

Appendix III: Supplementary Tables

This Appendix contains tables complementing the findings of the study published in the Swiss Review of International and European Law (under section IV.A. of the article). The Arabic numbers of the headings used for the supplementary tables (2, 3, etc.) refer to the specific subsections of the findings in the main article which these additional tables complement.

2 a) Published Decisions Mentioning International Law Over Time (1954-2016)

This table shows the total number of decisions, the total number and share of decisions published in the official compendium, and the total number and share of published decisions mentioning international law.

Year	Total Number of Decisions ¹	Total Number of Published Decisions	Share of Published Decisions	Number of Published Decisions Mentioning International Law ²	Share of Published Decisions Mentioning International Law
1954	2094	224	10.7%	19	8.5%
1955	2058	269	13.1%	17	6.3%
1956	1818	207	11.4%	13	6.3%
1957	1884	222	11.8%	7	3.2%
1958	1922	206	10.7%	14	6.8%
1959	1820	236	13.0%	16	6.8%
1960	1844	206	11.2%	11	5.3%
1961	1683	196	11.6%	22	11.2%
1962	1714	183	10.7%	13	7.1%

¹ The figures are based on the Swiss Federal Tribunal's annual reports, <<http://www.bger.ch/index/federal/federal-inherit-template/federal-publikationen/federal-pub-geschaeftsbericht.htm>>, «Gesamtzahl der erledigten Geschäfte».

² The figures include decisions mentioning international in general, treaties (including by SR number), customary international law, and/or general principles of international law.

1963	1710	198	11.6%	14	7.1%
1964	1547	190	12.3%	16	8.4%
1965	1662	219	13.2%	20	9.1%
1966	1706	198	11.6%	8	4.0%
1967	1637	203	12.4%	23	11.3%
1968	1521	199	13.1%	25	12.6%
1969	1705	235	13.8%	10	4.3%
1970	1715	282	16.4%	24	8.5%
1971	1943 ³	328	16.9%	16	4.9%
1972	1929	375	19.4%	21	5.6%
1973	2098	358	17.1%	28	7.8%
1974	2188	356	16.3%	20	5.6%
1975	2371	408	17.2%	29	7.1%
1976	2399	354	14.8%	30	8.5%
1977	2744	351	12.8%	29	8.3%
1978	2768	339	12.2%	30	8.8%
1979	2786	371	13.3%	43	11.6%
1980	2995	382	12.8%	39	10.2%
1981	3164	370	11.7%	46	12.4%
1982	3508	398	11.3%	44	11.1%
1983	3810	345	9.1%	54	15.7%
1984	4015	332	8.3%	49	14.8%
1985	4144	356	8.6%	46	12.9%
1986	4131	379	9.2%	46	12.1%
1987	4074	354	8.7%	46	13.0%
1988	3954	360	9.1%	48	13.3%
1989	3987	372	9.3%	56	15.1%

³ For reasons we were not able to identify, the figures on the Swiss Federal Tribunal's website are inconsistent (1943 in the annual report for 1971, while the annual report for 1972 indicates that 1948 cases have been dealt with in 1971). We used the figure provided in the 1971 annual report. This figure is also consistent with the one indicated for 1971 in the annual report for 1973.

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1990	4252	406	9.5%	66	16.3%
1991	4366	420	9.6%	74	17.6%
1992	4810	372	7.7%	88	23.7%
1993	5001	378	7.6%	76	20.1%
1994	5538	384	6.9%	81	21.1%
1995	5190	324	6.2%	55	17.0%
1996	5571	316	5.7%	71	22.5%
1997	5462	265	4.9%	62	23.4%
1998	5518	306	5.5%	78	25.5%
1999	5597	311	5.6%	81	26.0%
2000	5316	307	5.8%	76	24.8%
2001	5047	266	5.3%	52	19.5%
2002	4648	258	5.6%	52	20.2%
2003	4597	328	7.1%	84	25.6%
2004	4738	296	6.2%	84	28.4%
2005	4827	286	5.9%	72	25.2%
2006	5113	236	4.6%	57	24.2%
2007	7994	303	3.8%	83	27.4%
2008	7515	264	3.5%	78	29.5%
2009	7242	263	3.6%	70	26.6%
2010	7424	262	3.5%	82	31.3%
2011	7327	270	3.7%	81	30.0%
2012	7667	304	4.0%	84	27.6%
2013	7878	275	3.5%	86	31.3%
2014	7563	275	3.6%	75	27.3%
2015	7695	275	3.6%	69	25.1%
2016 (until	<i>tbc</i>	179	<i>tbc</i>	48	<i>tbc</i>

30 June) ⁴					
Total	241001 (excluding 2016)	18690	7.7% (excluding 2016)	2957	15.7% (excluding 2016)

3 a) Published Decisions Mentioning International Law Based on Main Subject Matter of the Case

This table shows a breakdown of all published decisions mentioning international law based on the main subject matter of the case. To identify this subject matter, the volume in which the case was published was used as a proxy. In absolute terms, published decisions pertaining to constitutional law, administrative law, and international public law (which is not to be confused with public international law) yield the greatest number of cases mentioning international law. The absolute number of published private law cases mentioning international law is noteworthy as well. In recent decades, it has overtaken the number of cases dealing with other subject matters. The number of published criminal law cases mentioning international law has increased but is not as significant. Private law cases have markedly increased in absolute terms, especially in 1994-2003 and 2004-2013. In absolute terms, constitutional law, administrative law, and international public law cases show a peak in 1984-1993 but have decreased in more recent years.

Year	Number of Published Decisions Mentioning	Constitutional Law, Adminis- trative Law, International	Private Law (Including Debt Recovery and Bankrupt-	Criminal Law and Criminal Enforcement	Social Insur- ance Law (for 1970 on-
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⁴ The figures of published rulings dating from 2016 concern published rulings dating from earlier than 1 July 2016. When these rulings were downloaded from the Court's database on 5 January 2017, the figures for the number of rulings issued and published in 2016 were not yet available.

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	International Law	Public Law	cy)	Law	wards)
1954	19	6	12	1	N/A
1955	17	6	10	1	N/A
1956	13	7	5	1	N/A
1957	7	1	4	2	N/A
1958	14	5	9	0	N/A
1959	16	6	10	0	N/A
1960	11	8	3	0	N/A
1961	22	11	9	2	N/A
1962	13	3	10	0	N/A
1963	14	10	4	0	N/A
1964	16	4	10	2	N/A
1965	20	7	11	2	N/A
1966	8	4	4	0	N/A
1967	23	14	9	0	N/A
1968	25	12	13	0	N/A
1969	10	5	4	1	N/A
1970	24	13	9	1	1
1971	16	11	2	1	2
1972	21	15	4	0	2
1973	28	13	9	5	1
1974	20	10	8	0	2
1975	29	22	3	3	1
1976	30	22	6	1	1
1977	29	17	7	1	4

1978	30	21	4	5	0
1979	43	28	5	3	7
1980	39	25	6	6	2
1981	46	27	12	2	5
1982	44	23	13	3	5
1983	54	30	15	5	4
1984	49	26	15	2	6
1985	46	28	8	4	6
1986	46	33	4	4	5
1987	46	30	10	1	5
1988	48	29	7	5	7
1989	56	35	13	3	5
1990	66	39	15	8	4
1991	74	46	17	9	2
1992	88	56	18	9	5
1993	76	38	20	8	10
1994	81	46	19	6	10
1995	55	16	24	8	7
1996	71	19	40	7	5
1997	62	16	32	9	5
1998	78	26	33	10	9
1999	81	30	40	2	9
2000	76	21	39	4	12
2001	52	13	29	7	3
2002	52	13	29	6	4
2003	84	23	48	7	6

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2004	84	17	52	3	12
2005	72	22	36	5	9
2006	57	14	31	2	10
2007	83	18	34	19	12
2008	78	18	40	12	8
2009	70	18	39	5	8
2010	82	17	44	11	10
2011	81	22	35	18	6
2012	84	24	38	10	12
2013	86	23	38	14	11
2014	75	15	38	10	12
2015	69	13	30	13	13
2016 (until 30 June)	48	6	28	9	5
To- tal	2957	1196	1173	298	290

4 a) Published Decisions Mentioning a Specific Source of International Law

This table shows the share of published decisions mentioning specific sources of international law, i.e. treaties, customary international law (CIL), and general principles of international law (GPIL).

Year	Total Number of Published Decisions	Number of Published Decisions Mentioning Treaties	Share of Published Decisions Mentioning Treaties	Number of Published Decisions Mentioning CIL	Share of Published Decisions Mentioning CIL	Number of Published Decisions Mentioning GPIL	Share of Published Decisions Mentioning GPIL
1954	224	14	6.3%	0	0.0%	0	0.0%
1955	269	13	4.8%	0	0.0%	0	0.0%
1956	207	8	3.9%	0	0.0%	0	0.0%
1957	222	6	2.7%	0	0.0%	0	0.0%
1958	206	13	6.3%	0	0.0%	0	0.0%
1959	236	14	5.9%	0	0.0%	0	0.0%
1960	206	10	4.9%	0	0.0%	0	0.0%
1961	196	16	8.2%	0	0.0%	0	0.0%
1962	183	6	3.3%	0	0.0%	0	0.0%
1963	198	12	6.1%	0	0.0%	0	0.0%
1964	190	15	7.9%	0	0.0%	0	0.0%
1965	219	16	7.3%	0	0.0%	0	0.0%
1966	198	6	3.0%	1	0.5%	1	0.5%
1967	203	19	9.4%	0	0.0%	0	0.0%
1968	199	23	11.6%	0	0.0%	0	0.0%
1969	235	9	3.8%	0	0.0%	0	0.0%
1970	282	21	7.4%	0	0.0%	0	0.0%
1971	328	16	4.9%	0	0.0%	0	0.0%
1972	375	21	5.6%	0	0.0%	0	0.0%
1973	358	21	5.9%	0	0.0%	0	0.0%
1974	356	17	4.8%	0	0.0%	1	0.3%

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1975	408	26	6.4%	0	0.0%	0	0.0%
1976	354	27	7.6%	0	0.0%	0	0.0%
1977	351	26	7.4%	0	0.0%	0	0.0%
1978	339	24	7.1%	0	0.0%	0	0.0%
1979	371	34	9.2%	0	0.0%	0	0.0%
1980	382	18	4.7%	1	0.3%	1	0.3%
1981	370	29	7.8%	0	0.0%	0	0.0%
1982	398	29	7.3%	0	0.0%	1	0.3%
1983	345	33	9.6%	0	0.0%	1	0.3%
1984	332	38	11.4%	1	0.3%	1	0.3%
1985	356	29	8.1%	2	0.6%	1	0.3%
1986	379	31	8.2%	1	0.3%	0	0.0%
1987	354	30	8.5%	1	0.3%	0	0.0%
1988	360	27	7.5%	0	0.0%	0	0.0%
1989	372	25	6.7%	1	0.3%	0	0.0%
1990	406	32	7.9%	0	0.0%	0	0.0%
1991	420	34	8.1%	1	0.2%	2	0.5%
1992	372	46	12.4%	0	0.0%	2	0.5%
1993	378	45	11.9%	0	0.0%	0	0.0%
1994	384	50	13.0%	1	0.3%	2	0.5%
1995	324	36	11.1%	0	0.0%	1	0.3%
1996	316	46	14.6%	1	0.3%	0	0.0%
1997	265	41	15.5%	1	0.4%	1	0.4%
1998	306	42	13.7%	1	0.3%	0	0.0%
1999	311	41	13.2%	1	0.3%	0	0.0%
2000	307	47	15.3%	1	0.3%	0	0.0%
2001	266	30	11.3%	0	0.0%	0	0.0%
2002	258	31	12.0%	0	0.0%	0	0.0%
2003	328	50	15.2%	0	0.0%	0	0.0%
2004	296	58	19.6%	0	0.0%	0	0.0%
2005	286	46	16.1%	0	0.0%	0	0.0%
2006	236	37	15.7%	1	0.4%	0	0.0%

2007	303	47	15.5%	1	0.3%	0	0.0%
2008	264	40	15.2%	1	0.4%	1	0.4%
2009	263	42	16.0%	1	0.4%	1	0.4%
2010	262	49	18.7%	2	0.8%	0	0.0%
2011	270	41	15.2%	1	0.4%	0	0.0%
2012	304	44	14.5%	1	0.3%	0	0.0%
2013	275	42	15.3%	1	0.4%	0	0.0%
2014	275	42	15.3%	0	0.0%	0	0.0%
2015	275	37	13.5%	1	0.4%	0	0.0%
2016 (until 30 June)	179	32	17.9%	1	0.6%	0	0.0%
Total	18690	1850	9.9%	26	0.1%	17	0.1%

5 a) Treaties Mentioned in Published Decisions by Substantive Area, Based on References to SR Number⁵ and References to the European Convention on Human Rights⁶

These two tables list the most cited treaties in the Swiss Federal Tribunal's case law. They include treaties cited in at least 20 of the Court's published decisions (1969-2015), ranked based on the number of published decisions containing at least one reference to the treaty. The starting point (1969) corresponds to the year in which the European Convention on Human Rights (ECHR) was first cited. Figures are provided until 2015, as the figures for 2016 were not yet fully available at the time the study was completed. It is important to note that SR numbers have only been used by the Court from 1979 onwards, which explains the absence of citations to treaties before that date, except for the ECHR (which was searched based on its abbreviation and not its SR number).

	Total Number of Published Decisions	ECHR	ICCPR	Swiss-EU Agreement on the Free Movement of Persons	VCLT	European Convention on Judicial Assistance	CRC	European Convention on Extradition
1969	235	1	0	0	0	0	0	0
1971	282	1	0	0	0	0	0	0
1972	328	1	0	0	0	0	0	0
1973	375	1	0	0	0	0	0	0
1974	358	3	0	0	0	0	0	0
1975	356	5	0	0	0	0	0	0
1976	408	9	0	0	0	0	0	0

⁵ The figures only include decisions that specifically refer to a treaty's SR number or to the European Convention on Human Rights (ECHR). The SR number designates the code attributed to a legal act in the Classified Compilation of Federal Law (Systematische Sammlung des Bundesrechts, or Systematische Rechtssammlung, SR).

⁶ As regards the ECHR, the abbreviations EMRK, CEDH, and CEDU are used by the Court in place of the Convention's SR number: <http://www.bger.ch/01_zitierregeln_d.pdf>, p. 29, para. 309.

1977	354	7	0	0	0	0	0	0
1978	351	10	0	0	0	0	0	0
1979	339	15	0	0	0	1	0	0
1980	371	18	0	0	0	1	0	0
1981	382	19	0	0	0	0	0	0
1982	370	10	0	0	0	0	0	1
1983	398	20	0	0	0	0	0	0
1984	345	6	0	0	0	0	0	1
1985	332	16	0	0	0	0	0	2
1986	356	19	0	0	0	1	0	0
1987	379	20	0	0	0	1	0	1
1988	354	26	0	0	0	0	0	0
1989	360	26	0	0	0	2	0	0
1990	372	38	0	0	0	2	0	0
1991	406	39	0	0	5	2	0	3
1992	420	50	0	0	2	3	0	2
1993	372	44	1	0	2	0	0	0
1994	378	49	2	0	1	3	0	2
1995	384	29	6	0	1	1	0	1
1996	324	35	5	0	4	3	0	3
1997	316	39	12	0	4	2	0	2
1998	265	44	6	0	4	2	1	1
1999	306	44	7	0	2	3	1	1
2000	311	41	5	0	0	5	2	2
2001	307	29	3	0	0	2	0	0
2002	266	26	3	1	0	1	2	1

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2003	258	43	10	5	0	2	4	2
2004	328	30	5	13	5	3	1	3
2005	296	35	1	8	3	1	3	1
2006	286	23	0	5	5	0	1	3
2007	236	39	6	6	4	2	2	2
2008	303	34	3	9	0	0	2	1
2009	264	28	8	5	3	0	3	1
2010	263	40	3	9	2	2	7	2
2011	262	48	4	6	1	2	3	0
2012	270	39	4	5	4	0	0	0
2013	304	51	8	5	6	0	4	0
2014	275	35	3	8	3	0	2	1
2015	275	28	3	12	4	2	4	0
2016 (until 30 June)	179	19	3	5	5	0	3	2
To- tal	15534	1232	111	102	70	49	45	41

	Total Number of Published Decisions	Lugano Convention	Refugee Convention	Swiss-US Mutual Legal Assistance Treaty	New York Arbitration Convention	Paris Convention for the Protection of the Industrial Property	Protocol 7 to the ECHR
1969	235	0	0	0	0	0	0
1971	282	0	0	0	0	0	0

1972	328	0	0	0	0	0	0
1973	375	0	0	0	0	0	0
1974	358	0	0	0	0	0	0
1975	356	0	0	0	0	0	0
1976	408	0	0	0	0	0	0
1977	354	0	0	0	0	0	0
1978	351	0	0	0	0	0	0
1979	339	0	1	0	0	0	0
1980	371	0	0	1	0	0	0
1981	382	0	0	2	0	0	0
1982	370	0	0	1	1	1	0
1983	398	0	0	1	0	2	0
1984	345	0	1	0	2	0	0
1985	332	0	0	0	2	0	0
1986	356	0	1	0	0	0	0
1987	379	0	1	2	0	1	0
1988	354	0	0	0	0	2	0
1989	360	0	1	1	0	0	0
1990	372	0	2	0	1	0	1
1991	406	0	0	3	0	1	0
1992	420	0	1	3	2	0	2
1993	372	0	1	0	0	0	1
1994	378	0	1	2	1	1	0
1995	384	0	1	0	1	0	1
1996	324	0	2	1	1	0	3
1997	316	0	3	0	0	0	1

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1998	265	0	0	2	1	1	1
1999	306	0	0	1	0	1	2
2000	311	0	2	4	0	1	0
2001	307	0	1	0	1	0	0
2002	266	0	0	1	1	1	2
2003	258	0	0	0	0	1	2
2004	328	0	1	0	0	2	0
2005	296	0	0	0	0	1	0
2006	286	0	2	1	1	1	0
2007	236	0	0	0	1	0	1
2008	303	0	0	0	0	2	0
2009	264	0	3	0	1	3	1
2010	263	0	1	1	0	1	0
2011	262	3	2	2	0	0	1
2012	270	8	0	0	2	0	0
2013	304	5	3	1	2	1	1
2014	275	4	0	0	2	0	0
2015	275	5	0	1	3	0	0
2016 (until 30 June)	179	7	0	0	0	0	0
To- tal	15534	32	31	31	26	24	20

6 a) Mentions of the European Convention on Human Rights in Published Decisions Over Time

The table shows the number and share of published decisions in which the ECHR is mentioned, starting in 1969, when the Convention was first cited. The ECHR entered into force in Switzerland in 1974. References to the Convention have steadily increased, with peaks in 1983, 1992, 1997, 2011, and 2013.

Year	Total Number of Published Decisions	Published Decisions Mentioning the ECHR	Share of Published Decisions Mentioning the ECHR
1969	235	1	0.4%
1970	282	0	0.0%
1971	328	1	0.3%
1972	375	1	0.3%
1973	358	1	0.3%
1974	356	3	0.8%
1975	408	5	1.2%
1976	354	9	2.5%
1977	351	7	2.0%
1978	339	10	2.9%
1979	371	15	4.0%
1980	382	18	4.7%
1981	370	19	5.1%
1982	398	10	2.5%
1983	345	20	5.8%
1984	332	6	1.8%
1985	356	16	4.5%
1986	379	19	5.0%
1987	354	20	5.6%
1988	360	26	7.2%
1989	372	26	7.0%

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1990	406	38	9.4%
1991	420	39	9.3%
1992	372	50	13.4%
1993	378	44	11.6%
1994	384	49	12.8%
1995	324	29	9.0%
1996	316	35	11.1%
1997	265	39	14.7%
1998	306	44	14.4%
1999	311	44	14.1%
2000	307	41	13.4%
2001	266	29	10.9%
2002	258	26	10.1%
2003	328	43	13.1%
2004	296	30	10.1%
2005	286	35	12.2%
2006	236	23	9.7%
2007	303	39	12.9%
2008	264	34	12.9%
2009	263	28	10.6%
2010	262	40	15.3%
2011	270	48	17.8%
2012	304	39	12.8%
2013	275	51	18.5%
2014	275	35	12.7%
2015	275	28	10.2%
2016 (until 30 June)	179	19	10.6%