

Swiss Criminal Procedure

Prof. Dr. Marc Thommen



Crans Montana

On New Year's Eve 2025/2026, a devastating fire at "Le Constellation" bar in Crans-Montana, Switzerland, killed 41 people and injured over 100. The blaze, likely triggered by sparklers on champagne bottles igniting ceiling materials.



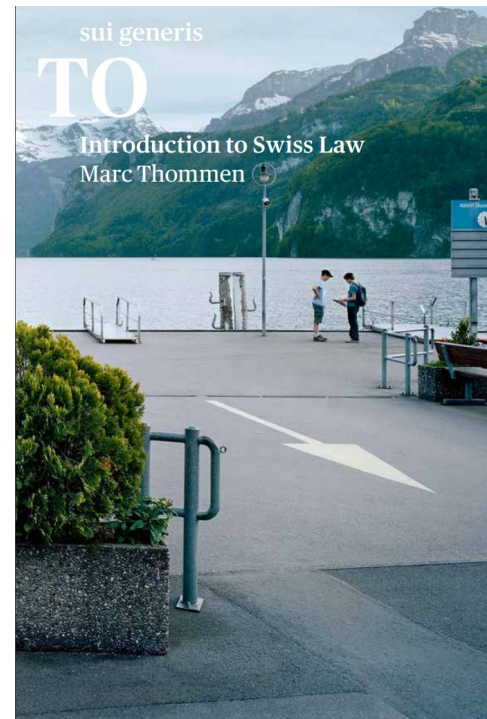
[swissinfo](#)

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.

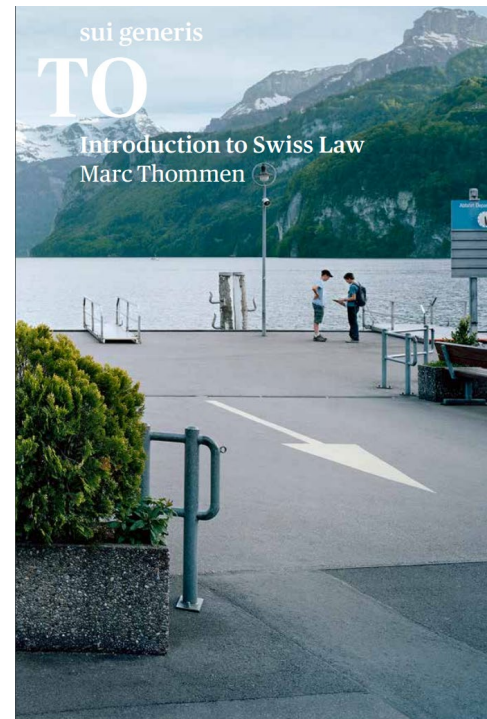
25 March 2026: Prison Zürich West







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

Swiss Criminal Procedure

- I. Criminal Justice Authorities
- II. Code Criminal Procedure
- III. Penal Order Proceedings



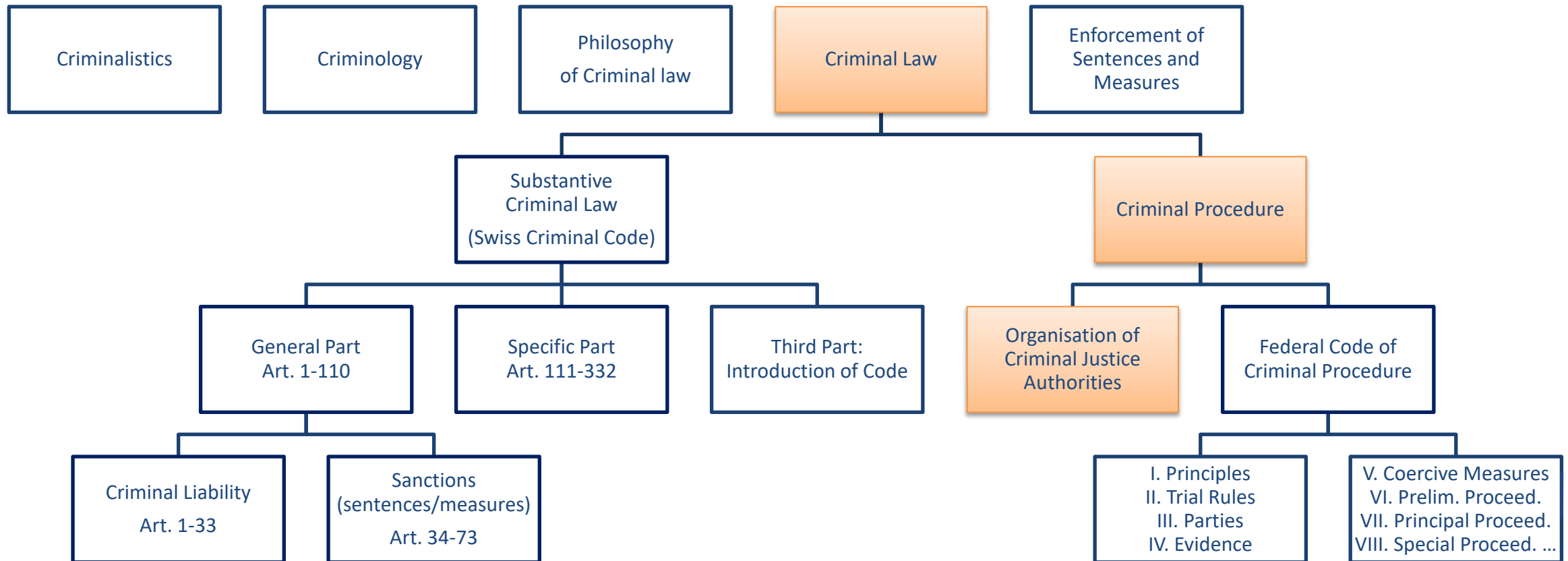
casada

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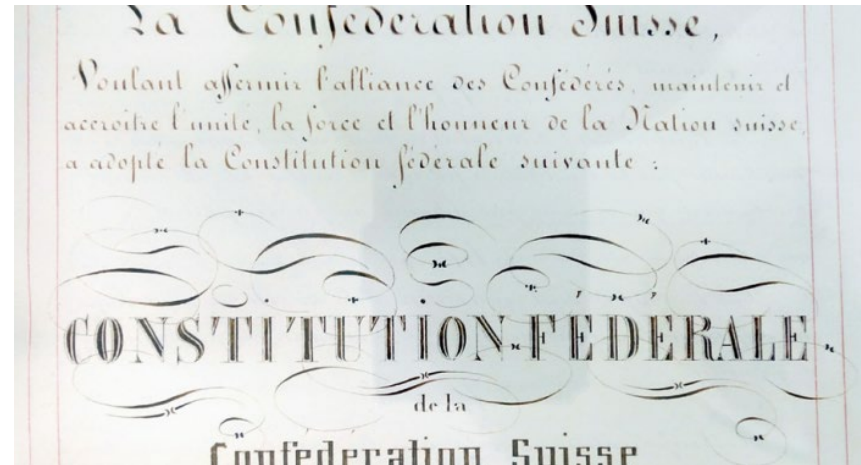


Swiss Criminal Law



Article 123 – Constitution

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.



Article 123 – Constitution

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.

1. Organisation of Courts
2. Administration of Justice
3. Execution of Sanctions

Article 123 – Constitution

Cantonal Code on the Organisation of Civil and Criminal Justice Authorities.

1. Organisation of Courts
2. Administration of Justice
3. Execution of Sanctions

211.1

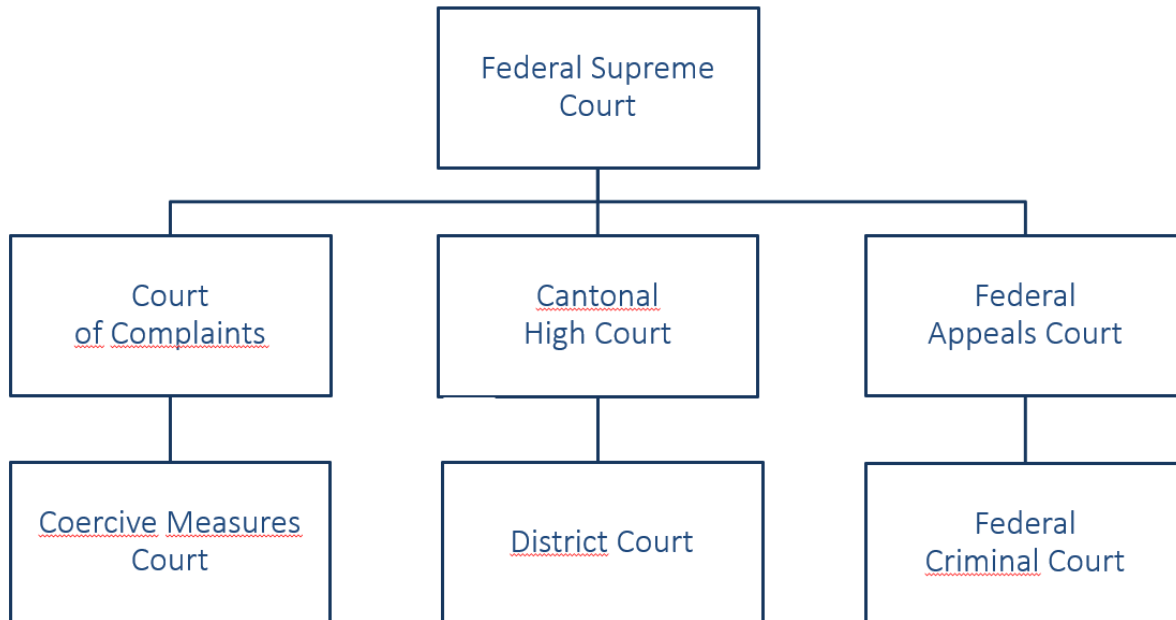
**Gesetz
über die Gerichts- und Behördenorganisation
im Zivil- und Strafprozess (GOG)**

(vom 10. Mai 2010)^{1,2}

Der Kantonsrat,

nach Einsichtnahme in den Antrag des Regierungsrates vom 1. Juli 2009³ und in den geänderten Antrag der Kommission für Justiz und öffentliche Sicherheit vom 18. März 2010⁴,

Article 123 - Constitution



1. Organisation of Courts
2. Administration of Justice
3. Execution of Sanctions

Article 123 - Constitution

Cantons provide prisons and institutions for therapeutic and isolation measures.



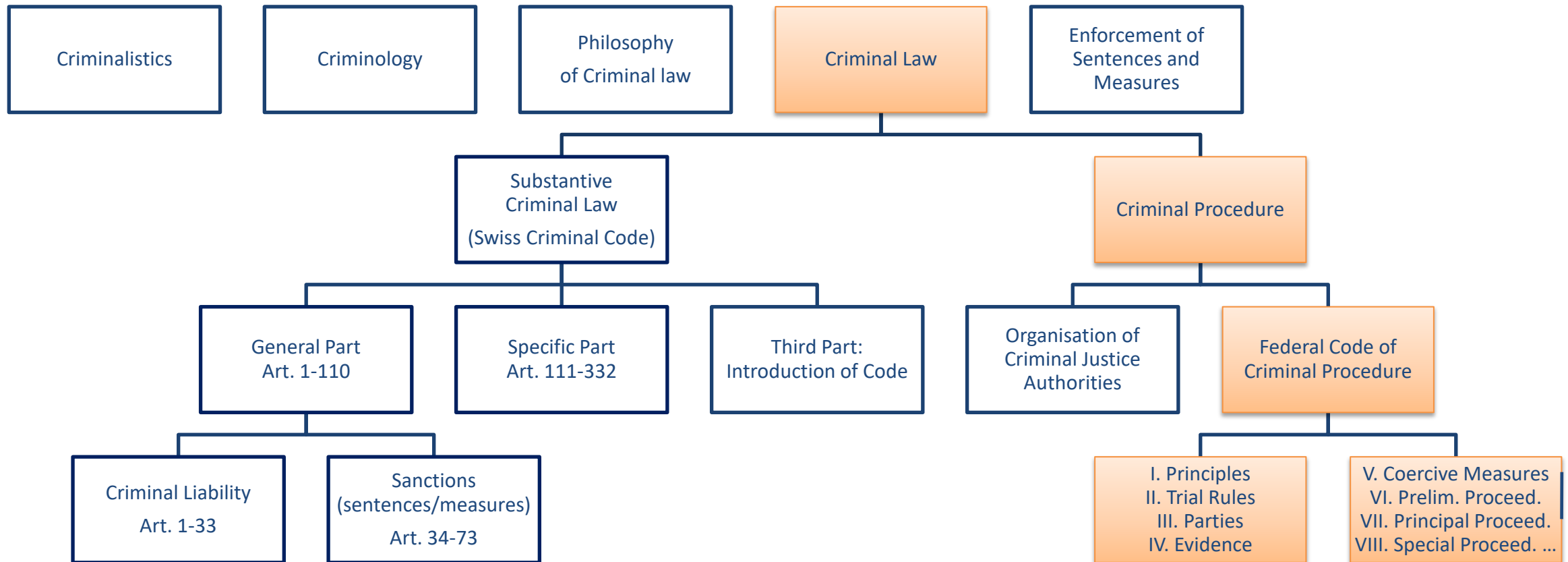
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Swiss Criminal Procedure

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Swiss Criminal Law



Swiss Criminal Procedure Code

- Title 1 Scope of Application and Principles
- Title 2 Criminal Justice Authorities
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- Title 4 Evidence
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- 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:

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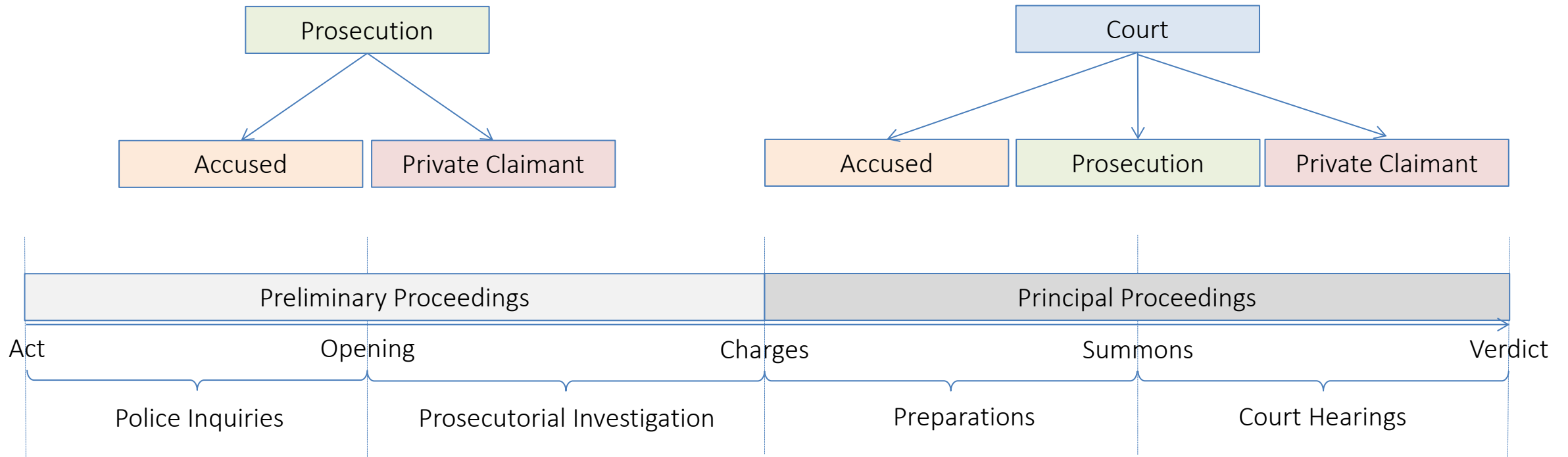
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decrees:

Criminal Proceedings



Art. 6 – Principle of substantive truth

¹ The criminal justice authorities shall investigate ex officio all the circumstances relevant to the assessment of the criminal act and the accused.

² They shall investigate incriminating and exculpatory circumstances with equal care

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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.

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decrees:

Art. 12 – Prosecution authorities

The prosecution authorities are:

- a. the police;
- b. the public prosecutor;
- c. Authorities (contraventions)

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decrees:

Police

- Secure evidence
- Find suspects
- Examination hearings



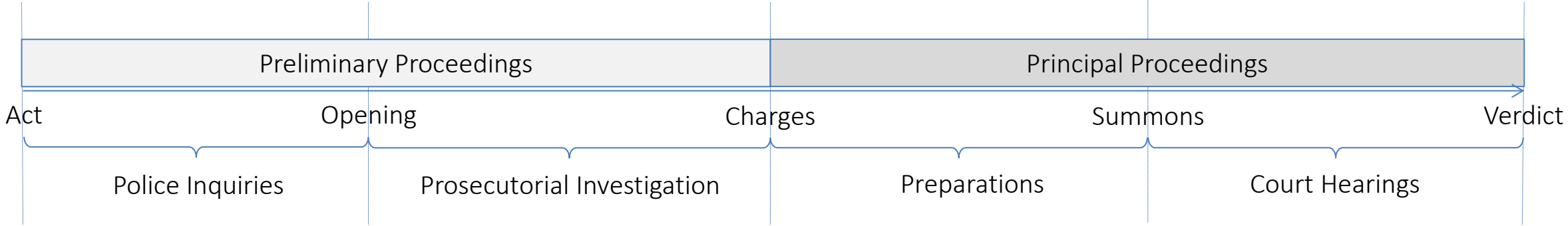
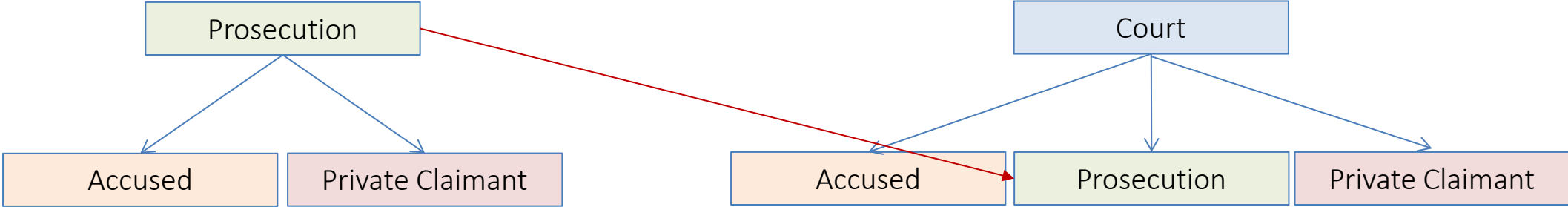
Public Prosecutor

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



Marcel Scholl, Prosecutor

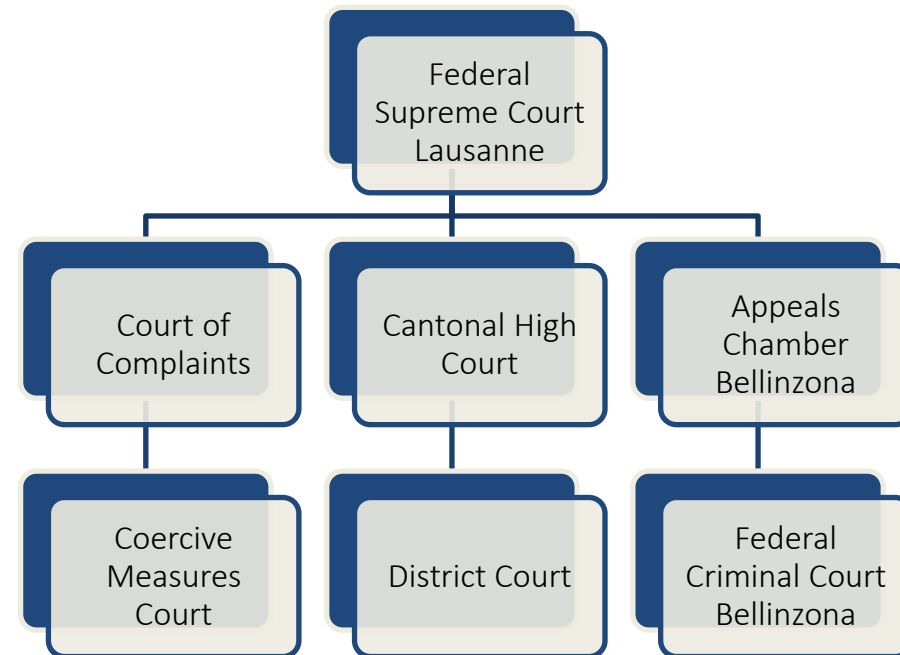
Parties



Art. 13 – Courts

The following bodies have judicial powers in criminal proceedings:

- a. Coercive Measures Court
- b. Court of First Instance
- c. Complaints Authority
- d. Court of Appeal



The Judge

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



District Court Judge, Zürich
Simone Nabholz

Swiss Criminal Procedure Code

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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.

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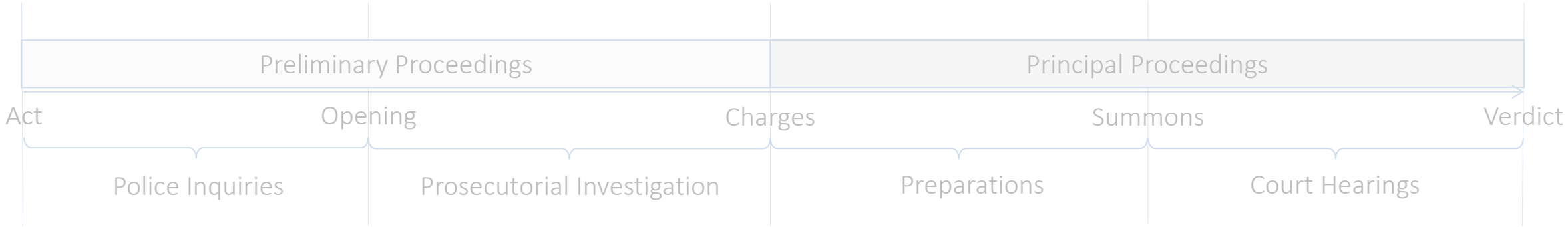
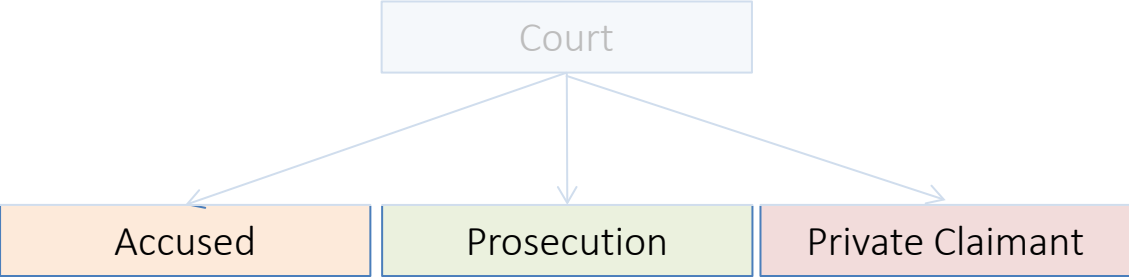
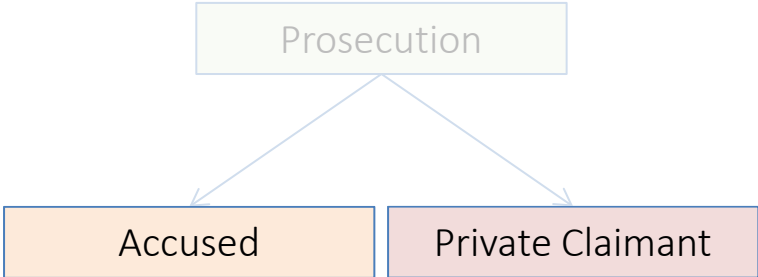
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decrees:

Parties



The Accused

- 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. 113 Status [of the accused]

The accused may not be compelled to incriminate him or herself. In particular, the accused is entitled to refuse to make a statement or to cooperate in the criminal proceedings.

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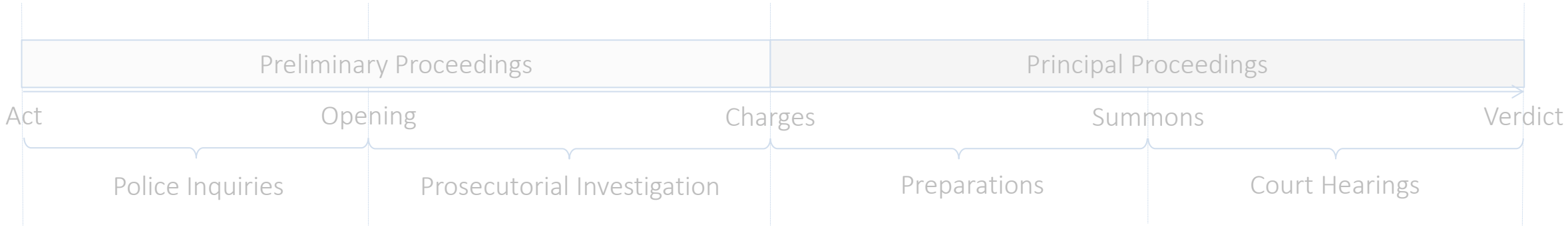
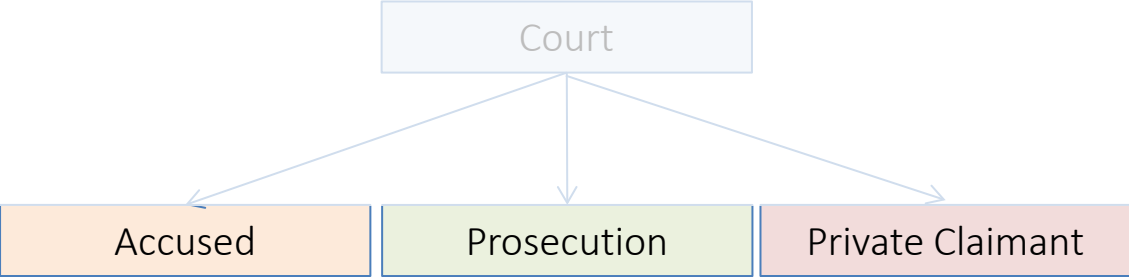
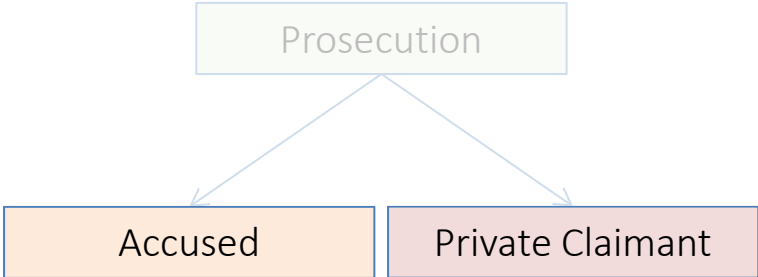
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Parties



Art. 115 – The aggrieved person

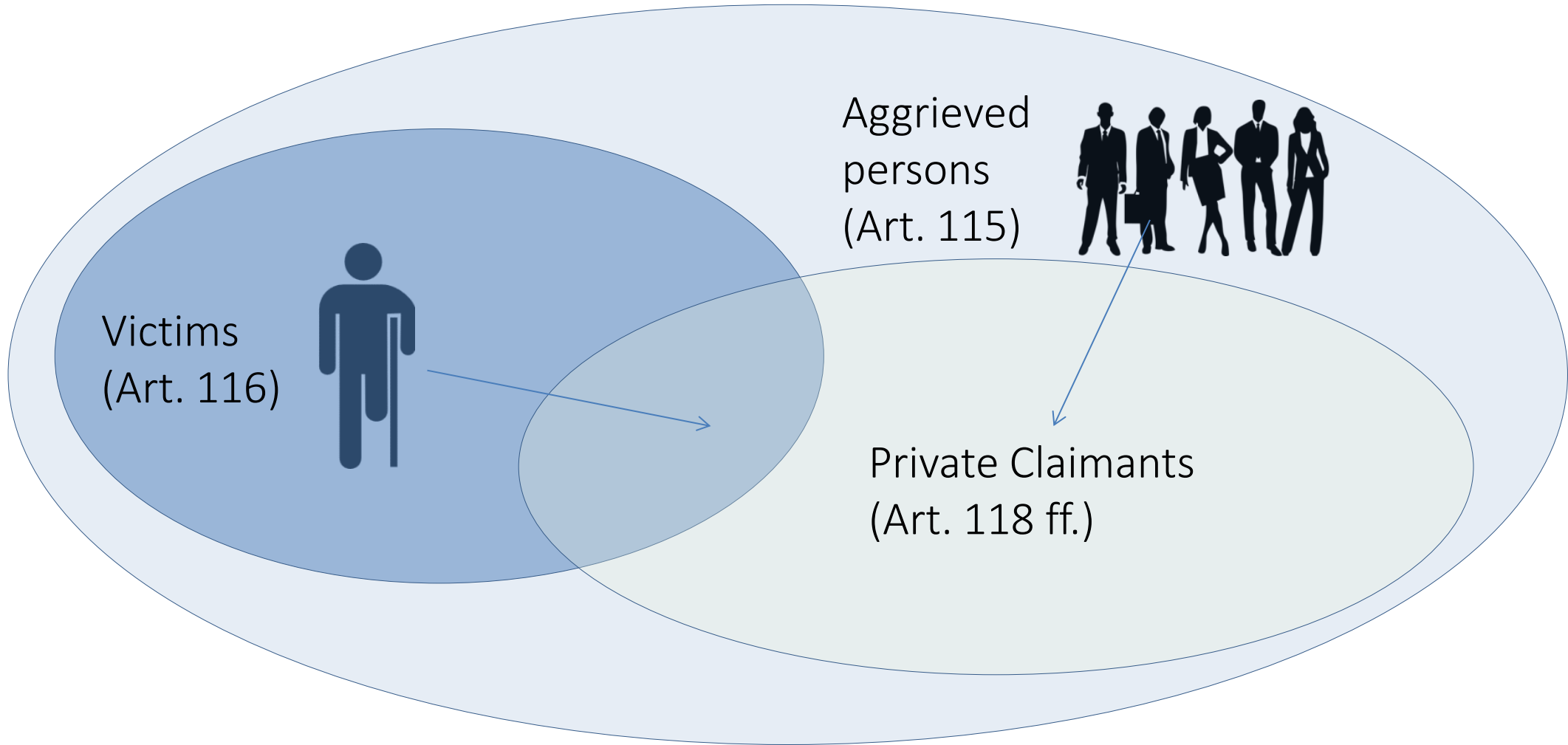
¹ An aggrieved person is a person whose rights have been directly violated by the criminal offence.



Art. 116 – Victim

¹ A victim is a person suffering harm whose physical, sexual or mental integrity has been directly and adversely affected by the offence.





Victims
(Art. 116)



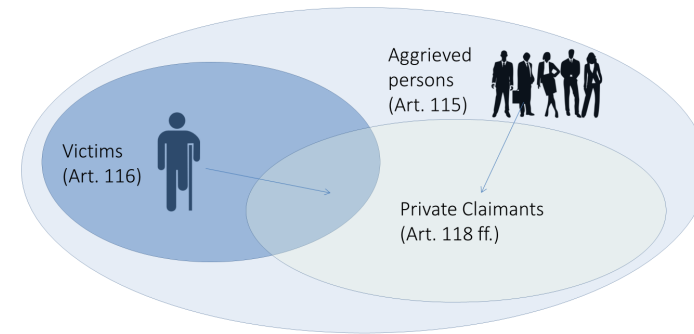
Aggrieved
persons
(Art. 115)



Private Claimants
(Art. 118 ff.)

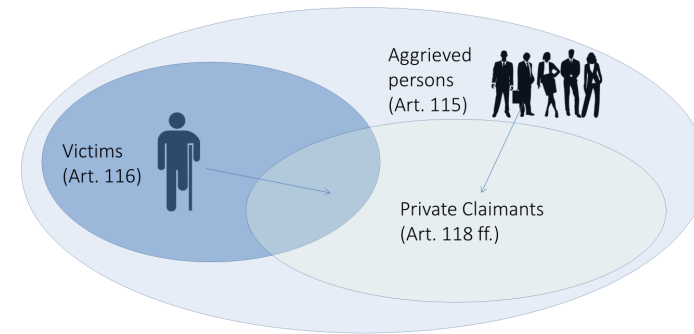
Art. 118 – Private Claimants

¹ A private claimant is a person suffering harm who expressly declares that he or she wishes to participate in the criminal proceedings as a criminal or civil claimant.



Private Claimants

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



Art. 127 – [Legal counsel]

¹ The accused, the private claimant and the other people involved in the proceedings may appoint a legal advisor to safeguard their interests.

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decrees:

Legal counsel

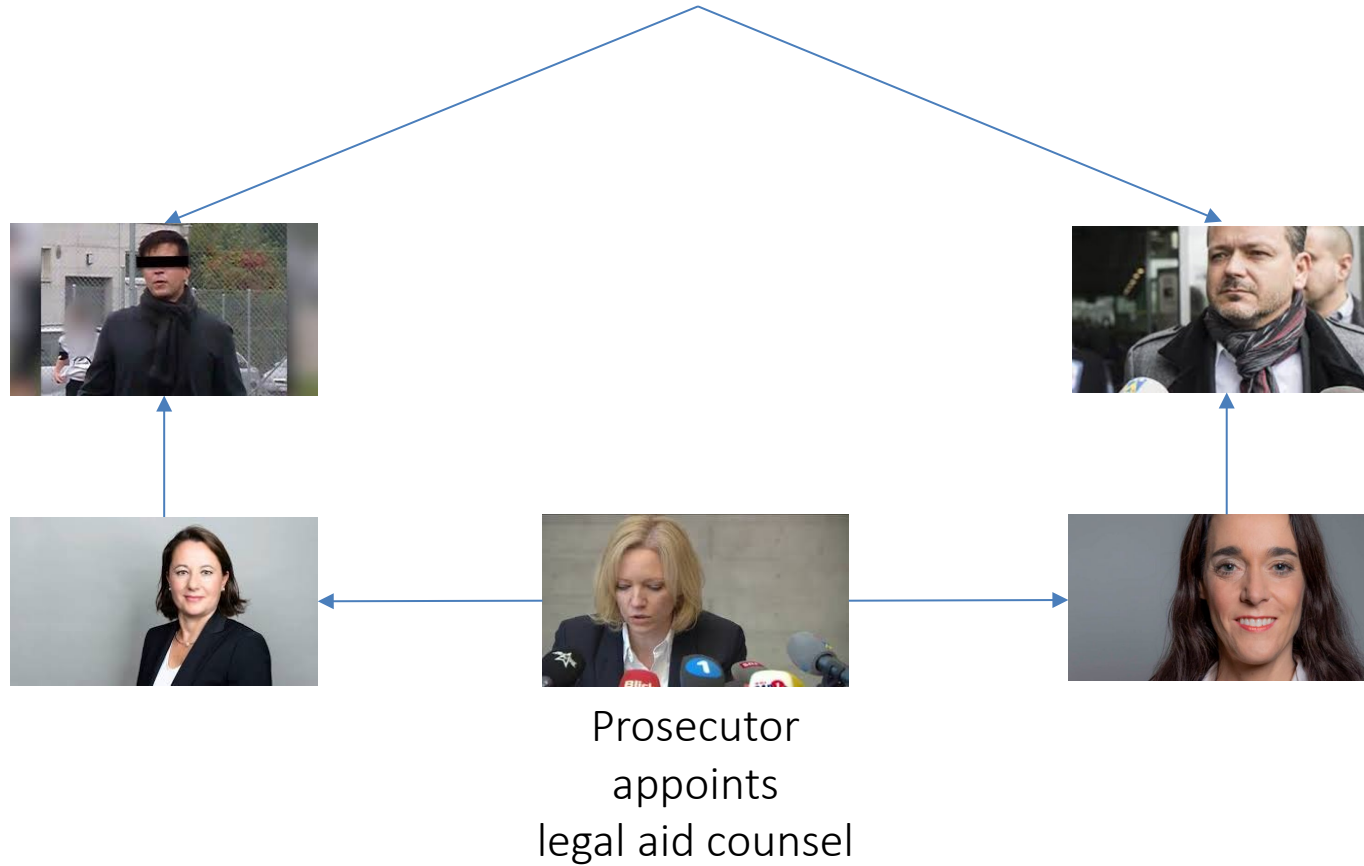


Accused appoints
Defence counsel
(Art. 128/129)



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

Legal aid (defence) counsel



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decrees:

Art. 139 – [Evidence]

¹ In order to establish the truth, the criminal justice authorities shall use all the legally admissible evidence that is relevant in accordance with the latest scientific findings and experience.

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Art. 141 – [Admissibility of Evidence]

² Evidence that criminal justice authorities have obtained by criminal methods or by violating regulations on admissibility is inadmissible unless it is essential that it be admitted in order to secure a conviction for a serious offence.

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decrees:

Thommen/Samadi The Bigger the Crime, the Smaller the Chance of a Fair Trial?, European Journal of Crime, Criminal Law and Criminal Justice, 24/2016, S. 65-86

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Coercive Measures

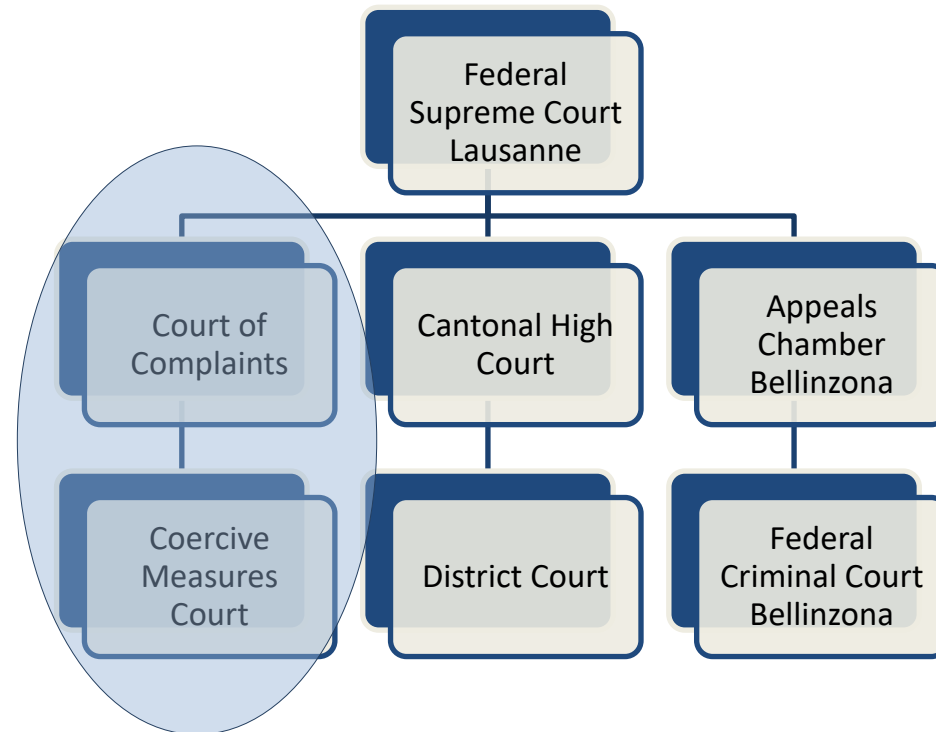
- Summons
- Detention on Remand
- Searches & Examinations
- DNA Analysis
- Seizure
- Covert Surveillance



Buchholzer/keystone

Coercive Measures

- Summons
- Detention on Remand
- Searches & Examinations
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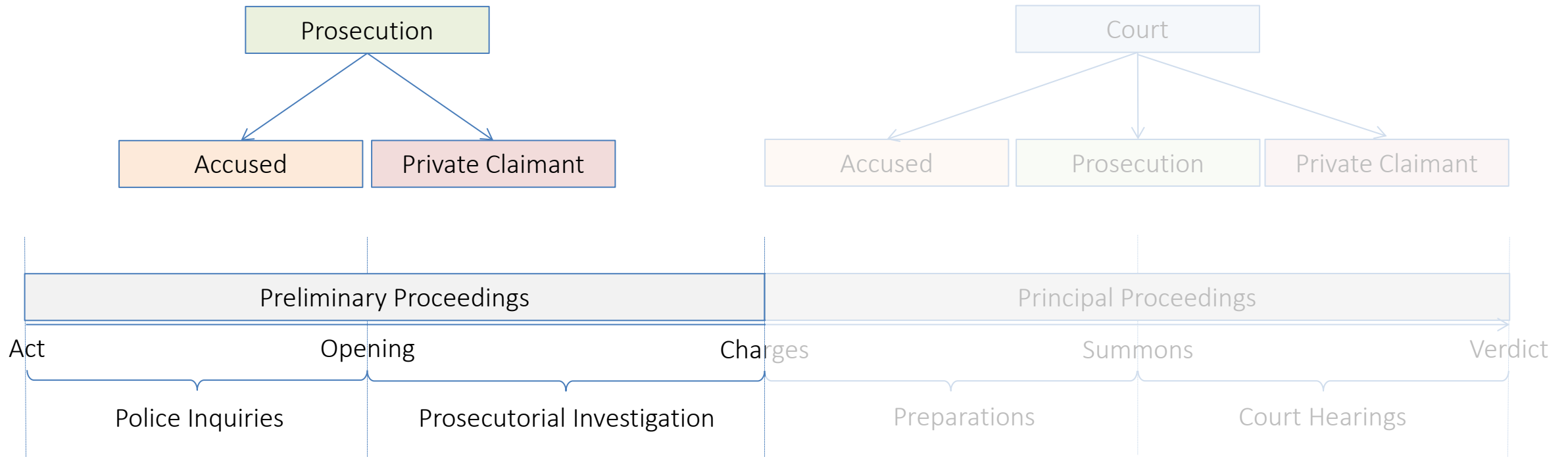
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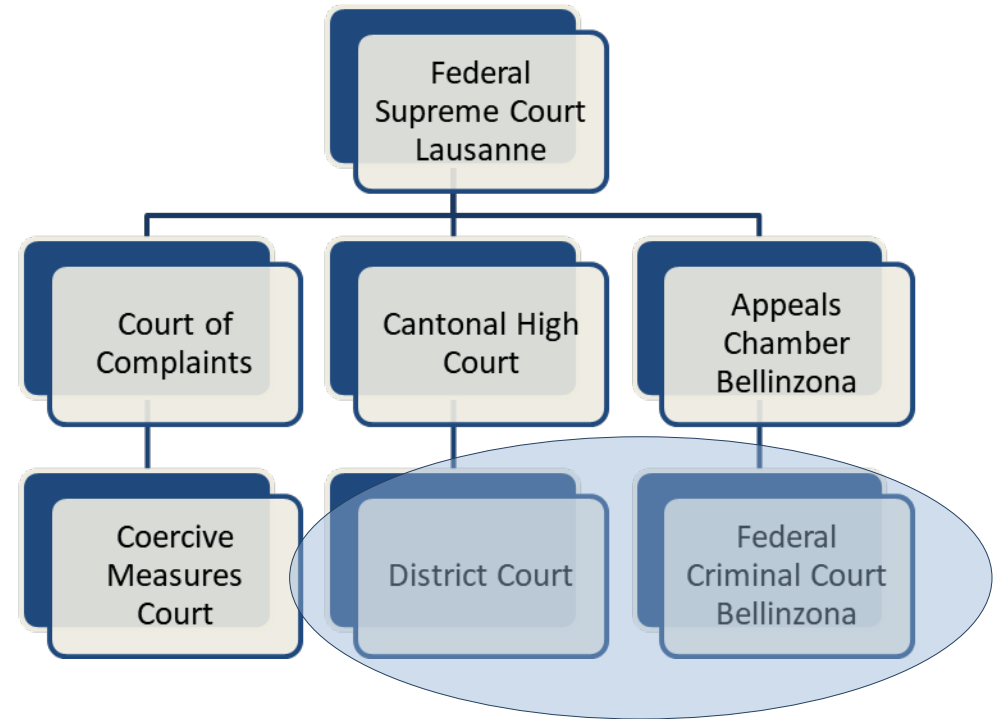
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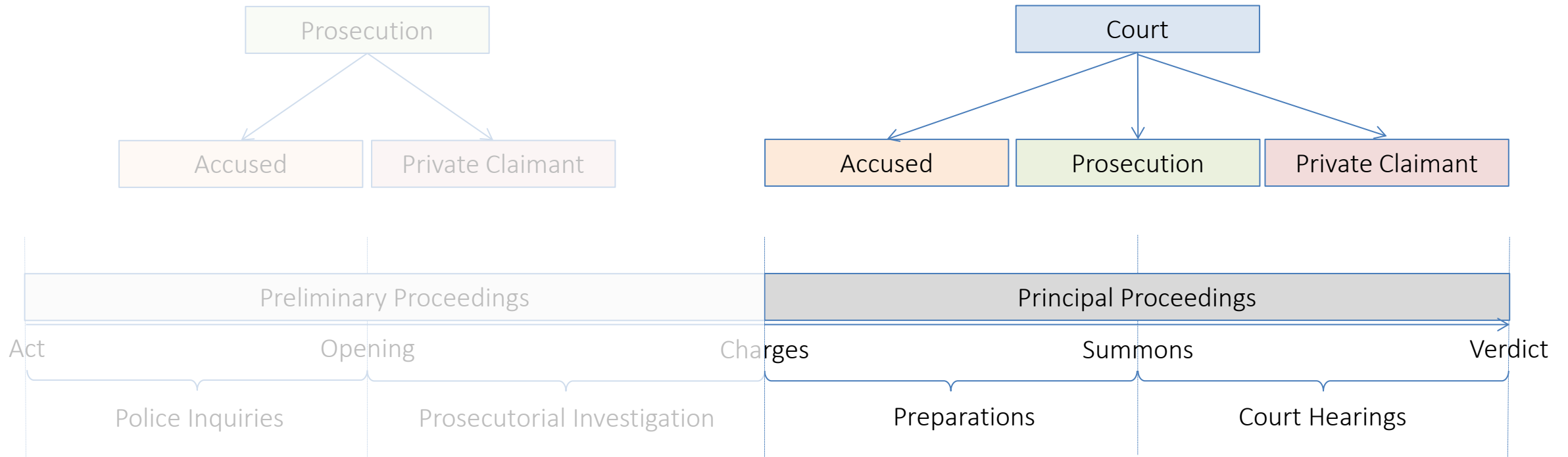
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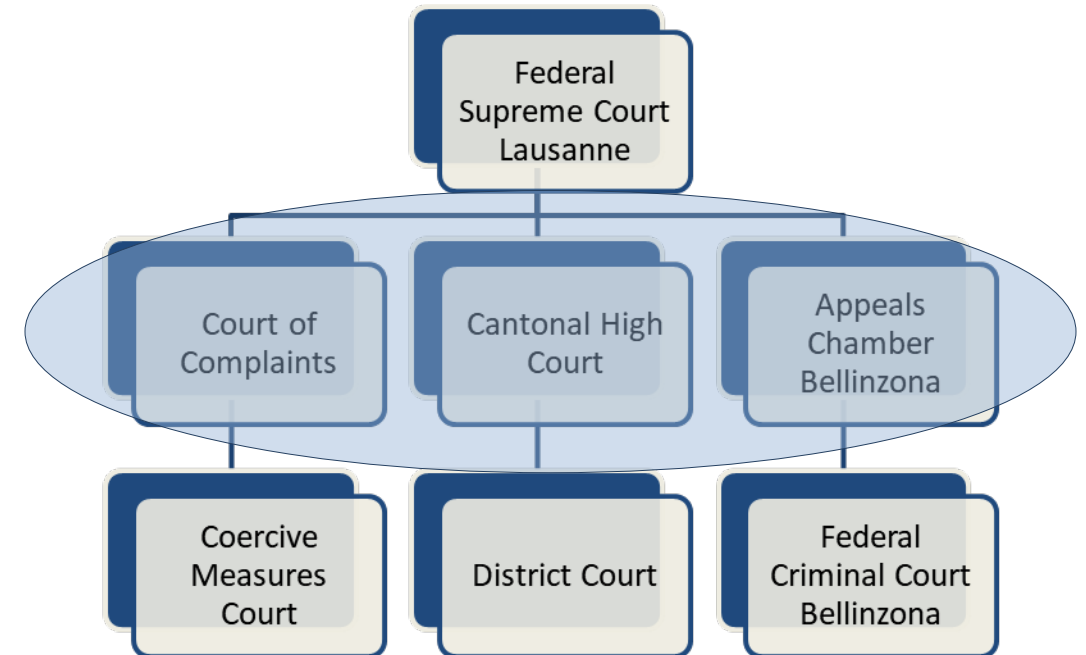
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Fake passport

- 18 May 2016, railway station border crossing, Basel
- 30-year-old woman of color was stopped and frisked by the police
- Fake cameroonian passport
- Police arrest and interrogation



Fake passport

- 19 May 2016
- Prosecutor issues penal order
- Prison sentence 1.5 months
- No parole



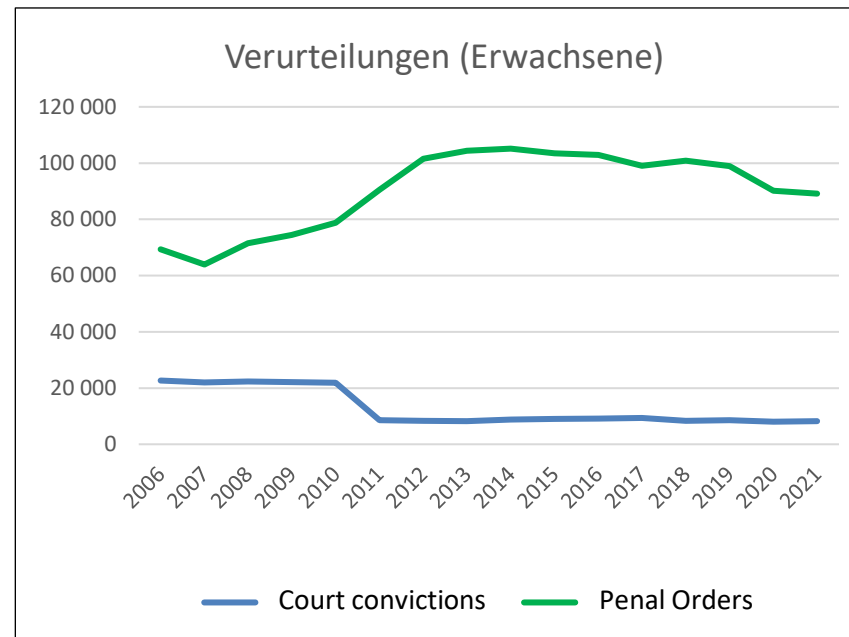
Fake passport

- No hearing by prosecutor
- No defence counsel
- No translation
- Served by police

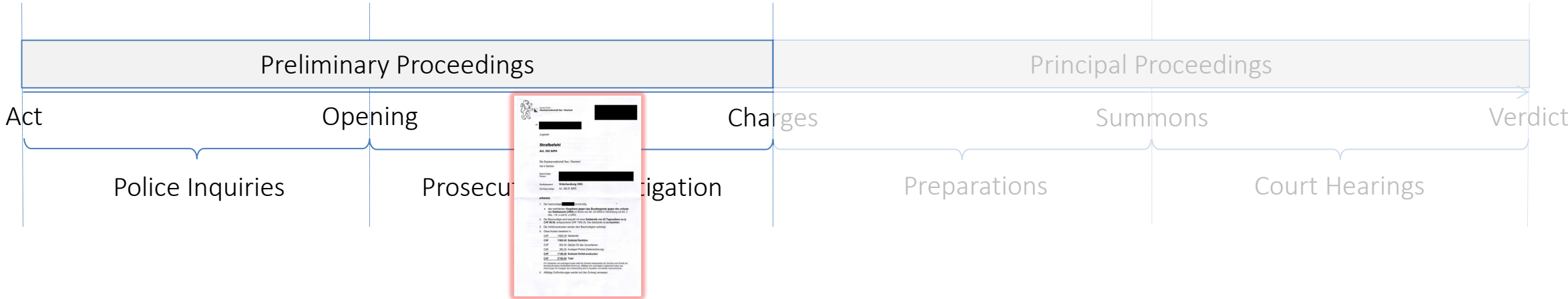
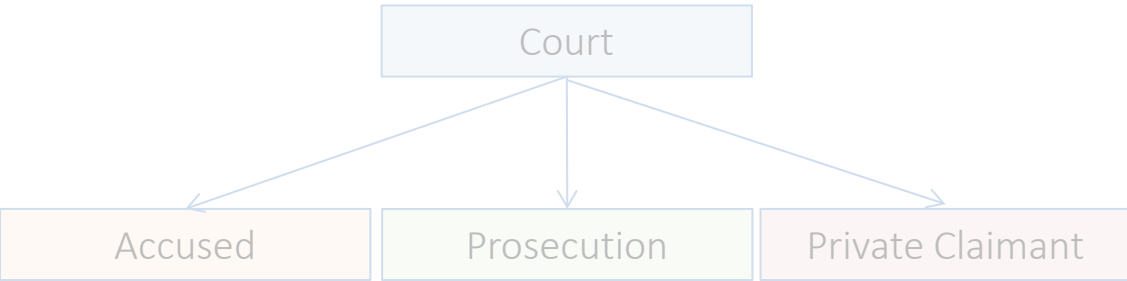
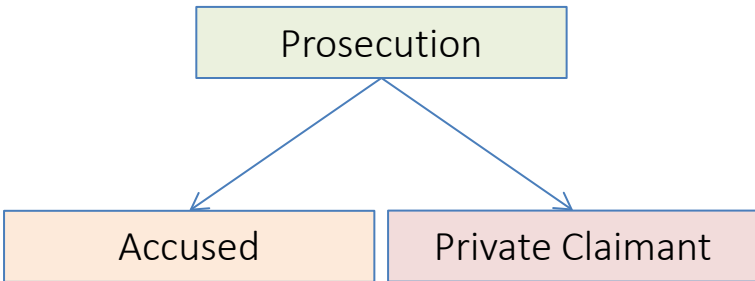


Fake passport

- No hearing by prosecutor
- No defence counsel
- No translation
- Served by police




Penal Order Proceedings



1. Penal order

2. Criticism

3. Correction

 Kanton Zürich
Staatsanwaltschaft See / Oberland

nr. [REDACTED]

Zugestellt

Strafbefehl
Art. 352 StPO

Die Staatsanwaltschaft See / Oberland
hat in Sachen

Beschuldigte
Person [REDACTED]

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

erkannt:

- 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. c und lit. u UWG.
- 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.**
- Die Verfahrenskosten werden dem Beschuldigten auferlegt.
- 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.

- Allfällige Zivilforderungen werden auf den Zivilweg verwiesen.

Art. 352 CPC – Penal Order

¹ If the accused person has ... confessed to the facts of the case or if the circumstances have been otherwise sufficiently resolved, then the prosecution shall issue a penal order if it considers... that one of the following sentences suffices:

- a. fine
- b. monetary penalty
- c. ...
- d. 6 months of imprisonment



Art. 352 CPC – Penal Order

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- c. ...
- d. 6 months of imprisonment



Art. 352 CPC – Penal Order

¹ If the accused person has ... confessed to the facts of the case or if the circumstances have been otherwise sufficiently resolved, then the prosecution shall issue a penal order if it considers... that one of the following sentences suffices:

- a. fine
- b. monetary penalty
- c. ...
- d. 6 months of imprisonment



Penal Order Proceedings

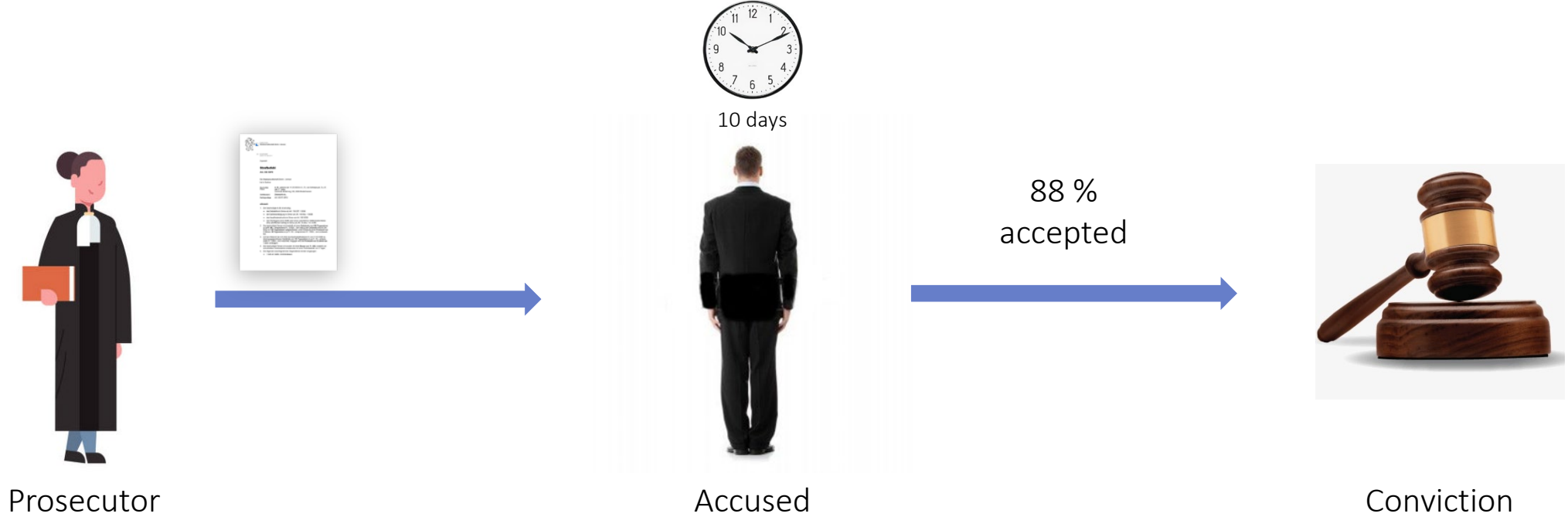


Police

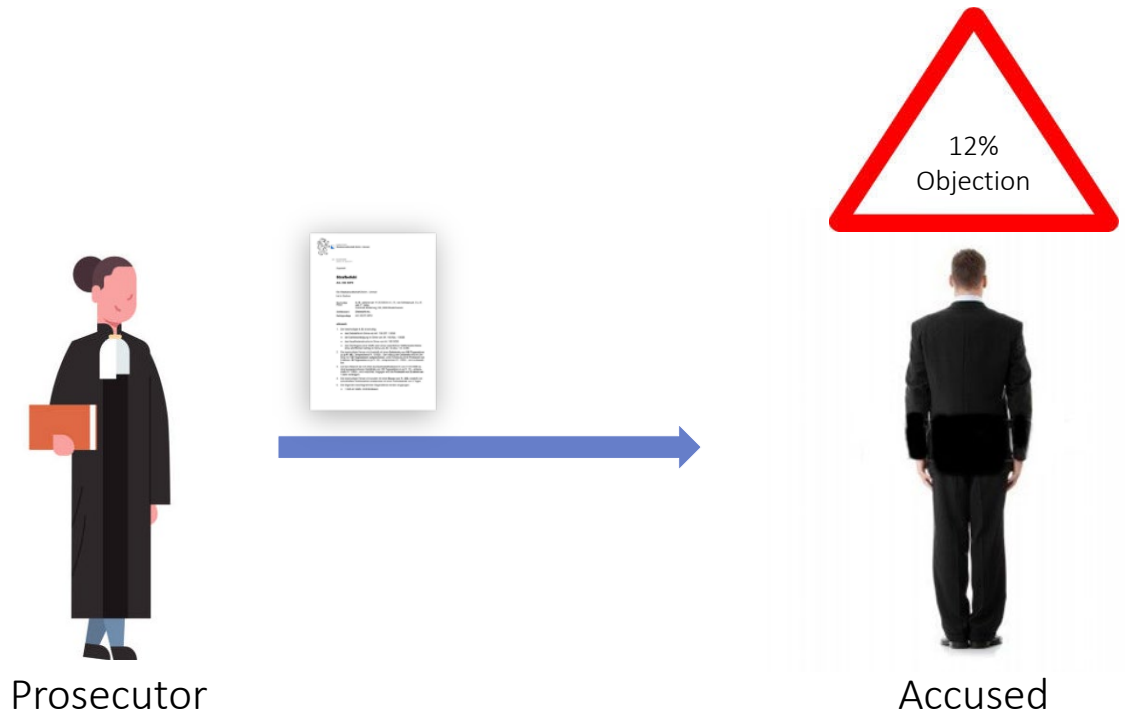


Accused

Penal Order Proceedings



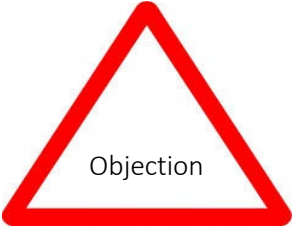
Penal Order Proceedings



Penal Order Proceedings

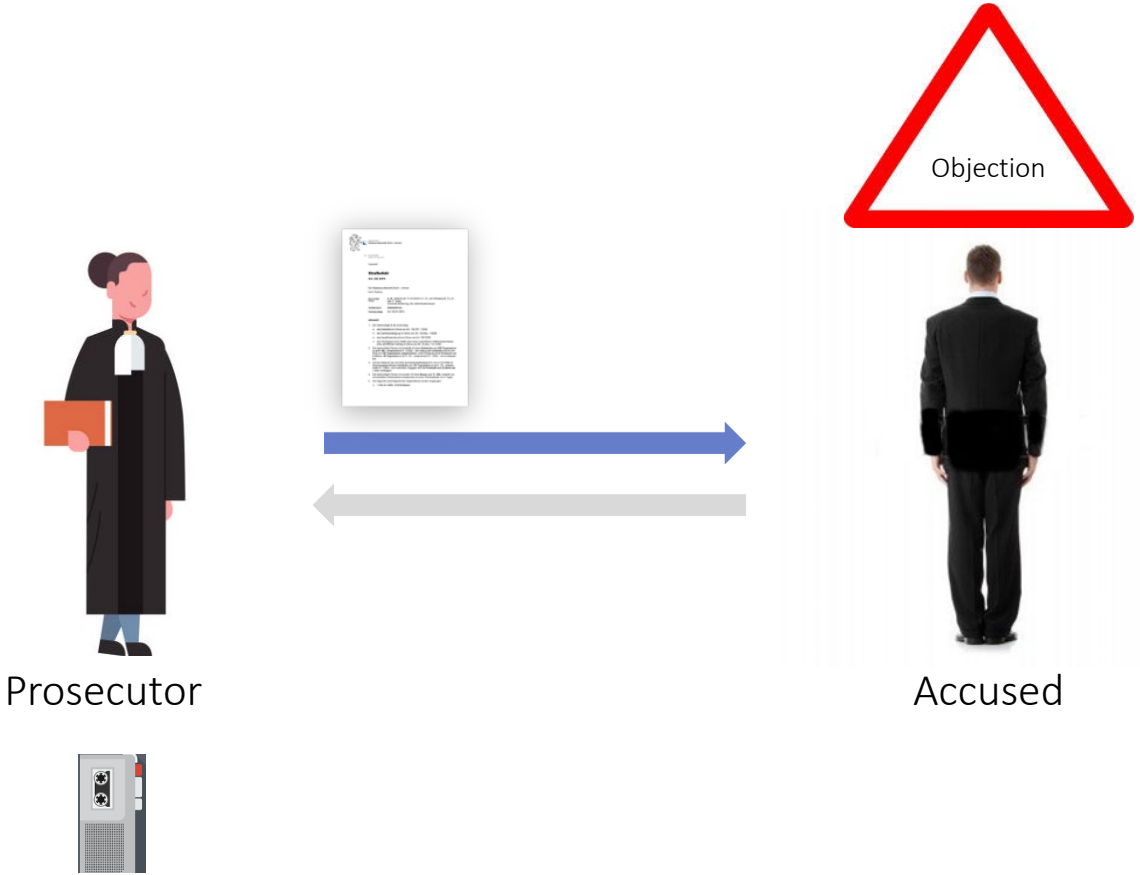


Prosecutor



Accused

Penal Order Proceedings



Art. 355 CPC – Procedure after Objection

Prosecutor decides to

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



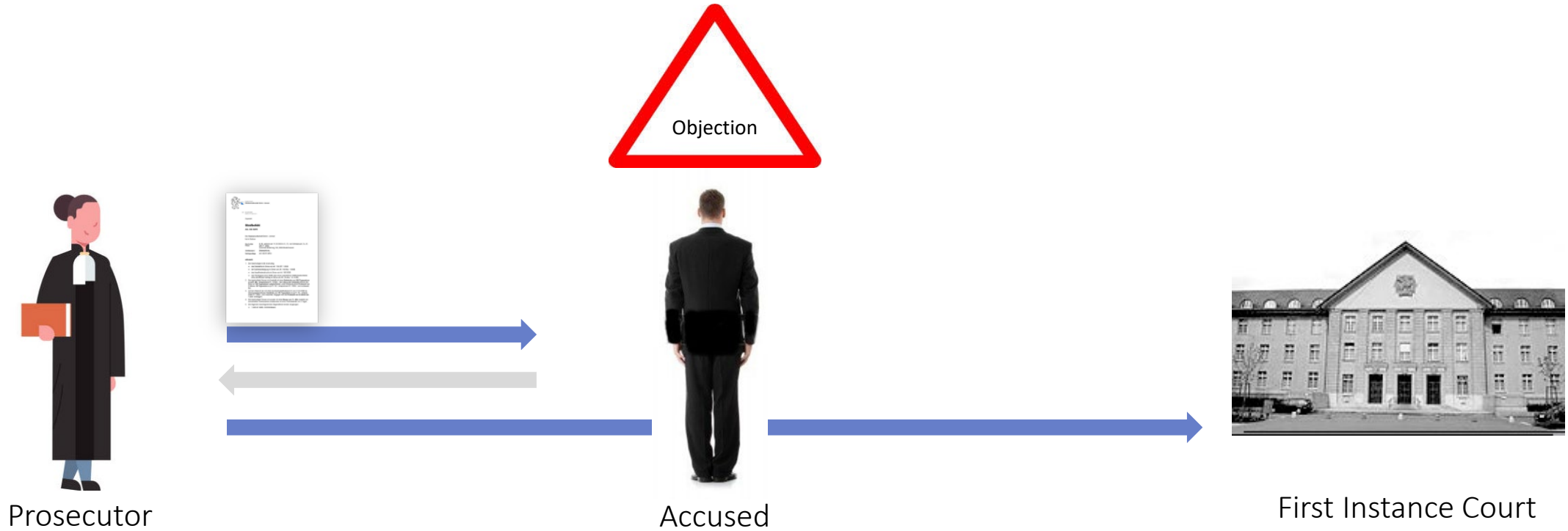
Art. 355 CPC – Procedure after Objection

Prosecutor decides to

- a. Uphold penal order 28 %
- b. Abandon proceedings
- c. Issue new penal order
- d. Bring charges at court



a. Uphold penal order



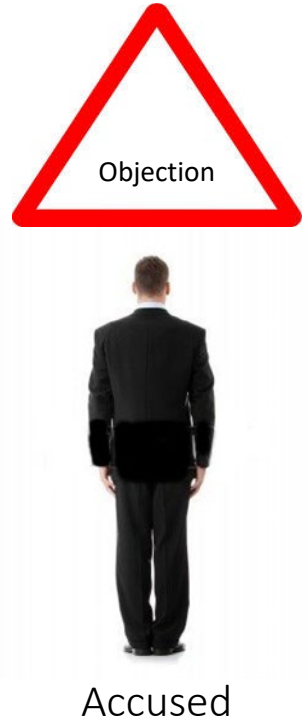
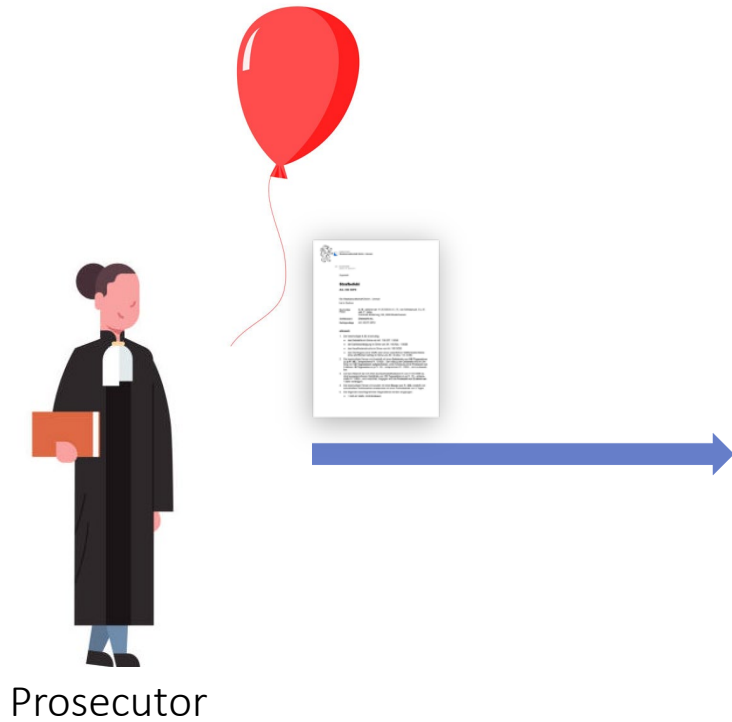
Art. 355 CPC – Procedure after Objection

Prosecutor decides to

- a. Uphold penal order
- b. Abandon proceedings 10 %
- c. Issue new penal order
- d. Bring charges at court



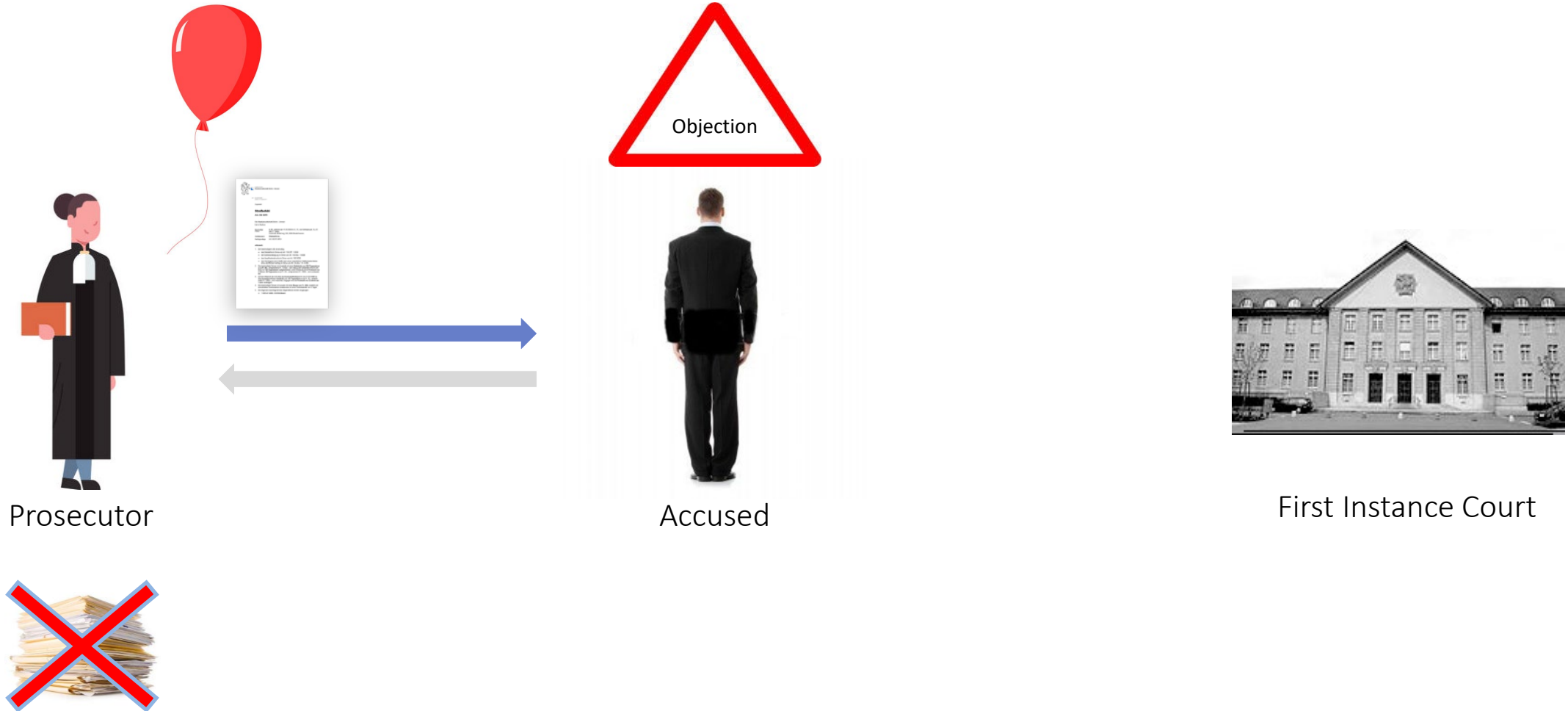
b. Abandon proceedings



b. Abandon proceedings



b. Abandon proceedings



Art. 355 CPC – Procedure after Objection

Prosecutor decides to

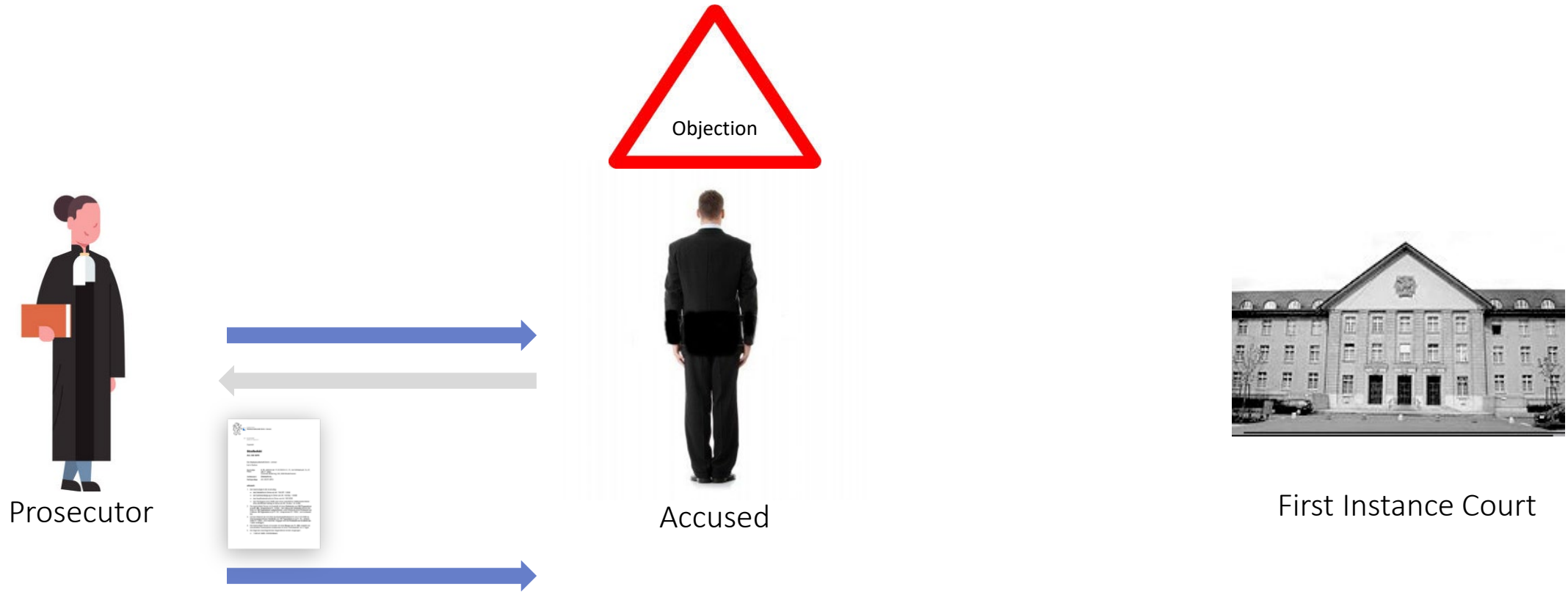
- a. Uphold penal order
- b. Abandon proceedings
- c. Issue new penal order 23 %
- d. Bring charges at court



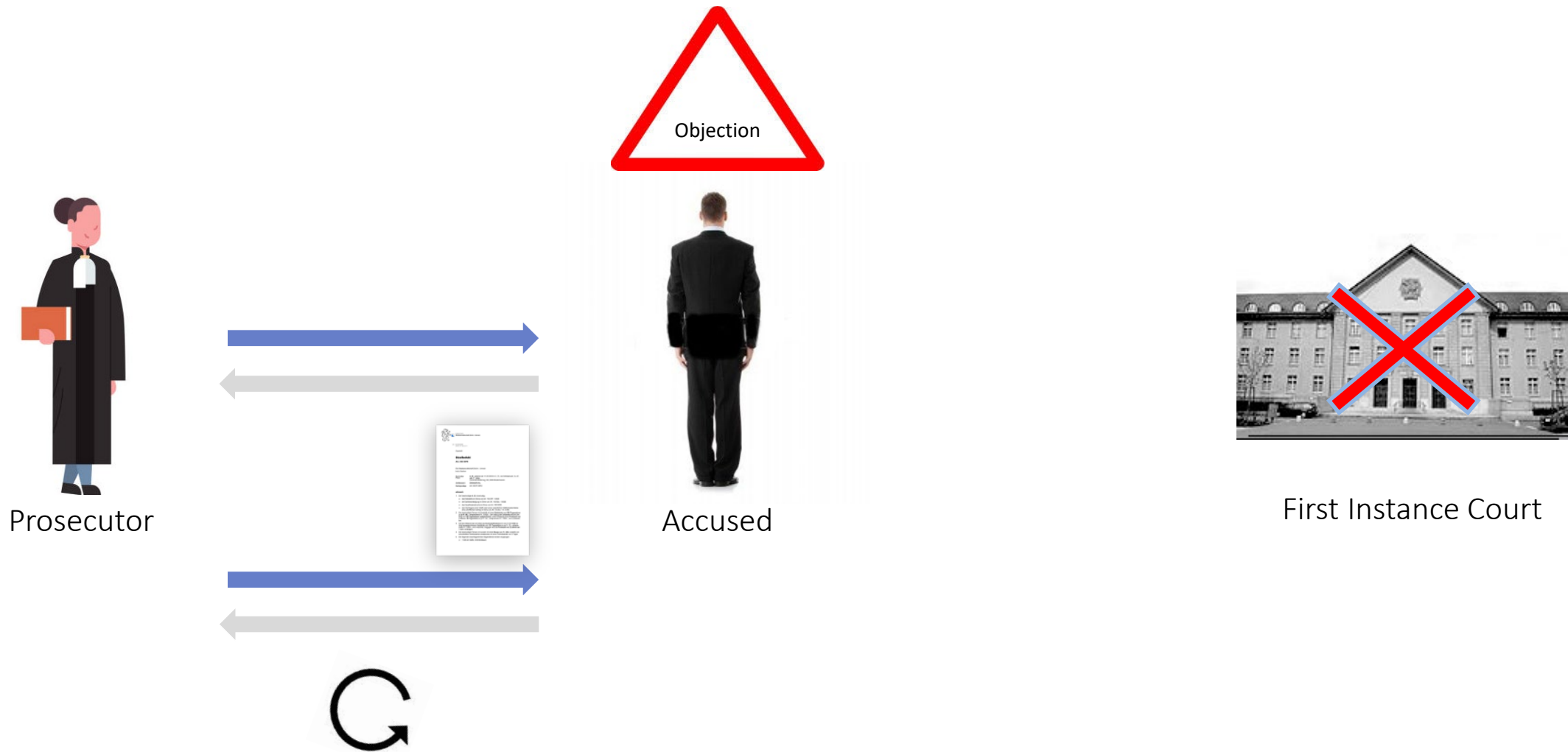
c. Issue new penal order



c. Issue new penal order



c. Issue new penal order



Art. 355 CPC – Procedure after Objection

Prosecutor decides to

- a. Uphold penal order
- b. Abandon proceedings
- c. Issue new penal order
- d. Bring charges at court 3 %



d. Bring charges at court



Art. 355 CPC – Procedure after Objection

Prosecutor decides to

- | | | |
|----|------------------------|------|
| a. | Uphold penal order | 28 % |
| b. | Abandon proceedings | 10 % |
| c. | Issue new penal order | 23 % |
| d. | Bring charges at court | 3 % |
| e. | Objection withdrawn | 36 % |





Prosecutor



Accused

36 % Objections
withdrawn




Conviction

1. Penal order

2. Criticism

3. Correction

 Kanton Zürich
Staatsanwaltschaft See / Oberland

nr. [REDACTED]

Zugestellt

Strafbefehl
Art. 352 StPO

Die Staatsanwaltschaft See / Oberland
hat in Sachen

Beschuldigte
Person [REDACTED]

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

erkannt:

- 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. c und lit. u UWG.
- 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.**
- Die Verfahrenskosten werden dem Beschuldigten auferlegt.
- 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.

- Allfällige Zivilforderungen werden auf den Zivilweg verwiesen.

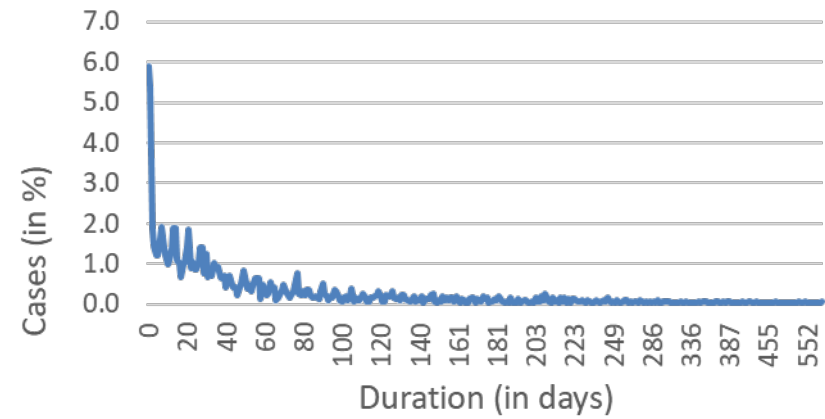
Criticism?

- a. Hearing
- b. Defence
- c. Translation
- d. Service
- e. Prison



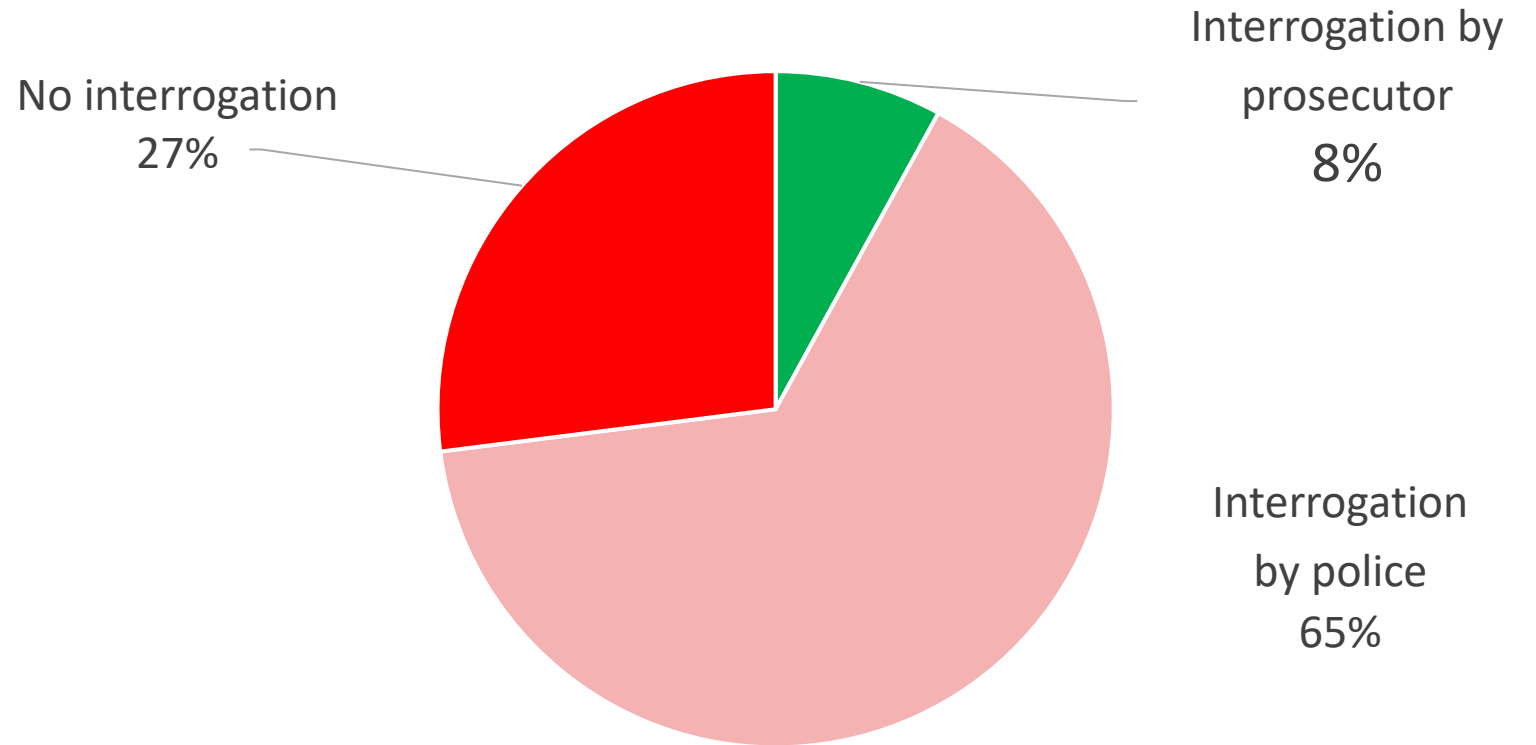
Criticism?

- a. Hearing
- b. Defence
- c. Translation
- d. Service
- e. Prison



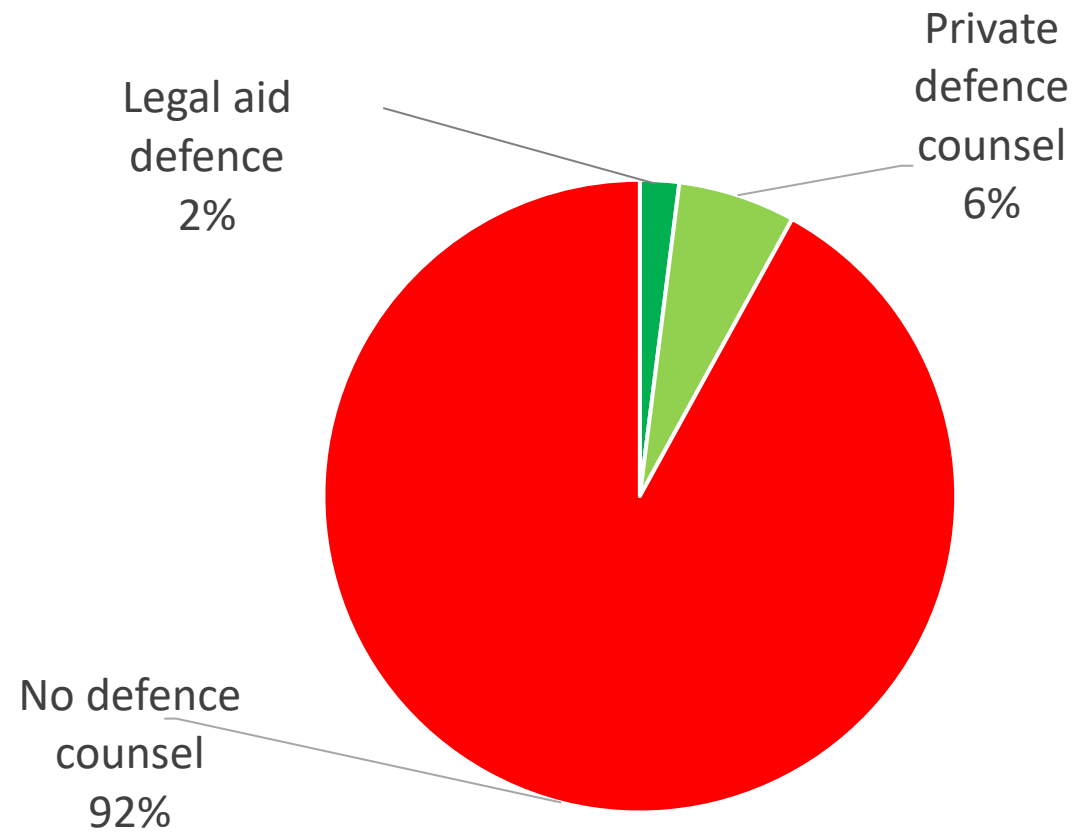
Criticism

- a. Hearing
- b. Defence
- c. Translation
- d. Service
- e. Prison



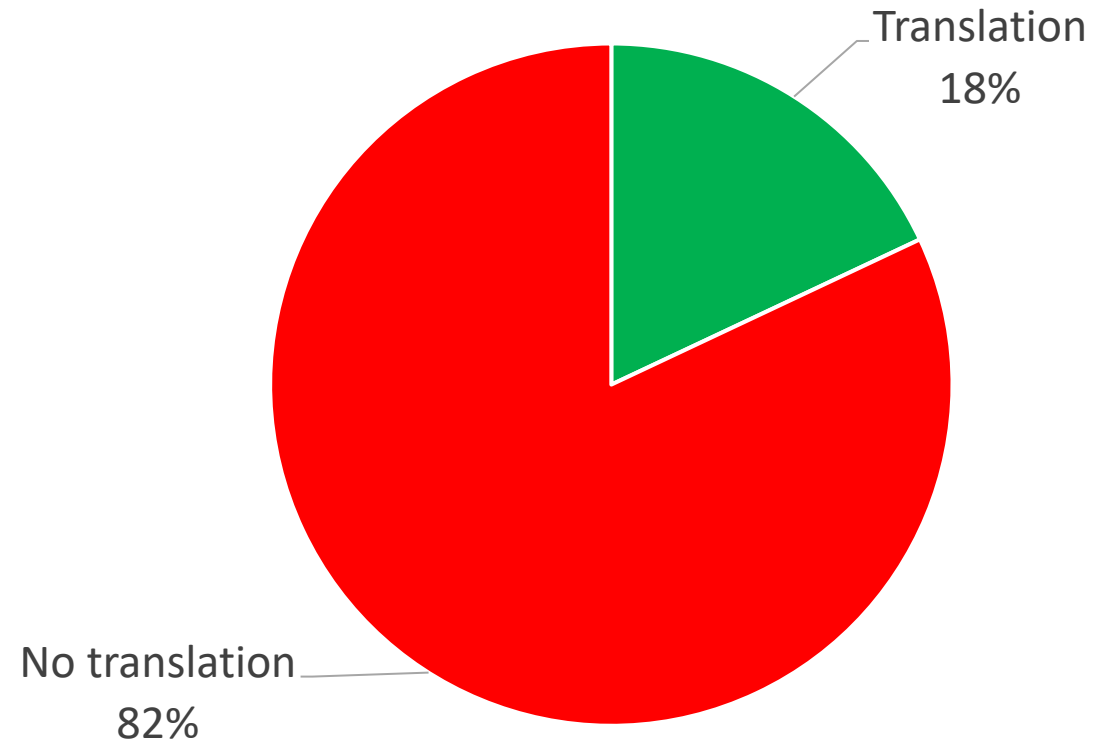
Criticism

- a. Hearing
- b. Defence
- c. Translation
- d. Service
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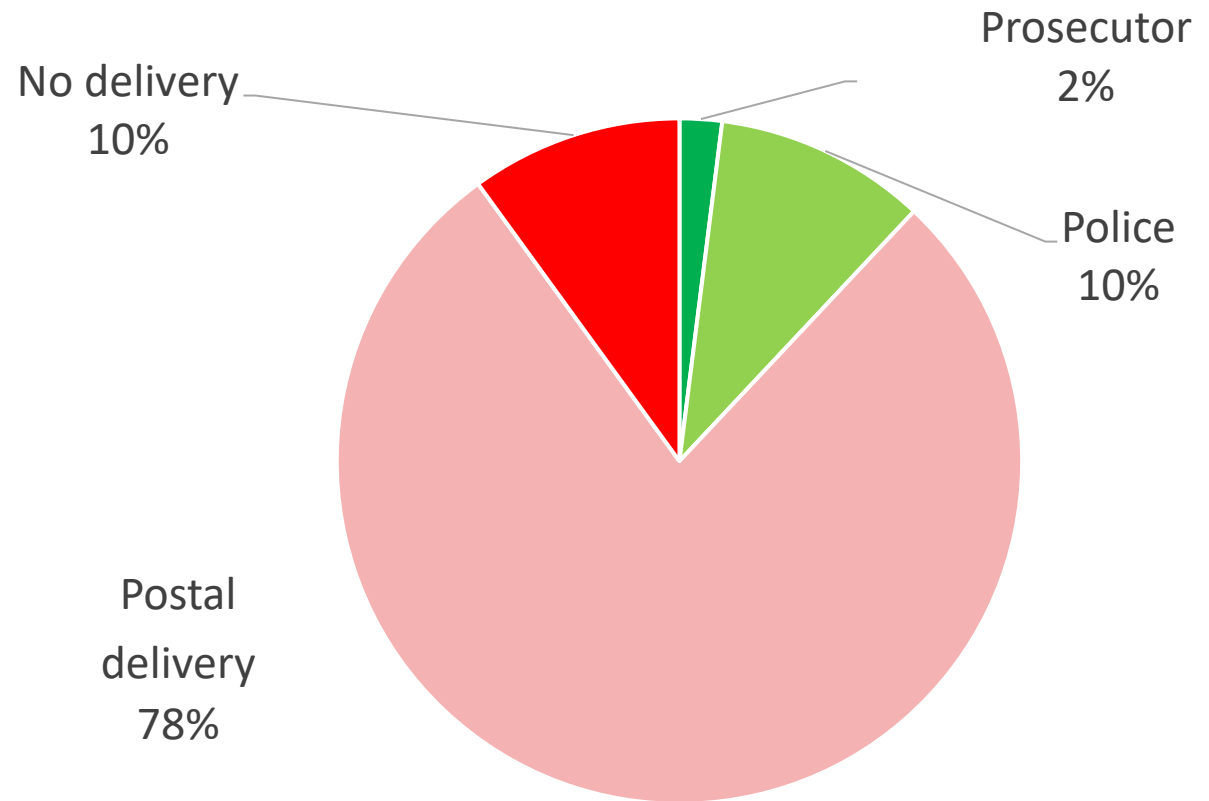
Criticism

- a. Hearing
- b. Defence
- c. Translation
- d. Service
- e. Prison



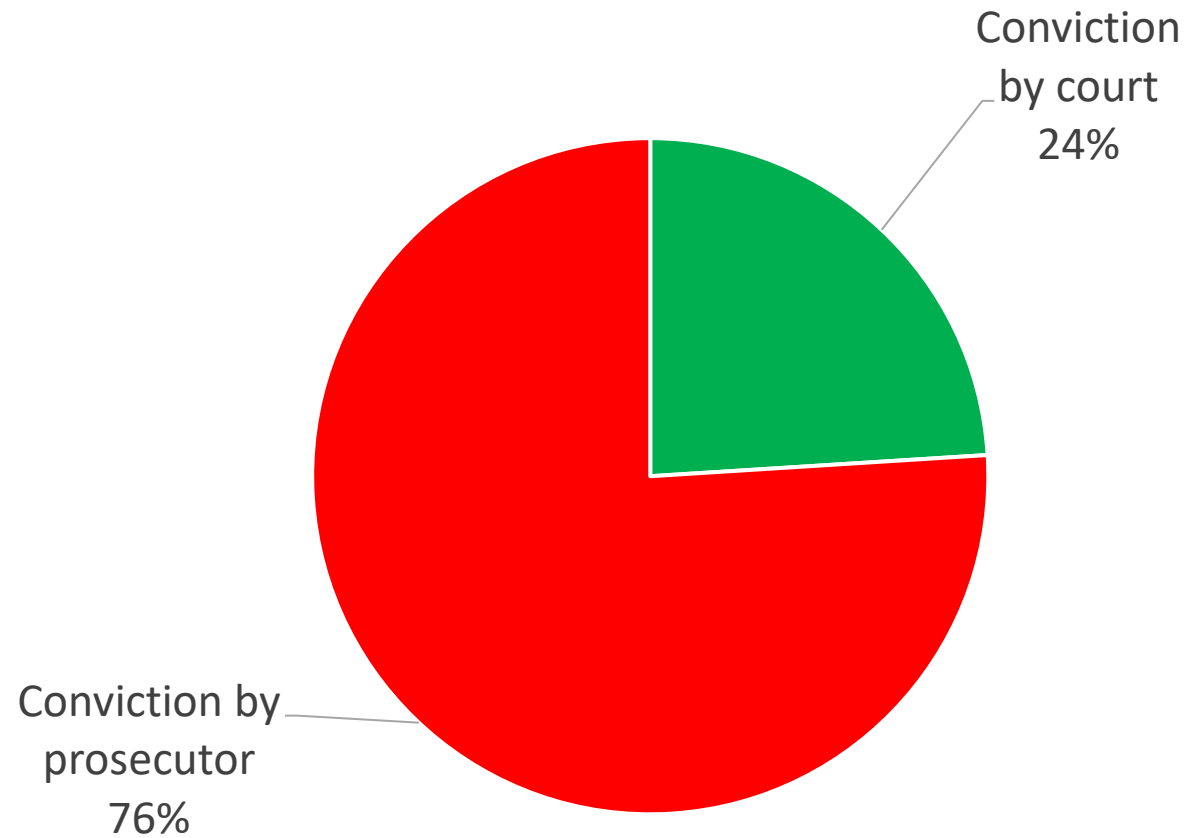
Criticism

- a. Hearing
- b. Defence
- c. Translation
- d. Service
- e. Prison



Criticism


- a. Hearing
- b. Defence
- c. Translation
- d. Service
- e. Prison



1. Penal order

2. Criticism

3. Correction

 Kanton Zürich
Staatsanwaltschaft See / Oberland

nr. [REDACTED]

Zugestellt

Strafbefehl
Art. 352 StPO

Die Staatsanwaltschaft See / Oberland
hat in Sachen

Beschuldigte
Person [REDACTED]

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

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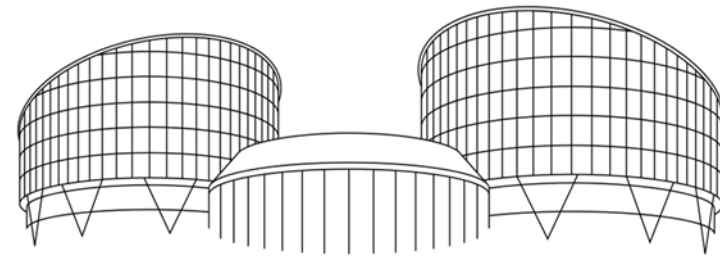
CHF	1'600.00	Geldstrafe
CHF	1'600.00	Subtotal Sanktion
CHF	800.00	Gebühr für das Vorverfahren
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- Allfällige Zivilforderungen werden auf den Zivilweg verwiesen.

Correction

1. Custody
2. Caution
3. Counsel
4. Contact
5. Cookies



EUROPEAN COURT OF HUMAN RIGHTS

Correction

1. Custody
2. Caution
3. Counsel
4. Contact
5. Cookies



Ernesto Arturo Miranda
Miranda v. Arizona (1966)

Correction

1. Custody
2. Caution
3. Counsel
4. Contact
5. Cookies



Correction

1. Custody
2. Caution
3. Counsel
4. Contact
5. Cookies



Tom R. Tyler, [Legitimacy and Criminal Justice, OSJCL, V7, N1, 307, 323](#)

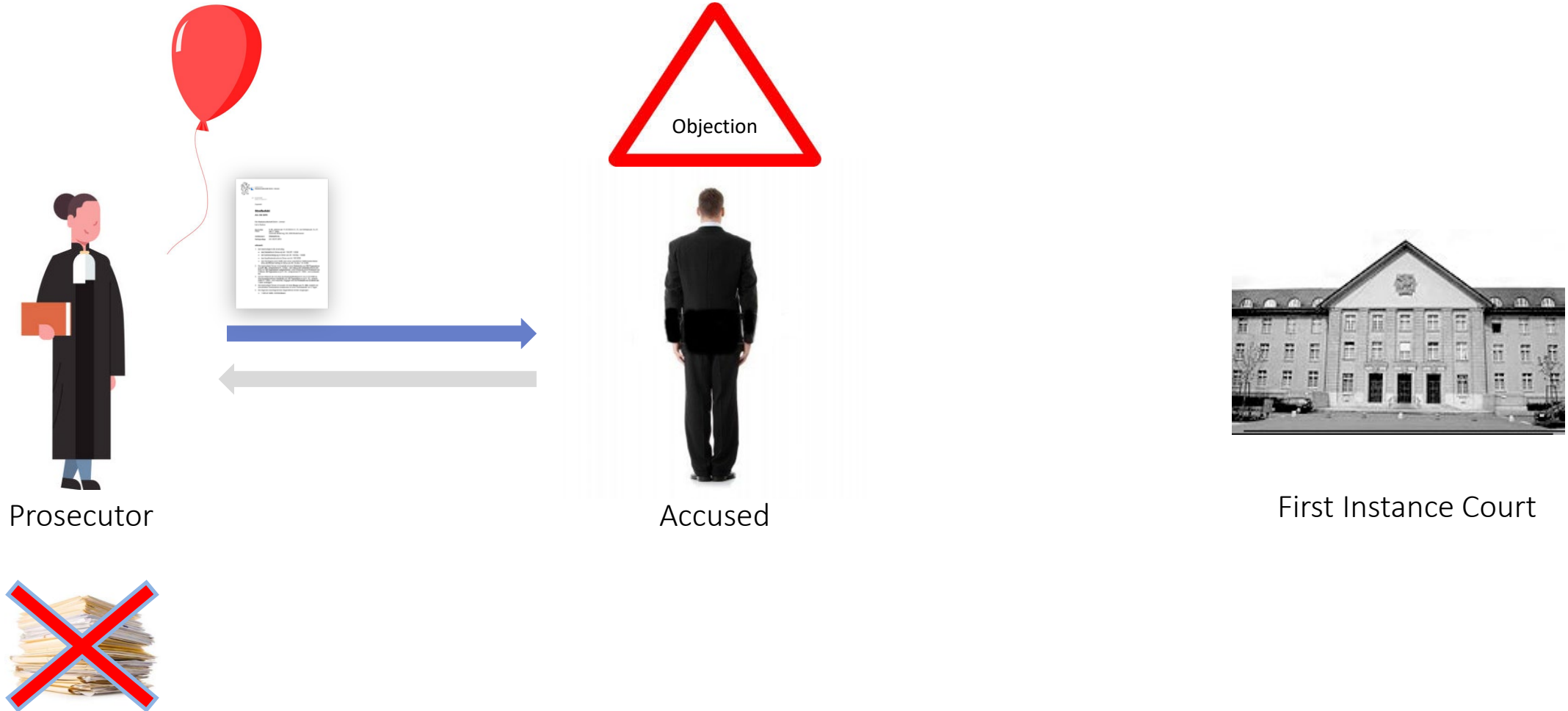
Correction

1. Custody
2. Caution
3. Counsel
4. Contact
5. Cookies



Doron Teichman, HUI, Behavioral
Law and Economics

b. Abandon proceedings



Correction

1. Custody
2. Caution
3. Counsel
4. Contact
5. Cookies



Swiss Criminal Procedure

Summary

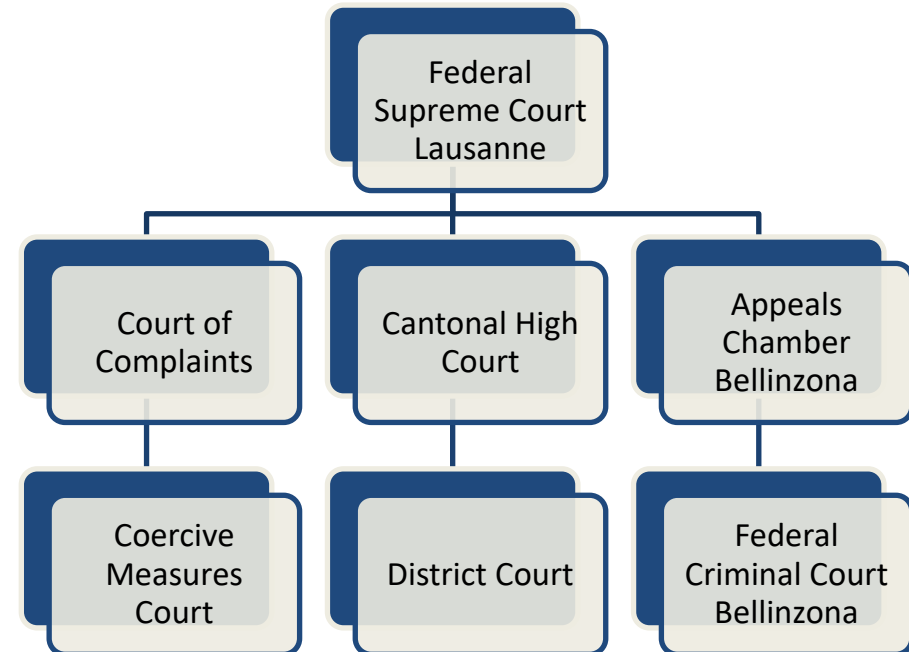
Summary

- I. Criminal Justice Authorities
- II. Code Criminal Procedure
- III. Penal Order Proceedings



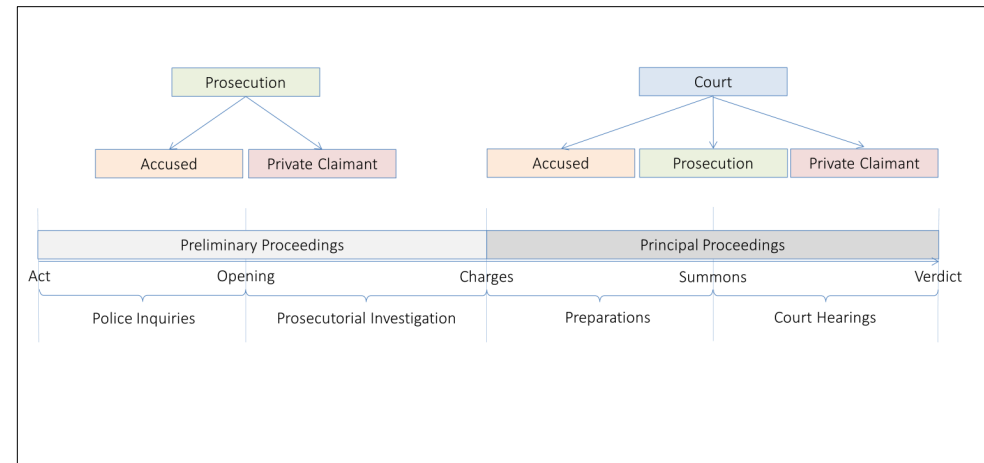
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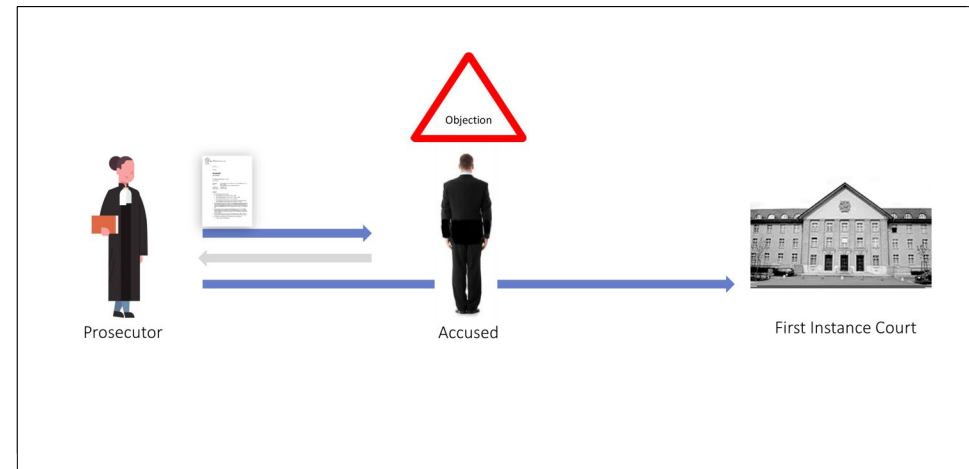
Summary

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Summary

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Swiss Criminal Procedure

Prof. Dr. Marc Thommen

