

The share of Italian

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The court publishes the distribution of its cases by language. In 2025, 380 of the 686 cases received (55.4 per cent) were in German, 236 (34.4 per cent) in French and 70 (10.2 per cent) in Italian.¹ In 2024 the Italian share was only 5.5 per cent, with 34 of 619 cases. In 2023 it had been 10.9 per cent of the cases received.² The Italian share of the court's work therefore fluctuates around one tenth, which corresponds roughly to the share of Italian speakers in the Swiss population and exceeds the share of the Canton of Ticino in it. French is clearly over-represented in relation to the population, which reflects the weight of Geneva's financial centre and commodity trading in international economic crime and of French-speaking states in mutual assistance requests.

Italian cases typically arise from three sources. The first is the OAG's office in Lugano, which conducts federal proceedings in Italian, most visibly the cases against members of Calabrian 'Ndrangheta clans settled in Switzerland that Chapter G.III discussed.³ The second consists of requests for mutual assistance from Italy executed by the Ticino Public Prosecutor's Office or by the OAG's Lugano office, whose final rulings are challenged before the Board of Appeal in Italian. The third consists of complaints against coercive measures in federal investigations conducted in Italian, such as the seizure of accounts at Lugano banks. In these cases the Italian-speaking judges and clerks of the court are indispensable, because a bench must be composed of judges able to read the file and conduct the hearing in the language of the proceedings.

1 Interpretation and translation

The right to understand the proceedings is guaranteed by Article 68 CrimPC and by the European Convention on Human Rights (ECHR). Under Article 68(1) CrimPC the director of proceedings appoints an interpreter or translator if a person involved does not understand the

language of the proceedings or cannot express himself adequately in it. Under Article 68(2) CrimPC the accused must be informed of the essential content of the most important procedural acts, orally or in writing, in a language he understands, even if he has a defence lawyer. Files that are not submissions of the parties are translated in writing, or orally for the record, only to the extent necessary (Art. 68(3) CrimPC), so that there is no entitlement to the translation of all procedural acts and files.⁴ The ECHR guarantees everyone charged with a criminal offence the right to be informed promptly, in a language he understands, of the nature and cause of the accusation (Art. 6(3)(a) ECHR) and the free assistance of an interpreter if he cannot understand or speak the language used in court (Art. 6(3)(e) ECHR).⁵ The European Court of Human Rights has held that the costs of interpretation may not be charged to a convicted defendant, and that the right extends to those documents which the accused needs to understand in order to have a fair trial.⁶

For a financial centre whose clients come from many countries these guarantees have a practical side. Defendants in Bellinzona in recent years have included Bulgarian, Angolan, Ukrainian, Gambian and Uzbek nationals. Many witnesses can only be heard through interpreters. Files contain bank documents in English, contracts in Portuguese and correspondence in Russian or Arabic. The court and the OAG must decide which documents are essential and need translation, while the defence must decide whether to request further translations. These decisions influence the duration and cost of proceedings. Translation and interpretation therefore form a regular part of the court's operating costs, alongside the fees of official defence counsel, although the annual reports do not show them as separate items.⁷

2 Notes

1. Geschäftsbericht 2025 (above). ↩
2. Geschäftsbericht 2024 (above); Geschäftsbericht 2023 (above). The 2023 report gives the language distribution for cases received and decided. ↩
3. Office of the Attorney General of Switzerland, "Organizzazione", <https://www.bundesanwaltschaft.ch/it/organizzazione> (offices in Zurich, Lausanne and Lugano besides Bern); see Chapter G.III. ↩
4. Swiss Criminal Procedure Code of 5 October 2007 (CrimPC), SR 312.0, Art. 68(1)–(3), <https://www.droit-bilingue.ch/de-it/3/31/312.0-68-71.html>. ↩

5. Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (ECHR), SR 0.101, Art. 6(3)(a) and (e), <https://www.droit-bilingue.ch/de-it/0.1/0.10/0.101-6-9.html>. ↩
6. European Court of Human Rights, Luedicke, Belkacem and Koç v. Germany, 28 November 1978, Series A no. 29; Kamasinski v. Austria, 19 December 1989, Series A no. 168. ↩
7. Federal Criminal Court, Geschäftsbericht 2025 (above), p. 109 (financial overview showing only personnel costs, operating costs and depreciation) and p. 51 (amendment of the regulations on the remuneration of official defence counsel). ↩

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