

*Translated from French*

**Request from the Secretary-General of the United Nations for information concerning measures to eliminate international terrorism**

**Input from Switzerland for the 2019 report (submitted in 2020)**

**(1) Law**

**(a) Status and implementation of multilateral and regional agreements**

Switzerland is a party to the 18 United Nations conventions and protocols related to counter-terrorism.

Switzerland is also a party to the European Convention on the Suppression of Terrorism of 1977. On 11 September 2012, Switzerland signed the Council of Europe Convention on the Prevention of Terrorism of 16 May 2005 and, on 22 October 2015, the additional Protocol thereto. Work towards the ratification of the two instruments is under way. Parliamentary discussions in that regard are in progress.

Switzerland also cooperates with foreign States in combating terrorism on the basis of the United Nations Convention against Transnational Organized Crime of 15 November 2000.

In the area of police cooperation, on 27 June 2019 Switzerland signed the agreement on its participation in the Prüm regime, along with the Eurodac Protocol. The agreement will allow the Swiss criminal prosecution authorities to ascertain as quickly as possible which foreign authorities have relevant information. It will help with the conduct of inquiries into and the identification of wanted, missing or deceased persons and in obtaining information concerning them. The Protocol will give the criminal prosecution authorities access to all data contained in the Eurodac database. They will thus have access to information that could prove essential in combating terrorism and prosecuting other serious criminal offences. The two instruments are in the process of being ratified.

Switzerland participates in cooperation under the Schengen and Dublin agreements. As soon as it had signed the relevant association agreement, on 26 October 2004, it took part in the development of Schengen cooperation, which, in practical terms, began on 12 December 2008. There have been numerous police cooperation initiatives building on the Schengen acquis since 2008, such as the introduction of new functionalities for the Schengen Information System (SIS)

and of system interoperability. These initiatives are contributing to the strengthening of efforts to combat the most serious crimes, including terrorism, and are being further developed.

**(b) Status and implementation of bilateral agreements**

Switzerland has concluded bilateral agreements on police and customs cooperation (including counter-terrorism co-operation) with all neighbouring States and with several other States.

The Cooperation in Preventing and Combating Serious Crime (PCSC) agreement with the United States of America is aimed at simplifying police cooperation between the United States and Switzerland by automating exchanges of DNA and fingerprint data. Thanks to the agreement, police and judicial authorities in the two countries will find out quickly whether the other country has information on a person suspected of having committed a serious offence. This tool will enable the Swiss police and judicial authorities to combat terrorism and cross-border crime more effectively. The agreement was signed on 12 December 2012 and is in the process of being ratified.

**(c) Amendments to national laws**

The Federal Act of 12 December 2014 prohibiting the groups Al-Qaida and Islamic State and related organizations (RS 122) entered into force on 1 January 2015. The period of validity of this law was extended by the parliament in January 2019. Article 1 of the law prohibits the groups Al-Qaida and Islamic State and related organizations. Article 2 prohibits associating with a group or organization referred to in article 1 or making human or material resources available to such a group or organization, organizing propaganda activities on its behalf or in pursuit of its objectives, recruiting followers or encouraging its activities in any other way, both in Switzerland and abroad.

Since 1 September 2017, with the entry into force of the Federal Act on the Intelligence Service (L Rens; RS 121), the Federal Intelligence Service has had new tools for identifying and preventing threats to the country's internal and external security. Under this law, the relevant investigative measures are subject to authorization. They have been applied in a targeted fashion to the most serious threats, as envisaged in the law. As at the end of December 2018, 193 measures had been ordered during eight operations. In accordance with article 74, paragraph 1, of the Act, the Federal Council may issue a ban on organizations or groups that directly or indirectly spread, support or otherwise promote terrorist activities or violent extremism, thus threatening internal or external security. Article 74, paragraph 4, prohibits the act of joining or supporting a banned

organization or group.

In June 2017, in connection with the ratification of the two Council of Europe instruments referred to above, the Federal Council put forward for consultation a bill to strengthen the criminal provisions against terrorism and organized crime. The bill provides, inter alia, for the introduction of a new article in the Criminal Code, article 260 sexies, explicitly prohibiting recruitment, training and travel with a view to the commission of a terrorist act. It also provides for harsher penalties for support to or participation in a terrorist organization and for the acts referred to in article 74, paragraph 4, of the Federal Act on the Intelligence Service. The bill is currently being discussed in the parliament.

On 8 December 2017, the Federal Council proposed for consultation a federal bill on police counter-terrorism measures, which would address the threat posed by potentially dangerous people. In May 2019, the Federal Council adopted the dispatch concerning the bill, which provides, in particular, for the possibility of ordering measures such as the obligation to present oneself, restriction to a certain geographic area or, as a last resort, house arrest. Parliamentary debate on the bill is under way.

On 20 November 2019, the Federal Council adopted the dispatch concerning the draft legislation on explosive precursors. The bill is aimed at preventing the misuse of substances that may be employed to make explosives. The new federal legislation will partially restrict access by private individuals to substances of that type. It also provides for the reporting of suspicious events and for efforts to educate economic actors. It will thereby support the maintenance of internal security in Switzerland and the fight against international terrorism.

While it is not, properly speaking, a "national law", mention should also be made of the counter-terrorism strategy for Switzerland, which was adopted by the Federal Council on 18 September 2015. The preventive measures referred to below form part of this national strategy.

## **(1) International terrorist incidents\***

During 2019, Switzerland was again confronted with acts of terrorism at the international

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\* *Translator's note:* the numbering of the sections in the French text is incorrect; the English translation is faithful to the French original. This section should be numbered (2) and subsequent sections renumbered accordingly.

level.

On 21 April 2019, two Swiss nationals and two persons residing in Switzerland were victims of terrorist attacks in Sri Lanka.

A Swiss woman was kidnapped in Mali in January 2016 by Al-Qaida in the Islamic Maghreb and is still being held captive. The Swiss Confederation continues to demand her unconditional release.

## **(2) Prosecutions and convictions**

### **(a) Financing of terrorism**

In 2019, financial intermediaries made 7,705 communications to the Money-laundering Reporting Office. Of those, 114 (1.5 per cent) concerned suspected cases of terrorist financing. There was thus a slight reduction (13.6 per cent) in the number of suspected terrorist financing cases signalled to the Office compared with the previous year. It remains difficult to characterize these figures as a trend, since the number of reported cases has fluctuated significantly in the past.

Following analysis of the 114 communications concerning suspected terrorist financing cases, 13 had to be referred to the criminal prosecution authorities. These communications are important not only because of the criminal proceedings to which they may give rise. Owing to the information they contain, which can be rapidly made available to the competent services in Switzerland and abroad, they also have other significant effects, including in the area of prevention.

### **(b) Criminal prosecutions, judgments handed down and preventive measures**

In 2019, the Federal Public Prosecutor's Office and the Federal Criminal Police conducted about sixty cases involving terrorism. Those cases concerned jihadist propaganda on the Internet, terrorist financing activities and the phenomenon of foreign terrorist fighters.

As a result of a criminal investigation opened in 2017 into a jihadist traveller, on 10 January 2019 one person was found guilty of supporting a criminal organization (Criminal Code, art. 260), having managed a jihadist website that served as a platform for recruitment, propaganda and other forms of support to criminal organizations, including Islamic State and Jabhat al-Nusrah. The recruitment, propaganda and provision of other forms of support had taken place through the website.

On 2 May 2019, an individual was sentenced in a summary judgment of the Federal Public Prosecutor's Office to 180 days' imprisonment, suspended for a probationary period of three years. He had been found guilty of a violation of article 2 of the Federal Act prohibiting the groups Al-Qaida and Islamic State and related organizations, and of racial discrimination.

The individual had, among other things, disseminated texts and files containing violent content and promoting jihadist ideology online, and published, through his Facebook account, statements that violated anti-racism provisions.

By a judgment of 15 July 2019, the Federal Criminal Court sentenced an individual to seven months' imprisonment and a fine, for having supported a criminal organization (Criminal Code, art. 260 ter), violated article 2 of the Federal Act prohibiting the groups Al-Qaida and Islamic State and related organizations, and produced depictions of violence (Criminal Code, art. 135). The investigation revealed that the individual had, repeatedly and over a long period, published jihadist propaganda and set up websites of a jihadist nature.

On 21 October 2019, in a summary judgment, the Federal Public Prosecutor's Office sentenced an individual to 180 days' imprisonment, suspended for a probationary period of two years, having found him guilty of a violation of article 2 of the Federal Act prohibiting the groups Al-Qaida and Islamic State and related organizations. He had been accused of having glorified the actions of Islamic State and distributed videos of jihadist propaganda.

By a judgment of 18 December 2019, the Federal Criminal Court sentenced an individual to five months' imprisonment, suspended for a probationary period of two years, having found him guilty of supporting a criminal organization (Criminal Code, art. 260 ter), violating article 2 of the Federal Act prohibiting the groups Al-Qaida and Islamic State and related organizations, and producing depictions of violence (Criminal Code, art. 135).

The convicted man had disseminated texts containing jihadist propaganda, as well as violent images, online.

In addition to the security issues, the return of jihadis and individuals who have tried to reach conflict zones in order to join the ranks of terrorist organizations is still presenting major challenges for non-security authorities and actors involved in preventing radicalization and violent extremism. In two ongoing cases, two mothers and their children have been confirmed to be present in a conflict zone. The competent authorities are currently examining the possibility of returning the

children to Switzerland. One of the mothers has been stripped off her Swiss nationality. The future return, not only of former foreign terrorist fighters, but also of women and children, including children born in conflict zones, has been the subject of discussion among relevant actors and will continue to pose challenges in the future, particularly in the areas of reintegration and disengagement. The National Plan of Action to Combat Radicalization and Violent Extremism was adopted in December 2017. It contains measures including with respect to disengagement and reintegration (see below).

The TETRA (TErrorist TRAcking) Task Force was set up in October 2014. It is responsible for strategic consultation and operational coordination in combating jihadist terrorism at the federal and cantonal levels. Established by the Federal Security Group and run by the Federal Office of Police, the Task Force brings together the Federal Office of Police, the Federal Public Prosecutor's Office, the Federal Intelligence Service, the Federal Department of Foreign Affairs, the Swiss Border Guard, the State Secretariat for Migration, the cantonal police forces and the Swiss Security Network. On the margins of the work of the TETRA Task Force, the Swiss Security Network has, inter alia, coordinated the development of the National Plan of Action to Combat Radicalization and Violent Extremism (see below). Since January 2017, all the tasks that were carried out up to that point by the TETRA Task Force have been institutionalized and placed on a permanent footing through a working method known as "TETRA operational coordination".

**(c) Mutual judicial assistance**

In 2019, 41 requests for mutual judicial assistance were submitted to Switzerland by 15 different States in connection with radical Islamic terrorism, foreign terrorist fighters and extreme left-wing terrorism. Of those requests, 27 were executed and 4 were refused; execution of the remaining requests is in progress.

In 2019, the Swiss authorities submitted 11 requests for mutual judicial assistance to three different States in connection with radical Islamic terrorism and foreign terrorist fighters. Four requests were executed.

In the period up to April 2020, three requests for mutual judicial assistance were submitted to Switzerland by three different States in connection with radical Islamic terrorism and foreign terrorist fighters. Execution of the requests is in progress.

In the same period, the Swiss authorities submitted three requests for mutual judicial

assistance to three different States in connection with radical Islamic terrorism and foreign terrorist fighters.

**(d) Extradition, deportation, prohibition of entry and deprivation of nationality**

In recent years, notably with the growth of Islamic State since 2014 and of other related terrorist organizations, Switzerland has been handling – and is continuing to handle – several hundred arrest and extradition requests in connection with terrorism-related acts, mainly involving internationally wanted persons. Those requests are transmitted through the Federal Office of Police, or directly by the requesting State, to the Extraditions Unit of the Federal Office of Justice, where they are examined expeditiously, in particular in view of the principle of dual criminality. The latter is determined on the basis of primary and secondary Swiss criminal law (see, inter alia, articles 260 ter and quinquies of the Criminal Code). The Federal Act prohibiting the groups Al-Qaida and Islamic State and related organizations constitutes a key additional legal basis for such determinations and is greatly facilitating the consideration of foreign requests.

Switzerland thus actively supports efforts to combat terrorism, by promoting the fullest possible cooperation with regard to extradition, and orders the posting of the personal particulars of wanted persons in the national databases provided for that purpose in as many cases as possible, with a view to the arrest of the persons concerned.

Prior to any extradition, Switzerland verifies that the formal request for extradition is not related to a political, military or fiscal offence. It applies the principle of non-refoulement when the person sought has been granted refugee status and the extradition request has been lodged by the State that the individual fled. A further requirement is the respect by the requesting State of fundamental rights, notably as enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (RS 0.101). In the event that extradition is refused, the requesting State may still delegate the criminal proceedings to Switzerland under the conditions stipulated in article 85 of the Federal Act of 20 March 1981 on international mutual assistance in criminal matters (RS 351.1); delegation under article 37 of the Act is also possible. The execution by Switzerland of a foreign criminal decision is provided for in article 94 of the Act. Moreover, the national criminal prosecution authorities may bring criminal proceedings in respect of offences committed abroad, on their own motion or in response to a complaint from the foreign State, in accordance with article 7 of the Criminal Code.

To date, the State Secretariat for Migration has brought proceedings for withdrawal of

nationality in three cases under article 42 of the Federal Act of 20 June 2014 on Swiss citizenship (RS 141.0) and article 30 of the Ordinance of 17 June 2016 on Swiss citizenship (RS 141.01), which entered into force on 1 January 2018. In one case, the order on withdrawal of nationality has become enforceable, another case is currently being considered at first instance and the third case is being appealed before the Federal Administrative Court. More than a dozen individual cases are currently under preliminary examination or investigation. All those persons are suspected of having joined a terrorist organization in Syria. In the event that Swiss nationality is withdrawn, the Federal Office of Police can then issue an entry ban against the person concerned, thus addressing the direct threat that that person poses for Switzerland.

In 2019, the Federal Office of Police ordered two deportations and issued 65 entry bans in connection with terrorism.

As at the end of April 2020, the status of the proceedings within the remit of the Extraditions Unit was as follows:

In 2018, the Unit received seven extradition requests from Turkey, all concerning persons who were being sought because they belonged to the Kurdistan Workers' Party (PKK). Although each request was examined in detail, none of the individuals concerned could be surrendered, notably on account of the legal and political situation in the requesting State or because the person being sought enjoyed refugee status or was not actually in Switzerland.

In 2019, four requests from Turkey were submitted to the Unit; the related proceedings did not result in extraditions for the reasons given above. The Turkish authorities were therefore invited to delegate the criminal proceedings to Switzerland, where appropriate. A formal extradition request was also received from Germany regarding a PKK member. In January 2020, the Unit ruled in favour of the surrender of the person, who was being prosecuted by the German authorities; the case is currently pending before the Swiss appeal bodies.

In 2020, a Swiss national applied to the Unit to be transferred to Switzerland to serve the remainder of a custodial sentence imposed in Bulgaria for offences including terrorist acts. The transfer procedure is now under way. Further details regarding the exact grounds for the conviction are not currently available.

**(e) Activities of the Federal Intelligence Service in combating terrorism**

At the end of 2019, the Federal Intelligence Service identified approximately 70 "at-risk



persons". The list was not arrived at by using cumulative statistics, as in the case of the jihadist travellers; rather, it represents the fullest possible picture of the individuals, who, through their support for or encouragement of terrorism, pose a threat to the internal and external security of Switzerland. The persons identified also include individuals who have been radicalized in Switzerland but have not travelled to a conflict zone. Between 2001 and the end of 2019, 92 persons travelled to conflict zones: 77 to Syria and Iraq, and 15 to Somalia, Afghanistan, Pakistan and the Philippines. As these figures are cumulative, it is important to clarify that some of those travellers are still in situ, while 31 have died (25 of the deaths have been confirmed), some are circulating in conflict regions and others have returned to Switzerland. There have been 16 returns (13 of which have been confirmed). In the context of terrorism prevention, the Federal Intelligence Service also monitors specific websites and social media and forums used by jihadis. Between 2012 and the end of 2019, the Service identified almost 650 web users who had disseminated within or from Switzerland material lauding jihadist ideology or been in contact with persons endorsing those ideas. Any at-risk person or jihadist traveller and any web user who disseminates material lauding jihadist ideology or is in contact with persons endorsing those ideas is reported to the criminal prosecution authorities. The Service handles these cases in coordination with the cantons and authorities concerned and implements the preventive measures that are within its remit.

### **(3) Measures related to the implementation of pillars I and IV of the United Nations Global Counter-Terrorism Strategy, including prevention of violent extremism**

In the area of domestic policy, Switzerland published the National Plan of Action to Combat Radicalization and Violent Extremism in December 2017. The Plan was devised with experts from the three levels of government (national, cantonal and communal). It focuses, first and foremost, on prevention, setting out 26 measures in five areas of action (knowledge and expertise, cooperation and coordination, combating extremist ideologies and groups, disengagement and reintegration, and international cooperation). The Plan is based on a holistic approach, aimed at promoting and strengthening interdisciplinary and inter-agency cooperation among actors working in the field of prevention, as well as the exchange of information among those actors and the security and judicial authorities. More than two years since its adoption, the Plan has produced positive results. The majority of the 26 measures have been implemented or are being rolled out in the cantons, towns and communes. To give effect to the Plan, the Confederation is providing financial support to projects initiated by cantons, communes, towns and civil society through a national programme of encouragement, for which it has earmarked 5 million Swiss francs over five years. Since 2019, 24

projects have received financial aid under the programme. In addition, funds have been made available through the programme for a national pool of experts in disengagement and reintegration, as envisaged in the Plan, the main task of which is to develop a set of disengagement and reintegration measures, based on an interdisciplinary approach, that can serve as a reference.

In the area of foreign policy, considering that the adoption of a preventive approach, coupled with measures focusing on security and enforcement, is an appropriate way to combat terrorism effectively, sustainably and legitimately, Switzerland places particular emphasis on measures to strengthen the first and fourth pillars of the United Nations Global Counter-Terrorism Strategy.

It is supporting United Nations efforts in that regard, notably in relation to the Plan of Action to Prevent Violent Extremism, presented by the Secretary-General in December 2015. In April 2016, Switzerland adopted a foreign policy plan of action on the prevention of violent extremism. In the plan, women and children are defined as strategic priorities and the importance and utility of International Geneva is underscored.

Under its strategy for combating terrorism at the international level (2015), Switzerland is contributing, through its foreign engagement, to efforts to identify and respond to the causes of violent extremism in contexts of fragility, conflict and transition, in order to reinforce human security and sustainable peace, reduce poverty, and strengthen the rule of law and human rights. In 2019, the Federal Department of Foreign Affairs became involved in more than 70 activities related to the prevention of violent extremism in the seven areas of action proposed by the Secretary-General in his Plan of Action to Prevent Violent Extremism.

Politically, 2019 was marked by the engagement of Switzerland in the United Nations, the Global Counterterrorism Forum, the African Union, the International Organization of la Francophonie, the Organization for Security and Cooperation in Europe (OSCE) and other forums with a view to strengthening the preventive approach to violent extremism. On 27 September 2019, on the margins of the United Nations General Assembly, Switzerland, in partnership with the International Peace Institute and the United States Institute of Peace, organized a public round table on the theme “People, Power and Preventing Violent Extremism: What Is Working?”. The aim of the event was to explore how grass-roots initiatives to strengthen community resilience help to prevent violent extremism. In addition, on 14 February 2019 Switzerland organized a public round table on the theme “Investing in peace and the prevention of violent extremism in Africa”, this time in Geneva, another centre of global multilateralism.

Switzerland also favours the path of inclusive political dialogue as a tool for preventing violence. There must in effect be political spaces in which legitimate demands can be expressed peacefully. Within the framework of its peace policy, in 2019 Switzerland supported processes of dialogue and conflict transformation aimed at addressing the social and political exclusion that are vectors of violent extremism, including in Tunisia, Lebanon and Mali. Through the Regional Conversations for the Prevention of Violent Extremism initiative launched in 2016 by Switzerland and its partners in North, West and Central Africa, the facilitation of dialogue between State actors and civil society continued in 2019, with sessions in Dakar, Bangui, Yaoundé and Ouagadougou. A project to develop and disseminate messages focused on preventing violent extremism is being conducted in the five countries of the Sahel, with the involvement of religious actors. With the support of the United Nations Development Programme, national capacities in the areas of preventing conflict and mainstreaming the rule of law are being strengthened in 40 countries.

Switzerland is also supporting research aimed at achieving a better understanding of the realities and the causes of violence and identifying useful lines of action for political decision-makers and persons leading violence prevention responses; in 2019, for example, Switzerland provided support to the International Crisis Group and its Jihad in Modern Conflict programme; the Institute for Security Studies (Dakar) programme on exploring links between violent extremism, organized crime and local conflicts in Liptako-Gourma; the United Nations global study on children deprived of liberty and its launch in Geneva in November 2019; and the United Nations University project on Managing Exits from Armed Conflict. As part of efforts to build capacity to prevent violent extremism, in 2019 Switzerland, in partnership with the African Union's African Centre for the Study and Research on Terrorism, launched the first regional course on preventing violent extremism for senior officials from the States members of the Economic Community of Central African States (ECCAS), and its experts contributed to several training sessions, notably sessions benefiting women involved in the prevention of violent extremism at the national or local levels.

Of particular note in that regard are the activities of the Global Community Engagement and Resilience Fund, which has its main office in Geneva and which Switzerland supports financially. The Fund seeks, through public-private partnerships, to prevent violent extremism at its roots, working with local communities and actors.

At the multilateral level, the engagement of Switzerland in the United Nations, the Global Counterterrorism Forum, OSCE and the Council of Europe is aimed at promoting the rule of law and human rights, respect for international humanitarian law and efforts to combat impunity, with a

consistent and clear message recalling the international obligations of States. Throughout 2019, Switzerland pursued its multilateral and bilateral advocacy for the full respect of human rights in the implementation of counter-terrorism and violence-prevention measures; it also provided financial support to the Office of the United Nations High Commissioner for Human Rights, including for a joint project with the United Nations Counter-Terrorism Centre entitled “Ensuring Compliance with Human Rights Standards at Borders in the Context of Counter-Terrorism”.

Switzerland is contributing, in particular, to the dialogue on the interaction between counter-terrorism measures and international humanitarian law activities and to the search for solutions in that regard; according to the guidelines laid down by the Security Council and the General Assembly in the Global Counter-Terrorism Strategy, the former should not affect the latter. In that context, Switzerland is helping to analyse and clarify the relationship between counter-terrorism measures and international humanitarian law and humanitarian action, including through its support to the legal research programme of the Harvard Law School Program on International Law and Armed Conflict and to the Norwegian Refugee Council. Furthermore, Switzerland is supporting the Counter-Terrorism Committee Executive Directorate and the Office of Counter-Terrorism in building their capacity in the area of international humanitarian law and fostering dialogue among counter-terrorism and humanitarian actors. Switzerland has organized several events in New York at the Permanent Representative level to discuss the challenges facing humanitarian organizations in armed conflict zones controlled by listed groups.

Within the Global Counterterrorism Forum, the term of Switzerland and Nigeria as co-chairs of the Criminal Justice and Rule of Law Working Group, an office they have held since 2017, was extended for a further two years in 2019, until 2021. As co-chairs of the Working Group, Switzerland and Nigeria developed the Glion Recommendations on the Use of Rule of Law-Based Administrative Measures in a Counterterrorism Context, which were adopted at the Forum’s ministerial conference in September 2019. Switzerland and Nigeria have also worked to promote the implementation of the memorandums already adopted by the Forum, such as the Abuja Recommendations on the Collection, Use and Sharing of Evidence for the Purposes of Criminal Prosecution of Terrorist Suspects and the Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context. A new initiative on the linkages between terrorism, transnational organized crime and international crimes was launched by Switzerland and Nigeria with the holding in 2019 of a first Expert Meeting on Criminal Justice Responses to the Linkages between Terrorism, the Financing of Terrorism and Corruption. In addition, Switzerland, with

Australia and the United Kingdom, has developed a “policy toolkit” to support the application of the Zurich-London Recommendations on Preventing and Countering Violent Extremism and Terrorism Online, adopted in 2017. This instrument enables the strengthening of the multi-partner approach to managing online content promoting violent extremism and terrorism; the exchange of experience and good practices among States, the private sector and civil society with regard to alternative and counter-narratives; and the thematic treatment of the need to ensure respect for human rights. The toolkit was presented at a side event during the ministerial meeting in New York in 2019.

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