

Combating terrorism in Switzerland

Services responsible and instruments available

Stage 1

Before radicalisation



Services responsible

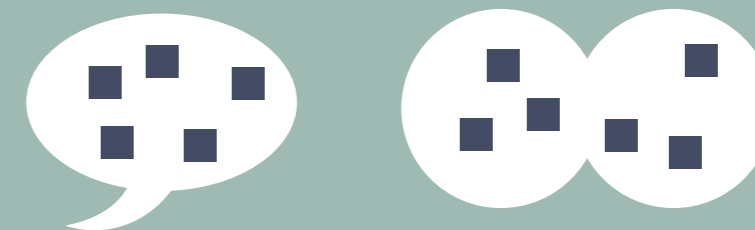
- Swiss Security Network (SSN), cantonal and communal authorities and services (particularly educational institutions, cantonal and communal police services, violence prevention services, child and adult protection services,
- Federal Intelligence Service (FIS) and cantonal intelligence services (CISs)
- Civil society actors (advisory services, street-level social workers, etc.)
- social welfare services, migration offices, victim support services, prison service)

Instruments available

- Cantonal and communal prevention programmes (e.g. violence prevention programmes) in educational institutions and the prison sector
- Guidelines by communal authorities, police services, specialised services, etc.
- Police networks, bridge builders
- Proactive exchange with foreign organisations, interest groups and religious communities
- Findings from police patrols/checks, community policing and interventions in incidents involving family disputes or domestic violence
- National Action Plan to Prevent and Combat Radicalisation and Violent Extremism (NAP), including the federal government's Incentive Programme to support projects by the cantons, communes and civil society
- Position paper of the Conference of Cantonal Justice and Police Directors (CCJPD) on dealing with radicalisation and violent extremism in Switzerland's prison sector

Stage 2

Early detection and police measures



Services responsible

- Federal Intelligence Service (FIS) and cantonal intelligence services (CISs)
- Cantonal and communal police services and members of cantonal threat management teams
- State Secretariat for Migration (SEM) and cantonal migration services
- Federal Office of Police fedpol

Instruments available

- FIS:**
- Identification and prevention of terrorist threats
 - Analysis of intelligence on terrorist activities
 - Research and information gathering from open and intelligence sources
 - Preventive dialogue
 - Awareness-raising in prisons
 - Preparation of reports for the Office of the Attorney General of Switzerland (OAG), SEM and fedpol
 - Request to fedpol for preventive police measures (Federal Act on Police Measures for Fighting Terrorism PMT) outside of criminal proceedings or after completion of a penal or correctional sentence, including:
 - an obligation to report to the police and participate in preventive dialogue (Art. 23k Internal Security Act ISA)
 - a contact ban (Art. 23l ISA)
 - a restriction or exclusion order (Art. 23m ISA)
 - a ban on leaving the country (Art. 23n ISA)
 - house arrest (Art. 23o ISA)
 - electronic surveillance and mobile phone localisation (Art. 23g ISA)
 - Alert in the RIPOL database or the Schengen Information System (SIS) for specific checks or discreet surveillance
- Cantons:**
- Cantonal threat management
 - Instruments and measures based on cantonal police law to identify criminal offences
 - Threat prevention by the police
 - Request to fedpol for preventive police measures (Federal Act on Police Measures for Fighting Terrorism PMT) outside of criminal proceedings or after completion of a penal or correctional sentence (see 'FIS: Request to fedpol' above)
- fedpol:**
- Entry ban and removal of foreign nationals who pose a threat to internal or external security: the FIS must confirm the measure in advance
 - Alert in the Schengen Information System (SIS) for specific checks or discreet surveillance
- Cooperation with SEM and cantonal migration offices:**
- Refusal/revocation of asylum/residence permits
 - Refusal of a visa
 - Refusal to grant Swiss citizenship
 - Revocation of Swiss citizenship for dual citizens
 - Measures under the law on foreign nationals, such as restriction and exclusion orders
 - Detention in preparation for departure of foreign nationals who pose a threat to Switzerland's internal or external security (Art. 75 para. 1 let. i in conjunction with Art. 76 para. 1 let. b No 1 Foreign Nationals and Integration Act FNIA)
 - SEM can also contribute to the early detection of cases that may be relevant to internal or external security and report these cases to its security partners (FIS, fedpol)
- Close cooperation between the federal and cantonal security services concerned with operational coordination under TETRA (Terrorist Tracking)**



Criminal proceedings



Services responsible

- Federal Intelligence Service (FIS) ▪ Cantons
- Compulsory measures courts ▪ Cantonal juvenile prosecution services
- Office of the Attorney General of Switzerland (OAG) ▪ Federal Office of Justice (FOJ)

Instruments available

- Preparation of reports by the FIS for the OAG, SEM or fedpol
- Initial inquiries by the cantonal authorities if the case is urgent and federal law enforcement services are not yet active (Art. 27 Criminal Procedure Code CrimPC)
- CrimPC: preliminary and criminal investigation proceedings, coercive measures (e.g. communications surveillance, observation, preventive dialogue, pre-trial detention or alternative measures such as the restriction of travel documents or obligation to report to the police)
- Police cooperation and mutual assistance
- Swiss Criminal Code (SCC), in particular:
 - Art. 260^{ter} (participating in or supporting a criminal or terrorist organisation)
 - Art. 260^{sexties} (recruiting, training and travelling with a view to committing a terrorist offence)
- Intelligence Service Act (IntelSA): Art. 74 para. 4 (participating in or supporting an illegal organisation or a terrorist or violent-extremist group)

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 of the Foreign Nationals and Integration Act (FNIA)
- Expulsion of foreign nationals who commit criminal offences (Art. 66a ff. SCC)

Enforcement of sentence or measures



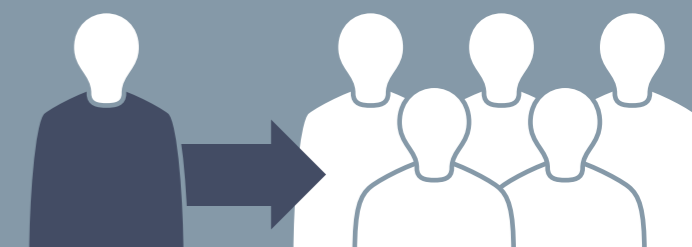
Services responsible

- Authorities responsible for enforcing sentences and measures

Instruments available

- Custodial sentence in a penal institution, therapeutic measures on an individual 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 of prison regimes and penal enforcement objectives (deradicalisation and resocialisation)
 - Strengthening of risk assessment and management instruments for enforcing sentences and measures
- Position paper of the Cantonal Conference of Justice and Police Directors (CCJPD) on how to deal with radicalisation and violent extremism in Switzerland's prison sector
 - Optimise the exchange of information between the security services and the prison and probation services prior to and during detention, on completion of sentence and when fixing the conditions of probation
 - Increase the opportunities for exchanging expertise/experience between security services and the prison and probation services

After completion of sentence



Services responsible

- Federal Intelligence Service (FIS)
- Prison and probation services
- Migration authorities and social welfare services
- Cantonal and communal police
- Child and adult protection services
- State Secretariat for Migration (SEM)
- Federal Office of Police fedpol

Instruments available

- Detection and prevention of terrorist threats by the FIS
- FIS analysis of intelligence on terrorist activities
- Preventive dialogue by the FIS
- Surveillance by the FIS
- Preparation of reports by the FIS for the OAG, SEM and fedpol
- Expulsion (Art. 68 FNIA) and entry ban (Art. 67 FNIA) by fedpol if a danger exists to internal or external security
- Mandatory expulsion by the courts for offences committed after 1 October 2016
- Revocation of citizenship for dual nationals (Art. 42 Swiss Citizenship Act SCA and Art. 30 Swiss Citizenship Ordinance SCO)
- Revocation of residence permit
- 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 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)