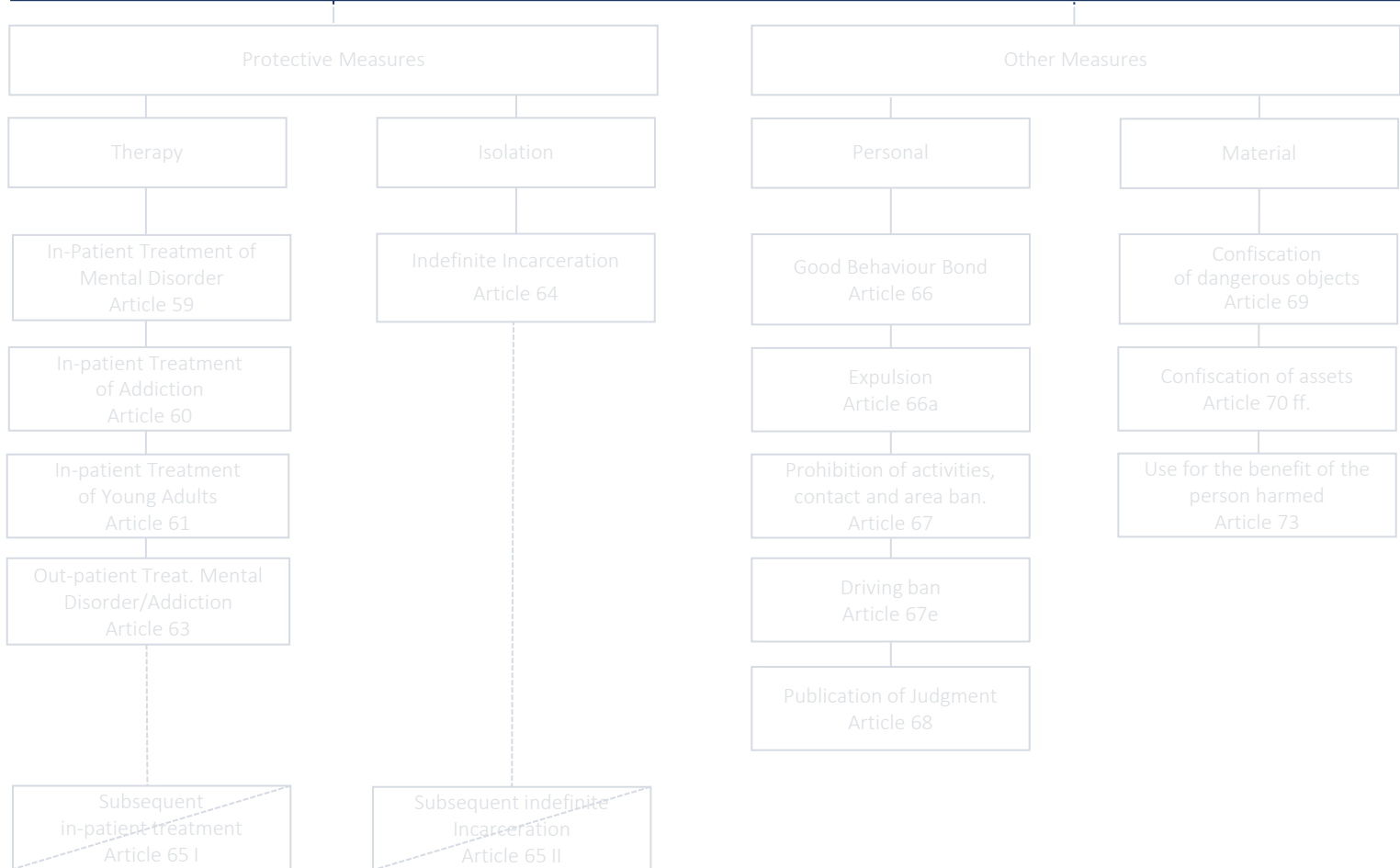
150 daily penalty units  
at CHF 30 each  
= CHF 4500 monetary penalty

# Sanctions

## Sentences



## Measures



## Execution of Sanctions

# Article 40 – Custodial Sentence

<sup>1</sup> The minimum term of a custodial sentence is three days...

<sup>2</sup> The maximum term of a custodial sentence is 20 years. Where the law expressly provides, the custodial sentence is for life



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# Article 86 – Parole

<sup>1</sup> When prison inmates have served two thirds of their sentence... they shall be released on parole... if this is justified by their conduct... and it is not expected that they will commit further felonies or misdemeanours.

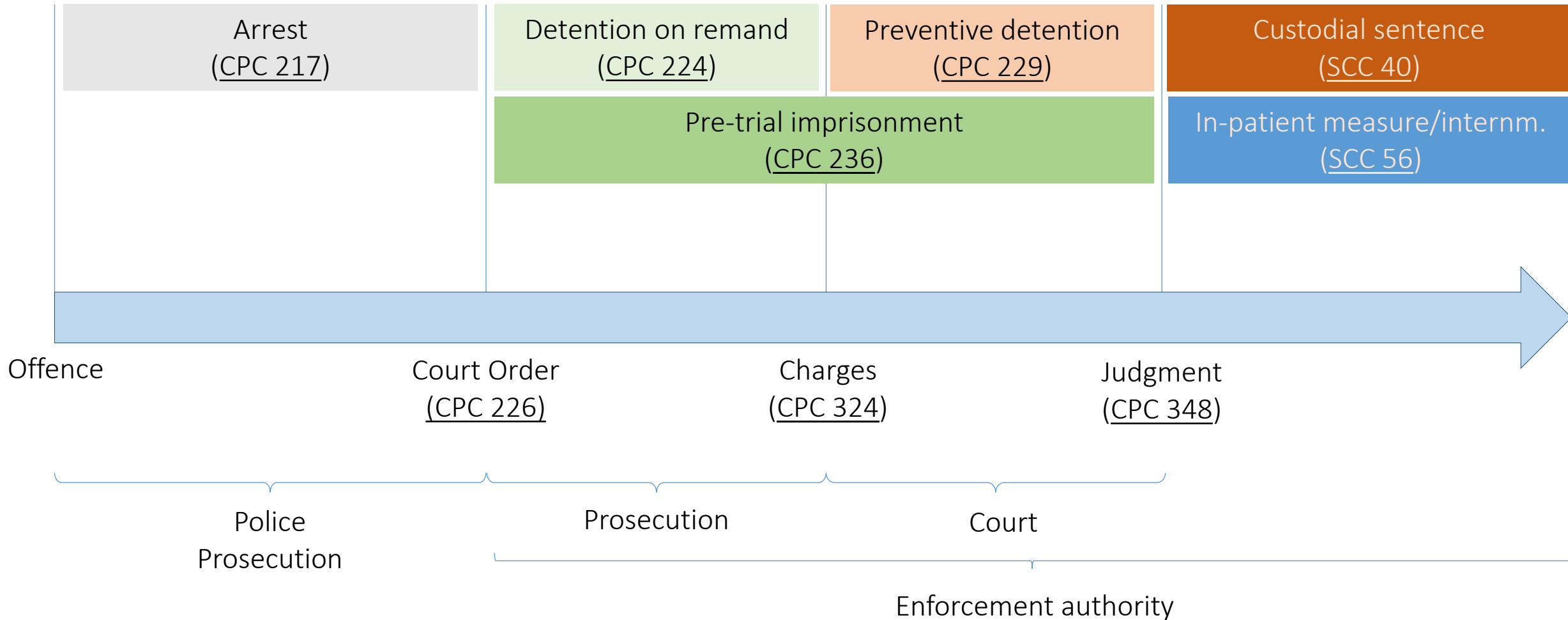
<sup>5</sup> In the case of persons serving a life sentence, parole... is possible at the earliest after 15 years...



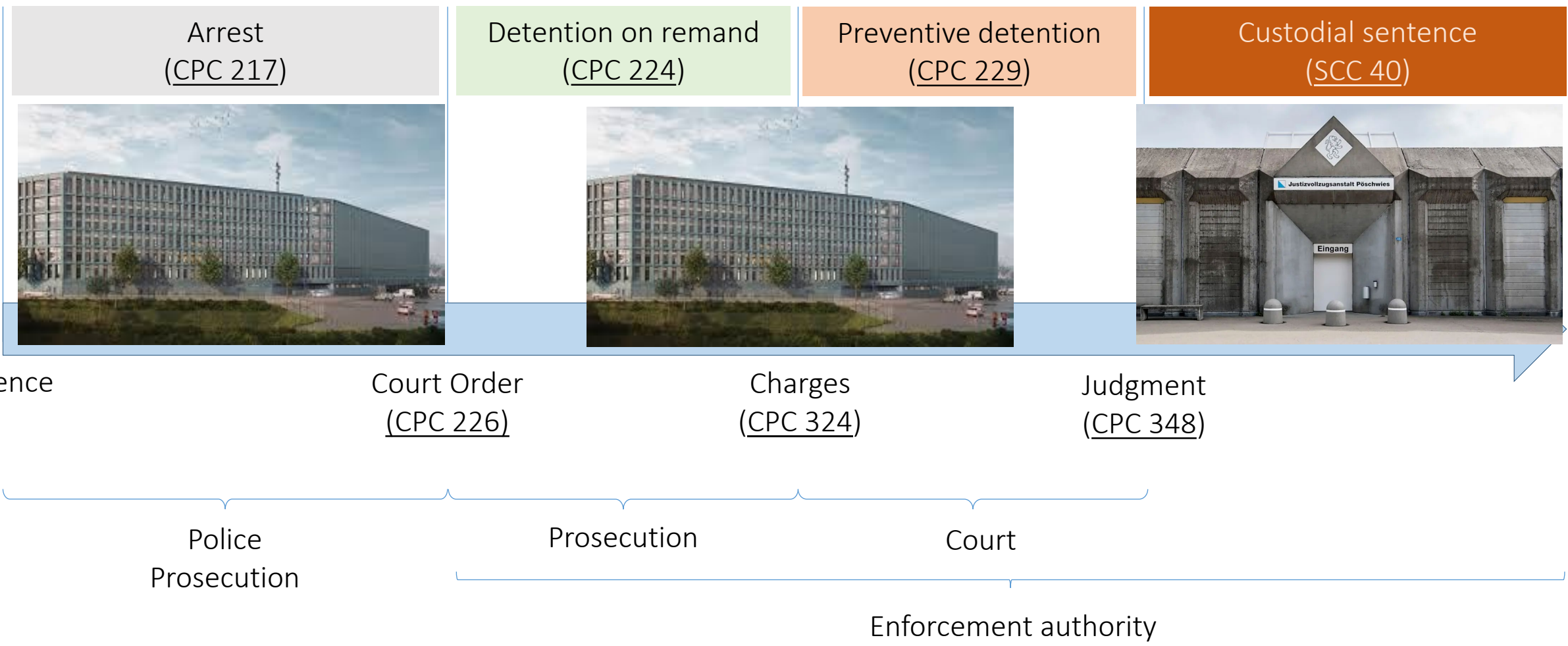
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# Imprisonment

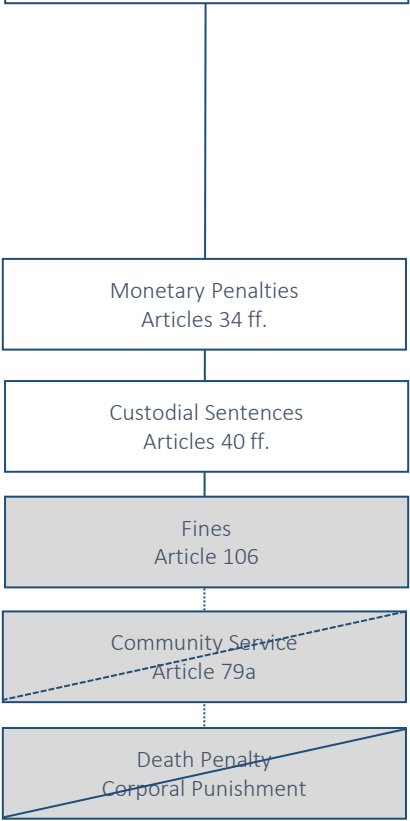


# Imprisonment



# Sanctions

## Sentences



## Measures



## Execution of Sanctions

# Article 106 – Fines

<sup>1</sup> [T]he maximum amount of a fine  
is 10.000 francs.



# Article 79a – Community service

<sup>1</sup> [T]he following sentences may be served in the form of community service:

- a. custodial sentence up to six months;
- b. ...
- c. monetary penalty or a fine.

<sup>3</sup> Community service is work that benefits social institutions, public works or persons in need. The work is unpaid



# Art. 10 BV – Right to life

<sup>1</sup> Every person has the right to life.  
The death penalty is prohibited.

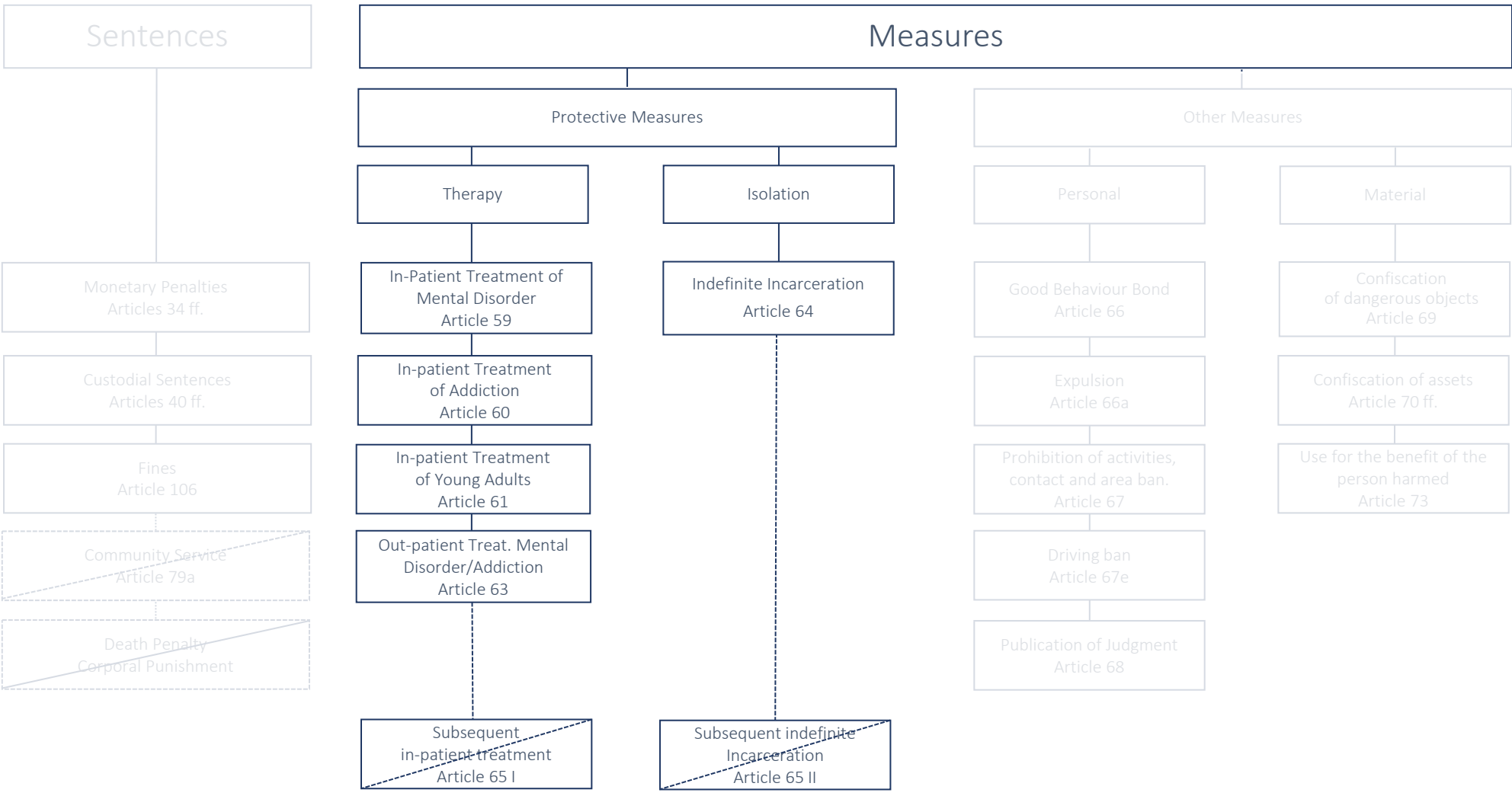


Hans Vollenweider (1908-1940)

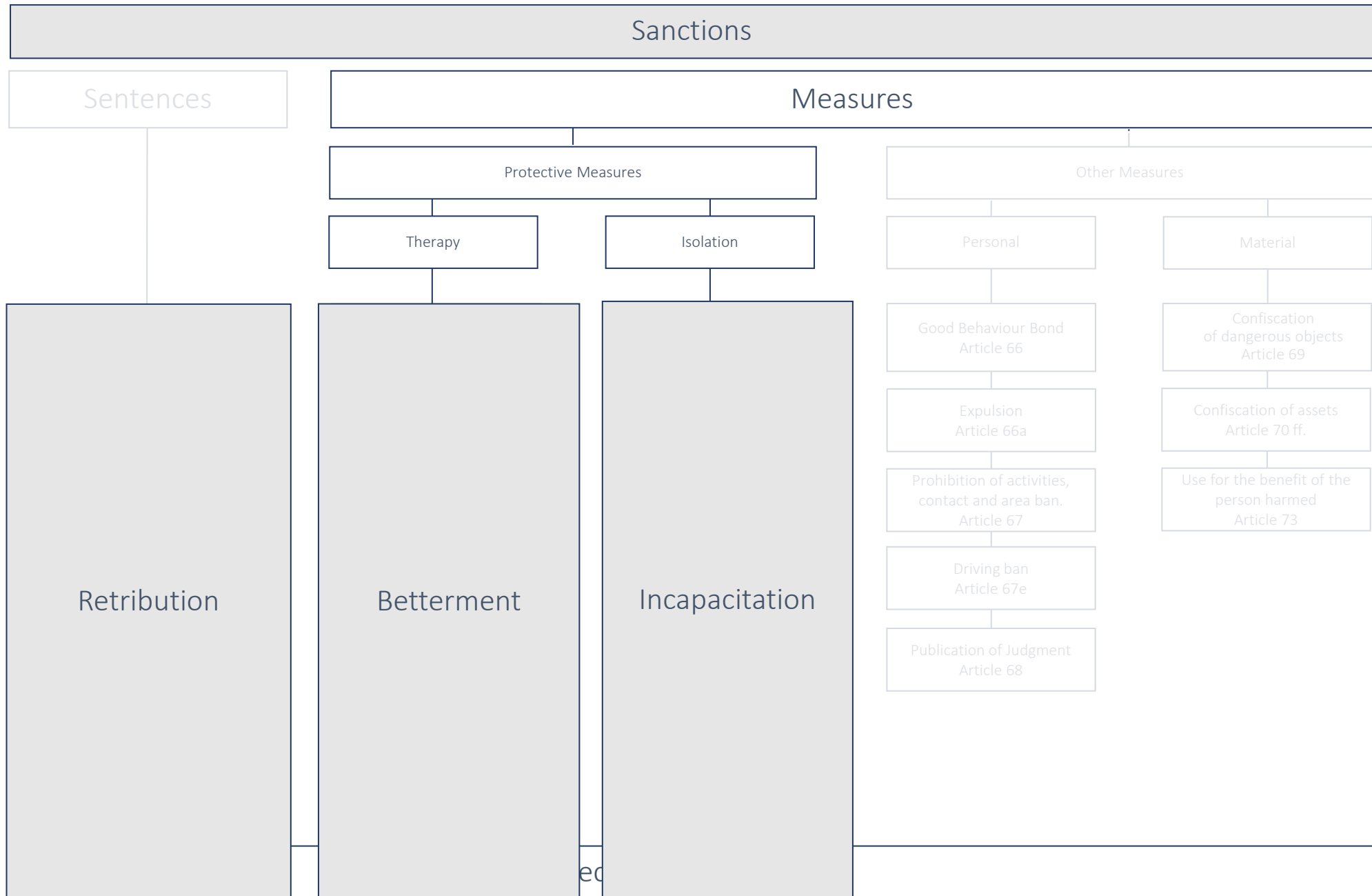
# Criminal Law

1. Constitutional framework
2. Criminal liability
3. Sanctions
  - 3.1. Theories of punishment
  - 3.2. Sentences
  - 3.3. Measures
4. Discussion

# Sanctions



## Execution of Sanctions



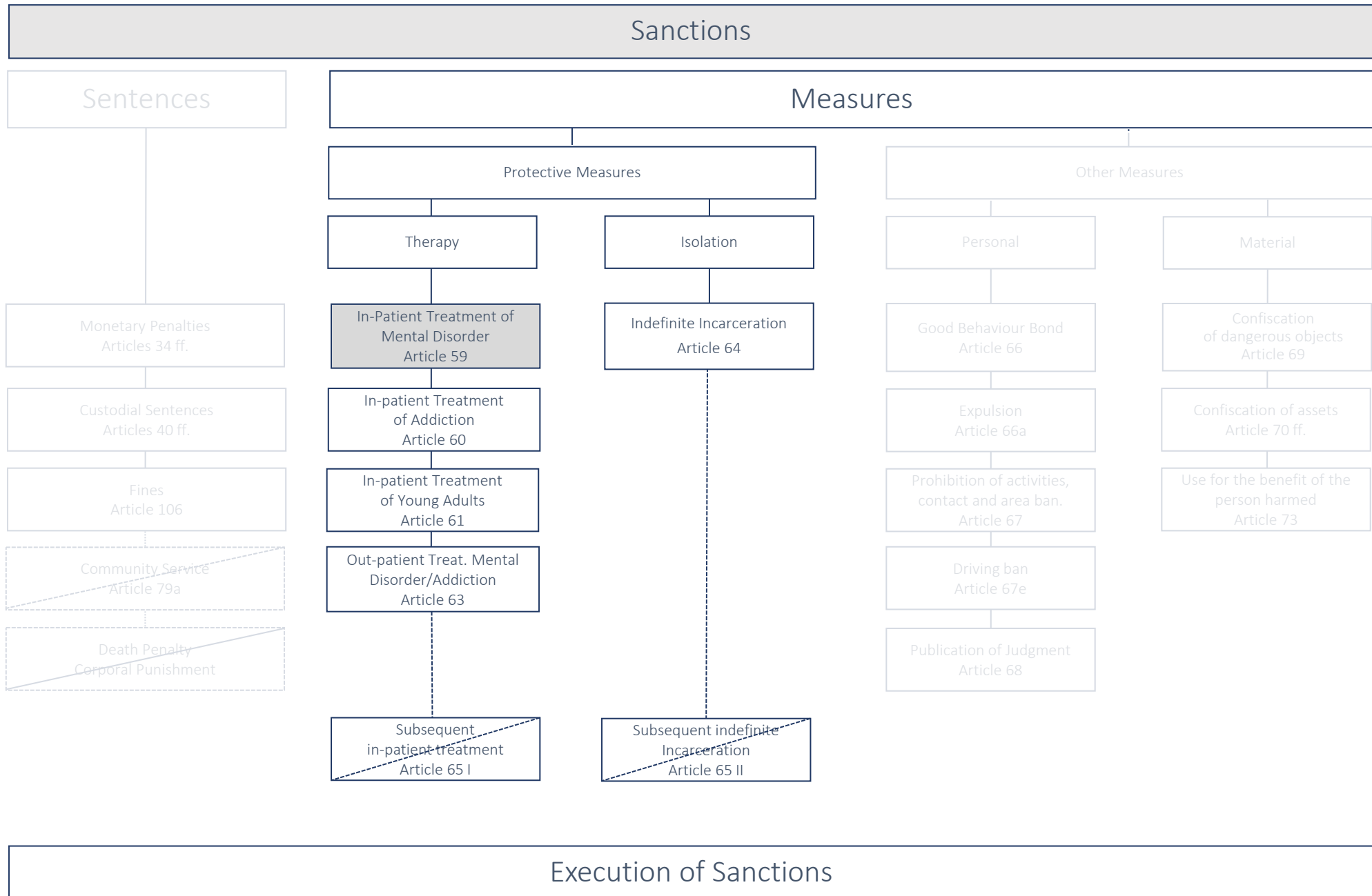
# Art. 56 – Measures/Principles

<sup>1</sup> A measure is ordered if:

- a. penalty alone is not sufficient to counter the risk of further offending by the offender;
- b. the offender requires treatment, or treatment is required in the interest of public safety...

The logo for the Swiss Criminal Code (StGB) is centered within a light gray rectangular background. It features the letters 'StGB' in a large, bold, black serif font. Below this, the words 'Schweizerisches' and 'Strafgesetzbuch' are written in a smaller, black, sans-serif font, stacked vertically.

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## Execution of Sanctions

# Article 59 – Treatment of mental disorder

<sup>1</sup> If the offender is suffering from a serious mental disorder, the court may order in-patient treatment if:

- a. the offender's mental disorder was a factor in a felony or misdemeanour that they committed; and
- b. it is expected that the measure will reduce the risk of further offences being committed



Duration: 5 years, unlimited renewals

# Article 59 – Treatment of mental disorder

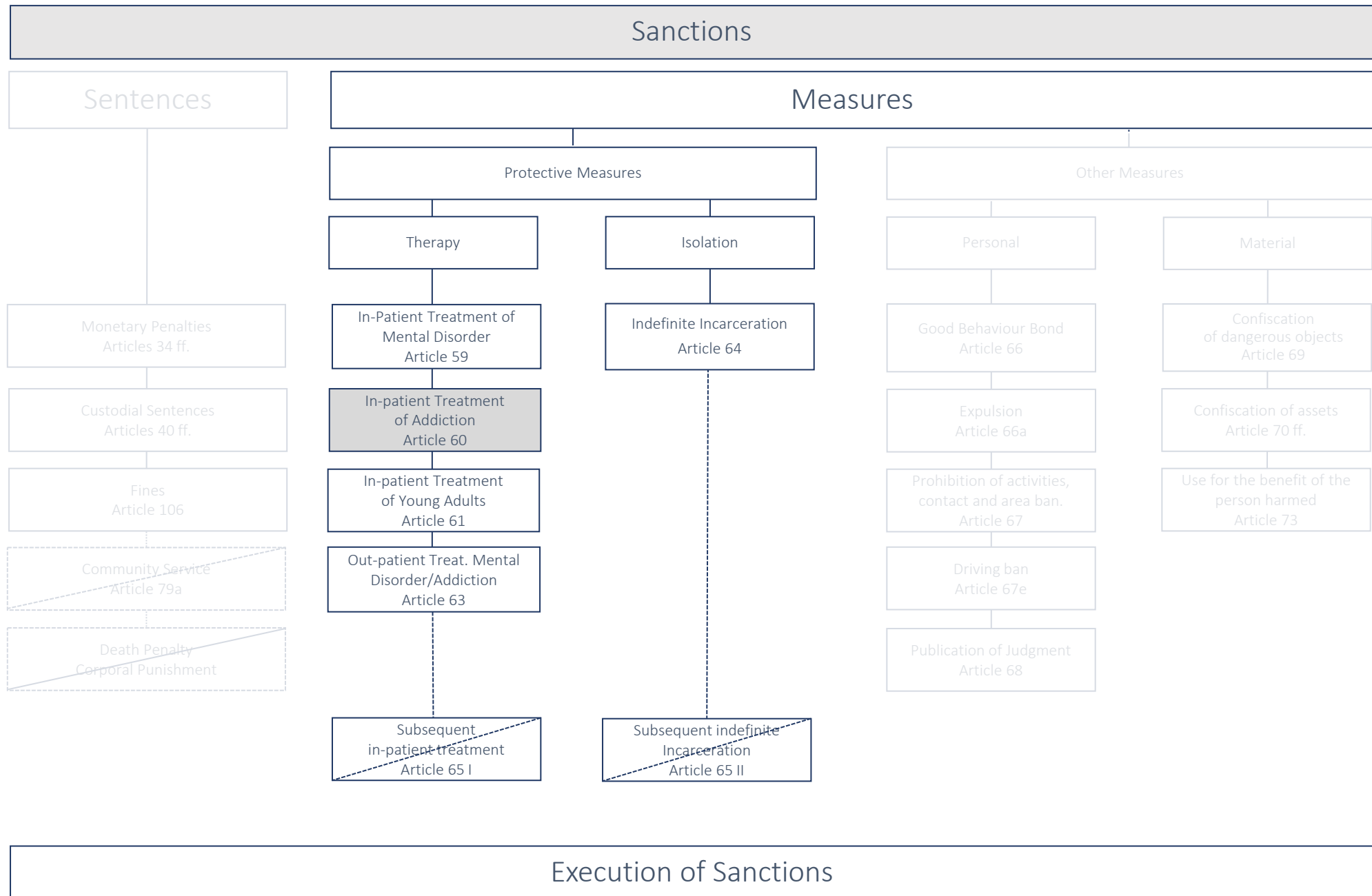
- 2006-2011, Daniel O. childcare worker within an evangelical church: Numerous acts of sexual abuse on children (Art. 187 SCC)
- He filmed the assaults and concealed hard drive inside a book titled "What the Bible Teaches Us".
- A psychiatric evaluation diagnosed a personality disorder



# Article 59 – Treatment of mental disorder

- The Zurich District Court sentences Daniel O. to 13 years of imprisonment and orders a therapeutic measure in a closed institution.
- The prison sentence is suspended in favour of the measure.
- The time served during the deprivation of liberty is to be credited.





## Execution of Sanctions

# Article 60 – Treatment of addiction

<sup>1</sup> If the offender is dependent on addictive substances...the court may order in-patient treatment if:

- a. the offender's dependence was a factor in the felony or misdemeanour that they committed; and
- b. it is expected that treatment will reduce the risk of further offences...



Duration: 3 +1 years, no renewals

# Article 60 – Treatment of addiction

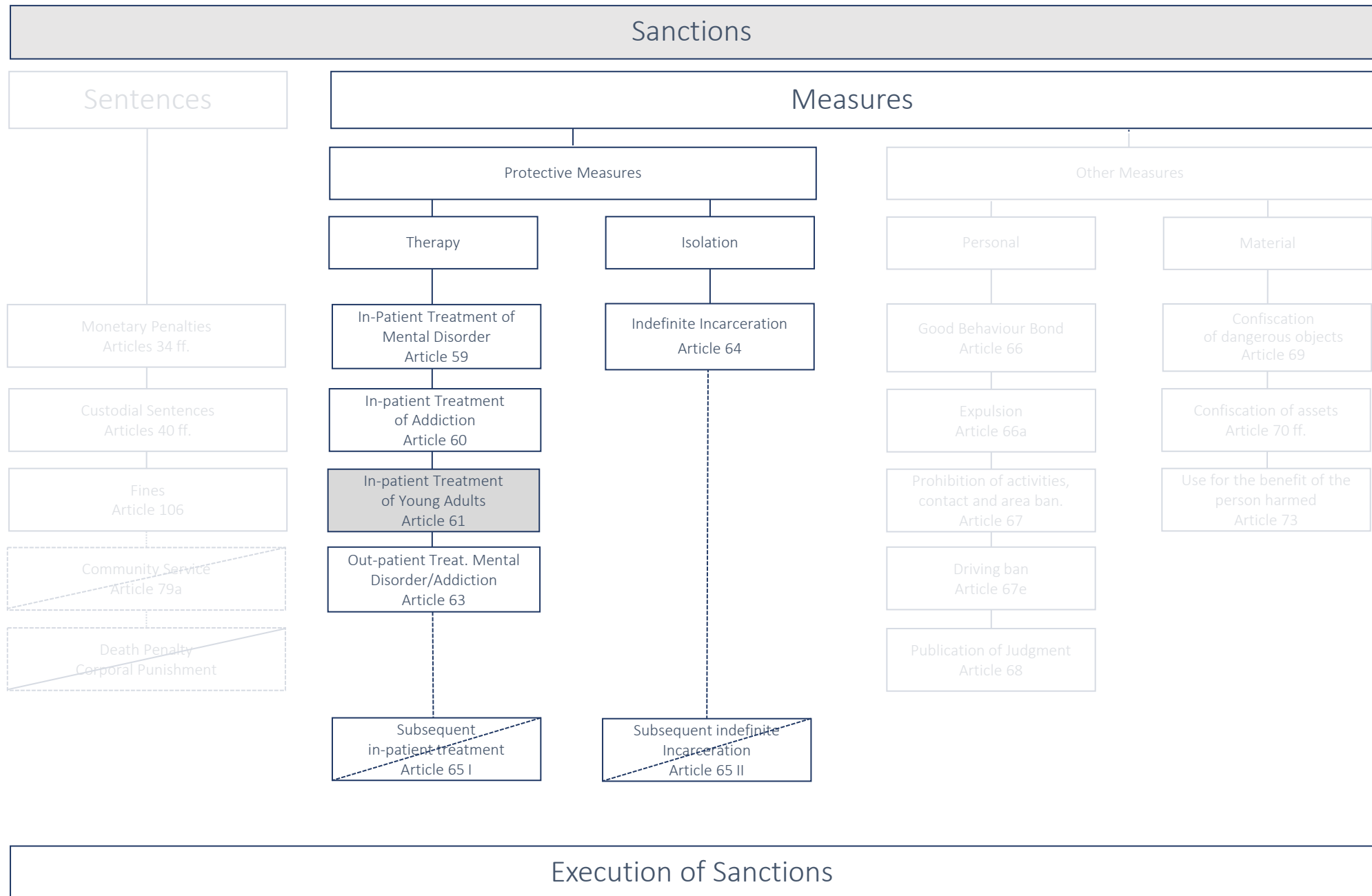
- 30 December 2014: Bennet V. (29) kills his childhood friend Alex M. in an extremely brutal manner.
- This was preceded by heavy use of ketamine and cocaine



Bennet V.

Alex M. (†)

BGE 147 IV 409; Blick - 13.3.2017



# Article 61 – Treatment of young adults

<sup>1</sup> If the offender was under 25 years of age at the time of the offence and if they are suffering from a serious developmental disorder, the court may commit them to an institution for young adults if:

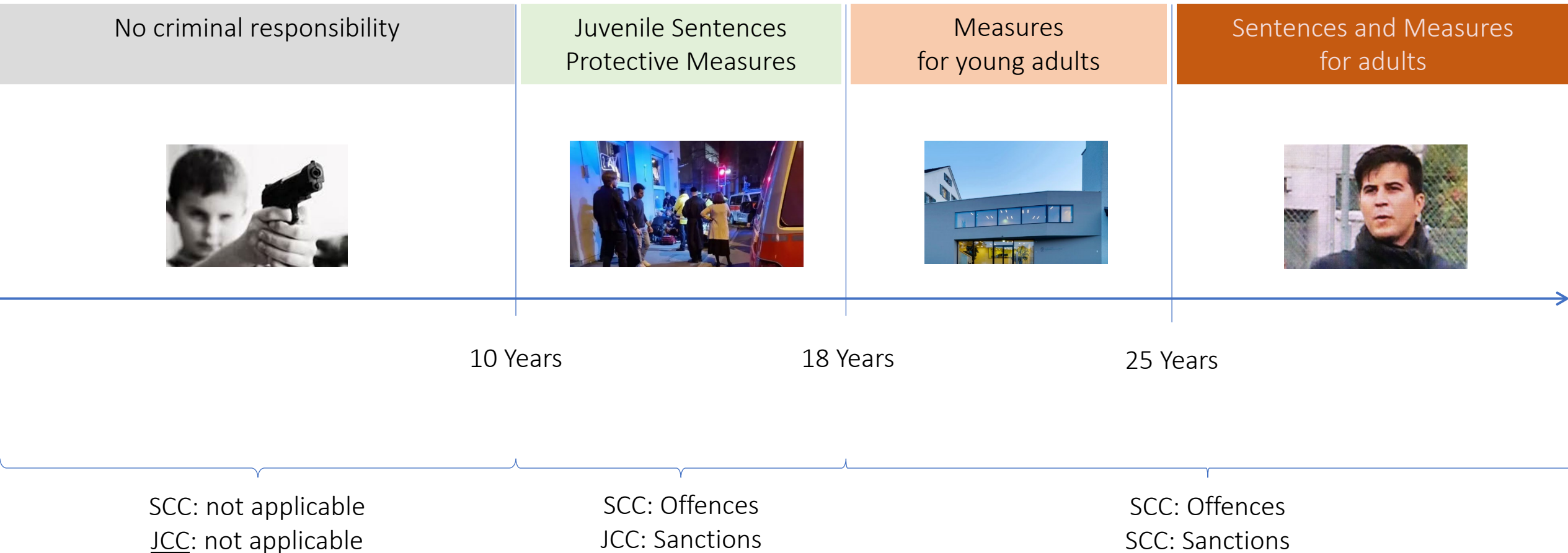
- a. the offender's developmental disorder was a factor in the felony or misdemeanour that they committed; and
- b. it is expected that the measure will reduce the risk of further offences



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Duration: 4 + 2 years, no renewals,  
ends at 30 years of age

# Personal scope of application



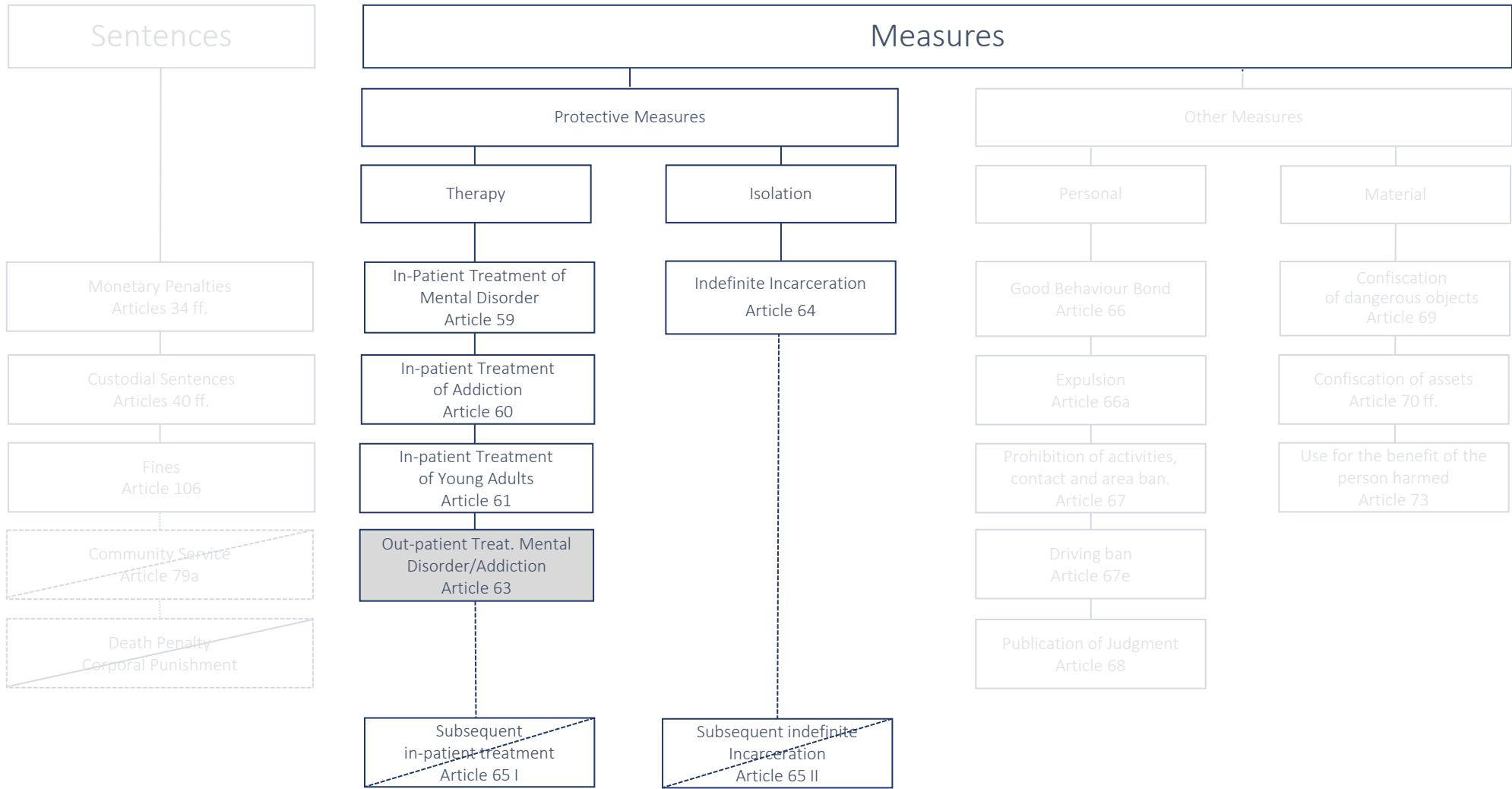
# Article 61 – Treatment of young adults

- Act: Daniel F. (20) breached a police blockade, critically injuring an officer.
- Defense Request: A 4-year sentence, suspended for measures for young adults (Art. 61 SCC).
- Verdict: The High Court: 16 years of imprisonment, suspended in favour of therapeutic measures for mental disorders (Art. 59 SCC).



[Blick.ch](https://www.blick.ch)

# Sanctions



## Execution of Sanctions

# Art. 63 – Out-patient treatment

<sup>1</sup> If the offender is suffering from a serious mental disorder or if they are dependent on addictive substances or in any other way, the court may order that they receive out-patient rather than in-patient treatment if

- a. the offender commits an offence in which their condition is a factor; and
- b. it is expected that the measure will reduce the risk of further offences



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Duration: 5 Years, indefinite renewals

# Art. 63 – Out-patient treatment

- X. systematically harassed, threatened, and intimidated his former girlfriend
- Conviction: deprivation of liberty, defamation, coercion
- Sanction: 24 months of imprisonment (sentence), Execution of the prison sentence was suspended in lieu of (SCC 63 II) the ordered out-patient treatment (measure).

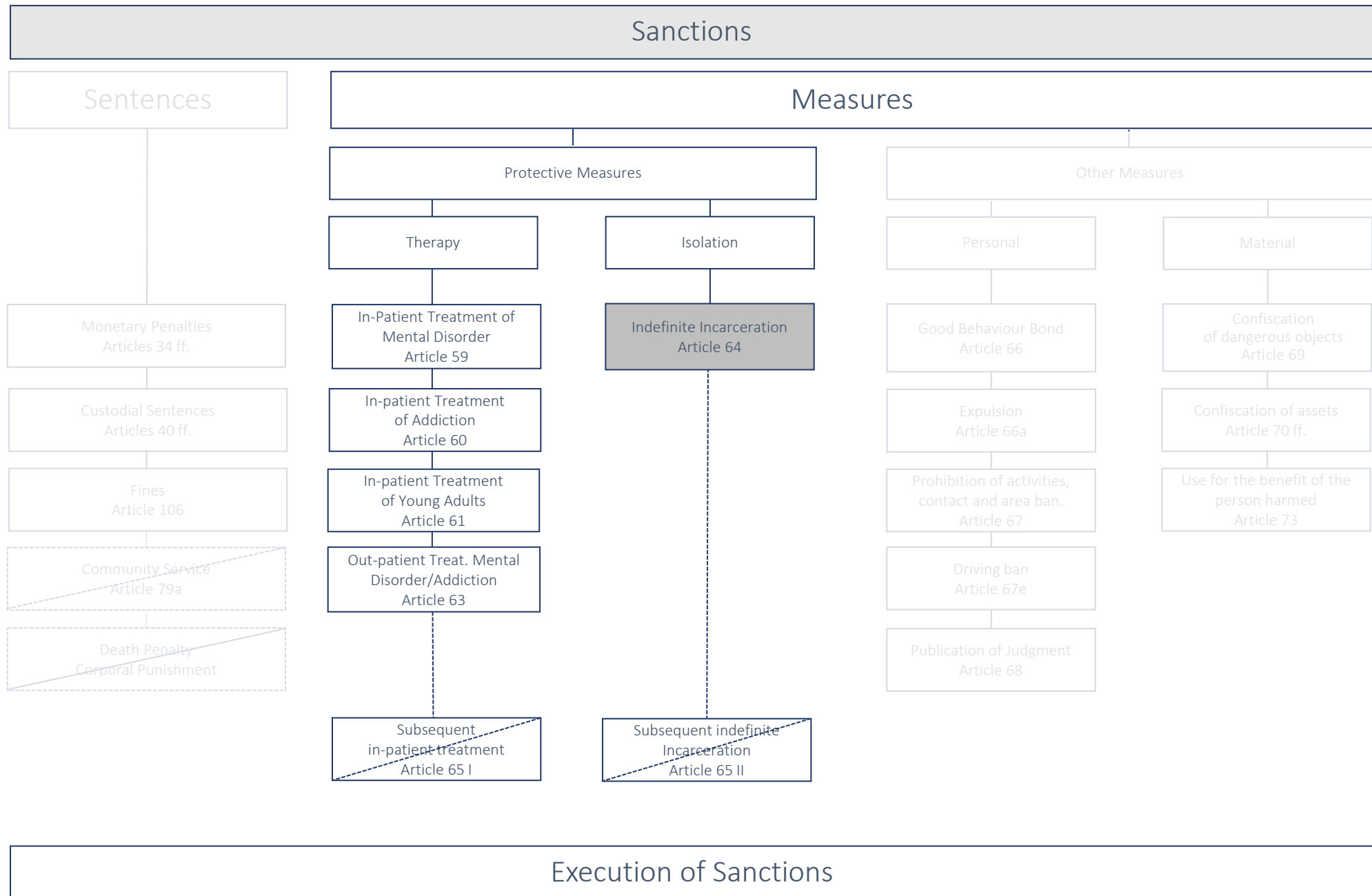


Stadt Zürich/Stalking

# Art. 63 – Out-patient treatment

- During prison sentence
- (After prison sentence)
- Instead of prison sentence





## Execution of Sanctions

# Art. 64 – Indefinite incarceration

<sup>1</sup> The court shall order indefinite incarceration if the offender has committed murder, rape, arson... if:

- a. due to the offender's personality traits and... the circumstances... or
- b. due to a permanent or long-term mental disorder..., it is seriously expected that the offender will commit further offences of the same type and the ordering of a measure (Article 59) does not promise any success.



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# Art. 64 – Indefinite incarceration

- March 21, 2019: A 75-year-old woman stabbed a 7-year-old schoolboy to death.
- «Hello dear all. I killed a child so that I could get my property back...».



baz

# Art. 64 – Indefinite incarceration

- She was acquitted of the charge of murder (Art. 112 SCC). No sentence was imposed as she lacked criminal responsibility due to a severe mental disorder.
- Since her disorder was deemed untreatable, the court ordered an indefinite incarceration.



1B 391/2019;

SRF – Verbrechen im Wahn

# Criminal Law

1. Constitutional framework
2. Criminal liability
3. Sanctions
4. Discussion

# Art. 64 – Indefinite incarceration

In December 2015, Thomas N. entered a home in Rapperswil by posing as a school psychologist and forced the mother to withdraw cash. After sexually abusing the younger son, he murdered all four victims by slitting their throats. He then set the house on fire to conceal the evidence before fleeing the scene.



# Art. 64 – Indefinite incarceration

Thomas N. was sentenced to life imprisonment and an indefinite incarceration was ordered due to his high risk of reoffending and lack of treatability.



Thomas Manhart: «Nonsense», watson

# Summary

1. Constitutional framework
2. Criminal liability
3. Sanctions
4. Discussion

# General – specific provisions

## General provisions/liability

- Intention/Negligence
- Inchoate offences: Attempts
- Participation: Incitement/Assistance
- Allowing harm: Omission
- Justification: Self-defence/Necessity



## Specific provisions/offences

- Homicide
- Assault
- Theft
- Coercion
- Rape



**Conviction**



# General – specific provisions

## General provisions sanctions

- Type of Sentence: monetary/custodial
- Determination of Sentence
- Suspension/Probation
- Massnahme



## Specific provisions: offences

- Homicide (> 5 years)
- Assault (< 3 Years)
- Theft (< 5 years)
- Coercion (< 3 Years)
- Rape (1-10 Years)

**== Sanction**



# Summary

1. Constitutional framework
2. Criminal liability
3. Sanctions
4. Discussion

# Criminal liability

- Article 111 - Intentional homicide
- Articles 11 – Homicide by omission
- Article 117 – Negligent homicide
- Articles 123 – Assault
- Article 312 – Abuse of authority

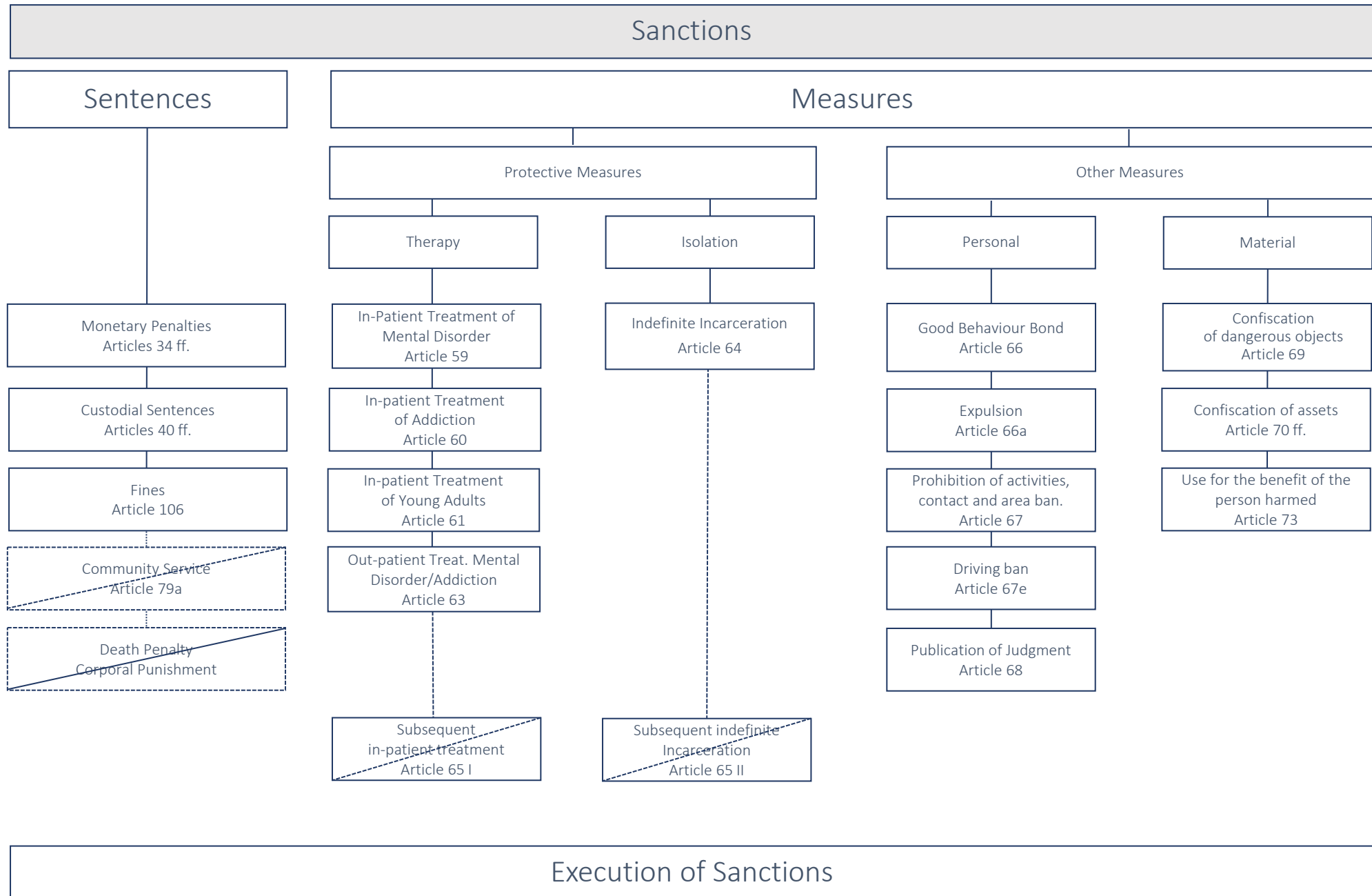


# Criminal liability

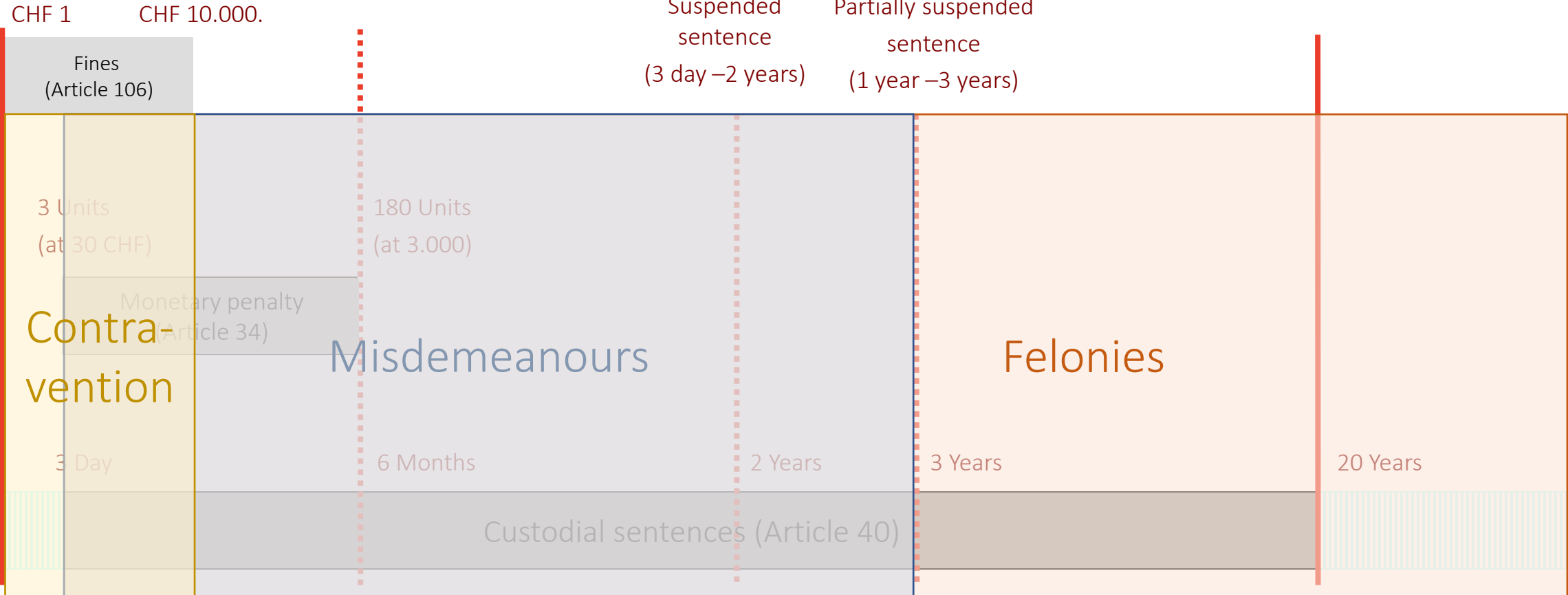
Elements of Crime	Objective elements <ul style="list-style-type: none"><li>– Actor</li><li>– Victim</li><li>– Object</li><li>– Act</li><li>– Result</li><li>– Causation</li></ul>	<ul style="list-style-type: none"><li>– Policeman X.</li><li>– Mike Ben Peter</li><li>– NA</li><li>– Forcing to the ground</li><li>– Death</li><li>– But for the pressing down of MBP, his death would not have occurred.</li></ul>
Unlawfulness	<ul style="list-style-type: none"><li>– Self-Defence</li><li>– Necessity</li><li>– Consent</li></ul>	<ul style="list-style-type: none"><li>– Policeman was not under attack</li><li>– Policeman was not in danger</li><li>– MBP did/could not consent</li></ul>
Culpability	<ul style="list-style-type: none"><li>– Criminal Responsibility</li><li>– Error of Law</li><li>– Unreasonableness</li></ul>	<ul style="list-style-type: none"><li>– X criminally responsible (understand/acting accordingly)</li><li>– X knew prohibition to kill, knew that no attack</li><li>– X. faced no threat to life.</li></ul>

# Summary

1. Constitutional framework
2. Criminal liability
3. Sanctions
4. Discussion

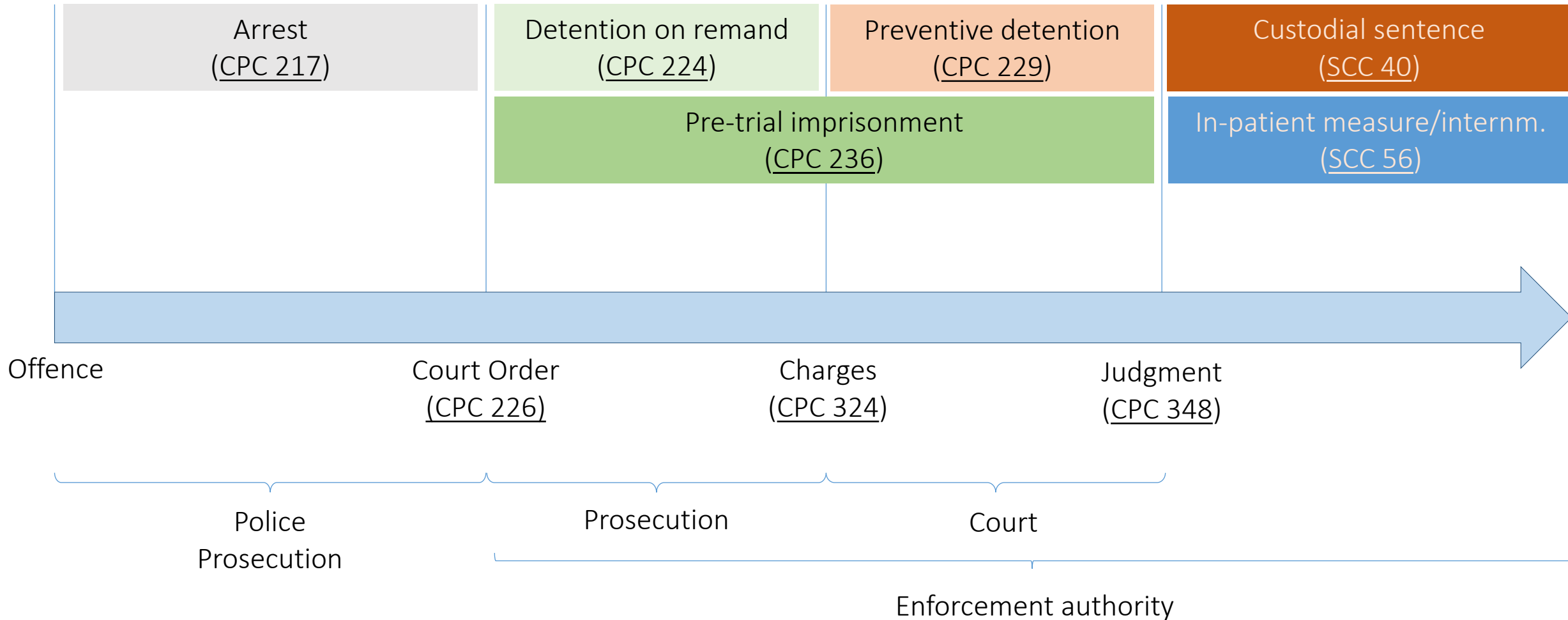


# Sentences





# Imprisonment





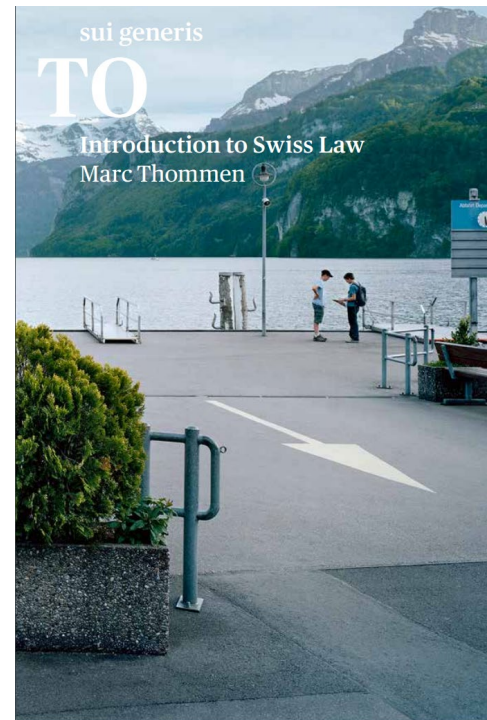
Do you think I'll be  
different when you're  
through?

# Introduction to Swiss Law

17 March 2026: Criminal Law,  
Introduction to Swiss Law, pp. 409 ff.

24 March 2026: Criminal Procedure,  
Introduction to Swiss Law, pp. 431 ff.

25 March 2026: Prison Zürich West



# Swiss Criminal Law

University of Lucerne