

**The Swiss Federal Supreme Court
The Third Power within the Federal State**

2025

Bundesgericht

Tribunal fédéral

Tribunale federale

Tribunal federal



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2025



Justice is the greatest of all virtues
Praeclarissima virtus est iustitia

Mural dating from 1583, located at the former High Court building in Vicosoprano (Bregaglia, Grisons)

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The History of the Federal Supreme Court

Established in 1848

The Federal Supreme Court was established in 1848 by the Swiss Constitution of 12 September 1848, which transformed the previous federation of states into a single federal state in the wake of the Civil War. It was tasked with «the administration of justice to the extent that this is a federal concern». However, the powers of the then Federal Supreme Court were limited in scope. It handed down rulings primarily in civil-law disputes between the cantons and the Confederation and in cases involving political crimes against the Confederation and infringements of the fundamental rights enshrined in the new Constitution, insofar as these matters were referred to it for resolution by the Federal Assembly. It was composed of eleven non-permanent Justices, had no permanent seat and sat as the situation demanded in the Swiss capital or, when required by the cases to be heard, at another location designated by the President.

The Federal Supreme Court becomes a permanent court and is tasked with a new remit

The Federal Supreme Court became a permanent court in 1875. This change was precipitated by the new duties conferred upon it by the Swiss Constitution of 29 May 1874. It was tasked with ruling on jurisdictional conflicts between the federal and cantonal authorities and constitutional disputes among the cantons. Its remit also extended to ruling on appeals lodged by citizens against the decisions of cantonal authorities regarding the infringement of constitutional rights but also on matters involving violations of concordats, treaties and federal laws. As a consequence, it became a true supreme court of the Confederation whose task it was to guarantee the fundamental rights and freedoms of Swiss citizens and to ensure the uniform application of Swiss federal law. In the following decades the duties of the Federal Supreme Court expanded continuously owing to the new legislative powers of the Confederation.

In 1875 the Federal Supreme Court had nine ordinary Justices, who were prohibited from pursuing any other occupation, and two court clerks. In time the number of Justices and court clerks had to be continuously adapted to accommodate the Court's growing case load. It also became necessary to create divisions within the Federal Supreme Court because the number of cases to be heard no longer permitted them to be adjudicated in plenary sessions.

Lausanne was designated as the seat of the permanent Federal Supreme Court. The Court first moved into quarters in Casino de Derrière-Bourg, a building formerly located in the vicinity of Place St. François. This building has since been demolished. The Court then moved into the purpose-built Palais de Justice of Montbenon, where it sat for the next forty years. In 1926 it moved its seat to the Mon-Repos courthouse, built in the park of the same name.

The Federal Supreme Court today

The Swiss Constitution of 18 April 1999 confirmed and consolidated the role of the Federal Supreme Court. It stipulates that the Federal Supreme Court is the supreme judicial body of the Swiss Confederation in civil, criminal, administrative and constitutional matters, and that it administers itself independently and is answerable only to the law. The Federal Supreme Court exercises the administrative supervision over the other federal courts.

In 2007, the former Federal Insurance Court, which was established in 1917 and seated in Lucerne, was integrated in the Federal Supreme Court. Its duties are now carried out by the Third Public Law Division and the Fourth Public Law Division (until the end of 2022 the «social law divisions») of the Federal Supreme Court. These divisions remained in Lucerne and are located in the former administrative building of the Gotthard Railway Company on the shores of Lake Lucerne.



The Role of the Federal Supreme Court

The Federal Supreme Court ensures uniform application of Swiss federal law within the 26 cantons of Switzerland

The highest judicial authority within the federal state

As the court of final appeal, the Federal Supreme Court issues final rulings on disputes between individuals, between cantons, between individuals and the government, as well as between cantons and the federal authorities. In this function, the Federal Supreme Court covers all legal domains, in principle civil and criminal law, debt enforcement and bankruptcy law, as well as public and administrative law (including social insurance law). The Federal Supreme Court is responsible in particular for protecting the constitutional rights of citizens.

Virtually no cases are heard in Lausanne or Lucerne in the first instance. Initially, cases are dealt with mostly by the courts of first instance, whose designations vary from canton to canton, and by the cantonal authorities responsible for administrative law. In all civil or criminal matters, the cantons are required to additionally establish a second (higher) judicial instance. In public law, the cantonal administrative and social insurance courts serve as courts of first instance to the Federal Supreme Court. Apart from a few exceptions, other judicial authorities at the federal level also serve as the first instance before cases are referred to the Federal Supreme Court.

Interpreting the law takes front and centre stage

The work of the Federal Supreme Court varies considerably from the cantonal and federal courts of first instance. The federal Justices do not re-establish the facts of the case but rely on the previously established facts; they can be corrected by the Federal Supreme Court only if it finds that they have been incorrectly established in a flagrant manner by the lower court, or that they have been based on a violation of law.

The federal Justices only address questions of law. The Federal Supreme Court ensures that federal law is uniformly applied and that the boundaries set by federal law are not transgressed in the course of the enactment, application and interpretation of law and the administration of justice. As a result of its rulings, the Federal Supreme Court contributes to the development of law and its adaptation to changing circumstances.

Appeals

Anyone seeking justice essentially has four legal recourses for lodging an appeal with the Federal Supreme Court: the three types of standard appeal (relating to civil, criminal and public law disputes) and the subsidiary constitutional appeal. Under the three standard appeal categories, any type of grievance is admissible: incorrect application of the law and infringement of constitutional rights. This makes it easier for individuals to have recourse to the law.

If a standard appeal is not admissible, then cantonal rulings may be appealed by means of the subsidiary constitutional appeal. This appeal only addresses issues of the infringement of constitutional rights.

Rulings

The divisions of the Federal Supreme Court generally render their rulings in panels consisting of three Justices. Five Justices may sit on a panel when fundamental legal issues are at stake or when one of the Justices requests this.

In the great majority of cases rulings are passed by way of circular. This is not possible unless all of the Justices agree to the proposed draft ruling.

Rulings are handed down in public deliberation when the Justices are not unanimous, the division president orders this or when one of the Justices requests this. In this case the Justices deliberate and render their decision in the presence of the public. First the draft ruling and any draft opposing ruling are read, and then the other Justices express their opinions. In doing so, each of the Justices speaks in their native language. When the deliberation is concluded, a vote is taken by a show of hands and the verdict is passed according to the majority.

Decision

Generally speaking, the Federal Supreme Court renders its rulings in the language of the decision being contested. However, the parties to the proceeding are free to draft their petitions in one of Switzerland’s four national languages; the petitions are not translated.

If an appeal is granted, the lower courts need as a general rule only re-examine the case if the Federal Supreme Court is unable to rule itself due to insufficient facts.

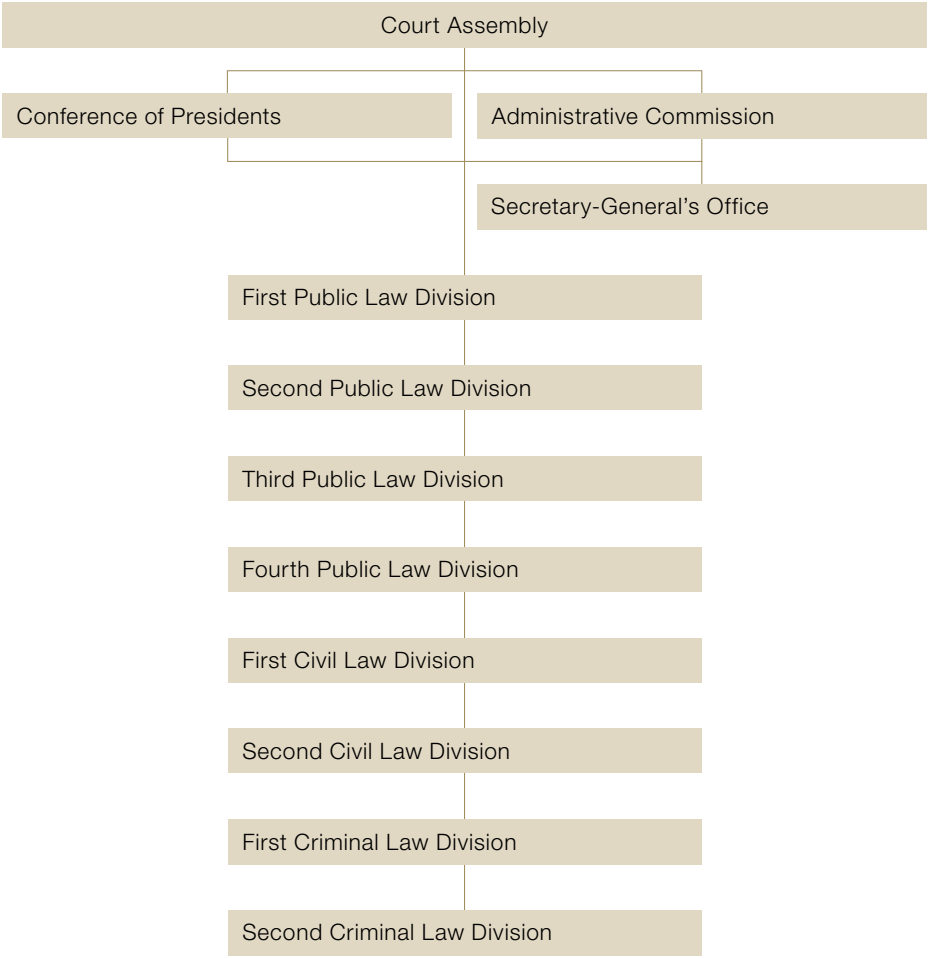
Federal Criminal Court, Federal Administrative Court and Federal Patent Court

Judicial reform saw the creation of further federal judicial authorities. The Federal Criminal Court in Bellinzona officially opened its doors on 1 April 2004. The Federal Administrative Court temporarily opened its doors on 1 January 2007 in Bern and was relocated to its definitive site in St. Gallen in mid-2012. The Federal Patent Court opened its doors at the same location at the beginning of 2012. In some cases, the decisions of these three federal courts of first instance may be appealed to the Federal Supreme Court. All three courts are subject to the administrative supervision of the Federal Supreme Court.

The European context

The European Convention on Human Rights (ECHR), which has been in force since 1953, protects basic human rights at a European level. Switzerland has been a member of the Council of Europe since 1963 and therefore must guarantee the protection of human rights as provided for by this Convention. Under certain conditions a party may appeal a decision of the Swiss Federal Supreme Court to the European Court of Human Rights in Strasbourg and request that it should be reviewed to determine if a violation of the Convention has occurred.

Organisation



Supervisory bodies

The supervisory bodies of the Federal Supreme Court are the Court Assembly, the Administrative Commission and the Conference of Presidents. The Court Assembly consists of all ordinary Justices and is mainly responsible for the Court’s internal organisation. It designates the divisions, appoints their presidents and issues the procedural rules for the Court. The Administrative Commission is responsible for managing the Court’s administration. It is comprised of the President of the Federal Supreme Court, the Vice-President and one other Justice. The Conference of Presidents consists of the presidents of the various divisions and is responsible for the coordination of judicial decision-making among the divisions. The President of the Federal Supreme Court acts in an advisory capacity. The Secretary-General participates in meetings held by the Court Assembly, the Administrative Commission and the Conference of Presidents in an advisory capacity.

Federal Justices

A total of 40 Justices sit on the bench of the Federal Supreme Court. Currently 15 women and 25 men serve as federal Justices. Of the federal Justices currently serving on the bench, three have Italian, 14 French and 23 German as their native language. The Justices are forbidden from engaging in any gainful occupation outside of their work as federal Justices. The federal Justices have the status of government officials.

The federal Justices are proposed by the Judicial Committee and elected by the United Federal Assembly (National Council and Council of States) for a term of office of six years. They can be re-elected an unlimited number of times until the age of 68. Anyone who has the right to vote at the federal level may be elected a federal Justice; the law does not prescribe any legal training. In practice, however, only proven jurists from the judiciary, practicing legal profession, academia or from the public sector are elected.

Deputy federal Justices

The Federal Supreme Court numbers 19 deputy Justices, who are also elected by the Federal Assembly. The deputy federal Justices serve in a part-time capacity, otherwise they are professors, practicing lawyers or cantonal judges. As a general rule, they serve as replacements for Justices who have recused themselves or have taken ill, or when the Court’s docket has become overly full. In the proceedings on which they sit they have the same rights and obligations as the ordinary federal Justices.

Court clerks

The court clerks are the judicial staff of the Justices. They participate in the instruction of the cases as well as in the adjudication and have an advisory voice. Previously their primary task was to draft the written judgements after the decisions had been rendered in court. Due to the increasing case load of the Court, the court clerks are now also tasked with drafting the draft ruling in many cases. However, the judgment is always made by the Justices involved. Currently about 145 court clerks serve on the Federal Supreme Court, approximately half of whom are women.

Presidency of the Court’s Assembly

President and Vice-President



François Chaix
President



Francesco Parrino
Vice-President

At the suggestion of the Federal Supreme Court, the United Federal Assembly elects the President and the Vice-President from the pool of ordinary Justices. They are elected for a term of two years and can be re-elected once. The President chairs both the Court Assembly and the Administrative Commission and is the official representative of the Federal Supreme Court.



The Federal Supreme Court divisions

The 40 federal Justices are elected by the United Federal Assembly. The Federal Supreme Court is composed of eight divisions, with five Justices each. The tasks of the divisions differ according to the legal domains they cover (public law, private law, criminal law and social law). The different divisions essentially deal with the following fields of law:

First Public Law Division

Expropriations, national and regional spatial planning and construction law, environmental protection, political rights, international judicial cooperation in criminal matters, road traffic (including the revocation of driving licences), citizenship, public service personnel, fundamental rights such as equality under the law, guarantee of ownership, freedom of art and guarantees of due process.

Second Public Law Division

Rights of foreigners, public commercial law and other areas of administrative law (e.g. state liability, subsidies, radio and television), fundamental rights such as freedom of religion and conscience, freedom of language and economic freedom.

Third Public Law Division

Taxes, old-age and survivors' insurance, disability insurance, loss of earnings compensation, health insurance and occupational pensions.

Fourth Public Law Division

Disability insurance, accident insurance, unemployment insurance, cantonal social insurance, family allowances, social assistance, military insurance, supplementary benefits and transition benefits for older unemployed persons.

First Civil Law Division

Code of Obligations (law of obligations), insurance contracts, intellectual property rights, competition law: national and international arbitration, provisional and final dismissals of objection.

Second Civil Law Division

Civil Code (law of persons, family law, law of succession and property law), proceedings concerning debt recovery and bankruptcy (without provisional and final dismissals of objection).

First Criminal Law Division

Substantive criminal law (without the execution of penalties and measures), Code of Criminal Procedure and appeals against final rulings in criminal proceedings (without no-proceedings orders and abandoning proceedings).

Second Criminal Law Division

Execution of penalties and measures, interlocutory rulings in criminal proceedings, no-proceedings orders and abandoning proceedings.

Federal Justices, Deputy Federal Justices and Court Clerks

First Public Law Division | Federal Justices



Stephan Haag



François Chaix



Lorenz Kneubühler



Thomas Müller



Laurent Merz

Deputy Federal Justices

Marie-Claire Pont Veuthey	Tanja Petrik-Haltiner
Richard Weber	Mecca Athos
Jeremias Fellmann	

Court Clerks

Olivier Kurz	Sandrine Arn	Mischa Poffet
Tiziano Crameri	Dominique Alvarez	Félise Rouiller
Alexandra Gerber	Fabian Mösching	Irina Trutmann
Philipp Gelzer	Pascal Baur	
Christian Parmelin	Jacqueline Dambeck	
Andrea Gadoni	Dominique Hänni	
Beat Dold	Corsin Bisaz	
Bénédicte Tornay Schaller	Annina Dillier	
Adrian Mattle	Valentin Vonlanthen	

Second Public Law Division | Federal Justices



Florence Aubry Girardin



Yves Donzallaz



Julia Hänni



Marianne Ryter



Matthias Kradolfer

Deputy Federal Justices

Markus Berger	Fabrizio Monaci
Vincent Martenet	
Tanja Petrik-Haltiner	

Court Clerks

Raffaella Ieronimo Perroud	Eloi Jeannerat	Manon Joseph
Emmanuelle Jolidon	Marco Zollinger	Eliane Braun
Claude-Emmanuel Dubey	Hector Rastorfer	Mathias Kaufmann
Marco Savoldelli	Cedric Marti	
Stéphanie Vuadens	David Hongler	
Eleonor Kleber	Annekatriin Wortha	
Alexandre de Chambrier	Florian Weber	
Cornel Quinto	Patrick Plattner	Court Clerk Pool
Daniela Ivanov	Lia Meyer	Michael Müller

Third Public Law Division | Federal Justices



Margit Moser-Szeless



Thomas Stadelmann



Francesco Parrino

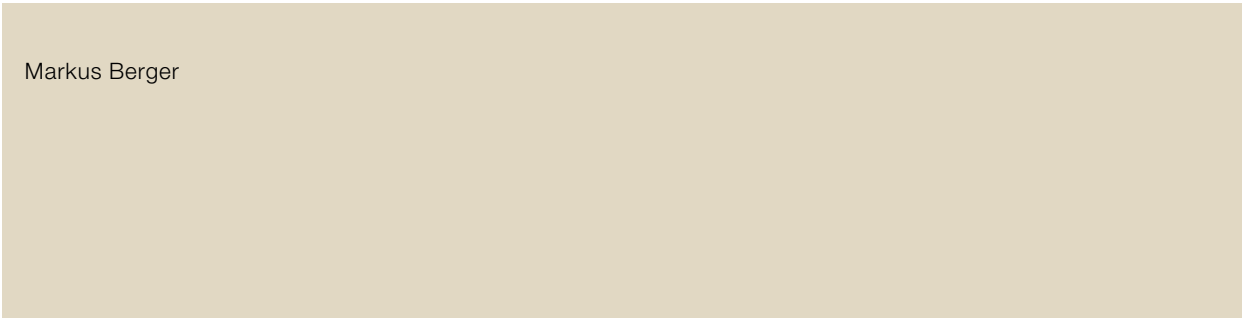


Michael Beusch



Susanne Bollinger

Deputy Federal Justice



Markus Berger

Court Clerks

Jean-Marc Berthoud	Stéphanie Vuadens	Jérôme Bürgisser
Brigitte Keel Baumann	Francesca Cometta Rizzi	Isabelle Rupf
Petra Fleischanderl	Klaus Williner	Rafi Feller
Andreas Traub	Olivier Bleicker	Andrea Bögli
Florian Cretton	Stéphanie Perrenoud	Alessia Jeker
André Nabold	Barbara Stanger	
Johanna Dormann	Martin Businger	
Marco Savoldelli	Moritz Seiler	
Martin Kocher	Lilian Nünlist	

Fourth Public Law Division | Federal Justices



Daniela Viscione



Marcel Maillard



Alexia Heine

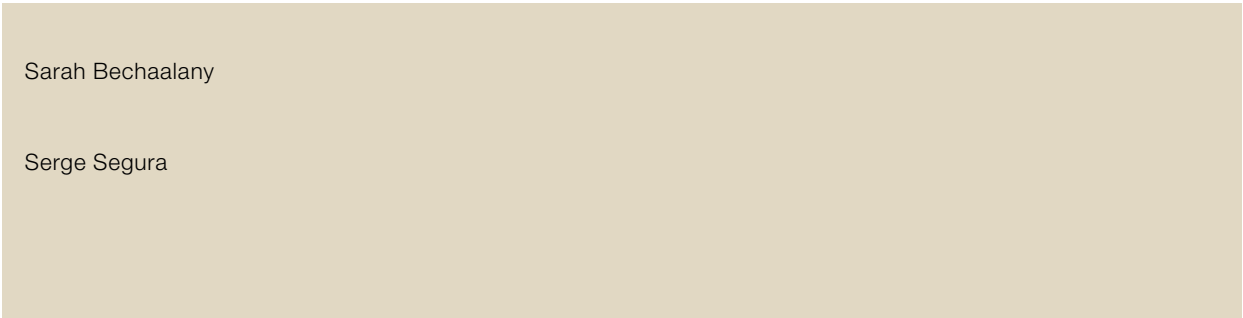


Karin Scherrer Reber



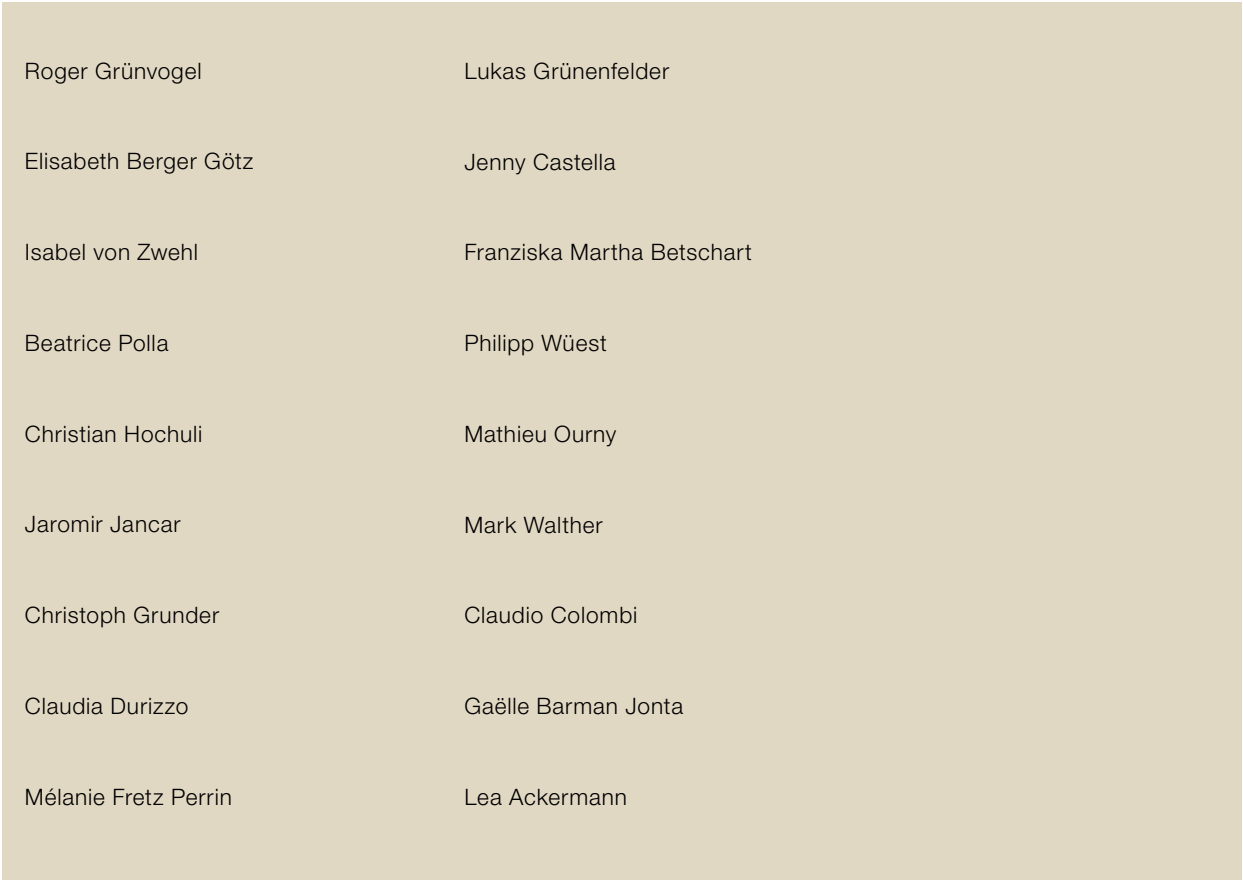
Jean Métal

Deputy Federal Justices



Serge Segura

Court Clerks



Lukas Grünenfelder

Elisabeth Berger Götz

Jenny Castella

Isabel von Zwehl

Franziska Martha Betschart

Beatrice Polla

Philipp Wüest

Christian Hochuli

Mathieu Ourny

Jaromir Jancar

Mark Walther

Christoph Grunder

Claudio Colombi

Claudia Durizzo

Gaëlle Barman Jonta

Mélanie Fretz Perrin

Lea Ackermann

First Civil Law Division | Federal Justices



Christoph Hurni



Christina Kiss



Christian Denys

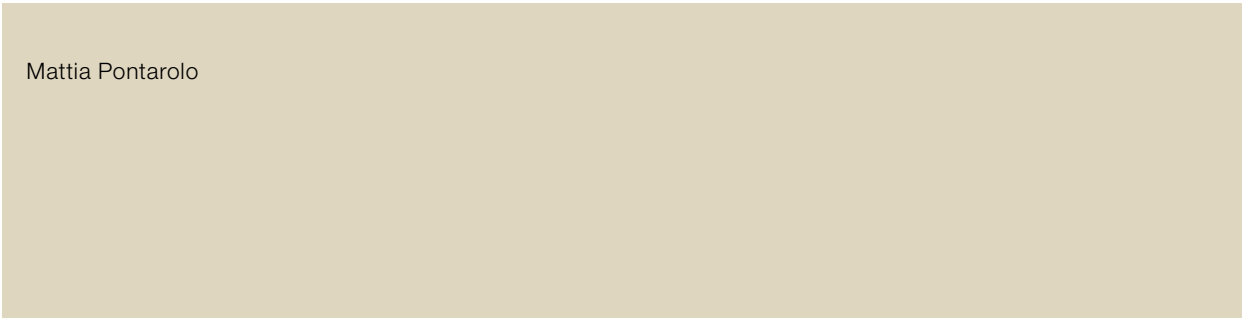


Yves Rüedi



Marie-Chantal May Canellas

Deputy Federal Justice



Mattia Pontarolo

Court Clerks

Géraldine Godat Zimmermann	Olivier Carruzzo
Giorgio Piatti	Jacques Douzals
Thomas Widmer	Isabelle Raetz
Christian Luczak	Valentin Botteron
Matthias Leemann	Matthias Dürst
Diane Monti	Alexander Kistler
Daniel Brugger	Annick Fournier
Niklaus Matt	Martin Tanner
Matthias Gross	Lucas Esteve

Second Civil Law Division | Federal Justices



Grégory Bovey



Christian Herrmann



Stephan Hartmann

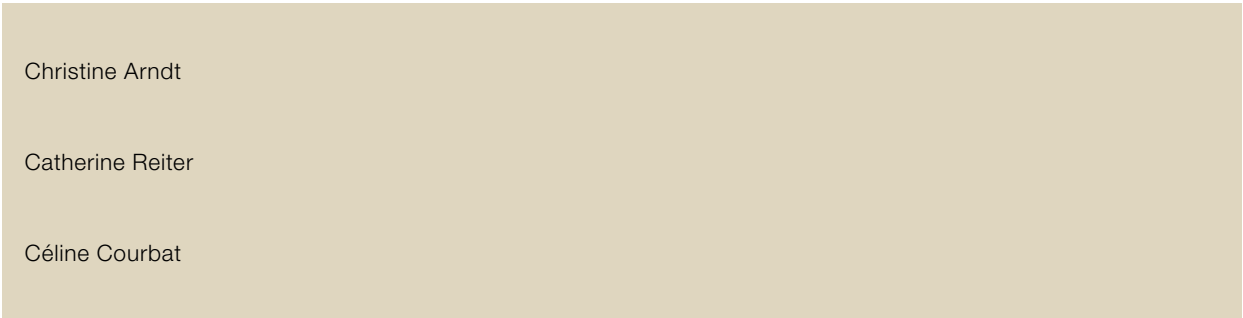


Federica De Rossa

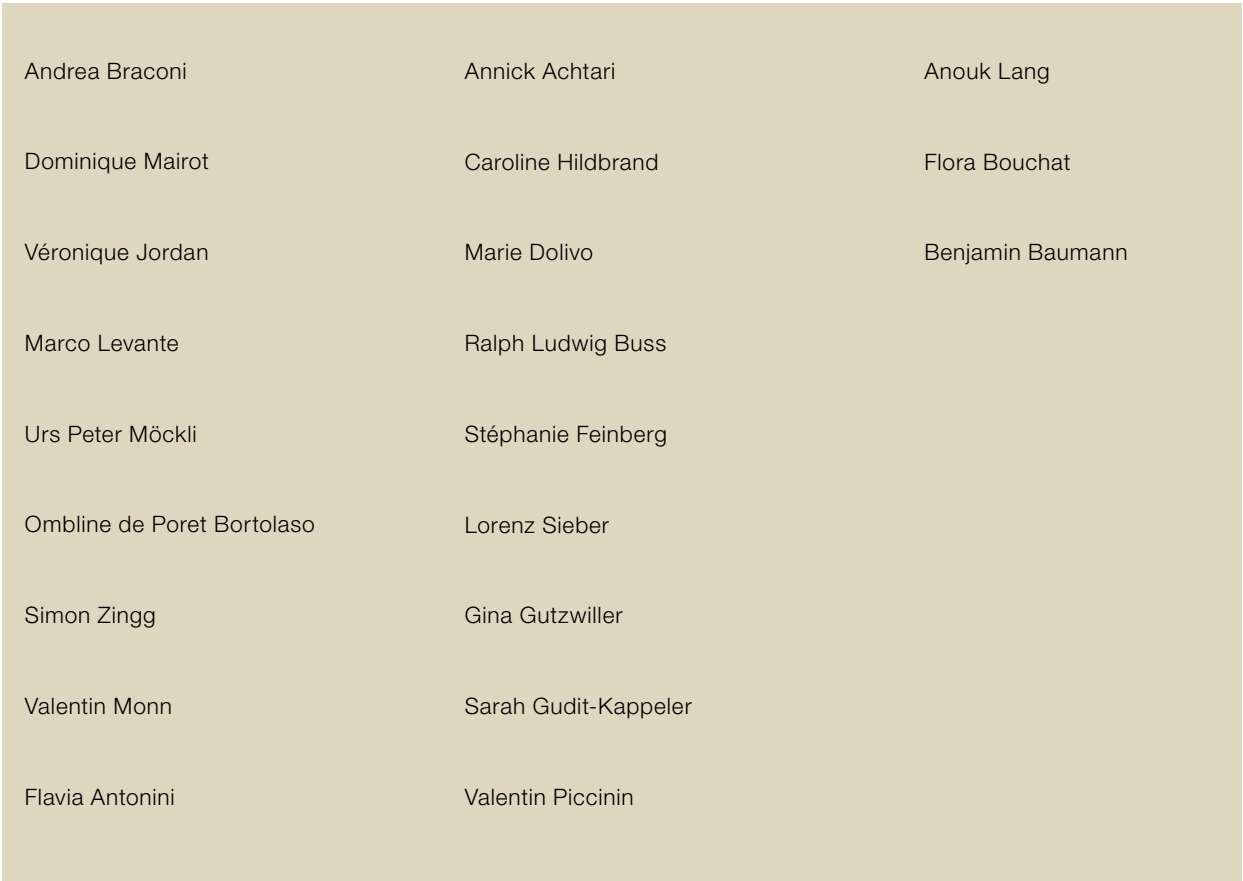


Christian Josi

Deputy Federal Justices



Court Clerks



First Criminal Law Division | Federal Justices



Laura Jacquemoud-Rossari



Giuseppe Muschietti



Rolf von Felten



Sandra Wohlhauser



Patrick Guidon

Deputy Federal Justices

Cordula Lötscher

Beata Wasser-Keller

Leonora Marti-Schreier

Court Clerks

Andrea Gadoni	Alexandre Dyens	Delphine Brun
Marlène Kistler Vianin	Flavia Bianchi	Christelle Herrmann-Heiniger
Mengia Ladina Arquint Hill	Malorie Rettby	Ursulina Lupi De Bruycker
Damien Vallat	Stefan Boller	Laura Ces
Rosaria Sara Ortolano Ribordy	Mona Erb	Luca Ranzoni
Lea Unseld	Nadia Meriboute	
Doris Pasquini	Sandra Frey Krieger	
Corinne Andres	Sébastien Rosselet	Court Clerks Pool
Véronica Klinke	Giulia Corti	Julien Barraz
Vanessa Thalmann	Michael Roux-Serret	Dorothea Endres

Second Criminal Law Division | Federal Justices



Bernard Abrecht



Beatrice van de Graaf



Sonja Koch

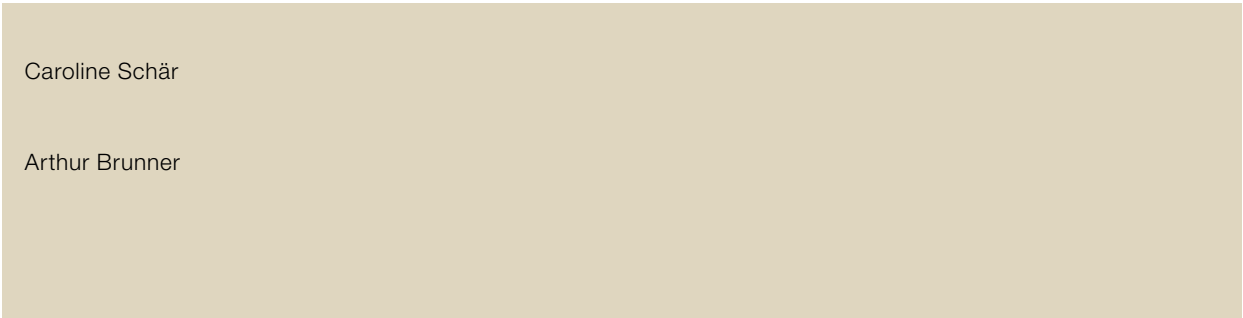


Christian Kölz



Yann-Eric Hofmann

Deputy Federal Justices



Caroline Schär

Arthur Brunner

Court Clerks



Fabienne Kropf

Charles Fragnière

Court Clerks Pool

Noemi Rohrer

Florence Schwab Eggs

Mélanie Nasel

Christine Sauthier

David Eschle

Sandrine Paris

Michael Hahn

Fabio Valentino

Barbara Kern

Myriam Lustenberger

Grégory Magnin

Benjamin Clément

Mélanie Rubin

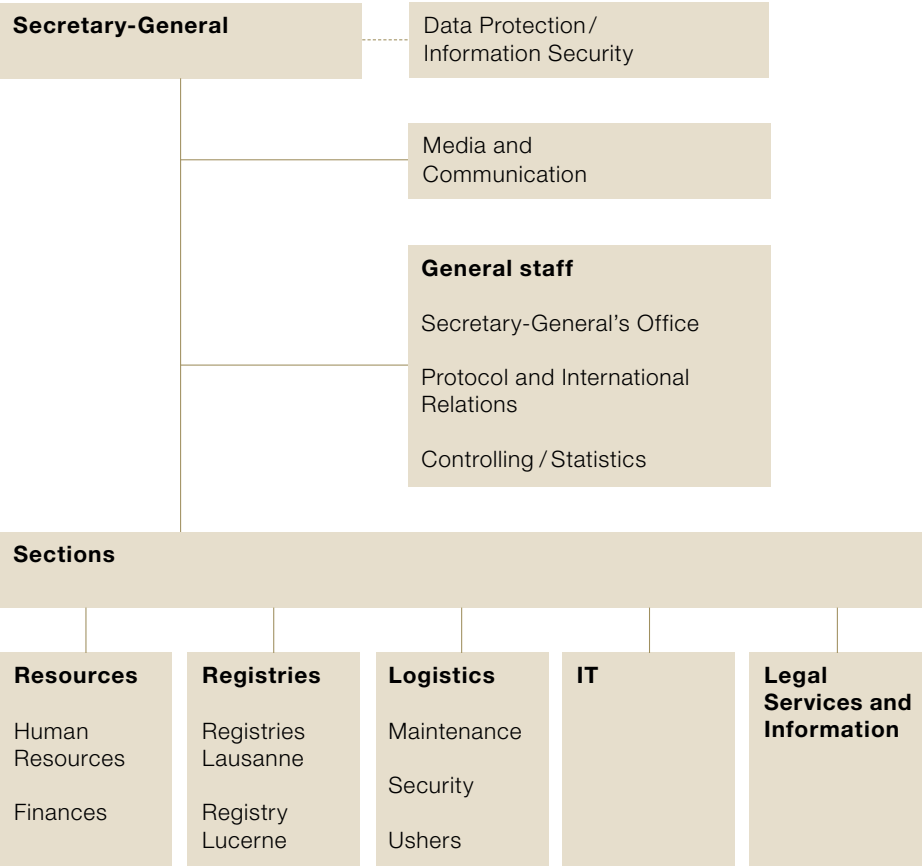
Patrick Schurtenberger

Sonja Mango-Meier

Marcus Stadler

Tommaso Caprara

Secretary-General's Office



The Secretary-General's Office is the administrative headquarters for the Court Assembly, the Administrative Commission, the Conference of Presidents and the President of the Federal Supreme Court. It provides support for all staffing, organisational, administrative and financial matters. The sections support the Justices and the court clerks in their judicial activities. They provide the key tools for office communication, file administration, the library, legal databases, etc. The registries manage the court files and are responsible for issuing the rulings. The logistics ensure that the Court can operate in an orderly and smooth fashion.

Secretary-General's Office | Secretary-General and Assistant Secretaries-General, Heads of Section



Nicolas Lüscher
Secretary-General



Lorenzo Egloff
Deputy Secretary-General,
Resources



Jacques Bühler
First Assistant Secretary-
General, General staff
and General Project Manager
Justitia 4.0

Peter Josi
Assistant Secretary-General,
Media and Communication

Christine Magnin
Assistant Secretary-General,
Protocol/International
Relations, Deputy Media and
Communication

Siphra Steiner
Assistant Secretary-General,
Logistics

Gaël Schaffter
Assistant Secretary-General,
Registries

Daniel Brunner
Head of IT

Thomas Diener
Head of Legal Services and
Information, Responsible for
Data Protection/Information
Security

General staff

Lead: Jacques Bühler

Secretary-General's Office | Jacqueline Modoux

Protocol and International Relations | Christine Magnin

Controlling/Statistics | Jacques Bühler

Sections | Responsibles

IT | Daniel Brunner

Legal services and Information | Thomas Diener

Logistics | Siphra Steiner:

Maintenance and Security Lausanne | Thierry Leresche

Ushers Lausanne | Jérôme Eltschinger

Ushers and Security Lucerne | Silvia Benedetto Huber

Resources | Lorenzo Egloff:

Human Resources | Andrea Lanz

Finances | Pierre-Alain Joye

Registries | Gaël Schaffter:

Central Registry Lausanne | Antonella Turchi

Court Registry Lucerne | Silvia Benedetto Huber

Facts and Figures

History

1848	With the new Federal Constitution the transition from a confederation to a federal state is realised and a non-permanent supreme court is introduced.
1874	As a result of a constitutional amendment, the Federal Supreme Court becomes a permanent institution.
1917	The Federal Insurance Court is established in Lucerne.
1959	The Council of Europe founds the European Court of Human Rights.
1968	The Federal Insurance Court becomes an independent division of the Federal Supreme Court, but remains in Lucerne.
1998	The European Court of Human Rights becomes a permanent institution based in Strasbourg.
2000	The Swiss electorate approves judicial reform. The newly extended buildings in Lausanne are inaugurated.
2004	The Federal Criminal Court is established in Bellinzona.
2007	The Federal Insurance Court is merged with the Federal Supreme Court: the two new Social Law Divisions are based in Lucerne. The Federal Administrative Court is established.
2012	The Federal Patent Court is established in St. Gallen. The Federal Administrative Court relocates to its definitive site in St. Gallen.
2013	The Federal Criminal Court inaugurates its new, definitive court building in Bellinzona
2021	In a federal referendum, the «Justice Initiative», which demanded that in future Federal Justices be chosen by lot, is rejected.
2023	The two social law divisions in Lucerne become the Third and Fourth Public Law Divisions. The Federal Supreme Court receives a second criminal law division.

The Swiss Federal Supreme Court in 2024

Pending cases as of 1 January 2024	New cases filed	Decided	Pending cases as of 31 December 2024
First Public Law Division			
514	764	781	497
Second Public Law Division			
407	715	729	393
Third Public Law Division			
417	781	805	393
Fourth Public Law Division			
364	775	815	324
First Civil Law Division			
311	927	890	348
Second Civil Law Division			
351	1010	1009	352
First Criminal Law Division¹			
540	983	790	733
Second Criminal Law Division¹			
724	1534	1523	735
Others			
3	4	7	0
Total			
3631	7493	7349	3775

¹
100 proceedings reallocated from the first to the second Criminal Law Division in 2024 taken into account.



Extracts from the Court's Rulings

The rulings handed down by the Federal Supreme Court extend to all conceivable situations in life, as the following selection from the wide variety of the Court's rulings shows.

Changing parties after the election

Judgment 1C_223/2023 of 22.5.2024 (intended for BGE publication),
First Public Law Division
If a member of parliament changes parties shortly after being elected by proportional representation, this may violate the constitutionally guaranteed free will of the electorate. The Swiss Federal Supreme Court has ruled in favour of an appeal in connection with the change of party of a Member of the Cantonal Parliament of Zurich. In proportional representation elections, it can be assumed that the party and not the candidate as a person is of primary importance to voters. The Zurich Administrative Court must clarify the exact circumstances surrounding the change of party and then decide anew.

Baptism in Lake Geneva

BGE 150 I 154 of 23.2.2024, Second Public Law Division
The Swiss Federal Supreme Court had to judge the appeal of a religious organisation that wanted to carry out a baptism in Lake Geneva. The church had refused to sign the formal obligation required by Geneva cantonal law to comply with the Swiss legal system and fundamental rights. According to the Swiss Federal Constitution, the regulation of relations between churches and the state is the responsibility of the cantons. The canton of Geneva may require religious organisations to commit themselves in writing to comply with the Swiss legal system and fundamental rights before applying for a permit to use public space for religious celebrations. This obligation represents a minor encroachment on religious freedom and meets with constitutional requirements: It has a legal basis, pursues a public interest and upholds the principle of proportionality. It is therefore admissible.

Uber drivers are employees

i.a. BGE 149 V 57 of 16.2.2023, Third Public Law Division
In 2021, the Zurich Social Insurance Court ruled that the «typical» Uber driver who used the Uber app in 2014 should be considered an employee of the Dutch company Uber BV. The Swiss Federal Supreme Court confirmed this ruling. It came to the conclusion that Uber drivers are gainfully employed by Uber BV which must therefore pay OASI (old-age and survivors' insurance) contributions. This is due, among other things, to the far-reaching instructions issued by Uber BV to the drivers. Uber BV also has a permanent establishment in Switzerland.

No informal suspension of social welfare

BGE 149 V 250 of 4.9.2023, Fourth Public Law Division
The authorities had requested information from a social welfare recipient about the income and expenses of his partner, with whom he wanted to cohabit. This was to clarify the family's overall entitlement to benefits. Because he did not submit any documents, the payment of social welfare was suspended without formal procedure. The Swiss Federal Supreme Court partially upheld the appeal of the person in question. According to the ruling, the suspension of social welfare must be made by means of a formal, voidable decision, as this step has drastic consequences for recipients and must be subject to judicial review.

Accident with pedestrian on mobile phone

BGE 148 III 343 of 20.5.2022, First Civil Law Division
In 2019, a man was standing at a tram stop with his back to an incoming Zurich public transport tram. He was focused on his mobile phone when he suddenly stepped onto the tracks without looking to his left. The tram hit him and he was seriously injured. According to the Swiss Federal Supreme Court, the City of Zurich, as the owner of public transports, is not financially liable for the accident because the pedestrian acted with gross negligence. It is true that pedestrians hunched over their mobile phones may be part of the everyday urban street scene today. However, this does not change the fact that pedestrians must also pay the required attention in urban traffic.

Deletion of gender entry not possible in Switzerland

BGE 150 III 34 of 8.6.2023, Second Civil Law Division
The cancellation of the gender entry obtained in Germany by a person originating from Switzerland cannot be entered in the Swiss civil status and birth register. Gender is one of the elements of civil status that is regulated by the Swiss Civil Code; its indication is one of the Swiss principles of register keeping. According to the clear will of the legislator, the binary gender order (man/woman) should be retained for the time being and the omission of a gender indication should remain inadmissible. The Swiss Federal Supreme Court is not authorised to deviate from this due to the separation of powers.

Euthanasia for a healthy person

BGE 150 IV 255 of 13.3.2024, First Criminal Law Division
A Geneva doctor did not violate the Narcotics Act by administering the lethal drug sodium pentobarbital to a healthy 86-year-old woman of sound mind who wished to die. According to the ruling, it is not up to the judge to interpret the applicable legal provisions in a particularly far-reaching manner in order to be able to criminalise the doctor's conduct. If necessary, it would be up to the legislator to adapt the legal basis. The Swiss Federal Supreme Court had already ruled in 2021 that the doctor had not violated the Therapeutic Products Act by the conduct he was accused of.

More electronic monitoring

BGE 150 IV 277 of 18.3.2024, Second Criminal Law Division
The Swiss Federal Supreme Court has extended the scope of application of the electronic monitoring form of imprisonment. Previously, electronic monitoring was considered if the entire custodial sentence—i.e. the unconditionally and the conditionally enforceable part—did not exceed one year in total. Electronic monitoring is now possible if the enforceable part of a partially suspended sentence does not exceed 12 months. The practice of electronic monitoring has thus been harmonised with that of semi-detention.

The Court’s Buildings

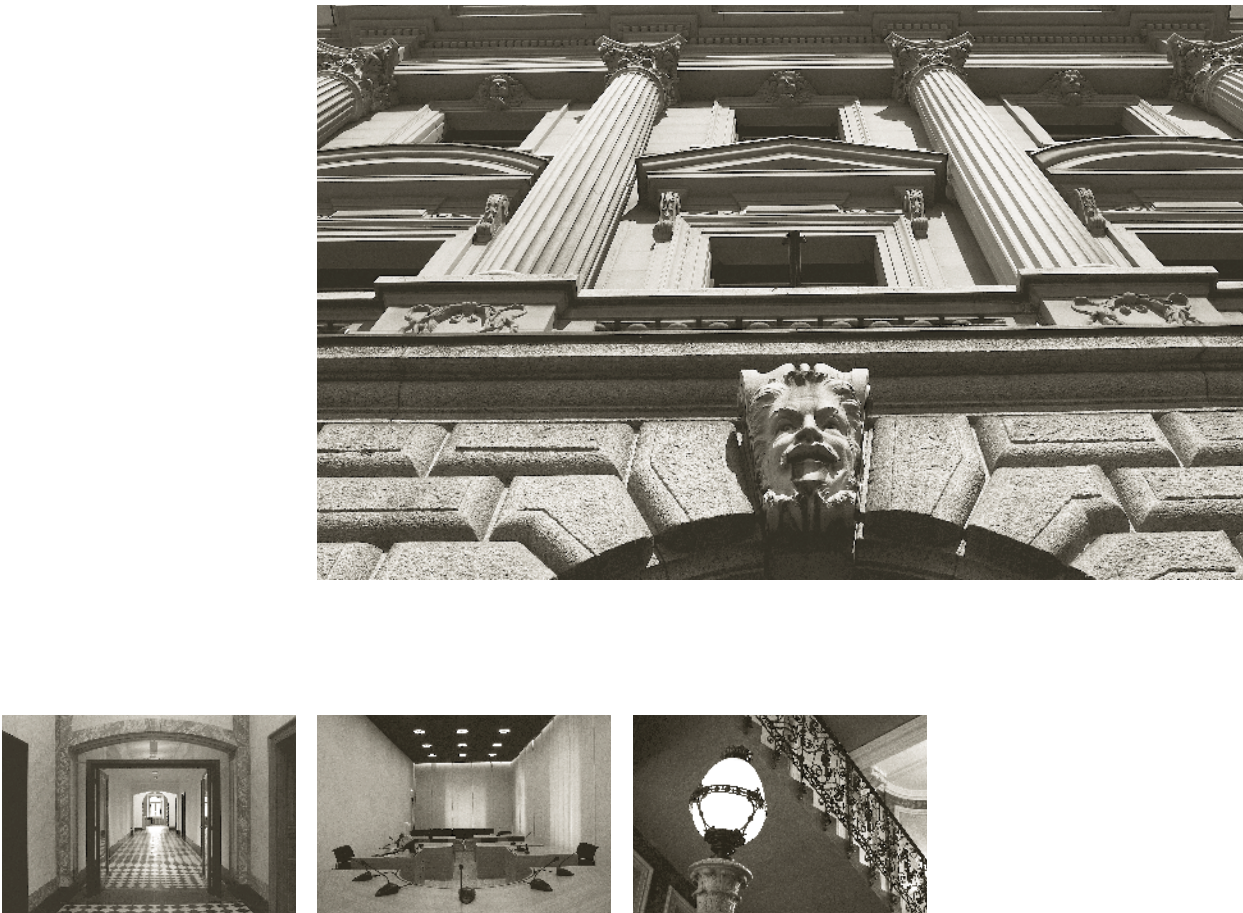
The Mon-Repos Building in Lausanne

The Federal Supreme Court’s Mon-Repos Building houses 30 magistrates (Federal Justices) and 300 staff members, and is a symbol of the Swiss Constitutional State. The current Mon-Repos Building is – after the Casino Building at Place St. François and the court building of Montbenon – the third Federal Supreme Court building in Lausanne. The Court moved into this building designed by architects Prince, Béguin and Laverrière in 1927. Due to the pressures of a growing case load and the resulting increase in work towards the end of the last century, it was necessary to rent external office space and, as a permanent solution, forge plans to extend this court building. In 2000, two additional wings were inaugurated.



The Gotthard Building in Lucerne

Upon being established, the former Federal Insurance Court was located at Adligenswilerstrasse in Lucerne for 85 years. At the end of 2002, it was transferred to the Gotthard Building, then owned by the Swiss Federal Railways and centrally located at the lakeside. Designed in 1887 by architect Gustav Mossdorf as an administrative building for the historic Gotthard Railway Company, it was extensively renovated and restored in 2002. Since 2007 it houses the Third and the Fourth Public Law Division (until the end of 2022 the «social law divisions»), which ensued from the former Federal Insurance Court. The Gotthard Building is home to 10 federal Justices and 70 members of staff.





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