Universität Zürich[UZH]

Swiss Criminal Law

Marc Thommen


Pentobarbital-Natrium
Lösliches Pulver
Nur zuhanden des Arztes
Bei Raumtemperatur lichtgeschützt lagern

SRF

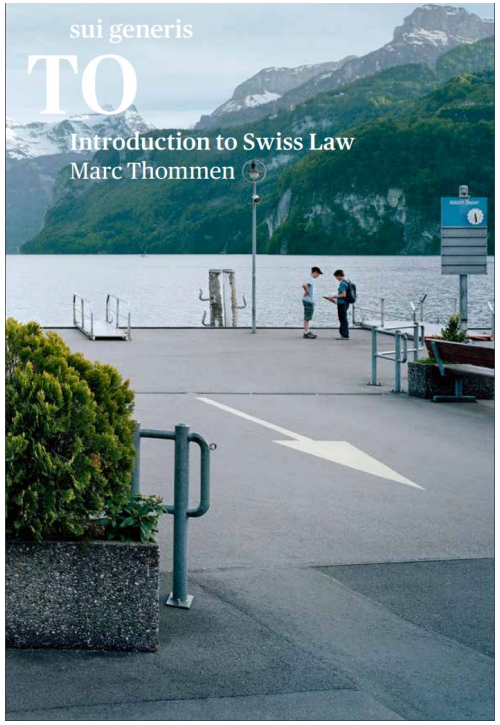
Introduction to Swiss Law

Date	Lecture	Lecturer
18/09/2026	Constitutional Law	Daniel Moeckli
25/09/2026	Administrative Law / Administrative Procedure	Florian Brunner
02/10/2026	Civil Procedure	Lorenz Droese
09/10/2026	Civil Law Principles, Family Law & Law of Persons	Elisabetta Fiocchi
16/10/2026	Contract and Tort Law	Tina Huber-Purtschert
23/10/2026	Corporate and Banking Law	David Bertrand Roth
30/10/2026	Legal History/History of International Law	Elisabetta Fiocchi
06/11/2026	Criminal Law	Marc Thommen
13/11/2026	Criminal Procedure	Marc Thommen
20/11/2026	Legal Philosophy & Legal Theory	Matthias Hächler
27/11/2026	Legal Sociology	Selina Scherrer
04/12/2026	Roman Law	Adrian Häusler
11/12/2026	Oral exam	Individual allocation

Introduction to Swiss Law

6 November 2026: Criminal Law,
Introduction to Swiss Law, pp. 409 ff.

13 November 2026: Criminal Procedure,
Introduction to Swiss Law, pp. 431 ff.



Criminal Law

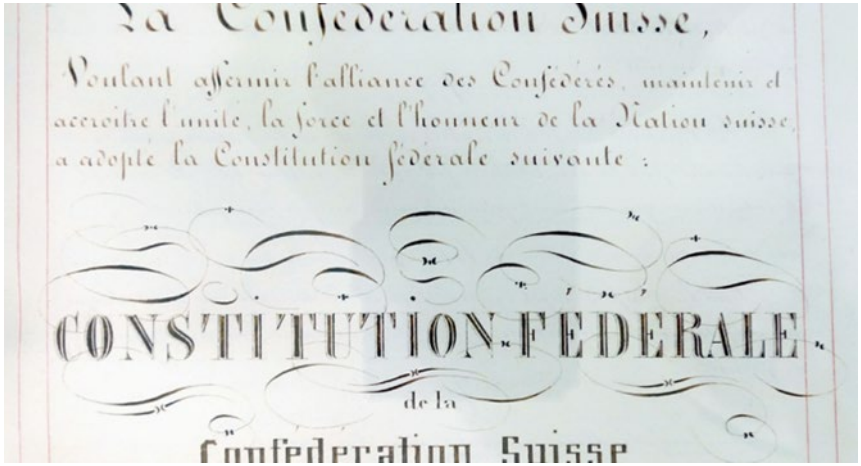
1. Constitutional framework
2. Criminal liability
3. Sanctions
4. Discussion

Art. 123 Cst. – Criminal law

[1] The Confederation is responsible for legislation in the field of criminal law and the law of criminal procedure.

[2] 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.

[3] The Confederation may issue regulations on the execution of penalties and measures.

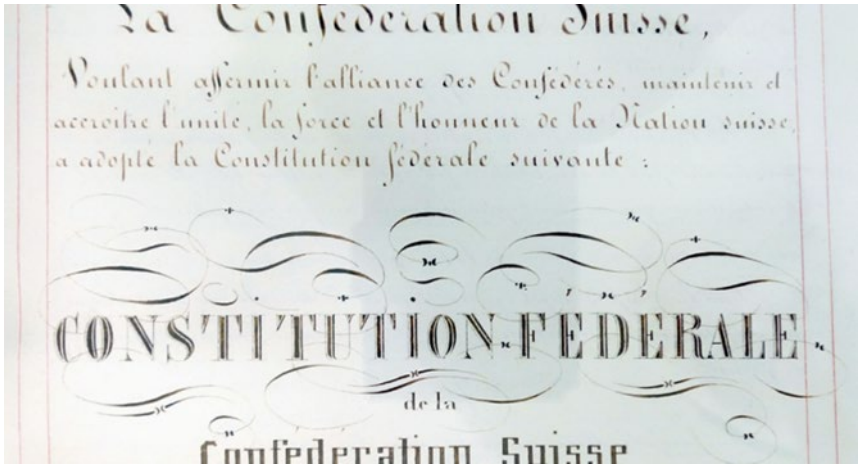


Art. 123 Cst. – Criminal law

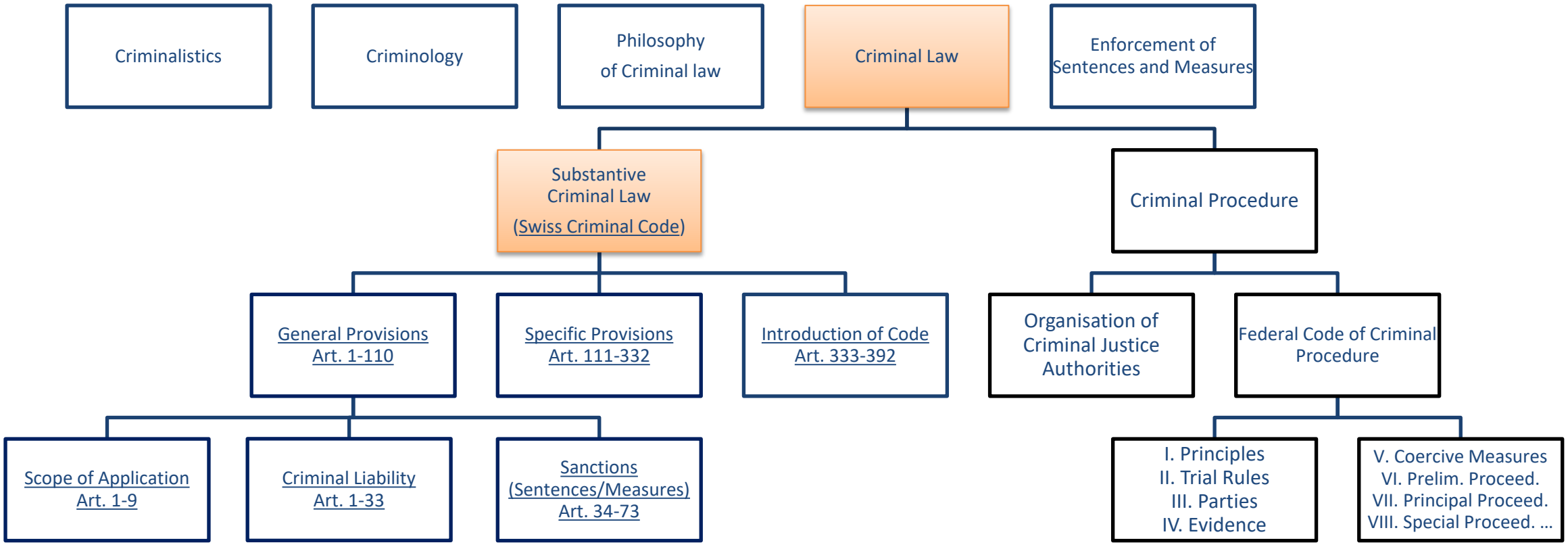
[1] The Confederation is responsible for legislation in the field of criminal law and the law of criminal procedure.

[2] 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.

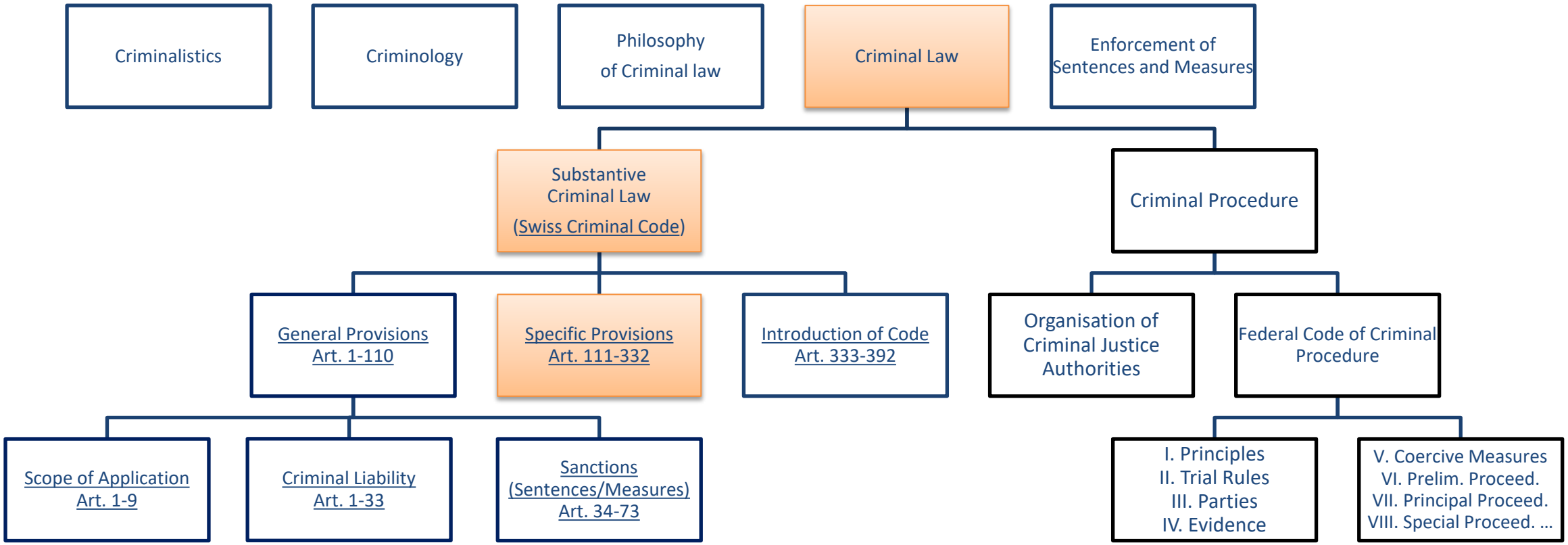
[3] The Confederation may issue regulations on the execution of penalties and measures.



Swiss Criminal Law



Swiss Criminal Law



Specific Provisions

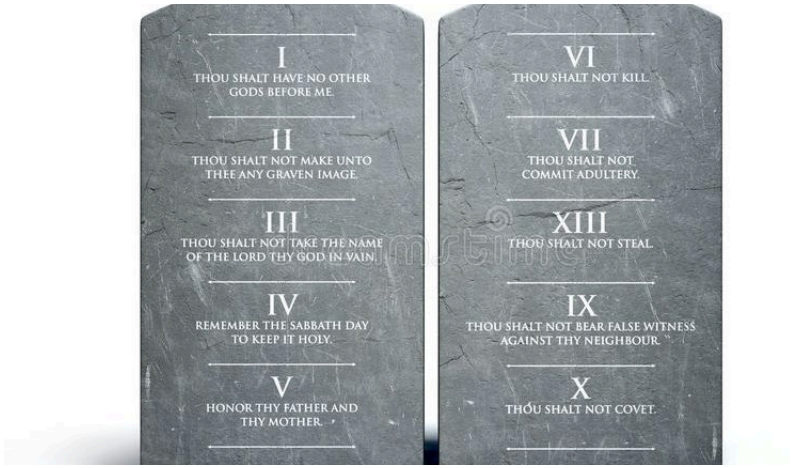
1. Book: General Provisions
   1. Title: Scope of Application (Art. 1-9)
   2. Title: Criminal liability (Art. 10-33)
   3. Title: Sentences/Measures (Art. 34-73)
   4. Title: Execution (Art. 74-92a)
2. **Book: Specific Provisions**
   1. Title: Life/Limb (Art. 111–136)
   2. Title: Property (Art. 137–172ter)
   3. Title: Honour/Privacy (Art. 173–179^{novies})
   4. Title: Liberty (Art. 180–186)
   5. Title: Sex. Integrity (Art. 187–200)



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

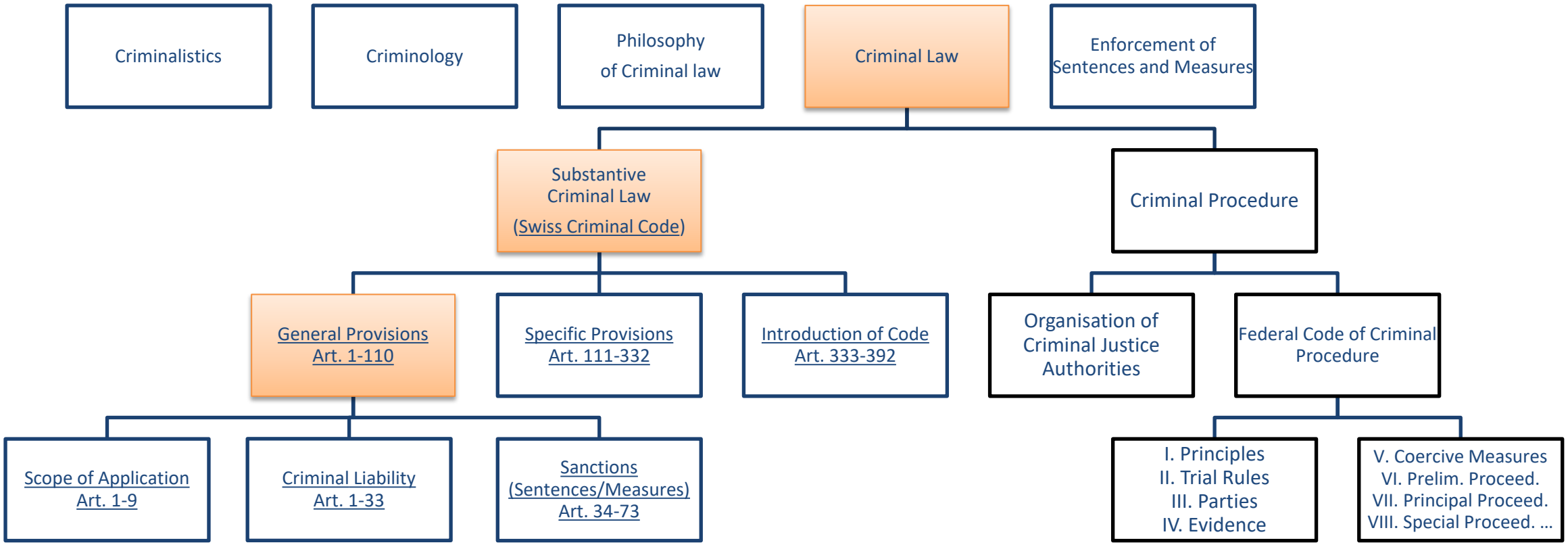
Any person who kills a person intentionally,

…shall be liable to a custodial sentence of not less than five years.

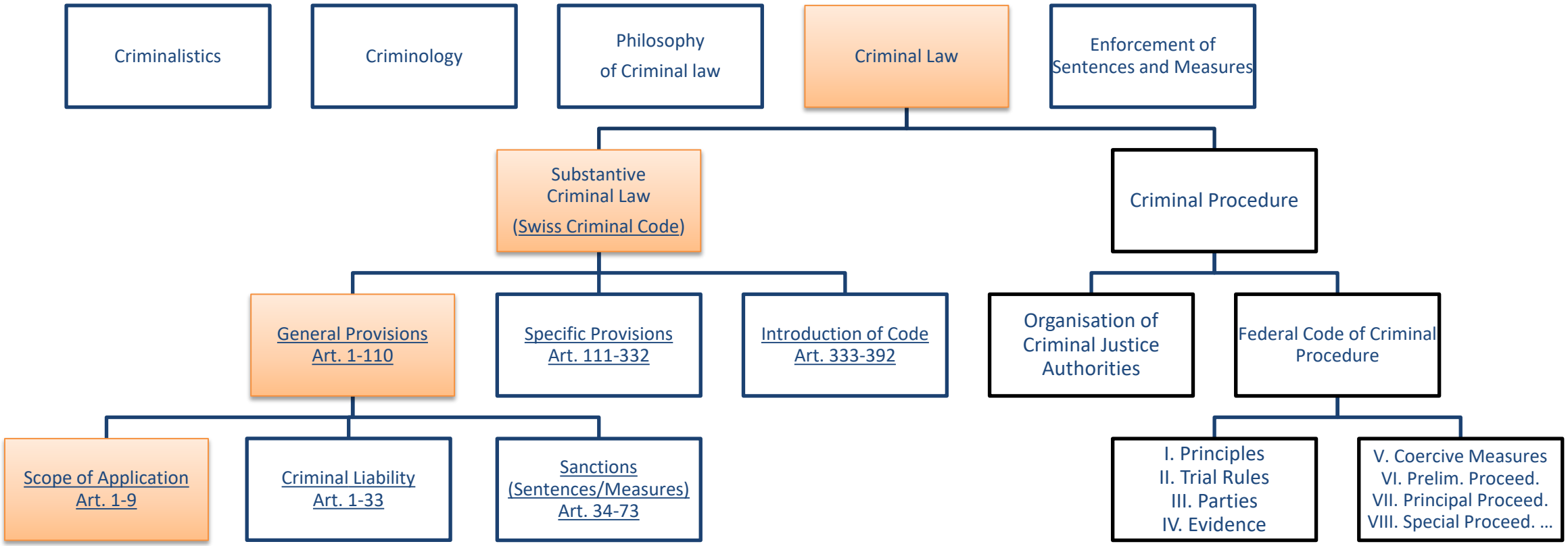
If: Requirements for criminal liability

Then: Legal consequences of the offence

Swiss Criminal Law



Swiss Criminal Law



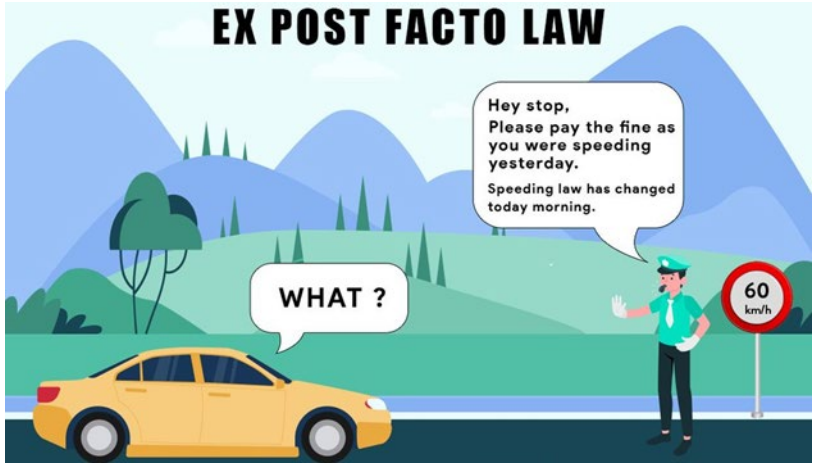
General Provisions

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
   1. Title: Life/Limb (Art. 111–136)
   2. Title: Property (Art. 137–172ter)
   3. Title: Honour/Privacy (Art. 173–179^{novies})
   4. Title: Liberty (Art. 180–186)
   5. Title: Sex. Integrity (Art. 187–200)

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

General 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**
   1. Title: Life/Limb (Art. 111–136)
   2. Title: Property (Art. 137–172ter)
   3. Title: Honour/Privacy (Art. 173–179^{novies})
   4. Title: Liberty (Art. 180–186)
   5. Title: Sex. Integrity (Art. 187–200)



Jurisdiction ratione temporis

General 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
   1. Title: Life/Limb (Art. 111–136)
   2. Title: Property (Art. 137–172ter)
   3. Title: Honour/Privacy (Art. 173–179novies)
   4. Title: Liberty (Art. 180–186)
   5. Title: Sex. Integrity (Art. 187–200)



Jurisdiction ratione loci

General 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**
   1. Title: Life/Limb (Art. 111–136)
   2. Title: Property (Art. 137–172ter)
   3. Title: Honour/Privacy (Art. 173–179^{novies})
   4. Title: Liberty (Art. 180–186)
   5. Title: Sex. Integrity (Art. 187–200)



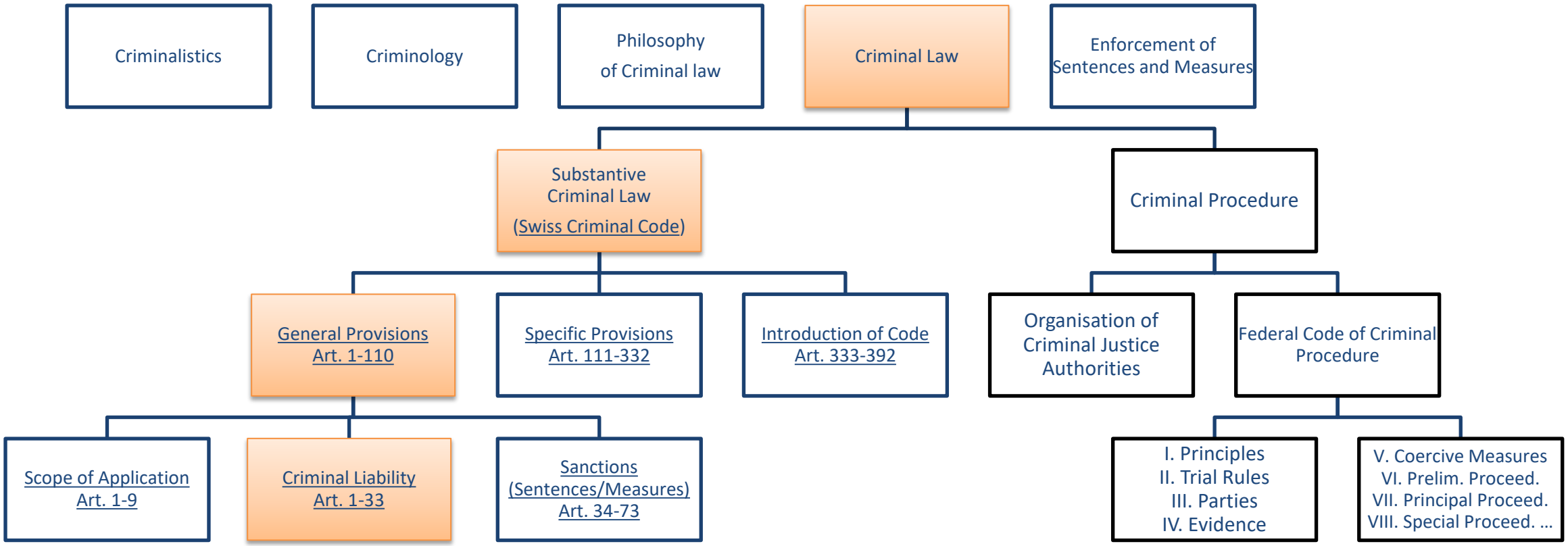
© Jan Geerk

Jurisdiction ratione personae

Personal scope of application

No criminal responsibility	Juvenile Sentences Protective Measures	Measures for young adults	Sentences and Measures for adults
			
10 Years	18 Years	25 Years	
SCC: not applicable JCC: not applicable	SCC: Offences JCC: Sanctions	SCC: Offences SCC: Sanctions	

Swiss Criminal Law



Universität Zürich[UZH]

General 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**
   1. Title: Life/Limb (Art. 111–136)
   2. Title: Property (Art. 137–172ter)
   3. Title: Honour/Privacy (Art. 173–179^{novies})
   4. Title: Liberty (Art. 180–186)
   5. Title: Sex. Integrity (Art. 187–200)

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

General Provisions

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



General – specific provisions

General provisions/liability

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

×

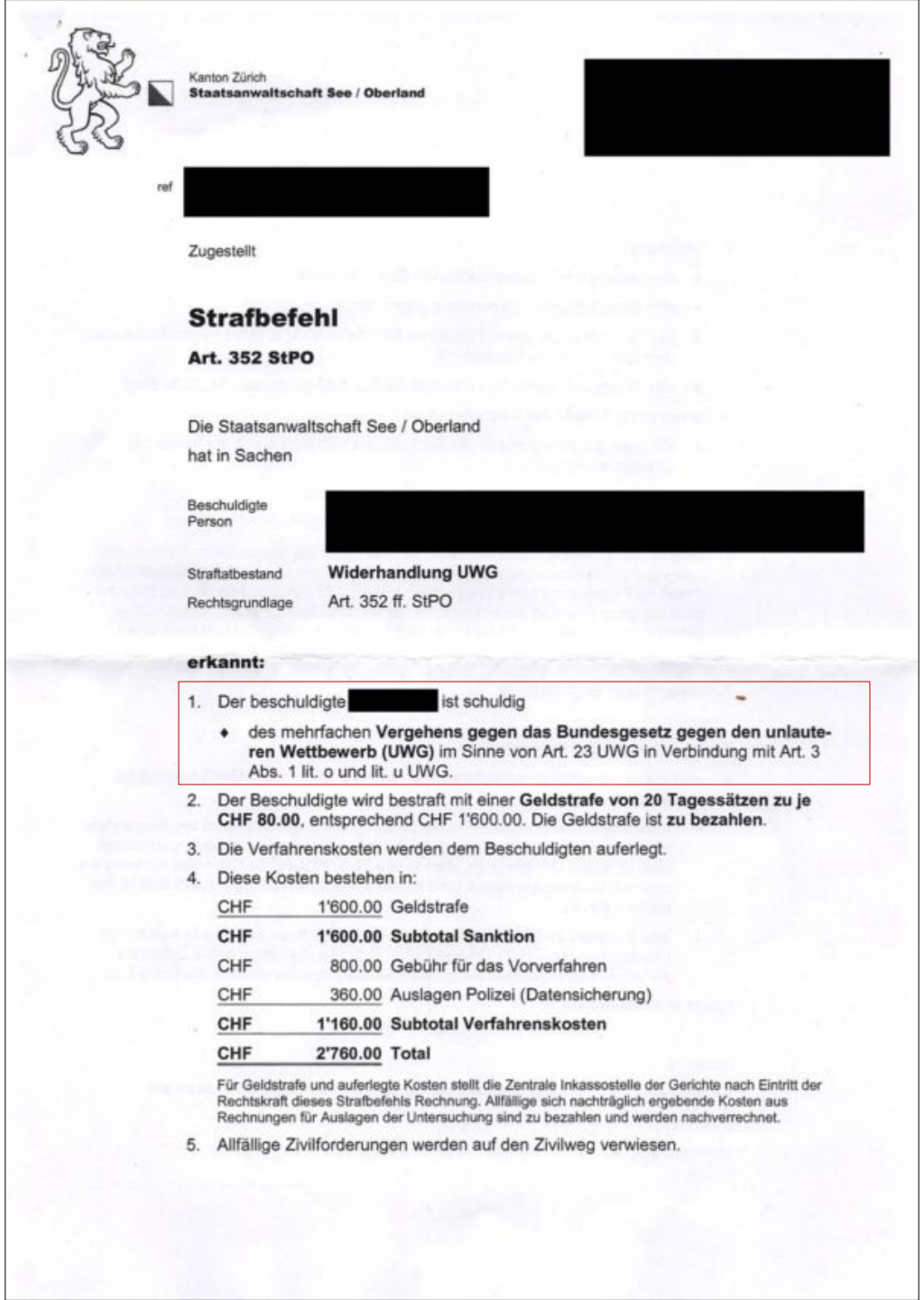
Specific provisions/offences

- Homicide
- Assault
- Theft
- Coercion
- Rape

= Conviction



Universität Zürich[UZH]



Kanton Zürich
Staatsanwaltschaft See / Oberland

[redacted]

ref [redacted]

Zugestellt

Strafbefehl

Art. 352 StPO

Die Staatsanwaltschaft See / Oberland
hat in Sachen

Beschuldigte Person [redacted]

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

erkannt:

1. Der beschuldigte [redacted] 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	1'600.00	Geldstrafe
CHF	**1'600.00**	**Subtotal Sanktion**
CHF	800.00	Gebühr für das Vorverfahren
CHF	360.00	Auslagen Polizei (Datensicherung)
CHF	**1'160.00**	**Subtotal Verfahrenskosten**
CHF	**2'760.00**	**Total**

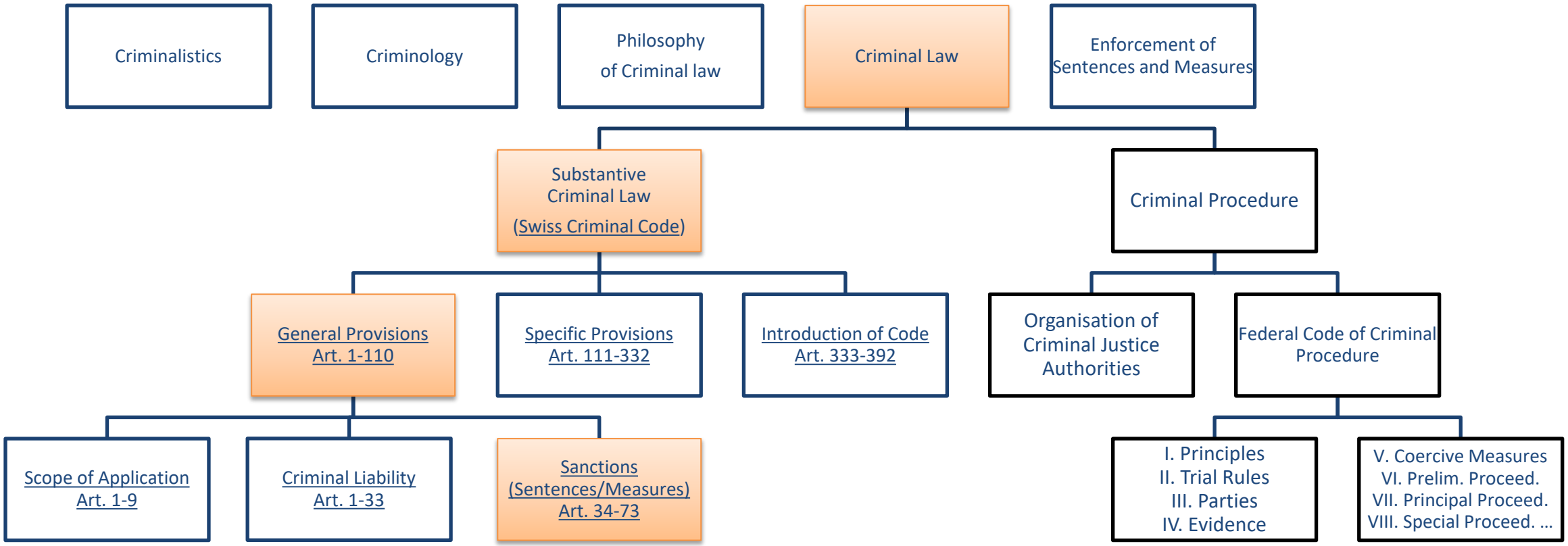
Für Geldstrafe und auferlegte Kosten stellt die Zentrale Inkassostelle der Gerichte nach Eintritt der Rechtskraft dieses Strafbefehls Rechnung. Allfällige sich nachträglich ergebende Kosten aus Rechnungen für Auslagen der Untersuchung sind zu bezahlen und werden nachverrechnet.

5. Allfällige Zivilforderungen werden auf den Zivilweg verwiesen.

Conviction (Guilty verdict)

Steigerlegal.ch

Swiss Criminal Law



General 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
   1. Title: Life/Limb (Art. 111–136)
   2. Title: Property (Art. 137–172ter)
   3. Title: Honour/Privacy (Art. 173–179novies)
   4. Title: Liberty (Art. 180–186)
   5. Title: Sex. Integrity (Art. 187–200)

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

General Provisions

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



General – specific provisions

General provisions sanctions

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

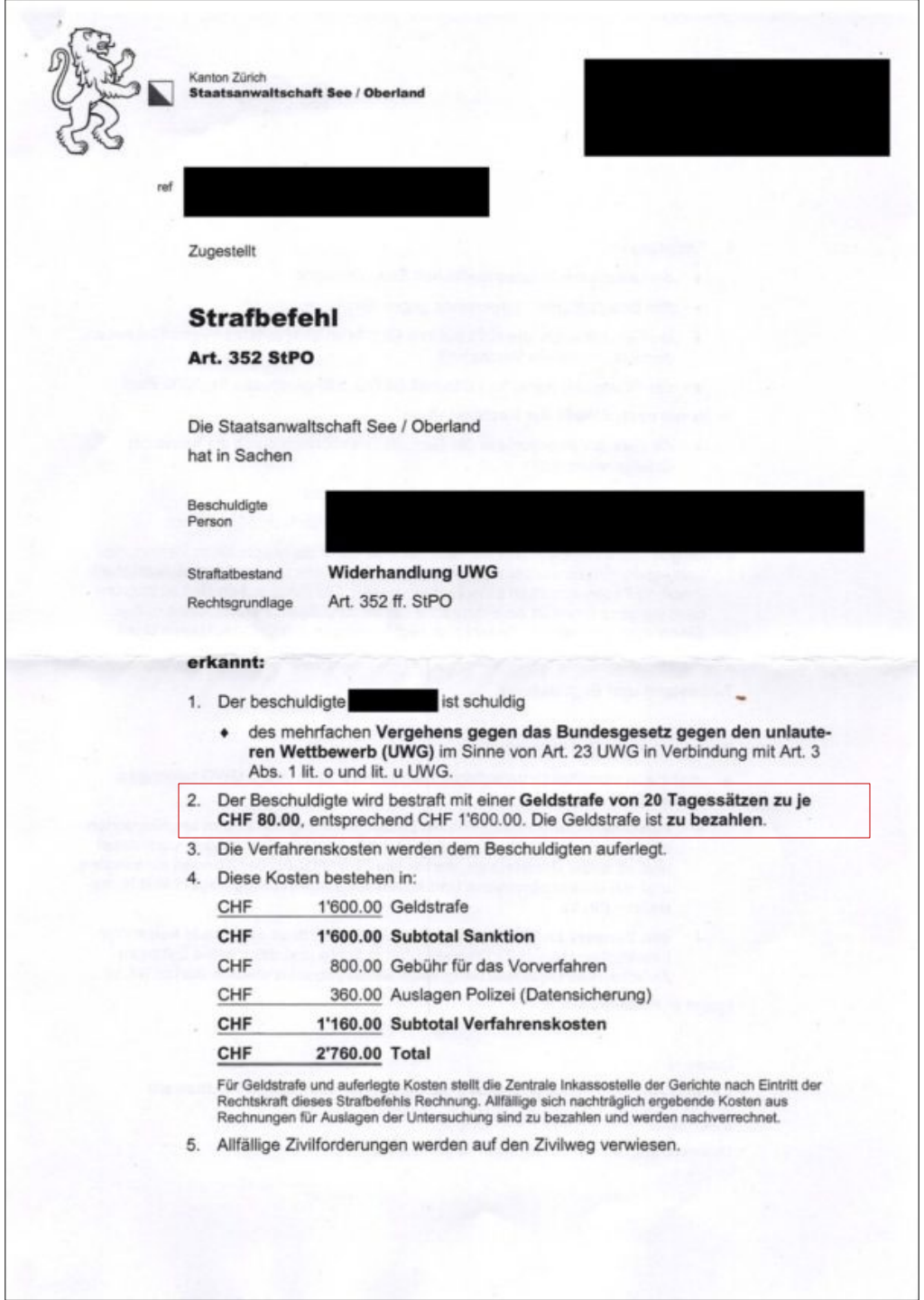
×

Specific provisions: offences

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

= Sanction





Kanton Zürich
Staatsanwaltschaft See / Oberland

[redacted]

ref [redacted]

Zugestellt

Strafbefehl

Art. 352 StPO

Die Staatsanwaltschaft See / Oberland
hat in Sachen

Beschuldigte Person [redacted]

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

erkannt:

1. Der beschuldigte [redacted] 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	1'600.00	Geldstrafe
CHF	**1'600.00**	**Subtotal Sanktion**
CHF	800.00	Gebühr für das Vorverfahren
CHF	360.00	Auslagen Polizei (Datensicherung)
CHF	**1'160.00**	**Subtotal Verfahrenskosten**
CHF	**2'760.00**	**Total**

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.

5. Allfällige Zivilforderungen werden auf den Zivilweg verwiesen.

Sanction: Sentence

Marc Thommen 2026

Criminal Law

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

Criminal liability

- On 28 February 2018, 22:00, Lausanne train station, police attempted to arrest Mike Ben Peter as he was seen retrieving a suspicious bag.
- Mike Ben Peter resisted arrest. Several officers restrained him on the ground.
- Shortly afterwards he stopped beathing 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 («Jugding 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 - Actor - Victim - Object - Act - Result - Causation	Subjective elements – Knowledge/Deeming possible – Will/Acceptance	
Unlawfulness			
Culpability			

	Outside «What have they done?»	Inside «What was on their 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 – Actor – Victim – Object – Act – Result – Causation	Subjective elements – Knowledge/Deem possible – Will/Acceptance	Is there a wrong?
Unlawfulness	– Self-Defence – Necessity – Consent	– Seeing attack – Defence will	Is the wrong justified?
Culpability	– Criminal Responsibility – Error of Law – Unreasonableness		Can the actor be blamed for the wrong?

Criminal liability

Elements of Crime	Objective elements – Actor – Victim – Object – Act – Result – Causation	 – Policeman X. – Mike Ben Peter – No weapon used – Forcing to the ground – Death – But for the pressing down of MBP, his death would not have occurred.
Unlawfulness	– Self-Defence – Necessity – Consent	– Policeman was not under attack – Policeman was not in danger – MBP did/could not consent
Culpability	– Criminal Responsibility – Error of Law – Unreasonableness	– X criminally responsible (understand/acting accordingly) – X knew prohibition to kill, knew that no attack – X. faced no threat to life.

Criminal Law

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

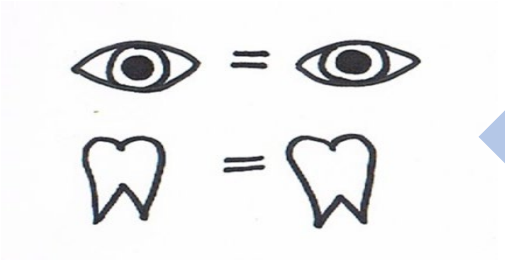
Criminal Law

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

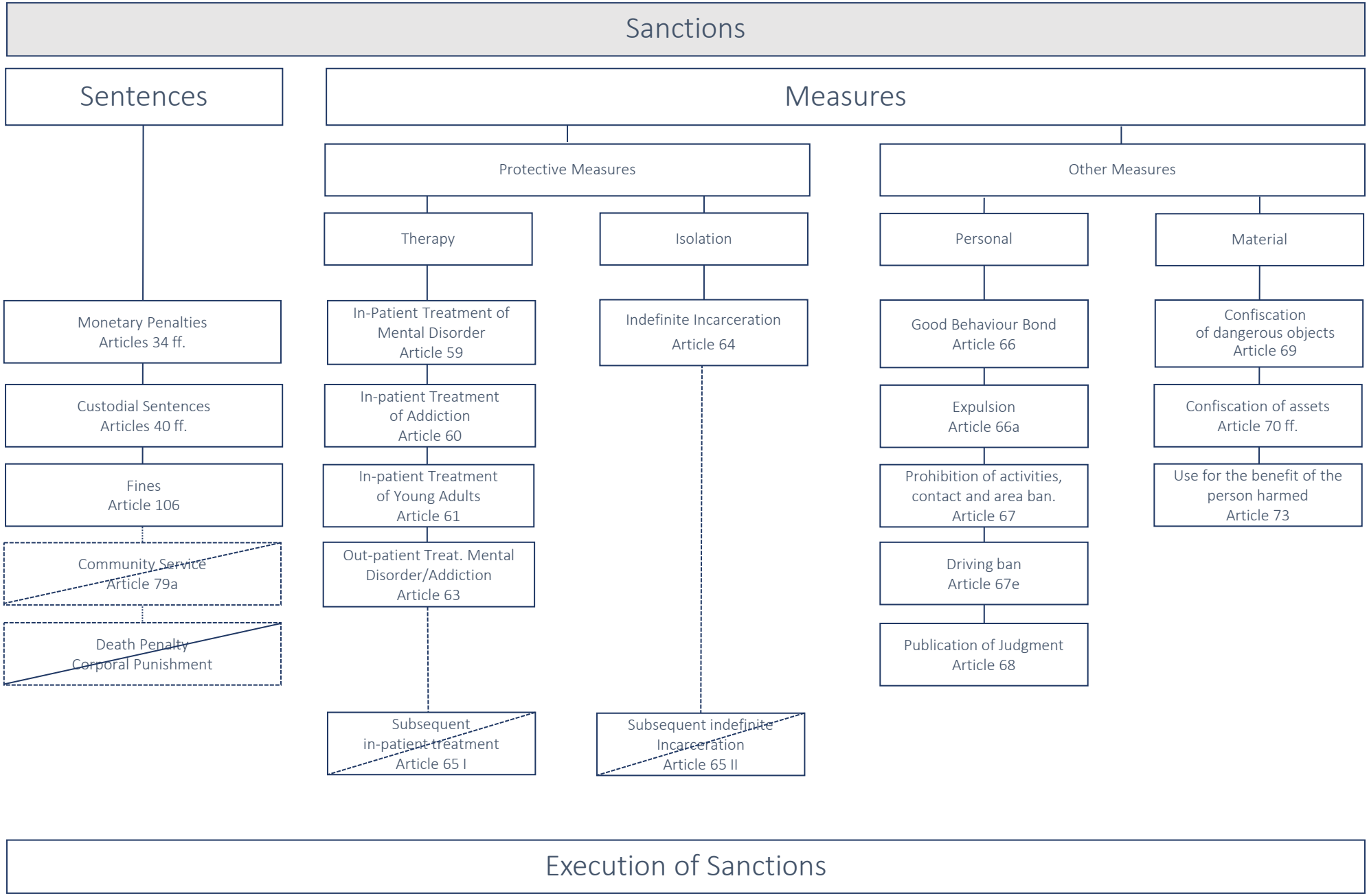


Absolute theories

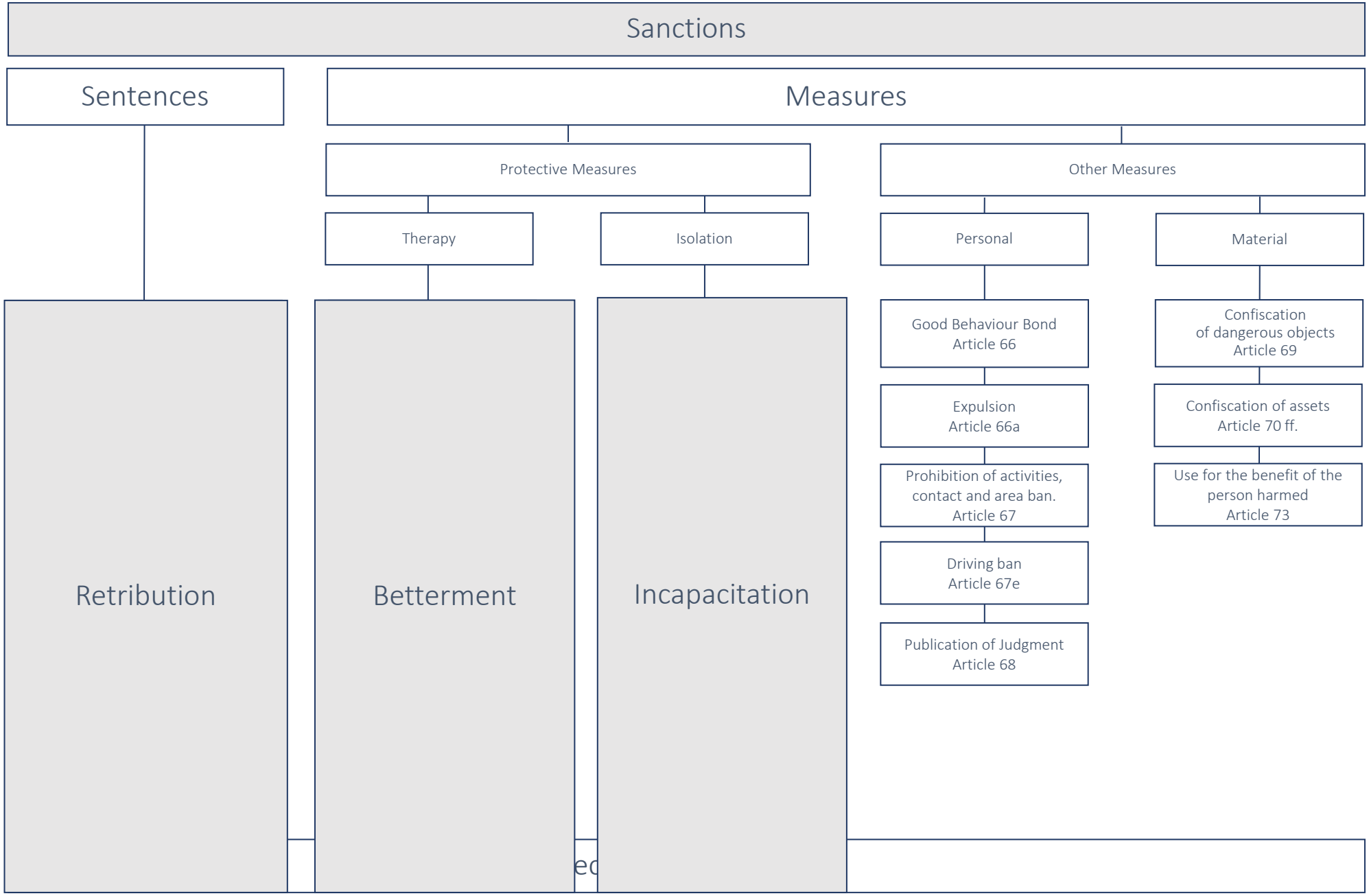
Relative theories



Universität Zürich[UZH]



Universität Zürich[UZH]



Criminal Law

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

Universität Zürich[UZH]

Sanctions

Sentences

- Monetary Penalties
  Articles 34 ff.
- Custodial Sentences
  Articles 40 ff.
- Fines
  Article 106
- ~~Community Service~~
  ~~Article 79a~~
- ~~Death Penalty~~
  ~~Corporal Punishment~~

Measures

Protective Measures

Therapy

- In-Patient Treatment of Mental Disorder
  Article 59
- In-patient Treatment of Addiction
  Article 60
- In-patient Treatment of Young Adults
  Article 61
- Out-patient Treat. Mental Disorder/Addiction
  Article 63
- ~~Subsequent in-patient treatment~~
  ~~Article 65 I~~

Isolation

- Indefinite Incarceration
  Article 64
- ~~Subsequent indefinite Incarceration~~
  ~~Article 65 II~~

Other Measures

Personal

- Good Behaviour Bond
  Article 66
- Expulsion
  Article 66a
- Prohibition of activities, contact and area ban.
  Article 67
- Driving ban
  Article 67e
- Publication of Judgment
  Article 68

Material

- Confiscation of dangerous objects
  Article 69
- Confiscation of assets
  Article 70 ff.
- Use for the benefit of the person harmed
  Article 73

Execution of Sanctions

Marc Thommen 2026

Art. 10 – Felonies and misdemeanours

[1] In this Code, felonies are distinguished from misdemeanours according to the severity of the penalties that the offence carries.

[2] Felonies are offences that carry a custodial sentence of more than three years.

[3] Misdemeanours are offences that carry a custodial sentence not exceeding three years or a monetary penalty.



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.**



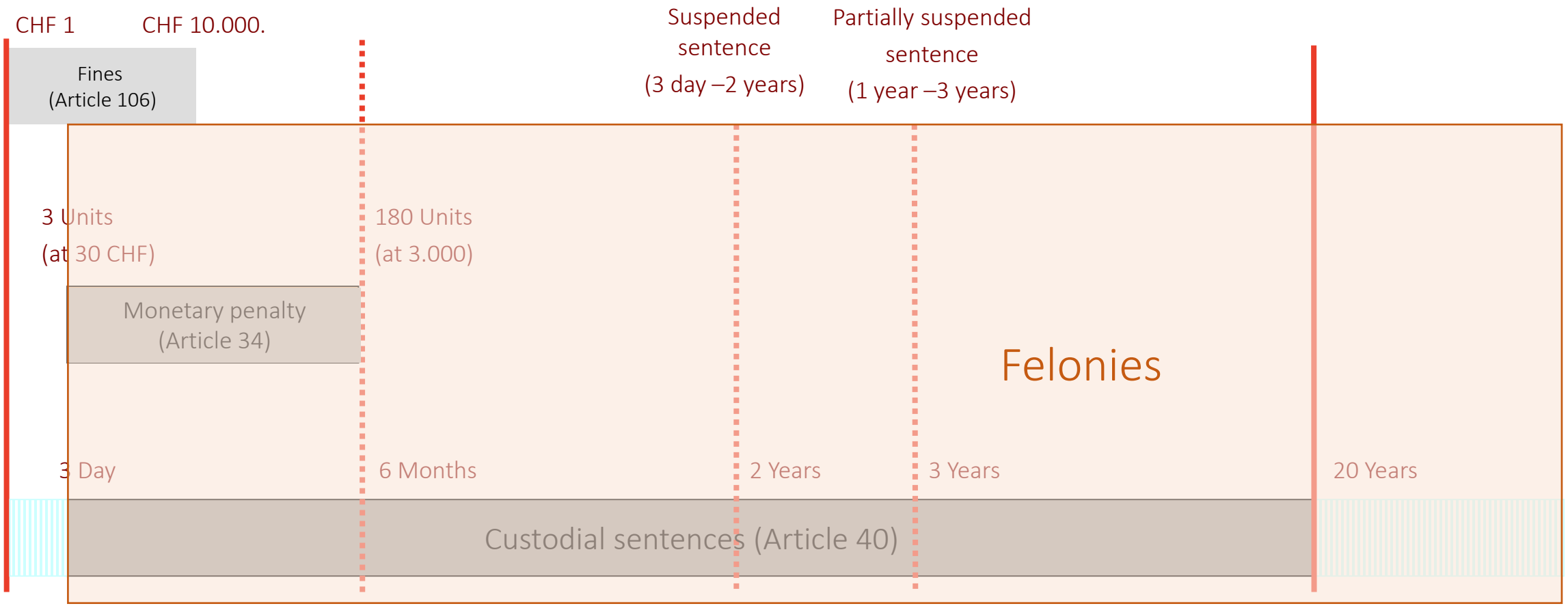
Art. 112 – Murder

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


CHF 1
CHF 10.000.
Fines
(Article 106)
Suspended
sentence
(3 day –2 years)
Partially suspended
sentence
(1 year –3 years)
3 Units
(at 30 CHF)
180 Units
(at 3.000)
Monetary penalty
(Article 34)
Felonies
3 Day
6 Months
2 Years
3 Years
20 Years
Custodial sentences (Article 40)

Art. 10 – Felonies and misdemeanours

[1] In this Code, felonies are distinguished from misdemeanours according to the severity of the penalties that the offence carries.

[2] Felonies are offences that carry a custodial sentence of more than three years.

[3] Misdemeanours are offences that carry a custodial sentence not exceeding three years or a monetary penalty.



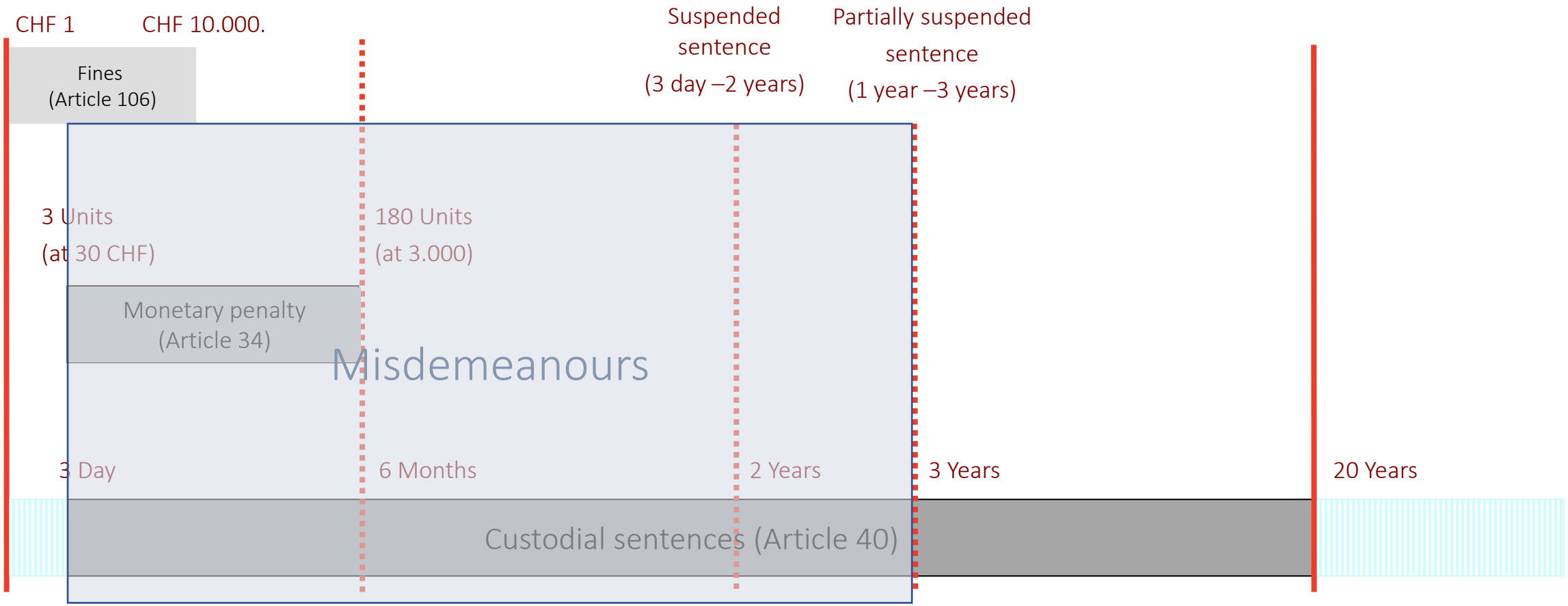
Art. 144 – Damage to property

[1] 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**.

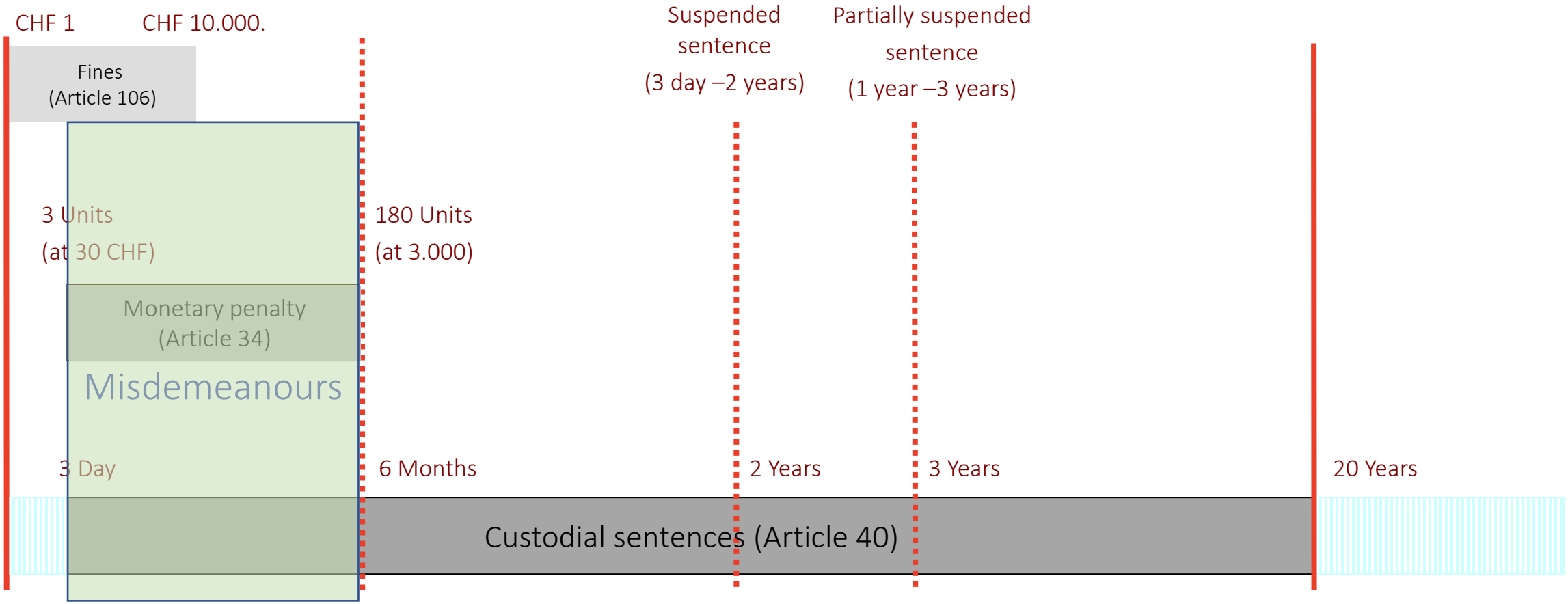


Pipilotti Rist

Sentences


CHF 1
CHF 10.000.
Suspended sentence
(3 day –2 years)
Partially suspended sentence
(1 year –3 years)
Fines
(Article 106)
3 Units
(at 30 CHF)
180 Units
(at 3.000)
Monetary penalty
(Article 34)
Misdemeanours
3 Day
6 Months
2 Years
3 Years
20 Years
Custodial sentences (Article 40)

Sentences


CHF 1
CHF 10.000.
Fines
(Article 106)
3 Units
(at 30 CHF)
180 Units
(at 3.000)
Monetary penalty
(Article 34)
Misdemeanours
Suspended
sentence
(3 day –2 years)
Partially suspended
sentence
(1 year –3 years)
3 Day
6 Months
2 Years
3 Years
20 Years
Custodial sentences (Article 40)

Art. 103 – Contraventions

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



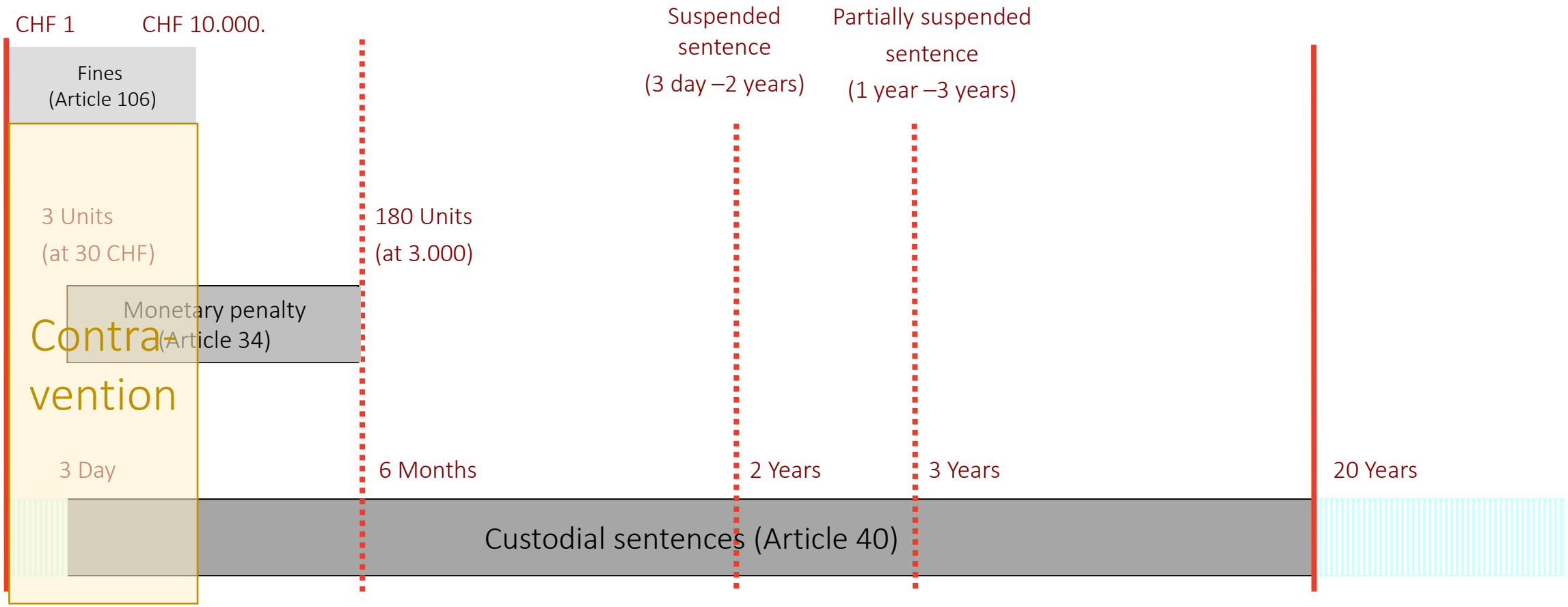
Art. 126 – Acts of aggression

[1] 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.

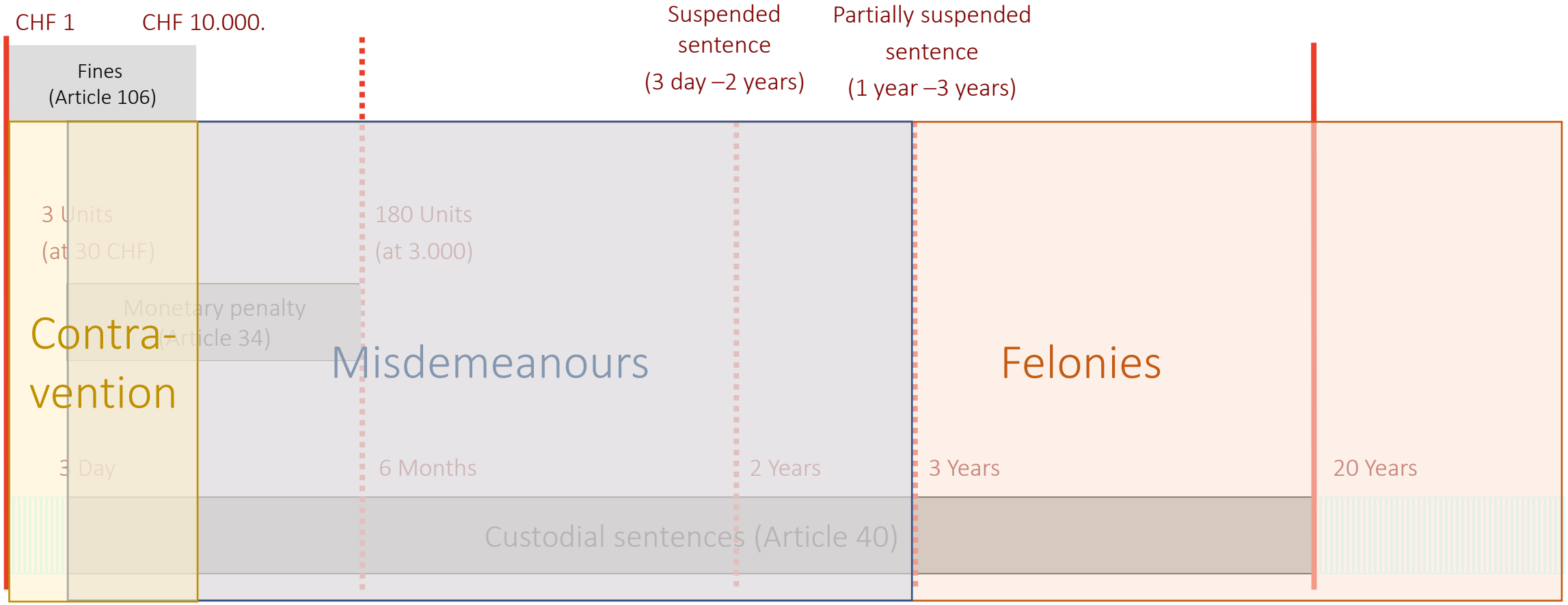


Will Smith slaps Chris Rock

Sentences


CHF 1
CHF 10.000.
Fines
(Article 106)
3 Units
(at 30 CHF)
Monetary penalty
(Article 34)
Contra-
vention
3 Day
180 Units
(at 3.000)
6 Months
Suspended
sentence
(3 day –2 years)
2 Years
Partially suspended
sentence
(1 year –3 years)
3 Years
20 Years
Custodial sentences (Article 40)

Sentences


CHF 1
CHF 10.000.
Suspended sentence
(3 day –2 years)
Partially suspended sentence
(1 year –3 years)
Fines
(Article 106)
3 Units
(at 30 CHF)
180 Units
(at 3.000)
Monetary penalty
(Article 34)
Contra-vention
Misdemeanours
Felonies
3 Day
6 Months
2 Years
3 Years
20 Years
Custodial sentences (Article 40)

Universität Zürich[UZH]

Sanctions

Sentences

- Monetary Penalties
  Articles 34 ff.
- Custodial Sentences
  Articles 40 ff.
- Fines
  Article 106
- ~~Community Service~~
  ~~Article 79a~~
- ~~Death Penalty~~
  ~~Corporal Punishment~~

Measures

Protective Measures

Therapy

- In-Patient Treatment of Mental Disorder
  Article 59
- In-patient Treatment of Addiction
  Article 60
- In-patient Treatment of Young Adults
  Article 61
- Out-patient Treat. Mental Disorder/Addiction
  Article 63
- ~~Subsequent in-patient treatment~~
  ~~Article 65 I~~

Isolation

- Indefinite Incarceration
  Article 64
- ~~Subsequent indefinite Incarceration~~
  ~~Article 65 II~~

Other Measures

Personal

- Good Behaviour Bond
  Article 66
- Expulsion
  Article 66a
- Prohibition of activities, contact and area ban.
  Article 67
- Driving ban
  Article 67e
- Publication of Judgment
  Article 68

Material

- Confiscation of dangerous objects
  Article 69
- Confiscation of assets
  Article 70 ff.
- Use for the benefit of the person harmed
  Article 73

Execution of Sanctions

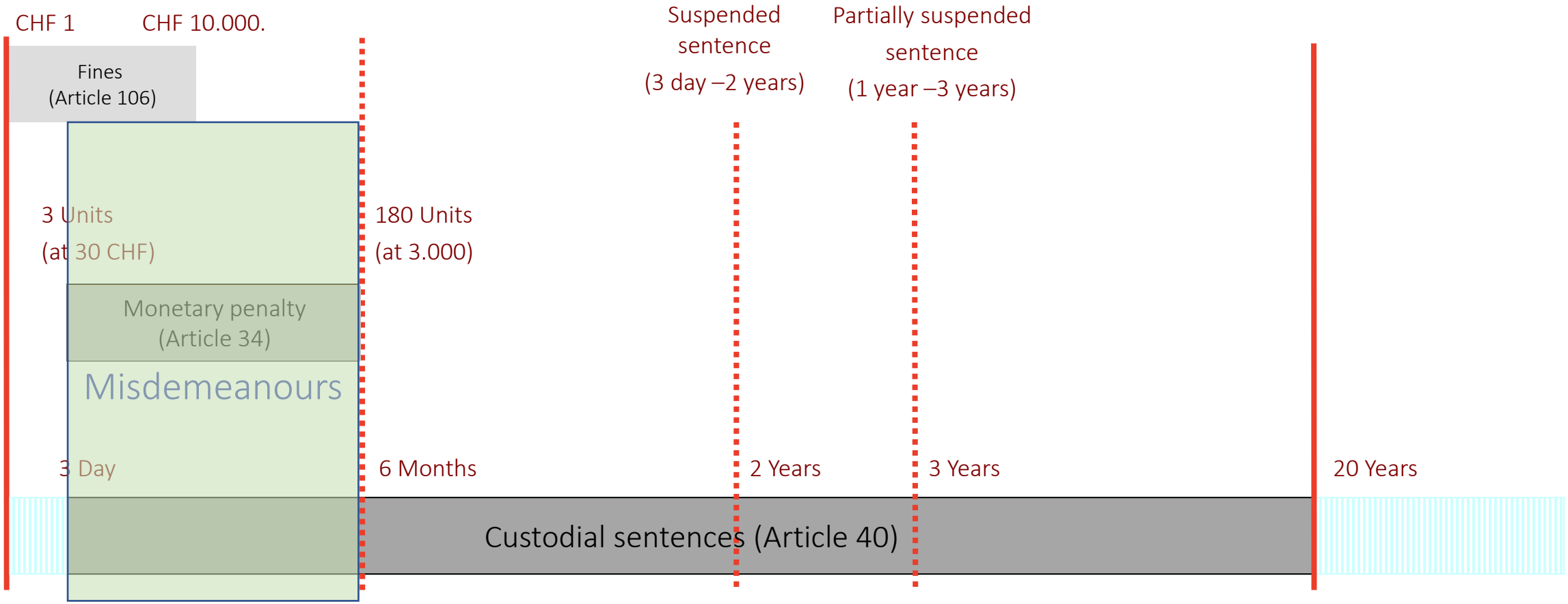
Art. 34 – Monetary penalty

[1] [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.

[2] 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…



Sentences


CHF 1
CHF 10.000.
Fines
(Article 106)
3 Units
(at 30 CHF)
180 Units
(at 3.000)
Monetary penalty
(Article 34)
Misdemeanours
Suspended
sentence
(3 day –2 years)
Partially suspended
sentence
(1 year –3 years)
3 Day
6 Months
2 Years
3 Years
20 Years
Custodial sentences (Article 40)

Art. 34 – Monetary penalty

Number of penalty units
(Guilt)

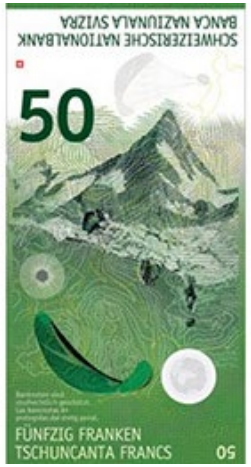
x

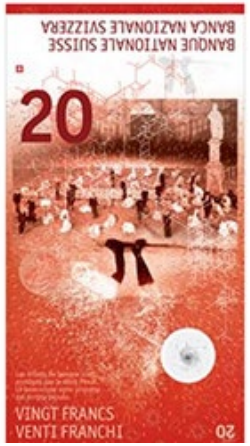
Amount of penalty units

(Personal/financial circumstances)

=

Monetary penalty







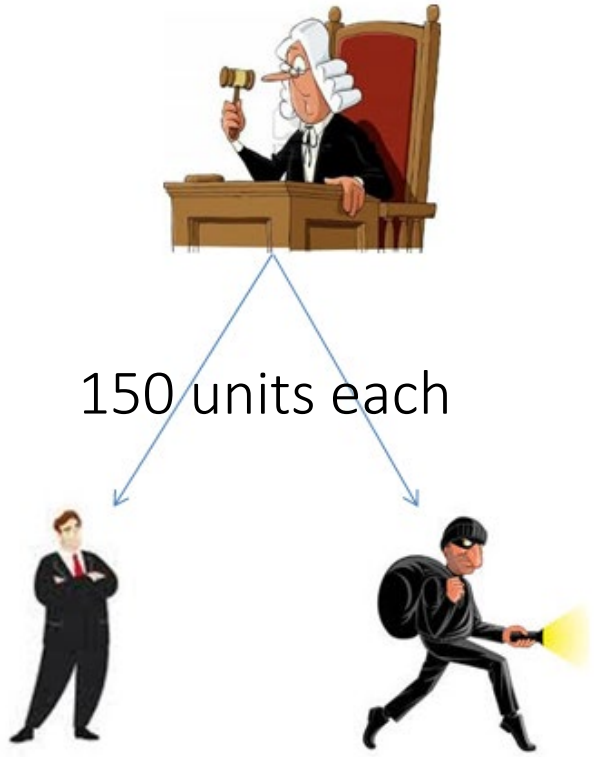
Art. 34 – Monetary penalty

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 — KSBS
CONFERENCE DES AUTORITES DE POURSUITE PENALE DE SUISSE — CAPS
CONFERENZA DELLE AUTORITA INQUIRENTI SVIZZERI — CAIS

Berechnungsformular Tagessatz

(entsprechende Werte in grüne Felder einsetzen!)

Berechnungskriterien	in %	Betrag	Resultat
Monatseinkommen netto (nach Abzug von AHV/IV/EO/PK)		300.00	
Pauschalabzug (Krankenkasse, Steuern), je nach Einkommen 20 - 30%		0.00	300.00
Unterstützungsabzüge:			
Ehepartner (sofern nicht erwerbstätig) **15%**		0.00	
für 1. Kind; **15%**		0.00	
für 2. Kind; **12.5 %**		0.00	
für 3. Kind (und weitere); **10 %**		0.00	
Zwischenresultat			300.00
ergibt Grundtagessatz (Wert / 30)			10.00

Zusatzfaktoren als Korrektiv (absoluter Betrag zu Grund-TS; bei Verminderung mit "-" kennzeichnen)		Korrektur-betrag	Resultat
Vermögen			
Liegenschaft/en			
Lebensaufwand			
Schulden			
Ausbildungskosten			
weitere Faktoren (benennen)			
Höhe des Tagessatzes (auf CHF 10 abgerundet)		10.00	10.00

Berechnung	Anzahl TS	Höhe des TS	Resultat
Geldstrafe		10.00	0.00

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
Monatseinkommen netto (nach Abzug von AHV/IV/EO/PK)		10000.00	
Pauschalabzug (Krankenkasse, Steuern), je nach Einkommen 20 - 30%	25.00	2500.00	7500.00
Unterstützungsabzüge:			
Ehepartner (sofern nicht erwerbstätig) **15%**	0.00	0.00	
für 1. Kind; **15%**	15.00	1125.00	
für 2. Kind; **12.5 %**		0.00	
für 3. Kind (und weitere); **10 %**		0.00	
Zwischenresultat			6375.00
ergibt Grundtagessatz (Wert / 30)			**212.50**

Zusatzfaktoren als Korrektiv (absoluter Betrag zu Grund-TS; bei Verminderung mit "-" kennzeichnen)		Korrektur-betrag	Resultat
Vermögen		100	
Liegenschaft/en			
Lebensaufwand			
Schulden			
Ausbildungskosten			
weitere Faktoren (benennen)			
Höhe des Tagessatzes (auf CHF 10 abgerundet)		312.50	**310.00**

Berechnung	Anzahl TS	Höhe des TS	Resultat
Geldstrafe		**310.00**	**0.00**

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
Monatseinkommen netto (nach Abzug von AHV/IV/EO/PK)		2000.00	
Pauschalabzug (Krankenkasse, Steuern), je nach Einkommen 20 - 30%	25.00	500.00	1500.00
Unterstützungsabzüge:			
Ehepartner (sofern nicht erwerbstätig) **15%**	0.00	0.00	
für 1. Kind; **15%**	15.00	225.00	
für 2. Kind; **12.5 %**	12.50	187.50	
für 3. Kind (und weitere); **10 %**	10.00	150.00	
Zwischenresultat			**937.50**
ergibt Grundtagessatz (Wert / 30)			**31.25**

Zusatzfaktoren als Korrektiv (absoluter Betrag zu Grund-TS; bei Verminderung mit "-" kennzeichnen)		Korrektur-betrag	Resultat
Vermögen			
Liegenschaft/en			
Lebensaufwand			
Schulden			
Ausbildungskosten			
weitere Faktoren (benennen)			
Höhe des Tagessatzes (auf CHF 10 abgerundet)		31.25	**30.00**

Berechnung	Anzahl TS	Höhe des TS	Resultat
Geldstrafe		**30.00**	**0.00**

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

Universität Zürich[UZH]

Sanctions

Sentences

- Monetary Penalties
  Articles 34 ff.
- Custodial Sentences
  Articles 40 ff.
- Fines
  Article 106
- ~~Community Service~~
  Article 79a
- ~~Death Penalty~~
  ~~Corporal Punishment~~

Measures

Protective Measures

Therapy

- In-Patient Treatment of Mental Disorder
  Article 59
- In-patient Treatment of Addiction
  Article 60
- In-patient Treatment of Young Adults
  Article 61
- Out-patient Treat. Mental Disorder/Addiction
  Article 63
- ~~Subsequent in-patient treatment~~
  Article 65 I

Isolation

- Indefinite Incarceration
  Article 64
- ~~Subsequent indefinite Incarceration~~
  Article 65 II

Other Measures

Personal

- Good Behaviour Bond
  Article 66
- Expulsion
  Article 66a
- Prohibition of activities, contact and area ban.
  Article 67
- Driving ban
  Article 67e
- Publication of Judgment
  Article 68

Material

- Confiscation of dangerous objects
  Article 69
- Confiscation of assets
  Article 70 ff.
- Use for the benefit of the person harmed
  Article 73

Execution of Sanctions

Marc Thommen 2026

Universität Zürich[UZH]

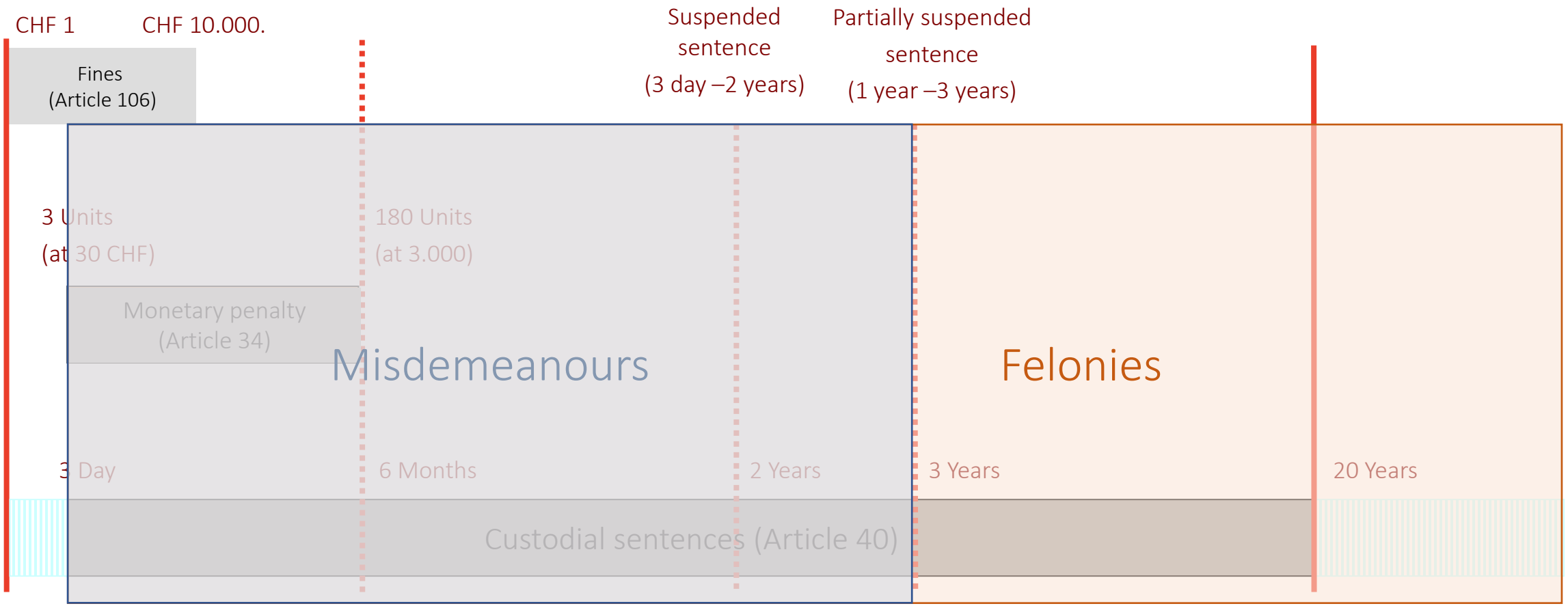
Article 40 – Custodial Sentence

[1] The minimum term of a custodial sentence is three days...

[2] The maximum term of a custodial sentence is 20 years. Where the law expressly provides, the custodial sentence is for life



Sentences


CHF 1
CHF 10.000.
Fines
(Article 106)
Suspended
sentence
(3 day –2 years)
Partially suspended
sentence
(1 year –3 years)
3 Units
(at 30 CHF)
180 Units
(at 3.000)
Monetary penalty
(Article 34)
Misdemeanours
Felonies
3 Day
6 Months
2 Years
3 Years
20 Years
Custodial sentences (Article 40)

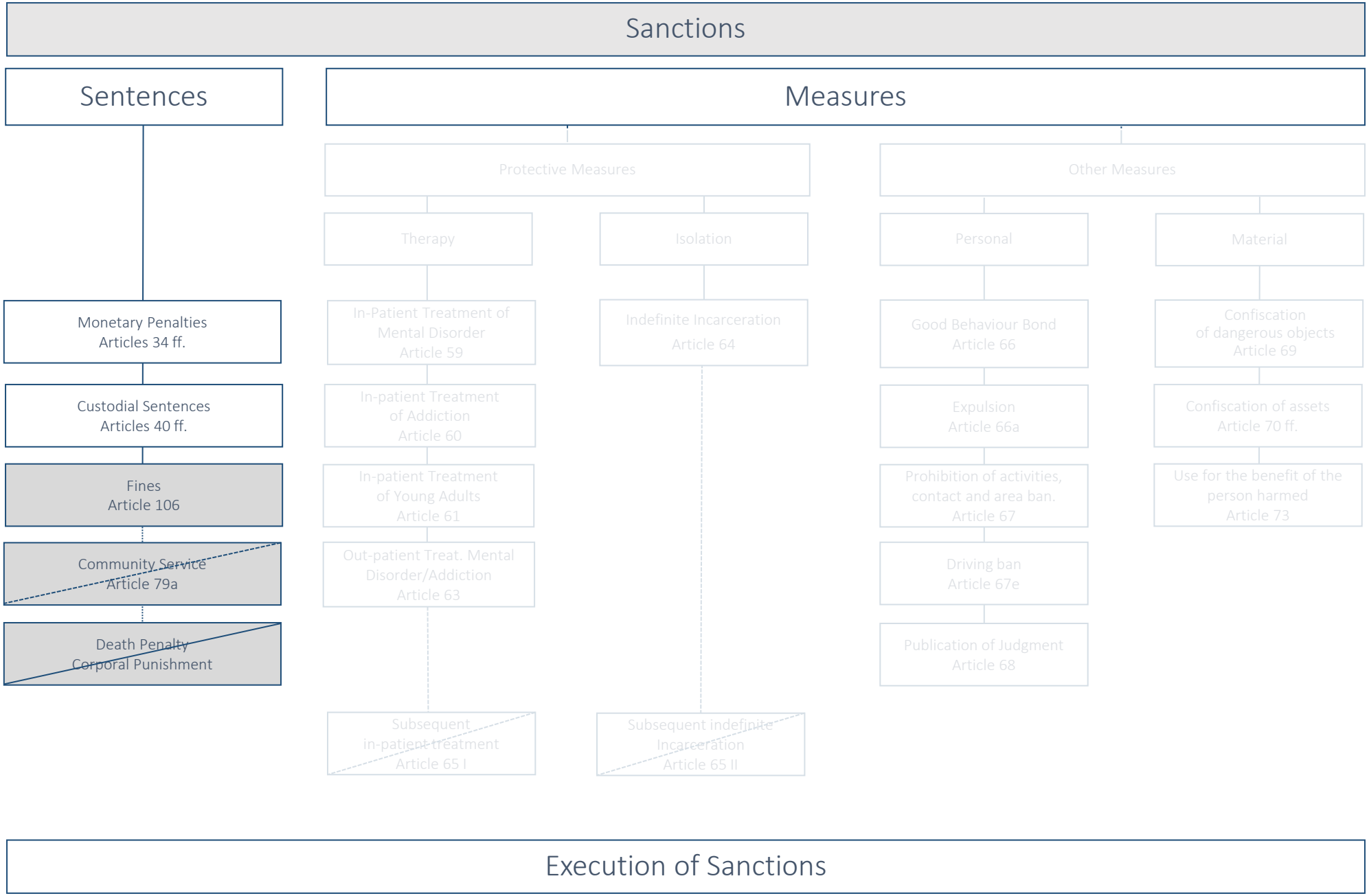
Article 86 – Parole

[1] 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.

[5] In the case of persons serving a life sentence, parole… is possible at the earliest after 15 years…



Universität Zürich[UZH]

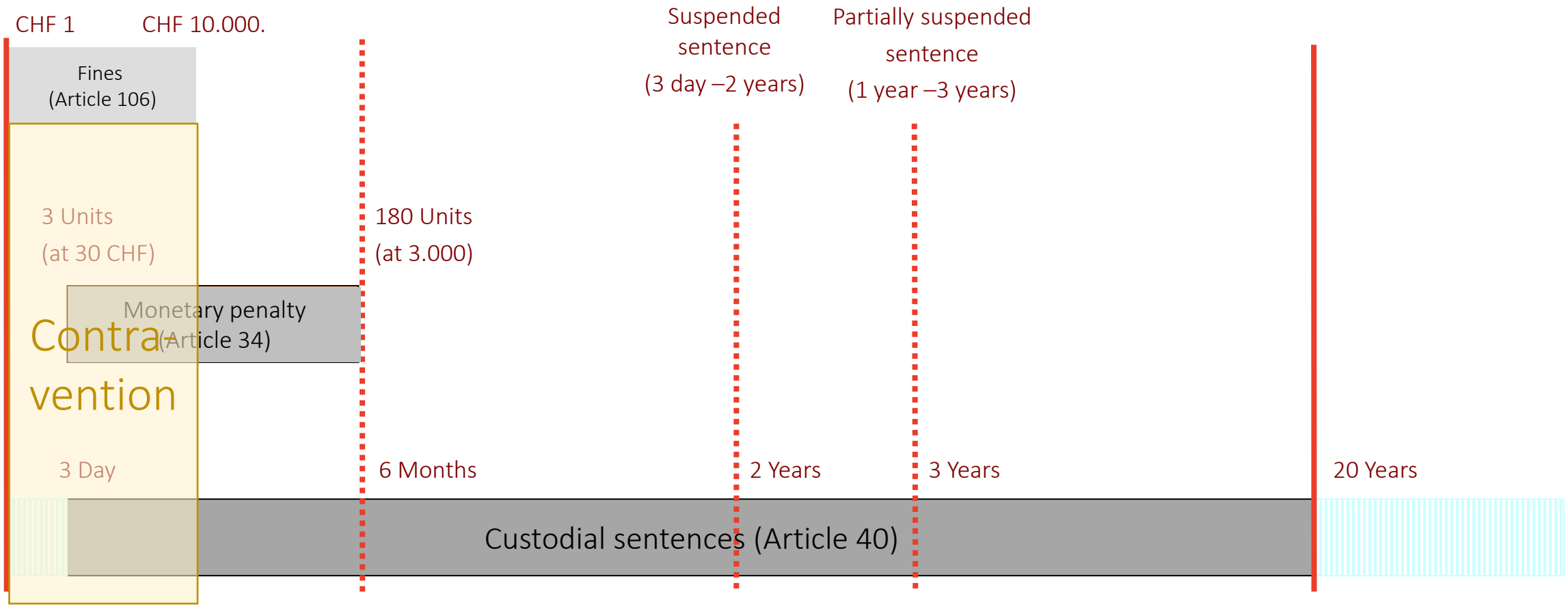


Article 106 – Fines

[1] [T]he maximum amount of a fine is 10.000 francs.



Sentences


CHF 1
CHF 10.000.
Fines
(Article 106)
3 Units
(at 30 CHF)
Monetary penalty
(Article 34)
Contra-
vention
3 Day
180 Units
(at 3.000)
6 Months
Suspended
sentence
(3 day –2 years)
2 Years
Partially suspended
sentence
(1 year –3 years)
3 Years
20 Years
Custodial sentences (Article 40)

Article 79a – Community service

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

a. custodial sentence up to six months;

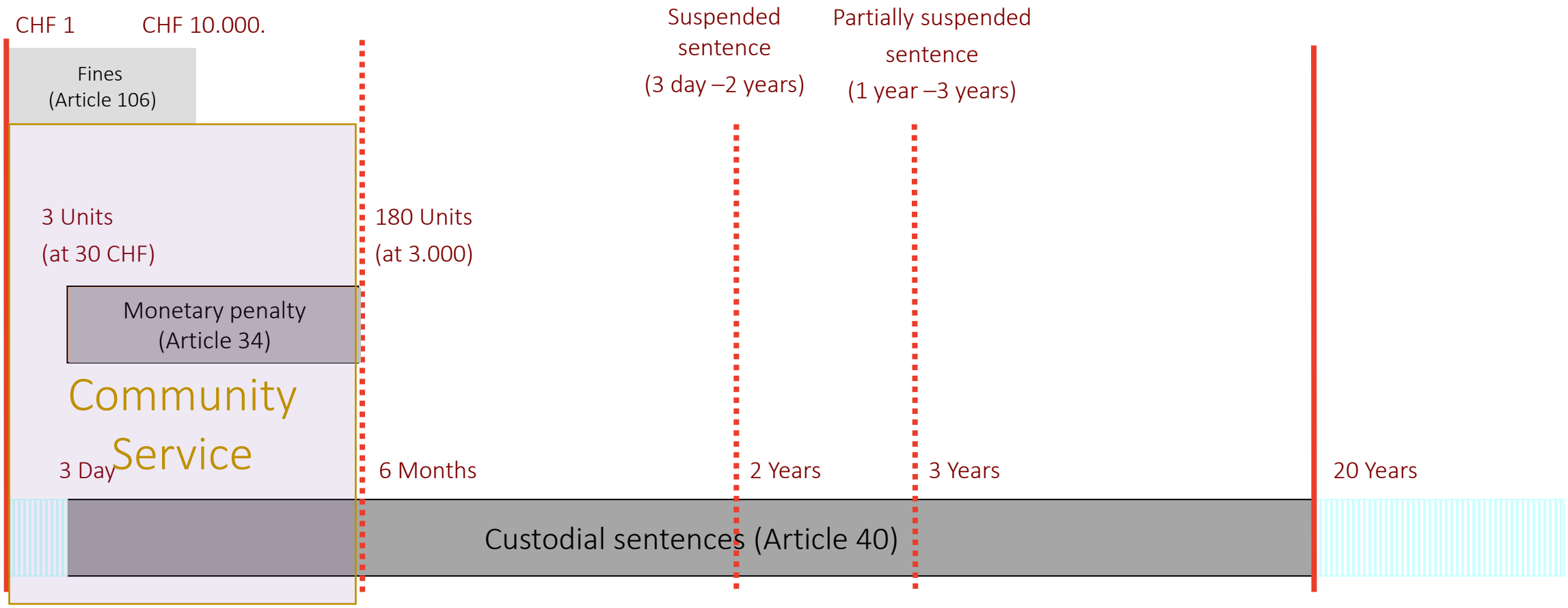
b. …

c. monetary penalty or a fine.

[3] Community service is work that benefits social institutions, public works or persons in need. The work is unpaid



Sentences


CHF 1
CHF 10.000.
Fines
(Article 106)
3 Units
(at 30 CHF)
180 Units
(at 3.000)
Monetary penalty
(Article 34)
Community
Service
3 Day
6 Months
Suspended
sentence
(3 day –2 years)
Partially suspended
sentence
(1 year –3 years)
2 Years
3 Years
20 Years
Custodial sentences (Article 40)

Art. 10 BV – Right to life

[1] 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

Universität Zürich[UZH]

Sanctions

Sentences

- Monetary Penalties Articles 34 ff.
- Custodial Sentences Articles 40 ff.
- Fines Article 106
- Community Service Article 79a
- Death Penalty Corporal Punishment

Measures

Protective Measures

Therapy

- In-Patient Treatment of Mental Disorder Article 59
- In-patient Treatment of Addiction Article 60
- In-patient Treatment of Young Adults Article 61
- Out-patient Treat. Mental Disorder/Addiction Article 63
- Subsequent in-patient treatment Article 65 I

Isolation

- Indefinite Incarceration Article 64
- Subsequent indefinite Incarceration Article 65 II

Other Measures

Personal

- Good Behaviour Bond Article 66
- Expulsion Article 66a
- Prohibition of activities, contact and area ban. Article 67
- Driving ban Article 67e
- Publication of Judgment Article 68

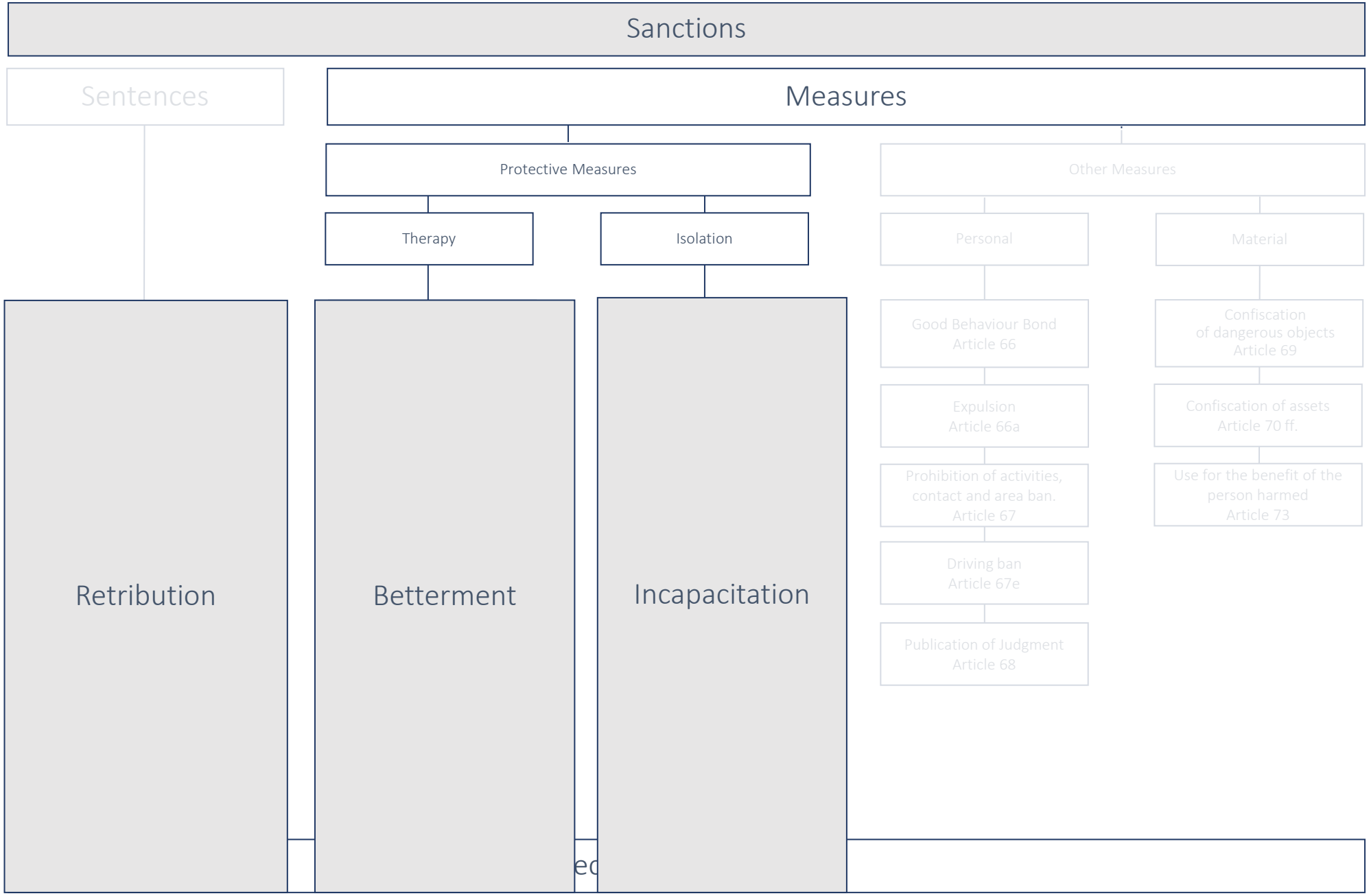
Material

- Confiscation of dangerous objects Article 69
- Confiscation of assets Article 70 ff.
- Use for the benefit of the person harmed Article 73

Execution of Sanctions

Marc Thommen 2026

Universität Zürich[UZH]



Universität Zürich[UZH]

Sanctions

Sentences

- Monetary Penalties
  Articles 34 ff.
- Custodial Sentences
  Articles 40 ff.
- Fines
  Article 106
- ~~Community Service~~
  Article 79a
- ~~Death Penalty~~
  Corporal Punishment

Measures

Protective Measures

Therapy

- In-Patient Treatment of Mental Disorder
  Article 59
- In-patient Treatment of Addiction
  Article 60
- In-patient Treatment of Young Adults
  Article 61
- Out-patient Treat. Mental Disorder/Addiction
  Article 63
- ~~Subsequent in-patient treatment~~
  Article 65 I

Isolation

- Indefinite Incarceration
  Article 64
- ~~Subsequent indefinite Incarceration~~
  Article 65 II

Other Measures

Personal

- Good Behaviour Bond
  Article 66
- Expulsion
  Article 66a
- Prohibition of activities, contact and area ban.
  Article 67
- Driving ban
  Article 67e
- Publication of Judgment
  Article 68

Material

- Confiscation of dangerous objects
  Article 69
- Confiscation of assets
  Article 70 ff.
- Use for the benefit of the person harmed
  Article 73

Execution of Sanctions

Marc Thommen 2026

Article 59 – Treatment of mental disorder

[1] 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 concea-led 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.



Universität Zürich[UZH]

Sanctions

Sentences

- Monetary Penalties Articles 34 ff.
- Custodial Sentences Articles 40 ff.
- Fines Article 106
- Community Service Article 79a
- Death Penalty Corporal Punishment

Measures

Protective Measures

Therapy

- In-Patient Treatment of Mental Disorder Article 59
- In-patient Treatment of Addiction Article 60
- In-patient Treatment of Young Adults Article 61
- Out-patient Treat. Mental Disorder/Addiction Article 63
- Subsequent in-patient treatment Article 65 I

Isolation

- Indefinite Incarceration Article 64
- Subsequent indefinite Incarceration Article 65 II

Other Measures

Personal

- Good Behaviour Bond Article 66
- Expulsion Article 66a
- Prohibition of activities, contact and area ban. Article 67
- Driving ban Article 67e
- Publication of Judgment Article 68

Material

- Confiscation of dangerous objects Article 69
- Confiscation of assets Article 70 ff.
- Use for the benefit of the person harmed Article 73

Execution of Sanctions

Marc Thommen 2026

Art. 64 – Indefinite incarceration

[1] 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.

StGB
Schweizerisches Strafgesetzbuch

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

Inciting and assisting suicide
Art. 115 SCC

Exit

- This Jenny was a member of the Council of States for Glarus representing the Swiss People's Party between 1998 and 2014.
- In February 2014, he resigned from the Council of States due to a malignant stomach tumour.
- On 15 November 2014, he ended his life with the assistance of Exit.



SRF-DOK

Exit

- Exit usually provides assisted suicide by prescribing a lethal dose of sodium pentobarbital. After a medical evaluation and establishing the person's clear decision, the patient drinks the liquid themselves. This induces peaceful unconsciousness followed by death within minutes, with an Exit companion present.



SRF

«Sarco»

- "Sarco" offers a different approach to a peaceful death, without the need for prescription drugs.
- The capsule is mounted on a device that floods the interior with nitrogen, reducing oxygen levels from 21% to 1% very quickly.swissinfo.



swissinfo

«Sarco»

- The person feels slightly disorientated and may also feel mildly euphoric before losing consciousness.The whole process takes about 30 seconds. Death occurs... due to a lack of oxygen or carbon dioxide. There is no panic, no feeling of suffocation.



swissinfo

«Sarco»

- Developed by the organisation "The Last Resort", the suicide capsule helped a 64-year-old American woman die for the first time in September 2024.
- She travelled to Merishausen in the canton of Schaffhausen for this purpose.



www.srf.ch

«Sarco»

- 23 September 2024, 4.40 pm: A 64-year-old American woman gets into the Sarco capsule. The lid is closed, and she presses the trigger herself, which floods the interior with nitrogen.She quickly loses consciousness and dies of hypoxia (oxygen deprivation).



www.srf.ch

«Sarco»

- Florian Willet, the president of "The Last Resort", was present and monitored and documented the operation of the capsule. He was subsequently arrested.
- After around 10 weeks, he was released from remand custody.
- In May 2025, he took his own life.



www.srf.ch

Art. 115 – Inciting and assisting suicide

Any person who for selfish motives incites or assists another to commit or attempt to commit suicide shall, if that other person thereafter commits or attempts to commit suicide, be liable to a custodial sentence not exceeding five years or to a monetary penalty.



Art. 115 – Inciting and assisting suicide

Any person who for selfish motives incites or assists another to commit or attempt to commit suicide shall, if that other person thereafter commits or attempts to commit suicide, be liable to a custodial sentence not exceeding five years or to a monetary penalty.

Objective elements

- Offender
- Victim
- Act
- Result
- Causality / imputation

Subjective elements

- Knowledge / conditional intent
- Will / direct intent
- Motive

Criminal liability

Case	Conduct of Individual	Conduct of Third Party	Criminal liabilty of Third Party
Independent suicide 	Independent self-killing Intent to die	--	--
Assisted Suicide 	Independent self-killing Intent to die	Providing the means	No, unless motivated by selfish reasons (Art. 115)
Passive euthanasia 	Enduring the dying process Intent to die	Omission of life-sustaining treatment	No, killing by omission (Art. 11 and 114)
Active euthanasia 	Enduring the act of killing Intent to die	Active killing	Yes, homicide on request (Art. 114)

Art. 312 – Abuse of public office

Any member of an authority or a public official who abuses their official powers in order to secure an unlawful advantage for themselves or another or to cause prejudice to another shall be liable to a custodial sentence not exceeding five years or to a monetary penalty.



Summary

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

General – specific provisions

General provisions/liability

- Intention/Negligence
- Inchoate offences: Attemps
- 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



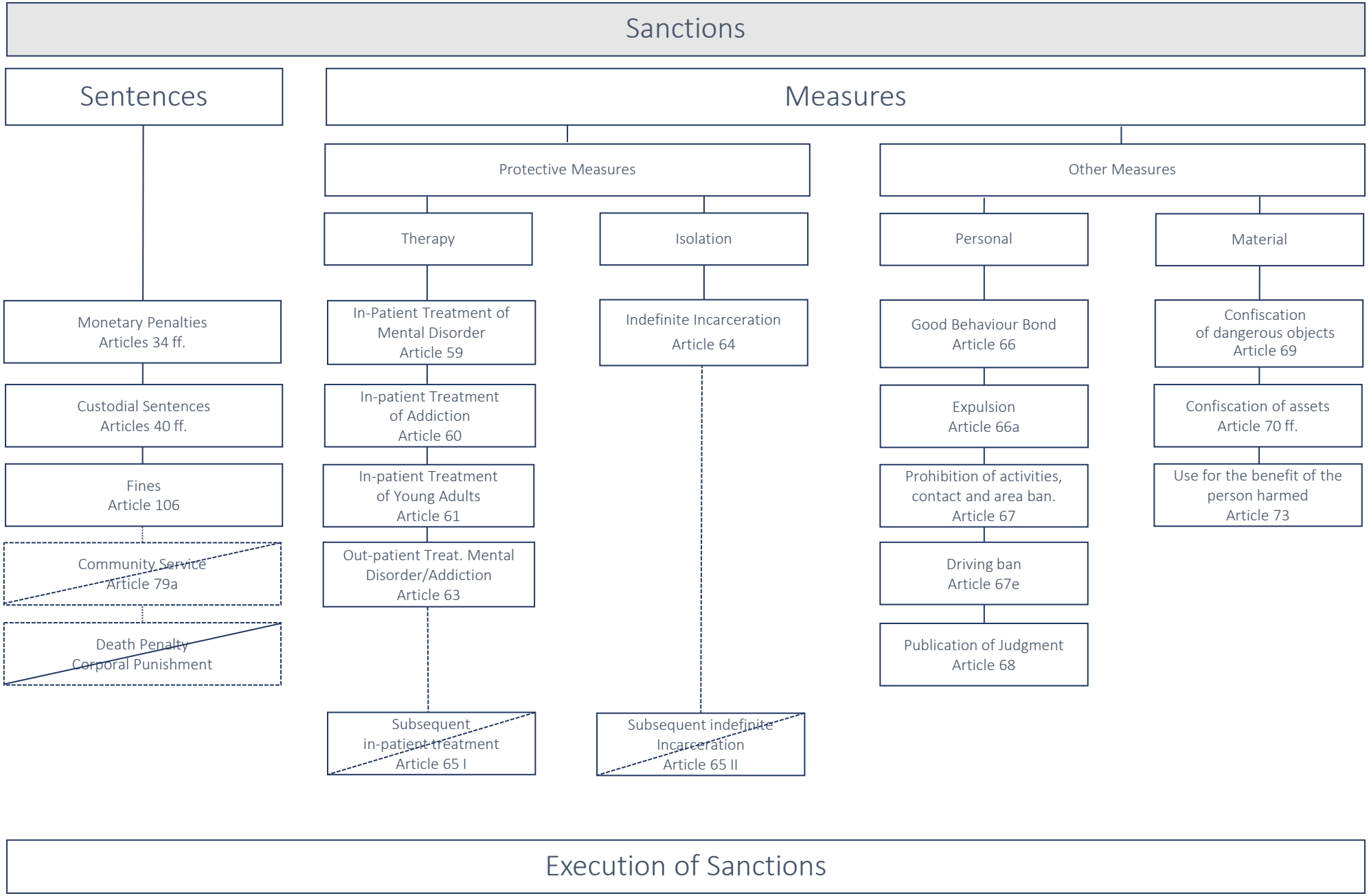
Criminal liability

Elements of Crime	Objective elements – Actor – Victim – Object – Act – Result – Causation	 – Policeman X. – Mike Ben Peter – NA – Forcing to the ground – Death – But for the pressing down of MBP, his death would not have occurred.
Unlawfulness	– Self-Defence – Necessity – Consent	– Policeman was not under attack – Policeman was not in danger – MBP did/could not consent
Culpability	– Criminal Responsibility – Error of Law – Unreasonableness	– X criminally responsible (understand/acting accordingly) – X knew prohibition to kill, knew that no attack – X. faced no threat to life.

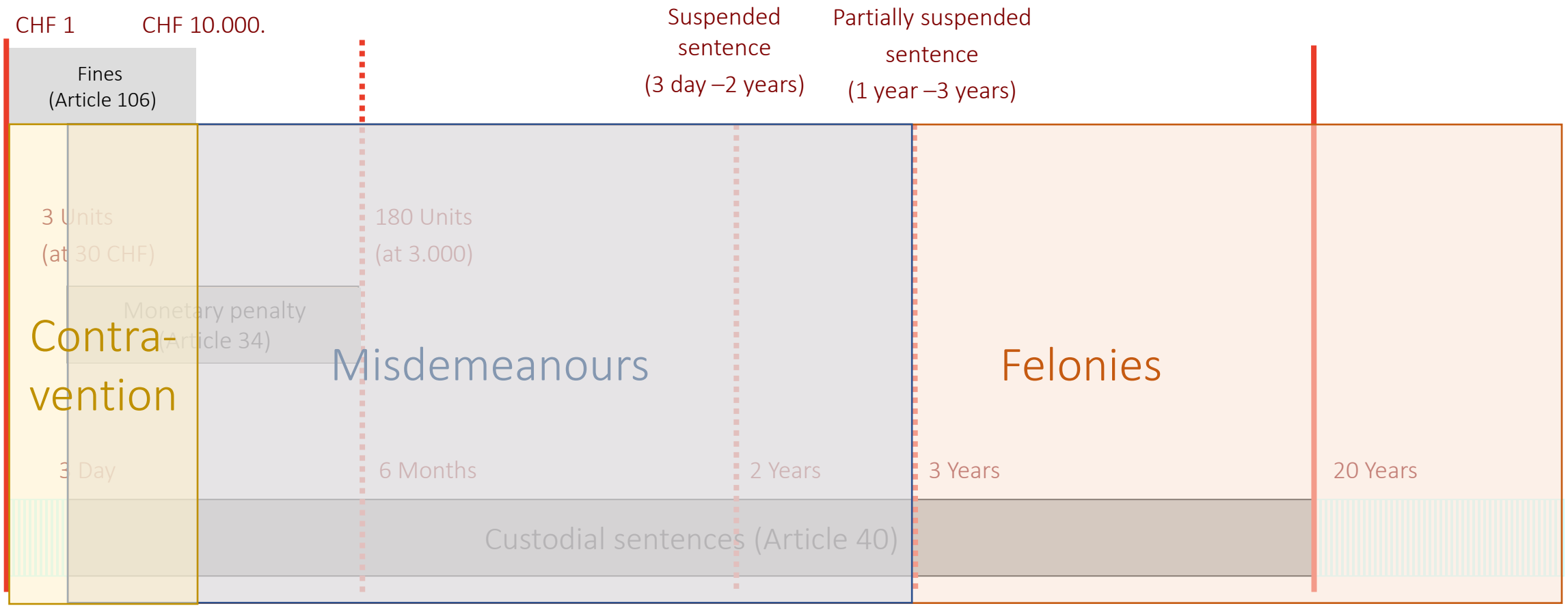
Summary

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

Universität Zürich[UZH]



Sentences


CHF 1
CHF 10.000.
Fines
(Article 106)
Suspended
sentence
(3 day –2 years)
Partially suspended
sentence
(1 year –3 years)
3 Units
(at 30 CHF)
180 Units
(at 3.000)
Monetary penalty
(Article 34)
Contra-
vention
Misdemeanours
Felonies
3 Day
6 Months
2 Years
3 Years
20 Years
Custodial sentences (Article 40)

Introduction to Swiss Law

Date	Lecture	Lecturer
18/09/2026	Constitutional Law	Daniel Moeckli
25/09/2026	Administrative Law / Administrative Procedure	Florian Brunner
02/10/2026	Civil Procedure	Lorenz Droese
09/10/2026	Civil Law Principles, Family Law & Law of Persons	Elisabetta Fiocchi
16/10/2026	Contract and Tort Law	Tina Huber-Purtschert
23/10/2026	Corporate and Banking Law	David Bertrand Roth
30/10/2026	Legal History/History of International Law	Elisabetta Fiocchi
06/11/2026	Criminal Law	Marc Thommen
13/11/2026	Criminal Procedure	Marc Thommen
20/11/2026	Legal Philosophy & Legal Theory	Matthias Hächler
27/11/2026	Legal Sociology	Selina Scherrer
04/12/2026	Roman Law	Adrian Häusler
11/12/2026	Oral exam	Individual allocation

Universität Zürich[UZH]

Swiss Criminal Law

Marc Thommen