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REFERENCE: cc/jmn/fg/follow-up/CAT

11 November 2009

Mr. Ambassador,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee Against Torture (CAT), I refer to the examination of the third periodic report of Switzerland (CAT/C/55/Add.9), held on 6 and 9 May 2005. The Committee adopted Conclusions and Recommendations (CAT/C/CR/34/CHE) in which further comments by the Government of Switzerland were requested in relation to the specific issues of concern listed in paragraphs 5(b),(f),(g) and (i).

On behalf of the Committee, allow me to thank you for your constructive responses of 16 June 2005 (CAT/C/CHE/CO/4/Add.1) and 15 May 2007 (CAT/C/CHE/CO/4/Add.2) providing comments by the Swiss Government on those paragraphs. The additional comments provided have been reviewed carefully and assist the Committee's ongoing analysis of specific issues of concern.

As Rapporteur on Follow-up, I would be grateful for clarification of the following matters, where sufficient information has not yet been provided to complete an analysis of the progress made regarding implementation of relevant aspects of the Convention.

Paragraph 5(b) of the Conclusions and Recommendations addressed the draft federal law regulating the use of force by police. According to information before the Committee, the draft law has now been adopted. However, contrary to the information provided in your response dated 15 May, 2007, the bill allows for the use of incapacitating devices, subject to strict conditions. Please provide the Committee with information on the circumstances in which the use of such devices, including tasers, is permitted, and the safeguards in place to ensure that the use of these devices will not lead to abuses or violations of the Convention. Please also provide the Committee with further information on other permissible means of coercion and examples of any data on official inquiries or responses.

In paragraph 5(f) of the Conclusions and Recommendations, the Committee called on the Government of Switzerland to ensure that all complaints for acts of ill-treatment are properly and effectively investigated, that perpetrators are prosecuted and if found guilty, sanctioned accordingly, and that victims and their families be informed of their right to pursue compensation. The Committee is grateful for the information provided by the State Party.

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However, we would appreciate receiving more detailed information on the measures in place to ensure that complaints of ill-treatment are properly and effectively investigated. Please clarify what oversight or review mechanisms exist in this regard? In addition, please provide the Committee with information on the measures taken to ensure that victims and their families are informed of their right to pursue compensation. Please also provide the Committee with data on the number of complaints of ill-treatment by police or other law enforcement officials that have been made in the last 2 years, how many were investigated, and the outcomes of the investigations, disaggregated by location, gender, and nationality (if known). Information on the number of claims for compensation that have been made in the last 2 years as well as the outcomes of any such proceedings would also be appreciated.

With regard to the recommendation made in paragraph 5(g), please provide the Committee with updated information on which of the cantons have an independent mechanism to receive and address complaints against the police that would guarantee the necessary independence and impartiality to conduct investigations into such complaints. The Committee appreciates learning of the development of the unified penal code and the provisions on coercive measures by the police, mentioned in paragraph 13 of your letter dated 16 June 2005. Please update us as to whether the draft code was in fact adopted with the provisions on coercive measures mentioned in your response. We would be grateful to receive further information on the court on coercive measures—specifically, what measures are in place to ensure the independence of this body, and what is the procedure by which an alleged coercive measure by a member of the police would come under review by this court.

Finally, the Committee is pleased to note that information on the rights of asylum-seekers retained at airports is available. We would appreciate further details on how this information is made available to such asylum-seekers—specifically, in what languages are the posters in transit zones informing asylum-seekers that they may have access to fresh air? What other materials containing information on their rights are available to them?

Upon receipt of additional information, the Committee will be able to assess whether further information may be required. We look forward to continuing this constructive dialogue with the Government of Switzerland on the implementation of the Convention.

Accept, Mr. Ambassador, the assurances of my highest considerations.



Felice Gaer

Rapporteur for Follow-up on Concluding Observations
Committee Against Torture