

## Combating terrorism in Switzerland

Services responsible and instruments available

### Stage 1

## Prevention prior to radicalisation



### Services responsible

Cantonal and communal authorities and services (particularly educational institutions, cantonal and municipal police services, violence prevention offices, child and adult protection

services, social welfare services and migration offices, victim support services, prison service); civil society organisations (counselling services, street-level social workers, etc.)

### Instruments available

- Prevention programmes in the cantons, cities and communes (e.g. violence prevention programmes), in educational institutions and in the prison service
- Guidelines by municipal authorities, police, specialised services, etc.
- Police networks, National Coalition Building Institute NCBI (Brückenbauer-Institut), proactive exchange with interest groups, organisations and religious communities abroad
- Findings from police patrols and checks, from community policing or from interventions in incidents involving family disputes or domestic violence
- National Action Plan to Prevent and Combat Radicalisation and Violent Extremism (NAP), including the Confederation's Incentive Programme to support projects by the cantons, communes, cities and civil society
- Position paper of the Conference of Cantonal Justice and Police Directors (CCJPD) on dealing with radicalisation and violent extremism in prisons in Switzerland.

### Stage 2

## Threat identification and police measures for danger prevention



### Services responsible

Federal Intelligence Service (FIS) and cantonal intelligence services (CISs)

State Secretariat for Migration (SEM) and cantonal migration services

Cantonal and municipal police services, members of the cantonal threat management team

fedpol

### Instruments available

#### Federal Act on the Intelligence Service (IntelISA), e.g.:

- Monitoring of (social) media and networks
- Information gathering from publicly accessible and non-accessible sources
- Preventive dialogues

#### Cantons:

- Cantonal threat management
- Cantonal instruments and measures according to police legislation for identifying criminal offences
- Danger prevention by the police
- Request to fedpol for preventive police measures (Federal Act on Police Measures for Fighting Terrorism PMT) which may be applied outside of criminal proceedings or after completion of a penal or correctional sentence, including:

- Obligation to report to the police and participate in preventive dialogue (Art. 23k Internal Security Act ISA)
- Contact ban (Art. 23l ISA)
- Restriction and exclusion order (Art. 23m ISA)
- Ban on leaving the country (Art. 23n ISA)
- House arrest (Art. 23o ISA)
- Electronic surveillance and mobile phone localisation (Art. 23g ISA)

#### fedpol:

- Entry ban and removal of foreign nationals who pose a threat to internal or external security
- Alert for discreet surveillance in the Schengen Information System (SIS) by fedpol

#### Cooperation with the State Secretariat for Migration (SEM) and cantonal migration offices::

- Refusal/revocation of asylum and residence permits
- Refusal of a visa
- Refusal of CH citizenship and revocation of CH citizenship for dual citizens
- Measures pertaining to law on foreign nationals e.g. restriction and exclusion order

- Detention in preparation for departure of foreign nationals who pose a threat to Switzerland's internal or external security (Art. 75 para. 1 let. in conjunction with Art. 76 para. 1 let. b no 1 Foreign Nationals and Integration Act FNIA)

#### Close cooperation between TETRA (Terrorist Tracking) security services concerned with operational coordination



**Criminal proceedings and charges**



**Services responsible**

- Office of the Attorney General of Switzerland with investigations by fedpol in coordination and cooperation with cantonal and municipal police services
- Cantonal juvenile prosecution services
- Compulsory measures court
- Federal Office of Justice (FOJ)

**Instruments available**

- Criminal Procedure Code (CrimPC): investigation proceedings, ordering of coercive measures (communications surveillance, observation, preventive dialogue, pretrial detention or alternative measure such as suspension of travel documents or obligation to report to the police)
- Police co-operation and mutual assistance
- Swiss Criminal Code (SCC): Art. 260ter (Participating in or supporting a criminal or terrorist organisation), Art. 260sexies (Recruiting, training and travelling with a view to committing a terrorist offence)
- Intelligence Service Act (Intel-SA): Art. 74 para. 4 (Participating in or supporting an illegal organisation or group, i.e. one that propagates, supports or promotes terrorist or violent-extremist activities)

**Conviction**



**Services responsible**

- Federal Criminal Court (FCC)
- Federal Supreme Court (FSC)
- Cantonal juvenile courts

**Instruments available**

- Monetary penalty or custodial sentence of up to 10 years for participating in or supporting a terrorist organisation; up to 20 years if the person has significant influence in the organisation
- Option for imposing further measures (therapy and indefinite detention, contact ban and exclusion order, activity prohibition order)
- Expulsion under Art. 68 FNIA
- Expulsion of foreign nationals who commit criminal offences (Art. 66a ff. SCC)

**Enforcement of sentence**



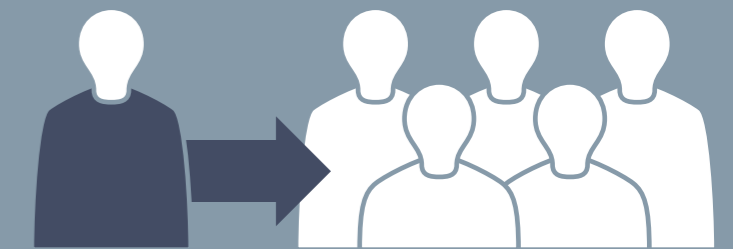
**Services responsible**

- Authorities responsible for enforcing sentences and measures

**Instruments available**

- Enforcement of custodial sentence in a penal institution, therapeutic measures on a case-by-case basis; possibility of solitary confinement (Art. 78 let. d SCC) or separate accommodation (Art. 90 para. 1 let. d SCC)
- National Action Plan to Prevent and Combat Radicalisation and Violent Extremism (NAP):
  - Review prison regimes and penal enforcement objectives (deradicalisation and resocialisation)
  - Strengthen risk assessment and management instruments in judicial enforcement procedures
- CCJPD position paper on dealing with radicalisation and violent extremism in judicial enforcement in Switzerland
  - Optimise the exchange of information between the security services and judicial authorities prior to and during detention, on completion of sentence and when determining the conditions of probation
  - Intensify the exchange of expertise and experience between security services and authorities responsible for penal enforcement

**After completion of sentence**



**Services responsible**

- Authorities responsible for penal enforcement
- Migration authorities and social welfare services
- Cantonal and municipal police services
- Child and adult protection services
- FIS
- SEM
- fedpol

**Instruments available**

- Expulsion (Art. FNIA) and entry ban (Art. 67 FNIA) if a danger to internal or external security
- Mandatory expulsion by the courts for offences committed after 1 October 2016
- Revocation of dual citizenship (Art. 42 Swiss Citizenship Act SCA and Art. 30 Swiss Citizenship Ordinance SCO)
- Revocation of residence status
- Police measures based on cantonal law
- Support by social welfare authorities
- Disengagement support
- Cantonal threat management
- National Action Plan to Prevent and Combat Radicalisation and Violent Extremism (NAP); including national Incentive
- Programme to support projects by the cantons, communes, cities and civil society
- New police measures under PMT law that can be applied outside of criminal proceedings or after completion of a sentence or measures (see Stage 2):
  - Obligation to report and take part in a dialogue
  - Contact ban
  - Restriction and exclusion order
  - Ban on leaving the country
  - House arrest
  - Electronic surveillance
  - Mobile phone localisation