

Language beyond the trial

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Language questions continue after the trial. A party appealing to the Federal Supreme Court must write in an official language. The Federal Supreme Court normally conducts its proceedings in the language of the contested decision.¹ An Italianlanguage judgment of the Federal Criminal Court will therefore usually be reviewed in Italian by a division of the Federal Supreme Court in which an Italian-speaking judge sits. The judgments of the Federal Criminal Court are published in the language of the proceedings. Press releases on important judgments are issued in the three official languages.² Italian-language decisions of the Federal Criminal Court and the Federal Supreme Court form a body of Swiss case law in Italian on money laundering, corporate liability and mutual assistance that is used by practitioners in Ticino and, increasingly, by Italian lawyers dealing with Swiss proceedings.

Common misconception. Many foreign observers assume that cases before the Federal Criminal Court are conducted in Italian because the court sits in Bellinzona. In fact the OAG chooses the language of each case when it opens the investigation, according to the criteria of Article 3 StBOG: the language skills of the persons involved, the language of the essential documents and the language at the place of the first investigative acts. Most cases are therefore conducted in German or French. The Italian share fluctuated between about 5 and 11 per cent of the cases received from 2023 to 2025. A defendant who does not understand the language of the proceedings is entitled to an interpreter free of charge and to a translation of the essential content of the most important procedural acts (Art. 68 CrimPC, Art. 6(3) ECHR).

1 Notes

1. Federal Supreme Court Act of 17 June 2005 (BGG), SR 173.110, Art. 42(1) (submissions in an official language) and Art. 54(1) (proceedings

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as a rule in the language of the contested decision), <https://www.droit-bilingue.ch/de-it/1/17/173.110-42-47.html> and <https://www.droit-bilingue.ch/de-it/1/17/173.110-54-59.html>. ↩

2. Federal Criminal Court, press releases, <https://www.bstger.ch/de/media/comunicati-stampa/2025.html> (releases available in German, French and Italian). ↩

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