

Public Statement

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Switzerland: UN Human Right's Committee's recommendations to combat police ill-treatment welcomed

The conclusions and recommendations of the UN Human Rights Committee confirm Amnesty International's own findings and recommendations regarding police ill-treatment in recent years. The organization urges the Swiss federal and cantonal authorities to press forward with the implementation of the Committee's recommendations with all possible speed.

On 2 November, following its consideration on 19 October of Switzerland's second periodic report on its compliance with the International Covenant on Civil and Political Rights (ICCPR), the Committee said it was "... deeply concerned by reported instances of police brutality towards persons being apprehended and detainees, noting that such persons are frequently aliens". It expressed further concern that "... many cantons do not have independent mechanisms for investigation of complaints regarding violence and other forms of misconduct by the police" and emphasized that "The possibility of resort to court action cannot serve as a substitute for such mechanisms".

The Committee instructed Switzerland to "ensure that independent bodies with authority to receive and investigate effectively all complaints of excessive use of force and other abuses of power by the police are established in all cantons". It pointed out that "The powers of such bodies should be sufficient to ensure that those responsible are brought to justice or, as appropriate, subject to disciplinary sanctions sufficient to deter future abuses and that the victims are adequately compensated", in line with Article 7 of the ICCPR which prohibits torture and cruel, inhuman or degrading treatment or punishment.

The Committee also expressed concern that many of the guarantees in articles 9 and 14 of the ICCPR -- which relate to the individual's right to liberty and security of the person and to fair trial proceedings -- are not contained in the criminal procedure codes of some cantons, and pointed out that a new criminal procedure code, unifying the existing 26 cantonal codes of criminal procedure and aiming to improve such rights, has not yet been adopted: it is still at a draft, consultation stage. The Committee found that "Consequently, the rights under article 9 and 14 are not always respected." and was "particularly concerned at persistent reports that detainees have been denied the right to contact a lawyer upon arrest or to inform a close relative of their detention". Therefore, it instructed Switzerland to "take measures to ensure effective implementation of all rights under articles 9 and 14 of the Covenant in all parts of its territory."

The Committee also expressed its deep concern that "in the course of deportation of aliens there have been instances of degrading treatment and use of excessive force, resulting on some occasions in death of the deportee". It instructed Switzerland to ensure that all cases of forcible deportation are carried out in a manner compatible with article 6 -- governing the individual's right to life -- and article 7 of the ICCPR. The Committee said that "In particular, it should ensure that restraint methods do not affect the life and physical integrity of persons concerned." It asked the

government to report back within 12 months on the implementation of its recommendations on this issue.

Before the Committee's examination of Switzerland's human rights record, Amnesty International had submitted information describing its concerns regarding alleged police ill-treatment on the streets and in police stations; the lack of certain fundamental safeguards against ill-treatment in police custody; the unsatisfactory nature of some criminal and administrative investigations into such allegations; as well as deaths and the use of excessive force and dangerous, cruel and degrading methods of restraint during forcible deportation operations under police escort: it also highlighted the need for urgent reforms in this area.

For further information on AI's recent concerns in Switzerland please see:

- *Amnesty International Concerns in Europe: January - June 2001, Switzerland* (AI Index: EUR 01/003/2001), September 2001
- *Switzerland: Alleged use of excessive force by officers of the Bern Municipal Police - the case of Cemal Gömeç* (AI Index: EUR 43/007/2001), September 2001;
- *Amnesty International Report 2001, Switzerland*, June 2001
- *Switzerland: Urgent need for reform following deaths during forcible deportation* (AI Index: EUR 43/006/2001), June 2001
- *Switzerland: Death during forcible deportation: an exchange of correspondence following the death of Samson Chukwu* (AI Index: EUR 43/005/2001), May 2001;
- *Failures at Fifty: Impunity for torture and ill-treatment in Europe on the 50th anniversary of the European Convention on Human Rights - The case of Clement Nwankwo* (AI Index: EUR 01/04/00), November 2000.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>

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