

Criminal Court of the Canton of Basel City Singular Court

Case: 2023.[REDACTED]

VERDICT

From September 21st, 2023

Contributors

President lic. iur. [REDACTED] Court clerk
MLaw [REDACTED]

Parties

Public prosecutor's office in Basel-City represented by public prosecutor lic. iur. [REDACTED]

Beat **Künzl** [REDACTED]
Represented by lic. phil. [REDACTED]
Lawyers & Notaries, [REDACTED] Basel

Accused Person 1
Private defender

Yolanda **Sandoval Künzl** [REDACTED]
Represented by lic. phil. [REDACTED]
Lawyers & Notaries, [REDACTED] Basel

Accused Person 2
Private defender

Church of Scientology Basel
Burgfelderstrasse 215, 4055 Basel
Represented by Dierk Clausen
Wildalpjochstrasse 10, 81825 München

Private Plaintiff

Object
Penalty orders dated April 20, 2023

concerning
Beat Künzi: slander
Yolanda Sandoval Künzi: slander

The individual court recognizes:

1. Beat KÜNZI

is acquitted of the charge of libel free of charge

2. Yolanda SANDOVAL KÜNZI

is acquitted of the charge of libel free of charge.

In accordance with Article 429 of the Code of Criminal Procedure, those assessed will receive party compensation from the criminal court fund in favor of defense attorney [REDACTED] from Fr. [REDACTED] (including VAT and expenses) and in favor of Advokat those of Fr. [REDACTED] (including VAT and expenses).

BASEL-CITY CRIMINAL COURT

The President
[SIGNATURE]

The Court Clerk
[Signature]

Disposition Goes To:

- Accused persons
- Private defense
- Public prosecutor
- Private plaintiff
- VOSTRA (according to legal force)

Instructions on legal remedies

According to Article 399 of the Code of Criminal Procedure, an appeal can be filed against this decision within 10 days, provided that the relevant requirements are met. In this case, the party filing the appeal will be informed of the verdict after it has been issued.

Production of the written justification with instructions on how to proceed will be sent.

The private plaintiff can challenge the verdict on the guilt and civil points, but not with regard to the sanction (punishment or measure) (Art. 399 Para. 3 in conjunction with Art. 382 Para. 2 StPO).

The notice of appeal must be submitted in writing to the Basel City Criminal Court, Schützenmattstrasse 20, PO Box, 4009 Basel, or recorded orally. Written submissions must be submitted to the Basel-Stadt criminal court no later than the last day of the deadline or handed over to the Swiss Post Office, a Swiss diplomatic or consular mission or, in the case of imprisoned persons, the prison management (Article 91 para. 2 StPO).

Hints:

.1 If only violations (offences punishable with a fine) were the subject of the main proceedings at first instance, an appeal can be lodged

It can only be claimed that the judgment was legally incorrect or that the determination of the facts was obviously incorrect or based on one

Violation of rights. New allegations and evidence cannot be brought forward (Art. 398 Para. 4 StPO).

2. If the appeal is limited to the civil point, the judgment will only be reviewed to the extent that the Code of Civil Procedure would provide (Art. 398 para. 5 StPO in connection with Art. 308 f. ZPO).

3. If an appeal is not possible, this decision can be appealed.

serious charges can be levied (Art. 393 f. StPO). The complaint is admissible against orders and resolutions as well as the procedural actions of the courts of first instance; Procedural decisions are excluded. Complaints against decisions made in writing or orally

The divorce must be submitted in writing and with reasons to the Basel-Stadt Appeal Court (Bäumleingasse 1, 4051 Basel) within 10 days.

Excerpt from the Code of Criminal Procedure

Art. 398 Admissibility and grounds for appeal

1 An appeal is permissible against judgments of courts of first instance that have concluded the proceedings in whole or in part.

2 The court cannot comprehensively review the judgment on all of the contested points. 3

With the appeal the following can be complained about:

a. Violations of rights, including excess and abuse of discretion, denial of justice and delay of justice;

b. the incomplete or incorrect determination of the facts, c. Inappropriateness.

4 If violations were the sole subject of the main proceedings at first instance, the appeal can only be used to assert that the judgment was legally incorrect or that the determination of the facts was obviously incorrect or based on a violation of the law. New allegations and evidence cannot be brought forward.

5 If the appeal is limited to the civil point, the first instance judgment will only be reviewed to the extent that the civil procedural law applicable at the place of jurisdiction would provide for it.

Art.399 Registration of appeal and declaration of appeal

1 The appeal must be reported to the court of first instance in writing or orally within 10 days of the judgment being handed down.

2 After issuing the reasoned judgment, the court of first instance sends the application together with the files to the appeal court.

3 The party that filed an appeal submits a written statement of appeal to the appeal court within 20 days of delivery of the reasoned judgment. She must state therein:

- a. whether it challenges the judgment in its entirety or only in part;
- b. what changes to the first instance judgment it demands; and
- c. what evidence she submits.

4 Anyone who challenges only parts of the judgment must state in the declaration of appeal which of the following parts the appeal is limited to:

- a. the point of guilt, if necessary related to individual actions;
- b. the assessment of the punishment;
- c. the ordering of measures;
- d. the civil claim or individual civil claims; e. the collateral consequences of the judgment;
- f. the cost, compensation and satisfaction consequences; G. the subsequent judicial decisions.

Art. 393 Admissibility and grounds for appeal 1 The complaint is admissible against:

b. the orders and resolutions as well as the procedural actions of the courts of first instance; procedural decisions are excluded;

2 The complaint can be used to complain about:

- a. Violations of rights, including excess and abuse of discretion, legal violations refusal and legal delay;
- b. the incomplete or incorrect determination of the facts, c. Inappropriateness.

Art. 396 Form and deadline

1 An appeal against decisions made in writing or orally must be submitted in writing and with reasons to the appeal authority within 10 days.

2 Complaints about denial of justice and delay in justice are not subject to any time limit.

Excerpt from the Code of Civil Procedure

Art. 308 Appealable decisions

1 The following can be appealed:

- a. first instance final and interim decisions;
- b. first instance decisions and precautionary measures.

2 In property law matters, an appeal is only permissible if the value of the most recently maintained legal requests is at least 10,000 francs.