

Swiss Policy Research

Switzerland in the Corona era: Amnesty or amnesia?



National ice hockey coach Patrick Fischer during the Olympics in Beijing ([SRF 2022](#))

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Why the Corona period has not yet been dealt with in Switzerland.

Unlike some [other countries](#), Switzerland has not yet conducted any significant reckoning with the COVID-19 pandemic. This was most recently demonstrated in the [debate](#) surrounding the – now former – coach of the Swiss national ice hockey team, who obtained a forged COVID-19 vaccination certificate in 2021 in order to travel to the 2022 Olympics in China without being vaccinated.

Due to the lack of analysis, hardly any Swiss media outlet recognized and named the **central point** in this debate: The then-current Corona regulations in general and the vaccination

passport regulations in particular were a classic example of a *lex iniusta* or an [unjust law](#), i.e., an unjust and unjustified law.

These regulations were unjustified because they largely [lacked a rational basis](#). For example, Covid vaccinations could neither prevent infection nor transmission of the virus – and therefore “vaccination passports” could not certify immunity. This fact had been [known](#) since mid-2021 thanks to international data from several countries – roughly six months before the introduction of “Covid certificates” in Switzerland.

(“a bad law is no law”), which has long been established in legal doctrine, [The maxim](#) *lex iniusta non est lex* (“an unjust law is no law at all”) or *lex mala, lex nulla* therefore also applies to the then “Covid certificates” as well as various other Corona regulations.

Several countries have recognized this and consequently introduced an **amnesty** for “COVID-19 offenses,” waiving or refunding fines related to lockdowns, mask mandates, and vaccination requirements. These countries include [Spain](#), [Slovakia](#), [Slovenia](#), [Turkey](#), as well as some [Australian](#) and American states and cities (e.g., [New York City](#)).

In Switzerland, however, such an amnesty has not been considered or even [discussed](#). Instead of a Corona amnesty, there is a kind of **Corona amnesia**: politicians and the media are either unable or unwilling to remember the serious rule-of-law violations of that time – and their own [unfortunate role](#) in them.

This in turn is likely related to some **peculiarities** of Switzerland's political and legal system, in particular the principle of consensus, the lack of a constitutional court, and referendums.

The **principle of consensus** is generally considered a stabilizing factor in Swiss democracy – however, it could complicate the investigation of rule-of-law violations, as all relevant political forces are often involved in the decisions in question. Indeed, abroad it was often opposition parties or a change of government that triggered a review of the COVID-19 policies.

The absence of a **constitutional court**, however, has long been recognized as a weakness of the Swiss judicial system, making it difficult to review the constitutionality of federal laws. In countries like Spain and Turkey, it was the constitutional courts that [declared](#) COVID-19 regulations invalid and overturned fines.

In Switzerland, too, [warned](#) numerous **legal experts and constitutional lawyers** in 2021 that the planned “Covid certificates” [were unconstitutional](#) – however, they were largely ignored.

Referendums, in turn, are considered one of the greatest strengths of Swiss democracy. Indeed, Switzerland was probably the only country in the world where the population could vote on COVID-19 regulations through referendums. However, this also made Switzerland arguably the only country in the world where the population politically approved the unjustified COVID-19 regulations (with roughly [60% voting in favor](#)). This fact, too, is likely to complicate the societal reckoning with the COVID-19 era.

Indeed, Switzerland must ask itself how it was possible for the population to approve such unjustified, nonsensical, and discriminatory COVID-19 regulations. Part of the answer is

likely this: because the population was intimidated, incited, and fundamentally [misinformed](#) by politicians, the media, and supposed experts .

In the case of the Swiss **ice hockey coach**, it was also [noted](#) that he had “lied to the face of the whole of Switzerland” when he stated in [interviews](#) with two daily newspapers at the end of 2021 that although he had never been vaccinated before, he would now get vaccinated against Covid in order to be able to travel to the Olympic Games as a coach with his team.

The real scandal here, however, is not the coach's white lie caused by an *unjust law* , but the fact that the media at the time **well-known athletes and other personalities into making a public declaration of vaccination** pressured [, sometimes through associations or sponsors – as was the case with a young German footballer](#) who only caved after weeks.

Those who truly “lied to the face of the entire Swiss population” were the [top politicians](#) on Swiss television before the vote on Covid certificates that [who claimed](#) they could “show that one is not contagious” and that the Covid certificate was therefore “the way out of the crisis.” Based on international data, it had been [clear for months](#) that neither of these claims was true.

From a **medical perspective**, the ice hockey coach acted absolutely correctly and sensibly: the Covid vaccination offered no benefit whatsoever to him or his players, but carried [significant risks](#) , including in particular the risk of myocarditis. This fact was already well known at the time. In Switzerland alone, several [well-known athletes](#) suffered serious vaccine injuries and had to pause or even end their careers.

All these and many other aspects would have to be addressed in a serious examination of the Corona period, especially since it is undoubtedly one of the **darkest chapters** of modern Swiss history – along with other serious transgressions such as the “Verdingkinder”, the still relevant [Fichen affair](#) or the Swiss “Jewish stamp”.

The **behavior of the SRF journalist** , who was responsible for the scandal surrounding the ice hockey coach, should [hardly](#) have surprised media experts: The journalist gained the coach's trust during a documentary production and immediately used the vaccination certificate information obtained during a lunch against him, even though the case had long since been settled legally.

Serious journalism could have addressed the vaccination certificate question – provided it was not part of a confidential background discussion and therefore [“off the record”](#) – in an open-ended manner within the planned documentary and thus contributed to the processing of the Corona period – which, however, may not have been the goal, as another [SRF documentary](#) a few weeks earlier suggests.

Nevertheless, even in Switzerland there are now **initial approaches** to a critical examination of the Corona period in the form of books, interviews and documentaries [by independent authors](#) .

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