

Party politics and judicial independence

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

A further line of criticism concerns the election of federal judges. Candidates for the federal courts are in practice proposed by the political parties according to their strength in the Federal Assembly, and judges pay a part of their salary to their party. The Council of Europe's Group of States against Corruption has criticized this "mandate contribution", which can amount to several thousand francs a year.¹ In 2021 the people and the cantons rejected, on 28 November 2021 and by about 68 per cent of the votes, a popular initiative that would have chosen federal judges by lot from a list of candidates vetted for their professional qualifications.² For the Federal Criminal Court the system means that a judge who decides a politically sensitive case, for example against a major bank or a prominent public figure, must face re-election by the same Parliament six years later. The structural concern does not depend on proof that any judge of the court was ever sanctioned for a judgment. It has been raised in the parliamentary debates on the election of federal judges.

1 The seat revisited

Since the court moved into its permanent building, the seat in Bellinzona has rarely been questioned in public debate. The main argument against it, the distance from the large centres of Zurich and Geneva, has been weakened by the Gotthard and Ceneri base tunnels. The main argument in its favour, the presence of a federal institution of the first rank in Italian Switzerland, has gained in symbolic weight since the court became known internationally for the FIFA, 1MDB and Trafigura trials. The Appeals Chamber has shown some flexibility in practice. It heard the Blatter and Platini appeal in MuttENZ near Basel, close to the residence and lawyers of the parties.³ Proposals to separate the court's instances will raise the question of the seat again if Parliament decides to create an independent appeal court. The investment of more than CHF 50 million in the restructured Pretorio, shared by the canton and the Confederation, and the

lease of the court's building until 2043 make a move of the Appeals Chamber out of Bellinzona unlikely in the near future.⁴

Common misconception. The acquittals of Blatter and Platini and the collapse of the 2006 World Cup trial are sometimes cited as proof that the Federal Criminal Court is lenient towards prominent defendants. The court's judgments of 2024 to 2026 tell a different story. It convicted the directors of PetroSaudi in the 1MDB case and sentenced them to seven and six years, convicted Trafigura and three individuals of foreign bribery, convicted a former Gunvor employee and Bank Lombard Odier with its former account manager, and ordered the confiscation of more than CHF 400 million in the Karimova case. The acquittals rested on doubts about the evidence of the predicate offence or on the statute of limitations, which are ordinary features of criminal justice under the rule of law.

2 Notes

1. Wikipedia, "Justiz-Initiative" (above), with reference to Blick, <https://www.blick.ch/politik/das-will-die-justiz-initiative-los-soll-entscheiden-wer-bundesrichter-wird-id16884894.html>. ↩
2. Wikipedia, "Justiz-Initiative" (above) (consulted as a last resort): federal popular initiative "Bestimmung der Bundesrichterinnen und Bundesrichter im Losverfahren", rejected on 28 November 2021 by 68.07 per cent of the votes and by all cantons. ↩
3. bluewin, 28 August 2025 (above). ↩
4. Gran Consiglio, Rapporto No. 7968 R (above); laRegione, report on the Pretorio works (above). ↩

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