

Bundesgericht

Tribunal fédéral

Tribunale federale

Tribunal federal

Welcome!

A Visit to the Federal Supreme Court



Federal Supreme Court in Lausanne, main facade Photo: Philippe Dudouit

Justice at the Federal Level

The Swiss Federal Supreme Court is the supreme judicial authority in Switzerland. It constitutes the third branch of government, the judiciary branch, alongside the Federal Assembly (the legislative branch) and the Federal Council (the executive branch).

As the court of final appeal, the Federal Supreme Court issues final rulings on disputes among individuals, between individuals and the government, among cantons, and between cantons and the Federal Authorities. Its decisions can be appealed to the European Court of Human Rights in Strasbourg (the Council of Europe's judiciary authority), as far as violations of human rights are concerned.

As the highest federal court, the Federal Supreme Court ensures uniform application of federal law by the cantonal and federal courts and protects the citizens' constitutional rights. In the context of these appeals, the Federal Supreme Court examines the correct application of the law. It bases its rulings on the facts established by the previous instance, unless they are obviously incorrect. Cases are generally dealt with in writing. Public deliberations are the exception rather than the rule.

Organization and Location

The Federal Supreme Court consists of 38 ordinary and 19 deputy judges. They are assisted by 127 clerks, who work with the judges to draft decisions and write the rulings.

The Federal Supreme Court has seven divisions at two locations. The choice of Lausanne as the Court's headquarters and Lucerne as its second location demonstrates a consideration for the principles of Swiss Federalism and multilingualism. The "Palais de Justice" building in Lausanne has housed the Federal Supreme Court since 1927. It has been enlarged twice, in 1986 and 2000. In Lucerne, the Federal Supreme Court is in the Gotthard building, which dates from 1887 and belongs to the Swiss Federal Railways. The interior of this building was extensively renovated and completely restored in 2002.

The headquarters in Lausanne house the two public law, the two civil law and the criminal law divisions. The social law divisions are in Lucerne.



Federal Supreme Court Library in Lausanne Photo: Philippe Dudouit

The First Public Law Division handles appeals in public law in the following domains: guarantee of ownership, national and regional spatial planning and construction law, environmental protection, political rights, international judicial cooperation in criminal matters, traffic (including revocation of driver's licences), citizenship, guarantees of due process and appeals against incidental rulings in criminal proceedings.

The Second Public Law Division has jurisdiction in the following areas: rights of foreigners, taxes and duties, public commercial law (for example State liability, subsidies, radio and television), freedom of religion and conscience, freedom of language and economic freedom.

The First Civil Law Division handles all appeals in civil matters that arise from the Code of Obligations. It also hears cases in connection with insurance contracts, intellectual property rights and competition law as well as international arbitration.

The Second Civil Law Division specializes in the law of persons, family law, law of succession and property law. Additionally, it deals with proceedings concerning debt recovery and bankruptcy.

The Criminal Law Division reviews appeals in criminal matters arising from material criminal law (including the execution of penalties and measures) and from the Code of Criminal Procedure (except appeals against incidental rulings in criminal proceedings).

The First Social Law Division has jurisdiction over the following matters: invalidity insurance, accident insurance, unemployment insurance, cantonal social insurance, family allowances, social assistance, military insurance and civil service law.

The Second Social Law Division deals with appeals in the following areas: old-age and survivors' insurance, invalidity insurance, loss-of-income payments and supplementary benefits, health insurance and occupational pensions.



Access staircase at the Federal Supreme Court in Lucerne Photo: H el ene Tobler

Contact

Swiss Federal Supreme Court

Av. du Tribunal-F ed eral 29

CH-1000 Lausanne 14

Telephone +41(0)21 318 91 11

Fax +41(0)21 323 37 00

Schweizerhofquai 6

CH-6004 Lucerne

Telephone +41(0)41 419 35 55

Fax +41(0)41 419 36 69

E-mail: direktion@bger.ch

Home page: www.bger.ch

Court Administration

To support the judges and clerks of the court in their legal work, the Federal Supreme Court has various services that employ 155 people. These employees handle logistical, administrative and scientific tasks, including media and public relations.

General Secretariat and Services

The General Secretariat is the administrative center of the Court. The Secretary-General's Office coordinates and supervises the court's management and internal services, which perform the following tasks:

Chancellery Services

Administration of pending lawsuits (registry), archives, fee check and general secretarial services.

Administrative Services

Personnel, finances, ushers, maintenance and security.

Scientific Services

IT, library, legal documentation.



Courtroom at the Federal Supreme Court in Lucerne Photo: H el ene Tobler

Answers to frequently asked questions

How can I take my case to the Federal Supreme Court?

The Federal Supreme Court examines decisions rendered by the highest cantonal courts of appeals, the Federal Criminal Court, the Federal Administrative Court and the Federal Patent Court according to procedures clearly defined by law and within specified deadlines. A private individual who feels he has been dealt with unjustly by any of these courts may appeal to the Federal Supreme Court, either on his own behalf or through a lawyer, provided that the other conditions for admissibility of the appeal are met.

Why is the Federal Supreme Court divided into several divisions?

This structure corresponds to the usual subdivisions of law. Public law is differentiated from private law. Public law deals with provisions concerning the organization of the State, basic rights and administrative rights. Private law governs the relationship of individuals in the economy, society and family. Some violations are punished by criminal law. Each division of the Federal Supreme Court focuses on several specific branches of law.

How are the Judges elected?

In principle, this position is open to any Swiss citizen. Although (complete) legal training is not explicitly required by the Constitution, in practice it is essential. Magistrates are elected by the Federal Assembly with the goal of fair representation of languages, regions and political parties.

What is the relationship between the Federal Criminal Court, the Federal Administrative Court, the Federal Patent Court and the Federal Supreme Court?

The Federal Criminal Court, the Federal Administrative Court and the Federal Patent Court are the courts of first instance for the Federal Government. This means that a part of their decisions can be referred to the Federal Supreme Court. This has only very slightly changed the tasks for which the Federal Supreme Court has jurisdiction. For example, federal criminal law cases are no longer heard in Lausanne, but before the Federal Criminal Court in Bellinzona instead. The Federal Supreme Court is the supervisory body for the administration of these three lower courts.

Why are rulings by the Federal Supreme Court regularly reported and analyzed by the media?

Decisions rendered by the Federal Supreme Court make new jurisprudence. They serve as a benchmark when laws or regulations are subject to interpretation or when new situations are not yet regulated by any laws. Controversial rulings can fuel political debate and may lead to the adoption of a new law by Parliament or the codification of new topics.

Where can I find the Federal Supreme Court decisions that interest me?

Leading case rulings can be consulted in the Official Compendium of Federal Supreme Court Rulings, which is available in major public libraries and also at certain cantonal offices, as well as on the Internet (www.bger.ch, under the heading "Jurisdiction/ATF gratuit"). The majority of the decisions not published in the official compendium, beginning January 1 of 2000, can be found on the same web page under the heading "Jurisprudence (gratuit)/Autres arr ets d es 2000". Since January 1, 2007, all final rulings are published online. We recommend searching with at least three key words.

What happens when a Federal Supreme Court ruling is appealed to Strasbourg?

The European Court of Human Rights is the judicial authority of the Council of Europe that oversees compliance with human rights based on the European Convention on Human Rights. Within the framework of this function, the Court in Strasbourg may criticize a ruling by the Federal Supreme Court, but may not overturn it. When an appeal is accepted, it is Switzerland and not the Federal Supreme Court which is condemned for the human rights violation.

What will happen in the Federal Supreme Court if Switzerland becomes more involved within the European context?

The Bilateral Agreements with the European Union obligate Switzerland to comply with the provisions of Community Law. In its jurisprudence, the Federal Supreme Court ensures that these provisions are uniformly enforced within the Swiss Legal System, in compliance with international treaties. A national Supreme Court would remain equally essential if Switzerland were to join the European Union.