



Téléfax: (41-22) 917 90 22
Télégrammes: UNATIONS, GENEVE
Télex: 41 29 62
Téléphone: (41-22) 917 91.39
Internet www.ohchr.org
Email: mmorales@ohchr.org



Palais des Nations
CH-1211 GENEVE 10

REFERENCE: jmm/mnn/fg/follow-up/CAT

5 April 2007

Excellency,

In my capacity as Rapporteur for follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the fourth periodic report of Switzerland (CAT/C/55/Add.9) by this Committee, at its 34th session, from 2 to 21 May 2005. At the end of that session, the Committee's Conclusions and Recommendations (CAT/C/CR/34/CHE) were transmitted to your Permanent Mission. In paragraph 7 of those Conclusions and Recommendations, the Committee asked, pursuant to its rules of procedures, that Switzerland provide, within one year (by May 2006) further information regarding areas of particular concern identified by the Committee in paragraph 5 (b), (f), (g) and (i) (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Conclusions and Recommendations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Switzerland on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Excellency, the assurances of my highest consideration.


Felice D. Gaer

Rapporteur for Follow-up on Conclusions and Recommendations
Committee against Torture

H.E. Mr. Blaise Bodet
Ambassador
Permanent Mission of Switzerland
to the United Nations Office at Geneva
Rue de Varambè, 9-11
1211 - Genève
Fax : 022 749 2437

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture
(Extracts for follow-up)

SWITZERLAND

(...)

D. Recommendations

5. The Committee recommends that the State party:

(...)

(b) Undertake efforts to encourage the successful outcome of the ongoing consultations on the draft federal law regulating the use of force by police during deportations and during the transport of detainees ordered by a federal authority regarding the ban on the use of electro-shock instruments. The State party should also ensure that independent human rights observers and/or doctors be present during all forced removals by air. It should also offer, as a routine practice, medical examinations both before forced removals by air and, in the case of abortive attempts, thereafter;

(...)

(f) Ensure that all complaints for acts of ill-treatment are properly and effectively investigated and that the alleged perpetrators are prosecuted and if found guilty sanctioned accordingly. Victims and their families should be informed of their right to pursue compensation and procedures should be made more transparent. In this regard, the State party should provide written information to the Committee on the steps taken to compensate the families of the two victims of the two recent cases of death caused during forcible deportation;

(g) Encourage all cantons to establish independent mechanisms entrusted to receive complaints against members of the police regarding cases of torture or ill-treatment;

(...)

(i) Take measures to effectively inform all asylum-seekers retained at airports of all their rights, and in particular the right to regularly access fresh air and access to a doctor;

(...)

7. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 5 (b), (f), (g) and (i) above.

(...)

* * *