

Swiss Criminal Law

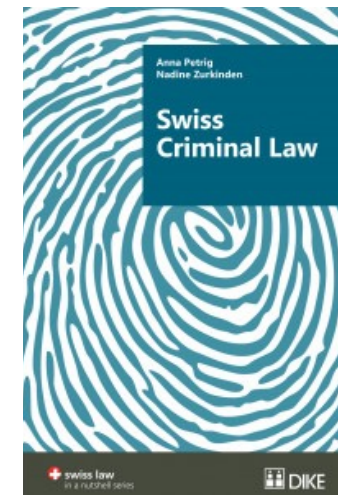
Dr. iur. Nadine Zurkinden

Criminal Law

Current positions

- Senior Assistant for Substantive and Procedural Criminal Law (since June 2018)
- lawyer for the road traffic department of the Basel Cantonal Police.

Co-author of Swiss Criminal Law (with Anna Petrig, 2015).



Translated Legislation

Federal Constitution of the Swiss Confederation

<https://www.admin.ch/opc/en/classified-compilation/19995395/index.html>

Swiss Criminal Code

<https://www.admin.ch/opc/en/classified-compilation/19370083/index.html>

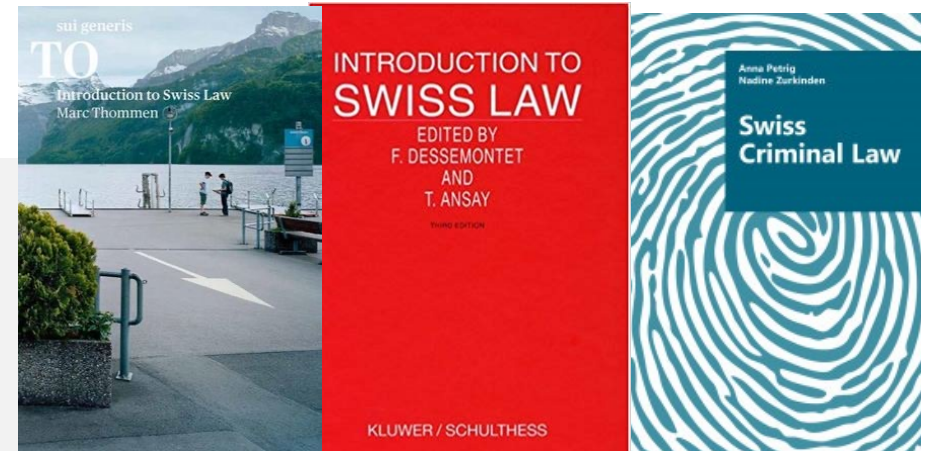
Swiss Criminal Procedure Code

<https://www.admin.ch/opc/en/classified-compilation/20052319/index.html>

See also www.rwi.uzh.ch/thommen for further information.

Literature in English

- Marc Thommen, Introduction to Swiss Law, Zurich 2018 >
<http://www.introductiontoswisslaw.ch/>
- Anna Petrig/Nadine Zurkinden, Swiss Criminal Law, Zurich 2015
- François Dessemontet/Tugrul Ansay (eds.), Introduction to Swiss Law, 3rd ed., The Hague 2004
- Max Planck Information System for Comparative Criminal Law: Infocrim.org



Information System for Comparative Criminal Law

Introduction to the Legal System and Foundations of Criminal Law

The Information System contains complete and partial country reports covering **25 legal systems**. All reports share a **common structure** to simplify the comparison. The project is designed as a **work in progress**, therefore the reports are supplemented on a regular basis.

1. Select the countries you want to compare.

... (e.g. China, France and Turkey)

COUNTRIES

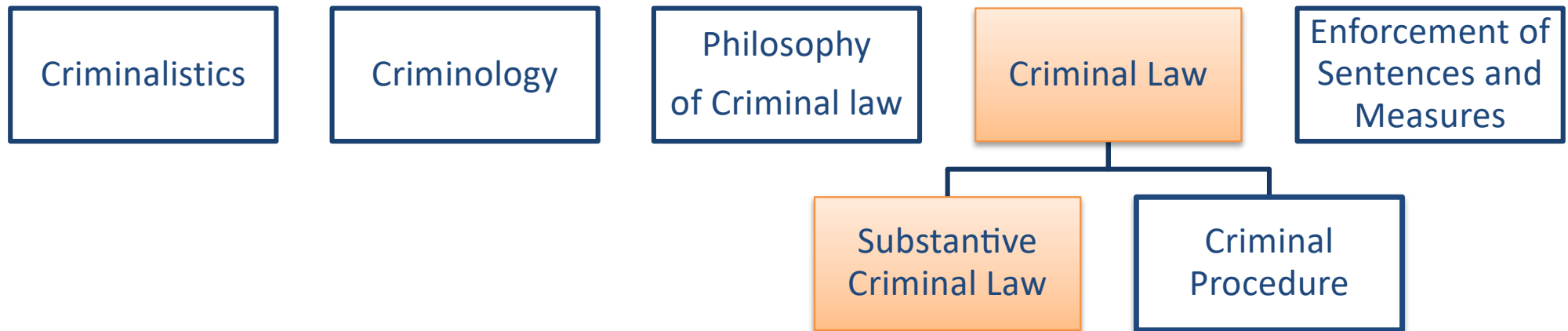
2. Select a topic. (optional)

... (e.g. purposes of punishment, intent or self-defense)

TOPIC

You can search for keywords or select a topic from the > table of contents.

Swiss Criminal Law



Case Examples 1/2

- X hikes in the nudes in the beautiful canton Appenzell.
- Swiss politician buys one gram of cocaine from a busker in the streets of Bern and stashes it in the parliament building overnight.
- 16 year old climate activist daubed a bank building to protest against the bank's investments in fossil fuels.
- Farmer destroys a stork's nest in spring.



<http://www.parliament.ch>



SRF

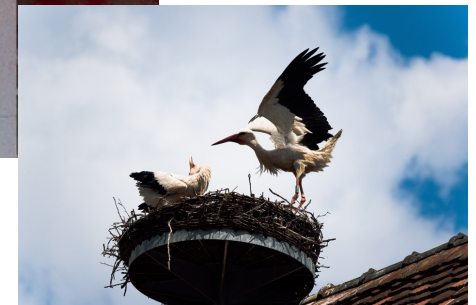


Photo by [Jeremy Wermeille](#) on [Unsplash](#)

Case Examples 2/2

- Swiss fighter jet pilot causes crash by he failing to respect the rules for minimum flight altitudes for combat and training exercises.
- X causes car crash because she diregards the right of way. A child is hurt.
- «Monster of Rapperswil» abuses and kills child. He also kills mother, brother and brother's girlfriend. He suffers from mental disorders.



[Vasily Koloda](#) on [Unsplash](#)

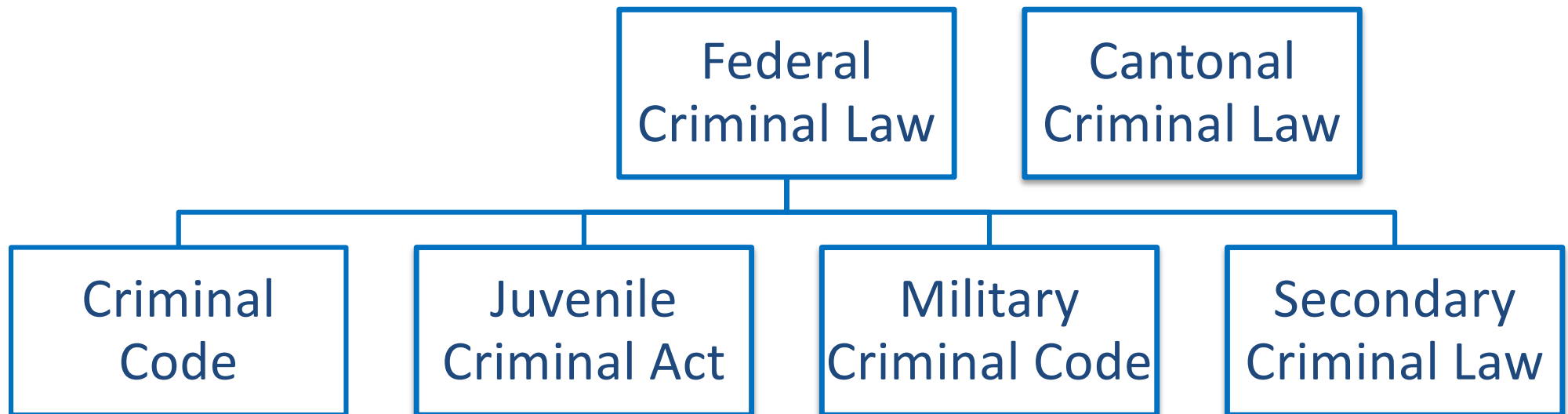


[Gareth Harrison](#), [Unsplash](#)



[Marloes Hilckmann](#), [Unsplash](#)

Swiss Substantive Criminal Law





Federal
Criminal Law

Canto
Crimina



Crim
Code



Mobile
Criminal Act

Military
Criminal Code

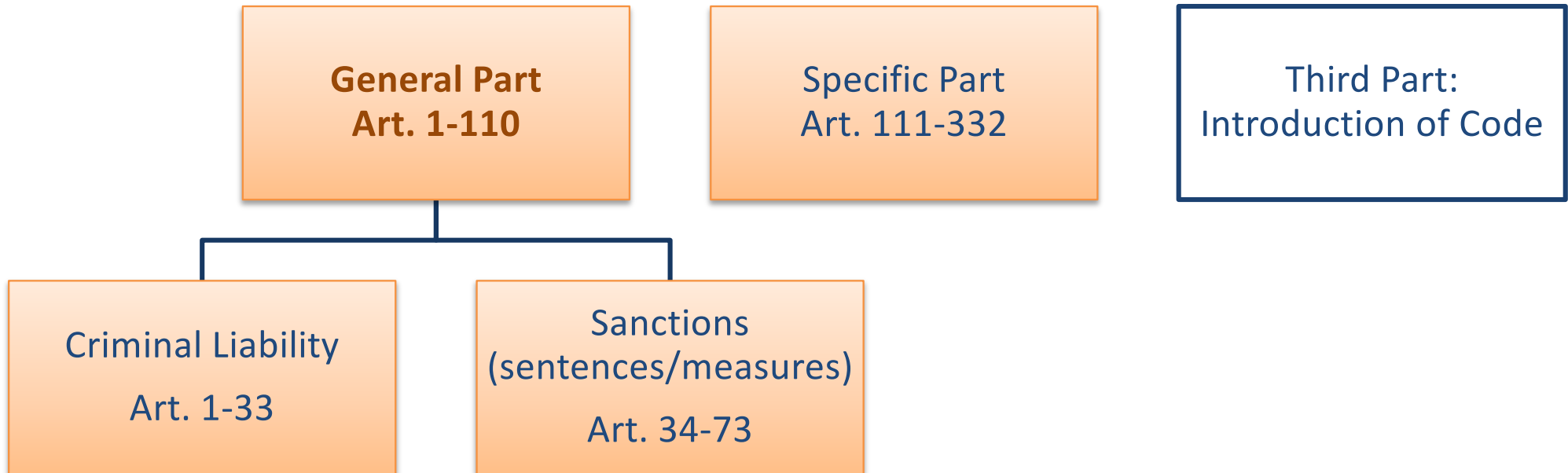


Secondary
Criminal Law



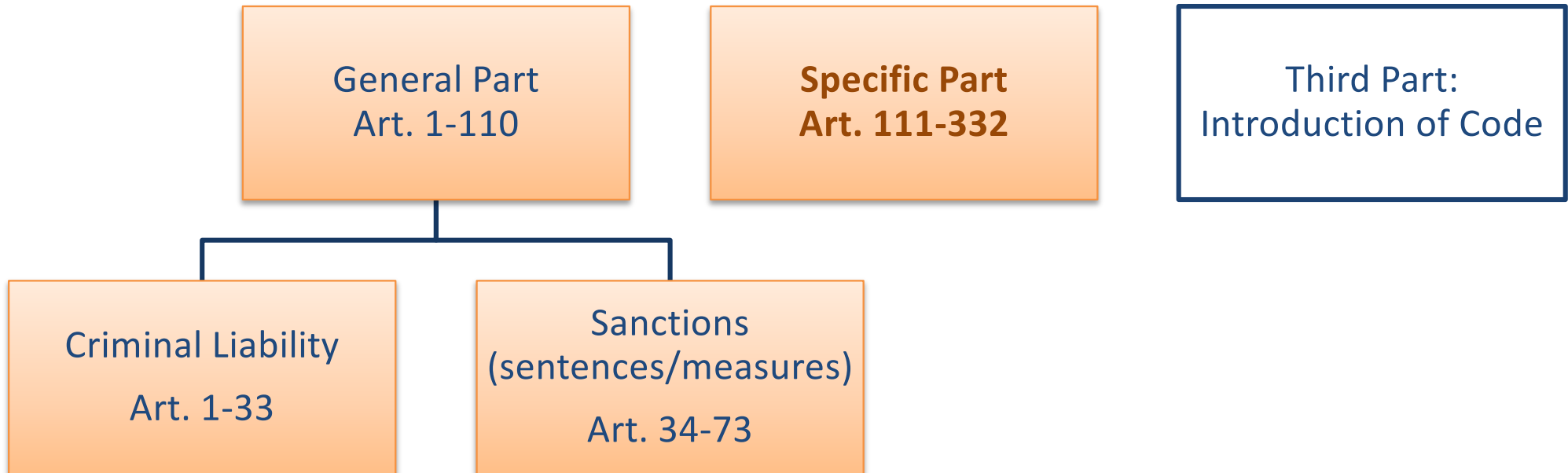


Swiss Criminal Code





Swiss Criminal Code



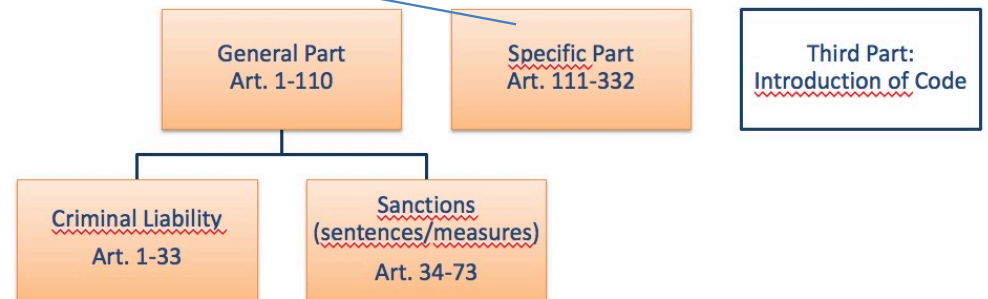
How do the different parts work together?

Article 111 SCC

„Any person who kills a person intentionally... is liable to a custodial sentence of not less than five years”



Swiss Criminal Code



Specific Criminal Acts

Life and Limb (Art. 111 ff.)
 Property (Art. 137 ff.)
 Personal Honour (Art. 173 ff.)
 Liberty (Art. 180 ff.)
 Sexual Integrity (Art. 187 ff.)
 Family (Art. 213 ff.)
 Public (Art. 221 ff.)
 Counterfeiting of Money (Art. 240 ff.)
 Forgery (Art. 251 ff.)
 Public Order (Art. 258 ff.)
 Genocide, Crimes against Humanity, War Crimes (Art. 264 ff.)
 State and National Security (Art. 265 ff.)
 Will of the People (Art. 279 ff.)
 Official Powers (Art. 285 ff.)
 Foreign Relations (Art. 296 ff.)
 Administration of Justice (Art. 303 ff.)
 Offences against Official or Professional Duty (Art. 312 ff.)
 Bribery (Art. 322ter ff.)

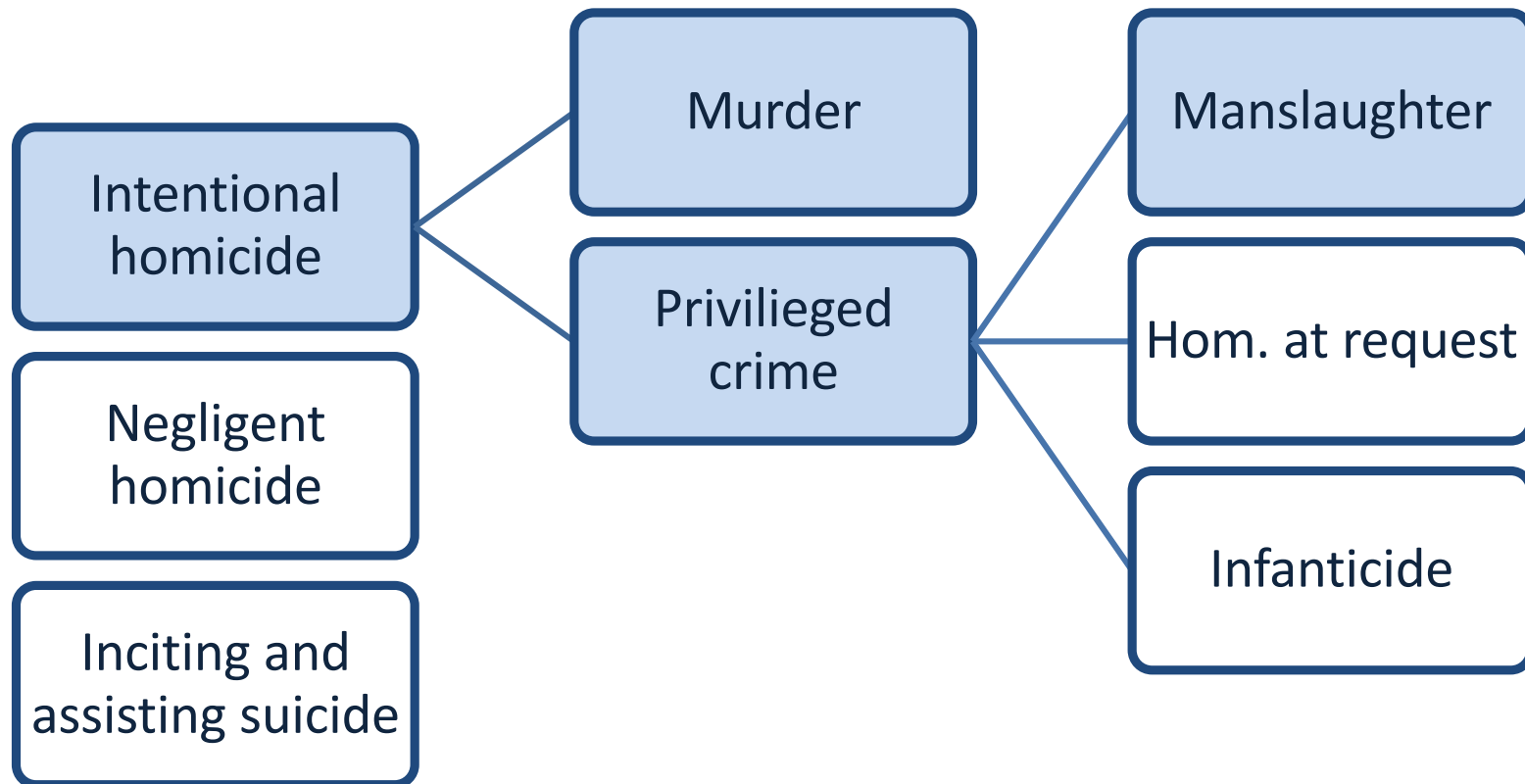
Title One: Offences against Life and Limb	
1. Homicide.	
Intentional homicide	Art. 111
Murder	Art. 112
Manslaughter	Art. 113
Homicide at the request of the victim	Art. 114
Inciting and assisting suicide	Art. 115
Infanticide	Art. 116
Homicide through negligence	Art. 117
2. Abortion.	
Illegal abortion	Art. 118
Legal abortion	Art. 119
Contraventions by physicians	Art. 120
<i>Repealed</i>	Art. 121
3. Assault.	
Serious assault	Art. 122
Common assault	Art. 123
Female genital mutilation	Art. 124
Assault through negligence	Art. 125
Acts of aggression	Art. 126
4. Endangering the life or health of another.	
Abandonment	Art. 127
Failure to offer aid in an emergency	Art. 128
False alarm	Art. 128 ^{bis}
Endangering life	Art. 129
<i>Repealed</i>	Art. 130–132
Brawling	Art. 133
Attack	Art. 134
Representations of acts of violence	Art. 135
Administering substances capable of causing injury to children	Art. 136

Article 111 Intentional homicide

Any person who kills a person intentionally, but **without fulfilling the special requirements of the following articles**, is liable to a custodial sentence of not less than five years.



E.g. types of homicide



Article 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**, the penalty is a custodial sentence for life or a custodial sentence of not less than ten years.



Article 113 Manslaughter

Where the offender acts in a **state of extreme emotion that is excusable in the circumstances**, or in a **state of profound psychological stress**, the penalty is a custodial sentence from one to ten years.



Domestic Tyrant (BGE 122 IV 1)

Y constantly abused his wife X. In January 1993, he told their daughter that her mother was going to die during the course of that year. On 15 March 1993, Y showed his wife a revolver he had bought in order to kill her. He then put it under his pillow and went to sleep. At one o'clock in the morning, X took the revolver and shot Y dead while he was sleeping.



How do the different parts work together?

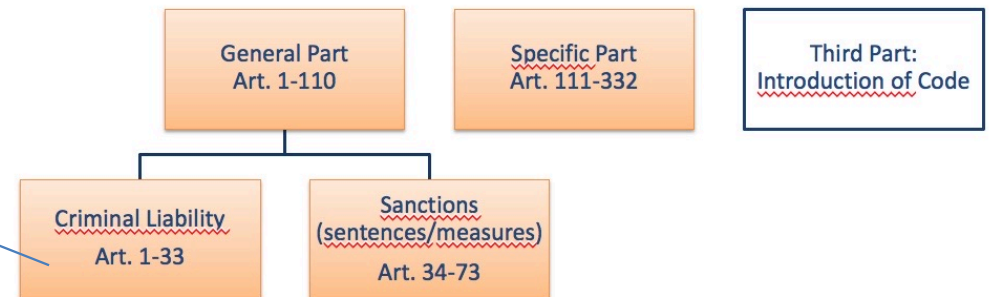
Article 111 SCC

„Any person who kills a person
intentionally...

is liable to a custodial sentence of
not less than five years”



Swiss Criminal Code



General Part I – Art. 1-33 CC

General Provisions on Criminal Liability that apply to all offences

- Territorial Application
- Crime Categories
- Intention/Negligence
- Excuses/Defences
- Law on Attempts
- Participation/Complicity

Table of contents

Book One: General Provisions

Part One: Felonies and Misdemeanours



Title One: Scope of Application

1. No penalty without a law	Art. 1
2. Commencement of applicability of the Code	Art. 2
3. Territorial scope of application	
Felonies or misdemeanours in Switzerland	Art. 3
Felonies or misdemeanours against the state committed abroad	Art. 4
Offences against minors abroad	Art. 5
Offences committed abroad prosecuted in terms of an international obligation	Art. 6
Other offences committed abroad	Art. 7
Place of commission	Art. 8
4. Personal scope of application	Art. 9

Title Two: Criminal Liability

1. Felonies and misdemeanours	
Definition	Art. 10
Commission by omission	Art. 11
2. Intention and negligence	
Definitions	Art. 12
Error of fact	Art. 13
3. Lawful acts and guilt	
Act permitted by law	Art. 14
Legitimate self-defence	Art. 15
Mitigatory self-defence	Art. 16
Legitimate act in a situation of necessity	Art. 17
Mitigatory act in a situation of necessity	Art. 18
Absence of legal responsibility due to a mental disorder and diminished responsibility	Art. 19
Doubt as to legal responsibility	Art. 20
Error as to unlawfulness	Art. 21
4. Attempts	
Criminal liability for attempts	Art. 22
Withdrawal and active repentance	Art. 23

Criminal Liability

Elements of Crime	Objective Elements <ul style="list-style-type: none"> - Offender - Object of the Crime - Act - Result - Causation 	Subjective Elements <ul style="list-style-type: none"> - Direct Intent - Conditional Intent 	 <p>Objective Wrong</p>
Unlawfulness	Justification <ul style="list-style-type: none"> - Self-Defence - Necessity - Consent 	<ul style="list-style-type: none"> - Knowledge (of threat) - Will (to defend) 	
Culpability	<ul style="list-style-type: none"> - Criminal Responsibility - Error of Law - Unreasonableness 		 <p>Subjective Blame</p>

E.g.: Art. 19 Absence of legal responsibility due to a mental disorder and diminished responsibility

¹ If the person concerned was unable at the time of the act to **appreciate that his act was wrong** or to **act in accordance** with this appreciation of the act, he is **not liable to a penalty**.

² If the person concerned was **only partially able** at the time of the act to appreciate that his act was wrong or to act in accordance with this appreciation of the act, the court shall **reduce the sentence**.

³ Measures in accordance with Articles 59–61, 63, 64, 67, 67*b* and 67*e* may, however, be taken.

⁴ If it was **possible** for the person concerned **to avoid** his state of mental incapacity or diminished responsibility **and** had he done so to **foresee** the act that may be committed in that state, paragraphs 1–3 do not apply.



How do the different parts work together?

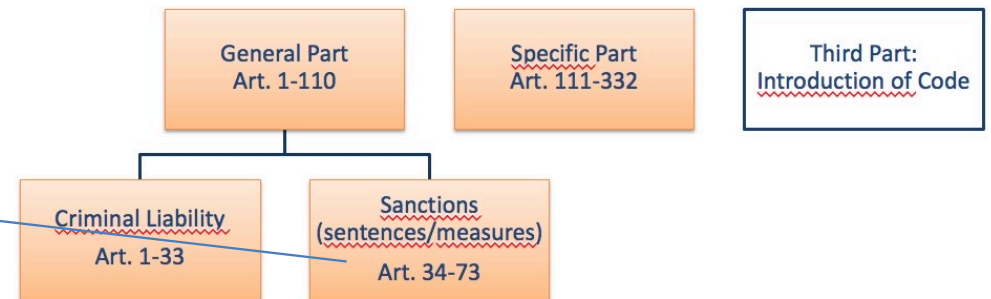
Article 111 SCC

„Any person who kills a person intentionally...

is liable to a custodial sentence of not less than five years”



Swiss Criminal Code



Death penalty is history

13 June 1782: Anna Göldi(n) >
last person executed/behead-
ed for witchcraft in Europe.

18 October 1940: Hans
Vollenweider > Last person
executed in Switzerland

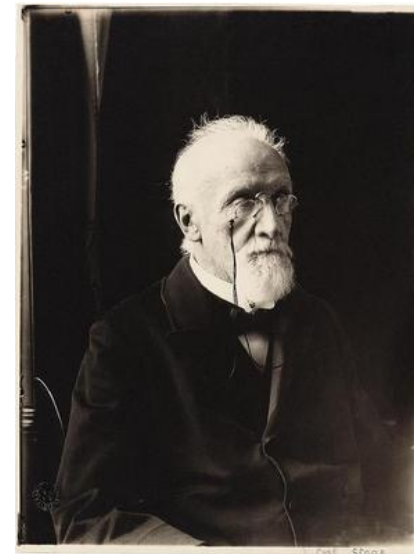


Fictional portrait by Patrick Lo Giudice



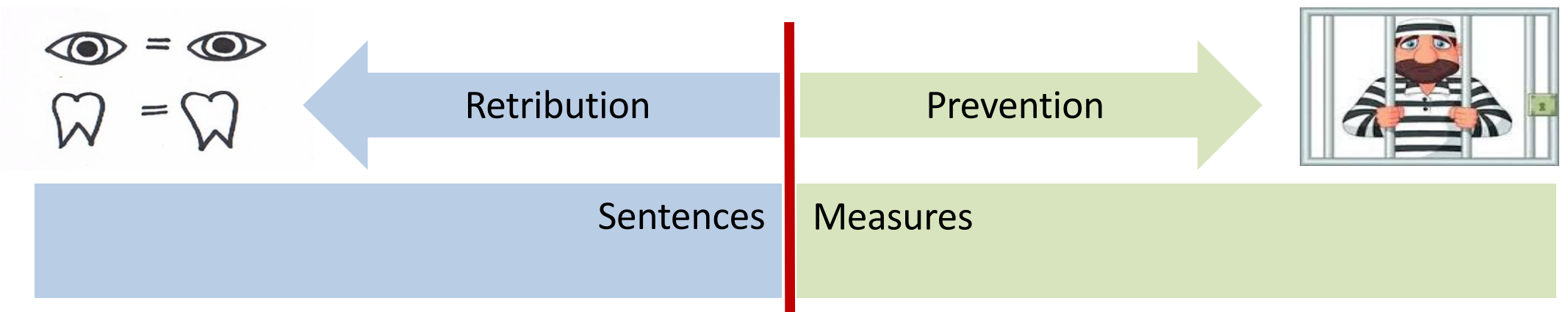
Carl Stooss (1849-1934)

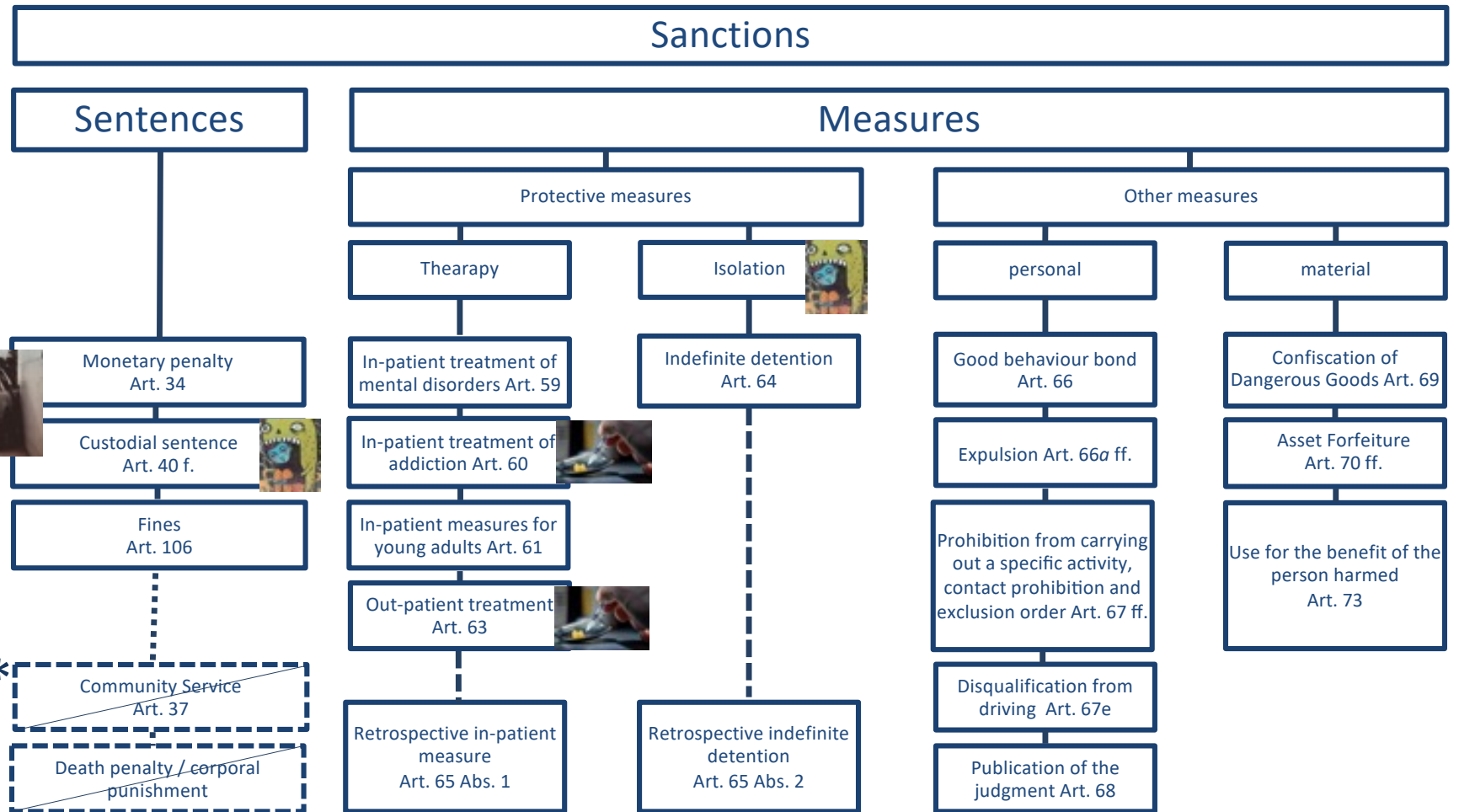
- His dual system of sanctions
→ Sentences and Measures
had great influence on legal
systems of other european
countries



Carl Stooss (1849-1934)

Dual System of Sanctions



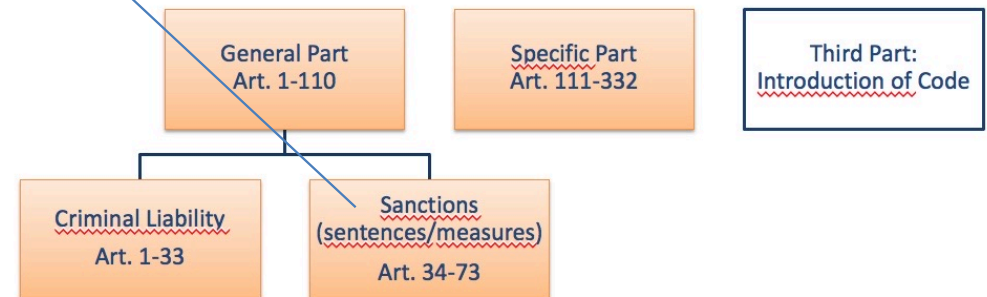


* Community service is no longer a separate type of sentence. However all sentences up to 6 months can be converted into community service (Art. 79a).

Art. 57 – Relationship between measures and sentences

- ¹ If the requirements for both a penalty [sentence] and a measure are fulfilled, the court shall order both sanctions.
- ² The implementation of a measure under Articles 59-61 takes precedence over a custodial sentence that is imposed at the same time or which is executed through revocation of a suspended sentence or recall to custody. Likewise, the reactivation of the execution of a measure in accordance with Article 62a takes precedence over a cumulative sentence imposed at the same time.
- ³ The deprivation of liberty associated with the measure must be taken into account in determining the penalty [sentence].

Swiss Criminal Code



Criminal Procedure

- Title 1 Scope of Application and Principles
- Title 2 Criminal Justice Authorities
- Title 3 Parties
- Title 4 Evidence
- Title 5 Compulsory Measures
- Title 6 Preliminary Proceedings
- Title 7 Main Proceedings of First Instance
- Title 8 Special Procedures
- Title 9 Appellate Remedies
- Title 10 Procedural Costs
- Title 11 Legal Effect and Execution of Decisions
- Title 12 Final Provisions

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

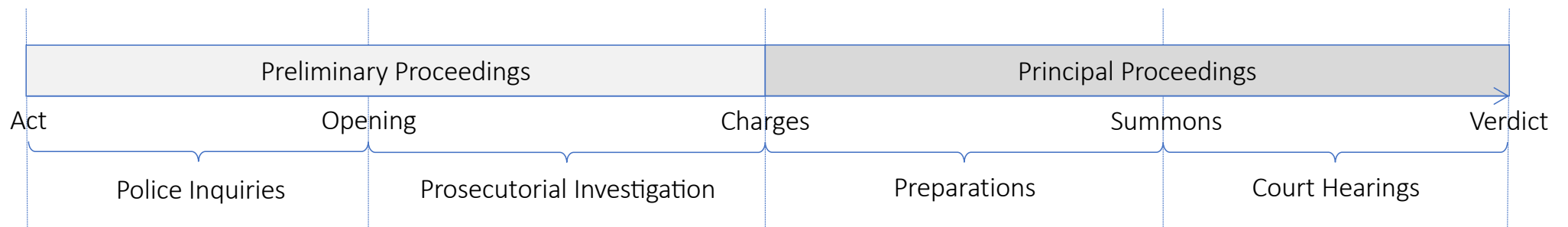
of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and
having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Criminal Procedure



Criminal Procedure

- Title 1 Scope of Application and Principles
- Title 2 Criminal Justice Authorities
- Title 3 Parties
- Title 4 Evidence
- Title 5 Compulsory Measures
- Title 6 Preliminary Proceedings
- Title 7 Main Proceedings of First Instance
- Title 8 Special Procedures
- Title 9 Appellate Remedies
- Title 10 Procedural Costs
- Title 11 Legal Effect and Execution of Decisions

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and
having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Art. 7 – Obligation to prosecute

1 The criminal justice authorities are obliged to commence and conduct proceedings that fall within their jurisdiction where they are aware of or have grounds for suspecting that an offence has been committed.

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Criminal Procedure

- Title 1 Scope of Application and Principles
- Title 2 Criminal Justice Authorities
- Title 3 Parties
- Title 4 Evidence
- Title 5 Compulsory Measures
- Title 6 Preliminary Proceedings
- Title 7 Main Proceedings of First Instance
- Title 8 Special Procedures
- Title 9 Appellate Remedies
- Title 10 Procedural Costs
- Title 11 Legal Effect and Execution of Decisions

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and
having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Criminal Procedure

The prosecution authorities are:

- a. the police;
- b. the public prosecutor;
- c. ...

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and
having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Police

- Secure evidence
- Find suspects
- Examination hearings

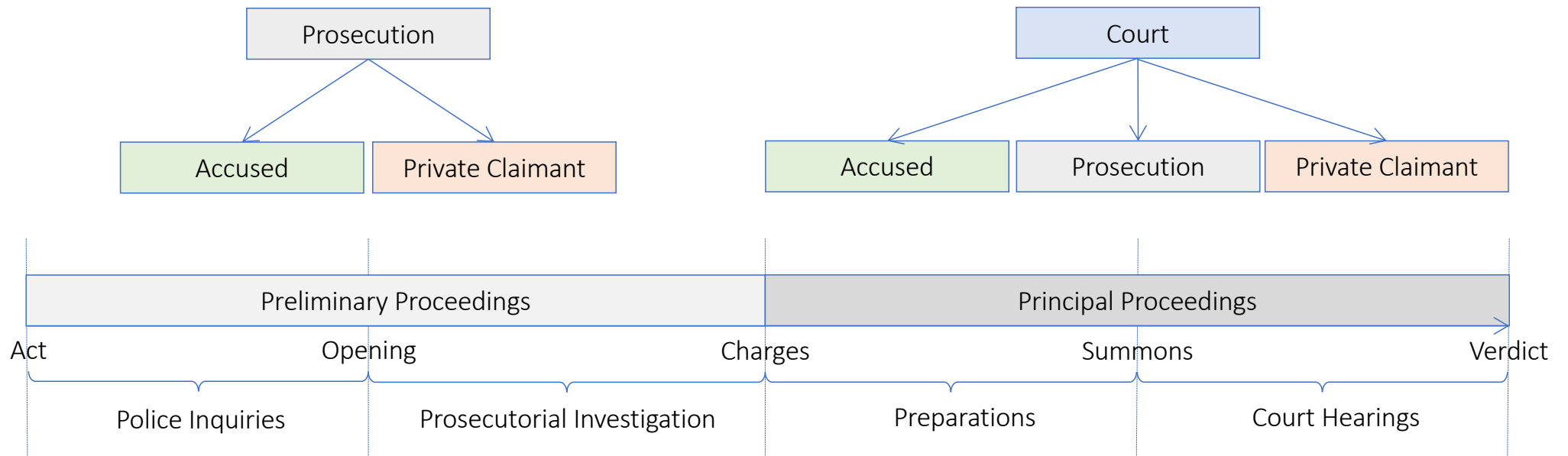


Public Prosecutor

- Formal head of the investigation (Art. 16)
- Becomes party to the trial proceedings once the charges are brought before court (Art. 104 I c)



Swiss Criminal Procedure



Art. 13 – Courts

The following bodies have judicial powers in criminal proceedings:

- Complaints Authority
- Coercive Measures Court
- Court of First Instance
- Court of Appeal

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Criminal Procedure

- Title 1 Scope of Application and Principles
- Title 2 Criminal Justice Authorities
- Title 3 Parties
- Title 4 Evidence
- Title 5 Compulsory Measures
- Title 6 Preliminary Proceedings
- Title 7 Main Proceedings of First Instance
- Title 8 Special Procedures
- Title 9 Appellate Remedies
- Title 10 Procedural Costs
- Title 11 Legal Effect and Execution of Decisions

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and
having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Art. 104 – Parties

1 Parties are:

- a. the accused;
- b. the private claimant;
- c. in the main hearing and in appellate proceedings: the public prosecutor.

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and
having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Art. 104 – Parties

1 Parties are:

- a. the accused;
- b. the private claimant;
- c. in the main hearing and in appellate proceedings: the public prosecutor.

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

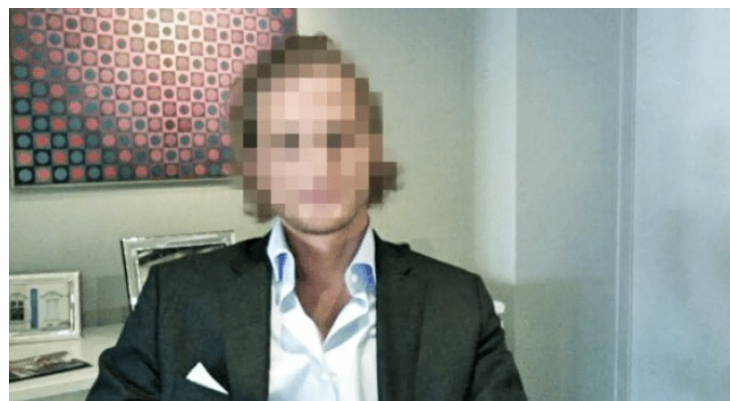
The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and
having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Art. 104 – Parties

- the accused is a person suspected, accused of or charged with an offence (Art. 111)
- Party in the Criminal Proceedings (Art. 104 I)
- Nemo tenetur (Art. 113 I)



Art. 104 – Parties

1 Parties are:

- a. the accused;
- b. the private claimant;
- c. in the main hearing and in appellate proceedings: the public prosecutor.

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and
having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Art. 115 – The aggrieved person

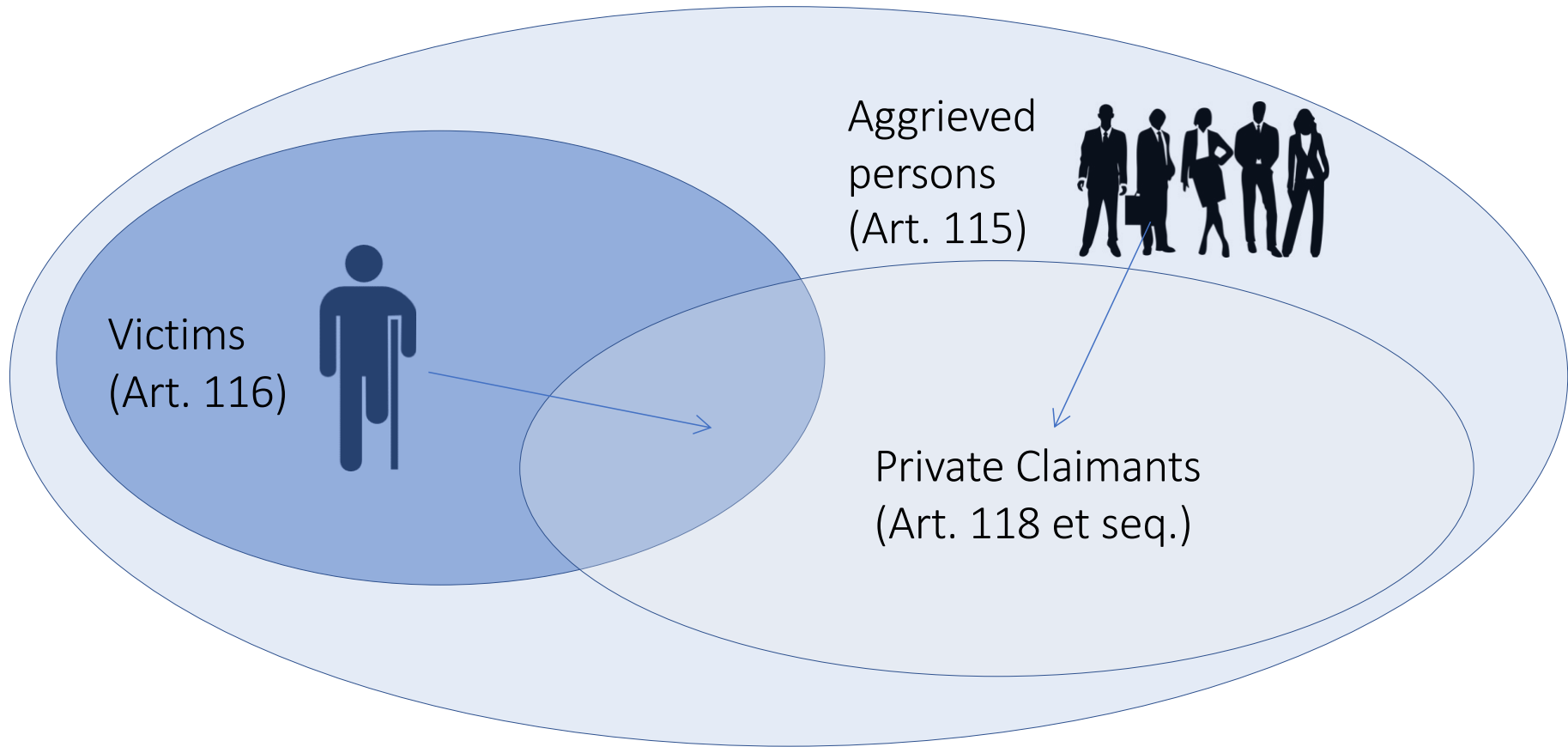
An aggrieved person is a person whose rights have been directly violated by the criminal offence.



Art. 116 – The victim

- Victim is a person who suffered physical, sexual or mental harm from an offence (Art. 116)
- Status: Special protection and rights under the Federal Act on Support to Victims of Crime (2007)
- Special rights that apply only to «victims» and not «aggrieved persons»





Victims
(Art. 116)



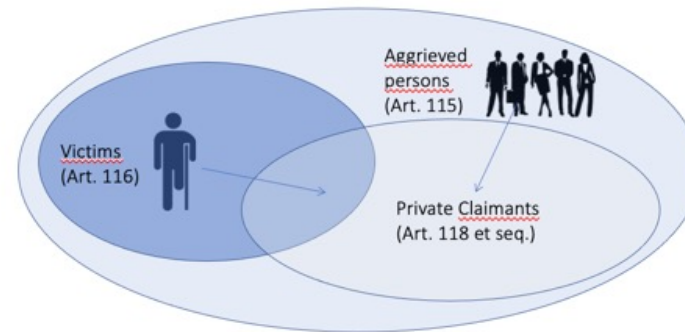
Aggrieved
persons
(Art. 115)



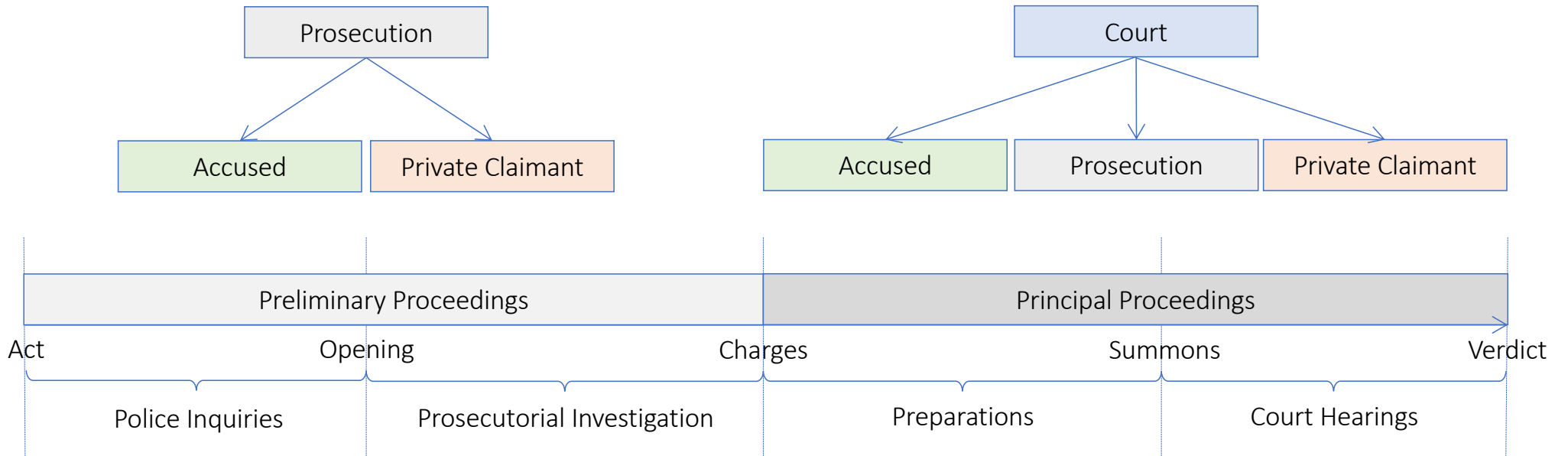
Private Claimants
(Art. 118 et seq.)

Art. 118 et seq. – Private claimants

- Be present at hearing of accused
- See evidence
- Plead to charges
- Demand compensation



Parties



Art. 127 – Legal Advisors

The accused, the private claimant and the other people involved in the proceedings may appoint a legal advisor to safeguard their interests.

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Art. 158 – Cautioning

1 The police or prosecution shall inform the accused that :

- a. preliminary proceedings have been instituted...
- b. that he/she may refuse to make statements or to participate
- c. that he/she is entitled to appoint defence counsel or where appropriate to request a legal aid defence counsel;
- d. that he/she may request an interpreter.

2 Examination hearings which take place despite the fact that this information was not first provided shall not be used.

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and having considered the Federal Council Dispatch dated 21 December 2009

decrees:

Art. 130 – Mandatory appointment of a defence lawyer

A defence lawyer must be appointed to represent the accused if:

- a. detention on remand more than 10 days;
- b. custodial sentence of more than a year or expulsion from Switzerland;
- c. the accused is unable to safeguard his or her interests
- d. the prosecuting lawyer is appearing in person before the court;
- e. accelerated proceedings (Art. 358–362) .

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Art. 131 – Appointment of the mandatory defence lawyer

1 Where the mandatory appointment of a defence lawyer is required, the head of proceedings shall ensure that a defence lawyer is appointed immediately.

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Art. 132 – Legal aid defence counsel

- 1 The person in charge of the proceedings shall grant legal aid if:
- a. in a case involving the mandatory appointment of defence counsel
 - b. the accused does not have sufficient funds and defence counsel is necessary to safeguard his or her interests.

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

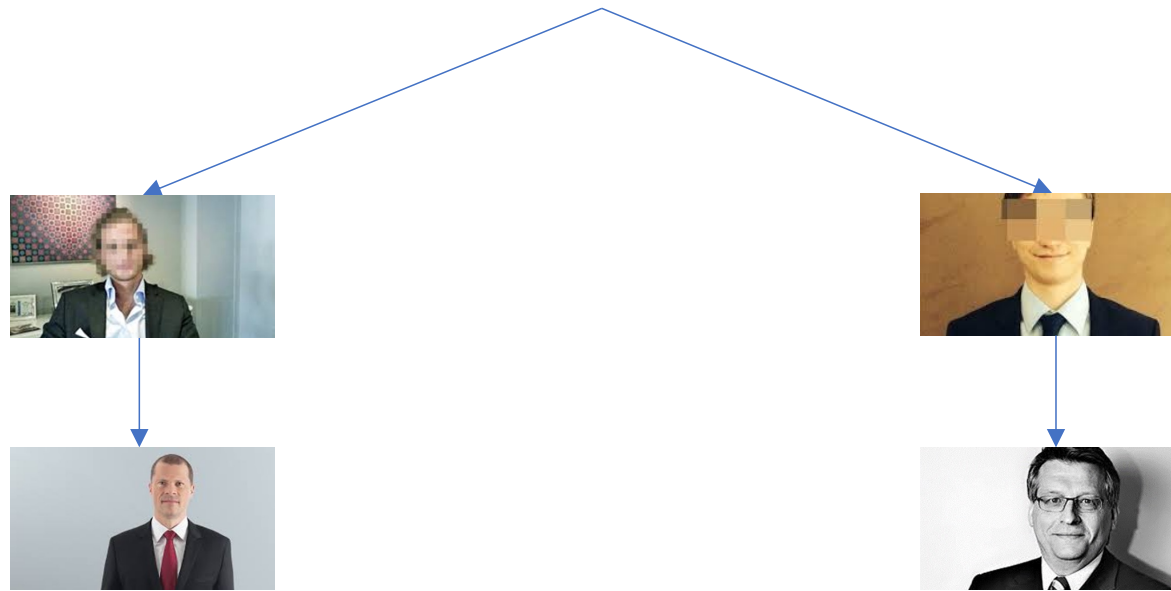
of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and having considered the Federal Council Dispatch dated 21 December 2009

decrees:

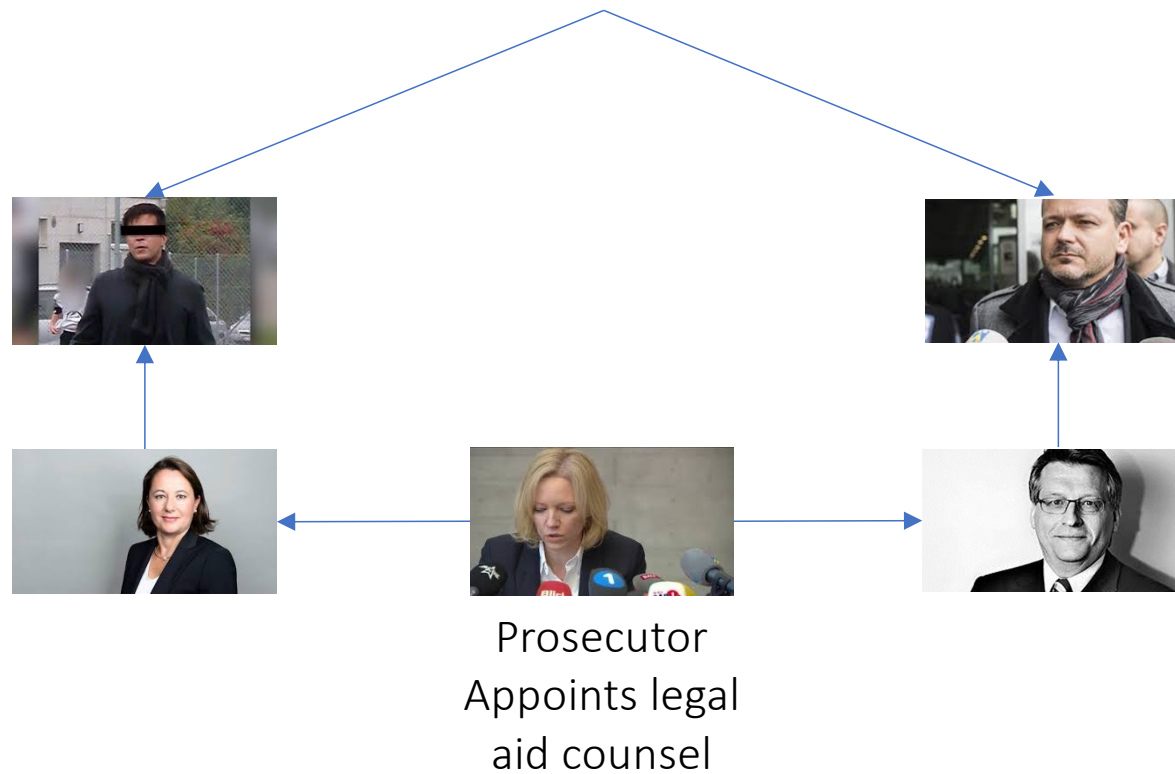
Legal Advisors



Accused appoints
Defence counsel
(Art. 128/129)

Victim/family appoints
legal counsel
(Art. 128/129)

Legal aid (defence) counsel



Art. 131 – Appointment of the mandatory defence lawyer

1 Where the mandatory appointment of a defence lawyer is required, the head of proceedings shall ensure that a defence lawyer is appointed immediately.

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and having considered the Federal Council Dispatch dated 21 December 2005

decrees:

Criminal Procedure

- Title 1 Scope of Application and Principles
- Title 2 Criminal Justice Authorities
- Title 3 Parties
- Title 4 Evidence
- Title 5 Compulsory Measures
- Title 6 Preliminary Proceedings
- Title 7 Main Proceedings of First Instance
- Title 8 Special Procedures
- Title 9 Appellate Remedies
- Title 10 Procedural Costs
- Title 11 Legal Effect and Execution of Decisions

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and
having considered the Federal Council Dispatch dated 21 December 2005

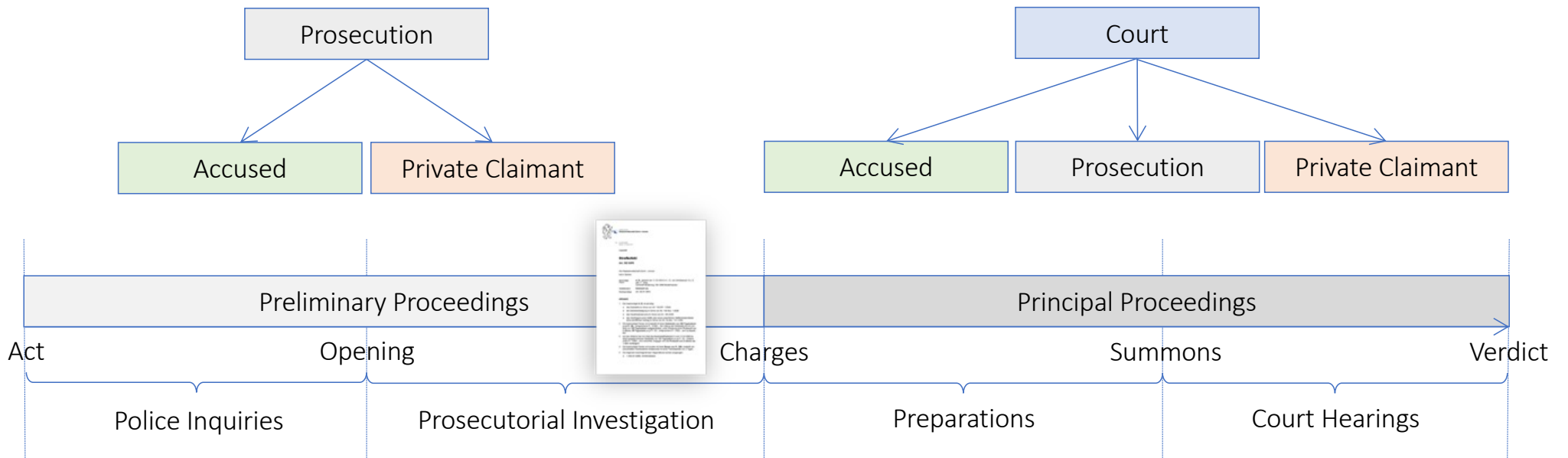
decrees:

Court of First Instance – Title 7 CrimPC

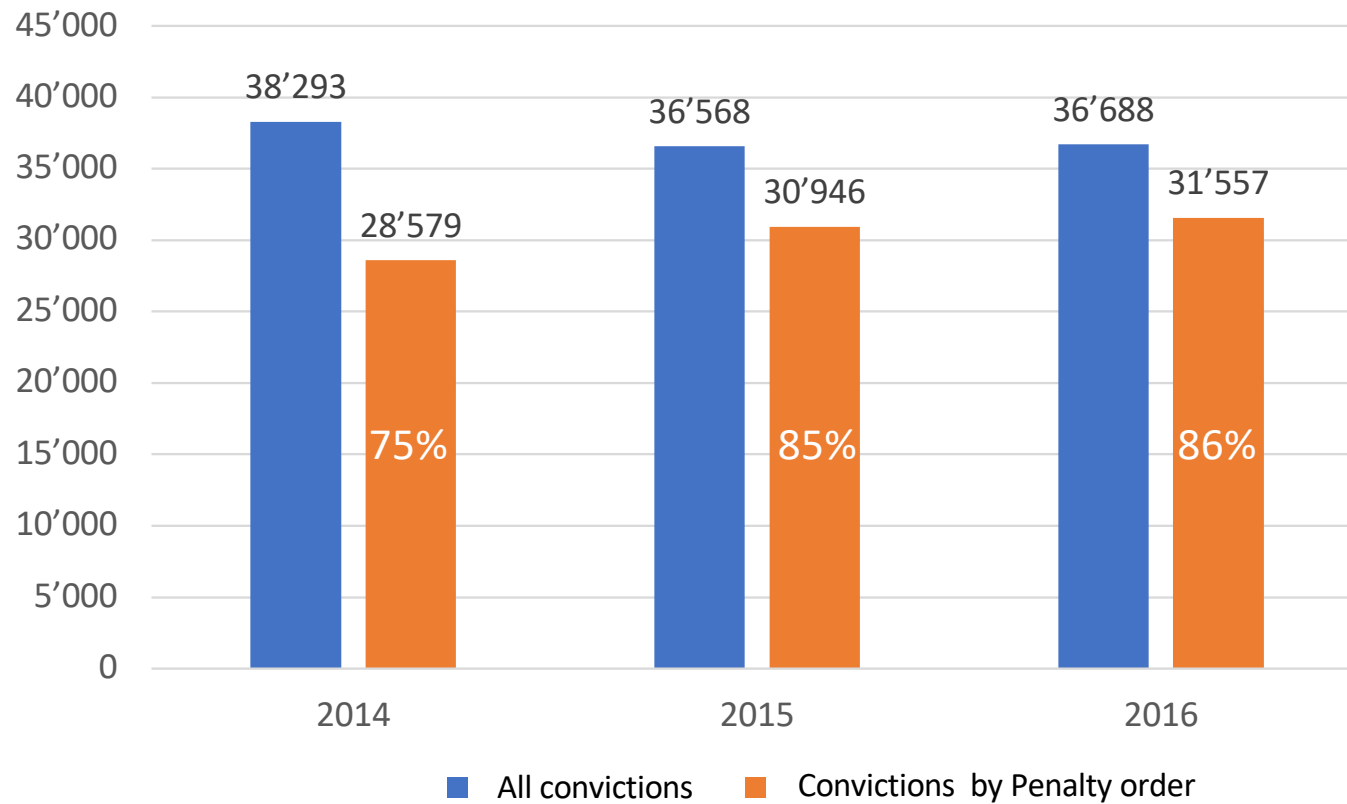
- Head of the main Court hearings
- Coercive measures (detention on remand, secret surveillance, undercover agents...)



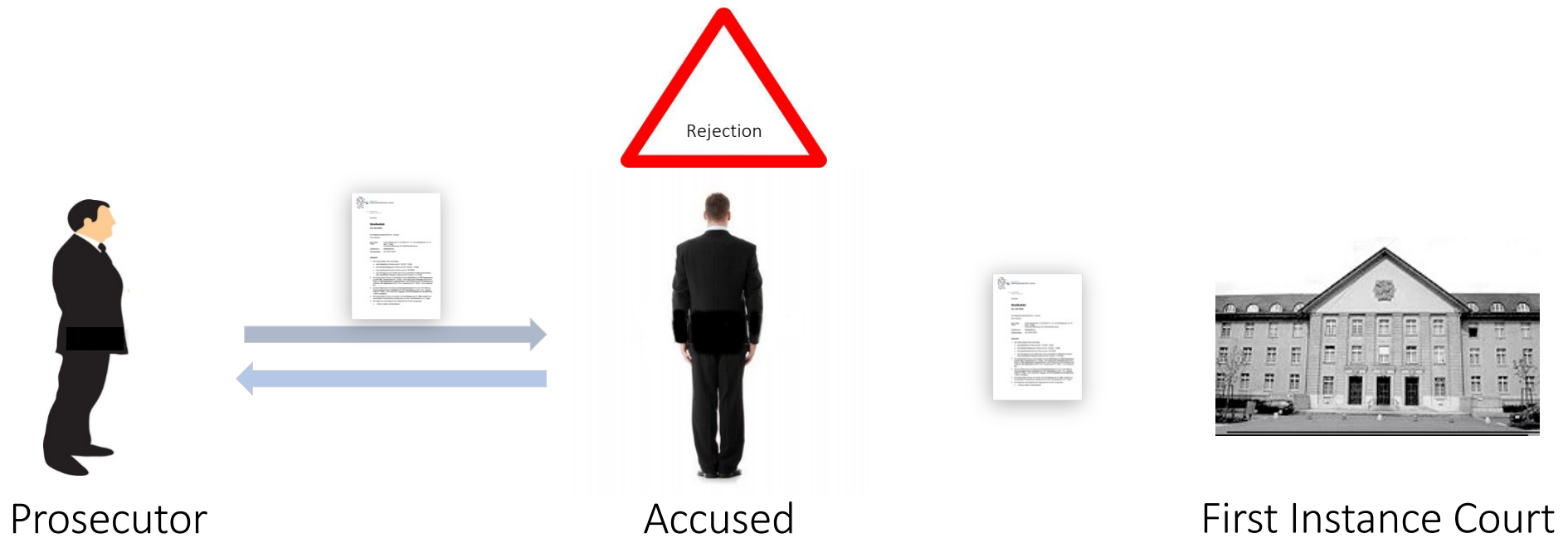
Criminal Procedure



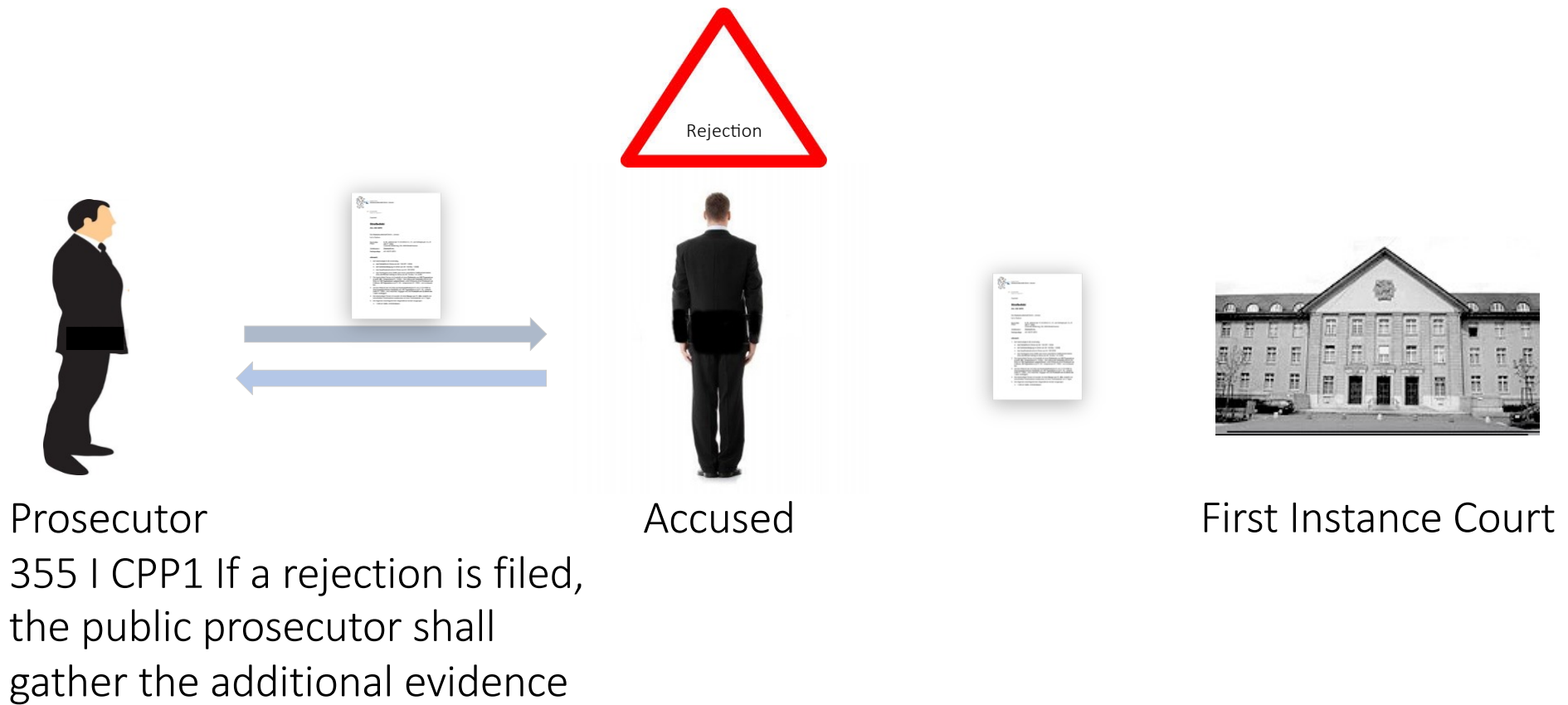
Convictions by Penalty order for felonies/misdemeanours of CC



Summary Penalty Order (Art. 352 ff. CCP)



Summary Penalty Order (Art. 352 ff. CCP)



Art. 355 CPP – Objection procedure

Prosecutor decides

- a. Uphold penalty order
- b. Abandon proceedings
- c. Issue new penalty order
- d. Bring charges at court

Swiss Criminal Procedure Code

(Criminal Procedure Code, CrimPC)

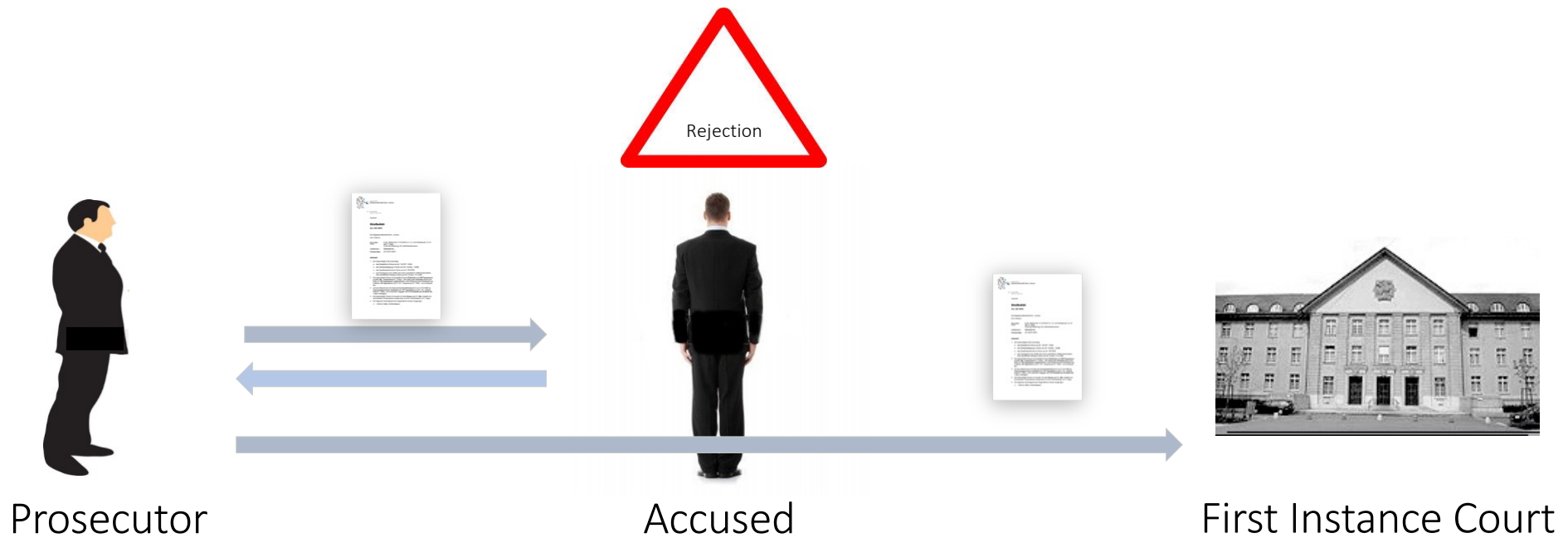
of 5 October 2007 (Status as of 1 March 2019).

The Federal Assembly of the Swiss Confederation,

on the basis of Article 123 paragraph 1 of the Federal Constitution¹, and
having considered the Federal Council Dispatch dated 21 December 2005

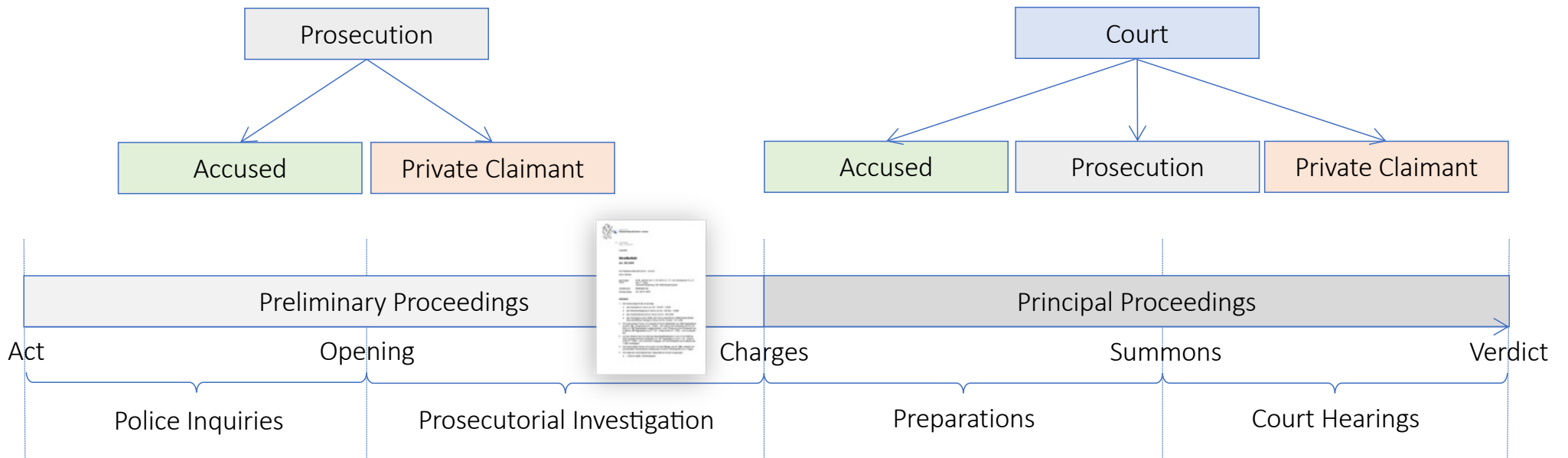
decrees:

Summary Penalty Order (Art. 352 ff. CCP)



III. Summary

Criminal Procedure



Case: Homicide in Küsnacht, Zurich, Switzerland

31-year old art dealer and drug addict

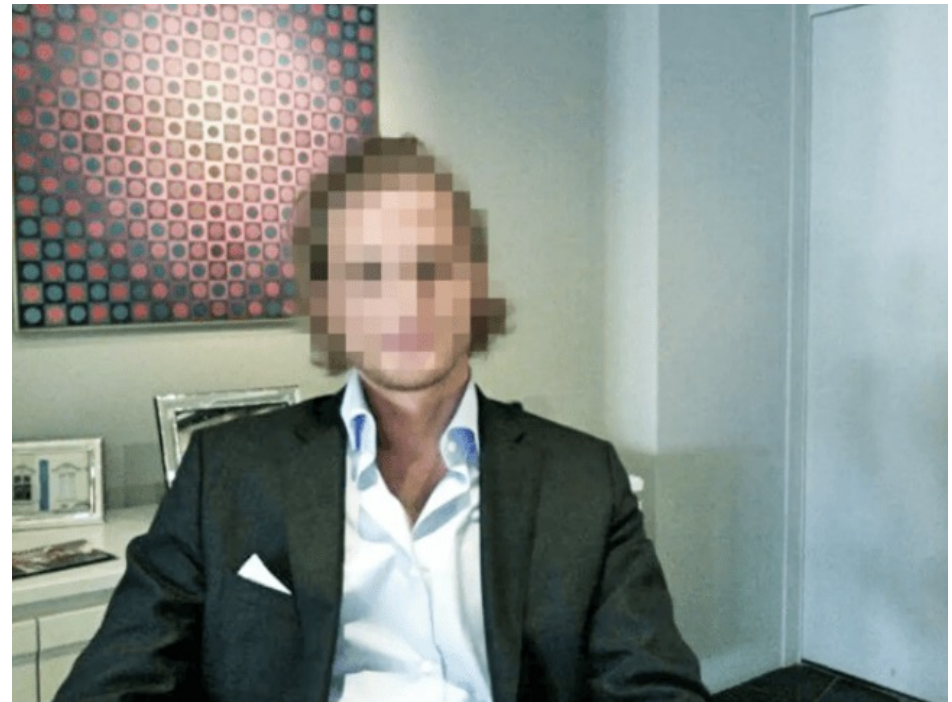
- killed his friend brutally
- said he thought his friend was an alien and attacked him / tried to kill him
- had been taking drugs (cocaine & cetamine) at the time of the homicide

Guilty verdict or acquittal?

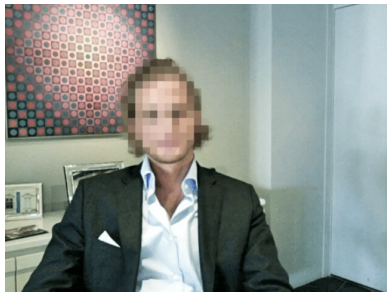
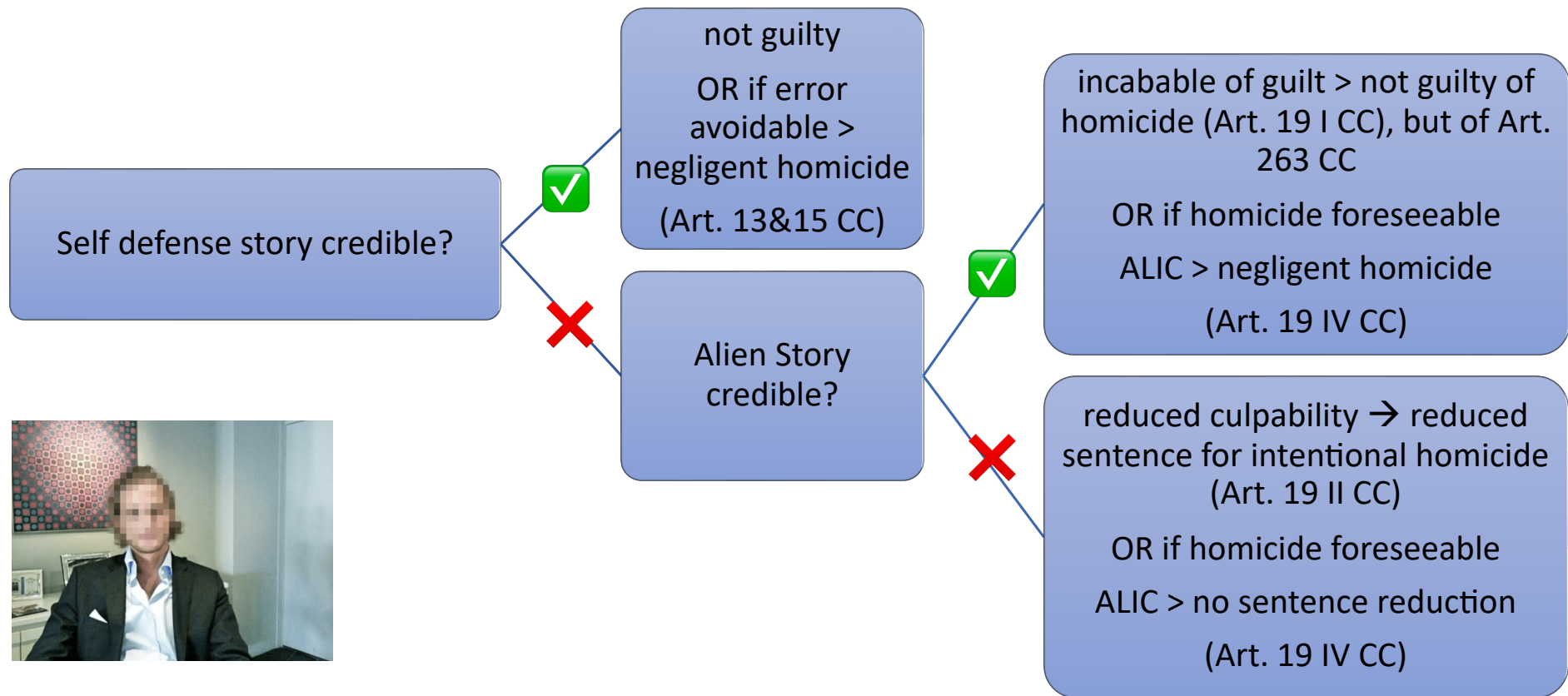
Which offence provided for by the Criminal Code could he have committed?

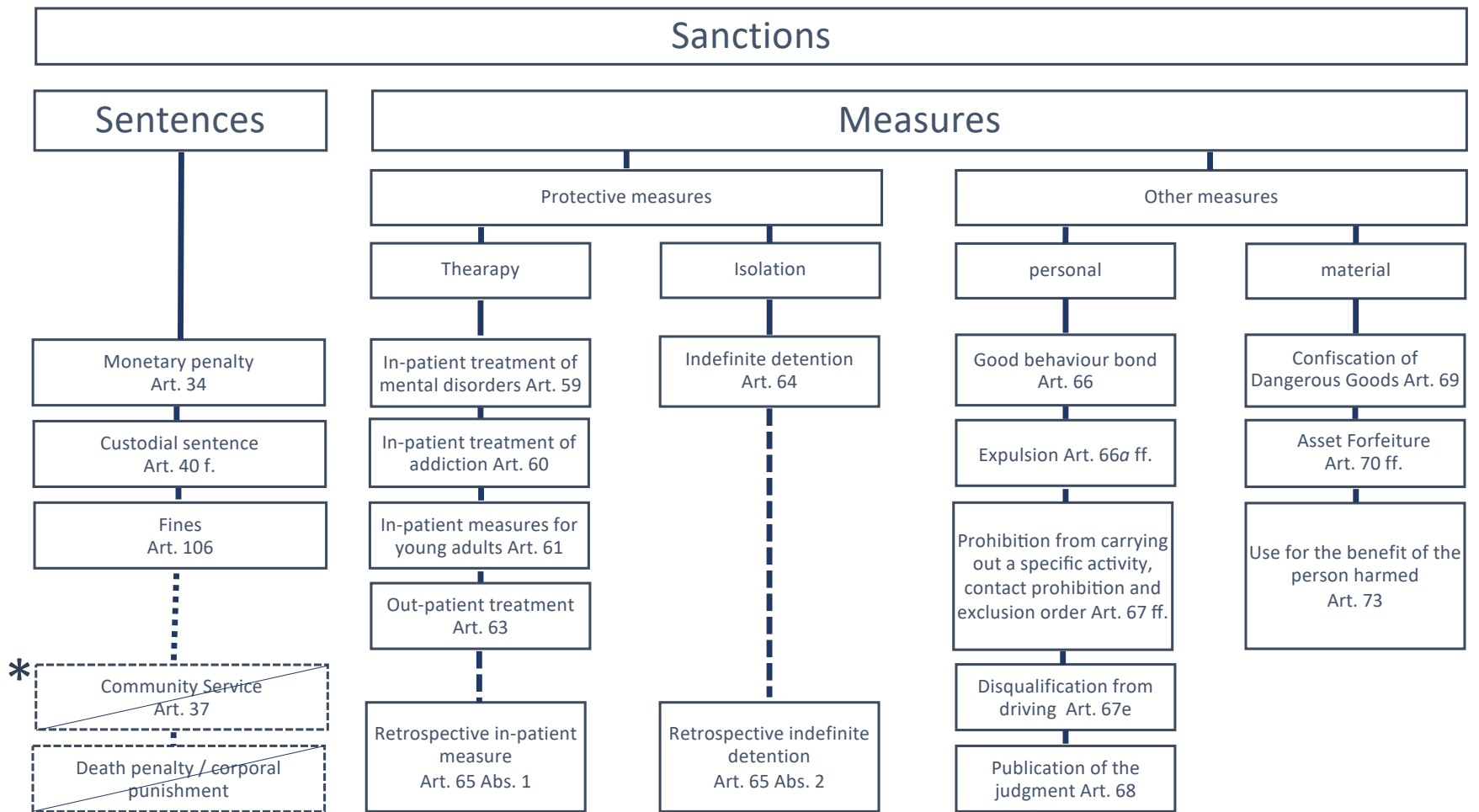
What are possible defences (based on what articles of the Criminal Code?)

If guilty: what sanctions could be imposed?



Case: Homicide in Küsnacht, Zurich, Switzerland





* Community service is no longer a separate type of sentence. However all sentences up to 6 months can be converted into community service (Art. 79a).

Case: Homicide in Küsnacht, Zurich, Switzerland

1. Meilen District Court Verdict:
Guilty of intentional homicide, reduced sentence because of drug induced reduced culpability (12.5 years) plus measure (Art. 63 CC / Art. 60 CC)
2. Zurich Appellate Court:
Not guilty of intentional homicide but only of Committing an offence while in a state of voluntarily induced mental incapacity (Art. 263 CC), 3 years custodial sentence plus measure (Art. 60 CC)
3. Federal Supreme Court sent case back
4. Zurich Appellate Court:
Guilty of intentional homicide, reduced sentence because of drug induced reduced culpability (12 years) plus measure (Art. 60 CC).

